



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 Lisa Botticelli
Alternates: Mark Poor, Jim Mondani

~~ MINUTES ~~

Wednesday, January 15, 2025

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

I. CALL TO ORDER

Called to order at 1:03 pm and Announcements made by Ms. McCarthy

Attending Members: McCarthy, Allen, Brescher

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

Absent: -

Remote Members: Botticelli

Late Arrivals: Mondani (1:12 pm)

Early Departures: -

II. APPROVAL OF AGENDA

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

Vote: Carried 4-0 McCarthy, Allen, Brescher, Botticelli

III. 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 -Called for department head feedback on the proposed project Fire Department -Chief Michael Cranson expressed concerns about access, emphasizing the need for 20-foot-wide roads unobstructed by parking and the ability to reach all parts of the buildings. He also highlighted the importance of multiple access points for safety, noting that while the project meets fire code, it is not ideal without a second remote access point. Attorney Paul Haverty - Stated that the fire access issue had been addressed during the Housing Appeals Committee (HAC) hearing with testimony from a code compliance expert, confirming that the current emergency access location meets fire code requirements. He noted that while a more remote access point would be ideal in theory, it is not feasible. He further asserted that the project, as designed, meets all required safety standards and that the proposed access is both safe and adequate. Police Department -Chief Jody Kasper noted the importance of emergency access and raised concerns regarding the single access point and potential traffic congestion She also expressed concern about parking, anticipating challenges with both visitor and resident vehicles, and recommended clear signage for emergency responders. Transportation -Mike Burns provided an update on traffic mitigation plans, noting that the proportional mitigation rates would likely need to be recalculated due to cost increases for intersection improvements. He also highlighted the need for an accessible crosswalk from the development to the bike path and discussed traffic-related concerns regarding the intersections of Southshore Road, Surfside Road, and Fairgrounds Road. The Board -Inquired whether the change to the mitigation percentage could be determined by the Board or was subject to negotiation with the Town and asked for clarification on the percentage of the \$6.9 million roundabout project. Attorney George Pucci, Town Council - Stated that the mitigation percentage would be determined as a condition in the permit, and that the developer would either accept or reject it. He further clarified that the funding for the roundabout project is prioritized by the Town, and while the developer’s contribution is determined by the agreed-upon percentage (8.6% for one intersection, 4.4% for the other), the rest of the funding sources are yet to be determined. Jim Mondani -Noted that the previous study used outdated traffic projections from a 60-unit plan that was previously approved. Additionally, he inquired whether, given the changes in the development, a new traffic study is needed or if the study conducted for the Island Home project could still be applied to the current proposal. Mike Burns, Transportation Manager - Clarified that although the residential development types have changed, the 156-unit development was used. He noted that while trip generation rates could be debated, he recommended keeping the original 2018 projections, emphasizing that the only significant change is the increased construction costs due to inflation. Attorney Paul Haverty - Explained that when conducting a traffic study, two aspects are considered: current observed traffic and future build traffic. He clarified that the observed traffic would remain the same regardless of whether the development is based on the 60-unit or 156-unit plan, as the trips coming out would be
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unaffected. He also noted that the focus of the traffic study was on future build traffic, and the actual observed traffic does not change between the two development options.

Department of Public Works (DPW)

-Andrew Patnode noted that the plans depict 4-foot sidewalks instead of the required 5 feet per MassDOT standards, and there are no curb ramps, crosswalks, or traffic signage on the plans. He also noted that there are limited pedestrian interconnections, especially between condo buildings and to shared spaces like the playground, pool, and community building. He emphasized that individuals with mobility issues might have difficulty accessing these areas, as many would have to walk across grass or through parking lots.

Don Bracken, Bracken Engineering

- Addressed concerns about sidewalk width, stating that a 4-foot width is adequate for ADA compliance in developments of this type, referencing town regulations. He acknowledged that residents would primarily access common areas, such as the pool and open space, by walking through parking lots and crossing the road. Bracken emphasized that, given the density of the development, the existing sidewalk system is sufficient, and once pedestrians cross the road, they would have access to a sidewalk system around the open space. He confirmed that the final construction set could include details for crosswalks and signage, which would be regulated by relevant codes in consultation with a traffic engineer.

Sewer Department

-David Gray confirmed that the Sewer Department installed a gravity sewer line along Southshore Road with stubs for the development, which is ready to be activated upon completion of a pump station at the treatment plant. He highlighted the need to finalize curb cuts and driveway locations to ensure compatibility with the planned Cape Cod berms. Gray also reiterated that the preferred sewer connection for the development is through the newly installed gravity system, with access points at the stubs. Regarding the force mains, he clarified that one is active, and the other is a backup, but both will remain in place. He mentioned that connection fees and any waivers would be handled by the Board of Sewer Commissioners, and access to the force mains would be required if any issues arise, with isolation valves now installed for easier maintenance.

Wannacomet Water Company

-Mark Willett stated that the water demand for drinking and fire suppression can be met, despite one well being down. Additionally, a new well is expected to come online within a year to a year and a half. His primary concern was the stormwater management system, particularly the increased impervious material. While the design exceeds the 15% impervious threshold, he stated that if the system captures and safely recharges 95% of stormwater, it meets regulations. He stressed the importance of long-term maintenance and inspections to prevent groundwater contamination and ensure system effectiveness. He also noted that the change from single-family to multi-family units likely has little impact on stormwater recharge.

The Board

- Asked Mark Willet how the proposed development compares to other similar developments on the island regarding stormwater management, impervious surfaces, and groundwater impact, particularly in Zone 2.

Mark Willet

- Confirmed that there are similar developments on the island with comparable density and impervious material, noting that the primary concern for this project is ensuring the stormwater system meets the 95% recapture rate without negatively affecting groundwater. He emphasized the need for careful monitoring of hydrology, particularly groundwater elevations and potential mounding effects. Willette pointed out that similar developments, some in Zone 2, have up to 80% impervious surface, but these must be properly managed to prevent contamination. He stressed the importance of designing, maintaining, and regularly inspecting the system for long-term effectiveness.

Health Department

-Roque Miramontes reviewed the proposal with the Board of Health, highlighting concerns regarding stormwater runoff contamination affecting nearby private wells. He referenced local regulations that prohibit drilling private wells within 100 feet of stormwater dry wells but noted that the reverse risk exists. The Board of Health recommended an independent consultant assess the impact of the runoff.

Additionally, Mr. Miramontes noted concerns over lighting and pedestrian safety, which were not fully addressed in the response received. He reiterated the need for adequate lighting, especially in dark areas like Nantucket.

The Board

- Asked John Chessia, the Engineering Consultant, for his opinion on whether the proposed stormwater system is adequate for the development

John Chessia

- Explained that the proposed stormwater system, using catch basins and oil-grit separators, is standard for the soil conditions and aims to meet regulatory standards. He noted that while some contaminants may affect groundwater, the system's effectiveness depends on proper maintenance, as it can clog over time. He acknowledged similar systems in other communities and emphasized the importance of addressing contamination risks, particularly due to Nantucket's sole-source aquifer.

Attorney George Pucci, Town Council

- Noted that the Housing Appeals Committee (HAC) granted the request for an extension, but only until February 21, and informed the Board that this deadline should be kept in mind when discussing future hearing dates.

David Gray

- Stated that the Sewer Department now oversees all stormwater on the island and requires detailed maintenance plans for subdivisions to ensure systems, such as catch basins, are properly cleaned. He explained that stormwater remains part of the subdivision and is not transferred to the Town, and that his department reviews the maintenance plans provided by the Planning Board, offering feedback and suggestions for improvement.

Attorney George Pucci, Town Council

- Encouraged a thorough review of expert opinions and suggested that further analysis from other departments could help resolve competing viewpoints on stormwater management.

Don Bracken

- Responded to the Board of Health, Mr. Horsley, and Mr. Reardon's comments, explaining that the site's drainage system, which includes oil grit separators and infiltration systems, meets the required stormwater standards. He also emphasized that the site complies with the Massachusetts Stormwater Handbook, addressing concerns about potential groundwater degradation and pollutant loads.

The Board

- Asked the consulting Engineer, John Chessia, if he reviewed the submissions and responses from Mr. Bracken regarding stormwater management and requested his opinion on the arguments presented.

John Chessia

- Reviewed the submission and noted that while he agrees with the stormwater design approach, he believes the site could be classified as LUHPPL based on the traffic study, though he disagrees with Mr. Bracken's assessment. He emphasized that the stormwater system's design would still meet the required guidelines and agreed to submit a written opinion to the Board for the record.
- Stated that he also reviewed the letter from Mr. Horsley and noted that while the regulations may not capture all types of pollutants, the proposed stormwater system follows a common design used statewide. He emphasized that while there could be potential degradation, the system adheres to current guidelines, and questioned whether the Board could rule differently given the potential impact on local wells.

Chair McCarthy

- Asked the applicant if they would be willing to engage an independent consultant to review the

	stormwater system, given the concerns raised by several town departments. Attorney Paul Haverty -Stated that applicant would not fund such a review, asserting the Board's discussion regarding stormwater was outside scope of the remand order and that the applicant was not obligated to provide additional consultation. Attorney George Pucci, Town Council Disagreed with Haverty, emphasizing that the Board should proceed with the information available, despite the refusal. He also clarified that the Board could still consider new circumstances and information due to the four-year delay and that the scope of review now included evaluating the substantial changes made to the project, particularly regarding the 156 condos, which had not been part of the original approval. Public Concern - Dennis Murphy, on behalf of the Nantucket Land and Water Council, argued that the proposed stormwater system is a conventional design, and that the requested 15% coverage is already the standard, with no justification provided for the significant increase requested. He emphasized that the proposed system fails to meet conventional stormwater standards and does not address the potential degradation of groundwater quality, particularly given the scale of the project and its location in a Zone 2 area. -Scott Horsley, Water Resource Expert, reviewed the project and highlighted concerns about stormwater pollution, particularly in relation to the risks posed by the significant increase in impervious coverage, which could result in pollutant load exceeding conventional stormwater practices. He emphasized that the state's stormwater standards, designed to address suspended solids, do not meet the bylaw's performance standard of "no degradation" of groundwater quality, and he stated that the developer has the burden of proving that they can meet these more stringent standards. - Sean Reardon expressed agreement with prior comments and highlighted that the project must comply with stormwater standards, particularly those requiring organic media and vegetation for proper filtration, which the current design lacks. He also stressed the importance of effective maintenance, noting that surface detention basins, which are easier to maintain, should be used instead of the current underground infiltration systems.
Motion:	Motion to continue to January 24, 2025. (Made by: Brescher) (Seconded by: Allen)
Vote:	Carried 5-0// McCarthy, Allen, Brescher, Mondani, Botticelli

IV. 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=qERJmoHmMCg>