

ARTICLE 23. TO SEE IF THE TOWN WILL VOTE TO AMEND THE DEFINITION CONTAINED IN SECTION V OF THE TOWN'S ZONING BYLAWS BY DELETING IN ITS ENTIRETY AND REPLACING THE DEFINITION FOR MAJOR RESIDENTIAL DEVELOPMENT, AS FOLLOWS:

Deleting in its entirety the following:

Major Residential Development

Either of the following:

- Development of ten or more dwelling units on a single lot, or
- One or more divisions of land (whether or not a 'subdivision' requiring Planning Board approval) that would cumulatively result in an increase by ten or more lots (excluding any restricted from residential use) above the number existing twenty-four months earlier on a parcel or a set of contiguous parcels which were in common ownership as of October 10, 2001, except that if each resulting lot has both lot area and frontage at least 50% greater than that required under Section 2600 Intensity of Use Schedule the land division shall not be considered to be a Major Residential Development.

And replacing it with the following:

Major Residential Development

A residential development, whether subdivision or not, in which the buildings are arranged in a manner that maximizes available open space, as more particularly described in Section 4300 of these Zoning Bylaws.

OR TAKE ANY ACTION IN RELATION THERETO

ARTICLE 24. TO SEE IF THE TOWN WILL VOTE TO AMEND SECTION 4300 OF THE TOWN'S ZONING BYLAWS, ENTITLED MAJOR RESIDENTIAL DEVELOPMENT, AS FOLLOWS:

4310. Intent.

The intent of Major Residential Development (MRD) provisions is to allow greater flexibility and creativity in residential development and to assure a public voice and public authority in consideration of development in order to gain the following:

1. Location of development on sites best suited for building, and protection of land not suited for development, reflecting such considerations as:
 - Permanent preservation of open space for conservation or recreational use, especially in large contiguous areas within the site or linked to off-site protected areas;
 - Enhancement of agricultural and forestry uses.
 - Protection of water bodies, streams, wetlands, wildlife habitats, and other natural resources;

- Protection of the character of the community through preserving open space within view from public roads, preservation of stone walls and other historic landscape features, preservation of scenic vistas, and siting of dwellings at low-visibility locations;
 - Preservation of historical and archaeological resources;
 - Protection of street appearance and capacity by avoiding development close to or having egress directly onto existing streets.
2. To facilitate construction and maintenance of public facilities and services such as streets and utilities in a more economical, environmentally sensitive, and efficient manner.
 3. Promotion of social and economic diversity, including, but not limited to, development of mixed income housing and housing for persons over 55 years of age.
 4. Privacy for residents of individual lots through sensitive siting of buildings and better overall site planning.
 5. Avoidance of unnecessary development cost and protection of value of real property.
 6. To perpetuate and promote the appearance of the Town's New England character.
 7. To offer an alternative to standard subdivision development.

4320. Applicability. In accordance with the following provisions, a MRD project may be created, whether a subdivision or not, from any parcel or set of contiguous parcels held in common ownership and located entirely within the Town, provided however that an MRD shall contain no less than 10 lots or dwelling units..

4325. Definitions. The following terms shall have the following definitions for the purposes of this section:

1. "Affordable to persons or families qualifying as low income" shall mean affordable to persons in the area under the applicable guidelines of the Commonwealth's Department of Housing and Community Development earning less than 50% of the median income.
2. "Affordable to persons or families qualifying as moderate income" shall mean affordable to persons in the area under the applicable guidelines of the Commonwealth's Department of Housing and Community Development earning more than 50% but less than 80% of the median income.
3. "Affordable to persons or families qualifying as median income" shall mean affordable to persons in the area under the applicable guidelines of the Commonwealth's Department of Housing and Community Development earning more than 80% but less than 120% of the median income.
4. "Contiguous open space" shall mean open space suitable, in the opinion of the Planning Board, for the purposes set forth in Sections 4370 and 4375, herein. Such open space may be separated by the road(s) constructed within the MRD. Contiguous open space shall not include required yards.

4330. Procedures. An MRD may be authorized upon the issuance of a special permit by the Planning Board. Applicants for Major Residential Development shall file with the Planning

Board plans conforming to both requirements of the Subdivision Rules and Regulations, and the following:

1. A development plan conforming to the requirements for a definitive plan as set forth in the Subdivision Rules and Regulations of the Planning Board.
2. Where wetland delineation is in doubt or dispute, the Planning Board may require appropriate documentation.
3. Data on proposed wastewater disposal, which shall be referred to a consulting engineer for review and recommendation.
4. The Planning Board may also require as part of the development plan any additional information necessary to make the determinations and assessments cited herein, including but not limited to the following:
 - Existing Site Conditions: location and boundaries of the site, water bodies, streams and wetlands (delineation to be acceptable to the Conservation Commission in accordance with the Massachusetts Wetlands Protection Act prior to the Planning Board rendering a decision on the MRD application), topography at two-foot intervals, identification of land having slopes in excess of 25%, identification of general cover type (wooded, cropland, etc.), location of Designated Natural or Cultural Resources, and existing ways;
 - Context information: ownership and use of abutting properties, location of existing buildings within 50 feet of the premises, location of any wells within 100 feet of the premises.
 - Proposals: proposed lot lines, streets and ways, building envelopes; water system, sewage disposal proposals, drainage system, indication of vegetation removal and retention; and proposed vegetation, common open space, and other land for non-residential use;
 - Landscape Plan: identifying areas of retained vegetation, proposed plantings, proposed restrictions upon vegetation alteration, and other elements of an integrating conceptual landscape design.
 - Documentation of consultation with the Bellingham Historical Commission regarding any historical and archaeological resources and evidence that all feasible efforts have been made to avoid, minimize, or compensate for any damage to those resources.
 - Such other information as the Planning Board may reasonably find necessary for making informed determinations on the proposal.
5. Floor plans and elevations for any proposed buildings other than detached single-family dwellings and typical accessory structures (e.g., sheds, garages)
6. Indication of each landowner's interest in the land to be developed, the form of organization proposed to own and maintain any proposed common open space, the substance of covenants and grants of easements to be imposed upon the use of land and structures, and a development schedule, indicating cumulative maximum number of dwelling units proposed to be completed by the end of each year in the schedule and the latest date of completion for any proposed community facilities, which schedule as approved or amended and approved shall be made part of the Special Permit decision.
7. Narrative and tabular materials describing the proposal, including the number and size of dwelling units; proposed project phasing; and any provisions being made to target special occupancies, such as for the elderly or for affordable housing.

8. Prior to the final special permit decision a plan satisfying all requirements for a Definitive Subdivision Plan under the Subdivision Regulations of the Bellingham Planning Board.
9. Any additional information necessary to make the determinations and assessments cited in Section 4360 Decision.
10. Plans satisfying requirements for Stormwater Management, as may be governed by local, state and federal authorities.

4333. Review and Decision for Major Residential Development Special Permit. The Planning Board shall solicit comments, reports, memoranda and/or testimony from the DPW, Board of Health, Fire Department, Conservation Commission and other local boards or officials as may be necessary. The Planning Board may request that the Applicant meet with such entities prior to the close of any hearing hereunder.

4335. Design Process. Each development plan shall follow the design process outlined below. When the development plan is submitted, applicants shall be prepared to demonstrate to the Planning Board that this Design Process was considered in determining the layout of proposed streets, house lots, and contiguous open space.

1. Understanding the Site. The first step is to inventory existing site features, taking care to identify sensitive and noteworthy natural, scenic and cultural resources on the site, and to determine the connection of these important features to each other.
2. Evaluating Site Context. The second step is to evaluate the site in its larger context by identifying physical (e.g., stream corridors, wetlands), transportation (e.g., road and bicycle networks), and cultural (e.g., recreational opportunities) connections to surrounding land uses and activities.
3. Designating the Contiguous Open Space. The third step is to identify the contiguous open space to be preserved on the site. Such open space should include the most sensitive and noteworthy resources of the site, and, where appropriate, areas that serve to extend neighborhood open space networks.
4. Location of Development Areas. The fourth step is to locate building sites, streets, parking areas, paths and other built features of the development. The design should include a delineation of private yards, public streets and other areas, and shared amenities, so as to reflect an integrated community, with emphasis on consistency with the Town's historical development patterns.
5. Lot Lines. The final step is simply to draw in the lot lines (if applicable).

4350. Alternative Dimensional Regulations. The Planning Board encourages applicants for an MRD to modify lot size, shape, and other dimensional requirements for lots within an MRD, subject to the following limitations:

1. Lots having reduced area or frontage shall not have frontage on a street other than a street created by the MRD; provided, however, that the Planning Board may waive this requirement where it is determined that such reduced lot(s) are consistent with existing development patterns in the neighborhood.
2. At least 50% of the required side and rear yards in the district shall be maintained in the MRD.

4352. Allowable Number of Dwelling Units. The Basic Maximum Number of dwelling units allowed in an MRD shall not exceed the number of lots which could reasonably be

expected to be developed upon the site under a conventional plan in full conformance with all zoning, subdivision regulations, health regulations, wetlands regulations and other applicable requirements. The proponent shall have the burden of proof with regard to the design and engineering specifications for such conventional plan.

4353. Density Bonus. The Planning Board may award a density bonus to increase the number of dwelling units beyond the Basic Maximum Number. The density bonus for the MRD shall not, in the aggregate, exceed twenty (20%) percent of the Basic Maximum Number. Computations shall be rounded to the lowest number. A density bonus may be awarded in the following circumstances:

For each additional ten percent (10%) of the site (over and above the required forty percent) set aside as contiguous open space, a bonus of five (5%) percent of the Basic Maximum Number may be awarded..

4354. Affordable Component. As a condition of the grant of any special permit for an MRD, a minimum of fifteen (15%) of the total number of dwelling units shall be restricted, in perpetuity in the following manner:

1. 5% of the units shall be affordable to persons or families qualifying as low income; and
2. 5% of the units shall be affordable to persons or families qualifying as moderate income; and
3. 5% of the units shall be affordable to persons or families qualifying as median income.

The Planning Board may waive or partially waive the affordability component for projects of 10 units or less provided that the Applicant can show that including affordable units is an unreasonable financial burden.

4355. Other Dimensional Regulations.

1. Existing Street Protection. There may not be a larger number of lots relying on frontage on a street other than one created by the development involved than would be expected under a conventional plan.
2. Building envelope. Principal buildings, accessory buildings, and parking, both initially and through subsequent additions and alterations, shall be located within a designated building envelope. Such envelopes shall not exceed 40% of the lot area (exclusive of wetlands) of the lots they are on, and shall be located consistent with the following.
 - Building envelopes shall include no land within front, side and rear yards based upon requirements contained in the Intensity of Use Requirements of Section 2600 applied as follows:
 - (a) For yards measured from the boundary line at the perimeter of the MRD, the requirements for the Suburban District shall apply.
 - (b) For yards not measured from the perimeter boundary, the requirements for the Residential (R) District shall apply, except that the Planning Board in acting on the special permit approval may authorize a reduction of up to 50% in those requirements upon its determination that such reduction results in better design, improved protection of natural or cultural resources, and adequate protection of privacy and safety.

- Building envelopes shall include no land within any wetland, flood plain, or slope in excess of 25%.
- Building envelopes shall not be located within 100 feet of any designated natural or historic resources unless, in approving the MRD special permit, the Planning Board determines that either such buffering is inappropriate, as in the case of proposing an architecturally compatible building in the vicinity of an historic structure, or that meeting these resource buffers would leave otherwise developable property without economically beneficial use, and that the relief granted is the minimum necessary to allow economic use.
- Where possible, building envelopes shall avoid damage to areas of visual importance, such as ridgelines, open fields, or dense vegetation buffering development from existing roads.

4360. Roads. The principal roadway(s) serving the site shall be designed to conform to the standards of the Town where the roadway is or may be ultimately intended for dedication and acceptance by the Town. Private ways must be proven to be adequate for the intended use and vehicular traffic and shall be maintained by an association of unit owners or by the Applicant.

4361. Parking. Each dwelling unit shall be served by at least two (2) off-street parking spaces. Parking spaces in front of garages may count in this computation.

4362. Landscaping. Elements such as any protected open space areas, street trees, stream buffer areas, other buffers, cul-de-sac planting areas, and outstanding specimen trees or tree groupings shall be used as part of an integrated conceptual design uniting the various elements of the site and preserving and enhancing its natural and scenic resource elements.

1. Existing trees and indigenous vegetation shall be retained to the extent reasonably feasible, except where the Board concurs that removal is preferable for opening views from public roads, control of invasive growth, or other benefits.
2. Protected areas and resources shall be linked in continuous patterns to the extent reasonably feasible.
3. Protection for trees and tree groupings to be retained shall include avoidance of grade change within the drip line, careful marking to avoid accidental damage and location of materials and soil deposits distant from those trees during construction.

4370. Contiguous Open Space. A minimum of forty percent (40%) of the parcel shown on the development plan shall be contiguous open space. Any proposed contiguous open space, unless conveyed to the Town or its Conservation Commission, shall be subject to a recorded restriction enforceable by the Town, providing that such land shall be perpetually kept in an open state, that it shall be preserved for exclusively conservation, agricultural, horticultural, educational or recreational purposes, and that it shall be maintained in a manner which will ensure its suitability for its intended purposes.

1. The percentage of the contiguous open space which is wetlands shall not normally exceed the percentage of the tract which is wetlands; provided, however, that the applicant may include a greater percentage of wetlands in such open space upon a demonstration that such inclusion promotes the purposes set forth in Section 1,

above. In no case shall the percentage of contiguous open space which is wetlands exceed fifty (50%) of the tract.

2. The contiguous open space shall be used for conservation, historic preservation and education, outdoor education, recreation, park purposes, agriculture, horticulture, forestry, or for a combination of these uses, and shall be served by suitable access for such purposes.
3. The contiguous open space shall remain unbuilt upon, provided that the Planning Board may permit up to ten (10%) percent of such open space to be paved or built upon for structures accessory to the dedicated use or uses of such open space, pedestrian walks, and bike paths.
4. Underground utilities to serve the Major Residential Development site may be located within the contiguous open space, subject to conditions that may be imposed by the Board.

4375. Ownership of the Contiguous Open Space. The contiguous open space shall, at the Planning Board's election, be conveyed to

1. The Town or its Conservation Commission;
2. a nonprofit organization, the principal purpose of which is the conservation of open space and any of the purposes for such open space set forth above;
3. A corporation or trust owned jointly or in common by the owners of lots within the Major Residential Development. If such corporation or trust is utilized, ownership thereof shall pass with conveyance of the lots in perpetuity. Maintenance of such open space and facilities shall be permanently guaranteed by such corporation or trust which shall provide for mandatory assessments for maintenance expenses to each lot. Each such trust or corporation shall be deemed to have assented to allow the Town to perform maintenance of such open space and facilities, if the trust or corporation fails to provide adequate maintenance, and shall grant the town an easement for this purpose. In such event, the town shall first provide fourteen (14) days written notice to the trust or corporation as to the inadequate maintenance, and, if the trust or corporation fails to complete such maintenance, the town may perform it. Each individual deed, and the deed or trust or articles of incorporation, shall include provisions designed to effect these provisions. Documents creating such trust or corporation shall be submitted to the Planning Board for approval, and shall thereafter be recorded.

4380. Buffer Areas. A buffer area of one hundred (100) feet shall be provided at the perimeter of the property where it abuts residentially zoned or occupied properties, except for driveways necessary for access and egress to and from the site. No vegetation in this buffer area will be disturbed, destroyed or removed, except for normal maintenance. The Planning Board may waive the buffer requirement (i) where the land abutting the site is the subject of a permanent restriction for conservation or recreation so long as a buffer is established of at least fifty (50') feet in depth which may include such restricted land area within such buffer area calculation; or (ii) where the land abutting the site is held by the Town for conservation or recreation purposes; or (iii) the Planning Board determines that a smaller buffer will suffice to accomplish the objectives set forth herein.

4390. Drainage. Stormwater management shall be consistent with the requirements for subdivisions set forth in the Rules and Regulations of the Planning Board.

4395. Decision Basis. The Planning Board may approve, approve with conditions, or deny an application for a MRD after determining whether the MRD better promotes the purposes of this Major Residential Development By-Law than would a conventional subdivision development of the same locus.

4396. Relationship to Other Requirements. The submittals and permits of this section shall be in addition to any other requirements of the Subdivision Control Law or any other provisions of this Zoning By-Law.

4374. Long-term Compliance. Subsequent to approval of a Major Residential Development, no land therein shall be sold and no lot line or structure altered from that shown on the Plan so as to increase the extent of nonconformity with the standard dimensional regulations of this Bylaw. Prior to sale of any lot within a Development, or issuance of a building permit for construction therein, such lots shall be shown on a plan recorded in the Registry of Deeds or registered with the Land Court, which plan shall make reference to the recorded land agreements referred to in Section 4361. Unless the Planning Board has specifically approved staged development, such plan shall show all lots to be included in the Development.

OR TAKE ANY ACTION IN RELATION THERETO

ARTICLE 25. TO SEE IF THE TOWN WILL VOTE TO AMEND THE ZONING BY-LAW BY ADDING THE FOLLOWING WITH REGARD TO INCLUSIONARY HOUSING:

Section 5400 INCLUSIONARY HOUSING

5400 Inclusionary Housing

5410. Intent

The purpose of this Bylaw is to outline and implement a coherent set of policies and objectives for the development of affordable housing in tandem with on-going Town of Bellingham programs to promote a reasonable percentage of housing that is affordable to moderate-income buyers. It is intended that the

affordable housing units that result from special permits issued under this Bylaw be included on the Town's subsidized housing inventory, as kept by the Massachusetts Department of Housing and Community Development ("DHCD") or any successor agency. It is intended that this Bylaw provide a mechanism to compensate for those decreases in the town's percentage of affordable housing that are directly caused by prospective increases in the Town's overall housing stock.

5415. Definitions

1. *Affordable Housing Unit:* A dwelling unit that can be purchased at an annual cost that is deemed affordable for a household that is earning no more than 70% of the area median income as reported by the U.S. Department of Housing and Urban Development and/or DHCD, said price to be adjusted commensurate with the maximum income of the proposed purchaser.
2. *Qualified Affordable Housing Unit Purchaser:* An individual or family with a household income that does not exceed 80% of the area median income, with adjustments for household size, as reported by the most recent information from the United States Department of Housing and Urban Development and/or DHCD.

5420. Applicability

5421. Division of Land: This Bylaw shall apply to the division of land held in single ownership as of October 14, 2010 or anytime thereafter into eight (8) or more lots, whether said eight (8) or more lots are created at one time or are the accumulation of eight (8) or more lots created from said land held in single ownership as of October 14, 2010, and shall require a special permit under section 1500 of the Zoning Bylaw and G.L. c. 40A, §9. A special permit shall be required for “conventional” or “grid” divisions allowed by M.G.L. Chapter 41, Section 81-L and Section 81-U, as well as those divisions of land that do not require subdivision approval per G.L. c. 41, §81P.

5422. Multi-Family Dwelling Units and Duplexes: This Bylaw shall apply to the construction of eight (8) or more dwelling units in duplexes or multi-family complexes, whether on one or more contiguous parcels in existence as of October 14, 2010, and shall require a special permit under Article 2 of the Zoning Bylaw and G.L. c. 40A, §9.

5430. Exemption: The provisions of Section 5420 hereof shall not apply to the construction of eight (8) or more single-family dwelling units on individual lots, if said eight (8) or more lots were in existence as of October 14, 2010. This Bylaw shall not apply to Major Residential Developments proposed and permitted under Section 4300 of the Town's Zoning Bylaws.

5440. Administration: The Planning Board shall be the Special Permit Granting Authority for all special permits under this Bylaw.

5450. Mandatory Provision of Affordable Units

The Special Permit Granting Authority shall, as a condition of approval of any development referred to in Section 5455, require that the applicant for special permit approval comply with the obligation to provide affordable housing pursuant to this Bylaw and more fully described in Section 5455. Any special permit granted hereunder shall contain a condition that no construction of any of the proposed development may commence until the affordable units created thereby are eligible for inclusion on the Town's subsidized housing inventory.

5455. Provision of Affordable Units

The Special Permit Granting Authority shall deny any application for a special permit for development if the applicant for special permit approval does not comply, at a minimum, with the following requirements for affordable units:

(a). At least 10% of the units in a division of land or units in a multi-family or duplex development subject to this Bylaw shall be established as affordable housing units in any one or combination of methods provided for below. Fractions of a lot or dwelling unit shall be rounded up to the nearest whole number, such that a development proposing eight (8) dwelling units shall require one affordable unit, a development proposing eleven (11) dwelling units shall require two (2) affordable units, and so on.

(b). The affordable unit(s) shall be constructed or rehabilitated on: The locus property; or a locus different from the one subject to the special permit (see Section 5490); or the applicant may offer and the Special Permit Granting Authority may accept any combination of the Section 5455 requirements provided that in no event shall the total number of units or land area provided be less than ten (10%) percent of the total number of units/lots approved under the permit.

5460. Provisions Applicable to Affordable Housing Units On- Or Off-Site

5461. Siting of affordable units: All affordable units constructed or rehabilitated under this Bylaw shall be situated 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.

5462. Minimum design and construction standards for affordable units: Affordable housing units within market-rate developments shall be integrated with the rest of the development and shall be compatible in external design, appearance, construction and quality of materials with other units.

5463. Timing of construction or provision of affordable units or lots: The Special Permit Granting Authority may impose conditions on the special permit requiring construction of affordable housing according to a specified time table, so that affordable housing units shall be provided coincident to the development of market-rate units, but in no event shall the development of affordable units be delayed beyond the schedule noted below:

<u>Market-Rate Unit %</u>	<u>Affordable Housing Unit %</u>
Up to 30%	None required
30% plus 1 unit	At least 10%
Up to 50%	At least 30%
Up to 75%	At least 50%
75% plus 1 unit	At least 70%
UP to 90%	100%

Any fractions of an affordable unit shall be rounded up to a whole unit.

5470. Local Preference

To the extent permitted by law, the Special Permit Granting Authority may require the applicant to comply with local reference requirements, if any, as may be established by regulations promulgated hereunder.

5480. Marketing Plan for Affordable Units

Applicants under this Bylaw shall submit a marketing plan or other method approved by the Special Permit Granting Authority, which describes how the affordable units will be marketed to potential homebuyers. If applicable, this plan shall include a description of the lottery or other process to be used for selecting buyers. The plan shall be in conformance to DHCD rules and regulations, and shall be subject to the prior review and approval of Town Counsel at the applicant's expense.

5490. Provision of Affordable Units Off-Site

Subject to the approval of the Special Permit Granting Authority, an applicant subject to this Bylaw may develop, construct or otherwise provide affordable units equivalent to those required by Section 5455 off-site. All requirements of this Bylaw that apply to on-site provision of affordable units, shall apply to provision of off-site affordable units. In addition, the location and design of the off-site units to be provided shall be approved by the Special Permit Granting Authority as an integral element of the special permit review and approval process.

5495. Preservation of Affordability; Restrictions On Resale

Each affordable unit created in accordance with this Bylaw shall have the following limitations governing its resale. 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 deed restriction must be deemed acceptable to DHCD and Town Counsel prior to the issuance of any building or occupancy permits and shall be recorded at the Norfolk County Registry of Deeds or the Land Court and shall be in force in perpetuity or for the longest period allowed by law, unless the Planning Board determines that a shorter period of affordability will facilitate the development of affordable housing.

5495.1 The Special Permit Granting Authority shall require, as a condition for special permit approval under this Bylaw, that the deeds to the affordable housing unit contain a restriction requiring that any subsequent renting or leasing of said affordable housing unit shall not exceed an amount that is deemed affordable for the income level that is designated for the *Qualified Affordable Housing Unit Purchaser*.

5495.2 Special Permit Granting Authority shall require, as a condition for special permit approval under this Bylaw, that the applicant comply with the mandatory set-asides and accompanying deed restrictions on affordability.

5496. Regulations

The Special Permit Granting Authority may adopt regulations for the orderly administration of this Bylaw.

OR TAKE ANY ACTION IN RELATION THERETO.

ARTICLE 26. TO SEE IF THE TOWN WILL VOTE TO AMEND THE ZONING BY-LAW BY ADDING THE FOLLOWING TO SECTION 2400 WITH REGARD TO LARGE-SCALE GROUND-MOUNTED SOLAR PHOTOVOLTAIC INSTALLATIONS:

Amend Section 2400 the Use Regulations Schedule by adding the following under "Industrial Uses":

	A	S,R	M	B1 B2	I
Large scale ground mounted solar photovoltaic installation pursuant to Article 5300	NO	NO	NO	NO	YES

OR TAKE ANY ACTION IN RELATION THERETO.

ARTICLE 27. TO SEE IF THE TOWN WILL VOTE TO AMEND THE ZONING BY-LAW BY ADDING THE FOLLOWING TO SECTION 2400 WITH REGARD TO RENEWABLE OR ALTERNATIVE ENERGY FACILITIES:

Amend Section 2400 the Use Regulations Schedule by adding the following under "Industrial Uses":

	A	S,R	M	B1	B2	I
Renewable or Alternative Energy Research and Development Facilities	NO	NO	NO	NO	YES ¹⁹	
Renewable or Alternative Energy Manufacturing Facilities.	NO	NO	NO	NO	YES ¹⁹	

¹⁹Subject to Development Plan Review by the Planning Board pursuant to Section 1420 of the Bylaw. In the event Development Plan Review is not completed by the Planning Board one year from the date of application, the application shall be deemed approved.
OR TAKE ANY ACTION IN RELATION THERETO.

ARTICLE 28. TO SEE IF THE TOWN WILL VOTE TO AMEND THE ZONING BY-LAW BY ADDING THE FOLLOWING WITH REGARD TO LARGE-SCALE GROUND-MOUNTED SOLAR PHOTOVOLTAIC INSTALLATIONS:

Add the following new Article IV Section 5300

SECTION 5300

LARGE-SCALE GROUND-MOUNTED SOLAR PHOTOVOLTAIC INSTALLATIONS

5310 Purpose. The purpose of this Article is:

- a. to provide standards for the placement, design, construction, operation, monitoring, modification and removal of large-scale ground-mounted solar photovoltaic installations;
- b. to minimize the adverse impacts of large-scale ground-mounted solar photovoltaic installations on adjacent properties and residential neighborhoods;
- c. to minimize impacts on scenic, natural and historic resources; and
- d. to provide adequate financial assurance for the eventual decommissioning of such installations.

The provisions set forth in this Article shall take precedence over all other provisions of this Bylaw when considering applications related to the construction, operation, and/or repair of large-scale ground-mounted solar photovoltaic installations.

5320 Definitions. In addition to Article V of this bylaw, the following definitions shall apply to Large-Scale Ground-Mounted Solar Photovoltaic Installations:

Large-Scale Ground-Mounted Solar Photovoltaic Installation: A solar photovoltaic system on a parcel of at least twenty (20) acres that is structurally mounted on the ground and is not roof-mounted, and has a minimum nameplate capacity of 250 kW DC.

On-Site Solar Photovoltaic Installation: A solar photovoltaic installation that is constructed at a location where other uses of the underlying property occur.

Rated Nameplate Capacity: The maximum rated output of electric power production of the Photovoltaic system in Direct Current (DC).

5330 Applicability. This Article applies to any Large-Scale Ground-Mounted Solar Photovoltaic Installation proposed to be constructed after the effective date of this Section. Such installation may proceed as of right as set forth in the Table of Use Regulations without the need for a special permit, variance, site plan approval, zoning amendment, waiver, or other discretionary approval. Any modification of any existing Large-Scale Ground-Mounted Solar Photovoltaic Installation that materially alter the type, configuration, or size of such facility or related equipment shall also be subject to the Article.

5340 General Requirements. The following requirements are common to all Large-Scale Ground-Mounted Solar Photovoltaic Installations.

5341 Compliance with Laws, Ordinances and Regulations. The construction and operation of all such proposed Large-Scale Ground-Mounted Solar Photovoltaic Installations shall be consistent with all applicable local, state and federal requirements, including but not limited to all applicable safety, construction, environmental, electrical, communications and aviation requirements.

5342 Development Plan Review, Building Permit. No Large-Scale Ground-Mounted Solar Photovoltaic Installation shall be erected, constructed, installed or modified as provided in this Article without first obtaining approval from the Planning Board for Development Plan Approval pursuant to Section 1420 of this Bylaw and without first obtaining a building permit and all other applicable permits required by law. In the event Development Plan Review is not completed by the Planning Board one year from the date of application, the application shall be deemed approved.

5343 Fees. The application for a building permit for a Large-Scale Ground-Mounted Solar Photovoltaic Installation must be accompanied by the fee required for a building permit and all other applicable permits required by law.

5350 Submittal to Building Inspector. An application for a building permit for a Large Scale Ground Mounted Solar Photovoltaic Installation shall include the following information. All plans and maps shall be prepared, stamped and signed by a professional engineer licensed to practice in Massachusetts.

- a. Blueprints or drawings of the solar photovoltaic 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
- b. One or three line electrical diagram detailing the solar photovoltaic installation, associated components, and electrical interconnection methods, with all Massachusetts Electrical Code compliant disconnects and overcurrent devices;
- c. Documentation of the major system components to be used, including the PV panels, mounting system, and inverter;
- d. Name, address, and contact information for proposed system installer;
- e. Name, address, phone number and signature of the project proponent, as well as all co-proponents or property owners, if any;
- f. The name, contact information and signature of any agents representing the project proponent;
- g. Documentation of actual or prospective access and control of the project site.
- h. An operation and maintenance plan including measures for maintaining safe access to the installation, storm water controls, as well as general procedures for operational maintenance of the installation;
- i. Proof of liability insurance;

k. Evidence that the utility company that operates the electrical grid where the installation is to be located has been informed of the applicant's intent to install an interconnected customer-owned generator. Off-grid systems shall be exempt from this requirement.

5351 Site Control. The applicant shall submit documentation of actual or prospective access and control of the project site sufficient to allow for installation and operation of the proposed installation. Control shall include the legal authority to prevent the use or construction of any structure for human habitation within the setback areas.

5352 Operation and Maintenance Plan. The applicant shall submit a plan for maintenance of access roads and storm water controls, as well as general procedures for operational maintenance of the installation.

5353 Utility Notification. No Large-Scale Ground-Mounted Solar Photovoltaic Installation facility shall be installed until evidence has been submitted that the utility company that operates the electrical grid where the installation is to be located has been informed of the customer's intent to install such installation. Off-grid systems shall be exempt from this requirement.

5360 Design Standards. The following standards shall apply to any Large-Scale Ground - Mounted Solar Photovoltaic Installation.

5361 Lighting. Lighting of Large-Scale Ground-Mounted Solar Photovoltaic Installations shall be consistent with local, state and federal law. Lighting of other parts of the installation, such as accessory structures, shall be limited to that required for safety and operational purposes, and shall not cast measurable light onto adjacent properties or into the night sky. Lighting of the solar photovoltaic installation shall be directed downward and shall incorporate full cut-off fixtures to reduce light pollution.

5362 Signage. Signs on such installations shall comply with the Town's sign by-law. The following signs shall be required:

a. Those necessary to identify the owner, provide a 24-hour emergency contact phone number, and warn of any danger.

b. Educational signs providing information about the facility and the benefits of renewable energy.

c. Installations shall not be used for displaying any advertising except for reasonable identification of the manufacturer or operator of the facility.

5363 Utility Connections. The Building Inspector may require as a condition of site plan approval that all utility connections from the solar photovoltaic installation shall be underground, after considering 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.

5364 Accessory Structures. All accessory structures to Large-Scale Ground-Mounted Solar Photovoltaic Installations shall be subject to reasonable regulations concerning the bulk and height of structures, lot area, setbacks, open space, parking and building coverage requirements. All such accessory structures, including but not limited to, equipment shelters, storage facilities, transformers, and substations, shall be architecturally compatible with each other. To the maximum extent feasible, structures which are visible or directly adjacent to residentially zoned or occupied properties or

which are adjacent to a public way shall be screened from view by landscaping or other means and/or joined or clustered to avoid adverse visual impacts.

5365 Dimensional and Density Requirements; Setbacks. For Large-Scale Ground-Mounted Solar Photovoltaic Installations, front, side and rear setbacks shall be as follows:

a. *Front yard.* The front yard depth shall be at least 20 feet; provided, however, that where the lot abuts a Residential district, the front yard shall not be less than 100 feet.

b. *Side yard.* Each side yard shall have a depth at least 10 feet; provided, however, that where the lot abuts a Residential district, the side yard shall not be less than 30 feet.

c. *Rear yard.* The rear yard depth shall be at least 20 feet; provided, however, that where the lot abuts a Residential district, the rear yard shall not be less than 100 feet.

5366 Land Clearing, Soil Erosion and Habitat Impacts. Given the nature of the need for no shadowing and maximum exposure of the solar panels to the sun, clearing of natural vegetation shall be limited to that which is necessary for the construction, operation and maintenance of the installation or otherwise prescribed by applicable laws, regulations, and bylaws.

5370 Safety and Environmental Standards. The following standards shall apply to any Large-Scale Ground Mounted Solar Photovoltaic Installation.

5371 Emergency Services. The Large-Scale Ground-Mounted Solar Photovoltaic Installation owner or operator shall provide a copy of the project summary, electrical schematic, and site plan to the 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 photovoltaic installation shall be clearly marked. The owner or operator shall identify a responsible person for public inquiries throughout the life of the installation.

5372 Unauthorized Access. Installations shall be surrounded by security fencing of at least eight feet (8') or other suitable barrier approved by the Planning Board including locked gates to prevent unauthorized access. Electrical equipment shall be locked where possible. A Knox box approved by the Fire Chief shall be provided and installed at a location on site approved by the Fire Chief and contain keys and contact information for access to the facility in the event of an emergency.

5373 Monitoring and Maintenance. The owner or operator of the Large-Scale Ground-Mounted Solar Photovoltaic Installation 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 Medical Services. The owner or operator shall be responsible for the cost of maintaining the solar photovoltaic installation and any access road(s), unless accepted as a public way.

5380 Accessory Roof-Mounted Solar Photovoltaic Installations. Nothing in this article IV Section 5300 shall be construed to prevent the installation, pursuant to G.L. c. 40A, s. 3, of accessory roof-mounted solar photovoltaic installations in any district.

5381 Financial Surety for Decommissioned Installation. The applicant for a Large-Scale Ground-Mounted Solar Photovoltaic Installation shall provide a form of surety, either through escrow account, bond or otherwise, 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 one-hundred twenty-five percent (125%) of the cost of removal and compliance with the additional requirements set forth herein, as determined by the applicant. Such surety will not be required for municipally- or state-owned facilities. The applicant 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.

5382 Exemption for Municipal Land. Large-Scale Ground-Mounted Solar Photovoltaic Installations shall be allowed to be constructed upon any municipal property meeting the requirements of this bylaw regardless of the Zoning District.

OR TAKE ANY ACTION IN RELATION THERETO.

ARTICLE 29. TO SEE IF THE TOWN WILL VOTE TO AMEND ARTICLE V DEFINITIONS BY ADDING THE FOLLOWING:

Alternative Energy and Renewable Energy Manufacturing Facilities

Include, but are not limited to, the following: manufacturing of solar panel production, wind turbine or hydro turbine production, and fuel cell production.

Alternative Energy and Renewable Energy Research and Development Facilities

Include, but are not limited to, the following: Research & Development Facilities used for research to improve the efficiency of, or reduce pollution from biomass power facilities, research and development intended to enhance geothermal systems, research related to advance battery systems.

Renewable Energy

Energy generated from natural resources such as sunlight, wind, rain, and geothermal heat, which are naturally replenished. Renewable energy is natural, which does not have a limited supply. Renewable energy can be used again and again, and will never run out. Renewable energy sources include biomass, hydro, geothermal, solar, tidal wave, and wind.

Research and Development Facilities

Facilities used primarily for research, development and/or testing of innovative information, concepts, methods, processes, materials, or products. This can include the design, development, and testing of biological, chemical, electrical, magnetic, mechanical, and or optical components in advance of product manufacturing. The accessory development, fabrication, and light manufacturing of prototypes, or specialized machinery and devices integral to research or testing may be associated with these uses”

OR TAKE ANY ACTION IN RELATION THERETO.

ARTICLE 30. TO SEE IF THE TOWN WILL VOTE TO AMEND CHAPTER 12 OF THE GENERAL BY-LAWS BY ADDING THE NEW FOLLOWING ARTICLE WITH REGARD TO THE SO CALLED STRETCH BUILDING CODE:

Chapter 12

ARTICLE 12.04. STRETCH ENERGY CODE

12.04.010. Definitions

- A. International Energy Conservation Code (IECC) 2009 - The International Energy Conservation Code (IECC) is a building code created by the International Code Council. It is a model code adopted by many state and municipal governments in the United States for the establishment of minimum design and construction requirements for energy efficiency. Commencing July 1, 2010, the baseline energy conservation requirements of the MA State Building Code will default to IECC 2009 and MA amendments.
- B. Stretch Energy Code - Codified by the Board of Building Regulations and Standards as 780 CMR Appendix 120 AA, the Stretch Energy Code is the International Energy Conservation Code (IECC) 2009 with amendments contained herein.

12.04.020. Purpose

The purpose of 780 CMR 120.AA is to provide a more energy efficient alternative to the base energy code applicable to the relevant sections of the building code for both new construction and existing buildings.

12.04.030. Applicability

This code applies to residential and commercial buildings. Buildings not included in this scope shall comply with 780 CMR 13, 34, 61, or 93, as applicable.

12.04.040. Authority

The Town of Bellingham, seeking to ensure that construction within its boundaries is designed and built above the energy efficiency requirements of 780 CMR, mandates adherence to Appendix 120 AA.

780 CMR 120 AA may be adopted or rescinded by the Town of Bellingham in the manner prescribed by law.

12.04.050. Stretch Code

The Stretch Code, as codified by the Board of Building Regulations and Standards as 780 CMR Appendix 120 AA, including any amendments or modifications, is herein incorporated by reference into the Town of Bellingham General Bylaws, Chapter __/Section ____.

12.04.060. Enforcement

The Stretch Code shall be enforced by the Building Inspector.

OR TAKE ANY ACTION RELATIVE THERETO