

MBTA Communities

Strategies for Communicating

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Merrimack Valley Planning Commission

- One of 13 Regional Planning Agencies across the Commonwealth
- Serve 15 cities and towns in northeast MA from Lawrence to Newburyport
- Merrimack Valley has Commuter Rail, Adjacent, and Adjacent Small Towns
- Providing consulting services to 9 of our member communities:
 - Commuter Rail Communities: Haverhill, Newburyport, Rowley
 - Adjacent Communities: Georgetown, North Andover, Salisbury
 - Adjacent Small Towns: Boxford, Merrimac, Newbury

Let's Take a Step Back – This is Complicated Stuff

- One of the most significant state zoning laws in decades
- Everyone is doing their best to figure this out and do what is best for the state and their community
- Getting these warrant articles to town meeting is an accomplishment in itself
- There is no silver bullet, but let's try and find the best approach

Addressing the Communication Challenge

1. Lead with zoning, not development
2. Tackling “Unit Capacity” misinterpretations
3. How do we accommodate 15 units per acre?
4. Carrots or Sticks?
5. Community Engagement options

Slides with a red outline are taken from presentations we’ve done in various communities

Lead with Zoning, not Development

- This is a zoning change – emphasize this up front and throughout any presentations or communications
- Explain what would need to happen for a development to actually happen
 - Zoning is step 1. What are steps 2, 3, 4, etc, that property owners, developers, and local boards would go through to actually create development?
 - What does your Site Plan Review process look like?

Tackling “Unit Capacity” Confusion

- “The state says we have to allow 750 units??”
- “I don’t see how you can fit xx units on that parcel”
- Make clear the theoretical nature of the compliance model and unit capacity calculations
- Compliance model is NOT a build out analysis
- Compliance model assumes perfect site conditions
- In some cases, we’ve found it helpful to explain the compliance model “math.” This is highly dependent on your audience.

How do we Calculate Compliance?

1. Select parcels being considered for the zoning
2. Assume there are no current structures on the property and that the property has no infrastructure limitations
3. Subtract out wetlands and other undevelopable areas of the parcel
4. Given the proposed zoning parameters (setbacks, height, etc), determine the dimensions of the largest building possible
5. Assuming 1,000 square feet per housing unit, calculate how many housing units could fit in the building

Example - A one acre lot is roughly 40,000 square feet. If the zoning prevents a developer from building on half that land, they can still build on a 20,000 square foot footprint. At two stories, this creates 40,000 square feet of a potential structure, meaning you could theoretically accommodate 40 units on the parcel.

This is NOT a build out analysis, only a zoning analysis

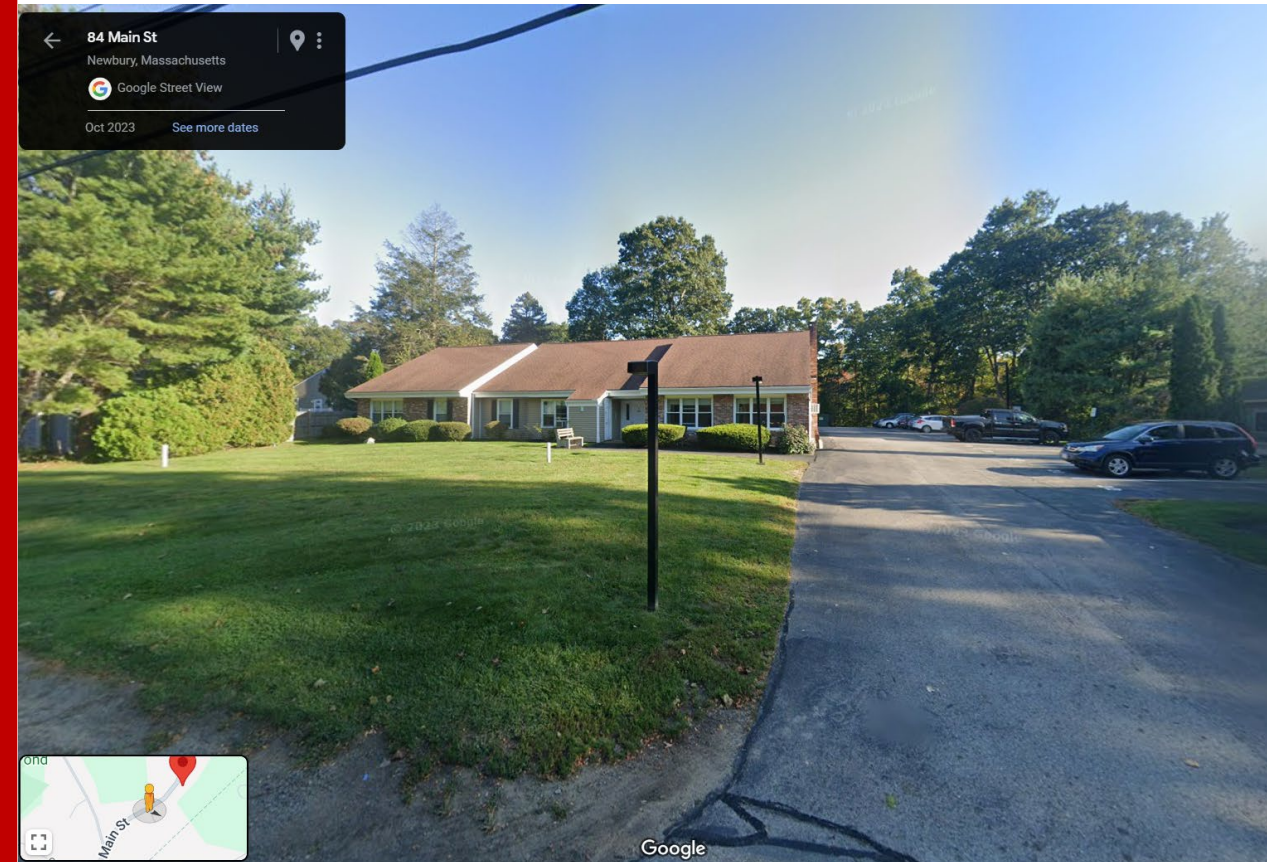
“15 Units per Acre? That’s not possible!”

- Are you a community without public sewer or water? Reference HLC guidelines, which explicitly state it is expected that actual development may be less than 15 units/acre due to infrastructure constraints
- Take a look at density in your community and find some comparable developments – it is likely you have some!
 - If not, take a look at neighboring or similar communities
 - MHP’s Residency tool is a great starting point for this

How does this work with no public water or sewer?

- The town only needs to create zoning, the town does not need to ensure there is the necessary infrastructure to support a development. That is up to a developer.
- If a developer looks at building under the zoning, they may find it is infeasible to fully build out a site given the infrastructure constraints. Per the regulations, it is ok if any eventual development is less than what the zoning may allow.
- *“While the zoning must allow for gross average density of at least 15 units per acre, **there may be other legal or practical limitations, including lack of infrastructure or infrastructure capacity, that result in actual housing production at lower density than the zoning allows.** The multi-family unit capacity analysis does not need to take into consideration limitations on development resulting from existing water or wastewater infrastructure within the multi-family zoning district”* - Section 3A Compliance Guidelines

Oak Ridge (84 Main Street) ~11.5 units/acre



15 Units/Acre In Context

Small Scale Development Examples:



127 Marblehead Street



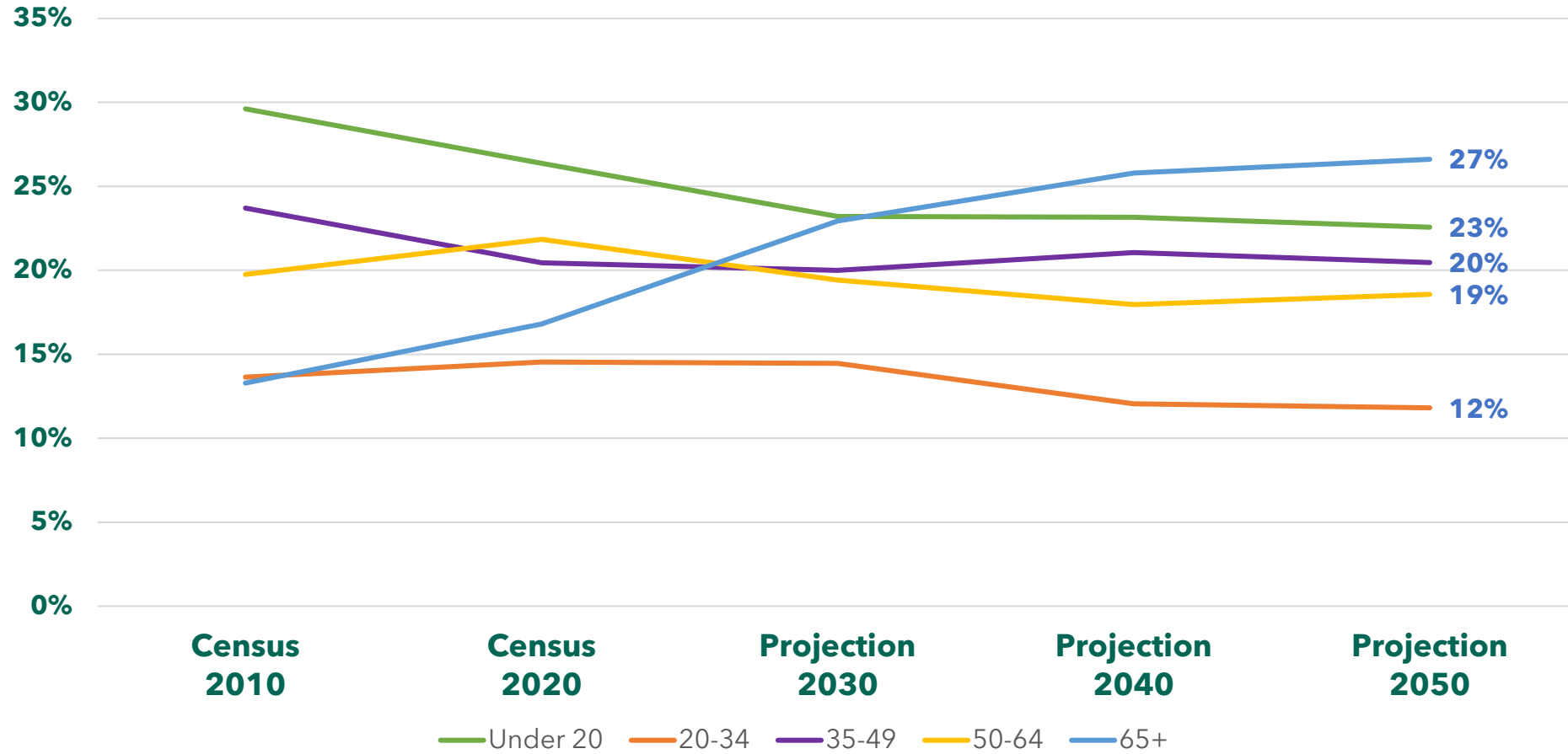
34 Main Street

Community Opportunity – What are the Needs?

- Take time to discuss what housing needs there are in your community and how 3A can address those needs
- Do you have an aging population? Lack of young adults? This may speak to a need for smaller units
- What about the fiscal state of the community?
 - Communities increase their budget in two ways – increase taxes and/or new growth
 - This can create new growth – can help ease the tax pressures put on property owners

Demographic Trends

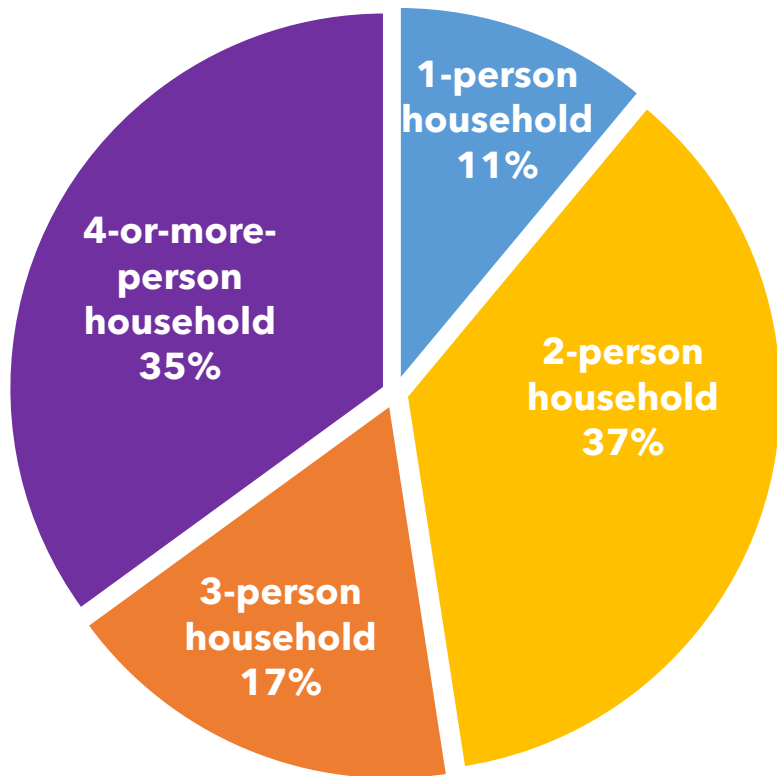
Age Cohort Distribution Projections



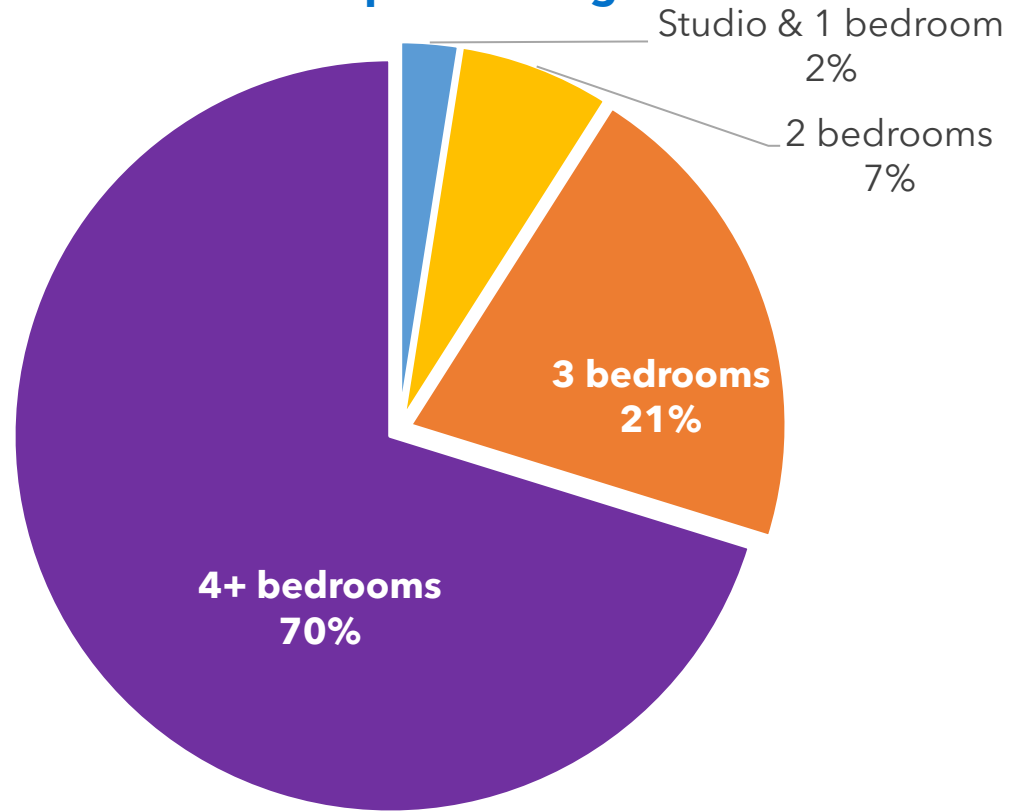
Source: UMass Donahue Institute Projections

Local Housing Conditions

Housing Breakdown by Occupancy



Bedrooms per Housing Unit



1 or 2 person households make up **48%** of [community's] homes, while 1- or 2-bedroom homes make up **9%** of [community's] housing stock

3 or more person households make up **47%** of [community's] homes, while 3 or more-bedroom homes make up **91%** of [community's] housing stock

Source: U.S. Census Bureau, 2016-2020 American Community Survey 5-Year Estimates, Tables S2501 & B25041

Carrots or Sticks? Community Opportunity

- The state has set their requirements. Your community gets to decide how to comply with those requirements—there are hundreds of options
- Carrots: What are the potential positives for your community?
- Sticks: How much money in the threatened grant programs have you received in recent years, and for what projects?
- Your community has local control right now to determine where these districts go and what they look like
 - We have no idea what the results of the AG's lawsuit will be against Milton – but in her lawsuit, she suggests the Court could appoint a Special Master to propose 3A-compliant zoning for the town. It's better for your community to decide where the district goes instead of risking the loss of control.

What Happens If We Don't Comply?

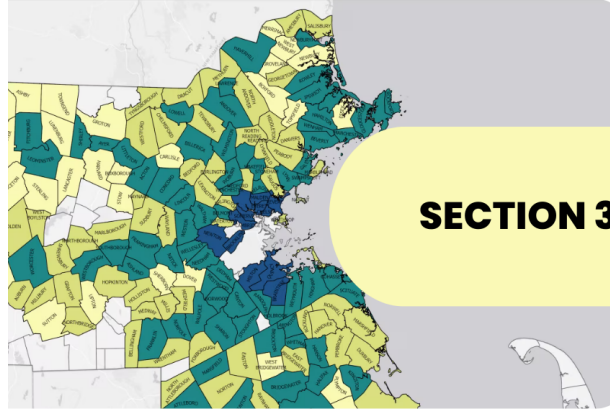
- Communities that do not comply will be ineligible or less competitive in applying for over 12 state grant programs, including grants Boxford has received
 - In recent years, the town has accessed over \$800,000 in funding from these programs
 - Example projects: Acquisition of Cargill Field and Nason Conservation Area, MVP Planning Grant, Pye Brook Study, culvert replacement design and permitting for Pye Brook crossing of Herrick Road, Georgetown Road, and Pye Brook Lane
- This is a state law. The Attorney General is pursuing legal action against communities that do not comply.

What Happens If We DO Comply?

- Newbury will signal to developers that there are certain areas suitable to consider for multi-family housing (and others that aren't).
- Newbury will set design standards for the kind of development we would like to see, such as percentage open space and architecture in keeping with our neighborhoods
- Unlike with 40B proposals, Newbury remains in control of future development through our local regulations and bylaws
- Newbury will welcome more housing choice, housing diversity, and housing affordability to meet the needs of our current and future residents

Community Engagement: What We're Doing

- Typical webinars/town hall meetings with a presentation and Q&A
- Pre-town meeting sessions dedicated to the 3A warrant article
- Fact sheets for distribution
- Information tables (not staffed) with fact sheets, maps, etc, in key locations like the library or senior center
- Town Hall office hours – Staff (MVPC or town staff) have dedicated 3A hours available for drop in questions from residents



NEWBURY SECTION 3A "MBTA COMMUNITIES" FACT SHEET

WHAT IS SECTION 3A?

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

This is **NOT** a construction mandate.

WHY IS IT IMPORTANT?

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

WHAT IS REQUIRED FOR NEWBURY?

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

HOW CAN I MAKE MY VOICE HEARD?



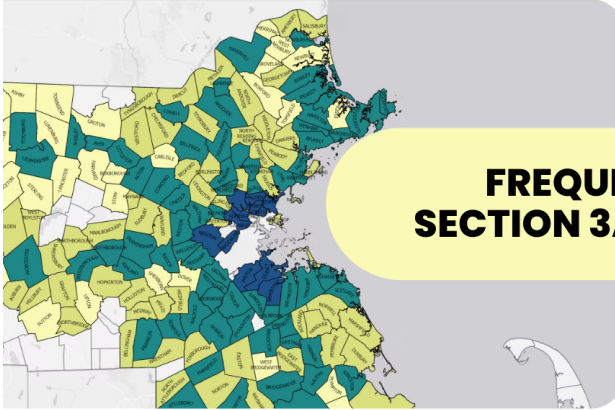
Ask questions and share comments at the information session April 22



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



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



FREQUENTLY ASKED QUESTIONS SECTION 3A “MBTA COMMUNITIES”

Does Newbury need to build more housing to comply?

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

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

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

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

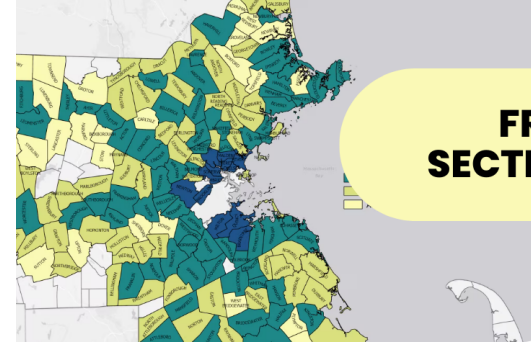
- The Town would risk losing access to over 12 state grant programs. In recent years, Newbury has received over \$360,000 in funding from some of these programs.
- The Attorney General has pursued legal action against non-compliant communities.

Will residents have the opportunity for public input and feedback?

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

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

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



FREQUENTLY ASKED QUESTIONS SECTION 3A “MBTA COMMUNITIES”

Why are there four proposed districts?

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

Do each of the districts have the same regulations?

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

Will the MBTA districts eliminate or replace existing zoning?

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

What about the marshland and wetland in town?

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



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