

BOSTON

Brookline GreenSpace Alliance is a non-profit membership organization dedicated to the enhancement of open space in Brookline by supporting citizens in caring for their green spaces.

# PLACE

Spring 2018

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Cover image combines trees over a map of major parcels of land in Brookline, taken from the draft of the Major Parcel Study.



# 30th Year

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Lawton Park Community Garden  
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### Editor Marian Lazar

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## Introducing the Major Parcel Study

For many years now, planning for future facilities and services in Brookline has been embodied in the annual Capital Improvement Program (CIP), that projects Town expenditures for the next five years. Dramatically changing local demographics have triggered a need for a longer-term planning horizon of fifteen to twenty years.

The Director of Planning and Community Development, along with residents serving on Board and Commissions, called for a special planning effort to address two essential questions about the future. First, will existing Town facilities be sufficient for the longer-term future or will new facilities be required to maintain and improve our level of services? This question is addressed in the Strategic Asset Plan (SAP). Second, under current zoning, how are major parcels of land likely to change in the future in ways that might fundamentally alter the unique character of the Town. Major parcels are those over two acres in gross area (and any vacant parcels over one acre), excluding parcels with significant conservation restrictions; municipally-owned properties adjacent to major public parcels; parcels identified in other recent planning reports; and clusters of parcels under the same ownership that together comprise two acres or more of gross area.

The MPS will give Brookline a better understanding of the current conditions, regulatory and physical constraints and development possibilities of these parcels to support planning for the future. The MPS forecasts potential future changes with information provided by local zoning, a market assessment and feedback from property owners.

Ultimately, the MPS will help the Town build relationships with major parcel owners and will support planning for long-term needs. The analysis and options outlined in this report will serve as a toolkit, allowing the Town to respond more quickly, comprehensively and creatively to land opportunities as they arise. In order to remain up-to-date and accessible, the parcel information in the report will be integrated with existing Town databases.

Developed in coordination with the Strategic Asset Plan (SAP), the specific goals of the Major Parcel Study are to:

- 1) Clearly and objectively identify all major public and private parcels that contribute to the character of Brookline;
- 2) Understand the existing and future plans of owners of each major parcel in the context of growth and development trends; and
- 3) Provide a set of potential options that may be beneficial to the community and to property owners in the future, given current public and private objectives and market direction.

### Key findings of the MPS include:

A total of 124 major parcel groups, or 202 distinct parcels exist across Brookline. The majority of these sites are located in South Brookline; however, municipal, high-density residential, institutional and commercial sites can also be found in North Brookline.

A large proportion of Brookline's land is dedicated to institutional uses. In total, institutional uses currently comprise 556 acres or 15% of the total land area of Brookline. The major parcel list includes 61 institutional parcels and amounts to 52% of all major parcel acreage.

The Major Parcel Study includes options that enable the Town to act on land opportunities as they arise. These options include potential zoning changes, new planning initiatives, public-private partnerships, changes in policy as well as possible programming and financing mechanisms. These options will require further study by the Town in consultation with the community. They offer myriad ways to collaborate with major parcel owners to achieve outcomes that support Brookline's long-term vision for the future.

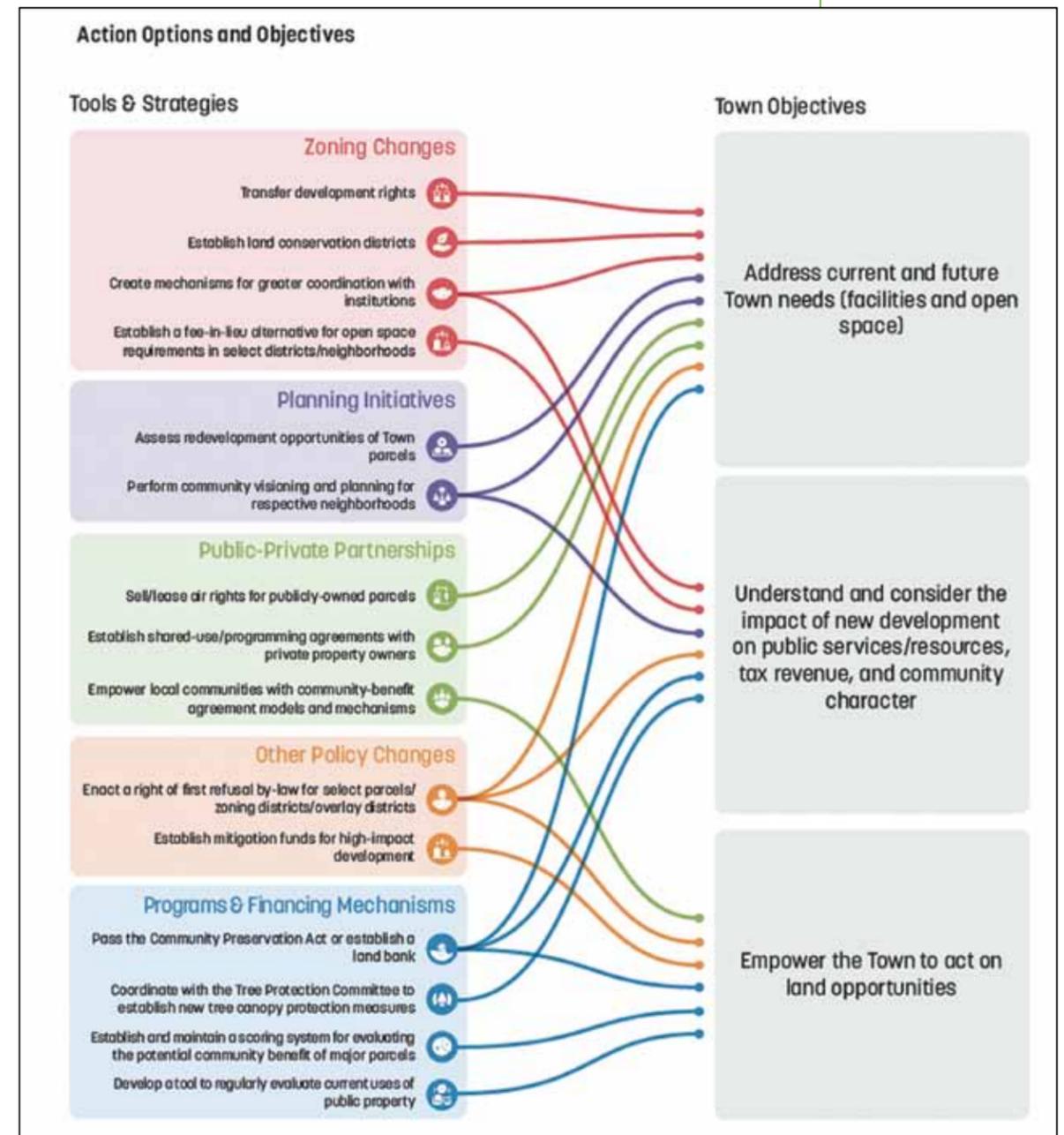
### Town Objectives & Action Options

The Major Parcel Study forecasts a variety of possible futures on significant parcels throughout Brookline in order to evaluate whether existing regulations, programs, and policies will serve the community in the future or whether alternative options are needed. Further engagement of property owners and the public, as well as discussion among staff and officials will be required before any new ideas are implemented. The overall purpose of this study is to provide a menu of options that have been successful in other communities like Brookline that have faced similar challenges and opportunities.

A draft of the study has been completed and is awaiting final approval.

More information is available here:

<http://www.brooklinema.gov/1313/Strategic-Asset-Plan>



# Select Board Candidates Answer Questions on Open Space Issues

## Bernard Greene

**1** Here are three things that the town and its residents could do to meet the continuing need for open space as we grow and become denser. First, we can acquire private land to be used as new open space or to compensate for the loss of open space needed for other town uses. To fund such acquisitions, a land bank would be a useful supplement to the other tools that we use to raise money. We should also use tax breaks and other available tools to incentivize private institutional and residential landowners to preserve with restrictions, open spaces that remain in private hands. Second, residents can consider changes in their attitudes about the type of public building that are considered appropriate for Brookline, relative to height, design, etc., so that, for example, schools could be built taller with urban designs on a smaller footprint. And third, we all should think of open space in more expansive ways – as more than large parks. That would include focusing on developing, preserving, and improving different types of public spaces, such as pocket parks, green streetscapes, rooftop gardens, traffic circles or islands, and the MBTA rights of way.

**2** I feel that I have voted for solutions that serve the long-term interests of the town, after carefully listening to and trying to understand all sides when issues impacting open space come before the Select Board. My future goals are to take steps such as those suggested in the answer to Question 1.

**3** Yes, I would support a land bank.

## Richard Nangle

**1** Our precious open space is not a land bank to draw upon for building projects. If I am elected I will keep my promise to ensure it is off limits to development.

Also, we should not be looking to private open space for building projects. The Pine Manor College debacle is a shining example of something that would not have been considered by previous Select Boards. The incumbents enthusiastically support this proposed eminent domain taking. Pine Manor is the third most diverse private college in the country. Taking its land will put it out of business.

**2** I am deeply disappointed that the two incumbents wrote strong statements for the Brookline Greenspace Alliance in favor of preserving open space prior to the 2015 election and then presided over a school site search that focused on Amory, Larz Anderson and Soule parks. They continue in this direction with the recent decision to explore Putterham Woods, a passive park of wildlife and old growth trees by Horace James Circle. There has been no public input or even notification of Town Meeting Members or neighbors. Had public open space been excluded from the school site search, I believe we would already have settled this issue and found a smart growth site worthy of matching state funding and popular support.

There is a direct line from the quality of our open spaces to the real estate values in our community to the excellence of our schools. It works in that direction and not the opposite.

At a time when the Trump Administration is proposing the selling of our National Parks and removing restrictions on some the most important land in the United States, it is right and proper that we take steps here in Brookline to preserve ours.

**3** Yes.

## Nancy Heller

**1** Our needs are greater than the inventory that we have. Given that, we will need to acquire private open space to meet those needs and to protect private land from being developed. While I believe the power of eminent domain should be used thoughtfully and have a substantial public purpose, I would vote to use it to protect private open space, as that is a substantial public purpose.

I regret that Brookline voters rejected our efforts in 2006 to bring the Community Preservation Act to Brookline. We would need a community conversation about whether we should try again, but even if we did, the state allocation for CPA is now split among many more communities so it is a less attractive option now than it was 12 years ago.

**2** I view my vote on the Town’s proposal for Hancock Village as a vote for open space. When I first became a candidate for the Select Board, I walked the Hancock Village property with Precinct 16 residents and saw for myself the private open space that would be lost if the 40B were to proceed in the way that Chestnut Hill Realty had proposed. The proposal before Town Meeting, while far from perfect, did mostly protect that private open space and for that reason, I had hoped Town Meeting would adopt it.

I also see my position vis a vis Pine Manor College as a vote for open space. While it is true that we would put an elementary school on that site, the parcel we are looking at has been broken into house lots and is ripe for private residential development if Pine Manor decides to sell the land on the market. The jury is out on whether Pine Manor will be able to survive as an educational institution. If we put an elementary school there, that use will necessitate having lots of open/recreational space around the school and that land would be public, not private.

My goals are to increase our inventory of open space, and while that is a very tough problem, I believe that we can do it. See my answer below on the issue of a Land Bank.

**3** I absolutely support a land bank designed to preserve and enhance open space. In fact, David Lescohier has proposed land bank warrant article for the May Town Meeting. The open space protections were not clear enough. He is now proposing to substitute his original proposal for a much better version, which has as one of its main purposes the acquisition of land for parks and playgrounds. This version is much better and I will support it.

Candidates for the Select Board were asked to respond to these three questions.

1. As Brookline becomes more dense, how do you see the Town meeting its needs for open space?
2. As an incumbent how do you feel you have voted to preserve open space? As a candidate what are your goals for open space preservation in Brookline?
3. Would you support a land bank such as the one on Martha’s Vineyard, designed to preserve and enhance open space.

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A fourth candidate, Donelle S. O’Neal, Sr., did not respond to the questionnaire before our publication deadline.

## ARTICLE 15

Submitted by: Commissioner of Public Works

### Introduction

In the fall of 2016, reacting to numerous instances of developers and land owners removing mature or significant trees, and in recognition of the importance of trees to our community, Brookline Town Meeting requested that the Select Board create a committee to explore the possible use of by-laws or other measures to reasonably safeguard trees in our community.

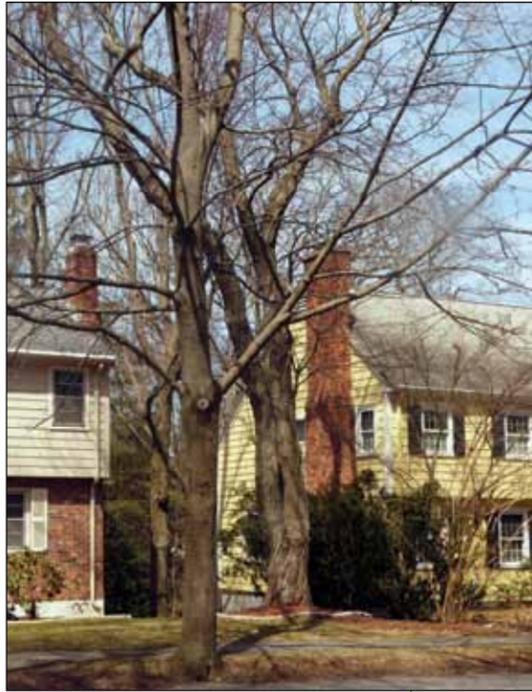
The Select Board's Tree Protection Committee introduces an amendment to zoning Article 8.26, Stormwater Management. This amendment requires an Erosion and Sediment Control Plan when there is removal, as defined in the proposed amended by-law, of more than a total of 32" of protected trees. Protected trees are defined as trees greater than 8" diameter at breast height (DBH).

### Background

The Select Board's Committee on Tree Protection studied the possible benefits of incorporating tree protection measures into existing By-Laws. Mature trees have aesthetic appeal, contribute to the distinct character of the community, improve air quality, provide glare and heat protection, reduce noise, aid in stabilization of soil, provide natural flood and climate control, and provide natural privacy for neighbors.

As a step towards improved protection for trees, the Committee proposed amendments to Article 8.26 Stormwater Management. The presence of trees on a parcel has a beneficial impact on water quality, primarily by reducing storm water runoff. Trees reduce runoff by intercepting rainfall, by releasing water into the atmosphere through transpiration, and by infiltrating water through the soil and storing it in the ground. When trees are removed, they can no longer absorb water and rain runs over the land, eroding the soil and sometimes picking up pollutants as it travels to the catch basins of Brookline. Trees provide additional water quality benefits by absorbing pollutants from the atmosphere, from soil and from groundwater, and may contribute nutrients to surface waters through leaf litter.

The amendment defines protected trees and establishes tree removal criteria which trigger the need for an Erosion and Sediment Control Plan. The amendment requires the submission of a plan showing existing tree locations and designating those to be removed and those to be saved. The amendment also adds a requirement to develop protective measures for remaining trees. This amendment to the existing Stormwater Management By-Law is a first step in efforts to formalize tree protection in Brookline.



Trees between buildings provide a buffer between properties. Removal of trees greater than 8" in diameter would require a Soil and Erosion Control Plan.



## ARTICLE 24: Is a Land bank right for Brookline?

The first of its kind in the United States, the Nantucket Islands Land Bank was conceived by Nantucket's Planning Commission, adopted by the voters of Nantucket, and established by a special act of the Massachusetts Legislature in 1983. The citizens of Nantucket had become increasingly concerned about the changes on their island. The Land Bank was established to protect land for agricultural, recreational and conservation uses.

Martha's Vineyard Island has also witnessed unprecedented change in the most recent decades. Farming declined; centuries-old pastures and fields became overgrown with brush. The "freedom to roam" was curtailed as fences were erected across trails, beaches were gated off and hunting was restricted. Few of these problems could be solved by planning boards and conservation commissions only; the Vineyard needed a new type of land agency. In the midst of a building boom, island voters created the land bank in 1986 and charged it with reversing their losses. Nearly thirty years have elapsed and some 3,100 acres have now been conserved. Although this sounds impressive, it is actually just 5% of the land area on the island. The Commission's revenue – generated by a 2% public surcharge on most real estate transfers occurring in the six towns – is modest compared to need, ensuring that islanders can expect the Vineyard Island Land Bank to protect only a fraction of their community.

The land bank is fortunate in having private-sector counterparts. These are trusts whose extraordinary work in creating wildlife sanctuaries across the Vineyard frees the land bank to pursue a more diverse mission. Some land bank properties are reserved for wildlife while others are used for agriculture, hunting and other types of conservation use.

State legislation (An Act Relative to the Establishment of the Cape Cod Open Space Land Acquisition Program), enacted in 1999, established the Cape Cod Land Bank for towns to use "for the purpose of acquiring land and interests in land for the protection of public drinking water supplies, open space, and conservation land, the creation of walking and bicycling trails, and the creation of recreational areas." In 2005, 13 of the 15 towns on Cape Cod voted to convert the Cape Cod Land Bank Act in their towns to the Community Preservation Act, thereby ending the Cape Cod Land Bank. Two, the towns of Chatham and Provincetown, having previously adopted the Community Preservation Act in addition to the Cape Cod Land Bank, have both preservation programs in place.

These types of land banks are typically funded through a transfer tax imposed on the sale of real estate. Another type of land bank became more common after the great recession and collapse of the real estate bubble in 2008. These are land banks used by cities with large inventories of abandoned properties. Land banks of this type, through state legislation, are generally granted special powers to overcome many of the legal and financial barriers—clouded titles, years of back taxes, and costly repairs—that might discourage responsible, private investment in neglected properties. Land banks aim to turn these properties from neighborhood liabilities into assets by transferring them to responsible ownership. They typically receive public funding as well as realizing income from the resale of real estate. This type of land bank can also be used to control and direct development. In some cities it has been used as a planning tool to allocate space for urban farms and parks as well as for affordable housing.

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## Support for Friends Groups

One of the primary objectives of the Brookline GreenSpace Alliance is to support and foster volunteer groups who help care for our parks. Park Friends groups' contribution to the quality of life in Brookline is invaluable and BGSA acts as their backup system.

The Umbrella functions of the Alliance include acting as fiscal agent; promoting activities throughout the year through email announcements, Facebook and Twitter; holding informational meetings with the Park & Recreation Commissioner; and hosting gatherings to exchange ideas.

By supplying a strong network of park volunteers, BGSA enables individual groups to raise funds for special projects, attract more people to their parks, and foster a sense of stewardship throughout Brookline.

Participate in your park: see <http://brooklinegreenspace.org/html/ExtraPages/calendar.html>

## Land Bank (continued)

The warrant for the May 2018 Town Meeting includes article 24 submitted by David Lescohier, Town Meeting Member from precinct 11, which proposes creation of a Brookline Land Bank. The proposed Land Bank can be seen as a hybrid of the two types of land banks described above. As with the Martha's Vineyard and Nantucket land banks financing for the Brookline Land Bank would come from a transfer tax on real estate transactions. As with the urban land banks it could function to further affordable housing and economic development. It could also be used to acquire land for recreation and open space protection. As currently written, it is a very complex law trying to encompass many elements that may actually have conflicting goals and at the same time its implementation is complicated by exemptions and administrative problems. The board of the Brookline GreenSpace Alliance has reviewed the current version and does not feel able to support the current structure, including a Land Bank Commission consisting only of the Select Board.

The idea of a non-governmental entity that would be able to quickly buy land that might become available is very appealing but the devil is in the details and it is not clear that this proposal can work and is the right solution for protecting green space. Before coming to Town Meeting, Article 24 will be reviewed by the Advisory Committee and by many Town boards and commissions. A BGSA representative appeared before the Advisory Committee sub-committee on Long Range Planning to advocate for a funding source for park and conservation land, but to express concern that this Article pits the creation of housing and other development against the creation of parks and open space. The sub-committee recommendation, as well as the Select Board's recommendation, is to refer the Article to a Select Board's committee for further study and to bring it to Town Meeting no later than Spring 2019.

Brookline GreenSpace Alliance would enthusiastically support a land bank in the style and spirit of the Nantucket land bank to provide funds to preserve precious green space for future generations of Brookline residents.