

Minutes
LARGE HOUSE REVIEW STUDY COMMITTEE
Tuesday November 15, 2016
Charles River Room
Public Services Administration Building
500 Dedham Avenue, Needham

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

Not Present: Krista McFadden.

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 July 21, 2016 meeting. Ms. McKnight suggested a few revisions, including some typos. The Committee voted unanimously to approve the minutes of July 21, 2016 meeting of the Large House Review Study Committee, including the suggested revisions.

Ms. Grimes noted correspondence/articles; a Guest Column in the June 9, 2016 Needham Times by Gary Kaufman; a Guest Column in the June 9, 2016 Needham Times by Sam Bass Warner; an article in the July 21, 2016 Needham Times, entitled "Residents take on Teardowns"; a Guest Column in the August 4, 2016 Needham Times by George A. Rappolt; an article in the October 6, 2016 Needham Times, entitled "Decision Makers".

Ms. Grimes outlined the process and the timeline for Zoning By-Law Amendments. The Committee will need to vote to send proposed changes to the Planning Board by early December in order to make the public hearing timeline and meet deadlines for the May Town Meeting. Mr. Heller asked if the Committee would be holding a workshop style public meeting, as he thought the Committee had planned to. He also asked how updated the Planning Board is already; have members been kept informed along the way. He watched Ms. Newman's presentation to the Zoning Board of Appeals on the Needham Channel. He said that people are questioning why the Committee work is going slowly, but he commented that the Committee is not slow, but rather thorough. Ms. Grimes said that the Planning Board is aware of the proposals; however the Board does not want to openly discuss articles until the Committee gives them its final recommendation vote. She does not think it would be fair for the Board to discuss it before that time. She said that Committee members should plan to attend the Planning Board's public hearings. Mr. Heller said that after all of the work the Committee has put in, he feels uncomfortable just handing it over. Ms. McKnight said that she would be very surprised if anyone on the Planning Board would make any substantive change to what the Committee votes. She gave more details on the required process under state law and commented that often no one comes to the Planning Board hearings on proposed zoning changes. Ms. Newman said the staff will do much more publicity than they typically do for the public hearing. Mr. Heller inquired about the workshop model. Ms. Grimes said that these hearings will be at Town Hall and sufficient time will be devoted.

Mr. Kaufman said he is concerned they are rushing it. He does not know if there is consensus. He wonders if the group is being pushed to move faster than it should. Ms. Grimes said the Committee can certainly meet again in the next several weeks.

Ms. Cooley said the Committee should be notified every time the Planning Board will discuss it and about any public hearings. Mr. Lesanto said that he is also uncomfortable with the thought of Planning Board members changing the recommendations without having been a part of all of the discussions and reviewed all of the studies. Ms. Newman said that is why it is important that Committee members attend and she informed the Committee that they will definitely be invited and encouraged to attend Planning Board meetings.

Matt Hughes, Pinewood Development, said that at some point the point of the public forum is to get feedback from the public; the Committee is merely supposed to be making a recommendation, while the Planning Board's public process is to allow the public to weigh in. Mr. Heller said that he was misinterpreted; he was advocating for a more public process to allow for the public's feedback. His concern was more if the Planning Board members changed it *without* public feedback.

Mr. Gluesing said that the Committee is a *study committee*. What they forward to the Planning Board will then be the Planning Board's to present again to the public, review and decide how/what to move forward. The Committee should expect to be a resource for the Planning Board.

Ms. Acomb said that her concern would be if the Planning Board changes it before the public had a chance to see it and have their say. Ms. Grimes said that typically they do not change the recommendation before it goes to public hearing.

Mr. Roche reminded the Committee that approximately 200 new homes have been built since the formation of the Committee. He said he thinks they need to move forward.

Ms. Grimes invited Mr. Gluesing to discuss the overview of the zoning, but the group agreed that they already know what the overview entails. Ms. Newman then walked the Committee through the proposed new zoning language.

Mr. Schneider reminded the Committee that they are only making changes to the Single Residence B and General Residence Zoning Districts. Ms. Cooley said that there will be a lot of work that relates to the presentation. This is not the job of the Committee at this time, but it will be very important moving forward.

Stacy Shapiro, resident, asked why a requirement for lot coverage is included when they are adding a Floor-to-Area Ratio. She did not understand why they needed both; wouldn't the FAR be sufficient to regulate and gives the flexibility. Ms. Cooley said that the Committee spent much time discussing this issue and she would be happy to talk more with the resident at another time; however, in brief, this proposal would allow for the addition of a master bedroom on the first floor. Ms. Newman said that the tools really address different things. The lot coverage addresses

how much volume is allowed on the ground, which has implications for storm water and drainage.

Ms. Newman continued explaining the zoning language that was prepared.

Ms. Acomb asked about the front facing garage – does this mean the side with the garage doors only or does this also include a side wall of a garage. The answer was the side with the doors.

Ms. Newman described a proposed provision that would allow the ZBA to grant a Special Permit to allow additions to pre-existing non-conforming structures under the existing setback standard which is now 20 and 10 feet (front and side, respectively).

Mr. Ryan McDonnell, Hawthorn Builders, asked if there was subjectivity related to the issuance of the Special permit. Ms. Newman replied that the ZBA would have to find that the proposal was not more detrimental to the neighborhood than the existing structure. Mr. Schneider said that it is meant to be a relief valve; the fundamental issue is whether the setback change is desirable. Mr. Gluesing said that currently there is a regulation which allows certain additions to be built but at a certain point, it is considered a new house, requiring a new setback. This existing regulation is difficult to understand and to enforce. Mr. McDonnell said that he understands the intent but does not agree that extending a non-conforming structure should require a Special Permit. Mr. Gluesing said it's not practical to have so many different setbacks in the Zoning By-Law. Mr. McDonnell said that he believes the ZBA will have many hearings on people wishing to construct an addition. Mr. Hughes said some people who will require a Special Permit for an addition are in a better place, as they would currently not be allowed to construct an addition, even with a Special Permit; however, some people who currently could just get a building permit for their project will now be placed in a category requiring a Special Permit. Ms. Newman said that the idea was to eliminate the "new construction" provision and bring everything into conformity. Ms. Grimes said this will be a discussion for the Planning Board's public hearing. Ms. Cooley suggested they move on and see if any other issue rises to this level for further discussion.

Ms. Newman continued walking the group through the zoning.

Mr. Gluesing discussed the idea of a maximum height to the highest point of the structure of 41 feet. He explained why the specific method of measuring was preferred.

Mr. Schneider said that in his opinion, the two major changes are increasing the setbacks and imposing an FAR. Everything else is an attempt to encourage architectural detail. Ms. Newman added that height is the other major thing that is changing.

Mr. Gluesing said that they can think about whether they want to include an as-of-right addition provision. Mr. Schneider said he does not want the ZBA to have so many additional hearings. Mr. Heller asked what the downside is to making it as-of-right. Ms. Newman said it makes the zoning very complicated. Mr. Gluesing said that under the current regulations, some builders would take down everything but leave the framing so as to not trigger new construction. Ms. Newman said that if the addition complies with the setback requirement, it is as-of-right, even if

another part of the structure is pre-existing non-conforming; it only triggers a Special Permit if the proposed new construction would extend out to be within the required setback.

Ms. McKnight asked if it would be helpful to clarify that the only criterion that the ZBA can use to review these types of projects would be whether or not it is more detrimental to the neighborhood. Mr. Schneider did not think that would make it any less burdensome; because the process would still be there. He said he thinks it can be good for neighbors to be informed about projects and the ZBA, in his memory, has never denied a permit for this type of request.

Mr. Roche offered a small language revision. The group discussed where setback should be measured to and what that language should be. Mr. Gluesing said that this could also be discussed at the Planning Board public hearing.

Wrap up – The next meeting of the full Committee was determined to be held on Wednesday November 30, 2016 at 8:00 a.m. The meeting adjourned at approximately 9:30 a.m.