

Form 1

Town: Wakefield

Form 1

“Pursuant to G.L. c. 40, § 32, I hereby request approval of the enclosed amendments to our town by-laws. G.L. c. 40, § 32, specifies that this request must be made within thirty (30) days after final adjournment of Town Meeting. The mandatory forms are included.”

- 1.) Town Meeting (check one): NOTE: If “Other” is selected, please specify (i), (ii), or (iii)
- Annual Special Regular Other (specify)
- i.) Authorized by Charter
- ii.) Authorized by Special Act
- iii.) Authorized by By-Law

2.) Date Town Meeting First Convened: November 16, 2024

3.) Date(s) of ^{Dissolved} Adjourned Sessions: November 16, 2024

4.) Identify Warrant Article(s) by Article number Submitted:

Does any by-law submitted in this packet derive from a local option statute or a special act?
 No Yes (if yes, please submit Form 6)

a.) Zoning Article 4

Does any by-law submitted in this packet, create or amend a by-law adopted under G.L. c. 40R (smart growth zoning by-law)?
 No Yes (if yes, please submit Form 6)

b.) Historical District No.

c.) General No.

d.) Charter Amendment (proposed amendments to an existing charter pursuant to G.L.c. 43B, § 10) No.

5.) Identify Zoning/Historic Maps Relating to Submitted Warrant Article(s): Zoning map and Text Amendment

A TRUE COPY ATTEST:

Betsy Sheeran

TOWN CLERK
TOWN OF WAKEFIELD

Form 1

6.) Town Counsel contact information:

Attorney Thomas Mullen
Firm _____
Mailing Address 40 Salem St, Suite 12
City Lynnfield State MA Zip 01940
Phone 781-245-2284 Fax 781-246-5318
Email tmullen@thomasamullenpc.com

7.) Town Clerk contact information:

Name (print) Betsy Sheeran
Signature Betsy Sheeran
Mailing Address 1 Lafayette St
City Wakefield State MA Zip 01880
Phone 781-246-6383 Fax 781-246-4155
Email bsheeran@wakefield.ma.us
Work Schedule Mon-Th 8A-4:30pm, Fri 8-12P

8.) Town Planner or Planning Board member contact information:

Name (print) Samantha Elliott
Mailing Address 1 Lafayette St
City Wakefield State MA Zip 01880
Phone 781-246-10391 Fax _____
Email Selliott@wakefield.ma.us
Work Schedule Mon-Th 8A-4:30p, Fri 8-12p

PLEASE ELECTRONICALLY FILE YOUR BY-LAW SUBMISSION PACKAGE AT:

BYLAWS@MASS.GOV

FORM 2

Town: Wakefield

Date Town Meeting Convened: November 16, 2024

Form 2 - Town Meeting Action

Please provide the following:

Submission #1, EXISTING BY-LAW.

One (1) certified copy of the **entire main section** of the existing by-law within which each proposed amendment occurs. This requirement is very important because without the **full text** of the entire main section of the existing by-law being amended we will be unable to ascertain the full meaning of the proposed changes in context. By-law amendments include even minor technical changes in current by-laws, amendments to tables showing uses permitted in different zoning districts, and amendments which re-define, reorganize or renumber existing by-laws previously approved by the Attorney General.

Note: if the Town's by-laws are available on the Internet, you may direct us to the website location rather than including a copy of the existing by-law being amended.

Existing by-law(s) may be found online at: ~~ecode360.com~~ ecode360.com/12314722

Submission #2, TOWN MEETING ACTION.

One (1) certified copy of the main motion, or amended main motion voted by town meeting, **with the date, article number, name of Town and votes thereon.** Because not all seals will show up when scanned and emailed, we request that you certify with "A true copy attest" language and your signature. Also, please include a copy of each floor amendment **favorably** acted upon by Town Meeting. We do not need copies of floor amendments that were unfavorably acted upon by Town Meeting.

Submission #3, FINAL VERSION OF BY-LAW AS AMENDED.

One (1) certified copy of the by-law (Submission #1) **as amended** by town meeting (Submission #2).

For any vote requiring a **simple majority** it will be sufficient to certify that the moderator declared that the motion carried. Where the vote was unanimous, it will be sufficient to certify that the moderator declared that the motion carried unanimously.

For any vote requiring **more than a simple majority** and where the vote was **not unanimous** an **actual vote count** must be taken. Zoning by-laws and historic district by-laws require a two-thirds vote.

However, if the town has either **(a) by vote of this town meeting**, or **(b) in a previously adopted general by-law**, voted that a counted vote need not be taken and that the Moderator may **declare** that a 2/3ds vote has been achieved, then such declaration of the Moderator will be sufficient [see G.L. c. 39, § 15] (*select below*):

If by (a), then please **attach** a certified copy of the Town Meeting action from this Town Meeting showing the vote to dispense with a counted vote.

If by (b), then please provide the following:

The date on which it was adopted by town meeting:

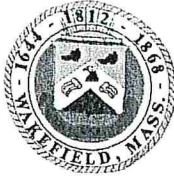
Date: _____

The date it was approved by the Attorney General's Office:

Date: _____

Office of the Town Clerk
Betsy Sheeran, Town Clerk

Wakefield | November 16, 2024
Form 2: Submission #2
Town Meeting Action



WILLIAM J. LEE MEMORIAL TOWN HALL
ONE LAFAYETTE STREET
WAKEFIELD, MASSACHUSETTS 01880
781-246-6383

November 16, 2024 - Regular Town Meeting

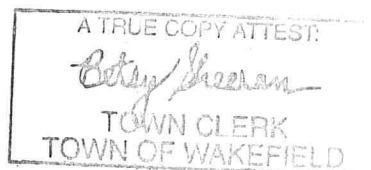
ARTICLE 4 - Please see attached

MOTION: Town Administrator Stephen P. Maio moved that the Town amend the Zoning Bylaw and Map as described in this Article. The motion was seconded. James Hogan, Planning Board Chair, recommended favorable action.

VOTE: MOTION PASSED

YES: 309

NO :204



Proposed Town Meeting Article

To see if the Town will vote to amend the Zoning Bylaws by:

1. adding as Article XX of the Zoning Bylaw, Chapter 190 of the Code of the Town, the following text:

ARTICLE XX. MBTA Communities Overlay District (MOD)

§ 190-114. Establishment, Applicability and Purpose

1. **Establishment.** The MBTA Communities Overlay District (MOD) is a zoning overlay district as defined in the zoning bylaw that does not replace the underlying zoning district but is superimposed over them. The regulations for use, dimensions, and all other provisions of the Zoning Bylaw governing the underlying zoning district(s) shall remain in full force. The use of character areas allows for new infill projects to maintain consistency with the existing development in the area through height, setbacks, building, massing, etc. The MOD has been divided into four (4) character areas as follows:
 - A. **Industrial Lofts (MOD-IL):** The MOD-IL character area facilitates the development of moderate to large scale apartment buildings of up to 5 stories, with a mixed-use option, interspersed with open space near mass transit.
 - B. **North Ave Mixed Use (MOD-NMU):** The MOD-NMU character area facilitates the development of a mixed-use corridor of moderate scale. This character area contributes both new housing and commercial space in an existing mixed-use corridor with access to mass transit. Buildings are typically set close to the sidewalk to create a defined streetwall that supports pedestrian activity and a sense of place. Ground story active commercial uses address the needs of residents and employees in the immediate neighborhood, the larger Wakefield community, and regional visitors. This area is compliant with the criteria listed in EOHLC's SECTION 3A/MBTA COMMUNITIES ZONING IMPLEMENTATION FACT SHEET: MANDATORY MIXED-USE DISTRICTS AND SECTION 3A, hereinafter Mandatory Mixed-Use Criteria (MMUC).
 - C. **Neighborhood Commercial (MOD-NC):** The MOD-NC character area facilitates infill of small to moderate scale (two or three story) buildings of either a mixed-use or exclusively residential purpose. This character area is comprised of traditional neighborhood commercial corridors that serve those who live and work in the area with buildings that are set close to the sidewalk, creating a defined streetwall that supports pedestrian activity and a sense of place.
 - D. **High Rise Residential (MOD-HRR):** The MOD-HRR character area facilitates the infill of large scale, high rise apartment buildings, providing a variety of housing opportunities while preserving the surrounding conservation land and wetlands.
2. **Applicability of MOD.** The MOD includes all the lands designated on the map titled MBTA Communities Overlay District with the four (4) character areas noted. The parcels within the MOD have a range of base zoning districts. The zoning rules applicable to the base zoning districts shall be in effect except where a property owner chooses to "opt-in" and utilize the provision of the MOD. The owner of one or more parcels within the MOD may use the base zoning provisions or the provisions of the MOD, but not both simultaneously.

- A. **Inclusion of partial lots.** Any lot whose underlying zoning is split but is fully included in the MOD, shall be permitted the uses listed by right as within the MOD without further rezoning.
- B. **Purpose.** The purpose of the MOD is to allow MOD multifamily dwellings as of right in accordance with G.L. c. 40A, § 3A.

§ 190-115. Definitions. The following definitions apply to Article XX and do not have applicability to other Sections of the Zoning Bylaw.

- A. *As of right* means development that may proceed under the zoning in place at the time of application for a building permit without the need for a special permit, variance, zoning amendment, waiver, or other discretionary zoning approval.
- B. *Building scale* means the relationship between the mass of a building and its surroundings, including the width of street, open space, and mass of surrounding buildings.
- C. *Character area* means a designated geographical portion of the MOD with distinct dimensional requirements and by-right allowable uses, informed by its neighborhood context and existing development pattern.
- D. *Mass* means the three-dimensional bulk of a structure determined by the height, width, and depth.
- E. *MOD multi-family dwelling* means a building designed, intended, or used as the home of three or more families, each in a separate dwelling unit, living independently of each other and who may have a common right in halls and stairways located in the MOD pursuant to Article XX. This definition is intended to include building types commonly known as "MOD apartments," "MOD high-rise apartment building," "MOD live/work units," and "MOD mixed-use buildings," which are defined below:
 - i. *MOD Apartments* means a MOD multifamily dwelling containing not fewer than three dwelling units and up to 10 stories in height;
 - ii. *MOD Mixed-use* means a structure in which MOD multi-family dwellings are the principal use and a non-residential use is located on the ground floor, with the exception of an ADA accessible unit(s) on the first floor as outlined in the MOD Overlay.
 - iii. *MOD live/work unit* means a self-contained MOD unit that includes a by right non-residential use. Live-work units shall be considered multiple-family units under this section. Live-work units are permitted to have a non-residential space for exclusive use of a tenant or an open coworking space shared among residents, provided the regulations of MMUC are met in MOD-NMU. The non-residential use shall be limited to a vocation, trade, small business, artist/craft studios, teaching of not more than one student simultaneously that meets the following criteria:
 - 1. No non-resident shall be employed and required to come on site;

2. The use shall not require any exterior changes to the building, be contained within the building and shall not be rendered objectional or detrimental to the residential character of the neighborhood due to its exterior appearance or emission of odor, gas, smoke, dust, noise or disturbance or in any other way become objectional or detrimental to any residential use within the neighborhood;
3. The non-residential use shall be limited to 40% of the unit's gross floor area, not to exceed 700 square feet.
4. No visible signage, display of goods, storage of explosive/hazardous materials, or customers/clients/pupils coming to the residence on a regular basis unless a separate ground floor space is provided.

F. *Short-term rental* means an owner-occupied, tenant-occupied, or non-owner occupied property including, but not limited to, an apartment, house, cottage, condominium, room within a housing unit, or a furnished accommodation that is not a hotel, motel, lodging house, or bed and breakfast establishment, where: (i) at least 1 room or unit is rented to an occupant or sub-occupant for a duration of less than twenty-eight (28) consecutive days; and (ii) all accommodations are reserved in advance.

§ 190-116. Permitted Uses.

1. **Uses.** Notwithstanding anything to the contrary in the Zoning Bylaw, the following uses are permitted as of right in the MOD, subject to Site Plan Review. In the MOD, a MOD multi-family dwelling with at least of three (3) dwelling units per lot is allowed as of right, subject to Site Plan Review, the MOD Table of Use of Regulations as shown below. The Zoning Board of Appeals shall be the site plan review authority.

USE	MOD-IL	MOD-HRR	MOD-NMU	MOD-NC
MOD Apartments	Y	Y	N	Y
MOD Live/work units	Y	Y	Y	Y
MOD Mixed-use	Y	N	Y	Y

2. Any MOD Multi-family Dwelling built within the MOD-NMU is required to be compliant with the use standards set forth in the MMUC.
3. MOD Mixed-use is permitted by right in MOD-IL, MOD-NMU, and MOD-NC provided the commercial use meets the standards of the underlying zoning use restrictions.
4. Short-term rentals shall be prohibited throughout the MOD.

§ 190-117. MOD Dimensional Standards

1. **Site Dimensional Standards.** Notwithstanding anything to the contrary in the Zoning Bylaw, the dimensional requirements applicable in the MOD shall be as set forth in the Table of Site

Dimensional Regulations for the MOD as shown below:

STANDARD	MOD-IL	MOD-HRR	MOD-NMU	MOD-NC
Lot Area (minimum)	NA	NA	NA	NA
Density (maximum units per acre)	50	33	30	30
Open Space Land (minimum)	20%	20%	20%	20%
Lot Frontage (minimum)	35'	70'	20'	20'
Front Setback (minimum)	10' or average of block	20'	None	None
Side Setback (minimum) *	10'	30'	None	None
Rear (minimum) *	15'	30'	15'	15'
Lot Coverage (maximum)	60%	30%	50%	50%

*Add 10' to listed side/rear setback if abutting a residential zoning district

- 2. Building Dimensional Standards.** Notwithstanding anything to the contrary in the Zoning Bylaw, the dimensional requirements applicable in the MOD shall be as set forth in the Table of Building Dimensional Regulations for the MOD as shown below:

STANDARD	MOD-IL	MOD-HRR	MOD-NMU	MOD-NC
Building Footprint (maximum)	15,000 sqft	20,000 sqft	10,000 sqft	10,000 sqft
Height (maximum)	5 Stories 57'	10 Stories 120'	3 Stories 40'	2 Stories/28' if R 3 Stories/40' if MU
Ground Story Height (minimum/maximum)	12' min/ 20' max	12' min/ 20' max	13' min/ 15' max	13' min/ 15' max
Building Separation for Multiple Buildings on Lot (minimum)	20'	20'	20'	20'
Ground Floor Residential	Permitted	Permitted	No	Up to 2 ADA Units Permitted
Ground Story Fenestration (minimum), Per Street Facing Elevation	20%	20%	70%	70%
Ground Story Active Use (minimum)	NA	NA	75%,	75% if MU, NA if Residential only
Length of Continuous Façade (maximum)	60'	40'	40'	40'

- 3. Ground Story Use.** The intent of the MOD Mixed-use is to ensure that the ground story non-residential use facilitates an active street level of the building with a transparent façade where those external to the building can see active uses on that floor, creating opportunities for interaction.

A. *Active uses* such as retail, restaurant, bar, specialty food service, place of amusement, personal service, gallery/arts studio, or live/work commercial space shall comprise 75% of the ground floor street frontage.

- B. *Semi-active* uses shall be limited to 25% of the ground floor street frontage. Semi-active uses shall include lobbies and common areas associated with office, or residential uses and access to accessory parking, loading or service areas.
4. **Height.** The limitation on the height of buildings shall not apply in the MOD to chimneys, ventilators, towers, elevator shafts, silos, spires, or similar features of buildings, which features are in no way used for living purposes and do not constitute more than 20% of the ground floor area of the building.

§ 190-118. Parking

1. Unless otherwise stated in Article XX of the Zoning Bylaw herein, refer to Parking and Loading Requirements, §190-37, Location and design of off-street parking spaces.
2. **Number of parking spaces.**
 - A. **Residential Uses.** In all character areas the minimum number of off-street parking spaces shall be 1.5 spaces per dwelling unit, either in surface parking or within garages or other structures.
 - B. **Mixed Use Structures.** In MOD-NMU and MOD-NC character areas, the commercial uses on the first floor shall have no parking requirements regardless of use.
3. **Parking Materials.** The parking surface shall be concrete, asphalt, bricks, or pavers, including pervious materials. Use of grass, uncontained soil, or the like shall be prohibited.
4. **Parking Area.** The parking area located within the lot must reasonably and safely accommodate the entering and exiting of dwelling unit vehicles.
5. **Parking Area Location.** Parking areas shall be located to the rear or side of the principal building. Parking shall not be located between the building and any lot line adjacent to the public right-of-way. Driveways serving parking areas shall conform to §190-37 (I).
6. **Buffers.** The surfaced areas of off-street parking areas shall be set back a minimum of three (3) feet from all buildings and side and rear property lines, except as may be approved by the Zoning Board of Appeals. Buffers between property lines and parking areas shall be landscaped. Buffers between the buildings (rear and side) and parking areas shall include landscaping or walkways.

§ 190-119. MOD Development Standards

1. **Site Design.** Site plans for developments in the MOD shall include the following:
 - a. **Connections.** Sidewalks shall provide a direct connection among building entrances, the public sidewalk (if applicable), and vehicular and bicycle parking.
 - b. **Vehicular access.** Where feasible, curb cuts shall be minimized, and shared driveways encouraged.
 - c. **Plantings.** Planting is encouraged to include the use of native vegetation. Refer to the Town of Wakefield Conservation Commission Native Planting policy.

- d. **Outdoor Lighting Plan.** Plans must show the location and type of outdoor lighting and lighting fixtures. All exterior lighting shall be designed and installed so as to be shielded or downcast, and to avoid light trespass onto adjacent properties and streets. Lighting fixtures shall be selected in accordance with dark sky compliance principles. Plans shall depict the light intensity (foot-candle) in an appropriate grid. All exterior lighting shall be limited to 15 feet in height and shall cast a maximum of 8-foot candles of light on the ground. Lighting shall also be directed so as not to blind vehicular or pedestrian traffic, shine into adjacent buildings or spill over to abutting properties.
- e. **Stormwater Management.** Refer to §170 Storm Drain System; Stormwater Management for Wakefield stormwater bylaw and associated requirements.
- f. **Offsite Improvement Plans.** Plans shall depict full design, grading and layouts for any work required within the public way to support the project. This includes but is not limited to pedestrian, traffic and utility improvements.

2. Buildings: General.

- a. **Position relative to the principal street.** The primary building shall have its principal façade and entrance facing the principal street, except as set forth below with respect to corner lots.
 - b. **Entries.** Entries shall be clearly defined and linked to a paved pedestrian network that includes the public sidewalk or right of way.
- 3. Buildings: Shared Outdoor Space.** All multi-family dwelling units shall have outdoor space that residents can access. Such space may be located in any combination of the ground floor, courtyard, rooftop, or terrace. Space shall either be shared among all residents or allocated on a unit by unit basis.
- 4. Buildings: Corner Lots.** A building on a corner lot shall have a primary entrance either along one of the street-facing façades and/or on the primary corner as an entrance serving both streets.
- a. Such entries shall be connected by a paved surface to the public sidewalk or right of way.
 - b. All façades visible from a public right-of-way shall be treated with similar care and attention in terms of entries, fenestration, and materials.
 - c. Fire escapes serving more than one story shall not be located on either of the street-facing façades.
- 5. Buildings: Principal Façade and Garages.** Parking garages shall be subordinate in design and location to the principal building façade. The principal pedestrian entry into the building shall be more prominent in design and placement than the vehicular entry into the garage.
- 6. Affordability.** All developments in the MOD district that have eight (8) or more units shall include at least 10% of the dwelling units (and no fewer than 1) available as affordable units limited to 80% Area Median Income (AMI) and eligible for listing in the Town's Subsidized

Housing Inventory (SHI). For purposes of calculating the number of affordable units required, the unit requirement shall round up to a whole unit for any fraction of 0.5 or above.

§ 190-120. Site Plan Review

- 1. Applicability.** Site Plan Review is required for any building within the MOD. An application for Site Plan Review shall be reviewed by the Zoning Board of Appeals for consistency with the purpose and intent of § 190-119, MOD Development Standards
- 2. Submission Requirements.** As part of any application for Site Plan Review for a project within the MOD, the Applicant must submit the following documents:
 - a.** Application for Site Plan Review.
 - b.** Site plans that show the position of the building on the site, points of vehicular access to and from the site and vehicular circulation on the site, stormwater management, utilities, and landscape treatments, including any screening of adjacent properties, and other information commonly required by the Zoning Board of Appeals for Site Plan Review.
 - c.** Elevations of the building(s) showing the architectural design of the building.
 - d.** Stormwater Report consistent with the requirements of §170 Storm Drain System; Stormwater Management, demonstrating no increase in stormwater rate or volume to adjacent properties or the public/private way.
 - e.** Site plans and stormwater report shall be prepared and stamped by civil engineers, land surveyors, architects, and/or landscape architects, registered in the Commonwealth of Massachusetts per their area of expertise as required by law.
 - f.** The plan shall be submitted digitally to the Zoning Board of Appeals and on D-size sheets (24 inches by 36 inches). All plans shall be signed and stamped, and drawings should be prepared at a scale of suitable size.
 - g.** Narrative of compliance with the applicable MOD Development Standards.
- 3. Timeline.** Site Plan Review should be commenced no later than 30 days following the submission of a complete application and should be completed expeditiously. The Zoning Board of Appeals may, when appropriate, seek the input of other municipal boards or officials. The Zoning Board of Appeals shall make a final decision regarding a site plan within 90 days after the date of its public hearing. The required time limits for public hearing and Zoning Board of Appeals action may be extended by written agreement between the applicant and the Zoning Board of Appeals. Failure of the Zoning Board of Appeals to act within said 90 days or extended time, if applicable, shall be deemed an approval of the site plan.
- 4. Site Plan Approval.** Site Plan approval for uses listed in §190-116, "Permitted Uses," shall be granted upon determination by the Zoning Board of Appeals that the following conditions have been satisfied. The Zoning Board of Appeals may impose reasonable conditions, at the expense of the applicant, to ensure that these conditions have been satisfied:

- a. the Applicant has submitted the required information as set forth in the Town's requirements for a Building Permit and Site Plan Review; and
- b. the project as described in the application meets the MOD Development Standards.

§ 190-121. Severability. If any provision of this Article XX is found to be invalid by a court of competent jurisdiction, the remainder of this Article shall not be affected but shall remain in full force and effect. The invalidity of any provision of this Article XX shall not affect the validity of the remainder of the Zoning Bylaw.

2. Adding the following to the end of § 190-5 of the Zoning Bylaws: “MBTA Communities Overlay District (MOD)”

3. Adding the following to the end of § 190-6.A of the Zoning Bylaws:

“(18) The MBTA Communities Overlay District (MOD) is a special overlay district to allow MOD multi-family dwellings as of right in accordance with G.L. c. 40A, § 3A, subject only to site plan review by the Zoning Board of Appeals and is shown on the Zoning Map entitled ‘MBTA Communities Overlay District.’ Within such district, all provisions of the Zoning Bylaw applicable to the underlying districts shall continue to apply except that MOD Multi-family dwellings shall be allowed in the MOD district pursuant to Article XX of the Zoning Bylaw.”

4. adding the following to the end of § 190-7.A of the Zoning Bylaws:

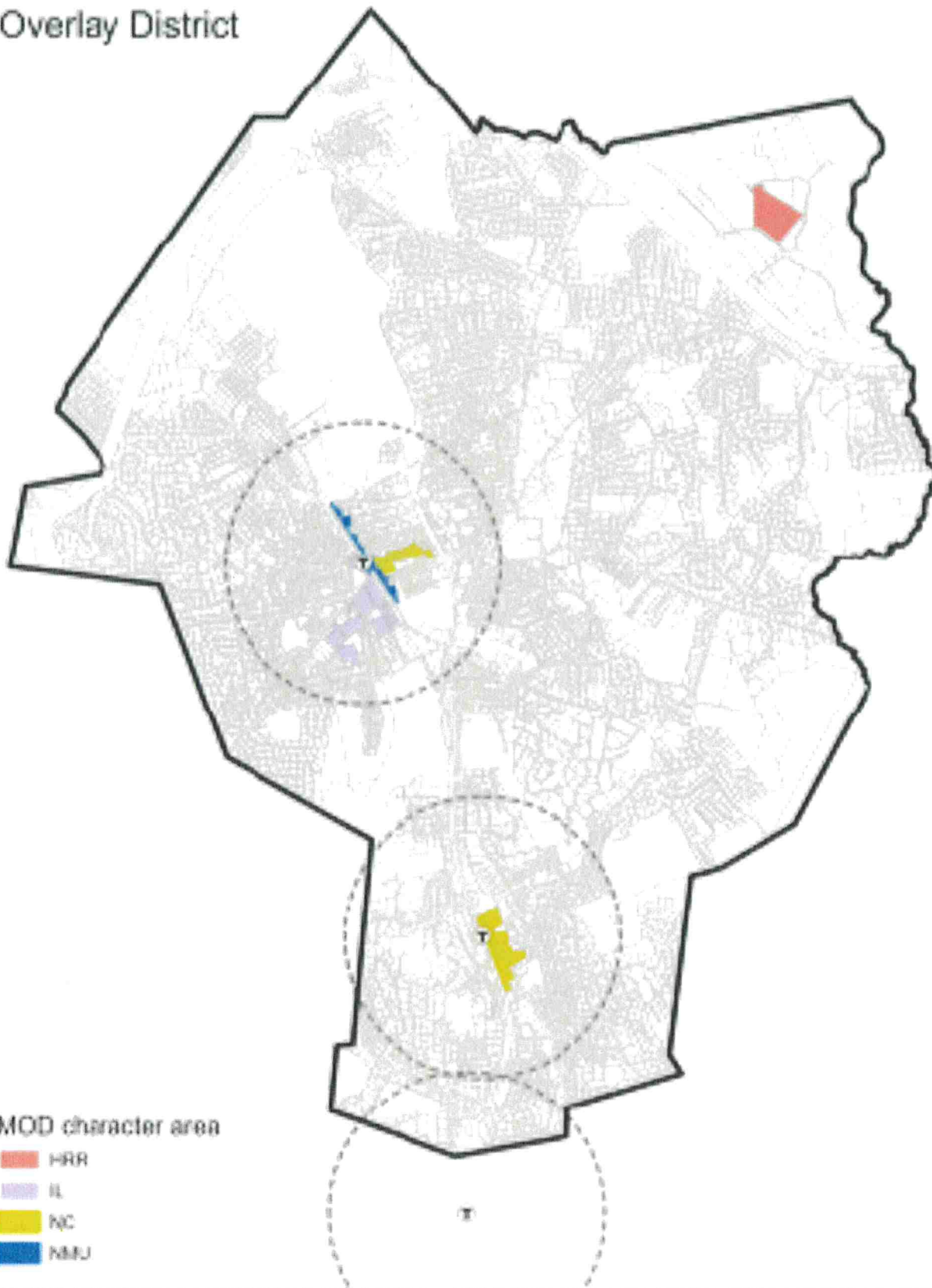
“The MBTA Communities Overlay District is located as shown on a separate map entitled ‘MBTA Communities Overlay District Map, dated October 3, 2024.’” and

5. amending the Wakefield Zoning Map by adopting the “MBTA Communities Overlay District Map, dated October 3, 2024,” a copy of which attached herewith and is on file with, and available for inspection at the office of, the Town Clerk along with the addresses of those properties within the district.

Or to see what the Town will do about it.

A TRUE COPY ATTEST:
Betsy Sheeran
TOWN CLERK
TOWN OF WAKEFIELD

MBTA Communities Overlay District



FORM 3

Town: Wakefield
Date Town Meeting Convened: November 16, 2024

Form 3 - Maps: Zoning and/or Historic Districts

If no maps are being submitted to the Attorney General for approval, *do not* include this form in the package submitted.

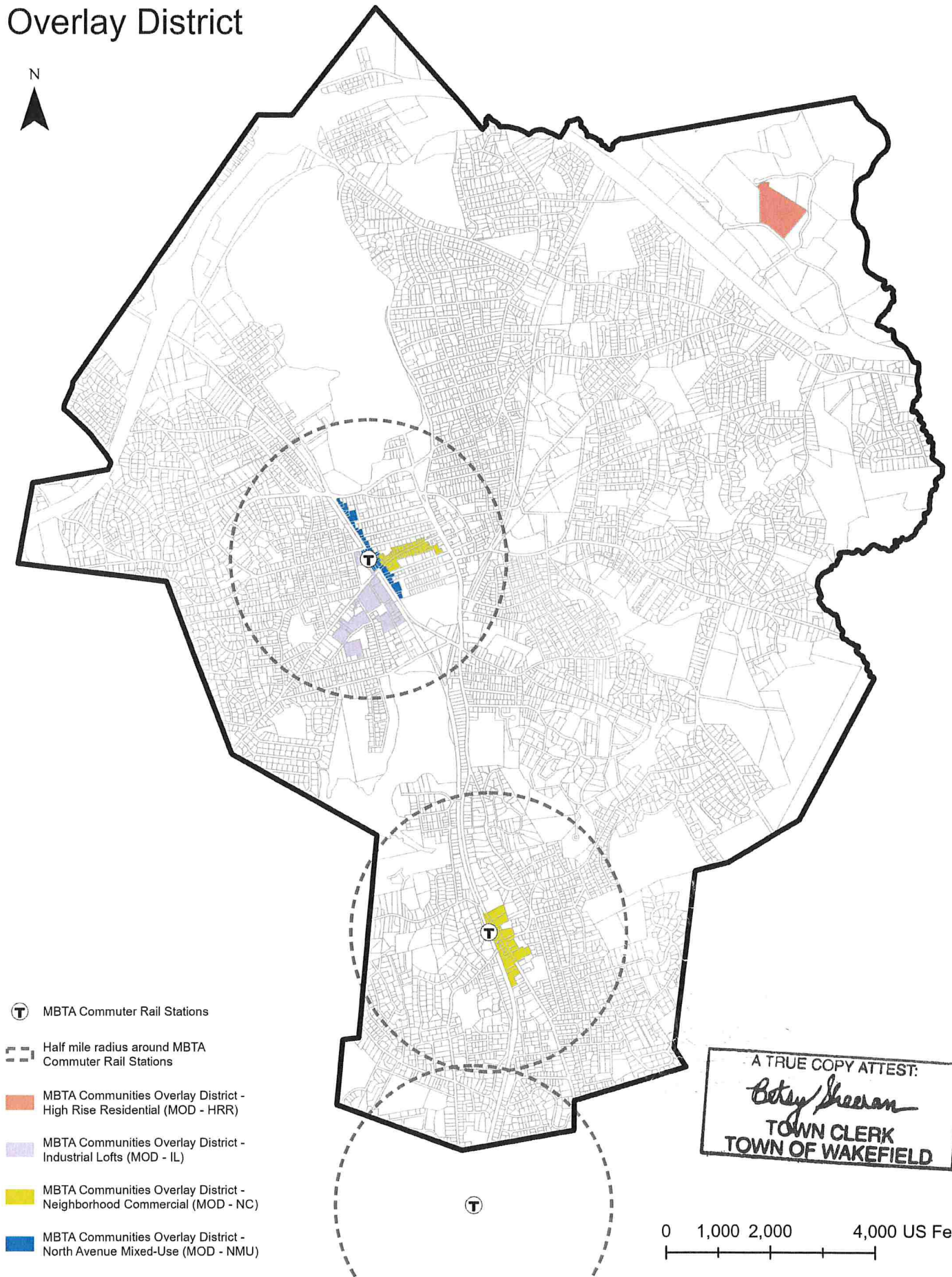
TWO certified copies of the zoning and/or historic district map(s) are attached.









Guidelines for submission:

1. The preferred size for submitted maps is no larger than 24 inches by 36 inches.
2. The map must be of a scale that clearly shows the parcel(s) or boundaries affected by each article, suitably annotated to identify parcel(s) or boundaries. All changes should be shown in color or other method of highlighting the parcel(s) or boundaries affected.
3. If more than one article is being submitted with map changes, please identify each map with article number.
4. **Your certification must be affixed to the maps submitted.**
5. Maps may be electronically filed at bylaws@state.ma.us (or mailed to us at the Worcester address noted above). Electronically filed maps must still contain a certification; however, since not all seals will show up when scanned and emailed, we request that you certify the maps with "A true copy attest" language and your signature.

MBTA Communities Overlay District








-  MBTA Commuter Rail Stations
-  Half mile radius around MBTA Commuter Rail Stations
-  MBTA Communities Overlay District - High Rise Residential (MOD - HRR)
-  MBTA Communities Overlay District - Industrial Lofts (MOD - IL)
-  MBTA Communities Overlay District - Neighborhood Commercial (MOD - NC)
-  MBTA Communities Overlay District - North Avenue Mixed-Use (MOD - NMU)

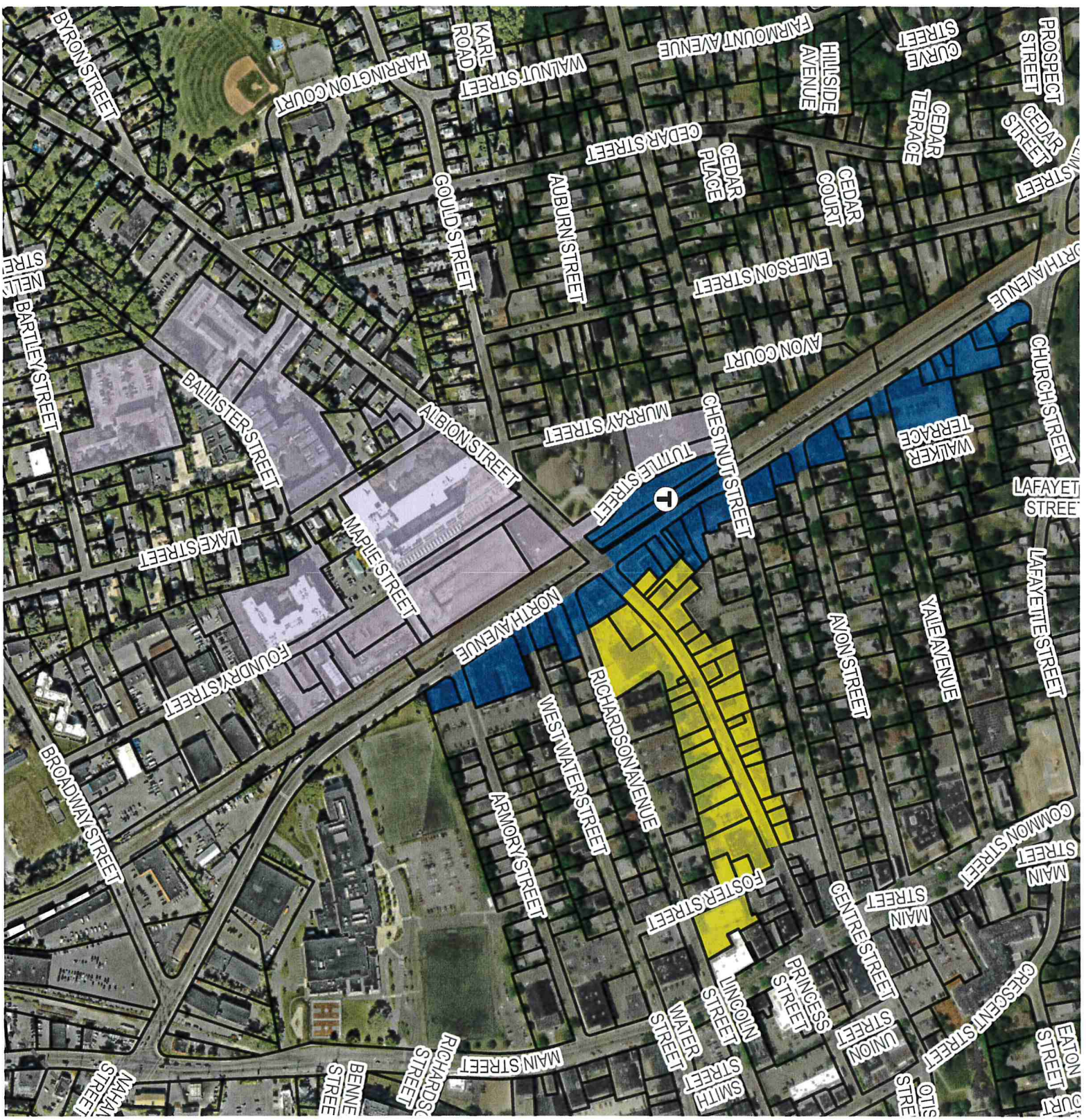
A TRUE COPY ATTEST:
Betsy Sheeran
TOWN CLERK
TOWN OF WAKEFIELD

0 1,000 2,000 4,000 US Feet

MBTA Communities
 Overlay District
 (Downtown)

-  MBTA Commuter Rail Stations
-  MBTA Communities Overlay District - High Rise Residential (MOD - HRR)
-  MBTA Communities Overlay District - Industrial Lofts (MOD - IL)
-  MBTA Communities Overlay District - Neighborhood Commercial (MOD - NC)
-  MBTA Communities Overlay District - North Avenue Mixed-Use (MOD - NMU)

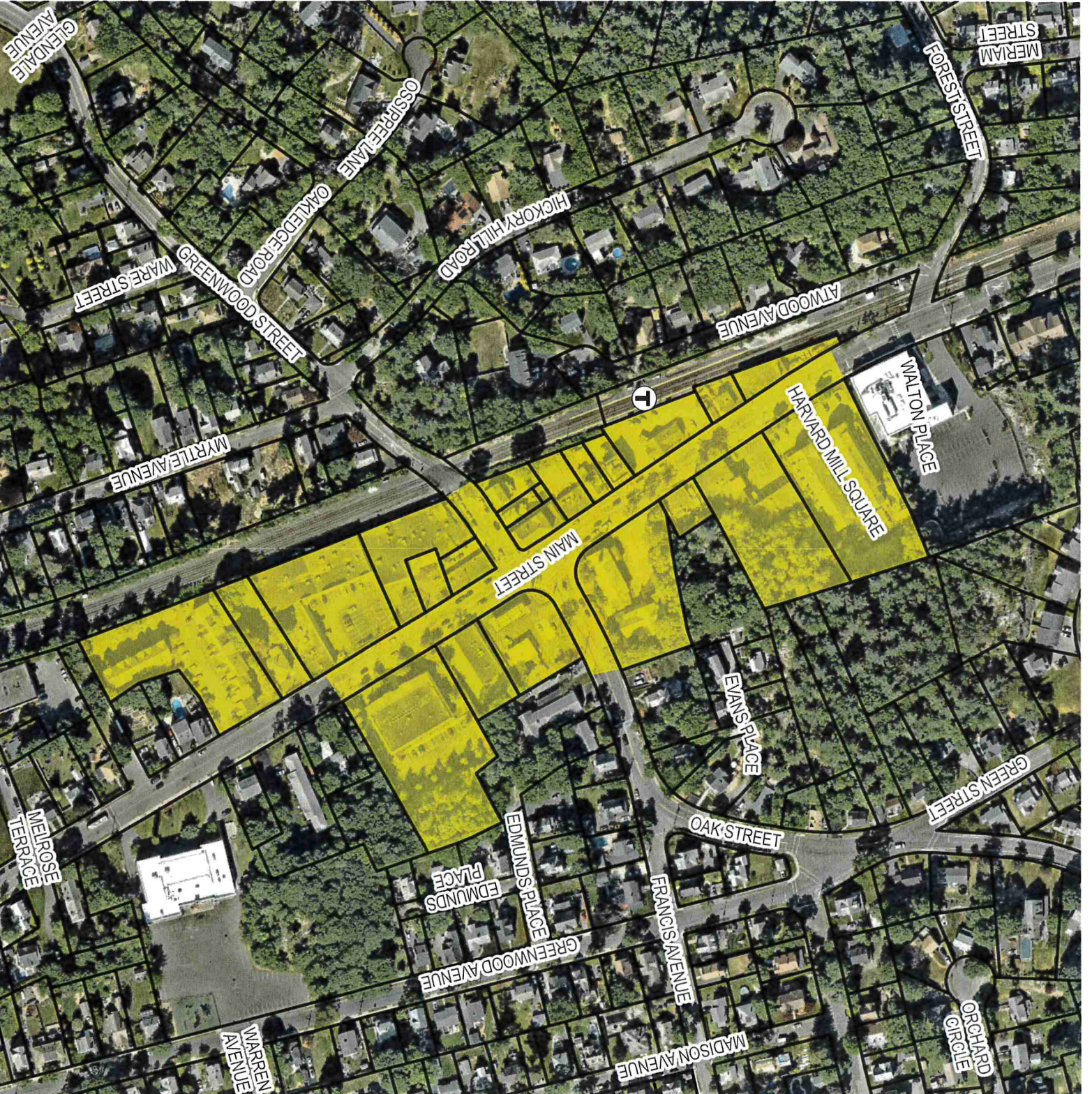
WAKEFIELD – ARTICLE 4
 FOR REFERENCE ONLY









MBTA Communities
 Overlay District
 (Greenwood)

-  MBTA Commuter Rail Stations
-  MBTA Communities Overlay District - High Rise Residential (MOD - HRR)
-  MBTA Communities Overlay District - Industrial Lofts (MOD - IL)
-  MBTA Communities Overlay District - Neighborhood Commercial (MOD - NC)
-  MBTA Communities Overlay District - North Avenue Mixed-Use (MOD - NMU)

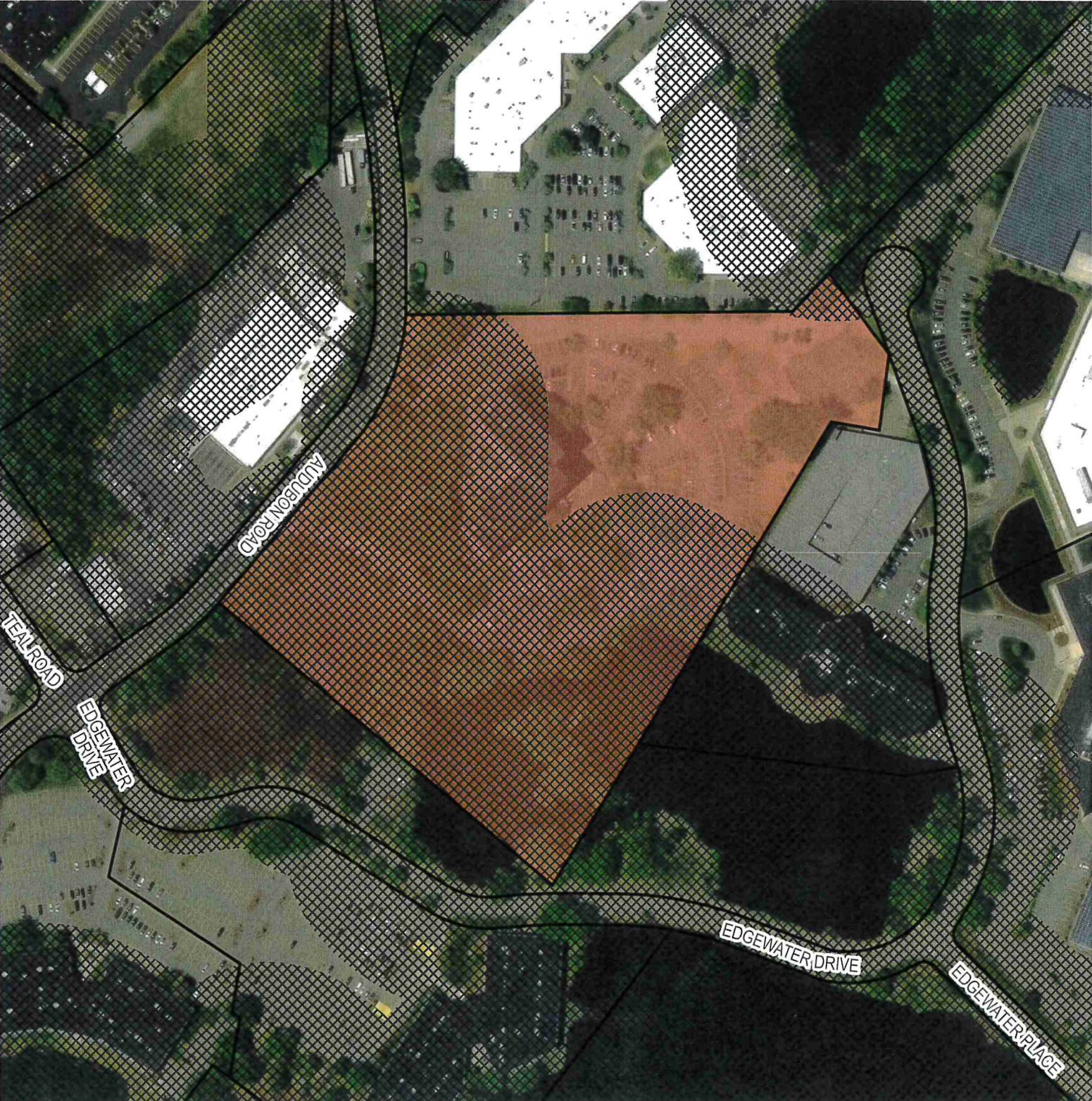
WAKEFIELD – ARTICLE 4
 FOR REFERENCE ONLY



MBTA Communities Overlay District (Audubon)

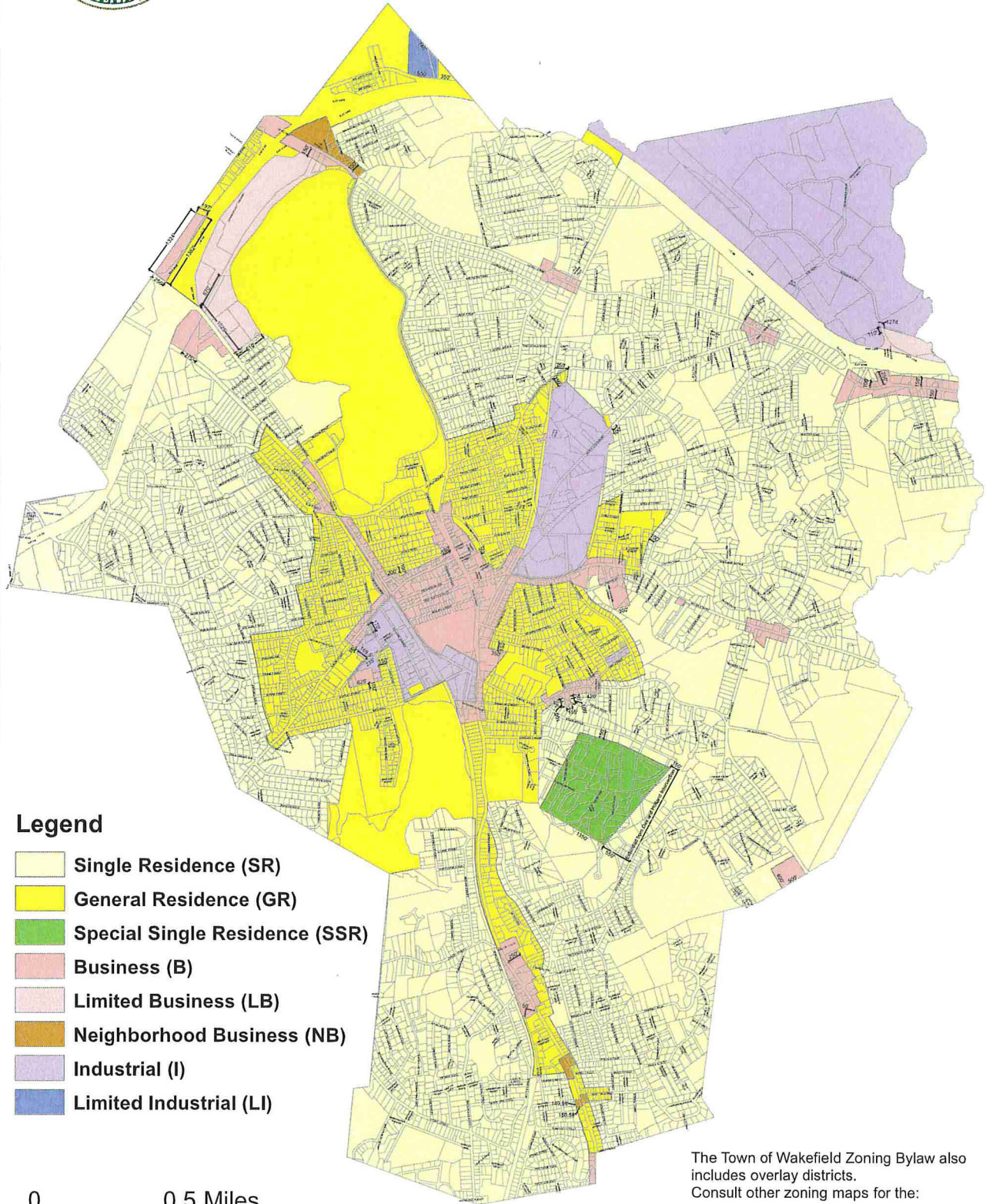
-  MBTA Commuter Rail Stations
-  MBTA Communities Overlay District - High Rise Residential (MOD - HRR)
-  MBTA Communities Overlay District - Industrial Lofts (MOD - IL)
-  MBTA Communities Overlay District - Neighborhood Commercial (MOD - NC)
-  MBTA Communities Overlay District - North Avenue Mixed-Use (MOD - NMU)
-  Excluded Land

WAKEFIELD – ARTICLE 4
FOR REFERENCE ONLY









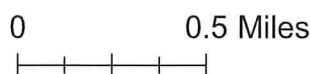


Wakefield Zoning Map



Legend

-  Single Residence (SR)
-  General Residence (GR)
-  Special Single Residence (SSR)
-  Business (B)
-  Limited Business (LB)
-  Neighborhood Business (NB)
-  Industrial (I)
-  Limited Industrial (LI)



Adopted at Town Meeting:
May 16, 2022

Corrected 10/12/2022
Corrected 12/20/2023

The Town of Wakefield Zoning Bylaw also includes overlay districts. Consult other zoning maps for the:

- Municipal District
- Wireless Communication Services District
- Mixed Use District
- Municipal Building Reuse District
- Signage District
- Assisted Living Facilities District

Floodplain Districts exists as shown on the 2010 FIRM Maps on file with the Town Engineer

FORM 4

Town: Wakefield
Date Town Meeting Convened: November 16, 2024

Form 4 - Town Meeting Certification

Complete and sign the following.

1. Quorum

Indicate number. Please write "0" if the town has no quorum requirement.

A quorum was present at the town meeting, including any adjourned sessions thereof. According to our town charter or by-law, our quorum requirement for town meeting is 0 registered voters.

2. Service of the Warrant

Please check one.

The service of the town meeting warrant was in accordance with:

- a town by-law
 a previous vote of the town
 a procedure accepted by the Attorney General

3. Signing of the Warrant [*certified copy of relevant Warrant pages must be attached*]

Date the Board of Selectmen signed the Town Meeting Warrant: October 21, 2024

4. Posting of the Warrant

Date the Town Meeting Warrant was posted: October 29, 2024

(The warrant must be posted at least 7 days prior to an annual town meeting and at least 14 days prior to a special town meeting)

5. Attachments

Before submission, ensure that you have attached both of the following:

- A **certified** copy of the **relevant pages of the Town Meeting warrant**, as it was posted. (Attachments must include: opening of the warrant, all pages of the warrant article(s) submitted for review, the closing, the Board of Selectmen's signature page and the officer's return of service page.
- We require a certified copy of the **text referred to**, but not set forth in the text of the warrant articles (example: if the warrant refers to an Attachment, text in an Appendix, or text located elsewhere, such as in the town clerk's office or the office of the planning board). In this instance, it will be necessary for you to send us a **copy of the text referred to, or a copy of what is on file and available for inspection**. Otherwise, we will not know the actual text of the by-law that the warrant article proposes.

Note: It is not necessary to submit any documents other than those requested in the required Forms. For example, you do not need to submit Finance Committee reports, minutes, annotated warrant articles, Planning Board Hearing minutes, or Planning Board Hearing sign-in sheet.

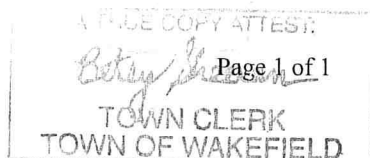
Certification

I certify the above declaration to be true and correct to the best of my knowledge.

Betsy Sheeran
Signature of Town Clerk

Betsy Sheeran
Printed Name of Town Clerk

December 2, 2024
Date Signed



WARRANT

REGULAR TOWN MEETING - NOVEMBER 16, 2024

MIDDLESEX COUNTY, SS

TO ANY OF THE CONSTABLES OF THE TOWN OF WAKEFIELD IN THE COUNTY OF MIDDLESEX,

Greetings:

In the name of the Commonwealth of Massachusetts you are hereby required to notify and warn the inhabitants of the Town of Wakefield qualified to vote in elections and in Town affairs to meet in the auditorium at the Galvin Middle School, 525 Main Street in said Wakefield on Saturday, the 16th day of November, 2024 at Eight o'clock in the morning, then and there to act on the following:

Subsequent Days. If there is business remaining, the Moderator will consider a motion to adjourn to a subsequent session.

ARTICLE 1. To see if the Town will hear and accept a report of the Fiscal Year 2024 budget; or to see what the Town will do about it.
Town Administrator

ARTICLE 2. To see if the Town will vote to authorize the Board of Assessors to use such free cash as may be in the Treasury or any part thereof in computing the tax rate for the fiscal period ending June 30, 2025; or to see what the Town will do about it.
Town Council

ARTICLE 3. To see if the Town will vote to appropriate a sufficient sum of money for the design and construction of a solar array project on the roof of the Galvin Middle School, such project to include all related costs of interconnection with the Town's electrical system, and to determine whether to raise this appropriation by borrowing or otherwise; or to see what the Town will do about it.
Town Council

ARTICLE 4. To see if the Town will vote to amend the Zoning Bylaws by 1. adding as Article XX of the Zoning Bylaw, Chapter 190 of the Code of the Town, the following text:
ARTICLE XX. MBTA Communities Overlay District (MOD) § 190-114 Establishment, Applicability and Purpose – 1. Establishment. The MBTA Communities Overlay District (MOD) is a zoning overlay district as defined in the zoning bylaw that does not replace the underlying zoning district(s) but is superimposed over them. The regulations for use, dimensions, and all other provisions of the Zoning Bylaw governing the underlying zoning district(s) shall remain in full force. The use of character areas allows for new infill projects to maintain consistency with the existing development in the area through height, setbacks, building massing, etc. The MOD has been divided into four (4) character areas as follows: A. **Industrial Lofts (MOD-IL):** The MOD-IL character area facilitates the development of moderate to large scale apartment buildings of up to 5 stories, with a mixed-use option, interspersed with open space near mass transit. B. **North Ave Mixed Use (MOD-NMU):** The MOD-NMU character area facilitates the development of a mixed-use corridor of moderate scale. This character area contributes both new housing and commercial space in an existing mixed-use corridor with access to mass transit. Buildings are typically set close to the sidewalk to create a defined streetwall that supports pedestrian activity and a sense of place. Ground story active commercial uses address the needs of residents and employees in the immediate neighborhood, the larger Wakefield community, and regional visitors. This area is compliant with the criteria listed in EOHLIC's SECTION 3A/MBTA COMMUNITIES ZONING IMPLEMENTATION FACT SHEET: MANDATORY MIXED-USE DISTRICTS AND SECTION 3A, hereinafter Mandatory Mixed-Use Criteria (MMUC). C. **Neighborhood Commercial (MOD-NC):** The MOD-NC character area facilitates infill of small to moderate scale (two or three story) buildings of either a mixed-use or exclusively residential purpose. This character area is comprised of traditional neighborhood commercial corridors that serve those who live and work in the area with buildings that are set close to the sidewalk, creating a defined streetwall that supports pedestrian activity and a sense of place. D. **High Rise Residential (MOD-HRR):** The MOD-HRR character area facilitates the infill of large scale, high rise apartment buildings, providing a variety of housing opportunities while preserving the surrounding conservation land and wetlands. 2. **Applicability of MOD.** The MOD includes all the lands designated on the map titled MBTA Communities Overlay District with the four (4) character areas noted. The parcels within the MOD have a range of base zoning districts. The zoning rules applicable to the base zoning districts shall be in effect except where a property owner chooses to "opt-in" and utilize the provision of the MOD. The owner of one or more parcels within the MOD may use the base zoning provisions or the provisions of the MOD, but not both simultaneously. A. **Inclusion of partial lots.** Any lot whose underlying zoning is split but is fully included in the MOD, shall be permitted the uses listed by right as within the MOD without further rezoning. B. **Purpose.** The purpose of the MOD is to allow MOD multifamily dwellings as of right in accordance with G.L. c. 40A, § 3A. § 190-115. **Definitions.** The following definitions apply to Article XX and do not have applicability to other Sections of the Zoning Bylaw. A. As of right means development that may proceed under the zoning in place at the time of application for a building permit without the need for a special permit, variance, zoning amendment, waiver, or other discretionary zoning approval. B. **Building scale** means the relationship between the mass of a building and its surroundings, including the width of street, open space, and mass of surrounding buildings. C. **Character area** means a designated geographical portion of the MOD with distinct dimensional requirements and by-right allowable uses, informed by its neighborhood context and existing development pattern. D. **Mass** means the three-dimensional bulk of a structure determined by the height, width, and depth. E. **MOD multi-family dwelling** means a building designed, intended, or used as the home of three or more families, each in a separate dwelling unit, living independently of each other and who may have a common right in halls and stairways located in the MOD pursuant to Article XX. This definition is intended to include building types commonly known as "MOD apartments," "MOD high-rise apartment building," "MOD live/work units," and "MOD mixed-use buildings," which are defined below: i. **MOD Apartments** means a MOD multifamily dwelling containing not fewer than three dwelling units and up to 10 stories in height; ii. **MOD Mixed-use** means a structure in which MOD multi-family dwellings are the principal use and a non-residential use is located on the ground floor, with the exception of an ADA accessible unit(s) on the first floor as outlined in the MOD Overlay. iii. **MOD live/work unit** means a self-contained MOD unit that includes a by right non-residential use. Live-work units shall be considered multiple-family units under this section. Live-work units are permitted to have a non-residential space for exclusive use of a tenant or an open coworking space shared among residents, provided the regulations of MMUC are met in MOD-NMU. The non-residential use shall be limited to a vocation, trade, small business, artist/craft studios, teaching of not more than one student simultaneously that meets the following criteria: 1. No non-resident shall be employed and required to come on site; 2. The use shall not require any exterior changes to the building, be contained within the building and shall not be rendered objectional or detrimental to the residential character of the neighborhood due to its exterior appearance or emission of odor, gas, smoke, dust, noise or disturbance or in any other way become objectional or detrimental to any residential use within the neighborhood; 3. The non-residential use shall be limited to 40% of the unit's gross floor area, not to exceed 700 square feet; 4. No visible signage, display of goods, storage of explosive/hazardous materials, or customers/clients/pupils coming to the residence on a regular basis unless a separate ground floor space is provided. F. **Short-term rental** means an owner-occupied, tenant-occupied, or non-owner occupied property including, but not limited to, an apartment, house, cottage, condominium, room within a housing unit, or a furnished accommodation that is not a hotel, motel, lodging house, or bed and breakfast establishment, where: (i) at least 1 room or unit is rented to an occupant or sub-occupant for a duration of less than twenty-eight (28) consecutive days; and (ii) all accommodations are reserved in advance. § 190-116. **Permitted Uses.** 1. **Uses.** Notwithstanding anything to the contrary in the Zoning Bylaw, the following uses are permitted as of right in the MOD, subject to Site Plan Review. In the MOD, a MOD multi-family dwelling with at least of three (3) dwelling units per lot is allowed as of right, subject to Site Plan Review, the MOD Table of Use of Regulations as shown below. The Zoning Board of Appeals shall be the site plan review authority.

USE	MOD-IL	MOD-HRR	MOD-NMU	MOD-NC
MOD Apartments	Y	Y	N	Y
MOD Live/work units	Y	Y	Y	Y
MOD Mixed-use	Y	N	Y	Y

2. Any MOD Multi-family Dwelling built within the MOD-NMU is required to be compliant with the use standards set forth in the MMUC. 3. MOD Mixed-use is permitted by right in MOD-IL, MOD-NMU, and MOD-NC provided the commercial use meets the standards of the underlying zoning use restrictions. 4. Short-term rentals shall be prohibited throughout the MOD. § 190-117. **MOD Dimensional Standards – 1. Site Dimensional Standards.** Notwithstanding anything to the contrary in the Zoning Bylaw, the dimensional requirements applicable in the MOD shall be as set forth in the Table of Site Dimensional Regulations for the MOD as shown below:

STANDARD	MOD-IL	MOD-HRR	MOD-NMU	MOD-NC
Lot Area (minimum)	NA	NA	NA	NA
Density (maximum units per acre)	50	33	30	30
Open Space Land (minimum)	20%	20%	20%	20%
Lot Frontage (minimum)	35'	70'	20'	20'
Front Setback (minimum)	10' or average of block	20'	None	None
Side Setback (minimum) *	10'	30'	None	None
Rear (minimum) *	15'	30'	15'	15'
Lot Coverage (maximum)	60%	30%	50%	50%

*Add 10' to listed side/rear setback if abutting a residential zoning district

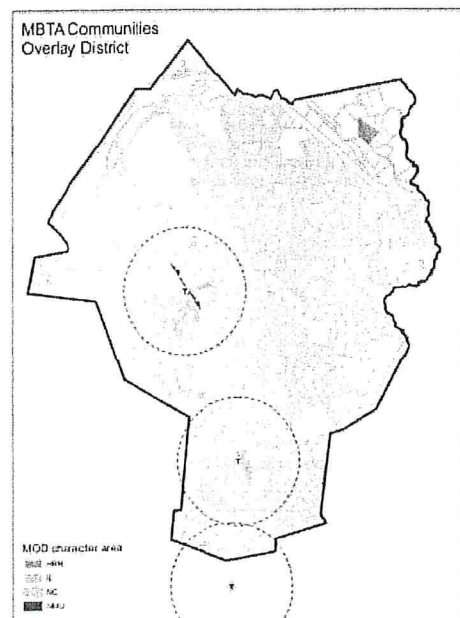
2. **Building Dimensional Standards.** Notwithstanding anything to the contrary in the Zoning Bylaw, the dimensional requirements applicable in the MOD shall be as set forth in the Table of Building Dimensional Regulations for the MOD as shown below:

STANDARD	MOD-IL	MOD-HRR	MOD-NMU	MOD-NC
Building Footprint (maximum)	15,000 sq ft	15,000 sq ft	10,000 sq ft	10,000 sq ft
Height (maximum)	5 Stories 57'	10 Stories 120'	3 Stories 40'	2 Stories/28' if R; 3 Stories/40' if MU
Ground Story Height (minimum/maximum)	12' min / 20' max	12' min / 20' max	13' min / 15' max	13' min / 15' max
Building Separation for Multiple Buildings on Lot (minimum)	20'	20'	20'	20'

Ground Floor Residential	Permitted	Permitted	No	Up to 2 ADA Units Permitted
Ground Story Fenestration (minimum), Per Street Facing Elevation	20%	20%	70%	70%
Ground Story Active Use (minimum)	NA	NA	75%	75% if MU, NA if Residential only
Length of Continuous Façade (maximum)	60'	40'	40'	40'

3. **Ground Story Use.** The intent of the MOD Mixed-use is to ensure that the ground story non-residential use facilitates an active street level of the building with a transparent façade where those external to the building can see active uses on that floor, creating opportunities for interaction. A. *Active uses* such as retail, restaurant, bar, specialty food service, place of amusement, personal service, gallery/arts studio, or live/work commercial space shall comprise 75% of the ground floor street frontage. B. *Semi-active uses* shall be limited to 25% of the ground floor street frontage. Semi-active uses shall include lobbies and common areas associated with office, or residential uses and access to accessory parking, loading or service areas. 4. **Height.** The limitation on the height of buildings shall not apply in the MOD to chimneys, ventilators, towers, elevator shafts, silos, spires, or similar features of buildings, which features are in no way used for living purposes and do not constitute more than 20% of the ground floor area of the building. § 190-118. **Parking – 1.** Unless otherwise stated in Article XX of the Zoning Bylaw herein, refer to Parking and Loading Requirements, §190-37. **Location and design of off-street parking spaces. 2. Number of parking spaces. A. Residential Uses.** In all character areas the minimum number of off-street parking spaces shall be 1.5 spaces per dwelling unit, either in surface parking or within garages or other structures. B. **Mixed Use Structures.** In MOD-NMU and MOD-NC character areas, the commercial uses on the first floor shall have no parking requirements regardless of use. 3. **Parking Materials.** The parking surface shall be concrete, asphalt, bricks, or pavers, including pervious materials. Use of grass, uncontained soil, or the like shall be prohibited. 4. **Parking Area.** The parking area located within the lot must reasonably and safely accommodate the entering and exiting of dwelling unit vehicles. 5. **Parking Area Location.** Parking areas shall be located to the rear or side of the principal building. Parking shall not be located between the building and any lot line adjacent to the public right-of-way. Driveways serving parking areas shall conform to §190-37 (l.). 6. **Buffers.** The surfaced areas of off-street parking areas shall be set back a minimum of three (3) feet from all buildings and side and rear property lines, except as may be approved by the Zoning Board of Appeals. Buffers between property lines and parking areas shall be landscaped. Buffers between the buildings (rear and side) and parking areas shall include landscaping or walkways. § 190-119. **MOD Development Standards – 1. Site Design.** Site plans for developments in the MOD shall include the following: a. **Connections.** Sidewalks shall provide a direct connection among building entrances, the public sidewalk (if applicable), and vehicular and bicycle parking. b. **Vehicular access.** Where feasible, curb cuts shall be minimized, and shared driveways encouraged. c. **Plantings.** Planting is encouraged to include the use of native vegetation. Refer to the Town of Wakefield Conservation Commission Native Planting policy. d. **Outdoor Lighting Plan.** Plans must show the location and type of outdoor lighting and lighting fixtures. All exterior lighting shall be designed and installed so as to be shielded or downcast, and to avoid light trespass onto adjacent properties and streets. Lighting fixtures shall be selected in accordance with dark sky compliance principles. Plans shall depict the light intensity (foot-candle) in an appropriate grid. All exterior lighting shall be limited to 15 feet in height and shall cast a maximum of 8-foot candles of light on the ground. Lighting shall also be directed so as not to blind vehicular or pedestrian traffic, shine into adjacent buildings or spill over to abutting properties. e. **Stormwater Management.** Refer to §170 Storm Drain System; Stormwater Management for Wakefield stormwater bylaw and associated requirements. f. **Offsite Improvement Plans.** Plans shall depict full design, grading and layouts for any work required within the public way to support the project. This includes but is not limited to pedestrian, traffic and utility improvements. 2. **Buildings: General.** a. **Position relative to the principal street.** The primary building shall have its principal façade and entrance facing the principal street, except as set forth below with respect to corner lots. b. **Entries.** Entries shall be clearly defined and linked to a paved pedestrian network that includes the public sidewalk or right of way. 3. **Buildings: Shared Outdoor Space.** All multi-family dwelling units shall have outdoor space that residents can access. Such space may be located in any combination of the ground floor, courtyard, rooftop, or terrace. Space shall either be shared among all residents or allocated on a unit by unit basis. 4. **Buildings: Corner Lots.** A building on a corner lot shall have a primary entrance either along one of the street-facing façades and/or on the primary corner as an entrance serving both streets. a. Such entries shall be connected by a paved surface to the public sidewalk or right of way. b. All façades visible from a public right-of-way shall be treated with similar care and attention in terms of entries, fenestration, and materials. c. Fire escapes serving more than one story shall not be located on either of the street-facing façades. 5. **Buildings: Principal Façade and Garages.** Parking garages shall be subordinate in design and location to the principal building façade. The principal pedestrian entry into the building shall be more prominent in design and placement than the vehicular entry into the garage. 6. **Affordability.** All developments in the MOD district that have eight (8) or more units shall include at least 10% of the dwelling units (and no fewer than 1) available as affordable units limited to 80% Area Median Income (AMI) and eligible for listing in the Town's Subsidized Housing Inventory (SHI). For purposes of calculating the number of affordable units required, the unit requirement shall round up to a whole unit for any fraction of 0.5 or above. § 190-120. **Site Plan Review – 1. Applicability.** Site Plan Review is required for any building within the MOD. An application for Site Plan Review shall be reviewed by the Zoning Board of Appeals for consistency with the purpose and intent of § 190-119, MOD Development Standards. 2. **Submission Requirements.** As part of any application for Site Plan Review for a project within the MOD, the Applicant must submit the following documents: a. Application for Site Plan Review. b. Site plans that show the position of the building on the site, points of vehicular access to and from the site and vehicular circulation on the site, stormwater management, utilities, and landscape treatments, including any screening of adjacent properties, and other information commonly required by the Zoning Board of Appeals for Site Plan Review. c. Elevations of the building(s) showing the architectural design of the building. d. Stormwater Report consistent with the requirements of §170 Storm Drain System; Stormwater Management, demonstrating no increase in stormwater rate or volume to adjacent properties or the public/private way. e. Site plans and stormwater report shall be prepared and stamped by civil engineers, land surveyors, architects, and/or landscape architects, registered in the Commonwealth of Massachusetts per their area of expertise as required by law. f. The plan shall be submitted digitally to the Zoning Board of Appeals and on D-size sheets (24 inches by 36 inches). All plans shall be signed and stamped, and drawings should be prepared at a scale of suitable size. g. Narrative of compliance with the applicable MOD Development Standards. 3. **Timeline.** Site Plan Review should be commenced no later than 30 days following the submission of a complete application and should be completed expeditiously. The Zoning Board of Appeals may, when appropriate, seek the input of other municipal boards or officials. The Zoning Board of Appeals shall make a final decision regarding a site plan within 90 days after the date of its public hearing. The required time limits for public hearing and Zoning Board of Appeals action may be extended by written agreement between the applicant and the Zoning Board of Appeals. Failure of the Zoning Board of Appeals to act within said 90 days or extended time, if applicable, shall be deemed an approval of the site plan. 4. **Site Plan Approval.** Site Plan approval for uses listed in §190-116, "Permitted Uses," shall be granted upon determination by the Zoning Board of Appeals that the following conditions have been satisfied. The Zoning Board of Appeals may impose reasonable conditions, at the expense of the applicant, to ensure that these conditions have been satisfied: a. the Applicant has submitted the required information as set forth in the Town's requirements for a Building Permit and Site Plan Review; and b. the project as described in the application meets the MOD Development Standards. § 190-121. **Severability.** If any provision of this Article XX is found to be invalid by a court of competent jurisdiction, the remainder of this Article shall not be affected but shall remain in full force and effect. The invalidity of any provision of this Article XX shall not affect the validity of the remainder of the Zoning Bylaw. 2. Adding the following to the end of § 190-5 of the Zoning Bylaws: "MBTA Communities Overlay District (MOD)" 3. Adding the following to the end of § 190-6.A of the Zoning Bylaws: "(18) The MBTA Communities Overlay District (MOD) is a special overlay district to allow MOD multi-family dwellings as of right in accordance with G.L. c. 40A, § 3A, subject only to site plan review by the Zoning Board of Appeals and is shown on the Zoning Map entitled 'MBTA Communities Overlay District.' Within such district, all provisions of the Zoning Bylaw applicable to the underlying districts shall continue to apply except that MOD Multi-family dwellings shall be allowed in the MOD district pursuant to Article XX of the Zoning Bylaw." 4. adding the following to the end of § 190-7.A of the Zoning Bylaws: "The MBTA Communities Overlay District is located as shown on a separate map entitled 'MBTA Communities Overlay District Map, dated October 3, 2024.'" and 5. amending the Wakefield Zoning Map by adopting the "MBTA Communities Overlay District Map, dated October 3, 2024," a copy of which attached herewith and is on file with, and available for inspection at the office of, the Town Clerk along with the addresses of those properties within the district; or to see what the Town will do about it.

Town Council



Number	Name	Type	Character	Number	Name	Type	Character
26	ALBION	ST	NC	152	ALBION	ST	IL
29	ALBION	ST	NC	168	ALBION	ST	IL
35-35A-37	ALBION	ST	NC	178	ALBION	ST	IL
41	ALBION	ST	NC	198	ALBION	ST	IL
42	ALBION	ST	NC	248	ALBION	ST	IL
45	ALBION	ST	NC	252	ALBION	ST	IL
50	ALBION	ST	NC	95	AUDUBON	RD	HRR
53-55	ALBION	ST	NC	54	AVON	ST	NMU
58	ALBION	ST	NC	16	BALLISTER	ST	IL
59-61	ALBION	ST	NC	11	BARTLEY	ST	IL
63	ALBION	ST	NC	7	FOSTER	ST	NC
64	ALBION	ST	NC	9	FOSTER	ST	NC
67-69	ALBION	ST	NC	10	FOSTER	ST	NC
68	ALBION	ST	NC	12	FOUNDRY	ST	IL
72-74-76-78	ALBION	ST	NC	62	FOUNDRY	ST	IL
73-73A	ALBION	ST	NC	69	FOUNDRY	ST	IL
77-77A-79	ALBION	ST	NC	76	FOUNDRY	ST	IL
81-83	ALBION	ST	NC	78	FOUNDRY	ST	IL
82	ALBION	ST	NC	88	FOUNDRY	ST	IL
85-87	ALBION	ST	NC	100	FOUNDRY	ST	IL
86-86A-86B	ALBION	ST	NC	0	GREENWOOD	ST	NC
88	ALBION	ST	NC	5	GREENWOOD	ST	NC
89-89A	ALBION	ST	NC	6	GREENWOOD	ST	NC
91-93-95	ALBION	ST	NC	7	GREENWOOD	ST	NC
97-99	ALBION	ST	NC	0	LAKE	ST	IL
98	ALBION	ST	NC	11	LAKE	ST	IL
103-109	ALBION	ST	NC	894	MAIN	ST	NC
106	ALBION	ST	NC	895	MAIN	ST	NC
111-113	ALBION	ST	NC	897	MAIN	ST	NC
115	ALBION	ST	NC	907	MAIN	ST	NC
117-117A	ALBION	ST	NC	910	MAIN	ST	NC
126	ALBION	ST	NMU	915-919	MAIN	ST	NC
139	ALBION	ST	NMU	923	MAIN	ST	NC

Number	Name	Type	Character	Number	Name	Type	Character	Number	Name	Type	Character	Number	Name	Type	Character
924-928	MAIN	ST	NC	221	NORTH	AVE	NMU	345	NORTH	AVE	NMU	35	TUTTLE	ST	NMU
925-931	MAIN	ST	NC	225	NORTH	AVE	NMU	349-351	NORTH	AVE	NMU	37	TUTTLE	ST	NMU
933-941	MAIN	ST	NC	231-233	NORTH	AVE	NMU	357	NORTH	AVE	NMU	39	TUTTLE	ST	NMU
949-955	MAIN	ST	NC	237	NORTH	AVE	NMU	363-369	NORTH	AVE	NMU	41	TUTTLE	ST	NMU
950	MAIN	ST	NC	239-243	NORTH	AVE	NMU	2	OAK	ST	NC	43	TUTTLE	ST	NMU
957-959	MAIN	ST	NC	245-249	NORTH	AVE	NMU	38	RICHARDSON	AVE	NMU	49	TUTTLE	ST	NMU
968	MAIN	ST	NC	253-261	NORTH	AVE	NMU	40	RICHARDSON	AVE	NMU	50	TUTTLE	ST	IL
974	MAIN	ST	NC	269	NORTH	AVE	NMU	42	RICHARDSON	AVE	NMU	39	WEST WATER	ST	NMU
979	MAIN	ST	NC	301	NORTH	AVE	NMU	44	RICHARDSON	AVE	NMU	46	YALE	AVE	NMU
991	MAIN	ST	NC	305-307	NORTH	AVE	NMU	46	RICHARDSON	AVE	NMU				
997	MAIN	ST	NC	333	NORTH	AVE	NMU	48	RICHARDSON	AVE	NMU				
151	NORTH	AVE	NMU	337	NORTH	AVE	NMU	25-29	TUTTLE	ST	NMU				
175	NORTH	AVE	NMU	341	NORTH	AVE	NMU	33	TUTTLE	ST	NMU				

ARTICLE 5. To see if the Town will vote to implement collective bargaining agreements between the Town of Wakefield and the Wakefield Clerical (Town Hall) AFSCME Council 93, Local 3117 for the period July 1, 2024 to June 30, 2027 and to provide therefor that the Town raise and appropriate or transfer from available funds a sufficient sum of money to carry out the purposes of this Article; or to see what the Town will do about it.

Town Council

ARTICLE 6. To see if the Town will vote to raise and appropriate or transfer from available funds including water retained earnings and sewer retained earnings to supplement the Water and Sewer Budget for the period of July 1, 2024 to June 30, 2025; or to see what the Town will do about it.

Town Council

ARTICLE 7. To see if the Town will vote to add to the Town Bylaws the following Section after Section 58.1.3 G: H. The Building Inspector shall prepare a yearly report to the Annual Town Report that, in addition to a summation of the monthly reports to the Town Administrator, shall include a list of the new major buildings that were inspected; major is here defined as at least three stories high and ten housing units – this definition of major may be defined in the future by Town Council; or to see what the Town will do about it.

Citizen Petition

ARTICLE 8. To see if the Town will vote to approve a Town Meeting Action, to be recorded in Chapter A704 Miscellaneous Town Meeting Votes of the Town's Code, which Town Meeting Action shall provide as follows: Pledge to Not Use Town Resources to Enable Violations of Human Rights and International Law by Israel – The Town shall refrain from purchasing Israel Bonds or other securities issued by the State of Israel as long as Israel remains in violation of international law, and the Town will refrain from purchasing goods and services from, or investing or depositing funds directly in, any company or financial institution that facilitates and enables Israel's violations of international law and human rights as part of the Israeli occupation of Syrian and Palestinian lands, or as part of Israeli apartheid, as detailed in the United Nations General Assembly Resolution A/RES/ES-10/24, adopted 19 September 2024, including, but not limited to, those companies listed in the Occupations section of the Investigate project of the American Friends Service Committee, available online at <https://investigate.afsc.org/occupations>; and no officer of the Wakefield Police Department shall be permitted to receive police training from Israeli police departments, Israeli military units, or trainers who provide training to Israeli police departments or military units; and future Annual Reports of the Town shall certify that the Town complied with this Town Meeting Action during the report year; or to see what the Town will do about it.

Citizen Petition

And to transact such other business as may properly come before this meeting, and you are directed to serve this warrant by causing the same to be published in two issues of the Wakefield Daily Item, and by posting attested copies thereof at the official polling places and at the Police and Fire Stations in said Town, two consecutive Sabbaths, at least, the first time being not less than seven days at least before the time of holding said meeting.

In compliance with the Americans with Disability Act, this location is accessible to people with disabilities, Wakefield provides reasonable accommodations and/or language assistance free of charge upon request. If you are a person with a disability and require information or materials in an alternate format, or if you require any other accommodation, please contact the Town's Disability Coordinator, William Renault-Town Engineer at 781-246-6308 as far in advance of the event as possible. Every effort will be made to grant your request. Advance notification will enable the Town to make reasonable arrangements to remove an accessibility barrier for you.

Hereof fail not, and make due return of this Warrant, with your doings thereon, to the Town Clerk, at the time and place of meeting, as aforesaid. Given under our hands this twenty-first day of October, two thousand and twenty-four.

Michael J. McLane, Chair
Edward F. Dombroski, Jr., Vice Chair
Douglas S. Butler
Mehreen N. Butt
John F. Carney
Jonathan P. Chines
Robert E. Vincent II
TOWN COUNCIL

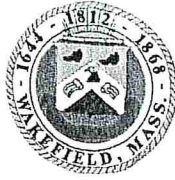
A true copy attest:
Christian K. Lopes
Constable

A TRUE COPY ATTEST:
Betsy Sheeran
TOWN CLERK
TOWN OF WAKEFIELD

TOWN CLERK
WAKEFIELD, MASS.

2024 OCT 30 AM 8:05

Office of the Town Clerk
Betsy Sheeran, Town Clerk



WILLIAM J. LEE MEMORIAL TOWN HALL
ONE LAFAYETTE STREET
WAKEFIELD, MASSACHUSETTS 01880
781-246-6383

November 16, 2024 - Regular Town Meeting

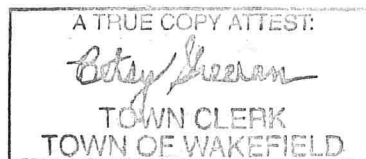
ARTICLE 4 - Please see attached

MOTION: Town Administrator Stephen P. Maio moved that the Town amend the Zoning Bylaw and Map as described in this Article. The motion was seconded. James Hogan, Planning Board Chair, recommended favorable action.

VOTE: MOTION PASSED

YES: 309

NO :204



FORM 7

Town: Wakefield
Planning Board Hearing Date: November 14, 2024
Relative to Article(s): 4

Form 7

Complete and sign the following. When necessary, you may need to use multiple copies of this Form 7 if Articles were considered at separate Planning Board Hearings.

1.) If applicable, date on which the proposed amendments were submitted to the Board of Selectmen:

Amendments were originally proposed by: _____ **Date #1** October 6, 2024

[Attachment #1, copy of original proposal.]

(If not applicable, put N/A.)

2.) If applicable, date on which the Selectmen submitted the proposed amendments to the Planning Board (must be within 14 days of Date #1, above):

Date #2 October 7, 2024

(If not applicable, put N/A.)

3.) Date on which the **first** Notice of Planning Board hearing was **published** in a newspaper of general circulation in the town (must be at least 14 days prior to Date #10, below):

Date #3 October 30, 2024

[Attachment #2, copy of the notice. Please identify the Article number next to each Article referred to in the notice.]

4.) Date on which the **second** Notice of Planning Board hearing was **published** in a newspaper of general circulation in the town (must be sometime during the **week immediately following** the week in which Date #3, first published notice of Planning Board Hearing, falls):

Date #4 November 6, 2024

[Attachment #3, copy of the notice. Please identify the Article number next to each Article referred to in the notice.]

5.) Date on which Notice of Planning Board Hearing was posted in a conspicuous place in the Town Hall (must be at least 14 days prior to Date #10, below):

Date #5 October 30, 2024

[Attachment #4, copy of the notice. Please identify the Article number next to each Article referred to in the notice.]

6.) Date on which copy of Notice of Planning Board Hearing was **mailed** to the Department of Housing and Community Development (must be at any date reasonably prior to Date #10, below):

Date #6 October 30, 2024

7.) Date on which copy of Notice of Planning Board Hearing was **mailed** to the Regional Planning Agency, if any (must be at any date reasonably prior to Date #10, below):

No Agency: _____

Date #7 October 30, 2024

8.) Date on which copy of Notice of Planning Board Hearing was **mailed** to the planning boards of each abutting city or town (must be at any date reasonably prior to Date #10, below):

Date #8 October 30, 2024

9.) In cases involving boundary, density, or use changes within a district, date on which Notice of Planning Board Hearing was mailed to any **non-resident property owner** who had filed a request with the town clerk and whose property lies in the district where the zoning change is sought (need be done only when requests have been filed with the town clerk); or indicate if there was no such filing:

None Filed: _____

Date #9 Oct 30, 2024

FORM 7

10.) Date of the Planning Board Hearing (must be within 65 days of Date #2, above):

Date #10 November 14, 2024

11.) Date on which Town Meeting voted on the proposed amendments (where the Planning Board has failed to submit a report with recommendations to Town Meeting, Town Meeting may not vote to adopt the proposed amendments, unless this Date #11 is at least 21 days after Date #10, above):

Date #11 November 16, 2024

12.) Planning Board Report with Recommendations; indicate if the report is written or oral:

Written: Oral: Neither:

[Attachment #5, copy of the planning board report, if written.]

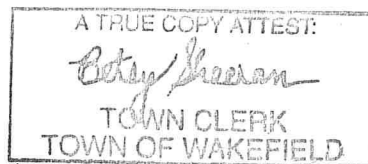
Certification

I certify that information set forth above is complete and accurate and that within the two years prior to this town meeting, either: (1) No unfavorable action was taken on any of the above articles, or (2) the Planning Board recommended the adoption thereof.

Betsy Sheeran
Signature of Town Clerk

Betsy Sheeran
Printed Name of Town Clerk

December 2, 2024
Date Signed



Proposed Town Meeting Article

To see if the Town will vote to amend the Zoning Bylaws by:

1. adding as Article XX of the Zoning Bylaw, Chapter 190 of the Code of the Town, the following text:

ARTICLE XX. MBTA Communities Overlay District (MOD)

§ 190-114. Establishment, Applicability and Purpose

1. **Establishment.** The MBTA Communities Overlay District (MOD) is a zoning overlay district as defined in the zoning bylaw that does not replace the underlying zoning district but is superimposed over them. The regulations for use, dimensions, and all other provisions of the Zoning Bylaw governing the underlying zoning district(s) shall remain in full force. The use of character areas allows for new infill projects to maintain consistency with the existing development in the area through height, setbacks, building, massing, etc. The MOD has been divided into four (4) character areas as follows:
 - A. **Industrial Lofts (MOD-IL):** The MOD-IL character area facilitates the development of moderate to large scale apartment buildings of up to 5 stories, with a mixed-use option, interspersed with open space near mass transit.
 - B. **North Ave Mixed Use (MOD-NMU):** The MOD-NMU character area facilitates the development of a mixed-use corridor of moderate scale. This character area contributes both new housing and commercial space in an existing mixed-use corridor with access to mass transit. Buildings are typically set close to the sidewalk to create a defined streetwall that supports pedestrian activity and a sense of place. Ground story active commercial uses address the needs of residents and employees in the immediate neighborhood, the larger Wakefield community, and regional visitors. This area is compliant with the criteria listed in EOHLIC's SECTION 3A/MBTA COMMUNITIES ZONING IMPLEMENTATION FACT SHEET: MANDATORY MIXED-USE DISTRICTS AND SECTION 3A, hereinafter Mandatory Mixed-Use Criteria (MMUC).
 - C. **Neighborhood Commercial (MOD-NC):** The MOD-NC character area facilitates infill of small to moderate scale (two or three story) buildings of either a mixed-use or exclusively residential purpose. This character area is comprised of traditional neighborhood commercial corridors that serve those who live and work in the area with buildings that are set close to the sidewalk, creating a defined streetwall that supports pedestrian activity and a sense of place.
 - D. **High Rise Residential (MOD-HRR):** The MOD-HRR character area facilitates the infill of large scale, high rise apartment buildings, providing a variety of housing opportunities while preserving the surrounding conservation land and wetlands.
2. **Applicability of MOD.** The MOD includes all the lands designated on the map titled MBTA Communities Overlay District with the four (4) character areas noted. The parcels within the MOD have a range of base zoning districts. The zoning rules applicable to the base zoning districts shall be in effect except where a property owner chooses to "opt-in" and utilize the provision of the MOD. The owner of one or more parcels within the MOD may use the base zoning provisions or the provisions of the MOD, but not both simultaneously.

2. The use shall not require any exterior changes to the building, be contained within the building and shall not be rendered objectional or detrimental to the residential character of the neighborhood due to its exterior appearance or emission of odor, gas, smoke, dust, noise or disturbance or in any other way become objectional or detrimental to any residential use within the neighborhood;
3. The non-residential use shall be limited to 40% of the unit's gross floor area, not to exceed 700 square feet.
4. No visible signage, display of goods, storage of explosive/hazardous materials, or customers/clients/pupils coming to the residence on a regular basis unless a separate ground floor space is provided.

F. *Short-term rental* means an owner-occupied, tenant-occupied, or non-owner occupied property including, but not limited to, an apartment, house, cottage, condominium, room within a housing unit, or a furnished accommodation that is not a hotel, motel, lodging house, or bed and breakfast establishment, where: (i) at least 1 room or unit is rented to an occupant or sub-occupant for a duration of less than twenty-eight (28) consecutive days; and (ii) all accommodations are reserved in advance.

§ 190-116. Permitted Uses.

1. **Uses.** Notwithstanding anything to the contrary in the Zoning Bylaw, the following uses are permitted as of right in the MOD, subject to Site Plan Review. In the MOD, a MOD multi-family dwelling with at least of three (3) dwelling units per lot is allowed as of right, subject to Site Plan Review, the MOD Table of Use of Regulations as shown below. The Zoning Board of Appeals shall be the site plan review authority.

USE	MOD-IL	MOD-HRR	MOD-NMU	MOD-NC
MOD Apartments	Y	Y	N	Y
MOD Live/work units	Y	Y	Y	Y
MOD Mixed-use	Y	N	Y	Y

2. Any MOD Multi-family Dwelling built within the MOD-NMU is required to be compliant with the use standards set forth in the MMUC.
3. MOD Mixed-use is permitted by right in MOD-IL, MOD-NMU, and MOD-NC provided the commercial use meets the standards of the underlying zoning use restrictions.
4. Short-term rentals shall be prohibited throughout the MOD.

§ 190-117. MOD Dimensional Standards

1. **Site Dimensional Standards.** Notwithstanding anything to the contrary in the Zoning Bylaw, the dimensional requirements applicable in the MOD shall be as set forth in the Table of Site

Dimensional Regulations for the MOD as shown below:

STANDARD	MOD-IL	MOD-HRR	MOD-NMU	MOD-NC
Lot Area (minimum)	NA	NA	NA	NA
Density (maximum units per acre)	50	33	30	30
Open Space Land (minimum)	20%	20%	20%	20%
Lot Frontage (minimum)	35'	70'	20'	20'
Front Setback (minimum)	10' or average of block	20'	None	None
Side Setback (minimum) *	10'	30'	None	None
Rear (minimum) *	15'	30'	15'	15'
Lot Coverage (maximum)	60%	30%	50%	50%

*Add 10' to listed side/rear setback if abutting a residential zoning district

- 2. Building Dimensional Standards.** Notwithstanding anything to the contrary in the Zoning Bylaw, the dimensional requirements applicable in the MOD shall be as set forth in the Table of Building Dimensional Regulations for the MOD as shown below:

STANDARD	MOD-IL	MOD-HRR	MOD-NMU	MOD-NC
Building Footprint (maximum)	15,000 sqft	20,000 sqft	10,000 sqft	10,000 sqft
Height (maximum)	5 Stories 57'	10 Stories 120'	3 Stories 40'	2 Stories/28' if R 3 Stories/40' if MU
Ground Story Height (minimum/maximum)	12' min/ 20' max	12' min/ 20' max	13' min/ 15' max	13' min/ 15' max
Building Separation for Multiple Buildings on Lot (minimum)	20'	20'	20'	20'
Ground Floor Residential	Permitted	Permitted	No	Up to 2 ADA Units Permitted
Ground Story Fenestration (minimum), Per Street Facing Elevation	20%	20%	70%	70%
Ground Story Active Use (minimum)	NA	NA	75%,	75% if MU, NA if Residential only
Length of Continuous Façade (maximum)	60'	40'	40'	40'

- 3. Ground Story Use.** The intent of the MOD Mixed-use is to ensure that the ground story non-residential use facilitates an active street level of the building with a transparent façade where those external to the building can see active uses on that floor, creating opportunities for interaction.

A. *Active uses* such as retail, restaurant, bar, specialty food service, place of amusement, personal service, gallery/arts studio, or live/work commercial space shall comprise 75% of the ground floor street frontage.

B. *Semi-active* uses shall be limited to 25% of the ground floor street frontage. Semi-active uses shall include lobbies and common areas associated with office, or residential uses and access to accessory parking, loading or service areas.

4. **Height.** The limitation on the height of buildings shall not apply in the MOD to chimneys, ventilators, towers, elevator shafts, silos, spires, or similar features of buildings, which features are in no way used for living purposes and do not constitute more than 20% of the ground floor area of the building.

§ 190-118. Parking

1. Unless otherwise stated in Article XX of the Zoning Bylaw herein, refer to Parking and Loading Requirements, §190-37, Location and design of off-street parking spaces.

2. **Number of parking spaces.**

A. **Residential Uses.** In all character areas the minimum number of off-street parking spaces shall be 1.5 spaces per dwelling unit, either in surface parking or within garages or other structures.

B. **Mixed Use Structures.** In MOD-NMU and MOD-NC character areas, the commercial uses on the first floor shall have no parking requirements regardless of use.

3. **Parking Materials.** The parking surface shall be concrete, asphalt, bricks, or pavers, including pervious materials. Use of grass, uncontained soil, or the like shall be prohibited.

4. **Parking Area.** The parking area located within the lot must reasonably and safely accommodate the entering and exiting of dwelling unit vehicles.

5. **Parking Area Location.** Parking areas shall be located to the rear or side of the principal building. Parking shall not be located between the building and any lot line adjacent to the public right-of-way. Driveways serving parking areas shall conform to §190-37 (I.).

6. **Buffers.** The surfaced areas of off-street parking areas shall be set back a minimum of three (3) feet from all buildings and side and rear property lines, except as may be approved by the Zoning Board of Appeals. Buffers between property lines and parking areas shall be landscaped. Buffers between the buildings (rear and side) and parking areas shall include landscaping or walkways.

§ 190-119. MOD Development Standards

1. **Site Design.** Site plans for developments in the MOD shall include the following:

a. **Connections.** Sidewalks shall provide a direct connection among building entrances, the public sidewalk (if applicable), and vehicular and bicycle parking.

b. **Vehicular access.** Where feasible, curb cuts shall be minimized, and shared driveways encouraged.

c. **Plantings.** Planting is encouraged to include the use of native vegetation. Refer to the Town of Wakefield Conservation Commission Native Planting policy.

- d. **Outdoor Lighting Plan.** Plans must show the location and type of outdoor lighting and lighting fixtures. All exterior lighting shall be designed and installed so as to be shielded or downcast, and to avoid light trespass onto adjacent properties and streets. Lighting fixtures shall be selected in accordance with dark sky compliance principles. Plans shall depict the light intensity (foot-candle) in an appropriate grid. All exterior lighting shall be limited to 15 feet in height and shall cast a maximum of 8-foot candles of light on the ground. Lighting shall also be directed so as not to blind vehicular or pedestrian traffic, shine into adjacent buildings or spill over to abutting properties.
- e. **Stormwater Management.** Refer to §170 Storm Drain System; Stormwater Management for Wakefield stormwater bylaw and associated requirements.
- f. **Offsite Improvement Plans.** Plans shall depict full design, grading and layouts for any work required within the public way to support the project. This includes but is not limited to pedestrian, traffic and utility improvements.

2. Buildings: General.

- a. **Position relative to the principal street.** The primary building shall have its principal façade and entrance facing the principal street, except as set forth below with respect to corner lots.
 - b. **Entries.** Entries shall be clearly defined and linked to a paved pedestrian network that includes the public sidewalk or right of way.
- 3. Buildings: Shared Outdoor Space.** All multi-family dwelling units shall have outdoor space that residents can access. Such space may be located in any combination of the ground floor, courtyard, rooftop, or terrace. Space shall either be shared among all residents or allocated on a unit by unit basis.
- 4. Buildings: Corner Lots.** A building on a corner lot shall have a primary entrance either along one of the street-facing façades and/or on the primary corner as an entrance serving both streets.
- a. Such entries shall be connected by a paved surface to the public sidewalk or right of way.
 - b. All façades visible from a public right-of-way shall be treated with similar care and attention in terms of entries, fenestration, and materials.
 - c. Fire escapes serving more than one story shall not be located on either of the street-facing façades.
- 5. Buildings: Principal Façade and Garages.** Parking garages shall be subordinate in design and location to the principal building façade. The principal pedestrian entry into the building shall be more prominent in design and placement than the vehicular entry into the garage.
- 6. Affordability.** All developments in the MOD district that have eight (8) or more units shall include at least 10% of the dwelling units (and no fewer than 1) available as affordable units limited to 80% Area Median Income (AMI) and eligible for listing in the Town's Subsidized

Housing Inventory (SHI). For purposes of calculating the number of affordable units required, the unit requirement shall round up to a whole unit for any fraction of 0.5 or above.

§ 190-120. Site Plan Review

- 1. Applicability.** Site Plan Review is required for any building within the MOD. An application for Site Plan Review shall be reviewed by the Zoning Board of Appeals for consistency with the purpose and intent of § 190-119, MOD Development Standards
- 2. Submission Requirements.** As part of any application for Site Plan Review for a project within the MOD, the Applicant must submit the following documents:
 - a.** Application for Site Plan Review.
 - b.** Site plans that show the position of the building on the site, points of vehicular access to and from the site and vehicular circulation on the site, stormwater management, utilities, and landscape treatments, including any screening of adjacent properties, and other information commonly required by the Zoning Board of Appeals for Site Plan Review.
 - c.** Elevations of the building(s) showing the architectural design of the building.
 - d.** Stormwater Report consistent with the requirements of §170 Storm Drain System; Stormwater Management, demonstrating no increase in stormwater rate or volume to adjacent properties or the public/private way.
 - e.** Site plans and stormwater report shall be prepared and stamped by civil engineers, land surveyors, architects, and/or landscape architects, registered in the Commonwealth of Massachusetts per their area of expertise as required by law.
 - f.** The plan shall be submitted digitally to the Zoning Board of Appeals and on D-size sheets (24 inches by 36 inches). All plans shall be signed and stamped, and drawings should be prepared at a scale of suitable size.
 - g.** Narrative of compliance with the applicable MOD Development Standards.
- 3. Timeline.** Site Plan Review should be commenced no later than 30 days following the submission of a complete application and should be completed expeditiously. The Zoning Board of Appeals may, when appropriate, seek the input of other municipal boards or officials. The Zoning Board of Appeals shall make a final decision regarding a site plan within 90 days after the date of its public hearing. The required time limits for public hearing and Zoning Board of Appeals action may be extended by written agreement between the applicant and the Zoning Board of Appeals. Failure of the Zoning Board of Appeals to act within said 90 days or extended time, if applicable, shall be deemed an approval of the site plan.
- 4. Site Plan Approval.** Site Plan approval for uses listed in §190-116, “Permitted Uses,” shall be granted upon determination by the Zoning Board of Appeals that the following conditions have been satisfied. The Zoning Board of Appeals may impose reasonable conditions, at the expense of the applicant, to ensure that these conditions have been satisfied:

- A. **Inclusion of partial lots.** Any lot whose underlying zoning is split but is fully included in the MOD, shall be permitted the uses listed by right as within the MOD without further rezoning.
- B. **Purpose.** The purpose of the MOD is to allow MOD multifamily dwellings as of right in accordance with G.L. c. 40A, § 3A.

§ 190-115. Definitions. The following definitions apply to Article XX and do not have applicability to other Sections of the Zoning Bylaw.

- A. *As of right* means development that may proceed under the zoning in place at the time of application for a building permit without the need for a special permit, variance, zoning amendment, waiver, or other discretionary zoning approval.
- B. *Building scale* means the relationship between the mass of a building and its surroundings, including the width of street, open space, and mass of surrounding buildings.
- C. *Character area* means a designated geographical portion of the MOD with distinct dimensional requirements and by-right allowable uses, informed by its neighborhood context and existing development pattern.
- D. *Mass* means the three-dimensional bulk of a structure determined by the height, width, and depth.
- E. *MOD multi-family dwelling* means a building designed, intended, or used as the home of three or more families, each in a separate dwelling unit, living independently of each other and who may have a common right in halls and stairways located in the MOD pursuant to Article XX. This definition is intended to include building types commonly known as "MOD apartments," "MOD high-rise apartment building," "MOD live/work units," and "MOD mixed-use buildings," which are defined below:
 - i. *MOD Apartments* means a MOD multifamily dwelling containing not fewer than three dwelling units and up to 10 stories in height;
 - ii. *MOD Mixed-use* means a structure in which MOD multi-family dwellings are the principal use and a non-residential use is located on the ground floor, with the exception of an ADA accessible unit(s) on the first floor as outlined in the MOD Overlay.
 - iii. *MOD live/work unit* means a self-contained MOD unit that includes a by right non-residential use. Live-work units shall be considered multiple-family units under this section. Live-work units are permitted to have a non-residential space for exclusive use of a tenant or an open coworking space shared among residents, provided the regulations of MMUC are met in MOD-NMU. The non-residential use shall be limited to a vocation, trade, small business, artist/craft studios, teaching of not more than one student simultaneously that meets the following criteria:
 - 1. No non-resident shall be employed and required to come on site;

- a. the Applicant has submitted the required information as set forth in the Town's requirements for a Building Permit and Site Plan Review; and
- b. the project as described in the application meets the MOD Development Standards.

§ 190-121. Severability. If any provision of this Article XX is found to be invalid by a court of competent jurisdiction, the remainder of this Article shall not be affected but shall remain in full force and effect. The invalidity of any provision of this Article XX shall not affect the validity of the remainder of the Zoning Bylaw.

2. Adding the following to the end of § 190-5 of the Zoning Bylaws: “MBTA Communities Overlay District (MOD)”

3. Adding the following to the end of § 190-6.A of the Zoning Bylaws:

“(18) The MBTA Communities Overlay District (MOD) is a special overlay district to allow MOD multi-family dwellings as of right in accordance with G.L. c. 40A, § 3A, subject only to site plan review by the Zoning Board of Appeals and is shown on the Zoning Map entitled ‘MBTA Communities Overlay District.’ Within such district, all provisions of the Zoning Bylaw applicable to the underlying districts shall continue to apply except that MOD Multi-family dwellings shall be allowed in the MOD district pursuant to Article XX of the Zoning Bylaw.”

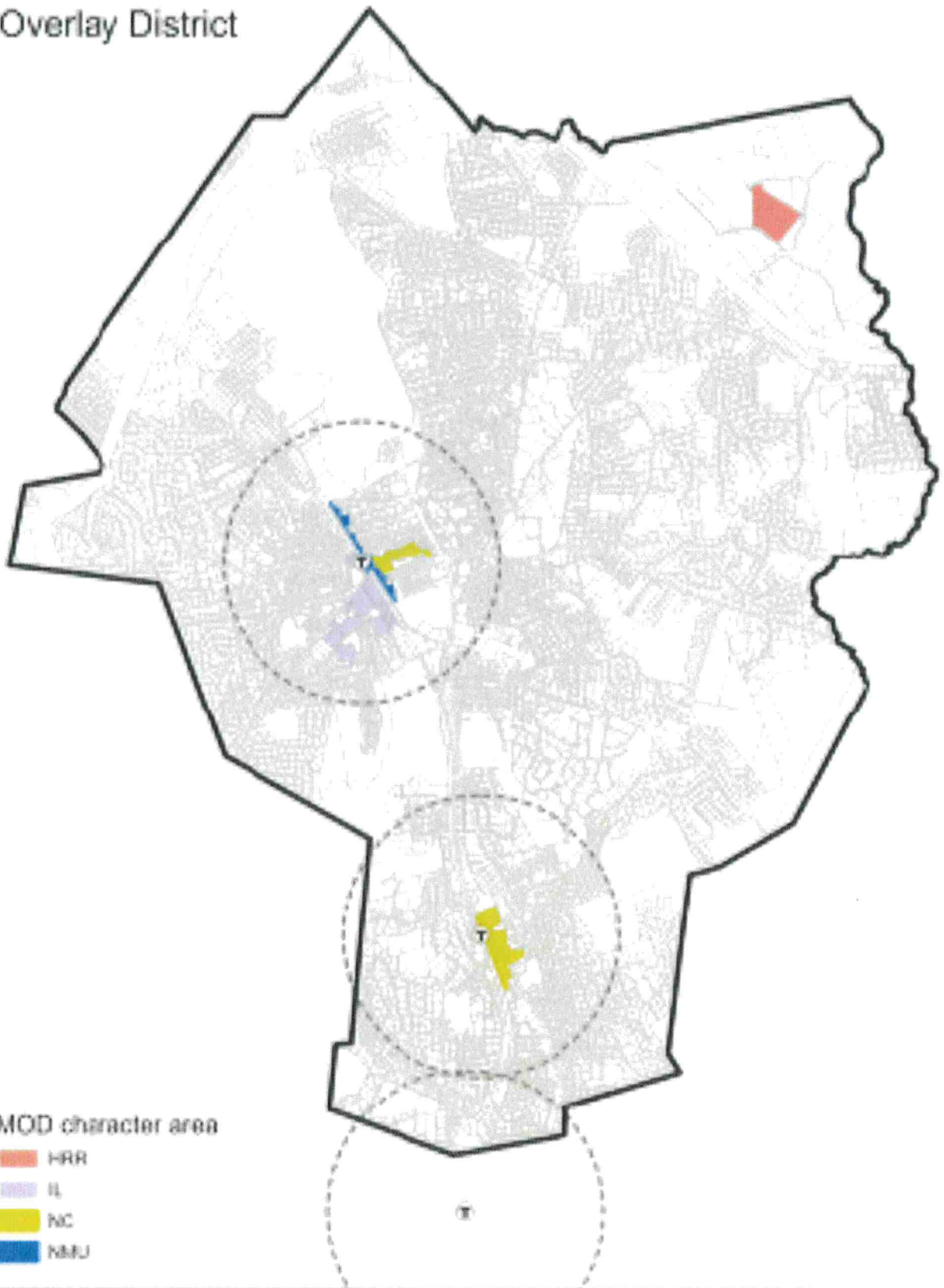
4. adding the following to the end of § 190-7.A of the Zoning Bylaws:

“The MBTA Communities Overlay District is located as shown on a separate map entitled ‘MBTA Communities Overlay District Map, dated October 3, 2024.’” and

5. amending the Wakefield Zoning Map by adopting the “MBTA Communities Overlay District Map, dated October 3, 2024,” a copy of which attached herewith and is on file with, and available for inspection at the office of, the Town Clerk along with the addresses of those properties within the district.

Or to see what the Town will do about it.

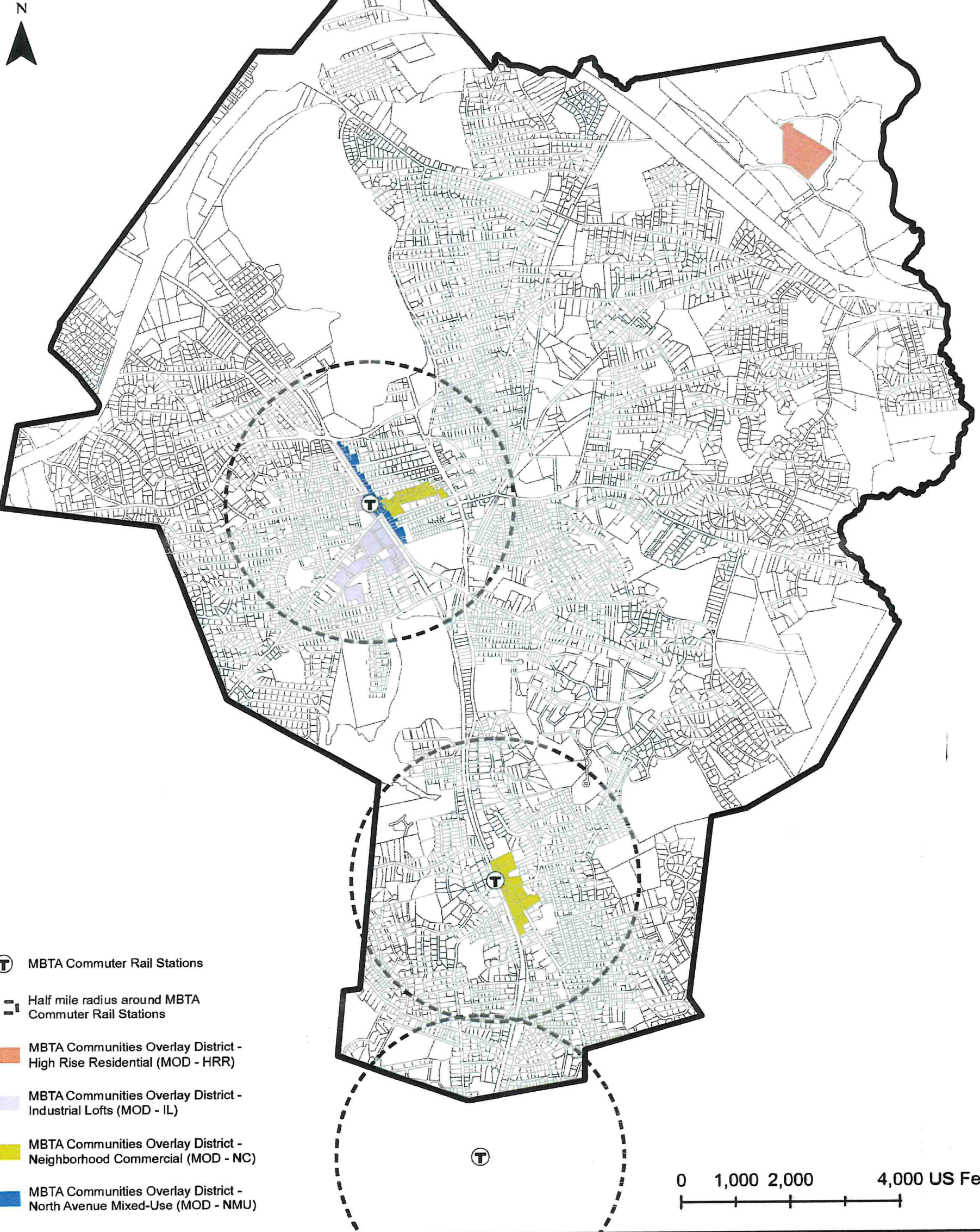
MBTA Communities Overlay District



2024 OCT 30 AM 10: 24

TOWN CLERK
WAKEFIELD, MASS.

MBTA Communities Overlay District



10/03/2024

RETURN OF SERVICE

I, Constable Christian K. Lopes hereby certify that I have posted the Regular Town Meeting Warrant of November 16, 2024 on 10/29/2024.



Christian K. Lopes
Constable

Received by:

Betsy Sheeran
Town Clerks Office

2024 OCT 30 AM 8:23
TOWN CLERK
WAKEFIELD, MASS.

A TRUE COPY ATTEST:
Betsy Sheeran
TOWN CLERK
TOWN OF WAKEFIELD