

IMPLEMENTATION

Introduction

Wakefield's overarching objectives in this Master Plan are to strengthen Town character, improve housing quality, sustain affordability, preserve open space, and reassert local control over the Comprehensive Permit process by meeting the Commonwealth's minimum affordable housing criteria. Zoning Law is Wakefield's most powerful tool for pursuing these objectives. The Implementation section of the Housing Master Plan outlines the types of zoning changes that Wakefield should adopt in order to achieve its stated objectives.

The Development Scenarios section of this Master Plan presents four schematic design models for housing development types that will provide significant benefits to Wakefield. They are based on precedents described in the Town Character section and are labeled D1 – D4, paralleling Type D1 – Type D4 development described below. These models should be encouraged, and zoning changes should be enacted that make the development of these models possible. The following discussion takes a step-by-step approach to bringing about the changes needed to allow and encourage the development of these more desirable housing types in Wakefield.

Type D1 Development

Recent single family developments in Wakefield have all been “large lot” or “one house – one lot” subdivisions and have required extensive clear cutting and blasting for new roads and for building sites that cover the land. As a result, there has been a significant loss of open space in Wakefield. Type D1 developments that conserve open space need to be strongly encouraged as the new standard in Single Residential (SR) and Special Single Residence (SSR) Districts. The following discussion outlines the zoning changes that would need to be made. Specific new guidelines and bylaws would need to be written and adopted before the Type D1 development model could be implemented as discussed.

The Conservation Subdivision Design (CSD) Approach

The concept for Type D1 developments will follow the precepts of a Conservation Subdivision Design (CSD) bylaw. The CSD approach does an excellent job of balancing public and landowner interests. As summarized by the Metropolitan Area Planning Commission, “Conservation Subdivision Design enables land conservation and preservation of resources while still accommodating the full development potential of a parcel. The CSD process ensures that property rights are protected, the community protects critical resources, the development benefits with a high quality product, and the environmental impacts of development are minimized.”

There are many good examples of working CSD bylaws in Massachusetts, some in neighboring towns. There are also a number of “model” bylaws available, including those developed by The Metropolitan Area Planning Commission (MAPC) (included as an appendix to this Master Plan) and the Cape Cod Commission. CSD developments provide the following benefits:

- Open space conservation, wildlife habitat preservation, and water quality protection;
- Neighborhood enhancements including more pedestrian friendly neighborhoods, more places to walk, common open spaces for community activities and recreation;
- Protection of cultural heritage resources;
- Reduced long-term municipal costs for maintenance and repair of more limited infrastructure;
- Reduced developer cost through savings from shorter roads and utility systems and smaller storm water detention basin requirements;

A new Wakefield CSD bylaw would replace the current Cluster provision that has never been utilized since its enactment. CSD is an improvement over traditional cluster approaches (including Wakefield’s) in several key ways: it is based on a design approach that optimizes the quality and layout of both the open space and the developed land; it structures in a greater degree of community influence in the design; and it seeks to create an interconnected network of open space throughout the community by linking resources and coordinating projects with other aspects of Town planning.

Design of a Type D1 Development

A conventional design approach starts with the lots and roads. A CSD utilizes a four step process that starts by identifying the conservation lands, then locates the house sites, then aligns the roads and trails, and finally draws the lot lines.

A critical step in the CSD process is the calculation of the “yield” or “density” of the parcel. There are a number of methodologies that are used in CSD bylaws to determine the yield. These generally utilize some combination of formulas and “as of right” sketch plans. In any case, the purpose of a CSD is to improve the arrangement of the roads and structures, and not to either punish or reward the developer by decreasing allowable density or providing a bonus.

Yield calculations can be based on number of lots, housing units, bedrooms or other measures. Many communities have found that structuring more flexible development limits that are based on the town’s specific concerns can result in better and more successful projects. The Town of Lexington passed its Cluster Subdivision, Special Residential Development Bylaw in 1996 by a more than 3-to-1 margin in Town Meeting. It replaced a cluster provision that, like Wakefield’s, had never been used. Their current bylaw uses five Impact Factors (gross floor area, living area, site coverage, total number of occupants, and vehicular trip generation) rather than one simple density count to both limit and guide development.

A new Cluster bylaw will have to establish a minimum project size that is smaller than the current 10 acre minimum. The Town of Reading’s

bylaw specifically states a cluster can be approved for a 60,000 sq. ft. plot. Many other towns have no minimum project size and rely on other design standards of the cluster bylaw to assure appropriateness. Lot size provisions will also have to be rewritten. Many of Wakefield's traditional neighborhoods have lots in the 6,000 s.f. range. The Town Character studies included in this report may be used as a starting point for choosing appropriate standards for new cluster development.

Open Space in Type D1 Developments

New standards will need to be established for the quality, quantity and disposition of open space in Type D1 developments. These standards need to be coordinated with other components of Wakefield's Master Plan, including those concerned with conservation, open space planning, wildlife protection and watershed protection.

Type D1 developments should include two types of protected open space, natural undisturbed land and a green common or commons. Initial discussions of a zoning change could require *a minimum* of 30% of the land remain in a natural, undeveloped condition and *a minimum* of 10% be developed as a common, possibly a green. (A total of 40% of the land is preserved). There are a range of options for the design and purpose of this common. These should be developed and documented in design standards for Type D1 developments and coordinated with §190-4B, the definition of "OPEN SPACE, USABLE," and §190-33 B (7) of Wakefield's bylaw. The referenced CSD model bylaws (MAPC and Cape Cod Commission) include extensive standards for preserves.

A critical consideration in the requirements for the quality of open space is the relative proportions of wetland and upland that are allowed. On the one hand, the protection of wetlands is in the Town's highest interest. On the other hand, it is already protected and the open space requirement in the bylaw should be satisfied by land that is otherwise developable, thereby preserving land that might otherwise be lost. There are a number of approaches to this challenge. First, of course, is the requirement that the yield calculation take into consideration the wetland/upland makeup of the site. One compromise is to allow wetlands to be included within the open space but to allow only a certain percentage to count toward the open space requirement.

There are a number of options for the disposition of open space in Type D1 developments. In certain cases it may be in the Town's interest to accept ownership of these lands. However, in most cases it is more likely that it will not necessarily be in the Town's interest, and these lands should be conveyed to a Trust.

Type D1 Development Permitting Process

The town may create an expedited special permit process to encourage Type D1 Development in SR zoning districts. Alternatively, recent revisions to the state code, M.G.L. ch. 40A, §9, ¶5, encourage the adoption of as-of-right bylaws allowing cluster development in single-family zones without a special permit (Massachusetts Zoning Manual, Section 8.5 Cluster Developments, page 8-14, 2002 Supplement by Martin R. Healy, et.al. and published by Massachusetts Continuing Legal Education). As Type D1 is essentially a residential cluster, the town could adopt such

a revision to the town's bylaws; however, guidelines and standards will need to be crafted that are acceptable to the town. If the town adopted a special permit process as an interim solution, the Planning Board could work with developers to establish standards and new bylaws to allow Type D1 as-of-right in residential zones.

The reviewing and permitting process needs to be carefully considered and revised so as to encourage developers to propose Type D1 developments. The MAPC has developed a set of recommendations that outline a process where the Planning Board would review a developer's Concept Plan for approval or denial of the Special Permit. The special permit would be granted with a series of attached conditions, including number of lots/units/bedrooms, requirement for approvals from the Conservation Commission, Board of Health, Definitive Subdivision Approval, and compliance with the rest of the CSD bylaw. The details of the MAPC's procedural recommendations can be found in their "[Booklet for Developing a Local Bylaw](#)."

The Town of Hopkinton has been incredibly successful using the two-step "Concept Plan" approval process. As of May 1999, twenty one Open Space and Landscape Preservation Development (OSLPD) projects had been approved totaling 1099 acres of which approximately 600 acres (or 54%) were open space.

The Type D1 Development Model will require revisions to sections of the existing zoning text

§190-33. The title should be changed to: Cluster Development in Residential Zones.

§190-33 will have to be significantly restructured in its particulars as outlined above, including changes to many of the Specific Requirements and the permitting process.

Where will the Type D1 Development Model be allowed? Revisions to the zoning map

Type D1 Development is to be strongly encouraged as the new standard in Single Residential (SR) Districts. While Type D1 Development could be allowed in Special Single Residential (SSR) zones, SSR zones may need to be reconsidered. A change back to SR zoning standards may be more in keeping with the town's character.

The Type D1 Development should not be permitted in General Residential (GR) districts. The areas where the General Residential (GR) districts have been mapped include some of Wakefield's oldest neighborhoods. Attention needs to be given to preserving the buildings in these neighborhoods. It is unlikely that the building types and rich detailing of these period structures will ever be replicated. Adapting these older structures to the needs of modern family life will require skillful design solutions and great attention to historic detailing. The density of GR districts is slightly higher than the density permitted by the Type D1 model. A special permit process that allowed Type D1 Development in the GR zones could unfortunately lead to an unwanted outcome: redevelopment of these areas. A reevaluation of the Use Table and the uses allowed in SR districts needs to be considered.

The Type D1 Development should not be allowed in business and industrial zones; other development models described below would be more appropriate.

Type D2 Development

The Type D2 development is a multi-family model of a cluster design similar to the Type D1 development. Like Type D1, a Type D2 Development will follow the precepts of Conservation Subdivision Design bylaws. A greater density will be allowed because a special inclusionary zoning restriction will be added for a Type D2 Development. Unlike many communities, Wakefield has not discussed the adoption of an inclusionary bylaw. It would be a helpful tool in addressing the shortage of affordable housing for seniors and first-time home buyers.

The following discussion outlines the zoning changes that would need to be made. Specific new guidelines and bylaws would need to be written and adopted before the Type D2 development model could be implemented as discussed.

Background for the Type D2 Development Model

In recent years, the only multifamily developments built in Wakefield have been the result of a special state law, M.G.L. ch. 40B, §§20-23, that allows developers of affordable housing (as defined by 760 CMR 30.02) to completely set aside the town's zoning bylaw. These completed developments may be the easiest and most profitable for developers to

build given the current building codes. The building types include:

1. Garden apartment style condominium units with attached dwellings (Heron Pond),
2. Townhouses with garages on the first level (Meadowview I & II)
3. Low-rise condominium (Millbrook Estates).

The Type D2 Development model is intended to bridge the gap between the traditional subdivisions that the Planning Board is required to approve and 40B projects, such as Heron Pond, that are submitted to the Zoning Board. Recognizing that these are the building types that developers understand and are willing to build, the design concept of the Type D2 model allows the construction of garden-style units, attached dwellings and townhouses. (In the Type D2 Model, townhouse units are oriented with the garage door facing a rear parking area or a common driveway at the side of the unit, rather than toward the street or other public areas.) The Type D3 Development Model (discussed below) further expands the possibilities for creative townhouses and mid-rise development. Better standards are needed for the review of 40B projects; guidelines and dimensional regulations describing a Type D2 Development can provide the review standards needed for 40B projects.

Each of the building types identified for 40B projects above are different in many ways from the residential building forms found throughout Wakefield: 1) the extended New England farmhouse, 2) the detached Cape Cod, salt-box, or 3) the detached small gable-ended, wood-frame

Victorian with a front porch. However, many of these traditional home types serve as multi-family dwellings. Some have an accessory unit and are now legal, nonconforming two-family dwellings. If designed with care, building types that are appropriate for a type D2 development can resemble an extended form of these New England classics.

Inclusionary Zoning

Many Massachusetts cities and towns have adopted what are called “inclusionary” zoning provisions in their bylaws in order to safeguard the availability of affordable housing in their communities. An inclusionary zoning provision requires new housing developments to include a certain percentage of affordable units within the total number of units constructed. The adoption of an inclusionary zoning provision would be a helpful tool in addressing the shortage of affordable housing for seniors and first-time homebuyers. New housing developments increase the total number of housing units in Wakefield. An inclusionary zoning requirement would allow the percentage of Wakefield’s housing that is affordable to keep pace. This is important for two reasons. First, the inflation in housing values continues to price many Wakefield residents right out of town. Second, Wakefield can only control Chapter 40B development and enforce its local zoning bylaws if it achieves and maintains a minimum percentage of affordable housing. Strategies for achieving this percentage have been laid out earlier in this report. Once the required percentage is achieved, an inclusionary zoning requirement may be the only way for Wakefield to maintain that minimum percentage and continue to safeguard local control of development.

The inclusionary zoning provision will identify a set percentage of the units that will be reserved as affordable or senior housing with deed restrictions meeting the state’s requirements for affordable units. This percentage varies from town to town. Twenty percent is a good figure to work with as a starting point for discussions. Some inclusionary zoning provisions require a minimum of one affordable unit in any development that seeks to take advantage of the Type D2 development model while other bylaws establish a minimum project size, such as five units, as the point at which the affordable requirement kicks in.

There are many precedents for Wakefield to use in the development of its inclusionary zoning provision. The Reading Bylaw, §4.10.4.2 may be a good model.

Design of a Type D2 Development

Most of the discussion above relating to Type D1 developments is also applicable to the Type D2 model. Dimensional requirements including yield formulas and minimum site size will need to be established. The minimum lot size under current zoning is 12,000 s.f. in the SR District and 8,000 s.f. in the GR district. These overall density standards would be appropriate starting points in the development of a yield formula for Type D2 development.

Many towns have found that when the design guidelines and yield formula are constructed so as to meet the town’s objectives there is no need to establish a minimum site size. Minimum lot area, setbacks, and other

dimensional requirements can provide the necessary controls. Row houses with appropriate setbacks would be permitted.

The Type D2 Development will require drafting new sections of zoning text

§190-32. While the Use Table and §190-32 set forth standards for the uses in Multiple Residential (MR-1 and MR-2) districts, these districts do not appear on the zoning map. The Use Table and §190-32, however, do allow various multifamily building types in business zones by special permit, and this provision appears to have generated most of the townhouse and low-rise multifamily developments found near the downtown. A text amendment at the November 2001 Town Meeting provided greater flexibility by adding industrial zones to the special permit process. While accomplishing several worthy goals, the 2001 amendment did not describe a building envelope or model. A full set of straight-forward text amendments is needed to describe various multifamily building types (duplex, triplex, triple-decker, attached townhouses, low-rise multifamily and mid-rise multifamily); the building types need to be linked to zoning districts, and map amendments are needed that establish the districts.

§190-32. A. Under Wakefield's Bylaw the responsibility for reviewing projects bounces back and forth between the Planning Board and the Zoning Board of Appeals. Currently, a Type D2 Development would be sent to the Zoning Board, merely because it includes attached dwellings. The Type D2 development model, however, includes a new roadway, the creation of new lots, and typical subdivision landscaping – all topics where

the Planning Board has the greatest expertise. The Planning Board is the appropriate board to be the special permit granting authority. A review of M.G.L. Chapter 40A, §9, ¶5 also suggests that the Planning Board is the appropriate board to review all “§9 clusters.”

§190-33. The title change, Cluster Development in Residential Zones, may be sufficient to address both Type D1 & D2 developments.

§190-33 A. The Town of Reading's zoning ordinance manages to address both a standard cluster and an inclusionary cluster in the same section through simple charts. Perhaps the revision to Wakefield's ordinance could follow the Reading model.

§190-33 B. The Specific Requirements relating to Type D2 developments need to be carefully established so that these new developments will maintain Wakefield's community character. Unit density, open space/green space requirements and location and configuration of drives and parking are of particular importance.

Where will the Type D2 Development Model be allowed? Revisions to the zoning map

Locating appropriate areas for Type D2 development will be a challenging task. Type D2 developments that are carefully and appropriately designed and that keep to the overall density limits that pertain to the underlying zoning district could fit in well in many areas throughout the town. On the one hand, Wakefield prizes its single-family character that exists throughout most of the neighborhoods. On the other hand, Chapter 40B allows developers to propose inappropriately designed and much higher density projects on virtually any site in town. Wakefield currently allows

multi-family development in M1 and M2 districts but has created no M1 or M2 districts in which to place them.

The Town of Reading uses a two-step method to locate cluster projects. Reading has a zoning overlay district that allows projects by special permit approved by their version of a planning board. The location of the district is first approved at town meeting, then the applicant submits a request for a special permit to the planning board. This is one approach that Wakefield should consider. Possibly all the uses listed for M-1 and M-2 under the Use Table could be changed to special permit uses, and these two districts could be redefined as overlay districts. Identifying areas where these districts are to be mapped remains a difficult task. A Type D2 is out of character with the downtown, North Avenue, and Albion Street. A Type D2 Development should not be allowed in areas where Type D3 and D4 Development will be encouraged.

As a starting point, Wakefield should consider mapping Type D2 Development for the two sites investigated in this report: the Montrose School site and Fitch Court extension. These sites are: 3.65 acres and 1.05 acres respectively.

Type D3 Development

The Type D3 development model is a mixed use development made up of a building or buildings with ground floor commercial use and residential use on the upper floors. Parking is either behind the building or underground. The following discussion outlines the zoning changes

that would need to be made. Specific new guidelines and bylaws would need to be written and adopted before the Type D3 development model could be implemented as discussed.

Design of a Type D3 Development

The current zoning bylaw defines a maximum overall density of 14 units/acre in the MR-1 district and 36 units /acre in the MR-2 district and Business district. These standards offer a starting point for the development of density standards for Type D3 developments. There could be some flexibility in the maximum density based on providing a higher number of affordable units under special provisions of an inclusionary zoning bylaw. A desirable density standard might be on the order of 20 units/acre (2250 sq. ft. of lot area per unit) and not greater than 24 units/acre (1800 sq. ft. of lot area per unit).

There should be a courtyard requirement to provide open space in Type D3 developments. Even a modest green common area can provide an amenity that would encourage homeowners rather than renters to settle in these areas. Good examples of residential buildings with successful courtyards include the Crystal Condominiums on Main Street and several of the multi-family buildings on Richardson Avenue.

The following are proposed initial guidelines for minimum courtyard sizes:

Lot widths of 80 ft. or less	15% of the total lot area
Lot widths between 80 ft. and 160 ft.	17% of the total area
Lot widths of more than 160 ft.	20% of the total area

Courtyards must have a coherent shape, rectangular or otherwise. This could be controlled by a combination of maximum length to width ratio and design guidelines. The courtyard could be behind the building, with the requirement that an archway or portal providing a vista is needed. A requirement for perimeter walls should be included (preferably not a stockade fence from Home Depot) with design guidelines that specify height, location, and construction.

A height limit and number of stories for Type D3 projects needs to be established. It is possible that this would vary depending on location with a limit of ground floor commercial plus two floors of housing on lower intensity streets and ground floor commercial plus three floors of housing on North Avenue, Main Street, and possibly other places.

Business uses should be required for the ground floor.

Underground parking is very desirable for Type D3 projects, particularly if combined with a greater amount of green space designed into the project. Wakefield should consider offering incentives for projects that put parking underground and include increased green open space.

Design guidelines need to be drafted and enacted for Type D3 projects. A more comprehensive design review process for Type D3 projects should be established and integrated with the design guidelines to insure quality site design and architectural design, and that quality materials and finishes are specified for the projects.

The Type D3 Development is allowed under the current bylaw, but additional guidelines and straight-forward text describing the building type need to be drafted and enacted.

The Type D3 Development will require drafting entirely new sections and perhaps reordering the zoning text. Developments similar to Type D3 projects could be proposed under the current ordinance but, without better regulations and guidelines, the projects proposed may yield unexpected results.

§190-32 A. The special permit granting authority for residential-over-retail development should be changed to the Planning Board. Type D3 Developments will not be appropriate for all business and industrial sites. Type D3 projects will be dense, compact, and a different building type. One possible approach would be to designate an overlay district that specifically maps the areas where Type D3 projects would be allowed. These sites might include North Avenue, Albion and Main Street (downtown), and Greenwood Center.

§190-32 B (1). The 40,000 sq. ft. minimum lot (the current M-1 minimum) for a Type D3 Development is probably too restrictive. For comparison the four-story residential development at 10 Foster Street is on a 21,672 sq. ft. site. The ground floor is only an elevator lobby and exposed surface parking; not the ideal for Type D3 Development. A 20,000 sq. ft. site or perhaps even smaller could be considered as a minimum at this stage. Even a 15,000 sq. ft. site may be difficult to assemble on North Avenue.

Where will the Type D3 Development Model be allowed? Revisions to the zoning map

Initially, a map revision could be proposed with an overlay district on sections of North Avenue. After one or two projects are approved and found acceptable, the district could then be mapped along Albion Street. There are a few important historic buildings on Albion Street; the district should be scribed around the Wakefield Gas Building (13-15 Albion Street) and others. The district could later be mapped on sections of Main Street. Incentives could encourage preservation of historic structures.

Type D4 Development

The Type D4 development model is a higher density, mid-rise project that adheres to design guidelines relating to site design, green space/open space, and the organization of roads and parking. The following discussion outlines the zoning changes that would need to be made. Specific new guidelines and bylaws would need to be written and adopted before the Type D4 development model could be implemented as discussed.

Design of a Type D4 Development

Some of the discussion of Type D3 developments also pertains to Type D4 developments, including the need for courtyards and increased green space/open space, the inclusionary requirement for affordable housing, and the desirability of underground parking.

§190-32 currently includes dimensional and other limits for multi-family projects. These need to be reviewed and revised for Type D4

developments. The density limit for Type D4 developments should remain 36 units per acre as presently stated in the bylaw. On certain sites the height and number of story limits might be reconsidered.

There should be courtyard and open space requirements. The current bylaw requires 30% of the total area remain open area (§190-32 C (2)) and this could be increased. Courtyards should be contiguous and connected spaces.

There should be a 20% inclusionary requirement for all Type D4 developments. (See the discussion above related to models and precedents for drafting the inclusionary bylaw.) Units will be reserved as affordable or senior housing with deed restrictions meeting the state's requirements.

The Type D4 Development is allowed under the current bylaw, but additional guidelines and straight-forward text describing the building type is needed.

Design guidelines and regulations need to be drafted and enacted for Type D4 projects. A more comprehensive design review process for Type D4 projects should be established and integrated with the design guidelines to insure quality site design and architectural design, and that quality materials and finishes are specified for the projects.

§190-32 D. Currently, mid-rise buildings are reviewed by the Planning Board if taller than 35 ft. A future committee, charged with redrafting the zoning bylaw, should reexamine the dimensional table.

Where will the Type D4 Development Model be allowed? Revisions to the zoning map

Initially a map amendment should be recommended for Colonial Point and the Hopkins Street sites, TM # 4 – 2A2B, 2A2C, 2A2D, and 3B. Other areas for further consideration are the Junction and Foundry Street areas.

A SECTION BY SECTION REVIEW OF WAKEFIELD'S ZONING BYLAWS

The following discussion is a Section-by-Section analysis of areas in the current Zoning Bylaw that relate to housing issues. The commentary addresses the Consultant's view of strengths and weaknesses in the current Zoning language and offers broad suggestions as to how the By-laws might better fulfill the stated goals. This is followed by a discussion of zoning tools currently being used by other Massachusetts cities and towns, with an emphasis on how and why these other tools might offer important opportunities for consideration by the Town of Wakefield. Ultimately, the recommendations in this report must be considered and developed by the Town and specific guidelines and bylaws must be drafted and adopted before any of the recommendations can be implemented.

Existing text:

§ 190-3. Purpose

"The purpose of this chapter is to promote the health, safety, convenience and general welfare of the inhabitants of the Town

of Wakefield; to lessen the danger from fire and congestion and from the hazards of floodwater inundation; to protect and conserve the value of property; to preserve and increase the amenities of the town; to conserve natural conditions; to promote educational, cultural and economic welfare of the public; to encourage an orderly expansion of the tax base; to encourage housing for all income and age levels; and to improve and beautify the town by encouraging the most appropriate use of land in accordance with the town-wide Master Plan and this chapter."

Commentary:

The statement of purpose sets out many of the same objectives and concerns that have been included in the mandate for the Housing Component of the Long-range Master Plan.

§ 190-4. Definitions and word usage.

Wakefield's primary objectives as laid out in § 190-3. ***Purpose*** can be undermined or strengthened by the definition of terms. The following definitions reinforce this point and in certain cases identify definitions that should be rewritten to better serve Wakefield's objectives:

Existing text:

BUILDING AREA – *The aggregate of the maximum horizontal footprint area of all buildings on a lot, exclusive of cornices, eaves, gutters, chimneys, steps, unenclosed porches, balconies and terraces. Such cornices, eaves, gutters, chimneys, steps, unenclosed and uncovered porches, balconies*

and terraces may extend beyond the minimum yard requirements as established in Article VI, but in no case shall such extension be in excess of five (5) feet beyond the minimum yard requirements.

Commentary:

Building Area provides an example of a strong positive effect deriving from a definition. By excluding porches, balconies and terraces as well as cornices and eaves from the calculation of allowable building size limit, the By-law encourages the construction of these elements and details that enrich the visual and social character of the built environment.

Existing text:

GROSS FLOOR AREA – *The sum of the floor areas of all parts of the building(s) on a lot, measured from the outer faces of the walls, excluding basement areas whose interior height is more than fifty percent (50%) below finished grade and excluding enclosed parking garages.*

Commentary:

Gross Floor Area is used in the calculation of Floor Area Ratio (FAR), which limits the size of a building in relation to the size of its lot. The exclusion of enclosed parking garages from this calculation encourages both the construction of garages and the construction of *large* garages because these areas are outside the FAR limits. Residential garages have some positive effect in that they moves parked cars off the street and out of view. However, residential garages, and particularly the three and even

four car garages that are a part of many new homes, can greatly decrease neighborhood green space/open space and increase the perception of overbuilding. Zoning By-laws adopted by most Towns *include* garages in Gross Floor Area definition.

Recommendation:

Rewrite definition of Gross Floor Area to include enclosed garages.

Existing text:

HEIGHT OF BUILDING – *The vertical distance of the highest point of the roof above the average finished grade of the ground immediately adjoining the building, as computed before the building is actually erected. This definition excludes chimneys, ventilators, skylights, water tanks, bulkheads, elevator penthouses and other accessory structures which are required or are customarily carried above the roofs of buildings and towers, spires, domes, cupolas and similar parts of buildings if such areas are not used for living or storage purposes and if such structures are not equal to more than twenty percent (20%) of the space occupied by the ground floor of the building. Such accessory structures shall not exceed required height limits by more than twenty (20) feet. Any berm or earth structure changing the grade of the ground shall be added to the elevation of the building to determine its height under this chapter.*

Commentary:

By defining Building Height as the distance to the highest point on the

roof, the By-law encourages the design of flat-roofed buildings because these provide the largest usable floor area within the allowable limit. Discouraging gables, hips, turrets, towers, and other roof forms works against the development of a rich and pleasing visual character. This definition undermines the desire to have new buildings carry on the traditional building forms found in Wakefield's neighborhood and town character.

Recommendation:

Redefine building height so that it encourages residential roofscapes that exhibit scale and massing interest. There can be two measures – one up to the highest wall or eave, or an average wall height to eave and rake – and a second that limits the maximum height. Height can be measured to the midpoint between eave and peak, thereby encouraging a sloping roof because it allows additional space over a flat roof. Limiting one and two family dwellings to 2 ½ stories also encourages sloping roofs and dormers rather than flat roofed buildings.

Existing text:

§ 190-13. Mixed Uses.

In case of mixed occupancy, the regulation for each use shall apply to the portion of the building or land so used. Combinations of permitted uses within a single building are permitted, provided that health and safety regulations are followed. Proposed new buildings that mix residential and nonresidential uses shall obtain a special permit from the Board of Appeals.

Commentary:

The broad assertion of an allowance for mixed occupancy (with a special permit) provides a setting for many possible beneficial development proposals to the Town. The Type D3 development proposal presents one scenario for beneficial mixed use projects. The language stating that “the regulation for each use shall apply to the portion of the building or land so used” is insufficient to the task of regulating even relatively simple mixed use projects such as the Type D3 model.

Recommendation:

Draft specific guidelines and regulations for Type D3 projects and other types of mixed use projects that clearly state the way in which these projects should be designed.

Existing text:

§ 190-22.A(1)(f): Accessory apartments.

[1] Purpose and intent. It is the specific purpose and intent of allowing accessory apartments within one family properties, except where enforceable deed covenants prohibit the same, in all one-family residence districts to meet the special housing needs of families. To help achieve these goals and to promote the other objectives of this chapter, specific standards are set forth below for such accessory apartment uses.

Commentary:

Accessory apartments, many or most of them undocumented, make up a significant part of Wakefield's stock of affordable housing. Accessory apartments increase the stock of low cost rental apartments and support and stabilize home-ownership while making home ownership more accessible to moderate income households. Accessory apartments generally blend well into residential neighborhoods and are well maintained in the context of owner occupancy of the primary unit.

Existing text:

§ 190-22.A(1)(f): Accessory apartments.

[2] Accessory apartments may be created only within single-family dwellings which are located on lots meeting the minimum lot area and width requirements of the applicable zone."

[3] Owner occupancy required. The owner(s) of the one-family lot upon which the accessory apartment is located shall occupy at least one (1) of the dwelling units on the premises. The special permit shall be issued to the owner of the property. Should there be a change in ownership, a change in the residence of the owner or the death or removal of the surviving parent or family member occupying the accessory apartment, the special permit use and the certificate of occupancy for the accessory apartment shall become null and void. Within ninety (90) days of the death or removal of the surviving parent or family member, or prior to a change in ownership or residence, the second kitchen shall be removed

and the house shall revert to a single-family status. Should the new owner decide to live in the structure and desire to continue the use of the second dwelling unit, he shall apply to the Zoning Board of Appeals for a special permit. The owner-applicant shall be required to file on the subject property a declaration of covenants prior to the issuance of a special permit for an accessory apartment. This declaration shall be in favor of the Town of Wakefield and state that:

[a] The special permit for an accessory apartment or any renewal of said special permit shall terminate upon the death of the undersigned and the spouse of the undersigned or upon the transfer of title to said premises or upon the undersigned no longer occupying the premises as his principal residence.

[b] The new owner of the premises shall have to apply to the Zoning Board of Appeals for a special permit to continue the accessory apartment.

Commentary:

The requirement for zoning dimension-compliant lots is a reasonable standard. The requirement for continuous owner occupancy of one of the units is a good mechanism for maintaining quality, upkeep and control of accessory apartments. However, the additional requirements restricting the permitting of accessory apartments should be carefully reconsidered. By limiting occupancy exclusively to a "surviving parent or family member", Wakefield severely limits the capacity of accessory apartments to address the real housing need. Furthermore, the temporary

nature of these apartments discourages their construction because of the requirement that the owners incur the expense of taking out the kitchens and other costs when there is no longer a family member occupying the unit. Finally, their status as temporary units makes it is difficult to count these apartments against the 40-B affordable unit requirement.

Existing text:

§ 190-22.A(1)(f): Accessory apartments.

[4] The special permit shall be issued on a year-to-year basis, and the Board of Appeals shall not renew any such permit where the need for such accessory uses no longer exists. The Board shall require a bond or surety to insure that any improvements made shall be removed at the expiration of such special permit or the sale of the premises, whichever occurs first.”

Commentary:

The requirements that any homeowner provides a bond to the town before a permit is issued and keeps this bond paid discourages unit development and drives it underground. The annual renewal requirement also burdens the homeowner and the town with paperwork.

Existing text:

§ 190-22.A(1)(f): Accessory apartments.

[5] An accessory apartment must be located in the principal dwelling,

provided that such principal dwelling conforms to the other requirements of this chapter, unless a variance therefor shall have been granted by the Zoning Board of Appeals.

[7] The accessory apartment shall not involve the extension or enlargement of the principal dwelling, except to provide access or egress, nor shall it change the single-family characteristic of the dwelling.

Commentary:

Restrictions [5] and [7] further limit and discourage the development of accessory apartments. Numerous building options that can be attractive and fit in well with existing neighborhoods are prohibited. These include the “granny flat”, carriage house, apartment over garage, and first floor addition.

It is a reality that there are many undocumented accessory apartments currently in use in Wakefield. Illegal accessory apartments are tolerated and ignored, and so they are effectively unregulated. Furthermore, these accessory apartments are uncounted. If a mechanism were developed for acknowledging and allowing accessory apartments, then they could be counted toward the 40-B 10% requirement, providing a dramatic advantage in the Town’s effort to regain unchallenged local control of development.

Recommendation:

Revamp the Accessory Apartment provisions so that they are much easier to build, use and maintain. Reframe the “Purpose and Intent” section of

§ 190-22.A(1)(f) to also include meeting the Town’s need for affordable housing. Accessory apartments promote home ownership. Consider making their status permanent rather than temporary. Structure the law so that people don’t have to hide these units, thereby allowing them to be regulated and also counted on the rolls of affordable units against the 10% Chapter 40B goal. Develop a program, perhaps utilizing an amnesty period, for getting existing undocumented accessory apartments listed. Maintain the requirement for owner occupancy of the primary unit.

Existing text:

§ 190-31.C (1) No front yard shall be used for the open storage of boats, vehicles, travel trailers or any other equipment. In residential districts, parking of vehicles is prohibited in the front yard, except for automobiles parked in the driveway. A driveway in any residential district shall not serve more than one (1) lot. Driveways shall not exceed a width of twenty (20) feet in residential districts without a special permit from the Board of Appeals, and sixty percent (60%) of the front yard shall be maintained as open area, without parking. In business and industrial districts, parking is permitted in the front yard area, provided that a fifteen-foot landscaped strip is provided adjacent to the street right-of-way line.

Commentary:

The blanket prohibition of shared driveways encourages asphaltting over the landscape and limits a useful land-use tool in residential planning, particularly in cluster, small lot, and “in-town” development. At the same time, the Zoning Bylaws inadequately prevent extensive paving over of front and side yards and do nothing to discourage or prohibit front facing

garages with large asphalt aprons, and oversized garage doors rather than more neighborhood oriented windows and porches facing the street.

Recommendation:

Allow shared driveways that serve rear parking and encourage garage doors that do not face the street or that are significantly recessed behind building fronts. Develop guidelines or restrictions that move garage doors away from the street and reduce extensive paving of residential front and side yards.

Existing text:

§ 190-31.I Gradient of driveways. No driveway shall have an average gradient of more than ten percent (10%) over the forty (40) feet thereof adjacent to the point where such driveway meets the street.

Commentary:

Many of the recently developed residential lots in Wakefield have been developed on steeply sloping land. The driveway gradient restriction may prohibit the most inappropriate ways of utilizing land or re-grading sites but still allows new houses to have imposing garages sitting on or carved into hillsides. The houses that are built on sloping lots were often originally designed for flat sites, and are poorly suited to steeply sloping topography. Massive retaining walls or the remains of blasted bedrock mar the landscape into which many of these houses have been inserted. Not only do they present a visual blight in areas of natural beauty, they make it hard for houses to align with one another to define a coherent neighborhood.

Recommendation:

Enact new guidelines and regulations that require a less destructive approach to site development and encourage buildings designed to better suit the existing landscape. These new bylaws should include a slope ordinance.

Existing text:

§ 190-32. Multifamily dwellings.

Commentary:

In general, see discussion under Type D2, Type D3, and Type D4 developments above.

Multi-Residence Districts are enabled under the Zoning Bylaws but not designated on the Zoning Map. The resulting situation is that multi-family dwellings are allowed in certain districts with a Special Permit but encouraged in none. This, combined with the somewhat intimidating structure of the Special Permit (with no certainty of success), discourages the development of multi-family housing throughout the town.

Recommendation:

Wakefield has a significant demonstrated housing need at all levels of low and moderate income. In light of this, the role of multi-family housing should be carefully considered in relation to other housing types and uses in the town.

Existing text:

§ 190-32.B (1) “The minimum lot size for multi-family dwellings, where permitted, shall be forty thousand (40,000) square feet in the M-1 District or Business District and sixty thousand (60,000) square feet in the M-2 District.”

Commentary:

These minimum lot sizes are too restrictive and rule out many slightly smaller lots that would provide viable opportunities for developing multi-family projects that would significantly address the affordable housing need. The 40,000 s.f. lot size combined with the maximum allowable density of 14 units/acre for M-1 projects means that current zoning really only allows multifamily projects on sites that would yield about 14 units or larger. It is unlikely that a developer would build fewer units on such a lot, while smaller sized projects might well fit in better in many of the areas where multifamily development is currently allowable (Business District) or might be permitted in the future.

Recommendation:

Reduce the minimum lots size for multi-family housing development in order to encourage the production of more affordable housing units. Alternately, enact a new section of the code with guidelines for small multifamily projects. Well structured guidelines (as discussed in the D-2, D-3, and D-4 models above) may eliminate the need for a minimum lot size.

Existing text:

§ 190-32.G Conversion to Apartments.

- (1) A single-family dwelling in the Single Residence District may be converted to a two-family dwelling, provided that the dwelling contains nine (9) or more rooms, was originally constructed prior to 1935 and is located on a lot of twelve thousand (12,000) square feet or more. In the Single Residence District, a special permit shall be required from the Board of Appeals.*
- (2) A single- or two-family dwelling in the General Residence District or Business District may be converted to a three- or four-family dwelling, provided that:*
 - (a) The dwelling is located on a lot of thirteen thousand (13,000) square feet or more.*
 - (b) There shall be a minimum lot area of three thousand five hundred (3,500) square feet for each dwelling unit provided.*
 - (c) There shall be a minimum floor area of six hundred fifty (650) square feet for each dwelling unit provided.*
 - (d) A special permit shall be obtained from the Board of Appeals. 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.*
 - (e) The conversion shall meet all building codes, fire, safety, and health regulations and other sections of this chapter.*

Commentary:

Current zoning allows the conversion of large single family houses in SR Districts to two-family. The working sessions conducted during the October, 2001 Public Forum resulted in a recommendation to allow limited conversion of large houses on large lots to two-three-four-family units. The ongoing trend to add houses to these neighborhoods by subdividing large home sites into smaller lots, then building on the side yards and thus removing open space was decried because it changes the character of the neighborhoods. Citizens felt that it would be preferable to encourage building additional units within/onto the back of these houses in order to save side yards, protect open space, preserve community character and promote affordable housing.

Recommendation:

Develop guidelines for the conversion of large houses on large lots into several homes in order to protect community character and promote affordable housing. The current language for conversions in the General Residence and Business District is a good starting point for project limits. In addition, parking restrictions and green space/open space restrictions need to be developed. Inclusionary requirement of an affordable unit should be considered as well.

An additional recommendation from the working sessions conducted during the October, 2001 Public Forum was to allow three family houses under some circumstances as a strategy for promoting affordable housing.

Existing text:

§ 190-33. – Cluster development.

Commentary:

The entire § 190-33, starting with its title, needs to be reconsidered. See discussion and recommendations under Type D2 Developments above.

Existing text:

§ 190-37.E Landscaping of parking lot.

(1) Required setbacks. The surfaced areas of off-street parking areas shall be set back a minimum of seven and five tenths (7.5) feet from all buildings and lot lines, except that front yards in business and industrial districts shall provide a fifteen-foot landscaped strip adjacent to the right-of-way line.

Recommendation:

Where desirable, and certainly where consistent with nearby properties, require the construction/continuation of sidewalks.

Existing text:

§ 190-40 Protection of residence districts.

Except for parking accessory to dwellings, all parking and loading, including outdoor storage, sales or service to automobiles or to their occupants, shall meet the following requirements:

C. Illumination. All illumination of such parking and loading areas

shall be continuous light installed and shielded in such a manner that will prevent direct light from shining upon an other property in a residence district.

Commentary:

The illumination provision prevents parking lot illumination from spilling onto adjacent and nearby residential property. Parking lot illumination should also be designed so that it does not spill needlessly into the sky, wasting energy and degrading nighttime visibility.

Recommendation:

Consider adding a “dark sky” provision requiring energy efficient, shielded lighting fixtures that only light narrowly defined areas. This will promote energy conservation and protect residential neighborhood character.

Existing text:

§ 190-41.A.(2) Required off-street parking. Joint parking lot. The aggregate number of spaces required for each of several uses separately may be provided on a common parking lot serving all of these uses, and, where it can be demonstrated that the combined peak parking needs of all the uses sharing the lot will, because of differences in peak hours or days, be less than the aggregate normally required for each use separately, the number of parking spaces to be provided may be reduced accordingly.

Recommendation:

This is an excellent provision, allowing flexibility while placing responsibility on the property owner to demonstrate the adequacy of the parking design. This provision protects green open space and is “downtown friendly.” It is particularly applicable to mixed-use commercial/residential projects (where the residents use the parking on nights and weekends and leave it available for day workers), and to development well served by public transit.

Existing text:

§ 190-41B. Table 3 – Table of Required Off-Street Parking.

Recommendation:

Consider a reduction in required number of parking spaces for new housing or businesses (as appropriate) developed within some maximum walking distance to the commuter rail stations. For businesses this could require a study demonstrating the reduced need, as in § 190-41.A.(2).

Existing text:

§ 190-45. Site plan review in conjunction with special permit application:

Commentary:

Article VIII – Special Permits and Site Plan Review provides the critical mechanism for maintaining Town control over complex development proposals submitted by land owners while simultaneously allowing the flexibility to steer these projects toward the greatest public good. The review and permitting process provides for both “the carrot and the stick”, and should be carefully reviewed as to how it encourages and discourages different types of projects. The process presents a somewhat intimidating hurdle to any applicant. If there are certain types of projects that the Town would like to promote because these projects make a particular contribution to the public good, language should be added to Article VIII that encourages the bringing forward of those projects and helps them to more easily make their way to and through the Special Permit process. On the other hand, large development projects can be extremely complicated and the review of such projects can pose problems to planning boards without adequate expertise or staffing. One way of addressing this issue is to incorporate peer review of large project proposals into the permitting process. This would bring outside design professionals (selected by the Planning Board or with their consultation, and paid for by the developer) into the review process. While this would add to project cost, it would potentially provide an added measure of speed and certainty to developers while giving the Planning Board the support that it needs. See also additional discussion on this subject under the discussion and recommendations for the Type D1-D4 development models and the excellent discussion of the Special Permit process included in the MAPC

publication The Conservation Subdivision Design Project: Booklet for Developing a Local Bylaw.

Recommendation:

Review and revise the Special Permit process to remove unnecessary provisions and encourage desirable new development in Wakefield. Consider a “peer review” requirement for large projects.

OTHER TOPICS FOR CONSIDERATION IN THE REVIEW OF HOUSING ISSUES RELATED TO THE ZONING BYLAWS

The following issues should be considered in a review of the Zoning Bylaws.

Overlay Zoning Districts: Wakefield has a number of discreet areas that are being considered for significant change, including promoting new construction and possibly change of use. The development of overlay zoning districts to both control and encourage appropriate development is a powerful tool for shaping these areas and accelerating appropriate change. Special zoning districts can also be combined with economic incentive districts to further encourage desired change.

Recommendation:

Carefully consider the possible use of zoning overlay district regulation for targeted development areas and/or special cultural, social, and ecological zones deserving of particular special treatment.

Land clearing, grading and/or protection of specimen tree bylaw:

Many Wakefield residents have expressed concern about what they perceive as inappropriate land clearing and grading development methods. Many communities have adopted bylaws that limit land clearing, grading and specimen tree removal in ways that protect and enhance town character and result in new developments that more closely resemble the town’s best streets and neighborhoods, preserve open space, and better control run-off and protect critical watersheds.

Recommendation:

Consider adopting a Land clearing, grading and/or protection of specimen tree By-law.

Other Regulatory Tools and Strategies: The Community Preservation Act

A number of Massachusetts cities and towns have passed a local implementation of the Community Preservation Act, and it is being considered by many more. The following description is taken from the State’s CPA website:

“The Community Preservation Act is statewide enabling legislation to allow cities and towns to exercise control over local planning decisions. This legislation strengthens and empowers Massachusetts communities:

- *All decisions are local.*
- *Local people must vote by ballot to adopt this.*
- *Local legislatures must appoint a committee of local people to draw up plans for use of the funds.*
- *These plans are subject to local comment and approval.*
- *If they don't feel it is working as they expected, local people can vote it out.*

The Community Preservation Act provides new funding sources which can be used to address three core community concerns:

- *Acquisition and preservation of open space*
- *Creation and support of affordable housing*
- *Acquisition and preservation of historic buildings and landscapes*

A minimum of 10% of the annual revenues of the fund must be used for each three core community concerns. The remaining 70% can be allocated for any combination of the allowed uses. This gives each community the opportunity to determine its priorities, plan for its future, and have the funds to make those plans happen.

Property taxes traditionally fund the day-to-day operating needs of safety, health, schools, roads, maintenance. - and more. But, currently, there does not exist a steady funding source for preserving and improving a community's infrastructure. The Community Preservation Act can give a community the funds needed to control its future.”

Recommendation:

Wakefield should consider the benefits of adopting a local implementation of the Community Preservation Act in order to promote affordable housing and address other local needs supported by this legislation.