

Meeting Minutes
Newbury Planning Board
Thursday, January 5, 2023
Newbury Municipal Offices

Final – Approved at Planning Board Meeting March 1, 2023

Members Present: Larry Murphy (Chair); Peter Paicos; Leslie Matthews; George Morse (participating remotely); Woody Knight; Mary Stohn (Associate Member)
Staff Present: Martha Taylor, Planning Director

Planning Board Chair Larry Murphy called the meeting to order at 2:00 p.m. in the second floor Hearing Room of the Town Offices at 12 Kent Way, Byfield, and explained this was a special working meeting of the Planning Board to discuss the MBTA Communities Multi-Family Zoning Requirements and Action Plan. Murphy confirmed the Board members who were present in person: Murphy, Matthews, Paicos, and Stohn. Murphy announced that Morse was participating remotely and that all votes would be roll call votes. Also present was Planning Director Martha Taylor. Murphy explained this was not a public hearing, so there was no requirement to allow public comment, but they would be providing the opportunity for members of the public who were in attendance to ask questions at certain times during the discussion.

Planning Director Martha Taylor thanked the Board members for taking the time during the day to participate in the work session and explained the discussion was concerning the Action Plan that the Town is required to submit to the State by the end of January outlining the community's plan to meet the requirements of the MBTA Communities legislation. Taylor summarized the state legislation as it pertains to towns like Newbury that have been designated "Adjacent Small Towns" due to their year-round population (under 7000 residents) and amount of "developable station area" (under 100 acres). The Board reviewed materials that had been provided to the Town by the State and a draft of the Action Plan to be finalized and completed by January 31, 2023.

Taylor explained the constraints that the Town has when looking at development areas that fall within the half mile radius of the Newburyport MBTA station, including lack of municipal water and sewer, riverfront protection areas, agricultural restrictions, wetlands, and the Great Marsh Area of Environmental Concern (ACEC). These constraints mean the Town may want to look at other areas of town, outside this train station radius, to meet the State's requirements for multi-family zoning.

PB Member Woody Knight joined the meeting in person at 2:10pm.

Taylor further explained the resources, tools, and training workshops that the Massachusetts Department of Housing and Community Development (DHCD) and other organizations such as Mass Housing Partnership (MHP) and the Merrimack Valley Planning Commission (MVPC) are providing, and answered questions from Board members concerning the details of Newbury's requirements. The zoning requirement is for multi-family development to be allowed "by right"; multi-family includes any multi-unit development (3 or more units) such as tri-plexes, townhouses, cottage developments, etc. and does not solely mean high rise apartment buildings. The Town will still use "site plan review" to guide site considerations for any proposed multi-family project during the permitting process. Newbury is required to complete an Action Plan to meet the requirements and submit the plan to the State by January 31, 2023. The Town's deadline for full compliance with the MBTA Communities legislation is December 31, 2025.

Discussion was held as to why the State is requiring this effort. Massachusetts has the fourth most expensive home value in the nation (after California, Washington, and Hawaii) and the fourth highest 2-bedroom rental cost (after California, Hawaii, and New Jersey). Massachusetts also has the highest rate of people who are moving out

of the State due to the high cost of living. The Board discussed how problematic this reality is and discussed how Newbury might be able to encourage more affordable types of housing to be built. Taylor explained that the legislation allows that the zoning can require that 10% of the new units to be affordable at up to 80% the area median income. Also, mixed use can be allowed and incentivized but is not mandatory; the units may not be age-restricted and must be appropriate for families; and the zoning cannot require higher energy efficiency than what is required in other districts in the community. The intent of the legislation-mandated zoning is to incentivize but not require developers to pursue multi-family development projects that provide a variety of housing options. Taylor clarified that Newbury is not required to zone a specific total acreage but must provide the zoning by right for at least 154 units at a density of 15 units/acre.

Taylor reported that DHCD has determined that Newbury has 69 acres of “developable station area” within the half-mile radius of the MBTA Newburyport train station that do not have constraints from wetlands and other environmental restrictions and could be considered for inclusion in this zoning. Taylor displayed a map of Newbury on the screen and the Board discussed the land area around the train station and west of Route 1 south of the Newburyport border as potentially suitable for the zoning district. The Board also looked at the areas near Route 95 and Central Street, including Pearson Plaza and other parcels in the commercial highway district. The Board discussed whether there are pros and cons to the approaches of 1) developing a new multi-family overlay district or 2) rezoning certain already existing districts to include multi-family by right.

Pam Wool of 16 Withington Street asked how this process makes progress in meeting the affordable housing needs of the community. Taylor said that discussion is a good one and would also be a part of the Housing Production Plan update process that the Town is just beginning with the Merrimack Valley Planning Commission. Wool also asked if the parcel the old Town Hall is on could be considered for housing. Taylor explained there is still an effort to get the municipal offices returned to that parcel so it probably would not be appropriate to consider for this zoning.

John Harwood of 162 High Road spoke and thanked the Board for working on this as well as all of the other complexities the Board has to consider.

The Board considered dates to reconvene to continue the discussion and selected Wednesday, January 11, 2023, at 1:00 p.m.

With no further agenda items, Paicos moved to adjourn the meeting. Matthews seconded. A roll call vote was taken and all members voted in favor.

The meeting was adjourned at 3:31pm.

Materials reviewed at the meeting:

- Documents related to the Massachusetts Multi-Family Zoning Requirement for MBTA Communities (Section 3A of MGL c. 40A), including a copy of slides from the Citizens Planner Training Collaborative’s 12/19/22 webinar PowerPoint on “Multi-Family Zoning Requirement for MBTA Communities: An Introduction to the Section 3A Program” and a draft of the Town’s action plan.

Respectfully Submitted,

Kristen Grubbs
Assistant Planner