

Warrant Article 26 – Resolution Seeking Planning Process Study Committee

Report of Ad Hoc Subcommittee

Recommendation: FAVORABLE ACTION on Warrant Article 26, as revised by the petitioners and the subcommittee, by a vote of 7-0-1

Executive Summary:	WA 26, as revised by petitioners, asks that the Select Board, in consultation with the Director of Planning and Community Development, create a short-term Planning Process Study Committee (“the Study Committee”) to work with the Department of Planning and Community Development (“the Planning Department”) and other Town staff to devise a plan for an inclusive, community-driven planning and zoning reform process, which ultimately could lead to revisions to Brookline's current zoning by-law and a new Comprehensive Plan. The Study Committee would seek widespread input from all stakeholders so as to create a process plan that is open, transparent, and broadly inclusive.
Voting Yes will . . .	Urge the Select Board to appoint a Planning Process Study Committee to devise an inclusive, community-wide process that could ultimately lead to a revised zoning by-law and a new Comprehensive Plan. Petitioners anticipate that all current planning and corridor studies will continue without interruption, including the Housing Production Plan, the Lower and Upper Boylston studies, the Fisher Hill study, and the Climate Action Plan.
Voting No will . . .	Leave the Town without any process in place for updating Brookline's current Comprehensive Plan, adopted in January 2005, and leave the Town's zoning by-law unchanged.
Financial impact	Approximately \$26,000-\$31,000. This estimate includes an estimated \$21,178 for 1/3 of the time of a new full-time T-6 staff person in the Planning Department for 8 months plus an estimated \$5,000-\$10,000 in consulting funds. The petitioners will <i>not</i> be seeking any ARPA funding. It is possible that a portion of the \$193,305 remaining from a FY 2019 CIP allocation for reorganizing the Town's zoning by-laws could be utilized.
Legal implications	None

Introduction

WA 26, as revised by petitioners, is a resolution that calls for the Select Board to create a short-term Planning Process Study Committee (“the Study Committee”) to work with the Planning Department and other Town staff to devise a plan for an inclusive, community-driven planning and zoning reform process, which ultimately could lead to significant revisions to Brookline's current zoning by-laws and to a new Comprehensive Plan.

To date, Brookline has had four Comprehensive Plans, which were adopted in 1959, 1976, 1989, and January 2005. Between the years 1959-2005, the Town adopted a new Comprehensive Plan every 15 years on average. It has now been nearly 17 years since our current Comprehensive Plan was adopted, which occurred after a 4 ½ year developmental process that began in 2000. Our current zoning by-law has never been systematically revised, although it has been amended many times over the last 55 years.

Evaluation Methodology/Research

- The petitioners consulted closely with the Department of Planning and Community Development and have studied planning and zoning reform efforts in other Massachusetts municipalities such as Somerville, Newton, Boston, Medford, Lynn, and Cambridge. Two of the petitioners are professional urban planners.
- Email from Kara Brewton, Director of Planning & Community Development, to Susan Granoff, Chair, Ad Hoc Subcommittee, October 27, 2021, detailing estimated costs related to revised WA 26.
- “Brookline Comprehensive Plan, 2005-2015” (2005), which is Brookline's fourth and current plan. <https://www.brooklinema.gov/242/Brookline-Comprehensive-Plan>
- Massachusetts General Law, Chapter 41, Section 81D (requiring planning boards in Mass. municipalities to create a comprehensive plan, as defined in Section 81D, as a basis for decision-making regarding the long-term physical development of the municipality, and which may be added to or changed from time to time).
<https://malegislature.gov/Laws/GeneralLaws/PartI/TitleVII/Chapter41/Section81D>

Discussion

A public hearing on WA 26 was held on October 7 at 1 pm on Zoom. Attending the hearing were subcommittee members Susan Granoff (chair), Scott Ananian, Ben Birnbaum, Janice Kahn, David Pollak, Carlos Ridruejo, and Lee Selwyn; petitioners Linda Olson Pehlke (AC, TMM), Paul Warren (AC, TMM), and Gina Hahn (TMM); Kara Brewton, Director of Planning and Community Development; and 20 members of the public.¹ The subcommittee also received emailed statements from 15 Brookline residents.²

A continuance of the subcommittee's public meeting took place on October 25 at 5 pm on Zoom. Attending were all the subcommittee members who had attended the October 7 meeting plus George Cole; petitioners Linda Olson Pehlke, Paul Warren, and Gina Hahn; Kara Brewton, Director of Planning and Community Development; Polly Selkoe, Assistant Director, Regulatory Planning; and Victor Panak, Planner; and 7 members of the public.³

¹ Deborah Brown (TMM), John Doggett (AC, TMM), Katherine Florio, Paul Harris (TMM), Steve Kanes (AC), Jonathan Klein (TMM), Marilyn Koblan, Joan Lancourt, Robert Lepson (TMM), Lynda Roseman (TMM), Paul Saner (EDAB, TMM), Katha Seidman, Naomi Sweitzer (TMM), John VanScoyoc (Select Board), Neil Wishinsky (AC, TMM), Jerema Wolosenko, Jenny Xu, Amanda Zimmerman (TMM), Michael Zoorob (TMM), and Janet B.

² Felix Eskey, Stuart Rubinow, Marilyn Koblan, Richard Iseke, Terry Keane, Doug Hughes, Susan DeLong, Jesse and Brenda Hefter, Lisa and Ramesh Shivdasani, Mary Epstein, Jeff Cook, Wallis Raemer, J. Wolosenko; all expressed strong support for WA 26.

³ Roger Blood (HAB Chair), John Doggett (AC, TMM), Jonathan Klein (HAB, TMM), Jennifer Lewis, Paul Saner (EDAB, TMM), John VanScoyoc (Select Board), and Neil Wishinsky (AC, TMM).

At the public hearing for WA 26, while many commentators agreed with the petitioners about the Town's need for inclusive, holistic, comprehensive zoning and planning reform, many more commentators expressed concerns with the original version of WA 26. There were four key concerns (all of which, as described below, are addressed in the revised version of WA 26):

1. The petitioners' original proposal to seek ARPA funding to help finance a three-year long, community-wide process leading to a new long-term Comprehensive Plan and zoning reform was considered to be an inappropriate use of ARPA funds.
2. There was fear that current planning projects and plans, such as the Housing Production Plan and the corridor studies, would be slowed down or delayed for years until the new plan was completed.
3. The proposed three-year time period for developing a plan to reform Brookline's current Comprehensive Plan and zoning by-laws seemed unrealistically short.
4. Marginalized populations were likely to be excluded from the planning process because they are difficult to engage in a long-term process and because of the original article's emphasis on engaging existing neighborhoods in the planning process.

The petitioners listened carefully and heavily revised WA 26 to address these identified problems.⁴ Specifically:

1. The petitioners are no longer seeking ARPA funding and have eliminated all mention of ARPA from their resolution and explanation. They have scaled back their proposal significantly so that instead of seeking an estimated \$1.2 million to fund the entire multiple-year process leading to a new or revised Comprehensive Plan, all that their revised resolution seeks is a short-term study committee to develop a plan for this process and which will cost no more than about \$30,000.
2. The revised resolution expressly affirms the continuation of the Lower Boylston and planned Upper Boylston studies, the Fisher Hill study, the Housing Production Plan, the Climate Action Plan, and all other ongoing planning studies.
3. The revised resolution focuses solely on the first step in a years-long process to update Brookline's current Comprehensive Plan and zoning by-law – the formation of a Planning Process Study Committee – and does not attempt to predict how long the entire process will take.
4. New “Resolved” paragraphs in the revised resolution describe in detail the full spectrum of stakeholders that the Study Committee will need to seek input from and reach out to and emphasizes the need for a reform process that centers marginalized communities in its consideration of strategies so as to provide greater equity. The revised resolution no longer emphasizes neighborhood outreach as a primary outreach method, but instead seeks a very broad-based community engagement process.

⁴ The Moderator has reviewed all of the petitioners' revisions and has determined that they are within the scope of the original.

At the October 7 public meeting, many subcommittee members, while agreeing with the petitioners on the desirability of taking a fresh look at the Town's current zoning by-law and Comprehensive Plan, wanted to give the petitioners an opportunity to revise their resolution so as to take into consideration the criticisms raised by some of the public commentators, which were also concerns of subcommittee members. Therefore, the subcommittee decided to continue its public meeting until the last week in October.

At the continued public meeting on October 25, subcommittee members were very impressed and pleased with the substantially and very thoughtfully revised version of WA 26 that the petitioners presented to it, which addressed the key concerns expressed at the October 7 public hearing. The subcommittee thought that the revised resolution's narrowing of its focus to seeking a Select Board-appointed committee to plan the planning process that would enable the Town to revise its current Comprehensive Plan and zoning by-law would serve to jump-start the entire process. One of the subcommittee members referred to WA 26 as simply “a plan for a plan.”

The subcommittee questioned Kara Brewton, Director of Planning and Community Development, about the staffing needs that the revised article would require. Since she had just received the revised article, she asked to have more time to consider the estimated staffing and other costs that would be required. She responded in a detailed email dated October 27 to the subcommittee chair (which has been separately distributed to Advisory Committee members). In it she estimates that total costs for implementing WA 26 would be approximately \$26,000-\$31,000. This includes an estimated \$21,178 for 1/3 of the time of a new full-time T-6 staff person in the Planning Department for 8 months plus an estimated \$5,000-\$10,000 in consulting funds. The subcommittee briefly considered possible sources of funding, such as the use of a portion of the \$193,305 remaining from a FY 2019 CIP allocation for reorganizing the Town's zoning by-laws.

The subcommittee also discussed a proposed motion by the Housing Authority Board (HAB) to refer WA 26 to a subcommittee of the Planning Board that had been moved by Jonathan Klein and adopted by HAB on October 20, 2021 by a vote of 4-0-3, but which was based on its review of the original version of WA 26 and not on the revised version. Mr. Klein was present at the October 25 meeting and said that, in light of the petitioners' revisions, the HAB motion would likely be withdrawn. In an email dated October 27, 2021 to the subcommittee chair, who was seeking to confirm this, Mr. Klein stated that he and HAB chair Roger Blood regarded the HAB referral as moot, that they will not be making a motion to refer WA 26 at Town Meeting, and that there is no reason for the Advisory Committee to consider HAB's original motion.

In the end, the subcommittee was strongly supportive of the Planning Process Study Committee that the revised version of WA 26 seeks. Such a committee would:

- Jump-start a comprehensive planning process that is much needed to reflect changes in Brookline and its shared goals and values over the past two decades – at a very modest cost;
- Be broadly inclusive of a full spectrum of stakeholders;
- Not interrupt any of the Town's current planning studies; and
- Develop a thoughtful plan based on careful and comprehensive analysis of data and of town-wide values and goals

Recommendation

The Ad Hoc Subcommittee for Warrant Article 26 recommends FAVORABLE ACTION on Warrant Article 26, as revised by the petitioners and the subcommittee, by a vote of 7-0-1.

Roll Call Vote: Yes: Ananian, Birnbaum, Granoff, Kahn, Pollak, Ridruejo, Selwyn; No: 0; Abstentions: Cole; Absent: 0

ARTICLE 26 (as revised October 25, 2021)

Submitted by: Linda Olson Pehlke, TMM Pct. 2, Paul Warren, TMM Pct. 1, Gina Hahn, TMM Pct. 3, M. David Lee, President Stull and Lee Architecture and Planning, Pct. 6

MOVED that the Town will Adopt the following Resolution:

WHEREAS, it would be in the Town's best interest to engage in a Town-wide, progressive planning and zoning reform project responding to the need for greater resiliency in the face of the climate emergency and pandemic disruptions, plus the critical need for equity, housing security, and business vitality; and

WHEREAS, the Town, its residents, businesses and non-profits, and potential property developers struggle with an antiquated zoning bylaw that is difficult to understand, does not reflect modern community goals, and does not produce predictable, context-appropriate outcomes; and

WHEREAS, Nearly 600 residents of Brookline have signed a letter to the Select Board calling on the Town to engage in an inclusive, community-driven planning and zoning reform process that would chart a thoughtful and informed course for our future; and

WHEREAS, our Zoning By-Law does not adequately reflect evolving new trends in housing, commuting, lifestyle choices, and the growing awareness that our health and well-being depends on access to the outdoors and recreation; and

WHEREAS, our Zoning By-Law and other Town policies do not adequately address the disparities made evident by the pandemic and detailed in the recently published Disparity Report 2021 under the auspices of the Office of Diversity, Inclusion, and Community Relations; and

WHEREAS, the Select Board identified Objective #11 in the FY 2022 Financial Plan which states, "To pursue re-codification and an update to the zoning by-laws that meets Town Needs and objectives"; and

WHEREAS, WA 34 from Fall 2020 Town Meeting urges the Select Board to determine whether adding substantial new housing is in the Town's best interests after consideration for impacts to Town facilities, infrastructure, and services, as well as open space and the historic streetscape; and

WHEREAS, the Town has developed new and effective methods for community engagement such as those being used in the Boylston Street/RT 9 Corridor Study; and

WHEREAS, community engagement across the entire town is the keystone of a communitydriven

planning and zoning reform effort. Starting with a detailed inventory of our current environment, this engagement process will allow stakeholders to identify common goals and values along with strategies for implementation; and

WHEREAS, these shared goals and values should be translated into a new, reformed Zoning ByLaw incorporating progressive planning tools; and

WHEREAS, current corridor planning studies and other ongoing planning efforts should continue and should not be impeded by this broader planning project; and

WHEREAS, by doing the work to define our shared goals, we as a community can work together to respond to the broad set of future community needs and also strengthen and enhance the quality of life for all who live, work, study, or visit in Brookline; and

WHEREAS, MGL Title VII Chapter 41 Section 81D: Master plan, requires that a planning board “shall make a master plan of such city or town and from time to time may extend or perfect such plan”, and the last completed Comprehensive Plan in Brookline was done in 2005; and

WHEREAS, several neighboring cities and towns have either finished or are starting the process to develop comprehensive plans to inform potential zoning reform, such as Somerville (Somervision 2040), Boston (Imagine Boston 2030), Medford (Medford 2030) and Cambridge (Cambridge Envision 2018);

NOW THEREFORE BE IT:

RESOLVED, that the Select Board, in consultation with the Director of Planning and Community Development, appoint a Planning Process Study Committee to work with the Planning Department and other Town staff to develop a work program, budget, and scope for an inclusive, community-driven planning and zoning reform process; and

FURTHER RESOLVED, that the Select Board appointed Planning Process Study Committee seek input and be informed by a full spectrum of stakeholders, including but not limited to: marginalized communities, subsidized housing residents, non-profits, faith-based organizations, business interests, neighborhood associations as well as, advocacy groups for affordable housing, historic preservation, climate action and resiliency, green space, parks and open space, active and public transportation, and senior citizens, and include Brookline residents with professional expertise in planning and zoning; and

FURTHER RESOLVED, that the Planning Process Study Committee shall endeavor to devise a planning process that will develop a shared fact base of existing conditions, develop demographic and land-use projections, analyze possible land-use scenarios, inventory infrastructure and future infrastructure needs, identify Town service and facility usage metrics and capacities, develop a statement of town-wide values and goals with metrics, and generally complete the analysis necessary to identify potential impacts from contemplated land-use scenarios; and

FURTHER RESOLVED, that the Planning Process Study Committee contemplate the potential application of progressive planning and zoning tools such as form-based zoning, environmental performance standards, green infrastructure, and placemaking; and

FURTHER RESOLVED, that the Planning Process Study Committee identify project work products

that can help guide future zoning reform work, such as defining areas where development or redevelopment potential is appropriately supported, areas where public realm enhancements are needed, and areas or parcels that should be conserved; and

FURTHER RESOLVED, that the current corridor studies including Lower Boylston and the planned Upper Boylston study, the Fisher Hill study, the Housing Production Plan, the Climate Action Plan, and other ongoing planning studies will continue without impediment; and

FURTHER RESOLVED, that the Planning Process Study Committee should devise a community-based planning and zoning reform process that centers marginalized communities in its consideration of strategies and initiatives that provide greater equity in all realms of the built environment and to further environmental justice; and

FURTHER RESOLVED, that the Planning Process Study Committee should contemplate a community engagement strategy that incorporates the lessons learned from the engagement strategies of the Boylston Street/RT 9 Corridor Study and the Housing Production Plan and be designed with input from Brookline's Community Engagement Specialist; and

FURTHER RESOLVED, that the Select Board endeavors to seek and provide adequate funding for the work of the Planning Process Study Committee and to retain all necessary consultants and additional planning staff to successfully complete the project as recommended by the Planning Process Study Committee; and

FURTHER RESOLVED, the Planning Process Study Committee will provide a progress report and/or recommendations to the next Annual Town Meeting.