Cape View Way

Bourne, MA

Project Narrative

 May 13, 2021

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# INTRODUCTION & GENERAL DESCRIPTION

The Applicants were selected by the Bourne Housing Authority to develop the Property for up to 60 affordable housing units - after the Bourne Town Meeting voted to have the Property used for affordable housing. The Applicants propose to develop the Property into a 51-unit affordable housing residential development (“Development”), as that is what is appropriate for the Property.

## Existing Conditions

The Property is located in an R-40 Zoning District and is vacant except for some existing subdivision infrastructure (including two hydrants and some existing pavement and a water line) which will be removed and replaced with new infrastructure. The site is 3.07-acres located on Cape View Way, off of Meetinghouse Lane and is characterized by dense vegetation and invasive species. The existing Cape View Way road has a paved surface that extends approximately 145 feet from Meetinghouse Lane. The road then continues as a dirt road. A wetland is located on the western portion of the Property.

The site is bordered by Cherry Hill Court to the east and Meetinghouse Lane and commercial properties to the south. The site abuts residential properties located on Homestead Road, Homestead Road Extension, and Andrew Road to the west, and the Bourne Fire Department and United States Postal Service to the south. It is also conveniently located within walking distance to public transit and local amenities (Figure 1).

The general topography of the site slopes toward the east. The site’s topography includes some fairly significant grade changes. There are two small earthen mounds towards the center of the site. Overall, the site exhibits elevation changes of 58 to 74 feet above mean sea level. The site generally drains from north/northeast to the southwest corner.

## Soils

According to the “Soil Survey of Barnstable County, Massachusetts” (Fletcher, 1993) soils underlying the Site are classified as Carver Loamy Coarse Sand (Figure 2). This soil group is classified as hydrologic soil group A and described as “very deep, gently sloping, excessively drained soil generally is in broad areas on outwash plains but is also in areas of sandy glacial lake deposits.”

Nine site soil evaluation test pits were performed in October 2019 to complete a Phase 2 environmental assessment and assess the subsurface conditions to determine its suitability for the construction of wastewater and stormwater management practices.

## FEMA Designation

According to the FEMA Flood Insurance Rate Maps (Community Panel Number 250001C0318J, effective July 16, 2014), the site is located within Flood Zone X, “Areas determined to be outside the 0.2% annual chance floodplain” (Figure 3).

## State-listed Rare Species Habitat

According to the most recent version of the *Massachusetts Natural Heritage Atlas* (14th Edition, August 1, 2017), the Property is not located within areas of *Estimated Habitat of Rare Wildlife and Certified Vernal Pools* and/or *Priority Habitat of Rare Species* as designated by the Massachusetts Natural Heritage and Endangered Species Program (NHESP, Figure 4).

## Wetland Resource Areas

In May 2019, Horsley Witten, the Project’s engineer, identified and delineated the boundary of wetland resource area in the western portion of the Property, in accordance with methods developed by MassDEP, as set forth in the Massachusetts Wetlands Protection Act regulations.

# PROPOSED PROJECT NARRATIVE

The Development includes the new construction of one building, 85 parking spaces, associated sidewalk, and landscaped open spaces for residents of the Development. The proposed site design is compatible with the neighborhood, located near residential uses, incorporates public transportation access, and provides new, affordable, and mixed-income housing.

Specifically, the Applicant proposes to construct the following as a part of the Development:

* 51 dwelling units located in one building
* Approximately 800 linear feet of paved access road
* Two paved parking lots (69 spaces)
	+ Standard - 15’-6” X 8’-8”
	+ Compact: 15’-6” X 8’-0”
* ADA accessible parking (4 spaces) and compact car parking (12 spaces)
* ADA accessible sidewalks
* Interior landscaped areas, buffers, open spaces, and lighting.

## Use of Building and Architecture

As noted above, the Development includes 51-units of mixed-income housing that will be provided in a three-story building with a central common corridor and elevator access to the upper floors. In addition to its 51 units, a small lobby, amenity rooms, and storage units are included. An entrance in the rear of the building allows access to a patio and play space area. The Cape Cod vernacular is embraced in the style and material selections for the building, which includes shingle and lap siding, projecting bays, and gabled roofs elements. Stair towers with transom windows and the hexagonal main entry tower are reminiscent of Cape Cod lighthouse architecture. A curved covered canopy with a trellis and colonnade provides a welcoming entrance, as well as a gathering place for residents.

The individual units have an efficient and simple plan, resulting in 1, 2 and 3 bedroom units of 617 to 1133 SF. Three units of the proposed 51 units will be designed to be
handicapped accessible. Many others are designed to meet the needs of families with
children and help residents age in place by providing one floor living and generous
clearances for future mobility challenges. Careful attention is given to important “transitional” spaces such as entry vestibules and hallways. Bays will be carefully used to give additional room exactly where needed and to help subtly define areas of the floor plan. Each room will have at least 2 windows ensuring generous lighting and ventilation. Issues such as sight lines, acoustic privacy, efficient circulation, and adequate storage have all been considered. The units will all be designed to be affordable, both in their first cost and in their lifecycle costs. Low maintenance materials will be specified throughout. On the exterior natural white cedar shingles or architectural fiber cement siding/shingles, painted cellular PVC trim and no-maintenance vinyl insulated windows will be utilized.

The unit count, unit mix and square footage of each unit is provided in the table below.

**Table 1: Building Information**

|  |  |  |  |
| --- | --- | --- | --- |
|  | **Level 1** | **Level 2** | **Level 3** |
| **Total # of units** | 13 | 19 | 19 |
| **Unit mix** | 1BR - 72BR – 23BR - 4 | 1BR - 52BR - 133BR - 1 | 1BR - 52BR - 14 |
| **Unit size** | 1BR – 617- 645 sf2BR – 900- 922 sf | 1BR – 617- 641 sf2BR – 877- 1133 sf3BR - 1133 sf | 1BR – 617-721 sf2BR – 877-1133 sf3BR - 1133 sf |
| **Building floor area** | 20,422 sf | 20,422 sf | 19,514 sf |
| **Type** | Rental | Rental | Rental |

*Housing Affordability*

Cape View Way will expand housing options for households at a range of incomes (Table 2). The units will be available to residents earning 30% of the Area Median Income to 80% of the Area Median Income, creating a mixed income community. For Low Income Housing Tax Credit (LIHTC) and Workforce units, income-eligible residents are required to pay the full rent, therefore, residents must be working in order to meet the monthly rent payment. For Section 8 units, residents typically pay between 30-50% of their household income towards the rent payment and a housing payment voucher from a local housing authority covers the difference.

According to the Department of Housing and Community Development, as of December 21, 2020, only 6.9% of Bourne housing is subsidized.

**Table 2: Income and Rent Limits**

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| Unit Type | # of units | Area Median Income | # of People per Household | Income Limits (2021) | Rent Limits (2021) |
| 1BR | 10 | LIHTC- 60% | 1-2 | $40,680-$46,680 | $1,094 |
| 1BR | 7 | Workforce-80% | 1-2 | $54,480-$62,240 | $1,362 |
| 2BR | 17 | LIHTC- 60% | 2-4 | $46,680-$58,320 | $1,312 |
| 2BR | 5 | S8-PBV-30% | 2-4 | $23,340-$29,160 | $656 |
| 2BR | 7 | Workforce-80% | 2-4 | $62,240-$77,760 | $1,750 |
| 3BR | 1 | LIHTC-60% | 3-6 | $52,500-$67,680 | $1,516 |
| 3BR | 3 | S8-PBV-30% | 3-6 | $26,250-$33,840 | $758 |
| 3BR | 1 | Workforce-80% | 3-6 | $70,000-$90,240 | $2,022 |
| Total | 51 |  |  |  |  |

2021 Income and Rent Limits for Barnstable County

Source: novoco.com

*Zoning Board of Appeals, May2021*

## Traffic Flow, parking, loading, and circulation

Site circulation is designed to provide safe and efficient access. Access from Meetinghouse Lane and vehicular and pedestrian circulation throughout the site is provided by one access drive. The proposed access drive allows for two-way traffic at 24-feet wide up through the second parking lot and then to one-way traffic at 12-feet wide and designed to accommodate the turning and maneuvering requirements of the largest anticipated responding emergency vehicle per the Bourne Fire Department.

A drop off area near the building has been created and is shown on the plans.

Both parking lots have 24-feet wide drive aisles. A total of 85 spaces are provided in two parking lots (69 spaces) and on- street parking (16 spaces) along the access drive to create a well-defined, pedestrian-friendly streetscape. The location, configuration and design of the off-street parking spaces are shown on the attached plans. Based on other affordable housing developments by POAH/HAC, the proposed parking ratio of 1.2 is appropriate for this proposed development.

Sidewalks are provided along the access drive and connect to the existing sidewalks along Meetinghouse Lane. Americans with Disabilities Act (ADA) compliant sidewalks, entrances, and parking, along with wheelchair ramps, as required, are provided at all buildings, handicapped parking spaces and internal pedestrian driveway crossings.

As requested by the Town of Bourne Zoning Board of Appeals, the Applicants are conducting a traffic study to evaluate the proposed development’s impacts to traffic circulation along Meetinghouse Lane. The study should be available soon.

## Landscape, external lighting, snow removal, and screening

One open space pocket is incorporated into the site to provide outdoor space for residents to utilize. Native trees, shrubs, and ornamental plants are used to define spaces. To protect view sheds around the site, back of house items (e.g., trash enclosures and parking) are screened where possible.

The landscape design objective is to enhance the built environment through the creation of a sustainable landscape that blends into the site's natural surroundings. The overall design philosophy will emphasize the use of native plantings and strive to integrate the proposed development’s needs into the site's woodland environment. The intent will be to create a passive landscape that will complement the proposed building architecture and natural beauty, while promoting interaction among the community’s residents.

To accomplish the design goals, tree lined walkways will be meander throughout the site linking different use areas and providing a connection between Meetinghouse Road and the building. Perimeter landscaping will be provided throughout the parking lots to break up the paved areas and provide shading. Outdoor open space areas for residents are incorporated into the design including outdoor seating areas, playground and open lawn. Native trees, shrubs, and ornamental plants are used to define spaces. To protect view sheds both in and out of the site around trash enclosures and parking are screened where possible.

The plant selection will take its cue from the native plants of the surrounding plant community. The site is bordered by a wetland to the south and east, care will be taken to minimize disturbance in this area and new plantings will be similar to those found within the undisturbed wetland buffer. Three different seed mixes were selected to provide mowed turf, naturalized and wetland buffer areas.

The proposed plant design will include species listed in the sample recommended plant list below.

**Table 3: Recommended Plant List**

|  |  |
| --- | --- |
| **Trees** |   |
| ***Street/Large Deciduous*** |  |
| *Acer rubrum* | Red Maple |
| *Nyssa sylvatica* | Tupelo |
| *Quercus alba* | White Oak |
| *Quercus coccinea* | Scarlet Oak |
| *Quercus rubra* | Red Oak |
| *Ulmus americana* | American Elm |
|  |  |
| ***Ornamental*** |  |
| *Amelanchier sp.* | Serviceberry |
| *Betula papyrifera* | Paper Birch |
| *Betula populifolia* | Gray Birch |
|  |  |
| ***Evergreen*** |  |
| *Juniperus virginiana* | Eastern Red Cedar |
| *Pinus strobus* | White Pine |
|  |  |
| **Foundation Plants** |   |
| ***Shrubs*** |  |
| *Aronia sp.*  | Chokeberry |
| *Clethra alnifolia* | Summersweet Clethra |
| *Comptonia peregrina* | Sweetfern |
| *Cornus sericea* | Red Twig Dogwood |
| *Ilex glabra* | Inkberry |
| *Hydrangea quercifolia* | Oakleaf Hydrangea |
| *Hypericum kalmianum* | Kalm St. Johnswort |
| *Morella pensylvanica* | Bayberry |
| *Physocarpus opulifolius* | Ninebark |
| *Rhus aromatica 'Gro Low'* | Fragrant Sumac |
| *Vaccinium sp.* | Blueberry |
| *Viburnum dentatum* | Arrowwood |
|  |  |
| ***Perennials/Grasses/Groundcovers*** |
| *Geum fragarioides* | Appalachian Barren Strawberry |
| *Geranium maculatum* | Wild Geranium |
| *Heuchera macrorhiza* | Coral Bells |
| *Oenothera fruticosa* | Evening Primrose |
| *Osmunda cinnamomea* | Cinnamon Fern |
| *Pycanthemum sp.* | Mountain Mint |
| *Schizachyrium scoparium* | Little Bluestem |
| *Sporobolus heterolepsis* | Prairie Dropseed |
|  |  |
|  |  |
| **Buffer Plants** |   |
| ***Trees*** |  |
| *Acer rubrum* | Red Maple |
| *Nyssa sylvatica* | Tupelo |
| *Prunus serotina* | Black Cherry |
| *Quercus alba* | White Oak |
|  |  |
| ***Shrubs*** |  |
| *Clethra alnifolia* | Summersweet Clethra |
| *Viburnum dentatum* | Arrowwood Viburnum |
|  |  |
| ***Perennials/Grasses/Groundcovers*** |
| *Carex sp.* | Sedge sp. |
| *Osmunda cinnamomea* | Cinnamon Fern |
|  |  |
| **Parking Lot Islands** |   |
| ***Shrubs*** |  |
| *Comptonia peregrina* | Sweetfern |
| *Hypericum sp.* | St. Johnswort |
| *Rhus aromatica 'Gro Low'* | Fragrant Sumac |
|  |  |
| ***Perennials/Grasses/Groundcovers*** |
| *Coreopsis sp.* | Coreopsis |
| *Baptisia tinctoria* | Yellow Wild Indigo |
| *Eupatorium hyssopifolium* | Hyssop Leaved Boneset |
| *Geum fragarioides* | Appalachian Barren Strawberry |
| *Oenothera fruticosa* | Sundrops |
| *Sporobolus heterolepsis* | Prairie Dropseed |
|  |  |
| **Stormwater Management Areas** |   |
| ***Trees*** |  |
| *Betula sp.* | Birch |
| *Nyssa sylvatica* | Tupelo |
|  |  |
| ***Shrubs*** |  |
| *Clethra alnifolia* | Summersweet Clethra |
| *Cornus sericea* | Red Twig Dogwood |
|  |  |
| ***Perennials/Grasses/Groundcovers*** |
| *Asclepias sp.* | Milkweed sp. |
| *Carex sp.* | Sedge sp. |
| *Eragrostis spectabilis* | Purple Lovegrass |
| *Eupatorium hyssopifolium* | Hyssop Leaved Boneset |
| *Juncus sp.* | Rushes |
| *Panicum virgatum* | Switchgrass |
| *Penstemon digitalis* | Beardtongue |
| *Pycanthemum sp.* | Mountain Mint |
| *Schizachyrium scoparium* | Little Bluestem |
| *Solidago sp.* | Goldenrod |

*Lighting*



*Proposed Lighting*

The lighting selected for the site is an ornamental pendant style fixture that hangs downward facing toward the ground, ensuring light does not trespass or add excess light pollution. The fixtures hang between 12 and 15 off the ground and provides comfortable lighting for the roadway and adjacent sidewalk. The fixture is a King Luminaire gloss black classic style, which adds to the pedestrian scale and neighborhood feel of the development. A photometric plan has been provided as part of the application submission. See Attachment 4 for additional lighting information.

*Winter Months*

The overall layout of the landscape and site design gave consideration for the site during winter months. To accommodate snow storage, and ensure excess snow is not directed to stormwater facilities, locations for storage have been created throughout the development. This gives anyone removing snow several options, and plenty of room for large storm events.

## Proposed and Existing Public and Private Utilities

There are no utilities at the Property. There is access to public water service along Meetinghouse Lane via an 8-inch water main, serviced by the North Sagamore Water District. A looped water main is proposed for the site. The design plans, details and calculations have been submitted to the North Sagamore Water District. As set forth in the April 14, 2021 letter from the North Sagamore Water District (NSWD), the District has 18,940 gallons of water per day (gpd) of available capacity for new construction. The projected water usage for the Project is only 8,610 gpd.

Meetinghouse Lane provides access to electric and gas. A more detailed description of the stormwater and sewer design is provided in Section 2.4.1 and 2.4.2 below.

### **Stormwater**

The proposed project will incorporate a series of stormwater infiltration, and green stormwater infrastructure (GSI) practices into the overall site and landscape design. The design includes natural practices such as bioretention areas, tree trenches swales, and underground recharge chambers to manage the onsite runoff. The stormwater management system is designed to accomplish the following major objectives:

* To capture and treat, at a minimum, the “first flush” (first one-inch of stormwater runoff) from the impervious surfaces.
* To provide groundwater recharge to the greatest extent practicable in conformance with the Massachusetts Department of Environmental Protection groundwater recharge criteria.
* To minimize runoff from the post-developed conditions at the study points located along the periphery of the site.

These objectives are met through the use of the following stormwater management measures:

* GSI practices (e.g., bioretention and tree trenches) sized to provide water quality treatment for the driveway, walkways, and parking area runoff. The systems are equipped with overflows to convey runoff from larger storm events into proposed underground recharge chambers.
* Underground recharge chambers and recharge basins sized to retain and infiltrate onsite runoff.

See the “*Stormwater Analysis and Drainage Report*” prepared by Horsley Witten Group, Inc. (Attachment 5) for additional information and the “*Stormwater Management Maintenance Plan*” (Attachment 6) for the operation and maintenance requirements.

### **Wastewater**

Public sewers are not available and, therefore, the Development will require an onsite wastewater treatment system. A wastewater design flow assessment was performed, based on Title 5 design flow criteria, 310 CMR 15.203, for proposed uses at the site and is provided below in Table 4. Title 5 flow is typically considered a max day flow. The estimated design flow is approximately 9,900 gallons per day (gpd).

**Table 4 – Proposed Wastewater Design Flow**

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| **Description** | **Unit Type** | **Number of Units** | **Bedrooms per unit** | **Total bedrooms** | **Flow Rate (GPD)** | **Total Design Flow (GPD)** |
|
| **Proposed Buildings**  |
|  | 1br | 17 | 1 | 17 | 110 | 1,870 |
|  | 2br | 29 | 2 | 58 | 110 | 6,380 |
|  | 3br | 5 | 3 | 15 | 110 | 1,650 |
| **Total number of units:** |  | **51** |  |  |  |  |
| **Total Daily Design Flow (Gallons per day)** | 9,900 |

*Note: Design flows taken from 310 CMR 15.203 System Sewage Flow Design Criteria (Title V).*

The wastewater system is comprised of a 30,000 gallon H-20 two compartment septic tank to accommodate 300% of the design flow, a 14,000 gallon pump chamber sized for 100% emergency capacity, a distribution box, and a gravity fed Enviro-Septic alternative subsurface Soil Absorption System (SAS). Duplex alternating pumps will feed the main distribution box which distributes effluent evenly to the two Enviro-Septic effluent disposal beds.

The design plans, details and calculations have been submitted to the Bourne Board of Health.

## Description of natural area protection and enhancement

A small portion of the project area is located within both the 50’ and 100’ wetland buffers. The proposed building and all site amenities are located outside of the 50’ buffer, with minor grading occurring in within the 50’ buffer. The proposed landscape plan includes the restoration of all disturbance within the 50’ buffer, including the removal of invasive species and native buffer plantings.

A sediment and erosion control barrier consisting of a silt sock will be placed at the limit of work as shown in the project plans. Erosion control barriers will remain in place and will be maintained in good condition until all work is complete and all soils have been stabilized.

## School impact issue

During the April 7, 2021 public hearing session, the Zoning Board of Appeals asked the Applicants to respond to the question of whether the Board may consider the school impacts from a 40B project when determining whether to grant a comprehensive permit.

In short, a Zoning Board of Appeals absolutely may **not** consider school impacts from a 40B project when determining whether to grant a comprehensive permit; and this is settled law: (i) through decisions issued by the Housing Appeals Committee; (ii) by explicit requirement in the state regulations that govern comprehensive permit applications; and (iii) by decisional law issued by the Supreme Judicial Court, the Commonwealth’s highest court.

**A. Housing Appeals Committee Decisions**

For more than thirty years, the Housing Appeals Committee (“Committee”) has consistently held that the impact of an affordable housing project on a community’s school facilities is **not** a factor that can be considered by a zoning board of appeals when reviewing a comprehensive permit application.

In 1988, the Committee held that:

[W]e cannot escape the fact that **the provision of** municipal services,

particularly **adequate schoolroom facilities and school infrastructure,**

**remains a municipal obligation**. If there are problems, they are problems

which the municipality must solve one way or another. **It (a community)**

**cannot solve the problem by denying this application** which deals with

another municipal duty, imposed under a legislative policy which in effect

requires Taunton to grant Comprehensive Permits in cases where the

proposal meets the qualitative requirements in the statute up to the point

where Taunton has met the quantitative minima prescribed in Section 20.

Silver Tree Limited Partnership v. City of Taunton Board of Appeals,

Housing Appeals Committee Docket No. 86-19, Decision dated

October 19, 1988(Emphasis added.) Also see Dexter Street LLC. v.

North Attleborough Board of Appeals, Housing Appeals Committee

Docket No. 00-01, Decision dated July 12, 2000.

The Committee’s consistent rulings in this regard were explicitly memorialized in amendments promulgated to the Chapter 40B Regulations in 2008; specifically under 760 CMR 56.07(2)(b)(4), as discussed more fully below.

**B. State Regulations**

In 2008, the state regulations that govern comprehensive permits were amended to include the following provision at 760 CMR 56.07(2)(b)(4):

 [I]f denial or conditions [of a comprehensive permit] are based upon the

inadequacy of existing municipal services or infrastructure the Board

shall have the burden of proving that the installation of services adequate

to meet local need is not technically or financially feasible. **Financial**

**feasibility may be considered only when where there is evidence of**

**unusual topographical, environmental, or other physical circumstances**

which make the installation of the needed service prohibitively costly.

(Emphasis added.)

This regulation explicitly provides that any inadequacy of existing municipal infrastructure can be a basis for a zoning board of appeals to deny (or condition) a comprehensive permit **only** when there is a **physical circumstance** that would make installation of the needed service prohibitively expensive. Of course, the provision of school infrastructure may raise financial concerns, but not physical constraints.

**C. Supreme Judicial Court Decision**

In 2013, the Supreme Judicial Court expressly ruled that a zoning board of appeals improperly denied a comprehensive permit on the grounds that the proposed project could add up to 54 school aged children to the community and, therefore, create a potential financial burden for the community. Zoning Board of Appeals of Sunderland v. Sugarbush Meadow, LLC, 464 Mass. 166, 184-187 (2013). The SJC held that, under 760 CMR 56.07(2)(b)(4), the only fiscal impact that may be considered when denying a comprehensive relief is one that involves a physical circumstance. Id at pp. 186-187. The SJC noted that “where no such physical circumstances are present,” the regulation :bars the board and the HAC from considering the financial burden of additional municipal services or infrastructure.” Id at p.186. The SJC explicitly held when there are no unusual physical circumstances, “a town may address the alleged inadequacy of municipal services through conventional budget adjustments.” Id at p. 187. The SJC noted that this regulation furthers the statutory purpose of G.L. c.40B to provide “relief from exclusionary zoning practices which prevent the construction of badly needed low and moderate income housing.” Id.

In summary, the Board may not consider the school impacts from this (or any other) proposed comprehensive permit project.

## Draft Project Development Schedule

During the April 7, 2021 public hearing, the Board asked the Applications to provide information regarding the potential permitting and construction schedule for the Project. Below is a draft schedule, which is subject to change, of course, including due to the timing and results of DHCD funding rounds.

**Table 5 – Draft Project Development Schedule**

|  |  |
| --- | --- |
| **Development Schedule** | **Date** |
| ZBA Hearing |  In process since 03/04/2021  |
| DHCD Pre-Application for Funding | 11/15/2021 |
| DHCD Funding Round | 2/15/2022 |
| DHCD Funding Award | 8/1/2022 |
| Construction Start | 4/1/2023 |
| Construction Completion | 12/1/2023 |
| Full Occupancy | 5/1/2024 |