

**Preservation of Cape Code and Housing Assistance Corporation  
Cape View Way 40B Project  
Further Details Regarding the Requested Subdivision Regulation Waivers**

**May 13, 2021 (Revised September 9, 2021)**

**1. The Application Request**

As part of their application for a comprehensive permit, Applicants Preservation of Cape Cod and Housing Assistance Corporation (“Applicants”) requested the Zoning Board of Appeals to act as the Planning Board (as a Local Board under 760 CMR 56.00) and, to the extent necessary, to grant waivers from the Planning Board’s current Subdivision Rules and Regulations in order to allow the proposed reconfiguration of the cul-de-sac (which was approved by the Planning Board in 1987) as shown on the Plans. Specifically, as part of the application, the Applicants requested the following waivers

- **Section 264. Environmental Impact Report.** A waiver is requested.
- **Section 312. Required Cross Section.** A waiver is requested.
- **Section 322(a) Widths.** A waiver is requested.  
(As shown on the Plans.)
- **Section 322(b) Widths.** A waiver is requested.  
(As shown on the Plans.)
- **Section 326(e). Surfacing of Roadway.** A waiver is requested.
- **Section 352(d). SW Management Design.** A waiver from water quality depth of 1.7 inches to 1 inch is requested.
- **Section 354. Cable Utilities. In shoulder.** A waiver is requested to allow the utilities to be below pavement.

**2. April 7, 2021 - ZBA’s Request for Further Detail**

At its April 7, 2021 public hearing session, the Zoning Board of Appeals requested the Applicants to provide additional detail as to the subdivision waiver requests.

**3. May 12, 2021 - Applicants’ Additional Details Regarding the Subdivision Waiver Requests**

**A. History of the 1987 Subdivision**

As the ZBA is aware, Cape View Way is shown on a definitive subdivision plan that was approved and endorsed by the Bourne Planning Board in 1987 and was known as “Meetinghouse Place” and was recorded with the Barnstable Registry of Deeds in Plan Book 437, Page 50 (the “1987 Subdivision”).

Cape View Way, as endorsed by the Planning Board a part of the 1987 Subdivision has a 40-foot right of way that terminates in a cul-de-sac. The 1987 Subdivision was approved for ten building lots and a small open space parcel, with Lots 1 through 4 having direct frontage on what was shown on the 1987 Subdivision Plan as Meetinghouse Road, but is now known as Meetinghouse Lane. Lots 1-4 have been developed with direct access to Meetinghouse Lane, without accessing Cape View Way. Lot 5 is used by the Fire Department and accesses Meetinghouse Lane over the lower portion of Cape View Way. Lots 6-

10 and the open space parcel were not developed and were taken by the Town for non-payment of taxes; and then the land was conveyed to the Bourne Housing Authority after a Town Meeting Vote which authorized that conveyance and directed that the property be used for affordable housing.

B. The Current Project

The current project proposes to combine Lots 6 through 10 and the open space parcel as shown on the 1987 Subdivision into one single lot to serve the Project and to modify Cape View Way as shown on the Project plans, with slight modifications to the right of way and the cul-de-sac.

C. Subdivision Waiver Details

Subdivision waivers from the Planning Board's May 25, 2017 Subdivision Regulations, to allow the modifications to Cape View Way as endorsed under the 1987 Subdivision so as to be as shown on the Plans, are sought as follows:

Section 223: Standards of Access Adequacy

- A waiver is requested from minimum right-of-way width for a Collector Street of 50 feet. The right-of-way for Cape View Way under the 1987 Subdivision is 40 feet and the proposed modified right-of-way ~~varies between 12 and is~~ 40 feet as shown on the Project plans, ~~with the cul-de-sac portion of the right of way being one-way and having a 12-foot right of way and the rest of the way having the 40 feet of right of way allowed under the 1987 Subdivision.~~

Section 264: Environmental Impact Report

- A waiver is requested from submitting a comparative Environmental Report.

Section 266: Performance Guarantee

- A waiver is requested so that the ZBA, not the Planning Board, will set any performance guarantee under G.L. c.41, §81U, ¶7.

Section 312: Required Cross Section

- A waiver is requested from any requirement to design and locate grading, pavement, utilities, and other improvements as indicated on the Required Cross Section in the Subdivision Rules Appendix, because Cape View Way is already an approved subdivision and is in use to serve Lot 5 for the Fire Department and the remaining portion of the way, as proposed to be modified is proposed to serve only one additional lot with no other through traffic.

Section 321(f): Location and Alignment – Minimum Centerline Radii

- A waiver is requested from a minimum centerline radii of curved collector street of 250 feet. The proposed radii is 100 feet as shown on the Plans.

#### Section 322(a): Width – Minimum Right-of-Way Width

- A waiver is requested from minimum right-of-way width for a Collector Street of 50 feet for a small portion of Cape View Way. The right-of-way approved for the 1987 Subdivision is 40 feet. The proposed right-of-way width for the way as revised is proposed to be ~~12 feet for the cul-de-sac portion of the roadway which will be one-way and~~ 40 feet as shown on the Plans as previously approved under the 1987 Subdivision. Additionally, it should be considered that the Project will generate fewer than 400 vehicle trips a day and that a speed limit of 20 mph is proposed.

#### Section 322(b): Width – Minimum Pavement Width for a Collector Street of 22 Feet

- A waiver is requested from the minimum pavement width of 22 feet for a Collector Street, to reduce the required minimum to 12 feet for the cul-de-sac portion of the roadway because this portion of the roadway will be one-way street.

#### Section 324: Sight Distances

- A waiver is requested from the minimum forward stopping sight distance of 400 feet that is required for a Collector Street. The Project has 51 units; however, it will generate less than 400 vehicle trip per day which is a very low volume of traffic under AASHTO standards; and a maximum speed limit of 20 mph is proposed. Given the low traffic volume anticipated from the Project and the low speed, under AASHTO standards, the required minimum forward stopping sight distance would be required to be 115 feet and that is what would be provided.

#### Section 326.E: Pavement Surface

- A waiver is requested from the wearing surface of roadways and driveways within the right-of-way shall be a two-course, type I-1 bituminous concrete pavement applied with a 2 ¾" compacted base course and 1 ¼" compacted finish course. The Applicant is proposing a 3" pavement section as the Applicant does not think a 4" pavement section is required for the private way.

#### Section 352.A: Stormwater Management – Road Drainage

- 7. A waiver is requested from the requirement that all piping be concrete unless protected corrugated aluminum is approved by the Board. High density polyethylene (HDPE) piping is proposed for the connections for the stormwater management facilities.

#### Section 352.D: Stormwater Management – Design Requirements

- 1. A waiver is requested from the required water quality depth of 1.70 inches to allow a depth of 1.0 inch. The Conservation Commission has approved the Project and did not impose the 1.70 inch requirement.
- 3. A waiver is requested from the prohibition against subsurface infiltration for the treatment and/or control of road runoff for new subdivision roads as this is not a new subdivision road. It was approved in 1987 and is simply being modified to allow the catch basins and recharge basins shown on the Plans.

#### Section 354: Cable Utilities

- d. A waiver is requested from the requirement to locate underground utilities as indicated on the Required Cross Section and to allow the utilities to be located as shown on the Plans as this is not a new subdivision way.