

CAPE COD COMMISSION

3225 MAIN STREET
P.O. Box 226
BARNSTABLE, MA 02630
508-362-3828
FAX: 508-362-3136

Date: November 23, 1993

To: Town of Bourne, Board of Selectmen
Rockland Trust Company
Jay Carney, Vice President, OREO Manager

From: Cape Cod Commission

RE: Modification of Development of Regional Impact Decision dated
February 18, 1993 and revised April 1, 1993.
Cape Cod Commission Act, Section 12

Project #: TR92066

Applicant: Rockland Trust Company
Jay Carney, Vice President, OREO Manager

Project: Nightingale Pond Subdivision
Deseret Drive
Bourne, MA

Book/Page: Book 7650, Page 157
Map/Parcel: Map 20, Parcel 32

MODIFICATION OF DEVELOPMENT OF REGIONAL IMPACT DECISION

The Cape Cod Commission hereby grants to Rockland Trust Company a modification to a Development of Regional Impact approval with conditions originally approved on February 18, 1993 and modified on April 1, 1993, pursuant to Sections 12 and 13 of the Cape Cod Commission Act. All conditions attached to the original decision continue to apply with the exception of findings #1 and #2, and conditions #8, 10, 11 and 12 which have been modified as set forth below:

Finding #1:

To comply with RPP standard 5.1.3 (provision of affordable housing) the applicant has agreed to provide the equivalent of two single family homes with lots on Deseret Drive for sale at an affordable price. The Commission finds that each of the two affordable housing contributions may be made by either: (a) providing a developed home on a lot on Deseret Drive, to be sold within affordability criteria set forth below, to an income-eligible purchaser; or (b) conveying a lot on Deseret Drive at a price not to exceed \$32,518 to an income-eligible purchaser who has secured Farmers Home Administration (FHA) funding to construct an affordable housing unit as set forth below, so long as the FHA accepts and uses a Commission-approved Deed Rider; or (c) conveying a lot on Deseret Drive at a price not to exceed \$20,900 to an income-eligible purchaser for development of an affordable housing unit, so long as the funding source for the development of the home accepts and uses a Commission-approved Deed Rider. The Commission finds that with respect to this project, the three options set forth above are equivalent for the purposes of meeting the Commission's affordable housing requirement.

To ensure affordability, the lots and/or lots with homes must be made available at a sales price which is affordable for a household at 80% of Bourne's median income, consistent with these findings and conditions. To further ensure affordability under options (a) and (c) above, the monthly mortgage payments (including amount of principal, interest, taxes and insurance - PITI) must not exceed 30% of the prospective home owner's gross monthly income.

Finding #2:

The Commission has found that in determining 80% of the median income, income-eligibility limits which reflect household size should be established. At this time, these income-eligibility limits are as follows:

<u>Household Size</u>	<u>Income Limit</u>
one	\$27,327
two	\$30,700
three	\$34,550
four	\$38,400
five	\$41,450
six	\$44,550
seven	\$47,600
eight	\$50,700

The above income-eligibility limit for a household size of one represents 80% of the median income for Bourne. The remaining income-eligibility limits for larger household sizes listed above represent the limits currently utilized by U.S. Department of Housing and Urban Development (HUD) to determine

income-eligibility. All subsequent purchasers of these affordable units will be subject to HUD income-eligibility limits in place at the time of conveyance.

To ensure affordability, the Commission has identified the current maximum monthly PITI for each affordable housing unit to be \$683.18 for a household of one. For larger households, PITI shall not exceed 30% of the income-eligible purchaser's actual annual income.

Condition #8 (Affordable Housing):

The applicant shall make available the equivalent of two single family homes on lots, located on Deseret Drive, for the development of affordable housing. The project applicant will provide two units and/or lots by one or more of the following methods: (a) develop the home for sale of a home and lot on Deseret Drive to an income-eligible buyer, subject to a Commission-approved Deed Rider; or (b) sell a lot at a price not to exceed \$32,518 to an income-eligible buyer who has received funding from FHA to develop an affordable home, so long as the FHA accepts and uses a Commission-approved Deed Rider; or (c) sell a lot at a price not to exceed \$20,900 to an income-eligible buyer for development of an affordable housing unit, so long as the applicant receives a commitment letter demonstrating that the eligible purchaser will receive construction financing and so long as the construction funding source(s) accept and use a Commission-approved Deed Rider.

If the applicant chooses to develop the home on the lot (option (a) above), it shall be made available at a maximum sales price of \$83,900. Under option (a) above, the applicant shall provide 30-year fixed rate financing at an interest rate not to exceed 7.75% for the lot and home, and the applicant shall waive all closing costs and accept a minimum down payment of 5% (2.5% of which can be in the form of a gift). PITI shall not exceed 30% of the prospective home owner's gross monthly income.

Under option (c) above, if the applicant finances the construction of the affordable unit, then the applicant shall provide 30-year fixed rate financing at an interest rate not to exceed 7.75% for the lot and/or home, and the applicant shall waive all closing costs and accept a minimum down payment of 5% (2.5% of which can be in the form of a gift). In addition, if the applicant finances the construction of the affordable unit, then PITI shall not exceed 30% of the prospective home owner's gross monthly income.

Under option (b), and under option (c) if the applicant does not finance the construction of the affordable unit, PITI is not limited to 30% of the gross monthly income.

All options require acceptance of a Commission-approved Affordable Housing deed rider by the buyer's funding source(s). Under all options, all subsequent purchasers of these affordable units and/or lots will be subject to

HUD income-eligibility limits in place at the time of conveyance as outlined in Finding #2 above.

Condition #10

Prior to signing of a Purchase and Sales Agreement between the applicant and a prospective buyer under options (a), (b) and/or (c) above, the applicant shall provide the Commission with written documentation establishing compliance with income restrictions set forth in Findings #1 and #2 and RPP standard 5.1.9.

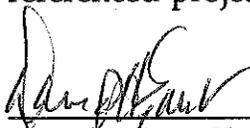
Condition #11

Under the terms of Condition #8, subsections (a), (b) and/or (c) the applicant shall submit to the Commission for its approval deed restrictions that ensure the properties will remain affordable in compliance with the income restrictions set forth in Findings #1 and #2 and RPP standard 5.1.9.

Condition #12

If the applicant chooses to fulfil its affordable housing contribution under the terms of Condition #8, subsection (a), the applicant may submit to the Commission for its approval alternative financing packages which allow for a sales price higher than \$83,900, but maintain compliance with Findings #1 and #2 and RPP standard 5.1.9. At a minimum, such alternative financing shall include 30-year fixed rate financing at an interest rate not to exceed 7.75%, waiver of all closing costs, including Private Mortgage Insurance, and acceptance of a minimum down payment of 5% (2.5% of which can be in the form of a gift).

The Development of Regional Impact decision issued February 18, 1993 pursuant to Sections 12 and 13 of the Cape Cod Commission Act on the above referenced project is incorporated into this modified decision by reference.



David Ernst, Chair
Cape Cod Commission

1-18-94

Date

Commonwealth of Massachusetts

Barnstable, ss.

Subscribed and sworn to before me this 15th day of January, 1994.



Name, Notary Public

My Commission Expires:

