

# NEWBURY SECTION 3A "MBTA COMMUNITIES" FACT SHEET

## WHAT IS SECTION 3A?

Section 3A (MBTA Communities) is a new MA law requiring communities with an MBTA transit stop or bordering communities with an MBTA transit stop to adopt a **zoning** bylaw that allows multi-family housing by-right in at least one district of reasonable size.

This is **NOT** a construction mandate.

## WHY IS IT IMPORTANT?

- Massachusetts has among the highest, and fastest growing, home prices and rents of any state in the nation.
- There is an estimated shortage of 200,000 housing units in MA – this law would allow for construction of new housing to help close this gap and stabilize costs.

## WHAT IS REQUIRED FOR NEWBURY?

- Newbury must zone for a district that allows for multi-family residential development by-right.
- Newbury is classified as an Adjacent Small Town, which requires an average density of 15 dwelling units per acre and enough land to theoretically accommodate 154 units.
- The Town has until 12/31/2025 to comply with Section 3A.

## HOW CAN I MAKE MY VOICE HEARD?



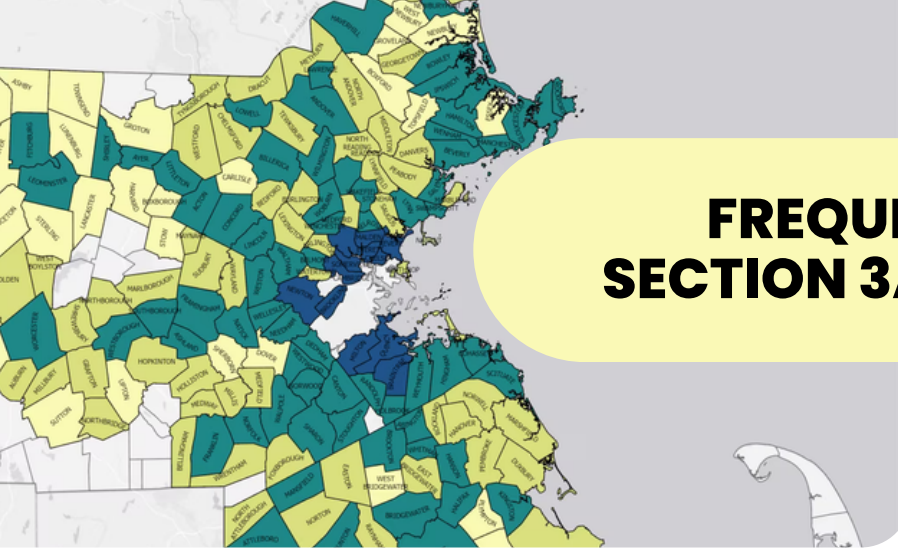
Ask questions and share comments at the information session April 22



Spread the word – inform your neighbors and fellow residents about Section 3A.



Attend the Newbury Annual Town Meeting on April 30th to vote on district adoption.



## FREQUENTLY ASKED QUESTIONS SECTION 3A "MBTA COMMUNITIES"

### **Does Newbury need to build more housing to comply?**

No. The state regulations only require the Town creates a zoning district that could accommodate the unit capacity and density required. This is not a building mandate.

### **Are our neighboring communities subject to this law? Are they complying?**

Yes. All cities & towns in the Merrimack Valley are subject to the law. This includes bigger cities like Haverhill & Lawrence and small towns like Newbury, Boxford, and Rowley. All of these communities, including Newbury, are currently identifying potential districts and soliciting community feedback.

### **What happens if Town Meeting decides to not adopt zoning that complies?**

- The Town would risk losing access to over 12 state grant programs. In recent years, Newbury has received over \$1.7 Million in state grant funding, some of which falls under the threatened programs.
- The Attorney General has pursued legal action against non-compliant communities.

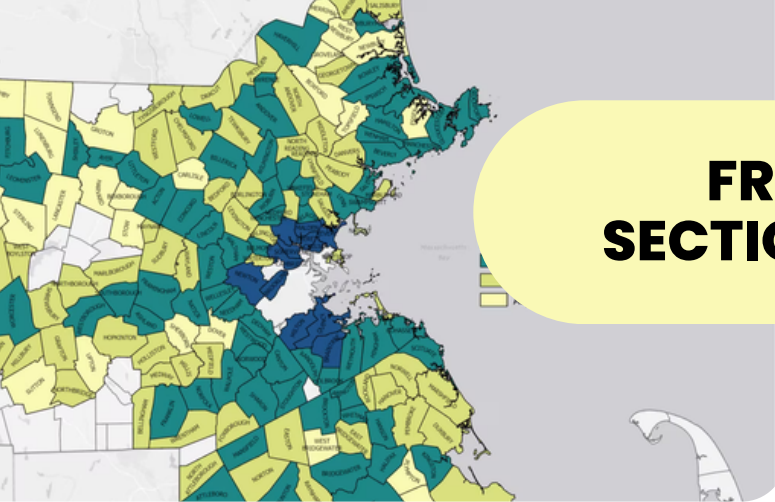
### **Will residents have the opportunity for public input and feedback?**

Yes, residents will have several opportunities to have their voice heard:

- The Town will hold multiple public meetings on this topic where residents will have the opportunity to learn, ask question, and provide feedback before Town Meeting.
- The bylaw went through the regular public hearing process that all proposed zoning bylaw amendments are required to go through prior to Town Meeting on April 30th.
- Check the Planning Board page of the Town's website and sign up for Planning Board News alerts to stay up to date.

*As with any zoning change, adopting this bylaw will be up to residents at Town Meeting.*





## FREQUENTLY ASKED QUESTIONS SECTION 3A “MBTA COMMUNITIES”

### **Why are there four proposed districts?**

The Town is proposing four districts to address housing needs in Town and create more options to diversify the town’s housing stock. Residents in Newbury are experiencing several housing challenges, including an aging population that may need options to downsize in order to stay in the community. With more options for where development could go, the Town increases the chances of creating the types of smaller housing units the population may need.

### **Do each of the districts have the same regulations?**

No. While some zoning parameters are proposed to be the same for all four districts, there are more restrictive requirements for the “North-B” district near 65 Hanover St. by Newbury Elementary and the “South-B” district on 34 Central St. near the Fire Station, in order to lower the potential density of those areas. These less dense districts would have a maximum height of 2.5 stories along with increased open space and setback requirements compared to the more dense North A & South A districts.

### **Will the MBTA districts eliminate or replace existing zoning?**

No. The four proposed districts would be created as an “overlay district” on top of the existing zoning. An overlay zone expands the types of potential development allowed in an area without replacing the existing zoning that is already in place. The new overlay zoning districts do not mandate that multi-family housing must be built, they just create the potential that multi-family housing can be built along with other allowed uses.

### **What about the marshland and wetland in town?**

All the pertinent protections to environmentally sensitive areas—including the Wetlands Protection Act and Title 5 Septic Systems regulations—would still be applied to any prospective multi-family development within the MBTA Communities districts. Any wetland and marshland would remain protected within and around these districts.

