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**MOTION FOR PETITION AUDIT ARTICLE, 2014 ANNUAL
TOWN MEETING**

ARTICLE # 7:

I move that the Town vote to amend the Bylaws for the Town of Southampton, Article VI, General Government, by deleting the text of Sec. 3 and inserting in its place the following: "The Town shall, each fiscal year, fund through taxation and hire an independent third party accounting firm to perform an annual audit of the financial records of the Town and to report its findings to the Town; such report to be made public within thirty (30) days of its completion."

Solar Electric Generating Facilities

A. Purpose

The purpose of this bylaw is to facilitate the creation of new Large-Scale Ground-Mounted Solar Electric Installations by providing standards for the placement, design, construction, operation, monitoring, modification and removal of such installations that address public safety, minimize impacts on environmental, scenic, natural and historic resources and to provide adequate financial assurance for the eventual decommissioning of such installations.

(1) Applicability – The provisions set forth in this section shall apply to the construction, operation, repair and/or removal of Small and Large-Scale Ground-Mounted Solar Electric Installations as defined as follows:

- (i) Small scale (10 kW or less) roof-mounted solar electric installations on an existing residential or non-residential use are allowed by-right and do not need to comply with this section, but require a building permit and must comply with all applicable local, state and federal requirements, including but not limited to all applicable safety, construction, electrical, and communications requirements and other applicable provisions of Southampton's Zoning Bylaws.
- (ii) Small scale (10 kW or less) ground-mounted solar electric installations on existing residential or non-residential parcels are allowed by-right but require site plan review by the Southampton Planning Board as outlined in Section C of this By Law. No building permit shall be issued for a small scale ground-mounted solar electric installation until the site plan review process is completed. Small scale ground-mounted solar electric installations shall comply with all applicable local, state and federal including but not limited to all applicable safety, construction, electrical, and communications requirements and other applicable provisions of Southampton's Zoning Bylaws.
- (iii) Large-Scale (10kw to 500 kW) Ground-Mounted Solar Electric Installations that occupy no more than 2 acres of land proposed to be constructed in the Residential Rural (R-R), Commercial Highway (C-H) or Industrial Park (I-P) Zoning Districts are allowed by right but are subject to Site Plan Approval and the requirements of Section C of this By Law.
- (iv) Large-Scale (greater than 500 kw) Ground-Mounted Solar Electric Installations which require a Special Permit (as defined by Section X and XI of the Zoning Code) from the Planning Board and Site Plan Approval (in accordance with this by-law) from the Planning Board are as follows:
 - (a) An installation larger than 500 kW; or
 - (b) An installation occupying more than 2 acres of land on one or more adjacent parcels in common ownership (including those separated by a roadway) allowed by-right in the Residential Rural (R-R),

Commercial Highway (C-H) or Industrial Park (I-P) Zoning Districts.

This section also pertains to physical modifications that materially alter the type, configuration, or size of Large-Scale Ground-Mounted Solar Electric installations or related equipment. All buildings and fixtures forming part of a solar electric installation shall be constructed in accordance with the Massachusetts State Building Code.

B. General Requirements for all Large Scale Solar Ground-Mounted Solar Electric Installations

The following requirements are common to all Large-Scale Ground-Mounted Solar Electric installations.

(1) Compliance with Laws and Regulations

The construction and operation of all Large-Scale Ground-Mounted Solar Electric Installations shall be consistent with all applicable local, state and federal requirements, including but not limited to all applicable safety, construction, electrical, and communications requirements. All buildings and fixtures forming part of a solar electric installation shall be constructed in accordance with the Massachusetts State Building Code.

(2) Building Permit and Building Inspection

No Large-Scale Ground-Mounted Solar Electric Installations shall be constructed, installed or modified as provided in this section without first obtaining a building permit and paying any required fees.

C. Site Plan Review

(1) Small-Scale Ground-Mounted Solar Electric Installations as defined by Section A(1)(ii) of this by law shall undergo Site Plan Review by the Planning Board prior to construction, installation or modification as provided in this section.

(A) General

All plans and maps shall be prepared, stamped and signed by a Professional Engineer licensed to practice in Massachusetts.

(B) Required Documents

The project proponent shall provide the following documents as part of a complete application for Site Plan Review:

(1) A site plan showing:

- i. Property lines, map and lot from the Assessor's records, and physical features and setbacks for the project site;
- ii. Proposed changes to the landscape of the site, grading, vegetation clearing and planting, exterior lighting, screening vegetation or structures including their height and placement of system;
- iii. Locations of wetlands and Priority Habitat Areas defined by the Natural Heritage & Endangered Species Program (NHESP)
- iv. Locations of Floodplain area;

- v. Name, address, and contact information for proposed system installer;
- vi. Name, address, phone number and signature of the project proponent, as well as all co-proponents or property owners, if any;
- vii. The name, contact information and signature of any agents representing the project proponent;
- viii. A properly completed and executed application and application fee.
- ix. Proof of Notification of abutters within 300-feet of subject land parcel

D. Site Plan Approval

(1) Large-Scale Ground-Mounted Solar Electric Installations as defined by Section A(1)(iii) and A(1)(iv) of this by law shall undergo Special permit and Site Plan Approval by the Planning Board prior to construction, installation or modification as provided in this section.

(A) General

All plans and maps shall be prepared, stamped and signed by a Professional Engineer licensed to practice in Massachusetts.

(B) Required Documents

The project proponent shall provide the following documents as part of a complete application for Site Plan Approval:

(1) Site plan documents showing:

- i. Existing Conditions Plan, showing property lines, map and lot from the Assessor's records, and physical features, including roads and topography, for the entire project site signed and sealed by a Registered Massachusetts Land Surveyor;
- ii. Site Plan showing proposed changes to the landscape of the site, grading, vegetation clearing and planting, exterior lighting, screening vegetation or structures including their height and placement of system signed and sealed by a Registered Massachusetts Professional Engineer;
- iii. Locations of wetlands and Priority Habitat Areas defined by the Natural Heritage & Endangered Species Program (NHESP)
- iv. Locations of Floodplain area;
- v. An estimate of earthwork operations listing the amount of soil material to be imported or exported from the site.
- vi. Blueprints or drawings of the solar electric installation signed by a Professional Engineer licensed to practice in the Commonwealth of Massachusetts showing the proposed layout of the system and any potential shading from nearby structures;
- vii. A copy of an Interconnection Application filed with the utility including a one or three line electrical diagram detailing the solar electric installation, associated components, and electrical interconnection methods, with all National Electrical Code

- compliant disconnects and overcurrent devices;
- viii. Documentation of the major system components to be used, including the electric generating components, transmission systems, mounting system, inverter, etc;
- ix. Documentation by an acoustical engineer of the noise levels projected to be generated by the installation;
- x. Name, address, and contact information for proposed system installer;
- xi. Name, address, phone number and signature of the project proponent, as well as all co-proponents or property owners, if any;
- xii. The name, contact information and signature of any agents representing the project proponent; and
- xii. Documentation of actual or prospective access and control of the project site;
- xiii. Existing isolated trees 6" caliper or larger and shrubs.
- xiv. A properly completed and executed application and application fee.
- xv. Proof of Notification of abutters within 300-feet of subject land parcel in accordance with Planning Board Policies and Procedures

- (2) An operation and maintenance plan for solar installation;
- (3) Zoning district designation for the parcel(s) of land comprising the project site (submission of a copy of a zoning map with the parcel(s) identified is suitable for this purpose);
- (4) Proof of liability insurance; and
- (5) Description of financial surety for decommissioning

(C) Site Control

The project proponent shall submit documentation of actual or prospective access and control of the project site sufficient to allow for construction and operation of the proposed solar electric installation.

(D) Operation & Maintenance Plan

The project proponent shall submit a plan for the operation and maintenance of the Large- Scale Ground-Mounted Solar Electric Installation, which shall include measures for maintaining safe access to the installation, storm water and vegetation controls, and general procedures for operational maintenance of the installation.

(E) Utility Notification

No Large-Scale Ground-Mounted Solar Electric Installation shall be constructed until evidence has been given to the Planning Board that the utility company that operates the electrical grid where the installation is to be located has been informed of the solar electric installation owner or operator's intent to install an interconnected facility and acknowledges receipt of such notification. Off-grid systems shall be exempt from this requirement.

(F) Dimension and Height Requirements

- (1) Setbacks For Large-Scale Ground-Mounted Solar Electric Installations, front, side and rear setbacks shall be as follows:

- (a) Front yard: The front yard depth shall not be less than 50-feet.
- (b) Side yard. Each side yard shall have a depth of at least 35 feet.
- (c) Rear yard. The rear yard depth shall not be less than 35 feet.

The required setback areas should not be included in the 2 acre maximum calculation for By-Right solar electric installations.

(2) Appurtenant Structures

All appurtenant structures to Large-Scale Ground-Mounted Solar Electric Installations shall be subject to regulations concerning the bulk and height of structures, lot area, and setbacks as specified with the appropriate section of the Southampton Zoning Code, open space, parking and building coverage requirements. All such appurtenant structures, including but not limited to, equipment shelters, storage facilities, transformers, and substations, shall be architecturally compatible with each other. Whenever reasonable, structures should be screened from view by vegetation and/or joined or clustered to avoid adverse visual impacts.

(3) Height of Structures

The height of any structure associated with a Large-Scale Ground-Mounted Solar Electric Installation shall not exceed 35 feet.

(G) Design and Performance Standards

(1) Lighting

Lighting of solar electric installations shall be consistent with local, state and federal law. Lighting of other parts of the installation, such as appurtenant structures, shall be limited to that required for safety and operational purposes, and shall be reasonably shielded from abutting properties. Lighting of the solar electric installation shall be directed downward and shall incorporate full cut-off fixtures to reduce light pollution. Signs on Large-Scale Ground-Mounted Solar Electric Installations shall comply with Southampton's sign bylaw. A sign consistent with Southampton's sign bylaw shall be required to identify the owner and provide a 24-hour emergency contact phone number.

(2) Signage

Solar electric installations shall not be used for displaying any advertising signage except for reasonable identification of the manufacturer or operator of the solar electric installation.

(3) Utility Connections

Reasonable efforts, as determined by the Planning Board, shall be made to place all utility connections from the solar electric installation underground, depending on appropriate soil conditions, shape, and topography of the site and any requirements of the utility provider. Electrical transformers for utility interconnections may be above ground if required by the utility provider.

(4) Roads

Access roads shall be constructed to minimize grading, removal of stone walls or trees and minimize impacts to environmental or historic resources.

(5) Control of Vegetation

Herbicides may not be used to control vegetation at the solar electric installation. Mowing, grazing or using geotextile materials underneath the solar array are possible alternatives.

(6) Hazardous Materials

Hazardous materials stored, used, or generated on site shall not exceed the amount for a Very Small Quantity Generator of Hazardous Waste as defined by the DEP pursuant to MassDEP regulations 310 CMR 30.000 and shall meet all requirements of the DEP including storage of hazardous materials in a building with an impervious floor that is not adjacent to any floor drains to prevent discharge to the outdoor environment. If hazardous materials are utilized within the solar electric equipment then impervious containment areas capable of controlling any release to the environment and to prevent potential contamination of groundwater are required.

(7) Noise

Noise generated by Large-Scale Ground-Mounted Solar Electric Installations and associated equipment and machinery shall conform to applicable state and local noise regulations, including the DEP's Division of Air Quality noise regulations, 310 CMR 7.10. A source of sound will be considered in violation of said regulations if the source:

- a. increases the broadband sound level by more than 10 db(A) above ambient;
or
- b. produces a "pure tone" condition, when an octave band center frequency sound pressure level exceeds the two (2) adjacent center frequency sound pressure levels by three (3) decibels or more.

Said criteria are measured both at the property line and at the nearest inhabited residence. "Ambient" is defined as the background A-weighted sound level that is exceeded 90% of the time measured during equipment hours, unless established by other means with the consent of the DEP.

(8) Impact on Agricultural and Environmentally Sensitive Land

The facility shall be designed to minimize impacts to agricultural and environmentally sensitive land and to be compatible with continued agricultural use of the land whenever possible. No more than 50-percent of the total land area proposed for the solar electric field may be occupied by the solar panels, with the remainder of the land remaining as undeveloped open space left in its natural state.

(9) Drainage

The design shall minimize the use of concrete and other impervious materials to the greatest extent possible, and to minimize erosion and transport of sediment. A permit in accordance with the Southampton Erosion and Sediment Control for Stormwater Management shall be required and can be run concurrent with the approval process under this section.

(10) Screening

Large-Scale Ground-Mounted Solar Electric Installations shall be screened from view by a minimum fifteen (15) foot wide staggered and grouped planting of shrubs and small trees. Such plantings shall use native plants and a mix of deciduous and evergreen species and may be located within the setback area.

(H) Safety and Environmental Standards

(1) Emergency Services

The Large-Scale Ground-Mounted Solar Electric Installations owner or operator shall provide a copy of the project summary, electrical schematic, and site plan to the local Fire Chief. Upon request the owner or operator shall cooperate with local emergency services in developing an emergency response plan. All means of shutting down the solar electric installation shall be clearly marked. The owner or operator shall identify a responsible person for public inquiries throughout the life of the installation.

(2) Land Clearing, Soil Erosion and Habitat Impacts

Clearing of natural vegetation shall be limited to what is necessary for the construction, operation and maintenance of the Large-Scale Ground-Mounted Solar Electric Installation or otherwise prescribed by applicable laws, regulations, and bylaws. Such installations shall not occur on any slopes greater than 15% in order to minimize erosion. No more than 50% of the land parcel utilized for solar installations shall be contain land requiring clearing of forest.

(3) No topsoil shall be removed from the land parcel under consideration for Large Scale Solar Installations. If earthworks operations are required, topsoil shall be stockpiled within the property bounds and protected against erosion until such time earthwork operations are completed and topsoil can be re-spread over parcel. Earthworks shall be planned to limit export of soil material (non-topsoil) to 1000 cubic yards per acre affected by installation. A detailed earthworks estimate is a required submittal component proving this quantity is maintained.

(I) Monitoring, Maintenance and Reporting

(1) Solar Electric Installation Conditions

The Large-Scale Ground-Mounted Solar Electric Installation owner or operator shall maintain the facility in good condition. Maintenance shall include, but not be limited to, painting, structural repairs, and integrity of security measures. Site access shall be maintained to a level acceptable to the local Fire Chief and Emergency Management Director. The owner or operator shall be responsible for the cost of maintaining the solar electric installation and any access road(s).

(2) Modifications

All material modifications to a solar electric installation made after issuance of the required building permit shall require approval by the Planning Board.

(3) Annual Reporting

The owner or operator of the installation shall submit an Annual Report which certifies compliance with the requirements of this bylaw and their approved site plan including control of vegetation, noise standards, erosion control Stormwater management and adequacy of road access. The Annual Report shall also provide information on the maintenance completed during the course of the year and the amount of electricity generated by the facility. The Annual Report shall be submitted to the Select Board, Planning Board, Fire Chief, Emergency Management Director, Building Inspector, Board of Health and Conservation Commission (if Wetlands Permit was issued) no later than 45 days after the end of the calendar year.

(J) Abandonment or Decommissioning

(1) Removal Requirements

Any large-scale ground-mounted solar electric installation which has reached the end of its useful life or has been abandoned shall be removed. The owner or operator shall physically remove the installation within 150 days of abandonment or the proposed date of decommissioning, or the town retains the right, after the receipt of an appropriate court order, to enter and remove an abandoned, hazardous or decommissioned Large-Scale Ground-Mounted Solar Electric Generating Installation. As a condition of Site Plan or Special Permit approval, an applicant shall agree to allow the Town entry to remove an abandoned or decommissioned installation. Reimbursement for removal shall be obtained from the financial surety posted by the Applicant as part of the Special Permit issuance. The owner or operator shall notify the Planning Board by certified mail of the proposed date of discontinued operations and plans for removal. Decommissioning shall consist of:

- (a) Physical removal of all Large-Scale Ground-Mounted Solar Electric Installations, structures, equipment, building, security barriers and transmission lines from the site, including any materials used to limit vegetation.
- (b) Disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations.
- (c) Stabilization or re-vegetation of the site as necessary to minimize

erosion. The Planning Board may allow the owner or operator to leave landscaping or designated below-grade foundations in order to minimize erosion and disruption to vegetation.

(2) Abandonment

Absent notice of a proposed date of decommissioning or written notice of extenuating circumstances, the solar electric installation shall be considered abandoned when it fails to operate for more than one year without the written consent of the Planning Board. If the owner or operator of the Large-Scale Ground-Mounted Solar Electric Installation fails to remove the installation in accordance with the requirements of this section within 150 days of abandonment or the proposed date of decommissioning, the Town may enter the property and physically remove the installation.

(3) Financial Surety

Proponents of Large-Scale Ground-Mounted Solar Electric Installations shall provide a form of surety, either through escrow account, bond or other form of surety approved by the Planning Board to cover the cost of removal in the event the Town must remove the installation and remediate the landscape, in an amount and form determined to be reasonable by the Planning Board, but in no event to exceed more than 125 percent of the cost of removal and compliance with the additional requirements set forth herein, as determined by the project proponent and the Town. Such surety will not be required for municipal or state-owned facilities. The project proponent shall submit a fully inclusive estimate of the costs associated with removal, prepared by a qualified engineer. The amount shall include a mechanism for calculating increased removal costs due to inflation.

END OF SECTION

Schedule of Departmental Payments to Treasurer

[illegible]

Date: _____

Draft Inclusionary Zoning Bylaw

01.0 Purpose and Intent

The purpose of this bylaw is to:

- expand housing opportunities
- promote economic diversity in our community, and
- include affordable housing in typical market-rate and high-end housing development

At minimum, affordable housing produced through this regulation should be in compliance with the requirements set forth in G.L. c. 40B sect. 20-24 and other affordable housing programs developed by state, county and local governments. It is intended that the affordable housing units that result from this bylaw be considered as Local Initiative Program (LIP) Units, in compliance with the requirements for the same as specified by the Department of Housing and Community Development. Definitions for affordable housing unit and eligible household can be found in the Definitions Section.

02.0 Definitions

Affordable Units: Housing units which the Planning Board finds are affordable for rent or purchase by eligible households making 80% of the median household income for Springfield Median Household Income as calculated by the U.S. Department of Housing and Urban Development, with adjustments for family size, provided that there are deed restrictions, easements, covenants or other mechanisms to ensure that the units are affordable in perpetuity.

Affordable Housing Restriction: A deed restriction of Affordable Housing meeting statutory requirements in MGL c. 184, § 31, and the requirements of this bylaw.

Eligible Household: An individual or household whose annual income is less than 80% of the area-wide median income as determined by the United States Department of Housing and Urban Development (HUD), adjusted for household size, with income computed using HUD's rules for attribution of income to assets.

Inclusionary Housing Plan: A document that outlines and specifies the development's compliance with each of the applicable requirements of this Bylaw as part of the approval of a development project.

Income, Low or Moderate: A combined household income which is less or equal to 80% of median income or any other limit established under MGL c. 40B, its regulations or any amendment thereto.

Income, Median Household: The median income, adjusted for household size, for the Springfield Metropolitan Statistical Area published by or calculated from regulations promulgated by the United States Department of Housing and Urban Development, pursuant to Section 8 of the Housing Act of 1937, as amended by the Housing and Community Development Act of 1974, or any successor federal or state program.

03.0 Applicability

1. In Rural Residential (RR), Residential Neighborhood (RN), Residential Village (RV) and Commercial Village (CV), the inclusionary zoning provisions of this bylaw shall apply to the following uses:
 - a) Any project that results in a net increase of ten (10) or more dwelling units, whether by new construction or by the alteration, expansion, reconstruction, or change of existing residential or non-residential space; and
 - b) Any subdivision of land, either by filing a plan for the subdivision of land or the filing of a so-called approval not required plan, for development of ten (10) or more dwelling units; and
 - c) Any life care facility or any elderly persons and/or handicapped persons housing development that includes ten (10) or more dwelling units and accompanying services.
 - d) This bylaw further stipulates that the project shall not be segmented or phased to avoid compliance with the provision of this bylaw either by filing a plan for the subdivision of land or the filing of a so-called approval not required plan (ANR) or by any other means. ANR filed under the same ownership within five years will be considered as under the provision of this bylaw. A development that occurs on adjacent parcels under common ownership shall be considered one development.
 - e) Cluster developments shall be exempt from the requirements of this by-law.
2. The Southampton Housing Authority and the Southampton Planning Board shall jointly review to completion any application found to be under the jurisdiction of this by-law.

04.0 Requirements

1. Affordable Housing Contribution: All new residential development outlined in section 3.0 shall contribute at least ten (10) percent of the total number of units for affordable housing. Calculation of the number of total affordable units shall, if the required percent of the total results in a fraction, be rounded up to the next whole number where the fractional portion is equal to 0.5 or greater, and shall be rounded down to the next whole number where the fractional portion is less than 0.5.

2. Methods of Affordable Housing Contribution: While the construction of an affordable unit is the preferred method of affordable housing contribution, the applicant may offer, and the Planning Board may accept the following methods of affordable housing contribution in accordance with the provisions outlined by this bylaw:
 - a) constructed or rehabilitated onsite (see Section 05.0); or
 - b) constructed or rehabilitated off-site (see Section 06.0); or
 - c) an equivalent fees-in-lieu-of-units payment may be made (see Section 07.0);
 - d) Donation of land in fee simple, on or off site, which the Planning board in its sole discretion determines are suitable for the construction of affordable housing units. The value of donated land shall be equal to or greater than the value of the construction or set-aside of the affordable units as specified in Section 07.0. The Planning Board may require, prior to accepting land as satisfaction of the requirements of this bylaw that the applicant submit appraisals of the land in question, as well as other data relevant to the determination of equivalent value. The donation of land, if so determined, will be accepted by the town with a stipulation that the land donated shall be used for the development of affordable housing in lieu of constructing and offering affordable units within the locus of the proposed development or at an off-site locus.
 - e) Any combination of the Section 04.2(a-d) requirements provided that in no event shall the total number units provided be less than the equivalent number of affordable units required by this bylaw.
3. Affordable Housing Restrictions and Regulatory Agreements: All affordable housing units shall be subject to an affordable housing restriction and a Regulatory Agreement in a form acceptable to the Planning Board. Building permits shall not be issued until the restriction and the Regulatory Agreement are recorded at the Registry of Deeds and a copy provided to the Planning Board and the Inspector of Buildings. The Regulatory Agreement shall be consistent with any applicable guidelines issued by the Department of Housing and Community Development and shall ensure that affordable units can be counted toward Southampton's Subsidized Housing Inventory. The Regulatory Agreement shall also address all applicable restrictions listed in this bylaw.
4. Affordable Unit Enforcement and Monitoring: Long-term enforcement and monitoring of the Regulatory Agreement shall be by an entity approved by the Planning Board. The enforcement and monitoring program shall be paid for by an escrow account established prior to the sale of the first unit and contributed to on an annual basis at a rate negotiated between the Town and the Applicant.

5. Affordable Unit Cost Offsets: To facilitate the objectives of this Section 05.0, the applicant may offer and the Planning Board may accept, the following in exchange for the provision of affordable housing units:
- a) The minimum lot area per dwelling unit normally required in the applicable zoning district may be reduced by twenty percent (20%)
 - b) Waiver from one or more of the dimensional requirements specified in Section 6 of the Zoning bylaw
 - c) Waiver from one or more of the subdivision regulations as specified in the Southampton Subdivision Regulations of the Zoning bylaws
 - d) Waiver from filing fees as listed in the exhibit C of Southampton Planning Board Policies and Procedures by 50%
 - e) Density Bonus. The Planning Board may allow the addition of up to two market rate units for each affordable unit provided. The minimum lot area per dwelling unit normally required in the applicable zoning district may be reduced by 20 percent to permit up to two additional market rate units for each one affordable unit required in Section 04.1 (above). Applicants who choose affordable housing contribution methods 04.2 (c-d) are not eligible for a density bonus.
 - f) Affordable units may be in the form of a duplex.
 - g) Voluntary Inclusionary Housing Bonus. New affordable housing development that is not subject to Section 03.0 and exceeds the requirements specified in Section 04.1(a) may receive the same benefits specified in Sections 04.5(a) and 04.5(b) when the development is approved by the Planning Board. The net increase in housing units shall not exceed fifty percent (50%) of the original property yield before any density bonuses were applied.
6. Inclusionary Housing Plan: In addition to the requirements outlined in Section 04.0, the Applicant shall present to the Planning Board an Inclusionary Housing Plan that outlines and specifies the development's compliance with each of the of the applicable requirement of this bylaw as part of the approval of a development project. The plan shall specifically contain, at a minimum, the following information regarding the development project;
- (a) Preliminary Plan:
 - (1) A general description of the development, including whether the development will contain rental units or individually owned units, or both;
 - (2) The total number of market rate units and affordable units in the development;
 - (3) The total number of attached and detached residential units (as applicable);

- (4) The number of bedrooms in each market rate unit and each affordable unit;
- (5) The square footage of each market rate unit and each affordable unit;
- (6) The location within any multiple-family residential structure and any single family residential development of each market rate unit and each affordable unit;
- (7) Floor plans for each affordable unit;
- (8) The amenities that will be provided to and within each market rate unit and affordable unit; and
- (9) The pricing for each market rate unit and each affordable housing unit.

(b) Final Plan:

- (1) All of the information required for the preliminary Inclusionary Housing Plan pursuant to 04.6(a);
- (2) The phasing and construction schedule for each market rate unit and each affordable unit;
- (3) Documentation and plans regarding the exterior appearances;

05.0 Provisions Applicable to Affordable Housing Units On- and Off-Site:

- 1. Siting of affordable units: All affordable units constructed or rehabilitated under this Bylaw shall be situated within the development so as not to be in less desirable locations than market-rate units in the development and shall, on average, be no less accessible to public amenities, such as open space, as the market-rate units. The Planning Board in its sole discretion makes the final determination of the suitability of the siting of the affordable units.
- 2. Minimum design and construction standards for affordable units: Projects containing affordable units shall meet the standards set forth by the Massachusetts Department of Housing and Community Development Local Initiative Program (LIP). These standards are:
 - a) All low and moderate income housing units developed through the LIP shall be indistinguishable from market-rate units as viewed from the exterior unless the project has an approved alternative developmental plan
 - b) Unit shall contain complete living facilities including a stove, kitchen, cabinets, plumbing fixtures, a refrigerator, microwaves, and access to laundry facilities.
 - c) All low and moderate-income units for families must have two or more bedrooms. Units for the elderly or accessible units for disabled persons are exempt from this minimum requirement.
 - d) With respect to units for the elderly, the disabled, and /or within an age restricted Project, Developers are encouraged to consider unit designs in which master bedrooms and bathrooms are located on the first floor.

- e) In exceptional circumstances, the Director of DHCD may allow a waiver if there is a good reason (other than finances) for failure to meet the design criteria of the LIP. An "Alternative Development Plan" approval would be based on DHCD's evaluation of the reason for variation from the LIP guidelines.
- 3. Timing of construction or provision of affordable units or lots: The Inclusionary Housing Plan, Section 4.6, and the development agreement shall include a phasing plan that provides for the timely and integrated development of the affordable housing units as the development project is built out. The phasing plan shall provide for the development of the affordable housing units concurrently with the market rate units. Building permits shall be issued for the development project based upon the phasing plan. The phasing plan may be adjusted by the Planning Board when necessary in order to account for the different financing and funding environment, economies of scale, and infrastructure needs applicable to development of the market rate and the affordable units. The phasing plan shall also provide that the affordable housing units shall not be the last units to be built in any covered development.
- 4. Marketing Plan for Affordable Units: Applicants under this bylaw shall submit a marketing plan or other method approved by Southampton, to the Planning Board for its approval, which describes how the affordable units will be marketed to potential home buyers or tenants. This plan shall include a description of the lottery or other process to be used for selecting buyers or tenants.

06.0 Provision of Affordable Housing Units Off-Site

As an alternative to the requirements of Section 05.0, an applicant subject to the bylaw may develop, construct or otherwise provide affordable units equivalent to those required by Section 04.0 off-site. All requirements of this bylaw that apply to on-site provision of affordable units, shall apply to the provision of off-site affordable units. In addition, the location of the off-site units to be provided shall be approved by the Planning Board as an integral element of the approval process.

07.0 Fees-in-Lieu-of Affordable Housing Unit Provision

- 1. As an alternative to the requirements of Section 05.0 or Section 06.0, an applicant may make an equivalent payment to the Town's Affordable Housing Trust Fund, or, in its absence, to a designated housing gift account established by the Town for fees-in-lieu-of the provision of affordable units.
 - a) Calculation of fee-in-lieu-of units: The applicant for development subject to this bylaw may pay fees-in-lieu of the construction of affordable units. For the purposes of this bylaw, the fee-in-lieu of the construction or provision of affordable units shall be equal to three times the 80 percent Median Household Income for a four person household. The 80 percent figure for the

Median Household Income for a four person household is updated annually by HUD (see 02.0 Definitions).

- b) Schedule of fees-in-lieu-of-units payments: Fees-in-lieu-of-units payments shall be made according to the schedule set forth in Section 05.3, above.
- c) Use of Fees and Creation of Affordable Units: Cash contributions and donations of land and/or buildings made to the Affordable Housing Trust Fund or, in its absence, to a designated housing gift account established by the Town in accordance with Section 07.1 shall be used only for purposes of providing affordable housing for low or moderate income households. Using these contributions and donations, affordable housing may be provided through a variety of means, including but not limited to the provision of favorable financing terms, subsidized prices for purchase of sites, or affordable units within larger developments, rehabilitation on existing structures that can be counted toward the 10% affordable housing goal.

08.0 Maximum Incomes and Selling Prices: Initial Sale

1. To ensure that only eligible households purchase affordable housing units, the purchaser of a affordable unit shall be required to submit copies of the last three years' federal and state income tax returns and certify, in writing and prior to transfer of title, to the developer of the housing units or his/her agent, and within thirty (30) days following transfer of title, to the local housing trust, community development corporation, housing authority or other agency as established by the Town, that his/her or their family's annual income level does not exceed the maximum level as established by the Commonwealth's Department of Housing and Community Development, and as may be revised from time to time.
2. The maximum housing cost for affordable units created under this bylaw is as established by the Commonwealth's Department of Housing and Community Development, Local Initiative Program or as revised by the Town.
3. Each affordable unit created in accordance with this bylaw shall have limitations governing its resale through the use of a regulatory agreement (Section 04.3). The purpose of these limitations is to preserve the long-term affordability of the unit and to ensure its continued availability for affordable income households. The resale controls shall be established through a restriction on the property and shall be in force in perpetuity.

09.0 Omitted

10.0 Severability

If any provision of this bylaw is held invalid by a court of competent jurisdiction, the remainder of the bylaw shall not be affected thereby. The invalidity of any section or sections or parts of any section or sections of this bylaw shall not affect the validity of the remainder of the Southampton's zoning bylaw.