

Town of Brookline Massachusetts

HOUSING ADVISORY BOARD

Public Meeting
September 28, 2022
5:30 – 7:30 pm

PARTICIPATION IN THIS MEETING IS AS FOLLOWS:

Register for this meeting by following this link:

https://brooklinema.zoomgov.com/webinar/register/WN_TrT27mntRG-NQ4jxvh7tvA

After registering, you will receive a confirmation email containing information about joining the meeting. Note that registration is only needed to receive information on how to join the meeting and does not preclude an individual's ability to attend anonymously by telephone. To join the meeting by phone, please call:

Phone Number: 646-828-7666
Webinar ID: 160 811 8314
Passcode: 36187173

AGENDA

1. Approval of minutes from HAB meeting of June 22, 2022
2. Discussion of Warrant Articles for Town Meeting and decide on Public Hearing.
3. Discussion of potential changes to Accessory Dwelling Units by-law
4. Update on Community Preservation Act Committee
5. Updates on:
 - Housing Production Plan
 - MBTA Communities Planning
 - Comprehensive Plan
 - Newbury West Parcel Planning
 - Resources for Affordable Housing
 - Other Staff Updates
6. New Business

The Town of Brookline does not discriminate on the basis of disability in admission to, access to, or operations of its programs, services or activities. Individuals who need auxiliary aids for effective communication in programs and services of the Town of Brookline are invited to make their needs known to Lloyd Gellineau, Town of Brookline, 11 Pierce Street, Brookline, MA 02445. Telephone (617) 730-2328; TDD (617) 730-2327; or e-mail atl@gellineau@brooklinema.gov

HOUSING ADVISORY BOARD MINUTES
June 22, 2022
VIRTUAL MEETING

HAB Members: Roger Blood, Mike Jacobs, Jonathan Klein, Steve Heikin, Pam Goodman, Heather Hamilton, Shawn O'Neal

Staff: Virginia Bullock, Joe Viola, Kara Brewton, and David Guzman

Roger called to order the meeting at 5:31 p.m.

1. Approval of minutes from HAB meetings of March 23 and April 13, 2022

Pam and Virginia noted the addition of the actual language of the votes taken during the meetings was added to the minutes.

Pam made a motion, Steve seconded, Michael abstained because he was absent during the March 23rd meeting, and the remaining HAB members

VOTED unanimously to approve the minutes from the meeting of March 23, 2022.

Pam made a motion, Steve seconded, and Rita abstained because she was absent during the April 13th meeting, and the remaining HAB members

VOTED unanimously to approve the minutes from the meeting of April 13, 2022.

Jonathan noted that a correction needs to be made for Rita to be shown in attendance for March but not April.

2. Update from Town Meeting on Warrant Article 30 and next steps

- Roger explained that Article 30 (Kent-Station Street senior housing) went through Town Meeting. It was revisited by the Advisory Committee which approved it with a good margin. It was approved by the Select Board 4-0 with an abstention. In Town Meeting it was about 180 "for" and a couple dozen "opposed," Roger noted that Precinct 16 was almost entirely against Article 30.
- The Article is going to allow some of the required 39 public parking spaces to be off-site. Some street parking could be counted as off-site parking if the Transportation Board approves. Public Hearings and a vote to approve by the Transportation Board and Economic Development Advisory Board would be required. Additionally, 2/3 of Town Meeting would have to dispose of the Town site (including possible air rights).

- Roger spoke with Don Warner about 2Life's physical proposal. Don believes about half of the 39 required public spaces could be retained on-site following construction. Nine additional spaces would service the project itself..
- Roger addressed the extra projected costs relating to the required government contracting processes. He said there may be some legal separation between the surface level parking (potentially not requiring government contracting processes) and the rest of the building.
- Jonathan talked about the government contracting processes adding money to the project being filed sub-bids and prevailing wage. He said a Home Rule petition could be filed for this project to provide some relief.
- Rita asked who Don Warner was. Roger said he's on the Kent Street Negotiating Committee and is a retired architect who understands the cost and design attributes of the project.

3. Review of Draft Orientation Materials for new HAB members

- Roger said that a PowerPoint slide presentation has been created to orient new HAB members. Several HAB members reviewed the slides for feedback. HAB members agreed that this is a good and helpful resource.
- Rita and Michael gave feedback about specific slides. Virginia and Roger responded to her questions.
- Virginia and Pam noted that there need to be a few updates before making the document public. HAB members also agreed that this should be put on the Town's website and be a maintained, living document. HAB members also talked about hard copy access, distribution of the materials to local organizations, and sending it to the Housing Authority.
- Steve asked why the HAB is not a 501c3 so that people can donate. Virginia replied that the fund is fiscally managed by the controller's office, so is a government, not a private non-profit entity. She also noted we've had individual contributions in the past but they may have not been tax deductible.

4. Discuss retention of a consultant to analyze and recommend on possible adoption of a Linkage Fee from commercial development to the Affordable Housing Trust

- Steve talked about the background of commercial linkage fees discussed in Brookline and its application in nearby communities
- Steve explained that commercial linkage fees are similar to inclusionary zoning but the fees are applied to commercial development (number of dollars per square foot). He said that applying commercial linkage fees in Brookline would require a Nexus study to apply for a Home Rule

petition through the state.

- Steve asked if the HAB would be willing to support funding of a Nexus study via the Affordable Housing Trust. The study would cost somewhere in the high five figures or maybe even low six figures. Steve said the return on investment would be good and typically the majority of the commercial linkage fees go toward affordable housing, with some going toward job training.
- Roger asked about the process of enacting commercial linkage fees: HAB, planning board review, select board, and then Town Meeting for the approval of the Home Rule Petition. Steve said if there are zoning changes it would go through the Planning Board and Zoning Bylaw Committee. Many other boards and committees may also have hearings.
- Kara said that the estimate for the Nexus study is \$75,000 and would require two Town Meeting votes—before and after it goes to the state legislature. The consultant Carl also said that 10% for the fee per square foot (approximately \$10 a square foot) would be on the lower end of communities typically require. He also said that it would be possible to get the commercial linkage fees in place before the 10 Brookline Place files permits. Kara said that she will bring this up in the next EDAB meeting.
- HAB members asked questions about how this may be applied.
- Jonathan explained why applying fees to commercial development makes sense: the burden it creates on our housing as a result of more employees and people who want to live in Brookline.
- Steve talked about the current impact fees the Town has applied to commercial developments and said he supported the commercial linkage fees.
- Roger asked if the HAB was okay with funding the Nexus study. Heather said we have to be careful with asking for money because the Town budget has already been approved.
- Kara said that there may be an upcoming commercial rezoning Chestnut Hill where the commercial linkage fees could be applied.
- Paul Saner from the Economic Development Advisory Board spoke to HAB saying he was enthusiastic about having commercial linkage fees. He said that the fees may impact different commercial asset types differently. He added that legally mitigation and zoning is a far better vehicle for this than a memorandum of agreement. He also said that it would go back to Town Meeting so that it can be incorporated in the Zoning Bylaw.
- Virginia and Jonathan agreed that having a Nexus study may be beneficial overall to show that new development causes adverse impacts to affordable housing so the funding mechanism is necessary.

5. Housing Production Plan – upcoming activities and schedule

- Joe talked about the HPP community forum on June 27nd and past community outreach He also talked about a potential upcoming community event and the final plan delivery from the consultants.
- Joe talked about the HPP consultants presenting an update to the HAB, Planning Board and Select Board in the future. He noted that the Housing Production Plan should be completed in September.
- Roger talked about setting 5 and 10 year goals as part of the Housing Production Plan. Roger discussed with Jenny Raitt about how to think about the setting of housing goals when a town has already reached the 40B 10% goal. She agreed that there is a notable difference between the state’s Subsidized Housing Inventory vs actual deed-restricted affordable. The SHI counts all units in rental projects, which include 75-80% that are market rate non-affordable units. Additionally, some units which the Town counts as affordable are restricted to incomes over 40B “affordable” levels of 80% of the area median income. Because the state uses the SHI (including non-affordable and non-restricted units) we are likely well under the 10% level when counting only income-restricted affordable units. Roger suggested we should count only the “real” number of affordable units in defining this HPP’s production goals.
- Virginia added that there is a difference of around 500 units between SHI counted and actual affordable units. She added that there are about 300 more units developed under 40B that will be completed in 2-5 years. This would get us almost halfway to 10% of actual affordable units.
- Jonathan said the 10% goal is sort of arbitrary and that we should focus on the need in making goals. He added that the goals should be ambitious.
- Steve added that the consultants have shifted to more schematic representations of potential development.

6. Updates:

- **Housing Resources**
 - Virginia updated the HAB that the total unencumbered Affordable Housing Trust total is around \$3 million that can be committed to another project. She added that there should be around \$2.5 million of additional funds coming in from inclusionary zoning.
- **CPA (Community Preservation Act)**
 - Kara showed a fiscal flow chart for revenue from the CPA. She explained that for FY22-23, there will be an estimated \$6.445 million in the CPA fund. She explained that, with CPA, at least 10% of the funds must be used for affordable housing 10% parks and open space, and 10% for historic preservation. A CPA committee will meet as soon as July and they will try to appropriate the minimum level of money to each use as soon as possible.

- Virginia said the Planning Department is filling a new position--half time for preservation planning and half time CPA manager.
 - Jonathan asked who was on the CPA committee. Kara said she will get that information out. He added that wants the HAB to take advantage of this funding to create more affordable housing.
 - Roger talked about how the CPA funds could go toward affordable housing: project-specific funding or general allocation directly to the Trust Fund.. Kara said that the CPA committee may not be able to ask for project specific proposals this summer. Heather said she plans on chairing the CPA committee and wants to use a process similar to CDBG.
- **MBTA Communities**
 - Kara said that the revised guidelines may be published in the fall which may extend the deadlines for municipalities for compliance. Kara explained what this may mean for Brookline.
 - Jonathan asked about discussion on numeric goals. Kara responded that that is up in the air right now. Jonathan also asked how the HPP consultants are incorporating MBTA goals. Joe said they are.
 - Virginia said that feedback for the MBTA Communities is going through the Select Board. Kara agreed.
 - Steve talked about Housing Choice guidelines and counting multi-family units. Kara responded to what the MBTA Community Guideline revision may show in regards to this.
- **Comprehensive Plan**
 - Kara said the Planning Department is hiring a staff person to work on the comprehensive planning process.
 - The Planning Department will need to figure out the budget for getting a study done. This will go through the Select Board and Town Meeting to get funding and move forward with the Comprehensive Plan.
 - A committee will soon be appointed by the Select Board which will figure out the scope of the Comprehensive Plan.
- **Accessory Dwelling Units (ADUs)**

- Roger noted that Town Meeting’s zoning authorization for ADU’s several years ago may have “checked the box” for the Boston Foundation’s Housing Report Card for affordable housing “Best Practices” but since then we’ve only gotten one application for legalizing an existing unit. Success with ADU’s in reality means we need to realize some actual production.
- Roger said he wants to get feedback on what has deterred people regarding the ADU article—including from the Building Commissioner Roger offered to put this issue on the agenda for the next meeting, including a possible draft amendment to the existing ADU bylaw that could encourage some production. Jonathan agreed.
- Virginia asked if there are local examples in nearby communities of ADUs being allowed and being utilized in greater numbers. Roger said that he thought Newton was one of the better performers and that utilization was more in the dozens. Virginia also mentioned Boston’s pilot program.
- The HAB briefly discussed ways to expand or relax existing ADU guidelines and why people may not be utilizing the ability to build ADUs.

7. New Business

None

The meeting was adjourned at 7:28 pm.

Replanted Tree at installation; such replacement tree shall be planted within nine (9) months of the death or serious decline of the original Replanted Tree. Tree planting and transplanting shall adhere to the most current American National Standards Institute (ANSI) A300 (Part 6) Tree, Shrub and other Woody Plant Management – Standard Practices (Planting and Transplanting).

8.39.6. ADMINISTRATION

6.1 Enforcement: The Commissioner of Public Works or their designee is hereby authorized to enforce the provisions of this Tree Preservation Bylaw.

6.2 Appeals: Any person who is aggrieved by refusal, order, or decision of the Reviewing Agent or Commissioner of Public Works under this Bylaw may appeal to the Select Board or its designee within 20 days from the date of such refusal, order, or decision.

8.39.7 RULES AND REGULATIONS

The Commissioner of Public Works in consultation with Town Counsel may promulgate or amend Rules and Regulations which pertain to the administration of this Tree Bylaw, and shall file a copy of said rules in the office of the Town Clerk. Such rules may prescribe the size, form, contents, style, and number of copies of plans and specifications, the procedure for the submission and approval of such plans, and the procedure for determining final compliance with these regulations. The adoption or amendment of Rules and Regulations shall be after a public hearing to receive comments on the proposed or amended Rules and Regulations. The public hearing shall be advertised once in a newspaper of general local circulation, at least 14 days prior to the date of the public hearing.

And also, to amend Article 10.3 of the Town's Non-Criminal Disposition Bylaw by adding the following: Table of Specific Penalties under Article 10.3:

Article 8.39 Tree Preservation By-law:

For each violation: \$300.00 per Protected Tree, per day, until mitigation required under Article 8.39 is complete.

or act on anything relative thereto.

ARTICLE 11

Submitted by: Nancy Heller

To see if the Town will amend the General By-Laws as follows:

By amending Section 5.3.9 of the Demolition Delay By-Law (language to be inserted appears in **bold**):

SECTION 5.3.9 EXTENDED WITHHOLDING OF DEMOLITION PERMIT

The Building Commissioner shall withhold the Demolition Permit for a period of one year, or for a period of eighteen months if the building meets the criteria of Section 5.3.5(b), from the date upon which the final determination was made that a building is a Significant Building except as provided in Section 5.3.11, **provided however that other provisions of this section 5.3.9 notwithstanding, during the first 12 months**

subsequent to the date of approval by the Attorney General (the “24 Month Approval Date”), the Building Commissioner shall withhold the Demolition Permit for a period that shall not expire sooner than that date which is 24 months subsequent to said “24 Month Approval Date or that date that otherwise provided above, whichever shall be the later.

Or act on anything relative thereto.

ARTICLE 12

Submitted by: Nancy Heller and Sean Lynn-Jones

To see if the Town will amend the Zoning By-Law as follows:

By adding the following new Section 4.14 (language to be inserted appears in **bold**):

§4.14--TEMPORARY DEMOLITION MORATORIUM

1. Purpose

The purpose of this section is to temporarily prevent the demolition of buildings that are principal structures while the Department of Planning and Community Development engages in planning studies that respond to Section 3A of M.G.L. Chapter 40A, including reducing the likelihood of demolitions and preserving moderately-priced and affordable housing.

.

2. Moratorium

- a. The Building Department shall not issue any permits for demolition of a building in Brookline that is a residential dwelling where the dwelling is to be replaced with any residential structure that will change the building footprint, subject to the exceptions enumerated below. “Demolition” and “Building” are defined as in Section 5.3.2 of Article 5.3 of the Town’s General By-Laws.**
- b. Geographical Scope—The Temporary Demolition Moratorium shall apply throughout Brookline, subject to the exceptions enumerated below.**
- c. Duration—The Temporary Demolition Moratorium shall be effective from the date of its adoption by Town Meeting until December 31, 2023; provided, however, that by vote at Town meeting before said date, the Temporary Demolition Moratorium may be extended for an additional period to continue planning studies necessary to promote the establishment of long-term regulations consistent with sound land use planning goals and objectives. It is anticipated that any amendments to the General By-Law and any Zoning By-Law and map amendments will be completed no later than the Fall 2023 Special Town Meeting.**

3. Exceptions

- a. **Emergency Demolition for Health and Safety Reasons—The Temporary Demolition Moratorium shall not restrict the Building Commissioner from immediately ordering the demolition of any building in the event of imminent danger to the public's safety or health due to deteriorated conditions. Prior to such demolition the structure shall be inspected by the Building Commissioner, and findings and reasons for immediate demolition shall be recorded in a written report to the Planning Board, Preservation Commission, and Demolition Prevention Committee.**
- b. **Town, State, or Federal Property—The Temporary Demolition Moratorium shall not apply to any buildings owned by the Town of Brookline, the Commonwealth of Massachusetts, the federal government of the United States of America, or any foreign government.**
- c. **Demolition Permits that Have Been Granted—The Temporary Demolition Moratorium shall not apply to any demolition permits that have already been granted as of the effective date of the moratorium.**
- d. **Accident or Disaster—The Temporary Demolition Moratorium shall not apply to demolitions that are the result of fire, accidental catastrophic damage, or a natural disaster. In any such case, demolition will be allowed only if the Building Commissioner declares that the damage is of such an extent that full demolition is necessary.**

4. Severability

The provisions of this by-law shall be deemed to be severable. Should any of its provisions be held to be invalid or unconstitutional by a court of competent jurisdiction or the office of the Attorney General of the Commonwealth of Massachusetts, the remainder shall continue to be in full force and effect.

Or act on anything relative thereto.

ARTICLE 13

Submitted by: Susan M. Roberts TMM Pct. 17, Elton Elperin, Dennis DeWitt

To see if the Town will (1) amend the Zoning By-law Article 5.09, Design Review, by adding a new Section 5.09(2)(o), and (2) amend the Zoning By-law, Article 4.01, Permitted Uses, by adding a new Section 4.01(3) (d), both as follows:

1. Zoning By-law, § 5.09 Design Review, Section 2
 - (o) Any demolition of a principal structure for which a stay of demolition imposed by the Preservation Commission in accordance with the Town's bylaws has expired without the Preservation Commission having advised the Building Commissioner in writing that the Commission: (i) has found that there is no reasonable likelihood that the building can be preserved, restored, rehabilitated or moved, and (ii) is satisfied with the use, design and improvement of the property following demolition, as stipulated by the Commission.
2. Zoning By-law, § 4.01, Permitted Uses, Section 3
 - (d) The use necessitates the demolition of a principal structure that is subject to § 5.09(2)(o).

Or act on anything relative thereto.

ARTICLE 14

Submitted by: Alec Lebovitz TMM8 and Mike Toffel TMM8

To see if the Town will amend the Town's General By-laws as follows (language to be added appearing in underline):

ARTICLE 4.2 ANNUAL REPORTS

SECTION 4.2.7 ASSESSORS' REPORT

The Assessors shall append to their annual report a table of the valuation, real, personal and total, the rate of taxation, and the amount of money raised.

The Assessors shall include in the Town's Annual Report a table listing all real property that is not required to pay property tax and is not government-owned, and for each such property, the amount that would be assessed if the property were required to pay property tax, whether (and when) the Town has requested from the property owner a Payment in Lieu of Tax (PILOT) Agreement or other agreement, the payment amount the Town requested, the proposed or applied tax rate and annual index rate specified in that request or agreement, the payment amount received from the property owner, the percent of the payment requested that was received, the remaining amount requested that was not paid, the most recent date the agreement was issued or amended, and other related information.

or act on anything relative thereto.

ARTICLE 15

Submitted by: Susan Park TMM17, Bruce Levin TMM17, Wadner Oge TMM15, Cher Duffield TMM10, Ana Otero TMM6, Ariel Soiffer TMM2, Rich Snyder TMM2, Aone Wang TMM8, Alitza Soiffer (high school student)

Article 8.37.4

~~BEE IF FURTHER RESOLVED that \$75,000 for the cost of the study shall either be included in the FY24 funding from a portion of the Community Preservation fund that is dedicated to recreation or be included in the FY24 Capital Improvements Plan; with a completion date for the feasibility study of July 1, 2024.~~

~~Or act on anything relative thereto.~~

ARTICLE 41

Submitted by Wendy MacMillan, Kimberley Richardson, Deborah Brown

To see if the Town will adopt the following resolution:

WHEREAS the shortage of affordable housing in Brookline harms very-low, low, moderate, middle, and upper-middle income residents, especially renters;

WHEREAS Brookline residents participating in the 2021 Housing Production Plan community engagement sessions consistently expressed issues with housing instability and a need for more affordable housing;

WHEREAS Brookline's affordable housing stock is very limited. June 2015 HPP data offers the most recent data, but the housing availability has only worsened. There are 670 units non-profit subsidized housing; 426 units senior/disability; 82 units special needs; 73 single room occupancy (SRO) units; 89 general units; and 88 general affordable homeownership units;

WHEREAS Brookline Housing Authority (BHA) has 923 units, 4589 are senior/disability, 31 special needs and 434 unrestricted;

WHEREAS Brookline has 380 subsidized units; of that 153 are senior and disabled units and 227 general units;

WHEREAS exclusionary zoning disproportionately harms buyers and renters of color¹⁵;

WHEREAS the price of homes for sale in Brookline, like those in the rest of the Boston area, have doubled over the past ten years¹⁶;

WHEREAS Brookline has 2,910 units (11.1%) according to DHCD's Subsidized Housing Inventory, but this total includes units under construction or not ready for occupancy, units permitted and not constructed¹⁷;

WHEREAS because Brookline reached its Chapter 40B safe harbor threshold (10%) in 2022, this eliminates an incentive to build affordable housing under 40B¹⁸;

¹⁵ <https://www.whitehouse.gov/cea/written-materials/2021/06/17/exclusionary-zoning-its-effect-on-racial-discrimination-in-the-housing-market/>

¹⁶ <https://www.zillow.com/brookline-ma/home-values/>

¹⁷ <http://www.brooklinema.gov/1311/Chapter-40-B-Status>

¹⁸ <https://www.wickedlocal.com/story/brookline-tab/2020/07/08/brookline-meets-40b-threshold-but-affordable-housing-talks-not-over-yet/114692922/>

WHEREAS meeting Chapter 40B affordability and unit creation standards will not address Brookline's housing needs;

WHEREAS the Brookline Zoning Bylaw floor area ratio requirements, limit housing production in Brookline and further exacerbate Brookline's housing shortage;

WHEREAS there is a lack of incentives in Brookline's Zoning Bylaw for developments to include all income-restricted affordable housing units;

WHEREAS Affordable Housing Overlay Districts (AHODs) have proven to increase affordable housing. Cambridge, Somerville and North Reading are Greater Boston communities that have passed AHOD bylaws and regulations;

WHEREAS establishing an AHOD will promote the public good by supporting the development of housing that is affordable to households earning at or below 120% of the area median income.

WHEREAS numerous communities have found that incremental increases in density, limited increases in height, and relaxation of certain other zoning limitations for residential developments in which all units are made permanently affordable to households earning at or below 120% of the area median income is achievable without stressing municipal infrastructure;

WHEREAS AHODs would serve to incentivize the reuse of existing, buildings in order to create AHOD Projects that are more compatible with established neighborhoods and align with Brookline's design objectives;

WHEREAS communities have seen significant benefits when AHOD Projects are permitted as-of-right, subject to non-binding advisory design consultation procedures that follow all design objectives;

WHEREAS AHODs will promote affordable housing objectives, promote greater socioeconomic diversity, and ensure a more equitable distribution of affordable housing town-wide;

WHEREAS- Brookline has passed the Community Preservation Act and continues to seek passage of the real estate transfer fee which, along with Brookline's Affordable Housing Trust, can provide subsidy funds to promote AHOD development;

WHEREAS Brookline, a MBTA community, is required to have zoning that provides for at least I district of reasonable size in which multi-family housing is permitted as of right;¹⁹

WHEREAS according to the Intergovernmental Panel on Climate Change (IPCC) "Established cities will achieve the largest greenhouse gas emissions savings by replacing, repurposing, or retrofitting the building stock, targeted infilling and densifying"²⁰; in other words, AHODs would likely result in a healthier environment;

¹⁹ <https://www.mass.gov/info-details/multi-family-zoning-requirement-for-mbta-communities>

²⁰ https://www.ipcc.ch/site/assets/uploads/2022/04/P56_Doc_4_Changes_to_the_Underlying_Scientific-Tech_Assessment.pdf

WHEREAS having denser and smaller housing units around shops, public transportation, and job hubs, near Boston (as opposed to housing in suburbs further from workplaces) is more environmentally efficient²¹;

WHEREAS creating significant additional affordable housing, with varying tiers of affordability, will provide housing opportunities for current and future Brookline residents, including people who live in BHA properties

WHEREAS housing density may also increase economic development and thus Brookline's goals for its commercial tax base.²²

THEREFORE BE IT RESOLVED that, in order to alleviate the dramatic shortage of affordable homes in Brookline; and to provide a meaningful incentive for the construction of mixed-income affordable housing developments in Brookline, the Select Board will create and charge an Affordable Housing Overlay District Study Committee with studying an affordable housing overlay district for Brookline. The committee shall be composed of no more than eight residents that reflect the economic and racial diversity found in Brookline, with at least two members who live or have lived in public or affordable housing, at least one member with zoning experience, one member who will serve on the Housing Advisory Board, and at least two members with expertise in affordable housing development. They are to issue a report no later than November 2023, recommending zoning bylaw language which would make zoning changes to create an AHOD in Brookline with the following characteristics:

- i. All housing units in an eligible housing development must include permanent affordability deed restrictions which include both rental and home price limits and gross household income limits. Housing units will be for households meeting gross household income limits which are annually published by the U.S. Department of Housing and Urban Development, and will be certified upon initial occupancy and recertified annually. Restrictions must ensure that the following income tiers are served:
 - a. Very low-income households earning up to 30% of area median income (AMI);
 - b. Low-income households earning up to 60% of AMI;
 - c. Moderate-income households earning up to 80% of AMI; and
 - d. Middle-income households earning up to 120% of AMI.

or act on anything relative thereto.

ARTICLE 42

Reports of Town Officers and Committees

²¹ <https://www.housingconsortium.org/2020/11/19/pro-environment-pro-density/>

²² The Power of Density By Richard Florida. The Atlantic, SEPTEMBER 8, 2010

Organizations like the World Bank also see the financial, social and environmental benefits of density. See High Density Cities Hold the Key to Transforming Economic Geography

STAFF UPDATES ON HOUSING-RELATED PROJECTS – September 2022

1. Affordable Homeowner Resales and Monitoring:

- The closing of a three-bedroom unit for sale at Olmsted Road is scheduled for September 27th. The buyer is currently a renter at the BHA's project at 86 Dummer Street.
- The Housing Division is accepting applications for participation in a lottery of a 1-bedroom unit in Juniper Gardens. Application process and guidelines are available at the Town's website: <https://brooklinema.gov/231/Affordable-Housing-Search>
- Monitoring of affordable housing rental HOME-assisted units is scheduled for late October. Staff will be monitoring 1754 Beacon Street and Trustman Apartments as required by the HOME program.

2. Affordable Housing Development Projects:

- 32 Marion Street and 108 Centre Street have both received state funding from DHCD and plan to close at the end of 2022 or early 2023. Construction is anticipated to begin in the spring of 2023.
- 108 Centre Street – Staff has been working on the Environmental Review. The Town, DHCD and the HOME Consortium released a Notice of Finding of No Significant Impact and Intent to Request Release of Funds on September 17. Request of funding will be submitted by October 3rd. Interested parties are invited to comment on the environmental assessment. Hard copies are available at Brookline Planning Department and the Brookline Library
- A long awaited Ribbon Cutting event was held for 2Life's Brown House at 370 Harvard Street, delayed for nearly two years because of Covid. The project is a beautiful home for 62 senior households and will continue to be an important resource for the Town for many years.

3. Current 40B Projects:

- 45 Bartlett Crescent (25 ownership units including 6 affordable units) and 217 Kent Street (100 rental units including 25 affordable units) have both been approved over the past several months and added to the Town's subsidized inventory (SHI).
- Over the summer 21 Crowninshield Road marketed two spectacular 3+-bedroom affordable units. The lottery is being conducted by SEB and will take place on September 26th. Staff assisted in the marketing and outreach for these units.
- An updated list of 40B projects that have been approved and/or are still in process is included in this package. This reflects all 40B projects that are not yet complete (but are under review, approved and/or in construction) and

permanently on the SHI - a total of 17 projects containing 1,237 units including 405 units of which are affordable. Updates about each project can be found at: <https://brooklinema.gov/1311/Chapter-40B-Status>

- Currently the Town's Subsidized Housing Inventory (SHI) is 11.11%. <https://www.brooklinema.gov/DocumentCenter/View/29086/Brookline-SHI-3-1-22>

4. Current Inclusionary Zoning Projects:

- Two Inclusionary Zoning Projects have been completed and made payments to the Housing Trust: 20 Boylston Street (aka 69 Walnut Ave.) has closed on six of the total of fourteen units and has paid a total of \$593,460 to the Trust. 54 Auburn Street is complete and paid a total of \$400,605 into the Housing Trust. In addition, the six unit project at 199-201 Boylston Street is seeking to obtain its CO, at which point it will pay \$91,000 to the Housing Trust.
- Several other IZ projects have been approved or in the approval process. A full list of all currently active Inclusionary Zoning Projects is included in this package.

5. Housing Production Plan:

- Housing Production Plan Community Forum #3 was held on June 27, 2022, 7-9 pm. Over 140 people registered for the meeting and approximately 95 participated. At the meeting, Barrett Planning Group discussed the housing needs assessment component of the HPP. They gave an overview of Brookline's existing affordable inventory, local housing needs and first thoughts on the Town's housing goals. The latter part of the meeting focused on location based analyses undertaken by Dodson & Flinker, done as a follow up to the 2nd community forum where participants explored options for affordable housing development in a variety of locations in Brookline as part of a facilitated discussion that sought input to identify districts and areas for further study. A number of scenarios were presented, including the Babcock Street parking lot, Newbury West and Washington Square.
- On September 18th at Brookline Day, Staff and consultants from Dodson & Flinker presented potential housing scenarios on a variety of sites, including the parking lot on the southern corner of Babcock Street and John Street. Community members enjoyed discussing future scenarios while standing across the street from the property.
- We will wrap up the Housing Production Plan this fall with an update to the HAB before asking the Planning Board and Select Board to approve the HPP document before it is submitted to the MA Dept of Housing and Community Development.
- More information about the Housing Production Plan can be found on the Town website at <https://www.brooklinema.gov/1299>

6. CDBG Funded Capital Projects:

- Staff is awaiting the Grant Agreement from HUD to fund FY 2022-2023 projects using CDBG. Once staff has received the HUD Grant Agreement, contracts will go out to recipients to be signed and executed. For the coming grant year, CDBG will fund capital improvements through the project “Residential Health and Safety Projects” with the top priority being the High Street Veterans development.
- The Brookline Housing Authority is working on closing out the installation of new boilers for the High Street Veterans development. The FY2021 contract for door installation at the Trustman Apartments has been extended as a result of material shortages due to COVID-19.

7. Comprehensive Plan update & Zoning reform

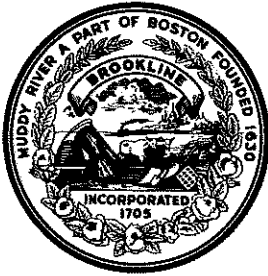
- On September 20th, the Select Board voted a slate of members for the Planning Process Study Committee, including HAB Member Jonathan Klein, which will recommend a scope and budget (including staffing recommendations) for the Comprehensive Plan update, especially with regards to defining the detail of community engagement that will need to be budgeted for. That budget will be voted on by Spring Town Meeting, and the process will likely take 2-3 years. The scope as voted is attached to this memo.

8. Newbury Study Committee

- A draft charge was discussed by the Select Board on August 23rd. The Select Board requested additional information from Melissa Goff regarding the current Capital Improvement Program bandwidth for additional capital projects (assuming no additional debt exclusions other than Pierce & Fire Station redevelopment & rehab). Associated materials presented are:

https://meetings.brooklinema.gov/OnBaseAgendaOnline/Documents/DownloadFile/CHARGE_FISHER%20HILL%20USES%20ADVISORY%20COMMITTEE%208-9-22.DOCX.pdf?documentType=1&meetingId=1493&itemId=36309&publishId=24017&isSection=False&isAttachment=True

<https://meetings.brooklinema.gov/OnBaseAgendaOnline/Documents/DownloadFile/FISHER%20HILL%20WEST%20SB%208-23-22.PPTX.pdf?documentType=1&meetingId=1493&itemId=36309&publishId=24016&isSection=False&isAttachment=True>



Town of Brookline

Massachusetts

**Department of Planning and
Community Development**

Town Hall, 3rd Floor
333 Washington Street
Brookline, MA 02445
(617) 730-2130

Kara Brewton
Director

Planning Process Study Committee Scope

Charge for Planning Process Study Committee

The Committee, in consultation with the Department of Planning and Community Development and the Town Administrator, is charged with developing a timeline, work program, budget and scope for an inclusive, community-driven planning and zoning reform process. Specifically, the Committee should:

- 1) Summarize why the Town needs to update their Comprehensive Plan now. In other words, what is the risk for Brookline if the Comprehensive Plan is not updated?
- 2) Review best practices for modern Comprehensive Plans, including but not limited to other community Comprehensive Plans and the regional Metropolitan Area Planning Council's regional plan to identify what would be appropriate for Brookline's Comprehensive Plan. For example, although state law defines elements (e.g., Land Use, Circulation, etc.) that should be included when a Master Plan is completed, many modern Comprehensive Plans are organized across these segmented elements so that a cohesive, prioritized Town policy directive is laid out.
- 3) Review prior planning studies and make a recommendation on which of these should be incorporated, rather than duplicated, during the overall planning process.
- 4) Outline a Comprehensive Planning process that includes, but is not limited to:
 - a. incorporates perspectives from a full spectrum of stakeholders;
 - b. develops a shared fact-base of existing conditions (local and regional), including qualitative and quantitative measurements of current and potential (i.e. build-out) land use, inequities, public services, infrastructure, and community assets compared to peer communities;

- c. creates and analyzes a variety of demographic (local and regional) and land-use projections, including a “no zoning change” scenario;
- d. inventories public infrastructure capacities and future needs;
- e. identifies implementation priorities and other potential tasks across all Town Departments and the Public Schools of Brookline;
- f. takes into account a set of Town goals and priorities developed by the Select Board and Town Administrator;
- g. develops a statement of Town-wide values;
- h. identifies benchmarks for the Town and Public Schools of Brookline that reflect Town-wide values and performance metrics for Town services and facilities;
- i. explores a variety of planning and zoning tools and techniques including form-based zoning; and
- j. results in a planning document that can be the basis for a Zoning Reform process, including regulations that: incentivize desired outcomes as defined in the Comprehensive Plan process, adjust regulatory processes towards more predictable outcomes for all participants, and make recommendations regarding enforcement related to use, development and construction (e.g., processes, staffing, enforcement fines).

5) Scope & Budget Development

- a. Recommends to the Planning Board and Select Board a detailed scope and budget for the Comprehensive Planning process, including staff and volunteer time
- b. Recommends to the Select Board an estimated budget for the Zoning Reform process, including staff and volunteer time, which will need to be updated once the Comprehensive Planning process is complete

Timing

The Committee should recommend draft cost estimates to the Town Administrator and Select Board by the end of October 2022 in order to inform the FY2024, FY2025, and FY2026 budgets. The Committee should also prepare updates to Town Meeting in the Combined Reports in Fall 2022 and Spring 2023. I am recommending the Committee not meet in November and December, and then wrap up in January and February 2023 with final scope recommendations.

Following budget votes at the Spring 2023 Town Meeting, we could issue a Request for Proposals for the Comprehensive Planning effort over the Summer, with the first public phases of the Comprehensive Planning process commencing in Fall 2023.

IZ Projects - Approved or In Process:
Updated September 1, 2022

	Total Units:	New Units:	Affordable Units:	Zoning Permit:	Building Permit:	Expected Completion:	
Approved:							
20 Boylston Street	14	14	cash payment (9%)	2018	2019	complete	Condos - Const. completed. Received 6 payments to date.
199-201 Boylston Street	6	6	cash payment (3%)	2019	2019	mid 2022	Rentals - construction complete/ fee calculated at \$91,000
615 Heath Street	33	33	\$2.1 million cash	2021	none	late 2022	Assisted Living - \$2.1 million cash payment - 1st payment made
603 - 619 Boylston Street	12	12	cash payment (7.5%)	2019	none	?	Condos - approved - in litigation with neighbors still?
The Coolidge	140	140	11 + \$3.275 million	2019	none	?	Rentals - DAT complete - applied for Building Permit
58 Kent Street	9	9	cash payment (5.25%)	2020	2020	?	Condos - under construction - very early in process
14 Green Street	5	5	cash payment (3%)	2020	none	?	Condos - zoning approved - no building permit
1684 Beacon Street	5	5	cash payment (3%)	2021	none	?	Rentals - zoning approved - no building permit
1693 Beacon Street	4	1	cash payment (.5%)	2021	none	?	Rentals - zoning approved - no building permit
15 Euston Street	4	1	cash payment (.5%)	2021	none	?	Condos - zoning approved - unclear about permit
5 Strathmore	4	1	cash payment (.5%)	2021	none	?	Rental - received zoning approval - no building permit
7 Strathmore	4	1	cash payment (.5%)	2022	none	?	Rental - received zoning approval - no building permit
320 Tappan Street	4	4	cash payment (2%)	2022	none	?	Rental - received zoning approval - no building permit
40 Strathmore	4	1	cash payment (.5%)	2022	none	?	Rental - received zoning approval - no building permit
1906 Beacon Street	7	3	cash payment (1.5%)	2022	none	?	Rental - received PB approval/ZBA on June 23rd

In Process:

92 Sewell Ave/153 St. Paul	13	13	cash payment (11%)				Condos - under review by PB/ZBA - continued until 9/1
1093 Beacon Street	?	?	Unclear what the current proposal is - large units?				Under PB review/ZBA - continued until 9/1

Total: 268 249 11 affordable units + cash payments

40B Projects Currently Underway

(updated September 1, 2022)

For more info go to: <https://www.brooklinema.gov/1311/Chapter-40B-Status>

	Total	Affordable	Tenure:	Decision	Current
	Units:	Units:		Filed:	Status:
40B Projects - approved:					
Residences of South Brookline	175	35	rental	11/6/2019	under construction/lottery complete/all small buildings have CO and Ashville expected Oct/Nov
21 Crowninshield	8	2	ownership	4/14/2016	construction complete/Affirmative marketing underway
40 Centre Street	40	10	rental	2/8/2017	Seeking modification - other abutter litigation nearly resolved
1180 Boylston Street	50	10	rental	3/23/2017	under construction
Babcock Place	45	12	rental	4/5/2018	expected completion 2022?/affirmative marketing not yet begun
Puddingstone	250	50	rental	10/29/2018	Pulled Building Permit on Feb 9, 2022. Units re-added to the SHI
1299 Beacon Street	55	11	rental	10/2/2019	appeal complete - next step building permit
445 Harvard Street	25	5	rental	12/17/2019	appeal with abutter resolved - next step building permit
500 Harvard Street	25	5	rental	8/25/2021	under appeal at the HAC - expect resolution soon
209 Harvard Street	44	11	rental	9/20/2021	Comp Permit approved & filed on Nov 1, 2021
32 Marion/BHA Col Floyd	115	115	rental	12/1/2021	Comp Permit approved & filed on December 1, 2021 - building permit and closing by early '23
108 Centre Street	54	54	rental	12/29/2021	Comp Permit approved & filed on December 29, 2021 - building permit and closing by early '23
83 Longwood Ave	64	13	rental	2/8/2022	Comp Permit approved on Feb 8, 2022.
45 Bartlett Crescent	24	6	ownership	5/19/2022	Comp Permit approved and filed on May 19, 2022
217 Kent Street	100	25	rental	8/22/2022	Comp Permit approved and filed on August 22, 2022
Total:	1074	364			

40B Projects - under review:

845 Boylston Street	40	10	rental		Submitted Comp Permit on Feb 4, 2022/Hearing opened March 21 2022/Deadline Sept 17
1223 Beacon Street	123	31	rental		Comp Permit submitted to ZBA - continued until 9/2023
Total:	163	41			

TOTAL: 1237 405

BROOKLINE AFFORDABLE HOUSING RESOURCES - CURRENT SOURCES AND USES
As of September 1, 2022

DRAFT

	TOWN SOURCES			
	HOME	CDBG	HOUSING TRUST	TOTAL
Current Balance	\$0	\$0	\$7,355,441	\$7,355,441
ANTICIPATED FUNDS				
HOME FY21-FY23 Allocations plus Program Income	\$861,299			\$861,299
CDBG FY21 - FY23 Allocations plus Program Income		\$628,637		\$628,637
Negotiated Inclusionary Zoning Payment Received (615 Heath Street)			\$1,050,000	\$1,050,000
Inclusionary Zoning Payments from 20 Boylston St. (to date)			\$593,460	\$593,460
FY 22 Free Cash (approved by Town Meeting)			\$427,012	\$427,012
Inclusionary Zoning Payment Received (54 Auburn Street)			\$400,605	\$400,605
COMMITTED AND PROPOSED USES				
Homeownership Affordability Preservation and Foreclosure Prevention Self-Aside				
BHA Preservation Initiative Revolving Credit Facility (for Pre-Development) - Currently remaining of \$400K			(\$428,959)	(\$428,959)
Consulting Contract for Inclusionary Zoning Financial Analysis - current remaining on contract			(\$106,676)	(\$106,676)
Consulting Contract for Housing Production Plan - current remaining on contract			(\$1,500)	(\$1,500)
Preliminary Commitment for 108 Centre Street Project (projected)			(\$105,585)	(\$105,585)
Escrow for BHA 32 Marlon Street Project (first payment from WellTower)	(\$861,299)	(\$628,637)	(\$1,885,064)	(\$3,375,000)
CURRENT UNENCUMBERED BALANCES AFTER CURRENT PROJECT COMMITMENTS	\$0	\$0	\$4,036,233	\$4,036,233

1 Balance of \$500,000 reserve gap subsidy associated with 323 Boylston and Juniper Gardens foreclosures. Also net of \$12,500 loan to homebuyer at Winchester Arms)
 2 Balance of \$400,000 Self-Aside for BHA Preservation Initiative Revolving Credit Facility.

*Note: An additional \$1.6 million (approximately) is anticipated in FY23 - Payments to the Housing Trust from projects subject to 4.08 (Inclusionary Zoning)
 In addition, a large negotiated payment is expected within the next several years (Waldo/Durbin: \$3.275 million)*