



HISTORIC DISTRICT COMMISSION SPECIAL MEETING

2 Fairgrounds Road
Nantucket, Massachusetts 02554
www.nantucket-ma.gov

Commissioners: Linda Williams (Chair), Diane Coombs (Vice-chair), John McLaughlin, Raymond Pohl, Kristine Glazer
Associate Commissioners: Abigail Camp, Vallorie Oliver, Matt Kuhnert
Staff: Mark Voigt, John Hedden

~~ MINUTES ~~

Thursday, March 31, 2016

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

Called to order at 1:08 p.m. by Ms Coombs, Vice Chair

Staff in attendance: J. Hedden, Administrative Specialist; T. Norton, Town Minutes Taker
Attending Members: Williams, Coombs, McLaughlin, Pohl, Glazer, Camp, Oliver, Kuhnert
Absent Members: None
Late Arrivals: Williams, 1:09 p.m.
Early Departures: Camp, 1:40 p.m.

Agenda adopted by unanimous consent.

I. REVIEW OF 106 SURFSIDE ROAD SITE VISIT

Sitting	Williams, Coombs, McLaughlin, Pohl, Glazer, Camp, Oliver, Kuhnert
Representative	None
Public	Joseph Guay, for Brian & Linda Davis at 108 Surfside Road and Mary Beth Ferro, 104 Surfside Road, and the general Surfside Community Association Patrick Taaffe, 21 Okorwaw Avenue Dave LaFleur, 104 Surfside Road Dale Rutherford, 107 Surfside Road William Willauer, 101 Surfside Road Patricia Kepenash, 10 Eagles Wing Way Mary Beth Ferro, 104 Surfside Road Lou Borrelli, 16 Gladlands Avenue
Concerns	<p>Williams – HDC jurisdiction has context, massing, siting, and grade changes. The Zoning Board of Appeals (ZBA) tends to regard HDC comments and incorporate them into their decision.</p> <p>Guay – The Surfside Community Association has expressed overall opposition. He wrote a letter of objection at the time of the PEL application on behalf of his clients; he is not going to “rehash” those comments; reviewed other letters of opposition from other organizations submitted at that time. He and his clients are unanimously and fiercely opposed to this project in its entirety. This case is unprecedented and inappropriate for the Surfside rural area; that is all spelled out in his letter. Opposition to this project, in its entirety, is uniform and no position is being taken otherwise. The entire proposal is unwarranted and unprecedented and inappropriate in all aspects; he and his clients ask for HDC to make a negative recommendation for every aspect of this project.</p> <p>Taaffe – Mr. Guay said pretty much everything. He believes that permitting a project of this architecture and scale and density would be the downfall of Nantucket. The applicant wants to change the grade radically to create the idea of lesser mass and go into the ground. It sets a very bad precedent.</p> <p>LaFleur – One of his main concerns is the extent of the proposed grade changes and their ability to control of water runoff and control parking lot runoff. There is too much hardscaping, right up to the edge of the property lines; he doesn’t see how they can construct this as proposed. Also the scale is inappropriate for the area especially with the other structures in the area. This road is heavily travelled and a critical asset to Nantucket. This project will damage the visual aspect of the neighborhood.</p> <p>Rutherford – Agrees with what’s been said; an added concern is the light pollution at night and its affect on the Dark Skies Initiative. Also concerned about the amount traffic moving in and out of the complex using a small driveway. Also concerned about the visual impact on passing traffic. Safety is also a concern. The height will make these buildings visible from Surfside beach; which would become the largest building at 60 feet from the regraded ground level. She is opposed to the whole project.</p>

Willauer – HDC exists so we don't have to have buildings like that. People don't come here to see buildings like that; they come for what we have; it will have an impact on the Island's historic character. He is opposed for all the same reasons. It will affect the Island economy due to its inappropriateness.

Williams – Some of these things have been defeated because of the impact on the historic character of something that is a historic district. Cited examples where historic structures were repurposed for affordable housing without introducing a whole new style alien to the historic district. Mr. Willauer's comments about the negative impact to the historic character is important because that is what our economy is based upon.

Rutherford – Nantucket has been on National Register of Historic Places for a while. Several years ago, Nantucket was put on their endangered list due to the possibility of overdevelopment. She made that point in her letter to Massachusetts Housing Project (MHP).

Williams – Asked for a copy of that information to include in her letter of recommendation to the ZBA. Noted that Massachusetts Historic Commission (MHC) has not weighed in on this project.

Kepenash – She is opposed to the height and grade changes; Surfside is rural and this is an urban project. No effort has been made by the applicant to make it fit into the neighborhood. This is a very high travelled road, especially by tourists. People come here to get away from things like that. It would set a dangerous architectural precedent that will damage the Island's historic integrity and the Island's existence, which is based on tourism. This is one of the most visible places to do that type of damage; after passing Four Corners at Fairgrounds Road, the land opens up and the houses are set back from the road leaving trees and the bike path.

Oliver – The applicant states that the massing of the buildings is within the range of other sustainable compact neighborhoods on the Island. She doesn't know what neighborhoods were used for that referenced.

Williams – Open space is an issue; none is left on this lot. This is in the County rural district.

Kepenash – This is an urban project in a rural location.

Kuhnert – The National Trust for Historic Preservation (NTHP) put Nantucket on its list of endangered properties in 2000 due to the threat of development and increased density.

Williams – Asked that Mr. Kuhnert send her that report for inclusion in the letter.

Ferro – When the developer was initially discussing this project he was comparing the density to 'Sconset and Town. One neighbor's comment was, "The HDC won't let her put in a picture window; how is this man going to do this?" The HDC is the governing board that maintains this beautiful island in its beautiful state. None of us have a 2-story house; this is a monstrosity. She agrees about the concern in regards to light pollution. She is opposed in its entirety to every aspect of this project.

Williams – Asked for and received confirmation that none of the public are opposed to the idea of affordable housing.

Oliver – This is luxury housing disguised as affordable housing.

Borrelli – Shared the views of his neighbors in opposition to this project in its entirety. It is four structures with parking that will create an immense amount of noise. It would be a visual eyesore. He does not feel there is adequate parking, which will affect the area; the driveway is across from Gladlands and he's concerned that's where the overflow will park as well as on the bike path. The mass of the structures, the fact that there is little to no open space, and the structures are very close together. This will feel very close and dense. The height is taller than any building on Nantucket; putting four 60-foot buildings on a 2-acre lot in a rural area of 1- to 1½-story houses is not in keeping with the neighborhood, the architecture, or historic context of the neighborhood. The structures are placed very close to the street and each other.

Williams – The clubhouse with a pool are very close to the street. Asked if the neighbors are concerned about that. (Yes)

Guay – The pool was mentioned in one or two of the letters; that is almost a commercial feature and should be rejected outright in this residential area.

Williams – Noted that Rugged Scott removed the pool and kept the building for the purpose of homeowners meetings; same with the Park Circle community off Nobadeer Farm Road. The clubhouse is basically resort in an area of single-family homes.

Coombs – Noted that this is a rental development so no homeownership is involved.

Kepenash – Asked if the individual apartments are for year-round use only.

Williams – Only 25% of the units will be reserved for year-round use; the rest can be rented by the week unless the ZBA says no. That has to be taken up with the ZBA. The ZBA has complete control over all permitting for a 40B; however a 40B cannot usurp the legislative body of Town Meeting. To extend the sewer, that has to be approved at Town Meeting. Discussion about whether or not 40B can be used as an exception to needing Town Meeting approval to extend the sewer. Municipal projects only are exempt from Town Meeting approval; this is not a municipal project.

Williams – There are six 40B permits within ½ mile of this location and State legislation says 40Bs should not be clustered in one area of the island but spread out; these points need to be made at the ZBA hearing. The HDC has worked cooperatively with all other 40B developers to get them to blend in; this developer refuses to come to the HDC. She told them about this meeting and suggested they send a representative. One of our comments is going to be how hard it is to render a concrete decision due to the inaccuracy rendered by the use of balloons. The ridge poles and their proximity to the road were deceiving.

Guay – By the developer not being here and not agreeing to work with the HDC, it is pretty evident that this applicant doesn't give credence to the role of the HDC and the Nantucket community.

Williams – Stated that the applicant said before the application was filed that he would appeal it.

Oliver – To get a few affordable units in a project that goes beyond what's typical to the area makes no sense to her. Discussion about the open lottery for affordable housing.

LaFleur – Asked who requested the balloons. (ZBA) Asked if the ZBA is satisfied with them. He didn't think the balloons gave a good representation of the height. The plan is an engineer's plan and makes sense if there are stakes on the ground.

Williams – The abutters can ask for hard poles and the HDC will ask for hard poles. What was deceptive was the lack of designation of top of foundation. Also don't have a cross section of the grading and the 4-foot retaining wall. Reiterated that the abutters should demand hard ridge poles at the ZBA hearing.

Oliver – If the applicant doesn't have to go by local bylaws, asked if the HDC is wasting its time.

Williams – The ZBA has the right to incorporate HDC recommendations into the final 40B decision. If the ZBA does that, the applicant must do whatever HDC says. If the ZBA makes a favorable decision on this project, the abutters should insist that the applicant apply to HDC for any further changes; all the other 40Bs do that.

Pohl – This board is not doing an official review of this project; in this case we are acting as an advisory board for the ZBA.

Williams – Stated she realizes that but this board has to give it the normal level of review so that the recommendation she writes will be complete.

McLaughlin – This structure as presented, this is a monolithic structure; these will be the second largest structures on the Island; only the school is larger. Architecturally speaking, building A1, has 110 windows; it's the largest building. He noted during the site visit that the lot is level, but the plans show tons of back fill to build up a hill; the cellar is shown at ground level and the roofline scales out at 54'10". There is no reason this structures should exceed 30 feet; they can go to 40 with relief from ZBA. They could be eliminate that cellar and drop the height down. One structure is 149 feet long. This is not appropriate and will be highly visible. There are no green areas except for a little play yard. The verandas on the fourth floor are another issue and will be very visible. This does not fit the HDC rules and regulations. These structures are not Nantucket.

Pohl – As Mr. Guay pointed out, this is an example of something he has never seen before during his time on the HDC. There is nothing here to work with; every single aspect of the buildings - height, width, massing, scale, fenestration, context - is wrong. Everything is counter to what the HDC approves and what is acceptable on this Island. He's not going to parse this; everything about it is a no-start, in his opinion. If this were an official application, he would motion for a denial as there is nothing to work with. The most salient point he's heard is that we don't have an industrial economy here; what we do have is this Island and its unique architectural heritage; the result of that is a vital tourism industry which supports 75% of the people who live and work here. If this is allowed to be built, it will destroy everything that we've been trying to preserve; it will destroy our stock in trade. This would not be appropriate anywhere on this Island.

Williams – The affordable units comprise 25% of the rental units, 16 apartments.

Coombs – The way it's positioned is contrary to anything before; it is hardscaped like a commercial building. The increased grade change will adversely affect the area. It is not in keeping with the streetscape of Surfside Road, South Shore Road, Fairground Roads, and Gladlands Avenue. In that area there are very few houses that are 2 stories. This is not acceptable in any part of the Island. Agrees with everything that's been said.

Oliver – This is a wolf in sheep's clothing; this looks and feels like a hotel masquerading under the auspices of year-round housing. It feels very commercial. The only resemblance to Nantucket is shingles. Agree with what's been said.

Williams – Noted that there is no explanation of the materials to be used; that would slip past the ZBA as they don't deal with it.

Kuhnert – Agree with what's been said. He looked at the Massachusetts Department of Housing and Community Development (MDHCD) handbook chapter on the approach to 40B design guidelines; these guidelines require all proposed designs to take into account the surrounding topography and blend in with buildings and streets; it is a requirement. MDHCD requires the submittal materials include a narrative description about the approach the architect took to develop massing and articulate relationship to adjacent properties and treatment of exterior building materials. The application for comprehensive permit that we received does not contain any such narrative. The current proposal inadequately takes into account the existing context, the modest scale of residential development, and the undeveloped wilderness refuge at Camp Richards. The impact of the proposed design on and compatibility with adjacent properties lie within the jurisdiction of State and National Historic Landmark District.

Also the public entrances and entrances to individual units should be differentiated; they do not for the duplexes. Also, he recommends the ZBA evaluate the need for interior elevators to comply with American with Disabilities Act and the need for windowless interior rooms shown on the basement plans; those rooms could be eliminated and thus minimize the bulky massing.

Any project the requiring funding, licenses, or permits from federal agencies must be reviewed for compliance under Section 106 of the National Park Preservation Act. Any project the requiring funding, licenses, or permits from state agencies must be reviewed by the MHC in compliance with Massachusetts General Law Chapter 9, Section 26 and 27C. Noted that this law requires MHC review and protects unmarked burial sites. Read to appropriate regulations under which MHC acts to protect heritage resources. He will forward a copy of his written comments to Ms Williams for inclusion in the recommendation letter.

Williams – Noted that the property was clear cut; that is under the jurisdiction of Massachusetts Environmental Protection Act (MEPA) and Massachusetts Endangered Species Act (MESA). Also, as far as she knows, an archeological survey of the property was not performed in light of the proximity of the native American summer camp east of Miacomet Pond. This area is also designated as a MESA protection area. Stated that she picked up from the site what appears to be a piece of Native American pottery shard which is in her car; she saw other possible such shards as well. The abutters need to ask the ZBA where the reports are: archeological report, the MESA and MEPA report, and the MHC report.

Glazer – Read Abby Camp’s comments of opposition into the record, which echoes much that’s been said. Her one point is that the proportions and scale of the buildings is inappropriate to setback conditions, which are miniscule. The setbacks are legal but not appropriate to the massing. Appendix F says there was no attempt to solicit information from neighbors.

Coombs – On Page 34 of the document, it says the 2½- to 3½-story height with use of the loft area is an efficient use of the buildings and is typical of the neighborhoods on Nantucket and the massing of buildings is within the range of other sustainable compact neighborhoods on the Island. She does not know where they saw all those buildings.

Williams – In Town.

LaFleur – There is an advertisement by the developer about the development compares the project to other areas of the Island; the pictures were of the Nantucket Hotel in downtown; he uses that as context as to why this would fit and as precedent for this building. This has a hotel feel about it because it is being compared to a hotel.

Williams – It comes down to Mr. Kuhnert’s comments and her comments about adaptive reuse of historic structures Downtown that don’t change the historic appearance. This would create an entirely new architectural vernacular on the Island. They are in a neighborhood of single-family homes that are all under 30 feet and surrounded by open space. She agrees with everything that has been said. This is an abomination.

Coombs – They refer to a Department of Mental Health (DMH) Group Home as part of the Chapter 40B inventory as a rental facility.

Williams – The only DMH Group Home is 44 Fairgrounds Road and is not a rental facility; it is a home. Addressed the percentage of land in the Surfside Area that is 40B; about 90% of affordable housing on the Island is in Surfside. She will pull that information off the Surfside Area Plan to include in the letter or recommendation.

Discussion about the format and context of the letter of negative recommendation.

Williams – Noted that the applicant is legally allowed to request waivers to circumvent the HDC. If the applicant goes against the HDC review; she believes the HDC should ask for counsel to go after them. Suggested that she could post and HDC meeting in conjunction with a ZBA meeting to voice their concerns.

Motion to have the Chair is to draft a letter of negative recommendation. (Pohl)

Motion
Vote

Carried unanimously

Motion to Adjourn: 2:44 p.m.

Submitted by:
Terry L. Norton