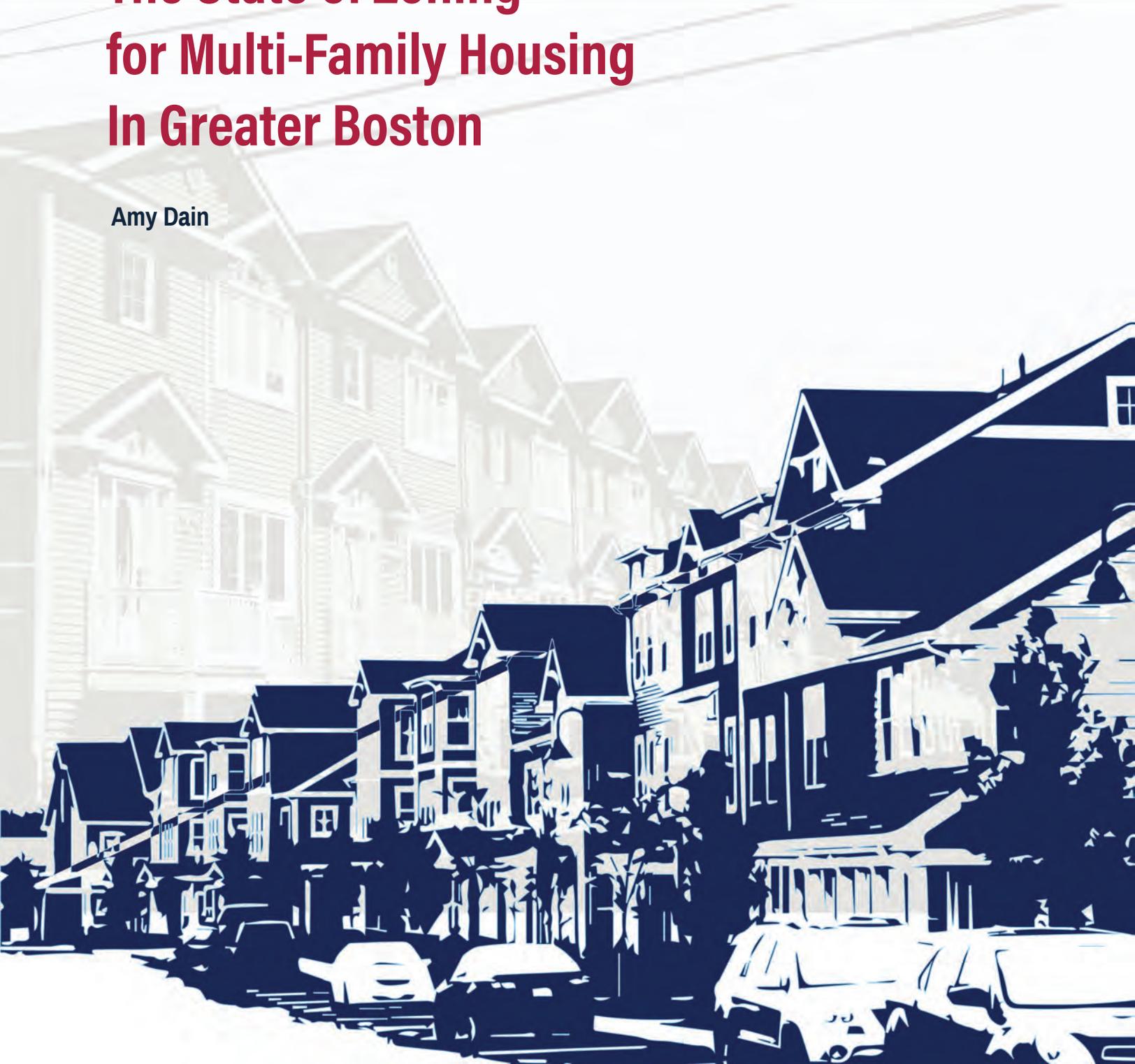

JUNE 2019

The State of Zoning for Multi-Family Housing In Greater Boston

Amy Dain



ACKNOWLEDGEMENTS

I would like to thank the Massachusetts Smart Growth Alliance, which commissioned the study that led to this paper on multi-family zoning, and the other funders who collaborated to make this possible: the Citizens' Housing and Planning Association, Home Builders & Remodelers Association of Massachusetts, Massachusetts Association of Realtors, Massachusetts Housing Partnership (MHP), MassHousing, and the Metropolitan Area Planning Council (MAPC). I am especially grateful to Larry Field who oversaw the project, guided me in every stage of the research and writing, double-checked my work, and mobilized so many people to provide feedback and advice. An extra thank you also goes to MHP and MAPC for their copy editing and graphic design. I am grateful to the many planners and other municipal staff members who generously gave their time to answering my many questions and sharing insights via email and phone conversations during the study. I greatly enjoyed meeting with the committees that provided input into the research design, including representatives of the funding organizations, as well as municipal planners and representatives of environmental organizations. Now I owe some favors to the individuals who read and provided comments on the long and unwieldy drafts of my paper. Finally, a shout out to my family for supporting me in the work, and to my kids in particular who have spent so many Saturdays and Sundays going on "adventures" to the cities and towns of Greater Boston.

Photography by Amy Dain

Instagram: amydain

Twitter: amydain



Milton,
Massachusetts



PREFACE TO THE DAIN REPORT ON MULTIFAMILY

Just about everyone agrees Metropolitan Boston has a housing crisis. We just surpassed New York City to become the third most expensive large metro rental market in the country. Single-family and condo prices have continued to climb, with median sale prices of nearly \$430,000 across the entire metro area, a 4 percent increase since the end of 2017. Renters are being hit with rent increases and evictions, causing housing instability, displacement, and homelessness. In fact, throughout Massachusetts, one out of every four renters – and even one out of every ten homeowners – is “extremely cost burdened,” paying over 50 percent of their income for housing. For those without high incomes and substantial savings, the idea of homeownership is an impossible dream.

The expensive cost of housing not only affects individual households, but also negatively affects neighborhoods and the region. When affordable options are not available near where people work, they move farther away, resulting in more traffic congestion. The high cost of housing may also discourage companies from moving to or expanding in the region, affecting our economic competitiveness. In order to attract new businesses and retain young talent, there must be homes available and affordable to a range of income levels. One principal reason – though by no means the only one—for the region’s housing affordability crisis is the mismatch of demand and supply. This is a problem decades in the making. In February 2001, the Archdiocese of Boston and other major stakeholders issued a call to address the housing crisis in Greater Boston, releasing a report determining that 36,000 additional homes were needed in the next five years to stabilize rents and home prices. We did not meet that benchmark.

After a pause during the Great Recession, housing costs began rising again as the shortage of homes identified in 2001 began to widen. In some degree, this is because of nationwide changes that have increased demand for apartments and homes on small lots, especially in walkable, transit-connected places. But Greater Boston is also a victim of its own success. The many attractive characteristics of our region are drawing new households by the thousands. Young adults are forming new families and older residents are less likely to flee to Florida and Arizona. Overall, the population of the region is growing – in fact, Massachusetts is the fastest growing state in the Northeast. The disinvestment and population declines of earlier decades have been reversed, and the benefits are overwhelmingly positive. But, if housing supply cannot keep up with demand, these gains could be lost.

From 2010 to 2017, the Metropolitan Boston region added 245,000 new jobs, a 14 percent increase. Yet according to the best data available, cities and towns permitted only 71,600 housing units over that same time period, growth of only 5.2 percent. When supply of new housing does not keep pace with the growing demand created by new workers and young adults forming new households, there is more competition for the existing units. Low rental vacancy rates (just above half of normal) and low for-sale inventory (just above a third of normal) make it a landlord and sellers’ market, allowing them to charge top dollar to the highest bidder. Continued demand for labor, driven by economic growth and the retirement of the Baby Boomers is likely to continue driving strong population growth and housing demand well into the future. Compounding the issue is the fact that Baby Boomers will continue to need housing well after they retire, but are stuck in large single family homes because there are very few affordable options to downsize.

Beyond the need to build more housing, we also need a range of housing types that meet demand. One area where we are clearly not meeting demand is for multifamily homes (rental and ownership and at a range of prices). Most of us have lived in a multifamily home at some point in our lives. And with our region getting older, more of us will be looking for options to downsize while staying in our communities. Today, this is simply not an option in too many of our cities and towns. Multifamily homes provide environmental benefits, such as reduced heating and cooling loads, less land required per unit, and, if located near transit, reduced auto-dependency. Multifamily housing is also the chief delivery mechanism for expanding our affordable housing stock.

MAPC has projected that nearly two-thirds of housing demand moving forward will be for multifamily units (apartments or condominiums.) This demand is a result of demographic shifts among our population. Families with children will comprise a smaller share of the region's households in the future; meanwhile, both younger and older non-family households are showing a greater tendency to live in multifamily housing than their predecessors. MAPC projects that, as a result, the region will see demand for at least 227,000 apartments and condominiums between 2010 and 2030, and possibly even more if rapid economic growth continues. However, the current rate of housing growth lags well behind that target, and each year the region falls further and further behind in meeting its needs.

It's true, the situation with regard to housing policy and housing production is not totally bleak. Local, regional, and state leaders have declared that increasing the supply of housing is a top priority. To address the housing shortage, Mayor Martin J. Walsh of Boston recently set a goal of permitting 69,000 housing units by 2030. The Metro Mayors Coalition, representing 15 municipalities in Greater Boston, then announced a target to create 185,000 new dwelling units by 2030. In 2017, Governor Charlie Baker proposed an initiative to create 135,000 new housing units statewide by 2025.

A few municipalities are building significant amounts of new apartments and condos, while a larger number are building more now than they have in recent years. Many municipalities are making housing plans and updating their zoning codes; and state incentives for planning and production are abundant. Despite these efforts, they are not translating into production increases at the scale that is necessary. Why not? What is actually happening on the ground when it comes to local multifamily housing policy and permitting in Metropolitan Boston? That is the key question this report seeks to answer.

We commissioned Amy Dain to undertake this research. Fourteen years ago, Ms. Dain did a similar deep dive on behalf of the Pioneer Institute into local regulations that affect housing production. A lot has transpired since then, so we asked her to take a look at the regulations that encourage or prevent multifamily housing in the 100 cities and towns around Boston, mainly inside I-495.¹ We wanted to know what has changed. Are there more or fewer barriers—and are there new ones? What are the local attitudes towards multifamily housing, as evidenced in local planning documents and zoning codes? What trends are emerging? Success stories? And where are the new apartments and condos located? Getting the answers to these questions was no easy task – it took good old fashioned shoe leather and phone calls. Many phone calls.

As housing funders, planners, advocates, builders, and realtors, we all want a healthy and thriving region where homes are available and affordable to the residents who already live here and those who would like to join us. We believe this research will help policy makers, local and state officials, and advocates understand the current nature of multifamily regulation and development trends. And with this greater understanding, we hope that all of us can work together to craft policy solutions at the local, regional, and state levels to help solve our housing crisis.

¹ Boston was excluded from this study because it is already producing a tremendous amount of new housing, and because Boston operates under a completely different zoning statute from the rest of Massachusetts.



Somerville,
Massachusetts

Executive Summary

Greater Boston needs more housing. Prices are escalating as homebuyers and renters bid up the prices of the limited supply of housing. Municipalities have been over-restricting housing development relative to need. Each of the 351 municipalities in Massachusetts adopts its own zoning ordinance or bylaw, and many are hundreds of pages long. It is hard for state-level policymakers and metropolitan-area planners to understand the system of regulation, as it functions for the whole region. This report provides a systematic assessment of the state of zoning for multi-family housing in 100 cities and towns of Greater Boston, outside of Boston itself – to inform efforts at reforming the regulatory system.

THE FINDINGS



Approval Process

The local zoning approval processes for multi-family housing have been evolving to be more flexible, political, ad hoc, unpredictable, time consuming, and discretionary. There are benefits to negotiated decision-making, but it is hard to plan for growth at the regional level with such a flexible system. Moreover, the current processes are unlikely to yield enough housing in the coming years. Policymakers could consider ways to achieve the benefits of negotiated decision-making and local control with a system that is more predictable.



Mixed Use

There has been a major shift across the region, in more than 80 percent of the municipalities, towards zoning and planning for mixed use development, to keep historic centers vital and create new walkable hubs. The strategy has supported the development of housing in numerous town/city centers, new lifestyle shopping centers, and by enclosed shopping malls. The strategy of linking the development of new housing to the development of new retail space might become problematic as demand for new retail space wanes. There may be a need to shift the strategy towards residential-only development in or near mixed use hubs and shopping centers.



Village Centers versus Isolated Parcels

There has been a major movement to allow and build more housing in the region's village centers, and there has been even more building in parcels on the edge of municipalities, isolated from residential neighborhoods. Some municipalities have been creating new village centers on the edge of municipalities, often with convenient access to highways. Municipalities have been cautious in allowing development in historic centers, typically permitting tens of dwelling units, but not hundreds. Several municipalities such as Quincy, Malden, Waltham, and Walpole have been building hundreds of units in their centers. Approximately half of the cities and towns have permitted new multi-family projects in historic centers in the last two decades. It would be useful to assess the lessons learned from building in the centers, and plan for greater development in ways that protect what residents cherish in the centers. New paradigms are also needed for overseeing the development of 'edge cities.'



Building Up or Building Out

To meet demand for multi-family housing in the region, municipalities will need to allow significant density in a small amount of land area and incremental increases in density over larger land areas. Municipalities tend to zone very little land area for the development of multi-family housing, and often the areas zoned for it are already fully built out to the capacity allowed. In theory, not a lot of land is needed to meet demand for multi-family housing, as the housing can be built upwards instead of outwards. Most municipalities highly restrict height and density of development too, such that buildout does not satisfy demand. There are ways to allow incremental growth in residential neighborhoods while protecting the character of neighborhoods.

THE SUMMARY

The study investigated planning and zoning for the development of multi-family housing in the 100 cities and towns that lie within the region covered by the Metropolitan Area Planning Council (MAPC), a regional planning agency. The research involved a review of

- A** zoning bylaws and ordinances for the 100 cities and towns,
- B** local master plans and housing production plans in the 75 municipalities that produced plans in the last decade, and
- C** email correspondence and phone interviews with planners and several building inspectors to learn about actual building that has resulted from the zoning and planning.

with opponents outnumbering proponents at public meetings. People adopt regulations for all sort of purposes – but generally on purpose. When there is a consensus about the purposes, then the question becomes technical: How do we write regulations to accomplish the agreed upon purposes? There is no region-wide consensus on where multi-family housing should be allowed to be developed. Hence, the challenge is highly political, and not merely technical.

Statutory background. The local regulations, as output of political processes, are adopted within the framework of state statutes and constitutional law. The state’s Chapter 40A Zoning Act establishes standardized procedures for adoption and administration of municipal zoning bylaws and ordinances, such as requiring a two-thirds vote to approve zoning changes. The Zoning Act does not proactively zone any areas of land for one use or another. Local zoning divides land into districts for various uses such as industrial, commercial, and residential, and specifies the density and dimensional limits of allowed construction in each district. The state’s Chapter 40B mandates that 10 percent of the housing stock in each municipality be restricted as affordable to low- or moderate-income households. In communities short of the 10 percent threshold, developers can bypass local zoning and seek “comprehensive permits” for projects with at least 20 percent of the dwelling units under affordability restrictions. In 2004, the state adopted Chapter 40R that authorized financial incentives to encourage municipalities to zone for dense residential housing near transit hubs and village centers. Per constitutional law, municipalities cannot zone land for no use at all or as “open space”, as that would be considered a government taking without compensation; all privately owned land must be zoned for uses of at least some economic value to the property owner.



Cambridge,
Massachusetts

The study analyzes zoning bylaws and ordinances both as barriers to limit development of multi-family housing and as vehicles to enable development. Zoning regulations and local plans are the output of political processes that engage both opponents and proponents of dense housing development,

THE PAPER WALL: ZONING RESTRICTION OF MULTI-FAMILY HOUSING

Of the 100 municipalities surveyed, only one municipality has no provisions at all for multi-family housing: Nahant. Nahant prohibits the development of multi-family housing. In a few additional municipalities, multi-family housing is technically allowed, as there are provisions in the zoning for it, but the requirements are so restrictive that multi-family housing is in effect prohibited, for example in Dover. While only a few municipalities effectively prohibit multi-family housing from being built altogether, all municipalities highly restrict its development relative to demand.

Land area zoned for multi-family housing. First of all, very little land is zoned for multi-family housing, and what is zoned is often built out to the capacity allowed. Concord's 2015 Housing Production Plan explains: "In general, Concord's zoning creates many barriers to the development of affordable housing. As described above, the predominance of traditional single-family zoning with limited provisions for compact development, including two-family and multi-family dwellings, creates barriers to developing affordable housing without the use of Chapter 40B." Needham's 2007 Affordable Housing Plan similarly concludes: "The extent of multi-family zoning is extremely limited. There is a near absence of developable vacant land that is zoned to permit multi-family housing, even two-family dwellings." The same sentiment is echoed in plan after plan.

Low density zoning. In theory, land area zoned for multi-family housing is not a critical constraint, as housing can be built upwards instead of outwards. However, if multi-family development is restricted to be low-rise and low density, then it needs to be allowed to cover more land area, to meet demand for it. Municipalities highly restrict the density of new multi-family development, and adopt dimensional standards about height, setbacks, and minimum parcel sizes that limit the potential for buildout. Out of the 100 municipalities, Bolton, Dover, Essex, Middleton, Nahant, and Norwell have no provisions for multi-family housing at a density greater than four dwelling units per acre, which is a common density for the affluent single-family neighborhoods of the streetcar era. Of the 100 municipalities, 21 have no zoning provisions for multi-family housing at a density of twelve or more units per acre, including Carlisle, Medfield, Sherborn, Topsfield, and Weston. Additional municipalities that technically have provisions on the books for denser development might have already built out the zones, so no additional building could happen in the zone. For example, Lynnfield adopted dense zoning for a golf course, and built out the project; the zoning is still on the books, but will not be used for more development. Examples of low density zoning include Bellingham's requirement of 10,000 square feet of land per bedroom for townhouses; in Middleton, each dwelling unit of multi-family housing needs a half-acre of land; and in Southborough, no more than six bedrooms are allowed per acre for multi-family housing for the elderly. Density restrictions are not only an issue in low density places.



Beverly,
Massachusetts

Gloucester’s 2017 Housing Production Plan reads: “The zoning ordinance appears to encourage multi-family projects in the higher density residential zoning districts, the majority of which are located in the downtown area [. . .]. The dimensional requirements, however, are not consistent with historic multi-family development patterns within these districts and do not support future development.”



Wakefield,
Massachusetts

Age restrictions and bedroom restrictions. Other kinds of restrictions on multi-family development include age-restrictions and bedroom restrictions. Fifty-five of the 100 municipalities surveyed have provisions for age-restricted multi-family housing (typically for occupants 55 years or older). Twenty-three of the municipalities reported having granted permits for age-restricted multi-family housing in the last three years (and 11 did not report.) Twenty-eight of the 100 municipalities restrict the number of bedrooms that can be included in at least some kinds of multi-family housing. For example, in Duxbury’s “planned developments”, no multi-family dwelling units can have more than two bedrooms. Even where there are no zoning provisions that address bedrooms, developers might propose projects with only two-bedroom and one-bedroom units to gain approval, or the bedrooms might get negotiated during the process to gain a special permit. There is currently a robust market for two-bedroom units and singles now, so the restrictions are not stopping development, but they likely mean that less housing for families with kids or households with multiple adults is coming on the market than is needed.

Excessive parking requirements. Next on the list of restrictions, excessive parking requirements can undermine development, drive up development costs, lead to too much impervious pavement, and make places less walkable. Essex requires one off-street parking space per single family house and 1.5 off-street spaces for every bedroom in a multi-family dwelling unit; Essex has not been building multi-family housing. Ten municipalities require more than two spaces for at least some types of multi-family dwelling units. For example, in Wrentham, the standard for any multi-family dwelling is three off-street spaces. In Danvers, the standard is two spaces for studios, one-bedrooms, and two-bedrooms, and three spaces for dwelling units with three or more bedrooms. In Marshfield’s Planned Mixed Use District, 1.25 spaces are required per bedroom. The most common requirement in the zoning tables of parking requirements is two off-street parking spaces per dwelling unit, which can be more than actually needed when the units are all, or mostly, singles and two-bedrooms. Many municipalities have been revising their parking standards, in particular for the historic centers and transit-oriented developments, to lower the parking requirements and list varying standards based on the number of bedrooms.

Mixed use requirements. There has been a huge movement in zoning to allow mixed use development that combines residential and commercial uses in the same building or, less often, on the same parcel. Eighty-three of the 100 municipalities now have explicit zoning provisions for mixed use projects. Reforms for mixed use development, in general, are adopted to allow more housing than had been allowed. However, in districts where multi-family housing is only allowed when combined with commercial uses, the provisions can undermine multi-family development when the commercial market is slow.

Approval processes. Local zoning bylaws and ordinances prescribe diverse processes for obtaining approval for multi-family developments, within the scope of what is allowed by the state's Chapter 40A Zoning Act and constitutional law. The prescribed permitting processes are often time-consuming, risky, and highly political. In the early decades of zoning, all development was allowed as-of-right, meaning that landowners had a right to build projects that meet the specifications in zoning, for example the minimum lot size and frontage on an approved public way. In the 1960s, municipalities began shifting their zoning systems to a more ad hoc and discretionary system of special permits. All land must still be zoned for as-of-right uses of some economic value; most land is zoned for the lowest intensity and lowest density uses as-of-right, for example single-family houses on large lots or low-rise commercial development. Higher intensity uses such as multi-family housing tend to be allowed by special permit. In recent decades, the system has become even more political and discretionary, with the local legislative body, either town meeting or city council, approving many multi-family developments, project by project.

Sixty-four of the hundred municipalities have some provisions on the books for multi-family housing as-of-right, and 35 only allow multi-family housing by special permit. However, many of the as-of-right districts are built out to the capacity allowed or the dimensional standards of by right multi-family development are uneconomic. Most permitting of multi-family housing is not by right. In the last three years, approximately 14 percent of multi-family dwelling units were permitted by right, but that includes some projects approved first by town meeting. The number also includes development approved by the special authority at the former South Weymouth Naval Airbase. In that time period, 57 percent of units were permitted by special permit, 15 percent by 40B, seven percent by friendly 40B, and seven percent by use variance.



Gloucester,
Massachusetts

Meanwhile, there has been a movement towards legislative approval of multi-family projects, through three typical mechanisms.

1. Floating Zoning

The first mechanism is called “floating zoning” where the requirements for multi-family housing are listed in the zoning, but the multi-family district is not delineated on the zoning map; town meeting or city council would need to vote to attach the zoning to a specific parcel – in effect approving individual projects. Eighteen municipalities have variations of floating zoning on the books. For example, in 2013, Lexington removed its on-the-map zones for multi-family housing, as they were not being used, and now allows multi-family development only via its provisions for Planned Residential Zoning which involve Town Meeting approval of projects.

2. Special Permit

A second common method of requiring legislative approval of projects is to designate the special permit granting authority for multi-family housing as the city council; in most zoning the special permit granting authority is designated as the planning board. In Newton, Gloucester, Lynn, Marlborough, Medford, Revere, Waltham, and Malden, the city council approves special permits for multi-family housing.

3. Parcel Zoning

The third mechanism for legislative approval of projects is parcel zoning: town meeting or city council approves zoning districts that only cover a single parcel of land, under singular ownership. Parcel zoning can be used for large and small parcels. Examples of parcel zoning often cover parcels owned by the government at the time of rezoning, such as a municipally owned parking lot on Newton’s Austin Street, a municipally owned septage facility in Wayland, several former state hospitals, MBTA properties, and a school in Gloucester. Parcel zoning is also often used for the redevelopment of church properties, with examples in Woburn and Belmont, and for properties vacated by large employers.

TRENDS IN ZONING FOR MULTI-FAMILY HOUSING

Municipalities have highly restricted zoning for multi-family housing since the invention of zoning, but it appears that in the late 1970s through the 1990s, many municipalities had down-zoned, such that very little multi-family housing could be built via zoning, as of the new millennium. In that context, over the last 15 years, a small minority of municipalities have down-zoned, a bigger minority have not changed their zoning for multi-family housing, and a majority have up-zoned for multi-family housing, albeit mostly moderately. Instances of down-zoning typically happened after large new developments were built.

Approval processes. In the last 15 years, state-level housing advocates and regional planners have been promoting more predictable, less negotiated permitting of projects called “as-of-right zoning.” For their advocacy, the state adopted Chapter 40R which grants financial incentives to municipalities that zone for as-of-right dense residential districts in certain areas. Most housing production plans recommend as-of-right zoning. Plus, advocates have been pushing for further state legislation that mandates more as-of-right zoning. Meanwhile, in municipal zoning, the movement has been towards more discretionary, flexible, ad hoc, negotiated decision-making about projects. The movement has been towards more local political control of project-level decision-making.

As an example, Lincoln’s 2014 Housing Plan mentions the tension between the benefits and drawbacks of the negotiated process of project approval:

“Developments such as Lincoln Woods, Farrar Pond Village, Battle Road Farm, Minuteman Commons, and The Commons would not have been possible without Lincoln’s unusual approach to planned developments, which requires front-end negotiations between proponents and the Planning Board, considerable attention to consensus building, and concept-plan approval by Town Meeting on a project-by-project basis. The process can be expensive and risky for developers, who pay for the public hearings and bear the cost of any special outreach that may be required to provide information to Lincoln voters before Town Meeting.”



Beverly,
Massachusetts



Halstead Malden Square Apartments,
Malden Center

In theory, the trades and density bonuses of incentive zoning and negotiated processes can benefit both the developers and the municipalities, as well as the public in need of housing options. Incentive zoning offers incentives to developers, but also works as an incentive for the municipality to allow more housing. On the other hand, by making the building of some dwelling units contingent on the provision of expensive benefits to the municipality, incentive zoning can add to the cost of construction. As it stands, the cost of developing new housing, including materials and labor, is said to be so high right now that new housing, for the most part, can only be built to serve the top of the market. Also, some negotiations break down, or sometimes the potential trades codified in zoning are not worthwhile for developers to access.

Incentive zoning is most commonly found in provisions for cluster zoning (open space residential design) that allows for housing, often in single-family districts, to be grouped close together, sometimes as townhouses, such that part of the property can be preserved as open space. Incentive zoning less often appears in provisions for multi-family housing, such as in Scituate’s Village Business Overlay District where density bonuses can be gained in exchange for underground parking, off-site infrastructure such as sidewalks, and inclusion of additional affordable units.

Mixed use. The most widespread trend in land use planning and rezoning in Greater Boston over the last two decades has been towards mixed use, where commercial and residential uses are combined, typically in the same building, but sometimes on the same parcel. Most housing production plans and master plans adopted in the last decade (59 of 75) address mixed use zoning. Eighty-three of the 100 municipalities surveyed have explicit provisions in zoning for mixed use development. The mixed use provisions are typically for city/town/village centers, commercial corridors, and the redevelopment of industrial properties – and especially by transit nodes. There is no movement to allow commercial uses in existing residential neighborhoods.

For some municipalities the process of project negotiation culminates in a vote on the project by town meeting or city council, while in many cases the negotiation culminates in a vote by the planning board about the granting of a special permit. A minority of zoning bylaws and ordinances include provisions for “incentive zoning” for multi-family housing, which outline trades available in the special permit process. Under incentive zoning, the regulations specify that special permit granting authorities can grant density bonuses or relax the dimensional requirements in exchange for things like inclusion of affordable units, infrastructure improvements, preservation of historic facades, donation of funds, and preservation of open space. Very few of the master plans and housing production plans mention incentive zoning in their recommendations related to multi-family housing development; incentive zoning is mentioned in plans for Stoughton, Watertown, and Wayland.



Station Landing Medford,
Massachusetts

There has been a movement in the commercial development sector nationwide to build shopping centers, often referred to as lifestyle centers, that are not enclosed like older shopping malls, and include residences and sometimes offices. In recent decades, several lifestyle centers with housing have been permitted in the region, often via provisions for mixed use zoning, including Burlington's Third Avenue, Cohasset's Old Colony Square, The Launch at Hingham Shipyard, Lynnfield's MarketStreet, Maynard Crossing, Somerville's Assembly Row, Sudbury's Meadow Walk, Wayland Town Center, and Westwood's University Station.

Zoning for multi-family housing in current residential districts. The outcomes of local deliberative processes about multi-family zoning have generally included a consensus that more density does not belong in existing residential neighborhoods.

Newton's 2007 Comprehensive Plan explains:

“Those living in predominantly single-family areas generally wish them to stay that way. They wish those areas neither to be marginally blurred into resembling the mixed single and two family areas nor to be compromised by large-scale multifamily developments being plopped into their midst. Those living in mixed single and two-family areas similarly value the diversity such areas afford, and wish not to see them blurred into a monoculture of look-alike development. Those living in large-scale multifamily areas chose that context and similarly value it and seek to protect it from excessive extension or change.”



Milford,
Massachusetts

Still, there is a marginal movement towards allowing multi-family housing in residential districts, primarily via cluster zoning (typically as townhouses) or as conversions of historic single-family houses into multi-family houses, with the original building preserved or rehabilitated. There is also consideration of allowing incremental increases in density along with site plan and design reviews.

Zoning for multi-family housing in historic centers.

Most planning boards, town meetings, and city councils have reached the conclusion that more housing does belong in the town center, or city center, or village centers – in mixed use projects. Municipal leaders consider more housing in the centers as a strategy to keep the commercial district vital, in the era of on-line shopping. The centers also tend to be walkable areas with options for public transportation. The Greater Boston area has a vast number of traditional centers and downtowns; significant amounts of housing could get developed in these areas. Approximately half of the cities and towns have permitted new mixed use developments in historic centers in the last two decades, most at a scale of tens of units, and several with hundreds of units, such as Framingham Center, Quincy Center, Malden Center, downtown Waltham, and Walpole Center.



Lexington,
Massachusetts

downtown or train station, such as in Beverly, Chelsea, Gloucester, Malden, Swampscott, Peabody, Natick, Melrose, Ipswich, and Watertown, so redevelopment can be part of a strategy for downtown vitality and/or transit-oriented development. In other cases, the industrial properties are on the periphery of town, in areas that have other benefits for development, such as isolation from residential neighbors who might object to development, proximity to highways, and river or ocean views. There are many examples of redevelopment of industrial properties, completed or underway, including on Lynn’s industrial waterfront, Somerville’s Assembly Square where an automotive plant had been, Malden’s Rowe’s Quarry Reclamation and Redevelopment District, Framingham’s redevelopment of former New England Sand and Gravel, and Melrose’s Lower Washington Street Industrial Zone.

The vast majority of projects in village centers include residences upstairs from retail space; a few municipalities, such as Norwood and Arlington, have gained residential-only developments in or near the downtown. Several municipalities that have zoned for more housing in their centers have not yet seen any new building in the centers, for example Winthrop, Randolph, Hingham, Boxborough, and Rockland. Several municipalities have not yet implemented the recommendations in their plans to allow housing in village centers. For example, Lincoln is still making plans to address the recommendation of its 2009 Master Plan: “Create a compact, vital, walkable village center in the Lincoln Station area that provides more housing choices near public transportation, goods and services for residents, and opportunities for social interaction.” There are also bustling village centers like Newton Center and Belmont’s Waverly Square – that have stores and trains and residential streets radiating outwards – where local voters have not opted to allow more housing.

Zoning for multi-family housing on former industrial properties. There has also been a significant movement to rezone industrial properties for housing development and mixed use. In some cases, the industrial properties are not far from the village center or

Zoning for multi-family housing in commercial corridors. Just as Greater Boston has many historic centers and former-industrial properties, it also has many commercial corridors that were built in the age of the automobile and are now functional primarily for access by car. They are lined with low-rise box buildings fronted by parking. There is some interest in redeveloping parts of the corridors as walkable mixed use centers. However, there is also concern about a loss of commercial space and increased traffic. It is also very hard to transform the areas, already subdivided into parcels under separate ownership and laid out with few cross roads, into walkable villages. Many of the local plans mention redevelopment of commercial corridors, such as Randolph’s Route 28 and Route 139 corridors, Acton’s Great Road corridor, Medway’s Route 109, Newton’s Needham Street corridor, Swampscott’s Vinnin Square, Stoughton’s Washington Street Corridor north of town center, and Sudbury’s Route 20 corridor. Saugus recently permitted hundreds of dwelling units in a few projects on Route 1, via its Business Highway Sustainable Development District, adopted in 2015; then Saugus passed a two-year moratorium on permitting multi-family development.

Zoning for multi-family housing in office parks. Several of the master plans mention the possibility of redeveloping office parks with mixed use, but so far such rezoning and redevelopment does not appear to be a major trend at the scale of redeveloping industrial properties or up-zoning village centers.

Dedham,
Massachusetts



Multi-family housing in municipal centers or peripheries. While most municipalities have been planning for increased development in their centers, much permitting at a larger scale is happening at municipal peripheries, many of the projects approved via zoning, but some also via Chapter 40B. For example:

NEEDHAM

Needham rezoned its center in 2008 and has permitted one mixed use building with **10 dwelling units**. Recently, it permitted a “friendly 40B” with **390 units** on the far side of Route 128 from the rest of Needham, a 40B project with **136 dwellings** by Route 128, and 52 age-restricted units, via zoning, also near Route 128. In sum, **10 units** in the center and more than **500 units** on the periphery.

WESTWOOD

Westwood permitted **18 units** (with another 18 on the way) in Islington Village, and **350 apartments** at University Station, by Route 128.

NEWTON

Newton has permitted two projects in the village center of Newtonville, **68 units and 140 units**, and no significant multi-family projects in Newton Center or its other village centers, and is now planning two projects of approximately **600 and 800 units** near Route 128, on the edge of the city. (The Newtonville projects both front the Mass Pike.)

Sherborn's 2017 Housing Production Plan addresses the question of center versus periphery explicitly:

“When considering locations for multi-unit affordable housing, some feel the town center location is preferable for walkability to town resources while others feel just as strongly that new growth for affordable housing should be located on the periphery of town for possible access to neighboring towns’ water infrastructure and access to transportation and commercial services.”

Reading's 2013 Housing Production Plan mentions that Reading's provisions for Planned Unit Development require more affordable units when developments are at the periphery of town: “At least 10 percent of all residential units in the PUD-R must be affordable. The affordable percentage requirement increases to 15 percent for property within 300 feet of a municipal boundary.”

In some municipalities, the “periphery” is fortuitously near the center. Watertown has adopted mixed use zoning for the corridors that run along the Charles River to the east and west of Watertown Square. In Beverly, the Bass River Industrial District that is now under consideration for redevelopment runs along the river, on the edge of Beverly, but it is also by the train station and not far from Beverly Center. Melrose redeveloped its Lower Washington Industrial Zone, which is on the edge of Melrose, but also near the downtown and a train station.

In some cases, cities and towns are creating new “centers” at the periphery. For example, Somerville's Assembly Row is on the far side of Route 93 from the rest of Somerville, and the district is sandwiched between the highway, train tracks, and the Mystic River. The district now functions as a downtown, with housing, offices, stores, and a train station. The district also has significant parking, as a destination for drivers. Potentially, redevelopment in Woburn between its two train stations and in Wellesley on Walnut Street could also become new mixed use centers.



Needham,
Massachusetts

Transit Oriented Development: One of the region's development strategies has been to concentrate new housing near nodes of public transportation. Transit-oriented residential development has gone up, or is now under construction, in many historic village centers such as in Braintree, Concord, Framingham, Franklin, Lynn, Malden, Melrose, Milton, Natick, Newton, Norwood, Reading, Quincy, Scituate, and Walpole, among other places. Transit oriented development in Beverly is in the walkshed of Beverly's historic downtown. Other transit oriented developments have gone up outside of village centers, for example in Ashland, Dedham, Westwood, Hingham, Revere, Cohasset, and Wakefield, among other places. Many municipalities have not rezoned any land around their train stations for denser development, for example in Newton Center or Newton's Waban village center, or Weston at any of its three train stations, or Belmont in Belmont Center or its Waverly Square.

No-growth and little-growth municipalities.

While Nahant prohibits development of multi-family housing, several municipalities either effectively prohibit new multi-family housing or only allow a marginal level of development. It is challenging to identify the municipalities in this category definitively, as several factors are at play, including market demand and infrastructure constraints, and some municipalities that appear restrictive might actually be in the process of planning for growth and building infrastructure. Permitting does not happen in a steady flow. Candidates for this category include municipalities that:

- A** have no zoning on the books for multi-family housing at a density of 12 units or more per acre, OR
- B** have no zoning on the books for mixed use development, OR
- C** granted no permits for multi-family housing – via zoning - from 2015 to 2017 (some granted Comprehensive Permits in that time period).

Such municipalities include: Bellingham, Bolton, Boxborough, Carlisle, Canton, Cohasset, Dover, Duxbury, Essex, Hamilton, Hanover, Holbrook, Holliston, Lincoln, Manchester, Marblehead, Medfield, Middleton, Milford, Nahant, Norfolk, North Reading, Norwell, Pembroke, Rockland, Sharon, Sherborn, Southborough, Stow, Topsfield, Wenham, Weston, and Wrentham.

Many of these municipalities lack infrastructure like sewer systems, well-connected sidewalks, and grid streets. Many of them rely on local water supplies; residents are concerned that growth could exacerbate water scarcity and pose a risk to water quality. Some of the municipalities also lack convenient access to public transportation. In some municipalities, the costs of infrastructure upgrades to accommodate development would be significant. On the other hand, many of the municipalities have village centers; some have train stations. Some of the municipalities have appropriate infrastructure for development or could add it at reasonable costs.

Future residential growth nodes. From a review of local plans and zoning, it is hard to know where the zoning, local political will, and market demand align to constitute growth nodes across the region. Not all zoning on the books is usable, for reasons discussed above. Often plans recommend changes that are not adopted, and a quarter of municipalities have no published land use plans. Moreover, with the shift towards parcel-level zoning and legislative approval of individual projects, regional planners have a challenge in predicting where projects will get approved. Plus, when the zoning is straightforward in allowing significant development at a given location, such building is often a precursor to a halt in development, to down-zoning. Political support in one moment is no guarantee of support in the next moment. Nonetheless some patterns have emerged in the region. There is support for development in historic centers, former industrial properties, commercial corridors, and the peripheries of municipalities. In particular, there is support for zoning that can yield bustling mixed use hubs. As the market for new commercial properties slows, the strategy of tying new residential development to new commercial development will become more problematic. For the region to accommodate and plan for growth, municipalities will need to designate more areas for more multi-family development.



Beverly,
Massachusetts

CONTENTS

Everett,
Massachusetts



INTRODUCTION

STATUTORY AND REGULATORY FRAMEWORK	4
Chapter 40A	
Chapter 40B	
Chapter 40R	
Master Plans	
Housing Production Plans	
BACKGROUND: THE LOCAL POLITICS & LOCAL CAPACITY FOR PLANNING	6
ABOUT THE RESEARCH	8
The Baseline Study	
The Current Study	
ZONING FOR MULTI-FAMILY HOUSING: OVERVIEW	12

PART 1: THE PAPER WALL: ZONING BARRIERS TO MULTI-FAMILY HOUSING

BARRIER ONE:	19
Limited Land Area Zoned for Multi-Family	
BARRIER TWO:	21
Required Minimum Parcel Sizes	
BARRIER THREE:	22
Dimensional Requirements	
BARRIER FOUR:	25
Permitting Process	
As-of-Right Versus Special Permit: In the Plans	
As-of-Right Versus Special Permit: In the Zoning	
Permits Granted:	
By Right, By Special Permit, By 40B	
BARRIER FIVE:	33
Age Restricted Housing	
BARRIER SIX:	35
Bedroom Restrictions	
BARRIER SEVEN:	38
Parking Requirements	
BARRIER EIGHT:	43
Requirements for Mixed Use Only	
BARRIER NINE:	44
High Affordability Requirements	

PART 2: TRENDS IN ZONING FOR MULTI- FAMILY HOUSING

ZONING FOR INCREASED DENSITY, FROM A LOW BASELINE	47
PERMITTING PROCESS	51
Incentive Zoning: Special Permits and Density Bonuses	
ZONING FOR MIXED USE	56
Lifestyle Centers and Mall Redevelopment	
Challenges of Mixed Use Zoning	

WHAT DISTRICTS (RESIDENTIAL, COMMERCIAL, INDUSTRIAL) ARE MUNICIPALITIES RE-ZONING FOR MULTI-FAMILY RESIDENCES? 63

Village Centers and Downtowns
Background on Village Centers
Housing Strategy for Downtown Vitality
Planning for Housing in Village Centers
Sewage Disposal as a Constraint

Industrial Zones

Commercial Corridors

Village Center Retrofits

Office Parks

Residential Zones

Cluster Zoning/Open Space Residential Design
Conversion
Design Standards and Site Plan Review
Sewage Disposal as a Constraint

ZONING FOR MULTI-FAMILY HOUSING IN THE CENTER VERSUS PERIPHERY 83

MUNICIPALITIES ZONING FOR VERY LITTLE OR NO GROWTH IN MULTI-FAMILY HOUSING 90

TRANSIT ORIENTED DEVELOPMENT 92

GROWTH DISTRICTS 93

REGIONAL PATTERNS FOR MULTI-FAMILY DEVELOPMENT 98

CONCLUSION

Introduction

Greater Boston's housing shortage has emerged as one of the region's most urgent policy challenges. The demand for housing in the region is increasingly dwarfing the supply. Prices have been escalating rapidly, as homebuyers and renters bid up prices. Market analysts and economists suggest that municipal restriction of housing development, via zoning regulation, is a key barrier currently preventing the market from satisfying demand. Each of the 351 municipalities in Massachusetts promulgates unique regulations, resulting in a highly complicated regulatory system that not only over-restricts development, but also tends to defy assessment at the regional level. It is hard to reform a system that is hard to understand. This report presents findings of a survey of local zoning provisions and municipal plans for multi-family housing in 100 cities and towns of Greater Boston, not including the City of Boston itself. The report is designed as a broad assessment to inform efforts at reforming the regulatory system.

Local, regional, and state leaders have declared that increasing the supply of housing is a top priority. To address the housing shortage, the Mayor of Boston Marty Walsh recently set a goal of permitting 69,000 housing units by 2030. The Metropolitan Mayors Coalition, representing 15 municipalities in Greater Boston, then announced a target to create 185,000 new dwelling units in the 15 municipalities by 2030. The region's planning agency, the Metropolitan Area Planning Council (MAPC), has established a production goal of 435,000 new housing units, mostly multi-family housing, for the larger region of 164 municipalities, between 2014 and 2040. In 2017, Governor Charlie Baker proposed an initiative to create 135,000 new housing units statewide by 2025.

In whichever way the region and time period get defined, the goals are ambitious. This assessment shows that the regulatory framework is not in place to meet the goals for the Greater Boston region. We will need to reform the system to approve enough dwelling units, and achieve growth in a way that benefits current and future residents and protects what we cherish about Greater Boston.



The assessment updates and expands on parts of a study I conducted from 2004 to 2006 on regulatory barriers to housing development. In that study, published by the Pioneer Institute and Rappaport Institute, I surveyed the zoning laws, as well as regulations of wetlands, septic systems, and road design standards, for the 187 cities and towns within 50 miles of Boston, not including Boston. I have recently completed the updated survey of regulations in the 100 cities and towns of the region covered by the MAPC, not including Boston. This study has been funded by the Massachusetts Smart Growth Alliance (MSGa), Massachusetts Housing Partnership (MHP), MassHousing, MAPC, Citizens Housing and Planning Association (CHAPA), Massachusetts Association of Realtors (MAR), and the HomeBuilders and Remodelers Association of Massachusetts.

Quincy,
Massachusetts



The updated survey covered:

ZONING
Multi-family housing
Open Space Residential Design (and variants)
Accessory dwelling units

NON-ZONING REGULATIONS
Road design standards
Septic systems

This report will focus only on zoning for multi-family housing. The MAPC study, “Population and Housing Demand Projections for Metro Boston,” suggests that a majority of the new units will need to be in multi-family housing, not stand-alone units as single-family housing.¹ More single family and two-family housing is needed as well, but is not the focus of the report. Summaries and analyses of the other data collected will be presented in other reports and articles.

This report is organized into two parts after the introductory section about the research and issues. The first part is about common zoning barriers to the development of multi-family housing. The second part examines recent local zoning reforms aimed at allowing multi-family housing. The report primarily addresses the technical aspects of housing regulation; it describes region-wide trends and themes that are the outputs of multiple local political processes, within the framework of state laws. The challenges of housing regulation are both technical and political. People adopt regulations for all sorts of purposes – but on purpose. When there is consensus about the purposes, then the questions become technical: how do we write the regulations to accomplish the agreed upon purposes? There is no region-wide consensus on where multi-family housing should be developed to meet the regional production goals. Hence, the challenge is highly political, and not merely technical.

The first part of the report, on zoning barriers to housing, largely reflects the legislative output of a political process dominated by local homeowner opponents to new housing production. The second part of the report, on trends in planning and zoning for multi-family housing, reflects more of the political work of pro-housing advocates, in addition to the protest of housing opponents. The report would be incomplete if it only listed regulatory barriers, as many people across the region have been working and volunteering to get zoning adopted that allows for more multi-family housing, even if their efforts have not yet led to all of the reforms needed.

There is a tension in representing zoning regulations either as barriers to limit development or as vehicles to enable development. Are zoning regulations the work of housing opponents or proponents? If we consider zoning in contrast to an unregulated market, where people are allowed to build any kind of residential building in almost any area, then the regulations are restrictions.

On the other hand, if we consider zoning in contrast to a total prohibition of multi-family development, then each regulation creates an opportunity for development, where there was none. Indeed, the shortest zoning regulations can be the most restrictive. Municipalities that allow diverse types of development in many different areas can have zoning regulations that stretch over hundreds of pages. A municipality might adopt a new overlay zone or special regulation to allow multi-family housing, and the details of the regulation might highly limit its applicability, but in comparison to the status quo ante it still represents not a barrier, but a possibility for more development. Most municipalities have so highly restricted multi-family development that new regulations tend to function more as vehicles for permitting than as new restrictions. In some cases, new regulations are new barriers, where dense housing had been allowed. Under either conceptual framework, municipalities are highly restricting the development of multi-family housing.

¹ https://www.mapc.org/wp-content/uploads/2017/08/MetroBoston-Projections-Final-Report_1_16_2014_0.pdf

STATUTORY AND REGULATORY FRAMEWORK

As a preface to the report, I will provide a brief overview of the statutory and regulatory framework under which Massachusetts cities and towns adopt zoning and plan for changes in land use patterns. The statutes and regulations get referenced throughout the report.

Chapter 40A: The Zoning Act

Massachusetts adopted its first zoning act in 1920, shortly before the US government adopted the Standard State Zoning Enabling Act of 1922 which gave states a model under which they could enact their own zoning enabling laws. The current MA Chapter 40A, the Zoning Act, was adopted in 1975, and has been amended several times since then.

Chapter 40A establishes standardized procedures for adoption and administration of municipal zoning bylaws and ordinances. For example, Chapter 40A specifies that a two-thirds vote of town meeting or city council is necessary to adopt or amend a zoning bylaw or ordinance. Chapter 40A exempts certain uses from local zoning restrictions; municipalities cannot regulate the use of land or structures for religious or educational purposes or for childcare facilities, for example. The state's Zoning Act does not proactively zone any areas of land in Massachusetts for one use or another; it provides a framework for local regulation. Chapter 40A applies to all cities and towns in the state, except for the City of Boston.

Chapter 40B: The Anti-Snob Zoning Act

In 1969, the state adopted Chapter 40B, the Anti-Snob Zoning Act, which enables local Zoning Boards of Appeals (ZBAs) to approve housing developments that do not comply with local zoning, under certain specific circumstances. Chapter 40B mandates that 10 percent of the year-round housing stock in each municipality be restricted as affordable to low- and moderate-income households. In communities short of the 10 percent threshold, developers can bypass local zoning and seek a "comprehensive permit" from the local ZBA for projects in which 20 to 25 percent of the dwelling units are under long-term affordability restrictions. If the municipality has not achieved the 10 percent threshold, the municipality has little discretion to reject qualifying projects. As of 2017, 38 of the 100 municipalities in my sample had reached the 10 percent threshold, many of them recently. In 2006, only 33 municipalities of all 351 in the state had reached the threshold.

The affordable units get tracked on the state's Subsidized Housing Inventory (SHI). Every dwelling unit in a 40B rental project, including the market-rate units, gets counted towards the municipality's 10 percent threshold. In a homeownership project, only the affordable units can be added to the SHI. Whether or not municipalities have achieved the 10 percent threshold, they can permit projects under the authority of Chapter 40B as "friendly 40Bs", also known as the Local Initiative Program (LIP).

Chapter 40R: The Smart Growth Zoning Overlay District Act

In 2004, the state adopted the Smart Growth Zoning and Housing Production Act, Chapter 40R, authorizing financial and other incentives to encourage municipalities to zone for dense developments in locations deemed as "smart growth", for example near transit hubs and village centers. Under Chapter 40R, the state pays municipalities for zoning for and then permitting "smart growth" development. Municipalities receive payments initially for the creation of the district based on the estimated potential buildout and then again for the issuing of building permits.

A companion law, Chapter 40S, provides state reimbursement for school costs not covered by taxes generated by 40R projects. The zoning for 40R districts must allow multi-family housing as-of-right at densities of at least eight to 20 units per acre and require that 20 percent of the housing development be restricted as affordable. In 2016, the Legislature amended Chapter 40R to add "starter home zoning districts" for single family houses, with a lower minimum density requirement of four units per acre.

Master Plans

The state's Chapter 41, Section 81D, requires municipal planning boards to create a master plan "to provide a basis for decision making regarding the long-term physical development of the municipality." A majority vote of the planning board is required for approval. According to the statute, the plans "may be added to or changed from time to time by a majority vote of such planning board." The plans should include sections on land use and housing. The section on housing "shall identify policies and strategies to provide a balance of local housing opportunities for all citizens."



Housing Production Plans

In 2008, the Massachusetts Department of Housing and Community Development (DHCD) promulgated regulations for municipalities to create housing production plans that articulate strategies to become compliant with Chapter 40B's requirement that 10 percent of housing in each municipality be restricted as affordable. The plans typically also address development of diverse types of housing, such as accessory dwelling units (rentals contained within single family houses) and multi-family housing, even when such housing will be allowed without affordability restrictions. DHCD can certify a

community as "in compliance" with its housing production plan if during a single calendar year it has increased its inventory of affordable units per certain goals. Certified-compliant municipalities gain "safe harbor" status from 40B such that DHCD's Housing Appeals Committee will uphold a local Zoning Board of Appeal's decision to deny a proposed 40B development. A majority of municipalities in Greater Boston have produced housing production plans. The following municipalities from the research sample have plans that DHCD have certified as in compliance (as of August 2018): Ashland, Marshfield, Medfield, Medway, Norfolk, Reading, Swampscott, and Woburn.

Housing Choice Initiative

In an initiative launched in 2017, DHCD designates municipalities as "Housing Choice" municipalities when they have permitted new housing at a certain level over the previous five years and/or have adopted certain best practices in zoning for new housing. The designation, which lasts for two years, gives the municipality exclusive access to apply to the Housing Choice Grant Program and receive favorable consideration for other state grant programs. Of the 100 cities and towns covered in this paper, 32 were designated as Housing Choice communities in the 2018 round. The Housing Choice Initiative (HCI) also includes access to a network of technical assistance providers and proposed state legislation that would amend Chapter 40A to reduce the two-thirds supermajority vote to a simple majority vote of a municipality's legislative body for certain types of changes to zoning that would allow for more housing to be developed.

BACKGROUND: THE LOCAL POLITICS OF MULTI-FAMILY HOUSING, AND LOCAL CAPACITY FOR LAND USE PLANNING

Typically, the people who turn out to hearings about multi-family housing are the opponents. A 2017 study of recorded minutes and attendance in planning and zoning meetings in 97 Massachusetts cities and towns found that homeowners are more likely to participate in the meetings than renters, and that the individuals who attend are overwhelmingly likely to oppose new housing construction.² Since many homeowners' houses are both their single-largest investment and their homes, anything that might potentially affect the value of their property and the quality of their neighborhood can appear threatening. Current residents can have multiple concerns about multi-family development, including with regards to parking issues, increased traffic, noise, a clash of cultures between old and new residents, strain on infrastructure and city services, teardowns of older buildings, ugly architecture, and more school kids moving in than the local schools currently have capacity to accommodate. Some of the risks might be imagined or exaggerated, but some problems could turn out to be real, and the neighboring homeowners get no compensation for any problems that might be realized. They have motives to turn out in opposition to new development, and they do.

While some people worry that new housing could negatively affect their property values, others are concerned about gentrification and displacement of renters. In general, more production of housing – to meet demand – will work to stabilize housing prices at the regional level. But at the neighborhood level, redevelopment and up-zoning of properties can cause price escalations as underutilized and poorly maintained structures get replaced with new buildings that command higher rents or sales prices. Property values can increase as people anticipate such redevelopment opportunities.

There are many reasons that people show up to oppose new housing. But shelter is also a fundamental human need, and dense development can have numerous benefits when done well -- for socializing, neighborhood design, revitalization of historic centers, regional economic development, and environmental protection. Many of the state's political leaders, as well as numerous statewide housing organizations, real estate professional associations, and environmental organizations, have been promoting reform of local zoning to allow more dense development.

At the local level, the vast majority of municipalities in the study have at least one professional land use planner on staff, and most planners see it as part of their job to plan for the development of more multi-family housing. As a part of the research, I asked planners and building inspectors if there are local groups mobilizing in support of multi-family housing development. Staff in 25 of the 100 municipalities I surveyed responded that there are none, or none that they are aware of. One planner joked, "No, it's usually the planner by himself with everybody throwing things at him." Another commented, "Some people are mobilizing against it. It's tough for developers to come through here." Several planners mentioned that seniors, through a Council on Aging or other groups, have been supporting the development of multi-family housing, in order to have more local housing options for people who would like to downsize their living quarters -- within the municipality. Many municipalities have affordable housing trusts or non-profit development corporations whose missions include advocating for multi-family housing. Several planners mentioned leaders within the municipal government, people on the planning board, board of selectmen, or a housing committee who are actively working to get more multi-family housing built. In some municipalities there are local pro-housing activist groups, such as Cambridge's A Better Cambridge. Local environmental groups, for example in Carlisle, have supported zoning that allows for multi-family housing.

² Who Participates In Local Government? Evidence from Meeting Minutes, by Katherine Levine Einstein, Maxwell Palmer, and David Glick, August 25, 2017

7 INTRODUCTION

The “threat” of a Chapter 40B development, which is exempt from local zoning, provides some motivation to up-zone and is mentioned in many plans. Stow’s 2010 Master Plan explains:

“[Chapter 40B] is the law, and we must adhere to it. Therefore, we have two choices:

Proactively establish policies and programs so that we can consistently meet our affordable housing goals, thereby immunizing our residential growth against unplanned and potentially overwhelming large-scale developments that need not conform to our Zoning Bylaw

OR

Admit that politically we cannot (or will not) make the individual and town wide investments and trade-offs to conform to Chapter 40B requirements, and resort to reactive management when the next Comprehensive Permit hearings begin.”

Hopkinton’s 2017 Master Plan also highlights the importance of Chapter 40B: “Now that the 10% affordable housing goal has been achieved, the Town can better manage its future growth rate by restricting the zoning tools and options that were created to respond to the threat of Chapter 40B comprehensive permits.”

As of 2017, 38 of the 100 municipalities I studied are off the hook of Chapter 40B, which is both a mechanism for permitting multi-family housing and for motivating municipalities to zone for multi-family housing. Some developers also use 40B as leverage in obtaining approval of projects via zoning; if the municipality rejects a project, the developer could build a bigger project via 40B. More municipalities are close to achieving the threshold, and a few municipalities have achieved “safe harbor” status, which enables them to reject 40B applications. That so many municipalities are now off the hook of 40B represents a major change from a decade ago. Chapter 40B is becoming less relevant as a tool for permitting multi-family housing and motivating zoning changes.

Most municipalities have at least one professional planner on staff, but that does not mean that municipalities have staff capacity to move on all of the zoning initiatives that their leaders endorse. It is beyond the scope of this study to analyze the capacity of local planning departments, but it is important to note that the regulatory output I analyze here relates not only to the politics but also the local capacity to write zoning, vet the drafts, and educate residents about proposals. Zoning reform is one of many tasks that planning boards and planning departments handle. In a few cases when I asked a planner why certain recommendations in a master plan had not been acted on yet, the planner mentioned a list of priorities for zoning reform that needed to be addressed first. For example, a plan might recommend that a municipality adopt new zoning for mixed use in village centers, accessory dwelling units in single family houses, townhouse development in residential districts, conversions of large estates to multi-family housing, and other items; it takes significant time, by staff and volunteers, to draft proposed language, hold public hearings, and bring the matters to a vote at town meeting or city council. The politics in general can slow the progress, but also the local staff capacity, and volunteer capacity, to usher new legislation through the process can be limited relative to the need.

ABOUT THE RESEARCH

The current study examines the status of zoning for multi-family housing, as presented in local zoning and municipal plans, as of the years 2017 and 2018 when the research was conducted. The study updates a baseline study that I also conducted from 2004 to 2006. With data from two systematic surveys of zoning and planning, conducted more than a decade apart, I am able to draw conclusions not only about the current state of zoning, but also about trends in zoning and planning over time, in Greater Boston.



Malden,
Massachusetts

The Baseline Study

In 2004 – 2006 I conducted a study of regulation of housing development in Eastern Massachusetts. The primary purpose was to document regulatory barriers to housing development, both of single family and multi-family housing. For the first stage of the original study, I convened an advisory committee of housing developers and engineers to establish a list of key regulatory barriers to housing. We met several times to discuss four categories of regulation: zoning, wetlands, septic systems, and road design. I then sent the draft list to various real estate experts, housing advocates, environmental groups, state government officials, and developers for review and comment. I created a database with approximately 100 questions about the list of regulatory barriers.

A team of research assistants collaborated with me to collect the answers and associated regulations for the 187 municipalities within 50 miles of Boston. All of the regulations were collected within the calendar year 2004. The data was made publicly available at the website www.masshousingregulations.com.

As output of the original study, I wrote two papers in 2005 and 2006, using the data from 2004:

- [Residential Land Use Regulation in Eastern Massachusetts: A Study of 187 Municipalities](#)
- [Housing and Land Use Policy in Massachusetts: Reforms for Affordability, Sustainability, and Superior Design](#)

The current study

In 2017, the Smart Growth Alliance of Massachusetts launched an update of the 2004-2006 study. A committee representing the following organizations advised me in designing the research: Massachusetts Housing Partnership (MHP), MassHousing, MAPC, CHAPA, Mass Association of Realtors (MAR), the Home Builders and Remodelers Association of Massachusetts, Environmental League of Massachusetts, and Massachusetts Audubon Society.

Given budget constraints and timeline, the updated study was designed for a smaller sample of municipalities, the 100 cities and towns that are in the MAPC region, except for Boston. The communities covered in this updated study are illustrated on the map:



The updated study also did not address some of the topics covered by the earlier study, such as wetlands regulation, inclusionary zoning, and zoning's dimensional regulations related to single-family development. The updated study did add new questions such as about how many permits had been granted for multi-family housing and cluster developments. The updated study covered: multi-family housing, accessory dwelling units, cluster development, road design, and septic systems.

In July 2018, the Pioneer Institute and Massachusetts Smart Growth Alliance released a report, "The State of Zoning for Accessory Dwelling Units," that summarized the survey of zoning bylaws and ordinances that regulate the addition of accessory dwelling units to single family homes.

The present report focuses only on zoning and planning for multi-family housing in Greater Boston.

The survey included the following questions related to multi-family housing that could typically be answered by reviewing the zoning bylaw or ordinance. When answers were not obvious from the text, I would ask municipal staff at the planning department or building department for clarification or judgment.

- *Is multi-family housing allowed in any part of the municipality? By right, only by special permit, or not allowed?*
- *Is multi-family housing allowed at a density of 12 units per acre or more?*
- *Is multi-family housing allowed at a density of four units per acre or more?*
- *Does the zoning include provisions for mixed use development (residential and commercial) with at least three dwelling units in a building?*
- *Does the zoning include any restrictions on the number of bedrooms allowed in multi-family units?*
- *Does zoning include any provisions for housing that is restricted by age?*
- *Is multi-family housing only allowed if it is age-restricted?*
- *What are the parking requirements for multi-family housing (spaces per dwelling unit or per bedroom)?*
- *Is cluster zoning (open space residential design) only available for single family detached housing, or is it also available for two-family or multi-family housing?*



Chelsea,
Massachusetts

11 INTRODUCTION

The following questions could be answered with reference to local master plans and housing production plans:

- *Has the municipality established a Master Plan or Community Development Plan or Housing Production Plan in the last 10 years?*
- *What does the plan recommend, if anything, for the development of multi-family housing?*

I sent the following questions to municipal staff in the planning and/or building department. Many replied by email; others via phone interview.

- *In the last three years, how many multi-family units have been permitted (building permits issued) -- A) by right, B) special permit, C) 40B, D) friendly 40B, E) 40R?*
- *How many age-restricted multi-family units have been permitted (building permits issued) in the last three years?*
- *Has the municipality amended its multi-family zoning since 2004? Do the changes increase, or decrease, the potential number of multi-family housing units that could be built?*
- *Are there examples about groups in the community mobilizing on behalf of multi-family development and/or smart growth?*

For many of the questions, the dataset contains answers for all 100 municipalities in the sample. For other questions, in particular the ones that involved interviews/emails with municipal staff, the dataset contains answers for a majority of the municipalities studied, but not for every municipality.

Some municipalities I surveyed had both master plans and housing production plans, and other municipalities had neither. Some municipalities have plans for specific neighborhoods or commercial centers. If a municipality posted a “draft master plan,” I used it to answer the questions, noting that the plan was in draft form. Seventy-five of the 100 municipalities surveyed have a master plan and/or housing production plan dated between 2007 and 2018.

Braintree,
Massachusetts



If a municipality revised its zoning or adopted a plan after I researched it, I typically would not loop back to update the information I collected. The study is meant to reflect a snapshot in time, in 2017 and 2018, when I collected the information.

This report is not a demographic or market analysis, or a review of the existing housing stock of the region, which are all critical matters to be considered in reforming housing policy. This report is meant to complement other such analyses, by shedding light specifically on the state of zoning and planning.

The report in places provides aggregations of the number of municipalities that have certain regulations. In this way, the report at times treats all municipalities as equal entities, when actually the role of each municipality in the region’s housing market is unique. We do not expect for Pembroke and Somerville, Topsfield and Quincy, Westwood and Maynard to have the same plans for getting more multi-family housing built.

ZONING FOR MULTI-FAMILY HOUSING: OVERVIEW

For the research, multi-family housing is defined as any building with three or more dwelling units, including stand-alone new construction, additions to existing residential buildings (for example a two-family turned three-family), conversion of buildings (such as churches or mills) into residences, townhouses, and mixed use buildings (for example with residences upstairs from stores). The term “mixed use” can refer to buildings with two uses that are not residential, such as office and retail, but for this report, “mixed use” will refer to any buildings with two or more uses, one of which is residential. Some municipalities allow “mixed use” that might involve a single unit or two dwelling units to be upstairs from a store, for example; this report looks specifically at provisions for mixed use where three or more dwelling units are allowed in a building. The U.S. Census does not include conversions or townhouses in its definition of multi-family housing; this study does.

Zoning typically divides the municipality into zones, or districts, and define uses allowed in each zone. Municipalities cannot zone land for no use at all, as that would be considered a government ‘taking’ without compensation; privately owned land cannot be zoned solely for ‘open space.’ All of the privately owned land must be zoned for uses of at least some economic value to the property owner. Most municipalities have zoned the majority of land for single family residences, but typically they also have zoned discrete districts for multi-family housing, commercial uses, and industrial uses. In the original zoning bylaws and ordinances, adopted in the first half of the twentieth century, the uses were all allowed as-of-right. “As-of-right” or “by right” means that if a property meets the zoning requirements such as minimum lot size and minimum frontage on a public road, then it is the property owner’s right to build the use allowed in the given zone, within zoning’s prescribed limits. Now, many uses are allowed conditionally by special permit – at the discretion of local permitting authorities. On all privately owned land, at least one economically viable use must be allowed as a matter of right; not all uses in a zone can be made contingent on approval for a special permit. Municipalities tend to allow lower-intensity uses, such as single-family houses or low-rise commercial buildings as a matter of right, and allow higher intensity uses only with special permits.



Arlington,
Massachusetts



Somerville,
Massachusetts

The state’s Chapter 40A states that local zoning may provide for special permits that increase density of development, “provided that the petitioner or applicant shall, as a condition for the grant of said permit, provide certain open space, housing for persons of low or moderate income, traffic or pedestrian improvements, installation of solar energy systems, protection for solar access, or other amenities. Such zoning ordinances or by-laws shall state the specific improvements or amenities or locations of proposed uses for which the special permits shall be granted, and the maximum increases in density of population or intensity of use which may be authorized by such special permits.” Zoning that includes options for ‘trades’ of density for public benefits is sometimes called incentive zoning.



Zoning ordinances and bylaws typically identify multi-family housing as a use allowed, either by right or by special permit, in certain districts. Often, there are designated multi-family districts where multi-family housing is allowed. Sometimes, multi-family housing is allowed in other districts, such as commercial, industrial, or single-family districts, by right or by special permit. More recently, multi-family housing began to be addressed through overlay zoning or special zoning sections that do not always directly coincide with the basic zoning districts; this kind of zoning typically requires a special permit for multi-family housing, and sometimes also approval by town meeting or city council of specific projects. In some overlay districts, such as in any overlay designed for compliance with Chapter 40R, multi-family housing is allowed as-of-right.

It is easier to estimate build-out potential of defined (on-the-map) multi-family districts, in particular where multi-family housing is allowed as a matter of right on undeveloped parcels, than to estimate buildout in large overlays where permitting is discretionary and the qualifications can be complicated. It can also be challenging to estimate buildout potential via incremental redevelopment of properties that are already densely developed and owned by different people. In 2003, MassGIS (Bureau of Geographic Information), a division within Massachusetts state government, published buildout analyses for municipalities based principally on the as-of-right zoning on unbuilt parcels. Such an analysis can project potential buildout for single family houses much more accurately than for multi-family housing. In this research, I am not attempting to estimate the buildout potential for the region based on the current zoning. I do occasionally note where buildout of certain districts or certain significant parcels has been estimated in municipal plans. Under Chapter 40R, municipalities must estimate the buildout potential of new 'smart growth districts' to receive the incentive payments, which are based on potential buildout.

Quincy,
Massachusetts



Quincy,
Massachusetts



PART ONE

The Paper Wall: Zoning Barriers to Multi-family Housing

Of the 100 municipalities surveyed in the current study, only one municipality has no provisions at all for multi-family housing: Nahant. Other municipalities in effect prohibit the development of multi-family housing, by regulating development in ways that make building impractical. All municipalities highly restrict the development of multi-family housing.

In 2004, 10 of the 187 cities and towns surveyed had no provisions in the zoning for multi-family housing: Bolton, Boylston, Bridgewater, Dighton, Lakeville, Littleton, Mendon, Nahant, Seekonk, and West Bridgewater. Only three of those 10 municipalities are in the current sample of MAPC municipalities: Bolton, Littleton, and Nahant. Since the original study, Bolton and Littleton have adopted provisions to allow multi-family development. Bolton adopted mixed use zoning in 2014, and amended it in 2016, but the provisions have not yet been used. Littleton adopted mixed use zoning for its village common district in 2010, but so far no dwelling units have been constructed with it.³

In the 2004 study, an analysis of the master plans and the details of the regulations revealed that while most municipalities have provisions on the books for multi-family housing, the details of the regulations often undermine the potential for building. The 2004 report cited Westborough's Master Plan as an example: "Although these districts appear to provide ample alternatives to single family housing in the Town, in reality they do not since virtually no land is zoned for multi-family housing."

³ Littleton's planner explained in 2019: "While the Planning Board has approved a small number of apartment units, construction of those units has proven economically unfeasible. Apartments co-located with commercial uses require fire safety upgrades that owners have not been willing to pay for."



In 2004, I came across regulations like in Chelmsford's zoning where multi-family housing is allowed in the Residential Multifamily (RM) districts, but RM districts need to be created first by town meeting vote. It could be argued that if town meeting must approve a project, by delineating the zone, then it is not truly allowed. Some regulations that allow multi-family housing have been on the books for decades without ever being used, such as Dover's regulations for multi-family housing.

Lincoln,
Massachusetts



In general, a policy researcher cannot know exclusively from reading the regulations, in the abstract, if something allowed at a given location might actually be buildable. Is there a market for what is allowed? Are there any parcels available for development that would meet the minimum size requirements in the zoning? Would the municipality waive some requirements by granting variances? Would the town meeting approve projects, in cases where the zoning requires town meeting approval of projects? Are there some minimally developed parcels in an apartment district that could gain more units, or are all parcels significantly built? Was the zoning provision adopted for a specific parcel, such as a golf course, that got built out or that ultimately got purchased as open space?

Duxbury’s 2014 Housing Production Plan states:

“While many of the tools to create affordable housing are seemingly in place in the Zoning Bylaw, the number of units produced as a result of the provisions that address affordability is negligible.”

Production can slow or stop for all sorts of reasons, such as construction costs that are higher than the market prices for dwelling units, but sometimes production slows or stops because of the zoning restrictions and permitting process. Needham’s 2007 Affordable Housing Plan explains: “Permitting multi-family in various business districts has also been on the books for many years with no takers for reasons to be explored elsewhere but easily imagined, including too-strict parking and dimensional controls.”

In this report, I review several common types of barriers that municipalities put up against development of multi-family housing:

1. **Limited land area zoned:** Zones for multi-family housing are built out to the capacity allowed in the zoning, or little land area is zoned for multi-family housing.
2. **Large minimum parcel size requirements:** Minimum parcel sizes required to build multi-family projects are bigger than parcels that might be available for development.
3. **Dimensional requirements:** Some dimensional requirements, such as height, setbacks, and land area per dwelling unit, make building less feasible and limit potential buildout.
4. **Permitting process:** The permitting process can be unpredictable and time consuming.
5. **Parking requirements:** The parking requirements, like the dimensional requirements, can increase costs and reduce the potential buildout of parcels.
6. **Age restrictions:** Restrictions that occupants must be 55 years or older can limit housing opportunities for younger residents.
7. **Bedroom restrictions:** Restrictions on the number of bedrooms can mean less housing is available for families with children or people seeking dwellings with three or more bedrooms.
8. **High affordability requirements:** The requirements to include a percent of units as restricted affordable, to be sold or rented below market-rate, can make some projects uneconomic.
9. **Mixed use requirements:** The requirement that new construction be mixed use, with commercial space downstairs from dwellings, can make projects uneconomic when the commercial market is weak.





Cohasset,
Massachusetts

Often the barriers to building are combined. For example, Dover's provisions for multi-family housing, which have never been used, require that 25 percent of the units be affordable and 40 percent of all units be restricted for the elderly; the development can be no denser than four units per acre, excluding wetlands; and projects must be approved by 2/3 vote of town meeting.

In Manchester, Planned Residential Developments (PRD) are, per the bylaw, "intended to encourage the conservation of open space, promote less land excavation - especially in rocky, hilly terrain, preserve existing wetlands, recharge areas, rivers, streams, marshes, historic sites, unique geological and botanical areas or features, trails, paths and open space links, while at the same time providing for a greater mixture of housing types in the Town than are permitted in residential districts and cluster developments." The PRD zoning has not promoted land conservation or a greater mixture of housing types, as intended, because it has never been used. To be eligible to apply for a permit for a PRD, you need at least 50 acres; the density of development can be no greater than the underlying (low density) zoning allows; and the average number of bedrooms per dwelling unit cannot exceed two.

Wilmington's zoning includes a few mechanisms through which multi-family housing might be approved, including mixed use zoning and age-restricted zoning, but its Planned Residential Development allows only three units per acre (as single families or attached units) and requires town meeting approval of projects; Wilmington's PRD has never been used.

In this report, I am not providing a comprehensive analysis of the benefits and costs of each barrier to housing that I identify. It is not an underlying assumption of this assessment that all barriers should be removed. I would not include in my research any barriers to development where there is universal or near-universal consensus that the barriers are necessary, for example for public health or environmental protection. The barriers I have included, in general, are controversial, or at least get debated case by case as zoning gets adopted and projects considered. The motivation for a systematic study of barriers across municipalities is to help policymakers to regulate housing development in ways that protect the public good while enabling more development than the current system is yielding.

BARRIER ONE: LIMITED LAND AREA ZONED FOR MULTI-FAMILY

Zoning classifies municipal land into districts and spell out the uses permitted in each district, or zone, as well as dimensional restrictions for each zone, including lot size minimums and building height. Across the region, more land is zoned for single family houses than for any other use. Very little land is zoned for multi-family housing, and what is zoned is often built out to the capacity allowed.



Waltham,
Massachusetts

The research for the study did not involve GIS analysis, or any analysis of maps or current buildout, but the review of local master plans and housing production plans revealed the issue. For example:

Concord's 2015 Housing Production Plan:

"In general, Concord's zoning creates many barriers to the development of affordable housing. As described above, the predominance of traditional single-family zoning with limited provisions for more compact development, including two-family and multi-family dwellings, creates barriers to developing affordable housing without the use of Chapter 40B."

Burlington's Draft 2017 Master Plan:

"Burlington does not encourage multifamily housing in any zoning district. There are three small areas zoned for "garden apartments," but the regulations are old and they need to be updated, and the districts appear to have been created for specific developments instead of a planned approach to housing options."

Needham's 2007 Affordable Housing Plan:

"The extent of multi-family zoning is extremely limited. There is a near-absence of developable vacant land that is zoned to permit multi-family housing, even two-family dwellings."

Further, Needham's plan continues:

"...there is virtually no undeveloped land included in the current Apartment Districts. Just three A-1 districts exist: two on Highland Avenue (one at Highland Court, one mid-way between Webster and Hunnewell streets) and one at Rosemary Street and Hillside Avenue. All are fully developed. One A-2 district exists, congruent with the North Hill property at Central Avenue and Forest Street."

Newton's 2007 Comprehensive Plan notes the limited buildout potential in its two highest density multi-family districts, MR3 and MR4:

"The build-out expectation for the MR3 and MR4 districts as presently mapped is small, fewer than 300 units, since those districts are essentially fully built out."

Sherborn's 2017 Housing Production Plan:

“Only the EA district permits multi-family by special permit and the properties zoned as EA in the town center area are already developed as age-restricted housing.”

Further, Sherborn's plan notes that the Elderly and Affordable (EA) districts are small:

“Multidwellings (a building with two or more units) are permitted by special permit in the EA districts for elderly households (at least one member of the household is 55 years of age or older) or for affordable units with at least 25 percent of units restricted as affordable and meeting the requirements to be included on the SHI [official state inventory of affordable dwelling units]. ... There are two small areas designated as an EA district – one is in the northernmost section of town near the Framingham line, and the other is near town center.”

Swampscott's 2016 Master Plan:

“Given that larger multifamily structures are prohibited in over 91% of Town, and that nearly all land in these districts is already developed, this poses a barrier to affordable housing development.”

Wayland's 2016 Housing Production Plan:

“Currently, there is one parcel that remains to be developed within the Planned Development District under the special permit for Mainstone Farms. However, there is no additional land available for development in the other special districts.”

Wenham's 2008 Housing Production Plan:

“Like most localities in the Commonwealth, Wenham's Zoning Bylaw embraces large-lot zoning that maintains low housing densities and severely constrains the construction of affordable housing. ...While this zoning was put in place to slow development, preserve the town's small semi-rural character and accommodate septic systems in compliance with Title V requirements, the zoning maintains low housing

densities, constrains the construction of affordable housing and promotes sprawl that unless checked may ultimately degrade the community's historic charm, scenic resources, wildlife habitats, and air quality.”

Many of the plans describe specific districts that are built out or are particularly small. Hamilton's 2013 Housing Production Plan points out a district with some building potential, but notes that it covers only four parcels:

“Significantly, and unlike other base and overlay districts, the Willow Street Overlay does not include density limits, providing an opportunity for somewhat larger, smart growth projects at great densities. However, with only four parcels located within the overlay, development is constrained.”

Milton's 2014 Housing Plan describes a district built out to the capacity allowed:

“Attached Cluster Development: This provision is only applicable in the Residence E District which comprises the Quisset Brook development that is built out under the bylaw.”

Canton's 2015 Housing Action Plan mentions a related issue: districts that are not on the map.

“The only mixed-use residential development allowed as of right is in the CB district in Canton Center.... However, presently there is no land zoned CB in Canton.”

Weston's 2015 Housing Production Plan explains that Weston has two multi-family zoning districts, one of which is not on the map:

“Multiple Dwelling District A has not been mapped and District B consists of only two (2) sites – Jericho Village (now called Stonegate) and Merriam Village.”

The issue of unmapped districts will be addressed in this report's section on the permitting process, because, for development, unmapped districts involve the process of getting political approval to attach the zoning to actual parcels.

BARRIER TWO: REQUIRED MINIMUM PARCEL SIZES



Somerville,
Massachusetts

In the early decades of zoning, multi-family housing was typically allowed only in multi-family districts. In recent decades, municipalities have shifted towards more flexible and discretionary zoning, where multi-family projects could potentially be approved in districts that are not primarily zoned for multi-family housing, but the requirements, in particular for a large parcels, can make such building infeasible, or at least infrequent. As mentioned above, in Manchester, you need a parcel of 50 acres to build a planned residential development (PRD), and no PRD has ever been built in Manchester. In Bellingham, you need 20 acres to build townhouses. In Hingham, you need 20 acres to build multi-family housing in Residence D District. In North Reading, you need 100 acres to do a Planned Unit Development. In Woburn, you need 18 acres to do a townhouse development in a residential district (and the townhouses are allowed at a density of 2.5 units per acre.) Weston's 2015 Housing Production Plan recommends reducing the minimum parcel for an Active Adult Residential Development from 40 acres to 10 acres.

Milton's zoning bylaw also has an example of a requirement for large parcels, in its Great Estate Planned Unit Developments, in which three-unit townhouses are allowed:

“A Great Estate PUD may be established and maintained pursuant to a special permit issued by the Planning Board on a lot (including a combination of adjacent lots) of land in a Residence AA district which (1) contains at least 46 acres, including no more than 2 acres of wetlands; (2) has frontage of at least 1,500 feet; and (3) on which there exists at least two single family dwellings constructed before 1900.”

Hanover's 2018 Master Plan:

“Strategy 1: Study the Village Planned Unit Development (PUD) to see how Hanover can better encourage mixed use development around common open space. By limiting this development type to properties of 25 acres or more, accessed from Route 53, the current bylaw restricts the construction of a development type on properties of a smaller size in many locations in Hanover.”

As part of the research, I did not track revisions of zoning to reduce the required parcel sizes, but reductions have been mentioned in the local plans, and is on the agenda of some planning boards. In 2009, Milford amended its Planned Residential provisions to reduce the minimum acreage required from 100 to 25 acres.

BARRIER THREE: DIMENSIONAL REQUIREMENTS

Common dimensional regulations related to height, lot area per unit, and units per building limit the potential buildout of multi-family development, and also prevent some developments because projects either could not fit on available lots or the restrictions make projects uneconomic.

In the 2004 study, I found that several municipalities allowed multi-family housing at densities you would expect for single-family housing. For example, in Townsend, which is not in my current study, multi-family housing was allowed at a density of one unit per two acres in the RB district, and one unit per three acres in the RA district. In Princeton, also not in my current sample, multi-family housing was only allowed as conversion to a three family house, on lots no smaller than five acres. And in Easton, also not in the current sample, for multi-family buildings, one-half acre of land was required per bedroom. These extreme examples are from the more distant suburbs of Boston, not the 100 cities and towns in the MAPC district. Then and now, though, dimensional requirements serve as barriers to development in both the far and near suburbs.

I have categorized municipalities based on the highest density at which multi-family housing is allowed, using two thresholds: A) at least four dwelling units per acre or B) at least 12 dwelling units per acre. In some cases, determining the allowed density was straightforward, as the zoning listed them as a function, “x units per acre.” Often the formulas were more complicated, with square feet of land area for the first unit, and less for additional units, and then a cap for the number of units in a building. Sometimes the wording was vague. Listed densities also might not be attainable in practice, given height limitations, setbacks, parking requirements and non-zoning restrictions related to septic systems and wetlands, for example. To answer the questions, I merely looked at the stated allowable density. In cases where the answers were not readily evident, I asked the local planner or building inspector for a judgment. Some planners cited actual projects permitted via the zoning to confirm the density was above one or the other threshold.

Here are the municipalities that **do not** allow multi-family housing at a density of four or more units per acre:

Bolton
Dover
Essex
Middleton
Nahant (does not allow multi-family housing at all)
Norwell

Twenty-one municipalities **do not** allow multi-family housing at a density of 12 or more units per acre:

Bellingham	Hanover*	Pembroke*
Bolton*	Holbrook	Sherborn*
Boxborough*	Medfield	Southborough*
Carlisle*	Middleton	Stow*
Dover*	Nahant	Topsfield*
Duxbury*	Norfolk*	Wenham*
Essex	Norwell*	Weston*

The municipalities with asterisks reported in the 2004 survey that none of the houses in the municipality are connected to sewer. (Duxbury reported that less than two percent of houses are connected to sewer.) In general, denser development is more feasible in areas connected to sewers than developments that must be connected to septic systems or alternative sewage treatment systems. However, it is possible to achieve development at a density of 12 dwelling units per acre without connections to a conventional sewer system.

There are a few more municipalities that might qualify for the list, but the possible buildout densities were not obvious from the regulatory language, and I either never heard back from the planner or the planner did not have the answer readily available.⁴

Also, there are other municipalities that in practice might belong to either list. For example, some municipalities might have zones where 12 units per acre are allowed, but the zones have been built out. Or, the density listed is not actually achievable given other restrictions, such as parking, height and setbacks. It is beyond the scope of this analysis to identify where 12 units to the acre could actually get built versus where it is written in the zoning as allowed somewhere.

Some examples of low-density zoning for multi-family housing include:

- **Bellingham:** 10,000 square feet of land is required per bedroom for townhouses, but mills can be converted to nine dwelling units per acre, and there are other densities listed for other types of multi-family.
- **Middleton:** One dwelling unit per half-acre for multi-family.
- **Wrentham:** Row houses can be built at the same overall density as single family houses (not denser), but a three-unit row house only needs 1.4 times the frontage required for a single family house, as opposed to three times the frontage of a single family house. This means that row houses are as low density as single family houses, but require less frontage per dwelling unit than single family houses.
- **Southborough’s requirements for multi-family housing for the elderly include:** “No development shall exceed an average per site of a maximum three units per contiguous acre exclusive of 80% of wetlands, and six bedrooms per contiguous acre exclusive of 80% of wetlands.”
- **Weston’s Active Adult Residential Development** allows 1.5 dwelling units per acre, with no more than four dwelling units per building.
- In **Boxborough’s Residential-1 District**, multi-family housing is allowed at a density of three units per two acres. In the Business-1 District, it is allowed at a density of three units per acre.



Sudbury, Massachusetts

⁴ Municipalities for which I did not obtain an answer about the 12-per-acre threshold include: Canton, Cohasset, Hopkinton, Milford, Rockport, and Wrentham.

The local plans often identify the dimensional requirements as a barrier to development. For example, Medfield's 2016 Housing Production Plan explains:

“The R-U district is the only district in which multifamily dwellings are allowed. However, dimensional requirements such as minimum lot size and frontage, in addition to the 2½ story height limit and relatively low FAR (0.35), impede the development of multifamily housing in much of the district.”

Dimensional requirements get cited as barriers for development also in municipalities that have historically been built at medium or higher densities. For example, Gloucester's 2017 Housing Production Plan explains:

“The zoning ordinance appears to encourage multi-family projects in the higher density residential zoning districts, the majority of which are located in the downtown area. [...] The dimensional requirements, however, are not consistent with historic multi-family development patterns within these districts and do not support future development.”

Gloucester's plan mentions that in the R5 district, of the 250 three-family houses, less than 15 percent comply with the minimum dimensional standards. Arlington's 2015 Master Plan notes that limits to 2.5 or three stories is consistent with existing development patterns, but allowing taller buildings and greater density might be needed to provide for a broader range of housing types.

Ashland's 2014 Housing Production Plan points out that the maximum height for multi-family buildings is two stories and 28 feet – and single family houses are allowed to be taller: 2.5 stories and 35 feet.

Some municipal plans mention progress in reducing dimensional restrictions. For example, Winthrop's 2017 Master Plan for the Centre Business District (CBD) explains:

“In 2014, Winthrop adopted new CBD zoning designed to promote mixed use development, manage parking requirements and adjust dimensional criteria to allow for greater height and density. The criteria for height, for example, was expanded from 2.5 stories and 35 feet to 4 stories and 48 feet throughout the district, except in locations directly abutting residential districts.”

Medway's 2016 Housing Production Plan reports that there were changes made to the zoning in the C-1 district to allow mixed use by special permit:

“As an incentive to use the special permit, dimensional requirements are relaxed, including smaller lot sizes, reduced frontage and greater height (up to 60 feet).”

BARRIER FOUR: PERMITTING PROCESS

The process of gaining local approval for the development of multi-family housing is typically time consuming, expensive, and risky. The process can deter some would-be developers from getting started. It can drive up the cost of development. And it can result in excessive rejections or downsizing of projects.

In the early decades of zoning, development of all kinds was zoned as-of-right. Then starting in the 1960s there was a movement towards more discretionary permitting and ad hoc decision-making, with special permits. The lowest intensity, lowest density uses (typically single family housing on large lots, and low rise commercial buildings) would generally be allowed by right, and land owners and developers could apply for special permits for larger projects from a special permit granting authority, which was typically designated as the planning board for multi-family projects. In recent decades, there has been a movement towards town meeting or city council approving specific projects parcel by parcel.

Unpredictable permit processes may be a particularly high hurdle for independent land owners interested in incremental redevelopment, for example of a two-family house into a three-family house or four-family townhouse. Bigger developers can spread the risk across multiple projects; revenues from successful projects can compensate for money lost in failed projects.

In the last 15 years, pro-housing advocates in statewide organizations, government agencies, think tanks, and regional planning organizations have made it a priority to push for expanded as-of-right zoning for multi-family housing. In 2004, the State adopted Chapter 40R, the Smart Growth Zoning Overlay District Act, which offered municipalities financial incentives to create as-of-right zoning districts for dense housing. In the last three state legislative sessions, a coalition of organizations have supported proposed legislation to mandate municipalities to allow multi-family housing as-of-right in some areas. In the housing production plans and local master plans, one of the most common areas for zoning analysis is as-of-right zoning.

My analysis shows that two-thirds of the municipalities have provisions for as-of-right zoning for multi-family housing on the books. Yet, only 20 of the 85 municipalities that provided me with their permitting numbers for the last three years had granted any as-of-right permits for multi-family housing in the time period, as compared to 55 that permitted projects by special permit. (Many municipalities used other permitting mechanisms.) Thirteen percent of all units permitted in the last three years, in the 85 municipalities that reported data, were in as-of-right projects.

Meanwhile, municipalities have been moving towards a system of approval that involves Town Meeting or City Council reviewing and voting on development opportunities, project by project. Some of the projects that gain local legislative approval are then allowed as-of-right, and some still require a special permit to get built. Many of the 40R overlay districts were adopted for specific projects approved by town meeting, and are not districts covering multiple parcels that could be built incrementally by various developers and landowners.



Arsental Street,
Watertown

As-of-right permitting, for development in districts designated for multi-family housing, is more predictable and less time consuming than processes to apply for special permits or to gain town meeting approval of

As-of-right versus special permit: In the plans

Many plans, such as Gloucester's 2017 Housing Production Plan suggest that the municipality should allow by-right multi-family development:

“Determine where multi-family development may be permitted by-right, such as downtown. Multi-family uses are currently allowed by a City Council Special Permit.”

Many of the plans indicate that the special permit process is likely a barrier or constraint to development, and many suggest reform. For example, Hamilton's 2013 Housing Production Plan suggests that

“a special permit is often perceived as problematic by developers who aren't willing to invest time and money into projects that have no assurance or likelihood of going forward in some form.”

Medway's 2009 Master Plan states:

“Existing zoning may prohibit projects from being developed or implemented in the most appropriate areas. For example, presently the Medway Zoning Bylaw does not provide for the “by right” construction of market rate apartments anywhere in Medway.”

Some plans, such as Framingham's 2015 Transit Oriented Development report, suggest allowing smaller projects as-of-right:

“Requiring a Special Permit for all mixed use development in a downtown setting can add time and cost to the approval process. However, Special Permits could still be considered for mixed use development of substantial use.”

Watertown's 2015 Master Plan points out that even small projects, to build three or four dwelling units, require special permits. It suggests that allowing multi-family structures by right for up to four units (with site plan review) would provide opportunities for the development of more affordable condominium or rental units.

Wayland's 2016 Update on River's Edge touts its by-right zoning, although River's Edge still has not been developed as of 2019:

“With the zoning in place, River's Edge is now a by-right development and the expedited permitting process is a unique model for municipal redevelopment.”

Not all of the plans recommend as-of-right zoning. Some suggest making the permitting process more transparent, predictable, and attractive to developers. For example:

Maynard's 2016 Housing Production Plan:

“Maynard's special permit and site plan review processes are not always clear to developers. There may be opportunity to make these processes more transparent and streamlined so that developers know what to expect and that they can expect efficiency.”

As-of-right versus special permit: In the zoning

In the survey, I asked if any multi-family housing is allowed as-of-right, and I looked for provisions that require town meeting approval of projects. In addition, I asked planners and building inspectors how many units of multi-family housing had been permitted in the last three years as-of-right, by special permit, by 40B, and by friendly 40B.

Sixty-four of the 100 municipalities have provisions on the books to allow multi-family housing by right. Thirty-five of the 100 municipalities only allow multi-family housing by special permit. One municipality has no provisions for multi-family housing (Nahant).

Even though a majority of municipalities have some zoning on the books for as-of-right multi-family housing, the as-of-right zones might be built out, or the dimensional requirements might be infeasible – all of the potential barriers researched in the study might apply.

In Needham, multi-family is allowed by right in the apartment districts, but according to the 2007 Affordable Housing Plan:

“There is virtually no undeveloped land included in the current Apartment Districts.”

Permits Granted: By Right, By Special Permit, By 40B

While almost two-thirds of the municipalities have at least some kind of provision on the books for as-of-right permitting of multi-family housing, most new multi-family housing is getting permitted through the special permit process.

In the survey, I asked staff from municipal planning offices or building departments how many multi-family dwelling units had been permitted (building permits issued) in the last three years – by right, by special permit, by 40B, or by friendly 40B. I received full responses from 84 municipalities; I left the permitting data blank for 16 municipalities.⁵ Several of the 16 municipalities did provide some permitting numbers, but left a part of the answer blank, so their responses were not included in the tallies reported here. For example, a planner might have reported that all permitting was by special permit, so “0” could be entered in the other categories, but the planner did not list the number of units permitted via special permit. Or, in another example, the planner listed the number of units permitted via special permit, but did not find out how many units were permitted as-of-right.

The question referred to the dates when the building permits were issued, as the U.S. Census tracks permitting in that way. Some of the data I received, though, listed the years and numbers of occupancy permits granted, or of 40B comprehensive permits granted, or of special permits issued. Different offices are involved in granting comprehensive permits, special permits, and occupancy permits, and the information gets tracked in different ways, often not centrally. The differences -- of a special permit versus a building permit versus an occupancy permit -- are important for estimating annual production of housing. The differences are not as important for an estimate of the percent of permits granted via various

mechanisms over a three year period, which is how I used the data collected. Some of the data represented estimates. In many cases, the planner answered the question over the phone, reporting by memory. Some planners made comments such as, “I’m not sure if this was 2014 or 2015.” Sometimes a planner would recall the total number of units permitted in a particular project that included single family houses, duplexes, and townhouses; the planner would think through how many townhouse units there were, but sometimes the final response was given without confidence. Some municipalities have formal systems for tracking permitting, and could provide me with a spreadsheet of all recent projects that included all of the information I was seeking. Other municipalities had no formal systems. In some cases, it was simple enough for the respondent to recall that no multi-family projects have been permitted in the last three years.

Also, since the research began in 2017, I was asking for permitting data from 2014 through 2016, but then the “last three years” became 2015 through 2017. Most of the answers represent permitting from 2015 to 2017, as either recollected or recorded.

The survey did not include a question about the granting of “use variances”. Some respondents added a category for use variances in the response. Chapter 40A states: “Except where local ordinances or by-laws shall expressly permit variances for use, no variance may authorize a use or activity not otherwise permitted in the district in which the land or structure is located...” My survey did not review any of the zoning provisions related to variances of any sort. After collecting the data, I created a category for units permitted via use variance, as those projects did not fit any of the other categories, and they represented a significant number of permits. In one case, the use variance was for multi-family buildings in an industrial district where residences were not listed as an allowed use in the zoning ordinance. In another case, the use variance was for multi-family housing just outside of the Central Business District; the use variance allowed the developer to build as if the parcel were within the Central Business District.

⁵ I have incomplete or missing data for the following 16 municipalities: Braintree, Dedham, Hingham, Lynn, Lynnfield, Medford, Middleton, Millis, Rockport, Salem, Saugus, Southborough, Wakefield, Walpole, Waltham, and Wrentham.

In the last three years, the following numbers of municipalities (out of 84 total that submitted data) permitted multi-family projects by the following mechanisms:

- 17 as-of-right
- 56 by special permit
- 28 via 40B Comprehensive Permits
- 10 via the friendly 40B Local Initiative Program
- 5 with a use variance
- 1 in 40R districts (counted as one of the 17 that permitted projects as-of-right.)

Eighteen of the 84 municipalities permitted no multi-family housing in the three-year period:

Canton	Nahant*
Cohasset	Norfolk*
Dover*	North Reading
Essex*	Norwell*
Holliston	Rockland
Lincoln	Stow*
Manchester	Topsfield*
Marblehead	Wenham*
Milford	Weston*

The **nine** municipalities (out of 18) marked with asterisks do not have any provisions on the books for multi-family housing at a density of at least 12 units per acre. (I was not able to ascertain whether Canton, Cohasset, and Milford allow multi-family housing at that density.) Nine of the 22 municipalities that do not allow multi-family housing at a density greater than 12 units per acre did not permit any multi-family housing in the last three years.

Eight municipalities only permitted multi-family housing via 40B in the three year period:

Bolton*	Hamilton
Boxborough*	Medfield*
Concord	Sharon
Duxbury*	Sherborn*

Again, the municipalities with asterisks do not have any provisions on the books for multi-family housing at a density of at least twelve units per acre.

Given the eight municipalities that only permitted projects via 40B and the 18 that permitted no projects, one quarter of municipalities permitted no multi-family dwelling units via zoning in the last three years.

One of the 17 municipalities that permitted projects as-of-right included Lexington; the project was first approved by town meeting, and then permitted by right. The 17 also includes Weymouth, for 415 units permitted in the redevelopment of the former South Weymouth Naval Air Base, now called Union Point. The redevelopment is overseen by a special authority, and is not a part of typical municipal permitting. The 17 also includes projects in Stoneham (607 dwelling units) that the planner says were allowed by right; the developer applied for special permits because some of the regulatory language indicated that perhaps a special permit would be necessary, and the developer's financiers requested that the developer apply for a special permit to be safe. The planner in Beverly mentioned that one of the projects permitted by special permit was allowed as-of-right, but the developer applied for a special permit to build higher than was allowed as-of-right.

The following municipalities reported granting use variances for multi-family housing:

Cambridge
 Danvers
 Everett
 Newton (for three units)
 Revere
 Medford (which was not included in the above statistics, because some information submitted by Medford was incomplete.)

As a case study in as-of-right permitting: Somerville permitted 552 multi-family units in 2014, many in Assembly Square. That year, as-of-right, Somerville only permitted a single 3-family, in Davis Square. One percent of the 940 new multi-family units permitted in Somerville from 2014-2017 were as-of-right, all three-family homes.

I do not have historic data to know if the rate of permitting by right, by special permit, and by 40B has changed over time. In the last decade, many municipalities have come off the hook of Chapter 40B, which might mean that fewer 40Bs are now getting permitted. In recent years, some municipalities might have been particularly active permitting projects to reach the threshold – permitting more than they would have absent the motivation.⁶

Floating Zoning and Town Meeting Approval of Projects

In the 2004 study, I found that town meeting approval of specific multi-family projects would be needed, in at least certain circumstances, in Westborough, Hamilton, Chelmsford, Maynard, Randolph, Scituate, Burlington, Dover, Bellingham, Weston, Wenham, Bellingham, Auburn, Braintree, and Shrewsbury. Sometimes this is called “floating zoning”, where the zoning for a certain use is adopted but not mapped, so the zone “floats” until Town Meeting or City Council votes to pin the zone down to a particular parcel. Floating zoning is different from typical overlay zoning in which the special permit granting authority (usually the planning board) can grant special permits for development; for typical overlay zones, the zoning provisions specify the geography covered by the zone. Some floating zones are labeled as “Overlay Districts” in the zoning code, but most overlay zones do not involve town meeting approval of projects.

I found references to the benefits of floating zoning in a couple of the plans I read. They cite the flexibility to vet different kinds of projects, the ability to negotiate with developers, and the comfort that members of town meeting feel with the process. On the other hand, the process can be risky and expensive for developers.

Lincoln’s 2009 Comprehensive Plan explains:

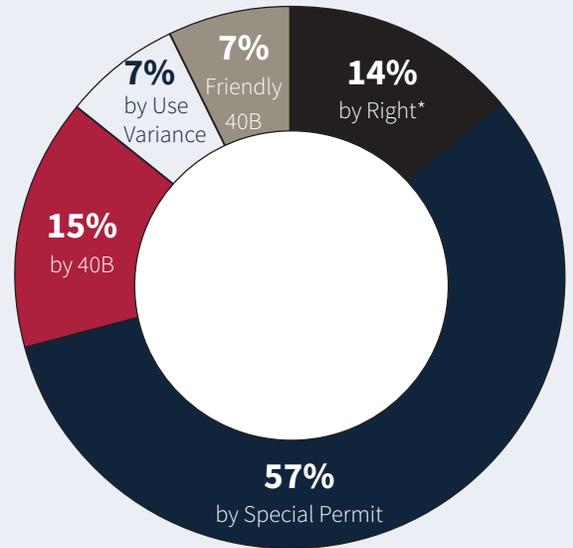
“...overall there is consensus that [floating zoning] has benefited the town and created a framework for vetting creative ideas.”

Lincoln’s plan continues:

“The overlay district around Lincoln Station establishes a process to create planned development districts that could include a mix of housing and businesses or a mix of different types of businesses. The effort and expense involved with proposing a planned development district could discourage some developers particularly developers of small-scale projects – from pursuing what Lincoln says it wants to achieve at Lincoln Station, but the planned development district model has been used successfully in Lincoln for a long time.”

⁶ When a municipality no longer is required to permit qualifying projects under Chapter 40B, it can still permit projects as friendly 40Bs in place of adopting zoning for a given project. Brookline’s 2016 Housing Production Plan promotes the option of friendly 40Bs: “Despite Brookline’s experience with ‘unfriendly’ comprehensive permits, many people in Brookline recognize that Chapter 40B can be a useful tool when the town has control over its application.”

The percent of total dwelling units permitted via the various mechanisms came to:



*40R: 1% (also counted as by right)

Lincoln's Planning Director explained to me in a phone interview:

“The Town has control because the developer proposes a project and it comes to town meeting for a 2/3 vote on the plan and zoning, and then to the planning board. It's a lengthy process. It really gives the Town and residents comfort in what they are approving. So that has been successful for the town.”

Some provisions for floating zoning have never been used. These include Dover, Wilmington, and Manchester; other provisions, such as Lincoln's and Lexington's have been used. The provisions in Dover, Wilmington, and Manchester are highly restrictive in multiple ways, such that they do not provide the towns with the flexibility touted in Lincoln's Comprehensive Plan.

I found provisions for “off-the-map” zoning for multi-family housing, or floating zoning, that require town meeting approval of projects in 18 municipalities:

Bellingham	Lexington	Wakefield
Braintree	Lincoln	Wayland
Burlington	Maynard	Wenham
Canton	Manchester	Weston
Dover	Sherborn	Westwood
Holliston	Sudbury	Wilmington

The requirement for town meeting approval can be for a specific type of multi-family development allowed in the municipality, or for any multi-family housing allowed. In Braintree, the zoning provisions for Planned Unit Development, adopted in 1991, requires that concept plans be approved by town meeting prior to submission to the Special Permit Granting Authority. Burlington's provisions for Planned Development Districts also require approval of a concept plan by town meeting. Bellingham's provisions for new Multifamily Districts require such districts to be at least 20 acres and gain approval by town meeting, by amending the map.

Some provisions for floating zoning require a majority approval of projects by town meeting, and some require a two-thirds vote to approve projects under the zoning. For example, according to Maynard's zoning bylaw, a majority vote of town meeting is required to approve a concept plan for a project in the Neighborhood Business Overlay District. In Sudbury's Mixed Use Overlay District and Westwood's University Avenue Mixed Use District, Town meeting must approve of projects with a two-thirds vote.

Holliston's zoning bylaw, in the section on Apartment Districts, reads:

“Apartment Districts shall be allowed only by Town Meeting Vote amending the Zoning By-Law by amending the Zoning Map of Holliston.”

Canton's 2015 Housing Plan mentions:

“The only mixed-use residential development allowed as of right is allowed in the CBD district in Canton Center....

However, presently there is no land zoned CB in Canton. Mixed-use development is also allowed within CD Planned Commercial Districts through a special permit process, which requires a vote at Town Meeting to proceed similar to the process highlighted for RD districts. Section 9.4 of the bylaw establishes a Mixed Use Overlay District (MUOD) which allows for the designation of an overlay district on any parcel of land by a Town Meeting vote. ...

“Canton established a Village Housing Overlay District which is designed to provide housing for citizens age 55 and over in a manner that promotes a mix of housing types, affordable housing and conserves the natural features of the site... The overlay can be applied to any parcel of land of ten (10) acres or more of upland area that is designated by Town Meeting vote.”

Lexington's 2014 Housing Production Plan explains:

“Lexington presently has no districts zoned for multi-family housing. They were eliminated by a vote of town meeting in 2013 because, while existing multi-family housing (generally two-family homes) exists as a non-conforming use, new development of multi-family housing had not been permitted for many years. Some multi-family projects have been developed under Lexington's Planned Residential Zoning (RD) in which specific zoning standards are developed for sites with unique features and go into effect only when approved by Town Meeting and permitted by the Zoning Board of Appeals.”

Once Lexington Town Meeting approves of an RD project, it is allowed as-of-right.

In some cities, the city council is designated as the special permit granting authority for multi-family housing, so most multi-family projects need approval from the legislative body, even without a system of “floating zoning.” In most municipalities, the special permit granting authority for multi-family housing is designated in zoning as the planning board. In 2016, Malden voted to switch the special permit granting authority for multi-family development of three to six stories from the planning board to city council. In most municipalities, the special permit granting authority for multi-family projects is the planning board. In several cities, though, such as Newton, Gloucester, Lynn, Marlborough, Medford, Revere, Waltham, and now Malden, the city council approves special permits for multi-family housing – which is another mechanism for getting approval from the legislative body of specific developments, as opposed to merely of district-wide zoning, with parcel-level approvals left to the planning board or building department.

The number of municipalities with a version of “floating zoning” or provisions for town meeting approval of projects underestimates the extent of the trend towards what I call parcel zoning. Instead of designating a district for incremental growth in multi-family projects across multiple parcels over time, and instead of allowing multi-family housing in broad “overlays” at the discretion of the special permit granting authority, many municipalities are zoning specific parcels, large and small, for multi-family development. The zoning is not on the books until the opportunity for development arises; the city or town will often negotiate the zoning with the developer; the zoning gets adopted for the specific parcel; and then the project either gets built, or it does not. In theory that parcel-level zoning, sometimes, could then act as a “floating zone” and get extended to other parcels by town meeting approval, but the zoning is not designed that way, with explicit provisions for extension to new parcels.

It is a challenge to account for all examples of parcel zoning systematically, as it often is not obvious from reading the zoning that the provisions apply to a single parcel. Also, the survey did not include a question about parcel-level zoning, so I was not reading the provisions to distinguish them in that way. When I reviewed Bedford’s Zoning Bylaw, for example, I did not realize that the Town Center Mixed Use Overlay District only covered a single parcel, which recently got built using those provisions, with seven dwelling units above stores. After I visited Bedford Town Center and noticed the new mixed use building there, I read local news

articles about the project and re-read the zoning, and then I understood that the zone was for the single parcel. Sometimes a close read of the regulations does reveal that provisions apply to a certain parcel. For example, zoning provisions for Newton’s “Mixed Use 3/Transit-Oriented Development” state: “The purpose of Mixed Use 3/Transit-Oriented district is to allow the development of a mixed use center on a parcel of no less than 9 acres near the terminus of a mass transit rail line, an interstate highway, a scenic road, and the Charles River, commonly referred to as the Riverside MBTA station [...]” The provisions are not for any nine acres near any scenic road and transit terminus, but for a specific parcel at Riverside.

It would be interesting to determine how many of the dwelling units approved in the last three years got permitted via provisions for floating zoning or under zoning provisions adopted for specific parcels or gained special permit approval from a city council, i.e. how many units were built in projects that town meeting or city council voted on.

Several examples of parcel zoning are evident in the new 40R zoning districts, which is ironic because the stated intent of 40R is to increase the predictability of the permitting process for developers by creating as-of-right zones for compact development. In 40R districts, per the state statute, multi-family housing must be allowed as-of-right.

Examples of 40R being used for the redevelopment of specific parcels include:

- Belmont created a 40R overlay for 1.5 acres of the Our Lady of Mercy church that went up for sale in 2007. The 40R zoning allowed for 18 units; only 17 were built.
- Marblehead created a 40R overlay on a third of an acre on the Marblehead-Swampscott YMCA property for 17 units. The YMCA was torn down. The neighboring bank purchased the property and turned it into a parking lot.
- Norwood created the Saint George Avenue Smart Growth Overlay District for a former church property, less than an acre, zoned for 17 units. The project was built, with 17 units.
- Lynnfield created a 40R zone for an 80-acre golf course, and allowed 180 dwelling units, plus a shopping center. The project was built, with 180 units, in a single unified development.

Often, the parcel-level zoning is for government-owned properties that come up for development. For example:

- Newton created zoning specifically for a municipally-owned parking lot in Newtonville to be redeveloped. Sixty-eight dwelling units are currently under construction.
- As mentioned above, Newton rezoned nine acres of MBTA-owned land by Riverside Station, as a Mixed Use Transit-Oriented District. Development in the new district is allowed by Special Permit, and the City Council is the Special Permit Granting Authority. The current proposal is for 663 dwelling units.
- Wayland created the Rivers Edge zoning district for a municipally-owned septage facility.
- Several municipalities created new zoning districts for the redevelopment of state-owned hospital properties.
- Gloucester adopted a mixed use overlay zone for its Fuller School property to allow a new YMCA building, retail space, and 200 dwelling units.

Some municipalities have created parcel-level zoning for former church properties, such as the 40R in Belmont, described above. As another example, Woburn rezoned as an Intergenerational Overlay seven acres of land the Boston Archdiocese sold, by Route 95. In 2011, 98 condo units were built.

Some parcel-level zoning is for very large parcels, for a significant buildout. In Malden, Rowe's Quarry was rezoned for almost 3,000 dwelling units. Cambridge has approved mixed use development for a 45-acre parcel, to be built out with offices and 2,400 new dwelling units, at "Cambridge Crossing." Weymouth has approved zoning for dense mixed use redevelopment of the former South Weymouth Naval Airbase, now called Union Point, where thousands of dwelling units could ultimately get permitted.

Wellesley 2018 Draft Unified Plan mentions planning for specific parcels:

"The 2007 Comprehensive Plan identified and prepared mixed-use or multifamily scenarios for three sites: 27



Ashland Center,
Ashland

Washington Street in Lower Falls (former Grossman's site); 900 Worcester Street (St. James Church site); and Wellesley Motor Inn site on Route 9. The Waterstone at Wellesley senior living complex was developed at 27 Washington Street; the Town purchased 900 Worcester Street, which will become the indoor recreation facility; and 36 apartments (some eligible for inclusion on the State's Subsidized Housing Inventory list) have been built in the rear of the Motor Inn site."

Examples of rezoning specific parcels abound. Added to the 18 of 100 municipalities with provisions that the Town Meeting approve certain multi-family projects, there is a distinct movement in zoning across the region towards Town Meeting and City Council planning developments parcel by parcel. It is a profound and important change in how land use planning in Greater Boston works.

Not all parcel-level zoning represents a "barrier" to development; it currently acts as a significant vehicle for permitting in Greater Boston. However, the movement away from zoning districts as-of-right for incremental development by multiple parties towards a system of ad hoc approval of developments, parcel by parcel, can work to slow permitting relative to more predictable, planned systems.

BARRIER FIVE: AGE RESTRICTED ZONING

In the last quarter century, there has been a significant movement in zoning and permitting to restrict the occupancy of new multi-family developments to people 55 years and older. It is sometimes easier to mobilize political support for age restricted housing than for non-restricted condos and rentals, and there is a significant need and market for multi-family housing for the growing senior population. Yet, there is also a need and market for multi-family housing for people of all ages and households of all types.

The provisions specify that the housing be deed-restricted to occupants 55 (or another age) and older. The restricted developments are often called active adult housing, adult retirement villages, senior villages, or planned retirement communities. Some of the zoning contains incentives, such as density bonuses, for developers to restrict multi-family housing to occupants older than 55. Middleton exempts age-restricted housing from its development schedule, which states that only a quarter of a project's dwelling units can be built per year.

Age restricted housing is touted for several benefits. There is a growing need to provide housing options for the baby-boomer population as it ages; often seniors within a municipality are looking for options to downsize from their single family houses and will support efforts to allow age-restricted housing. Seniors drive less than younger adults, and are less likely to drive during rush hour commutes. The development of age-restricted housing should not have a big impact on school enrollment, although empty nesters moving into age-restricted housing are often leaving single family houses where families with young children might move.

There is some debate about whether age-restricted housing is discriminatory and whether there is a compelling reason to prohibit young people from living in much of the new housing stock. Some pro-housing advocates are concerned that a prohibition on age-restrictions would serve to reduce the total number of dwelling units a municipality allows, and would not

lead to more housing options for young people. As people move into age-restricted housing, they make other, non-restricted housing, available for occupancy. DHCD will not approve affordable housing for inclusion on the SHI where occupancy restrictions prohibit people 18 years of age or younger from occupying the affordable units.

In the 2004 study, 64 of the 187 municipalities had provisions on the books to regulate the development of age-restricted multi-family housing (and 96 municipalities included provisions for any kind of age-restricted housing, including for single-family subdivisions), and nine municipalities only allowed multi-family housing if it is age-restricted.

I found in the 2017/2018 survey that 55 of the 100 municipalities have zoning for age restricted multi-family housing. Twenty-three of the 100 municipalities reported having granted permits for age-restricted multi-family dwellings in the last three years; 11 municipalities did not report on the question.

In 2004, the following municipalities, out of the 187 surveyed, allowed multi-family housing only if restricted to occupants ages 55+:

Marshfield*	Wenham*	Boxford
Paxton	Hanover*	Carlisle*
Plympton	Medway*	Lynnfield*



Framingham Center, Framingham

Six of those municipalities, with asterisks, are in the current sample of 100 municipalities. Of those, only Wenham still only allows multi-family housing if it is age-restricted.

The other municipalities are no longer on that list, because they adopted zoning for multi-family housing that is not age-restricted:

- Carlisle adopted a Residential Open Space Community bylaw that allows multi-family housing.
- Lynnfield adopted a 40R district, and built it out.
- Marshfield adopted provisions for mixed use, PMUD, and Brant Rock Overlay District.
- Hanover adopted Village Planned Unit Development.
- Medway adopted an overlay district that allows multi-family housing.

Norwell is almost in this category, but it allows conversion of two-family houses to three-family houses in buildings existing in 1952, with sufficiently sized lots. Other than that provision, only age-restricted multi-family housing is allowed in Norwell. Lynnfield created the zoning, and built it out, so the zoning is residual, and could not yield additional units; in effect Lynnfield still only allows multi-family housing if it is age-restricted.

In the 2004 study, many of the master plans I reviewed suggested adopting age-restricted zoning. For example, Chelmsford's Master Plan reads: "Senior housing is usually more readily accepted by existing residents than regular multi-family housing because of the reduced levels of automobile traffic, the maturity of the residents, and the realization that such housing is needed to accommodate the increasing number of seniors." Lynnfield's Master Plan at the time explained, "Another means of increasing the tax base in Lynnfield is development of age-restricted housing. These developments have a positive fiscal impact because they do not produce any school-age children."

In my 2017/2018 review of plans, I found fewer recommendations for adopting age-restricted zoning, although several plans recommended either expanding the land area it applies to or reforming the specific regulations, such as density and dimensional standards, to enable greater development, such as in Norfolk, Littleton (where the age-restricted units are only singles and duplexes), Stow, and Hamilton. All of the plans address the need to house seniors, in general. For example, Franklin's 2011 Affordable Housing Strategy & Development Action Plan suggests expanding

housing opportunities for seniors in general: "Explore expanding the number of rental opportunities for seniors and elderly residents." It appears that more municipalities were adopting new provisions for age-restricted housing at the time of the original survey than in more recent years. At least a few municipalities in the current sample did adopt new age-restricted housing since the last study. Woburn adopted a new age restricted overlay, the Intergenerational Overlay District in 2008. Natick adopted new age-restricted zoning, in 2017.

Hopkinton's 2017 Master Plan mentions concerns with age-restricted zoning:

"In the long term, the Town is concerned that Federal laws preventing housing discrimination may be interpreted in such a way that the Town can no longer enforce age-restricted housing without host community agreements. Another concern is the long-term viability of age-restricted housing as the baby-boomers pass through the housing system, and not enough new eligible buyers may be found for the deed restricted units."

Littleton's 2017 Master Plan suggests considering a transition to "age-targeted" housing, instead of "age-restricted":

"Make the over-55 bylaw a more effective tool for creating options to help Littleton residents stay in the community as they age... Consider replacing the requirement for age restrictions in senior housing with a requirement for "age-targeted" design – that is, housing units designed and intended for occupancy by older residents but not restricted to that age group."

The Marshfield Town Planner commented in a phone interview:

"Age restricted can be four attached units per acre, in Res 1. We had so many age restricted projects that the town stopped it for a while, and the developers said the market was oversaturated. We had the age restricted zoning in 1995 or 1996. A bunch were put in, maybe 15 or 20 projects. Forty units on the small side, and 120 on the large side. The developers like those more than 40B because the zoning doesn't restrict how much profit they can make. For a while it was slow, during the recession, but another project just got approved, four or five months ago, it's under construction. That was 22 units."

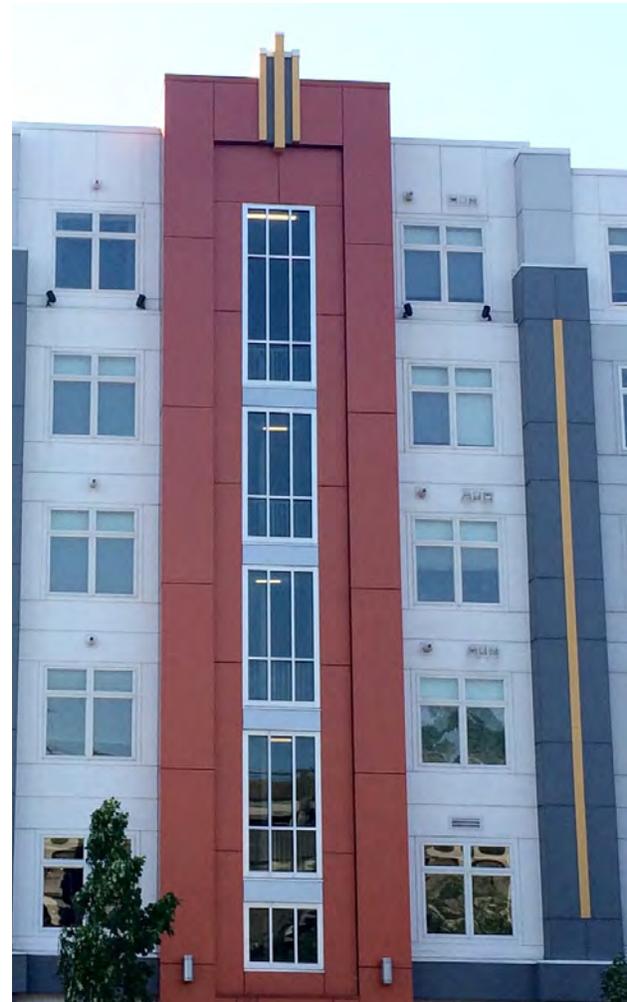
BARRIER SIX: BEDROOM RESTRICTIONS

Some municipalities are restricting the number of bedrooms allowed in multi-family dwelling units, in particular so that developments include no units or few units with three or more bedrooms; other municipalities that have no restrictions on bedrooms in their zoning are negotiating bedroom restrictions during the permitting process.⁷ It is also likely that some developers propose projects without large dwellings because projects with many three-bedroom units are less likely to get approved and are more likely to face public opposition. A few municipalities proactively seek to have at least some three-bedroom dwelling units included in new projects. At the current time, there is strong market demand for studios and one-bedroom and two-bedroom dwelling units, so the bedroom restrictions do not appear to be preventing building per se; the restrictions are perhaps more likely reducing the number of three-bedroom dwelling units coming on the market. It is hard to sort out, though, to what extent the building of smaller units is driven by regulatory constraints and to what extent it is market driven.

Twenty-eight of the 100 municipalities have some kind of zoning restriction on the number of bedrooms per dwelling unit, in at least one kind of development. The restrictions might apply only to townhouses in a cluster development, or to mixed use in a commercial center, or to age-restricted developments. Some examples include:

- In Bellingham, in any “special residential uses” including townhouse dwellings, assisted elderly housing, and other multi-family dwellings (except public housing), no more than 10 percent of the dwelling units can have three bedrooms.
- In Burlington, the regulations for “garden apartments” state that no apartment dwelling unit shall contain more than two bedrooms, and at least half of the units will be only one-bedroom.
- In Duxbury, in any planned development, no dwelling unit in a building of two or more dwelling units shall have more than two bedrooms.
- In Foxborough, in planned development housing, the gross number of bedrooms shall not exceed twice the number of dwelling units, and no more than 10 percent of all dwelling units can contain three or more bedrooms.
- In Holbrook, “in apartments, multiple or attached dwellings,” no dwelling unit shall contain more than two bedrooms.
- In Littleton, mixed use developments may include studios, and one- and two-bedroom units.
- In Malden, in the Rowe’s Quarry Reclamation & Redevelopment District, residential units are limited to two bedrooms, except on the top story of any building, where units are limited to three bedrooms.
- In Southborough, provisions for multi-family housing for the elderly state: “No development shall exceed an average per site of a maximum three units per contiguous acre exclusive of 80% of wetlands, and six bedrooms per contiguous acre exclusive of 80% of wetlands.”

⁷ In the 2004 survey, I did not investigate the issue of bedroom restrictions. Nobody had mentioned it in my advisory meetings, and I did not scan the regulations for information on bedrooms. Participants in my advisory committee for the updated study suggested that I track regulations that restrict the number of bedrooms per dwelling unit in multi-family housing.





Lincoln, Massachusetts

Some zoning provisions list a minimum land area required per bedroom, which might bias development towards fewer bedrooms per unit, to maximize the total units for the land area. Other provisions list parking requirements per bedroom, which could also bias development towards fewer units, depending on what the ratios are. Outside of the zoning, septic system design is also affected by the number of bedrooms. Lincoln's planner mentioned to me that one developer chose to limit a project's proposed bedroom count, to avoid needing a package treatment plant. There are multiple reasons that a developer might limit the number of bedrooms per dwelling, outside of explicit regulation of the number of bedrooms.

In 2016, Dedham revised its zoning to remove a bedroom minimum in the mixed use bylaw, so as not to be discriminatory. Dedham's 2017 Update to its 2009 Master Plan stated:

"In 2016 the Town enacted a new mixed use by-law which addressed inconsistencies and flaws that existed in earlier provisions for subsidiary apartments. The new by-law no longer regulates the number of bedrooms, removing a provision that was potentially discriminatory."

Duxbury's 2014 Housing Production Plan, in a section on Planned Development Districts:

"...the restriction of a maximum of two bedrooms in any building of two or more dwelling units discourages the construction of affordable family units in these Districts."

Framingham's 2015 report on Transit Oriented Development:

"Similar to the Mixed-Use regulations, 3-bedroom units must be allowed to be in compliance with Massachusetts Fair Housing rules. These are currently not permitted at all in the Zoning Bylaw."

Starting in 2014, the state now requires that most 40B projects, with a few exceptions, are required to have at least 10 percent of their units as three-bedrooms or larger. The requirement also applies to any non-40B state-assisted housing development, although not to 40R projects. The state Attorney General has also issued a number of letters in the last 18 months raising the question of whether bedroom restrictions violate fair housing laws.

A few municipalities are encouraging inclusion of larger units in projects. For example, Cambridge's Senior Manager for Zoning and Development commented: "We do the opposite. Our inclusionary ordinance as it was re-written encourages or requires in some cases three bedroom units. It is in our general citywide objectives to encourage family-size housing units." A planner in Salem commented: "Typically what we have seen is developers want to do one- and two-bedrooms. We have a lot of young commuters with no kids. We have been pushing for three-bedrooms because we see a need for family housing."

Acton's Zoning Bylaw, in the section on Affordable Housing Incentives and Overlay District, states:

"Dwelling unit size – Except as otherwise provided by the Planning Board, affordable dwelling units shall contain two or more bedrooms and shall be suitable in type and design for family occupancy."

Several planners mentioned to me that the bedroom mix of one- and two-bedroom units has been developer driven, and not mandated in the regulations or otherwise requested during the process. One planner commented, “They see more value in ones and twos. The developers see it as where the market is.” A building commissioner commented: “Most are one and two bedrooms, we haven’t seen three bedrooms. A lot of these are being built for the smaller family units, for example a couple or a couple with one child, or over-55. It’s a market-driven thing.”

A few planners mentioned during phone interviews that when bedroom restrictions are not in the zoning, they can still be put forward during the permitting process. One planning director explained: “It’s not in the zoning bylaw, but the Planning Board could limit the number of bedrooms in its special permit approval. That has been done at least once in the past 20 years, but not during the past 15 years.” In Maynard, there are no bedroom restrictions in the zoning, but in one recent project that needed Town Meeting approval, the Board of Selectmen negotiated the number of bedrooms with the developer. The planner mentioned that in smaller projects that require only a special permit, the planning board could negotiate the number of bedrooms.

Also, where there is no mention of bedrooms in the regulations, a developer might propose a development with no three-bedroom units to ease the approval process, as local decision-makers might be concerned about school enrollments. Limiting the number of bedrooms in proposed projects preempts that discussion, as long as there is a market for smaller units.

According to the CHAPA’s 2018 report, “The Use of Chapter 40R in Massachusetts,” of all 40R units developed to date statewide:

- 46 percent are studios or one-bedroom units
- 50 percent have two bedrooms
- 4 percent have three bedrooms

It is not clear if the small percent of three-bedroom units in 40R projects is due to market demand or consideration of the political process of permitting. All 40R developments are allowed as-of-right, so the bedroom buildout would not be negotiated for a special permit, but a developer might propose projects with smaller units in the process of gaining town meeting or city council’s approval of the overlay zoning under which the projects could be built.



Beverly,
Massachusetts

BARRIER SEVEN: PARKING REQUIREMENTS

Parking requirements can represent a barrier to housing development and impact the design and functioning of districts in which housing gets located. Over the last decade, parking for multi-family housing has been a significant focus for local planners, especially as historic centers get rezoned for greater residential density. It can be a challenge on small downtown parcels to fit enough spaces to meet the regulations. In some downtowns, there is either a shortage of on-street parking, or a public concern about a potential shortage of parking. Excessive parking requirements can undermine development, lead to too much pavement, make places less walkable, and increase the cost of development. Most walkable places were built before many people owned cars.

Many master plans and housing production plans identify parking requirements as a barrier to development, such as in Brookline, Rockland, Wakefield, Woburn, Stoneham, Framingham, Belmont, Everett, Littleton, and Watertown. Many plans recommend reducing the requirements. For example, Danvers's 2014 Housing Production Plan reads:

“The Town’s parking requirements also make it difficult to develop housing in the downtown area where space is limited. The Town may want to consider reducing parking minimums or encouraging shared parking alternatives or off-site parking alternatives for mixed-use projects.”

And Woburn’s 2016 Housing Production Plan similarly concludes:

“All single family, two dwelling, and multi-family dwellings require 2 spaces per unit. This makes multi-family housing a challenge. There may be certain areas, especially near public transit options, where a parking ratio should be reduced in order to allow developers greater flexibility to meet the housing need. Parking could also be tied to bedroom mix rather than just the number of units.”

Stoneham’s 2015 Town Center Strategic Action Plan:

“Multifamily residential parking requirements are also high. The bylaw requires 2.1 spaces for every multifamily unit constructed. This is likely more than is needed, particularly for smaller housing units (e.g. studios and one-bedroom units). High parking requirements may make development infeasible, particularly on smaller parcels. Tying parking requirements to number of bedrooms per unit should be explored. For example, studios would require 1 space, 1-bedroom units would require 1.5 spaces, and 2- and 3-bedroom units would require 2 spaces.”

Hingham,
Massachusetts



Lynnfield,
Massachusetts



Typically, zoning bylaws and ordinances have a separate section to address parking requirements town-wide, for all uses, such as residential and commercial. The parking section then typically contains a schedule, or table, of parking regulations that specifies the minimum number of off-street parking spaces required for each use. Several decades ago, virtually all parking regulations would be found in the section about parking. In recent decades, as municipalities have adopted overlay zones and various special provisions for multi-family housing, the parking requirements for the different types of multi-family projects can additionally appear in the sections that relate to those projects. Sections that commonly include their own parking standards include: cluster zoning, planned unit development, age-restricted zoning, village overlays, building conversions, and mixed-use. In some municipalities, all multi-family development might get permitted via the special provisions, and the requirements specified in the general schedule of parking regulations are no longer used, although they remain on the books.

The parking requirements are most commonly listed as a fixed number of parking spaces required per multi-family dwelling unit, especially when the requirements appear in the schedules of parking regulations. At least two-thirds of the municipalities list parking requirements as a fixed number “per dwelling unit,” for at least some kinds of multi-family development. Close to half of the municipalities list the parking requirements per bedroom, as opposed to per dwelling unit, for at least some kinds of multi-family development. For example, in Lexington,

1.5 spaces are required for units with two or fewer bedrooms, and two spaces for units with three or more bedrooms. Often, the standard listed in the schedule of parking regulations will be a number per dwelling unit, and the standard listed, for example, in the newer ‘village overlay zone’ will vary by bedroom count.

Standards can vary within municipalities based on several factors:

- **Townhouses versus freestanding apartment/condo buildings.** In Reading and Watertown, different requirements are listed for townhouses versus apartment/condo buildings.
- **Zoning districts.** Some municipalities list different requirements per zoning district. At least 20 municipalities have special parking requirements for village/downtown districts.
- **Transit-oriented development.** In Braintree, the general standard is two spaces per dwelling unit. But in Braintree Landing, right next to the train, it is 0.8 spaces per unit.
- **Mixed use in the downtown.** In Franklin, the general standard is two spaces per unit, but only 1.5 spaces per unit for mixed use development in the Downtown Commercial Zoning District.
- **New construction versus rehabilitation.** Salem lists different requirements for new construction versus rehabilitation of existing buildings: one parking space per dwelling for existing buildings and 1.5 spaces per dwelling for new construction. The parking requirements for rehabilitated buildings may be accommodated by parking at facilities in vicinity of the building, while parking for new construction must be provided on site.
- **Size of development.** Wellesley varies the standard based on the size of a development. In Limited Residence Districts, the standard is one space per dwelling unit, but in developments with more than 20 units, it is 1.5 spaces for the smaller units and two spaces for the larger units.
- **Cluster versus conventional subdivision, and adaptive reuse.** In Hudson, multi-family housing in a cluster development (Open Space Residential Design) needs 1.5 spaces per unit, while building conversions in the adaptive reuse overlay require one space for a one-bedroom and two spaces for two- or more bedrooms, and the general standard, city-wide, is 2.5 spaces per dwelling unit for multi-family.

Most municipalities require fewer spaces for age-restricted housing than non-restricted housing, although in a few places the age-restricted housing requires the same amount or even more parking than other types of multi-family housing.

The most common requirement “per dwelling unit”, as the general standard for multi-family housing, outside of the special sections, is: two off-street parking spaces required for every multi-family dwelling unit. This standard, two spaces per dwelling unit, appears in a third of the zoning ordinances and bylaws. Forty years ago, it was probably the standard in the vast majority of places for any kind of multi-family development.

Less frequently, municipalities list 1.5 off-street parking spaces per dwelling unit as the standard. These include: Burlington, Dedham, Dover, Ipswich, Littleton, Lynn, Norfolk, Rockport, Sherborn, and Swampscott.

Some municipalities require more than two spaces per dwelling unit, or more than two spaces specifically for three-bedroom (or bigger) units.

- Essex requires one off-street space per single family house and 1.5 off street spaces for every bedroom in a multi-family dwelling unit. In theory, a three-bedroom apartment would need 4.5 off-street spaces, but no multi-family housing has been built in Essex for some time.
- In Wrentham, the town-wide standard, for any multi-family dwellings, is three off street parking spaces per dwelling.
- In Rockland, the standard is three spaces for any multi-family dwelling unit, but the 40R zone for downtown Rockland has a different standard.
- Danvers requires two spaces for studios, one-bedrooms, and two-bedrooms, and three spaces for dwelling units with three or more bedrooms.
- In Marshfield’s Planned Mixed Use District, 1.25 spaces are required per bedroom, so a three-bedroom unit would have 3.75 spaces.
- In Norwood, the general standard is three spaces for every dwelling unit with two or more bedrooms (and one space for one-bedroom units), but several overlay zones, for example, in the downtown require fewer spaces.
- Southborough requires three spaces for a three-bedroom.
- Malden requires one space per bedroom, but the number of spaces can be reduced in projects near public transportation.
- In Hanover, the table of minimum parking requirements lists that each dwelling needs only one parking space. But, in the section on Village Planned Unit Development, the bylaw lists: “There shall be at least three (3) numbered parking spaces for each dwelling unit for the use of the occupants thereof and their guests, except to the extent that the requirements of this section are reduced by the Planning Board upon the request of the Special Permit applicant.”
- Stoughton’s table of parking regulations lists “Number of Parking Spaces Per Unit”, for “Multifamily Dwelling”: “2 for each single bedroom unit; 3 for each 2-bedroom unit; 4 for each 3-or more bedroom unit.”

Framingham’s 2007 Housing Plan references a requirement for three parking spaces for three-bedroom apartments:

“Most communities require two parking spaces for single-family homes and two-bedroom multi-family units, but requiring two spaces for one-bedroom multi-family units and three spaces for three-bedroom multi-family units is very unusual, and not supported by any professional planning literature. Framingham has some conditions that offer a rationale for these requirements, however. First, Framingham has a winter parking regulation limiting parking to one side of the street from November through April, which significantly reduces the availability of year-round on-street parking. Second, experience has shown that multi-family units are often occupied by several adults, each owning an automobile, rather than by families with children who do not drive, thereby creating a need for additional parking spaces.”

Several municipalities list on-site parking maximums in the regulations. Cambridge’s provisions for Planned Unit Development list that off street parking facilities for residences should be provided at a minimum of one space per unit and a maximum of 1.5 spaces per unit. Watertown’s provisions for required off-street parking spaces includes this chart:

Town and Rowhouse Multifamily

Minimum	Maximum
2.0/unit	2.5/unit
0.75/studio	1.00/studio
1.00/1 bedroom	1.25/1 bedroom
1.50/2 bedrooms	1.75/2 bedroom
2.00/3+ bedrooms	2.25/3+ bedrooms

Belmont’s Oakley Smart Growth Overlay (40R) specifies that off-street parking shall be provided at a ratio of not less than one space per dwelling unit to a maximum of two spaces per dwelling unit. North Reading’s Berry Center Residential Smart Growth Overlay (40R) lists a minimum of 1.5 spaces per unit, and a maximum of two spaces per unit. Weymouth’s Village Center Overlay also lists 1.5 minimum and two maximum.

The study did not include a question on whether fees are sometimes allowed in lieu of off-street parking spaces, but I noticed some provisions. Malden’s ordinance states:

“For residential uses, if parking requirements are reduced, the developer/owner shall contribute \$2,000 annually for each space reduced to a City of Malden Parking and Traffic Mitigation Trust Fund to be used at the City’s reasonable discretion to mitigate future impacts on traffic and parking and/or for infrastructure improvements to parking and traffic systems.”

The zoning for Marlborough’s Village District:

“Fees in lieu of parking shall be deposited into the City of Marlborough Downtown Parking Reserve Account...”

Natick’s 2017 Comprehensive Plan:

“The Town has wisely established flexibility for parking bylaw compliance by providing for a system of “fee in lieu” payments to an off-street parking fund.”

Braintree’s 2015 Zoning Diagnostic Report:

“The Village Center Overlay District, 135-613, is an odd town center district that does not seem very effective.... There are associated parking regulations in 135-815, including the ability to pay a fee in lieu of providing off-street parking spaces. It is not clear if the Town has a dedicated special revenue fund for fees paid under this provision of the ZBL [Zoning Bylaw].”

Most of the bylaws and ordinances include some kind of provision for reductions in the required parking. Some reductions are granted via special permit such as in Bellingham, but in some municipalities, such as Bedford and Rockland, the reduction can be given by a waiver. Bellingham’s zoning bylaw reads:

“Parking may be further reduced upon application for and grant of a special permit from the Planning Board, to account for additional factors.... The number of spaces may be reduced to less than that stipulated in this bylaw, if the Planning Board determines that a smaller number would be adequate for all parking needs because of such special circumstances as multi-use parking for uses having peak parking demands at different times, unusual age or other characteristics of site users or user-sponsored demand reduction devices such as carpooling, or land use or parking studies from similar establishments show parking requirements are less than what is required in this bylaw; or other reasons that are adequately supported.”

Bedford’s zoning bylaw reads:

“The planning board shall have the authority to waive parking requirements to allow a lower or higher number of spaces as it deems appropriate to support the type of residential use(s) and/or the incorporation of publicly accessible cultural or recreational amenities.”



Westwood,
Massachusetts

Rockland's downtown overlay also allows for simple waivers:

“Notwithstanding anything to the contrary herein, any minimum required amount of parking may be waived if it is impractical for the applicant to meet the parking standards and that such waivers are appropriate by reason of the proposed use and will not result in or worsen parking or traffic problems in or in proximity to the Project, and upon demonstration to the reasonable satisfaction of the PAA [Plan Approval Authority] that a lesser amount of parking will not cause excessive congestion, endanger public safety, or that lesser amount of parking will provide positive environmental or other benefits, taking into consideration...”

Some of the bylaws and ordinances have detailed regulations, perhaps a page long, about the circumstances under which parking reductions will be granted. Some of the bylaws and ordinances keep the standards vague and leave discretion to the permitting body.

In 2016, Arlington added this language:

“Any request for parking reduction must include a plan to reduce demand for parking. Transportation Demand Management provides incentives to reduce the use of Single Occupant Vehicles, and encourages the use of public transit, bicycling, walking, and ridesharing.”

The planner for the City of Chelsea, which is relatively densely built, explained in a Nov. 2017 email: “Almost any development in the City requires Special Permit relief for off-street parking, and almost all has been granted.... The Council has moved a motion to place a moratorium on granting Special Permit relief for Off-street parking to a sub-committee for consideration.”

Several of the parking regulations include provisions for reduction in required off street parking if there are public parking facilities within 300 feet (Framingham for example) or 400 feet (Malden for example).

BARRIER EIGHT: REQUIREMENTS FOR MIXED USE ONLY

Many municipalities have been rezoning to allow mixed uses in their historic centers, commercial corridors, and former industrial districts. Mixed use zoning is considered a best practice for creating walkable neighborhoods and is a way of zoning for more housing while maintaining commercial space in the municipality. Often, the only kind of multi-family housing allowed in such districts is mixed use. When the market for the first-floor commercial uses is slow, a requirement to include commercial space in new development can make projects uneconomical, and serve as a barrier to housing development. In some locations, such as in the middle of a Main Street shopping district, it can be important to require inclusion of retail space on the first floor, not to disrupt the pedestrian experience with a building not meant for public entry, but in some locations it is an unnecessary restriction. Many people are hesitant to allow residential-only development in commercial zones, as it could reduce the land available for commercial development, which many residents value for bolstering the municipal tax base. The planner in Weymouth explained about the new mixed use zoning in a commercial corridor: “It has to have retail in the bottom. We do not want to erode the commercial base.”



Downtown Gloucester,
Massachusetts

The issue of mixed use requirements serving as a constraint to development is addressed in several of the local plans. (Mixed use is discussed further in the next chapter of the report, on trends in zoning.)

Newton’s 2011 Mixed Use Report:

“The benefits of including housing in large-scale centers is widely understood, but so too are the challenges to achieving that. Among them is the complex volatility of real estate markets, with housing, shopping, workplace, and entertainment markets seldom moving in smooth unison. As a result, market forces may at times make it nearly impossible to simultaneously develop both residential and commercial uses at the same time, presenting a challenge to achieving the sought after vibrancy.”

Plans that recommend allowing multi-family only, not only mixed use in or near downtowns, include:

- Walpole’s 2015 Downtown Action Plan
- Framingham’s 2015 TOD report
- Millis’s 2012 Town Center Properties Market Study
- Stoneham’s 2015 Town Center Strategic Action Plan

Some plans promote mixed use only for certain places. For example, Wayland’s 2016 Housing Production Plan:

“The Master Plan does not recommend allowing housing on the ground floor in these districts because there is relatively little land available for business uses in Wayland and the ground floor of buildings is prime space for retailers and restaurants. However, allowing housing on the upper floors of buildings may encourage redevelopment of underutilized properties in the town centers by providing a marketable and profitable use for upstairs space. This benefits not only local businesses but also the Town by contributing to the commercial and residential tax base. These policies would help local businesses by expanding the downtown customer base, especially at night and on weekends.”

BARRIER NINE: AFFORDABILITY REQUIREMENTS

A majority of municipalities in Greater Boston have provisions in the zoning for inclusionary zoning, which can either require a certain percent of dwelling units in a new project to get deed-restricted as affordable, according to a prescribed formula, or offer incentives such as density bonuses in exchange for inclusion of affordable units in projects. Many of the inclusionary provisions apply only to certain kinds of residential development. These regulations are adopted to ensure that affordable units are integrated into places where market-rate development is happening, and not only segregated in separate buildings or in less affluent municipalities or not built altogether. Depending on a number of factors, including the specifics of the inclusionary requirements, the market price of new housing, and the cost of construction, the inclusionary requirements can sometimes make projects uneconomical. The cost of construction per unit is typically lower for larger projects than smaller ones, so the allowable density (the number of dwelling units per acre) can be a critical factor in the equation.

Given the high cost of construction, the rents or sales prices of below-market restricted-affordable units generally do not cover their share of the cost of development, based on percent of floor area; the market rate units then cross-subsidize the affordable units. The number of dwelling units that could be designated affordable (at various levels of affordability) without undermining a project's economics depends on the market clearing prices of the market-rate units as well as the cost of construction. There is not one threshold percent of affordability that would be feasible for all projects across the region during all years.

In 2004, I surveyed zoning bylaws and ordinances to collect all provisions for inclusionary zoning. In the updated study, we did not include inclusionary provisions in the research, although representatives of the development community on the study's advisory committee suggested that it is an important barrier. Given limited resources, we left the topic out of the survey, because the inclusionary provisions are particularly challenging to track, as so many subsections of the bylaws and ordinances include different inclusionary rules. For example, within one zoning bylaw, there could be different inclusionary provisions for age-restricted housing, the downtown overlay, open space residential design, townhouse development, and planned residential development. Collecting each subsection for 100 municipalities, and analyzing the provisions, is a significant project that was beyond the study's budget.

In 2004, 99 zoning bylaws/ordinances of the 187 surveyed contained some kind of provision for inclusionary zoning (53 percent of the sample). Many programs had just been established in 2003 and 2004. Since then, inclusionary zoning has continued to be a focus of planning, with analysis devoted to it in every housing production plan; many municipalities have adopted or revised inclusionary regulations since 2004.

The percent required and level of affordability (for example to people earning 80 percent of area median income or 60 percent) can affect how much the inclusion affects the development's bottom line. In a hot market, developers might be able to afford 20 percent of a project designated affordable, and in a weak market such a requirement could sink the project. In 2004 study, a requirement for 10 percent was the most common, and 15 percent the second most common.

In development that get permitted under Chapter 40B, 20 percent of the units must be affordable to households with incomes at 50 percent of area median income, or 25 percent of the units must be affordable to households with incomes at 80 percent of area median income. Overlay districts created under Chapter 40R must require that at least 20 percent of the units be affordable at 80 percent of area median income (as opposed to 40B's 50 percent of area median income.) Both 40B and 40R have higher thresholds for the number of affordable units included than most local zoning provisions and also allow for dense development which can make inclusion of affordable units financially feasible.

PART TWO

Trends in Zoning for Multi-Family Housing

The regulatory “barriers” to development of multi-family housing is only a part of Greater Boston’s zoning story. In recent decades there has been a major effort by people in government and housing non-profits, as well as by concerned citizens, to reform zoning to enable more growth. On the one hand, the narrative about regulatory barriers remains largely unchanged since the last study I conducted. On the other hand, many municipalities have reformed their zoning for multi-family housing since the last study.

I have looked for changes in the zoning and land use planning that would affect the buildout of multi-family housing, and I have noticed the following trends:

- Most municipalities have revised the zoning to increase the potential buildout for multi-family housing, at least minimally.
- Most municipalities have adopted provisions or revised zoning for mixed use development.
- The regulatory system has continued to evolve to be more flexible, discretionary, political, and ad hoc, and also less predictable and more expensive for developers, in particular with town meeting or city council now approving more developments parcel by parcel. Several municipalities have zoned districts for incremental growth across many parcels, with a relatively predictable permitting process, but these places appear to represent a small fraction of the region’s overall permitting.
- Many municipalities have determined that historic village centers are appropriate locations to allow more multi-family housing; some municipalities have been zoning for new village centers in former industrial areas and commercial corridors; and few municipalities are planning for significant multi-family development in existing residential districts.
- Many municipalities are planning for an allowing more development near transit nodes.
- While most municipalities have been planning for increased development in their centers, much permitting at a larger scale is happening at municipal peripheries, many of the projects approved via zoning, but some also via Chapter 40B.



Theoretically, it would be useful to compare the buildout potential of the zoning as it existed during the last study with the buildout potential of the current zoning system. With such a flexible, ad hoc system, estimating region-wide buildout is not possible. What I have observed, without quantifying, is that zoning in 2004 was highly restrictive of multi-family housing development, so the baseline zoning for comparison is very low. In asking if a municipality has increased or decreased the potential buildout, I realize it would be hard for most municipalities to decrease.

Quincy,
Massachusetts



TRENDS: ZONING FOR INCREASED DENSITY, FROM A LOW BASELINE



Everett Batch Yard,
Massachusetts

Most municipalities have revised their zoning since the last study to increase the potential buildout of multi-family housing. Many of the increases appear to be marginal. A relatively small number of municipalities revised zoning to allow less multi-family housing. The baseline zoning of 2004 was so restrictive that most municipalities could only allow more housing, and not less. It is notable that Malden and Hopkinton both downzoned, and at baseline they both allowed more multi-family housing than comparable municipalities.

The 2017/2018 survey included the questions: “Has the municipality amended its multi-family zoning since 2004? Do the changes increase, or decrease, the potential number of multi-family housing units that could be built?” In reviewing the bylaws and ordinances, I could sometimes locate answers to these questions. For example, since the state adopted Chapter 40R in 2004, I could know that any 40R Smart Growth Overlay in the zoning had been adopted since 2004, to increase buildout. In some cases, other provisions included the date of adoption in the bylaw or ordinance for multi-family housing, such that I could identify zoning as new. Sometimes, the housing production plans or master plans referenced recent amendments that changed buildout in one direction or another.

Often, though, it was hard to know from reading the regulations what the effect on buildout would be, in particular when multiple provisions might have been revised in subtle ways since 2004.

A single municipality might have expanded its age-restricted zoning, reduced its parking requirements, and decreased the allowed density of building in a village overlay. Some revisions would have the effect of increasing buildout, and other provisions would decrease it: What the net effect would be is unclear. I included the question in my emails and interviews with town planners and building inspectors. Many of them had not been in their current role since 2004 and did not know the entire history. Others were challenged to interpret multiple revisions over a period of years to make a judgment on changes in potential buildout. Many did offer answers, though, while sometimes qualifying that the answer was a “rough guess.” I did not do any side-by-side analyses of zoning bylaws and ordinances from 2004 and 2017/2018. I also did not conduct any detailed analyses of maps, available land, dimensional requirements, or buildout.

Despite uncertainties, I obtained answers for 85 of the 100 municipalities. The answers involve significant judgment. Sixty-five municipalities revised their zoning for multi-family housing since 2004 in ways that would increase or decrease buildout. Sixty of those increased buildout for multi-family housing, and five decreased buildout for multi-family housing. Twenty did not change the zoning for multi-family housing, or made changes that would not affect buildout. I do not have answers for 15 of the municipalities. In some cases, the zoning might have been revised to increase buildout, but for reasons due to the restrictions in the zoning as well as to the market, the new zoning has not been used, and might never be.

There has been significant attention devoted to planning for multi-family housing since the last study. Seventy-five of the 100 municipalities surveyed have a master plan and/or housing production plan dated between 2007 and 2018. Other municipalities are now creating plans; I found references on municipal websites to many master plan committees.

Most municipalities increased the potential buildout of multi-family housing. The most common regulatory reform towards these ends was the adoption of overlay zones that allow multi-family housing, as opposed to reforms to the underlying districts, the table of use regulations, or the table of dimensional regulations. Some municipalities did make changes to the underlying zoning districts, allowed uses, and dimensional regulation, as well as the parking regulations. The overlay zones sometimes covered village centers, specific properties like hospitals, churches, or YMCAs that were being sold for redevelopment, or industrial parcels, or commercial corridors. The overlay could cover a small parcel, parts of several districts, or the whole municipality. Most often, mixed use zoning was included in the provisions for the overlay. Other reforms to increase multi-family housing included, less frequently, adoption of Open Space Residential Design zoning that allows for multi-family development, and provisions that allow for conversion of single family houses to multi-family housing, or adaptive reuse of non-residential buildings. Often new zoning was adopted for a specific parcel, and then built to the capacity allowed, so the zoning is now on the books, but would not be used again for other projects.

According to CHAPA's 2018 report⁸ on 40R zoning, 11 municipalities adopted 40R districts, and two had preliminary approval for the districts by the end of 2017. The following chart lists the years the 40R districts were adopted, the number of dwelling units estimated for potential buildout, and the number of units built. Two numbers are listed in some cells of the chart in municipalities that zoned for two separate overlays.

	Year adopted	Estimated Zoned Units	Units Built
Beverly	(preliminary approval in 2017)	101	-
Chelsea	2006	125	120
Lynnfield	2007	180	180
Marblehead	2010	17+47	-, -
Norwood	2006, 2014	15+44	15, -
Reading	2008, 2010	202+495	200+53
Rockland	2017	480	-
Swampscott	2016	68	-
North Reading	2006	434	406
Belmont	2008	18	17
Natick	2008	138	138
Sharon	2009	167	-
Danvers	(preliminary approval in 2017)	211	-

⁸ https://www.chapa.org/sites/default/files/TheUseofCh40R_2018.pdf

Much of the new zoning for multi-family housing, whether 40R or another type of reform, has been used to get housing approved; some zoning, such as Rockland’s downtown 40R district, has not yet been used. Hamilton and Norfolk are also examples of municipalities that have adopted provisions for mixed use in the village center that have not been used. In 2014, Winthrop re-zoned its Central Business District for mixed use. Winthrop’s 2017 Master Plan for the Centre Business District explains: “Despite the CBD zoning adopted in 2014 that would allow for four-story buildings and 90 percent lot coverage, the majority of parcels within the CBD remain occupied by one- and two-story buildings.”

Municipalities that decreased buildout include:

- Bedford eliminated some provisions for multi-family development in an industrial zone, after a project using that zoning was built.
- Concord decreased the total number of units that could be built using certain provisions, from three-times the underlying allowed density to two-times the underlying allowed density. The planner mentioned that the changes were made after a couple of projects were developed that some residents considered too dense.

- After a large multi-family project, Legacy Farms, was permitted in Hopkinton, the Town voted not to allow more multi-family development in the residential districts, as long as Hopkinton is above the 40B threshold of affordable units required by the state. Mixed use in the town center and conversions are still allowed.
- Ipswich voted to reduce the maximum potential density of projects in the Intown Residence District. It changed from a maximum potential density of 5,000 square feet for the first unit plus 2,000 square feet for subsequent units to 5,000 square feet for the first unit plus 3,500 square feet for additional units.
- Malden voted for a moratorium on multi-family development for two years (2016 and 2017). Initially the moratorium was for one year and covered every proposed building of five or more units, except for those in the central business district and the Rowe’s Quarry district on the Revere border. The moratorium was extended twice and expanded in the last year to include most of the central business district. Malden switched the special permit granting authority for multi-family building of three to six stories from the planning board to city council; it increased the parking requirements for multi-family near public transit; and it imposed an impact fee on new multi-family units (\$2,000 for rentals and \$1,000 for condos). Malden also increased the minimum square footage per unit from 500 to 750 square feet.

Lexington’s 2013 Housing Production Plan explains that all of Lexington’s base zoning for multi-family housing was removed in 2013, and now multi-family projects must be approved by Town Meeting:

“Lexington presently has no districts zoned for multi-family housing. They were eliminated by a vote of Town Meeting in 2013 Some multi-family projects have been developed under Lexington’s Planned Residential Zoning (RD) in which specific zoning standards are developed for sites with unique features and go into effect only when approved by Town Meeting and permitted by the Zoning Board of Appeals.”



Waltham
Massachusetts

On the face of it, Lexington's 2013 vote appears to be a form of downzoning, but the planner explained to me that the underlying zoning was not getting used, and the town streamlined the process for Planned Residential Zoning that involved Town Meeting approval, so overall the potential for multi-family projects to get approved in the town actually had increased. Burlington voted to allow multi-family housing in a Town Center Overlay in 2005, and then after some projects were quickly approved, the town amended the provisions: "No additional Multi-Family Dwellings shall be permitted beyond those units already permitted or applied for as of June 8, 2010.)" I am counting Burlington here as increasing the buildout of multi-family housing for initially approving the zoning and several projects, even though the potential for further building was then frozen.

The planner in Wilmington responded to the survey in 2018: "Yes, amended and added a new district (Neighborhood Mixed Use). Increased. However, there is a proposal at Town meeting on May 5th to completely eliminate the multifamily use in town." The proposal did not pass, but it is another reminder that new zoning, once adopted, does not always remain available.

Malden's 2010 Master Plan:

"The overwhelming consensus among master planning participants is that the high-rise development that has occurred through the Residential Incentive Overlay (RIO) district has been detrimental to the character of the downtown. Most participants favor mid-rise rather than high-rise development. The RIO should be eliminated for any parcels where it has not been utilized."

It is a small proportion of municipalities that downzoned multi-family housing since the last study, but that might be due, in part, to municipalities allowing so little multi-family housing at the time of the last study. There was not a lot of zoning on the books to remove to prevent development. We lack historic data on zoning from the 1970s to use for comparison, but a significant number of brick box garden apartments were built in that era, probably many via zoning, although Chapter 40B could have been used by 1969. Some zoning bylaws and ordinances have provisions for "garden apartments," which have probably been on the books since the 1960s and 1970s. Many of those districts got built out, and others were removed from the zoning, perhaps in the 1980s and 1990s, and were not then replaced with new multi-family districts. By the time of the 2004 survey, zoning had become highly restrictive of multi-family housing.

In the 2004 survey, I found a discussion in Milford's 2003 Comprehensive Plan of its downzoning, since 1972:

"Since 1972, Milford has prohibited the construction of residential buildings with more than two units, except in PRD's since 1985. Historically, Milford provided nearly all the multi-family housing among surrounding communities. Concerned about this unbalanced distribution of apartments, Milford amended the zoning bylaw to no longer allow for multi-unit buildings. While Milford still provides much of the rental housing in this region today, the units are deteriorating with age. It is reasonable to assume that some of these units may be no longer marketable or safe in the near future, thereby reducing the total number of apartments available to renters in Milford."

It is likely that in the 1980s and 1990s, many municipalities downzoned multi-family housing, like Milford did, so that by the recent period there were few municipalities like Hopkinton and Malden that had significant regulatory vehicles for multi-family permitting and could downzone.

Much of the recent up-zoning covers small parcels or is written for specific projects, such that once a project is built, the zoning will not be used again, so there is no purpose in downzoning.

TRENDS: PERMITTING PROCESS

Across the region, we are moving to a system of parcel-by-parcel decision-making by legislative bodies and permitting boards about what should be allowed. There are some benefits to parcel-by-parcel planning and negotiation, but the process is expensive, time consuming, and unlikely to yield enough housing. It is also hard to plan infrastructure improvements for specific districts when growth gets allowed primarily ad hoc, in scattered parcels. Many of the region's projects have taken a decade to plan and permit, such as Maynard Crossing and Newton's Austin Street development. To meet our region's demand for housing, more municipalities will need to designate some areas for significant development. Several municipalities have, but more growth is getting permitted ad hoc.

As I reviewed in an earlier section of the report, municipalities have moved, over decades, from a system that allowed all development as-of-right, to a system where low density single family housing and commercial building is allowed as-of-right, while the development of most multi-family housing requires a special permit. Today, a third of municipalities do not have any provisions for as-of-right multi-family housing on the books, and the vast majority of permitting of projects, via local zoning, happens with special permits. Few municipalities are permitting any significant development as-of-right. As reported above, only 20 of 85 municipalities that responded to the survey about recent permitting numbers permitted any multi-family projects as-of-right in the last three years. Only 13 percent of all multi-family units permitted in the last three years (in the 85 municipalities that reported data) were allowed as-of-right.

There is significant variation in how special permit provisions are designed. Some provisions list uses allowed by special permit with broad criteria for how the special permit granting authority should assess projects. Other special permit provisions, generally known as "incentive zoning," include density bonuses, for example a building could gain more height and/or more units, in exchange for things such as inclusion of affordable units and/or age-restricted units, preservation of open space, or infrastructure improvements. Some of the master plans and housing production plans mention incentive zoning, but a bigger focus of the plans has been on recommendations for more as-of-right zoning.

In recent decades, the approval systems have been shifting towards more involvement of the town meeting or city council in project-level approvals. Many municipalities are adopting zoning that requires town meeting or city council approval of projects. Or, the legislative body approves specific projects by adopting zoning that only covers a single parcel of land, large or small. In the survey, I asked about how many multi-family dwelling units had been permitted in recent years, by right, by special permit, or by 40B. I did not ask if projects had gained approval from a legislative body or if the zoning for the project was designed for the specific project. I cannot report the percent of permits granted via parcel zoning or floating zoning. But, it appears to be a significant trend, including a 30-unit project in Lexington Center, 350 units at Westwood's University Station, more than 200 units at Maynard Crossing, 68 units at Newton's Austin Street, seven dwelling units in Bedford's historic town center, and many hundreds of units at the several redevelopments of former state hospital properties across the region.

Parcel-level zoning is an important tool for housing production, for example with the former state hospital properties that became available for redevelopment after the state adopted legislation in 1998 that encouraged the sale and reuse of former state hospitals. Several municipalities in my sample have approved or are planning redevelopments of state hospitals, with some zoning adopted already by the time of my 2004 survey, and some of the zoning adopted since then. The redevelopments include⁹:

- **Medfield State Hospital:** Medfield's 2018 Strategic Reuse Master Plan calls for the development of close to 300 dwelling units, as well as preservation of open space, and development of commercial spaces for restaurants and small businesses, among other amenities. The zoning to create a Medfield State Hospital District to cover approximately 135 acres has been drafted but not yet been adopted.

⁹ Lexington Town Meeting voted in 2004 to allow the redevelopment of the Metropolitan State Hospital into 387 rental units at Avalon at Lexington Hills, which was permitted via 40B; all of the units counted on the SHI to meet the threshold for Lexington to then be off the hook of 40B.

- **Foxborough State Hospital:** The project included 203 single family and approximately 100 multi-family dwelling units, along with approximately 50,000 square feet of retail space, and office and medical space, and a recreational complex. The Chestnut-Payson Overlay District covers the property.
- **Danvers State Hospital:** In 2006 to 2008, the property was redeveloped with 433 dwelling units. The property was rezoned as Hathorne West District, which allows for mixed use, including residences, facilities for elderly, and health care facilities, service businesses and research labs.
- **J.T. Berry Rehabilitation Center in North Reading:** North Reading adopted a 40R overlay to redevelop the property, a former sanatorium for tuberculosis patients. The project included 406 apartments.

The shift towards discretionary, negotiated zoning has been decades in the making. Hudson's 1964 Master Plan captures the issue that special permits were designed to address: "The quantity market [for housing] is a business proposition; it lacks the individuality or the feeling that would go into a place in which the designer intended to live. To some extent, it is the job of the Planning Board to protect the future residents by using their legal powers over subdivision...in an imaginative way, so that attractive rather than merely adequate development results." The point of this description was not to promote special permits, per se; the idea that planning boards should get "imaginatively" involved in development was part of the impetus to reform zoning towards more discretionary decision-making and negotiation. The as-of-right rules were not leaving much room for creativity in the regulatory process.

Lincoln's 2014 Housing Plan mentions the tension between the benefits and drawbacks of the negotiated process:

"Developments such as Lincoln Woods, Farrar Pond Village, Battle Road Farm, Minuteman Commons, and The Commons would not have been possible without Lincoln's unusual approach to planned developments, which requires front-end negotiations between proponents and the Planning Board, considerable attention to consensus building, and concept-plan approval by Town Meeting on a project-by-project basis. The process can be expensive and risky for developers, who

pay for the public hearings and bear the cost of any special outreach that may be required to provide information to Lincoln voters before Town Meeting."

Lexington's planner (who is now a planner in another municipality) explained about its shift to Town Meeting approval of projects: "We gutted the rules. Propose whatever you want. If Town Meeting approves that, you go to the planning board for site plan approval, and that has been working better. It works better now than it did before. We streamlined it, but it is a fallacy to think you are getting all of the great projects through that program."

The flexibility described by the Lexington planner represents a shift from the first generation of floating zoning, such as the provisions for planned residential development in Manchester and Wilmington, where large parcels were required and only low density allowed. The newer floating zoning provisions offer more flexibility. In a hot market, large developers can take risks in beginning the expensive and time-consuming permitting processes, because a few successful projects provide enough revenue to cover losses in projects that fail long approval processes.

In contrast to the trend towards parcel zoning, there are examples of zoning for greater density that includes apartments and condos at the district level, for land areas that cover more than a single parcel. Some districts that are either zoned for growth, or now are under consideration for rezoning for increased density, include:

- Watertown's Arsenal Street Corridor and Pleasant Street Corridor (zoning for the Regional Mixed Use District, Industrial-3 District, and Pleasant Street Corridor District)
- Framingham Center (zoning for Central Business District)
- Beverly's Rantoul Street and Cabot Street Corridors (zoning for Central Business)
- Salem's North River Canal Corridor (zoning for the North River Canal Corridor Neighborhood Mixed Use District)
- Quincy Center (zoning for Quincy Center Districts)
- Malden Center (zoning for Central Business District and Residential Incentive Overlay Districts)
- Downtown Franklin (zoning for the Downtown Commercial District)
- Hingham Shipyard (zoning for Mixed Use Special Permit in the Industrial District)

- Rockland Center (zoning as a 40R overlay, Downtown Rockland Revitalization Overlay District)
- Dedham Square (zoning for mixed use developments in the Central Business District)
- Newton's Washington Street Corridor (currently being planned)
- Bedford's Great Road Corridor (zoning for Great Road District)

The district-level zoning for multi-family housing typically requires special permits, but some is as-of-right, such as Rockland's 40R zone. Some projects, such as in Hingham's Shipyard, have been permitted via 40B. In 2018, Bedford adopted new zoning for the Great Road corridor that allows for mixed use development with no specific density cap for the residential component, but subject to detailed requirements regarding the design and public amenities. The planner wrote in a 2019 email, "And in a great leap of faith, vertical mixed use is allowed by right, so no special permit for multifamily in certain scenarios (but site plan review is required)."

Incentive zoning: Special permits and density bonuses

With special permits, the special permit granting authority has some discretion in approving multi-family projects based on criteria established in the zoning. Some of the special permit provisions, known broadly as incentive zoning, offer density bonuses to developers in exchange for things like inclusion of affordable units, infrastructure improvements, preservation of historic facades, donation of funds, and preservation of open space. The density bonus can be considered an "incentive" to the developer to provide benefits to the municipality, in addition to the building of houses. The incentive zoning also works as an "incentive" for the municipality to approve multi-family projects, in order to gain the benefits that the developers can provide, in addition to the building of houses. In theory, the trades can benefit both the developers and the municipalities, as well as the public in need of housing options. On the other hand, by making the building of some dwelling units contingent on the provision of expensive benefits to the municipality, incentive zoning can add to the cost of construction. As it stands, the cost of developing new housing, including materials and labor, is said to be so high right now that new housing, for the most part, can only be built to serve the top of the market. Adding to the cost of development should exacerbate the problem. Also, some negotiations break down. Moreover, it is hard to set up a

system of trades – dwelling units in exchange for certain amenities – in regulatory codes, such that the cost of the amenities is not too high to make the additional building worthwhile.

Density bonuses are often included in cluster zoning provisions, or are offered as part of an inclusionary program to increase a locality's inventory of affordable units. Cluster zoning is generally used as a tool for flexible subdivision design and preservation of open space. Instead of building a conventional subdivision of single family houses on large lots, a developer can cluster the dwelling units as single family houses on smaller lots, and sometimes as duplexes, townhouses, or multi-family buildings, while preserving some of the parcel as open space. Cluster zoning comes by many names such as Flexible Zoning, Open Space Residential Design, Conservation Subdivision, and Planned Residential Development. Many of the cluster provisions, although not all, offer a density bonus of additional dwelling units beyond what would be allowed in a conventional subdivision. In the 2004-2006 study, I found that at least 40 percent of municipalities (in my sample) with cluster zoning did not allow any kind of density bonus for cluster, above what would be allowed in an as-of-right single family subdivision. Several additional communities only offered density bonuses for cluster developments that are age-restricted, but not for cluster development without age restrictions. In that study, I found 63 of the 187 municipalities offered incentives for inclusion of affordable units, in various types of development, not only cluster. In that study, I did not review whether zoning provisions for multi-family housing, in particular, offer density bonuses in exchange for a set of possible benefits to the municipality.

In the updated study, I have not systematically counted how many municipalities have adopted incentive zoning, or a system of density bonuses, with relation to multi-family development. In flipping through the pages of all of the multi-family zoning provisions I have collected, it appears that well less than half of the municipalities have provisions for incentive zoning for multi-family housing. It is worth noting that even where 'incentives' are not specified in the zoning provisions, a negotiation might take place between the municipality and developer in the process to reach approval for a special permit.

Medway's Zoning Bylaw, in the section on Multifamily Housing (5.6.4), provides an example of incentive zoning:

“D. Density Regulations: The density of a Multifamily Dwelling or Apartment House, and a Multifamily Development shall not exceed 12 dwelling units per acre or portions thereof, except that the Planning and Economic Development Board may grant a density bonus for one or more of the following:

1. ***+ one unit when the project involves the rehabilitation/ adaptive reuse of an existing structure at least seventy-five years of age and is completed in a manner that preserves and/or enhances the exterior architectural features of the building;***
2. ***+ one unit for each three thousand sq. ft. of existing interior finished space that is substantially rehabilitated in accordance with the Board’s Multifamily Housing Rules and Regulations;***
3. ***+ two units when twenty-five percent of the dwelling units are designated as affordable independent of the provisions of the Section 8.6 Affordable Housing.***

In no case shall total density, including bonus units, exceed twenty dwelling units per acre.”

Middleton’s provisions for “flexible development”, a version of cluster zoning which allows for units to be built as single families, two-families, and three-family houses, offers another example of incentive zoning:

“7.3.8. Density bonus. The Planning Board may award a density bonus to increase the number of dwelling units beyond the basic maximum number [allowed as-of-right under the conventional zoning]. The density bonus for the flexible development shall not, in the aggregate, exceed 40% of the basic maximum number) the “maximum density bonus”. All dwelling units awarded as a density bonus shall be two bedroom units with deed restrictions in perpetuity.”

Middleton’s provisions for flexible development offer the bonuses in exchange for additional open space preservation, restriction of occupancy to persons over the age of 55, “significant amenities to the town” such as infrastructure improvements, or equipment or technical assistance.

Natick’s Housing Overlay Option Plan (HOOP) states that the special permit granting authority can offer density bonuses for projects that

meet certain criteria, including:

1. ***“The Site Plan offers the Town a landmark project with area-wide benefits;***
2. ***The Site Plan demonstrates an overall planning concept and design of individual structures and parcels that is consistent and harmonious with the existing town center streetscape and character and which strengthens the town center’s integral and vital role in the greater community;***
3. ***The Site Plan includes a professional landscape plan with substantial planting;***
4. ***The Site Plan includes a lighting plan that lights the project in a pedestrian-friendly, aesthetically pleasing manner;***
5. ***The Site Plan includes other elements found beneficial by the Design Review Board.”***

Scituate’s provisions for the Village Business Overlay District offer density bonuses for underground parking, “off-site infrastructure serving a public purpose, such as sidewalks” or drainage improvements, and more affordable units than the base number required. Walpole’s Age Qualified Village zoning offers a density bonus for inclusion of affordable dwelling units. Watertown’s Pleasant Street Corridor District zoning offers density bonuses for providing (1) publicly usable open space, (2) connections to the bike path along the Charles River, (3) underground or structured parking, (4) a demonstration of reduced demand for cars (for example, by offering sheltered bicycle parking, participating in a shuttle service, or constructing an on-site bus stop,) (5) conformance with design and environmental guidelines, and (6) development of sites designated as priorities in Watertown’s corridor plan.

While the focus of so many housing production plans and master plans has been on allowing multi-family housing as-of-right, and municipalities are shifting towards a system of parcel-by-parcel legislative consideration, there has been less attention given in the planning documents to reforming the special permit processes. A few plans, in Watertown, Wayland, and Stoughton, mention incentive zoning; none of the plans that I identified as promoting incentive zoning were written by MAPC. I did not review the sections of the plans that address inclusionary zoning, so more discussion of incentives, in particular density bonuses granted for inclusion of affordable units, was likely in those sections of the MAPC plans.

Stoughton's 2015 Master Plan includes this recommendation:

“Consider Incentive Zoning to Promote Desired Development. Incentive Zoning provides municipalities an opportunity to negotiate with developers to bring about desired development characteristics. Incentive zoning allows a developer to exceed a zoning ordinance’s limitations in exchange for fulfilling conditions specified in the ordinance. For example height or density may be exceeded in exchange for affordable housing units, public open spaces or plazas, or sustainable design elements.”

Watertown's 2015 Master Plan suggests considering incentive zoning for the Arsenal Street Corridor:

“Second, updating the dimensional requirements should be considered to allow potential increases in building height, building coverage and setbacks for new construction using incentives and other tools for public contributions, etc.”

Wayland's 2016 Housing Production Plan suggests incentive zoning as a way to divert developers from submitting applications under Chapter 40B:

“By providing an attractive local permitting process for multi-family housing, the Town can negotiate for various benefits, such as protected open space, that it might not gain through the comprehensive permit process.”

I emailed with Swampscott's planner in 2018 with question about special permits. I was seeking his opinion. Here are the questions I sent, and his responses.

Q1: “Do you agree that special permits pose a significant constraint to multi-family housing development?”

A1: “From our experience here, no, the special permit process is not the issue. The constraint is the limited area where multi-family development is allowed. You can only do multi-family by special permit in the business districts or the A-3 zoning district. It's a small portion of the community. The majority of the community is zoned A-1 and A-2 which doesn't allow multi-family. The only exception is that multi-family is permitted in all residential zones by special permit if it's independent/assisted

living (essentially age-restricted). This has been a helpful tool in recent years.”

Q2: “Is the outcome of the special permit process so unpredictable and discretionary... risky?”

A2: “Our special permit process is very predictable.”

Q3: “On the flip side, does the more-engaged process of special-permitting yield significant public benefits, in comparison to the as-of-right permitting process?”

A3: “Unfortunately no. In very few cases, we've been able to get some additional public benefits thanks to the special permit review. But we don't have adequate tools (such as mitigation fees) to truly achieve that.”

The concept behind Chapter 40R was for the state to offer financial incentives for municipalities to zone as-of-right districts for multi-family housing. With as-of-right zoning, municipalities lose a regulatory tool to gain ‘incentives’ directly from developers, but 40R compensates by offering state funds to municipalities. Over recent decades, countless commentators on the housing market and Greater Boston's local regulatory system have suggested that the state offer municipalities more “carrots”, or financial incentives, to allow denser development. Relatively little has been written about incentive zoning, while many municipalities practice it in one way or another. It is likely that many members of planning boards and public officials do not have sufficient training or background in the legal and practical aspects of incentive zoning. Meanwhile, the movement in zoning is towards a system of project-by-project negotiation between the municipality and developer, via the special permit process, floating zoning, or parcel zoning.

The design of incentive zoning systems, and the negotiations between municipalities and developers is highly complicated, not only due to information asymmetry and variations in costs across projects, but also because incentive zoning systems require a municipality to prioritize the benefits it is seeking from development. Should the municipality ask for inclusion of more affordable units, or upgrades in design elements, or inclusion of retail space, or infrastructure improvements, or underground parking, or something else? There is little consensus at the local level on which benefits are the most important.

TRENDS: MIXED USE

The most widespread trend in land use planning and rezoning in Greater Boston over the last two decades has been towards mixed use, the combining of commercial and residential uses, typically in the same building, but sometimes on the same parcel or in the same district. In my review of master plans and housing production plans for 75 municipalities, I found that at least 59 municipalities addressed mixed use zoning in their plans. Eighty-three of the 100 municipalities (83 percent) in my study sample have explicit provisions for mixed use multi-family zoning on the books. In my 2004-2006 study of 187 municipalities, only 84 of the municipalities (45 percent of sample) had adopted explicit provisions for mixed use zoning. A large number of municipalities have adopted and/or revised mixed use zoning in recent years. The mixed use provisions are typically for town centers, commercial corridors, and the redevelopment of industrial properties.



Essex Street
Salem, MA



Central Square,
Cambridge, MA

Historically, before zoning, housing was sometimes built upstairs from stores or other commercial buildings, or shops were built downstairs from housing. When zoning was introduced, it tended to sort uses into separate districts; commercial uses were no longer allowed in residential zones and housing was only sometimes allowed in commercial zones. In the 1960s, the advocate Jane Jacobs promoted mixed-use zoning for urban settings. I found a reference to mixed use in Hudson's 1978 Downtown Plan: "With proper planning and civic energy cohesive downtowns in small cities and towns have been able to withstand the competition of suburban malls and have attracted specialty shops, services and offices, and in some instances a return of housing to the upper floors. This too can happen in Hudson." The movement to promote mixed use development is not new, but it is new as a central focus of the planning discipline, especially in the suburban setting. The movement is not to mix uses in residential zones, but only in commercial and former industrial zones.

I found recommendations for adopting and expanding mixed use zoning in the vast majority of plans, including in:

- Danvers's 2014 Housing Production Plan
- Hingham's 2014 Master Plan
- Natick's 2016 Natick Center Plan
- Acton's 2012 Master Plan



Woburn,
Massachusetts

The plans tout many benefits of mixed use zoning. First, it can be a tool for improving the vibrancy of places such as historic village centers or for creating new places that have the vibrancy of walkable village centers. Mixed use development can bring more residents to a commercial zone, which might mean more shoppers and fewer vacancies. Second, the plans suggest that mixed use can boost the commercial tax base of the municipality as developers build more commercial space as a part of residential developments. Mixed use zoning can sometimes spur redevelopment of dated commercial properties that would not get redeveloped with commercial uses alone. Arlington’s 2015 Master Plan explains: “By harnessing the market’s drive toward residential uses, policies that promote higher-value Mixed Use redevelopments (instead of apartment-only or condominium-only buildings) could reinforce and increase commercial uses in, and business tax revenue from, our business districts.” Third, mixed use projects provide diversity to a municipality’s housing stock.

Often the mixed use zoning is applied as an overlay to village centers, commercial corridors, and industrial or office redevelopments, and especially areas next to transit stations. Other times, it is included in the conventional use regulations, as a use allowed, by right or by special permit, in the Table of Uses. And other times, it appears in special regulations such as planned unit development.

In historic centers, new mixed use buildings typically fit between existing buildings, integrated into an existing pattern of development. Mixed use zoning is seen as a way to add residential units to a village center while keeping the street-level use as commercial. If standalone multi-family buildings are allowed in the commercial core, some stores could be replaced with apartments, and create a “dead zone” on the street, where passing shoppers have no place to enter. A planner in Arlington mentioned that a multi-family complex got developed on Massachusetts Avenue in the town center, with no downstairs commercial use, and there was concern that it might undermine the coherence of the shopping district. On the other hand, not every parcel in or near a center district would be optimized by having first-floor retail. Bedford’s zoning provisions for the Depot Area Mixed Use Overlay District include this language to address the issue:

“Residential uses shall be allowed on first floors of buildings only where:

- ***the building is set behind another building which has frontage on the street,***
- ***the residential portion of the first floor of a building is set behind street-front retail/office/restaurant/bank/personal service shop uses within the same building, or***
- ***the Board determines that street-front residential uses will not have an adverse impact on the continuity of the commercial street-front uses.”***

In commercial corridors and industrial districts, the developments tend to be larger on average than in historic village centers, and the zoning aims to create a new pattern of development, a ‘suburban retrofit’ or creation of a new walkable village center where there had not been one.

The only municipalities in the region that do not have explicit provisions for mixed use multi-family housing (with three or more dwelling units allowed in a mixed use building):

Boxborough	Medfield	Southborough
Carlisle	Middleton	Stow
Dover	Milford	Wenham
Duxbury	Nahant	Weston
Essex	Norwell	Wrentham
Manchester	Pembroke	

Mixed use could potentially be allowed in some of these municipalities, where commercial and residential uses are allowed in a district, even though they lack explicit provisions for mixing uses. Since mixed use zoning has been such a significant focus of zoning reform in recent years, a lack of zoning for mixed use could be an indicator either of a lack of planning capacity in a municipality, or an intention not to allow more multi-family housing.

Zoning for mixed use can allow two uses in separate structures on the same parcel or require that the uses be in the same building. The zoning might require that the entire first floor be dedicated to commercial use, or it might allow for only the front portion of the first floor to be commercial, with parking or residences in the rear parts of the first floor. The zoning might also distinguish between locations where the first floor must be commercial, and locations where stand-alone residential buildings can be sited.

Lifestyle Centers and Mall Redevelopment

There has been a movement in the commercial development sector nationwide to build shopping centers, often referred to as lifestyle centers that are not enclosed in the way that older shopping malls are. Lifestyle centers often include residences. Lifestyle centers that include housing tend to get permitted via provisions for mixed uses. In lifestyle centers, each store has an entrance to the “street” – or to a sidewalk that runs along a parking lot or a driveway that resembles a public street. Some lifestyle centers resemble strip malls, although the lifestyle centers tend not to be arranged in a single straight strip, but instead encircle a parking lot or are organized along driveways, with parking in the rear or around the outside of the shops. Most lifestyle centers, but not all, incorporate a mix of uses, including residential and office. The lifestyle centers are organized around the retail component more than around the residential component, and all of the retail buildings are typically owned by a single entity. Sometimes the residences in a lifestyle center are upstairs from shops, and sometimes the residences get built in a separate part of the parcel from retail buildings. The majority of new lifestyle centers have been built on former industrial properties, but some are redevelopments of commercial sites, and Lynnfield’s MarketStreet replaced a golf course.

Most lifestyle centers are built as car-oriented destinations, with large parking lots, and they tend to be located in isolation from existing residential districts. They are often bounded by highways, train tracks, rivers, wetlands, and large arterial roads. Several new lifestyle centers, including in Dedham, Somerville, Westwood, and Cohasset, are located by train stations. The lifestyle center in Wayland, called Wayland Town Center, is located on the Mass Central Rail Trail. The Launch at Hingham Shipyard is by the MBTA Ferry Station.



Lynnfield,
Massachusetts

In the last decade, there has been significant development of lifestyle centers in Greater Boston. The concept has been around for a few decades, at least since the 1980s when a 1960s-era strip mall in Mashpee got redeveloped as Mashpee Commons. Mashpee Commons is mostly retail stores, but also contains some apartments (less than 100), as well as a church, a town hall, and a library.

Since my last study (2004-2006), several municipalities in Greater Boston have permitted lifestyle centers that include housing:

- **Burlington's Third Avenue:** Burlington used its zoning for Planned Development Districts to create a new mixed-use area with almost 300 dwelling units in two buildings and approximately 300,000 square feet of commercial space on land previously developed as low density office park.
- **Cohasset's Old Colony Square:** The project includes 16 apartments, upstairs from 30,000 square feet of retail, plus an additional 3,400 square foot outbuilding. The project is next to Cohasset's train station. The project was permitted under the provisions for the Transit-Oriented Development Overlay District.
- **Dedham's Legacy Place:** This project did not actually include housing, but it was built in 2009 right next to two large residential developments (hundreds of units at both Avalon Station and Jefferson at Dedham Station) that had gone up in 2006 and 2008, permitted under 40B. The lifestyle center and apartments are next to a train station. Legacy Place has 781,000 square feet of commercial space.
- **The Launch at Hingham Shipyard:** The Launch is a lifestyle center with approximately 245,000 square feet of commercial space. Hundreds of dwelling units have been developed in several projects, permitted via 40B (Avalon) and via zoning's Mixed Use Special Permit in the Industrial District (The Moorings, Brio, and Hewitt's Landing).
- **Lynnfield's MarketStreet:** This project includes 180 rental apartments and 48 senior housing units, 80,000 square feet of office space, and 395,000 square feet of retail buildings. The dwellings are set back behind the commercial development. The project got permitted under 40R overlay zoning.
- **Maynard Crossing:** This project includes 180 dwelling units and another 143 "senior living" units, plus 306,000 square feet of retail. The dwellings and stores are in separate buildings. The project got permitted via a "floating zone" called Neighborhood Business Overlay District. The provisions require Town Meeting's majority approval of concept plans.
- **Somerville's Assembly Row:** This project includes approximately a thousand dwelling units, (including 447 units upstairs from shops at Montaje, 122 units upstairs from shops at Alloy, and approximately 500 units now under review), plus 852,000 square feet of retail, and a significant amount of office space. The developments are permitted under the zoning provisions for the Assembly Square Mixed Use District.
- **Sudbury's Meadow Walk:** This project includes 250 rental apartments, 60 age-restricted condos, and 48 assisted living units, plus 75,000 square feet of retail. The dwelling units and retail space are in separate buildings. The rentals were permitted as a friendly 40B, and the rest of the buildings were permitted under the Mixed Use Overlay District, which requires project approval by Town Meeting.
- **Wayland Town Center:** This project includes 12 apartments upstairs from stores, and 42 condo-townhouses along a lane set back from the retail portion of the development. The project includes 159,000 square feet of commercial space. The project was permitted under the Mixed Use Overlay District, by special permit with the planning board designated as special permit granting authority.
- **Westwood's University Station:** This project includes 350 apartments in a large apartment building, on one side of the development, and 750,000 square feet of retail. The development is across a wide arterial road from a train station. The project got permitted under the zoning provisions for University Avenue Mixed Use District, which required approval of projects by Town Meeting.

Before my 2004-2006 project, another lifestyle center was getting permitted at Medford's Station Landing, built in phases from 2003 to 2009. It has 460 apartments, and more than 20 shops and restaurants, in several buildings. It is located by a train station. If we count the housing next to Dedham's Legacy Place and the housing at Medford Station, approximately 5,000 dwelling units have been permitted in or by new lifestyle centers, across the region. Most of the lifestyle projects include hundreds of dwelling units, not a large number for a neighborhood. Somerville's

Assembly Row has the most housing, soon to exceed a thousand units; it also has the most jobs. Cohasset's small project has the fewest dwellings: 16 rentals.

Most of the lifestyle centers were permitted in "overlay districts," including several that involve town meeting approval of projects within the overlays. Most of the dwelling units were permitted via zoning, except for the 350 apartments in Sudbury's Meadow Walk that were approved as a friendly 40B, and the Avalon projects at Hingham's Shipyard and the two projects that preceded Legacy Place in Dedham, Avalon Station and Jefferson at Dedham Station which were approved via 40B.



Lynnfield,
Massachusetts

For retail space, several of these lifestyle centers are roughly comparable in size to Framingham's Shoppers World (less than half of the size of the Natick Mall, Greater Boston's biggest mall). The centers in Lynnfield and Maynard are more like the Chestnut Hill Mall in square footage of retail space. The projects in Wayland, Cohasset, and Sudbury are smaller, the scale of modest strip malls.

The proposed redevelopment of the Northland property on Newton's Needham Street may be considered a lifestyle center. The current proposal is for 822 dwelling units and 237,000 square feet of commercial space.

Many of the region's shopping malls are getting redeveloped as lifestyle centers or have had housing developed either on the property or in close proximity, or might gain housing in the near future.

- **Arsenal Mall:** The concept plan for Arsenal Yards include more than 400 apartments, connections to the Charles River, offices, and street-level shops and restaurants. There will be a new supermarket, movie theater, and hotel.
- **North Shore Mall:** Peabody is considering allowing housing by the North Shore Mall.
- **Hanover Mall:** There is a plan to demolish the mall and turn it into Hanover Crossing, a lifestyle center, with 297 dwelling units. The zoning for the project is the Village Planned Unit Development, which allows for mixed use.
- **Natick Mall:** The mall added 215 condos in 2008.
- **Woburn Mall:** The mall will likely get remade with outdoor-market buildings and perhaps 400 dwelling units.

Challenges of mixed use zoning

There are several challenges cited in the housing and master plans related to mixed use development, including A) residential and commercial markets not moving in sync, B) the resulting places lack functional integration of uses, C) actual building does not always result from the zoning, and D) a loss of commercial space to residential use.

First, in the current market, developing new commercial space can be seen as riskier than developing residential units. If there is not significant demand for new commercial space, adding more commercial space with new residences can create an oversupply, further undermining the market for commercial space. Requiring the inclusion of commercial space in new residential development can be a barrier to residential development, as discussed earlier in this report.

A MAPC case study titled “Norfolk Town Commons”, which is undated but includes photos dated 2011, explains:

“In the 1990s, Town planners completely re-zoned the downtown to a B-1 district in order to promote smart growth and mixed use development. Under this zoning, residential development was only allowed on the second floor above commercial developments in order to promote dense multi-use. Developers saw this as a hindrance to their residential development plans and felt that the commercial aspect would not succeed, so they went forth with a 40B application to curb these zoning regulations. They would promote mix use by allowing other types of developments to be built on the site such as the Walgreens, office space, etc.”



Cabot St,
Beverly

Second, zoning for mixed use does not necessarily yield to an integration of uses in a way that makes a coherent, walkable place. Bedford’s 2013 Comprehensive Plan explains:

“Mixed use zoning districts have not been widely successful in blending residential with commercial development. There is an opportunity to improve mixed use zoning to promote housing in convenient, walkable locations.”

Bedford’s 2013 Comprehensive Plan further elaborates:

“The largest such [mixed use] development created, the Village at Taylor Pond, has been built in one of the town’s Industrial districts under the Industrial Mixed Use (IMU) special permit option. This development, while having many good design features, falls short of the integrated mix of land uses originally desired. It has proven difficult to attract businesses to occupy ground floor commercial space in the buildings, in part because of site attributes that are not favorable. Along with two Chapter 40B developments (Heritage at Bedford Springs and Village Bedford Woods), the apartments are located along Middlesex Turnpike, a major collector and arterial road, isolated from traditional residential neighborhoods and lacking a sense of place beyond the confines of the development sites.”

A third challenge is getting the regulations and other circumstances right in order to realize actual development. There are examples in Sudbury, Randolph, Sherborn, and Boxborough of the regulations not leading to any development.

Sudbury’s 2016 Housing Production Plan:

“The Village Business District bylaw is a mixed use district bylaw adopted in 1994 which allows apartments over stores by right. This district encompasses an approximately 0.5 mile stretch along Route 20. No units have been produced under this bylaw due to the lack of sewage facilities on Route 20.”



Assembly Row,
Somerville

Randolph's 2017 Master Plan:

“The development of family units above ground floor retail and public uses could offer valuable opportunities to activate the Crawford Square area with more customers, residents, and more pedestrian traffic on a daily basis. However, these opportunities have not materialized yet and a review of the current zoning provisions to assess the extent to which they support redevelopment feasibility may help to identify potential reasons.”

Sherborn's 2011 Report on Town Center:

“There have also been several initiatives (2001 and 2006) to develop a mixed use project under provisions of the Planned Unit Development (PUD) bylaw in the Town Center, but none have moved beyond the preliminary stages.... No development has taken place under the PUD bylaw, in part because of the opposition to the proposals and because of some of the limitations to the PUD bylaw to allow a single retail outlet to exceed the 2500 square foot limit and to allow residences as part of a PUD. These proposals received strong majority support but fell short of the necessary 2/3 vote for approval.”

A final concern listed in the plans is that mixed use development might replace certain commercial uses that the municipality values. For example, Melrose's 2017 Master Plan explains:

“Rail Corridor Overlay District. The City recently established an overlay district along the Essex Street and Tremont Street rail corridor to create opportunities for transit-oriented redevelopment of underutilized sites. The zoning allows for mixed-use and multifamily residential, among other uses. It is likely that when redevelopment occurs, the primary use will be residential with a few commercial businesses that are geared towards residential development. This may lead to a loss in business opportunities in the BB-1 District. There is somewhat of a concern about losing commercial uses, many of which are automotive businesses, to residential uses in this particular area.”

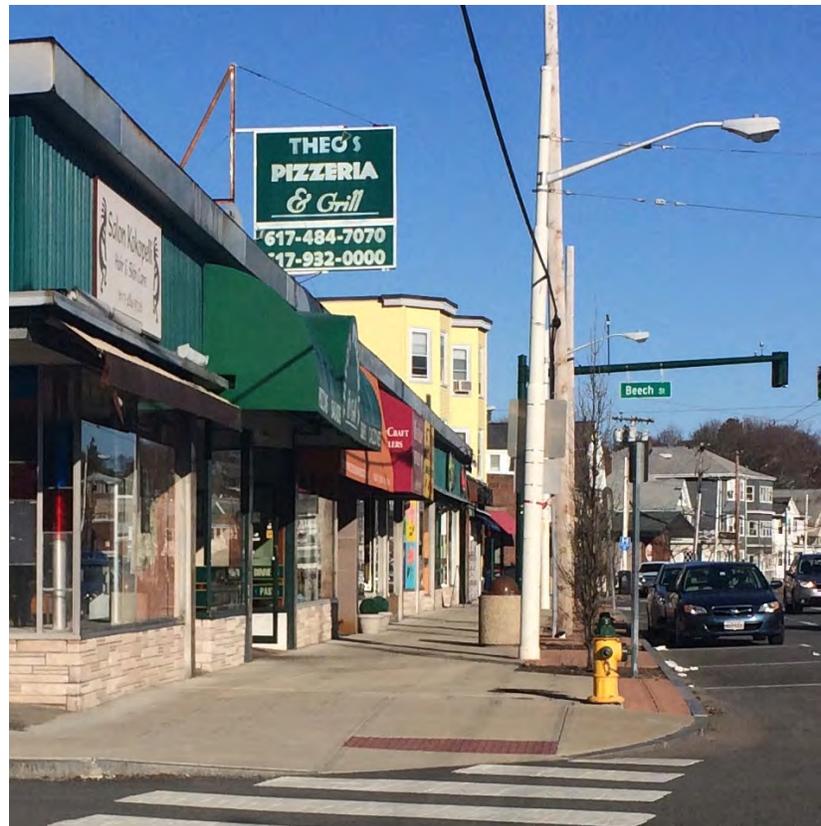
TRENDS: WHAT KINDS OF DISTRICTS (RESIDENTIAL, COMMERCIAL, INDUSTRIAL) ARE MUNICIPALITIES RE-ZONING FOR INCREASED MULTI-FAMILY DEVELOPMENT?

As explained above, the majority of municipalities have revised their zoning to allow for more multi-family development, and most municipalities now have zoning for mixed use on the books. Municipalities are also moving from a system of predictable on-the-map zoning districts to a flexible and ad hoc approval system, although some municipalities are zoning for increased density in specific places, on the map. The next question for a regional assessment is: Where is the system allowing for housing to get built? I have assessed the question in two ways. First, I look at what kind of districts are getting zoned for multi-family housing. Second, I examine zoning for housing in the center versus the periphery of the municipality.

Zoning regulates the types of uses that can be accommodated on different sections of land throughout a municipality. Often a municipality will create a master plan, separate from the zoning, as a deliberative process for residents to consider what kinds of uses should be allowed where. With or without the guidance of a master plan, the local legislative process for adopting zoning regulations also provides democratic structure, with hearings and votes, for making decisions about what land uses will be allowed in various parts of the municipality.

Historically, municipalities were divided into a few types of typical zones, including residential (often divided into sub-districts based on allowed densities), commercial (often divided into village centers and highway corridors), office, and industrial zones. In the past decade, municipal planners, planning boards, and legislative bodies have dedicated significant consideration to the question of where more multi-family housing should be allowed to be built. In reviewing the master plans and housing production plans, I have been looking for trends in the decisions made. Are municipalities recommending that additional multi-family housing get put in to areas where the base or historic zoning has been for: (1) village centers and downtowns, (2) commercial corridors, (3) industrial zones, (4) office parks, or (5) residential districts?

From my read of the plans, most municipalities are planning for more multi-family housing in town/village/city centers as the primary location for it, but they are also planning for multi-family housing in industrial zones and commercial corridors, particularly to make new mixed use hubs. There is some discussion of converting office districts into mixed use hubs, but that has not been a major vehicle for housing development in the region. Many plans note that residents are very cautious and hesitant about allowing any additional density in existing residential districts, but some plans suggest some ways to add housing while protecting the built character of existing residential neighborhoods.



Belmont,
Massachusetts



Everett,
Massachusetts

A. Village Centers, Town Centers, and Downtowns

As municipal planners and leaders consider where to allow more multi-family housing, most have come to the conclusion: in the town center, or city center, or village centers. The Greater Boston region has a vast number of traditional village centers, town centers, and downtowns. Adding houses to the centers is seen as a strategy either to revitalize a lackluster center or to maintain the vitality of a bustling center, especially in the age of online shopping. Moreover, village centers are often considered as places where many people, such as seniors in the community, would want to live, in walkable proximity to stores, public transportation, and other amenities. Some people consider development in village centers as an environmental strategy to reduce greenhouse gas emissions, as per-capita energy consumption is generally lower in densely settled areas. In village centers, we find an alignment between local desires for a vital downtown and the regional need for more housing. On the other hand, local voters can be cautious about allowing significant change in historic centers, and they worry about traffic and parking issues that new development could generate. Also, historic centers are typically composed of many small lots, all separately owned, and most already built, a situation which poses challenges for redevelopment relative to building on large parcels that are mostly empty. Sewage disposal can be a challenge for dense development in some of the village centers, where sewer systems were never installed.

Rezoning of a village center could happen through many zoning mechanisms. The underlying zoning can be changed, for example by adding mixed use and multi-family housing as allowed uses in the existing Central Business District or otherwise named village districts. More often, a municipality creates a village overlay that leaves the underlying zoning the same, but provides another permitting option. Several municipalities adopted 40R overlays for part or all of their village centers. Some municipalities, such as Lexington, use provisions for Planned Development, a type of floating zoning, in permitting downtown projects; the provisions could be used for dense development anywhere in the municipality.

Some municipalities that have rezoned their centers have not yet seen any new residential development there, but a large number of village centers have. In the last year, I have visited 62 of the 100 cities and towns I am studying. I have been stopping in village centers and downtowns, and I have seen mixed use projects that have been built in the last 15 years, or are currently under construction, in:

Milton Village

(18 units on Central Avenue, the Residences at Brook Hill),

Lexington Center

(30 units on Massachusetts Avenue),

West Concord Village

(84 units at Brookside Square),

Bedford Center

(7 units on Great Road),

Needham Center

(10 dwelling units upstairs from a gallery),

Downtown Franklin

(77 units at Franklin Center Commons),

Reading Center

(53 units in the Oaktree Development, a 40R project),

Belmont's Cushing Square

(112 units under construction),

Newtonville

(68 units at Austin Street and 140 units at Washington Place),

Central Square in Cambridge

(285 units under construction at Mass + Main),

West Newton

(a small building on Elm Street),

Canton Center

(29 units at the Village at Forge Pond),

Braintree Landing

(172 units),

Waltham's Moody Street

(259 units at the Merc, plus several other projects),

Winchester's Islington Center

(18 units in one project, and another 18 units permitted),

Dedham Square

(approximately 100 units in several projects),

Beverly Center

(hundreds of units on Rantoul Street and Cabot Street),

Quincy Center

(hundreds of units in several projects),

Somerville's Union Square

(big projects in the pipeline; I saw a small mixed use building on Somerville Avenue),

Wellesley Square

(30 units),

Natick Center

(32 units across from Natick Common),

West Acton Village (a small building on Spruce Street),

Arlington Center

(4 units in mixed use on Mass Ave, and another larger residential development on Mass Ave that is not mixed use),

Hudson Center

(medium-sized mixed use project permitted via 40B),

Malden Center

(hundreds of units in several projects),

Wayland Town Center

(12 units upstairs from shops plus 42 units near the new shops),

Cohasset Center

(two units upstairs from a patisserie),

Salem Center,

(many large mixed use buildings spanning the decades, including recent ones)

Walpole Center

(two projects under construction, 192 and 152 units), and

Stoneham Center

(48 units and 25 units in two buildings on Main Street).

This is not an exhaustive list of new mixed use developments in village centers and downtowns, but a series of examples of a common type of newly built multi-family housing in Greater Boston. I also have seen a few residence-only developments in or near village centers, for example next to the train station near Norwood Center, and the development mentioned in the above list in Arlington Center on Mass Ave. The vast majority of residential development in village centers has been mixed use.

The mixed use development in Hudson got permitted via Chapter 40B Comprehensive Permit, but most of the projects were approved via local zoning, often overlays. The vast majority of the projects were also not permitted in 40R zones, although Chapter 40R was adopted specifically to incentivize development in village centers (as well as in other “smart growth” locations.) Chapter 40R offers financial incentives to municipalities to build in 40R zones, but most municipalities opted to permit development in 40R-compliant locations without accessing the 40R incentives. This could be because municipal decision-makers assessed that the financial incentives were not worth the requirements of 40R zoning, such as that development be allowed as-of-right or that 20 percent of units be under long-term affordability restrictions or that multi-family development be allowed at a density of at least 12 units per acre.

Most of the village centers I visited have gained fewer than 100 units. Some of the developments and planned developments are a larger scale, with hundreds of units, such as in Quincy Center, Framingham Center, Cambridge’s Central Square and Union Square (planned), Malden Center, and Beverly (along Rantoul and Cabot Streets).

In addition to the in-person visits, I have toured other town centers via Google Maps, and I have also checked about new developments on MAPC’s website MassBuilds.com which shows a map of the state with markers for new developments. From my analysis, it appears that approximately half of the cities and towns in the sample have permitted multi-family projects in historic centers in the last two decades. (The projects have been built or are under construction.) I have identified such projects in:

Acton	Lexington	Salem
Arlington	Lynn	Scituate
Bedford	Malden	Somerville
Belmont	Manchester	Stoneham
Beverly	Marlborough	Stoughton
Braintree	Maynard	Swampscott
Brookline	Melrose	Walpole
Burlington	Milton	Waltham
Cambridge	Natick	Watertown
Canton	Needham	Wellesley
Chelsea	Newton	Westwood
Concord	Norfolk	Weymouth
Dedham	Norwood	Wilmington
Framingham	Quincy	Winchester
Franklin	Reading	
Hudson	Revere	

Since I have not visited every historic center of every municipality, and the MassBuilds website is incomplete, there are likely several more municipalities that belong on the list. I have confirmed, though, that the majority of the municipalities not on the list here have not permitted projects in their centers recently.

Some village centers that got upzoned have not gained new units, despite the zoning. A lack of building could be for a lack of a market for housing in the location, but it could also be due to regulatory constraints, or a combination of issues, many of which are addressed in other sections of this report. Examples can be found in the plans for Winthrop, Randolph, Hingham, and Boxborough.

Since I have not visited every historic center of every municipality, and the MassBuilds website is incomplete, there are likely several more municipalities that belong on the list. I have confirmed, though, that the majority of the municipalities not on the list here have not permitted projects in their centers recently.

Some village centers that got upzoned have not gained new units, despite the zoning. A lack of building could be for a lack of a market for housing in the location, but it could also be due to regulatory constraints, or a combination of issues, many of which are addressed in other sections of this report. Examples can be found in the plans for Winthrop, Randolph, Hingham, and Boxborough.

Winthrop's 2017 Master Plan for the Centre Business District:

“Despite the CBD zoning adopted in 2014 that would allow for four-story buildings and 90 percent lot coverage, the majority of parcels within the CBD remain occupied by one- and two-story buildings.”

Randolph's 2017 Master Plan:

“These opportunities have not materialized yet and a review of the current zoning provisions to assess the extent to which they support redevelopment feasibility may help to identify potential reasons.”

Hingham's 2014 Master Plan:

“Some of the challenges faced in the downtown include lack of parking and the age of the buildings with the attendant cost of bringing older buildings up to code...There are specific challenges due to the number of historic buildings in downtown. It can be difficult for owners to imagine how to work with a historic building and still have a viable business.”

Boxborough's website, Boxborough 2030, a vision statement created in 2015, reads:

“Town Center is the only zoning that allows mixed-use developments by right. While zoning regulations in this district are drafted to encourage development village-style, pedestrian-oriented town center, such growth has not occurred due to constraints with land ownership and environmental barriers.”

Rockland zoned its town center for 480 “future zoned units” in a 40R overlay, but no permit applications have been submitted yet. In Winchester the zoning is meant to allow 250 new dwelling units, but only a small fraction have been built.

Gloucester's 2017 Housing Production Plan cites a high potential buildout for Downtown Gloucester, but so far the downtown is not a major growth node for the region:

“The [2014] study concluded that Downtown Gloucester could potentially support somewhere between 266 and 533 additional multi-family units over the next 10 years. This is generally consistent with the projects in this HPP [housing production plan], although the high end of the market study estimate exceeds the projected 434 multi-family units.”

Background on village centers

In theory, a significant amount of housing could be built across Greater Boston in the village centers – because there are so many village centers, mostly built before the introduction of cars. In the early 1800s, Boston was a compact seaport, and the larger region had scattered village settlements. In 1830, railroads were chartered from Boston to Lowell, Providence, and Worcester. By the 1850s, railroads had significant reach across eastern Massachusetts. Massachusetts became the country’s center of manufacturing, while agriculture and seaports also shaped the region’s development patterns. By 1900, Greater Boston sprawled over a 10-mile radius, from Weymouth in the south to Waltham in the west to Lynn in the north, all connected to the city by trains and streetcars, which got electrified in the 1880s and 1890s. Beyond the immediate region (but now in the metropolitan region), Hudson had river-powered factories for processing leather and making shoes; Maynard developed a large wool mill; Salem had a major seaport; and other centers thrived, along train lines.

In the era before cars, buildings were constructed on narrow lots, to accommodate more people in walking distance of stores, jobs, institutions, and transit. In the 1920s, widespread car ownership began to change settlement patterns, but much of the region already had compact centers, with a green, civic buildings, stores, factories, and train stations. Residential neighborhoods developed along grid streets around the centers. A minority of municipalities had not developed a significant center before the era of the car. Burlington, for example, never had a train station, and remained agricultural during the region’s industrialization. By 1920, Burlington had only 885 residents, and did not develop a village center in the way that most municipalities did. Dover also remained agricultural in its early years. Dover’s roads were initially bridle trails radiating out from a center that was never densely built as a bustling hub. By 1920, Dover had only 867 residents. In comparison, at that time Newton had 46,000 residents, and Wakefield had 13,000.

By 1920, not only did most municipalities have centers, many had multiple village centers, such as Belmont with Belmont Center, Cushing Square, and Waverley Square, and Acton with its village centers in West Acton, South Acton, and Kelley’s Corner. The City of Newton might have the most village centers of Boston’s suburbs. By the 1970s, enclosed shopping malls and highway strip malls became competition for the stores in the traditional centers.

Some traditional centers succeeded better than others. Many of the recent plans, including Walpole’s 2015 Downtown Action Plan, Peabody’s 2013 Downtown Housing Plan, and Stoneham’s 2015 Stoneham Center Strategic Action Plan also mention competition with shopping malls and strip malls. From my recent observations, Greater Boston has many thriving centers. Several of the local plans, though, in particular from medium-sized municipalities further from Boston, mention that the village center could use more vitality. For example, Foxborough’s 2015 Master Plan states:

“The downtown commercial core, centered around a town green, has lost its vitality.”

Stoughton’s 2015 Master Plan:

“There was near consensus during the public visioning process that Town Center poses Stoughton’s greatest challenge, and, in its current state, is a liability to the town rather than an asset.”

In centers that are vital today, residents are concerned about competition with online shopping and want to make sure downtown has nice amenities and few vacancies. On the other hand, they are cautious about changing a center that already works.



Waltham,
Massachusetts

Stoneham,
Massachusetts



Housing strategy for downtown vitality

Strategies to revitalize historic centers or to maintain the centers' vitality have included adoption of design guidelines, public grants for renovations, development of off-street parking facilities, programming (such as village days, summer concert series, parades, and festival celebrations), and the opening of farmer's markets or permitting of micro-retailers like food trucks. Another common strategy, mentioned in Hudson's 1978 downtown plan, but pursued more consistently across the region in the last two decades, is to allow mixed use housing development in the centers.

The idea is that housing can improve the market for restaurants, shops, and gyms in the downtown, which then is an amenity for the whole municipality. On the other hand, residents often express concern that new construction might not fit the character of the historic downtown, and they worry about parking and traffic issues. Lincoln's 2009 Master Plan alludes to the political challenge:

"It is not clear that Lincoln's appetite for density will be consistent with the density that may be required to maintain a vital business district at Lincoln Station."

Many of the master plans, housing plans, and village center plans describe housing as a strategy for improving the center, for example Rockland's 2016 Housing Production Plan, Lincoln's 2009 Master Plan, Winthrop's 2017 Master Plan for the Centre Business District, Randolph's 2017 Master Plan, and Needham's 2009 Needham Center Development Plan.

Planning for housing in centers

Tremendous work has gone into the planning of village/town/city centers in recent years. Several municipalities created plans specifically for the center.

Winchester's Regulations Governing Section 7.3 Center Business District (CBD) of the Town of Winchester, Massachusetts Zoning Bylaw include this description of the work that has gone into rezoning the center:

"The Town Center Plan above and Design Standards were preceded by years of analysis, study and recommendations by community groups, town staff and consultants. In 2009, Winchester undertook two important economic development studies: The Downtown Winchester Market and opportunity Assessment, which focused on additional retail and restaurant development, and the Downtown Winchester Housing Study, which explored the potential for over 200 new residential apartments in the Town Center.... This work culminated in a better understanding of the downtown's potential and directly informed the area's zoning in 2015, which created four new zoning districts... The three PUD Districts are expected to provide over 250 units of housing with ground floor retail/restaurant use. Other downtown infill, renovation and addition opportunities could generate an additional 50 units."

Sherborn has never developed a dense downtown, but it has been planning for development downtown for decades. Sherborn's 2011 Report on Town Center explains:

"Sherborn Town Center has been the focus of improvement efforts for at least 50 years, beginning with the 1958 Master Plan."

An example of town center rezoning is cited in Winthrop's 2017 Master Plan for the Centre Business District (CBD):

“In 2014, Winthrop adopted new CBD zoning designed to promote mixed use development, manage parking requirements and adjust dimensional criteria to allow for greater height and density. The criteria for height, for example, was expanded from 2.5 stories and 35 feet to 4 stories and 48 feet throughout the district, except in locations directly abutting residential districts. The CBD zoning also incorporated expedited permitting, simplifying the Site Plan and Design Review processes.”

Many of the master plans recommend extending the village overlays to cover additional property. For example, Wakefield's 2014 Housing Production Plan,

“The planning board should consider expanding the current Town Center districts to include Albion Street.”

Bigger cities like Quincy and small towns like Norfolk are promoting mixed use development in their centers. Norfolk's 2007 Master Plan states:

“The Town Center should develop as a traditional, pedestrian-oriented, New England Town Center... containing a mix of retail, service, and residential uses. The Town should be configured to encourage social interaction and become more unified in function and appearance as it develops.”

Lincoln never developed any industry or a bustling center, but it did have a train station, and many amenities in walking distance, such as churches and a library. Recently, a small shopping plaza was built near the station, and since the 1970s, several multi-family developments have been built in walking distance of the train station. Lincoln is considering plans to bring more housing and vitality to its village center.

Lincoln's 2009 Master Plan:

“Create a compact, vital, walkable village center in the Lincoln Station area that provides more housing choices near public transportation, goods and services for residents, and opportunities for social interaction.”

There are a few exceptions to the trend of upzoning village centers, such as in the big city of Malden and small town of Stow. Malden's 2010 Master Plan recommends downzoning Malden Center, a very rare recommendation to find in any municipal plans. Malden is also uncommon for already allowing high rise development in its center. Most municipalities could not downzone, because their pre-reform zoning had no provisions for multi-family housing in the center. Malden's plan states:

“The overwhelming consensus among master planning participants is that the high-rise development that has occurred through the Residential Incentive Overlay (RIO) district has been detrimental to the character of the downtown. Most participants favor mid-rise rather than high-rise development. The RIO should be eliminated for any parcels where it has not been utilized.”

Stow's 2010 Master Plan mentions, “The Town Center is projected to remain essentially as it is now, but additional municipal uses for this area could be explored.” On the other hand, the Master Plan suggests that Lower Village could gain additional commercial activity and senior housing.

Water supplies and sewage disposal as a constraints in some village centers

Many of the master plans and housing production plans mention a lack of sewers as a potential constraint to dense building in the town center, including Bellingham, Foxborough, Littleton, Lincoln, Norwell, Sherborn, Sharon, and Sudbury. Some of the plans cite the sewage issue as a simple barrier, while others suggest that solutions might be found. Foxborough and Littleton's plans mention that the municipalities are working to expand the capacity for wastewater disposal in the town centers.

Sudbury's 2015 study, “Route 20 Corridor: Urban Design Studies and Zoning Evaluations” suggests that a shared sewer system could work for Route 20's redevelopment:

“A shared sewer system will unlock land areas that are currently used for septic systems within existing parcels of the study area. Some reinvestment opportunities could result from a shift to a shared sewer system by removing the land needs of on-site sewer systems. In cases where new septic systems

or system expansion is not feasible, a shared sewer system would be a pre-requisite for new and expanded development, regardless of changes in zoning.”

The local water supply can represent another constraint on development. Development in Rockland’s downtown, for example, was stalled by a lack of available potable water.

B. Industrial Zones

There has been a significant movement to rezone industrial properties for housing development and mixed use. In some cases, the industrial properties are not far from the village center or downtown or near a train station, such as in Beverly, Chelsea, Gloucester, Malden, Swampscott, Peabody, Natick, Melrose, Ipswich, and Watertown, so redevelopment can be part of a strategy for downtown revitalization or transit-oriented development. In other cases, the industrial properties are isolated from other districts and public transportation nodes; sometimes the industrial properties are on the periphery of town, in areas that have other benefits for development, such as distance from neighbors, proximity to the highway, and river views.

There are many examples of redevelopment, including on Lynn’s industrial waterfront, Somerville’s redevelopment of Assembly Square, where an automotive plant had been, and the new residences at Malden’s Rowe’s Quarry Reclamation and Redevelopment District. In 2013, Framingham permitted 180 units at the former New England Sand and Gravel. Cohasset’s Transit-Oriented Development Overlay District overlays a Light Industry District; Cohasset’s mixed use development at Old Colony Square got built in the overlay. Melrose has redeveloped the Lower Washington Street Industrial Zone with housing; the zoning overlay was adopted in 2008. In Natick, the Natick Mills and Dean residential developments are former industrial properties. Woburn adopted the Commerce Way Overlay District in 2009 to allow mixed use in parts of the underlying Industrial Park (I-P), Industrial Park 2 (IP-2), and Interstate Business (B-1) zoning districts. Hingham zoned its industrial shipyard for “Mixed-Use Special Permit in the Industrial District”, and has permitted hundreds of dwelling units, and retail, office, and dining uses, via zoning and 40B in the former industrial area.

Watertown,
Massachusetts



The residential redevelopment of industrial zones is mentioned or recommended in numerous plans, including in Bedford, Burlington, Everett, Malden, Marshfield, Melrose, Quincy, Peabody, Swampscott, Wakefield, and Wellesley.

Burlington’s 2017 Draft Master Plan explains:

“Infill multifamily uses in office/industrial and major retail areas and residential redevelopment of obsolete nonresidential space will help to cultivate a supply of temporary and longer-term worker housing that attracts young people seeking urban amenities but in a suburban setting. Connecting this type of housing to large commercial developments and near employment centers can offer significant advantages both in terms of physical space utilization and the agglomeration of businesses targeted towards the younger demographic.”

Swampscott’s 2016 Master Plan:

“Finally, the industrial and commercial properties within a short walk of the Swampscott Train Depot are valued significantly lower on a per acre basis than many of the residential properties, particularly those directly east of the station. These properties offer an opportunity to increase the value through redevelopment.”

Some plans explore options for redeveloping old mills into housing. For example, Stow's 2010 Master Plan suggests:

“The Gleasondale Mill could lend itself well to a vision that includes artisan lofts, or residential and/or business.”

Hudson's 2014 Master Plan:

“Based on the recommendation of the Hudson Community Development Plan in 2004, Hudson amended its zoning bylaw to include an Adaptive Reuse Overlay District (AROD) for the two large mill complexes. This zoning allows upper stories of the existing former buildings to be converted to residential units and new construction of residential units by right meeting certain criteria. The zoning also allows first floor uses of retail, restaurant, offices, bank, health club, music, art or craft studio in addition to uses customarily allowed in multi-family residential zoning districts. As the zoning changes occurred just before the Economic Recession of 2008/2009, little development activity has been spurred on by the changes in zoning to support mixed re-use of the mill building. However, with the improving New England economy, the Town is poised to receive new development proposals in these underutilized areas.”

Hudson's planner sent me an email in 2017: “We have quite a bit of interest in adaptive reuse but our bylaw is too restrictive.”

C. Commercial Corridors

Just as Greater Boston has many historic village centers, it also has many commercial corridors, built out after World War II, with strip malls and low rise buildings fronted by parking. The corridors are functional for access by car, but they tend not to be particularly beloved, as places to spend time. While residents often express concern that new development could undermine the charm of historic village centers, the potential to redevelop commercial strips is more generally seen as an opportunity to improve the aesthetics of our built environment. However, local residents express concerns about a loss of commercial space to residential building and increased traffic. Moreover, redeveloping the commercial corridors into walkable villages is quite challenging.

The potential for redevelopment of commercial corridors and strip malls into mixed use villages gets mentioned in several master plans and housing production plans. There are some examples of the rezoning and redevelopment, but so far the redevelopment of strip malls into mixed use buildings has been a marginal source of new housing in Greater Boston. The planner in Weymouth told me that Weymouth recently adopted an overlay for mixed use along commercial corridors. The first mixed use project was permitted in 2018. MAPC, the Congress for New Urbanism (CNU) and Build a Better Burb produced a report called “Reclaiming the Strip Mall: A Common Suburban Form, Transformed” in 2018. It featured a case study of a strip mall redeveloped into a mixed use project with 48 dwelling units above stores, across the street from Legacy Place, and near the train station. The proposal for Newton's Northland project on Needham Street is to replace a strip mall with a mixed use village. Norwell's 2018 Economic Growth Plan recommends rezoning for mixed use at Queen Anne's Plaza, a low rise commercial development at the intersection of Routes 53 and 228, near the town line with Hingham.

Saugus's Route 1 redevelopments represent a significant example of the trend. In 2015, Saugus adopted a Business Highway Sustainable Development zoning district for its Route 1/Route 99 corridor. Saugus then permitted several large projects via the zoning, including 280 units at AvalonBay (former Hilltop Steakhouse), 256 units at Essex Landing, and 245 units at 860 Broadway. Now under review in Saugus as a 40B Comprehensive Permit are 300 units at Saugus Ridge. Saugus recently adopted a two-year moratorium on permitting more multi-family housing while it plans for further redevelopment.

Acton's 2015 Housing Production Plan:

“To advance the Acton 2020 goal of cultivating “vibrant walkable centers,” the Town should consider other areas where mixed-use development is appropriate, such as the Great Road Corridor.”

Medway's 2009 Master Plan:

“Medway's C1 district has much potential for redevelopment as a Traditional Neighborhood Development. First, and perhaps most importantly, the area serves as the commercial hub of the town. There are major retail shopping centers,

offices, restaurants, and other services located in this area. Further, Route 109, the major east-west roadway through town that links with Milford to the west and Millis to the east, bisects this zone. Secondly, there is relatively dense housing in close proximity just to the north of the C1 district. These neighbors can provide a source of pedestrian traffic, and there is a definite opportunity for a pedestrian link to the neighborhood that abuts the district to the north.”

Randolph’s 2017 Master Plan:

“Zoning provisions that encourage mixed-use development could also be extended to other locations, particularly along the Route 28 and Route 139 corridors, in order to promote the development of alternative types of housing that could serve the needs of diverse groups of population (e.g., young professionals, young families, and 55-years and older residents).”

Swampscott 2016 Master Plan:

“Vinnin Square is Swampscott’s primary commercial base area that developed in the latter half of the 20th century and has become a local and regional retail hybrid. Although many retailers in the area are successful, the town’s distance from major highways puts large retailers and grocery stores in Vinnin Square at a disadvantage in terms of accessibility. Vinnin Square retailers experience regional competition from nearby shopping centers along Route 107 in Salem, as well as from the Northshore Mall in Peabody, Liberty Tree Mall in Danvers, and MarketStreet in Lynnfield, all of which are immediately adjacent to highway exits. Traffic is a concern in Vinnin Square, as is pedestrian circulation. Regional congestion is exacerbated by poor roadway design, and shopping destinations are poorly connected. [...] Additional mixed-use redevelopment that includes residential to make the area more village-like could also increase land values and add more potential shoppers to support a more robust and successful business mix.”

Stoughton’s 2015 Master Plan:

“Commercial Corridors - The Washington Street corridor (Route 138) north of Town Center is dominated by strip

centers, gas stations, isolated stores and restaurants, and some apartment buildings. There are also pockets of strip development on the Washington Street corridor south of downtown to the town line. These corridors capture local customers and residents because of their convenient location, but do not entice visitors or commuters to spend much time there. However, introducing mixed use infill development (commercial and residential) at strategic locations in a traditional, walkable form may transform these strip areas into more economically viable and attractive gateway creating a more positive impression of the community.”

Arlington’s 2015 Master Plan mentions concerns with residential development in commercial areas:

“Under Arlington’s Zoning Bylaw (ZBL), special permits can be granted for residential use in the business districts. As land once occupied by car dealerships and other businesses became available for new development, housing proposals were approved, effectively reducing the amount of land devoted to nonresidential activity – and the amount of property generating commercial tax revenue. This process continues to raise concern among those residents who fear the loss of commercial properties will increase the tax burden on residential properties. They want to curb conversions and maintain the commercial tax base.”

Village center retrofits

Often the idea behind rezoning the commercial corridor is to retrofit traditional-style village centers where there had not been a center before the era of the automobile. The retrofits are happening not only on commercial arterial roads, where post-war strip malls and office buildings had developed, but also on large industrial properties, tucked in by a highway, and isolated from existing residential neighborhoods. Such sites offer several advantages for redevelopment. In their current state, most are unattractive places, defined by large parking lots, non-descript boxy buildings, and wide congested roads. They are also isolated from beloved residential neighborhoods. The possibility of redevelopment triggers minimal worry about ruining lovely places. On the other hand, redeveloping such areas into thriving integrated neighborhoods that are walkable is challenging, and the nearby roads tend to have issues with traffic capacity.

Traffic: Town centers that developed in the age of the streetcar are typically surrounded by densely settled grid streets. Since multiple routes are possible to reach any destination through a grid, the traffic gets distributed among streets. Residents in surrounding streets can walk to the center, and many of the villages include train stations. In towns and areas that never developed significantly in the era of the streetcar, the streets tend to be laid in a different pattern, with local roads feeding into collector and arterial roads. The residential roads tend to be designed as cul-de-sacs or loops, with two connections to the same arterial road. With all traffic feeding onto few collector and arterial roads, traffic can be especially congested. Managing the flow of cars on a suburban arterial while building up stores and residences along it can be particularly challenging. Adding 100 new dwelling units might be enough to congest a certain intersection, but not enough to justify a new bus schedule or stop.

Multiple parcels: Traditional town centers have been subdivided into many small parcels, which can pose challenges for redevelopment in terms of fitting in parking spaces or building at scale. The parcels on commercial corridors might be larger on average than in the old villages, but the land along the corridors has been subdivided, and there are multiple property owners. Since the existing layout of roadways and walkways, in the commercial corridors, is not ideal for pedestrians, bikers, or buses, redevelopment would ideally not only involve a rearrangement of buildings, but also of public ways. With multiple property owners who might choose to redevelop in different decades, it can be very hard or impossible to design a new layout for the entire district, in the way it was possible when the land was first subdivided. Redevelopment often involves aggregation of parcels by a single developer.

Mixed uses: Traditional centers have people coming at different hours for different purposes, such as to meet friends at a café, purchase medicine at a pharmacy, take children to the library, commute to work via public transit, or pay a bill at town hall. The traditional centers have new and old buildings of many sizes and shapes to house all sorts of businesses, including independent and chain stores. People arrive at traditional centers on foot, by train or bus, by bike, and by car. Thousands of homes might be in walking distance of historic village centers – and they are connected by fairly continuous sidewalks. Creating brand new places that have the robust mix of uses needed to be vital throughout the day is

hard. Since the new village centers are not usually well connected to existing neighborhoods, they might need thousands of dwelling units on site, and/or very large office buildings, to create significant on-site market demand for a mix of businesses. To support the high cost of construction, developers often design the new retail space for occupancy by chain stores and with significant parking.

I will provide here three short case studies of town center retrofits, in Wayland, Sudbury, and Burlington, which all developed significantly in the era of the automobile. Other examples include the redevelopment of Newton's Needham Street and Vinnin Square in Swampscott. In 1950 the populations of Burlington, Sudbury, and Wayland were 3,250, 2,595, and 4,407; in 1970, they were 21,980, 13,506, and 13,461.

Burlington built a traditional-style civic center in the 1950s, a town green surrounded by civic buildings such as a town hall. Right down the hill from the green, down Cambridge Street (Route 3A), is a series of strip malls fronted by large parking lots. Recently built multi-family developments are situated across streets from the strip malls, and a new residential development is now getting constructed between the civic center and the strip malls. The new multi-family housing got permitted under the provisions for the Town Center Overlay, adopted in 2005. In 2010, the municipality adopted a moratorium on development in the overlay; the project now under construction was first permitted before the moratorium was put in place. Burlington's town center has most of the amenities of a traditional village center, including a green, civic buildings, a small woods, dense housing, many independent stores in dated buildings, restaurants, a supermarket, small gyms (for yoga), and nearby residential roads.

What Burlington's center lacks is walkability and aesthetic appeal. The sidewalks line a four lane arterial road with rushing vehicles and no barrier between pedestrians and the vehicles. Some parts lack sidewalks where the large parking lots merge into the road. The district is designed for movement in cars. The current dated strip malls, while unattractive, provide affordable spaces for independent shops and restaurants. There are few vacancies in the retail spaces, as commuters along Route 3A can conveniently pull into the abundant parking to purchase goods and services there. The town has put a hold on residential growth in the center; it appears to be a complicated challenge to redevelop the district for walkability, without exacerbating traffic challenges and

undermining a functioning retail environment. Moreover, the strip malls have different owners, so coordinated redevelopment would be challenging. Nonetheless, a more vibrant and walkable center would be an amenity for the whole town, and the region needs more multi-family housing. Planning for growth in the town center is underway.

In 2006, Wayland Town Meeting approved a Mixed Use Overlay District Bylaw for a 55-acre former Raytheon property to build a new town center on Boston Post Road (Route 20). The original plans called for hundreds of dwelling units, but due to environmental constraints particularly related to sewage disposal, only 12 apartments and 42 condos got permitted. While in traditional village centers the buildings are close up to and on both sides of an arterial road, the Wayland Town Center is down a short lane that leads drivers away from Route 20. The new town center has stores and restaurants, a town green, and the Town is building a civic center on the site. A rail-trail leads by the Town Center, and there are nearby walking trails. The Town Center is between arterial roads and wetlands, so it is not surrounded by residential roads the way typical village centers are. Most people access the center by car, as they would a traditional shopping mall. The new Town Center is disconnected from dated strip shopping nearby on Route 20. The new Town Center is occupied by national chain retailers, while the dated strip mall down Route 20 houses independent businesses. The sidewalks on Route 20 are inadequate. Route 20 is highly congested, and residents of the area are very concerned about allowing further development on the artery.

In 2016, Sudbury also adopted a Mixed Use Overlay District for another former Raytheon property on Route 20. The project has been fully permitted and mostly constructed, including 250 apartments, 60 age-restricted condos, 48 assisted living units, and 75,000 square feet of retail, including a supermarket. Most of the project was approved through the overlay zoning, but the 250 apartments were permitted as a friendly 40B perhaps so that all 250 rentals, market-rate and affordable can be counted towards the mandated town-wide 10 percent affordability threshold. The project is not designed as a full “village center”, but could be a part of a bigger village district along Boston Post Road, where there is a series of separately owned strip malls. Sudbury has been considering for decades opportunities to redevelop the area as a walkable town center, in several plans: “The Sustainable Sudbury Master Plan” (2001), “A Community Vision for the Old Post Road” (2002), “The

Sudbury Route 20 Zoning Project” (2012), and “Route 20 Corridor: Urban Design Studies and Zoning Evaluations” (2015). The Town adopted zoning as early as 1994 to transition the commercial corridor into a more traditional, walkable mixed use center, but that zoning was never used. Sudbury’s 2016 Housing Production Plan explains: “The Village Business District bylaw is a mixed-use zoning district bylaw adopted in 1994 which allows apartments over stores by right. This district encompasses an approximately 0.5 mile stretch along Route 20. No units have been produced under this bylaw due to the lack of sewage facilities on Route 20.”

D. Office Parks

Several master plans and housing production plans mention the possibility of redeveloping office parks with mixed use. The rezoning and redevelopment does not appear to be a major trend so far. Needham approved 390 dwelling units via friendly 40B in a former office park in a district that is getting branded “The Newton Needham Innovation District” by Newton’s Needham Street commercial corridor. In Marlborough, a vacant business park, previously home to Hewlett-Packard, got redeveloped into Marlborough Hills, with 350 apartments, office and lab space, a hotel, and 50,000 square feet of retail (which includes a daycare center). Marlborough Hills got permitted through a mixed use overlay district. Burlington permitted its high density 3rd Avenue mixed use lifestyle center as a redevelopment of a low density office park. Burlington permitted it via floating zoning provisions for “Planned Development Districts.”

Hopkinton’s planning board heard a proposal in 2015 to rezone for the redevelopment of a mostly vacant office park by Route 495 with high-rise buildings including a few hundred dwelling units, offices, and retail, but the Town rejected the proposal. A developer proposed to build a few hundred dwelling units, as a 40B, in Newton’s Wells Avenue office park. The City opposed the development, and was able to stop it due to a deed restriction on the property that prohibited residential use.

Stoughton’s 2015 Master Plan includes an interesting discussion of office park redevelopment, although it does not appear to be a significant housing strategy in Stoughton at this time:

“Commercial/Industrial Parks – Stoughton contains several commercial and industrial business parks including the

following land use transects: Park Street Business District (including Campanelli Park), Island Street Business District, Sharon Street Business District, and North Stoughton Business Park. As is common with suburban business parks, these districts are typically located at the edges of town and laid out on wide streets (often dead-end), with large lots and buildings, and limited uses. They are also isolated from surrounding neighborhoods and mostly lacking in employee amenities such as sidewalks, trails, open spaces, or convenience shops, restaurants or services. Those business parks that are closer to Route 24 and the regional traffic flow (such as the North Stoughton Business Park and District) appear to be more successful than more remote parks, some of which is due to their flexibility in adapting to economic trends and opportunities (such as big box stores and mixed use).

[...]

“The office parks of the 1980’s and 1990’s on large lots with physical isolation from other uses, are being transformed into mixed-use corporate campuses, live-work spaces, and flexible warehouse spaces where small companies can share support services and grow in place. In addition to traditional local trades and industries, Stoughton must find ways to attract the growing workforce in creative and technological sectors as a means to diversify and establishing a sustainable local economy.”

Acton’s 2015 Housing Production Plan:

“Acton has several vacant office and other larger buildings, some of which may require tearing down but many of which are well suited to redevelopment as multifamily housing or mixed use development. Potential sites are located on Great Road, Nagog Park, and Discovery Way, among other areas of town. These areas, however, are not currently zoned to allow multifamily development by right; rather such projects would require special permits. In order to encourage re-use of well-located vacant buildings, the Town should rezone to create a more developer-friendly development process. By right development and even a fast track permitting process would show Town support of such projects and give developers greater confidence in their feasibility.”

Wellesley 2018 Draft Unified Plan:

“Upzone the office parks for redevelopment and allow mixed-use and multi-family housing.”

Woburn’s 2016 Housing Production Plan:

“Mishawum Station Transit Oriented Development Overlay (TOD) District. The Mishawum TOD District, another project-specific overlay designed to encourage the redevelopment of less than ten parcels on about 7-acres, allows all underlying base zoning Office Park uses and adds in by-right mixed use or standalone townhouse, garden apartments or elevator apartments[...]. This district was created by the City Council in 2006 and overlays the MBTA Mishawum Station property as well as some adjoining Office Park (O-P) parcels.”

E. Residential Zones

The challenge of increasing the supply of multi-family housing in residential districts is highlighted in many municipal plans. At the moment, there is no major movement in Greater Boston to upzone residential districts for multi-family housing. Minneapolis has been in the news for its recent adoption of a comprehensive plan that recommends allowing small-scale multi-family housing in all districts. I have not found that kind of recommendation in the municipal master plans I have reviewed. Some municipalities are considering ways to allow multi-family housing in residential districts, while protecting the character of the districts. Housing advocates suggest municipalities should zone for the “missing middle” of moderate density structures in residential districts.

There are a number of municipalities that allow multi-family housing in residential districts via conversion of historic buildings (houses or schools, for example) and via provisions for open space residential design (or another type of flexible zoning.) There are also some municipalities, such as Quincy, that have significant areas zoned for small-scale multi-family housing where neighborhoods have many single family and two-family houses that qualify to be redeveloped for more units.

Newton's 2007 Comprehensive Plan explains:

“Those living in predominantly single-family areas generally wish them to stay that way. They wish those areas neither to be marginally blurred into resembling the mixed single and two family areas nor to be compromised by large-scale multifamily developments being plopped into their midst. Those living in mixed single and two-family areas similarly value the diversity such areas afford, and wish not to see them blurred into a monoculture of look-alike development. Those living in large-scale multifamily areas chose that context and similarly value it and seek to protect it from excessive extension or change.”

Wayland's 2016 Housing Production Plan:

“Within existing residential neighborhoods, new multi-family housing is generally not recommended because of concerns that it would alter the single-family character of most of Wayland's neighborhoods.”

This statement is accompanied by a footnote: “However, in certain situations, it may be appropriate.”

Wellesley's 2018 Draft Unified Plan:

“Participants in the Unified Plan public meetings saw the commercial, office and industrial districts as the most acceptable locations to construct new housing that is not single-family housing.”

Wellesley's plan does include this recommendation for multi-family housing in a residential district:

“In the General Residence district, allow a special permit option for cottage and multifamily developments that meet Town design standards and goals for housing. This district covers the largest area (73 acres), including locations in the Linden Street area, a segment of Washington Street and Brook Street, and the Barton Road area. Two-story apartments and condos already occupy some of these lots, as well as churches and the Senior Center.”

Burlington's 2017 draft master plan:

“For any comprehensive housing policy to work in Burlington, it must begin with protecting the town's single-family neighborhoods from unwanted encroachment by other land uses. There is considerable tension in Burlington about housing growth, especially multifamily housing, and has been obvious throughout the master plan process.”

Watertown's 2015 Master Plan:

“Figure 2-9 shows the Land Use Vision for the Town that identifies the Town's residential neighborhoods as areas to preserve, key commercial centers such as Watertown Square and Coolidge Square as areas to enhance (this also includes some neighborhood retail centers and the Main Street and Mt. Auburn Street corridors), and the Pleasant Street and Arsenal Street corridors as areas to transform.”

Several of the plans suggest considering increasing the density of residential districts, but the recommendations are often framed in a hesitant way, perhaps as a placeholder until a time when public opinion shifts.

Beverly's 2017 Housing Plan:

“Longer Term Strategies: Modify Multi-family Housing Requirements to Encourage More Housing Diversity in More Areas. Beverly's Zoning Ordinance allows multi-family housing in particular districts, typically near the downtown and commercial areas where higher density is more appropriate, and permits a wider range of housing types that are potentially more affordable and suitable for rentals, starter homes, or for downsizing. Nevertheless, consideration should be given to potentially extending a wider range of housing types to more districts.”

Manchester's 2015 Housing Production Plan:

“It has been suggested that the Town review the locations of apartments throughout the community and consider where else they can be added, “Scrutinizing our zoning districts for opportunities to weave multi-family housing into neighborhoods.” Areas near transit and commercial uses should be priorities.”

Burlington's Draft 2017 Master Plan suggested that small-scale multi-family housing could be located in transition areas:

“However, mixed residential uses can be developed in other settings, too – in places closer to but not encroaching upon the town’s established neighborhoods. Any of the locations designated as transition areas or neighborhood business areas on the Future Land Use Map could be suitable locations for small-scale multi-family buildings. Projects like these may not be large enough to create affordable units, but they would add more housing choices at a scale that is physically and visually compatible with surrounding single-family neighborhoods.”

In a phone interview, the planner for Weymouth explained that mixed use multi-family housing got zoned for commercial corridors, but they were careful not to allow the new dwellings near existing residential neighborhoods:

“We did change zoning in Town of Weymouth this year to encourage mixed use development. The zoning in commercial corridors had not allowed residential. We put in an overlay zone. [...] We are very sensitive to the areas on commercial corridor that back up to residential neighborhoods. We left the overlay off of areas that were close to existing neighborhoods. Buffer zones went further to protect abutting residential neighborhoods than the underlying zoning did. We were strategic in where we placed the overlay zone.”

Some municipalities seek to preserve their single family neighborhoods by downzoning them such that most properties do not comply with the dimensional standards in the zoning. To make any changes to the property, the owner will need to go through extra permitting hoops. A building inspector in Lynn explained to me: “Ninety percent of the existing stock is nonconforming. Ten thousand square feet on a lot [the zoning requirement], you won't find anywhere. It's aspirational zoning. There's no interest or desire at all to allow more density on existing lots.”

Hopkinton had been an exceptional case in Greater Boston for allowing multi-family housing in its residential districts. In 2016, Hopkinton voted to stop allowing multi-family housing in its residential districts, until a time when it is no longer in compliance with Chapter 40B's 10 percent requirement.

Hopkinton's 2017 Master Plan explains:

“Unlike many small towns, Hopkinton chose years ago to adopt zoning that provides for a mix of homes. For example, multi-family housing is allowed by special permit in all residential zoning districts, and Hopkinton also allows conversions of older homes to multi-unit buildings. Hopkinton’s long-standing commitment to housing diversity can be seen in these zoning bylaws: Garden Apartments (1970): The Planning Board may grant a special permit to develop multifamily housing on site with 10-30 acres of useable land. Density is controlled by a maximum of eight bedrooms per acre, which effectively caps the density at four units per acre (2 bedrooms per unit). At least 30% of the site must be preserved as open space. Although the bylaw is called “Garden Apartments”, all of the developments have produced for-sale (condominium) units. The bylaw was adopted shortly after Chapter 40B was adopted, in order to give developers an alternative to comprehensive permit applications and to serve an identified housing need. The bylaw was modified in 2016 such that a special permit may not be granted if the Town is above the Chapter 40B 10% affordable housing goal.”

Many housing advocates have argued that the housing stock of the metropolitan Boston area, and other tight housing markets, lack zoning that would support a significant amount of small scale multi-family housing development, for example buildings with three to five dwelling units. For such housing to constitute a significant portion of overall housing production, the zoning for it would need to cover significant stretches of existing residential zones. The plans do not recommend such rezoning at a significant scale.

In the research, I have encountered a few main regulatory strategies for allowing more multi-family housing in residential districts, in ways that current residents might find acceptable. The first strategy is to allow for cluster development, also known as open space residential design or conservation subdivision, to ‘combine’ dwelling units as townhouses or garden apartments. The second strategy is to allow conversion of old houses into multi-family housing, while preserving the original house or façade. The third strategy focuses on design guidelines and site plan review.

Cluster zoning/Open space residential design

Under traditional as-of-right zoning, the municipality must grant permits for all proposed single-family dwelling units that meet the given district's requirements for lot area, frontage, setbacks, and height, and other regulations and have adequate frontage on a road that meets municipal requirements. Starting in the 1960s, Massachusetts municipalities began adopting cluster zoning that enables a developer to apply for a special permit to cluster the houses, on lots smaller than the zoning otherwise prescribes, on a part of the parcel and preserve some of the land as open space. Since then, municipalities have adopted all sorts of versions of cluster zoning, under different names, with different rules. The main idea is that the developer has more flexibility in arranging the site plan than under conventional zoning. Eighty-four of the 100 municipalities surveyed have some form of flexible zoning on the books; most have multiple versions.

In my survey of zoning regulations, I sought to answer the question: "Is clustering only available for single family detached housing, or is it also available for two-family or multi-family housing?" Sixteen municipalities have no provisions for cluster zoning. Twenty only have flexible provisions for the arrangement of single family houses. Sixty-four municipalities have provisions for "clustering" dwelling units as two family-houses or multi-family houses. Some of the cluster provisions are only for single family and two-family home development. Some of the clustering provisions might not overlay residential districts, but most of them do.

In some municipalities, there is a cluster provision only for single family houses and a separate provision for age-restricted clusters that include townhouses or garden apartments. For example, in Sudbury, Cluster zoning only allows single family houses; Flexible zoning only allows single family houses; Senior Residential Community zoning allows four attached units per structure; and Incentive Senior Development allows four attached units per structure.

Hudson and North Reading's provisions for Open Space Residential Design (OSRD) both allow multi-family housing. Hudson's OSRD provisions include:

"The OSRD may consist of any combination of single-family and two-family structures. Multifamily structures of not more than four (4) units may also be permitted by the Planning Board if they serve the purpose and intent of the OSRD Bylaw, as stated in Section 5.6.1."

North Reading's OSRD:

"Permitted uses. An open space residential development may include the following uses and may consist of any combination of the below uses: (1) Detached single-family dwellings. (2) Townhouse dwellings, not to exceed four dwelling units per building."

In Wayland, at least a majority of the dwelling units must be single family detached dwellings, in Conservation Cluster Developments. Wilmington's Conservation Subdivision Design allows single family homes, both attached and detached, two family structures, and multifamily structures (townhouses, apartments, condominiums).

Wayland's 2016 Housing Production Plan suggests:

"The Master Plan includes recommendations for expanding the Town's existing Conservation Cluster Development Bylaw to offer several development options for vacant parcels in Residence zones. A Multi-Family Housing Conservation Cluster option would allow a combination of 1-, 2-, 3-, and 4-family homes alongside protected open space."

Peabody 2013 Housing Production Plan:

"The Planning Board should amend the cluster development ordinance to remove restrictions that only permit the development of single-family homes."

The cluster provisions have not yielded a tremendous number of multi-family dwelling units in residential districts, but it is a permitting mechanism to provide more diversity of housing types in the residential zones.

In my phone interview with Lexington's town planner, he mentioned a cluster subdivision on a 13-acre wooded parcel. The developer submitted two proposals at once: A) 13 units of single family housing, as allowed by right, and B) 30-unit development, including five single families, five duplexes, and five triplexes, clustered on part of the parcel, with some of the woods protected. He commented that some residents in Lexington argued: Why permit 30 when you can permit only 13? The planner responded to the question that with 30 you get housing diversity, needed housing, and woods preserved. The Town ultimately approved the 30-unit development, with a special permit.

In 2017, Carlisle adopted a Residential Open Space Community Bylaw that allows multi-family housing by special permit. In 2015, Wayland granted a permit for a Conservation Cluster development, with about 14 or 15 dwelling units. Per the inclusionary provisions, three needed to be restricted as affordable. Those three units were built in a single structure, in a residential district.



Wayland
Massachusetts

Conversion

Some municipalities allow conversion of single family houses to multi-family houses in residential zones, and several municipalities such as Beverly and Milton have been considering the strategy. Dedham has recently adopted the strategy.

According to Dedham's 2017 update to the 2009 Master Plan:

“Where previously multi-family use was allowed only in the Single Residence B district, changes were made to allow it in Single Residence A district as well. The latter district predominantly contains larger estates, and this change to the by-law will allow conversion to condominiums (with up to six dwelling units per property) in exchange for protection of open space. This change will promote preservation of existing neighborhood character while allowing for the creation of additional housing units.”

Beverly's planner explained in a phone interview in 2018:

“The cultural heritage properties ordinance: It has not been adopted yet. Most of our mansions are larger buildings that form the character of Beverly Farms. They are on small lots. They aren't on large estates. What we are trying to do is create a process in exchange for preserving the historic buildings, you can add additional residential units to it. You can take a large mansion and make it 4 or 5 apartments. Or other uses would be allowed like a wellness center or hotel.”

Framingham's 2007 Housing Plan mentions that some conversions are allowed, but the restrictions make it so that few properties would qualify:

“In the Single Residence, General Residence, Business and Office-Professional Districts, Framingham limits small multi-unit conversion projects to single family homes that existed in 1939 and conform to current lot area and frontage requirements – conditions that can be difficult for most older homes to meet.”

Maynard's 2016 Housing Production Plan suggests consideration of the strategy:

“Maynard’s zoning bylaw does not permit single- to multifamily housing conversion. This is a good strategy to increase the housing supply by creating smaller units within the existing stock.”

Milton's 2015 Master Plan:

“Additionally, the Plan addresses the preservation of large historic estates by recommending their conversion to multi-family housing units.”

Needham's 2007 Affordable Housing Plan:

“Allow large dwelling multi-unit conversion. Where a large older home exists on a large lot, adaptation of the existing structure for multiple units might be allowed so long as the number of units created is no greater than the number possible through demolition of the house and subdivision of the land. This action would require a zoning amendment.”

Design standards and site plan review

Not many municipalities have been up-zoning residential districts for multi-family housing, but there are some municipalities that do allow multi-family housing in residential districts, and they have seen some single family houses and two family houses replaced with townhouses.

Quincy's 2016 Housing Production Plan has a particularly interesting discussion of the process of residential redevelopment:

“In the fall of 2007, Goody Clancy Associates was hired by the City of Quincy to study the extent to which multifamily intrusions have eroded the neighborhood character within what has historically been considered a single and two-family district. Many residents believe that demolitions and large replacement homes are eroding neighborhood character in the City’s Residence B zoning districts. The problem typically involves demolition of an older two or three family home and construction of a new multifamily building or townhouses on the same lot. The new buildings are typically much larger than the original building.

“This problem is not unique to Quincy, as many residential communities in the Greater Boston area have faced similar “teardown” trends since the mid-1990s, when housing prices increased rapidly and the value of land in close-in suburbs with nearly built-out conditions began to exceed the value of smaller, older houses existing on the land. In some suburban communities this has taken the form of demolition of single-family homes and construction of much larger single-family replacement homes. In Quincy, however, two- and three-family homes are a major part of its residential fabric, and conversions tend to increase unit size and maximize the number of units permitted on a lot. In addition to changes in neighborhood design character, impacts may include significant drainage changes and increased traffic on residential streets. Many of the replacement homes that concern Quincy residents involve the construction of more than five units and asphalted parking areas on single or combined lots which previously contained a two- or three-family home and a deep rear yard.



Quincy,
Massachusetts

“The study recommended that a combination of actions were needed to address the problem of over-large multifamily housing in Quincy’s Residence B district. Employing a single strategy, such as increasing setbacks, probably will not lead to measurable results given that different areas within the district currently have varying degrees of multifamily structures. Chosen strategies need to address three-dimensional aspects of the building, controlling not only footprint, but height and bulk. They also need to restrict what can occur in a lot’s yard such as reducing impervious open space and limiting the size and location of parking areas and driveways. Dimensional adjustments in the zoning ordinance should be accompanied by actions that will influence design, since design guidelines and review by municipal boards can ensure that the community plays a role in sharing the design of large projects that may have significant impacts on neighborhood character.”

In 2008, the Quincy City Council reformed the requirements for multi-family development in Residence B district, including changing the threshold for triggering the Special Permit Site Plan Review from 12 units to three units, revising the dimensional requirements that regulate size and height of the structures and the asphalted parking areas, and adopting design guidelines for new construction and significant expansion.

Many municipalities have adopted design guidelines, but typically for the village centers, not the residential districts. Since Quincy did, and they are short, I am including them here:

“9.5.6 Existing Residential Structures. All new construction, or construction of any addition where the gross floor area of an existing residential structure is increased by no less than fifty percent (50%) shall be subject to and in conformance with the following guidelines:

- 1. The structure shall be oriented to the main street.***
- 2. Primary massing of building should be located along the street facade.***
- 3. The structure shall not have any blank exterior walls.***

- 4. Wherever possible, garage doors shall be oriented away from the main street***
- 5. Window and door treatments shall be rhythmic in design.***
- 6. Roofs shall not be excessively pitched.***
- 7. Wherever possible, parking areas shall be located to the rear and side of the structure.***
- 8. Parking areas and HVAC equipment shall be appropriately screened.***
- 9. Materials shall be subject to the review of the Building Commissioner and compatible with the general character of the neighborhood and subject to any design guidelines subsequently adopted by the Quincy City Council and approved by the Mayor, in effect at the time of the filing of an application for a building permit.”***

Winchester’s Draft Master Plan mentions similar issues to Quincy’s:

“Replacement homes in Winchester have not been constructed on a one-to-one basis. In several cases, an existing home was demolished, the lot subdivided, and new single-family or condominium units built on the new lots, increasing the density of the neighborhood. Between 2000 and 2005, 62 single-family homes and 16 condominium/townhouse units were built on 58 lots that had demolished single-family homes. [...]

Many “teardowns” and lot subdivisions have resulted in more units than previously existed on a lot. Between 2000 and 2005, 62 single-family homes and 16 condominium/townhouse units were built on 58 lots with demolished single-family homes. New residential development has not been confined to a particular neighborhood; “teardowns,” replacement homes, and lot subdivisions have occurred in scattered locations throughout Winchester since 2000. These construction trends have prompted concerns about preservation of neighborhood character and open space.”

TRENDS: ZONING FOR MULTI-FAMILY HOUSING IN THE CENTER VERSUS PERIPHERY



Quincy
Massachusetts

Many of the municipal plans describe public sentiments for protecting the character of single family neighborhoods while revitalizing the village centers, often with new housing. Braintree's 1998 Master Plan summarizes the common ideal (although not mentioning housing in the commercial centers): "The persistent ideal which has emerged in the public meetings and workshops held in the course of this planning process, has been of a town of single family neighborhoods served by revitalized district commercial centers with historic character." While there is little movement, across the region, to increase multi-family housing in the predominantly residential areas between municipal centers and peripheries, there is a significant movement to allow housing in centers, and a relatively large amount of housing gets approved in municipal peripheries, although development in the peripheries does not often get touted in plans as an explicit goal in itself.

As discussed in previous sections of the report, the center is a district that typically contains civic buildings and stores, and is surrounded by residential streets. Some centers have train stations, and some used to have train stations. Village centers that never had train stations are typically in places that were once served by streetcars, but a few, such as Burlington's town center, have been established in the Age of the Auto, in places that were never well served by mass transit. In zoning, the center is often called the Central Business District. Historically, the center would have been zoned primarily for commercial uses. The periphery could be zoned for any use, residential, office, industrial, or commercial.

Sherborn's 2017 Housing Production Plan addresses the question of center versus periphery:

"There are different opinions about where new growth, if it happens at all, should be. Some feel strongly that the town center should be the focus of new growth to support economic goals as well as to create a more vibrant "downtown" while others prefer distribution throughout the town. The town has approved affordable housing development in both town center and on the periphery of town. ...

"When considering locations for multi-unit affordable housing, some feel the town center location is preferable for walkability to Town resources while others feel just as strongly that new growth for affordable housing should be located on the periphery of town for possible access to neighboring towns' water infrastructure and access to transportation and commercial services."

Reading's 2013 Housing Production Plan mentions that Reading's provisions for Planned Unit Development require more affordable units when developments are at the periphery of town:

“At least ten percent of all residential units in the PUD-R must be affordable. The affordable percentage requirement increases to 15% for property within 300 feet of a municipal boundary.”

Most municipal plans do not pose the center, periphery, and in-between as exclusive or explicit alternatives. Most municipalities do have plans for increasing development in their centers, including Sherborn, mentioned above. But, people who participate in municipal planning, developers of housing, and homebuyers and renters do make implicit decisions that affect how much multi-family housing will get built in the center, periphery, and land in between.

For homebuyers and renters, a home in the center can offer walkability, stores and amenities in close proximity, and sometimes convenient access to public transportation. For homebuyers and renters, housing in the periphery might offer more privacy and anonymity, perhaps easier access to a highway, more space for parking, and sometimes views of rivers and woods.

For municipal decision-makers, housing in the center might represent a strategic opportunity to increase the vitality of the center -- keep local businesses in business. It might also mean that more local residents can access public transportation. On the other hand, more housing in the center could exacerbate parking challenges, and new residents could further clog arterial roads that cross town to the highway, especially during rush hour. Moreover, new buildings might be out of scale and character for the setting, which often boasts many historic buildings. For municipal decision-makers, housing in the periphery might mean new residents exit right onto the highway instead of clogging local roads. The new housing might not be in a setting where they frequently spend time, so if it turns out to be unattractive, it would not particularly affect their quality of life. New housing on the periphery is viewed as less problematic for local parking.



Hingham,
Massachusetts

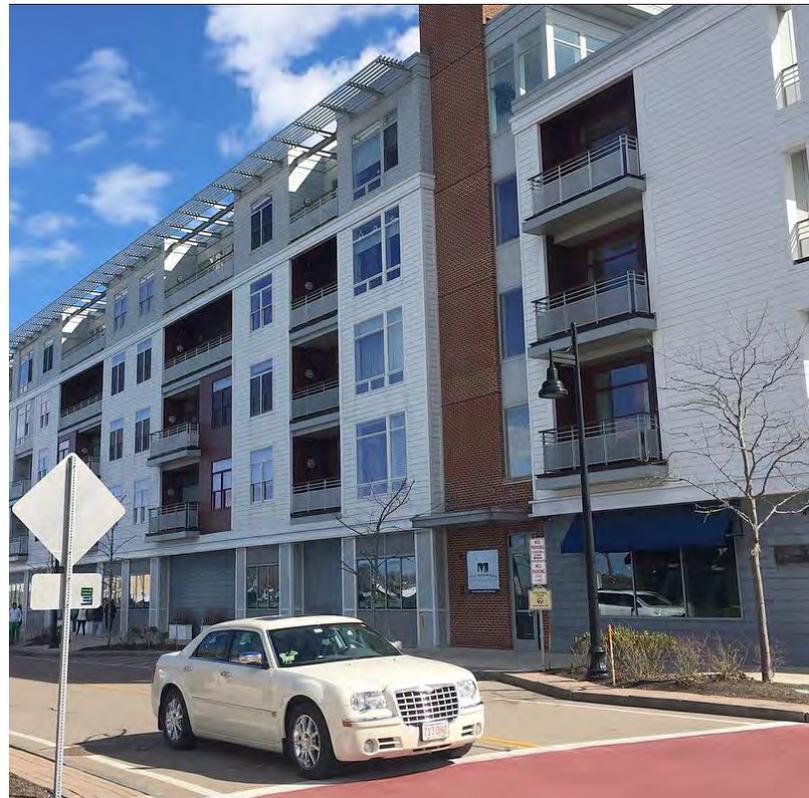
For builders, there might be a strong market for housing in both the center and periphery. In the center, it might be hard to assemble a large parcel to gain an economy of scale. There might not be enough room to add needed parking spaces, and it can be hard to meet the regulatory requirements, in zoning and the building code, on little parcels, some awkwardly shaped. In the center, the regulations might require that the first floor be commercial -- when the market might not make that use remunerative. On the periphery, there are more large parcels, and the permitting process might be less risky, with fewer neighbors showing up for hearings or threatening to appeal.

In a previous section of the report, I have discussed zoning for housing in village centers. As for peripheries, Wellesley 2018 Draft Unified Plan suggests a location for potential significant multi-family development, on the edge of town, by route I-95:

“Rezone office, business and industrial districts in the eastern part of Wellesley near I-95 (for example, Walnut Street and the office parks) to provide more development capacity and mixed use potential. In many cases the office districts were developed in the 1980s or earlier. Because of their location, they have little impact on the residential community. Their proximity to major regional transportation routes and to the urban core helps keep them competitive. Allowing more height and density, along with the a mixture of uses, would encourage redevelopment that meets 21st-century needs, provide the Town with more tax revenue, and support efforts to meet other goals, such as the creation of mixed-income housing.”

The Wellesley site at Walnut Street, on the edge of town, has advantages for being near the highway and also for not impacting existing residential neighborhoods. Wellesley recently permitted 30 condos in a development in Wellesley Square. In contrast, if Walnut Street were to get re-planned, for greater height than the current several-story office buildings, far more dwelling units could get built there, hundreds at least.

In 2003, a class at MIT’s planning school produced a report suggesting Needham allow more housing in Needham Center, which has a train stop, restaurants, shops, a green, and civic buildings. In 2009, the Town commissioned another report on Needham Center, and then revised the zoning to allow mixed use. Since then, Needham has permitted one project in Needham Center, 10 dwelling units above a gallery, permitted in 2014. In 2016 Needham approved, as a friendly 40B, a 390-unit apartment building in Needham Crossing, a business district on the other side of Route 128 from almost all of Needham. In 2016, the Town granted a comprehensive permit (40B, but not by local initiative) for 136 units of multi-family housing right on Route 128, and across an arterial street from residential neighborhoods. Around the same time, Needham also permitted, by special permit, 52 age-restricted units in the Town’s Elder Services District, also right next to Route 128. In Needham, this amounts to 10 units in the center versus more than 500 units on the periphery.



Similar contrasts in rates of development between the center and the periphery can be seen in many municipalities in the region. As some examples:

	Center	Periphery
Westwood	Westwood permitted 18 condos above stores in its Islington Village (and another 18 are planned).	Westwood permitted 350 apartments at University Station, on former industrial land, right next to Route 128.
Reading	Reading permitted 53 units in a 40R project in the town center.	Reading permitted 424 units in a 40R project, on the edge of town, bordering Route 128.
Medford	Medford Center has not added any significant new multi-family housing, although there are discussions about redeveloping the parking lot next to City Hall.	Medford recently permitted 299 units and 282 units in two projects on the edge of town, by the Malden River.
Newton	Newton has not planned any significant increases in residential density in Newton Centre, but it has permitted two projects in another village center, Newtonville, in recent years, one with 68 units and another with 140 units (both fronting the Mass Pike).	In contrast, Newton is in the process of planning for potentially more than 800 units on a parcel on Needham Street, a commercial area, very close to Route 128, on the edge of the City, and more than 600 units for an area near the Riverside MBTA station, abutting Route 128, on the edge of the City.
Cambridge	Cambridge permitted 308 units in a development in Central Square, a larger project than is typical for village centers and downtowns across the region (Boston not included).	The project in Central Square is far fewer units than the 2,000+ units that Cambridge is planning for Cambridge Crossing, on the edge of the City, by Somerville and Boston
Dedham	Dedham has permitted approximately 100 units in Dedham Square in the last 15 years. (While Dedham Square is in the geographic center of Dedham, it also borders the Providence Highway, which puts the center's multi-family development at an edge of residential areas, albeit not at the edge of town.)	In that time period, Dedham permitted approximately 600 units in two large projects and once smaller project, near Route 128, on the edge of town, near where Legacy Place now stands.
Weymouth	Weymouth Landing, a historic village center, is at the edge of the city, at the border with Braintree, by train tracks and a river, but also by residential neighborhoods. The municipality has permitted a few smaller multi-family projects, with 23 and 12 units, and the City is hoping to get a larger project of approximately 80 units built in that village center.	Weymouth has seen the permitting of hundreds of dwelling units, and could ultimately see thousands, at Union Point, the former South Weymouth Naval Airbase, on the edge of the city. According to Weymouth's 2018 Housing Production Plan, developers had built almost 300 rental apartments and 50 condos at Union Point by 2017. Based on of building permits granted for multi-family housing in the last three years, permits were granted for more than 400 multi-family dwelling units at Union Point from 2015 to 2017. The current master plan calls for thousands of residences.
Sharon	Sharon has not seen recent development in its town center. Sharon's 2010 Housing Production Plan Update explains: "It has a commuter rail station, but 'smart growth' initiatives (housing density near town centers) are constrained because of town well/groundwater protection requirements and septic limitations around the town center."	Sharon created a 40R overlay district in 2009, to allow 167 dwelling units by Route I-95, on the edge of town.

Hingham	Hingham In Hingham Center, a developer proposed an eight-unit mixed use project, and then withdrew the proposal in 2018.	The area around Hingham Shipyard, at the edge of the municipality by the water, has gained hundreds of dwelling units in recent years.
Melrose	In recent years, Melrose has permitted hundreds of dwelling units not far from its center, more than most municipalities.	In 2006, Melrose permitted even more units than all of the units in its Smart Growth overlays, at a 550-unit apartment complex on the border with Malden.
Bedford	Bedford rezoned a single block in its town center for mixed use – the parcel got redeveloped as a two-story mixed use building with seven dwelling units. Another nearby mixed use project, zoned in another overlay, has 19 dwelling units.	On the far side of Route 3, on the border with Burlington and Billerica, Bedford permitted a 188-unit apartment complex, under its provisions for Industrial Mixed Use. The minimal retail space in the project went unfilled. Two other large 40B projects have been built in the same part of Bedford, on Route 3, on the edge of town.

A significant number of multi-family dwellings across the suburbs have been permitted in projects that redevelop properties from former uses, such as churches, schools, factories, and hospitals. The hospital redevelopments, in particular, have yielded large numbers of multi-family developments. Many of them are at the edge of town:

- Medfield State Hospital was on the town line with Dover. Close to 300 multi-family dwellings are planned.
- North Reading’s J.T. Berry Rehabilitation Center was on the edge of town, the border with Wilmington. The redevelopment included 406 multi-family dwelling units.
- Westborough’s State Hospital was near the border with Northborough. Seven hundred dwelling units are planned, all age-restricted. (Westborough is just outside the MAPC region.)
- Danvers State Hospital was on the far side of Route I-95 from most of Danvers, and was near the border with Middleton. It was developed with 433 multi-family dwelling units.
- Metropolitan State Hospital was on the very edge of Lexington, on the far side of Route 2 from most of Lexington. It got redeveloped with 387 rental units.

Only Foxborough State Hospital was near the center of town, only a half mile from Foxborough Center. The town has permitted approximately 100 multi-family dwelling units there, significantly fewer than allowed in the other hospital redevelopments on municipal edges.

An MAPC case study on the redevelopment of the rehabilitation center in North Reading stated:

“The project was non-controversial not only because of the openness of the discussion and development processes, but mainly because the location of the development was at the edge of town, away from residential abutters.”

The predominant production pattern of moderate building in the center and more on the periphery is only part of the big picture. There are many municipalities that are permitting very little or no multi-family housing via zoning in the center or periphery such as Norwell, Nahant, Carlisle, Weston, Dover, Essex, Duxbury, Holliston, Norfolk, Manchester, Marblehead, and Topsfield. Some municipalities are permitting moderate levels, somewhat equivalently, in both locations. Norwood permitted 105 units in a downtown overlay, and has recently granted a 40B Comprehensive Permit for a project near the downtown with more than 200 units, on a parcel that Town Meeting had considered for a 40R overlay, but rejected (a 93-70 vote, short of the two-thirds threshold). On its border with Westwood, Norwood approved a project with 262 apartments.

A few places are permitting significant development in the centers – Quincy, Waltham, Malden, Walpole, and Somerville. Quincy is permitting units in its downtown at a similar rate to its periphery, and the downtown could soon surpass the periphery. In the last decade, Quincy has permitted more than 400 dwelling units in its downtown, and in the near future, the number could reach over a thousand. Right by Route 93, on the border with Braintree, Quincy recently permitted 492 multi-family units in a single project, and another 180 units a block back from the 492-unit project. Quincy’s downtown expansion is happening on a larger scale than most others in the region, but the large-scale building on the highway fits the regional pattern.

Waltham could be another exception to the trend. Waltham has permitted more than 500 units in its downtown, and much less on its periphery, by Route 128. Waltham does not have a published master plan, so I am not sure if any residential development is planned for Waltham’s commercial districts by Route 128. According to press accounts, Waltham’s city council has decided to keep residences out of the commercial districts along Route 128, to ensure the highest tax revenues from those properties. Waltham is currently fighting a 40B proposal to build 195 units by Route 128 in a former aluminum warehouse.

Malden has seen extensive development in its center, more like Quincy Center than other regional downtowns. Malden adopted an overlay zone for Rowe’s Quarry, which is right on the border with Revere, and at the edge of a marsh. Rowe’s Quarry is on the other side of Route 1 from most of Malden. Plans were put forward to allow close to 3,000 dwelling units at the site – when the Massachusetts Department of Transportation (MassDOT) had indicated that it would build an on-ramp onto Route 1 by the development. More than a thousand units have been built. MassDOT shelved the plans to construct the on-ramp, which makes the development of Rowe’s Quarry more controversial in Malden.

Somerville also represents something of an exceptional case, with Union Square, a traditional village center, getting rezoned potentially to be a major downtown, with significant office, commercial, and residential development. Union Square could get more residential units than Assembly Row, which is at the periphery of the city, and will be discussed below.



Malden,
Massachusetts

When the periphery is near the center, or turned into a center

In some municipalities, the “periphery” is fortuitously near the center. Watertown has adopted mixed use zoning for the corridors that run along the Charles River to the east and west of Watertown Square. The corridors both connect to the Square. In Beverly, the Bass River Industrial District that is getting considered for redevelopment runs along the river, on the edge of Beverly; the district is also near the Beverly Depot train station, and not far from downtown Beverly. Melrose redeveloped the Lower Washington Industrial Zone, which is on the edge of Melrose, but also near downtown Melrose and a train station. Milton has been planning for growth in Milton Village, which is on Milton’s border with Boston.

In some cases, cities and towns are creating new “centers” at the periphery. For example, Somerville’s Assembly Row is on the far side of Route 93 from the rest of Somerville, and the entire district is sandwiched between the highway, train tracks, and the Mystic River. Now the district is a functioning “downtown” with a train station, offices, residences, stores and restaurants. The district also has significant parking, as a destination. In a similar way, developments planned at Newton’s Riverside and Needham Street include a mix of uses, residential and commercial, to feel like more traditional downtown neighborhoods than isolated developments on the periphery. Redevelopment in Woburn between the two stations and Wellesley on Walnut Street could also become such “centers.” Some of the new “centers” on the municipal peripheries have train stations; others are less well served by the current transportation network.

Somerville’s Assembly Row is at a municipal corner that meets other municipal corners, which together might represent Greater Boston’s greatest opportunity for place-making, outside of the city of Boston itself. The edges of Malden, Medford, Everett, and Somerville, by the Malden and Mystic Rivers, constitute potential for a major new urban hub. In the past 15 years, approximately 3,000 dwelling units have been built across the four municipal corners, and potential remains for far more units. In 1996, the Commonwealth of Massachusetts established the Mystic Valley Development Commission (MVDC) to oversee the development of over 200 acres located within the communities of Malden, Medford and Everett along the Malden River. MVDC, housed at Malden’s Redevelopment Authority, was granted powers of eminent domain and zoning authority. MVDC recently permitted the development of Rivers Edge in Medford. Everett has been planning for the redevelopment of its Lower Broadway district with residential, commercial, and industrial uses. Recent developments there include a casino and The Batch Yard’s 328 dwelling units. The region along the Mystic and Malden Rivers is served by two train stations, Assembly and Wellington, and could become better connected in the future with foot bridges, water taxis, bike lanes, and bus rapid transit.

Allowing for a mix of uses in developments at the “periphery” does not necessarily mean development there will resemble a traditional-type village center. Bedford’s 2013 Comprehensive Plan explains:

“The largest such [mixed use] development created, the Village at Taylor Pond, has been built in one of the town’s Industrial districts under the Industrial Mixed Use (IMU) special permit option. This development, while having many good design features, falls short of the integrated mix of land uses originally desired. It has proven difficult to attract businesses to occupy ground floor commercial space in the buildings, in part because of site attributes that are not favorable. Along with two Chapter 40B developments (Heritage at Bedford Springs and Village Bedford Woods), the apartments are located along Middlesex Turnpike, a major collector and arterial road, isolated from traditional residential neighborhoods and lacking a sense of place beyond the confines of the development sites.”

For this reason, Bedford stopped allowing multi-family development in the industrial zone.

TRENDS: MUNICIPALITIES ZONING FOR VERY LITTLE OR NO GROWTH IN MULTI-FAMILY HOUSING

That some municipalities are not planning for significant growth in multi-family housing is not a new trend, but it is worth mentioning as a category for analysis. Based on my data collection, I made a table of municipalities that

- (A) do not have zoning on the books for multi-family housing at a density of four units per acre, and/or
- (B) do not have zoning on the books for multi-family housing at a density of 12 units per acre, and/or
- (C) do not have zoning on the books for mixed use development, and/or
- (D) did not permit any multi-family housing projects via zoning in from 2015 to 2017 (some did via 40B, but not zoning).
- (E) A fifth column lists the estimated percent of residences in the municipality served by public sewer, per estimates provided to the researchers for the 2004 survey. Some municipalities have expanded sewer systems or added new sewers since the 2004 study, but this chart does not reflect those changes.

	A	B	C	D	E
Bellingham		✓			1
Bolton	✓	✓		✓ (40B)	0
Boxborough		✓	✓	✓ (40B)	0
Carlisle		✓	✓		0
Canton		(undetermined)		✓	3
Cohasset		(undetermined)		✓	2
Dover	✓	✓	✓	✓	0
Duxbury		✓	✓	✓ (40B)	1 (2%)
Essex	✓	✓	✓	✓	0
Hamilton				✓ (40B)	0
Hanover		✓			0
Holbrook		✓			3
Holliston				✓	0
Lincoln				✓	0
Manchester			✓	✓	3
Marblehead				✓	5
Medfield		✓	✓	✓ (40B)	2

	A	B	C	D	E
Middleton	✓	✓	✓	(no data)	1
Milford		(undetermined)	✓	✓	4
Nahant	✓	✓	✓	✓	5
Norfolk		✓		✓	0
North Reading				✓	0
Norwell	✓	✓	✓	✓	0
Pembroke		✓	✓		0
Rockland				✓	4
Sharon				✓(40B)	0
Sherborn				✓ (40B)	0
Southborough		✓	✓	(no data)	0
Stow		✓	✓	✓	0
Topsfield		✓		✓	0
Wenham		✓	✓	✓	0
Weston		✓	✓	✓	0
Wrentham		(undetermined)	✓	(no data)	0

Some of these municipalities might be in the process of planning for significant new multi-family development in the near future. Some permitted a significant number of dwelling units before the survey period of 2015 to 2017; permitting tends to happen with great variability year to year and not as a steady stream. The table provides some indicators that a municipality might be in the category of allowing either no growth or very little growth in multi-family housing, but each case could be debated.

Many of these municipalities lack infrastructure like sewer systems, well-connected sidewalks, and grid streets. Many of them rely on local water supplies; residents are concerned that growth could exacerbate water scarcity and pose a risk to water quality. Manchester’s 2015 Housing Production Plan explains: “A major constraint and cost factor for new development relates to infrastructure, particularly the lack of sewer services throughout many areas of town and some water capacity issues that raise concerns about the impacts of any new development on water supply and quality.” Some of the municipalities on the list also lack convenient access to public transit. On the other hand, some of the municipalities have train stations. Many have village centers with stores, libraries, and parks. New sewer systems or alternative shared sewage disposal systems can be built, when there is political will to enable denser development. There is a need for new housing options in these municipalities. Manchester’s 2018 Draft Master Plan explains: “The lack of housing diversity in town creates real challenges for many of our residents. Older residents are struggling to find housing options that will allow them to remain in Manchester as they age while single householders and young families struggle to afford even a modest home.”

In some of these places, additional development could only be realized with significant allocation of public funds to address infrastructure needs. Housing might be developed in other areas at less cost, to the public purse, per unit.

TRENDS: TRANSIT ORIENTED DEVELOPMENT

As the population of Greater Boston has increased, so has the number of cars on the roadways, adding to congestion, emissions of greenhouse gases, and reduced on-street parking availability. Allowing more development in proximity to nodes of public transportation can increase transit ridership and fare revenues which can be used to improve the transit system. Transit oriented development, relative to development far from transit, should shift some daily travel off of the highways and arterial roads, reducing congestion, wear, and emissions. It is also important for people to have options for mobility and commuting; not all people drive cars. For these reasons, and others, many people have been advocating to allow greater residential and mixed use development at MBTA nodes throughout Greater Boston. This report has already mentioned many plans and projects that represent transit oriented development. Municipalities have zoned for and permitted transit-oriented projects throughout the region, and there are many opportunities for more.

Transit-oriented developments can be located above or next to a station, or in a quarter mile or half mile “walkshed” of a station. Technically, a transit oriented development could also be further away from a station if it gets planned with a private shuttle service and bike paths or other mechanisms that make connections with mass transit convenient.

Many of the region’s train stations, subway stations, and transit hubs are located in or near historic centers, but not all are. Transit oriented residential developments have gone up, or are now under construction, in historic centers, in close proximity to stations, in Braintree, Concord, Framingham, Franklin, Lynn, Malden, Melrose, Milton, Natick, Newton, Norwood, Reading, Quincy, Scituate, and Walpole, among other places. Transit oriented development in Beverly is in the walkshed of Beverly’s historic downtown.

Transit oriented residential developments outside of village centers, in close proximity to stations, can be found in Ashland, Dedham, Westwood, Hingham, Revere, Cohasset, and Wakefield, among other places. At some of these stations outside of historic villages, the municipalities have adopted mixed use zoning and encouraged the development of village-type centers. These are discussed in an earlier section of the report, on lifestyle centers and mixed use. At Somerville’s Assembly Row development, the MBTA opened a new station on the Orange Line, which made the downtown-style new district “transit oriented development.” Other municipalities such as Woburn and Swampscott are considering zoning changes and new plans for areas around train stations, outside of the historic centers.

The MBTA is promoting mixed use development on its properties, to increase its ridership and also non-fare revenues. The MBTA does not seek jurisdiction over zoning or land use decisions; the MBTA pursues development on their properties, subject to local zoning. The MBTA did adopt a formal policy in 2017 to pursue projects that meet certain standards related to density, parking, mixed uses, affordability, and site plan, and the MBTA encourages municipalities to adopt 40R zoning districts or other types of dense, mixed use zoning for its properties and surrounding areas. The majority of recent residential developments on MBTA property have been in the city of Boston, but several have been built or are now getting planned in the cities and towns I have surveyed, including in:

- Quincy (North Quincy Red Line Station),
- Medford (Medford Station Landing),
- Newton (Arborpoint at Woodland Station and the project now under review at Riverside Station, both on the Green Line),
- Hingham (the ferry terminal at Hingham Shipyard),
- Revere (Waterfront Square at the Wonderland Station on the Blue Line), and
- Scituate (at the Greenbush Station on the commuter rail).

TRENDS: GROWTH DISTRICTS

In reviewing the master plans and housing production plans for 75 municipalities that created plans in the last decade, I looked to find locations throughout Greater Boston that are serving as residential growth nodes. From reading the zoning and the plans, it is hard to know where the zoning, political will, and market demand align such that significant development is actually happening in a place and is likely to happen in the near future. The zoning can contain multiple provisions for multi-family development, but as discussed above, the districts might already be built out to the capacity allowed or the regulations might be written in ways that make their use unlikely or rare. Often plans recommend changes that are not then adopted. For example, Lincoln's 2009 Master Plan makes strong recommendations for allowing more residential development in the town center, but the town is still studying the possibility, a decade later. Twenty-five of the municipalities have no published plans, and some of the plans I reviewed were a decade old, and no longer represent the priorities of the planning board or the community. Moreover, with the decades-long shift from district-level zoning to ad hoc legislative approval of projects parcel by parcel, it is nearly impossible to know ahead of time which areas on the map will gain a significant amount of housing. Plus, where districts are zoned for incremental increases in development, the legislative body could always vote to halt further development. Indeed, significant development is often a precursor to such a halt.

Nonetheless, to plan growth at a regional level, and devote resources efficiently to support growth, it helps to know where growth nodes are, and where they are likely to emerge. As discussed above, under current zoning and planning, we might expect more growth in multi-family housing in the centers and especially the peripheries of municipalities, in industrial redevelopments and suburban retrofits in commercial corridors. We can expect minimal growth in multi-family housing in existing residential districts. I have been looking to get even more specific, though, to identify locations where municipalities have been planning for growth and granting permits for it. In addition to reviewing the zoning and planning documents, I have been visiting municipalities, so far stopping in more than half of them.



Beverly,
Massachusetts

In my research, I had noticed that Beverly devotes many pages of its zoning code to multi-family development and has created multiple plans that address multi-family development. When I visited, I saw that Beverly's Rantoul Street has been undergoing a transformation, gaining many new multi-family buildings, many with first floor commercial spaces. The municipality has planned for and zoned for the development. A visit to Watertown's Arsenal Street and Pleasant Street makes a similar impression. Again the municipality has proactively zoned for the development. I have created a list of places that appear to belong in a category with Beverly's Rantoul Street and Watertown's Arsenal Street and Pleasant Street. The list is in no way comprehensive, as the local plans are not comprehensive for the region, the zoning is opaque, and I have not visited all corners of the region. Most of the municipalities on the list, although not all, are cities – where zoning gets approved by city council, not at town meeting. Some of the growth nodes listed here represent large parcels, where development is overseen by a master developer, but most are districts covering multiple parcels. I am not including here projects like Westwood's University Station where 350 dwelling units were built, but there are no plans for additional dwelling units, or the state hospital redevelopments. In some cases, municipalities create zoning districts that cover many parcels that theoretically could yield much new housing, but no new housing has been built yet. For example, in 2017, Rockland created a downtown overlay, covering 34 acres, with an estimated buildout of 480 dwelling units, which would represent significant growth for a town of Rockland's size (population 18,000), but so far no permit applications have been submitted. Rockland needs to expand its access to potable water before permitting more housing. Winchester re-zoned for its downtown for a projected buildout of 250 units, but so far development is not transforming the district. Where possible, I have noted what the buildout has been, and what plans indicate for future buildout potential.

This discussion is not meant to represent the final word on which places in the region have been designated by the municipalities as growth districts or which should be so designated. I am sharing these observations to shed light on how the region is growing and where we might expect more growth, in multi-family development. It is a first cut of a list that could ultimately be much longer.

Some places where significant planned building (not merely large 40B projects) has been underway include:

- **Somerville's Assembly Row:** Including already built dwellings and others that have been permitted, the new district will soon have approximately 1,000 new dwelling units. Press reports suggest that at buildout of Phase 3, Assembly Row will have 55 shops, 22 restaurants, 1,514 residential units, more than 1.1 million square feet of office space, and a hotel. After Phase 3, the property owner, Federal Realty Investment Trust, will have approximately five more acres of developable land in the district.
- **Somerville's Union Square:** The MBTA is opening a new Green-line station in Union Square, a center between Somerville's residential and industrial zones, near Somerville's border with Cambridge. The city has rezoned to allow 400 new dwelling units. The city has also produced a master plan for the square, and is considering new zoning to allow another 600, for a total of approximately 1,000 new dwelling units.



Quincy,
Massachusetts

- **Cambridge Crossing:** This development is on a single 45-acre parcel, to be built out with offices and 2,400 new dwelling units.
- **Melrose by the train stations:** Close to 400 dwelling units were developed in a Smart Growth Overlay, adopted in 2008, in an industrial zone near the downtown. The City also adopted a Rail Corridor Overlay District in 2014; a 90-unit assisted living facility was developed in the area, and few other small projects were built using other tools in the Zoning Ordinance. According to Melrose’s 2017 Master Plan: “Future opportunities [in the Rail Corridor Overlay District] may be somewhat limited by the large number of individual property owners.” In 2015, the City amended the zoning district around the three commuter rail stations to spur more development.
- **Watertown’s Arsenal Street Corridor and Pleasant Street Corridor:** Watertown has adopted overlay zones for its Arsenal Street corridor and Pleasant Street corridor. On Arsenal Street, in a few projects, more than a thousand dwelling units either have been constructed recently or are due to be built soon. Pleasant Street has seen almost as much construction, in several different projects.
- **Weymouth’s Union Point:** Hundreds of dwelling units have been permitted at the former Naval Airbase. Plans call for thousands of dwelling units.
- **Framingham Center:** Several new and planned projects are adding a few hundred dwelling units to Framingham Center.
- **Beverly’s Rantoul Street:** In more than 10 different projects, Beverly is gaining more than 500 units on Rantoul Street, and some more along nearby Cabot Street that passes through the historic downtown.
- **Waltham at Main Street and Moody Street:** Waltham has gained more than 500 dwelling units in and around its downtown in a few projects.
- **Salem’s North River Canal Corridor:** Salem adopted an overlay for the corridor that allows mixed use development. A few projects have been built, and more are under way.
- **Lynn’s waterfront:** Lynn has approved more than a thousand dwelling units to be built on the Lynnway, by the ocean; the state is reviewing the projects, because of their location on the water.
- **Quincy Center:** In the last decade, Quincy has permitted more than 400 dwelling units in its downtown, and in the near future, the number could reach over a thousand.

- **Malden Center:** Multiple projects in Malden Center, both built and planned, could add up to almost 1,500 dwelling units.
- **Malden and Revere's Rowe's Quarry:** Malden and Revere have adopted zoning for Rowe's Quarry. More than a thousand dwelling units have been constructed, and the buildout might be close to 3,000, plus a hotel and commercial space. The project has become more controversial because city leaders had expected the state to construct an on-ramp to Route 1 near the development, and now it appears that the on-ramp might not be built in the near future.
- **Dedham Square:** Across several buildings, Dedham has gained approximately 100 dwelling units in its town center. According to the economic development director, there is potential for more development in the center.
- **Revere Beach:** In the last three years, Revere has permitted three projects with 320, 166, and 230 units on Ocean Ave, and one project with 195 units on Revere Beach Parkway, and one project with 234 units on Revere Beach Boulevard. That adds up to more than a thousand units permitted in three years.
- **Hingham Shipyard:** The town has permitted more than 700 dwelling units in several large projects over the last decade, some via Chapter 40B. The district also has a lifestyle mall called the Launch, with 240,000 square feet of retail, office, and dining space.
- **Downtown Franklin:** Franklin rezoned its downtown to allow by-right mixed use (up to 3 stories), and rezoned two areas within a quarter mile of the Downtown MBTA station allowing multi-family residential by special permit. Hundreds of units have been permitted or are being planned for the downtown.
- **Medford, Malden, and Everett along the Malden River and Mystic River:** Beyond and including the parcels that the Mystic Valley Development Commission (MVDS) is overseeing, former and current industrial land covers significant territory along the Mystic and Malden rivers in these three municipalities; approximately two thousand dwelling units have been added in at least eight projects over the last 15 years, and more projects are under consideration. Everett has adopted an urban renewal plan for Lower Broadway as well as zoning for the "Lower Broadway Economic Development District," which is in close proximity to Assembly Row and the property overseen by the MVDC.

Further, some municipalities have begun the process of considering significant development for certain potential districts. The planning for these districts, across municipalities, is at very different stages. Some municipalities are nearing votes on new zoning, and others have only begun a public discussion. This list does not represent a recommendation for development, but merely a reflection of some locations that get mentioned in planning documents as having potential for growth:

- **Beverly's Bass River Industrial District:** In 2014 Beverly created a vision plan for redeveloping the stretch of industrial land between the train tracks and the Bass River into a mixed use destination. The district is adjacent to Rantoul Street which has recently gained approximately 500 dwelling units in several mixed use projects. Beverly is looking to create a master plan for the district before rezoning.
- **Woburn's Commerce Way between Mishawum Station and Anderson Station:** Woburn is now undertaking the process of planning for the redevelopment of a stretch of land along the train tracks, the size of Back Bay, and almost twice the size of Assembly Row. The area now includes the Woburn Mall. The concept is to create a mixed use neighborhood with stores, offices, and residences.
- **Newton's Washington Street corridor, from Newtonville to West Newton:** Newton is in the process of creating a plan for the redevelopment of Washington Street. Several scenarios are being considered, all of which allow greater residential density than the current zoning.
- **Newton's Needham Street corridor and the Newton-Needham Innovation District:** Newton is currently considering the redevelopment of a specific large parcel owned by Northland; the current proposal is for more than 800 dwelling units. Across the border, but in the same general district, Needham recently permitted, as a friendly 40B, 390 dwelling units. On the other end of Needham Street from the Northland Project, Newton permitted an AvalonBay apartment project, via 40B, with almost 300 units, more than a decade ago. Newton is not currently undertaking an effort to re-zone the entire corridor or region for denser residential development, but the region has redevelopment potential.

Wellesley,
Massachusetts



- **Wellesley at Walnut Street:** Wellesley’s 2018 Draft Unified Plan suggests rezoning the street that now has multi-story office buildings for mixed use development including residences. The Town has not yet created a master plan or proposed new zoning for the street, but it could represent redevelopment potential.
- **Lincoln Station:** Lincoln’s 2009 Master Plan makes a strong recommendation for allowing more multi-family housing in the village center, by Lincoln Station. The area lacks a sewer system, but it is likely that alternative sewage disposal systems could accommodate hundreds of dwelling units near the train station, if there is political will to support redevelopment. The station is in walking distance of stores, schools, town offices, a community garden, the public library, Drumlin Farm, Codman Community Farm, and churches.

- **Milton Village:** Milton Village is between two train stations, across the Neponset River from Mattapan and Dorchester, with views of brick factories. The village has some multi-family buildings and stores, but is not that densely developed for its location on the border of Boston. The Town has been exploring options for rezoning to add more mixed use development to the neighborhood.
- **Salem’s Point Neighborhood Commercial Corridor:** Salem’s 2014 plan for the Point neighborhood identifies 16 areas in the neighborhood for mixed use development. The Point Corridor Zoning Overlay District was designed as a 40R district, but it was not adopted.
- **Scituate at Greenbush:** There is an overlay zone in the Greenbush neighborhood by the train station, and a few moderately sized projects have been built. The municipality has been considering zoning for greater development.
- **Sudbury on Boston Post Road:** A half mile of Boston Post Road is home to a series of strip malls, designed for access by car. Sudbury did approve a recent dense and walkable development with hundreds of apartments and condos, as well as a few stores and a supermarket. Sudbury has rezoned the area in the past for mixed use development, and has addressed the redevelopment in several plans, but so far only the one large re-development project has happened there.
- **Winchester Center:** The town has already rezoned the center for hundreds of new dwelling units, but so far only a small amount of building has happened.
- **Downtown Gloucester:** Plans suggest that downtown Gloucester could accommodate hundreds of dwelling units.

Policymakers and regional planners might consider several questions: Of all of the current and potential districts listed here, what potential buildout capacity remains? What other districts might be added to the lists? What portion of housing production for the region should be met in designated districts, and how much should be developed incrementally throughout the region, in a more dispersed and ad hoc way?

REGIONAL PATTERNS FOR MULTI-FAMILY DEVELOPMENT

In this assessment, I have looked at zoning barriers to development of multi-family housing, and trends in zoning such as for mixed use and for legislative approval of new developments. I have also looked at the types of districts that are getting rezoned for multi-family housing, and patterns of development in centers and peripheries of municipalities. There are other ways to examine regional patterns of zoning for dense housing. For example, it appears that the region's cities are allowing more housing than the region's towns. There is precedent in the cities for dense development, and often better public transportation options, but also in cities the zoning gets decided by city council and not town meeting, which can bring out neighbors affected by a rezoning. Zoning and growth could be analyzed separately for municipalities that had developed significantly before the age of the automobile and after. This report has not looked at demographics, but zoning could be studied in relation to a range of demographic characteristics.



Concord,
Massachusetts

Another way to analyze the zoning for multi-family housing is to look at growth in terms of distance from the core job center of Boston. At the regional level, it appears that there is an inner ring of municipalities around Boston that are allowing for some growth in multi-family housing, including Dedham, Chelsea, Malden, Watertown, Quincy, Somerville, Revere, and Cambridge. Depending on Newton's decisions about the Washington Street corridor, the Northland project, and the Riverside project, Newton could also be added to the list. Then there appears to be a second ring around the core municipalities that is allowing relatively little multi-family housing: Cohasset, Belmont, Weston, Lexington, Concord, Westwood, Winchester, Milton, Carlisle, Dover, Wellesley, and Medfield for example. At times, the municipalities in this list are proactive in getting projects permitted, such as Belmont in Cushing Square, but not a significant scale compared to the region's demand for housing. Beyond that ring is a third ring of municipalities that are permitting more multi-family housing than the second ring of very affluent municipalities. The third ring includes Framingham, Natick, Beverly, Salem, Woburn, Lynn, Melrose, Walpole, Marlborough, Waltham, and Weymouth.

Also at the regional level, there could be an assessment of zoning for multi-family housing at all major transportation nodes. Many municipalities have upzoned by train stations, ferry stations, and key bus stations, but many also prohibit multi-family development near nodes of public transportation.

Conclusions

The opening of every zoning regulation is a list of purposes for the zoning. In many, I have read in the list: “To avoid undue concentration of people.” The language originates from the 1926 federal State Zoning Enabling Act, and got copied into many of the original local zoning bylaws and ordinances, and has remained in most updated versions. The sentiment is mostly a relic from the 1920s and earlier, when deadly illnesses swept through the tenements – that lacked good plumbing. Since then, building codes and health codes have solved the health and safety problems, so that now people can live healthy, long lives in multi-family housing. Moreover, there is now a movement to allow greater “concentration of people” in certain districts to minimize environmental impacts of settlement, increase convenient access to community amenities, increase opportunities for social interaction, and give the population needed housing options. Yet, concerns about development have motivated municipal voters to restrict multi-family housing in numerous ways, across Greater Boston. Taken together, the restrictions appear to be preventing the market from meeting the region’s demand for housing.

Many municipalities have been identifying solutions to the housing crisis that optimize many social and environmental goals at once. We are building multi-family housing in historic centers, which is good for the new residents and everybody who enjoys the benefits of a center. We are also building new village centers. We are turning old industrial zones into mixed use villages, where people work, live, shop, and play. And we are finding places, small and large, where we can fit more housing. Now it is the task of regional planners and state policymakers, as well as local leaders and voters, to find ways to grow our housing supply even more.





FE 1 RT 2A

BBQ

EAT, DINE

The local zoning bylaws and ordinances and plans that I have assessed are the output of political processes that happen in the context of state-level statutory requirements. The assessment thus raises some considerations for state-level policymakers, housing advocates, and regional planners:

As Chapter 40B loses its teeth, how should the state respond?

Chapter 40B has been a profoundly important tool for getting multi-family housing permitted in Greater Boston, both directly via comprehensive permits and indirectly, when municipalities either (A) proactively allow housing to remove the “threat” of 40B development or (B) allow specific projects via zoning not to see rejected projects return as larger 40Bs. With nearly 40 percent of municipalities now off the hook of 40B, and more soon to be, local momentum to allow more multi-family housing will slow. Even with Chapter 40B, building levels have not sufficed to meet demand for housing. The state will need to grapple with new ways to get more housing permitted.

What are the costs and benefits of zoning systems that tend to be either (A) flexible, ad hoc, responsive to opportunity or (B) planned, district-based, and predictable? The trend over decades in Greater Boston has been towards ad hoc decision-making about development opportunities, as they arise, with less focus on on-the-map planned districts that cover many properties. It can be a challenge to plan long term improvements for infrastructure and services when it is not obvious where development will happen. The public and policymakers could grapple with the tradeoffs between flexibility and predictability.

What types of development should be allowed as-of-right?

Significant efforts by housing advocates to expand as-of-right zoning for multi-family housing have met very limited success. There is very strong local pushback against proposals for as-of-right zoning. The public and policymakers should grapple with what the tradeoffs are between as-of-right zoning and processes for discretionary decision-making and negotiation. Are there certain types of development for which it is most important to have predictability in permitting?

What lessons have been learned from municipalities that have purposefully shifted multi-family zoning to be by right and from municipalities that have permitted multi-family housing by right?

While the overall movement in local permitting has been to become

more discretionary, there has been some as-of-right permitting. How do these projects compare with projects that gain special permits or approval from town meeting or city council?

What are ways to optimize permitting processes to have the benefits of both (A) local control, flexibility, and negotiation and (B) transparency, predictability, and speed? Within the framework of Chapter 40A, the approval processes for multi-family housing vary tremendously across municipalities and even within municipalities depending on the type of project or its location. Some variations must optimize the benefits of flexibility and predictability better than others. It would be helpful to know more about the range of benefits of the negotiated and discretionary permitting processes, in order to think about ways to achieve the benefits while ensuring more transparency and predictability.

What are the best practices in incentive zoning, and what are the benefits and costs of it as a zoning tool? There is very little information in the local master plans and housing production plans about incentive zoning. It is a far from universally used tool in zoning, and it appears in very different forms across zoning bylaws and ordinances that include it. It is likely that many members of planning boards are not well trained for using it, and it appears that planners have different ideas about what the legal parameters of its use are. The tool is controversial and not always well understood, and there is little public consensus about what trades should be offered with incentive zoning, so it would be helpful for policymakers and the public to deliberate more explicitly about incentive zoning.

As demand for commercial space subsides, how can the region adjust its housing strategies? A major part of municipal strategies to allow more housing over the last two decades has been to promote mixed use development. Municipalities have been zoning for mixed use in village centers, former industrial properties, and commercial corridors. The idea of gaining more commercial property together with residential development, and of creating and stimulating mixed use hubs, animates local support for housing development more than proposals to allow stand-alone multi-family housing do. With ongoing competition from on-line retail, as well as recent growth in commercial property that has been stimulated by mixed use zoning, the demand for new commercial space might subside, making a strategy of adding housing linked to commercial development more problematic. There are certainly

benefits to adding housing in walkable proximity to shops and offices, so policymakers and the public might consider how to gain such benefits without requiring new commercial development in residential projects.

How much multi-family housing should be provided via large-scale projects or smaller-scale projects? The current strategy of allowing multi-family housing in limited land area means that demand for housing cannot be substantially met by development of many small-scale projects, such as conversions of single family houses to three-family houses or development of five-unit townhouses. Meanwhile, density limits make it hard to meet demand even with larger scale projects that cover little land area. The public and policymakers could consider ways to allow incremental development over greater land area and denser development in certain smaller areas.

What are ways to allow more multi-family housing in existing residential districts while maintaining the cherished character of the districts? Most of the local plans make clear that homeowners care a lot about protecting the character of their residential neighborhoods, and there is concern about teardowns. There are some ways to allow incremental increases in the density of residential districts while protecting the character and minimizing teardowns.

How much development should happen in municipal centers versus peripheries? There is much local interest in allowing multi-family development in city and town centers, but much more housing often gets permitted on municipal peripheries. It appears that local policymakers have been very cautious in allowing increases in density on the centers. Now that so many projects have been developed in historic centers, at a scale of tens or hundreds, it is a good time to assess what has been learned by the many experiments in growth and consider the best practices in allowing residential development in and near the centers. It is also a good time to assess what has been learned by the creation of new village centers and mixed use developments on municipal peripheries.

What are best practices in retrofitting commercial corridors as walkable mixed use village centers? Many of the plans have recommended residential development in commercial corridors that were built out in the age of the automobile, and some experiments have been underway in transforming nodes along

the corridors into village centers, some with more successful than others. It is challenging to redesign areas that were already subdivided into multiple properties, with different owners, and designed primarily for access by cars as walkable neighborhoods. Moreover, these corridors tend to be congested with traffic, and local residents are concerned that new development can exacerbate the congestion. Now would be a good time to learn from the initial experiments retrofitting village centers and managing traffic.

What are the tradeoffs for municipalities in allowing (A) age-restricted and/or bedroom-restricted multi-family housing versus (B) unrestricted multi-family housing, including some large units?

There is clearly a preference by many local voters to allow multi-family housing that is restricted to seniors or limited in bedrooms. The preference can make it hard for the region to gain enough multi-family housing suitable for families and larger households. Policymakers and the public will need to grapple with the preference to limit multi-family housing for families with children.

What role should municipalities that currently lack key infrastructure play in meeting the region's demand for multi-family housing? There is demand for more housing in even least developed municipalities of Greater Boston. In many cases the building of infrastructure to support additional development could be expensive, requiring public funds, from the state and/or municipalities. Sometimes, the funding required for infrastructure per dwelling unit can be very high in these municipalities, compared to what additional funding might support in areas that already have sewers, sidewalks, and transit stations. In other cases, developers could provide the needed infrastructure, if allowed. Some municipalities might opt not to accept state and federal grants for infrastructure development, because the residents prefer to maintain the low density buildout of the municipality.

What more can be done to promote dense residential development near transit nodes? The region has benefited from the development of many multi-family residences near transit nodes in recent decades. Yet many municipalities also have opted not to allow multi-family housing near train stations, and others have allowed only incremental growth near stations.