

Select Board Climate Action Committee Minutes

March 22, 2021, 6 pm.

Meeting held remotely on Zoom due to COVID-19

SBCAC Members (in attendance noted by Y/N)

Nancy Heller, Co-Chair	Y	James Carr	Y*	Alan Leviton	Y	Kathleen Scanlon	Y
Werner Lohe, Co-Chair	Y	David Gladstone	Y	David Pearlman	Y	Don Weitzman	Y
Dan Bennett	N	Dr. Swannie Jett	N	Linda Olson Pehlke	Y	(2 vacancies)	~
Michael Berger	Y*			Deborah Rivers	Y		

*Joined late or left early as noted below.

Staff: Kara Brewton

Guests in attendance included: Lisa Cunningham, Paul Saner, Sasha Kalvert, Maya Norton, Michael Alperin, Michael Jacobs, Cliff Boehmer, Garrett, Anderson, Diane Sokal, Jesse Gray, John VanScoyoc, Maiyim Baron, Maria Maffel, Naomi Sweitzer, Ray Miyares, John Harris, Ethan Dively

Materials provided ahead of time: February 22, 2021 draft meeting minutes with revisions

Materials presented: “Climate Emergency Declaration, Brookline WA-37”, M. Norton & S. Kalvert; “WA26: FFF Incentiviation via Special permits”, L. Cunningham; “32 Marion Street Col Floyd Passive House Ch 149”, M. Alperin;

After announcing that the meeting was being held remotely due to COVID and making sure that Committee members could fully participate in the remote meeting, Nancy Heller opened the meeting.

Minutes

Don Weitzman corrected that the last sentence in the February minutes about Somerville was his statement, not Alan Leviton’s. The SBCAC VOTED by roll call vote to approve the amended 2/22/2021 meeting minutes (in favor: NH, WL, DG, AL, DP, DR, KS, DW; abstained: LOP).

[Michael Berger and James Carr joined the meeting.]

Warrant Article 37 : Resolution pertaining to the declaration of a Climate Emergency and adoption of a Climate Crisis Action Plan

Maya Norton presented information the proposed resolution, including why a climate emergency declaration is needed. A 1992 quote from the “World Scientists’ Warning to Humanity” noted that humanity can no longer safely emit greenhouse gases without irreversible climate

destruction. Communities across the world have declared emergencies, including 24 in Massachusetts. While the Town has many strengths, we have yet to come up with a strategic plan to show how we're going to get to net zero carbon emissions by 2050, as noted in the Collins Center report. The petitioners would like the target of the plan to achieve net zero emissions by 2030, but also noted that wasn't realistic. The article also proposes to establish a Climate Mobilization Group which would be an umbrella group for "all other groups". Finally, the articles resolves that the Town should hold forums focused on benchmarks to be held twice a year. The presentation did not include any information about Just Transition or Life After Peak Oil as described in the original warrant article and explanation, but did state that goals should not only be SMART, but SMARTIE (strategic, measurable, ambitious, realistic, time-bound, inclusive, and equitable).

Committee members decided to take up this article again at a special meeting in the week of April 5th. SBCAC members noted that while they were very supportive of the call to declare a climate emergency, the specific details of the resolution needed more development with community partners such as Climate Action Brookline (CAB) and Mothers Out Front as well as the SBCAC. For example, members were unclear about what resources would be required to satisfy all of the details of this resolution, and how the proposed community structures would overlay with existing appointed groups, community groups, staff-led working teams, and the proposed standing team of Town staff, department heads, and senior management led by the Town Administrator, as recommended in the Collins Center report. Committee members noted that resolution was a cry for leadership in the Town to take faster and more significant steps towards net zero emissions. It was also noted that entities such as Boston University have chosen 2040 as a realistic goal, and that a strategic plan is needed to implement the Town's goals, per the Collins Center report recommendations. Additionally, some Committee members noted that focusing on unrealistic target dates rather than doing the community work to get to zero emissions could be detrimental.

Nancy Heller opened the public hearing.

John Harris noted that there were fantastic intentions, and that a lot of residents would have joined as Co-Petitioner had they been involved in the early stages of the development of the article. He reported that the Green Caucus was in universal agreement with the spirit of the article but had a deep concern about avoiding duplication of town structures already in place. He also noted that in 2018 we updated our Climate plan and became a member of the Paris Climate Agreement, which asks for updates to compare with other communities every five years. This means a formal update is due in 2023, which will be a major project for the to-be-hired sustainability staff. Five years seems like a good timeline. He offered to work with the petitioners, Mothers Out Front, and possibly members of the SBCAC to tighten up the warrant article and move it forward. The Advisory Subcommittee meeting earlier this same day agreed that additional collaboration with community groups and the SBCAC was advised before they took a vote.

Kathleen Scanlon, David Gladstone, Werner Lohe, and Michael Berger all offered to be a part of the discussion as individuals but did not have time to commit to forming a formal SBCAC Subcommittee.

Following further discussion about the timing of a next meeting, Nancy Heller then announced the public hearing would be continued to another evening, date to be determined, in the next couple weeks.

Warrant Article 26 : Amend the Town’s Zoning Bylaws to incentivize Fossil Fuel Free (FFF) infrastructure in new construction and significant rehabilitation of buildings by expiring special permit

Lisa Cunningham presented, explaining that the requirements of this article are the same as those in Warrant Article 21 in fall 2019 Town Meeting, which passed by a very large margin after extensive discussions with the development community and other stakeholders. The scope is slightly narrower since it would only apply to new construction or significant rehabilitations that require a Special Permit, not to projects that can be built as of right. In response to some questions by the Committee, Raymond Miyares, Esq. responded with the following thoughts:

- 1) The article was drafted with the express goal of responding to the Attorney General’s disapproval of Warrant Article 21 in July 2020.
- 2) As Special Permits are registered at the registry of deeds, it would be highly unlikely that a potential buyer of a property would not know about any expiring special permits (or the option to convert to fossil fuel free). The responsibility of other owners in a condo association would be driven by the specific details of the condo documents.
- 3) With regards to how an expiring Special Permit would practically be enforced for applicants that chose to not include FFF construction immediately and did not convert their structure to FFF in the timeline prescribed, enforcement would likely be complaint driven.
- 4) He thought it was speculative to assume that the Zoning Board of Appeals might feel compelled to grant more relief from other zoning requirements than they otherwise would have, due to the FFF construction requirement.

Nancy Heller then opened the public hearing, there were no comments from the public. She then closed the public hearing.

The SBCAC then voted in favor (8-0-2) of Warrant Article 26 (in favor: DW, NH, DP, AL, WL, MB, DG, DR; abstain: LOP, JC).

Warrant Article 27: Petition for a special act exempting the Brookline Housing Authority from certain bidding requirements for the construction and development of affordable housing at 32 Marion Street

Kathleen Scanlon presented this warrant article, along with Cliff Boehmer talking about passive house standards and Garrett Anderson talking about public construction bidding law. The Brookline Housing Authority (BHA) would like to construct its new building at 32 Marion Street to Passive House Institute US (PHIUS) energy efficiency standards. Crucial to passive house construction is having an extremely well-integrated team of contractors and subcontractors, as

building efficiency implementation requires multiple trades to work together in a collaborative and iterative manner. Unfortunately, existing state procurement laws for some financing structures, including the Brookline Housing Authority's typical construction projects, requires sub-contracting trades to be separately responsible for their work. The state legislature has approved more than two dozen similar exemptions in recent years on a case-by-case basis. In addition to helping meet the BHA's sustainability goals and reducing long-term operating costs, being able to build to passive house standards would make the BHA's financing application to the Massachusetts Department of Housing and Community Development more competitive with other proposed affordable housing projects that are also including passive house standards.

During the Committee's discussion, there was mention of a passive house affordable housing development recently completed in Cambridge; the presenters believed that was developed by a private company, not likely subject to the same procurement laws as the Brookline Housing Authority. Additionally, Committee members noted their desire that this be fixed at the state level for all projects, rather than each having to approach the legislature. In response to a question, Michael Alperin noted that they are not requesting a blanket provision for all their future projects as they have been advised that they have the best chance getting relief from the state on a project by project basis.

Nancy Heller then opened the public hearing, there were no comments from the public. She then closed the public hearing.

The SBCAC then voted in favor (9-0-1) of Warrant Article 27 (in favor: AL, LOP, KS, MB, DW, WL, DR, DP, NH; abstained: DG).

Warrant Article 25 : Amend Sections 5.06 & 2.06 of the Town's Zoning By-law to require new buildings in the Emerald Island Special District to be Fossil Fuel Free (FFF)

Kathleen Scanlon presented this article, explaining that it requires fossil fuel free construction for any new development that is permitted utilizing the provisions for additional height and building mass available under the Emerald Island Special District Overlay District. Renovations of existing buildings and new construction that merely utilizes the underlying zoning (e.g., Floor Area Ratio of 1.0) would not be subject to this amendment. As recommended by the Planning Department's February 2021 Fossil Fuel Free Report, this proposal attaches fossil fuel free construction requirements with zoning incentives in an overlay district – in this case, zoning incentives that were previously studied by a Study Committee and passed by Town Meeting. The Committee further discussed what density allowances were already in place with the overlay.

Nancy Heller then opened the public hearing.

Paul Saner noted that the allowable height varies across the district overlay, the highest being where the hotel is now constructed. The overlay prescribes height and lot coverage rather than Floor Area Ratio. As a co-petitioner, he urges favorable action for this proof of concept, which is focused just on new construction.

Kathleen Scanlon also added that they were in the process of reaching out to the property owners.

Nancy then closed the public hearing.

The SBCAC unanimously voted in favor (10-0-0) of Warrant Article 25 (in favor: NH, LOP, AL, KS, MB, DW, DR, DG, WL, DP).

The meeting was adjourned at approximately 7:50 p.m.