

Town and County of Nantucket
Board of Selectmen • County Commissioners

Robert R. DeCosta, Chairman
Rick Atherton
Matt Fee
Tobias Glidden
Dawn E. Hill Holdgate



16 Broad Street
Nantucket, Massachusetts 02554

Telephone (508) 228-7255
Facsimile (508) 228-7272
www.nantucket-ma.gov

C. Elizabeth Gibson
Town & County Manager

October 22, 2015

Ms. Jessica L. Malcolm, 40B Specialist
MassHousing
One Beacon Street
Boston, MA 02108

Re: Meadows II Chapter 40B – Project Eligibility Letter Application

Applicant: Richmond Nantucket Apartment One, LLC
Project: Meadows II/150 Rental Units on 11 acres of land
Location: Off 20 Davkim Road, Nantucket, MA
Subsidizing Agency: MassHousing
Program: New England Fund

Dear Ms. Malcolm:

On September 29, 2015, the Board of Selectmen (“Board”) received your September 28, 2015 correspondence regarding the September 22, 2015 application (“Application”) by Richmond Nantucket Apartment One, LLC (“Richmond Apartment” or “Applicant”) to MassHousing for a Project Eligibility Letter (“PEL”). The Application would allow Richmond Apartment to apply to the Nantucket Zoning Board of Appeals (“ZBA”) for a Comprehensive Permit under G.L. c.40B to permit a residential project to be known as Meadows II (“Project”) with 150 rental units (with 38 affordable units) on property (“Property”) located off 20 Davkim Road.

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

The Property is in a neighborhood node within the Town Overlay District and development is encouraged here under the 2009 Master Plan as the area has proximity to municipal water service, is within an established sewer district and may be integrated into adjacent roadway networks, bike paths and seasonal public transit. The site is highly degraded and in need of complete rehabilitation to transform it from its current use as a

derelict industrial and storage site to productive use. Other land owned by or controlled by entities that may be related to the Applicant may be developed for complementary retail/service uses and this could provide convenient access for future residents to nearby amenities.

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

1. Clarification Issues:

The Board requests MassHousing to require the Applicant to clarify the following issues before any PEL issues.

A. Identification of the Site.

The Board requests MassHousing to require the Applicant to clarify whether the Property consists of 11 acres or 14.6 acres.

The Application (at p. 8/14) and Exhibit C and ¶2 of the Purchase and Sale Agreement indicate the 150 rental units would be in 27 buildings on 11 acres, with a mix of studio and 1, 2 and 3 bedroom units; however, Exhibit A indicates the Property has 14.6 acres.

B. Site Control over Access Points.

The Board requests MassHousing to require the Applicant to confirm that the Applicant has site control over all of the proposed access points.

Exhibit C indicates three proposed points of access, from Davkim Road as it exists now and from two proposed connections which do not yet exist and which are not part of any development proposed for approval.

The Board requests MassHousing to require the Applicant to provide evidence that confirms the Applicant has the necessary ownership or control over the various access points that are proposed for the Project and to clarify when the two access points that do not now exist as through connections would be constructed.

First, a continuation of Davkim Road is proposed (to run off of the southern portion of the Property), but this way would not connect to any existing way or even to a way that is currently proposed.

Second, a connection to Evergreen Way is proposed; however, the connection would require construction of a way over land the Applicant does not control and for which no development is presently sought.

The access issues raise a public safety concern as the Project proposes 150 rental units on a dead-end street and proposes two access points that do not connect to another way and proposes access over land that the Applicant does not control.

The Board requests that MassHousing require the Applicant to demonstrate the necessary site control to construct at least two means of egress for the Project.

2. Drainage Issues.

The Board is concerned that the Property is part of a larger property that has been subdivided and used partially for residential and partially for industrial/commercial uses. Therefore, the Board urges MassHousing to require that, during any ZBA public hearing the drainage issues for the Property be fully addressed. This should include the adjacent land, including the land for the Sandpiper 40B Project which is nearby but would not be connected to the Meadows II Project and a large, third project which is depicted on Exhibit C (between the Meadows II and Sandpiper Place Projects).

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

The Board requests MassHousing to require the Applicant to provide an analysis of pre and post-construction conditions and pre and post-construction drainage calculations and that a qualified professional engineer provide a report that compares and analyzes the pre and post construction conditions for the Property and all adjoining land and all relevant watershed areas.

The Board requests MassHousing to require the Applicant to provide full stormwater drainage calculations (pre and post construction) to the ZBA and that they be subjected to peer review at the Applicant's expense.

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

The Board requests MassHousing require that the ZBA may withhold approval unless a suitable stormwater control design is proposed.

The Board requests MassHousing to require that the Applicant shall submit the drainage information to the ZBA that shall:

- a) be supported by adequate testing of the Property's soils, both as to percolation and permeability rates, and the location of seasonal high ground water levels;
- b) be required to undergo peer review by a drainage consultant hired by the Town at the Applicant's expense;
- c) be confirmed through peer review, before any approval can take place, to result in no net increase in the volume and rate of stormwater runoff from the Property, based upon drainage calculations that compare pre-construction and post-construction conditions;
- d) be confirmed, in particular, through peer review, to not result in any increase in the rate or volume of stormwater runoff from the Property or any change in the runoff from existing adjoining properties, when pre-construction and post-construction conditions are compared;
- e) include water control runoff from roofs of the dwellings and any accessory structures that are separate from and not combined with stormwater runoff from paved areas and not be introduced into any stormwater drainage basin;
- f) include operation and maintenance and replacement requirements for the access ways and stormwater drainage infrastructure; and
- g) include evidence of adequate funding to manage the resulting costs for maintaining, repairing and replacing the access ways and stormwater drainage infrastructure and other infrastructure.

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

The parking proposed for the Project appears to satisfy current Zoning By-law requirements in order to serve the proposed number of units. A biking path is provided; however, no organized outdoor recreational space is shown and we request that MassHousing condition any grant of a PEL on the provision of adequate recreational areas to serve the residents. We note that connections to nearby open spaces are not indicated and these should be shown.

We request MassHousing to require that the Project shall include useable open space than can provide for active use such as a "tot lot," a playground and/or game courts for older children/adults, practice fields and an adequate dog park. The proposed bike path should connect the entire area to the Old South Road Bike Path and include a crosswalk and/or roadway modifications to allow for safe access by the future residents.

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

We request MassHousing to require the Applicant to provide for private trash storage and pickup and to include the cost of this service within the Applicant's pro forma. A detailed plan identifying frequency of pickup, dumpster locations, policies, enforcement procedures, etc. should be submitted with the final application.

4. Building Design Issues.

The Board finds the overall site plan to be uninspired and the arrangement of buildings in a long linear fashion to be potentially unattractive and drab. The building design should be varied. Parking is arranged between the building face and the nearby road, which is problematic and actively discouraged in other areas. The Board understands there are evolving conversations on this issue and encourages better design practices and creative use of the site's topography to improve the appearance of the development.

5. Sewer and Water Issues.

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

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

The Board requests that MassHousing require the Applicant to:

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

6. Energy Efficiency and Sidewalk Issues.

The Board requests MassHousing to require the Project to be designed and built so as to maximize energy efficiency in terms of building materials and heating and other infrastructure. This will reduce the cost to the residents and should not greatly increase the Applicant's costs to undertake the Project.

Related to this, the Board urges MassHousing to require that the Project shall include internal and off-site sidewalk improvements so as to facilitate pedestrian access to nearby existing and proposed commercial, community, adjacent neighborhoods and public transportation facilities. Sidewalks should be constructed of brick, concrete or asphalt (or a combination thereof) and meet AASHTO standards where appropriate.

7. Roadway Width and Parking Space Issues.

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

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

8. Operating Cost Issues.

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

9. Fire Safety Issues.

Due to the density of the Project, we request that MassHousing require that at least two means of access are provided and that MassHousing review that each building, including attics and confined spaces, shall be sprinklered.

10. Traffic and Transportation Issues.

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

The Project may add significant traffic volume to key intersections at Old South Road and Fairgrounds Road, Old South Road and Macys/Airport Road and at the Rotary. Congestion caused by additional volume on Old South Road should be examined and mitigation options reviewed.

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

11. Lighting Plan.

The Board requests MassHousing to require the Applicant to provide a lighting plan, to provide safe lighting for residents, without light intrusion onto adjacent properties.

12. Pollution and Property Compaction Issues.

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

The Board requests MassHousing to require that every area of the Property that has been subjected to sand and gravel removal (or removal of other substances) shall be the subject of a report that addresses any and all remediation issues and details how much fill and what type shall be required and that the Applicant shall be required to pay for peer review of the report and that the Applicant shall be required to pay for compaction testing and inspection/peer review of the compaction testing results.

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

Very truly yours,



Robert R. De Costa, Chairman



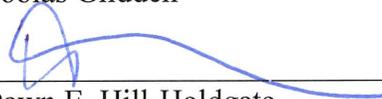
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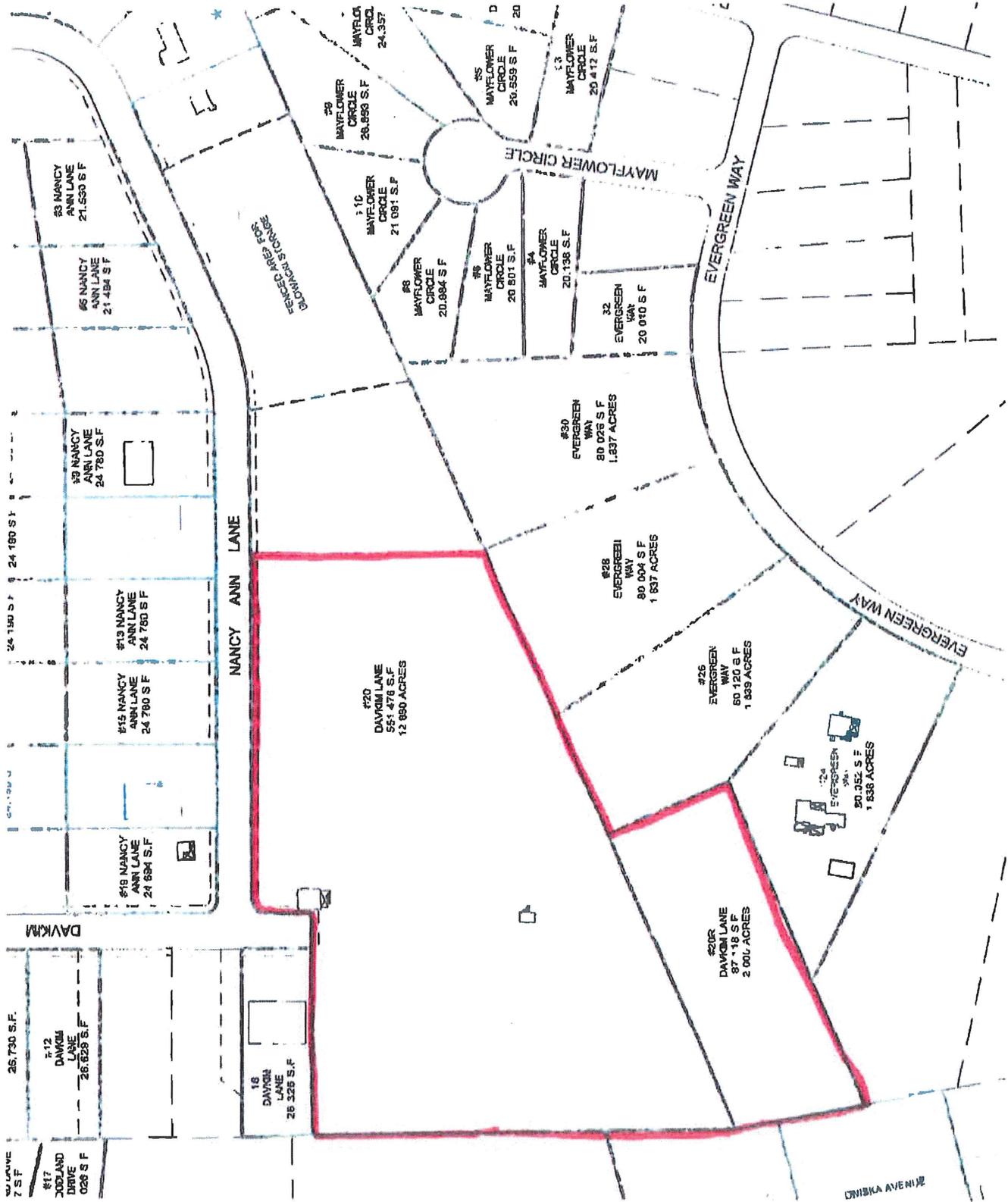
Enc. Exhibit A (Sketch of the Property)
Exhibit B (Aerial Photograph of the Property)
Exhibit C (Proposed Site Plan)

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

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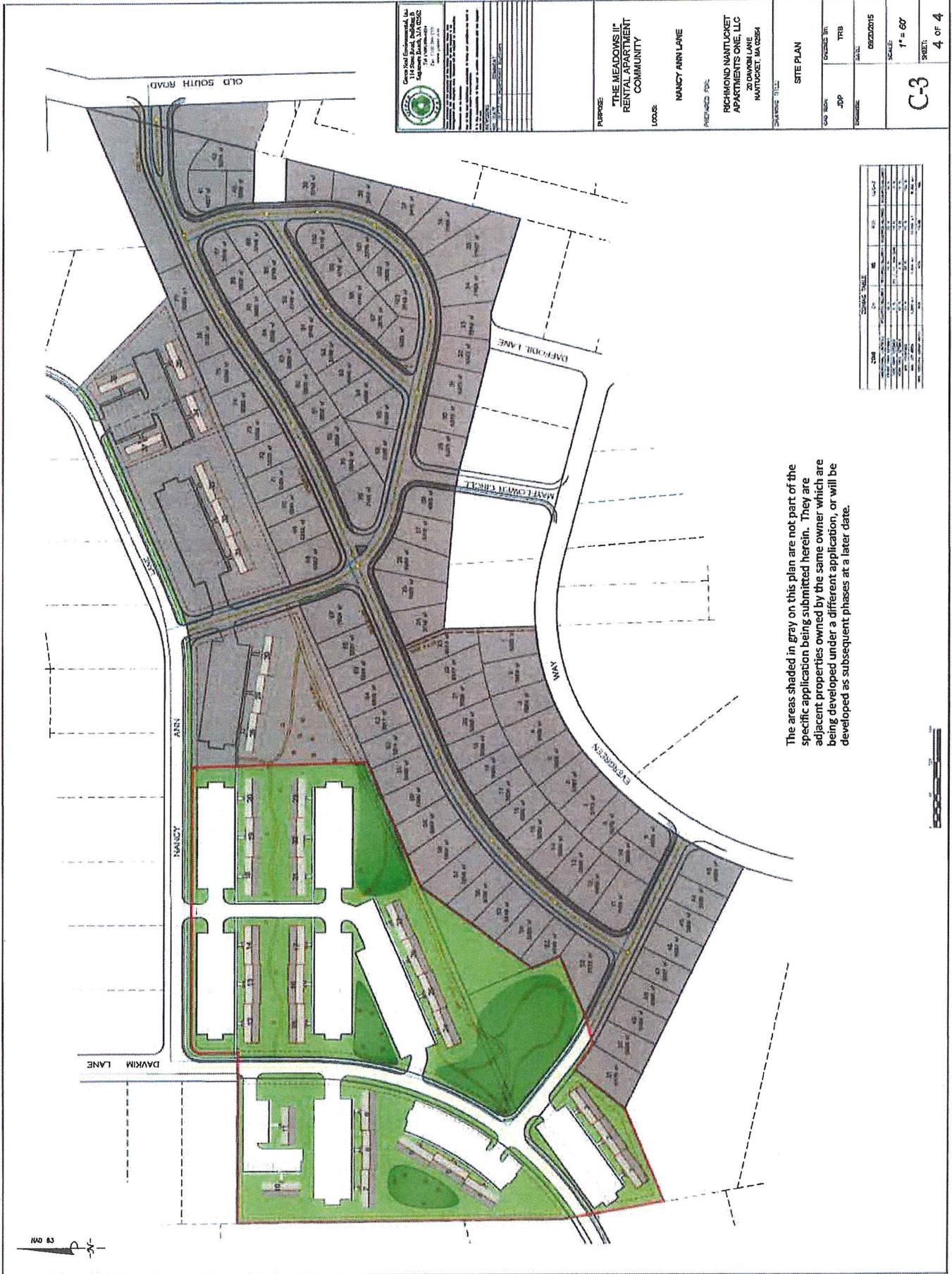
The Meadows II

EXHIBIT "A"



The Meadows II

EXHIBIT "C"



Gregory J. Pappalardo
 Professional Engineer
 License No. 10000
 State of Massachusetts

PURPOSE:
 THE MEADOWS II
 RENTAL APARTMENT
 COMMUNITY

LOCUS:
 NANCY ANN LANE

PREPARED FOR:
 RICHMOND NANTUCKET
 APARTMENTS ONE, LLC
 20 DORSET LANE
 NANTUCKET, MASSACHUSETTS

SUBMITTED TO:
 NANTUCKET TOWN

SITE PLAN

DATE:
 10/1/17

DESIGNED BY:
 JPP

TRACED BY:
 TRB

SCALE:
 1" = 60'

SHEET:
 C-3

4 of 4

NO.	DESCRIPTION	DATE	BY
1	ISSUED FOR PERMIT	10/1/17	JPP
2	REVISION		
3	REVISION		
4	REVISION		
5	REVISION		
6	REVISION		
7	REVISION		
8	REVISION		
9	REVISION		
10	REVISION		

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

