

Minutes
LARGE HOUSE REVIEW STUDY COMMITTEE
Wednesday April 27, 2016 8:00 AM
Charles River Room, Public Services Administration Room
500 Dedham Avenue, Needham

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

Not Present: none

The meeting was opened by Committee Chairperson, Elizabeth Grimes, at approximately 8:00 a.m. She said the Committee will discuss some of the outcomes of the meeting with the Builder and Realtor Community. She added that she thinks the article that was written in the Needham Times after the presentation was misleading. Builders were not jumping for joy about the proposal; the paper put a positive spin on it. She said overall, there were comments and concerns about the proposal. Ms. McKnight said she thought the first speaker, Lou Wolfson, who asked for guidance on how this will affect all homes in town, not just tear downs, also additions. She said this does have to be addressed, as well as comments about small lots. She thinks that the current approach is very sensitive to small lots. Mr. Lesanto said he also talked to Mr. Wolfson after the meeting. He was concerned about small lots and also wanted the Committee to know he is concerned about the strategy of setting the garage back an extra 10 feet, as well as concerned about the averaging for the front setback. Mr. Kristeller also talked to Mr. Wolfson and clarified that the current proposal only applies to new construction.

Mr. Heller asked for clarification about whether the proposed strategy applies to additions. Ms. Newman said that currently there is a carve-out in the Zoning By-Law for new construction. The question is does the Committee want to include the same kind of incentive in the new proposal. Ms. McKnight said that she understood that if someone was adding an addition, that the addition would have to comply with the current setbacks. Ms. Newman explained the current situation. Currently, if an addition does not meet a certain threshold, it lives under the old rules. Part of the conversation today will be whether the Committee wants to have the same rule.

Mr. Roche said he talked to a lot of the builders afterwards and a lot of them were pretty positive about it. Many builders in town build in Wellesley and Newton; this is not new for them. He did have concern about the garage setback and the average front setback. Mr. Schneider said that he thinks they may be glad the Committee did not present something more dramatic. He thinks they need to get the message out that the proposal will *not* stop tear downs. Mr. Roche said the average house being built now will still be allowed; this would only control the very very large house. Mr. Kristeller added that incentivizing additions will have an effect on new construction. He wonders if the proposals are more liberal than they should be; it could be tightened a little. The current strategy may only affect 5 to 10 percent. Mr. Lesanto said this was perceived well because the FAR is fair. He would be concerned about tightening.

Mr. Lesanto stated he started to rethink the front setback averaging after the meeting. Without a survey, you don't know what that setback is. It creates a disadvantage for a prospective purchaser. He does understand where those concerns are coming from. He said some people thought that the garage setback of 10 extra feet may be too much and 5 feet could work. He would not be opposed to that change.

Ms. McKnight said that the builder Shane Delaney who submitted comments following the April 5 presentation seemed to really understand what was being presented. He also focused on the setbacks and the difficulty of the buyer to deal with the regulation. Ms. McKnight said that some of the people she's spoken to like the front setback idea. Nevertheless, she thinks that if they were going to compromise on anything, that would be it, in her opinion. She noted that Mr. Delaney said that the garage setback will work. She added that she thinks that is the *most* important component of what they have proposed.

Mr. Heller said that responding to feedback is important. The front setback may be some area where they have flexibility. He is interested in hearing from the Community on June 1 before making any changes. He thinks that Mr. Schneider's point is well taken. The Committee is not stopping tear downs; they are trying to encourage "the right house for the right lot." As the Historic Commission appointee, they want historic preservation, but are not against modernization.

Ms. Grimes noted that Ceci Fleming at New England Moves sent comments objecting to all lots over 13,000 square feet being grouped together. Mr. Lesanto saw her comment but said that FAR is already a scaled approach. He added that he thinks it's a pretty relaxed number. Ms. Grimes said that her point is that if you're paying more money for those lots. Ms. Grimes agrees with her and thinks that larger lots don't need to be regulated in the same way. She thinks it's more of an issue on small lots. Mr. Lesanto said he doesn't necessarily disagree, but doesn't think the number is constrictive.

Mr. Kaufman said he received a letter from someone and wanted to read a quote: "At some point, someone needs to ask if we intend to turn Needham into a big condo association where you need to go in front of a Board before you paint your house a color that has not been approved." He thinks the Committee is going down a slippery slope. Mr. Heller asked if he could share that entire letter so they could see the context. He said he's spoken to people who are fine with the changes, who are not part of what he considers the vocal minority. Change is good. He said that some people who were added to the Historic Commission inventory in the 90s didn't understand what it meant and they are trying to get off of it. Mr. Kaufman said that he will send the letter to Ms. Grimes to share with the group.

Mr. Heller asked at what point does the size of a house start to impact neighbors and affect stormwater. At what point does the house start to infringe upon the things that people are concerned with? If FAR doesn't affect it, maybe FAR is irrelevant. Mr. Schneider said that in his experience, no matter what the proposal, there will be one or two people who don't like the proposed house because they don't like change. But it doesn't mean it needs to be regulated. Mr. Heller agreed that style and design should not be regulated unless it imposes upon the things that

the Committee is concerned with, like stormwater, massing etc. Mr. Kristeller said that the Committee is not trying to regulate style.

Mr. Kristeller stated he thinks the Committee needs to focus on what new construction means, how the proposals affect additions, how the proposals are applied on conforming and non-conforming lots and how the proposals are applied on lots before and after a certain date, which we have something similar to in the zoning now.

Mr. Gluesing said that some of the feedback he got was about how the front averaging is concerning. He also got comments about the 2 story garage. He thinks it works but is willing to look at it more. He added that they need to think about how it's done on corner lots. It really can't be on both; one front would have to be defined as the front for this purpose. He also heard concern from realtors who said that we are seeing skinnier and skinner houses. The Committee discussed setbacks on corner lots. Mr. Roche said the setbacks are considered two fronts and two sides.

Ms. McKnight said that the work that the Committee has been focused on has not been to make people go to a Board, but rather to create rules that just fit and would be applied. She has suggested previously that going to a Board be an option for people, but the Committee has mostly dismissed that idea. She noted that Paul Beaulieu said at the April 5 presentation that it might be good to have a relief valve and for people to have an opportunity to go to a Board for unique and complicated situations. Mr. Lesanto agreed and said that there could be a law that governs 99% of the time, but there may be situations for a relief valve. Mr. Gluesing said there would have to be criteria for the Zoning Board of Appeals to use upon which to base the decision.

Mr. Kaufman said that the unintended consequences of this is that time is money. He said there are numerous instances of both businesses and residences not going forward because of the length of time. The other unintended consequence is that sellers would get less for their house. He understands the argument, and has mixed feelings about it.

Mr. Schneider said that the special permit process takes about 4 months.

Ms. Grimes asked that if there is no relief valve, is that hurting people. Mr. Kaufman said that 99% of the time, the seller or builder would walk away. But he still thinks it should be there. But the vast majority of the cases would just not pursue the project. Ms. McKnight said that in Wellesley most people do not use the special permit process; they instead just build within the by-right rules. She added that in Wellesley it is typically the people doing their own rebuild who utilize the relief valve.

Mr. Lesanto said that the goal of the By-Law should be to not make people have to go through the process, but to allow it if necessary. No matter how much they plan for most of the lots in Town, there will always be that one lot that the rules don't work for.

Mr. Gluesing said they should have another meeting about the relief that can be granted and the criteria used to grant it.

Ms. Grimes turned the topic to new construction and additions. Ms. Newman handed out a table that shows the definition of new construction and the current rules and explained it.

Mr. Roche said that his opinion is that any addition or new construction should always meet the new rules. Mr. Kristeller said that he disagrees. He said the proposed new regulations should apply to new construction. He thinks that additions should have a different requirement and it should be easier to do an addition. Mr. Lesanto said that he doesn't think it should be allowed to add or continue a nonconformity. Mr. Roche doesn't know of any other towns that have different parameters for new construction and additions. Mr. Kaufman said he agrees with Mr. Roche.

Ms. Newman clarified that we are only talking about the Single Residence B District.

Mr. Kristeller said he doesn't see the difficulty in having different setbacks. He said the difficulty is having new construction being built to the 10 foot setback. It needs to be very clear that new construction applies to every lot. Mr. Kaufman said that it's just going to make Mr. Roche's job harder.

Mr. Lesanto said that they spent two years creating a by-law that is what they think the community wants. So he doesn't understand why they would say you only have to live under these rules for new construction, but if you are just doing an addition, you can do whatever you want. Mr. Schneider said that they don't really get complaints about that.

Mr. Kristeller said it's not the same impact. The original house may fit the neighborhood more. The massing of the house is certainly less than a new home. One of the things he thinks they should be trying to do is to make it advantageous to do additions and retain the existing homes, rather than making it advantageous to tear the existing structure down and build new. Mr. Heller said that should they put the incentives in there that encourage the architectural features that they're doing for new construction.

Mr. Lesanto said it sounds like trying to reduce massing in new construction and incentivize increasing massing in additions. It should be an equal playing field.

Ms. McFadden agreed that it needs to be kept as streamlined as possible. She noted that in her neighborhood, people love their homes but often just have one small additional need, for example "if I could just bump out my kitchen 4 feet, I could have an eat-in kitchen." She thinks it would enable people to stay in their existing houses.

Mr. Schneider said that usually when an existing homeowner comes to the ZBA with a proposal, if neighbors attend, they are in favor. On the other hand, when a tear down is in front of the ZBA, people do not like it. Ms. Newman asked why have a process to allow something that everyone always likes. Just allow it.

Mr. Kristeller explained that he would be very opposed to making addition incentives only be allowed through a ZBA hearing process. He thinks that additions that comply with the current zoning should not be made more difficult to do.

Ms. McKnight asked if what is being suggested is to do away with the pre-1986 and post-1986 lot rule, but at the same time we would keep or revise a rule that defines new construction and the definition of addition or expansions, and that the two would have a different set a rules, and that the additions or expansions would have the rules that currently exist in the by-law. She also stated that someone can go to the ZBA for a finding that the new nonconformity is not more detrimental to the neighborhood.

Mr. Schneider said that with regard to what will pass more easily at Town Meeting, a new construction rule that does not affect additions will be more accepted. Ms. Cooley added that if the Committee wishes to pursue a separate rule for additions, it needs to be separated out as a Warrant article.

Ms. Acomb asked if FAR would apply to additions on existing homes. Mr. Kristeller said the Committee has not talked about that at all. Mr. Heller said maybe they focus on new construction first and then go back and study additions and do that at a separate later Town Meeting if there is still momentum to address renovations.

Mr. Kaufman said that having separate regulations is discriminating against builders and home owners who wish to do new construction. Mr. Kristeller added that, to be clear, this is what we have today. Mr. Lesanto agreed that it discriminates against builders and buyers that want to build. He added that he knows of homes that had additions built continuing the nonconformity that are really unappealing. He said that's why the public process would be there, so they can show the neighbors what is being proposed and let the Board decide.

Ms. Grimes said that the Committee will need to come back to this issue, as there are many opinions. She wants to discuss the upcoming workshop on June 1. The initial thought was to present something similar to what was presented to the Builders and the Realtors. She asked the Committee for their thoughts. Mr. Kaufman said he is concerned that it must be clearly stated that nothing has been decided. He felt at that meeting the perception was that everyone sitting at that table was in agreement. He added the information should be presented more as *ideas* that the Committee has been discussing. Ms. Grimes said she thought she did that, but will work on her opening so that it's very clear.

Mr. Kristeller said that the issue about the Committee not having a sense of how it wants to handle additions should also be out there, so they can get feedback about it.

Mr. Lesanto asked if the Committee should vote on changing anything from the feedback from the previous presentation or just go in with the same approach. Mr. Heller said that he thinks they should keep the presentation the same and then consider all feedback.

Ms. Cooley said she thinks they should do the same presentation that was done before, but that it is also reasonable to say at the end that there were certain comments from the prior presentation that the Committee is interested in hearing from the community about.

Ms. Newman clarified the next steps. The Committee would need to finalize the proposal and vote on it. Then it would be written into Zoning Language. There would likely be another Community meeting around that, all before it would go on a Town Meeting Warrant. Ms. Grimes

added that typically zoning is not done at a fall Town Meeting and it seems likely, from talking with the Moderator, that it would be the case for this zoning. So, the zoning would probably not be on a Town Meeting Warrant until next May 2017. Mr. Heller said that *if* it's ready for fall Town Meeting, maybe it could be reconsidered so not as much time is lost. Ms. Cooley said that all of the Selectmen are in agreement with the Moderator that Special Town Meeting was intended to be just that – Special Town Meeting, and they do not want it to go more than one night. Mr. Heller suggested a Special Town Meeting just for the zoning.

Ms. McKnight said that she thought the last one was done appropriately with a presentation and question and answer period. For the upcoming one, with people coming from all over town, it might be harder for some to understand everything. She thought it would be ideal to break out into smaller groups of 10 or so, with a moderator at each table, resource people walking around answering questions, and engage the people and get everyone's feedback. She asked the other committee members of their thoughts. Mr. Newman said she does think it's valuable. Mr. Heller agreed; he has been advocating for the public process and the workshop model. He suggested doing a presentation style first and then a workshop model after collecting all the feedback. Ms. McKnight said that the problem with what Mr. Heller laid out is that it will be too late to do a workshop later. Mr. Kristeller said that the last workshop he attended (on the Downtown Study) was great, but he doesn't think they would be ready for that type of model by then. Ms. Acomb added that she likes the idea of workshop as it would help people understand being in smaller groups.

Mr. Roche said that rather than break into groups, they could have a questionnaire which asked people about their concerns, with some of the questions that they keep asking themselves. Ms. Newman said that if the Committee had questions prepared, they could be used in the break-out groups. Mr. Schneider said he thinks that would make for a long meeting. Mr. Roche said the questionnaire would help get some honest feedback from audience members. Ms. Grimes asked who would control the groups. Ms. Newman responded that one committee member participates in each small group and then the small group reports back to the full group. Mr. Kaufman suggested an online survey. Mr. Heller is opposed to an anonymous forum. Ms. Grimes said she was concerned about the process taking too much time. Mr. Schneider said that the questionnaire would ensure that they are not just hearing from the louder people.

Ms. McKnight said that she is hearing that after the Committee votes and has specific recommendations, then at that point they would have a workshop.

Ms. Grimes said she thinks they should give the questionnaire at the beginning of the meeting.

The Committee decided to begin the June 1 meeting at 7:30 p.m.

Ms. Newman said that the break-out groups allow for the all the comments to be heard by everyone watching on the Needham Channel, whereas the questionnaire doesn't give that opportunity. Mr. Schneider agreed but said that people might not be ready with opinions after just one presentation. He added that it sounds time consuming. Mr. Heller said that they should make a point of saying during the presentation that the questionnaire will be online, so anyone watching will know about it.

Ms. Newman asked for volunteers to participate in a working group to help with the questionnaire.

Mr. Kristeller announced to the Committee that he will be moving out of Needham and at that time will have to resign from the Committee. He will continue on the Committee until the move. He said he was sorry it is not yet completed but values his time on the Committee and is sorry to leave it. Mr. Schneider said he has been a big contributor. Members expressed agreement and thanked him.

Wrap up – The next meeting will be the June 1, 2016 Community Meeting. Some members will be helping with the questionnaire. The meeting adjourned at approximately 9:45 a.m.