



# CAPE COD COMMISSION

3225 MAIN STREET  
P.O. BOX 226  
BARNSTABLE, MA 02630  
(508) 362-3828  
FAX (508) 362-3136

E-mail: [frontdesk@capecodcommission.org](mailto:frontdesk@capecodcommission.org)

DATE: May 17, 1999

TO: Sagamore Highlands Realty Trust, Joan T. Simpson,  
Trustee  
P.O. Box 1129  
Sagamore Beach, MA 02562-1129

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 (and as modified on 5/5/97, and 8/13/98) DRI Decision issued for Cliffside Open Space Community is hereby modified as a Minor Modification # 2 by the Regulatory Committee Cape Cod Commission on May 17, 1999, as follows:

**Condition #5 on page 13 is hereby modified as follows:**

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 or rental 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 purchased and improved a two-family dwelling that will satisfy the affordable housing requirement for two units. The units originally had an unadorned appearance. The applicant completed improvements to the front of the dwelling per Commission approved plans. Such improvements included an enlarged or bi-level



front deck, built-in planters, shutters, vegetation, a hipped-shed roof above the entrance doors to protect from weather, siding over the exposed poured concrete foundation, and lattice-work on the deck supports. Such improvements were completed prior to the conveyance of the units.

a) The first affordable housing unit shall be conveyed or rented to an eligible household 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 sixteenth (16) building permit or prior to the conveyance of the sixteenth 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 or rented to an eligible household prior to applying for the sixteenth building permit within the said subdivision.

b) The second affordable housing unit shall be conveyed or rented to an eligible household 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 or rented to an eligible household prior to applying for the twenty-fifth building permit within the said subdivision.

b) The third affordable housing unit shall be conveyed or rented to an eligible household 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 or rented to an eligible household prior to applying for the thirty-fourth building permit within the said subdivision.

**Condition #10 on page 15 is hereby deleted and replaced as follows:**

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 or rental of the first affordable housing unit prior to the issuance of the Certificate of Compliance for the first fifteen (15) lots. The Commission shall return the escrow fund, together with

any interest earned thereon, to the applicant upon the conveyance of the first affordable housing unit.

Prior to the issuance of the sixteenth (16) building permit or the conveyance of the sixteenth (16) lot, the applicant shall provide to the Commission an Option to Purchase a lot within the Cliffside Estates subdivision for One (\$1.00) Dollar. This option shall take effect nine (9) months from the date of this modification. Such lot shall be subject to staff approval, and shall act as security for the affordable housing requirement for units two (2) and three (3).

The applicant shall provide proof of the establishment of a Commission Counsel approved Option to Purchase or proof of the conveyance or rental of the third affordable housing unit prior to the issuance of the Certificate of Compliance for the last 10 lots.

If the applicant does not convey or rent the second and third affordable housing units consistent with the DRI approval prior to ten months from the date of this decision, the Commission shall exercise the Option to Purchase. The escrow account and purchased lot 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 and the Option to Purchase the lot, the applicant must convey or rent all three of the units to eligible homebuyers.

*Robert Deane*

Robert Deane  
Chairman, Regulatory Committee

*June 16, 1999*  
Date

Commonwealth of Massachusetts

Barnstable, ss.

Subscribed and sworn to before me this 11<sup>th</sup> day of June 1999

*Katharine L. Peters*  
Name, Notary Public

My commission expires:

