

## REPORT OF COMMITTEE ON TOWN ORGANIZATION AND STRUCTURE

*Preface: This report of CTO&S was approved by the committee in a public meeting on May 14, 2008 with six of the seven CTO&S members present. The report contains four specific recommendations for the Town to consider regarding district planning and other matters relative to improving the Town's planning process, and in particular, citizen involvement in that process. Recommendation #1 was supported by five of the six members present. Recommendations 2, 3, and 4 were supported unanimously.*

Pursuant to the Town Meeting referral of Article 10 in the November, 2007 Town Meeting warrant, the Committee on Town Organization and Structure (CTO&S) held six meetings to examine various aspects of the Town's development planning process, with particular emphasis on District Planning Councils. We heard from members of town boards and committees, town meeting members, residents, and local business owners. Strongly conflicting opinions on the merits of Article 10, the past performance of the Coolidge Corner District Planning Council and more generally, citizen involvement in the planning process were expressed. CTO&S also reviewed a variety of materials and publications regarding district planning councils, and consulted with officials in other communities which have conducted commercial area planning studies with advisory steering committees. The chief executive in each of those communities appointed an ad hoc committee comprised of 15 - 20 major stake holders, who worked with the planning department staff and consultants in developing a plan for the area. The committees had no formal status in the local government and dissolved after submitting their report to the chief executive.

Brookline's Director of Planning and Community Development, Jeff Levine, was particularly helpful to the committee in discussing the work of other citizens' advisory committees on town planning projects, the process and procedures which the department has followed for proposed new development, and departmental budget considerations. The effort of the Department of Planning and Community Development (DPCD) is impressive and Brookline has perhaps the most comprehensive citizen

notification program in the Commonwealth. The Town currently devotes significant resources in terms of mailings, materials and staffing so that residents are notified of impending changes or new development proposals, meetings are held to review plans and hear people's views, information is provided and disseminated, and trying to respond to citizen questions and complaints are responded to in a timely manner. Nonetheless, it was clear that some residents feel that the town still does not do enough or act effectively enough to involve interested citizens and ensure that their views are listened to or their neighborhoods are sufficiently protected from development that they believe is detrimental to the quality of life in their area. CTO&S cannot determine how widespread a view this is, although this is certainly not the first time such views have been expressed. Nor, given the wide disparity of opinions we heard, do we think that any process will be capable of satisfying everybody on this issue. Thus, the issue for the CTO&S is to ensure that the Town's development processes do provide meaningful protection for neighborhoods while at the same time ensuring that the process does not become so cumbersome and/or so restrictive that quality residential development and commercial area revitalization are essentially brought to a stop.

CTO&S believes that Brookline's many neighborhood associations and citizen committees provide a vital service to the town in providing forums for discussion and group presentations. The DPCD maintains a list of these associations and committees and notifies them about proposed land use or development changes. At last count, the Department maintains a list of 39 such neighborhood associations and informs them whenever a significant item of interest in their area is the subject of discussion. Beyond these standing citizen groups, ad hoc organizations of interested parties also form from time to time around specific projects and come forward to work with town departments on special issues. Through these neighborhood associations, committees and ad hoc organizations, opinions and viewpoints emerge and town officials hear and evaluate the concerns of specific neighborhoods. As in all issues relating to development,

however, and despite the considerable effort made by the DPCD to keep interested citizens informed, views differ on how well this process works.

In trying to get a better feel for this ourselves, CTO&S tried to differentiate two different classes of development activity – the general planning process for a targeted area to guide future development activities (i.e., no specific immediate development is being proposed or contemplated, but long standing development pressures or needs are clearly in evidence) vs. the process when a specific development in a specific location is either being proposed or seriously considered. Within this latter category, we further subdivided specific projects into two categories: Major Impact Projects (defined in the zoning by-law) and Smaller Projects. We will discuss each of these three categories below.

Long Term Development Planning for a Targeted Area: This kind of planning is what the Town’s Comprehensive Plan attempts to do at a high level for the town as a whole and what District Planning Councils are formed for in specific areas. The current District Plan Process follows the general plan outlined below:

- The Board of Selectmen act as the Lead Agency – as such they appoint a 12 to 15 member advisory steering committee made up of town officials, business area representatives, town meeting members and other citizens from the affected area.
- The Department of Planning and Community Development develops a charge to define the scope of work of the council.
- To help the District Planning Council fulfill its charge, the DPCD prepares a number of factual background documents on a variety of issues relating to the area

- As the study progresses, DPCD prepares draft documents on findings and recommendations for the council's review. The council comments on them and suggests changes.
- As these findings and recommendations begin to develop, a public hearing is held on a preliminary set of recommendations. This occurs at about the half way point or approximately six months into the effort. The preliminary recommendations are sent to the Selectmen.
- Based upon comments by the public as well as comments from the Selectmen and other interested Town agencies, the preliminary recommendations are developed further, leading to a set of final recommendations at about the one year point. A public hearing is once again held on the final recommendations.
- Following whatever changes the council wishes to make based upon comments at the public hearing, the final recommendations are submitted to the Board of Selectmen and the District Planning Council is dissolved.

The issue of greatest debate within CTO&S was whether or not a Coolidge Corner District Planning Council should be formed as a permanent body of the town. One member of the Committee believes that Coolidge Corner is sufficiently different from other areas of the town to merit specialized long-term treatment. He argues that the development pressures are greatest here, are focused on an extremely wide area, and are going to be present for the foreseeable future and are not likely to diminish. Thus, a standing Citizens Planning Council working to map a future and deal with the complexities of the town's largest commercial area surrounded on all sides by the town's most densely populated neighborhoods makes sense and in the long run will benefit the town as a whole.

The other members of the Committee, however, although sharing in the concern for the area and recognizing some of its special characteristics, did not agree with the notion of

singling out one area and creating a District Planning Council in perpetuity. Such a standing committee will inevitably lead to the creation of other permanent planning councils for other areas of town once the precedent is set. The call for equitable treatment from other neighborhood areas of the Town will be extremely difficult to deny. Further, there is a value in establishing committees or councils with a defined charge, a defined product and a defined time to report out. Typically such committees work best under these conditions.

A factor in CTO&S' position was the Town's Comprehensive Plan. With a scope much broader than that of a District Planning Council, the Comprehensive Plan Committee follows a procedure not dissimilar from the District Planning process outlined above. Appointed by the Selectmen every ten years, charged broadly with revising and updating the plan as appropriate, this group of citizen appointees works for approximately one year or slightly more, draws upon the resources and expertise of the DPCD, holds public hearings, produces a plan revision, submits it to the Selectmen and dissolves. It seems clear from our reading of the Comprehensive Plan and the action plan supplementing it that District Planning Councils are designed to function as the need arises and until they submit their output to the Selectmen. The recommendation in the Comprehensive Plan that district plans be developed for three areas over a five-year period lends support to the conclusion that ad hoc committees with a definite life span were envisioned. In terms of citizen involvement in area wide development planning, the Comprehensive Plan represents literally thousands of person hours of citizen input from all perspectives. We considered this studied and thoughtful position in the Comprehensive Plan as an important element in terms of developing CTO&S' recommendation.

The five CTO&S members who did not support a permanent Coolidge Corner District Planning Council were also concerned about the amount of staff work that would be required to support multiple simultaneous District Planning Councils (a standing one

plus others or perhaps multiple standing ones). There is little doubt that they would continue to draw upon the limited resources of the Planning and Community Development Department, even if the need to do so had diminished over time. This support would not come for free, and barring a highly unlikely major increase in the Department's funding during this time of Town-wide budget diminution, would limit involvement in other important functions that significantly benefit the quality of life in the town. These include, as examples, the administration of the zoning by-law; design review; ongoing monitoring of Board of Appeals Conditions of Approval; affordable housing; preservation; technical support to town departments, boards and citizens; preparation of reports for the Board of Appeals; staff support to Design Advisory Teams; and responding to literally hundreds of inquiries from both prospective developers and neighborhood residents about specific projects, the development process, interpretation of the zoning by-law, and the like. With a professional staff of less than 10 people, adding more scope at the expense of some of the above was a concern. Grant funding can sometimes be obtained for a limited (typically year-long) special efforts, but would certainly not be available to fund the required support for an ongoing effort that has no end. While this issue of staff support was not a deciding factor, it was, nevertheless, a serious consideration.

Other issues with respect to District Planning Councils considered by CTO&S were whether or not such Councils should be created by by-law and how the members should be appointed. In general, Boards and Commissions established by by-law focus on interests and concerns that are town-wide. Formalizing a district council by according it by-law status adds to the town still one more layer of government. Given the Council's relatively narrow focus, its de-facto overlap with planning functions that already exist in the town by-laws and the fact that CTO&S does not feel it appropriate to create such a commission in perpetuity, creation by by-law makes little sense.

In terms of the appointing process, in order to ensure accountability in the development of district plans, we believe that the Board of Selectmen, the town's elected executive body, should have discretion in the appointment of council members. By appointing well-balanced, unbiased councils comprised of 12-20 neighborhood representatives, Town Meeting members, small business owners, property owners and town officials, a positive approach to the district planning process should be assured. While the Board, if it desired, could seek recommendations from various groups, the actual appointments should be at the discretion of the Board and not simply be rubber stamps for inputs by others.

It is anticipated that the charge to the council would provide for well-publicized public hearings on preliminary and final recommendations, periodic progress reports to the Planning Board and Board of Selectmen, and submission of a final report to those boards within twelve (12) months. The District Plan would be managed by town staff in the Department of Planning and Community Development with the assistance of staff in other departments and consultants as needed and as funding is available.

**Recommendation 1 - supported by five of the six CTO&S members present: Follow the current process (outlined above) in creating, appointing, charging and dissolving District Planning Councils. The number of appointees may be flexible as required to meet the scope and breadth of the charge, while including all perspectives relevant to the area.**

Specific Major Impact Projects The definition of Major Impact Projects is spelled out in the Design Review section of the zoning by-law. The determination is made either by the Planning Director or by the Building Commissioner when an application for development is submitted. The standards as defined in the zoning by-law are:

- Residential developments of 16 or more units

- Commercial or other non-residential developments of more than 25,000 square feet
- Any other project with the potential for substantial environmental impact on the community

For any Major Impact Project an initial neighborhood meeting is required, It is followed by a preliminary Planning Board meeting to review the project. The Planning Board also appoints a Design Advisory Team (DAT), consisting of both design professionals and at least one neighborhood representative. The DAT holds several public meetings to discuss various aspects (design, massing, etc.) of the project. These are followed by Planning Board meetings and a hearing by the Board of Appeals. The public can attend any and all of these review meetings. Notices of the Planning Board meetings are routinely sent to all property owners within 300 feet of the proposed development, as well as posted on the Town's calendar. Town Meeting members of the precinct containing the proposed development, as well as abutting precincts, and all of the known neighborhood associations town wide are also notified. The Planning Board also keeps a list of "interested citizens" and attempts to inform them of the meetings. Prior to the Planning Board meetings written comments may be submitted and anyone who wishes to speak at the meetings is invited to do so.

After the Planning Board formulates a recommendation on the project, there is a public hearing at the Board of Appeals, the notification requirements for which are similar to those outlined above. The only significant difference is the requirement to place a legal notice in the Brookline Tab for the Board of Appeals hearings. There is also an opportunity for the public to comment at that hearing as well.

CTO&S finds that the process is reasonably inclusive, and affords multiple opportunities for the public, the neighborhood or interested citizens to get involved at any and all of the critical stages of approval. The issue of notification always seems to

arise , however, and however diligently the Town tries to inform, people always come forward saying that they never were notified. At the moment, notification is done largely by US Mail, which recipients may or may not look at, sometimes misplace, sometimes throw away without opening, etc. In this day and age, with virtually all forms and levels of government relying more heavily on email, we believe that it is time for Brookline planning notices to at least move in that direction. We would also recommend that the Planning Department institute a way to collect interested residents' email addresses, include them in existing data bases and begin to automate the use of email notification as an adjunct to the current practice.

**Recommendation 2 – supported unanimously: The Department of Planning and Community Development , in conjunction with the Information Technology Department develop a method for improved and broader based notification of home owners, commercial property owners, businesses and tenants, including email notification to augment the current practice of hard mail. The goal for implementing a pilot program should be prior to the 2008 Fall Town Meeting.**

Specific Projects of a Smaller Scale than Major Impact Projects Many of the same procedures as those discussed above are followed for projects of lesser scale than Major Impact Projects. What is not included in these smaller projects is the mandatory neighborhood meeting and the DAT. CTO&S believes that these provisions could be beneficial to some of these smaller projects as well. Waiting until the Planning Board meeting for the first public review can sometimes create issues that otherwise could have been dealt with in earlier, less formal and more neighborhood inclusive discussions. The trick, of course, is how to differentiate proposals that might benefit from this modest addition to the process from those that would be overburdened by it for no constructive purpose. Back porches, home additions, the addition of one or two units to a multi-family apartment or “mom and pop” retail stores come to mind.

To create a useful differentiation, CTO&S believes that a trigger at about one half the levels of a Major Impact Project (i.e., 8 residential units or 12,500 square feet of non-residential development) would be appropriate for a discretionary implementation of a required neighborhood meeting and the creation of a DAT, perhaps with a lesser professional membership requirement than for a Major Impact Project, but retaining the neighborhood representative. The net effect of it being discretionary on the part of the Planning Board would essentially be to reverse the burden – the Board would have to explain why not to have the neighborhood meeting and why not to convene a “mini” DAT. CTO&S believes that this reversal of burden would have a positive impact on these intermediate level projects.

**Recommendation 3 – supported unanimously: That the Planning Department examine the feasibility of establishing a category of “Moderate Impact Project” at about half the levels of the Major Impact Project. Such a designated project would require a neighborhood meeting prior to a project review by the Planning Board and the creation of a streamlined DAT, unless, at the discretion of the Board, they explained why such a requirement was determined not to be in the interest of the Town and was waived.**

Concluding thought Many of the people CTO&S listened to felt that the process works reasonably well. But, as mentioned above, many also complained that some people don’t always get notified, things slip through the cracks, projects that are deemed to be “minor” turn out to be not so minor in terms of impact, etc. We have attempted above to craft some minor revisions to the process to address at least some of these issues.

One item, however, that we have not yet discussed in this report, was brought up at one of our meetings and had to do with the disadvantage some citizens feel they have in trying to understand the development process in the town, how to navigate through it, where the points of influence and decision are, how citizens can get involved and what matters and what doesn’t. All of this points out the fact that our development process is indeed complicated, and that the more we try to “fix” it, the more complicated it gets.

It is very hard for the average citizen to wade through, and regardless of his or her interest, difficult to understand. Although the zoning administrator and the staff planners are supposed to help guide citizens through this maze and to act as sources of information for the lay public, this role is not formalized, nor do many citizens understand that these employees are supposed to serve this role. We believe that this function should be made more clear, both internally and externally, through the Department's web site, its literature and its phone answering. The existence of an ombudsman hot line – both web based and phone based – where requests are forwarded for immediate assistance should be easy to implement, not place any significant workload increase on department staff and most important, might go a long way in improving both the image as well as the reality of a citizen “user friendly” Department of Planning and Community Development.

**Recommendation 4 – supported unanimously: That the Department formalize the role of a citizen help desk by instituting a web-base and phone-based ombudsman hot line. Staffing would be accomplished within current levels by those who informally serve that function today. A goal for trial implementation should be early fall 2008.**

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**Partial Dissent to CTOS Report regarding Coolidge Corner District Planning Council  
by Martin Rosenthal<sup>1</sup>**

*"Doveray, no proveryay"* (Russian proverb popularized as "trust but verify" by R. Reagan)

**I. Overview**

As stated in CTO&S's Report (hereafter “Report,” cited with page #'s), I join in Recommendations #'s 2-4, and offer credit to this committee of intelligent, experienced citizens with whom I've been honored to serve for some time. I also agree with much of the Report's background analysis, especially the kudos to Planning and Community Development staff. However, as to Recommendation #1 (p. 7), while I endorse the “current,” i.e. typical, District Planning Council process for situations that are truly *typical*, Coolidge Corner is *far from* typical.

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<sup>1</sup> also TMM-9 & Co-chair (with Frank Farlow), Brookline PAX [see <http://www.brooklinepax.org>]

If so, then even the most intelligent people<sup>2</sup> -- if they neglect differences -- can fall into the trap, paraphrasing Ralph Waldo Emerson, that “a foolish consistency is the hobgoblin of [all] minds.”

Similarly, I do not share the “slippery slope” specter (p. 5) that a standing Coolidge Corner District Planning Council (hereinafter “CCDPC”) “will inevitably lead to the creation of other permanent planning councils for other areas of town once the precedent is set.” I have supreme confidence in the capacity of Town Meeting to (a) appreciate Coolidge Corner’s unique and indefinitely foreseeable differences, and (b) judge a later proposal -- if any -- on its merits.

I respectfully feel that my fellow CTO&S members have missed both the forest and the two 800-pound gorillas in their thoughtful analysis of some trees in the room. Possibly not by coincidence, only I have lived in the Coolidge Corner area (all my life, and watching it steadily get more dense and less green), I believe they are either missing or undervaluing two crucial points:

- *first*, the unique, ongoing *development pressures* in the Coolidge Corner area; and
- *second*, both the breadth and the depth of sentiment in the Coolidge Corner neighborhood that townhall officials do *not sufficiently listen -- or respond -- to our concerns*, e.g. those of my fellow TMM’s, including pcts. 2, 3, 8, & 9.

## **II. Coolidge Corner’s Uniqueness**

As part of their “slippery slope” argument, the CTO&S majority (pp. 4-5), makes reference to our first overall difference of opinion, but offers little if any factual analysis:

One member of the Committee believes that Coolidge Corner is sufficiently different from other areas of the town to merit specialized long-term treatment. He argues that the development pressures are greatest here, are focused on an extremely wide area, and are going to be present for the foreseeable future and are not likely to diminish. ... The other members of the Committee, however, although sharing in the concern for the area and recognizing some of its special characteristics, did not agree with the notion of singling out one area and creating a District Planning Council in perpetuity.

I believe the majority understates and under-appreciates the facts, as well as the depth and urgency that’s widely felt in my neighborhood. I also believe that the Comprehensive Plan<sup>3</sup> (non-binding, of course, especially as to all subsequent Town Meetings, let alone planning officials), cited by the CTOS majority as support for only short-term DPC’s, but also the parent

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<sup>2</sup> Cf., David Halberstam, “*The Best and the Brightest*,” (1992 edition), e.g. p. 41:

“[A]t the first cabinet meeting ... [t]hey were all so glamorous and bright that it was hard to tell who was the most brilliant, but the one who impressed [LBJ] the most was ‘the fellow from Ford with the Stacombs on his hair’ [McNamara] ... [LBJ] rushed back to tell Sam Rayburn, his mentor, ... about how brilliant each was, ... Bundy, ... Rusk ..., McNamara, ... . On he went, naming them all [Rostow, Schlesinger, Shriver, Moyers, Taylor]. “Well, Lyndon, ... they may be every bit as intelligent as you say,’ said Rayburn, ‘but I’d feel a whole lot better ... if just one of them had run for sheriff once.’

[See Wikipedia: “Halberstam says the title was from an article of his referring to JFK’s “*whiz kids*,” arrogantly insisting on “brilliant policies that defied common sense” in Vietnam.” (emphasis added)]

<sup>3</sup> <http://www.townofbrooklinemass.com/Planning/ComprehensivePlan/Index.htm> (see further below)

of the earlier CCDPC, vastly underestimated the eventual lack of effectiveness of a CCDPC which was merely short-term. (See further discussion in §III below.)

Nonetheless, and more importantly, the Comprehensive Plan definitely accorded Coolidge Corner the highest priority level, e.g. in “Neighborhood & District Planning” (p. 31):

**KEY STRATEGY:** Create Neighborhood and District Plans ... to help guide new development ... for Coolidge Corner, Chestnut Hill and Brookline Village ... in the next five years. The exact timing .. will be determined in the Action Plan ... . *However, the Coolidge Corner District Plan would be an early Action Plan item, taking place in the next year.* (emphasis added)

The follow-up *Action Plan and Progress Report FY 2005-2006*,<sup>4</sup> adopted by the selectmen March 29, 2005, in Part 3, “SHORT TERM ACTIONS” began (@ p. 35):

**DEVELOP A DISTRICT PLAN FOR COOLIDGE CORNER:** Short Term (Estimated Completion: 2007): One of the primary recommendations of the Comprehensive Plan is the development of “district plans”... . *The consensus among members of the Comprehensive Plan Committee and members of the public is that Coolidge Corner is experiencing a high level of development pressure. For this reason, the Coolidge Corner district plan will be developed in the short term.* (emphasis added)

More specific reasons for prioritizing -- and differentiating -- Coolidge Corner are fairly obvious: (a) it’s both the foremost commercial district and the foremost target for both commercial and residential development, and (b) its density is exceptional and its quality of life, fragile. See “Is Density Our Destiny?: A Developing Story,” May 2003, by Sean Lynn-Jones:<sup>5</sup>

Brookline has an average of 8,410 people per square mile, ... the ninth-highest density of the 351 cities and towns in Massachusetts ... almost twice as dense as neighboring Newton (4,664), and ... ahead of ... Lynn ... and Lowell ... . Census tracts 4002 and 4003, roughly Precinct 2 and the JFK Crossing area, have 29,325 and 21,656 residents per square mile, respectively. For tract 4004, the area north of Beacon Street from Coolidge Corner to Washington Square, the figure is 19,038. On the other side of Beacon Street, tract 4005’s density is 24,772. In tract 4008, which runs from the south side of Coolidge Corner toward the Longwood Medical Area, there are 24,696 residents per square mile. Tract 4009, which includes much of Brookline Village, has a population density of 26,500. ... Increasing the density of these neighborhoods could reduce their quality of life in at least two ways. First, greater population density will inevitably add to traffic ... . Second, higher levels of density are likely to change the ... sense of community fostered by the close proximity of single-family houses and small apartment and condominium buildings ... [the] social cohesion ... <sup>6</sup>

Similarly, as to greenspace, so precious to our quasi-suburban atmosphere, according to *OPEN SPACE 2000*, Appendix H, North Brookline has less than 33% of the townwide average of open space per population, less than 10% of Fisher Hill/Middle Brookline’s, and less than 5%

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<sup>4</sup> <http://www.townofbrooklinemass.com/Planning/PDFs/ActionPlanProgressReport2005-2006.pdf>

<sup>5</sup> Sean, of the Brookline Neighborhood Alliance, and an Advisory Committee Member, was a member of a “focus area work group” for the Comprehensive Plan.

<sup>6</sup> Newly elected TMM Steven Feinstein has observed that Paris’ population density is 9,181 people per square mile.

of South Brookline's.<sup>7</sup> And, as discussed in Part III, the little remaining greenspace in Coolidge Corner residential neighborhoods is steadily being eroded by developers.

In sum, as I've often said, Coolidge Corner is well past its "*Tipping Point*,"<sup>8</sup> and I therefore have long urged that the Town declare North Brookline an "Environmental Danger Zone." Unfortunately, as discussed below, a short-term CCDPC has proved -- in spite of hundreds of hours put in by dozens of dedicated citizens -- largely ineffectual, indeed nearly useless.

### **III. "Doveray, No Proveryay" -- Pres. Reagan's Answer to Bobby Allen's "Trust Gap"**

I believe the CTOS majority (pp. 2-3) understates and under-appreciates the extent to which, and reasons for which, Bobby Allen's oft-cited & thankfully candid "trust gap" was and remains painfully true for Coolidge Corner residents:

*[S]ome residents feel that the town still does not do enough or act effectively enough to involve interested citizens and ensure that their views are listened to or their neighborhoods are sufficiently protected from development that they believe is detrimental to the quality of life in their area. CTO&S cannot determine how widespread a view this is, although this is certainly not the first time such views have been expressed. ... Through ... neighborhood associations, committees and ad hoc organizations, opinions and viewpoints emerge and town officials hear and evaluate the concerns of specific neighborhoods. As in all issues relating to development, however, ... views differ on how well this process works. (emphasis added)*

#### **A. Widespread feeling that selectman appointments/committees are far too developer-friendly.**

Without belaboring details, our frustration that townhall officials are not really concerned about our neighborhood's fears seems clearly justified. Among our ordeals have been:<sup>9</sup>

- 121 Centre St., Brookline's first c. 40B battle, in an already-dense area: Local activists fought a very difficult guerilla war for months with minimal townhall help, ending in a (non-40B) 8-unit building after demolition of a beautiful Victorian and its front yard, soon followed by other demolitions and build-ups, e.g., 75 Winchester and 21 Atherton, with the developer of the latter soon buying three other properties;
- St. Aidan's, formerly the most significant private greenspace in the area: Again a massive organizing struggle was needed to avoid another Dexter Park and to save an oak tree, a glimpse of sky, and a patch of grass in the #1 densest part of town;

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<sup>7</sup> Cf., Mass. Constitution, "The people shall have the right to ... the natural ... and esthetic qualities of their environment; and ... their right to the conservation... of ... natural resources is hereby declared to be a public purpose."

<sup>8</sup> by Malcolm Caldwell (2000), subtitle, "How Little Things Can Make a Big Difference"; with a front cover quote from Fortune, "A fascinating book that makes you see the world in a different way."

<sup>9</sup> Mentioned herein are only "planning" battles. Other issues have been difficult too, e.g. dismissal of neighbors' fears about the safety of combining a convenience store at a gas station (now Sunoco); 6 years to get a solution to ticketing of residents parking 2 hours (even intermittently) on otherwise empty streets in front of their homes; several traffic calming petitions that languished, often being belittled -- for years, until recently more receptiveness.

- The early draft of the Comprehensive Plan was another battleground, eventually mustering some appreciated improvements (including the CCDPC, albeit ill-fated);
- Three years of clawing and scratching, parcel-by-parcel, for down-zoning of some M-zone 1-2 family structures. Due to vehement townhall opposition, a majority of the Zoning By-Law Review Committee astoundingly refused to even put 11 such parcels on the fall 2007 warrant; then 4 others were the subject of our November 2007 hard-fought, uphill, and definitely anti-townhall Town Meeting victory (by a gratifying 2/3 vote).

In Coolidge Corner we feel we're not paranoid, but "they" are really out to get us. We're battle-scarred, and possibly suffering PTSD. Do we have "government of the people, by the people, for the [regular] people," or a government of the Friends of Developers? We need help, or, at a minimum, a meaningful ability to verify, and not just trust.

B. The experience of the earlier CCDPC confirms the need to institutionalize its permanence.

The CCDPC after many months submitted a 75-page District Plan,<sup>10</sup> only to be rejected by townhall without any effort to seek a consensus; and the CCDPC was disbanded over the objections of its neighborhood activist members. The District Plan, written after a Herculean effort by many busy citizens who had mistakenly assumed it was for some official purpose, had many worthwhile and consensus recommendations, e.g. an "Action item: Preserve streetscapes, private green space, and neighborhoods through exploring the use of Form-Based Zoning, Neighborhood Conservation Districts, setback requirements and other methods." Who could quarrel with that? One distinguished member of the CCDPC wrote to the Selectmen (receiving no reply!):

I find it mind-boggling to reject the District Plan based on recommendations that are not integrated into the Plan. ... [There was] only one major objection ... a single phrase in the Plan that reads, "no increase in residential population". That was included based on the last U.S. census that found the Coolidge Corner census tract to be one of the fourth most densely populated in Massachusetts. Even so, that gained inclusion on a 7 to 6 vote. ... [A] way should be found to hold a joint meeting of the Council and the Board to resolve that final issue, ... a more desirable outcome than the rejecting of eighteen months of work by so many dedicated members of the community as well as the time and resources of the Planning Dept. Would the Selectmen be willing to authorize the Planning Board and the Coolidge Corner District Planning Council to meet together to rescue the District Plan?

Yet, the CTO&S majority (p. 5) now relies on the inapposite analogue of periodic Comprehensive Plans, as well as a flawed and overly limited concept of short-term "need":

With a scope much broader than that of a [DPC], the Comprehensive Plan Committee ... [a]ppointed by the Selectmen every ten years, charged broadly with revising and updating the plan as appropriate, this group of citizen appointees works for approximately one year or slightly more, ..., produces a plan revision, *submits it to the Selectmen and dissolves*. ... *District Planning Councils* are designed to function *as the need arises and until they submit their output to the Selectmen*.

The frustrating experience of the earlier CCDPC report, now gathering glossy dust on the town's website, actually prove -- with hindsight -- that this was an excellent Comprehensive Plan idea that turned out to have an overly optimistic predictive blind spot about the ability of our

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<sup>10</sup> <http://www.town.brookline.ma.us/Planning/PDFs/CoolidgeCornerDistrictPlan.pdf>

townhall to disregard a neighborhood that's constantly under siege from development. And consequently it most certainly did *not* achieve its objective [Comprehensive Plan, p. 32]: "Each District Plan would be adopted by the Planning Board as an integral part of the Comprehensive Plan and used in development review and other planning processes."<sup>11</sup>

A short-term DPC for long-term problems is doomed to not just failure, but downright farce.

#### **IV. Concluding Comments:**

As for some minor issues, I felt the CCDPC petition article in 2007 had room for improvement, and I conveyed to the petitioners some ideas, some eventually adopted (e.g. CTOS' majority Report @ p. 7, "the Selectmen ... should ... appoint ... council members.") Similarly, I too (Report @ 6-7) am "concerned about the amount of *staff work* that would be required ..."; but, as explained above, I strenuously disagree as to the remainder of that majority passage, both "to support *multiple* simultaneous District Planning Councils" and also "... even if the need to do so had diminished over time."

As for *staffing* for a *single* DPC, we might say, e.g., "subject to the general administrative control of the Board of Selectmen, various Town staff, boards, and commissions shall assist CCDPC relative to specific issues as needed, with primary assistance from the Planning Dept." It must be emphasized that a future, ongoing CCDPC will *not necessarily meet as often or need the staff time of the earlier one*. In any event, either the overall goals are important or they're not. If they are, then "no pain, no gain," and we cope. I believe, and my neighbors surely agree, that the Town must make it a priority to institutionalize more -- and more official -- input from Coolidge Corner citizen activists.<sup>12</sup>

Marshall McLuhan said, "There are no passengers on spaceship earth. We are all crew." For Coolidge Corner, more of the same will not do; its residents want to be crew, not passengers -- or worse spectators, or even worse often-ignored speechifiers. They/we want to work collaboratively -- and officially -- in the process, not be relegated to the status of naggers, whiners, and outside agitators.

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<sup>11</sup> See also the Selectmen's Resolution Regarding The Comprehensive Plan 2005-2015, December 14, 2004: "RESOLVED, that the Board of Selectmen expects that the Comprehensive Plan will be used to guide planning, development, and capital investment in the Town for the next ten years."

<sup>12</sup> The majority also (p. 6) offers some conclusory judgments that I dispute, "Given the Council's relatively *narrow focus*, its de-facto overlap with planning *functions that already exist* in the town by-laws and the fact that CTO&S does not feel it appropriate to create such a commission in perpetuity, creation by *by-law* makes little sense."