



ZONING BOARD OF APPEALS

2 Fairgrounds Road
Nantucket,
Massachusetts 02554
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 ~~

Wednesday, March 19, 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 Members: McCarthy, Botticelli, Brescher, Mondani, Allen

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

Absent: -

Remote Members: -

Late Arrivals: -

Early Departures: -

II. APPROVAL OF AGENDA

Motion: Motion to approve the agenda.

(made by: Brescher) (seconded by: Allen)

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:	*Public Hearing Closed*

Discussion:	Chair McCarthy -Noted that the public hearing is closed and that the Board must deliberate before making a decision. - Requested input from Board members on whether the project could be approved with conditions or should be denied. Botticelli -Expressed concern regarding unknown issues with water quality, fire safety risks due to single access, and potential impacts to the aquifer. -Feels these risks outweigh the benefits of the proposed density. -Noted that no adequate mitigation measures (such as rain gardens or other runoff controls) were presented. -Indicated intent to move for denial. Allen -Concurred with the prior comments. -Noted the Applicant has had ample time and resources but has not proposed solutions to address concerns raised by the Town or abutters. -Stated the Applicant has shown no effort to compromise, and that approval with conditions would be ineffective. -Indicated intent to move for denial. Brescher -Agreed with previous comments. -Emphasized that noncompliance with stormwater standards was the strongest reason for denial, noting that many concerns had been raised but this issue alone warranted action. -Concluded that compromise was unlikely and approval with conditions would not be workable. Mondani -Echoed prior comments, stressing that water quality concerns were central. -Noted peer reviews from other Town boards also raised significant issues. -Noted HDC identified design changes the Applicant was unwilling to address. -Concluded that while affordable housing is important, these local concerns outweigh the project's benefits. McCarthy -Agreed with the Board. -Emphasized that the Applicant made no meaningful effort to mitigate concerns or revise the plan, even on minor design changes. -Cited unresolved issues with water quality, stormwater standards, and secondary access, as well as concerns raised by other Town Boards. -Concluded that a project of this scale in such a sensitive area could have island-wide impacts, and without substantive effort from the Applicant to address issues, approval with conditions was not feasible. Mondani -Questioned what the next steps would be for the project if it were denied. Attorney George Pucci (Town Counsel) -Explained that if the Board issues a denial, that decision would be the subject of any appeal. -Clarified that following a denial, the HAC could either overturn the decision and grant the modification or uphold the denial, leaving the project with no permit in place, as the prior permit is no longer valid. -Further explained a broad timeline and what is to be expected with the HAC appeal proceeding. Mondani -Stated that the developer appeared to act in bad faith by substantially altering the project after engaging with the Board, rather than making minor adjustments.
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	Botticelli -Agreed with Jim and noted the clear cutting of the property without approval showed a lack of regard for the process. Pucci -Advised the Board to continue deliberations and allow time to review a draft denial decision before taking a final vote. The Board -Discussed potential dates for future meetings.
Motion:	Motion to continue deliberation to April 2, 2025, at 1 PM. (Made by: Botticelli) (Seconded by: Brescher)
Vote:	Carried 5-0// McCarthy, Brescher, Allen, Botticelli, Mondani

VII. ADJOURNMENT

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

Submitted by: Billy Saad

YouTube Link: <https://www.youtube.com/watch?v=6o4Si1JrgmE&t=158s>