

Town of Sandwich

THE OLDEST TOWN ON CAPE COD

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BOARD OF
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June 29, 2022

Mr. Michael J. Busby
Relationship Manager
MassHousing
One Beacon Street
Boston, MA 02108

RE: NSG Village Green-1, LLC Project Eligibility Letter

Dear Mr. Busby:

In a letter dated April 11, 2022, the Town of Sandwich expressed concern over the eligibility of the Village Green project resulting from outstanding taxes owed to the Town by the developers of the project.

On May 17, 2022, the developers of the project made a payment of approximately \$250,000 to the Town Treasurer to bring the taxes on the property of the proposed project current.

The Town recognizes that its Subsidized Housing Inventory (SHI) has been hovering around the current 3.84% for more than a decade. Given this fact, the Town has taken significant steps in increasing its SHI. Since 2018, the Town has approved Comprehensive Permits for affordable rental units, Terrapin Ridge, a 30 unit rental development and the Henry T. Wing Residences with 128 rental units. When those projects are completed, the Town's SHI will be 5.8%. In addition to the rental properties, the Town has approved four affordable home ownership units. In May 2021, the Town accepted an Accessory Dwelling Unit (ADU) by-law that dramatically lowers regulatory thresholds making it easier for homeowners to have ADU's on their property thereby increasing rental stock. The Town had not updated its Housing Production Plan (HPP) since 2010. This past fall the plan was updated and received final approval from the Department of Housing and Community Development (DHCD) on March 2, 2022.

The HPP identifies the need for rental housing in the town of Sandwich. At 92.4%, almost all of Sandwich's housing stock is single-family detached homes. Rental properties represent 9.1% of the entire housing stock within the Town. On its surface, the NSG Village Green – 1 proposal represents an opportunity to alleviate the rental housing pressure.

Village Green was first conceived as a larger development known as Forestdale Village in 2009. The original development was spread over 73 acres and included 148 housing ownership units along with

80,000 square feet of commercial space. The project went into receivership. The current Developers exercised their right to rescind the Comprehensive Permit and advance a new project.

The Applicants still own approximately 64 acres of the original development site. In addition to the 144 unit Village Green project, the Developers have made presentations to the Sandwich Board of Selectmen, Planning Board and the local regulatory agency Cape Cod Commission, which include a large scale solar photovoltaic field and a second housing development with 240 rental units known as Sandwich Green. The Developers have expressed their intent to create a self-sustaining "island" including the necessary resilient infrastructure of energy and wastewater solutions.

The Town recognizes Village Green as a significant project in its own right, with its planned integration of a solar component, wastewater and a second larger housing development it rises to a level of complexity that may exceed the capacity of Town staff and require consultant review.

Based on the criteria established in 760 CMR 56.05 (5)(c) the Town will be advising the Sandwich Board of Appeals a review of the application will require technical advice in the areas of civil engineering, transportation, environmental resources, design review of buildings and site. It is important for the Applicant to understand the Sandwich Board of Appeals may request the Applicant pay a reasonable review fee which may exceed the amount identified in Section 5 of the application for technical assistance.

Regional Impact of Project

To further emphasize the regional impact of the proposed development and future expansion of the site it is necessary to consider total flow for the entire site area of 64 acres for wastewater and associated environmentally sensitive receptors. Currently the site does not have wastewater treatment, there is no wastewater design before the Massachusetts Department of Environmental Protection and there is no sewer available.

Based on the DEP Title V Design Flow, the project which proposes 144 units with 180 bedrooms calculates to 19,800 gallons per day just for this one portion of development on the property. The proposal exceeds the DEP 10,000 gallons per day limit thus requiring a Groundwater Discharge permit. The entire site area's total proposed flow needs to be taken into consideration to provide full comments.

The following considerations need to be evaluated in order to proceed with a comprehensive review of the proposal for the project application.

The total site area is not within a Zone II, but based on the groundwater contours, the down gradient wells in Mashpee are receptors to the groundwater discharge. An evaluation of the groundwater flow, travel time and draw rates of the down gradient public supply wells need to be evaluated.

The entire site area is within the northern watershed for Peters Pond. Peters Pond is an environmentally sensitive receptor. The pond which has been classified as a Class A fishery has been experiencing declining biological health as is indicated by the cyanobacteria bloom activity. An evaluation of the ponds health and the impact of additional nutrients is necessary to determine the level of wastewater treatment necessary for the proposed development.

The total site area is within the northern watershed for Popponesset Bay in Mashpee. Popponesset Bay is an impaired estuary with a Total Maximum Daily Load (TMDL) of nitrogen established through the DEP Massachusetts Estuaries Program. The Town of Sandwich has an Inter Municipal Agreement (IMA) with Mashpee and Barnstable signed in November 2017 which identifies percent of Sandwich's nitrogen input to the impaired watershed which needs to be removed. This proposed development needs to be a No Net Nitrogen development in order to adhere to the MOU signed with Mashpee. The applicant needs to outline how the No Net Nitrogen required will be achieved.

With Contaminants of Emerging Concern, the applicant needs to provide an evaluation of standard wastewater treatment versus treatment for contaminants of emerging concern. Recent studies have indicated that typical wastewater treatment that does not address contaminants of emerging concerns actually concentrates PFAS and PFOS in the wastewater treatment effluent discharged into the ground.

The 64 acre site requires an approved Groundwater Discharge Permit from the Massachusetts Department of Environmental Protection to receive permitting.

Local Impact of Project

In relation to the NSG Village Green - 1 LLC project application for project eligibility forwarded to Mass Housing the Town shares the following:

Development Team

The Town of Sandwich is committed to working with developers to improve our affordable housing inventory. The town has worked with several members of the Village Green development team on various projects over the past ten years. Unfortunately, none of those projects has reached fruition. A review of the PEL application does not show that any of the principals of the development team have been the primary members an affordable development of similar size. The Town strongly suggests the developers engage a 40B consultant familiar with navigating projects of this size through the process. Such a measure would facilitate the project and benefit both parties.

Design Concept

In 2019, the Town of Sandwich received a District of Local Technical Assistance (DLTA) grant that was funded by DHCD to review community design. Several public forums were held to discuss design, density and the need for more rental housing. As a result, the Town encourages site plan and building standards of 20 units an acre to include "missing middle" housing types which was outlined in the community design report that had been shared with the Developers through their attorney. One of the focus areas of the study was the Route 130 Village Green area. The result of the study concluded small-scale residential housing would be appropriate for the area. The intent is to enhance the surrounding neighborhoods and not overwhelm them with large-scale urban development. The study states duplexes and double deckers would be appropriate for the area. The Town suggests complimentary designed townhouses may transition with the surrounding neighborhoods. The current proposed design is incongruous with typical Cape Cod architecture. Based on the submitted material, a design similar to Oaktree Development, GreenStaxx's Lexington Place may be more appropriate for the site. The Town further suggests the Applicants conduct a market analysis to ensure the bedroom configuration of the development meets the workforce and family housing needs for the region.

Traffic

The projects primary point of entrance and egress is Route 130. Route 130 is a primary North South corridor connecting Sandwich with Mashpee, Falmouth and Route 28. Route 130 is also a primary thoroughfare to Route 6, which connects vehicles to down Cape, and off Cape.

Route 130 experiences high traffic volumes, particularly in the busy summer season, and safety impacts from the added traffic at the site drive are a concern. As part of permitting, the Applicant will be asked to provide a traffic study. Based on experience from previous proposals for this location, it is likely that safety modifications to Route 130 will be required. This may include construction of a turning lane within Route 130. This segment of Route 130 is a designated scenic road under Section 15C of MGL Ch.40, and any widening or other work impacting scenic road trees would require due process in that regard. This was an issue with previous proposals for this location. It is not clear that these elements have been accounted for in the application.

It is anticipated that as part of the permitting process, the Applicant will be asked to clarify site access and how it relates to non-residential development on adjacent parcels. The application site plan shows a driveway extending from Route 130 onto the site. The site driveway includes access road stubs directed toward adjacent non-residential property to the north and east. Access to multiple properties may require layout of street right-of-way in accordance with the Town of Sandwich Planning Board's Subdivision Rules and Regulations. It is also anticipated that the Applicant will be asked to demonstrate that the proposed site drive will be suitable and will provide safe access for the aggregate traffic conditions. It is not clear from the application materials how this would be addressed. It is noted that the application includes draft subdivision plans from previous development efforts that did not advance. While those plans may have had some merit for the scope of the former project at that time, the Applicant will be asked to detail roadway, drainage, and other infrastructure improvements necessary to safely accommodate the current proposal including road connections to adjacent lots.

The Town is committed to working cooperatively with developers to increase its affordable housing inventory with projects that are respectful to the Town, surrounding neighborhoods and the people who will reside there. We believe that the concerns expressed are legitimate and if both sides work together solutions will occur.

During its meeting on June 23, 2022, the Board of Selectmen discussed the NSG Village Green-1 LLC project and unanimously authorized the Chairman to send this letter on its behalf.

Thank you for the consideration.

Sincerely,



Shane Hctor
Chairman, Sandwich Board of Selectmen

Cc: Kristy Senatori, Executive Director, Cape Cod Commission
Chloe Schaefer, Chief Planner, Cape Cod Commission