



## ZONING BOARD OF APPEALS

2 Fairgrounds Road  
Nantucket,  
Massachusetts 02554  
[www.nantucket-ma.gov](http://www.nantucket-ma.gov)

**Commissioners:** Susan McCarthy (Chair), John Brescher (Vice Chair), Elisa Allen (Clerk), Joe Marcklinger, Lisa Botticelli

**Alternates:** Mark Poor, Jim Mondani

~~ MINUTES ~~

Tuesday, March 04, 2025

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

### I. CALL TO ORDER

Called to order at 1:06 pm and Announcements made by Chair McCarthy

Attending Remote Members: McCarthy, Botticelli, Brescher, Mondani, Allen

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

Absent: -

Late Arrivals: -

Early Departures: -

### II. APPROVAL OF AGENDA

**Motion:** Motion to approve the agenda.

(made by: Brescher) (seconded by: Botticelli)

**Vote:** Carried 5-0 McCarthy, Brescher, Mondani, Botticelli, Allen (Aye)

### 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, Mondani, Botticelli, Brescher, Allen                                |
| Documentation: | File with associated plans, photos, correspondence and required documentation |
| Representing:  | Attorney Paul Haverty                                                         |

|             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
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| Discussion: | <p><b>Chair McCarthy</b></p> <ul style="list-style-type: none"> <li>-Opened the discussion on the Surfside Crossing project and noted that the end of the meeting is the deadline to close the public hearing.</li> <li>- Raised the issue of whether to withdraw the request for the Bristol Engineers update, as the Select Board won't vote on it until the following day and results won't be available until late March.</li> <li>-Requested a poll of the Board.</li> </ul> <p><b>The Board</b></p> <ul style="list-style-type: none"> <li>-Unanimously agreed that the request should be allowed to move forward.</li> </ul> <p><b>Jim Mondani</b></p> <ul style="list-style-type: none"> <li>- Stated that the developer should be responsible for paying for the review and questioned why the Town is covering the cost.</li> </ul> <p><b>George Pucci (Town Counsel)</b></p> <ul style="list-style-type: none"> <li>- Confirmed that it would be preferable for the applicant to pay for the review but noted that someone must pay for the consultant's work to proceed.</li> <li>-Suggested that the Board could reopen the hearing if the report is ready by the end of the month.</li> </ul> <p><b>Attorney Paul Haverty</b></p> <ul style="list-style-type: none"> <li>- Addressed the issue of the review fee, stating that according to 760 CMR 56.05(5)(B)(1), a review fee may only be imposed if the consultant is reviewing studies prepared on behalf of the applicant. He emphasized that the current study is an independent review, not one prepared on behalf of the applicant. He concluded that the applicant is under no obligation to pay for this independent review, and any local rules to the contrary would be superseded by the state regulation.</li> </ul> <p><b>Attorney Paul DeRensis</b></p> <ul style="list-style-type: none"> <li>- Noted that additional documents had been submitted to the Board, including Dr. Timothy Lepore's testimony regarding the limitations of Nantucket's medical facilities during emergencies. He emphasized that this contributed a 10th reason for denying the project, highlighting the medical risks associated with it.</li> </ul> <p><b>Attorney George Pucci (Town Counsel)</b></p> <ul style="list-style-type: none"> <li>- Responded to Meghan Perry's concern, noting that while the ZBA does not have the authority to directly instruct the Fire Chief to act, the Board could make a request for him to reconsider his decision or forward the plans to the State Fire Marshal for review.</li> </ul> <p><b>Chair McCarthy</b></p> <ul style="list-style-type: none"> <li>-Stated that while the ZBA did not have the power to direct the Fire Chief, they could make a more explicit request. She proposed that the Board should go back to the Fire Chief and clearly restate their request to send the plans to the State Fire Marshal, emphasizing that it was a request made with the town's safety in mind and based on conflicting opinions regarding the safety of the project. <i>*Motion 1*</i></li> </ul> <p><b>Attorney Dennis Murphy (Nantucket Land and Water Council)</b></p> <ul style="list-style-type: none"> <li>-Recommended considering STR restrictions if the project were approved with conditions. Urging the Board to address STRs, particularly for non-affordable units, as it had been a significant issue in past negotiations.</li> </ul> <p><b>Public Concern</b></p> <ul style="list-style-type: none"> <li>- Meghan Perry raised concern about not having a third-party review done at no cost by the state Fire Marshall's office, suggesting that a more direct request should have been made.</li> </ul> |
| Motion 1:   | Motion to formally request that the Fire Chief send the plans for Surfside Crossing to the State Fire Marshal for review. (Made by: Botticelli) (Seconded by: Allen)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| Vote:       | Carried 5-0// McCarthy, Mondani, Allen, Botticelli, Brescher                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |

## VII. ADJOURNMENT

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

Submitted by: Rodlisha Dixon

YouTube Link: [Zoning Board of Appeals - March 4, 2025 \(Special Meeting\)](#)