

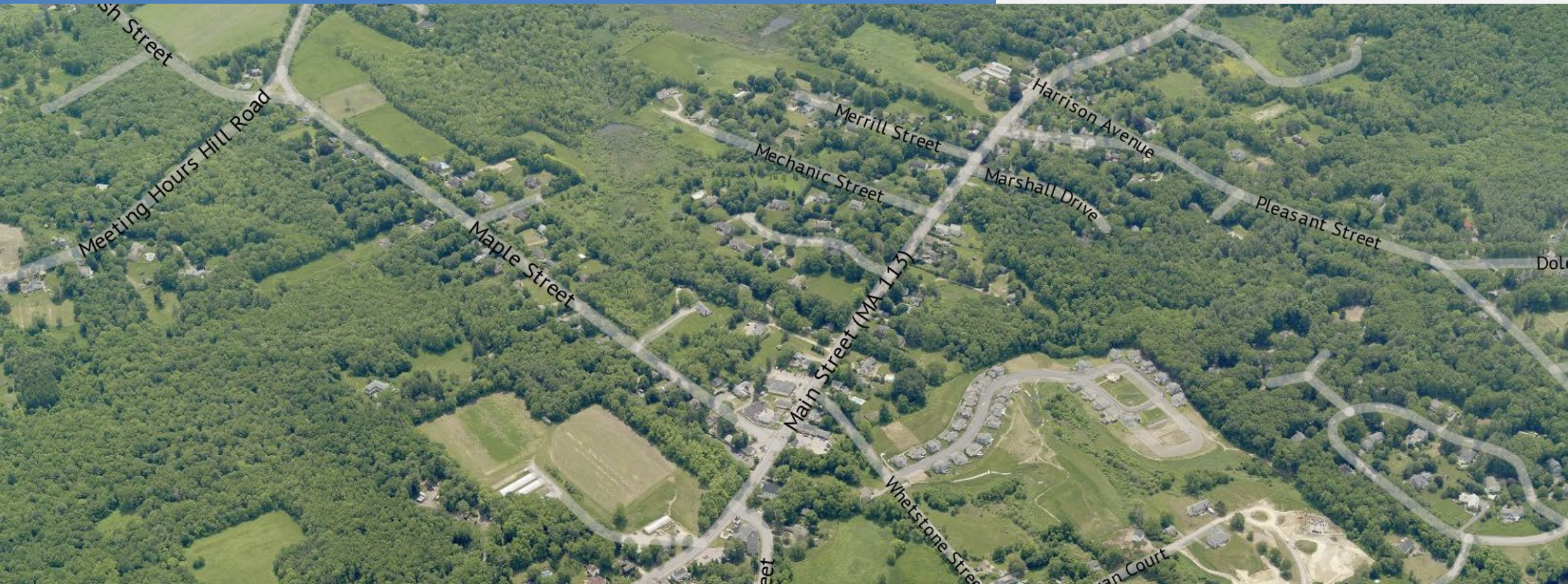
West Newbury Housing Opportunities Initiative

Public Hearing on Proposed Zoning
March 19, 2024



Town of
West Newbury
Massachusetts

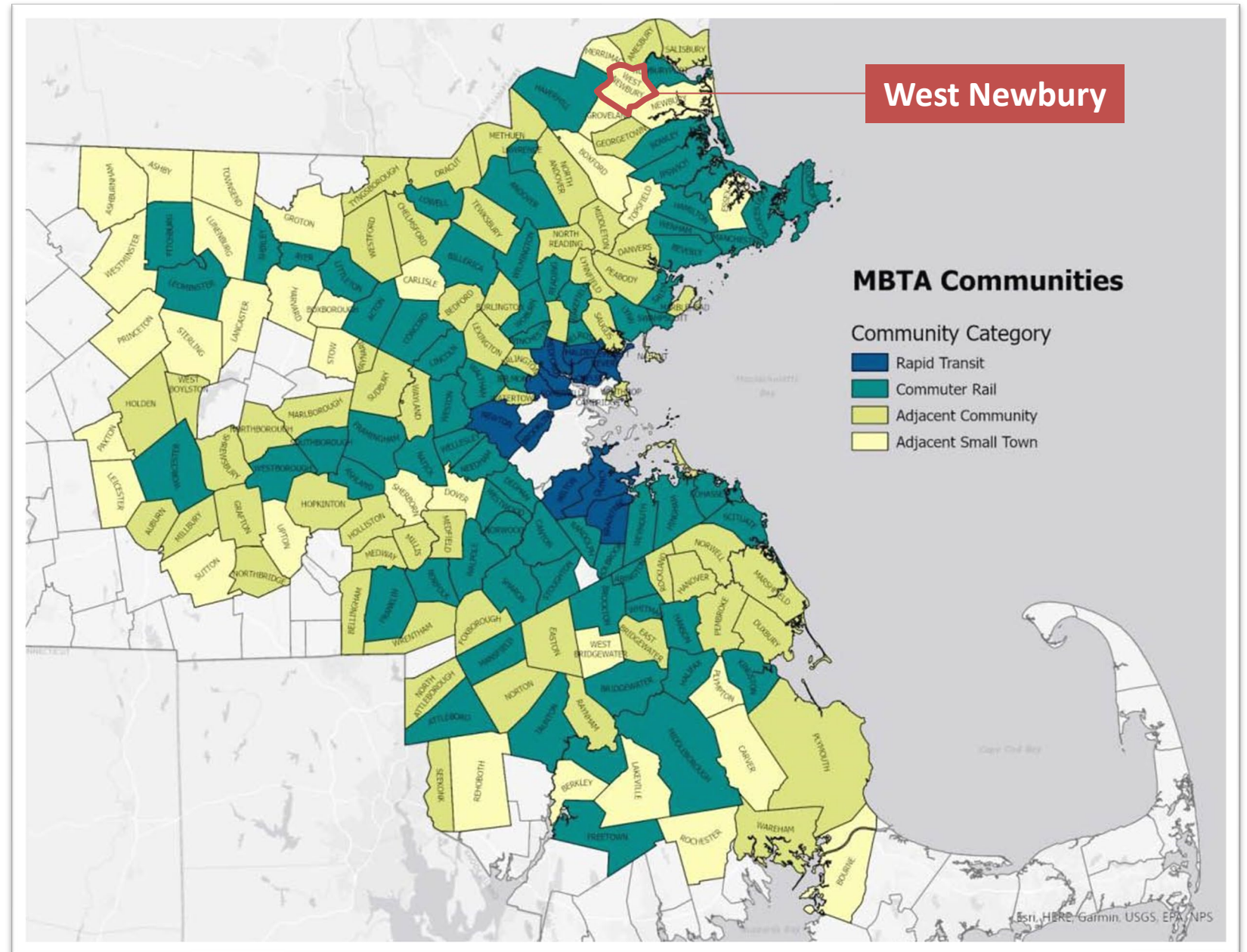
DODSON & FLINKER
Landscape Architecture and Planning



CONTEXT OF PROPOSED ZONING: MBTA COMMUNITIES LAW

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 known 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

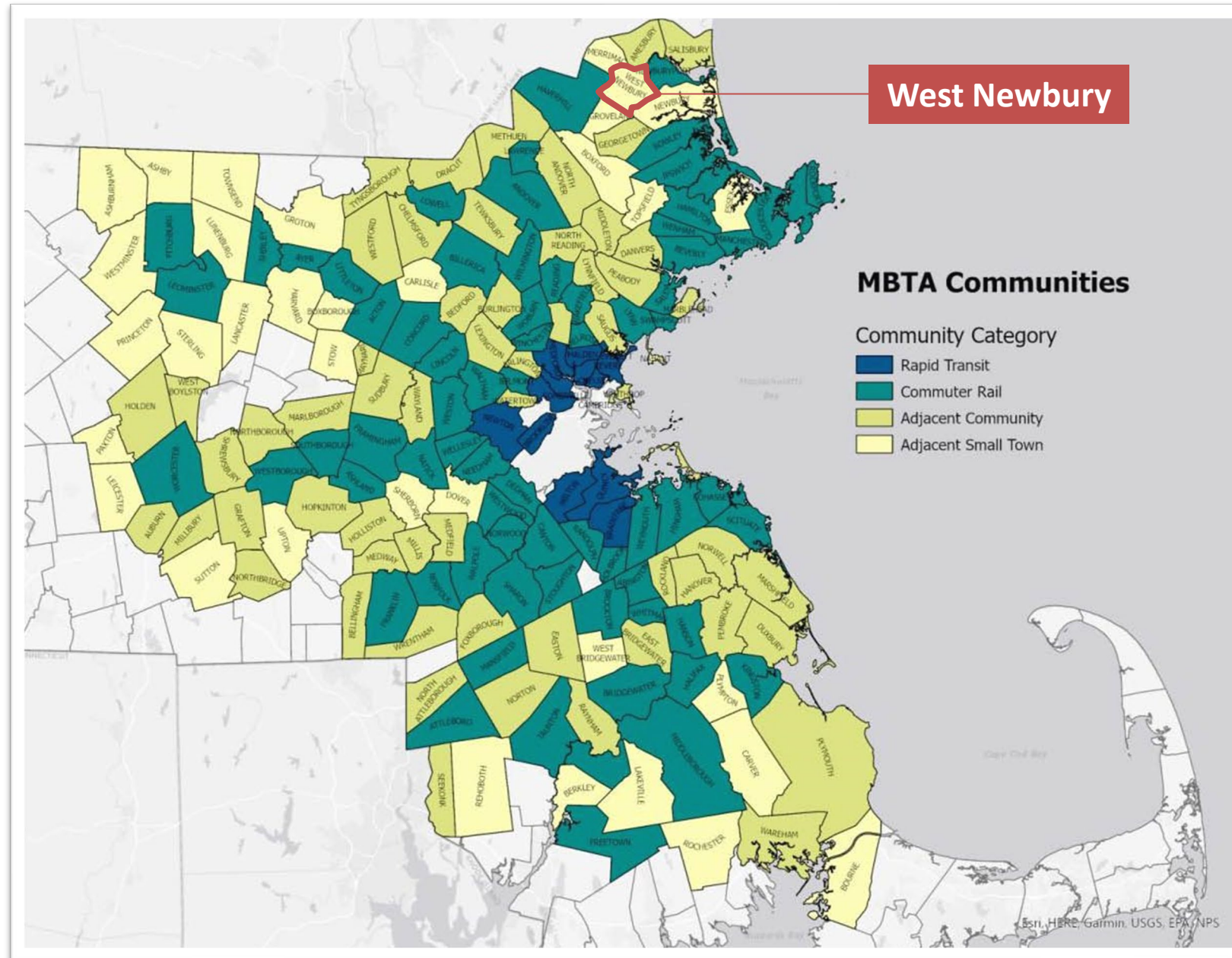
1 or more districts

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

≥ 15 units/acre

How 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

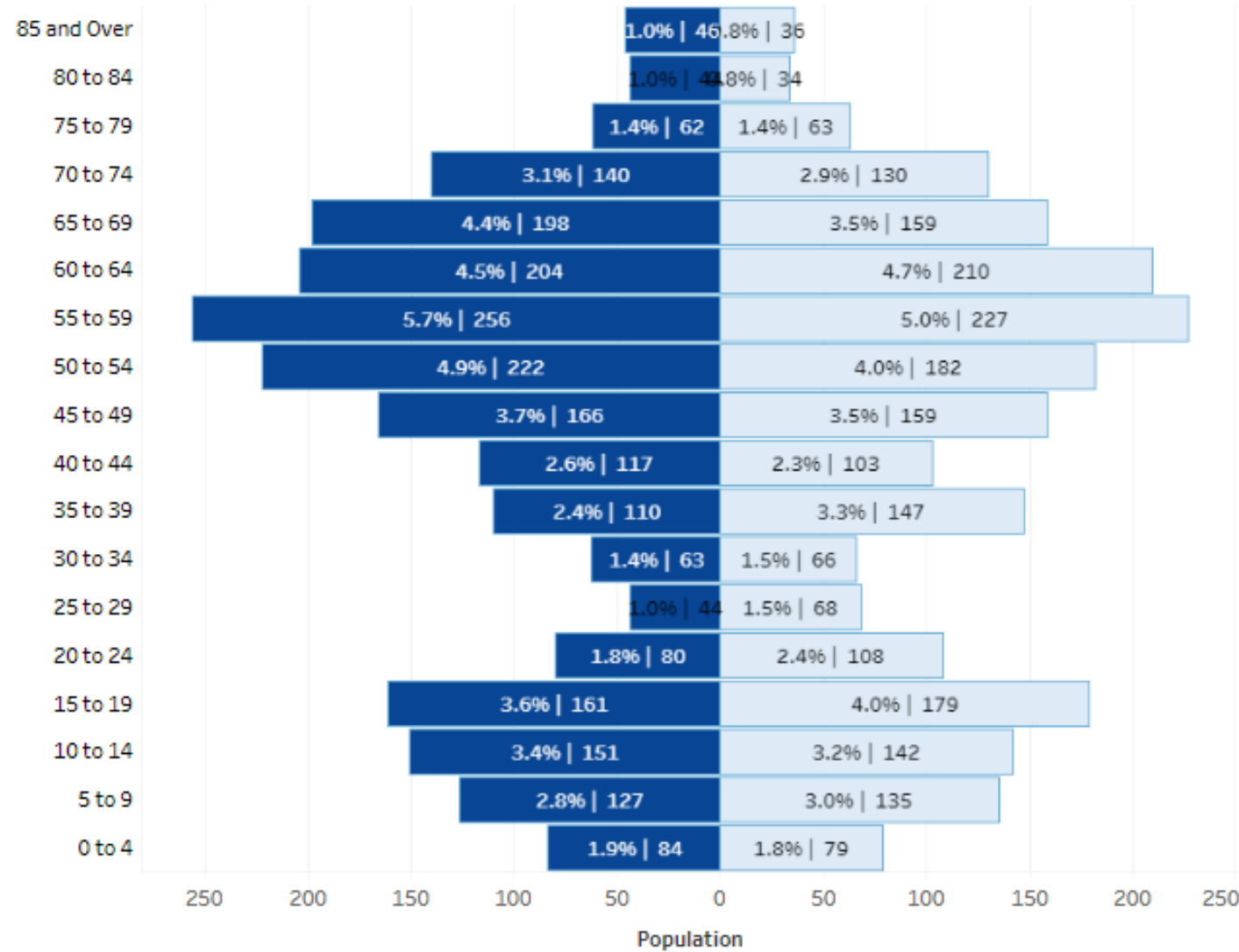


Why did the State pass this law?

- Housing shortage
- Impacts young people, older people looking to downsize, and others who cannot afford, or do not want, to buy or rent a single-family residence.
- Drag on state's economy
- Changing local zoning can stimulate the development of more diverse types of housing
- Intended to increase **supply** of **market-rate** multi-family housing

Population by Age & Sex, West Newbury

Source: UMASS Donahue Institute



Sex
■ Female ■ Male

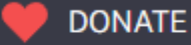

Reminder: This is about changing zoning

- 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**





Consequences of not complying with the law

- Loss of funding
 - Grants: MassWorks, the new HousingWorks Infrastructure Program, the Local Capital Projects Fund, Community Planning Grants, and Housing Choice, among others.
- Legal risk
 - Attorney General (March, 2023): “Communities that fail to comply with the Law’s requirements also risk liability under federal and state fair housing laws.”



Gov. Maura Healey has a 2024 resolution for the cities and towns around Boston: build more housing. During [yesterday's appearance on Radio Boston](#), the governor issued a warning to the communities that don't comply with the MBTA Communities Act, as a dozen inner suburbs approach the law's first deadline on Dec. 31. **"If you don't comply with the act, then you're going to see us withholding as a state money for any number of programs that you're used to receiving money for," Healey said. "That includes for schools, it includes for roads and bridges, it includes for a whole host of things that are important to communities."**



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PRESS RELEASE

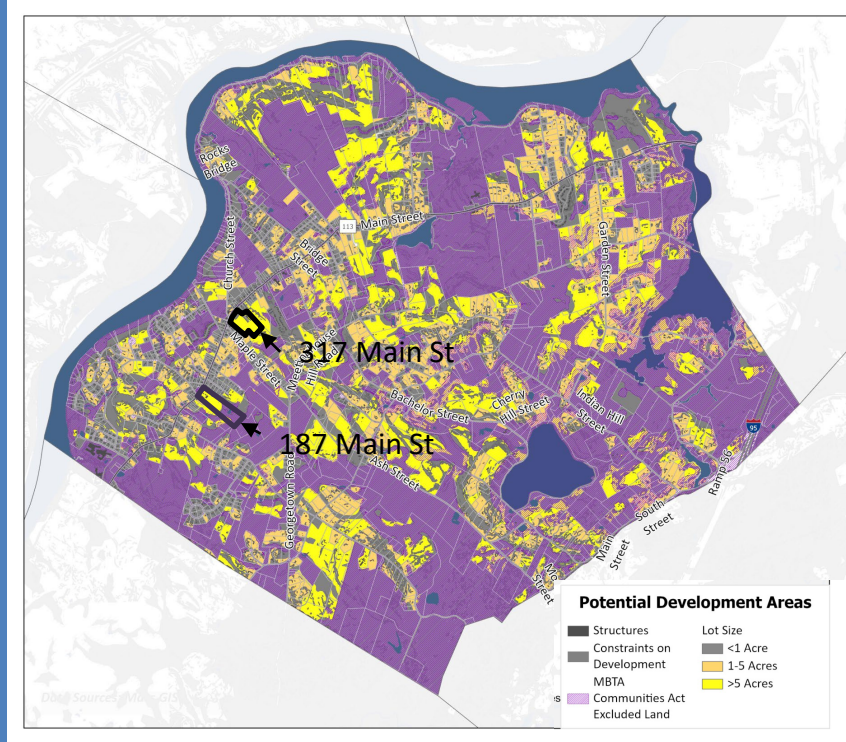
AG CAMPBELL FILES LAWSUIT AGAINST TOWN OF MILTON FOR FAILURE TO COMPLY WITH MBTA COMMUNITIES LAW

Lawsuit Seeks a Court Order to Require Milton to Come into Compliance with the Law by Permitting Multi-family Housing.

PROPOSED ZONING

How was the proposed zoning developed?

- Town-wide mapping analysis to identify suitable locations
- Public design workshop investigating selected sites
- Development of concept plans
- Development of zoning for selected sites based on concept plans
- 4 virtual community forums
- 2 in person community forums
- Discussion at 14 Planning Board meetings
- Revision of zoning based on feedback from public, Planning Board, Attorney General’s Municipal Law Unit, Executive Office of Housing and Livable Communities (EOHLC)



Criteria	Dimension
Standards for all Developments	
Lot Size for New Lots Created under the MCMOD (Minimum)	No minimum
Building Height	
A Stories (Maximum)	3
B Feet (Maximum)	40 ft
C Open Space (Minimum)	30%
Gross Density (Maximum)	15 units/acre of Developable Land within the Development Area
D Minimum Distance between Buildings	15 ft
E District Transitional Buffer	30 ft

317 Main Street

- AKA Dunn Property
- Parcel: U1-38
- 15 Acres
- Privately owned
- On a major street
- ¼ mile to services, PO, churches
- 1.5 mile to Middle High School
- Water access, but fire flow may not be adequate

Source: Pictometry, 2023



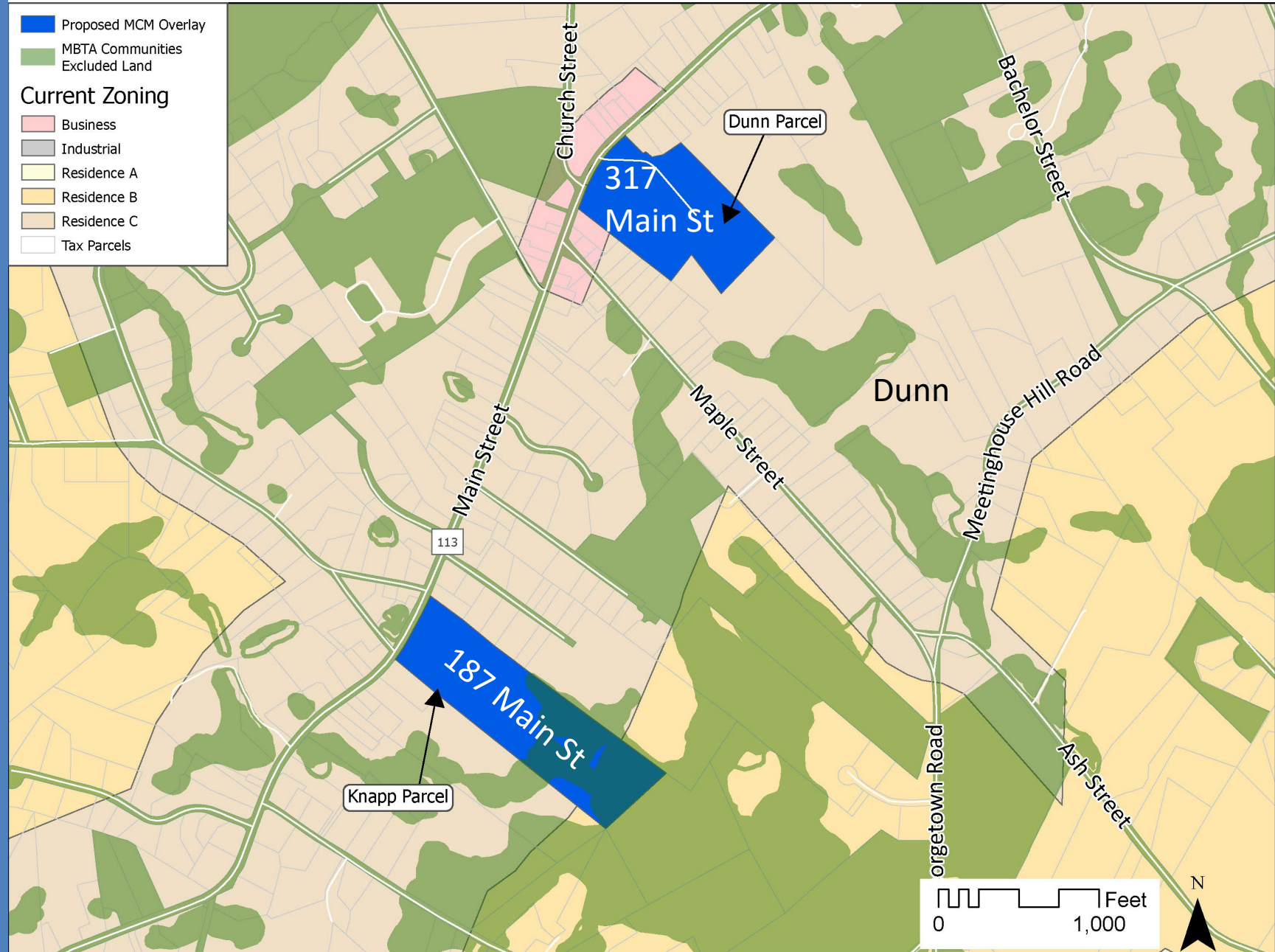
187 Main Street

- AKA Knapp Property
- Parcel: 20-41
- 19 acres
- Privately Owned
- ½ mile to services, PO, churches
- ¾ mile to Middle High School
- Water access, fire flow adequate



Zoning Approach

- Adopt an overlay district on either:
 - 317 Main St
 - Or 187 Main St.
- Include the full parcel in the Overlay District
- Use an approach similar to West Newbury's OSPD bylaw



Zoning Approach

- Applicant designates a Development Area
- Remainder of parcel must be Protected Open Space
- Within Development Area:
 - Multi-family allowed by-right
 - Maximum 87 units
 - Maximum 15 units per acre of developable land
- Only one Development Area allowed in the district
- Development Area can be:
 - Up to 8 acres on 317 Main St.
 - Up to 9 acres on 187 Main St.
 - Proposed sizes of allowed Development Areas are based on concept plans developed during the planning process.



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Example of what an applicant might propose

If soils and project finances allow wastewater treatment facilities, 87 units could be developed. Otherwise, projects will be limited by Title V septic capacity—approximately 90 bedrooms per project (e.g. thirty 3-bedroom units).

Development Area
(approx. 8 acres)

Protected
Open Space
(approx. 7 acres)

Concept Plan was commissioned by the Town to inform development of zoning. It is not a development proposal.

Zoning Approach

Benefits:

- Flexibility for Applicant to adjust development area based on site constraints and development program.
- Protects open space
- Caps units at 87 per subdistrict

Example of what an applicant might propose
187 Main Street



Development Area
(approx. 8 acres)

Protected
Open Space
(approx. 11
acres)

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Proposed Zoning Standards for MCMOD

Lot Standards

- Front setback along Main Street: Average of adjacent structures
- Front setback elsewhere (min.): 5'
- Side Setback (min.): 7.5'
- Rear Setback (min): 10'
- Buffer at Edge of District: 30'
- Screening required if new buildings within 150' of existing houses
- Maximum 15 units per acre
- 10% of units affordable (at 80% AMI)



187 Main St

Concept plan
based on septic
limitations
(up to 90
bedrooms)

Concept Plan was commissioned by the Town to inform development of zoning. It is not a development proposal.

Proposed Zoning Parameters for MCMOD

Site Design

- Loop roads preferred
- Continuous network of sidewalks and paths required
- Building placement must create pedestrian-scale streetscape
- Buildings grouped around common open space, where possible
- Site designed to minimize impervious surfaces



Proposed Zoning Parameters for MCMOD

Open Space and Landscaping

- Open Space within Development Area (min.): 30%
- Shared open space encouraged
- Open space must serve a function
- Native or low-maintenance plants
- Landscaping used to define outdoor spaces, habitat, beauty, green stormwater management



Proposed Zoning Parameters for MCMOD

Building Types

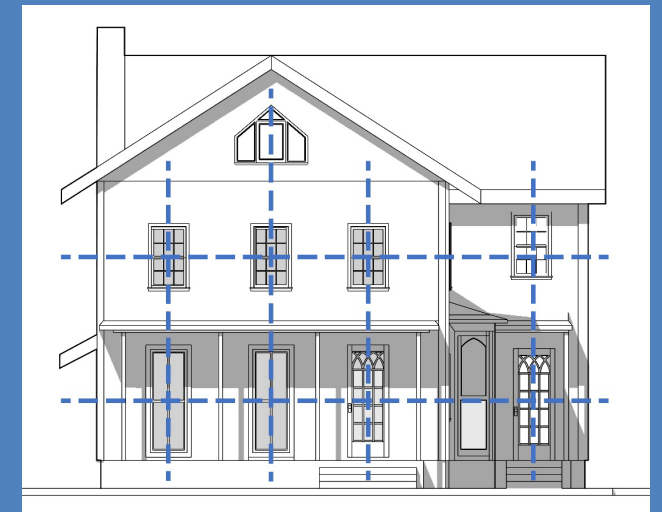
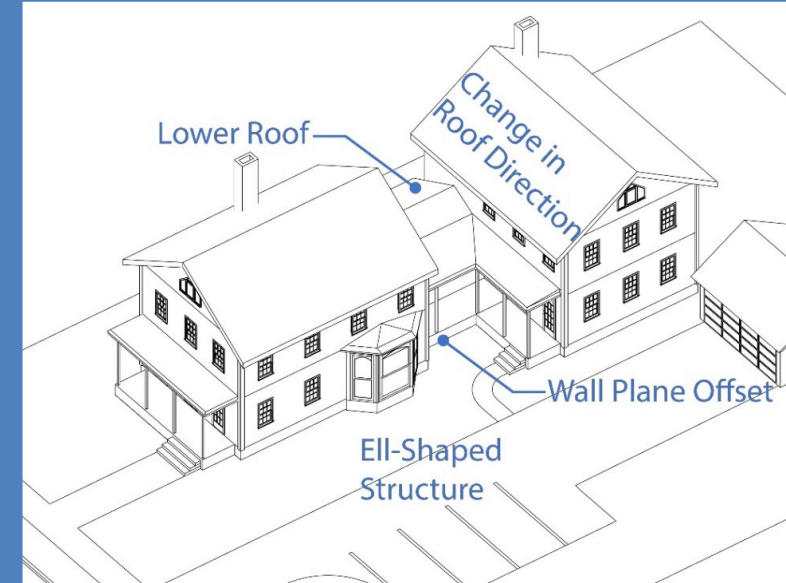
- 2-family
- 3-5 family with manor house or farmhouse massing (3-5 units)
- Stacked flats (3-10 units)
- Apartments (8-24 units)
- Mixed-Use (up to 20 units)



Proposed Zoning Parameters for MBTA-compliant zones

Building Standards

- Maximum height: 3 stories
- All buildings must have a front entry facing a street or shared open space
- Maximum length of wall without 2' change in wall plane: 50'
- Flat roofs not allowed. Maximum length along roof without variation: 50'
- Windows must be aligned, predominantly vertically proportioned. No more than 5 types of window on a façade.



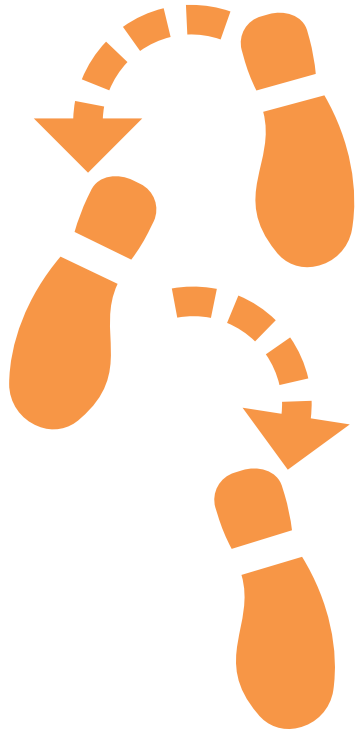
Proposed Zoning Parameters for MCMOD

Parking Requirements

- 1.5 spaces per unit (minimum)
- Bicycle parking required
- All parking areas located to side, rear, or within buildings. Planning Board may waive requirement, when infeasible
- Curb cuts minimized
- Garage door set back from front façade by at least 2'.
- No more than 1/3 of a front façade can be occupied by garage doors.



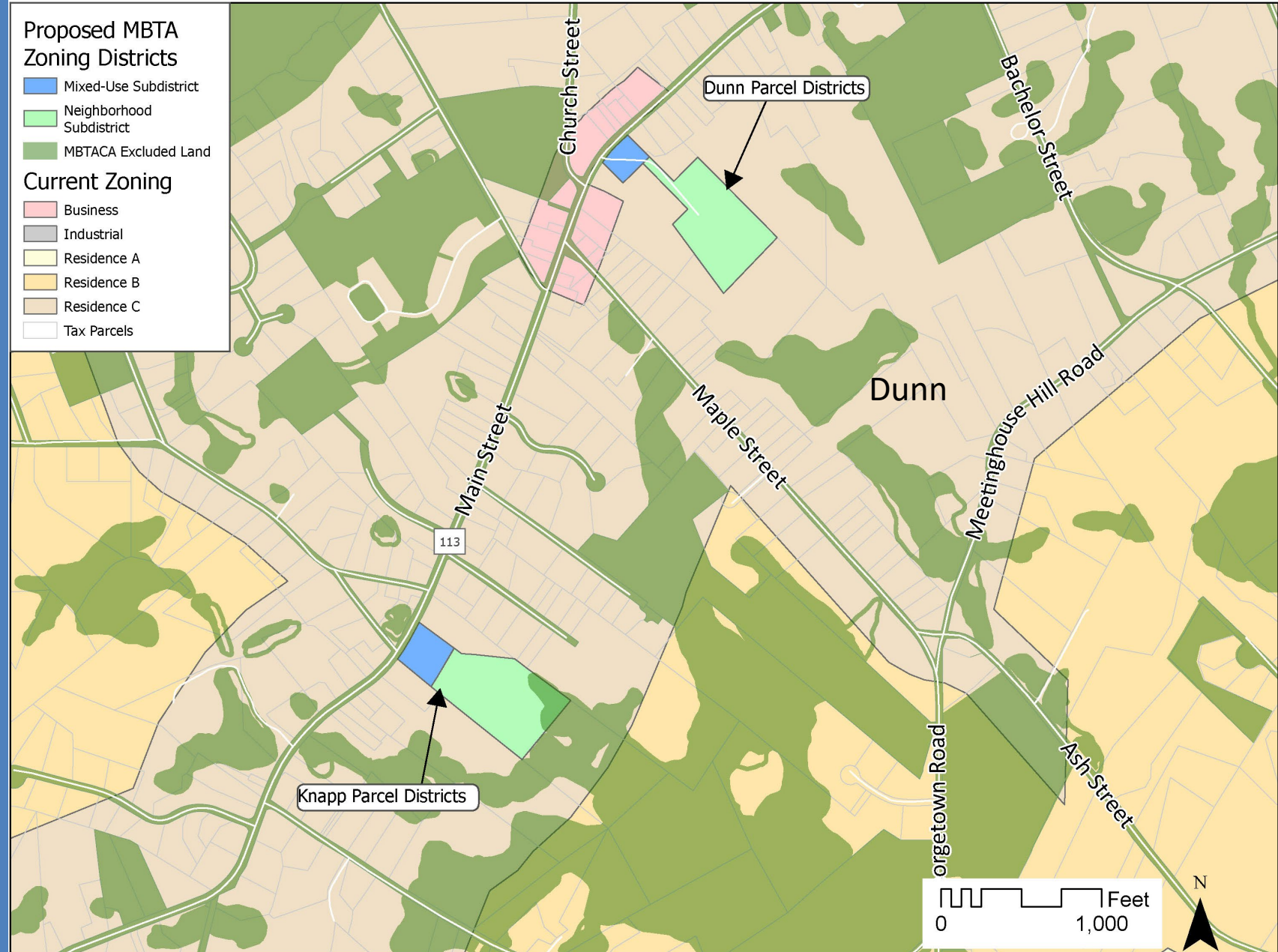
Next Steps



- Revise draft zoning based on Public Hearing Feedback
- Receive feedback from EOHLC regrading pre-approval review (by April 2)
- Finalize zoning
- Spring Town Meeting—vote on proposed zoning (April 29)

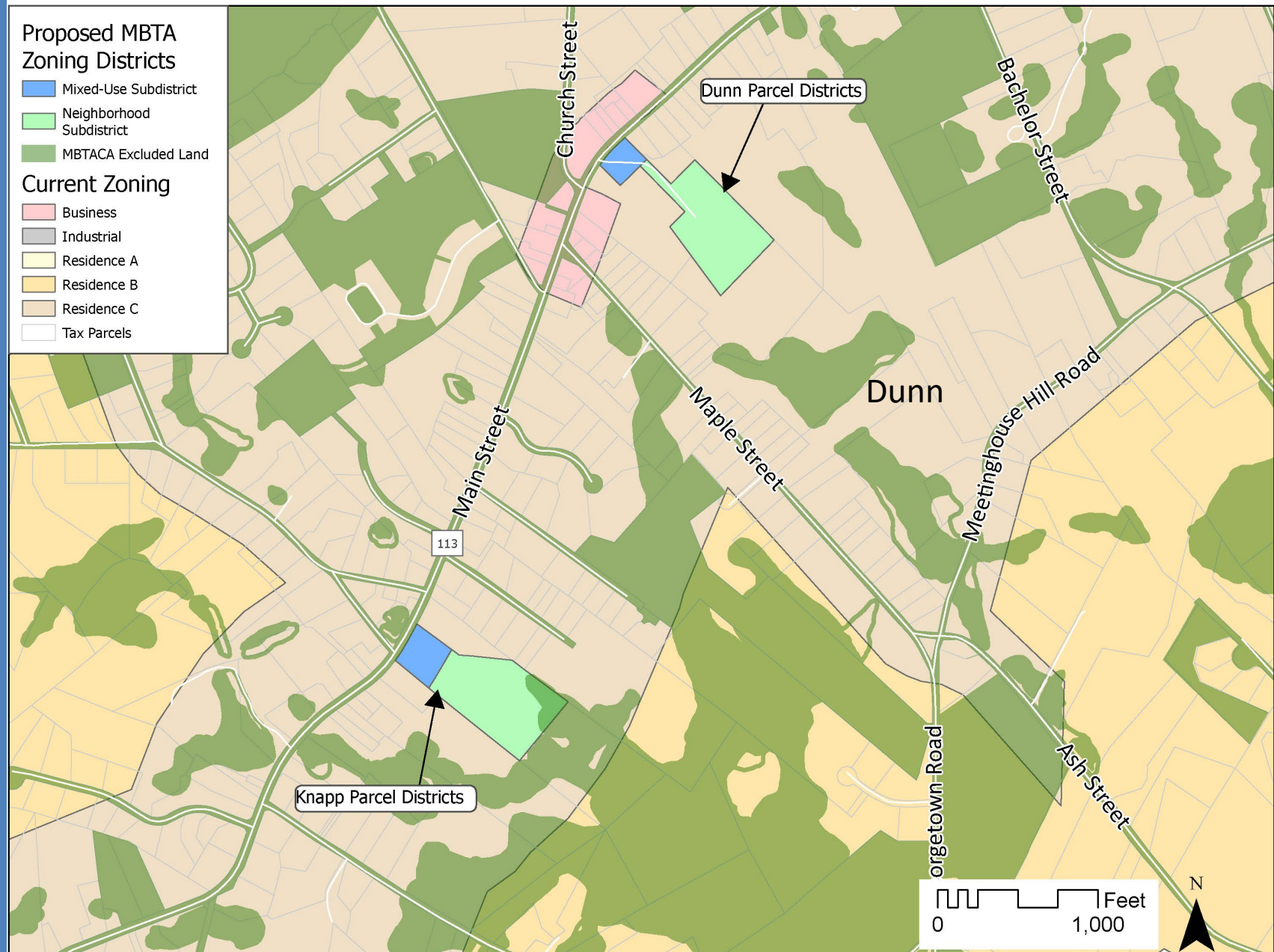
Zoning Approach A

- Adopt an overlay district on either:
 - 317 Main St
 - Or 187 Main St
- Establish two subdistricts on each:
 - MCMOD Neighborhood and
 - MCMOD Mixed-Use
- Portions of each parcel are NOT included in the overlay (portions included are based on concept plans).
- Multi-family allowed as-of-right
- Maximum 15 units per acre
- Zoning includes dimensional standards and development standards



Zoning Approach A

- Allowed number of units based on size of districts @ 15 units per acre
- Wastewater is likely the real constraint on development potential
 - If private wastewater treatment plant:
 - 317 Main St—118 units maximum
 - 187 Main St—134 units maximum
 - If septic system
 - 317 Main St—90 bedrooms maximum
 - 187 Main St—90 bedrooms maximum



187 Main St

317 Main St

Mixed-Use Subdistrict

Not in overlay
(preserve existing fields)

Neighborhood Subdistrict

Not in overlay

Dunn and Adjacent Properties
West Newbury Housing Opportunities Initiative

FEMA FloodMap
1% Annual Chance Flood
1% Annual Chance Flood

200-Year Flood
100-Year Flood
500-Year Flood

DATE: 10/1/2015
DODSON & FLINKER
Landscape Architecture and Planning

187 Main St

Example of limitations of Approach A

Potential locations for a septic system according to perc tests

Implications: the concept plan shows buildings at locations that may need to be used for septic. If the buildings need to be relocated, the proposed zoning boundaries may not support a viable development.

