

TOWN OF BOURNE Board of Appeals

Bourne Town Hall
24 Perry Ave., Buzzards Bay, MA 02532
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COMPREHENSIVE PERMIT FOR A SECTION 40B AFFORDABLE HOUSING PROJECT – FINAL DECISION

PETITION NUMBER: Comprehensive Permit No. #08-18 Notice of Project Change
NAME OF APPLICANT AND OWNER: Chase Developers, Inc. and Thomas C. Pappas as the
Trustee of 230 Sandwich Road Realty Trust
PROPERTY ADDRESS: 230 Sandwich Road, Bourne, MA 02532
REGISTRY DISTRICT OF THE LAND COURT, TITLE REFERENCE: Certificate of Title # 190984
TOWN MAP #25.0 PARCELS #9 and #36

I. SUMMARY

On November 16, 2022, the Board of Appeals voted to grant **Comprehensive Permit #08-18 Notice of Project Change to construct and operate a housing project consisting of 24 affordable condominium units**, in accordance with M.G.L. Chapter 40B, §§20-23 and Section 1320 of the Bourne Zoning Bylaws, for the property located at 230 Sandwich Road, Bourne, MA 02532, as shown on Assessor's Map #25.0 Parcels # 9 and 36. The property consists of 4.06 acres.

The Board of Appeals certifies that the attached decision is a true copy of its decision to grant a Comprehensive Permit and that a copy of said decision, and all Approved Plans referred to in this decision, have been filed with the Town Clerk.

Any person aggrieved by this decision may appeal to the Superior Court or Land Court as provided in M.G.L. Chapter 40A, Section 17 (as referenced in Chapter 40B, Section 21, Sentence 9) or M.G.L. Chapter 40B, Section 22, as applicable.

Christopher Pine, Board of Zoning Appeals Vice-Chair

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II. PROCEDURAL HISTORY PRIOR TO THE CURRENT APPLICATION

1. The procedural history of this project spans a 14-year time frame. Key events in this history are summarized below.
2. By letter dated May 15, 2008, the Massachusetts Housing Financing Agency issued a Project Eligibility letter under the Housing Starts Program of Massachusetts Housing Financing Agency (MassHousing) and the New England Fund Program (NEF) of the Federal Home Loan Bank of Boston to the Applicant. The approval was to build 32 single family homeownership units at the Property, with not less than 8 affordable units to be sold to eligible households earning no greater than 80% of Area Median Income.
3. The following table summarizes the history of the project with the Board of Appeals prior to this current project application.

Dates	Event	Notes
Hearing opened on July 2, 2008. Hearing closed on November 28, 2012	Comp. Permit 40B application	Permit application was for a single lot with 32 single family homes, each with a septic system. During the hearing the project was first revised to be a 20-lot subdivision with 20 single family homes, each with a septic system. The Board approved the permit for 16 units, with a road grade not to exceed 10%
June 12, 2019,	Two options presented to the Bourne Affordable Housing Partnership	Option 1: a 32-unit condominium, with 5 community septic systems' Option 2: a single lot, with 16 units with a shared septic system
Hearing on July 17, 2019	Notice of Project Change	Application to determine if the revised application was a "substantial" change. Revised permit was for 20 single family homes. The Board determined that the change was substantial.

Hearing opened on August 21, 2019 Hearing closed on December 2, 2020	Notice of Project Change Review	Application for 20 single family homes. During this hearing process abutting property owners in the Port-of-Call subdivision opposed connecting access on Bosun Lane. The applicant agreed to construct a permanent barrier fence to preclude such access. On August 10, 2020, Professional Services Corp (PSC) submitted a peer review of the project's stormwater management plan. The peer review did not cover a traffic assessment. The Board denied the application without prejudice. The denial was based on lack of a timely response to issues raised by the Board and the Peer Review consultant.
Application filed on July 30, 2021. Hearing opened on August 18, 2021.	Notice of a Project Change	Application to determine if the revised application was a "substantial" change. Application was to change the permit from 16 single family units to 24 condominium units, modify the road and the wastewater disposal plan. The Board determined that the change was substantial.

III. **PROCEDURAL HISTORY FOR THE CURRENT PROJECT APPLICATION**

1. An application for an Amendment of Comprehensive Permit #08-18 to construct a Housing Project, in accordance with M.G.L. Chapter 40B, §§20-23 and Section 1320 (Board Authority) of the Bourne Zoning Bylaws, was filed on July 30, 2021, by Chase Developers, Inc. Thomas C. Pappas as Trustee of the 230 Sandwich Road Realty Trust.
2. The Applicant noted that its submittal included a response to the peer review report of PSC dated August 10, 2020.
3. Proper notice was given, and the public hearing was opened on September 15, 2021, continued to each of the following dates October 6, 2021, October 20, 2021, November 17, 2021, December 15, 2021, January 19, 2022, March 16, 2022, April 6, 2022, May 18, 2022, July 6, 2022, August 3, 2022, August 17, 2022, September 21, 2022, October 12, 2022, and closed on November 16, 2022. Minutes are on file for all hearings. A list of hearing dates, and reasons for continuance, is set forth in Exhibit A.
4. Following the submittal of the application, and at various points during the hearing, correspondence was received from abutters, town departments and boards, the Board's independent peer reviewer, and others. Written submittals received and considered by the Board during the public hearing are listed in Exhibit B.

5. A Site Walk was held on November 18, 2021, and was attended by the Applicant and his development team, two members of the Board, the Planning, Engineering and Fire Departments, along with a number of representatives from the abutting Upper Cape Cod Regional Technical School. Minutes are on file for the Site Walk.
6. After five sessions of the public hearing and based on the all the comments received by January 19, 2022, the Applicant decided to make significant revisions to the proposed project. The revisions were made to: (1) reduce the grading on the site, (2) improve emergency vehicle access, (3) meet MassDOT requirements, and (4) provide fencing to address access concerns from abutters on Bosun Lane and Upper Cape Cod Technical School. The number of condominium units remained the same, at 24 units.
7. Peer review was approved on April 6, 2022, with initial report submitted on May 9, 2022, and June 15, 2022, requesting additional information from the applicants to complete peer reviewer's evaluation and recommendations. Information required for peer review was discussed at the meetings on May 18, 2022, July 6, 2022, and August 17, 2022.
8. A Supplemental Traffic Analysis was submitted by the Applicant on September 2, 2022. Additional Peer Review Comments on Supplemental Traffic Analysis was received on September 17, 2022, and discussed at the October 12, 2022, meeting.
9. The Board reviewed the application, along with all the material submitted as listed in Exhibit B.
10. In addition to the Applicant and the Applicant's representative(s), testimony was received from abutters and others. A list of verbal testimony received and considered by the Board is attached as Exhibit C.
11. Throughout the hearing process, numerous follow-up information items were requested by the Board or proposed by the Applicant. See Minutes of each Hearing for full record.
12. The Board gave due consideration to the testimony given at each of the public hearing and to all written comments received on the project.
13. In response to comments from abutters and comments from the Board, the Applicant revised the project, which are summarized in Exhibit D and reflected in the plans approved as part of this Decision (the "Approved Plans" as defined in Paragraph V.5 below and listed in Exhibit E).
14. The Board reviewed the Draft of this Comprehensive Permit, with a list of all required exhibits, conditions, and waivers, at its hearing on November 16, 2022.
15. The following Board members attended all public hearing sessions or missed one session and reviewed a recording or transcript of the missed session and all materials submitted: James Beyer Chair, Christopher Pine Vice-Chair, John O'Brien, Wade Keene, and Karl Spilhaus Associate Member.

IV. FINDINGS, DECISION & VOTE

After the hearing was closed on a motion made by Christopher Pine, and seconded by Wade Keene, the Board voted to approve the following findings and decision.

Findings:

In accordance with M.G.L Chapter 40B, §§20-23 and Sections 1320 (Board Authority) and 1331 (Decision Criteria) of the Bourne Zoning Bylaws, the Board of Appeals makes the following findings.

1. The Applicant, holder of valid Comprehensive Permit #08-18 originally issued on November 28, 2012, for construction of 16 single-family homes, filed a Notice of Project Change with the Board of Appeals on July 30, 2021, proposing to change the project from 16 single-family homes to 24 condominium units and to make other design and infrastructure changes and to amend the terms and conditions of the permit.
2. Professional Services Corporation (PSC) was retained by the Board to perform a peer review of stormwater management, traffic impact analysis and grading slope stabilization.
3. The peer review found that after sufficient information was provided for the Traffic Impact Assessment, after sufficient information was provided for stormwater assessment, review of Town of Bourne zoning and subdivision bylaws and additional details were added to the Project Plans the Project is in compliance with applicable state laws and regulations and good engineering practice.
4. The issues raised in the peer review have either been resolved with revisions to the plans and/or are included herein as conditions of approval.
5. At least 25% of the units will have long-term affordability restrictions. The affordable homes are restricted to owners who make up to 80% of the household median income, which is \$51,595 in Bourne, as of the 2019 Census.
6. The affordable housing units are indistinguishable on the exterior from the other units in the project.
7. The property will be restricted with a 30-year deed rider ensuring that the affordable units remain affordable with each sale and resale.
8. The development will be restricted with an agreement that the property will be monitored for compliance with the affordability requirements by the Bourne Housing Authority.
9. The project will help address the Town's needs for year-round housing available for persons of all income levels. As of the date of the Application, the Town of Bourne did not satisfy any of the safe harbors set forth under 760 CMR 50.03.
10. The project will not have adverse effects that over-balance its beneficial effects for either the neighborhood or the Town, in view of the characteristics of the site and of the proposal in relation to the site.

11. The proposed project will not have an adverse effect upon:
 - a. pedestrian and vehicular flow and safety,
 - b. the adequacy of utilities and other public services,
 - c. nearby developed premises,
 - d. visual characteristics of the surroundings.
 - e. or have an excessive contribution to the cumulative impact upon public water supplies.

Decision, Conditions and Waivers:

The Board of Appeals grants an Amended Comprehensive Permit 08-18, for the development of a Section 40B Affordable Housing Project in accordance with the Site Plan by Outback Engineering, revised March 9, 2022, and with the other plans and written materials listed in Exhibit E, attached hereto (the "Approved Plans"). This decision permits the construction of 24 three bedroom condominium units, of which six shall be affordable to low and moderate income purchasers. This decision is subject to the following conditions and waivers.

V. GENERAL CONDITIONS

1. Pursuant to 760 CMR 56.05(10), this Decision shall be a master permit which shall subsume all local permits and approvals normally issued by Local Boards, except for those relating to the Water District, the Board of Health in connection with the Massachusetts Department of Environmental Protection ("DEP") Title 5, and the Conservation Commission with respect to the *Wetlands Protection Act*.
2. The total number of dwelling units that may be constructed at the Property shall be limited to 24 units, containing a maximum of 68 bedrooms.
3. Seventy percent of the affordable units shall be sold to residents of the Town of Bourne.
4. All required State permits shall be obtained prior to the issuance of any permit from the Bourne Building Department.
5. The Project shall be constructed in accordance with the plans and written materials listed in Exhibit E, subject to all revisions provided for in the conditions of approval as set forth herein (Collectively, the "Approved Plans").
6. This Comprehensive Permit shall expire three (3) years from the date it becomes final as provided in 760 CMR 56.05(12)(c), and subject to tolling as provided in said Regulation, unless construction on the Project has commenced within such period. For the purposes hereof, "construction" shall mean the site work for the project infrastructure, which may commence prior to issuance of the Building Permit for the Project. The Applicant may apply to the Board for reasonable extensions to this Comprehensive Permit for good cause.
7. The Applicant shall comply with all local by-laws, rules, and regulations of the Town of Bourne, unless expressly waived hereunder.

8. The Project shall conform to all applicable state and federal laws, codes, and regulations.
9. The Project shall be constructed and operated in accordance with the Comprehensive Permit. Any substantial deviation must be approved through a modification of the Comprehensive Permit by the Zoning Board of Appeals pursuant to 760 CMR 56.05(11).
10. The Applicant shall provide for either the Condominium Association or each owner to maintain and repair all common areas and facilities, including the stormwater management system, wastewater disposal systems, landscaping, and other improvements within the Site. The condominium documents shall set forth the obligations of the Condominium Association for the operation and maintenance of all such common areas and improvements and shall reference the affordability requirements upon which the Comprehensive Permit is conditioned. Prior to the issuance of any certificate of occupancy, the Applicant shall provide documents establishing such Condominium Association to the ZBA for approval by Town Counsel as to form and for verification that such documents are in conformance with this Comprehensive Permit and shall certify to Town Counsel that same comply with M.G.L. c.183A. The Condominium Association shall adopt rules and regulations and a copy shall be provided to the Board.
11. The Applicant shall be responsible for the installation, operation, and maintenance of all aspects of the common facilities and services until the recording of the Master Deed of the condominium, to the extent that such installation, operation, and maintenance is a condition required in this Comprehensive Permit. Upon the recording of the Master Deed, the operation and maintenance obligations shall be joint and several with the Applicant and the Condominium Association until the perfection of the sale of the last dwelling unit. Thereafter, such operation and maintenance shall be the responsibility of the Condominium Association.
12. The Condominium Association and purchasers of all units shall be bound in perpetuity by all conditions and restrictions contained in this Comprehensive Permit.
13. The Affordable Units contained within the Project shall be constructed and sold on a schedule proportional to the market rate units. For every three (3) market rate units constructed and sold, an affordable unit shall be constructed and sold.

VI. CONSTRUCTION AND SUBMISSION REQUIREMENTS

1. Pre-Construction Submissions: Before the Applicant commences any construction activities the Applicant shall have:
 - a. Submitted Final Site Plans consisting of detailed construction drawings that are consistent with this Permit, with local requirements not waived in the Permit, and with state and federal codes. The location of electric, telephone, CATV, and gas lines and appurtenances shall be indicated on the drawings based upon final design of these systems by the utility company. Copies of the detailed, approved construction drawings (the "Final Site Plans") should also be filed in hard copy (10 full-scale sets) and in digital form with the Building Inspector. The Final Site Plans shall bear the signature and seal of a Massachusetts Professional Land Surveyor (PLS) and a Civil

Professional Engineer (PE). The Applicant must secure approval prior to construction pursuant to Paragraph VI.4. The Final Site Plans shall contain the following:

- b. An existing condition plan of topographic, utility, and property information.
- c. Stormwater management plans and improvements in accordance with applicable laws and regulations.:
 - Construction notes for each proposed infiltration system describing construction requirements.
 - A Sediment and Erosion Control Plan.
 - More detailed General Notes addressing site controls (vertical and horizontal datum and benchmarks), construction standards, construction sequencing, erosion, and sedimentation control procedures, and environmental (noise, vibration, dust and sedimentation), and safety compliance.
 - A note providing contact information, for the proposed gas, electric, and cable utilities.
- d. Final landscaping plans prepared by a Massachusetts Registered Landscape Architect (RLA) to the detail required for use as on-site construction and planting drawings. Such plans shall include shade trees along the main development driveway and unit driveways and throughout the site, shrubs, and turf areas. Such plans shall indicate the specific types of active/passive recreational equipment to be installed within the open space and recreational areas located on the Approved Plans.
- e. Final plans and profiles for the main development driveway.
- f. Final utility plans and profiles including properly labeled drainage components and all site utilities including electric, gas, water supply lines, wastewater collection and disposal facilities, building service connections, and all system components and appurtenances. The final driveway profile should extend to the centerline of Sandwich Road and show proposed drainage lines, water quality inlet tanks, and infiltration systems to the profile view including proposed depth of structures and depths to bottom of stone.
- g. Final Site Lighting plan.
- h. Final Photometric Drawing.
- i. Final Site Entrance Plan in accord with MassDOT requirements (Curb cut permit).
- j. Drawing showing the size, location, legend, and illumination of entrance signage.
- k. The Final Site Plans shall show the locations of the Affordable Units.

2. The Final Site Plans shall be consistent with the Approved Plans, as updated to meet all conditions of approval contained in this Comprehensive Permit and the Applicant shall have:
 - a. Obtained any and all permits and approvals from the Bourne Conservation Commission or the DEP which may be required under any state statute, code, or rule and regulation under its jurisdiction, to the extent not otherwise expressly covered by this Decision, including a final Order of Conditions or Superseding Order of Conditions under the Wetlands Protection Act as to any portion of the Site subject to the Wetlands Protection Act that are required by applicable state law prior to such commencement.
 - b. Obtained a National Pollutant Discharge Elimination System ("NPDES") stormwater permit issued for the Project, if required by applicable law.
 - c. Obtained, if needed, a Certificate of the Secretary of Environmental Affairs of compliance pursuant to 301 CMR 11.08(8)(a).
 - d. Delivered to the ZBA with copies to the Building Inspector, Planning Board, Board of Health, Conservation Commission, Superintendent of the DPW, Fire Chief, and Police Chief a complete Construction Management Plan (CMP) as described in condition #4, below.
 - e. Submitted a geotechnical engineering design report for the areas that are proposed to be graded at one foot horizontal to one foot vertical (1:1). Signed, sealed slope stability calculations shall be provided by a geotechnical engineer that is based upon location specific subsurface testing.
 - f. Submitted earthwork computations for the volume of cut and fill and the net volume on/off site. The number of trucks required for off-site transport shall be calculated.
 - f. Submitted Final Drainage Calculations and Report. The complete stormwater design package shall be signed and sealed by the civil engineer of record and shall conform to the methods and procedures set forth in the Massachusetts Stormwater Handbook. The design depicted on the plans currently on file is meant to demonstrate intent and not full construction level of detail.
 - g. Submitted a final design for retaining walls exceeding ten (10) feet in height, if any. Such retaining walls require a Building Permit and must be designed by a Massachusetts Structural Professional Engineer. Final design of such retaining walls must be based on location specific soil tests. Safety fencing must be shown. For walls adjacent to property lines, sheeting, shoring, and bracing preventing encroachment on adjacent property must be shown.
3. Before the Applicant commences construction of any residential units, the Applicant shall have:
 - a. Submitted Final Architectural Plans consisting of detailed construction drawings that are consistent with this Permit, with local requirements not waived in the Permit, with the Massachusetts Building Code, and with all other state and federal codes. Copies of the detailed, approved architectural drawings (the "Final Architectural Plans") should also be filed in hard copy and in digital form. The Final Architectural Plans shall bear the signature and seal of a

Massachusetts Registered Architect (RA). The Applicant must secure approval pursuant to Paragraph VI.4 prior to beginning unit construction. The Final Plans shall include a Building Code review.

The Final Architectural Plans shall depict twenty-four (24) 3-bedroom dwelling units, and shall not show more than seventy-two (72) total bedrooms on the site, and shall otherwise be consistent with the Approved Plans, as updated to meet all conditions of approval contained in this Comprehensive Permit.

- b. Obtained all permits and approvals from the Bourne Board of Health and the DEP regarding disposal of wastewater generated by the Project that are required by applicable state laws prior to such commencement.
- 4. The Construction Management Plan shall address the following topics and items:
 - a. Construction Administration
 - Hours of construction including equipment startup
 - Hours of construction delivery
 - Truck routes
 - Trash and debris removal
 - b. Construction Phasing and Schedule (critical path) timing and phasing of construction; site clearing; construction of driveway and utilities; buildings, etc. If the site is not expected to be completed in a single- phase, a detailed Construction Phasing Plan shall be submitted indicating access and utilities for each phase adequately addressing access and parking, emergency vehicle access, and utility services.
 - c. Communications
 - d. Noise and Dust Control
 - Tree removal (chipping, etc.)
 - Public Street cleaning and repair
 - Dust
 - Noise
 - Rock crushing
 - e. Blasting
 - Blasting Plan
 - Identification of petitioner's blasting consultant
 - Selection of independent blasting consultant
 - Selection of blasting contractor
 - Pre-blast and post-blast survey (scope and content)
 - Insurance coverage
 - Blasting limits
 - Notification to abutters of blasting schedule

Road closures (if necessary)
School bus conflicts (limits on hours)

- f. Erosion Control
 - Silt sacks, hay bales, silt fences, etc.
 - Tree protection plan
 - Drainage infrastructure
 - g. Identification of existing underground utilities
 - h. Construction Staging
 - Staging areas
 - Site office trailers
 - Storage trailers/containers
 - Open storage areas
 - Delivery truck holding areas
 - Paved refueling areas with spill containment
 - i. Traffic and Parking (during construction)
 - On-site locations
 - Off-site locations
 - Snow removal
 - Police details
 - Warning signs
 - j. Fire and Emergency
 - Temporary emergency access roadway
 - Emergency water supply throughout construction
 - Provision of a Knox padlock for construction fence gates
 - k. Construction Specifications
5. The CMP shall be reviewed pursuant to Paragraph VI.4. The scope of the review of the CMP shall be for completeness and for consistency with generally accepted construction practices and for compliance with all the conditions of this Decision.
6. Procedure for Review and Approval.
- a. When review and approval of a plan or document is required by any condition of this permit, the Applicant shall submit the plan or document to the Building Inspector and any other recipient specified by the permit condition. Upon such review and absent an objection by any of the specified recipients, within thirty (30) days of receipt, that such plan or document are inaccurate or inconsistent with or not in conformity with this Decision or any local bylaw, rule or regulation not expressly waived herein, the plan or document shall be deemed approved. If the submitted plan or document is required by state or federal law, rather than local regulations, it

shall be deemed approved for purposes of this permit, but Town authorities may communicate any concerns to the applicable state or federal agency.

- b. In the event there is an objection that the plan or document is inaccurate or inconsistent or not in conformity with this Decision, or with any local bylaw, rule or regulation not expressly waived herein, the Applicant may submit the matter in question to the ZBA for its review for consistency; the ZBA shall hold a hearing within 45 days of the applicant's submission, and render a decision within 14 days after said hearing. Any matter related to this Decision to be reviewed and decided by the ZBA after this Decision is issued may be reviewed and decided by the members of the ZBA designated by the Chairman, even if those members did not sit on the hearings that led up to and resulted in this Decision. The Applicant may appeal any adverse ZBA decision to the Housing Appeals Committee.

VII. SITE DEVELOPMENT CONDITIONS

1. Prior to the commencement of any construction activities or any site development or site clearing, the Applicant shall meet with the Building Department, Police Chief or his representative, Fire Chief or his representative, the ZBA's Consulting Engineer (if any), and the Chair of the ZBA or his representative at a mutually convenient time and place during normal business hours to review the CMP, and to coordinate the Building Department's periodic inspections of the Project (the "Pre-Construction Meeting"). This meeting shall be open to the public.
2. At least two weeks prior to the commencement of any construction activities or site development or clearing, the Applicant shall submit to the ZBA, with a copy to the Police Chief, the Fire Chief, and the Building Inspector, a Construction Schedule, indicating the anticipated start and end points for each significant phase of development (site grubbing, clearing, and fill; construction of driveway and related infrastructure, excavation and blasting for foundations, framing and interior construction, etc.). The Construction Schedule shall also include the anticipated daily vehicle trips per phase, and the anticipated hours of the day during which heavy equipment and construction vehicles are expected to enter and exit the Site.
3. The Applicant shall ensure safe and convenient vehicular access to the Site during the entire duration of the Project. [see 5, below]
4. The Applicant shall submit to the ZBA a construction and permitting schedule, prior to the commencement of any construction activities or any site development or clearing, and semi-annually thereafter to assist in project status update and review.
5. The Building Department or its appointed agents may, upon reasonable notice to the Applicant, conduct periodic inspections during the construction of the Project, to ensure compliance with the terms of this Decision and the Massachusetts State Building Code, and for consistency with generally accepted construction and engineering practices for the installation of roadways, stormwater management facilities, utilities, and all development infrastructure.

6. The Applicant shall be responsible to ensure that nuisance conditions do not exist in and around the Site during the construction operations. The Applicant shall always use all reasonable means to minimize inconvenience to residents in the general area.
7. Dust - Methods of controlling dust shall meet all air pollutant standards as set forth by Federal and State regulatory agencies.
8. Noise - The Applicant shall implement measures to ensure that noise from project construction activities does not exceed acceptable levels, as set forth by Federal and State regulatory agencies.
9. Traffic - The Applicant shall implement necessary traffic safety controls to ensure a safe and convenient vehicular access in and around the Site. Any traffic problems that occur because of site operations and construction shall be mitigated immediately, at the expense of the Applicant.
10. Roads – The Applicant is responsible for the sweeping, removal of snow, and sanding of the internal driveways permitting access to residents, emergency vehicles, and others during construction and until the Condominium Trust has been legally established. The final coat of pavement on the main development driveway shall be installed only after all units have been constructed and the base course has endured a full winter season. The Applicant shall promptly clean any debris or dirt deposited on Bourne or state-controlled streets and roads.
11. Burial of any stumps or solid debris onsite is expressly prohibited. Localized burial of stones and/or boulders is prohibited to prevent the creation of voids from soil settlement over time.
12. Utilities, including but not necessarily limited to electric, gas, water, cable, and telephone shall be located underground per utility company standards and applicable codes, and DIGSAFE standards. A final utility plan approved by the applicable public utilities shall be submitted to the Building Inspector prior to the commencement of any construction.
13. Stabilization Requirements – No disturbed areas that might contribute to erosion or sediment migration that are located onsite and under the applicant's control shall be left in an open, unstable condition longer than 30 days or as may be governed by the NPDES permit. Temporary stabilization shall be accomplished by hay bales, hay coverings, matting or other appropriate means. Final stabilization shall be accomplished by loaming and seeding exposed areas in accordance with the approved landscaping plans or site plan.
14. Blasting - Any rock blasting shall be performed by a licensed blasting professional, who shall first obtain all required permits from the Bourne Fire Department. All blasting and removal of debris shall be performed in accordance with state regulations and local fire department requirements and shall provide evidence thereof to the Fire Chief.
 - a. Independent Blasting Consultant. An independent geotechnical-blasting consultant shall be selected and paid for by the Applicant, subject to the approval of the Bourne Fire Department. The consultant shall review the qualifications of the blasting contractor and review the final

blasting plan prepared by the blasting contractor, check the calibration of the seismograph monitors, approve the location and installation of the seismograph monitors, and, if required by the Bourne Fire Department, shall determine the blast limits throughout the blast period and shall consult with the Bourne Fire Department on an as-needed basis throughout the blasting period.

- b. Pre-blast Survey. Before any blasting on the Site, the Applicant shall conduct a pre-blasting survey that shall include videorecording of the foundations of all direct abutters to the Revised Project and shall provide a copy of that survey to the ZBA and Fire Chief.
 - c. Insurance Coverage. The blasting contractor shall carry comprehensive public liability insurance in the amount of not less than \$1,000,000 for property damage in respect of any one occurrence and \$2,000,000 aggregate. A certificate shall be submitted to the Bourne Fire Department by the contractor documenting that the required coverage will be in force for the duration of the blasting at the Site. If there is a general contractor or developer associated with the blasting, each shall carry a minimum of \$1 million of comprehensive liability insurance.
 - d. Blasting Limits. The Commonwealth of Massachusetts blasting limits shall be observed.
 - e. Notification. Not less than one week prior to the commencement of any period of blasting, the Applicant shall notify the immediate abutters within 200 feet of the blast area, stating when the blasting period shall begin. Notification under this provision and under any other provision in the Comprehensive Permit shall be by the following three methods: (1) phone or in person; (2) by email; and (3) by letter. No perchlorate shall be used during blasting. Such notification shall include an explanation of the warning procedures for blasting including soundings. The Applicant shall send another letter notifying the same abutters that the blasting period has been completed. In addition, the Applicant shall notify the Fire Department 30 minutes prior to each blast, and a Fire Department detail is required for every blast, which shall be certified by the Fire Academy on the requirements of the state blasting regulation.
 - f. Post-blasting Survey. After the completion of all blasting, the Applicant shall conduct a post-blasting survey that shall include videorecording of the foundations of all direct abutters to the Project and shall provide a copy of that survey to the ZBA, Fire Chief, and each abutter, respectively, upon request.
15. Safety Fencing: During construction of the Project, the Building Inspector shall have authority to require fencing of the site or portions of the site to the extent required and appropriate to enhance safety by controlling access. A Knox padlock shall be used for any construction fence gates.
16. As Built Plans: Prior to the issuance of a certificate of occupancy for the final "market rate" dwelling unit constituting a part of the Project, the Applicant shall submit to the ZBA an "As Built Plan" in paper and CAD format, showing all pavement, buildings, stormwater management structures, and other infrastructure as they exist on the Site, above and below grade, including appropriate grades and elevations. The plans shall be signed by a registered land surveyor and

civil engineer, certifying that the Project as built substantially conforms and complies with the conditions of this Comprehensive Permit.

17. Trees. Prior to the commencement of any construction activities or any site development or clearing, if required by the Board's Consulting Engineer, the Applicant shall erect a physical barrier such as a plastic fence to ensure that any existing trees on the locus be preserved to the extent consistent with the approved site plan and landscaping plans. If any such trees, having a caliper of four inches or greater at four feet from the ground, are destroyed or injured because of construction, the Applicant shall plant new trees in their place of a comparable species with a minimum height of nine feet at a ratio of 2 new trees for each destroyed tree. Such replanting shall be done by a qualified landscape professional.
18. Driveway Design: The surface course and binder course of the main development driveway, and the attendant shoulder widths and side slopes, shall conform to the Approved Plans. Specifications to be indicated on the Final Site Plans shall include the following:
 - a. The maximum grade of the main development driveway shall not exceed eleven (11) percent.
 - b. Install "No Parking Any Time" (UMTCD R7-1) signs for the hammerhead turnaround at the upper end of the main development driveway.
19. Erosion control shall follow Best Management Practices and shall be maintained throughout the duration of the project.

Prior to the issuance of any certificate of occupancy, the applicant shall establish a maintenance plan for the stormwater system, which shall include but not be limited to scheduled inspections, thresholds for removal of sediments, and an educational program for residents for the continuing maintenance and protection of the stormwater system. The maintenance plan shall be reviewed pursuant to Paragraph VI.4.

No sands or gravels may be removed from the site except those required to be removed to accomplish the conditions shown on the final site plan to be approved by the Board.
20. Stormwater Management:
 - a. Catch basin spacing shall be reduced to a maximum of 150 feet on grades exceeding 6 percent.
 - b. Grate hydraulic calculations shall be submitted and double grate or cascade grate structures shall be added as appropriate to ensure that the design storm is captured.
 - d. Invert elevations of the stormwater quality structures shall be maintained above the recharge systems. The Stormceptor units should not be permitted to surcharge. Tailwater elevations that extend above the structural outlets shall not be permitted.
 - f. All subsurface structures shall support HS-20 loading in paved areas.

21. Water Distribution:

- a. The applicant shall submit a water connection application to the Board of Water Commissioners, together with engineered drawings and other information reasonably requested or required by said Commissioners, consistent with its usual practices and procedures. If questions arise about the project, the District's Engineer may be asked to review the plans and submit a finding.
 - b. The Bourne Fire Department requires that fire hydrants not exceed 500 feet of separation. Hydrant flow records and test data must demonstrate a deliverable fire flow including simultaneous domestic flow while maintaining a minimum residual pressure of 20psi.
22. Maintenance of the septic systems shall be the responsibility of the Condominium Trust.
23. The on-site sidewalk shall comply with applicable laws and regulations regarding handicap access.
24. Temporary construction signage and permanent entrance signage at Sandwich Road should be indicated on the plans and details furnished with respect to sign legend, dimensions, materials, colors, means of illumination. Signs shall comply with the requirements of the Bourne Zoning By-Law. The signs should be located to avoid interference with sight distance for exiting vehicles. Peer review of the sight distance limitations may be required.
25. The applicant shall verify whether the Postmaster will require a common mailbox facility. If required, the mailbox facility and associated parking shall be indicated on the site plan.
26. The sidewalk at Sandwich Road should be clearly indicated including the area intended to serve as a school bus waiting area.
27. The main development driveway should be signed for "No Parking" (MUTCD R7-1) on one side and parking restrictions should be enforceable by the Condominium Trust. The Condominium Trust Documents shall provide the Condominium Trust with authority to that effect. The Condominium Trust shall be responsible for seeking approval of the Building Commissioner before allowing any functions on the property that will exceed the available parking on site; such approval shall be granted upon demonstration by the Condominium Trust that arrangement has been made for ample, lawful, off-site parking.
28. A Site Lighting Plan shall be developed using a maximum pole height of 24 feet. Light fixtures should be consistent with residential scale and style typically acceptable in the town and should comply with all applicable laws and regulations.
29. During construction, the Applicant and his agents and employees shall conform to all local, state, and federal laws regarding noise, vibration, dust and use of Town roads and utilities. The Applicant shall always use all reasonable means to minimize inconvenience to residents in the general area. If any units have been constructed and occupied, construction shall not commence on any day Monday through Friday before 7:30 AM or on Saturday before 8:30 AM, and all exterior construction activities shall cease by 6:00 PM on all days, and no construction or activity

whatsoever shall take place on Sundays or legal holidays except for the limited purpose of providing emergency health or safety measures or except as otherwise allowed by the Building Inspector. All construction shall follow Best Management Practices for erosion and sediment control.

30. Construction of all dwelling units, utilities, driveways, drainage structures, and all related appurtenances shall be in accordance with all applicable zoning bylaws and all other applicable local, state and federal regulations except as waived by this Decision.
31. All utilities shall be underground.
32. All area and roadway lighting shall be shielded or refracted as necessary in such a manner as to minimize light spill over to neighboring properties. Light fixtures shall incorporate dark skies principals and shall avoid upward projection of light.
33. All on-site storage of hazardous materials and hazardous wastes shall be on an impervious surface, with containment and access control, and all on-site vehicles fueling shall be conducted with industry recognized containment and access control. The CMP shall identify a designated fueling area and shall construct an impervious surface to accommodate construction vehicles. Containment shall be provided for a minimum of 50 gallons of fuel.
34. Prior to digging on any public land, the applicant shall comply with all applicable federal, state, and local regulations and with all "dig safe" requirements.
35. Surety & Covenants: As security for the completion of the infrastructure related to the Project as shown on the Approved Plans, including, but not limited to, the binder coat of the main development driveway, sidewalks, sewage disposal systems, drainage facilities, utilities, landscaping, and any other specific infrastructure shown on the "Approved Plans" and/or the Final Site Plans (the "Infrastructure"), in addition to the requirements of Section VIII below, the release of occupancy permits for all housing units and the sale of all housing units in the Project shall be subject to the following restrictions:
 - a. No occupancy permit for a unit in any building shall be issued, and no sale of any unit shall be permitted, until the Final Site Plans have been recorded with the Registry of Deeds, after approval as required above. This Comprehensive Permit shall be referenced on the Final Site Plans prior to recording.
 - b. No occupancy permit for a unit in any building shall be issued, and no sale of any unit shall be permitted, until: (1) the base and binder course for the roadway, parking areas, and relevant unit driveways shown on the Approved Plan has been installed; and (2) all Infrastructure described herein and as shown on the Plan has been constructed or installed so as to adequately serve said building unless a phasing plan is submitted for review and approval by the ZBA.
 - c. No more than 12 occupancy permits shall be issued for dwelling units within the Project prior to posting of financial security for full completion of all infrastructure (Phases 1 through 7 outlined in Section VIII below or any updated phasing plan approved by the ZBA), and no more than 20

occupancy permits shall be issued for the Project prior to completion of all infrastructure in conformance with said phase plan.

36. The Applicant and its successors and assigns shall comply with the regulatory/ affordable housing restrictions, deed rider, monitoring agreements, and all other conditions applicable to the project approved by this Decision.
37. Nothing in this Decision shall be deemed to constitute a waiver of or from the jurisdiction of the Cape Cod Commission as granted that agency by the Cape Cod Commission Act, nor as a finding with respect to the Commission's jurisdiction, or lack of jurisdiction, over the project.
38. If construction authorized by this Amended Comprehensive Permit has not begun within three years of the date on which the amended permit becomes final, the permit shall lapse unless extended by the ZBA. The permit shall become final on the date that the written decision is filed in the office of the town clerk if no appeal is filed. Otherwise, it shall become final on the date the last appeal is decided or otherwise disposed of. The Project shall be completed expeditiously and, in any event, within five years of the date of the first building permit issued, unless extended by the ZBA.
39. The Board reserves the right, insofar as consistent with state law, to further review and amend this decision based upon any information that comes before the Board because of Applicant's future need to acquire permits from any local, county, state or federal authority, including but not limited to, the Cape Cod Commission.
40. No structure constructed under this Comprehensive Permit shall be altered, reconstructed, extended, or changed unless authorized by the ZBA by a special permit pursuant to the Zoning Bylaws and G.L. c.40A, s.6, as may be amended. Upon such an application for special permit, the Board shall determine, in the first instance, whether such alteration, reconstruction, extension or change is "substantial" or "insubstantial." For all special permit applications for insubstantial changes, the ZBA shall employ the standards of review set forth under the Zoning Bylaw pertaining to changes to pre-existing, nonconforming structures, as may be amended. Requests for substantial changes shall be treated as requests to amend this Comprehensive Permit. This paragraph shall not apply to the original construction of structures developed pursuant to this Comprehensive Permit by the Applicant, but shall apply to subsequent alterations, extensions, and changes to such structures.
41. The terms alteration, reconstruction, extension, and change shall have the same meaning under the Massachusetts Zoning Act, G.L. c. 40A, §6 and the Bourne Zoning Bylaws.
42. The Applicant acknowledges that prior to the start of construction, the Applicant must obtain all required approvals from all other governmental agencies, departments, or commissions whose approvals are necessary for this Project and such approvals must be consistent with this Decision.
43. The Applicant shall prepare Condominium Trust documents. The Condominium Trust shall be responsible for the ownership, maintenance and repair of the driveways, storm water

management systems, wastewater treatment facilities, retention ponds, recharge facilities, retaining walls, and other common amenities and services. The Condominium Trust documents shall contain provisions for "limited" or "exclusive" common areas associated with the town homes with the effect that each unit owner shall be responsible for maintaining the open space area immediately adjacent to his or her units so that the cost of maintaining the same shall not be a common expense assessed against any affordable unit or any market unit.

The Condominium Trust documents shall be subject to review and approval by the Board's counsel to ensure compliance with the terms of this Comprehensive Permit decision. Said documents shall contain restrictions on all units preventing any increase in the number of bedrooms. Prior to the sale of any unit, the Condominium Trust documents shall be filed with Barnstable County Registry of Deeds.

The calculation of the percent of common interest of each condominium unit shall be determined pursuant to relevant laws of the Commonwealth governing condominium ownership.

44. The final site plan is to be recorded at the Barnstable County Registry of Deeds and shall be recorded together with this Decision.
45. The Board requires that a note be placed on said final site plan stating that the Plan is the subject of a comprehensive permit under Mass. Gen. L. c.40B, sections 20-23.
46. The Town of Bourne shall be free of any liability arising out of the Board's approval of the site layout plan, and for any act, omission or negligence caused by the Applicant, its employees, agents, subcontractors, beneficiaries, or trustees with relation to this Project.
47. A permanent barrier, consisting of a stockade fence (without gates or other openings) as shown on the Approved Plans, must be installed, and maintained between Chase Estates at 230 Sandwich Road, Map 25, Parcel 9 and 14 Bosun Lane, Map 25, Parcel 15. This barrier must be maintained by the Applicant until the last dwelling unit is sold, and thereafter by the Condominium Trust.

VIII. PHASING AND FINANCIAL SECURITY

Prior to commencing construction, site development or clearing, the Applicant shall submit a Phasing Plan for development of the Site Improvements, in multiple phases. "Site Improvements" means clearing, earthwork, paving, utilities, drainage infrastructure, paving, curbing, walkways, lighting, site entrance, retaining walls, septic systems, landscaping, testing, erosion controls, and cleanup in compliance with the Approved Plans and the terms and conditions of this Decision. The Phasing Plan shall be reviewed in accordance with Paragraph VI.4.

The following phasing plan is approved, with all phases to be implemented in accordance with the Approved Plans and the terms and conditions of this Decision, if no other plan is submitted by the Applicant:

Phase 1: Development site to be cleared and graded (including the demolition of the existing structure and foundation), and graded contours to be stabilized.

Phase 2: Main development drive to be graded, all drainage infrastructure to be installed, foundations to be installed.

Phase 3: Gas, water, and electrical utility lines to be installed.

Phase 4: Wastewater treatment systems and infrastructure to be installed.

Phase 5: Building structures to be installed, main development drive to be installed and paved with binder coat.

Phase 6: Landscaping and lighting to be installed.

Phase 7: Binder coat to be installed on main development drive after units have been constructed and roadway has endured one winter.

Prior to commencing construction, site development or clearing for any phase of the Project, the applicant shall post a performance bond (or other form of financial security proposed by the Applicant and approved pursuant to Paragraph VI.4) in amount equal to 100% of the cost of that completing that phase. Once posted, the security shall remain in full force and effect until released by the town. Upon completion of the work or portions thereof for which security has been provided, all or part of such security may be released, upon written petition and review pursuant to Paragraph VI.4, provided, however, that the time for initial decision or presumptive approval shall be 14 days from the date the petition is submitted. The Applicant may perform multiple phases simultaneously provided bonding for each phase has been posted.

IX. MISCELLANEOUS LEGAL REQUIREMENTS

1. The Applicant shall establish a Condominium Trust for the Project in a form reviewed by the Board's counsel and approved by the Subsidizing Agency and including provisions for operating and replacement reserves to be established and maintained.
2. Any sale or transfer of rights or interest in all or any part of the Site shall include a condition that successors are bound to the terms and conditions of this Decision.
3. The Applicant and/or subsequent Owner(s) shall be bound by all conditions and requirements set forth in this Comprehensive Permit.
4. In setting the beneficial interest in the condominium common areas in the Condominium Master Deed, the Applicant shall comply with all relevant laws of the Commonwealth governing condominium ownership.

5. The site driveways, utilities, drainage systems, traffic management, water supply and distribution infrastructure, wastewater disposal system, and all other infrastructure shown on the Approved Plans as serving the Project, shall remain private and the Town of Bourne shall not have, now or ever, any legal responsibility for the operation or maintenance of the driveways and infrastructure, including but not limited to snow removal, garbage pickup, the stormwater management system, the wastewater disposal systems, and landscape maintenance.

X. Waivers

The Applicant shall comply with the Town of Bourne Zoning Bylaw and other local bylaws and regulations, except as expressly provided in the following table of waivers.

Waivers Requested and Board Decision

#	Bourne Zoning Bylaw Waivers
1	Section 1230-1244. Site Plan - Special Permit Approval. 40B comprehensive permit process supersedes Site Plan - Special Permit process.
2	Section 2200. Use Regulations. Bourne Zoning Bylaw prohibits two-family and multi-family dwellings in R-40 district; 24 condominium units in duplex structures are proposed.
3	Section 2440. Dimensional Regulations Bylaw allows two or more principal buildings on a lot only if lot area requirements can be met for each such building without counting any land area twice. Proposal is for a condominium development with 12 duplex structures, on a lot with less than 12x40,000 square feet.
4	Section 2480. Lot Shape. Bylaw requires maximum shape factor (Lot Perimeter squared / Lot Area) of 30. Shape factor for development lot is 41.2.
5	Section 2500. Intensity of Use Schedule. Minimum lot area: 40,000 sf per dwelling unit required; lot size is less than 24x40,000 sf. Minimum rear and side yard: 15 feet required; 10 feet proposed. Maximum lot coverage: 20% specified by bylaw; More than 20% proposed.
6	Section 2640. Development Scheduling. Applicant seeks waiver of 120 building permits per year limit, if necessary
7	Section 2660. Development Scheduling. Applicant seeks waiver of 3 building permits per month limit, and 10-day waiting period between building permit applications.
8	Section 3300. Parking Requirements. Bylaw requires 2 parking spaces per dwelling unit; proposed development would provide 4 spaces at each unit (2 in garage, 2 in driveway), plus 8 visitor spaces; To the extent the Bylaw would require additional parking (e.g., for the pool), Applicant requests a waiver.
9	Section 3340. Egress Standards. Minimum Curb Radius: 50' required; 30' proposed.

10	Section 3491 - Stormwater Regulations (E)(4) - Bylaw requires stormwater permit issued by Planning Board; in 40B context, comprehensive permit issued by Zoning Board of Appeals serves as stormwater permit.
11	Section 3492 - Stormwater Regulations (C) - Stormwater management plan is not formatted as prescribed and does not include evaluation of Low Impact Development Techniques.
12	Section 3493 - Stormwater Management Standards for Local Stormwater Permits G.1.(b) ii - Bylaw requires 90% TSS removal; MA Stormwater Handbook requires 80%, and proposed BMPs will achieve 80% minimum TSS removal.
13	Section 3496-3497. Inspection and Site Supervision As-Built Plans (Stormwater) Bylaw prescribes compliance monitoring by Planning Board. In the 40B context, compliance monitoring and inspection procedure shall be as provided in this Amended Comprehensive Permit.
14	Section 3498. Performance Bond (Stormwater) Bylaw gives Planning Board authority to require performance bond for stormwater management infrastructure. In the 40B context, bonding and financial assurance mechanisms shall be as provided in this Amended Comprehensive Permit.
15	Section 3500. Landscaping and Screening Bylaw requires landscaping plan to be developed through Planning Board Site Plan Approval process. In the 40B context, landscaping plan & associated requirements (e.g., financial assurance mechanisms & compliance review) shall be as provided in this Amended Comprehensive Permit.
16	Section 4400. Earth Removal. Bourne Zoning Bylaw prohibits removal of 50 cubic yards of sand, gravel, stone, topsoil, or similar materials within a 12-month period. Project construction may result in removal of more than 50 yards of material (e.g., spoils, rocks, surplus soil).
17	Section 3.13. Development Mitigation Waiver is requested to the extent this Bylaw provision would allow imposition of a development mitigation fee as a condition of project approval.
18	Section 223-Standards of access Min. right-of-way width: 50 feet required; condominium driveway proposed (no right of way) Surface width: 24 feet required; 20 feet proposed, except entrance onto Sandwich Road will be 24' wide tapering down to 20 ft. at approximately station 2+80. Maximum grade: 10% required; 11% max. proposed.
19	Section 322.b-Pavement widths 24 feet required for minor street; 24 ft. proposed at entrance and tapering down to 20 ft. at station 2+80.
20	Section 323-Grade Regulations specify 10% maximum grade; 11% proposed
21	Section 323(f) Regulations specify 2:1 minimum cut slope required; 1:1 cut proposed in one limited area of the site driveway.
22	Section 325-Dead End streets Regulation specifies 500 ft. Maximum length of dead-end; 1053 feet proposed.

23	327 - Curbs (b) Regulation provides for granite or concrete curb inlets at catch basins when required by Board; modified Cape Cod Berm with 4" reveal proposed.
24	Section 331-Sidewalk location Regulation requires 5-foot sidewalks; one 4-foot sidewalk proposed.
25	Section 352 Stormwater Management: D. 1. Standard 4 – Water Quality: Regulation specifies 1.7" water quality depth / volume, with 44% pretreatment; 1" water quality volume and 44% pretreatment are proposed per DEP standards.
26	Section 352 Stormwater Management: D.3. Prohibited Practices: below grade infiltration structures for treatment and/or control of road runoff are prohibited for new subdivision roads. Underground leaching pits are proposed at 2 locations along the condominium driveway (with catch basins and water quality tanks provided for pretreatment).
27	Section 365 - Spoil Lots Regulation requires spoil lot; applicant will dispose of spoils off-site.
28	Section 366-Reflective markers Regulation requires 30" reflective markers; markers not proposed (road will remain private and will be privately plowed).

Votes:

After discussion, on a motion made by Karl Spilhaus and seconded by Wade Keene, the Board voted unanimously to approve Waivers #1 – 28 with a blanket vote.

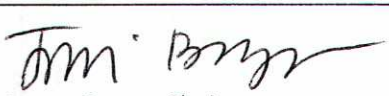
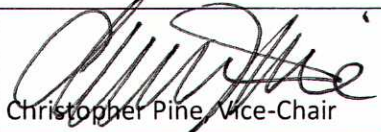
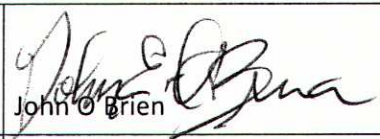


Chairman Beyer entertained a motion to approve **Comprehensive Permit #08-18 Notice of Project Change to construct and operate a Section 40B affordable housing project consisting of 24 three-bedroom condominium units**, in accordance with M.G.L. Chapter 40B, Section 21, and Section 1320 of the Bourne Zoning Bylaws, for the property located at 230 Sandwich Road, Bourne. The motion made by Wade Keene and seconded by Karl Spilhaus.

Voting in favor of the motion: Christopher Pine, Wade Keene, John O'Brien, Karl Spilhaus, James Beyer

Voting in opposition of the motion: None

Other members present: Harold Kalick

BOURNE ZONING BOARD OF APPEALS Signatures

 James Beyer, Chair	 Christopher Pine, Vice-Chair	 John O'Brien
 Wade Keene	 Karl Spilhaus, Associate	

Filed with Town Clerk on: _____

Sent to Applicant, certified mail, on: _____

Exhibit A

Hearing Summary with Board Requests and/or Applicant Response and Reasons for Continuance See Minutes of each Hearing for full record.		
Date	Follow-up Items (Requests for Information, etc.)	Applicant Response/Proposals and Reason for Continuance
October 6, 2021	Mr. Beyer requested: additional architectural drawings, and response to the concerns raised regarding grading. Mr. Beyer stated goal to have Peer Review proposal within a week.	Mr. Pappas agreed to the Site Walk and to address the other concerns discussed. Hearing continued to October 20, 2021, to allow time for follow-up items to be addressed.
October 20, 2021	Ms. Nemeth requested a Site Walk. The Board discussed the status of remaining amount of Peer Review work to done. Mr. Beyer requested comments from the other agencies and noted that at the Board had only heard from the Fire Department.	Applicant agreed to proposed scope of work for peer review. Hearing continued to November 17, 2021, to allow time for follow-up items to be addressed.
November 17, 2021	Mr. Beyer requested copies of the cut and fill plan and a drawing that show how the buildings will look on the site.	Attorney Hoyt said a full size cut and fill plan, with a cross section to illustrate the grading, will be prepared and submitted for the Site Walk scheduled for November 18, 2021, and open to public (site visit minutes on file with Town Clerk). Hearing continued to December 15, 2021, to allow time for follow-up items to be addressed.
December 15, 2021	Mr. Beyer noted that the Peer Review should also include means to handle the steep slopes and the proposed grading.	Attorney Hoyt agreed to proposed clarification of scope of peer review. Hearing continued to January 19, 2022, to allow time for follow-up items to be addressed.

<p>January 19, 2022</p>	<p>Ms. Nemeth requested full size drawings. The small pdfs on the website are hard to read.</p> <p>Mr. Pine noted that the binder previously submitted as the application needs to be updated, both drawings and calculations.</p> <p>Mr. Beyer noted that you need a layout that MassDOT, the Fire Department and the Engineering Department are OK with. And the Peer Review needs to be completed.</p>	<p>Jim Pavlik (Outback Engineering) presented a new Site Plan and Road Plan/Profile to address concerns raised over grading and other issues. The plan still has 24 units; but is now a condominium instead of a subdivision.</p> <p>Hearing continued to March 16, 2022, to allow time for follow-up items to be addressed.</p>
<p>March 16, 2022</p>	<p>Ms. Nemeth requested a cross section be provided for the first two duplex buildings on the site.</p> <p>Mr. Wade asked for additional consideration for parking at the entrance of the site, for parents who will want to drive their children to the entrance for the school bus service. Mr. Wade also asked for consideration for emergency generators to serve the two leak fields, in case of a power outage.</p> <p>Mr. O'Brien asked for clarification on the side yard setbacks.</p> <p>Mr. Beyer requested an updated proposal from the Peer Review consultant that was sensitive to the applicant's concerns.</p>	<p>Jim Pavlik (Outback Engineering) presented revised site plans for 24 units in condominium layout, concentrated at top of site and off the steep slope.</p> <p>Mr. Pavlik responded to Board comments and questions as follows.</p> <ol style="list-style-type: none"> 1. The cross-sections were basically the same as previously submitted for those two buildings. 2. Additional parking at the entrance and the emergency generators would be considered. 3. The setbacks on both sides are 10 feet. They are seeking a waiver from the 12-foot setback requirement. <p>Mr. Hoyt asked for consideration on the next part of the Peer Review process to not duplicate prior reviews (such as traffic volume) and to not require peer review when other expertise is already available (such as the Board of Health's review of the Title 5 septic systems proposed.)</p> <p>Hearing continued to April 6, 2022, to allow time for follow-up items to be addressed.</p>

<p>April 6, 2022</p>	<p>Ms. Nemeth objected to the exclusion of erosion control from the scope of the Peer Review.</p> <p>Mr. Pine requested the deletion of the "road grade and layout" from the exclusion of the review of the emergency access.</p> <p>The Board agreed with these requests.</p>	<p>Applicant acknowledged the Board's decision to amend the scope of peer review.</p> <p>Hearing continued to May 18, 2022, to allow time for follow-up items to be addressed.</p>
<p>May 18, 2022</p>	<p>The Board discussed the supplemental peer review report, acknowledged receipt of Applicant comments, and indicated that the hearing should be continued to July 6, 2022, at which point further feedback from peer reviewer should be available. The Board requested that the Applicant provide an updated waiver request list and a summary of changes made.</p>	<p>Attorney Hoyt agreed to provide the information requested by the Board.</p> <p>Hearing continued to July 6, 2022, to allow time for follow-up items to be addressed.</p>
<p>July 6, 2022</p>	<p>The Board discussed the recommendations of the peer review and heard Applicant's objections to some of the peer reviewer's recommendations, particularly the peer reviewer's suggestion that the traffic study be supplemented with data on summer traffic, and the peer reviewer's request that certain supplemental information be provided in the project plans. After discussion, Mr. Beyer iterated the Board intends to follow the recommendations of its peer reviewer on the matters discussed.</p>	<p>Attorney Hoyt acknowledged the Board's decision to request additional information regarding traffic and other supplemental information requested by the peer reviewer and suggested that the hearing be continued to August 3, 2022.</p> <p>Hearing continued to August 3, 2022, to allow time for follow-up items to be addressed.</p>
<p>August 6, 2022</p>	<p>Mr. Beyer stated that a draft permit had been sent to Town Counsel for review and comment.</p> <p>Mr. Keene asked whether supplemental traffic study data</p>	<p>Attorney Hoyt stated that supplemental traffic study data should be available by August 17, 2022.</p> <p>Hearing continued to August 3, 2022, to allow time for follow-up items to be addressed.</p>

	would be provided by August 17, 2022.	
August 17, 2022	<p>The Board discussed a short list of issues remaining from peer review, including supplemental traffic data, parking restrictions on the main development drive, and geotechnical engineering of riprap where riprap is shown on site plans.</p> <p>Mr. Beyer indicated the geotechnical engineer need not be engaged until it is time to construct the riprap slope.</p> <p>The Board discussed whether parking should be restricted on one or both sides of the main drive. Mr. Kalick expressed concerns regarding limits on parking on the roadside and will be addressed in conditions of Permit. Suggestion was made to allow parking on one side of the street subject to condominium association rules to ensure safety.</p> <p>Bob Crawford of the Bourne Water District indicated the Applicant does not yet have a permit for a water connection.</p>	<p>Attorney Hoyt indicated supplemental traffic data is not yet ready, and that approximately one month will be needed for submittal and peer review of data.</p> <p>Hearing continued to September 21, 2022, to allow time for follow-up items to be addressed.</p>
September 21, 2022	No testimony or discussion.	Hearing continued to October 5, 2022, with Applicant assent, due to absence of certain Board members from September 21 meeting.
October 5, 2022	No testimony or discussion.	Hearing continued to October 12, 2022, with Applicant assent, due to Yom Kippur falling on October 5, 2022.

<p>October 12, 2022</p>	<p>Mr. Beyer states that the Board has received comments from Town Counsel on the draft Decision, and the Board is not yet ready to vote. Attorney Hoyt given permission to speak with Town Counsel.</p> <p>Mr. Kalick indicated he wants a requirement for a performance bond. Mr. Beyer agreed.</p> <p>Mr. Beyer asked Applicant to provide a copy of the original project eligibility letter.</p>	<p>Attorney Hoyt agrees to provide copy of project eligibility letter and to discuss draft Decision with Town Counsel.</p> <p>Hearing continued to November 16, 2022, for anticipated discussion and vote on Decision.</p>
<p>November 16, 2022</p>	<p>The board reviews and discusses the Draft Comprehensive Permit.</p> <p>Public Hearing is closed.</p> <p>Waivers requested are approved.</p> <p>Comprehensive Permit Project Change is approved.</p>	

Exhibit B

Written Submittals Received by the Board of Appeals

* Note: Plans marked with * were later revised and are not Approved Plans.

Date Submitted to ZBA	Name of Document	Document Date and Author
July 30, 2021	Notice of Small Project Change	July 30, 2021, by Chase Developers Inc. and 230 Sandwich Road Realty Trust
July 30, 2021	1. Plans by Outback Engineering: Site Plan Legend and General Notes Existing Conditions Lotting Plan – Preliminary Subdivision Plan Grading and Drainage Plan Utility Plan & Road Profile Layout & Materials Plan Sediment & Erosion Control Plan Construction Details (2 sheets) Architectural Drawings & Renderings (prepared by others)	May 18, 2021, by Outback Engineering * (see Note)
July 30, 2021	2. Drainage Report	
July 30, 2021	3. Traffic Impact Assessment	June 9, 2021, by Vanesse & Associates
July 30, 2021	4. List of Requested Waivers	July 30, 2021, by Chase Developers Inc. and 230 Sandwich Road Realty Trust
July 30, 2021	5. Letter to MassDOT - Submittal of Revised Plans for Review – Request for an Amended Driveway Permit.	April 16, 2021, by Outback Engineering
July 30, 2021	6. Letter to Bourne Water District – Request Water Connection	May 5, 2021, by Outback Engineering
July 30, 2021	7. Memoranda from town boards and departments with comments on proposed project	October 30, 2019, by Coreen Moore, Town Planner; October 18, 2019, by Terri Guarino, Health Agent
July 30, 2021	8. Draft Amended Comprehensive Permit	
July 30, 2021	9. Draft Amended Comprehensive Permit - Annotated Comparison to Existing Permit	July 30, 2021, by Chase Developers Inc. and 230 Sandwich Road Realty Trust
July 30, 2021	10. Explanation of Proposed Changes to Comprehensive Permit	

July 30, 2021	11. Draft Amended Comprehensive Permit - Annotated Comparison to 2019 draft reviewed by the Board's peer reviewer	July 30, 2021, by Chase Developers Inc. and 230 Sandwich Road Realty Trust
July 30, 2021	12. Project plans previously reviewed by peer reviewer, with cover letter	September 24, 2019, revised through October 30, 2019, by Outback Engineering * (see Note)
July 30, 2021	13. Emergency Vehicle Turning Movements Plan, previously reviewed by peer reviewer	October 28, 2019, by Outback Engineering * (see Note)
July 30, 2021	14. Preliminary Drainage Report previously reviewed by peer reviewer	September 24, 2019, revised through October 30, 2019, by Outback Engineering * (see Note)
July 30, 2021	15. Proposed Amended Comprehensive Permit previously reviewed by peer reviewer (clean copy)	August 21, 2019, by Chase Developers Inc. and 230 Sandwich Road Realty Trust
July 30, 2021	16. Proposed Edits to Comprehensive Permit (redline to existing permit), previously reviewed by peer reviewer	July 2019, by Chase Developers Inc. and 230 Sandwich Road Realty Trust
July 30, 2021	17. Supplemental Proposed Edits to Comprehensive Permit (redline to existing permit), previously reviewed by peer reviewer	August 21, 2019, by Chase Developers Inc. and 230 Sandwich Road Realty Trust
July 30, 2021	18. PSC Peer Review of 2019 Site Plans and Drainage Report	August 10, 2020, by Professional Services Corp.
July 30, 2021	19. Memorandum requesting additional traffic assessment information and deferring further peer review until technical data is submitted	August 10, 2020, by Professional Services Corp.
July 30, 2021	20. Peer review of Proposed Amended Comprehensive Permit text	August 10, 2020, by Professional Services Corp.
July 30, 2021	21. Response to PSC's 2020 peer review	June 28, 2021, by Outback Engineering
July 30, 2021	22. Response to peer review of draft Proposed Amended Comprehensive Permit	July 30, 2021, by Chase Developers Inc. and 230 Sandwich Road Realty Trust
July 30, 2021	23. ZBA Decision denying, without prejudice, Applicant's 2019 application for project change	January 4, 2021, by Bourne Zoning Board of Appeals
July 30, 2021	24. Certified Abutters List	June 1, 2021, by Bourne Board of Assessors
October 19, 2021	Proposal for addition Peer Review of stormwater management and traffic impact assessment, based on the drawings dated May 18, 2021	October 19, 2021, by PSC

October 19, 2021	Memo – Plan does not meet MA Comprehensive Fire Code 527 CMR requirements. No emergency vehicle emergency access is shown.	October 19, 2021, by Assistant Fire Department Chief, David Pelonzi
November 10, 2021	Additional Architectural Renderings	November 10, 2021, submitted by Tom Pappas * (see Note)
November 18, 2021	Slope Protection Plan – Prepared for Site Walk	November 18, 2021, by Outback Engineering * (see Note)
December 14, 2021	Supplemental Information Letter and Site Cross Section Plan in response to concerns raised during Site Walk about the steep road and the proposed grading of the site.	December 14, 2021, by Outback Engineering * (see Note)
December 15, 2021	Residence Elevations	December 15, 2021, by GS Design Group <i>(Approved Plan)</i>
December 16, 2021	Town Engineer memo with concerns re. steep slopes.	December 16, 2021, by Tim Lydon, Engineering Dept.
December 30, 2021	Fire Department memo with concerns regarding site entrance layout and road grade.	December 30, 2021, by Assistant Fire Department Chief, David Pelonzi
January 19, 2022	Revised Site Plan – Presented in the Board Hearing	January 18, 2022, by Outback Engineering. * (see Note)
January 19, 2022	Revised Road Plan / Profile – Presented in the Board Hearing	January 19, 2022, by Outback Engineering. * (see Note)
March 2, 2022	Email from Bourne Housing Partnership with comments on potential revised project layout	March 2, 2022, by Kerry Horman with the Bourne Housing Partnership
March 9, 2022	Submittal Package with revised Site Plan, Requested Waivers and Drainage Report:	March 9, 2022, by Outback Engineering.
March 9, 2022	<u>Plan set:</u> Site Plan (Plan Set Sheet 1 of 11) Legend and General Notes (Sheet 2 of 11) Existing Conditions (Sheet 3 of 11) Grading and Drainage Plan (Sheet 4 of 11) Utility Plan & Road Profile (Sheet 5 of 11) Layout & Materials Plan (Sheet 6 of 11) Sediment & Erosion Control Plan (Sheet 7 of 11) Emergency Vehicle Turning Movement Plan (Sheet 8 of 11) Construction Details (Sheets 9-11 of 11)	March 9, 2022, by Outback Engineering * (see Note)
March 9, 2022	Drainage Report	March 9, 2022, by Outback Engineering <i>(Approved Plan)</i>

March 14, 2022	Email – Revised plans of 3/9/22 significantly reduce grading. The Department supports proposal for erosion control monitoring agent and other proposed mitigations. Further detailed comments will follow.	March 14, 2022, by Tim Lydon, Engineering Dept.
March 14, 2022	Letter – Current Plans still do not prevent a ladder truck from traveling across the centerline on Sandwich Road. Therefore, access is not approved by Bourne Fire/Rescue	March 14, 2022, by Assistant Fire Department Chief, David Pelonzi
March 28, 2022	Updated memo stating that a waiver is not supported. System does not meet breakout requirements; and there is no implied approval of pool and fencing.	March 28, 2022, by Terri Guarino, Health Agent, Town Board of Health
March 31, 2022	Outback Engineering response to Board of Health memo	March 31, 2022, by Outback Engineering
April 5, 2022	Proposed scope of work for supplemental peer review	April 5, 2022, by Professional Services Corp.
May 9, 2022	Supplemental peer review memorandum	May 9, 2022, by Professional Services Corp.
May 18, 2022	Applicant attorney's response to supplemental peer review comments	May 18, 2022, by Attorney Drew Hoyt
May 18, 2022	Applicant engineer's response to supplemental peer review comments	May 17, 2022, by Outback Engineering
June 15, 2022	Letter from peer reviewer with further comments	June 15, 2022, by Professional Services Corp.
June 28, 2022	Revised draft Amended Comprehensive Permit - redline comparison to August 2019 draft	June 28, 2022, by Attorney Drew Hoyt
June 28, 2022	Revised list of requested waivers	June 28, 2022, by Attorney Drew Hoyt
July 1, 2022	Applicant response letter to peer reviewer's June 15, 2022, comments	July 1, 2022, by Attorney Drew Hoyt
July 14, 2022	Applicant engineer's further response to peer review comments	Outback Engineering, July 14, 2022
July 14, 2022	<u>Plan set:</u> Site Plan (Plan Set Sheet 1 of 11) Legend and General Notes (Sheet 2 of 11) Existing Conditions (Sheet 3 of 11) Grading and Drainage Plan (Sheet 4 of 11) Utility Plan & Road Profile (Sheet 5 of 11) Layout & Materials Plan (Sheet 6 of 11) Sediment & Erosion Control Plan (Sheet 7 of 11) Emergency Vehicle Turning Movement Plan (Sheet 8 of 11) Construction Details (Sheets 9-11 of 11)	March 9, 2022, rev. July 8, 2022, by Outback Engineering, signed and stamped July 14, 2022 <i>(Approved Plans)</i>

July 14, 2022	Supplemental Drainage Report and Pre and Post Drainage Maps	Outback Engineering, July 8, 2022 (<i>Approved Plan</i>)
July 14, 2022	Site Lighting Plan	Outback Engineering, July 14, 2022 (<i>Approved Plan</i>)
August 12, 2022	Letter from peer reviewer with further comments	August 12, 2022, by Professional Services Corp.
September 7, 2022	Supplemental Traffic Impact Analysis	September 2, 2022, by Vanesse & Associates, Inc.
September 16, 2022	Letter Regarding Acceptable Turning Radius at Sandwich Road and One-Sided Parking Restriction	September 16, 2022, by Deputy Fire Chief David Pelonzi
September 17, 2022	Peer review memo re. supplemental traffic impact analysis	September 17, 2022, by Professional Services Corp.

Exhibit C

Hearing Summary of Public Testimony by abutters and others (not including representatives of Applicant) See Minutes of each Hearing for full record.		
Date	Property Owners Testifying	Key Points
September 15, 2021	None	No discussion or testimony, only a request to continue
October 6, 2021	<ol style="list-style-type: none"> 1. Roger Forget, Superintendent at Upper Cape Cod Technical School 2. Gary Ruffinio, 9 Weatherdeck Road 3. Mr. Brian Jensen, 10 Bosuns Lane 	<ol style="list-style-type: none"> 1. Mr. Forget raised questions about the proposed road and the abandoned foundation. 2. Mr. Ruffinio asked if there were plans to connect the project to Weatherdeck Road and the Port-of-Call neighborhood. Mr. Drew Hoyt (Attorney for the Applicant) replied that there would be no connection and a fence would be built. 3. Mr. Jensen stated that there is currently a connection between the Port of Call neighborhood and the Chase Estates project, and construction vehicles use it. Attorney Hoyt responded that a fence is proposed.
October 20, 2021	None	NA
November 17, 2021	None	NA
December 15, 2021	None	NA
January 19, 2021	None	NA
March 16, 2021	<ol style="list-style-type: none"> 1. David Pelonzi, Asst. Fire Chief 2. Roger Forget, Superintendent at the Upper Cape Cod Technical School 	<ol style="list-style-type: none"> 1. The Asst. Fire Chief stated that the changes proposed on 3/16/22 by the Applicant to provide a mountable truck apron at the entrance of the property are acceptable. Bourne Fire/Rescue would now approve this design. 2. Mr. Forget stated that he remains concerned about erosion control.
April 6, 2022	Roger Forget, Superintendent at the Upper Cape Cod Technical School	Requested that the applicant design hard erosion control for the site, prior to the Peer Review.

July 6, 2022	Roger Forget, Superintendent at the Upper Cape Cod Technical School	Voiced concerns for safety and additional information needed for summer traffic counts.
August 3, 2022	Brian Davin, address unknown	Mr. Davin identified himself as a prospective buyer of 12 Bosun's Lane, Bourne, and raised concerns about potential connection for vehicle traffic between development site and 14 Bosun's Lane. The Board responded that there would be a condition prohibited such connection.
August 17, 2022	None	NA
September 21, 2022	None	NA
October 5, 2022	None	NA
October 12, 2022	None	NA
November 16, 2022	Roger Forget, Superintendent at Upper Cape Cod Technical School	<ol style="list-style-type: none"> 1. Requested construction fencing be in place throughout duration of construction. 2. Expressed objection to project being bonded in phases by UCT, as well as members of the UCT School Committee.

Exhibit D

Revisions to Project Plans During Hearing

Date Submitted to ZBA	Name of Document	Summary of Changes
July 30, 2021	Original Set of Plans	NA - Original Submittal
July 30, 2021	Original Drainage Report	
July 30, 2021	Original Traffic Impact Assessment	NA - Original Submittal
July 30, 2021	Original List of Requested Waivers	NA - Original Submittal
July 30, 2021	Original Draft Amended Comprehensive Permit	NA - Original Submittal
November 18, 2021	Slope Protection Plan – Prepared for Site Walk	Adds details for protection of slope
December 14, 2021	Site Cross Section Plan	Provides additional detail re. slope, by showing cross-section perpendicular to main development driveway
December 15, 2021	Residence Elevations (<i>Approved Plan</i>)	Rendered elevations by professional architect, replacing architectural drawings previously submitted
January 19, 2022	Revised Site Plan – Presented in the Board Hearing	Conceptual plan for potential site layout changes to address concerns raised to date re slopes, septic systems, entrance layout, drainage. Revised site plans, completely replacing the original site plans. Revised plans show 24 units in duplexes, concentrated at top of hill and off the steep slope, with shared septic systems and redesigned entrance and drainage.
January 19, 2022	Revised Road Plan / Profile – Presented in the Board Hearing	
March 9, 2022	Revised Site Plans (11 sheets)	
March 9, 2022	Revised Drainage Report	Drainage report revised based on site plan changes; replaces original drainage report.
March 9, 2022	Revised List of Requested Waivers	Waiver list revised based on-site plan changes; replaces original list.

July 28, 2022	Revised List of Requested Waivers	Waiver list revised based on-site plan changes; replaces previous lists.
July 14, 2022	Revised Site Plans (11 sheets)	Numerous revisions to site plans to address concerns raised by peer reviewer, Fire Department, and others, e.g.: revised entrance layout to satisfy Fire Dept. and MassDOT requirements; drainage revisions to address peer review comments.
July 14, 2022	Supplemental Drainage Report and Pre and Post Drainage Maps	Provides additional and revised calculations based on peer reviewer comments
July 14, 2022	Site Lighting Plan (<i>Approved Plan</i>)	Adds details for lighting in the proposed development
	Supplemental Traffic Impact Assessment	Adds analysis for summer traffic and address other comments by peer reviewer

Exhibit E

Approved Plans

#	Name	Author & Date
1	Site Plan (Plan Set Sheet 1 of 11)	Outback Engineering, March 9, 2022, revised July 8, 2022, signed and stamped July 14, 2022
2	Legend and General Notes (Sheet 2 of 11)	
3	Existing Conditions (Sheet 3 of 11)	
4	Grading and Drainage Plan (Sheet 4 of 11)	
5	Utility Plan & Road Profile (Sheet 5 of 11)	
6	Layout & Materials Plan (Sheet 6 of 11)	
7	Sediment & Erosion Control Plan (Sheet 7 of 11)	
8	Emergency Vehicle Turning Movement Plan (Sheet 8 of 11)	
9	Construction Details (Sheets 9-11 of 11)	
10	Site Lighting Plan	Outback Engineering, July 14, 2022
11	Rendered Residence Elevations	GS Design Group, December 15, 2021
12	Drainage Report	Outback Engineering, March 9, 2022
13	Supplemental Drainage Report and Pre and Post Drainage Maps	Outback Engineering, July 8, 2022