



NANTUCKET  
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**TOWN OF NANTUCKET  
BOARD OF APPEALS  
NANTUCKET, MASSACHUSETTS 02554**

Date: June 14, 2019

To: Parties in Interest and Others concerned with the Decision of  
The BOARD OF APPEALS in the Application of the following:

COMPREHENSIVE PERMIT Application No.: 020-18

Owner / Applicant: SURFSIDE CROSSING, LLC

PROJECT NAME: SURFSIDE CROSSING

Property Description: 3, 5, 7, and 9 South Shore Road  
Lots 4, 3, 2, and 1 on Plan Book 25, Page 50  
Map 67, Parcels 336, 336.9, 336.8, & 336.7

Enclosed is the Decision of the BOARD OF APPEALS which has this  
day been filed with the office of the Nantucket Town Clerk.

An Appeal from this Decision may be taken pursuant to Sections 21  
and 22 of Chapter 40B, Massachusetts General Laws.

Any action appealing the Decision must be brought by filing a  
complaint in Nantucket Superior Court or Land Court or the Housing  
Appeals Committee, as appropriate, within TWENTY (20) days after  
this day's date. Notice of the action must be given as provided  
for under Chapter 40B, Sections 21 & 22.

Eleanor W. Antonietti,  
Zoning Administrator

TOWN OF NANTUCKET, MASSACHUSETTS  
ZONING BOARD OF APPEALS  
FILE NO. 20-18

NANTUCKET  
TOWN CLERK  
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DECISION ON APPLICATION FOR COMPREHENSIVE PERMIT

APPLICANT: SURFSIDE CROSSING, LLC

DECISION DATE: June 13, 2019

I. PROCEDURAL HISTORY

On April 12, 2018, Surfside Crossing, LLC (“Applicant”) applied for a comprehensive permit under G.L. c.40B, §§20-23 to construct one hundred fifty-six (156) dwelling units on an approximately 13.5 acre parcel (“Locus” or “Site”) located within the Limited Use General 2 (LUG-2) Zoning District of the Town of Nantucket, and also within the Public Wellhead Recharge District. The Locus is situated at 3, 5, 7 and 9 South Shore Road and is shown on Assessor’s Map 67 as Parcels 336, 336.9, 336.8, and 336.7 and is shown as Lots 4, 3, 2, and 1 on Plan Book 25, Page 50 recorded at the Nantucket Registry of Deeds. Evidence of the owner’s title is recorded in Book 1612, Page 62 at the Nantucket Registry of Deeds.

The application was submitted in reliance on a Project Eligibility Letter issued by MassHousing on April 12, 2018 and is entitled “Surfside Crossing”. The project described in the Project Eligibility Letter consisted of 156 for sale dwelling units comprised of 60 stand-alone single-family residences on fee simple lots and 96 condominium units in six multi-family buildings, with 25% (39 units consisting of 15 single family residences and 24 condominium units) designated as affordable units, with a total of 389 bedrooms. The existing lots were proposed to be subdivided into 60 fee simple lots, four open space lots, and a 3.6 acre condominium lot. Off-street parking was proposed to consist of two spaces per single family residence and 148 spaces designated for the condominiums. The public hearing on the application was opened by the Zoning Board of Appeals (“Board”) on May 10, 2018 and closed, first following agreed upon continuances, but then at the Applicant’s insistence, and despite the Board’s stated reservations, on April 11, 2019.

During the course of the public hearing, the Applicant modified the proposal to a 100-unit project. Thereafter, following design review workshop meetings in February, 2019, the Applicant further modified the proposal to consist of 92 for-sale dwelling units comprised of 44 stand alone single family residences on fee simple lots, 40 multi-family condominium units in a mix of 8-unit and 4-unit buildings, and 8 units located in four duplex buildings, with 25% (23 units consisting of 11 single-family residences, 10 condominium units, and 2 duplex units) designated as affordable units.

The decision that follows (“Decision”) is based upon the Applicant’s 92 dwelling unit plan submission and project plans (“Comprehensive Permit Plans”) identified as “Surfside Crossing, A Proposed 40B Development in Nantucket, Massachusetts, prepared for Surfside Crossing, LLC, by Bracken Engineering, Inc., No. 3, 5, 7 and 9 South Shore Road, Map 67,

Parcels 336, 336.7, 336.8 and 336.9,” dated April 10, 2019, consisting of two (2) sheets, titled: “Lotting Plan” and “Overall Site Development Plan,” three (3) sheets, titled “Landscape Plan,” “Enlarged Landscape Plans,” and “Landscape Notes” for Surfside Crossing prepared by Weinmayr/Jay Associates, Inc., Landscape Architects, Conceptual Landscape Plans, three (3) sheets, prepared by Ahern, LLC, and Architectural Plans, prepared by Design Associates, Inc. dated April 11, 2019, as conditioned by the Board during deliberations on May 28, 2019 and June 7, 2019. Reduced sized copies of the Comprehensive Permit Plans are attached as Appendix A to this Decision.

## II. RECORD ASSEMBLED BEFORE ZONING BOARD OF APPEALS

The materials identified in attached Appendix B have been assembled and submitted during the public hearings in this matter. All of the materials listed in Appendix B are incorporated herein by reference.

## III. GOVERNING LAW

In hearing and deciding this application under G.L. c.40B, §21, the Board has “the same power to issue permits or approvals as any local board or official who would otherwise act with respect to such application, including but not limited to the power to attach to said permit or approval conditions and requirements with respect to height, site plan, size or shape, or building materials as are consistent with the terms of [the statute]. The Board is also mindful of the fact that the Applicant has the right to challenge conditions or requirements which render a proposed project “uneconomic,” defined in G.L. c.40B, §20 as “any condition brought about by any single factor or combination of factors to the extent that it makes it impossible for ... a limited dividend organization to proceed and still realize a reasonable return ...” The term “reasonable return” is defined in the Massachusetts Comprehensive Permit Regulations as requiring “that profit to the Developer is not more than 20% and not less than 15% of the total development costs.” See 760 CMR §52.02.

The Board may impose requirements and regulations which are “consistent with local needs,” defined, in G.L. c.40B, §20, as follows:

requirements and regulations shall be considered consistent with local needs if they are reasonable in view of the regional need for low and moderate income housing considered with the number of low income persons in the city or town affected and the need to protect the health or safety of the occupants of the proposed housing or of the residents of the city or town, to promote better site and building design in relation to the surroundings, or to preserve open spaces, and if such requirements and regulations are applied as equally as possible to both subsidized and unsubsidized housing.

See G.L. c.40B, §20. See also, 760 CMR 56.02, defining matters of “Local Concern,” as:

the need to protect the health or safety of the occupants of a proposed Project or of the residents of the municipality, to protect the natural environment, to promote

better site and building design in relation to the surroundings and municipal and regional planning, or to preserve Open Spaces.

#### IV. STATEMENT OF RELEVANT MATERIAL FACTS AND FINDINGS

##### A. The Town's Efforts to Create Affordable Housing

The Board finds that the Town of Nantucket has shown a demonstrated commitment to meeting its affordable and workforce housing needs as evidenced by public and elected official support for significant efforts over the past several years.

At the Nantucket Special Town Meeting in 2015, by over two-thirds majority, the voters enacted a Workforce Housing Zoning Bylaw which allowed for bonus density if 25% of the units were restricted to renters with household incomes of 80% Area Median Income ("AMI") or less (in the case of an ownership project, 75% of the 25% restricted units must serve households at 80% AMI or less, and 25% of the 25% may serve up to 175% AMI). Richmond Development Group, a private developer, is developing a 225-rental unit and 91-homeownership unit project under this Town-supported zoning. Richmond has received Special Permit approval for the development from the Nantucket Planning Board, as well as Historic District Commission approval under the Nantucket Historic District Commission Act for the design of its initial apartment buildings. Building permits have been issued for the first 20 apartments being built in the rental portion of the development.

Earlier that same year, the voters at the Nantucket Annual Town Meeting unanimously voted authorization to the Select Board to use a Town-owned property at Fairgrounds Road for the creation of affordable housing. Pursuant to the Town Meeting vote, in 2017, the Select Board issued a Request for Proposals and awarded a bid to HallKeen Management for the development of 64 rental units at that site ("Ticcoma Green") which will serve an array of AMI levels (e.g., 30%, 60%, and 120%) with 80% of the units in the development income-restricted.

The Nantucket Planning Board granted a Special Permit for the Ticcoma Green Development in December 2017. (Despite strong community support from year-round and seasonal residents alike, the project was held up in court by three private individuals. The Land Court recently ruled in favor of the Town and the developer, but the 2018 appeal unfortunately precluded the Town from seeking Safe Harbor protection based upon the requisite progress toward its approved Housing Production Plan which the approved units could have provided).

The Nantucket voters also unanimously supported a "Housing Bank Home Rule Petition" (a 0.5% transfer fee on RE transactions over \$2,000,000 – in the model of the Nantucket Land Bank legislation – which would provide a reliable funding stream for the Town's Affordable Housing Trust) at the last three Annual Town Meetings, 2017, 2018, and 2019.

In furtherance of its commitment to affordable housing, the Town hired a full-time housing consultant in 2015 and created a full-time Housing Specialist position within the Town structure in July 2017, with a stated goal of meeting the Town's affordable and workforce

housing needs and continued progress toward achieving the 10% subsidized housing requirement under Chapter 40B.

At the 2019 Annual Town Meeting, the voters approved a \$20 million funding authorization for the creation of affordable rental housing on various sites throughout the island which would count on the Town's Subsidized Housing Inventory. This funding was approved on the required ballot vote in the Town's annual election in April, 2019. Additionally, at the 2019 Annual Town Meeting, the voters approved the Town's Community Preservation Committee's annual grant of \$750,000 to the Town's Affordable Housing Trust, and approved bond funding up to \$5 million to the Affordable Housing Trust. This additional funding is under the Community Preservation Act and did not require a further ballot vote.

B. The Applicant's Failure to Support the Number of Proposed Units or Otherwise Address Local Concerns

The Board finds the Applicant's initial submission of a 156-unit development plan was intended as a "shock and awe" negotiating tactic so that the Board would compromise in its ability to address valid local concerns in exercising its jurisdiction over the project. The 156-unit plan grossly overcrowded and overburdened the Locus and was out of character with the existing abutting properties and surrounding areas. Unfortunately, this opening salvo resulted in hundreds of residents appearing at the hearing to oppose the project, to the point where an initial hearing session had to be discontinued so that future hearing sessions could be held in the Town's High School Auditorium, which was the only public space where the crowds of residents opposing the project could be accommodated. Even then, more than 800 residents came in opposition to the project, causing an overflow to standing room only in the Auditorium.

The Applicant then "compromised" to a 100-unit plan, submitted on October 25, 2018, having wasted the first several months of hearing sessions on fruitless debate over the initial plan. The Board declines to credit the Applicant with a good faith effort at "compromise" when it submitted the 100-unit plan six months into the public hearing process. The Board also finds that the 100-unit plan did not address the Board's stated site-design concerns in any meaningful way other than to offer a courtyard-style designation of green space within the development.

The Board also notes that the project is directly contiguous to two other Chapter 40B developments and that almost all of Nantucket's SHI-qualified affordable housing is located within a half mile radius of the project Site. The Board finds this to be contrary to the goal of diversifying the location of affordable housing in other available development sites throughout town. It is also worth noting that the project, as proposed, is proposed at a far greater degree of units and bedrooms per acre than that of other recently approved 40B projects on Nantucket. By way of comparison, the Rugged Scott 40B Development is 40 units on 10 acres or 4 units per acre, and 140 bedrooms or 14 bedrooms per acre. The Sachem's Path 40B development is 40 units on 9.12 acres or 4.5 units per acre and 93 bedrooms or 10 bedrooms per acre. The 92 unit Surfside Crossing plan, as proposed, is 92 units on 13.5 acres, or 6.81 units per acre, respectively 51% greater than Sachem's Path and 70% greater than Rugged Scott, and it is 282 bedrooms on 13.5 acres or 20.89 bedrooms per acre, respectively 105% greater than Sachem's Path and 49% greater than Rugged Scott.

The Site is situated on the west side of South Shore Road to the south side of Surfside Road and near the intersection of South Shore Road, Surfside Road and Fairgrounds Road. All of these roadways have both vehicular and pedestrian/bicycle lanes. There is only a single access/egress point to South Shore Road, and it is essentially a long dead end roadway. There are traffic congestion problems at the intersection which provides the single point of access to the roadway where the development is proposed. The public expressed concern over exacerbation of the poor level of service already provided at the intersection, which the Board finds to have been confirmed by traffic reports and data submitted during the public hearing.

The Locus is also located in the Water Resource Protection District (MassDEP Zone II) and the Lower Nantucket Wellhead Protection District (MassDEP Zone II), for the Town's sole-source aquifer. Local concerns were presented during the public hearing over the need to protect local and municipal drinking water supplies. The Board finds that the project must be carefully conditioned so as to protect municipal drinking water supplies, including but not limited to compliance with Zoning Bylaw §139.12B for the Public Wellhead Recharge District, and further conditions stated below.

Local concerns were also presented about private drinking water wells located in the immediate vicinity of the Property and protection of an existing sewer line running beneath the project site. In the event of a rupture of the existing sewer line, the Town's Sewer Department estimates that approximately 30,000 to 60,000 gallons of wastewater would be released before the line could be shut down.

There are also rare species habitat issues at the Site and a resulting dispute over the accuracy of the information the Applicant provided to the Natural Heritage Endangered Species Program, is currently subject to ongoing administrative appeal proceedings involving a determination issued by Natural Heritage based upon the Applicant's submissions.

After submission of the 100-unit plan, the Board continued to express concern over the overcrowding of the 13.5 acre development site, with inadequate open space, buffer zones, or areas for common life-style amenities, and also expressed concern over the livability of the units fully or partially located in the lower level (basements) of the multifamily buildings and the inconsistency between the size and scale of the development and the existing surroundings, and the further strain such a massive development would have upon existing traffic problems at the single access/egress point to the sole roadway providing access to the Locus. The Board was repeatedly informed during the public hearing sessions that the number of units, particularly those proposed for the large 8-unit buildings to be included in the development, was driven by the Applicant's stated desire to provide housing to "middle-income" year-round residents of Nantucket, who did not otherwise qualify for affordable housing as restricted under G.L. c.40B. The Applicant stated that they intended to offer a number of Studio, 1 Bedroom, 2 Bedroom, and 3 Bedroom condominium units to sell in the range of \$450,000 to \$750,000, and that this was a price range which the Applicant believed would be affordable to "year-round Islanders" who do not otherwise satisfy the household income and asset limitations for the Chapter 40B affordable housing.

However, the Board found that the intended “mid-range” price point of housing to be included in the development was not a sufficient justification for overcrowding and overburdening the Site and otherwise adversely affecting local concerns. The Applicant did not contend that the elimination or reduction in the number of units it intended to offer to “middle-income” residents would render the building or operation of the housing “uneconomic” as required under the above-referenced Chapter 40B law and the Board found that the Applicant failed to support the proposed number of units under the legal standards applicable to Chapter 40B projects.

In January, 2019, the Applicant agreed to design workshop meetings in an effort to explore whether a more suitable site plan could be developed to meet the Applicant and the Board’s stated concerns. Design workshop meetings conducted on February 4 and 22, 2019 resulted in a 92-unit plan which the Board found to be more favorable toward a more suitable site design than the 100-unit plan. However, before the Board was able to work with the Applicant to discuss and properly condition the revised 92-unit plan, the Applicant’s counsel inexplicably requested at a public hearing session on March 26, 2019 that the hearing be closed, and that the Board vote on the 100-unit plan previously submitted on October 25, 2018. On March 29, 2019, new counsel for the Applicant agreed to extend the deadline for closing the public hearing to April 11, 2019, and agreed that the Applicant would submit updated information and an engineered site plan so that the Board would have an opportunity to consider and condition the 92-unit plan which was still largely in only concept form following the February, 2019 design workshop meetings.

The Applicant agreed to submit updated information in support of the 92-unit plan, but then allowed the Board only one public hearing session to consider it, on April 11, 2019. The Board has done its best to consider and act on the plan despite being deprived of a reasonable amount of time to solicit further input on the plan while the public hearing was still open.

The Board is still concerned over the intensity of proposed development at the Site, and also has a number of questions and concerns which would have been better addressed in further dialogue with the Applicant in a further public hearing session or sessions. The Board has also been urged by opponents to the project to simply deny the application for lack of sufficient information and support for the project.

Additional issues which remained inadequately addressed as the result of the premature closing of the public hearing on the 92-unit plan, include issues raised by the Fire Department. There is no secondary access to the proposed condominium buildings and the Fire Department has noted that it would have difficulty positioning multiple emergency vehicles in the event of an emergency. The rear elevations of all but one condominium building are inaccessible to fire apparatus. Parking lot spaces that are perpendicular to the travel lanes must be 22 feet in length to avoid overhanging vehicles into the roadway. In the plans submitted, parking lengths are not shown. There is no defined clear access for emergency services to the condominium buildings. Emergency personnel would have to work between parked cars to access the majority of the condominium units, as proposed.

The Fire Department has noted that the proposed development places an overwhelming responsibility on the Fire Department if an emergency were to arise. The potential fire load of one empty multifamily building would require 5200 gallons of water a minute to extinguish, which the Fire Chief determined to be an impossible mark to meet from the start. The potential impact on other facilities must also be determined. Many fire protection systems at critical facilities such as hospital and schools are in place on the same water main, and the Applicant failed to provide hydraulic studies to show that the development would not unduly threaten safety with competing demands.

The Board also found, based upon the concern noted by the Town's sewer engineering consultants, Weston and Sampson, that the Applicant's sewer plans and proposals were inadequate and did not meet local concerns.

The following information and design components are missing from the Applicant's sewer plans:

The plans do not include information on the proposed wastewater flows for the development;

The revised plans do not show sewer services to the buildings;

The revised plans for the multi-family parcel do not have sewer profiles;

The revised plans do not include specifications for materials, construction requirements and testing requirements related to the sewer system;

The revised plans do not show methods to protect the Town's existing 20-inch and 16-inch sewer force mains that cross through the proposed development. The design needs to provide methods to ensure protection of the sewer force mains during construction as there will be multiple utility crossings installed above and below the force mains. In addition, there is concern for traffic loading over the force mains during the construction of the overall development. The design needs to provide methods to protect the force mains from the heavy equipment that will be driving back and forth over the sewer force mains during construction;

The revised plans show a sewer force main connection to the Town's existing 12-inch force main in South Shore Road. The Town's engineering consultants recommend against connecting the Surfside Crossing Development to this force main. The 12-inch force main currently pumps flow from the South Valley Pump Station and will soon include flow from the new Monomoy South Pump Station being built as part of the Nantucket Harbor Shimmo project. Based on evaluation of the force main hydraulics during the design of the Monomoy South Pump Station, there is concern that additional flow to this force main could have an adverse impact on the operations of the existing pump stations;

In a March 7, 2019 letter to the Board, the Applicant appears to dispute this recommendation, but provided no information as to why. The Applicant did not provide an evaluation of the force main hydraulics to show that their proposed alternative will not have



adverse impacts on the operations of the existing pump stations. The Applicant's engineer suggested that they could install controls and an oversized wetwell to limit when their proposed pump station will operate. However, no information was submitted on this design, including an evaluation as to what happens if the controls fail or are manually overridden. Weston and Sampson's concerns with this type of system were discussed in their January 25, 2019 letter to the Town. The Town's existing pump stations do not operate in the manner suggested by the Applicant's engineer;

The revised plans do not provide information on the size of the proposed force main, nor do they provide any detail as to the connection to the existing force main; and

The revised plans do not include any design information for the pump station. A generic pump station detail was all that was provided. As discussed in Weston and Sampson's initial Peer Review letter, dated August 17, 2018, any wastewater pump stations need to be designed to the Town's latest standards. Copies of sample plans and key components/requirements for pump stations were sent to the Applicant's engineer in September 2018, with no meaningful response.

Based on the future needs areas and the sewer system extensions recommended in the Town's 2014 Comprehensive Wastewater Management Plan (CWMP), the installation of a gravity sewer along South Shore Road with a new pump station installed at the Surfside Wastewater Treatment Facility ("WWTF") is the preferred alternative for the Town. This option would be consistent with the ongoing sewer master planning approach to serving the wastewater needs of the area. A new gravity sewer along South Shore Road could serve the Miacomet Needs Area as well as the properties along South Shore Road and would avoid impacting the operations of the existing pump stations and the Town's force main system. This option could also allow for the diversion of flow from the three existing pump stations along South Shore Road which currently pump flow to the Surfside Road Pump Station. This diversion of flow would allow for additional capacity at the Surfside Road Pump Station. The Town would pay its reasonable share of the cost of the recommended sewer infrastructure, but the Applicant refused to consider it, claiming only that it was "too expensive."

Wastewater is currently pumped to the Surfside WWTF via the Sea St Pump Station, the Surfside Road Pump Station, the South Valley Pump Station and the new Monomoy South Pump Station. There are 3 force mains (20-inch, 16-inch and 12-inch) that convey flow to the Surfside WWTF. The three force mains manifold together at the WWTF prior to the headworks. As such, the operation of each of the pump stations impacts the force main system hydraulics. Due to hydraulic capacity limitations and structural pipe condition concerns, Weston and Sampson recommended against connecting additional pump stations to these force mains.

The 16-inch force main failed during the winter of 2018, causing a nearly catastrophic release of wastewater into the environment, including Nantucket Harbor. While the breaks have been repaired, there are concerns with the structural condition of the remainder of the pipe. The 16-inch force main is not in operation and will only be used in an emergency, per the recommendation of Environmental Partners Group, the Town's consultant for the force main evaluation. Flow from the Sea St Pump Station and the Surfside Rd Pump Station are pumped through the 20-inch force main. Due to the age and configuration of the 20-inch pipe, there is concern for the structural condition of this pipe as well. The planned inspection was put on hold due to the failure of the 16-

inch force main and the need to keep the 20-inch force main in service. The Sewer Department is currently looking at replacing the 16-inch force main followed by an inspection and rehabilitation of the 20-inch force main. During the repair of the 16-inch force main, a break at the force main manifold at the WWTF occurred. Due to the age and location, there is concern for the structural condition of the force main manifold, as well as the force main pipe from the manifold to the WWTF headworks. These pipe segments will be evaluated along with the 20-inch force main.

Flow from the South Valley Pump Station and the Monomoy South Pump Station are pumped through the 12-inch force main. As discussed above and based on evaluation of the force main hydraulics during the design of the Monomoy South Pump Station, there is concern that additional flow to this force main could have an adverse impact on the operations of the existing pump stations.

The Board recognizes that it cannot place the burden of fixing aging or inadequate public infrastructure upon the Applicant. However, the Board finds that the Town's consulting engineers and Sewer Director have presented a feasible alternative to service the project with the preferred gravity line sewer option and, as noted in Condition 63 herein, the Town would pay its reasonable allocation of the cost of construction of the preferred infrastructure so that the Applicant is not unfairly burdened with the cost of the preferred option.

There have also been questions and concerns, left unanswered, over the status of MassDEP's action on the Town's local water department, Wannacomet Water Department's requested increase in the capacity of its water withdrawal permit as to ensure sufficient capacity to service a development of this size as proposed. The Town is currently approved for an average 1.68 million gallons per day, and is seeking an increase to allow up to 1.9 million gallons per day. The Wannacomet Water Company is operating, with MassDEP's consent, under an expired water permit pending MassDEP's decision on the requested increase. The Board finds that this issue would need to be resolved so that a grant of water withdrawal rights to the Applicant would not cause capacity overburdening problems or otherwise place the Town in an enforcement situation with MassDEP.

Based upon the foregoing general overview and findings during the public hearing, the Board reaches this Decision in an effort to approve a project with conditions consistent with local needs.

## V. REQUESTED WAIVERS AND EXEMPTIONS

1. Massachusetts General Laws Chapter 40B, Sections 20-23 empower the Zoning Board of Appeals to grant waivers from local rules and regulations, where the waivers would not threaten public health, safety or welfare. The Board understands that reasonable waivers from valid local regulations should be granted if, but for the waiver, the development of the housing project would be "uneconomic," as that term is used in G.L. c.40B, §§20-23.
2. The Board believes that, under existing law and regulation, the Applicant has an affirmative obligation to demonstrate the need for the requested waivers to avoid the proposed project becoming "uneconomic."

3. The Applicant provided the Board with an amended list of requested waivers and exemptions sought from local rules, regulations and bylaws as identified in the amended waiver requests for the 92-unit plan dated April 9, 2019. The waiver requests were without any substantive explanation for the need for each waiver and no “uneconomic” justification was provided by the Applicant within the waiver requests or at any time during the public hearing process. The Applicant insisted upon the close of the public hearing on April 11, 2019, and provided only a cursory overview of the waivers requested at the final public hearing session by one of its attorneys. This is in express violation of Section 5.04 of the Board’s Comprehensive Permit Rules and Regulations which provides that it is the Applicant’s “burden to demonstrate that the waiver of any particular local regulation, by-law or ordinance is necessary in order to maintain the project’s economic viability” and which further provides that there “shall be a presumption that the waiver of the local by-law, ordinance or regulation will adversely affect local concerns.”
4. Although the Applicant has not provided information to demonstrate the project would be rendered uneconomic but for these specifically requested waivers and exemptions, the Board has reviewed the waiver requests and has granted those that are consistent with protection of the general health, safety or welfare.
5. The Board has denied requests that do not appear necessary to construct the project. The Board finds, in the absence of any substantiation to the contrary, that the waivers not granted do not either alone or in the aggregate render the project uneconomic.
6. The Board’s decision as to each of the waivers and exemptions specified in the requests identified in the amended waiver requests, dated April 9, 2019, is set forth in Appendix C attached hereto and incorporated by reference.
7. In the event that the Applicant or the Board determines that the final design of the project necessitates further waivers, the Applicant shall submit a written request for such waivers to the Board and the Board may grant or deny such additional waivers in accordance with applicable rules and regulations and the judgment of the Board.
8. To the extent the Comprehensive Permit Plans referenced in Section I show a design detail which reflect or appear to require a waiver from any local regulation, by-law or ordinance, and such waiver is not expressly granted in this Decision and in Appendix C, this Decision and Appendix C shall supersede the Comprehensive Permit Plans. The Applicant must comply with any local rule, regulation, code or charter provision, by-law, special legislation, or ordinance in effect at the time of the submission of its application unless expressly waived in this Decision or in Appendix C.

## VI. GRANT OF PERMIT AND CONDITIONS THERETO

Subject to the conditions set forth hereinafter, and in keeping with sound planning goals and objectives of the Town of Nantucket, the Board grants this comprehensive permit (“Permit”) to the Applicant for construction of sixty (60) ownership dwelling units, with a maximum total bedroom count of two-hundred and six (206). The unit count is 5.33 units per acre and the bedroom count is 15.26 bedrooms per acre. Both numbers are higher than the two most recent 40B approvals but the Board recognizes affordable housing needs and determines that the unit and bedroom counts meet sound planning objectives in relation to the goals and objectives of G.L. c.40B. The housing development is referred to herein as the “Project.” If the dimensional requirements set forth in Conditions Nos. 13-15 below would enable construction of a higher number of units or bedrooms, the maximum number permitted by this Decision shall remain at sixty (60) units and two-hundred and six (206) bedrooms and shall in no event exceed these maximum numbers.

Without the written consent of the Board, this Permit is non-transferrable and non-assignable.

The Board notes that 760 CMR 56.05(8)(d) provides that:

“The Board shall not issue any order or impose any condition that would cause the building or operation of the Project to be Uneconomic ...”

In reaching this Decision, the Board has endeavored to ensure that the conditions herein do not render the Project uneconomic and that the conditions are consistent with local needs.

The conditions of the Permit are as follows:

### ELIGIBILITY

1. 760 CMR 56.04(1)(a) requires that the Applicant “shall be” a “Limited Dividend Organization.” Accordingly, the Board requires as a condition of this Decision that the Applicant execute the Regulatory Agreement required by this Decision prior to issuance of a building permit.

2. The Applicant has provided a Project Eligibility Letter from MassHousing dated April 12, 2018.

3. With respect to compliance with the site control requirements of 760 CMR 56.04(1)(c), this Decision relies upon the findings and representations upon which the Project Eligibility Letter is based.

### GENERAL CONDITIONS

4. The comprehensive permit application was based on a Project Eligibility Letter issued to the Applicant on April 12, 2018 by MassHousing. This Permit is conditioned upon

receipt of Final Approval from MassHousing, including the grant of subsidy funding through the New England Fund or MassHousing program of MassHousing funding programs. Evidence of Final Approval is a condition precedent to any grading, land disturbance, construction of any structure or infrastructure, or issuance of any building permit.

5. The terms, provisions and conditions of this Permit shall burden and benefit the authorized successors and assigns of the Town and the Applicant with the same effect as if mentioned in each instance where the Town or the Applicant is named or referenced.

6. This Permit is granted to the Applicant and may not be transferred or assigned to any party without the approval of the Subsidizing Agency and notice to the Board, as required by 760 CMR 56.05(12)(b), except to an Applicant-controlled affiliate.

7. Each condition in this Decision shall run with the land and shall, in accordance with its terms, be applicable to and binding on the Applicant and the Applicant's successors and assigns for as long as the Project and the use of the land does not strictly and fully conform to the requirements of the Nantucket Zoning Bylaw; and reference to this Comprehensive Permit Decision shall be incorporated in every deed conveying all or a portion of the Property.

8. The Applicant and MassHousing shall execute a Regulatory Agreement prior to any grading, land disturbance, construction of any structure or infrastructure, or issuance of any building permit.

9. The Decision is based on, and this Permit is issued based on, the real property identified on the Comprehensive Permit Plans, described below ("Locus" or "Site").

10. Except as otherwise specified in this Decision, the Project must substantially conform to the Comprehensive Permit Plans referenced in Section I, as conditioned by the Board. To the extent any details in the Comprehensive Permit Plans are inconsistent with the terms and conditions of this Permit or Appendix C, this Permit and Appendix C shall supersede the inconsistency.

11. If, between the date that this Decision is filed with the Office of the Town Clerk and the completion of the Project, the Applicant desires to change any details of the Project (as set forth in the Comprehensive Permit Plans, or as required by the terms of this Decision), the Applicant shall promptly inform the Board in writing of the change requested. Changes will be administered or addressed pursuant to 760 CMR 56.05(11).

12. Except as otherwise specifically provided herein, where this Decision provides for the submission of plans or other documents to the Board, the Board or its designee shall review and provide a written response as to whether such plans or other documents are consistent with this Decision within ninety (90) days of the Board's receipt of such plans or other documents.

## SITE SPECIFIC CONDITIONS

### 13. SINGLE FAMILY BUILDING REQUIREMENTS –

- A. Minimum Lot Size = 5,000 square feet for 3 and 4 Bedroom Units;
- B. Minimum Lot Size = 6,250 square feet for 5 Bedroom Units;
- C. Minimum Frontage = 50 feet for all Single Family Dwelling Lots, Except for Lot 41;
- D. Setbacks = 10 feet in front yard, 5 feet on one side yard and 10 feet on the other side yard, and 5 feet in rear yard;
- E. Parking = minimum of 2 on-lot spaces for 3-4 Bedroom Lots and minimum of 3 on-lot spaces for 5 Bedroom Lots;
- F. No spas or pools on any lots: –
  - i. the proposed spas impermissibly distinguished market rate from affordable units, since spas were proposed for only the market rate units;
  - ii. the proposed spas would create a noise and privacy issue between units given the limited depth of the setbacks and limited lot area sizes.
- G. No AC or Mechanical Units may be located on street/front elevation or visible from the street;
- H. All Single-Family Dwellings shall have exterior stairway basement access;
- I. Maximum Number of Single Family Dwellings = Forty (40);
- J. Maximum Number of Five (5) Bedroom Units shall be four (4), including at least one affordable unit; and
- K. Height/Exterior Architectural Design shall be as conditioned on the Board's notes on the architectural plans contained within the Comprehensive Permit Plans, Appendix A.

### 14. MULTI-FAMILY UNITS BUILDING REQUIREMENTS–

- A. No Eight-Plex Buildings Permitted;
- B. Duplex Buildings
  - i. Minimum Lot Size = 7,500 square feet;
  - ii. Minimum Frontage = 70 feet;

- iii. Setbacks = 10 feet front yard, 10 feet side yard and 10 feet rear yard;
- iv. Parking = 6 on-lot spaces per duplex building lot;
- v. No living space in basements;
- vi. No AC or Mechanical Units located on street/front elevation or visible from the street; and
- vii. Maximum number of duplex buildings = Six (6) (total of 12 units).

C. Fourplex Buildings

- i. Minimum Lot Size = 10,000 square feet, with each building on its own lot;
- ii. Minimum Lot Frontage = 100 feet;
- iii. Setbacks = 10 feet front yard, 20 feet side yard, 20 feet rear yard;
- iv. Parking = 7 on-lot spaces on each Fourplex lot;
- v. No units located entirely in basements (lower level);
- vi. No AC or Mechanical Units located on street/front elevation or visible from street; and
- vii. Maximum number of Fourplex buildings = Two (2).

- D. Height/Exterior Architectural Design – as conditioned on the Board’s notes on the architectural plans contained within the Comprehensive Permit Plans, Appendix A.

15. RECREATIONAL BUILDING REQUIREMENTS–

- A. Maximum Ground Coverage = 1,000 square feet;
- B. Maximum Interior Space = 2,800 square feet: 1,000 on ground and basement levels, and up to 800 feet more allowed on second floor to reach maximum 2,800 square feet; the additional land area resulting from the reduction in the footprint of the Recreation Building shall be devoted to green space or outdoor passive recreation;
- C. No commercial kitchen/catering facilities;
- D. For exclusive use of residents and guests, no outside rentals;
- E. 8 parking spaces;
- F. Minimum Lot Square Footage of 38,196 square feet; Height/Exterior Architectural Design subject to final review and approval by the Board prior to issuance of a building permit; and
- G. Height/Exterior Architectural Design subject to final review and approval by the Board prior to issuance of a building permit.

16. POOL REQUIREMENTS–

- A. No spa permitted;
- B. Dimensions No greater than 20 feet by 48 feet as proposed by Applicant;
- C. Hours of Operation = 8 a.m. to dusk;
- D. For exclusive use of residents and guests; and
- E. Homeowners' Association and Condominium Association, as applicable, to handle internal governance issues not otherwise covered in this Permit.

17. LANDSCAPING/HARDSCAPING REQUIREMENTS

- A. 143 Street Trees as proposed by Applicant and shown on Landscape Plan L-1 in the Comprehensive Permit Plans;
- B. Must comply with Zoning Bylaw as to required tree caliper size;
- C. Native/Non-invasive plants only, per list compiled on “Landscaping with Native Plants on Nantucket” by the Nantucket Biodiversity Initiative and Nantucket Conservation Foundation;
- D. Walkways for Multi-Family and Single-Family Dwelling Units must match; all walkways shall consist of bluestone;
- E. Driveways must be native stone (gravel), must comply with Zoning Bylaw section 139-20.1(B)(2)(b), and aprons shall be same surface as roadway;
- F. Roadway, Sidewalks, and Curbing – either native stone chip seal finish on both sidewalk and roadway or asphalt roadway and brick sidewalk. All curbing to be vertical granite curbing.

18. OPEN SPACE REQUIREMENTS –

Limited to private exclusive use of residents and guests. The amount of green space as shown on the Comprehensive Permit Plans, as further conditioned in this Permit, shall not be reduced.

19. LIGHTING REQUIREMENTS –

- A. Street Poles prohibited; pathway lighting and bollards are an allowed alternative;



B. Must comply with Town Code Chapter 102 – Dark Skies.

20. BUFFER ZONES REQUIREMENTS –

A. No disturbance buffer of 25 feet along site perimeter and expanded to 50-foot along South Shore Road, augmented as necessary per list of approved plantings;

B. Split rail fence to delineate entirety of all buffer zones prior to commencement of construction.

C. Applicant shall exercise care not to impact the intent of the “no disturb” buffer area’s purpose of protecting adjacent residences from visual and noise impacts by excessively trimming trees or trampling low-lying shrubs and brush. The Board reserves the right to require additional screening, including but not limited to the planting of new trees and/or shrubs if presented with evidence the above conditions have been violated.

D. The “no-disturb” buffer area lots shall be considered permanently protected open space consistent with G.L. c.40A, §9.

E. Based upon the information presented, the Board determines that an adequate buffer standard should be at least one (1) tree per ten (10) linear feet of the “no disturb” buffer area perimeter, said trees being a minimum height of five (5) feet and minimum caliper of three (3) inches. Planting should occur within or at the edges of the “no disturb” buffer areas as directed by the Board or its designee. Trees shall be planted in a natural pattern, shall be offset where appropriate and are meant to supplement existing, mature vegetation. This condition shall be incorporated into the final landscaping plan required by this Decision. The Board reserves the right to alter any aspect of this standard and vary tree sizes and locations based upon a review of the detailed final landscape plan.

F. The Applicant shall stake the proposed locations for these required trees for review with the goal being to maximize the screening between the Site and abutting properties. The final landscaping plan and a schedule for the planting of all required trees submitted for review by the Board shall identify species of conifers that would meet the above goal and be suitable for planting in the “no disturb” buffer areas to the satisfaction of the Board or its designee. The Board reserves the right to alter any aspect of this procedure and specify alternative tree types and species based upon a review of the detailed final landscape plan.

G. The Applicant shall be responsible for maintaining the health of these trees until the sale of the 44<sup>th</sup> lot. Thereafter, the Homeowner’s Association shall maintain the trees of the “no disturb” buffer area,

including the replacement of unhealthy, diseased or dead trees. This condition shall be included in the Homeowner's Association documents.

H. The Board reserves the right to require additional planting in the event that care in preserving existing vegetation of the "no disturb" buffer area is not undertaken by the Applicant until the completion of the project.

21. PARKING/ROADWAY ACCESS REQUIREMENTS –

Minimum of one (1) additional on-street parking space per dwelling unit;

22. MAINTENANCE BUILDING REQUIREMENTS

Approved as to height/exterior architectural design on the conditions noted on the architectural plans within the Comprehensive Permit Plans, Appendix A.

23. All units must have gutters, which must be maintained in accordance with an approved maintenance plan, and all roof water drainage must be directed to subsurface drainage systems independent of the roadway system as proposed and agreed to by the Applicant.

24. There shall be no additional parking or expansion of parking areas beyond parking areas shown on the Comprehensive Permit Plans as conditioned herein. Notice of this restriction must be included in the Homeowners Association Documents and Condominium documents.

25. No conversions of non-livable space, e.g., attics, to livable space after completion of construction of units as approved herein. No expansion of building envelope.

26. No customary home occupations shall be allowed in light of the overburdening issues already posed by the density of this Project in relation to existing traffic congestion.

27. There shall be no parking of campers, trailers, boats, storage trailers or storage units, temporary garage structures or shelters, panel trucks, recreational vehicles, commercial vehicles (unless the commercial vehicle is the unit owner's personal vehicle), or unregistered vehicles on Project property.

28. No changes in the Homeowners' Association and/or Condominium Trust rules which affect conditions of the Permit shall be permitted. Any future proposed changes to exterior architectural features shall be subject to the jurisdiction of the Nantucket Historic District Commission.

29. Snow removal provisions shall be subject to review and approval by the Nantucket Fire Department. No dumping in buffer zones. In the event designated snow storage areas are inadequate for a particular storm event or events, excess snow must be removed from the Property.

30. Trash barrels must be stored out of view. No exterior air conditioning units or other mechanical equipment shall be located within lot setbacks areas.

31. All affordable units must have central air conditioning if market rate units have central air conditioning. Applicant has stated on the record that all units will have central air conditioning.

32. Ground coverage for each lot shall not change from that depicted on the Comprehensive Permit Plans as revised per the conditions set forth herein.

33. All local requirements concerning roadway construction shall apply.

34. The lighting plan for the Project must meet local requirements for exterior lighting.

35. Roadway right of ways shall be a minimum of 40 feet wide. Suitable access for emergency access vehicles, snow storage, landscaping without impacting clear sight lines and on street parking as applicable must be provided. Final plans must be submitted by a Transportation Engineer for compliance with Institute of Transportation Engineers (ITE) standards for circulation within the site and at access/egress locations.

36. All stormwater management plans and calculations shall conform to the requirements of the Massachusetts Department of Environmental Protection (MassDEP) Stormwater Management Regulations, including the requirements specifically applicable to the Zone II areas.

37. All utilities must be installed underground.

38. No impervious areas except those indicated on the Comprehensive Permit Plans, as further conditioned in this Permit, are allowed on the lots.

39. No construction or site disturbance is allowed prior to the receipt of any approvals required by applicable Massachusetts Environmental Policy Act (MEPA) regulations.

40. Soil testing, consistent with MassDEP Stormwater Handbook requirements, at all proposed stormwater infiltration systems, shall be completed and submitted for review and approval by the Board or its designee.

41. Final Construction Plans shall be provided for review and approval by the Board or its designee providing all data required under the Town's local Subdivision Regulations.

42. Applicant shall allow and provide necessary funding for inspection of construction consistent with Subdivision Regulations and other Town requirements not waived in this Decision.

43. Applicant shall complete for the review and approval by the Board or its designee a comprehensive Sediment and Erosion Control plan consistent with EPA SWPPP requirements and the DEP Stormwater Handbook.

44. Applicant shall comply with all applicable requirements of the Americans with Disabilities Act (ADA) and the regulations of the Massachusetts Architectural Access Board (AAB).

45. Final Construction Plans and supporting calculations must be provided for final review and approval by the Board or its designee. The final design shall comply with MassDEP Stormwater Management Regulations as described in the MassDEP Stormwater Regulations and associated Stormwater Handbook.

46. The EPA SWPPP template shall be used to demonstrate compliance with MassDEP requirements with respect to erosion/sedimentation control during all phased construction activities in order to protect abutters and the Town roadway. Tracking pads shall be a minimum of 50 feet long. Sizing data for temporary basins, etc. must all be provided.

47. An Operations & Maintenance (“O&M”) Plan shall be provided for review and approval by the Board or its designee prior to the start of any construction activities or related site disturbance, including an O&M Plan for the individual lot systems and a final stand-alone O&M plan including a plan with the location of all BMP’s, manufacturer’s requirements, etc.

48. A signed illicit discharge statement shall be submitted to the Board prior to any occupancy permits.

#### ADDITIONAL CONDITIONS CONCERNING FIRE PROTECTION AND RELATED SAFETY CONCERNS

49. Access roads must be 20 feet in width not including any areas designated for parking (527 CMR18.2.3.4.1.1),
- a. No on street parking allowed shall be allowed if such parking would narrow the roadway width to less than 20 feet on two way sections;
  - b. No on street parking on one-way sections where the roadway width will be reduced below 13 feet;
  - c. For roadways on the Comprehensive Permit Plans showing widths of 20 feet for one-way sections, parking on one side of the roadway will be allowed with posted and enforced No Parking signs in these sections;
  - d. A section of roadway that is two-way and 22 feet and must be posted and enforced with No Parking signs;
  - e. Modeling must be submitted for the Fire Chief’s review and approval to assure the fire departments apparatus can access development;
  - f. Two of the roads have no provisions for turning around. (527 CMR 18.2.3.4.4) “Dead-end access roads in excess of 150 feet in length shall be provided with approved provisions for fire apparatus to turn around.”

50. Trees and vegetation must be maintained and not allowed to grow to block access for emergency vehicles. This would include vertical growth of tree. (527 CMR 18.2.3.4.1.2)

- a. All roadways shall have a vertical clearance of not less than 13 feet 6 inches;
- b. Vegetation must not reduce the road width below the dimensions required in above section.

51. Final Fire Department access plans must be submitted to the department for review and approval (527 CMR 18.1.3.1).

52. Hydrant lay out needs to be reviewed and approved by the Fire Chief and installed before construction of any dwelling units; plans for fire protection must also be reviewed and approved by the Fire Chief for the time period between any initial site disturbance and completion of construction. Any proposed phasing of hydrant installation is subject to approval by the Fire Chief.

53. Applicant must complete a hydraulic study for review and approval by the Fire Chief addressing impact of Project on water capacity necessary for fire protection on other critical infrastructure located on the same water main.

#### ADDITIONAL CONDITIONS CONCERNING PUBLIC SEWER

54. The wastewater collection system for the proposed development shall not be connected to the Town's existing force mains.

55. The wastewater collection system for the proposed development shall include the Town's preferred option of a new gravity sewer along South Shore Road, from the proposed development to the Surfside WWTF. This option shall relocate the proposed wastewater pump station from the proposed development to the Surfside WWTF.

56. The deficiencies in the revised plans discussed in Section IV.A. above, shall be addressed to the satisfaction of the Nantucket Sewer Department.

57. The wastewater collection system for the proposed development shall be constructed in accordance with the Nantucket Sewer Department Design Standards and Specifications in place at the time of construction. The final design plans shall be submitted to the Nantucket Sewer Department for review and approval to ensure conformance with the Design Standards and Specifications.

58. Given that the 2014 CWMP identified the sewer needs areas in Town, that these flows were used to determine the capacity of the Surfside WWTF, which is currently being upgraded, and that while the proposed development properties are part of the service area to the WWTF, the density of the proposed development creates much higher wastewater flows than the current zoning would allow, and given that the additional flow from the proposed development would be taking up planned capacity at the WWTF, the Board denies waivers of sewer related fees and requires that all properties in the proposed development be subject to the appropriate sewer fees outlined in the Nantucket Sewer Department Rules and Regulations in place at the time of

construction. These fees include, but are not limited to, sewer connection fees, sewer user fees and sewer capacity fees. All local rules and regulations concerning sewer connection fees, permit fees, sewer privilege fees or charges, sewer extension fees, and service fees shall apply to the project permitted by this Decision.

59. The Applicant must also comply with the Sewer Application and Permit requirements of the Nantucket Sewer Department and the Nantucket Sewer Permit Checklist and Sewer As-Built Checklist, subject to review and approval by the Sewer Director.

60. The Applicant shall submit stamped record drawings of the wastewater collection system. Record drawings shall also be provided in the latest version of AutoCad.

61. The Applicant shall submit copies of the Operations & Maintenance Manual for the pump station, as well as an electronic copy on a CD or portable drive.

62. The Applicant shall establish and provide a copy of the legal entity's (e.g. Homeowner's Association and Condominium Trust) documents to ensure proper operation and maintenance of the proposed wastewater collection system and other common infrastructure on private property.

63. The sewer infrastructure shall be constructed by the Applicant in accordance with the preferred option presented by Weston and Sampson, with the Town to contribute an agreed allocated cost of construction proportionate to the degree to which the infrastructure confers a public benefit independent of servicing the project approved by this Decision.

64. The sewer system must be submitted for inspection, review and approval by the Sewer Director pre and post-construction, and will be conveyed to the Town following payment of the agreed allocated cost of construction as conditioned above.

#### ADDITIONAL CONDITIONS CONCERNING PUBLIC WATER CONNECTION

65. Subject to the additional conditions below, the Board approves the proposed connection to Town water conditioned upon the Applicant's compliance with all rules, regulations and requirements of the Nantucket Board of Water Commissioners, and the Wannacomet Water Company and Director, including but not limited to review and approval of the design and construction of the proposed water mains and final inspection, testing, and chlorination of the water mains prior to public water being turned on to service the development and prior to water being turned on to service residential units.

66. All local fees and charges for the initial construction and connection of the water mains, and any initial or continuing service or other fees or charges once the system has come on-line, shall apply to the Applicant and the development approved by this Decision.

67. The water connection is also conditioned upon and subject to MassDEP approval of the Wannacomet Water Company's requested increase in the capacity of the Town's Water Withdrawal Permit to an initial increase to 1.9 million gallons per day.

68. Applicant shall provide water conserving appliances (dishwasher, washing machines, toilet, shower heads, etc.) for all appliances to be included in the residential housing units offered at the project, as well as appliances serving any other amenities offered at the development (facilities offered at pool or in recreational building, etc.), subject to review and approval by the Wannacomet Water Director.

69. Applicant shall implement Low Impact Development Design concepts for managing stormwater and shall fund an independent Environmental Monitor during construction phases to document activities and ensure the protection of groundwater quality and private and public drinking water supplies located in the project area.

70. Applicant shall construct a stormwater system to provide treatment and dispersed infiltration from roadways, and which shall capture and retain the first inch of stormwater and parking areas and use vegetated swales and bioretention basins with overflows to the maximum extent possible, rather than use of a stormceptor-type design with direct infiltration.

71. Applicant shall provide a Site Maintenance and Integrated Pest Management Plan for review and approval by the Board or its designee and shall ensure that the Homeowners' Association and Condominium Trust documents for the development require the use of organic and/or non-toxic fertilizers and pesticides, as well as use of certified applicators. The Homeowners' Association and Condominium Trust documents must also require regular maintenance of storm drains, including filing a maintenance plan and actual maintenance with the town annually.

72. Applicant has stated, and the Board imposes a condition, that landscape irrigation shall be provided by private well and not the public water supply. Applicant shall take all necessary steps to protect against adverse effects upon the capacity of other private drinking water wells in the area.

#### COMPLIANCE WITH STATE AND FEDERAL REQUIREMENTS

73. Development of the Project shall comply in all respects with the conditions contained in the Project Eligibility Letter approval for the project issued by MassHousing on April 12, 2018.

74. The Project, and all construction, dwelling units, utilities, roads, drainage, earth removal or relocation of structures and all related appurtenances with respect to the Project, shall comply with all applicable state and federal regulations. The Applicant shall promptly provide the Board with copies of all permitting requests and other correspondence directed to any applicable state or federal agency and of all correspondence, approvals or disapprovals received from any such agency.

75. The Project shall comply with all rules, regulations, filing and permit requirements and certifications required by the regulations governing the Massachusetts Endangered Species Act, G.L. c.131, §23, 321 CMR 10.00. No site disturbance shall be

permitted pursuant to this Decision until the Nantucket Land Council's currently pending administrative appeal of the NHESP determination for the Site is fully and finally resolved, including exhaustion of court appeals.

76. The Project shall comply with all rules, regulations, permit and filing requirements, and certifications of the Department of Environmental Protection with respect to stormwater disposal, resource protection, water supply and low impact development management practices.

77. The Project shall comply with the rules and regulations of, filing and permit requirements and certifications required by the regulations governing the Massachusetts Historical Commission.

78. Copies of all approvals from state and federal agencies shall be submitted to the Board prior to recording of final plans.

#### LOCAL REQUIREMENTS

79. Except as expressly waived by this Decision, the development of this Project, including the construction of all dwelling units, utilities, roads, drainage structures and other appurtenances, shall comply with all local requirements and regulations as defined in 760 CMR 56.02, including any and all related fees and charges.

80. Except as specifically waived by this Decision, the Project shall comply, in all respects, with any and all rules, regulations, filing and permit requirements of the Nantucket Sewer Commission and Wannacomet Water Department concerning public sewer and water servicing the Project, including any and all related fees and charges. No fees shall be waived.

81. The Applicant shall also comply with any and all filing requirements for issuance of a building permit, including any and all related fees or charges. No fees shall be waived.

82. To the extent the Project requires the conveyance of any interest in Town-owned land, the Board notes that it lacks jurisdiction to grant such an interest. To the extent Town Meeting approval is required for any aspect of the Project, the Town's right to require Town Meeting approval as a prerequisite to such aspect of the Project is expressly reserved. Nothing in this Decision shall be construed as a grant of approval of any interest in property owned or held by the Town or County of Nantucket.

83. The total number of dwelling units permitted for this Project shall not exceed sixty (60) units and the total number of bedrooms shall not exceed two hundred and six (206) bedrooms.

#### AFFORDABLE UNITS

84. The affordable units shall be evenly distributed within the Locus and shall be indistinguishable in architectural style, exterior finish materials, and exterior appearance from



market rate units. If interior finishes differ between market and affordable units, the quality of the interior finishes of the affordable units must be of reasonable quality. As part of the Building Permit application, the Applicant must provide for review and approval by the Board or its designee specifications/information on any proposed finishes and equipment (including but not limited to floor treatments, cabinets/vanities, countertops, lighting, kitchen appliances, and bathroom fixtures) in the affordable units that differ from finishes and equipment proposed for the market units. There shall also be a proportionate share of housing types (single family, duplex, and fourplex) allocated between affordable and market rate units; 25% of each unit type offered shall be affordable, e.g., if five bedroom units are offered, 25% of the total number of five bedroom units shall be affordable units.

85. An affordable housing restriction, enforceable by the Town of Nantucket, requiring that the affordable units remain affordable in perpetuity or for as long as the project does not comply with local requirements, whichever is longer, and in a form approved by the Board, shall be recorded senior to any liens on the Project Locus to protect the requirement for the affordable units in the event of any foreclosure, bankruptcy, refinancing or sale. All affordable units shall be subject to the Universal Deed Rider as required by MassHousing. The sale and re-sale of all affordable units shall comply with all MassHousing and Chapter 40B requirements, including, if applicable, any income, asset, and first time homebuyer requirements.

86. Upon the sale of an affordable dwelling, the Applicant or its successors or assigns shall provide written notice to the buyer that the premises are subject to an affordable housing restriction and subject to the terms and provisions of the affordable housing restriction and that any amendment purporting to alter, amend or delete the restriction shall be void and of no effect.

87. The deeds to the Affordable Units shall include the standard MassHousing Affordable Housing Restriction/Deed Rider in which the affordability restrictions described herein survive foreclosure.

88. For every three (3) Market Rate units for which a Certificate of Occupancy is issued, there shall be at least one (1) Affordable Unit for which a Certificate of Occupancy is issued. The Applicant has the right but not the obligation to accelerate the rate of construction of the Affordable Units.

#### MANAGEMENT DOCUMENTS

89. The Applicant shall prepare documents in a form that conforms to this Decision and applicable law designed to manage the Project and ensure that the terms and conditions of this Decision are enforced.

90. The management documents shall provide that the Town or County of Nantucket shall not have any legal or financial responsibility for, operation or maintenance of, roadways, driveways, parking areas, stormwater management systems, snowplowing, landscaping, trash disposal or pickup, street lighting or other illumination, or other roadway infrastructure within the Project or the Locus.

## PROFITABILITY

91. The Project shall be limited to the profit allowed under the Regulatory Agreement (“Allowable Profit”).

92. Any profit that is above the Allowable Profit pursuant to the Regulatory Agreement shall be returned to the Town of Nantucket for use by the Town for the purpose of efforts toward affordable housing. The profit limitation may be enforced by the Town or its agencies, boards or commissions at any time.

93. The Applicant shall provide the Board with a copy of all financial documentation, including Cost Certification submissions, required by the Regulatory Agreement.

## MARKETING/LOCAL PREFERENCE

94. There shall be a local preference plan established for the sale of the affordable units.

95. Insofar as allowed under G.L. c. 40B and any other applicable laws and by the Subsidizing Agency, with respect to at least 70% of the Affordable Units, the Applicant shall provide a preference category in the Lottery for the Affordable Units for current Nantucket residents, Nantucket municipal employees, employees of local Nantucket businesses, and households with children attending Nantucket schools. The Board acknowledges that it will be required to provide evidence satisfactory to the Subsidizing Agency of the need for the foregoing local preferences and obtain approval of the categories of persons qualifying for the same, in accordance with Chapter 40B requirements. In no event shall the Applicant be in violation of the terms of this Comprehensive Permit to the extent the Subsidizing Agency disapproves the local preference requirement or any aspect thereof. The Applicant shall provide reasonable and timely assistance to the Town in providing this evidence. If the Board or its designee does not provide such information within thirty (30) days of a written request by the Applicant, its Lottery Agent, or the Subsidizing Agency, then this condition shall be void unless the Applicant has failed to provide reasonable and timely assistance as described above.

96. MassHousing shall approve the Lottery Packet and the Applicant’s Affirmative Fair Housing Marketing Plan (AFHMP) as part of its Final Approval review. A copy of the proposed Lottery Plan and AFHMP shall be submitted to the Board simultaneously with its submission to MassHousing. The Applicant shall also submit to the Board the assumptions and calculations upon which the pricing of the Affordable Units is based. All costs associated with the lottery and marketing plans, including the advertising and processing for the Affordable Units, shall be borne by the Applicant. Buyers of Affordable Units must satisfy all applicable Chapter 40B requirements, including all applicable income, asset, and First Time Homebuyer requirements.

## CONDITIONS PRECEDENT TO COMMENCEMENT OF PROJECT

97. The conditions below are conditions precedent to site disturbance. In particular, and without limitation, no grading, land disturbance, or construction of any structure or infrastructure shall commence until:

a. Final Review – Prior to commencement of any construction and granting of any permits for the Project, the Applicant has submitted detailed construction drawings to the Board to ensure that said drawings are consistent with this Permit, with local requirements not waived in the permit, and with state and federal codes and requirements of state and federal agencies and their respective decisions. Copies of the detailed, approved construction drawings (“Final Plans”) shall also be filed in hard copy (twenty full-scale sets) and in digital format with the Board and the Building Department for recordkeeping purposes. The Applicant must secure Board approval prior to construction and allow the Board ninety (90) days to review the detailed construction drawings. The final plans shall include a building code review.

b. The Applicant has posted with the Town Clerk a bond or surety in the amount needed to complete the ways, utilities, drainage, shade trees in the right of way, and as-built plans for the Project as approved, plus a 50% margin of error plus an appropriate rate of inflation over a 5-year period. The performance bond or surety shall contain the following provision: “If the principal shall fully and satisfactorily observe and perform in accordance with the qualifications and time schedule set forth herein as specified in all the covenants, agreements, terms and provisions as set forth in the decision of the Board in this matter, as attached hereto, then this obligation shall be void, otherwise it shall remain in full force and effect, and, in the absence of completion of the above work, the aforesaid sum shall be paid to the Town of Nantucket in order to complete the construction in accordance with the plans and specifications.”

c. The Final Plans, including phasing plans, way and underground utilities plans (water system, stormwater system, gas, telephone, electric and cable systems), entrance/intersection street lights and signs have been reviewed and have received approval consistent with this Decision by the Board, and consistent with their respective jurisdictions by any and all relevant federal and state agencies, departments, boards, or commissions for matters not otherwise approved or waived by this Decision.

d. The Applicant and MassHousing have executed a Monitoring Agreement, similar in form to the Monitoring Agreement published by MassHousing but revised in content as required for consistency with this Decision.

e. A Regulatory Agreement, similar in form to that published by MassHousing, has been executed by the Applicant and MassHousing and has been recorded with this Decision. The Regulatory Agreement shall contain, at a minimum, the following terms: 1) 25% of the units shall remain affordable in perpetuity or for as long as the project does not comply with local requirements, whichever is longer. Such units shall be sold to households whose annual income, adjusted for household size, does not

exceed 80% of the applicable Area Median Income for Nantucket as defined by HUD. 2) pricing of the affordable units shall be in accordance with MassHousing and Chapter 40B requirements; 3) Affordable units shall be sold in accordance with the MassHousing approved Affirmative Fair Housing Marketing Plan (“AFMP”); and 4) Identification of the location of all Affordable Units shall be included.

f. A NPDES Stormwater Pollution Prevention Plan, Erosion Control Plan and Stormwater Management Systems Operations and Maintenance Plan has been approved in accordance with applicable state and federal regulations.

g. Final and detailed landscape improvements and plans prepared by a Landscape Architect registered in the Commonwealth of Massachusetts to the detail required for use as on-site construction and planting drawings and/or to obtain a building permit in accordance with the State Building Code, whichever requirement is more detailed, have been submitted to the Board and all other relevant public agencies for review and approval, including acknowledgement of consistency with this Decision. Such plans shall include shade trees along roadways, and shall specify the types, number, size and location of all proposed landscape plans, trees and shrubs at the time of planting, the location and type of fence or other screening materials, plans and profiles of all planting and screening materials and details of any and all other proposed landscape materials. Such plans indicate the specific types of active/passive recreational equipment to be installed within the open space and recreational areas located on the approved plans. Such plans shall also indicate the location of mailboxes, dumpsters and other appurtenant structures to be located within or integral to, the project.

h. Identification of all areas of the site proposed for vegetative clearing.

i. A detailed plan showing landscape improvements, open area, limit of construction activity, edge of clearing, sedimentation and erosion controls, a soil stockpiling area, and construction staging, refueling and storage area(s), for verification that such plan conforms with this Decision. Tree protection measures shall be stated with details for tree wells around existing trees to be protected included in the plan set. The removal of trees, shrubs, and natural groundcover on the site shall be minimized to preserve the natural environment to the highest degree possible. All trees over 8 inches in caliper within the limits of work shall be flagged prior to tree clearing. A representative or agent of the Board shall have the opportunity to identify trees that need to be protected and preserved during construction.

j. An infrastructure operations and maintenance plan has been submitted for review and approval by the Board, with any updates as required. The plan shall include, at a minimum, maintenance during and post construction as well as perpetual maintenance and monitoring of the roadway, roadway infrastructure and drainage systems (routine and seasonal). The operations and maintenance plan shall bind the Applicant. The stormwater operation and maintenance plan include specific tasks and timelines associated with inspection and maintenance of all proposed stormwater management structural and non-structural measures, a repair and replacement plan for the

system with estimated costs as well as identify the owner and party responsible for inspection, operation, maintenance, repair, and replacement including certification of acceptance of legal responsibility for the aforementioned.

k. A construction schedule identifying the sequence and approximate dates of all key stages of construction has been submitted to and approved by the Board or its designee. This submission also will include: (i) identification of all contractors, field engineers, construction managers, surveyors, wetland and biology specialists, and other professionals that will be involved in the implementation of the project; (ii) staking driveways, dwelling foundations, parking areas, drainage basins and other drainage structures, and well locations; (iii) placement of sediment and erosion controls and limit of construction fencing; (iv) identification and approval of significant trees to be cut on the site; (v) removal of vegetation and topsoil; (vi) drainage system construction; (vii) major states of roadway construction; (viii) excavating dates for building foundations; (ix) sewer and water line installation; and (x) inspection dates.

l. The Applicant has provided to the Town of Nantucket, in form and substance approved by Town Counsel, Applicant's agreement that the Town of Nantucket shall be free of any liability for any act, omission or negligence caused by the Applicant, its employees, agents, subcontractors, beneficiaries or trustees who have relation to this Project, and that Applicant on behalf of itself and its successors and assigns has consented and agreed to indemnify the Town, its employees and officials for any harm, damage or injury caused by the Applicant, its employees, agents, subcontractors, beneficiaries or trustees with regard to this Project, and proof of insurance adequate to cover all risks reasonably foreseeable in relation to the construction of the Project, which must be maintained until completion of all phases of construction.

m. The Applicant has granted to the Town easements giving the Town the right to enter the Locus to repair and maintain water and sewer lines, as applicable and as necessary to ensure the health and safety of the residents therein. The easements shall be shown on a site plan provided to the Board and shall be recorded by the Applicant.

n. Cuts and fills have been designed to preserve the existing land elevations to the extent reasonably possible based on the final plans as approved, and the use of retaining walls is optimized to preserve existing vegetation wherever practicable.

o. The final plan has addressed constructability with regard to infrastructure drainage due to settlement in substantial fill areas.

p. All zoning lines have been identified on the final plan for reference purposes.

q. The interior roadway layout and parking areas have been approved by the Fire Chief, to facilitate emergency access and increase fire safety.

- r. Easements have been provided on the final plan to facilitate utility installation and slope maintenance outside the rights of way.
- s. The final plans indicate that roadway construction materials and thicknesses conform to a 2 ½” binder and 1 ½” surface course.
- t. The final plans shall include limitations on lawn areas.
- u. The final site plan submission shall include an acceptable snow management plan.
- v. The final plans have been reviewed and accepted by the Fire Chief and the Wannacomet Water Department for hydrant and valve locations; hydrant locations shall provide a 10-foot minimum separation from storm drains or other approved means of protecting the water supply from the storm drains.
- w. The Applicant has obtained all necessary private utility permits and final designs including but not limited to gas pipeline, electric, telephone and cable service required by the respective utilities prior to the commencement of construction. Documentation of all permits/approvals issued by private utilities pertaining to the development of the project shall be provided to the Board prior to any construction or Site disturbance.
- x. The Applicant has submitted to the Board and all other relevant public agencies for review and final acknowledgment of consistency with this Decision, all requests for approval, and upon receipt of all approvals, has provided to the Board copies of all necessary approvals from all local, state and federal agencies, departments and commissions pertaining to this Project.
- y. The final plans shall include the location and design, including materials to be used, of all retaining walls to be used within the Project.
- z. The final plans shall identify the location of all street lighting fixtures in accordance with the condition requiring compliance with the Town’s code provisions concerning outdoor lighting.

CONDITIONS PRECEDENT TO MAKING APPLICATION FOR BUILDING PERMIT(S)

98. All conditions precedent to commencement of Project have been fulfilled as per this Decision and to the satisfaction of the Board.

99. The Applicant shall provide proof that the subdivision and lotting plans, as approved by the Board, have been recorded at the Nantucket County Registry of Deeds and three (3) copies of the final plan, exactly as it is recorded, shall be provided to the Board.

100. The Applicant shall enter into the standard MassHousing Limited Dividend Monitoring Agreement with MassHousing prior to receiving the initial building permit for the project. Compliance with the limited dividend requirements under G.L. c. 40B shall be determined by the Subsidizing Agency in accordance with the rules of the applicable housing subsidy program. All revenue and expenses attributable to upgrades and/or options purchased by home buyers must be included in the cost certification documents. Any rebates for materials/equipment/appliances must be included in the Cost Certification. The Board shall receive copies of any and all materials submitted to the Subsidizing Agency related to Cost Certification and Limited Dividend restriction monitoring and reviews.

101. No later than the submission of the initial building permit application, the Applicant shall submit, as applicable for the proposed project, for review and approval by the Board or its designated representative a copy of the proposed Homeowners Association Declaration of Trust, Homeowners Association Budget, and Declaration of Covenants, Restrictions and Easements as well as all Condominium Association documents, including but not limited to the Declaration of Trust, Master Deed, Rules and Regulations, and Condominium Budget. Said documents shall reference this Decision and the affordability requirements upon which the Comprehensive Permit is conditioned and state that the Project is subject to this Decision. The Homeowners Association and Condominium documents shall provide that the Homeowners Association and Condominium Trust are responsible for maintaining the roadways and sidewalks, storm water management system, common landscaping including all buffer areas, and fencing therein, all infrastructure and other common facilities including the Recreation and Maintenance Buildings, and shall also be responsible for snowplowing and trash removal. The Board acknowledges that the Subsidizing Agency has final approval authority in regard to the Homeowners Association and Condominium documents, including the respective budgets. These documents must include an explanation of how common costs (including the operation of the Recreation area) to be shared between the Homeowners Association and the Condominium Association shall be allocated between the two entities. Any applicable Homeowners Association or Condominium Fees shall be allocated to the Affordable Homes based upon a percentage of Fair Market Value. In determining the Chapter 40B allowable sales prices for the Affordable Units, a realistic Homeowners Association or Condominium fee must be used. If Affordable Unit owners will be responsible for the payment of any applicable sewer permitting fees, any such fees must be taken into consideration in determining the allowable sales prices for Affordable Units. Upon its formation, the Homeowners' Association and the Condominium Trust, as applicable, shall be initially endowed by the Applicant in the amount of Four Hundred Dollars (\$400) per unit.

There shall be no change in the By-laws of the Homeowners' Association or the Condominium Trust, as applicable, without the approval of 75% (as rounded below) of each of the two (2) income levels of the homeowners, as applicable and as illustrated below:

#### Single Family Units

Market Rate Units:  $30 \text{ units} * 75\% = 22.50$  (Rounded to 22)

Affordable Units:  $10 \text{ units} * 75\% = 7.50$  (Rounded to 8)

## Duplex Units

Market Rate Units:  $9 \text{ units} * 75\% = 6.75$  (Rounded to 7)

Affordable Units:  $3 \text{ units} * 75\% = 2.25$  (Rounded to 2)

## Multifamily Units (Fourplex Units)

Market Rate Units:  $6 \text{ units} * 75\% = 4.50$  (Rounded to 4)

Affordable Units:  $2 \text{ units} * 75\% = 1.50$  (Rounded to 2)

Owners may not vote changes inconsistent with the Comprehensive Permit and any conditions thereto, the approved Regulatory Agreement, and/or the Deed Rider.

The Applicant shall be responsible for completion and maintenance of all infrastructure and compliance with this Decision until all of the units in the development are constructed and sold. Thereafter, the Homeowners' Association and/or the Condominium Trust shall bear such responsibility. The Applicant may collect fees from homeowners, as appropriate and as required in the Homeowners' Association and/or the Condominium Trust documents, for the maintenance of the infrastructure and other customary Homeowners' Association and/or the Condominium Trust fees.

102. No later than the submission of the initial building permit application, the Applicant must also submit an engineered easement plan showing all easements along with a narrative explaining how all Units will be served by such easements.

103. Not later than the date on which the first request for a building permit is filed, and before any building permit is issued, the Applicant shall file with the Board and all other relevant public agencies for review and for consistency with this Decision:

A. A copy of the request for a building permit, along with the required Form J under the local subdivision regulations. The building permit application must include a complete set of engineering drawings, plans and specifications ("Complete Plans") for use by contractors, inspectors, permit compliance officers and purchasers of the proposed dwelling units. These drawings, plans and specifications shall be stamped by a registered architect or professional engineer, as appropriate, licensed in the Commonwealth of Massachusetts. The Board shall review the complete plans for conformance with this Decision. The Building Department shall not issue a building permit until receipt of the Board's report that the Complete Plans conform to this Decision. The Applicant must also submit prior to initiation of each proposed construction phase a Resident Safety Plan that documents the safety measures that the Applicant will undertake to protect the safety of residents occupying units prior to the completion of all construction. The Resident Safety Plan shall be reviewed and approved by the Board and must be updated as needed and as requested by the Board.

B. A copy of site layout plans and profiles shown at scales considered adequate for review purposes, of all private roads and parking areas. The Board shall review the layouts and profiles for conformance with this Decision. The Building



Department shall not issue a building permit until receipt of the Board's report that there is conformance with this Decision. Roadway layouts shall include properly labeled horizontal and vertical curves and stationing. The location of these facilities shall be as identified in the above-noted layout plans.

C. A copy of site layout plans, and final and detailed architectural drawings (including plans and elevations) shown at scales considered adequate for review purposes, of all structures containing dwelling units as approved by this Decision, including interior floor plans, current and finished elevations, construction type and exterior finishes to the detail required for use as on-site construction drawings and/or to obtain a building permit in accordance with the State Building Code, whichever requirement is more detailed ("Structure Plans"). The Board shall review the Structure Plans for conformance with this Decision and so notify the Building Department. The Building Department shall not issue a building permit until receipt of an affirmative report from the Board. Housing plans for dwelling units shall also be submitted to the Building Department in accordance with the State Building Code.

D. The final and detailed utilities plans and profiles including properly labeled drainage components and all site utilities including electric, gas, water supply lines, wastewater disposal connections and appurtenances and dwelling unit connections thereto indicating that all utilities servicing this project shall be underground within the Locus of the Project and to the detail required for use as on-site construction drawings and/or to obtain a building permit in accordance with the State Building Code, whichever requirement is more detailed.

E. Submit to the Board plans and elevations of all proposed signs, including the entranceway sign, sufficient to determine their compliance with applicable Town Code provisions, and the design, size and location of any entrance or roadway intersection lighting. No sign waivers shall be granted.

#### CONDITIONS PRECEDENT TO BUILDING CONSTRUCTION

104. During construction, the Applicant shall conform to all local, state, and federal laws regarding noise, vibration, dust and the blocking of any roads. The Applicant shall at all times use all reasonable means to minimize inconvenience to residents in the general area, and shall take all necessary steps to prevent damage to or contamination of private wells during the course of construction and to prevent damage to any sewer infrastructure located within the Site. For this condition, construction activities shall include, but not be limited to: start-up of construction vehicles, equipment or machinery; fueling of construction vehicles, equipment or machinery; storage of construction vehicles, equipment or machinery on Site; delivery of building materials and supplies; removal of trees; grubbing; clearing; grading; filling; excavating; import or export of earth materials; installation of utilities both on and off the site; demolition of existing structures; removal of stumps and debris; and erection of new structures. The Applicant shall submit to the Board on a phase-by-phase basis as-built plans showing the buildings, roadways, sidewalks, driveway aprons, edge of pavement, and utilities. Said as-built

plans shall be submitted in a format satisfactory to the Building Inspector and be stamped by a licensed Massachusetts Professional Engineer. The Applicant shall also submit to the Zoning Board of Appeals digital copies of said as-built plans in a format acceptable to the Building Inspector.

105. Appropriate measures shall be taken during construction to prevent the tracking of material onto any public way. Any material tracked onto a public way shall be swept up and removed by the Applicant as necessary and as required by the Building Inspector.

106. The Applicant shall repair in a timely manner any damage to public roads adjacent to the Project that results from the construction and/or maintenance of the Project.

107. Parking for construction workers must be on-site and not on public ways. No construction vehicle parking shall be allowed on South Shore Road.

108. The Applicant shall implement dust control operations as necessary to comply at all times with applicable law, including without limitation MassDEP's Dust regulations at 310 CMR 7.09, as amended, as directed by the Building Inspector. Methods of controlling dust shall meet all applicable air pollutant standards as set forth by Federal and State regulatory agencies.

109. For each phase of the Project, prior to the start of construction of any building, roads to and within that phase of the Project which will have at least the first course of pavement, all hydrants in that phase of the Project will be operational, street signs will be in place and dwelling unit numbers will be provided at the building site to avoid conflict with building and lot numbers. Street names, house numbers, and building numbers for any fourplexes, shall be approved by the Nantucket Fire Department.

110. Prior to the commencement of any work at the Site, a split rail fence shall be installed to delineate the buffer zones and limit of work. An erosion control barrier, hay bales stacked end to end and siltation fence firmly anchored with six inches of soil, shall also be installed on the project side of the split rail fence. The erosion control barrier shall be inspected by the Board or its representative prior to work commencing on the site and shall be maintained until all disturbed areas have been stabilized to the satisfaction of the Board or its representative.

111. Limit of work construction fencing shall be installed in accordance with the final plan locations for the particular building lot.

#### CONDITIONS RELATING TO CONSTRUCTION

112. All dwelling units shall be built by the Applicant, and its agents or contractors over which it will exercise supervision and control and the acts of which it will be responsible, in accordance with this Permit and the Regulatory Agreement. No lots shall be sold to third-party builders. No vacant lots or lots containing partially completed buildings may be sold. No sales shall occur before issuance of certificate of occupancy. During construction, the name and mobile telephone number of the site manager or clerk of works employed by the Applicant shall

be filed with the Building Department, the Board, and the Nantucket Police Department, and such name and mobile telephone number shall be kept current.

113. At least forty-eight (48) hours prior to any initial site work, a pre-construction meeting shall be held with the Applicant, Applicant's contractor, a representative of the Board, its consulting engineer, and representatives of Town departments having a review interest in the plan. Said meeting shall be for the purpose of familiarization with the Project, the conditions of approval, and the Project's construction sequence and timetable.

114. Prior to commencement of construction of each applicable phase, the Applicant shall provide the Board: A) The name, address, email and business telephone number of the individual(s) responsible for all activities on site; B) A copy of a municipal lien certificate indicating that all taxes, assessments and charges due on the site have been paid; C) Proof that all required federal, state and local licenses and permits have been obtained.

115. During construction, the Applicant and its agents and employees shall conform to all local, state and federal laws regarding noise, vibration, dust and use of Town or County roads and utilities. The Applicant shall at all times use all reasonable means to minimize inconvenience to residents in the general area. Construction hours shall be limited Monday-Friday, 7:30 a.m. to 7:00 p.m.; Saturdays, 7:30 a.m. – 1:00 p.m. No construction or related activities on Sundays or legal holidays.

116. The Applicant shall submit to the Board, the Building Department and the Fire Chief, for review and final acknowledgment of consistency with this Decision, final and detailed scaled architectural drawings for all structures as approved by this Decision, including interior floor plans, current and finished elevations, construction type and exterior finishes to the detail required for use as on-site construction drawings and/or to obtain a building permit in accordance with the State Building Code, whichever requirement is more detailed.

117. Stormwater management systems shall meet the design and performance requirements of the MassDEP's Stormwater Management Policy and Handbook, as revised, including requirements concerning Zone II areas.

118. Roadway design plans and construction details (inclusive with the final plans) with respect to interior ways shall be provided for approval by the Board. Except as otherwise provided by this Decision, roadway design and construction standards shall conform to the requirements of the Nantucket Planning Board subdivision rules and regulations. All proposed roadway and utility construction, grading and appurtenant work shall be described in complete detail to readily enable peer review and construction. A note shall be placed on each pertinent sheet of the plans stating that the Project is the subject of a comprehensive permit under G.L. c.40B, §§22-23, that the roads and ways within the Project in some cases may and in other cases may not, conform to the standards and requirements of the Nantucket subdivision rules and regulations. Sidewalks shall be provided as per approved plans and shall conform to the requirements of the subdivision rules and regulations. Complete development roadway profiles shall be provided for existing centerline and sideline grades, and proposed centerline grade. On

street parking shall be prohibited, except in those areas shown on the Comprehensive Permit Plans. Signage prohibiting parking shall be installed and maintained as required by the Town.

119. All utilities shall be underground, and shall conform to the private utility company's requirements.

120. Proposed underground utilities shall be shown in cross-section on the way, utilities plan and construction details shall be provided.

121. Normal water service pressure within the Project shall be a minimum thirty-five (35) psi under all conditions except fire flow. Available service pressure under peak water demand and fire flow conditions, including existing demands on the service pressure, shall be demonstrated to the Board's satisfaction by hydraulic modeling as required by the Fire Chief.

122. Water system design and construction shall meet the requirements, standards and regulations of the Wannacomet Water Department and the Massachusetts Department of Environmental Protection's guidelines and policies for public water supplies. Water system design is also subject to the aforementioned conditions concerning water service.

123. All stumps, brush, and other debris resulting from any clearing or grading shall be removed from the Locus. No stumps or other debris shall be buried or burned on the Locus.

124. A written submission shall be submitted to the Board describing all easements and covenants affecting the use of the subject site, referring to such covenants and location of such easements on a site plan. The Applicant shall also submit to the Board any written or recorded instruments granting or agreeing to such easements and covenants.

125. To ensure compliance with the terms and conditions of this Decision and any approval or order by any federal or state agency, the Applicant shall, no less than thirty (30) days prior to the request for a certificate of occupancies for any of the structures approved by this Decision, submit to the Board complete and detailed "As-Built Plans" of the roadway and associated infrastructure, as set forth in the Nantucket Planning Board subdivision rules and regulations and approved by the Board's consulting engineer together with a certification from a professional engineer or architect registered in the Commonwealth of Massachusetts that the Project's "As-Built Plan" complies in all substantive respects with this Decision and any other approval or order by any federal, state or local agency. Progress as-built plans may be submitted for the extent of roadway and associated infrastructure serving those dwellings for which certificates of occupancy are sought.

126. Temporary certificates of occupancy will not be permitted. The Fire Department will not sign the occupancy permit until all required fire prevention and detection systems are installed and operating, carbon monoxide detectors are installed and operating, street signs and house numbers are in place and all required inspections have been completed by the Fire Department.

127. Applicant must comply with all Zone II water protection requirements under the Town's Zoning Bylaw in addition to MassDEP regulations and requirements.

#### ADMINISTRATIVE

128. Within fourteen (14) days of receipt of a statement of costs incurred by the Town prior to the date of this Decision in connection with reviewing the application for a permit, the Applicant shall submit a certified check made payable to the Town of Nantucket in an amount to compensate the Town for such costs.

129. The Applicant shall pay the expenses incurred by the Board and Town in evaluating the plans required by this Decision and in monitoring and evaluating construction for this Project. These expenses shall be deducted from the special account established by the Town Treasurer for the Applicant. Prior to any clearing, grading or construction, the Applicant must pay to the Town, by certified check, \$30,000 as an advance deposit to cover at least a portion of these expenses. The Applicant will pay any additional costs to the Town as required. If at any time the amount of the advance deposit is reduced below \$5,000, Applicant, upon request, shall within five (5) business days pay to the Town an amount sufficient to increase the amount of the deposit to \$5,000, and if the Applicant fails to pay such amount within such period, all work on the Project shall cease until such amount has been paid. Any excess remaining at the completion of the Project will be returned to the Applicant.

130. Inspections and testing during the construction of ways and installation of utilities and the stormwater management system shall be conducted at the expense of the Applicant. The Board may appoint an agent to conduct such inspections.

131. The Applicant must post a performance guarantee for each phase of work to be undertaken, satisfactory and reviewed by the Board to be noted on the plan to ensure that any construction related damage to adjacent roads is repaired by the Applicant in a manner satisfactory to the Board. This performance guarantee is to be received by the Board prior to the commencement of any of the improvements approved in the plan and will be required until the Board decides that the Applicant has completed all of the improvements approved in the plan. The form of the performance guarantee, adequacy and/or amount may be varied from time to time by the Applicant subject to an agreement satisfactory to the Board and reviewed by the Board's counsel.

132. Recorded copies of all required legal documents (Homeowners Association documents, Statement of Conditions, Grant of Right of Enforcement, Grant of Easements for Utilities, Drainage, and Covenant) shall be presented to the Board prior to the release of the second lot from the Covenant and within six (6) months from the date of this decision (June 13, 2019).

133. The following aspects of the Project shall remain private and the Town and County of Nantucket shall not have any legal or financial responsibility for operation or maintenance of:

- a. Roadways, driveways or parking areas;
- b. Stormwater management systems and appurtenances;
- c. Snow plowing or removal;
- d. Landscaping;
- e. Trash disposal or pickup;
- f. Street lighting or other illumination;
- g. Maintenance requirements of easements, access and appurtenances associated with any of the above.

134. The water system shall be constructed by the Applicant and granted to the Town of Nantucket upon the Town's acceptance of the installed water main and appurtenances and all required testing results. Such acceptance shall not serve to constitute acceptance of the infrastructure contained in the preceding paragraph.

135. The Applicant shall be responsible for the installation, operation, and maintenance of all aspects of the Project, of all infrastructure and compliance with this Comprehensive Permit decision until all of the units in the development are constructed and sold. Thereafter, the Homeowners' Association and/or the Condominium Trust shall bear such responsibility. The Applicant may collect fees from homeowners, as appropriate and as defined in the Homeowners' Association and/or Condominium Trust documents for the maintenance of the infrastructure...

136. The Applicant shall complete construction within three (3) years from the date this Permit becomes final, unless such time shall be extended in writing by the Board for cause, not to be unreasonably withheld.

137. The fees for the engineering reviews and the Town's construction oversight shall be the obligation of the Applicant. Prior to the commencement of work by a particular consultant, the Applicant shall pay the estimated fees for the required work. No site disturbance or clearing shall commence until all past and estimated future fees are paid, including all fees owed the Board and the Town of Nantucket for peer review services completed pursuant to G.L. c.44, §53G.

138. The Applicant shall keep the site and the adjoining existing roadway area clean during construction. Upon completion of all work on the site and prior to As-Built approval, all debris and construction materials shall be removed and disposed of in accordance with state laws and regulations and the Board shall be notified in writing of the final disposition of the materials.

139. Construction, once commenced, shall progress through to completion as continuously and expeditiously as possible and in accordance with the construction sequence and timetable approved. No clear cutting of this Site is permitted. Only such clearing as necessary

to construct upon a particular lot, or section of Project infrastructure within the bounds thereof, is permitted, to occur contemporaneously with the construction. All other natural areas shall be maintained. A construction fence, restricting access to the Site from South Shore Road, shall be maintained at all times during the initial phase of construction. Once the first residential unit(s) are constructed and occupied, fencing shall be relocated as necessary to restrict access to areas subject to ongoing or future phases of construction.

140. Construction equipment shall not be parked or stored within one hundred (100) feet of any drainage channel, drainage inlet, or related area. Maintenance of construction equipment involving transfer of fluids and fuels shall be conducted in areas away from these areas. Contractor's on-site personnel shall immediately notify the Town of any hazardous material spill, regardless of size. Earth material stockpiles shall not be allowed adjacent to perimeter siltation barriers or drainage inlets or related areas. Long-term stockpiles over thirty (30) days shall be shaped, stabilized and circled by siltation fence and hay bales and shall be stabilized by temporary seeding, sheeting or netting.

141. Prior to beginning construction on any phase of the Project, the Applicant will submit to the Board for its approval a plan showing the location of all construction storage and stockpiling areas for that phase, together with details of the planned use of such areas.

142. All areas to be protected from encroachment from construction shall be marked on the ground as shown on the approved construction plans and these barriers shall be maintained by the Applicant throughout the construction phase of the Project. Prior to the initiation of each construction phase, Applicant shall provide for review and approval by the Building Inspector a proposed Safety Plan that documents how residents occupying units will be protected during the construction of future phases.

143. Excavation dewatering shall be in a workmanlike manner and such water shall be free of suspended solids before being discharged into a stormwater drainage system. This condition applies to all forms of dewatering including pumping and trenching.

#### CONDITIONS PRIOR TO ISSUANCE OF CERTIFICATE OF OCCUPANCY

144. The Applicant shall provide the Board with proof that an appropriate budget has been established and funded to maintain the systems, dwelling unit, ways and improvements in the Project consistent with that required by the subsidizing agency.

145. No building shall be occupied until the improvements specified in this Decision and set forth on the plans of records are constructed and installed so as to adequately serve said building or adequate security has been provided, acceptable to the Board, to ensure such completion. Any such performance guarantee shall be approved as to the amount and form by the Board.

146. The Applicant shall submit final architectural plans to the HDC Administrator, as the Board's designee, for review and approval whether the plans conform with the requirements of the Board's conditions concerning exterior architectural features and design.

147. Based upon the recommendations of the traffic consulting engineers during the course of the public hearing, concerning calculation of proportional traffic mitigation funds based upon the Project impact, the Applicant shall pay traffic mitigation funds to the Town in the amount of Two Hundred Thousand Dollars (\$200,000.00). Payment shall be made in full upon the issuance of the initial building permit.

148. The Applicant shall enter into the standard MassHousing Affordability Monitoring Agreement with MassHousing or with a monitoring agent approved by MassHousing prior to receiving the initial occupancy permit.

#### PERFORMANCE GUARANTEES

149. Prior to full surety release, satisfactory as-built plans shall be provided to the Board as required under the Nantucket Planning Board regulations.

150. All sureties shall contain the following provision: “The principal shall fully and satisfactorily observe and perform in accordance with the qualifications and time schedule set forth herein specified all the covenants, conditions, agreements, terms and provisions set forth in the Decision of the Nantucket Zoning Board of Appeals dated June 13, 2019.”

151. No building shall be occupied until the building utilities specified in this Decision and set forth on the plans of record are constructed and installed and available so as to adequately serve said building or surety provided by the Applicant, in the amount and form approved by the Board.

152. In determining the amount of any surety, the Board shall be guided by the following formula in setting the sum of the security:

- A. An estimate of the cost to complete the work that is satisfactory to the Board; plus
- B. A 50% margin of error; plus an appropriate rate of inflation over a 5-year period.

153. This Decision shall not substitute for compliance with the Subdivision Control Law, G.L. c.41, §81-L (et seq.), regarding the division of land into two or more lots.

154. The Board shall maintain jurisdiction to ensure compliance with all state and local rules and regulations applicable to subdivisions and related construction, bonding/surety, and recording requirements.

#### VII. DECISION ON WAIVERS

The Applicant has requested certain waivers from various rules, regulations and bylaws lawfully adopted by the Town’s regulatory agencies. The Board has endeavored to grant waivers



from those rules, regulations and bylaws only to the extent necessary to keep the Project from becoming uneconomic and so as, wherever possible, to minimize harm and disruption to the Locus and real property abutting the Locus. The Board's decision as to the waivers requested is found in Appendix C, attached hereto and incorporated by reference. To the extent a waiver has not been specifically granted with respect to any aspect of the Project, all other local requirements and regulations, as defined in 760 CMR 56.02, shall apply to the Project.

#### VIII. CONCLUSION

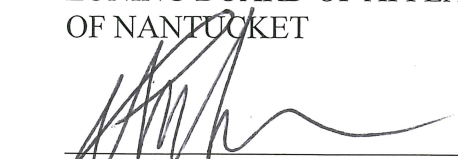
This Permit is granted with conditions, and was approved by the Nantucket Zoning Board of Appeals on a vote of 4-1 at a meeting of the Board on June 13, 2019. This Decision must be recorded at the Nantucket County Registry of Deeds.

Any person aggrieved by this Decision may file an appeal pursuant to the provisions of G.L. c.40A, §17. Such appeal must be filed within twenty (20) days of the filing of this Decision in the Office of the Town Clerk.

The Applicant has the right to appeal this Decision pursuant to the provisions of G.L. c.40B, §22. Copies of this Decision and notice thereof must be recorded by the Applicant at the Nantucket County Registry of Deeds and must bear the certification of the Town Clerk after twenty (20) days have elapsed and no appeal has been filed, or that if such appeal has been filed, that it has been dismissed or denied. A certified copy of said recording must thereafter be filed with the Zoning Board of Appeals.

**THIS IS A SIGNED FINAL DECISION VOTED BY THE ZONING BOARD OF APPEALS.  
SIGNATURES OF THE BOARD MEMBERS ARE ON THE FOLLOWING FINAL PAGE.**

ZONING BOARD OF APPEALS OF THE TOWN  
OF NANTUCKET

  
Edward Toole, Chairman

  
Susan McCarthy

  
Lisa Botticelli

  
Geoff Thayer

  
James Mondani

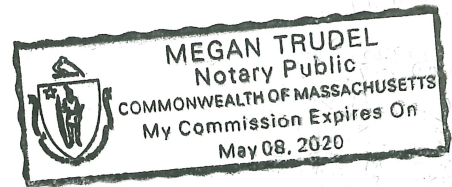
Dated: June 13, 2019

**COMMONWEALTH OF MASSACHUSETTS**

Nantucket, ss

On this 13<sup>th</sup> day of June 2019, before me, the undersigned Notary Public, personally appeared Edward Toole, Susan McCarthy, Lisa Botticelli, Geoff Thayer, and James Mondani proved to me through satisfactory evidence of identification, which was personal knowledge & driver's licenses, to be the persons whose names are signed on the preceding or attachment<sup>d</sup> document, and acknowledged to me that they signed it voluntarily for its stated purpose as members of the Zoning Board of Appeals of Nantucket, Massachusetts, as aforesaid.

  
Notary Public: Megan Trudel  
My Commission Expires: May 8, 2020



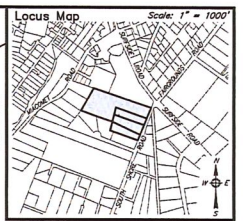
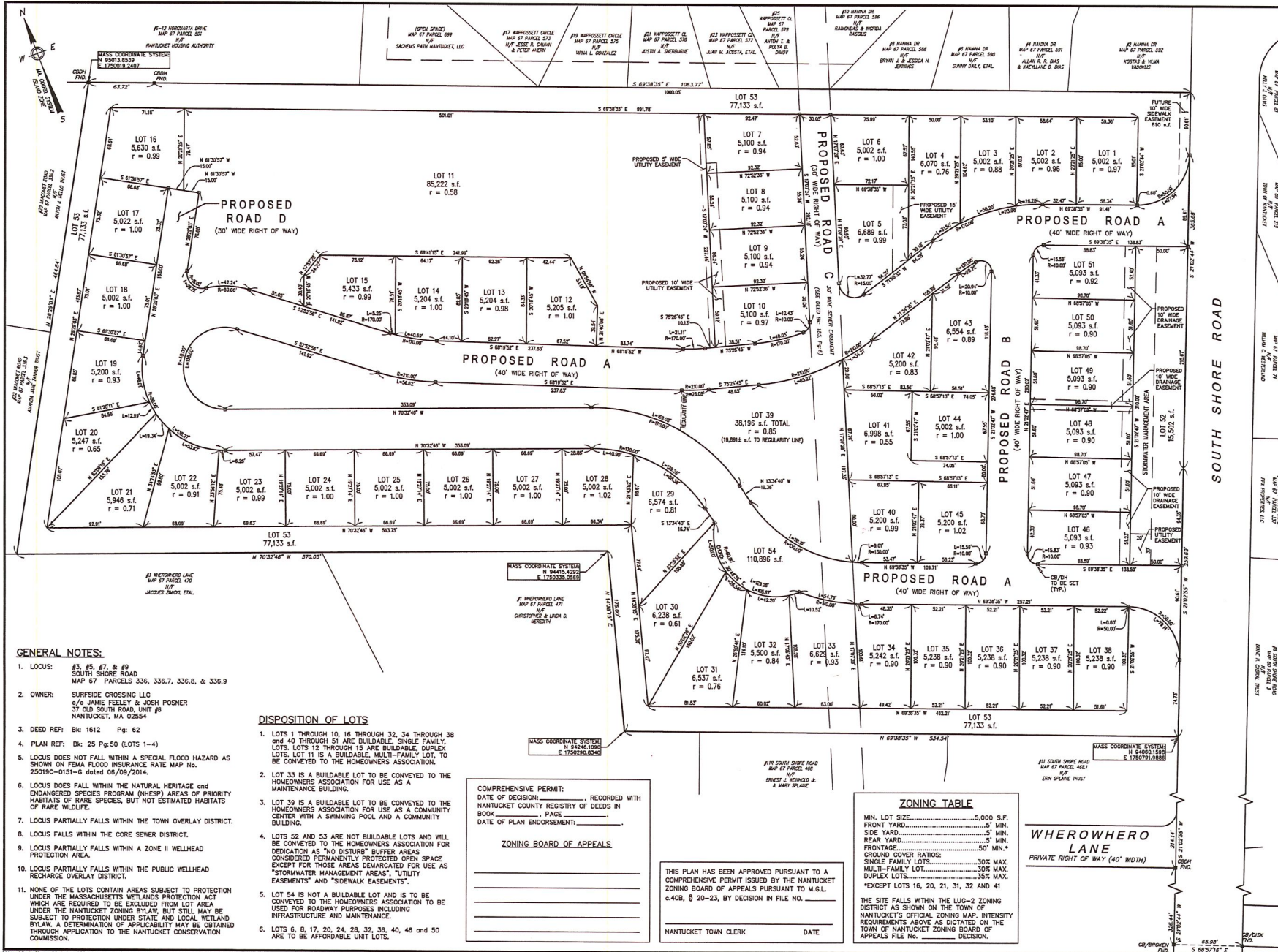
END OF DECISION

## APPENDIX A

### COMPREHENSIVE PERMIT PLANS

**submitted for 92-unit project**

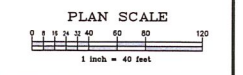
- **Engineering**
- **Landscaping**
- **Architectural** *as conditioned by the Zoning Board of Appeals during deliberations*



**RESERVED FOR REGISTRY USE**

I CERTIFY THAT THIS PLAN HAS BEEN PREPARED IN CONFORMANCE WITH THE RULES AND REGULATIONS OF THE REGISTRY OF DEEDS OF THE COMMONWEALTH OF MASSACHUSETTS.

ALAN M. GRADY, PLS  
 MASSACHUSETTS REG.  
 No. 37732



**GENERAL NOTES:**

- LOCUS: #3, #5, #7, & #9 SOUTH SHORE ROAD MAP 67 PARCELS 336, 336.7, 336.8 & 336.9
- OWNER: SURFSIDE CROSSING LLC c/o JAMIE FREELY & JOSH POSNER 37 OLD SOUTH ROAD, UNIT #8 NANTUCKET, MA 02554
- DEED REF: Bk: 1612 Pg: 62
- PLAN REF: Bk: 25 Pg: 50 (LOTS 1-4)
- LOCUS DOES NOT FALL WITHIN A SPECIAL FLOOD HAZARD AS SHOWN ON FEMA FLOOD INSURANCE RATE MAP NO. 25019C-0151-G dated 05/09/2014.
- LOCUS DOES FALL WITHIN THE NATURAL HERITAGE and ENDANGERED SPECIES PROGRAM (NHESP) AREAS OF PRIORITY HABITATS OF RARE SPECIES, BUT NOT ESTIMATED HABITATS OF RARE WILDLIFE.
- LOCUS PARTIALLY FALLS WITHIN THE TOWN OVERLAY DISTRICT.
- LOCUS FALLS WITHIN THE CORE SEWER DISTRICT.
- LOCUS PARTIALLY FALLS WITHIN A ZONE II WELLEDHEAD PROTECTION AREA.
- LOCUS PARTIALLY FALLS WITHIN THE PUBLIC WELLEDHEAD RECHARGE OVERLAY DISTRICT.

**DISPOSITION OF LOTS**

- LOTS 1 THROUGH 10, 16 THROUGH 32, 34 THROUGH 40 THROUGH 51 ARE BUILDABLE, SINGLE FAMILY. LOTS 12 THROUGH 15 ARE BUILDABLE DUPLEX LOTS. LOT 11 IS A BUILDABLE, MULTI-FAMILY LOT, TO BE CONVEYED TO THE HOMEOWNERS ASSOCIATION.
- LOT 33 IS A BUILDABLE LOT TO BE CONVEYED TO THE HOMEOWNERS ASSOCIATION FOR USE AS A MAINTENANCE BUILDING.
- LOT 39 IS A BUILDABLE LOT TO BE CONVEYED TO THE HOMEOWNERS ASSOCIATION FOR USE AS A COMMUNITY CENTER, WITH A SWIMMING POOL, AND A COMMUNITY BUILDING.
- LOTS 52 AND 53 ARE NOT BUILDABLE LOTS AND WILL BE CONVEYED TO THE HOMEOWNERS ASSOCIATION FOR DEDICATION AS "NO DISTURB" BUFFER AREAS CONSIDERED PERMANENTLY PROTECTED OPEN SPACE EXCEPT FOR THOSE AREAS DEMARCATED FOR USE AS "STORMWATER MANAGEMENT AREAS", "UTILITY EASEMENTS" AND "SIDEWALK EASEMENTS".
- LOT 54 IS NOT A BUILDABLE LOT AND IS TO BE CONVEYED TO THE HOMEOWNERS ASSOCIATION TO BE USED FOR ROADWAY PURPOSES INCLUDING INFRASTRUCTURE AND MAINTENANCE.
- LOTS 6, 8, 17, 20, 24, 28, 32, 36, 40, 46 AND 50 ARE TO BE AFFORDABLE UNIT LOTS.

COMPREHENSIVE PERMIT:  
 DATE OF DECISION: \_\_\_\_\_, RECORDED WITH NANTUCKET COUNTY REGISTRY OF DEEDS IN BOOK \_\_\_\_\_, PAGE \_\_\_\_\_  
 DATE OF PLAN ENDORSEMENT: \_\_\_\_\_

ZONING BOARD OF APPEALS

THIS PLAN HAS BEEN APPROVED PURSUANT TO A COMPREHENSIVE PERMIT ISSUED BY THE NANTUCKET ZONING BOARD OF APPEALS PURSUANT TO M.G.L. c.40B, § 20-23, BY DECISION IN FILE NO. \_\_\_\_\_

NANTUCKET TOWN CLERK \_\_\_\_\_ DATE \_\_\_\_\_

**ZONING TABLE**

MIN. LOT SIZE	5,000 S.F.
FRONT YARD	5' MIN.
SIDE YARD	5' MIN.
REAR YARD	5' MIN.
FRONTAGE	50' MIN.*
GROUND COVER RATIOS:	
SINGLE FAMILY LOTS	30% MAX.
MULTI-FAMILY LOT	30% MAX.
DUPLEX LOTS	35% MAX.
*EXCEPT LOTS 16, 20, 21, 31, 32 AND 41	

THE SITE FALLS WITHIN THE LUQ-2 ZONING DISTRICT AS SHOWN ON THE TOWN OF NANTUCKET'S OFFICIAL ZONING MAP. INTENSITY REQUIREMENTS ABOVE AS DICTATED ON THE TOWN OF NANTUCKET ZONING BOARD OF APPEALS FILE NO. \_\_\_\_\_ DECISION.

**WHEROWHERO LANE**  
 PRIVATE RIGHT OF WAY (40' WIDE)

Prepared By:

**BRACKEN ENGINEERING INC.**

49 HERRING POND ROAD  
 BEZARDON WAY, MA 02532  
 (tel) 603.833.0275  
 (fax) 603.833.2282

19 OLD SOUTH ROAD  
 NANTUCKET, MA 02554  
 (tel) 603.236.8544  
 (fax) 603.236.8544

www.brackeneng.com

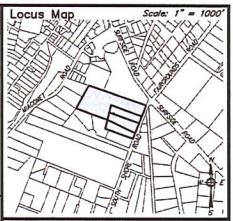
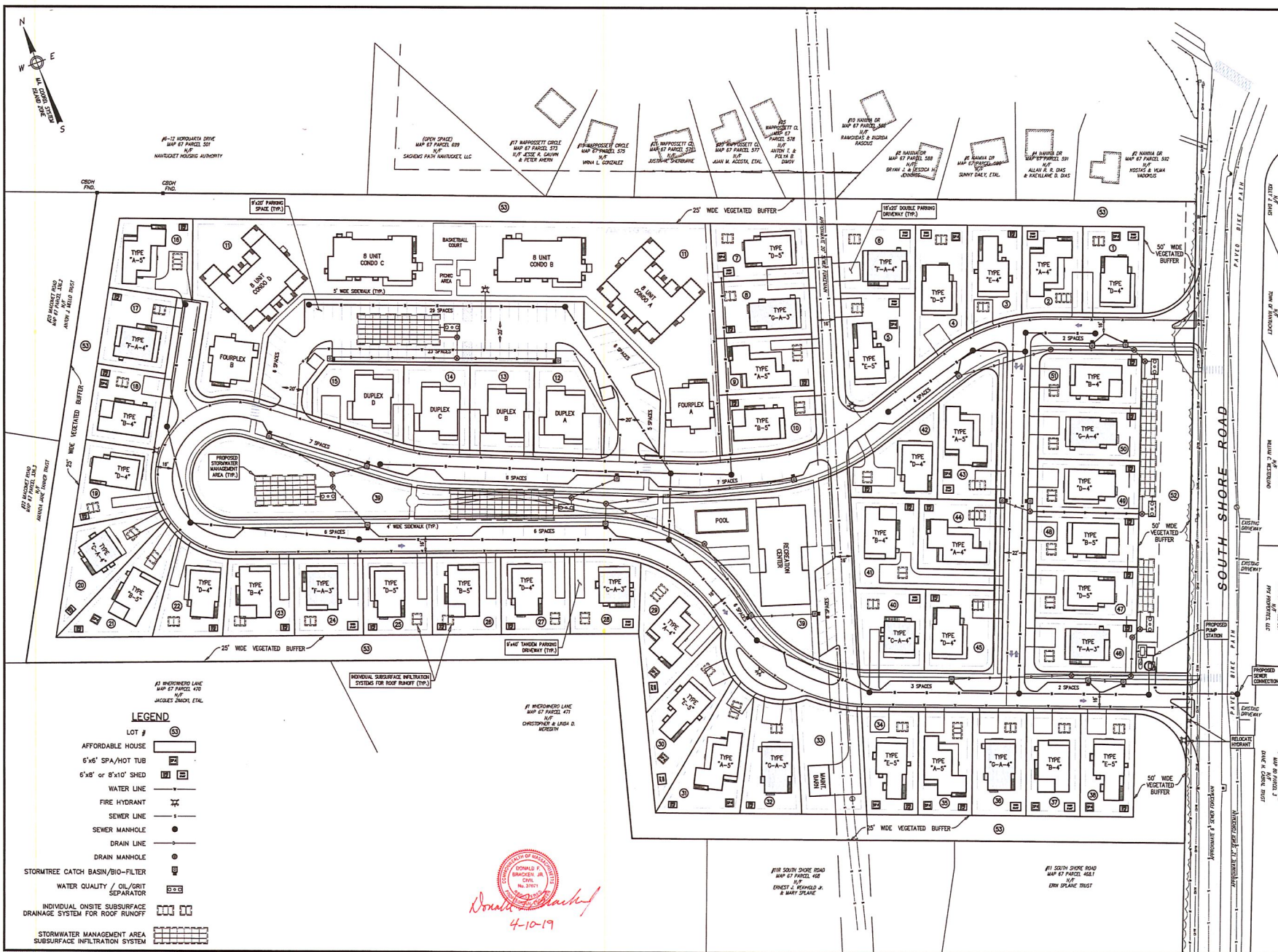
Sheet Title: **LOTING PLAN**

**"SURFSIDE CROSSING"**  
 A  
**PROPOSED 40B DEVELOPMENT**  
 IN NANTUCKET, MASSACHUSETTS

Prepared For:  
**SURFSIDE CROSSING, LLC**  
 #3, 5, 7 & 9 SOUTH SHORE ROAD  
 MAP 67 PARCELS 336, 336.7, 336.8 & 336.9

No.	Date	Revision Description	Checked	By
1	APRIL 10, 2019	RAW/ERC/BD/DPS/AUG		

ISSUED FOR PERMIT



- Notes**
- LOCUS: #3, #5, #7, & #9 SOUTH SHORE ROAD MAP #7 PARCELS 336, 336.7, 336.8, & 336.9
  - OWNER: SURFSIDE CROSSING LLC c/o JAMIE FIDLEY & JOSE POSNER 37 OLD SOUTH ROAD, UNIT #8 NANTUCKET, MA 02554
  - DEED REF: Bk: 1612 Pg: 62
  - PLAN REF: Bk: 25 Pg: 50 (LOTS 1-4)
  - SEE LANDSCAPE PLAN PREPARED BY WENHARTY/JAY ASSOCIATES, INC., DATED APRIL 10, 2019, FOR FURTHER DETAILS.

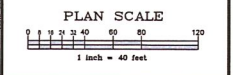
**PARKING SUMMARY**  
per §139-18

**REQUIRED PARKING:**

- 1 SPACE PER CONDOMINIUM BEDROOM: 84 BEDROOMS PROPOSED = 84 SPACES REQUIRED
- 2 SPACES PER SINGLE FAMILY DWELLING: 44 DWELLINGS PROPOSED = 88 SPACES REQUIRED
- 4 SPACES PER DUPLEX DWELLING: 4 DWELLINGS PROPOSED = 16 SPACES REQUIRED
- TOTAL REQUIRED PARKING: = 188 SPACES**

**PROVIDED PARKING:**

- 69 SPACES (CONDO AREA)
- 49 SPACES (OVERFLOW/ON-STREET)
- 8 SPACES (COMMUNITY BUILDING)
- 68 SPACES (INDIVIDUAL SINGLE FAMILY LOTS)
- 18 SPACES (INDIVIDUAL DUPLEX LOTS)
- TOTAL PROVIDED PARKING: = 230 SPACES**



Prepared By:  
**BRACKEN ENGINEERING INC.**  
49 HERBORG POND ROAD SUZANNAH BAY, MA 02554  
(508) 883.0270 (508) 883.2262  
(508) 883.0270 (508) 883.0244  
www.brackeneng.com

Sheet Title:  
**OVERALL SITE DEVELOPMENT PLAN**  
"SURFSIDE CROSSING"  
A  
PROPOSED 40B DEVELOPMENT IN NANTUCKET, MASSACHUSETTS  
Prepared For:  
**SURFSIDE CROSSING, LLC**  
#3, 5, 7 & 9 SOUTH SHORE ROAD  
MAP #7 PARCELS 336, 336.7, 336.8 & 336.9

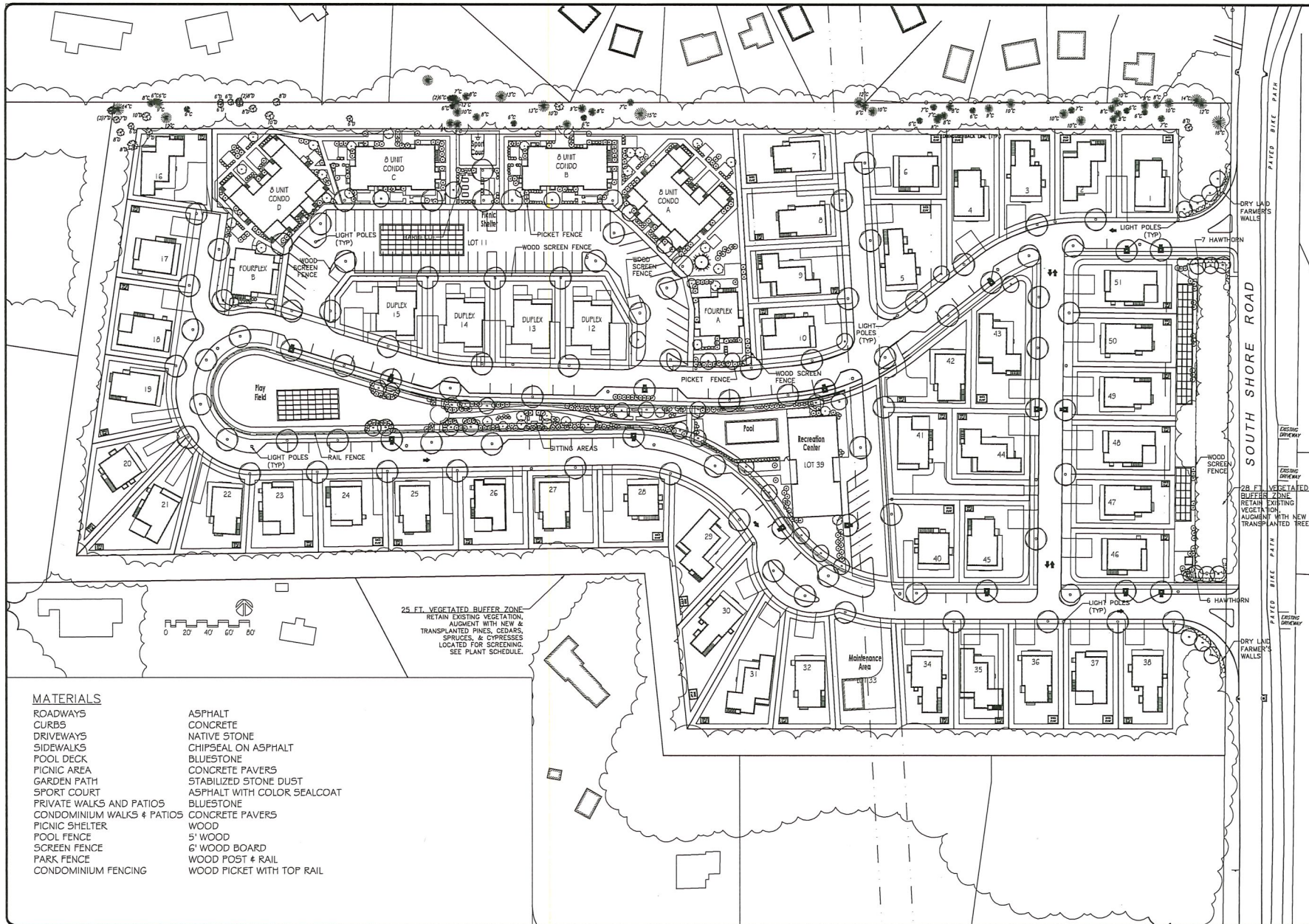
No.	Date	Revision Description	By
1	APRIL 10, 2019	RAM/ETC/REB/DTB/ANG	2 of 2

ISSUED FOR PERMIT

*Donald S. Bracken*  
4-10-19

- LEGEND**
- LOT #
  - AFFORDABLE HOUSE
  - 6" x 6" SPA/HOT TUB
  - 6'x8' or 8'x10' SHED
  - WATER LINE
  - FIRE HYDRANT
  - SEWER LINE
  - SEWER MANHOLE
  - DRAIN LINE
  - DRAIN MANHOLE
  - STORMTREE CATCH BASIN/BIO-FILTER
  - WATER QUALITY / OIL/GRIT SEPARATOR
  - INDIVIDUAL ONSITE SUBSURFACE DRAINAGE SYSTEM FOR ROOF RUNOFF
  - STORMWATER MANAGEMENT AREA SUBSURFACE INFILTRATION SYSTEM

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SURFSIDE CROSSING LLC  
 3, 5, 7 & 9 South Shore Road  
 Nantucket, MA 02554

WIMMAYRWAY ASSOCIATES, INC.  
 LANDSCAPE ARCHITECTS  
 750 Main St. Woburn, MA 02451  
 617-931-9233 [www.wimmayrway.com](http://www.wimmayrway.com)

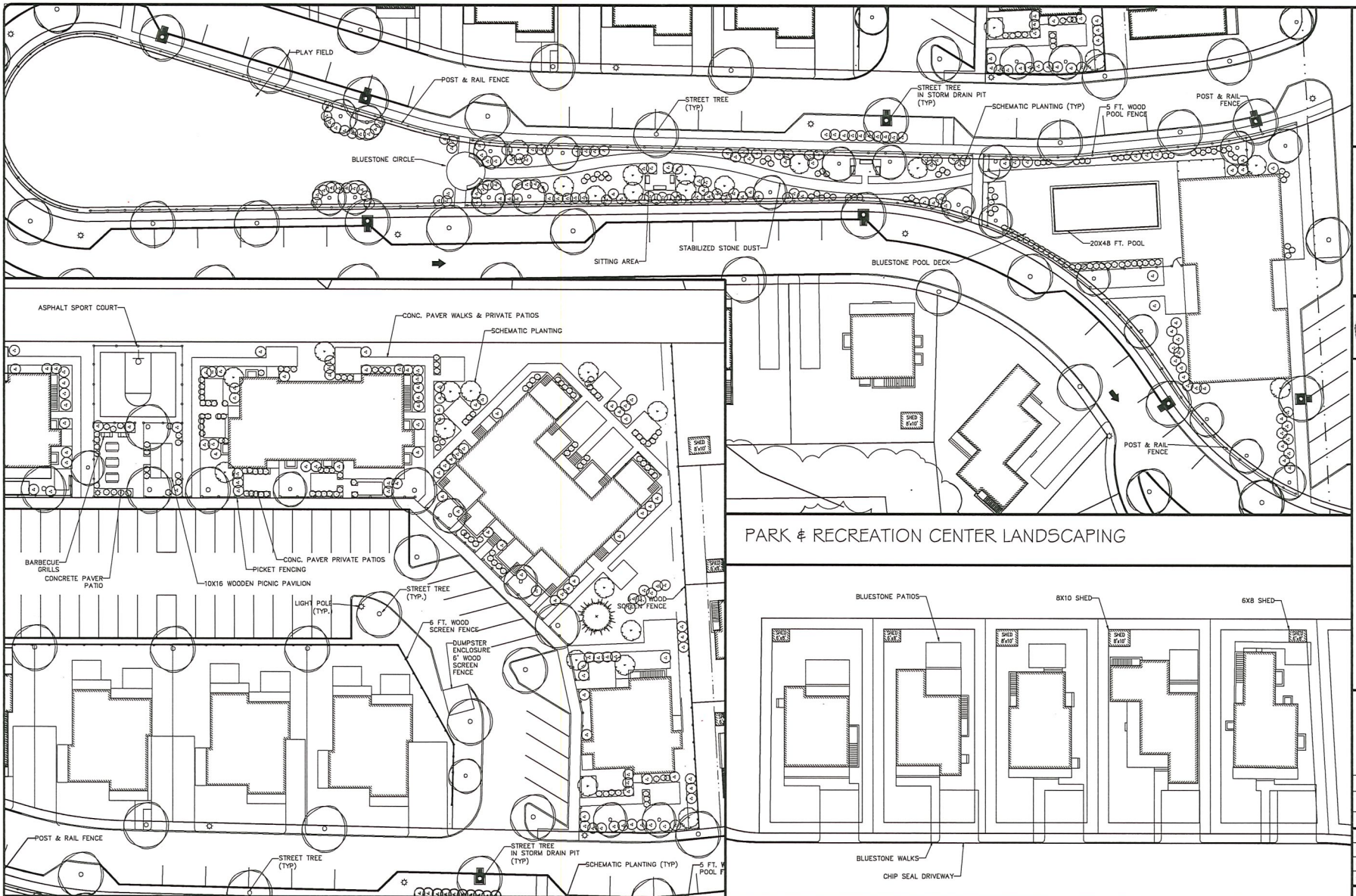


**LANDSCAPE PLAN**  
 Surfside Crossing

DATE:	April 01, 2012
DRAWN:	D.A.J.
CHECKED:	D.A.J.
SCALE:	1"=40'



DRAWING NO.



SURFSIDE CROSSING LLC  
 3, 5, 7 & 9 South Shore Road  
 Nantucket, MA 02554

WHIMMAYR ASSOCIATES, INC.  
 LANDSCAPE ARCHITECTS  
 10000 N. Wilson, VA 22191  
 410-370-1111 | www.whimmayr.com

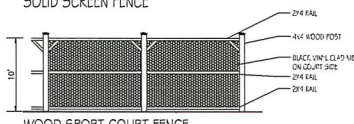
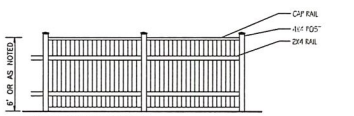
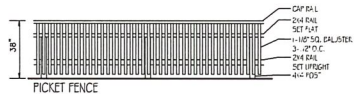


ENLARGED LANDSCAPE PLANS  
 Surfside Crossing

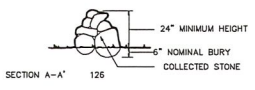
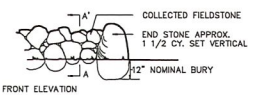
NO.	DATE	BY	REVISIONS
1			
2			
3			
4			
5			

DATE: 7/10/2019  
 DESIGN: D.A.I.  
 CHECKED: W.A.J.  
 SCALE: 1/8"=1'

L-2  
 GENERIC NO.



FENCE DETAILS



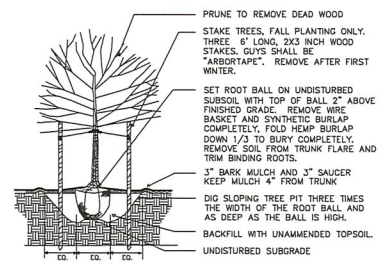
FARMER'S FIELD STONE WALL

PLANTING NOTES

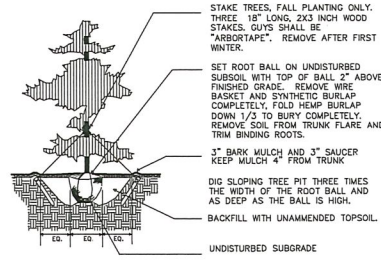
- STANDARDS: ALL PLANT MATERIALS SHALL CONFORM TO AMERICAN NURSERYMAN STANDARDS FOR NURSERY STOCK ANSI Z601-1-1990. ALL PLANTING AND SOIL SPECIFICATIONS ARE TO CONFORM TO THE MASSACHUSETTS HIGHWAY DEPARTMENT STANDARD SPECIFICATIONS FOR HIGHWAYS AND BRIDGES, LATEST EDITION.
- UTILITIES: CALL DIG SAFE PRIOR TO ANY DIGGING OR GRADING AT THE SITE. LANDSCAPE CONTRACTOR SHALL REVIEW ARCHITECTURAL/ENGINEERING PLANS TO BECOME THOROUGHLY FAMILIAR WITH SURFACE AND SUBSURFACE UTILITIES. LANDSCAPE CONTRACTOR IS TO COORDINATE HIS WORK WITH THE IRRIGATION AND LIGHTING CONTRACTORS.
- DAMAGE TO PROPERTY: THE LANDSCAPE CONTRACTOR SHALL BE RESPONSIBLE FOR ANY DAMAGE OR INJURY TO PERSONS OR PROPERTY WHICH MAY OCCUR AS A RESULT OF HIS NEGLIGENCE IN THE PROSECUTION OF THE WORK.
- COMPACTED SUBGRADE: SHALL BE TILLED PRIOR TO THE SPREADING OF LOAM. COMPACTED LOAM SHALL BE TILLED OR SCARIFIED PRIOR TO THE SPREADING OF SEED, LAYING OF SOD, OR PLANTING OF TREES AND SHRUBS. COMPACTED GRASS AREAS SHALL BE AERATED.
- DRAINAGE: THE LANDSCAPE CONTRACTOR SHALL INSURE BEFORE AND AFTER THE SPREADING OF LOAM THAT ALL AREAS WILL DRAIN. VISUALLY INSPECT THE SITE FOR EVIDENCE OF CLAY, COMPACTED SUBGRADE, PUDDLES AND WET AREAS. FLAT GROUND AND INSUFFICIENTLY PITCHED SWALES PRIOR TO SPREADING LOAM. INSURE THAT ALL WALKWAYS AND PAVED AREAS WILL DRAIN INTO ADJACENT LAWNS AND PLANT BEDS. ANY AREAS OF POOR DRAINAGE SHALL BE BROUGHT TO THE IMMEDIATE ATTENTION OF THE ENGINEER OR SITE CONTRACTOR WITH RECOMMENDATIONS.
- LOAM SHALL BE CLEAN, WELL DRAINED TOPSOIL, FREE OF TOXINS, CONTAINING A MINIMUM OF 10% ORGANIC MATTER, THOROUGHLY RAKED TO REMOVE STONES AND DEBRIS GREATER THAN 1". WHETHER FROM THE SITE OR IMPORTED, LOAM SHALL BE TESTED FOR PLANTING SUITABILITY (PH, ORGANIC MATTER, AVAILABLE PLANT NUTRIENTS, CN RATIO, BULK DENSITY, SOLUBLE SALTS, HEAVY METALS, ETC.). AT LEAST THREE TESTS SHALL BE TAKEN PER STOCKPILE FOR CONSISTENCY. IF SOIL IS FOUND TO BE DEFICIENT, CONTRACTOR SHALL PROVIDE A PROGRAM OF CORRECTIVE ACTIONS. COMPOST SHALL BE ADDED AND TILLED INTO THE SOIL AS NECESSARY TO BRING THE ORGANIC CONTENT TO 10% MIN. ALL PLANT BEDS SHALL HAVE A MINIMUM OF 1/2" OF LOAM. ALL LAWN AREAS SHALL HAVE A MINIMUM OF 6" OF LOAM.
- FINE GRADING: THE LANDSCAPE CONTRACTOR SHALL BE RESPONSIBLE FOR FINE GRADING OF LAWNS, BERMS, AND PLANT BEDS. INSURE THAT ALL SLOPES AND BERMS BLEND GENTLY INTO THE SURROUNDING GRADES.
- PLANT FITS SHALL BE THREE ROOT BALL DIAMETERS IN WIDTH, AND NO DEEPER THAN THE PLANT BALL. REMOVE SOIL FROM THE TOP OF THE ROOT BALL DOWN TO THE TRUNK FLARE BY LOOSENING THE BURLAP AND DIG PLANT FIT SUCH THAT ROOT FLARE IS 1" TO 2" INCHES ABOVE FINISHED GRADE.
- FILL HOLE WITH WATER IF POOR DRAINAGE IS SUSPECTED. IF PLANTING FIT DOES NOT DRAIN WITHIN 24 HOURS, CONTACT THE LANDSCAPE ARCHITECT.
- SET PLANT IN THE HOLE. CUT AWAY ALL VISIBLE ROPE AND BURLAP. REMOVE WIRE BASKETS. REMOVE SOIL FROM TOP OF ROOT BALL TO EXPOSE ROOT FLARE IF NECESSARY.
- BACKFILL HOLE WITH EXISTING SOIL. WHEN BACKFILLING IS HALF COMPLETE, FILL PIT WITH WATER AND ALLOW TO DRAIN TO REMOVE AIR POCKETS. COMPLETE BACKFILLING LEAVING THE ROOT FLARE EXPOSED.
- MIX MYCOR TREE SAVER INTO TOP 8" OF SOIL ADJACENT TO THE ROOT BALL AT THE RATE OF 1 PACKET PER CALIFER INCH OF TRUNK OR 1 PACKET PER FOOT OF ROOT BALL DIAMETER.
- BINDING ROOTS SHALL BE CUT CLEANLY FROM THE EXPOSED ROOT FLARE.
- WATER-FOLDING SAUCEUR SHALL BE BUILT UP AROUND THE PLANT FIT. FLOOD WITH WATER FOR 5 MINUTES IMMEDIATELY AFTER PLANTING.
- STAKES AND TREE WRAP: THE LANDSCAPE CONTRACTOR SHALL BE WHOLLY RESPONSIBLE FOR STABILITY AND PLUMB CONDITION OF ALL TREES AND SHRUBS AND SHALL BE RESPONSIBLE FOR ANY DAMAGE CAUSED BY INSTABILITY OF ANY PLANT MATERIALS. TREE STAKES SHALL BE INSTALLED IN WINDY AREAS AND WHEN EVERGREEN MATERIAL IS PLANTED IN THE FALL, TREE WRAP SHALL BE APPLIED TO THIN BARKED TREES AFTER PRELIMINARY ACCEPTANCE OF THE INSTALLATION. STAKES AND TREE WRAP SHALL BE REMOVED IN THE SPRING PRIOR TO FINAL ACCEPTANCE AND RELEASE OF THE GUARANTEE.
- COMPOST: IF MATERIAL IS PLANTED IN UNDISTURBED SOIL, SPREAD 1" TO 2" OF COMPOST OVER THE ENTIRE PLANT BED OR LAWN AREA. DO NOT FERTILIZE.
- MULCH: AREAS AROUND PROPOSED TREES AND SHRUBS AND ALL PLANT BEDS SHALL BE TREATED WITH 3" SHREDDLED BARK MULCH. TREES IN LAWN AREAS SHALL RECEIVE A 3 FT. DIA. CIRCULAR BED OF MULCH. CUT NEAT BED EDGE AND FULLY REMOVE ALL GRASS AND WEEDS PRIOR TO MULCH APPLICATION. DO NOT MULCH AGAINST TRUNKS AND STEMS.
- PRUNING: REMOVE ALL DEAD, BROKEN AND DAMAGED BRANCHES. PRUNE FOR SAFETY, SHAPE AND BALANCE.
- WATER PLANTS ONCE A DAY FOR THE FIRST WEEK AND ONCE A WEEK FOR THE FIRST PLANTING SEASON. WATER AT THE RATE OF FIVE GALLONS PER SHRUB AND 10 GALLONS PER TREE.
- GUARANTEE ALL PLANTS FOR ONE FULL YEAR FROM DATE OF ACCEPTANCE.

PLANT LIST

QTY.	SIZE	COMMON NAME	BOTANICAL NAME	COMMENTS
STREET TREES				
20	2.5-3"	Red Maple	<i>Acer rubrum</i>	
13	1.5-2"	Washington Hawthorn	<i>Ornolagus phoenopyrum</i>	
20	2.5-3"	Skyline Honeylocust	<i>Gleditsia triac. 'Skycole'</i>	
20	2.5-3"	London Planetree	<i>Platanus x acerifolia</i>	
20	2.5-3"	Red Oak	<i>Quercus rubra</i>	
18	2.5-3"	Valley Forge Elm	<i>Ulmus 'Valley Forge'</i>	
BUFFER PLANTING				
20	6-7'	Leyland Cypress	<i>Cupressus x Leylandii</i>	
13	8-10'	Leyland Cypress	<i>Cupressus x Leylandii</i>	
20	6-7'	Norway Spruce	<i>Picea abies</i>	
13	8-10'	Norway Spruce	<i>Picea abies</i>	
20	6-7'	Japanese Black Pine	<i>Pinus thunbergii</i>	
13	8-10'	Japanese Black Pine	<i>Pinus thunbergii</i>	
20		Transplanted Red Cedars & Pines, as available		



DECIDUOUS TREE PLANTING



EVERGREEN TREE PLANTING

SURFSIDE CROSSING LLC  
3, 5, 7 & 9 South Shore Road  
Nantucket, MA 02554

WEINMAYR ASSOCIATES, INC.  
LANDSCAPE ARCHITECTS  
783 Main St., Woburn, MA 02451  
617-237-7933 4418@weinmayr.com

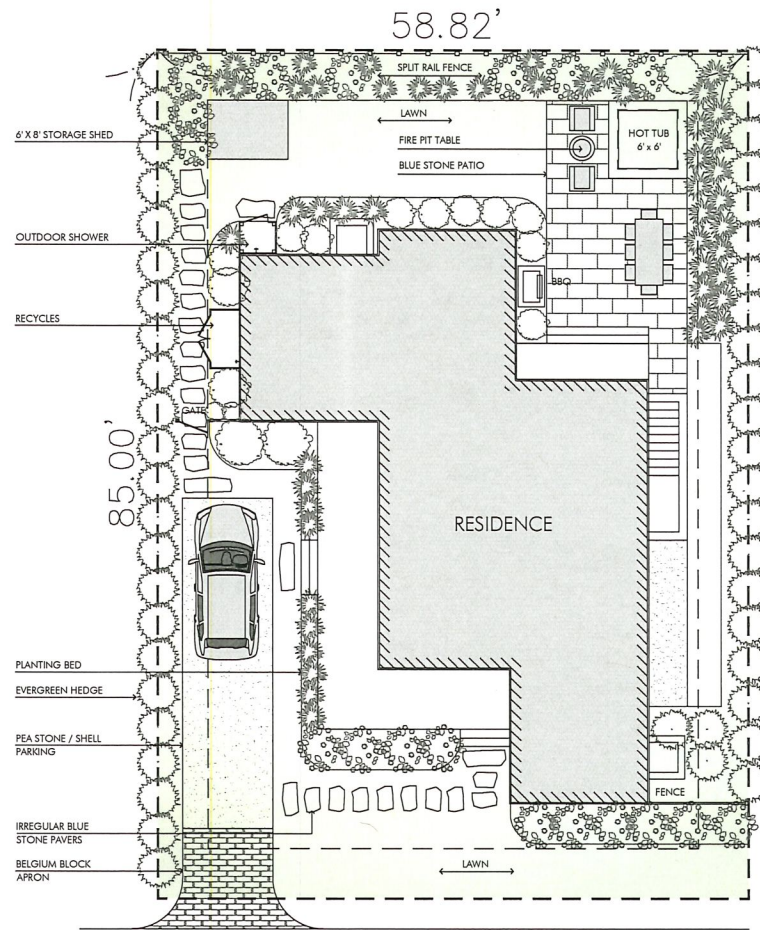


LANDSCAPE NOTES  
Surfside Crossing

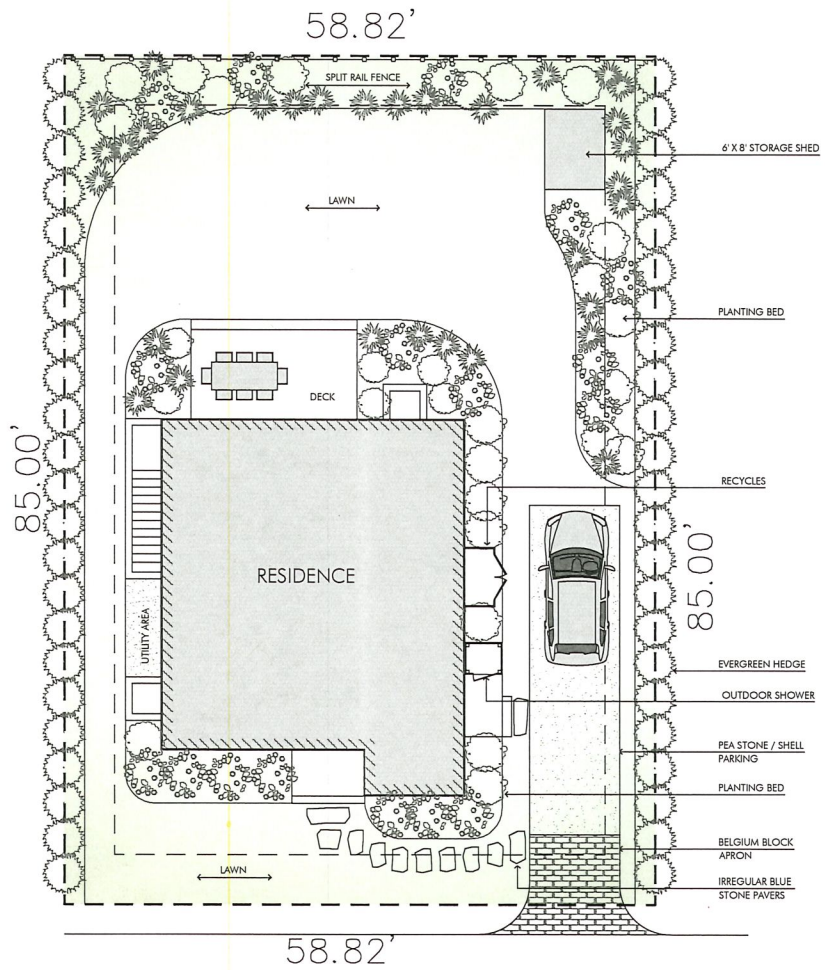
DATE:	April 01, 2018
DRAWN:	D.A.L.
CHECKED:	D.A.L.
SCALE:	AS SHOWN

L-3  
DRAWING NO.





CONCEPTUAL LANDSCAPE PLAN FOR INDIVIDUAL COTTAGE (1), Scale  $\frac{1}{8}'' = 1' - 0''$



CONCEPTUAL LANDSCAPE PLAN FOR INDIVIDUAL COTTAGE (2), Scale  $\frac{1}{8}" = 1' - 0"$

**PROJECT**  
**SURFSIDE CROSSING**

3.5, 7 & 9  
 SOUTH SHORE RD  
 NANTUCKET MA 02554

**OWNER**  
 SURFSIDE CROSSING LLC

**ENGINEER / SURVEYOR**

BRACKEN ENGINEERING, INC  
 40 Harvey Field Road, Buzzard Bay MA 02532  
 T 508 322-6939

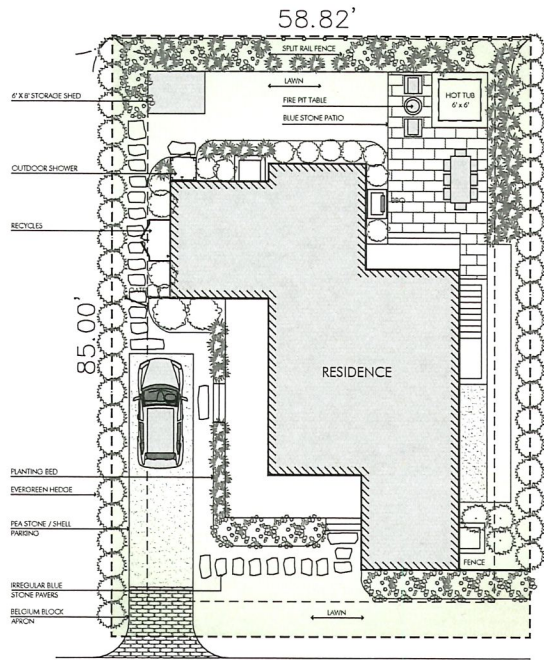
**CONCEPTUAL LANDSCAPE PLANS FOR INDIVIDUAL HOUSES**

**DRAWING INFO**

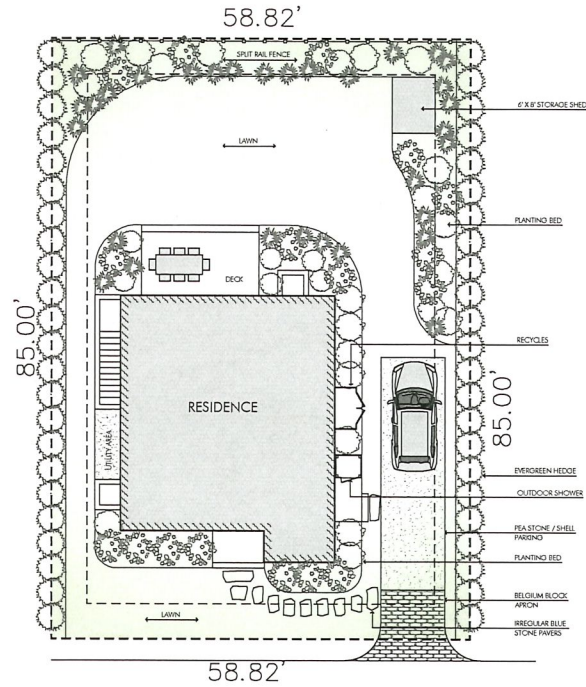
DATE: OCTOBER 26, 2018  
 SCALE: 1/8" = 1'-0"

**REVISIONS**


SHEET



CONCEPTUAL LANDSCAPE PLAN FOR INDIVIDUAL COTTAGE (1), Scale 1/8" = 1'-0"



CONCEPTUAL LANDSCAPE PLAN FOR INDIVIDUAL COTTAGE (2), Scale 1/8" = 1'-0"

**PLANTING SPECIFICATIONS**



CLUMP RED MAPLE    BOXWOOD    CLIMBING HYDRANGEA    HYDRANGEA    AMERICAN HOLLY    ARBORVITAE    DOGWOOD    MAIDEN GRASS    PRIVET    HAMMELN GRASS    BLUSHING KNOCKOUT ROSE    VIBURNUM

CERTIFICATE NO: \_\_\_\_\_

DATE ISSUED: \_\_\_\_\_

Application to the HISTORIC DISTRICT COMMISSION, Nantucket, Massachusetts, for a

### CERTIFICATE OF APPROPRIATENESS

for structural work.

All blanks must be filled in using BLUE OR BLACK INK (no pencil) or marked N/A.

**NOTE: It is strongly recommended that the applicant be familiar with the HDC guidelines, *Building with Nantucket in Mind*, prior to submittal of application. Please see other side for submittal requirements. Incomplete applications will not be reviewed by the HDC.**

This is a contractual agreement and must be filled out in ink. An application is hereby made for issuance of a Certificate of Appropriateness under Chapter 395 of the Acts and Resolves of Mass., 1970, for proposed work as described herein and on plans, drawings and photographs accompanying this application and made a part hereof by reference.

The certificate is valid for three years from date of issuance. No structure may differ from the approved application. Violation may impede issuance of Certificate of Occupancy.

#### PROPERTY DESCRIPTION

TAX MAP N°: \_\_\_\_\_ PARCEL N°: \_\_\_\_\_

Street & Number of Proposed Work: \_\_\_\_\_

Owner of record: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Contact Phone #: \_\_\_\_\_ E-mail: \_\_\_\_\_

#### AGENT INFORMATION (if applicable)

Name: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Contact Phone #: \_\_\_\_\_ E-mail: \_\_\_\_\_

#### FOR OFFICE USE ONLY

Date application received: \_\_\_\_\_ Fee Paid: \$ \_\_\_\_\_

Must be acted on by: \_\_\_\_\_

Extended to: \_\_\_\_\_

Approved: \_\_\_\_\_ Disapproved: \_\_\_\_\_

Chairman: \_\_\_\_\_

Member: \_\_\_\_\_

Member: \_\_\_\_\_

Member: \_\_\_\_\_

Member: \_\_\_\_\_

Notes - Comments - Restrictions - Conditions

#### DESCRIPTION OF WORK TO BE PERFORMED

See reverse for required documentation.

New Dwelling  Addition  Garage  Driveway/Apron  Commercial  Historical Renovation  Deck/Patio  Steps  Shed

Color Change  Fence  Gate  Hardscaping  Move Building  Demolition  Revisions to previous Cert. No. \_\_\_\_\_

Pool (Zoning District \_\_\_\_\_)  Roof  Other \_\_\_\_\_

Size of Structure or Addition: Length: \_\_\_\_\_ Sq. Footage 1st floor: \_\_\_\_\_ Decks/Patio: Size: \_\_\_\_\_  1st floor  2nd floor

Width: \_\_\_\_\_ Sq. Footage 2nd floor: \_\_\_\_\_ Size: \_\_\_\_\_  1st floor  2nd floor

Sq. Footage 3rd floor: \_\_\_\_\_

Difference between existing grade and proposed finish grade: North \_\_\_\_\_ South \_\_\_\_\_ East \_\_\_\_\_ West \_\_\_\_\_

Height of ridge above final finish grade: North \_\_\_\_\_ South \_\_\_\_\_ East \_\_\_\_\_ West \_\_\_\_\_

#### Additional Remarks

Historic Name: \_\_\_\_\_ REVISIONS\* 1. East Elevation

Original Date: \_\_\_\_\_ (describe) 2. South Elevation

Original Builder: \_\_\_\_\_ 3. West Elevation

Is there an HDC survey form for this building attached?  Yes  N/A 4. North Elevation

\*Cloud on drawings and submit photographs of existing elevations.

#### DETAIL OF WORK TO BE PERFORMED

Foundation: Height Exposed 8"  Block  Block Parged  Brick (type) \_\_\_\_\_  Poured Concrete  Piers

Masonry Chimney:  Block Parged  Brick (type) \_\_\_\_\_  Other \_\_\_\_\_ PARGED

Roof Pitch: Main Mass 1/12 Secondary Mass 1/12 Dormer 1/12 Other \_\_\_\_\_

Roofing material:  Asphalt:  3-Tab  Architectural

Wood (Type: Red Cedar, White Cedar, Shakes, etc.) \_\_\_\_\_

Skylights (flat only): Manufacturer N/A Rough Opening \_\_\_\_\_ Size \_\_\_\_\_ Location \_\_\_\_\_

Gutters:  Wood  Aluminum  Copper  Leaders (material) COPPER OR BRASS OUT & PAINTED

Leaders (material and size): \_\_\_\_\_

Sidewall:  White cedar shingles \_\_\_\_\_  Clapboard (exposure: \_\_\_\_\_ inches) Front  Side

Other \_\_\_\_\_

Trim: A. Wood  Pine  Redwood  Cedar  Other PAINTED MATERIAL UP TO CLIENT

B. Treatment  Paint  Natural to weather  Other UPGRADE

C. Dimensions: Fascia 1x6 Rake 1x6 Soffit (Overhang) PER PLANS Corner boards 1x6 Frieze \_\_\_\_\_

Window Casing 1x4 Door Frame 1x4 Columns/Posts: Round \_\_\_\_\_ Square

Windows\*:  Double Hung  Casement  All Wood  Other \_\_\_\_\_

True Divided Lights (muntins), single pane  SDL's (Simulated Divided Lights) Manufacturer \_\_\_\_\_

Doors\* (type and material):  TDL  SDL Front \_\_\_\_\_ Rear \_\_\_\_\_ Side \_\_\_\_\_

Garage Door(s): Type \_\_\_\_\_ Material \_\_\_\_\_

Hardscape materials: Driveways SEE LANDSCAPE PLANS Walkways \_\_\_\_\_ Walls \_\_\_\_\_

\* Note: Complete door and window schedules are required.

#### COLORS

Sidewall NATURAL Clapboard (if applicable) N/A Roof NATURAL

Trim ANY APPROVED COLORS Sash ANY APPROVED COLORS Doors ANY APPROVED COLORS

Deck NATURAL Foundation \_\_\_\_\_ Fence \_\_\_\_\_ Shutters \_\_\_\_\_

\* Attach manufacturer's color samples if color is not from HDC approval list.

I hereby authorize the agent named above to act on my behalf to make changes in the specifications or the plans contained in this application in order to bring the application into compliance with the HDC guidelines. I hereby agree to abide by and comply with the terms and conditions of this application. I hereby agree that the submission of any revisions to this application will initiate a new sixty-day review period.

*TYPICAL HDC FINISHES*

*PER SUBMITTED PLANS*

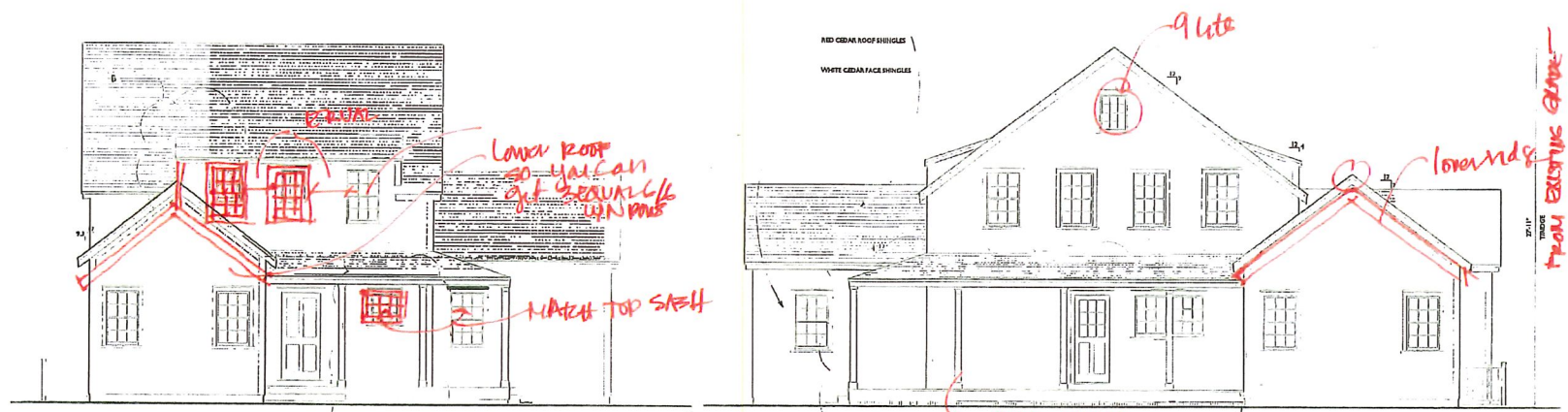
*NO CHANGE REQUESTED*

*PER PLANS NOW ANNOTATED BY ZBA*

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617 661 2550

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Nantucket MA 02554  
508 228 4342  
508 228 3428

- www.design-associates.com
- TYPICAL FOR ALL BUSES**
- GUTTERS NEED TO BE SHOWN
  - ADD SUB RAKE ON ALL GABLES.
  - ALL EXTERIOR TRIM DETAILS TO BE BUILT AS SHOWN IN THESE SURFSIDE DRAWINGS
- CROSSING**
- NO UTILITIES ON FRONT NANTUCKET, MA 02554 OF ANY STRUCTURE

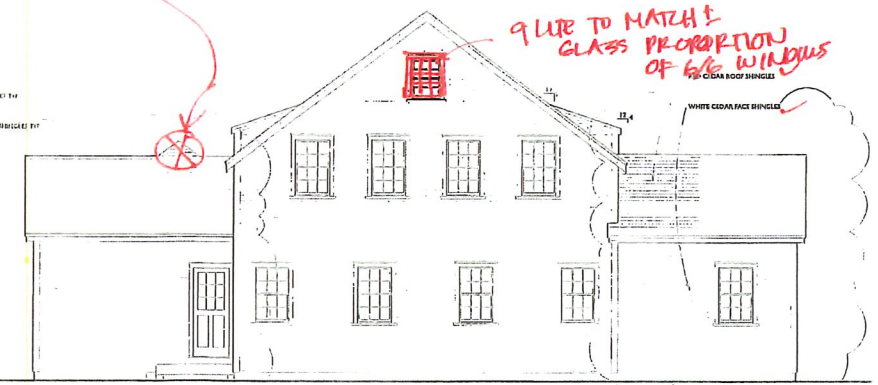


1 TYPE A-4 & A-5 FRONT ELEVATION  
Scale: 1/4" = 1'-0"

2 TYPE A-4 & A-5 LEFT ELEVATION  
Scale: 1/4" = 1'-0"



3 TYPE A-4 & A-5 REAR ELEVATION  
Scale: 1/4" = 1'-0"



4 TYPE A-4 & A-5 RIGHT ELEVATION  
Scale: 1/4" = 1'-0"

ELEVATIONS  
TYPE A-4 & A-5 - A2.0

MARK	DATE	REVISIONS
A	12/9/10	ISSUED 12/9/10 ZBA & 12/9/10 HDC
B	12/12/10	REV PER ZBA 12/05
C	12/13/10	ISSUED 12/13/10 HDC & 12/18/10 ZBA
D	12/14/10	ISSUED FOR 12/18/10 ZBA
E	4/1/11	FOR ZBA

Print Date: \_\_\_\_\_

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PLANNING  
HISTORIC PRESERVATION

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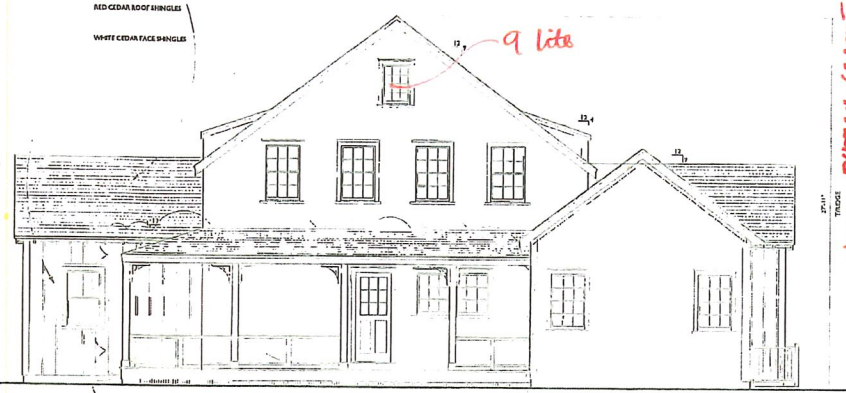
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7 TYPE A-4 & A-5 FRONT ELEVATION  
Scale: 1/4" = 1'-0"

NO BATTERY BOARD



8 TYPE A-4 & A-5 LEFT ELEVATION  
Scale: 1/4" = 1'-0"

AS SAME AS OTHER SHEET



6 TYPE A-4 & A-5 REAR ELEVATION  
Scale: 1/4" = 1'-0"

NO BATTERY BOARD



9 TYPE A-4 & A-5 RIGHT ELEVATION  
Scale: 1/4" = 1'-0"

EXPOSED RAFTERS  
POINT WORK WITH  
CUTTERS AS REQUIRED.

SURFSIDE CROSSING

NANTUCKET, MA 02554

MARK	DATE	REVISIONS
A	12/21/18	ISSUED 12/5/18 ZBA & 12/10/18 HDC
B	12/12/18	REV PER ZBA 12/05/18
C	12/13/18	ISSUED 12/13/18 HDC & 12/10/18 ZBA
D	12/14/18	ISSUED FOR 12/10/18 ZBA
E	4/11/19	FOR ZBA

Print Date:

TYPICAL NOTES FROM A-4 & A-5

ALTERNATE ELEVATIONS  
TYPE A-4 & A-5 - A2.1

ARCHITECTURE  
PLANNING  
HISTORIC PRESERVATION

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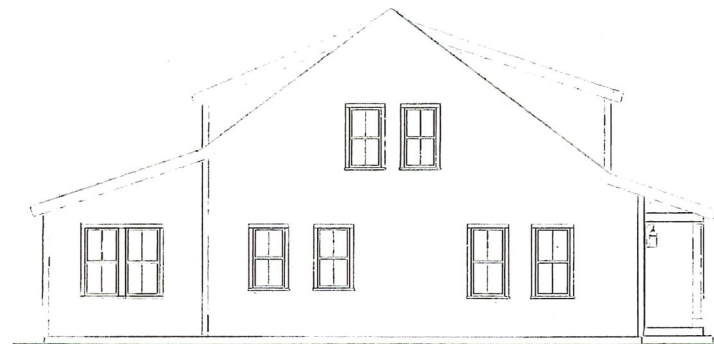
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(1) TYPE B-4 & B-5 FRONT ELEVATION  
Scale: 1/4" = 1'-0"



(2) TYPE B-4 & B-5 LEFT ELEVATION  
Scale: 1/4" = 1'-0"



(3) TYPE B-4 & B-5 REAR ELEVATION  
Scale: 1/4" = 1'-0"



(4) TYPE B-4 & B-5 RIGHT ELEVATION  
Scale: 1/4" = 1'-0"

## SURFSIDE CROSSING

NANTUCKET, MA 02554

MARK	DATE	REVISIONS
A	12/2/10	ISSUED 12/2/10 ZBA & 12/16/10 HDC
B	12/13/10	REV PER ZBA 1205
C	12/13/10	ISSUED 12/13/10 HDC & 12/18/10 ZBA
D	12/14/10	ISSUED FOR 12/18/10 ZBA
E	4/11/11	FOR ZBA

Print Date:

TYPICAL NOTES LISTED ON A-4 RATS

## ELEVATIONS TYPE B-4 & B-5 - A2.0

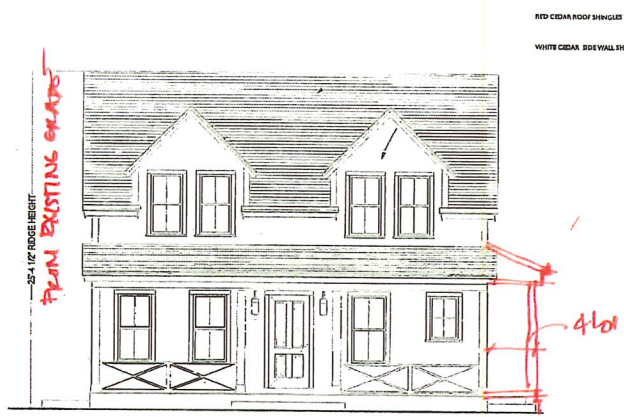
SURFSIDE CROSSING

NANTUCKET, MA 02554

MARK	DATE	REVISIONS
A	12/3/10	ISSUED 12/2/10 ZBA & 12/6/10 HDC
B	12/12/10	REV PER ZBA 12/05
C	12/13/10	ISSUED 12/13/10 HDC & 12/16/10 ZBA
D	12/14/10	ISSUED FOR 12/16/10 ZBA
E	4/11/19	FOR ZBA

Print Date:

\* TYPICAL NOTES

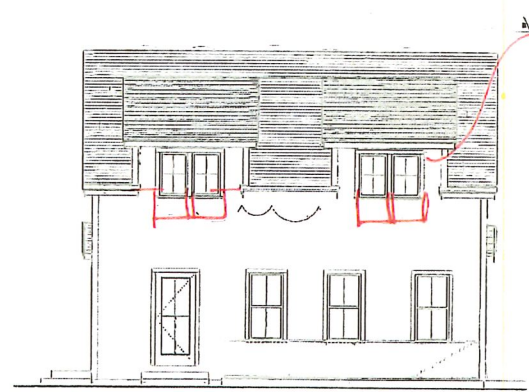


1 TYPE C-3 & C-4 FRONT ELEVATION  
Scale 1/4" = 1'-0"

RED CEDAR ROOF SHINGLES TYP.  
WHITE CEDAR SIDING SHINGLES TYP.

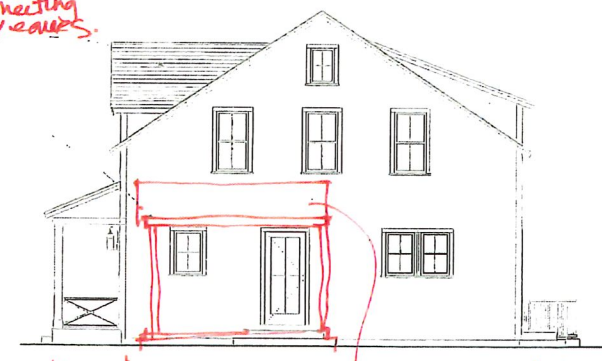


2 TYPE C-3 & C-4 LEFT ELEVATION  
Scale 1/4" = 1'-0"



3 TYPE C-3 & C-4 REAR ELEVATION  
Scale 1/4" = 1'-0"

RED CEDAR ROOF SHINGLES TYP.  
WHITE CEDAR SIDING SHINGLES TYP.



4 TYPE C-3 & C-4 RIGHT ELEVATION  
Scale 1/4" = 1'-0"

ELEVATIONS  
TYPE C-A-3 & C-A-4 - A2.0



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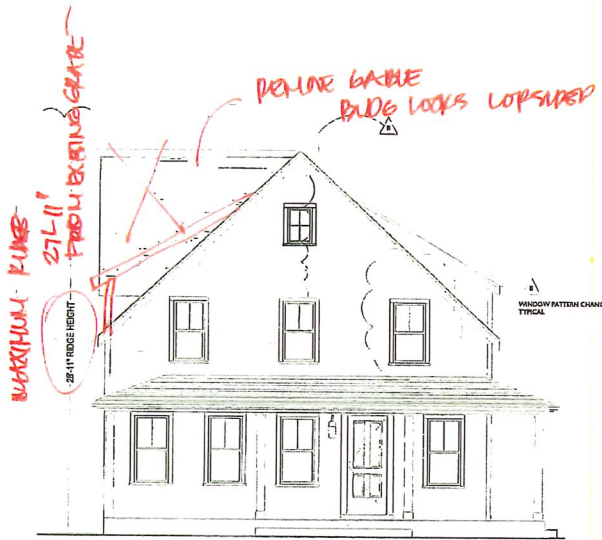
SURFSIDE  
CROSSING

NANTUCKET, MA 02554

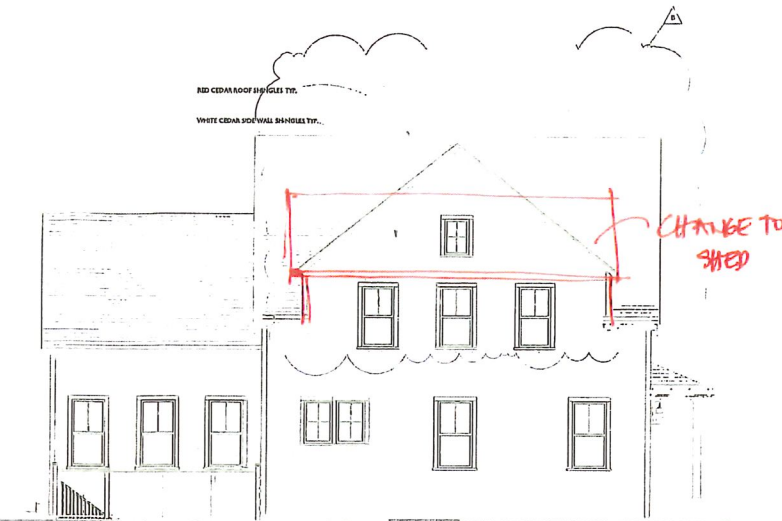
MARK	DATE	REVISIONS
A	12/7/18	ISSUED 12/5/18 ZBA & 12/6/18 HDC
B	12/12/18	REV PER ZBA 12/5/18
C	12/14/18	ISSUED FOR 12/18/18 ZBA
D	4/11/19	FOR ZBA

Print Date:

★ TYPICAL NOTES



1 TYPE D-4 & D-5 FRONT ELEVATION  
Scale 1/4" = 1'-0"



2 TYPE D-4 & D-5 LEFT ELEVATION  
Scale 1/4" = 1'-0"



3 TYPE D-4 & D-5 REAR ELEVATION  
Scale 1/4" = 1'-0"



4 TYPE D-4 & D-5 RIGHT ELEVATION  
Scale 1/4" = 1'-0"

ELEVATIONS  
TYPE D-4 & D-5 - A2.0

**SURFSIDE  
CROSSING**

NANTUCKET, MA 02554

MARK	DATE	REVISIONS
A	12/2/18	ISSUED 12/5/18 ZBA & 12/16/18 HDC
B	12/12/18	REV PER ZBA 1205
C	12/13/18	ISSUED 12/12/18 HDC & 12/18/18 ZBA
D	12/14/18	ISSUED FOR 12/18/18 ZBA
E	4/11/19	FOR ZBA

Print Date:

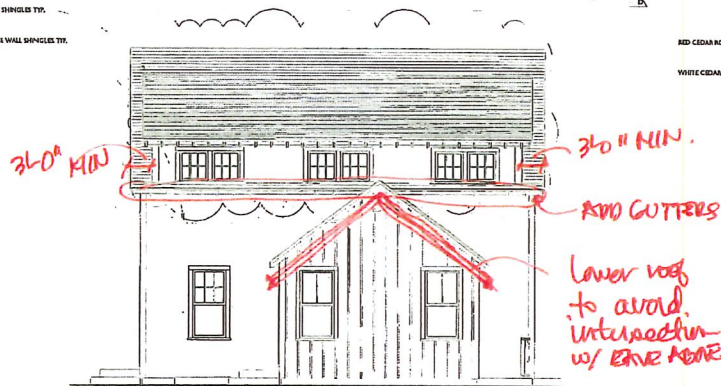


(1) TYPE E-4 & E-5 FRONT ELEVATION  
Scale: 1/4" = 1'-0"



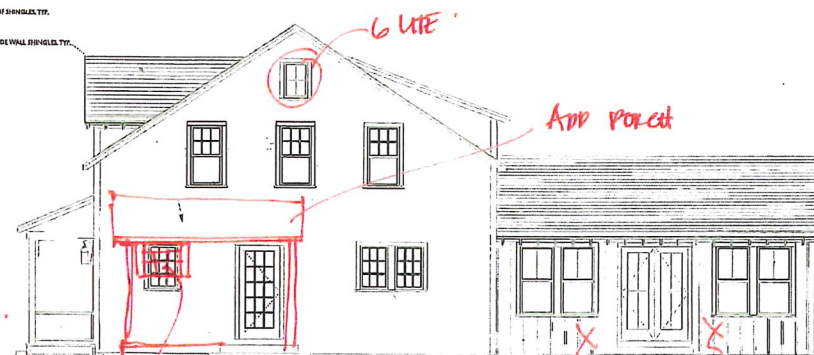
(2) TYPE E-4 & E-5 LEFT ELEVATION  
Scale: 1/4" = 1'-0"

RED CEDAR ROOF SHINGLES TYP.  
WHITE CEDAR SIDING WALL SHINGLES TYP.



(3) TYPE E-4 & E-5 REAR ELEVATION  
Scale: 1/4" = 1'-0"

RED CEDAR ROOF SHINGLES TYP.  
WHITE CEDAR SIDING WALL SHINGLES TYP.



(4) TYPE E-4 & E-5 RIGHT ELEVATION  
Scale: 1/4" = 1'-0"

★ TYPICAL NOTES

SURFSIDE CROSSING

NANTUCKET, MA 02554

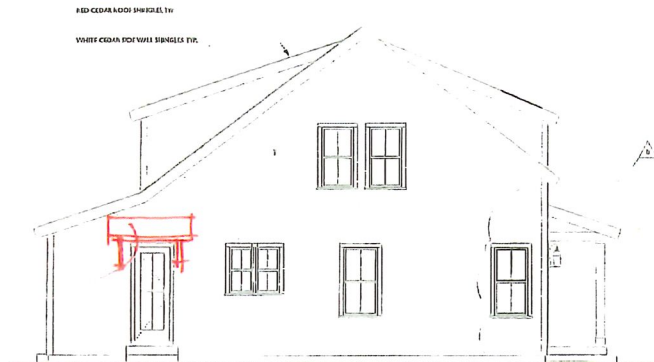
MARK	DATE	REVISIONS
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B	12/12/08	REV PER ZBA 12/05/08
C	12/14/08	ISSUED FOR 12/18/08 ZBA
D	4/11/19	FOR ZBA

Print Date:

\* TYPICAL NOTES



1 TYPE D-4 & D-5 FRONT ELEVATION  
Scale: 1/4" = 1'-0"



2 TYPE D-4 & D-5 LEFT ELEVATION  
Scale: 1/4" = 1'-0"



3 TYPE D-4 & D-5 REAR ELEVATION  
Scale: 1/4" = 1'-0"



4 TYPE D-4 & D-5 RIGHT ELEVATION  
Scale: 1/4" = 1'-0"

ELEVATIONS  
TYPE F-A-3 & F-A-4 - A2.0



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**SURFSIDE  
CROSSING**  
NANTUCKET, MA 02554

MARK	DATE	REVISIONS
A	12/2/18	ISSUED 12/5/18 ZBA & 12/6/18 HDC
B	12/12/18	REV PER ZBA 12/20/18
C	12/14/18	ISSUED FOR 12/18/18 ZBA
D	4/11/19	FOR ZBA

Print Date:

★ TYPICAL NOTES

ELEVATIONS

TYPE G-A-3 & G-A-4 - A2.0

28'-11" ROOF HEIGHT  
MAX OVER EASEMENT GRADE



1 TYPE G-A-3 & G-A-4 FRONT ELEVATION  
Scale: 1/4" = 1'-0"

REMOVE GABLE



2 TYPE G-A-3 & G-A-4 LEFT ELEVATION  
Scale: 1/4" = 1'-0"

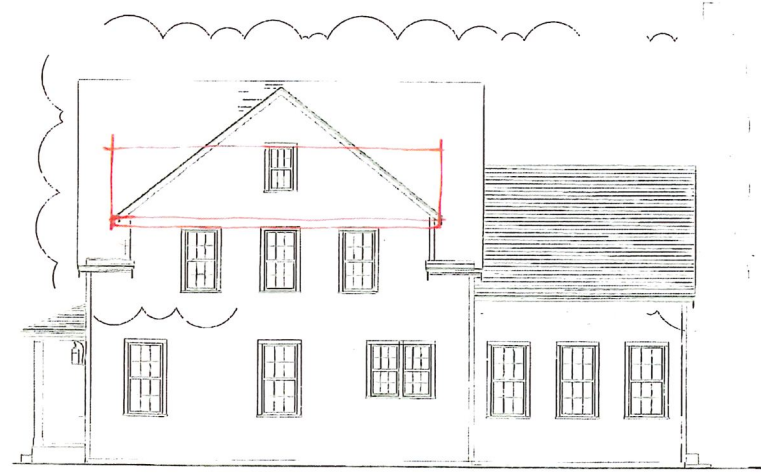
6'-0" MIN.  
FOR PORCHES



3 TYPE G-A-3 & G-A-4 REAR ELEVATION  
Scale: 1/4" = 1'-0"

4'-0" MINIMUM

MED CEDAR ROOF SHINGLES TY.  
WHITE CEDAR SIDE WALL SHINGLES TY.



4 TYPE G-A-3 & G-A-4 RIGHT ELEVATION  
Scale: 1/4" = 1'-0"

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1 FRONT ELEVATION  
Scale: 1/8" = 1'-0"



2 LEFT ELEVATION  
Scale: 1/8" = 1'-0"

FIBERGLASS OR WOOD  
GALVANIZED OR CORROX OR  
PAINTED.

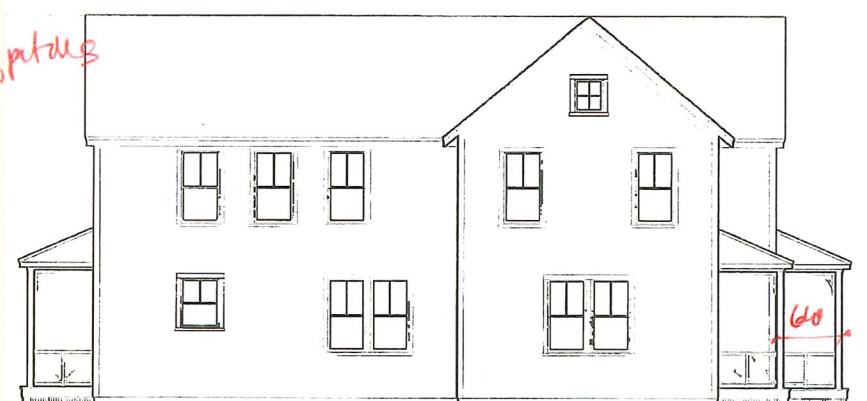
28' on passed.

+60'



3 REAR ELEVATION  
Scale: 1/8" = 1'-0"

wood  
Typical infill panels



4 RIGHT ELEVATION  
Scale: 1/8" = 1'-0"

+60'

SURFSIDE CROSSING

NANTUCKET, MA

DATE	REVISIONS
4/11/19	FOR ZBA HEARING

Print Date:

SEE TYPICALS AS LISTED IN A-4 & A-5 UNITS

ELEVATIONS - DUPLEX

ALL DUPLEXES ARE NEXT TO EACH OTHER STRUCTURES TO BE MODIFIED TO CREATE A VARIED STREET SCAPE.  
 - APPLICANT CAN USE A MIXTURE OF STRUCTURES / WINDOW TYPES  
 + historical reference to 1/12/19

ELEVATIONS

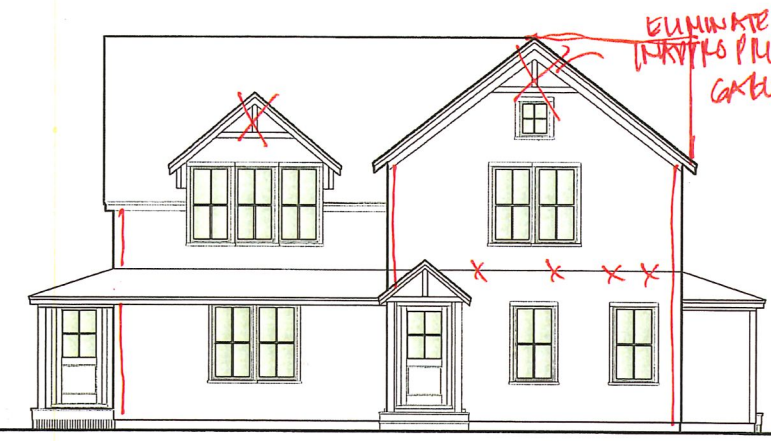
A 3

**SURFSIDE CROSSING**

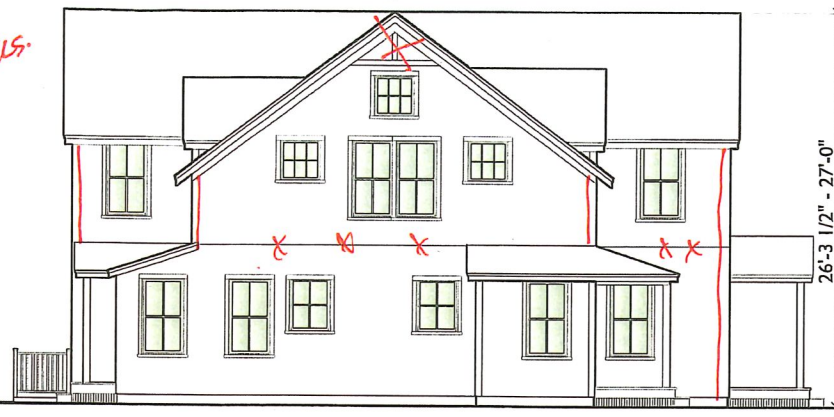
NANTUCKET, MA

DATE	REVISIONS
4/11/19	FOR ZBA HEARING

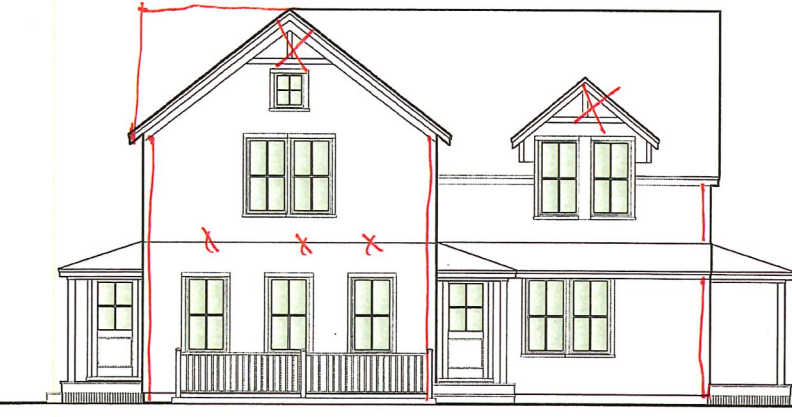
Print Date: \_\_\_\_\_



1 FRONT ELEVATION  
Scale: 1/8" = 1'-0"



2 LEFT ELEVATION  
Scale: 1/8" = 1'-0"



3 REAR ELEVATION  
Scale: 1/8" = 1'-0"



4 RIGHT ELEVATION  
Scale: 1/8" = 1'-0"

**FOURPLEX BUILDINGS A AND B**

ADD CORNER BOARDS.

EXTEND ROOF LINE TO BREAK UP LARGE UNINTERRUPTED PILES

\* TYPICAL NOTES LISTED ON A-4 & A-5

IF ALL FOUR PLEXES ARE ADJACENT TO EACH OTHER, STRUCTURES TO BE MODIFIED TO CREATE A VARIED STREET SCAPE - APPLICANT CAN USE MIRRORING OF STRUCTURES + EXTERIOR DETAILS AND MATERIALS.

ELEVATIONS

**A3**

SURFSIDE CROSSING

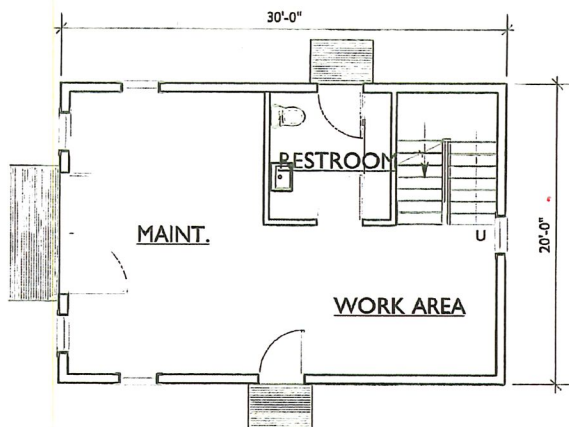
DATE	REVISIONS
4/11/19	FOR ZBA HEARING

Print Date:

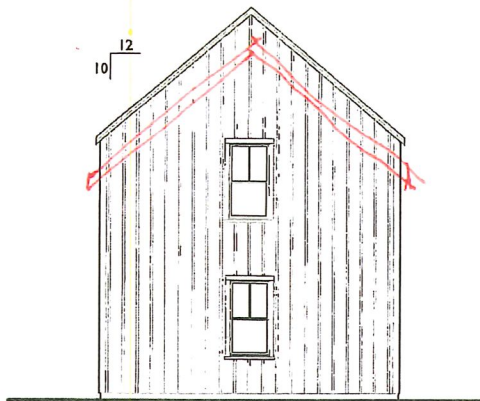
SEE ALL OTHER TYPICAL NOTES ON A-4+A-B-A.2.0

MAINTENANCE BARN

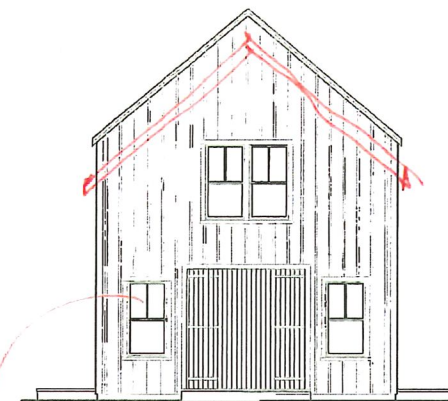
A-1.1



1 MAINTENANCE BARN GROUND PLAN  
Scale: 1/8" = 1'-0"

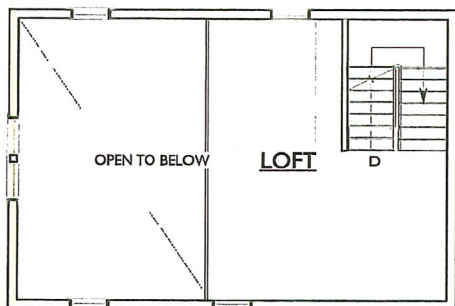


5 MAINTENANCE BARN REAR ELEVATION  
Scale: 1/4" = 1'-0"



6 MAINTENANCE BARN FRONT ELEVATION  
Scale: 1/4" = 1'-0"

WINDOWS MORE APPROPRIATE AS 6/6 OR 6/1  
NO SECOND FLOOR WINDOWS EXCEPT ON GABLE ENDS  
- ADD GUTTERS TO IMPROVE DRAINAGE SYSTEM



2 MAINTENANCE BARN LOFT PLAN  
Scale: 1/8" = 1'-0"

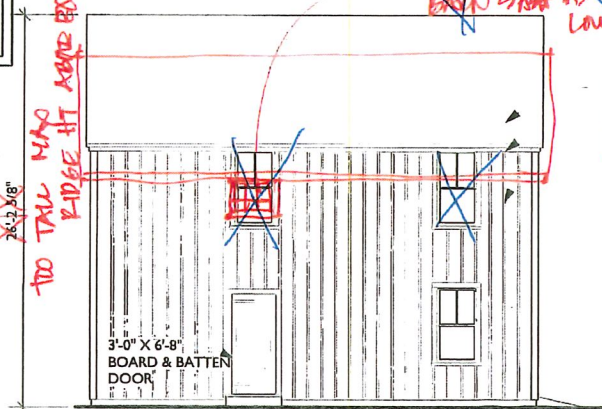
TOO TALL HAD TO ADD EXISTING CHAIR TO BE 23'-0"

24'-0" HIG

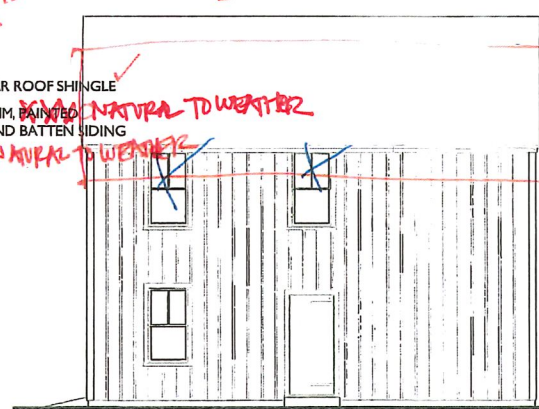
~~NUMBER 6 LIFE~~  
~~EXISTING CHAIR AS PLASTER IS LOWERED.~~

3'-0" X 6'-8" BOARD & BATTEN DOOR

RED CEDAR ROOF SHINGLE  
CEDAR TRIM, BOARD AND BATTEN SIDING  
PAINTED NATURAL TO WEATHER



3 MAINTENANCE BARN RIGHT ELEVATION  
Scale: 1/8" = 1'-0"



3 MAINTENANCE BARN LEFT ELEVATION  
Scale: 1/8" = 1'-0"





## APPENDIX B

### MATERIALS ASSEMBLED AND SUBMITTED DURING PUBLIC HEARING

1. Initial Application for Comprehensive Permit, filed April 12, 2018
2. Minutes from Coordinated Review on May 3, 2018
3. *Revised* Comprehensive Permit Plans (Lotting, Site Development, Layout, Drainage, Grading, Utility); prepared by Bracken Engineering, Inc., June 11, 2018
4. *Revised* Comprehensive Permit Plans – for 100 units; prepared by Bracken Engineering, Inc. October 24-25, 2018, November 21, 2018, & March 19, 2019
5. *Revised* Building / Architectural Plans – for 100 units; prepared by Design Associates, Inc.
6. Landscaping Plans; prepared by Ahern Landscape Design Studio, June 11, 2018
7. Lighting Plan; prepared by Light Insight Design Studio, submitted July 2018
8. Phasing Plans; prepared by Bracken Engineering, Inc., October 25, 2018
9. Hydrant Location plan; prepared by Bracken Engineering, Inc., November 21, 2018
10. Sewer System Description with two plan sheets; prepared by Bracken Engineering, Inc., December 10 & 12, 2018
11. Stormwater Report; prepared by Bracken Engineering, Inc., *revised* March 19, 2019
12. **VARIOUS** concept building, sketch site plans, and matrix / schedule charts prepared for discussion at multiple meetings by Design Associates, Inc. & Weinmayr / Jay Associates Inc. Landscape Architects – for 100 unit & 88 unit project
13. Waiver request chart, *revised* June 13, 2018
14. Waiver Comparison Worksheet for PH on October 30, 2018
15. Waiver Comparison Worksheet *revised* for PH on December 18, 2018
16. Waiver Request Chart, *revised* April 9, 2019 for final PH on April 11, 2019
17. Opinion re. Proposed Condominium Restrictions; Memo prepared by Krokidas & Bluestein on behalf of Surfside Crossing, LLC, March 21, 2019
18. **VARIOUS** PEER REVIEW AND INDEPENDENT STUDY REPORTS & LETTERS submitted by consultants to ZBA and Select Board from Haley & Ward, Inc. (water); Weston & Sampson, Inc. (Wastewater / Sewer); Chessia Consulting, Inc. (engineering/SPR); Tetra Tech (traffic); BETA Group (traffic); Avalon Consulting Group (endangered species/ environmental issues); Bristol Engineering Advisors, Inc. (Hydrogeologic Assessment/water quality)
19. **VARIOUS** Comment Letters submitted by Town Departments, Boards, Commissions

## APPENDIX B

### MATERIALS ASSEMBLED AND SUBMITTED DURING PUBLIC HEARING

20. **VARIOUS** Bracken responses to John Chessia's Report and recommendations
21. **VARIOUS** Letters & Memos from Surfside Crossing, LLC Proponents and Attorneys
22. **VARIOUS** PowerPoint Presentations prepared by Surfside Crossing, LLC team
23. Traffic Impact Assessments; prepared by MDM Transportation Consultants, Inc., dated February 16, 2018 and updated July 12, 2018
24. **VARIOUS** Traffic Impact materials and memos from MDM Transportation Consultants, Inc., on behalf of Surfside Crossing, LLC
25. **VARIOUS** Letters and Materials from LEC Environmental Consultants Inc. on behalf of Surfside Crossing, LLC re. endangered species
26. **VARIOUS** letters to/from MassHousing to/from Select Board and Surfside Crossing, LLC
27. Massachusetts Historical Commission Letters, February 2, 2018 & August 23, 2018
28. Archeological Survey & Management Report prepared for Surfside Crossing, LLC, by The Public Archaeology Laboratory, Inc., July 2018
29. **VARIOUS** Letters & Materials to/from Massachusetts Division of Fisheries & Wildlife
30. **VARIOUS** Letters & Materials submitted by residents and/or opponents to project
31. PowerPoint Presentation; prepared by John R. Coon, JD, PhD re. Water Quality and Quantity Concerns, on behalf of Nantucket Tipping Point, January 16, 2019
32. Memo from Stantec, sewer consultant for Surfside Crossing LLC, February 20, 2019
33. *Revised* Comprehensive Permit Plans (Lotting & Site Development) – for 92 units; prepared by Bracken Engineering, Inc. April 10, 2019 for final PH on April 11, 2019
34. Landscaping Plans (including Notes & Concepts) – for 92 units; prepared by Weinmayr / Jay Associates Inc. Landscape Architects, April 10, 2019 for final PH on April 11, 2019
35. Architectural Plans & Matrices – for 92 units; prepared by Design Associates, Inc., April 11, 2019 for final PH on April 11, 2019
36. Narrative Conceptual Description of Allocation of Common Charges to Each Housing Unit (for 100 units) for final PH on April 11, 2019
37. Executive Office of Energy and Environmental Affairs – Department of Fish and Game; Recommended Final Decision re. NHESP File No. 12-31035 (Take Determination for Surfside Crossing), April 24, 2019
38. Letter from Chief of Nantucket Fire Department, May 13, 2019

**APPENDIX C**  
**DECISION ON WAIVER REQUESTS**

<b>Zoning By-Law</b>	<b>Waiver Requested for 92 Unit Modification</b>	<b>Decision</b>
<p><b>Section 139-7. Use Chart; prohibited uses in all districts</b></p> <p><b>Section A Use chart</b> Section B (1) Prohibits more than two dwelling units per lot.</p> <p><b>Section 139-2. Definitions</b></p>	<p>Waiver requested, as necessary to allow for multi-unit residential condominiums, and a maintenance building for storage of homeowner association vehicles, equipment, and the like, and a waiver of §139-2. Definitions section of the by-law, to the extent said definitions are applicable to, and/or act to impose requirements upon such uses.</p>	<p>Granted, in part, to allow for duplex and fourplex and maintenance buildings only as specified in the Conditions of the Comprehensive Permit Decision, otherwise denied.</p>
<p><b>Section 139-16. Intensity Regulations</b></p> <p>LUG-2 requirements:</p> <ul style="list-style-type: none"> <li>• Min. Lot Size: 80,000 sf</li> <li>• Frontage: 150'</li> <li>• Front yard:35'</li> <li>• Side/Rear yard: 15'</li> <li>• Ground Cover Ratio: 4%</li> </ul>	<p>Allow minimum lot size of 5,000 square feet.</p> <p>Allow frontage of less than 50 ft. on six lots; remainder of lots to have at least 50 ft. of frontage</p> <p>Allow 5 ft. front yard setback</p> <p>Allow side/rear yard setbacks 5 ft.</p> <p>Allow ground cover ratio of 35% on duplex lots; all other lots ground cover ratio of 30%</p>	<p>Granted, in part, only as specified in the Conditions of the Comprehensive Permit Decision, otherwise denied.</p>
<p><b>Section 139-19 B. (1) &amp; D. Screening of Parking</b></p> <p>Parking areas of 20 cars or more require a 10' planting strip buffer.</p> <p>Relief through issuance of special permit.</p>	<p>Waive requirement, as applicable to condominium lot, for 10-foot-wide planting strip with at least one tree per parking space in parking lot with 20 or more spaces.</p>	<p>Denied.</p>

Zoning By-Law	Waiver Requested for 92 Unit Modification	Decision
<p><b>Section 139-20.1</b></p> <p>B. Driveway access to be approved Nantucket Department of Public Works.</p> <p>B. (1) Not more than one driveway access allowed on a lot.</p> <p>B(2)(g) On-site turnaround required in LUG-2</p>	<p>Waive requirement for approval of driveway access by Nantucket Department of Public Works for each driveway.</p> <p>Waiver requested to allow more than one driveway access on Lots 11, 13, 14, and 15</p> <p>Waiver requested</p>	<p>Denied.</p> <p>Denied.</p> <p>Denied.</p>
<p><b>Section 139-23. Site plan review (SPR)</b></p>	<p>Waiver from any requirements of this section.</p>	<p>Granted.</p>
<p><b>Section 139-26 Issuance of building and use permits.</b></p> <p>C (1). Certificate of appropriateness issued by the Nantucket Historic District Commission (HDC) required as part of the building permit application.</p> <p>I. No building permit shall be issued until fees are paid.</p>	<p>Waive requirement for Certificate of Appropriateness from Historic District Commission (HDC) for submission of building permit application.</p> <p>Waive building permit application fees for affordable units.</p>	<p>Granted only as to the Certificate of Appropriateness requirement, otherwise denied.</p> <p>Denied.</p>

Zoning By-Law	Waiver Requested for 92 Unit Modification	Decision
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<p><b>Section 139-28. Occupancy permits</b>            B. (2) Written certification required by the Nantucket Historic District Commission.</p>	<p>Waive requirement for certificate from HDC.</p>	<p>Denied. Applicant required to obtain written certification by Board, acting as the HDC.</p>
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**Town of Nantucket, Comprehensive Permit Chapter 40B Regulations**

Regulation	Waiver Requested for 92 Unit Modification	Decision
<p>Section 3.01(i)            States that applicant shall submit any and all copies of materials/applications filed with subsidizing agency – the application contains proforma, and pursuant to 760 CMR 56.05 (6) Board may request to review the pro forma or other financial statements for a Project only after “certain preconditions have been met.”</p>	<p>To the extent that such preconditions have not been met, to the extent legally necessary, a waiver is requested.</p>	<p>Denied.</p>

## MISCELLANEOUS WAIVERS

Regulation	Waiver Requested for 92 Unit Modification	Decision
<b>Nantucket Historic District Commission (HDC)</b>	Applicant requests a waiver from the applicability of the Nantucket Historic District Commission requirements, including the requirement of obtaining a Certificate of Appropriateness from the HDC	Granted as to Certificate of Appropriateness
	Applicant further requests all permits or approvals relating to Signs, Satellite Dishes and Rooflines as set forth in Nantucket Code Chapter 124 which are under the jurisdiction of the HDC, be issued by the ZBA as part of the Comprehensive Permit process	Granted, in part, as to HDC review, but denied as to the substantive requirements of Chapter 124.
<b>Board of Water and Sewer Commissioners/ Water Department and Sewer Department</b>	Applicant requests that any permits or approvals required to connect to the municipal sewer system and the municipal water system be granted by the Zoning Board of Appeals as part of the Comprehensive Permit, and that any requirements to apply to the Board of Water and Sewer Commissioners, the Water Department, and the Sewer Department (or any other board or commission related to the sewer or water system) be waived.	Granted, in part, only as specified in the Conditions of the Comprehensive Permit Decision.
<b>Nantucket Code Chapter 132/ Trees and Shrubs</b>	To the extent applicable, Applicant requests that any permits, approvals, or waivers arising thereunder be issued by the ZBA in connection with the Comprehensive Permit.	Granted, in part, as specified in the Conditions of the Comprehensive Permit Decision.

Regulation	Waiver Requested for 92 Unit Modification	Decision
<b>Nantucket Code Chapter 102/Outdoor Lighting</b>	Applicant intends to comply with same, but to the extent applicable, any waivers or permits arising thereunder be issued by the ZBA in connection with the Comprehensive Permit	Granted, in part, as to ZBA jurisdiction but Applicant must comply with Chapter 102.
<b>Nantucket Code Chapter 127</b>	To the extent that the construction of the Project may require issuance of a permit for opening of any public way, or any other matter requiring a permit under Nantucket Code Chapter 127, Applicant requests that the ZBA issue any such permit as part of the Comprehensive Permit	Granted.
<b>Board of Health Regulation 50.01 Definitions</b>	To the extent applicable, Applicant requests a waiver from the bedroom count provisions set forth in the definition of a "Bedroom"	Denied.

**RULES AND REGULATIONS GOVERNING THE SUBDIVISION OF LAND**

**NANTUCKET ISLAND, MASSACHUSETTS**

Subdivision control waivers (with reference to the applicable sections of the above):

Regulation	Waiver Requested	Decision
<b>§2.06a(2) Submission requirements</b>  Requirement for street network plan showing adjacent streets and misc. information.	Waive street network plan	Denied.

Regulation	Waiver Requested for 92 Unit Modification	Decision
<p><b>§2.06a(3) Submission requirements</b></p> <p><b>Requirement for executed Form B application</b></p>	Waive Form B application	Denied.
<p><b>§2.06a(6) Submission requirements</b></p> <p>Filing fee required of \$50 plus \$0.50 per linear foot of proposed roads.</p>	Waive filing fee.	Denied.
<p><b>§2.06a(8) Submission requirements</b></p> <p>A covenant or bond is required in accordance with 2.06f – performance guarantee.</p>	Waive proposed covenant or bond.	Denied.
<p><b>§2.06a(11) Submission requirements</b></p> <p>A Site Analysis report and map are required for definitive plan submissions.</p>	Waive site analysis report and map.	Denied.
<p><b>§2.06b(4) Submission requirements</b></p> <p>Current zoning information required on each sheet</p>	Waive placement of zoning information on plan.	Denied.



Regulation	Waiver Requested for 92 Unit Modification	Decision
<p><b>§2.06b(14) Submission requirements</b></p> <p>A landscape plan showing (a) location, size, and species of all proposed landscape plantings and (b) location and size of existing trees to be preserved.</p>	Waive location and size of trees to be preserved.	Denied.
<p><b>§2.06b(23) Submission requirements</b></p> <p>Plans shall contain notes relative to lot area compliance under zoning.</p>	Waive notes as to lot area requirements under zoning.	Denied.
<p><b>§2.06e Submission requirements</b></p> <p>Stake and brush cut centerline of road and lot corners at the road for viewing.</p>	Waive staking for viewing.	Denied.
<p><b>§3.01 Zoning</b></p> <p>All lots shown on the plan shall comply with area, frontage and other requirements of the Nantucket Zoning By-Law.</p>	Waive dimensional compliance with zoning by-law.	Granted, in part, but only to the extent allowed under the Conditions of the Comprehensive Permit Decision.
<p><b>§3.02 Public Open Spaces</b></p> <p>The Board in some cases shall require a park or parks</p>	Waive public open spaces.	Granted.

Regulation	Waiver Requested for 92 Unit Modification	Decision
<p><b>§3.05 Protection of Natural Features</b></p> <p>Due regard shall be shown for natural features.</p>	<p>Waive protection of natural features to the extent necessary.</p>	<p>Denied.</p>
<p><b>§3.06 One Dwelling Per Lot</b></p> <p>Not more than one dwelling per lot without the consent of the Planning Board.</p>	<p>Waive limitation to one dwelling per lot for condominium lot, and duplex lots</p>	<p>Granted, in part, but only as allowed under the Conditions of the Comprehensive Permit Decision.</p>
<p><b>§3.10 Street System</b></p> <p>Shall conform to the Master Plan, continuous in alignment with existing streets, provisions for proper projection of streets and designed for convenient access for normal traffic and emergency vehicles.</p>	<p>Waive street system provisions.</p>	<p>Denied.</p>
<p><b>§4.02 Roadway Layout and Parcel Perimeter Monuments</b></p> <p>Concrete monuments shall be installed at roadway points and lot corners.</p>	<p>Waiver requested as to roadway points and parcel monumentation</p>	<p>Denied.</p>

Regulation	Waiver Requested for 92 Unit Modification	Decision
<p><b>§4.03 Streets</b></p> <p>Secondary and minor street layouts shall be 40' wide.</p>	<p>Waive street width requirement to 30' for proposed minor roads</p>	<p>Denied.</p>
<p><b>§4.09 Shoulders</b></p> <p>4' shoulders required from outside treated road surface.</p>	<p>Waive roadway shoulders. Proposed sidewalk is adjacent to road.</p>	<p>Denied.</p>
<p><b>§4.16 Landscaping</b></p> <p>Specifies landscape plan requirements.</p>	<p>Waive requirements of planting new trees.</p>	<p>Denied.</p>
<p><b>§4.18 Sidewalks</b></p> <p>Specifies sidewalks installed both sides of roadway</p>	<p>Waive requirements.</p>	<p>Granted; Sidewalks not required on both sides, but must be provided on one side as shown on Comprehensive Permit Plans</p>
<p><b>§4.19 Bicycle Paths</b></p> <p>Bicycle paths shall be required.</p>	<p>Waive provision of bicycle paths, as sidewalks proposed on one side of the road</p>	<p>Granted.</p>
<p><b>§4.20 Street Lights</b></p> <p>Street lights are required as designated by the Planning Board</p>	<p>Waive street lights.</p>	<p>Granted.</p>