



# ZONING BOARD OF APPEALS

## Public Meeting

2 Fairgrounds Road  
Nantucket, Massachusetts 02554

[www.nantucket-ma.gov](http://www.nantucket-ma.gov)

**Commissioners:** Ed Toole (Chair), Lisa Botticelli (Vice chair), Susan McCarthy (Clerk), Michael J. O'Mara, Kerim Koseatac  
**Alternates:** Mark Poor, Geoff Thayer, Jim Mondani

### ~~ MINUTES ~~

**Tuesday, May 28, 2019**

4 Fairgrounds Road, Public Safety Facility Community Room –4:00 p.m.

Called to order at 4:08 p.m. and Announcements made.

Staff in attendance: Eleanor Antonietti, Zoning Administrator  
Attending Members: Toole, Botticelli, McCarthy, Thayer, Mondani  
Absent: O'Mara, Koseatac, Poor  
Town Representative: None

Agenda adopted by unanimous consent

#### **I. APPROVAL OF MINUTES**

1. May 20, 2019: Held by unanimous consent.

#### **II. OLD BUSINESS**

20-18      Surfside Crossing, LLC      Surfside Crossing 40B      Haverty/Reade

The Board will have deliberations regarding the application for a Comprehensive Permit in accordance with M.G.L. Chapter 40B. 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 13.5 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      Toole, Botticelli, McCarthy, Koseatac, Thayer

Discussion      **DUPLEX**

**Botticelli** – The duplexes look fine.

**Toole** – Confirmed all the duplexes are the same; that is unfortunate since they are all together. Asked if there are concerns four identical buildings are together.

**Botticelli** – Suggested mirror images or different details to break up the sameness that if they are together, they can't be identical. If they are separated, interspersed throughout the site, the sameness isn't a problem. Foundations pargetted.

**McCarthy** – It seems like they will have to come back for a number of things. Asked if when they come back could it be done in a special meeting to get everything taken care of at once.

**Toole** – The front elevation has one door while the rear has two porches that read as one and two doors. The roof pitch should be specified.

**Botticelli** – They didn't specify the roof material though at one point mentioned all would have red cedar roofs. There are no skylights.

**Toole** – Fiberglass or wood gutters; leaders should be copper or galvanized or boxed out. Again, it would have been nice to have the information.

**Botticelli** – The siding is white-cedar shingles.

Discussion about the trim material: wood and/or synthetic or composite wood.

**Toole** – We have to make a decision; they need to use wood trim a paint it. Rake 1X8, the fascia would be 1X10 or 1X8 depending on the detail. The drawing includes a rake overhang and a soffit. No little brackets on the back porch.

**Botticelli** – The brackets are little too Victorian for this design. They need to provide updated exterior details integrating the gutters on all roof elevations; we are requiring gutters for drainage and this drawing doesn't do that.

**Toole** – Gutters are part of their subsurface drainage system; we didn't request them though they might ultimately be a condition.

**Thayer** – Putting roof water into a system is a best management practice.

**Botticelli** – They need to show gutters on all architectural drawings. This shows the sashes as a plank frame; doesn't think a decorative cap is necessary.

**Toole** – The duplexes should have a mixture of some with headcasing caps and some without.

**Botticelli** – The porch posts should be square and 6X6; it's hard to tell since we don't have scaled drawings.

**Toole** – Asked if there are any strong feelings about whether the windows are wood or not; they'll use Andersen windows. Simulated-divided-light (SDL) windows are okay. They should comply with the HDC-approved colors and pick

their pallets from that. If this goes forward, we don't want each building coming back over color choices. He doesn't think they will pick ugly color combinations, so we don't need to condition that.

**McCarthy** – Suggested referencing the chart on the HDC website.

**Toole** – It is a reasonable condition that the four identical buildings not be side by side. If they don't show something, they can't do it. The buildings have to maintain the height of 27 feet from existing grade and grade can't be built up four feet.

**McCarthy** – We've had discussions about "existing grade." We should specify that "existing grade" is what is there today.

**Botticelli** – There will be some grade change; the building site has to be flattened in some areas. They have not provided an accurate topo plan.

**Toole** – There are existing topos and they can't add four feet of fill. The grading information would have to be supplied with an HDC application. They have to give us an "existing" topo plan tied to today's date.

**Botticelli** – The condition will be all heights are from existing grade and they have to provide that plan. Suggested saying identical houses can't be together so they have to come up with some type of variation.

#### **RECREATION BUILDING**

**Toole** – The condition would be such that they would have to come back with a building design; it's similar to coming back to show us management practices for site construction, etc. There's a lot that has to be approved.

#### **SHEDS**

**Antonietti** – There is a notation on the Landscaping plan about the locations of the sheds that doesn't stand: 8X10 sheds on lots larger than 5500 SF and 6X8 sheds on lots less than 5500SF.

**McCarthy** – She wants to ensure the affordable lots regardless of size all have the smaller shed; they should be interspersed fairly based upon the lot size.

**Toole** – Noted that there are no affordable lots that are over 5500 SF. The largest affordable lot, Lot 27, is 5500 SF. The easiest would be to say everyone would get an 8X10 shed; doesn't see how that would make the project uneconomic.

**Botticelli** – The trim color should match the house. There are no architectural issues. Only single-family lots get sheds.

#### **MAINTENANCE BARN**

**Botticelli** – It looks tall at 26 feet; the board and batten shouldn't be painted; it should be natural to weather.

Discussion about the height: no greater than 23 feet tall from existing grade.

Discussion about the siding and should board and batten be painted: natural to weather trim and siding.

**Toole** – The windows have to change; 2-over-1 windows are for Victorian design; should be 6-over-6.

**Botticelli** – The side 2<sup>nd</sup>-floor should be more barn-like windows, usually 6-lights half sashes. Red cedar roof.

**McCarthy** – This needs to have gutters.

**Botticelli** – She will look into the appropriateness of corner boards on a barn.

#### **FOURPLEXES**

**Toole** – There is only A & B and those are identical.

**Botticelli** – Elevation 4 (right side) should not face the road or neighbors; it's horribly long. Other sides are very successful. It should have corner boards or shingle flares to break up the lines. There are potentially seven of these in a row.

**McCarthy** – Asked about not having fourplexes; feels we are trying to make something work that are out of place. She'd rather see more duplexes and single-family homes. If they are all together, that's awkward; if they are interspersed with single-family homes, there is the questions of entering. Eliminating the fourplexes would eliminate the condo concept.

**Toole** – More homes and duplexes would make a more cohesive looking community. The problem from the beginning is having two distinct neighborhoods within one development. Wearing our HDC hats, this is not in keeping with *Building with Nantucket in Mind*. In certain districts you can now have multi-family structures.

**Botticelli** – She's not in favor of the zoning change that allows apartments; building of this scale are very different from what the Island is used to seeing.

**McCarthy** – Noted that HDC jurisdiction is limited to visibility from the street; she is concerned with what the neighbors have to look at.

**Mondani** – This is about density and intensity in one site. If we make the decision, the local concern has to be the view of the whole area, if this is all considered country outlay under zoning. This just isn't the area for this density. If the Town's Master Plan doesn't include this area, that would be a strong argument against this.

**Antonietti** – The rear of Lot 3 is in the country overlay district; the rest of this site is town overlay.

**Mondani** – If you just had single-family lots, it would look more like R5 zoning.

**Botticelli** – From the HDC standpoint, the fourplex buildings are not approvable due to the massing.

**Toole** – We've been clear throughout the hearing process that the multi-family aspect is not appropriate for all the voiced local, health, and safety concerns. The fourplexes are a type of compromise but it is not the end of the discussion.

**Botticelli** – This would be more successful with more duplexes interspersed among the single-family houses; there would be less density and less concerns about access to the buildings in the event of fire.

**Toole** – The Fire Chief's memo noted numerous concerns with the present plan. If this were only single-family units, there would be somewhere between 54 and 60 houses.

**Mondani** – The Zoning Board can't redesign a project for a developer; he's seen similar fire issues come up as well and as long as it meets the state and federal guidelines, we can't take action. We really need to find local concerns to hang our hats on.

**McCarthy** – She'd rather see more affordable units for people who need them rather than the condos; they are still pricing out people who might need housing. If there are more market-rate houses, there would be more affordable units. A 3-bedroom unit in Sachem's Path sold for \$275,000; a 3-bedroom condo is priced around \$750,000. She is not comfortable with the fourplexes

**Mondani** – As Ed Marchant pointed out, this is a unique situation in that we did not come to an agreement with the developer.

**Botticelli** – Back to the HDC aspect, the massing of the right elevation is inappropriate; it's a box and will be visible from a number of streets.

**Thayer** – We said no basement bedrooms, period.

Discussion about whether or not bedroom basements are permitted: no basement bedrooms at all.

**Toole** – The no-basement bedrooms impacts the fourplexes because the 3-bedroom unit becomes a 1-bedroom unit. No basement bedrooms would allow the rear elevation to have a porch to break up the massing. As the HDC, we can state this building is inappropriate in scale and massing. The little details in the gable end are inappropriate. If they want to include fourplexes, they have to come back with a new design.

#### **COTTAGE TYPES A-4 & A-5**

**Botticelli** – Her concern is the roof that sticks up above mud room (rear elevation left); the ridge should be no higher than the abutting gable.

**Toole** – Asked Ms. Botticelli to mark up a plan that will become part of the record.

DISCUSSION about various details to be changed.

**Toole** – The front elevation dormer left edge sits on top of the gable-forward ridge; the dormer should be smaller.

**Botticelli** – The eave height of the front elevation gable forward should match the eave height of the porch. The two 6-light awning windows in the dormer look odd with the single double-hung window; the dormer windows should be equal 6-over-6 double-hung windows.

**Toole** – All the single-story eave heights should be lower. All details should match the duplexes: gutters, rake overhangs, need sub-rakes on the main gable.

**Botticelli** – The porch columns should be 8X8. The proportion of the rear dormer window should be a 6-over-6 top sash to match the windows. On the front elevation, the window right of the door should be a top-sash 6-light. The 6-over-6 in the gables should be 9-lights; the panes should be more vertically rectangle.

**Toole** – The A-4 & A-5 on page A2.1, these windows show a headcasing detail; that should be maintained. No board and batten on the houses; the notation says white cedar shingles.

**Botticelli** – The comments are the same. The porch details are different with brackets and cross bucks, 2-over-2 would be more appropriate here.

#### **COTTAGE TYPES B-4 & B-5**

**Toole** – This plan is a result of comments made. This shows flying rakes; you need a sub-rake. He's confident Chris Dallmus would know what he's talking about and make that change.

**Botticelli** – The porch posts should be 8X8. These will have the same notes about the gutters and trim and sub-rakes.

**Mondani** – We should mention something about the location of utilities.

**Botticelli** – No utilities on the front elevation of any buildings.

#### **COTTAGE TYPES C-3 & C-4**

**Botticelli** – The rear elevation dormer windows don't align with the meeting rails; the windows should be larger, so the meeting rails line up per HDC guidelines.

**Toole** – The right elevation side door should have a roof over it; add a small porch encompassing the door and the 4-light window. The rear door doesn't need a roof. Other notes apply.

#### **COTTAGE TYPES D-4 & D-5**

**Botticelli** – The left elevation with the big gable sticking up is ugly; should be a flush shed dormer.

**Toole** – The left would similar to the right. Turning the left into a shed would help the view from the front.

**Botticelli** – Most of the windows shown are 2-over-1; we should give them the option of 2-over-1, 2-over-2, 6-over-6, and 6-over-1. Noted this building is almost 29 feet tall; the tallest so far is 28'11". We don't have a window schedule

**Toole** – A condition will be to provide a window and door schedule for each building. You need it for the building permit.

DISCUSSION re. height and what HDC prefers: typically 28'.

**Thayer** – Noted the HDC made him reduce the height of a secondary building to 26 feet.

**Botticelli** – This should not be taller than 27'11".

**Thayer** – The plans for this doesn't state the roof pitch. The Type A buildings have a 9/12 pitch. This looks to be 11/12 or 12/12 pitch.

**Botticelli** – We limit the height and that will change the roof pitch. The matrix should be updated eliminating all basement bedrooms.

**Toole** – From the HDC standpoint, you’re supposed to show window wells; these plans don’t.

**McCarthy** - There are other ways to convert an office or den into a bedroom. If they find a way to make 5 bedrooms, that’s ok; the bedroom in the basement becomes an office and the office becomes a bedroom.

**Thayer** – In his notes on the draft decision, Condition 14 states no bedroom units and that at least one bedroom should be above ground.

**COTTAGE TYPES E-4 & E-5**

**Toole** – The front elevation is the same as on the previous plans; no board and batten siding. He likes the rafter tails.

**Botticelli** – It would be very difficult to gutter with the rafter tails. The rear elevation dormer is out of scale; the windows are too small; and there should be a minimum of three feet from the edge of the roof to the dormer wall. Should note that there is no exposed piping.

**Toole** – This has 6-over-1, 9-light, and 2-over-1 windows; the windows should all match. The right elevation door should have a little porch that matches the Type D.

**Botticelli** – The HDC wouldn’t allow casement windows; when they’re open, they hang off the building.

No one else has concerns about the casement windows. The height is 25’4”; that’s fine.

**COTTAGE TYPES F-3 & F-4**

**Botticelli** – Noted a drafting error on the rear elevation off the sides of the dormer. The meeting rails don’t align; the porch roof mitigates that a little.

**Toole** – We should be consistent; make the windows larger so the meeting rails align. The left elevation door should have a pent roof over it. This should also have sub-rakes and a shadow board. Don’t need gutters on the dormers, only on the lower roof eave. The condition is that all roof water must be collected and discharged to the subsurface.

**McCarthy** – Looking at the lower level plan, asked if we are allowing full baths in the basement if there are no bedrooms.

**Toole** – It brings up the question if we are allowing full baths and full-sized window wells. In Sachem’s we allowed no full-sized basement windows and full bathrooms; there is no legal egress. It isn’t unreasonable to have a bath in the basement. Window wells are shown on the floor plans, not the elevations.

**Botticelli** – In addition to no basement bedrooms, a condition will restrict the size of the basement windows from being egress size.

**COTTAGE TYPES G-3 & G-4**

**Botticelli** - This is like the Type B; it will have the same notes as the Type B.

**Toole** – This shows a deck and pergola off the rear with no way to get to the deck; it is a way to break up the pattern. They can come back if they want to change one of the windows to a door.

**Thayer** – Noted that the porches are very shallow, maybe 4 feet deep; couldn’t put a rocking chair on one.

**Toole** – The 4-foot porch doesn’t look appropriate; should be 6 feet to the outside of the porch.

**Botticelli** – All porches should be a minimum of 6-feet deep.

**Toole** – Annotate each plan that the front porches are minimum of 6-feet deep and the little, side porches are allowed to be 4-feet deep.

**LANDSCAPING**

**Toole** – Looking at Cottage 1 it shows a Belgium block apron, bluestone pavers, peastone or shell parking, the outdoor shower - those should be shown on the elevation - and they show a 6’ x 8’ shed. Larger sheds take up more yard space, but he doesn’t know how to ensure affordables are treated equitably; we could require the *pro rata* share of 80SF sheds be the same. It’s up to developer. Good with blue stone patio. The hot tub gone. The fire pit table also has to be distributed *pro rata*. No built-in fire pits; if they want one after they buy the house, the owner goes to HDC to put it in. They show a utility area outside the setback.

**Botticelli** – No air conditioners or utilities can be in the setback or in the front. Regarding the planting plan, we talked about over use of privet giving this area the look of Woodbury Lane.

**Toole** – This site is not within Conservation Commission jurisdiction; they should be able to plant what they want. The buffer zone should be more natural looking. We need to stipulate is that affordable lots are landscaped to same level as market rate; they have to be indistinguishable.

We should all give continued thought to the mixture of units.

**Thayer** – He thinks Mr. Pucci wants us to come up with a “magic” number

**Toole** – We need to come up with a maximum number of units. We have a chart showing the number of bedrooms per acre.

**Botticelli** – If we decide not to allow fourplexes, the duplex lots are not much bigger than single family lots.

**Antonietti** – Pointed out that the Board is requiring more parking on duplex lots than is shown on plans.

Discussion about the meeting dates to be able to finish with and vote on the decision on Friday June 7.

**Continued to Friday, May 31, 2019 at 2:00 p.m. at 4 Fairgrounds Road Public Safety Facility Community Room by unanimous consent.**

N/A

Motion

Vote

**III. OTHER BUSINESS**

1. None

**IV. ADJOURNMENT**

**Motion to Adjourn at 6:55 p.m.** (made by: Mondani) (seconded by: Toole) Carried unanimously

Submitted by:  
Terry L. Norton