Town Of Sandwich
THE OLDEST TOWN ON CAPE COD

PLANNING BOARD
16 Jan Sebastian Drive, Sandwich, MA 02563
Phone: 508 833 8001
Fax: 508 833 8006
E-mail: planning@townofsandwich.net

Affordable Housing Conditional Density Development
Special Permit Application

To the Planning Board of the Town of Sandwich,
The undersigned herewith submits an application and requests a hearing before the Planning Board for a Special Permit under Section 4450 of Sandwich Protective Zoning By-law for the purpose of: _____

_____

_____

_____

Subject property: Map # ___, Parcel # _____. (Found on tax bill) Zoning District: _____

Registry of Deeds title reference: Book _____, Page _____, or Certificate Of Title Number _____ & Land Court Lot # _____ & Plan # _____.
(Call Barnstable County Registry at (508) 362-7733).

Property Street Address: _____

Property Owner(s): _____
Owner's Permanent Address: _____

Daytime Phone #: _____ Email: _____
Signature of Property Owner(s): _____

_____

Applicant: _____

Applicant's Address: _____

Daytime Phone #: _____ Email: _____
Signature of Applicant: _____

Signature of Authorized Agent: _____
Daytime Phone #: _____ Email: _____

The undersigned hereby agree to provide any and all assistance to the Town of Sandwich to facilitate any approval that may be necessary to include the maximum number of units contemplated hereunder on the Town's subsidized housing inventory as mandated by the

Massachusetts Department of Housing and Community Development (DHCD). Such assistance shall include, but not be limited to, the completion of applications and the provision of any other information, plans or agreements.

List materials provided herewith in support of the application as required by Section 4456a & 4456b:

Please read packet before submitting application.

Submission Requirements for Special Permit Application

(10) copies of the following:

Section 1340:

- Completed application form

(Two copies of this form must be stamped in by the Town Clerk's office prior to submission. One copy stays with the Town Clerk. The original is filed with the Planning Board Application)

- Written request for waiver of any submission requirements.
- Photographs of premises and all adjoining structures.
- A **site plan prepared** to a scale of 1" = 40' minimum, **by a Massachusetts Registered Architect, Landscape Architect, Civil Engineer or Land Surveyor,** illustrating:
  - The shape and location of the proposed building(s) and proposed addition(s). (*Section 2600 details setback requirements.*)
  - Vehicular and pedestrian circulation.
  - Proposed parking including service vehicles. (*Section 3120 defines parking requirements.*)
  - Entranceways, roadways, sidewalks and loading areas.
  - The general extent and nature of proposed cutting of natural vegetation and the proposed planting and landscaping of disturbed areas. (*Section 3500 has lot coverage requirements.*)
  - The general intentions for proposed utilities, the location and size of septic tanks and leaching fields and the handling of surface drainage.
  - The general location and types of outdoor signs. (*Town Bylaw Section 6.60 has sign sizes and types of illumination allowed.*)
  - The general location and intent of outdoor lighting. (*Section 3470 describes type and height of outdoor lighting allowed.*)
  - The general location and type of outdoor storage, fencing and screening. *Sections 3540, 3550 & 3560 describe requirements.*)
  - Principal elevation at a scale of 1/16" = 1' minimum, showing:
    1. The general massing and height of the proposed facility, and (*Section 2600 lists height requirements.*)
    2. Any special heating, ventilation and mechanical requirements impacting the exterior.

Abutters Notice

The laws governing Special Permits specify that "parties in interest" (also referred to as **abutters**) are entitled to receive **notice of the public hearing** for a special permit amendment application and the **decision** on that application. The statute defines "parties in interest" as the person requesting the special permit amendment for the property that is the subject of the special permit amendment application; abutters, that is all property owners whose property directly abuts the

property that is the subject of the special permit amendment application; owners of land directly opposite on any street; abutters to abutters within three hundred feet of the property line of the petitioner and the Planning Boards of all abutting towns be sent notice as well. For Sandwich the abutting towns are Bourne, Barnstable, Falmouth and Mashpee. The Assessing department is familiar with these requirements.

The list of abutters must be certified by the Assessing Department. The Assessing Department is required to certify these lists in ten (10) days from the date they are received at the Assessing Department. The Assessing Department processes abutter's list certification requests in the order in which they are received. The Assessing Department will contact the person requesting certification when the list has been certified or if there are errors that require a revised abutter's certification request to be submitted to the Assessing Department. There is a fee for certifying abutter's lists. The phone number for the Assessing Department is 508-888-0157. You may also view instructions on the Town website at www.sandwichmass.org. Click on the Assessing Department and follow the "New Procedures for Abutter's Lists".

The original copy of the abutter's list certified by the Assessing Department must be submitted with the Special Permit Amendment application materials. The certified abutters list is then used by the applicant **to address the envelopes necessary for the required abutters notice** for the public hearing and for the decision.

Addresses for the Planning Boards of the four abutting towns:

Town of Bourne	Planning Board	24 Perry Avenue, Buzzards Bay, MA 02532
Town of Barnstable	Planning Board	200 Main Street, Hyannis, MA 02601
Town of Falmouth	Planning Board	59 Town Hall Square, Falmouth, MA 02540
Town of Mashpee	Planning Board	16 Great Neck Road North, Mashpee, MA 02649

Public Hearing Notice – 1st Mailing

The public hearing notice is mailed to each abutter and the four abutting towns **by certified mail with return receipt requested. Remember to include an envelope for the applicant and/or property owner(s). Please be sure that the envelopes are complete with the following information:**

a. Each envelope must be legibly addressed; the return address must also be placed on the upper left hand corner of the envelope:
   Planning & Development Office
   16 Jan Sebastian Drive,
   Sandwich MA 02563;
b. Each envelope must have enough postage on it to mail one sheet of paper by certified mail return receipt requested;
c. Each envelope must have the certified mail slips filled out;
d. Each envelope must have the return receipt cards completely filled out. On the return receipt cards:

1. The addressee is the person or organization to whom the public hearing notice is being sent.
2. The service type is Certified Mail.
3. The article number is the number on the Certified Mail slip.
4. The return receipt cards must show the sender's address as:
   Planning & Development Office
   16 Jan Sebastian Drive
   Sandwich, MA 02563;

e. Place certified slip and green return receipt card inside each envelope and submit along with your completed application.

Decision – 2nd Mailing

After the Board makes their decision the law requires that this decision must also be noticed to the abutters and the Planning Boards of the four abutting towns by regular first class mail. However, the applicant and property owner(s) must be notified by **Certified Return Receipt** (please see the above "Public Hearing Notice" section for these envelope procedures).

For the **decision** envelopes:

a. Each envelope must be legibly addressed to the abutter or abutting town's Planning Board; the return address placed on the upper left hand corner of the envelope is:
   Planning & Development Office
   16 Jan Sebastian Drive
   Sandwich MA 02563;
b. Each envelope must have a first class stamp affixed to it.
c. Submit these envelopes along with your competed application.

The Planning & Development Office will mail the public hearing notices and the decisions to the abutters, Towns, applicant and/or property owner(s).

If you are being represented by an attorney/consultant, make sure you include envelopes for both the public hearing notice & decision to be mailed to your attorney/consultant as well.

Advertising

The laws governing Special Permit Amendments require that a public hearing be advertised in a newspaper of general circulation. The advertisement must appear two times with the first time being not less than fourteen (14) days before the public hearing. The advertisement must state the nature of the applicant's request, along with the date, time and place where the public hearing is to be held.

The applicant is responsible for the cost of the required advertising. The Town of Sandwich has contracted with Falmouth Publishing for the advertisement of public hearing notices. Falmouth Publishing publishes the Sandwich Enterprise once a week

on Fridays. A check made out to **Falmouth Publishing Co., Inc.** in the amount of **$70.00** must be submitted with your application materials.

Next Steps

After the close of the public hearing the law gives the board 90 days in which to file a decision with the Town Clerk. If the Special Permit Amendment is granted, the law requires that a 20 day appeal period must elapse from the date of that Town Clerk stamp before the decision is final. On the 21st day you may obtain a copy of the decision from the Town Clerk, which will bear a notice that no appeals have been filed. The decision is then eligible to be recorded at the Registry of Deeds. (*Mandatory condition of all special permits and variance grants.*)

Please contact the Town Clerk's Office at 508-888-0340 for further information regarding the appeal period and the time that your decision will be ready for you. A copy of the recorded Special Permit Amendment must be provided to the Planning Board.

If you have any questions, please contact the Planning & Development Office at (508) 833-8001 or e-mail us at planning@townofsandwich.net

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Affordable Housing Conditional Density Development
Special Permit Regulations
Adopted June 29, 2004

1. A. Authority

In accordance Section 4450 of the Sandwich Zoning By-law, the Sandwich Planning Board has the authority by special permit to approve, approve with conditions or disapprove Affordable Housing Conditional Density Developments within the Town of Sandwich.

1. B. Purpose

The purpose of Section 4450 is to further the goal of providing affordable housing for persons of various age and income levels in accordance with Massachusetts General Law, Chapter 40A, Section 9 which allows municipalities to adopt "incentive" ordinances for the creation of affordable housing, and for the purpose of:

1. Helping residents and their families who, because of rising land prices, have been unable to obtain suitable housing at an affordable price and,
2. Maintaining a stable economy by preventing out-migration of residents who are an essential part of our community

The Planning board may grant a special permit that allows an increase in density through a relaxation of dimensional requirements of the Sandwich Protective Zoning By-law as described in Section 4453. Any special permit granted pursuant to this section shall require that a minimum of 50% percent of all the units developed on the site subject to the special permit shall be sold and maintained at affordable prices according to the standards in Section 4453 and 4455.

C. Procedure For The Submission Of An Affordable Housing Conditional Density Development

An Affordable Housing Conditional Density Development may require both a special permit and definitive subdivision approval. Density increases shall only be allowed in accordance with the requirements and restrictions set out in Section 4453 and 4455. The definitive subdivision approval shall be in accordance with the Subdivision Control Law and the Sandwich Planning Board Subdivision Rules and Regulations. The Planning Board shall hold a concurrent public hearing for both applications. As further incentive for the construction of affordable housing the Board may, at its discretion and upon written request from the applicant, waive certain standards for requirements set forth in the Sandwich Planning Board Subdivision Rules & Regulations.

1.C.1. Contents

A. Applicants for a special permit for an Affordable Housing Conditional Density Development shall submit information as required in Section 3.C "Definitive Plan" of the Subdivision Rules and Regulations to the Planning Board and Protective Zoning By-law Section 4456b, a completed Form C application form and a municipal lien certificate. This definitive plan application shall be advertised and noticed according to the provisions of MGL Chapter 41, Section 81.

B. Applicants shall submit a completed Affordable Housing Conditional Density application and materials as specified in Section 4456a. For copying purposes one unbound copy of the application materials and one 11"x 17" copy of each plan shall be submitted.

C. Applicants shall submit all necessary information to allow the Town to have the maximum number of units included on the Town's subsidized housing inventory as mandated by the Massachusetts Department of Housing and Community Development (DHCD). In order to facilitate this process, the applicant shall

complete any and all applications for approval under the so-called Local Initiative Program by DHCD as the "Units Only" Local Initiative Program. The applicant shall also provide a written statement that they agree to work with the town to facilitate approval under such program.

D. If the plan involves more than one ownership, each owner of land included in the plan shall be a party to the application and, upon plan approval, subject to its provisions.

1.C.2. Other Materials

The application materials shall indicate the following:

A. Each landowner's interest in the land to be developed;
B. The form of organization proposed to own and maintain common open space;
C. The substance of covenants and grants of easement to be imposed upon the use of the land and structures.

1.C.3. Open Space

All land not designated for roads, dwellings or other development within the Affordable Housing Conditional Density Developments, shall be held for common use of the residents of the development.

A. Common open space shall be preserved for recreation or conservation. Building coverage shall not exceed five (5) percent within the area designated as open space.
B. Ownership of the common open space areas shall be arranged and maintenance permanently assured through an incorporated home owner's association, condominium deeds, or other recorded land agreement through which each lot owner in the development is automatically a member and each lot is subject to a charge for a share of the maintenance expenses, or through comparable arrangement satisfactory to the Planning Board.
C. Preservation of the open space shall be guaranteed through dedication, by covenant or comparable legal instrument, to the community use and enjoyment of the residents of the development tract, for recreational purposes serving those residents and their non-paying guests only, or for conservation.

1.C.4 Long-Term Compliance.

Subsequent to approval of such an Affordable Housing Conditional Density Development, no land therein shall be sold and no lot line or structure altered from that shown on the Overall Development Plan. Prior to the sale of any lots within an Affordable Housing Conditional Density Developments, or issuance of a building permit for construction therein, such lots shall be shown on a plan recorded in the Registry of Deeds or registered with the Land Court, which plan shall make reference to the recorded land agreements referred to in Section I.B.3.

1.C.5 Recording of the Special Permit.

Massachusetts General Laws, Chapter 40A, Section 11 provides that no special permit, or extension, modification or renewal thereof, shall take effect until a copy of decision bearing the certification of the town clerk that twenty days have elapsed and no appeal has been filed or that, if such appeal has been filed, that it has been dismissed or denied, is recorded at the Registry of Deeds or is recorded and noted on the owner's certificate of title. Proof of such recording shall be given to the Planning Board.

1.C.6 Lapsing Of Approval Of An Affordable Housing Conditional Density Special Permit.

The lapsing of approval of an Affordable Housing Conditional Density Development special permit shall occur if no substantial construction takes place within the twelve months of special permit approval. Extenuating circumstances may be the basis for a six-month extension to be granted by the Planning Board.

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Application Fees

Board of Appeals

Special Permit	$150.00
Special Permit Amendment	$150.00
Variance	$150.00
Appeal of a Decision of the Building Insp.	$150.00
Comprehensive Permit	
By Limited Dividend Org.	$300/2 lots + $35 each unit
By Non-Profit Org.	$ 50 + $10 each unit over 50 Units
By Local Initiative –760 CMR 45.00	$100 + $10 each unit over 50 Units
By Public Agency	No Fee

Planning Board

Approval Not Required	$120.00
Preliminary Plan	$240/2 lots + $30 each additional lot
Definitive Plan	$360/2 lots + $42 each additional lot
Major Modification to a Defin. Plan	$180.00
Definitive Plan Rescission	$240.00
Wireless Telecommunications Facility	$1,200.00
Three Ponds District Special Permit	$150.00
Cluster Special Permit	No Fee
Accessory Dwelling Unit Special Permit	No Fee
Affordable Housing Conditional Density Dev. Special Permit	No Fee

Advertising for Public Hearing $70.00

Revised 2/5/15