

**CASE 2017-04 - HABITAT FOR HUMANITY
PROPOSED CONDITIONS**

1. Development of the site shall be in substantial conformance with the preliminary plans entitled, **[state name of plans]**, consisting of __sheets:
[see condition A.2](#)
2. The dwelling units shall be constructed in substantial conformance with the elevations and floor plans entitled, **[state name of plans]**, consisting of __sheets;
[see condition A.2](#)
3. The Applicant shall prepare detailed development and construction plans consistent with this decision, all applicable town standards and recommendations except those waived by this decision, all engineering standards and all applicable building and fire codes. Prior to issuance of building permits or any construction, all plans shall be reviewed and approved for consistency with this decision by appropriate Town agencies and departments.
[see condition A.14](#)
4. Once the six affordable housing Certificates of Occupancy has been issued, there shall be no dumpsters or other similar outdoor receptacles for collective storage of trash, rubbish or garbage, [for the six affordable housing lots](#). All outdoor receptacles for trash, rubbish or garbage [on these lots](#) shall be ~~on individual lots~~ for the sole use of that individual lot owner.
[see condition D.3](#)
5. Placement of propane tanks, if any, shall adhere to all applicable town and state regulations, including 527 CMR 6.00.
[see condition E.4](#)
6. ~~The Applicant shall prepare a subdivision plan suitable for endorsement by the Board and recording at the Registry of Deeds. The Board shall endorse such plan if the Board finds it is consistent and within acceptable limits with the preliminary plan presented for the division of the land and that all applicable conditions have been met. The plan shall reference this decision.~~ [not specifically included, this is covered by 40b](#)
7. A stormwater runoff pollution prevention plan shall be approved by the Town Engineering Department. All plans and specifications shall be per the **[state name of plans]**, consisting of __sheets, and all work shall be reviewed and shall be in compliance with the requirements of the Town Engineering Department prior to the issuance of a building permit for any of the affordable house lots.
[see condition C.1.a \(SWPPP\) and also A.14](#)
8. Inspections necessary to ensure completion of the road-work to applicable standards shall be set by the Town Engineering Department.
[see condition A.14](#)
9. Utilities shall be installed in accordance with the requirements of the utility companies and state and town requirements.
[see condition H.2](#)
10. Prior to issuance of a Certificate of Occupancy for any of the affordable units, the Applicant shall landscape the property using drought-tolerant plants and a minimum of 5" of loam on any disturbed areas of the site, which shall then be seeded with grass, of a type suitable for the location it is being applied to. All landscaping shall be done in accordance with a landscape plan approved by the Board.
[see condition D.1d](#)
11. All six affordable units shall be affordable units under the Department of Housing and Community Development Local Initiative Program. Upon initial sale to eligible and qualified households Applicant shall record a Department of Housing and Community Development

Local Initiative Program Affordable Housing Deed Rider, which shall include a provision that the units shall be affordable in perpetuity. All units shall be for sale as single-family units. Ownership and Re-sale shall be as outlined in the Department of Housing and Community Development Local Initiative Program Affordable Housing Deed Rider.

[see condition B.1, B.2, and B.3](#)

12. To the extent allowable by law, 70% of the affordable units, shall be Local Preference units. Upon approval by the Department of Housing and Community Development, current residents of the Town of Harwich, municipal employees of the Town of Harwich, employees of businesses in the Town of Harwich and households with children attending Harwich schools will be given a preference in the initial lottery.

[see condition B.1, B.2, and B.3](#)

13. The project shall comply with all Local Initiative Program requirements and any conditions the Department of Housing and Community Development, in its role as Subsidizing Agency, may require as part of Final Approval under 760 CMR 56.04.

[see condition C.2.b – Final Approval required prior to issuance of Building Permits](#)

14. ~~A Regulatory Agreement pursuant to the Local Initiative Program and consistent with the terms of this Comprehensive Permit, in form and content approved by the Town of Harwich, shall be executed by the Subsidizing Agency, the Town of Harwich, and the Applicant. Said Agreement shall be recorded at the Barnstable County Registry of Deeds prior to the issuance of any building permits.~~

[This condition violates the Amesbury decision. The form and content of the Regulatory Agreement are dictated by the Commonwealth. Board may not dictate the form and content of the Regulatory Agreement.](#)

15. The Applicant shall prepare an Affirmative Fair Housing Marketing Plan (AFHMP), prepared in accordance with Section III of the 40B Guidelines and approved by the Department of Housing and Community Development prior to the commencement of marketing of the [affordable](#) units. A copy of this plan will be provided to the Board prior to issuance of building permits.

[see condition B.3](#)

16. ~~This Comprehensive Permit is issued to the applicant, Habitat for Humanity of Cape Cod Inc. It shall not be transferable without the prior written approval of the Board.~~

[This provision violates the Regulations, which only require notification to the Board, and approval by the Subsidizing Agency for any transfer.](#)

17. All required state permits and approvals, including, but not limited to, Title V wastewater disposal permits shall be submitted to the Board's file prior to issuance of a building permit.

[see condition A.13 and C.1.d](#)

18. Prior to the issuance of a building permit, the applicant shall obtain all required approvals from the Town Conservation Commission and copies of any issued permit shall be submitted to the Board's file prior to issuance of a building permit.

[see condition A.13 and C.1.e](#)

19. In order to prepare for any connection to a [future](#) sewer system, a sewer line will exit each affordable unit on the street side of the unit.

[see condition A.8](#)

20. Each affordable and market rate unit will be serviced by Town of Harwich water.

[see condition A.9](#)

21. Prior to the issuance of any permits for this project, this Comprehensive Permit shall be recorded at the Barnstable Registry of Deeds. A copy of the recorded document shall be submitted to the Board's file.

[see condition C.2.a](#)

22. The configuration of the affordable units shall be as follows:

- 2 three bedroom Capes, each of ~~1284~~1310 square feet, with 2 bathrooms and 2 parking spaces;
- 2 three bedroom Ranches, each of ~~1200~~1208 square feet, with 1.5 bathrooms and 2 parking spaces;
- 2 two bedroom Ranches, each of ~~972~~978 square feet, with 1 bathroom and 2 parking spaces.

[see condition A.2.ii](#)

23. ~~Prior to the issuance of the first Certificate of Occupancy, each homeowner of any affordable or market rate home covered by this Comprehensive Permit shall be required to enter into a homeowners' association agreement. The homeowners' association agreement shall prohibit garbage disposals, prohibit irrigation and drinking water wells, require the owners to reasonably maintain their properties and grounds, require the owners to reasonably cooperate with the Town and the State on the location of any future sidewalks along Route 28, require the owners to promptly remove any snow windrows along the project site frontage on Route 28 within the sight triangle areas of the project, where such accumulations would exceed 2.5 feet in height, prohibit the owners from installing or planting anything within 10 feet of the edge of the paved roadway. Prior to the conveyance of any Lots, a Declaration of Protective Covenants and Restrictions will be recorded. These Protective Covenants and Restrictions shall, among other items, prohibit garbage disposals, prohibit irrigation and drinking water wells, require the owners to reasonably maintain their properties and grounds, and require the owners to reasonably cooperate with the Town and the State on the location of any future sidewalks along Route 28. Prior to the conveyance of any of Lots 1 through 6, Applicant will record a Trust establishing a Homeowners Association that will, among other items, address the road, drainage and utilities, including snow removal, maintenance, repair and replacement and requiring the Association promptly remove any snow windrows along the project site frontage on Route 28 within the sight triangle areas of the project, where such accumulations would exceed 2.5 feet in height and prohibiting installing or planting anything within 10 feet of the edge of the paved roadway other than grass or low bushes less than 2.5 feet in height not affecting sight lines or emergency access~~

[see condition A.10](#)

24. (A) Any building to be constructed on the market rate lots and (B) any renovation of an existing building on a market rate lot except for that noted in (D) below, will be on the same footprint as the currently existing structure and will not exceed the current configuration of such structure. The configuration of each of the 3 existing structures is as follows:

- ~~"one building of 1512~~one building of 1794 square feet, with a maximum of 2 units, with a total of 5 bedrooms and 3 baths;
- one building of ~~2379~~2,610 square feet, with a maximum of 3 units, with a total of 6 bedrooms and 3.5 baths;
- one building of 732 square feet, with a maximum of 1 unit, with a total of 2 bedrooms and 1 bath;

and (C) the architectural style and building materials of any such new construction or renovation shall be generally consistent with the existing such styles and materials~~with those of the six affordable units.~~

(D) The ranch home, formerly numbered as 93 Main Street and shown as Lot 8 on the subdivision plan, will need to be partially demolished to create enough area for the new cul-de-sac roadway. Demolition will be the approximately 555 square feet that is a one

bedroom/one bathroom unit. This same square footage may be re-built to the south of the existing home, as noted on the Site Plan. Floor plans and elevations shall be submitted to the Board's file prior to issuance of the building permit.
see condition A.5

25. The Applicant will reasonably work with the Cape Cod Commission and/or the Massachusetts Historical Commission to develop a preservation restriction for the facade of Judah Chase House and barn. Such a preservation restriction shall be recorded at the Barnstable Registry of Deeds, and at any other appropriate governmental registry required to give it full effect, ~~prior to the issuance of any Certificate of Occupancy for any affordable rate unit, and in any event, prior to the transfer of title to either of the market rate lots.~~

see condition A.6

26. Vehicles exiting the project site shall be placed under STOP-sign control with a marked STOP-line provided.

see condition F.1

27. All signs and pavement markings to be installed within the project site shall conform to the applicable standards of the *Manual on Uniform Traffic Control Devices* (MUTCD).

see condition F.2

28. Signs and landscape features to be installed along project site roadways, internal to the project site and within the site triangle of the project site roadway intersection with Route 28, shall be designed and maintained so as not to restrict lines of sight.

see condition F.3

- ~~29. Prior to the issuance of a building permit, the applicant shall obtain a written agreement from the owner of 87 Main Street to allow paving in front of the affordable housing lots, re-grading of the slope on the northwestern property line of said lots, and trimming of the lower branches of the pine trees along Route 28, to improve line of sight in exiting the project.~~

Plan has been amended so that it does not require agreement/permission from the owner of 87 Main Street

- ~~30. If the school bus pick-up and delivery point for children within the project will be along Route 28, the Applicant will install a bus shelter prior to the commencement of the school year following the issuance of the first Certificate of Occupancy for any affordable unit.~~

Town of Harwich Police Department does not find bus shelters desirable and does not support

31. This Comprehensive Permit is granted for the use of Lots 7 and 8 (the market rate lots) for residential purposes only.

see condition A.7