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November 5, 2015

VIA EMAIL (rmason@mhp.net)
and FEDERAL EXPRESS

Richard A. Mason, Deputy Director of Lending
Massachusetts Housing Partnership
160 Federal Street
Boston, Massachusetts 02110

RE: 40B Project Eligibility Letter
Surfside Commons
106 Surfside Road, Nantucket, Massachusetts

Dear Mr. Mason:

This office represents Brian F. Davis and Linda M. Davis ("Davis"), owners of the real estate known and numbered as 108 Surfside Road, Nantucket, Massachusetts ("Davis Property") and Mary Beth Ferro ("Ferro"), owner of the real estate known and numbered as 104 Surfside Road, Nantucket, Massachusetts ("Ferro Property").

The Massachusetts Housing Partnership ("MHP") is in receipt of an Application for a Massachusetts General Laws, Chapter 40B Project Eligibility Letter dated August 19, 2015, submitted by Surfside Commons, LLC, c/o Atlantic Development ("Applicant") and a subsequent submission by the Applicant entitled an Amended Application dated October 7, 2015 (the "PEL Application"), for a proposed 40B housing development complex to be constructed on an approximately 2 - 2.5 acre parcel of real-estate located at 106 Surfside Road, Nantucket, Massachusetts ("Site"). The 40B development project is referred to by Applicant and known as Surfside Commons ("Surfside Commons"). The PEL Application, as amended, proposes the construction of four (4) housing structures containing fifty-six (56) residential rental apartment units (with 14 rental units qualifying as affordable), a clubhouse and pool, and one hundred (100) parking spaces and seeks a Comprehensive Permit under Massachusetts General Laws, Chapter 40B Guidelines.

The Davis Property and the Ferro Property are the adjoining residential parcels of land situated on either side of the Surfside Commons Site. Davis and Ferro, as direct abutters to Applicant's Surfside Commons Site, will suffer a significant and adverse impact by the proposed 40B housing development. Davis and Ferro are vehemently opposed to the Surfside Commons PEL Application and set forth below the following concerns and objections relative to the Applicant's PEL submission with particular and specific objections highlighting the inappropriateness of the designated Site and design features of the proposed 40B housing development and related traffic and safety issues.

1. Site and Infrastructure:

The proposed Surfside Commons 40B housing development project is sited in a zoning district designated under the Nantucket Zoning Bylaw as Limited Use General - 2 (LUG-2) that requires a minimum area of 80,000 square feet to qualify as a buildable lot. The LUG-2 Zoning District regulations permit a primary single family residential dwelling and a secondary single family residential dwelling with accessory structure and a maximum 4% ground cover ratio. Commercial buildings and commercial uses are not permitted. The Site of the Surfside Commons 40B housing development is located within a neighborhood comprised of single family homes on 2+ acre lots and the Site location and surrounding area is rural in character. Although a Chapter 40B Comprehensive Permit overrides applicable zoning regulations, the four (4) structures housing 56 rental apartment units, plus clubhouse and pool, as proposed to be built under the PEL Application, significantly exceed the number of residential dwellings permitted per lot within the LUG-2 Zoning District, eliminates or substantially reduces open space and buffer areas from the adjoining Davis Property, Ferro Property and Surfside Road and is completely and entirely inappropriate for the rural residential Surfside area.

Furthermore, the 40B development Site is not presently serviced by Town of Nantucket municipal sewer and water. The homes in the surrounding residential area are serviced by private water wells and private sewage (septic) disposal systems. The intense housing density proposed by Applicant will necessitate significant and substantial infrastructure engineering and water and sewer utility installation to an area of Nantucket Island that does not have municipal water service and within a designated Nantucket Wellhead Protection District.

2. Design:

A Master Plan was accepted by the Nantucket Board of Selectmen and adopted in 2009 by the Town of Nantucket. The Master Plan was endorsed by the Nantucket Planning Board and has been referenced and relied upon by the Nantucket Planning and Economic Development Commission in regard to land use planning, regulations and requirements for the designated and defined residential and commercial Zoning Districts created and established on Nantucket Island and the concepts of the Town and Country Overlay Districts under the Nantucket Zoning Bylaw. The Surfside Area Plan prepared in connection with the Master Plan provides a land use plan for the Surfside neighborhood and contains certain goals and objectives taking into consideration the unique neighborhood characteristics of the Surfside area on Nantucket Island. The Surfside Area Plan recommended that the area remain residential with no commercial zoning districts and any development should be consistent with existing patterns and styles of the single family residential neighborhood. The four (4) structures, at least three (3) stories and possibly four (4) stories above grade, housing fifty-six (56) rental units proposed to be constructed by Applicant are not in scale and entirely out-of-character with the Surfside neighborhood. As proposed, (i) the structures would be at least forty-four (44) feet in height and one of the structures would have a height greater than fifty (50) feet in an area that limits the height of residential dwellings to thirty (30) feet, (ii) the structures would have substantial bulk and massing and create an

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excessive housing density by providing fifty-six (56) units calculated to be 24-28 housing units for each acre in the approximate 2 – 2.5 acre Site, (iii) the development includes a clubhouse and pool in size sufficient to accommodate 120 – 130 residents, plus guests and visitors that is commercial in scale and design, and (iv) the structures, as shown on the Application, are not architecturally designed in size, dimensions and building features that are considered appropriate under the Nantucket Historic District Commission guidelines set out in *Building with Nantucket in Mind* and specifically for the Surfside residential neighborhood.

3. Traffic and Safety:

The Surfside Commons 40B development project proposes to build four (4) large scale housing structures containing fifty-six (56) rental apartment units intended to accommodate approximately 120 - 130 residents on a 2 to 2.5 acre parcel of land. Further, the Applicant proposes to designate one hundred (100) parking spaces which is not even adequate to provide parking for at least two (2) occupants per unit, not to mention guests of the apartment owners and visitors to the Site. The apartment owners, guests and visitors will all be utilizing, for vehicular access, the sole public way fronting the Site, namely Surfside Road. The Town of Nantucket downtown commercial center is approximately two (2) miles from the Site and the Mid-Island commercial area is approximately one (1) mile from the Site. The Nantucket High School and Elementary School and the Nantucket Cottage Hospital are also located approximately one (1) mile from the Site. Although there is a shuttle service at the intersection of Surfside Road and Fairgrounds Road, the closest shuttle stop is at a distance of approximately ¼ mile from the Site and the shuttle service only operates seasonally during the months of May through October. Under the circumstances, the majority if not all of the residents, guests and visitors to the Site will rely upon private vehicles for transportation to and from the Site. The walking accessibility and convenience of the Site to the downtown and mid-Island commercial centers and the hospital and schools on Nantucket Island has been seriously misrepresented by the Applicant.

Moreover, the four way traffic stop at the Surfside Road and Fairgrounds Road intersection is located between the proposed Surfside Commons 40 development Site and the downtown and mid-Island commercial centers and the hospital and schools. All vehicles including emergency vehicles, taxis, tour buses, school buses, commercial trucks and private automobiles will necessarily pass through the Surfside Road and Fairgrounds Road intersection and such intersection has been the subject of traffic studies that, to the best of my knowledge, give the intersection a “failed” rating. The proposed 40B development would significantly increase the traffic congestion on Surfside Road in the area of the Site, compounded by increased seasonal tourist traffic, and add to the already existing congested intersection at Surfside Road and Fairgrounds Road.

For the foregoing reasons, my clients respectfully request that the Massachusetts Housing Partnership reject the Application by Surfside Commons, LLC and deny issuance of a Project Eligibility Letter.

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Thank you for your cooperation and attention.

Very truly yours,

Joseph M. Guay

JMG:imd

cc: Nantucket Board of Selectmen
Nantucket Zoning Board of Appeals
Nantucket Planning and Land Use Department
Timothy R. Madden, State Representative