

TOWN OF BROOKLINE
 ADVISORY COMMITTEE
 LAND USE, ZONING AND SUSTAINABILITY SUBCOMMITTEE

Warrant Article 10 – To see if the Town will transfer the sum of \$194,644, or any other sum, from the special appropriation under item 38 of Article 7 at the 2018 Annual Town Meeting to be expended under the direction of the Director of Planning and Community Development, with any necessary contracts over \$100,000 to be approved by the Select Board, to support the comprehensive planning efforts described by Article 26 of the November 2021 Special Town Meeting including data services and analysis to better understand the existing conditions of the built environment in Brookline.

Recommendation: FAVORABLE ACTION by a vote of 6-0-0

Executive Summary:	WA 10 would make funding available to support the comprehensive planning efforts described in WA 26 from the November 2021 Special Town Meeting, including data services and analysis to better understand the existing conditions of the built environment in Brookline. The database work is a precursor to the planning effort that had been overwhelmingly adopted by Town Meeting in November 2021. However, no action has thus far been taken by the Select Board on implementing WA 26.
Voting Yes will...	Make available previously-approved CIP funds that Town Meeting had appropriated to the Department of Planning and Community Development in 2018 to support a total reorganization of the Brookline Zoning By-Law but which have never been expended, to support the planning effort that was overwhelmingly adopted by Town Meeting in November 2021.
Voting No will...	Prevent the November 2021 WA26 mandate from being carried out.
Financial impact [if any]	The funds that are to be redirected for this purpose were allocated to the Planning Department in the 2018 CIP. Redirecting these funds for this purpose will have no effect upon the FY23 budget.
Legal implications [if any]	N/A

Introduction

The May 2018 Annual Town Meeting adopted, in WA 7, an appropriation of \$200,000 in CIP funding to support an undertaking being requested by the then-Director of the Department of Planning and Community Development for a study to reorganize the Brookline Zoning By-law. That project was abandoned after \$5,356 had been spent, leaving a balance of \$194,644. The Petitioners seek to redirect these unspent funds to support a related undertaking – one that had been overwhelmingly supported (by a vote of 219 in favor, 2 opposed) at the November 2021 Town Meeting. The Petitioners explain that “Warrant Article 26 specifically requests that the Select Board, in consultation with the Director of Planning and Community Development,

appoint a Planning Process Study Committee, for an inclusive, community-driven planning and zoning reform process, and that the Select Board endeavor to seek and provide adequate funding to retain all necessary consultants and additional planning staff to successfully complete the work of the Planning Process Study Committee and the implementation of its recommendations.” However, no action has been taken by the Select Board with respect to WA26 since its adoption nearly five months ago. WA10 would make these previously-approved but as-yet-unused CIP funds available to support the objectives of WA26.

Discussion

The Land Use, Zoning and Sustainability Subcommittee held a public hearing via Zoom on WA 10 at 5:30 pm on Tuesday, March 29th. Present for the Subcommittee: Chair, Carlos Ridruejo, Anita Johnson, Georgia Johnson, Lee Selwyn, Linda Olson Pehlke, and David Pollak; Petitioners Neil Wishinsky and Steve Kanesh; Public: Mary Sabolsi, John Doggett, Paul Warren; Director of Planning and Community Development Kara Brewton. The Subcommittee also received 53 statements from the public via email, all in support of WA 10.

Members of the Sub-Committee were generally supportive of the objectives of WA10. It was noted that the monies that had been previously allocated (in 2018) were intended to improve our zoning, and that’s what this WA will accomplish, but in a more thoughtful rather than in the simply mechanical way that had been originally contemplated in the 2018 allocation. The Planning Director stated that a portion of the 2018 fund allocation, which she had estimated at about \$20,000, is currently being expended as General Code (contractor to the town) updates the online version of the zoning by-law. A member of the Subcommittee noted that these funds have been lying around unused for four years, and questioned why they are only now being expended at the time that WA10 is pursuing another use for them? Planning Director Kara Brewton explained that the Town Clerk has only just started certifying changes to the Zoning Bylaw so that the updates can be made in the online version. In an April 12, 2022 e-mail from Kara Brewton to members of the Subcommittee, we were advised that the Planning Department had received “the estimate back from General Code [and that] they think it will cost approximately \$5,300 to get an accurate Zoning By-Law online for the Town Clerk (including everything that has been approved as of March 1st, 2022 by the Attorney General).” She advised that “[s]ince this is an estimate, I’d plan on the balance of the Capital account referenced in Warrant Article 10 being approximately \$6,000 less than noted in Warrant Article 10.” On the basis of this estimate, \$188,644 would be available to support the comprehensive planning effort contemplated in WA26.

Recommendation

The Subcommittee voted 6-0-0 for FAVORABLE ACTION on WA 10, subject to advising the full Advisory Committee as to the revised estimate of the funds that will be available for reallocation, i.e., \$188,644.