

Town and County of Nantucket
Board of Selectmen • County Commissioners

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C. Elizabeth Gibson
Town & County Manager

October 22, 2015

Mr. Michael Busby, 40B Specialist
MassHousing
One Beacon Street
Boston, MA 02108

Re: Sandpiper Place Chapter 40B – Project Eligibility Letter Application

Applicant: Richmond Nantucket Single family One, LLC
Project: Sandpiper Place/50 Homeownership Single-Family Dwellings
Location: 73 Old South Road (and multiple other parcels), Nantucket, MA
Subsidizing Agency: MassHousing
Program: New England Fund

Dear Mr. Busby:

On September 29, 2015, the Board of Selectmen (“Board”) received your September 28, 2015 correspondence regarding the September 22, 2015 application (“Application”) by Richmond Nantucket Single family One, LLC (“Richmond Single Family” or “Applicant”) to MassHousing for a Project Eligibility Letter (“PEL”). Richmond Single Family seeks a PEL to allow it to apply to the Nantucket Zoning Board of Appeals (“ZBA”) for a Comprehensive Permit under G.L. c.40B to permit a residential project, to be known as Sandpiper Place (“Project”), with 50 home ownership single-family units (with 13 affordable units) on property (“Property”) at 73 Old South Road and multiple other parcels.

On October 21, 2015, for the reasons detailed below, the Board voted 5-0 to inform MassHousing that the Project is in an appropriate location, provided all of the issues detailed below are satisfied, including especially the serious access concerns noted below, before any PEL issues or as a condition of any PEL that issues for the Project.

The Property is in a neighborhood node within the Town Overlay District and development is encouraged here under the 2009 Master Plan as the area is proximate to municipal water service, is within an established sewer district and may be integrated into adjacent roadway networks, bike paths and seasonal public transit. The site is highly

degraded and in need of complete rehabilitation to transform it from its current use as a derelict industrial and storage site to productive use. Other land owned by or controlled by entities that may be related to the Applicant may be developed for complementary retail/service uses and this could provide convenient access for the future residents of the Project to nearby amenities.

Three Exhibits, which were included with the Application, are attached hereto. Exhibit A is a sketch of the Property (Exhibit A to the September 1, 2015 Purchase and Sale Agreement). Exhibit B is an aerial photo of the Property. Exhibit C is a Site Plan, dated 9/20/15 (Plan C-3, Sheet 4 of 4).

1. Clarification Issues:

A. Identification of the Site.

The Board requests MassHousing to require the Applicant to clarify whether the Property proposed for the Sandpiper Project is for 8 acres or 9 acres.

The Application (at p. 8/14 and ¶2 of the Purchase and Sale Agreement) indicates the Property has 8 acres; however, Exhibit B indicates the Property has 9 acres and this point must be clarified.

B. Site Control over Access Points.

The Board requests MassHousing to require the Applicant to provide evidence to MassHousing that confirms the Applicant has the necessary ownership or control over the access points proposed over the adjacent land and over the adjacent approved subdivision.

The Application (Exhibit C) indicates three points of access for the Project (i.e., Old South Road, Mayflower Circle and Nancy Ann Lane); however, the Property does not front on Nancy Ann Lane and access to Mayflower Road and the elimination of the cul de sac on Daffodil Lane would require modifications to the 1987 Cedar Crest III Subdivision that would impact lot owners in the subdivision, but the assent of the lot owners to the modifications has not been provided. Of course, the Applicant must demonstrate site control to provide the proposed access.

C. Relation of the Sandpiper Project to the 1987 Cedar Crest III Subdivision.

The Board requests MassHousing to require the Applicant to provide evidence regarding all rights that exist under the Cedar Crest III Subdivision and who holds those rights and how those rights would be impacted by the Project.

Specifically, the PEL Application (page 8/14) indicates a majority of the Property was “part of the Cedar Crest III” subdivision which was approved in July of 1987

and that the infrastructure for the Cedar Crest III Subdivision was installed and 12 lots were platted and graded “but homes were never built and this portion of the site remains vacant and underutilized;” however, other lots within that subdivision were sold and built upon and the Project as proposed would require modifications to the subdivision.

Exhibits A and B indicate the Cedar Crest III Subdivision consisted of as many as 20 lots, which were approved to have access over two ways known as Mayflower Circle and Daffodil Lane. Exhibit A indicates the Sandpiper Project would consist of a portion of Lot 5, a portion of Lot 8 and Lots 3, 5, 7, 9, 10 and 13, which have frontage on the way known as Mayflower Circle, and that the Sandpiper Project controls the frontage for Lot 4 at Mayflower Circle. In addition, Exhibit A indicates the Sandpiper Project would include four of the lots created under the Cedar Crest III Subdivision that have frontage on Daffodil Lane (i.e., 30, 32, 34 and 35 Daffodil Lane).

The Cedar Crest III Subdivision approval must be modified to alter the subdivision ways that were approved in 1987. At a minimum, the cul de sac for Mayflower Circle would be removed and become a through street and Daffodil Lane would be modified to remove its cul de sac without making it a through road in order to place lots within the cul de sac area. No information is provided as to what impact the Project would have on other infrastructure that may exist within the subdivision (e.g., drainage, water and sewer mains).

Exhibit C, an aerial photograph of the Property, indicates a number of developed residential lots exist on Mayflower Circle and Daffodil Lane. It will be critical to know how the proposed modifications to the 1987 Cedar Crest III Subdivision will impact the developed lots and any other lots that remain to be developed on Mayflower Circle and Daffodil Lane. Of course, frontage and emergency access must be maintained for any existing or potential lot and any modification to change approved infrastructure (including stormwater controls and the cul de sacs) must be reviewed very carefully. The basis for the Applicant to seek and make such subdivision modification must be established.

It is the Town’s position that, if any modification is proposed to the definitive subdivision approval granted in 1987 for the Cedar Crest III Subdivision that impacts any lot not part of the Property, then the subdivision lots with rights that would be impacted by the modification must be included in the 40B Application in order for the ZBA to have jurisdiction to grant the necessary subdivision modification relief.

The Board urges MassHousing to require the Applicant to demonstrate it has site control over all of the relevant land, which is required in order for the Applicant to seek and obtain any proposed definitive subdivision modification(s).

In addition, the Applicant must be required to show the necessary site control over the land where the access way to Nancy Ann Lane would be built.

2. Drainage Issues.

The Board is concerned that the Property is part of a larger property that has been subdivided and used partially for residential and partially for industrial/commercial uses. The Board urges MassHousing to require that during any ZBA public hearing the drainage issues for the Property, the Cedar Crest III Subdivision and the nearby land that is sought to be used for a rental comprehensive permit project, known as the Meadows II, and all adjacent land be fully examined and addressed.

The Board requests MassHousing to require that the Application provide evidence that establishes that all of the relevant land has been examined, to make sure no modification to existing drainage conditions or requirements will take place that would increase the rate or volume of stormwater flow from the Property off site and would not reduce the storage of existing drainage that now flows to the Property from adjoining land.

The Board requests that the Applicant be required to provide an analysis of pre and post-construction conditions and full pre and post-construction drainage calculations and that a qualified professional engineer provide a report that compares and analyzes the pre and post construction conditions for the Property and all adjoining land and all relevant watershed areas and that these materials be subjected to peer review at the Applicant's expense.

The Board notes that if the Applicant proposes to use pervious pavement for walkways and parking areas, then that, of course, could mitigate stormwater runoff concerns; however, if that approach is contemplated, we urge MassHousing to make sure that the pro forma provided for the Project includes adequate funding and adequate provisions for the cost of maintaining the pervious pavement, which would be a significant annual expense.

The Board requests MassHousing to require that no approval may be granted unless a suitable stormwater control design is proposed.

The Board requests MassHousing to require, as any condition of issuance of any PEL for the Project, that the Applicant's submission to the ZBA shall:

- a) be supported by adequate testing of the Property's soils, both as to percolation and permeability rates, and the location of seasonal high ground water levels;
- b) be required to undergo peer review by a drainage consultant hired by the Town at the Applicant's expense;
- c) be confirmed through peer review, before any approval can take place, that there will be no net increase in the volume and rate of stormwater runoff from the

Property, based upon drainage calculations that compare pre-construction and post-construction conditions;

- d) be confirmed, in particular, through peer review, to not result in any increase in the rate or volume of stormwater runoff from the Property or any change in the runoff from existing adjoining properties, when pre-construction and post-construction conditions are compared;
- e) include water control runoff from roofs of the dwellings and any accessory structures that are separate from and not combined with stormwater runoff from paved areas and not be introduced into any stormwater drainage basin;
- f) include operation and maintenance and replacement requirements for the access ways and stormwater drainage infrastructure; and
- g) include evidence of adequate funding by a homeowners association to manage the resulting costs for maintaining, repairing and replacing the access ways and stormwater drainage infrastructure and other infrastructure.

3. Density, Massing, and Usable Open Space Issues.

The Board requests MassHousing to require the Applicant to provide usable open space for the Project and to limit the number of dwellings per lot to one dwelling on those under 5,000 square feet.

We request MassHousing to require that the Project include useable open space that can provide for active uses such as a “tot lot,” a playground and/or game courts for older children/adults, practice fields and an adequate dog park here or within walking distance on its other properties with appropriate access. The proposed bike path should connect the entire area to the Old South Road Bike Path and include a crosswalk and/or roadway modifications to allow safe usage.

The parking proposed for the Project satisfies current Zoning By-law requirements in order to serve the proposed number of units, but the Board requests that MassHousing require that all driveways shall have a minimum length of 22 feet measured from the street property line and that the driveways shall be located safely in relation to one another.

The Board requests MassHousing to require the Applicant to obtain and provide a report that provides an estimate of the anticipated school aged children in the Project, so the Town can plan ahead to serve the children.

The Board requests MassHousing to require the Applicant to provide for private trash storage and pickup and include this cost in the pro forma.

4. Building Design Issues.

The Application shows a single building type and this is unacceptable to the Town. Equally disappointing is the site plan which is a standard grid that provides little open space and fills all the land with roads and lots and doesn't illustrate the connections to the surrounding area with enough specificity. We understand there are ongoing discussions about improving the design and we strongly encourage the exploration of tiny-style houses and the varying of the single-family buildings, to avoid a monotype dwelling design throughout the Property. A wealth of better design examples exists within close proximity to the Property and we encourage more creative and attractive designs.

5. Sewer and Water Issues.

The Town is not aware of any specific sewer capacity issues; however, the Town does not know whether the existing sewer main would have sufficient capacity to serve the additional flow proposed by the Project. We request that MassHousing require that sewer flow metering tests be conducted at the Applicant's expense, to confirm adequacy of the sewer service line to support the additional capacity proposed and the Applicant be required to bear the expense of all improvements required to serve the Project, including any pump station that may be necessary. The Applicant should be required to pay all relevant fees and charges that are imposed on all developers.

The Town is not aware of any specific water capacity issues; however, the Town does not know whether the existing water main would have sufficient capacity to serve the additional flow proposed by the Project. We request that MassHousing require that water capacity testing be conducted at the Applicant's expense, to confirm the adequacy of the water service line to support the additional capacity proposed and the Applicant be required to bear the expense of all improvements required to serve the Project and that the Applicant be required to pay all relevant water fees and charges that are imposed on all developers.

Accordingly, if a PEL is granted, then the Board urges MassHousing to require the Applicant to:

- a) perform all appropriate flow meter tests of the relevant sewer main and confirm, to the Board's satisfaction, that the sewer line is adequate for the volume projected for the Project; and
- b) perform all water capacity tests to verify and demonstrate that the Project will not adversely impact the public infrastructure or reduce the water pressure available to existing water users.

6. Energy Efficiency and Sidewalk Issues.

The Board urges MassHousing to require the Project to be designed and built so as to maximize energy efficiency in terms of building materials and heating and other infrastructure. This will reduce the cost to the residents and should not greatly increase the Applicant's costs. Related to this, the Board urges MassHousing to require that the Project shall include internal and off-site sidewalk improvements, to facilitate pedestrian access to nearby commercial, community, and public transportation facilities. Sidewalks should be constructed of brick, concrete or asphalt (or a combination thereof) and meet AASHTO standards where appropriate.

7. Driveway and Roadway Length and Width Issues.

The Board requests MassHousing to require the Applicant to design the right of way width of each access way to be at least 40 feet (to allow for a sidewalk and a grassed area) and 20 feet of paved width, to allow for proper access, provided, however, that an improved site plan design which may incorporate one-way access and parallel easement areas can be considered. In addition, snow storage areas shall be provided.

The Board requests that MassHousing require that the dimension of each parking space shall be consistent with the requirements of the Zoning Bylaws.

8. Operating Cost Issues.

The Board urges MassHousing to carefully examine future operating costs for the Project to make sure that the future costs are properly estimated and are disclosed in advance to prospective residents, including the costs to maintain the drainage and access way infrastructure and to provide for private trash storage and pick up and maintenance of all other common elements, as payment of these costs will be critical to the long term success of the Project.

9. Fire Safety Issues.

The Board requests MassHousing to require that a minimum of two means of egress shall be provided and that the Applicant shall demonstrate the necessary site control to provide for the access.

10. Traffic and Transportation Issues.

The Board requests MassHousing to require the Applicant to perform a traffic infrastructure study that includes the Property and Mayflower Circle, Daffodil Lane, Old South Road, Nancy Ann Lane, Evergreen Way, Goldfinch Drive (both intersections), Davkim Lane and Greglen Avenue.

The Project may be part of the addition of a significant volume of traffic to key intersections at Old South Road and Fairgrounds Road, Old South Road and

Macys/Airport Road and at the Rotary. Congestion caused by additional volume on Old South Road should be examined and mitigation options comprehensively reviewed.

The Traffic Study should include sight distance assessments, to evaluate any improvements that would be required to serve the traffic increase that the Project proposes. This study, given the number of residents proposed to reside in the proposed development, must include an assessment of access to nearby commercial, community, and public transportation facilities. The Traffic Study must take the high tourist seasons into account and include the conflicts that arise from the high number of vehicles, pedestrians and bikers that compete for use of Nantucket's ways and the impact of proposed access points on existing residents and commercial property owners.

The Board requests MassHousing to require the Applicant to pay for peer review of the traffic information.

11. Lighting Plan.

The Board requests MassHousing to require the Applicant to provide a full lighting plan to the ZBA that provides safe lighting for the future residents, but does not create light intrusion onto adjacent properties.

12. Pollution and Property Compaction Issues.

Since part of the property has been historically used for industrial and/or commercial activities, the Board requests MassHousing to require the Applicant to provide an environmental assessment report under G.L. c.21E that has been prepared by a qualified and licensed professional and that the Applicant be required to allow the ZBA to obtain peer review of the report and that the Applicant be required to pay for the peer review.

The Board requests MassHousing to require that every area on the Property that has been subjected to sand and gravel removal (or other substances) shall be the subject of a soil report prepared by the Applicant's qualified consultants and that the report shall address any and all remediation issues and any fill requirements and that peer report of the report at the Applicant's cost shall be required and compaction testing and inspection of the compaction and peer review of the compaction testing results shall all be required and conducted at the Applicant's expense.

In closing, the Board thanks you and MassHousing for consideration of the Board's comments and concerns regarding this project and urges MassHousing to include the conditions set forth above as a requirement in any PEL that issues for the Project.

Very truly yours,



Robert R. De Costa, Chairman



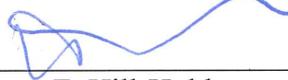
Matt Fee, Vice Chairman



Rick Atherton



Tobias Glidden



Dawn E. Hill-Holdgate

Enc. Exhibit A (Sketch of the Property and portions of the Cedar Crest III Subdivision)
Exhibit B (Aerial Photograph of the Property)
Exhibit C (Proposed Site Plan)

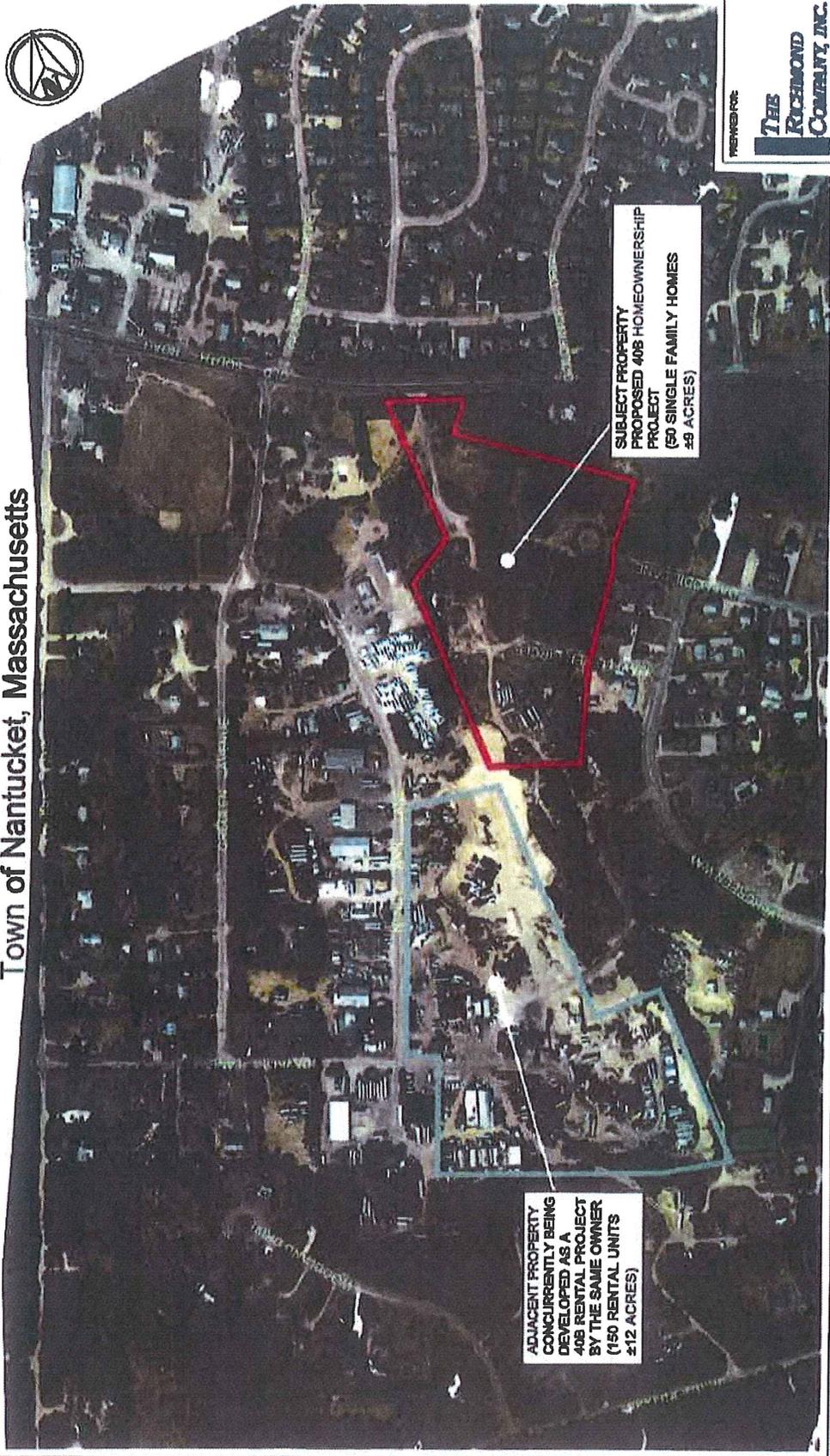
cc Zoning Board of Appeals
Director of Planning and Land Use Services
Town Counsel
Richmond Nantucket Single family One, LLC

533183v5/NANT/0003

Sandpiper Place

EXHIBIT "B"

Richmond Nantucket Single Family One LLC - Proposed Home Ownership Development Project Properties Off Old South Road, Daffodil Lane, Mayflower Circle and Evergreen Way Town of Nantucket, Massachusetts



ADJACENT PROPERTY
CONCURRENTLY BEING
DEVELOPED AS A
408 RENTAL PROJECT
BY THE SAME OWNER
(150 RENTAL UNITS
±12 ACRES)

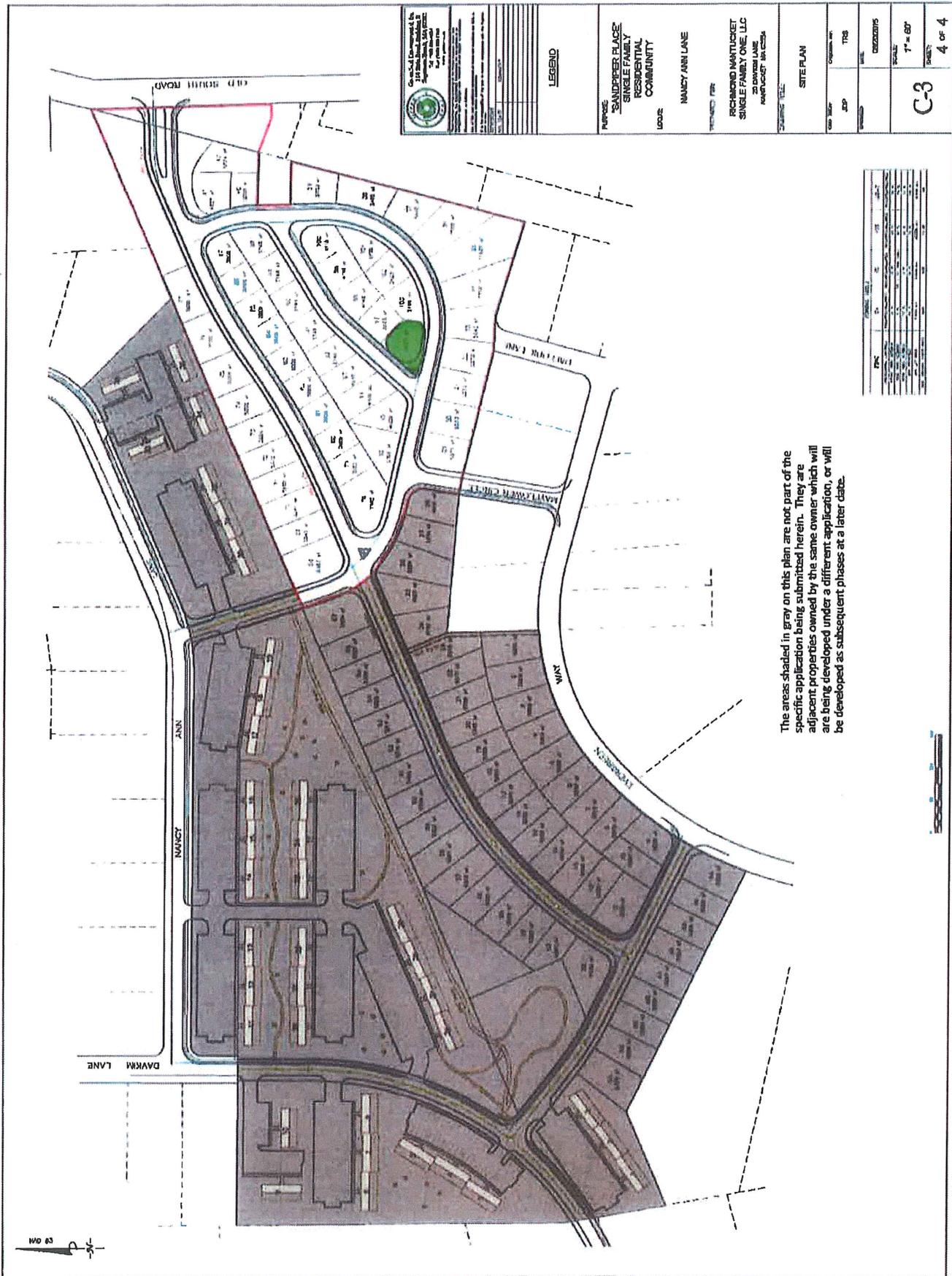
SUBJECT PROPERTY
PROPOSED 408 HOMEOWNERSHIP
PROJECT
(50 SINGLE FAMILY HOMES
±9 ACRES)

PREPARED FOR:

**THE
RICHMOND
COMPANY, INC.**

Sandpiper Place

EXHIBIT "C"



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 Tel: 508-688-1100
 Fax: 508-688-1101
 www.oncallenv.com

LEGEND

PURPOSE: SANDPIPER PLACE SINGLE FAMILY RESIDENTIAL COMMUNITY
 LOCUS: NANCY ANN LANE
 PREPARED FOR: RICHMOND NANTUCKET SINGLE FAMILY ONE, LLC
 20 DAVERN LANE NANTUCKET MA 02554

SITE PLAN

DATE: JEP	DATE: TRS
SCALE: 1" = 60'	DATE: C3
SHEET: 4 OF 4	

NO.	DESCRIPTION	DATE	BY
1	PRELIMINARY PLAN	10/15/10	JEP
2	REVISED PLAN	11/15/10	JEP
3	REVISED PLAN	12/15/10	JEP
4	REVISED PLAN	01/15/11	JEP
5	REVISED PLAN	02/15/11	JEP
6	REVISED PLAN	03/15/11	JEP
7	REVISED PLAN	04/15/11	JEP
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100	REVISED PLAN	01/15/19	JEP

The areas shaded in gray on this plan are not part of the specific application being submitted herein. They are adjacent properties owned by the same owner which will be developed under a different application, or will be developed as subsequent phases at a later date.



100 03