

Memorandum

To: Large House Review Study Committee
From: Lee Newman
Date: December 15, 2014
Re: Pending Zoning Modifications

Outlined below is a list of potential zoning articles for the spring 2015 Annual Town Meeting. The articles have been developed by the Committee's subcommittee on zoning initiatives as potential items to be considered at the spring 2015 Annual Town Meeting while we continue our work on the development of appropriate dimensional and density regulations. I have attached a potential draft zoning article for each of the identified items. Please note that these articles are drafts only and are offered to foster discussion regarding each of the identified items. Also included is a copy of the regulatory approach utilized by the studied community if applicable.

Article 1 - Retaining Walls - Regulations to lessen the impact of large retaining walls on abutting properties are proposed under this zoning amendment. Under consideration is a regulation to allow by right at the property line: (1) Retaining walls that retain less than 4 feet of unbalanced fill and (2) terraced combinations of walls, in which each separate wall retains less than 4 feet of fill and in which each successive wall is separated by a distance at least 2 times the height of the highest wall. Less than 2 feet from the property line retaining walls 4 feet high would be permitted, subject to a maximum height at any point of 4 feet. Retaining walls 2 feet or more from a property line could be 6 feet high, with a maximum height at any point of 7 feet. All walls not meeting the noted height requirements would require approval by the Design Review Board. A retaining wall could not exceed 12 feet in height unless by special permit. The height of a retaining wall would be the measured distance from the grade at the base of the face of the wall, exclusive of any fill, to the grade at the back of the wall at the same section. For walls that are not a constant height the average of these height measurements would be used to determine the height of the wall.

Article 2 – Height. A revision in terms of how height is measured is proposed under two alternative approaches. Presently height is measured from average finished grade. The first approach tracks the Wellesley zoning regulation which requires that height is measured from the lower of average or original grade. Original grade is defined as the grade of the lot before development occurs. The second approach tracks the Brookline zoning regulation which measures height from the record grade of the street opposite the midpoint of the street frontage of the lot, or, if a corner lot, from the street frontage having the lower record grade. Where the grade of the natural ground contiguous to the residential building is higher than record grade, height is measured from natural grade, except if said natural grade is higher than the natural grade of any abutting lot at the lot line. In such a case where the mean grade of the natural ground contiguous to the residential building is higher than both the record grade of the street and the mean natural grade at the lot line, height is measured from a level not exceeding the mean grade of the lowest of any lot by more than one-fourth of the distance between the building and abutting lot line.

Article 3 – Half Story and Dormers. A revision to the definition of half-story and a complementary dormer definition similar to the Newton zoning regulation is proposed. Presently the total length of a dormer installed above the second story of a structure is limited to 30% of the eave length of the portion of the roof in which the dormer is built. Under consideration is a regulation similar to that found in

Newton where the dormer length may be no wider than 40% of the length of the exterior wall of the story below. Additional restrictions not currently in play in Needham are added to assure that the dormer as installed does not read as a third story. Those restrictions are as follows: (1) Standard requiring that the overhang be continued between the dormer and the story below to avoid the appearance of an uninterrupted wall plane extending beyond two stories. (2) Standard requiring that the vertical plane of the side wall of the dormer may not be closer than 3 feet from the main building end wall nearest the dormer. (3) Standard prohibiting dormer projection above the main ridgeline of the building. (4) Standard establishing singular maximum dormer width at 20 feet.

Article 4- Exceptions for Front Yard Setback. The approach is modeled after Brookline, described as follows. If the alignment of two or more existing buildings on lots on either or both sides of a lot fronting on the same street in the same block is farther from the street than the required front yard depth, the average of the existing alignment of all buildings within 300 feet of said lot shall be the required front yard setback, except that no front yard requirement resulting from the application of this provision may exceed 30 feet. The standard would apply in the Single Residence B and General Residence districts.

Article 5 – Grading and Drainage Review. This revision would establish a review process through the Building Commissioner to assure that whenever the existing contours of land are altered that the land is left in a usable condition and is graded to prevent the erosion of soil and the alteration of the runoff of surface water to or from abutting properties. The requirement applies to projects in all districts where the impervious surface area is increased or where the landscape is altered in such a way that may result in the alteration of the runoff or surface water to abutting lots.

Also discussed by the subcommittee was development of a regulatory approach which would limit the maximum grade of the property as measured from the foundation wall to the property line.

Article 6 – Minimum Side and Rear Line Setbacks: Accessory Structures. Presently accessory structures are permitted to a height of 35 feet if setback 5 feet from a side and/or rear property line. This revision would require any accessory building or structure which exceeds 12 feet in height to meet the underlying districts' rear and/or side yard setback requirements.