

Minutes
LARGE HOUSE REVIEW STUDY COMMITTEE

Tuesday November 30, 2016
Charles River Room
Public Services Administration Building
500 Dedham Avenue, Needham

Members Present: Elizabeth Grimes, Jeanne McKnight, Mark Gluesing, Gary Lesanto, Gary Kaufman, Marianne Cooley, Jeff Heller, Jon Schneider and Lindsay Acomb; and Lee Newman, David Roche, Karen Sunnarborg, Alexandra Clee, staff. Krista McFadden arrived at 8:45 (said arrival noted in minutes so as to note who voting members were).

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 November 15, 2016 meeting. Ms. McKnight suggested a few revisions, including some typos. The Committee voted unanimously to approve the minutes of November 15, 2016 meeting of the Large House Review Study Committee, including the suggested revisions.

Ms. Grimes noted that the meeting would proceed by having the Committee vote on the individual recommendations. She asked Mr. Gluesing to go through every one of the recommendations and the Committee would vote on each.

Mr. Gluesing read the recommendations as listed in the document entitled "Large House Review Study Committee Overview of Recommended Regulatory Strategies". Said Recommendations are pasted below before each vote.

- *Increase and Encourage Architectural Variety by Allowing Various Elements to be Built within the Front, Rear and Side Setbacks*
 - *Roof overhangs up to 24 inches (gutters not counted)*
 - *First floor bay windows that do not have a foundation nor create floor area projecting 2 ft. max. up to 8 ft. wide each, maximum of 25% of first floor wall area where the bay(s) occur*
 - *A portion of a covered landing or porch up to 50 sf. in front and 25 sf. in side setbacks. Previously had to be uncovered, and if any portion was in the setback the total landing size was limited to 50 sf.*
 - *Fireplaces projecting 2 ft. maximum, either masonry or enclosure for gas fireplace*
 - *Bulkheads up to 40 sf. projecting a maximum of 7.5 ft. and having a maximum height of 3.5 ft.*

Upon a motion made by Mr. Schneider, and seconded by Ms. Acomb, it was by all of the 9 members present unanimously:

VOTED: to recommend the adoption of the group of architectural changes.

Mr. Gluesing introduced the next item to be discussed and voted.

- *Modify Setbacks*
 - *Front setback: Increase from 20 ft. to 25 ft.*

Mr. Kaufman said he thinks this is a mistake because it is reducing the backyard by doing so. Mr. Roche disagreed; he does not think the backyard will be affected. Mr. Schneider opposed it for a different reason; he does not like making so many homes non-conforming. Ms. McKnight said she is very much in favor of this kind of change. Mr. Lesanto asked for clarification on the frontage for a corner lot. The response was both front yards on a corner lot would have the 25 foot setback requirement.

Upon a motion made by Ms. McKnight, and seconded by Ms. Cooley, it was by seven of the nine members present (Mr. Kaufman and Mr. Schneider opposed):

VOTED: to recommend the adoption of the change in front setback front 20 feet to 25 feet.

Mr. Gluesing introduced the next item to be discussed and voted.

- Modify Setbacks
 - *Two-car garages built within the first 30 ft. are limited to one and one-half story. Full two and one-half story garage structure must occur beyond 30 ft. from the front.*

Mr. Lesanto asked to clarify if this would only affect the side of the house with the garage door. Mr. Gluesing said the side of the garage does not have to be pushed back. Committee members agreed that the language should be revised to be clearer. Ms. Acomb thought that as far as massing purposes, they should be treated the same. Mr. Kaufman said that it is really only going to occur on corner lots since they tend to be more rectangular than deep lots. Mr. Lesanto said he thinks it should apply to whichever way the house faces, so the massing is scaled back. Ms. McKnight clarified the three options that Committee members were discussing. The strictest approach is that if it is a garage, whether the side of the garage or where the doors are, it has to be set back an extra 5 feet. The second option is the second story has to be set back 5 feet from the garage doors, no matter which direction they face. The third approach is that it doesn't matter if it's the garage door or the wall of the garage, if it faces the front, it must be set back 5 feet.

Mr. Heller asked what is the issue they are trying to address. Mr. Lesanto said that when Committee members did the tour, members felt that massing was in the front and how it sits back from the street.

Matt Hughes, Pinewood Development, said he doesn't disagree with 2 stories over a garage looking very big and that he understands the intent of that specific part. He agreed more with the garage door being the section that would require the reduction in the mass above it. He said when a side load garage is possible, you can make it more architecturally pleasing so you wouldn't necessarily know it is a garage from the front.

Mr. Lesanto said that he believes it's not as much the garage doors that cause the mass, but the front facing wall. Mr. Schneider said that if it looks like the house, it wouldn't be as bad. Ms. Cooley noted she is in favor of the original idea, where it's just the part over the garage doors that should be setback. She said that with a side loading garage, the rest of the house would be setback already, so this provision would not be so necessary there.

Upon a motion made by Mr. Gluesing, and seconded by Mr. Schneider, it was by seven of the nine members present (Mr. Kaufman and Mr. Lesanto opposed):

VOTED: to recommend the adoption of the provision where the setback is required only over the garage doors, wherever the garage doors sit.

Upon a motion made by Mr. Gluesing, and seconded by Mr. Lesanto, it was by one of the nine members present (Ms. Grimes, Ms. McKnight, Mr. Gluesing, Mr. Kaufman, Ms. Cooley, Mr. Heller, Mr. Schneider and Ms. Acomb opposed):

VOTED: to recommend the adoption of the provision where the setback is required only over the designated front of the house, whether or not that elevation includes the garage doors.

Upon a motion made by Mr. Gluesing, and seconded by Mr. Schneider, it was by one of the nine members present (Ms. Grimes, Ms. McKnight, Mr. Gluesing, Mr. Lesanto, Ms. Cooley, Mr. Heller, Mr. Schneider and Ms. Acomb opposed):

VOTED: to recommend that no setback be required, whether over the garage doors or the designated front of the house.

Mr. Gluesing introduced the next item to be discussed and voted.

- Modify Setbacks
 - *Side setback: Measured to face of framing (see elements allowed in setback)*
 - *Conforming lot: Increase from 12.5/14.5 ft. to 14/16 ft. 32 ft. of structure allowed at 14 ft. setback line, the rest must offset 2 ft. to 16 ft.*
 - *Non-conforming lot for frontage only: Increase from 10 ft. to 12 ft. 32 ft. of structure allowed at 12 ft. setback line, the rest must offset 2 ft. to 14 ft.*

Mr. Schneider stated he thinks setbacks should be measured to the foundation with an allowance of up to 6 inches for siding.

Mr. Kaufman said that he is concerned that the side setbacks that have been discussed by the Committee are not going to be applied to all buildings. He said if it does not apply to everything, they are discriminating against people who can afford to buy or build new houses. Ms. Acomb asked for clarification as to whether he was okay with the ability of applicants to go to the Zoning Board of Appeals for relief; Mr. Kaufman stated he is okay with that.

Ms. McFadden arrived and is now a tenth voting member of the Committee.

Ms. McKnight said she agrees with Mr. Kaufman that the same rule should apply to everything and there should not be a distinction between additions, substantial additions and complete tear downs.

Committee Members discussed how setbacks should be measured; to the foundation, to the nearest portion of the structure, or some other option. Mr. Roche suggested that they measure to the foundation and add “6 inches of trim and/or siding” into the section listing exclusions.

Upon a motion made by Ms. Acomb, and seconded by Mr. Kaufman it was by nine of the ten members present (Mr. Gluesing opposed):

VOTED: to recommend, for conforming lots, an increase from 12.5/14.5 ft. to 14/16 ft. 32 ft. of structure allowed at 14 ft. setback line, the rest must offset 2 ft. to 16 ft. This would be measured to the face of foundation with an exclusion for “6 inches of trim and/or siding”.

Upon a motion made by Ms. McKnight, and seconded by Mr. Heller it was by nine of the ten members present (Mr. Kaufman opposed):

VOTED: to recommend, for non-conforming lots for frontage only, an increase from 10 ft. to 12 ft. 32 ft. of structure allowed at 12 ft. setback line, the rest must offset 2 ft. to 14 ft. This would be measured to the face of foundation with an exclusion for “6 inches of trim and/or siding”.

Mr. Kaufman stated that he is opposed to this. Ms. Cooley stated that she would prefer it to be even stricter, but would live with this.

Ms. Grimes introduced the next item to be discussed and voted. She said the recommendation is to leave rear setback as it is.

- Modify Setbacks
 - *Retain the current rear yard setback of 20 feet*

Upon a motion made by Ms. McKnight, and seconded by Mr. Lesanto it was by nine of the ten members present (Mr. Kaufman opposed):

VOTED: to recommend that the rear setback be left at 20 feet.

Mr. Kaufman stated that he is opposed because the change in front setback pushes the house back but not giving relief on the other side.

Mr. Gluesing introduced the next item to be discussed and voted.

- Lot Coverage
 - *Lot area coverage increased to 28%. Allowing a more relaxed lot coverage allows for additional design flexibility. This, in conjunction with allowing certain exemptions into the new adjusted setbacks, encourages more architectural design features and helps reduce perceptions of building massing. The FAR (see below) is now suggested to be the overall size control, while setback exemptions and relaxed lot coverage will allow design flexibility and encourage a variety of design features.*
 - *Exclusions from lot coverage:*
 - *Covered porches and landings (unless habitable space is above)*
 - *Decks, patios and pools*
 - *Bulkheads*
 - *Fireplaces*
 - *Bay windows*

Mr. Gluesing said the reason for this was to allow some flexibility on the first floor, for example, adding a first floor master bedroom. The current lot coverage is 25%. He noted that former Committee member, Ms. Imogene Hatch, was not necessarily in favor of this provision due to potentially increasing impervious surface on the lot and that, including driveways etc, over time, the change can be pretty significant for the Town as a whole. Mr. Schneider said he does understand what Mr. Gluesing is trying to accomplish, but that he thinks that people will be concerned about the loosening of the lot coverage. Ms. McFadden agreed and said that she is *only* in favor of this provision as long as it is coupled with the proposed Floor to Area Ratio (FAR) provision. Mr. Kaufman said he thinks the flexibility this adds is keeping with the time so people can do master suites, etc.

Mr. Heller stated he is in support of this provision because they have made an effort to include all of the stakeholders and built in some flexibility. Ms. Cooley said that pictures will help people to understand. Ms. McKnight said that stormwater is a big concern and will be addressed by the Town through other means, like stormwater regulations. Mr. Schneider agreed that the Town needs to be moving forward with drainage and stormwater rules. He hopes that is on the table when the zoning gets to Town Meeting.

Ms. Grimes said that since the Committee wants Lot Coverage and FAR to be coupled together, they would discuss FAR and then vote them together. Therefore, Mr. Gluesing introduced the next item to be discussed and voted.

- Add Floor Area Ratio calculation to the regulations.

The key to FAR is always what counts as floor area and what does not. Many towns include complicated calculations of finished or unfinished basements, walk up attics, and garages, and count some portion or all of them as floor area to be regulated. This can lead to unnecessary changes to topography or roof pitch and design simply to avoid those areas being counted as floor area. Our approach concedes that every house has a foundation of some depth, and a roof of some appropriate design. Whether it is finished space, crawl space, or trussed attic, does not really impact the house structure and looks. Floor area counted will be defined as gross finished habitable area on the first and second floors. An additional 600 sf is allowed for garage space.

Lot Size (square feet)	FAR	Maximum House size (does not include basement or attic. 600 sf additional allowed for garage)
7,500 and under	.38	7,500sf lot → 2,850 square feet
7,501 – 8,999	.38	8,500 sf lot → 3,230 square feet
9,000 – 9,999	.38	9,500 sf lot → 3,610 square feet
10,000 – 10,999	.38	10,500 sf lot → 3,990 square feet
11,000 – 11,999	.36	11,500 sf lot → 4,140 square feet
12,000 – 12,999	.35	12,500 sf lot → 4,375 square feet
13,000 – 13,999	.34	13,500 sf lot → 4,590 square feet
14,000 – 14,999	.33	14,500 sf lot → 4,785 square feet
15,000 and greater	.32	15,500 sf lot → 4,960 square feet

Lot Size	Lot Count	Percentage Allocation
Under 5,000	32	.4
5,000 thru 7,500	597	8.3
7,500 thru 10,000	1,121	15.6
10,000 thru 12,500	3,261	45.3
12,500 thru 15,000	1,053	14.6
Over 15,000	1,136	15.8
Total	7,200	

Mr. Kaufman asked if the 7,200 total lot count includes Single Residence A lots. The response was that the chart only applies to Single Residence B.

Mr. Gluesing suggested there are two recommendations encompassed by this that should be voted.

Upon a motion made by Ms. McKnight, and seconded by Mr. Kaufman it was by all ten of the members present unanimously:

VOTED: to recommend that FAR is calculated as described above, with the stated elements included and excluded.

Ms. Grimes said that she is opposed to having any FAR limit for lots that are 14,000 square feet or larger. She said the public is concerned that people are building large homes on small lots and that a 14,000 square foot lot is not a small lot.

Matt Hughes, Pinewood Development, said he agrees with the way FAR is proposed to be calculated and what is excluded etc. He stated that he does not necessarily have a problem with an FAR, but he does not agree with the sliding scale for FAR. Mr. Heller asked how many houses above 5,000 square feet are being built and asked is it really a limiting factor. Mr. Hughes responded that they are not common, but that he believes the proportion should not be changed for larger lots.

Mr. Schneider said that he thinks it would be simpler to just have a .38 FAR across the board. Ms. McKnight said that what Needham is proposing is more generous than Wellesley, and one way of responding when people ask why Needham is being so generous is to say that Needham has 10,000 square foot lots, but when there is a lot that is more of a Wellesley size, they are adjusting accordingly.

Mr. Gluesing went through some examples of possible house sizes on certain sized lots with an FAR of .38. He said he understands Ms. McKnight's comment that it shows the Committee is being thoughtful. Mr. Lesanto said that it all goes together and this FAR is meant to accompany the allowances for architectural features in the setbacks etc. He said he builds in multiple towns around Needham and this FAR is relaxed. He said he thinks these numbers are not overly constrictive.

Ms. Newman pointed out what percentage of the inventory falls into the various categories of lots sizes to show how many properties would be affected.

Ms. Acomb said she likes the sliding scale. Ms. McFadden said that she agrees, but that if there were to just be one number, it should be more restrictive.

MOVED: By Mr. Schneider, and seconded by Mr. Kaufman, to recommend that FAR be .38 across all lots in the Single Residence B District, no matter the lot size.

Ms. Acomb asked if there was just going to be one FAR, should it be more restrictive. Mr. Lesanto said that any more restrictive would be tight for a 10,000 square feet lot, but he does feel that as the lots grow, a lesser FAR would make sense.

Ms. Cooley said she is willing to vote on the .38 FAR, but suggested adding one additional tier.

Mr. Heller stated that he is against the motion on the floor because it protects against a situation where someone wants to build a very large house next to a smaller lot. Ms. Acomb and Ms. Grimes stated that they like the idea of Two tiers.

MOVED: By Mr. Heller, and seconded by Ms. Cooley, to amend the above motion to include a second tier of .35 FAR starting at 12,000 square feet and all smaller lots would have a .38 FAR.

Upon said motion, it was by nine of the ten members present (Mr. Kaufman opposed):

VOTED: to accept the amendment to the main motion on the floor.

Upon the original motion made, it was by nine of the ten members present (Mr. Kaufman opposed):

VOTED: to approve the main motion, with the amendment, to recommend that the FAR be .38 for all lots up to 12,000 square feet and that the FAR be .36 for lots 12,000 square feet and larger, in the Single Residence B District.

Ms. Grimes said that now that the Committee has voted on FAR, she wants to come back to the Lot Coverage vote.

Upon a motion made by Mr. Gluesing, and seconded by Ms. Cooley it was by all ten of the members present unanimously:

VOTED: to recommend that Lot Coverage be increased to 28% with the following exclusions:

- Covered porches and landings (unless habitable space is above)
- Decks, patios and pools
- Bulkheads
- Fireplaces
- Bay windows
- 6 inches of siding or trim

Ms. Acomb said that she wants to be sure that lot coverage is *only* increased if the FAR is approved. Ms. Grimes said that the two would be packaged together at Town Meeting. Mr. Heller said that there is always the possibility of an amendment on Town Meeting floor.

Mr. Gluesing introduced the next item to be discussed and voted.

- *Height Measurement*

Two options for measuring height are proposed, the choice is up to the applicant.

- *Height is measured from average existing grade or average new grade, whichever is lower. Height limit is 35 feet. This approach works best on lots that are relatively level or slope up from the front.*
- *Height can alternatively be measured from a single point in the street centerline as the average of the highest 1/3 of the property's street frontage. The height limit is 32 feet when using this alternative. This approach works best on lots that slope down from the street front, which are at a disadvantage when measuring from average existing grade.*

Recommendation: Establish a maximum building height above grade at any point around the building of 41 feet. As height is measured using an average grade calculation this restriction would eliminate the potential for any side of a house to be excessively tall.

Recommendation: Above the walkout basement wall prohibit the use of dormers in the half-story directly above the second floor. In this case the goal is to reduce the overall building mass over the walk-out basement where if the dormer option were exercised the elevation would present visually as a 4-story structure.

Mr. Schneider asked if this is enforceable and if it will not be a burden to provide an existing grade calculation. Mr. Roche said it will be another calculation that the engineer will have to put on a plot plan. Mr. Heller asked if it will add a delay. Mr. Roche said it would add time and cost.

Mr. Lesanto asked for clarification about the dormer component.

Upon a motion made by Mr. Heller, and seconded by Ms. Cooley it was by nine of the ten members present (Mr. Kaufman abstained):

VOTED: to recommend the adoption of the height provision as described above.

Mr. Gluesing introduced the next item to be discussed and voted.

- *Alterations and Extensions of Existing Structures*
Alterations to and extensions of existing structures would be governed by the same regulatory provisions afforded new construction as noted above with the following exceptions.
 - *Additions to existing single or two-family structures that are non-conforming relative to the front yard setback and that were constructed prior to May 1, 2017, would be permitted to be extended within a front yard setback of 20 feet, provided any demolition of the existing structure does not exceed 50% exclusive of demolition of a single story attached garage and further provided that the front yard setback does not exceed the farthest extent of the setback of the existing structure. For additions to existing single or two-family structures that are non-conforming relative to front setback where demolition exceeds 50%, the structure may be extended within a front yard setback of 20 feet through a special permit process through the Board of Appeals.*
 - *For those structures which are non-conforming relative to a side yard setback, there is a tiered provision for additions to existing single family or two-family structures nonconforming relative to side yard setback and constructed prior to May 1, 2017. These structures may be extended to the following setbacks, provided any demolition of the existing structure does not exceed 50% exclusive of demolition of a single story attached garage and further provided that the side yard setback does not exceed the farthest extent of the setback of the existing structure: (1) Structures built prior to July 1, 1999 may be extended within a side yard setback of 10 feet. (2) Structures built between July 1, 1999 and May 1, 2017 may be extended within a side yard setback of 12.5 feet. For existing structures non-conforming relative to front setback where demolition exceeds 50%, the structure may be extended within a side yard setback of 10 feet or 12.5 feet, depending on original construction date, as previously noted, upon receipt of a special permit through the Board of Appeals.*

In all of the above-noted cases, the reduction would not be permitted (by right or special permit) to exceed the existing house setback.

Ms. McKnight said that while she does not think there should be a difference between additions and new construction, she believes this is a good compromise. Mr. Gluesing said that if the demolition of the shell exceeds the amount, they can go to the ZBA. Mr. Schneider would like it to be defined what is 50% of what – volume, footprint, etc.

Mr. Kaufman stated he has 3 concerns. The first is that he thinks it will result in some ugly additions. The second is that he does not know how this will tie into the energy code and could cost people more money. The third is that the code should apply to everything and not single out new construction and he wondered if the Attorney General would even approve it.

Mr. Schneider said that components of the zoning already apply differently to new construction and additions. Mr. Gluesing said he does not think the energy code will be an issue, as it applies differently to additions and new construction. All additions need to meet the code in the same way.

Mr. Lesanto said that he sees this as adding additional relief to those building additions. This grandfathered them to allow people to use old setbacks instead of the new ones, which he is opposed to. He does not think additions should be encouraged by giving them relaxed regulations. Mr. Gluesing said that with new construction you can create the house so that it all works, but it's harder when you're trying to do an addition to make it work. Addition work is a little more personal.

Ms. McFadden said she sees this as advantageous for the person who wants to stay in their home that might be on a small lot and just needs that little extra space.

Matt Hughes, Pinewood Development, said that there are two different mind sets. Some people want to live in a smaller house or don't have the money to buy a 1.5 million dollar home. There are other people who want to buy their perfect home once and not have to put on an addition at a later time. He stated that he thinks a lot of what is being discussed is opinion based.

Mr. Schneider said that all this is addressing is the houses that are currently conforming, that will be made non-conforming by the change.

MOVED: By Ms. McKnight to change the wording as shown (proposed added language underlined): *For existing structures non-conforming relative to front setback where demolition exceeds 50% or for reconstruction of such structures, the structure may be extended within a side yard setback of 10 feet or 12.5 feet, depending on original construction date, as previously noted, upon receipt of a special permit through the Board of Appeals.*

There was no second to this motion.

Ms. Acomb asked where reconstruction is defined. Mr. Schneider said that it is not defined but it is used in the By-Law. Mr. Kaufman asked what happens to houses that were destroyed with house fires. Mr. Schneider said that is a different kind of grandfathering protection.

Upon a motion made by Ms. McKnight, and seconded by Ms. Cooley it was by eight of the ten members present (Mr. Kaufman and Mr. Lesanto opposed):

VOTED: to recommend the adoption of the provision as relates to additions as described above including the front and side setback paragraphs with the expansion of the definition of 50%.

Ms. Acomb asked what would happen if this did not pass. The response was that all rules that had been approved and recommended by the Committee for new construction would apply to alterations and additions as well.

Mr. Schneider said that he thinks they should modify or eliminate the last sentence of Section 1.4.7.2 of the Zoning By-Law that says that any extension of a current non-conformity requires a variance. He added that the ZBA has interpreted it to mean only an on-the-ground extension, but that going up is okay.

Mr. Schneider said that if this by-right provision were to be voted down on Town Meeting floor, then there should be a second proposal available allowing a special permit. Ms. Grimes said they will be prepared to have a substitute motion in case this fails.

Mr. Schneider said that he would like to also allow extensions of non-conforming structures beyond what is currently conforming. For example, if a house has a legal non-conforming setback of 7 feet, he would like the ZBA to have the authority to allow the extension of that setback. The Committee discussed whether that should be added to the proposal.

Upon a motion made by Mr. Gluesing, and seconded by Ms. McKnight it was by nine of the ten members present (Mr. Kaufman abstained):

VOTED: to revisit the prior vote and add language for a special permit to allow the extension of a non-conforming setback beyond the 10 feet that the prior motion required.

Ms. Grimes said that the Committee will have to approve the meeting minutes to close out the process. It may be getting a quorum together at some point. Mr. Heller suggested meeting before the Planning Board hearing to vote the minutes.

The Committee discussed dates for meetings and strategies for outreach. There will be a public hearing as well as a presentation to the Planning Board. Mr. Heller asked for a public forum to occur. Ms. Grimes said they need to do as much outreach as possible. They need to broaden what they normally do. Ms. Grimes said that after the public hearing, they can invite smaller groups of Town Meeting members to a location to ask questions. Ms. Newman suggested that they do a talk-show style show on the Needham Channel as well. Ms. Grimes said they can add it to the Facebook page as well. Mr. Heller added that he'd like to collaborate with the League of Women Voters.

Ms. Newman thanked the Committee for everyone's time working on this issue.

Upon a motion made by Ms. Cooley, and seconded by Ms. McKnight it was by all of the members present unanimously:

VOTED: to adjourn at approximately 10:25 a.m.

On Thursday, March 9, 2017, at 6:45 p.m., a quorum of the Committee met with the sole purpose of approving the above minutes. Present at said meeting were: Elizabeth Grimes, Jeanne McKnight, Mark Gluesing, Gary Lesanto, Marianne Cooley and Jeff Heller.

Upon a motion made by Ms. Cooley, and seconded by Ms. McKnight it was by all of the members present unanimously:

VOTED: to approve the minutes of the November 30, 2016 Committee meeting.