



*James Burr Road, Brewster, one year after Habitat build was complete*

**BREWSTER COMMUNITY PRESERVATION COMMITTEE  
Tubman Road Community Housing**

**Habitat for Humanity of Cape Cod, Inc.  
July 1, 2016**



# Habitat for Humanity of Cape Cod

411 Main Street Ste 6 • Yarmouthport, Massachusetts 02675  
www.habitatcapecod.org • 508-362-3559 p • 508-362-3569 f

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Paul Ruchinskas, Chair  
Brewster Community Preservation Committee  
2198 Main Street  
Brewster, MA 02631-1898

July 1, 2016

RE: Tubman Road Community Housing

Dear Community Preservation Committee:

Thank you for the opportunity to submit a grant application to fund community housing in Brewster. Habitat for Humanity of Cape Cod, Inc. (a 501(c)3 organization) has significant experience permitting, building and selling affordable housing. We have built and sold 99 affordable Cape Cod homes to date, and look forward to building more. Habitat works in partnership with families in need to build homes, hope, lives and community.

|                            |  |
|----------------------------|--|
| Submission Date:           | July 1, 2016   |
| Project Title:             | Tubman Road Community Housing  |
| Project Map/Parcel:        | 65-74-0  |
| Estimate Start Date:       | Infrastructure Underway, Wall-Raising (Volunteer Construction) Spring 2017 |
| Estimated Completion Date: | First Phase Family Move-In Fall 2018 (6 homes)                             |
| Purpose:                   | Community Housing  |
| Applicant Entity:          | Non Profit   |
| Applicant Name:            | Habitat for Humanity of Cape Cod, Inc.                                     |
| Applicant Address:         | 411 Route 6A, Yarmouthport, MA 02675                                       |
| Federal Tax ID:            | 22-2900430   |
| Primary Contact:           | Leedara Zola, Land Acquisition & Permitting; 508-280-6144                  |
| E-mail:                    | <a href="mailto:lzola@habitatcapecod.org">lzola@habitatcapecod.org</a>     |
| Website:                   | <a href="http://www.habitatcapecod.org">www.habitatcapecod.org</a>         |
| Funding Requested:         | \$350,000 for infrastructure and construction                              |

Included in the following pages please find a Project Description, Timeline, Developer Experience, Project Proformas, Site and Building Information, as well as other documents requested by the Brewster Community Preservation Committee.

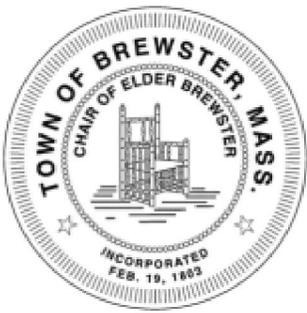
We would be pleased to meet with you and other project stakeholders at your convenience, and we welcome the opportunity to answer any questions that may arise as you review our proposal.

Sincerely,

*Leedara Zola*

Leedara Zola, Land Acquisition and Permitting

[lzola@habitatcapecod.org](mailto:lzola@habitatcapecod.org) 508-280-6144



**Town of Brewster**  
**Community Preservation Committee**  
 2198 Main Street  
 Brewster, Massachusetts 02631-1898  
 (508) 896-3701 x 133  
 Fax (508) 896-8089



## APPLICATION FOR COMMUNITY PRESERVATION ACT FUNDING

**Date Application Submitted:** July 1, 2016

**Name of Project Applicant:** Habitat for Humanity of Cape Cod

**Name of Co-Applicant(s), if applicable:** \_\_\_\_\_

**Name of Contact Person:** Leedara Zola, Land Acquisition and Permitting

**Contact Person's Mailing Address:** 411 Main Street, Route 6a, Ste 6, Yarmouthport, MA 02675

**Contact Person's Daytime Phone Number:** 508-280-6144

**Contact Person's email Address:** lzola@habitatcapecod.org

**Proposed Project Name:** Tubman Road Community Housing

**Project Address (or assessor's parcel ID):** 65-74-0

**Project Synopsis:**

Habitat for Humanity seeks infrastructure/construction funds to help us build our neighborhood on Tubman Road.

Category:  Open Space     Historic Preservation     Recreation     Community Housing

CPA funding requested \$ \$350,000                      Total Cost of Proposed Project \$ \$5,292,780

### PROJECT DESCRIPTION

## Contents of Proposal

|  |           |
|--|-----------|
| Project Description .....                                | Exhibit A |
| CPA Goals, Community Benefits and Community Support..... | Exhibit B |
| Timeline .....   | Exhibit C |
| Credentials/Developer Experience .....                   | Exhibit D |
| Project Budget/Pro Formas .....                          | Exhibit E |
| Habitat Affordable Pricing Model - Draft.....            | Exhibit F |
| Maintenance .....  | Exhibit G |
| Site and Building Information .....                      | Exhibit H |
| Site Plans   |           |
| Architectural  |           |
| Comprehensive Permit                                     |           |

## Project Narrative

Habitat for Humanity of Cape Cod proposes to use our tried-and-true “sweat-equity” model to build fourteen affordable homes on the 13.92 acre parcel located off Tubman Road (a portion of the 620 Tubman Road property, the location of the old Bassett Wild Animal Farm). The homes will be affordable in perpetuity; affordability will be protected by a Department of Housing and Community Development (DHCD) Local Initiative Program (LIP) Deed Rider and the homes will count on Brewster’s DHCD Subsidized Housing Inventory (SHI). The home will be affordable to very-low income households; households earning between 45% and 65% of Area Median Income. Home sale price will range from approximately \$130,000 to \$160,000.

Habitat will use our traditional “sweat equity” model to build the affordable homes. With this model our selected purchaser-families 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 pride in homeownership and a true sense of community. Habitat works closely with our buyers, through our rigorous application process, and also through the construction period. We provide significant homebuyer education including preparation for closing, budget counseling, and workshops in caring for a home and landscaping. Sweat equity and pre-purchase workshops have proven to be key elements in promoting 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.

Habitat will work with our Brewster buyers and help them secure the very advantageous USDA Rural Development “502” mortgage (with subsidies that can result in an interest rate as low as 1%). If a qualified and selected buyer cannot access a USDA mortgage, Habitat would offer them a zero percent mortgage directly from Habitat. This means that, along with very affordable prices, our buyers pay extra affordable mortgages. The monthly PITI payment (principal, interest, taxes and insurance) for a 3-bedroom home would be around \$700. Another added plus to the Habitat model is that as we can offer our own buyer-financing, we can guarantee that at time of lottery selection our families will be able to obtain a mortgage. See Exhibit F for pricing details.

A new and exciting development is the possibility of the installation of solar panels for energy generation. Habitat has recently installed solar panels on three project sites, with a fourth pending. Renewable energy systems, coupled with the highly efficient air-source

heat-pumps we use for home heat, create very efficient homes that are not only inexpensive to heat, but also provide great indoor air quality. We hope to create a sustainable funding stream for solar installations for future builds. Whether we can include solar panels for the Brewster homes will depend on funding availability at time of construction, but we are quite hopeful. We are very much focused on creating greener and healthier homes on all sites where this approach is feasible, and have positioned the Brewster homes so they have southern roof planes and are solar-ready.

Included with this application please find site plans and architectural plans (see Exhibit H). The project includes a loop road that enters off of Tubman, crosses the Eversource easement, and makes a circle at the back of the parcel. House lots range from 13,000 to 17,000 square feet, and there is a significant open space lot surrounding the house lots. There will be fourteen homes in total, one 4-bedroom home, nine 3-bedroom homes and four 2-bedroom homes. This mix is based on Habitat experience with previous lotteries and housing-size need. Habitat is proposing our construction in two phases. Phase One will be the six homes closer to Tubman Road and Phase Two will be the eight homes around the circle. This creates a good schedule for our volunteers and our fundraising, allows the neighborhood to start maturing sooner, and creates a second opportunity if a buyer family is not selected in the first lottery. We will, however, build the full road, including utilities and drainage, as part of first phase.

This project has substantial and positive history with the Town of Brewster. Habitat for Humanity was awarded a \$600,000 land acquisition grant envisioning at least six homes (Community Preservation funds), and an additional \$300,000 in land acquisition funds (again from Community Preservation) once the site was identified. Through the grant process, Community Preservation, Board of Selectmen and Town Meeting voters were engaged and in support of the project. The project has been before Town Meeting voters twice. In September of 2014 Habitat for Humanity took title to the property. Habitat then worked on housing program parameters, site planning, architectural and permitting. The Brewster Zoning Board of appeals voted unanimously in favor of granting the project's Comprehensive Permit in February of 2016 (see also Exhibit H). Of note, the public hearing process through the ZBA was likely one of the more friendly in Habitat for Humanity of Cape Cod history. There was no project opposition.

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 99 affordable Cape Cod homes since our founding as an affiliate of Habitat for Humanity International in 1988.

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

## CPA Goals/Criteria, Community Benefits and Community Support

**CPA Goals/Criteria:** Habitat's Tubman Development meets the goals and criteria of Community Preservation as it creates permanently deed restricted affordable housing.

- **Contribute to the preservation of Brewster's unique character.** Habitat will create housing for low income households, which helps to preserve the vibrancy and diversity of the community.
- **Boost the vitality of the Town.** Habitat will create housing for low income households which helps keep families living in Brewster, and adds to the town's local workforce.
- **Enhance the quality of life for Brewster residents.** Habitat will create the opportunity for low income households to have the stability and security of affordable homeownership.
- **Serve a currently under-served town population.** Habitat will create deed restricted affordable housing. Brewster currently has 5.1% of its housing stock listed on the Department of Housing and Community Development (DHCD) Subsidized Housing Inventory (SHI). The State goal is 10%. Low income families are an under-served population. Home ownership opportunities for the very-low income are virtually non-existent.
- **Demonstrate practicality and feasibility.** Habitat is a well respected and experienced developer. We have a long track record of success, and are permitted and ready to go with our Tubman Development.
- **Demonstrate a positive cost/benefit relationship.** Habitat relies heavily on volunteer labor, using both our homebuyers "sweat equity" contributions and our community volunteers. We also rely on donations of materials and Habitat friendly pricing. This helps us keep our construction costs low.
- **Leverage additional public and/or private funds.** Habitat will embark on expansive private fundraising, and also hopes to be successful with a two separate Federal Home Loan Bank Boston (FHLBB) Affordable Housing Program (AHP) grant applications.
- **Receive Endorsement by other Town committees and the Brewster public at large.** The Tubman Development has been before Town Meeting voters twice via CPC funding articles, has been to the Board of Selectmen numerous times, has been before the Brewster Housing Partnership, and went through a public hearing process as part of our Zoning Board of Appeals Comprehensive Permit application.

**Category Specific Criteria:** See the following page for the Town of Brewster Community Preservation Committee Criteria check-sheet.

The **Community Benefits** of this project are as described throughout this application. This project will create a neighborhood of fourteen new, high quality, deed restricted homes.

**Community Support** is listed in the last bullet point under CPA Goals/Criteria (above), and is also evidenced by the support letter Habitat received from the Board of Selectmen as part of Habitat's Local Initiative Program application to the state (see the following pages).

# Town of Brewster Community Preservation Committee

## CATEGORY SPECIFIC CRITERIA

(Identify which of the following criteria apply to your project.)

### Open Space Proposals

- Permanently protect important wildlife habitat, including areas of significance for biodiversity, diversity of geological features and types of vegetation, contain a habitat type that is in danger of vanishing from Brewster or preserve habitat for threatened or endangered species of plants or animals.
- Provide opportunities for passive recreation and environmental education.
- Enhance or protect wildlife corridors, promote connectivity of habitat and prevent fragmentation of habitats.
- Provide connections with existing trails or potential trail linkages.
- Preserve scenic views or border a scenic road.
- Protect drinking water quantity and quality.
- Provide flood control/storage.
- Preserve important surface water bodies, including wetlands, vernal pools or riparian zones.
- Preserve priority parcels in the Town's Open Space Plan/maximize the amount of open land owned by the Town of Brewster.

### Historical Preservation Proposals

- MANDATORY:** Must be on the State Register of Historic Places or have a letter from the Brewster Historic Commission indicating that the resource has been determined to be significant in the history, archaeology, architecture, or culture of Brewster.
- MANDATORY:** Project must meet Secretary of the Interior Standards for rehabilitation and/or restoration of Historic Preservation Properties.
- Protect, preserve, enhance, restore and/or rehabilitate historic, cultural, architectural or archaeological resources of significance, especially those that are threatened;
- Protect, preserve, enhance, restore and/or rehabilitate town-owned properties, features or resources of historical significance;
- Protect, preserve, enhance, restore and/or rehabilitate the historical function of a property or site;
- Demonstrate a public benefit and/or public access, or
- Otherwise provide permanent protection for maintaining the historic resource.
- Project site should not be privately owned unless there is demonstrable public access and benefit.



### Community Housing Proposals

- Contribute to the goal of achieving 10 percent affordable housing;
- Promote a socioeconomic environment that encourages diversity;
- Provide housing that is harmonious in design and scale with the surrounding neighborhood;
- Ensure long-term affordability;
- Promote use of existing buildings or construction on previously-developed or Town-owned sites;
- Convert market rate to public subsidized units;
- Provide an appropriate mix of rental and ownership housing;
- Give priority to local residents, town employees, employees of local businesses as allowed by law.

### Recreation Proposals

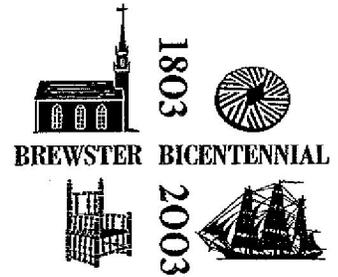
- Support multiple active and passive recreation uses;
- Serve a significant number of residents and visitors;
- Expand the range of recreational opportunities available to all ages of Brewster residents and visitors;
- Benefit other Brewster committees providing recreational resources to residents;
- Promote the use of alternative corridors that provide safe and healthy non-motorized transportation

JUL 06 2015



**Board of Selectmen  
Town Administrator**

2198 Main Street  
Brewster, Massachusetts 02631-1898  
(508) 896-3701  
FAX (508) 896-8089



Vicki Goldsmith, Executive Director  
Habitat for Humanity  
411 Main Street, Suite G  
Yarmouth Port, MA 02675

June 24, 2015

Dear Ms Goldsmith;

Please accept this letter as confirmation of the Brewster Board of Selectmen's vote on June 22, 2015 to endorse Habitat for Humanity's LIP application to develop property at 620 Tubman Road, Brewster, as a Local Initiative Program, Comprehensive Permit project, consistent with MGL Chapter 40B.

Habitat for Humanity of Cape Cod presented their proposal to develop 14 single family units in 14 buildings on 13.92 acres. The current LIP application indicates that the project will consist of nine (9) 3-bedroom homes, four (4) two-bedroom homes and a single (1) 4-bedroom home. Habitat proposes all 14 units (100%) will be deed-restricted for affordability in perpetuity. Habitat's target buyer population will have incomes of 60-65% of median income. (LIP guidelines restrict buyer-incomes to no more than 80% of median income for Barnstable/Yarmouth HUD SMA reported census statistics).

Habitat will reserve up to 70% of the homes (10 units) for Brewster applicants meeting Habitat's income-eligibility and marketing guidelines, which will satisfy DHCD's LIP-buyer selection criteria. Buyers must be legal residents of the USA. Habitat intends to seek USDA 502 loans for the buyers with mortgage terms of up to 35 years. Habitat's model for home-ownership provides owner counseling and support services for one year following purchase. Initial sales prices are currently projected to be \$140,250 for a 3-bedromm home and \$126,000 for a 2-bedroom home

Home-owners will participate in an incorporated, registered Home-Owners' Association, outlining covenants and owner responsibilities as well as forming the financial mechanism for collection of dues, should communal funding be required for maintenance and/or repair of communal assets, such as the road. The need for annual dues has not yet been established.

A single private communally-owned entry/access road is proposed with the 150' Electric Transmission Easement (ETE) dividing the parcel into two (2) connected neighborhoods, with six (6)

units flanking the northern end of the entry road and eight (8) units off a circular cul-de-sac on the south side of the easement area. The design includes vegetated buffer strips adjacent to the Electric Transmission Easement on both sides. Habitat is hoping to be able to provide electric-generating solar panels on each of the homes to reduce annual electric costs to the income-eligible owners. Neighborhood utility transmission for water and electricity is intended to be installed below grade, parallel to the access road, where possible. Home heating and cooling is anticipated to be provided by ground source heat pumps, with no natural gas lines or tanks for heating oil or LP gas required. All homes are currently proposed to include full, sub-surface basements as building foundations and individual septic systems for each home.

Currently, Habitat proposes that owner and visitor parking will be provided off of the access road on drive way parking, provided on each house lot. Garages will not be part of the original construction, but Habitat seeks to retain the ability for owners to build garages or sheds on their properties in the future.

The Brewster Board of Selectmen have a policy that they will consider requests for waiver of permit fees on any or all of the units created by a 40B project, but the value of the waiver is considered a subsidy and must be quantified in the request. Inspection fees are not waive-able under the Selectmen's policy. Waivers often include conditions and are usually only granted on the affordable units and the value of any waivers is usually captured by the Town elsewhere.

Based on the presentation given on June 22, Selectman Foley moved that Board vote to support Habitat's concept for the development of 620 Tubman Road as presented, and to authorize the chair to sign this letter of support. Selectman Dickson seconded the motion and the vote was unanimously in favor (4 yes, 0 no, 0 abstentions). If any of the details of the proposal or plans change, please contact Jillian Douglass at 508-896-3701, ext 1130.

We are pleased to be able to lend the Board's strong support of this unique and exciting new neighborhood. Best of luck.

Sincerely,

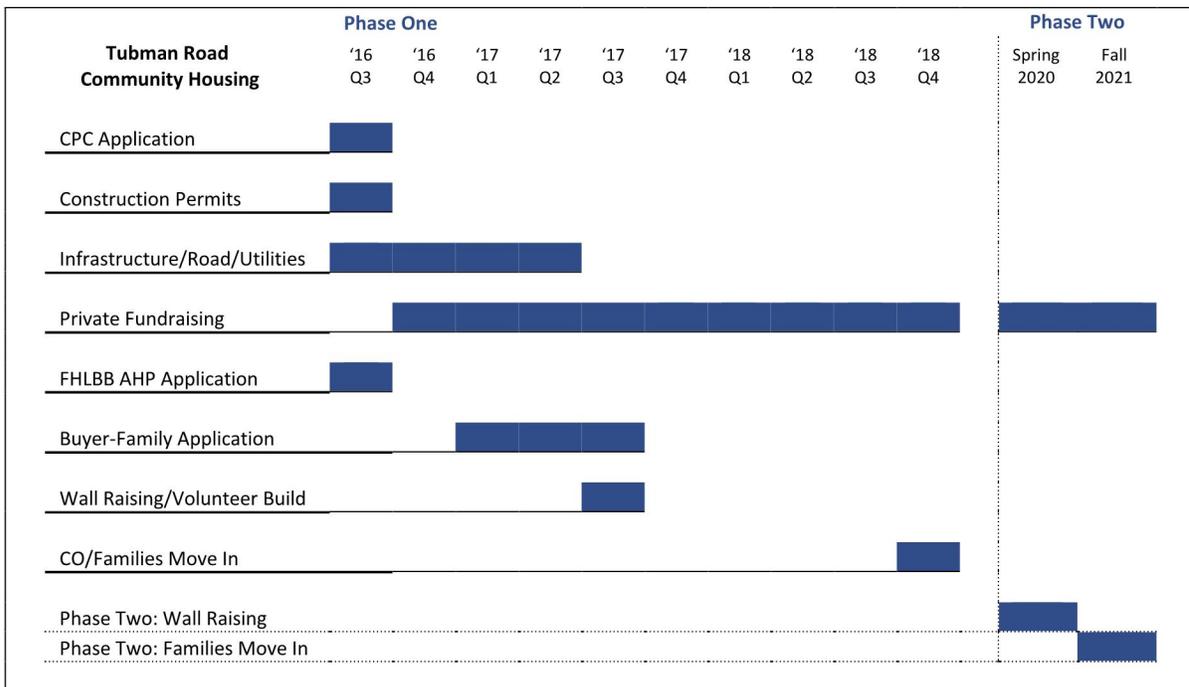


Benjamin deRuyter, Chairman  
Brewster Board of Selectmen

Cc: Brewster Zoning Board of Appeals  
Victor Staley, Building & Zoning Commissioner

## Timeline – Phase One of Homes (6 homes)

- Fall 2014 ..... Habitat takes title to the property
- Winter 2016..... Habitat receives Mass General Law Chapter 40B Comprehensive Permit from the Brewster Zoning Board of Appeals
- Spring 2016..... Habitat applies to Community Preservation
- Spring 2016..... Habitat works on construction permitting (building permits, Eversource utility agreements);
- Summer 2016 ..... Infrastructure/Site Work; Road Work
- Summer 2016 – ongoing ..... Habitat Private Fundraising
- Fall 2016 ..... Habitat submits for Federal Home Loan Bank Boston (FHLBB) Affordable Housing Program (AHP) funding
- Early 2017 ..... Buyer Selection process (Affirmative Fair Housing Marketing)
- Spring/Summer 2017..... Volunteer Build
- Fall 2018 ..... Closing; Affordable Deed Rider Recorded; Families Move In



*Note: construction schedules are subject to change, and it is important for Habitat to keep some flexibility in our overall region-wide build plan. Based on other projects, funding timing and volunteer availability the above schedule may change.*

## Developer Experience

| Current and Recent Projects |            |                         |              |                |                 |                             |                                   |
|-----------------------------|------------|-------------------------|--------------|----------------|-----------------|-----------------------------|-----------------------------------|
| Project Name                | Address    | Housing Type            | No. of Units | Total Dev Cost | Subsidy Program | Date Complete               | Reference (Town Adm)              |
| Old Stage Rd                | Barnstable | Single Family Ownership | 2            | \$437,469      | DHCD 40B        | Applied for Building Permit | Tom Lynch<br>508-862-4610         |
| Rabbit Run                  | Eastham    | Single Family Ownership | 1            | \$215,336      | DHCD LAU        | Applied for Building Permit | Sheila Vanderhoef<br>508-240-5900 |
| Virginia Street             | Yarmouth   | Single Family Ownership | 6            | \$1,394,278    | DHCD 40B        | Under Const.                | William Hinchey<br>508-398-2231   |
| Main Street                 | Chatham    | Single Family Ownership | 4            | \$859,411      | DHCD 40B        | Under Const.                | Jill Goldsmith<br>508-945-5105    |
| Oak Street                  | Harwich    | Single Family Ownership | 7            | \$1,389,121    | DHCD 40B        | Under Const.                | Christopher Clark<br>508-430-7513 |
| Sesame Street               | Barnstable | Single Family Ownership | 2            | \$486,148      | DHCD 40B        | Under Const.                | Tom Lynch<br>508-862-4610         |
| Glenwood                    | Falmouth   | Duplex Ownership        | 2            | \$306,000      | DHCD 40B        | Under Const.                | Heather Harper<br>508-548-7611    |
| Bevan Way                   | Orleans    | Single Family Ownership | 6            | \$1,602,740    | DHCD 40B        | Under Const.                | John Kelly<br>508-240-3700        |
| Ginger Lane                 | Barnstable | Single Family Ownership | 1            | \$160,232      | LIP/LAU         | 5/2014                      | Tom Lynch<br>508-862-4610         |
| Park Place                  | Mashpee    | Single Family Ownership | 2            | \$266,000      | DHCD 40B        | 4/2014                      | Joyce Mason<br>508-539-1400       |
| Yellow Brick Road           | Truro      | Single Family Ownership | 1            | \$133,000      | LIP/LAU         | 7/2013.                     | C. Greenhalgh<br>508-349-7004     |
| Sandy Meadow Way            | Eastham    | Single Family Ownership | 2            | \$266,000      | LIP/LAU         | 4/2013                      | Sheila Vanderhoef<br>508-240-5900 |
| Russell Road                | Mashpee    | Single Family Ownership | 1            | \$133,000      | DHCD 40B        | 4/2013                      | Joyce Mason<br>508-539-1400       |
| Flintlock Road              | Bourne     | Single Family Ownership | 1            | \$133,000      | DHCD 40B        | 2/2013                      | Thomas Guerino<br>508-759-0600    |
| Nickerson Road              | Orleans    | Single Family Ownership | 1            | \$133,000      | LIP/LAU         | 4/2012                      | John Kelly<br>508-240-3700        |

Habitat for Humanity has an experienced development team. We have built 99 affordable homes on the Cape. We have successfully worked with State, local and private funding sources. All our homes meet or exceed DHCD Local Initiative Program guidelines. All current Habitat Marketing and Lottery Materials are approved by the DHCD. Habitat has a highly experienced Director of Construction who has over three decades experience as a General Contractor building residences on the Cape and Islands before joining Habitat. Team resumes are available upon request.

## Project Budget / Pro Formas

|  | <u>total costs</u> | <u>per unit</u> | <u>per sq</u> | <u>% of total</u> |
|--|--------------------|-----------------|---------------|-------------------|
| # units                                    | 14                 |                 |               |                   |
| sq ft                                      | 16961              |                 |               |                   |
| (a) Site Acquisition                       | \$ 847,000         | \$ 60,500       | \$ 49.94      | 16%               |
| <b>Hard Costs:</b>                         |                    |                 |               |                   |
| Foundation, Excavation & Septic            | \$ 210,000         | \$ 15,000       | \$ 12.38      | 4%                |
| Site/Road/Utility Extensions               | \$ 620,000         | \$ 44,286       | \$ 36.55      | 12%               |
| Site Utilities                             | \$ 35,000          | \$ 2,500        | \$ 2.06       | 1%                |
| Driveways/Parking/Walks                    | \$ 56,000          | \$ 4,000        | \$ 3.30       | 1%                |
| Lawns & Planting                           | \$ 53,200          | \$ 3,800        | \$ 3.14       | 1%                |
| Sheds                                      | \$ 30,800          | \$ 2,200        | \$ 2          | 1%                |
| (b) Total Site Work                        | \$ 1,005,000       | \$ 71,786       | \$ 59.25      | 19%               |
| Concrete                                   | \$ 203,000         | \$ 14,500       | \$ 11.97      | 4%                |
| Carpentry (inc. doors/windows)             | \$ 518,000         | \$ 37,000       | \$ 30.54      | 10%               |
| Insulation                                 | \$ 108,500         | \$ 7,750        | \$ 6.40       | 2%                |
| Interior Finishes                          | \$ 220,500         | \$ 15,750       | \$ 13.00      | 4%                |
| Cabinets                                   | \$ 98,000          | \$ 7,000        | \$ 5.78       | 2%                |
| Appliances                                 | \$ 49,000          | \$ 3,500        | \$ 2.89       | 1%                |
| Plumbing & HVAC                            | \$ 322,000         | \$ 23,000       | \$ 18.98      | 6%                |
| Electrical                                 | \$ 105,000         | \$ 7,500        | \$ 6.19       | 2%                |
| Solar Install                              | \$ 280,000         | \$ 20,000       | \$ 16.51      | 5%                |
| LESS DISCOUNTS/GIFTS-IN-KIND               | \$ (280,000)       | \$ (20,000)     | \$ (16.51)    | -5%               |
| (c) Total Construction                     | \$ 1,624,000       | \$ 116,000      | \$ 95.75      | 31%               |
| (d) Related Party GC (per DHCD Guidelines) |                    |                 |               |                   |
| Builder's OH/Gen Conditions (14%)          | \$ 368,060         | \$ 26,290       | \$ 21.70      | 7%                |
| (e) Subtotal Hard Costs (a+b+c+d)          | \$ 3,844,060       | \$ 274,576      | \$ 226.64     | 73%               |
| (f) Contingency (5%)                       | \$ 192,203         | \$ 13,729       | \$ 11.33      | 4%                |
| (g) total Hard Costs (e+f)                 | \$ 4,036,263       | \$ 288,305      | \$ 237.97     | 76%               |

## Project Budget / Pro Formas

### Soft Costs:

|                                      |                     |                   |                  |             |
|--------------------------------------|---------------------|-------------------|------------------|-------------|
| Permits                              | \$ 9,000            | \$ 643            | \$ 0.53          | 0%          |
| Architectural                        | \$ 40,950           | \$ 2,925          | \$ 2.41          | 1%          |
| Engineering                          | \$ 85,000           | \$ 6,071          | \$ 5.01          | 2%          |
| Legal                                | \$ 50,000           | \$ 3,571          | \$ 2.95          | 1%          |
| Bond Premium                         | \$ -                | \$ -              | \$ -             |             |
| Real Estate Taxes                    | \$ -                | \$ -              | \$ -             | 0%          |
| Insurance                            | \$ 15,500           | \$ 1,107          | \$ 0.91          | 0%          |
| Site/Construction Supervision        | \$ 252,000          | \$ 18,000         | \$ 14.86         | 5%          |
| Construction Interest                | \$ 53,100           | \$ 3,793          | \$ 3.13          | 1%          |
| Financing Application/Fees/Appraisal | \$ -                | \$ -              | \$ -             | 0%          |
| Accounting                           | \$ 11,000           | \$ 786            | \$ 0.65          | 0%          |
| Marketing                            | \$ 49,000           | \$ 3,500          | \$ 2.89          | 1%          |
| Homeowner Ed & Volunteer Support     | \$ 71,050           | \$ 5,075          |                  |             |
| (h) Subtotal Soft Costs              | \$ 636,600          | \$ 45,471         | \$ 37.53         | 12%         |
| (i) Contingency (5%)                 | \$ 31,830           | \$ 2,274          | \$ 1.88          | 1%          |
| (j) Total Soft Costs (h+i)           | \$ 668,430          | \$ 47,745         | \$ 39.41         | 13%         |
| (k) SubTotal, Development (g+j)      | \$ 4,704,693        | \$ 336,050        | \$ 277.38        | 89%         |
| Habitat Programs/Dev Fee - 12.5%     | \$ 588,087          | \$ 42,006         | \$ 34.67         | 11%         |
| <b>TOTAL DEVELOPMENT COSTS</b>       | <b>\$ 5,292,780</b> | <b>\$ 378,056</b> | <b>\$ 312.06</b> | <b>100%</b> |

### Profit Analysis

| Sources:                        |                     |   | <i>per unit</i> |
|---------------------------------|---------------------|---|-----------------|
| Affordable Sales USDA mortgage  | \$ 2,015,250        | (1 at \$160,750, 9 at \$147,500; 4 at \$131,750)        |                 |
| Acquisition Grant - CPC         | \$ 847,000          | received  | \$ 60,500.00    |
| Public Grants-CPC -construction | \$ 350,000          |   | \$ 25,000.00    |
| Other                           | \$ 200,000          |   | \$ 14,285.71    |
| Solar Grants                    | \$ 280,000          |   | \$ 20,000.00    |
| FLHBB                           | \$ 420,000          |   | \$ 30,000.00    |
| Habitat Dev Equity ('flex cap') | \$ 140,000          |   |                 |
| Habitat Private Fundraising     | \$ 1,040,530        | expectation based on past builds                        | \$ 74,323.54    |
| <b>(A) Total Sources</b>        | <b>\$ 5,292,780</b> | <i>Construction Period Financing: CC5 loan and HMNE</i> |                 |

## Draft Affordable Pricing Model

Of note, the following is a draft pricing model based on affordable housing guidelines and variables. It has not yet been approved by the Habitat for Humanity Board of Directors. Current pricing, approved by the Board in 2014, is \$126,000 for a two-bedroom, \$140,250 for a three-bedroom.

| <b>Housing Cost:</b>               | <i>2 bedroom</i> | <i>3 bedroom</i> | <i>4 bedroom</i> |
|------------------------------------|------------------|------------------|------------------|
| Sales Price                        | \$131,750        | \$147,500        | \$160,750        |
| 0% Down payment                    | \$0              | \$0              | \$0              |
| Mortgage                           | \$131,750        | \$147,500        | \$160,750        |
| Interest rate                      | 1.00%            | 1.00%            | 1.00%            |
| Amortization                       | 33               | 33               | 33               |
| Monthly P&I Payments               | \$390.75         | \$437.46         | \$476.76         |
| Tax Rate                           | \$8.00           | \$8.00           | \$8.00           |
| monthly property tax               | \$88             | \$98             | \$107            |
| Hazard insurance                   | \$99             | \$111            | \$121            |
| PMI                                | \$0              | \$0              | \$0              |
| HOA fees (if applicable)           | \$60             | \$60             | \$60             |
| <b>Monthly Actual Housing Cost</b> | <b>\$637</b>     | <b>\$706</b>     | <b>\$764</b>     |
| Necessary Income:                  | \$30,595         | \$33,908         | \$36,695         |

| <b>Household Income:</b>  | <i>2 bedroom</i> | <i>3 bedroom</i> | <i>4 bedroom</i> |
|---|------------------|------------------|------------------|
| # of Bedrooms   | 2                | 3                | 4                |
| Sample Household size   | 3                | 4                | 5                |
| 40% of Area Median Income   | \$30,575         | \$33,950         | \$36,675         |
| <b>Target Affordable Housing Cost<br/>(25% of income to hsnng cost)</b> | <b>\$637</b>     | <b>\$707</b>     | <b>\$764</b>     |

Pricing is set so that a household earning 40% of area median income, as adjusted for family size, can afford a home. The figure of 40% has been adopted based on past practice and experience as the number that creates an appropriate "window of affordability" and allows those families ready to take on home ownership to qualify. Variables used in the calculator include a 1% USDA interest rate with a 0% down payment and a 33 year term. For a tax rate, as Habitat sets a consistent price for all our homes throughout the Cape, so we have used \$8.00 per thousand. There is no PMI so this is not included. We do include a Home Owner Association fee that is typical for a small-to-medium size Habitat development. We also amend the standard Housing Affordability "rule of thumb" that 30% of income goes to housing, changing it to 25% which further increases affordability.

## Maintenance

As the Habitat program is a homeownership, ongoing maintenance is the responsibility of the homeowners.

There will be a homeowners' association for the Brewster development that is responsible for maintenance of all common areas, including the roadway and drainage facilities, and will also be responsible for the open space area. Habitat has put significant effort into creating a solid structure for our homeowner associations. Habitat works with our buyers to help them understand the roles and responsibilities of a home owner association and stays involved through the first year to set the association off on a strong and positive path. Habitat also works with a professional property management firm to assist the home owner association in various administrative tasks such as required legal filings and fee collections, and this firm serves as a professional resource. Sample home owner documents are available upon request.

Additionally, Habitat homeowners have had significant experience in building, as well as education on home maintenance and lawn care.

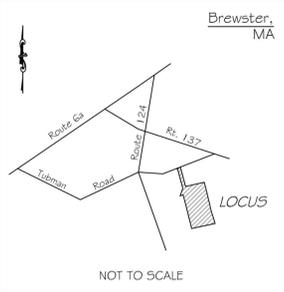
## Site and Building Information

Attached please find information on the site, our buildings and our permitting process, including:

- Site Plan
- Building Plans
- Comprehensive Permit

In an effort to save paper and photocopy we have not included copies of the Department of Housing and Community Development (DHCD) Local Initiative Program (LIP) deed rider or the DHCD Regulatory Agreement. These are standard documents and they are important safeguards that serve to provide a roadmap to creating and preserving affordability. We are happy to provide these on request.

Habitat has site control. However, also to save paper and photocopying, we have not included copies of the deed documents. The purchase was nuanced and there are a series of recorded documents, including the deed from the seller (Smithsons) to Habitat, a deed from Habitat to the Town (conveying an approximate 4 acre portion of the original, larger lot to the Town for municipal purposes), a minor land swap with the Smithsons so that the access road off of Tubman could conform to Town of Brewster Subdivision Rules and Regulations, and an easement to the Smithsons for a horse trail along the property's edge. There is also a Contingent Fee Interest from Habitat to the Town of Brewster, which serves to catalog the development program and timing that Habitat agreed to with the Town and the CPC. We are happy to provide these documents on request.

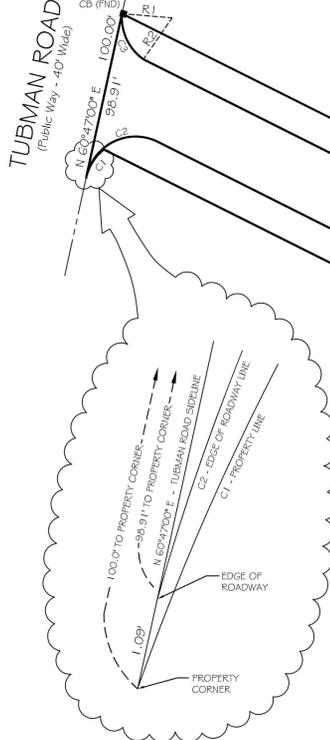


REFERENCES:  
 PLAN BOOK 655 PAGE 45  
 ASSESSORS' MAP 65 PARCEL 54

OWNERS OF RECORD  
 HABITAT FOR HUMANITY OF CAPE COD, INC.  
 DEED BOOK 28445 PAGE 190  
 DEED BOOK 28445 PAGE 195

LEGEND  
 ■ CB CONCRETE BOUND  
 ○ FND FOUND

| LINE | LENGTH | BEARING       |
|------|--------|---------------|
| R1   | 30.00' | S 36°48'21" E |
| R2   | 30.00' | S 83°11'39" W |



PROPERTY CORNER DETAIL:  
 NOT TO SCALE

| CURVE | RADIUS    | LENGTH    |
|-------|-----------|-----------|
| C1    | R=30.00'  | L=20.36'  |
| C2    | R=30.00'  | L=54.53'  |
| C3    | R=30.00'  | L=31.42'  |
| C4    | R=170.00' | L=187.83' |
| C5    | R=130.00' | L=143.64' |
| C6    | R=210.00' | L=230.48' |
| C7    | R=250.00' | L=274.39' |
| C8    | R=210.00' | L=16.74'  |
| C9    | R=250.00' | L=19.93'  |
| C10   | R=30.00'  | L=53.04'  |
| C11   | R=92.29'  | L=289.93' |
| C12   | R=95.00'  | L=167.95' |
| C13   | R=30.00'  | L=41.21'  |
| C14   | R=52.29'  | L=164.27' |
| C15   | R=55.00'  | L=97.23'  |

#60 DESMOND ROAD  
 ROBERT JUDE CROWELL &  
 DEBRA JEAN WOOD  
 DEED BOOK 14360 PAGE 103  
 PLAN BOOK 436 PAGE 62  
 ASSESSORS' MAP 65 PARCEL 53

#616 TUBMAN ROAD  
 DONALD G. & GAIL SMITHSON  
 DEED BOOK 2947 PAGE 197  
 DEED BOOK 7146 PAGE 140  
 DEED BOOK 28445 PAGE 192  
 PLAN BOOK 655 PAGE 44  
 ASSESSORS' MAP 65 PARCEL 54

#680 TUBMAN ROAD  
 ROBERT JUDE CROWELL &  
 DEBRA JEAN WOOD  
 DEED BOOK 7178 PAGE 30  
 PLAN BOOK 436 PAGE 62  
 ASSESSORS' MAP 65 PARCEL 52

#76 AARON'S WAY  
 NANGI CELATA  
 DEED BOOK 25456 PAGE 92  
 PLAN BOOK 430 PAGE 35  
 ASSESSORS' MAP 65 PARCEL 60

#29 CAPTAIN PERRY ROAD  
 PRISCILLA DELL BROOKS  
 DEED BOOK 3303 PAGE 165  
 PLAN BOOK 285 PAGE 35  
 ASSESSORS' MAP 65 PARCEL 66

#81 CAPTAIN PERRY ROAD  
 MARK D. & SYLVIA A. WATSON  
 DEED BOOK 3394 PAGE 119  
 PLAN BOOK 396 PAGE 7  
 ASSESSORS' MAP 64 PARCEL 23

#0 FAR FIELDS ROAD  
 JAMES NICHOLSON ET AL., TRUSTEES  
 FAR FIELDS COMMON TRUST 3  
 DEED BOOK 12989 PAGE 85  
 PLAN BOOK 541 PAGES 2-5  
 ASSESSORS' MAP 65 PARCEL 28

FOR REGISTRY USE

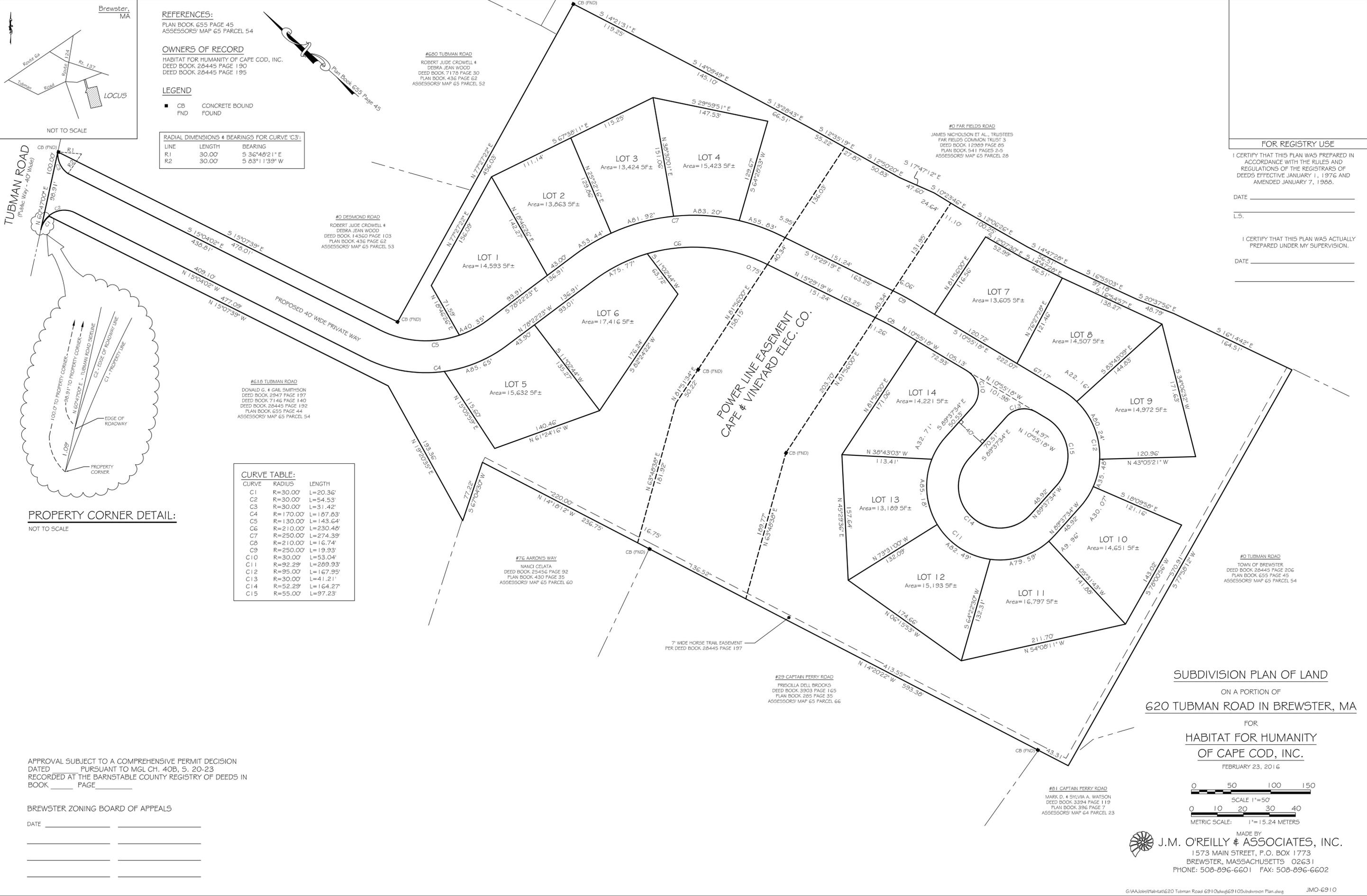
I CERTIFY THAT THIS PLAN WAS PREPARED IN ACCORDANCE WITH THE RULES AND REGULATIONS OF THE REGISTRARS OF DEEDS EFFECTIVE JANUARY 1, 1976 AND AMENDED JANUARY 7, 1988.

DATE \_\_\_\_\_

L.S. \_\_\_\_\_

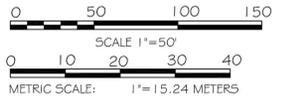
I CERTIFY THAT THIS PLAN WAS ACTUALLY PREPARED UNDER MY SUPERVISION.

DATE \_\_\_\_\_



SUBDIVISION PLAN OF LAND  
 ON A PORTION OF  
 620 TUBMAN ROAD IN BREWSTER, MA  
 FOR  
 HABITAT FOR HUMANITY  
 OF CAPE COD, INC.

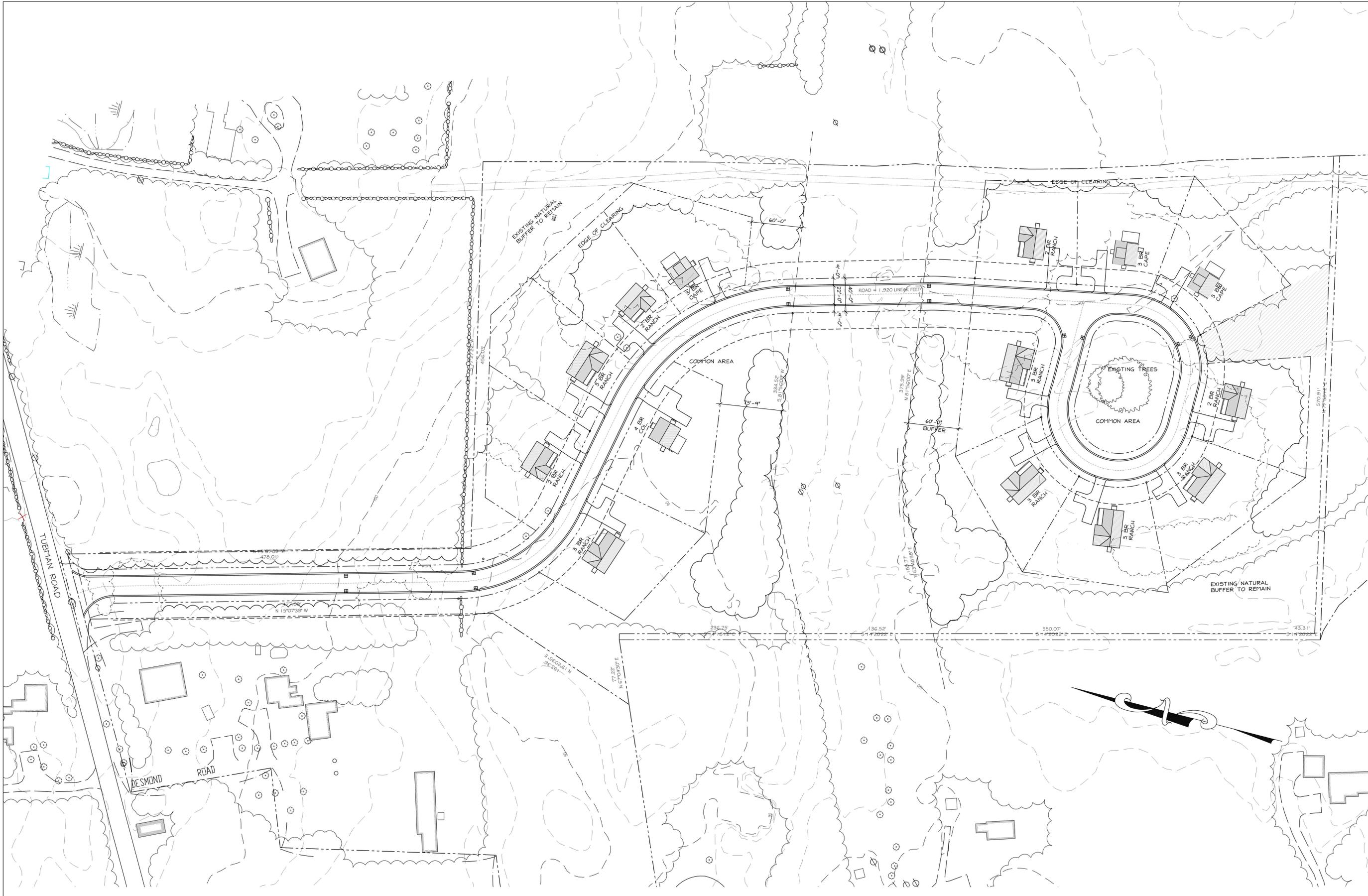
FEBRUARY 23, 2016



MADE BY  
**J.M. O'REILLY & ASSOCIATES, INC.**  
 1573 MAIN STREET, P.O. BOX 1773  
 BREWSTER, MASSACHUSETTS 02631  
 PHONE: 508-896-6601 FAX: 508-896-6602

APPROVAL SUBJECT TO A COMPREHENSIVE PERMIT DECISION  
 DATED \_\_\_\_\_ PURSUANT TO MGL CH. 40B, §. 20-23  
 RECORDED AT THE BARNSTABLE COUNTY REGISTRY OF DEEDS IN  
 BOOK \_\_\_\_\_ PAGE \_\_\_\_\_

BREWSTER ZONING BOARD OF APPEALS  
 DATE \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_



STAMP:

**BROWN LINDQUIST FENUCCIO & RABER ARCHITECTS, INC.**  
 203 WILLOW STREET, SUITE A  
 WARRENTHROP, MA 02675  
 PH 508-362-8382  
 FAX 508-362-2828  
 WWW.BLFARCHITECTS.COM

**HABITAT FOR HUMANITY  
 BREWSTER TUBMAN NEIGHBORHOOD  
 TUBMAN ROAD  
 BREWSTER, MA**

TITLE:  
**ARCHITECTURAL  
 SITE PLAN**

DATE ISSUED: 06/22/2015

REVISIONS:

DRAWN BY:

PROJECT #: PROJECT NO.

DRAWING NO.:

**SP-1**

**1 ARCHITECTURAL SITE PLAN**  
 SCALE 1" = 50'  
 NOTE: INFORMATION TAKEN FROM PRELIMINARY SUBDIVISION SKETCH PLAN PREPARED BY J.M. O'REILLY & ASSOC. INC., DATED 1/31/14

11 March 2016 Tom Sanson AM Standard\_L308  
 C:\Users\Tom\My Documents\Projects\Brewster\Temp\Drawings\10-2\10-2.dwg

STAMP:

BROWN LINDQUIST FENUCCIO & RABER  
ARCHITECTS, INC.  
203 WILLOW STREET, SUITE A  
WARREN, MA 02675  
PH: 508-362-8382  
FAX: 508-362-2828  
WWW.CFARCHITECTS.COM

HABITAT FOR HUMANITY  
BREWSTER TUBMAN NEIGHBORHOOD  
TUBMAN ROAD  
BREWSTER, MA

TITLE:  
**2 BR RANCH**  
HOUSE PLANS  
AND  
ELEVATIONS

DATE ISSUED: 06/22/2015

REVISIONS:

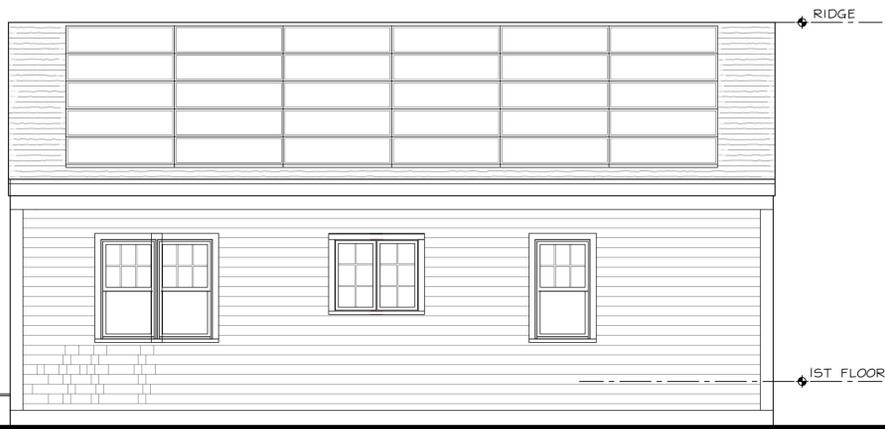
DRAWN BY:

PROJECT #: PROJECT NO.

DRAWING NO.:

**A-1**

Site and Building Information, Page 10-3



REAR ELEVATION



LEFT SIDE ELEVATION



FRONT (STREET) ELEVATION

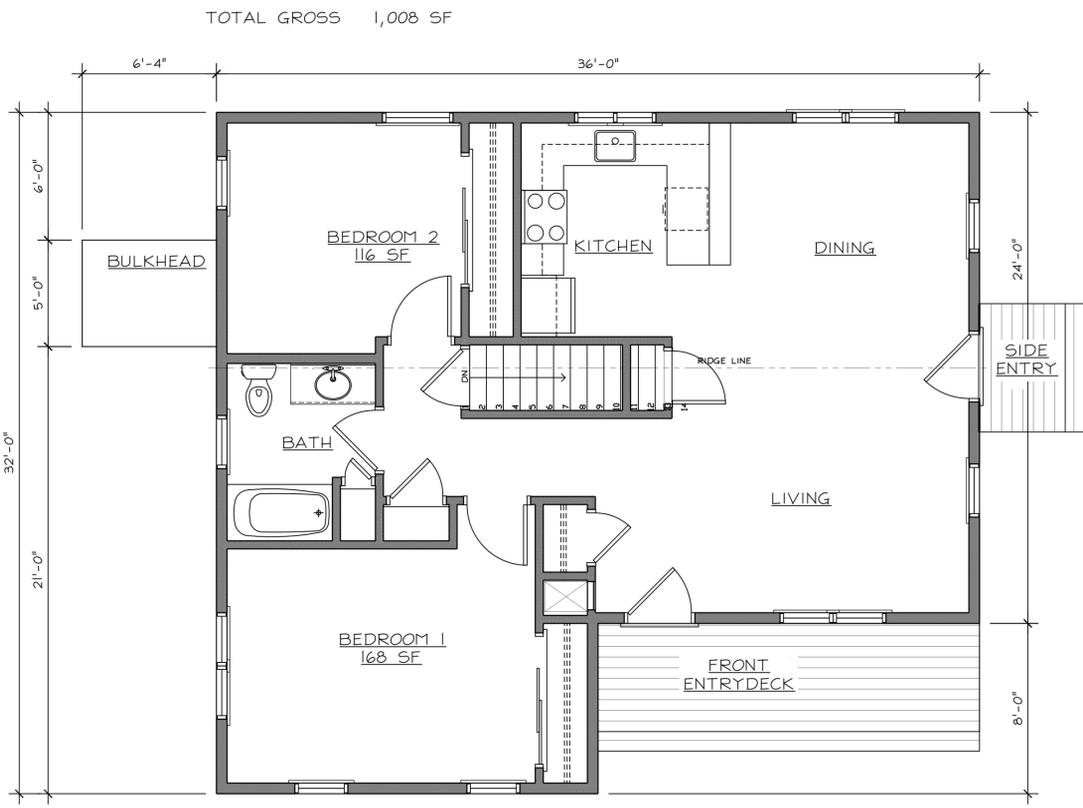
SCALE: 1/4" = 1'-0"



RIGHT SIDE ELEVATION



ALTERNATE STREET ELEVATION



FIRST FLOOR PLAN - 2 BR RANCH

SCALE: 1/4" = 1'-0"

TOTAL GROSS 1,008 SF

11 March 2016 Tom Sampson AK Standard\_L10B  
C:\Users\Tom\My Documents\Architect\Projects\Brewster\Brewster 6.22.15.dwg



RIGHT SIDE ELEVATION



REAR ELEVATION



LEFT SIDE ELEVATION

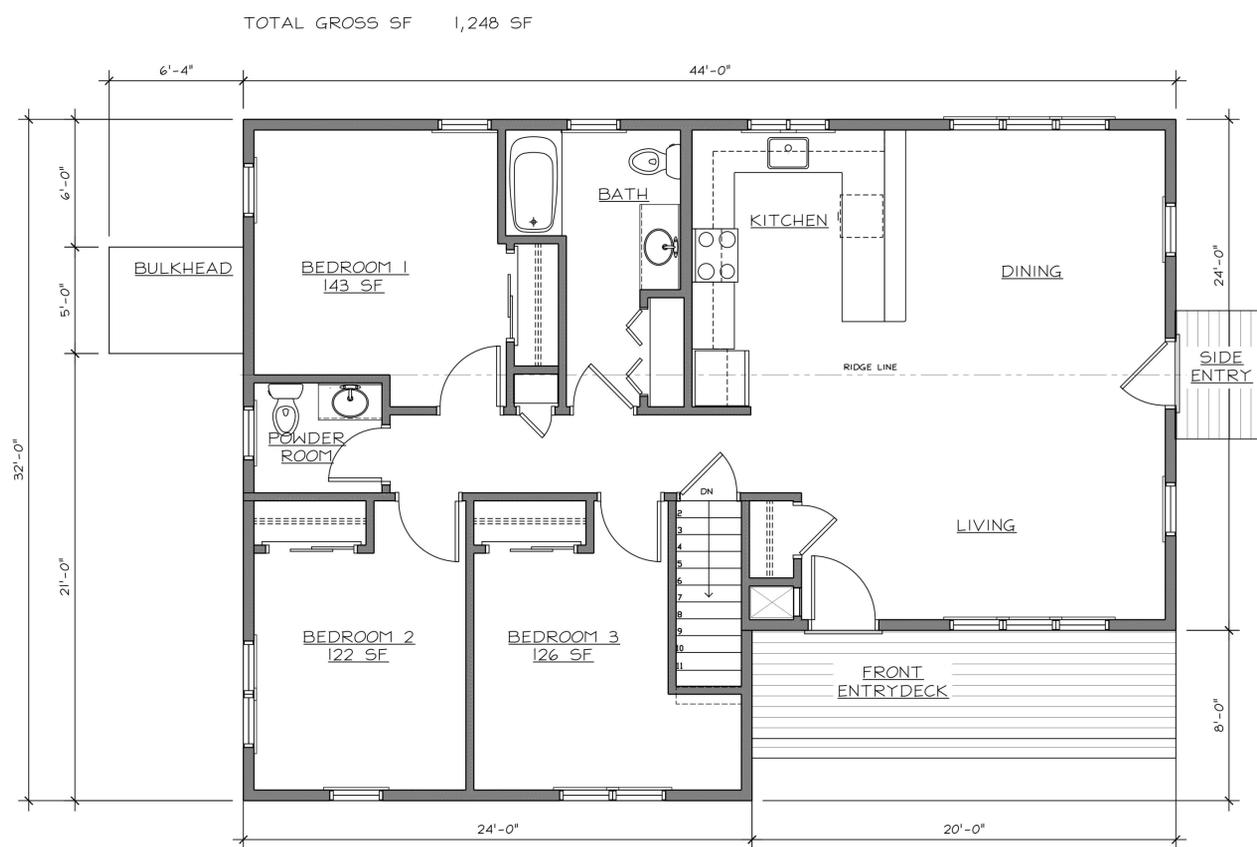


FRONT (STREET) ELEVATION

SCALE: 1/4" = 1'-0"



ALTERNATE STREET ELEVATION



FIRST FLOOR PLAN - 3 BR RANCH

SCALE: 1/4" = 1'-0"

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ARCHITECTS, INC.  
203 WILLOW STREET, SUITE A  
WARREN, MA 02675  
PH: 508-362-8382  
FAX: 508-362-2828  
WWW.CFARCHITECTS.COM

HABITAT FOR HUMANITY  
BREWSTER TUBMAN NEIGHBORHOOD  
TUBMAN ROAD  
BREWSTER, MA

TITLE:

**3 BR RANCH**  
HOUSE PLANS  
AND  
ELEVATIONS

DATE ISSUED: 06/22/2015

REVISIONS:

DRAWN BY:

PROJECT #: PROJECT NO.

DRAWING NO.:

**A-2**



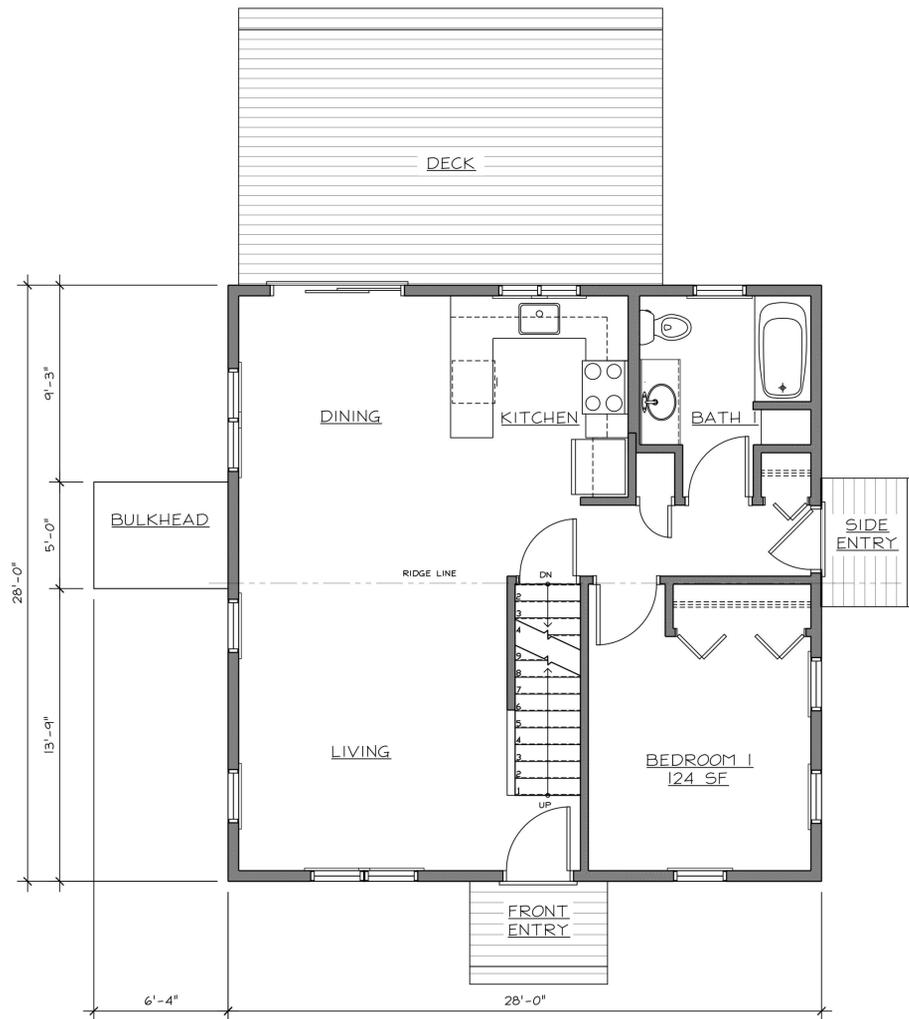
FRONT (STREET) ELEVATION  
SCALE: 1/4" = 1'-0"

RIGHT SIDE ELEVATION

REAR ELEVATION

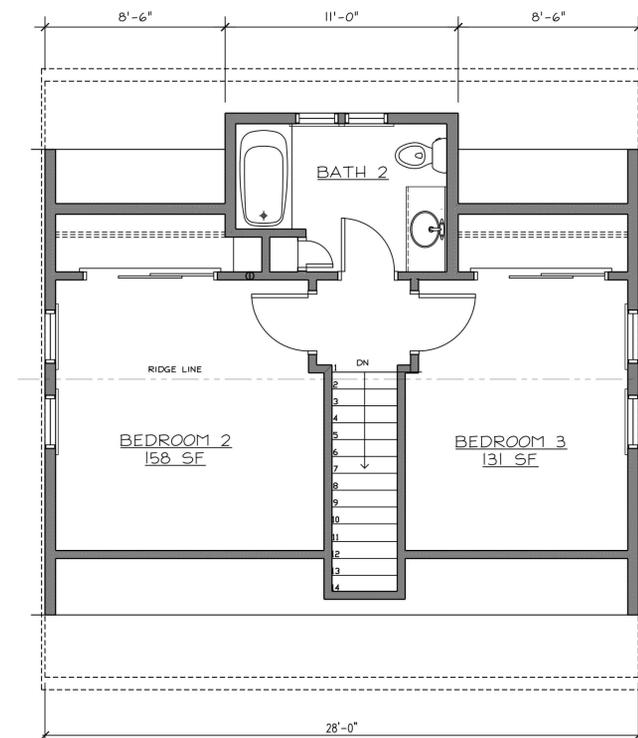


LEFT SIDE ELEVATION



FIRST FLOOR PLAN - 3 BR CAPE, TYPE A  
SCALE: 1/4" = 1'-0"

1ST FLOOR 784 SF  
2ND FLOOR 521 SF  
TOTAL GROSS 1,305 SF



SECOND FLOOR PLAN

STAMP:

BROWN LINDQUIST FENUCCIO & RABER  
ARCHITECTS, INC.  
203 WILLOW STREET, SUITE A  
WARREN, MA 02675  
PH: 508-362-8382  
WWW.CFARCHITECTS.COM  
FAX: 508-362-2828

HABITAT FOR HUMANITY  
BREWSTER TUBMAN NEIGHBORHOOD  
TUBMAN ROAD  
BREWSTER, MA

TITLE:  
**3 BR CAPE  
TYPE A  
HOUSE PLANS  
AND  
ELEVATIONS**

DATE ISSUED: 06/22/2015

REVISIONS:

DRAWN BY:

PROJECT #: PROJECT NO.

DRAWING NO.:

**A-3**

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WARREN, MA 02675  
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FAX: 508-362-2828  
WWW.BLFRARCHITECTS.COM

HABITAT FOR HUMANITY  
BREWSTER TUBMAN NEIGHBORHOOD  
TUBMAN ROAD  
BREWSTER, MA

TITLE:  
**3 BR CAPE  
TYPE B  
HOUSE PLANS  
AND  
ELEVATIONS**

DATE ISSUED: 06/22/2015

REVISIONS:

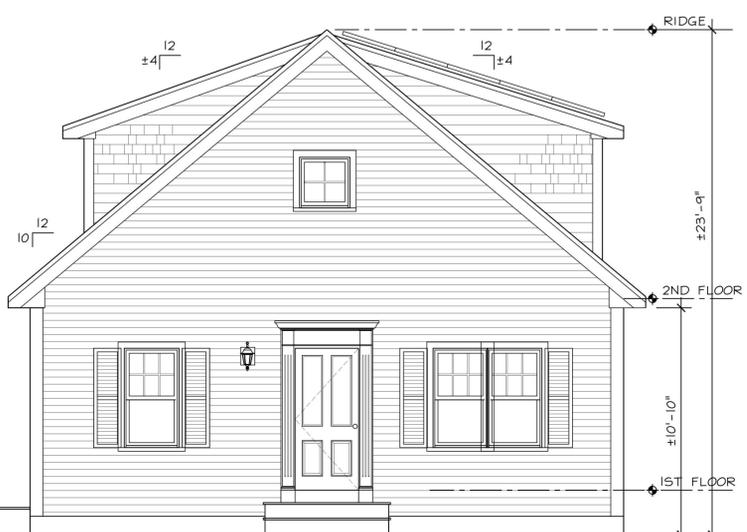
DRAWN BY:

PROJECT #: PROJECT NO.

DRAWING NO.:

**A-4**

Site and Building Information, Page 10-6



FRONT (STREET) ELEVATION  
SCALE: 1/4" = 1'-0"



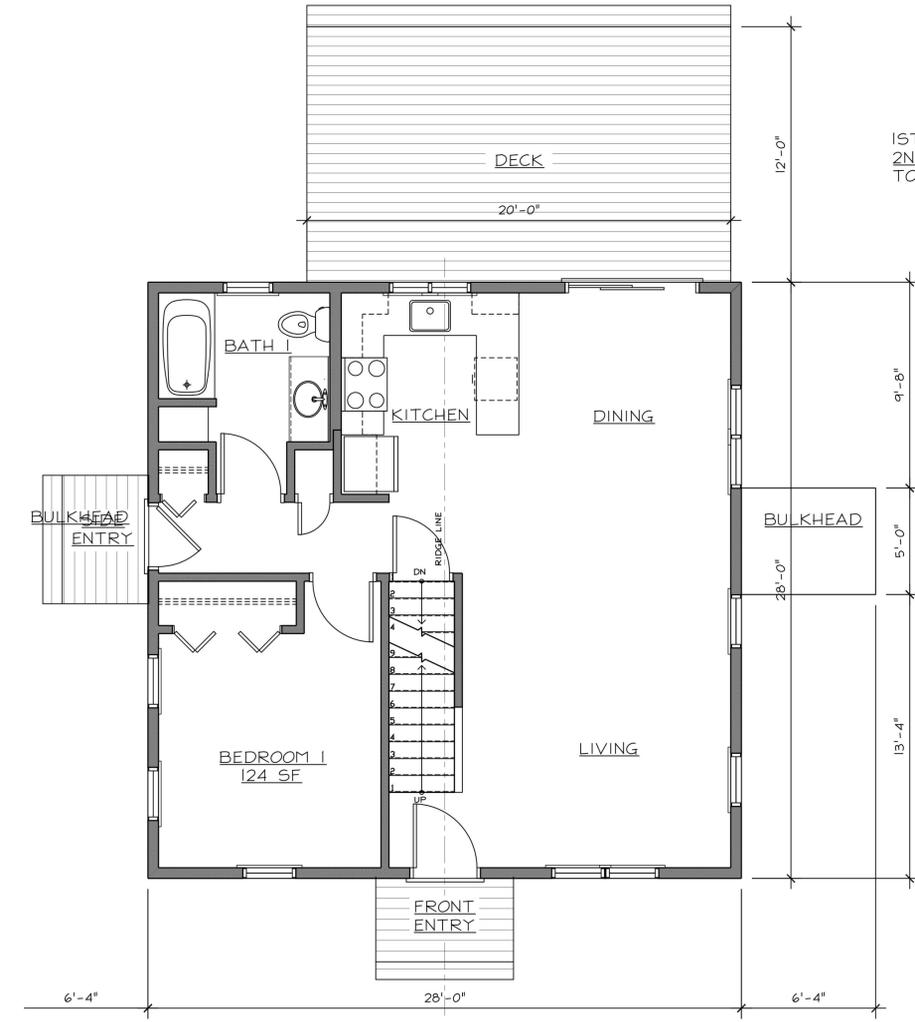
RIGHT SIDE ELEVATION



REAR ELEVATION

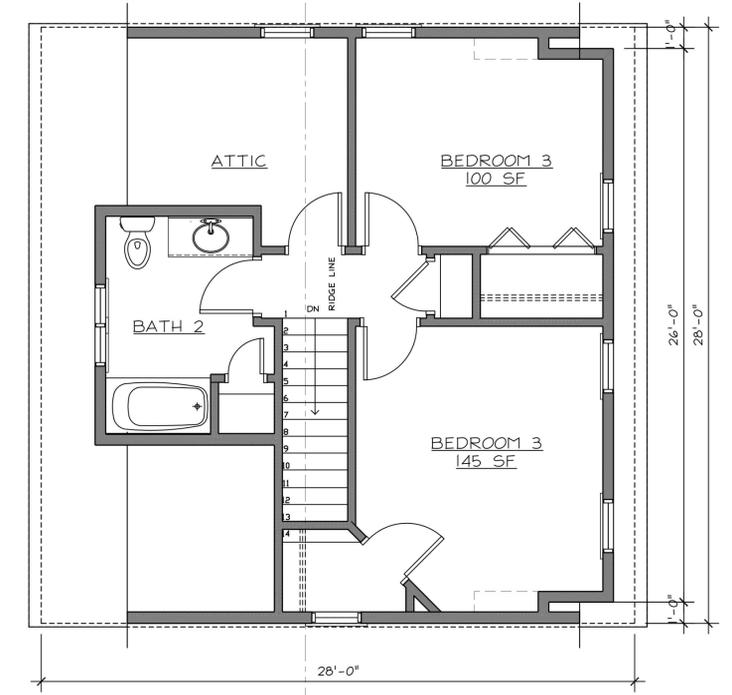


LEFT SIDE ELEVATION



1ST FLOOR 784 SF  
2ND FLOOR 500 SF  
TOTAL GROSS 1,284 SF

FIRST FLOOR PLAN 3 BR CAPE, TYPE B  
SCALE: 1/4" = 1'-0"



SECOND FLOOR PLAN

11 March 2016 Tom Simpson AR Standard\_L3.B3  
C:\Users\Tom\Simpson\OneDrive\Projects\Habitat\Brewster\Temporary\Habitat\Brewster\B3.B3\Drawings\10-6.dwg

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ARCHITECTS, INC.  
203 WILLOW STREET, SUITE A  
WARREN, MA 02675  
PH: 508-362-8382  
FAX: 508-362-2828  
WWW.CFAARCHITECTS.COM

HABITAT FOR HUMANITY  
BREWSTER TUBMAN NEIGHBORHOOD  
TUBMAN ROAD  
BREWSTER, MA

TITLE:  
**4 BR COLONIAL  
HOUSE PLANS  
AND  
ELEVATIONS**

DATE ISSUED: 06/22/2015

REVISIONS:

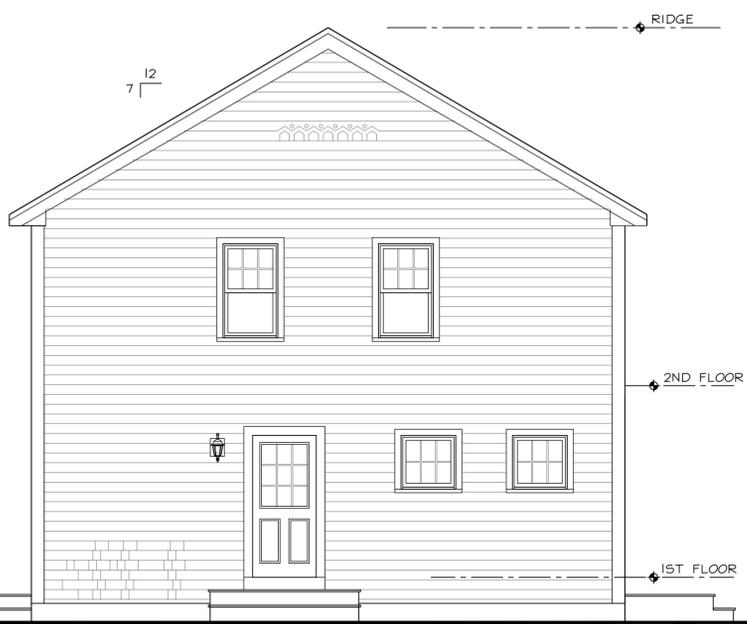
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PROJECT #: PROJECT NO.

DRAWING NO.:

**A-5**

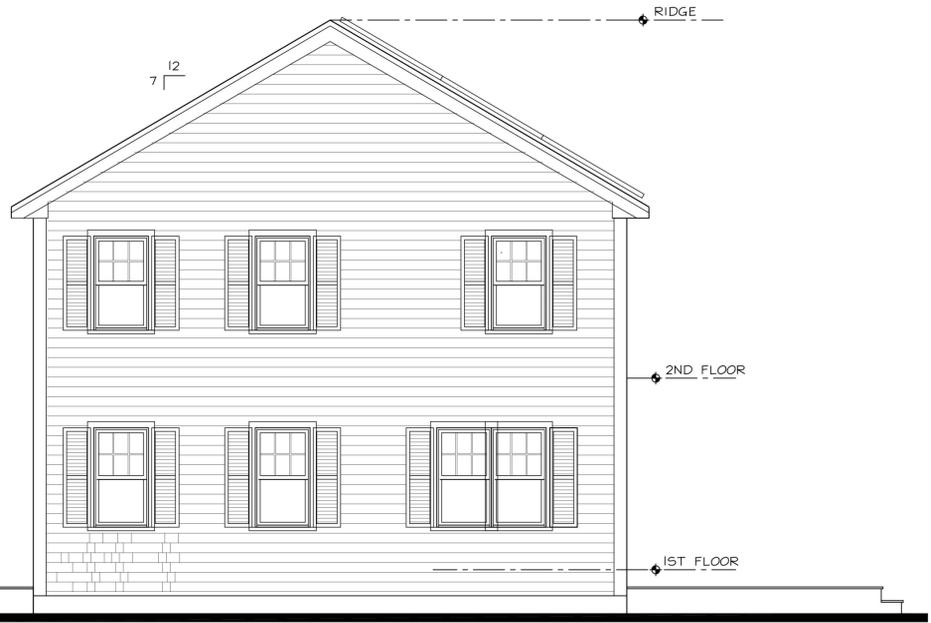
Site and Building Information, Page 10-7



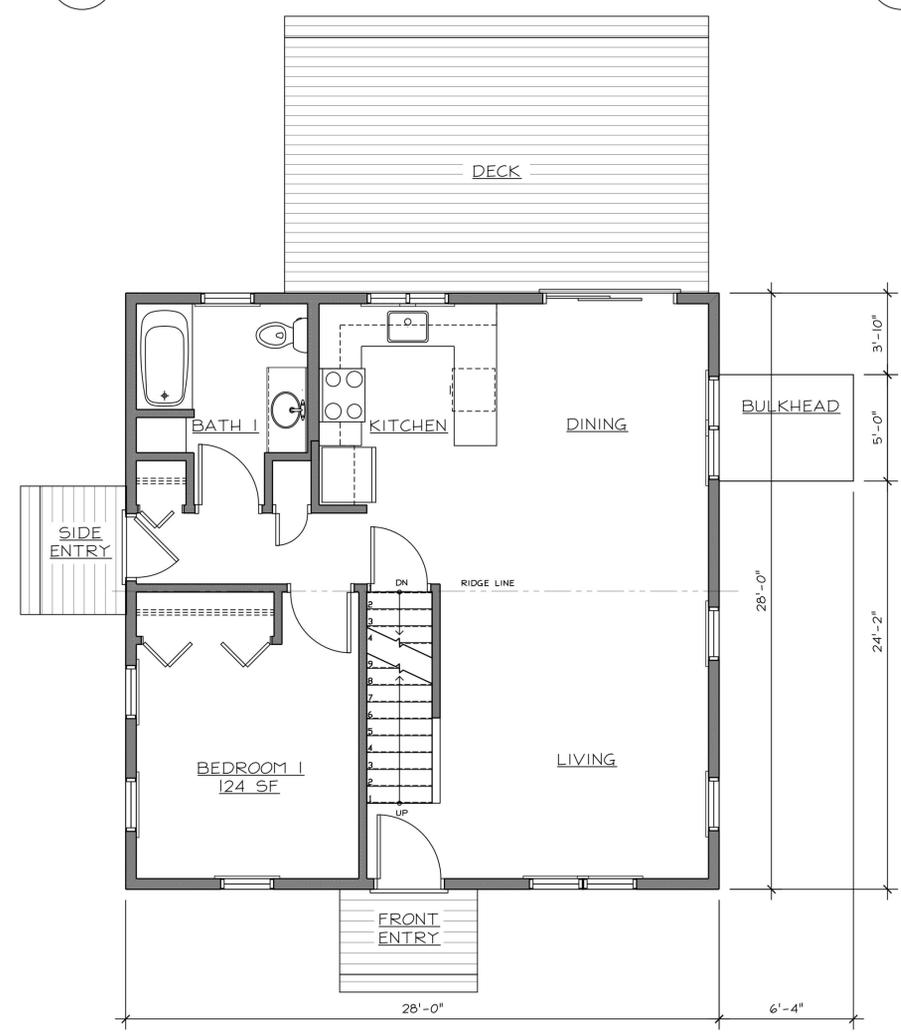
FRONT (STREET) ELEVATION  
SCALE: 1/4" = 1'-0"

RIGHT SIDE ELEVATION

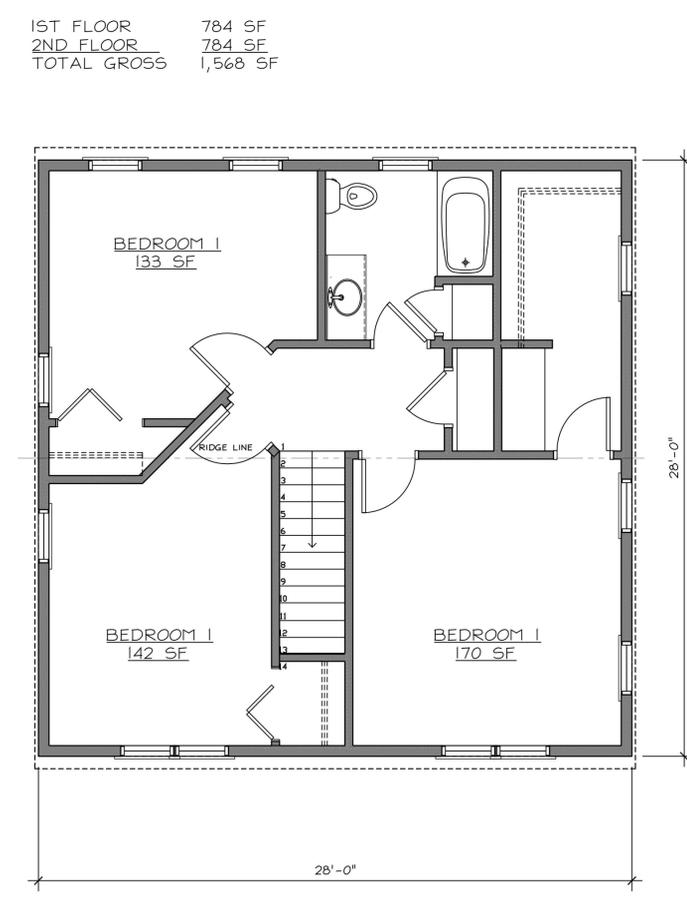
REAR ELEVATION



RIGHT SIDE ELEVATION



FIRST FLOOR PLAN - 4 BR COLONIAL  
SCALE: 1/4" = 1'-0"



SECOND FLOOR PLAN

1ST FLOOR 784 SF  
2ND FLOOR 784 SF  
TOTAL GROSS 1,568 SF

11 March 2016 Tom Sampson AM Standard\_L508  
C:\Users\Tom\My Documents\Architect\Projects\Brewster\Brewster\_HH\Brewster\_HH.dwg

The Commonwealth of Massachusetts  
TOWN OF BREWSTER

BOARD OF APPEALS  
NOTICE OF VARIANCE/SPECIAL PERMIT  
Conditional or limited Variance or Special Permit  
(General Laws Chapter 40A, Section 17 as amended)

Notice is hereby given that a Conditional or Limited Variance or Special Permit has been granted

To Habitat for Humanity

Owner or Petitioner

Address 0 Tubman Road

City or Town Brewster, MA 02631

Map 65 Lot 74 Identify Land Affected Brewster

by the Town of Brewster, Massachusetts Board of Appeals, affecting the rights of

the owner(s) with respect to the use of the premises at 0 Tubman Road

the recorded title standing in the name of Habitat for Humanity

whose address is 0 Tubman Road Brewster MA 02631  
street town State

by a deed duly recorded in the Barnstable County Registry of Deeds in **Book 28445 Page 190**

Registry District of the Land Court Certificate No.          Land Ct.#          Plan #         

The decision of said Board is on file with the papers in Decision or Case No. 15-31

in the office of the Town Clerk, Brewster, MA 02631

City

Certified this 8 day of March 2016.

Board of Appeals:

Philip Jackson

Chairman

Marilyn Mooers

Clerk

         2015, at          o'clock and          minutes/          M.

Received and entered with the Register of Deeds in the County of         

Book         , Page         

Attest:

          
Register of Deeds

Notice to be recorded by Land Owner/Authorized Representative

**ZONING BOARD OF APPEALS OF THE TOWN OF BREWSTER  
DECISION ON THE APPLICATION OF  
HABITAT FOR HUMANITY OF CAPE COD, INC.  
FOR A COMPREHENSIVE PERMIT**

**I. BACKGROUND**

1. On November 10, 2015, Habitat for Humanity of Cape Cod, Inc., (the "Applicant") submitted a comprehensive permit application to construct a subdivision consisting of fourteen (14) single-family houses on approximately 13.92 acres of land located on a portion of the property located at 620 Tubman Road, Brewster, Massachusetts (the "Site" or the "Property").
2. The Zoning Board of Appeals ("Board") opened the public hearing on December 8, 2015. Additional sessions of the public hearing were held on January 5, 2015 and February 2, 2015. The Board closed the public hearing on February 2, 2016. The Board voted to grant this Comprehensive Permit, with conditions, on February 9, 2016.
3. The Site is located in the Residential Medium Density (R-M) Zoning District. The Site does not contain wetland resource areas or buffer zones to wetland resource areas.
4. The Site has frontage on Tubman Road. The Applicant proposes to construct a subdivision roadway to serve as access for the lots in the Project. The Site is the former location of the Bassett Wild Animal Farm. Nearby land uses are predominantly residential. The Site will be served by individual septic systems and municipal water.
5. To evaluate the plans, documents, and testimony submitted by the Applicant's development team, the Board sought technical assistance and comments from Town staff and other boards and commissions, as well as from the Cape Cod Commission. Paul Haverly from Blatman, Bobrowski, Mead and Talerman, LLC served as the Board's Chapter 40B consultant, pursuant to the Massachusetts Housing Partnership Technical Assistance Program.
6. Sitting for the Board and present for the public hearing process were Chairman Philip Jackson, Bruce MacGregor, Brian Harrison, John Nixon, and Leslie Erikson.
7. Exhibit A contains a list of documents the Board received during the public hearing process.

## **II. GOVERNING LAW**

8. The law governing this application is the Comprehensive Permit Law, Massachusetts General Laws, Chapter 40B, §§ 20-23 (the "Act" or "Chapter 40B"), and the regulations promulgated by the Department of Housing and Community Development ("DHCD"), 760 CMR 56.00 et seq. (the "Regulations").
9. The Act promotes regional distribution of low or moderate income housing by preventing individual cities and towns from using exclusionary zoning to block construction of such housing. Toward these ends, the purposes of the Act are satisfied if: (a) a town has low or moderate income housing in excess of 10 percent of the total number of year-round housing units reported in the latest decennial census or (b) which is on sites comprising 1 ¼ percent or more of the town's total land area zoned for residential, commercial, or industrial use, or (c) if the application results in the commencement of low and moderate income housing construction on sites comprising more than .3 percent of such total area or 10 acres, whichever is larger, in one year.
10. DHCD's Regulations expand the definition of what constitutes satisfaction of the statute to include regulatory safe harbors contained at 760 CMR 56.03(4) through 56.03(7).
11. The Board's decision on a comprehensive permit must balance the regional need for low- or moderate-income housing against the Town's long-range planning goals, local requirements and regulations to the extent that they are applied equally to subsidized and unsubsidized housing, and valid concerns about the health and safety of residents of the proposed housing, the surrounding neighborhood, or the Town as a whole.

## **III. FINDINGS:**

The Board makes the following findings in connection with the application:

12. The Applicant has complied with all rules and regulations of the Town of Brewster as they pertain to the application for a Comprehensive Permit, or to the extent that the Applicant has not fully complied with the rules and regulations regarding submittal requirements, the Board finds that the requirements will be met as part of the submittal of Final Plans and the Definitive Subdivision Plans.
13. The Applicant has demonstrated its eligibility to submit an application for a Comprehensive Permit to the Board, and the development fulfills the minimum project eligibility requirements set forth in 760 CMR 56.04(1) as follows:
  - (a) The Applicant is a non-profit entity, as it is an entity under the umbrella of Habitat for Humanity International, Inc., a Section 501(c)(3) non-profit entity. The Applicant has submitted a letter from the Internal Revenue Service confirming its non-profit status.

- (b) The Applicant received a written determination of Project Eligibility from the Department of Housing and Community Development dated October 13, 2015, a copy of which was provided to the Board with the original application.
  - (c) By including with its application a copy of its Deed, recorded with the Barnstable County Registry of Deeds in Book 28445, at Book 190, the Applicant has shown evidence of site control sufficient to qualify as an applicant for a Comprehensive Permit.
  - (d) The Applicant will execute a Regulatory Agreement in accordance with Chapter 40B and the regulations and guidelines adopted thereunder by DHCDD.
14. The Town of Brewster does not meet the statutory minima set forth in G.L. c. 40B § 20 or 760 CMR 56.03(3) to 56.03(7):
- (a) At the time of the filing of the application, according to the most-recently published Subsidized Housing Inventory (SHI) dated December 5, 2014, the number of low or moderate income housing units in the Town of Brewster constituted 5.1% of the total year-round units in the Town. Thus, the Town does not meet the 10 percent statutory minimum.
  - (b) Existing affordable housing units are on sites which comprise less than one and one half percent of the total land area of the Town which is zoned for residential, commercial or industrial use (excluding land owned by the United States, the Commonwealth of Massachusetts or any political subdivision thereof).
  - (c) The granting of this comprehensive permit will not result in the commencement of construction of low or moderate income housing units on a site comprising more than three tenths of one percent of land area in the Town of Brewster or ten acres, whichever is larger, zoned for residential, commercial or industrial uses (excluding land owned by the United States, the Commonwealth of Massachusetts or any political subdivision thereof) in any one calendar year.
  - (d) The Town of Brewster had an approved Housing Production Plan pursuant to 760 CMR 56.03(4), but said plan expired in 2014.
  - (e) The Town of Brewster has not achieved recent progress toward its housing unit minimum pursuant to 760 CMR 56.03(5).
  - (f) The Project does not constitute a Large Project pursuant to 760 CMR 56.05(6).
  - (g) The Applicant's comprehensive permit application does not constitute a Related Application pursuant to 760 CMR 56.03(7).
15. The development, if constructed and operated in conformance with the plans and conditions set forth hereunder, will adequately provide for stormwater drainage, sanitary sewer services and water services, and other appurtenant utilities and amenities, and it

will not be a threat to the public health and safety of the occupants of the development, the neighborhood, or the Town.

16. The Board finds that the conditions imposed in Section V of this Decision are necessary in order to address Local Concerns. The Board finds that such conditions will not render the project uneconomic. To the extent that such conditions may render the project uneconomic (as defined in 760 CMR 56.02), the Board finds that the Local Concerns outweigh the potential benefits of the proposed affordable units.
17. The Board finds that granting certain waivers from local by-laws and regulations is acceptable even though granting any waivers may have an adverse impact on Local Concerns. Nevertheless, the Board finds that the Local Concerns affected thereby do not outweigh the regional need for affordable housing, especially given the mitigation that has been provided by the Applicant.
18. The Board finds that construction of a fourteen (14) lot single-family residential subdivision at the Property will be consistent with local needs.

#### IV. DECISION

In consideration of all of the foregoing, including the plans, documents and testimony given during the public hearing, the Board hereby grants the Applicant a comprehensive permit under Chapter 40B for the development described herein, subject to the conditions set forth below.

#### V. CONDITIONS

##### A. General

- A.1 The holder of this Comprehensive Permit is defined as a non-profit entity, Habitat for Humanity of Cape Cod, Inc. The site is defined as that property containing approximately 13.92 acres of land constituting a portion of the property located at 670 Tubman Road, Brewster, Massachusetts. The Project is defined as all features shown on the plans listed below in Condition A.2 or as otherwise required by this Comprehensive Permit.
- A.2 Except as may be provided for in the following conditions or in the Final Plans referenced below, the Project shall be constructed substantially in conformance with the plans and drawings listed below in this Condition A.2, which for purposes of this Comprehensive Permit shall be considered the Approved Plans for the Project ("Approved Plans"). Changes to the location of the structures shown on the Site Plans which do not increase dimensional waivers by more than five percent (5%) of the required dimensional requirement (e.g. a waiver from the forty foot (40') front setback that does not increase the required waiver by more than two feet (2')), shall be considered insubstantial changes pursuant to 760 CMR 56.05(11), and shall be allowed upon submittal of as-built plans depicting

the revised location. Additional revisions of locations of structures which do not require additional waivers shall also be allowed as insubstantial changes pursuant to 760 CMR 56.05(11). If the Inspector of Buildings determines that the proposed changes do not conform to the requirements of this Comprehensive Permit, he shall so notify the Applicant and the Applicant shall either bring the plans into conformance with this decision or seek modification in accordance with 760 CMR 56.05(11). The Approved Plans consist of the following:

i. Site Plan titled "Comprehensive Permit Plans, Tubman Road, Brewster, MA" prepared for Habitat for Humanity of Cape Cod, Inc. by J. M. O'Reilly and Associates, Inc. dated 11/5/15 and revised 01/08/16 (one sheet).

ii. "Habitat for Humanity, Brewster Tubman Neighborhood, Brewster MA, prepared for Habitat for Humanity of Cape Cod, Inc. by Brown Lindquist Fenuccio & Raber, Architects, Inc. dated 04/15/2015 including Sheets A1 through A5"

iii. Landscaping Plans titled Habitat for Humanity – Brewster, MA Oak Street Project, prepared by Studio 815 Landscape Architecture, undated.

- A.3 The Applicant shall be a Non-Profit Entity as required by Chapter 40B and it and its successors and assigns, shall comply with all applicable requirements of Chapter 40B and the regulations adopted thereunder.
- A.4 The Project shall consist of not more than fourteen (14) single family houses located on fourteen (14) house lots, and other related residential amenities, all as shown on the Approved Plans. All of the units are proposed as affordable units.
- A.5 There shall be a minimum of two (2) parking spaces per house lot.
- A.6 All residential units approved under this Comprehensive Permit shall be single-family homeownership units, subject to a Homeowner's Association.
- A.7 Pursuant to the Waiver List voted upon by the Board at the January 5, 2016 hearing, the Applicant has requested, and the Board has granted, waivers from the Brewster Zoning Bylaw and other local by-laws and regulations as specified in Exhibit A hereto. No waivers are granted from requirements that are beyond the purview of G.L. c. 40B, §§20-23. No waivers are granted from permit or inspection fees. Any subsequent revision to the Plans, including but not limited to revisions that are apparent in the Final Plans that require additional or more expansive waivers of any local by-laws or regulations (except as discussed above in A.2), must be approved by the Board in accordance with 760 CMR 56.05(11). To the extent that additional waivers are subsequently determined to be required with respect to improvements that are otherwise shown on the Approved Plans, such waivers shall be deemed an insubstantial change to the Comprehensive Permit under 760 CMR 56.05(11), and can be granted administratively by the Board.

- A.8 The Applicant shall comply with all local regulations of the Town of Brewster and its boards, commissions, and departments unless specifically waived herein or as otherwise addressed in these conditions.
- A.9 The Applicant shall copy the Board on all correspondence between the Applicant and any federal, state, or Town official, board, or commission concerning the conditions set forth in this decision, including but not limited to all testing results, official filings, environmental approvals, and other permits issued for the Project.
- A.10 Except as otherwise specifically provided herein, where this Decision provides for the submission of plans or other documents for approval by the Building Inspector or other Town Departments, the Building Inspector or applicable Department Head will use reasonable efforts to review and provide a written response within thirty (30) days following submission.
- A.11 This Comprehensive Permit may be subsequently assigned or transferred pursuant to 760 CMR 56.05(12)(b). The pledging of the Property as security under any conventional loan construction financing terms as set forth in the financing entity's Loan Documents or any foreclosure sale pursuant to the same shall not constitute an assignment or transfer under this paragraph.
- A.12 The provisions of this Comprehensive Permit Decision and Conditions shall be binding upon the successors and assigns of the Applicant, and the obligations shall run with the land. In the event that the Applicant sells, transfers, or assigns its interest in the development, this Comprehensive Permit shall be binding upon the purchaser, transferee, or assignee and any successor purchasers, transferees or assignees. The limited dividend restrictions shall apply to the owner of the project regardless of sale, transfer, or assignment of the project.
- A.13 The sidewalks, driveways, roads, utilities, drainage systems, and all other infrastructure shown on the Approved Plans as serving the Project shall remain private until such time, if ever, the Project roadways are accepted by the Town of Brewster as public ways, and the Town of Brewster shall not have, so long as the roadway remains private, any legal responsibility for the operation or maintenance of the infrastructure, including but not limited to snow removal and landscape maintenance. Nothing stated above shall prevent the Applicant, its successors and assigns from petitioning the Town of Brewster to accept the roadway in the future.
- A.14 Unless otherwise indicated herein, the Board may designate an agent to review and approve matters on the Board's behalf subsequent to this Decision.

**B. Affordability Requirements**

- B.1 All fourteen (14) houses in the Project shall be low- or moderate-income units, meaning they shall be sold to households whose income is no more than eighty

percent (80%) of the area median income, as determined by the United States Department of Housing and Urban Development ("HUD") and DHCD.

- B.2 Upon completion of the Project and in perpetuity, all fourteen (14) houses shall meet the criteria for inclusion in DHCD's "Subsidized Housing Inventory" (SHI).
- B.3 The Applicant shall obtain approval by the Subsidizing Agency of an affirmative fair housing marketing plan prior to the sale of any units, and shall ensure that the Project complies with the Subsidizing Agency's fair housing requirements.
- B.4 At the approval of the applicable subsidy program, the maximum number of affordable units allowed by law and applicable subsidy program, but no more than seventy (70%) percent of the units, shall be reserved for current residents of the Town of Brewster, municipal employees of the town of Brewster, employees of businesses located in the Town of Brewster and households with children attending Brewster's schools. A lottery shall be established in a form approved by the Subsidizing Agency and/or the Project's monitoring agent to effectuate this local preference, with an approved secondary lottery for all other applicants. The Applicant shall assist the Town in the submittal of any evidence required by the Subsidizing Agency to support this local preference requirement.

**C. Submission Requirements**

- C.1 Prior to any construction on the Site, whether or not pursuant to a building permit, the Applicant shall:
  - a. Obtain a National Pollution Discharge Elimination System (NPDES) Permit from the U.S. Environmental Protection Agency (EPA). The Board shall also be provided a copy of the SWPPP submitted along with the NPDES filing.
  - b. Provide the Board with evidence of compliance with pre-blasting activities requirements, if necessary.
  - c. Submit to the Board for review and administrative approval Final Engineering Drawings and Plans ("Final Plans") that conform to the requirements of this Comprehensive Permit and incorporate the conditions herein. The Final Plans shall also incorporate all conditions and requirements of permitting agencies having jurisdiction. Applicable sheets of the Final Plans shall signed and sealed by the Professional Land Surveyor, the Registered (Civil) Engineer of record, and the Registered Landscape Architect of record. The Final Plans shall be submitted to the Board at least forty-five (45) days prior to the anticipated date of commencement of building construction or submission of an application for building permits, whichever is earlier (the "Final Site Plan Submission Date").

At a minimum, the Final Plans shall consist of a Definitive Subdivision Plan containing all of the required information from the Brewster Subdivision Rules and Regulations, except as waived herein.

The Final Plans shall address the following additional issues:

i. Submit to the Building Inspector a construction mitigation plan including, but not limited to, dust control measures, fill delivery schedules, stockpiling areas, and like matters. Other than site work and such other work as may be authorized in writing by the Building Inspector, no other construction of units shall commence and no building permits shall issue under this Comprehensive Permit until the Building Inspector, in consultation with the Board's engineer, has approved the Final Plans as being in conformance with this Decision. If no written response or comments have been given to the Applicant by the Building Inspector concerning the Final Site Plans within forty-five (45) days after the Final Site Plan Submission Date, the Final Plans, as delivered, will be deemed to have been approved.

d. Submit to the Board and the Building Inspector a landscaping plan with the Final Plans, depicting the following:

- (1) Overall planting plan that includes a demarcation of clearing and the limits of work;
- (2) Planting plans for drives showing shade trees and lighting fixture locations;
- (3) Prototype planting plans for each building that include shade trees, ornamental trees, shrubs, and groundcovers;
- (4) Planting details for coniferous and deciduous shade trees, ornamental trees, and shrubs;
- (5) Planting schedules listing the quantity, size, height, caliper, species, variety, and form of trees, shrubs, and groundcovers;
- (6) Tree protection and preservation plans; and
- (7) Construction details.

All plantings shall consist of non-invasive, drought-tolerant species. Plantings installed along drives and walkways shall also be salt-tolerant.

e. Obtain from the Brewster Board of Health a Disposal Works Permit pursuant to 310 C.M.R. 15.00 (Title V) for each individual septic system.

- e. Applicant proposes to establish homeowner's associations to maintain and repair all common areas, the project roadway and associated infrastructure, including the stormwater management system. Such documents shall set forth the obligations of the homeowner's association for the operation and maintenance of all such common areas and improvements. Prior to the issuance of any building permits, the Applicant shall provide documents establishing such homeowner's association to the Board for approval as to form and for verification that such documents are in conformance with this decision. The homeowner's association shall adopt rules and regulations and copies shall be provided to the Board.

C.2 Prior to the issuance of a building permit for the project, the Applicant shall:

- a. Record this Comprehensive Permit with the Barnstable County Registry of Deeds, at the Applicant's expense, and provide proof of the same to the Building Inspector.
- b. Submit to the Board and the Building Inspector evidence of Final Approval from the Subsidizing Agency (DHCD), as required by the Project Eligibility letter and the Chapter 40B regulations.
- c. Submit to the Board and the Building Inspector a copy of the Regulatory Agreement for the Project. Execution and recording of such Regulatory Agreement shall be complete prior to the issuance of any building permit.
- d. Submit to the Building Inspector final Architectural Plans prepared and sealed by an architect with a valid registration in the Commonwealth of Massachusetts ("Architectural Plans"). The Architectural Plans shall be submitted in such form as the Building Inspector may request.
- e. The Board's engineer shall approve the maintenance schedule for the stormwater system.
- f. Obtain and file with the Building Inspector a copy of all federal, state, and local permits and approvals required for the Project.
- g. Submit evidence of a disposal works permit from the Brewster Board of Health pursuant to 310 CMR 15.00 (Title V), for construction of the septic systems for any lot for which a building permit is sought.
- h. Applicant proposes to establish a homeowner's association to maintain and repair all common areas and to maintain and repair the stormwater management system, open space areas and roadways serving the various lots. Such documents shall set forth the obligations of the homeowner's association for the operation and maintenance of all such common areas and improvements. Prior to the issuance of any certificate of occupancy, the Applicant shall provide documents establishing such homeowner's association to the Board for approval by legal counsel as to form and for

verification that such documents are in conformance with this decision.  
The homeowner's association shall adopt rules and regulations and copies shall be provided to the Board.

**D. Construction Completion; Certificate of Occupancy**

D.1 Prior to issuance of a certificate of occupancy for any lot in the Project, the Applicant shall:

- a. Submit interim engineer's certification of compliance with utilities plan and profiles to the Department of Public Works.
- b. Provide a letter to the Board, signed by the Applicant's civil engineer, certifying that the Project has been constructed in compliance with the Final Plans.
- c. Obtain acceptance from the Building Department and/or Fire Department of testing of all fire protection systems, fire alarm systems, fire sprinkler systems, and local smoke alarms within the dwelling units.

D.2 Prior to issuance of the final certificate of occupancy, the Applicant shall:

- a. Submit to the Building Department, in digital file format, a final as-built plan showing rim and invert elevations, roadway, and associated construction. The digital file shall include property boundaries, dimensions, easements, rights-of-way, edge of pavement, topographic contours, spot elevations, parking areas, road centerline and associated text. Said digital data shall be delivered in the Massachusetts State Plane Coordinate System, North American Datum 1983 and North American Vertical Datum 1988, in U.S. Survey Feet.
- b. Submit to the Building Inspector as-built plans for all buildings in the Project.

**E. Project Design and Construction**

E.1 The Applicant and the site general contractor shall attend a preconstruction conference with the Building Inspector and other Town Department heads as may be determined.

E.2 The Applicant shall comply with the blasting guidelines required by applicable Massachusetts state law, rules, and regulations. The Applicant shall permit representatives of the Board to observe and inspect the Site and construction progress until such time as the Project has been completed.

E.3 The proposed construction shall be in accordance with applicable federal and state laws, rules and regulations.

- E.4 The Applicant shall request and obtain permits and approvals from the Brewster Fire Department for fire hydrant locations.
- E.5 All site retaining walls four (4) feet or greater in height shall be designed by a Massachusetts Professional Structural Engineer.
- E.6 During construction, the Applicant shall conform to all local, state, and federal laws regarding noise, vibration, dust, and blocking of Town roads. The Applicant shall at all times use all reasonable means to minimize inconvenience to residents in the general area. Adequate provisions shall be made by the Applicant to control and minimize dust on the site during construction in accordance with the construction mitigation plan.
- E.7 Appropriate signage shall be shown on the Final Plans.
- E.8 The location of all utilities, including but not limited to electric, telephone, and cable, shall be shown on the Final Plans. All transformers and other electric and telecommunication system components shall be included on the Final Plans. The location of features shown on the approved design including but not limited to fire pipes, vents, bollards, connections between tanks (if applicable) etc., shall be shown on the Final Plans.
- E.9 If natural gas is proposed, gas service locations shall be included on the Final Plans.
- E.10 Any lighting for the Project shall comply with the Town of Brewster's Zoning Bylaw.
- E.11 Utilities, including but not limited to telephone, electric, and cable, shall be located underground.
- E.12 Soil material used as backfill for access drives shall be certified by the Project Engineer to the Building Inspector as meeting design specifications, as applicable.
- E.13 Construction activities shall be conducted between the hours of 7 a.m. and 7p.m., Monday through Saturday. For purposes of this condition, construction activities shall be defined as: start-up of equipment or machinery, delivery of building materials and supplies; removal of trees; grubbing; clearing; grading; filling; excavating; import or export of earth materials; installation of utilities both on and off the site; removal of stumps and debris; and erection of new structures. All off-site utility work shall be coordinated and approved by the Department of Public Works and shall not be subject to the timing restrictions set forth above. Parking of all vehicles and equipment must be on site during construction.
- E.14 Burning or burial of construction or demolition debris on the site is strictly prohibited. All such materials are to be removed from the site in accordance with applicable law. All construction materials shall be stored or stockpiled in a safe manner. Any floodlights used during the construction period shall be located and

directed so as to prevent spillover or illumination onto adjacent properties. All construction activities are to be conducted in a workmanlike manner.

- E.15 No building areas shall be left in an open, unstabilized condition. If construction ceases for a period of more than sixty days, temporary stabilization shall be accomplished by hay bales, hay coverings or matting. Final stabilization shall be accomplished by loaming and seeding exposed areas.
- E.16 All retaining walls shall be constructed in an aesthetic manner, specifically, retaining walls shall avoid the use of exposed concrete to the greatest extent practicable.
- E.17 Snow removal shall be the obligation of the Applicant and its successor Homeowner's Association, until such time, if ever, that the Town agrees to accept responsibility for snow removal.

**F. Traffic Safety Conditions**

- F.1 The area within the cul-de-sac shall include low profile landscaping along the perimeter (small shrubs, no trees) to facilitate emergency vehicle circulation around the cul-de-sac, as requested by the Brewster Fire Department.

**G. Police, Fire, and Emergency Medical Conditions**

- G.1 Appropriate sight distance shall be maintained at the intersection of the Project Driveway and Tubman Road. The Applicant shall include language in the Homeowners Association documents requiring necessary maintenance of vegetation to ensure adequate sight distance.

**II. Water, Septic, and Utilities**

- II.1 The water, septic, and drainage utilities servicing the single-family houses in the Project shall be installed and tested in accordance with applicable Town of Brewster requirements and protocols, except as may be waived herein.
- II.2 Utilities shall be installed underground by the Applicant using methods standard to those installations. Utilities shall be defined as electric service lines, telephone lines, water service lines, CATV lines, municipal conduit and the like.

**I. Other General Conditions**

- I.1 The proposed structures shall be constructed in accordance with the approved Site Plans and Architectural Plans. Any changes to the structures prior to initial occupancy (beyond what is permitted pursuant to Condition A.2) must comply with the procedures set forth in 760 CMR 56.05(11). 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 Article VIII of the Brewster Zoning Bylaws.

- I.2 This decision will be deemed to be final upon the expiration of the appeal period with no appeal having been filed or upon the final judicial decision following the filing of any appeal, whichever is later. In accordance with 760 CMR 56.05(12)(c), this Comprehensive Permit shall expire three (3) years from the date that the permit becomes final, unless (i) prior to that time substantial use of the Comprehensive Permit has commenced or (ii) the time period is otherwise tolled in accordance with law. The Applicant may timely apply to the Board for extensions to the Comprehensive Permit as permitted by law.
- I.3 The Applicant or the successor Homeowner's Association shall be responsible for the operation and regular maintenance of all pedestrian walkways, parking areas, and other common facilities shown or described in the Approved Plans and materials, including, but not limited to, regular snow plowing, until such time, if ever, the roadway is accepted by the Town of Brewster.
- I.4 If any default, violation or breach of these conditions by the Applicant is not cured within thirty (30) days after notice thereof (or such longer period of time as is reasonably necessary to cure such a default so long as the Applicant is diligently and continuously prosecuting such a cure), then the Town may take one or more of the following steps: (a) by mandamus or other suit, action or other proceeding at law or in equity, require the Applicant to perform its obligations under these conditions; (b) have access to, and inspect, examine and make copies of all of the books and records of the Applicant pertaining to the project; or (c) take such other action at law or in equity as may appear necessary or desirable to enforce these conditions. If the Town brings any claim to enforce these conditions, and the Town finally prevails in such claim, the Applicant shall reimburse the Town for its reasonable attorneys' fees and expenses incurred in connection with such claim.

RECORD OF VOTE

The Board of Appeals voted 5 - 0, at its public meeting on February 9, 2016, to unanimously grant a Comprehensive Permit subject to the above-stated Conditions, with this decision as attested by the signatures below.

Members in favor:

Philip Jackson  
Philip Jackson

Brian Harrison  
Brian Harrison

Bruce MacGregor  
Bruce MacGregor

John Nixon  
John Nixon

Leslie Erikson  
Leslie Erikson

Dated: February 9, 2016

Filed with the Town Clerk on February 11, 2016.

Collette Mullellano  
Town Clerk

The twenty-day appeal period has lapsed the 8<sup>th</sup> day of March, 2016

NO appeal has been filed on \_\_\_\_\_

An appeal has been filed on \_\_\_\_\_

Collette Mullellano Town Clerk

**Notice:** Appeals, if any, by any party other than the Applicant, shall be made pursuant to Massachusetts General Laws, Chapter 40A, s. 17, and shall be filed within twenty (20) days after the filing of this notice in the Office of the Town Clerk, Town Hall, Brewster, Massachusetts. Any appeal by the Applicant shall be filed with the Housing Appeals Committee pursuant to G. L. c. 40B, § 23, within twenty (20) days after the filing of this notice in the Office of the Town Clerk.



**List of Approved Waivers – Tubman Road Community Housing**

**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.

**Zoning, Chapter 179, From the Code of the Town of Brewster**

**§179-13 Regulations effective in all districts**

Waive the provision that no lot in the town of Brewster shall be used for residential building purposes unless there is at least 60,000 square feet of contiguous buildable uplands.

The Board voted unanimously to grant a waiver allowing lots with upland area less than 60,000 square feet, as shown on the Site Development Plans.

**§179-15 Applicability of regulations**

Waive regulations pertaining to minimum lot area, minimum lot frontage, lot width, front yard and side yard depth as detailed below. Waivers are not needed for rear yard depth, building height, or maximum lot coverage (see below).

| Area Regulations / Minimum Required Lots R-M: |        |  |              |              |             |              |              |              |              |              |              |             |              |              |              |
|---|--------|--|--------------|--------------|-------------|--------------|--------------|--------------|--------------|--------------|--------------|-------------|--------------|--------------|--------------|
| R-M   | REQ.   | PROVIDED:  |              |              |             |              |              |              |              |              |              |             |              |              |              |
|   |        | Lot 1  | Lot 2        | Lot 3        | Lot 4       | Lot 5        | Lot 6        | Lot 7        | Lot 8        | Lot 9        | Lot 10       | Lot 11      | Lot 12       | Lot 13       | Lot 14       |
| Area  | 60,000 | 14,981   | 13,813       | 13,424       | 15,423      | 18,832       | 17,436       | 13,306       | 14,507       | 14,972       | 14,851       | 16,737      | 16,133       | 13,188       | 14,221       |
| Lot Frontage                                  | 130    | 134.26   | 98.44        | 87.89        | 88.2        | 129.95       | 168.78       | 129.72       | 88.33        | 81.24        | 88.56        | 78.19       | 82.49        | 85.16        | 138.28       |
| Front Yard                                    | 40     | 23.7   | 22.7         | 25.4         | 24.0        | 21.5         | 20.6         | 26.3         | 24.7         | 24.6         | 22.2         | 23.2        | 25.4         | 25.1         | 22.0         |
| Side Yard                                     | 25     | 61.3<br>44.1   | 42.7<br>17.9 | 37.7<br>14.5 | 8.9<br>50.6 | 26.3<br>47.2 | 71.0<br>85.7 | 45.2<br>25.9 | 42.0<br>27.6 | 37.8<br>32.8 | 24.8<br>37.6 | 8.3<br>44.9 | 45.5<br>32.5 | 62.9<br>21.3 | 34.5<br>46.7 |
| Rear Yard                                     | 25     | 40.7   | 74.6         | 31.3         | 77.6        | 54.9         | 42.9         | 82.7         | 71.3         | 68.2         | 88.1         | 48.2        | 43.2         | 20.1         | 41.8         |
| Lot Width                                     | 120    | Confirms when based on lot width, as measured from provided the front yard setback line, being at least 80% of provide lot frontage. |              |              |             |              |              |              |              |              |              |             |              |              |              |
| Height  | 30     | No Waiver Needed   |              |              |             |              |              |              |              |              |              |             |              |              |              |
| Max Lot Coverage                              | 25%    | No Waiver Needed   |              |              |             |              |              |              |              |              |              |             |              |              |              |

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. Also note coverage percentages listed above do not include porches, stoops, decks or sheds. Sheds will conform to 10' side/rear setbacks or distances listed above, whichever is less.

The Board voted unanimously to grant the dimensional waivers requested by the Applicant. The Board also voted to changes in dimensional waivers that do not exceed 5% of the required dimensional requirement to be considered insubstantial changes. See Condition A.2 of the Comprehensive Permit issued by the Board.

**§179 Article VI Signs**

Waive applicability of sign regulations, including those promulgated by the Old King's Highway Historic District, to any and all temporary construction signage identifying the Habitat build, donors, and other Habitat programs.

The Board voted unanimously to grant the waiver of temporary signage requirements. No permanent sign waiver was requested by the Applicant or granted by the Board.

**§179-47 Conformance to subsequent amendments**

Waive the requirement that the project shall conform to subsequent zoning code amendments that are within six months after the issuance of a permit.

The Board determined that this waiver is not required. Pursuant to 760 CMR 56.02, local requirements and regulations are defined as only those regulations in effect at the time the comprehensive permit is filed. Accordingly, subsequent zoning amendments would not be applicable to the 40B development.

**§179 Article XII Site Plan Review**

Waive any requirements on the applicability of Site Plan Review. Under MGL Chapter 40B the Comprehensive Permit process provides for a municipal review and the Zoning Board of Appeals sits in the place of all local boards.

The Board determined that this waiver is not required, as it is a procedural waiver subsumed within the 40B application process.

**Subdivision Rules and Regulations, Chapter 290, From the Code of the Town of Brewster**

Habitat for Humanity respectfully requests that all Subdivision Rules and Regulations be waived. Under MGL Chapter 40B the Comprehensive Permit process provides for a municipal review and the Zoning Board of Appeals sits in the place of all local boards. Waivers requested include, but are not limited to, those specific sections listed below.

The Board did not vote to grant a blanket waiver of Subdivision Rules and Regulations, but did vote to grant the specific waivers listed below.

**§290-5 Submission of a definitive plan required**

Waive the requirement that a definitive plan be submitted to and approved by the Planning Board. Under MGL Chapter 40B the Zoning Board of Appeals sits in the place of all local boards.

The Board determined that this waiver is not required, as it is a procedural waiver subsumed within the 40B application process.

**§290-6 Required Board review**

Waive the requirement of Planning Board review. Under MGL Chapter 40B the Zoning Board of Appeals sits in the place of all local boards.

The Board determined that this waiver is not required, as it is a procedural waiver subsumed within the 40B application process.

**§290-10 Definitive Plans**

Waive the requirement and process for the filing of a definitive plan of a subdivision with the Planning Board and the requirements under this section. Under MGL Chapter 40B the Zoning Board of Appeals sits in the place of all local boards. The final plan, to be drawn on Mylar and submitted to the Zoning Board for endorsement, will substantially conform to all elements listed in §290-10C, with the exception that the endorsement block will be prepared for the Zoning Board instead of Planning

Board (§290-10C(13)), the plan will reference the Comprehensive Permit rather than a development as defined in the Zoning Chapter (§290-10C(16)) and requested waivers will be in the Comprehensive Permit Decision, not contained in a letter accompanying the plan (§290-10C(17))

The Board voted to grant a waiver from Section 290-10, as requested.

§290-25            Timeline limitation

Waive the applicability of this section. The timeline for build out has been agreed upon between the developer and the Brewster Community Preservation Committee as part of the grant award.

The Board voted to grant this requested waiver, to allow for a buildout consistent with the agreement with the Community Preservation Committee.

§290-26            General requirements

Waive the applicability of this section.

The Board voted to grant this waiver, to allow for the applicable requirements to be the conditions granted in the Comprehensive Permit decision.

§290-31            Monuments

Waive the applicability of this section. Monuments will be installed as shown on the definitive plan.

The Board voted to grant this waiver, with the condition that it must approve all monuments as part of the review of the Final Plans, in consultation with the Planning Department.

§290-35            Inspections and control

Waive the applicability of this section. Inspections will be completed as required by the applicable utility companies. Applicant's engineer will be responsible for inspections #1-#9 and will provide the Town documentation of these inspections upon request.

The Board voted to grant this waiver.

§290-39            Fees

Waive the applicability of this section. Habitat for Humanity offers 100% of our homes affordable, and looks to fee waivers to help us keep our builds affordable.

At its January 25, 2016 meeting, the Brewster Board of Selectmen voted to approve a waiver of Building Department, Planning Department and Zoning Board fees for the Project. The Board of Selectmen issued a letter noting that Building Department inspection fees cannot be waived, nor can abutter notice fees or advertisement fees. The Board adopts the waiver decision of the Board of Selectmen, as granted.

§290-40            Traffic impact guidelines

Waive the applicability of this section. Habitat for Humanity has submitted an Initial Impact Assessment.

The Board reviewed this waiver request and determined that the required sight distances are provided. The Board voted to grant a procedural waiver of the traffic impact statement.

§290    Table 1, Table 2 and Table 3

The proposed subdivision road meets all Street Cross-Sectional Design Standards, Street Geometric Design Standards and Required Depths of Pavement Sections so long as it is considered a "Minor street or road" or an "Arterial street or road." If the circle at the end of the subdivision road is not considered a cul-de-sac, a waiver is requested from the requirement of 150' Radius at Center Line.

The Board voted to make a determination that the proposed subdivision road is a "Minor Road". The Board also made a determination that the circle at the end of the road is a cul-de-sac as defined by the Rules and Regulations. The Board determined that no waiver is necessary. However, the Board made the subsidiary determination that, if the roadway is subsequently found to be neither a minor road or cul-de-sac, the Applicant's waiver request is granted.

#### Town of Brewster, Historic District Committee

A small portion of the site is in the Town of Brewster, Old King's Highway Historic District. This portion is the area off of Tubman Road (approximately 500') that is the "panhandle" and has the subdivision road. Habitat request a waiver from the applicability of historic review and the requirement to file for and receive a Certificate of Appropriateness.

The Board determined that this waiver is not required to allow the construction of the proposed structures. The Board also determined that if it is subsequently determined that waiver of the Historic District designation is required to allow the construction of the structures outside of the Historic District, then such waiver is granted. However, the Board granted no waivers authorizing the construction of structures within the Historic District.

#### Town of Brewster Board of Health

Project complies with all local substantive Board of Health Regulations. Waivers are requested from fees.

The Board of Health voted to waive their fees. The Board adopts the Board of Health waiver decision hereto.

#### Town of Brewster Stormwater By-Law (proposed)

Waiver requested from applicability of the proposed Stormwater by-law. Project complies with best management practices for stormwater control and the developer and our development team will use best efforts to adhere to the intent of the proposed regulations when practical.

The Board determined that no waiver of the Town of Brewster Stormwater Bylaw is required, as the Bylaw was not in effect at the time the Applicant's comprehensive permit application was filed.

#### Comprehensive Permit Rules of the Zoning Board of Appeals, Brewster, Massachusetts

Waiver is requested from strict compliance with Section 3.01.

Habitat for Humanity submits our "Comprehensive Permit Plan" to satisfy the requirements of a report on existing site conditions, a preliminary site development plan, a preliminary utilities plan and a preliminary subdivision plan. Before closing of the Zoning Board Hearing Habitat will provide plans showing more detail on road construction, stormwater management and grading, as well as a final subdivision plan.

**The Board accepted the preliminary plans as submitted, and voted to address any additional requirements via review of the Final Plans.**

Habitat for Humanity submits our architectural drawings and will provide drawings signed by a registered architect prior to the close of the Zoning Board Hearing.

**The Board accepted the preliminary plans as submitted, and voted to address any additional requirements via review of the Final Plans.**

Waiver is requested from Section 3.02. Habitat for Humanity request a waiver from the \$1,000 Filing Fee.

See Board of Selectmen waiver section.

Waiver is request from section 4.00. Habitat for Humanity requests a waiver from the Consultant/Technical Review Fee.

**The Board did not elect to charge a peer review consultant fee, as all review was done by Town staff with assistance from the Cape Cod Commission.**

*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 Brewster, including the Comprehensive Permit Application filing fee, and the Comprehensive Permit Technical/Consulting Fee. As Habitat for Humanity provides 100% of our projects as affordable, and not just the required 25%, we look to our Towns to help us make our builds financially feasible. Town fee waivers is an important component of this. In the alternative, at the Board's preference and request, Habitat would approach the Selectmen to approve these waivers.*

*In addition to the above list, 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.*