



# 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 ~~

**Monday, June 10, 2019**

4 Fairgrounds Road, Public Safety Facility Training Room –1:00 p.m.

Called to order at 1:08 p.m. and Announcements made.

Staff in attendance: Eleanor Antonietti, Zoning Administrator; Terry Norton, Town Minutes Taker  
Attending Members: Toole, Botticelli, McCarthy, Koseatac, Thayer, Mondani  
Absent: O'Mara, Poor  
Town Representative: George Pucci, K&P Law, P.C. (by phone); Ed Marchant, 40B Advisor (by phone)

Agenda adopted by unanimous consent

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

1. None

#### **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, Thayer, Mondani
Alternates	Koseatac
Discussion	<p><b>Toole</b> – The deliberation deadline has been extended to Thursday. Asked if there were further thoughts on the number of units.</p> <p><b>Botticelli</b> – There was a waiver for the location of driveways within the development. Wants it addressed that we aren't granting it.</p> <p><b>Toole</b> – We are not granting that waiver: they have to comply.</p> <p><b>Pucci</b> – There is a condition that says that to the extent a plan shows a waiver that wasn't granted, the decision supersedes the plan.</p> <p><b>Toole</b> – The last waiver request list we received was in a spreadsheet format that mentioned both the 100- &amp; 92-unit plan; he feels the 100-unit plan shouldn't be mentioned as it is not under consideration.</p> <p><b>Pucci</b> – Agrees.</p> <p><b>Toole</b> – We will have the decision mid-afternoon/end of business on Tuesday.</p> <p><b>Pucci</b> – Recapped the status as of the close of the Friday, June 7 meeting. You hadn't voted on anything; you're free to vote however you want as long as deliberations are open. You need to vote on the final number of units and bedrooms approved. The extension to Thursday allows the ZBA to have a final draft you can read through before you vote. If you want to keep deliberating until Thursday, that is an option, or you can vote today.</p> <p><b>Toole</b> – Asked about between Tuesday and Thursday and the Chair being able to get in touch with counsel; asked if the Board needs to vote on that.</p> <p><b>Pucci</b> – No, but you're free to confer with me. Ms. Antonietti gave him Ms. Botticelli's write up; those will be included in the decision, so they can be easily referenced.</p> <p><b>Toole</b> – His inclination is to wait until Thursday for the final decision in the event there are typographical errors. This boils down to units and bedrooms.</p> <p><b>Botticelli</b> – Looking at the notes, she had Sachem's Path at 4.5 units per acre; for 13.5 acres a close density would be 68 units at 5 per acre and 54 units at 4 per acre.</p> <p><b>Thayer</b> – He's not comfortable with 72. There won't be a lot of open space; the lots are small. The single-family unit (SFU) number is good and the duplex numbers and design are good. He doesn't like the fourplexes at all; would like to see them gone or there being only 2 instead of 4.</p> <p><b>Botticelli</b> – Asked if the Board can eliminate the fourplexes.</p> <p><b>Toole</b> – The concern centers around a whole-sale redesign; we do have the ability to eliminate them.</p>

**Botticelli** – We had the SFU broken down 4 5-bedrooms, 28 4-bedrooms, and 8 3-bedrooms equals 156 SFU bedrooms; if we reduce the fourplexes to 2 and keep 8 duplex units, that brings the count down to 218 total bedrooms in 64 total living units.

**McCarthy** – That’s over 4 units per acre but under 5 units per acre.

**Toole** – That fits better with what the Town and Island are trying to do to resolve the affordable housing problem. The Island is behind the affordable initiative, but it is catching up. This is still a “big bite of the apple” compared to the zoning in this area. This is also contiguous to two 40Bs with less intensity: Miacomet Village and Sachem’s Path. That’s almost 30 contiguous acres of affordable housing. Within a mile are also Abrams Quarry and Rugged Scott.

**Mondani** – This reduction is a lot more consistent with the area.

**McCarthy** – She’s more comfortable with the 64 units.

**Toole** – That is more green space, less traffic, less impact.

**Botticelli** – If you reduce it by two duplexes, that brings it down to 60 units with 206 bedrooms at 4.44 units per acre.

**Toole** – That might be too much of a reduction; he can see his way to 64 dwelling units. You can also make the argument that South Shore Road is a dead end; but none of us could predict what type of natural disaster might occur that in which that would become an issue.

**Botticelli** – The only “year-round” housing left is 8 units in the fourplexes.

**McCarthy** – In the hearings, she never heard one person say that they needed the fourplex housing to stay on Nantucket; that would have impacted her opinion.

**Pucci** – He sees the information about the opposition as of limited relevance. It was included because they came out with the overly intensive development that brought out the opposition and made it look like everyone is opposed to the 40B project.

**McCarthy** – She thinks it was the scope and magnitude of this project that caused the opposition; we haven’t seen that level of opposition for other 40B projects.

**Toole** – His point is there was no demonstrated need or desire to fill this proposed year-round niche. As a *quid pro quo* for the reduction of fourplexes might be to add another 5-bedroom house.

**Botticelli** – That doesn’t reduce the number of bedrooms.

**Pucci** – Asked about the calculus about criteria in terms of lot sizes, would that need to be adjusted.

**Toole** – His inclination is that wouldn’t change.

**Thayer** – Reducing the unit count allows the developer to fit this development better within those parameters.

**Pucci** – This maximum number of buildings and bedrooms trumps the lot size and setback requirements.

Overall you must have 25% of the units at 80% with 10% being 3-bedroom or larger units.

**Botticelli** – We would have 60 total units with a reduction to 6 duplexes, 2 fourplexes totaling 206 bedrooms.

**Toole** – Asked if there’s anything else the Board wants to discuss. Asked the decision be in the format showing the changes.

**Pucci** – The additional changes will be shown as track changes. Chessia’s conditions, Mr. Marchant comments, and Ms. McCarthy’s and Mr. Toole’s comments will also be shown as track changes. Anything in respect to water and sewer will be shown in track change. He will try his best for tomorrow, but it might be Wednesday morning; the Board will still have all day Wednesday to review the decision. He’ll send one track-change version reflecting today’s discussion.

**Antonietti** – She needs to ensure that she can get everyone’s signature Friday morning in the event there are any changes after the Thursday meeting.

**Toole** – Bring a signature page; hopefully we can sign it Thursday if the only changes are for typographical errors.

**Thayer** – Asked that this be first on Thursday’s agenda.

Discussion about whether or not to put this first on the Thursday agenda. Consensus okay with putting it at the beginning of the agenda.

**Toole** – That’s all we needed to discuss.

Motion Continued to Thursday, June 13 at 1:00 p.m. in the 4 Fairgrounds Road Training Room by unanimous consent.

Vote N/A

**III. OTHER BUSINESS**

- 1. None

**IV. ADJOURNMENT**

**Motion to Adjourn at 2:06 p.m.** (made by: Mondani) (seconded by: Koseatac) Carried unanimously

Submitted by:  
Terry L. Norton