

Minutes
LARGE HOUSE REVIEW STUDY COMMITTEE
Thursday, October 9, 2014 8:00 AM
Charles River Room PSAB

Members Present: Elizabeth Grimes, Imogene Hatch, Krista McFadden, Gary Lesanto, Marianne Cooley, Lindsay Acomb, Jon Schneider, Jeff Heller, Jeff Kristeller, Gary Kaufman, Jeanne McKnight; and Lee Newman, and Alexandra Clee, staff.

Not Present: Mark Gluesing; and David Roche, and Karen Sunnarborg, staff.

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 August 28, 2014 meeting. The Committee voted unanimously to approve the minutes of the August 28, 2014 meeting of the Large House Review Study Committee.

Jeff Kristeller showed a map of the area that he studied – the area between Greendale Avenue, Great Plain Avenue and the MBTA Commuter Rail line. He has lived in this neighborhood for over 20 years. Most of the neighborhood was built after World War II. There is a range of housing types, from smaller ranches and capes, through substantial 3-4 bedroom colonials. In the last 15 years, there has been a lot of tear downs. There have also been reconstructions, including adding smaller additions or entire second floors. Mr. Kristeller included the reconstructions in his analysis. There are many non-conforming lots with respect to both lot size and frontage. The average lot size is 11,000 square feet. Whether a lot was non-conforming or not did not seem to be a factor in whether a home was rebuilt or reconstructed. The average size of a home is 2,688 square feet. The homes built between 2000 and 2014 have an average size of 4,260 square feet. The total square footage includes finished attics (not unfinished attics) and attached garages, and does not include the basement. Only a few homes with garage approach the 25% lot coverage standard; the average lot coverage is 15%. The size of the lot has not impacted what was built on them. The existing FAR across the neighborhood is 25%; the average FAR for the new homes is about 40%.

Mr. Kaufman asked if he looked at the fact that half of new homes were built by existing owners. Mr. Kristeller did not. Mr. Kaufman asked if when Mr. Kristeller was building new homes, were they on vacant lots or lots that had existing homes. Mr. Kristeller stated it was on lots with existing homes. The homes he built were considered large at the time at 3,000 square feet.

Mr. Grimes asked if we could get the FAR for homes from 2000-2014 without the attached the garage. Mr. Grimes wants to see how far off we are from our current By-Law. Staff can change the calculation to take out garages.

Ms. Hatch asked if Mr. Kristeller could tell us anecdotally how the neighborhood feels about the changes. Mr. Kristeller said that it depends on who you talk to. There is not a groundswell of anger about new development in the neighborhood.

Mr. Kaufman stated that Mr. Kristeller had identified 45 homes that have the potential to be tear-downs and asked if Mr. Kristeller had been inside all of them. He has not. He then explained how he made the estimation. 44 out of the 259 houses in the neighborhood had been torn down (total demolition and rebuild) between 2000 and 2014. A few were subdivisions of existing lots. Any house that was 2,000 square feet or less appeared to be a possible candidate. If a home is on Greendale, it likely won't get torn down because the value is not there. Ranches are more likely to go than capes. He walked by every one of those houses and viewed from the outside. There are about 25 where he had no doubt that they would be torn down. If there are about 40 others that are questionable, he guessed that half of those would go. Of course, this is a guess and is only in the current climate.

Mr. Heller said he doesn't think the community has a problem with knock-downs in general. Mr. Kristeller said he thinks some people do. Mr. Heller said he thinks the bigger difference is the size of the new home in comparison with the old home, and squeezing out the middle class. Mr. Schneider said even the 3,000 square foot homes sell for a million and are not affordable to the middle class.

Mr. Kaufman asked who the owners are of the homes that will likely be torn down; are they likely elderly owners who cannot afford to maintain their current homes? Mr. Kristeller said he can't say. In Mr. Kaufman's experience, tear downs are usually by older people. If we make dramatic changes, it will affect how much money people will get for the homes, and whether they can afford nicer retirement communities.

Ms. Hatch asked how we reconcile that with the emails that the Committee was given from people who are unhappy with the larger homes.

Mr. Lesanto said there is some point around 2003/2004 when homes went from 3,000 square foot homes to the larger homes. Though he is pro-development, he doesn't think every lot is good for the large size homes. A 9,000 square foot lot should really have a 3,500 square foot home.

Mr. Kristeller concluded by saying that he would like to encourage some of the raised ranches and split levels and colonials to have additions instead of being totally replaced, and retain some of the character.

Mr. Lesanto said that end users can make that decision. He doesn't think the By-Law should make the decision.

Ms. Cooley said that if Mr. Kristeller were to look at homes to see how many were rebuilt by existing owners, would it shed some light on whether a By-Law change would be helpful. He knows of some personally that were done by the existing owners.

Mr. Lesanto asked how you would encourage additions in the By-Law. Ms. Newman stated that presently the new dimensional rules do not apply to additions under a certain size. Mr. Schneider said it hasn't had much impact because the lot coverage isn't controlling anything.

Ms. McKnight stated that the analysis is great. She said that the purpose of setting an FAR is to impose something reasonable so that most builders go right through, but owners that want an especially large home will go through the process. How many of these homes would have likely gone through a process? Mr. Kristeller believes there are some that would have.

Ms. McFadden added that a lot of people are reacting to the demolition and dust removal, as well as tree removal. There are more factors than the size of the house. Dust can travel 300-400 feet. Mr. Lesanto stated that Needham requires that the dust be watered.

Mr. Schneider asked how many houses are over 4,500 square feet and over 4,000 square feet. Mr. Kristeller does not have the numbers with him. How many of these are outliers or are they the norm. Mr. Lesanto stated that a larger home on a larger lot doesn't have the same impact; a lot of towns will step up the FAR by lot size.

Ms. Newman asked Mr. Kristeller if he's aware of an effective way to save old growth trees during construction. Mr. Kristeller said within 20 feet of construction, it's very hard. Mr. Kaufman stated that many people worry about trees falling on their homes or clogging gutters. He loves trees and is in favor of replanting, but doesn't think there should be a regulation that people can't maintain and cut down trees.

Ms. Grimes thanks Mr. Kristeller for his analysis and showing the committee the example. She would be happy to work with him to run the deeds. Ms. Grimes then turned the presentation to Ms. McFadden.

Ms. McFadden stated that the two homes that will be shown as examples are homes that Mr. Gluesing did. He is not present, but Ms. McFadden will run through the examples with the committee. One home is on Howe Road in Needham; the other is the Elmwood in Wellesley. Both homes use the same basic plan. The homes show the effect of Wellesley's 3,600 rule as well as the height rule, showing what happens to the roof line. Howe Road is almost 3,900 square feet and goes up to that 25% lot coverage.

Ms. McKnight asked whether the foundations are about the same, i.e. the number of steps are about the same to get to each front door. It seems they are.

Ms. McFadden explained what happens to the floor plans with the different square footages. The room sizes in Wellesley are a little bit smaller and compact. They can still fit a small study downstairs. A big difference is that Needham can fit in two staircases. On the second floor, a staircase to get to the next floor would take away space as well. The photos show how the homes look different from the outside.

Mr. Lesanto said that he doesn't see the reason for Wellesley's 7-foot rule for unfinished attic space. If we want to regulate height, we should just regulate height. He doesn't think that the one

that is higher looks that much more massive. Mr. Heller said that the Wellesley house looks squashed.

Mr. Kaufman asked what the current rule is in Needham about porch setbacks. Mr. Schneider replied if there is no roof or if it is under a certain size, it is not counted in the setback. Mr. Kaufman said that architectural features are what will add character. A lot of builders would love to build country porches. Mr. Schneider said that they can build it, if they move the house back so they can meet the setbacks. He does not think people are being constrained by rear setbacks.

Ms. McFadden said that the Committee is looking at massing but doesn't think they should be dictating aesthetics. Mr. Lesanto said they should be looking at architectural incentives. Architectural features are what affect the perceived massing. One option is excluding a certain square footage for something like a farmer's porch. Ms. McFadden explained that the Austin Texas "box" setback model could help address the concern, without telling people what the architectural features need to be.

Ms. Newman stated that Mr. Gluesing wanted to figure out what should be modeled going forward. The Committee decided to model 3,600 and 4,200 square feet on a conforming and nonconforming lot.

Mr. Heller asked what a builder has to do to build on a nonconforming lot. Mr. Schneider replied that they just have to comply with setback and lot coverage requirements.

Mr. Lesanto said it may be helpful to get something modeled in the middle, like 4,000. Mr. Heller agreed. Ms. McFadden will see if she and Mr. Gluesing can do that.

Ms. Grimes introduced the next topic: trees. Ms. Newman introduced Edward Olsen, Superintendent of Parks and Forestry, Kevin Naughton, Assistant Superintendent of Parks and Forestry and Matthew Varrell, Director of Conservation. Imogene Hatch introduced herself; she is a landscape architect and has been working in Massachusetts for the last ten years. The Committee was given three different Town's by-laws regarding trees to look at: Wellesley, Lexington and Newton. She walked the Committee through the benefits of trees, including drainage infrastructure, tree canopy coverage, reduction of energy bills, and added property value.

Ms. Hatch subsequently walked the Committee through the table that Ms. Clee prepared, which compares the by-laws of the three municipalities. Please see Exhibit 1 for the details.

Mr. Schneider said that Massachusetts has a regulation that public shade trees cannot be taken down without approval. Mr. Olsen confirmed this is the case.

Mr. Kristeller asked if Ms. Hatch has any experience in how communities use tree funds. Ms. Hatch said some communities replant trees that have died, like in tree pits or public street trees or parks, or to plant new ones.

Mr. Kristeller asked if the Town has a program to plant trees on private land. Mr. Olsen said that Needham has a three-part tree planting program. The first is to plant trees in the right-of-way in the berm. The second is the setback program where people can apply to have a tree planted in their property. The Forestry Department will then research whether such planting would not interfere with utilities and confirm that it would have a good chance at survival. Probably about 75% of those who have applied for a tree have received the tree. The third is the parks planting program, such as Green Fields and Walker Gordon. They are always actively trying to plant in public spaces. Last year they planted 167 trees in Needham. They like doing the setback program because it's a hospitable environment for the trees. The funding is through the general fund. Mr. Olsen added that as part of the tree hearing, if the removal is approved, the person is asked to put money into the tree fund. Communities that have tree funds also use it for pruning and other maintenance. Only about 6 communities have an active by-law: Wellesley, Newton, Lexington, Hopkinton, and 2 others. They are not widespread but seem to be at comparable communities.

Ms. Grimes asked if Mr. Olsen would be a part of a tree subcommittee. Mr. Olsen said yes and that he feels it's important that he be a part of it. Enforcement can be difficult.

Mr. Heller asked what builders think of these types of regulations. Mr. Lesanto said he doesn't think these other communities added this topic to the Large House Study Committee. He doesn't see why the Committee is looking at this. He doesn't feel trees should be regulated on private property, as a private citizen. As a builder, he doesn't think you can quantify how to replace what is being taken down.

Mr. Schneider's concern is that they need to be careful about what they propose in terms of administering and what town employees can do.

Mr. Heller feels that people should not be able to take down trees that are older than them. He said he doesn't know that this is within the Committee's charge, but it is definitely relevant. Some builders will take down every tree just out of convenience.

Ms. Grimes introduced an audience member who has concerns about trees and wanted to speak on the subject. Her name is Fabia Bird and lives at 111 Pine Street in a 1,000 square foot ranch. A builder next door stripped the lot of trees. When we get a nor'easter, there is no protection for the trees on her lot; she lost 35 trees during a big storm. There should be safety concerns in place for abutting properties. Pine Street is a historic way and is losing its character. There is also a concern about the ecology. Habitats are being lost. The Town should have oversight of property lines. Drainage is also affected.

Ms. Grimes said that the Committee needs to look at this further. To speak to Mr. Lesanto's question as to why the Committee is looking at this issue, the reason is that one of the complaints that the Planning Board is getting with respect to Large Homes is the loss of trees. It would not be brought to Town Meeting in a bundle with any Large House regulations; it would definitely be brought separately. Ms. Hatch added that the scale mitigates the size of the homes and acts as a buffer. Ms. Grimes asked for volunteers for a subcommittee. Ms. Hatch, Mr. Kristeller, Ms. Acomb and Mr. Lesanto will serve.

Mr. Heller said, maybe one of the recommendations would be that there should be a separate committee whose charge is to study this further. Ms. McKnight suggested that the Tree issue does fall within the charge of the Committee. Ms. Newman agreed.

Wrap up – The next meeting is October 30, 2014 at 8:00 a.m. (*note: the meeting was subsequently rescheduled for Friday November 7, 2014 at 8:00 a.m.*) Meeting adjourned at approximately 10:10 a.m.

Table comparing Tree Regulations in Lexington, Wellesley and Newton.

Table only includes regulations on private land (not public trees)

Prepared on October 1, 2014.

Note that much of the text is copied and pasted from regulations, however, sometimes I paraphrased. I also added emphasis in some places.

	Lexington	Wellesley	Newton
Applicability	<p>The circumstances under which the tree protection, removal and replacement regulatory process delineated in this bylaw shall apply are as follows:</p> <p>(1) Proposed cutting (trunk, limbs or roots) of existing public shade trees on public and private ways (accepted or unaccepted streets) or of Town trees on Town-owned (or leased land being used as a public facility) by any person.</p> <p>(2) Proposed demolition of an existing residential or nonresidential structure.</p> <p>(3) Proposed major construction on an existing residential or nonresidential lot.</p> <p>Additionally, if any protected trees were removed during the 12 months preceding the application for the building or demolition permit, a tree removal and mitigation proposal regarding the protected trees already removed shall be submitted to the Building Commissioner.</p>	<p>The by-law applies when any of the following are true:</p> <ul style="list-style-type: none"> • demolishing a structure with a footprint of 250 sq. ft. or greater; • constructing a structure on a vacant lot; • constructing a retaining wall with a height of 4 feet or greater; • constructing a structure or an addition that increases the total existing footprint (lot coverage) by 50% or more. <p>Protected Trees (as defined below) removed within the past 12 months prior to an application for any of the projects above are also subject to the requirements of the Tree Bylaw.</p>	<p>The terms and provisions of this article shall apply to any protected tree (as defined below) located on land within the city not owned by the city, the commonwealth, or any independent authority of the commonwealth, or by the federal government except protected tree(s) located on an <i>exempt lot</i>.</p> <p>Exempt lot:</p> <p>(1) The lot is occupied and used primarily as a dwelling for up to four families at the time any protected tree(s) are removed.</p> <p>(2) The lot owner at the time of protected tree removal has owned the lot continuously for a minimum of ninety (90) days prior to the removal of any protected tree(s).</p> <p>(3) The existing structure on the lot remains occupied as a dwelling with a person or persons living in it for eighteen consecutive months from the date any protected tree(s) are removed.</p> <p>(4) The lot remains owned by the same person for eighteen consecutive months from the date any protected tree(s) are removed.</p>

	Lexington	Wellesley	Newton																																			
<p>What is a Protected Tree?</p>	<p>Any tree on private land, with a DBH of six inches or greater (or any multiple trunk tree with a DBH of 15 inches or greater), located in the <u>setback area</u> (or which, as determined by the Tree Warden, has any portion of the stem between six inches and 4 ½ feet above grade actively growing into the setback area), provided that the tree is not hazardous or undesirable as defined in the Tree Manual.</p> <p><i>The minimum setback area</i> around a lot shall be measured in accordance with the larger dimension of 30 feet from the front and 15 feet from the two sides and from the rear of the lot; and the minimum front yard, side yard and rear yard dimensional requirements under the Zoning Bylaw of the Town of Lexington. For the purposes of establishing the setback area in which the provisions of the bylaw shall apply, the measurement shall be from any point on any property line of the lot, to points along an imaginary line drawn representing the setback area as specified. Final judgments regarding required tree protections during construction shall be made by the Tree Warden where deviations from the setback are required.</p>	<p>a. SINGLE FAMILY RESIDENTIAL PROPERTY: If a project triggers the Tree Bylaw and the site is in a Single Residence District 10, 15, 20, 30, or 40, or a General Residence District, any tree with a DBH of 10” or greater within the Tree Yards <u>is considered to be a Protected Tree</u>. The Regulations contain a table depicting the location on the lot, or Tree Yard, where trees 10” DBH or greater must be protected if retained or compensated for if removed.</p> <table border="1" data-bbox="779 480 1486 841"> <thead> <tr> <th colspan="4">Tree Yard Locations – Property Zoned Single Residence District or General Residence District</th> </tr> <tr> <th rowspan="2">Zoning District</th> <th colspan="3">Minimum Tree Yard (feet)</th> </tr> <tr> <th>Front</th> <th>Side</th> <th>Rear</th> </tr> </thead> <tbody> <tr> <td>SRD 10</td> <td>20</td> <td>10</td> <td>10</td> </tr> <tr> <td>SRD 15</td> <td>20</td> <td>20</td> <td>20</td> </tr> <tr> <td>SRD 20</td> <td>20</td> <td>20</td> <td>20</td> </tr> <tr> <td>SRD 30</td> <td>40</td> <td>30</td> <td>30</td> </tr> <tr> <td>SRD 40</td> <td>40</td> <td>40</td> <td>40</td> </tr> <tr> <td>General Residence</td> <td>20</td> <td>10</td> <td>10</td> </tr> </tbody> </table> <p>b. MULTI-FAMILY AND COMMERCIAL/OFFICE PROPERTY: If a project triggers the Tree Bylaw and the site is in any of the following zoning districts, any tree with a DBH of 10” or greater located anywhere on the property <u>is considered to be a Protected Tree</u> and must be protected if retained or compensated for if removed: Townhouse, Multi-Family, Educational, Educational A, Educational B, Lower Falls Village Commercial, Wellesley Square Commercial, Limited Business, Business, Business A, Industrial, Industrial A, Administrative or Professional, Limited Residence, Limited Apartment.</p> <p>c. DETERMINING TREE DIAMETER: Trees with a diameter of 10” or greater and located on property as specified in a. or b. above, <u>are considered to be Protected Trees</u>. The diameter of a tree is measured at breast height, which is considered to be the area of the trunk four and one-half (4.5) feet above the existing grade at the base of the tree; the following formula may be used to determine the diameter: $\text{Tree circumference at breast height} \div \pi = \text{diameter}$</p>	Tree Yard Locations – Property Zoned Single Residence District or General Residence District				Zoning District	Minimum Tree Yard (feet)			Front	Side	Rear	SRD 10	20	10	10	SRD 15	20	20	20	SRD 20	20	20	20	SRD 30	40	30	30	SRD 40	40	40	40	General Residence	20	10	10	<p>Any tree having a diameter of eight inches (8”) DBH or larger or having an aggregate diameter of fifteen inches (15”) DBH or larger and which is located on land subject to the provisions of section 20-32. (typo, it is actually 21-82) – (see “Applicability” Section above).</p>
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<p>Options for Mitigation</p>	<p>(1) Replanting of trees: such replanting shall be on the basis of one inch of caliper of new tree(s) for each inch of DBH of tree(s) removed, and each replanted tree must have a minimum caliper of three inches. The replanting shall occur no later than 12 months after completion of the construction work, either on applicant's land or on land abutting applicant's land with express approval of the owner of such abutting land;</p> <p>(2) Contribution into the Lexington Tree Fund; or</p> <p>(3) (Reserved) <i>Editor's Note: Former Subsection C(3), which required the applicant to demonstrate the desirability of removal of a protected tree, was repealed 3-22-2010 ATM by Art. 27.</i></p> <p>(4) All evergreens planted as replacement trees must be a minimum of six feet in height and may include, without limitation, pine, hemlock, spruce and fir. Low-growing evergreens shall not be accepted as replacement trees.</p> <p>Trees not removed. Trees that are to be left on the site must be protected as specified in the Tree Management Manual.</p>	<p>A. Preserving and Protecting -Tree Retention Plan The Critical Root Zone, Drip-Line and location of the Tree Save Area shall be shown for all Protected Trees to be retained; Plans must specify tree protection measures; Certified Arborist must certify Tree Save Area has been installed correctly; If encroaching in Critical Root Zone, maintenance plan prepared by Certified Arborist required.</p> <p>B. Tree Replanting Plan – Tree Removal One-half (0.5) inches of caliper of new trees is needed to mitigate 1 DBH inch of Protected Trees removed. Additionally: 1. Each new tree must have a minimum caliper of 2 inches. 2. Replanting must be complete prior to Final Inspection or the issuance of a Certificate of Occupancy. 3. May plant on abutting land with approval of the abutting property owner. 4. Overstory Tree species (trees that will reach a mature height of <40 ft) must be replaced with an Overstory Tree species. 5. Invasive tree species identified in Appendix A shall not be replanted.</p> <p>C. Tree Removal with Contribution to Tree Bank</p> <p>D. Combination Options</p>	<p>Sec. 21-85. Tree replacement. Tree Replacement must occur within eighteen (18) months, or prior to transfer of property ownership whichever comes first from the date the tree permit is issued and in accordance with the following standards: (1) New tree shall be of same or similar species or such other species as advised by Tree Warden in accordance with the Tree Manual and shall have the same DBH inches as that of removed protected tree. (2) In the event that a tree of the same DBH inches cannot be planted, then multiple smaller replacement trees may be planted provided that total DBH of the replacement trees shall, when added together, equal the total DBH of removed protected tree. The tree warden may specify minimum caliper. (3) A replacement tree must survive for a minimum of 18 months from the date it is planted. Documentation of date of planting shall be provided. (4) Replacement tree shall be planted on the same lot from which the tree was removed.</p> <p>Sec. 21-86. Tree replacement fund.</p>