

BROOKLINE COMMUNITY AGING NETWORK
Livable Community Advocacy Committee
November 7, 2022

Attending: Susan Granoff (Chair, Presenter), Alice MacGarvie Thompson, Tal Canetti, Atlas Noubir (Guest Presenters), Joslin Murphy (Guest Presenter), Carol Seibert (Notetaker), Janet Gelbart, John Seay, Henry Winkelman, Susan Cohen, Ruth Seidman, Maureen Mayotte, Marion Freedman-Gurspan, David Trevvett, Yolanda Rodriguez, Jonathan Klein, Kimberley Richardson

1. **Presentation, Discussion, and Possible Vote on WA 41 (Resolution regarding an Affordable Housing Overlay District [AHOD] Study Committee)**

Guest Presenters: Alice MacGarvie Thompson, Tal Canetti, and Atlas Noubir (Authors of WA 41, Brookline High School Seniors, and members of the BHS Climate Justice Club)

Warrant Article 41 is a resolution that seeks a study subcommittee of the Housing Advisory Board to explore the potential relevance, requirements, and effectiveness of a Brookline Affordable Housing Overlay District (AHOD) to create more affordable housing in Brookline. The petitioners (Wendy MacMillan, Kimberley Richardson, and Deborah Brown) and the above student proponents offer statistics to demonstrate that there is a severe shortage of affordable housing in Brookline, resulting in disadvantages for low-and moderate-income residents, especially renters. They report that there are 7,724 households waiting to be placed in Brookline Housing Authority properties. According to the Brookline Department of Planning and Community Development's June 2022 Affordable Housing Inventory spreadsheet, Brookline's entire affordable housing stock consists of a total of only 2,125 units.

Petitioners believe that Brookline's current Zoning Bylaw does not provide enough incentives to encourage developers to build affordable housing in Brookline, and no incentives to build 100% income-restricted affordable housing developments. Since Brookline has reached its Chapter 40B "safe harbor" threshold (10%) in 2022, that incentive to build affordable housing has been eliminated.

What is an AHOD? An Affordable Housing Overlay District would allow developers to bypass certain zoning requirements if they built 100% affordable units and met set criteria. Zoning regulations that could be bypassed include single family zoning and parking requirements. Criteria could stipulate specific proportions of each development for a spectrum of income levels. The study

committee would develop the proposed bypassable zoning regulations and project criteria.

A number of greater Boston communities have implemented an AHOD and have successfully increased their available affordable housing. Cambridge had 350 new affordable homes in the pipeline after their first year and demonstrated they could achieve 10-15% lower cost per square foot for affordable housing development.

The Housing Advisory Board (HAB) has agreed to the plan for the proposed subcommittee to operate under their purview. The petitioners hope that the subcommittee membership will encompass a diversity of interests, economic and racial. They propose the inclusion of members who have lived in affordable or public housing, others who have experience with zoning regulation, some with experience in affordable housing development, as well as representation from the HAB and at least one member designated by the Director of the Council on Aging.

Two concerns that have often been raised as this WA has proceeded are the possible burden on the Select Board and town staff and the fact that other similar efforts are already underway in Brookline. To answer these, the study subcommittee has now been assigned to the Housing Advisory Board and the presenters make the case that the proposed subcommittee will complement, not compete with, existing planning efforts by the Housing Production Plan and the Comprehensive Plan.

During the question and comment period, inclusion of adequate parking for residents, their guests and aides was a top concern. It was suggested that at least one member of the study subcommittee represent the needs of mobility-limited individuals. The presenters agreed that this is an important consideration.

A vote of LCAC members was taken and resulted in unanimous support for the creation of a study subcommittee to explore the potential of an Affordable Housing Overlay District in Brookline. The group expressed hearty appreciation for this presentation.

WA 41 is attached below for additional detail.

2. Presentation, Discussion, and Possible Vote on WA 10 (Create a new Article 8.39 of the Town's General Bylaws to create a Tree Preservation Bylaw)

Guest Presenter: Joslin Murphy (Co-Petitioner, Advisory Committee Member, and TMM Precinct 16)

According to the petitioners, Joslin Murphy, John Harris, Olivia Fischer-Fox, Richard Murphy, and Hugh Mattison, the purpose of WA 10 is to create a new Tree Preservation Bylaw to encourage the preservation and protection of certain trees in connection with significant demolition and/or construction activity by designating areas of a residential lot where trees must be protected, and by requiring mitigation for trees that are removed by either the replanting of trees or the collection of fees to support the Town's tree planting and maintenance efforts. Joslin Murphy presented a number of photographs of residential lots that had been clearcut for development and reports that this sort of activity is seen throughout the town. Brookline currently has no regulation protecting the private tree canopy which makes up about 50% of the Town's trees.

The proposed regulation includes much specific detail concerning the scope and applicability of the Tree Preservation Bylaw. Please see the WA attached below. In short, residential property developers would be required to protect trees of 6 inches diameter at breast height located within a defined perimeter of a lot. There would be three cases in which it would prohibit the removal of a "protected tree" during construction or within a one year look back period prior to submitting an application for a demolition or building permit:

- a) demolition of an existing structure of 250 square feet or greater
- b) construction of any building or structure on a vacant lot
- c) construction of one or more structures or additions to structures on a lot that increases the gross floor area by 50% or greater.

Removal of dying or diseased trees would not be included in this regulation.

Removal of such protected tree(s) by property owners or developers would result in a mitigation requirement based on the number of trees and their diameter. Mitigation steps (described in detail in the WA) would involve a) planting new trees either on the applicant's land or on land elsewhere in town or b) contribution to the Brookline Tree Preservation Fund. Enforcement would usually be triggered by neighborhood complaints and would be the responsibility of the Commissioner of Public Works.

This Warrant Article has been supported by a number of Brookline entities including the Tree Protection Committee, the Tree Planting Committee, Brookline PAX, and Brookline 4 Everyone. Its goal is to incentivize tree retention and to prevent clearcutting of trees on residential lots.

Questions and comments followed the presentation, after which a vote was taken by LCAC. There was unanimous support for WA 10 by members of the committee who thanked Ms Murphy for her work.

3. **Update on November Town Meeting**

Presenter: Susan Granoff, Advisory Committee member and TMM Precinct 7

a) The November Town Meeting will be held beginning November 15. Town Meeting is scheduled to meet three times a week (Tuesday, Wednesday, and Thursday, beginning at 7 pm) every week except for Thanksgiving week until it completes its work sometime in December.

b) On the first night, a Special Town Meeting will be held within the regular meeting. One of the articles (WA 3) that will be discussed at this time is a budget amendment supporting an effort to deal with the ongoing problem of rodent infestation in the town. The Department of Public Works (DPW) and the Department of Health and Human Services have presented a Rodent Control Action Plan whose first steps will be funded by repurposing \$200,000 of available ARPA funding. The proposed article is a resolution that urges that additional funding in future budgets be allocated for additional rodent control and trash management measures and calls for more stringent regulations related to solid waste disposal and rodent control measures and increased fines, fees, and penalties to encourage compliance and to increase revenue for Town efforts to combat the rat infestation problem.

c) WA 9 on snow removal: There will be two alternative Warrant Articles on removing snow from sidewalks to promote pedestrian safety. The petitioners' amended version would require that owners of single-family homes and 2-4 unit dwellings shovel the sidewalks abutting their property within 12 hours of the end of a snow storm. The Advisory Committee's version would allow these property owners 24 hours. The Town's current snow removal bylaw allows said owners up to 30 hours. WA 9 will be debated and voted on during the second night of Town Meeting, November 16.

4. **Other Business:** None

NEXT MEETING: MONDAY, JANUARY 9, 2023 at 3:00 PM

Please send ideas for programs for the coming year to Susan Granoff