

April 3, 2019

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BY ELECTRONIC MAIL (paul@bbhlaw.net)
AND FIRST CLASS MAIL

Paul J. Haverty, Esq.
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9 Damonmill Square, Suite 4A4
Concord, MA 01742

Re: Surfside Crossing 40B Application
(Town of Nantucket)

Dear Mr. Haverty:

Please accept this as a further request on behalf of the Nantucket Zoning Board of Appeals (“Board”) and the Nantucket Select Board, acting on behalf of the Town of Nantucket (“Town”) for reconsideration of the applicant’s decision to object to any further extensions of the deadline for closing the public hearing on the above-referenced 40B application beyond April 11, 2019.

As your clients know, a great deal of time and effort was spent to get to the 92-unit concept plan which was generated as a result of the design review workshop meetings recently conducted in February. The Board prefers the 92-unit concept plan as superior to the plans previously presented and considers it a much more suitable site design for the project in relation to its surroundings. The Board also prefers this design on issues relating to the health, safety, and quality of life of the residents who would be residing at the development.

As noted during the last public hearing session on March 29, 2019, the Board has other items on the agenda at its next regularly scheduled meeting on April 11, 2019 at 1 p.m., and the Chair has to leave the meeting no later than 4 p.m. This leaves, at most, two hours to devote to the continued Surfside 40B hearing, which is not enough time to conduct a meaningful review of updated information which the applicant has agreed to provide on the 92-unit plan. Holding the continued public hearing during the middle of the afternoon also inconveniences or prevents the attendance of members of the public who have daytime work obligations.

The applicant’s development team has acknowledged that it will be impossible to provide suitable additional project details and overlays to the 92-unit concept plan reasonably in advance of the April 11, 2019 hearing. Insisting that the hearing be closed at essentially the same time the Board will be receiving the updated plan information will impede the Board from having any reasonable opportunity to properly consider and act on the plan. The Board will have insufficient

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time to review and comment on the revised and updated project details, will have insufficient time to ask relevant questions of the development team and consider waiver requests, and will also be precluded from seeking review and input on the updated plans from relevant local boards, committees and officials, as it is required to do in exercising its jurisdiction under Chapter 40B.

Closing the public hearing on April 11 will also be a grave disservice to members of the public who have been attending and participating in the public hearing to date, leaving them with no opportunity to review and comment on the updated plans and project information before the close of the hearing. Impeding public participation at this crucial late stage of the public hearing process will deprive the Board from hearing the questions and concerns of all interested parties. It will also needlessly cause yet more public controversy which could easily be avoided by simply providing further additional time for the public to be heard prior to the close of the public hearing.

The Board takes your clients at their word concerning their stated desire to assist the Town in meeting affordable housing goals with a financially viable project of which everyone can be proud. Insisting that the hearing be closed on April 11, 2019 before the 92-unit plan can be properly considered is inconsistent with this stated desire. It would also be disrespectful of the Board's diligent efforts in providing your clients a full and fair hearing on their 40B application and keeping the focus of the hearing upon relevant questions and concerns within the Board's jurisdiction.

Accordingly, the Board and the Town respectfully request a further extension of the deadline for closing the public hearing on the Surfside 40B application beyond April 11, 2019.

I would appreciate receiving your clients' response to this request as soon as possible so that we can confirm an agreed final schedule for submission of relevant materials and a successful conclusion to the public hearing under a reasonably prompt final schedule.

Very truly yours,



George X. Pucci

GXP/man

cc: Town Manager (by electronic mail)
Zoning Board of Appeals (by electronic mail)