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West Newbury to vote on MBTA housing bylaw

By Lisa Rinaldi | Correspondent

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WEST NEWBURY — Local voters will be facing a thorny decision on the controversial issue of a proposed MBTA Communities bylaw. On April 28, town residents will determine if they will comply with the recently added Section 3A of the state's zoning act.

The amendment requires MBTA communities to adopt a zoning district bylaw that encourages production of multifamily housing.

For West Newbury, which has been designated an MBTA-adjacent small town, the final MBTA Communities guidelines require the town to create one or more multifamily zoning districts, which would include the development of at least 87 housing units. Due to Title 5 septic constraints, however, the actual maximum number of required housing units is closer to 30 to 40.

The bylaw does not require the actual production of housing units. It mandates zoning that allows property owners in MBTA-designated communities the option to construct multifamily housing without special permits. The zoning does not need to be on vacant lots; sites that have already been developed may be considered for eligibility.

Many of the MBTA-designated cities and towns in the state have already voted affirmatively to comply with the act, citing significant possible consequences for noncompliance.

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Municipalities that do not comply will likely lose access to substantial grant funding, including the Local Capital Projects Fund and the MassWorks Infrastructure Program. Noncompliant communities may also face legal action from the state.

“There’s a lot we don’t know,” West Newbury Town Manager Angus Jennings said. “It’s hard to say how much money is at stake and how far the state will go if a town is noncompliant.”

After considering a number of possible sites, the Planning Board narrowed the choices to two properties: one at the Dunn site at 341 Main St. and the other at the former Knapp’s Greenhouses.

Ultimately, the Planning Board proposed that a new multifamily overlay district be added to the town’s zoning map on the Knapp property at 187 Main St. Developer John Sarkis has a purchase-and-sale agreement on the Knapp property, and has indicated that he intends to develop the site regardless of the April 28 vote’s outcome.

At an April 8 meeting, Sarkis provided details regarding the design of the property based on three possible plans: a conventional subdivision; an open space recreational development; and the MBTA plan, which he described as his preferred option for the

parcel.

Under the provisions of the MBTA Overlay District, the Planning and Select boards would have input on design and construction through a site plan review, which they would then “approve as submitted” or “approve with conditions.”

Because the proposed MBTA plan does not require special permitting, the process of developing the property would move more quickly; Sarkis estimates a 2- to 2½-year timetable for the buildout.

Under the MBTA plan, Sarkis described a cul-de-sac design with about 32 units. He indicated that the units would be of a style and architecture that is in keeping with the rest of the town. The development would be set back more than 200 feet from Main Street, behind a building designed to look like a traditional farmhouse.

Residents at the April 8 meeting and a public forum held by the Planning Board on April 15 raised concerns about possible water and drainage effects on abutters, as well as traffic impacts and school enrollment increases.

Studies already have indicated that the town’s water supply and fire flows would not be negatively affected, according to Sarkis and the Planning Board.

Likewise, the Planning Board’s chair stated that school enrollment in West Newbury and at Pentucket Regional Middle/High School would not be significantly affected by the development at the Knapp site. If the project is approved, water drainage studies would be required under the town’s stormwater bylaw.



“There should be no discernible impacts on neighbors,” Angus Jennings said. Abutters of the Knapp property are particularly concerned about drainage and traffic issues, and a question was posed by participants at the public forum on the possibility of rejecting the proposed bylaw April 28 and then reconsidering an already-developed property instead.

Select Board Chair Wendy Reed said if the vote fails, the board would consider other options but she hopes the town will not have to go down that path.

“It’s pretty challenging,” Reed said. “But I believe it’s in the best interest of the town to comply as best we can.”

While Reed understands the community’s concerns, she worries that some voters may not fully appreciate the possible consequences of noncompliance.

“I hope that clearer minds will prevail. I hope that the vote will pass and that this will ultimately be good for the town,” Reed said.





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