

TOWN OF WEST NEWBURY COMMUNITY DEVELOPMENT PLAN



Prepared for:

TOWN OF WEST NEWBURY, MASSACHUSETTS

Prepared by:

WEST NEWBURY PLANNING BOARD

and

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COMMUNITY INVESTMENT ASSOCIATES
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With funds from:

**TOWN OF WEST NEWBURY
MERRIMACK VALLEY PLANNING COMMISSION
MA EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS
MA DEPARTMENT OF HOUSING & COMMUNITY DEVELOPMENT
MA DEPARTMENT OF ECONOMIC DEVELOPMENT
MA EXECUTIVE OFFICE OF TRANSPORTATION & CONSTRUCTION**

June 2004

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ACKNOWLEDGEMENTS

Appreciation is extended to the following individuals and organizations for their participation and assistance on the West Newbury Community Development Plan:

West Newbury and Region

Kathy Carleton, Pentucket Regional School District
Tracy Blais, Finance Director
Deborah Burke, Assessors' Office
Paul Sevigny, Health Agent
Glenn Clohecy, Building Inspector
Karen Herrick, West Newbury Housing Authority
Marjorie Peterson, Over 55 Committee
Patricia Skibbee, Realtor
Woody Cammett, Consulting Engineer
Robin Shively, Committee for 694 Main Street
David Kapturowski, Roads Committee

The Cecil Group, Inc.

Steven Cecil
Howard Snyder

Community Investment Associates, Inc.

Carolyn Britt

Merrimack Valley Planning Commission

Alan Macintosh
Anthony Komornick
Jerrard Whitten

Special thanks are extended to the state E.O.418 Community Development Planning Program agencies for their financial support for the Plan:

E.O. 418 Agencies

Massachusetts Executive Office of Environmental Affairs
Massachusetts Department of Housing and Community Development
Massachusetts Department of Economic Development
Massachusetts Executive Office of Transportation & Construction

1. INTRODUCTION

1.1 West Newbury at a Crossroads

The Town of West Newbury is a distinctive and beautiful small community in the Lower Merrimack Valley/Upper North Shore region of Massachusetts. Lying squarely within one of the fastest growing areas of the Commonwealth, West Newbury has been able to remain, in many respects, a “country town” – a community with a small town center surrounded by an appealing blend of historic and low-density residential neighborhoods and rural lands, including working farms, forestland, meadows, and freshwater wetlands – all knitted together by winding country roads.



The town’s ability to retain so many of the special features that make it unique in the face of dramatic *regional* change is more than just blind luck. It is at least partly the result of deliberate local policies and practices – ranging from comprehensive planning to protective zoning bylaws to prudent spending decisions – that have been instituted in years past and more recently. And yet, as regional growth pressures – *housing construction, business expansion, traffic generation* – continue to mount in neighboring Greater Haverhill, Greater Newburyport, and nearby southern New Hampshire, West Newbury will need to do even more if it is to remain the scenic small community ...

“*where* all residents enjoy a quality of life resulting from:

- farms being an integral part of the physical structure and character of the town, preserving open spaces and rural views
- tree-lined roads and stone walls
- the Town Center, aesthetically enhanced with a greater variety of services provided, and historic Main Street, Training Field, and other architectural resources preserved and enhanced;

where an extensive connective network of open spaces provides a multi-use trail system for public use;

where greater public access to the Merrimack River exists from riverside open spaces for citizen use and enjoyment;

where the town is pro-actively directing its development through a planning approach which is supported by the actions of public officials, citizen boards, and town citizens;

where different types of housing choices are available and remain affordable for all including senior citizens and young adults;

where the school system supports a superior education; and

where the necessary social services and recreational opportunities are available to residents of all age groups.” [From Town of West Newbury Comprehensive Plan (1999)]

1.2 Plan Overview and Contents

The Community Development Plan is a guidance document for the town officials and residents of West Newbury. It builds on and complements the wealth of information, analyses, and recommendations of the West Newbury Comprehensive Plan prepared in 1999. The Community Development Plan was developed jointly by the Cecil Group, Inc., Community Investment Associates, and the Merrimack Valley Planning Commission under the direction of the West Newbury Planning Board. It was funded primarily by a \$30,000 grant from the State Executive Order 418 Community Development Planning Program. Additional funds were provided by the Town of West Newbury through a grant from the Downtown Initiative Site Visit Program and by MVPC.

The Community Development Plan is organized around and focuses on three main topics of vital interest to the community: ***Housing, Economic Development, and Transportation***. Two other topics that are typically part of a state-funded Community Development Plan – “*Open Space & Natural Resources*” and “*Visioning*” – are not included. A waiver from these topics was requested by the town and was granted by the E.O. 418 Program, as these topics have already been addressed in detail by the West Newbury Open Space & Recreation Plan and the West Newbury Comprehensive Plan.

1.3 How to Use This Plan

As mentioned above, the Community Development Plan, like the town Comprehensive Plan and the Open Space & Recreation Plan, is a *guidance* document – not law. It will be up to the town’s various legislative and executive bodies, such as Town Meeting, the Board of Selectmen, the Planning Board, and other boards and commissions, to further evaluate and implement the Plan’s recommendations over the coming months and years. To this end, the Community Development Plan contains an implementation plan for each of the three topics – housing, economic development, and transportation. This implementation plan presents recommended actions and strategies for consideration by the Planning Board and other appropriate local entities. It identifies the entity(ies) primarily responsible for carrying out each action, and also, to the extent possible, suggests both a timeline and an estimated cost for implementing the action.

In order to ensure that the Plan is incorporated and used consistently in future town deliberations and decision-making, the town should consider establishing a Community Development Plan Implementation Committee. This committee would be responsible for monitoring and reporting the town’s progress toward implementing the various action recommendations contained in the Community Development Plan.

One way to ensure consistency in the Plan's use by town boards and commissions (for example, in priority-setting for funding or in reviewing and permitting of development proposals), would be to require each board to evaluate whether their actions are consistent with the Community Development Plan; and, if they are not, to state in writing why such actions were taken. This would serve the dual purpose of encouraging consistency in local decision-making among town boards while at the same time making the reasons for their decisions more transparent to and understandable by the public.

1.4 Guiding Principles for Smart Growth

The Community Development Plan is forward-looking, offering action recommendations that embrace principles of "Smart Growth" and are conducive to sound and sustainable community development. Simply stated, smart growth is sustainable development that simultaneously serves the community, the economy, and the environment. It changes the terms of the development debate away from the traditional (and often *adversarial*) growth/no-growth question to "how and where should new development be accommodated?" Smart growth is development that provides and supports:

- A strong and distinctive "sense of place".
- A range of housing options for people of varying age and income levels.
- A mix of thriving local businesses, including resource-based businesses such as farming and nursery operations that are important to the character of the town, the conservation of open space, and the livelihood of local residents.
- A variety of transportation alternatives, including non-motorized travel options that are achieved by developing new paths and trails, linking existing paths and trails, and making roadways and intersections more pedestrian-friendly.
- A vibrant, attractive, business- and pedestrian-friendly town center that offers a mix of uses and services.
- A clean and healthy environment that accommodates growth while preserving water resources, open space, and critical habitat.
- Compact building design, where practicable, to limit sprawl and its attendant impacts and to preserve natural resources.
- Development decisions that are predictable, fair, and cost effective.

"The goal of smart growth is not no-growth or even slow growth. Rather, the overall goal is sensible growth that balances our need for jobs and economic development with our desire to save our natural environment."

Parris Glendening
Governor, State of Maryland

As Massachusetts state grant and loan programs begin to more actively embrace and reflect smart growth and sustainable development principles, priority funding consideration will be given to those local development proposals, plans, and practices that do the same. Beginning in FY 2005, the Massachusetts Office for Commonwealth Development (OCD) will begin targeting state capital spending programs to: a) *projects* that are consistent with sustainable development principles, and b) *partnerships with municipalities* that advance the Commonwealth's interests in those principles. Priority Commonwealth interests include: redevelopment of previously

developed areas; housing production; protection of farms, forest, and other open space; and protection of drinking water supplies. Municipal funding requests made through the Commonwealth Capital Application process will be given added weight if the municipality has implemented, or makes a binding commitment to implement, a wide array of sustainable development measures. These measures include but are not limited to:

1. Current Open Space Plan
2. Executive Order 418 Community Development Plan
3. Adoption of the Community Preservation Act
4. Master Plan (adopted or revised within previous five years)
5. Brownfields inventory
6. Zoning directing new development to existing water and sewer network
7. Mixed-use zoning in one or more downtown or civic districts
8. Zoning for transfer of development rights
9. Zoning for accessory units
10. Cluster zoning
11. Zoning for agriculture and/or forestry uses (>10 acres per dwelling unit)
12. Water resources protection plan
13. Agricultural commission or comparable entity.

For a more complete description of the Commonwealth's sustainable development principles and draft capital spending programs and criteria, please consult Appendix C.

2. HOUSING ELEMENT

2.1 Background and Purpose

This section of the West Newbury Community Development Plan builds on the information, analyses, and recommendations of the West Newbury Comprehensive Plan (WNCP) completed in 1999. The Comprehensive Plan was prepared before a detailed Scope was established by the Commonwealth for the elements of a Community Development Plan (CDP) and before the 2000 U.S. Census. This current work is being undertaken to add the results of the information-intensive 2000 U.S. Census to the analysis, and to provide the information and analysis required to meet some of the newer state requirements for “planned production” and “housing certification” that address questions of housing requirements under Chapter 40B (see Section 2.2.3) and to enhance eligibility for state grants. It is also being undertaken to build on the recommendations included in the 1999 Plan, add new recommendations, and to flesh out the recommendations with directions for next steps.

The WNCP summarized several important characteristics and goals regarding housing that should be kept in mind while reviewing the contents of this section of the Community Development Plan. It was noted that the two key issues regarding housing in West Newbury are the importance of maintaining the town character while expanding housing, and the importance of providing a diversity of housing options for the diversity of people now living in West Newbury in particular, but also for those moving here in the future. These priorities were identified by a survey undertaken in West Newbury in 1997 (Thomas Planning Services).

2.2 Supply of Housing

The WNCP described the Town as experiencing high growth during the period from 1960 to 1995 – almost doubling in size during that period. The growth rate in housing units between 1990 and 2000 was 24.1%. This growth rate was third only to Rowley (27.4%) and Boxford (25.1%) for communities within the area of the Merrimack Valley Planning Commission. The region itself grew at an overall rate of 7.8%.

At the same time, the growth in population did not keep up with the growth in housing units, largely due to the smaller household size (See Table H-2). Population grew by 21.3% in West Newbury, again following Boxford and Rowley in their growth rates, while the region overall grew at 10.5% for the most recent decade. In the previous decade, housing units had grown by 30%, while population growth was 19.6%. (WNCP, 1999) While some of the more rural towns had a higher growth rate in housing than in population, the Merrimack Valley region had a higher population growth rate than housing growth rate reflecting the impact of many of the more affordable communities as well as the loss of almost 5% of the housing units in Lawrence.

2.2.1 Amount and Value of Housing Development

As was noted in the WNCP, the type of housing that is built directly affects the kind of community you are, in both the built environment and the residents. “By controlling housing development, a community also engineers, to a certain degree, the make-up of its population. Accordingly, housing characteristics suggest a great deal about a town’s past and present population and its socio-economic structure.” (West Newbury Comprehensive Plan)

The value and price of housing in West Newbury is high, and getting higher each year as developers build larger, more expensive homes and virtually no homes that are smaller and more affordable. According to the 2000 U.S. Census, the median value of owner-occupied units in West Newbury was reported as \$301,000. This number is based on the current estimates of the owners and thereby is not very accurate. It may err on both the high and low side. Table H-1 shows the assessed values of housing units added to the housing stock in West Newbury during the last five years. When compared to the median price of homes overall, it can be seen that the median assessed value of newly-constructed housing units are well above the reported median value of all ownership homes in town.

According to the 1999 Comprehensive Plan, the average square feet of gross living area in West Newbury residences is 2,000-2,999 square feet. These homes are situated on lots that average over 2 acres per housing units. Homes built before 1970 average less than 2,000 square feet. Of homes built after 1990, 21% have over 3,000 square feet of living area. This compares to only 12% of homes built

Table H-1: Units Constructed in West Newbury, 1997-2002

2002 Value	1999	2000	2001	2002	Total Units
<\$500,000	2	3	0	2	7
\$500,000-\$550,000	1	2	0	2	5
\$550,000-\$600,000	4	3	1	2	10
\$600,000-\$650,000	1	4	1	3	9
\$650,000-\$700,000	3	2	2	3	10
\$700,000-\$800,000	6	6	2	6	20
\$800,000-\$1,000,000	1	1	1	3	6
\$1,000,000 and over	0	1	0	2	3
Total Units	18	22	7	23	70
Median	\$671,300	\$644,600	\$697,400	\$659,500	

Source: West Newbury Assessors’ Office assessment data, updated in 2003.

between 1970 and 1990. Information on size of the newly constructed units listed above show an average square feet of gross area of 6,360sf, with an average of 8.2 rooms and 3.7 bedrooms. While gross area and gross living area are not the same item (gross area includes garages and basements that may not be habitable), it is still apparent that these newer, more expensive units are also generally larger than the existing housing stock in West Newbury.

Table H-2: Housing Units by Selected Characteristics, W. Newbury and MVPC, 2000

Year	Total Units Occupied	Home Ownership- 93.0%			Rental- 7.0%		
W. Newbury			Vacancy Rate	Av. Household Size		Vacancy Rate	Av. Household Size
1990	1,126			3.09			2.46
2000	1,392	1,295	0.5%	3.05	97	5.8%	2.04
# Change	266			-.04			
% Change	23.6%			-1.3%			
MVPC							
2000	117,270	74,003		2.88		4.7%	2.08

Source: U.S. Census 1990 and 2000 from MVPC tables

2.2.2 Age and Condition of Housing

West Newbury is an historic town with many older buildings on the old primary roads that criss-cross the town. As noted earlier, there are also many new, larger homes that are well-constructed. According to Glenn Clohecy, Building Inspector, the housing stock in West Newbury presents no systematic problems in housing condition. There are apparently no currently developed areas where there is consistent flooding, high water table, or ledge. Concern was expressed by the Building Inspector regarding the ability of some residents to afford to pay for the maintenance of their homes.

The U.S. Census keeps records on the age of residential properties in communities. According to the 2000 U.S. Census, 25% of the residential buildings in West Newbury were constructed before 1939. During the next 30 years (1940-1969) another 19% of the housing stock was constructed. The decade of the 1980's was the most rapid growth (25% of the current housing count), with 16% constructed during the last decade. The extent of new housing in West Newbury certainly contributes to the evaluation that overall the housing stock is in good condition and well-maintained.

2.2.3 Housing Costs and Affordability

Information from the U.S. Census and the West Newbury Housing Authority provide direct information on the costs and affordability of housing in West Newbury. Information in Section 2.2.1 has shown that housing built in recent years in West Newbury is almost exclusively single family and significantly larger and more expensive than the existing mix of housing units in town.

Table H-3 provides information on the costs to the property owners and renters for monthly costs for owners (mortgages) and for renters (rent). West Newbury shows a high percentage of residents having no mortgage costs, in large part because they have lived in town for so long their mortgage has been paid off. This category covers about 27% of the homeowners. Of the remaining homeowners paying mortgages, almost 2/3 pay over \$1,500 a month in mortgage costs – a fairly high figure.

Of the 97 households renting property, most of them are paying less than \$1,000/month. The 26 households living in subsidized units (See Table H-4) probably account for units with the lowest categories of rent as rents in subsidized units are based on 30% of the income of the qualifying household. Few renters (21%) are paying more than \$1,000/month in rent, and 15% are paying no rent. This latter category most likely includes households living with relatives.

Table H-3: Monthly Costs for Owners/Renters, West Newbury, 1999

Owners			Renters		
Costs	No. of Households	% of Households	Costs	No. of Households	% of Households
Less than \$300	0	0	Less than \$200	5	5%
\$300-\$499	7	1%	\$200-\$299	0	0
\$500-\$699	18	2%	\$300-\$499	5	5%
\$700-\$999	35	4%	\$500-\$749	26	27%
\$1,000-\$1,499	220	19%	\$750-\$999	26	27%
\$1,500-\$1,999	288	25%	\$1,000-\$1,499	13	13%
\$2,000+	283	25%	\$1,500+	8	8%
No Mortgage	311	27%	No Cash Rent	15	15%
Md. Mortgage	\$1,626		Md. Rent	\$826	

Source: 2000 U.S. Census

The zoning bylaw in West Newbury does not allow large, multi-family developments, but does currently allow buildings with 2 units/building by-right, and up to 4 units/building or an additional unit in an accessory building with a special permit. Currently, there are 62 buildings with 2 or 3 housing units in them, and 6 with multiple residential properties on the parcel. There are 57 properties that are primarily in residential use that also have some commercial use in the residential building. These types of properties are providing important options for rental units and for lower cost housing overall.

Table H-4 summarizes the availability of housing units for rent that are directly subsidized through assistance from several state programs to provide affordable housing. West Newbury, like many small and relatively rural communities, has few subsidized housing units. Those that do exist are attractive and well placed in the central area of the community near Town Hall, schools, and several small stores. They do provide important housing options for residents in the area. According to Karen Herrick of the West Newbury Housing Authority, it may take five years for someone to rise to the top of the waiting list. With that type of wait, many potential residents find other housing in the meantime so the waiting list is updated every two years. Some previous West Newbury residents have reportedly taken advantage of the subsidized units. Of the twelve units designed to house families, 2 are 2BR units and 10 are 3BR units. The larger units are particularly important for housing families of 4 or more that often find rental housing units of this size hard to locate.

Table H-4: Housing Developments Managed for Affordable Housing

Developments Counting for C. 40B	Agency and Program	Units	Duration of Affordability	Eligible Residents
379 Main St. – Lionel Brunault Community Housing	667 Sr. housing	14	In perpetuity	Over 62 (2 handicapped units)
Hills Court	705 Fam. housing	6	In perpetuity	Family
Boynton Court	705 Fam. housing	6	In perpetuity	Family
TOTAL		26		
Other Asst./Public Developments	Agency or Program	Units	Duration of Affordability	Eligible Residents
694 Main Street	Town-owned	4		

Source: West Newbury Housing Authority; West Newbury Town Clerk

The Town of West Newbury manages a unique resource - a multi-unit building at 694 Main St. that is currently rented to three households. Management oversight of this building is by a Committee headed by Robin Shively. Mr. Shively reported that one unit is currently under renovation, and the other three are rented for \$475/month, a relatively low rent. The Town is applying for a grant from the Department of Housing and Community Development to renovate the remaining units in the building. After the completion of the renovation, all four units will be rented to eligible low/moderate income renters for an affordable rent. All of these units will then contribute to the count of affordable units in town that qualify under the Chapter 40B requirements and will likely carry rents in the low \$600 range. Two of these units will be fully accessible. These units will then be managed by the West Newbury Housing Authority.

According to Department of Housing and Community Development, currently 1.9% of the Town's housing units (26 units out of a total of 1,392 of the housing units in West Newbury) qualify as affordable units for the purposes of MGL Chapter 40B. Chapter 40B is the state's Comprehensive Permit Law that allows developers willing to construct housing with 25% of their units affordable to residents with 80% or less of median income to receive a comprehensive permit for development from the local Board of Appeals if that community does not have at least 10% of its housing units that meet the Chapter 40B guidelines.

Since West Newbury is so far below the 10% goal, it is vulnerable to comprehensive permit applications that can develop outside of the zoning bylaw requirements including such options as increased density and locating types of housing in zones where such housing is not allowed. Up to this point, West Newbury has not received any comprehensive permit applications, reportedly because the cost of land is too high and there are few options for percing wastewater treatment systems for higher density residential development. West Newbury established an Affordable Housing Committee in the fall of 2003 to identify ways the Town can address the development of more affordable housing.

2.2.4 Housing for Seniors and People with Disabilities

As is demonstrated by Table H-4, there are 14 units of affordable housing available to senior residents. This is an important asset for West Newbury. There are few turnovers in these units and the waiting lists take a long period of time to clear.

There are no nursing homes (Medicare) or assisted living facilities (Massachusetts Executive Office of Elder Affairs) in West Newbury. The absence of these facilities for temporary or long term use makes it impossible for senior residents to stay in West Newbury as they age. There are a number of nursing homes in the immediate area in the larger communities, with 2 in Amesbury, 8 in Haverhill, and 3 in Newburyport. This provides a significant number of options for local residents to stay relatively close by.

Five units in public housing developments are listed as being “accessible” units for handicapped residents, according to an inventory maintained by the Citizen Housing and Planning Agency (CHAPA). Two of these are in senior housing developments, while three are in units developed through the family housing program. As of the preparation of this Plan in 2003-2004, these units are all tenanted. The renovation of two units in 694 Main St. that will be the beneficiary should the grant for rehabilitation funds be successful will make an important contribution to accessible units in West Newbury.

Because West Newbury has a relatively older population than many other area towns, it is subject to some unique issues. As these West Newbury residents age, they will have more difficulty maintaining their own homes, as well as more difficulty in affording the cost of hiring others to perform the maintenance. Some type of senior or assisted housing, what might be a logical next step for such residents, does not exist in West Newbury other than the public housing noted above.

2.2.5 Existing Types of Housing

Map H-1, the Housing Inventory Map, is based on Assessors’ land use information and shows graphically the distribution of current housing types in West Newbury. This demonstrates the dominance of single-family homes (1,238) throughout the community. It also identifies that there are a number of residences that were either built as or converted to multiple units within one structure. There are a total of 62 residential properties with more than one unit in a building, and 57 properties with a mix of commercial and residential uses with the residential use primary. Map H-1 also identifies parcels within the residential zone that are developable (121 parcels). This basic land use information indicates that there is ample precedent within West Newbury that several of the recommendations offered later support. There also appears to be ample developable land that can be used to increase residential development in West Newbury.

Town of West Newbury Housing Inventory (H-1)

Legend

- Single-Family Detached
- Single-Family Attached
- Multi-Family
- Mobile Home
- Commercial/Industrial
- Public Use
- Forest Land
- Other

Scale

0 1000 2000 Feet

North Arrow

Inset Map

Map of New Hampshire showing the location of West Newbury.

Source: Town of West Newbury, 2000. Data provided by the Town of West Newbury. Map prepared by the Town of West Newbury. All rights reserved.

2.3 Housing Demand

Section 2.2 discussed the supply of housing that exists in West Newbury and how, where, and at what price new units have been and are being added. Information was also provided on the current affordable units. The other side of the housing picture is the demand for housing – who lives in West Newbury, and who wants to move to or stay in West Newbury, and how does their desire for housing get reflected in price, waiting lists, and market dynamics.

Demand for housing in West Newbury can be explored by reviewing **population dynamics** - population size, population growth, the age and income of the population, family size, stability of the population, and special needs. It can also be explored by **market dynamics** - the number of homes that are sold over a period of time, the inflation in the costs of those sales, and the briskness of activity in the housing market. Finally, demand can also be explored through **applying state and regional analyses to the local level**. Interviews with professionals associated with the housing market have also provided insight on the demand for housing in West Newbury and their assessments are incorporated where relevant.

2.3.1 Population Dynamics

The growth in population in a community derives from existing residents expanding family size, from people from outside the community choosing to live there, and it also derives from their ability to find housing. The more housing that is built, the greater the population that can move in. The question is, of course, what came first, the chicken or the egg. Theoretically, more housing is built in response to known demand and then that demand materializes. That has been the case in West Newbury. The reduction of the size of households has certainly changed that relationship. As we noted earlier, the decrease in the size of households has resulted in a population growth rate that is lower than the growth rate for households and housing units.

A key component of population growth, and of its impact on a community, is the age distribution of the population, and the change in proportion of age groups. Such information can suggest whether more space in schools and teachers are required, or more meals-on-wheels and emergency vehicles to serve the frequent demands of an aging population.

Table H-5 demonstrates that the age distribution of the population in West Newbury generally tracks the population distribution in the Merrimack Valley Planning Commission region as a whole. There are somewhat more school-age children than in the region, and more people in their middle years, 45-64 years old. The results of the 2000 U.S. Census confirms the dynamics described in the West Newbury Comprehensive Plan – that there has been significant recent growth in the 45-64 year age group and in the older ages, over 65 and especially for residents over 75 years old. This may well result in families aging in place. There has not been any development of housing that particularly accommodates older households, and West Newbury is not the type of community older citizens would select for their retirement years because there are so few services available for older citizens.

**Table H-5: Age Composition in 1990 and 2000,
W. Newbury and Merrimack Valley Planning Commission Region**

Ages	W. Newbury Population Change			% of total 2000 Population	
	1990	2000	% Change 1990-2000	W. Newbury	MVPCRegion
0-4	240	312	30.0%	7.5%	7.3%
5-19	821	1,002	22.0%	24.1%	22.6%
20-34	545	408	-25.1%	9.9%	18.4%
35-44	793	822	3.7%	19.8%	17.7%
45-64	751	1,240	65.1%	29.9%	22.0%
65-74	176	213	21.0%	5.1%	5.8%
75+	105	152	44.7%	3.7%	6.3%
TOTAL	3,421	4,149	21.3%	100.0%	100.1%*

* Error due to rounding

Source: 2000 U.S. Census, 1990 U. S. Census STF1, P011

Table H-6 summarizes the relationship between age and home-ownership in West Newbury. The age of homeowners has increased since the 1990 Census, probably reflecting the stability of the population that is aging in place in West Newbury. The predominant category of homeowners in West Newbury is the 45-54 age group, up from 35-44 in 1990. Any householders under 25 in town are living in rental units. The age of renters has similarly gone up in the last decade, with the predominant category from renters going from the 25-34 year age group in 1990 (35% of the households) to 35-44 year age group (39% of the households). For both renters and owners, there are few households of senior residents (65 and over) and these numbers have stayed the same or declined during the last decade. Combining the information in Tables H-5 and H-6, it appears that West Newbury is a community with more middle-aged residents (35-64 years) than the MVPC Region as a whole.

Table H-6: Age of Householder by Tenure, 2000

The Over 55 Committee in West Newbury recently tabulated the results of a survey they mailed to 1,600 households in West Newbury. They received 150 responses. The Committee presented results for the 82 respondents who were over 60 years of age. Respondents, in considering the development of housing targeted to the needs of senior residents, showed a distinct preference for ownership units (80%) that are relatively affordable (90% would seek units costing less than \$350,000). These units are less expensive than the homes currently owned by 72% of these respondents. Two bedroom units (75% of respondents) and attached units (85% of respondents) were the primary choices. While this survey is not definitive, it provides some indication of a demand for smaller, less expensive units designed for the physical and social needs of seniors in West Newbury.

Age of Householder	Owner		Renter	
	1990	2000	1990	2000
Under 25 years	-	-	4 %	6%
25-34 years	10%	9%	35%	11%
35-44 years	36%	29%	21%	39%
44-54 years	24%	30%	12%	10%
55-64 years	15%	19%	6%	22%
65-74 years	9%	9%	7 %	5%
75 years and over	6%	7%	14%	5%

Source: 1990 U.S. Census, 2000 U.S. Census

Table H-7: Tenure by Percent of Persons/Household

Household Size	Owner	Renter
1	10%	33%
2	32%	23%
3	20%	18%
4	24%	12%
5 or more	13%	12%

Source: 2000 U.S. Census, Table H-17

Table H-7 summarizes that the size of rental households is somewhat smaller than those of owner households. Other than public housing, most rental units are in single family homes. Communities often fear the development of rental properties based on the assumption that they may introduce relatively larger numbers of school children into town in properties that pay generally less rent.

Table H-8 builds on Table H-7 provides information on the family patterns of households owning a home in West Newbury or renting a home or apartment. Married couple families are the predominant household pattern in West Newbury, and particularly for homeowners. Rental households, however, are occupied primarily by non-family households, then married couple families. It is important to note that the owner households are as or more likely to have children under 18 years old in their households than are renter households. At least for the renters in West Newbury, this counters the assumption that building rental housing will bring proportionally more children than families in owner households. Of the 88 owner households composed of other families, 82 of these families are female-headed households and all of the families with children are female-headed.

Table H-8: Tenure by Type of Family, with Children Under 18 Years

	Owner		Renter	
Married Couple Family	1,048	83%	35	36%
W/ children<18 years*	585	56%	20	57%
Other Family**	88	7%	13	13%
W/ children<18 years*	44	50%	4	31%
Nonfamily	131	10%	50	51%
Total Households	1,267		98	

* These percentages indicate the percentage of each family type that has children under 18 living with them

** Other family households consist of either male householders with no wife present, or female householders with no husband present

Source: 2000 U.S. Census, Table HCT-1

Table H-9 demonstrates the unusual stability of households in West Newbury. While only 58.7% of Essex County residents lived in the same house in 1995 that they were living in at the time of the Census in 2000, over 71% of West Newbury residents lived in the same house. Further, those that moved in were more likely to have moved locally from other communities in Essex County than from a distance. These newcomers were likely already familiar with West Newbury and were making an informed choice on a place to live. This longevity and familiarity is important to citizenship and community. It suggests that West Newbury has not attracted large numbers of people from further distances and population growth has not brought particularly significant diversity to the population in town.

Table H-9: Percent of Residents in 2000 by Place Lived in 1995

Location of Residence in 1995	W. Newbury	Essex County
Same House in 1995	71.2%	58.7%
Different house in Essex County	16.8%	25.4%
Different house in MA outside Essex County	5.8%	6.9%
Elsewhere in U.S.	5.2%	6.0%
Foreign Country or at sea	.3%	2.4%

Source: 2000 U.S. Census, Table P-24

2.3.2 Market Dynamics

An important indicator of the supply and demand for housing in West Newbury is the number of single family homes and condominiums on the market, how long they stay on the market, and whether they are sold for more or less than the asking price. For the 12 month period from May 1, 2002 to May 1, 2003, information on sales of ownership units were provided from the Multiple Listing Service (MLS). These data show that for that 12 month period, 44 single family homes were sold with an average time on the market of 81 days. The average sale price of \$499,778 was about \$15,000 less than the \$515,364 average asking price. The realtors providing the information felt the time on the market and price reduction were indicative of an active, but not overheated, real estate market. Condominium sales numbered 2 for the same period, with an average time on market of 20 days, much shorter than the single family timeframe. The average sale price of \$300,000 was approximately \$2,000 less than the average list price of \$302,450. The ongoing demand for housing, then, is indicative of an active but not highly competitive market in single family units, but condominium units, while, few, sold very quickly and virtually at the asking price.

West Newbury has no large multi-family developments that can provide insight into the rental market from waiting lists, vacancy rates, relative rents, or other similar market indicators. The waiting lists for the West Newbury Housing Authority are in the standard range of waiting lists for subsidized housing. Waiting lists for the senior development reflect a real demand, while the lists for family units are skewed to some extent by the requirements of homeless shelters that occupants sign up for many waiting lists at the same time. As such, the waiting list reflects many households that have already found housing elsewhere. As a result, the West Newbury Housing Authority tries to check through their list every 2 years or so and remove households no longer seeking housing.

2.3.3 Regional Analyses

The Commonwealth and its variety of academic institutions with research resources have undertaken a number of studies to determine the need for housing in the Greater Boston area, an explanation of the high cost of housing in the area, a discussion of the issues of housing the children of the Commonwealth, and estimations of how many additional units of housing might need to be built in order to reduce the cost of housing in Massachusetts. One of these studies was prepared by Northeastern University in 2000 – “A New Paradigm for Housing in Greater Boston”. This study used the difference between ideal vacancy rates and actual vacancy rates to estimate the number of housing units that are needed in order to create a market that has healthy turnover, and would be described neither as a “buyers” or “sellers” market. According to the study, these healthy vacancy rates are 6 percent for rental units and 2 percent for home-ownership units. According to Table H-2, the ownership vacancy rate is .5% and the rental vacancy rate is 5.8%. In order to bring these vacancy rates up to the suggested levels, there would have to be an additional 20 ownership units and no rental units added to the housing stock.

The vacancy rate method is simplistic, but indicative of what the level of need is in a relatively closed system. Given that West Newbury is an attractive community, these and additional vacancies, if they were relatively affordable, would likely be quickly filled.

A more recent study prepared by Northeastern University, “A Housing Strategy for Smart Growth and Economic Development” (Center for Urban and Regional Policy, October 30, 2003) suggests that the Greater Boston area needs an additional 2000 housing units/year constructed than is otherwise built under market conditions in the past in order to bring down the cost of housing to more affordable levels. When adjusted for the proportional number of housing units in West Newbury, this figure is 2 housing units/year. The historical growth in West Newbury has show 166 housing units newly occupied in the ten year period between the 1990 and 2000 U.S. Census, or 17 units/year. An additional 2 units/year to this base could suggest that 19 units/year of newly available housing would reflect West Newbury’s share of the Boston area’s housing growth required to bring down the cost of housing.

While these methodologies for addressing demand questions based on regional statistical and academic analyses are simplistic, they do at least provide a baseline for addressing the question of fair-share growth to meet regional demand in the context of regional needs. As noted here and in the Comprehensive Plan, West Newbury has some important internal characteristics that increase the cost of housing in town, including lot size and requirements for on-site waste disposal. These need to be addressed also in order to have a workable housing policy.

2.4 Housing Supply and Housing Demand – Is there a Gap?

Analyses to date provide some important information not only on the supply of housing and the possibilities of future growth, but also on what kinds of individuals and householders are living in West Newbury. Current residents represent some of the type of future demand that might seek out West Newbury as a place to reside. A gap between supply and demand occurs in two ways. In the first instance, people may seek housing in West Newbury and the stock is just not available. There are more seekers than there are homes on the market for sale or rent. The ability of these households to afford to rent or buy in West Newbury creates the other gap – residents who want to live there but simply can't afford to.

Previous analyses have shown that there has been a significant amount of growth in housing in West Newbury, during the last decade but even greater in the previous decade. We have also seen that this construction has taken place for ownership units with large houses on large lots. It appears reasonable to conclude that the number of units constructed and the rate of development does not need to increase, but that the type and cost of units could be adjusted to better meet the needs of current and future residents.

Table H-10 adds an additional variable to the understanding of which families can afford housing and which struggle with house payments or rent. The number of workers in a family is key to the level of household income. Married couple families are much more likely to have 2 or more workers (74%) than are other families (35%). The availability of two incomes is a huge advantage in the housing market in being able to afford higher housing costs and being able to secure a mortgage with a greater reliability that at least one wage earner will be working to cover mortgage costs. This supports the information in Table H-7 that can show that 98% of married-couple families own homes vs. 87% for other families, and 72% for non-families

Table H-10: Percent of Households by Number of Workers by Family Status in West Newbury

Number of Workers	Married-couple Family	Other Family*
0 Workers	3%	12%
1 Worker	24%	53%
2 Workers	59%	24%
3 Workers	15%	11%

*Other families consist of male householder, no wife present, or female householder, no husband present
Source: 2000 U.S. Census, Table P48

The National Low Income Housing Coalition (www.nlihc.org) has summarized the ability to cover rental housing costs by the total number of hours that a family at minimum wage (\$6.75/hour) has to work to cover these costs. The information presented here is for the Lawrence, MA-NH Metropolitan Statistical Area that

includes West Newbury. According to their information, this total hours worked at minimum wage can run up to 133 hours/week to cover the Fair Market Rent for a two bedroom unit of \$1,165 (2003). Fair Market Rent is defined by the federal Department of Housing and Urban Development on an annual basis as the gross rental costs for standard quality rental units that are occupied by recent movers. These rents are then set at the 40th percentile of all rental units in this category. The wage required in the Lawrence, MA-NH MSA for one full-time worker to afford a

unit at Fair Market Rent is \$22.40/hour. This information again clearly demonstrates the advantage of earning more than minimum wage and having more than one worker in the household. Rental options are quite limited in West Newbury so this information is of more applicability should West Newbury encourage the construction of more rental units in Town.

The discussion in Section 2.3 has established the importance of the number of workers in a household and wage levels. It is important now to review income data for West Newbury. According to the Commonwealth, the median income for the Boston, MA-NH PMSA for 2003 is \$80,800. These regional figures are commonly used to apply to communities within the area. According to the U.S. Census taken in the spring of 2000 but using income data for the previous year – 1999 – the median household income in West Newbury was \$91,083. What is striking is that the median income reported for households in owner-occupied units is \$94,027, but for households in renter occupied units the median income is \$48,125. This is consistent with the fewer workers/household in rental units.

The importance of the median income is, of course, whether households with various levels of income, from 30%, 50%, and 80% of median up to 150% of median and more, can afford to buy or rent homes in a particular community. The corollary question, of course, is also whether homes in the needed price ranges exist in a particular community.

An important measure of how affordable the housing is in a particular community is the percent of income that is required by a household in order to cover all the costs of housing – including mortgage or rent, insurance, taxes, and other costs. The rule of thumb used by a variety of state and federal agencies is that housing costs as a percent of gross income should not exceed a figure that is somewhere between 28% and 33%. Table H-11 provides a useful summary of the percent of gross income that households in West Newbury paid in 1999 for their housing.

Table H-11: Percent of Household Income Going to Monthly Costs of Owning and Renting in West Newbury, 1999

Table H-11 shows an impressive percent of owners in West Newbury paying less than 15% of their income on housing costs. Renters are much more likely to spend a higher proportion of their income on rental costs. For owners, the predominant category is the less than 15% category, while for renters it is the 25-29.9% category. The two household types are fairly even in the percent paying more than 35% of their monthly income on housing costs – the danger point for ability to maintain payments and continue in their housing through any decline in income. These results are certainly consistent with the very different income levels noted earlier, with the median income for owners reported as \$94,027 for 1999 income while it was \$48,125 for renters.

% of Monthly Income	% Owners	% Renters
Less than 15%	33%	16%
15-19.9%	21%	15%
20-24.9%	11%	10%
25-29.9%	10%	24%
30-34.9%	8%	-
35% or more	16%	19%
Not computed	1%	15%

Source: U. S. Census 2000

Table H-12 details data provided by Banker and Tradesman showing the median sale price for all single family homes and condominiums sold in West Newbury from 1999 to 2003. These numbers show dramatically that the price rise in housing in West Newbury has increased most since 2000. Between 1990 and 2000 the sale price for homes rose by about 50%, then between 2000 and 2003 rose another 50%. It is also informative that while condominium units are considerably less expensive than single family homes, there are so few sales that these make little impact on the affordability of home ownership in West Newbury.

The ability of current residents to afford their housing has been discussed above. The question remains whether households today can afford to buy homes in West Newbury. The following methodology sheds some light on the ability of households with specific incomes of concern to this Housing Element to purchase a single family home or condominium in West Newbury.

Table H-12: Housing Sales and Median Prices, West Newbury, 1990-2002

Year	Single Family		Condominium	
	Md. Price	Sales	Md. Price**	Sales
2003*	\$460,000	13	\$325,000	3
2002	\$405,000	47	NA	0
2001	\$392,450	36	NA	1
2000	\$309,000	38	NA	2
1999	\$325,000	39	NA	1
1998	\$272,450	62	NA	1
1997	\$228,000	39	NA	0
1996	\$225,000	51	NA	0
1995	\$232,000	51	NA	0
1994	\$178,000	51	NA	0
1993	\$180,000	49	NA	0
1992	\$170,000	51	NA	1
1991	\$168,850	36	NA	0
1990	\$200,000	23	NA	1

*Through October, 2003

** Price not reported based on small number of sales

Source: www.thewarrengroup.com

Table H-13 summarizes the ability of residents of various levels of income in West Newbury to enter the home ownership market. When comparing the Assessors' data provided earlier, and comparing the median market prices for single family and condominium units, it becomes apparent that the family with a median income as recorded in the 2000 Census (for calendar year 1999) falls short of being able to buy a home in West Newbury today, at the median price for homes sold in 2002 (\$405,000). When comparing the median price of homes sold in 2000 from actual market data contained in Figure H-1, the \$334,017 home affordable to the median income household matches reasonably well with the median price at that time of \$325,000. There were so few sales of condominiums during this period that this information was not relevant to present.

**Table H-13: Ability to Pay for Home Ownership or Rental
Housing of West Newbury Households of Varying Income Levels**

Income Level % of Md. Income*	Annual Income**	Monthly Income	Maximum Monthly Debt Service	Price of ownership unit affordable*
30%	\$27,325	\$2,277	\$301	\$50,214
50%	\$45,542	\$3,795	\$786	\$131,344
80%	\$72,866	\$6,072	\$1,515	\$253,033
100%	\$91,083	\$7,590	\$2,000	\$334,017
150%	\$136,625	\$11,385	\$3,215	\$536,988

Source: 2000 U.S. Census

* The median income used here is a consolidated median. The median income for homeowners in West Newbury is \$94,027, but for current renters only \$48,125. While this reflects the very low rents at the WNHA, it is still clear that the rental market attracts people considerably below the overall median income.

(Table HCT-12)

**Assumes monthly housing expense of 32% of income, including insurance at \$75/month, mortgage financing at 7%, 30 years, 10% down payment, a tax rate of 11.61, an average annual tax bill of \$4,231

It is important for communities to ascertain the level of effort and commitment that they may need to make in order to reach the state-identified goal of having 10% of the housing units in the community subsidized to a level that they are affordable at least to residents with an income that is 80% of the median income in the community. Proposed changes in the Comprehensive Permit law, so-called Chapter 40B, are likely to continue counting all the units in a rental development as affordable and 50% of the units in an ownership development as affordable. These numbers are based on 25% of the actual units in either development actually being subsidized as is required by Chapter 40B. West Newbury needs an additional 116 units of housing meeting the Chapter 40B counting requirements in order to reach the 10% goal. This can be attained by building either 232 units of ownership housing or a rental development with 116 units.

Table H-14 provides a summary of the percent of total housing units that would have to be subsidized in order for West Newbury to reach the 10% affordable goal. This could be attained at a fairly low percentage of build-out that has been estimated for West Newbury by the 1999 Comprehensive Plan. Because of the small number of housing units in West Newbury and extensive developable land still available, West Newbury could achieve the goal of 10% affordable units without an excessive amount of development. This is even more the case if these units are developed as rental units. Careful zoning changes could insure that these units are developed with minimal disturbance to valued landscape features.

Table H-14: Meeting the Goal of 10% Subsidized/Affordable Units-West Newbury

% of New construction that is 40B Qualifying	Number of New Units at Build-out %**	Number of New Construction 40B Qualifying		Total Units	Total Qualifying Units 2003-26 units		% Qualifying 2003- 1.84%	
		Own	Rent		Own	Rent	Own	Rent
Existing Housing Stock	1,414*			1,414				
10% of build-out	120	60	120	1,534	86	146	5.6%	9.5%
20% of build-out	240	120	240	1,654	146	266	8.8%	16.1%

*U.S. Census 2000, Occupied Housing Units

** MRPC Build-Out Analysis for West Newbury, 2002 projected a full build-out of 4,091 housing units. The Planning Board indicated that the build-out prepared as part of the 1999 Comprehensive Plan was considered more accurate. This build-out analysis projected an additional 1,200 housing units at build-out. This figure is used in the table.

Note: This assessment of how ownership and rental units are counted under Chapter 40B assumes the passage of provisions now being considered by the legislature and generally agreed to by competing interests. The total base of housing units will not be adjusted until the 2010 decennial census.

2.5 Zoning and Municipal Infrastructure

According to the 1999 Town of West Newbury Comprehensive Plan, key concerns of the town relating to housing issues focused on two issues: Town character and the affordability of housing. The public opinion survey fielded in 1997 reported that residents almost unanimously claimed their first attraction to West Newbury was its “small/rural town qualities” that many residents defined as “open spaces.” Key problems that were noted in response to the survey included “over building/unplanned/rapid development”, “schools”, and “growth and demand on town services”.

Many of these goals and problems can be addressed through zoning changes and public policy changes. West Newbury has already made concerted efforts to address some of these issues.

2.6 Housing Goal and Policies

The housing goal and policies identified below and integrated into the recommendations in section 2.8 emerged from the following sources: the Comprehensive Plan prepared in 1999, including a resident survey that was prepared as part of the planning process; several meetings with the West Newbury Planning Board; and an analysis of the data on housing and population in West Newbury included in this Community Development Plan document.

Goal: Encourage housing diversity as a way to maintain the perception of semi-rural character through development process in order to avoid suburbanization.

Policies:

1. Consider ways to stimulate the creation of smaller dwellings that increase the diversity of housing choices for young families, and for seniors who want to remain in West Newbury, but not necessarily in the home where they raised their family
2. Address affordable housing as defined by the Commonwealth
3. Achieve consistency between housing development and the Town's desire to preserve its semi-rural character, thereby avoiding suburbanization.

2.7 Understanding the Fiscal Impact of Residential Development on West Newbury

While West Newbury has consistently identified the diversity of housing as a goal, the Town also sought guidance as part of this study on the impact of development of housing on the Town's fiscal health. Appendix A-1 contains the Fiscal Impact Analysis that was prepared as part of this Community Development Plan. This analysis reviewed budgetary costs of the Town over the ten year period from 1990 to 2000, the per capita costs, and the costs of educating school students. The Pentucket School system provided information on the number of school-aged children living in subdivision homes built roughly in the last ten years, and the West Newbury Assessors provided information on the value and the size of these homes. The worksheet provided as part of the Fiscal Impact Analysis was used to work through an illustrative example.

The data and analysis provided in Appendix A-1 are summarized as follows:

- There is no method for estimating the fiscal impact of development that is accurate enough to determine with confidence the fiscal impact that any development may have. Basing projections of fiscal impact on local historical data, as opposed to regional and national models, is more likely to be accurate for projections.
- Any discussion of the fiscal impact of development must include discussion of capital planning and whether proposed capital improvements are planned to address population demands or local policy decisions
- West Newbury has no substantial multi-family developments, so this analysis was prepared to be useful in considering the impacts of new subdivisions
- Current estimates that can be used in the worksheet provided need to be updated in the future to retain their relevance to current conditions, revenues, expenditures, and development patterns.

The Fiscal Impact Assessment provided a model using only per capita expenditures to project impacts (the common method used by regional and national models), and a model combining per capita expenditures other than educational costs, with education costs based on projected number of school-aged children in the subdivision. These two models were used for an imaginary subdivision of 20 homes, all valued at \$500,000 per residence. While imaginary, these numbers are close to the types of subdivisions that are being built in West Newbury.

The results for West Newbury are stark. Using the per capita method, the subdivision requires \$85,845 in new expenditures to the town. Using the combined per capita/educational costs methods, the subdivision requires \$164,509 in additional expenditures. These projections are off by a factor of 2. In both cases, the imaginary subdivision generates a projected property tax revenue of \$141,642 – enough to cover per capita costs but not enough to cover the per capita/educational costs projections. The number of school children living in a particular housing development, then, can make a significant difference in the ability of housing development to pay for itself.

Some comments on multi-family housing are appropriate here. As noted above, the absence of multi-family family developments in West Newbury does not allow us to develop a model for these development options. A report to the Citizens' Housing and Planning Association, "Housing the Commonwealth's School-Age Children", undertook an effort to review the presence of school-aged children in multi-family developments in a number of communities. A review of a number of developments show the school-aged children per unit may be over 1, but in general the school-aged children per unit are around or below .2 students/unit. Although we can assume the revenue per unit of a multi-family development is less than that for a single family unit, and less than what can provide revenue to meet additional expenditures, multi-family units may not be any more costly for the community than are single family units.

This Fiscal Impact Analysis provides some insight to the dynamics of housing development and residential growth in West Newbury, but presents a cautionary tale regarding how to think about the municipal costs of growth. At bottom, if a 20 unit development pushes the Town over the edge in requiring a water line extension or a new school, for example, that is the clearest connection between growth in population and growth in expenditures. Otherwise, it is simply the deliberation of reasonable people reviewing the type of data presented here.

2.8 Recommendations for Enhancing West Newbury's Housing Supply

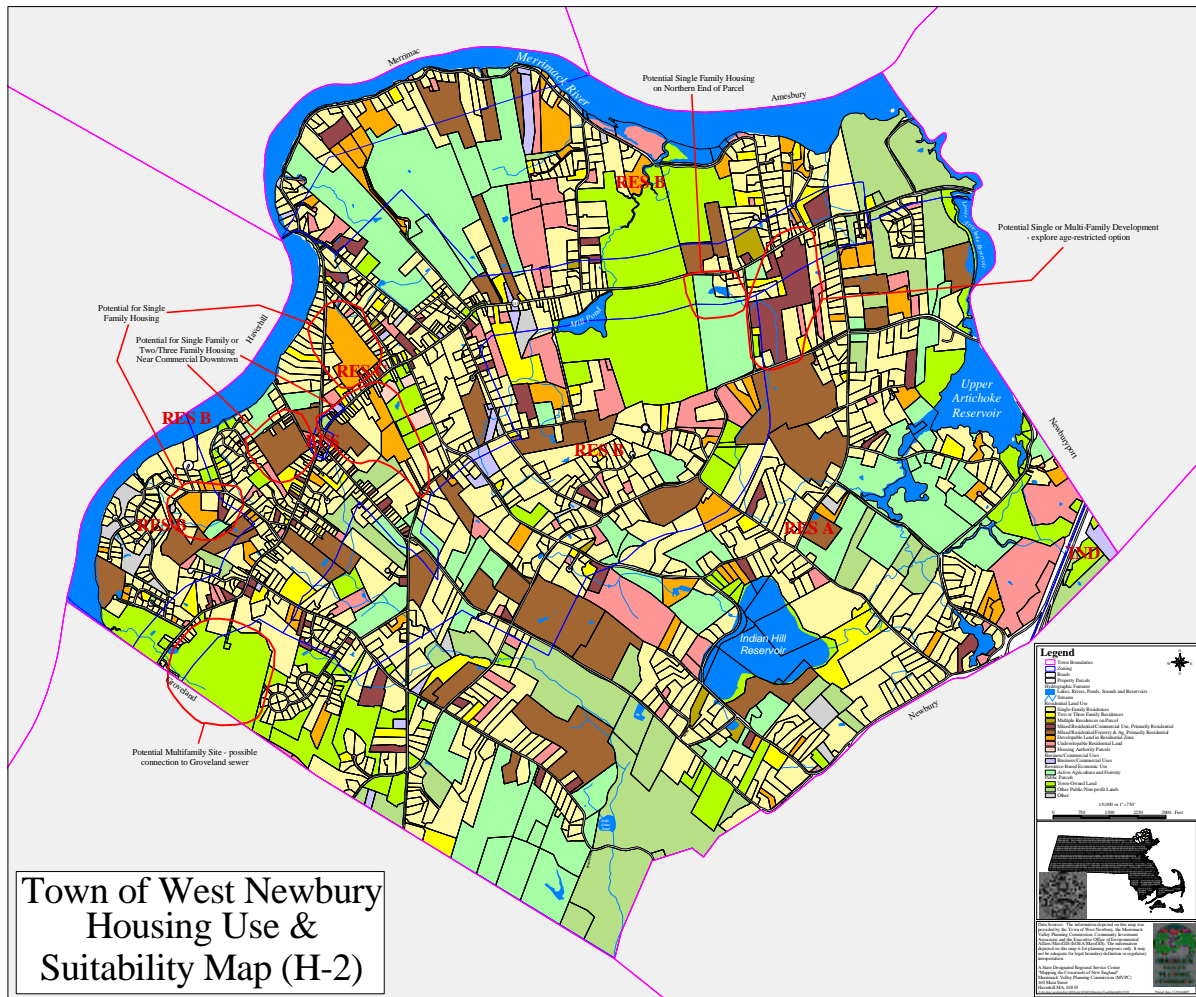
The following recommended options for enhancing the housing stock in West Newbury are in part gleaned from the West Newbury Comprehensive Plan prepared in 1999 and enhanced and updated by this analysis. Review and refinement of these recommendations were provided by the West Newbury Planning Board during several meetings. A public presentation was held on April 15, 2004 of the results of this analysis and general recommendations included in this Community Development Plan. Attendees of this public meeting were asked to identify areas within West Newbury that may be appropriate for additional housing development. In early 2004, a 40B Committee was established in West Newbury and met on a bi-weekly basis during the winter and spring. This Committee discussed and provided more input into the goals for development of affordable housing as defined in Chapter 40B. The Committee also undertook to develop a West Newbury Affordable Housing Plan. This Committee has also contributed to identification of potential locations for affordable housing in West Newbury.

2.8.1 Potential Sites for Development of Additional Housing

In general, attendees at the meeting of April 15, 2004 chose a number of specific areas and parcels in areas near or bordering Rt. 113 as the most appropriate for additional development of housing of most types – including accessory units and multiple units on a parcel, small multi-family units, mixed-use developments in the business zone on Rt. 113, and some single-family developments. They recognized that development will certainly occur in other areas of town, and can be quite appropriate in some of those locations. The areas near or bordering Rt. 113 are most appropriate for denser development options, including developments for seniors. These housing options benefit from greater proximity to retail shopping and service providers. Single-family development is more appropriate in other areas of the community.

Map H-2, Housing Use and Suitability, indicates the general locations of parcels appropriate for development of new construction housing in the near future. Some of these parcels currently have developers exploring development options and possibilities. Comments noted on Map H-2 indicate appropriate types of developments for each of these sites. Three sites cluster around the central area on Rt. 113 that is zoned for business. Two sites are vacant and considered developable. One of these sites is currently owned by the Archdiocese of Boston and may become available for development in the future. A fourth site in the general area is also identified as acceptable for development and is currently in private ownership.

(HOUSING USE AND SUITABILITY) H-2



On the west end of Rt. 113 abutting the Groveland town line is a large parcel on which an affordable development is being considered. This site could have access to sewer services from Groveland that are key to multi-family development of the site.

There are also two large parcels on the east end of Rt. 113 as shown on Map H-2. One is in private ownership and the other in town ownership – with the southern portion of the parcel functioning as a possible well-field site. Development consideration on this parcel is in the early stages.

These sites represent significant opportunities for the development of additional housing in West Newbury. The development of these sites, whether through the Comprehensive Permit Process (Chapter 40 B) or through adoption of inclusionary zoning by the Town of West Newbury as recommended below, would provide significant additions to the stock of affordable housing in the community. West Newbury recognizes that the price of land in town can inhibit the use of Chapter 40B, and the Chapter 40B Committee meeting during the winter and spring of 2004 is an important effort to identify successful ways to use the Chapter 40B process, and to identify parcels and developers to get the effort underway.

2.8.2 Changes to Sections of Zoning Bylaw

Recommendations from the 1999 Comprehensive Plan are identified with a CP following the description of the recommendation.

H-1 Open Space Preservation Development – Improve the provisions of the Open Space Preservation Development bylaw. Sections that could be changed to improve the effectiveness of the Plan include to simplify the requirements to undertake a yield plan to make that process less costly and time-consuming, the use of density bonuses to achieve public objectives, and options for owning and managing the open space that is protected to maximize the stewardship of these lands. (A memorandum outlining several issues for consideration to improve West Newbury’s bylaw is included in Appendix A-2)

H-2 Accessory Apartments (CP) (See Appendix A-3 for analytic memorandum “Detailed Recommendations 1: Recommended Changes to Facilitate Development of Accessory Units” – Increase flexibility for creating accessory apartments in existing residential buildings or lawful accessory buildings. Such changes would include allowing the development of accessory units by right in certain categories of structures; requiring a Special Permit where by-right conditions are not met and required SPR when a SP is required, and reducing the application fee for by-right expansions to \$1,000.

H-3 Assisted Living Facilities (CP) - Allow as a new use in an overlay zone. Assisted living is included in the West Newbury Zoning Bylaw Section 7. Conditions for Use, Section 7E, indicate that they must be placed on a 15 acre or larger lot, with minimum of 80% open space, and a maximum number of units per project of 150 units. Congregate housing are also allowed with a special permit with some restrictions on lot size and number of accommodations. Nursing homes, convalescent homes, and other similar institutions are allowed without restrictions with a special permit also. Reduction in lot size and open space requirement would potentially facilitate development of these facilities. Clarification of this use should be added to Section 5.A.3.

H-4 Senior Residential Developments – Based on the aging of the West Newbury home-owner and the attractive, rural nature of the community, it could be very attractive to “over-55 housing” developments. This generally means smaller homes (2BR) on one level on smaller lots, in some cases on land that is maintained by an association. Such housing could be undertaken in locations near services and near well-traveled roads. This housing option was shown to be popular in the survey undertaken by the Over-55 Housing Committee. Some limitations on amount of this type of development may be necessary in order to not overbuild modest housing that is deed-restricted from being used in subsequent years by younger households.

H-5 Inclusionary Zoning – Many different models now exist to accomplish inclusionary zoning – the requirement that a certain percent of every development over a certain size include a defined number or percentage of units, whether for sale or rent, that are defined as affordable by the Commonwealth, generally through the definition included in M.G.L. Chapter 40B. This can help accomplish the development of smaller, affordable homes interspersed with the larger homes the market is currently producing. One option that has been successful elsewhere could address two West Newbury goals - incorporating inclusionary zoning into the Open Space Preservation District Bylaw.

H-6 Mixed Business/Residential Uses – Currently only business activity is allowed in the Business District. Analyses in the housing and in the economic development sections of the West Newbury CD Plan recommend that West Newbury develop an overlay district in the area designated for development as the town center. The overlay district would allow greater intensity of business uses that provide services to neighboring residents and town-wide. Upper story residential uses would be allowed in this district when developed in concert with a business use. This will provide more modest housing in West Newbury as well as assist in the economic viability of the business real estate. This overlay district would incorporate a Special Permit process for uses allowed in the overlay district but not in the underlying zone. Site Plan Review process could be undertaken in parallel. Certain businesses would be restricted from the district overall, and some would be prohibited from buildings with a residential component, such as gasoline service stations and repair facilities.

2.8.3 Direct Assistance to Development of Affordable Housing

H-7 Units in Existing Large Homes (CP) - Develop programs to assist owners of properties with multiple units or interested in adding units for affordable ownership units to condo-ize large, older homes. Provide information and technical assistance on this type of activity to property owners. West Newbury is currently undertaking such an effort with the 4 unit property the town currently owns and leases. Other similar efforts can be undertaken through acquisition of such properties and issuance of an RFP to identify developers willing to these projects The Housing Development Support Program could be used to assist with rehabilitation costs.

H-8 Explore Acceptance of the Community Preservation Act – West Newbury recently passed \$5 million in bonding capacity to protect open space. The Town can further explore the appropriateness of the use of CPA funds to continue the same or similar efforts of open space protection when bond funds are fully utilized, but also to use a percentage of these funds to support the development of affordable housing in West Newbury, either through acquisition, purchase of a deed restriction, support availability of first-time home-buyers programs and other such efforts.

H-9 Limited Development on Public Land – Identify sites on publicly-owned lands that could be used to develop affordable housing. Seek developers to undertake small affordable housing developments on limited portions of public land that are appropriate for development. Subsidize the affordable units by making the land available for low cost.

2.8.4 Encourage Development of Needed Housing

H-10 Negotiate with Developers – The Town of West Newbury can work with developers to encourage them to build types of housing identified as needed by the community. Available mechanisms include inclusionary zoning, open space preservation development, and the comprehensive permit process (a so-called “friendly 40B”).

3. Strategies for Economic Development

3.1 Introduction

This section describes economic development strategies for West Newbury that are in keeping with the 1999 Comprehensive Plan and with the Town's distinctive community character. These strategies were prepared through a participatory process that included a community workshop and the advice and direction of the Town's Planning Board.

In general, the economic development strategies seek to reinforce the small-scale and traditional development patterns along Main Street, the thoroughfare that has long connected the community. The evolution of West Newbury over time created a pattern of businesses located along Route 113, a primary connection between towns west of West Newbury and Interstate 95. These previously developed areas would be greatly improved with modest enhancements to commercial establishments and with mixed-use development that would combine small-scale housing and commercial uses. This approach is not geared to create a large town center that would significantly enlarge commercial uses or allow for an imbalanced expansion of multi-family housing that would be inconsistent with the needs and scale of the community. This approach also discourages inappropriate "strip" development. Instead, the strategies contribute to the Smart Growth of West Newbury, by concentrating improvements in areas that are already largely developed and therefore limiting the opportunity for sprawl.



The primary emphasis of this section is on potential actions that could:

- Coordinate circulation and parking improvements within the existing town center area to calm vehicular traffic, improve pedestrian safety, and locate parking appropriately. The planning and design could also provide landscape and streetscape enhancements to further reinforce the desirable character of the area.
- Consider a small-scale, wastewater package treatment facility to help manage and support desirable improvements in the town center area through environmentally responsible technologies.
- Reinforce the town center area along Route 113 by promoting commercially-oriented mixed-use development that may include moderate amounts of residential uses, and by encouraging improvements to existing properties.

- Manage change in the town center area and adjacent land with a zoning overlay district that would further define appropriate uses, site planning requirements, and design character. This approach could also include enhanced zoning administration by the Town.

Additional discussion has been added to address potential actions to:

- Establish building design standards to help retain the unique rural and historic character of the town center.
- Provide for enhanced and updated regulations to better manage both the opportunities and impacts associated with home-based businesses in West Newbury.

For the purposes of this Plan, the “town center area” is considered to be all of the land within the existing Business zone along Route 113, in the vicinity of the intersections of Whetstone Street, Maple Street and Church Street. In addition, parcels of land immediately adjacent to the town center were also taken into account, so that desirable approaches to economic development and regulations could be thoughtfully considered in this larger context.



3.2 Planning Process

This section of the Plan has been prepared under the guidance of the Planning Board of the Town of West Newbury. The planning process began with a review of existing conditions, plans and policies.

After this review, an economic development workshop was convened to consider a wide range of economic development opportunities and issues, with a significant focus on the town center area. A group of approximately forty-five local merchants, business owners, property owners, citizens and town officials met in November 2003 in a public forum. The results of the workshop are presented in Appendix B. The overriding sentiment expressed during this workshop is that the rural character of West Newbury should not be compromised in order to accommodate future business development. Discussion of the existing commercial center as a “town center” raised the predominant issues of inadequate walkway access and the need for improved pedestrian safety, as well as the issue of a lack of available parking.

The results of this workshop were used to help consider potential planning initiatives and actions that the Town could pursue. These ideas were presented in draft form at several Planning Board meetings, and then refined to reflect the resulting discussion.

3.3 Strategies for Economic Development

The following strategies for economic development represent options that the Town could consider to implement the more general recommendations that are included in the 1999 Comprehensive Plan. Each of the potential strategies is discussed in terms of potential benefits and implications for the future. Town actions would be required to fulfill these strategies. A matrix that summarizes each strategy, action, and associated responsibilities is included in Section 5.2 of this Plan. To facilitate review, each potential strategy has been designated with a reference number, which then appears within the matrix.

3.3.1 *Strategies for Circulation and Parking*

Main Street (State Highway Route 113) serves as a key link between West Newbury and communities to the east, Interstate 95, and communities to the west. It also serves as a major internal circulation spine for trips within West Newbury. In part, Route 113 is an important connection to the convenient shopping resources in nearby Newburyport and to a lesser extent nearby Haverhill. However, for the residents of West Newbury, Main Street is also the primary route for local commerce and access to educational, civic and recreational services. Accordingly, the potential strategies for parking, sidewalk and traffic improvements consider Route 113 as a vital thoroughfare and Main Street as vital to the character of the Town.

Some of the strategies and actions outlined below have been outlined graphically in Illustrations E.2 and E.3 at the end of Section 3.

Enhance parking in the town center (Strategy E-1): Some of the parking in the town center area is inadequate, poorly located, or not conducive to pedestrians moving among multiple destinations. The Town could alter the parking requirements to provide more adequate numbers and better locations of parking. This could be accomplished through techniques such as shared parking among uses and better parking lot locations within developed parcels. A practical approach to on-street parking is another important potential resource to enhance the business environment and also improve pedestrian conditions.



Business and residential uses need to provide the correct amount of parking spaces in order to meet varying needs. Future improvements and mixed-use development will generally result in higher parking demand than exists today, so clear policies will be needed. The goal should be to provide neither too much nor too little parking, so that the land is efficiently used. In some cases, daytime and evening needs are different, and a single space can serve multiple purposes. In other cases, a pedestrian could walk to several destinations while using a single parking space.

There is little vacant and developable land remaining within the town center area and use of available property strictly for parking would be an inefficient use of premium land. Instead, such land should be developed and off-street parking requirements satisfied by other means. To that end, the Town should consider the following:

- *Reduce parking demands by avoiding multiple vehicle trips in the town center area* - Mixed-use commercial development that provides for multiple uses within easy walking distance can provide for more efficient vehicle trips and lower parking requirements than would be needed for individual and separated development patterns. Visitors to the town center area would be able to park and visit several businesses without having to drive and then park at each destination. Avoiding multiple vehicle trips would tend to reduce traffic and congestion on Route 113.
- *Provide shared parking to conserve land* - Shared parking strategies can reduce the minimum parking requirements that would normally occur. The ability of a particular use or development to provide shared parking should take into account the specific circumstances of the site, the use, and the patterns of activity. For example, parking for evening-oriented businesses could be shared with daytime-oriented businesses (such as between West Newbury Pizza and the existing Post Office). Similarly, some of the demand for residential uses could be shared with some of the spaces provided for daytime businesses. In some cases, on-street parking along Route 113 may be capable of serving some of the parking needs for small sites or for uses that have special peak needs. This strategy also helps to prevent the development of any large parking lots that would detract from the very image and character that the Town is looking to preserve. Approvals of shared parking agreements would be offered on a case-by-case basis, through the application of principles adopted into the Town's regulatory scheme.
- *Provide on-street parking to expand parking supply* - As discussed below, there may be an opportunity to reduce the amount of roadway devoted to traffic and introduce on-street parallel parking spaces in limited locations within the town center area. This strategy could simultaneously increase convenient parking and assist commercial redevelopment by adding spaces in chosen spots.



Reduce roadway widths on Route 113 (Strategy E-2): Main Street currently has roadway widths that meet MassHighway Department design standards. However, the resulting roadway width in the town center area is broader than needed relative to the pattern of uses and the desired character. The Town can take steps to narrow the roadway width to slow traffic, enhance pedestrian environment, and provide a more suitable setting for the town center area. This would also enable the Town to help support appropriate economic development in the commercial center. Actions that would accomplish this strategy include the following:

- *Gain control of the portion of Route 113 in the town center area and provide traffic calming* - Main Street, as a state-owned road, must meet the design standards of the MassHighway Department whenever it is changed or improved. These standards are not typically oriented towards town center use patterns. For example, the standards tend to result in wide roadway cross sections with shoulder areas. Many traffic-calming techniques are prohibited and parallel parking may not be provided. Any parking that does occur today in the area of the town center is due to a lack of enforcement. To achieve parking goals, West Newbury could apply for a permit to allow the parking to occur on the State road. However, since this type of permit has only been approved at one location, Salem State College, this type of permit may be unlikely to be granted.

As an alternative, West Newbury could assume ownership of the portion of Route 113 that traverses the town center area. Currently, the portion of Route 113 that passes through the town center area appears to be constructed according to state standards. The result is that neither the state nor the town may be required to reconstruct any portions of Route 113 in preparation of transfer of ownership. After transfer, Main Street would remain as Route 113 on road maps but ownership and maintenance responsibilities would become the Town's. The burden of these additional responsibilities would be offset by the ability of the Town to introduce traffic islands, reduce roadway widths and traffic speeds, and create additional parking resources for development in the town center area.

- *Reduce traffic speed* - Reducing traffic speeds in the town center area would have several advantages: increased safety, a better environment for access to small businesses, and an improved pedestrian environment. Workshop participants frequently stated the desire to reduce traffic speeds. The participants' comments also underlined the wish for traffic calming without the introduction of traffic signalization.



Reducing roadway width can contribute to traffic calming by narrowing the perceived road margins, causing traffic to slow down. This can be accomplished with the cost-effective use of landscape materials. The installation of additional trees near the roadway, within safe setback distances, tends to cause drivers to reduce speed. Another option would be to dedicate more of the roadway width for on-street

parking in the area of the commercial center, as noted in the discussion above. On-street parking tends to slow traffic that passes through an area, due to the need to watch for maneuvering cars and people getting in and out of cars. The location of such on-street parking spaces could be distinguished from the travel lanes and made more safe with the use of curb extensions ("bump outs") that direct moving traffic and protect the parked cars from approaching traffic.

Finally, regulating maximum speeds and providing enforcement are keys to the successful slowing of traffic.

- *Increase pedestrian safety* - At road intersections, excessive pavement can be replaced with planted traffic islands, thus controlling traffic flow and reducing traffic speeds. Another technique uses curb extensions at cross walks to reduce the distance pedestrians must travel when crossing Main Street or the side streets. Wider sidewalks can reduce road widths, producing the associated benefits of reduced traffic speeds and increased pedestrian safety.

3.3.2 Wastewater Treatment Strategies

The Town of West Newbury currently operates without a municipal sewage system. Instead, all sewage is treated with on-site septic systems on individual properties. Currently, many of the septic systems in the commercial center area are barely meeting capacity requirements of local businesses. As a result, merchants and business owners are at risk of septic failure.

The Town understands that future economic development within the municipality will be constrained by the inability to create or expand septic systems or construct additional wastewater capacity. A strategy to manage positive redevelopment could include the construction of a package wastewater treatment system that conforms to Commonwealth of Massachusetts regulations. The following discussion focuses on specific strategies that would advance both appropriate redevelopment and environmentally responsible sewage treatment programs:

Create a package treatment facility (Strategy E-3): Current technology and state regulations allow for the installation of small treatment systems that can cost-effectively service multiple properties without requiring large investments or creating excess capacity that would spur unwanted development. A package treatment system is able to replace undersized or poorly operating existing septic systems. Additionally, some parcels may not allow expansion or even be currently developable because of regulatory restrictions on soil conditions and the ability to create a Title V-compliant septic system. As noted elsewhere in this section, some of these parcels in the town center area may be very appropriate as locations for commercial or mixed-use development. The Town can establish a strategy to help develop and locate a package treatment facility that would be cost effective and serve the most desirable development density and use pattern.

- *Establish funding, development and operational methods for a package treatment plant* - Development of a package treatment plant could be organized and led by the Town. Construction of a shared system could be financed through several methods. It could be created through direct capital expenditures, financed through public bonding, or subscribed by property owners, who share proportionately in the cost. Under any financing mechanism, public costs would be compensated by property owners, either through direct payments or through betterment fees in order to become part of the system. Annual maintenance charges would then be incurred by participating parcel owners on an annual or quarterly basis. These fees would reflect the flow volumes allotted to each property or use, with a penalty or additional fee incurred if the allocated

level were exceeded. The location of such a plant would need to be coordinated to meet technical and practical requirements, and would likely require the willing participation of one or more existing property owners where the plant would be located. Transfer of ownership and easements would need to be negotiated and established as part of the process.

- *Establish the appropriate location and technology* - The Town would need to work with the property owners and establish the most appropriate location and technology for a package treatment plant. The area that a package system can serve is, in part, determined by its design and technology. Gravity fed systems are used where the effluent is brought to the plant from sources at a higher elevation. Pumped systems use a combination grinder and pump that pre-treats the effluent mechanically and then pumps the waste to the package treatment plant. In either method, users need to be within a half-mile of the plant. For the town center, any existing or proposed property connected to the system would need to be situated within that distance.

Use a package treatment plant to manage growth in the town center (Strategy E-4):

The use of shared wastewater systems is encouraged in areas with higher residential and business densities. The Town should consider managing the size and participation requirements of a package treatment plant to encourage and control economic development in West Newbury's town center. The action that would implement this strategy would consist of the following:

- *The establishment of specific guidelines for size and type of development eligible for participation in a package treatment plant* - By state regulations, residential and commercial uses are allocated different volumes of flow into shared wastewater systems. The Town, by understanding and applying these standards, can tailor the development of a package plant system to match its planning goals. In considering economic development strategies within the commercial center, the Town will need to ascertain flow volumes that should be allowed for mixed-use developments.

3.3.3 Mixed-Use Development as an Economic Strategy

Land zoned for business uses is limited and concentrated in the town center area in West Newbury. The Town could support more intense use of the existing business zone to accommodate future commercial expansion and development. Mixed-use development is an associated and attractive approach that would provide for multiple uses on a single site. It could also provide for limited amounts of housing to serve as a redevelopment incentive and provide additional housing choices in the community. This pattern reflects traditional models of rural villages and town centers, where small shops, stores and service establishments were often mixed with small apartments or living units on the same or adjacent parcels.

Encourage appropriate service-oriented and retail businesses (Strategy E-5): The Town could encourage the expansion or development of service-oriented businesses in the town center that do not generate high parking demand or traffic. Types of such service-oriented businesses could include convenience services and professional services of an appropriately small scale. Encouraged uses might include legal firms, financial consulting practices, dental and general family health offices, and veterinary practices. Other encouraged businesses could include small shops, restaurants or cafés. The Town might discourage certain types of retail, warehousing, vehicle service and repair, and similar businesses that produce high traffic demand or are not generally considered compatible with nearby residential uses due to the possible nuisances resulting from their operation. The actions needed to implement this strategy include:

- *Refine land use regulations to provide a more specific and detailed list of desirable commercial uses* - The zoning regulations within the Town could be more specific in regard to the types of uses permitted or conditionally allowed within the town center area. The lists can be amended to convey categories of uses that should not be allowed, as well. The regulations can also be tailored to provide for clear site planning standards and dimensional limitations that would serve to manage the scale and character of future development.
- *Create regulatory restrictions to discourage undesirable “chain retail” uses* - Participants in the process expressed concerns that inappropriate chain retail establishments may be located within the town center. These concerns are probably linked to the scale of operations, the generic character of the architecture and signage, and the arrangement of the uses on the site. In general, such establishments are more typically drawn to locations with higher traffic volumes than are prevalent in the town center today. While the Town cannot regulate the ownership of businesses, the design and site planning characteristics within the town center area can be organized to exclude objectionable aspects of typical “strip” development. For example, guidelines and processes that encourage a mix of residential and commercial uses tend to be unattractive to chain businesses. Design controls can prohibit architecture or signage that is generic and not in keeping with the character of the town. In addition, site planning standards can eliminate the capacity to create large parking areas and building orientations that are associated with chain operations. Finally, as noted above, refined use definitions can prohibit certain types of businesses that are typically associated with chain operations.



Prevent expansion of commercial uses beyond the existing town center area into nearby residential areas (Strategy E-6): Mixed-use development allows for the town center to accommodate additional development without taking over adjacent residential districts. This may be accomplished by:

- *Intensification of businesses* - More businesses and a diversity of business types could move into the town center area if redevelopment is made more attractive through refined zoning, parking strategies, and other actions described in this section. This would have the effect of diverting some pressure from other sites outside of the town center area.

Promote moderate amounts of residential development with commercial uses in the town center area (Strategy E-7): Allowing the provision of a moderate amount of housing above or adjacent to commercial uses can serve several goals simultaneously. Such development can become an incentive for property owners to upgrade and reinvest in their properties. This type of



development is very traditional as a way of providing for a livelier and more interesting town center. The allowance for housing - either condominiums or rental units - can also serve an important housing need by expanding the range of housing choices and price points within the community. The scale and type of development envisioned could provide, for example, one or two floors of housing units above a ground floor business. Site planning standards would be needed to control the character of the buildings and the allocation of parking, to

ensure that the resulting character would be compatible with the rural and traditional qualities of the town. Among the actions that would be linked to this strategy are the following:

- *Establish standards of compatibility* - Combined housing and businesses that move into existing, altered, or new structures in the town center should be regulated through standards that specify the need for compatibility among uses. This can be accomplished through design guidelines, conditions of use, and other zoning regulation specific to mixed-use development.
- *Allow housing as a conditional use* - The Town would need to establish clear criteria in the zoning by-laws to describe the amount and types of units that could be provided as companion elements to a commercial development in the area.
- *Consider providing incentives for affordable housing* - The Town could create incentives in the zoning by-laws that would provide benefits to a developer that included some affordable housing units within a mixed-use development. Such an approach could help the Town meet some of its state affordable housing requirements (Chapter 40B) and help reduce pressure and risks associated with potential private sector affordable housing units in other locations less subject to town land use management. For example, placing mixed-used development in the town center location would enable the Town to place affordable housing where the residents would also be close to major circulation routes.

3.3.4 Zoning Strategies and the Town Center

Zoning is a fundamental municipal tool for carrying out planning policies. Appropriate zoning can shape development to control uses, building sizes, and population densities. However, the zoning cannot achieve the planning goals without consistent enforcement. Inherent in the zoning recommendations is an associated requirement that West Newbury enforce its zoning by-laws. With zoning enforcement, the Town will be able to both protect and upgrade the community due to an ability to implement planning policies.

Establish a special overlay-zoning district to guide town center development (Strategy E-8):

An overlay district establishes special requirements for an area. The requirements are then applied to the existing underlying zoning districts. The overlay zoning tool is typically used to promote specific public interests in an area where the standard zoning categories do not fully accomplish public policy goals. An overlay zone is superimposed over one or more underlying zones and modifies the underlying regulations. Any development within the overlay zone must comply with the requirements of the overlay zone as well as the requirements of the underlying zone, if those underlying requirements have not been specifically modified through the overlay. In addition to having geographic boundaries, the requirements of the overlay district can be organized to apply to specific use categories, parcel sizes, or other similar criteria.



Overlay districts are often used to preserve unique characteristics of an area, manage economic development, and require special site planning or design standards that may not be provided through the underlying zoning. The overlay district in the West Newbury town center area could supplement existing land use and development standards with more specific development standards, make provisions for permitted and conditional uses, and establish special review guidelines and procedures. These guidelines could recognize and work to preserve and enhance the unique characteristics of the town center area.

In order to implement an overlay district, the Town would need to:

- *Confirm the limits and standards associated with the underlying zoning in the town center area*
 - As a first step, the Town should reconfirm the limits of the existing Business District zoning in the town center area. This confirmation should include a review of the parcels and the limits of the zone, and consider any changes that might be appropriate as part of the underlying requirements. The Town should consider any individual parcels that may warrant exclusion from or inclusion in the business district.

- *Create a process to establish an overlay zone* - The Town (through the Planning Board) would need to clearly define the geographic limits and the purposes of an overlay district. The geographic limits could be the same as the Business District. The limits could also extend into neighboring residentially zoned parcels if the overlay district is going to serve as a tool to help restrict and define the site planning relationships and densities of residential uses as they relate to future commercial uses. For example, parcels of land may be split by the zone boundary line or by environmentally sensitive land. This Plan suggests key advantages to applying an overlay district that extends into land that is adjacent to the Business zone. For example, the site planning standards associated with an overlay zone could help establish special landscape requirements and setbacks to create a buffer between commercial and residential uses. Standards could be established to create desirable transitions in use and visual appearance that distinguish the town center from surrounding residential areas.

Simultaneously, the Planning Board would need to define the specific standards and criteria that would be applicable to the overlay district, as further described below. The overlay district should address refined planning goals regarding topics such as permitted or conditional uses, dimensional standards, shared parking standards, special site planning considerations, and perhaps design standards.

The establishment of the proposed overlay district would then follow the steps required of any zoning by-law amendment, including Town Meeting approval.

- *Use the special permit process to provide for conditional approval* - In some cases, the approval of uses that may be proposed for the town center area will be conditioned upon whether the impacts are acceptable. The overlay zone can provide a clear list of conditional uses and provide the reasons that would lead to approval or rejection of a specific proposal. For example, a small café that allows take-out food may be appropriate where a fast-food establishment would not. The special permit process is also very useful for tailoring parking solutions to specific parcels and uses.
- *Site plan review* - Both permitted and conditional uses can be subject to special site planning requirements that help shape the siting of buildings, parking, and open space. The overlay zone could create guidelines that diminish the visual impact of parking, for example, and provide for setbacks of buildings in keeping with the traditional character of the area.
- *Design review* - An overlay district can also be linked to design review of architectural elements as part of the review and approval process. Additional discussion of design guidelines and review is contained in Section 3.3.5, below.

Enforce zoning regulations (Strategy E-9): Without proper zoning administration and enforcement, the Town's land use and economic development goals may be substantially compromised over time. Inappropriate business uses may be located in areas that are not suitable or desired by the Town and in a manner that is not complementary to the rural character of West Newbury.

In many towns, the separate position of a zoning compliance official is established in order to administer and enforce zoning regulations. In the Town of West Newbury, the Building Inspector currently also serves as the zoning compliance official. Actions required to fulfill this strategy include:

- *Definition of administration and enforcement procedures* - The Town could provide improved descriptions of zoning procedures and more clear interpretations of the zoning for the zoning enforcement official to follow in order to effectively administer and enforce the by-laws. The Town may grant the zoning official the ability to enforce zoning violations through the levy of fines or suspension of permits. Accordingly, the Town should also clearly specify the process that a property may follow to correct a violation, such as appeals or mediation with a zoning review board.

3.3.5 Building Design Guidelines

Building design guidelines can provide the Town with an additional tool to meet its economic development goals for the town center area. Such guidelines are not site planning standards or specific zoning requirements. Instead, design guidelines set a framework for expectations concerning the character and quality of new construction and renovations of buildings. Because of the many individual requirements for different uses and projects, it is important to provide flexible approaches to design that will nevertheless reinforce the desirable character and quality of an area. In the Town Center area, design guidelines can help provide a consistent quality that will enhance property values and encourage reinvestment.



Strategies for instituting design guidelines include:

Establish design guidelines and a design review process (Strategy E-10): The Planning Board could investigate several models for implementing design guidelines, including discussions with other communities that have used this tool. The Planning Board should focus on those elements of the architectural character that are most important to achieving a reasonable level of quality within the town center area. Draft and final guidelines would be assembled, which should be brief, clear, and connected to the economic development goals of the Town. A design review process would then need to be established. A special design review committee would be appointed by the Town or Planning Board, and should include individuals with professional backgrounds in design or related fields. The design review board could act entirely as an advisory board, as a resource for owners and designers. The review board could also be convened to prepare recommendations for changes or enhancements to projects as part of the normal review and approval of special permits or projects requiring site plan review.

Encourage facade improvements (Strategy E-11): Façades provide the public face of buildings to the street. Emphasis could be placed on guidelines for façade improvements in the town center area. There are advantages to consistent approaches to such architectural elements as porches, rooflines, colors, materials and other features. A consistent approach can create a cohesive architectural style to maintain the rural character so important to the residents and image of West Newbury.

3.3.6 Strategies for Home-Based Businesses

As part of the planning process, town-wide issues regarding home-based businesses were discussed. The preservation of a rural character in a residential community is a fundamental goal of the Town. At the same time, there is a strong economic trend towards maintaining, creating, and expanding home-based businesses within the predominantly residential areas. Many of these businesses are considered an asset to the community and harmonious with the residential and rural character. However, significant conflicts can and will arise when the scale or type of business operation comes into conflict with the character of the surroundings. The Planning Board may wish to develop clearer planning policies that better define the conditions that would allow for home-based businesses within the community's residential districts. Home-based businesses provide jobs and local income, and can make use of the existing street and roadway infrastructure. Such businesses can contribute to an overall Smart Growth strategy for the Town.

This Plan also acknowledges that regulations and enforcement regarding home-based businesses can be very challenging and may not be a priority, particularly if the issues associated with such activities are not creating major problems within the Town or its neighborhoods. The following discussion provides some strategies that might be considered should the Planning Board or the Town be inclined to pursue specific policy directions.

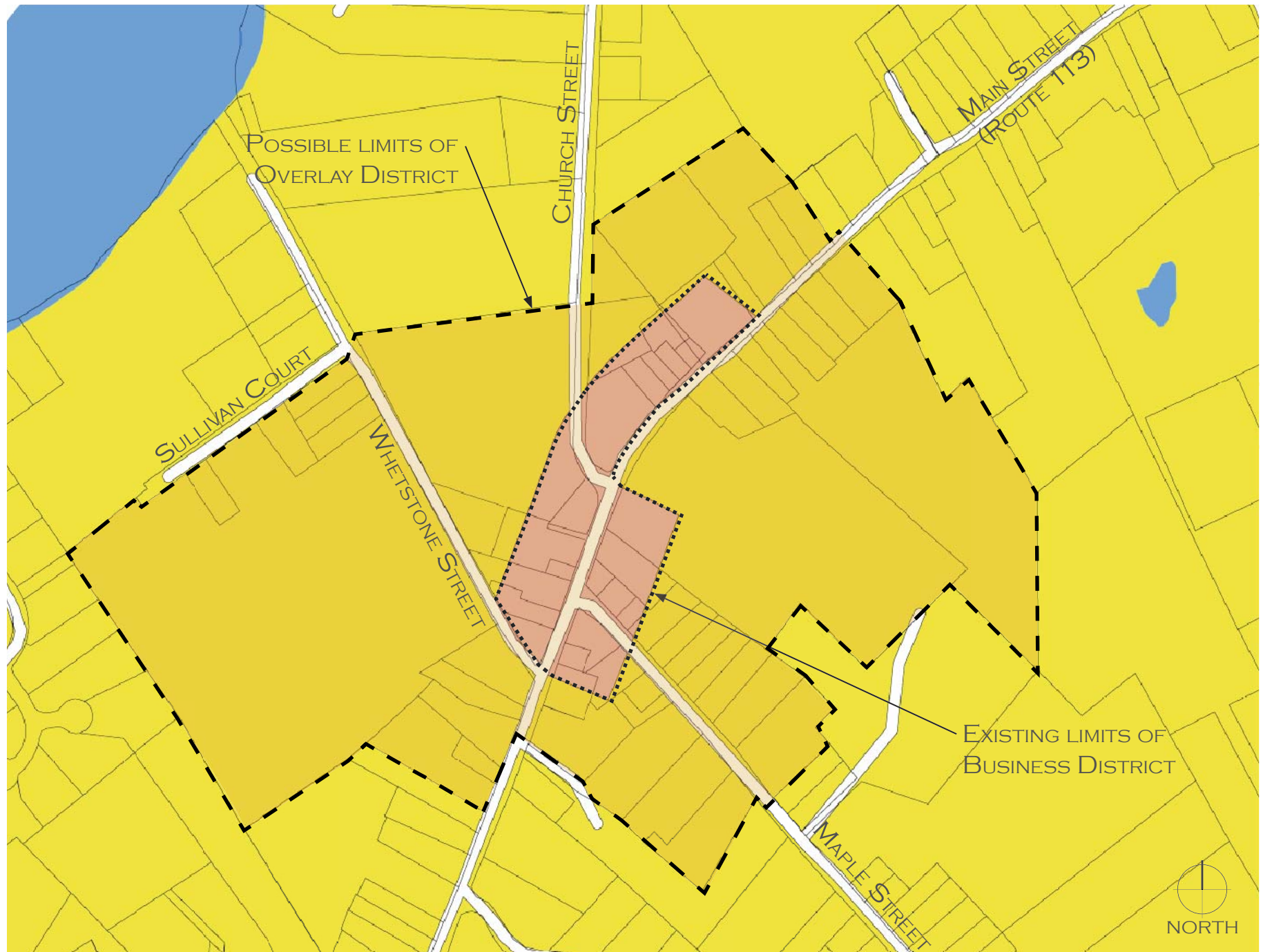
Define appropriate home-based business uses (Strategy E-12): The Town could provide an expanded list of both acceptable and prohibited home-based businesses beyond what is currently noted in the existing zoning by-laws. This strategy would require creating a better understanding of the criteria used to distinguish among the scale and type of business activity in regards to neighborhood compatibility. Appropriate home-based businesses could be defined through the following research effort:

- *An inventory of the existing home-based businesses* - There are a number of as-of-right home-based businesses existing in the municipality. An inventory could be prepared of existing permitted businesses and their locations. The inventory could identify other pre-existing non-conforming home-based businesses that could persist because of their “grandfathered” status. Having an inventory of these uses allows the town to regulate any changes that may occur in terms of business type or use. Taking an inventory of these existing home occupations will also allow the Town to understand the type and location of businesses and their associated issues. This can help guide further consideration of refined use standards regarding what should be permitted, prohibited, or allowed under special permit.

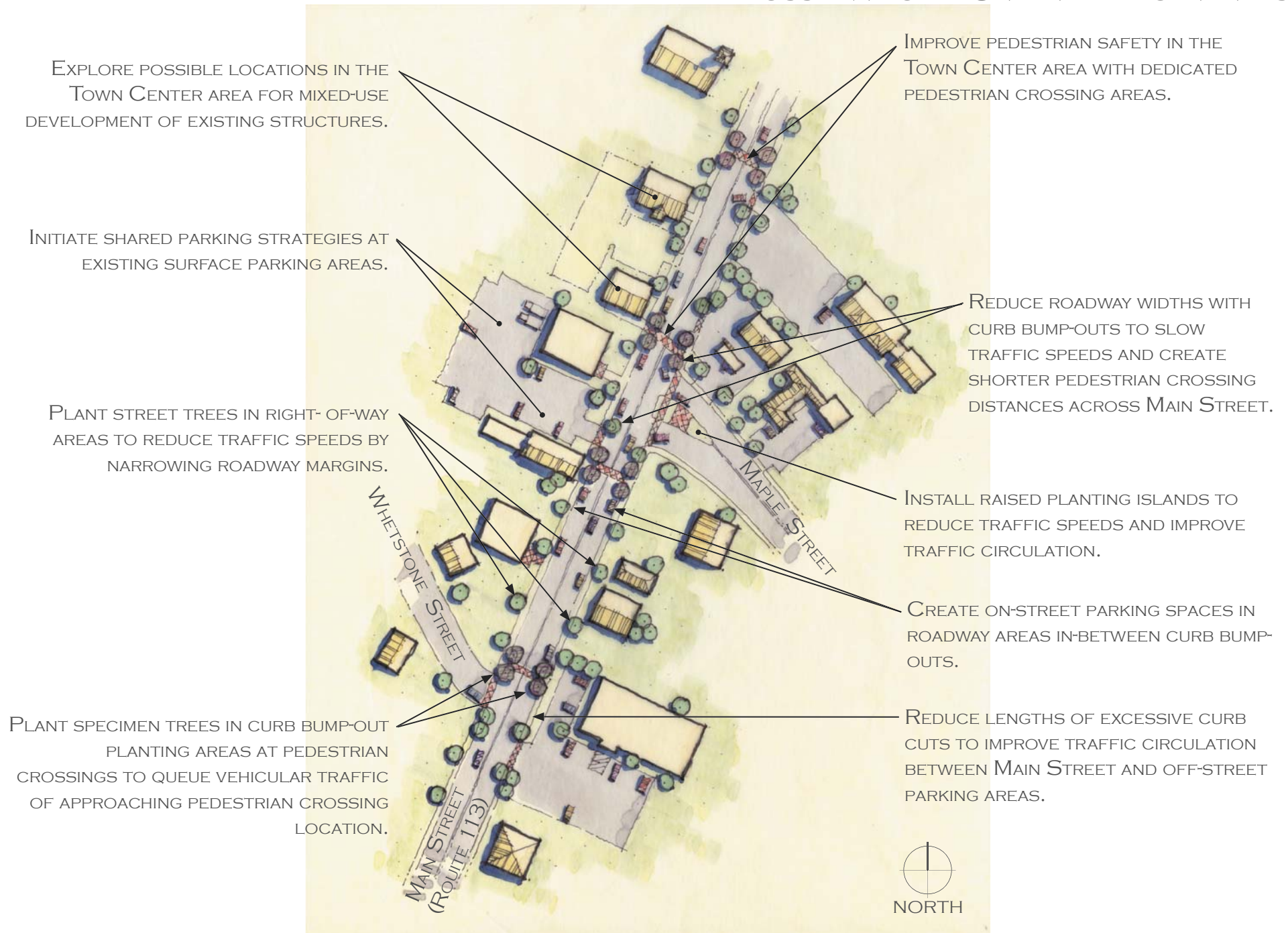
Revise regulations concerning home-based businesses (Strategy E-13): The Town could consider revising the zoning and site plan review standards for home-based businesses to reflect the Town’s goals, using the inventory of existing conditions as a basis for discussion. Among the actions that could be part of revised regulations are the following:

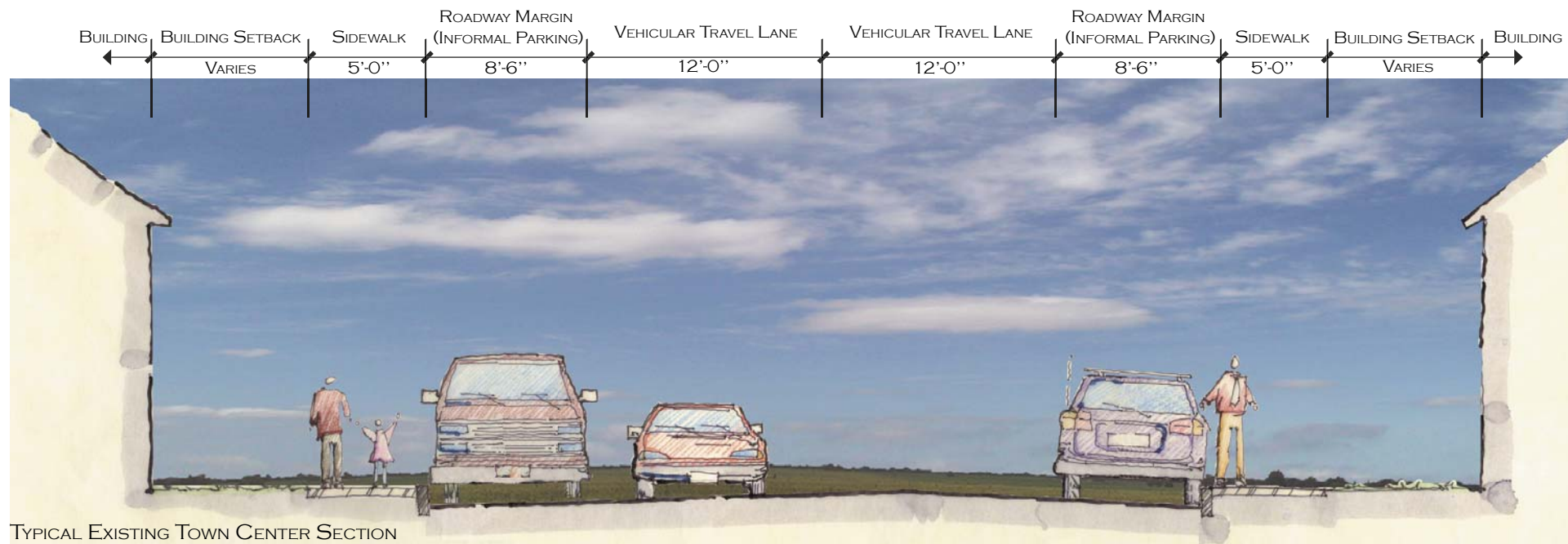
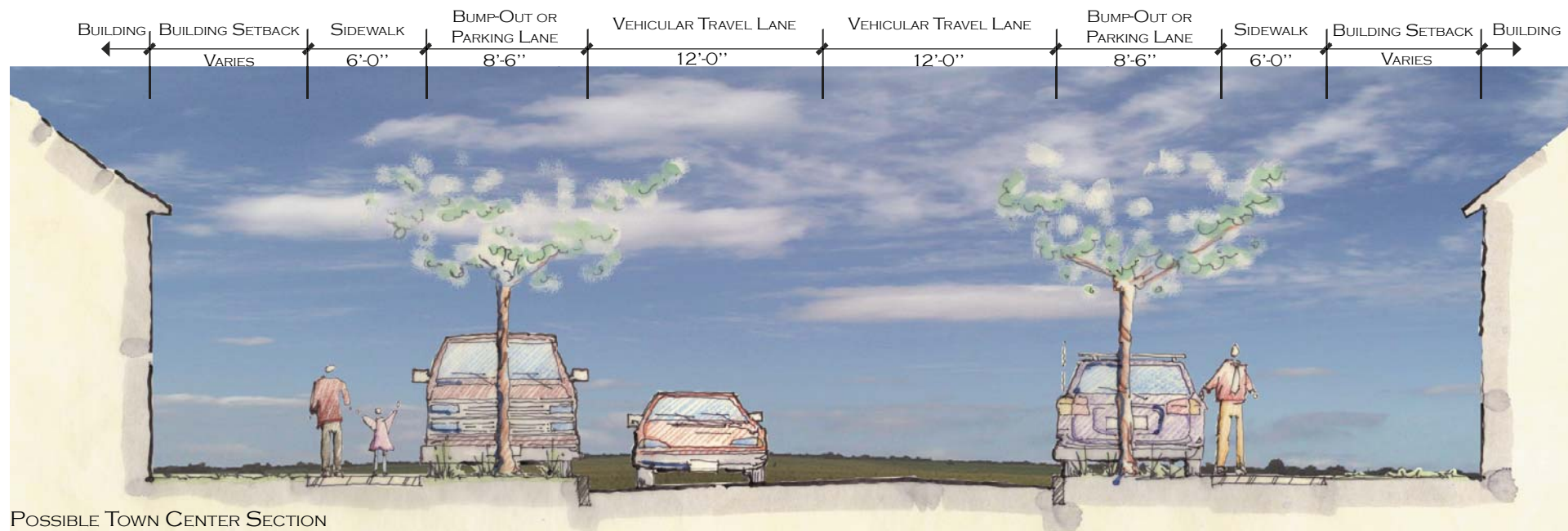
- *Define home-based business as an accessory use* - Qualifying home occupations could be considered an accessory use to residential uses in West Newbury. As such, proponents wanting to establish a home-based business could also be subject to a special permit review process. This review process would ensure the proponent’s use conforms to applicable performance standards, design guidelines, and zoning. This review process could be funded through the proponent's application fees.
- *Require a Town license to operate certain home-based businesses* - This license could serve as a compliance mechanism for West Newbury. For instance, if a home occupation were found to be in non-compliance with any zoning by-law, such as performance standards, the Town would have the ability to revoke the license.
- *Establish site planning and design guidelines for home-based businesses* - West Newbury would be able to regulate the character and image of allowable home-based businesses through the establishment of design guidelines. Additionally, guidelines and standards further the Town's ability to ensure that encouraged business development does not change the rural character of West Newbury. Established design guidelines and standards would consider design parameters for such things as signs, displays, landscape buffers, and parking lot locations.

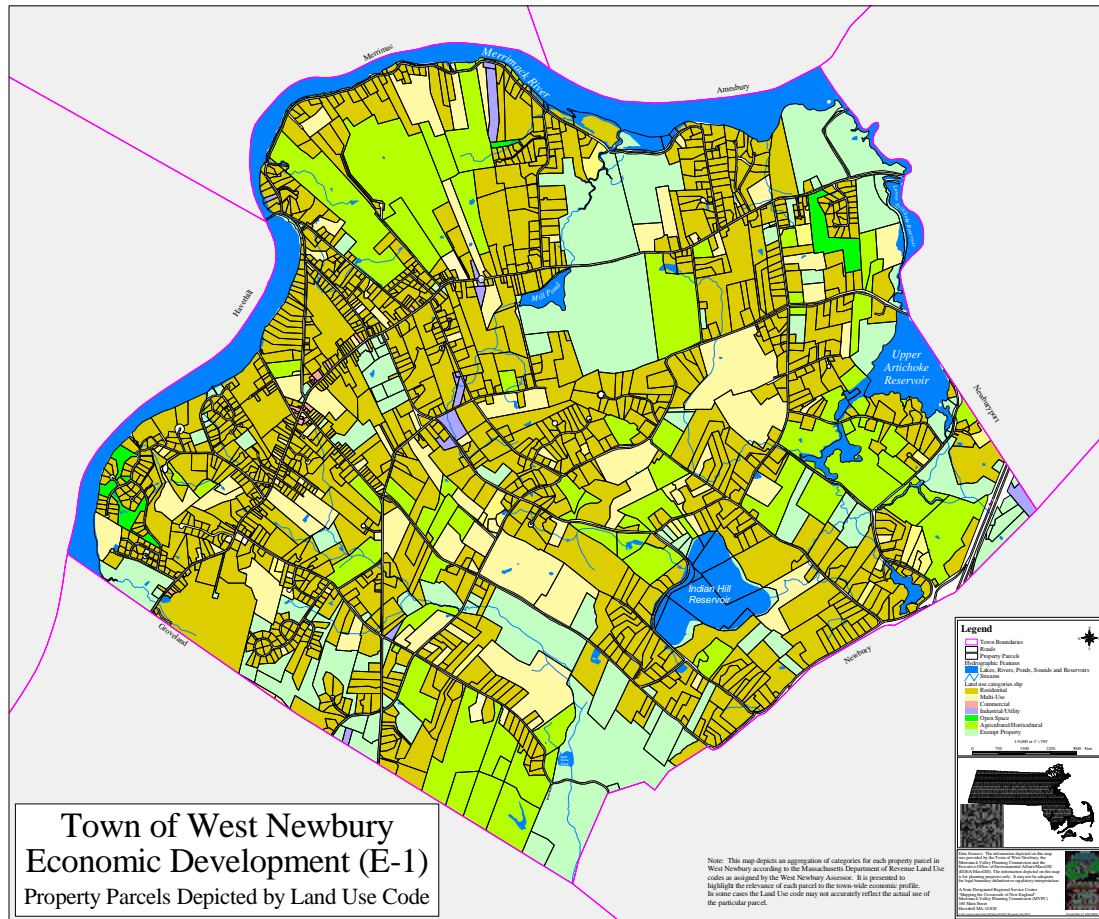
- *Establish performance standards* - As a component of the zoning by-laws, performance standards can be used to regulate elements of a zoned use, such as noise, vibration, and exterior lighting. Current performance standards outlined in the zoning by-laws are for application to the entire town and not to specific areas. Revisions to these performance standards would be the incorporation of specific parameters particular to individual home-based businesses. Such revisions could consider hours of operation and delivery, parking operations and the like.

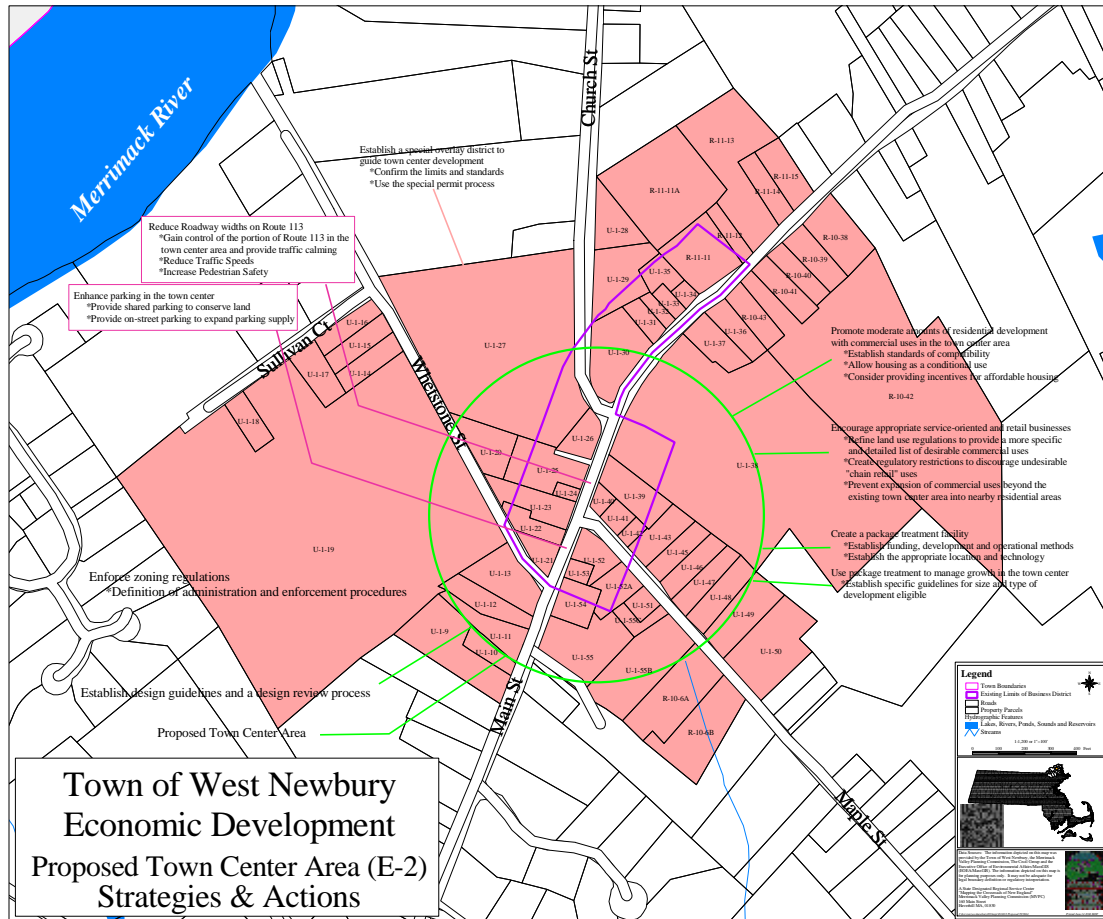


POSSIBLE TOWN CENTER IMPROVEMENTS









4. TRANSPORTATION ELEMENT

4.1 Introduction

The scope of the Transportation Element of West Newbury's Community Development Plan was developed cooperatively by local officials and the transportation staff of the Merrimack Valley Planning Commission (MVPC). Three primary areas of concern were identified by local officials. First and foremost of these was the desire for local officials to review the existing safety and traffic conditions at the Main Street/Maple Street intersection at the heart of the downtown area, analyze how well this intersection would function if the town were to fully develop as identified in the EOEa Build Out analyses, and to develop recommendations to correct any existing or long-term deficiencies at this location.

Local officials' second area of concern also related to how future development would impact traffic, but at other locations within the community. This led to their request that the MVPC project how traffic volumes on the community's arterial and collector roadways would change under the EOEa build out scenario.

Finally, it was agreed that MVPC would review MassHighway crash data and identify those intersections or roadways where safety problems might exist.

In addition to these three areas of focus, this element also includes a Transportation Map that shows all public roadways and sidewalks in the community, the location of bridges, as well as the location of any improvements as identified in the Merrimack Valley region's FY 2004-2008 Transportation Improvement Program (TIP), the region's 2003 Transportation Plan, or as recommended by staff in performing the above analyses.

4.2 Main Street/Maple Street Intersection

A detailed existing conditions inventory of geometry and traffic volumes was completed for this location, which was then used to analyze how well the intersection is functioning.

4.2.1 Geometrics

Route 113 is a two-lane arterial that runs from east to west through West Newbury. The roadway parallels the Merrimack River and Interstate I-495, to the north, and consists of one travel lane plus a paved shoulder, 6- to 10-feet in width and delineated by a painted single white solid edge line, in each direction. A painted double yellow centerline separates the two travel lanes over its entire length in West Newbury. Land uses adjacent to Route 113 consist of low density developed commercial and residential uses.

Maple Street intersects Route 113 (Main Street) from the South East to form a T-type unsignalized intersection. Both of the Route 113 approaches to the intersection consist of one 13- to 13.5-foot wide travel lane. The Maple Street approach is approximately 24-feet wide and is used as two lanes: a left-turn lane and a right-turn lane. A STOP sign on Maple Street controls traffic at the intersection. Curb cuts exist along the north side of Route 113 at the intersection, which serve as access to a parking lot for a post office and local retail plaza.

4.2.2 Traffic Volumes

The Merrimack Valley Planning Commission gathered traffic volume data in March, April, and June of 2004. Daily traffic volumes were obtained by Automatic Traffic Recorders (ATRs), which were placed on Route 113, west of Maple Street and east of Church Street. Weekday morning (7:00 to 9:00 AM) and weekday evening (4:00 to 6:00 PM) commuter peak period turning movement and classification counts (TMCs) were conducted at the intersection of Route 113 and Maple Street in May of 2004.

Table T-1 presents the daily and peak hour traffic volumes on Route 113, east and west of Maple Street.

Table T-1: Main Street/Maple Street Traffic Volume Summary

Location	Average Weekday Daily Traffic Volume ^a	Peak Hour	Peak Hour Traffic Volume ^b	K-Factor ^c	Directional Distribution
Route 113, east of Maple St.	9,900	Morning	861	8.6	49 % Westbound
		Evening	916	9.2	51 % Eastbound
Route 113, west of Maple St.	10,350	Morning	806	7.8	49 % Westbound
		Evening	819	7.9	51 % Eastbound

^aAverage Weekday Daily Traffic (AWDT) volume in vehicles per day (vpd).

^bPeak hour traffic volume in vehicles per hour (vph).

^cK-Factor is the percent of daily traffic occurring during the peak hour; expressed as a percentage.

As shown in Table T-1, Route 113 carries approximately 9,900 vehicles per day (vpd) on an average weekday east of Maple Street, and approximately 10,350 vpd, west of Maple Street.

4.2.3 Existing Conditions Operations Analysis

The operations analyses of the unsignalized intersection of Route 113 at Maple Street were conducted by the methodology presented in the 2000 *Highway Capacity Manual*. A primary result of operations analyses is the assignment of level of service to traffic facilities under various traffic flow conditions. Level of service is a qualitative measure describing operational conditions within a traffic stream and the perception of these conditions by motorists and/or passengers. A level of service definition provides an index to the quality of traffic flow in terms of such factors as speed, travel time, freedom to maneuver, traffic interruptions, comfort, convenience, and safety.

Six levels of service are defined for each type of facility. They are given letter designations from A to F, with level-of-service (LOS) A representing the best operating conditions and LOS F representing the worst.

Since the level of service of a traffic facility is a function of the traffic flows placed upon it, such a facility may operate at a wide range of levels of service, depending on the time of day, day of week, or period of year.

The six levels of service for unsignalized intersections may be described as follows:

- *LOS A* represents a condition with little or no delay to minor street traffic.
- *LOS B* represents a condition with short delays to minor street traffic.
- *LOS C* represents a condition with average delays to minor street traffic.
- *LOS D* represents a condition with long delays to minor street traffic.
- *LOS E* represents operating conditions at or near capacity level, with long delays to minor street traffic.
- *LOS F* represents a condition where minor street demand volume exceeds capacity of an approach lane, with extreme delays resulting.

The levels of service of unsignalized intersections are determined by application of a procedure described in the 2000 *Highway Capacity Manual*. Level of service is measured in terms of average control delay, which is the delay caused by traffic control, such as a STOP sign. Control delay includes the initial deceleration delay, queue move-up time, stopped delay, and final acceleration delay. The average stopped delay for any controlled movement is mathematically a function of the volume-to-capacity ratio for that particular movement. Table T-2 summarizes the relationship between level of service and expected delay.

Table T-2: Level-of-Service Criteria For Unsignalized Intersections^a

Level of Service	Average Control Delay (seconds per vehicle)
A	≤ 10
B	> 10 and ≤ 15
C	> 15 and ≤ 25
D	> 25 and ≤ 35
E	> 35 and ≤ 50
F	> 50

^aSource: *Highway Capacity Manual*; Transportation Research Board; Washington, DC; 2000; page 17-2.

Table T-3 presents the results of the operations analysis results for the unsignalized intersection of Main Street at Maple Street.

Table T-3: Operations Analysis Results for Main Street at Maple Street Intersection
Signalized Intersection Analysis

Peak Hour	Movement ^a	Demand ^b	AD ^c	LOS ^d	Queue ^e
Weekday Morning	Route 113 Eastbound LTR	10	8.2	A	0
	Route 113 Westbound LTR	60	8.2	A	0.2
	Maple Street LT	21	21.4	C	0.3
	Maple Street RT	46	10.6	B	0.2
	Post office Drive LTR	19	19.2	C	0.2
Weekday Evening	Route 113 Eastbound LTR	14	8.2	A	0
	Route 113 Westbound LTR	48	8.2	A	0.1
	Maple Street LT	34	22.5	C	0.5
	Maple Street RT	71	11.0	B	0.4
	Post office Drive LTR	47	20.6	C	0.6

^aLT = Left Turn; TH = Through movement; RT = Right Turn; LTR = Left, Through and Right movements.

^bDemand is in vehicles per hour (vph).

^cAverage Control Delay is in seconds per vehicle.

^dLevel of Service.

^e95th percentile queue is in vehicles.

As shown in Table T-3, all the movements from Main Street (Route 113) operate at LOS A, with little delay, during the weekday morning and evening peak hours. Traffic on the STOP-sign controlled approach of Maple Street operates at LOS C for left turners and at LOS B for right turners during both the weekday morning and evening peak hours. Traffic on the driveway at the post office operates at LOS C during both peak hours.

4.2.4 Build Out Conditions Operational Analysis

MVPC conducted a buildout analysis of the remaining developable land in the Town of West Newbury under Massachusetts Executive Order Number 418, issued by Governor Cellucci on January 21, 2000. This analysis included a tally of developable land in West Newbury excluding land that is considered permanently protected open space or is protected by the Wetlands Protection Act or the Rivers Protection Act. Also, land that is constrained due to severe physical conditions, such as adverse topography, was excluded. The most intensive by-right development, in accordance with the Town's zoning requirements, was assumed to occupy all of the developable land that was not absolutely constrained. The analysis also assumed that there would be no new development on property that is currently developed. The MVPC Build Out analyses showed that the Town of West Newbury could hold 8,135 new residents under the current zoning and accommodate an additional 15,347 square feet of commercial/industrial space.

Future year traffic volumes for Main Street (Route 113), Maple Street, and the collector and arterial roadways in West Newbury were developed using the Merrimack Valley Planning Commission's regional traffic model. The 2040 projected traffic volumes are the result of the percentage increase in traffic volumes between 2000 and 2040 derived from MVPC's traffic simulation model applied to actual traffic counts. This was accomplished by calculating the number of additional jobs and dwelling units that could be added to each Traffic Analysis Zone (TAZ) in West Newbury based on the square footage of developable commercial/industrial space and number of dwellings allowed under existing zoning as identified in the community's build out analysis. Similar calculations were also performed for the other communities in the Merrimack Valley region. This latter step is necessary to account for the impact of traffic passing through West Newbury during peak travel periods.

MVPC assumed that build out conditions across the region would occur in the year 2040. This year was selected based on the rate of population growth in the region over the past 30 years, which shows an average 10-year population growth rate of about 8.7%. At that rate, the region would achieve its residential build out population limit of approximately 406,000 in just under 30 years. Build out of the region's commercial and industrial land would likely occur subsequent to the attainment of the residential build out. Consequently, a 40-year build out time horizon was selected.

Such a timeframe would mean that the Town of West Newbury would see a substantial rate of residential growth over the next four decades. The annual rate of increase would be approximately 31% each decade between 2000 and 2040. This is higher than the historical rate of population growth observed for the community between 1960 and 2000, which was 22.5% for each decade. However, there are two primary reasons that would support this accelerated rate of growth. First, many surrounding communities such as Merrimac, Amesbury and Newburyport have relatively much less space to accommodate future residential growth. Second, West Newbury has access to the Route I-95 corridor, which will remain less congested than the Route I-93 corridor in the western part of the Merrimack Valley region and consequently will be seen as a more attractive place for Boston bound commuters to reside.

Table T-4 shows that, under build out conditions, vehicles attempting to make left turns from Maple Street northbound onto Main Street westbound will experience significant delays during both the morning and evening peak periods. Indeed, the analysis shows that the delays during the evening peak period could result in queues of five vehicles waiting to complete this left turn movement.

**Table T-4: Build-Out Operations Analysis Results for Main Street at Maple Street
Unsignalized Intersection Analysis**

Peak Hour	Movement ^a	2040 Demand ^b	2040 AD ^c	2040 LOS ^d	2040 Queue ^e
Weekday Morning	Route 113 Eastbound LTR	20	8.7	A	0.03
	Route 113 Westbound LTR	83	9.6	A	0.16
	Maple Street LT	38	70.4	F	0.28
	Maple Street RT	84	50.3	C	0.21
Weekday Evening	Route 113 Eastbound LTR	23	9.2	A	0.08
	Route 113 Westbound LTR	79	8.8	A	0.25
	Maple Street LT	111	97.0	F	5.08
	Maple Street RT	236	16.8	C	2.21

^aLT = Left Turn; TH = Through movement; RT = Right Turn; LTR = Left, Through and Right movements.

^bDemand is in vehicles per hour (vph).

^cAverage Control Delay is in seconds per vehicle.

^dLevel of Service.

^e95th percentile queue is in vehicles.

The magnitude of these delays led MVPC transportation staff to evaluate how this intersection would function under build out conditions if it were to be signalized. The results of this analysis are shown in Table T-5.

**Table T-5: Build-Out Operations Analysis Results for Main Street at Maple Street
Signalized Intersection Analysis**

Peak Hour	Movement/Total	2040 V/C ^a	2040 AD ^b	2040 LOS ^c
Weekday Morning	Route 113 Eastbound	0.73	11.7	B
	Route 113 Westbound	0.74	12.5	B
	Maple Street LT	0.1	18.5	B
	Maple Street RT	0.25	20.4	C
	Intersection Delay		12.7	B
Weekday Evening	Route 113 Eastbound	0.56	8.2	A
	Route 113 Westbound	0.84	16.6	B
	Maple Street LT	0.29	20.7	C
	Maple Street RT	0.71	32.1	C
	Intersection Delay		16.2	B

^aV/C = Volume/Capacity ratio

^bAverage Control Delay is in seconds per vehicle.

^cLevel of Service.

Table T-5 shows that the intersection would function at an acceptable LOS B under build out conditions if it were signalized. It is important to note this intersection functions at LOS B in the future year and does not require the construction of additional turn lanes on either Maple Street or the Main Street approaches.

4.3 Build Out Traffic Volumes on Other Collector and Arterial Roadways

The West Newbury Roads Committee has identified what it considers to be the most important roadways in the community. The Committee classified these roadways as Arterial Roads, Major Collectors, and Minor Collectors. These are listed below in Table T-6.

**Table T-6: West Newbury Roads Committee
Classification of West Newbury's Roads**

Functional Class	Roadway
Arterials	Interstate 95
	Route 113 (Main Street)
Major Collectors	Ash Street (Georgetown Road to Newbury Line)
	Bachelor Street
	Bridge Street
	Cherry Hill (Bachelor Street to Indian Hill)
	Church Street
	Indian Hill (Middle Street to South St.)
	Moulton Street (Cherry Hill to South St.)
	South Street
	Turkey Hill Street
Minor Collectors	Crane Neck Street (Main Street to Middle Street)
	Garden Street (Main Street to Cherry Hill)
	Georgetown Road (Ash Street to Middle Street)

As noted under Section 4.2.4 above, MVPC used its regional traffic simulation model to estimate how traffic volumes along these roadways would grow assuming that the build out development condition was achieved. These volumes are shown in Table T-7.

Table T-7: Buildout Analysis Results
Projected Average Daily Traffic on West Newbury Roads

STREET NAME	LOCATION	Actual 2000 ADT^a	Projected 2040 ADT^a	Percentage Increase
INTERSTATE 95	NB north of Scotland	25,268	51,091	102%
INTERSTATE 95	SB north of Scotland	25,268	51,660	104%
MAIN STREET	E of Coffin Street	8,650	14,332	66%
MIDDLE STREET	E of Garden	759	2,110	178%
MAIN STREET	West of Maple St	9,851	15,766	60%
MAPLE STREET	S of Rt 113	1,461	2,917	100%
J. B. LITTLE ROAD	West Newbury TL	89	890	900% ^b
ASH STREET	S of Meetinghouse	869	1,734	100%
BACHELOR STREET	N of Meetinghouse	1,453	3,712	155%
CHURCH STREET	N of Rt 113	2,709	6,276	132%
MAIN STREET	Northeast of Maple	9,425	15,994	70%
MAIN STREET	NE of Church St	7,521	11,333	51%
MIDDLE STREET	NE of Bachelor	863	2,358	173%
MIDDLE STREET	Groveland Line	726	1,833	153%
MAIN STREET	Groveland Line	8,132	12,849	58%
BRIDGE STREET	SE of Church St	3,037	748	146%
MOODY STREET	West Newbury TL	1,119	2,316	107%
SPRING HILL ROAD	E of Ash St	312	472	51%
INDIAN HILL STREET	N of South St	1,436	4,708	228%
CHERRY HILL STREET	E of Bachelor	913	ND	ND
SOUTH STREET	SW of Turkey Hill St	1,485	3,734	151%
TURKEY HILL STREET	N of South St	677	ND	ND
GARDEN STREET	N of Middle	1,068	3,270	206%

^a Average daily traffic volumes in vehicles per day (vpd).

TBD = Not Determined because of lack of data.

^b Based on assumed improvement to condition of J.B. Little Road.

Table T-7 shows that most roadways in the community will see a significant increase in traffic volumes under the build out condition. Since West Newbury is centrally located within the region and has little in the way of commercially zoned land, only a limited amount of this employment related traffic would have destinations in the community. Virtually all the traffic volume increase is therefore attributable to the residential growth expected to occur in the town and to some degree surrounding communities by 2040.

The largest percentage increases in traffic growth are expected to occur on Indian Hill Street, Garden Street and Middle Street. It should be kept in mind that while the percentage increase in the traffic volume for these roadways is high, the existing (i.e., 2000) traffic volumes on these roads are less than 2,000 vehicles per day, and Middle Street shows volumes of less than 1,000 vehicles per day. Consequently, there is still capacity available on these roadways to accommodate the projected traffic volumes.

It is also interesting to note that Main Street (Route 113) traffic volumes are only projected to increase between 50 to 75% under this scenario. Again, this is due to the fact that much of the increase in traffic volume projected to occur in the Merrimack Valley region between now and

the build out year will be the result of traffic entering the region for work purposes. Since little of this employment driven travel is expected to take place in West Newbury, traffic volume increases on Main Street will be the result of residential growth both within town and in surrounding communities.

Table T-7 also shows that build out traffic volumes could not be forecast for Cherry Hill Street and Turkey Hill Street. This is due to the fact that the region's build out traffic model was not created in enough detail to allow for calibration of these two low-volume roadways.

None of the volumes shown for the above roadways indicate that additional travel lanes will be needed. However, volumes on Main Street will be such that traffic exiting intersecting roadways is likely to experience noticeable delays.

4.4 High Hazard Locations

Historical traffic crash data was obtained for the intersections in West Newbury from MassHighway computer files. The data was reviewed over a three-year period, from 2000 to 2002. MHD records show there were only 21 accidents at intersections in the town. The highest crash location was the Church Street and Main Street intersection. However, since only three accidents occurred at this location over a three-year period, this does not warrant identifying this intersection as a high hazard location. Only the Main Street and Maple Street and Main Street and Pentucket High School Driveway intersections saw more than one accident during this three-year period. It is interesting to note that 16 of the 21 intersection accidents identified in the MassHighway database occurred at Main Street intersections. Table T-8 below provides a summary of the intersections that saw crashes during the period.

Table T-8: West Newbury Intersection Crash Summary
Three-Year Summary of the Highest Crash Intersection Locations (2000 to 2002)

Intersection	# of Accidents
MAIN STREET/ CHURCH STREET	3
MAIN STREET/ MAPLE STREET	2
MAIN STREET/PENTUCKET HS DRIVEWAY	2
BACHELOR STREET / MIDDLE STREET	1
INDIAN HILL ROAD/ SOUTH STREET	1
CRANE NECK ROAD/ROBIN ROAD	1
MAIN STREET/FARM STREET	1
MAIN STREET/ BARBERRY STREET	1
MAIN STREET/ BACHELOR STREET	1
MAIN STREET/ BRIDGE STREET	1
MAIN STREET/ PLEASANT STREET	1
MAIN STREET/ GEORGETOWN ROAD	1
MAIN STREET/ CHESTNUT STREET	1
MAIN STREET/ PARSONS ROAD	1
MAIN STREET/ FARM STREET	1
MIDDLE STREET / GARDEN STREET/ CHASE STREET	1
MEADOW SWEET ROAD / CHESTNUT STREET	1
TOTAL	21

In addition to those crashes that occurred at intersections, there were many more crashes (71) that took place along roadways in the community. These roadways are shown in Table T-9. As one would expect, more accidents occurred on Main Street (37) than any other roadway. However, this roadway's percentage of the town total (49%) for all non-intersection crashes is much less than its share of all intersection crashes in town (76%). The next highest crash roadway locations were Middle Street, Turkey Hill Roadway and Interstate Route 95 with four crashes each.

Table T-9: West Newbury Roadway Crash Summary
Three-Year Summary of the Highest Crash Roadway Locations (2000 to 2002)

Roadway	Number of Accidents
ASH STREET	1
BACHELOR STREET	3
BRIDGE STREET	1
CHURCH STREET	3
CRANE NECK ROAD	2
GEORGETOWN ROAD	1
MAIN STREET	37
MIDDLE STREET	4
MOULTON STREET	2
PLEASANT STREET	1
RAYBURN ROAD	1
RIVER ROAD	1
SCOTLAND ROAD	1
STEWART STREET	1
INDIAN HILL ROAD	1
TURKEY HILL ROAD	4
I-95	4
POOR HOUSE LN	1
BRUFYS LN	1
ROCKS VILLAGE	1
TOTAL	71

4.5 Community Transportation Map

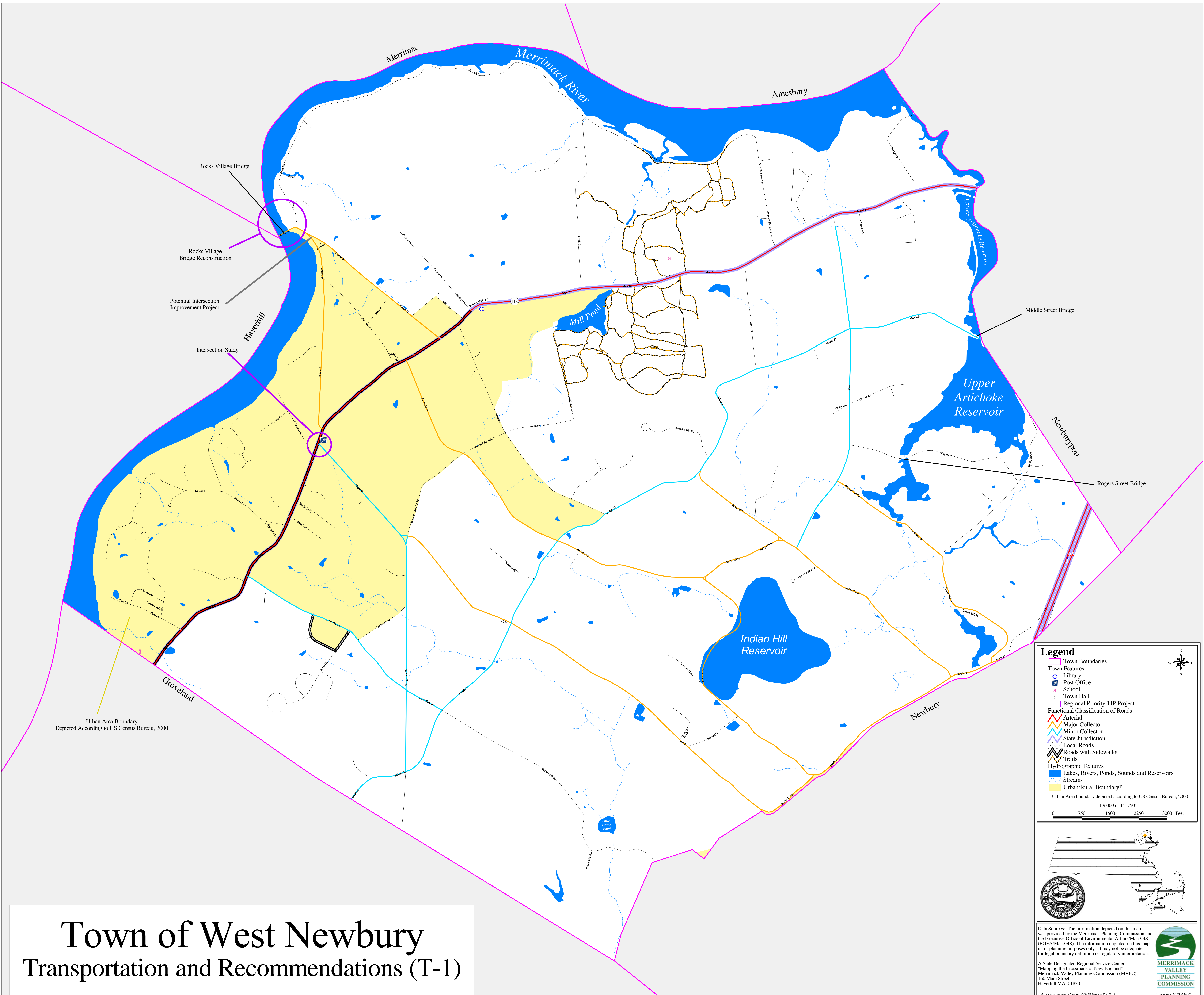
A transportation map has been prepared to show the transportation assets of the community and to show where improvements are recommended. It shows the roadway network in the community, all arterial and collector roadways, and the location of sidewalks and bridges. Also shown are three locations where either recommended or planned transportation improvements are expected to occur. These are the intersection of Bridge and Church Streets, the intersection of Main Street and Maple Street, and the Rocks Village Bridge.

Community officials have already begun to develop a proposal to make improvements to the intersection of Church and Bridge Street located on the southern end of the Rocks Village Bridge. Improvements under consideration include traffic calming measures (such as narrowing of travel lanes), rerouting of northeast bound Church Street traffic to Ferry Lane, and minor reconfiguration of the curve that carries southbound traffic coming off the bridge to Church Street.

As noted earlier in this report, the intersection of Maple Street and Main Street (Route 113) may require signalization when the community reaches its build out state of development. Traffic conditions at this location should be monitored on a regular basis to help officials determine when this course of action should be pursued.

The Rocks Village Bridge carries traffic between eastern Haverhill/Merrimac to West Newbury, Groveland and Newburyport. It is a key bus route for both the Pentucket regional schools that are located on the Groveland and West Newbury town line as well as to the Whittier Vocational School, which is located on Amesbury Line Road in Haverhill. Approximately 6,000 vehicles use this bridge on an average weekday. Due to the poor condition of the deck on this bridge, it has been posted with a weight limit and this has restricted the number of buses and other heavy vehicles that can travel over it. To correct this problem, MassHighway has begun to design improvements to the bridge that would improve the carrying capacity of the structure. These improvements are expected to cost \$2.1 million and this project appears in the Merrimack Valley Metropolitan Planning Organization's FFY 2004-2008 Transportation Improvement Program.

In addition to the information described above, it should be noted that the Transportation Map shows that the northwestern quadrant of the community has been classified as urban as a result of the 2000 U.S. Census. Until 2000, the Census Bureau had classified all of West Newbury as being rural. However, changes in how urban areas are defined as well as growth both in West Newbury and surrounding communities (notably Haverhill and Groveland) resulted in this section of town being classified as urban.



Town of West Newbury Transportation and Recommendations (T-1)

Legend

- Town Boundaries
- Town Features
 - Library
 - Post Office
 - School
 - Town Hall
- Regional Priority TIP Project
- Functional Classification of Roads
 - Arterial
 - Major Collector
 - Minor Collector
 - State Jurisdiction
 - Local Roads
 - Roads with Sidewalks
 - Trails
- Hydrographic Features
 - Lakes, Rivers, Ponds, Sounds and Reservoirs
 - Streams
 - Urban/Rural Boundary*

Urban Area boundary depicted according to US Census Bureau, 2000
1:9,000 or 1"=750'
0 750 1500 2250 3000 Feet

Data Sources: The information depicted on this map was provided by the Merrimack Planning Commission and the Executive Office of Environmental Affairs/MassGIS (EOEA/MassGIS). The information depicted on this map is for planning purposes only. It may not be adequate for legal boundary definition or regulatory interpretation.

A State Designated Regional Service Center
"Mapping the Crossroads of New England"
Merrimack Valley Planning Commission (MVPC)
160 Main Street
Haverhill MA, 01830

Printed June 14 2004 MDW

5. ACTION PLAN AND MAP

5.1 Action Plan Overview

The following Action Plan Matrix and Map present a composite summary of the recommended housing, economic development, and transportation actions and strategies that are described in detail in the preceding three chapters. Together, these recommendations and strategies are intended to help West Newbury meet the future housing, economic development, and transportation needs of its growing resident population while still preserving the unique blend of natural resource and “community character” attributes that make West Newbury such a special place to live and work.

The Action Plan Matrix follows the same “Element” order and recommendation numbering scheme used previously in the Plan. It lists and describes each recommended action, as well as the responsible local entity(ies), a suggested timeline for implementation, and an estimated implementation cost, where known. As appropriate, it also links the action to related discussions in the West Newbury Comprehensive Plan (1999). For brevity as well as consistency with the 1999 Comprehensive Plan, the responsible town boards, departments, and commissions are denoted by initials. These abbreviations are listed alphabetically below.

The Action Plan Map is a composite of the three recommendations maps presented previously in the Plan: the Housing Use & Suitability Map (Map H-2), the Town Center Economic Development Map (Map E-2), and the Transportation Improvement Map (Map T-1). It was created by “layering” the three maps, and is intended to provide a geographical context to the recommendations and to highlight consistencies and/or conflicts among recommended actions.

Action Matrix Abbreviations:

BOH	= Board of Health	OSC	= Open Space Committee
BOS	= Board of Selectmen	OSRP	= Open Space & Recreation Plan
CC	= Conservation Commission	PB	= Planning Board
CF/S	= Community Facilities & Services	T/C	= Traffic & Circulation
ED	= Economic Development Commission	WD	= Water Department
F	= Fiscal	ZB	= Zoning Board
FD	= Finance Department		
H	= Housing		
HC	= Historical Commission		
HD	= Highway Department		
LU	= Land Use		
N/CR	= Natural/Cultural Resources		

5.2 Action Plan Matrix: Actions and Strategies

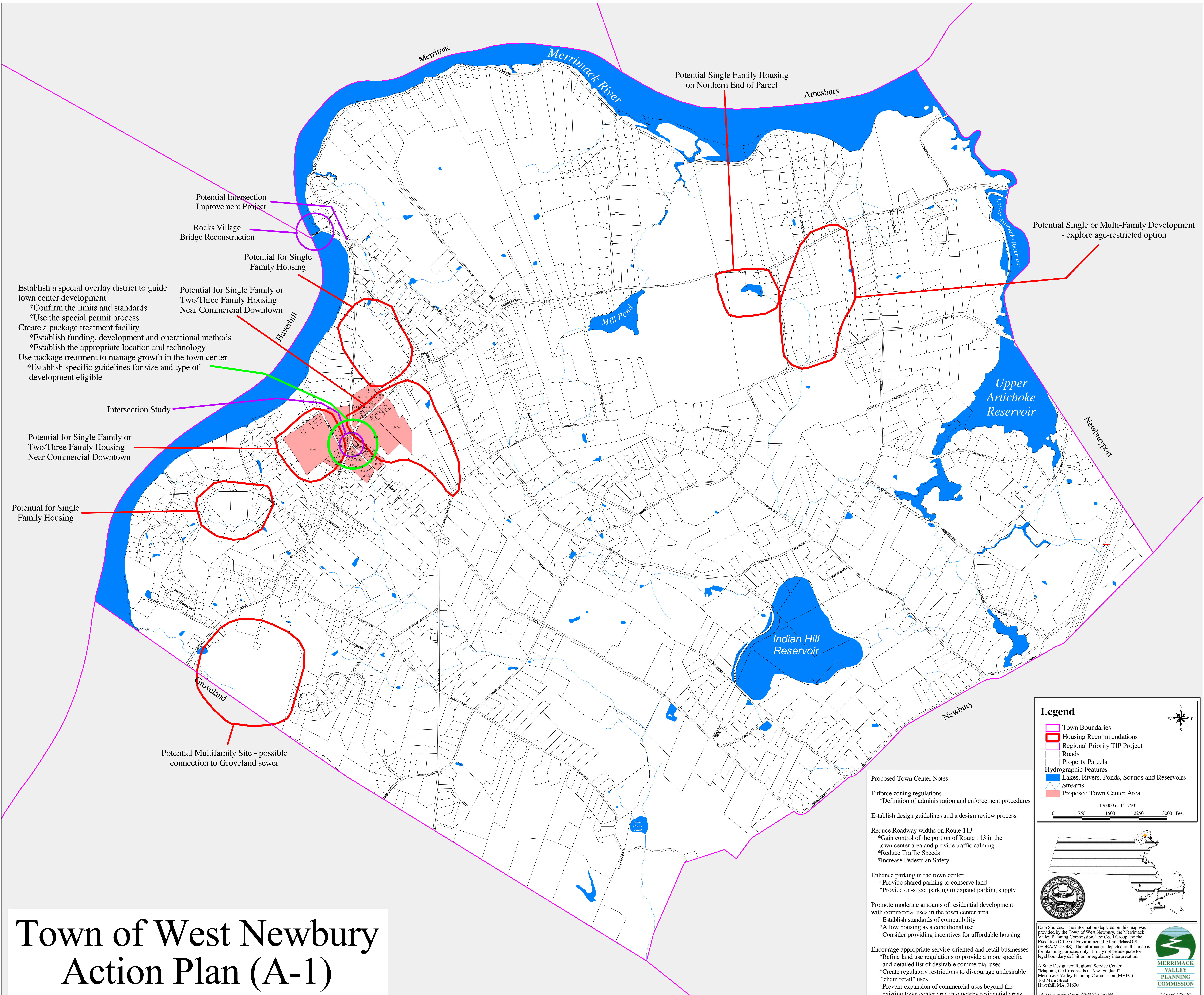
	Element/Recommendation	Action	Also Addresses these Elements	Responsible Department, Office, Committee	Year/ Timeline	Anticipated Cost
HOUSING						
Decrease Consumption of Land for Housing Units						
H-1	Decrease the amount of land consumed/unit of residences developed	Amend OSPD to increase likelihood that developers will use this development option through simplifying the yield plan and expediting the process	OSRP	PB	2004	
H-2	(Same as above)	Increase flexibility for creating accessory apartments in existing residential buildings or accessory buildings; reduce application fee for by-right applications		PB	2005	
H-3	Provide modest housing alternatives; increase viability of commercial buildings through mixed-use	Develop mixed-use zoning through acceptance of an overlay district covering the business-zoned area comprising the designated town center area	ED	PB	2005	\$15,000
Meet Housing Needs of Specific Populations						
H-4	Provide more housing choices for senior citizens	Ease restrictions on development of assisted living facilities	Over-55	PB, Over-55	2005	\$5,000
H-5	(same as above)	Consider encouraging modest, clustered developments for "over-55" housing	Over-55, OSRP	PB, Over-55	2005	
H-6	Provide more options for residents needing more affordable housing	Implement an inclusionary zoning bylaw that facilitates the construction of affordable housing			2005-2006	\$5,000-\$10,000

	Element/Recommendation	Action	Also Addresses these Elements	Responsible Department, Office, Committee	Year/ Timeline	Anticipated Cost
H-7	(same as above)	Encourage the use of existing zoning provisions to allow development of multiple units within a single residential property		PB	Ongoing	
H-8	(same as above)	Explore acceptance of the Community Preservation Act to use in part for affordable housing	OSRP, HC	OSC, 40B		\$3-5,000 for analysis and campaign to identify long term costs
H-9	(same as above)	Identify publicly-owned parcels that could be developed for affordable housing		OSC, Assessors		Long term costs unknown
H-10	(same as above)	Negotiate with developers regarding construction of housing for moderate income populations and senior households		PB, Admin		
ECONOMIC DEVELOPMENT: Strategies and Actions						
3.3.1 Strategies for Circulation and Parking						
E-1	Enhance parking in the town center	Reduce parking ratios where possible	T/C	PB	Start in 2004	
		Provide shared parking to conserve land	T/C	PB	Start in 2004	
		Provide on-street parking to expand parking	T/C, ED	PB, HD	2005	

	Element/Recommendation	Action	Also Addresses these Elements	Responsible Department, Office, Committee	Year/ Timeline	Anticipated Cost
E-2	Reduce roadway widths on Route 113	Gain control of the portion of Route 113 in the town center area and provide traffic calming	T/C, F	PB, BOS, FD	2004	
		Reduce traffic speed	T/C, F	PB, CC, FD	2004	
		Increase pedestrian safety	T/C, F	PB, HD, FD	2005	
3.3.2 Wastewater Treatment Alternatives						
E-3	Create a package treatment facility	Establish funding, development and operational methods for a package treatment plant	CF/S, F	PB, WD, BOH, BOS	Start in 2004	
		Establish the appropriate location and technology	CF/S, ED	PB, WD	TBA	
E-4	Use a package treatment plan to manage growth in the town center	Establish specific guidelines for size and type of development eligible for participation in a package treatment plant	CF/S, F	PB, WD	TBA	
3.3.3 Mixed-use Business Development as an Economic Strategy						
E-5	Encourage appropriate service-oriented and retail businesses	Refine land use regulations to provide a more specific and detailed list of desirable commercial uses	LU, ED	PB	2004	
		Create regulatory restrictions to discourage undesirable "chain retail" uses	LU, ED	PB	2004	
E-6	Prevent expansion of commercial uses beyond the existing town center area into nearby residential areas	Intensification of businesses	LU	PB, EDC	Start in 2004	

Element/Recommendation		Action	Also Addresses these Elements	Responsible Department, Office, Committee	Year/ Timeline	Anticipated Cost
E-7	Promote moderate amounts of residential development with commercial uses in the town center	Establish standards of compatibility Allow housing as a conditional use Consider providing incentives for affordable housing	LU LU, H H, F	PB PB PB, FD, BOS	2005 2005 TBA	
3.3.4 Zoning Strategies and the Town Center						
E-8	Establish a special overlay zoning district to guide town center development	Confirm the limits and standards associated with the underlying zoning in the town center area Create a process to establish an overlay zone Use the special permit process to provide for conditional approval Site plan review Design review	LU LU LU, T/C LU, N/CR LU, N/CR	PB PB PB PB PB	2004 Start in 2004 TBA TBA TBA	
E-9	Enforce zoning regulations	Definition of administration and enforcement procedures	LU	PB	TBA	
3.3.5 Building Design Guidelines						
E-10	Establish design guidelines and a design review process		LU, N/CR	PB, ZB	Start in 2004	
E-11	Encourage façade improvements		LU, N/CR	PB, ZB	TBA	

Element/Recommendation		Action	Also Addresses these Elements	Responsible Department, Office, Committee	Year/ Timeline	Anticipated Cost
3.3.6 Strategies for Home-Based Business						
E-12	Define appropriate home-based business uses	Inventory the existing home-based business	LU	PB	TBA	
E-13	Revise regulations concerning home-based businesses	Define home-based business an accessory use	LU	PB, ZB	TBA	
		Require a Town license to operate a home-based business	LU	PB	TBA	
		Establish site planning and design guidelines for home-based businesses	LU, N/CR	PB, ZB	TBA	
		Establish performance standards	LU, N/CR	PB, ZB	TBA	



Establish a special overlay district to guide town center development
*Confirm the limits and standards
*Use the special permit process
Create a package treatment facility
*Establish funding, development and operational methods
*Establish the appropriate location and technology
Use package treatment to manage growth in the town center
*Establish specific guidelines for size and type of development eligible

Intersection Study

Potential for Single Family or Two/Three Family Housing Near Commercial Downtown

Potential for Single Family Housing

Potential Multifamily Site - possible connection to Groveland sewer

Potential Single Family Housing on Northern End of Parcel

Potential Single or Multi-Family Development - explore age-restricted option

Town of West Newbury Action Plan (A-1)

Proposed Town Center Notes

Enforce zoning regulations
*Definition of administration and enforcement procedures

Establish design guidelines and a design review process

Reduce Roadway widths on Route 113
*Gain control of the portion of Route 113 in the town center area and provide traffic calming
*Reduce Traffic Speeds
*Increase Pedestrian Safety

Enhance parking in the town center
*Provide shared parking to conserve land
*Provide on-street parking to expand parking supply

Promote moderate amounts of residential development with commercial uses in the town center area
*Establish standards of compatibility
*Allow housing as a conditional use
*Consider providing incentives for affordable housing

Encourage appropriate service-oriented and retail businesses
*Refine land use regulations to provide a more specific and detailed list of desirable commercial uses
*Create regulatory restrictions to discourage undesirable "chain retail" uses
*Prevent expansion of commercial uses beyond the existing town center area into nearby residential areas

Legend

- Town Boundaries
- Housing Recommendations
- Regional Priority TIP Project
- Roads
- Property Parcels
- Hydrographic Features
 - Lakes, Rivers, Ponds, Sounds and Reservoirs
 - Streams
- Proposed Town Center Area

1:9,000 or 1"=750'

0 750 1500 2250 3000 Feet

Data Sources: The information depicted on this map was provided by the Town of West Newbury, the Merrimack Valley Planning Commission, The Cecil Group and the Executive Office of Environmental Affairs/MassGIS (EOEA/MassGIS). The information depicted on this map is for planning purposes only. It may not be adequate for legal boundary definition or regulatory interpretation.

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"Mapping the Crossroads of New England"
Merrimack Valley Planning Commission (MVPC)
160 Main Street
Haverhill, MA 01830

MERRIMACK VALLEY PLANNING COMMISSION

Printed July 5, 2004 JJW

APPENDIX A. HOUSING

A-1. Fiscal Impact Analysis

**A-2. Open Space Preservation Development
(OSPD) Memo**

A-3. Accessory Units Memo

APPENDIX A-1

Fiscal Impact Analysis of Residential Development in West Newbury, 1990-2000

1. Purpose of this Report

The West Newbury Planning Board requested that an analysis of the fiscal impact of residential development in West Newbury on municipal revenues and expenditures and potential costs be developed along with the development of its Community Development Plan. The purpose of this analysis is to:

- Review growth in population and in revenues and expenditures by local government to determine the relationships between these two dynamics
- Assist the Planning Board to consider the impact that specific subdivisions may have on future expenditures for Town services and capital improvements

2. Approaches to Fiscal Impact Analysis

The Commonwealth of Massachusetts, through two of its Executive Offices, has developed models over the last several years to estimate the fiscal impact of residential developments on the budgets of local governments. The first model was developed by the then Executive Office of Communities and Development in the mid-1990's. This model was published as "The Growth Impact Handbook – Ways to Preview Your Community's Future". This document was made available on-line for communities to download, but is no longer available on-line. The Handbook identified a variety of data needs, and included a number of calculations to determine the impact of residential developments of particular sizes on the service needs and expenditures of their host communities. This document provided some average regional data regarding children per household, but generally directed the reader to extensively use local data and conduct local interviews regarding existing and future needs for capital investments.

The Executive Office of Environmental Affairs (EOEA) in the early 2000's attempted to simplify the process of undertaking fiscal impact assessment in association with its initiative to develop build-out analyses for all municipalities in the Commonwealth. This model, formerly available at the web site of the Executive Office of Environmental Affairs, was called the Fiscal Impact Tool, or FIT. In the process of simplification, values for certain items in the model were estimated from regional or national data. According to staff at EOEA involved with the FIT project, the model was withdrawn from the website and from general use because it needed updating on changes in state aid formulae, and new estimated numbers for the model need to be developed from the 2000 Census.

A critique of these analytic models was prepared by the University of Massachusetts Donohue Institute and Economic and Public Policy Research Unit under contract with

Citizens' Housing and Planning Association. It was issued in February 2003. The basic conclusions of this critique are that:

- “The fiscal landscape for Massachusetts is difficult to decipher, as the Massachusetts Education Reform Act and Proposition 2 1/2 make growth-driven outcomes hard to distinguish from policy-driven outcomes.”
- “A test of this method (Per Capita Multiplier Method), using actual municipal expenditure data over time reveals that the predicted fiscal impacts generated by this model do not match what occurs in reality for most Massachusetts cities and towns.”
- The standard population forecasting model consistently overestimated or underestimated residents and school age children living in different types of housing units.
- The FIT model with accurate, local data could be a useful tool if updated with current state policy and census data.

3. Analysis of West Newbury Revenues and Expenditures

Based on the unavailability of the FIT model, and the unavailability of reliable per capita information in other models, this analysis presents longitudinal data for West Newbury that explore the impact over the last decade of population growth on the municipal budget, and can be of use in analysis of future developments. This study includes a review of per capita costs as a way of understanding the fiscal impacts of adding additional residents to the population. Using actual local data over a period of time for which population size is reasonably well-defined is at this point the best model for predicting future impacts.

This analysis also includes a discussion of the current need for significant investments in the near future that may cause an increase in expenditures in the future that could be independent of population increase.

If the Commonwealth were to update the FIT Tool, West Newbury could use it in the future to evaluate the potential impact of specific development projects. Given the complexity of a full fiscal impact analysis for any development, and the questionable nature of many of the regionally-generated estimates, it is recommended that West Newbury consider a full fiscal impact analysis for larger developments that could have a significant impact on the community.

3.1 History of West Newbury Expenditures and Approaches to Municipal Spending

Table 1 summarizes the annual expenditures for the Town of West Newbury for 1990 through 2000. More recent data were not included to restrict the analysis, which includes population data, to a period for which a reliable estimates of the population is available – the 1990 and 2000 U.S. Censuses.

An interview with Tracy Blais, Finance Director for West Newbury, revealed that her office has worked to keep the annual municipal expenditures and tax burdens even with other economic indicators. Table 1 demonstrates the gradual increase in the total General

Fund (GF) expenditures, with these expenditures increasing at a rate less than the Consumer Price Index (CPI), 26% vs. 32%. Specific expenditure categories showed very different histories of increases. Expenditures for the “Other Public Safety” category (including emergency management services, animal control, dispatch, inspectional services, and harbormaster) reflect the creation of a 24-hour public safety dispatch department for West Newbury that was formerly provided through a contract to Groveland. Later increases in public safety expenditures resulted from wage agreements. The “Culture and Recreation” category, with a 212% increase in expenditures over the period, reflect primarily improvements in recreation facilities.

Education costs were kept to a very minor increase by West Newbury joining the Pentucket Regional School District at the elementary level in 1994-95. This resulted in a decrease in the local contribution of the educational assessment from 1993 with spending not reaching that level again until 1998. A change in state methodology for determining local aid, coupled with a significant influx of regional incentive aid contributed to changes in educational costs in local budgets also. Overall, the budget of the Pentucket Regional School District continued to increase during this period.

3.2 Expenditure Categories Subject to Projected Increases in the Near Future

Capital expenditures are those that constitute major investments that have a depreciable value, and that are either required to serve the population or desired to provide a particular type or standard of service. These are above and beyond routine, annual expenditures. They tend to include projects that require borrowing and thereby annual debt service expenditures for a period of time. Such expenditures commonly include school expansion or rehabilitation, improvements to other municipal buildings, or major public works infrastructure improvements. Purchase of a new police cruiser is a capital expenditure, but is funded out of the annual budget. In 2004, West Newbury is just completing a major investment in the Public Safety Complex. This investment will add to debt service expenses into the future.

The Town is also exploring capital expenditures for the construction of a well so that West Newbury can provide an adequate supply of water to meet current and future residential needs from in-town sources. Currently, water is purchased from Newburyport and occasionally from Groveland. The Town has recently invested in a master plan for developing water sources, and testing of potential well sites. The Finance Director sees regionalization of water service as one option for reducing costs.

Two of the recent subdivisions that are included later in this analysis, Barberry and Applewood, extended town water to the subdivisions. The developers in each case paid for the construction of a waterline extension, but these developments did increase the demand for public water. The West Newbury history of acceptance of subdivision

roadways when complete also adds to the maintenance costs of the Town's public works expenses.

In the recent past, West Newbury incurred debt service to renovate the 1910 Town Office Building, acquire open space, create recreational playing fields, and renovate various Pentucket Regional School buildings. Most of these major projects were undertaken through the passage of overrides.

West Newbury adopted a road improvement program in the early 1990's that was based on steady, low-level municipal contributions to compliment Chapter 90 funds in repairing and maintaining the roads in Town. These steady investments continued throughout the decade and are planned to extend into the future. Important expenditures in the future that will in part be driven by increases in population include development of additional drinking water supply, acquisition of open space on parcels with development pressures, expansion of the public works facility and acquisition and improvements to playing fields. Other ongoing major expenditures related to previous growth include the public safety facility.

3.3 History of West Newbury Revenues

Table 2 summarizes sources of local revenue for the decade from 1990 to 2000. The results are what might be expected. State aid has dropped by about 50% and revenues from the local tax level have increased by 60%. Local receipts showed the largest increase, at 71% for the period. This category is comprised primarily of motor vehicle excise taxes, and water revenues, followed by licenses and permits. Other components comprise a much smaller proportion of overall receipts.

As a percent of local revenue, state aid is shown to have decreased more significantly than the drop in its total dollar amount. In 1990 state aid comprised 13.65% of revenues in West Newbury, while in 2000 it only comprised 4.7%, a drop of 66% for the period. Local receipts led the revenue categories with an increase to 23% of all revenues.

Financially, West Newbury is more "on its own" than it was ten years ago. The Town has relied on some increases in tax revenues, but a greater increase in fees, in order to compensate for the decline in state aid.

3.3.1 Value of Property in West Newbury

Many citizens focus on property tax as their measure of how well the town is doing in meeting needs without increasing the burden on owners of residential properties. Table 2 showed an increase of 60% in revenue from the tax levy. Since West Newbury applies the same tax rate to all properties, information on the changing assessed value on classes of properties provides insight into the sources of tax revenues in town. Table 3 summarizes the assessed values of classes of property in West Newbury for 1990 through 2000.

The assessed values of residential and personal property have increased by 39% and 34% respectively over the last ten years. The assessed value of open space has declined 84%, and industrial property by 12%. Since commercial, industrial, and personal property values comprise such a small percentage of all assessed value (5% or less over the period), changes in these values have relatively little impact on tax rates or total values.

In sum:

The following summary statements from the preceding fiscal analyses for the period of 1990-2000, set the stage for a discussion about how the relationship between residential growth has played in the increase in costs and methods that West Newbury might use to predict future impacts from residential development.

- Revenue sharing from the Commonwealth has declined significantly during the decade from 1990-2000, leaving West Newbury much more dependent on its own ability to raise revenue to support its functions and services
- While local revenues have increased significantly, the burden has fallen more on the fee for service activities included in the “local receipts” category
- Several categories of expenditures have increased dramatically, with general government and some public safety expenses leading the way.
- Some expenditures typically related to residential growth and school-aged children have grown little (education with only a 9% increase for the period) while others have grown significantly (the Culture and Recreation category including the construction and maintenance of ball fields has increased by 212%) As noted above, the expenditures for education resulted from changes in funding.

4. Analyzing the Fiscal Impact of Residential Growth

With the preceding discussion of changes in revenues and expenditures over the 1990-2000 decade established, it is now possible to review the impact of population change on these expenditures historically. The several models discussed earlier noted the difference between “policy” expenditures and “population growth” expenditures. In brief, while many expenditures are generally directly related to population growth (ie. adding classrooms to schools, providing school busing, water line extensions and water consumption) other expenditures can be considered policy expenditures. An example of a “policy” expenditure is West Newbury’s choice to develop a new public safety center for a variety of policy reasons. Models recognize that the actual per capita costs are one reasonable method, but by no means strictly accurate method, to estimate future costs resulting from development. Reviewing per capita costs, taking into account capital expenditures that are already planned for, is a reasonable option for estimating the fiscal impact of a given development. On the other hand, collecting specific data on the likely residents within a given subdivision and their demands for additional public expenditures adds an important perspective to the analysis.

4.1 Per Capita Costs

Table 4 summarizes the per capita costs for all the expenditure categories provided in Table 1. Table 4 is quite instructive regarding the relationship between per capita costs, individual expenditure categories, and overall expenditures. Overall, the cost per capita for supporting the functioning of West Newbury Town government was fairly steady over the decade between 1990 and 2000. Population during the period increased by 21%, while the cost per capita increased by only 4%. As noted earlier in the discussion of Table 1, different categories of expenditures had different rates of increase and thereby different increases in per capita cost.

One component of the methodology of projecting future per capita costs based on current or historical costs is to review these costs over time. Over time (1990 to 2000), the per capita cost of all expenditures (GF Total) was fairly consistent. If costs and population are rising in a direct relationship to each other, costs per capita should show little or no increase. This has been the case with only a 4% increase in per capita costs between 1990 and 2000. Taking any given year between 1990 and 2000, and comparing it to 2000 can give quite a different answer. While population grew generally steadily, expenditures did change significantly on an annual basis, particularly in the mid-1990's. Comparing some of these years to the year 2000 showed a per capita costs that varied as much as 13%, 15%, and even 21% from the year 2000 per capita costs. This variation could be partially explained by West Newbury increasing expenditures for deferred maintenance from the preceding economic downturn. Projected population figures during those periods also introduced additional potential for unreliable answers. The average per capita cost for the period 1990-2000, a per capita cost of \$1,326, varies from the 2000 figure by only 5%. This data suggest that using the average, rather than any one given year, will likely result in the most reliable answer of increasing per capita costs.

In order to apply this data to future developments, the Town of West Newbury, at least in the relatively near term future, could consider a 5% increase in per capita expenditures when evaluating future residential development and its impact on local budgets. A 5% increase over 10 years works out to a .5% increase in per capita costs for each year. Thus, it seems reasonable to estimate, when considering a subdivision, that the per capita expenditure figure for 2000, inflated by .5% per year, could be applied to the projected number of residents per household to determine the increase in costs for the development. In 2004, this number is \$1,426.

4.2 Education Costs with Per Capita Costs

It is important, then, to be able to project the number of residents per household in a new development. Given the important role that school costs play in total costs, it is useful to project the total residents per household and the number of school children per household to provide more detailed information to this analysis.

Census data from the 2000 U.S. Census tells us that the average family size in owner-occupied homes is 3.01 residents per unit. This number can be used to estimate the number of residents per unit in new, owner-occupied units. Census data also provide information that 32% of owner-occupied households have school-aged children.

While per capita costs are instructive, school costs are the largest local expenditure that can vary significantly per household. In order to provide as accurate data as possible on school-aged children/household, a list of all residences in subdivisions completed between 1990 and 2003 was provided to the Pentucket School District to determine the number of school-aged children living in each household in 2004. This list included 40 residential properties. Raw data is not being provided as part of this report due to the sensitivity of data on school-aged children by address. Data on students was combined with data from the Assessors' office to provide the following information.

The average school-aged child per household was .925. The households included in the survey have an average assessed value in 2003 of \$620,808, and an average of 8.6 rooms and 3.9 bedrooms. Assuming roughly one child per household and a 2000 estimate of the average annual cost to educate a child of \$5,788/student, these residences will require expenditures by the town of at least \$5,788 for educational costs.

Larger homes tend to average somewhat fewer school-aged children. Homes with over 3,500sf of finished area had an average of .77 school-aged students per household, while residences with less than 3,500sf finished area had an average of 1 school-aged child per household. It can be assumed that the larger single family residences (with an average assessed value of \$766,292) pay more taxes than the residences with less than 3,500sf (with an average assessed value of \$550,759) and contribute fewer children. Based on a FY2000 tax rate of 2.74, and an average assessed value of these new subdivision homes of \$620,808, the revenue generation from average new home within the studied subdivisions is \$7,909.

5. Implications of this Analysis for Public Policy

It is clear from this discussion that there is no perfect solution to understanding the expenditures that new development in West Newbury can require from local government. A review of existing models, based on historical data from elsewhere, is not a good option. Using historical data from West Newbury derived from fairly reliable data collection methods, still leaves us short of a clear answer. This is based on the imperfection of the estimates, and on the basis on how expenditure decisions are made on the local level by Town administrators and Town Meeting votes—decisions based on the needs of the population or on the policy of the town.

The worksheet provided in this document approaches a reasonable option for understanding these relationships. In the end, however, understanding the impact of a given subdivision on the budget of the community derives from a thorough discussion

among local boards and town staff, with reference to needs and feasibility studies, regarding what capital costs may need to be made in response to any given development.

Worksheet: Project Fiscal Impact of New Residential Development

I. Per Capita Expenditure Method	
1. No. of new residential units in the subdivision	
2. Projected number of residents/housing unit	X 3.01
3. Total number of residents in subdivision	=
4. Projected per capita cost	X \$1,426
5. Cost of the subdivision based on per capita cost method	=
II. Education Costs with Per Capita Costs	
1. Average school-aged children per household	.925
2. No. of households in subdivision	X
3. Total school-aged children in subdivision	=
4. Per child educational costs in current year	(2002) \$5,788
5. Costs for educating children in the subdivision	=
Non-educational Per Capita Costs	
6. No. of new residential units in the subdivision	
7. Persons/household in 2000 Census	X 3.01
8. Total residents in the subdivision	=
9. Per capita costs for all other budget categories	X \$954
10. Subdivision per capita costs for non-education expenditures	=
11. Cost of the subdivision- modified per capita method (5+8)	=
III. Revenue	
1. Number of new residential units in the subdivision	
2. Assessors' projection of total assessed value for all units	
3. Assessors' projection of assessed value of open space parcels	+
4. Total revenue from subdivision	=
5. Tax rate in year of development of subdivision	(2002) 11.61
6. Tax revenue projected for subdivision	

Notes:

1. Item II.1. can be adjusted based on the size of the proposed residential structures based on data from the subdivision survey, 2004

2. Items I.4. and II.6. were developed using the value for the year 2000 and adjusting by .5%/year, the average annual increase in value during the 1990-2000 decade

Table 1: Population, CPI, and Municipal Expenditure Data by Year, by Type of Expenditure, West Newbury, Massachusetts

Year	Population 1	GenGovt	Police	Fire	Other PS	Education*	PWHigh	PWOther	Total PW	H&W	Cult&Rec	DebtServ	FixCosts	InterGovt	Other	GF Total	CPI
1990	3,421	\$250,435	\$246,960	\$81,018	\$65,588	\$2,365,585	\$203,776	\$203,590	\$407,366	\$33,188	\$85,599	\$748,689	\$299,224	\$31,994	\$0	\$4,615,646	138.9
1991	3,421	\$263,350	\$252,250	\$85,259	\$63,297	\$2,546,494	\$130,259	\$211,416	\$341,675	\$34,376	\$85,607	\$728,888	\$322,131	\$34,275	\$0	\$4,757,602	145.0
1992	3,527	\$282,435	\$266,312	\$77,819	\$60,893	\$2,495,717	\$131,060	\$198,037	\$329,097	\$34,443	\$87,289	\$698,791	\$340,499	\$37,424	\$0	\$4,710,719	148.6
1993	3,648	\$293,657	\$286,799	\$84,443	\$69,159	\$2,630,924	\$223,724	\$258,224	\$481,948	\$35,909	\$93,046	\$634,947	\$321,890	\$37,772	\$0	\$4,970,494	152.9
1994	3,877	\$312,255	\$326,359	\$86,427	\$83,679	\$2,297,322	\$216,881	\$275,086	\$491,967	\$41,600	\$102,141	\$627,549	\$316,158	\$34,547	\$0	\$4,720,004	154.9
1995	3,930	\$353,912	\$328,527	\$90,948	\$161,489	\$2,163,438	\$204,564	\$276,288	\$480,852	\$47,541	\$123,830	\$527,641	\$237,418	\$30,057	\$0	\$4,545,653	158.6
1996	3,952	\$407,087	\$361,824	\$112,321	\$195,785	\$2,291,559	\$271,104	\$260,121	\$531,225	\$63,115	\$148,226	\$509,827	\$212,816	\$37,361	\$9,500	\$4,880,646	163.3
1997	3,875	\$465,033	\$359,829	\$112,590	\$215,150	\$2,525,564	\$242,315	\$297,622	\$539,937	\$60,520	\$159,766	\$470,971	\$275,619	\$28,502	\$0	\$5,213,481	167.9
1998	3,998	\$476,404	\$418,598	\$153,750	\$208,173	\$2,689,573	\$236,694	\$287,266	\$523,960	\$64,647	\$178,258	\$575,067	\$291,923	\$31,467	\$2,500	\$5,614,320	171.7
1999	4,021	\$574,741	\$439,969	\$112,807	\$234,121	\$2,600,393	\$238,620	\$395,801	\$634,421	\$68,086	\$196,923	\$424,391	\$296,868	\$16,639	\$2,221	\$5,601,580	176.0
2000	4,149	\$656,812	\$472,245	\$126,719	\$246,587	\$2,582,565	\$281,768	\$372,942	\$654,710	\$88,670	\$267,312	\$395,401	\$304,658	\$6,100	\$0	\$5,801,779	183.6
Change 90-00	21%	162%	91%	56%	276%	9%	38%	83%	61%	167%	212%	-47%	2%	-81%		26%	32%

1 U.S. Census data for 1990 and 2000. Population estimates for 1991-1995 provided by Municipal Data Bank. 1996-1999 interpolated using Municipal Data Bank estimates and 2000 Census data

Sources: Municipal Data Bank located at www.mass.gov/eoaf

GenGovt=General government; Other PS=Other Public Safety; PWHigh=Public Works Highway; PWOther=Public Works other; Total PW=Total Public Works; H&W=Health and Welfare; Cult&Rec=Culture and Recreation.

DebtServ=Debt Service; FixCosts=Fixed Costs; InterGovt=Intergovernmental. Other PS=emergency management, animal control, dispatch, inspectional services, harbormaster.

* The small increase in educational expenditures resulted from a change in state methodology for determining local aid, incentive aid, and regionalization

CPI =Consumer Price Index. It is located at www.bls.gov/cpi/home.htm

Table 2: Sources of Revenue by Year and Percent of Total, West Newbury, Massachusetts

Year	Tax Levy	State Aid	Local Receipts	All Other	Total Receipts	As Percent of Total			
						Tax Levy	State Aid	Local Receipts	All Other
1990	\$3,402,901	\$742,244	\$666,292	\$627,333	\$5,438,770	63	14	12	12
1991	\$3,556,832	\$707,791	\$765,443	\$217,161	\$5,247,227	68	13	15	4
1992	\$3,709,534	\$668,797	\$728,675	\$191,593	\$5,298,598	70	13	14	4
1993	\$3,938,063	\$590,407	\$675,865	\$312,038	\$5,516,373	71	11	12	6
1994	\$4,236,198	\$460,853	\$746,047	\$350,877	\$5,793,975	73	8	13	6
1995	\$4,610,762	\$457,548	\$740,528	\$252,712	\$6,061,550	76	8	12	4
1996	\$4,552,237	\$475,445	\$868,357	\$720,224	\$6,616,263	69	7	13	11
1997	\$4,758,553	\$474,179	\$903,777	\$807,770	\$6,944,279	69	7	13	12
1998	\$5,155,565	\$502,077	\$915,582	\$681,750	\$7,254,974	71	7	13	9
1999	\$5,192,441	\$349,069	\$987,078	\$584,183	\$7,112,771	73	5	14	8
2000	\$5,444,715	\$354,474	\$1,140,026	\$608,776	\$7,547,991	72	5	15	8
Change 1990-2000	0.60	-0.52	0.71	-0.03	0.39	0.15	-0.66	0.23	-0.30

Table 3: Assessed Value by Class of Property, West Newbury, Massachusetts								
	(1)	(2)	(3)	(4)	(5)			
Year	Residential	Open Space	Commercial	Industrial	Personal Property	Total	(1 - 2) % of Total	(3 - 5) % of Total
1990	295,529,836	651,600	6,834,669	1,396,420	4,942,132	309,354,657	95.7	4.3
1991	300,929,321	258,570	7,058,599	1,396,420	5,679,088	315,321,998	95.5	4.5
1992	243,844,197	188,700	6,171,603	954,400	5,734,040	256,892,940	95.0	5.0
1993	249,447,038	137,700	6,072,962	959,500	5,745,400	262,362,600	95.1	4.9
1994	256,608,606	94,700	5,882,714	959,500	5,761,430	269,306,950	95.3	4.7
1995	288,673,087	66,000	6,129,413	994,100	5,691,490	301,554,090	95.8	4.2
1996	295,269,436	66,000	6,116,864	1,009,100	5,746,930	308,208,330	95.8	4.2
1997	304,982,009	66,000	6,296,691	1,009,100	5,944,080	318,297,880	95.8	4.2
1998	352,023,232	88,100	6,878,568	1,106,300	5,806,180	365,902,380	96.2	3.8
1999	370,761,296	81,500	6,902,904	1,159,400	6,576,760	385,481,860	96.2	3.8
2000	412,103,046	106,200	7,286,154	1,229,600	6,646,660	427,371,660	96.5	3.5
Percent Change	39%	-84%	7%	-12%	34%	38%	1%	-17%

Table 4: Per Capita Expenditure Data by Year, by Type of Expenditure, West Newbury, Massachusetts

Year	Population 1	GenGovt	Police	Fire	Other PS*	Education	PWHigh	PWOther	Total PW	H&W	Cult&Rec	DebtServ	FixCosts	InterGovt	Other	GF Total
1990	3,421	\$73	\$72	\$24	\$19	\$691	\$60	\$60	\$119	\$10	\$25	\$219	\$87	\$9	\$0	\$1,349
1991	3,421	\$77	\$74	\$25	\$19	\$744	\$38	\$62	\$100	\$10	\$25	\$213	\$94	\$10	\$0	\$1,391
1992	3,527	\$80	\$76	\$22	\$17	\$708	\$37	\$56	\$93	\$10	\$25	\$198	\$97	\$11	\$0	\$1,336
1993	3,648	\$80	\$79	\$23	\$19	\$721	\$61	\$71	\$132	\$10	\$26	\$174	\$88	\$10	\$0	\$1,363
1994	3,877	\$81	\$84	\$22	\$22	\$593	\$56	\$71	\$127	\$11	\$26	\$162	\$82	\$9	\$0	\$1,217
1995	3,930	\$90	\$84	\$23	\$41	\$550	\$52	\$70	\$122	\$12	\$32	\$134	\$60	\$8	\$0	\$1,157
1996	3,952	\$103	\$92	\$28	\$50	\$580	\$69	\$66	\$134	\$16	\$38	\$129	\$54	\$9	\$2	\$1,235
1997	3,875	\$120	\$93	\$29	\$56	\$652	\$63	\$77	\$139	\$16	\$41	\$122	\$71	\$7	\$0	\$1,345
1998	3,998	\$119	\$105	\$38	\$52	\$673	\$59	\$72	\$131	\$16	\$45	\$144	\$73	\$8	\$1	\$1,404
1999	4,021	\$143	\$109	\$28	\$58	\$647	\$59	\$98	\$158	\$17	\$49	\$106	\$74	\$4	\$1	\$1,393
2000	4,149	\$158	\$114	\$31	\$59	\$622	\$68	\$90	\$158	\$21	\$64	\$95	\$73	\$1	\$0	\$1,398
Change 1990-2000	21%	116%	58%	29%	210%	-10%	14%	51%	33%	120%	157%	-56%	-16%	-84%		4%
1 Population estimates for 1991-1995 provided by Municipal Data Bank. 1996-1999 interpolated using Municipal Data Bank estimates and 2000 Census data																
Sources: Municipal Data Bank located at www.mass.gov/eoaf																
GenGovt=General government; Other PS=Other Public Safety; PWHigh=Public Works Highway; PWOther=Public Works other; Total PW=Total Public Works; H&W=Health and Welfare; Cult&Rec=Culture and Recreation; DebtServ=Debt Service; FixCosts=Fixed Costs; InterGovt=Intergovernmental. Other PS=emergency management, animal control, dispatch, inspectional services, harbormaster.																
*The small increase in educational expenditures resulted from a change in state methodology for determining local aid, incentive aid, and regionalization																

References:

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Massachusetts Executive Office of Environmental Affairs. Fiscal Impact Tool. 2002.

Nakosteen, Robert PhD. et. al. The Fiscal Impact of New Housing Development in Massachusetts: A critical Analysis. University of Massachusetts. 2003.

Community Opportunities Group, Inc. and Connery Associates. Housing the Commonwealth's School-Age Children: The Implications of Multi-Family Housing Development for Municipal and School Expenditures. August 2003

APPENDIX A-2

COMMUNITY INVESTMENT ASSOCIATES

P.O. Box 235
Ipswich, MA 01938

978/356-2164
978/356-9881 (f)

MEMORANDUM

TO: West Newbury Planning Board
FROM: Carolyn Britt, AICP, Consultant
DATE: 2/11/04
RE: Options for Improvements to Open Space Preservation Development

At the meeting of the West Newbury Planning Board on January 20, 2004, members of the Board requested that I review some elements of the Open Space Preservation Development Bylaw and identify other bylaws that offer different approaches to these items. I am undertaking this under Item 2 of the Scope of Services, Housing Needs and Options.

I identified the following bylaws by entering the term “density bonus” into the search feature of Ordinance.com. I then selected communities either located near West Newbury or that apparently had a well-developed bylaw. I reviewed bylaws in Northampton, Clinton, Haverhill, Kingston, Groveland, and Gloucester.

You requested information on:

- Size of the subdivision required to undertake OSPD
- Yield Plan
- Density Bonus
- Ownership of common space

Since we did not have a substantive discussion about these issues to direct any analysis, I have included the actual wording of the sections of other bylaws to allow you to review their meaning. We could then discuss these together at a future meeting or you could provide further direction on your interests and concerns.

The following section summarizes the current treatment of this option in the West Newbury Zoning Bylaw, and following that, in the bylaws of the other communities. Please ignore the highlights – that is the way the documents are imported from Ordinance.com.

Summary of OSPD Provisions in West Newbury Zoning Bylaw

Size of Subdivision Required to Undertake OSPD

6.B.3. Eligibility

- a. There is no minimum tract size for OSPD. The Open Space Preservation Development By-law is an option for any proposed subdivision.
- b. Any proposed residential development on a parcel or contiguous parcels under common ownership of more than ten acres or that creates five or more lots,

whichever is fewer, shall submit an Open Space Preservation Development application to the Planning Board. After submittal, the developer maintains the option of proceeding with either an Open Space Preservation Development or the conventional subdivision.

- c. **Zoning Classification.** Only those tracts located in Residential Districts A,B, or C shall be eligible for consideration as an OSPD.
- d. **Contiguous Parcels.** To be eligible for consideration as an OSPD, the tract shall consist of a parcel or set of contiguous parcels held under common ownership or site control.
- e. **Land Division.** To be eligible for consideration as an OSPD, the tract may be a subdivision or a division of land pursuant to G.L. c.41, s. 81P, provided, however, that OSPD may also be permitted where intended as a condominium on land not so divided or subdivided.

Yield Plan

Basic Maximum Number of Lots - Determination of Yield via Sketch Plan. The Basic Maximum Number shall be derived from a Yield Plan. The Yield Plan shall show the maximum number of lots (or dwelling units) that could be placed upon the site under a conventional subdivision. The Yield Plan shall contain the information required for a Sketch Plan, as set forth in Section 6.B.7. The proponent shall have the burden of proof with regard to the Basic Maximum Number of Lots (or dwelling units) resulting from the design and engineering specifications shown on the Yield Plan.

Density Bonus

6.B.13.Increases in Permissible Density. The Planning Board may award a density bonus to increase the number of dwelling units beyond the Basic Maximum Number. The density bonus for the OSPD shall not, in the aggregate, exceed fifty percent (50%) of the Basic Maximum Number. Computations shall be rounded to the lowest number. A density bonus may be awarded in the following circumstances:

- a. For each additional ten percent (10%) of the site (over and above the required 50%) set aside as open space, a bonus of five percent (5%) of the Basic Maximum Number may be awarded; provided, however, that this density bonus shall not exceed 10% of the Basic Maximum Number.
- b. For every two (2) dwelling units restricted to occupancy by person over the age of fifty-five, one (1) dwelling unit may be added as a density bonus; provided, however, that this density bonus shall not exceed 10% of the Basic Maximum Number.
- c. For every two (2) dwelling units restricted to occupancy for a period of not less than fifteen (15) years by persons or families who qualify as low or moderate income, as those terms are defined for the area by the Commonwealth's Department of Housing and Community Development, one (1) dwelling unit may be added as a density bonus; provided, however, that this density bonus shall not exceed 10% of the Basic Maximum Number.

Ownership of Common Space

Open Space. A minimum of fifty percent (50%) of the tract shown on the development plan shall be open space. Any proposed open space, unless conveyed to the Town or its Conservation Commission, shall be subject to a recorded restriction enforceable by the Town, providing that such land shall be perpetually kept in an open state, that it shall be preserved exclusively for the purposes set forth herein, and that it shall be maintained in a manner which will ensure its suitability for its intended purposes

Ownership of the Open Space. The open space shall, at the Planning Board's election, be conveyed to:

- i) The Town or its Conservation Commission;
- ii) a nonprofit organization, the principal purpose of which is the conservation of open space and any of the purposes for such open space set forth above;
- iii) a corporation or trust owned jointly or in common by the owners of lots within the OSPD. If such corporation or trust is utilized, ownership thereof shall pass with conveyance of the lots in perpetuity. Maintenance of such open space and facilities shall be permanently guaranteed by such corporation or trust which shall provide for mandatory assessments for maintenance expenses to each lot. Each such trust or corporation shall be deemed to have assented to allow the Town to perform maintenance of such open space and facilities, if the trust or corporation fails to provide adequate maintenance, and shall grant the town an easement for this purpose. In such event, the town shall first provide fourteen (14) days written notice to the trust or corporation as to the inadequate maintenance, and, if the trust or corporation fails to complete such maintenance, the town may perform it. Each individual deed, and the deed or trust or articles of incorporation, shall include provisions designed to effect these provisions. Documents creating such trust or corporation shall be submitted to the Planning Board for approval, and shall thereafter be recorded.

Summary of Provisions in Other Communities

Size of Subdivision Required to Undertake OSPD

Kingston

Kingston does not have any guidance regarding size of a development that is eligible for use of their Residential Development Encouraging Open Space (RDEOS). Anyone seeking a special permit for this type of development is eligible to use it.

Groveland

1. Minimum Size of Tract. To be eligible for consideration as a CSD, the tract shall contain a minimum of five (5) acres.

Gloucester

5.9.2 Applicability

The Planning Board may grant a special permit for a Cluster Development on a parcel of land of a size equivalent to five times the minimum lot size in the District, but no less than three acre= of contiguous land not separated by a roadway or utility easement at the time of application, in the R-1, R-RA, R-RB, R-2, R-2A and R-3 residential districts, subject to the following regulations and conditions

Yield Plan

Northampton:

5. A. The maximum number of dwelling units in the development shall be computed by multiplying the total tract area, less proposed roadways and ninety (90) percent of wetlands and floodplains, by the density shown below for the appropriate zone:

RR 1.1 dwelling units per acre

SR 1.5 dwelling units per acre

URA 2.2 dwelling units per acre

URB 4.4 dwelling units per acre

URC 4.4 dwelling units per acre

WSP 0.54 dwelling units per acre, regardless of the underlying district

All Districts 0.54 dwelling units per acre if lots or development have both an on site water supply (well) and an on-site sewage disposal system (septic tank), regardless of the underlying district.

Clinton

7160. Basic Maximum Number of Dwelling Units. The Basic Maximum Number of dwelling units allowed in a Flexible Development shall not exceed the number of lots which could reasonably be expected to be developed upon the site under a conventional plan in full conformance with all zoning, subdivision regulations, health regulations, wetlands regulations and other applicable requirements. The proponent shall have the burden of proof with regard to the design and engineering specifications for such conventional plan.

Groveland

B. Yield Plan. Applicant shall submit a narrative explanation detailing the results of the determination of any proposed allocation of yield determined according to Section VII, Basic Maximum Number (of lots/units/bedrooms).

VII. BASIC MAXIMUM NUMBER (OF LOTS/UNITS/BEDROOMS)

The Basic Maximum Number shall be derived from a Yield Plan. The Yield Plan shall show the maximum number of lots (or dwelling units) that could be placed upon the site under a conventional subdivision. The Yield Plan shall contain the information required for a Sketch Plan, as set forth above in Section VI. The proponent shall have the burden of proof with regard to the Basic Maximum Number of lots (or dwelling units) resulting from the design and engineering specifications shown on the Yield Plan.

Density Bonus

Northampton:

B. The above densities are increased by up to fifteen (15) percent if

1. The percent of **density bonus** is no greater than the percent of dwelling units in the cluster that are affordable units. Affordable units are those which may be rented or purchased by households making eighty (80) percent of median household income for Northampton, as calculated by the U.S. Dept. of Housing and Urban Development with adjustments for family size; and
2. Deed and use restrictions, easements, or covenants, with a mechanism for adequate enforcement, are provided and approved by the Planning Board to insure that units are affordable for a minimum of 99 years and that units can only be purchased by people whose income does not exceed eighty (80) percent of median income; and
3. Affordable units are geographically dispersed throughout the development; and
4. The applicant provides all required information and paperwork and pays all required fees under the Massachusetts Local Initiative Program to allow the City to count these units as affordable units.

Clinton

7170. **Density Bonus**. The Planning Board may award a **density bonus** to increase the number of dwelling units beyond the Basic Maximum Number. The **density bonus** for the Flexible Development shall not, in the aggregate, exceed fifty (50%) percent of the Basic Maximum Number. All dwelling units awarded as a **density bonus** shall be two bedroom units. Computations shall be rounded to the lowest number. A **density bonus** may be awarded in the following circumstances:

7171. For each additional ten percent (10%) of the site (over and above the required twenty percent) set aside as contiguous open space, a bonus of five (5%) percent of the Basic Maximum Number may be awarded, provided, however, that this **density bonus** shall not exceed 25% of the Basic Maximum Number. The 10% and 5% may be prorated.

7172. For every two (2) dwelling units restricted to occupancy by persons over the age of fifty-five, one (1) dwelling unit may be added as a **density bonus**, provided, however, that this **density bonus** shall not exceed 10% of the Basic Maximum Number.

7173. For every dwelling unit restricted as affordable to persons or families qualifying as low income, four (4) dwelling unit may be added as a **density bonus**. For every dwelling unit restricted as affordable to persons or families qualifying as moderate income, three (3) dwelling unit may be added as a **density bonus**. For every dwelling unit restricted as affordable to persons or families qualifying as median income, two (2) dwelling unit may be added as a **density bonus**. Thus **density bonus** shall not exceed 15% of the Basic Maximum Number.

7174. For every basic dwelling unit restricted to two (2) bedrooms, an additional two (2) bedroom unit may be added as a **density bonus**. This **density bonus** shall not exceed 10% of the Basic Maximum Number.

Haverhill

C. Applicability to Cluster Residential or Planned unit development

In the event that the developer of a cluster residential or planned unit development wishes to provide more low and moderate income housing units than required as part of the development, he/she may apply to the City Council acting as the Special Permit Granting Authority (SPGA) for a special permit to allow an increase in density ("**density bonus**"). A **density bonus** may be granted using the following formula:

1. If 15%-25% of the units are set aside as low and moderate income housing rental units, the City Council may grant a numerical equivalent **density bonus** of up to 15-25% more units than normally allowed in applicable zoning district. In no case can the unit **density bonus** exceed 25%.

In order to accomplish increases in density for cluster residential or planned unit development, the City Council shall determine that public utilities, lot sizes and dimensional requirements are sufficient to accomplish the increases in dwelling unit density in addition to other special permit requirements.

Kingston

5.3.3. The procedure for a Residential Development Encouraging Open Space (RDEOS), Planned Residential Development (PRD) or a Development with Significant Public Benefit (DSPB) is not intended be used as an alternative to allow the construction of a conventional subdivision that could not otherwise comply with the standards and requirements set forth in this Bylaw or in the "Rules and Regulations Governing the Subdivision of Land". Permitted density of Residential Development Encouraging Open Space (RDEOS), Planned Residential Development (PRD) are the same as the underlying zoning. One (1) dwelling unit per acre of developable site in the R-40 zone and one half (0.5) dwelling unit per acre of developable site in the R-80 zone. Developments with Significant Public Benefit (DSPB) and the associated density bonuses are permitted only in the R-40 zoning district. **Density bonus** associated with DSPB which are permitted only in the R-40 zone can achieve a maximum **density bonus** of one and a half (1.5) dwelling units per acre of developable site only with the provision of affordable housing units and other defined significant public benefits as described in Section 5.3.8. below.

Groveland

XII. INCREASE IN PERMISSIBLE DENSITY

The Planning Board may award a **density bonus** to increase the number of dwelling units beyond the Basic Maximum Number. The **density bonus** for the CSD shall not, in the aggregate, exceed thirty percent (30)% of the Basic Maximum Number. Computations shall be rounded to the lowest number. A **density bonus** may be awarded in the following circumstances:

1. For each additional ten percent (10%) of the site (over and above the required 50%) set aside as open space, a bonus of five percent (5%) of the Basic Maximum Number may be awarded; provided, however, that this **density bonus** shall not exceed ten percent (10%) of the Basic Maximum Number.
2. For every two (2) dwelling units permanently restricted to occupancy by persons over the age of fifty-five, by a recorded restriction enforceable by the Town, one (1) dwelling unit may be added as a **density bonus**; provided, however, that this **density bonus** shall not exceed 10% of the Basic Maximum Number.
3. For every two (2) dwelling units permanently restricted to occupancy by persons or families who qualify as low or moderate income, as those terms are defined for the area by the Commonwealth's Department of Housing and Community Development, by a recorded restriction enforceable by the Town, one (1) dwelling unit may be added as a **density bonus**; provided, however, that this **density bonus** shall not exceed 10% of the Basic Maximum Number.

Gloucester

5.9.7 Development Density

- (a) The maximum number of dwelling units allowed in a Cluster Development shall be derived by dividing the parcel of land by 90% of the normal minimum lot area or square footage per unit requirements in that district.
- (b) Where the Cluster Development includes more than one ownership and/or lies in more than one district, the number of units allowed shall be calculated as above for each district and summed to give an overall allowable total, which may be located on the plan without respect to allowable subtotals by district or ownership areas.

5.9.8 Density Bonus

The Planning Board may authorize an increase in lots or dwelling units up to 20% above that allowed under Section 5.9.7 of this Ordinance, if either of the following conditions are met:

- (a) The applicant deeds to the city or restricts under a conservation restriction a portion of the Applicable Land Area, if that land is determined by the Planning Board to be of critical importance for the public good. Applicable Land Area shall be calculated by a registered land surveyor, and equals the total area encompassed by the Cluster Development minus land subject to either inland or coastal wetland regulations (Article 12, Gloucester Code of Ordinances), and minus land otherwise prohibited from development by other local ordinances or regulations.
- (b) The applicant sets aside a portion of the dwelling units on the site as affordable units, as defined by Section 5.11.2 of this Ordinance. For each affordable unit the applicant shall receive a density bonus of one added lot or dwelling unit for each 1.5 permanently affordable dwelling units built.

Ownership of Common Space

Northampton

11. Such Common Open Space as required by this section and by the Planned Unit Development of this Ordinance shall be placed under a Conservation Restriction in accordance with the provisions of M. G. L. Chapter 184, § 31-33 as amended. Such common land shall be either deeded to the City at no cost (but only with the consent of both the Planning Board and the City Council and the Conservation Commission or Recreation Commission, as appropriate) or shall be conveyed to a private non-profit corporation, the principal purpose of which is conservation or preservation of open space or to an organization or legal entity established for the purpose of owning and maintaining such common land. Such organization shall be created by covenants running with the land, and such covenants shall be included with the submitted development plan and shall be subject to approval by the City Solicitor. Said covenants must be re-recorded every thirty years.

Such corporation or organization shall not be dissolved, nor shall it dispose of any common open space by sale or otherwise (except to an organization conceived and organized to own and maintain the common open space) without first offering to dedicate the same to the City.

Covenants creating such organization shall provide that in the event the organization established to own and maintain common open space, or any successor organization, shall at any time after establishment of the development fail to maintain the common open space in reasonable order and condition in accordance with the development plan, the Planning Board may serve notice in writing upon such organization or upon the residents of the development setting forth the manner in which the organization has failed to maintain the common open space in reasonable condition, shall contain a demand that such deficiencies of maintenance be cured within thirty (30) days thereof, and shall state the date and place of a public hearing thereon which shall be held within twenty (20) days of the notice. If the deficiencies set forth in the original notice or in the modifications thereof shall not be cured within said thirty (30) days or any extension thereof, the Planning Board, in order to preserve the taxable values of the properties within the development and to prevent the common open space from becoming a public nuisance, may enter upon said common open space and maintain the same until the organization theretofore responsible for the maintenance of the common open space demonstrates, to the Planning Board's approval, that they can adequately maintain the common open space.

The covenants creating such organization shall further provide that the cost of such maintenance, including all administrative costs, by the City shall be assessed against the properties within the development that have a right of enjoyment of the common open space, and shall become a charge of said properties, and such charge shall be paid by the owners of said properties within thirty (30) days after receipt of a statement therefore.

The covenants shall provide that each dwelling unit shall have an equal say in determining the affairs of the organization; that costs shall be assessed equally to each dwelling unit; and that the organization shall be retained in the control of the developer no longer than until a majority of dwelling units are conveyed to permanent owners. Where appropriate, more than one separate and distinct organization may be created. Separate organizations may not be created, however, where one might be too small (in terms of the number of lots included) to operate efficiently, or where one has a responsibility for too large or costly (to maintain) parcel of open space in proportion to that under the responsibility of other organizations within the same development.

Clinton

7185 Ownership of the Contiguous Open Space The contiguous open space shall, at the Planning Board's election, be conveyed to

- a. The Town or its Conservation Commission,
- b. A nonprofit organization, the principal purpose of which is the conservation of open space and any of the purposes for such open space set forth above,
- C. A corporation or trust owned jointly or in common by the owners of lots within the Flexible Development If such corporation or trust is utilized, ownership thereof shall pass with

conveyance of the lots in perpetuity Maintenance of such open space and facilities shall be permanently guaranteed by such corporation or trust which shall provide for mandatory assessments for maintenance expenses to each lot Each such trust or corporation shall be deemed to have assented to allow the Town to perform maintenance of such open space and facilities, if the trust or corporation fails to provide adequate maintenance, and shall grant the town an easement for this purpose In such event, the town shall first provide fourteen (14) days written notice to the trust or corporation as to the inadequate maintenance, and, if the trust or corporation fails to complete such maintenance, the town may perform it

Each individual deed, and the deed or trust or articles of incorporation, shall include provisions designed to effect these provisions Documents creating such trust or corporation shall be submitted to the Planning Board for approval, and shall thereafter be recorded

Kingston

5.3.6.4. COMMON OPEN SPACE OWNERSHIP AND MANAGEMENT

a. Common open space in any Residential Development Encouraging Open Space shall be conveyed to:

(1) The Town, and may be accepted by it for use as open space, conservation, recreation, or park lands:

(2) A nonprofit corporation, the principal purpose of which is the conservation of open space; or

(3) A corporation or trust owned or to be owned by the owners of lots within the development. If a corporation or trust owned by the owners of lots is utilized, ownership of open space shall pass with the conveyances of the lots. In any case where such land is not conveyed to the Town, a restriction enforceable by the Town shall be provided, including a recordable easement and recordable covenant, that such land shall be kept in an open or natural state and shall not be built upon for residential use or developed for accessory uses such as parking or roadway.

b. If the common open space is not to be conveyed to the Town, then the applicant shall include as part of the covenant, a provision that the common open space will be deeded to one of the above entities as approved by the Planning Board. In addition, the covenant shall not be released until proof of approved open space ownership has been provided to the Planning Board.

c. If the common open space is not to be conveyed to the Town, the applicant for an Residential Development Encouraging Open Space special permit must include a program describing how the common open space will be maintained in perpetuity to standards satisfactory to the Planning Board. The applicant shall also provide as part of the common open space proposal an easement empowering the Town to maintain the common open space in the event of failure to comply with the program included in the application pursuant to the preceding sentence providing that, if the Town is required to perform any maintenance work, the owners of lots within the Residential Development Encouraging Open Space shall be liable to pay the cost thereof and that cost shall constitute a lien upon their properties until said cost has been paid.

Groveland

2. Ownership of the Open Space. The open space shall be conveyed to:

(a). the Town or its Conservation Commission;

(b). a nonprofit organization, the principal purpose of which is the conservation of open space and any of the purposes for such open space set forth above; or

(c). a corporation or trust owned jointly or in common by the owners of lots within the CSD. If such corporation or trust is utilized, ownership thereof shall pass with conveyance of the lots in perpetuity. Maintenance of such open space and facilities shall be permanently guaranteed by such corporation or trust, which shall provide for mandatory assessments for maintenance expenses to each lot. Each such trust or corporation shall be deemed to have assented to allow the Town to perform maintenance of such open space and facilities, if the trust or corporation fails to provide adequate maintenance, and shall grant the town an easement for this purpose. In such event, the town shall first provide fourteen (14) days written notice to the trust or corporation as to the inadequate maintenance, and, if the trust or corporation fails to complete such maintenance, the town may perform it. Each individual deed, and the deed or trust or articles or incorporation, shall include provisions designed to effect these provisions. Documents creating such trust or corporation shall be submitted to the Planning Board for approval, and shall thereafter be recorded.

APPENDIX A-3

Housing Recommendation: Accessory Apartments

This recommendations seeks a simpler, more accessible, process for allowing accessory units on undeveloped and developed parcels. The provisions of other bylaws were reviewed for comparison and as possible models. The bylaws reviewed - Groton, Amherst, and Andover - are generally more restrictive than what is in effect in West Newbury. It is worthy of noting that Groton allows conversion to two units by right, whereas West Newbury allows new construction by right, but conversions require a special permit. A discussion of what provisions are considered problematic in West Newbury would provide good direction to identifying proposed changes

Status of Accessory Apartment Elements in West Newbury Zoning Bylaw

Residential uses allowed by right in Zones A, B, and C:

1. One or two family dwelling
2. Boarding house or rooming house for not more than four persons, provided that the house is also occupied as a private residence

Residential uses allowed by Special Permit in A, B, C:

1. Remodeling an existing dwelling or an accessory building thereto to accommodate one additional unit, provided that:
 1. Lot coverage is 25% or less
 2. One off-street parking space/BR or efficiency unit
 3. Provision for screening of outside storage
 4. On town water, or BOH approval
 5. Principal structure is at least 1,100sf
 6. 350sf/unit, plus 100sf/additional BR
 7. New unit 50% or less of total building
 8. Owner shall live on-site in principal unit
 9. If unit in accessory building, all size and frontage requirements shall apply as if the separate building were on a separate lot to be subdivided
2. Congregate and shared housing for the elderly, providing that:
 1. Lot shall contain at least 50% more land than the minimum required in zone
 2. No more than 12 persons/unit and no more than 2 persons/BR
 3. Full licensed
 4. Use municipal water
 5. Off street parking and loading in rear

Special Permit Fee: \$2,000

Recommended Changes to Facilitate Development of Accessory Units

Allowed By Right – If construction activities are allowed by right with certain restrictions, these restrictions need to be ones that can reasonably be identified and evaluated by the Building Inspector. In order to facilitate the development of accessory units, the following restrictions could be added and easily reviewed by the Building Inspector before issuing a building permit. Allowance by right removes eligible projects from Site Plan Review requirements.

Recommendations:

Allow by right up to 2 additional units in a single family residence if:

- the addition to the building to allow these units is an increase in the size of the building of no more than 20% of the total existing square footage of the building,
- on-site system can be proven to be adequate for additional bedrooms
- the style and materials of the addition are similar to those on the existing residence,
- No other additions to the building in the preceding 5 years
- there is one on-site parking space/additional bedroom,
- on Town water
- all units are at least 350sf and there is no more than 25% lot coverage.

Require a special permit only in situations where 3 or more units are to be constructed or where the above requirements are not met. Site Plan Review is required for any project requiring a special permit Any conversions requiring a special permit must also meet the following standards that can be implemented through the SPR process:

- screening of outside storage
- screening or enclosing of outside stairways
- on town water or approval of BOH
- septic upgrades required

Reduce the application fee for the special permit to \$1,000

COMMUNITY INVESTMENT ASSOCIATES

P.O. Box 235
Ipswich, MA 01938

978/356-2164
978/356-9881 (f)

MEMORANDUM

TO: West Newbury Planning Board
FROM: Carolyn Britt, AICP, Consultant
DATE: 1/20/04
RE: Options for Allowing Additional Construction and Conversion of Two Family Dwellings

Interest has been expressed by the members of the West Newbury Planning Board that the Housing Element addresses the question of facilitating the construction and conversion on housing that accommodates two units within one building or on one lot. A question about the same topic was posed on the Planners' Network and Groton, Andover, and Amherst replied. The concern was the regular attacks on an every several year basis that was made on this provision.

A summary of each of these bylaws is presented below. As you can see, the provisions of these bylaws are generally more restrictive than those in effect in West Newbury. It is worthy of noting that Groton allows conversion to two units by right, whereas West Newbury allows new construction by right, but conversions require a special permit. A discussion of what provisions are considered problematic in West Newbury would provide good direction to identifying proposed changes.

The following section summarizes the current treatment of this option in the West Newbury Zoning Bylaw, and in the bylaws of Amherst, Groton, and Andover.

Summary of Allowed Housing in West Newbury Zoning Bylaw, October 2001

Residential uses allowed by right in Zones A, B, and C:

3. One or two family dwelling
4. Boarding house or rooming house for not more than four persons, provided that the house is also occupied as a private residence

Residential uses allowed by Special Permit in A, B, C:

1. Remodeling an existing dwelling or an accessory building thereto to accommodate one additional unit, provided that:
 10. Lot coverage is 25% or less
 11. Once off-street parking space/BR or efficiency unit
 12. Provision for screening of outside storage
 13. On town water, or BOH approval
 14. Principal structure is at least 1,100sf

15. 350sf/unit, plus 100sf/additional BR
16. New unit 50% or less of total building
17. Owner shall live on-site in principal unit
18. If unit in accessory building, all size and frontage requirements shall apply as if the separate building were on a separate lot to be subdivided

2. Congregate and shared housing for the elderly, providing that:
 6. Lot shall contain at least 50% more land than the minimum required in zone
 7. No more than 12 persons/unit and no more than 2 persons/BR
 8. Full licensed
 9. Use municipal water
 10. Off street parking and loading in rear

Groton Zoning Bylaw

Residential Uses allowed by right:

Conversion of a single-family dwelling existing at the time of adoption of this chapter into a 2-family dwelling provided that its external appearance is not significantly different from a single-family dwelling

Two-family detached dwelling, provided that its external appearance is not significantly different from a single-family dwelling

Residential Uses allowed by special permit:

Multi-family use, as allowed by the provisions of 218-27A, dwelling conversion

1. No recent expansions
2. No more than 3 dwellings, including in an accessory structure
3. No less than 500sf times the number of dwelling units
4. No more than 10% increase in floor area
5. External stairs out of sight of street
6. 2 off-street spaces/dwelling, no more than 20% of lot area
7. Owner-occupied
8. BOH certificate that sewage disposal facilities are adequate

Multifamily use, as allowed by the provisions of 218-27B, subsidized elderly housing

(This option also carries a long list of restrictions as noted above, as well as design restrictions)

Multifamily use, as allowed by the provisions of 218-27C, Planned multifamily/residential development – Planning Board

- Concept plan must be approved by 2/3 vote of Town Meeting, including size, location, floor plans, impact analysis,

Rooming or boarding house with not over 4 lodgers – Planning Board

Andover Zoning Bylaw

Residential Uses allowed by right:

Rent rooms for dwelling to not more than 4 persons not members of the family, provided no advertising on the dwelling or lot no larger than 6"x24" in an existing dwelling

Guest or rooming houses

Residential Uses allowed by special permit:

One and two-family dwellings, including the right to convert any existing dwelling to not more than 5 units by SP from ZBA, provided:

No major exterior structural changes that alter character

Must meet all codes and bylaws

Stairways to upper floors must be enclosed

Nursing and convalescent homes

Congregate housing for elderly, with maximum FAR of .3, nor more than 14 dwelling units in existing buildings, meet dimensional requirements.

Amherst Zoning Bylaw

Residential Uses allowed by special permit:

Construction of Subdividable Dwelling and Converted Dwellings

Subdividable dwelling

1. Up to 3 in a new construction building
2. Not in aquifer or watershed protection zones
3. Must have a management plan
4. Landscape plan
5. Minimum areas of 1,000 and 2,000sf

Converted dwelling

1. No more than 4 or 6 units depending on zone
2. Not adversely affect neighborhood
3. No significant change in the exterior of building – no demolition to replace
4. Near good road access and other converted or multi-family buildings
5. Conversion in detached buildings only with 500sf or more of space
6. Requires management plan
7. Landscape plan
8. Open space required/unit depending on zone

APPENDIX B. ECONOMIC DEVELOPMENT

Summary of the Workshop on Economic Development

Summary of the Workshop on Economic Development

Introduction

On November 23, 2004, a workshop on economic development was held in West Newbury to provide a forum on key topics associated with economic development and the Town's Comprehensive Plan. The workshop was sponsored by the Planning Board and facilitated by The Cecil Group, the consultant assisting in the economic planning effort associated with this report.

The workshop on economic development focused on seven discussion topics: home-based businesses, mixed-use development, business district zoning, parking and traffic, building design standards, wastewater treatment, alternative and appropriate locations for future economic development. The workshop participants were asked to consider these seven categories in terms of preferences (defined as what the person would like to see changed or preserved) and actions (defined by what actions should then be taken to achieve the preferences).

The results of this workshop were used as a source of topics for further discussion and study, but should not be considered to represent any specific consensus or preference for the town as whole.

Participants' Comments

The following pages list the preferred actions and actions expressed by the participants and recorded on tablets by the workshop's facilitators.

Preferences:

- Home Based Businesses

Make desirable uses conforming

Proper signage

Range of business types

Sense of small town community

Limit number of employees

Parking - size of lot, screening

Limit parking area

Scope of what is happening

Lot size and businesses

Setbacks

Limit signage

Establish hours and types of operations

- Mixed-Use Business Development

Standard uses/mixed-use - residential (Chapter 40B) above with business below

Worried about promoting development expansion into inappropriate areas

Home + businesses or business + home

Should not apply to town center or main street locations

Small expansion

Service oriented

Disburse across town

- Zoning and the Business District

Appropriate expansion

Must be well defined and in character

Use variance process

Do not limit location

No threat to rules and regulations

Concentrate along Route 113

Restaurant and take-out establishments

Address parking ratios

- Parking, Sidewalks and Traffic

Reduce traffic speeds

Vehicle and pedestrian interactions

Traffic study of town center including Church Street

Bicycle lanes

Bump-outs in town center

Landscape in traffic islands

No additional traffic lights

State highway character to small town area

- Building Design Standards

Need building design guidelines to be established

- Wastewater Treatment Alternative

Town to help provide

Package plant would help

Control and encourage appropriate development

Actions to Achieve Preferences:

- Home Based Businesses

Revise zoning to encourage appropriate use
Expanded review funded by applicants
Organize enforcement process
Tighten sign ordinance for home-based businesses
Establish business registration

- Mixed-Use Business Development

Appropriate limited could be more than just commercial area
Business tax and permit fees

- Zoning and the Business District

Enforce businesses code then maybe businesses zone revisions
Parking regulations
Shared parking strategies
Enforce regulations
Enforcement for commercial expansion
Establish overlay district and performance standards

- Parking, Sidewalks and Traffic

Determine state restrictions on Route 113
Texture in road as traffic calming measure
Disperse cottage industries across town to reduce traffic on Main Street
Re-configure intersection of Main Street with Church and Maple Street
Wider sidewalks along Main Street in the area of the town center
Public transportation

- Building Design Standards

Facade improvements

- Wastewater Treatment Alternative

Septic system enforcement
Package septic system in town center to accommodate existing businesses only

APPENDIX C. SMART GROWTH/SUSTAINABLE DEVELOPMENT

C-1. Massachusetts OCD Sustainable Development Principles

C-2. Commonwealth Capital Application (DRAFT)

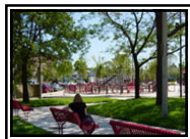
C-3. Commonwealth Capital Application Guidance (DRAFT)



SUSTAINABLE DEVELOPMENT PRINCIPLES

The mission of the Massachusetts Office for Commonwealth Development (OCD) is to care for the built and natural environment by promoting sustainable development through the integration of energy, environmental, housing, and transportation agencies' policies, programs and regulations.

OCD will encourage the coordination and cooperation of all agencies, invest public funds wisely in smart growth and equitable development, give priority to investments that will deliver living wage jobs, transit access, housing, open space, and community-serving enterprises, and be guided by a set of sustainable development principles.



1. REDEVELOP FIRST. Support the revitalization of community centers and neighborhoods. Encourage reuse and rehabilitation of existing infrastructure rather than the construction of new infrastructure in undeveloped areas. Give preference to redevelopment of brownfields, preservation and reuse of historic structures and rehabilitation of existing housing and schools.



2. CONCENTRATE DEVELOPMENT. Support development that is compact, conserves land, integrates uses, and fosters a sense of place. Create walkable districts mixing commercial, civic, cultural, educational and recreational activities with open space and housing for diverse communities.



3. BE FAIR. Promote equitable sharing of the benefits and burdens of development. Provide technical and strategic support for inclusive community planning to ensure social, economic, and environmental justice. Make regulatory and permitting processes for development clear, transparent, cost-effective, and oriented to encourage smart growth and regional equity.



4. RESTORE AND ENHANCE THE ENVIRONMENT. Expand land and water conservation. Protect and restore environmentally sensitive lands, natural resources, wildlife habitats, and cultural and historic landscapes. Increase the quantity, quality and accessibility of open space. Preserve critical habitat and biodiversity. Promote developments that respect and enhance the state's natural resources.



5. CONSERVE NATURAL RESOURCES. Increase our supply of renewable energy and reduce waste of water, energy and materials. Lead by example and support conservation strategies, clean power and innovative industries. Construct and promote buildings and infrastructure that use land, energy, water and materials efficiently.



6. EXPAND HOUSING OPPORTUNITIES. Support the construction and rehabilitation of housing to meet the needs of people of all abilities, income levels and household types. Coordinate the provision of housing with the location of jobs, transit and services. Foster the development of housing, particularly multifamily, that is compatible with a community's character and vision.



7. PROVIDE TRANSPORTATION CHOICE. Increase access to transportation options, in all communities, including land- and water-based public transit, bicycling, and walking. Invest strategically in transportation infrastructure to encourage smart growth. Locate new development where a variety of transportation modes can be made available.



8. INCREASE JOB OPPORTUNITIES. Attract businesses with good jobs to locations near housing, infrastructure, water, and transportation options. Expand access to educational and entrepreneurial opportunities. Support the growth of new and existing local businesses.



9. FOSTER SUSTAINABLE BUSINESSES. Strengthen sustainable natural resource-based businesses, including agriculture, forestry and fisheries. Strengthen sustainable businesses. Support economic development in industry clusters consistent with regional and local character. Maintain reliable and affordable energy sources and reduce dependence on imported fossil fuels.



10. PLAN REGIONALLY. Support the development and implementation of local and regional plans that have broad public support and are consistent with these principles. Foster development projects, land and water conservation, transportation and housing that have a regional or multi-community benefit. Consider the long-term costs and benefits to the larger Commonwealth.

COMMONWEALTH CAPITAL APPLICATION

Municipality:

Email:

Date:

Name:

Title:

Phone:

Please attach to this application a letter signed by the municipality's chief elected official designating a point of contact and outlining how the community has met, or made a binding commitment to, the following criteria. For zoning measures, please cite the zoning bylaw or ordinance and submit a zoning map. For non-zoning criteria or recently passed zoning, provide a copy of pertinent plans, bylaws, appropriations, maps, or other documentation. Electronic submissions are preferred. See Application guidance for additional details and a sample letter.

		Existing	Commit
1. PROMOTE COMPACT DEVELOPMENT (42)			
a.	Mixed-use zoning district with capacity for additional growth	<input type="checkbox"/> (7)	<input type="checkbox"/> (3)
b.	Zoning for accessory units	<input type="checkbox"/> (7)	<input type="checkbox"/> (3)
c.	Zoning allowing, as of right, multi-family dwellings (not age restricted)	<input type="checkbox"/> (4)	<input type="checkbox"/> (2)
	If capacity exists within such districts for the equivalent of >20% of existing units in the community	<input type="checkbox"/> (3)	<input type="checkbox"/> (1)
d.	Zoning for clustered development	<input type="checkbox"/> (4)	<input type="checkbox"/> (2)
	If zoning is mandated, as of right, or has been utilized in the past 12 months	<input type="checkbox"/> (3)	<input type="checkbox"/> (1)
e.	Zoning for transfer of development rights	<input type="checkbox"/> (7)	<input type="checkbox"/> (3)
f.	Zoning directing new development to existing water and sewer network	<input type="checkbox"/> (7)	<input type="checkbox"/> (3)
2. EXPAND HOUSING OPPORTUNITIES (33)			
a.	Executive Order 418 Housing Certification, including, where applicable, regional certification	<input type="checkbox"/> (7)	
b.	DHCD-approved Affordable Housing Plan	<input type="checkbox"/> (7)	<input type="checkbox"/> (3)
c.	Attainment of the affordable housing goals	<input type="checkbox"/> (7)	
d.	Zoning requiring the inclusion of affordable units	<input type="checkbox"/> (6)	<input type="checkbox"/> (3)
e.	Local funding or use of appropriate municipally-owned land	<input type="checkbox"/> (6)	<input type="checkbox"/> (2)
3. REUTILIZE BROWNFIELDS AND ABANDONED BUILDINGS (12)			
a.	Plan for redevelopment: (a) inventory, (b) remediation/reuse strategy, (c) site planning, (d) other	<input type="checkbox"/> (6)	<input type="checkbox"/> (3)
b.	Incentives for Brownfields assessments and reuse: (a) funding, (b) tax incentives, (c) permit streamlining, (d) other	<input type="checkbox"/> (6)	<input type="checkbox"/> (3)
4. PLAN FOR LIVABLE COMMUNITIES (10)			
a.	Current Master Plan or Executive Order 418 Community Development Plan	<input type="checkbox"/> (2)	<input type="checkbox"/> (1)
	If zoning is consistent with the plan	<input type="checkbox"/> (2)	<input type="checkbox"/> (2)
	If the plan and zoning are consistent with relevant Regional Policy Plan (when available)	<input type="checkbox"/> (2)	<input type="checkbox"/> (1)
b.	Current DCS-approved Open Space and Recreation Plan	<input type="checkbox"/> (4)	<input type="checkbox"/> (2)
5. PROMOTE LIVABLE COMMUNITIES (12)			
a.	Adoption of Community Preservation Act or Land Bank, or recent passage of municipal bond authorization or significant funding for open space protection	<input type="checkbox"/> (4)	<input type="checkbox"/> (2)
b.	Protection of 15-25% of land area by a permanent Chapter 184-type restriction or fee-simple Article 97 type acquisition	<input type="checkbox"/> (2)	
	If 25% or more of land area	<input type="checkbox"/> (3)	
	If a restriction or fee acquisition occurred in the past 12 months	<input type="checkbox"/> (3)	
	If a restriction or acquisition was undertaken jointly with a land trust in past 12 months	<input type="checkbox"/> (2)	
6. ADVANCE SOUND WATER POLICY (12)			
a.	Water Conservation Plan consistent with the Water Conservation Standards	<input type="checkbox"/> (4)	<input type="checkbox"/> (2)
b.	Implementation of (a) stormwater BMPs, (b) LID techniques, (c) other water resource measures	<input type="checkbox"/> (4)	<input type="checkbox"/> (2)
c.	Integrated Water Resources Management Plan	<input type="checkbox"/> (4)	<input type="checkbox"/> (2)
7. PRESERVE WORKING NATURAL LANDSCAPES (12)			
a.	Right-to-farm bylaw	<input type="checkbox"/> (4)	<input type="checkbox"/> (2)
b.	Zoning for agricultural and forestry uses (≥ 10 acres per dwelling unit)	<input type="checkbox"/> (4)	<input type="checkbox"/> (2)
c.	Existing agricultural commission or use of Ch. 61-61A-61B right of first refusal in last 2 years	<input type="checkbox"/> (4)	
8. PROMOTE SUSTAINABLE DEVELOPMENT VIA OTHER ACTIONS (7)			
a.	Existing or commitment to local measures or actions not listed	<input type="checkbox"/> (7)	<input type="checkbox"/> (5)
TOTAL BOTH EXISTING & COMMIT POINTS (MAX. 140)		<div style="border: 1px solid black; width: 100px; height: 30px;"></div>	

Commonwealth Capital Application Guidance

This document is intended solely to assist communities as they complete and submit their Commonwealth Capital application to the Office for Commonwealth Development (OCD). For information on OCD and its policy initiatives, including a copy of the Romney Administration's Sustainable Development Principles, please visit www.mass.gov/oed/. Detailed information on the Commonwealth Capital policy can be found on the OCD website at: www.mass.gov/oed/comcap.html.

Education Sessions & Technical Assistance: Beginning in June of 2004, sessions will be held across the state to assist communities in understanding Commonwealth Capital and completing their application. In addition, technical assistance will be available to assist communities in completing their Commonwealth Capital applications and to help them implement sustainable development consistent land use regulations. Visit OCD's Commonwealth Capital web page at www.mass.gov/oed/comcap.html for a schedule of upcoming sessions and other information.

Scoring: A municipality's score on this application will represent 20% of its overall score on any application to a Commonwealth Capital program (see OCD's Commonwealth Capital web page for more detail). Communities receive points on their Commonwealth Capital application for measures already in place at the time of application, and for those to which they are willing to commit. In most cases, communities can receive points for either an existing measure or one they are willing to commit to, but not both.

Some criteria, such as the establishment of an agricultural commission or the concentration of growth on a water and sewer network, are not feasible in every community. The application has been crafted in a way that will ensure balanced access to grants across urban, suburban, and rural communities. As a result, applicant communities are not expected to earn all available Commonwealth Capital points; a good score may be half of available points.

Documentation: In addition to a letter signed by the chief elected official (see example in Appendix 1) outlining fulfillment of the criteria and assigning a specific municipal designee, communities must document existing zoning measures by citing the zoning bylaw or ordinance and submitting a zoning map (preferably in electronic format on a CD-ROM or as an attachment to email). OCD will verify the existence of these measures via the Ordinance.com website. For non-zoning related criteria, recently passed zoning measures, or where a municipality does not submit their bylaw or ordinances to www.ordinance.com, communities will provide a copy of pertinent plans, bylaws, appropriations, maps or other documentation (preferably in electronic format on a CD-ROM or as an attachment to email) in support of their application. Communities will show commitment to implementing criteria by providing a letter from the appropriate municipal board, commission, or authority documenting an approved motion to take the plan or technique to a vote of the appropriate municipal organization within one year of application. For example, communities would demonstrate their commitment to implementation of cluster zoning by providing a letter documenting a motion accepted by the planning board to develop, review, and submit an appropriate by-law or ordinance for consideration by the local legislative body (i.e. town meeting or city council) within 12 months.

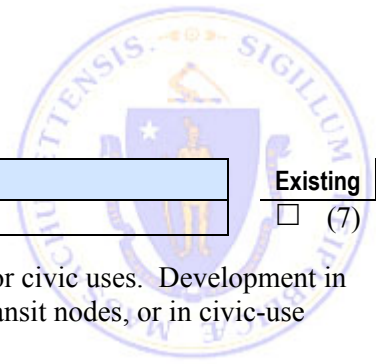
Applications should be submitted to: Massachusetts Office for Commonwealth Development
Attn: Commonwealth Capital
100 Cambridge Street, 10th Floor
Boston, MA 02114

Process: While Commonwealth Capital applications can be submitted at any time, and will be good for all Commonwealth Capital programs, it is suggested that communities submit applications--both program and Commonwealth Capital applications--to meet specific program deadlines (as per past practice). The resulting score will be good for the remainder of the state fiscal year (July 1--June 30). If local circumstances change, documentation can be submitted to amend a community's application and increase the score received. An OCD interagency team will review applications within 30 days of receipt. The municipal designee whose name would appear at the top of the Commonwealth Capital application) will be contacted if questions arise or information is missing. In addition, the designee will be contacted for a discussion of the municipality's score prior to a public posting of the municipality's score on OCD's Commonwealth Capital web page.

Questions: For questions on Commonwealth Capital, please visit www.mass.gov/oed/comcap.html; send an email to commcap@massmail.state.ma.us, or call (617) 626-1154.

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Specific Guidance for Evaluation Criteria



1. PROMOTE COMPACT DEVELOPMENT (42)		Existing	Commit
a.	Mixed-use zoning district with capacity for additional growth	<input type="checkbox"/> (7)	<input type="checkbox"/> (3)

Mixed-use zoning districts incorporate housing as well as industrial, commercial, or civic uses. Development in these districts can occur as adaptive reuse, upper story and infill development at transit nodes, or in civic-use districts, downtowns, or commercial areas.

One of the key ways in which the Commonwealth can achieve a more sustainable development pattern is to grow in the traditional pattern of our past. This criterion encourages communities to redevelop first and to concentrate development in new or existing mixed-use districts that include housing, commercial, and civic uses.

Mixed-use zoning districts must include capacity for the creation of a meaningful number of new housing units and square feet of additional space for other uses. Communities will submit a map illustrating the district(s) and cite the zoning text. In addition, communities will discuss the feasible use of the bylaw to create new development. Ideally capacity for future growth will be demonstrated through the completion of a buildout analysis for mixed-use zoning district(s), however, communities can document capacity for growth through any convincing means.

It is expected that these districts will be at a variety of scales and densities that reflect the diversity of communities from the rural towns of the Berkshires to the urban centers of eastern Massachusetts. Guidance on traditional neighborhood design, which emphasizes mixed-use zoning, can be found at:

commpres.env.state.ma.us/content/tnd.asp.

1. PROMOTE COMPACT DEVELOPMENT (42)		Existing	Commit
b.	Zoning for accessory units	<input type="checkbox"/> (7)	<input type="checkbox"/> (3)

Accessory dwelling units are independent units created within or on the lot of single-family homes. Accessory units can be a cost-effective means of increasing the supply of affordable rental housing in a community without substantially changing the community's character or needing to provide new infrastructure (road, sewers, etc.). While accessory unit bylaws and ordinances are becoming more common, many communities still prohibit accessory units. This criterion encourages communities to pass zoning that will allow for the creation of accessory units as a means of adding to their housing supply quickly and in a sustainable manner.

Communities with zoning in place that permits accessory units must identify the zoning ordinance or bylaw and its citation in order to receive 7 points. Municipalities committing to take an accessory unit bylaw or ordinance to town meeting or city council for a vote within 12 months of submitting their Commonwealth Capital application will receive 3 points.

Information on accessory dwelling units can be found in Chapter 3 "Zoning and Land Use Strategies" of the Citizens' Housing and Planning Association's (CHAPA) publication, *Taking the Initiative: Guidebook on Creating Local Affordable Housing Strategies*, available at: www.mhp.net/community/initiative_guidebook.php.

1. PROMOTE COMPACT DEVELOPMENT (42)		Existing	Commit
c.	Zoning allowing as of right multi-family dwellings (not age restricted)	<input type="checkbox"/> (4)	<input type="checkbox"/> (2)
	If capacity exists within such districts for the equivalent of $\geq 20\%$ of existing units in the community	<input type="checkbox"/> (3)	<input type="checkbox"/> (1)

The intent of this criterion is to encourage communities to establish as of right zoning for duplex, three-family, apartment buildings, housing above retail, and other types of multi-family units. For the purpose of this criterion, housing other than a single-family home is considered multi-family (with one exception; accessory units will not be counted under this criterion as they have their own, 1b, above). Less than half of Massachusetts' communities have zoned for the construction of any new multi-family housing as of right. However, more multi-family units are needed to increase the diversity of housing options and to lower the overall cost of housing.

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Points for this criterion are cumulative. Communities that have zoned for multi-family housing as of right (not age restricted) will receive 4 points, or with a commitment, 2 points. Communities that have zoned enough land area to produce housing units in multi-family structures in excess of 20% of the number of existing units in the community will receive an additional 3 pts (thus 7 points total for this criterion) or with a commitment to enhance the development potential of an existing district to 20% or more of existing units an additional point (thus 5 points total). With a commitment to both zoning for multi-family housing and production in excess of 20%, a community will receive 3 points (the total of both commitment points). Example: In order to receive seven points, a community with 1,000 existing housing units needs to have capacity for 200 or more multi-family units as of right within a zoning district or districts. Note: These units may or may not already exist.

For documentation, communities will submit a zoning map and the zoning bylaw or ordinance citation indicating where multi-family is allowed as of right, accompanied by a very basic analysis of the number of units that could be constructed within the district(s). While ideally yield would be calculated through a buildout analysis, these calculations need only be precise enough to approximate the unit yield. In most instances, total land area in the district divided by land area required per unit will suffice. For example, a district with a requirement for 5,000 square feet of land area per unit, and which consists of 50 acres, would be assumed to yield 435 units. Those without a land area requirement will need to submit alternative documentation (for instance, a calculation using floor area ratio and an assumed gross square foot area per unit for estimating # of units).

1. PROMOTE COMPACT DEVELOPMENT (42)		Existing	Commit
d.	Zoning for clustered development	<input type="checkbox"/> (4)	<input type="checkbox"/> (2)
	If zoning is mandated, as of right, or has been utilized in the past 12 months	<input type="checkbox"/> (3)	<input type="checkbox"/> (1)

A cluster subdivision (otherwise known as open space residential design or conservation subdivision design) concentrates houses on smaller parcels of land, while the additional land, which would have been allocated to individual lots, is permanently protected (preferably with a permanent Chapter 184-type restriction) as open space. Typically, road frontage, lot size, setbacks, and other subdivision regulations are redefined to permit the developer to preserve ecologically sensitive areas, historical sites, or other unique characteristics of the land being subdivided.

This technique provides housing and protects open space as part of the development process, without the need for local or state funding. If broadly applied in a coordinated fashion, it has the potential to conserve important natural resource areas and connecting corridors while allowing landowners to develop much needed housing.

Points for this criterion are cumulative. Passage of a bylaw or ordinance which permits cluster by special permit earns a community 4 points (A commitment to a vote of the local legislative body within the next 12 months on a cluster by special permit bylaw or ordinance earns 2 points). Communities can earn 3 additional points (or one additional point for commitment) in two different ways. A community that permits cluster development as of right or mandates cluster development will receive 3 additional points. Or communities who have issued a building permit for a cluster subdivision within the 12-month period preceding their application can also earn the additional 3 points (for a total of 7). Points are available for communities that commit to cluster development by taking a bylaw or ordinance to a vote of the local legislative body within the next 12 months (2 points) and an additional point is available (total of 3) for those communities that take an as of right or mandatory cluster bylaw or ordinance to a vote (or a total of 5 for communities with existing cluster zoning and a commitment to change to an as of right or mandatory cluster provision).

Submittal of the zoning map and citation of the bylaw or ordinance suffices for documentation of existing zoning. Communities show their commitment to implement cluster zoning by providing a letter documenting a motion accepted by the planning board to develop, review, and submit an appropriate by-law or ordinance for consideration by the local legislative body within 12 months.

Information on this technique is available at: commpres.env.state.ma.us/content/csd.asp.

1. PROMOTE COMPACT HOUSING AND DEVELOPMENT (42)		Existing	Commit
e.	Zoning for transfer of development rights	<input type="checkbox"/> (7)	<input type="checkbox"/> (3)

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Transfer of Development Rights (TDR) is a zoning technique that uses market forces to transfer development from one location (the “sending area”) where development is undesirable (examples include farms, forests and water supply lands.) to another location (the “receiving area”) where growth is more suited (examples include a downtown, rail station, and a brownfield site.). A typical use of TDR transfers growth from prime agricultural land to a community’s downtown, where it can occur at a greater density than would otherwise be possible. TDR is a zoning technique with a great deal of untapped potential as a tool for large-scale land protection and the accommodation and concentration of new development, both policy goals of the Romney Administration.

With appropriate documentation, a TDR bylaw earns a community 7 points. Commitment to take a bylaw or ordinance to a vote of the local legislative body within one year earns a community 3 points. Information on transfer of development rights can be found at: commpres.env.state.ma.us/content/tdr.asp.

1. PROMOTE COMPACT DEVELOPMENT (42)		Existing	Commit
f.	Zoning directing new development to existing water and sewer network	<input type="checkbox"/> (7)	<input type="checkbox"/> (3)

A key smart growth premise is full utilization of existing infrastructure prior to extension or expansion of infrastructure capacity. The Romney Administration supports the use of existing water and sewer infrastructure (if possible) before constructing new water and sewer lines to previously undeveloped sites. Where such infrastructure exists, a community will earn 7 points by demonstrating that growth in serviced areas is of higher density, comprised of different uses, or otherwise reflects the intention of the community to use the availability of water and/or sewer infrastructure as a growth management tool. Note: It is recognized that not all locations with water and/or sewer infrastructure are appropriate for future growth and utilization of existing water and sewer networks should be consistent with sound water policy.)

Communities should cite bylaws or ordinances, and submit maps, plans, or other documentation to show that existing land use regulations achieve this criterion. Communities can earn three points by submitting a letter from an appropriate municipal board or commission demonstrating their commitment to this technique.

2. EXPAND HOUSING OPPORTUNITIES (33)		Existing
a.	Executive Order 418 Housing Certification, including, where applicable, regional certification	<input type="checkbox"/> (7)

A key goal of the Romney Administration is to expand housing opportunities. Executive Order 418 provides an incentive to communities to do so. Municipalities can apply annually to the Department of Housing and Community Development (DHCD) for housing certification, indicating that they have produced housing units that meet certain guidelines. Communities who achieve certification during FY 2005 earn seven points and need not submit additional documentation. Information about E.O. 418 housing certification and a list of FY05 certified communities are available at: www.massdhcd.com/eo418/homepage2.htm.

2. EXPAND HOUSING OPPORTUNITIES (33)		Existing	Commit
b.	DHCD-approved Affordable Housing Plan	<input type="checkbox"/> (7)	<input type="checkbox"/> (3)

One of the critical challenges facing the Commonwealth is a lack of affordable housing. Pursuant to Chapter 40B, DHCD established by regulation the ability for communities to plan in advance for the provision of affordable housing to meet their 40B obligation. Affordable Housing Plans include an analysis of needs, statement of goals, and a strategy for achieving a mix of housing including family housing, rental and homeownership opportunities. This criterion encourages municipalities to complete an Affordable Housing Plan documenting their strategy for housing construction and will earn a community 7 points.

DHCD’s list of approved plans, available at www.state.ma.us/dhcd/ToolKit/PProd/ApPlans.htm, will be used to verify applications. Communities who submit Affordable Housing Plans for review by DHCD are considered eligible to receive these points. Communities seeking three points for commitment will submit a letter from their chief elected official stating that an Affordable Housing Plan will be completed and submitted to DHCD within one year of application to Commonwealth Capital. All plans must meet standards established by the DHCD and available with other information at: www.state.ma.us/dhcd/ToolKit/PProd/default.htm.

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2. EXPAND HOUSING OPPORTUNITIES (33)		Existing	Commit
c.	Attainment of the affordable housing goals	<input type="checkbox"/> (7)	

Insufficient affordable housing is a key problem facing the Commonwealth. This criterion awards communities 7 points for attainment of affordable housing goals defined as (a) meeting the 10% of total units standard of Chapter 40B; (b) creation in the previous calendar year of subsidized housing equivalent to $\geq 2\%$ of total units; or (c) creation in the previous calendar year of subsidized housing equivalent to 0.75% of total units for communities that have an approved Affordable Housing Plan. This criterion is identical to measures that a community can take to receive relief from Chapter 40B under pending legislation.

Municipalities do not need to submit documentation for this criterion. The Subsidized Housing Inventory maintained by DHCD will be used to determine that the 10% goal has been met, and new additions to the inventory will be used to assess municipal attainment of the 2 unit creation measures. Communities should ensure, however, that qualifying affordable units constructed in the last year are included in DHCD's inventory.

Related information can be found at:

Subsidized Housing Inventory: www.state.ma.us/dhcd/ToolKit/shi.htm

Planned Production: www.state.ma.us/dhcd/ToolKit/PPProd/default.htm

2. EXPAND HOUSING OPPORTUNITIES (33)		Existing	Commit
d.	Zoning requiring the inclusion of affordable units	<input type="checkbox"/> (6)	<input type="checkbox"/> (3)

Inclusionary zoning requires that a certain percentage of housing units constructed in a particular development be affordable. For example, a 15% affordability requirement would mandate that a developer of a 100-unit subdivision provide 15 units of housing affordable to those who earn no more than 80% of the area wide median income. Note: A density bonus often accompanies an affordability requirement, allowing a developer to build more housing units than zoning would otherwise permit.

Seven points will be awarded to communities with inclusionary zoning in place. Communities will submit a zoning map showing where the zoning applies and a citation of the bylaw or ordinance. Three points will be awarded to communities that commit to a vote on an inclusionary zoning bylaw or ordinance within the next 12 months.

Communities will submit a letter so indicating from the planning board. Information on inclusionary zoning can be found in Chapter 3 "Zoning and Land Use Strategies" of the CHAPA publication, *Taking the Initiative: Guidebook on Creating Local Affordable Housing Strategies* available at: www.mhp.net/community/initiative_guidebook.php.

2. EXPAND HOUSING OPPORTUNITIES (33)		Existing	Commit
e.	Local funding or use of appropriate municipally-owned land	<input type="checkbox"/> (6)	<input type="checkbox"/> (2)

Municipalities (including a housing authority acting on a municipality's behalf) can demonstrate their support (and earn 6 points) for expansion of housing opportunities by providing funding (from a variety of sources including the Community Preservation Act (CPA)) or municipal land for housing production. As documentation, communities will provide a narrative on the amount of funding or land provided for housing purposes within the past two years, including a description of the quantity and affordability of housing produced as a result of the municipality's actions. The receipt and use by a municipality of Community Development Block Grant (CDBG) funds or other municipally-administered grant funds for housing production will be considered local for the purpose of this application. Communities earn 2 points for commitment to seek municipal funding or land dedication for housing within the next 12 months.

3. REUTILIZE BROWNFIELDS AND ABANDONED BUILDINGS (12)		Existing	Commit
a.	Plan for redevelopment: (a) inventory, (b) remediation/reuse strategy, (c) site planning, (d) other	<input type="checkbox"/> (6)	<input type="checkbox"/> (3)

"Redevelop First" is a key tenet of smart growth and the first of OCD's Sustainable Development Principles. Completion of or a commitment to any of the actions (a-d) will earn a community 6 or 3 points respectively. Communities will submit appropriate documentation, i.e. inventories, redevelopment or site plans, etc. with their applications. These measures relate to actions a community (individually or as part of a regional effort) took or will

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take to plan for redevelopment of brownfields (land contaminated or suspected of contamination) or greyfields (land vacant or underutilized but not suspected of contamination.). Planning efforts include: a) An inventory completed at the local or regional level to develop a list of such sites with basic information, such as site ownership; b) A remediation/reuse strategy outlining practical means of encouraging site owners or others to bring brownfields or greyfields into productive use; c) Site planning specific to the redevelopment of a site; or d) Other measures that demonstrate a municipality's commitment to redevelopment. These measures should be current and in use by the community; any of measures (a-d) will earn a municipality 6 points or 3 points for commitment to implementation. Brownfields information can be found at: www.mass.gov/dep/bwsc/brownfld.htm.

3. REUTILIZE BROWNFIELDS AND ABANDONED BUILDINGS (12)		Existing	Commit
b.	Incentives for Brownfields assessments and reuse: (a) funding, (b) tax incentives, (c) permit streamlining (d) other	<input type="checkbox"/> (6)	<input type="checkbox"/> (3)

As with **3 a.** above, completion of or a commitment to any of the actions (**a-d**) will earn a community 6 or 3 points respectively (submit appropriate documentation, i.e. zoning or budget citation, property tax code). This criterion measures a community's financial or regulatory efforts related to redevelopment of brownfields or greyfields. Funding must be at a meaningful level, and could be provided through a variety of means including the creation of a revolving fund, contribution to a regional brownfields cleanup program, or bond authorization. Local tax incentives include use of tax increment financing, business improvement districts, or other measures that provide owners or purchasers of brownfields or greyfields with meaningful incentives to redevelop these sites. Any substantive streamlining of the permitting process for such sites will earn a community points. Zoning and other measures can demonstrate the community's commitment. In order to earn the 6 points, any of measures (**a-d**) must be currently available to parties seeking to reuse sites in the community. Brownfields information can be found at: www.mass.gov/dep/bwsc/brownfld.htm.

4. PLAN FOR LIVABLE COMMUNITIES (10)		Existing	Commit
a.	Current Master Plan or Executive Order 418 Community Development Plan	<input type="checkbox"/> (2)	<input type="checkbox"/> (1)
	If zoning is consistent with the plan	<input type="checkbox"/> (2)	<input type="checkbox"/> (2)
	If the plan and zoning are consistent with relevant Regional Policy Plan (when available)	<input type="checkbox"/> (2)	<input type="checkbox"/> (1)

The Romney Administration supports planning for future growth and, under this criterion, communities receive points for completing or committing to the completion of either a Master Plan that meets the requirements of Chapter 41 Section 81D or a Community Development Plan pursuant to Executive Order 418. Points for this criterion are cumulative; completion of a plan is worth 2 points, consistency between a community's plan and zoning is worth an additional 2 points, and consistency with the regional policy plan of a community's Regional Planning Agency earns a community 2 more points, for a maximum of 6 points for this criterion. Ideally plans will be updated every five years, however for the purpose of this criterion, communities can demonstrate that their plan is current by documenting recent re-examination and affirmation of the plan's goals, passage of bylaws, or ordinances implementing the plan, submission of grant applications designed to follow-up on the plan, or similar measures.

It is expected that many communities will earn 2 points for having a plan, but few will earn the additional points for zoning that is consistent with the plan or a plan that is consistent with the relevant Regional Policy Plan. It is not necessary to submit any documentation if a community has completed a Community Development Plan, as OCD has a complete list of communities who have completed a Community Development Plan. Those communities earning points for a Master Plan should NOT submit paper copies of their plan. Electronic submissions of the entire plan are preferred on CD-ROM. If the plan exists only in paper form, please submit only an executive summary or goals statement electronically via email or CD-ROM. In addition, communities should attach to their application, documentation for any points they believe they are entitled to for consistency of the plan with zoning or consistency with the Regional Policy Plan. Consistency between plans and zoning can be demonstrated by listing goals and policies, land use objectives, and/or "action items" from an implementation section of a community's plan and zoning provisions that correspond to those goals. Similarly, communities will indicate ways in which their plan and zoning conform to the land use goals of their RPA's Regional Policy Plan. Communities without a plan in place can earn additional points by committing to completion of a Master Plan (1 point; with 2 additional points for

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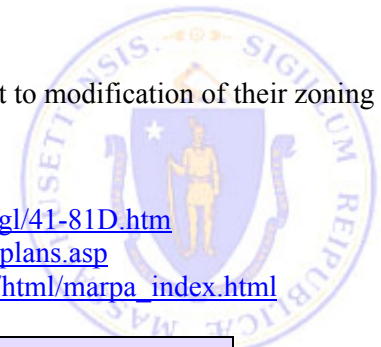
commitment to consistency with the relevant regional policy plan.) or commitment to modification of their zoning to conform to the plan (2 points).

Related information:

Chapter 41 Section 81D Master Plan requirements: www.state.ma.us/legis/laws/mgl/41-81D.htm

Community Development Plan information: commpres.env.state.ma.us/content/cdplans.asp

Massachusetts Association of Regional Planning Agencies: www.pvpc.org/marpa/html/marpa_index.html



4. PLAN FOR LIVABLE COMMUNITIES (10)		Existing	Commit
b.	Current DCS-approved Open Space and Recreation Plan	<input type="checkbox"/> (4)	<input type="checkbox"/> (2)

Open Space and Recreation Plans identify and plan for local open space priorities. These plans guide a community's management of natural resources and recreational opportunities and facilities. The Romney Administration supports pro-active planning for natural resource protection and recreation as an important way of promoting stewardship of natural resources. The state's Division of Conservation Services (DCS) has long-standing requirements for the completion of an Open Space & Recreation Plan (valid for a 5-year period) before a community can apply for Self-Help, Urban Self-Help and Federal Land and Water Conservation Fund grant rounds. Additional information is available at: www.state.ma.us/envir/dcs/openspace/default.htm.

Communities with a DCS approved Open Space and Recreation Plan receive 4 points; OCD will rely upon the latest list of communities with approved and valid plans from DCS as documentation. As within other criterion, communities can earn 2 commitment points if they have either submitted a draft plan to DCS for review or submitted a letter from the Conservation Commission indicating their intent to complete and submit an Open Space and Recreation Plan within the next 12 months.

5. PROMOTE LIVABLE COMMUNITIES (12)		Existing	Commit
a.	Adoption of Community Preservation Act (CPA) or Land Bank, or recent passage of municipal bond authorization or significant funding for open space protection	<input type="checkbox"/> (4)	<input type="checkbox"/> (2)

The Romney Administration encourages communities to adopt open space funding measures to promote livable and environmentally sustainable communities. (Note: the CPA can also be used for historic preservation and affordable housing needs.) Through each of these measures, a municipality demonstrates its commitment to fund land protection with its own resources. The means by which a municipality raises these funds is intentionally flexible; for example, a set aside of hotel/motel taxes to land protection would be acceptable. In order to earn 4 points, non-CPA or Land Bank communities must have authorized or utilized "significant" funding, equivalent to that which would typically be raised by the CPA or Land Bank, over the last two years. Communities can earn 2 points by committing to seek municipal funding within the next year. Appropriate documentation, such as a copy of a town meeting warrant article approving funding, should be submitted. Information on the Community Preservation Act is available at: commpres.env.state.ma.us/content/cpa.asp.

5. PROMOTE LIVABLE COMMUNITIES (12)		Existing
b.	Protection of 15-25% of land area by a permanent Chapter 184-type restriction or fee-simple Article 97-type acquisition	<input type="checkbox"/> (2)
	If 25% or more of land area	<input type="checkbox"/> (3)
	If a restriction or fee acquisition occurred in the past 12 months	<input type="checkbox"/> (3)
	If a restriction or acquisition was undertaken jointly with a land trust in past 12 months	<input type="checkbox"/> (2)

This criterion acknowledges the value to the Commonwealth of existing protected open space and gives communities with a significant portion of their community in permanently protected status, credit for their contribution. Communities also receive credit for recent actions to permanently protect land.

No documentation of the amount of permanently protected land need be submitted, as MassGIS will utilize its protected open space GIS datalayer to make this determination on behalf of OCD. However, communities should ensure that recent acquisitions or restrictions have been submitted to MassGIS for inclusion in the datalayer, as these submissions will be used to award points for recent land protection.

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Note that beyond permanent protection of 15-25% or more than 25% of a community's land area (worth 2 or 3 points respectively), the points for this criterion are cumulative. For example, if a community has acquired a parcel of land in the last year (3 points) in concert with a land trust (2 points), and has more than 25% of its land are permanently protected (3 points), it will earn the maximum number of points available for this criterion (8 points).

It is important to the Romney Administration that land acquired also receive permanent protection through either a:

- Chapter 184-type conservation restriction, which requires EOEa secretarial approval to assure "public benefit." The Secretary's approval affords certain protections for easements in gross and in perpetuity. For more, information, read the Massachusetts Conservation Restriction Handbook available at: www.state.ma.us/envir/dcs/restrictions/default.htm); or
- Article 97 protection (www.mass.gov/legis/const.htm#art097.htm). Lands acquired for the natural resource purpose listed in Article 97 require approval of the General Court before they can be sold or used for other purposes. EOEa's Article 97 Land Disposition Policy can be found at: www.mass.gov/envir/mepa/fourthlevelpages/article97policy.htm

6. ADVANCE SOUND WATER POLICY (12)		Existing	Commit
a.	Water Conservation Plan consistent with the Water Conservation Standards	<input type="checkbox"/> (4)	<input type="checkbox"/> (2)

One way in which communities can meet current and future demands for water is through increased efficiency of water use. The Romney Administration encourages communities to create a Water Conservation Plan consistent with the Water Conservation Standards of the Massachusetts Water Resources Commission. These Standards help achieve environmental and economic benefits, such as protecting water supply sources for future needs, reducing costs for treatment and disposal, reducing system throughput, decreasing the potential for pollution of ground and surface waters, improving service to water supply customers while holding down costs, and helping to protect ground water and surface water levels and flow regimes to protect habitats and the natural functioning of riverine systems.

The [Water Resources Commission](#) adopted Water Conservation Standards with the goal of providing practical recommendations to assist public and private water utilities in achieving the maximum possible efficiency in their water supply systems and in encouraging increasing efficiency by consumers. Communities should submit their Water Conservation Plan to receive 4 points or a letter committing to the development of a Plan to receive 2 points.

6. ADVANCE SOUND WATER POLICY (12)		Existing	Commit
b.	Implementation of a) stormwater BMPs, b) LID techniques, or c) other water resource measures	<input type="checkbox"/> (4)	<input type="checkbox"/> (2)

Lack of groundwater recharge from stormwater and/or wastewater due to the movement of water out of a basin is a significant cause of water deficits. The goal of the Romney Administration is to keep water local by facilitating more recharge and mimicking the natural hydrological system.

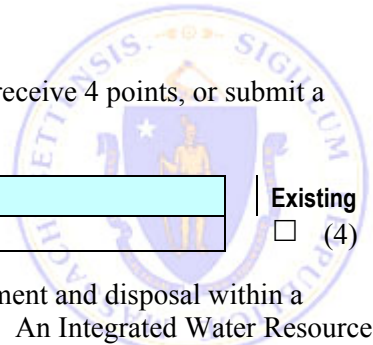
Stormwater and urban runoff is the single largest source of water movement and contamination resulting in water quality problems in rivers, lakes, ponds, and marine waters in Massachusetts. The use of Best Management Practices (BMPs) can help control these water quantity and quality problems. For guidance on stormwater management standards, implementation of the standards, and BMP technical guidance, please refer to: www.mass.gov/dep/brp/stormwtr/stormpub.htm.

Low Impact Development (LID) is a set of landscape and development techniques that encourage infiltration of stormwater at the lot level to reduce run off, increase ground water recharge, and reduce non-point source pollution. LID includes preservation of environmentally sensitive site features, use of vegetated buffers to remove pollutants, and reduction of impervious surfaces to decrease run off. The primary tools of LID are landscaping features and naturally vegetated areas that encourage detention, infiltration, and filtration of stormwater on site. Other tools include water conservation, use of pervious surfaces, maintaining existing vegetated areas, and minimizing disturbed areas. For more details, please refer to www.state.ma.us/envir/water/default.htm.

In addition to stormwater BMPs and LID techniques, other subdivision regulation or zoning measures can be used to address water quality and quantity concerns such as stormwater, aquifer protection, flood zone, and impervious

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surface limits. Communities should document water measures already in place to receive 4 points, or submit a letter committing to implementation of a particular measure to receive 2 points.



6. ADVANCE SOUND WATER POLICY (12)		Existing	Commit
c.	Integrated Water Resources Management Plan	<input type="checkbox"/> (4)	<input type="checkbox"/> (2)

The Romney Administration encourages communities to plan for wastewater treatment and disposal within a watershed context and with adequate consideration of water supplies and demands. An Integrated Water Resources Management Plan evaluates current and future wastewater and water supply needs, assesses natural resource issues, identifies tradeoffs, and develops wastewater management alternatives to meet current and future needs. Furthermore, the Plan helps communities determine and understand existing and potential threats to their water resources. A Plan identifies and is sensitive to environmental resources, water supply needs, and their interconnection with wastewater choices. And finally, it demonstrates an understanding of groundwater recharge, streamflow, and water quality considerations.

The Department of Environmental Protection provides a guidance document available at: www.mass.gov/dep/brp/mf/files/fpintro.htm. Communities are strongly encouraged to contact the DEP office when developing their plans. Communities will submit a copy of their Integrated Water Resources Management Plan to receive 4 points, or a letter of committing to the development of a Plan within the next 12 months to receive 2 points.

7. PRESERVE WORKING NATURAL LANDSCAPES (12)		Existing	Commit
a.	Right-to-farm bylaw	<input type="checkbox"/> (4)	<input type="checkbox"/> (2)

One way to encourage continued agricultural use is local passage of a [right-to-farm bylaw](#), which protects farmers from nuisance complaints about their farming practices. Communities with such a bylaw or ordinance in place earn 4 points and those that commit to taking a right-to-farm bylaw to town meeting or city council for a vote, within the next 12 months, receive 2 points. Submittal of the bylaw or ordinance or a letter of commitment will serve as documentation for this criterion. More information and a model bylaw are available from the Department of Agricultural Resources at (617) 626-1726.

7. PRESERVE WORKING NATURAL LANDSCAPES (12)		Existing	Commit
b.	Zoning for agricultural and forestry uses (≥ 10 acres per dwelling unit)	<input type="checkbox"/> (4)	<input type="checkbox"/> (2)

Many Massachusetts communities have zoned for 2-3 acre house lots across the majority of their land, zoning which disperses housing development resulting in higher rates of land consumption per unit and is a detriment to natural resource-based industries such as agriculture, forestry, tourism, and recreation. Communities with zoning in place at resource protective densities of 1 house per 10 acres or more will earn 4 points. Communities will earn 2 points for a commitment to take such a zoning bylaw or ordinance to a vote within the next 12 months. Low-density zoning should not be the only available development density for the community. Low densities should be contrasted with housing opportunities elsewhere, typically by providing for higher residential densities in a community's downtown or other appropriate sites. This pattern of low density in one portion of the community and high density in another is best accomplished in concert with a transfer of development rights and/or cluster development as of right zoning system with incentives to encourage landowners to either entirely transfer development rights off of a property or concentrate development on smaller portions of their agricultural, forestry, recreational, or other lands.

Despite widespread and successful utilization of this technique in other states, in Massachusetts low-density zoning for resource protection is currently poorly understood and thus controversial. Guidance on natural resource-based zoning, including legal issues associated with this technique, is under development and will be made available upon completion on the OCD website at: www.mass.gov/oecd/.

7. PRESERVE WORKING NATURAL LANDSCAPES (12)		Existing
c.	Existing agricultural commission or use of Ch. 61-61A-61B right of first refusal in last 2 years	<input type="checkbox"/> (4)

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Agricultural commissions promote and protect agricultural interests for present and future generations. The existence of an agricultural commission in a community provides a forum for consideration of farming issues, assuring that the impact of land use and other local decisions on farm interests is properly considered. Establishment of agricultural commissions helps to achieve the Romney Administration's principle to foster sustainable businesses.

Communities earn 4 points toward their Commonwealth Capital score by having an agricultural commission in place. Information on agricultural commissions, and the process for forming one, is available from the Department of Agricultural Resources by calling 617-626-1726. Submittal of a copy of the bylaw or ordinance establishing the agricultural commission will serve as documentation that this criterion has been met.

Communities can also earn the four points available for this criterion if they have taken advantage of their right of first refusal (or land has been protected via assignment of their right to a land trust) to protect farm and other lands under MGL Chapters 61, 61A and 61B within the last two years. The Chapter 61 (www.mass.gov/legis/laws/mgl/GL-61-TOC.HTM), 61A (www.mass.gov/legis/laws/mgl/GL-61A-TOC.HTM) and 61B (www.mass.gov/legis/laws/mgl/GL-61B-TOC.HTM) programs help landowners afford to maintain farms, natural areas, and working forests by reducing property taxes paid on forest, agricultural, and recreational lands. One of the conditions of the Chapter 61 programs is the ability for the host community to purchase lands being sold for development; the Romney Administration encourages local communities to do so in order to conserve our natural resources and support natural resource-based industries.

As documentation that this criterion has been met communities will submit a copy of a town meeting vote and evidence of deed recording from the assessor. Where the right of first refusal is assigned, communities should submit minutes of a meeting authorizing the assignment and evidence that the assignee has completed the purchase.

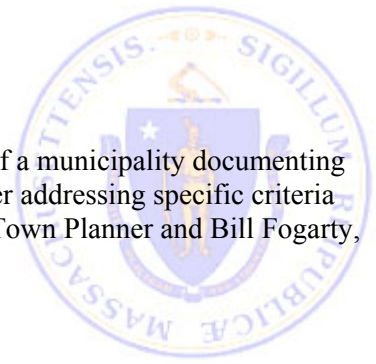
8. PROMOTE SUSTAINABLE DEVELOPMENT VIA OTHER ACTIONS (7)		Existing	Commit
a.	Existing or commitment to local measures or actions not listed	<input type="checkbox"/> (7)	<input type="checkbox"/> (5)

A wide variety of activities exist for municipalities to demonstrate the consistency of their actions with OCD's Sustainable Development Principles. Energy efficiency, transportation activities, historic preservation, and environmental justice are a few of many areas in which communities can receive credit for policies and actions that are consistent with the [Sustainable Development Principles](#). For example, existing or committed activities could include development of a strategic plan to reduce greenhouse gas emissions through energy efficiency, green building design, renewable energy, distributed generation, and combined heat and power; and initiatives to take full advantage of utility energy efficiency programs. Another example is participation in regional, intergovernmental, or multi-jurisdictional compacts or other formal agreements that promote regional planning such as compacts to protect key regional features, improve water quality, or provide regional infrastructure. Communities will make and document their case; the OCD team reviewing applications will reward a community with up to 7 points based on the quality and quantity of sustainable development consistent actions.

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Appendix 1: Sample Language:

Applications must be accompanied by a letter signed by the chief elected official of a municipality documenting attainment of the Commonwealth Capital criteria. Example sections of such a letter addressing specific criteria were developed in concert with the Town of Wilbraham (thanks to John Pearsall, Town Planner and Bill Fogarty, Town Administrator) and are shown below.



1.b. Existing Zoning For Accessory Units

Wilbraham adopted accessory apartment zoning in 1994. An accessory apartment may be established in a residential dwelling by special permit from the Planning Board pursuant to sections 3.6.2.15 and 4.10 of the Wilbraham Zoning By-Law.

1.d. Existing Zoning For Clustered Development, which has been utilized in the past 12 months

Wilbraham adopted cluster zoning in 1964, one of the first communities to do so in Massachusetts. Wilbraham is now in its third generation version of cluster zoning that is referred to as flexible zoning and is codified under sections 3.4.2.8 and 4.7 of the Wilbraham Zoning By-law. Flexible zoning is allowed by special permit from the Planning Board in all residential zoning districts and has become the preferred and most commonly used method of new residential land development in Wilbraham. During the past 12 months, the following definitive flexible zoning subdivision application was granted a special permit by the Planning Board:

<u>Subdivision</u>	<u>Date of Approval</u>
Patriot Ridge Lane	October 22, 2003

4.b. Current DCS-approved Open Space and Recreation Plan

The Current Five Year Open Space and Recreation Plan (2000-2005) was given conditional approval by DCS on August 25, 1999 and final approval on January 3, 2001.

5.a. Adoption of Community Preservation Act or Land Bank, or recent passage of municipal bond authorization or significant funding for open space protection

On May 17, 2004 the Wilbraham Town Meeting passed a municipal bond authorization not to exceed 1,300,000 dollars to purchase the Rice Farm Property consisting of approximately 250 acres to be permanently preserved for agricultural, conservation and passive recreation purposes. Reference: Article #4, 2004 Annual Town Meeting Warrant.

8.a. Existing local measures not listed

The Town of Wilbraham adopted a Ridgeline and Hillside Overlay Zoning District that requires site plan approval from the Planning Board which acts as the Ridgeline and Hillside District Review Board for development in the town on land located at ≥ 550 feet in elevation. Ridgeline and Hillside District site plan review provides additional protection with respect to the visual and environmental impacts of development pursuant to Section 9.3 of the Wilbraham Zoning By-Law.