PB

Exhibit 3-B

NANTUCKET TOWN CLERK
2017 MAR -9 PM 1:49

Nantucket Planning Board

SPECIAL PERMIT DECISION
WITH (MAJOR) SITE PLAN REVIEW (SPR)

"SANDPIPER PLACE I" (SOUTH)
WORKFORCE HOMEOWNERSHIP DEVELOPMENT PROJECT

6 Mayflower Circle (Portion of), 8 Mayflower Circle (Portion of), 24 Evergreen Way (Entirety of), 26 Evergreen Way (Entirety of), 28 Evergreen Way (Entirety of), and 30 Evergreen Way (Entirety of)

Planning Board File # 53-16

Owner / Applicant: Richmond Great Point Development LLC

Nantucket Tax Assessors Map and Parcels:
Map 68, Parcel 730 (Portion of) (6 Mayflower Circle), Map 68, Parcel 731 (Portion of) (8 Mayflower Circle), Map 68, Parcel 711 (Entirety of) (24 Evergreen Way), Map 68, Parcel 712 (Entirety of) (26 Evergreen Way), Map 68, Parcel 713 (Entirety of) (28 Evergreen Way), and Map 68, Parcel 714 (Entirety of) (30 Evergreen Way)

Nantucket Registry District Title:
Lot 619 on Land Court Plan 16514-40 (Certificate of Title 24872) (6 Mayflower Circle)
Lot 620 on Land Court Plan 16514-40 (Certificate of Title 24872) (8 Mayflower Circle)
Lot 421 on Land Court Plan 16514-16 (Certificate of Title 24872) (24 Evergreen Way)
Lot 422 on Land Court Plan 16514-16 (Certificate of Title 24872) (26 Evergreen Way)
Lot 423 on Land Court Plan 16514-16 (Certificate of Title 24872) (28 Evergreen Way)
Lot 424 on Land Court Plan 16514-16 (Certificate of Title 24872) (30 Evergreen Way)

Applicable Zoning:
Residential-5 (R-5) Zoning District - Eligible for "Workforce Homeownership Housing Bonus Lots Allowance" Under Zoning Bylaw Section 139-8(D)

February 16, 2017

Project Overview:
The Planning Board of the Town of Nantucket held public hearings to consider a request by Richmond Great Point Development LLC (as Owner / Applicant) for the issuance of a Special Permit, requiring (Major) Site Plan Review, to allow for the development of forty-two (42) workforce homeownership lots and associated roadways and infrastructure.

The project, to be known as "Sandpiper Place I" (South) is on the southerly +/- 7.35 acre portion of the previously subdivided land which had comprised a portion of the Cedar Crest I subdivision, originally endorsed in 1994. The proposed project is configured as part of a master-planned "neighborhood" style setting, integrated with connecting roadways, parking, open space areas, pedestrian / bicycle paths, and landscaping.

The entirety of the Sandpiper Place I (South) Workforce Homeownership Development Project is designated within the Residential-5 (R-5) zoning district, as set forth and described in Section 139-3(A) (Districts Enumerated), Section 139-7 (Use Chart), and Section 139-16 (A-E) (Intensity Regulations) of the Town of Nantucket Zoning Bylaw. The subject property is also located within the Town Overlay District (TOD) as described in Section 139-12E of the Zoning Bylaw and the Public Wellhead Recharge (PWR) Overlay District and, as such, any future development within the property must comply with the provisions of Section 139-12(B) of the Zoning Bylaw (including the requirement that "all land uses, buildings, and accessory structures, that result in rendering impervious more than 15% or 2,500 square feet of any lot, whichever is greater" shall be prohibited "unless a system for artificial recharge of 95% of annual precipitation is provided that will not result in the degradation of groundwater quality").

The Planning Board notes that a Definitive Subdivision Plan (AR) (Planning Board File # 8024) creating the underlying lots for this Special Permit was approved on January 26, 2017. The special permit application was filed and reviewed by the Planning Board for consistency with the Zoning Bylaw, particularly with respect to the workforce homeownership housing bonus lots allowance provisions of Section 139-8D of the Zoning Bylaw.

Project Description:
The Sandpiper Place I (South) project implements the zoning initiative approved in Article #2 of the November 9, 2015 Special Town Meeting, the provisions of which are codified as Section 139-8(D) (Residential Development Options) of the Zoning Bylaw.

Twenty-five percent (25%) of all of the buildable lots (42 total buildable lots x .25 affordable multiplier = 10 affordable lots / homes) will be designated as affordable with completed (move-in ready) detached single family homes. Affordability criteria (such as income qualification and maximum initial sales price limits) were agreed to by and between the Owner / Applicant and the Town of Nantucket Board of Selectmen pursuant to a *Memorandum of Agreement* (MOA) dated November 9, 2015. Zoning changes contained within Articles #1 and #2 were approved by the voters at a Special Town Meeting held on November 9, 2015, and codified as Section 139-8D of the Zoning Bylaw.

These criteria established two categories, or tiers, of affordability; one "traditional" affordability category tied to the 80% of Area Median Income (AMI) limits (and the associated maximum initial sales price limits) which have been codified into regulations by the Commonwealth of Massachusetts under Chapter 40B of state law and its related guidelines, as issued by the Commonwealth of Massachusetts Department of Housing and Community Development (DHCD); and one "local" or "Nantucket" affordability category tied to the 175% of AMI limits (and the associated maximum initial sales price limits) to facilitate the eligibility of Nantucket rear-round families with two-income earners.

The workforce homeownership housing initiative allows for a development to be eligible for a thirty-three percent (33%) lot density bonus pursuant to Section 139-8D(2)(a)(1) of the Zoning Bylaw, above the maximum baseline lot density set forth in the underlying zoning district based on the reservation of at least twenty-five percent (25%) of the total number of lots (inclusive of the lots achieved through the density bonus allowance) to be sold to buyers who qualify under either the 80% or the 175% AMI income limits. The criteria and calculations which are applicable to the "conforming subdivision" and the "workforce homeownership housing bonus lots" for the proposed project, as relates to these requirements, are described in more detail below.

An increment of seventy percent (70%) of all of the affordable homes within the project, equal to seven (7) of the ten (10) total affordable homes, the maximum increment allowed under state law, will be sold to buyers who qualify for the "local preference" including individuals who are: (1) current local residents, (2) current municipal employees, (3) employees of any local (private) businesses, and (4) non-residents with children attending local schools.

Accordingly, as a result of the designation of the seventy-five percent (75%) proportion of all of the twenty-five percent (25%) increment of the total number of affordable homes to be sold to buyers meeting the "traditional" affordability criteria, tied to the 80% of AMI limits (and associated maximum initial sales price limits) which have been codified by the Commonwealth of Massachusetts under the Chapter 40B of state law, equal to an increment of seven (7) of the total ten (10) affordable homes to be developed within the project, will be eligible to qualify as Local Action Units (LAU's) under the Local Initiative Program (LIP) for inclusion on the Subsidized Housing Inventory (SHI) of the Town of Nantucket as such programs are administered and as such inventory is maintained by the Commonwealth of Massachusetts Department of Housing Community Development (DHCD), a status that is particularly important in the Town's objective of achieving a greater supply of affordable housing within the community as stated in the Housing Production Plan.

The homes comprising the remaining three (3) of the total ten (10) affordable homes to be developed within the project, will be sold to buyers meeting the "local" or "Nantucket" affordability threshold, tied to the 175% of AMI limits (and associated maximum initial sales price limits) to facilitate the eligibility of two-income family, year round Nantucket residents that the workforce housing zoning initiative was primarily targeted to serve.

The aforementioned three (3) 175% of AMI limit affordable homes <u>will not be eligible</u> to qualify as LAU's under the LIP for inclusion on the SHI of the Town of Nantucket as such programs are administered and as such inventory is maintained by the DHCD, but that the provision of a certain number of homes to be specifically targeted to this "local" or "Nantucket" affordability buyer pool, many of whom are slightly above the "traditional" (80% AMI income limit and qualification threshold) but do not have the means to purchase a market rate home, is an important community priority, as part of the overall effort to resolve the local housing affordability crisis that exists in the community.

Basis of the Findings:
The Planning Board evaluated this application in its capacity as the Special Permit Granting Authority by reviewing the following documents:

- A "*Memorandum of Agreement*" dated November 9, 2015 between Richmond Great Point Development LLC and the Town of Nantucket Board of Selectmen.

- The *Workforce Housing Needs Assessment*, Nantucket, Massachusetts, dated April 2015, by RKG Associates Inc., as prepared for Housing Nantucket.

- An "*Application for a Special Permit*" form, dated September 9, 2016 (and as time stamped as received by the Town of Nantucket Town Clerk and the Town of Nantucket Planning and Land Use Services (PLUS) Department on September 13, 2016).

- A cover letter including a variety of detailed project description and technical information entitled "*Submittal of Application for Special Permit (Workforce Rental Community)*" dated September 12, 2016 (and as time stamped as received by the Town of Nantucket Town Clerk and the Town of Nantucket Planning and Land Use Services (PLUS) Department on September 13, 2016).

- A plan set entitled *Definitive Subdivision Plan, "Sandpiper Place" Single Family Homeownership Project* as prepared by Green Seal Environmental, Inc., dated August 3, 2016, depicting the subdivision of the lots along with the applicable / customary notes and details (totaling 31 sheets).

- A plan set entitled *Definitive Subdivision Plan, "Sandpiper Place" Single Family Homeownership Project* as prepared by Bohler Engineering, dated December 5, 2016, depicting the subdivision of the lots along with the applicable / customary notes and details (totaling 31 sheets) (this superseded the plan set described above, prepared by Green Seal Environmental, Inc., dated August 3, 2016).

- The "*Master Plan*" Richmond Great Point Development LLC Old South Road Properties Nantucket MA (multiple revisions, with most recent revision dated January 26, 2017), prepared by Bohler Engineering (Exhibit - Plan / 1 Sheet).

- The "*Potential Roadway Categorization Exhibit*" (Exhibit) Richmond Great Point Development LLC Old South Road Properties Nantucket MA, dated January 9, 2017, prepared by Bohler Engineering (Exhibit - Plan / 1 Sheet).

- The "*Typical Roadway Section*" (Exhibit) Richmond Great Point Development LLC Old South Road Properties Nantucket MA, dated January 9, 2017, prepared by Bohler Engineering (Exhibit - Plan / 1 Sheet).

- The "*Traffic Impact and Access Study*" Old South Road Mixed-Use Development Nantucket, Massachusetts, dated August 26, 2016, prepared by Ron Muller & Associates (Including Various Conceptual Design Plans), the "*Peer Review*" (Letter) Old South Road Mixed-Use Development Nantucket, Massachusetts, dated October 21, 2016, prepared by Tetra Tech, the "*Response to Traffic Peer Review Comments*" (Including Various Updated Conceptual Design Plans) Old South Road Mixed-Use

Development Nantucket, Massachusetts, dated January 12, 2017, prepared by Ron Muller & Associates, and the "*Peer Review (2nd Letter)*" (Letter) Old South Road Mixed-Use Development Nantucket, Massachusetts, dated February 7, 2017, prepared by Tetra Tech.

- The "*Supplemental Trip Generation and Traffic Impact Sensitivity Analysis*" Prospective Development of Accessory, Secondary, Tertiary, or Duplex Dwellings Proposed "Sandpiper Place" Single Family Housing Subdivisions, Nantucket MA, dated January 17, 2017, prepared by Ron Muller & Associates, and the "*Trip Generation Request*" (Letter) Old South Road Mixed-Use Development Nantucket, Massachusetts, dated January 25, 2017, prepared by Tetra Tech.

- The "*Fiscal Impact Analysis*" Meadows II and Sandpiper Place Development Project, Nantucket Massachusetts, dated September 21, 2016, prepared by Connery Associates, and the "*Review of Sandpiper Place, Meadows II Fiscal Impact Analysis*", dated January 25, 2017, prepared by RKG Associates, Inc.

- The "*Dimensioned Lotting Plan*" (Including Accompanying Cover Letter) In Support of Application for Special Permit (Workforce Homeownership Housing) Sandpiper Place II (North) Single Family (Home Ownership) Housing Development, dated January 17, 2017, prepared by Bohler Engineering (Plans / 3 Sheets) and dated January 16, 2017, prepared by The Richmond Company, Inc. (Cover Letter).

- The technical review and comments and input provided to the owner / applicant at a series of three "coordinated review meetings" conducted on July 5, 2016, October 2, 2016, and December 20, 2016 by the Nantucket Planning and Land Use (PLUS) Department staff with input provided by staff representatives of other Town departments (including, but not limited to the: Nantucket Department of Public Works, Nantucket Fire Department, Nantucket Police Department, Nantucket Health Department, and the Nantucket Department of Natural Resources).

- Assorted correspondence and documents that are on file with the Planning Board, File # 53-16

In addition, the Planning Board considered representation and testimony received in connection with the public hearings held by the Planning Board on October 13, 2016, October 27, 2016, January 9, 2017, January 19, 2017, January 26, 2017, February 2, 2017, February 13, 2017, and February 16, 2017. Minutes of these meetings are on file with the Planning Board.

Findings:

Based on its review of the application in accordance with the Zoning Act (MGL c. 40A), the Zoning Bylaw, the above-referenced documents, plans, and other materials submitted by the Applicant, et al., and the testimony received at the public hearings, the Planning Board finds that:

a. The proposed development is consistent with the provisions of The Zoning Act of the Commonwealth of Massachusetts (MGL c. 40A) and the local Zoning Bylaw.

b. The development provides a greater diversity of housing opportunities to residents in fulfillment of the objectives cited in the Nantucket Master Plan, as adopted by Article 26 at the 2009 Annual Town Meeting.

c. The proposed development is in harmony with the general purpose and intent of Article # 2 as approved at the November 9, 2015 Special Town Meeting and Section 139-8D of the Zoning Bylaw incentivizing the creation of workforce and affordable home ownership housing opportunities (Article #2 of the November 9, 2015 Special Town Meeting).

d. The proposed project meets the criteria to qualify for density bonus lots. The applicant documented that a conventional subdivision could be created with a total of thirty-five (35) buildable residential lots, which meet all of the dimensional and upland requirements of the Zoning Bylaw and in full conformance with (and requiring no waivers from) the *Rules and Regulations Governing the Subdivision of Land*. As a result, the project qualifies for an increment of up to twelve (12) "bonus lots" which confirms that the project area could include a total of up to forty-seven (47) total buildable residential lots, subject to compliance with the accompanying affordability requirements, which is five (5) buildable residential lots more than the forty-two (42) total buildable residential lots which are depicted on the proposed plan (inclusive of the "bonus lots").

e. Implementation of the development will create a compact neighborhood having consistency and flexibility in its layout and design, proximate to compatible adjacent commercial uses for the convenience of its occupants.

f. The conditions imposed hereby ensure that certain units in the proposed project will be eligible for approval as Local Action Units (LAU) through the Local Initiative Program (LIP) and will be included on the Town's Subsidized Housing Inventory.

g. The project approved hereby furthers the objectives of and serves to implement the Housing Goals and Implementation Strategies of the Nantucket Chapter 40B Housing Production Plan, dated July 2016, by RKG Associates Inc., as prepared for the Nantucket Affordable Housing Trust and Nantucket Planning and Land Use Services Department.

h. The project complies with the following review objectives contained within Section 139-23E of the Zoning Bylaw, as modified and/or conditioned as applicable:

    1. *Protection of public amenities and abutting properties through the mitigation of any detrimental impacts of any proposed use:* adjacent public facilities and roadways are enhanced and new public facilities are introduced within the project area to serve existing and future residents. Effects to abutting properties are minimized through the provision of larger lots with dwelling unit restrictions fronting on Evergreen Way;

    2. *Protection of unique, natural, scenic, or historic features of the site, and the minimization of the obstruction of scenic views, where applicable:* not applicable.

    3. *Safety and convenience of pedestrian and vehicular movement within the site, and in relation to rights-of-way and properties in proximity to the site:* sidewalks and pedestrian access points connecting the development to adjacent existing and proposed neighborhoods, and to Old South Road, are required and will be provided by the Applicant. Throughout the development, direct driveway access points onto the internal roadway network are minimized. Roadway width and design is appropriate for the scale and density of the development. In accordance with the

Rules and Regulations Governing the Subdivision of Land, roadway connections are reserved for future implementation and where possible, roadway connections will be constructed.

4. *Adequacy of proposed sewage and refuse disposal, and drainage of surface and subsurface water:* all units within the development will be served by municipal water and sewer systems. The Applicant is also funding a +/- $275,000 upgrade to the operating systems and redundancy of the "South Valley" Sewer Pumping Station (owned and operated by the Town of Nantucket) and located across Old South Road from the project site. Stormwater management was reviewed for conformance with Section 139-12B of the Zoning Bylaw and the "*Rules and Regulations Governing the Subdivision of Land*". Refuse disposal for the individual lots will be handled consistent with established residential practices.

5. *Adequacy of off-street parking and loading:* on-site parking for each lot will be provided pursuant to Section 139-18 of the Zoning Bylaw. In addition, on-street parking has been included as part of the roadway design for the development.

6. *Minimization of traffic and safety impacts upon public and private rights-of-way:* vehicular and pedestrian improvements are consistent with the "*Traffic Impact and Access Study*" referenced in the "Basis of the Findings" section of this decision. Proposed vehicular and pedestrian improvements, as detailed herein, will serve to mitigate traffic congestion and reduce the need for additional vehicle trips to already congested areas of the Town of Nantucket. This mitigation includes, but is not limited to the widening and improvement of Old South Road for a +/- 1,500 linear foot length in the vicinity of the project site (including tuning lanes, turning pockets, and landscaped medians).

7. *Adequacy of Town services and infrastructure:* based on the conclusions of the "*Fiscal Impact Analysis*", as reviewed by RKG Associates, this development provides needed housing and does not render Town services or infrastructure to be inadequate in any way.

i. The project complies with the following performance standards pursuant to Section 139-23F of the Zoning Bylaw, as modified and/or conditioned as applicable:

   1. *To the extent feasible, access to the site shall be provided utilizing a common driveway or a side street;*

   2. *Driveway accesses shall be limited to the minimum width necessary for safe entering and exiting, and shall be designed to provide adequate sight distances;*

   3. *The project design shall ensure safe pedestrian and vehicular circulation within the site;*

   4. *The special permit granting authority may require that a traffic mitigation plan be submitted, which addresses the traffic impacts of a project through alternative physical layouts, staggered employee work schedules; public transit incentive programs for both employees and customers; or other innovative means of reducing traffic impacts.*

5. *Sidewalks and/or bicycle paths may be required by the special permit granting authority.*

6. *Parking areas shall be designed to reduce their visual impact from public and private rights-of-way.*

7. *The special permit granting authority may, at its discretion, require enhanced landscaping features based on a determination that additional landscaping is necessary to protect abutting properties and public and private roads from incompatible development.*

8. *All stormwater runoff from impervious surfaces shall be recharged on-site, unless, during the course of site plan review, it is determined by the review authority that recharge is infeasible or is undesirable because of risks to water quality from such recharge.*

9. *Collection systems for stormwater runoff shall be designed for at least a twenty-five-year storm.*

10. *The erosion and sedimentation control plan shall be designed to protect drainage systems, surface waters, public and private roads, and abutting properties from site-generated erosion and sedimentation.*

11. *Utilities shall be installed underground where physically and environmentally feasible. Any aboveground improvements ancillary to utility services to a site shall be depicted on the plan, and shall be properly screened.*

12. *Outdoor storage areas must be identified on the plan and details concerning the screening of the storage area from public or private roads shall be provided.*

Performance standards 1, 2, 5, and 6 are addressed by requiring shared driveways and rear access lanes for a substantial number of the lots, which minimize visual impacts from adjacent ways.

Performance standards 3, 4, and 5 have been addressed in the required roadway elements of the project.

Performance standards 6 and 7 have been addressed through the requirement of extensive street tree plantings, including roadway median features and individual planned driveway layouts, which screen parking areas with proscribed landscape features.

Performance standards 8, 9, and 10 have been addressed through stormwater management systems meeting Section 139-12B of the Zoning Bylaw and the "*Rules and Regulations Governing the Subdivision of Land*". Erosion and sedimentation control was reviewed by the Planning Board consulting engineer and is shown on the definitive subdivision plans.

Performance standard 11 is addressed, as all utilities serving the development will be installed underground in accordance with the requirements of each respective utility.

Performance standard 12 does not apply.

Based on the findings above, the project, as approved hereby, meets the required Site Plan Review guidelines; which supports the Planning Board's grant of special permit relief.

Decision and Conditions of Approval:
The Planning Board is required to render a decision on the application based on the provisions of Section 139-8(D) (Residential Development Options) of the Zoning Bylaw and Section 139-23 (Site Plan Review) of the Zoning Bylaw.

Based on the foregoing application / proposal, the findings, the above referenced documents and the testimony given at the public hearings, the Nantucket Planning Board hereby APPROVES this application based on 5 - 0 vote in favor of approval. Finding that the application is in harmony with the general purposes and intent of the Zoning Bylaw, the Planning Board hereby GRANTS to Owner / Applicant, the following Special Permits and approvals:

1. Special Permit issued to allow for the creation of the Sandpiper Place I (South) Workforce Homeownership Housing Development Project, comprised of a total of forty-two (42) workforce homeownership lots, inclusive of the "workforce homeownership housing bonus lots" that the project is eligible for, and subject to the affordability criteria and restrictions, all as pursuant to and further described in Section 139-8(D) of the Nantucket Zoning Bylaw.

2. Major Site Plan Review approval, allowing for the development of the project as shown on the project plans, and in accordance with the conditions of approval set forth herein.

3. All other permits and/or approvals, not otherwise specifically enumerated, but which are deemed incidentally necessary or convenient to effectuate the intents of the relief granted hereby.

A. Affordability

1. The Sandpiper Place I (South) Workforce Homeownership Development Project shall consist of forty-two (42) buildable lots numbered on the referenced plans as Lots 16 through 58 (inclusive), one (1) unbuildable roadway(s) lot, and Lot 96 (an unbuildable future roadway lot). In accordance with Section 139-8D of the Town of Nantucket Zoning Bylaw, not less than ten (10) of the buildable lots shall be restricted by perpetual covenant running with the land by Applicant prior to the initial sale of the land and home to be built thereupon, to ownership by households earning at or below the area median income (AMI) limits for Workforce Homeownership Housing set forth in Section 139-2 of the Zoning Bylaw (the "AMI Limit Restricted Home(s)"). The covenant shall be contained in any deed transferring ownership of any AMI Limit Restricted Home and shall be in a form acceptable to Town Counsel. The initial sales price and subsequent sales prices of AMI Limit Restricted Homes sold by owners having households earning at or below the AMI limits set forth in the applicable section of the Zoning Bylaw, shall be subject to and shall not exceed the maximum allowable initial sales prices and the maximum allowable resale prices as are determined in conformity with the calculation methodology and formulas which are set forth in the *"Guidelines for G.L. c. 40B Comprehensive Permit Projects and*

the Subsidized Housing Inventory" dated December 2014, and issued by the Commonwealth of Massachusetts DHCD, as amended through the date of this Decision (the "DHCD 40B Guidelines").

2. The thirty-two (32) buildable lots that are not developed with AMI Limit Restricted Homes shall not be subject to any of the income limit, qualification or initial sale or resale price limitations referenced herein, and shall be considered "market-rate".

3. This Decision is conditioned upon the Applicant's preparation and submission for approval of a Regulatory Agreement (which may be in combination with the Condition imposed in the approval of Applicant's analogous "Sandpiper Place II (North) Workforce Homeownership Development Project" by Decision of the Planning Board dated February 23, 2017) by the Town of Nantucket, acting by and through its Board of Selectmen, and the DHCD. Provided that Applicant has prepared and submitted the same for approval and uses good-faith efforts in negotiating toward the mutually satisfactory execution thereof, the Applicant shall not be restricted from requesting or being issued Certificates of Occupancy for structures or buildings constructed upon the market-rate lots, subject only to the aggregate limit imposed in this Decision on Certificates of Occupancy issued in the event the Town or County, as the case may be, of Nantucket accepts Applicant's offer of performance of the Traffic Mitigation Improvements more particularly described in Condition Number D-1 hereof.

4. Provided that a Regulatory Agreement is executed, this Decision is conditioned upon the Applicant preparing, filing and observing all necessary or requisite formalities of the LIP, as such is administered by the Commonwealth of Massachusetts DHCD such that LAU (i.e., AMI Limit Restricted Homes restricted to sale to owners whose households earn not more than eighty (80%) percent of the Area Median Income (AMI), adjusted for household size, as determined consistent with the income limits issued by the U.S. Department of Housing and Urban Development (HUD), updated annually, as set forth in the DHCD 40B Guidelines) are included in the SHI list for the Town of Nantucket.

5. Prospective buyers of each of the AMI Limit Restricted Homes shall be sourced by way of an affirmative fair housing marketing and resident selection plan and then qualified and selected by a lottery conducted by a qualified third-party in accordance with Section III(C) and Section III(F), respectively, of the DHCD 40B Guidelines, and all costs thereof shall be borne by the Applicant, or the Applicant's successors and assigns.

6. Subject to federal and state fair housing guidelines, regulations and laws, prospective buyers of the AMI Limit Restricted Homes eligible under Section III(D)(3) of the DHCD Chapter 40B Guidelines shall be placed within the local preference lottery pool for up to seventy (70%) percent of all of the AMI Limit Restricted Homes, as so approved.

7. In accordance with Section VI(B)(4)(a) of the DHCD Chapter 40B Guidelines, each of the AMI Limit Restricted Homes shall be indistinguishable from the market-rate homes of the same unit type on the exterior and shall contain comparable base fixtures and finishes on the interior.

8. All 80% AMI restricted lots and all 175% AMI restricted lots shall only contain a single-family dwelling unit. Any ancillary structures allowed within this Decision may also be permitted on the 80% AMI restricted lots or the 175% AMI restricted lots.

B. <u>Housing Type:</u>

1. No lot within the Sandpiper Place I (South) Workforce Homeownership Development Project, irrespective of the number of structures approved and erected thereupon, shall contain, in the aggregate, in excess of four (4) bedrooms, unless by advance written approval from both of: (i) the Applicant or the Homeowners' Association established pursuant to the requirement set forth in the decision for the Sandpiper Place I (South) Definitive Subdivision Plan (Planning Board File # 8024) as approved by the Planning Board on January 26, 2017, and following such time as approval authority has been assigned by the Applicant, (ii) the Planning Board, in conjunction with the Lot Configuration Review described in Condition B-6 hereof. In any event, the cumulative number of bedrooms permitted within the Applicant's related workforce housing projects described as the Sandpiper Place I (South) Workforce Homeownership Development Project, the Sandpiper Place II (North) Workforce Homeownership Development Project and the Meadows II Workforce Rental Housing Development Project, all as approved by the Planning Board concurrently with or roughly concurrently with the action of the Planning Board taken hereupon, shall not exceed seven hundred (700) bedrooms.

2. Tertiary dwelling units shall be prohibited on all lots within the Sandpiper Place I (South) Workforce Homeownership Development Project.

3. The development and construction of duplex dwelling units shall be prohibited on the lots numbered 20, 21, 22, 23, 24, 25, and 26, as such lots are depicted on the Sandpiper Place I (South) Definitive Subdivision Plan (Planning Board File # 8024).

4. The development and construction of accessory dwellings, secondary dwellings, garage apartments, and duplex dwellings shall be permitted upon any lot in the Sandpiper Place I (South) Workforce Homeownership Development Project, subject to compliance with the cumulative bedroom limit restriction described in Condition B-1 herein, and the restrictions described in Condition B-5 and Condition B-6, also herein.

5. Unless otherwise restricted by the conditions of this Decision, duplex dwelling units are permitted to be developed and constructed upon a cumulative total of not more than six (6) lots within the Sandpiper Place I (South) Workforce Homeownership Development Project. So long as no more than six (6) lots have been improved with duplex dwelling units, the Applicant or a subsequent owner of a lot in the Sandpiper Place I (South) Workforce Homeownership Development Project, shall permitted to develop and construct duplex dwelling units upon any lot not otherwise restricted, provided, however, duplex dwelling units shall not be permitted on lots directly abutting lots having an existing or permitted duplex dwelling unit, or upon lots which are located directly across any road from a lot having an existing duplex dwelling unit.

6. Prior to the issuance of a building permit for any individual lot, the Applicant, or any successive owner thereof, shall submit a lot configuration review plan to the Planning Board, or its designee, for review and approval. Such plan shall (i) specify the number of bedrooms proposed within any structure, or structures, to be constructed thereupon, (ii) depict the proposed configuration of such structure, or structures, including the front yard setback distance and any driveway(s) improving such lot, and (iii) provide details of proposed landscaping and materials used in the construction of such driveway(s). The Planning Board, or its designee, shall conduct a review of an applicant's plan considering, as factors in its decision, lot size, lot frontage, lot orientation relative to roadway corners and radius curves, the nature and configuration of the proposed landscaping, and the design, location, and orientation of pre-existing improvements and structures on surrounding lots. If any applicant is dissatisfied with a decision rendered on its plan submitted for lot configuration review, the aggrieved applicant may appeal such decision to the Planning Board, if made by a designee, or as otherwise provided by law or in equity, if made by the Planning Board.

7. The location and design of all driveways and all off-street parking layouts serving any individual lot shall be selected from the set of alternatives approved hereby and set forth in Exhibit A to this Decision, unless an alternative design is permitted during the lot configuration review process described in the immediately preceding Condition B-6.

C. Utility, Infrastructure and Improvements

1. All dwelling units within the Sandpiper Place I (South) Workforce Homeownership Development Project hereby approved by this Decision shall be connected to municipal water and sewer service, subject to the payment of all applicable connection fees and other fees (except as may be waived by the Board of Selectmen, acting as the Nantucket Sewer Commission, in accordance with its adopted policy).

2. Prior to the Planning Board's approval of final plans, the Applicant shall obtain a Certificate of Water Quality Compliance (CWQC) from the Wannacomet Water Company.

D. Traffic Mitigation and Access Improvements:

1. All of the traffic mitigation and improvement requirements set forth as Condition D-1(A through E, inclusive) within the Sandpiper I (South) Workforce Homeownership Development Project Definitive Subdivision Plan Decision, dated January 26, 2017, are hereby incorporated by reference into this Decision, in their entirety. In the interest of brevity, the full text of the condition is not repeated herein.

2. The Applicant shall prohibit, by restriction running with the land contained within any deed transferring ownership of the hereinafter identified road and lots, the passage and re-passage of vehicles over Road "H" for access to and from lot number 20 and lot number 21, as such road and lots are depicted on the Sandpiper Place I (South) Definitive Subdivision Plan (Planning Board File #8024).

3. The Applicant shall prohibit, by restriction running with the land contained within any deed transferring ownership of the hereinafter identified road and lots, the passage and re-passage of vehicles over Road "G" for access to and from lot number 22 and lot number 23, as such road and lots are depicted on the Sandpiper Place I (South) Definitive Subdivision Plan (Planning Board File # 8024).

4. The Applicant shall prohibit, by restriction running with the land contained within any deed transferring ownership of the hereinafter identified road and lots, the passage and re-passage of vehicles over Road "F" for access to and from lot number 25 and lot number 26, as such road and lots are depicted on the Sandpiper Place I (South) Definitive Subdivision Plan (Planning Board File #8024).

5. Driveway access for Lots 18, 36, 39, 40, 44 and 45, as depicted on the Sandpiper Place I (South) Definitive Subdivision Plan (Planning Board File #8024), shall be prohibited from Road "E". Lot 17 shall be required to share a driveway access with Lot 16 within the Sandpiper Place II (North) development. The Applicant shall register the foregoing restriction upon the title of the identified lots and road and such restriction shall be contained within any deed transferring ownership thereof.

6. An access lane cleared free of vegetation and obstruction to at least twelve (12) feet in width leading to the off-street parking to serve Lots 47, 48, 49, 56, 57, and 58 is required to be established along the rear lot lines of those respective lots and between Lots 49 and 50, and Lots 55 and 56. The access to the rear of Lots 56, 57, and 58 shall connect to / from Road "D", as depicted on the Sandpiper Place I (South) Definitive Subdivision Plan (Planning Board File # 8024). An access lane cleared free of vegetation and obstruction to at least twelve (12) feet in width between Lots 53 and 54 and partially along the rear of Lot 53 shall be established to connect Road E to the adjacent Meadows II Workforce Rental Housing Development Project parking area. Driveway access for Lots 47, 48, 49, 50, 53, 54, 55, 56, 57, and 58 shall be prohibited from Roadways D and E. Shared driveway access shall be provided for Lots 51 and 52 from Roadway E. Driveway access for Lots 28 and 35 shall be prohibited from Road I. Lots 21, 22, 23, 24, 25, 26 shall obtain access from Evergreen Way only

E. <u>Phasing and Implementation of Development</u>

1. The Applicant, subject to the proportionate disbursement requirement of Condition E-4 and the market-rate to AMI Limit Restricted Homes certificate of occupancy ratio in Condition E-3, herein, shall be permitted to phase the construction of its development, in any manner, provided however, that the Applicant shall be required to submit a subsequent phasing plan, or plans, to the Planning Board, or its designee, for review and approval.

2. A pre-construction meeting shall take place on site. The pre-construction meeting will be organized by the Planning & Land Use Services (PLUS) Department staff upon notification from the applicant that construction of the project is commencing.

3. The Applicant and subsequent owners thereof, in their sole and absolute discretion, shall be permitted to obtain Certificates of Occupancy for an increment of up to thirteen (13) of the primary dwelling units to be constructed upon the market rate lots, at any locations within the project, prior to obtaining the first Certificate of Occupancy for any of the primary dwelling units to be constructed upon any of the 80% AMI restricted lots or any of the 175% AMI restricted lots. Thereafter, the issuance of all Certificates of Occupancy for primary dwelling units within the project is subject to a schedule where the minimum ratio of one (1) primary dwelling unit constructed upon an 80% AMI restricted lot or a 175% AMI restricted lot must be issued for each two (2) primary dwelling units constructed upon market rate lots, regardless of the number of dwelling units on the market rate lot(s). Additional primary dwelling units constructed upon 80% AMI restricted lots or 175% AMI restricted lots are eligible for the issuance of a Certificate of Occupancy at any time and the issuance of such shall be credited against the ratio described above. The Planning Board or its designee shall be required to confirm compliance with this schedule by providing documentation of compliance prior to the issuance of a Certificate of Occupancy for all primary dwelling units. For purposes of this Condition E-3, Certificates of Occupancy for non-primary dwelling units (i.e., secondary, accessory, garage apartment units) developed or constructed on market rate lots, 80% AMI restricted lots and 175% AMI restricted lots, shall not be considered in determining compliance with the ratio set forth herein. The Planning Board may, at a public meeting, but without holding a public hearing, modify or waive the requirements of this condition on a case-by-case basis.

4. The AMI Limit Restricted Homes shall be distributed proportionately throughout Sandpiper Place I (South) pursuant to Section VI(B)(4)(d) of the DHCD 40B Guidelines, and in accordance with plans depicting such disbursement, which shall be submitted to the Planning Board. Any alteration of the location of the AMI Limit Restricted Homes or their disbursement throughout Sandpiper Place I (South) shall be reviewed and approved by the Planning Board or their designee.

5. A minimum buffer area of not less than twenty (20') feet shall be established and maintained between the workforce homeownership lots (Lots 17, 20, 26, 27, 29, 30, and 31 as numbered on the plans referenced in this Decision) and any abutting residentially zoned land. The Applicant shall impose such restriction, by deed, upon the owner of such lots as abut any property of any such neighboring subdivision at the time of conveyance. No primary dwelling or secondary dwelling shall be located within the buffer area, however single story outbuilding(s), shed(s), stable(s) / private, single bay garage structure(s), and studio(s) as such terms are defined in Section 139-2 of the Zoning Bylaw shall be allowed to be located within the buffer area, as shall fences, statuary, and other improvements that do not constitute structures, subject to compliance with any other applicable provisions of the Zoning Bylaw.

F. General, Regulatory & Miscellaneous Conditions

1. Each buildable lot is permitted to be developed, and the Applicant or any successive owners thereof, may construct or cause to be constructed, buildings or structures thereupon consistent with this Decision, and shall not be bound by the required front yard, rear yard and side yard setbacks otherwise applicable in the R-5 zoning district, in accordance with Section 139-8(D)(2)(b) of the Zoning Bylaw and subject to the lot configuration review condition of this decision.

2. Each buildable lot is permitted to be developed and improved with a Ground Cover Ratio of up to fifty (50%) percent, in excess of the forty (40%) percent ratio which is ordinarily permitted in the R-5 zoning district, in accordance with Section 139-8(d)(2)(c) of the Zoning Bylaw, and subject to the lot configuration review condition of this decision.

3. No lot within Sandpiper Place I (South) shall be permitted to be divided into two (2) lots under the Nantucket Housing Needs Program described in Sections 139-8(B) and 139-8(C) of the Zoning Bylaw.

4. The Applicant may impose privately enforced restrictions, in addition to those required by this Special Permit, running with the land upon any lot, or lots, concerning their use for duplex, accessory, or secondary dwellings, as a result of ongoing negotiations between the Applicant and the Cedar Crest III Homeowner's Association, such restriction shall be imposed by covenant and an independent right of enforcement to be granted to the Planning Board on or before its recording or registration, as the case may be, with the Nantucket County Registry of Deeds or the Nantucket Registry District of the Land Court.

5. The Applicant agrees to continue to work with the Nantucket Regional Transportation Authority (NRTA) to analyze prospective future usage and specific ridership demands on NRTA services and design, and shall mutually determine any potential service routes and facility locations utilizing the Sandpiper Place I (South) Workforce Homeownership Project private roadways.

6. The Planning Board agrees that the commencement of substantial use or construction as such is contemplated in MGL c. 40A Section 9, shall mean the installation and pouring of footings upon one (1) buildable lot.

RECORD OF VOTE AND SIGNATURE PAGE FOLLOWS

Record of Vote: On February 16, 2017, the Planning Board voted 5-0 to **CLOSE** the public hearing, and voted 5-0 to **APPROVE** the "Sandpiper Place I" (South) Workforce Homeownership Development Project Special Permit and (Major) Site Plan Review and to **ENDORSE** this decision.

Barry G. Rector APPROVED

Nathaniel Lowell APPROVED

Linda F. Williams APPROVED

Joseph Marcklinger APPROVED

John Trudell, III APPROVED

COMMONWEALTH OF MASSACHUSETTS

Nantucket, SS

March 8th, 2017

On the 8th day of March, 2017, before me, the undersigned notary public, personally appeared Nathaniel Lowell, one of the above-named members of the Planning Board of Nantucket, Massachusetts, personally known to me to be the person whose name is signed on the preceding document, and acknowledged that he/~~she~~ signed the foregoing instrument voluntarily for the purposes therein expressed.

Notary Public

12/18/2020

My Commission Expires

KAREN L. E. BRADFORD
Notary Public
COMMONWEALTH OF MASSACHUSETTS
My Commission Expires
December 18, 2020

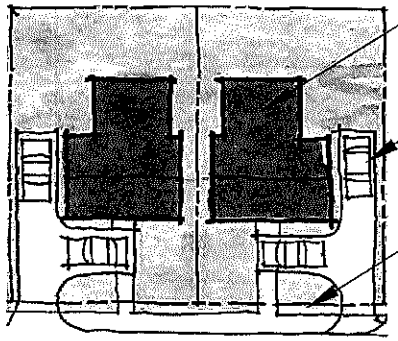
"EXHIBIT A" to Special Permit Decision (Page 1 of 3)

ALTERNATIVE A

SIDE YARD, DRIVEWAY, AND PARKING OFFSET

SCALE: 1" = 50'

LEFT OPTION RIGHT OPTION



PROPOSED SINGLE FAMILY HOME

PROPOSED DRIVEWAY

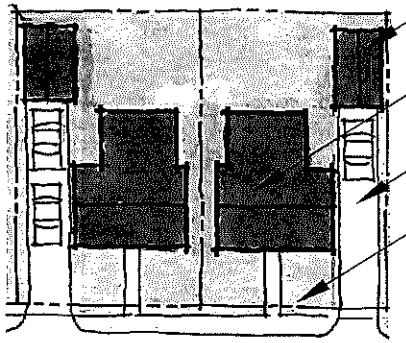
PROPOSED LANDSCAPE

ALTERNATIVE B

SIDE YARD TANDEM PARKING

SCALE: 1" = 50'

LEFT OPTION RIGHT OPTION

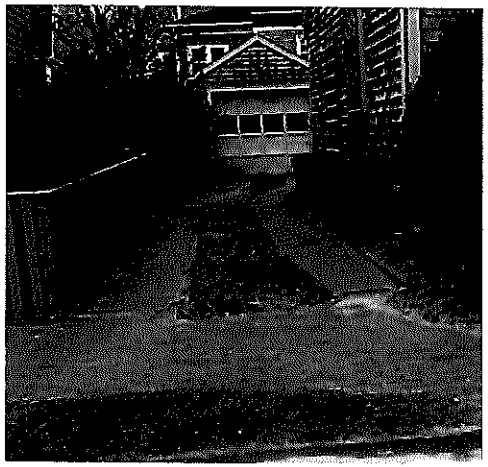


PROPOSED GARAGE

PROPOSED SINGLE FAMILY HOME

PROPOSED DRIVEWAY

PROPOSED LANDSCAPE



SHEET # 1 OF 3

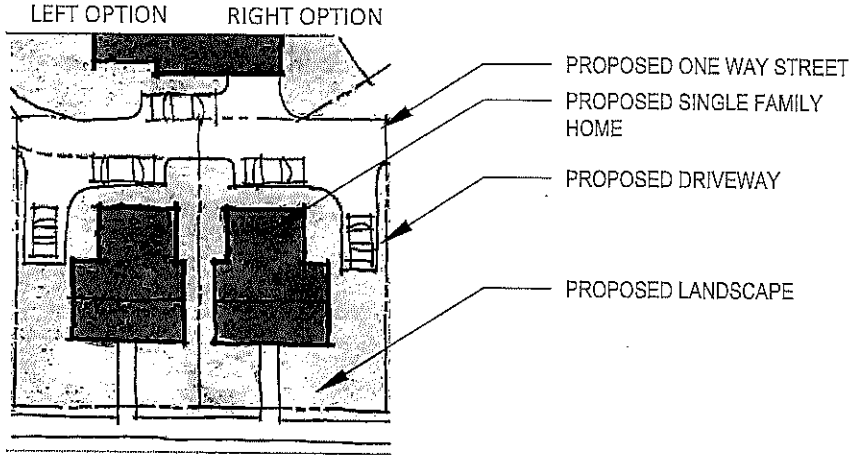
RICHMOND GREAT POINT DEVELOPMENT LLC	RICHMOND GREAT POINT DEVELOPMENT LLC OLD SOUTH ROAD PROPERTIES NANTUCKET, MA	PRE-APPROVED DRIVEWAY AND OFF-STREET PARKING ALTERNATIVES SANDPIPER PLACE WORKFORCE HOMEOWNERSHIP DEVELOPMENT PROJECT PROJECT: W141196	BOHLER ENGINEERING 352 TURNPIKE ROAD SOUTHBOROUGH, MA Phone: (508) 480-9900

"EXHIBIT A" to Special Permit Decision (Page 2 of 3)

ALTERNATIVE C

REAR YARD, DRIVEWAY, AND PARKING OFFSET

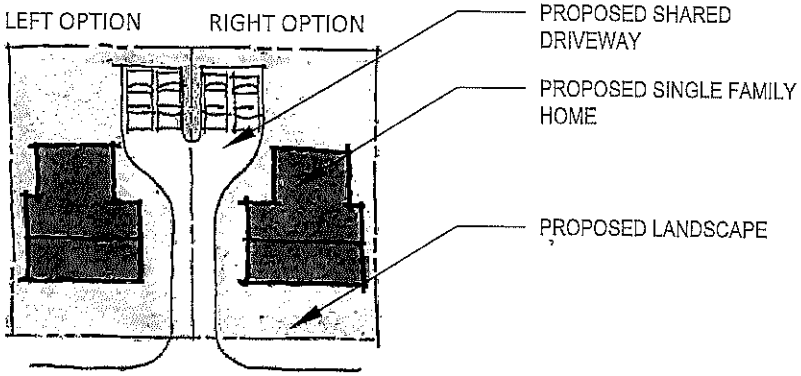
SCALE: 1" = 50'

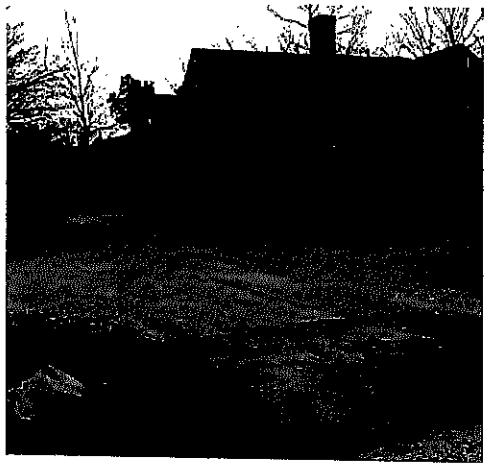


ALTERNATIVE D

SIDE YARD, OFFSET AND SHARED DRIVEWAY AND PARKING

SCALE: 1" = 50'





SHEET # 2 OF 3

RICHMOND GREAT POINT DEVELOPMENT LLC	RICHMOND GREAT POINT DEVELOPMENT LLC OLD SOUTH ROAD PROPERTIES NANTUCKET, MA	PRE-APPROVED DRIVEWAY AND OFF-STREET PARKING ALTERNATIVES SANDPIPER PLACE WORKFORCE HOMEOWNERSHIP DEVELOPMENT PROJECT PROJECT: W141196	BOHLER ENGINEERING 352 TURNPIKE ROAD SOUTHBOROUGH, MA Phone: (508) 480-9900

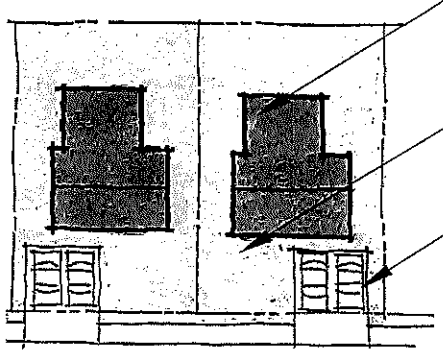
"EXHIBIT A" to Special Permit Decision (Page 3 of 3)

ALTERNATIVE E

FRONT YARD HEAD IN PARKING

SCALE: 1" = 50'

CENTER OPTION



PROPOSED SINGLE FAMILY HOME

PROPOSED LANDSCAPE

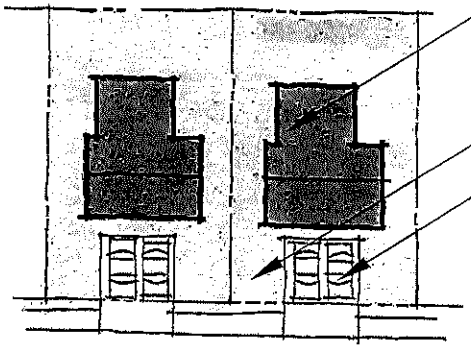
PROPOSED DRIVEWAY

ALTERNATIVE F

FRONT YARD HEAD IN PARKING

SCALE: 1" = 50'

CENTER OPTION



PROPOSED SINGLE FAMILY HOME

PROPOSED LANDSCAPE

PROPOSED DRIVEWAY

SHEET # 3 OF 3

RICHMOND GREAT POINT DEVELOPMENT LLC	RICHMOND GREAT POINT DEVELOPMENT LLC OLD SOUTH ROAD PROPERTIES NANTUCKET, MA	PRE-APPROVED DRIVEWAY AND OFF-STREET PARKING ALTERNATIVES SANDPIPER PLACE WORKFORCE HOMEOWNERSHIP DEVELOPMENT PROJECT PROJECT: W141196	BOHLER ENGINEERING 352 TURNPIKE ROAD SOUTHBOROUGH, MA Phone: (508) 480-9900