

February 11, 2021

Oak Bluffs Planning Board  
Oak Bluffs Town Hall  
Oak Bluffs, MA 02557

RE: Lagoon Ridge - Request for Modifications

Dear Chairman Hopkins and members of the Oak Bluffs Planning Board:

In preparing for this evening's hearing, I noticed a potential ambiguity in our requested modification to Condition 11 that I would like to clarify. At times, the original decision referred to the number of 55+ restricted "lots" and at other times the number of such "units."

Our proposal is to increase the number of moderate-income affordable units from three (3) to four (4) by designating one of the six (6) 55+ units to be ALSO moderate-income affordable. In order to further secure the affordability of the moderate-income units, we propose to locate those four (4) units in two (2) duplexes. As a result, one (1) of the 55+ dwellings would be an affordable unit inside of a duplex, and the other five (5) 55+ dwellings would be on independent lots. I hope that the revised language below better conveys this intent:

Condition 11. By amending reference to "fifty five (55) and over lots" so as to read "fifty-five (55) and over lots(5)/unit(1)" in recognition that one of the units designated for occupancy by individuals age 55 and over shall be further restricted as an Affordable Unit located within one of two duplex units in Cluster C, so that Condition 11 shall now read in its entirety:

11. Prior to the release of any of the ~~five (5)~~ fifty-five (55) and Over lots(5)/unit(1), the Applicant shall submit to the Planning Board and its counsel for review and approval documents which demonstrate that the occupancy and use of each such lot/unit is deed restricted to persons 55 years of age or older, or to a person 55 years of age or older and their spouse and/or live-in aid. These documents shall indicate that the restriction is permanent, or for the longest period of time allowable by law, and was granted in part as a basis or condition to obtain the special permit leading to the creation of the lot and/or dwelling unit, and that, once approved, shall be recorded with the Registry. The documents shall also provide that the Town, through the Building Department, must be contacted prior to any transfer of these lots or Dwelling Units, which is to be provided with sufficient information, in its sole discretion, to confirm and to approve, in writing, that any proposed transfer complies with this condition. The Town shall be given the right to enforce this condition in the documents identified herein. The Applicant shall be responsible for the fees and costs associated with the Town's review.

I apologize for any confusion this may have caused.

Sincerely,

  
Robert L. Brennan, Jr.  
President, The CapeBuilt Companies