

# Economic Development Advisory Board Minutes

April 5, 2021

7 – 9 PM held remotely via Zoom

*EDAB Board members (in attendance noted by Y/N)*

Anne Meyers, Co-Chair	Y	Derrick Choi	Y	Carol Levin	Y	Marilyn Newman	Y
Paul Saner, Co-Chair	Y	Alan Christ	Y	Ken Lewis	Y	Al Raine	Y
Cliff Brown	Y	Susan Houston	N	Tom Nally	Y	Sandi Silk	Y

*Staff present:* Kara Brewton, Meredith Mooney, Victor Panak

*Guests included:* Carla Benka, Ethan Dively, Henry Winkelman, Linda Olson Pehlke, Rian Rossetti, Roger Blood, J. Raymond Miyares, Jeff Wachter, John VanScoyoc, Werner Lohe, Donna Treece, Elias Audy, Jenn Mason, Kathleen Scanlon

*Materials provided ahead of time to the Board included:* 4/5/21 agenda, draft 3/8/21 minutes with revisions, Spring 2021 Town Meeting Warrant Article & Explanations, Email of support from United Parish for Warrant Article 21 (3/29/21, D. Rockwell), comment letter from the Coolidge Corner Merchants Association requesting WA 39 be withdrawn (3/8/2021, D. Leschinsky), Planning Department Fossil-Fuel-Free Incentives Study (February 2021, Planning Department), a redline and clean revision of WA 26 (3/21/21, J. Gray), WA26 FAQs v6 from the petitioners, WA 26 explanation from the petitioners, letter to Steve Heikin Planning Board Chair in response to the Planning Department memo.

*Information shared via Zoom during the meeting:* presentation “Article 21 – Micro Unit Dwellings & Age-Restricted Dwellings” (4/5/2021, V. Panak), presentation “Amendment to Emerald Island Special District Regulations” (4/5/2021, K. Scanlon), “Implementation of 2019-WA21 Fossil Fuel Free New Construction via Time-Limited Special Permits following the Massachusetts Attorney General’s suggestion Warrant Article 26 (Spring 2021)” (4-5-21, J. Gray).

Anne Meyers opened the meeting remotely via Zoom due to COVID, ensured all members were able to participate with audio and video, and announced that the meeting would be recorded.

## **Approval of March 8 2021 meeting minutes**

March 8, 2021 meeting minutes as noted in the agenda link were approved by roll call vote (in favor: AM, PS, CB, DC, AC, SH, CL, KL, MN, AR, SS).

## **Warrant Article 21: Micro-Units**

Victor Panak presented this warrant article, submitted by the Planning & Community Development Department. He noted that the article basically returns micro units and age-restricted dwellings to be

permitted in the same way as other dwelling unit uses. These uses were introduced as distinct uses in the Emerald Isle Special District such that they would be encouraged with additional height and density bonuses; unfortunately, the drafting prohibited these newly distinct uses in other districts.

Anne Meyers then opened the public hearing.

Roger Blood stated that he was very much in favor of this article. David Rockwell of United Parish also stated that they were in support, noting that they had many single-person households in their congregation that could benefit from micro unit housing units. Anne Meyers also thanked David for forwarding the letter of support from United Parish earlier.

After hearing no other comments from the public or EDAB members, Anne closed the public hearing. EDAB then VOTED by roll call vote (in favor: KL, CL, MN, DC, CB, AR, AC, SS, PS, AM) to support Warrant Article 21.

### **Warrant Article 39: Babcock Street Lot**

Deborah Brown presented this article, explaining the urgency of providing more shelter for families. She went to a presentation where developers noted that building affordable housing on public properties can reduce the cost by 15 – 35%. While a lot of housing developments have been permitted in the last couple years, most of those were market rate units. If the Town is committed to diversity, then we needed to make affordable family units happen.

Board members mentioned other municipal parking lots that might be available in the Coolidge Corner area. An idea had cropped up at an Advisory Committee meeting to replace the Babcock Street fire station to the Babcock Street lot, although this was not an idea being put forward by the Chief at this time. Deborah agreed that she would be open to housing at any of these lots, but also did not want a study to grow in scope to a point that several years passed before housing was constructed. She noted that 40 units of multifamily affordable housing is needed in order to break even.

Alan Christ noted that as a member of the Kent Street study Committee, he thinks they could have had a much more financially effective outcome if they had looked at other parking lots in the area at the same time, especially to deal with any replacement parking that the community is committed to.

Anne Meyers noted that the Coolidge Corner Merchants Association has asked for a broader study, including looking at a parking deck on the Centre Street lot and widening the sidewalk and tree canopy zone on Harvard Street.

Ken Lewis asked how this study would overlap with the Planning Department's Multifamily study and the Housing Production Plan. Kara Brewton noted that the Multifamily study was focused on zoning "fix-its", where conflicting dimensional requirements very narrowly prevent multifamily projects from being feasible. She did not think a study at Babcock Street would need to wait for that work to be completed.

Anne Meyers then opened the public hearing.

Roger Blood noted that the Kent St. lot process is now in the middle of figuring out a very expensive financial gap due to the high cost of replacing parking, and was concerned that this article was

describing a very similar narrow process that could get stuck in the same manner. He also was not sure whether the Babcock Street lot should be the very next housing development that made sense to spend time on, and that this was part of the Housing Production Plan process for this summer. The Housing Advisory Board would be discussing this article on April 15<sup>th</sup>. Finally, he noted that this study would require significant financial and personnel resources not currently accounted for.

After hearing no other comments from the public, Anne closed the public hearing.

Sandi Silk would like to see this parcel studied in context with the Housing Production Plan. She noted that the replacement parking here would become the effective land price. And, if the replacement parking was underground as currently proposed by the petitioners, that price would be extremely expensive.

Paul Saner noted that he was not supportive of the article. He shared Deborah's impatience and frustration of planning studies being delayed, noting that Chestnut Hill West has been waiting since 2005 to begin. He agreed with others that Coolidge Corner should be studied holistically, and would like to advocate for more Planning Department funding. He would like to see Coolidge Corner studied following Chestnut Hill West.

Cliff Brown suggested the warrant article could be edited to reflect that Babcock Street be studied sooner than later, but perhaps not immediately.

Carol Levin suggested that EDAB members give concerns, but not specific language to other Boards. Cliff Brown noted that Advisory Committee would take this up on April 22<sup>nd</sup>, with the Subcommittee public hearing some time before then.

Cliff Brown and Al Raine then volunteered to work with the petitioner on some amended language.

Roger Blood added that the Community Preservation Act vote in April was crucial in potentially adding funding for projects like this one.

### **Warrant Article 25: Fossil Fuel Free in Emerald Isle Special District (EISD)**

Paul Saner introduced Kathleen Scanlon, noting that he was a co-petitioner of this warrant article and obviously was very much in support. Kathleen Scanlon reviewed other regional projects underway where the construction cost premium for net zero, all electric buildings (as proposed for the EISD under Warrant Article 25 was less than 1% (not including passive house standards). Two recent examples of construction in Brookline that she felt could have been all electric were the Hilton Garden Inn and the High School Cypress campus building. She referred to two similar hotel projects that had either been permitted or built in the region with VRF HVAC systems. The King Open/ Cambridge Street Upper School was constructed with ground source heat pumps, solar hot water with electric resistance back up.

In the discussion following, Kathleen and other petitioners clarified the following:

- Renovations were not included in this warrant article
- The definition of fossil fuel free could be moved to the EISD section of the zoning bylaw rather than the general definitions
- The Planning Board would be responsible for giving any exemptions to this article

- There is also a considerable financial consequence if society does not move more quickly in reducing greenhouse gases
- That a metric for measuring whether a project should be exempt could be costing out two different systems, and seeing whether the cost difference was less than 10%

Sandi Silk noted that unlike some of the institutional examples given, the private development market was such that capital sources were not yet able to underwrite operational savings in the future.

A couple members noted that this article seemed like “low-hanging fruit” and a good idea to test FFF regulations, with a smaller area of Town where the incentives had already been defined with a community process.

Carol Levin asked whether the Planning Department would need to establish thresholds for exemptions.

Marilyn Newman then offered amendment language (in addition to previous comment regarding moving the fossil fuel free definition to the EISD section of the bylaw – to clarify that lab and medical office uses be exempted broadly from the FFF requirement, not connected with any DPH designation.

After hearing no other comments from the public, Anne closed the public hearing.

The Chairs asked, but no motion was offered, regarding this Warrant Article. Kathleen noted that they would look at the two suggested edits regarding moving the definition of FFF and the lab use exemption language. No one felt that this should be delayed as recommended by the Planning Department for fossil fuel free to be coupled with energy efficiency standards.

**Warrant Article 26: Fossil Fuel Free Construction connected with Special Permits**

Jesse Gray began the petitioner’s presentation, noting that it could take another 18 months for the additional stretch code provisions to be adopted by the state, and that the net zero requirements would not limit natural gas. The original warrant article was revised to clarify that projects required to seek a Special Permit solely for design review would not be subject to this article.

Initial questions and discussion by EDAB members included:

- Why was the review board eliminated since the 2019 Warrant Article 21 filing?
- Why not couple these with traditional incentives (such as Warrant Article 25)
- Confusion about why the square footage trigger for renovations was changed since the 2019 Warrant Article filing

Anne Meyers then opened the public hearing. After confirming there were no raised hands or people that had identified themselves in the chat feature, she closed the public hearing.

During a wide-ranging discussion, no EDAB member expressed support for the current version of this article. Some members raised concerns that the proponents didn’t understand how key features of this proposal differ from Article 21. Other members felt that the complexity of this regulation, especially for

substantial rehabilitation, would reduce investment in Town. It was pointed out that no municipality, including California where fossil fuel free was born, has done this for rehabilitation, never mind for a predominantly older building stock. Several members expressed reluctance to vote for this now due to concerns over near term economic development impacts to Brookline while the net zero building code requirement of the new Climate Bill becomes available over the next several years. Confusion was raised over how Articles 25 and 26 would interact if both passed.

While EDAB did not take a vote, some members encouraged the petitioners to address the following issues and/or incorporate the following changes:

1) Clarified Exemption by Use Type

The so-called lab exemption language should be clarified to provide a simple declarative exemption that is not subject to any further action by Town Meeting. This comment applies to both Article 25 and 26. Marilyn Newman referred to the specific language previously offered for Article 25. In Article 26 it would be part of the Applicability section and would be a broad exclusion – ***“The requirements of this Article shall not apply to laboratory, research, medical, or health care uses or facilities.”***

2) Clarify the effective difference in the “rehab” definition between the Fall 2019 Warrant Article 21 and this Warrant Article 26.

Following a long discussion of possible construction scenarios, many EDAB members were surprised to learn that this rehab definition had changed since Fall 2019, and were uncertain about what the implications would be for various construction scenarios. Several architects and homeowners on EDAB noted that in some cases, the effect of this warrant article, combined with varying building codes that would apply to different construction types ( e.g. residential single family vs. commercial), could deter property owners from renovating or updating building systems at all. There was also a concern that the compounding decision-making between these different layers of rules could result in loss of equity and more property owners choosing full demolition of existing structures.

As a result of this uncertainty, several EDAB members expressed that they would only consider supporting Warrant Article 26 if:

- a) rehab was not included at all in this article until an implementation plan with criteria and procedural guidelines, as had been provided for in the 2019 Article 21, is in place for this complicated regulation;
- b) the Article only covered one very small part of Town as a pilot; and/or
- c) the Article was revised to align rehab thresholds with single and two-family thresholds in the building code – and that the entire warrant article only apply to single and two-family construction.

3) Further develop the waiver process before the warrant article goes into effect.

The 2019 article had delayed the effective start date until, among other things, a Sustainability Review Board was created and criteria and procedures were in place to guide hardship or impracticality waivers. Warrant Article 26 would go into effect upon passage by Town Meeting, assuming the Attorney General’s approval.

At one point, one of the petitioners noted that the metric could be costing out two different systems, and if one was 10% more expensive, then that could be a threshold. EDAB members asked who, with enough knowledge and understanding of the goals of this article, would be assigned to try and draft these guidelines, and which costs would be included.

A question was asked about the criteria for using a dual synchronized system (electric with gas as a back up for those rehabilitated buildings that can't be all electric). The proponents point to their explanation as allowing that, but an EDAB member noted that the warrant article didn't appear to allow that as a waiver since it provides for either full or non-compliance with no conditional compliance.

Another example of a criteria to be developed was that in some cases, property owners may be required to gut historic interiors in order to meet weatherization standards for non-fossil fuel systems. The petitioners' attorney suggested that historic reasons could also be considered an waiver for impracticality.

It is not clear what constitutes incidental systems work and whether an applicant has any option prior to the end of the special permit process to have concept plans reviewed. Again, EDAB members felt it was critical for these thresholds for waivers, as well as the related process, be fleshed out prior to the warrant article going into effect, especially noting the litigation risk the Planning Department report flagged.

#### 4) Incentives

Some EDAB members strongly suggested the petitioners stop referring to any "incentives" associated with this article, as no rational party would choose an expiring special permit for a newly constructed or significantly rehabbed building, and that condition would be unfinanciable.

Jesse Gray noted that he had heard three main comments: 1) that the lab exemption needs more clarity – no change from the 2019 Warrant Article 21 was intended; 2) although they would give more thought on the square footage threshold for renovations, they were likely not to change that section; and 3) further discussion about a review board process with the Planning Board and Zoning Board of Appeals.

Two EDAB members, Alan Christ and Paul Saner, volunteered to work with the proponents. It was suggested that EDAB and the Advisory Committee might be able to come up with one amendment; these suggested edits should be submitted to the Sustainability Advisory Subcommittee prior to their hearing on the 12<sup>th</sup>. Kara Brewton clarified that she would work with the Co-Chairs to summarize the discussion to date.

After further discussion, EDAB members noted that they would pencil in April 21<sup>st</sup> for a follow up meeting and potential vote on this warrant article.

Meeting adjourned at approximately 10:05 pm.