



*Habitat Home, Oak Street, Harwich*

**HARWICH ZONING BOARD OF APPEALS  
APPLICATION FOR A COMPREHENSIVE PERMIT  
MGL Chapter 40B, Sections 20-23 and 760 CMR 56.00  
Main Street West Harwich Community Housing**

**Habitat for Humanity of Cape Cod, Inc.  
Feb 2, 2017**



# Habitat for Humanity of Cape Cod

411 Main Street Suite 6 • Yarmouthport, MA 02675 • 508-362-3559  
www.habitatcapecod.org

---

Town of Harwich  
Zoning Board of Appeals  
732 Main Street  
Harwich Center, MA 02645

## **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

### **NARRATIVE:**

---

Habitat for Humanity of Cape Cod, Inc. proposes to use our tried-and-true sweat equity and volunteer model to build six new affordable homes on the back portion of the 2.466 acres of land located at 93 and 97 Main Street (Route 28) West Harwich (see Exhibit M for Location, Maps and Photographs and Exhibit N for Site Plan,).

The land is two separate lots, 93 and 97 Main Street. The property to the west, 93 Main Street, has an existing ranch home that is currently configured as a duplex. The property to the east, 97 Main Street, has an older, historic home (the Chase home) and a barn. The Chase home contains three separate dwelling units and the barn contains one dwelling unit.

Habitat is seeking permitting via Massachusetts General Laws, Chapter 40B to create eight separate housing lots and a cul-de-sac. The cul-de-sac would serve as access for the six new affordable homes as well as for the market-rate dwelling on 93 Main Street. Of the newly created eight housing lots, the two closest to Main Street (the two with current, existing structures) will be the “market rate” lots of the 40B and will not be subject to affordable housing restrictions or deed riders and will not be part of the new homeowners’ association.

The site, Assessors Map 10, Parcel w5 & w3-B, is in CH-1 and RH-1 Zoning District. Some parts of the site are within FEMA flood Zone AE, but the proposed Habitat homes will be sited so that all Habitat structures will be in a Zone X and not have the requirement for flood insurance. Habitat will file with the Harwich Conservation Commission for a Request for Determination of Applicability and will submit these materials to the Zoning Board.

Habitat proposes to build our cul-de-sac on the westernmost edge of the property. This will require approval from our western abutting neighbor, the owner of 87 Main Street. We have been working collaboratively with this neighbor, and expect to have a written agreement before the conclusion of our permitting process for both paving in front of her lot (approval needed as part of a Department of Transportation curb-cut application) and for minor re-grading on her property. In exchange Habitat would grant the neighbor rights in a portion of our cul-de-sac, should the rear of the lot be developer. We feel this is a beneficial approach to traffic planning and works well for all involved. It also means that the existing utility pole (in front of the dwelling on 93 Main Street) would not need to be relocated.

See Exhibit K for the Town of Harwich Comprehensive Permit Application Form.

See Exhibit Z for detailed zoning chart specific waivers being requested.

There is no municipal sewer, so the homes will require private on-site sewage disposal systems. Plumbing will be designed in the Habitat homes so that there are alternate outflows to the front of the homes, in anticipation of future sewers and to make future sewer hook up simpler and more affordable to the home owners. The homes will access town water, and the Habitat home owners association will specifically prohibit private wells for irrigation on the six affordable lots. While there is past documented water contamination in the vicinity, Habitat performed environmental testing to ensure that this contamination has no impacts on the site (see Exhibit W for Bennett Environmental Associates, Inc Letter of Findings)

The six Habitat homes will be a variety of architectural styles. There will be two 3-bedroom Capes, two 3-bedroom ranches and two 2-bedroom ranches. The Capes will have back decks or patios and the ranches will have a front farmer's porch (see Exhibit O for Architectural Plans). Habitat homes score advantageously on the HERS ratings. Our insulation meets and exceeds code standards, and we couple that with high efficiency air source heat pumps. We use sustainable and efficient building materials and practices whenever practical. Not only does this make our homes "greener" but it helps our buyer families with ongoing affordability, as utility costs are lowered. For our Main Street West Harwich neighborhood we have sited our homes to be able to use solar panels. Although we cannot commit to solar installations until we have secured funding, we have been very fortunate to have strong partners in the renewable energy field, including a great program through Cape Light Compact, and it is our hope to be able to include solar panels as part of our Harwich build.

All six Habitat homes will be affordable in perpetuity and the affordability will be protected by a Department of Housing and Community Development (DHCD) Local Initiative Program (LIP) Deed Rider. The six homes will count on Harwich's DHCD Subsidized Housing Inventory (SHI). The home will be

affordable to very-low income households; households earning at or less than 65% of Area Median Income. Home sale price will be at or around \$147,500 for a 3-bedroom and \$131,750 for a 2-bedroom (prices may be adjusted slightly higher based on Area Median Income and calculations at time of marketing). See Exhibit T for Pricing Model.

Habitat for Humanity of Cape Cod will use our will use our “sweat-equity” model to build the Main Street homes. With this model our selected purchaser-families will partner with Habitat and devote 250 to 500 hours building their homes alongside community volunteers. This promotes homeowners who are well educated on building and maintenance, and fosters a true sense of community. Habitat works closely with our buyers, not just through a rigorous application process, but throughout the construction period, providing significant homebuyer education including preparation for closing, budget counseling, and workshops in caring for their home and landscaping. Sweat equity and pre-purchase workshops have proven to be key elements in fostering successful homeownership.

Habitat also partners with our communities, seeking donations of materials, professional services, and labor. We strive to make our homes welcome in a neighborhood and to be good neighbors. Habitat works to create a collaborative spirit where a whole community can be actively involved in helping to address the affordable housing crisis.

With quality, desirable single-family homes priced affordably, Habitat for Humanity creates homeownership opportunities for families at income levels not served by other affordability programs. We are an experienced developer, having created 103 affordable Cape Cod homes since our founding as an affiliate of Habitat for Humanity International in 1988. We have recently had great success in Harwich with our homes on Oak Street. We look forward to continuing to create more Harwich homes.

Habitat for Humanity of Cape Cod works in partnership with families in need to build homes, hope, lives and community.

### **The “Market Rate” Lots**

---

Lot 7 and Lot 8 on the draft plan (see Exhibit N) show the Market Rate lots. These lots will not be subject to the affordable housing restrictions or deed rider and will not be part of the new homeowners’ association. Ownership of these lots will initially be by current owner, HECH (Harwich Ecumenical Council for the Homeless, a 501(c)3 non-profit organization. It is HECH’s intent to convey Lot 8 to a developer who will record a historic preservation restriction on the front façade of the Chase home and the front façade of the barn. HECH may also convey Lot 7 to a developer. HECH understands that the proposed Comprehensive Permit plans call for relocation of the septic systems for the existing structures on the market-rate lots. HECH is also understands that the construction of the cul-de-sac will require the demolition of a portion of the existing structure on lot 8. The proposed site plan includes a building envelop for re-rehabilitation of the ranch home on Lot 8 so that when the garage dwelling unit is demolished a similar unit of the same square footage can be added in the rear of the lot as shown on the submitted plans. Future access to Lot 8 will be from the new roadway by way of easement.

## **760 CMR 56.04(4) Findings in Determination**

---

760 CMR 56.04(4) (a)-(e): The proposed project is eligible under the Department of Housing and Community Development (DHCD) Local Initiative Program, as evidenced by the Project Eligibility Letter, to be attached as Exhibit L. The site is generally appropriate, the project design is generally appropriate, the project appears financially feasible and DHCD, in the role of Subsidizing Agency, has reviewed initial *pro formas* and found them financially feasible.

760 CMR 56.04(4)(f): Habitat for Humanity of Cape Cod, Inc. is a non-profit and §501(c)(3) organization. See Exhibit R for IRS Letter of Determination.

760 CMR 56.04(4)(g): Habitat for Humanity has control of the site. There is a Purchase and Sale Agreement for the back portion and an MOU regarding the front. See Exhibit P.

## **760 CMR 56.03 Methods to Measure Progress Toward Local Affordable Housing Goals**

A Zoning Board of Appeals Comprehensive Permit denial shall be upheld if certain Statutory Minima are met. Harwich has not met these Minima and should therefore grant the Permit as requested.

760 CMR 56.03(1)(a): Harwich has not met the Computation of Statutory Minima. See Exhibit X, The Department of Housing and Community Development, Chapter 40B Subsidized Housing Inventory (SHI) as of December 5, 2014. As shown, Harwich, at 5.4%, has not met the 10% goal set forth in MGL Chapter 40B. There is no claim that Harwich has met either of the Land Area Minima as listed in 760 CMR 56.03(3).

760 CMR 56.03(1)(b): Harwich is not listed on the Department of Housing and Community Development web site as a “Certified Community” under an approved Housing Production Plan. Exhibit X, Certified Communities, Revised November 6, 2015.

760 CMR 56.03(1)(c): There is no claim that Harwich has made recent progress towards the Statutory Minima in accordance with 760 CMR 56.03(5).

760 CMR 56.03(1)(d): The project, at 12 units, is not a “large project” as defined in the Regulations.

760 CMR 56.03(1)(e): The project is not a “related application, previously received”, as defined in the Regulations.

## **Application Materials**

---

As part of our application, in the following pages, please find the “Town of Harwich Application For Comprehensive Permit” the attachments referenced in this letter, the attachments required as part of the Harwich application. As a Local Initiative Program, we respectfully request the waiver of any applicable filing fees. See also Exhibit Y, “Zoning Board of Appeals Abutter List” and included with Exhibit Y is a letter that Habitat will be sending to this list, not intended to replace legal noticing but rather to augment it, and to keep the neighborhood informed of our plans.

## **Conclusion**

---

We respectfully request approval of our Main Street West Harwich Project as submitted. As a Local Initiative Program application, this project has been endorsed by the Board of Selectmen, The Harwich Housing Committee and the Harwich Housing Authority. Habitat submitted an application to the Harwich Affordable Housing Fund for project feasibility funding and land acquisition funding, and received positive votes for both. This project has considerable local support, and Habitat is a well-known and well-respected developer of high-quality affordable housing.

## 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

<b>Town of Harwich Application for Comprehensive Permit (Form)</b> .....	<b>Exhibit K</b>
<b>DHCD Project Eligibility Letter</b> .....	<b>Exhibit L</b>
<b>Site Maps and Photographs</b> .....	<b>Exhibit M</b>
<b>Site Plans</b> .....	<b>Exhibit N</b>
<b>Preliminary Architectural Plans</b> .....	<b>Exhibit O</b>
<b>Site Control (Purchase &amp; Sale and Memo of Understanding)</b> .....	<b>Exhibit P</b>
<b>Project Proformas</b> .....	<b>Exhibit Q</b>
<b>IRS Letter of Determination/Secretary of State Certificate</b> .....	<b>Exhibit R</b>
<b>Developer Experience</b> .....	<b>Exhibit S</b>
<b>Affordable Pricing Model</b> .....	<b>Exhibit T</b>
<b>Marketing Plan</b> .....	<b>Exhibit U</b>
<b>Traffic Assessment</b> .....	<b>Exhibit V</b>
<b>Bennett Environmental Letter of Findings</b> .....	<b>Exhibit W</b>
<b>DHCD Subsidized Housing Inventory and Certified Communities</b> .....	<b>Exhibit X</b>
<b>ZBA Abutters/Habitat Letter</b> .....	<b>Exhibit Y</b>
<b>Requested Waivers</b> .....	<b>Exhibit Z</b>