

City of Newburyport, City Council
via City Clerk
60 Pleasant St.
Newburyport, MA 01950
4/25/2022

Department of Housing and Community Development
State of Massachusetts
100 Cambridge St., STE 300
Boston, MA 02114

To Whom It May Concern:

We understand that you are currently in the process of implementing the Housing Choice Initiative legislation that was recently passed. We also understand that you are currently in a feedback-collection phase relative to the regulations that you intend to promulgate. Understanding this context, ~~we the City Council of Newburyport would like to collectively provide~~wish to express some feedback and thoughts for your consideration:

- We understand the desire to drive housing production and the need to create more housing. The City of Newburyport has taken significant steps towards this goal (and the related goal of creating more affordable housing) in recent years with efforts such as our 40R district and the creation of an inclusionary zoning ordinance. ~~We hope that, in your efforts, you will recognize these and other steps the City of Newburyport has already taken.~~
- We are concerned about losing the opportunity to access grant funds as a result of non-compliance. Newburyport has made good-faith efforts towards the same exact goals that both the related legislation and regulations are intended to support. For example, the City of Newburyport utilized a previous *MassWorks* grant to rebuild a sewer lift-station which was in need of modernization and expansion to support further development inside and outside of our 40R. By disallowing access to these grants, the agency may actually be dissuading the development it seeks because it is unreasonable to expect governing bodies to create more by-right multi-family without the infrastructure to support it being first secured.
- We are concerned about the creation of any penalty for non-compliance with new regulations that you may promulgate. The accessibility of grants discussed above would be one aspect but penalizing the City for a new regulation that did not exist when Newburyport became an MBTA community is truly unfair. A core aspect of any zoning is grandfathering and should Newburyport be unable or unwilling to comply, our taxpayers should not be penalized.
- With respect to the potential requirements for multi-family zoning, we understand that a radius around our MBTA station is being utilized to drive other requirements. ~~Newburyport is unique because our~~Our MBTA station ~~is very close to a City sits at the~~ border ~~with~~between the City of

~~Newburyport and~~ the Town of ~~Newburyport~~Newbury. As such, ~~virtually approximately~~ half of the ~~square footage within the~~ radius called for is ~~actually in another this town community but~~ yet the City of Newburyport is expected to carry the full burden. ~~We would respectfully ask that you consider this specifically for Newburyport.~~We believe that we should only need comply to the apportioned amount of the radius that is actually in the City. Please see the attached image depicting this.

- ~~Establishing zoning policies as elected officials involves neighborhood considerations. Zoning is extremely challenging and some of the most difficult work that we do. In essence, talking about zoning is the same thing as neighborhoods.~~We feel that we are best equipped to understand the challenges and opportunities that exist. We also have the direct connection to the residents that we serve to establish policies that reflect collaboration and transparency towards meeting cohesive planning objectives~~that have to live with the both the positive and negative outcomes that may arise from zoning policy. In fact, City Councillors live in, near or frequent these neighborhoods so we see things that can't been seen from afar.~~Latitude should be afforded to communities rather than hard objective standards that may or may not be achievable ~~on the ground.~~
- We also ask that you recognize that multifamily housing and affordable housing are not directly or precisely the same thing. Giving developers the opportunity to build by-right multi-family is a substantial zoning ask. There are so many factors when making these types of zoning changes and those considerations are even more important when the protections and process offered by something like a special permit would not be in play.

In closing, we thank you for your consideration of these points and hope that they are helpful in shaping future public policy. We welcome further communication and look forward to continuing to work together in the best overall interest of those we represent.

Respectfully Submitted,

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CC: Mayor Sean Reardon, State Senator Diana DiZoglio, Representative James Kelcourse

Attachment A, radius around our Commuter Rail Station showing community split:



