



Town of Barnstable Zoning Board of Appeals

Application for a Comprehensive Permit MGL Chapter 40B, Sections 20-23

Procedure:

Application forms are available at the Zoning Board of Appeals Office, Growth Management Department, 200 Main Street, Hyannis, MA. A copy of your Project Eligibility Letter is required at the time this application is filed.

Fifteen (15) completed application forms along with all required information and materials must be submitted with your application. Failure to supply required information is sufficient reason for a denial of your request. It is strongly recommended that all applications be reviewed by the Zoning Board of Appeals Office to ensure a complete application submittal prior to being time and date stamped by the Town Clerk's office. The completed applications must be submitted to the Town Clerk's Office, to be time and date stamped to be considered. One (1) shall remain with the Town Clerk's Office, and the other fourteen (14) copies shall immediately be filed with the Zoning Board of Appeals Office at 200 Main Street, Hyannis, MA along with all required materials and a check payable to the Town of Barnstable for the applicable filing fee. The fee schedule for a Comprehensive Permit is as follows:

Comprehensive Permit Application

Limited Dividend Organization	\$750.00 + \$100.00 per unit
Non-Profit Organization	\$750.00 + \$100.00 per unit
Public Agencies	\$750.00 + \$100.00 per unit
Minor Modifications	\$250.00*
Major Modification	\$750.00*
Extension of an Existing Permit	\$100.00

*Note: If additional units are being proposed in a Modification, an additional \$100.00 per unit is required.

In addition to the fee paid to the Town of Barnstable, you will be required to place a deposit check of \$200.00 payable to The Barnstable Patriot for your portion of the published legal notice. You will then be sent an invoice from the Barnstable Patriot for the legal ad which you must pay. Once payment is received by The Barnstable Patriot, your deposit check will be returned to you. Additionally, you will be requested to provide postage to cover the mailing of the public notices to the abutters via first class postage and for the notices to abutters of the Board's decision via postcards. .

The Zoning Board of Appeals shall hold a public hearing on the completed application in thirty days of its receipt, or such other time frame mutually agreed upon by the Board and the applicant. As the Zoning Board will be acting on behalf of all local permitting, local boards,

commissions and agencies considered necessary or helpful in reviewing the application, they will notify those boards/committees and agencies prior to the hearing. Those boards, commissions and agencies will be requested to review and comment on the application and their presence at a hearing may be requested.

The Board will process the application as required by MGL Chapter 40B, Sections 20-23, 760 CMR Section 56.00: Comprehensive Permit; Low or Moderate Income Housing, and the Board's adopted Comprehensive Rules. In making its decision, the Board shall take into consideration the recommendations of local officials, agencies, other board and commissions.

The Board shall render a decision, based on a 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. The decision is filed with the Town Clerk and there is an appeal period of 20 days from the date of filing. Any person aggrieved may appeal within that time period to the court as provided in M.G.L. c. 40A, § 17, or the applicant may appeal to the Housing Appeals Committee as provided in M.G.L. c. 40B, § 22.

After the appeal period has elapsed, and if no appeal has been filed, the Town Clerk shall certify the decision. That certified decision must be recorded at the Barnstable County Registry of Deeds of Land Court, as appropriate, prior to exercising the permit. Unless extended, the rights granted under the Comprehensive Permit shall lapse unless they are exercised within three (3) years of the date of the certified decision.

Please review all applicable rules and regulations prior to applying. The applicant is encouraged to initiate pre-application conferences and reviews with the Growth Management Department.

Revision Date 01-01-12 - file zba-f-Application for Comprehensive Permit 4 .doc



**TOWN OF BARNSTABLE
Zoning Board of Appeals**

Application for a Comprehensive Permit
MGL Chapter 40B, Sections 20-23 and 760 CMR 56.00

Date Received _____
Town Clerk's Office: _____

For office use only:

Appeal # _____
Hearing Date _____
Decision Due _____

The undersigned hereby applies to the Zoning Board of Appeals for a Comprehensive Permit pursuant to MGL Chapter 40B, Sections 20-23 and 760 CMR 30.00 & 31.00:

Applicant Name: _____, Phone: _____

Applicant Address: _____ Fax: _____

Applicant Status: (Check one) Public Agency Non-Profit Organization Limited Dividend Corporation
Attachment A - Attach Documentation of Applicant Status

Name of Proposed Development: _____

Subsidizing Agency: _____

Subsidy Program: _____

Attachment B - Project Eligibility Letter

Property Location: _____

Property Owner: _____, Phone: _____

Address of Owner: _____

Assessor's Map/Parcel Number: _____ Zoning District: _____

Groundwater Overlay District: _____

Existing Level of Development of the Property - Number of Buildings: *(if applicable)* _____

Present Use(s): _____ Gross Floor Area: _____ sq. ft.

Attachment C - Existing Conditions: 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.

Short Project Description¹: _____

Attachment D - Site Development Plans - 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.

Attachment G - Preliminary Utilities Plan - showing the proposed location and types of sewage, drainage, and water facilities, including hydrants

Attachment E - Preliminary, Scaled, Architectural Drawings, including typical floor plans, typical elevations, and sections, and construction type and exterior finishes

Attachment F - tabulation of proposed buildings by type, size (number of bedrooms, floor area) and ground coverage, and a summary showing the percentage of the tract to be occupied by buildings, by parking and other paved vehicular areas, and by open areas;

Attachment G (if applicable) - where a subdivision of land is involved, a preliminary subdivision plan;

Attachment I - List of Requested Waivers - List of all public agencies, boards and Commissions who's review and approval would normally be required of the project and for which the applicant is seeking variance, waivers and approval from the Zoning Board of Appeals in accordance with MGL Chapter 40B

Development Team

Applicant's Attorney: _____, Phone: _____
Address: _____ Fax: _____

Applicant's Engineer: _____, Phone: _____
Address: _____ Fax: _____

Applicant's Architect: _____, Phone: _____
Address: _____ Fax: _____

Attachment J - Developers Profile - Narrative of Developer's experience and qualification to successfully complete project

Signature: _____ Date: _____
Applicant's or Representative's Signature

Representative's Address: _____ Phone: _____
_____ Fax No.: _____

e-mail Address: _____

¹ Note – The Project Description will be used in drafting the public notices.



**Town of Barnstable
Zoning Board of Appeals**

**Agreement to Extend Time Limits
for Holding of a Public Hearing on a
Comprehensive Permit**

In the Matter of _____, the Applicant(s), and the Zoning Board of Appeals, pursuant to Mass. General Laws, Chapter 40B, Section 21, agree to extend the required time limits for holding of a public hearing on this application for a Comprehensive Permit for a period of 90 days beyond that date the hearing was required to be held.

In executing this Agreement, the Applicant(s) hereto specifically waive any claim for a constructive grant of relief based upon time limits applicable prior to the execution of this Agreement.

Applicant:

Signature: _____
Applicant or Applicant's Representative

Print: _____

Date: _____

Address of Petitioner(s) or Petitioner's Representative

Zoning Board:

Signature: _____
Chairman or Acting Chairman

Print: _____

Date: _____

Zoning Board of Appeals Office

200 Main Street, Hyannis, MA 02601

Phone (508) 862-4685 Fax (508) 862-4725

Note: Only one (1) original copy is required of this form

cc: Town Clerk
Applicant
File



Adopted May 25, 2022

TOWN OF BARNSTABLE
PROCEDURE FOR
PARTNERING ON A LOCAL INITIATIVE PROGRAM PROJECT

1. A property owner and/or applicant may bring forward to the Town Manager, through Planning and Development, a Local Initiative Program (LIP) project proposal, to seek a determination of site suitability under Massachusetts General Laws Chapter 40B ("Chapter 40B"), Sections 20-23, 760 CMR 56.00 and DHCD Local Initiative Program (LIP).
2. Upon receipt of a LIP proposal, the Town Manager and applicable department heads shall meet with the applicant to review the information presented in the project proposal. Based upon the materials presented and information provided, the Town Manager shall determine whether the proposal is potentially site suitable and subsequently determine whether the proposal is a major or minor LIP project proposal application.
 - A. Minor LIP proposal definition: 4 dwelling units or less and Town Manager determination of limited impact, which determination shall be based on consideration of relevant factors, which may include without limitation impacts on the environment, infrastructure, and neighborhood character.
 - B. Major LIP proposal definition: greater than 4 dwelling units

Minor: If the Town Manager deems a project a minor application, the Town Manager may request additional information for review and/or decide that the project is suitable for endorsement as LIP and sign a community letter of support and the LIP application. However;

3. Major: If the Town Manager deems the LIP proposal a major application, the Town Manager shall refer the property owner/applicant to the Planning Board and Housing Committee for review and recommendation.
4. The Planning Board and Housing Committee shall each hold a public meeting allowing for public comment within 45 days of receipt of referral from the Town Manager. A joint meeting of the Board and Committee may be held at the discretion of the Chairs of such bodies.
5. The public meeting shall be properly noticed on an agenda of a regularly scheduled meeting. The property owner/applicant shall notify abutters within 300 feet of the property by U.S.P.S. mail with a general description of the proposal at least 14 days prior to the meeting.
6. Upon receipt of referral the Planning Board and Housing Committee shall request that the Applicant provide qualifications and past projects of the Applicant, particularly those built under Chapter 40B and/or as a LIP, any past or current litigation involving 40B or LIP projects as well as

3 references that include contact name, address and telephone number. All qualifications, past projects, references and results of reference checks shall be documented and made available as a matter of public record.

7. An Applicant seeking consideration of a project as a LIP shall submit to the Planning Board and Housing Committee sufficient copies of materials as determined at the time of application, of the following information for distribution to the Planning Board and Housing Committee:
 - A. The name and address of the Developer;
 - B. The address of the proposed site and site description (to include wetlands, waterways, easements and land holding any conservation, recreation or other restrictions. It should also include a description of any existing buildings and their uses;
 - C. A locus map identifying the site within a plan of the neighborhood, accompanied by photographs of the surrounding buildings and features that provide an understanding of the physical context of the site to include wetland boundaries;
 - D. A tabulation of proposed buildings with the number, size (number of bedrooms, floor area), and type (ownership or rental) of housing units proposed;
 - E. Conceptual design drawings of the site plan and exterior elevations of the proposed buildings, along with a summary showing the percentage of the land to be occupied buildings, parking and other paved areas, and by open areas. Also included in the summary shall be the number of parking spaces, and the ratio of parking spaces to housing units;
 - F. A narrative description of the approach to building massing, the relationships to adjacent properties, and the proposed exterior building materials;
 - G. A tabular analysis comparing existing zoning requirements to the Waivers requested for the Project;
 - H. Preliminary soil testing results and locations, as applicable; as well as estimated or determined wetlands locations to support the viability of the proposed development; and.
 - I. Traffic impact/study statements.

8. The project should demonstrate benefits to the community above a conventional (or “unfriendly”) Chapter 40B development and should reflect community need in order to be considered as a LIP project.
 - A. Preference criteria an applicant should consider:
 - i. mixed-income year-round rental and homeownership opportunities for residents earning from 30% and up to 80% of the Area Median Income (AMI)
 - ii. mixed-use development pattern
 - iii. a percentage of affordable units (in excess of the mandatory 25%)
 - iv. site design that provides open space and recreational amenities
 - v. architecture that is compatible with the neighborhood
 - vi. enhancements to site and surrounding neighborhood (landscaping, drainage, connectivity, etc.)
 - vii. ability to meet identified housing needs (senior, workforce, rental)
 - viii. availability of sewer and or on-site wastewater disposal technologies that reduce nitrogen output
 - ix. energy efficient design and construction
 - x. a financial contribution from the sale of “market rate units” to the Municipal Affordable Housing Trust Fund.

All benefits shall be clearly identified before a preliminary agreement is entered into between the Town of Barnstable and the Applicant and made available as a matter of public record.

9. The Planning Board and Housing Committee may request additional information to help render a recommendation to the Town Manager. The Planning Board and Housing Committee shall render a recommendation, by a simple majority vote, within sixty (60) days following the first public meeting, unless extended mutually by the Board/Committee and property owner/applicant. Failure to render a decision within 60 days shall not result in a constructive recommendation of the proposed application.
10. The Planning Board and Housing Committee shall report whether or not to recommend a LIP endorsement and submit their recommendation and supporting information to the Town Manager.
11. The Town Manager shall endeavor to inform the Applicant of his decision within 45 days of receipt of recommendation by the last recommendation from either the Planning Board and Housing Committee and should the Town Manager decide to proceed with a LIP Application, the Town Manager shall sign the LIP application and provide a written letter of support and include all of the information, documents, results of reviews and comments made by the Planning Board and Housing Committee. This information may be included in the Comprehensive Permit Application to the Zoning Board of Appeals.