

Minutes
LARGE HOUSE REVIEW STUDY COMMITTEE
Thursday, January 7, 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, Gary Kaufman, Jeff Heller, Imogene Hatch, Marianne Cooley; and Lee Newman, David Roche, Karen Sunnarborg, Alexandra Clee, staff.

Not Present: Jon Schneider, Lindsay Acomb and Jeff Kristeller.

The meeting was opened by Committee Chairperson, Elizabeth Grimes, at approximately 8:00 a.m. Ms. Grimes informed the Committee that the Planning Board reappointed the members because the terms had expired. Members will have to get re-sworn in at the Town Clerk's office.

Ms. Grimes asked Mr. Gluesing and Ms. McFadden to walk the Committee through the work that the working group has done since the last meeting. Mr. Gluesing showed a few images and recapped some of the information from the prior meeting. In the interest of architectural variety, they are proposing to eliminate overhangs from being counted in the setback, small bays as well. In the front setback, covered landings would be allowed. They also looked at 2-story garage; they suggested that in the first 10 feet of the setback, only a half story be allowed above the garage. A garage under is a basement level, so the one and a half stories start at the first floor line. The current setback is 12.5 side setback, but you can only have that for 28 linear feet, then you have to shift in by 2 feet. Current front and rear setbacks are 20 for New Construction.

Mr. Heller said that they haven't discussed much what the difference is between the current 12.5 and the proposed 14.5 foot setback. He said that 13.5 is more the same as what is currently existing. His concern is the impression that Town Meeting might have.

Mr. Gluesing mentioned the memorandum from Lee Newman that was previously distributed. He said there's still a similar concept of a step in along the sideline. Mr. Roche clarified that no matter what the house is set back at, a continuous linear wall will not be permitted. So, even if you put the whole side façade in 2 feet beyond the setback, the jog would still be required. Now, sometimes a side façade will be placed 2 feet in and then no jog is offered. That won't be allowed. Mr. Lesanto said increasing it from 28 to 32 ensures that the common floor plan designs can still be accomplished. They are proposing an increase of the front setback to 25 feet as a minimum, in addition to using an averaging of neighboring lots, whichever is the least, up to a maximum of 35 feet.

Mr. Heller asked what the common depth is of a garage. Mr. Lesanto said typically 24-26 feet. Mr. Heller said it looks odd when there's a garage and there's a 20 foot setback, there's not enough room for a car to be in the driveway without going into the sidewalk. He thinks 25 makes sense because it's consistent with the depth of a garage which accommodates a car.

Mr. Roche clarified that if the house is set back at 35 feet, it could have a full story over the garage. Mr. Lesanto said that from the site visits the Committee did in the spring, it seemed like a lot of the massing that was perceived was from the garages with full stories at the set back.

Mr. Gluesing showed a corner lot. Both fronts would have the 25 foot setback and the other two sides would be side yards. Mr. Roche looked through the assessor's maps to get a sense of the typical corner lot. They are typically a little larger. Mr. Kaufman asked if Mr. Gluesing had tried laying out a house on this lot. Mr. Gluesing said he has. He did not draw the plans again but the dimensions are typical of the other sample houses we have been looking at in the meetings.

Mr. Heller asked if having to comply with 2 25 foot setbacks would be exceptionally limiting? Do other Towns treat both frontages as fronts? Mr. Lesanto said most towns do. He thinks that it is important to only do averaging on one side, as was discussed at the last meeting. Mr. Kaufman said sometimes people on corner lots want to flip their address from one street to the other. It was explained that a person could still do that.

Mr. Roche said that during the last conversation people thought that corner lots may be more difficult. He said he looked at corner lots on some of the assessors maps and very few of them were any smaller than the conforming lots around it, but in most cases they were larger.

Mr. Ryan McDonnell, of Hawthorn Builders, said that when you increase the front setbacks, you are pushing the house into the rear corner. He said the value of the property is considerably less. There would be no backyard. The neighbors would be affected.

Ms. McKnight said they are ignoring that an existing house on some of these homes may already be closer than the existing lot line setback requirement. In such a case, there could be a finding made by the Zoning Board of Appeals (ZBA) that a new house at that setback would not be any more detrimental to the neighborhood than the existing nonconforming house. Ms. Newman said if it is altered, this would apply, but if it is demolished it would have to comply. Ms. McKnight said that recent case law says otherwise. However, a new nonconformity is a different story. Ms. McKnight will share the case.

Mr. Gluesing said that Mr. McDonnell does have a point and it is true that when you push the front setback back, you are taking it from the rear. It is a consideration.

Mr. Roche said the goal should not be to allow people to build the exact same house on every single lot. He noted that lots are different sizes, some are more desirable than others. Mr. Lesanto said you can still build a nice house with this setback. Mr. Heller asked if there are allowances for relief on one side. Ms. Hatch said that there is relief in the sense that there is not going to be averaging on one of the fronts. Mr. Lesanto said they could think about allowing whatever is elected to be the side yard to be 20 feet.

Ms. Newman said the undersized lot on the corner is the exception. The question is what kind of lot do you develop the rule for? Ms. Hatch said it is a balance between the bigger front setback and the bigger backyard.

Ms. McKnight said that in the new proposals they are giving more allowance for bay windows and other protrusions into the setback of 25 feet, which are not currently allowed in the 20 foot front setback.

Mr. Gluesing showed another couple of slides showing examples. He said, on a non-conforming lot, different side yard setbacks would be recommended, for example going to 12 and 14 (instead of 14 and 16). Ms. McFadden said when you drive down the street, when you have really narrow lots, the percent of house versus openness is increased if you keep the old setbacks, because the house is narrower, the space between the houses is almost equal to the house, once you get down to a 65-70 foot frontage lot. Therefore, she's on board with having different setbacks for nonconforming lots.

Ms. Grimes asked what this really takes away from the house. Mr. Lesanto said he thinks it really doesn't take anything away. He said they would be taking away 2 feet but allowing it back. He thinks it will give a house more character. Mr. Kaufman said it will make more work for architects.

Mr. Roche asked for clarification about whether the 32 foot linear rule would apply to nonconforming lots too. He was informed that it would.

Ms. Cooley said she wants to look at some of the houses that Mr. Gluesing had previously designed on the non-conforming lots, to look at the houses with this setback in mind. Ms. Newman said they could combine the house drawings with the footprint drawings so that you see the whole picture.

Mr. Gluesing said that currently height is measured from the height of the grade at the wall of the foundation. The idea being proposed is to measure from average existing grade. On a sloping lot, that might not work as well, especially a downhill lot. If you want to put a house close to street grade, you automatically would lose some height allowance. He showed an example of a downhill lot (where the street front is higher than the rear). It works better on uphill lots. Mr. Lesanto said because of this, they reviewed the Brookline method as well as others and are proposing a second option as well. The second option would be using the average street height. Mr. Gluesing said the new proposed approach would not allow measuring height from the new finished grade. It would still allow an undercar garage.

Ms. McKnight asked what kind of effect would the proposal have on drainage. Ms. Hatch said that in her opinion it would be a positive effect because when the grade around the house is not artificially raised, there will be more room for swales and get water off of neighboring property and not having the pitch will help infiltration as well.

Ms. Newman reminded the Committee about the retaining wall Zoning Article that they discussed last year. There have been some examples in front of the ZBA recently where tall walls were placed right at the setback line and they had no way to control them. The working group met with Mr. Schneider, ZBA Chairman, to review the earlier draft. The overall concept was that within the setback zone, they would allow for 4 foot wall and encourage terracing. Outside of the setback, walls up to 13 feet would be allowed. Any wall outside of those parameters would require a special permit and Design Review Board approval.

Mr. Lesanto said it is a good by-law, but he was disappointed to see that the provision for an undercar garage height wall was taken out. He understands that Mr. Schneider thought the language was confusing. However, it is important from building standpoint to not force a special permit for an undercar garage. He thinks the height is fair for boundary or cosmetic walls. He does not think it's smart to draft a by-law that does not allow someone to use the topography of the lot to its benefit and to do an undercar garage without a special permit.

Mr. Gluesing agreed it could be added. Ms. Newman explained that Mr. Schneider wanted a clear concept to present to Town Meeting. Mr. Roche said it could be included as an exception and presented some proposed language.

Ms. Grimes asked if the Committee is in favor of the article going back to the Planning Board for the upcoming Town Meeting. The Committee said yes. Ms. Newman will send around a redlined version.

Ms. Newman said if there is comfort with what has been presented, she'd like the working group to look at FAR and Lot Coverage and add that to package to make sure the numbers all work together. Ms. Grimes added that this would be what the Committee would then bring to the public workshops to present. Ms. Newman said the retaining wall would go forward this spring.

Mr. Roche said the other changes all have to go together, because they don't really work by themselves.

Mr. Heller asked about gathering some additional data. He wondered if realtor and builder input could be obtained about the facts about what the increased costs could be. Ms. Grimes said she would put that together with Mr. Kaufman and other realtors. Mr. Kaufman said that builders are making about 8%.

Wrap up – The next meeting scheduled for February 11, 2016. The working group will work on some of the issues discussed. The meeting adjourned at approximately 9:30 a.m.