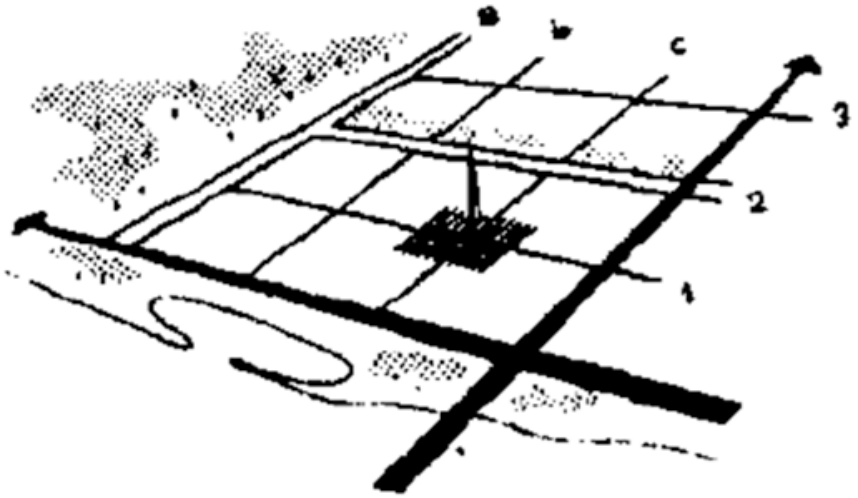
Density, Affordability, and Walkability in Massachusetts 40R Smart Growth Districts

Angus Jennings, AICP
Principal



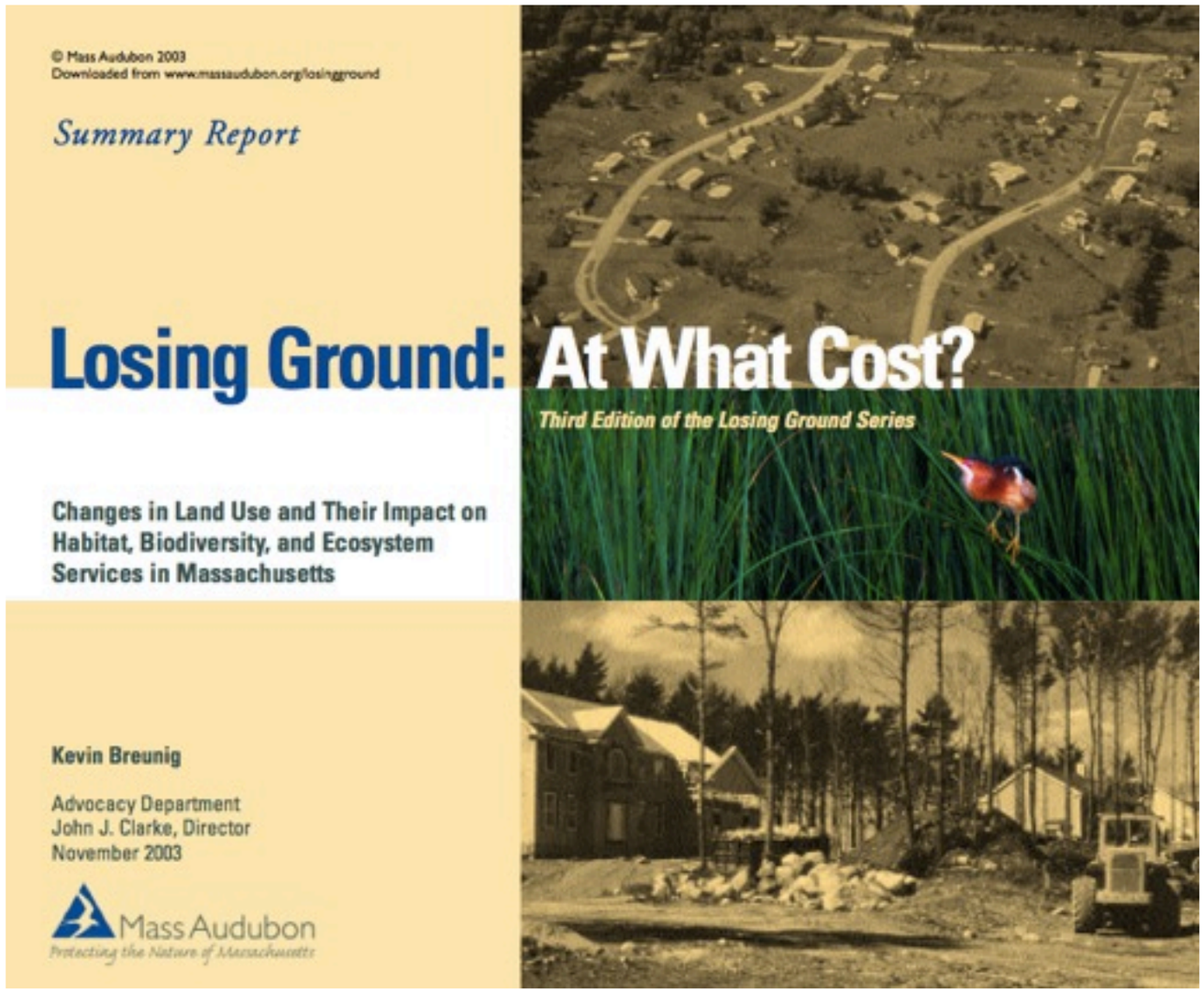
Source: Kevin Lynch, Image of the City

Goals for presentation

- Overview of 40R policy context
- Examples of 40R Smart Growth Districts
- Highlights of how key policy features are illustrated by existing districts
- Examples of development constructed under 40R
- Recommendations for successful local efforts

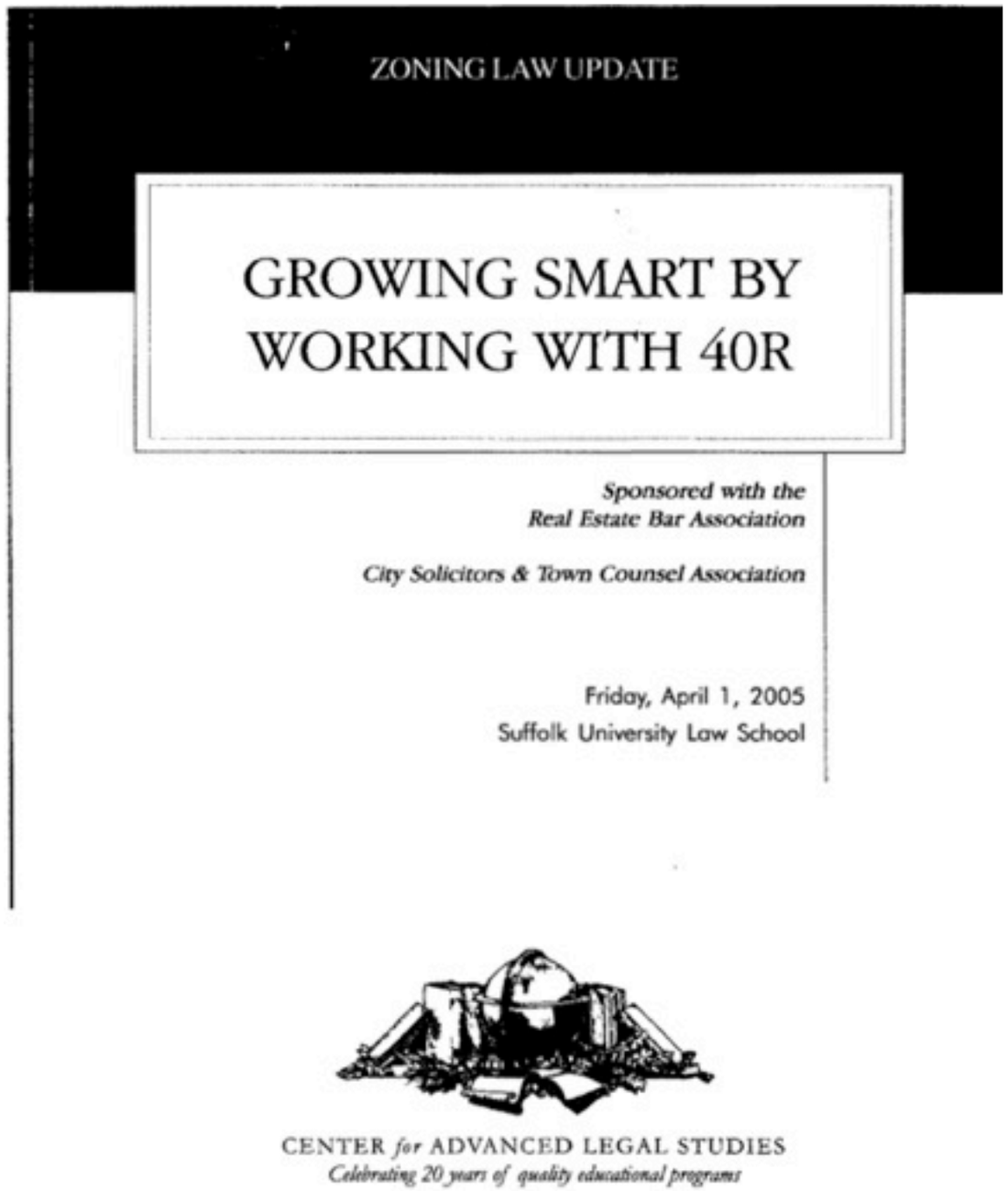
Trends in land development, and demographics

- In the 1990s and early 2000s, increasing concern about land consumptive form of development - and recognition of relationship to demographic changes
- Broad agreement on the problem: "The type of development we are seeing is bad for wildlife habitat and bad for people who want affordable housing." *(Mass Audubon president Laura Johnson, 2004)*
- Broad agreement on solution: channel investment to developed areas with infrastructure – "smart growth"



Incentive-based zoning

- Structural and perpetuating housing affordability problem due to shortage of land **appropriately zoned** for higher density residential; supply lagging – and misplaced
- Concept: economic incentives for communities to voluntarily adopt higher density zoning in smart growth locations
- Creation of “zoned land” resulting in market-driven site selection among smart growth / incentive housing zones
- Loss of young people was a driving concern leading to new legislation


ZONING LAW UPDATE

GROWING SMART BY WORKING WITH 40R

Sponsored with the Real Estate Bar Association

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Friday, April 1, 2005
Suffolk University Law School

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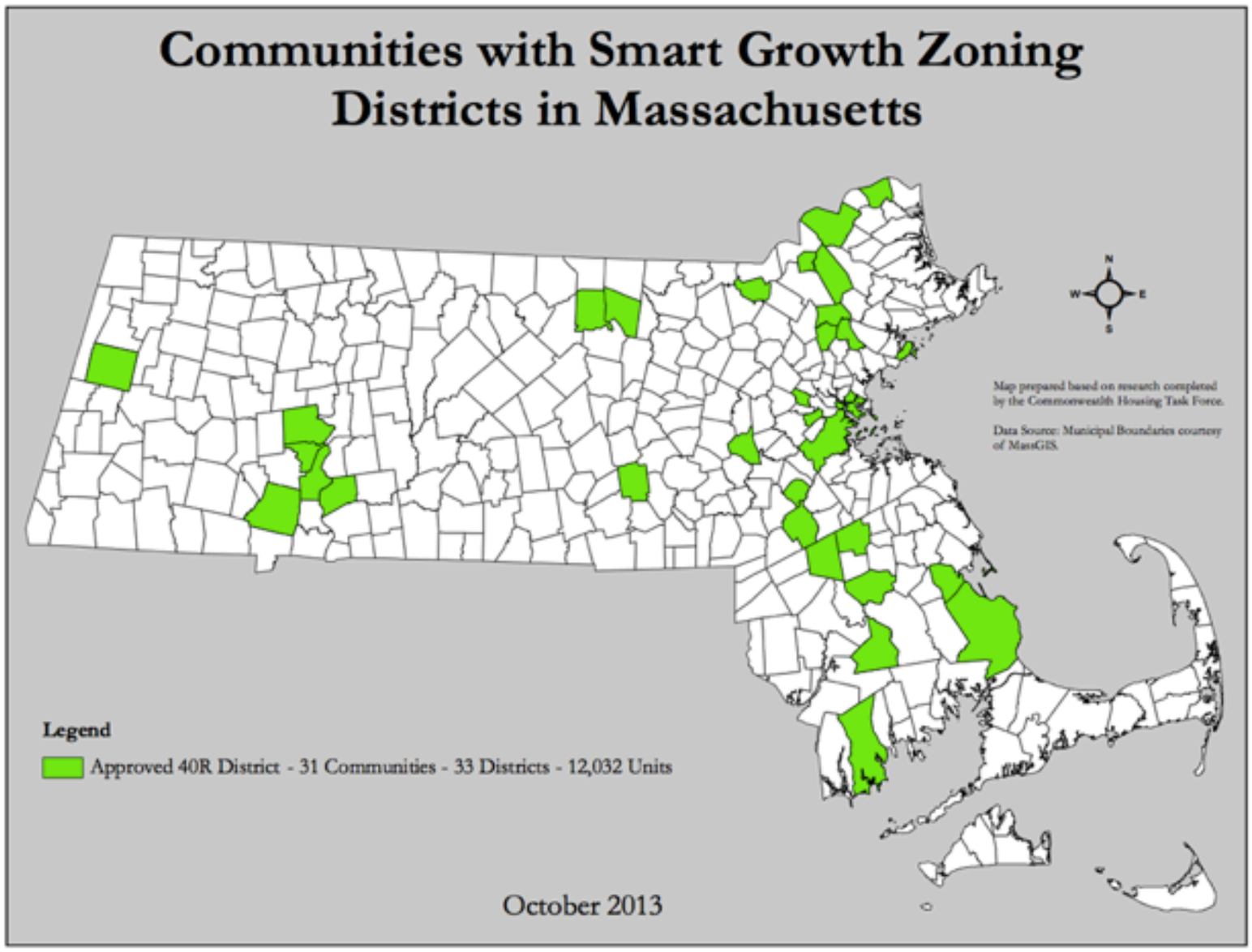
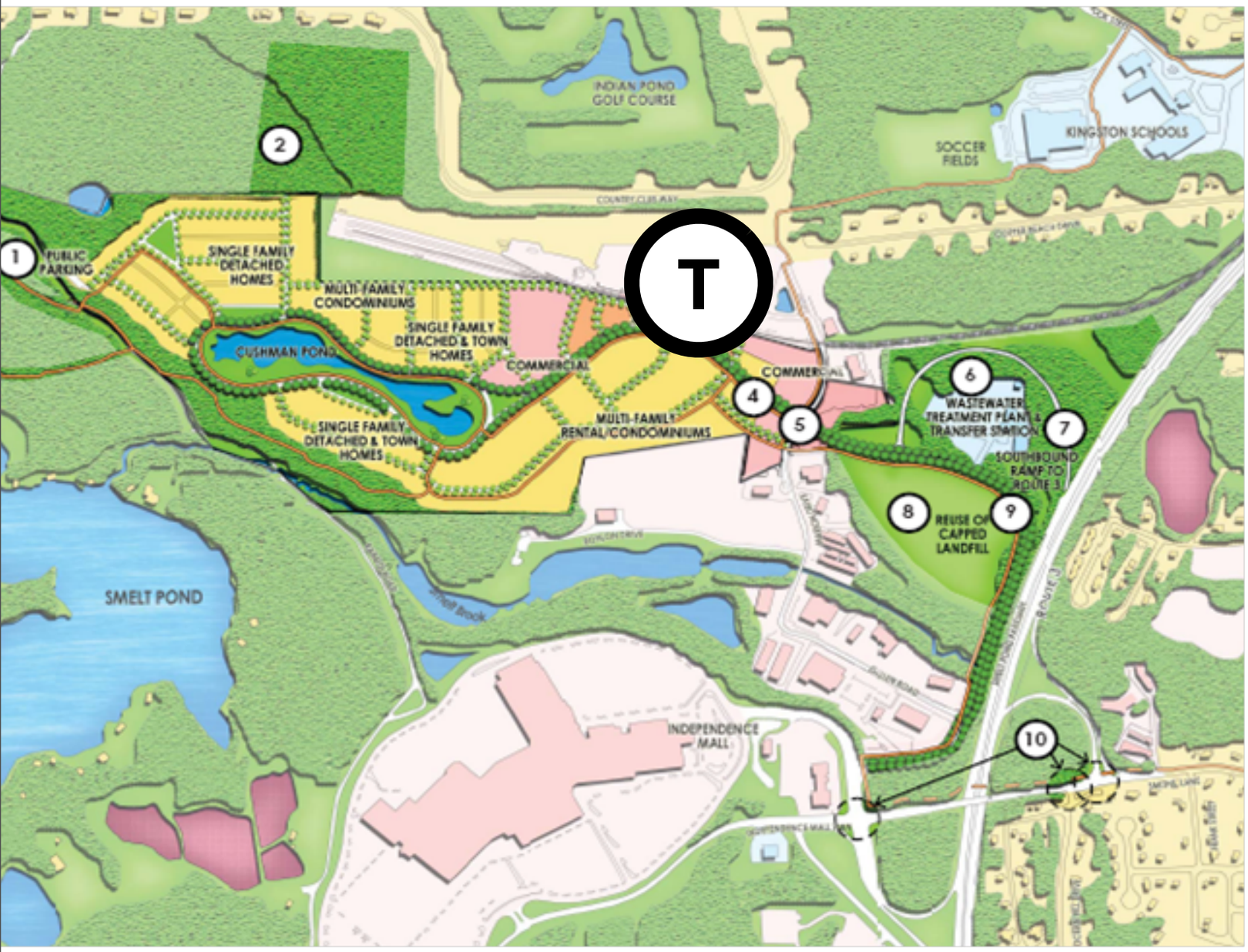
What is 40R Smart Growth Zoning?



- State incentives for adoption of as-of-right zoning for housing and mixed-use in “smart growth locations”
- Adopted in 2004
- 31 communities have adopted 40R
- Incentive Payment; Density Bonus Payment; consideration in State discretionary grants; 40S School Cost Insurance

Smart Growth Zoning: An Overview



- Smart Growth Location
- As-of-right permitting, subject to Design Standards
- Infrastructure Certification (may be conditioned on agreed improvements)
- State (DHCD) approval required before Town Meeting vote

Smart Growth Zoning: An Overview

Site Design Standards

9. Off-Street Parking + 10. Exterior Lighting

The pictures above and right demonstrate several "dark sky" lighting fixtures including the use of "house side shields" for street lighting.

Parking set back from the street and heavily landscaped does not detract from the streetscape.

9.1. Residential parking lots shall be located to the side or the rear of new buildings and such that buildings or landscaping separate parking areas from the street. Wherever feasible, off-street parking lots shall be set back a minimum of 10 feet from property lines along public rights-of-way, excluding alleys. However, parking for non-residential components of mixed-use buildings may be located adjacent to a street.

9.2. Surface parking lots shall be screened from view from public ways with a combination of plantings and fencing such as of cast-iron or brick. Screening shall be at least 3 feet high. Chain link fencing is not acceptable for screening purposes.

9.3. Where parking is proposed to be located interior to the building, either at grade or sub grade, it shall be screened from view from public ways, and the exterior building façade shall be required to comply with the performance standards herein including, without limitation, requirements for façade articulation and detail.

9.4. Parking layouts shall minimize the glare from car headlights that beam into residential dwellings through the use of visual screening by use of plantings or fencing.

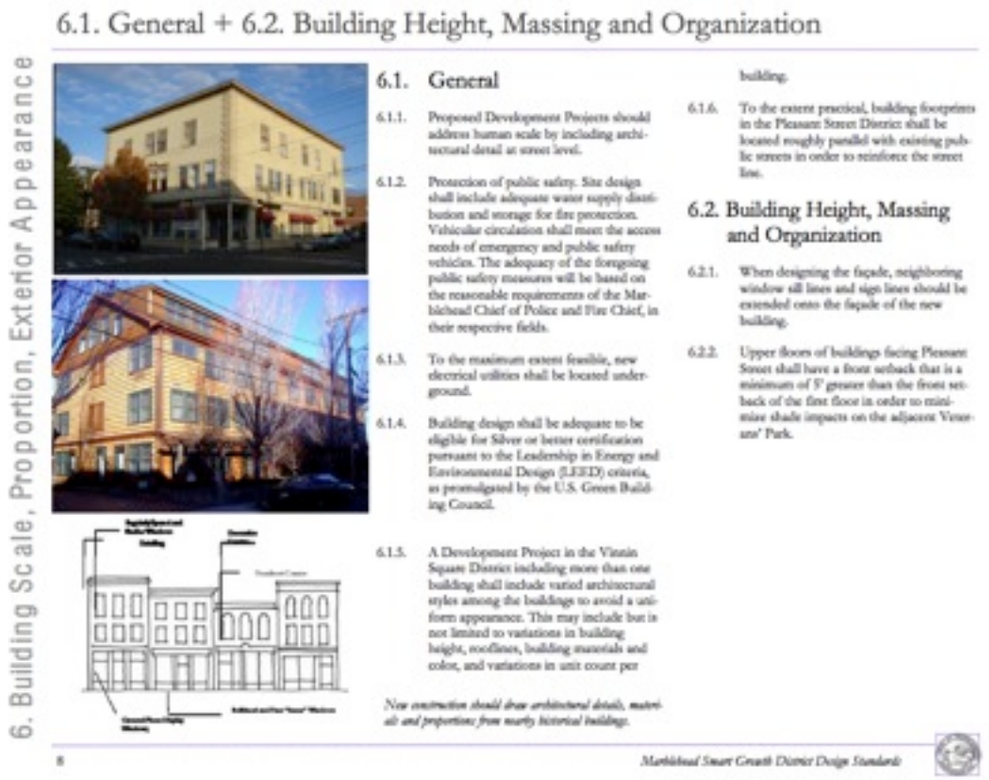
10. Exterior Lighting

10.1. Lighting. For reasons of safety and the reduction of light trespass, glare and light pollution, all outdoor lighting in the SG shall comply with the following provision: Direct light emitted by exterior luminaire shall be shielded by a full cutoff, and shall not emit directly by a lamp, off a reflector, or through a refractor above a plane of 72 degrees measured from the fixture's lowest light-emitting part. Exterior lighting fixtures shall not exceed fourteen feet in height.

10.2. All pedestrian paths and entry areas shall be lighted and entry areas to buildings should provide protection from adverse weather through the use of porches, awnings or entryways.

10.3. Lighting shall be metal halide or similar. The use of mercury vapor, low pressure sodium, high pressure sodium and high wattage quartz lamps over 100 watts is prohibited.

16 *Marblehead Smart Growth District Design Standards*



6. Building Scale, Proportion, Exterior Appearance

6.1. General + 6.2. Building Height, Massing and Organization

New construction should draw architectural details, materials and proportions from nearby historical buildings.

6.1. General

6.1.1. Proposed Development Projects should address human scale by including architectural detail at street level.

6.1.2. Protection of public safety. Site design shall include adequate water supply distribution and storage for fire protection. Vehicular circulation shall meet the access needs of emergency and public safety vehicles. The adequacy of the foregoing public safety measures will be based on the reasonable requirements of the Marblehead Chief of Police and Fire Chief, in their respective fields.

6.1.3. To the maximum extent feasible, new electrical utilities shall be located underground.

6.1.4. Building design shall be adequate to be eligible for Silver or better certification pursuant to the Leadership in Energy and Environmental Design (LEED) criteria, as promulgated by the U.S. Green Building Council.

6.1.5. A Development Project in the Vinnin Square District including more than one building shall include varied architectural styles among the buildings to avoid a uniform appearance. This may include but is not limited to variations in building height, rooflines, building materials and color, and variations in unit count per building.

6.1.6. To the extent practical, building footprints in the Pleasant Street District shall be located roughly parallel with existing public streets in order to reinforce the street line.

6.2. Building Height, Massing and Organization

6.2.1. When designing the façade, neighboring window sill lines and sign lines should be extended onto the façade of the new building.

6.2.2. Upper floors of buildings facing Pleasant Street shall have a front setback that is a minimum of 5' greater than the front setback of the first floor in order to minimize shade impacts on the adjacent Veterans' Park.

8 *Marblehead Smart Growth District Design Standards*

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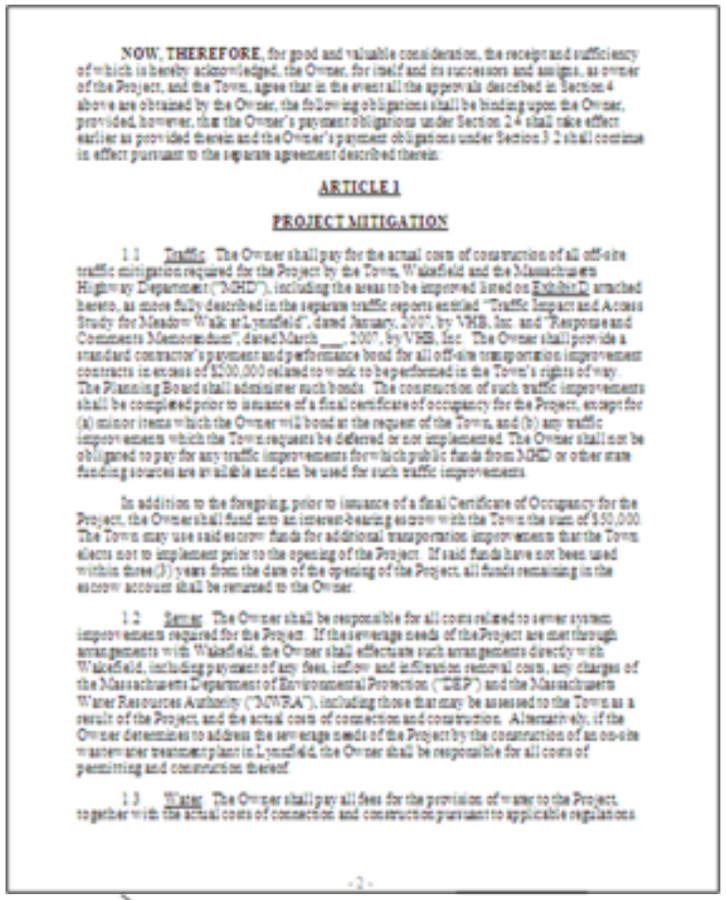


NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Owner, for itself and its successors and assigns, as owner of the Project, and the Town, agree that in the event all the approvals described in Section 4 above are obtained by the Owner, the following obligations shall be binding upon the Owner, provided, however, that the Owner's payment obligations under Section 2.4 shall take effect earlier as provided therein and the Owner's payment obligations under Section 3.2 shall continue in effect pursuant to the separate agreement described therein:

ARTICLE I

PROJECT MITIGATION

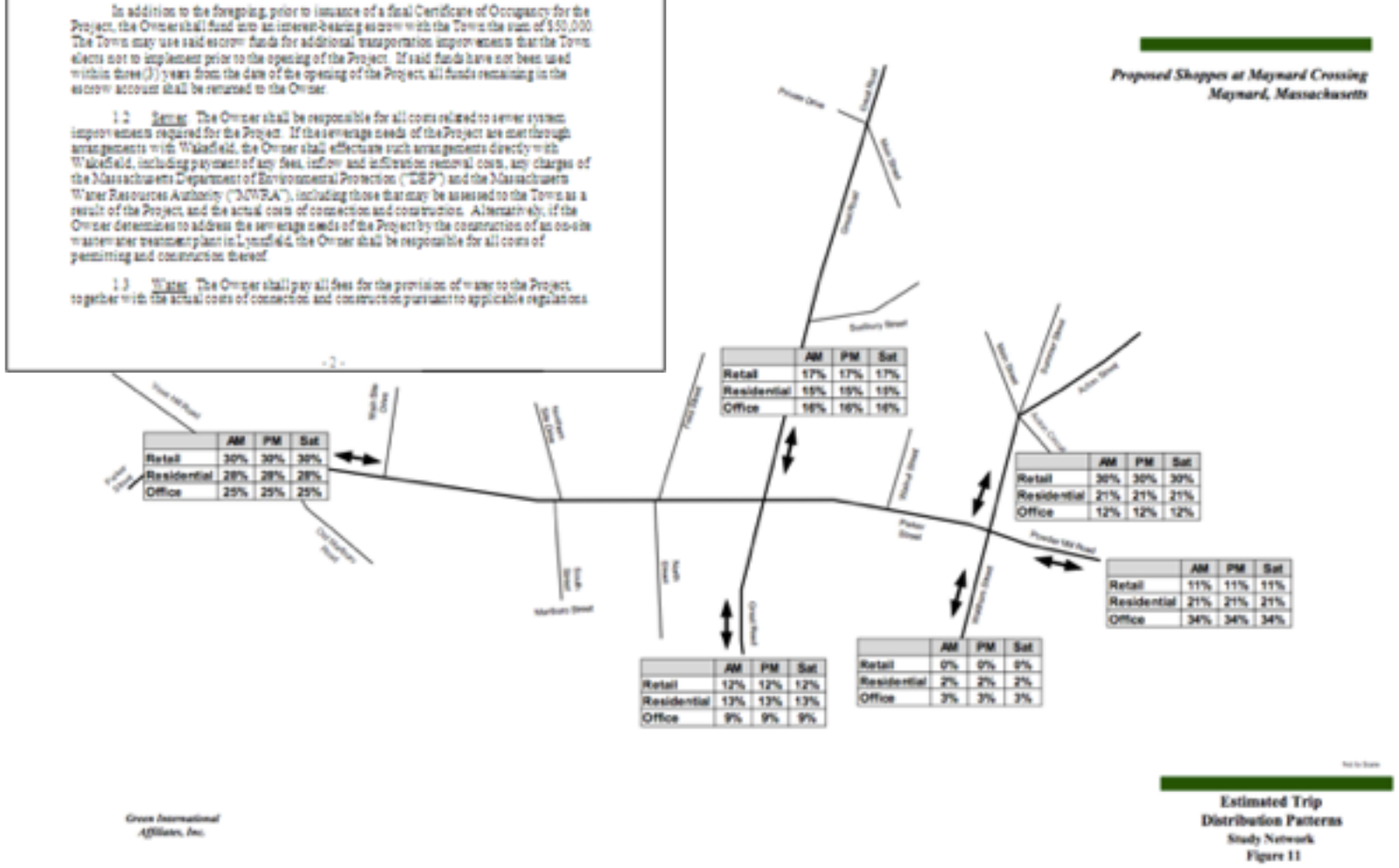
1.1 Traffic. The Owner shall pay for the actual costs of construction of all off-site traffic mitigation required for the Project by the Town, Wakefield and the Massachusetts Highway Department ("MHD"), including the areas to be improved listed on Exhibit D attached hereto, as more fully described in the separate traffic reports entitled "Traffic Impact and Access Study for Meadow Walk at Lynnfield", dated January, 2007, by VHB, Inc. and "Response and Comments Memorandum", dated March ___, 2007, by VHB, Inc. The Owner shall provide a standard contractor's payment and performance bond for all off-site transportation improvement contracts in excess of $200,000 related to work to be performed in the Town's rights of way. The Planning Board shall administer such bonds. The construction of such traffic improvements shall be completed prior to issuance of a final certificate of occupancy for the Project, except for (a) minor items which the Owner will bond at the request of the Town, and (b) any traffic improvements which the Town requests be deferred or not implemented. The Owner shall not be obligated to pay for any traffic improvements for which public funds from MHD or other state funding sources are available and can be used for such traffic improvements.

In addition to the foregoing, prior to issuance of a final Certificate of Occupancy for the Project, the Owner shall fund into an interest-bearing escrow with the Town the sum of $50,000. The Town may use said escrow funds for additional transportation improvements that the Town elects not to implement prior to the opening of the Project. If said funds have not been used within three (3) years from the date of the opening of the Project, all funds remaining in the escrow account shall be returned to the Owner.

1.2 Sewer. The Owner shall be responsible for all costs related to sewer system improvements required for the Project. If the sewerage needs of the Project are met through arrangements with Wakefield, the Owner shall effectuate such arrangements directly with Wakefield, including payment of any fees, inflow and infiltration removal costs, any charges of the Massachusetts Department of Environmental Protection ("DEP") and the Massachusetts Water Resources Authority ("MWRA"), including those that may be assessed to the Town as a result of the Project, and the actual costs of connection and construction. Alternatively, if the Owner determines to address the sewerage needs of the Project by the construction of an on-site wastewater treatment plant in Lynnfield, the Owner shall be responsible for all costs of permitting and construction thereof.

1.3 Water. The Owner shall pay all fees for the provision of water to the Project, together with the actual costs of connection and construction pursuant to applicable regulations.

- 2 -



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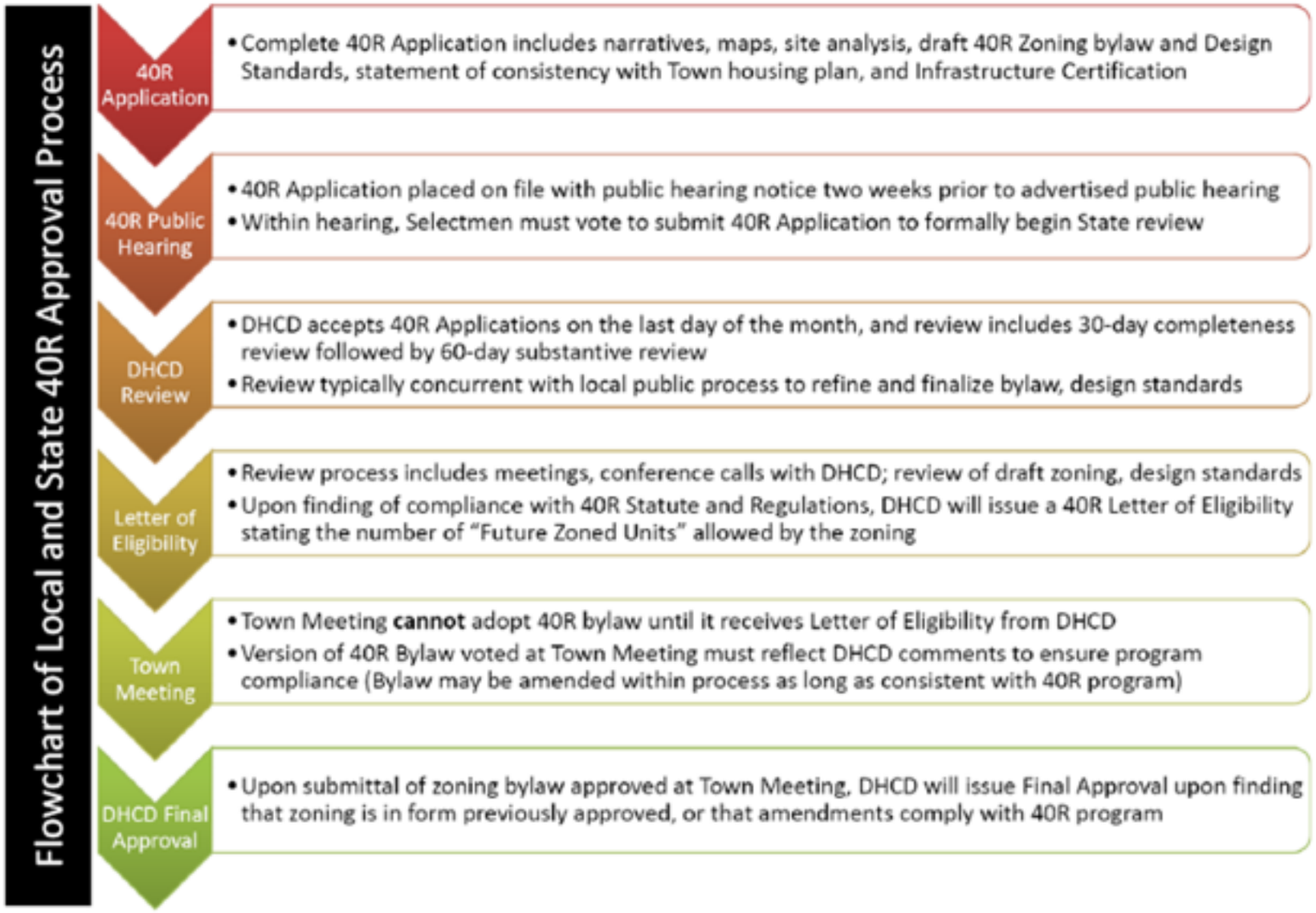

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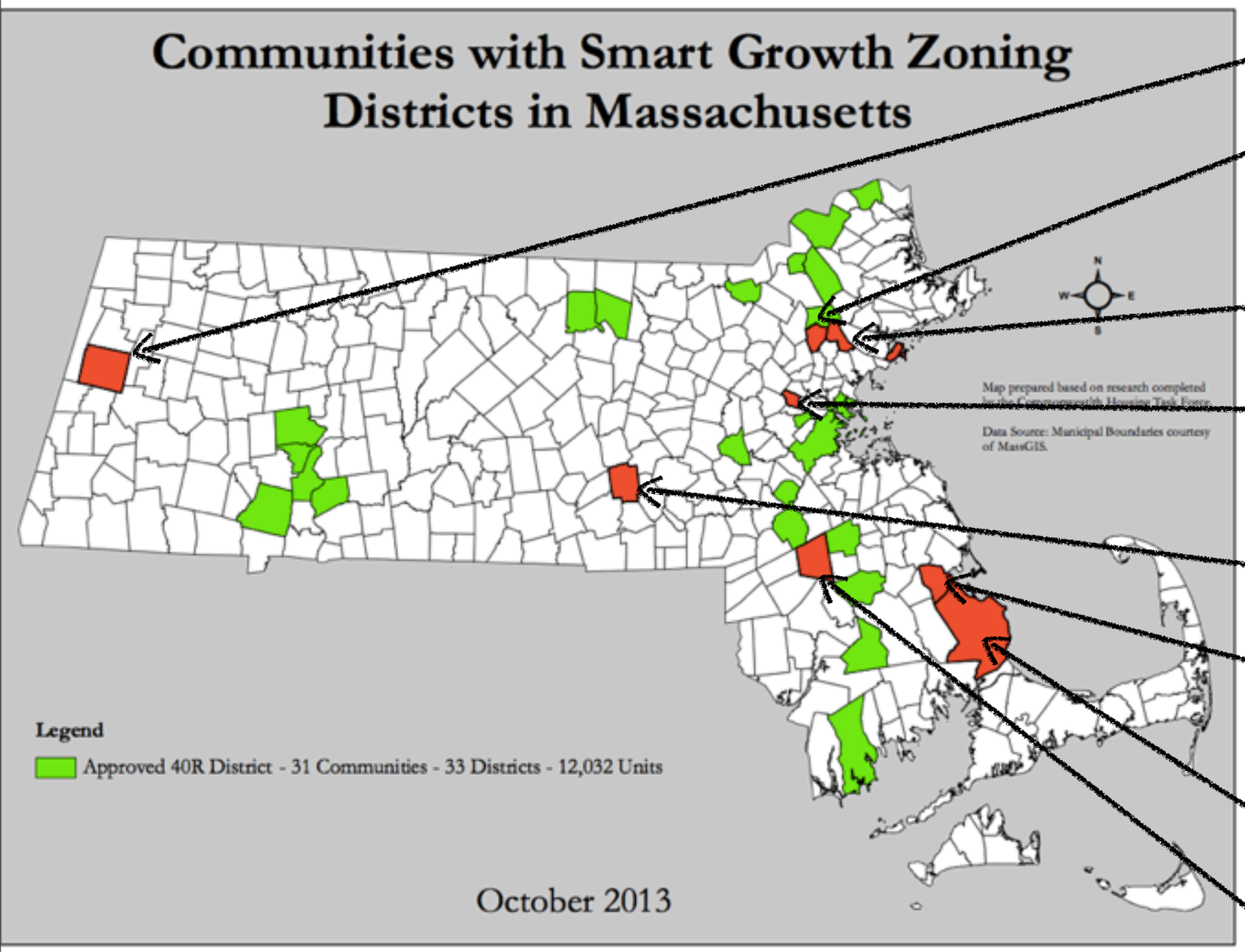
Brief Examples - of Design, Process and Policy



- Rice Silk Mill, Pittsfield
- Reading Woods and Reading Center, Reading
- Market Street, Lynnfield
- Oakley Neighborhood, Belmont
- St. George's, Norwood
- Commuter Rail Area Master Plan, Kingston
- Cordage Park, Plymouth
- Downtown Brockton

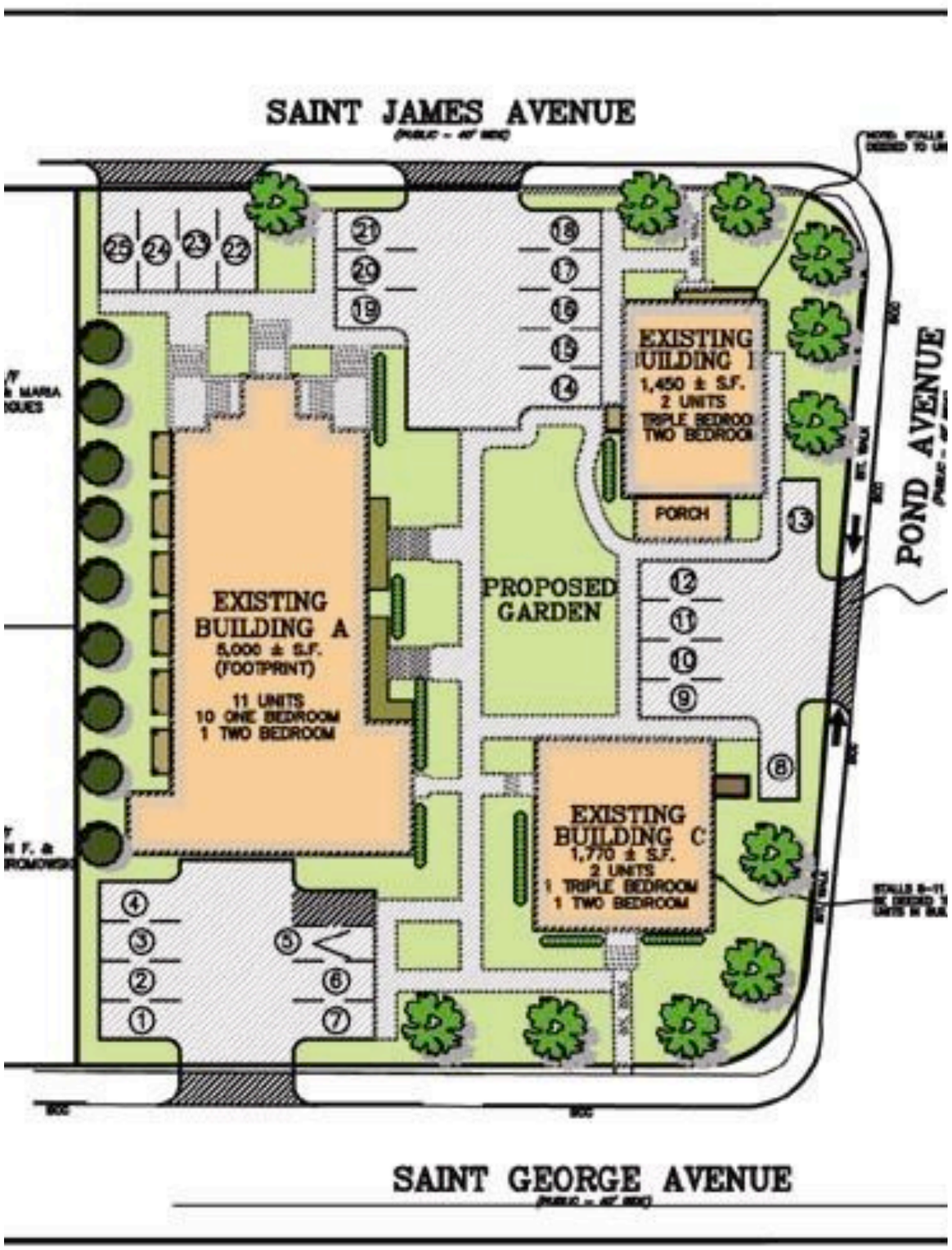
Connecticut and Massachusetts: An important municipal process distinction

- In Massachusetts, zoning amendments require a 2/3 majority vote by the legislative branch.
- In 301 of Massachusetts' 351 cities and towns, this requires a Town Meeting vote. More than 3/4 of these are Open Town Meetings.
- In Connecticut, zoning authority in towns rests with local Planning and Zoning Commissions, and Boards of Selectmen.
- In Cities, process is similar to that in Massachusetts, where the approving authority is City Council, Board of Alderman, or the like.

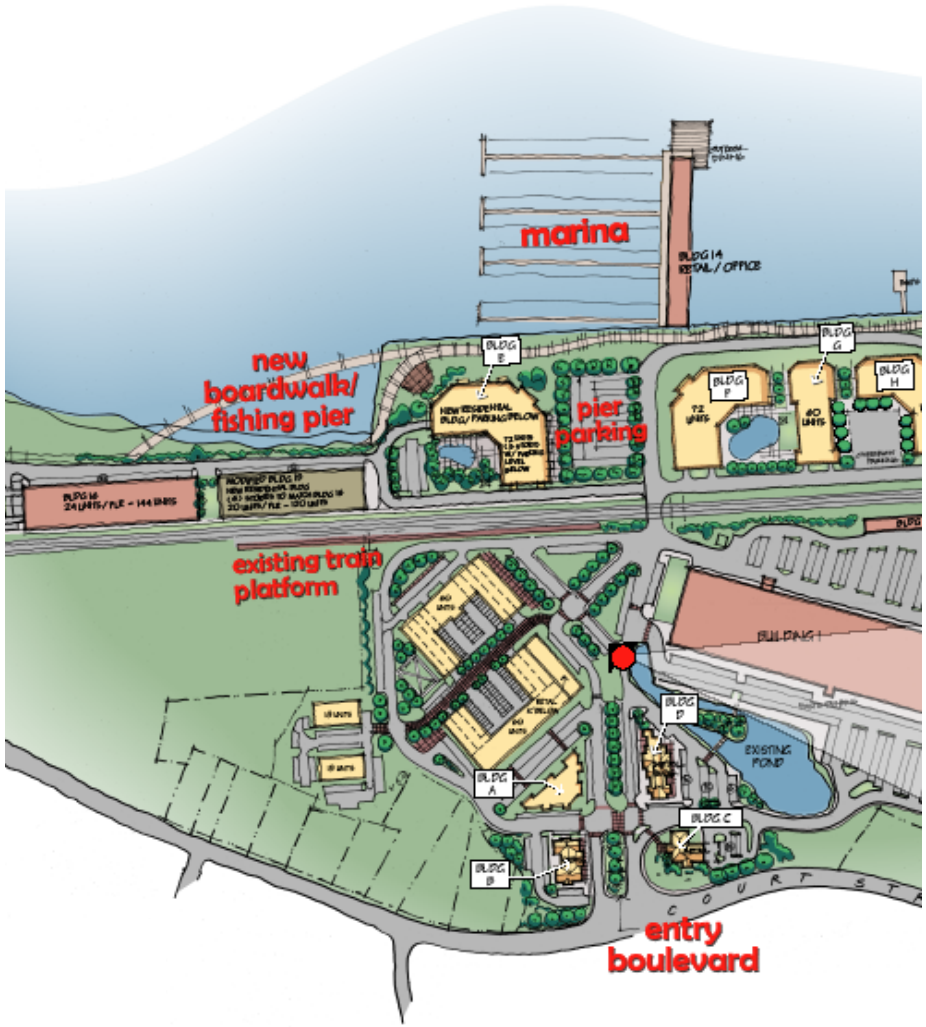
*The Zoning Amendment process in Massachusetts **relies upon** a substantial public process to build consensus and achieve the required 2/3 vote.*

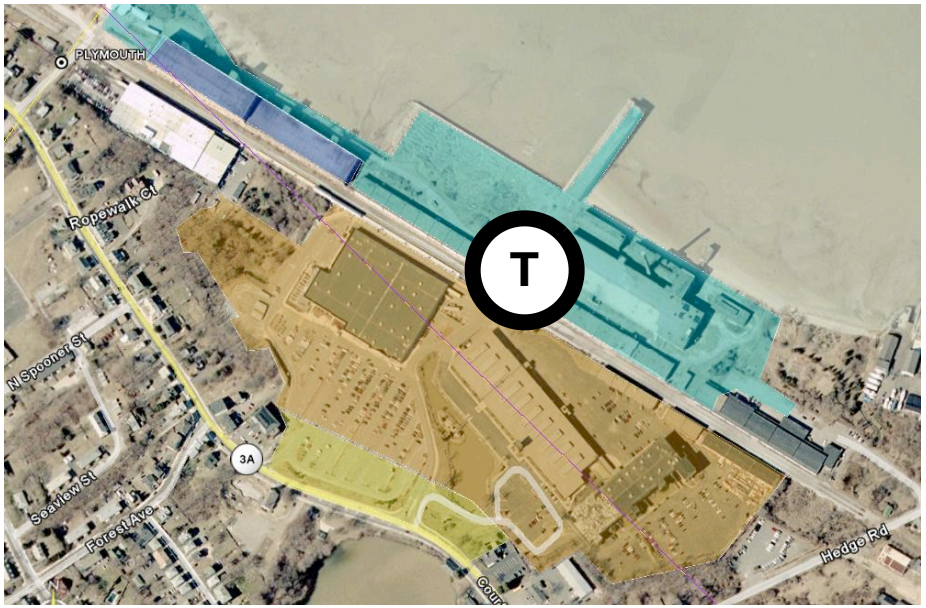
Examples of local zoning reforms for housing and mixed-use

Urban → suburban; large → small scale



St. George's Parish, Norwood





Source: JanCo Development; Cubellis Associates

Cordage Park, Plymouth

Source: Thorndike Development

6(C)(4) Open Space - Square. The District shall include a Square, 8,000 - 10,000 square feet in size, located within the Mixed-Use Live Work subdistrict near the MBTA Commuter Rail Station.

6(C)(4)(a) Landscaping elements. The emphasis should be on grass areas with canopy trees, along with hard surfaces where moderate-sized groups may engage in recreational activities. The Square should be designed so that the hard and soft surfaces flow into one another in such a way that, for special events, they can be used as a single space, or broken up into smaller areas for separate activities. A variety of seating options should be provided, with smaller scale shrubs and perennials used to reinforce these areas. Public art, both permanent and occasional, is encouraged to be placed within this open space.

Flexible spaces accomodate changing uses in public squares.

6(C)(4)(b) Fencing. Fencing should define the space, but not act as a continuous barrier. To provide visual reinforcement of varying land uses without blocking people's free passage, fencing should be placed adjacent to such elements as street edges.

6(C)(4)(c) Allowed Accessory Buildings. Kiosks shall be permitted, but shall not occupy an area in excess of 150 square feet, including roofed areas. A

Seating should be provided in a variety of settings.

Kingston Smart Growth District Design Standards 33

6(B)(1)(a)(i) Parkway. A central Parkway shall be provided as a curvilinear, tree-lined street, and will be the principal collector road within the District. The Parkway shall be a public right-of-way 60' in width. The Parkway should be designed as an active recreation public space to promote walking and cycling, and should establish physical connections to public spaces within the overall development to the extent feasible. On-street parking is permitted on one side of the road. In general, the character shall be park-like, with non-marked parking spaces along one side of the road. The design of the Parkway should encourage casual walking, jogging and bicycle riding all designed in such a way that non-vehicular traffic can proceed along the Parkway in a safe and aesthetically pleasing manner. Opportunities for pedestrians to stop and sit along the way should be provided at strategic locations in a variety of landscaped settings including vest pocket parks and points of particular scenic interest.

Curvilinear streets provide changing viewscapes as pedestrians and cars travel down a parkway.

6(B)(1)(a)(ii) Alleys. Alleys shall be provided both for service vehicles and for use by residents whose homes are served by the alley. Alleys are not designed for through traffic. Alleys should generally intersect with secondary streets, not primary streets, where possible within overall site design. Any vertical objects such as optional curbing, low walls or fencing are permitted 8" from the edge of vehicular lanes.

Alleys are designed for service vehicles and access to garages.

6(B)(1)(a)(iii) The transportation network shall provide both adequate traffic capacity and connected pedestrian and bicycle routes. The transportation network will discourage access onto Traveled Ways designed for lower traffic volumes, and will promote safe and efficient mobil-

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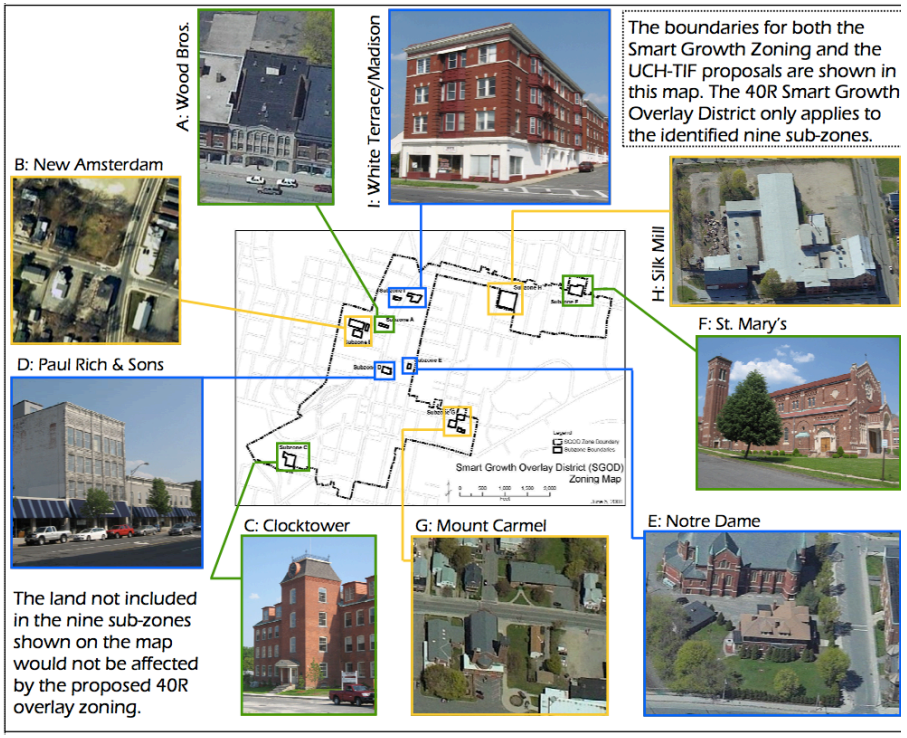
Commuter Rail Area, Kingston



Rice Silk Mill, Pittsfield

Affluent neighborhood characterized by large, attractive historical homes

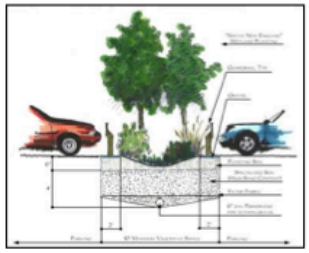
Church property proposed for closure and sale

Town of Belmont – Oakley Neighborhood Smart Growth Overlay District Design Standards

Example of windows, a balcony, and siding that would satisfy these Design Standards.

Sidewalk with a uniform travel surface, and curb cut unencumbered by parked cars.

Dumpsters, utilities, mechanical equipment, etc. shall be screened from view.



The illustration above shows a bioretention basin within a parking area. Bioretention basins result in treatment of stormwater runoff before it recharges into the soil, and improved water quality.

4.1.3. Screening. Rooftop building systems (such as mechanical and electrical equipment, antennas, satellite dishes) shall be screened from view from adjacent streets and from structures on adjacent lots by integrating them into the building design with parapets, screens or by other methods acceptable to the Approving Authority.

4.1.4. Balconies and/or porches, dormers, canopies and cornices are permitted, but should be constructed of durable materials such as wood, brick, stone, stucco, manufactured limestone, masonry, cast stone, tile, and sustainable materials that require minimum future maintenance and meet minimum structural loading requirements of the Massachusetts State Building Code.

4.1.5. Materials. Material selection should be durable with the intent to minimize the maintenance required to keep in good condition. Materials such as wood shingles, clapboard, brick and stone are encouraged. Reflective materials such as porcelain enamel or sheet metal are not permitted.

4.1.6. In Renovation development projects, the façade(s) of any building that is determined to be eligible for listing on the National Register of Historic Places will be appropriately rehabilitated, as provided in the Secretary of the Interior's Standards for Rehabilitation (36 CFR Part 67).

4.1.7. Dormers may be added to roof of the Church provided that the floor area of the second floor of the Church shall not exceed seventy percent (70%) of the first floor area of the Church.

4.1.8. Two- or three-family dwellings should be designed to appear as single-family homes to the greatest extent practical. Parking shall be located in the side or rear of the building relative to the streets, and should be screened with a combination of stone walls or fencing, and landscaping. If the two- or three-family dwelling includes two entrances, consideration should be given to placing the entrances on two different sides of the building. Two- or three-family dwellings should not be symmetrical in design, and should include a variety of rooflines, as well as features such as porches and terraces.

4.2. Placement, Alignment, Width and Grade of Streets and Sidewalks.

4.2.1. The pedestrian environment of the Oakley Neighborhood shall be maintained by providing for continuous sidewalks that are unencumbered by parked vehicles and are minimally broken by vehicular access and parking.

4.2.2. Sidewalks should provide a uniform travel surface for people who use wheelchairs, carriages, walkers, bicycles or scooters.

4.3. Type and Location of Infrastructure.

4.3.1. Building and site design should be adequate to achieve compliance with Leadership in Energy and Environmental Design (LEED) criteria, as promulgated by the U.S. Green Building Council, and in effect as of the date of adoption of the District By-law.

4.3.2. To the extent possible, new utilities shall be located underground. To the maximum extent feasible, all dumpsters, utilities, mechanical equipment, storage and service areas shall be screened from view from adjacent streets and from structures on neighboring lots in existence at the time of Site Plan Approval with plantings and/or landscape structures. In no cases shall dumpsters be permitted to be located within the required Front Setback.

4.3.3. Storm Water Management. Storm water management systems for the Development Project shall not increase the volume, rate, or further degrade the quality of existing discharges/runoff. Post-development peak runoff shall be maintained at or below pre-development peak runoff rates. The use of Low Impact Development strategies such as bioretention basins, drainage swales and permeable paving surfaces is encouraged. Retention and detention ponds are prohibited.

4.3.4. Operation and Maintenance Plan. An operation and maintenance plan is required prior to initiation of site work for all approved Development Projects and shall be designed to ensure that compliance with the District By-law and the Massachusetts Surface Water Quality Standards, 314, CMR

Source: Oakley Neighborhood Association

Oakley Neighborhood, Belmont

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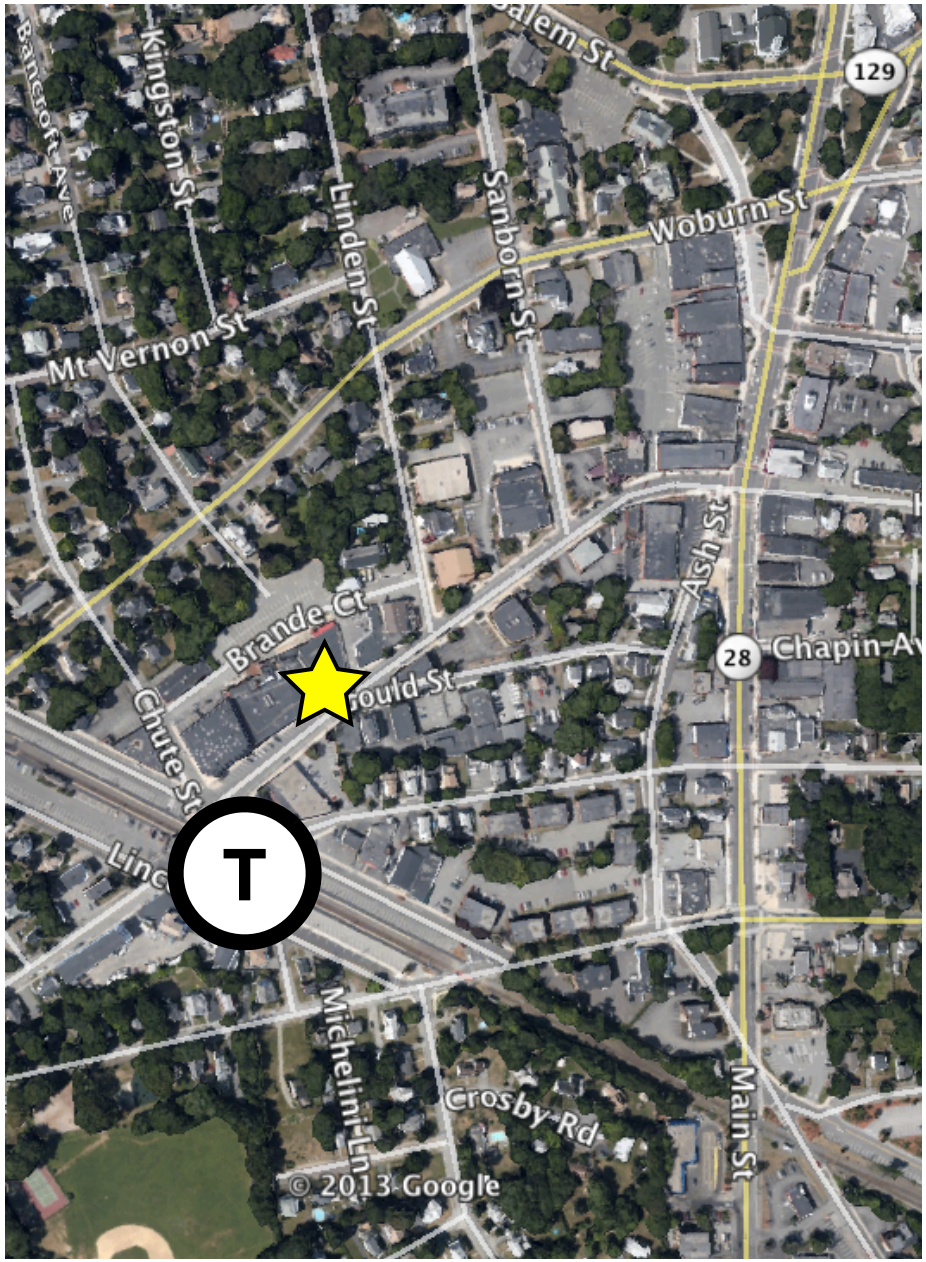
Source: National Development

Market Street, Lynnfield

Reading Woods, Reading



Town Center, Reading

Summary of Key Elements

	Plymouth	Kingston	Brockton	Pittsfield	Belmont	Lynnfield	Reading Woods	Reading TOD
TOD Location	Y	Y	Y	N	(N)	N	N	Y
Zoning funded by state grant	Y	Y	Y	Y	Y	N	N	Y
Public / private partnership	**Y**	**Y**	N	N	N	**Y**	**Y**	N
Illustrated Design Standards	Y	Y	Y	Y	Y	Y	N	Y
Zoned land in single ownership	Y	Y	N	N	Y	Y	Y	N
As-of-right Mixed-Income	Y	Y	Y	Y	Y	Y	Y	Y
Units have been built	N	N	Y	Y	Y	Y	Y	Y

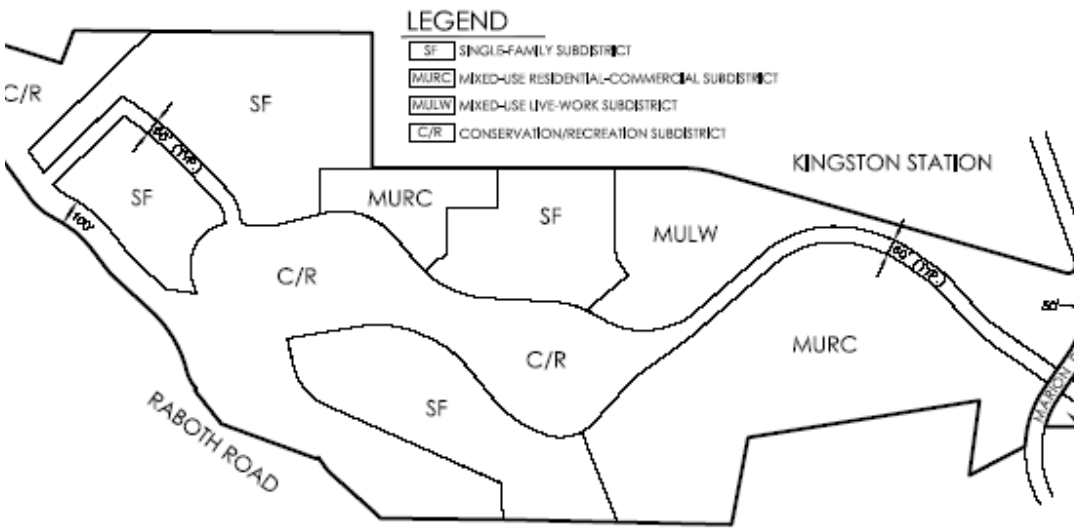
Practical aspects: Tips for Scoping the Work

- Key aspects of work:
  - Conceptual planning - consensus based vision for where we're hoping to get
  - Mapping - district and sub-district boundaries
  - Density calculations
  - Zoning and Design Standards
  - Process to secure approval by Mass. DHCD
  - Infrastructure evaluation; planning for potential public improvements, including strategies for financing
  - Where applicable, execution of development agreements
- Several successful Smart Growth Districts in Massachusetts have relied upon private investment for some or all of required steps

Recommendations for local zoning reform

- Subdistricts: customize allowed uses, densities, design standards
- Developable Area: Exclusion of drainage or road R.O.W. from developable area
- Non-residential sub-districts
- Proactive planning
- Design drives regulation: Using design concepts, create excitement for project design before talking about the zoning itself.

Recommendations for local zoning reform



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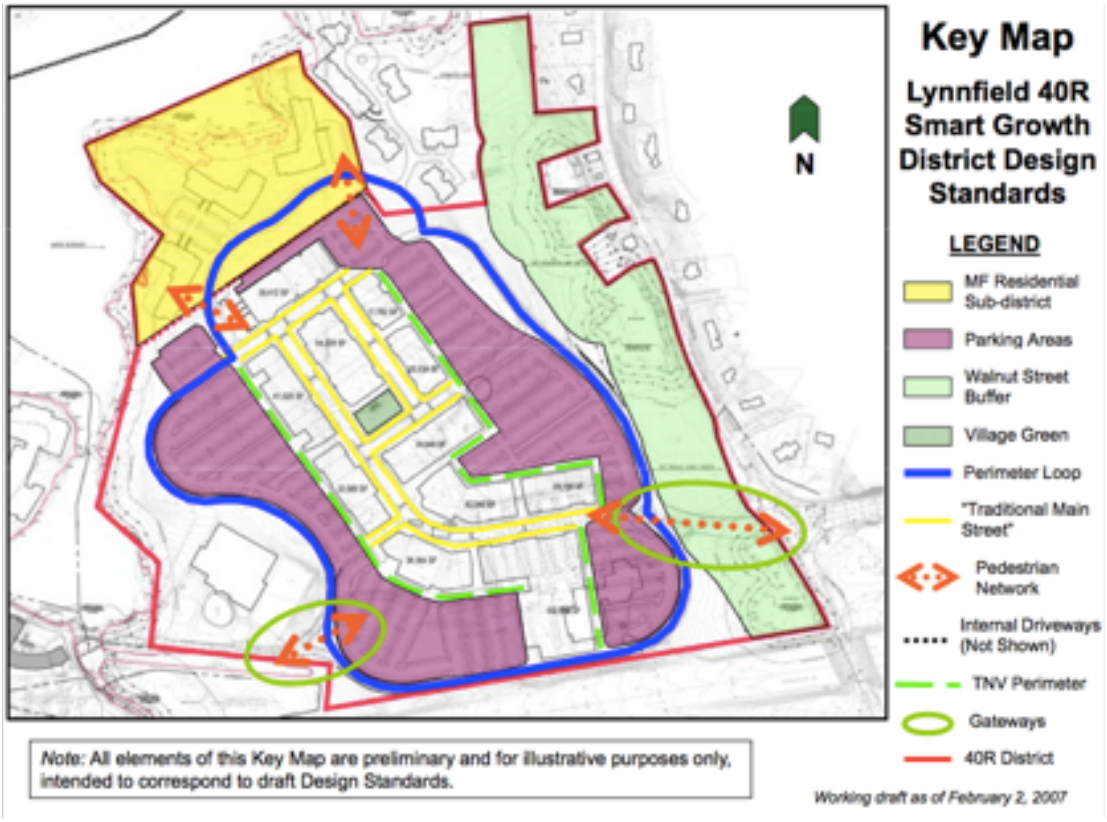

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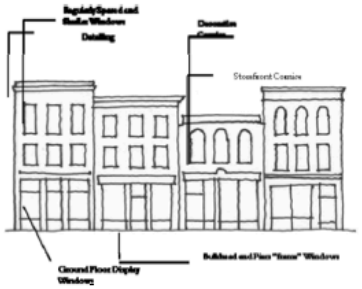

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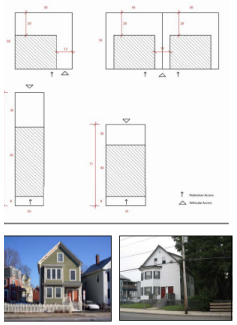
6.2.2. Upper floors of buildings facing Pleasant Street shall have a front setback that is a minimum of 5' greater than the front setback of the first floor in order to minimize shade impacts on the adjacent Veterans' Park.

3 Two-Family 35'



8.3.1. *Two-Family homes are an Allowable Use in the following Sub-District:*

	Max. Height
Art-Culture	45'
Corcoran	45'
Downtown Core	45'
Raico	35'
Star-Market	35'

8.3.2. *Additional Sub-District Standards*

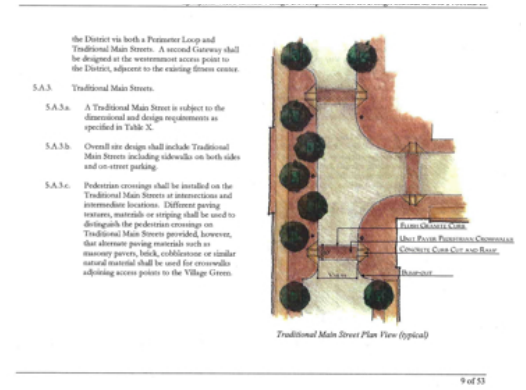
8.3.2.1. The ground floor of Two-Family new residential buildings should be raised above grade by three or fo feet to allow for separation between the street and th home, and to ensure privacy for those dwelling units with first floor windows.

8.3.2.2. Two-Family buildings may include internal parking at grade.

8.3.3. *Setbacks*

8.3.3.1. Two family homes should have a side setback of at le 12 feet. This may be satisfied with a 12 foot setback o one side (and a zero foot setback on the opposite side Alternatively, the setback may be divided between the sides. In the event that setbacks are divided, neighbor lots should be planned to allow for a shared driveway between the homes.

8.3.3.2. Lots that are too narrow to allow for a 12 foot side setback shall have vehicular access to the rear of the l



the District via both a Perimeter Loop and Traditional Main Streets. A second Gateway shall be designed at the westernmost access point to the District, adjacent to the existing fitness center.

5.A.3. Traditional Main Streets.

5.A.3.a. A Traditional Main Street is subject to the dimensional and design requirements as specified in Table X.

5.A.3.b. Overall site design shall include Traditional Main Streets including sidewalks on both sides and on-street parking.

5.A.3.c. Pedestrian crossings shall be installed on the Traditional Main Streets at intersections and intermediate locations. Different paving textures, materials or striping shall be used to distinguish the pedestrian crossings on Traditional Main Streets provided, however, that alternate paving materials such as masonary pavers, brick, cobblestone or similar natural material shall be used for crosswalks adjoining access points to the Village Green.

Traditional Main Street Plan View (typical)

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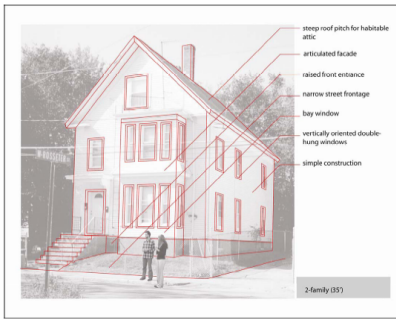
8.3 Two-Family 3



Design Standards

Flexible, but lock in key elements

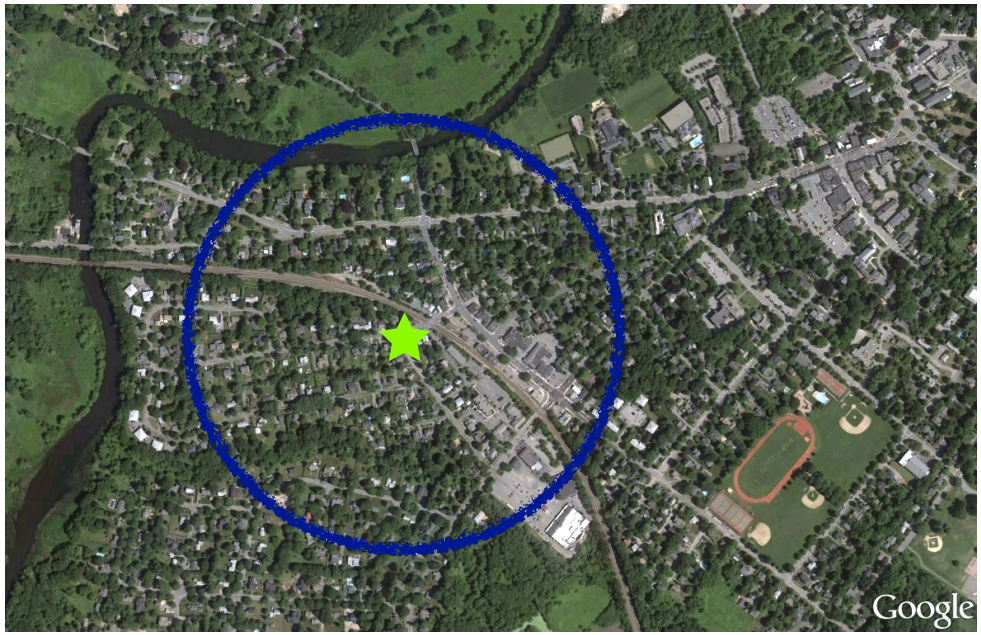
Grassroots processes have - in many cases - led to local reforms. Day 1 opponents sometimes became advocates.

Prime mover sometimes Town, sometimes landowner or developer, sometimes residents...

Successful initiatives included a clear statement of policy intent, and regulations to achieve it.

Closing

- Massachusetts Town Meeting voters have enacted Smart Growth Zoning - by a 2/3 vote - in many locations
- Local motivations range from proactive to strategic / defensive; but regardless of initial motivation, intent is to influence private investment patterns
- Favorable zoning aligns a developer's interest in predictability with the public interest of advancing a publicly endorsed vision for the future



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