

BROOKLINE TOWN MEETING

NEWSLETTER: Fall 2024 Town Meeting Highlights

by **Jesse Hefter** (Town Meeting Member - Precinct 14)
November 26, 2024

Fall Town Meeting took place over three (3) nights this week. Although there are various files related to this meeting on our town’s website (the [Combined Reports](#) document itself is over 450 pages long), you would have to be a dedicated analyst to wade through all the information.

Accordingly, this newsletter summarizes what was discussed and the total vote counts. You can also access the [voting details by Town Meeting Member](#).

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Appropriate Transportation Network Funds (Article 3)

Approved (Yes-240; No-0; Abstain-2)

Brookline receives an annual distribution from the state of \$0.10 for each Uber and Lyft ride originating in Brookline. For 2023, this represents \$160,233.90 of which \$100,000 will be used to support Transportation Programs for Older Adults and \$60,233.90 will be used to support Town-wide pavement marking maintenance by the Highway Division.

Veteran’s Property Tax Work-Off Reduction (Article 4)

Approved (Yes-241; No-0; Abstain-4)

Authorize the Select Board to create a Veteran's Property Tax Work-off Program beginning in fiscal year 2026 that would reduce the property taxes of the participants in this program per fiscal year by a maximum of either \$1,500 or 125 hours of volunteer work for the Town at the state minimum wage of \$15 (a total of \$1,875).

Create a Brookline Youth Council (Article 5)

Approved (Yes-130; No-108; Abstain-10)

Create a Brookline Youth Council composed of young residents of Brookline to help in addressing issues of importance to young people. Its primary responsibilities would include:

1. Acting as a representative of youth interests in local decision-making,
2. Facilitating community engagement and events for Brookline's youth,
3. Interacting with other boards and commissions as youth-related policies are considered,
4. Working on town-sanctioned community service projects, and
5. Making recommendations to the Select Board on matters affecting Brookline's youth community.

Puddingstone Restrictive Covenant (Article 6)

Approved (Yes-231; No-3; Abstain-13)

A condition of the Comprehensive Permit governing the development of Puddingstone of Chestnut Hill (six-story, 250-apartment building) is the execution of a restrictive covenant prohibiting the construction of "additional structures or buildings or paved surfaces on the Site." The goal of this Article is to authorize the Select Board to execute the restrictive covenant.

Zoning Change - 2.5 Story Limit in Certain Districts (Article 7)

Referred (Yes-124; No-122; Abstain-5)

The Department of Planning and Community Development requested the two changes to zoning in certain single and two-family residential districts in Brookline. Affecting 3,851 parcels, the changes include:

1. Adding a 2.5-story threshold to the Maximum Height (35 feet) requirement and
2. Amending the definitions of "Story" and "Story-Half".

This Article also requires the story above the second story to have a sloped roof, including dimensional and placement specifications for dormers. The limit on the number of stories is intended to help prevent demolitions. **The Article's subject was referred to the [Comprehensive Planning Steering Committee](#) for further consideration.**

Zoning Change - Minimum Lot Size for Conversion in Certain Districts (Article 8)

Approved (Yes-149; No-92; Abstain-8)

Amend Section 5.05 of the Zoning By-law to allow zoning relief for minimum lot size via Special Permit by the Zoning Board of Appeals for conversions that create additional dwelling units in F and M zoning districts and single-family to two-family conversions in SC and T zoning districts, provided no preexisting nonconformities are extended. This Article removes a legal obstacle to conversions on lots that currently conform to minimum lot size requirements in the affected districts, but do not meet the minimum lot size standard with an additional dwelling unit.

Zoning Change - Adding 3rd Unit in a “T” district (Article 9)

Referred (Yes-130; No-116; Abstain-4)

This article would transform “T” (Two-Family) zoning districts to Three-Family districts, allowing a third unit whereas currently they are limited to only Single-Family or Two-Family options. The article did not have additional massing requirements nor require only small third units. Consequently, this change could incentivize demolitions. **The Article's subject was referred to the [Comprehensive Planning Steering Committee](#) for further consideration.**

Zoning Change - Harvard St Exterior Facade Changes (Article 10)

Approved (Yes-237; No-0; Abstain-5)

This article updates the Harvard Street Form Based Code to allow for the use of additional exterior materials in the district, remove antiquated design standards requiring brackets on balconies and 18-inch kick plates for commercial spaces, and allow childcare, educational, and personal services uses in all Harvard Street commercial districts without special permits.

Zoning Change - Harvard St Design Guidelines (Article 11)

Failed (Yes-138; No-98; Abstain-6)

Adjust the language of the Harvard Street Form-Based Zoning Code to allow the Planning Board to allow substitutions or modifications that they judge to be substantially consistent with the language of Chapter 11-4 of the Code: Massing, Façade Articulation, and

Architectural Elements Standards. Form-Based Zoning is valued because it allows for predictability, with known outcomes for the community and by-right development for the developers.

Zoning Change - Outdoor Lighting (Article 12)

Referred (Yes-177; No-2; Abstain-3)

Amend the Zoning Bylaw to create more comprehensive outdoor lighting standards in residential districts that will apply only prospectively, creating an additional layer of complexity for enforcement. A drafting error made it necessary to refer the Article. **This Article was referred to the Planning and Community Development Department for further consideration.**

Zoning Change - Sign By-Law (Article 13)

Failed (Yes-61; No-172; Abstain-6)

Amend the Zoning Bylaw to provide more flexibility to businesses in the design of signs, allowing blade signs to project 3' and to allow signs as large as 12 sq. ft., streamline the approval process, and simplify the notification requirements.

Zoning Change - Spacing Between Buildings on the Same Lot in an M-1.0 District (Article 14)

Referred (Yes-157; No-74; Abstain-5)

Eliminate the inconsistent treatment of rental and condominium properties that has existed in Secs. 5.03 and 5.04 of the Zoning Bylaws for many years, but only in M-1.0 districts. The inconsistency would persist elsewhere in the Zoning Bylaw. **The Article's subject was referred to the [Comprehensive Planning Steering Committee](#) for further consideration.**

Zoning Change - ADU By-Law Change (Article 15)

Approved (Yes-238; No-1; Abstain-5)

Change Brookline's Zoning By-laws to align with the Affordable Homes Act passed by the State Legislature in August 2024 and reduce the risk that the Town would be found to be unreasonably regulating (Accessory Dwelling Units) ADUs and minimize the impact on neighborhoods. Any single-family home would be eligible to add a by-right ADU, regardless of the zoning district within which the home is located.

The proposed changes include:

- Increasing the maximum as-of-right ADU size to 900 sq ft or 50% of habitable space, whichever is less,
- Increase the allowable FAR when creating an ADU within an existing single-family dwelling or in a new or existing Accessory Building to 130%
- Eliminate owner-occupancy requirements
- Increase the maximum height for detached ADUs from 15 to 22 feet or 1 ½ stories
- Allow the conversion of garages to ADUs without special permits
- Requires year-round screening of at least 7' high for any ADU that does not meet the side or rear yard setbacks
- Prohibits transparent or operable windows on the facade of a detached ADU if that facade is within 10 feet of the property line and faces an abutter's property
- Establishing rear and side yard setbacks for detached ADUs as follows:
 - By right
 - ADUs must comply with all side yard setbacks and half of the rear setbacks for the principal dwelling
 - By special permit:
 - Side yard setbacks can be reduced to no less than 10 feet (7 feet in smaller districts)
 - Rear yard setbacks can be reduced to 15-20 feet depending on the district
- Prohibit the conversion of Accessory Buildings of less than 200 sq ft to ADUs The article also restricts ADUs to 1 per lot, prohibits ADUs in a front yard, and disallows separate ownership of the ADU and primary dwelling.

Tree Preservation (Article 16)

Approved (Yes-189; No-39; Abstain-6)

Amend the current Tree Preservation bylaw, Article 8.41 to protect more trees and to mitigate the loss of trees' benefits, including, but not limited to, carbon capturing ability.

The two principal effects are:

1. Applying the bylaw to all trees located on private property lots (including commercial as well as residential) in Town with a diameter at breast height (DBH) of 6 inches or more, including replacement trees, and
2. increasing the mitigation requirement to plant replacement trees or make payments to the tree preservation fund as the size of the lost tree becomes greater.

Language was added to provide for more flexibility and discretion regarding the implementation of the bylaw and to ameliorate potential effects on lower-income homeowners and affordable housing development. The article will increase costs to private property owners to remove certain healthy trees and will become an additional cost to the Town to implement (The cost may be as high as \$272,000 annually for two additional FTEs

in the Department of Public Works and supporting resources and an additional one-time expense of up to \$125,00 for two electric vehicles).

Home Rule Petition - Nuclear Weapons Contracting (Article 17)

Failed (Yes-93; No-133; Abstain-20)

Authorize the Select Board to petition the General Court for a special act authorizing the Town of Brookline to disqualify bidders from town contracts if the bidders engage in the design, manufacturing, or maintenance of nuclear weapons.

Home Rule Petition - Rodenticides (Article 18)

Approved (Yes-233; No-7; Abstain-4)

Authorize the Select Board to file a petition with the General Court to allow Brookline to restrict the application of second-generation anticoagulant rodenticides (SGARs). If the General Court grants Brookline's request, the Town will be able to determine the extent to which SGARs should be prohibited or restricted in Brookline under a future bylaw approved by Town Meeting.

Resolution - Jewish American Heritage Month (Article 19)

Approved (Yes-230; No-0; Abstain-9)

Ask the Select Board to proclaim May as Jewish American Heritage Month including a request for adequate funding for celebrations, promoting annual celebrations and education events, and encouraging the schools to observe Jewish American Heritage Month by organizing activities.

Resolution - Ceasefire Between Israel and Hamas (Article 20)

Tabling motion approved (Yes-176; No-50; Abstain-11)

A motion was made to table this resolution (meaning that no discussion, debate, amendments, or further voting would occur) and the motion passed by a two-thirds majority.

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