



Nantucket Planning Board

SPECIAL PERMIT DECISION WITH SITE PLAN REVIEW

TICCOMA GREEN WORKFORCE RENTAL COMMUNITY

6 Fairgrounds Road

Planning Board File # 67-17

Owner: Town of Nantucket (fee owner of land)

Applicant: HallKeen Management, Inc.

Assessor's Map 67, Parcels 917 & 918 (formerly Map 67, portion of Parcel 710)

Lots 83 & 84, Plan No. 2016-58 at Nantucket Registry of Deeds

Commercial Neighborhood (CN) Zoning District
Workforce Rental Community under Nantucket Zoning By-law §139-8(D)

November 27, 2017

Project Overview:

The Nantucket Planning Board held public hearings on September 14, 2017, October 12, 2017, November 16, 2019, and November 27, 2019, to consider a request by HallKeen Management, Inc., as Applicant (the "Applicant," which term as used herein shall be deemed to include the Applicant and its successors and/or assigns), for the issuance of a Special Permit, requiring Site Plan Review, under Nantucket Zoning By-law (the "By-law") §139-8(D) for a sixty-four (64) unit workforce rental community on two (2) lots of Town-owned land at 6 Fairgrounds Road (the "Project"). Pursuant to a Request for Proposal issued by the Town of Nantucket (the "Town"), the Project, known as "Ticcoma Green" and "Ticcoma Green Workforce Rental Community," will utilize Town-owned land purchased for the express purpose of creating affordable workforce housing for the community.

Project Description:

The Project is located in the Commercial Neighborhood ("CN") Zoning District and is comprised of a total of sixty four (64) workforce rental community apartment units, containing a

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total of one hundred and fourteen (114) bedrooms and having total gross floor area of about 72,582 square feet, in three (3) individual two-and-one-half (2 ½) story garden style apartment buildings, configured in a master-planned campus setting, integrated with parking, open space, pedestrian and bicycle paths, and landscaping, all of which will be located on two (2) adjacent lots off Ticcoma Way (“Lot 83” an “Lot 84” on Plan No. 2016-58 at Nantucket Registry of Deeds), each having an area of about 62,436 square feet, for a total Project land area of 124,872 square feet. Lot 83 meets the minimum required frontage of fifty (50) feet on the unnamed way commonly referred to as “Waitt Drive” (hereinafter referred to as “Waitt Drive”), and Lot 84 meets the minimum required frontage of fifty (50) feet on Fairgrounds Road. Both Lot 83 and Lot 84 will be served by two (2) driveways on to Waitt Drive. Access to the Project is by way of public roads. No vehicular access, except an emergency fire lane, to Fairgrounds Road is proposed. Based upon the building configuration layouts as shown on the plans referenced herein, the Project will have total ground cover of about 36,487 square feet, generating an overall ground cover ratio of about thirty-three percent (33%). The proposed ground cover is about seven percent (7%) below the maximum allowed in the CN Zoning District and is significantly below the maximum of fifty percent (50%) ground cover that would have been permitted until 2016 when the property was re-zoned in anticipation of the Town pursuing this Project.

The Project is situated within an approximately twenty (20) acre site acquired by the Town in 2004 for variety of municipal uses, including, but not limited to, affordable housing. The Project is bounded on the north by the Public Safety Facility, which includes the police station and a number of Town offices and public meeting rooms and is the proposed location of a new fire station. The Project is bounded on the west by Fairgrounds Road and on the east by Waitt Drive and a parcel of land retained by the Town. The Project is bounded on the south by nine (9) lots, eight (8) of which are owned by the Town and one (1) of which was conveyed to NHA Properties, Inc., a nonprofit affordable housing organization, the only non-Town direct abutter to the Project.

About eighty percent (80%) of the total units, or fifty-one (51) units, will be income-restricted to tenants who qualify under the household income limits of thirty percent (30%), sixty percent (60%), or one hundred twenty percent (120%) or less of the Area Median Income (AMI) as set forth below:

Workforce Mix:	<u>30%</u> <u>AMI</u>	<u>60%</u> <u>AMI</u>	<u>120%</u> <u>AMI</u>	<u>Market</u>	<u>SHI</u>
Studio		5	7		12
1 Br		2	10	2	14
2 Br	2	10	10	4	26
3 Br	1	2	2	7	12
Total	3	19	29	13	64
<i>Percent</i>	<i>5%</i>	<i>30%</i>	<i>45%</i>	<i>20%</i>	<i>100%</i>

The Project will offer a mix of studio units, one (1) bedroom units, two (2) bedroom units, and three (3) bedroom units as follows:

Unit Types	Number of Units (Per Type)	Percentage of All Units (Per Type)	Total Number of Bedrooms
Studio (S) Units	12	19 %	12
One (1) Bedroom Units	14	21 %	14
Two (2) Bedroom Units	26	41 %	52
Three (3) Bedroom Units	12	19 %	36
Subtotal	64 Units	100 %	114

A primary incentive of the workforce rental community initiative is a thirty-three percent (33%) dwelling unit density bonus, above the maximum baseline dwelling unit density set forth in the underlying zoning district, up to a maximum total of thirty-two (32) units per lot (as opposed to a maximum total of twenty-four (24) units per lot), if the Project reserves at least twenty-five percent (25%) of the total number of rental apartments (inclusive of the rental apartments achieved through the density bonus allowance) to be leased to tenants who qualify under the income limits and at rents that meet the local affordable housing thresholds.

In addition to the dwelling unit density bonus provision, at the discretion of the Planning Board, projects that qualify under this zoning initiative may be granted additional relief with respect to minimum required setbacks and regularity factor criteria.

The Application was filed and has been reviewed pursuant to the following sections of the Bylaw: §139-2 (Definitions and Word Usage); §139-3(A) (Districts Enumerated); §139-7(A) (Use Chart); §139-8(D) (Residential Development Options); §139-12(B) Public Wellhead Recharge District; §139-18(D) Off Street Parking Requirements; §139-20.1(C) Driveway Access (Aisles and Driveways); §139-23 Site Plan Review; and §139-30 (Special Permits). In addition, the Project is located within the Town Overlay District (TOD) as described in By-law §139-12E and the Public Wellhead Recharge (PWR) Overlay District and, as such, the Project must comply with the provisions of By-law §139-12(B), including the requirement that “all land uses, buildings, and accessory structures, that result in rendering impervious more than fifteen percent (15%) or two thousand five hundred (2,500) square feet of any lot, whichever is greater,” shall be prohibited “unless a system for artificial recharge of ninety-five percent (95%) of annual precipitation is provided that will not result in the degradation of groundwater quality.”

The Planning Board is the special permit granting authority for this Application pursuant to By-law §139-30.

Summary of Applicable Affordable Housing Provisions:

It is the intention, with approval from the Commonwealth of Massachusetts Department of Housing and Community Development (“DHCD”), that an increment of seventy percent (70%) of the twenty-six (26) total affordable units within the Project, equal to an increment of eighteen (18) of the affordable units (e.g., those restricted to those earning less than eighty percent (80%) of AMI), the maximum increment allowed under state, federal, and fair housing laws, will be initially leased to tenants 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-resident households with children attending local schools. Furthermore, the Owner/Applicant will be seeking a special local preference for twenty-five percent (25%) of affordable units and ten percent (10%) of market rate units to be rented pursuant to a municipal employee preference. The determination of this special local preference will also be made by DHCD.

As a result of more than twenty-five percent (25%) of the total number of units being designated as affordable, all of the sixty-four (64) rental units to be developed within the Project will be eligible to qualify as Local Approval Units (LAU’s) under the Local Initiative Program (LIP) for inclusion on the Subsidized Housing Inventory (SHI) of the Town as such programs are administered and as such inventory is maintained by DHCD, a status that is particularly important in the Town’s objective of achieving a greater supply of affordable housing within the community and to achieving “Safe Harbor” from 40B projects deemed “unfriendly” to the Town.

Basis of the Findings:

The Planning Board based its decision after considering the following documents, which are available as public records:

- *Response to RFP* submitted by HallKeen Management, dated May 2017.
- *Application for a Special Permit*, dated August 14, 2017 and time stamped as received by the Nantucket Town Clerk and Nantucket Planning and Land Use Services (PLUS) Department on August 16, 2017, including Project narrative, plans, and other associated documents.
- Plan entitled *Ticcoma Green, Ticcoma Way, Nantucket, Massachusetts*, prepared by Horsley Witten Group, Inc., last revised November 14, 2017.
- Various plans, elevations, photographs, schematics, and other materials filed with the Planning Board in the course of the public hearings.
- The technical review and comments and input provided to the Applicant at a coordinated review meeting conducted on August 23, 2017 by the Nantucket Planning and Land Use Department (“PLUS”) staff with input provided by staff representatives of other Town departments (including, but not limited to the: Nantucket Department of Public Works, Nantucket Sewer Department, Nantucket

Fire Department, Nantucket Police Department, Nantucket Health Department, Nantucket Building Department, and Nantucket Department of Natural Resources).

- Nantucket Master Plan, as adopted by Article 26 at the 2009 Annual Town Meeting.
- Nantucket Chapter 40B Housing Production Plan, dated August 2016, prepared by RKG & Associates, Inc.
- Old South Road Corridor Study, dated September, 2017, prepared by BETA Group, Inc.
- Plans, correspondence, reports, and other documents in Planning Board File #6566, Pine Lands Drive Subdivision, approved April 10, 2003, including, but not limited to, traffic and impact reports and analyses by Cullinan Engineering and peer review by Rizzo Associates.
- Letter from Bristol Transportation and Consulting LLC, dated November 27, 2017.
- Assorted correspondence and documents that are on file with the Planning Board, File # 67-17.
- Vote of the Board of Selectmen on memorandum dated October 5, 2017.

In addition, the Planning Board considered representations, testimony, and correspondence received in connection with, and made part of the record of, a public hearings held by the Planning Board on September 14, 2017, October 12, 2017, November 16, 2017, and November 27, 2017. Minutes of these meetings are on file with the Planning Board.

Findings:

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

- The Project is consistent with the provisions of The Zoning Act of the Commonwealth of Massachusetts (MGL c. 40A) and the Bylaw and is in harmony with the general purpose and intent of the By-law.
- The Project provides a 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.
- The Project is consistent with, 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., which was approved by the

Nantucket Planning Board on August 8, 2016, the Nantucket Board of Selectmen on September 21, 2016, and the Commonwealth of Massachusetts effective October 4, 2016.

- Implementation of the Project will create a compact neighborhood in the mid-island area having consistency and flexibility in its layout and design, proximate to compatible adjacent commercial uses for the convenience of its occupants. Specifically, the Project is within walking distance of commercial nodes in the mid-island and Amelia Drive areas, is served by seasonal bus service, which may be expanded to year-round service, and directly abuts a multi-use path on Fairgrounds Road that connects to a network of paths leading to public and independent schools and other neighborhoods and commercial areas.
- The Project has no direct impact to immediately surrounding properties, which consist of other land owned the Town and a single property formerly owned by the Town, which was conveyed to NHA Properties, Inc., a nonprofit affordable housing organization. Generalized, non-specific area impacts are mitigated by the conditions imposed in this Decision.
- The two (2) individual lots, Lot 83 and Lot 84, comprising the Project comply with the workforce rental community minimum lot size requirement of sixty thousand (60,000) square feet each in the Commercial Neighborhood (CN) Zoning District and are being developed jointly as one (1) cohesive project. The Project meets the requirements of By-law §139-8.D, including the density limitations (a maximum of thirty-two (32) units and fifty-seven (57) bedrooms per lot), that such comprehensive and integrated development of access and amenities is preferable to individualized treatment on a lot by lot basis, and is consistent with the RFP.
- The request by the Applicant for a reduction of the internal side yard setback between the two (2) individual lots, Lot 83 and Lot 84, comprising the Project under By-law §139-8.D(2)(b) is appropriate and allows for a Project layout that takes full advantage of the development potential of the site and optimizes the available open space.
- The Project was referred to the Wannacomet Water Company under By-law §139-12.B(3)(a)[1]. A finding of water quality compliance is construed to have been made under By-law §139-12.B(3)(a)[2], because more than thirty (30) days have elapsed, since such referral and the public hearing has been closed.
- By-law §139-18 of the Bylaw requires a total of one hundred fourteen (114) parking spaces for the Project. The Project incorporates eighty-two (82) on-site parking places with an additional thirty-two (32) spaces at minimum being provided off-site as provided below. The spirit and intent of the By-law is met, with no adverse impact, by permitting the total required parking spaces of 114 to be provided through a combination of onsite and offsite parking spaces, rather than waiving any portion of the requirement outright. The number of parking places as planned meets the requirements of the By-law and is sufficient to meet the demands of the Project, given the proposed management of the parking to reduce the number of vehicles on site, and the Mitigation Measures detailed

below in these findings. A workforce rental community allows for greater control and management of parking than do home ownership options, because there can be strict control and enforcement of the number of occupants and the number and types of vehicles allowed. The granting of relief reducing the required onsite parking spaces and permitting off-site parking spaces is in harmony with the general purpose and intent of the By-law, that full compliance, while technically physically possible, would have a significant adverse effect upon the scenic integrity of the neighborhood (in that significant green space would be lost to pavement); and that the granting of relief would not be contrary to sound traffic, parking, or safety considerations.

- The granting of a special permit to allow two (2) driveways on Waitt Drive and permit the construction of the driveways as shown on the final site plans would not have a significant and adverse effect on the scenic or historic integrity of the neighborhood and is not contrary to sound traffic and safety considerations. The proposed driveways are sufficiently separated from each other, the proposed sight lines are adequate, and the proposed widths and construction meet the requirements set forth in the By-law.
- The Project site was previously part of a larger proposed development approved by the Board in 2003 in File #6566, known as the “Pine Lands Drive Subdivision” (the “Pine Lands Subdivision”). The Pine Lands Drive Subdivision included a mix of commercial retail and residential homeownership uses and, as documented in File #6566, was extensively studied by the Board and its consultants. The November 27, 2017 letter from Bristol Transportation and Consulting LLC, by the original author of the Cullinan Engineering reports, documents that there has been no significant change in methodology since 2002 and that the impacts of the Project, together with the existing and proposed municipal and residential uses on the balance of the Pine Lands Drive Subdivision site, are significantly less intense than those previously approved by the Board. The mitigation measures requested by the Board in the Pine Lands Drive Subdivision decision, such as the taking and paving of a portion of Ticcoma Way, the taking of Amelia Drive, the construction of the Fairgrounds Road bicycle path, increased site lines at the intersection of Ticcoma Way and Fairgrounds Road, and the improvement of the intersection of Fairgrounds Road and Old South Road, have been implemented or are in the process of being implemented. In addition, the Town is proposing to take the Mitigation Measures detailed below.
- The Town, as owner of the Project site and significant adjacent lands, has committed to implement a series of mitigation measures prior to the issuance of the first Certificate of Occupancy for the Project to address parking, traffic, and circulation issues (the “Mitigation Measures”). The Mitigation Measures shall include, but shall be not limited to, the following:
 1. Waitt Drive shall be constructed to a sufficient standard as determined by the Planning Board to provide on street parking of not less than 32 spaces, sidewalk connection from Ticcoma Way to the Project, and access to the Project. The Planning Board recognizes the vote of the Nantucket Affordable Housing Trust

Fund committing up to \$400,000 toward this effort as well as the inclusion of this matter in the Capital Project funding for fiscal year 2019.

2. "No Parking" signs shall be placed along the northeast side of Ticcoma Way, a public way, from Fairgrounds Road to the end of the public way, which is east of Amelia Drive.
 3. No parking shall be allowed on Fairgrounds Road from Ticcoma Way to Old South Road.
 4. The existing approximately 200 space parking area at the Town property at 2 Fairgrounds Road (which is on Lot 78 and Lot 85 on Plan No. 2016-58) shall be connected to Waitt Drive. The Board notes that there are no significant barriers to the construction of such a connection and that the Waitt Drive right of way has already been fully cleared and abuts such parking area, which connects to Old South Road and Fairgrounds Road through existing driveways.
 5. if the Planning Board determines, through a public hearing process, that additional public parking or additional management of the thirty-two (32) off-site parking spaces serving the Project is desirable, the Town shall manage and make available parking in the existing parking lot at 2 Fairgrounds Road or other CN zoned Town property in the immediate vicinity, such as Lot 82 and Lots 91 through 94 on Plan No. 2016-58, to accommodate resident parking.
 6. The process of taking Amelia Drive as a public way shall be completed. The Planning Board acknowledges the receipt of \$10,000 from John D. Ready, Trustee, owner of the property at 21 Old South Road, toward this effort.
- The conditions imposed hereby ensure that certain units in the 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.
 - The Project complies with the following review objectives contained within §139-23.E of the 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 will be enhanced and new public facilities introduced within the Project area to serve residents. Effects to abutting residential properties are minimized through screening, the provision of parking in Waitt Drive and other Mitigation Measures detailed in these findings, and a Town-retained buffer of residential properties. Access to the site is by way of public roads maintained and controlled by the Town. The buildings have been located as far from the residential properties as possible, and the vegetated buffer in the road layout of Fairgrounds Road between the Fairgrounds Road bicycle path and the traveled portion of Fairgrounds Road along the Project site shall remain in its natural vegetated state

to the extent possible, with the exception of the proposed fire lane, and may be further augmented by additional plantings. The view of the Project from Fairgrounds Road and the Fairgrounds road bicycle path will be protected by a twenty (20) foot buffer along the northwesterly property boundary, which, with the exception of pedestrian and bicycle accesses and a proposed fire lane, shall be vegetated. This buffer zone is consistent with the so-called "green belt easement area" noted on Plan No. 2016-58, which has not been granted and is no longer needed. The Project has been sited to be a transition from the large municipal buildings (existing and planned) on the Public Safety Lot to the residential / light commercial scale neighborhood located along Ticcoma Way and Fairgrounds Road to the southwest.

2. *Protection of unique, natural, scenic, or historic features of the site, and the minimization of the obstruction of scenic views, where applicable:* This standard is not applicable, because there are no unique, natural, scenic, or historic features or scenic views that warrant protection on this site. Adjacent to the site, on Town controlled land, are natural features that should be maintained to the extent possible. The eight (8) remaining residential lots owned by the Town between the Project and Ticcoma Way (Lots 66 through 73 on Plan No. 2016-58) provide a buffer and a transition from the CN zoning district to the Residential 5 zoning district and retaining the vegetation on them until such time as they are developed is advantageous.
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:* Throughout the Project, parking areas are generally internal to the lots and are reasonably screened by the proposed buildings and landscaping. The Project abuts the Fairgrounds Road bike path, and there will be a pedestrian connector between Fairgrounds Road and Waitt Drive along the northeasterly property line of the Project. Sidewalk connections now exist on Fairgrounds Road and Ticcoma Way and shall be incorporated on Waitt Drive. Vehicular access is coordinated to connect to Waitt Drive, a public road, which in turn provides connection to existing and proposed public roads. Except for emergency fire lanes, direct access to Fairgrounds Road from the Project is not proposed to eliminate bicycle path crossings and reduce traffic conflicts with the Public Safety Facility and proposed Fire Station at 4 Fairgrounds Road (Lot 77 on Plan No. 2016-58), which access Fairgrounds Road at three (3) locations north of the Project site.
4. *Adequacy of proposed sewage:* All units within the development shall be served by municipal water and sewer systems, where there is adequate capacity to serve the Project.
5. *Adequacy of refuse disposal.* Refuse disposal shall be handled in a manner consistent with established residential practices, the details of which shall be included in the property management plan.

6. *Adequacy of drainage of surface and subsurface water.* Stormwater management shall be provided in conformance with By-law §139-12B and the “Rules and Regulations Governing the Subdivision of Land.” The Project intends to fully comply with all of its rules and regulations. Horsley Witten Group, Inc., has provided initial plans indicating that the Project will meet all applicable standards, and the final plans will be thoroughly reviewed and approved by the Town’s engineer.
 7. *Adequacy of off-street parking and loading:* On-site parking for the Project will be provided in accordance with the final plans and, as detailed above, is deemed adequate by this Board, because of the mix of onsite and offsite parking on Town controlled property being provided.
 8. *Minimization of traffic and safety impacts upon public and private rights-of-way:* As detailed above, adequate minimization is addressed by restricting access to the Project to Waitt Drive. Additional Mitigation Measures will be implemented by the Town as detailed in these findings.
 9. *Adequacy of Town services and infrastructure:* The Project provides needed housing, and Town services or infrastructure are sufficient to support the Project and are not rendered inadequate in any way.
- The Project meets the following performance standards under By-law §139-23.F, 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.* As discussed above, coordinated access to the Project is by way of common driveways to Waitt Drive, a secondary road, and not directly from Fairgrounds Road, a main road, except for emergency fire lanes.
 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.* The two (2) driveway accesses to separate parking areas on the site shall be implemented on the final plans in such a way as to ensure safe ingress and egress.
 3. *The project design shall ensure safe pedestrian and vehicular circulation within the site.* The interior pathways and connectors as well as the parking areas are appropriately designed.
 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.* The Project is appropriate to the area, traffic impacts are appropriately mitigated by the provision of bicycle sheds and racks and moped/scooter parking and management plans to reduce the number of vehicles

on site, public transportation is currently available seasonally, and the Town is committed to making improvements to adjacent roadways and other Mitigation Measures as detailed in these findings and to providing additional future mitigation if necessary. The ability to address a common access to benefit the Town-owned residential properties to the southeast may remove additional future driveways on Ticcoma Way. As set forth above, the traffic impacts of a more intense development of the about twenty (20) acre parcel then owned by the Nantucket Electric Company and later acquired by the Town, which parcel included the Project site, were reviewed by the Board in 2002-2003. The Project represents a less intense residential program than the residential uses proposed at that time, the use of the parcel as a whole for municipal and residential purposes is less intense than the mixed commercial and residential uses proposed, and the impact, overall and of the Project in particular, are significantly less, even factoring in growth over the intervening fourteen (14) years, as detailed above.

5. *Sidewalks and/or bicycle paths may be required by the special permit granting authority.* Interior pathways for use by bicycles and pedestrians connecting to Waitt Drive and Fairgrounds Road are provided on site.
6. *Parking areas shall be designed to reduce their visual impact from public and private rights-of-way.* The parking areas are appropriately screened by the structures, intervening lots, and/or proposed landscaping and buffers that will minimize visual impacts from adjacent ways.
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.* No enhanced landscaping was necessary in addition to the extensive vegetation proposed.
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.* Such recharge could potentially be achieved in conjunction with other improvements being made by the Town on its adjacent land and doing so could be desirable, efficient, and economical and reduce risks to water quality. Accordingly, to the extent necessary to accomplish such objective, the requirements of By-law §139-23.F(8) are waived; otherwise, such recharge shall be contained on site.
9. *Collection systems for stormwater runoff shall be designed for at least a twenty-five (25) year storm.* The stormwater runoff collection systems for the Project shall meet or exceed this standard, shall be reviewed by the Planning Board's consulting engineer, and shall be shown on the final site plans.

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. This performance standard and performance standards 8 and 9 are addressed through stormwater management systems meeting §139-12.B of the Bylaw and the Planning Board's "Rules and Regulations Governing the Subdivision of Land." Erosion and sedimentation control shall meet this standard, shall be reviewed by the Planning Board's consulting engineer, and shall be shown on the final site plans.*
 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. All utilities serving the Project shall be installed underground in accordance with the requirements of each respective utility or, if above ground (such as air conditioning equipment), shall be appropriately 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. The design and location of the maintenance sheds, bicycle racks, bicycle sheds, moped/scooter parking, and trash enclosures shall be reviewed and approved by the Nantucket Historic District Commission and shall be shown on the final site plans and appropriately screened.*
- In summary, the Project is in compliance with the review objectives and performance standards set forth By-law §139-23, including, but not limited to By-law §139-23.B(1), E, and F. Because the Project is not a major commercial development or in the Nantucket Cottage Hospital Overlay District, By-law §139-23.B(2) is not applicable, and no traffic study is required or necessary.

Decision and Conditions of Approval:

Based upon the foregoing and pursuant to the findings above, by a unanimous vote (5-0) in favor of approval, the Nantucket Planning Board hereby APPROVES this Application and GRANTS the following Special Permits and approvals:

1. Special Permit for the creation of the Project pursuant to By-law §139-8(D).
2. Special Permit for the construction of up to a total of sixty-four (64) rental apartment units, to be located in three (3) individual apartment buildings, containing up to a total of one hundred fourteen (114) bedrooms, on two (2) lots (Lot 83 and Lot 84), as further described herein, in accordance with By-law §139-2.A, §139-7.A, and §139-8.D, as the same may be amended from time to time.
3. Reduction by one hundred percent (100%) of the internal side yard setback between the two (2) individual lots, Lot 83 and Lot 84, comprising the Project under By-law §139-8.D(2)(b) to the extent necessary. The Board recognizes that if the changes to By-law

§139-8.D, approved at the 2017 Special Town Meeting, are approved by the Attorney General (approval pending as of the date of this Decision), this waiver would be rendered unnecessary.

4. Special Permit under By-law §139-18.D to reduce the required onsite parking spaces under By-law §139-18.B from 114 to 82, to provide thirty-two (32) spaces off site, and to approve the screening as shown on the final site plans.
5. Special Permit under By-law §139-20.1.C from the requirements of By-law §139-20.1.B to allow two (2) driveways on Waitt Drive and permit the construction of the driveways as shown on the final site plans.
6. Site Plan Review approval pursuant to By-law §129-23, allowing for the development of the Project as shown on the final site plans, and in accordance with the conditions of approval set forth herein.
7. All other permits and/or approvals, not otherwise specifically enumerated herein, but which are deemed incidentally necessary or convenient to effectuate the intent of the relief granted hereby.

CONDITIONS

The Planning Board sets forth the following conditions to its approval:

A. Density and Affordability Conditions

1. The total number of workforce rental community dwelling units in the Project, which shall consist of two (2) lots (Lot 83 and Lot 84), totaling in excess of one hundred twenty thousand (120,000) square feet, shall be limited to a maximum of sixty-four (64) dwelling units, containing up to a total of one hundred fourteen (114) bedrooms.
2. The unit mix within any building, or subset of buildings, within the workforce rental community approved hereby, (i.e., the number of three (3) bedroom, two (2) bedroom and one (1) bedroom units, or any studio unit), may be altered or amended at the sole and absolute discretion of the Applicant, without any further review or action of the Planning Board, provided that the aggregate dwelling unit limit of sixty-four (64) dwelling units and the aggregate bedroom limit of one-hundred-fourteen (114) bedrooms are not exceeded on the combined workforce rental community lots, and further provided that at least ten percent (10%) of the units in the workforce rental community approved hereby, taken as a whole, are three (3) bedroom units.
3. Three (3) of the total sixty-four (64) dwelling units located in the Project shall be restricted in perpetuity, as dwelling units for lease to households earning not more than thirty percent (30%) of the 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 "Guidelines for G.L. c. 40B

Comprehensive Permit Projects and the Subsidized Housing Inventory,” dated December 2014, issued by DHCD, as amended through the date of this Decision (the “DHCD 40B Guidelines”). Rents payable for workforce rental housing dwelling units that are subject to the thirty percent (30%) AMI income limits shall not exceed the maximum allowable rents determined in accordance with the calculation methodology and formulas set forth in the DHCD 40B Guidelines.

4. Nineteen (19) of the total sixty-four (64) dwelling units located in the Project shall be restricted in perpetuity, as dwelling units for lease to households earning not more than sixty percent (60%) of the AMI, adjusted for household size, as determined consistent with the income limits issued by HUD, updated annually, as set forth in the DHCD 40B Guidelines. Rents payable for workforce rental housing dwelling units that are subject to the sixty percent (60%) AMI income limits shall not exceed the maximum allowable rents determined in accordance with the calculation methodology and formulas set forth in the DHCD 40B Guidelines.
5. Twenty-nine (29) of the total sixty four (64) dwelling units located in the Project shall be restricted in perpetuity, as dwelling units for lease to households earning not more than one hundred twenty percent (120%) of the AMI, adjusted for household size, as determined consistent with the income and rent limits issued by MassHousing Finance Agency for the Workforce Housing Trust Fund pilot program.
6. The remaining thirteen (13) dwelling units shall not be subject to any of the income limit, qualification or maximum rent limitations referenced herein, and shall be considered “market-rate” units. Leases for such market-rate units shall be awarded in accordance with a lottery approved by DHCD.
7. All dwelling units which are subject to the less than eighty percent (80%) AMI income limit shall be distributed proportionately throughout the Project in accordance with Section VI(B)(4)(d) of the DHCD 40B Guidelines, including confirming that the unit-mix allocation (i.e., the number of bedrooms per unit) is generally proportionally distributed between the market rate and the workforce and affordable rate units within the Project, and shall be depicted upon the final site plans. All dwelling units that are subject to an income limitation shall be indistinguishable from the market-rate units of the same unit type on the exterior and shall contain comparable base fixtures and finishes on the interior in accordance with Section VI(B)(4) of the DCHD 40B Guidelines. Any alteration of the location of the dwelling units that are subject to income limits, or their disbursement throughout the Project, shall be submitted to the Planning Board, or its designee, for review and approval.
8. This Decision is conditioned upon the Applicant’s preparation, and submission for approval, of a Regulatory Agreement by the Town, acting by and through its Board of Selectmen, and DHCD. Provided that the 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 market-rate units, subject only to the provisions of Condition C(5) below.

9. 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 Local Initiative Program (LIP), as such is administered by DHCD such that Local Action Units (LAU) (i.e., the workforce rental housing dwelling units which are subject to an the less than eighty percent (80%) or less AMI income limit) are included in the Subsidized Housing Inventory (SHI) list for the Town of Nantucket.
10. Subject to federal and state fair housing guidelines, regulations, and laws, any prospective tenant, or tenants, eligible to rent any dwelling unit that is subject to an the less than eighty percent (80%) AMI income limit under Section III(D)(3) of the DHCD 40B Guidelines shall be placed within the local preference lottery pool for up to seventy percent (70%) of the aforementioned units, to the extent permitted.
11. Any prospective tenant, or tenants, of the dwelling units which are subject to an the less than eighty percent (80%) AMI income limit shall be solicited and qualified through an affirmative fair housing marketing and resident selection plan and then selected by a lottery in accordance with Section III(C) and Section III(F) of the DHCD 40B Guidelines, respectively, and all costs thereof shall be borne by the Applicant.

B. Utility, Infrastructure, and Improvements

1. The Planning Board notes that a total of three (3) buildings are currently shown on the plans. Any changes to the number of buildings or building designs or configurations shall be shown on the final site plans, together with the maintenance sheds, bicycle sheds and racks, moped/scooter parking, playground, electric vehicle charging stations, and trash enclosures. Following approval of the final site plans, any modification to the building configuration and/or exterior design of the Project that results from the ongoing review of the Project by the Nantucket Historic District Commission (“HDC”) shall not be deemed substantial under this Condition Number B-1 and shall not require additional Planning Board review unless such modification increases the total ground cover for an individual building to a total in excess of twenty percent (20%), or reduces any yard setbacks (front, rear, or sides) by five (5) linear feet or more.
2. The final site plans shall designate visitor/staff parking of at least five (5) parking spaces and shall depict the location of the maintenance sheds, bicycle sheds and racks, moped/scooter parking, playground, electric vehicle charging stations, and trash enclosures. Such playground shall contain a minimum of 225square feet.
3. If a broader, community-scale playground is developed on Town-owned land in the vicinity of the Project (on adjacent Lot 82 or other land in the area), the onsite playground may be eliminated provided that \$20,000.00 is contributed toward the cost of the playground construction on Town-owned land prior to the issuance of a final Certificate of Occupancy on any building.

4. All buildings within the Project approved in 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).
5. Prior to the Planning Board approval of final site plans, the Applicant shall obtain a Certificate of Water Quality Compliance from the Wannacomet Water Company, and any conditions of such certificate shall be a condition of this approval without further public hearing.
6. All ADA units shall have in-unit laundry available, and all buildings with ADA units shall have storage units for such ADA units in the same building. In addition, for the non-ADA units, the Applicant shall provide:
 - (a) An in-unit laundry in the three (3) bedroom and two (2) bedroom units, at least one (1) centrally located laundry, and centrally located storage units for all of such non-ADA units; or
 - (b) one (1) group laundry facility and storage units in each building; or
 - (c) An in-unit laundry in each of the non-ADA units and a storage unit for each of such non-ADA units.
7. The Project shall comply with the provisions of By-law §102, the so-called "Dark Skies" By-law.
8. All landscaping, lighting, bike racks, fencing, sidewalks, electric vehicle charging stations, and other amenities and infrastructure shall be maintained in good working order and appearance in accordance with the final site plans, and shall be replaced with like-kind and quality materials when deemed reasonably necessary by the Zoning Enforcement Officer or the Planning Board, for as long as this Decision remains in effect. At the discretion of the Planning Board, minor changes of plant species, materials, and other amenities may be allowed without a public hearing.
9. The Project shall be serviced by Town water and sewer.

C. Implementation of Development

1. Within six (6) months of the date of this Decision, the Applicant shall submit a fully engineered final site plan set. This plan set shall address any final comments from the Planning Board's consulting engineer, (Pesce Engineering & Associates) and shall specifically include the plans and specifications for all required drainage and stormwater runoff systems and the location of all parking areas, common areas, recreational/open space areas, building locations, maintenance sheds, bicycle sheds and racks, moped/scooter parking, playground, electric vehicle charging stations, and trash enclosures, landscaping elements, and all other requirements noted in By-law §139-23.B(1).

2. The Project shall be constructed in substantial conformity to the final plan set.
3. 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.
4. The Applicant shall provide the Planning Board with a construction management plan to be reviewed and approved by the Planning Board's consulting engineer (Pesce Engineering & Associates) prior to the commencement of construction, which construction management plan shall include, but shall not be limited to, the following:
 - (a) Construction fencing.
 - (b) Dust control.
 - (c) Site control, including debris management.
 - (d) Construction manager's contact information, including cellular telephone number.
 - (e) Construction hours, providing no exterior construction or hardscaping, excluding loading and unloading of materials, painting, planting, landscaping, use of unpowered hand tools, and routine upkeep and maintenance, on Sundays or between the hours of 10 PM and 7 AM, Monday through Saturday, September 16 through June 14 of any given year, or between 10 PM and 7:30 AM, Monday through Saturday, June 15 through September 15 of any given year.
 - (f) Adherence to the Noise and Lighting By-laws.
 - (g) Primary access to the Project site to be from Old South Road directly to Waitt Drive.
 - (h) No construction vehicles shall park on Ticcoma Way.

Exceptions to such construction management plan may be granted by the Board on a case by case basis without the necessity of a public hearing.

5. The Applicant shall ensure that Certificates of Occupancy for the workforce rental housing community dwelling units that are subject to the less than eighty percent (80%) AMI Income limit are issued in a reasonably representative ratio to the Certificates of Occupancy for the market-rate dwelling units.
6. In advance of seeking the first Certificate of Occupancy, the Applicant shall provide a copy of the property management plan, which shall include the name(s) and telephone number(s) of the property manager(s) on call, the parking management plan, and the standard lease agreement, to the Planning Board, for its review and approval, not requiring a public hearing.
7. Certificates of Occupancy may be issued on a unit by unit basis as well as on a building by building basis, provided, however, that a final as-built of all site improvements shall be submitted by the Applicant, and a final site inspection shall be completed by the Planning Board prior to the issuance of the final Certificate of Occupancy for the Project.

Notwithstanding, nothing herein shall prevent the Town from issuing temporary certificates of occupancy from time to time on a building by building basis, and the Board hereby recognizes that the timely issuance of such temporary certificates of occupancy is critical to the intended tax credit financing structure.

D. Mitigation

1. This Decision is based upon the understanding that the Town, as owner of the Project site and significant adjacent lands, has voted to commit to the implementation the Mitigation Measures prior to the issuance of the first Certificate of Occupancy for the Project.
2. Within one hundred twenty (120) days of the issuance of this Decision, the Planning Board shall receive written confirmation of a vote of the Board of Selectmen committing the Town and its departments to the following: (a) retaining vegetation in the Fairgrounds Road public right of way between the edge of the bicycle path and the traveled way as vegetative screening and allowing the Applicant to augment and/or replace such vegetative screening, and (b) restricting clearing Lots 66 through 73 on Plan No. 2016-58 along Ticcoma Way for a reasonable time period and in no event prior to the issuance of a building permit for construction upon any of such lots, which shall remain in place for at least two (2) years after the issuance of the final Certificate of Occupancy for the Project.

E. Lease Provisions

1. The Applicant, or its property manager, shall ensure that a written lease for any tenant, or tenants, of a workforce rental community dwelling unit, whether or not subject to the income limits, has an initial term or duration of not less than one (1) year.
2. The Applicant, or its property manager, shall ensure that any written lease for any tenant, or tenants, of any dwelling unit, whether or not such unit is subject to the income limitations, prohibits the subsequent subletting of the dwelling unit for any period, or periods, of time. No dwelling unit shall be used or occupied, in whole or in part, as part of Airbnb or any such similar short-term, home stay, lodging, or vacation rental program. Tenants shall be natural persons; provided however, that nothing herein shall prohibit a trust, corporation, limited liability company, or other entity from joining in or guaranteeing a lease for credit enhancement purposes.
3. The Applicant shall impose and enforce, through the property management plan, written rules and regulations to be provided to all tenants, which shall include, but shall not be limited to, the following prohibitions or restrictions:
 - a. No parking or storage of vehicles, including those containing trailers, boats, attachments, or the like which exceed the length of the defined parking space markings/stripes shall be permitted within the Project parking areas;

- b. The on-site parking or storage of boats or commercial-scale vehicles such as box trucks, flatbed trucks, trailers (open or enclosed), or equipment shall be prohibited; provided, however, that nothing herein shall preclude or restrict lawful parking or storage off-site by residents of the Project;
 - c. No abandoned, inoperable, or unregistered vehicles shall be permitted within the property;
 - d. No exterior storage of any kind shall be permitted in the parking or lawn areas within the property other than the maintenance sheds, bicycle sheds and racks, moped/scooter parking, and trash enclosures shown on the final site plans; and
 - e. No tenant-owned satellite dishes, clothes drying lines, or other such equipment or materials shall be attached to or visible on the exterior of any buildings and / or windows within the Project except as expressly required by law.
4. The Applicant shall manage parking access to the main Project lot through the lease with each tenant, with at least one (1) parking permit for the main lot on the Project being provided to each unit. Parking on the Project site shall be managed by way of a sticker or placard program and may include incentives for the use of alternative transportation (bicycles, scooters, mopeds, ride sharing, and public transportation) and the reduction of the number of vehicles on site.
 5. The lease with each tenant shall include language acknowledging that the operations of the Police, Fire, and other Public Safety aspects of the Town take place next door to the Project site.

F. General, Regulatory & Miscellaneous Conditions

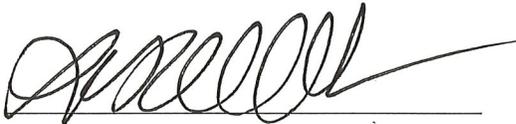
1. The lots, buildings, and dwelling units within the Project may be subjected to a leasehold condominium or other ownership structure for the convenience of financing or tax credit syndication but in all cases shall remain under common control and be managed by a single entity.
2. Prior to the issuance of a Certificate of Occupancy for the first dwelling unit, the name(s) and telephone number(s) of the property manager(s) on call shall be provided to the Planning Board. To facilitate timely responses to resident requests and management/maintenance issues, upon issuance of the first Certificate of Occupancy, the Applicant shall, at all times, be required to employ one (1) or more property or maintenance managers who shall reside on-island.
3. To the extent the Applicant believes that any of the comments and/or recommendations of the Town's Consulting Engineer or any Director of an authoritative agency or board of the Town given certain discretionary review authority hereby cannot be satisfied or resolved between such person and the Applicant, the Applicant may request a

clarification, interpretation, or decision by the Planning Board. Any such request shall be submitted, in writing, to the Planning Board, and the foregoing shall not be construed to require that the Applicant's request for clarification, interpretation, or decision be considered at a public hearing, unless required by law.

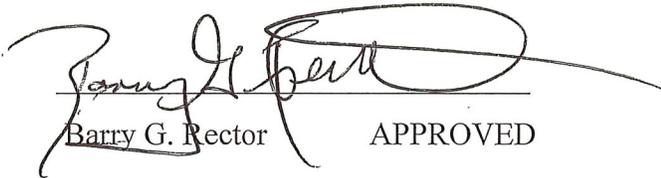
4. Where not otherwise specifically stated, the Planning Board may, at its discretion, grant an extension or extensions of any deadline imposed in this Decision, upon written request of the Applicant, without a public hearing.
5. The Applicant shall ensure strict compliance with these conditions.
6. The Planning Board shall have the right, at its sole discretion, to re-open the public hearing if the Board finds that there is a material breach of these conditions or that the Town has materially failed to implement the Mitigation Measures detailed in these findings, and shall have the right to impose additional conditions to address such issues.
7. The failure or refusal of any Town board, commission, agency, or department, including, but not limited to the Nantucket Board of Selectmen, Nantucket Islands Land Bank, and the Wannacomet Water Department to accept any easement, gift, contribution, improvement, or the like, or to implement the Mitigation Measures detailed in the findings, or to meet any commitments expressed during the public hearing process or made part of the findings shall not affect the intent or findings of this decision, the issuance of Certificates of Occupancy, temporary, final, or otherwise, the Applicant's ability to proceed under the other provisions of this decision, or the special permits and waivers granted in this Decision.
8. The Applicant shall cooperate with the Town, at the Town's reasonable discretion and at the Town's expense, to provide access through the Project to a lane or driveway across the rear of Lots 66 through 73, inclusive, on Plan No. 2016-58, to reduce the need for curb cuts on Ticcoma Way. Any resulting plan shall be negotiated between the Town and the Applicant in a manner that minimizes adverse impacts to the Applicant while meeting the Town's objectives and minimizing adverse impacts to open space, parking, aisle widths, and other aspects of the Project. Any adverse impact to the Applicant (such as a reduction in parking spaces) shall be reasonably offset by the Town. Any final changes to the site plan, open space, parking, aisle widths, and other aspects of the Project to accommodate access to said Lots 66 through 73 shall be reviewed and approved by the Planning Board and shall not require a public hearing.
9. The Applicant shall work with the Nantucket Regional Transportation Authority (NRTA) as necessary to analyze prospective future usage and specific ridership demands on NRTA services and design.
10. 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 for one (1) apartment building, upon one (1) workforce rental community lot.

RECORD OF VOTE AND SIGNATURE PAGE FOLLOWS

Record of Vote: On November 27, 2017 the Planning Board voted unanimously (5 – 0) to **CLOSE** the public hearing, and voted unanimously (5 – 0) to **APPROVE** the Special Permits and Site Plan Review for the Project and to **ENDORSE** this Decision.


Linda F. Williams APPROVED


Nathaniel Lowell APPROVED


Barry G. Rector APPROVED


Joseph Marcklinger APPROVED

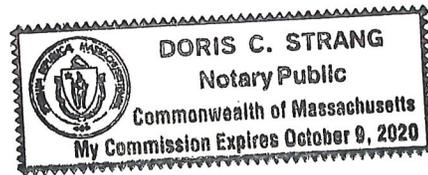

John Trudell, III APPROVED

COMMONWEALTH OF MASSACHUSETTS

Nantucket, SS

On the 14th day of December, 2017, before me, the undersigned notary public, personally appeared Barry G. Rector, one (1) 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, as his/her free act and deed, for the purposes therein expressed.


Notary Public



October 9, 2020
My Commission Expires