**CHAPTER 40R STARTER HOME ZONING BYLAW TEMPLATE**

**SECTION [x]: STARTER HOME ZONING OVERLAY DISTRICTS (SHZODs)**

1. **General Regulations that apply to all Starter Home Zoning Districts**

**1. PurposeS**

The purpose(s) of Starter Home Zoning Overlay Districts is/are:

1. to encourage the development of Starter Homes in accordance with the purposes of G. L. Chapter 40R.

[add other objectives as applicable]

**2. Definitions**

For purposes of this Section[x], the following definitions shall apply. To the extent that there is any conflict between the definitions set forth in this Section and the Governing Laws, the terms of the Governing Laws shall govern.

**Accessory Dwelling Unit** - a dwelling unit of 600 square feet or less on the same lot as a Starter Home.

**Applicant** – the individual or entity that submits a Project for Plan Approval.

**Area Median Income –** the area-wide median income as determined by HUD, adjusted for household size and using HUD's rules for attribution of income to assets.

**As-of-right** - a use allowed under Section [x]A.5 without recourse to a special permit, variance, zoning amendment, or other form of zoning relief. A Project that requires Plan Approval by the PAA pursuant to Sections A.9.0 through A.14.0 shall be considered an As-of-right Project**.**

**Department or DHCD** - the Massachusetts Department of Housing and Community Development, or any successor agency.

**Design Standards** – means provisions of Section [x]A.14 made applicable to Projects within the SHZOD that are subject to the Plan Approval process.

**Designating Official**—the PAA, chief executive of the Municipality, or other municipal official who designates the Monitoring Agent pursuant to Section [x]A.6.2.

**Eligible Household** - an individual or household whose annual income is less than or equal to 100 percent of the Area-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.

**Governing Laws** - G.L. Chapter 40R, 760 CMR 59.00, and DHCD administrative guidance relating to G.L Chapter 40R.

**Income-Restricted Homeownership Unit** - an Income-Restricted housing unit required to be sold to and occupied by an Eligible Household.

**Income Restriction** – a restriction imposed on a housing unit which contains affordability provisions consistent with the Governing Laws with respect to Starter Homes and the requirements of Section [x]A.6.5 of this Bylaw.

**Income-Restricted Rental Unit** - an Income-Restricted housing unit required to be rented to and occupied by an Eligible Household.

**Low Impact Development Technique** - development techniques suitable to a particular site that protect the natural features of the site, including, without limitation, (a) natural resource oriented site design, (b) appropriately scaled and decentralized stormwater management techniques that limit the rate of off-site storm water runoff (both peak and non-peak flows) to levels substantially similar to natural hydrology (or, in the case of a redevelopment site, that reduce such flows from pre-existing conditions), through means including, bioretention/rain gardens, infiltration/permeable pavements, stormwater planters, vegetated swales, vegetated buffers, cisterns, rain barrels, and green roofs; and (c) appropriately scaled roads.

**Monitoring Agent or Administering Agent** – the local housing authority or other qualified housing entity designated by the Designating Official, pursuant to Section [x]A.6.2, to review and implement the Income Restriction requirements affecting Projects under Section [x]A.6.0.

**Municipality – the [City] [Town] of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.**

**PAA Regulations** – administrative rules and regulations adopted by the PAA pursuant to Section [x]A.9.3, but not including any ordinance or by-law adopted by the Municipality. Under the 40R Regulations, any change in the PAA Regulations must be reviewed and approved by DHCD.

**Plan Approval** - standards and procedures which [certain categories of] Projects in the SHZOD must meet pursuant to Sections [x]A.9.0 through [x]A.14.0 and the Governing Laws.

**Plan Approval Authority (PAA)** - the local approval authority authorized under Section [x]A.9.2 to conduct the Plan Approval process for purposes of reviewing Project applications and issuing Plan Approval decisions within the SHZOD.

**Project or Development Project** - a project that consists solely of residential Starter Homes [and Accessory Dwelling Units, if permitted], parking, and accessory uses, as further defined in Section [x]A.5.1 and undertaken within the SHZOD in accordance with the requirements of this Section [x].

**Starter Home** - a single-family home not exceeding 1,850 square feet in heated living area, not including any associated Accessory Dwelling Unit.

**Starter Home Zoning Overlay District (SHZOD)** – the Starter Home Zoning Overlay District established in accordance with this Section [x].

**Statutory Affordable Housing Restriction** – an affordable housing restriction meeting statutory requirements in G.L. Chapter 184, Section 31, and which contains Income Restrictions.

**Zoning Bylaw** - the Zoning Bylaw of the Municipality.

[add other definitions as required, either here or in the PAA Regulations]

**3. Applicability of SHZOD**

**3.1 Applicability of SHZODs.** An applicant may seek development of a Project located within a SHZOD in accordance with the provisions of the Governing Laws and this Section [x], including a request for Plan Approval by the PAA, if necessary. In such case, notwithstanding anything to the contrary in the Zoning Bylaw, such application shall not be subject to any other provisions of the Zoning Bylaw, including limitations upon the issuance of building permits for residential uses related to a rate of development or phased growth limitation or to a local moratorium on the issuance of such permits, or to other building permit or dwelling unit limitations.

**4.2 Underlying Zoning.** SHZODs are overlay districts superimposed on all underlying zoning districts. The regulations for use, dimension, and all other provisions of the Zoning Bylaw governing the respective underlying zoning district(s) shall remain in full force, except for those Projects undergoing development pursuant to this Section [x]. Within the boundaries of a SHZOD, a developer may elect either to develop a Project in accordance with the requirements of the Starter Home Zoning, or to develop a project in accordance with requirements of the regulations for use, dimension, and all other provisions of the Zoning Bylaw governing the underlying zoning district(s).

**4.3 Administration, Enforcement, and Appeals.** The provisions of this Section [x] shall be administered by the building commissioner, except as otherwise provided herein. Any legal appeal arising out of a Plan Approval decision by the PAA under Sections [x]A.9 through [x]A.14 shall be governed by the applicable provisions of G. L. Chapter 40R. Any other request for enforcement or appeal arising under this Section [x] shall be governed by the applicable provisions of G. L. Chapter 40A.

**5. Permitted Uses - general**

The following uses are permitted As-of-Right for Projects within the all SHZODs unless otherwise specified under the corresponding section of the District-specific requirements.

* 1. **Residential Projects.**  A Residential Project within the SHZOD may include:
1. Starter Homes;
2. Accessory Dwelling Units;

c) Parking accessory to any of the above permitted uses, including surface and garage-under parking; and

d) Accessory uses customarily incidental to any of the above permitted uses.

[Insert additional text for any additional permitted uses or if there are sub-districts within the District, and the permitted residential uses vary among the sub-districts.]

**6. Housing and Housing Income-Restriction**

**6.1 Number of Income-Restricted Housing Units**. For all Projects, not less than twenty percent (20%) of housing units constructed shall be Income-Restricted. For purposes of calculating the number of Income-Restricted units required within a Project, any fractional unit shall be deemed to constitute a whole unit.

**6.2 Monitoring Agent**. A Monitoring Agent which may be the local housing authority or other qualified housing entity shall be designated by the Designating Official. In a case where the Monitoring Agent cannot adequately carry out its administrative duties, upon certification of this fact by the Designating Official or by DHCD such duties shall devolve to and thereafter be administered by a qualified housing entity designated by the Designating Official. In any event, such Monitoring Agent shall ensure the following, both prior to issuance of a building permit for a Project within the SHZOD, and on a continuing basis thereafter, as applicable:

 1. the calculation of sale prices of Income-Restricted Homeownership Units and rents of Income-Restricted Rental Units are consistent with this Section [x]A.6 and the terms of the applicable Statutory Affordable Housing Restriction;

 2. the determination of eligibility of households applying for Income-Restricted units is consistent with this Section [x]A.6 and the terms of the applicable Statutory Affordable Housing Restriction;

 3. the affirmative fair housing marketing and resident selection plan conforms to all applicable requirements; has been approved by DHCD, and is properly administered;

 4. Eligible Households are selected in accordance with the applicable affirmative fair housing marketing and resident selection plan, which provides for the appropriate determination of unit size and preference for each household; and

5. a Statutory Affordable Housing Restriction meeting the requirements of this Section [x]A.6 is approved by DHCD; is executed and recorded with the appropriate registry of deeds; and is fully enforced during its term.

**6.3 Submission Requirements.** As part of any application for Plan Approval for a Project within the SHZOD submitted under Sections [x]A.9through [x]A.14 (or, for Projects not requiring Plan Approval, prior to submission of any application for a building permit), the Applicant must submit the following documents to the PAA and the Monitoring Agent:

1) documentation that the Project complies with the cost and eligibility requirements of Section [x]A.6.4:

2) Project plans that demonstrate compliance with the requirements of Section [x]A.6.5; and

3) a form of Statutory Affordable Housing Restriction that satisfies the requirements of Section [x]A.6.6.

These documents, in combination, shall be submitted with an application for Plan Approval (or, for Projects not requiring Plan Approval, prior to submission of any application for a building permit), and shall include details about construction related to the provision, within the development, of units that are accessible to individuals with disabilities and units that are appropriate for diverse populations, including households with children, other households, individuals, households including individuals with disabilities, and the elderly.

**6.4 Cost and Eligibility Requirements.** Income-Restricted units shall comply with the following requirements:

1. Income-Restricted units shall be rented or sold, as applicable, to and occupied only by Eligible Households.

2. For an Income-Restricted Rental Unit, the monthly rent payment, including applicable utility allowances, shall not exceed 30 percent of the maximum monthly income permissible for an Eligible Household, assuming a family size equal to the number of bedrooms in the unit plus one, unless another affordable housing program methodology for calculating rent limits as approved by DHCD applies.

3. For an Income-Restricted Homeownership Unit the monthly housing payment, including mortgage principal and interest, private mortgage insurance, property taxes, condominium and/or homeowner's association fees, and insurance, shall not exceed 30 percent of the maximum monthly income permissible for an Eligible Household, assuming a family size equal to the number of bedrooms in the unit plus one.

Prior to the granting of any [building permit or Plan Approval] for a Project, the Applicant must demonstrate:

1. to the satisfaction of the Monitoring Agent, that the calculation of the rents or purchase prices, as applicable, of Income-Restricted units is consistent with state and federal affordability guidelines that are applicable to the Municipality; and
2. to the satisfaction of the Monitoring Agent and the PAA that the Project’s affirmative fair housing marketing and resident selection plan and Statutory Affordable Housing Restriction have been approved by DHCD.

**6.5 Design and Construction.** Income-Restricted units shall be finished housing units. Income-Restricted units shall be equitably integrated and dispersed throughout the Project of which they are a part, across each style and size of Starter Home included in the Project and be comparable in initial construction quality, size and exterior design to the other housing units in the Project. Unless expressly required otherwise under one or more applicable state or federal housing subsidy programs, the bedroom-per-unit average for the Income-Restricted Housing must be equal to or greater than the bedroom-per-unit average for the unrestricted/market-rate units.

**6.6 Statutory Affordable Housing Restriction**. Each Project shall be subject to a Statutory Affordable Housing Restriction which is recorded with the appropriate registry of deeds or district registry of the Land Court and which contains the following:

1. Specification of the term of the Statutory Affordable Housing Restriction which shall be no less than thirty years;

2. The name and address of the Monitoring Agent with a designation of its power to monitor and enforce the Statutory Affordable Housing Restriction;

3. With respect to homeownership Projects or portions of Projects, a description of the Income-Restricted Homeownership Unit by address and number of bedrooms; the Statutory Affordable Housing Restriction shall apply to the identified Income-Restricted Homeownership Units.

4. With respect to rental Projects or portions of Projects, a description of the overall quantity, initial unit designations and number of bedrooms, and number of bedroom types of Income-Restricted Rental Units; the Statutory Affordable Housing Restriction shall apply to a percentage of rental units of a rental Project with the initially designated Income-Restricted Rental Units identified, and able to float subject to specific approval by DHCD in accordance with the Project’s affirmative fair housing marketing and resident selection plan and any applicable DHCD guidance.

5. Reference to an affirmative fair housing marketing and resident selection plan, to which the Income-Restricted units are subject, and which includes an affirmative fair housing marketing program, including public notice and a fair resident selection process. Such plan shall include a preference based on need for number of bedrooms in a unit consistent with applicable DHCD guidance;

6. A requirement that Eligible Household buyers or tenants will be selected at the initial sale or rental, as applicable, and upon all subsequent sales and rentals from a list of Eligible Households compiled in accordance with the affirmative fair housing marketing and resident selection plan;

7. Reference to the formula pursuant to which the rent of an Income-Restricted Rental Unit or the maximum resale price of an Income-Restricted Homeownership Unit will be set;

8. A requirement that only an Eligible Household may reside in Income-Restricted units and that notice of any lease of any Income-Restricted Rental Unit shall be given to the Monitoring Agent;

9. A requirement for effective monitoring and enforcement of the terms and provisions of the Statutory Affordable Housing Restriction by the Monitoring Agent;

10. A requirement that the Statutory Affordable Housing Restriction on an Income-Restricted Homeownership Unit shall run in favor of the Monitoring Agent and the Municipality, in a form approved by DHCD, and shall limit initial sale and re-sale to an Eligible Household which shall occupy the unit as the Household’s primary residence;

11. A requirement that the Statutory Affordable Housing Restriction on Income-Restricted Rental Units in a rental Project shall run with the rental Project and shall run in favor of the Monitoring Agent and the Municipality, in a form approved by DHCD, and shall limit rental and occupancy to an Eligible Household;

12. A requirement that the owner[s] or manager[s] of Income-Restricted Rental Unit[s] shall file an annual report to the Monitoring Agent, in a form specified by the Monitoring Agent, certifying compliance with the Income Restriction provisions of this Bylaw and the Statutory Affordable Housing Restriction and containing such other information as may be reasonably requested in order to ensure compliance with the Statutory Affordable Housing Restriction and this Bylaw; and

13. A requirement that residents in Income-Restricted units provide such information as the Monitoring Agent may reasonably request in order to ensure compliance with the Statutory Affordable Housing Restriction and this Bylaw.

**6.7 Costs of Affirmative Fair Housing Marketing and Resident Selection Plan.** The affirmative fair housing marketing and resident selection plan may make provision for payment by the Applicant of reasonable costs to the Monitoring Agent to develop, advertise, and maintain the list of Eligible Households and to monitor and enforce compliance with affordability requirements consistent with the Statutory Affordable Housing Restriction.

**6.8 No Age Restrictions.** Pursuant to 760 CMR 59.04(1)(i)2.ii, no restrictions on age shall be imposed in any Project developed under this Bylaw.

**6.9 3-Bedroom Requirement.** At least 50 percent of the Starter Homes to be developed in a proposed Starter Home Zoning District, excluding Accessory Dwelling Units, must contain 3 or more bedrooms. These 3 or more-bedroom units shall be equitably integrated and dispersed among the Starter Homes throughout the SHZOD and within each Project including by unit type and construction phase.

**6.10 Phasing.** For any Project that is approved and developed in phases in accordance with Section [x]A.9.4, the percentage of Income-Restricted units in each phase shall be at least equal to the minimum percentage of Income-Restricted units required under Section [x]A.6.1. Where the percentage of Income-Restricted units is not uniform across all phases, the unit dispersal and bedroom proportionality requirements under Section [x]A.6.5 shall be applied proportionate to the Income-Restricted units provided for in each respective phase.

**6.11 No Waiver.** Notwithstanding anything to the contrary herein, the Income-Restriction provisions in this Section [x]A.6 shall not be waived unless expressly approved in writing by DHCD.

**7. Dimensional and Density Requirements**

**7.1 Table of Requirements.** Notwithstanding anything to the contrary in this Bylaw, the dimensional requirements applicable in the SHZOD are as follows:

[Insert applicable dimensional requirements. Insert additional provisions if there are sub-districts within the District, and the dimensional requirements vary among the sub-districts.]

**8. Parking Requirements - General**

These parking requirements are applicable to Projects in all SHZOD unless specified otherwise under any alternative or supplementary provisions under the corresponding District-specific requirements.

**8.1 Number of parking spaces.** Unless otherwise approved by the PAA, the following minimum/maximum numbers of off-street parking spaces shall be provided by use, either in surface parking, within garages or other structures [or on-street:]:

[Insert applicable parking requirements]

The PAA may allow for a decrease in the required parking as provided in Sections [x]A.8.2 and [x]A.8.3 below.

**8.2 Shared Parking.** Minimum parking requirements above may be reduced by the PAA through the Plan Approval process (or, for Projects not requiring Plan Approval, prior to submission of any application for a building permit), if the applicant can demonstrate that shared spaces will meet parking demands by using accepted methodologies (such as the Urban Land Institute Shared Parking Report, or ITE Shared Parking Guidelines.

**8.3 Reduction in parking requirements.** Notwithstanding anything to the contrary herein, any minimum required amount of parking may be reduced by the PAA through the Plan Approval process (or, for Projects not requiring Plan Approval, prior to submission of any application for a building permit), if the applicant can demonstrate that the reduced amount of parking will not cause excessive congestion, endanger public safety, or that lesser amount of parking will provide positive environmental or other benefits, taking into consideration:

a) the availability of surplus off street parking in the vicinity of the use being served and/or the proximity of a bus stop or transit station;

b) the availability of public or commercial parking facilities in the vicinity of the use being served;

c) shared use of off street parking spaces serving other uses having peak user demands at different times;

d) occupancy restrictions which are likely to result in a lower level of motor vehicle usage;

e) impact of the parking requirement on the physical environment of the affected lot or the adjacent lots including reduction in green space, destruction of significant existing trees and other vegetation, destruction of existing dwelling units, or loss of pedestrian amenities along public ways; and

1. such other factors as may be considered by the PAA.

 **9.** **Plan APPROVAL of projects: general provisions**

**9.1 Plan Approval.** An application for Plan Approval shall be reviewed by the PAA for consistency with the purpose and intent of Sections [x]A.9 through [x]A.14. Such Plan Approval process shall be construed as an As-of-right review and approval process as required by and in accordance with the Governing Laws.

**[If the Municipality wants separate categories of Projects to be subject to Plan Approval, then insert:**

The following categories of Projects shall be subject to the Plan Approval process:

a) Any Project providing more than [\_\_] residential units.

**9.2 Plan Approval Authority (PAA).** The [name of local approval authority], consistent with G.L. Chapter 40R and 760 CMR 59.00, shall be the PAA, and it is authorized to conduct the Plan Approval process for purposes of reviewing Project applications and issuing Plan Approval decisions within the SHZOD.

**9.3 PAA Regulations.** The PAA may adopt administrative rules and regulations relative to Plan Approval. Such rules and regulations and any amendments thereof must be approved by DHCD before taking effect.

**9.4 Project Phasing.** An Applicant may propose, in a Plan Approval submission, that a Project be developed in phases subject to the approval of the PAA, provided that the submission shows the full buildout of the Project and all associated impacts as of the completion of the final phase. Any phased Project shall comply with the provisions of Section [x]A.6.9.

**10.** **PLAN APPROVAL PROCEDURES**

**10.1 Preapplication.** Prior to the submittal of a Plan Approval submission, a “concept plan” may be submitted to help guide the development of the definitive submission for Project buildout and individual elements thereof. Such concept plan should reflect the following:

1. Overall building envelope areas;

2. Open space and natural resource areas; and

3. General site improvements, groupings of buildings, and proposed land uses.

The concept plan is intended to be used as a tool for both the Applicant and the PAA to ensure that the proposed Project design will be consistent with the Design Standards and other requirements of the SHZOD.

**10.2 Required Submittals.** An application for Plan Approval shall be submitted to the PAA on the form provided by the PAA and approved by DHCD. The application shall be accompanied by such plans and documents as may be required and set forth in the PAA Regulations; the application fee specified in the PAA Regulations; and all materials required under Section [x]A.6.3. All site plans shall be prepared by a certified architect, landscape architect, and/or a civil engineer registered in the Commonwealth of Massachusetts. All landscape plans shall be prepared by a certified landscape architect registered in the Commonwealth of Massachusetts. All building elevations shall be prepared by a certified architect registered in the Commonwealth of Massachusetts. All plans shall be signed and stamped, and drawings prepared at a scale of [one inch equals forty feet (1"=40') or larger], or at a scale as approved in advance by the PAA.

**10.3 Filing.** An Applicant for Plan Approval shall file the required number of copies of the application form and the other required submittals as set forth in the PAA Regulations with the Municipal Clerk and a copy of the application including the date of filing certified by the Municipal Clerk shall be filed forthwith with the PAA.

**10.4 Circulation to Other Boards.** Upon receipt of the application, the PAA shall within 5 business days provide a copy of the application materials to the [Select Board / City Council], Board of Appeals, Board of Health, Conservation Commission, Fire Department, Police Department, Building Commissioner, Department of Public Works, the Monitoring Agent (for any Project subject to the Income-Restriction requirements of Section [x]A.6), and other municipal officers, agencies or boards for comment, and any such board, agency or officer shall provide any written comments within 60 days of its receipt of a copy of the plan and application for approval.

**10.5 Hearing.** The PAA shall hold a public hearing for which notice has been given as provided in G.L. Chapter 40A, § 11. The decision of the PAA shall be made, and a written notice of the decision filed with the Municipal Clerk, within 120 days of the receipt of the application by the Municipal Clerk. The required time limits for such action may be extended by written agreement between the Applicant and the PAA, with a copy of such agreement being filed in the office of the Municipal Clerk. Failure of the PAA to take action within said 120 days or extended time, if applicable, shall be deemed to be an approval of the Plan Approval application.

**10.6** **Peer Review.** For larger, more complex Projects or other circumstances where the PAA determines that it may be appropriate to utilize peer review, the Applicant shall be required to pay for reasonable consulting fees to provide peer review of the Plan Approval application, pursuant to G.L. Chapter 40R, § 11(a). Such fees shall be held by the Municipality in a separate account and used only for expenses associated with the review of the application by outside consultants, including, but not limited to, attorneys, engineers, urban designers, housing consultants, planners, and others. The submissions required of the Applicant and the scope of any such peer review must maintain a proportionality and rational nexus to the potential impacts of the Project on the site and on nearby land. Any surplus remaining after the completion of such review, including any interest accrued, shall be returned to the Applicant forthwith.

**11. PLAN APPROVAL DecisionS**

**11.1 Plan Approval.** Plan Approval shall be granted where the PAA finds that:

1. the Applicant has submitted the required fees and information as set forth in the PAA Regulations; and

2. the Project as described in the application meets all of the requirements and standards set forth in this Section [x] and the PAA Regulations, or a waiver has been granted therefrom, including written confirmation by the Monitoring Agent that all requirements of that Section have been satisfied;

3. the Project’s affirmative fair housing marketing and resident selection plan and Statutory Affordable Housing Restriction have been approved by DHCD, or the PAA approval is conditioned upon DHCD granting approval of the Project’s affirmative fair housing marketing and resident selection plan and Statutory Affordable Housing Restriction; provided that if any provision in the PAA decision is in conflict with DHCD’s requirements for affirmative fair housing marketing and resident selection, DHCD’s requirements shall control; and

4. any extraordinary adverse potential impacts of the Project on nearby properties have been adequately mitigated.

The PAA may attach conditions to the Plan Approval decision that are necessary to ensure substantial compliance with this Section [x], or to mitigate any extraordinary adverse potential impacts of the Project on nearby properties. Any conditions and fees imposed upon the Applicant must be proportional and have a rational nexus to the potential impacts of the Project on the site and on nearby land.

**11.2 Plan Disapproval.** A Plan Approval application may be disapproved only where the PAA finds that:

1. the Applicant has not submitted the required fees and information as set forth in the Regulations; or

2. the Project as described in the application does not meet all of the requirements and standards set forth in this Section [x] and the PAA Regulations, or that a requested waiver therefrom has not been granted; or

3. it is not possible to adequately mitigate extraordinary adverse Project impacts on nearby properties by means of suitable conditions.

**11.3 Waivers.** Upon the request of the Applicant and subject to compliance with G.L. c. 40R, 760 CMR 59.00 and Section [x]A.6.10, the Plan Approval Authority may waive dimensional and other requirements of this Section [x], including the Design Standards, in the interests of design flexibility and overall project quality, and upon a finding of consistency of such variation with the overall purpose and objectives of the SHZOD, or if it finds that such waiver will allow the Project to achieve the density, Income-Restriction, mix of uses, and/or physical character allowable under this Section [x].

**11.4 Project Phasing.** The PAA, as a condition of any Plan Approval, may allow a Project to be phased at the request of the Applicant, or it may require a Project to be phased for the purpose of coordinating its development with the construction of Planned Infrastructure Improvements (as that term is defined under 760 CMR 59.00), or to mitigate any extraordinary adverse Project impacts on nearby properties. For Projects that are approved and developed in phases, unless otherwise explicitly approved in writing by DHCD in relation to the specific Project, the proportion of Income-Restricted units shall be at least equal to the minimum percentage of Income-Restricted units required under Section [x]A.6.1.

**11.5 Form of Decision.** The PAA shall issue to the Applicant a copy of its decision containing the name and address of the owner, identifying the land affected, and the plans that were the subject of the decision, and certifying that a copy of the decision has been filed with the Municipality Clerk and that all plans referred to in the decision are on file with the PAA. If twenty (20) days have elapsed after the decision has been filed in the office of the Municipality Clerk without an appeal having been filed or if such appeal, having been filed, is dismissed or denied, the Municipal Clerk shall so certify on a copy of the decision. If a plan is approved by reason of the failure of the PAA to timely act, the Municipal Clerk shall make such certification on a copy of the application. A copy of the decision or application bearing such certification shall be recorded in the registry of deeds for the county and district in which the land is located and indexed in the grantor index under the name of the owner of record or recorded and noted on the owner's certificate of title. The fee for recording or registering shall be paid by the Applicant.

**11.6 Validity of Decision.** A Plan Approval shall remain valid and shall run with the land indefinitely, provided that construction has commenced within two years after the decision is issued, which time shall be extended by the time required to adjudicate any appeal from such approval and which time shall also be extended if the Project proponent is actively pursuing other required permits for the Project or there is other good cause for the failure to commence construction, or as may be provided in a Plan Approval for a multi-phase Project.

**12. Change in Plans after Approval by PAA**

**12.1 Minor Change.** After Plan Approval, an Applicant may apply to make minor changes in a Project involving minor utility or building orientation adjustments, or minor adjustments to parking or other site details that do not affect the overall buildout or building envelope of the site, or provision of open space, number of housing units, or housing need or Income-Restriction features. Such minor changes must be submitted to the PAA on redlined prints of the approved plan, reflecting the proposed change, and on application forms provided by the PAA**.** The PAAmay authorize such changes at any regularly scheduled meeting, without the need to hold a public hearing. The PAA shall set forth any decision to approve or deny such minor change by motion and written decision, and provide a copy to the Applicant for filing with the Municipal Clerk.

**12.2 Major Change.** Those changes deemed by the PAA to constitute a major change in a Project because of the nature of the change in relation to the prior approved plan, or because such change cannot be appropriately characterized as a minor change as described above, shall be processed by the PAA as a new application for Plan Approval pursuant to Sections [x]A.9 - through [x]A.14.

 **13. LOW IMPACT DEVELOPMENT TECHNIQUES**

**13.1 Terms.**  In these Sections A.13 and A.14, the words “shall,” should,” and “may” are used to describe specific conditions. To clarify the meanings intended by the use of these words, the following definitions apply:

1. Shall: A mandatory condition. Where certain requirements in the design or application of the standard are described with the “shall” stipulation, it is mandatory that these requirements be met.
2. Should: An advisory condition. Where the word “should” is used, a condition is considered advisable, but is not mandatory. Noncompliance with a condition stipulated with the word “should” will not be the basis for denial of Plan Approval.
3. May: A permissive condition. No requirement or recommendation is intended.

**13.2** **Surfacing, Drainage, & Irrigation**

1. In any Project undergoing the Project Approval process:

1. Low Impact Development Techniques should be used throughout the site to the extent feasible.
2. Natural drainage courses should be utilized insofar as possible.
3. Curbing shall be required only as necessary to limit off pavement vehicle access or for pedestrian safety, unless other suitable materials are used.
4. All Low Impact Development stormwater features, detention, and filtration systems shall be designed to conform to the most recent edition of the Massachusetts Stormwater Handbook of the Massachusetts Department of Environmental Protection.
5. Impervious surface should be minimized.
6. Paved roadway, parking, and other impervious areas should be drained toward areas of low impact development practices such as bioretention areas (rain gardens), roadside swales and infiltration structures.

2. Low Impact Development Techniques employ a variety of natural and built features that:

1. Collect and treat stormwater runoff close to its source;
2. Reduce the rate of runoff;
3. Filter out its pollutants; and
4. Facilitate the infiltration of water into the ground.

 Rather than collecting runoff in piped or channelized networks and controlling the flow downstream in a large stormwater management facility, Low Impact Development Techniques take a decentralized approach that disperses flows and manages runoff closer to where it originates, and incorporates a set of overall site design strategies as well as highly localized, small-scale, decentralized source control techniques such as, for example, rain gardens, roof run-off collection or infiltration system, and permeable paving.

3. Roads, driveways and parking areas shall be graded, surfaced with asphalt, concrete, or other suitable non-erosive material, and drained in a manner to prevent nuisance of standing water, erosion, or excessive water flow across abutting streets or ways, within the proposed parking area, to abutting properties, and to wetland resource areas; natural drainage courses shall be utilized insofar as possible. Pervious asphalt, pervious concrete, pervious pavers or reinforced turf should be used where consistent with sound engineering practices, such as in low traffic volume areas and parking areas located in areas furthest from the buildings being served. To the extent feasible and practical, stormwater management shall incorporate Low Impact Development Techniques.

**14. Design Standards - general**

[**If the Design Standards are to be contained in the SHZ, the following provisions should be adopted:**

**14.1 Adoption of Design Standards**. Any Project undergoing the Plan Approval process shall be subject to Design Standards as set forth or referenced in the Design Standards section below corresponding to a specific SHZOD.

**14.2 Purpose**. The Design Standards are adopted to ensure that the physical character of Projects within the SHZOD:

1. will be complementary to nearby buildings and structures;

2. will be consistent with the Comprehensive Housing Plan, an applicable master plan, an area specific plan, or any other plan document adopted by the Municipality and approved by DHCD as satisfying the corresponding consistency requirements under 760 CMR 59.04(1)(f)3.b.; and

3. will, as applicable, provide for compact quality development consistent with the character of building types, streetscapes, and other community features traditionally found in densely settled areas of the Municipality or in the region of the Municipality.

**[If the Design Standards are to be contained within the PAA regulations, the following provisions should be adopted:**

 **14.1. Design Standards.** The PAA may adopt, by simple majority vote, Design Standards which shall be applicable to Projects subject to Plan Approval by the PAA. Such Design Standards must clearly distinguish standard requirements from recommendations or guiding principles and must be articulated objectively so that compliance can be reasonably interpreted and measured. Such Design Standards may only address:

1. for expedited review of SHZODs without the submission of a Developer’s Certificate of Feasibility: the size and location of garages or carports decks or other non-living area structures associated with a Starter Home or Accessory Dwelling Unit, and basic roof styles.
2. for standard review of SHZODs:the scale and proportions of buildings, the alignment, width, and grade of streets and sidewalks, the type and location of infrastructure, the location of building and garage entrances, off street parking, the protection of significant natural site features, the location and design of on-site open spaces, exterior signs, and buffering in relation to adjacent properties.**]** DHCD may, at its discretion, require Design Standards to contain graphics illustrating a particular standard or definition in order to make such standard or definition clear and understandable.**]**

 **14.2. DHCD Approval.** After adopting Design Standards, the PAA shall submit Design Standards to DHCD for approval. Design Standards shall not take effect until approved by DHCD and filed with the Municipal Clerk. In submitting proposed Design Standards for DHCD approval, the PAA shall also submit sufficient documentation clearly showing that the proposed Design Standards will not add unreasonable costs to development Projects or unreasonably impair the economic feasibility of a Project. Unless it is a Developer Certificate of Feasibility under the 40R Regulations, a letter from a developer, property owner or other interested party indicating that the Design Standards will not add unreasonable costs or unreasonably impair the economic feasibility of a Project shall not constitute sufficient documentation. In its discretion, DHCD may disapprove Design Standards if it finds that the PAA has not adopted objective Design Standards or has not submitted such documentation.

 **14.3. Plan Approval.** An application for Plan Approval that has been submitted to the Municipal Clerk pursuant to this Section [x] shall not be subject to Design Standards that have not been approved by DHCD and filed with the Municipal Clerk.]

**15. SEVERABILITY.**

If any provision of this Section [x] is found to be invalid by a court of competent jurisdiction, the remainder of Section [x] shall not be affected but shall remain in full force. The invalidity of any provision of this Section [x] shall not affect the validity of the remainder of the Municipality’s Zoning Bylaw/Ordinance.

1. **Establishment and Delineation of the Starter Home Zoning Overlay Districts**

**1.** **[NAME OF DISTRICT]** **START HOME ZONING Overlay District**

**a.1 Establishment**. The [District Name] Starter Home Zoning Overlay District, hereinafter referred to as the “SHZOD,” is an overlay district having a land area of approximately \_\_ acres in size that is superimposed over the underlying zoning district (s) and is shown on the Zoning Map as set forth on the map entitled “[Name of District] Starter Home Zoning Overlay District, dated \_\_\_, prepared by \_\_\_.” This map is hereby made a part of the Zoning By-law and is on file in the Office of the Municipal Clerk.

**a.2 Sub-districts.** The SHZOD contains the following sub-districts: [*e.g.*, Detached Starter Home with Accessory Dwelling Unit sub-district / Attached Starter Home sub-district / Mixed-use sub-district].

**b. Permitted Uses (District-Specific).** The SHZOD contains the following sub-districts: [e.g., Detached Starter Home sub-district / Attached Starter Home sub-district].

**c. Dimensional, Density and Parking Requirements (District-Specific)** The SHZOD contains the following sub-districts: [e.g., Detached Starter Home sub-district / Attached Start Home sub-district].

**d. Design Standards (District-Specific)**