

TOWN OF BOURNE BOARD OF APPEALS

COMPREHENSIVE PERMIT APPLICATION **Pursuant to M.G.L. Ch. 40B, §§ 20-23 and 760 CMR 56.00**

APPLICANTS: Preservation of Affordable Housing, Inc. ("POAH"); and
Housing Assistance Corporation ("HAC")

SUBJECT PROPERTY: @2.9 acres on Cape View Way and Homestead Road Ext.

Cape View Way Parcels:

No. 0: Assessing Map 7, Parcel 23 (11,456 s.f.),
No. 6: Assessing Map 7, Parcel 86 (20,822 s.f.),
No. 8: Assessing Map 7, Parcel 87 (20,691 s.f.),
No. 10: Assessing Map 7, Parcel 88 (21,382 s.f.),
No. 11: Assessing Map 7, Parcel 90 (23,610 s.f.),
No. 12: Assessing Map 7, Parcel 89 (23,000 s.f.);

and

Homestead Road Ext. Parcel:

No. 0: Assessing Map 6, Parcel 38-1 (6,926 s.f.)

PROJECT NAME: "Cape View Way"

SUBMISSION DATE: March 5, 2021

TABLE OF CONTENTS

ITEMS SUBMITTED	Page
1. Board Comprehensive Permit Application Form	3
2. Narrative Description of Proposed Project	5
3. Requested Waivers	17
4. Development Team List	23
5. Tabulation of Ground Area Coverage	24
6. Tabulation of Unit Mix	25
7. Recorded 1987 Subdivision Plan Book 437, Page 50	26
8. Assessor's Map	27
9. Certified Abutters List	28
10. DHCD Project Eligibility Letter dated February 23, 2021	30
11. Development Agreement with BHA and Reference Deed	33
12. Site Plans.	(Submitted separately, not attached.)
13. Architectural Plans.	(Submitted separately, not attached.)
14. Stormwater Management Report.	(Submitted separately, not attached.)

APPLICATION FOR COMPREHENSIVE PERMIT
CHAPTER 40B, SECTION 22, M.G.L.

PLEASE PRINT OF TYPE

ALL ITEMS MUST BE COMPLETED

To the Zoning Board of Appeals
Bourne, Massachusetts

(1) PRESERVATION OF AFFORDABLE HOUSING, INC., AND

1. PETITIONERS: (2) HOUSING ASSISTANCE CORPORATION

(1) 2 OLIVER STREET, SUITE 500, BOSTON, MA 02109

ADDRESSES: (2) 460 W. MAIN STREET, HYANNIS, MA PHONE: (617) 449-0895
02601

2. OWNER/AGENT: BOURNE HOUSING AUTHORITY

ADDRESS: 871 SHORE ROAD, BOURNE, MA PHONE ()
02559

3. PREMISES AFFECTED: 2.94 ACRES ON CAPE VIEW WAY

ZONING DISTRICT: R-40 MAP 6 PARCEL 381
MAP 7 PARCEL 23, 86-90

LOT _____ FLOOD ZONE X DIMENSIONS OF LOT SEE PLANS

FRONTAGE SEE PLANS WATER RESOURCE DISTRICT NO

4. DESCRIBE SPECIFICALLY THE NATURE OF YOUR REQUEST: _____

A COMPREHENSIVE PERMIT TO CONSTRUCT AND OPERATE

51 AFFORDABLE RENTAL UNITS ON 2.94 ACRES.

5. NUMBER OF UNITS: 51

NUMBER OF AFFORDABLE HOUSING UNITS 51

TYPE OF HOUSING PROGRAM RENTAL LOW INCOME HOUSING
TAX CREDIT PROGRAM

5. LIST OF ITEMS SUBMITTED:

(☒) CERTIFIED ABUTTERS LIST

(☒) BOURNE ASSESSOR'S MAP DEFINING LIST OF SUBJECT PROPERTY

(☒) SITE PLAN(S)

(☒) ARCHITECTURAL(S)

(☒) LETTER OF FUNDING COMMITMENT - PEL

COMPREHENSIVE PERMIT APPLICATION CONTINUED
PAGE (2)

7. CHECK LIST FOR RECEIPT OF PLANS BY THE FOLLOWING
DEPARTMENTS:

SELECTMEN: _____
PLANNING BOARD: _____
BOARD OF HEALTH: _____
CONSERVATION COMMISSION: _____
PLANNING DEPARTMENT: _____
ENGINEERING: _____
BUILDING DEPARTMENT: _____
FIRE DEPARTMENT: _____
POLICE DEPARTMENT: _____
WATER DISTRICT: _____
CAPE COD COMMISSION: _____

8. SPECIFICALLY LIST ALL REQUESTED EXCEPTIONS TO LOCAL CODES,
ORDINANCES, BYLAWS OR REGULATIONS:

SEE ATTACHED

9. SIGNATURE OF APPLICANT/AGENT:

Rita S. Meryls DATE: March 5 2021
ATTORNEY IN-FACT in

NARRATIVE DESCRIPTION

INTRODUCTION: MGL Chapter 40B, §§ 20-23:

This is an application by Preservation of Affordable Housing, Inc. (“POAH”) and the Housing Assistance Corporation (“HAC”) (collectively, “Applicants”) pursuant to MGL Chapter 40B, §21 for a Comprehensive Permit to construct a new, high quality residential community consisting of 51 affordable rental units which will be located in a single, three story building (with a footprint of 20,700 s.f.)(“Project”) on approximately 2.9 acres of land owned by the Bourne Housing Authority (“BHA”) that are located on Cape View Way, off of Meetinghouse Lane, and Homestead Road Ext., and consist of 7 individual parcels (“Property”) created in 1987 under a definitive subdivision plan, known as “Meetinghouse Place” (“1987 Subdivision”).

The Property is located in an R-40 Zoning District and is vacant except for some existing subdivision infrastructure (including two hydrants and some existing pavement and a water line) which will be removed and replaced with new infrastructure.

The two nearest residential structures to the Project’s proposed building are 127 feet to the west and 213 feet to the east, respectively.

The Property has a small wetland on the western portion and is in a FEMA Flood Zone X District.

The Project will be served by municipal water and private septic. The Applicants are working with the North Sagamore Water District regarding water connection requirements; but Applicants request the ZBA to grant the necessary water connection permit relief as part of the comprehensive permit.

The Project is shown on the following: (1) a plan set entitled “Cape View Way Permitting Plans, Bourne, Massachusetts,” dated March 5, 2021, as prepared by Horsley Witten Group, Inc., consisting of 21 sheets and stamped by Brian Kuchar, P.E. and Rich Claytor, P.E.; (2) an “Existing Conditions Plan,” prepared by Horsley Witten Group, Inc., dated September 2020 and stamped by Daniel McKenzie, Registered Land Surveyor; and (3) architectural drawings, entitled “Cape View Way, Bourne, MA,” dated December 19, 2019, as prepared by ICON Architecture and signed by Nancy Ludwig (collectively, “Plans”).

There will be a total of 51 rental units with 90 bedrooms (seventeen 1 Bedroom units, twenty-nine 2 Bedroom units and five 3 Bedroom units), with a total of 3 handicap accessible units, one for each bedroom type. There will be 89 parking spaces, including 4 handicap spaces and 12 compact spaces, with a parking ratio of 1.6. An enclosed dumpster area will be provided at the top of the parking area closest to the front of the building. Recreational space will be provided to the rear of the building, including a 1200 s.f. play space area and a separate patio area.

All of the 51 rental units will be affordable to residents earning no more than 80% of AMI and it is planned that 8 of the 51 rental units (15%) will be restricted to residents earning less than 30% of AMI.

The total buildable site area is 3.04 acres. The total non-buildable area of the Property is .26 acres. The total building coverage will be 14% of the Property. The total parking and paved areas, including access ways, will be 33%. The total impervious coverage will be 47%. The useable open space at the Property will be 64% and the unusable open space will be 0%. The gross density (units/acre) of the development will be 15.45 units per acre. The net density (units/buildable acres) of the development will be 16.78 units per acre.

The Town's affordable housing inventory falls short of the Chapter 40B statutory minimum of having 10% housing stock being comprised of low and moderate ("affordable") income units, with the Town having only 7.7% of its total housing units that are affordable based upon the September 17, 2017 Subsidized Housing Inventory ("SHI") maintained by the Massachusetts Department of Housing and Community Development ("DHCD"), which is the latest, published SHI; and, therefore, the Town seeks, via the BHA, which now owns and controls the Property, to have the Property developed for affordable housing.

The BHA conducted a Request for Proposals process to have the Property developed for affordable housing and the Applicants were selected due to the extensive experience each has in successfully creating and managing affordable housing, including HAC's extensive experience with rental housing on Cape Cod. The BHA and the Applicants executed a Development Agreement which provides that Applicants will be granted a long-term ground lease for the Property and with the units to remain affordable and with their affordability to be secured through a Regulatory Agreement and contractual requirements under applicable governmental lending programs.

When a community does not satisfy the statutory or regulatory affordable housing minima set forth under MGL c.40B, there is a presumption that there is a substantial regional housing need that outweighs local concerns. 760 CMR 56.07(3)(a). In such an instance, MGL c.40B requires a zoning board of appeals to grant a comprehensive permit to allow the construction of low-income and moderate-income housing and to provide relief from otherwise applicable local requirements and regulations, including but not limited to zoning bylaws, subdivision rules and regulations, local Board of Health regulations, local Conservation Commission and/or wetlands regulations and other, similar "Local Requirements and Regulations." Under 760 CMR 56.00, a zoning board of appeals may not insist upon compliance with its community's Local Requirements and Regulations unless such compliance is "Consistent With Local Needs," and, under G.L. c.40B, §20, insistence upon compliance with Local Requirements and Regulations will be considered "Consistent With Local Needs" only if the required compliance is "reasonable in view of the regional need for low and moderate income housing, considered with the number of low income persons in the city or town affected" and the need to address Local Concerns, as defined under 760 CMR 56.02.

The Project will bring 51 much needed affordable rental units to the Bourne community and has been carefully designed to be Consistent With Local Needs and to avoid any Local Concerns as defined under MGL c.40B and 760 CMR 56.00.

The Applicants believe, for all the reasons set forth herein, that the Project meets all of the requirements for a Comprehensive Permit under MGL c.40B and 760 CMR 56.00 and the Project will be a benefit to the Town and a Comprehensive Permit should and is required to be issued for the Project.

PROJECT ELIGIBILITY UNDER 760 CMR 56.04:

On February 23, 2021, the Applicants received a Project Eligibility Letter ("PEL") from DHCD under 760 CMR 56.04(6) and the Low-Income Housing Tax Credit ("LIHTC") Program. A copy of the PEL is submitted herewith. The PEL contains all of the findings required under 760 CMR 56.04(4); and, under 760 CMR 56.04(6), issuance of a Project Eligibility Letter that contains all of the required findings "shall be considered by the Board ... to be conclusive evidence that the Project and the Applicants have satisfied the project eligibility requirements of MGL c.40B and 760 CMR 56.04 to allow the Applicants to apply for and obtain a comprehensive permit for the Project.

Specifically, the PEL establishes that all of the following project eligibility requirements have been satisfied:

a) Non-Profit Organization:

POAH and HAC are non-profit organizations (as they are non-profit corporations and are 501(c)(3) tax-exempt charitable organizations) and they will enter into a Regulatory Agreement with DHCD under the LIHTC Program to create the affordable units and maintain their affordability and limit their profits. Therefore, pursuant to MGL c.40B and 760 CMR 56.04(1)(a), the Applicants are eligible to apply for a Comprehensive Permit.

b) Project Fundability

The PEL constitutes evidence of fundability and, therefore, the Applicants fulfill the requirement of 760 CMR 56.04(1)(b), which states: “The project shall be fundable under a subsidizing agency under a low- and moderate-income subsidy program.”

c) Control of the Land

The Applicants have an agreement to enter into a 99-year ground lease for the property with the BHA; and, therefore, the Applicants have the required site control of the land, as required under 760 CMR 56.04(a)(c).

DESCRIPTION OF THE PROPERTY:

The Property is bordered by residential property to the east (i.e., Cherry Hill Court) and to the west (i.e., properties on Homestead Road, Homestead Road Extension and Andrew Road). The nearest residential structures to the Project’s proposed building are located 127 feet to the west (on Homestead Road Extension) and 213 feet to the east (Cherry Hill Court). The Property is also bordered by commercial properties to the south (on Meetinghouse Lane).

The site is near the Bourne Fire Department and a United States Post Office and is located in near transit and other amenities.

During 2019, the BHA, as owner of the Property, entered into a Development Agreement to lease the Property to the Applicants for ninety-nine years for the purpose of developing the Property for affordable housing.

As previously described, the Property consists of predominantly vacant woodlands consisting of approximately 2.9 acres and the adjacent subdivision way (0.87 acres) (with some subdivision roadway infrastructure that will be removed and replaced) and consists of 7 individual subdivision parcels known as and shown on the Town's Assessing Maps as follows:

Map/Parcel	Street Address	Lot Size (acres)
Map 7, Parcel 23	0 Cape View Way	0.263
Map 7, Parcel 86	6 Cape View Way	0.478
Map 7, Parcel 87	8 Cape View Way	0.475
Map 7, Parcel 88	10 Cape View Way	0.491
Map 7, Parcel 89	12 Cape View Way	0.528
Map 7, Parcel 90	11 Cape View Way	0.542 ¹
Map 6, Parcel 38	0 Homestead Road Extension	0.159

¹ This is the value in the Bourne Assessors Database. Our Civil Engineer's research indicates a slightly larger size lot.

FEMA Designation

According to the FEMA Flood Insurance Rate Maps (Community Panel Number 250001C0318J, effective July 16, 2014), the site is located within a Flood Zone X, which includes "Areas determined to be outside the 0.2% annual chance floodplain."

State-listed Rare Habitat Species

According to the most recent Natural Heritage Atlas (14th Edition, dated August 1, 2017) issued by the Massachusetts Natural Heritage & Endangered Species Program (NHESP), the site is not mapped for rare species habitat. The nearest Priority Habitat of Rare Species (PH 509) is approximately 2,350 feet to the southeast of this site.

Wetland Resource Areas

In May 2019, a wetland was delineated and flagged on the western part of the site, in accordance with methods developed by the Massachusetts Department of Environmental Protection the Massachusetts Wetlands Protection Act regulations, and the Bourne Wetlands Protection Regulations.

DESCRIPTION OF THE PROJECT:

Building and Unit Design

The Project's design respects the topography of the Property and disturbs it as little as possible and will create an appealing and welcoming residential community that will provide residents with a range of amenities. The Project is designed to address the priorities expressed by the Town of Bourne and the BHA – namely to expand housing options for an underserved population on the Cape in a way that is economically sustainable, cost-effective, environmental sensitive, and aesthetically pleasing. The Project is financially feasible and designed to satisfy likely funder priorities.

The proposed mix of units at Cape View Way will include primarily one- and two-bedroom units, with enough three-bedroom units to satisfy DHCD requirements. There will be a total of three handicapped-accessible units, with one such unit in each bedroom size. The units will range in area from 617 s.f. to 1,133 s.f. Many units will be designed to meet the needs of families with children and others will allow residents to age in place by providing one floor living and generous clearances for mobility challenges. Careful attention has been given to “transitional” spaces such as entry vestibules and hallways. Bays will be carefully used to give additional room exactly where needed and to help subtly define areas of the floor plan. Each room will have at least 2 windows, to ensure generous lighting and ventilation. Issues such as sight lines, acoustic privacy, efficient circulation, and adequate storage have all been considered.

The units will all be designed to be affordable both to future occupants and to be cost effective to create and maintain, with low maintenance materials to be used. On the exterior, natural white cedar shingles or architectural fiber cement siding/shingles, painted cellular PVC trim and no-maintenance vinyl insulated windows will be utilized.

All units will be maintained as affordable as required under the Development Agreement with the BHA and as required under any governmental funding program and will be eligible for

inclusion in the state's SHI. All units will be affordable to residents earning no more than 80% of AMI and 8 of the units (15%) are intended to be restricted to residents earning less than 30% of AMI.

The Project's 51 affordable units will have a total of 90 bedrooms, with a bedroom mix consisting of seventeen 1-bedroom units (ranging from 617 s.f. to 721 s.f.), twenty-nine 2-bedroom units (ranging from 900 s.f. to 1,133 s.f.) and five 3-bedroom units that are 1133 sq. ft. Below is a tabulation of the location of the units and the floor sizes.

	Level 1	Level 2	Level 3
Total # of	13	19	19
Unit mix	1BR - 7 2BR - 2	1BR - 5 2BR - 13	1BR - 5 2BR - 14
Unit size	1BR - 617- 645 sf 2BR - 900- 922 sf	1BR - 617- 641 sf 2BR - 877- 1133 sf	1BR - 617-721 sf 2BR - 877-1133 sf
Building floor	20,422 sf	20,422 sf	19,514 sf
Type	Rental	Rental	Rental

Parking

The Project will provide 89 parking spaces, including four handicap parking spaces and twelve compact spaces, for a parking a ratio of 1.6.

Sanitary Sewer

A private sanitary sewer system is proposed and a Title 5 system with a Presby Leaching Field, an Innovative Alternative (I/A) leaching field (which would reduce the leaching area required and maximize the undisturbed buffer to the abutting residential property (Cherry Hill Apartments)) will be reviewed with the Board of Health.

Green/Sustainable Design Features

High efficiency fixtures and fittings will be used, including lavatory faucets equipped with 0.5 gallon per minute flow restrictors, showers with 1.5 gallon per minute shower heads, kitchen sink faucets equipped with 1.5 gallon per minute flow restrictors and water closets with 1.28 gallons per flush limits.

High efficiency appliances will be provided, including Energy Star refrigerators, clothes washers, and dishwashers.

An advanced lighting package will be included in the design with Energy Star labelled lighting fixtures.

Use of environmentally preferred products such as cementitious siding, recycled resilient flooring and cellulose building insulation will be used; and low emission products (paints, adhesives and sealants) will be specified.

Overall Design

The overall design responds to the hilly, wooded nature of the Property, balancing physical constraints and the desire to minimize disturbance to the site to the maximum extent practicable. The design clusters development towards the flattest portion of the site, with one building, supported by adjacent parking, outdoor green spaces and terraced gardens.

The Property's topography includes some significant grade changes but the Project is designed to minimize disturbance as much as possible, providing natural views from all resident units. In addition, the distance from the building to current residential neighbors as well as the grade differential will reduce any potential noise and visibility impacts to the neighbors from the new units, parking, dumpster areas, etc.

Subdivision Modification Request

Currently, Cape View Way has a paved surface that starts at Meetinghouse Lane and extends for 145 feet and serves property owned by the Town and used by the Fire Department. The pavement terminates and the way continues as a dirt road.

The Applicants request the Zoning Board of Appeals to modify the subdivision right of way configuration approved under 1987 Subdivision for Cape View Road so as to allow the new

subdivision right of way configuration shown on the Plans. The requested modification will alter the 1987 Subdivision roadway right of way so as to allow the placement of the residential building and the parking lots as shown on the Plans. The Applicants will provide a Mylar Sheet to the ZBA and will request the ZBA to endorse it under the Subdivision Control Law.

Fire/Emergency Access

The Fire Department has reviewed the Plans and Assistant Fire Chief Pelonzi determined on February 19, 2021 that the Plans are sufficient to satisfy the Fire Department's needs.

Stormwater Management

A Stormwater Management Report prepared by Horsley Witten, Inc. dated March 5, 2021 is submitted herewith. The stormwater infrastructure will conform to the requirements of the Massachusetts DEP Stormwater Standards Handbook and the applicable criteria within the Bourne Planning Board's Subdivision Rules and Regulations and the Bourne Zoning By-laws. Green Stormwater Infrastructure (GSI) and Best Management Practices (BMPs) will be used. The stormwater infrastructure will be designed to accomplish the following objectives:

- Control and manage runoff from proposed development to protect surrounding resource areas;
- Capture and treat the first 1 inch of stormwater runoff from the impervious surfaces to protect water quality within the watershed and minimize the impacts of the proposed development;
- Provide groundwater recharge in conformance with the MassDEP groundwater recharge criteria; and
- Reduce impervious cover by maximizing green space, and/or providing minimum roadway, parking and driveway widths and pedestrian paths to acceptable safety standards.

The GSI elements will emphasize simple site design techniques and natural stormwater practices to clean or filter rainwater and restore the natural water cycle. GSI is a cost-effective stormwater management approach when compared to more highly engineered traditional structural stormwater practices. Nature-based techniques can provide multiple function benefits

including the creation of community spaces that also treat stormwater, preserve open space and natural landscapes and create micro-wildlife habitats.

The Applicants do not anticipate any negative impacts from the Project. All Local Boards and departments will have the opportunity to provide comments relating to any impact on town services to the Zoning Board of Appeals and those comments can be addressed during the scope of the hearing process.

Coverage:

The building coverage will be 14% and the parking and pavement coverage will be 33%, for a total impervious coverage of 47%.

EXPERIENCE OF APPLICANTS POAH and HAC

The experience of POAH and HAC to construct and operate affordable housing is very well established. They have successfully completed and now operate the following developments:

POAH

Team Members:

Meena Jacob, Senior Project Manager and Madalena Tran, Development Associate

History:

Founded in 2001, POAH is a nonprofit developer and has successfully developed and now owns and operates over 12,000 affordable homes in eleven states and the District of Columbia. Below are some recent POAH projects:

Recent POAH Projects:

- The Loop at Mattapan Station- Boston, MA- 135 units (under construction)
- Flat 9 at Whittier- Boston, MA- 316 units (multiple phase project)
- High Meadow Homes- Bourne, MA- 44 units
- Brewster Woods – Brewster, MA- 30 units (under construction)
- 950 Falmouth Rd – Mashpee MA- 39 units (currently in predevelopment)

HAC

Team Member:

David Quinn, Director

History:

Founded in 1974, HAC has constructed over 550 units of housing and assisted more than 175,000 low- and middle-income households on Cape Cod, Nantucket, and Martha's Vineyard. Below are some recent HAC development projects:

Recent HAC Projects:

- Canal Bluffs – Bourne, MA – 117 units (multiple phase project)
- West Barnstable Communities – Barnstable, MA- 40 units (located at two locations called Kimber Woods and Lombard Farms)
- Melpet Farms – Dennis, MA - 27 Units
- Southside Village – Barnstable, MA – 14 units
- Brewster Woods – Brewster, MA- 30 units (under construction)
- 950 Falmouth Rd – Mashpee, MA-39 units (currently in predevelopment)

Since 2005, POAH and HAC have worked together on many projects some of which include:

Recent HAC and POAH Projects:

- Lofts at 57 – Barnstable, MA- 8 units
- Sachem's Path Nantucket- 40 units
- Great Cove, Mashpee, MA- 10 units
- 950 Falmouth Road – Mashpee, MA (39 units in predevelopment)

Municipal Support

The Property is owned and controlled by the BHA which received the land from the Town of Bourne for affordable housing purposes; and the BHA issued an RFP to develop affordable housing on the Property and awarded the RFP to POAH and HAC.

COMMUNITY IMPACT:

The Project will be an asset to the surrounding neighborhood and the Town and will provide much needed housing and 51 affordable dwelling rental units. It is well designed both architecturally and environmentally to fit well within the context of the area in which it will be located.

REQUESTED RELIEF FROM LOCAL BY-LAWS, RULES AND REGULATIONS:

See Requested Waivers submitted herewith.

CONCLUSION:

For all the above reasons, the Applicants respectfully submit that the relief requested should be granted and that a Comprehensive Permit should be issued as requested in the Application.

REQUESTED RELIEF FROM LOCAL BY-LAWS, RULES AND REGULATIONS

Applicants Preservation of Affordable Housing, Inc (“POAH”) and Housing Assistance Corporation (“HAC”)(collectively, the “Applicants”) request that a Comprehensive Permit issue for the 51 affordable rental units Cape View Way Housing Project (“Project”), as shown on the proposed plans submitted herewith (“Plans”), by the Bourne Board of Appeals (“Board” or “ZBA”) in lieu of any requirement that the Applicants apply to any Local Board. Under 760 CMR 56.02, the term “Local Board” means any local board or official, including, but not limited to, any board of survey, board of health, planning board, conservation commission, historical commission, water, sewer or other commission or district; fire, police, traffic, or other department, building inspector or similar official or board, and any select board or any other board that performs functions usually performed by locally created boards. Waivers from the Local Requirements and Regulations shall be acted upon accordingly by the ZBA, so that the Applicants need not make separate applications to the individual Local Boards. Under MGL c.40B, the comprehensive permit acts as a master permit for all local action.

Please note that the Applicants will comply with all technical local requirements related to connecting to the municipal water system unless a specific waiver is requested and granted. The Applicants request waivers for the Project from otherwise applicable local building permit and water department fees for the proposed building as all of the units in the building will be affordable. The Applicants reserve the right to amend the Requested Waivers during the public hearing process.

The Applicants request specific waivers from the ZBA for the Project from the following Local Requirements and Regulations and requests that all of the waivers identified below be granted.

A. Comprehensive Permit Rules of the ZBA (“Local ZBA Rules”)

As provided for under 760 CMR 56.02, 56.05 and 56.07(2)(4), the Applicants seek a waiver from the application of any standard in the ZBA’s Comprehensive Permit Rules (“ZBA Rules”) that is not applied equally to market rate developments, including, but not limited to the sections identified below. Under 760 CMR 56.02, 56.05 and 56.07(2)(4), Local Rules and Regulations shall be applied so as to be Consistent With Local Needs and shall be applied as equally as possible to subsidized and nonsubsidized housing. As provided for under 760 CMR 56.05, the Applicants also seek a waiver from any standard in the ZBA Rules that is inconsistent

with the requirement that the ZBA shall be the board to grant comprehensive permit relief and to grant waivers. The Applicants reserve the right to seek additional waivers from the ZBA Rules during the course of the public hearing.

The Applicants request the following specific waivers from the ZBA's Local 40B Rules:

1. **Section 3.01(j).** Proof of filing of a Project Notification form with the Massachusetts Historical Commission for the site.

A waiver is requested as the Property is vacant and no notification is required.

2. **Section 3.01(k).** Proof of filing of a Rare Species Information Form with the Massachusetts Natural Heritage and Endangered Species Program for the Property.

A waiver is requested as the Property is not a mapped habitat and a filing is not required.

3. **Section 3.01(l). A Pro Forma for the Project with the Application.**

A waiver is requested because, under 760 CMR 56.05(6)(a), a zoning board of appeals may not request to review pro forma or other financial information as part of an application for a comprehensive permit filing; and that information may only be requested by a board after all of the preconditions of 760 CMR 56.05(6) have been satisfied, including that:

- (1) peer review has taken place;
- (2) if any issues have been raised the applicant has had the opportunity to respond;
- (3) the Board has had the opportunity to discuss mitigation with the applicant; and
- (4) the applicant has indicated that the proposed mitigation would render the project uneconomic.

4. **Section 4.02. Attorneys' Fees for General Representation.**

A waiver is requested from any request to the Applicants for payment of fees to reimburse the Board for fees for general representation by its counsel as such fees are not allowed and are expressly prohibited under 760 CMR 56.05(5) which provides that: "Legal fees for general representation of the Board or other Local Boards shall not be imposed on the Applicant."

5. **Section 5.01.1. DEP accepted Local Rules and Regulations cannot be waived without mitigation.**

A waiver is requested from this provision as it is overly broad and inconsistent with MGL c.40B and 760 CMR 56.00.

6. **Section 5.01.2. Cape Cod Regional Policy Plan.**

A waiver is requested from this provision as it is overly broad and inconsistent with MGL c.40B and 760 CMR 56.00.

B. Bourne Zoning Bylaw Provisions

As provided for under 760 CMR 56.05(7), the Applicants seek waivers only from the “as-of-right” zoning requirements set forth in the Bourne Zoning By-law (“ZBL”) as set forth below; and, the Applicants note and emphasize that no waiver is needed (or sought) from any special permit requirement set forth under the Zoning Bylaws because 760 CMR §56.05(7) expressly provides that: “Zoning waivers are required solely from the “as of right” requirements of the zoning district where the project site is located; there shall be no requirement to obtain waivers from the special permit requirements of the district.”

The Applicants request waivers from the following Zoning Bylaw provisions:

1. **ZBL §1210. ZBL Compliance.** The Applicants request a waiver from the requirement that the Building Inspector must determine in writing that the Project satisfies all ZBL requirements before issuing a building permit. The Project will conform to the comprehensive permit requirements.
2. **ZBL §1220. ZBL Compliance.** The Applicants request a waiver from the requirement in this provision that Property may not be used unless the Building Inspector certifies that the use complies with the ZBL. The Project will conform to the comprehensive permit requirements.
3. **ZBL §1230. Site Plan/Special Permit.** The Applicants note that this section does not apply to the proposed residential use as, under 760 CMR 56.05(7), special permit requirements do not apply to an application for a comprehensive permit.

4. **ZBL §2220 Use Regulation Schedule. Principal Uses. Residential.** The Applicants request a waiver from the prohibition in §2220 against siting multifamily dwellings in the R-40 District.
5. **ZBL §2460. Setting of Lot Bounds for corners of lots on a subdivision plan endorsed after 1979.** The Applicants request a waiver from the requirement to set bounds as the prior subdivision parcels that make up the Property will be merged into one parcel and bounds are not necessary.
6. **ZBL §2498. Planning Board must determine that the proposal does not circumvent the Subdivision Control Law.** The Applicants request a waiver from any action or determination by the Planning Board as the ZBA must act as the Planning Board under the Subdivision Control Law.
7. **ZBL §2500 Intensity of Use Schedule.** The Applicants request the following dimensional waivers:

Requirement	Proposed	Waiver Requested
Minimum Area – 40,000 s.f.	100,000 s.f.+	No.
Minimum Frontage – 125'	125+	No.
Minimum Front Yard - 30 feet.	10 feet	Requested.
Minimum Rear Yard – 15 feet	7.8 feet	Requested.
Minimum Side Yard – 15 feet	15'+	No.
Maximum Lot Coverage – 20%	32%	Requested.
Maximum Building Height – 35 feet	38.9 feet	Requested.
Minimum Usable Open Space – 20%	64%	No.

8. **ZBL §2640 and §2650. Rate of Residential Development and Rate Exemption e.**

The Applicants request either a waiver from the application of the rate of residential development set forth under ZL §2640 or an acknowledgment by the ZBA that the

affordable housing units to be developed are “Bourne Affordable Housing Units” as defined under ZBL Article V and so the Project is exempt from the rate of residential development under Exemption (e).

9. ZBL §3300 Parking Requirements.

- **§3320. Two spaces per dwelling or 102 spaces for 51 units.**

The Applicants request a waiver to allow a total of 89 parking spaces (including 4 handicap and 12 compact spaces) for a ratio of 1.6 spaces per unit.

10. ZBL §3500. Landscaping and Screening.

- **§3512(ii). Plants. Minimum number of trees equals planting area length divided by 30 or shrubs divided by 3.**

The Applicants request a waiver for the parking area. The upper parking area has the leaching field and no trees are possible. The lower parking area will retain as much existing vegetation as possible as required under ZBL §3514. Where planting is possible, trees have been added at 20 feet to 30 feet on center.

- **§3513(iv). Planting Areas.**

The Applicants request a waiver to eliminate the requirement for plantings within the parking areas.

- **§3570. Natural Cover Removal Special Permit for exposing 10,000 s.f. of bare earth. Note: Special permit relief may not be imposed. 760 CMR 56.05(7).**

11. ZBL §4400. Earth Removal Special Permit.

The Applicants note that this provision would not apply to the Project because all earth removal performed will be incidental to the residential construction, which is exempt from this provision; but, in any event, the Applicants note that no special permit relief may be imposed under 760 CMR 56.05(7).

D. Water District Rules, Regulations & Specifications

The Applicants request a waiver from any relief required to be obtained from the North Sagamore Water District, including under the District’s Rules, Regulations & Specifications (“District’s Rules”); and requests that the ZBA grant any necessary relief including but not limited to permission to connect the Project to the District’s water system, but with the Project’s

water system to comply with all of the technical requirements of the District's Rules, except as follows.

A waiver is requested from the Water District's Rules, to the extent necessary, to allow the Project's water mains to be installed as shown on the Plans and a waiver from the connection fees is requested.

E. Planning Board's Subdivision Rules and Regulations.

As expressly provided for under 760 CMR 56.05(7), no waiver from the Planning Board's Subdivision Rules and Regulations is required for the Project as the Project is not a new subdivision and, instead, is combining 7 parcels in an existing subdivision approved and endorsed in 1987 into one buildable lot; however, the Applicants request the ZBA act as the Planning Board as required for a comprehensive permit review and grant and endorse a modification to reconfigure the cul-de-sac for the subdivision way approved and endorsed in 1987, so as to approve and endorse the revised cul-de-sac configuration as shown on the Plans.

To the extent that the Subdivision Rules and Regulations apply to the reconfiguration of the cul-de-sac because a modification of the 1987 configuration of the cul-de-sac is requested, the following waivers are requested, as shown on the Plans:

- | | | |
|--------------------------|--------------------------------------|------------------------|
| • Section 264. | Environmental Impact Report. | A waiver is requested. |
| • Section 312. | Required Cross Section. | A waiver is requested. |
| • Section 321(f): | Minimum Centerline Radii. | A waiver is requested. |
| • Section 322(a) | Widths. | A waiver is requested. |
| • Section 322(b) | Widths. | A waiver is requested. |
| • Section 324: | Minimum Stopping Distance. | A waiver is requested. |
| • Section 352(a): | Stormwater Drainage Pipe. | A waiver is requested. |
| • Section 352(d). | SW Management Design. | A waiver is requested. |
| • Section 354. | Cable Utilities. In shoulder. | A waiver is requested. |

The Project's stormwater infrastructure and erosion controls will conform to the latest version of the Massachusetts DEP Stormwater Standards.

As noted above, the Applicants reserve the right to modify the waiver requests during the public hearing.

DEVELOPMENT TEAM

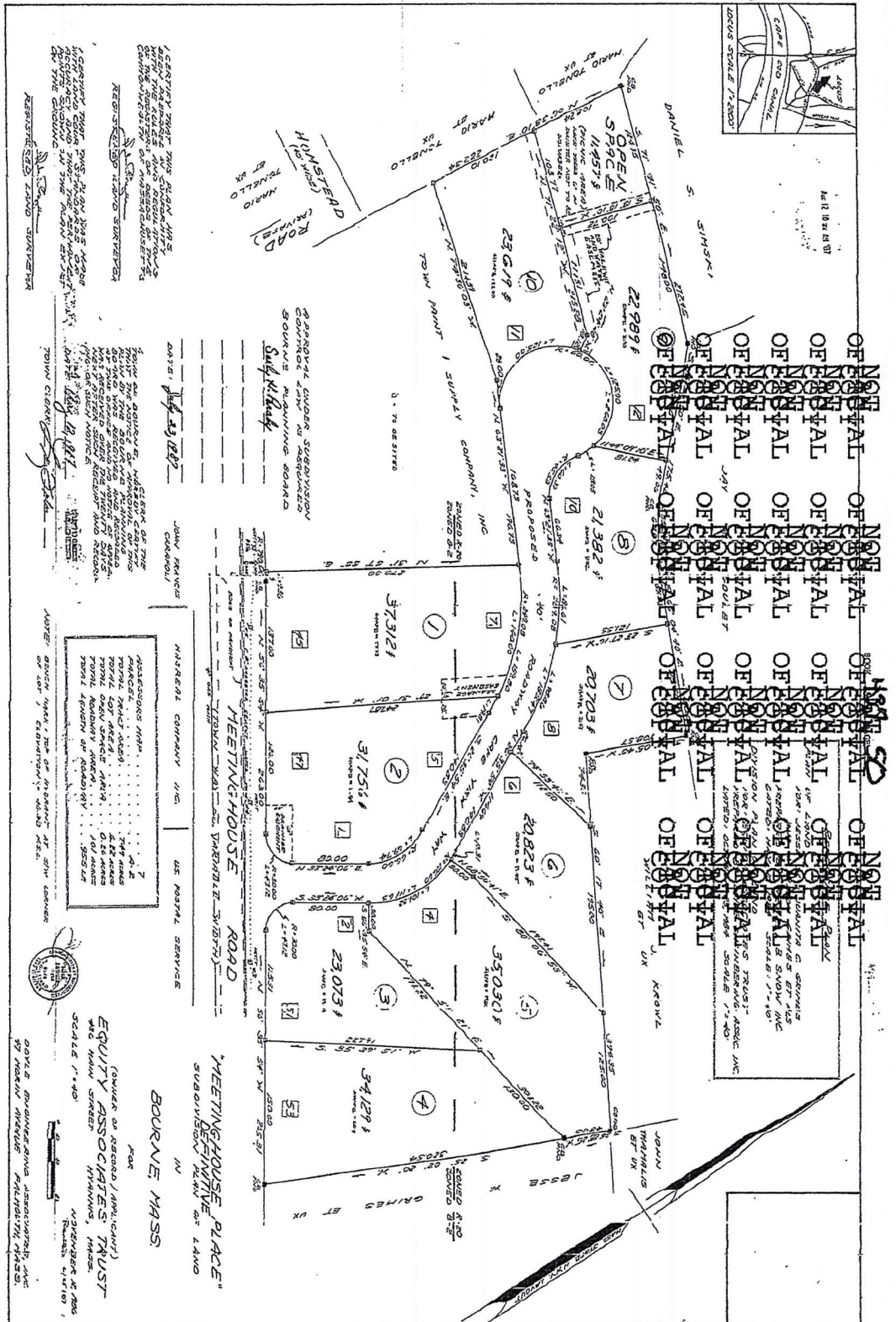
<p><u>CO-DEVELOPER / APPLICANT</u></p> <p>Preservation of Affordable Housing, Inc. (POAH) <i>Meena Jacob, Senior Project Manager</i> 2 Oliver Street, Suite 500 Boston, MA 02109 Phone: 617.449.0895 Email: mjacob@poah.org</p>	<p><u>CO-DEVELOPER/Applicant</u></p> <p>Housing Assistance Corporation (HAC) <i>David Quinn, Director of Housing Development & Planning</i> 460 West Main Street Hyannis, MA 02601 Phone: 508.771.5400 Email: dquinn@haconcapecod.org</p>
<p><u>ARCHITECT</u></p> <p>ICON Architecture <i>Michelle Waldon, Associate Principal, Practice + PM Leader</i> 101 Summer Street, Boston, MA 02110 Phone: 617.939.0729 Email: mwaldon@iconarch.com</p>	<p><u>ATTORNEY (TAX)</u></p> <p>Klein Hornig LLP <i>Wataru Matsuyasu</i> 101 Arch Street, Suite 1101 Boston, MA 02110 (617) 224-0622 wmatsuyasu@kleinhornig.com</p>
<p><u>ENVIRONMENTAL ENGINEER</u></p> <p>Horsley Witten Group, Inc. <i>Brian Kuchar, RLA, P.E.</i> 90 Route 6A, Unit 1 Sandwich, MA 02563 Phone: 508.833.6600 Email: bkuchar@horsleywittenc.com</p>	<p><u>ATTORNEY (40B PERMITTING)</u></p> <p>Freeman Law Group LLC <i>Peter Freeman, Partner</i> 86 Willow Street Yarmouthport, MA 02676 Phone: 508-362-4700 Email: pfreeman@freemanlawgroup.com</p>

TABULATION OF GROUND AREA COVERAGES

COVERAGE TYPE	AREA (SQUARE FEET)	AREA (PERCENTAGE)
Impervious		
Building Area Coverage	20,650	14%
Pavement and Parking Area	46,895	33%
<u>Total Impervious Coverage</u>	67,545	47%
Open Space		
Play Area and Patio	5,460	4%
Remaining Open Space	91,939	64%
<u>Total Open Space</u>	97,399	68%
Total	143,882	100%

UNIT MIX

BR Type	AMI			Total Units
	30% AMI (PBV)	60% AMI	Workforce	
1 BR		10	7	17
2 BR	5	17	7	29
3 BR	3	1	1	5
Total Units	8	28	15	51



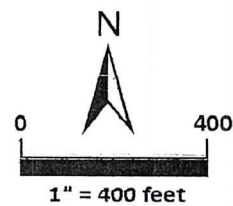


Document Path: H:\Projects\2019\19038 Cape View Way\19038A Survey-Environmental Services Cape View Way\GIS\Maps\Aerial.mxd

Legend

-  Subject Property
-  Parcels

*2016 NAIP imagery service



Horsley Witten Group
Sustainable Environmental Solutions
90 Route 6A • Unit 1 • Sandwich, MA 02563
508-832-6620 • horsleywitten.com



Aerial Photo
Cape View Way
Bourne, MA

Date: 6/13/2019

Figure 2



Michael Leitzel, Chairperson
Ellen Doyle Sullivan, Clerk
Donna Barakauskas, Member

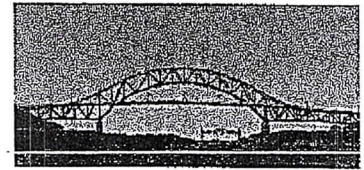
TOWN OF BOURNE

Board of Assessors

24 Perry Avenue

Buzzards Bay, MA 02532

(508) 759-0600 Ext. 1510 ♦ Fax (508) 759-8026



Rui Pereira, MAA
Director of Assessing

February 11, 2021

Sarah Bartlett – Horsley Witten Group, Inc.
90 Route 6A
Sandwich, MA 02563

Reference: Abutters List for Map 6 Parcel 38.01 Map 7 Parcels 23, 86, 87, 88, 89 & 90
Subject Property: 0 Homestead Rd Ext. & 0, 6, 8, 10, 11 & 12 Cape View Way

Pursuant to the provisions of Massachusetts General Laws Chapter 141, Section 40, as amended, and the Town of Bourne Wetlands Protection Bylaw Article 3.7, enclosed is a list of names and addresses which constitutes abutters within 100 feet of the subject property on the most recent tax list of the Town of Bourne. The purpose of the abutters list is for a Notice of Intent application for the Conservation Commission.

Abutting properties are: Map 6 Parcels 84, 85, 157, 158 & 170; Map 7 Parcels 22.01, 23.01, 84, 85, 91, 114 & 115.

The Assessor's Office has received your payment of \$10.00.

Please be advised that this abutters list is only good for 30 days from the date on this letter. Expired abutters list can be recertified for an additional filing fee.

See enclosed Data Base Inquiry Forms for abutters mailing addresses.

Board of Assessors

*Ellen Doyle Sullivan -
Donna Barakauskas
Michael Leitzel*

Extract:
Database:
Filter:

1 Abutters List
LIVE
Key IN

Report #24: Owner Listing Report
Fiscal Year 2022

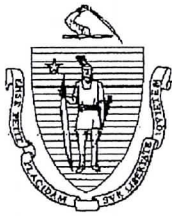
Bourne MA

1206,1280,1004,1090,1078,1005,1077,1274,1204,1273,1304,1303

Sort:

Key	Parcel ID	Owner	Location	LCVCI	Blk-Pct(Cert) ID	Mailing Street	Mailing City	ST	Zip Ctr/County
1004	6.0-84-0	LOWE DUNCAN L & KELLY L LOWE	4 HOMESTEAD RD N	1010	12445/277	P O BOX 258	SAGAMORE BEACH	MA	02562-0258
1005	6.0-85-0	NOLAN LESLIE A	6 HOMESTEAD RD N	1010	25431/79	6 HOMESTEAD RD	SAGAMORE BEACH	MA	02562
1077	6.0-157-0	FITZPATRICK J J AND EILEEN O FITZPATRICK	6 HOMESTEAD RD EXT N	1010	11501/254	6 HOMESTEAD RD EXT	SAGAMORE BEACH	MA	02562-2437
1078	6.0-168-0	LACASSE SANDRA & ROBERT ARTHUR TRS PRISCILLA & ARTHUR IRREV TR	8 HOMESTEAD RD EXT N	1010	31071/314	81 SQUAMITO ROAD	SAGAMORE BEACH	MA	02562
1080	6.0-170-0	GONSALVES KATHRYN C	11 ANDREW RD N	1010	15712/244	11 ANDREW RD	SAGAMORE BEACH	MA	02562
1204	7.0-22-1	TUDOR CHERRY INVESTORS LLC & HARBOR GROUP HOME LLC	117 OLD PLYMOUTH RD N	1010	26703/262+3	C/O ALAN DOYLE 6 BRIARWOOD DR	BARRINGTON	RI	02806
1206	7.0-23-1	FORTY ONE MEETINGHOUSE LANE LLC	41 MEETINGHOUSE LN N	1120	9/25/2012	160 SPEEN ST STE 303	FRAMINGHAM	MA	01701-2003
1273	7.0-84-0	TOWN OF BOURNE	51 MEETINGHOUSE LN Y	3230	4/2/2008	24 PERRY AVE	BUZZARDS BAY	MA	02532-3447
1274	7.0-85-0	TOWN OF BOURNE	4 CAPE VIEW WAY N	9350	18984/57	24 PERRY AVENUE	BOURNE	MA	02532
1280	7.0-91-0	GATELY JOHN P JR & CAROL ANN GATELY TR CAP REALTY TRUST	45 MEETINGHOUSE LN N	9300	8/30/2004	27 CIRCUIT AVENUE	SCITUATE	MA	02066
1303	7.0-114-0	TARINI MARK A & MARIA J TARINI	9 ANDREW RD N	3500	4/25/2013	P O BOX 1544	SAGAMORE BEACH	MA	02562-1544
1304	7.0-115-0	SULLIVAN CASSANDRA TR CASSANDRA SULLIVAN FAMILY TR	7 ANDREW RD N	1010	11/27/1991	7 ANDREW RD	SAGAMORE BEACH	MA	02562

Total Records: 12



Commonwealth of Massachusetts
**DEPARTMENT OF HOUSING &
COMMUNITY DEVELOPMENT**

Charles D. Baker, Governor ♦ Karyn E. Polito, Lt. Governor ♦ Jennifer D. Maddox, Undersecretary

February 23, 2021

Rodger Brown
Managing Director of Real Estate Development
Preservation of Affordable Housing, Inc.
2 Oliver Street, Suite 500
Boston, MA 02109

Re: Cape View Way, Bourne, MA – Site Approval Letter

Dear Mr. Brown:

We are pleased to inform you that your application for project eligibility determination for the proposed Cape View Way project located in Bourne, Massachusetts, has been approved under the Low Income Housing Tax Credit (LIHTC) program. The property is located at Cape View Way, Bourne, Massachusetts. This approval indicates that the proposed plan is for 51 units, 36 of which will be affordable at no more than 60% of area median income. However, in the event of a lender foreclosure, the affordability requirement shall be the Chapter 40B minimum of 25% of the units affordable to households with incomes up to 80% of area median income. The proposed development will consist of 17 one-bedroom units, 29 two-bedroom units, and 5 three-bedroom units and the rental structure as described in the application is generally consistent with the standards for affordable housing to be included in the community's Chapter 40B affordable housing stock. This approval does not constitute a guarantee that LIHTC funds will be allocated to the Cape View Way project. It does create a presumption of fundability under 760 CMR 56.04, and allows Preservation of Affordable Housing, Inc. (POAH) and Housing Assistance Corporation (HAC) to apply to the Bourne Zoning Board of Appeals for a comprehensive permit. The sponsor should note that a One Stop submission for funding for this project must conform to all Department of Housing and Community Development (DHCD) program limits and requirements in effect at the time of submission.

As part of the review process, DHCD has made the following findings:

1. The proposed project appears generally eligible under the requirements of the Low Income Housing Tax Credit program.
2. DHCD has performed an on-site inspection of the proposed Cape View Way project and has determined that the proposed site is an appropriate location for the project. The site is located near a post office and a small shopping center containing retail and restaurant establishments. Other residential uses are adjacent to the site and access to Route 6 is a short distance away.

3. The proposed housing design is appropriate for the site. A 51-unit, three story wood-framed structure is proposed for the site. The proposed building takes advantage of the sloped topography, allowing for a three-story building facing the interior of the site, stepping down to a less-imposing two-story building adjacent to neighboring parcels.
4. The proposed project appears financially feasible in the context of the Bourne housing market. The proposal includes 8 units for households earning up to 30% of area median income (AMI), 28 units for households earning up to 60% AMI and 15 units for households earning up to 80% AMI.
5. The initial proforma for the project appears financially feasible and consistent with the requirements for cost examination and limitations on profits on the basis of estimated development and operating costs. Please note again that a One Stop submission for funding for this project must conform to all DHCD program limits and requirements in effect at the time of submission.
6. A third-party appraisal has been completed and reviewed by DHCD. The Low-Income Housing Tax Credit Program Guidelines state that the allowable acquisition value of a site with a comprehensive permit must be equal to or less than the value under pre-existing zoning, plus reasonable carrying costs. The site will be conveyed for \$100,000 via an initial payment for a long-term ground lease.
7. The ownership entity will be a single-purpose entity controlled by the Applicant subject to limited dividend requirements, and meets the general eligibility standards of the Low Income Housing Tax Credit program. The Applicant will need to demonstrate sufficient organizational capacity to successfully develop the project under the Low-Income Housing Tax Credit program.
8. The Applicant, along with Housing Assistance Corporation, is the designated developer of the site.
9. DHCD did not receive any comments on the application from the Town of Bourne.


The proposed Cape View Way project will have to comply with all state and local codes not specifically exempted by a comprehensive permit. In applying for a comprehensive permit, the project sponsor should identify all aspects of the proposal that will not comply with local requirements.

If a comprehensive permit is granted, construction of this project may not commence without DHCD's issuance of Final Approval pursuant to 760 CMR 56.04 (7) and an award of LIHTC funds. This project eligibility determination letter is not transferable to any other project sponsor or housing program without the express written consent of DHCD. When construction is complete, a Chapter 40B cost certification and an executed and recorded 40B Regulatory Agreement in compliance with DHCD's requirements pertaining to Chapter 40B must be submitted and approved by DHCD prior to the release of a Low-Income Housing Tax Credit Form 8609.

This letter shall expire two years from this date, or on February 23, 2023, unless a comprehensive permit has been issued.

We congratulate you on your efforts to work with the town of Bourne to increase its supply of affordable housing. If you have any questions as you proceed with the project, please feel free to call or email Rebecca Frawley Wachtel at (617) 573-1318 or at Rebecca.Frawley@mass.gov.

Sincerely,



Catherine Racer
Director

cc: Chairperson Judith MacLeod Froman, Bourne Board of Selectmen