

ARTICLE 11

**AMENDMENT TO THE PETITIONER MOTION OFFERED
BY SIMON GROSSMAN, TMM7, AND C. SCOTT ANANIAN, TMM10
(Original motion in boldface; changes in underline and blue.)**

MOVED: To 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 and excepting a project containing at least 75% affordable housing units as defined in section 4.08 of the zoning bylaw, during the first 12 months 16 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.**

ARTICLE 12

**AMENDMENT TO THE HELLER, LYNN-JONES MOTION
OFFERED BY SIMON GROSSMAN, TMM7, AND C. SCOTT ANANIAN,
TMM10
(Changes in underline and blue.)**

A Resolution to urge the Department of Planning and Community Development to study proposals to reduce the number of demolitions in Brookline

WHEREAS, many buildings are being demolished in Brookline; and

WHEREAS, demolitions contribute to carbon emissions and have negative effects on climate change and the environment, leading many experts to say that “the greenest building is the building that already exists”; and

WHEREAS, demolitions often eliminate moderately priced housing and replace it with more expensive units without increasing the overall number of housing units; and

WHEREAS, demolitions eliminate attractive buildings that contribute to the overall look and feel of the streetscape and often replace them with buildings that are out of scale and do not contribute to an attractive and welcoming public realm; and

WHEREAS, demolitions often include removing all the trees on a property; and

WHEREAS, demolitions often eliminate greenspace or open space; and

WHEREAS, demolitions sometimes destroy buildings with architectural or historical significance; and

WHEREAS, recent state legislation (Section 3A of M.G.L. Chapter 40A) calls for MBTA communities to adopt zoning for “as of right” multifamily development in areas near transit no later than December 31, 2023; and

WHEREAS, Brookline’s Department of Planning and Community Development will develop the Town’s response to Section 3A of M.G.L. Chapter 40A with the goal of submitting recommendations to the November 2023 Town Meeting; and

WHEREAS, any new policies and bylaws to reduce the number of demolitions in Brookline need to be carefully integrated with one another and the Town’s response to Section 3A of M.G.L. Chapter 40A; and

WHEREAS, the Town has just begun a comprehensive planning and zoning reform effort to define a community driven vision for our future land-use, and we need to minimize the loss of significant structures in the interim.

NOW THEREFORE BE IT RESOLVED, that Town Meeting urges the Department of Planning and Community Development, to (1) study the trends and location of demolition activity in Brookline; (2) identify the main contributing factors precipitating demolitions; (3) review Section 5.09 paragraph 4 in relation to how these standards could be applied to improve development outcomes in the case of demolitions; (4) prepare changes to the General By-Laws and the Zoning By-Law that are consistent with sound land use planning goals and that would reduce the number of buildings that are demolished in Brookline, and (5) submit relevant warrant articles for consideration at a future Town Meeting.

BE IT FURTHER RESOLVED that Town Meeting urges the Department of Planning and Community Development to consider measures to reduce the number of demolitions in Brookline, such as:

- Reducing the allowable floor area ratio (FAR) in certain zoning districts where the allowable FAR significantly exceeds the FAR of current structures.
- Developing neighborhood-sympathetic form-based zoning-, consistent with M.G.L. 40A
- Allowing a greater number of housing units—including affordable units—than the underlying zoning allows, if the principal structure is preserved, perhaps through a preservation restriction.
- Allowing the creation of Neighborhood Conservation Districts and a related design review board under M.G.L. Chapter 40A (Zoning) to replace the Town's disallowed Home Rule based Neighborhood Conservation District bylaw.
- Extending the current 12 month and 18 month demolition delays respectively to 18 and 24 months, except as it pertains to affordable housing as defined in 4.08 of the Bylaw.
- Requiring demolition applicants to make a documented good faith effort to sell the property to someone who will use or repurpose it to achieve Brookline's affordable housing goals~~without demolition, as required in some locations in the state.~~
- Extending the special permit for demolition required in Section 5.09 2a of the Zoning By-Law to certain other parts of Brookline. (According to that section, all properties on or within 100 feet of Washington, Harvard, Beacon, and Boylston Streets, and Brookline Avenue or any structure or outdoor use on a lot any part of which is located in the G-1.75 (CC) or L-0.5 (CL) Districts requires a special permit and design review for demolition and subsequent construction.), except if it is part of an affordable housing overlay district or otherwise impedes affordable housing development

- Extending the design review/special permit requirement that applies to any substantially complete demolition of a principal structure in the Coolidge Comer Design Overlay District to certain other parts of Brookline.

ARTICLE 13

**AMENDMENT TO THE PETITIONER MOTION OFFERED
BY SIMON GROSSMAN, TMM7, AND C. SCOTT ANANIAN, TMM10
(Original motion in boldface; changes in underline and blue.)**

MOVED: That 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:

18 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; provided, however, that this subparagraph o. shall not apply to principal structures in the S-40 and S-25 Districts, nor to any such structure otherwise subject to design review under this Section 5.09, nor projects containing at least 75% affordable housing units as defined in section 4.08 of the zoning bylaw.

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).

ARTICLE 14

SELECT BOARD'S SUPPLEMENTAL RECOMMENDATION

At the Select Board meeting on 11/15 the Select Board discussed Article 14. The Board received a recommendation from the new Finance Director on this article. The Finance Director did not recommend support of this article because he did not believe that it would advance the goal of greater participation in the PILOT program. Proactively publishing details on organizations participating in this program, and on those that do not participate, was viewed as confrontational, and could discourage currently participating entities from continuing their involvement. A majority of the Board agreed that the carrot approach towards engaging with non-profits was preferable over the stick approach suggested by the petitioners. Two Board members did not see the transparent intent under this article as being a deterrent for the program.

The Select Board voted NO ACTION on the motion offered under Article 14.

ROLL CALL VOTE:

<u>Aye:</u>	<u>No:</u>
Hamilton	Aschkenasy
Greene	Sandman
VanScoyoc	

ARTICLE 31

**MOTION TO REFER THE SUBJECT MATTER OF ARTICLE 31 TO THE
COMMISSION FOR DIVERSITY, INCLUSION, & COMMUNITY RELATIONS
OFFERED BY ALEC LEBOVITZ, TMM8, AND ROBERT LEPSON, TMM9**

Be it moved that Warrant Article 31 be referred as follows:

VOTED:

To refer the subject matter of Article 31 to the Commission for Diversity, Inclusion, and Community Relations (CDICR) and the Complaint Process Committee thereof for further study and consideration, and to allow for resubmission to the Spring 2023 Annual Town Meeting.

ARTICLE 36

SELECT BOARD'S SUPPLEMENTAL RECOMMENDATION

At the Select Board meeting on 11/15 the Select Board discussed Article 36. The Board received a recommendation from the new Finance Director on this article. The Finance Director did not recommend support of this article because of concerns with the language in part (3) of the resolution. There was concern that the language that reads “any related topics the Moderator deems appropriate or helpful,” could lead to mission creep with committee members encroaching on staff or Select Board authority.

A unanimous Board voted NO ACTION on the motion offered under Article 36.