

West Newbury Housing Opportunities Initiative (aka MBTA Communities Zoning Compliance)

Public Forum 1-June 20, 2023



Town of
West Newbury
Massachusetts

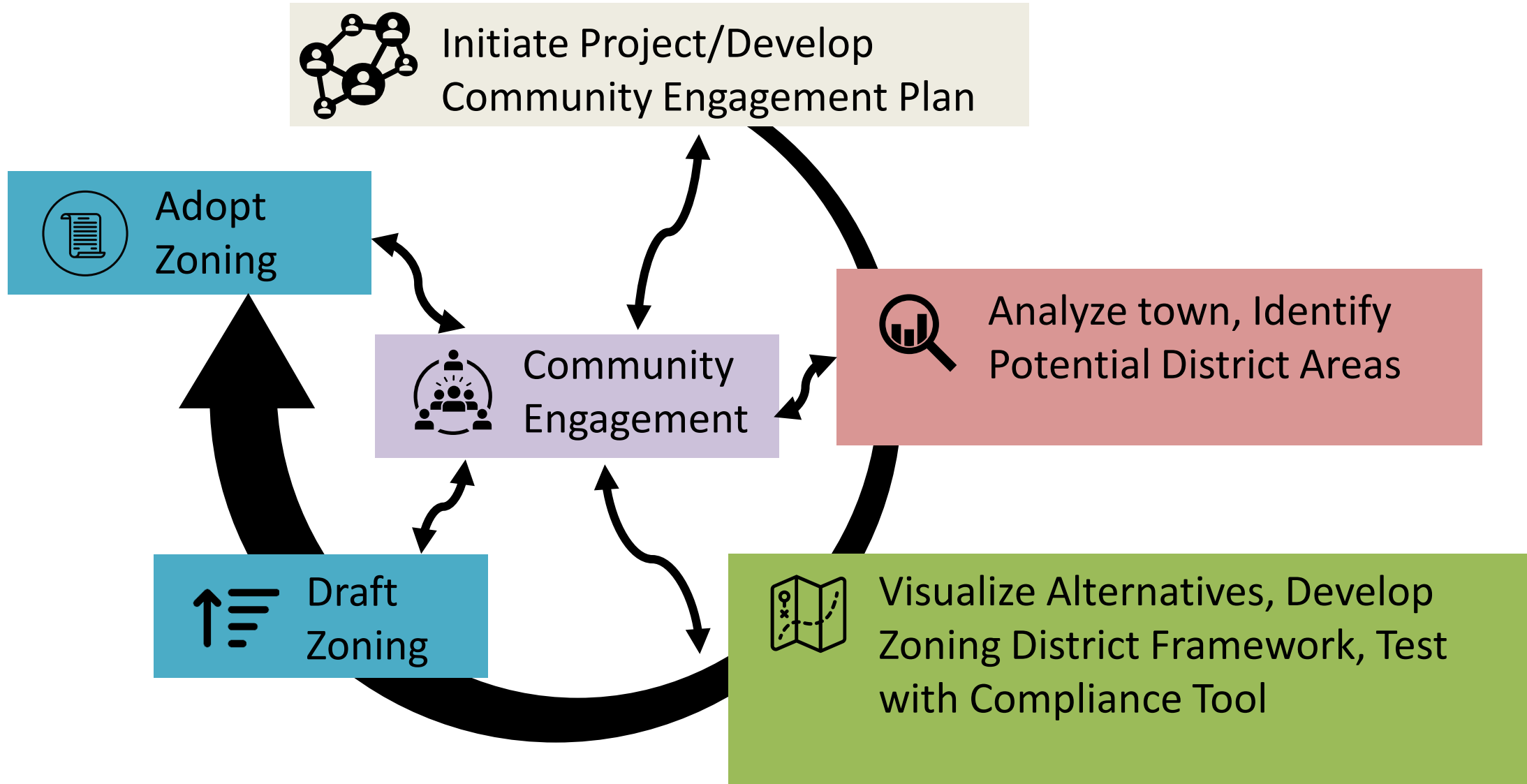
DODSON & FLINKER
Landscape Architecture and Planning



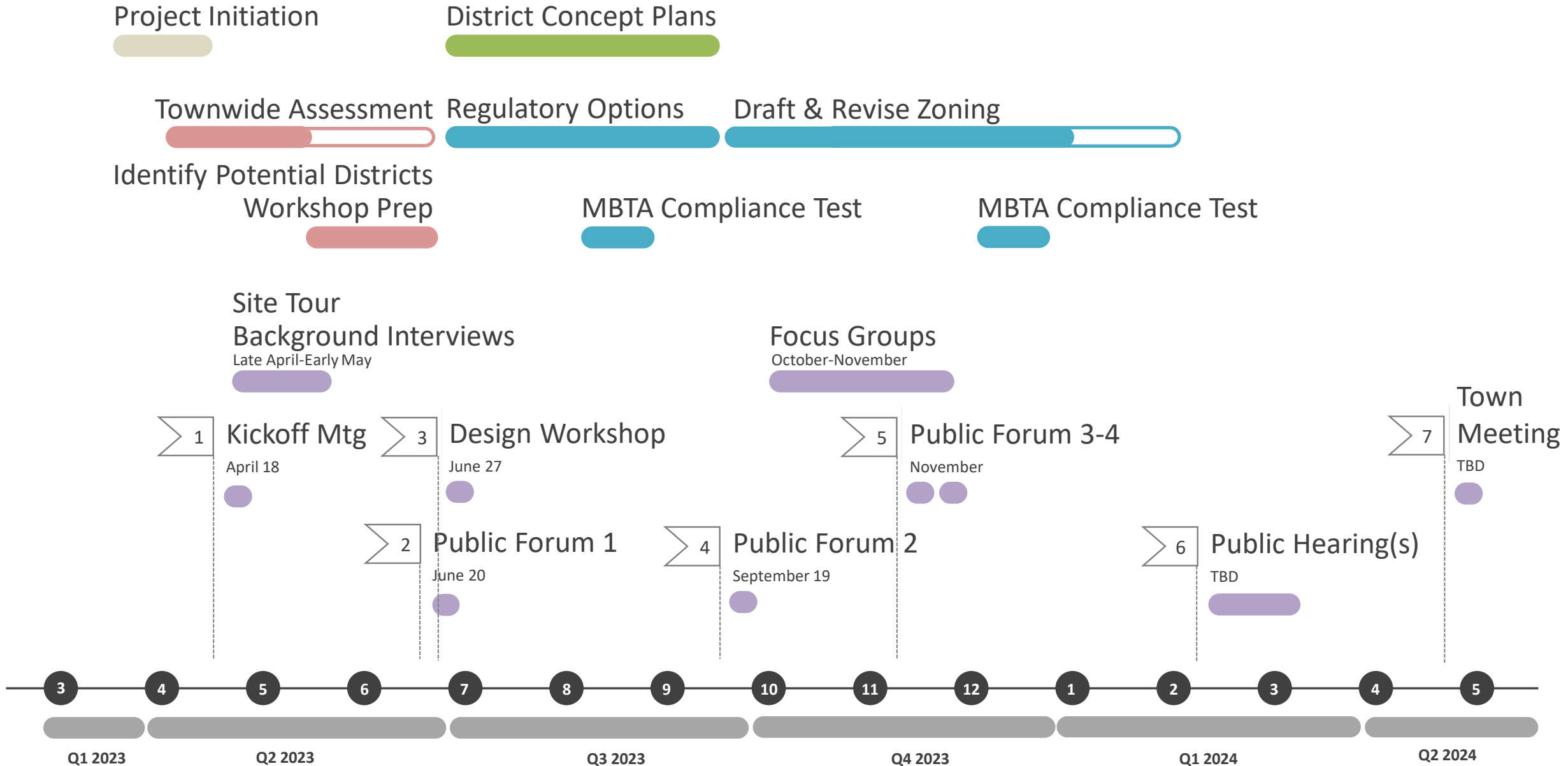
Agenda

Minutes	Topic
5	Welcome & Introductions
35	Introduction to Project <ul style="list-style-type: none">- Project Overview- MBTA Communities Law and Guidelines- Housing and Demographics in West Newbury- Analysis of potential locations for districts- Examples of multi-family housing
5	Q&A
50	Small Group Discussion
20	Report out
5	Closing

Project Approach



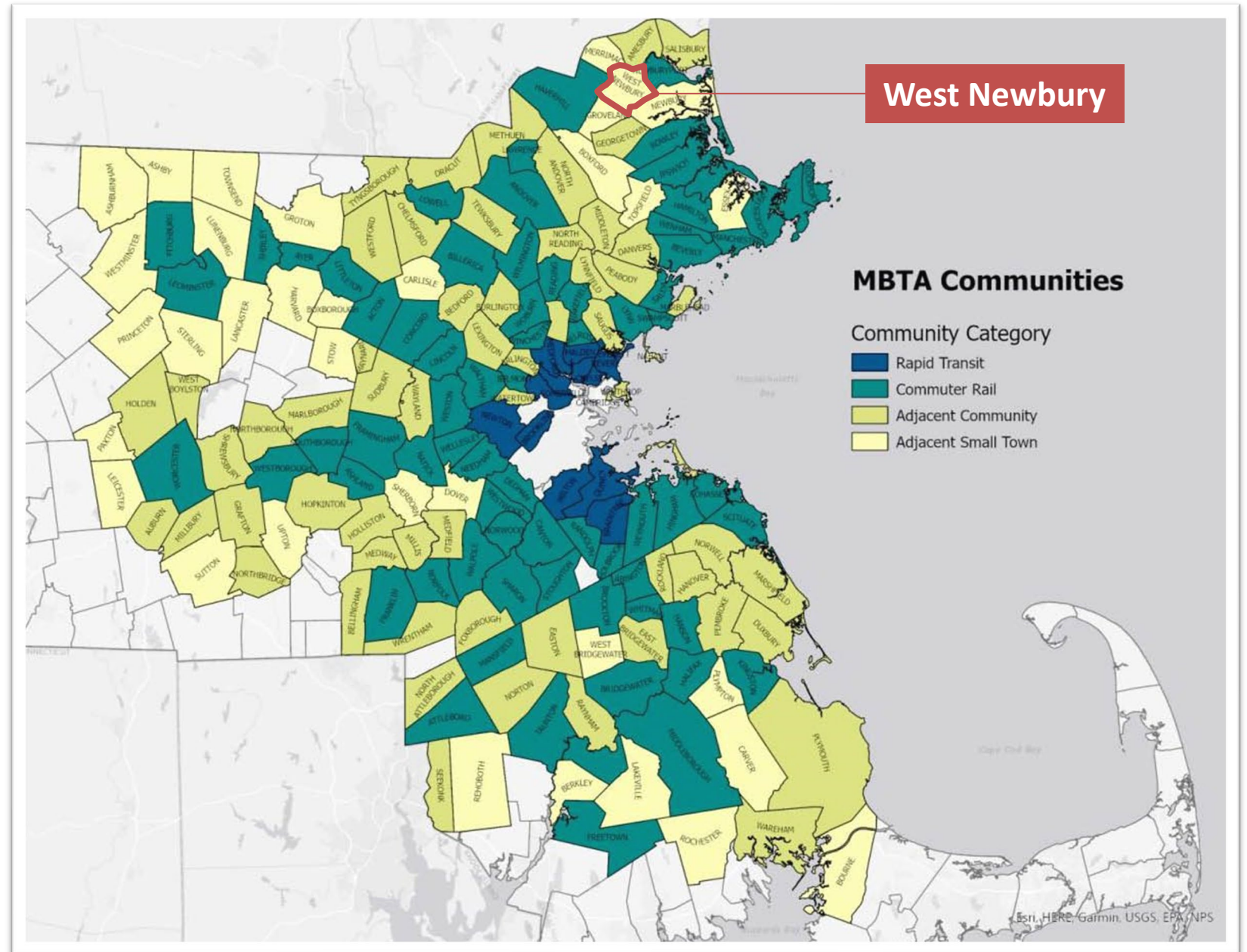
Project Scope & Timeline



**SECTION 3A OF MGL C.40A (THE ZONING ACT)
& THE COMPLIANCE GUIDELINES**

What is MBTA Communities Law?

- Change to the state law that enables zoning (MGL c.40A)—Section 3A
- And Compliance Guidelines adopted by DHCD (now know as EOHLC)
- Applies to 177 communities
- West Newbury is designated an “adjacent small town”



What does it require?

MBTA Communities must have:

- At least one zoning district that allows multi-family housing by-right.
 - Multi-family housing is:
 - A building with 3 or more residential dwelling units, or
 - 2 or more buildings on the same lot with more than 1 residential dwelling unit in each building
- Minimum gross density: 15 units per acre

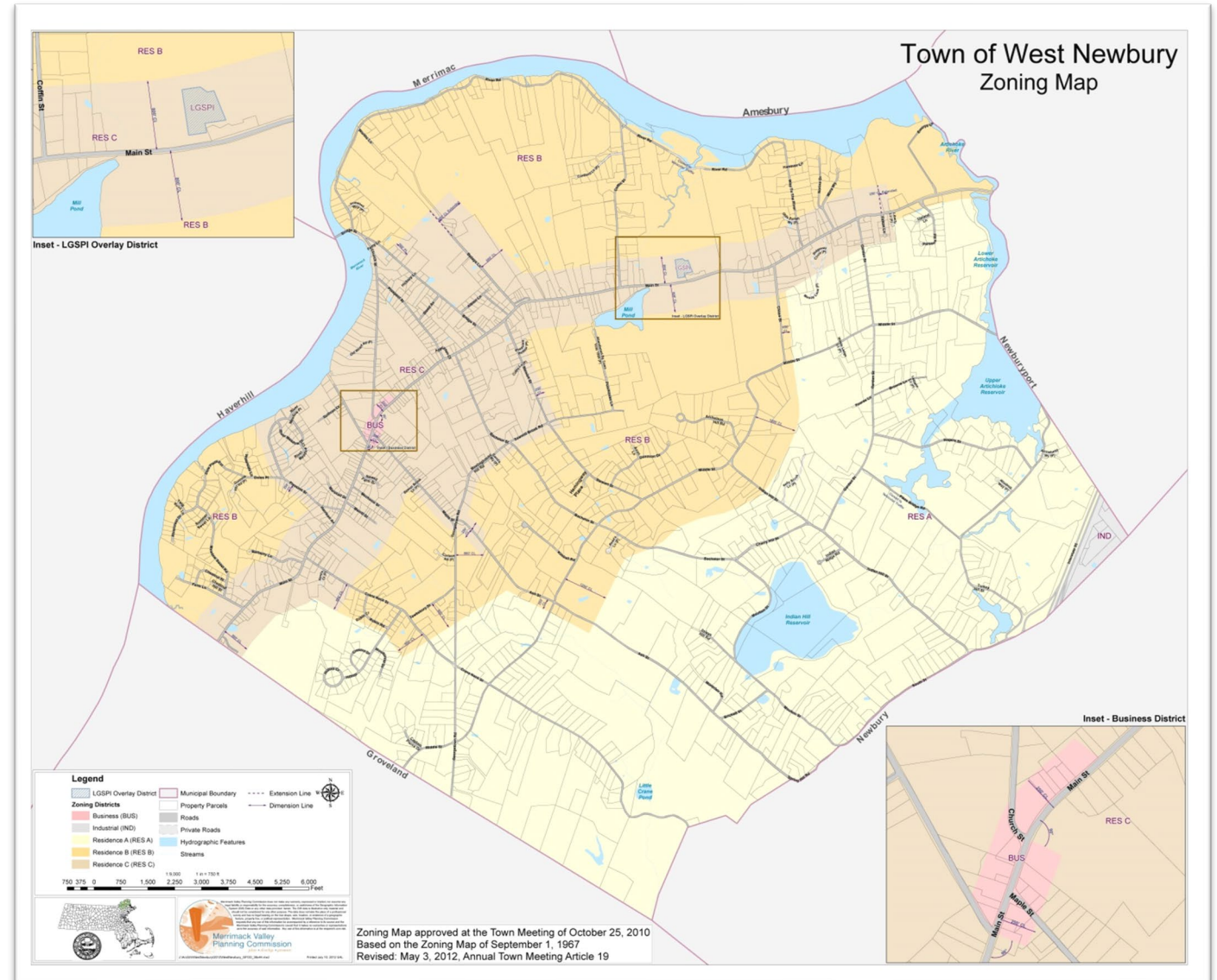
1 or more districts

**≥ 3 units/dwelling
or
 ≥ 2 buildings on a lot
with >1 unit each**

≥ 15 units/acre

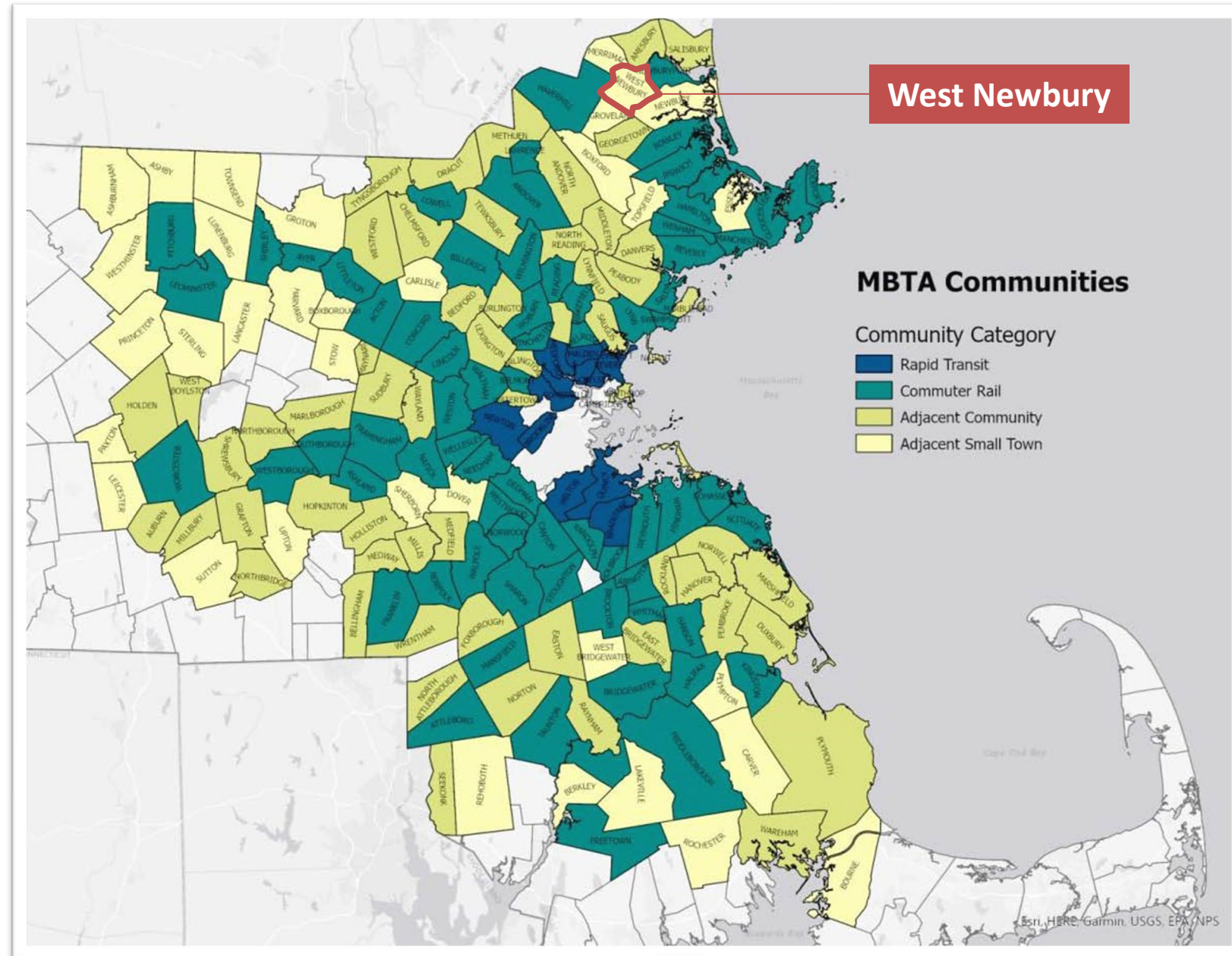
How would the local zoning work?

- Multi-family housing must be allowed by-right, but can be subject to **site plan review**
- Can be a **base zoning district** or an **overlay district**



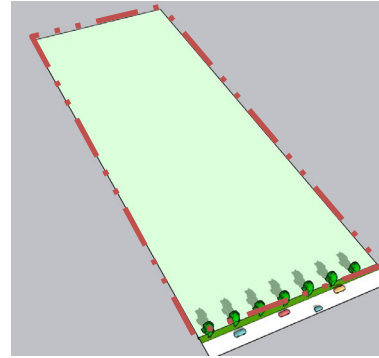
How many units must West Newbury zone for?

- Adjacent Small Towns must zone for **multi-family unit capacity** equal to 5% of the total number of existing housing units.
- 5% of 1,740 housing units = **87 multi-family units**
- At 15 units/acre, 87 units would require a minimum of **5.8 acres** zoned for multi-family housing



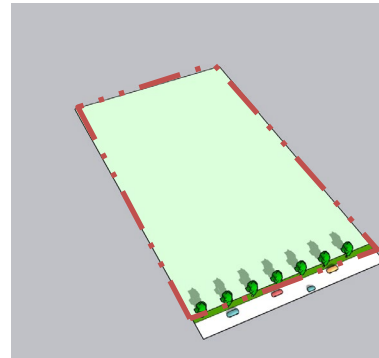
How much land must West Newbury include in district(s)?

- No minimum district size for West Newbury
- Can have multiple districts
- Half of the multi-family zoning district must be contiguous lots of land
- If the multi-family unit capacity and gross density requirements can be achieved with fewer than 5 acres, then all lots in the district must be contiguous.
- Can have subdistricts with different allowed densities. Must average out to at least 15 units/acre across all subdistricts.



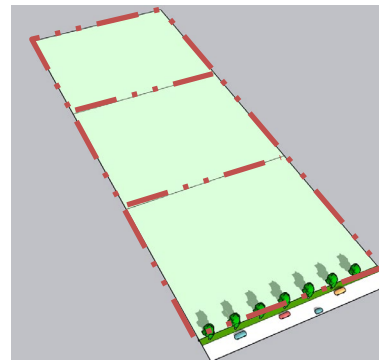
Example District 1

5.8 acres of developable land at 15 units per acre



Example District 2

3.48 acres of developable land at 25 units per acre



Example District 3

5.8 acre district with 3 subdistricts:

- 1.93 acres at 5 units per acre
- 1.93 acres at 15 unit per acre
- 1.93 acres at 25 units per acre

Location of Multi-family District

Where there is no transit station...

...MBTA communities are **encouraged** to locate the multi-family zoning district in an area with:

- reasonable access to a transit station based on existing street patterns, pedestrian connections, and bicycle lanes
- near an existing downtown or village center
- near a regional transit authority bus stop or line
- or in a location with existing underutilized facilities that can be redeveloped into new multi-family housing.



Location of Multi-family District

Only developable land counts toward State's requirements.

Developable Land is:

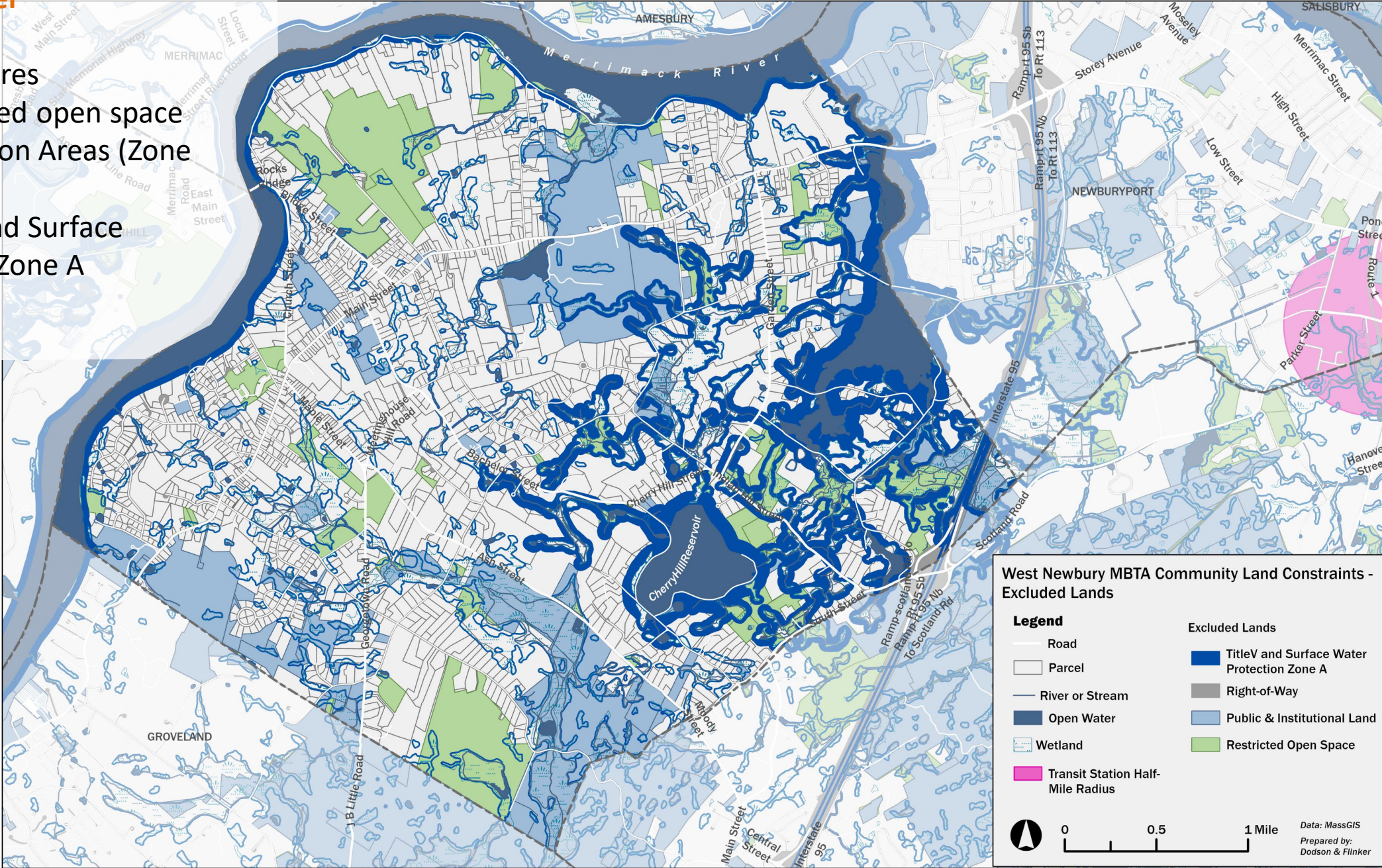
1. All **privately-owned land** except lots or portions of lots that meet the definition of **excluded land**
2. Developable **public land**:
 - a. Used by a local housing authority
 - b. Or, has been identified in HPP
 - c. Or, has been designated for disposition and redevelopment
 - d. Or, other public land at EOHLC's discretion



3A Compliance Model

Excluded land

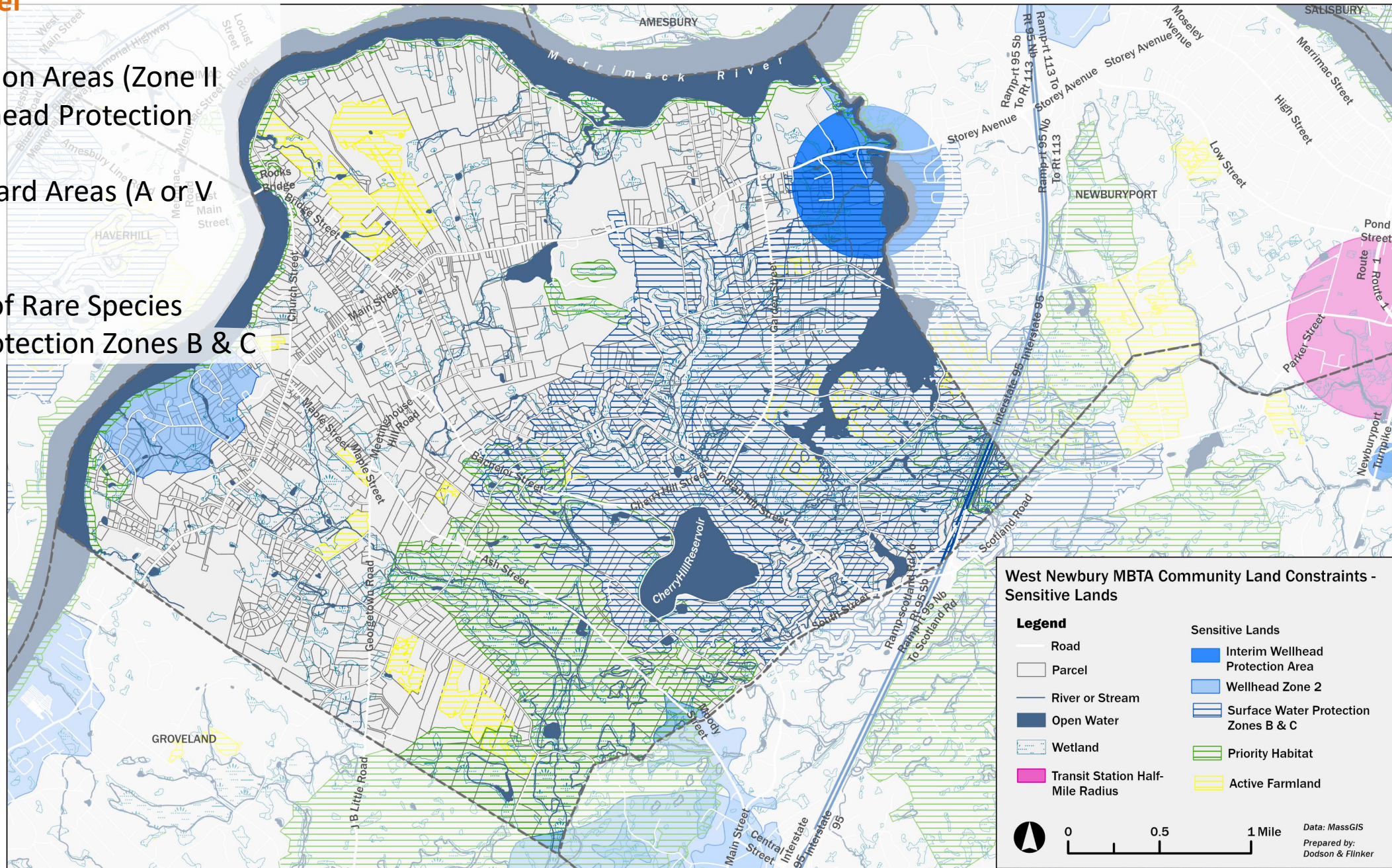
- Hydrological features
- Protected/restricted open space
- Wellhead Protection Areas (Zone I only)
- Title 5 setbacks and Surface Water Protection Zone A
- Rights of way
- Most public land



3A Compliance Model

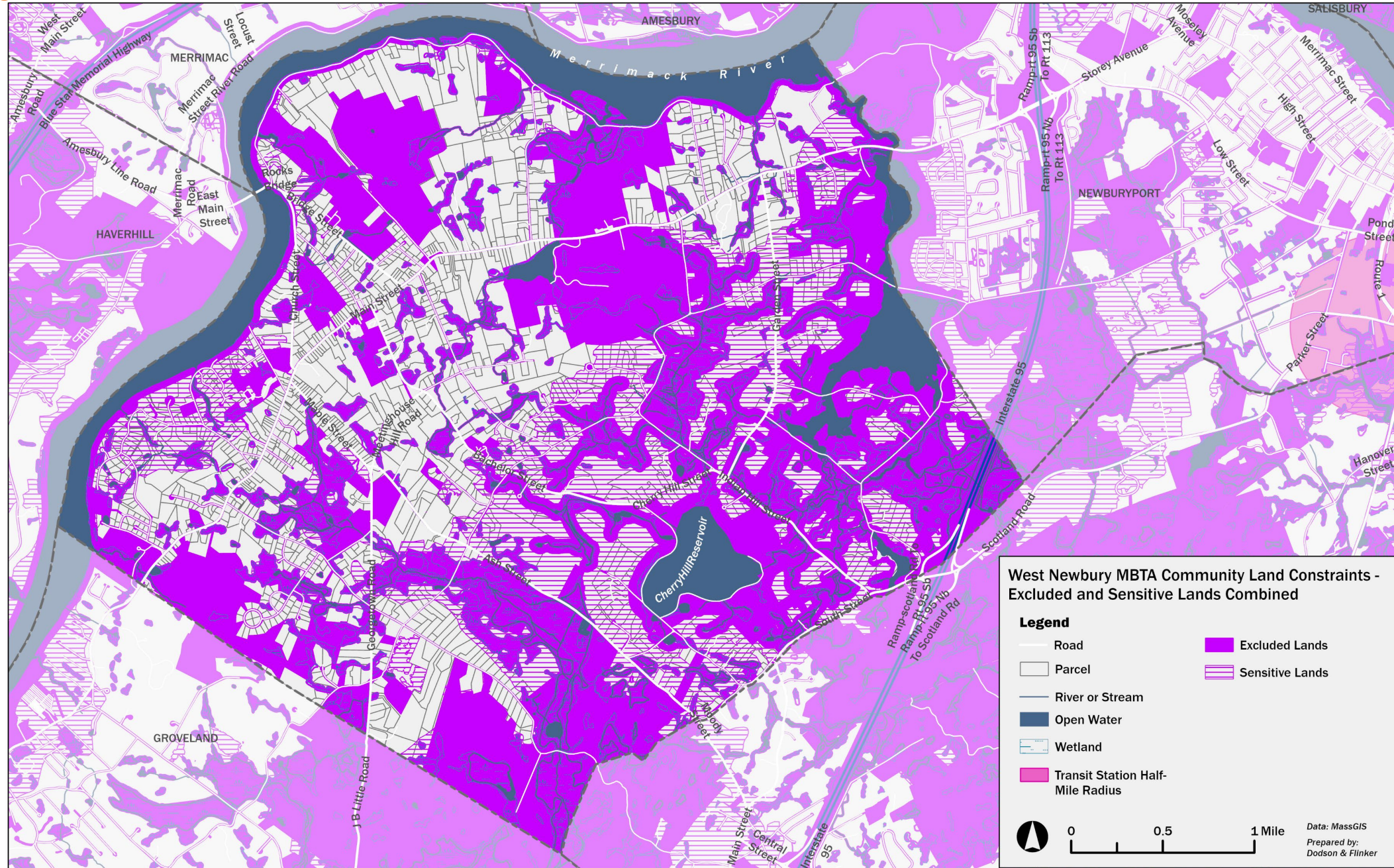
Sensitive land

- Wellhead Protection Areas (Zone II and Interim Wellhead Protection Areas)
- Special Flood Hazard Areas (A or V flood zones)
- Active Farmland
- Priority Habitats of Rare Species
- Surface Water Protection Zones B & C



3A Compliance Model

Sensitive + Excluded Land



West Newbury MBTA Community Land Constraints - Excluded and Sensitive Lands Combined

Legend

	Road		Excluded Lands
	Parcel		Sensitive Lands
	River or Stream		
	Open Water		
	Wetland		
	Transit Station Half-Mile Radius		

0 0.5 1 Mile

Data: MassGIS
Prepared by: Dodson & Flinker

Reminder: This about changing zoning

- West Newbury is **not required to build the units, just to adopt compliant zoning**
- West Newbury is **not required to provide infrastructure** to make projects feasible
- Projects **must comply with wetlands protection act and title 5** septic requirements
- If anything gets built, the actual **density may be less than 15 units/acre**



Affordability Requirements

- The MBTA Communities law does not require affordable units
- Town may require up to 10% of the units to be affordable at 80% of area median income (AMI)
- Greater % of units or deeper affordability requirement may be allowed in a 40R Smart Growth District (up to 20% of units) or with an economic feasibility analysis
- West Newbury's zoning already requires that at least 10% of units be affordable in projects with 3 or more units.

Income Limit	Household Size (Number of People)				
	1-Person	2-Person	3-Person	4-Person	5-Person
30% of AMI	\$25,600	\$29,250	\$32,900	\$36,550	\$39,500
50% of AMI	\$42,700	\$48,800	\$54,900	\$60,950	\$65,850
80% of AMI	\$66,300	\$75,750	\$85,200	\$94,650	\$102,250

Source: 2023 HUD Income Limits (Lawrence, MA-NH HUD Metro FMR Area)

Mixed-use & Age Restrictions

- Mixed use may be allowed, but cannot be required
- Cannot have age restrictions or restrictions that make units unsuitable for families with children
 - Cannot limit size of units, number of bedrooms, number of occupants, etc.



Consequences of failure to comply

- Loss of eligibility for state grants: Housing Choice Initiative, Local Capital Projects Fund, MassWorks
- Civil enforcement action¹
- Liability under federal and state fair housing laws¹

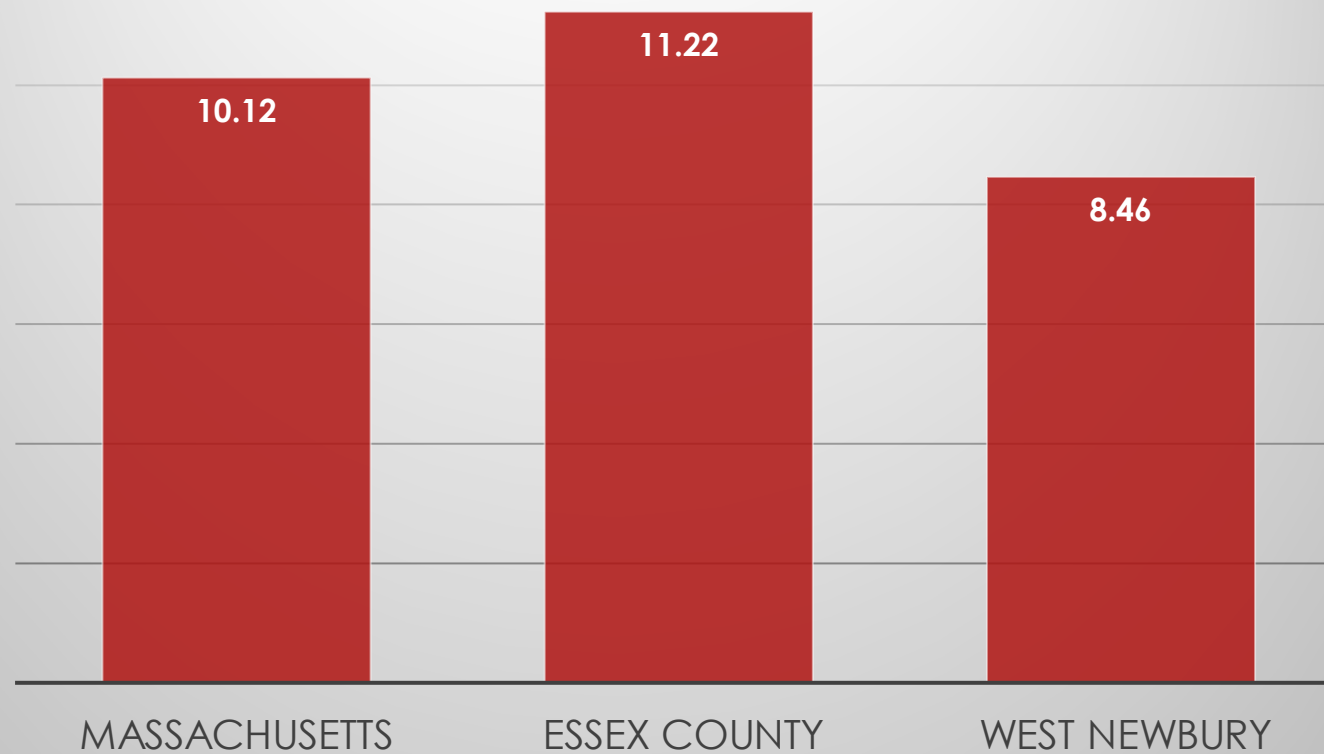
1. <https://www.mass.gov/doc/advisory-concerning-enforcement-of-the-mbta-communities-zoning-law/download>

HOUSING AND DEMOGRAPHICS IN WEST NEWBURY

General Population and Housing Trends:

- West Newbury has grown less than the State overall despite being in one of the fastest growing counties in Massachusetts;
- Since 2000, West Newbury's population has increased 8.5%; compared to 11.2% for Essex County and 10.1% for Massachusetts.

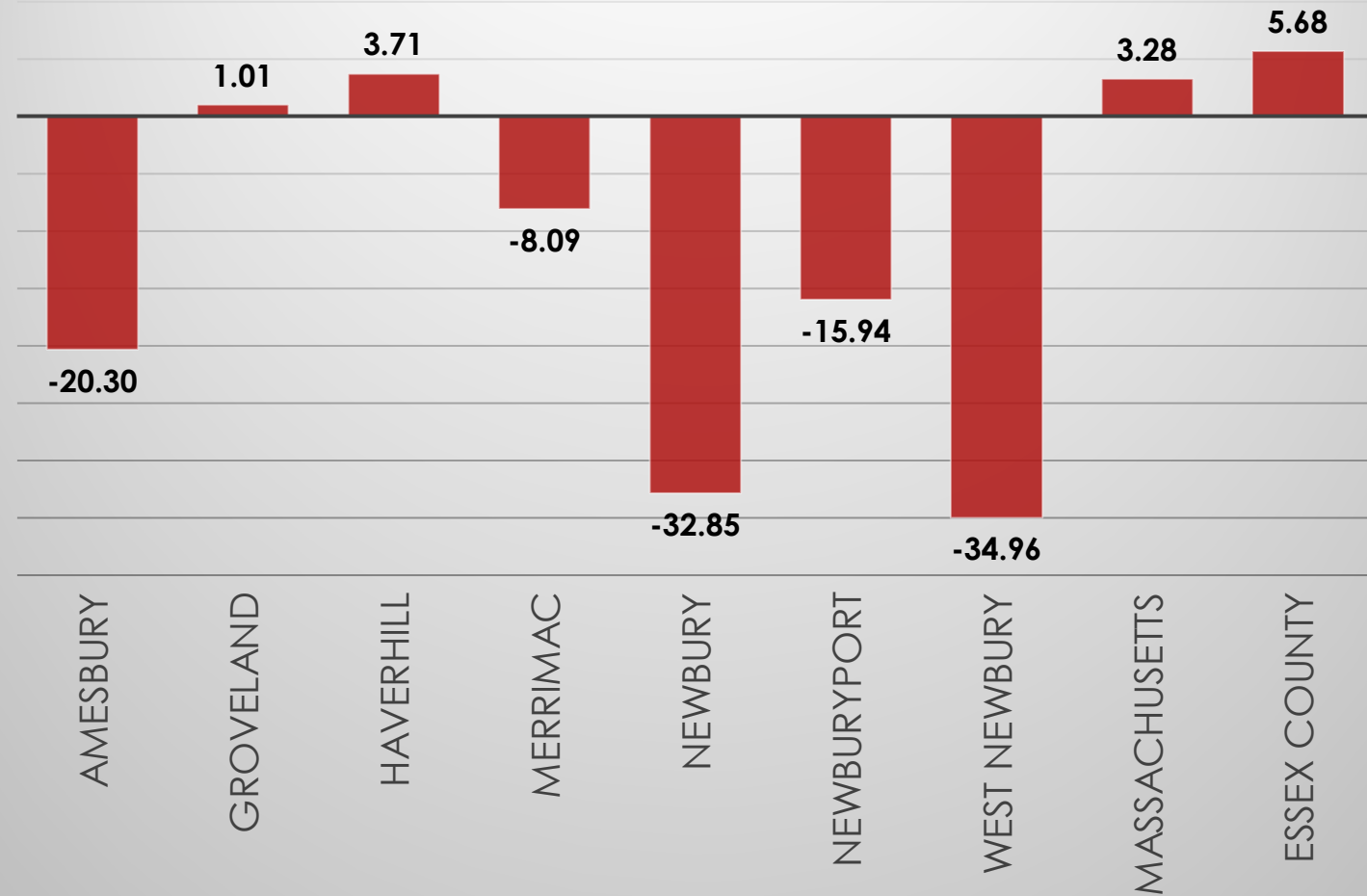
Percentage Population Growth From 2000-2021



General Population and Housing Trends:

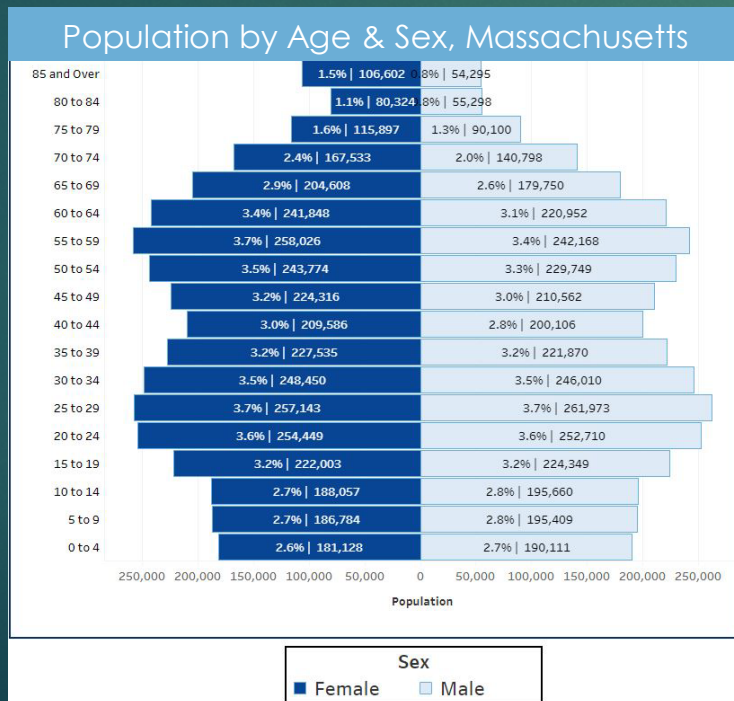
- West Newbury and several surrounding towns are projected to decrease in population between 2020-2050 even as Essex County and Massachusetts as a whole increase in population.
- The projected decrease in West Newbury is particularly large at 34.96%.

Projected percentage population growth from 2020-2050



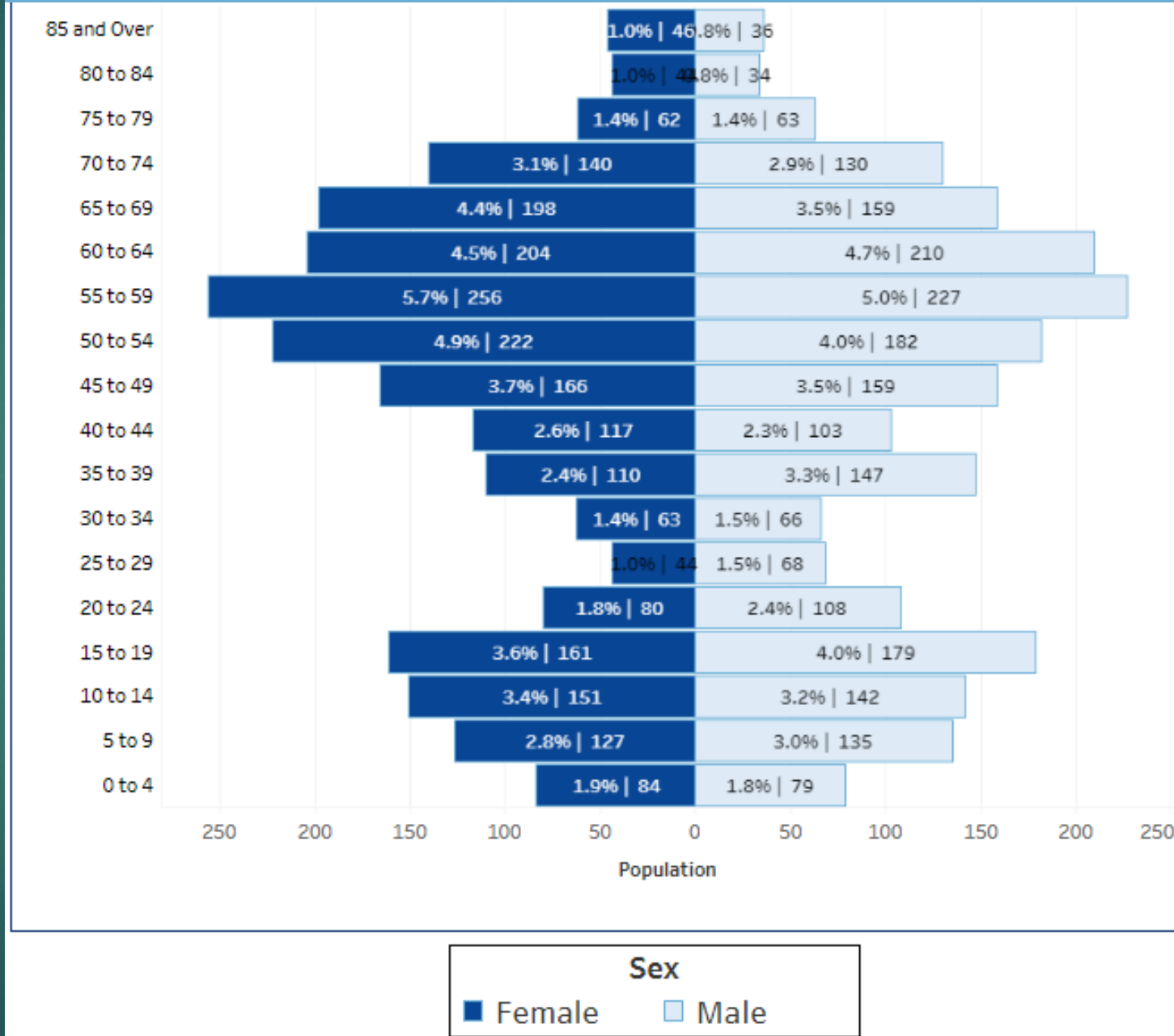
General Population and Housing Trends:

- One of the major factors contributing to the projected decline in population is the lack of young people living in West Newbury.
- There are very few young adults. Just 15.3% of the population are adults ages 20-39 (vs 28% for Massachusetts)



Population by Age & Sex, West Newbury

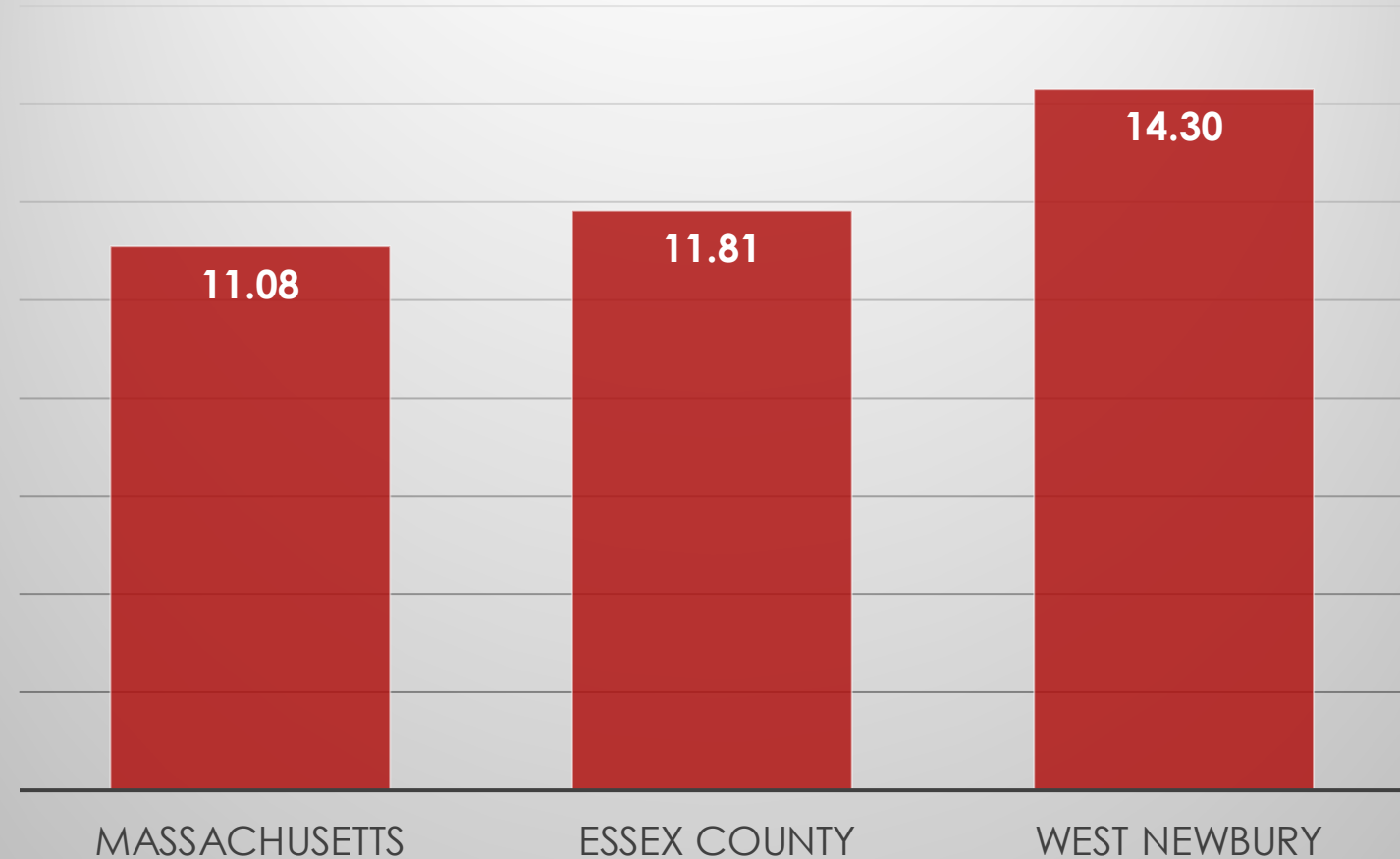
Source: UMASS Donahue Institute



General Population and Housing Trends:

- Despite slower population growth, the number of households in West Newbury has increased at a greater rate than Massachusetts or Essex County.

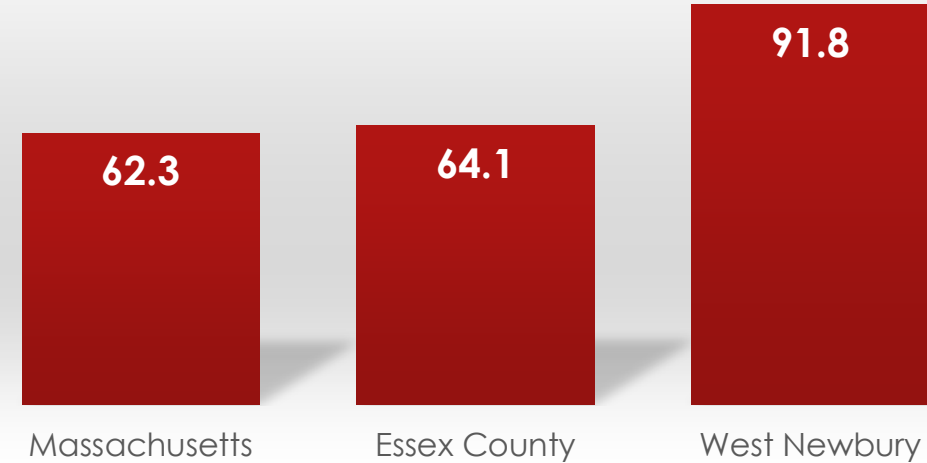
Change in Number of Households, 2000-2021 (%)



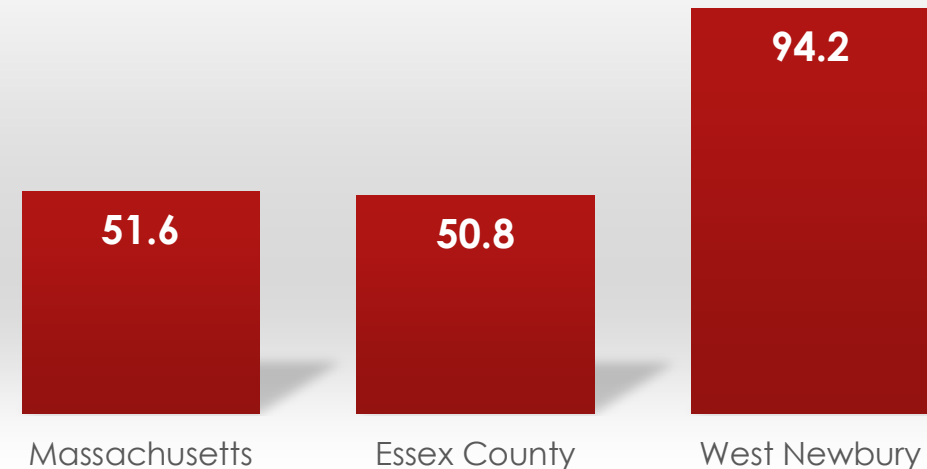
General Population and Housing Trends:

- West Newbury has a very high percentage of home ownership. 91.8% of homes are owner occupied, compared to 62.3% Massachusetts.
- Detached single-family residences make up 94.2% of all housing units in the town.

Percentage of Housing Units that are Owner Occupied



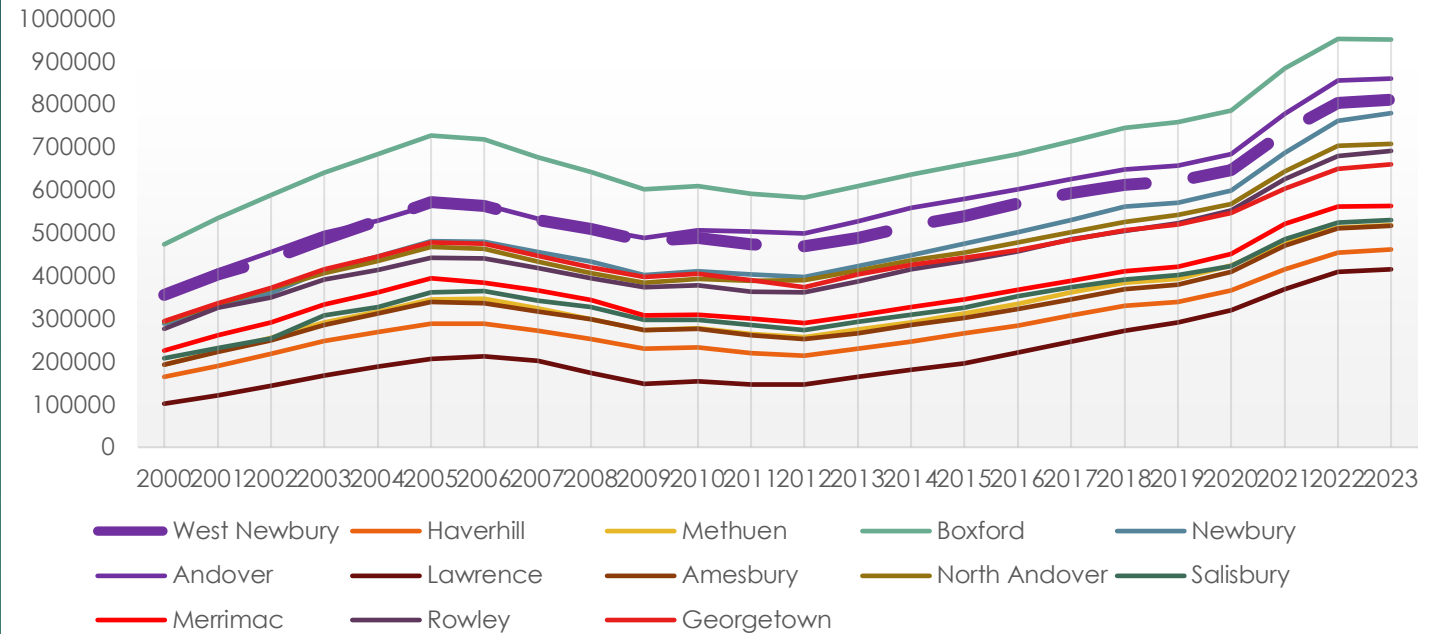
Detached Single Family Houses as % of Total Residence



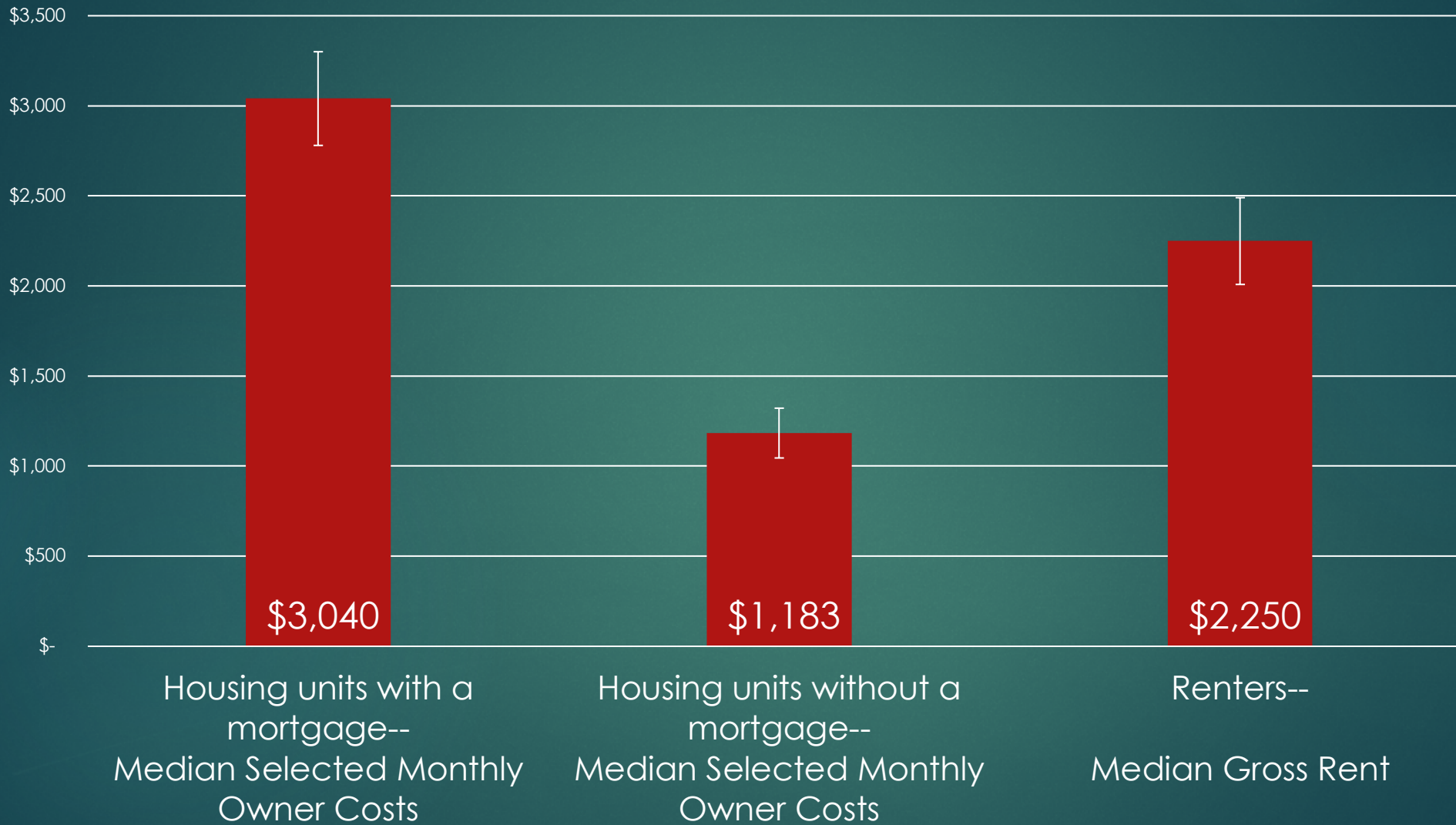
General Population and Housing Trends:

- West Newbury has the third highest median home value in the county, behind only Boxford and Andover.
- Housing prices increased sharply in 2020 in West Newbury and several other communities in Essex County.
- Prices appear to have leveled off over the past year.

Essex County Zillow Median Home Value Index



Housing Costs, West Newbury



2018 Housing Production Plan

Key Housing Goal:

- The 2018 Housing Production Plan set a goal of meeting 10% Subsidized Housing Inventory by 2022.
- That would have required adding about 26 affordable units per year over the course of five years.

Housing Production Growth Schedule to Achieve 10%

Year	Number of Affordable Units	Additional Affordable Units	Total Units	Percent Affordable
Current Numbers	39		1,558	2.5%
2018	65	26	1,584	4.1%
2019	91	26	1,610	5.7%
2020	117	26	1,636	7.2%
2021	143	26	1,662	8.6%
2022	168	25	1,687	10.0%

2018 Housing Production Plan

Key policy strategies:

- Amend the Business District Zone to allow for more housing.
- Allow three-family developments “by-right” if at least one unit is deed restricted affordable.
- Allow Accessory Dwelling Units or Family Compounds.
- Establish an Affordable Housing Trust.



Affordable Housing & Policy Progress

- As of 2022 the Town had 43 affordable units, a net increase of four units since 2018.
- The town is currently 113 affordable units short of meeting the 10% threshold.
- The town has prepared draft zoning amendments to allow accessory dwelling units by right.
- Zoning for three-family units, and housing in the Business District has not changed.
- In 2022, the Town established an Affordable Housing Trust (AFT) with the purpose of expanding affordable housing opportunities.
- The town is in the process of creating a new Housing Production plan.

West Newbury Affordable Housing Trust

ACTION PLAN FY2024-2026

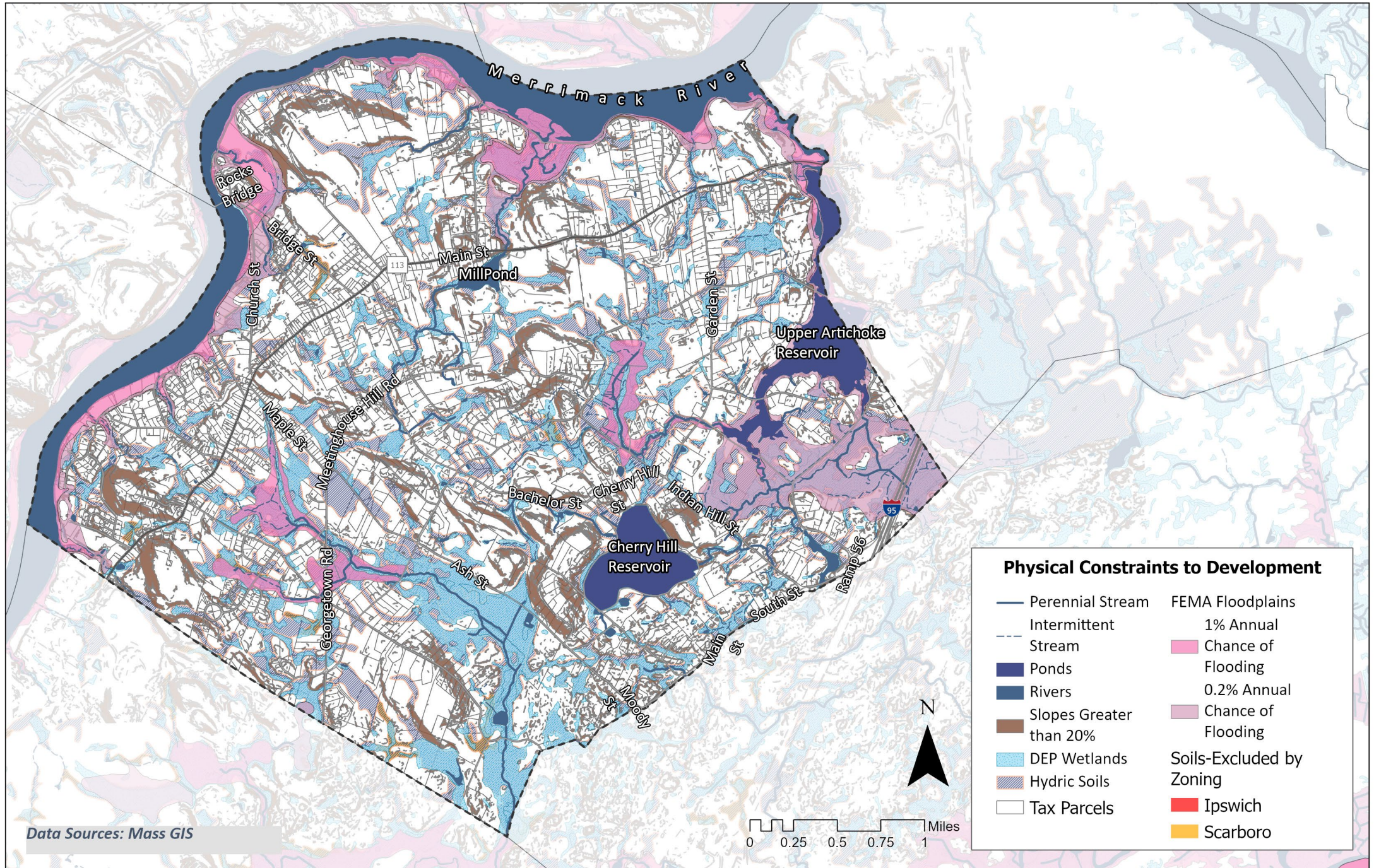


Adopted:

Prepared for
West Newbury Affordable Housing Trust

Prepared by
Elizabeth Rust, ECR Enterprises

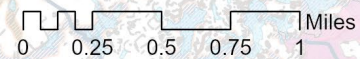
ANALYSIS OF POTENTIAL MULTI-FAMILY DISTRICT LOCATIONS



Physical Constraints to Development

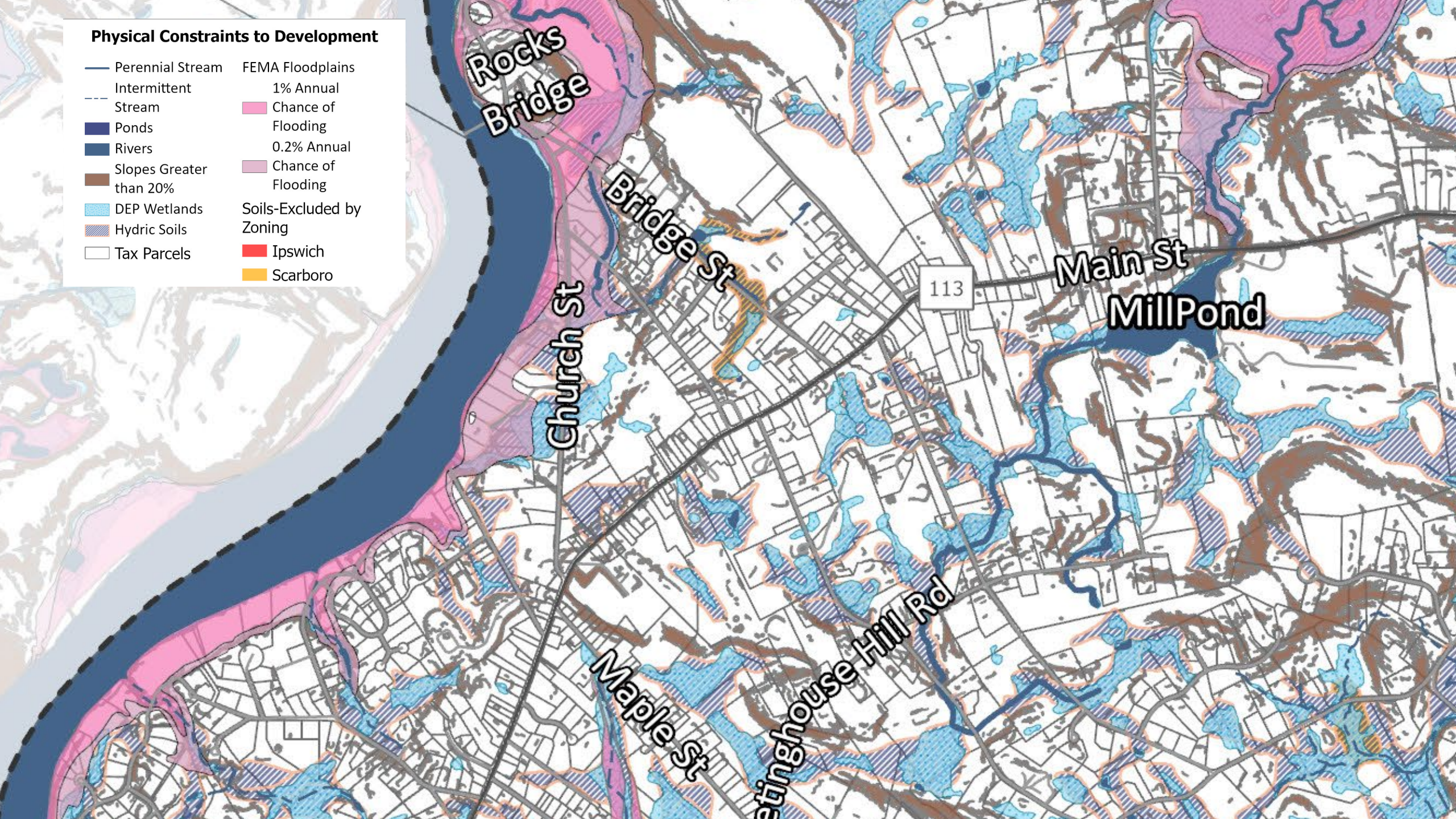
— Perennial Stream	FEMA Floodplains
- - - Intermittent Stream	1% Annual
■ Ponds	Chance of Flooding
■ Rivers	0.2% Annual
■ Slopes Greater than 20%	Chance of Flooding
■ DEP Wetlands	Soils-Excluded by Zoning
■ Hydric Soils	■ Ipswich
□ Tax Parcels	■ Scarborough

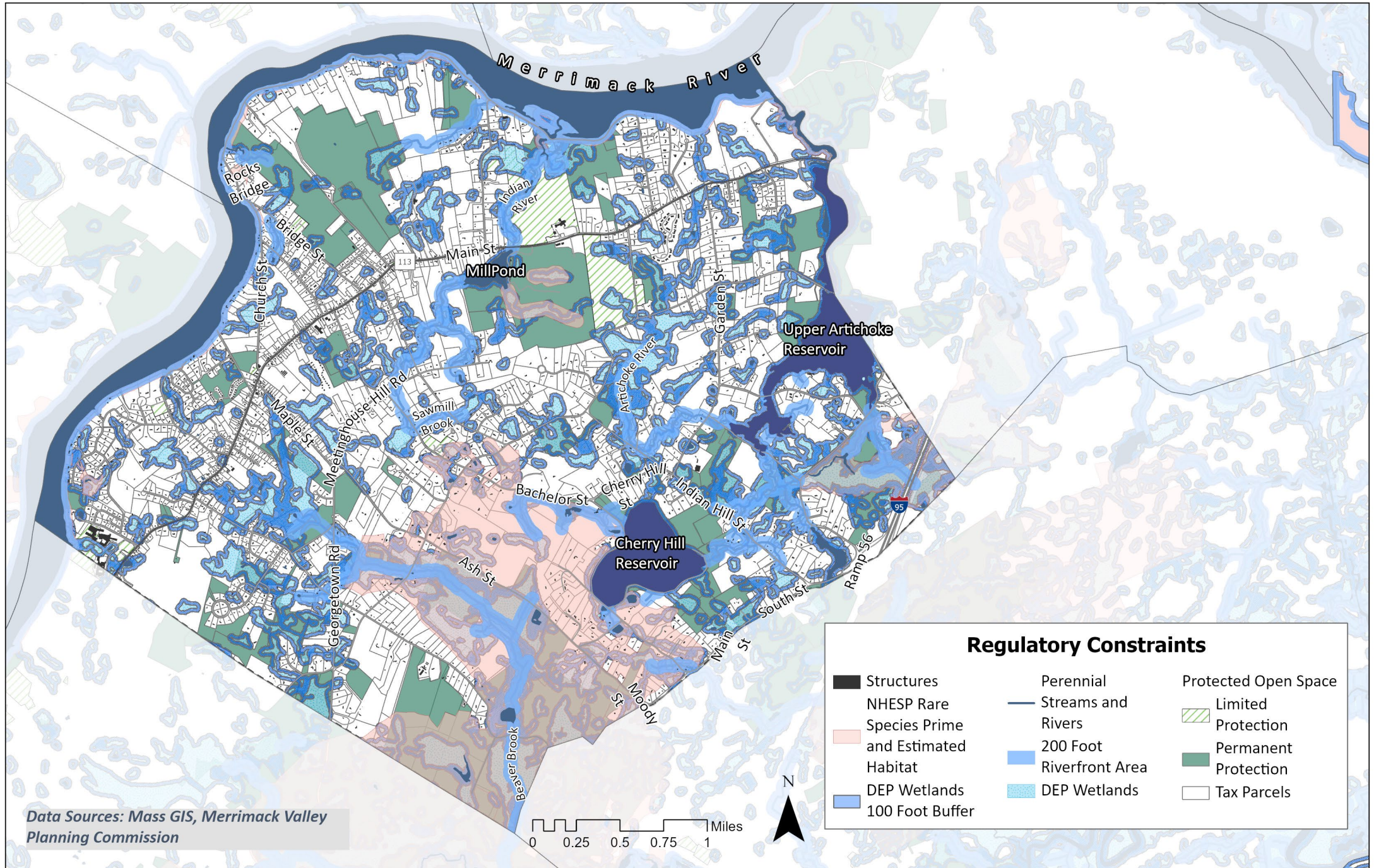
Data Sources: Mass GIS



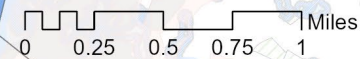
Physical Constraints to Development

- | | |
|---------------------------|--------------------------------|
| — Perennial Stream | FEMA Floodplains |
| - - - Intermittent Stream | 1% Annual Chance of Flooding |
| ■ Ponds | 0.2% Annual Chance of Flooding |
| ■ Rivers | Soils-Excluded by Zoning |
| ■ Slopes Greater than 20% | ■ Ipswich |
| ■ DEP Wetlands | ■ Scarborough |
| ■ Hydric Soils | |
| □ Tax Parcels | |



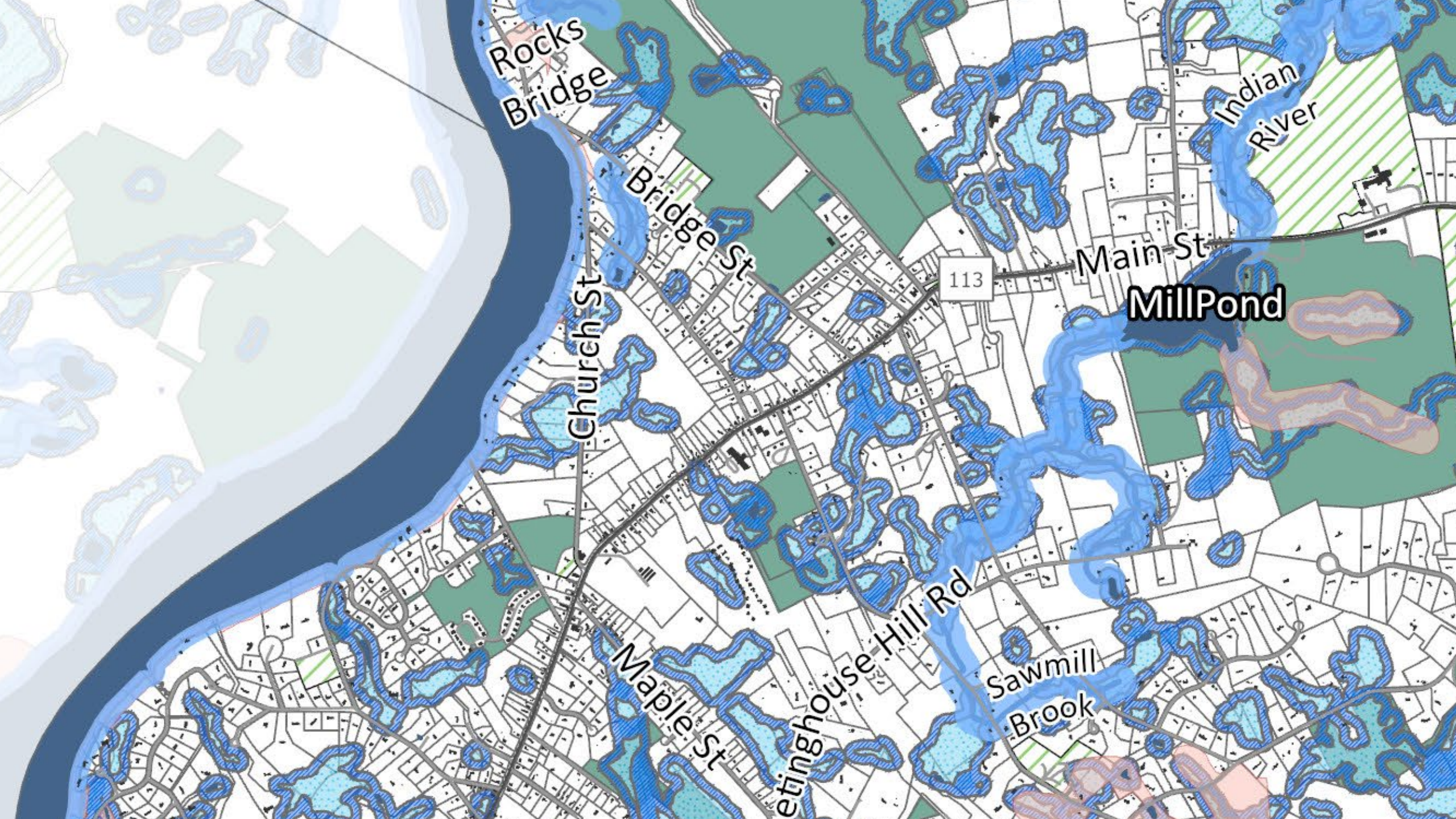


Data Sources: Mass GIS, Merrimack Valley Planning Commission



Regulatory Constraints

- | | | |
|--|------------------------------|----------------------|
| Structures | Perennial Streams and Rivers | Protected Open Space |
| NHESP Rare Species Prime and Estimated Habitat | 200 Foot Riverfront Area | Permanent Protection |
| DEP Wetlands | DEP Wetlands | Tax Parcels |
| 100 Foot Buffer | | |



Rocks Bridge

Indian River

Main St

Mill Pond

113

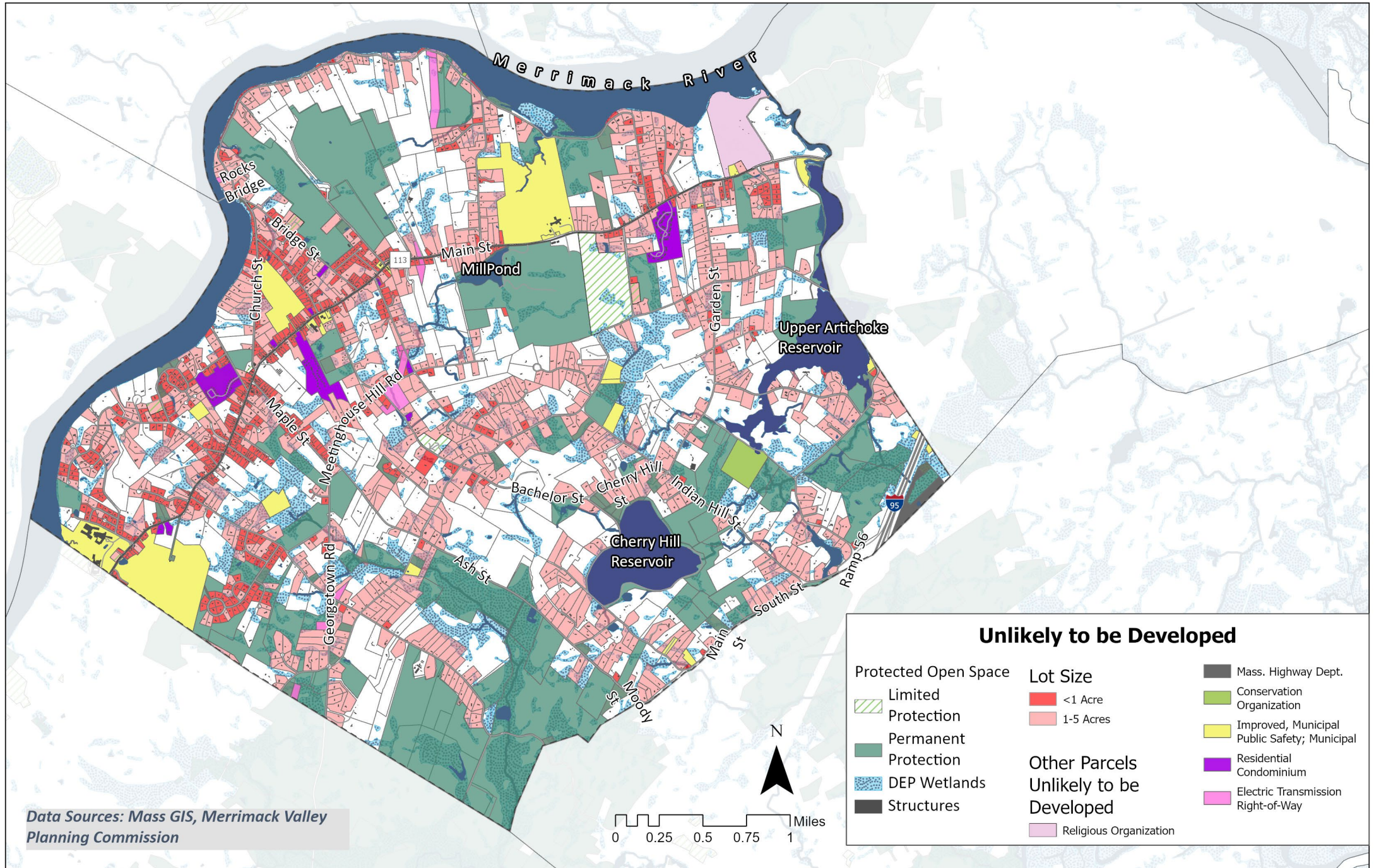
Church St

Bridge St

Sawmill Brook

etinghouse Hill Rd

Maple St



Merrimack River

Rocks Bridge

Bridge St

Church St

Main St

Mill Pond

Garden St

Upper Artichoke Reservoir

Maple St

Meetinghouse Hill Rd

Bachelor St

Cherry Hill St

Indian Hills St

Cherry Hill Reservoir

Ash St

South St

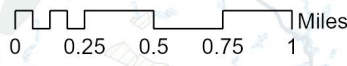
Ramp 56

Georgetown Rd

Moody St

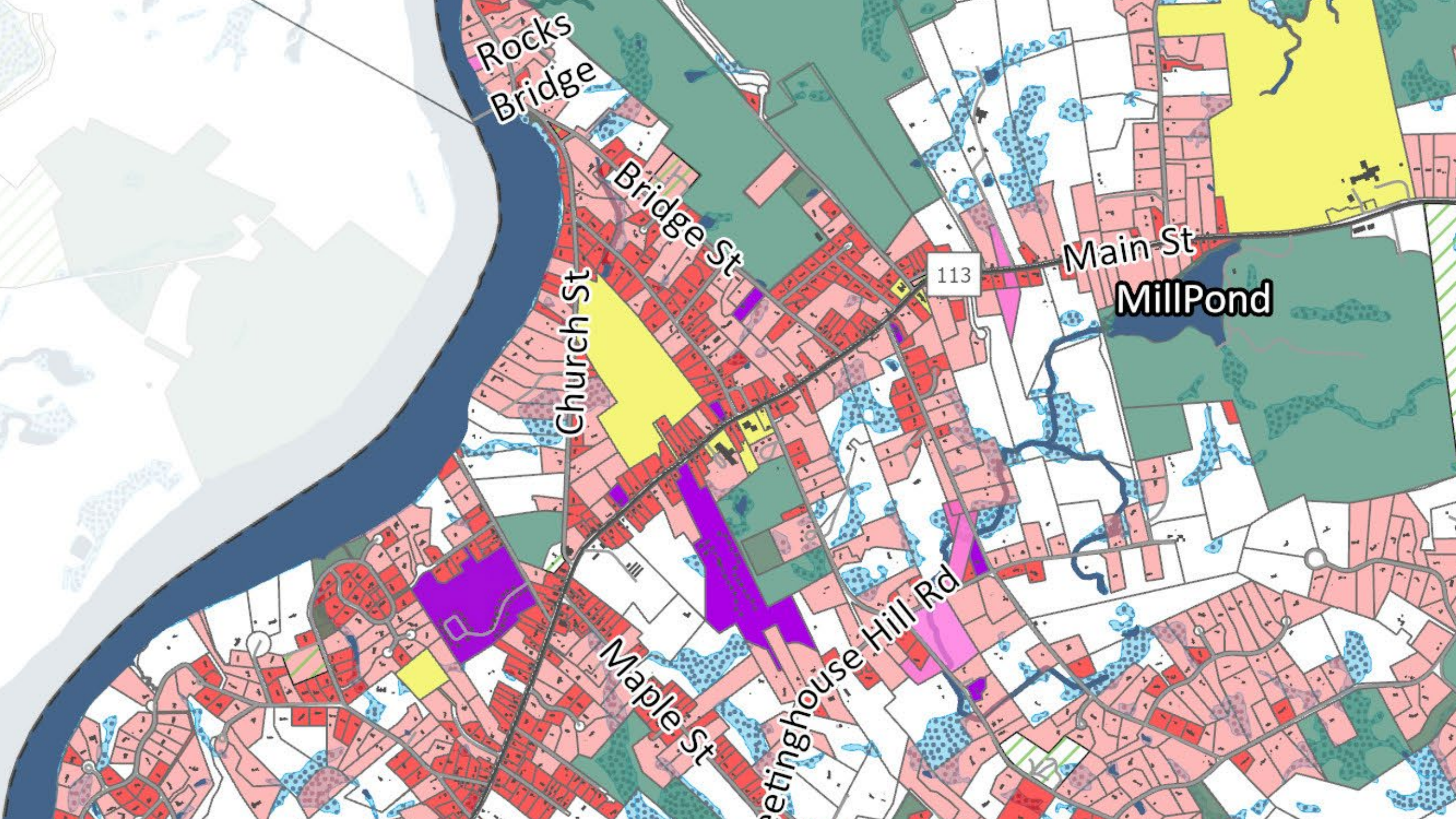
Main St

Data Sources: Mass GIS, Merrimack Valley Planning Commission



Unlikely to be Developed

- | | | |
|--|---|---|
| Protected Open Space | Lot Size | Mass. Highway Dept. |
| <ul style="list-style-type: none"> Limited Protection Permanent Protection DEP Wetlands Structures | <ul style="list-style-type: none"> <1 Acre 1-5 Acres | <ul style="list-style-type: none"> Conservation Organization Improved, Municipal Public Safety; Municipal Residential Condominium Electric Transmission Right-of-Way Religious Organization |
| Other Parcels Unlikely to be Developed | | |
| Religious Organization | | |



Rocks Bridge

Bridge St

Church St

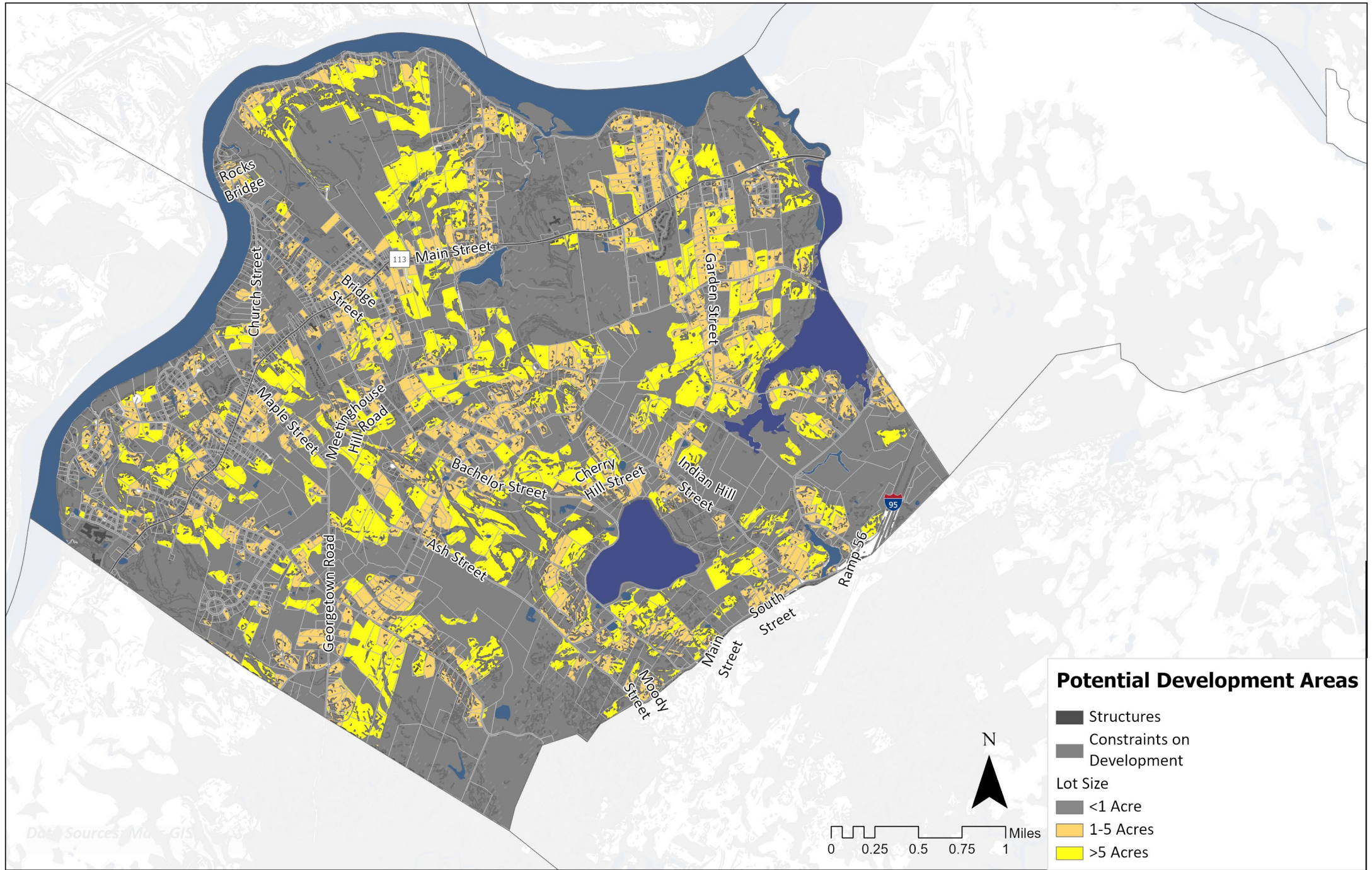
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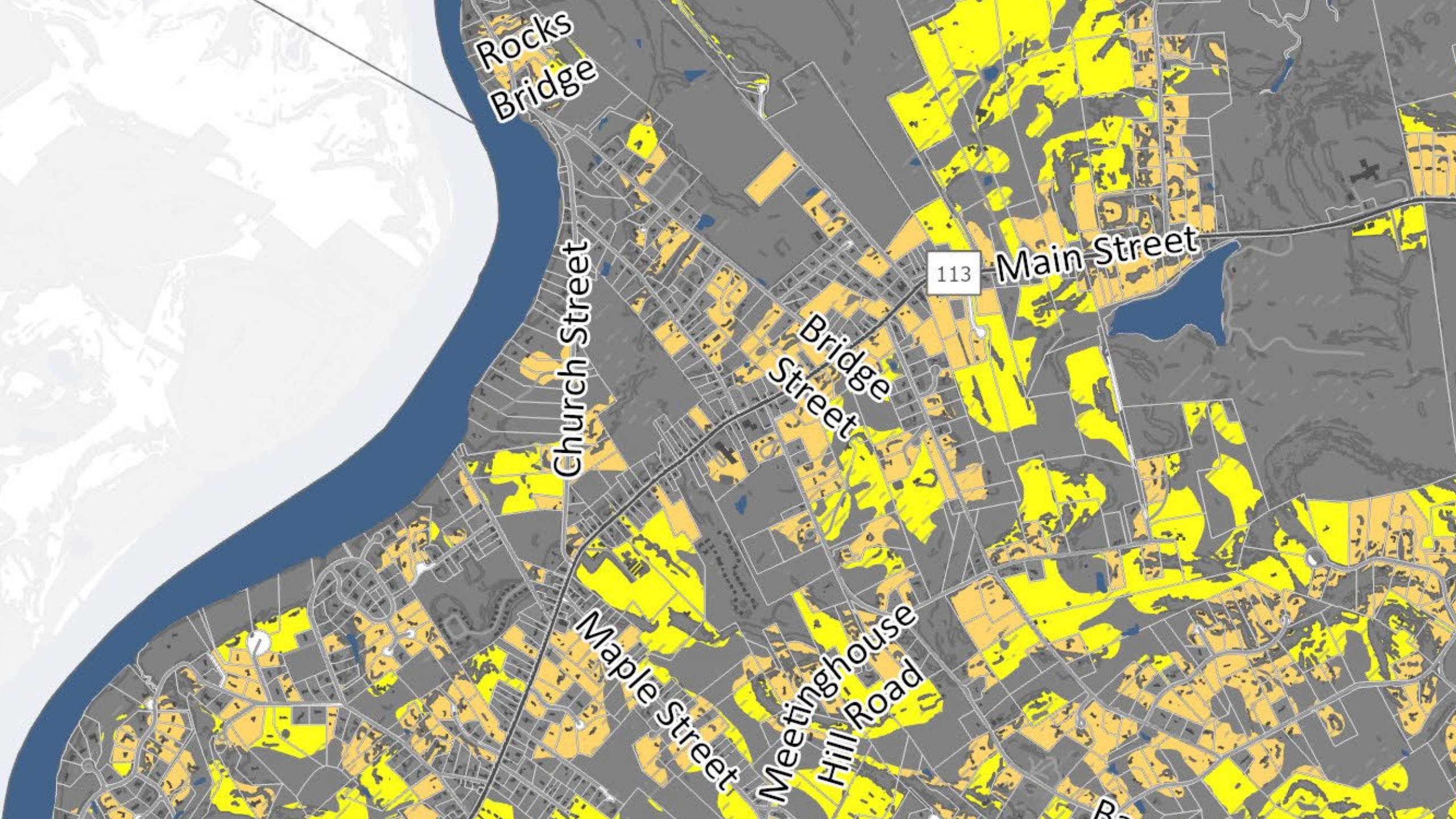
Main St

Mill Pond

Maple St

Meetinghouse Hill Rd





Rocks
Bridge

Church Street

113

Main Street

Bridge
Street

Maple Street

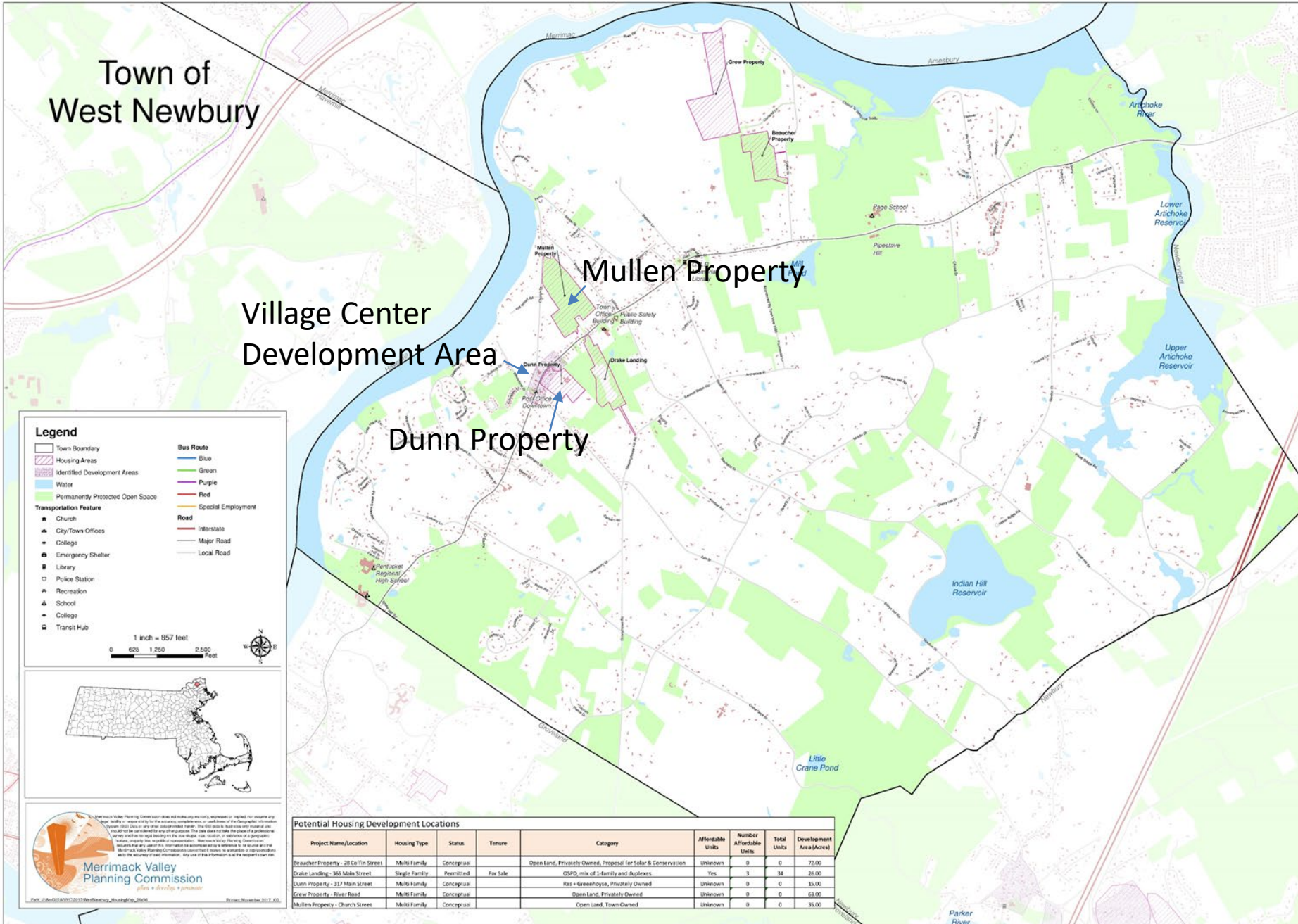
Meetinghouse
Hill Road

Where does housing belong?



W. Newbury Housing Production Plan (2018)

Potential Housing Development Locations



Legend

- Town Boundary
- Housing Areas
- Identified Development Areas
- Water
- Permanently Protected Open Space
- Bus Route
- Green
- Purple
- Red
- Special Employment
- Church
- City/Town Offices
- College
- Emergency Shelter
- Library
- Police Station
- Recreation
- School
- College
- Transit Hub
- Interstate
- Major Road
- Local Road

1 inch = 857 feet

0 625 1,250 2,500 Feet



Merrimack Valley Planning Commission

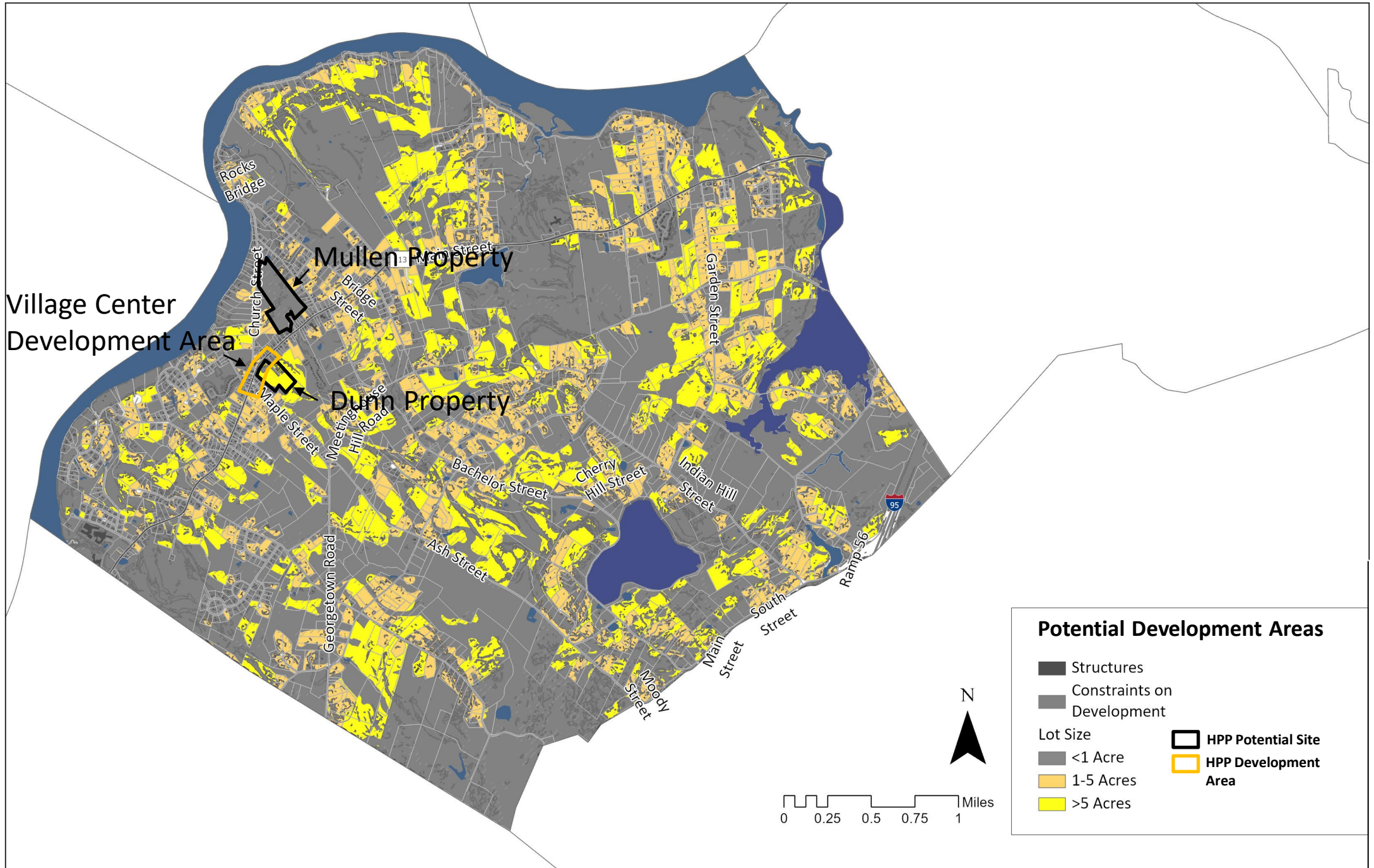
plan • develop • promote

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Printed: November 2017 10:30

Potential Housing Development Locations

Project Name/Location	Housing Type	Status	Tenure	Category	Affordable Units	Number Affordable Units	Total Units	Development Area (Acres)
Reacher Property - 28 Coffin Street	Mt/N Family	Conceptual		Open Land, Privately Owned, Proposal for Solar & Conservation	Unknown	0	0	72.00
Drake Landing - 365 Main Street	Single Family	Permitted	For Sale	OSPD, mix of 1-family and duplexes	Yes	3	34	28.00
Dunn Property - 317 Main Street	Mt/N Family	Conceptual		Res + Greenhouse, Privately Owned	Unknown	0	0	15.00
Grew Property - River Road	Mt/N Family	Conceptual		Open Land, Privately Owned	Unknown	0	0	63.00
Mullen Property - Church Street	Mt/N Family	Conceptual		Open Land, Town Owned	Unknown	0	0	35.00



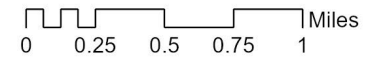
Village Center
Development Area

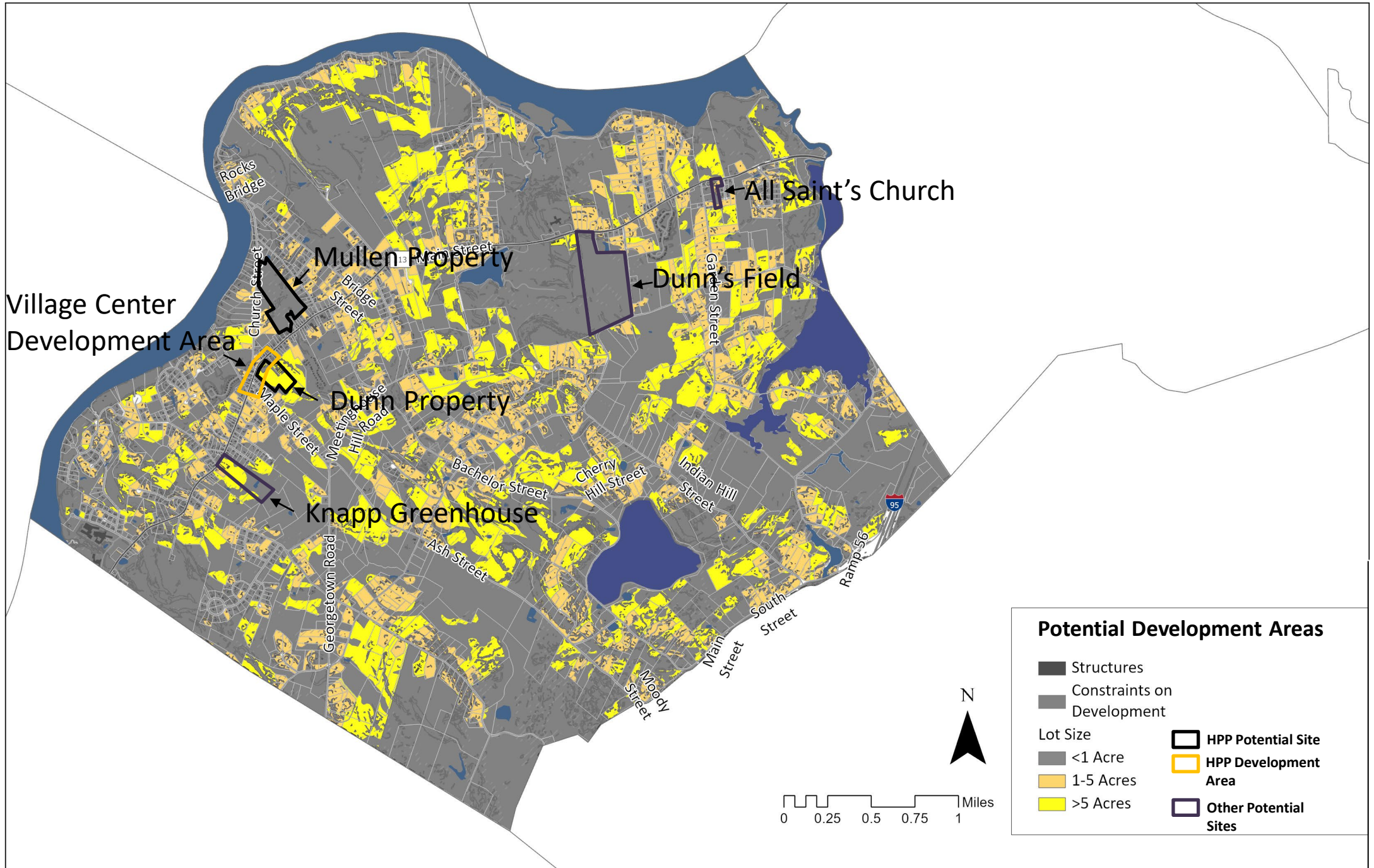
Mullen Property

Dunn Property

Potential Development Areas

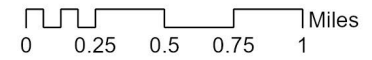
- Structures
- Constraints on Development
- Lot Size
 - <1 Acre
 - 1-5 Acres
 - >5 Acres
- HPP Potential Site
- HPP Development Area

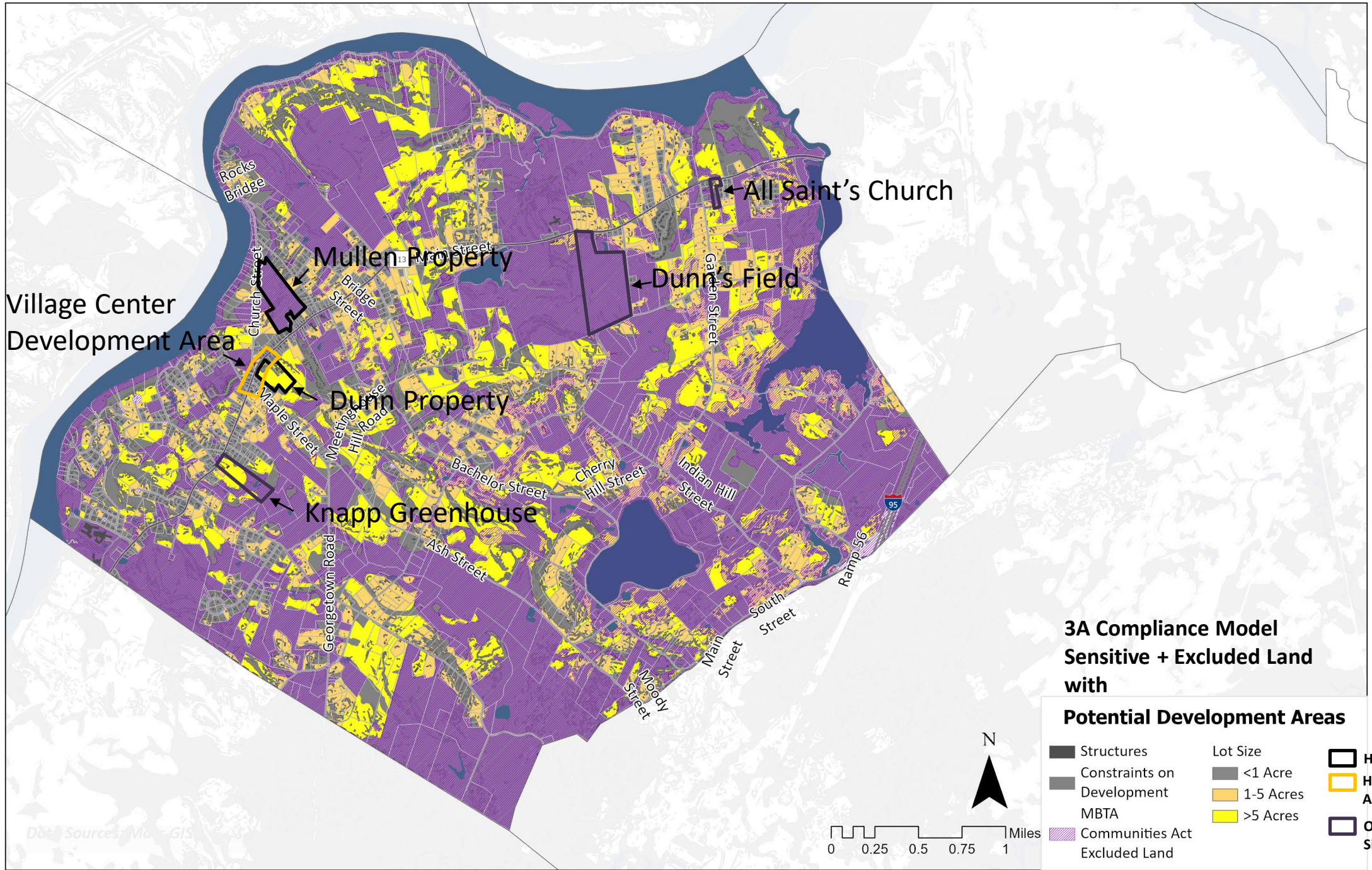




Potential Development Areas

- Structures
- Constraints on Development
- Lot Size
 - <1 Acre
 - 1-5 Acres
 - >5 Acres
- HPP Potential Site
- HPP Development Area
- Other Potential Sites





Village Center
Development Area

Rocks
Bridge

Mullen Property

All Saint's Church

Dunn's Field

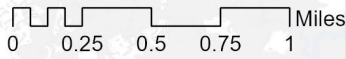
Dunn Property

Knapp Greenhouse

**3A Compliance Model
Sensitive + Excluded Land
with**

Potential Development Areas

- | | | |
|---|---|---|
|  Structures |  Lot Size |  HPP Potential Site |
|  Constraints on Development |  <1 Acre |  HPP Development Area |
|  MBTA |  1-5 Acres |  Other Potential Sites |
|  Communities Act Excluded Land |  >5 Acres | |



Mullen Property

example of feasible density based on septic capacity?

Concept plan, 2009

34.2 acre site

11 acres of wetlands +/-

Senior rental units: 20

Single-family units: 6

Town house Units: 14

Total units: 40

Affordable units (SHI): 10-25

Permanent open space: 75%

Proposed Density 1.16 units/acre



Proposed Conservation Restriction with Public Access

WHAT DOES MULTI-FAMILY HOUSING LOOK LIKE?



- Adaptive re-use of an existing single-family home
- 4 units on a .5 acre site
- Approximate density: 17 unit per acre



- Addition to a historic building plus two new buildings to rear of a site in Scituate, MA
- 30 units and 3 commercial spaces on 1.4 acres
- Approximate density: 21 units per acre



- New construction in Brookline, MA
- 24 units on 1.1 acres
- Approximate density: 22 units per acre



- New construction in Hyannis, MA
- 46 units in 5 new buildings on a 1.5 acre site
- Approximate density: 30 units per acre



- Historic townhouses in Newburyport, MA
- 11 units on a .18 acre site
- Approximate density: 60 units per acre



- Addition to a historic building in Northampton, MA
- 31 units on a .5 acre site
- Approximate density: 62 units per acre





Q&A

Are there any questions about what we presented?

BREAKOUT GROUP DISCUSSIONS

Ground Rules

- One speaker at a time
- Have a conversation, not a debate
- Critique ideas, not people
- Maintain respect and courtesy
- Work to understand others' perspectives
- Make sure everyone has a chance to speak



Icebreaker

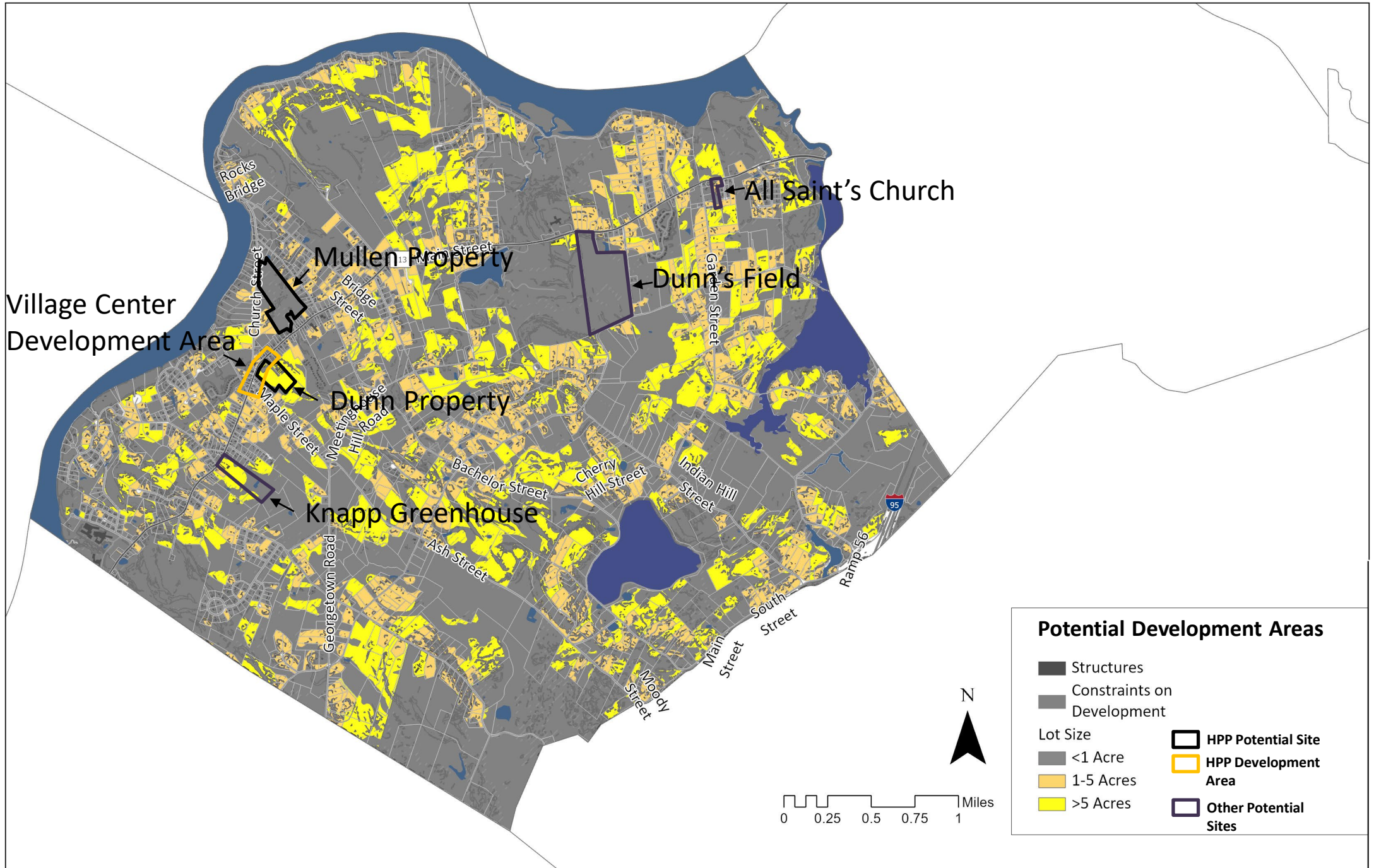
- Say your name, how you are connected to West Newbury, and in just a few words, what brought you to tonight's meeting.

Housing Needs

- How has the community changed over the past decades? What changes are you hopeful for, or worried about, related to housing and who lives in West Newbury?
- Is there a need for types of housing that are different from the housing that currently exist in West Newbury? Who needs housing and what characteristics might they want their housing to have?
- Does the community have a responsibility to make it possible to build different kinds of housing?

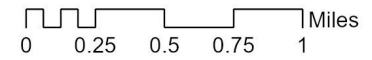
Barriers, Opportunities, Locations

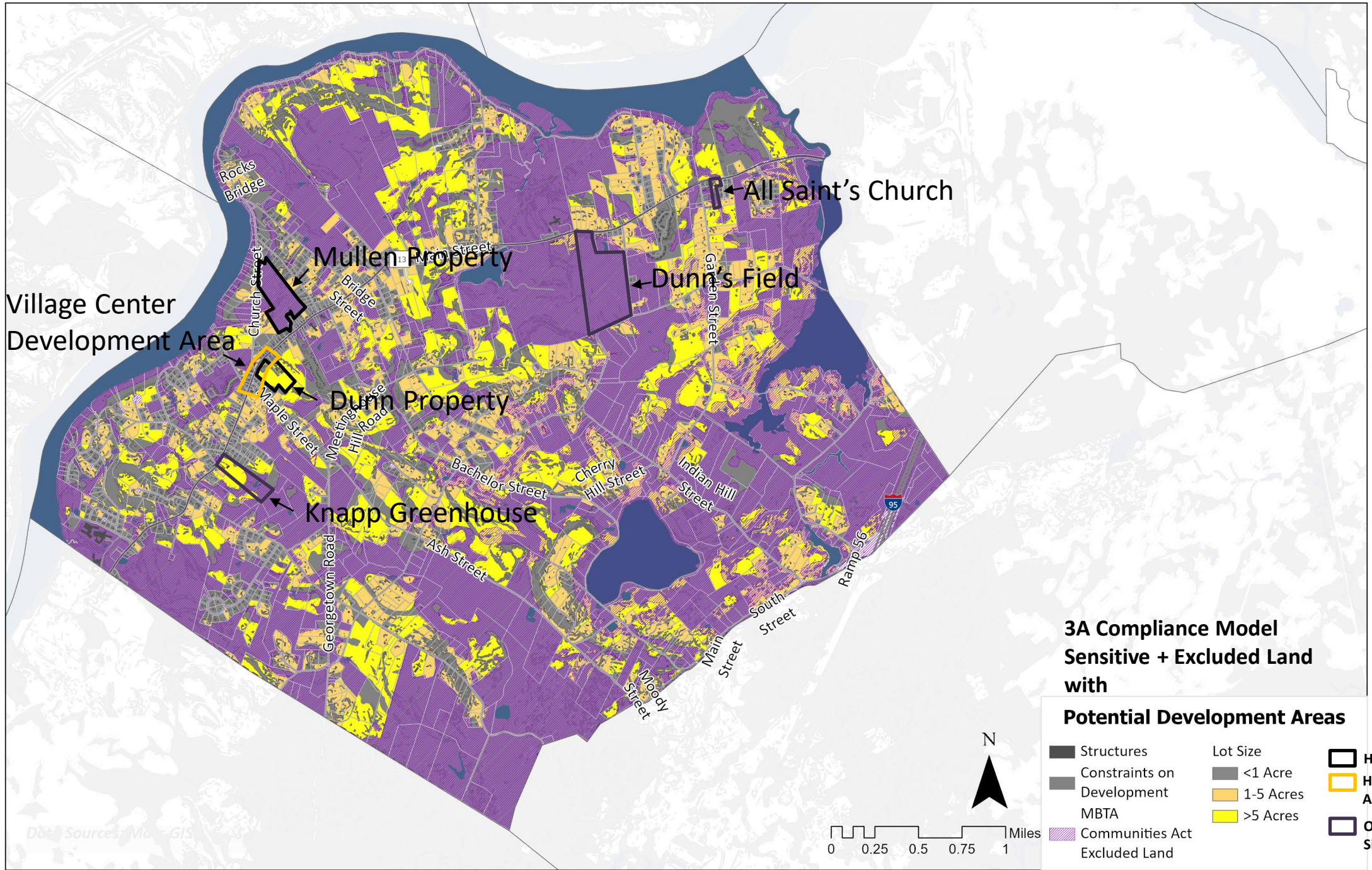
- What barriers are there to multi-family housing now?
- What opportunities are there for multi-family housing now?
- **Are there particular locations that make more sense for multi-family housing? Why?**
- Are there particular locations that do not make sense for multi-family housing?



Potential Development Areas

- Structures
- Constraints on Development
- Lot Size
 - <1 Acre
 - 1-5 Acres
 - >5 Acres
- HPP Potential Site
- HPP Development Area
- Other Potential Sites





Village Center
Development Area

Mullen Property

Dunn's Field

All Saint's Church

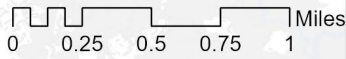
Dunn Property

Knapp Greenhouse

**3A Compliance Model
Sensitive + Excluded Land
with**

Potential Development Areas

- | | | |
|-------------------------------|--------------------|-----------------------|
| Structures | Lot Size <1 Acre | HPP Potential Site |
| Constraints on Development | Lot Size 1-5 Acres | HPP Development Area |
| MBTA | Lot Size >5 Acres | Other Potential Sites |
| Communities Act Excluded Land | | |



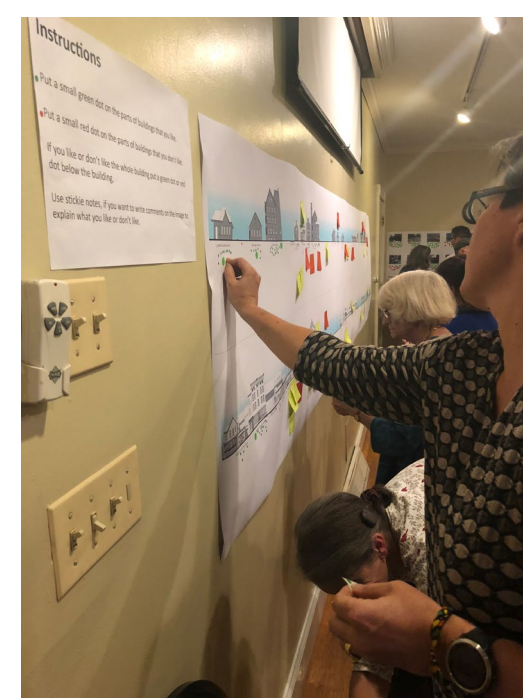
Design Characteristics, Benefits

- What design characteristics should multi-family housing have? What would make it fit or not fit with its context?
- **Have you seen examples of projects that are a good model for multi-family housing in West Newbury?**
- **Can you imagine a future where multi-family housing is beneficial for West Newbury? What benefits could it have? How can zoning changes make those benefits become real?**

CLOSING

Design Workshop

- The centerpiece of the design process
- Highly interactive
- **June 27, 6PM at Town Hall Annex**



Thank you!

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Town of
West Newbury
Massachusetts

DODSON & FLINKER
Landscape Architecture and Planning

