



Nantucket Land Council, Inc.

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December 13, 2018

Edward Toole, Chairman
Nantucket Zoning Board of Appeals
2 Fairgrounds Road
Nantucket, MA 02554

Re: Surfside Crossing 40B Application

Dear Chairman Toole

On behalf of the Nantucket Land Council, Inc. ("NLC"), please accept this letter and the attached December 4, 2018 report prepared by PSC, Inc. in regard to the comprehensive permit application known as "Surfside Crossing" off of South Shore Road, Nantucket.

The NLC has retained PSC, Inc., a well respected and highly experienced civil engineering and land use planning firm to review the comprehensive permit application and provide the Board of Appeals with comments on the same.

PSC's detailed analysis is contained within the attached report and we respectfully ask the Board of Appeals to pay particular attention to the report's findings with regard to overall density, site planning and design, infrastructure limitations and related project impacts.

PSC's analysis and commentary is not surprising given what the Board is already well aware: the project is too dense, the site design devoid of meaningful open space, the condominium portion of the project ill conceived and out of place, sufficient water and sewer infrastructure is lacking and not provided for, ingress and egress too limited and traffic and pedestrian safety compromised.

PSC's report makes clear that the application is incomplete and the materials submitted to the Board to date are wholly insufficient to allow the Board the ability to render a meaningful decision. The application has left numerous substantive issues unresolved.



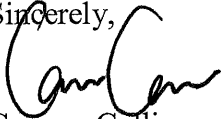
While PSC's report highlights the proposed project's numerous defects and plan omissions, the application's flaws are perhaps best highlighted by the applicant's refusal to provide the Board or the public with any rational, economic or legal support for the numerous waivers requested from Nantucket bylaws and regulations.

Nowhere in the statute or governing regulations is an applicant authorized to demand waivers from locally adopted regulations without providing the Board and the public with support for why those waivers are required to prevent the project from being "uneconomic" pursuant to the statute. See G.L. c.40B, s.20.

It simply is wrong and inconsistent with over 45 years of jurisprudence to demand waivers from local regulations without providing the Board and the public the required support for the same. There is no rational, economic or legal support for the waivers demanded. Simply because the applicant demands a waiver does not entitle the applicant to the same. The law requires that a waiver from local regulations can be granted only if, but for the waiver, the project would be "uneconomic". As presented to the Board, no evidence exists—none—that the demanded waivers are required to keep the project from becoming uneconomic.

The proposed project is too dense, poorly designed and completely inconsistent and incompatible with the Island's character, planning and affordable housing goals. The applicant should be required to revise the project accordingly.

Sincerely,

A handwritten signature in black ink, appearing to read "Cormac Collier", written over the word "Sincerely,".

Cormac Collier
Executive Director