

Large House Review Study Committee Overview of Recommended Regulatory Strategies

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, determined the need to study the tear down issue further as it relates to zoning and impacts on the community. The Planning Board was assigned to form a special committee with representatives of Town boards including Planning, Selectmen, and Design Review as well as industry professionals including builders, architects, realtors, and town residents.

Process:

The Committee began their work by reviewing zoning and recent new residential construction activity. Taken into consideration were the expressed concerns and letters from residents, an in-depth evaluation of current zoning by-laws, and an examination of how surrounding municipalities have approached this issue through their zoning.

The Committee started to identify preliminary regulatory options to explore and potential impacts of various approaches on both Town residents and the building community. In an effort to understand how existing houses might fit into these regulatory options, Planning Board and Building Department staff compiled a list of recent replacement houses. The plans for these houses were analyzed and 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 smaller list of properties was compiled for the Committee to study in more detail. The houses included both conforming and non-conforming lots as well as those that would be in compliance and non-compliance with the regulatory options under consideration.

The Committee members visited the sites, analyzed the houses according to the specific questions, and then reported back to the full Committee. This feedback, in addition to scores of drawings from the Working Group, became the basis for the proposed regulatory options and supported the conclusion that interesting design features were more important than strict compliance with square footage and lot coverage limitations. The Committee determined that if by-laws could be amended to encourage certain positive design elements, the result would help reduce the overall perceptions of massing related to large home construction without significantly altering desired interior space composition. The spatial program assumed the following standard house elements as a baseline: First Floor: 2-car garage, living, dining, kitchen, breakfast, family room, mudroom, and ½ bath. Second Floor: master bedroom with walk-in closets, master bath, 2nd bath, laundry, and 3 additional bedrooms. A study was also included on the first floor in the case of a conforming lot.

Proposed Changes to Zoning:

- Increase and Encourage Architectural Variety by Allowing Various Elements to be Built within the Front, Rear and Side Setbacks
 - Roof overhangs up to 24 inches (gutters not counted)
 - First floor bay windows that do not have a foundation nor create floor area 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 50 sf. 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 50 sf.
- Fireplaces projecting 2 ft. maximum, either masonry or enclosure for gas fireplace
- Bulkheads up to 40 sf. projecting a maximum of 7.5 ft. and having a maximum height of 3.5 ft.
- Siding and trim projecting a maximum of 6 inches
- Modify Setbacks
 - Front setback: Increase from 20 ft. to 25 ft.
 - Two-car garages built within the first 30 ft. are limited to one and one-half story. Full two and one-half 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 garage doors face irrespective of whether that elevation is along the front or side of the house.
 - Side setback: Measured to nearest portion of building or structure (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.
 - Two-foot offset as noted above is required in all cases irrespective of the structures placement along the side lot line.
- Increase Lot Area Coverage in Tandem with Applying a Floor Area Ratio Calculation (FAR)
 - Lot area coverage increased to 28% coupled with the Floor Area Ratio requirement detailed below. 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 perceptions of building massing. The FAR (see below) is now suggested to be the overall size control, while setback exemptions and relaxed lot coverage will allow design flexibility and encourage a variety of design features.
 - Exclusions from lot coverage:
 - Covered or uncovered porches and landings (unless habitable space is above)
 - Decks, patios and pools
 - 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 communities 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, 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 look. 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	.38	11,500 sf lot → 4,350 square feet
12,000 and greater	.36	12,500 sf lot → 4,500 square feet

Distribution of Properties by Lot Size

Lot Size (square feet)	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	

- Change Building Height Measurement Approach
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 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.

- Measurements to start at one corner of the structure with measurements along the perimeter taken every 10 feet.

To further control building height and massing the following two additional controls are recommended.

- A maximum building height above grade at any point around the building of 41 feet. As height is measured using an average grade calculation, this restriction would limit the potential for any side of a house to be excessively tall.
- Prohibition on the placement of dormers in the one-half story if all or a portion of the basement wall along the elevation in which the dormers are to be placed is exposed. In this case the goal is to reduce the overall building mass over a walk-out basement where if the dormer option were exercised the elevation would present visually as a 4-story structure.

- Alterations and Extensions of Existing Structures

Alterations to and extensions of existing structures would be governed by the same regulatory provisions afforded new construction as noted above with 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 to a front yard setback of 20 feet as-of-right, provided any demolition of the existing structure does not exceed 50% of the building shell 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 to a front yard setback of 20 feet by special permit, provided the front yard setback does not exceed the farthest extent of the setback of the existing structure.
- 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 to a side yard setback of 10 feet. (2) Structures built between July 1, 1999 and May 1, 2017 may be extended to a side yard setback of 12.5 feet. For existing structures non-conforming relative to front setback where demolition exceeds 50% of the building shell, the structure may be extended to 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 through the Board of Appeals. In all of the above-noted cases, the reduction would not be permitted (by right or special permit) to exceed the existing house setback.