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January 9, 2009

CERTIFICATE OF THE SECRETARY OF ENERGY AND ENVIRONMENTAL AFFAIRS
ON THE
ENVIRONMENTAL NOTIFICATION FORM

PROJECT NAME : The Dreamland Theater Project
PROJECT MUNICIPALITY : Nantucket
PROJECT WATERSHED : Cape & Islands, Nantucket
EOEA NUMBER : 14347
PROJECT PROPONENT : The Nantucket Dreamland Foundation
DATE NOTICED IN MONITOR : December 10, 2008

Pursuant to the Massachusetts Environmental Policy Act (G. L. c. 30, ss. 61-62I) and Section 11.06 of the MEPA regulations (301 CMR 11.00), I hereby determine that this project **does not require** the preparation of an Environmental Impact Report (EIR).

Project Description

As described in the Environmental Notification Form (ENF), the project involves the demolition of the existing 13,107 square foot (sf) Dreamland Theater building and the construction of a new 22,737 sf Dreamland Theater Community Arts and Cultural Center on a 0.31-acre parcel of property bordered by Easy Street to the east, Oak Street to the north, South Water Street to the west and private commercial property to the south in downtown Nantucket. As currently proposed, the new Dreamland Theater building will include a theater entrance lobby off South Water Street, a 350-seat movie theater/live-performance stage theater with theater dressing rooms, elevator and stairs, a Garden Room entrance lobby off Easy Street, and a public Garden Room with restrooms on the first floor.

The second floor layout includes a mezzanine-level projection room, restrooms, elevator, stairs, two multi-purpose function rooms with an outdoor deck overlooking Easy Street and Nantucket Harbor, kitchen, restrooms and storage. The third floor layout includes a 200-seat studio theater, stairs, elevator, Dreamland Theater offices, restrooms, kitchen and a Harbor View function room and large outdoor room overlooking Nantucket Harbor. The new building will be served by municipal water and sewer.

Permits and Jurisdiction

The project is undergoing review pursuant to section 11.03(3)(b)(1) (e) and 11.03(10)(b)(1) of the MEPA regulations because the project requires state permitting and results in the alteration of an existing structure in a velocity zone or regulatory floodway, and demolition of all or any exterior part of an historic structure located in an historic district (Nantucket Historic District) listed in the State Register of Historic Places. The project is also undergoing review pursuant to section 11.03 (3)(b)(5) of the MEPA regulations, because the project results in the use of waterways or tidelands by a non-water dependant use. The project will require a Chapter 91 License from the Department of Environmental Protection (MassDEP), and an Order of Conditions from the Nantucket Conservation Commission (and a Superseding Order of Conditions in the event the local Order is appealed). The project may also require a Consistency Review by the Office of Coastal Zone Management (CZM). The Proponent will also be required to participate with the Massachusetts Historical Commission (MHC) pursuant to 950 CMR 71.00.

Review of the ENF

Wetlands

A portion of the project site (approximately 4,470 sf) is located within the 100-foot buffer zone to Land Under Water Wetlands (LUWW) located in Nantucket Harbor. Approximately 1,950 sf of the new Dreamland building and 2,530 sf of the proposed new public open space (Dreamland-Easy Street Public Garden & Viewing Area) will be located within the 100-foot buffer zone area.

Stormwater

According to the Proponent, the proposed stormwater management plan has been designed to comply with MassDEP's Stormwater Management regulations and standards and will achieve a Total Suspended Solids (TSS) removal rate of 80 percent. The Proponent proposes to construct a roof drain gutter system and trench drains that will direct stormwater from the project site to a

new oil/water separator, to be installed by the Proponent in Easy Street, to be conveyed to the municipal stormwater system and discharged to Nantucket Harbor.

The 3,063 sf Dreamland Public Garden open space area will include the use of pervious paving that will provide direct infiltration of a portion of the project's stormwater flow to groundwater.

As described in the ENF, the eastern half of the project site (approximately 7,557 sf) including a portion of the proposed new Dreamland Theater building is located in Land Subject to Coastal Storm Flowage. In its comments, the Department of Conservation and Recreation (DCR) has indicated that the new building is located within the 100-year floodplain (A7) having a base flood elevation of eight feet above the Half Tide Level Datum of 1934 and delineated on the Flood Insurance Rate Map (FIRM) for Nantucket (November 6, 1996). The Proponent will need to demonstrate that the proposed project will meet the structural requirements detailed in the National Flood Insurance Program (NFIP) regulations, applicable state building codes (Section 3107.0), applicable federal flood plain management policies (Executive Order 11988, Flood Plain Management) and applicable Nantucket Floodplain District zoning requirements for the construction of buildings within the 100-year floodplain.

Chapter 91 Jurisdiction/Open Space and Public Access

Approximately 6,482 sf of the new Dreamland Theater Community Arts and Cultural Center building will be located within jurisdictional tidelands. According to the information provided in the comment letter received from MassDEP's Waterways Program, the Waterways Regulations (310 CMR 9.02) require a minimum of one square foot of open space to be provided for every square foot of tideland area occupied by a building containing a non-water dependent use. To comply with the Waterways regulations the Proponent has proposed to provide 3,063 sf of on-site open space and 3,419 sf of off-site open space (6,482 sf of total Open Space commitment). The Proponent's on-site open space commitments includes the construction of approximately 3,063 sf landscaped Public Garden and Harbor Viewing Area to be located on the east side of project site bordering on Easy Street and Nantucket Harbor. Through a Memorandum of Understanding (MOU) that will include a Use and Maintenance Agreement entered into with the Town of Nantucket, the Proponent has also committed to provide approximately 3,419 sf of off-site open space by assuming the responsibility for maintenance and improvements to portions of existing municipally-owned sidewalks located in filled tidelands and in close proximity to the project site along Oak Street from the Oak Street/South Water Street intersection east to the Oak Street/Easy Street intersection, and along Easy Street from the Easy Street/Broad Street intersection south to the Easy Street/Cambridge Street intersection. As described in the ENF, the first floor layout has been designed to serve as a facility of public accommodation (FPA) and will provide a public purpose consistent with MassDEP's waterways regulations (310 CMR 9.51(3)(b)).

Historic/Archaeological Resources

The Dreamland Theater building was first used as the Hicksite Meeting House in 1835. The building was moved twice and has undergone numerous additions and alterations. The building was moved from Brant Point to South Water Street in 1905 where it was used as a straw hat factory and hotel and more recently as a theater. As described in the ENF, the project will involve the demolition of the existing Dreamland Theater building and an existing surface parking area. The Proponent has proposed to inventory, reuse and incorporate select portions of the existing Dreamland Theater building's timber frame in the new Dreamland Theater Community Arts and Cultural Center building.

According to the Massachusetts Historical Commission (MHC), the Dreamland Theater building is located in the Nantucket Historic District and listed as a National Historic Landmark in the State and National Registers of Historic Places. In their comments, MHC has indicated that the project as currently proposed will have an adverse effect on this inventoried property and requests that the Proponent consult with MHC regarding project alternatives described in the ENF, and provide MHC with information pertaining to the Proponent's consultations with the Nantucket Historical Commission.

Sustainable Design

New development presents opportunities for incorporating sustainable design elements and sustainable construction into project design, consistent with the goals of Executive Order 385. Sustainable design elements, over the course of the project design life, can both prevent Damage to the Environment and reduce operating costs to the proponent. I commend the Proponent's efforts to incorporate a number of sustainable design elements into the proposed project design including:

- optimization of natural day lighting to provide day lighting to 90% of interior spaces; other than theater and mechanical spaces;
- automatic controls for interior lights to reduce energy use;
- low-flow plumbing fixtures;
- use of renewable geothermal energy for 100% of heating and cooling loads;
- use of energy recovery units to maximize efficiency of HVAC system;
- use of an independent 3rd party commissioning agent to test systems and train staff;
- implementation of a construction management plan that will divert materials from landfills;
- re-use of materials from the existing building – timber frame and finishes in the new building;
- new materials specified will contain between 10 – 20% recycled content;
- new materials specified will be from rapidly renewable sources;
- new materials specified will be from the local region as much as possible;

- new wood specified will be from a certified well-managed forest, (certified wood) as much as possible;
- new building will include low VOC adhesives, sealants, paints, coatings, carpet and composite wood;
- providing chemical and pollutant filtration on exhaust systems; and,
- providing natural ventilation through operable windows.

Mitigation

As described in the ENF, the Proponent has committed to a number of mitigation measures listed below related to the project's potential traffic impacts:

- providing funding to complete a Downtown Parking Study;
- providing Dreamland Theater employees and volunteers with Nantucket Regional Transit Authority (NRTA) transit passes;
- provide on-site bicycle lockers; and,
- designing and implementing an off-site Parking Management Plan with shuttle bus service for Dreamland Theater summer events.

Construction Period Impacts

The proposed project includes demolition of an existing building. The Proponent should evaluate construction period impacts, including erosion and sedimentation, air quality and solid waste disposal and commit to measures to minimize construction impacts. I commend the Proponent for adapting the project design, infrastructure and contractual requirements as necessary to incorporate waste reduction, recycling and recycled products. I refer the Proponent to the MassDEP comment letter for additional guidance on developing a successful waste management program and use of recycled materials. MassDEP has noted that demolition and construction activities must comply with both Solid Waste and Air Quality control regulations. The Proponent should carefully review MassDEP's comments and demonstrate the project's consistency with the applicable Solid Waste and Air Quality control regulations.

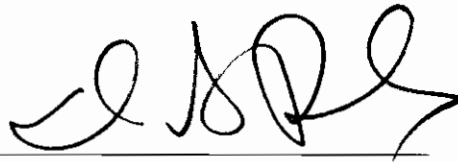
Conclusion

Based on a review of the information provided by the Proponent and after consultation with the relevant public agencies, I find that the potential impacts of the proposed project do not warrant the preparation of an EIR.

I am confident the Proponent can resolve any remaining issues regarding compliance with the Waterways regulations and the project's impacts to historic resources during permitting and the MHC consultation process for this project. No further MEPA review is required at this time.

January 9, 2009

DATE



Ian A. Bowles, Secretary

Comments received:

12/16/08	Division of Marine Fisheries
12/29/08	MA Department of Environmental Protection – Waterways Regulation Program
12/30/08	MA Department of Environmental Protection – SERO
12/30/08	Massachusetts Historical Commission
01/06/09	Department of Conservation and Recreation (DCR)

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