

Minutes
LARGE HOUSE REVIEW STUDY COMMITTEE
Friday February 26, 2016 8:00 AM
Charles River Room, Public Services Administration Room
500 Dedham Avenue, Needham

Members Present:, Krista McFadden, Mark Gluesing, Jeanne McKnight, Gary Lesanto, Jeff Heller, Marianne Cooley, Jon Schneider, Lindsay Acomb and Jeff Kristeller; and Lee Newman, David Roche, Karen Sunnarborg, Alexandra Clee, staff.

Not Present: Elizabeth Grimes, Imogene Hatch and Gary Kaufman

In the absence of Committee Chairperson, Elizabeth Grimes, the meeting was opened by Lee Newman, Director of Planning and Community Development at approximately 8:00 a.m. Ms. Newman asked if there were comments or questions on the minutes from the December 1, 2015 and January 7, 2016 meetings. Ms. McKnight suggested a few revisions. The Committee voted unanimously to approve the minutes of the December 1, 2015 and January 7, 2016 meetings of the Large House Review Study Committee, including the suggested revisions.

Ms. Newman asked Mr. Gluesing to walk the Committee through the presentation. Mr. Gluesing showed a few images and recapped some of the information from the prior meeting. He showed the illustrations of the Existing Conditions in the zoning (including the 12.5 foot and 14.5 foot side setback, 20 foot setback in front and rear, 25% lot coverage limit). He reviewed the frontage that the Committee had talked about: either increasing frontage to 25 feet or using an average of the 3 nearest lots, with a minimum of 25 feet and a maximum requirement of 35 feet. Mr. Schneider asked if there would be a proposal to include a special permit to waive the requirement. Ms. Newman said that is what was talked about, although the minimum of 25 feet would still stand. Mr. Gluesing also explained what was previously proposed for garages and setbacks. Mr. Schneider asked if garages count in lot coverage and the response was yes, and that it is consistent with current. The averaging of frontages would only be applied to one side; the other side would be the 25 minimum. Mr. Gluesing continued to review proposals discussed in previous meetings.

Mr. Ryan McDonnell, of Hawthorn Builders, asked if HVAC or propane tanks would have to meet the setback. Mr. Roche replied that they would be allowed in the setback, but would have to meet the accessory setback of 5 feet.

Mr. Gluesing showed a slide showing a proposed Floor-to-Area Ratio (FAR). FAR is proposed to include first and second floor space, with an additional 600 feet allowed for garage. Attics and basements would not count. On a 10,000 square foot lot, the proposed FAR would be .38. He said that they should discuss whether they wish to loosen the lot coverage since FAR would also be regulating size. On the plan shown, there is the current requirement of 25% lot coverage. He said he and Ms. McFadden looked at whether the FAR of .38 would work with the floor plan of a

typical house being built in Needham. He said they tried to keep it similar to the original floor plan that was there.

Mr. Lesanto asked if the lot coverage relaxed to 27 % or 28% that would give people the flexibility to make the garage bigger or to have the master bedroom on the first floor. The reply was yes, it would. Mr. Lesanto said that if they are going to integrate an FAR to control for massing, it would make sense to relax lot coverage so that people can design the house with what is their priority (i.e. master on first floor). Ms. McKnight asked what counts in lot coverage. Mr. Roche said unenclosed porch would not count, even if there is a roof. Gas tanks, Air Conditioning condensers would not count. Bulk heads would be excluded. Bay windows would be counted, as well as overhanging second floors.

Mr. Heller asked if someone didn't add a garage, would that 600 feet be able to be used towards the house? The response was no, the 600 feet is a separate item, only to be used for the garage.

Ms. McKnight said that nothing the committee is doing will put a stop to tear downs. There is nothing they can do to change market forces. She does not want people to have that expectation. Mr. Heller said he thinks the issue is about building an appropriate house on an appropriate lot. Ms. Cooley said that "appropriate" is in the eye of the beholder. She said, from the perspective of the Board of Selectmen, it is not their intent to decrease economic value, but rather to make new homes better for neighbors, while not decreasing economic value.

Mr. Gluesing referenced the site visits that Committee members went on last May. It was the feedback from those tours that prompted the direction that the group has taken. "Too big" wasn't enough to deal with; so instead they focused on specifics like garages, lack of breaks in side walls, height and volume issues. He showed a non-conforming lot. The proposal is to use the previously mentioned front setback of 25 and the averaging along the street, to have a side setback of 12 feet and 14 feet and to decrease the rear setback to 15 feet. He then showed a first floor plan of a possible house, meeting these regulations on a non-conforming lot (but not with any proposed FAR taken into account). He said that the house sketch floor plan is based on a house that the Committee saw on the tour that would not meet the proposed FAR, but had architectural features that the Committee liked.

Mr. Schneider asked if the you increase the front and sides, are you decreasing the back yard? The reply was yes, it would be taken out of the back.

Mr. Gluesing then showed the new setback considerations as well as with projections. He showed a site plan and drawings of a house with a garage set back to 35 feet because it had a full second story on top of it. He showed that overhangs, bay window, chimneys, etc would be allowed to protrude into the setback. The house did have to have some reductions in room sizes, but the overall layout could remain the same. Mr. Roche reminded the group that in all of these scenarios, another 500-600 square feet could be picked up by finished attic space.

Mr. Gluesing showed the variety on the side wall that would now be allowed. Mr. Schneider asked if builders would really do this. Mr. McDonnell said that the specific house the group is talking about one he built. He said is a small house on a small lot. The attic couldn't be finished for a number of reasons; it didn't have an attic stairway, the roof lines wouldn't work. It was

designed to fit with the neighborhood. He said if they are thinking of making this house smaller, the economics wouldn't work. He said he wouldn't do the house again, even though he loves it. He said the only way people would do that house on that land would be if the price of the land dropped. Mr. Lesanto clarified that Mr. McDonnell is saying that he wouldn't do it again even if there were no changes.

Mr. Gluesing said that at 25% lot coverage and .38 FAR, the second floor on this house was a 3-bedroom. He showed a .40 FAR on this small lot that then allowed a 4-bedroom. There is a table of proposed FARs for various lot sizes. He said the Committee may want to consider a special permit for very small lots, under 7,000. Ms. McKnight asked if they would want to keep the .38 FAR on all non-conforming (with respect to lot area) lots and allow a special permit to go higher. It was noted that there are a lot of non-conforming lots.

Mr. Gluesing said that 60% of the lots are between 7,500 and 12,500 square feet, so that was the focus. Mr. Lesanto reiterated that these numbers are just on two floors, unlike how Wellesley does it. They were more concerned with massing. He thinks that builders are going to utilize the projections.

Mr. Heller said he's glad the working group took into consideration looking at other towns to see what was too complicated and to allow some flexibility for the home owner after purchase. Mr. Lesanto said he thinks this is a beneficial proposal. He opposed Wellesley's, but he thinks this takes into consideration unintended consequences. He also thinks it's really important to get it out there to the community because he thinks it's not going to hurt development the way that some people worry it might. Ms. Newman said she hopes to schedule public meetings once the Committee agrees on an approach.

Mr. Roche said he spoke to the Wellesley inspector and he said it can be logistically very difficult. Mr. Lesanto said when he's done the Large House review in Wellesley, it costs \$20,000 in extra costs. Mr. Kristeller reiterated that they wanted to keep it simple.

Ms. McKnight asked if they will not be proposing a special permit provision if they go with the larger FAR (.40). Mr. Kristeller said they maybe would offer it in the extreme kinds of circumstances, like the smallest. Mr. Lesanto said he is in favor of having relief, but he realizes that then someone has to govern that.

Ms. McKnight wrote a memorandum that was not distributed but will be. The memo noted some cases having to do with existing situations when a house that is on a lot is already in violation of a side setback and how the courts have interpreted the right to reconstruct and continue that nonconformity. This is done through a finding through the Zoning Board of Appeals that the new house is not more detrimental than the old house. She is talking about new construction. The case was in Gloucester. Mr. Schneider said he doesn't know if we can do that in light of our By-Law. Ms. McKnight said that our By-Law has to be consistent with state law. Ms. Newman asked if our By-Law can be more restrictive than state law. Ms. McKnight will also send another case around as well that says you can't add a new nonconformity, for example if there's a nonconforming side setback, you couldn't add a nonconforming height.

The group discussed whether they'd want to allow a special permit process for relief. Mr. Schneider said if they are going to allow relief, they need to set some standard. Mr. Kristeller would like some way of making additions and improvements easier to do so people don't feel that they have to tear down to get any value out of the property. Ms. Cooley said that is a reasonable question, but she's not sure it is what the group should be focusing on. Ms. McFadden said that when you change the setbacks, you are affecting people's ability to put on additions, so she does think it's correlated. Ms. Cooley said that it is related, but she thinks they should come to a conclusion and then deal with the next implications. Ms. Newman said it is embedded in the existing zoning.

Mr. Lesanto said he thinks that if they are going to add in the FAR, the lot coverage should be loosened. It would allow more flexibility for all kinds of construction, whether it be additions or new construction. Mr. Gluesing said that, with Ms. Hatch not present, he wanted to express what she is concerned with, which is that any new construction is typically a larger footprint which will affect storm water and drainage. Mr. Lesanto said that if someone wanted a first floor master bedroom, with the lot coverage and FAR, it would be hard to make it fit. Relaxing the lot coverage would give flexibility. Mr. Gluesing said that early on he and Ms. McFadden did examples of lots with master bedrooms on the first floor. He thinks that 27% or 28% would be fair. Ms. Newman said we have a graduated lot coverage number now. The Committee discussed increasing lot coverage across the board in the Single Residence B Zoning District, versus having the scaled approach that currently exists. They do not think they need to change the General Residence District, since they are not really dealing with that district.

Ms. McKnight asked about what controls the town is using on new construction. Mr. Roche said that what they are doing now is asking builders to manage their stormwater through at least gutters and downspouts. There will probably end up being a residential stormwater by-law. They had a study done of the soils in town and they are not too bad. He said if they have ability to recharge, then they suggest that they have a recharge system. They are asking the builders to deal with stormwater and they have been responsive.

Ms. Newman said that next steps would be to bring the Committee one more time in March and have Mr. Gluesing and Ms. McFadden do an example of the lot coverage example on the first floor and see if people agree with the lot coverage number and then schedule the community meeting in April. Ms. McKnight asked whether there was conclusion about whether there needs to be a relief valve and if that would be part of the conversation at the March meeting. Ms. Newman said it would be part of the conversation. We currently have a relief valve (if you do not trigger "new construction" you do not need to abide by certain requirements) and the question is should that be continued or if so, should they be relaxed further? Ms. Cooley said we need to be careful by how it's packaged.

Ms. Acomb asked if the Committee would be further discussing lot clearing and trees. Ms. Newman said this group needs to be more focused on the zoning, but there is a small group looking at tree by-laws.

Ms. McKnight asked if the Committee is all set with the height proposal. Ms. Newman said they are all set with that. The purpose of the March meeting would be to go through all the issues, make sure there's a vote, and address the two outstanding issues, which are the lot coverage and

the add-on issue and how those would be dealt with. These would be what would be presented in April.

The group discussed dates in April for the Community meeting, which would be an evening meeting. There will ultimately be more than one public meeting.

Ms. Cooley said the Moderator has been clear that no zoning come in the fall. Ms. Newman said we should still move forward and finish the Committee's work. Ms. Cooley said there needs to be a discussion about how we bring this to the public, for example she thinks there should be a meeting with just builders. Ms. Newman said we will decide at the March meeting whether we are doing the April meeting. Ms. Cooley said there could be a session for builders earlier in the month, perhaps not in the evening.

Wrap up – The next meeting was scheduled for March 16, 2016. The working group will work on some of the issues discussed. The meeting adjourned at approximately 9:40 a.m.