# CHAPTER 4
## Land Use Planning & Development

The Land Use chapter examines past development trends and current land use patterns within Newburyport. Land use refers to the physical arrangement of a community's residential, commercial, industrial and institutional development, along with its transportation network, infrastructure, open space, conservation lands, and undeveloped land. Examining spatial development patterns, rates of change and other land use trends can provide insight into how the City evolved under varying social, economic and environmental conditions, and be instructive in determining how to allocate land most efficiently for future land use needs. Understanding land use change within a community is a key aspect of the overall Master Plan, and forms the basis for discussion regarding the future direction of the City.

Land use planning is related to, but not the same thing as zoning. In the early 20th century, local governments began to adopt zoning ordinances as a means for regulating the type, amount, and location of development; Newburyport adopted its zoning code no later than 1940. While land use planning is a broad concept, zoning is used to implement land use planning initiatives. It is a specialized tool that local officials use to protect the public interest, balance private property rights and provide for orderly growth and change.

Policy decisions about the community's land use, including zoning code revisions, will directly impact all other elements of this Plan. Several key ideas recur throughout this chapter, including:

- The protection of Newburyport's existing, historic development patterns;
- Preservation of the City's significant, natural, scenic, and agricultural lands;
- The importance of directing future growth towards areas served by existing infrastructure, Storey Avenue, and adjacent to the MBTA commuter train station;
- Improving the City's fiscal health through strategic land development; and
- The need to guide both new development and redevelopment in a manner that respects the City's history and existing community character.

## Section A: Newburyport's Development History

The City's earliest habitation included summer camps of Native Americans who came to the shores of the Merrimack for clamming, fishing and regional festivals. Newburyport's earliest permanent European settlements mirror those of other coastal communities that were established during the same period like Salem, Marblehead and Portsmouth, New Hampshire. Originally part of the Town of Newbury, Newburyport separated from the more agricultural community in 1764 as its character became more often defined by its maritime activities. Newburyport continued to urbanize, and adopted city government in 1851, while its neighbors Newbury, and later, West Newbury remained principally rural.

The City's social, political and economic character was shaped by maritime trade in the last half of the 18th and the first half of the 19thcenturies. Its architecture and land use patterns were similarly influenced. Later in the 19th century, as maritime trade subsided, the City saw the construction of large mills; distinctive brick structures; many of which have since been converted to other uses. Railroad lines were added, including a narrow right-of-way looping through the South End to the Central Waterfront.

These patterns continued as the era of maritime trade and small harbors as well as the industrial era came to an end and Newburyport entered a long period of decline that stretched through the Great Depression and into the 1960s. The downtown suffered during this decline with efforts beginning in the 1960s to restore its downtown and renew its vitality. Amendments to the urban renewal plan in the early 1970s set in motion the preservation, rather than the replacement, of the historic downtown. It was this restoration-oriented urban renewal initiative that provided the basis for Newburyport's current success as an appealing place to live.

The construction of I-95 in the 1950s spurred the development of shopping plazas nearby on Storey Avenue, transforming that portion of the City. In the 1960s, in the northeast corner of the Common Pasture, the City established an industrial park, today's Business and Industrial Park. At the same time, single-family residential development extended into the City's West End and housing density increased on Plum Island. Older residential neighborhoods, especially the South End, suffered from disinvestment.

In the 1970s, revitalization of downtown businesses in architecturally-significant buildings, coupled with the clean-up of the Merrimack River, expansion of the marinas, and improvement of the waterfront parks in the 1980s transformed the downtown and its riverfront. Over the decades, Newburyport has shifted from a manufacturing- and industry-based economy to one based on the service and tourism industries. Over the same period, home values, including in once-poor neighborhoods, have grown faster than the rate of inflation.

More recently, restoration of commuter rail service to Boston in the late 1990s prompted new housing development, as did the provision of municipal water and sewer service to Plum Island in the early 2000s. . Development continues throughout the City today, although the overall rate of growth has slowed, likely due to the limited developable land remaining.

## Section B: Existing Conditions

### *Current Land Uses*

Newburyport has a mix of land uses as depicted in **Table LU-1** below. Tax-exempt lands, which includes lands owned by the municipality, religious institutions, tax-exempt organizations, the state, and federal government, is the most common land use and occupies approximately 41 percent of Newburyport's land area. Exempted land is followed closely by residential land, which comprises approximately 35 percent of the City's total acreage. These top two land use classes are significantly larger than the remaining three classes, industrial, agricultural land and commercial land uses, with 10 percent, 9 percent, and 5 percent respectively.

#### Residential Land

As shown in Table LU-1 below, just over 35 percent of the City's land is used for residential purposes. Except in the Business and Industrial Park, residential uses are spread throughout the City with the highest density of homes located within and around the downtown. The majority of the City's residential structures featuring three units and more are located in this same area. Two-family homes are interspersed in the neighborhoods bordering the core downtown. While single-family homes are located throughout the City, there are high concentrations of them located in the West End where single-family development is the only allowed development by-right. Of the total land area zoned for residential use, approximately 81 percent is utilized for single-family residences. . The remaining percentage of residential land is predominantly comprised of two-family homes (5 percent) and condominiums (14 percent), with other types of residential uses, such as three-family homes, multi-unit buildings with at least four units, and rooming houses, making up the rest. Residential structures on Plum Island, historically summer cottages, are being demolished and reconstructed

into larger, single-family, year-round residences, increasing the overall density of both structures and people on the Island. This, in turn, places additional public and private infrastructure on a hazard-prone "barrier beach" island with naturally shifting coastlines and flood zones. Maintenance for, and loss of, this infrastructure (such as water and sewer systems) is costly and can be significantly reduced if the City takes action now to halt further growth and development on Plum Island.

### Commercial Land

Commercial land makes up approximately 5.3 percent of total land area in Newburyport. The City has a diverse commercial base comprised of restaurants, retail shopping, hotels and inns, financial establishments and service type businesses. Shopping center and retail plaza development is prevalent along Storey Avenue (Route 113). Office space exists within the downtown business core, as well as at the eastern side of the Business and Industrial Park. Smaller scale retail businesses are found in the downtown, with few remaining neighborhood-style retail and service areas sprinkled throughout the residential areas. Commercial development is generally concentrated in the following areas:

**Downtown** The historic commercial and civic center of Newburyport provides a variety of retail, professional office and service businesses. In addition to commercial and retail uses, the downtown includes government services including City Hall, the Newburyport Public Library and the U.S. Post Office. This commercial core of the City features small specialty shops and restaurants along brick-lined sidewalks and, while vehicles circulate throughout the area, the downtown is pedestrian-oriented.

**Storey Avenue** Route 113, known locally as Storey Avenue, is a major retail corridor for Greater Newburyport. Commercial land use patterns along the corridor consist of a broad mix of shopping centers, banks, gas stations, grocery stores, pharmacies, fast food establishments and service type businesses. The commercial uses found here complement those found in the downtown. The most densely developed portion of Storey Avenue is located immediately to the east of Interstate 95, with two large-scale retail complexes tenanted by chain pharmacies, grocery and clothing stores.

**Business and Industrial Park** The City amended its Zoning Ordinance in 2007 and again in 2015 to allow more office uses, first in the I1B zoning district located to the east of Henry Graf Jr. Road and then in the whole of the Business Industrial Park.

### Industrial Land

Approximately 446 acres, or just less than 10 percent, of the City's land is in industrial use. This use includes utilities, manufacturing, research and development facilities, warehouses and wholesalers. The majority of these establishments are located within the Business and Industrial Park, which is roughly bounded by Hale Street, Low Street, Newburyport Turnpike (Route 1), and the Newbury border. There is also industrial land located on the north side of Hale Street, and on Merrimac Street near Ashland Street in the North End.

### Exempt Land Uses

The City's tax-exempt land uses consist of government, charitable, religious and educational properties, which together occupy approximately 41 percent of the City's land area. The City of Newburyport owns 863 acres of land, approximately 20 percent of all acreage in Newburyport. The state and federal governments own almost 600 acres (13 percent) and charitable organizations and other non-profits own the remaining exempt acreage (8 percent).

### Agricultural Land Uses

There are approximately 392 acres of land that is either assessed or protected by state law (MGL Chapters 61, 61A or 61B) as agricultural land. Agricultural lands are subject to significant development pressure for conversion to residential uses, which puts a strain on the remaining farmland in the City.

**Table LU-1: Current Uses of Land**

| Class | Acres | % Total City Acreage |
|---|---|---|
| **Residential** | | |
| Single-family | 1,271.67 | 28.26% |
| Two-family | 71.81 | 1.60% |
| Three-family | 13.35 | 0.30% |
| Condominiums | 208.79 | 4.64% |
| Mobile homes | 0.00 | - |
| Four to eight unit apartments | 17.77 | 0.39% |
| Apartments with more than eight units | 2.89 | 0.06% |
| Rooming and boarding houses | 0.23 | 0.01% |
| Other | 8.74 | 0.19% |
| **Total:** | **1,595.25** | **35.45%** |

**Table LU-1: Current Uses of Land (Continued)**

| Class | Acres | % Total City Acreage |
|---|---|---|
| | | **Commercial** |
| Hotels, Motels, Inns, and Nursing Homes | 16.50 | 0.37% |
| Storage Warehouses and Distribution Facilities | 35.64 | 0.79% |
| Retail Trade | 63.67 | 1.42% |
| Auto-related Uses | 19.13 | 0.43% |
| Banks, General and Medical Offices | 19.99 | 0.44% |
| Indoor and Outdoor Recreational Facilities | 42.72 | 0.95% |
| Other | 40.65 | 0.90% |
| **Total:** | **238.30** | **5.30%** |
| | | **Industrial** |
| Manufacturing, R&D | 344.90 | 7.67% |
| Public Utilities | 56.94 | 1.27% |
| Other | 44.72 | 0.99% |
| **Total:** | **446.56** | **9.93%** |
| | | **Exempt land** |
| Municipal | 862.93 | 19.18% |
| Colleges, Churches, NRA, Housing Authority, Charitable Orgs. | 161.02 | 3.58% |
| State/Federal Land | 593.89 | 13.20% |
| Other | 208.86 | 4.64% |
| **Total:** | **1,826.70** | **40.60%** |
| | | **Agricultural** |
| Agricultural | 392.50 | 8.72% |
| **Total:** | **392.50** | **8.72%** |
| **Combined Total:** | **4,499.31** | **100.00%** |

Source: Newburyport Assessor's Database, 2015

### Land Preservation Priorities

As development pressures continue in this significantly built-out community, there is a counter-pressure to preserve the remaining existing open spaces and seek to protect lands that are being threatened by development. In order to preserve Newburyport's scenic vistas, heritage landscapes, wildlife habitat and lands bordering its water supply, it is critical to ensure that the remaining lands are used as efficiently as possible. For this reason, it is important to guide future development to appropriate locations; maximizing density in areas that are able to accommodate new growth without jeopardizing the historic fabric of the community to provide new housing and economic opportunities, while minimizing adverse effects on the natural environment and the degradation of historic structures and cultural assets, and preserving open space corridors and recreational opportunities. The City encourages development in distinct areas that are currently underutilized, like the Storey Avenue corridor, the lands near the MBTA commuter rail station and the Route 1 traffic circle. Newburyport's 2012 Open Space and Recreation Plan lists the various parcels prioritized for preservation; as funds from the City's Community Preservation Fund allow, these parcels are being acquired and permanently protected.

### Limited Developable Properties, Increasing Land Values and Decreasing Affordability

Most prime properties have been developed, leaving fewer available parcels that are free from development restrictions and/or environmental complications, such as wetlands. As a result, it has become increasingly challenging to locate residential development opportunities, especially for housing that is affordable. Because the demand for the limited amount of developable property is pushing the value of land ever higher, it is all the more important that any new units created help diversify the housing stock by including rental and ownership housing that is affordable to working individuals and families.

In 2013, the City adopted its Housing Production Plan which identifies strategies to provide more opportunities for affordable housing development. Additionally, the City has adopted a Chapter 40R Smart Growth Overlay District in which a minimum of 25 percent of all residential units created must be affordable to individuals and families earning 80 percent of the Area Median Income (AMI). The City's Affordable Housing Trust and Community Preservation Committee are also supporting the creation of affordable housing throughout the City through their grant programs. While these efforts are resulting in the creation of new units, Newburyport remains under the state-mandated goal of providing at least 10 percent of its housing stock as affordable housing, as defined by the Massachusetts Department of Housing and Community Development. Currently, approximately 7.6 percent of Newburyport's housing stock is listed on the Massachusetts Subsidized Housing Inventory (SHI).

### "Smart Growth" and Sustainable Development

As a Green Community, Newburyport continues to make strides in its efforts to incorporate smart growth principles, low-impact development techniques and sustainable development practices into every facet of its permitting processes and municipal activities. Since its Green Community designation in 2010, the City has adopted the Stretch Code (780 CMR, Appendix 115 AA), which requires builders to meet higher energy efficiency standards than found in the basic Massachusetts Building Code. The higher density and walkable development pattern in Downtown Newburyport inherently enjoys a high degree of sustainability. New development must mimic these patterns and contribute to the community standard of compact, sustainable, walkable, and vibrant new neighborhoods. Compact development with adequate municipal infrastructure using sustainable construction techniques and materials along with water conservation and energy efficiency are a central goal when reviewing development and redevelopment proposals. For example, through the Chapter 40R Smart Growth district, the City seeks to concentrate new, mixed-use development on sites in close proximity to the MBTA commuter rail station. These sites will feature a mix of residential and non-residential uses, pedestrian-oriented design and connectivity, transportation choice, and high quality urban design.

### Protection of Community Character

The architectural, cultural, economic, political, and social history of the City of Newburyport is one of its most valued and important assets. The City's history is partly embodied in the Federal and State Newburyport Historic District, which was listed on the National and State Registers of Historic Places in 1984. The City set a national precedent by using urban renewal funds for historic rehabilitation and preservation in revitalization of downtown. This prompted a renaissance for the entire City, including the neighborhoods adjacent to and branching out from downtown. The preservation, protection, and enhancement of the community's character are critical to the preservation of its heritage and land values and benefits the general welfare of its residents and property owners.

In 2014, the City adopted two zoning overlay districts, one focusing on the demolition of historic structures within the boundaries of the National Register Historic District and the other focused on preserving the historic character of the downtown and its structures. The Demolition Control Overlay District (DCOD) and the Downtown Overlay District (DOD) seek to recognize, protect, and preserve the land use patterns of the downtown and the surrounding residential neighborhoods as well as their architecture and social heritage through additional regulations.

## Section C: Zoning Overview

Newburyport regulates development through zoning, subdivision control, Board of Health and wetlands regulations. Zoning is the most important of these regulatory tools. In a densely-developed, mature community like Newburyport, a zoning ordinance's capacity to steer redevelopment is as important as its capacity to guide the development of vacant land. At the time of the writing of this Plan, the City is in the process of rewriting the Zoning Ordinance with a focus on streamlining permitting processes, eliminating redundancies and discrepancies, and investigating amendments to address permitting and development problems the City has faced in recent years. The new Zoning Ordinance will include architectural design standards (and guidelines) to ensure the compatibility of new construction, infill construction and alterations to existing structures, with a focus on residential districts. Design standards and guidelines will also be expanded for commercial areas of the City. In drafting these zoning changes the Office of Planning & Development will be paying particular attention to the denser and more sensitive R2 and R3 Districts overlapping the National Register Historic District. Care should also be taken to ensure that the standards and guidelines are clear, reasonable, effective, defensible and enforceable (and wherever possible, illustrated). Council adoption of these standards will address key issues identified in this Plan while providing clear guidance and support for the Planning Board and Zoning Board of Appeals during the permitting process for proposed projects. Working with these standards and guidelines board members will be expected to approve only those projects which are compatible in scale and architecture to the surrounding streetscape and neighborhood.

Newburyport's existing zoning framework includes thirteen (13) conventional use districts and eight (8) overlay districts. A use district is a geographic area delineated on a zoning map and designated for specific land uses. An overlay district, also delineated on a zoning map, may encourage or limit certain uses within one or more districts, depending on the purposes of the overlay. See **Table I-3** in **Chapter 2** for a description of each zoning district. Each zoning district has dimensional and use requirements; many uses are by-right and others require a special permit, i.e., an approval granted at the discretion of either the Zoning Board of Appeals or the Planning Board. At present, the Newburyport Zoning Ordinance is being revised for clarity and simplification and the following information is subject to change.

**Table LU-2** below depicts the acreage for each existing zoning district within Newburyport. Approximately 47 percent is zoned for residential use, with 19 percent zoned specifically for single-family residences. Commercial zoning districts (B1, B2 and B3) cover approximately 3 percent of the City, while 16 percent is zoned for industrial uses. Lands within the various overlay districts total 1,345.44 acres, which is approximately 25 percent of the City's total land area.

**Table LU-2: Zoning District Classifications**

| Zoning District | Acres | Percentage of Total Land Area |
|---|---|---|
| Agricultural and/or Conservation (Ag/C) | 1,588.27 | 30.02% |
| Business One (B1) | 116.54 | 2.20% |
| Business Two (B2) | 44.86 | 0.85% |
| Business Three (B3) | 19.94 | 0.38% |
| General Acute Care Medical (GACM) | 19.93 | 0.38% |
| Industrial One (I1) | 396.52 | 7.50% |
| Industrial One B (I1B) | 443.07 | 8.37% |
| Industrial Two (I2) | 21.06 | 0.40% |
| Residential One (R1) | 1,018.12 | 19.25% |
| Residential Two (R2) | 948.45 | 17.92% |
| Residential Three (R3) | 530.12 | 10.02% |
| Waterfront Marine Dependent (WMD) | 111.17 | 2.10% |
| Waterfront Mixed Use (WMU) | 32.16 | 0.61% |
| **Total:** | **5,290.21** | **100.00%** |
| **Overlay District** | **Acres** | **Percentage of Total Land Area that is Overlay Districts** |
| Demolition Control Overlay District (DCOD) | 750.19 | 14.18% |
| Downtown Overlay District (DOD) | 77.15 | 1.5% |
| Federal Street Overlay District (FSOD) | 1.64 | Trace % |
| IB Residential Overlay District (IB-ROD) | 21.97 | 0.42% |
| Medical Marijuana Overlay District (MMOD) | 99.93 | 1.89% |
| Plum Island Overlay District (PIOD) | 325.21 | 6.15% |
| Smart Growth Overlay District (SGOD) | 49.39 | 0.93% |
| Towle Complex Redevelopment Overlay District (TCROD) | 8.76 | 0.17% |
| Waterfront West Overlay District (WWOD) | 11.20 | 0.21% |
| **Total:** | **1,345.44** | **25.43%** |

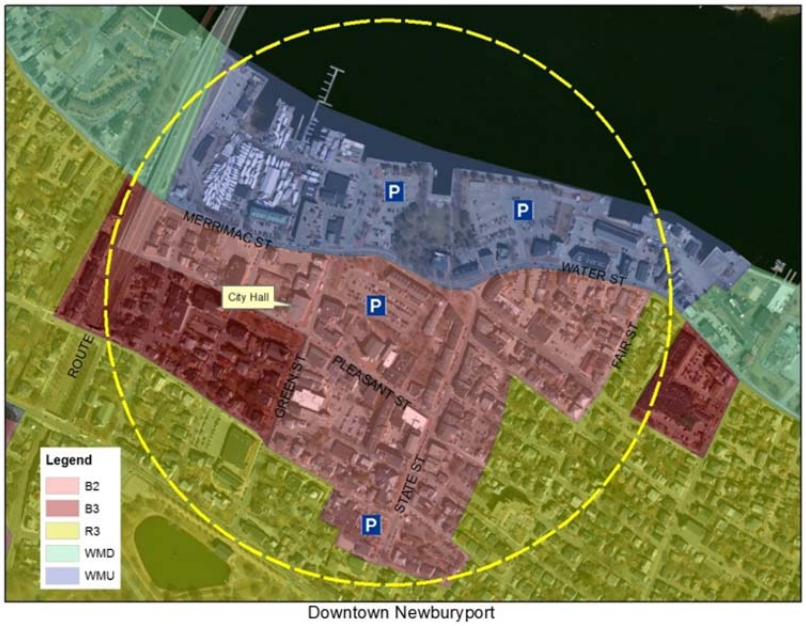
Source: City of Newburyport GIS

## Section D: Newburyport's Neighborhoods

### *Downtown Newburyport*

In 1960, the City of Newburyport established the Newburyport Redevelopment Authority (NRA), whose charge was to revitalize what was then a deteriorated downtown. During much of the 1960s, the prevailing viewpoint, as expressed in a 1964 *The Daily News* article, was that the City's historic buildings downtown were "lost years ago to the elements and are now beyond repair." An early plan called for wholesale demolition of 22 acres downtown and on the central waterfront. Most demolition was completed on the central waterfront, with 67 buildings demolished by 1968.

**Map LU- 1: Downtown Newburyport**



Downtown Newburyport

The NRA amended its urban renewal plan to facilitate historic preservation instead of demolishing historic buildings in response to objections by dedicated and concerned citizens and public officials. After a public hearing in 1970, the necessary City and State approvals were obtained, the Newburyport Historical Commission submitted an application to list an historic district on the State and National Registers of Historic Places, and the NRA filed a grant application to the U.S. Department of Housing and Urban Development (HUD) for funding to rehabilitate and preserve historic buildings downtown. After initially rejecting the application, HUD approved funding in 1971, as a result of the listing of the Market Square Historic District on the State and National Registers of Historic Places. During the following decades, the NRA's Urban Renewal Plan for downtown required the rehabilitation and preservation of historic buildings subject to its control. Newburyport set a national precedent by using urban renewal funding for historic rehabilitation and preservation. The consequent revitalization of downtown catalyzed a renaissance for the entire City.

The Urban Renewal Plan for downtown expired in 2005 and no longer has any regulatory effect. Deed restrictions placed on historic buildings formerly subject to that plan to ensure their preservation are no longer enforceable. Historic structures of downtown were being threatened by imminent demolition and potentially inappropriate restoration and rehabilitation. Consequently, the City adopted land use controls (described in Section B, above) to help preserve the City's heritage and land values to benefit the general welfare of its citizens and property owners. However, additional work to restore preservation restrictions on these buildings should be done to ensure their historic and architectural integrity is not lost and these buildings are adequately protected in perpetuity.

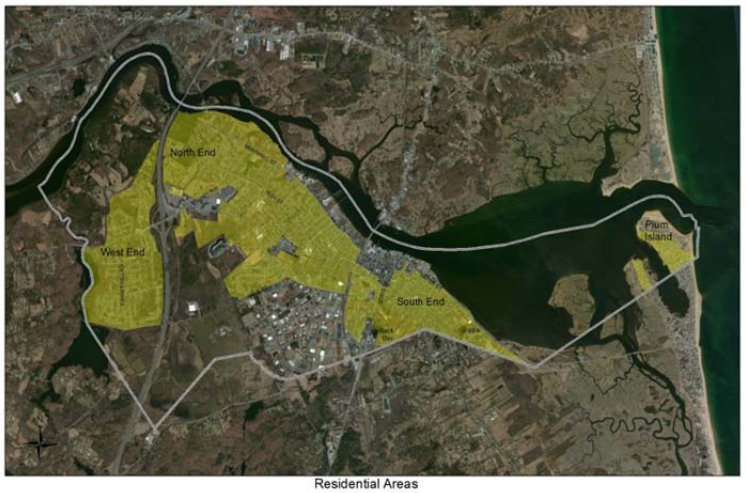
Today, the dense heart of downtown is characterized by its historic streetscape filled with restaurants, shops and residences and its proximity to the scenic waterfront. Not only is the downtown a hub of civic and cultural activities, it is a draw for visitors from around the region and beyond as the natural progression from a maritime-based trade to one of tourism occurred. This vibrant evolution can be attributed to the trend-setting, restoration-oriented version of urban renewal that nurtured Newburyport's current success as an attractive place to live, work and visit.

## *Residential Areas*

The term "residential area" covers a wide range of living environments with possible one-family, two-family, multi-family and mixed-use structures located in dense urban confines, on larger suburban lots, as well as developments and clusters with many possible permutations. Newburyport has several residential areas that

are quite distinct in their design and physical characteristics. The location, time of primary development and even original purpose influences the individual area.

**Map LU- 2: Residential Areas**



Residential Areas

The South End was settled early and ultimately clustered around waterfront businesses such as ship building, commerce and, with the arrival of the industrial revolution, large mills. This was a time of limited transportation opportunities other than those provided by human and horse locomotion. The North End shares similar origins to the South End, although with a lesser impact from commerce and with fewer mills. These areas while having some unique characteristics share more in common by way of density and architecture.

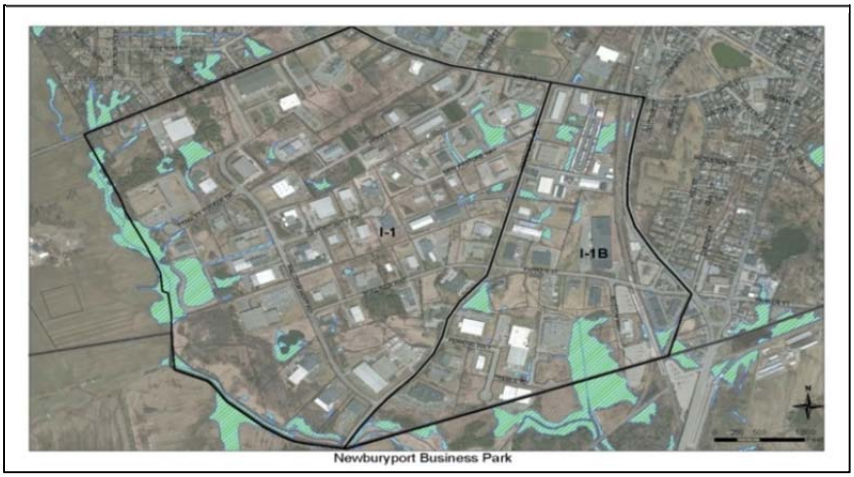
There are areas of the North End that bracket the World War II period, but lot size, and to some extent, architecture is more reflective of the general North End. In contrast, the West End's primary development occurred after World War II, as evidenced by Post-War architecture and larger lot sizes.

Plum Island's residential origins are unique as much of the area was laid out in 1920 by the Plum Island Beach Company as the location for small weekend residences/camps for fishing and other marine-based activities. This heritage carries over to today with the original platting underlying the more intense build-out that has since occurred through combining lots and building much larger structures than originally envisaged.

The Back Bay neighborhood is also unique in that it combines some streets and residences from the late 19th century with significant redevelopment of land that constituted a railroad right-of-way, freight yard and passenger station. This particular rail line was totally abandoned just prior to World War II with residential development of that property beginning after the war and extending into the 1950s and 1960s.

## *Newburyport's Business and Industrial Park*

**Map LU- 3: Business and Industrial Park**



Newburyport Business Park

A non-profit group called the Newburyport Association for Industrial Development (NAID) first established the Business Park in the 1960s. The City has long encouraged development at the Business Park to provide jobs for area residents, and a growing source of property tax revenues to fund city services.

A countervailing consideration has been the area's location beside the Little River, a tributary of the Parker River, and the presence of numerous areas of wetlands

and floodplains. Economic development and environmental protection are not mutually exclusive, however. With careful planning, the Business Park can support growth without significant adverse impacts on the environment.

In 2004, a committee of City officials, residents and business owners published a *Strategic Land Use Plan: A Strategy for Conservation and Development*, which included the Business Park as part of a larger study area. Although that plan is now a decade old, much of its findings and recommendations remain relevant today. Few of its recommendations have been implemented to date, with the important exception of creating the Chapter 40R Smart Growth District near the MBTA commuter rail station and Route 1 traffic circle, in 2015.

## *Storey Avenue*

**Map LU- 4: Storey Avenue Corridor**



Storey Avenue Corridor

Storey Avenue is a gateway to Newburyport. Currently, it is a heavily-trafficked commercial thoroughfare that connects the City's West End and Interstate 95 to the rest of the City, including its historic downtown. The Storey Avenue corridor is currently lined with vehicle-intensive uses, including gas stations, supermarkets, drive-through fast-food restaurants, banks and pharmacies that provide an alternative, though complementary, shopping location to downtown. Through the years, this corridor has developed to serve private vehicles, at the sacrifice of public transit, pedestrians and cyclists.

## *Route 1 and the Route 1 Traffic Circle*

The Route 1 traffic circle and Route 1 beyond represents another gateway to the City, one that is likely to experience the most change over the coming years. For more than a decade, redevelopment of this area has been discussed to create a new business and residential area with its own sense of place, based upon the availability of public transportation and complementary to the downtown.

Currently, the Route 1 traffic circle is dominated on the north by the Newburyport District Court and on the south by the Route 1 bridge over the MBTA rail line. The remainder of the circle consists of small retail and service businesses, primarily in stand-alone, single-story buildings. An existing rail line terminates at the MBTA Commuter Rail station between the Business and Industrial Park and the traffic circle. The former rail right-of-way continues north to the Merrimack River, and north of Parker Street, and has been transformed into the Clipper City Rail Trail, able to

**Map LU- 5: Route 1 Area**



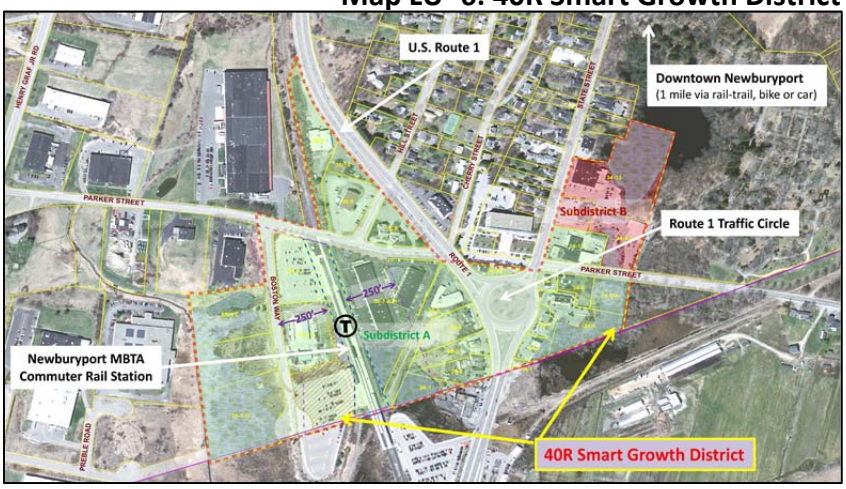

Route 1 Area

take users directly to the City's waterfront downtown.

Since 1999, the Massachusetts Bay Transportation Authority (MBTA) has provided commuter rail service to Newburyport, terminating in a station at the easterly edge of the Business and Industrial Park area, and adjacent to the Route 1 traffic circle. Commuter parking lots are provided on both the easterly side of the railroad tracks (accessed from Route 1) and the westerly side (accessed from Parker Street). A significant feature of this area is its massive amount of impervious surface. These already disturbed areas lend themselves to more efficient and effective development patterns that can enhance the appearance of this area, as well as make it more valuable and more accommodating to pedestrians and cyclists.

In 2015, the City adopted a Chapter 40R Smart Growth Overlay District near the MBTA station and the Route 1 traffic circle, to facilitate the development of multi-story, mixed-use buildings with a much greater total floor area than base zoning allows. Uses permitted by right in the overlay district include retail, office, and residential, supported by shared parking, and interconnecting walkways to the MBTA commuter rail station and to the Clipper City Rail Trail. Residential projects must include a 25-percent affordable component. New jobs, new housing, and tax base growth in this area will complement the City's historic core and replace large surface parking lots with productive buildings and uses.

**Map LU- 6: 40R Smart Growth District**




## Section E: Future Land Use Options

A build-out analysis is a land use planning tool used to help a community understand the impacts of developing available land to the capacity allowed under current zoning. While build-out studies are useful, they cannot predict whether or exactly how full build-out will occur. The City may never reach full build-out of vacant and under-developed land, as this depends on many factors, such as the macroeconomic climate and environmental conditions that are generally outside a community's control.

A build-out analysis can help a community to identify changes that are needed in its Master Plan, Zoning Ordinance and other development policies and regulations. In its simplest form, a build-out analysis looks at land area that is currently developed, developable land area and vacant land area that is subject to absolute development constraints, such as open water, wetlands, or parcels of dedicated or permanently protected open space.

**Table LU-3: Newburyport's Developable Parcels**
Source: City of Newburyport's Assessor's Database/GIS

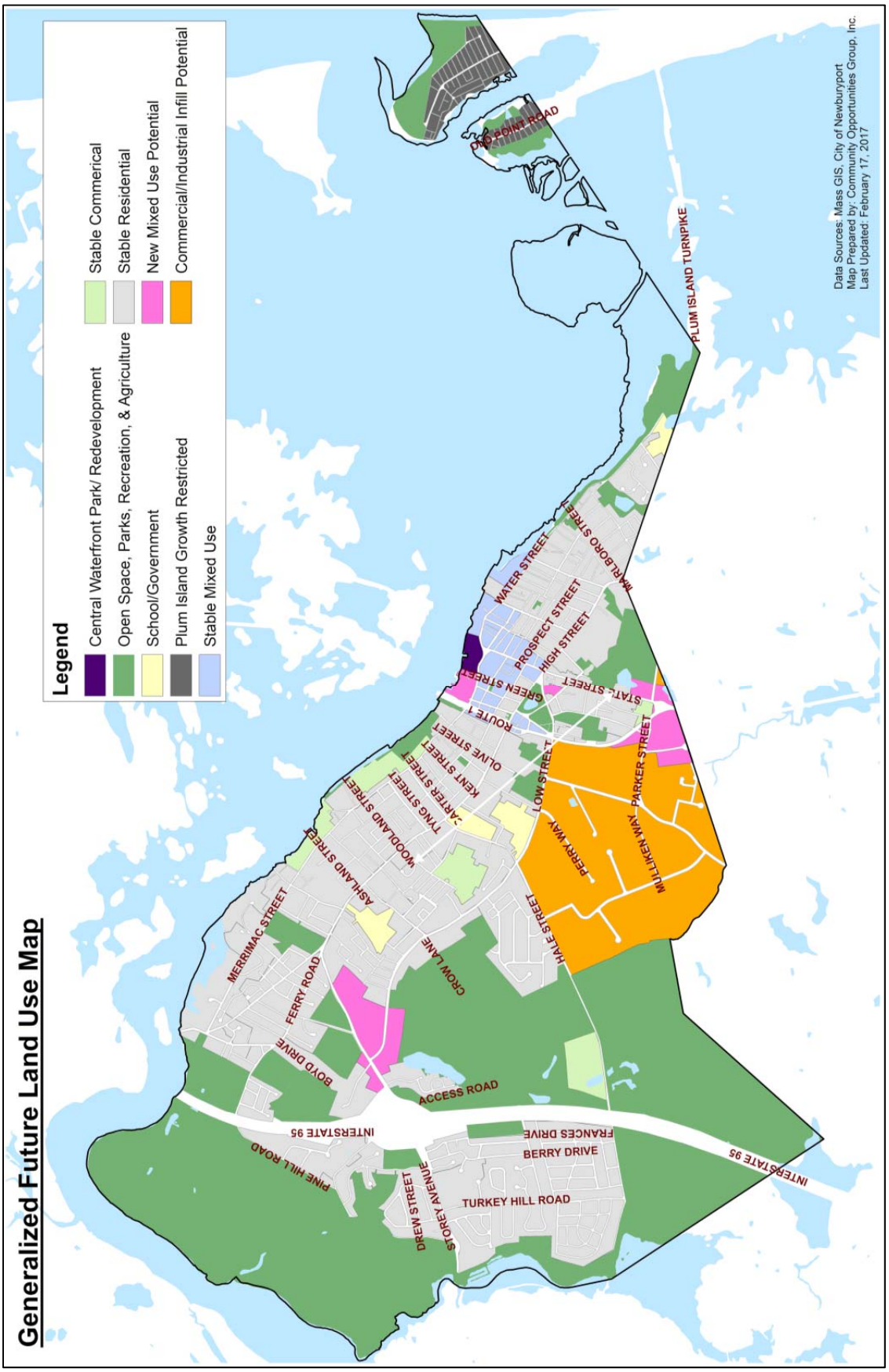
| Zoning District | # of Parcels | Acres |
|---|---|---|
| Business 1 | 3 | 1.54 |
| Business 2 | 1 | 1.36 |
| Industrial 1 | 4 | 17.95 |
| Industrial 1B | 3 | 8.89 |
| Residential 1 | 11 | 9.47 |
| Residential 2 | 20 | 15.67 |
| Residential 3 | 16 | 7.19 |
| Waterfront Marine Dependent | 4 | 2.93 |
| Waterfront Mixed Use | 2 | 0.45 |
| **Total:** | **64** | **65.44** |

Applying the dimensional regulations of the current Zoning Ordinance, according to Newburyport's Assessor's Office and listed in **Table LU-3**, there are 64 potentially developable parcels for a total of approximately 65 acres of potentially developable land. The Assessor's Office, in consultation with the Building Department and the Planning Office, determines that a parcel is "developable" if it meets applicable zoning requirements for land area and minimum street frontage. There are vacant parcels within the City that are not included in **Table LU-3**, but this does not necessarily preclude them from being developed in the future. In some cases, an undevelopable parcel can be converted to a developable one at the City's discretion (through the Zoning Board of Appeals), should such relief from the zoning code be determined to be appropriate. The development of clearer and more stringent standards for the granting of zoning relief and regulatory procedures are vital to the Zoning Ordinance recodification project.

Based on existing zoning, the City's residential districts (R1, R2, and R3) could accommodate up to 128 new units of single-family housing, not factoring in environmental limitations such as the presence of wetlands or unfavorable topographical or soil conditions. Because the City's affordable housing needs exceed 128 single-family homes, as determined by its 2013 Housing Production Plan, more efficient housing development, that is complementary to the local architectural vernacular in terms of size, scale, and materials will be necessary in upcoming years to meet the needs of the community, and maintain some semblance of housing affordability – a necessity for a healthy local and regional economy. The amount of new commercial and/or industrial square footage is more difficult to determine with accuracy under current zoning due to the minimum lot size varying by specific use, an unusual regulation. The most likely scenario for new commercial/industrial space is that it will be accommodated through infill development, namely additions on existing buildings or conversion of space within existing buildings. Additional commercial space will also be created through new development located within the Chapter 40R Smart Growth Overlay District and eventually through some redevelopment occurring along the waterfront.

The **Generalized Future Land Use Map** (shown on page LU-14) shows how future growth could occur under the City's current zoning and indicates areas where new mixed-use and commercial/industrial uses should be targeted. Areas marked as "stable" are those that are not anticipated to see significant change but are likely to still experience minor amounts of growth due to periodic redevelopment where those opportunities remain. Some of these areas have residential infill potential due to a cluster of lots that are currently used as single-family homes but are large enough (per current zoning) to be converted to two-family homes. It is strongly recommended that the City adopt new zoning with design standards further regulating the scale and architectural compatibility of both residential and commercial development citywide. The City should also consider creating an architectural pattern guidebook unique to Newburyport's distinct neighborhoods as a companion to the Zoning Ordinance for the purpose of illustrating the adopted architectural and site plan design standards and highlighting key features associated with architectural forms typically found in

Newburyport. Additionally, it is strongly recommended that the City restrict further subdivision of land and infill development along the scenic High Street corridor and ridgeline. In upcoming years, it is anticipated that due to the fragility of Plum Island and its susceptibility to storm surge and flooding, future growth on that barrier island, inclusive of additions and new bedrooms on existing homes, will be restricted and any new growth will be discouraged. It would be irresponsible for the City to encourage new structures or the expansion of existing homes to allow for additional bedrooms and bathrooms on Plum Island due to the fragile water and sewer infrastructure and flooding associated with intense storm events and anticipated sea level rise. Further, although the exact future of the Central Waterfront remains unknown, it is likely to be redeveloped into parkland as surface parking is relocated to the planned public parking garage at Titcomb and Merrimac Streets. Mixed-use redevelopment is expected along the waterfront west of Green Street to the Gillis Bridge, and also within the Chapter 40R Smart Growth Overlay District. Finally, although the Business Park is largely built out under current zoning, it is anticipated the area will be able to accommodate redevelopment and additions to existing structures under the revised zoning ordinance without the horizontal expansions of impervious surfaces that would exacerbate seasonal flood conditions in this area.


Generalized Future Land Use Map
Legend
Central Waterfront Park/ Redevelopment
Open Space, Parks, Recreation, & Agriculture
School/Government
Plum Island Growth Restricted
Stable Mixed Use
Stable Commerical
Stable Residential
New Mixed Use Potential
Commercial/Industrial Infill Potential
Data Sources: Mass GIS, City of Newburyport
Map Prepared by: Community Opportunities Group, Inc.
Last Updated: February 17, 2017
PLUM ISLAND TURNPIKE
OLD POINT ROAD
MARLBORO STREET
WATER STREET
PROSPECT STREET
HIGH STREET
STATE STREET
GREEN STREET
ROUTE 1
OLIVE STREET
KENT STREET
CARTER STREET
TYNG STREET
WOODLAND STREET
ASHLAND STREET
MERRIMAC STREET
FERRY ROAD
BOYD DRIVE
CROW LANE
HALE STREET
LOW STREET
PERRY WAY
PARKER STREET
MULLIKEN WAY
ACCESS ROAD
INTERSTATE 95
PINE HILL ROAD
DREW STREET
STOREY AVENUE
TURKEY HILL ROAD
FRANCES DRIVE
BERRY DRIVE
INTERSTATE 95

## Section F: Newburyport's Land Use Planning and Development Goals

Residents want a high quality of life, one where they can choose to leave their vehicles parked, should they choose to own one, and walk to local amenities; and they want a healthy, revenue-enhancing local economy that will not only provide local job opportunities, but lead to improved community services and schools. Newburyport's land use pattern is essentially established: an urban core surrounded by traditional neighborhoods of the South End, North End and ridgeline area between High and Low Streets; an expansive, but currently low-density, business and industrial park area between Low Street and the boundary with Newbury; a collection of shopping centers and other retail uses along Storey Avenue near Interstate 95; suburban subdivisions in the West End; and the beach community at the northern end of Plum Island. Within this pattern of development exists smaller pockets of commercial and industrial development, particularly along Merrimac Street and around the Route 1 traffic circle.

As Newburyport has grown it has benefited from its traditional framework, a form of smart growth. The elements of this established land use pattern are desirable and will not significantly change; as individual properties and small groups of parcels are redeveloped, this pattern will be reinforced. As the City moves forward into the next decade and beyond the pattern of land use will evolve and adapt with changes in technology and planning practices to meet the needs of the community.

The City develops land use strategies to both further and reconcile community goals and objectives. A common theme heard from residents and stakeholders throughout the Master Plan process is the desire to maintain the character of Newburyport through reinforcing downtown's role as the center of the community, respecting and preserving its historic structures, and ensuring only appropriate residential and commercial development through the creation of architectural design criteria and the formation of partnerships to accomplish the overarching goal of preserving Newburyport's inherent character. The City will work to restrict infill development, particularly in the National Register district, to that which is compatible with neighborhoods and surrounding streetscapes in terms of scale, massing, siting, architecture, form, and materials. To achieve this the City should develop design standards to include in the Zoning Ordinance and limitations on the granting of zoning relief (i.e. Special Permits and Variances), while clarifying the roles and jurisdictions of the various permitting boards. Establishing such criteria will aid in the evaluation of project proposals with the ultimate goal of improving the quality and character of development within the City. The City should also provide permitting Boards and Commissions the periodic legal assistance they need to properly enforce the criteria and regulations notwithstanding objections from the development community.

The challenge of addressing land use and development in this Plan lies in finding a balance between new growth and redevelopment, with finding compatibility between growth and preservation of open spaces, with respecting the community's heritage as evidenced by its historic structures and allowing change through compatible design of buildings. The following goals, objectives and actions strive to find this balance and when enacted, will improve upon the high quality of life residents currently experience.

**The Land Use Planning & Development Goals are organized according to the following geographical areas:**

- Downtown Newburyport
- Residential Neighborhoods
- Newburyport's Business and Industrial Park
- Storey Avenue
- Route 1 and the Route 1 Traffic Circle

The final Goal for this chapter addresses Flood Plain Management and offers actions to plan for and protect development within FEMA flood zones.

***Goal LU-1: Maintain and enhance the downtown's role as the City's civic, service, commercial, and cultural center.***

The Objectives that support this Goal continue this legacy and enhance it through specific actions focus on four initiatives: enhancing the downtown's role as the City center; creating a welcoming waterfront; managing parking in the downtown; and planning for complementary development and redevelopment of downtown properties through the enforcement and routine update of architectural and site design standards and guidelines. The City seeks to welcome new economic growth while preserving its historic and maritime heritage, to gain an improved parking system with new facilities that meet the needs of residents, workers and visitors throughout the year, even during peak demand periods; and to continue to be sensitive to the needs of residents and businesses as new changes are implemented to reinforce the downtown as the City's community core.

***Goal LU-2: Foster a downtown waterfront area that is welcoming to the community, respectful of the City's maritime heritage and complementary to the downtown's commercial core.***

A primary goal for the waterfront is to ensure that it is a welcoming place for the community and the Objectives and Actions presented seek to enforce this goal through the relocation of the public parking lots from the waterfront to more appropriate downtown locations, the provision of public amenities like bathroom facilities, visitor information areas, and park space, and the exploration of a water taxi to bring visitors to and from the waterfront. Creating a welcoming environment at the waterfront must go hand-in-hand with the preservation of the City's maritime history and respect of the current water-dependent uses. The Plan does not seek to eliminate the structures associated with Newburyport's maritime past nor replace any of the marine uses, yacht clubs, and other waterfront activities; this Goal is to ensure that any new public spaces and amenities coexist with the current water-dependent uses that provide an essential service to the community.

***Goal LU-3: Assess current downtown parking needs and responsibly plan for future parking demands.***

Parking in a downtown tends to be an issue in most communities. While there are several public parking lots located within the downtown, in addition to street parking along most major streets, there is a need to study the various parking requirements, future demands and continue to plan for them so that they will be adequately addressed. One major parking issue is the need to relocate hundreds of spaces from the waterfront lots to other, upland locations, including a new multimodal parking facility at Titcomb and Merrimac Streets. Another significant parking issue that must be addressed is the increased demand during downtown events. Satellite parking with shuttles to the downtown will alleviate the strain that these events put on the downtown parking system. Other Actions under this Goal include determining whether a "parking authority" is needed to streamline the paid parking system, amend zoning regulations to more easily allow and permit shared parking, and ensuring that there are public parking spaces dedicated for hybrid, electric and compact vehicles, as well as safe and secure bike parking facilities.

### *Goal LU-4: Preserve the character of the City's neighborhoods while encouraging a diverse housing stock.*

Input received during the Master Plan development process indicated that residents and local officials generally feel that the City's zoning is not always consistent with neighborhood character. This is particularly true in the downtown and the South End where redevelopment of structures tends to result in larger homes and buildings on small lots requiring dimensional relief from the Zoning Board of Appeals. The City's zoning requirements should focus on maintaining the existing character of its neighborhoods and should be revised to require that all development and redevelopment is consistent with the scale and character of each neighborhood by including architectural design standards and guidelines for compatibility. In addition, the Planning Board and Zoning Board of Appeals should consult with the Newburyport Historical Commission regarding the need for Preservation Restrictions when proposed development projects include historic structures or properties. Finally, completing Newburyport's inventory of historic places, structures, and objects is a critical next step to providing effective and legal protections to Newburyport's most sensitive historic assets.

### *Goal LU-5: Provide pedestrian, non-motorized and transit-friendly streetscapes in residential areas, including support for neighborhood amenities such as small retail establishments.*

As the housing market in Newburyport continues to grow, making residential development an attractive prospect, the City is slowly losing its traditional neighborhoods that have a mix of homes and neighborhood markets and amenities. The City is also seeing an increase in vehicles that add stress to the local streetscapes and often present a conflict between vehicular and non-vehicular traffic. The Actions that support this goal are focused on protecting the small, non-residential uses within the neighborhoods and promoting a safe, pedestrian-friendly environment that will enable residents to leave their cars parked and walk to the market or to the store. Removing curb cuts where possible, ensuring that sidewalks are safe and creating bicycle lanes where feasible all support this goal.

### *Goal LU-6: Enable new and expanded commercial and industrial use at the Business and Industrial Park to generate at least 15% of the city's property tax revenues.*

The City's Business and Industrial Park is Newburyport's principal area for industrial and office development. Today, several factors are thought to hinder development in the Park, including: insufficient local supply of skilled labor; obsolete building stock; inadequate infrastructure; and lack of promotion. Objectives and actions serving this Goal are meant to remove or surmount these constraints. They focus on adjusting the dimensional and parking regulations to allow greater height and flexibility for buildings to expand their operations. It is also recommended that the allowed uses in this area be modified to allow for commercial uses that provide support services to the Park, but not beyond. Such uses could include personal and professional services, dry cleaners and even small take-out style restaurants and similar retail establishments that can cater to the Park's work force. By modifying the dimensional regulations and amending the list of allowable uses, the City will be able to expand the area's tax revenue generation potential while ensuring that the Park's wetlands and environmentally-sensitive areas are protected and preserved.

***Goal LU-7: Preserve the existing variety of commercial uses while allowing new, complementary development and redevelopment along the Storey Avenue corridor that creates a safe, hospitable environment for pedestrians, cyclists and vehicles as they travel and access the properties along the corridor.***

The Objectives and Actions for Storey Avenue seek to shift this area from its exclusive focus on vehicles to make it more visually attractive, welcoming and accommodating to other modes of travel. The concept is to transform the Storey Avenue corridor into a mixed-use, walkable neighborhood by modifying current zoning and/or creating a new zoning district to promote this type of development. To accomplish a walkable, mixed-use neighborhood, dimensional requirements for lots and development should be changed, and supporting facilities, such as parking, driveways, and storm water systems, should be shared among the properties. New buildings should be located closer together and to the street, with fewer curb cuts, surface parking lots located behind and better non-automotive connections. Storey Avenue is ripe for reinvestment and growth. By providing incentives for mixed-use development, including the development of affordable housing, in this neighborhood, local employment opportunities and tax revenues will increase, and the City's housing stock can grow. This area may function much like the Smart Growth Overlay District and include an affordability component with residential development. Transforming the corridor into a walkable, bike-able, mixed-use neighborhood will also improve the area's appearance, preserve open space and reduce the impact on city infrastructure.

***Goal LU-8: Encourage appropriate redevelopment of the area around the Route 1 traffic circle into a mixed-use neighborhood centered on the MBTA train station and encompassing the characteristics of Transit Oriented Development ("TOD").***

The nearby train depot and the City's new Chapter 40R "Smart Growth" District provide a unique opportunity for owners around the Route 1 traffic circle to redevelop their properties for denser, mixed uses. This area has the potential to be a new, pedestrian- and transit-oriented neighborhood with a design and culture that is uniquely its own, complementary to the rest of the City. The Objectives and Actions listed for this neighborhood focus on this future to ensure appropriate density and design.

***Goal LU-9: Foster the use of the MBTA commuter rail station and the commuter/intercity I-95 bus terminal as a viable mode of transit for both Newburyport residents and visitors to the City.***

The Master Plan's vision of sustainability informs this Goal as the City works to encourage the reduced use of personal vehicles by both residents and visitors. Newburyport is fortunate in that there is a train within its borders that can shuttle people to and from Boston, whether for work purposes or for pleasure. While having a train station in the City is a positive thing, its location sandwiched between Route 1 and the Business and Industrial Park presents some challenges, especially located one mile from the downtown. The Actions to support this Goal focus on connecting the train station to the downtown through increased signage directing visitors to the rail trail that will take them directly downtown, exploring the establishment of a bike share and/or car share program, and working with the MBTA to allow overnight parking to encourage residents heading in to Boston to use the train for overnight trips. Newburyport also benefits from having a staffed commuter and intercity I-95 bus terminal adjacent to I-95 that is open 24 hours a day with frequent service to both Boston's South Station and Logan Airport. Both the rail and bus facilities lack appropriate integration with each other, with the downtown, and with the local Merrimack Valley Regional

Transit Authority (MVRTA) transit bus system. Improving and increasing maintenance of the Clipper City Rail Trail so that it is a viable way for people to access the train from other areas of the City may help integrate these travel options. Currently the City removes snow and ice from the trail in the winter; this year round maintenance should continue to be a priority.

***Goal LU-10: Preserve the character of the City's neighborhoods while facilitating the preservation of the City's housing stock within areas affected by FEMA special flood hazard zones.***

Erratic weather patterns, increasing storm intensity and frequency of flooding are issues that all coastal communities are facing. Storm resiliency – planning for these storm events – is something that Newburyport, especially with its barrier beach, Plum Island, needs to focus on in the immediate future. The Actions presented for this Goal will allow property owners to more easily make the modifications necessary to protect their homes and properties from storm events. It is important for the City to review its zoning regulations and allow property owners to make the adjustments necessary to protect their homes from future flood events. At the same time, the City must work with its regional partners in developing and instituting plans to protect public infrastructure from future catastrophic storm events.