

## TABLE OF ATTACHMENTS

### APPLICATION FOR A COMPREHENSIVE PERMIT MGL Chapter 40B, Sections 20-23 and 760 CMR 56.00

Applicant: Habitat for Humanity of Cape Cod, Inc.  
Site: 93 and 97 Main Street, West Harwich  
Project Name: Main Street West Harwich Community Housing  
Date: February 2, 2017

#### WAIVERS REQUESTED:

---

Habitat for Humanity of Cape Cod, Inc. requests the following waivers from local code and regulations in order to promote the creation of affordable housing.

#### Code of the Town of Harwich, Massachusetts, Chapter 325: Zoning

##### W1. § 325-12 Road construction requirements for certificate of occupancy.

Instead of the Planning Board in the role of determining completeness of road construction, approval by the Town of Harwich Department of Public Works Director or Town Engineer.

##### W2. Article VI: Area, Height and Bulk Regulations

Waive this Article in its entirety.

Dimensional Requirement	Required: CH1/RH1	Waiver Requested
Minimum Lot Size	40,000 sq ft	yes
Minimum Lot Frontage	150 ft	yes
Minimum Frontyard Setback	25 ft	yes
Minimum Sideyard Setback	20 ft	yes
Minimum Backyard Setback	20 ft	yes
Maximum Building Height	30 ft	no

Waivers requested from this article include, but are not limited to, the above dimensional requirements as well as a request for a waiver from §325-18 A: waive minimum width of lots and shape number requirements; §325-18 C: waive requirements for corner lots; §325-18 G: waive setback requirements for accessory structures (sheds) for lot lines internal to the development; §325-18 O: waive prohibition on site preparation prior to building permits

Note 1: Sheds siting as shown on the submitted plans is an approximation. Based on field conditions sheds may be sited differently, but setback to perimeter abutters (not lot lines internal to the development) will adhere to §325-18 G.

Note 2: Waivers are requested from area regulations as needed for construction of submitted plans. We also request a margin of plus or minus 5% to allow for insubstantial changes that may be needed based on field conditions.

**W3. Article VII: Sign Regulations**

Waiver requested from the size and durational requirements in §325-25: Definitions so that the Habitat for Humanity donor and volunteer recognition signage erected during construction is classified as a “Temporary Sign” and so is exempt from regulations under §325-31 O..

**W4. Article IX Off Street Parking and Loading Requirements § 325-42H Design requirements.**

Waiver requested from 20’ minimum distance for a driveway serving a dwelling unit from other drives.

**Town of Harwich, Massachusetts, Board of Health, Regulations and Policies**

**W5. § 1.211** Request waiver from the requirements in this section, including the requirement of a hearing before the Board of Health.

**W6. FEES:** request waiver from Board of Health fees, except for fees for inspections.

**Town of Harwich, Massachusetts, Code of the Town of Harwich, Chapter 131 Historic Preservation**

**W7. Ch 131:** Request waiver from the applicability of Chapter 131

**Code of the Town of Harwich, Massachusetts, Chapter 400: Subdivision of Land and Site Plan Special Permits**

**W8. § 400-10 Subdivision filing A (1-7), B (1-3) Plan, profile and cross section requirements**

Due to site being a comprehensive permit, relief from normal subdivision filing requirements is requested. The roadway is small and simple and fairly level, and is adequately shown in plan view with grades and drainage clearly indicated, so profiles and cross sections are not required. There are details and drainage sections for construction provided, and the plans are stamped by a Professional Engineer.

**W9. § 400-11 Subdivision review procedure C (1-4) Definitive Plan**

Request waiver from normal review process due to site being a comprehensive permit applicant.

**W10. § 400-11 Subdivision review procedure D, Performance guarantee, E Recording, F. Evidence of Satisfactory performance, G Release of performance guarantee**

Due to comprehensive permit, request ZBA be permitting authority, with building department and engineering department handling oversight of construction, occupancies and roadway completion. As part of the Comprehensive Permit process, upon approval the ZBA, sitting in place of the Planning Board, would endorse subdivision plan, and the plan would then be recorded at the Barnstable Registry of Deeds. Applicant requests waiver from subsection D(1) financial security, but will file a covenant per subsection D(2).

**W11. § 400-12 B. Width (1) Right Of Way**

Request reduction from 50’ to 40’ in width in the Right Of Way (ROW)

The reason for the request is due to the small size of the subdivision, the number of homes served is seven, only two homes over the threshold for a “Way” which needs only a 40’ ROW per current Harwich regulations in Table 1. A smaller ROW saves room for the homes and lots in this 100% affordable development.

**W12. § 400-12 B. Width (2) minimum pavement width and berms**

Request reduction from 22' to 20' exclusive of berms, request to have twelve inch machined berm on low side of roadway only, rather than both sides. The reason for this request is to maintain the rural character of the area by reducing impervious area (see section 400-12E). The number of lots is only two over the threshold for the twenty foot pavement width. The roadway is superelevated to match the existing slope of the grade from the entrance up to the cul-de-sac, so a berm is only needed to contain runoff on the low side of the roadway. The cul-de-sac pitches to the center, so berms are not needed there to contain or channel stormwater. The size of the berms is requested to be a 12" x 3" Cape Cod berm typical for smaller roadways in the region.

**W13. § 400-12 C Dead-end way (2)**

Request circular turn around with outside diameter of 84' and right of way diameter of 86' which is less than the 90' and 110' required. This request is made to help maintain the rural character of the roadway, and to reduce impervious area. The proposed cul-de-sac has oversize entrance radii and is sufficient to turn around a 30' single unit truck, which replicates many fire trucks. There is no center island proposed which will also help facilitate vehicle turn arounds at the roadway end.

**W14. § 400-12 E rural character.**

Request waiver from requirement from filing Preliminary Plan when requesting design standard relief to maintain Rural Character. Waiver requested to simplify permitting under the comprehensive permit statute.

**W15. § 400-13 Design standards for utilities A. Drainage (5)**

Request ability to install subsurface drainage partially beneath roadway surface instead of completely within easements outside of the right of way. The reason for this request is to save room for homes and septic systems in this 100% affordable development.

**W16. § 400-14 A (1) Required improvements and specifications for construction**

Request Figure 4 centerline radius be reduced to 65' from 150'. The reason for this request is due to the roadway needing to turn left toward the center of the site in a short distance. The reduced radius does not affect the safety due to the turn only being a short distance at this radius, only about a fifty five degree bend. The fact that the roadway is a short cul-de-sac and driving speeds will be minimal further ensures safety. Fire trucks can easily navigate this shallow bend.

**W17. § 400-14 E (2) Drainage System**

Request drainage systems be installed on low side of superelevated roadway only, and at lowpoint in cul-de-sac, instead of pairs of interconnected basins. The proposed drainage system will adequately drain the small roadway, which pitches with the natural terrain. Not having cross pipes means less interference if a gravity sewer is run down the center of the roadway in the future. Eliminating extra structures gives economy to the 100% affordable development. Further the proposed system utilizes secondary deep sump hooded manholes to provide the 44% TSS removal prior to infiltration mandated by the State DEP guidelines, and this is in excess of the diagram shown in the subdivision regulations.

**W18. § 400-14 H Base and leveling course (1)**

Request reducing width of T-base to 23' from 28', due to reduced pavement width. Extending the T-base one foot beyond the pavement is requested, as this will be adequate to support the edge of pavement.

**W19. § 400-14 J Berms**

As stated earlier in 400-12 (B) request 12"x3" Cape Cod berm on low side of pavement as indicated on the plans. Berms not needed on high side of pavement, helps maintain rural character and provide smoother transitions to driveways.

**w20. § 400-14 M (1)(7) Sidewalks**

Waiver requested from having a sidewalk on one side of roadway. Subdivision is only 2 lots over “Way” which does not require sidewalks. To maintain the rural character and reduce impervious area, it is requested to eliminate the requirement for sidewalks. The subdivision is a short dead end route, residential in nature, and there is not a sidewalk on Rt. 28 to connect to. It is further requested to waive the requirement in (7) to provide the in lieu payment when sidewalks are waived. This subdivision is being constructed by a not-for-profit corporation with 100% of the new homes being affordable, no profit which could pay for sidewalks elsewhere is being generated.

**w21. § 400-14 N Bounds (1) and O.**

Waiver requested to reduce the number of cement bounds to four points on the roadway is requested. Numerous perimeter bounds exist, and four additional monuments on select corners is requested to be adequate to monument the subdivision. Rebar with survey caps are requested to be set on remaining front lot corners. Cost savings are the reason for the request, as the development is 100% affordable and will not generate a profit.

**General**

*Amendments after Occupancy: Any changes subsequent to initial occupancy shall be considered a modification of a pre-existing nonconforming structure consistent with the provisions of G. L. c. 40A, § 6 and the Harwich Zoning Bylaws.*

*The structures and uses on Lots 7 and 8 are to be considered pre-existing nonconforming, and shall remain as such.*

*Fee Waivers – Under MGL Chapter 40B, the Zoning Board has the authority to grant fee waivers. Habitat typically requests waivers from local fees such as Building Department, Health Department and Fire Department. Habitat respectfully requests the Zoning Board of Appeals waive all local fee payments to the Town of Harwich.*

*In addition, Habitat for Humanity of Cape Cod, Inc. requests waivers from any and all local provisions that would prohibit or impede development of the project as submitted, and reserves the right to add to the above list of waivers as needed.*