



## Comprehensive Permit Application

Date: \_\_\_\_\_

To the Board of Appeals of the Town of Sandwich,  
The undersigned herewith submits an application and requests a hearing before the Board of Appeals for a Comprehensive Permit under MGL Chapter 40B 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: \_\_\_\_\_

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: \_\_\_\_\_

1. Type of project Total number of units  
 - Ownership \_\_\_\_\_  
 - Rental \_\_\_\_\_  
 - Other (mixed) \_\_\_\_\_

2. Project Style Total number of units  
 - Single family detached \_\_\_\_\_  
 - Attached townhouse style \_\_\_\_\_  
 - Attached multifamily residences \_\_\_\_\_

3. Breakdown of units	Number	Percentage of total units
- Affordable ownership	_____	_____
- Affordable rental	_____	_____
- Market rate ownership	_____	_____
- Total units	_____	_____

Are public funds being used to develop this project? \_\_\_\_\_

If yes, provide the following information:

Source(s) of funds: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Amount from each source: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

4. Development funds  
 Complete the chart below by providing the month and year. If you plan to develop the project in one phase, complete only the first column. If you plan to develop in two or more phases, complete the appropriate columns. Use additional columns as necessary to document the total phasing of the project.

	Phase 1	Phase 2	Phase 3	Phase 4
Number of affordable units				
Number of market rate units				
Sub-total by phase				

Please complete the following with projected dates:

All permits granted \_\_\_\_\_  
 Start of construction \_\_\_\_\_  
 Marketing of affordable units \_\_\_\_\_  
 Marketing of market rate units \_\_\_\_\_  
 Completion of construction \_\_\_\_\_  
 Occupancy \_\_\_\_\_

## Comprehensive Permit Submission Checklist

Materials provided for the public record herewith as required by Board of Appeals Comprehensive Permit Rules adopted December 12, 2000 as revised through November 8, 2005 (attached).

Please indicate compliance with submission rules. Please review attached copy of the rules for complete description of each requirement for submission.

### **3.01** Twenty (20) copies of each of the following

- a. \_\_\_\_\_ Application form
- b. \_\_\_\_\_ One unbound copy of the application and 11" x 17" copy of each plan
- c. \_\_\_\_\_ Preliminary site development plans etc.
- d. \_\_\_\_\_ Existing conditions and proposed condition report
- e. \_\_\_\_\_ Preliminary, scaled architectural drawings
- f. \_\_\_\_\_ Building size and type tabulation
- g. \_\_\_\_\_ Preliminary subdivision plan
- h. \_\_\_\_\_ Utilities plan.
- i. \_\_\_\_\_ Compliance with 760 CMR 31.01
  - i. \_\_\_\_\_ Public agency, non-profit organization, limited dividend organization
  - ii. \_\_\_\_\_ Low and moderate-income subsidy program and agency
  - iii. \_\_\_\_\_ Site and access control
- j. \_\_\_\_\_ List of requested exceptions to local requirements
- k. \_\_\_\_\_ Complete pro-forma
- l. \_\_\_\_\_ Complete copy of all materials submitted to subsidizing agency or source

**3.02.** The application shall be accompanied by a filing fee based upon the number of housing units proposed:

- a. By Limited Dividend Organizations - \$300/2 lots + \$35 for each unit
- b. By Non-Profit Organizations - \$50 per unit and for each unit over 50 units \$10/unit
- c. By Public Agencies - \$0
- d. Local Initiative pursuant to 760 CMR 45.00 - \$100 per unit and for each unit over 50 units \$10/unit

In addition, the applicant shall pay all legal advertisement costs.

**Please read packet before submitting application.**

**Submission Requirements for Comprehensive Permit Applications**

**Abutters Notice**

The laws governing Comprehensive Permits specify that “parties in interest” (also referred to as **abutters**) are entitled to receive **notice of the public hearing** for a comprehensive permit application and the **decision** on that application. The statute defines “parties in interest” as the person requesting the comprehensive permit for the property that is the subject of the comprehensive permit application; abutters, that is all property owners whose property directly abuts the property that is the subject of the comprehensive permit 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](http://www.sandwichmass.org). Click on the Maps tab.

The original copy of the abutter’s list certified by the Assessing Department must be submitted with the Comprehensive Permit application materials. The certified abutter’s 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 – 1<sup>st</sup> 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 – 2<sup>nd</sup> 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 completed 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 Comprehensive Permits 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.** (please refer to Fee Schedule for amount) is required at the time of application submittal.

### **Next Steps**

After the close of the public hearing the law gives the board 40 days in which to file a decision with the Town Clerk. If the Comprehensive Permit 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 21<sup>st</sup> 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 Comprehensive Permit must be provided to the Board of Appeals.

If you have any questions, please contact the Planning & Development Office at (508) 833-8001 or e-mail us at [planning@sandwichmass.org](mailto:planning@sandwichmass.org).



## Comprehensive Permit Submission Rules

Adopted December 12, 2000

Revised September 10, 2002

Revised November 8, 2005

### 1.0 Purpose and Context

These rules establish procedures for applications to the Zoning Board of Appeals for comprehensive permits granted under the Anti-Snob Zoning Act (Chapter 774 of the Acts of 1969), M.G.L. c. 40B §§ 20-23. They are required by M.G.L. c. 40B, § 21, as amended by Stat. 1989, c. 593, and by 760 CMR 31.02. The purpose of that act and these rules is to facilitate the development of affordable housing in Massachusetts. Further explanation of the background and purpose is provided in the regulations of the Housing Appeals Committee, 760 CMR 30.01.

These rules alone are not sufficient to describe comprehensive permit procedures before the Zoning Board of Appeals. They must be read in conjunction with and implemented in a manner consistent with the complete regulations of the Housing Appeals Committee, 760 CMR 30.00 and 31.00 and the Guidelines for Local Review of Comprehensive Permits, published periodically by the Department of Housing. In addition, the Board's general rules for conduct of hearings under M.G.L. c. 40A apply to comprehensive permit applications. In case of inconsistency or conflict between those general rules for conduct and these rules, these rules shall govern.

### 2.0 Filing, Time Limits and Notice

2.01 The application for a comprehensive permit shall consist of twenty (20) copies of each of the following:

- A. The application form
- B. Preliminary site development plans showing the locations and outlines of proposed buildings; the proposed locations, general dimensions and materials for streets, drives, parking areas, walks and paved areas; and proposed landscaping improvements and open areas within the site. An applicant proposing to construct or rehabilitate four or fewer units may submit a sketch of the materials in section 2.01 (D) below, which need not have an architect's signature. All structures of five or more units must have site development plans signed by a registered architect;
- C. A report on existing site conditions and a summary of conditions in the surrounding areas, showing the location and nature of existing buildings, existing

street elevations, traffic patterns and character of open areas, if any, in the neighborhood;

- D. Preliminary, scaled, architectural drawings. For each building the drawings shall be signed by a registered architect, and shall include typical floor plans, typical elevations, and sections and shall identify construction type and exterior finish;
- E. A tabulation of proposed buildings by type, size (number of bedrooms, floor area) and ground coverage, and a summary by showing the percentage of the tract to be occupied by buildings, by parking and other paved vehicular areas, and by open areas;
- F. When a subdivision of land is involved, a preliminary subdivision plan submitted in accordance with the requirements of the Sandwich Planning Board Subdivision Rules & Regulations;
- G. A preliminary utilities plan showing the proposed location and types of sewage, drainage and water facilities, including hydrants;
- H. Documents showing that the applicant fulfills the jurisdictional requirements of 760 CMR 31.01, that is,
  - a. The applicant shall be a public agency, a non-profit organization, or a limited dividend organization,
  - b. The project shall be fundable by a subsidizing agency under a low and moderate income housing subsidy program, and
  - c. The applicant shall control the site;
- I. A list of requested exceptions to local requirements and regulations, including local codes, ordinances, by-laws or regulations; and
- J. The Site Approval Letter from the subsidizing agency.

2.02 The application shall be accompanied by a filing fee based upon the number of housing units proposed:

- A. By Limited Dividend Organizations - \$300/2 lots + \$35 for each unit
- B. By Non-Profit Organizations - \$50 per unit for the first 50 units, \$10 per unit for each additional unit over 50 units
- C. By Public Agencies - \$0 per unit
- D. Local Initiative pursuant to 760 CMR 45.00 - \$100 per unit for the first 50 units, \$10 per unit for each additional unit over 50 units
- E. In addition, the application shall be responsible for paying all legal advertisement costs

2.03 The Board shall notify each local official of the application by sending such official a copy of the list required by Section 2.01 (I), above. Based upon that list, it shall also invite the participation of each local official who has a substantial interest in the application by providing such official with a copy of the entire application. All abutters and parties of interest shall be notified of the public hearing, pursuant to the requirements of M.G.L. c. 40A § 11.

### **3.0 Review Fees**

3.01 If after receiving an application, the Board determines that in order to review that application it requires technical advice unavailable from municipal employees, it may employ outside consultants, including but not limited to legal counsel, engineering



consultants, planning consultants, environmental consultants, traffic consultants. Whenever possible it shall work cooperatively with the applicant to identify appropriate consultants and to negotiate payment of part or all of the consultant fees by the applicant. Alternatively, the Board may, by majority vote, require that the applicant pay a reasonable review fee for the employment of outside consultants chosen by the Board alone. In order to facilitate the review of applications, the Board may require that the applicant deposit a lump sum to fund the fees of consultants, said sum to be replenished as may be necessary with any surplus funds to be returned to the applicant.

3.02 A review fee may be imposed only if:

- A. The work is in connection with the applicant's specific project, and
- B. All written results and reports are made part of the record before the Board.

3.03 Contracts for the review of applications are contingent upon prior payment of review fees. Failure to pay such fees may be ground for denial of a comprehensive permit application.

3.04 Prior to paying the review fee, the applicant may appeal the selection of the consultant to the Sandwich Board of Selectmen.

- A. The grounds for such an appeal shall be limited to claims that the consultant selected has a conflict of interest or does not possess the minimum, required qualifications.
- B. The minimum qualifications shall consist either of an educational degree in or related to the field at issue or three or more years of practice in the field at issue or a related field.
- C. The required time limits for action upon the application by the Board shall be extended by the duration of the appeal. In the event that no decision is made by the Selectmen within one month following the filing of the appeal, the selection made by the Board shall stand.

3.05 Each review fee shall be deposited in a special account established by the Town of Sandwich Treasurer pursuant to M.G.L. c. 44, § 53G. Funds from the special account may be expended only for the purposes described in section 3.02 above.

#### **4.0 Public Hearing and Decision**

4.01 The Board shall hold a public hearing on the completed application as set forth in Section 2.01, A thru J above, within thirty days of its receipt, or such other time frame that may be mutually agreed upon by the Board and the applicant. The Board may request the appearance at the hearing of such representatives of local officials as it considers necessary or helpful in reviewing the application. In making its decision, the Board shall take into consideration the recommendations of local officials. The hearing shall be held at the date, time and place established by the Chair of the Board.

4.02 The Board shall render a decision, based on majority vote of the Board, within forty days after termination of the public hearing, unless such time period is extended by written agreement of the Board and the applicant.

4.03 With respect to any requested waiver or exemption from local regulations, it shall be the applicant's burden to establish that such waivers or exemptions are necessary to make the project "economic" as such term is defined under M.G.L. Chapter 40B.

4.04 The Board may dispose of the application in the following manner:

- A. Approve a comprehensive permit on the terms and conditions set forth in the application,
- B. Deny a comprehensive permit as not consistent with local needs, or
- C. Approve a comprehensive permit with conditions consistent with the requirements of M.G.L. c. 40B

## 5.0 Project Eligibility

All applications shall comply with the following:

- A. 760 CMR 31.01 (2) subsections (a) through (f)
- B. **Developer Qualifications.** The Board reserves the right to request the developer to demonstrate qualifications and experience with similar housing development projects and to disclose any and all prior experience with litigation.
- C. **Consistency with Local Needs:** The application must demonstrate, using statistics and figures for Sandwich, that the project is consistent with local needs.
- D. **Allowable Land Acquisition Costs.** To determine the allowable land acquisition costs the Board may consider the lesser of the actual purchase price with legitimate carrying costs, if any, or the fair market "as is" value of the property as determined by a qualified appraiser.
- E. **Design of Affordable Units.** Market rate units shall be indistinguishable from the affordable units in both the exterior and the interior. The developer may offer interior enhancements for the market rate units.

## 6.0 Monitoring

The monitoring agent shall be the Sandwich Housing Authority or the Citizen Housing and Planning Association (CHAPA) for a qualified not for profit agency dedicated to the production and promotion of affordable housing. These agencies will monitor rental units directly. These agencies may subcontract the monitoring of the homeownership units.