



# TOWN OF NEEDHAM, MA

PLANNING AND COMMUNITY  
DEVELOPMENT DEPARTMENT

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## PLANNING

December 1, 2016

**TO: Members of the Large House Review Study Committee**

**FROM: Lee Newman, Director of Planning and Community Development Department**

**RE: A Chronology of Committee Progress and Outcomes**

I believe it is appropriate to recognize the important work of the Large House Review Study Committee with a brief retrospective of our journey over the past couple of years. The following chronology of activities and attached materials are meant to highlight our efforts in exploring the dynamics of teardown and replacement activity in Needham, examining what other communities are doing to better regulate such activity, and recommending zoning changes in the Single Residence B and General Residence districts that would reduce negative impacts on abutters and neighborhoods while balancing the rights of property owners.

Key to the Committee's work has been the technical support of a Working Group of development professionals who met frequently to analyze regulatory options for the Committee to consider. Members of this Working Group typically included Mark Gluesing, Jeff Kristeller, Gary Lesanto, and Krista McFadden with significant staff participation from the Planning and Building Departments. Particular recognition needs to be given to Mark Gluesing and Krista McFadden who provided visual representations of various zoning approaches on both conforming and non-conforming lots for almost every Committee meeting.

A summary of the Committee's major activities and outcomes is as follows:

- ***Members appointed***

The Board of Selectmen charged the Planning Board with the responsibility of forming a special committee to investigate the issue of teardowns and to make recommendations. Notices were issued that described the Committee's purpose and how to apply for membership. The following twelve members were ultimately appointed to serve on the Committee:

- Elizabeth Grimes and Jeanne McKnight, Planning Board
- Marianne Cooley, Board of Selectmen
- Mark Gluesing, Design Review Board
- Jeff Heller, Historic Commission
- Jon Schneider, Zoning Board of Appeals
- Lindsay Acomb, League of Women Voters
- Gary Kaufman, Real Estate Broker
- Gary Lesanto, Developer

- Jeffrey Kristeller, Architect
- Imogene Hatch and Krista McFadden, Citizens at Large and Landscape Architect and Architect, respectively

Staffing was provided by representatives of the Planning and Community Development Department as well as the Building Department.

- ***First meeting***

The first formal Committee meeting occurred on May 22, 2014, starting with a review of the Committee's purpose and goals including:

- Review past reports, plans and maps prepared by Town committees and officials, state agencies and consultants including the previous Large House Study Committee in 1999.
- Seek the input of neighborhood residents, builders, contractors, real estate agents, property owners and others as required including holding citizen information meetings to elicit general public comments and input.
- Review and analyze the current Zoning By-law and Planning Board regulations and consider amendments to each.
- Analyze the impact of recent planned and potential new housing constructed in the past 5 years in the Residence B and General Residence Districts.
- Review and analyze alternative zoning dimensions, restrictions, or limitations that may address neighborhood concerns.
- Prepare recommendations to amend the Zoning By-law or propose other regulatory strategies that will protect the characteristics valued by residents in the Single Residence B and General Residence Districts.
- Generally identify key issues and needs, analyze alternative solutions, and make recommendations to the Planning Board, both short and long-term, within the overall purpose of the Large Housing Review Study Committee.

A PowerPoint presentation followed that provided a starting point for the Committee, summarizing information from the last Large House Study conducted in 1999 as well as a review of current zoning and recent new construction activity (this presentation is attached as Exhibit 1). It was suggested that members drive by Williams Street and Ware Road to view the effects of different regulations pre- and post the 1999 changes.

- ***Committee Chair elected***

At the Committee's second meeting on June 26, 2014, Elizabeth Grimes was unanimously elected as Committee Chair. During this same meeting the concept of a Working Group was introduced.

- ***Analysis of local teardown activity***

At this point in the process, Committee members started to identify the regulatory options they wanted to explore and to analyze teardown activity. A report was presented that detailed such activity from January to mid-May 2014 (the report is dated May 15, 2014 and attached as Exhibit 2). Demolition activity from 2010 through mid-May 2014 was also mapped. In an effort to more fully understand how existing houses might fit into regulatory options, staff from the Planning Board and Building Department compiled a list of replacement houses in the last several years.

The plans for these houses were analyzed and data was compiled on square footage, lot coverage, and Floor Area Ratio (FAR).

An analysis of FAR and lot coverage for all single-family properties, including both conforming and non-conforming lots in the Residence B Districts, was also conducted and discussed at the Committee's August 28, 2014 meeting. This information was also mapped. (Both the report and maps are attached as Exhibits 3 and 4).

Committee member, Jeff Kristeller, also presented a neighborhood case study on teardown activities on October 8, 2014, focusing on his own neighborhood (area bounded by Greendale Avenue, Great Plain Avenue and the MBTA commuter rail line). This report analyzed what teardown activity had occurred to date and projected future teardowns given characteristics of existing properties.

- ***Comparative community information***

Another important component of the Committee's research involved learning how other communities are regulating the demolition/replacement issue through a detailed review of zoning that was adopted in Wellesley, Newton and Weston (the summary is attached as Exhibit 5). Michael Zehner, Wellesley's Planning Director, attended the July 24, 2014 Committee meeting and provided an overview of Wellesley's zoning bylaw and its outcomes, also addressing questions from the Committee.

Other meetings involved a review of tree regulations in Newton, Wellesley and Lexington on October 9, 2014; building height, retaining wall and setback provisions in Wellesley, Newton and Brookline for example on November 7, 2014; and stormwater regulations in other communities on December 18, 2014. The Committee determined that it was unnecessary for it to focus on tree and stormwater regulations as these issues would be taken on by separate entities in the future.

- ***Site visits***

The teardown activity analysis generated a list of specific properties for Committee members to study including both conforming lots (lots with an area of at least 10,000 square feet and frontage of 80 feet or more) and non-conforming lots (lots with less than 10,000 square feet and/or less than 80 feet of frontage). The houses also varied as to compliance and non-compliance with the regulations that were being explored.

Committee discussion during the April 10, 2015 meeting resulted in an agreement that Committee members try to conduct field assessments of identified properties with questions to guide on-site analyses (attached as Exhibit 6). After visiting the identified properties, Committee members shared their impressions. These comments formed the basis of the regulatory options that came under further review. There was general agreement that interesting design features were not ensured merely by strict compliance with square footage and lot coverage limitations. It was observed that if by-laws could be amended that encouraged certain positive design elements, the result would help reduce the overall perceptions of massing related to new home construction without significantly altering desired interior space composition. The spatial baseline program assumed the following standard house elements:

First Floor – 2 car garage, living, dining, kitchen, breakfast room, family room, study, mudroom, and ½ bath. Additionally a study was included on the first floor in the case of a conforming lot.

Second Floor – Master bedroom with walk-in closets, master bath, 2<sup>nd</sup> bath, laundry, and 3 additional bedrooms.

- ***Proposed zoning articles***

The Committee reviewed potential zoning articles for the spring 2015 Town Meeting including new zoning related to retaining walls, how height is measured, half story and dormers, exceptions for front-yard setback, grading and drainage review, and minimum side and rear line setbacks as well as height limits for accessory structures. Ultimately, the Committee decided to only request approval for a zoning article revising the definition of half-story and a complementary dormer definition, similar to Newton's, to the Planning Board and Town Meeting where it was approved at the Annual Town Meeting on May 6, 2015 and subsequently by the Attorney General on September 4, 2015. (The approved article is attached as Exhibit 7.)

- ***Pending zoning modifications***

Over the course of this work, starting in late 2014, members reviewed potential strategies to address the siting of the house on the lot in terms of its setback to the property lines and street and the type of projections that would be permitted into the required setback to break-up the overall massing of the structure. To further address the issue of massing, the Committee revisited existing lot coverage requirements and explored options to introduce Floor Area Ratio (FAR) regulations. It was suggested that FAR in concert with lot coverage would promote greater design flexibility to enhance the appearance of the home and accommodate the construction of the baseline house elements. The Committee also reviewed potential approaches to control building height by revising how it is measured. Committee discussion also focused on several other zoning issues including retaining walls and accessory structures that were drafted into zoning articles and approved by spring 2016 Town Meeting on May 4, 2016 (see attached Town Meeting Articles 23 and 24 included as Exhibit 8).

A series of memos were issued that along with visual representations of potential zoning changes on both conforming and non-conforming lots provided the context for Committee discussion during most of 2015 and early 2016. This analysis was further supported by deliberations from the Working Group that recommended alternative zoning ideas for Committee feedback. A series of memos were prepared that presented overviews of regulatory strategies under consideration, demonstrating ongoing progress towards refining zoning approaches for presentation to the Needham community. (Copies of the memos dated December 30, 2015, July 15, 2016 and December 1, 2016 are attached as Exhibits 9, 10 and 11.)

At this point the Committee had not yet voted on the ideas that were included in the finally revised memorandum but had been steadily moving towards some greater agreement if not consensus. The May 8, 2015 Committee meeting provided an opportunity for Gary Kaufman to present his perspective on issues related to various stakeholder views on the further regulation of teardown activity. As further input into Committee deliberations, Jeanne McKnight provided a memo dated February 8, 2016 regarding non-conforming houses with regard to setback. This memo (attached as Exhibit 12) indicated that if the house is already non-conforming with

respect to setback, a finding from the Zoning Board of Appeals (ZBA) that the new house is not more detrimental to the neighborhood than the old one will enable the new house to be built at a noncompliant setback.

- ***Special meetings***

The Committee participated or hosted a number of special meetings including:

- *League of Women Voter's Forum*

The League of Women Voters requested a presentation at their February 12, 2016 meeting that included a review of existing zoning and the Committee's key policy objectives.

- *Pubic meeting with development professionals*

On April 5, 2016, the Committee hosted a public meeting for realtors, builders, architects and engineers to obtain input from the development community on the zoning changes under consideration.

- *Town-wide Community Meeting*

On June 1, 2016, the Committee conducted another public meeting to engage interested residents on the issue of teardown activity, making another PowerPoint presentation on potential zoning approaches and facilitating a comments session (the presentation is attached as Exhibit 13). Participants were also asked to complete a questionnaire regarding pending zoning changes with the questionnaire also placed on the Town's website in an effort to obtain additional community input.

- ***Draft zoning articles***

The Working Group drafted zoning articles for further review, modification and approval by the Committee (see attached as Exhibit 14). These articles reflect the recommendations as to front, side and rear setback, lot coverage, floor area ratio, and building height as recommended in Exhibit 10 with the following general directions:

- Increase and encourage architectural variety by allowing various elements to be built within the front and side setbacks.
- Change setbacks to reduce some negative effects of massing.
- Increase lot coverage to 28%.
- Add Floor Area Ratio (FAR) calculations to the regulations defined as gross finished habitable area on the first and second floors with an additional 600 square foot allowance for garage space.
- Change the measurement for establishing maximum building height by providing 2 options from which the applicant can choose.
- Require that alterations and extensions of existing structures would be governed by the same regulatory provisions afforded new construction with a couple of exceptions as relate to front and side yard setbacks.

- ***Zoning approvals***

Following a vote by members of the Committee on December 1, 2016, the proposed zoning recommendations moved on to the Planning Board which will hold hearings and ultimately need to approve the zoning articles before subsequent vote and adoption by Town Meeting. The

Committee noted that although the zoning changes currently are presented as a singular article to the extent that it is feasible to break-up the recommended changes into a series of articles organized by recommended strategy that would be the preferable approach.