

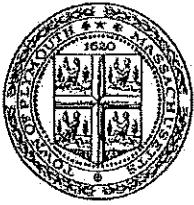
## **ARTICLE 9C:**

**ARTICLE 9C:** To see if the Town will vote to appropriate from the Community Preservation Fund the sum of \$170,000.00 as a grant to Habitat for Humanity for the creation of affordable housing, particularly for the construction of three units of deed restricted affordable housing on the property located at 865 Long Pond Road, and further to authorize the Board of Selectmen to acquire, pursuant to G.L. c. 44B, Section 12 and G.L. c. 184, Sections 31-33, an affordable housing restriction in such property or take any other action relative thereto.

COMMUNITY PRESERVATION COMMITTEE

### **RECOMMENDATION: \$170,000 Approval (Unanimously, 12-0-0)**

The Advisory & Finance Committee recommends Town Meeting approve Article 9C. Approval of this article would authorize \$170,000 of Community Preservation funds be granted to Habitat for Humanity to construct 3 units of deed restricted affordable housing on town tax title land at 865 Long Pond Road that has been turned over to them. Habitat for Humanity is partnering with other funding sources to create deed restricted affordable housing for veterans.



## TOWN OF PLYMOUTH COMMUNITY PRESERVATION

# MEMO

TO: Town Meeting, Board of Selectmen, and the Advisory & Finance Committee  
From: The Community Preservation Committee  
Date: Friday August 24, 2018  
Re: ANNUAL SATM 2017: CPA Article 9C

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**ARTICLE 9C:** To see if the Town will vote to raise Community Preservation receipts or transfer from Community Preservation available funds the sum of \$170,000.00 to grant to Habitat for Humanity for purposes of constructing 3 units of deed restricted affordable housing on the property located at 865 Long Pond Road and further to authorize the Board of Selectmen to accept an affordable housing restriction pursuant to G.L. c. 44B, Section 12 and G.L. c. 184, Sections 31-33 at 865 Long Pond or take any other action relative thereto.

### COMMUNITY PRESERVATION COMMITTEE

#### CPC RECOMMENDATION: Approval (unanimous)

The Community Preservation Committee voted unanimously Article 9C at its meeting held Thursday August 23, 2018

#### SUMMARY & INTENT:

The Community Preservation Committee recommended article 9C for Fall Town Meeting 2018 for the construction of 3 units of affordable housing on town tax title land, which has been turned over to Habitat for Humanity. Habitat for Humanity is partnering with other funding sources to create deed restricted affordable house for veterans.



## TOWN OF PLYMOUTH COMMUNITY PRESERVATION COMMITTEE

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From: The Community Preservation Committee  
Date: Friday August 24, 2018  
Re: ANNUAL SATM 2017: CPA Article 9C

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#### SUMMARY & INTENT:

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## PLYMOUTH COMMUNITY PRESERVATION COMMITTEE

## FISCAL YEAR 2016 & 2017 APPLICATION

Project Name: Habitat for Humanity - 865 Long Pond Road

CPA Funding requested: \$ 170,000 (REQUIRED)

Total project cost: \$1,366,475

Category (check all that apply):  Open Space / Recreation  Historic  Housing

Lot and Plat: Plat 113, Lot 23B

Assessors Map #: 113

Number of acres in parcel: 34

Number of proposed housing units: 3

Are there any existing deed restrictions on this property?  Yes (please describe)  No  Don't know

Project Sponsor/ Organization: Habitat for Humanity of Greater Plymouth, Inc.

Contact Name: James Middleton, Executive Director

Address: PO Box 346, 72 North Main Street, Carver, MA 02330

Phone #: (508) 866-4188 x201 (Office) \_\_\_\_\_ E-mail: [hfhgpexecdir@verizon.net](mailto:hfhgpexecdir@verizon.net) \_\_\_\_\_  
(508) 247-0596 (Cell) \_\_\_\_\_

Applicant Signature: Jennifer A. Rong, as authorized by James Middleton Date Submitted: May 23, 2018  
Application Requirements:

### Application Requirements:

A complete application consists of this application page (the specific amount of CPA funding is *required*), along with the following:

1. A detailed description of the project explaining how your proposal benefits the Town of Plymouth and how it meets CPA goals and selection criteria outlined at the end of this application packet. Are there any special permit, variance or other approvals required? Are there any legal ramifications or impediments to this project?
2. A detailed project budget including any additional revenue sources. Will there be any annual costs to the town once the project is operational?
3. A project timeline.
4. Additional supporting information such as photographs, plot plans, and maps (if applicable).
5. Applicant must provide all title information for the property.
6. Applicant must initial each page in the space provided.

Please send 11 copies (double-sided) of your application to: The Community Preservation Committee, Plymouth Town Hall, 11 Lincoln Street, Plymouth, MA. 02360. Applications may also be dropped off at the Town Clerk's office or in the CPC mailbox at Plymouth Town Hall.

The deadline for submitting an application is February 1<sup>st</sup> for Spring Town Meeting, and May 15<sup>th</sup> for Fall Town Meeting.

**HABITAT FOR HUMANITY OF GREATER PLYMOUTH, INC.**  
**865 LONG POND ROAD PROJECT**

**APPLICATION TO REQUEST CPA FUNDS**

**TOWN OF PLYMOUTH, MASSACHUSETTS**  
**COMMUNITY PRESERVATION COMMITTEE**

**TABLE OF CONTENTS**

<b>Applicant</b>	<b>Counsel</b>
<p>Habitat for Humanity of Greater Plymouth, Inc.  Attn: James Middleton, Executive Director  72 North Main Street  P.O. Box 346  Carver, MA 02330  Email: <a href="mailto:hfhgpexecdir@verizon.net">hfhgpexecdir@verizon.net</a>  Tel: (508) 866-4188 ext. 201</p>	<p>Rich May, P.C.  176 Federal Street  Boston, MA 02210  Attn: Danielle Justo, Esq.  Email: <a href="mailto:djusto@richmaylaw.com">djusto@richmaylaw.com</a>  CC: Jennifer Lang, Esq.  Email: <a href="mailto:JLang@richmaylaw.com">JLang@richmaylaw.com</a>  Tel: (617) 556-3841  Fax: (617) 556-3889</p>

<b>DOCUMENT NAME</b>	<b>Page</b>
<b>A. Application to Request CPA Funds</b>	
1. Fiscal Year 2016 & 2017* Cover Letter	3
2. Fiscal Year 2016 & 2017* Application	5
<b>B. Attachments</b>	
1. Project narrative	18
2. Project budget with revenue sources	22
3. Project timeline	25
4. Additional supporting information: granting of special permit; plot plan; drawings	27
5. Title information	50

*\*Habitat for Humanity of Greater Plymouth, Inc. is happy to update its submission or provide additional information upon request of the Community Preservation Act Committee.*

ATTACHMENT TO APPLICATION

2. Project budget with revenue sources

# HABITAT FOR HUMANITY OF GREATER PLYMOUTH

865 Long Pond Road, Plymouth, MA

## Budget for Project Expenses

Insurance	2,000
Security	4,000
Developer's Overhead	30,000
General Contractor's Overhead	15,000
Construction Manager	
Interest	8,000
Financing/Application Fees	1,000
Utilities	1,500
Accounting/Administrative	10,000
Family Selection/Outreach	3,000
Subtotal Overhead Costs	97,700
Contingency (10% of Soft Costs)	9,770
 Total Overhead	 107,470
 TOTAL DEVELOPMENT COSTS	 1,366,475

## Projected Donations

Bramhall Trust	150,000
Pine Hills	150,000
Kingstown Corporation	15,500
DAM	15,000
Fieldstone Survey	7,000
Archiplicity	4,000
Donated Labor	309,400
Well Driller	8,100
Betti Architects	6,000
 Total Donations	 665,000

HABITAT FOR HUMANITY OF GREATER PLYMOUTH  
865 Long Pond Road, Plymouth, MA  
PROJECT SCHEDULE

Activity	Start	End.	Status
Obtain Site Deeds and Easements	Apr-18	Jun-18	Completed
Clear, rough Grade, Install Driveway Base	May-18	Jun-18	In Progress
Wells Installed and Approved	May-18	Jun-18	
Soil Evaluation and Septic Permits	May-18	Jul-18	
House Design and Building Permits	Apr-18	Jul-18	In Progress
Build House No 1 including Septic System	Jul-18	Jun-19	
Build House No 2 including Septic System	Aug-18	Jul-19	
Build House No 3 including Septic System	Sep-18	Aug-19	
Final Driveway Paving and Final Landscaping	Aug-19	Aug-19	



# TOWN OF PLYMOUTH

11 Lincoln Street  
Plymouth, Massachusetts 02360  
FAX (508) 830-4062  
(508) 747-1620

December 20, 2016

Mr. Laurence R. Pizer  
Town Clerk  
11 Lincoln Street  
Plymouth, MA 02360

RECEIVED  
TOWN CLERK'S OFFICE  
PLYMOUTH, MA  
2016 DEC 29 AM 9:26

Re: CASE B-602 "Habitat for Humanity of Greater Plymouth- 865 Long Pond Road, Plymouth, Massachusetts" vote of Granting of Special Permit for Rural Density Development (RDD) per Section 205-62 of the Plymouth Zoning Bylaw.

Dear Mr. Pizer:

In exercise of its discretionary powers, after a public hearing held on December 19, 2016, the Plymouth Planning Board (Messrs. Grandy, Buechs, McAlduff, MacGregor and Bielen) (the "Planning Board") voted (5-0) to GRANT:

A Special Permit for a Rural Density Development ("RDD") per Section 205-62 of the Plymouth Zoning Bylaw (the "Bylaw") and a Modification of Transfer of Development Rights (TDR) Special Permit for Clark Estates, dated 7/20/2004 and recorded at the Plymouth County Registry of Deeds Book 28902, Pages 339-348, in order to create three (3) single family residential dwellings for affordable and Veterans' housing and open space on Town-owned property at 865 Long Pond Road as shown on Plymouth Assessors' Plat 113, Lot 23B in a Rural Residential (RR) Zone, as shown on a plan of land entitled "Proposed Veterans Affordable Houses Parcel 113-000-023B-000 865 Long Pond Road, Plymouth, MA" prepared for Habitat for Humanity of Greater Plymouth, Carver, MA, dated 9-28-16, and prepared by David G. Drain, Registered Professional Civil Engineer of Plymouth, Massachusetts, subject to the conditions set forth below.

CASE:	B-602
PETITIONER:	Habitat for Humanity of Greater Plymouth
ADDRESS:	P.O. Box 346, 72 North Main Street, Carver, MA 02330
LOCATION:	865 Long Pond Road, Plymouth, Massachusetts
PROJECT:	Rural Density Development- RDD
ZONE:	Rural Residential (RR)
PLAT:	113
LOT:	23B
STREET CLASS:	Major
LAND:	~ 34.0 acres
PROPOSED:	Three (3) Single-Family Dwellings for affordable and Veterans' housing with Town-owned open space



that the 2004 Special Permit for Clark Estates be modified by replacing the 7.719 acre parcel with 30.6 acres of open space from Lot 23B and abutting Tax Title property.

4. The 34 acres consists of three lots on the Assessors Maps: Lots 22 and 23B of Map 113 and Lot 9 of Map 112. The proposed house lots are located on Lot 23B, which will be subdivided into five parcels including three house lots and two open space lots. The houses are located on Lots 23-3, 23-4 and 23-5 with 3.46 acres of open space remaining on Lots 23-2 and 23-6. The driveway connects to Long Pond Road on Lot 9 and extends across Lot 9 and Lot 22 with a turnaround terminus at the house lots.

RDD dimensional standards are as follows:

Requirement	Minimum	Proposed Lot 23-3	Proposed Lot 23-4	Proposed Lot 23-5
Lot size	20,000 sf	42,815 sf .98 acres	57,608 sf 1.32 acres	62,226 sf 1.43 acres
Lot width	50 feet	50 feet	50 feet	50 feet
Front yard	20 feet	30 feet	76 feet	50 feet
Side yard	10 feet	60 feet	60 feet	60 feet
Rear yard	25 feet	114 feet	118 feet	77 feet

5. Under the RDD requirements, in calculating density of use and allocation of recreational areas, the following standards shall be used:

- “Land or water areas contained in flood hazard areas as defined in Section 205-58C shall be subtracted from the total land area before calculating densities.” *The property does not contain land subject to flooding.*
- “Other areas which are considered by the Planning Board as marginal or unsuitable for building such as wetlands, water areas, steep slopes (25% or greater), highly erodible or poorly drained areas, areas of very shallow bedrock or of very high water table shall be subtracted from the total land area before calculating densities.” *The proposed development area within the property does not include slopes that exceed 25%.*
- “Roads should be subtracted from total area in determining net densities. For preliminary and general planning purposes, roads may be established as fifteen (15%) percent of total area.” *There are no roads proposed.*
- The density calculations for this proposal are as follows:

Density Calculations	
Total land area subtracted (a. – c. above)	34.0 AC
Total land area for density calculation	34.0 AC
Allowable Density in this zone	1 / 120,000 SF or 11 UNITS
Proposed Density for this project	3
Open Space Calculations	
Required 60,000/unit	2.75 AC
Proposed open space for this project	30.6 AC

## ADVISORY REPORTS

1. Engineering Department comment letter dated November 28, 2016.
2. Fire Department comment letter dated November 23, 2016.
3. Beals & Thomas, Inc. comment letter dated December 12, 2016.
4. Conservation Commission comment letter dated December 12, 2016- no comments.

## DECISION

GRANT a Special Permit under Rural Density Development (RDD) per Section 205-62 of the Plymouth Zoning Bylaw and the requested Modification of Transfer of Development Rights (TDR) Special Permit for Clark Estates as described in the "Finding" numbered 3 above, in order to create three (3) single family residential dwellings for affordable and Veterans' housing and preservation of open space, and is based on the following reasons, and is subject to the conditions listed thereafter:

1. The proposal meets the criteria in the Intent clause of the zone and is an appropriate location for the land division. The intent of the RDD zone is to permit residential development that preserves meaningful open space. Varying lot widths with alternating building setbacks are encouraged. It is also the intent of the RDD to promote development that is in harmony with the topographical, vegetative, archeological, and historic character of the land. This development includes the creation of three house lots with minimal disruption to the natural vegetation and topography. The remaining 30.6 acres of open space will be under the care and custody of the Town of Plymouth Conservation Commission.
2. There will be no hazard to pedestrians or vehicles and adequate facilities will be in place to serve the proposed development. The total volume of anticipated vehicles will not be greater than the capacity of the public ways in the area.
3. There will be no nuisance or adverse effect upon the neighborhood.

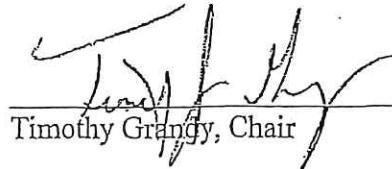
## CONDITIONS:

1. One unit shall:
  - a. Be sold to an eligible LOW or MODERATE HOUSEHOLD INCOME;
  - b. Made available at a cost including mortgage interest, principal, taxes, insurance and common charges of no more than 30% of gross household income of LOW OR MODERATE HOUSEHOLD INCOME LEVELS; and
  - c. Comply with the Massachusetts Department of Housing and Community Development (DHCD) regulations and guidelines for qualification of the Affordable Units towards meeting the requirements under Chapter 40B of the Massachusetts General Laws, its regulations, or any amendments thereto, including maximum rents and sale price, will be followed in order to enable the Town to qualify the dwelling units towards the Town's subsidized housing inventory.
2. Two units shall be made available to veterans as defined by MGL Chapter 4 Section 7.
3. The applicant must provide a no access buffer on each house lot to prevent any additional driveway curb cuts on Long Pond Road.

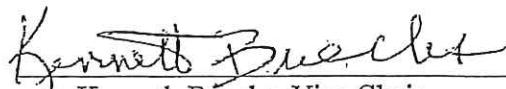
pursue and await the determination of any such appeal, then this Special Permit shall expire, except insofar as the foregoing statement is modified by Chapter 195 of the Acts of 1984.

We hereby certify that copies of this decision were filed with the Town Clerk and the Building Commissioner on December 29, 2016.

PLYMOUTH PLANNING BOARD



Timothy Grangy, Chair



Kenneth Buechs, Vice Chair



Paul McAlduff

Malcolm MacGregor



Robert Bielen

C: Paul McAuliffe, Director of Inspectional Services

James Middleton, Exec Director, Habitat for Humanity of Greater Plymouth

Dave G. Drain, Engineer

### GENERAL NOTES

1. THE PURPOSE OF THIS PLAN IS TO DELINQUENT THE LOCATION OF AN ACCESS & UTILITY EASEMENT OWNED BY THE BOROUGH OF TOWN OF PLYMOUTH. THE PROPERTY LINES SHOWN HEREON AS LOT 9 ON MAP 112 AND LOT 23-5 ON MAP 113 ARE OWNED BY THE TOWN OF PLYMOUTH AS LOT 9 ON MAP 112 AND LOTS 23-3, 23-4, 23-5 ON THE TOWN PLYMOUTH ASSESSORS MAPS.

2. FIELD SURVEY CONDUCTED WITH TRIMBLE  
SR TOTAL STATION UTILIZING TOTAL

3. PROPERTY LINES SHOWN HEREON ARE THE RESULT OF DEEDS AND PLANS OF RECORD. NO AS-BUILT OR OTHER SURVEY PERFORMED ON APRIL 2-5, 2015. PROPERTY CORNER MONUMENTS FOUND ARE NOTED.

### EDM TO TAPE COMPARISON

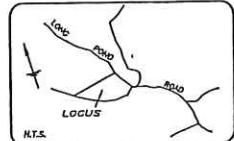
(NOTE: MEASUREMENTS PERFORMED OFF-SITE DUE TO TENURE AND SITE CONDITIONS. TEMPERATURE 51°F. FULL 8 POUNDS.  
EDM: 538.812'  
STEEL TAPE: 538.81'

### TITLE NOTES

1. SURVEYOR: STEPHEN P. DIXON, PLS  
PL 03304-3140  
RAG REFERRED: LAND SURVEYOR CERTIFICATE 011711; ROD 333/11  
PLAN REFERRED: LAND COURT PLANS ATTACHED; A, ATTACHED-C  
2. SURVEYOR: STEPHEN P. DIXON, PLS  
FIELDSTONE SURVEY SERVICES  
45 MELIX AVENUE, PLYMOUTH, MA 02360  
PL 03304-3140  
PHONE: 774-261-2112

FIELD TRAVERSE  
(NO ANGLE ADJUSTMENT)  
1/100,000  
COMPASS CLOSURE  
1/10,250  
LINEAR ERROR OF CLOSURE  
0.000  
DIRECTIONAL ERROR OF CLOSURE  
± 7.137' (0.7')  
TRIMBLE SR EDM ACCURACY FOR WOOD: ± 0.01' (0.125')  
DATE OF LAST CALIBRATION: AUGUST 20, 2013

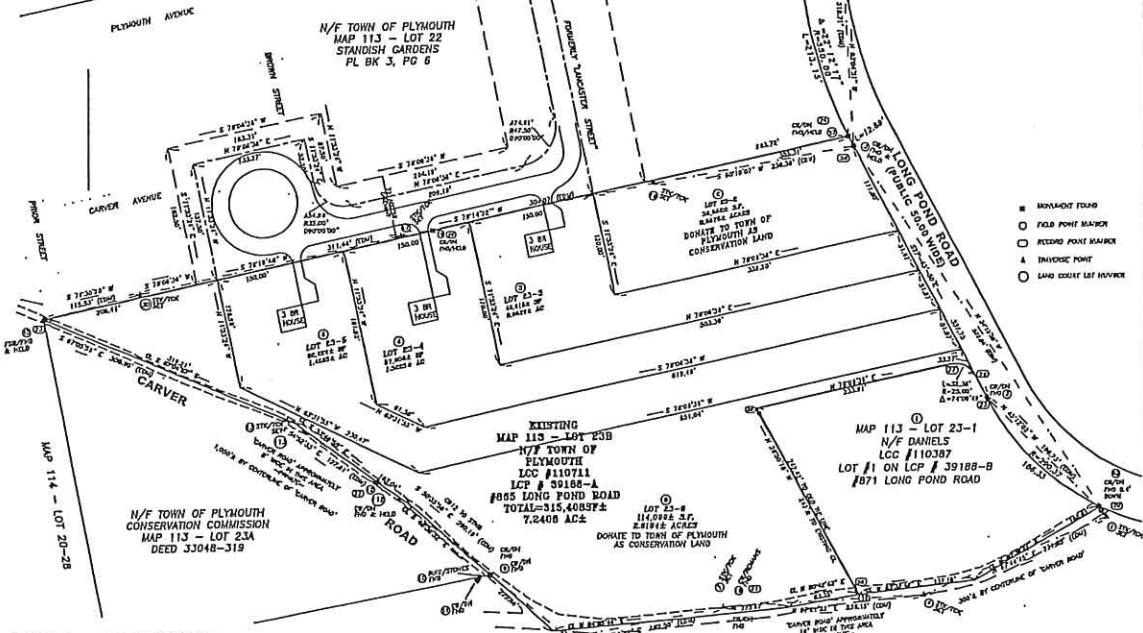
### LOCUS MAP



I CERTIFY THAT THIS PLAN HAS BEEN PREPARED IN CONFORMITY WITH THE RULES AND REGULATIONS OF THE REGISTRY OF DEEDS OF THE COMMONWEALTH OF MASSACHUSETTS.

N/F TOWN OF PLYMOUTH  
MAP 112 - LOT 9

N/F TOWN OF PLYMOUTH  
MAP 113 - LOT 22  
STANDISH GARDENS  
PL BK 3, PD 6



### FIELD LOCATIONS

POINT #	BEARING	DISTANCE
1 > 12	N27°44'07"W	146.97'
13	N27°44'07"W	11.716'
17 > 19	S81°16'49"W	36.932'
3 > 27	N27°21'35"W	12.236'
8 > 10	N27°44'11"W	118.764'
9 > 11	S87°33'23"W	16.035'

N/F PAUL E. GRIFFIN  
875 LONG POND ROAD  
MAP 113 - LOT 24-2  
DEED 33204-328

N/F PAUL E. GRIFFIN  
875 LONG POND ROAD  
MAP 113 - LOT 24-2  
DEED 33204-328

I HEREBY CERTIFY THAT THE PROPERTY LINES SHOWN ON THIS PLAN ARE THE LINES DIVIDING EXISTING PARCELS, LOTS, AND LAND OWNERSHIP AS SHOWN ON THE RECORDS OF THOSE OF PUBLIC OR PRIVATE STREETS OR WAYS ALREADY ESTABLISHED, AND THAT NO NEW LINES FOR DIVISION OF EXISTING OWNERSHIP OR FOR NEW LOTS ARE SHOWN.

STEPHEN P. DIXON, PLS  
PL 03304-3140

FOR USE BY REGISTRY OF DEEDS ONLY

### ACCESS AND UTILITY EASEMENT TO MAP 113, LOTS 23-3 TO 23-5 865 LONG POND ROAD, PLYMOUTH, MA

SCALE	DATE	REVISED	PLAN NO.
1" = 60'	03-22-2017		HFGP-EASE01
DRAWN BY SPD	CHKD BY SPD	APFD BY SPD	FIELD BOOK No. 17/45

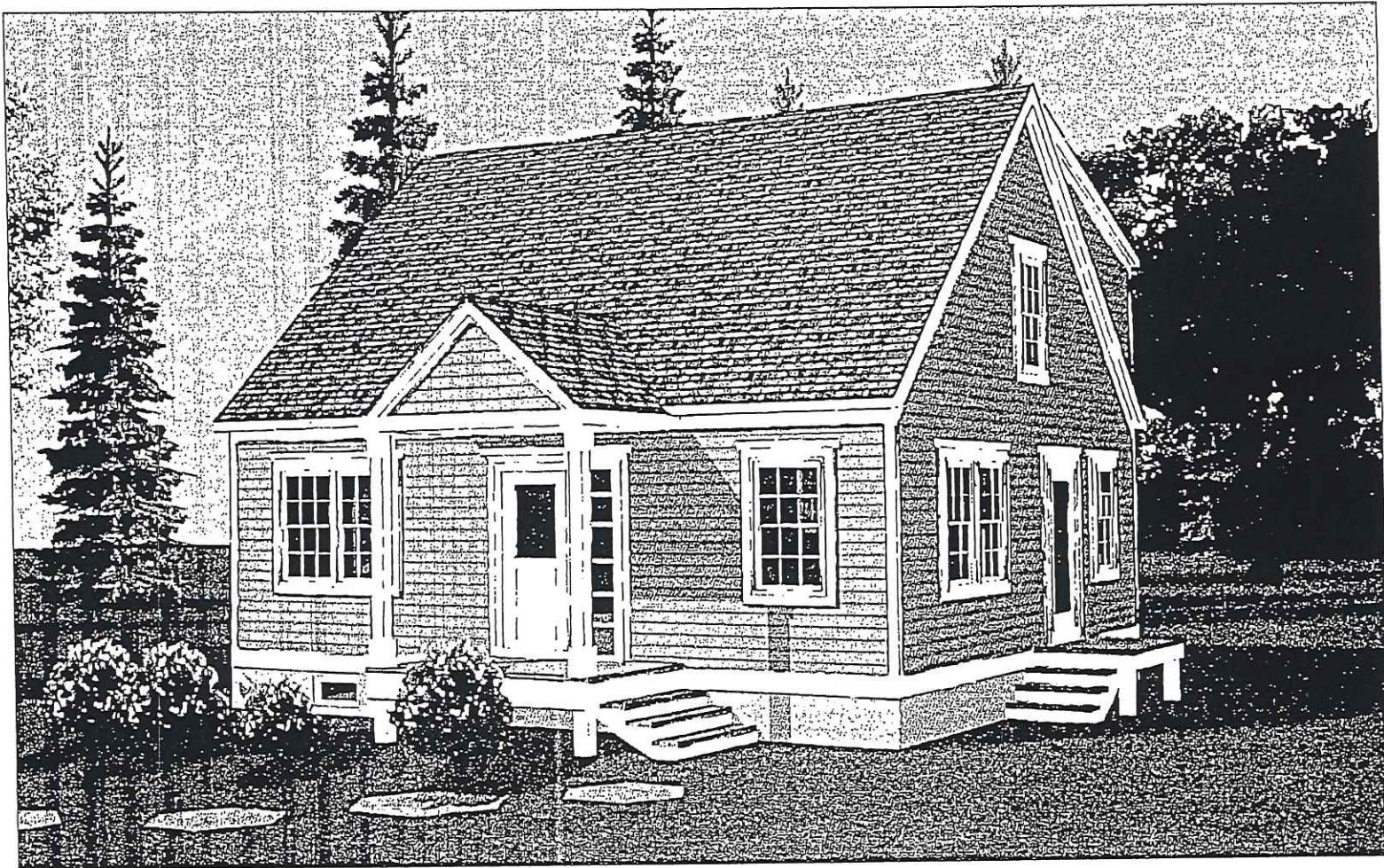
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of Greater Plymouth  
25, 346 - 75 Young Street  
Carver, MA 02330-3140

FIELDSTONE SURVEY SERVICES  
PROFESSIONAL LAND SURVEYING  
45 MELIX AVENUE, PLYMOUTH, MA 02360  
SOOTERFIELDSTONESURVEY.COM C774-261-2112

21

ATTACHMENT TO APPLICATION

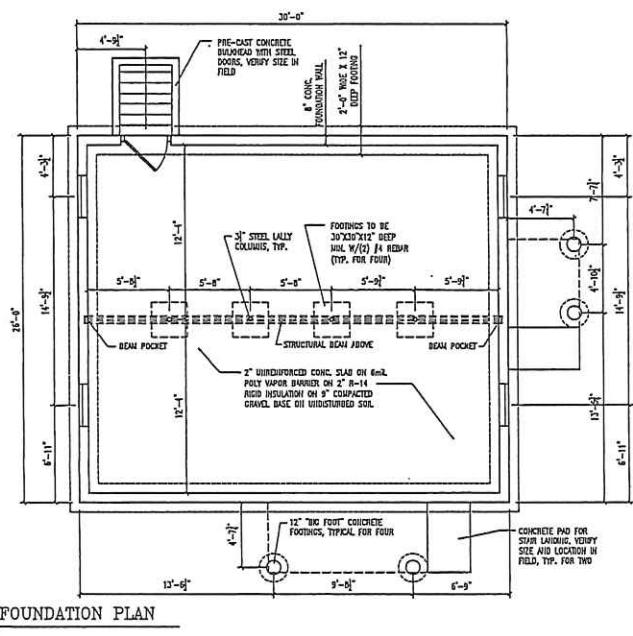
4. Additional supporting information - drawings



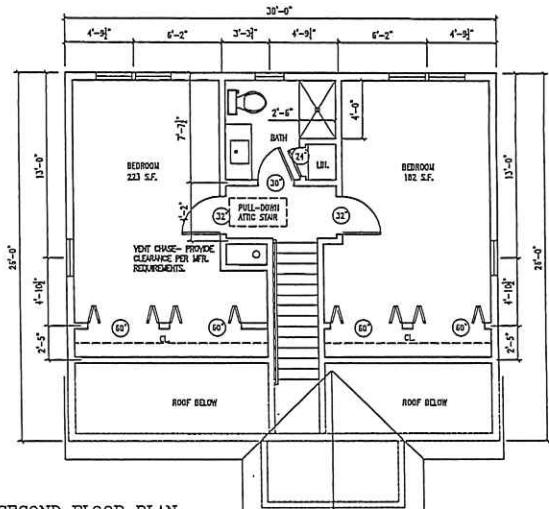
2017 COPYRIGHT - M ARCHITECTURE+DESIGN, LLC./ MARC BETTI AIA, LEED AP

HABITAT FOR HUMANITY OF GREATER PLYMOUTH  
BRENTWOOD ROAD, KINGSTON, MASSACHUSETTS

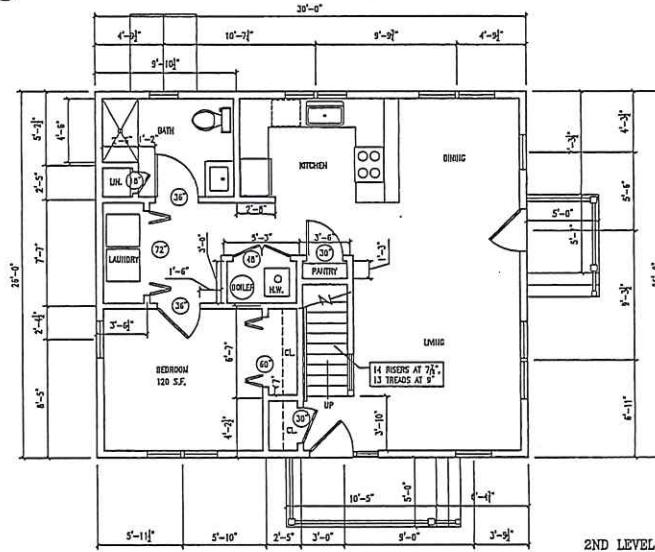
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## FOUNDATION PLAN

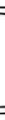
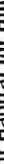
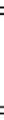
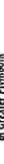
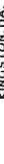
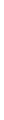
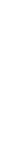
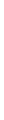
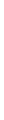
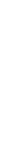
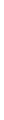
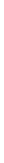


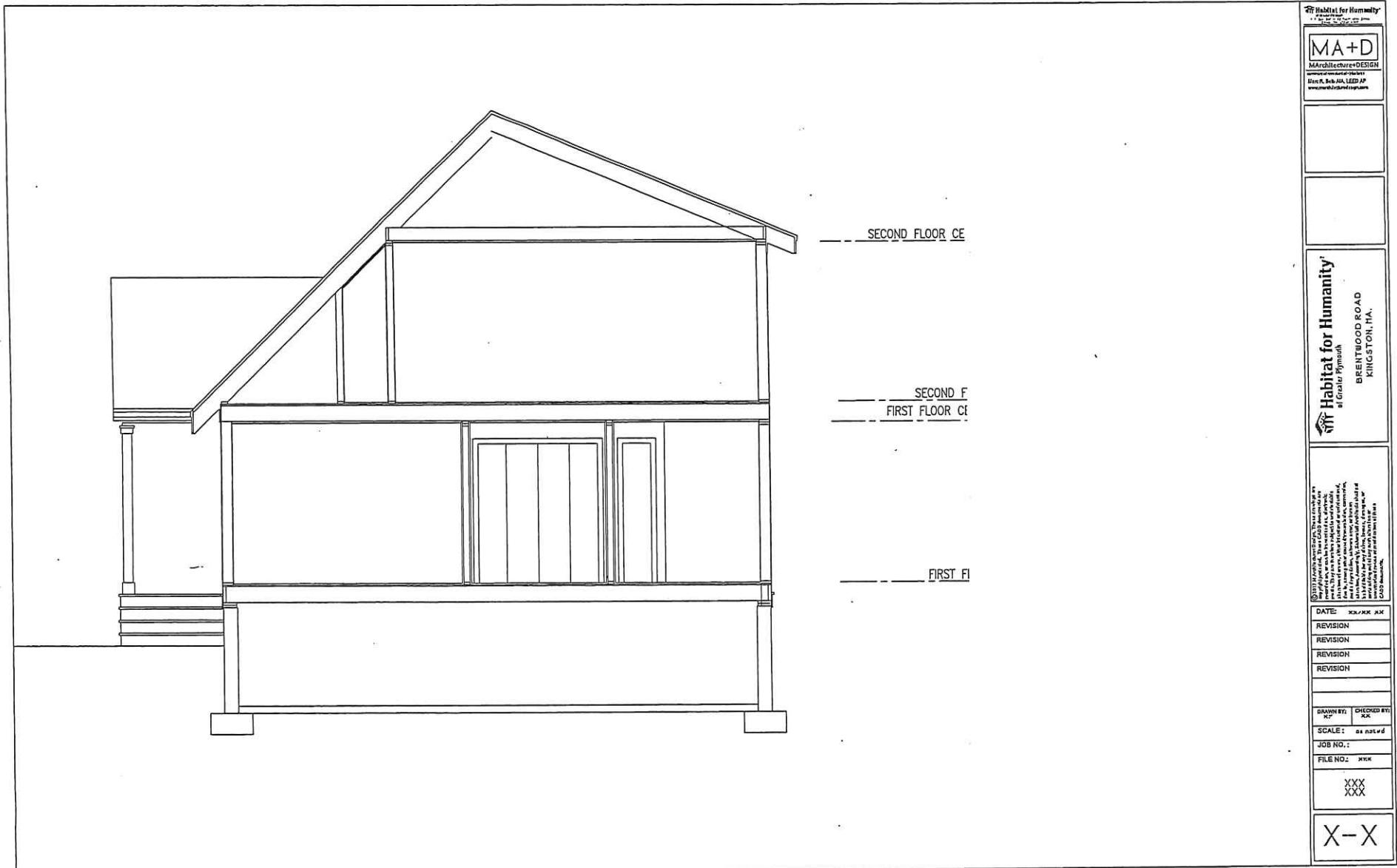
SECOND FLOOR PLAN



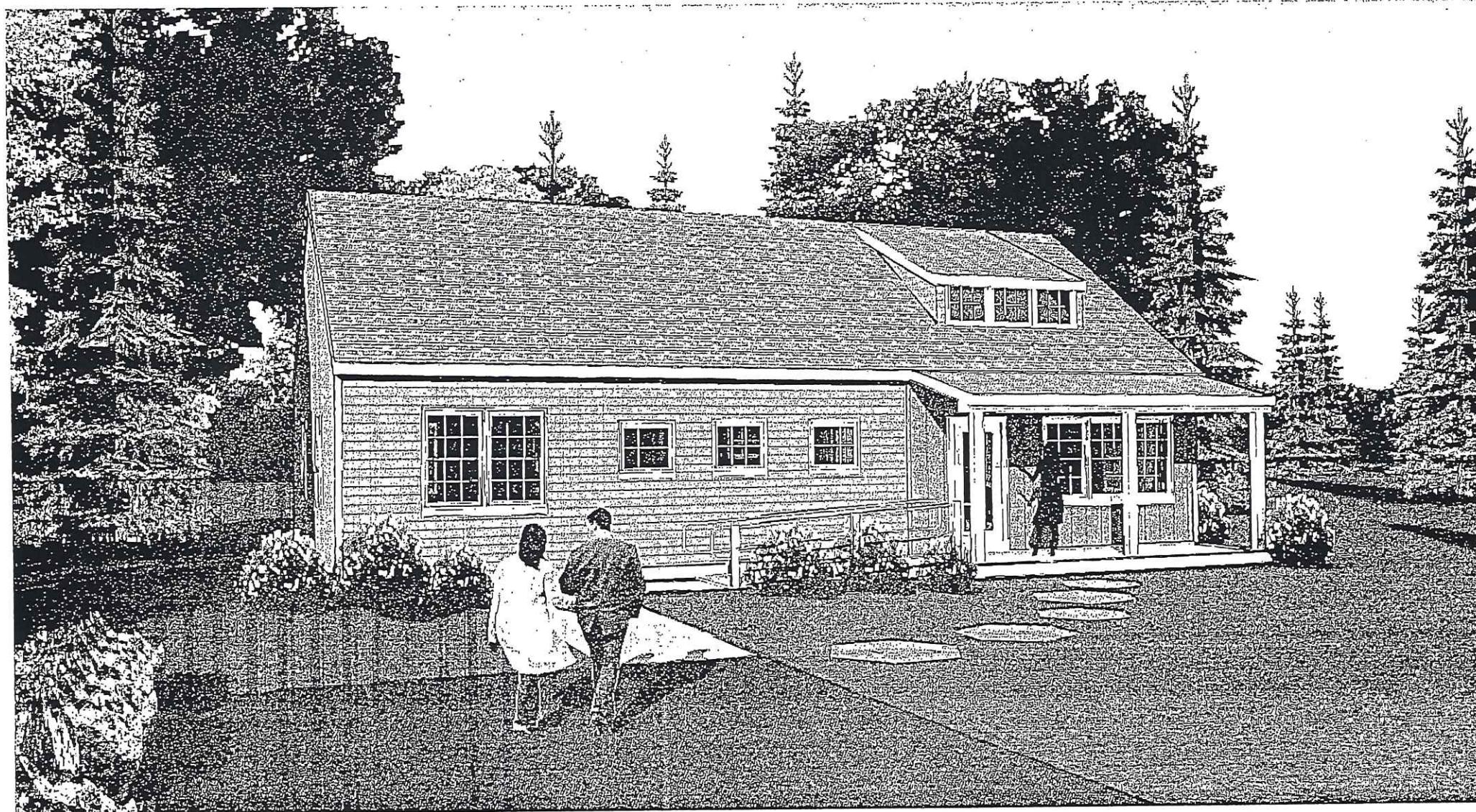
FIRST FLOOR PLAN

2ND LEVEL = 615 S.F.  
1ST LEVEL = 780 S.F.  
TOTAL = 1395 S.F.

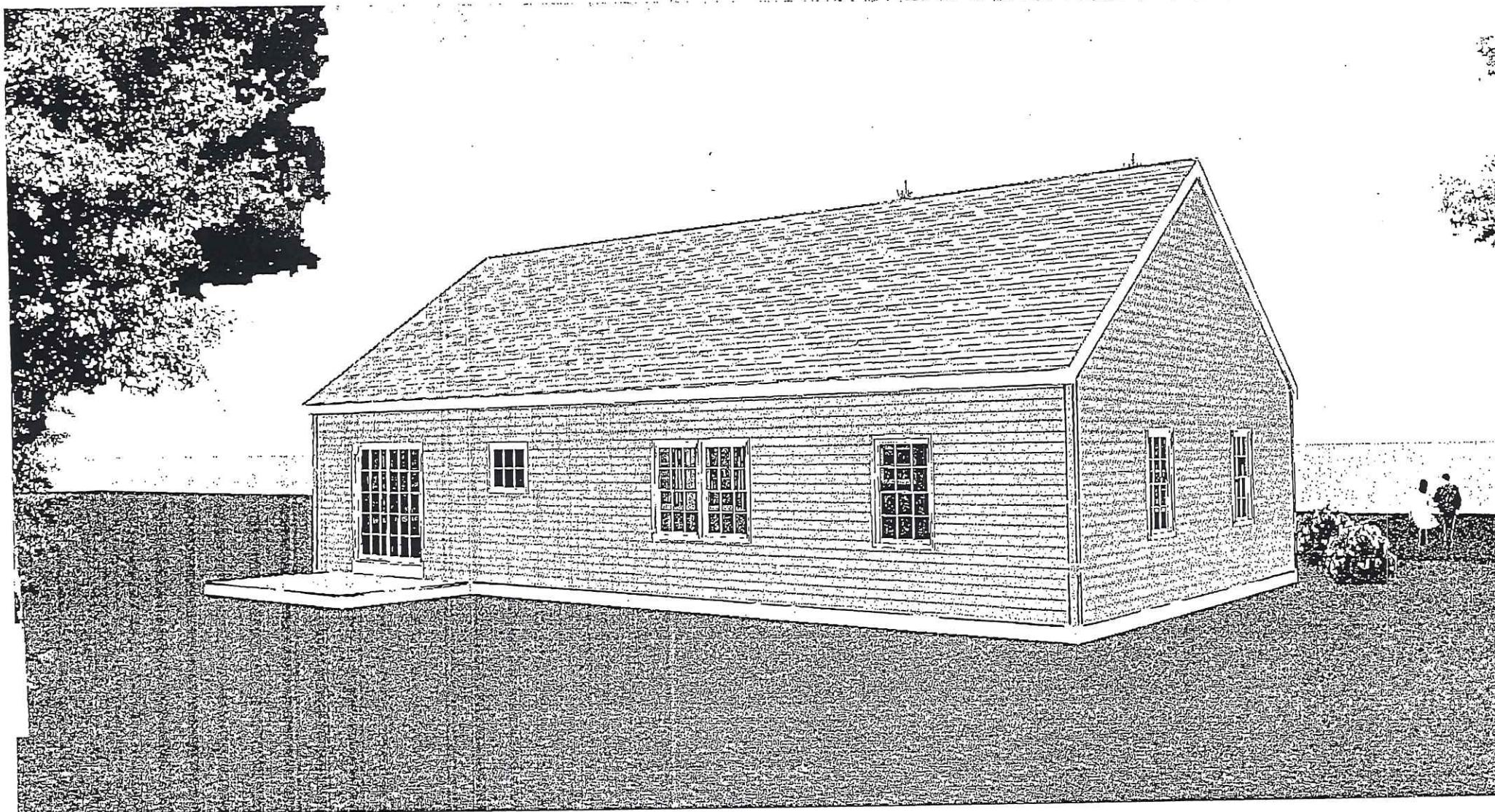
 <b>Habitat for Humanity®</b> <b>MA+D</b> <small>Architects + Designers Incorporated 1977 1000 1/2 Main Street Westport, CT 06880-1200 www.madarchitects.com</small>	
	
	
	
	
	
	
	
	
	
	
	
	
	
	
	
	
	
	
	
	
	
	
	
	
	
	
	
	
	
	
	
	
	
	
	
	
	
	
	
	
	
	
	
	
	
	
	
	
	
	
	
	
	
	
	
	
	
	
	
	
	
	
	
	
	
	
	
	
	
	
	
	
	
	
	
	
	
	
	
	
	
	
	
	
	
	
	
	
	
	
	
	
	
	
	
	
	
	
	
	
	
	
	
	
	
	
	
	
	
	
	
	
	
	
	
	
	
	
	
	
	
	
	
	
	
	
	
	
	
	
	
	
	
	
	
	
	
	
	
	
	
	
	
	
	
	
	
	
	
	
	
	
	
	
	
	
	
	
	
	
	
	
	
	
	
	
	
	
	
	
	
	
	
	
	
	
	
	
	
	
	
	
	
	
	
	
	
	
	
	
	
	
	
	
	
	
	
	
	
	
	
	
	
	
	
	
	
	
	
	
	
	
	
	
	
	
	
	
	
	
	
	
	
	
	
	
	
	
	
	
	
	
	
	
	
	
	
	
	
	
	
	
	
	
	
	
	
	
	
	
	
	
	
	
	
	
	
	
	
	
	
	
	
	
	
	
	
	
	
	
	
	
	
	
	
	
	
	
	
	
	
	
	
	
	



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ATTACHMENT TO APPLICATION

5. Title information

Plymouth, as defined by the United States Department of Housing and Urban Development, adjusted for household size (the "Eligible Purchaser"), and Grantee shall sell the Unit to an Eligible Purchaser at a price set forth more particularly in the LDA, all as set forth more particularly in the LDA and in the Regulatory Agreement entered into by and among Grantor, Grantee, and Massachusetts Department of Housing and Community Development ("DHCD") under the Local Initiative Program, recorded immediately hereinafter (the "Regulatory Agreement"); and

(c) *Deed Rider*: Grantee shall convey the Unit subject to a Deed Rider providing for a perpetual housing restriction meeting the requirements of G.L. c. 184, §§31 and 32, enforceable by Grantor in perpetuity, free of liens and encumbrances, and in form and substance acceptable to Grantor and to the DHCD under the Local Initiative Program for inclusion of the Unit in the Town of Plymouth's Subsidized Housing Inventory.

4. Grantee shall not convey the Premises or any portion thereof to any person or entity other than an Eligible Purchaser, as specified in the LDA.

5. The Regulatory Agreement, the Deed Rider and any and all restrictions, rights and covenants contained herein or therein, shall be affordable housing restrictions as that term is defined in Section 31 of Chapter 184 of the Massachusetts General Laws, having the benefit of Section 32 of such Chapter 184, and are enforceable as such, such that the restrictions contained herein shall not be limited in duration by any rule or operation of law. Grantor hereby agrees that any and all requirements of the laws of the Commonwealth of Massachusetts to be satisfied in order for this Restriction to constitute deed restrictions and covenants running with the Premises shall be deemed to be satisfied in full and that any requirements of privity of estate are intended to be satisfied, or in the alternative, that an equitable servitude has been created to insure that this Restriction runs with the land. Further, the affordability, resale and other restrictions contained in this deed, the Regulatory Agreement, and the Deed Rider shall be deemed to be an "other restriction" held by a governmental body, as that term is used in G.L. c. 184, §26, such that the restrictions contained therein shall be enforceable for its full term and not be limited in duration by any contrary rule or operation of law, and in any event shall be enforceable for at least ninety-nine (99) years, without the necessity of recording any notices of extensions.

6. The Premises are conveyed subject to a Condition Subsequent, reserving to Grantor a Right of Entry, which the Grantor may exercise if Grantee: (a) fails to complete construction of the Unit on the Premises and convey the Premises to Eligible Purchasers within the time and at the price set forth in Paragraph 3 above, (b) conveys, sells or otherwise transfers the Premises to a person other than an Eligible Purchaser, or (c) uses the Premises for other than affordable housing purposes. Grantor may extend the time for performance if it finds, in its sole discretion, that Grantee's failure or delay in constructing and conveying the Unit is attributable to causes beyond Grantee's reasonable control.

Grantor, its successors and assigns, shall provide sixty (60) days' written notice to Grantee of its intent to exercise its Right of Entry. If, at the end of such notice period, Grantee has not

5. Grantor hereby agrees that any and all requirements of the laws of the Commonwealth of Massachusetts to be satisfied in order for this restriction to constitute a deed restriction and covenant running with the Premises shall be deemed to be satisfied in full and that any requirements of privity of estate are intended to be satisfied, or in the alternative, that an equitable servitude has been created to insure that this restriction runs with the land. Further, the housing restriction for veterans contained in this deed, shall be deemed to be an "other restriction" held by a governmental body, as that term is used in G.L. c. 184, §26, such that the restriction contained therein shall be enforceable for its full term and not be limited in duration by any contrary rule or operation of law, and in any event shall be enforceable for at least ninety-nine (99) years, without the necessity of recording any notices of extensions.

6. The Premises are conveyed subject to a Condition Subsequent, reserving to Grantor a Right of Entry, which the Grantor may exercise if Grantee: (a) fails to complete construction of each of the Units on the Premises and convey the Premises within the time set forth above, (b) conveys, sells or otherwise transfers each of the Lots to a person other than a veteran or (c) uses each of the Lots for other than purposes of housing a veteran. Grantor may extend the time for performance if it finds, in its sole discretion, that Grantee's failure or delay in constructing and conveying the Units is attributable to causes beyond Grantee's reasonable control.

Grantor, its successors and assigns, shall provide sixty (60) days' written notice to Grantee of its intent to exercise its Right of Entry. If, at the end of such notice period, Grantee has not constructed and sold the Units as required herein or cured the applicable defect in Grantor's reasonable discretion, Grantor may reenter the Premises and retake all right, title, interest and possession in and to the Premises by executing and recording a certificate of entry with said Deeds. Notwithstanding the provisions of anything herein to the contrary, upon recording said Right of Entry, title to the Premises and any improvements thereon shall revert to and vest in the Grantor without any necessity for suit or without the necessity of a deed from Grantee to Grantor. Grantor shall reimburse Grantee for any improvements made by Grantee to the Premises from the proceeds of the sale of the Premises from any other sale of the Premises, less amounts required to release the Premises of any and all liens. Such Right of Entry to be in addition to any other rights or remedies Grantor may have for a breach or default of the obligations set forth herein. Grantor's Right of Entry shall be deemed released upon the recording of deeds for the Units from Grantee to a veteran, and a Certificate of Compliance issued by the Grantee and signed by the Grantor.

It is intended and agreed that this restriction shall run with the land and shall be binding upon Grantee, to the fullest extent permitted by law and equity, for the benefit and in favor of, and enforceable by Grantor.

The Premises is conveyed together with and subject to the Access and Utility Easement recorded herewith.

No deed stamp taxes are due on this conveyance pursuant to G.L.c.64D, §1.

Executed as a sealed instrument this 30<sup>th</sup> day of May, 2017.

TOWN OF PLYMOUTH,  
By its Board of Selectmen

Kenneth A. Tavares

Bethy Caron

Shelagh M. Joyce  
Shelagh M. Joyce

COMMONWEALTH OF MASSACHUSETTS

Plymouth, ss.

On this 30<sup>th</sup> day of May, 2017, before me, the undersigned notary public, personally appeared KENNETH A. TAVARES, SHELAGH M. JOYCE, JOHN T. MAHONEY Jr. members of the Town of Plymouth Board of Selectmen, as aforesaid, proved to me through satisfactory evidence of identification, which was [a current driver's license] [a current U.S. passport] [my personal knowledge], to be the persons whose names are signed on the preceding or attached document, and acknowledged to me that he/she/they signed voluntarily for its stated purpose as the free act and deed on behalf of the Town of Plymouth.

Tiffany K. Park  
Notary Public  
My commission expires:



TIFFANY K. PARK  
Notary Public  
Commonwealth of Massachusetts  
My Commission Expires  
April 16, 2021

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