

Minutes
LARGE HOUSE REVIEW STUDY COMMITTEE

Thursday, July 21, 2016
Great Plain Room, Town Hall
1471 Highland Avenue, Needham

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

Not Present: none.

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 June 9, 2016 meeting. The Committee voted unanimously to approve the minutes of the June 9, 2016 meeting of the Large House Review Study Committee.

Ms. Grimes suggested the Committee look at the zoning articles for the October Special Town Meeting. Ms. Newman noted a proposed zoning amendment that would add a definition of the term basement so as to permit only one basement level to be placed partly below grade; additional sub-basement levels would be permitted but only if such additional sub-basement levels are placed completely below grade. Furthermore, walkout basements would be limited to a maximum height of 10 feet with said height measured from the plane of the finished basement floor to the plane of the underside of the first floor joists directly above. Ms. Newman also noted a Petition article that was submitted that includes change in the measurement of height, a proposed maximum height and the averaging of the front setback. These articles will both be heard at the October 5 Special Town Meeting.

Ms. Cooley added that although the Selectmen and Moderator had decided that zoning articles would typically not be held at Special Town Meetings, the Board of Selectmen agreed that the question about the basement is straight forward enough to take to the Special Town Meeting and they have asked the Planning Board to put it forward. She also noted that Mr. Paul Dawson met with the Selectmen regarding his Citizen's Petition. The Planning Board will hold a public hearing, as required, on September 13, 2016. Ms. Newman explained the statutory requirements for the process of a Citizen's Petition.

Mr. Heller expressed frustration about the Citizen's Petition bypassing the work of the Committee and not being involved with the public process of the Committee. He also said that there has been misrepresentation about the make-up of the Committee and the interests represented in the group. Mr. Lesanto agreed.

Mr. Kaufman asked how many other places in town could a house be built like the one on Wachusett that contain multiple basements. Mr. Dawson, citizen, said that he has a topographical map of the town and he thinks there are at least 100 sites.

Karen Sunnarborg gave an overview of the results of the questionnaire. She explained that the questionnaire began as something that would be available to participants at the public forums. The group then thought they would allow people to hand them in later in case they didn't have time to fill it out at the forum. Then it was thought that the questionnaires should be added to the Town's website for people who may not have attended the forums. It was not meant to be a scientific questionnaire with reliable results; it was only meant to be informative. Only 56 questionnaires were filled out and returned. She said that many people were confused by the technical questions in the questionnaire, especially if they were not present at the public forums that presented the info. Ms. Sunnarborg went through the report that she prepared summarizing the results.

Ms. Grimes reiterated that many of the respondents were confused and annoyed that the questionnaire was not clear. Zoning is complicated. Mr. Kaufman said that the Committee should use better technology, like Facebook. Ms. Newman said that she agrees. Part of the issue was how it evolved. Mr. Kaufman said that at the next public meeting, there should be more publicity using Facebook.

Ms. McKnight said that people did understand that the Committee was looking at a model house. There were some comments that the model house was too big.

Ms. Cooley said that she's not sure if the group should do another survey; if they do, it should be more limited in scope. She also said that people do not always know what their rights are as abutters, for example, what construction hours are, etc. Mr. Schneider suggested a summary of the rules that could be online and available at the building department. Some members agreed that would be a good idea. Mr. Heller said that builders should also be informed. Mr. Roche said that they receive many complaints which range in whether the Building Department should/can even be involved. They received many complaints that you would never be able to predict. He said his job is mostly dealing with complaints.

Ms. Grimes asked the working group to inform the Committee of the latest work. Lee modified, in redlining, the Overview of Strategies Document, revised July 15, 2016, that the group had seen before. Mr. Gluesing said he believes the program the group used is the relevant program to use because it's what he hears about consistently for renovations. He believes that is what is happening on both the renovation side and the new construction side. He walked the Committee through the changes listed in red in the document.

Mr. Roche clarified that gutters do not count towards the setback. Ms. McKnight inquired as to whether 7 feet is long enough for a typical bulkhead. The group agreed that the working group would follow up on this issue. Ms. Acomb inquired about the landings and what or what does not count in the setback.

Mr. Gluesing said that the averaging of the front setback was taken out. Ms. Cooley asked what is standard. The Committee said that Needham has a low front setback compared to other Towns. Mr. Ryan McDonnell, Hawthorn Builders, said he thinks the Committee needs to be cautious about comparing things, as other requirements or conditions may be different in another town, like typical lot sizes.

Mr. Roche looked up bulkheads and said that the standard is usually about 6 feet. Mr. Gluesing said he looked them up too and the biggest one is about 8 feet long.

Mr. Lesanto said that something was brought to his attention recently from friends of his. On lots with non-conforming frontages and conforming lot area, the setback would jump up from 10 feet which is the requirement now. He asked whether such a lot would now have to meet the setback requirements of a conforming lot. All lots will be required to meet a 14/16 foot side setback except for lots with a non-conforming frontage, which will be subject to the 12/14 foot side setback.

Mr. Schneider asked if the setback was to be measured to the face of the framing. He thought it was to the foundation. Mr. Roche said it should be to the face of the wall. The group discussed ways to measure this. Mr. Roche said the way it is done now (measured to the overhang), the house has to be pretty much built in order to complete the as-built and be sure the house conforms.

Mr. Heller said that with respect to corner lots, will we have language about how you can choose which side is a front and which is the side. Ms. Newman clarified that that component was relevant to the provision about front setback averaging. Now that they are not proposing that provision, both frontages on a corner lot will count as front yards, as they currently do. Mr. Lesanto said that the second floor above a garage is set back an additional 5 feet; if the garage is on a corner, the setback is only required on what is proposed to be the front of the house.

Mr. Gluesing continued walking the group through the Overview of Strategies Document, revised July 15, 2016. Ms. Grimes said she does not think that lots with 14,000 square feet and more need a required FAR. Ms. McFadden said that there are enough of these lots intermixed with smaller lots that it makes sense to have an FAR. Mr. Schneider agreed, to get the principle in place. Committee members agreed to keep it as it is.

Ms. Cooley said she thinks it's a good idea to have a maximum height. A maximum height of 42 feet would allow for a walkout basement. The working group will look at this further and add more detail.

Mr. Gluesing said we want to change a provision of the current zoning by-law so as to allow the Zoning Board of Appeals to issue a Special Permit for the horizontal extension of a non-conforming setback. Ms. Cooley inquired about a specific question the Committee received about someone who wanted to add an attached garage. Mr. Kaufman said that the problem is that many older homes were built in the middle of the lot, so additions are difficult. Mr. Roche said there are creative ways to sometimes put on the additions, but at some point, it can lead to a tear down because it would be too costly to move the house to make room for an addition. Mr. Schneider said he would like the ZBA to have this ability. The ZBA sees a lot of cases like this where they would like to issue a Special Permit, but the By-Law does not allow it.

Ms. Cooley asked about next steps. Ms. Newman said that if people are comfortable with the overall scheme, she can work with the working group to put together the actual language.

Ms. Acomb asked how the language will be presented. Ms. Newman said she is going to put it into By-Law language. Ms. McKnight said that there will be an explanation with the zoning language in the Town Meeting warrant.

Ms. McKnight asked about the side setback and the conforming and non-conforming lots and structures. Ms. Newman said that the concept is that an existing structure which is non-conforming now relative to the new setback rules would be provided with this exception down to 10 feet by Special Permit and further provided the structure does not exceed the setback of the existing structure.

Wrap up – The next meeting of the full Committee will be determined by email, after the language is prepared. The meeting adjourned at approximately 9:45 a.m.