

**NEWBURY
SECTION 3A "MBTA COMMUNITIES"
MULTI-FAMILY OVERLAY DISTRICT**

**ANNUAL TOWN MEETING
ARTICLE #14**





Important Definitions

- Zoning: What uses are allowed in town and where
- Overlay Zoning District: A Zoning District laid on top of existing zoning which adds new use options. All underlying zoning uses are still allowed.
- Multi-Family Dwelling: A structure that contains **three or more dwelling units** (apartments or condominiums).
- By-Right* development: Development that does not require a special permit.
 - *Any by-right development proposed in the Overlay District must still adhere to environmental laws and the building code, and will still require a Site Plan Review process with the Newbury Planning Board
- Gross Density: A unit per acre calculation:
$$\frac{\# \text{ of housing units}}{\text{Acres of Land}}$$



What is SECTION 3A or “MBTA COMMUNITIES”?

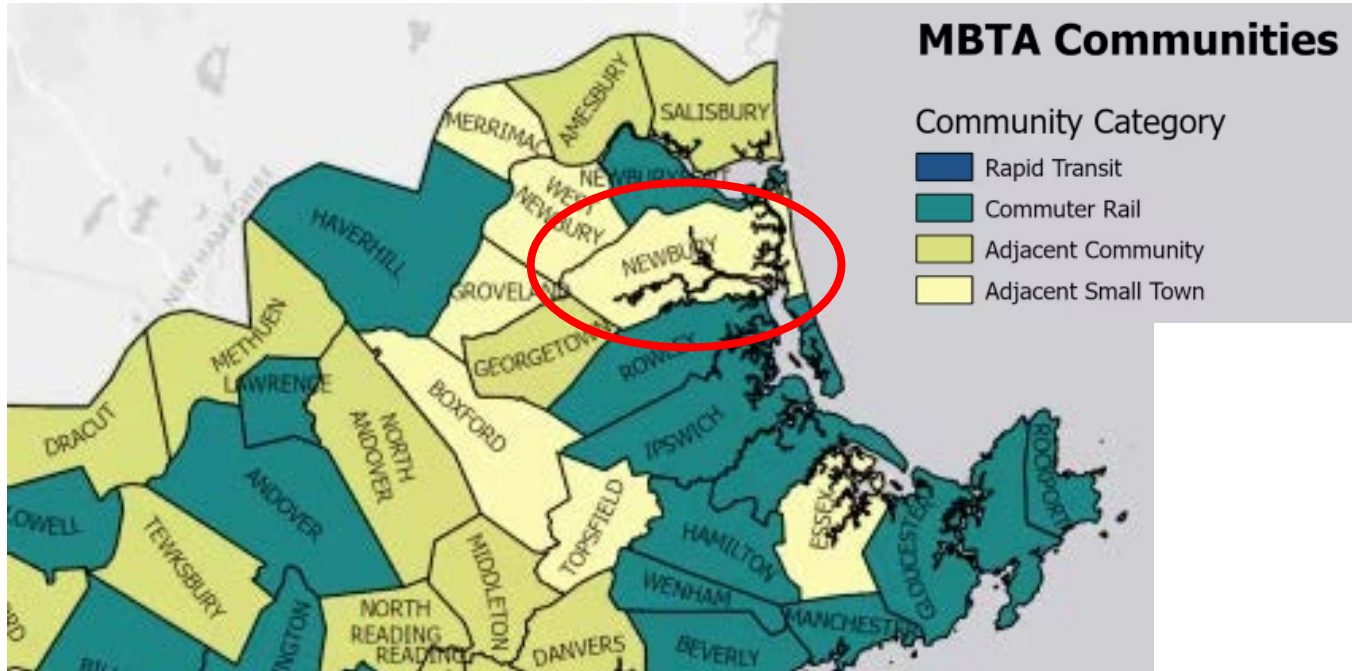
- Section 3A of Mass General Law Chapter 40A:

An MBTA community shall have a zoning ordinance or by-law that provides for at least 1 district of reasonable size in which multi-family housing is permitted as of right...

- Passed with broad bipartisan support (majority of House, unanimous support in Senate); signed by Gov. Baker in 2021
- Law applies to all cities & towns that have MBTA transit stops or that border communities with transit stops = 177 municipalities in MA
- Requires communities to adopt zoning regulations to allow for Multi-Family Housing (3 or more housing units in a structure) by right in one or more zoning districts
- Law requires the creation of a Zoning District – there is no requirement for any housing production



What does Section 3A mean for NEWBURY?



- Newbury is defined as an “Adjacent Small Town”
- An approved Zoning District and Bylaw must be approved by the EOHLC and by the Attorney General before December 31, 2025

- Newbury’s Multi-Family Zoning Overlay District must include enough total land to accommodate a minimum of 5% of Newbury’s total housing stock (= 154 new units of housing) and allow for a theoretical average “gross density” of 15 units/acre
- WHERE we choose to have this Overlay District is up to Newbury



Examples of Multi-Family Housing – 3 or more units in a structure

Oak Ridge, 84 Main Street, Byfield: ~11.5 units per acre



Manchester-by-the-Sea: ~15 units per acre



Process Taken to Develop Current Proposal

- **January 31, 2023:** Newbury submitted its MBTA Communities Action Plan
- Section 3A Compliance for Newbury discussed at **16 public meetings and info sessions between October 2023 and April 2024**, including:
 - **October 12, 2023:** Housing Production Plan Forum
 - **November 13, 2023:** Planning Board MBTA Zoning Workshop #1
 - **December 6, 2023:** Joint Meeting of the Select Board and Planning Board
 - **December 11, 2023:** MBTA Communities Forum
 - **January 3, 2024:** Planning Board MBTA Zoning Workshop #2
 - **January 29, 2024:** Housing Production Plan Local Forum
 - **February 21, February 28, March 6, and March 20, 2024:** Planning Board Public Hearing Sessions re. the proposed MBTA Zoning amendment
 - **March 5, 2024:** Planning staff presentation to Finance Committee
 - **April 2 and April 9, 2024:** Planning staff attended the Finance Committee & Select Board meetings re. the Warrant Articles to answer any questions
 - **April 13 and April 16, 2024:** Drop-in office hours with Planning Staff – opportunity for one-on-one Q & A re. proposed MBTA Multi-Family Zoning
 - **April 24, 2024:** MBTA Zoning Public Information Session

- Planning Board voted unanimously (5-0) at the Public Hearing on March 20th to approve and recommend Article #14 as proposed and as it appears on the Town Meeting Warrant
- Select Board voted 4-1 to approve and recommend the article at a public meeting on April 9th
- Finance Committee voted 6-1 to approve and recommend the article at a public meeting on April 2nd





Current Proposal - Considerations

Factors considered in Overlay District site selection:

- Proximity to transportation access, i.e. Newburyport Commuter Rail, Route 1, and I-95
- Walkability & pedestrian access improvements
- Potential site improvements if redevelopment were to happen
- Access to Town amenities & public services, e.g. Library, Elementary School, local retail
- Opportunity to address Newbury's housing needs and provide housing options and choice

Factors considered in drafting proposed Zoning Bylaw:

- Demographic data collected for Master Plan and HPP highlight Newbury's need for more housing options for seniors, young families, and local workers
- Newbury's planning documents, including the 2023-2035 Master Plan, consistently stress the importance of preserving Newbury's rural character
- Dimensional and design parameters are included in the bylaw to assure preservation of open space, protection of environmental resources, adequate setbacks from neighbors, and architectural consistency with Newbury's character
- Taking action now gives the Town more control to proactively guide land use



Current Proposal – Considerations

- Newbury's population is aging – residents ages 65+ are expected to make up over 1/3 of the population by 2050, up from 14% in 2010
- Residents ages 20-34 are decreasing in their share of the population, which reflects a trend seen statewide
- Residents looking to downsize have few options when looking for a smaller home in Newbury
 - 1 or 2 person households make up **60%** of Newbury's homes, while 1- or 2-bedroom homes make up **28%** of Newbury's housing stock
- Recent single family home sales often exceed \$1 Million, making it difficult for young families to get started in town

Proposed Zoning



Proposed Overlay District*: Includes 4 sub-districts. This allows for different design parameters and dimensional requirements in different parts of Town.

* The proposed district = 0.37% of the total land area in Newbury



Newbury North

- * Subdistrict A - Near Newburyport Border on Route 1
- * Subdistrict B - Hanover Street

Newbury South

- * Subdistrict A - Kent Way
- * Subdistrict B - Central Street



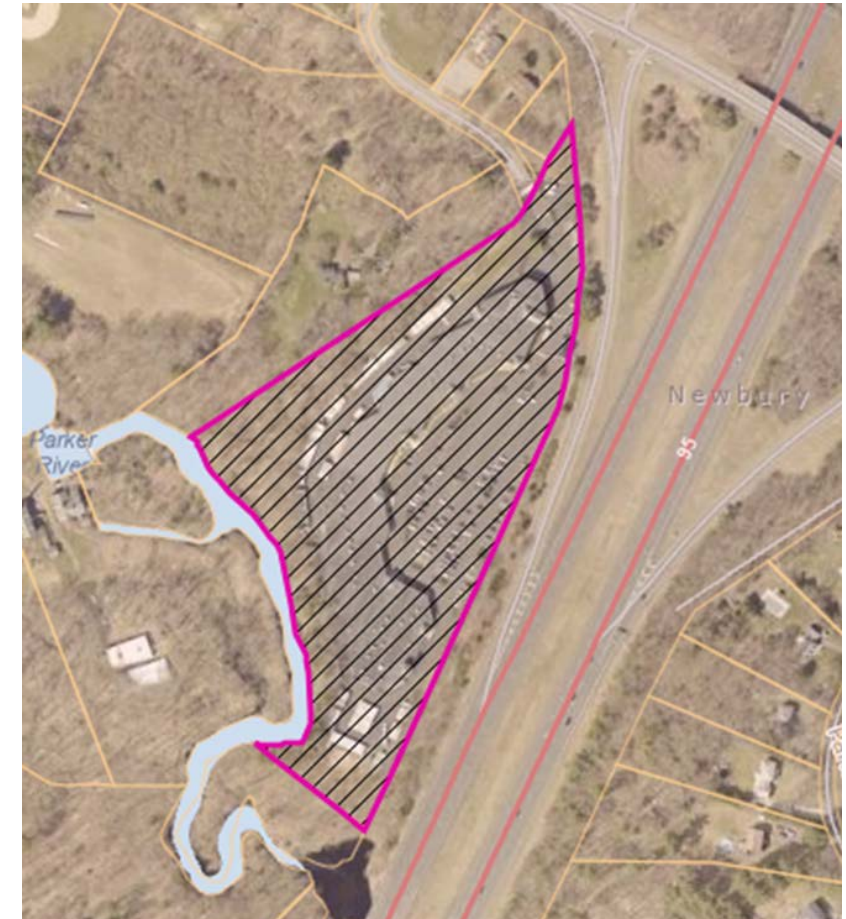
“A” Subdistricts

- Minimum Lot Size: 40,000 sq. ft.
- Max Building Height: 3 Stories
- Setbacks
 - 50 ft. front yard
 - 25 ft. side yard
 - 25 ft. rear yard
- Max Building Coverage: 50%
- Minimum Open Space: 40%
- “Density Cap” of 17 units per acre
- Parking: Avg. 1.5 spaces per unit

Newbury North A: 22-acre district,
near Newburyport border on Route 1



Newbury South A: 10-acre district, 12
Kent Way



“B” Subdistricts

- Minimum Lot Size: 40,000 sq. ft.
- Max Building Height: 2.5 Stories
- Setbacks
 - 50 ft. front yard
 - 60 ft. side yard
 - 60 ft. rear yard
- Max Building Coverage: 40%
- Minimum Open Space: 50%
- “Density Cap” of 8 units/acre
- Parking: Avg. 1.5 spaces per unit

Newbury North B: 17-acre district on Hanover Street



Newbury South B: 10-acre district on Central Street



Why is the proposed Zoning District Larger than the State's Minimum Requirements?

- Right now in Newbury, housing developers generally have two options:
 1. Build single family detached homes: this typically creates large homes priced between \$1 Million-\$2 Million
 2. Use the State "40B" law to override local zoning and override local control to build multifamily housing
- This proposal aims to give developers a third option:
 - Create smaller units needed by seniors wanting to downsize and young professionals wanting to move to town
 - Require regulations and design guidelines that will result in the kind of multifamily housing that fits Newbury's character
 - Keep the Town in control of what kind of multifamily housing developers build

Additional By-Law Components

- Affordability Requirement
 - 10% of units must be affordable (income restricted) in developments of 10 units or more
- Site Plan Review
- General Design Standards (page 11 of Finance Committee Appropriations Booklet), including:
 - Open Space & Landscaping
 - Building & Structure Placement
 - Building Massing, Articulation, and Architecture
 - Pedestrian Amenities & Connections
 - Resource Efficiency





What happens if we DO NOT comply?

- Communities that do not comply with the 3A legislation will be ineligible for 3 State grant programs and less competitive for over 12 additional State grant programs. Additional grants may consider compliance when awarding funds.
 - Newbury has received more than \$1.7 million from State grants over the last 10 years and has several grant applications currently pending on our own and as partners with the regional planning commission
- Non-compliant communities have already lost some of their housing funding as well as State grants that had already been awarded*
 - * When the Town of Milton became non-compliant, the Town immediately lost a \$140,000 infrastructure grant for a sea wall project.
- The Mass. Attorney General has taken legal action against non-compliant communities. Newbury would have to bear the expense of responding to litigation.



What Happens If We DO Comply?

- Newbury will signal that there are certain areas, in the identified overlay district, that are suitable to consider for Multi-Family Housing development (and all other areas are not suitable).
- Newbury will set Design Standards for the kind of development we would like to see, such as percentage open space and architecture in keeping with our neighborhoods
- Unlike with a 40B proposal for multi-family development (which does not adhere to zoning and can be proposed on any parcel in a town), Newbury will be in control of any future multi-family development proposed for these districts under this bylaw, with its specific design and dimensional standards. Projects will require Site Plan Review and must adhere to all local environmental regulations.
- Newbury will welcome more diverse housing options and more housing choice to meet the needs of our current and future residents.

