

**3.3.3 Scientific Accessory Uses.** Uses, whether or not on the same parcel as activities permitted as a matter of right, accessory to activities permitted as a matter of right, which activities are necessary in connection with scientific research or scientific development or related production, may be permitted upon the issuance of a special permit, provided that the special permit granting authority finds that the proposed accessory use does not substantially derogate from the public good.

### **3.4 HOME OCCUPATIONS.**

**3.4.1 General.** A home occupation is an accessory use which is incidental and subordinate to a single-family-dwelling use. Home occupations allowed by right include dressmaking, teaching of not more than two students simultaneously and offices of medical doctors, dentists, attorneys, architects or certified public accountants. Other home occupations that are quiet and noncommercial in nature may be allowed by special permit from the Board of Appeals, provided that they meet the following conditions, which apply to all home occupations:

1. No nonresident shall be employed therein, except that a physician, dentist or other medical professional may employ one nonresident. An attorney, architect, certified public accountant or other allowed home occupation may employ one nonresident upon issuance of a special permit by the Board of Appeals.
2. The use is carried on strictly within the principal building.
3. There shall be no exterior alterations or accessory buildings on display which are not customary with residential buildings. No signs, other than a single identifying sign not exceeding two square feet in area, shall be permitted.
4. Not more than 25% of the existing gross floor area of the dwelling unit, not to exceed 700 square feet, is devoted to such use. In connection with such use, there is to be kept no stock-in-trade, commodities or products which occupy space beyond these limits.
5. There shall be no display of goods or wares visible from the street. No retail or wholesale sales or services to customers or clients shall take place on the premises, except as provided herein.
6. The building or premises occupied shall not be rendered objectional or detrimental to the residential character of the neighborhood due to its exterior appearance or emission of odor, gas, smoke, dust, noise or disturbance or in any other way become objectional or detrimental to any residential use within the neighborhood.
7. Any such building shall include no feature of design not customary in buildings for residential use.
8. If business clients or pupils come to the house for consultation or instruction on a regular basis, a special permit shall be required from the Board of Appeals.
9. Off-street parking must be available for any employees, clients or pupils in accordance with Section 6.1.

*Consider this alternative?*

### **3.4 HOME OCCUPATIONS.**

**3.4.1 Home Occupation - As of Right.** A home occupation may be allowed as of right on a lot, provided that it:

1. Is conducted solely within a dwelling and solely by the person(s) occupying the dwelling as a primary residence;

2. Is clearly incidental and secondary to the use of the premises for residential purposes;
3. Does not produce offensive noise, vibration, smoke, dust, odors, heat, lighting, electrical interference, radioactive emission or environmental pollution;
4. No regular sales of wares of goods shall be conducted on the premises;
5. Does not utilize exterior storage of material or equipment (including the parking of commercial vehicles);
6. Does not exhibit any exterior indication of its presence or any variation from residential appearance, except a pole sign or wall sign no larger than 2 square feet;
7. Does not produce any customer or client trips to the location and has no nonresident employees.

**3.4.2 Home Occupation - By Special Permit.** One (1) home occupation may be allowed by special permit issued by the Board of Appeals on a lot, provided that it:

1. Fully complies with subsections 3.4.1.2, 3, 4, and 5, above;
2. Is conducted within a dwelling and solely by the person(s) occupying the dwelling as a primary residence and, in addition to the residents of the premises, by not more than two nonresident employees; where employees leave vehicles on the premises while conducting business elsewhere, they shall be counted as nonresident employees;
3. Does not exhibit any exterior indication of its presence, or any variation from residential appearance, except for a sign or name plate in compliance with Section 6.2;
4. A special permit for such use is granted by the Board of Appeals, subject to conditions including, but not limited to, restriction of hours of operation, maximum floor area, off-street parking, and maximum number of daily customer or other vehicle trips;
5. The special permit shall terminate at transfer of ownership of the property or end of lease term for the property.

## **8.1 MULTIFAMILY DWELLINGS AND MIXED-USE DEVELOPMENT.**

**8.1.1 Purpose.** It is the intent of this Section to encourage the development (in appropriate locations) of attractive, functional multifamily dwellings and mixed-use projects that create street-level, sidewalk activity that responds to the social and economic characteristics and needs of the present and future Wakefield. Mixed-use developments, including said dwellings in combination with other uses such as retail, outdoor and indoor dining, day care, educational and office uses that attract pedestrian activity and create walkable neighborhoods are desirable.

**8.1.2 Special Permit Granting Authority (SPGA).** Where housing, whether mid-rise apartments, garden apartments, attached dwellings, or combinations of same are allowed by special permit, as provided in the Table of Use Regulations, the Zoning Board of Appeals shall be the special permit granting authority.

**8.1.3 Combination with Other Uses.** Mid-rise apartments, garden apartments, attached dwellings, or combinations of same may be combined with other uses, whether permitted by-right or by special permit within the zoning district, as provided in the Table of Use Regulations, in a single building or group of buildings; however, the Zoning Board of Appeals shall determine whether the proposed combination of uses will or will not be detrimental to the project proposed or to the neighborhood. The Zoning Board of Appeals may deny or condition any special permit to protect the economic health and livability of the street and neighborhood where the proposed project is located.

1. Notwithstanding \*\*\*§ 190-13, § 190-94, § 190-95, and § 190-97, where the Table of Use Regulations allows mid-rise apartments, garden apartments, or attached dwellings, the provisions of overlay districts shall not apply to special permits under this Section.

### **8.1.4 Minimum Lot Size and Density.**

1. The minimum lot size for a housing or mixed use project under this section is 4,000 square feet.
2. Where housing, whether mid-rise apartments, garden apartments, attached dwellings, or combinations of same are proposed within walking distance of commuter rail stations (measured as a 2,500 foot radius from the commuter rail station's boarding area to the nearest lot line of the development parcel) a minimum of 750 square feet of lot area per unit is required. Otherwise, a minimum of 1,200 square feet of lot area per unit is required.
3. There is no additional lot area requirement for other uses, whether permitted by-right or by special permit within the zoning district, as provided in the Table of Use Regulations.

### **8.1.5 Parking Areas and Open Space for Multifamily Dwellings.**

1. No open parking or driveway shall be closer than 12 feet to a wall containing windows to habitable rooms of a dwelling unit which is on the ground floor or basement floor. This shall not apply, however, to the following: (i) to an individual driveway exclusively serving a single unit and/or dwelling or (ii) underground or structured parking.

2. At least 30% of the total area of the multifamily dwelling complex shall be maintained as open area. (See \*\*\*§ 190-4 for the definition of "open area".)

**8.1.6 Summary of Dimensional Regulations for Multifamily Dwellings.** The minimum dimensional controls for multifamily dwelling shall be as follows (minimum requirements in feet unless otherwise indicated):

	<b>Mid-Rise Apartment Complex</b>	<b>Garden Apartment or Attached Dwelling Complex</b>	<b>Individual Attached Dwellings</b>
<b>Maximum Lot Coverage %</b>	35	35	40 <sub>1</sub>
<b>Open area %</b>	30	30	20 <sub>1</sub>
<b>Lot frontage</b>	180	150	18
<b>Lot width</b>	180	150	18
<b>Height in feet</b>	50	35	30
<b>Height – stories</b>	5	3	2.5
<b>Front yard</b>	30 <sub>2</sub>	30 <sub>2</sub>	20
<b>Side Yard</b>	30 <sub>2</sub>	30 <sub>2</sub>	None
<b>Rear Yard</b>	30 <sub>2</sub>	30 <sub>2</sub>	20
<b>Minimum number of attached units in a row</b>	---	---	3
<b>Maximum number of attached units in a row</b>	---	---	8
<b>Distance between unattached buildings</b>	50 <sub>3</sub>	50 <sub>3</sub>	---

**NOTES:**

1 Percent of exclusive use zone [see \*\*\*Subsection F(4)].

2 Or height of building, whichever is greater.

3 Or height of taller building, whichever is greater.

**8.1.6 Parking and Loading.** The minimum parking and loading requirements shall be as specified in Section 6 of this Bylaw.

### **8.1.7 Additional Requirements.**

1. There shall be a paved driveway or paved walk adequate to accommodate emergency vehicles within 50 feet of the outside entrance of each dwelling structure.
2. Individual attached dwellings may be sold as condominium units only and may not be sold as row houses with their own individual lots. Nothing in this subsection is meant to restrict the allocation of outdoor space adjacent to dwelling units for the exclusive use of the occupants of specific dwelling units.
3. In attached dwelling developments, exclusive use zones for the exclusive use of occupants or individual dwelling units shall be shown on the site plan. The ground floor area of the dwelling units shall be shown on the site plan. The ground floor area of the dwelling unit plus the outdoor space allocated for the exclusive use of the dwelling unit shall make up the exclusive use zone. The ground floor of the building shall not occupy more than 40% of the exclusive use zone, and 20% of the exclusive use zone shall be outdoor open area not devoted to driveways or parking areas.
4. No required parking areas for multifamily or attached dwellings shall be placed in the required front yard area of a multifamily or attached dwelling complex, except short-term or visitor parking, which shall not cover more than 40% of such area. This shall not apply, however, to a parking area in the form of a driveway exclusively serving a single unit and/or dwelling.

**8.1.8 Inclusionary Requirement.** The intent of this subsection 7.1.8 is to increase the supply of housing in the Town of Wakefield that is permanently available to and affordable by low and moderate income households and to encourage a greater diversity of housing accommodations to meet the needs of families and other Wakefield residents; and developing and maintaining a satisfactory proportion of the Town's housing stock as affordable dwelling units. To that end, the Special Permit Granting Authority at the time of the granting of the special permit pursuant to this Section shall require the applicant to provide affordable dwelling units equal in number to 18% of the total number of dwelling units provided on the sites which is the subject of the such application. Affordable dwelling units shall be defined as dwelling units which count toward the Town of Wakefield's Massachusetts General Laws, Chapter 40B Subsidized Housing Inventory as the same may be amended from time to time. When the percentage calculation does not result in a whole number it shall be rounded to the nearest whole number, but not less than one.

**8.1.9 Inclusionary Submittal Requirements.** If so required by the Special Permit Granting Authority, the applicant shall submit to the Special Permit Granting Authority, a use restriction or regulatory agreement that establishes an affordability restriction for the maximum period allowed by law for the designated affordable dwelling units. The applicant shall provide, when requested by the SPGA, (1) a copy of the application for a Local Initiative Project or similar program, acceptable to the SPGA, that allows the units be added to the Town's subsidized housing inventory under Massachusetts General Laws, Chapter 40B, as amended from time to time; (2) a complete draft regulatory agreement; and (3) a letter stating the site has been

preliminarily approved by the Department of Housing and Community Development or successor agency. This is in order to ensure the long-term affordability of the designated affordable dwelling units. The applicant shall submit proof to the Special Permit Granting Authority that the use restriction or regulatory agreement was recorded at the Registry of Deeds prior to obtaining any building permit for the project;

#### **8.1.10 Additional Inclusionary Requirements.**

1. The use restriction or regulatory agreement selected by the applicant shall be subject to the approval of the Special Permit Granting Authority using the Department of Housing and Community Development Guidelines. The use restriction or regulatory agreement shall include a right of first refusal upon the transfer of such restricted units for the Town of Wakefield;
2. The affordable dwelling units shall be integrated into the overall development or building in which they are situated so as to prevent the physical segregation of such units and their exterior appearance shall be designed to be indistinguishable from the market rate units in the same development or building;
3. At the time of application, the applicant shall identify the floor areas of all units. The affordable dwelling units shall have the same number of bedrooms as the non-affordable dwelling units on a proportionate or pro-rata basis or they may have a smaller number of bedrooms if agreed to by the Special Permit Granting Authority.
4. With the approval of the Special Permit Granting Authority, this affordable dwelling unit requirement may be met by placing some or all of the required affordable dwelling units on an alternative site or sites suitable for housing as solely determined by the Special Permit Granting Authority. Existing offsite units that are converted to affordable dwelling units shall not be counted in the total number of units for the purpose of determining the required number of affordable dwelling units. However, new offsite housing units created to satisfy the requirement for affordable dwelling units under this section, shall be considered part of the total number of units for the purpose of determining the total required number of affordable dwelling units. Offsite affordable dwelling units may be located in an existing structure, but, they must be units which are not already counted in the Town of Wakefield's Massachusetts General Laws, Chapter 40B Subsidized Housing Inventory, as amended, at the time of the application. Offsite affordable dwelling units provided through this provision shall comply, in all respects other than onsite location, with the requirements of this Subsection (6).
5. The following requirement shall be a condition of special permits which require affordable dwelling units in order to prevent disproportionate number non-affordable dwelling units being occupied prior to the completion and occupancy of affordable dwelling units:

- a. No market rate units exceeding 25% of the total shall be occupied unless 25% of the affordable dwelling units have been completed and occupancy permits issued therefor.
- b. No market rate units exceeding 50% of the total shall be occupied unless 50% of the affordable dwelling units have been completed and occupancy permits issued therefor.
- c. No market rate units exceeding 75% of the total shall be occupied unless 75% of the affordable dwelling units have been completed and occupancy permits issued therefor.
- d. No market rate units exceeding 95% of the total shall be occupied unless 100% of the affordable dwelling units have been completed and occupancy permits issued therefor.

#### **8.1.11 Multifamily Dwelling Dimensional Control and Exclusive Use Area Relief.**

1. The Special Permit Granting Authority may allow reductions and/or alterations in the dimensional controls for multifamily dwellings as required under \*\*\*§ 190-32D and Table 2, the Table of Dimensional Regulations of this Bylaw by special permit, according to procedures contained in Section 10, and if it deems the reductions will enhance the multifamily project as a whole or allow it to benefit the neighborhood in which it is situated or the Town of Wakefield as a whole.
2. The Special Permit Granting Authority may reduce the requirements of \*\*\*§ 190-32F(3) by special permit, according to procedure contained in Section 10, and if it deems the common open space is adequate to accommodate all of the units and/or dwellings.



## **8.2 CONVERSION TO APARTMENTS.**

**8.2.1 Single-Unit to Two Unit Dwelling in the Single Residence District.** A single-unit dwelling in the Single Residence District may be converted, within the existing building's footprint and volume, to a two-unit dwelling, provided that the dwelling contains nine or more rooms, was originally constructed prior to 1935 and is located on a lot of 12,000 square feet or more. A special permit shall be required from the Board of Appeals.

**8.2.2 Single or Two-Unit Dwelling to Three or Four Unit Dwelling in the GR or Business Districts.** A single- or two-unit dwelling in the General Residence District or Business District may be converted by grant of a special permit from the Board of Appeals within the existing building's footprint and volume, to a three- or four-unit dwelling, provided that:

1. The dwelling is located on a lot of 13,000 square feet or more.
2. There shall be a minimum lot area of 3,500 square feet for each dwelling unit provided.
3. There shall be a minimum floor area of 650 square feet for each dwelling unit provided.
4. Conversions in the Business District shall be granted only if the Board of Appeals determines that the proposed residential use will not be detrimental to the economic health of the Business District and that the proposed location is a suitable residential environment.
5. The conversion shall meet all building codes, fire, safety and health regulations and other sections of this Bylaw.