

Minutes
LARGE HOUSE REVIEW STUDY COMMITTEE
Thursday June 9, 2016 8:00 AM
Great Plain Room, Town Hall
1471 Highland Avenue, Needham

Members Present: Elizabeth Grimes, Mark Gluesing, Jeff Kristeller, Gary Lesanto, Gary Kaufman, Jon Schneider, Lindsay Acomb and Jeff Heller; and Lee Newman, David Roche, Karen Sunnarborg, Alexandra Clee, staff.

Not Present: Krista McFadden, Jeanne McKnight and Marianne Cooley.

The meeting was opened by Committee Chairperson, Elizabeth Grimes, at approximately 8:00 a.m. Ms. Grimes asked if there were comments or questions on the minutes from the March 16, 2016 and April 27, 2016 meetings. Ms. Acomb suggested a few revisions of typos. The Committee voted unanimously to approve the minutes of the March 16, 2016 and April 27, 2016 meetings of the Large House Review Study Committee, including the suggested revisions.

Ms. Grimes noted correspondence; a letter from John Lechner dated April 20, 2016; an email from Victoria Doroshenko, 19 Beech Street, dated April 26, 2016; and an article from WGBH entitled "Needham: The Urge To Tear Down, The Desire To Build New" dated May 11, 2016.

Ms. Grimes asked for comments from the group about the public meeting that was held on June 1. Mr. Kaufman stated that he feels the literature given out at the meeting should have been more inviting, requesting comments and feedback, rather than statements that he thinks are opinions, not fact. He does not think the group should be trying to control or direct the discussion.

Mr. Schneider said that his first reaction was that it's far too complicated for many people to understand. He came away with the conclusion that he is not in favor of reducing the rear setback. He also thinks averaging the front setbacks creates a complexity that is unnecessary. He thinks if those components were taken out, the proposal would be simplified. He thought that the FAR that is on the table might not be going far enough. He is torn; he is not a big fan of restricting the building of these houses, but if they want to address what the community wants, they need to be more restrictive.

Mr. Lesanto said that he found Slide 23 to be very confusing and misleading. It made it look like what they are talking about is much less restrictive than other towns. He does not think that is actually true. He heard from both public meetings complaints about the rear setback. He is also not a fan of the front setback averaging.

Mr. Kristeller said he thinks the rear setback change should be eliminated. It's not a neighborhood impact, but an abutter impact. If they get rid of averaging, maybe they could keep the recommendation of a 25 foot setback and add another 5 foot setback for garages, and still allow the elements to go into the setback. He believes they are not going far enough with the

FAR. Ultimately, that is what makes the mass of the house. He does not think it was clear that this could apply to additions. He said he thinks that if this does apply to additions, it is counterproductive to their goal. Allowing as much as possible and encouraging additions is the best way to avoid as many tear downs. He also thinks all the footnotes in the current Zoning By-Law should be rewritten to be clearer.

Mr. Lesanto stated that they should not forget the fact that they have been studying this for 2 years. Making certain changes would have a ripple effect and they should be very careful. He does not think they are very far off and changes should be minor.

Mr. Kaufman said that they have never really discussed incentives as a Committee. He suggested the following, just as an example: if the new house is built 20% smaller than the norm (norm being about 4,500 square feet), there could be a property tax reduction for first couple years, or building permit fee reduced or building permit application expedited. He thinks people should be able to make decisions and have choice. He said he is concerned about the discussions about social issues. He wondered how many people would be willing to accept less money for their house when selling. He also noted that he thinks whatever rules the Committee comes up with should apply to both new construction and additions.

Ms. Acomb said that she heard some people not agree with the house template that the Committee had come up with, the actual size of the house. She wonders if they should reconsider the size of the house on smaller lots. She also thinks social issues are important and the seller is not the only one to consider.

Mr. Heller thinks the Committee has considered the stakeholders. He said they have addressed the market; they have heard from realtors and builders that the market does want 4 bedrooms. He said that they also took into consideration simplicity of any proposal. Some components of the proposal have wiggle room, but some would be much harder to change.

Ms. Grimes read comments emailed from Ms. McKnight to the Committee, as she was not able to attend: “As to aesthetics and massing, the most important of the ideas that the LHC has under consideration are: (1) instituting the FAR as outlined with gradations for lot size and an increase in lot coverage for flexibility, and (2) the increased setback for 2-car garages. Our concept that we propose reasonable FAR standards that are not to be changed by special permit (unlike some other towns) I agree with, and I don’t see any reason for relief from the garage setback rule either.

“I also think changing the height-measurement rule as presented is an important reform. I am concerned, however, about particular cases where relief in the form of a special permit from the ZBA might be warranted, for unusual topographic or geological reasons, where the ZBA would need to find that the house with the increased height (beyond the standard) is not more detrimental to the neighborhood than a house that would comply with the standard.

“As to the larger front and side setbacks under discussion that would ‘nudge’ but not ‘push’ toward more architectural detail, I fear that the proposals will be exaggerated by those opposed to any change, so that Town Meeting members will be confused as to their impact, particularly as to new construction on non-conforming lots and corner lots and additions to existing homes, and

those who want more controls will not be happy either. Also, the compensating rear yard decrease does not seem to please anyone. I agree with the builder who commented at the builder/broker meeting that a special permit from the ZBA to allow deviation in unusual circumstances should be provided for, such as where an intensification of an existing non-conformity would occur, provided that the ZBA determines that the proposed house would not be more detrimental to the neighborhood than a house that would fully comply with the new setback standards.”

Mr. Schneider said they should make sure to have some sort of height limitation to address the Wachusett Avenue situation. While everyone agrees that the house is ugly, he agrees with the Building Commissioner that it was allowed under the Town’s By-Law.

Mr. Kaufman said they should not try to regulate “ugly”. Ms. Grimes said that it’s not the ugly that they are trying to regulate, it’s the number of basements, as the house has multiple. Mr. Roche said they plan on adding a simple single sentence to the By-Law to address the basement issue.

Mr. Handle, Board of Selectmen member, said that several members of the Board of Selectmen are in favor of proposing something to address the issue at the Fall Special Town Meeting.

Mr. Gluesing said that he was not surprised by some of the feedback. He said that what they are proposing does indirectly impact some of the social issues.

Ms. Acomb said that people didn’t appreciate why the base model was selected; it seemed market driven. Some of the people who came were not comfortable with that model.

Mr. Kaufman said that everything is market driven. Ms. Grimes said that she agrees that some of the attendees didn’t understand the use of that model.

Mr. Gluesing said that he thought the house model works because any time he gets a call, whether new house or addition, that is what people are looking for. He would question the Committee proposing regulations that wouldn’t even allow what everybody is looking for. Using FAR, there will start to be some restrictions on the undersized lots. He originally wasn’t supportive of FAR, but has come around to think it could work. He said he’s heard from some people that if they change the front setback, they may need to rethink the garage as well. The averaging of the front setback might not make a big impact, given the replacements that are already out there. They still have work to do on how a corner lot works. If you drive down Williams Street near Cricket Field that is a 70s and 80s development and compare with Ware Road, which has pretty much all turned over since the 1999 regulations, you can see what you prefer.

Mr. Kristeller agreed that people want 4 bedrooms. He said that you can get that many bedrooms in a smaller house. It is possible to get that in less than 4,000 square feet in the two floors they count in the FAR.

Mr. Schneider asked to explain how Wellesley and Needham compare, as it was not clear from Slide 23. Mr. Lesanto clarified the Wellesley code and explained how basements and attics are

treated there. Wellesley allows 3,600 square feet on a 10,000 square foot lot, while what Needham is considering allows 3,800. The Committee had discussed that Wellesley was a little tight, if you're trying to hold the base model. Ms. Acomb asked how they consider the garage; Mr. Lesanto replied that Wellesley also allows 600 square feet for the garage.

Mr. Heller said he has been thinking about when government should intervene in market. They want to allow for the market, but not to impose upon the larger community.

Mr. Kaufman said there about 28,000 people who live in Needham and about 75 people came to each public meeting (the architect/realtor/builder meeting and the public meeting). He asked if that represents the whole Town. Mr. Heller said that the people who spoke at the meeting voiced the extreme. He said they don't necessarily understand all of the work of the Committee. They want the Town to do something, and they will, but it won't be extreme.

Mr. Kaufman noted the debate several years ago in Town regarding the sale of alcohol. At the small meetings, one would get the impression that most people didn't want alcohol stores. But then it went to a Town vote and the Town voted in favor of having alcohol stores. He doesn't think they are necessarily getting a clear voice from the Town. He reiterated the idea of incentives.

Mr. Heller said there are incentives, like the architectural bump outs and the front porch etc. It comes down to smaller houses on smaller lots.

Mr. Kristeller said that Zoning *is* regulation of the market that is based on the desires of the Community. His sense is that Needham has a significantly higher number of tear downs and new construction than most of the towns in the metro west. Mr. Schneider said they are doing 90 a year. Mr. Kristeller said that they are doing 1% a year and after 30 years it will be 30%.

Ms. Grimes said she would not be in favor of going less than an FAR of .38. Mr. Lesanto said that there probably isn't much of a distinction, if any, visually between 3,600 and 3,800.

Matt Hughes, Pinewood Development, said that he's concerned that not everyone's viewpoint is heard. Many people do not care either way. And then there are the people on the other side who do not agree with the proposals.

Mr. Heller said that people bring up all the tear downs to him sometimes out of the blue. Ms. Grimes said that a lot of her friends live in the newly constructed homes and the topic doesn't come up with her friends. She said that what they are proposing will work, it is a balance.

Mr. Ryan McDonnell, Hawthorn Builders, said that people do not come out in droves to fight for the status quo. He added that smaller lots are already worth less than larger houses. But if these regulations were in place, the smaller houses would be worth less tomorrow than they are today. It could even affect other lots, since real estate price is all based on comparable sales.

Mr. Schneider said they should seriously consider a special permit process. He also thinks they've exhausted the discussions and are going around in circles and ought to get something written.

Ms. Newman said maybe the working group can look at the front yard setback and garage issue. She hears consensus about the rear yard setback. Ms. Grimes said that the corner lot issue should also be discussed.

Mr. Heller thinks having the working group work on this would be helpful; but he'd like the group to give some feedback about where they are flexible and where not. Ms. Acomb noted than a letter from Mr. Lechner in which he discusses the orientation of a house on a street on a corner lot. She asked if that could be discussed. Mr. Kristeller said the town should not make a judgment about which side the house should front on.

Mr. Kristeller said that he thinks that they should be clear about some things. One is whether there should not be any more 10 foot setbacks. Mr. Schneider said that would affect a lot of homes. Ms. Newman clarified he was talking about just new construction. Another thing the group should clarify is what happens with Lot Coverage and FAR relative to additions to homes built previously. Mr. Gluesing said that needs to be studied.

Ms. Newman said she hearing consensus about changing the proposed rear yard setback being eliminated, no change to the height (except for the multiple basements) or side setbacks. That leaves the front setback issue and garages to study further, as well as whether the existing FAR works. And then corner lots. Then once those decisions are made, they can discuss how these should apply to additions. Lastly, the special permit idea should be discussed.

Mr. Gluesing said that as far as representation of the full community, Town Meeting will take care of that. That's when they'll really know how the Town feels.

Mr. Schneider asked that the working group and Committee look at whether the last sentence of Section 1.4.7.2 can be taken out of the By-Law. The Zoning Board of Appeals sees a lot of cases where this becomes a problem for projects.

Wrap up – The working group will meet June 22, 2016. The next meeting of the full Committee will be July 21, 2016. The meeting adjourned at approximately 9:45 a.m.