



# **The State of Zoning for Multi-Family Housing**

*In 100 Cities and Towns in Greater Boston*

**Amy Dain**  
June 2019

**@amydain**  

Thank you for the opportunity to present my research. My name is Amy Dain.

## Research supported by:

- Citizens Housing and Planning Association
- HomeBuilders and Remodelers Association of Massachusetts
- MassHousing
- Massachusetts Housing Partnership
- Massachusetts Smart Growth Alliance
- Massachusetts Association of Realtors
- Metropolitan Area Planning Council



I would like to start by thanking the seven organizations that have supported my research –

I am especially grateful to Larry Field of the Smart Growth Alliance for his help with every aspect of the project.

**Zoning and  
planning for  
multi-family  
housing in  
Greater Boston**



I'm here to talk about zoning and planning for MF housing in Greater Boston



## Zoning: A Plan for Managing Growth

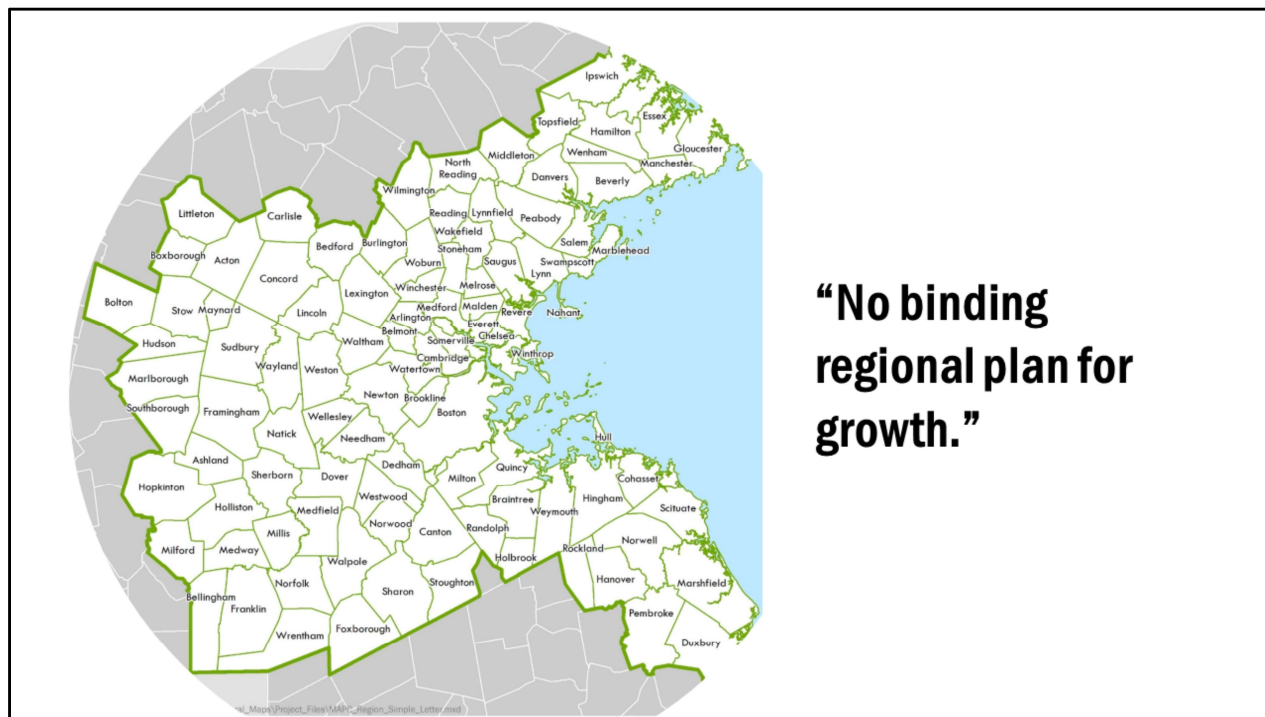
What can be built where?

How do we make decisions about projects?

What is zoning? Zoning is a plan for managing growth in a municipality.

It addresses the questions: What can be built where, and how do we make decisions about allowing specific projects.





People say that there is no binding regional plan for growth in Greater Boston, because zoning is controlled at the local level.

Not by the state and not by a regional authority.

This is basically true.



1. Any use specified above in section 4 as permitted in dwelling districts.
2. Detached apartment or tenement houses.
3. Hotels and lodging houses, dormitories, providing there is no display or advertising visible from the street except for a small name sign.
4. The following uses shall only be permitted in the Apartment District upon the grant of a Special Permit by the Zoning Board of Appeals:
  - a. Uses, whether or not on the same parcel as activities permitted as a matter of right, accessory to activities permitted as a matter of right, which activities are necessary in connection with scientific research or scientific development or related production. The Zoning Board of Appeals may grant such permit provided that it finds that the proposed accessory use does not substantially derogate from the public good. (Ord. of 42991)
  5. Open air markets of any type shall be prohibited. The sale of used household goods by residential occupants on their premises, normally referred to as garage sales, shall be allowed providing that such sale shall not continue for a period or more than seven (7) days in any year, except by Special Permit of the Zoning Board of Appeals. (Ord. of 42991)
- B. Dimensional Requirements.
  1. Residential dwelling units, except one or two family units, which will be subject to Section 4, Dimensional requirements.
    - a. Frontage:
 

Forty (40) feet plus five (5) feet per unit up to seventy (70) feet maximum required.

b. Four thousand (4,000) square feet plus one thousand (1,000) square feet per unit up to a total of ten (10) units, then five hundred (500) square feet per unit for all units in excess of ten (10) units. (Ord. of 62987)
    2. All other residential: Floor area ratio, 1 to 1 maximum (Ord. of 629-87)
    3. All other uses: Floor area ratio, 1 to 1 maximum (Ord. of 62987)
  4. Height:
 

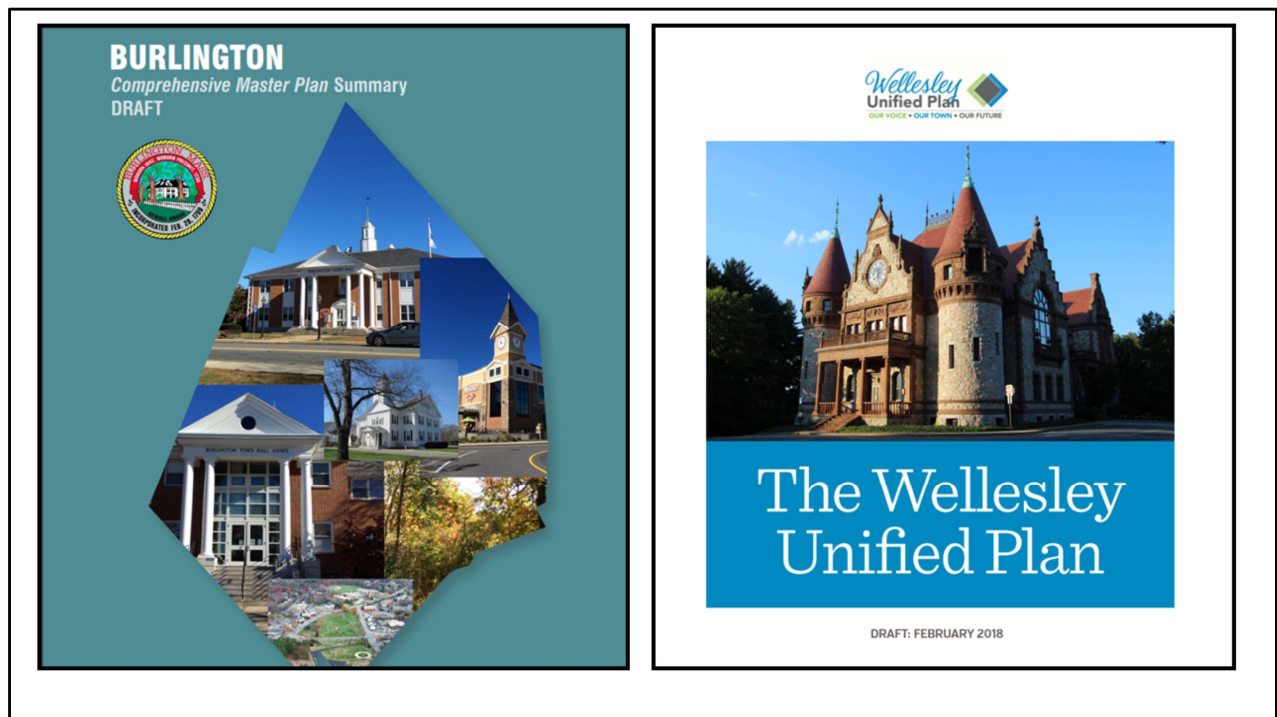
Four (4) stories, not to exceed sixty (60) feet maximum. Penthouses shall not be subject to four story limitations provided the total height of the building including penthouses does not exceed sixty (60) feet. Total floor area of church spires, belfries, cupolas, chimneys, radio and flag poles, water tanks, hose towers and penthouses shall not exceed in aggregate twenty five (25) percent of the floor area of the first floor, and provided that such church spires, belfries, cupolas, chimneys, radio and flag poles, water tanks and hose towers, penthouses and shall not be more than fifty (50) percent higher than the average height of the roof of the main structure. (Ord. of 62987; Ord. of 41188)
  5. Front Yard:
    - a. Twenty (20) feet minimum of which ten (10) feet shall be used for landscaping.
    - b. Corner lots, seven (7) feet minimum on one (1) side of corner. (Ord. of 62987)
  6. Side Yard:
    - a. Ten (10) feet minimum up to and including three (3) stories and forty-five (45) feet in height.
    - b. Twelve (12) feet minimum for four (4) stories and over forty five (45) feet in height. (Ord. of 62987)
  7. Rear Yard:
 

Twenty five (25) feet minimum. (Ord. of 62987)
  8. Accessory Building:
 

Shall be located only within the rear yard and shall occupy not more than thirty three (33) percent of the rear yard area and shall not exceed two (2) stories and/or twenty (20) feet in height nor be located any closer than seven (7) feet from any lot line. (Ord. of 62987)
  9. Inground Swimming Pools:
 

Six (6) feet minimum from any lot line. (Ord. of 62987)

The bylaws and ordinances are typically one hundred to three hundred pages long. They look like this.



Then print out the local master plans and housing production plans and town center plans.

Put it all in binders, and put them on the shelf.



## Zoning

Where can multi-family housing be built?

How do we make decisions about multi-family projects?

**On the shelf is the region's actual, current plan for growth.**

On the shelf -- are the answers to these questions for Greater Boston: Where can multi-family housing be built in Greater Boston? How do we make decisions about multi-family projects in Greater Boston?

Open the binders to find the answers.



1. Any use specified above in section 4 as permitted in dwelling districts.
2. Detached apartment or tenement houses.
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9. Inground Swimming Pools:
 

Six (6) feet minimum from any lot line. (Ord. of 62987)

But why would anybody ever want to do that?

Who wants to look at thousands and thousands of pages like this?



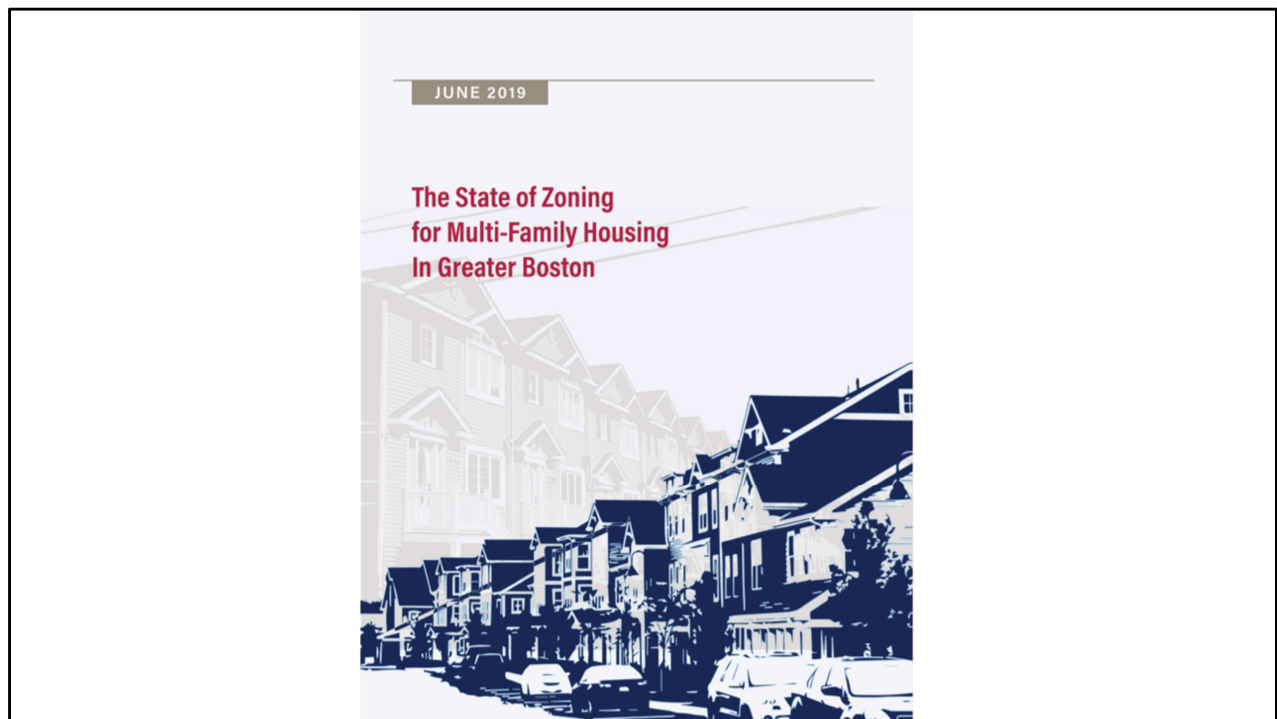
**Price escalations**

**Traffic**

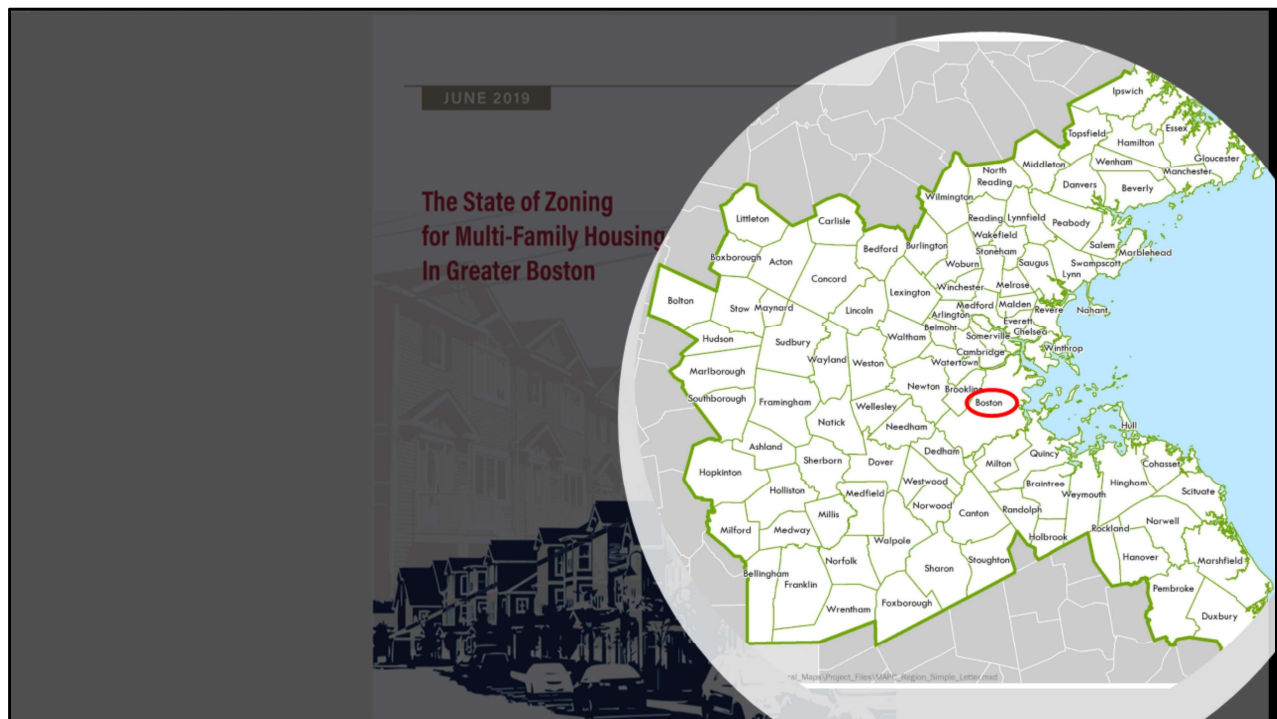
We do. Because zoning poses one of Greater Boston's greatest policy challenges. Economic growth has been showing our region's zoning and planning to be inadequate.

To deal with house prices and traffic, we need to deal with zoning. We need to look in the binders, at the plan as a whole. It is hard to change something you do not understand.

Today we are opening the binders.



Today I am presenting findings from a report that is a broad assessment of the state of local zoning and local planning for multi-family housing in 100 cities and towns of Greater Boston, not including Boston itself.



Here are the cities and towns in the study.

## **Zoning bylaws & ordinances**

*in 100 cities and towns*

- Table of uses
- Table of dimensional requirements
- Sections on:
  - Multi-family housing
  - Garden apartments
  - Townhouses
  - Village overlays
  - Planned unit developments
  - Mixed use
  - Open space residential design
  - Building conversions
  - Age-restricted housing

## **Plans**

*in the 75 municipalities that have created them since 2007*

- Master plans
- Housing production plans
- Village center plans

For the research, I scrolled through the zoning bylaws and ordinances for all 100 cities and towns. I didn't actually print them all out. I looked at...

I also reviewed the plans in the 75 municipalities that have created them since 2007.



## Four Takeaways

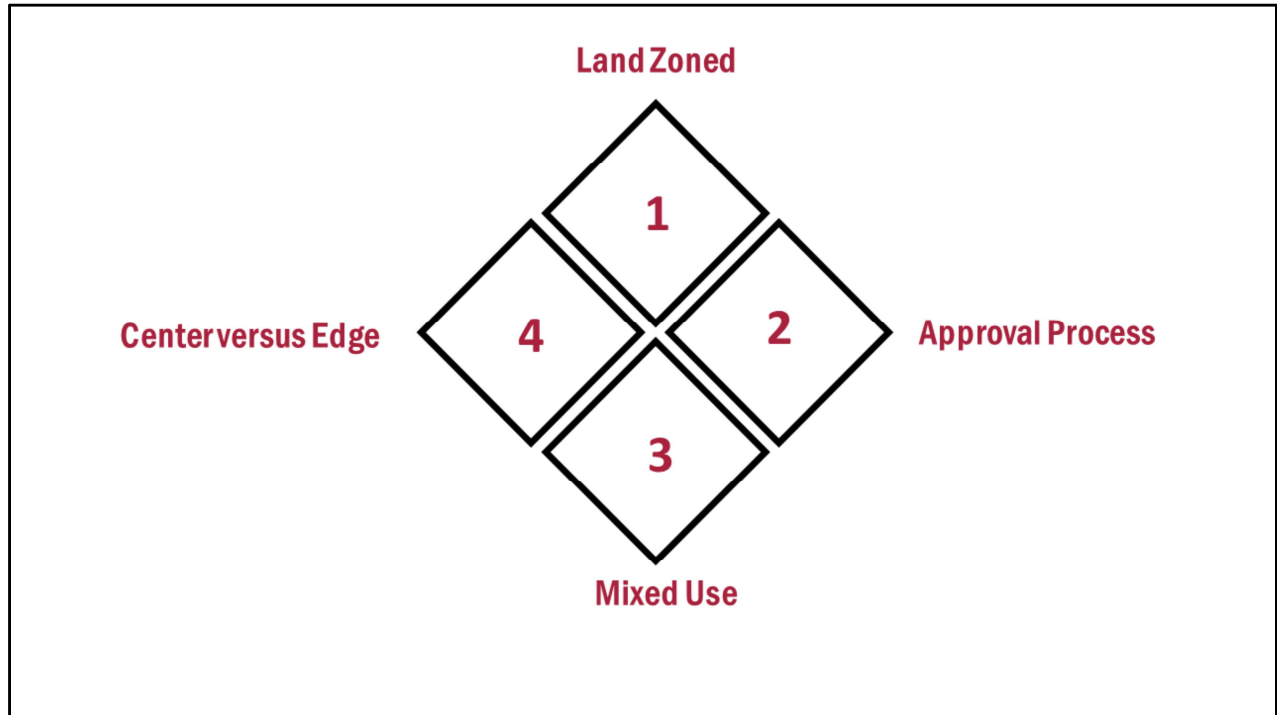
And I have boiled it down to four takeaways.



(Plus another  
20 or 50...)

Plus another 20 or 50.

This won't be painful.



Here are the topics of the four findings.



Before I delve in, I wanted to mention that I have been visiting the cities and towns on the weekends. I have made it to 75 of them in the last two years. The photos here are from my tour.



**Hundreds of thousands**

Also before I begin, let me plant this scale in your mind. It is estimated that we need hundreds of thousands of dwelling units in Greater Boston to meet demand.



**1**

**Very little land is  
zoned for multi-  
family housing.**



So, my first finding.

One: Very little land is zoned for multi-family housing.

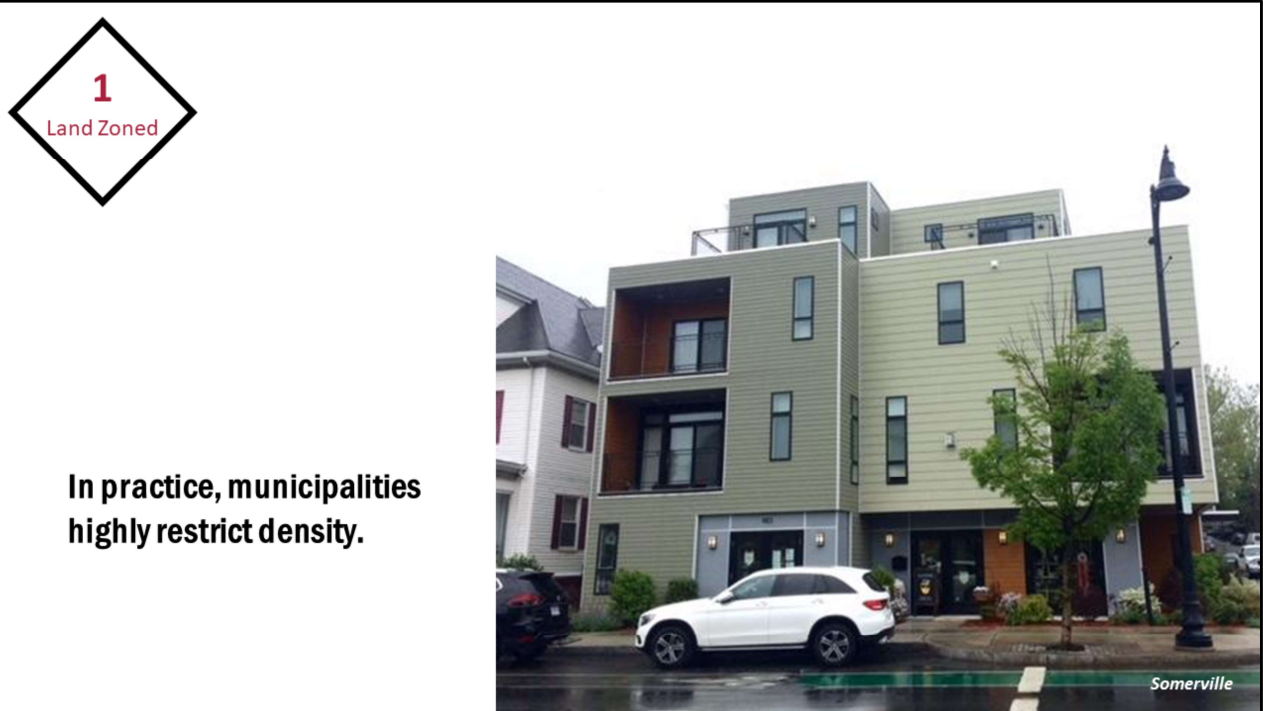


**In theory, land area is not  
a critical constraint.**



In theory, land area is not a critical constraint.

We can build up to meet demand, instead of out.



In practice, municipalities highly restrict density.

For example with requirements related to setbacks, height, and dwelling units per acre.

It isn't that these regulations are bad. It is good when a building fits in its context.

But...



**In Boston's suburbs, it is  
hard to build UP or OUT.**



In Boston's suburbs, it is hard to build UP or OUT.



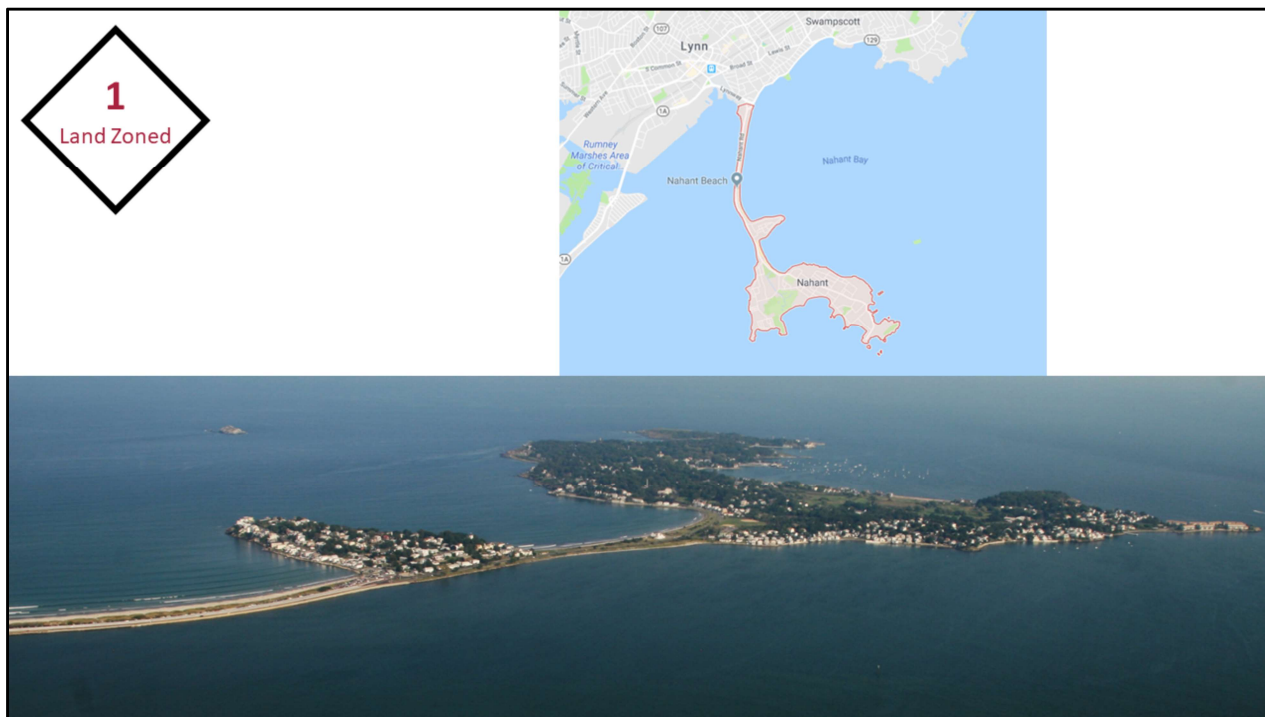
**Q: Is multi-family housing allowed anywhere in the municipality? \***

*\* Is there zoning on the books for it?*

The first question I asked in my survey: Is multi-family housing allowed anywhere in the municipality?

Or, stated another way: Is there zoning on the books for it?





The only municipality out of 100 with no provisions at all for multi-family housing – where multi-family housing is outright prohibited – is Nahant.

On the map, Nahant even looks like an outlier.

A few other municipalities have provisions on the books for multi-family housing but in effect prohibit it completely, for example, Dover. Dover's multi-family bylaw is very restrictive and has never been used.

Maybe this front yard in Dover is an acre, or a little less. An acre is a bit less than a football field. Four houses to the acre is a comfortable density for single family houses with yards.

Other municipalities might belong to this category, for example, if their district for denser multi-family housing has already been built out to the capacity allowed. So, in practice the list is longer, but the list on the slide represents a strict interpretation of the rules.

1

Land Zoned

A: No

Bellingham

Nahant

Bolton

Norfolk

Boxborough

Norwell

Carlisle

Pembroke

Dover

Sherborn

Duxbury

Southborough

Essex

Stow

Hanover

Topsfield

Holbrook

Wenham


Medfield

Weston

Middleton

DRAFT

Q: Is multi-family housing allowed at a density of 12 units per acre?



I also asked if the municipality allows multi-family housing at a density of 12 units per acre. More than 20 municipalities do not allow multi-family housing at that density – they have no provisions on the books for it. Again, other places might in practice belong on the list because they have provisions on the books that aren’t actually buildable, for various reasons.

27



**Southborough's zoning for multi-family housing for the elderly**



**"No development shall exceed ...  
three units per contiguous acre ... and  
six bedrooms per contiguous acre..."**

As an example of low-density zoning, Southborough's provisions for multi-family housing for the elderly, include this: "No developments shall exceed three units per acre and six bedrooms per acre." Six bedrooms on a football field is low density housing.



Those thresholds, 4 or 12 units per acre, as metrics, perhaps put too much emphasis on places like **Dover and Carlisle, Norwell and Hanover**, that lack some of the infrastructure that other municipalities have to support growth.

The reality is that no municipality out of the 100 is right now allowing as much multi-family housing to be built as the market demands.  
Denser municipalities are over-restricting housing development as well.





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.**" *[emphasis added]*



Gloucester's 2017 Housing Production Plan explains: "The zoning ordinance appears to encourage multi-family projects. The dimensional requirements, however, do not support future development."



**Needham's 2007  
Affordable Housing Plan:**


"The extent of multi-family zoning  
is extremely limited."

**Concord's 2015  
Housing Production Plan:**

"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."



40B is a state law that enables developers, under certain circumstances, to build housing that is not allowed in the local zoning.



**1**  
Land Zoned

## About existing residential districts...

**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."

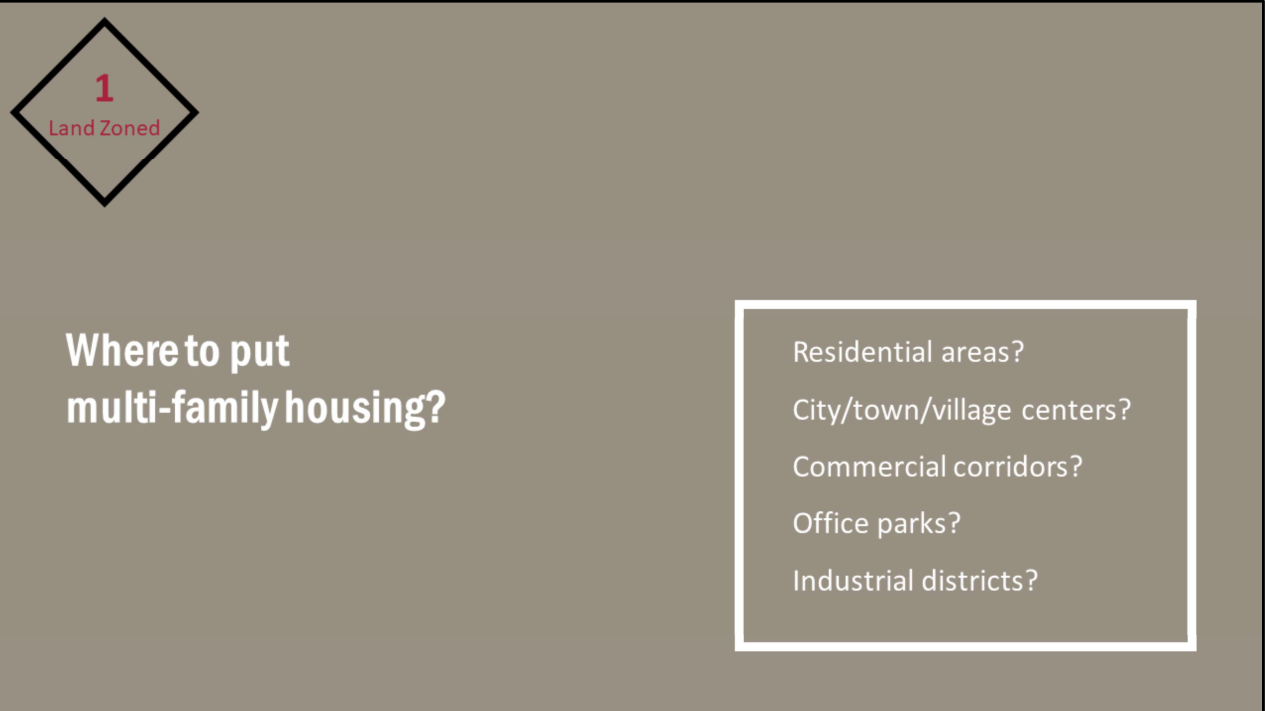
Newton

This one is a long quote. But I want to share the whole thing, because the sentiment is expressed in plan after plan. It gets to the heart of the challenge.

...

Most of the region's land area is existing residential districts. Politically, this is the hardest place to allow new multi-family housing.





This brings us to the question, for a region that is largely developed, and largely developed residential. Where should we put multi-family housing?

1

Land Zoned

Interpretation of local plans, in aggregate:  
Where to put multi-family housing?

**Residential areas?**  
No, but maybe with *extreme* caution, someday

**City/town/village centers?**  
Let's do this, carefully

**Commercial corridors?**  
Maybe yes, but it's hard to do well

**Office parks?**  
Hmm, perhaps

**Industrial districts?**  
Yes, we're on it!

Here is my interpretation of the plans and zoning codes, in aggregate:

Note, this is my interpretation of the plans.

I will loop back to this further in the presentation.



## Takeaway

To meet demand for multi-family housing, we will need to allow:

- very dense building in a small land area, and
- incrementally denser building in a large land area.

To conclude part 1, here is the takeaway.

## 2

**We are moving to a  
system of project-by-  
project decision-making.**

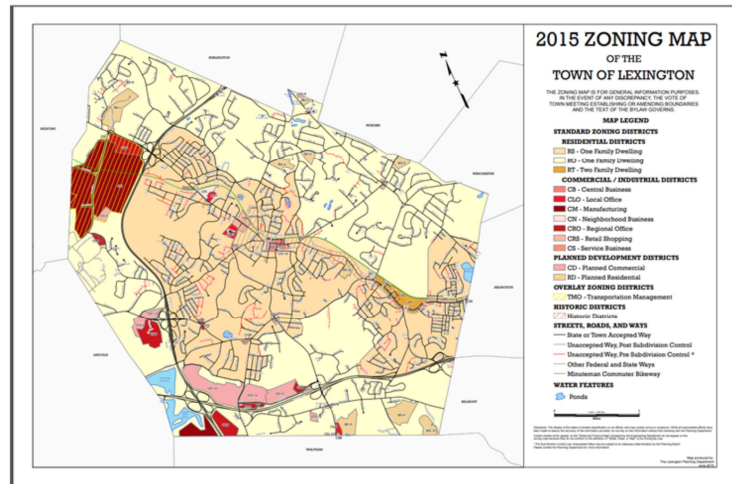


Finding number 2. We are moving to a system of project-by-project decision-making.

2

Approval  
Process

Away from mapped districts  
for multi-family housing



And away from mapped districts for multi-family housing.

Here is Lexington's zoning map, as an example. The yellow and peach are single family districts. The red ones are commercial districts. There is a strip over there in dark yellow – the two family district.

In 2013, Lexington voted to take multi-family housing off the map and handle it through something called floating zoning. The multi-family district floats over the entire town. The multi-family district is not mapped, but Town Meeting can pin it down to parcels, by approving projects.

2

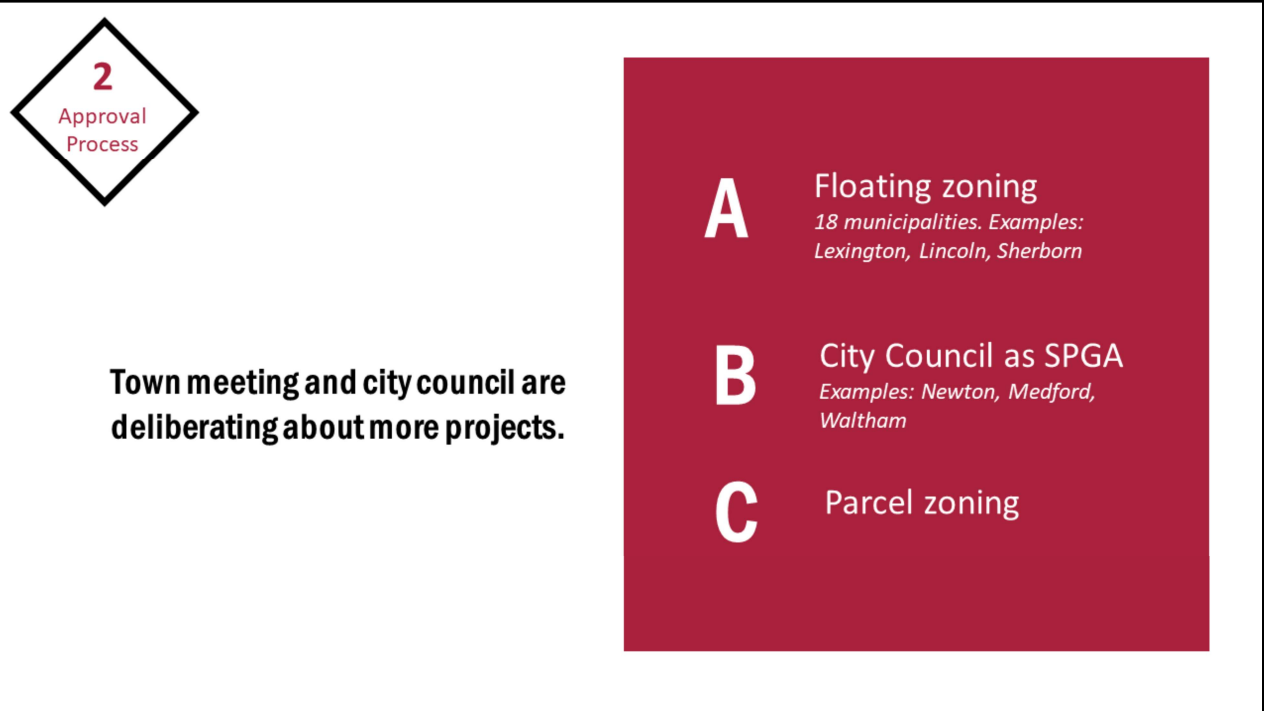
Approval  
Process



**Survivor of Two  
Town Meetings**



Here is an example. This project got deliberated at two town meetings. It got approved. 30 units in Lexington Town Center. It now has a bike store café.



Across the region, town meetings and city councils are deliberating about more projects. They are doing this through three mechanisms.

First, with floating zoning, like in Lexington. I found provisions for floating zoning in 18 of 100 municipalities, such as Lexington, Lincoln, and Sherborn.

Second, City Councils are often designated as the authority for granting special permits for multi-family projects. For example, Newton, Medford, and Waltham.

Third, there is a movement towards parcel zoning, where town meeting or city council adopts zoning for a single parcel, under single ownership. Like a single parking lot in Newtonville that became a zoning district.



## Parcel Zoning

- Former church properties
- Former schools
- Former hospitals
- Publicly owned parking lots
- Old YMCAs
- Properties vacated by large employers
- Etc.

Often parcel zoning is used for former church properties, former hospitals, former schools, or for publicly owned parking lots, or old YMCAs. It also gets used when a large employer vacates a certain property.

Parcel zoning is surgical zoning for those properties.



2

Approval  
Process

## PARCEL ZONING:

### Former church property in Belmont

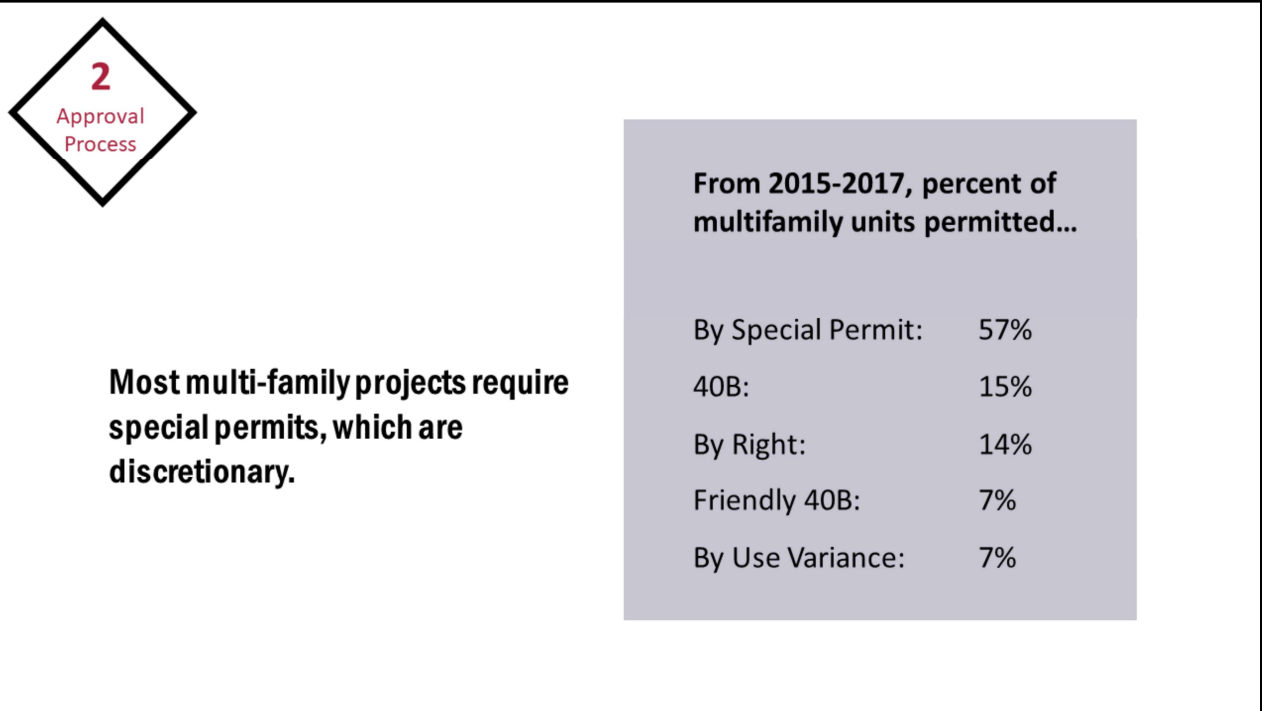
1.5 acres, 18 new dwelling units



Here is an example in Belmont, near Cushing Square, where the town rezoned a former church property for multi-family housing. **The entire zoning district is an acre and a half.** It got built out with 18 units. You can see them on the right.

Note that this is what 12 units per acre looks like.

Parcel zoning has been a significant vehicle for permitting multi-family housing in the region.



Even where multi-family districts are mapped, and cover multiple properties, most multi-family housing, unlike single family housing, requires special permits. Which are discretionary.

I asked planners and building inspectors how many multi-family units the city or town permitted from 2015 to 2017, and if the projects were allowed as-of-right, by special permit, or by 40B. Here are the results. The majority of projects are by special permit, or permitted outside of what is allowed in the zoning.

Note: the by right projects include Lexington's where town meeting approved of the project first, and then it was allowed by right. The by right numbers here include some other special cases.



Approximately one third of the municipalities have no provisions on the books for as-of-right multi-family housing development.

Almost two-thirds do have provisions on the books.

But, as I explained, as-of-right permitting isn't how most multi-family housing gets permitted.

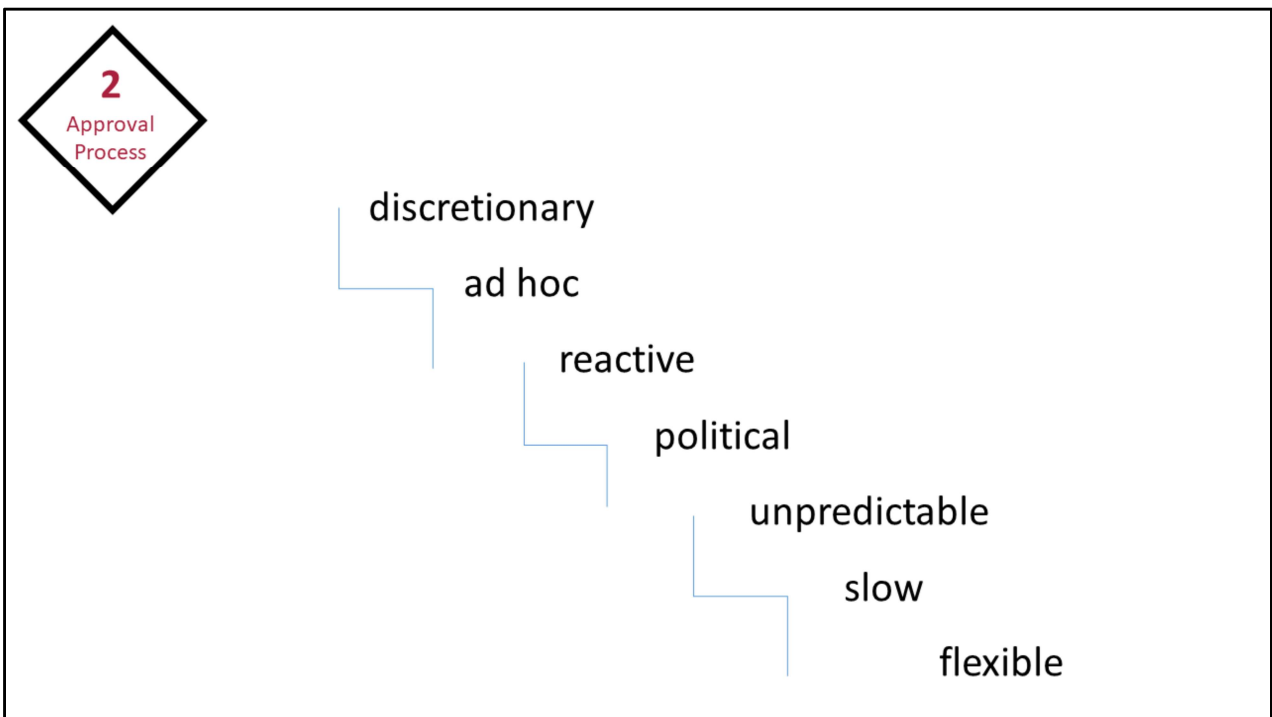
It can be on the books, but already built out, or not buildable.

2

Approval  
Process

***“Determine where multi-family development  
should be permitted by-right.”***

Here is a common recommendation in the housing plans.



Meanwhile, the overall permitting system has been shifting over decades, since the 1960s, to be...



**Negotiation can yield  
good outcomes.**

**Regulatory flexibility is needed for a  
dynamic market.**

The system tends to involve negotiation.

Negotiation can yield good outcomes.

Regulatory flexibility is needed for a dynamic market.



**But...** the current  
system is problematic for...

Planning infrastructure  
and services

Reducing the high cost  
of building

Addressing an urgent  
housing crisis



## Takeaway

We would be better served by a system that retains the benefits of flexibility, negotiation, and local control while offering more speed and predictability.



# 3

The most widespread trend in zoning for multi-family housing has been to adopt *mixed use zoning*.





**At the regional level, we have a strategy of linking new residential development to new commercial development, via mixed use zoning.**





**Mixed use makes for interesting, lively, walkable places.**





**Big accomplishments:**

Most municipalities (83/100) have adopted mixed use zoning.

Mixed use projects are going up in our centers/downtowns.

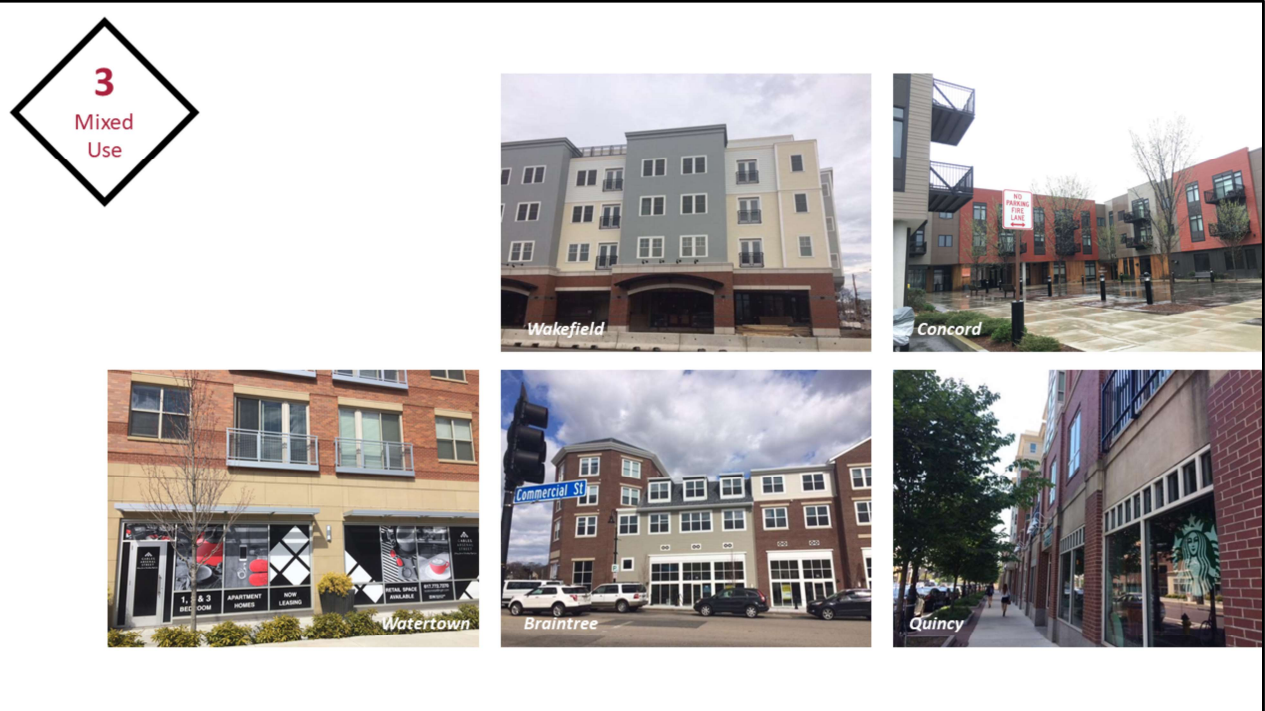


This is a big accomplishment.

83 of 100 cities and towns have adopted mixed use zoning, mostly in the last two decades.

Mixed use projects are going up in our centers and downtowns.

You can see the projects across the region.



Here are more examples.



**Housing is also going up in  
new lifestyle shopping  
centers.**





**At lifestyle centers:  
Approx. 5,000 new dwelling units**

- Burlington's Third Avenue
- Cohasset's Old Colony Square
- (Dedham's Legacy Place)
- The Launch at Hingham Shipyard
- Lynnfield's MarketStreet
- Maynard Crossing
- Medford Landing
- Somerville's Assembly Row
- Sudbury's Meadow Walk
- Wayland Town Center
- Westwood's University Station



At the new lifestyle centers we have permitted approximately 5,000 new dwelling units in the last two decades. I include Dedham's Legacy Place in the count, although the apartment buildings next door were built before the shopping center, as separate projects.

5,000 units is something, but not that much compared to demand. We would need to build a lot of new lifestyle centers to meet demand at this rate, of approximately 500 dwelling units per lifestyle center.





**As the market for commercial space wanes, the mixed use strategy becomes problematic.**







We still need more housing.



## Takeaway

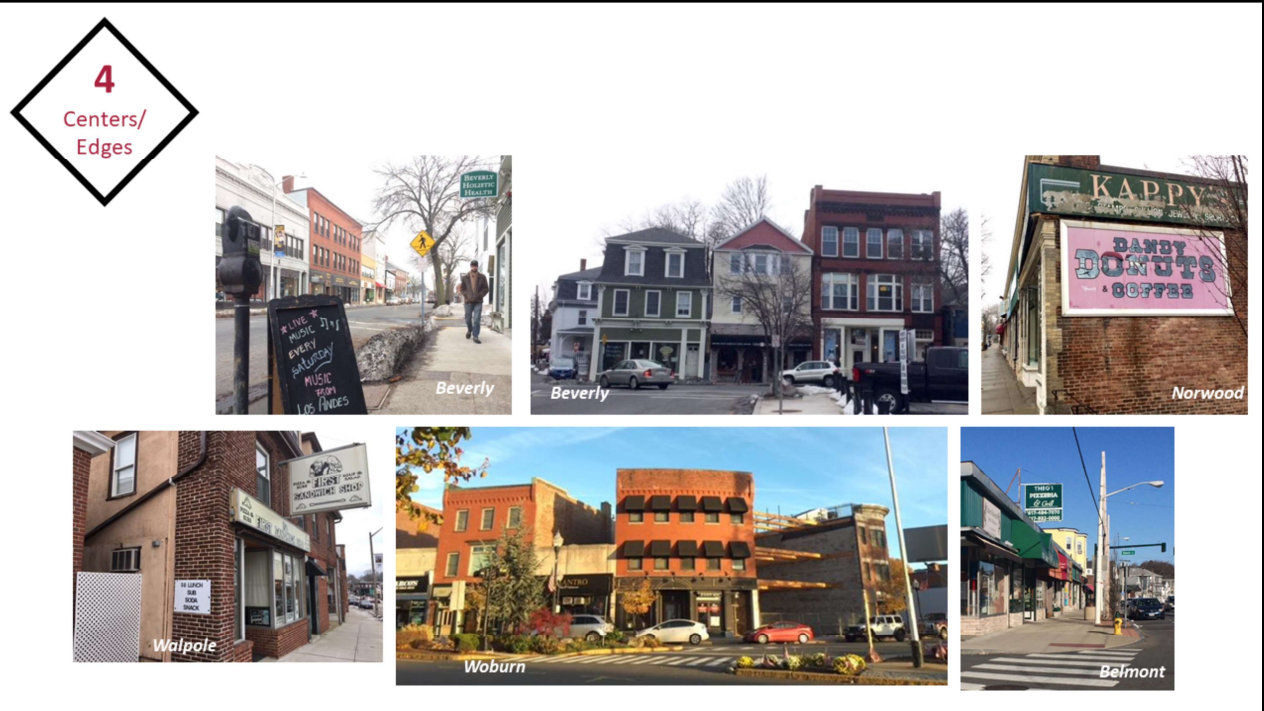


We need to plan for more multi-family housing in walking distance of mixed use hubs, and not only for buildings/projects that combine a mix of uses.

# 4

**Municipalities are allowing incremental development in village centers; and more on the municipal peripheries.**





Greater Boston has many village centers, town centers and downtowns. Adding housing is seen as a way to revitalize a center, or to keep it vital in the age of on-line shopping.

Development in these areas has many benefits, for walkability, public transit, convenience, and opportunities for social interaction.



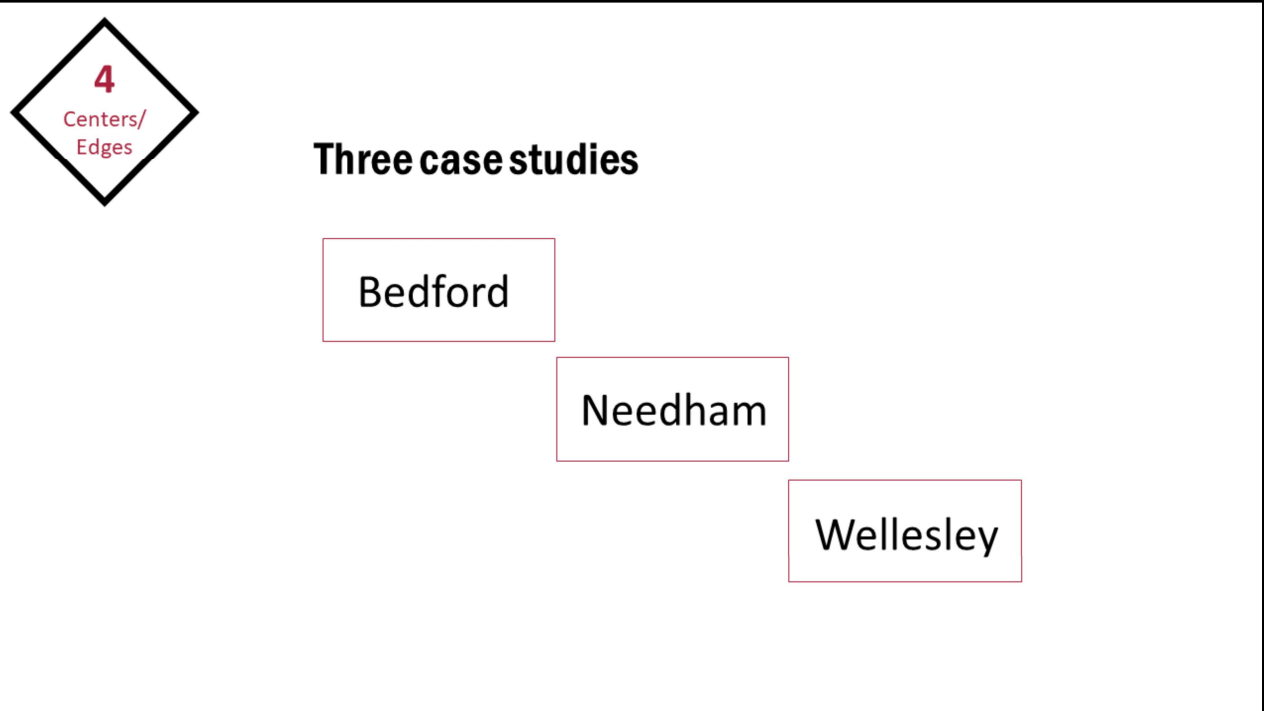
**Approx. half of cities and towns have added housing to historic centers in the last two decades.**

I found that approximately half of the cities and towns permitted multi-family projects, usually mixed use, in a historic center in the last two decades. They generally have added tens of units, but a several cities such as Quincy, Walpole, Waltham, and Malden have added hundreds.

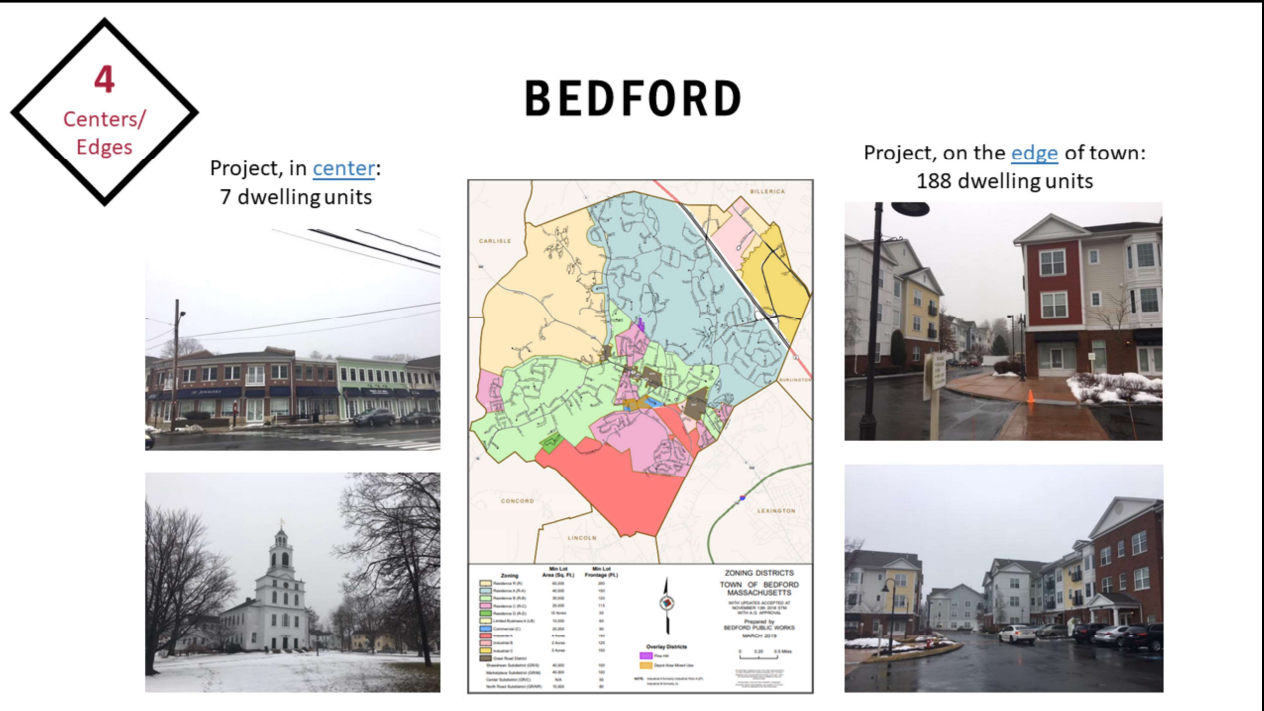




Is half of the cities and towns... a lot? Half did not add housing to a historic center. But approximately half did, most with brand new zoning for mixed use or a village overlay. These projects took a lot of planning and political attention. It is definitely an accomplishment, even if we need much more.



I will present three short case studies to highlight the trend of allowing housing in centers and peripheries.



First, Bedford.

Bedford rezoned a parcel in its town center for mixed use. The project got built. Seven units above commercial space, shown here. That is in the center of the map.

Then look at that dark straight line on the map, it is route 3. On the far side of route 3 from the rest of Bedford, in a commercial and industrial district, Bedford permitted via zoning this project, 188 units.





## NEEDHAM



Next up Needham and its downtown that has a train station, restaurants and shops, and a white steeple church.

Back in 2003, a class at MIT produced a report for the town recommending more housing in Needham Center. In 2009, the town commissioned another report on Needham Center, and then revised the zoning, to allow mixed use.

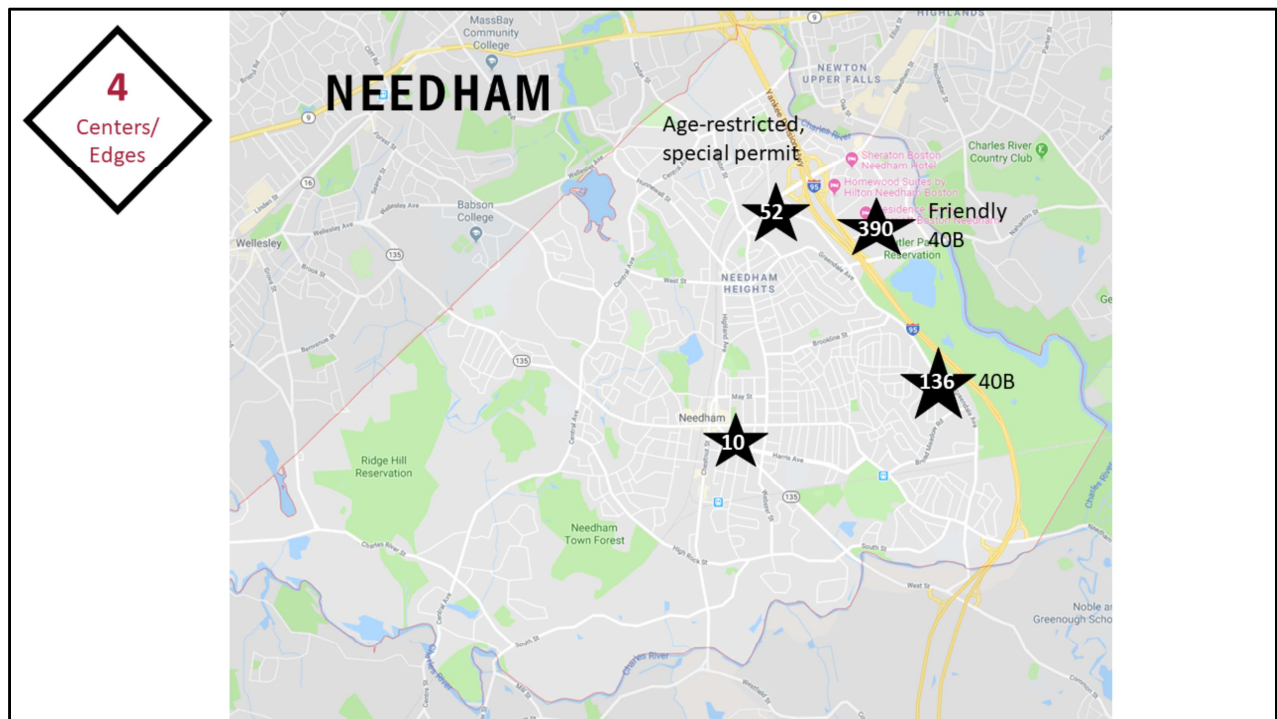


**Ten dwelling units: Needham Center**



Since then, Needham has permitted one project, with ten units in the downtown district.

Fifteen years of planning: ten units.



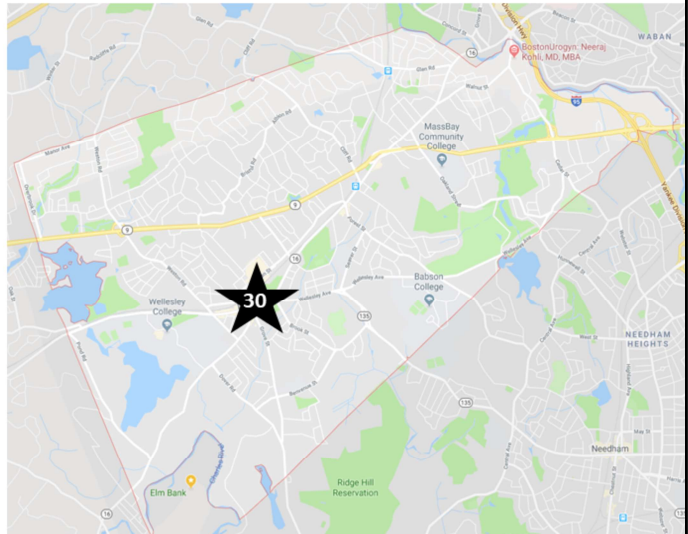
Here is a map of Needham. The star in the center is the 10 units I just showed you.

In the last few years, Needham also approved a friendly 40B for 390 units on the far side of route 128 from the rest of Needham. **Friendly 40B means the town administration favors the project, even though there is no zoning for it.**

It also permitted another 40B, not friendly, right on 128, on the edge of town, and it granted a special permit for age restricted housing, also by 128, on the edge of town.

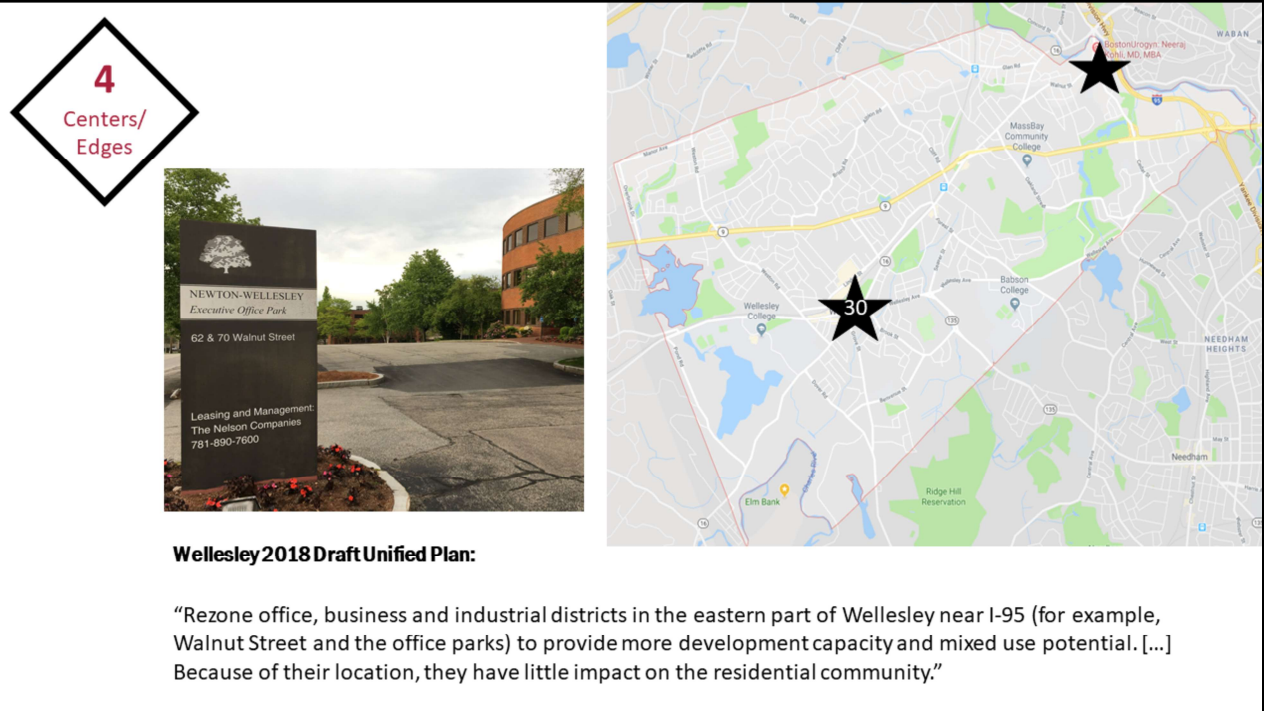


## WELLESLEY SQUARE



Our third case study: Wellesley.

Wellesley permitted 30 units in Wellesley Square, the center of town.



Wellesley’s 2018 Draft Unified Plan recommends:

“Rezone office, business and industrial districts in the eastern part of Wellesley near I-95 - route 128 - to provide more development capacity and mixed use potential. [...] Because of their location, they have little impact on the residential community.”



### **Edge City:**

Large-scale building on  
edges of metropolitan areas,  
outside of historic centers

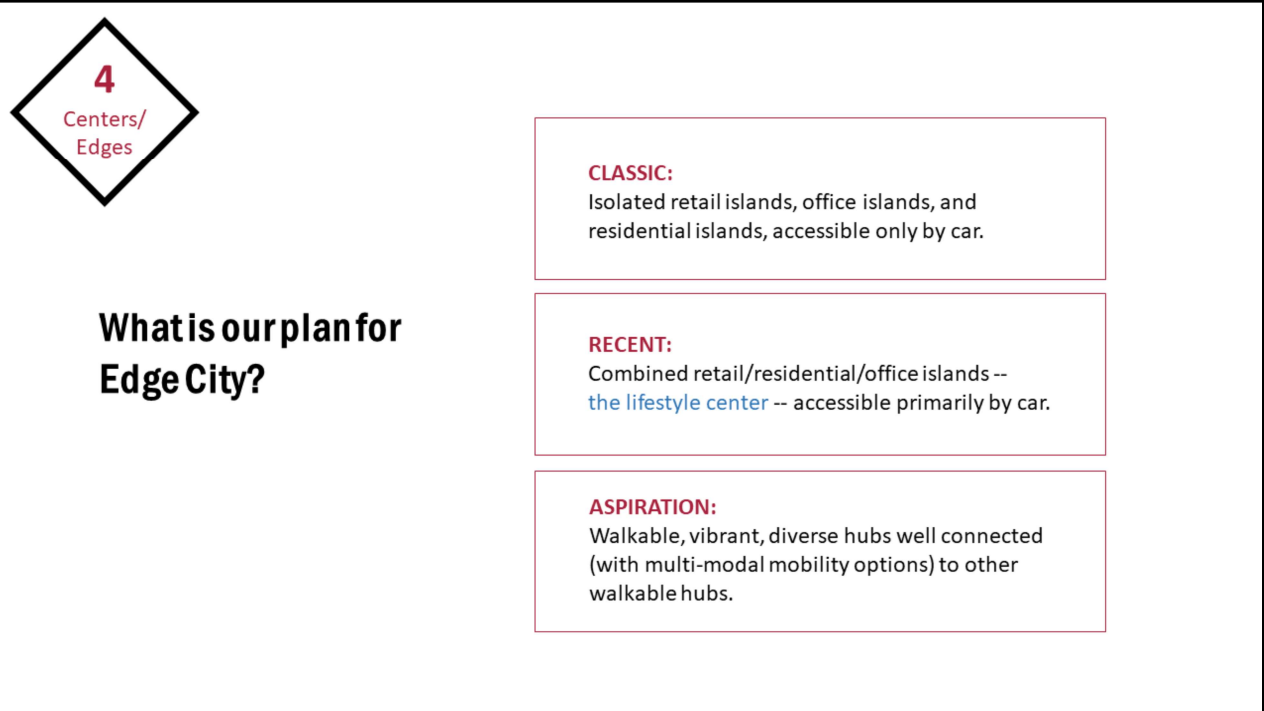


This brings us to the topic of Edge City. Edge City is large scale building on the edges of metropolitan areas outside of historic centers.

Route 128 is no longer the edge of our metropolitan area, but it is outside of historic centers, and it is the edge of many municipalities. Much of it counts as Edge City.

Here is a photo of classic Edge City in Waltham.





Here is a pressing question for our era: What is our plan for edge city?

--Edge city originally is isolated retail islands, office islands, and residential islands, in seas of parking. Accessible only by car. We can call this classic Edge City.

--More recently the movement has been to combine the retail, residential, and office uses in lifestyle centers – still islands, with lots of parking, accessible primarily by car. But when you live or work there, you can walk to a restaurant.

**I think the aspiration is for Edge City to be walkable vibrant diverse hubs well connected to other places.**



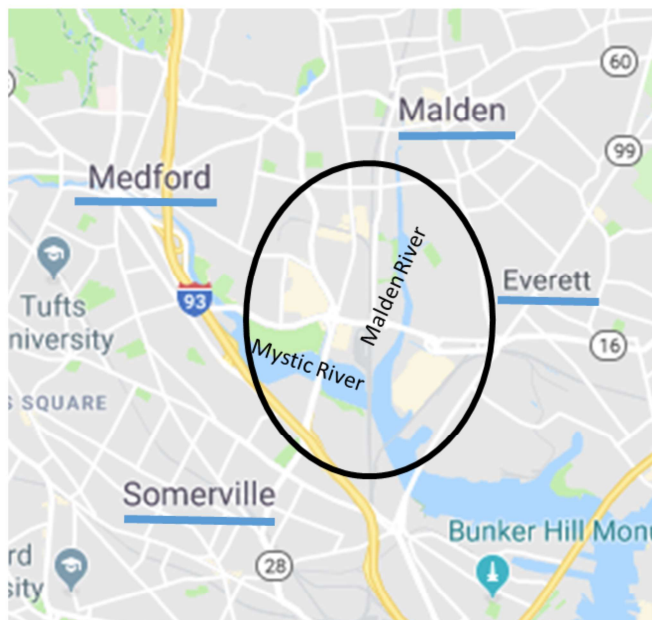
There are many potential proving grounds around here for aspiring Edge City Builders, especially along route 128, in Woburn, Newton and Needham, Dedham, etc.





## Proving ground for Edge City Builders:

Edges of four municipalities at the  
Mystic and Malden Rivers



This brings us to my last case study for the day. A proving ground for edge city builders, the edges of Medford, Malden, Somerville, and Everett, along the Mystic and Malden Rivers, by Route 93.



I went to visit Assembly Row in Somerville, and I thought – how cool that they built a real downtown. It has wide sidewalks, grid streets, parallel parking, and mixed use. The zoning regulations promoted that.



But then it is a couple of blocks long, sandwiched between Route 93, the river, and train tracks. Disconnected from Somerville.

This is the back side of Assembly Row, by the train tracks.

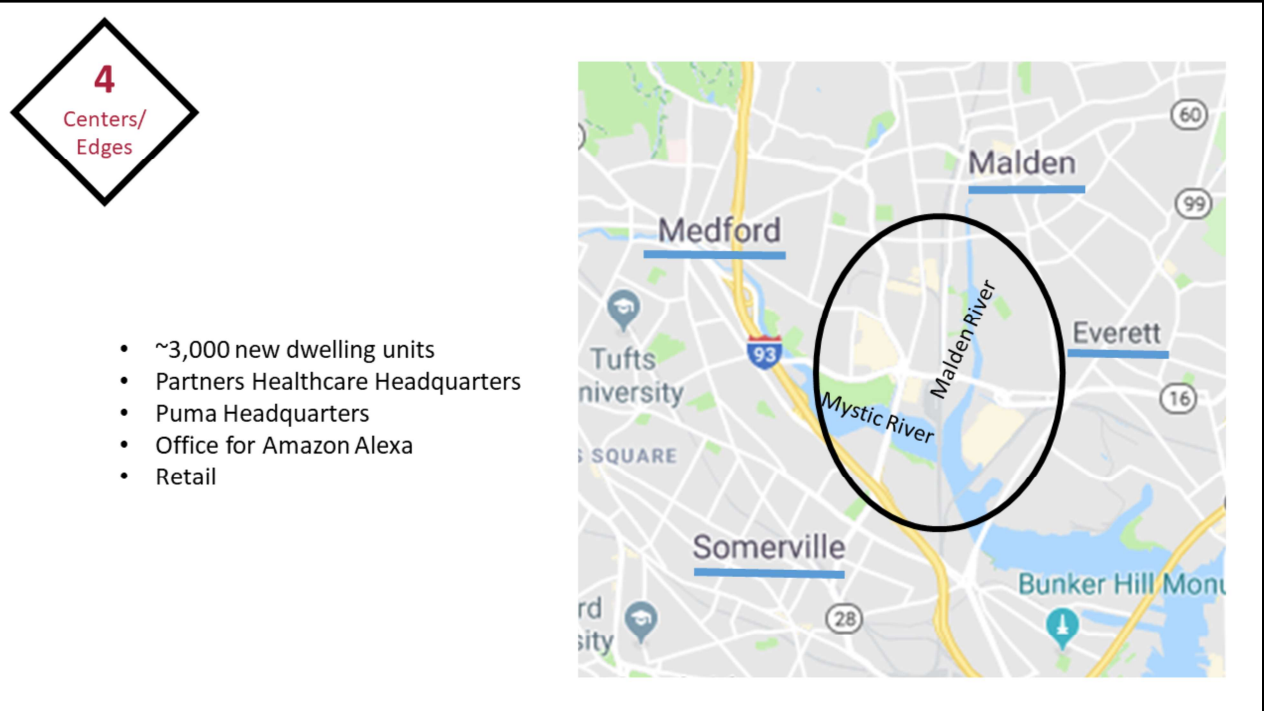


There are several large new projects near Assembly Row, all isolated from their cities.

Medford's Rivers Edge is between the river and train tracks.

Medford's Station Landing is between highways and train tracks and the river.

Everett's Batch Yard is between Broadway and train tracks.



4

Centers/  
Edges

- ~3,000 new dwelling units
- Partners Healthcare Headquarters
- Puma Headquarters
- Office for Amazon Alexa
- Retail

These islands, taken together are a district of sorts. Note that they are mostly on former industrial properties.

I found about 3,000 dwelling units have been permitted by the Mystic and Malden Rivers in these four cities in the last two decades.

Plus, Partner's Healthcare is headquartered there, and Puma is opening headquarters, and Amazon is opening an office here. There is a lot of retail. It is a few miles from downtown Boston.

The district could gain thousands of additional dwelling units, in theory.

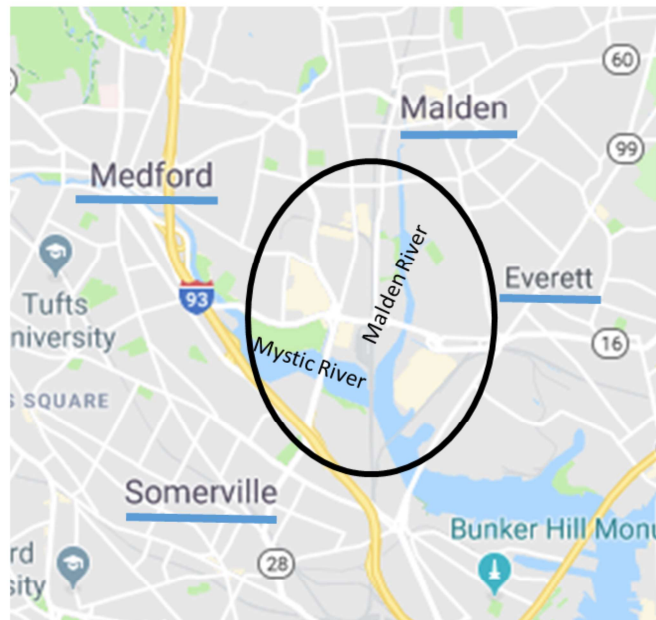


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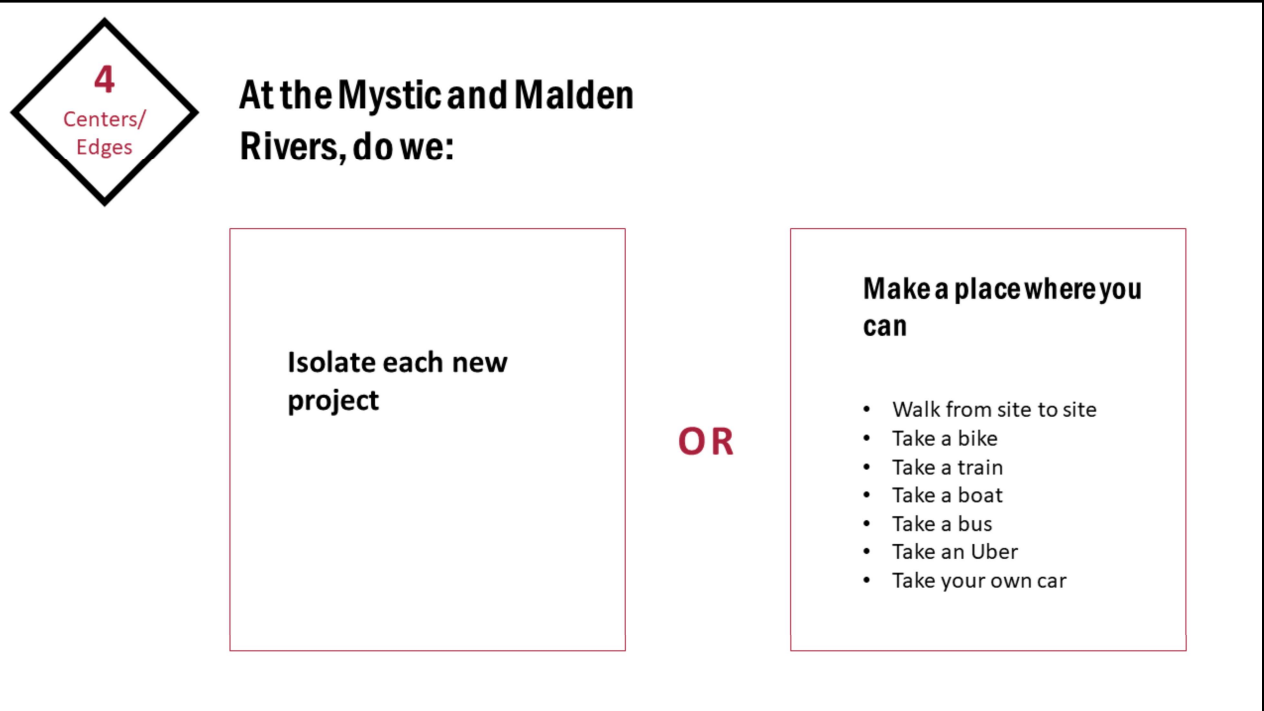
Centers/  
Edges

How do we plan this and zone this as  
a connected district?

How do we plan the infrastructure  
and buildings together?



The question is how do we plan this and zone this as a connected district? How do we plan the infrastructure and buildings together?



Do we do this project by project, trying to isolate each from the last to not bother anybody, or make a place where you can walk from site to site, or take a bike, take a train, take a bus, take a boat, take an Uber or take your own car.


4

Centers/  
Edges

**Trend: We permit tens of units in the centers, and hundreds on peripheries.**

**We are very cautious about allowing development in historic centers, and near existing houses.**

**We tend to isolate new development.**



To summarize, the trend in the region is:

- We permit tens of units in the centers, and hundreds on peripheries.
- We are very cautious about allowing development in historic centers, and near existing houses.
- We tend to isolate new development.





## Takeaway

To meet demand, we need to allow significantly more housing *in* historic centers, and incremental increases in density *around* the centers.

We need a better paradigm for guiding growth on the edges to create vital, diverse, connected hubs.





## Four Fab Findings:

- 1 Zone more land for multi-family housing, [up and out](#)
- 2 Reform [approval process](#), for flexibility and predictability
- 3 Allow multi-family housing next to [mixed use](#) hubs
- 4 Allow more housing in [centers](#) (and near transit), and plan connected growth nodes on the [edges](#)

So, here we have Fab Finds Foxboro and Four Fab Findings. Forgive me! 😊



More findings and photos are in the report.



What is at stake? A lot.

Housing affordability, the economy, the environment, and also the character of Greater Boston, the values of Greater Boston.

We can do this better.

Thank you.

**@amydain**  