



ZONING BOARD OF APPEALS

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

Commissioners: Susan McCarthy (Chair), Elisa Allen (Clerk), John Brescher, Joe Marcklinger
Alternates: Lisa Botticelli, Mark Poor, Jim Mondani

~~ MINUTES ~~

Wednesday, December 18, 2024

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

I. CALL TO ORDER

Called to order at 1:05 pm and Announcements made by Ms. McCarthy

Attending Members: McCarthy, Allen, Mondani, Botticelli

Staff in attendance: William Saad, Zoning Administrator & Land Use Specialist, Rodlisha Dixon, Administrative Specialist

Absent: -

Remote Members: Brescher

Late Arrivals: -

Early Departures: -

II. APPROVAL OF AGENDA

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

Vote: Carried 4-1 McCarthy, Allen, Brescher, Botticelli (Aye) Mondani (Nay)

Agenda Discussion: Board member Jim Mondani requested that specific topics of discussion be included in the agenda in advance for better preparation and compliance with Open Meeting Law. Mondani asked Town Counsel for clarification on the requirements under Open Meeting Law. Attorney George Pucci, representing the Board as Town Counsel, clarified that the agenda complied with Open Meeting Law but recommended that the Board specify topics for future meetings, especially considering the complexity of 40B projects.

III. APPROVAL OF THE MINUTES

Chair McCarthy noted that there were no minutes listed for approval on the agenda.

Minute Discussion: Board member Jim Mondani expressed concern over changes made to the minutes from the October 22, 2024 meeting. He stated that although the minutes were approved as submitted at the previous meeting, the changes were substantial and mischaracterized the Board's intentions. Mondani made a motion to reconsider the minutes at the next meeting, which was seconded by Allen. The motion to reconsider the minutes was approved with a roll call vote: McCarthy (Aye), Mondani (Aye), Allen (Aye), Botticelli (Aye), Brescher (Aye).

IV. OLD BUSINESS

1. 25-24 Surfside Crossing, LLC

Surfside Crossing 40B

Haverty

This matter is on remand pursuant to the order of the Housing Appeals Committee in Surfside Crossing, LLC v. Nantucket

Zoning Board of Appeals, No. 2019-07, and the order of Nantucket Superior Court in Meredith v. Housing Appeals Committee, C.A. 2275-00025. The Applicant is seeking a Comprehensive Permit in accordance with M.G.L. Chapter 40B and ZBA File No. 20-18, in order to allow a multi-family project consisting of 156 condominium dwelling units in 18 multi-family buildings. The application and supporting materials are available for public review at the Zoning Board of Appeals office at 2 Fairgrounds Road between the hours of 7:30 A.M. and 4:30 P.M., Monday through Friday. The Locus is situated at 3, 5, 7, and 9 South Shore Road and is shown on Assessor's Map 67 as Parcels 336, 336.9, 336.8, and 336.7 and is shown as Lots 4, 3, 2, and 1 on Plan Book 25, Page 50 as recorded at the Nantucket Registry of Deeds. The total lot area of the combined parcels is approximately 13.6 acres. Evidence of owner's title is recorded in Book 1612, Page 62 at the Nantucket Registry of Deeds. The property is located in a Limited Use General 2 (LUG-2) and within the Public Wellhead Recharge District.

Voting:	McCarthy, Allen, Brescher, Mondani, Botticelli
Alternates:	NONE
Documentation:	File with associated plans, photos, correspondence and required documentation
Representing:	Attorney Paul Haverty
Discussion:	Chair Susan McCarthy -Outlined the agenda, starting with the applicant's responses, followed by public and Board questions, review of materials from the Nantucket Land and Water Council, Attorney DeRensis responses, and HDC architectural comments, with a detailed project discussion scheduled for the next meeting. John Chessia, P.E Consultant -Reviewed the new materials and noted that an updated plan comparison was submitted, though it was less comprehensive than previous versions. - Noted that the well exhibit plan referenced by Mr. Bracken was missing, which is necessary for assessing setbacks and off-site features. Attorney Haverty - Acknowledged responsibility for the missing exhibit plan and apologized, assuring the Board that it would be submitted. Don Bracken - Clarified the details regarding the EV charging stations, drainage, and parking spaces. He explained that the proposed modification would reduce the number of vehicle trips and traffic impacts, with the new parking plan offering more spaces than the original. Jim Mondani - Expressed the need for clarity regarding how the local regulations related to stormwater would be met, and how the Board of Health's concerns were being addressed. Don Bracken - Stated that the design complies with state regulations and does not exacerbate stormwater runoff. He acknowledged the local well protection regulations but maintained the design meets those requirements. Chair McCarthy - Requested that the applicant provide a detailed redlined response addressing the concerns raised by individual departments, including the Board of Health, as outlined in the Select Board's letter. The Board - Expressed concern over the number of parking spaces in relation to the number of bedrooms - Expressed concern over the proposed single entrance for the development and its potential impact on both onsite and offsite traffic - Discussed the need for a second access point and possible traffic mitigation measures. Attorney Haverty - Explained that the original traffic mitigation payment of \$200,000 was based on a 156-unit

development and has already been remitted to the town. He clarified that the proposed modification, which converts the project to 156 condominium units, reduces off-site traffic impacts.

The Board

- Requested Town Counsel's advice regarding the scope of the review, specifically on traffic issues.

George Pucci, Town Counsel

- Stated that the remand order allows the Board to review both on-site and off-site traffic circulation. He advised against delaying action for a new traffic count but recommended gathering expert opinions, as the 2020 study may not reflect current conditions. He emphasized that the Board has the right to request a peer review.

The Board

- Expressed concern about the relevance of the existing traffic study.
- Discussed utilizing data from the recent traffic study of the nearby Island Home project and emphasized the need for input from the Traffic Director once the applicant submits redlined responses to the Select Board and Board of Health letters.

Chair McCarthy

- Inquired about the removal of the sidewalk from the MEPA-approved plans, which included an easement for a sidewalk from the proposed entrance

Attorney Haverty

- Explained that while the sidewalk easement could be shown on a plan, it could not be constructed due to a deed restriction imposed by MEPA, which requires the 50-foot buffer to remain undisturbed.

John Chessia, P.E Consultant

- Disagreed with Haverty suggesting that the plan could have been adjusted to have both, either by moving the sidewalk within the 50-foot buffer or shifting the buffer itself.

The Board

- Agreed that safety should take priority, and further review of the issue was needed.
- Discussed concerns regarding stormwater management standards
- Questioned whether the applicant will need a waiver for the 15% impervious surface requirement

Don Bracken

- Explained that the project complies with stormwater management standards and that the 15% impervious surface requirement does not need a waiver but noted that they would address further concerns in writing.
- Emphasized that the proposed stormwater system exceeds town standards and provides adequate treatment, despite the increased impervious surface.

Elisa Allen

- Asked for clarification on who is right regarding the stormwater and water quality standards, given the conflicting opinions between the applicant's experts and the Nantucket Land and Water Council's consultants.

John Chessia, P.E Consultant

- Clarified that the project complies with stormwater runoff and recharge rate requirements but raised concerns about the proposed systems' setbacks from wells and septic systems.
- Explained that stormwater treatment and water quality standards are complex and depend on the overall goals of the project. He recommended consulting with the water company to assess whether the project could pose a contamination risk and how the water supply would be managed. He noted that while underground systems are not foolproof, they may align with other local projects and past standards but stressed the need for more thorough treatment due to the site's vulnerability. He

	emphasized that the issue is multifaceted, and there is no clear-cut answer. The Board -Discussed the importance of requesting an extension for the Surfside Crossing project, acknowledging the need for more time to review the information presented and address concerns Public Concern - Kate Raphael (Abutter) expressed concern about potential traffic issues. -Attorney Paul DeRensis deferred his comments to the Nantucket Land and Water Council and its experts. - Dennis Murphy (Nantucket Land and Water Council) explained that the project site is in a Zone 2 public drinking water supply area and emphasized that the applicant has not provided sufficient analysis regarding groundwater quality, which is crucial for meeting local and state standards for stormwater management. - Sean Reardon (Engineer for Nantucket Land and Water Council) explained that the stormwater management system for the project does not employ Best Management Practices (BMPs) as outlined in the stormwater handbook for Zone 2 areas - Scott Horsley (Hydrologist) discussed his concerns regarding the project's non-compliance with stormwater standards, stating that the proposed system does not adequately treat runoff before it enters the groundwater, especially given the high percentage of impervious surface (52%) in a Zone 2 drinking water area. - Attorney Paul DeRensis emphasized that the project has significant issues, including flawed traffic and parking studies, the removal of a pedestrian easement, inaccurate economic assumptions, fire safety risks, lack of second access, potential groundwater contamination, non-compliance with historic district standards, and a pattern of the developer providing inaccurate information, ultimately urging the Board to reject the project for the safety and welfare of the island. - Linda DeRensis expressed concern over the developer's disregard for safety and project flaws, emphasizing that numerous boards and committees had raised grave concerns about the Surfside Crossing project, urging the Board to reject it for the well-being of the island. - Jacques Zimicki (Abutter) expressed concerns regarding parking and traffic, noting that single-family homes with driveways are preferable to the proposed condominiums without driveways, which could exacerbate traffic and safety issues, and highlighted the potential water pollution risk to nearby wells, emphasizing the importance of understanding groundwater flow and velocity to assess the potential impact on the aquifer.
Motion:	Motion to continue to January 15, 2025. (Made by: Brescher) (Seconded by: Allen)
Vote:	Carried 5-0// McCarthy, Allen, Brescher, Mondani, Botticelli

VII. ADJOURNMENT

Motion:	Motion to adjourn.
Vote:	Carried 5-0// McCarthy, Allen, Brescher, Mondani, Botticelli

Submitted by: Rodlisha Dixon

YouTube Link: <https://www.youtube.com/watch?v=aThinMsEKM0>