

MBTA Communities in Boxford

March 16, 2024 | 9:00 – 10:30 a.m.



Welcome! Who Are We?

- Joe Hill – Boxford Housing Partnership – Moderating today's discussion
- Ross Povenmire – Town of Boxford Conservation & Planning Agent
- Ian Burns – Community & Economic Development Manager, Merrimack Valley Planning Commission
- Jerrard Whitten – Executive Director, Merrimack Valley Planning Commission



Merrimack Valley Planning Commission

- MVPC is a public agency tasked with supporting fifteen cities and towns in northeast Massachusetts
 - We assist with zoning, housing development, comprehensive planning, GIS mapping, economic development, transportation planning, environmental planning, and more
- The Town of Boxford received a grant to hire MVPC to help the town understand the law, its regulations, and Boxford's options for compliance
- MVPC did not write the law or the regulations—we help MBTA Communities in our region learn their options for compliance, but it is ultimately up to voters at town meeting to decide on that path.

Agenda

1. Background on MBTA Communities/3A Legislation Requirements
 1. What do the law and regulations say?
 2. What the requirements are in Boxford
 3. Pause for clarification and technical questions on the regulations
2. Example of a potential compliant district in Boxford
 1. Work to date with the Planning Board and Select Board
 2. Map of a potential district
 3. Zoning parameters that would be compliant in this district
 4. Questions about this potential district
3. General comments, feedback, concerns, and aspirations

Guiding Principles for Today's Discussion

- This session is two-way education
 - Residents will educate us on what Boxford needs
 - We will help residents understand what the requirements and options are
- Assume good intentions – we're all here to help this community make the best decision
- Be respectful – listen to understand, not to respond
- Speak up or step back (be mindful of sharing airtime with others).
- No technical expertise needed to participate. No question is bad or silly to ask.
- We want to hear all your questions, comments, and concerns. *During the presentation, we will open time for questions only. At the end, we will have plenty of time for general feedback and comments.*

Background: The Law & Regulations



History of MBTA Communities Legislation

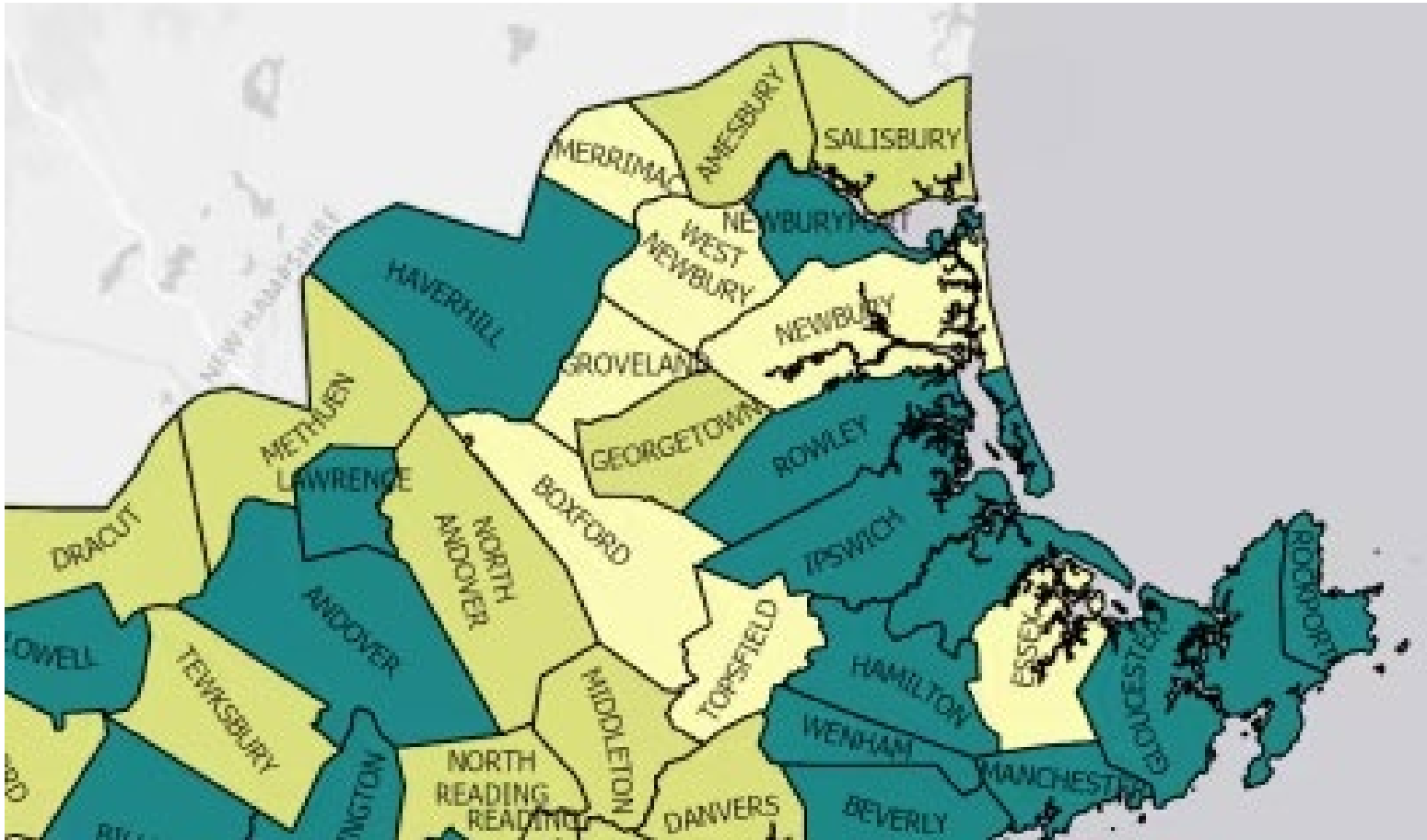
- The MBTA Communities Law was passed by the MA Legislature in 2021
 - The law applies to all cities & towns that have MBTA transit stops or are bordering communities with transit stops
 - Requires communities to change zoning regulations to allow *multi-family housing* by right in one or more zoning districts
 - Law requires the creation of a zoning district - **it is not a production mandate**



The Legislation





- Section 3A – MBTA communities must **zone** for multi-family housing
 - Zoning requirements to comply with the statute:
 - Multi-family housing is permitted as of right
 - No age restrictions or bedroom restrictions allowed
 - Minimum gross density of 15 units per acre
 - Within 0.5 miles of a commuter rail station, subway station, ferry terminal, or bus station*
 - *This requirement does not specifically apply to Boxford, which is an Adjacent Small Town

Merrimack Valley Region



MBTA Communities

Community Category

-  Rapid Transit
-  Commuter Rail
-  Adjacent Community
-  Adjacent Small Town

Boxford's Regulations – Adjacent Small Town

Adjacent Small Town Regulations:

1. The district must have a **potential zoning capacity** equal to 5% of the community's total housing stock
2. The zoning parameters must be able to theoretically accommodate 15 units per acre
3. There is no minimum land area requirement
4. The district may be located anywhere in the community

For Boxford, this means the district must have a **theoretical zoning capacity** of 141 units. There is **no** construction requirement as part of these regulations, only zoning.

What does this look like in each Merrimack Valley community?

Community	Community Type	Theoretical unit capacity	% District in Station Area	Community	Community Type	Theoretical unit capacity	% District in Station Area
Amesbury	AC	789	0%	Merrimac	AST	138	0%
Andover	CR	2,031	50%	Newbury	AST	154	0%
Boxford	AST	141	0%	Newburyport	CR	1,292	20%
Georgetown	AC	750	0%	N. Andover	AC	1,191	0%
Groveland	AST	130	0%	Rowley	CR	601	20%
Haverhill	CR	4,189	50%	Salisbury	AC	750	0%
Lawrence	CR	4,501	40%	W. Newbury	AST	87	0%
Methuen	AC	2,019	0%				

AC = Adjacent Community | AST = Adjacent Small Town | CR = Commuter Rail

How does this work with no public water or sewer?

- Boxford only needs to create zoning, the town does not need to ensure there is the necessary infrastructure to support a development
- If a developer looks at building under the zoning, they may find it is infeasible to build a development given the infrastructure constraints. Per the regulations, it is ok if nothing actually gets built, or if what is built is less than what the zoning may allow.
- *“While the zoning must allow for gross average density of at least 15 units per acre, there may be other legal or practical limitations, including lack of infrastructure or infrastructure capacity, that result in actual housing production at lower density than the zoning allows. The multi-family unit capacity analysis does not need to take into consideration limitations on development resulting from existing water or wastewater infrastructure within the multi-family zoning district” - Section 3A Compliance Guidelines*

Environmental Protections

- If a development is ever proposed, Any state or federal laws pertaining to environmental protections will still be applied within the zoning district.

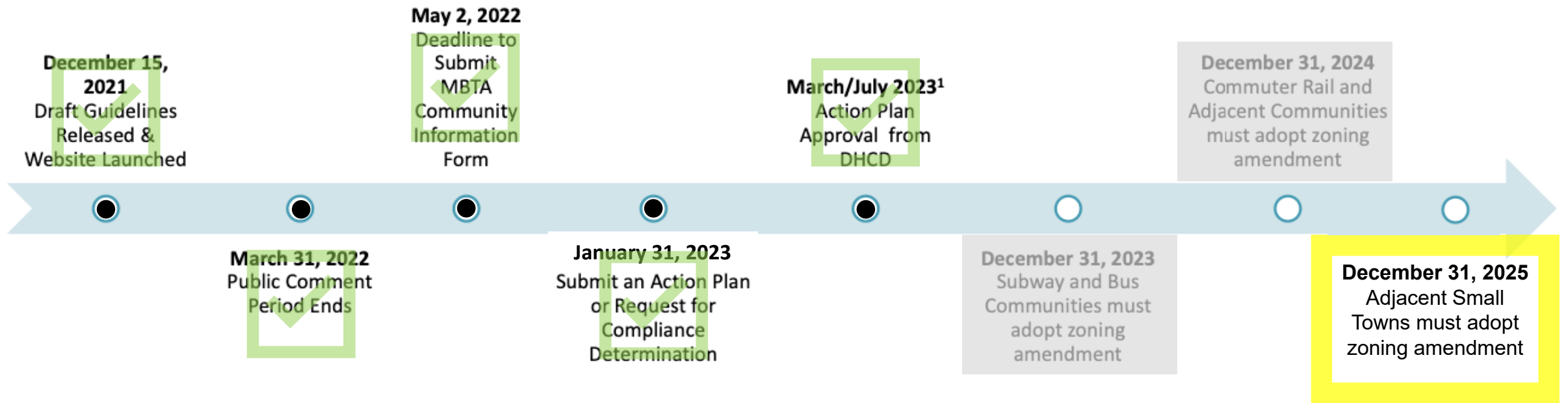
Examples of these site constraint considerations include:

- Title 5 Septic Restrictions
- Wetlands Protections
- Utility and infrastructure capacity
- Stormwater management
- Endangered species

What Happens If We Don't Comply?

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

Timeline for Implementation



Clarification Questions

Potential Zoning District in Boxford

Work to Date

- MVPC has met with the Boxford Select Board and Planning Board to discuss the regulations
- After discussions with these boards and town staff, we began looking at an area of town bordering Haverhill and North Andover as a potential spot for this zoning
- This is a preliminary analysis and discussion, meant to show how Boxford can reach compliance. We will need feedback on this proposal, and are also open to discussing other areas of town if residents have any suggestions
- Nothing at this point is final

How do we Calculate Compliance?

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

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

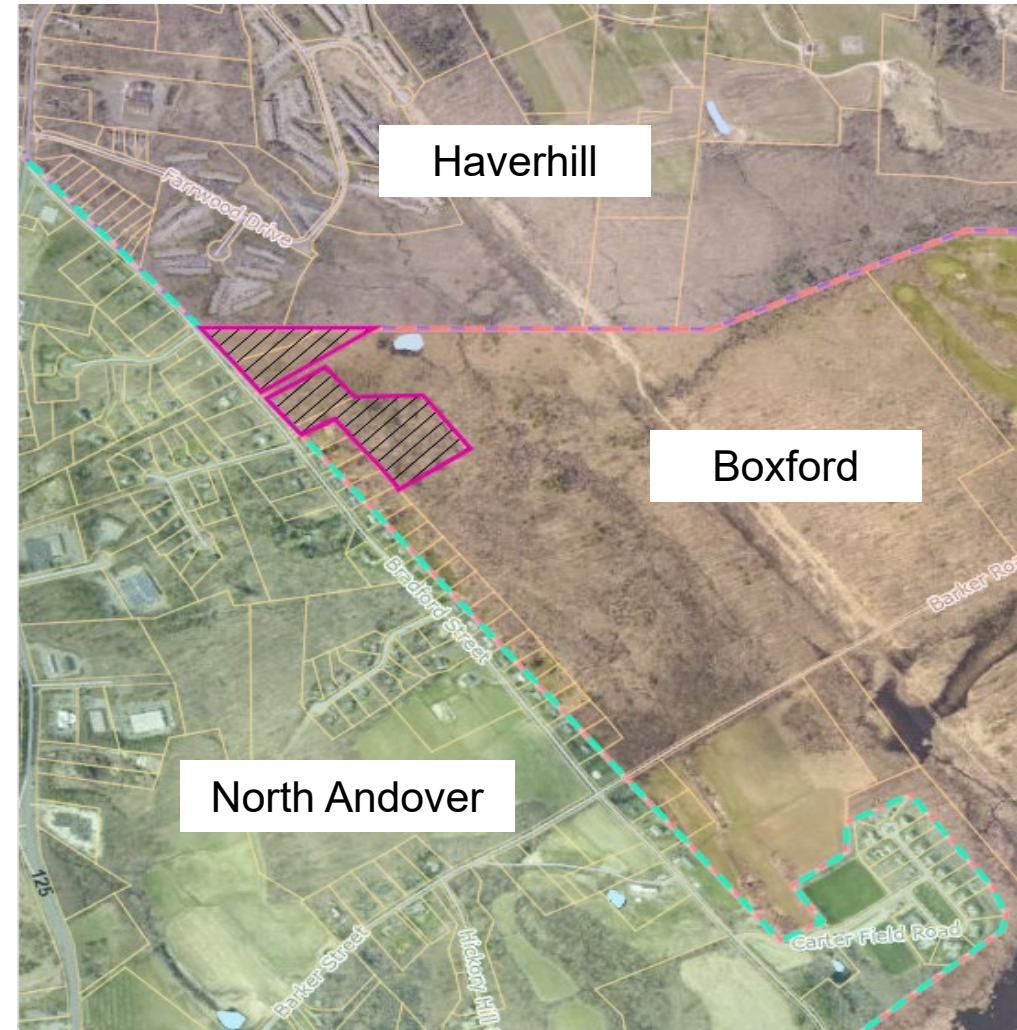
This is NOT a build out analysis, only a zoning analysis

Potential District Options for Compliance

Bradford Street District

13.97 Acres

- Location in town that is closest to MBTA access (Bradford Station)
- Abutting other multifamily housing
- Potential for infrastructure hookups in Haverhill
- Additional traffic generation would mostly concentrate towards Rt. 125 and 495, not cutting through town



Potential District Options for Compliance

Bradford Street District
13.97 Acres

Minimum Lot Size: 85,000 sqft

Max Building Height: 2 Stories

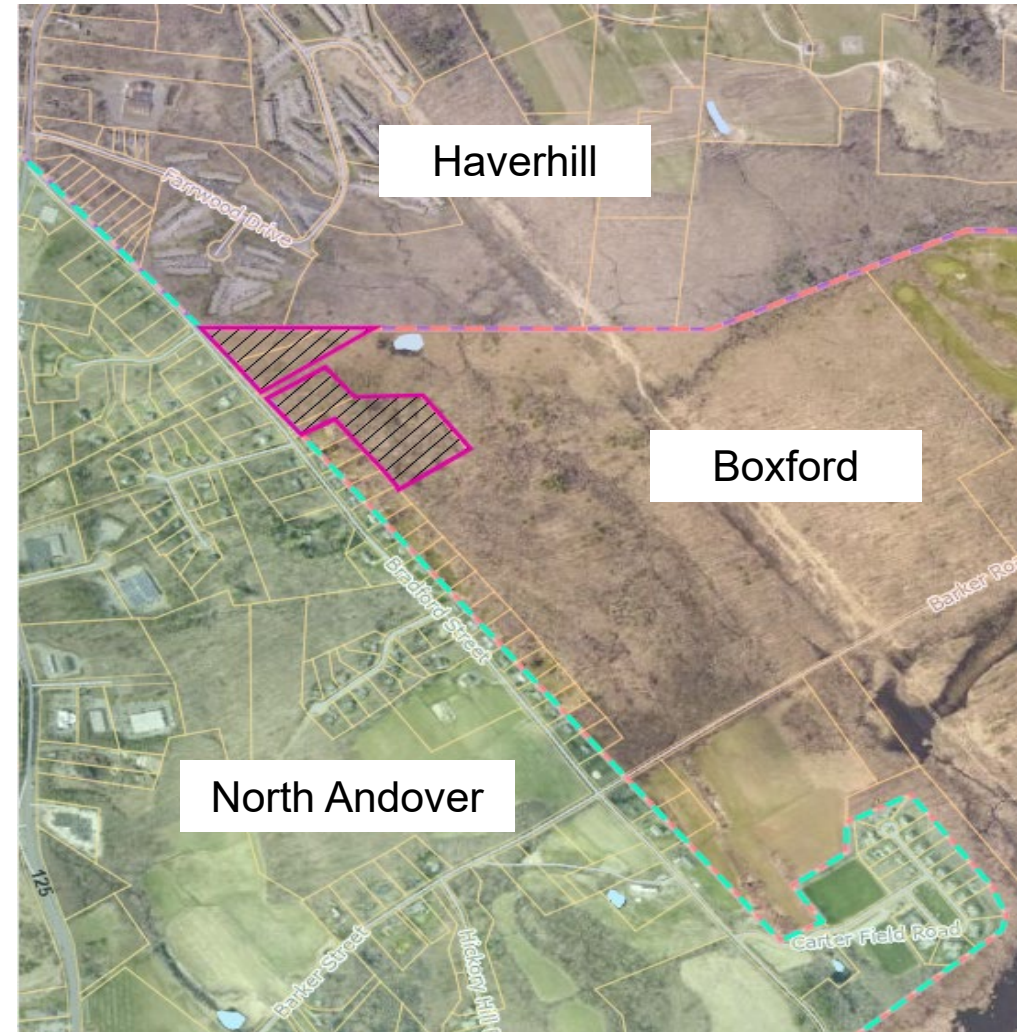
Setbacks: 50ft front yard, 25ft side/rear

Max building coverage: 25%

Minimum Open Space: 45%

Parking: 1.5 spaces per unit minimum

With these zoning parameters, Boxford would be in compliance



Questions About this Example

What Comes Next?

- This is not the last time there will be a public meeting on this topic
- The Town and MVPC want your feedback so we can know how to approach future steps and discussions
- If there are ideas for other areas of town to consider, we can analyze the area's potential for compliance
- Ultimately, the goal is to bring a zoning article to **town meeting in 2025** for voters to decide on
- As this is a zoning amendment, it will go through the same public hearing process as all other zoning amendments prior to being placed on the Town Meeting Warrant

General Comments and Feedback

Thank You!

