

ARTICLE 24

MOTION OFFERED BY THE PETITIONER

Voted that the Town adopt the following Resolution:

WHEREAS, the Massachusetts Department of Housing and Community Development (“DHCD”) has enacted guidelines that impose a December 31, 2023, compliance deadline for MBTA “Rapid Transit” communities such as Brookline to present zoning plans complying with the so-called “MBTA Communities Act” (“MBTA-CA”), G.L. ch. 40A, § 3A, as determined by application of a DHCD “Compliance Model; and

WHEREAS, Brookline’s Planning and Community Development Department (“Planning Department”) developed a strategy that would involve substantial rezoning of a 48-acre district centered on the town’s commercial and residential Harvard Street corridor, as well as neighboring streets; and

WHEREAS, the Harvard Street corridor strategy of complying with DHCD guidelines presumes the elimination of parking minimums for new development along Harvard Street, and the elimination of any requirement for commercial or other publicly accessible space including, in particular, on the first floor; and

WHEREAS, these factors could threaten existing businesses, commercial vitality and existing moderately priced housing, and

WHEREAS, the Harvard Street corridor strategy is focused solely on pursuing MBTA-CA compliance with the single 48-acre zoning district; and

WHEREAS, utilizing multiple areas in town to comply with the MBTA-CA, including existing three-family and other multi-family districts or portions of other corridors, would not require the Town to impose changes on the Harvard Street corridor; and

NOW, THEREFORE, BE IT RESOLVED, that Town Meeting

A. Requests the Select Board and the Town’s legislative delegation to continue efforts to seek appropriate modifications to the DHCD guidelines; and further

B. Requests the Select Board or any designee or designees to initiate or continue efforts to examine practical alternative means of complying with the MBTA-CA, while remaining mindful of the interest in protecting our vibrant commercial areas, our interest in complying with the policies embodied in the Act, and its interest in promoting an economically and otherwise diverse community; and further

D. Requests the Select Board continue to direct the Planning Department to provide staff support to the Select Board’s Committee in analyzing options for MBTA-CA compliance, including without limitation applying the DHCD Compliance Model and developing appropriate site plan review standards.

PETITIONERS’ SUPPLEMENTAL ARTICLE DESCRIPTION

The MBTA Community’s Act (the “Act”) does not require Brookline to rezone Harvard Street. It does not mandate letting developers replace, as of right, Harvard Street businesses with luxury housing. It does not prohibit building truly affordable and more-affordable housing on Harvard Street. Only the so-called “Harvard Street strategy,” as has been proposed by the Planning Department, does that.

Yielding to no one in wanting a more diverse, affordable, and climate-sensitive community, Article 24 was petitioned in order to better achieve, among others, these objectives:

- (i) protection of our Harvard Street business districts, clearly lacking if we adopt the Harvard Street strategy;
- (ii) the production of more affordable housing, in transit-rich zones, than would be allowed by following the Harvard Street strategy; and
- (iii) dispelling the myth that compliance with the Act requires adoption of the Harvard Street strategy.

No doubt in response to the filing of Article 24, and at the direct urging of Article 24’s petitioners, the Select Board, subsequent to the closing of the Annual Town Meeting warrant, established the MBTA-CA Multifamily Permitting Committee (the “Committee”). In lieu of the Moderator’s committee contemplated by Article 24, the Select Board has, smartly, accelerated a rational, deliberative Act-compliance process. The Select Board’s Committee (which has, to date, met three times) is charged with identifying, developing, and analyzing potential options for complying with the Act, so that Town Meeting can be presented with credible and meaningful alternatives in considering how best to comply with the Act’s requirements and guidelines. The Committee will also focus on developing potential options that could, but need not include, portions of the Harvard Street strategy study area. These potential options will:

- (i) seek to minimize any adverse impact to commercial districts and existing businesses;
- (ii) include at least one option likely to incentivize the creation of additional housing units that are suitable for all stages of life and income levels; and

- (iii) take into consideration the location of additional housing relative to available capacity and proximity to open space, schools, amenities and other public infrastructure.

The Committee, with the support of the Planning and Community Development Department, will make recommendations to the Select Board on proposed solutions by July 14, 2023, sufficiently in advance of the closing of the warrant for Fall Town Meeting.

Much has changed since the warrant for this Annual Town Meeting closed, and the Resolution offered as petitioners' motion has changed, accordingly. Petitioners now ask only for the following:

- (i) That the Select Board and the Town's legislative delegation continue efforts to seek appropriate modifications to the DHCD guidelines; and
- (ii) That the Select Board or any designee or designees (i.e., the Committee), with staff support, initiate or continue efforts to examine practical alternative means of complying with the ACT, while remaining mindful of our interest in protecting our vibrant commercial areas, complying with the policies embodied in the Act, and promoting an economically and otherwise diverse community.