

Town and County of Nantucket
Select Board • County Commissioners

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C. Elizabeth Gibson
Town & County Manager

November 20, 2018

Nantucket Zoning Board of Appeals
2 Fairgrounds Road
Nantucket, MA 02554

Re: Surfside Crossing 40B Comments – Supplemental Comment Letter

Applicant: Surfside Crossing, LLC
Project: Surfside Crossing in Nantucket/156 ownership units on 12.87 acres
Location: 3, 5, 7 and 9 South Shore Road, Nantucket, MA
Subsidizing Agency: MassHousing (Massachusetts Housing Finance Agency)

Dear Members of the Zoning Board of Appeals:

After our July 13, 2018 letter to you which provided comments on the above application, the Board engaged three consultants to provide independent reviews of the proposed project:

Avalon Consulting – Environmental Assessment
Bristol Engineering Advisors, Inc. – Hydrogeologic Assessment
Beta Group – Traffic Impact

The reports have been provided to you and presented to you. Because of the reports, the Select Board provides this letter with supplemental comments to our July 13, 2018 letter, as follows:

Environmental*

As the Board is aware, the Town's environmental consultant was not allowed on the property to properly assess it for environmental issues. Instead, a peripheral review, which led to reasoned conclusions that endangered species other than what the applicant has reported are most likely present at the site, is in no way a substitute for an on-site review. Based on the consultant's report, we recommend that pending the outcome of the appeal that the Select Board through Town Counsel filed with the state Division of Fisheries and Wildlife on November 8, 2018 (attached) in connection with the need for a much more comprehensive environmental review of the site, at minimum:

- 1) A study (approved by NHESP) be conducted to ascertain the presence of vascular plants and NLEB, or in the absence of such a study, mitigation be provided assuming habitat for the species is present at the site;
- 2) Avoid, where possible, habitat for state listed and federally listed species. If avoidance is not possible, mitigation be provided at a rate consistent with the ranking of the species per 321 CMR 10.23. If an endangered species is present at the site, a rate of protection of three times the amount of areal habitat of the affected Endangered Species that is impacted by the Project or Activity is listed in the regulations;
- 3) No tree cutting from June 1st to July 31st consist with the federal 4d rule for NLEB or conduct a study to determine whether the site serves as a maternity roost for the species;
- 4) Map and avoid, wherever possible, mature pitch pine (> 8" dbh) in buffer and cleared areas. Retain the pitch pine and understory in the buffer wherever possible;
- 5) Retain snags in buffer areas throughout the life of the project; and
- 6) Prepare and adhere to an ongoing invasive species management plan to ensure the long-term health of the buffer. The list of invasive species should be based on the list maintained by the Nantucket Conservation Commission, as amended.

The Board remains especially concerned about disruption of the habitat of the endangered Northern Long-eared Bat and the fact that the Board's environmental consultant (Avalon Consulting) was not allowed to access the property to conduct a proper review.

Additionally, the Board requests a condition that if there is going to be a swimming pool(s) in the project, that it/they be maintained in as natural condition as possible, in compliance with applicable state regulations; and, that drainage and maintenance be done in accordance with Best Management Practices and notification in advance to the local Health Department and Natural Resources Departments.

**These comments will also be found in the Comment Letter for the Modified Proposal*

Hydrogeologic

Based on the report from our consultant, we request:

1. Erosion and sediment controls be required to minimize the potential for on-site and off-site erosion and sediment transport. Best Management Practices (BMPs) such as wattles and silt fences must be installed prior to the commencement of construction and must be maintained for the duration of construction activity until disturbed soils are stabilized.
2. No construction re-fueling shall occur on site unless such re-fueling is performed on an impervious surface designed and constructed to contain any spills or releases.
3. A condition that the Applicant implement Low Impact Development design concepts for managing storm water; and, that it fund an independent Environmental Monitor

during construction phases to document activities and monitor for compliance with the measures to protect groundwater quality.

4. A condition that requires a stormwater system to provide treatment and dispersed infiltration from roadways, capture and retain the first inch of stormwater from parking areas and use vegetated swales and bioretention basins with overflows to the maximum extent possible, rather than use of the stormceptor-type design with direct infiltration.

5. The submittal by the Applicant of a Site Maintenance and Integrated Pest Management Plan to the Select Board, with a condition that the Homeowners' Association documents require the use of organic and/or non-toxic fertilizers and pesticides, as well as use of certified applicators.

Traffic*

1. **Differences between BETA Group (Town's consultant) traffic study and MDM (Applicant's consultant) traffic study.** Factors explaining differences in analysis results between these studies are outlined in MDM's October 19, 2018 memo. While both BETA and MDM stand by their respective analysis outcomes based on analytical assumptions used, both parties agree that:
 - a. project impacts and possible off-site transportation-related mitigative actions are limited to the Surfside/Fairgrounds/South Shore Road intersection and Surfside/Miacomet Road/Miacomet Drive intersections;
 - b. one appropriate means of quantifying proportional project trip impacts at these locations is the percent change in trips relative to future-year "No Build" traffic volumes as described below.

2. **Proportional Project Trip Impacts.** Proportional project trip impacts may be calculated based on future-year design volume conditions that assume:
 - a. August 2, 2018 traffic count data represents a peak summer day scenario;
 - b. a 7-year design horizon at 1% annualized growth rate;
 - c. inclusion of Richmond Great Point and Ticcoma Green background development trips.

Under this scenario, and assuming use of applicable ITE land use code trip rates for the respective residential categories, proportional trip increases for the above-referenced intersections are as follows:

- a. 100-unit development scenario:
 - i. Surfside Road/South Shore Road/Fairgrounds Road: 5.5 percent or less
 - ii. Surfside Road/Miacomet Road/Miacomet Drive: 2.8 percent or less

- b. 156-unit development scenario:
 - i. Surfside Road/South Shore Road/Fairgrounds Road: 8.6 percent or less
 - ii. Surfside Road/Miacomet Road/Miacomet Drive: 4.4 percent or less

3. **Proportional Mitigation Framework.** There is general consensus among the traffic consultants that proportional project impacts per above methodology provides a reasonable and quantifiable basis for potential mitigation for Surfside Crossing project and that the appropriate focus of off-site transportation mitigation is the two above-referenced intersections. This consensus is reached based on Nantucket’s similar treatment of mitigation for prior approved projects and the experience of the various transportation consultants.

Accordingly, mitigative contributions for off-site intersections could be calculated by identifying implementation and design costs for structural and/or safety-related improvements at each location and applying the proportional impacts of Surfside Crossing (i.e., percent volume increase relative to design-year “No Build” intersection volumes) to arrive at a cost basis that is proportional to project impacts (whether a 100-unit scenario or a 156-unit scenario). Specific actions and/or proportional mitigative contributions by Proponent would be subject to further review/discussion between the Town (ZBA) and Applicant (Surfside Crossing) with input from their respective consultants. Based on conceptual estimates, proportional mitigative contributions could be as follows:

- a. 100-unit development scenario:
 - i. Surfside Road/South Shore Road/Fairgrounds Road:
Conceptual estimate for recommended roundabout: \$2,400,000
(construction cost, plus 20% of construction cost for design cost)
5.5 percent proportional mitigative contribution: \$132,000
Comment: the \$132,000 contribution could be applied to costs for survey and conceptual and preliminary design of a roundabout.
 - ii. Surfside Road/Miacomet Road/Miacomet Drive:
Conceptual estimate for intersection reconstruction: \$2,400,000
(construction cost, plus 20% of construction cost for design cost)
2.8 percent proportional mitigative contribution: \$67,200
Comment: the \$67,200 could be applied to costs for a Roadway Safety Audit of the intersection to identify and assist with implementation of specific structural and/or safety-related improvements.
- b. 156-unit development scenario:
 - i. Surfside Road/South Shore Road/Fairgrounds Road:
Conceptual estimate for recommended roundabout: \$2,400,000
(construction cost, plus 20% of construction cost for design cost)
8.6 percent proportional mitigative contribution: \$206,400
Comment: the \$206,400 contribution could be applied to costs for design and assist with implementation of a roundabout.
 - ii. Surfside Road/Miacomet Road/Miacomet Drive:
Conceptual estimate for intersection reconstruction: \$2,400,000
(construction cost, plus 20% of construction cost for design cost)
4.4 percent proportional mitigative contribution: \$105,600

Comment: the \$105,600 could be applied to costs for a Roadway Safety Audit of the intersection to identify and assist with implementation of specific structural and/or safety-related improvements.

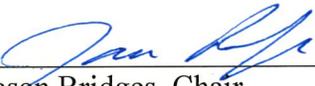
**These comments will also be found in the Comment Letter for the Modified Proposal*

Additionally, a performance bond should be posted with the Town in an amount to be determined with the Town and its insurance company for any work performed near the sewer easement – prior to the commencement of any such work.

Lastly, we would like to add to our Comment #15 from the July 13, 2018 letter that trash barrels must be kept in sheds except for trash pick-up day(s); and, details need to be provided regarding the proposed recycling system for the condo buildings.

The Select Board thanks the Zoning Board of Appeals for its hard work on this important matter and we ask that you consider our comments herein.

Very truly yours,



Jason Bridges, Chair

cc: Wannacomet Water Director
Director of Planning and Land Use Services
Natural Resources Coordinator
Health Officer
Town Counsel
Surfside Crossing, LLC