

CAPE COD COMMISSION

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DATE: August 13, 1998

TO: Sagamore Highlands Realty Trust, Marvin N. Geller,
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FROM: Cape Cod Commission

RE: Modification of a Development of Regional Impact
Decision, Section 7(d)(ii), Cape Cod Commission
Administrative Regulations 5/12/97

PROJECT: The "Cliffside Open Space Community" Plan in Bourne,
Massachusetts.
Project address: Off Norris Road and Vickerson Avenue
Map 1.4 Parcel 20 N. Sagamore, Bourne MA.

BOOK/PAGE: Deed Book 8447 Page 239

MODIFICATION OF DEVELOPMENT OF REGIONAL IMPACT DECISION

Pursuant to Section 12 of the Cape Cod Commission Act, the May 23, 1996 DRI Decision issued for Cliffside Open Space Community is hereby modified as a Minor Modification # 2 by the Regulatory Committee Cape Cod Commission on August 10, 1998, as follows:

- 1) By adding the new revision date of 8/10/98 to the last line of the Summary on page 1.
- 2) Finding #15 on page 11 is hereby deleted and replaced with the following language:

15). Sections 5.1.2 and 5.1.3 of the Regional Policy Plan requires any residential Development of Regional Impact to set aside at least 10% of the units or lots for affordable housing. In this instance, the applicant is

proposing to meet this standard by providing three off-site affordable housing units to meet the requirements.

3) Finding #16 on page 11 is hereby deleted and replaced with the following language:

Based on Cape Cod Commission income limits on affordable housing, units cannot exceed 30% of the gross income for a household at or below 80% of the median income. The maximum sales price for an affordable unit would be determined by the Cape Cod Commission staff. In no event shall the sale price of the affordable unit exceed \$90,000.00.

4) Condition #4 on page 13 is hereby deleted and replaced with the following language:

4). In accordance with Section 5.1.3 of the RPP, which requires that a project shall provide at least 10% of the proposed lots for affordable housing sites, the applicant is required to provide three (3) lots for the express purpose of creating three affordable housing units; in accordance with Section 5.1.4 of the RPP, in lieu of providing such lots on-site, the applicant shall provide the three (3) required affordable housing units off-site. Each affordable housing unit offered to meet the requirements of this decision is subject to approval by Cape Cod Commission staff.

5) Condition #5 on page 13 is hereby deleted and replaced with the following language:

5). In accordance with Minimum Performance Standard 5.1.8 of the RPP, which requires that the provision of affordable housing shall be phased, the applicant shall phase the conveyance of the three (3) affordable houses. This condition does not prohibit the applicant from satisfying the affordable housing requirement sooner.

At this time, the applicant has identified a two-family dwelling that will satisfy the affordable housing requirement for two units. The units presently have an unadorned appearance. The applicant shall submit plans showing proposed improvements to the front of the dwelling to Commission staff for approval prior to final staff approval of the units. Such improvements may include, but not be limited to, an enlarged or bi-level front deck, built-in planters, shutters, vegetation, shed or gable roof above the entrance doors to protect from weather, siding over the exposed poured concrete foundation, lattice-work on the deck supports, and removal of blacktop to be replaced by shrubs. Such improvements shall be completed prior to the conveyance of the units.

a) The first affordable housing unit shall be conveyed to an eligible purchaser as defined by Condition #6 of the May 23, 1996 Decision and shall be consistent with the conditions of that decision, as modified, prior

to the issuance of the fifteenth (15) building permit or prior to the conveyance of the fifteenth lot, whichever occurs first. The applicant shall provide the Bourne Building Inspector with written confirmation from the Cape Cod Commission staff that the first affordable housing unit has been conveyed to an eligible buyer prior to applying for the fifteenth building permit within the said subdivision.

b) The second affordable housing unit shall be conveyed to an eligible purchaser as defined by Condition #6 of the May 23, 1996 Decision and shall be consistent with the conditions of that decision, as modified, prior to the issuance of the twenty-fifth (25) building permit or prior to the conveyance of the twenty-fifth lot, whichever occurs first. The applicant shall provide the Bourne Building Inspector with written confirmation from the Cape Cod Commission staff that the second affordable housing unit has been conveyed to an eligible buyer prior to applying for the twenty-fifth building permit within the said subdivision.

b) The third affordable housing unit shall be conveyed to an eligible purchaser as defined by Condition #6 of the May 23, 1996 Decision and shall be consistent with the conditions of that decision, as modified, prior to the issuance of the thirty-fourth (34) building permit or prior to the conveyance of the thirty-fourth lot, whichever occurs first. The applicant shall provide the Bourne Building Inspector with written confirmation from the Cape Cod Commission staff that the third affordable housing unit has been conveyed to an eligible buyer prior to applying for the thirty-fourth building permit within the said subdivision.

6). Condition #9 on page 14 is hereby deleted and replaced with the following language:

9). The applicant will be required to submit a marketing plan no later than twenty (20) business days from the approval of this decision. This marketing plan shall be subject to Commission staff approval and said plan shall describe how prospective buyers will be contacted for these units. Additionally, the affordable housing units created through this section are to be purchased by eligible households through a lottery process to be supervised by the Commission staff.

7). Condition #10 on page 15 is hereby deleted and replaced by the following language:

10). As a security to ensure the conveyance of the first affordable housing unit, the applicant shall establish an escrow account in the amount of \$45,000.00. The escrow shall be in form and content satisfactory to Commission Counsel. The applicant shall provide proof of the establishment of a Commission Counsel approved escrow account or proof of the conveyance of the first affordable housing unit prior to the issuance of the Certificate of Compliance for the first fourteen (14) lots.

Prior to the issuance of the fifteenth (15) building permit or the conveyance of the fifteenth (15) lot, the applicant shall establish a second escrow account in the amount of \$45,000.00, in a form and content satisfactory to Commission Counsel. The applicant shall provide proof of the establishment of a Commission Counsel approved escrow account or proof of the conveyance of the second affordable housing unit prior to the issuance of the Certificate of Compliance for the next 10 lots.

Prior to the issuance of the twenty-fifth (25) building permit or the conveyance of the twenty-fifth (25) lot, the applicant shall establish a third escrow account in the amount of \$45,000.00, in a form and content satisfactory to Commission Counsel. The applicant shall provide proof of the establishment of a Commission Counsel approved escrow account or proof of the conveyance of the third affordable housing unit prior to the issuance of the Certificate of Compliance for the last 10 lots.

If the applicant provides the first two affordable housing units consistent with the DRI approval prior to eight months from the date of this decision, then the Commission shall return the escrow fund (s), together with any interest earned thereon, to the applicant. If the applicant does not convey two affordable housing units consistent with the DRI approval prior to eight months from the date of this decision, the Commission shall retain the principle and interest of the escrow account. The escrow account shall be used for the sole purpose of supporting the creation of affordable housing within the town of Bourne as approved by Cape Cod Commission staff. In order to qualify for the return of the funds held within the escrow account, the applicant must convey both of the units to eligible homebuyers.

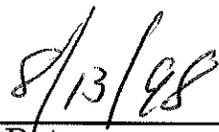
If the applicant provides the third and final affordable housing unit consistent with the DRI approval prior to five months from the date of the issuance of the twenty-fifth building permit or the conveyance of the twenty-fifth lot, then the Commission shall return the final escrow fund, together with any interest earned thereon, to the applicant. If the applicant does not convey the final affordable housing unit consistent with the DRI approval prior to five months from the date of the issuance of the twenty-fifth building permit or the conveyance of the twenty-fifth lot, then the Commission shall retain the principle and interest of the escrow account. The escrow account shall be used for the sole purpose of supporting the creation of affordable housing within the town of Bourne as approved by Cape Cod Commission staff. In order to qualify for the return of the funds held within the escrow account, the applicant must convey the third and final unit to eligible homebuyers.

8). Condition #11 on page 15 is hereby modified to add the following language:

The construction of this pedestrian path will be completed prior to the conveyance of the twenty-fifth (25) lot.



Robert Deane
Chairman, Regulatory Committee



Date

Commonwealth of Massachusetts

Barnstable, ss.

Subscribed and sworn to before me this 13th day of August 1998



Name, Notary Public

My commission expires:

