

Minutes
LARGE HOUSE REVIEW STUDY COMMITTEE
Thursday January 22, 2015 8:00 AM
Great Plain Avenue, Town Hall

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

Not Present: Jon Schneider.

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 December 18, 2014 meeting. The Committee voted unanimously to approve the minutes of the December 18, 2014 meeting of the Large House Review Study Committee.

Ms. Grimes noted a piece of correspondence dated January 9, 2015 that was in the Needham Times. It primarily was with respect to a proposed new subdivision on Rockwood Lane. Ms. Grimes stated that there are some inaccuracies in the letter. The abutters hired a private engineer who met several times with the town engineer. Both engineers are in agreement with how the drainage system will work. The Planning Board and the Town have taken the neighbors' concerns seriously. Ms. Acomb asked how it would have worked if the abutters did not hire a private engineer. Ms. Grimes replied that the town engineer reviews all of the plans as part of the hearing process. Mr. Heller asked if there is some regulation that the Committee will be reviewing and possibly proposing that would have alleviated some of the concerns articulated in the letter. Ms. Newman stated that if the Town had a stormwater by-law that was in place, some of the work that was done early on at that site would have been stopped sooner than it was. In terms of the Board's control in a subdivision process, the Board does have quite a bit of control over grading, utilities etc (as opposed to with an Approval Not Required plan); however, the Board does not have control over the size of the homes. The subdivision will end in a hammerhead, as opposed to a cul de sac, which would have required much more grading and pushed a new home closer to the abutter. Mr. Roche said the Planning Board can't deny if the proposal meets the requirements. Ms. McKnight clarified that the Board is granting waivers, but the waivers are ones that are standard practice of the Board.

Ms. Newman introduced the retaining wall zoning article, as revised. The working group has met to discuss the articles. This proposed article allows a retaining wall of 4 feet or less to be placed at the property line, up to 2 feet in from the property line, and for a retaining wall up to a height of 6 feet to be placed 4 feet from the property line. The Design Review Board would review retaining walls higher than 6 feet. Retaining walls exceeding 12 feet in height trigger a special permit. In the front yard, the height of the wall cannot exceed 4 feet within 10 feet of the street line.

Mr. Lesanto asked why we would include a provision for a maximum height of 6 feet and an average height of 6 feet; that is just a 6 foot wall. Mr. Gluesing said we could fix it to say average height of 6 feet with a maximum height of 7 feet. Mr. Roche clarified that this is only speaking to walls within yard setbacks. Mr. Gluesing said we will modify it so it applies throughout the lot. With the discussed changes, the Committee voted unanimously to send the proposal zoning article to the Planning Board for public hearing.

Ms. Grimes introduced the next article: Definition of Half Story and Dormer. Ms. Newman said the working group met and discussed this article. The concern was that the proposed article was measuring the percentage allocation for the dormer across the entire length of the rear elevation and the size of the dormer that would be created as a result of that raised concern. The working group went back to the original language of the by-law to allow that percentage to be measured as a portion of the eave length upon which the dormer sits, but increased the percentage from 30% to 50% and added a condition that a singular dormer could not exceed 20 feet. A few additional conditions not currently included in the by-law were also added.

Mr. Gluesing explained how the proposed change will help give more flexibility on the design side, while protecting against potential worst cases. Mr. Kristeller said it gives flexibility to existing home owners to make modifications to their homes; new homes will also take advantage.

Ms. Acomb asked if we would have diagrams with the articles. The Committee agreed they would for the Town Meeting presentation. But they would not be included as part of the article.

With the discussed changes, the Committee voted unanimously to send the proposal zoning article to the Planning Board for public hearing.

Ms. Grimes introduced the next article: Lot Grading. Ms. Newman informed the Committee that they would not be going forward with this one. Mr. Roche explained that they were trying to accomplish the first step in residential drainage regulations. He's heard from people that they're getting water from abutter's yards. He did some research and other towns have very thorough residential stormwater by-laws. It is not a simple by-law. The Town will have to have one eventually, but it's going to be more comprehensive and will be administered through DPW. The Town is currently conducting a study. He is going to come up with some simple steps that he will ask builders to do, and at this point, it will be office policy. They will ask builders to recharge roof water, or to create grading that deals with it. It will be a procedure through the Building Permit process. Most developers have been cooperative about it.

Ms. McKnight said we could have an interim regulation before introducing the By-Law. Mr. Roche said the Town Engineer was reluctant to do a regulation at this point without knowing all of the facts.

Ryan McDonnell, resident and builder, asked about the difference between office policy and a regulation. He asked if a regulation would require existing homes to comply. Ms. Cooley stated that it's a question that would be considered in creating regulations. She added there should be a broader conversation in the community.

Mr. Kaufman said we need to be careful because the vast majority of builders are doing the right thing.

Ms. Hatch said some towns nationwide have started to incentivize stormwater management to try to manage existing conditions on both residential and commercial.

Mr. Lesanto said when you're adding a larger house on a small lot, he thinks capturing the roof water is a good solution. He thinks the process proposed is a bulls eye; he's concerned about what additional might be a part of the by-law. Mr. Roche replied that not every builder is agreeable.

Mr. Roche explained that it is not the responsibility of every builder to take care of people's problems that they already have. The clarification in retaining walls will also help the situation.

Ms. McKnight said new construction can be considered an opportunity; the situation can be made better than it already is. She does not think it should be on a fast track. She asked if there is a working group on the issue. Ms. Cooley said it's a priority and it might be a recommendation out of this group to create one.

Mr. Kaufman said if there are 100 new constructions a year, about 1,000 in the last 25 years, the existing homes are the bigger percentage. Many of the existing homes are having the drainage problems as well; it's a whole town problem.

Mr. Heller said one thing the Committee is faced with is education to the community that they haven't ignored the concerns but want to do it right. Ms. Hatch added that the stormwater By-Laws are very extensive and more than a sub-committee of this committee can handle.

The Committee agreed not to move this article forward at this juncture.

Ms. Grimes introduced the next article: Definition of Height and Natural Grade. Ms. Newman said presently, we are measuring grade from the average finished grade. There has been some concern about new approaches to measure height. Ms. McKnight said this article is important because it is one thing that is going in the direction of doing something about large homes. She doesn't think any of the other articles they are proposing will be perceived as doing anything towards this issue.

Mr. Lesanto said that the group is focused on massing, but he doesn't think that height is the means to the end. He said if not done carefully, there can be architectural repercussions. Mr. Kaufman said that it is a dangerous road to go down.

Mr. McDonnell said that it could become a problem for someone in a high water table.

Mr. Lesanto said that talking about drainage and water is another issue. Some towns don't allow you to build in a water table. He doesn't think you should be able to raise your house 4 feet to avoid the water table.

The committee continued to discuss grade and height.

Mr. Lesanto said to use the street as the bench mark would avoid the dirt skirt and ultimately does what they want to accomplish. He thinks Brookline's regulation is good but not perfect, and too complicated.

Mr. Kristeller said 35 feet is a reasonable number without getting strange flat roofs etc.

Mr. Gluesing said a couple things are happening; foundations on a new house have gone from 7 or 8 feet to 9 feet, so if there's a water table and you can't go down, the foundation starts to sit above the ground, so people grade it so the foundation isn't exposed. But on the other end, if you push the basement further down, the water can be an issue, and sump pumps can be needed 24 hours a day.

Ms. McKnight suggested that a solution could be to not allow the sill of a replacement house to be higher than that of the previous house. She asked if the 9 feet high foundation is a building code requirement.

Mr. Roche replied that once you finish the basement and add the duct work, that's how much you need. Mr. Lesanto said that's why using street level works, because it gives the builder a little bit of flexibility.

Ms. McKnight said that when you have a rule that works in most cases, there can be a special permit to deal with situations where it won't work. So individual circumstances can be reviewed.

Ms. Hatch said she thinks this has to go together with FAR.

Ms. Grimes suggested that the working group look into this further and bring back more info.

Mr. Gluesing asked the committee what the problem is that they are trying to solve with height. Mr. Roche said it is the general massing of the house as compared to the neighbor. Mr. Lesanto said that's why he thinks they should look at FAR. Ms. McKnight said it isn't just the abutting homes. There could be a scenario where every single house on a given street is torn down; what is the ultimate look that they want to see in the town. Mr. Gluesing said that's why he originally suggested the committee look at the Ware Road neighborhood to see an entire street that was built under the current regulations.

Ms. Newman said she thinks the committee's next step will be to get refocused on where the committee was before on setbacks and FAR.

The working group will meet in advance of the next meeting.

Wrap up – The next meeting is February 26, 2015 at 8:00 a.m. The meeting adjourned at approximately 9:40 a.m.