Overview of Regulatory Strategies under Consideration

The Board of Selectmen and the Planning Board prompted by inquiries and concerns expressed to them from residents regarding the issue of tear downs and reconstruction of houses, sought to investigate the Town's zoning by-laws regarding this issue, and the overall topic as it affects the Town. The Planning Board was assigned to form a committee with representatives of Town boards, Planning, Selectmen, Design Review as well as industry professionals including builders, architects, realtors, and town residents.

Process:
The Committee began the process of discussing the topic of replacing existing houses with new larger houses (tear downs). Taken into discussion were the expressed concerns and letters from residents, a study into our current by-laws, and examination of surrounding municipalities and how they have approached their zoning regarding this topic.

The Committee started to focus in on regulatory options they wanted to explore and how those would impact both Town residents and the building community. In an effort to understand how existing houses might fit into these regulatory options, the Planning Board staff and Building Department staff compiled a list of replacement houses in the last 2-3 years. The plans for these houses were analyzed and the data was compiled on square footage, lot coverage, and floor area ratio. This information was reviewed by a working group of the Committee and a list of study properties was created, along with questions for analysis of the properties. The houses included in the study covered both conforming lots and non-conforming lots. The houses varied as to compliance and non-compliance with the exploratory regulations.

The Committee members viewed the sites in person, and analyzed the houses according to the questionnaire and reported back to the Committee. The feedback of the members, and others who did the survey and tour, are the basis of the regulatory options proposed. The feedback from the tour was that interesting design features were more important than strict compliance with square footage and lot coverage limitations. It was observed that if by-laws could be amended that encouraged certain positive design elements, the result would help reduce the overall massing of larger construction, without significantly altering desired interior space composition. The spatial program assumed the standard house elements as a baseline. First Floor: 2 car garage, Living, Dining, Kitchen, Breakfast, Family Room, Mudroom, ½ Bath. Second Floor: Master BR with walk-in closets, Master Bath, 2nd Bath, Laundry, three additional Bedrooms.

Proposed:

- increase and encourage architectural variety by allowing various elements to be built within the front and side setbacks
    - Roof overhangs up to 18 inches (gutters not counted)
      Recommendation: Increase Roof overhangs from 18 inches to 24 inches.
    - First floor bay windows 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 50sf 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 50sf.
- Fireplaces projecting 2 ft maximum, either masonry or enclosure for gas fireplace
- Bulkheads up to 40sf projecting a maximum of 7 ft.
  Recommendation: Add a maximum height of 3.5 feet for bulkheads.

- Change setbacks
  - Front setback: increase from 20 ft to 25ft or average of 150 ft each side of lot, whichever is greater, with a maximum of 35 feet. Corner lots only assess this on one street, the second street frontage (side) is a setback of 25 ft.
    Recommendation: Implement increase in front yard setback of 5 feet (20 feet to 25 feet). Eliminate the averaging provision.
  - Two car garages built within the first 35 ft are limited to one and one-half story designs. Full 2 1/2 story garage structure must occur beyond 35 ft from the front.
  - Recommendation: Reduce the two car garage setback from 35 to 30 feet so that two car garages built within the first 30 ft are limited to one and one-half story designs. Full 2 1/2 story garage structure must occur beyond 30 ft from the front. For corner lots require the above-noted garage setback along the elevation on which the house faces for the area above the garage irrespective of whether the garage doors face that particular elevation.
  - Side setback: measured to face of framing (see elements allowed in setback)
    - Conforming lot: increase from 12.5/14 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.
  - Rear setback: decrease to 15 ft.
    Recommendation: Retain the current rear yard setback of 20 feet.
  - 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 building massing. The FAR (see below) is now suggested to be the overall size control, while setback exemptions and relaxed lot cover 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
    - Bulkheads
    - Fireplaces
    - Bay windows

- 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	

Building Height

Currently building height is measured from average grade at the face of the house walls. In general, the average height of replacement houses is much closer to the 35 foot height limit. There are numerous factors involved in this. One result has frequently been mounding of the grade along the perimeter of the house. This often results in altering the storm water runoff flow direction that had existed on the lot. Most original grading was part of a larger neighborhood watershed design. The mounding approach, when done on several lots, does not often work in concert with the larger neighborhood design.

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 properties 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 42 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.

<u>Alterations and Extensions of Existing Structures</u>

Alterations to and extensions of existing structures would be governed by the same regulatory provisions afforded new construction as noted above with one 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 non-conforming 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 process would be established through the Board of Appeals. In the case of a conforming lot a reduction from 14/16 feet to no less than 10 feet would be permitted by special permit at the sideline. In the case of a nonconforming lot a reduction from 12/14 feet to no less than10 feet would be permitted by special permit at the sideline.

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