

# Brookline PAX Recommendations

Frank Farlow & Marty Rosenthal, Co-Chairs, November 10, 2005

*PAX supports: Public Education and Services, Respect for Public Employees & Organized Labor, Respect for the Environment, and Diversity & Social Justice. [See [brooklinepax.org](http://brooklinepax.org)]*

## **Arts. 5-9, Zoning procedures: SUPPORT, including PAX amendments**

With a few reservations and/or amendments, PAX welcomes and supports Articles 5-9, submitted largely to improve the clarity, administration, and responsiveness to the public of the Zoning By-law. **Art. 5, which** applies only to Special Permits, codifies some current practices and defines the role of the new Zoning Administrator in the Special Permitting process.

**Art. 6** expands notice requirements for Public Hearings to include TMM's from adjoining precincts. We have two concerns: *first*, as in Art. 7, we are moving an amendment for a good faith effort to also notify *tenants of abutters*. After public input, Regulations or Operating Procedures may provide that mailings to either "Resident" or names on the Street List will suffice.

Second, the word "*description*" in the first sentence of 9.08 permits the traditional notices that are at times far too indecipherable. The Zoning Bylaw is complex, only a few residents are lawyers, and even many of them don't know the by-laws by their numbers. We propose an amendment such as, "*Said notices by the Board of Appeals and Planning Board shall make a good faith effort to describe the application and pertinent zoning issues in terms which are comprehensible to laypersons.*"

**Art. 7** requires that major-impact projects have a pre-application meeting with the public. Since more than one pre-application meeting is often highly desirable, we will move to amend the first sentence of (b) to read: "schedule and hold *at least one* neighborhood meeting ...."

**Art. 8** allows (but doesn't require) the Planning Board to appoint to Design Advisory Teams "*neighborhood residents*" who are not design professionals. That term is vague, and it also seems to suggest that representation on DAT's is somehow polarized, and thereby balanced, between the neighborhood and everyone else. However, we could not find an appropriate alternative wording.

**Art. 9** defines the role of the new Zoning Administrator. There are substantial differences in sec. 4i between the recommended votes of the Selectmen and the Advisory Committee. PAX *prefers the Advisory Committee's wording*, but we are unsure which vote will be moved.

## **Art. 10, Coolidge Corner IPOD: SUPPORT, sharing some concerns of NBNA**

PAX appreciates the staff work, and urges favorable action, on the CCIPOD, to temporarily slow some development in Coolidge Corner while a district planning process is implemented. We urge that the process include significant local TMM representation and gather substantial

public input. We are open to neighborhood efforts, including possible amendments by the North Brookline Neighborhood Association, to improve the public process as described in the Article.

**Art. 16, AC approval of Housing Trust expenditures: SUPPORT amended motion**

Advisory Committee approval of HAB-recommended expenditures from the Affordable Housing Trust Fund, in addition to the Selectmen's currently required approval, seems perfectly appropriate. The motion by petitioner (a PAX board member) calls for speedy action by the Advisory Committee in order to avoid missing out on time-dependent housing opportunities. This extra layer of review – which pertains only to project expenditures of \$1 million or more – would provide an important degree of legislative oversight and help produce even more carefully and sensitively considered HAB proposals, while not interfering with the appropriate generation of affordable housing, one of PAX's highest priorities. As with Art. 26, more democracy can sometimes be messy, but we cherish it; indeed, in this week's TAB, one selectmen mentions the overall need for more "checks and balances" in Town. We agree.

**Art. 20, Roll-calls SUPPORT referral to Moderator's Committee**

We have for years vocally and strongly urged easier and more frequent roll calls. We were sorely disappointed when the most recent Moderator's Committee failed to arrive at a consensus on a suitable mechanism. In spite of the sincere, good faith objections raised by some, we find our antiquated method of taking recorded votes disgraceful. As we stated in 2000, "TMM's should take public responsibility for more, if not all, of their votes; and citizens deserve to know how their TMM's vote." As for the affection expressed by some people for the "tradition" of TMM's seeing how others are voting, even if that outweighed the need for public transparency, which it doesn't, it can be accomplished in many other ways.

**Art. 21, Televising all Selectmen's meetings: SUPPORT the Resolution**

PAX supports the Selectmen's resolution (p. 21-2) and urges that all their meetings be made more accessible to the public. We also hope that during the impending Town Hall renovations (a) the conference room will be wired so that afternoon meetings can be televised; and (b) the hearing room will be reconfigured to be less imposing and more open to the public, e.g., the selectmen sitting at tables on the same level as the audience with no barrier between the two, and with high quality sound equipment.

**Art. 22, Iraq War Commission: SUPPORT in principal; reservations as to language**

PAX introduced Town Meeting's 2002 resolution opposing the invasion, and we support Art. 30 below, so we support and fully share the thrust of this proposal – an attempt to involve Town government in explicitly publicizing the social impact of the misguided and misled Iraq war and occupation on the citizens of Massachusetts, including veterans and National Guard troops. However, doing this with a by-law presents difficult and perhaps insurmountable challenges, e.g., the resulting inflexibility of all the mandated actions, and the unknown budgetary impact at mid-fiscal year. We would prefer creating in Brookline a better-planned agency of greater

permanence, perhaps similar to the Cambridge Peace Commission, and we urge the Selectmen to look into that.

**Art. 24, Community Preservation Act, Study: SUPPORT a Selectmen's Committee**

Surely Brookline should study the CPA, which we supported in 2002 as a "fiscally prudent means of leveraging significant state resources to address crucial Town concerns – affordable housing, open space protection, and historic preservation. ... It would impose a marginal tax burden, especially considering the State resources we would gain." Since then, much experience has accumulated in about 100 communities, and state funding remains strong. Now our CPA-supportable needs are even more pressing, and we have already contributed \$2 million to the state fund. So it seems high time to re-evaluate the CPA benefits for Brookline. We commend the Selectmen for their willingness to form a study committee along the lines of this Article.

**Arts. 26, Transportation Bd. amend Ch. 317, Acts of 1974; and**

**27, Resolution on 2-Hour Parking Ban: SUPPORT BOTH**

These two petition articles were submitted by several TMM's and past and current town officials. The C/R (26-2 and 27-2, along with the original "Whereas" clauses of Art. 27) contains lengthy rationales for both. Some selectmen are now offering new objections (26-4 & 27-3), which are the focus of the following comments.

**Art. 26** has been called (26-5) "displeasure with a single issue" (26-5). In 2000, however, PAX supported a similar article, which was passed by Town Meeting and then killed at the statehouse by the Selectmen; and since then PAX has asked all Selectman candidates their views on that. The 2000 Selectmen urged TM to defer to the "experts"; but now, maybe due to petitioners' waving around Halberstam's "*Best and Brightest*," the selectmen abjure that argument. Instead, after two go-rounds (2000 and now) of pre-TM meetings totaling about 16 weeks, the Selectmen now raise "procedural questions that have yet to be addressed" (26-4). Most are non-issues, and any real ones can be solved by regulations. The Selectmen (26-4) also state that "several of our Boards and Commissions make decisions *to apply rules and regulations*, which are not appealable to Town Meeting" (emphasis added). However, all of those boards merely *apply* rules and regulations that have been prescribed either by Town Meeting or by state law; and some have 'appeals' to court.

**Art. 27** does not hamper the pilot program (PP); and a majority of the Selectmen agree. The Resolution's simple statement of an overall policy (similar to the policies of 350 other Mass. communities) is important because (1) the PP doesn't address the two main issues – the broader townwide issues and the need for "petitions"; and (2) the PP may crumble under its own weaknesses, e.g., a slow petition response, a lack of measurable evaluative criteria, and an estimated cost of about \$300,000. While many of us might *prefer* not to have our neighbors park on our streets (see 27-6, "aesthetics"), the guiding principle here – as with Art. 29, the resolution on Eminent Domain – should be "libertarianism." There are many everyday preferences which, although we might consider them nuisances, we don't declare illegal. Finally, as for the claimed "complexity" of the issue (reminiscent of the 2000 urging us to leave it to the "experts"), one

could start by presumptively "permitting" all residents in 1- and 2-family zones – maybe 80% of the Town – and perhaps retaining the restriction in many M (multifamily) zones. (Most business zones have meters, but they, too, could be excluded from permit parking.)

**Art. 28, Resolution on Eminent Domain for Economic Development: SUPPORT**

We support this Resolution for the reasons presented in its "Whereas" clauses. Last year's Supreme Court case, *Kelo et al. v. City of New London*, overly favored major developers (as Justice O'Connor's dissent stated) and stretched the "public use" requirement far beyond the appropriate limits of "libertarianism" – i.e. limiting the reach of state power unless truly necessary.

**Art. 29, Resolution on Iraq War: SUPPORT Selectmen's motion**

Town Meeting should endorse both the call for immediate preparation and implementation of a withdrawal plan, and a state ballot question concerning withdrawal of our National Guard. In late 2002, Town Meeting adopted a resolution introduced by PAX that opposed a U.S. attack on Iraq in the absence of (a) clear and convincing evidence of a serious and imminent threat of aggression by Iraq and (b) a determination by the U.N. that collective action was necessary against Iraq. Neither condition was met, and most of the widely predicted consequences have materialized. It is time to bring the troops home and end this *War of Mass Deception*.

**Art. 30, Resolution on Boston Biosafety Level 4 Bio-Lab: SUPPORTAC vote**

Federal regulations for BSL4 bio labs basically rely on such facilities to police themselves by following nonbinding guidelines. Since Massachusetts currently has no regulatory program for BSL4 laboratories, Gloria Fox's bill attempts to address this problem. It also provides protection for whistleblowers and places a six-month moratorium on construction until the legislation goes into effect. PAX strongly supports the Advisory Committee vote.