



ZONING BOARD OF APPEALS

2 Fairgrounds Road
Nantucket,
Massachusetts 02554
www.nantucket-ma.gov

Commissioners: Susan McCarthy (Chair), Lisa Botticelli (Vice Chair), Elisa Allen, John Brescher, Michael O'Mara,
Alternates: Mark Poor, Jim Mondani

~~ MINUTES ~~

Monday, June 26, 2023

This meeting was held via remote participation using ZOOM and YouTube.

I. CALL TO ORDER

Called to order at 12:05 pm and Announcements made by Ms. McCarthy

Attending Members: McCarthy, Botticelli, Brescher, Mondani

Staff in attendance: Leslie Snell, Zoning Administrator; William Saad, Land Use Specialist; Nickesha Sheriff, Administrative Specialist

Absent: Poor, O'Mara, Allen

Late Arrivals: Brescher @ 12:21

Early Departures: -

II. APPROVAL OF AGENDA

Motion: Motion to Approve the agenda, as drafted. (made by: Botticelli) (seconded by: Mondani)

Vote: Carried 3-0 McCarthy, Botticelli, Mondani

III. SURFSIDE CROSSING FINAL SITE PLAN/ENGINEERING REVIEW & REVIEW OF CONDITIONS

Discussion:	Botticelli - Add roof material clarification – listed on plans submitted to HAC (exhibit 4) as metal seemed roof, but approved as asphalt in a later permit set. - Noted that changes, involving the addition of solar, will require HDC approval. - Video lost audio from 8:31 to 9:58 - Concerned that parking is insufficient based on the density - Concerned residents will park in the road - Concerned that dumpsters are insufficient - Concerned about fire safety access based on the single access point and maneuvering of vehicles on site. Mondani - Questioned if the Fire Department has submitted their review Snell - Stated that she emailed the Fire Department to see if they've concluded their review. Botticelli - Questioned if someone from staff can review all items to identify which have not been addressed.
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Snell

- Stated that staff can put something together.

Mondani

- Stressed the need for the Fire Department's response after the Veranda House fire.

McCarthy

- Agreed that fire access should be included in the letter
- Stressed that the Applicant is bound by the conditions listed in the approval as amended by HAC, regardless of what is listed in the Board's letter.

Botticelli

- Believes all missing items should be identified for the Board's understanding.

Mondani

- Agrees, and believes a checklist should be created for the building commissioner.
- Stressed the importance of conditions being met prior to the issuance of a building permit.

Brescher

- Questioned who reviews the technical aspects after the permit is issued, like engineering and legal documents.

Snell

- Stated that the applicant's engineer typically submits the plan with their professional stamp, which is verification for compliance by a licensed professional, but the building commissioner would not typically perform an engineering review.

Botticelli

- Asked for clarification on the discrepancy in the number of parking spaces between the plan approved by the HAC and the plan currently under review by the Board.

Haverty

- Clarified that any exterior structural changes will require a modification to the comprehensive permit and must return to the ZBA for approval. While the ZBA may seek input from the HDC, the final decision rests with the ZBA.
- Explained that the reduction in parking spaces from 299 to 291 resulted from the MEPA review and approval process, which required adjustments to the impervious surface area for parking.

McCarthy

- Asked for clarification on why conflicting plans display different parking counts.
- Noted that the HAC-approved plan under review indicates 299 parking spaces.
- Emphasized the need for accurate and consistent plans, expressing frustration that revised plans continue to be submitted at this late stage of the review process.

The Board

- Addressed deficiencies in the plan while acknowledging that the zoning code does not adequately account for this type of development.
- Expressed concerns that the site layout leaves little to no room for anyone beyond condominium and apartment residents, including potential challenges for emergency vehicle access.

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	Brescher - Recommended that the letter explicitly state that, due to the project's size, scope, and layout, the parking provided is insufficient, as it fails to accommodate guests and emergency vehicle access adequately. McCarthy - Reminded the Board that, as part of the technical review, it must document any deficiencies in its letter to the Building Commissioner. - Emphasized that the Board is responsible for issuing a letter stating whether the plans conform to the decision as amended by the HAC. Mondani - Asked Town Counsel how the Board should address perceived deficiencies when there are no specific regulations to guide the determination. - Raised concerns about enforcement, questioning how the Building Commissioner will ensure the correct plan is reviewed, given the discrepancies between submitted plans. Botticelli - Pointed out that Mr. Chessia did not have the correct "Exhibit 4" needed to properly review the parking plan. Pucci - Recommended that the Board apply any remaining conditions and document deficiencies based on the peer engineer's review and recommendations. - Reminded the Board that new evidentiary issues cannot be introduced at this stage of the process. - Stated that the Applicant must address legitimate concerns raised by the Board and that the ZBA will retain jurisdiction over any future modifications. - Noted that the Board will need to formally vote on the letter. - Suggested the letter include language stating, where applicable, that "the plans submitted for technical review do not comply with the HAC-approved plan." The Board - Emphasized the requirement that construction must be completed within a three-year period as specified by the HAC. - Raised concerns about whether the proposed phasing plan aligns with market demand, particularly if a downturn occurs, and how that could affect sales, financing, and overall project viability.
Motion:	Motion to continue to June 28, 2023 at 2 PM (Botticelli)(seconded by Brescher)
Vote:	Carried 4-0// Botticelli, Brescher, McCarthy, Mondani (Aye)

VI. ADJOURNMENT

Motion:	Motion to adjourn.
Vote:	Carried 4-0// McCarthy, Botticelli, Mondani, Brescher

Submitted by: William Saad

YouTube Link: <https://www.youtube.com/watch?v=gaLOR5MTUSA>