



Select Board Minutes
Tuesday, April 21, 2026 at 5:30 PM
6th Floor Hearing Room

Present: Bernard Greene, John VanScoyoc, David Pearlman, Michael Rubenstein
Absent: Paul Warren

1. Warrant Articles - Public Hearing

1a. Article 5. Budget Amendment (Select Board)

Presenter: Melissa Goff, Deputy Town Administrator

Overview of Adjustments

1. Golf Enterprise Fund

- Add \$200,000 in retained earnings to address possible FY26 shortfall due to accelerated master plan construction work.
- Funds revert to retained earnings if unused.

2. Snow & Ice and Fire Department Overtime Deficits

- Use \$970,000 set aside in FY26 (initially for potential school budget gap; ultimately not needed).
- Originally considered for New Lincoln School Grounds design, now fully covered in FY27 CIP.

Public hearing: No speakers

There was no vote.

1b. Article 10. AC Committee Assignments (Committee on Town Organization and Structure)

Presenter: Ian Rothman, CTOS member

To see if the Town will amend the final sentence of the second paragraph of Section 2.2.1 of the General By-Laws (Advisory Committee, Appointment of Members) as follows (insertions in **bold underline**, deletions in ~~striketrough~~):

No member of the Committee shall be an employee of the Town
or **shall hold elective office of Town government other than**
Town Meeting member or constable. ~~a member of any standing~~

~~Board or Committee having charge of the expenditure of money; but, this restriction shall not disqualify from appointment to the Committee, members of special committees, which may be created from time to time by Town Meeting, the Moderator or the Select Board to report on specific matters.~~

Summary:

Replaces ambiguous prohibition on AC members serving on “standing boards/committees having charge of expenditure of money” with a clear prohibition:

No Advisory Committee member may hold an *elective* office of town government (except Town Meeting Member or constable).

Rationale

1. Separation of legislative/executive roles
2. Separation of financial responsibilities (avoid budget recommender = budget spender)
3. Clarity (ambiguous terms in current bylaw)

Public hearing: No speakers.

There was no vote.

1c. Article 14. To see if the Town will amend the Brookline Zoning By-Law (Jonathan Klein, et al.)

Presenters: Jonathan Klein (Petitioner), Planning staff: Maria Morelli, Emily DeHoog

Summary:

Article 14 responds to changes in state law (Affordable Homes Act, 2024) and the Attorney General’s disapproval of several provisions of Brookline’s 2024 ADU bylaw.

Key issue: State definition of “single-family residential zoning district” is broader than Brookline’s S-zone structure.

State requires:

- ADUs (Accessory Dwelling Units) allowed by right
- No more restrictive dimensional rules than for principal structures or accessory buildings
- Maximum protected ADU size 900 sq ft
- Removal of ADU parking requirements (except small areas, but Brookline proposes removing entirely)
- Height limits must be the most permissive available in the zone

Brookline’s previously adopted rules (5-year dwelling age minimum, 22-ft ADU height cap, S-district restriction) were deemed unenforceable.

Major Proposed Changes

- Allows “protected ADUs” (up to 900 sq ft) by right across all districts that allow single-family dwellings.
- Height and setback standards aligned with the most permissive applicable standards for principal or accessory structures.
- For ADUs exceeding 22 ft, owners must submit evidence, but approval cannot be conditioned on inspection discretion.
- Adds owner certifications (initial and at transfer) to ensure unit remains a true ADU.
- Establishes consequences if a protected ADU use is discontinued (structure becomes nonconforming).

Discussion Points

Definitions: Where “single-family residential zoning district,” “accessory structure,” and “principal dwelling” are defined.

Whether ADUs can exceed height or square footage proportions relative to principal structures:

Answer: ADUs may be taller than the main house if zoning district height allows it.

Size cap is 900 sq ft AND no more than 50% of principal structure’s gross floor area.

Enforcement of ongoing ADU use: Primarily complaint-driven; building permits act as checkpoints.

Treatment of front, side, and rear setbacks.

Aesthetic compatibility guidelines remain unchanged but are not mandatory “shalls.”

Public hearing: No speakers

There was no vote.

- 1d. **Article 15. To see if the Town will amend Section 4.08, Paragraph 4, Subsection (d) of the Brookline Zoning Bylaw (Inclusionary Zoning) as follows (Deleted Language is ~~crossed out~~, added language is in *bold italics*):**

d. For Projects that upon completion will create fewer than ~~11~~ **20** additional Dwelling Units and are not located in the Harvard Street Main Street Corridor districts (H-MS, H-MS-O, H-MST, H-MSN), the applicant may choose to make a Cash in Lieu of Units Payment to the Affordable Housing Trust Fund as provided in the Affordable Housing Standards and Guidelines in lieu of providing units on-site. (Lebovitz, TMM8, et al.)

Presenter: Alec Lebovitz

Summary

Article 15 seeks to reverse the 2023 change that lowered the affordability threshold trigger from 19 units to 10 units.

Rationale:

- The Community Preservation Act did not provide as much housing funding as previously assumed.
- Affordable Housing Trust Fund (AHTF) extremely efficient (15:1 leverage; ~600 units since 2008).
- Administering 1–2 scattered on-site affordable units in small developments is burdensome vs. leveraging cash contributions.
- Brookline has had no 10–19–unit developments permitted since 2003; current threshold may be discouraging such “missing middle” projects.

Concerns Raised by the Select Board

- Potential for unintended concentration of affordable units (economic segregation).
- Whether any pending developments were waiting for this rule change (none known).
- Process question: Why HAB did not file this correction themselves—answer: bandwidth; petitioners worked closely with HAB members.

Public hearing: No speakers

There was no vote.

1e. **Article 16. Pleasant Street Overlay District (Jeffrey Allen)**

Withdrawn, no motion taken

2. **Warrant Articles - Continued**

2a. **Article 9. Annual (FY27) Community Preservation Act Fund Appropriations (Community Preservation Act Committee)**

On motion, it was,

Voted, 4-0 Favorable Action on Article 9.

Aye: Bernard Greene, John VanScoyoc, David Pearlman, Michael Rubenstein

Absent: Paul Warren

2b. **Article 12. To see if the Town will add Article X.X “XXX” of the Town's General By-law as follows ARTICLE X.X**

SECTION X.X.X Transparency of Public Record Request and Responses

The Town shall ensure that all Public Record requests made of the Town of Brookline as well as all responses — except those subject to a statutory exclusion — are made publicly available via the Town’s website as soon as practicable but no later than 14 days after either the Town receives a request or the Town issues a response. (Toffel, TMM; Lebovitz, TMM8)

Summary of Current Version

- Town Clerk (not “the Town” generally) to post a monthly index of public records requests and responses.
- Petitioners removed requirement to publish all responsive records due to high ADA-compliance costs.

Cost Discussion

- Petitioner's estimate a cost at \$2,400 per year (based on modeling an actual Public Records Request fulfilled for Brookline News).
- The Board member noted differing estimates from the Town Clerk; asked for reconciliation.
- The Board would like to hear from the Town Clerk for input and clarification.

There was no vote

2c. Article 21. Resolution expressing support for the Massachusetts Medicare for All legislation (Labaree)

Update

- Advisory Committee on Public Health added wording "**access to** universal, affordable, and accessible healthcare."

Board Concerns

- Certain "whereas" clauses contain **speculative** or unsubstantiated claims (e.g., "would save tens of millions of dollars in the first year").
- Board showed discomfort endorsing unverified financial projections.

There was no vote pending a response from the petitioner.

There being no further business the Chair ended the meeting at 7:10 pm.

ATTEST