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Date: October 11, 2022

To: Select Board, Advisory Committee, Planning Board, Housing Advisory Board, Zoning By-Law Committee

From: Anne Meyers & Paul Saner, Economic Development Advisory Board
Co-Chairs

cc: Susan Roberts, Dennis DeWitt, Elton Elperin, Charles Carey, Melissa Goff, Kara Brewton, Meredith Mooney, Victor Panak, EDAB Members

Re: Warrant Article 13

On October 3rd, the Economic Development Advisory Board (EDAB) voted 0-9-2 on a motion for favorable action on an amended version (dated 9/28/22) of Warrant Article 13 following a presentation from the co-petitioners and a public hearing.

Article 13 proposes to amend Section 5.09 of the Town's Zoning By-law to require a Special Permit for Design Review after the expiration of a stay of demolition. The stated objective is "to reduce the alarming number of demolitions of 19th and early 20th century single, two- and three-family homes throughout Town" which are found by the Preservation Commission to be historically or architecturally significant. A Special Permit for Design Review would be required if a homeowner or developer decided to wait out the stay of demolition.

While a number of EDAB members expressed concerns about the number of demolitions in Town and support for a stronger design review process, no one felt that Article 13 is the way to solve the problem.

The following concerns were raised about Article 13:

- Article 13 is much broader than it needs to be to achieve its stated goal.
There was significant discussion and comment on the broad scope of the proposal and the fact that it includes all zoning districts, not just the targeted residential zones, and all commercial and residential buildings. Unlike the Coolidge Corner Overlay District, this

proposal is not limited to principal structures or complete demolition. The Article uses the broad definition of demolition from the General By-Law, which includes tearing down or covering any side or 25% of any exterior wall, removing any historically significant exterior architectural elements, or even – in certain circumstances – gutting an interior space.

In addition, data supplied by the co-petitioner confirmed that there are few full demolition applications in the M, L and G districts, which is consistent with the lack of redevelopment in these zones due to present zoning dimensional constraints.

- Article 13 does not entirely meet the petitioners' stated objective.

The ultimate effect of Article 13 will likely be significantly diminished due to the requirements of M.G.L. c. 40A, §6 and special allowances it makes for prior non-conforming one or two-family residential structures that would prevent the Town from imposing a Special Permit Design Review requirement.

- Several of the concerns raised by Town Counsel's September 19th memo were cited.

These included the use of zoning by-laws to deny the issuance of otherwise legitimate demolition permits, the Town wide scope of Article 13 and the unresolved Land Court case at 370 Washington Street requiring a Design Review Special Permit after the demolition stay had expired.

- There was concern that the terms of the Article may provide a disincentive for density in areas of Town where additional development is desirable.
- The review process described in Article 13 is likely to add time and cost to the construction of housing in town. This will result in an unnecessary delay for homeowners who simply want to add an addition (partial demo) and keep the existing home intact.
- There was a suggestion that the problem with demolitions in the T and F zones could be better addressed by providing incentives.

A key redevelopment issue is that many smaller residential properties are presently underbuilt in relation to allowed FAR which results in large unaffordable units. Increasing the cap for the number of units as a preservation incentive could help with this.

- Article 13, if passed, could complicate the Town's response to the MBTA Communities Act.