

Surfside Crossing
Comprehensive Hearing Permit ZBA File No. 20-18
Requested Waivers – Amended April 9, 2019

The Applicant, Surfside Crossing LLC, seeks waivers from the Town of Nantucket local bylaws, rules and regulations, as shown below. The Applicant also requests that waivers be granted from any requirements to apply to the Town or other municipal Boards or departments, including but not limited to the Board of Selectmen, Board of Health, Conservation Commission, Historic District Commission, Planning Board, Department of Public Works, Water and Sewer Department, and/or Board of Water and Sewer Commissioners, if normally required; and the Applicant requests that the Comprehensive Permit be issued in lieu of all of the aforementioned permits inclusively, including but not limited to permits and approvals to connect to the municipal water and sewer system (please note that Applicant will comply with technical requirements related to the municipal water and sewer system).

The Applicant also request waivers from the otherwise applicable building permit and waste and sewer department fees, as to the affordable units.

To the extent that potential plan modifications have been reviewed during the public hearing, waiver requests pertinent to such potential plan modifications have also been provided.

The Subject Property is located within the Limited Use General-2 (“LUG-2”) zoning district under the Nantucket Zoning By-law.

NOTE: Pursuant to 760 CMR 56.05(7), waivers are not needed from Special Permit provisions of a zoning bylaw, but only from the requirements of the underlying as of right zoning requirements. That is how the Waiver Requests have been analyzed and requested.

Zoning By-Law	Waiver Requested for 156 Units per Comprehensive Permit application	Potential 100 Unit and 92 Unit Modification Waivers
<p>Section 139-7. Use Chart; prohibited uses in all districts</p> <p>Section A Use chart</p> <p>Section B (1) Prohibits more than two dwelling units per lot.</p> <p>Section 139-2. Definitions</p>	<p>Waiver requested, as necessary to allow for multi-unit residential condominiums, and a maintenance building for storage of homeowner association vehicles, equipment, and the like, and a waiver of §139-2. Definitions section of the by-law, to the extent said definitions are applicable to, and/or act to impose requirements upon such uses.</p>	<p>100 Unit -Same waiver requested</p> <p>92 Unit – Same waiver requested, with modification to also include duplexes as allowed use</p>

<p>Section 139-12 B. Overlay Districts The Public Wellhead Recharge District Section 2 (q) prohibits rendering impervious more than 15% or 2500 square feet of any lot.</p>	<p>Allow more than 15% or 2,500 square feet of any lot to be rendered impervious for subdivision lots.</p> <p>To allow 68% and 106,800 sf of impervious area (condominium component).</p>	<p>100 and 92 Unit - Waiver would not be needed 100 and 92 Unit - Waiver would not be needed</p>
<p>Section 139-16. Intensity regulations LUG-2 requirements:</p> <ul style="list-style-type: none"> • Min. Lot Size: 80,000 sf • Frontage: 150' • Front yard: 35' • Side/Rear yard: 15' • Ground Cover Ratio: 4% 	<p>Allow minimum lot size of 3,700 square feet.</p> <p>Allow frontage of 0 feet.</p> <p>Allow front yard setback of 0 feet.</p> <p>Allow side and rear yard setbacks of 5 feet.</p> <p>Allow ground cover ratio of 50%.</p>	<p>100 Unit Waiver requested with modifications:</p> <p>Allow minimum lot size of 5,000 sq.</p> <p>Allow frontage of 25 ft (one lot), 40 ft. (condo lot) and 50 ft. (all other building lots)</p> <p>Allow front yard setback of 0 feet</p> <p>Allow side/rear yard setbacks 5 feet</p> <p>Allow ground cover ratio of 30%</p> <p>92 Unit – Waiver requested with modifications to</p> <p>Allow minimum lot size of 5,000 sq.</p> <p>Allow frontage of less than 50 ft. on six lots; remainder of lots to have at least 50 ft. of frontage</p> <p>Allow 5 ft front yard setback</p> <p>Allow side/rear yard setbacks 5 ft</p> <p>Allow ground cover ratio of 35% on duplex lots; all</p>

		other lots ground cover ratio of 30%
<p>Section 139-19 B. (1) & D. Screening of Parking</p> <p>Parking areas of 20 cars or more require a 10’ planting strip buffer.</p> <p>Relief through issuance of special permit.</p>	<p>Waive requirement, as applicable to condominium lot, for 10-foot-wide planting strip with at least one tree per parking space in parking lot with 20 or more spaces.</p>	<p>100 Unit and 92 Unit Same waiver requested</p>
<p>Section 139-20.1</p> <p>B. Driveway access to be approved Nantucket Department of Public Works.</p> <p>B. (1) Not more than one driveway access allowed on a lot.</p> <p>B(2)(f)[2] Minimum driveway width of 10 feet.</p> <p>B(2)(g) On-site turnaround required in LUG-2</p>	<p>Waive requirement for approval of driveway access by Nantucket Department of Public Works for each driveway.</p> <p>Waive requirement for not more than one driveway access allowed on a lot for condominium component, which will have access at the front and rear.</p> <p>Allow driveway width of 9’.</p> <p>Waiver requested</p>	<p>100 Unit and 92 Unit Same waiver requested</p> <p>100 Unit Same waiver requested, but condominium driveway access on both sides of lot</p> <p>92 Unit Waiver requested to allow more than one driveway access on Lots 11, 13, 14, and 15</p> <p>100 Unit and 92 Unit Waiver not requested from driveway minimum width of 10 ft.</p> <p>100 Unit and 92 Unit Same waiver requested</p>
<p>Section 139-23. Site plan review (SPR)</p>	<p>Waiver from any requirements of this section.</p>	<p>100 Unit and 92 Unit Same waiver requested</p>

<p>Section 139-26 Issuance of building and use permits. C (1). Certificate of appropriateness issued by the Nantucket Historic District Commission (HDC) required as part of the building permit application.</p> <p>I. No building permit shall be issued until fees are paid.</p>	<p>Waive requirement for Certificate of Appropriateness from Historic District Commission (HDC) for submission of building permit application.</p> <p>.</p> <p>Waive building permit application fees for affordable units.</p>	<p>100 Unit and 92 Unit Same waiver requested</p> <p>100 Unit and 92 Unit Same waiver requested</p>
<p>Section 139-28. Occupancy permits B. (2) Written certification required by the Nantucket Historic District Commission.</p>	<p>Waive requirement for certificate from HDC.</p>	<p>100 Unit and 92 Unit Same waiver requested</p>

Town of Nantucket, Comprehensive Permit Chapter 40B Regulations

<p>Section 3.01(i) States that applicant shall submit any and all Copies of materials/applications filed with subsidizing agency – the application contains proforma, and pursuant to 760 CMR 56.05 (6) Board may request to review the pro forma or other financial statements for a Project only after “certain preconditions have been met.”</p>	<p>To the extent that such preconditions have not been met, to the extent legally necessary, a waiver is requested.</p>	<p>100 Unit and 92 Unit Same waiver requested</p>
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MISCELLANEOUS WAIVERS

<p>Nantucket Historic District Commission (HDC)</p>	<p>Applicant requests a waiver from the applicability of the Nantucket Historic District Commission requirements, including the requirement of obtaining a Certificate of Appropriateness from the HDC</p>	<p>100 Unit and 92 Unit Same waiver requested</p>
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	Applicant further requests all permits or approvals relating to Signs, Satellite Dishes and Rooflines as set forth in Nantucket Code Chapter 124 which are under the jurisdiction of the HDC, be issued by the ZBA as part of the Comprehensive Permit process	100 Unit and 92 Unit Same waiver requested
Board of Water and Sewer Commissioners/ Water Department and Sewer Department	Applicant requests that any permits or approvals required to connect to the municipal sewer system and the municipal water system be granted by the Zoning Board of Appeals as part of the Comprehensive Permit, and that any requirements to apply to the Board of Water and Sewer Commissioners, the Water Department, and the Sewer Department (or any other board or commission related to the sewer or water system) be waived.	100 Unit and 92 Unit Same waiver requested
Nantucket Code Chapter 132/ Trees and Shrubs	To the extent applicable, Applicant requests that any permits, approvals, or waivers arising thereunder be issued by the ZBA in connection with the Comprehensive Permit.	100 Unit and 92 Unit Same waiver requested
Nantucket Code Chapter 102/ Outdoor Lighting	Applicant intends to comply with same, but to the extent applicable, any waivers or permits arising thereunder be issued by the ZBA in connection with the Comprehensive Permit	100 Unit and 92 Unit Same waiver requested
Nantucket Code Chapter 127	To the extent that the construction of the Project may require issuance of a permit for opening of any public way, or any other matter requiring a permit under Nantucket Code Chapter 127, Applicant requests that the ZBA issue any such permit as part of the Comprehensive Permit	100 Unit and 92 Unit Same waiver requested
Board of Health Regulation 50.01 Definitions	To the extent applicable, Applicant requests a waiver from the bedroom count provisions set	100 Unit and 92 Unit Same waiver requested

	forth in the definition of “Bedroom”	
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As to the affordable units, Applicant requests waivers from otherwise applicable building permit and water and sewer department fees. Same waiver requested for all plans.

RULES AND REGULATIONS GOVERNING THE SUBDIVISION OF LAND
NANTUCKET ISLAND, MASSACHUSETTS

Subdivision control waivers (with reference to the applicable sections of the above):

Section	Waiver Requested	Potential Modification Waiver List
<p>§2.03.c Plans Believed not to Require Approval (ANR)</p> <p>A determination of wetland boundaries may be required to verify that the area complies with zoning requirements.</p>	Waive requirement for determination of wetland boundaries, as to ANR plan to create the condominium lot.	100 Unit and 92 Unit ANR plan would not be required for condominium lot, so waiver would not be requested.
<p>§2.06a(2) Submission requirements</p> <p>Requirement for street network plan showing adjacent streets and misc. information.</p>	Waive street network plan	100 Unit and 92 Unit Same waiver requested
<p>§2.06a(3) Submission requirements</p> <p>Requirement for executed Form B application</p>	Waive Form B application	100 Unit and 92 Unit Same waiver requested
<p>§2.06a(6) Submission requirements</p> <p>Filing fee required of \$50 plus \$0.50 per linear foot of proposed roads.</p>	Waive filing fee.	100 Unit and 92 Unit Same waiver requested
<p>§2.06a(8) Submission requirements</p> <p>A covenant or bond is required in accordance with</p>	Waive proposed covenant or bond.	100 Unit and 92 Unit Same waiver requested

2.06f – performance guarantee.		
<p>§2.06a(11) Submission requirements</p> <p>A Site Analysis report and map are required for definitive plan submissions.</p>	Waive site analysis report and map.	100 Unit and 92 Unit Same waiver requested
<p>§2.06b(4) Submission requirements</p> <p>Current zoning information required on each sheet</p>	Waive placement of zoning information on plan.	100 Unit and 92 Unit Same waiver requested
<p>§2.06b(14) Submission requirements</p> <p>A landscape plan showing (a) location, size, and species of all proposed landscape plantings and (b) location and size of existing trees to be preserved.</p>	Waive location and size of trees to be preserved.	100 Unit and 92 Unit Same waiver requested
<p>§2.06b(23) Submission requirements</p> <p>Plans shall contain notes relative to lot area compliance under zoning.</p>	Waive notes as to lot area requirements under zoning.	100 Unit and 92 Unit Same waiver requested
<p>§2.06e Submission requirements</p> <p>Stake and brush cut centerline of road and lot corners at the road for viewing.</p>	Waive staking for viewing.	100 Unit and 92 Unit Same waiver requested
<p>§3.01 Zoning</p> <p>All lots shown on the plan shall comply with area, frontage and other requirements of the Nantucket Zoning By-Law.</p>	Waive dimensional compliance with zoning by-law.	100 Unit and 92 Unit Same waiver requested

<p>§3.02 Public Open Spaces</p> <p>The Board in some cases shall require a park or parks</p>	<p>Waive public open spaces.</p>	<p>100 Unit and 92 Unit Same waiver requested</p>
<p>§3.05 Protection of Natural Features</p> <p>Due regard shall be shown for natural features.</p>	<p>Waive protection of natural features to the extent necessary.</p>	<p>100 Unit and 92 Unit Same waiver requested</p>
<p>§3.06 One Dwelling Per Lot</p> <p>Not more than one dwelling per lot without the consent of the Planning Board.</p>	<p>Waive limitation to one dwelling per lot for condominium component.</p>	<p>100 Unit and 92 Unit Waive limitation to one dwelling per lot for condominium lot, and duplex lots</p>
<p>§3.10 Street System</p> <p>Shall conform to the Master Plan, continuous in alignment with existing streets, provisions for proper projection of streets and designed for convenient access for normal traffic and emergency vehicles.</p>	<p>Waive street system provisions.</p>	<p>100 Unit and 92 Unit Same waiver requested</p>
<p>§4.02 Roadway Layout and Parcel Perimeter Monuments</p> <p>Concrete monuments shall be installed at roadway points and lot corners.</p>	<p>Waive requirements as to roadway layout and parcel perimeter monumentation.</p>	<p>100 Unit and 92 Unit Waiver requested as to roadway points and parcel monumentation</p>
<p>§4.03 Streets</p> <p>Secondary and minor street layouts shall be 40' wide.</p>	<p>Waive street width requirement to 30' for proposed minor roads.</p>	<p>100 Unit Waiver would not be required 92 Unit – Waive street width requirement to 30' for proposed minor roads</p>
<p>§4.09 Shoulders</p> <p>4' shoulders required from outside treated road surface.</p>	<p>Waive roadway shoulders. Proposed sidewalk is adjacent to road.</p>	<p>100 Unit and 92 Unit Waiver would not be required</p>
<p>§4.16 Landscaping</p> <p>Specifies landscape plan requirements.</p>	<p>Waive requirements of planting new trees.</p>	<p>100 Unit and 92 Unit Waiver to the extent</p>

		necessary to comply with final landscaping plan
<p>§4.18 Sidewalks</p> <p>Specifies sidewalks installed both sides of roadway</p>		100 Unit and 92 Unit Waiver requested to install sidewalks on one side of roadway
<p>§4.19 Bicycle Paths</p> <p>Bicycle paths shall be required.</p>	Waive provision of bicycle paths. Sidewalks on both sides of the road are proposed.	100 Unit and 92 Unit Waiver requested for bicycle paths, as sidewalks proposed one side of roadway
<p>§4.20 Street Lights</p> <p>Street lights are required as designated by the Planning Board</p>	Waive street lights.	100 Unit and 92 Unit Same waiver requested
<p>§4.21 Bridges</p>	Waive bridges.	100 Unit and 92 Unit Waiver would not be requested; no bridges.
<p>§4.24 Driveway Aprons</p> <p>Minimum width of driveway aprons shall be 10'</p>	Waive driveway apron width to 9'.	100 Unit and 92 Unit Waiver would not be required; minimum 10' driveway apron would be provided