



CAPE COD COMMISSION

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MOD# 96005

DATE: March 28, 1996

TO: Mario and Margaret Tonello c/o
J. Ford O'Connor
8 MacArthur Boulevard
Bourne, MA 02532

FROM: Cape Cod Commission

RE: Modification of a Development of Regional Impact Hardship
Exemption, Section 23 and Section 12, Cape Cod Commission Act

PROJECT: Hillcrest Farm Estates, Modification
Route 3A, Sagamore, Bourne, MA
DRI Hardship Exemption Modification

BOOK/PAGE: Book 1006, Page 49

LAND COURT
CERTIFICATE: CTF# 122809

MODIFICATION OF DEVELOPMENT OF REGIONAL IMPACT HARDSHIP EXEMPTION DECISION

The March 30, 1995 DRI Hardship Exemption Decision issued for Hillcrest Farms Estates, pursuant to Sections 12 and 23 of the Cape Cod Commission Act, by the Cape Cod Commission on the above referenced project is hereby modified as follows:

1). Condition #2 on page 6, is hereby deleted and replaced with the following language:

Condition #2

The applicant shall construct two (2) houses, each on a separate lot, for the express purpose of creating two affordable housing units.

a). The first affordable housing unit shall be constructed and placed on the market

Hillcrest Farms Estates- Bourne, MA

Decision Modification

3/28/96

for sale or rent consistent with the conditions of this decision prior to the conveyance and/or permitting of the eleventh lot or house as determined below: The issuance of a building permit or a lot conveyance within the subdivision shall count toward the calculation of the eleventh permit, except that building permits issued for any lot counted toward the conveyance shall not be included in the calculation. The applicant shall provide the Bourne Building Inspector with written confirmation from the Cape Cod Commission that the first affordable housing unit has been constructed and placed on the market prior to applying for the Eleventh conveyance / building permit within said subdivision.

b). The second affordable housing unit shall be constructed and placed on the market for sale or rent consistent with the conditions of this decision prior to the conveyance and/or permitting of the Twenty-first lot or house as determined below: The issuance of a building permit or a lot conveyance within the subdivision shall count toward the calculation of the Twenty-first permit, except that building permits issued for any lot counted toward the conveyance shall not be included in the calculation. The applicant shall provide the Bourne Building Inspector with written confirmation from the Cape Cod Commission that the second affordable housing unit has been constructed and placed on the market prior to the issuance the Twenty-first building permit within said subdivision.

2). By adding the following new Condition:

Condition # 8

The applicant may chose, in lieu of Condition #2, to have the Commission exercise its option to purchase two lots within the subdivision which option is recorded at the Barnstable County Registry of Deeds at Certificate #648255. Under this option, the grantors (Margaret K. Tonello, Stella M. Aittaniemi and John Robert Boffetti) would sell lots #3 and #7 of Hillcrest Farm Estates to the Cape Cod Commission or its duly designated nominee, for One (\$ 1.00) Dollar for the purpose of creating affordable housing within the Town of Bourne. Prior to the conveyance and/or permitting of the eleventh lot or house the applicant shall notify the Commission, in writing, that the option should be exercised to meet the affordable housing set aside required by this decision. Prior to the conveyance of the eleventh lot and/or issuance the eleventh building permit within the subdivision, the applicant shall provide the Bourne Building Inspector with written confirmation from the Cape Cod Commission that the affordable housing set aside for the entire subdivision has been met.

3). By adding the following new Condition:

Condition # 9:

Prior to construction, the applicant shall provide to Commission staff specifications concerning design, appearance, construction and quality of materials to be used in the affordable and non-affordable units. Staff will review the specifications to

determine whether said affordable units shall be constructed in a manner which is compatible in design, appearance, construction and quality of materials with other units within the subdivision. Failure to obtain staff approval of design, appearance, construction and quality of materials for the affordable units will result in withholding of the written confirmation required above.

4). Condition #3 on page 7, is hereby deleted and replaced with the following language:

Condition #3

If the applicant proceeds under Condition #2 above, the applicant shall submit to the Cape Cod Commission for its approval, prior to applying for a building permit for any of the lots, a marketing plan which describes how prospective recipients for the affordable housing units will be contacted and selected for these housing units.

5). Condition #4 on page 7, is hereby deleted and replaced with the following language:

Condition #4

If the applicant proceeds under Condition #2 of the above, the monthly mortgage costs (i.e., principle, interest, taxes and home insurance) or rents (inclusive of utilities) of the affordable housing units cannot exceed 30% of the gross income for a household whose income do not exceed 80% of the area's median income, with adjustments for household size. Prior to the conveyance or leasing of the affordable housing units, the applicant shall submit documentation to the Cape Cod Commission verifying the sales price and rents of the units and income eligibility of the prospective households. At this time these income-eligibility limits are as follows:

Household Size	Income Limit
1 person	\$26,200
2 persons	\$29,950
3 persons	\$33,700
4 persons	\$37,450
5 persons	\$40,450
6 persons	\$43,450
7 persons	\$46,400
8+ persons	\$49,400

6). Condition #5 on page 7, is hereby modified by adding the following language to the beginning of the first sentence:

Condition #5
IF the applicant proceeds under Condition # 2 above, affordable housing units created.....

Sumner Kaufman
Sumner Kaufman, Chair

3/28/96
Date

Commonwealth of Massachusetts

Barnstable, ss.

Subscribed and sworn to before me this 28 day of March, 1996.

Katharine K Peters
Katharine Peters, Notary Public

my commission expires: 03/28/1997