

## TOWN OF BOURNE Board of Appeals

Bourne Town Hall  
24 Perry Ave., Buzzards Bay, MA 02532  
Phone: 508-759-0615, X 1342



### COMPREHENSIVE PERMIT – 40B APPLICATION PACKET

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#### 1. Introduction – Rules for Comprehensive Permits

This application packet establishes filing requirements and procedures for the development of affordable housing projects in the Town of Bourne. These Rules are for comprehensive permit applications to the Board of Appeals under M.G.L. c. 40B s.s. 20-23 and 760 CMR 56.

The Board's general Rules for conduct of hearings under M.G.L. 40A apply to comprehensive permit application. In case of inconsistency, these Rules govern.

#### 2. Filing Requirements

The application of a comprehensive permit consists of specific drawings and reports, along with information on the status of the review of the application with other approval agencies.

In order to allow review by local officials, the Applicant shall provide the Town Clerk with 20 copies of the complete application so that it may be properly distributed to all relevant boards, departments, agencies and official. See the attached application form. A general description of the required exhibits follows.

**Required Attachments:** (Include date and author for each attachment.)

**Drawings:** All drawings are to be prepared by a registered engineer or a registered architect. Drawings are required for items 2 through 9. Drawings are to be submitted BOTH as PDF and as paper copies. The size of the paper copies shall be not less than 11" X 17".

Title	General Description
Existing Conditions	Provide a report on existing 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.
Site Plan	Provide a preliminary Site Plan showing the locations and outline of proposed buildings, the proposed locations, general dimensions and materials for streets, and materials for streets, drives, parking areas, walks and paved areas; and proposed landscaping improvements and open areas. A registered architect or engineer must sign all development plans.
Architectural Plans	Exterior Elevations (all facades for each type of unit with construction type and exterior finishes). Floor Plan (for each type of unit). Cross Sections of the units on the site to illustrate how the units fit on the site; and within the units to illustrate ceiling height and other features.
Stormwater Management Plan	Provide a Stormwater Management Plan that complies with Massachusetts Wetlands Regulations 310 CMR 10.00 and Water Quality Regulations 314 CMR 9.00.
Wastewater Treatment Plan	Provide a Wastewater Treatment Plan that complies with Title V and the Town of Bourne's Board of Health requirements.
Utilities Plan	Provide a preliminary plan showing the location and types of sewage disposal, drainage, and water facilities, including hydrants.
Landscaping Plan	Show existing foliage, areas to be cleared, and proposed new landscaping for the site.
Habitat Protection Plan (if applicable)	Consistent with the required Project Notification with the Natural Heritage and Endangered Species Program, provide a map of the project site showing any areas to be protected, and how they will be protected, if applicable.
Preliminary Subdivision Plan	Where a subdivision of land is involved, provide a preliminary subdivision Plan.
Grading Plan	Provide a preliminary grading plan for the project. Note cut and fill areas. Note any slope in excess of the Town standards and provide proposed mitigation.
Soils Report	Based on the proposed project, describe the logic for the distance between and the depth of the boring holes. Provide results and include any recommendations for the foundations of the structures and retaining walls if applicable.

**Binder:**

<b>Title</b>	<b>General Description</b>
Project Eligibility Letter	Project Eligibility letter by an approved subsidy agent or agency.
Documents to demonstrate compliance with 760 CMR 31.01 Jurisdictional Requirements	Provide documents that demonstrate compliance with jurisdictional requirements, that is: (1) the applicant shall be a public agency, a non-profit organization, or a limited dividend organization; (2) the project shall be fundable by a subsidizing agency under a low and moderate housing subsidy program, including but not limited to, a local Initiative proposal eligible for a comprehensive permit pursuant to 760 CMR 45.04; and (3) the applicant shall control the site and shall provide written notice of any statutory restriction, right of first refusal or other encumbrances, and the status of such restriction or encumbrance.
Detailed Project Description	Provide a tabulation of proposed buildings by type (ownership or rental), size (number of bedrooms, floor area) and ground coverage. Include a summary that shows the percentage of the site to be occupied by buildings, by parking and other paved vehicular areas, by open areas, and area designated for waste management. Include description of the units' green construction amenities, STC construction standards between any adjoining walls between units, and any other project amenities.
Waivers Request Table	List all requested exceptions to local requirements and regulations, including local codes, ordinances, Bylaws or regulations and a written explanation of why, but for the failure to grant the waiver, the proposed project would be rendered uneconomic. Provide this information in a table that includes: a column with each code requirement, a column with the requested alternate dimension and/or standard, and a column with the reason the waiver is needed.
Project Notification with the Massachusetts Historical Commission	Proof of filing notification form.

Project Notification with the Natural Heritage and Endangered Species Program	Proof of filing notification form.
Status of Review Letters	Status of review with all required approval agencies, including but not limited to the Fire Department, the Board of Health, the Water District, and any other required agency. This correspondence shall be updated as needed during the proceedings.
Proposed Construction Schedule	Provide a post ZBA approval project schedule that shows in months: (1) final approval with subsidizing agency, (2) construction, (3) marketing, and (4) occupancy.
Water Supply Analysis for Fire Flow	Provide water supply analysis that demonstrates adequate pressure and supply to the project site. The test shall be done in concert with the applicable Water District and the Fire Department.
Traffic Impact Assessment	The Traffic Assessment shall include but not be limited to: (1) traffic calculation for the normal and the tourist season, (2) traffic calculations for time of day (with commute periods noted), (3) standard rating of traffic conditions during each period of analysis, (4) recognition of any public bus or train service that may be applicable mitigation, and (5) any recommendations necessary to improve traffic conditions. This report should also note if approvals are need from MASSDOT.
Bourne Assessor's Map defining subject property	
Certified Abutter's List	Abutter's list, certified by the Assessor's Office.

### 3. Fees

#### Initial Application Fee:

Minimum \$100 per application. In addition, the following fees are required:

- For limited dividend organizations, a fee of \$100 for each market rate unit, \$25 for each affordable unit,
- For non-profit organizations, a fee of \$50 per unit for each market rate unit, \$25 for each affordable unit,
- For Public Agencies, a fee of \$50 per unit for each market rate unit, \$25 for each affordable unit.

#### Substantial Amendment to Initial Application Fee:

Minimum of \$150 per application, plus applicable unit fee.

**Fees for Peer Review and Peer Review Account Management:**

Fees for consultants who are not town employees, and also for Town Counsel, would be additional charges for the applicant to pay.

When reviewing an application, the Board may determine that the assistance of an outside consultant is warranted due to the size, scale or complexity of the proposed project, because of the project's potential impacts, or because the Town lacks the necessary expertise to perform the review. The Board may require an applicant to pay a Peer Review fee consisting of the reasonable cost incurred for the review of the project.

In hiring Peer Review consultants, the Board may engage engineers, wetland scientists, planners, lawyers, urban designers, or other appropriate professionals who can assist the Board in analyzing a project to ensure compliance with all relevant laws, Bylaws and regulations. Such assistance may include, but not be limited to, analyzing an application, monitoring or inspecting a site for compliance with the Board's decision, or inspecting a project during construction. In so doing, the Board shall comply with the Uniform Procurement Act, M.G.L. c. 30B.

Funds received by the Board for Peer Review shall be deposited with the Town Treasurer, who shall open a special account for this purpose. Expenditures from this special account may be made at the direction of the Board without further appropriation. Expenditures shall be made only for services rendered in connection with the application. Accrued interest may also be spent for this purpose. Failure of an applicant to pay a review fee shall be grounds for denial of the comprehensive permit application.

At the completion of the Board's review of a project, any excess amount in the account, including interest, attributable to a specific project shall be repaid to the applicant or the applicant's successor of interest. A final report of said account shall be made available to the applicant or the applicant's successor of interest. For the purpose of the regulation, any person or entity claiming to be an applicant's successor shall provide the Board with documentation establishing such a succession of interest.

**4. Applicant Appeal of a Review Consultant**

Any applicant may take an administrative appeal from the selection of the outside consultant to the Board of Selectmen. Such an appeal must be made in writing and may be taken only within 20 days after the Board has mailed or hand-delivered notice to the applicant of the selection. 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. The minimum qualifications shall consist of an educational degree in, or related to, the field at issue plus three or more years of practice in the field at issue or related field.

The required time limit for action upon an application by the Board shall be extended by the duration of the administrative appeal. In the event that no decision is made by the Board of Selectmen within 30 days following the filing of the appeal, the selection made by the Board shall stand.

## **5. Time Limits and Notice**

M.G.L. 40B establishes a number of key review dates for a comprehensive permit. The following table provides a summary of the most common time limits.

<b>Days</b>	<b>Required Action</b>
<b>7</b> Days after filing an Application	Application is distributed to reviewing Departments, Boards, and other reviewing agencies.
<b>14</b> Days before the public hearing	Two notices of the public hearing shall be published, the first is 2 weeks prior, the 2 <sup>nd</sup> is one week prior.
<b>30</b> Days after filing an Application	No more than 30 days after an application is filed, the ZBA shall open the public hearing.
<b>180</b> Days after the public hearing is opened	The ZBA must close the public hearing unless the applicant has agreed to an extension of time.
<b>40</b> days after the public hearing is closed	The Board must render a decision, based on a simple majority vote of the Board, and file its written decision with the Town Clerk.
<b>20</b> days after the decision is filed with the Town Clerk	The Applicant may appeal the decision to the Housing Appeals Committee. Other aggrieved parties may appeal to either the Land Court or the Superior Court.

## **6. Board Decision**

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 the local officials.

The Board may choose to schedule a Site Walk of the proposed project, in order to better understand the proposed project. Said Site Walk shall be advertised two weeks in advance, and written notice shall be provided to abutters. Local Boards and Department shall be invited to attend. No decisions are made at a Site Walk.

The Board and or the Applicant may request a Workshop to further discuss technical issues. Workshops are open meetings. All Board members and other interested parties may attend; however, only the Chairman may ask questions. No decisions are made at a Workshop.

The Board shall not waive codes, ordinances, Bylaws, or regulations of the Town of Bourne accepted by the Massachusetts Department of Environmental Protection designed or intended for the protection of public water supplies, pursuant to 310 CMR 22.00 unless appropriate mitigating safeguards are provided.

The Board may look to the goals, policies, minimum performance standards and other development review policies of the Cape Cod Regional Policy Plan as a frame of reference in reviewing comprehensive permit applications and may base comprehensive permit decisions on the application's consistency with said goals, policies, and standards.

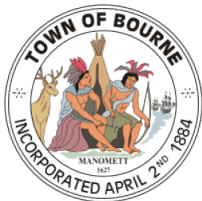
The Board may dispose of the application in the following manner:

- a) Approve a comprehensive permit on the terms and conditions set forth in the application, or
- b) Deny a comprehensive permit as not consistent with local needs, or
- c) Approve a comprehensive permit with conditions, including but not limited to:
  - a. Imposition of conditions that affect the height, the site plan, density, or size of structures proposed, including any reasonable conditions designed to mitigate likely impacts upon public health and safety, if such conditions are required to protect public health and safety of the residents of the proposed dwelling units or residents of the Town of Bourne, and/or
  - b. Imposition of conditions that would make the permit consistent with the Cape Cod Commission Regional Plan or the Town of Bourne Comprehensive Plan, provided that the conditions imposed do not render the construction or operation of such housing uneconomic.

## **7. Appeals**

If the Board approves the comprehensive permit, any person may appeal within the time period and to either the Land Court or the Superior Court.

If the Board denies the comprehensive permit or approves the permit with conditions or requirements considered by the applicant to be unacceptable, the applicant may appeal to the Housing Appeals Committee, as provided in M.G.L. c. 40B, s. 22.



## TOWN OF BOURNE Board of Appeals

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### APPLICATION FOR COMPREHENSIVE PERMIT CHAPTER 40B

Please Print.

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

**Applicant's Name:** \_\_\_\_\_

**Address:** \_\_\_\_\_

**Email:** \_\_\_\_\_ **Phone:** \_\_\_\_\_

**Owner's Name:** \_\_\_\_\_

**Address:** \_\_\_\_\_

**Email:** \_\_\_\_\_ **Phone:** \_\_\_\_\_

**Property Address:** \_\_\_\_\_

**Village/Section of Town:** \_\_\_\_\_ **Zoning District:** \_\_\_\_\_

**Map#:** \_\_\_\_\_ **Parcel #:** \_\_\_\_\_ **Book#:** \_\_\_\_\_ **Page#:** \_\_\_\_\_ **Acreage:** \_\_\_\_\_

**Dimensions of Lot:** \_\_\_\_\_ **Frontage:** \_\_\_\_\_

**Water District:** \_\_\_\_\_

**Describe Proposed Project:** (short summary)



Number of Housing Units: \_\_\_\_\_ Number of Affordable Units: \_\_\_\_\_

Type of Housing:

Type of Subdivision:

Type of Housing Program:

**Required Attachments:** (Include date and author for each attachment.)

**Drawings:** All drawings are to be prepared by a registered engineer or a registered architect. Drawings are required for items 2 through 9. Drawings are to be submitted BOTH as PDF and as paper copies. The size of the paper copies shall be no less than 11" X 17".

1. Existing Conditions
2. Site Plan
3. Architectural Plans:
  - Exterior Elevations (all facades for each type of unit with construction type and exterior finishes)
  - Floor Plan (for each type of unit)
  - Cross Sections
4. Stormwater Management Plan
5. Wastewater Treatment Plan
6. Utilities Plan
7. Landscaping Plan
8. Habitat Protection Plan (if applicable)
9. Preliminary Subdivision (if required)
10. Grading Plan
11. Soils Report

**Binder:**

12. Project Eligibility Letter
13. Documents to demonstrate compliance with 760 CMR 31.01 jurisdictional requirements
14. Detailed Project Description: Include description of the units (ownership or rental, number of bedrooms, floor area), green construction amenities, any common facilities, parking, open space, site amenities, and number of affordable housing units.
15. Waivers Request Table: list all requested waivers, include a column of with each code requirement and a company column with requested alternate dimension and/or standard

16. Status of review with all required approval agencies, including but not limited to the Fire Department, the Board of Health, the Water District, and any other required agency. Note this correspondence shall be updated as needed during the proceedings.
17. Proposed Construction Schedule
18. Water Supply Analysis for Fire Flow
19. Traffic Impact Assessment
20. Bourne Assessor's Map defining subject property
21. Certified Abutter's List

**Submittal Copies:** 17 copies are required for distribution to the following parties.

Selectmen (1)	Police Department (1)
Board of Zoning Appeals (7)	Fire Department (1)
Building Department (1)	Water District (1)
Board of Health (1)	Conservation Commission (1)
Planning Department (1)	Cape Cod Commission (1)
Engineering Department (1)	

**Submittal Requirement for Substantive Changes Made to Original Application**

If the applicant elects to make a substantive change to the original application based on issues raised during a hearing, a revised site plan (and other plans needed to illustrate the revision) must be submitted no later than noon, seven days prior to the next hearing. This submittal must include BOTH a PDF and 17 copies of the revised plans. All drawings must be not less than 11" X 17".

A substantive change is one that would change:

- Density,
- Setbacks,
- Height, and/or
- Type of use.

Failure to submit a revised plans according to this schedule will result in a continuance of the hearing. This requirement is provided in order for the ZBA, the Town Departments and other interested parties to have adequate time to review your revised proposal.

\_\_\_\_\_  
Applicant's Signature

\_\_\_\_\_  
Date