

**Summary of Comments from John Chessia, PE**  
**Chessia Consulting Services, LLC**  
**Surfside Crossing**  
**5-11-2023**

**ZBA Decision Conditions:**

ELIGIBILITY

1. Modified by the HAC to be limited to subject to the requirements of the subsidizing agency.
2. No Change.
3. No Change.

GENERAL CONDITIONS

4. No Change.
5. No Change.
6. Modified by the HAC Decision to allow transfer of the Permit as provided in the Regulations upon Notice to the Board.
7. No Change.
8. No Change.
9. No Change.
10. This reference would change to the current plans submitted in response to the HAC Decision listed as Exhibit 3 in the HAC documentation.
11. No Change.
12. No Change.

SITE SPECIFIC CONDITIONS

13. SINGLE FAMILY BUILDING REQUIREMENTS –

As the revised plans do not include any single family building lots this entire section is no longer applicable. The HAC Decision did strike the sections as identified by ~~strike through~~ below.

- 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–

This entire section was struck in the HAC Decision.

15. RECREATIONAL BUILDING REQUIREMENTS–

A. Maximum Ground Coverage = 1,000 square feet;

This was not struck by the HAC Decision. The Exhibit 3 Plans indicate a footprint of 3,912 square feet and the current Site Plan has a footprint of 3,975 square feet. This appears to be an issue remaining to be addressed on the plans.

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; Not struck, but differs on the plans as noted above.

C. No commercial kitchen/catering facilities;  
No Change.

D. For exclusive use of residents and guests, no outside rentals;  
No Change.

E. 8 parking spaces;  
Both Exhibit 3 and the current plans have 10 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  
Not applicable as there are no separate lots, the entire site would be one condominium lot.

G. Height/Exterior Architectural Design subject to final review and approval by the Board prior to issuance of a building permit.  
To be addressed with the Final Construction Plans.

16. POOL REQUIREMENTS–

A. No spa permitted;  
No Change.

~~B. Dimensions No greater than 20 feet by 48 feet as proposed by Applicant;~~  
The HAC Decision required that the pool be the same dimensions as indicated on Exhibit 3. The Site Plans satisfy this requirement.

C. Hours of Operation = 8 a.m. to dusk;  
No Change.

- D. For exclusive use of residents and guests; and  
No Change.
- E. Homeowners' Association and Condominium Association, as applicable, to handle internal governance issues not otherwise covered in this Permit.  
No Change.

17. LANDSCAPING/HARDSCAPING REQUIREMENTS

- A. Based on my review street trees meet requirements. There are 150 trees proposed, 7 of these are in the vicinity of the common area, the remainder (143) would be near an access drive or parking area.
- B. I have not been able to confirm the size complies with the Zoning Bylaw but 3" caliper is proposed for Street Trees.
- C. An appropriate professional should review the plans to determine that Native/Non-invasive plants only are proposed.
- D. Not applicable no single family units are proposed, the HAC struck ~~all walkways shall consist of bluestone;~~
- E. Struck by HAC
- F. Roadway, Sidewalks, and Curbing – The proposed roadways would be asphalt with sidewalks adjacent to the roadway having a dark gray chip seal finish. There are no brick walkways proposed. There are several areas with peastone chip seal walkways primarily internal walkways from sidewalks to units or to a pervious peastone walkway that would connect to specific doorways. Exhibit 3 plans included paved sidewalks and peastone internal walkways. This aspect will need to be clarified. The HAC struck. ~~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.*

Based on the HAC Decision, this was not struck. Since Exhibit 3 is the reference plan for the HAC Decision I note the following changes based on the plans:

Summary of Areas		
	Exhibit 3	Current Plans
Impervious-Semi Pervious	282,241 square feet	307,924 square feet
Unusable Open Space (perimeter buffer)	56,151 square feet	86,380 square feet
Usable Open Space	252,215 square feet	196,303 square feet
Total Vegetated Areas	308,366 square feet	282,683 square feet

Based on the above there are changes to the plans that would not be consistent with the Decisions as there is an increase in overall Impervious-Semi Pervious of 25,683 square feet. The associated drainage calculations should be updated to reflect the proposed conditions, if this is an acceptable increase in impervious area consistent with the HAC Decision.

19. LIGHTING REQUIREMENTS

- A. Street Poles prohibited; This requirement has been met.
- B. I defer review of compliance with Dark Sky requirements to the appropriate Town Official or Consultant.

20. BUFFER ZONES REQUIREMENTS –

Conditions A-D have been replaced by the HAC Decision as follows:

*“No- disturbance buffers shall be retained along the site perimeter. They shall be as shown on Exhibit 3 (Site Development Plans), sheets 3 and 4, that is, of a width of approximately ten to twenty-five feet, and greater along South Shore Road.”*

The Site Plans indicate a minimum perimeter buffer of 25 feet with a buffer of 40-50 feet along South Shore Road, except at proposed access and emergency access openings.

This requirement has been met by the plans.

- E. Minimal work is proposed in the buffer, which exceeds the dimensions required in the HAC Decision. I recommend that the Landscape Plans also note/list proposed plantings in the portions of the perimeter buffer to be restored or revegetated as indicated on the Site Plans.
- F. May not be applicable as no new trees are indicated on the Landscape Plans in the perimeter buffer area. Plantings in the buffer were not indicated on Exhibit 3.
- G. May not be applicable see above.
- H. If the buffer is impacted during construction the Board can require additional plantings, this was not struck.

21. PARKING/ROADWAY ACCESS REQUIREMENTS –

Struck

22. MAINTENANCE BUILDING REQUIREMENTS

Not applicable the maintenance building is no longer proposed.

- 23. Architectural Plans have not been provided to determine if gutters are proposed. I note gutters are required by this condition and would likely be necessary to convey roof runoff to the proposed infiltration systems.
- 24. Condominium documents are required to limit parking expansion beyond parking indicated on the plans. Exhibit 3 and the latest plans are consistent relative to parking.
- 25. This condition was struck except as applicable to all homes in Nantucket.
- 26. Struck.
- 27. This condition was struck except as applicable to all homes in Nantucket.
- 28. No engineering comment required, this condition discusses changes to the HOA and exterior features.
- 29. No engineering comment required. I note that the O&M Plan includes snow storage locations as required under DEP Stormwater Regulations.
- 30. No engineering comment required. It is unclear where trash will be stored as dumpsters are not identified on the plans. There would be no interior lot setbacks, this aspect would not apply.
- 31. No engineering comment required it is reported that all market and affordable units will have central air conditioning.
- 32. No individual lots are proposed the project would be all on one lot. The Site Plans indicate an increase in ground coverage compared to the Exhibit 3 Plans. See Conditions 18. above.
- 33. All local requirements concerning roadway construction shall apply. It is unclear if this section is applicable as there is no subdivision roadway. This requirement has been assumed to mean construction of the gravel and pavement cross section. The cross section exceeds requirements as 4 inches of bituminous pavement and 8 inches of gravel are proposed.

34. Refer to comment under Condition 19 regarding lighting.
35. No roadway right of ways are proposed in the current plan. The submittal data included a Memorandum from MDM Transportation Consultants Inc. dated March 11, 2020. This submittal also included Exhibits 1-3 indicating Fire Truck swept paths through the project site. I defer this issue to the Board's Transportation Engineer. The HAC Decision includes a discussion of issues that were raised regarding Fire Department access relative to Exhibit 3 that "...this is not a public safety concern sufficient to outweigh the regional need for affordable housing" (see page 34 of the HAC Decision) Comparing the two plans (Exhibit 3 and the current Site Plans) the access drive and parking layout are the same.
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. This aspect will require additional updated data to fully review and comment. At this time the Stormwater Report is based on the Exhibit 3 plans. There are changes in impervious area, buffer areas, etc. and the Report will need to be updated to reflect all of the changes. It is likely that a compliant plan can be developed but there are other design components such as the building plans and roof system designs that have not been submitted at this time. There are also calculation aspects that will also need to be addressed. Although it is anticipated that soils are likely suitable for the proposed systems the Regulations require testing at the specific location of each system. Refer to Appendix A for a list of comments on this and other associated Conditions regarding Stormwater.
37. All utilities are proposed to be installed underground as required.
38. There is an increase in impervious area proposed on the current plans compared to Exhibit 3. The Board will need to address this change.
39. This condition would be met based on my review of the HAC Decision, as the Applicant has filed with MEPA and an EIR is not required.
40. Soil testing remains to be completed.
41. Final Construction Plans have not been provided for review and approval by the Board. No subdivision roadways are proposed as it is now proposed as one condominium project.
42. No engineering comment required this condition discusses funding for inspection of construction.
43. A SWPPP has been submitted. If desired this will be reviewed under separate cover prior to construction.
44. The appropriate party should assess ADA requirements at the appropriate time.
45. Final Construction Plans and supporting calculations must be provided for final review and approval by the Board or its designee. This aspect remains to be addressed as final plans and calculations have not been submitted. Refer to Appendix A for comments regarding this condition and the Stormwater Design.
46. A SWPPP has been submitted. If desired this will be reviewed under separate cover prior to construction.
47. The submittal includes an O&M Plan and the Report includes an O&M description. I note the that following should be changed in the O&M:
  - Catch basin inspections should be **required** quarterly not just recommended.

- Oil/Grit Separator inspections are listed as quarterly in the Report and both quarterly and monthly on the Plan. DEP requires monthly inspections.
  - Subsurface systems should include the manufacturer's maintenance manual.
  - I recommend that the times for maintenance as listed in the O&M Inspection form be adjusted as it is uncommon to clean structures in the winter, the January and February time may be more appropriate in April and May or move one of the inspections/cleaning to November after most all of the leaves have fallen, i.e., two inspections in the spring and two in the fall although quarterly implies every three months.
48. A signed illicit discharge statement shall be submitted to the Board prior to any occupancy permits as required by this condition.

ADDITIONAL CONDITIONS CONCERNING FIRE PROTECTION AND RELATED SAFETY CONCERNS

Some of the Conditions below would not apply to the current design as the proposed pavement width is 24 feet and no designated on-street parking is proposed. Final review of the plans will need to satisfy the Fire Chief.

49. Satisfied, access roads are 24 feet wide.
- a. No on street parking is proposed, this may be an enforcement issue or require signage as determined by the Fire Chief.
  - b. Not applicable as all roadway widths are 24 no one-way roadways are proposed.
  - c. Not applicable as all roadway widths are 24 feet.
  - d. Not applicable as all roadway widths are 24 feet. No parking signage may be required by the Fire Chief.
  - e. Turning analysis plans have been provided. The Fire Chief should review these plans.
  - f. It is unclear if this requirement would apply as the HAC Decision on the revised roadway layout did not require further revisions to address Fire Department access other than potentially minor modifications. (See page 33 of HAC Decision) As noted above the Fire Department may require revisions that do not involve the Board.
50. Trees and vegetation must be maintained and not allowed to grow to block access for emergency vehicles. This is a maintenance issue that should be included in the Condominium Documents. I defer this issue to the Board and Town Counsel.
- a. Tree growth may impact access and should be a maintenance issue included in the Condominium Documents. I defer this issue to the Board and Town Counsel.
  - b. Tree growth may impact access and should be a maintenance issue included in the Condominium Documents. I defer this issue to the Board and Town Counsel.
51. Refer to Condition 49. f.
52. Hydrant lay out etc. needs to be reviewed and approved by the Fire Chief prior to construction of dwellings.
53. The status of the required hydraulic study has not been provided to this office and is required to be approved by the Fire Chief.

ADDITIONAL CONDITIONS CONCERNING PUBLIC SEWER

At this time, it is unclear what will ultimately be proposed for the sewer. A conceptual sewage pumping station is included on the plans.

54. Struck.
55. Struck.
56. Any existing deficiencies in the sewer system remain to be addressed by others. Data on the proposed sewer system is conceptual at this time. Final Construction Plans for the sewer system have not been completed.
57. Data on the proposed sewer system is conceptual at this time. Final Construction Plans for the sewer system have not been completed.
58. No Engineering comment required as this Condition addresses fees
59. This Condition should be addressed with the Sewer Application.
60. This is a post-construction requirement and the appropriate data should be submitted as required.
61. This is a post-construction requirement and the appropriate data should be submitted as required.
62. This information should be submitted for review and approval prior to occupancy permits, if not earlier.
63. This Condition may be an applicable condition subject to comments in the HAC Decision regarding the costs if a gravity system is ultimately proposed.
64. No comment required this Condition discusses review by the Sewer Director from design through acceptance.

#### ADDITIONAL CONDITIONS CONCERNING PUBLIC WATER CONNECTION

65. No engineering comment required this Condition discusses review by the Water Company and Director from design through acceptance.
66. No engineering comment required this Condition addresses fees.
67. No engineering comment required this Condition addresses DEP approval for an increase in the Town's Water Withdrawal Permit.
68. No engineering comment required this condition addresses use of water conserving appliances.
69. Applicant shall implement Low Impact Development Design concepts for managing stormwater. The following was struck ~~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. Struck.
71. No engineering comment required this Condition addresses a Site Maintenance and Integrated Pest Management Plan in addition to other maintenance requirements.
72. No engineering comment required this Condition addresses irrigation.

#### COMPLIANCE WITH STATE AND FEDERAL REQUIREMENTS

73. No engineering comment required this Condition requires compliance with the PEL.
74. No engineering comment required this Condition requires compliance and notification relative to all applicable state and federal regulations and permits..
75. No engineering comment required this Conditions addresses NHESP and Massachusetts Endangered Species Act compliance. .
76. Refer to comments under Conditions 36, 43 and 45-48 and Appendix A.
77. No engineering comment required this Condition requires compliance with the Massachusetts Historical Commission.

78. No engineering comment required this Condition requires Copies of all approvals from state and federal agencies.

#### LOCAL REQUIREMENTS

79. No engineering comment required this Condition requires compliance with 760 CMR 56.02.

80. No engineering comment required this Condition requires compliance with all rules, regulations, filing and permit requirements of the Nantucket Sewer Commission and Wannacommet Water.

81. No engineering comment required this Condition requires compliance with all filing requirements for issuance of a building permit.

82. No engineering comment required this Condition discusses conveyance of public land.

83. Struck.

#### AFFORDABLE UNITS

This entire section does not require Engineering comment or review but has been modified to comply with the HAC Decision.

84. Struck

~~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.~~

*The condition is modified to read simply,*

*“The affordable units shall remain affordable in perpetuity or for as long as the housing is not in compliance with local zoning requirements.”*

86. Condition remains.

87. Condition remains.

88. Condition remains.

#### MANAGEMENT DOCUMENTS

This entire section does not require Engineering comment or review.

89. Condition remains.

90. Condition remains.

#### PROFITABILITY

This entire section does not require Engineering comment or review, but has been modified to comply with the HAC Decision.

91. Condition remains.

92. Struck

93. Condition remains.

#### MARKETING/LOCAL PREFERENCE

This entire section does not require Engineering comment or review, but has been modified to comply with the HAC Decision.

94. Condition remains.

95. Struck.



96. Struck.

CONDITIONS PRECEDENT TO COMMENCEMENT OF PROJECT

97. The several conditions below are modified or commented on as noted below these are pre-construction conditions.

- a. Final Review – The plans submitted that are not at the Final Construction Plan stage these remain to be submitted.
- b. Struck.
- c. As noted there are several aspects related to the plans submitted that are not at the Final Construction Plan stage. Construction Phasing plans have been submitted. These will be reviewed if requested but have not been reviewed at this time as they should be reviewed with the Final Construction Plans.
- d. Struck.
- e. No engineering comment required this Condition discusses the Regulatory Agreement.
- f. A SWPPP has been submitted. If desired by the Board this aspect will be reviewed under separate cover prior to the start of construction.
- g. Struck.
- h. Struck.
- 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.~~

Replaced with the following from the HAC Decision:

*“[...no... construction... shall commence until: ...]  
g. Final and detailed landscape 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 appropriate Nantucket agencies for review and approval, including acknowledgement of consistency with the comprehensive permit decision. Such plans shall include shade trees along roadways, and shall specify the types, number, size and location of all 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 shall 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. Such plans shall identify all areas of the site proposed for vegetative clearing, and shall show the limit of construction activity, edge of clearing, sedimentation and erosion controls, a soil stockpiling area, and construction staging, refueling and storage areas. The removal of trees, shrubs, and natural groundcover shall be minimized to the extent practical. Trees, particularly those over 8 inches in caliper, that, in the judgment of the landscape architect, can be preserved shall be flagged prior to tree clearing. The plans shall state tree protection measures with details for tree wells around existing trees that can be preserved. During construction, a representative or agent of the Board shall have the opportunity to monitor trees that have been flagged for protection.”*

Landscape Plans have been submitted and include the required data excepting:

- Only partial data on active/passive recreation equipment.
  - No mailboxes are indicated on the plans.
  - Dumpsters are not indicated.
  - No data on construction phase work including limit of work, clearing, sedimentation/erosion controls, etc. are on the Landscape Plans. There are other plans that indicate this information and a separate Stormwater Report for Phased Construction. These can be reviewed if requested by the Board.
- j. This Condition has been partially addressed, there is a plan for stormwater system O&M but it does not include the estimated costs. There would also be general landscape maintenance, other infrastructure including paving, walks, building exteriors and roofs. The data provided did not include any legal aspects, which should be part of the Condominium Association Documents when filed.
- k. The Construction Schedule has not been submitted at this time and should be included with the Final Construction Plans. There is a Construction Phasing Plan developed to address erosion and sedimentation during construction. As noted this aspect can be reviewed if requested by the Board.
- l. Struck.
- m. A Draft Water & Sewer Utility Easement Plan has been provided. I defer comments on this plan to Counsel and the respective Utility Purveyors. As noted this is a Draft and not a Final Construction Plan.
- n. It does not appear that any comments are required for this Condition regarding cuts and fills.
- o. It does not appear that any comments are required for this Condition regarding settlement of fill.
- p. The zoning district and setbacks are indicated in a table on Sheet 4. Setback lines associated with the District are not on the plans.
- q. The Fire Chief should review the plans. Comments from the Fire Chief, consistent with the HAC Decision, should be addressed on the plans although these do not have

- to go before the Board according to the HAC Decision. There is a comment letter from the Fire Chief dated 5/9/2023.
- r. This Condition appears to reflect roadway right of ways and easements for access to maintain the right of ways. As no subdivision roadways are proposed it is unclear that this Condition would apply. A draft utility easement plan has been provided.
  - s. This Condition would be satisfied by the Site Plans for roadway construction materials and thicknesses
  - t. It is unclear what limitations would be required regarding limitations on lawn areas as the plans indicate the limits of various surfaces and non-disturb areas. This Condition could be addressed through the Condominium Documents.
  - u. The O&M Plan indicates proposed snow storage areas and the Report includes a section on snow removal as required.
  - v. The appropriate officials (Fire Chief and Water Company) should review the plans. Hydrants are 10 feet from storm drains based on scaling the plans. The hydrant at the southwest corner of Condo #2 is just 10 feet depending on where the final location is set during construction.
  - w. This is Condition regarding private utility permits is required to be provided prior to construction.
  - x. This is Condition regarding submission of all necessary approvals is required to be provided prior to construction.
  - y. The Landscape Plans indicate the location of retaining walls and a detail but the detail does not indicate the reinforcing, although called a reinforced concrete wall.
  - z. Lighting is indicated on the Landscape Plans as required by this condition.

CONDITIONS PRECEDENT TO MAKING APPLICATION FOR BUILDING PERMIT(S)

- 98. At this time, it does not appear that all conditions have been fulfilled as some comments remain to be addressed.
- 99. No longer applies as no lots will be created and no Subdivision is proposed.
- 100. Struck.
- 101. Some of this Condition would not apply as it would be one condominium development. The HAC Decision removes any aspects that would relate to how the sale price of affordable units is calculated.  
No engineering comment required, as noted there would only be one condominium association, this Condition discusses 75% approval by the HOA/Condominium Association.
- 102. It is unclear if any easements will be required for the units. Utility purveyors typically would be provided easements to access their respective utilities and a Draft plan for Water & Sewer has been provided. The Final Plan should be approved by the appropriate utility purveyors.
- 103. It is unknown if a Building Permit has been requested at this time. No Architectural Plans were included in the data provided.
  - A. This review is a partial response to this Condition. As noted the plans provided are not Final Construction Plans at this time based on some of the notes and other data.
  - B. I note that neither plan layout with stationing and curve data nor profiles have been included in the Site Plans provided. There is a profile for the on-site gravity sewer system. This Condition should be addressed in the Final Construction Plans.

- C. A copy of site layout plans, and final and detailed architectural drawings (including plans and elevations) have not been provided, this should be addressed in the Final Construction Plans.
- D. Partially provided, there are sewer system profiles for the on-site gravity system only other profile data has not been provided.. Utilities are proposed to be underground. This should be addressed in the Final Construction Plans.
- E. Not data on signs has been provided. This should be addressed in the Final Construction Plans.

#### CONDITIONS PRECEDENT TO BUILDING CONSTRUCTION

The following Conditions are all related to the construction phase and do not require comment at this time.

- 104. Condition remains.
- 105. Condition remains.
- 106. Condition remains.
- 107. Struck.
- 108. Condition remains.
- 109. Condition remains.
- 110. Condition remains.
- 111. Condition remains.

#### CONDITIONS RELATING TO CONSTRUCTION

- 112. No engineering comment required. Portions of this condition would not apply to the current project as there are no individual lots proposed.
- 113. No engineering comment required; this Condition discusses a pre-construction meeting.
- 114. No engineering comment required this Condition discusses contacts.
- 115. No engineering comment required
- 116. No Architectural Drawings have been provided to this office.
- 117. There are some aspects of the stormwater system design and calculations that require revision. The Stormwater Report was also for a prior revision. Refer to Appendix A.
- 118. This Condition has been partially addressed, full profile data has not been provided and it is not clear that the plans meet standards without this data. Final Construction Drawings have not been submitted. I note that there are no roadways that would be considered "subdivision roadways" as no lots are to be created.
- 119. Utilities are underground the status of compliance with private utility company requirements is not known. The various private utilities should comment on the plans.
- 120. Proposed underground utilities are shown in cross-section and construction details have been provided as required, unless changed by the Utility purveyors.
- 121. It is not known if hydraulic modeling of the water system has been performed as required by this Condition.
- 122. No comment required this Condition remains and discusses compliance with the Water Department and DEP requirements.
- 123. No comment required, this Condition discusses disposal of stumps, brush, etc.
- 124. If applicable, legal counsel should review the easements.
- 125. No comment required; this Conditions discusses As-Built Plans.
- 126. No comment required; this Condition discusses temporary occupancy permits.
- 127. The intention of the project would meet this requirement as there are proposed recharge systems for all impervious areas. Refer to Appendix A as there are some issues to be

addressed in the design, and additional data is required to demonstrate compliance with the DEP Stormwater Regulations. MassDEP water supply regulations have similar requirements for recharge in the Zone II of a water supply well.

#### ADMINISTRATIVE

128. No comment required; this Condition discusses fees.
129. No comment required. The HAC Decision appears to discuss this Condition relative to the discussion on Conditions 129 and 137, which have been struck.
130. Struck.
131. No comment required; this condition remains.
132. No comment required, this Condition remains and discusses copies of recordings.
133. No comment required on this Conditions or sub listings a-g all of which require private maintenance of the project. This Condition remains.
134. No comment required; this Condition discusses water system construction.
135. No comment required this Condition discusses maintenance by the Applicant prior to acceptance by the HOA/Condominium Association.
136. No comment required; this Condition discusses timelines for completion.
137. Struck.
138. No comment required Condition remains.
139. The Phase 1 plan essentially requires clearing the entire site except for the perimeter buffer and an area within the common open space. This condition remains and may require discussion.
140. Portions of the construction parking area are within 100 feet of proposed catch basin inlets, which violates this Condition. This should be an easy adjustment to the plans.
141. The Phasing plans indicate the required locations of storage and stockpile areas.
142. No comment required; this is a construction operation Condition.
143. No comment required; this is a construction operation Condition.

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

The following Conditions (144-148) do not require comment at this time.

144. Condition remains.
145. Condition remains
146. Condition remains
147. Condition remains
148. Condition remains

#### PERFORMANCE GUARANTEES

149. Condition remains.
150. Struck.
151. Condition remains, this addresses occupancy.
152. Struck.
  - A. Struck.
  - B. Struck.
153. No longer applicable, as a Subdivision is not proposed.
154. Condition remains no comment required.

Following are specific conditions added by the HAC Decision:

*The decision of the Board is vacated, and Board is directed to issue an amended comprehensive permit as provided in the text of this decision and the conditions below.*

*1. Any specific reference made to the “Board’s Decision,” “this Decision” or “this comprehensive permit” shall mean the comprehensive permit as modified by the Committee’s decision. Any references to the submission of materials to the Board, the building commissioner, or other municipal officials or offices for their review or approval shall mean submission to the appropriate municipal official with relevant expertise to determine whether the submission is consistent with the final comprehensive permit, such determination not to be unreasonably withheld. Such official may consult with other officials or offices with relevant expertise as they deem necessary or appropriate. In addition, such review shall be made in a reasonably expeditious manner, consistent with the timing for review of comparable submissions for unsubsidized projects. See 760 CMR 56.07(6).*

No Engineering comment required.

*2. The amended comprehensive permit issued by the Board shall conform to the application submitted to the Board, the Board’s original decision, and the modified proposal that was the subject of the hearing before this Committee, all as modified in this decision.*

This review letter addresses this condition.

*3. The development, consisting of 156 total units, including 39 affordable units, shall be constructed substantially as shown on plans entitled “Surfside Crossing a Proposed 40B Development in Nantucket, Massachusetts,” dated February 15, 2018, with revisions through February 28, 2020, prepared by Bracken Engineering, Inc. (Exhibit 3), and shall be subject to those conditions and requirements imposed in the Board’s decision filed with the Nantucket Town Clerk on June 14, 2019 (Exhibit 2), as modified by this decision.*

This review letter addresses this condition.

*4. The Board shall not include new, additional conditions.*

The Board should abide by this requirement.

*5. The developer is required to comply with all applicable non-waived local requirements in effect on the date of its submission of its comprehensive permit application to the Board, consistent with this decision.*

I defer this aspect to the appropriate Town agency for comment.

*6. The developer shall submit final construction plans for all buildings, roadways, stormwater management system, and other infrastructure to Nantucket town entities, staff or officials for final comprehensive permit review and approval pursuant to 760 CMR 56.05(10)(b).*

Not provided at this time. Landscaping Plans appear to generally meet this requirement but other plans are not Final Construction Plans.

*7. All Nantucket town staff, officials, and boards shall promptly take whatever steps are necessary to permit construction of the proposed housing in conformity with the standard permitting practices. Submission of plans and materials to the Town for review or*

*approval shall be to the appropriate municipal official with relevant expertise to determine whether the submission is consistent with the final comprehensive permit, such determination shall be made in an expeditious manner, consistent with the timing for review of comparable submissions for unsubsidized projects, and approval shall not to be unreasonably withheld.*

No Engineering comment required.

*8. Should the Board fail to carry out this order within thirty days, then, pursuant to G.L. c. 40B, § 23 and 760 CMR 56.07(6)(a), this decision shall for all purposes be deemed the action of the Board.*

This review summarizes the applicable conditions as modified by the HAC decision.

*9. Because the Housing Appeals Committee has resolved only those issues placed before it by the parties, the comprehensive permit shall be subject to the following further conditions:*

*(a) Construction in all particulars shall be in accordance with all applicable local zoning and other by-laws in effect on the date of the submission of the developer's application to the Board, except those waived by this decision or in prior proceedings in this case.*

I defer this aspect to the appropriate Town agency for comment.

*(b) The subsidizing agency or project administrator may impose additional requirements for site and building design so long as they do not result in less protection of local concerns than provided in the original design or by conditions imposed by this decision.*

No Engineering comment required.

*(c) If anything in this decision should seem to permit the construction or operation of housing in accordance with standards less safe than the applicable building and site plan requirements of the subsidizing agency, the standards of such agency shall control.*

No Engineering comment required.

*(d) Construction and marketing in all particulars shall be in accordance with all presently applicable state and federal requirements, including, without limitation, fair housing requirements.*

No Engineering comment required.

*(e) No construction shall commence until detailed construction plans and specifications have been reviewed and have received final approval from the subsidizing agency, until such agency has granted or approved construction financing, and until subsidy funding for the project has been committed.*

As noted Final Construction Drawings have not been provided at this time.

*(f) The Board and all other Nantucket town staff, officials, and boards shall promptly take whatever steps are necessary to ensure that building permits and other permits are issued to the applicant, without undue delay and in conformity with the*

*standard permitting practices applied to unsubsidized housing in Nantucket, upon presentation of construction plans, pursuant to 760 CMR 56.05(10)(b), that conform to the comprehensive permit and the Massachusetts Uniform Building Code.*

No Engineering comment required.

*(h) This comprehensive permit is subject to the cost certification requirements of 760 CMR 56.00 and DHCD Guidelines issued pursuant thereto.*

No Engineering comment required.