

Town of



AMHERST *Massachusetts*

TOWN HALL
4 BOLTWOOD AVENUE
AMHERST, MA 01002-2301

TOWN CLERK
(413) 259-3035
Email: townclerk@amherstma.gov

ARTICLE 31

Part A

Form 2 – Submission 3

FINAL VERSION OF BYLAW

SECTION 3.32 RESIDENTIAL USES

See Article 4 for Cluster Development, Planned Unit Residential Development and Open Space Community Development

A true copy, Attest:

**Sandra J. Burgess
Amherst Town Clerk**

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SECTION 4.1 GENERAL DEVELOPMENT STANDARDS

The four Development Methods listed in Section 4.0, Overview, shall be undertaken in accordance with the following General Standards:

- 4.10 All Developments in the Town shall conform to the Design Standards and Required Improvements set forth in the Rules and Regulations Governing the Subdivision of Land, the Street and Site Work Construction Standards of the Town, and all other applicable Town roadway and utility policies and regulations, as amended.
- 4.11 Where building lots are required or proposed, lot frontage shall be on existing or proposed minor or secondary streets, whether public or private statutory ways, as such streets are defined by the Amherst Planning Board's Rules and Regulations Governing the Subdivision of Land.

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ARTICLE 31

Part C

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FINAL VERSION OF BYLAW

- 10.32 Application and Approval Procedures
- 10.320 The size, form, contents, and style of plans and specifications required as part of an application for a Special Permit are contained in the Rules and Regulations of the Special Permit Granting Authority, a copy of which is on file in the Town Clerk's Office.
- 10.321 The procedure for the submission and approval of Special Permits is prescribed in the Rules and Regulations of the Special Permit Granting Authority, a copy of which is on file in the Town Clerk's Office.
- 10.322 All plans and documents required by this Bylaw shall be considered integral parts of an application. Applications shall be subject to such Rules and Regulations relating to scale, dimensions, legend, form, fees, preparation and other information as may from time to time be promulgated by the Special Permit Granting Authority. The Special Permit Granting Authority may require additional information in order to review an application adequately and make a decision. Site Plans for Planned Unit Residential Developments shall be prepared in accordance with the specifications for Preliminary Subdivision plans set forth in the Rules and Regulations Governing the Subdivision of Land, as may be amended from time to time.
- 10.323 Upon receipt of an application for a Special Permit, the Special Permit Granting Authority shall transmit copies of the application and plans to appropriate Town boards and officials which may include: the Building Commissioner, Planning Director, Town Engineer, Fire Chief, Conservation Director, Board of Health, Historical Commission, Public Transportation Committee, Leisure Services Commission, and others as necessary. These boards and officials shall have thirty-five (35) days to report to the Special Permit Granting Authority their findings and recommendations. Failure to report in the allotted time shall constitute approval by that board or official of the application submitted.

A true copy, Attest:

Sandra J. Burgess
Amherst Town Clerk

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ARTICLE 31
Part D
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11.23 REVIEW PROCEDURE

11.230 The Planning Board shall transmit copies of the application and site plan to appropriate Town Boards, and departments which may include: the Town Engineer, Fire Chief, Conservation Department, Building Commissioner, Board of Health, Historical Commission, Public Transportation Committee, Leisure Services Commission, and others as necessary. These Boards and departments shall have thirty-five (35) days to report to the Planning Board their findings and recommendations. Failure to report in the allotted time shall constitute approval by that Board or Department of the application submitted.

11.231 Notice, including notice to parties of interest, and public hearing shall be done in accordance with the procedures required for Special Permits, as found in Chapter 40A. In addition to the notice requirements of M.G.L. Chapter 40A, the following requirements shall also apply:

In any instance where a Special Permit or Site Plan Review application is filed with the Town and there are tenants or lessees on the property which is the subject of the permit request, the applicant shall provide notice of the permit request to the tenants or lessees of the units by distributing a notice of the request, with the date, time and location of the public hearing, to those tenants or lessees, or by posting notice in one or more common areas such as will likely result in actual notice to tenants or lessees. The applicant shall submit a notarized letter to the permit granting authority stating that this requirement has been met and by what means.

If said notification requirements have been met to the satisfaction of the permit granting authority, a circumstance where individual tenants or lessees fail to receive notification shall not serve to invalidate the public hearing.

11.232 The Planning Board, or its designated subcommittee, shall schedule a viewing of the property for the purpose of making an informed decision, unless, pursuant to Section 11.222, the Board judges the change to be insignificant and does not require a visit.

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ARTICLE 31

Part E

Form 2 – Submission 3

FINAL VERSION OF BYLAW

ARTICLE 15 INCLUSIONARY ZONING

SECTION 15.0 INTENT AND PURPOSE

SECTION 15.1 REGULATIONS

SECTION 15.0 INTENT & PURPOSE

The purpose of this Article is to promote the general public welfare, including but not limited to ensuring an economically integrated and diverse community, by maintaining and increasing the supply of affordable and accessible housing in the Town of Amherst. This purpose includes:

- 15.00 Ensuring that new residential development generates affordable housing as defined in Section 12.20.
- 15.01 Ensuring that affordable housing created under this section remains affordable over the long term, with the majority of such housing remaining affordable in perpetuity, except as may be otherwise required under state or federal programs.
- 15.02 Maintaining a full mix of housing types and unrestricted geographic distribution of affordable housing opportunities throughout Amherst.
- 15.03 To the extent allowed by law, ensuring that preference for new affordable housing is given to eligible persons who live or work in Amherst.

SECTION 15.1 REGULATIONS

To ensure the purposes of this section, the following regulations shall apply to residential development in Amherst:

- 15.10 All residential development requiring a Special Permit and resulting in additional new dwelling units shall provide affordable housing units at the following minimum rates:



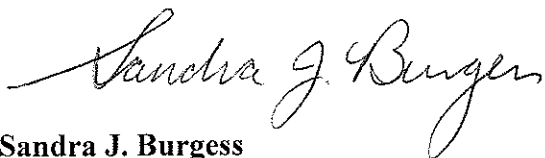
<u>Total Development Unit Count</u>	<u>Required Affordable Unit Provision</u>
1-9 units	None*
10-14 units	Minimum one (1) dwelling unit
15-20 units	Minimum two (2) dwelling units
21 units	Minimum 12% of total unit count

* While provision of affordable units is not required for developments containing 1-9 units under this section, the Bylaw encourages affordability and provides for incentives. See Sections 4.33 and 4.55.

Where two or more units are required to be provided under this section, a minimum of forty-nine percent (49%) of affordable units shall be eligible and countable for the purpose of the Commonwealth's 40B Subsidized Housing Inventory (SHI) or its successor. Calculation of the number of total affordable units or the number of SHI-eligible 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.

- 15.11 Affordable and accessible dwelling units provided under Section 15.10 shall be counted as meeting the requirements for density bonuses under the provisions of Section 4.55, Density Bonuses, of this Bylaw.
- 15.12 The applicant shall establish such housing restrictions, conditions, and/or limitations as are necessary to ensure that the affordable housing units provided under this section will be permanently available for purchase by eligible low-and moderate-income buyers, and available for a minimum of twenty years in the case of rental housing.
- 15.13 Housing constructed by a public agency or non-profit corporation using a federal, state, or local housing assistance program may adhere to the requirements set forth by the funding agency provided that the purpose of these regulations are met.
- 15.14 In any residential development, affordable housing units provided shall be dispersed throughout the development, and shall be comparable to market rate units in terms of the quality of their design, materials, and general appearance of their architecture and landscape.

A true copy, Attest:



Sandra J. Burgess
Amherst Town Clerk