

From:
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To: Land Use Committee of the Board of Aldermen

May 22nd, 2012

Re: (Petition #93-12) Petitioner Submission to the Land Use Working Session

Dear Aldermen,

Thank-you for the opportunity to present our case at the public hearing on Tuesday May 15th. We very much appreciate the time you devoted to reviewing our application. While we were nervous on the night, it was also exciting for us to be possibly one step closer to getting started on building our future home. If you will kindly indulge us, my wife Inna and I would like to take a final opportunity to summarize our application.

Background

My wife and I did not start on this process intending to seek an exemption from the rules. This is not our nature, and in fact we commissioned Tom Timko prior to even closing on the house to research the new zoning rules that were due to soon come into effect, and determine how they would apply to us. We only arrived at the decision to pursue a special permit after unsuccessfully pursuing a number of designs that reused some of the existing structure and others designs for a new construction that were each within the by-right dimensional controls.

To maximize the chances of success and ensure a diversity of ideas, we took the somewhat unusual step for a residential project of engaging two architects, and for this phase Michael Kim and Tom Timko operated in parallel, independently pursuing different designs. This effort produced many designs that while good, did not meet all of our goals.

Goals

The critical goals were:

- Minimize visible massing and make the garage less prominent
- Minimize the expansion of the footprint towards Crystal Lake
- Maintain all of the healthy mature trees that border the property
- A home that was suitable for a growing family with three little kids and intended for use by our family indefinitely
- A somewhat contemporary design that was not inconsistent with the neighborhood

At some point it became clear that we could meet the intent of the new zoning rules by minimizing the visible massing, but we would probably not meet the numerical FAR definition and also meet all of our design goals.

Alternative designs included a narrow house that protruded much further towards the lake¹, or a more conventionally shaped house that presented more mass towards the front of the lot and also extended more towards the lake. We solicited feedback from various people with knowledge of the Newton's zoning rules, including the Building Department and a member of the FAR Working Group. The feedback we received was that we should consider pursuing a special permit because we had:

- A design that minimized visible massing
- A design that met all of the dimensional controls with the exception of a modest FAR overage
- A lot that with environmental constraints while also being relatively small

Consultative Process

As mentioned during the public hearing, we have pursued a highly consultative process throughout. We have sought to gain feedback from all stakeholders and wherever possible sought to accommodate requests to the best of our ability. This included a full design review with our two abutting neighbors, and consultation with five other neighbors. We were pleasantly surprised to receive universally positive feedback from the neighbors we spoke with, including three public letters of support. This feedback was all the more welcome given that we have not yet moved into the area and therefore had the opportunity to get to know our neighbors properly! We also undertook the optional Development Review in November 2011 with all relevant City departments, and, primarily via our architects, we maintained regular communication via email, phone and in-person meetings with the same departments.

There are two additional topics we would like to address in more detail.

'Third' Floor

At the public hearing there was a question surrounding our proposed use of the third floor. Although I did not do a good job of articulating this at the public hearing, this is something we have carefully considered. In the near term the room will be used as a games room, with table tennis for the family to enjoy, and the ¾ bathroom there will be used when the single children's bathroom on the second floor is occupied. It was also designed to provide flexibility should our family's configuration change in the future. If we have another child, or a parent came to live with us, we would move one of the children (who would then be older) to the third floor, to free up a bedroom on the second floor. Since we are hoping to build the house that our family will use indefinitely, we want to allow for this future flexibility now, rather than attempt to renovate or expand later. This approach provides for a stronger overall design while being more cost effective. Further, the 'third' floor roof line is set well back from the street and the roofline is carefully designed so that it appears to be connected to the second floor.

¹ Whereas the house proper in our proposed design is situated further from the lake than the current house, while only a portion of the deck is closer to the lake.

Basement Visible Massing

We understand that a significant motivation for the new FAR rules was to limit the visible massing of the ½ story, and the basement. In the publicly available documents explaining the new FAR rules, examples were shown where houses present as four stories. To limit this, under the new rules, the third floor now counts towards FAR, and a calculation would determine what fraction of the basement would also count towards FAR. The contribution of the basement towards FAR is determined by the ratio of the visible sections of the basement perimeter divided by the non-visible sections of the basement perimeter. We agree that penalizing the basement by the proportion that is visible is an intuitive and reasonable approach to minimize visible massing.

However, our particular design is arranged so that most of the technically visible basement sections (where more than 4ft is exposed) are in fact not practically visible to anybody not directly on the property. As seen in the attachment detailing the basement Floor Area calculation, there are four segments of our proposed basement perimeter that are technically considered exposed. The largest contributors are the two segments at the rear of the property where two sliding doors provide direct access to the backyard from either the guest room or the family room. A smaller segment is the basement window in Inna's office that will allow the winter sun to enter. These three segments increase our calculated FAR by about 340 sq. ft., yet none are visible in practice; the office window is recessed into a window well, and due to the ground topography and the landscaping, only one of the sliding doors will be even partially visible when standing in the lake approximately 100ft away. The mature trees and fence screen the view from the sides of the property.

We offer this point only as a mitigating factor of our specific design for the Board's consideration and not as a critique of the new FAR rules. We would welcome any suggestions the Board might have to further mitigate this with additional landscaping.

We thank you for your time and consideration, and we look forward to answering any questions you might have.



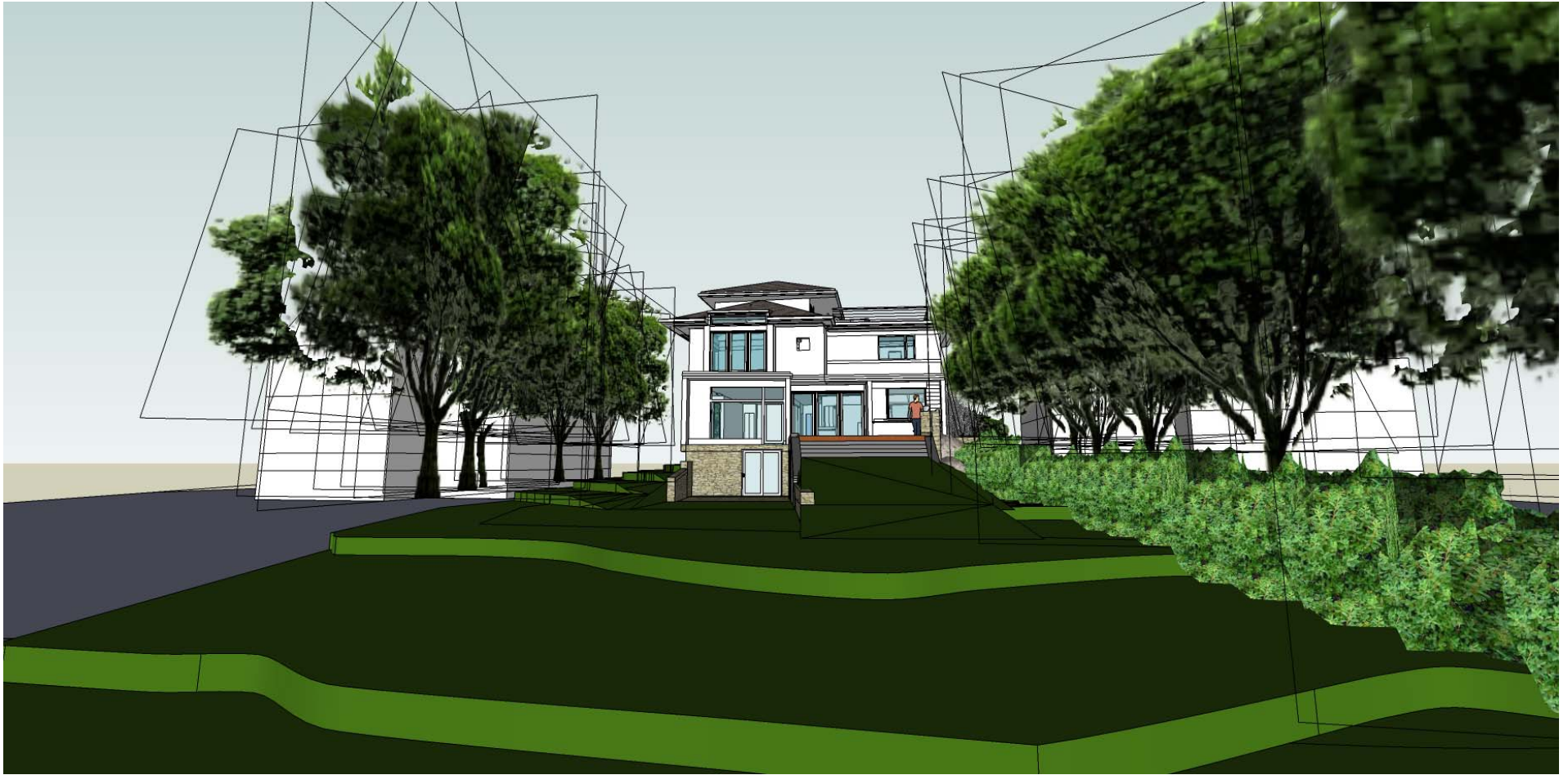
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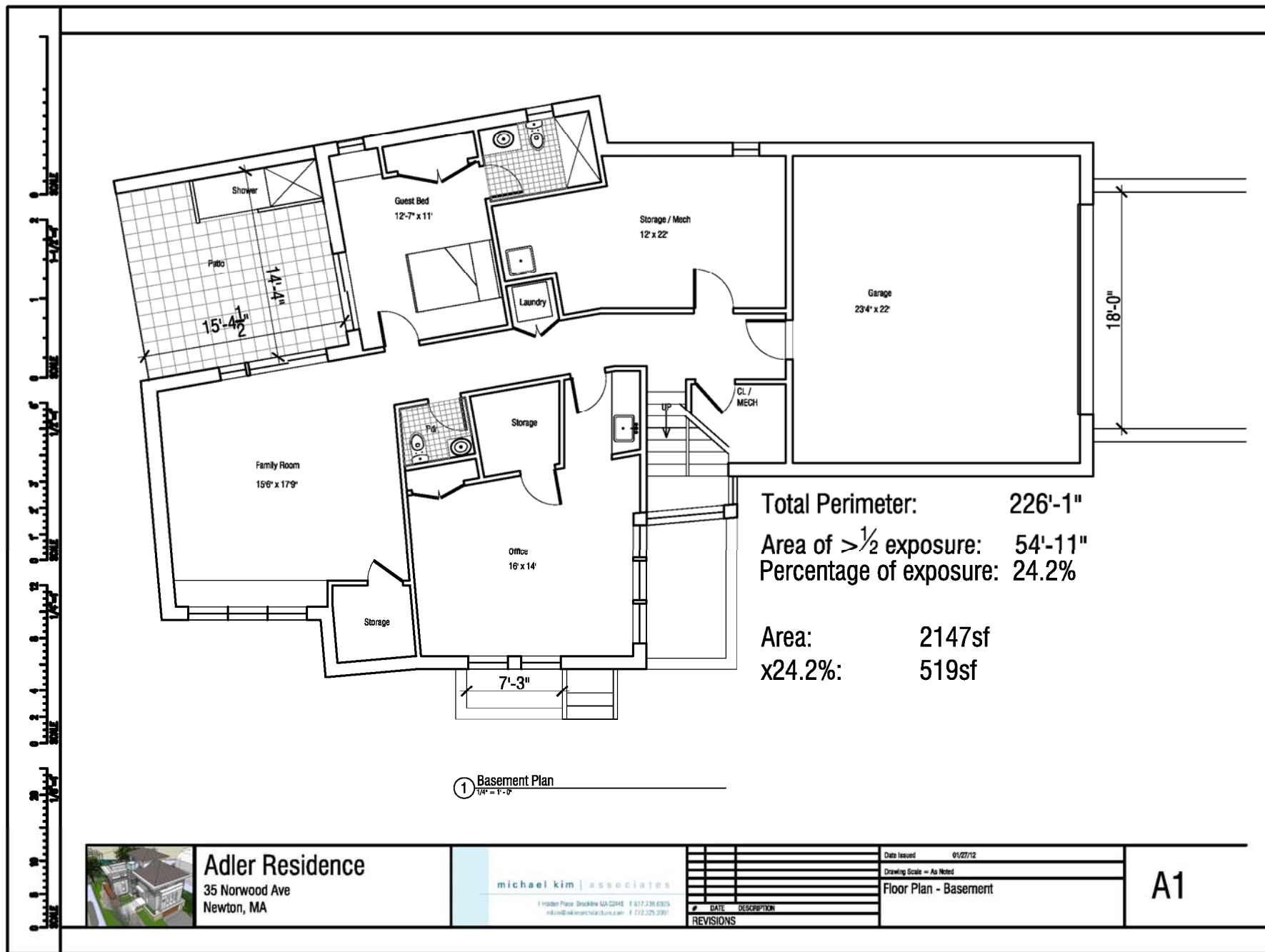
Street View



Aerial View



Approximate view from lake (There are additional trees on the left hand side, and the basement sliding door is less visible. Because the area between the basement sliding door and the backyard will be sloped steeply upwards, and is not flat as represented here, the sliding door will be only partially visible).



Basement Floor Area calculation