



TOWN OF YARMOUTH
BOARD OF APPEALS
DECISION

YARMOUTH TOWN CLERK

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FILED WITH TOWN CLERK: November 18, 2014

PETITION NO: #4558

HEARING DATE: October 23, 2014

PETITIONER: Elizabeth L. Britt

**PROPERTY: 359 Route 6A, YarmouthPort, MA
Map & Lot #: 0123.199; Zoning District: R-40
Doc.#: 1,170,173; Ctf#: 194784**

MEMBERS PRESENT AND VOTING: Steven DeYoung, Chairman, Sean Igoe, Chuck Hart, Bryant Palmer and Gerald Garnick.

Notice of the hearing has been given by sending notice thereof to the Petitioner and all those owners of property as required by law, and to the public by posting notice of the hearing and publishing in *The Register*, the hearing opened and held on the date stated above.

The Petitioner is Elizabeth L. Britt who seeks to convert an existing, permitted "In-Law" Apartment to an affordable housing unit pursuant to the provisions of By-law §407. Ms. Britt appeared and presented her Petition in a concise, well thought-out manner. No exhibits were received. An abutter appeared and expressed some reservations and questions but no strong opposition.

The Board had the benefit of a Memo from Mary Waygan, dated October 22, 2014, who weighed in on the "Affordable" aspects of the request.

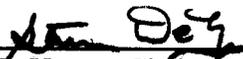
The Board noted its general support for affordable housing and the reasonable requirements recommended by Ms. Waygen. Further, it was felt that the Petitioner satisfied the requirements for grant of a Special Permit.

Accordingly, Motion was made by Mr. Igoe, seconded by Mr. Hart, the Board voted unanimously to approve the Special Permit on the following conditions:

- 1) The monthly rent be consistent with Ms. Waygan's memo;
- 2) That household income of the tenant be less than 80% of the Area Median Income;
- 3) A yearly lease will be executed or rental agreement which references the Special Permit;
- 4) If the unit becomes vacant, the owner will elect a new tenant through an Affirmatively Marketed Wait List approved by the Town;

- 5) At the time of the next vacancy, the owner shall execute and record at the Registry of Deeds an Affordable Housing Regulatory Agreement approved by the state and Town; and
- 6) On an annual basis, the owner shall provide a copy of the then current lease or rental agreement, such filing to be with the Town's Department of Community Development.

No permit shall issue until 20 days from the filing of this decision with the Town Clerk. This decision must be recorded at the Registry of Deeds and a copy forwarded to the Board of Appeals. Appeals from this decision shall be made pursuant to MGL c40A section 17 and must be filed within 20 days after filing of this notice/decision with the Town Clerk. Unless otherwise provided herein, the Special Permit shall lapse if a substantial use thereof has not begun within 24 months. (See bylaw, MGL c40A §9)



Steven DeYoung, Chairman