

Disclaimer: The information in this document and any links attached are intended for use for general information. Although we do our very best, the information may not constitute the most up-to-date and accurate information that is available. We encourage the reader to do their own research and form their own opinions to the topics discussed below.

Proposed Chapter 40B Village Green, Sandwich Green and Solar Field:

Current owners/developers, Thomas Ruhan and J. Stinson are proposing to develop a 64-acre parcel located at 78 Rt. 130 Sandwich and 55 Pimlico Pond Rd as a 3-phase development. Per Project Eligibility Letter (PEL) submitted to MassHousing in February 2022, phase 1 will be (6) 3-story buildings totaling 144 with an access road at 78 RT 130, named "Village Green." Phase 3 will be (4) 4-story buildings containing 240 units next to Peters Pond named "Sandwich Green." The access road for Sandwich Green will be from 55 Pimlico Pond Road. The PEL was submitted to Mass Housing Partnership in Aug. 2021. Phase 2 is proposed to be a 5-acre, 5-megawatt, solar field somewhere in-between these two housing developments. There is little information known about the exact location of the solar field.

Village Green and Sandwich Green will both be large 3 and 4 story urban style apartment building projects of which only 20-25% will be deemed "affordable" per Chapter 40B permitting regulations.

At the moment, Phase 1, Village Green has received approval of their PEL from Mass Housing. The next step for the developers in Phase 1, Village Green, is to apply for a comprehensive permit with the town of Sandwich. Phase 3, Sandwich Green, has submitted a PEL to Mass Housing Partnership and received a reply from Mass Housing Partnership to make some changes and resubmit their PEL application. This PEL has not been resubmitted as of yet. Phase 2, is the 5-acre solar field will need a special permit application with the town of Sandwich. The town has not received the formal application for the solar field component to date.

Both PEL applications and the town's reply letter can be found at this link below

https://townofsandwich-my.sharepoint.com/:f:/g/personal/rvitacco_sandwichmass_org/Eiwg3KFipJtFggIkWAidaSsBEvnUhpDFATfHzQiyWYLZlg?e=A9OIYF

Chapter 40B Affordable Housing Statute:

The Village Green and Sandwich Green apartment buildings do not conform to current zoning by-laws in Sandwich due to their size, density of units and other zoning non-conformities. To get around this, many developers apply under the Massachusetts Statute of Chapter 40B Affordable Housing.

- Chapter 40B is a state statute, which enables local Zoning Boards of Appeals to approve affordable housing developments under flexible rules if at least 20-25% of the units have long-term affordability restrictions.

<https://www.mass.gov/chapter-40-b-planning-and-information>

The Town of Sandwich Replies to Chapter 40B “Village Green” PEL submission.

The town of Sandwich has replied to MassHousing with their thoughts and concerns to the PEL application on “Village Green” on June 29, 2022. This is a 4-page letter that outlines some important concerns. I suggest reading this reply letter signed by selectman Shane Hoctor. See Link Below:

https://townofsandwich-my.sharepoint.com/:f:/g/personal/rvitacco_sandwichmass_org/Eiwg3KFipJtFggJkWAidaSsBEvnUhpDFATfHzQiyWyLZlg?e=A9OIYF

Land History & Design Proposals

As outlined in the Land History video on the website, there have been several land owners & proposed development incarnations over the last 15 years on this large parcel of land:

Starting in 2006 with "The Cottages at Forestdale Village" by developer Steve Powers and his investors Thomas Ruhan and J. Stinson. This proposal was a 74-acre parcel of which 58 acres were dedicated to a 148-lot subdivision with its carefully designed energy efficient cottages nestled in the surrounding forest with an emphasis on our veterans, seniors, disabled and over 55 residents. Thoughtful consideration was given to these 1,2- & 3-bedroom homes built with first-floor master bedrooms, front porches opening onto sidewalks, garages and seashell driveways. The remaining 16 acres, near RT. 130 was intended as an eco-friendly, campus-style shopping village containing single- and two-story buildings of suburban style, per independent feasibility study recommendation. The Cottages at Forestdale Village, a local initiative program or LIP, is a true community project with collaboration from both municipalities and neighbors, addressing the needs of the town and surrounding community. This project received PEL approval and comprehensive permit #09-03 from the town of Sandwich in 2010 but stalled due to bankruptcy. Eventually the project went into receivership and foreclosure. Ruhan & Stinson (Steve Power's investors) purchased 64 of the 74 acres so they could develop the site on their own. The remaining 10 acres were re-acquired by D. Carr-Kirk, the original owner of that parcel.

Under the new name of Beechwood Group LLC, Tom Ruhan & J. Stinson, purchased and subdivided land for development of Sandwich Green (a.k.a. Phase 3). A 45.2-acre parcel of which 5 acres zoned residential, were to include (4) separate 4 story building complexes containing 60 units each totaling 260 dwellings overlooking Peters Pond. These urban complexes consist of 1,2- & 3-bedroom apartments. The remaining 40 acres is proposed to include a wastewater treatment facility and solar photovoltaic generating facility, lithium-ion battery storage, inverters and transformers. It is suggested that this solar component will match the demand of treatment, housing and other ancillary nodes. This projects initial attempt at reuse of predecessors permit #09-03 was eventually rescinded based on obvious and drastic design deviations. Sandwich Green is applying under Chapter 40B. A PEL application submitted on August 17, 2021 to MassHousing Partnership did not progress due to the solar component scope/design incompatibilities. The developers will need to submit a revised or new PEL to MassHousing Partnership.

Rt130 Land Development LLC (Ruhan & Stinson) purchased and subdivided land for development of Village Green (Phase 1). An 18.67-acre parcel (zoned BL-1: business limited) of which 7.27 acres are to include (6) separate 3 story buildings with 24 units each totally 144 dwellings near Rt130. These urban

style complexes consist of 1,2- & 3-bedroom apartments. There's also a covered parking solar component. The remaining 9.4 acres are intended for Sandwich Crossing, a commercial shopping center. As with phase 3, this project is being applied for under Chapter 40B. This Phase 1, Village Green, has received a PEL approval from MassHousing on August 18, 2022. The next step for the developer will be to apply for a comprehensive permit with the town of Sandwich.

Solar Field, Phase 2, is worth mentioning as we believe the developers are currently working on its proposal but there's little information at this point. This 5-acre solar field may provide a self-sustaining function for part or all of phases 1 and 3. It could also be used to generate electricity for sale back to the grid. It's our understanding that for every acre of solar array, two-three acres must be put aside for conservation.

Sandwich Green, Village Green and the Solar field component are all part of the entire project that encompasses this 64-acre parcel. To evaluate the impact of this project on the site properly, it must be evaluated in its entirety. The 384 units (144 in phase 1 and 260 in phase 3) is deemed "large" under c.40B, 760 CMR 56.03(6). Moving forward any future reviews of the project should include the entire project, not individual components or piecemealed together as it moves along. This should be brought to the attention of MassHousing and any subsequent PEL submission or approval.

We find it interesting that the design concepts between the 2010 "Cottages at Forestdale Village" and this current 3 Phase Urban style development differ so drastically. Through a series of public forums on design, density and rental housing needs along with a DLTG grant in 2019, the town established site plan and building standards shared with developers through their attorney. These include small-scale residential housing such as duplexes, double decker and cluster style particularly in the Rt 130 Village Green area. It was concluded that small scale, well designed residential housing would be appropriate for the area. Quality architecture should enhance the surrounding neighborhood and be consistent with New England/Cape Cod style homes with design elements to include clapboard, shingles, trim, front porch, garage, etc.

All of these concepts were thoughtfully considered and implemented in the original "Cottages at Forestdale Village" proposal. Unfortunately, they were ignored entirely with both Village Green and Sandwich Green. We are confused as to why the 2010 Cottages at Forestdale Village, with its town approval and comprehensive permit in hand was pushed aside by these same developers.

Site Access & Traffic Impact

Village Green & Sandwich Green include only one access road each off 130 and Pimlico Pond Road respectively. These two entry points will bear the full burden of an additional 768+ vehicles.

Overall Traffic Concerns: Currently, we have seen an increase in traffic in recent years largely due to the pandemic. Covid encouraged more delivery vehicles like UPS, USPS, FedEx, Amazon, etc. We as citizens also have garbage pick-up, Pea-pod delivery, Uber, Taxi and other transportation services. This has left us to ponder, "What will be the impact with an additional 768+ vehicles and delivers to their apartments in this same area?"

Pimlico Pond Road: Sandwich Green's 240 apartment complex will enter and exit from Pimlico Pond Road. A dangerous windy narrow country road with hills, blind-spots, severe hair pin-turns and a history

of many accidents and close calls. What changes will need to be made to Pimlico Pond Road to accommodate this large increase in vehicle traffic?

Village Green Entrance via RT 130: Friends of Peter Pond has found the information on the entrance/exit road to Village Green unclear per the developer's plans. More clarification of current site plan is necessary as the main entrance "driveway" (a.k.a. Stinson St.) shows access road stubs towards adjacent non-residential property to the north and east which must abide by Planning Boards Subdivision Rules and Regulations. There is also some ambiguity in the number of entry roads from Rt 130. Some plans show a Hawley St. entrance on the south side which appears to be carry-over from original Forestdale Village proposal when Carr-Kirk property was part of that development. Other plans only show Stinson St. entrance since proposed Village Green buildings are located in place of original Hawley Street. Also, Stinson St. appears to end at the border of Village Green & Sandwich Green sites confirming a multi-phase project or continuation across site boundaries. Future clarification and plans should be carefully reviewed by the town. We assume the additional traffic will warrant safety modifications such as road widening, call for turning lanes or new traffic light. It may be important to know that Rt130 is registered as a "scenic road" per MGL Ch40, section 15C. As such, any plan to impact sections of road effecting particular trees necessitates due process.

Intersections: There is currently a high volume of traffic at the intersections of Rt130/Pimlico Pond Rd, Rt130/Meetinghouse Rd and Rt130/Cotuit Rd. New engineering designs, traffic impact/safety/collision studies, peer reviews and ZBA approval will be required to address the increase in traffic and new traffic concerns.

Wastewater

Currently, the roads in Forestdale including Rt. 130 and Pimlico Pond Road have no town sewer. Proposed development "Village Green" is unclear on how they will handle their wastewater. We have been unable to locate wastewater treatment plans or current design details other than a so-called a suggested "Packaged Treatment System". It's unclear where this treatment facility would exist according to the site plans as it's not visible. Although the "Utility Corridor Plan & Profile" does show an "S" marker in the 70' path indicating a sewer component. The adjacent Sandwich Green site mentions "Integrated Ecosystems", "treatment facilities", "water treatment field", "water treatment and reuse" and "effluent discharge" areas with multiple different locations across two different plan proposals neither of which passed PEL approval for advancement. It's unclear if those facilities will be sized accordingly and/or support both Sandwich Green and Village Green phases.

Further treatment method details such as enhanced nitrogen removal, ultra-violet disinfection, trip-irrigation techniques, etc. will be necessary. In addition, evaluation of standard treatment vs treatment for Contaminants of Emerging Concern will be required to address PFAS/PFOS issues encompassing entire project, not just this phase.

According to DEP title V design flow, the proposed first phase development (144 units/180 bedrooms) would produce roughly 19800 gal/day, nearly twice the allowable outflow (10000 gal/day), requiring a Groundwater Discharge permit from DEP. Keep in mind this doesn't take into account future "Sandwich Green" (240 units/360 bedrooms ~39,600 gal/day) or the "Sandwich Crossing" business entity near RT. 130. The entire project must encompass all 64 acres.

There are important groundwater discharge receptors that need to be considered including down gradient public supply wells in Mashpee, based on groundwater contours. This requires evaluation of groundwater flow, travel time and draw rates taking into account the full scope of the entire site area, not just this phase.

Peters pond, a Class A fishery, is another environmentally sensitive groundwater discharge receptor suffering from declining biological health indicated by cyanobacteria bloom activity. An evaluation of additional nutrient impact on pond health will be required along with appropriate treatment requirements taking into account the full scope of entire project, not just this phase.

PoPONneset Bay, a seriously impaired estuary is another environmentally sensitive groundwater discharge receptor. Sandwich is currently responsible for a percentage of watershed Nitrogen removal per (IMA) Inter Municipal Agreement signed 11/17. This mandates a Net Zero Nitrogen treatment design encompassing full scope of entire project, not just this phase.

Stormwater Runoff/Drainage/Erosion

Much like wastewater, storm-water runoff plays a significant role (as much as 20%) in degrading watershed and the water quality of other environmentally sensitive receptors like Peters Pond. Storm-water runoff has made multiple points of entry for years through boat ramps at Oak Crest Cove, Sun Resort Camp Ground, State Ramp and Private ramps on East Road. At least a dozen other paved drainage entries, spread across the entire Sun Resort Camp Ground perimeter, are draining their network of road contamination into the pond. Runoff from old original private roads like East, Park and West contaminate the pond due to non-existent road drainage. Property development, and the lack of appropriate road drainage, on West and Pine Rd. in the 80's and 90's have contributed significantly to the aggregate runoff contamination on the south side of Peters Pond. Over the last couple years, we've seen an increase and direct correlation between storm water runoff and cyanobacteria bloom activity.

Clearcutting of trees for roadwork has already begun through the Village Green site but also a significant section of adjacent Sandwich Green locations. This is of great concern as the latter never received PEL approval for advancement. In addition, the 70' wide utility corridor deviates from the intended plan extending almost to Peters Pond making a connection to Pine Rd, a private road in our community. Construction vehicles were utilizing our private road to gain easier site access. Aside from being a major trespassing issue, the 70' wide utility corridor creates a major erosion issue and our community has seen increased runoff into the pond originating from both West and Pine Rd as a result. Although the plans show sedimentation barrier/control and management methods, there was no evidence of such during any clearcutting based on the extent of erosion that continues to be an issue. We also experience additional runoff from a man-made berm in the high elevation footpath adjacent to the pond which makes its way down the embankment significantly eroding our private beach and into the pond.

Village Green proposal does present an "overall grading and drainage plan" indicating usage of natural terrain depression for infiltration "retention" basin. It's unclear if it will contain design elements to remove debris, pollution, nutrients and other contaminants from recharging groundwater and adversely affecting the pond.

Other considerations not mentioned should include low-impact design elements to minimize total volume of generated storm water such as minimal acceptable road widths, rain collection methods,

rooftop gardens, etc. Design should also be capable of handling volumes generated by the 100-year storm. As with wastewater, storm-water runoff must also contain no-net-Nitrogen to maintain our IMA commitment. Responsible landscape management is vital and should include no nitrogen, phosphorous or other compounds in the care of lawns, plants, shrubs, trees, gardens, open space, etc.

Open Space

In general, any development project represents a loss, disturbance and disruption to wildlife and vegetation. Responsible developers should maintain as much undisturbed land as possible to minimize adverse effects to the surrounding area.

The original Forestdale Village, a "cluster" development, set aside 55% of its 58.9Acres for open space in compliance with NHESP (Natural Heritage and Endangered Species Program). Section 4400 of the 2009 zoning by-law recommends at least 30% for open space. As there is no mention of anything similar in either Sandwich Green or Village Green proposals, it's unclear if the same compliance requirement applies or how much land will be set aside for open space.

Protected Endangered Species

Although this site was not flagged as containing endangered wildlife or plant life species, it just means that no "tell-tale" signs were found in the very small confines viewed during the PEL approval process. Not having rigorously analyzed much of the site, we find it hard to believe that endangered species don't exist within some segment of the entire 64-acre parcel. There are also no vernal pools on record but we can't say for certain they don't exist at one of the many low elevation points on the site, especially after significant rainfall.

A review of NHESP (Natural Heritage Endangered Species Program) website indicates the entire military base, just across Rt130, is deemed "Habitat of Rare Wildlife". We find it hard to believe that this wildlife doesn't cross Rt130 and thrive within the 64 acres of 100-year-old forest, especially with Peters Pond at the far end, a major draw for any wildlife.

What we do know with certainty is that a member of our cottage community recently found a box turtle that had washed down from the development site after a heavy rain, which has been reported. We also located a larger turtle roughly 10-12" in diameter in our community as well.

Trespassing

Private communities in and around our area, have struggled for years with many trespassing issues. Our PPA community has dealt with violators using our private area roads, beaches, swimming area and other facilities. Our members, who all pay dues for seasonal use of our privately owned beach and communal area, have self-policed for years but find it increasingly more difficult as intruders are on the rise. Proper signage at our entrance, throughout our neighborhood, on our raft, docks and beaches does little to nothing in curbing this alarming intrusive trend.

The close proximity of any development on this 64-acre site presents major additional trespassing issues for all neighboring private communities and is considered a direct threat to our community's wellbeing. As mentioned in a prior section, we've experienced issues with construction trucks and heavy machinery

using our private roads to gain development access. We struggle to envision the impending issues we'll face once the development is in place and occupied.

We believe the development design would make a dramatic difference in the extent to which additional trespassing becomes an issue. Take for example the 2010 "Cottages at Forestdale Village" design which offered a large untouched wooded buffer zone between the cottage style homes, our PPA community and Peters Pond. That design also offered 3 privately owned custom style homes on land bordering the southwest corner of the pond. This, by design, would limit pond access to those 3 families only.

On the other hand, consider Village Green and Sandwich Green proposals totaling 384 units. If each averaged a family of 3, that would be an estimated 1152 souls. The placement of Sandwich Green's (4) 4 story complexes would be directly next to our PPA community with no natural buffer zone and right next to the pond with "Pond Views". All 1152 souls would have access to the pond through the sites 180' pond frontage. This number of people could cause serious damage to the natural terrain bordering the pond, overwhelm the waterfront, pose a serious threat to the natural environment and pond health.

Town Services/Infrastructure Effects

Any new development will have an impact on the existing municipal services and infrastructure including police, fire, ambulance, public schools, transportation, etc. It is the extent to which these services are utilized to their potential limits that vary dramatically depending on the kind of development project implemented.

The Village Green and Sandwich Green proposal with its 3 and 4 story buildings would seriously impact fire department resources. This would assuredly mandate the town's purchase of a special ladder truck capable of reaching the appropriate heights in addition to a new building to house the special ladder truck.

It would be most appropriate for the developers to conduct a study of the additional impact on the schools, the police and ambulance resources by comparing to other similarly sized projects in neighboring towns of similar demographics.

We encourage your involvement and feedback

If you have concerns of your own, please feel free to send them to us at info@friendsofpeterspond.org for inclusion.