



CITY OF NEWBURYPORT
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MEMORANDUM

TO: **Newburyport City Council**

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

CC: **Sean R. Reardon, Mayor**

RE: **District Mapping Options to Address Total Unit Capacity Required under “MBTA Communities”**

DATE: **April 17, 2024** *(updated to April 19, 2024)*

Update on Unit Capacity Calculations

Thank you to all Councilors who attended the April 16, 2024 Planning & Development (P&D) / Committee of the Whole (COTW) meeting. Our meeting was cut short due to overlap with a B&F meeting, but during this half hour we reviewed **the attached Unit Capacity Analysis representing the options Newburyport has to address total unit capacity requirements under “MBTA Communities” guidelines** issued by the Executive Office of Housing and Livable Communities (EOHLC). This table, and the corresponding maps in alphabetical order, are based on the preferred district mapping options contemplated at this time by the Zoning Advisory Group (ZAG), Planning Board (PB), and Council (through P&D/COTW), collectively. Please note that this most recent analysis and map set does not include any options in the Storey Ave/Low Street area as there appears to be little, if any, interest in satisfying “MBTA Communities” in this location. *(As a reminder, we also have another year to utilize the grant we obtained for study of new “village center” zoning in the Storey Ave/Low Street area.)*

I’ve also attached hereto the list of criteria we’ve discussed for the purposes of evaluating the relative pros and cons of each option. Individuals may rank/prioritize some of the criteria/goals differently, but the listed considerations may help to “inform” our selected option(s). Conversely, we should be able to articulate the rationale behind our final selection(s).

Since our 40R District provides much of the total “Unit Capacity” required by the state, each column in the table depicts the total buildout for each subarea *(see corresponding maps to see which parcels are included)*, and any difference we still need to make up after combining that option with the existing 40R District. In some cases, the bottom row will indicate that a given scenario “Exceeds” the minimum state requirement *(with the excess Unit Capacity so indicated)*, while others indicate a remaining “Gap” that still needs to be filled through some other option *(with the gap in Unit Capacity so indicated)*. As noted by the highlighted cells *(a few color-coded boxes)* we can “mix and match” with these district mapping options to reach the total minimum Unit Capacity required by the state. At this time, we are using the lower *(more conservative)* unit capacity numbers

as a “best practice” to leave some buffer for negotiating the final unit capacity during formal review by EOHLC. We anticipate further clarification from EOHLC along this spectrum during our follow-up consultation next week. In turn, this will help us to be more precise with the estimated unit capacities, rather than relying upon the potential “range” that EOHLC could interpret/apply here under MBTA Communities Guidelines and the requisite “compliance modeling.”

Advisory Guidance & Recommendations

Director of Planning & Development

In my view expanding the 40R District down Parker Street makes the most sense overall, but that debate is still open amongst the collective. I am not wedded to a particular district mapping option for Parker Street (*listed as options A through G in the spreadsheet*) and defer to any preference the Council may have along these lines. For example, each of the individual cells outlined with RED boxes indicates a Parker Street option which would in itself satisfy the remaining balance of unit capacity required by MBTA Communities, beyond that credit obtained from our existing 40R District.

My recommendation here is in the larger context of our other available options, collective input received to date on local preferences, and the various constraints we need to follow under MBTA Communities guidelines. While some may view new additional housing along Parker Street as a threat to existing industrial uses or tax base, I view it conversely – i.e. that housing in close proximity to both transit and a major employment center (*the larger business park – see attached map for scale and perspective*) will be mutually beneficial in the years/decades to come. Employers and employees will increasingly be looking for this adjacency. Added to my preference for the Parker Street option, expanding our existing 40R District (*in lieu of a new “Enpro” MBTA zoning district*), are the following considerations:

- I. Continuity of regulatory framework and consistency/reliability of state review and approval (*building off the existing 40R zoning*).
- II. Maintaining the 25% affordable housing threshold in the 40R District, and elsewhere as desired by the City. (*EOHLC Guidelines for MBTA Communities reduces this to 10%, possibly as high as 15% based on a pending Economic Feasibility Analysis or EFA, but in no case higher than 20% for any new MBTA District*)
- III. Keeping greater design and permitting control over the Enpro site, which is located closer to High Street and existing residential neighborhoods that may be considered more “sensitive” in that context (*i.e. discretionary permitting, unhindered design controls decoupled from MA EOHLC review, etc.*)
- IV. Facilitating residential redevelopment of the Enpro site is NOT dependent on MBTA zoning and can be accomplished far easier through local zoning changes if that is the goal.
- V. Discussion of a new zoning district and further development potential along a section of Low Street that has not been contemplated as such previously could result in prolonged debate over the underlying zoning parameters superimposed on this area, thereby impacting our ability to reach consensus on a full MBTA Communities package that can be submitted to the state for review and approval.

Having said all this, I do appreciate the concerns or hesitation expressed by others, who may prefer a different approach. Ultimately, we need to choose a method of compliance from the available options. As with all zoning changes, we should be aiming for appropriate land use patterns throughout the City (*i.e. where does it make sense to zone for more **as-of-right multifamily housing** – akin to the existing 40R Smart Growth District*) with sufficient consensus for Council approval of the corresponding zoning/map change(s).

Planning Board

The Planning Board met on April 17, 2024 to discuss the attached Unit Capacity spreadsheet and district mapping options. Coming out of this discussion, the Planning Board recommended proceeding with a mixture of district mapping options which would cumulatively satisfy the total unit capacity required by EOHLC. This option is depicted on the attached map entitled “Planning Board Consensus Plan.” This option includes the following district mapping elements:

1. **40R District** (*credit for existing zoning*)
2. **40R District Expansion over Hines Way** (*credit for existing development*)
3. **40R District Expansion over three lots** located westerly of 1 Boston Way, and on the south side of Parker Street (*across from 40 Parker Street*)
4. **New MBTA Communities zoning district identified as “Enpro v. 2”** (*spreadsheet option J*), based on the existing 40R Smart Growth District provisions, but modified and reduced to comply with MBTA Communities, or as otherwise desired, subject to maintaining said compliance)

In general, the rationale for this combination approach was to reduce encroachment of housing abutting the easterly end of the Business Park (*see attached map for overall scale and adjacency*), and to instead spread the new unit capacity over a larger area extending northerly along the Clipper City Rail Trail, using it as a connecting corridor or spine.

Zoning Advisory Group

The Zoning Advisory Group (ZAG) met on April 18, 2024 to discuss the attached Unit Capacity spreadsheet and district mapping options. ZAG members were also advised of the Planning Board recommendation noted above. Coming out of this discussion, ZAG consensus was that the best path forward at this juncture would be to forward the available options to the full City Council for consideration, with focus on two specific district mapping options, summarized as follows:

- A. “Planning Board Consensus Plan” (*described above and depicted on the first comparison map attached hereto*).
- B. “Zoning Advisory Group Consensus Plan” (*depicted on the second comparison map attached hereto, as an alternative to A, and including the 40R District, Hines Way and Option F from the spreadsheet consisting of a portion of the lots on Parker Street at a 30 unit/acre density*). Since the total unit capacity provided by this option is close to the minimum required by EOHLC (1,292), it was agreed that after further consultation with EOHLC, this option could/would be increased to 40 units/acre to the extent necessary to reach the minimum total, should EOHLC give less “credit” for unit capacity than anticipated at this time.

Next Step – Council Deliberation

I understand that this communication will be referred to P&D/COTW along with similar items related to “MBTA Communities.” I ask for additional time at the next available P&D meeting to further discuss these district mapping and unit capacity options with you, in order to reach adequate consensus for the preferred option(s) between the ZAG, PB and Council. As discussed previously, it is the Council which ultimately makes decisions about zoning – with the benefit of advisory input from others. If you are unable to attend and participate in these meetings, please reach out to me at your convenience to discuss the available options and any concerns or preferences you may have relative to compliance with MBTA Communities.

Thank you in advance.

City of Newburyport

MBTA Communities - District Mapping Criteria As of 4/4/24

Housing Production

- Create New Housing
- Maximize Affordable Housing Production
- Maximize Subsidized Housing Inventory
- Feasibility of Development (environment, likelihood of development, etc.)

Community Character

- Area Transformation (village form, sustainability, walkability, etc.)
- Suitability for Residential Use (livability for residents)
- Pleasant ,Walkable Environment

Non-Housing Goals & Objectives

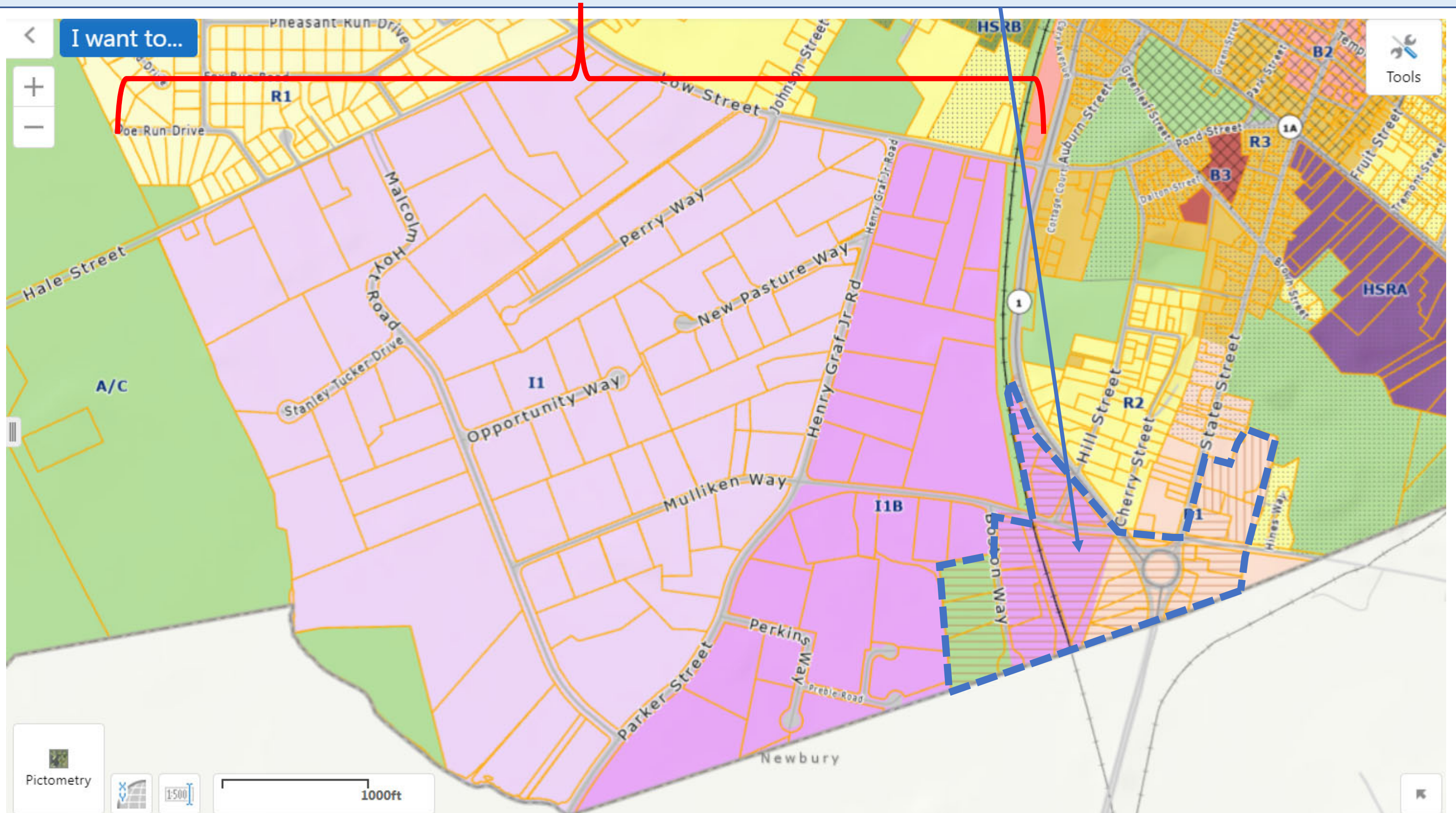
- Preserve Industrial Base / Desirable Uses
- Compliance with City Master Plan (long range plans)
- Proximity to Transit (MBTA & MeVa)

Legal/Mechanical Issues or Obstacles

- Likelihood of Approval by State

Other?

Newburyport Business Park & Adjacent 40R District



Planning Board Consensus Plan

April 17, 2024

1,312-1,450 units

ENPRO/LOW
30 units/acre
188-202 units

PARKER STREET
30 units/acre
187-232 units

HINES WAY
30 units/acre
75-86 units

EXISTING 40R SMART GROWTH DISTRICT
40 units/acre (+ 30 units/acre on State St)
862-930 units

400ft

ZAG Consensus Plan

April 18, 2024 1,241-1,360* units

PARKER STREET
30 units/acre
304-344* units

HINES WAY
30 units/acre
75-86 units

EXISTING 40R SMART GROWTH DISTRICT
40 units/acre (+ 30 units/acre on State St)
862-930 units

*Upper unit capacity estimated for Parker Street