

**MASSACHUSETTS DEPARTMENT OF
HOUSING AND COMMUNITY DEVELOPMENT**

**SMART GROWTH ZONING OVERLAY DISTRICT PROGRAM (C. 40R)
APPLICATION FORM**

Municipality: **City of Newburyport**

Name of District (optional): **Smart Growth District**

Municipal contact person: **Andrew R. Port, Director of Planning & Development**

Agency: **Office of Planning & Development**

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The undersigned representative of the City of Newburyport hereby certifies that all information in this application is accurate and complete as of the date hereof.

Signed: _____

Name, title: **Andrew R. Port, Director of Planning & Development**

Date: **6/12/2015**

Summary Information

Category of Eligible Location	
Near Transit Station	Yes
Area of Concentrated Development – City/Town Center, Existing Commercial District	Yes
Area of Concentrated Development – Existing Rural Village District	No
Highly Suitable Location	Yes

	Acres	% of Municipality
Size of Proposed District	49.40	.88
Aggregate size of all districts	49.40	.88

Build-out	
Total Existing Zoned Units	0
Total Future Zoned Units	540
Total Incentive Units	540

	Acres	% of District
Developable Land	9.41	19.05
Underutilized Land	11.09	22.45
Substantially Developed Land	25.10	50.81
Historic District(s)	0	0
Existing Open Space	0	0
Future Open Space	0	0
Rights-of-way of streets, ways, and transit lines.	9.74	19.72
Land currently in use for governmental functions	2.30	4.66
Environmentally constrained land	10.20	20.65
Other non-developable land	0	0

As-of-right densities (units/acre)	Smart Growth Zoning	Underlying Zoning
1-family	0	0
2/3-family	0	0
Multi-family (Subdistrict A)	40	0
Multi-family (Subdistrict B)	30	0
Substantially Developed Subdistrict(s)	N/A	N/A

Affordability	Number of Future Zoned Units	% of total Future Zoned Units
Affordable 1-family Units	0	0
Affordable 2/3-family Units	0	0
Affordable Multi-family Units	135	25
Total Affordable Units	135	25
Housing Diversity		
One and Two Bedroom Units	121	22.4
3+ Bedroom units	14	2.6

	Yes	No
Mixed-use development allowed	√	
Design Standards	√	
Planned Infrastructure Upgrades	√	

1. ELIGIBLE LOCATION

1.A **Locator Map.** [See attached.](#)

1.B **Category.** What is the category of Eligible Location for the District:

(a) near transit station: [Yes](#) ;

(b) Area of Concentrated Development – City / Town Center or Existing Commercial District: [Yes](#) ;

(c) Area of Concentrated Development – Existing Rural Village District: [No](#) ;

(d) Highly Suitable Location: [Yes](#)

1.C **District Near Transit Station.** If the District is near to a transit station, identify the station: [Newburyport MBTA Commuter Rail Station.](#)

1.D **City / Town Center or Existing Commercial District.** If the District is within an Area of Concentrated Development, is the area currently served ([Yes](#)) or scheduled to be served within five years of the application ([N/A](#)) by public sewer(s) and/or private sewage treatment plant(s)? [Yes](#)

If the District is scheduled to be served by public sewer(s) and/or private sewage treatment plant(s), provide documentation in Attachment 10-1. [See attached.](#)

Describe briefly the primary current use and zoning (*as shown on the Underlying Zoning, see Attachments 4-3 & 4-4*) of land and buildings in the District:

[Business/Industrial](#)

Is the District within land designated as a commercial center under M.G.L. c.40, § 60? [No](#)

If yes, attach a copy of the designation document from DHCD as Attachment 1-2.

Complete the following table for the District (all calculations to exclude open water bodies):

Total land area of District	49.40 acres
Substantially Developed Land	25.10 acres
Underutilized Land	11.09 acres
Substantially Developed + Underutilized Land as percentage of District	73.26%

1.E Existing Rural Village District. If the District is within an Area of Concentrated Development, but it is not currently served or scheduled to be served within five years of the application by public sewer(s) and/or private sewage treatment plant(s), does it contain two or more of a town hall, post office, public library, public school, or public safety facility? [N/A](#)
If yes, identify the facilities that it contains: [N/A](#)

Does it contain an existing village retail district? [N/A](#)
If yes, describe briefly its characteristics: [N/A](#)

Complete the following table for the District (all calculations to exclude open water bodies): [N/A – See above](#)

Total land area of District	N/A acres
Substantially Developed Land	N/A acres
Underutilized Land	N/A acres
Substantially Developed + Underutilized Land as percentage of District	N/A %

1.F Adjacent Areas. Does the District contain an Adjacent Area? [Yes](#)
If yes, identify and describe briefly the destination of frequent pedestrian use:
[Clipper City Rail Trail](#).
Is the Adjacent Area currently served ([Yes](#)) or planned to be served within five years of the application ([N/A](#)) by public sewer(s) and/or private sewage treatment plant(s) and other Infrastructure?
If the District is scheduled to be served by any Infrastructure that does not currently exist, provide documentation in Attachment 10-1. [See attached.](#)

1.G Highly Suitable Locations. Has the District been identified as an appropriate locus for high-density housing or mixed-use development in a local or regional plan document (see instructions for more details)? [Yes](#)
If yes, attach a copy of the plan as Attachment 1-3 and identify and describe briefly the section(s): [Relevant excerpts from the local and regional plans are attached.](#)

Does the District include land designated as a development district under M.G.L. c.40Q? [No](#).
If yes, attach a copy of the designation document from Massachusetts Office of Business Development as Attachment 1-4.

The Municipality must provide satisfactory evidence, in a statement to be attached as Attachment 1-5, that designation of the area is consistent with the statutory goals for smart growth set forth in M.G.L. c.40R §1 (see instructions for further details). [See attached.](#)
If the District is scheduled to be served by any Infrastructure that does not currently exist, provide additional documentation in Attachment 10-1. [See attached.](#)

2. LAND AREA

2.A Total Land Area of District. Complete the following table for the District (all calculations to exclude open water bodies):

Total land area of District	49.40 acres
Total land area of Municipality	5596 acres
Land area of District as percentage of Municipality	.88%

If the land area of the District exceeds 15% of the Municipality, has the Department has previously approved an area waiver? **N/A**

If yes, attach a copy as Attachment 2-1.

2.B Aggregate Land Area of Districts. Are there any other approved or proposed Districts within the Municipality? **No.**

If yes, complete the following (all calculations to exclude open water bodies):

Aggregate land area of all approved or proposed Districts	N/A acres
Total land area of Municipality	N/A acres
Aggregate land area of all Districts as percentage of Municipality	N/A %

3. DEVELOPABLE LAND

3.A Developable Land Plan. Attach the Developable Land Plan of the District as Attachment 3-1. *See attached.*

Attach an aerial photograph of the District as Attachment 3-2. *See attached.*

3.B Complete the following table for the District (all calculations to exclude open water bodies). *See the Instructions for definitions of the different categories of land. (Note that the total may add up to more than 100%, because some categories overlap.)*

	Acres	% of District
1. Developable Land	9.41	19.05
1A. Underutilized Land	11.09	22.45
2. Substantially Developed Land	25.10	50.81
2A. Historic District(s)	0	0
3. Existing Open Space	0	0
4. Future Open Space	0	0

	Acres	% of District
5. Rights-of-way of existing public streets, ways, and transit lines.	9.74	19.72
6. Land currently in use for governmental functions	2.30	4.66
7. Environmentally constrained land	10.20	20.65
8. Other non-developable land*	0	0

**Attach copies of any local subdivision, historic preservation, board of health, or other ordinance, by-law, or regulation that affects the As-of-right residential density as Attachment 3-3, identify the section(s), and briefly summarize how it affects the density. N/A*

3.C Future Open Space. Is any portion of the District categorized as Future Open Space? **No.**

If yes, complete the following table:

Future Open Space:	N/A acres
Developable Land Area + Future Open Space:	N/A acres
Future Open Space as percentage of (Developable Land Area + Future Open Space):	N/A %

3.D Historic Districts. Is any portion of the District located within an existing Historic District? **No.**

If yes, is any portion of the Historic District categorized as Developable Land? **N/A**

If yes, describe briefly the basis: **N/A.**

4. UNDERLYING ZONING / EXISTING ZONED UNITS

4.A **Existing Zoned Units Plan.** Attach the Existing Zoned Units Plan of the District as Attachment 4-1. *See attached.*

4.B **Existing Zoned Units Spreadsheet.** Attach the Existing Zoned Units Spreadsheet of the District as Attachment 4-2. *See attached.*

4.C **Underlying Zoning.** Attach a copy of the text and map(s) as Attachments 4-3 and 4-4. The Underlying Zoning must be certified by the municipal clerk and the municipal clerk must also certify that such zoning was in effect one year prior to the application date. *See attached.*

4.D **Existing Zoned Units.** Complete the following table, based on the maximum As-of-right residential density achievable in accordance with the Underlying Zoning, in the District and any sub- district of the District:

	Maximum As-of-right residential density (units / acre)	Acres of Developable Land	Existing Zoned Units
[1-family sub-district(s)]	0	0	0
[2/3-family sub-district(s)]	0	0	0
[multi-family sub-district A]	0	11.6	0
[multi-family sub-district B]	0	2.48	0
[substantially developed sub-district(s)]	N/A	N/A	N/A
District Totals	0	14.10	0

5. SMART GROWTH ZONING / FUTURE ZONED UNITS & INCENTIVE UNITS

5.A **Smart Growth Residential Density Plan.** Attach the Smart Growth Residential Density Plan of the District as Attachment 5-1. *See attached.*

5.B **Smart Growth Residential Density Spreadsheet.** Attach the Smart Growth Residential Density Spreadsheet of the District as Attachment 5-2. *See attached.*

5.C **Smart Growth Zoning.** Attach a copy of the text and map(s) for the Smart Growth Zoning applicable to the District as Attachments 5-3 and 5-4. *See attached.*

5.D **Density and Incentive Units.** Complete the following table, based on the maximum As-of-right residential density achievable in accordance with the Smart Growth Zoning and any other local ordinance, by-law, or regulation, in the District and any sub-district:

	Maximum As-of-right residential density (units / acre)	Acres of Developable Land	Future Zoned Units	Incentive Units (Future Zoned Units minus Existing Zoned Units)
[1-family sub-district(s)]	0	0	0	0
[2/3-family sub-district(s)]	0	0	0	0
[multi-family sub-district A]	40	11.6	465	465
[multi-family sub-district B]	30	2.48	75	75
[substantially developed sub-district(s)]	N/A	N/A	N/A	N/A
District Totals	N/A	14.10	540	540

If the maximum As-of-right residential density of the District or any sub-district fails to meet the minimum statutory standards, has the Department previously approved a density reduction? *N/A*

5.E **Mixed-use Development.** Does the Smart Growth Zoning allow Mixed-Use Development Projects As-of-right? *Yes*

If yes, what is the minimum portion of such Mixed-use Development Projects that must be devoted to residential uses: *67% total gross floor area.*

5.F **Substantially Developed Sub-districts.** Does the Smart Growth Zoning contain any Substantially Developed sub-district(s) within the District? *No*

Identify the provisions of the Smart Growth Zoning that ensure the construction of infill housing on existing residential vacant lots: *N/A.*

Identify the provisions of the Smart Growth Zoning that permit additional housing units in existing residential buildings and permit additional housing units for additions or replacement of such buildings: [N/A](#).

6. AFFORDABILITY

The following questions refer to the Smart Growth Zoning attached as Attachment 5-3.

6.A Project requirements Does the Smart Growth Zoning establish a threshold for Projects that are subject to the Smart Growth Zoning affordability requirement? Yes

If yes, what is that threshold and identify the section of the smart growth zoning containing that requirement: projects over 10 units in size. [See Section XXIX-G\(2\)](#).

Does the Smart Growth Zoning contain provisions to ensure that Projects are not segmented to evade the size threshold for Affordability? [Yes](#).

If yes, identify the section of the Smart Growth Zoning containing such provision: [See Section XXIX-G\(2\)](#).

6.B District-wide affordability target. Identify the provisions of the Smart Growth Zoning that ensure the total number of Affordable units constructed in the District equals not less than twenty percent (20%) of the total number of all units constructed within Projects in the District: [See Section XXIX-G\(2\) which requires 25% affordability in projects, rather than the 20% minimum required by statute.](#)

7. PLAN REVIEW

The following questions refer to the Smart Growth Zoning attached as Attachment 5-3, or the Design Standards attached as Attachment 7-1.

7.A Categories of Project; Approving Authority. Does the Smart Growth Zoning provide for Plan Review of Projects within the District? [Yes](#).

If yes, who is the Approving Authority: [The designated PAA is the Planning Board](#)

7.B Design Standards. Does the Smart Growth Zoning contain Design Standards? [Yes](#).

If no, have separate Design Standards been promulgated or drafted? [N/A](#)

Have these design standards been previously applied to a residential development in the community (for example, through the Underlying Zoning)? [No](#).

If yes, briefly identify the project(s) that have been approved using these standards: [N/A](#)

Describe how the Municipality will ensure that its Design Standards will not "Unduly Restrict"* the development of Projects in the District: [Section XXIX-H\(3\)\(c\) allows the PAA \(Planning Board\) to grant waivers from the design standards where appropriate and necessary.](#)

7.C Waivers. Does the Smart Growth Zoning allow the Approving Authority, through the Plan Review process, to waive specific dimensional and other standards (other than Affordability requirements) otherwise applicable to a Project? [Yes. Section XXIX-H\(3\)\(c\) allows the PAA \(Planning Board\) to grant waivers where appropriate and necessary.](#)

7.D Phased Project Reviews. Does the Smart Growth Zoning permit the Plan Review approvals of proposed Projects to be phased for the purpose of coordinating development with the construction of Planned Infrastructure upgrades that are identified in the application ([Yes](#)) or that are required to mitigate any extraordinary adverse Project impacts on neighboring properties ([Yes](#))? [Yes. Section XXIX-H\(5\)](#)

For Projects that are approved and developed in phases, identify the provisions of the Smart Growth Zoning requiring that the proportion of Affordable units and the proportion of Existing Zoned Units to Bonus Units shall be consistent across all phases: [See Section XXIX-G\(8\)](#)

8. COMPREHENSIVE HOUSING PLAN

See Part II.8 of the Instructions for the contents of the Comprehensive Housing Plan, to be attached as Attachment 8-1. [See attached.](#)

8.A Housing Needs. Identify the section(s) of the plan that assess the housing needs within the Municipality: [Section 3, page 13](#)

Identify and summarize briefly the section(s) of the plan that describe the strategies, including but not limited to those contained in the Smart Growth Zoning, to address these needs: [See Section 6, page 68 – specifically Section 6.2.2 \(page 78\), entitled "Pursue 40R Smart Growth Zoning"](#)

Identify the section(s) of the plan that show how the Smart Growth Zoning will allow for the development of housing which is appropriate for a diverse population: [See Application Section \(Attachment\) 8-2](#)

Identify the section(s) of the plan that summarize the Existing Zoned Units, Future Zoned Units, and Incentive Units of the proposed Smart Growth Zoning District: *If this was not addressed, the answers to Sections 4.D and 5.D shall be deemed*

* See Part II.6 of the Instructions for the definition of "Unduly Restrict."

incorporated into the plan to satisfy this requirement. See Application Section (Attachment) 8-2

8.B Fair Housing. Identify the section(s) of the plan that assess local housing needs within the Municipality for households in protected classes as identified in state and federal law: *See Section 3.3 (page 48), entitled "Priority Housing Needs"*

Identify the section(s) of the plan that specify strategies, including but not limited to those contained in the Smart Growth Zoning, that address how housing choice for such households will be served: *See Sections 5, 6 and 7*

8.C Previously submitted plans. Has the Comprehensive Housing Plan been previously submitted to the Department? *Yes*

If yes, attach a copy of the plan and give the date of its first submission to the Department: *See attached Housing Production Plan (HPP) submitted first on 11/13/13 then again, with modifications on 1/14/14*

Is the Municipality submitting as its Comprehensive Housing Plan a community development plan or equivalent document that was previously submitted to the Department? *No.*

If yes, attach a copy of the plan and give the date of its previous submission to the Department: *N/A*

Describe how the proposed District relates to and will further the goals of such previously submitted plan or document: *See Application Section 8-2 and Housing Production Plan (HPP) Section 6.2.2 (page 78), entitled "Pursue 40R Smart Growth Zoning"*

9. LOCAL PUBLIC NOTICE AND HEARING

9.A **Public Hearing.** Did the chief executive of the Municipality or designee hold a public hearing on whether the provisions of the proposed Smart Growth Zoning shall be adopted by the Municipality? [Yes](#)

If yes, attach copies of the notice of the hearing as Attachment 9-1. [See attached.](#)

9.B **Public Comments.** Attach copies of any written comments received by the Municipality on the proposed Smart Growth Zoning and the District, including any letters of support issued by the planning board, board of health, conservation commission, or other interested parties, as Attachment 9-2. [See attached.](#)

Attach any transcript or a summary of any oral comments received by the Municipality at the public hearing as Attachment 9-3. [See attached.](#)

Summarize briefly any modifications that were made in the proposed Smart Growth Zoning or other documents in response to the comments received: [Reduced building heights and density allowances in proximity to existing residential neighborhoods.](#) [Design standards updated.](#)

10. INFRASTRUCTURE IMPACTS AND UPGRADES

See the Instructions for a description of the required Attachment 10-1, which shall demonstrate that the impacts of Future Zoned Units within the District will not over burden transportation, water, public and/or private wastewater systems, and other Infrastructure (which for the purposes of this subsection shall include improvements to public open space and public recreational facilities) as it exists or may be practicably upgraded.

The attachment must be certified by a municipal engineer or public works official.

[See attached.](#)