

Memo

To: Nantucket Zoning Board of Appeals - ZBA

From: Jamie Feeley and Josh Posner

Date: March 21, 2019

Subject: Closing the Surfside Crossing hearing

We are writing in response to the dialogue at the March 11 ZBA hearing. You have asked without stating that these are the only changes you will request, that we consider further modifications to the plan that grew out of the Design Workshop that was presented last week. Unfortunately, these changes would cause meaningful reductions to our housing program in a way that significantly lessens the positive impact on Nantucket's housing crisis we hope to achieve. In addition, the changes you have proposed would undermine the project's economic feasibility. Therefore, we are not willing to make them.

- **Increased frontage of single-family lots:** You have asked that we increase the minimum lot frontage of single-family cottages to 60 feet. Our assessment is that this would result in a reduction of 4-8 cottages.
- **Reduce number of bedrooms in market cottages:** In addition, you continue to insist that the proposed 5-bedroom homes (there are 16 in the workshop plan) be reduced to a maximum of 4 bedrooms, a change that reduces the potential sale price of the market rate cottages. As we have explained on numerous occasions, these cottages are central to generating the requisite revenue for a feasible project.
- **Reduce total number of bedrooms in the project:** While a specific maximum number of bedrooms has not been stated by the Board, we understand that you want to total number of bedrooms reduced from 280 in the current plan to something in the range of 230 or possibly fewer.
- **Eliminate all 8-unit buildings:** Further you have asked that the last four remaining 8-unit multi-family buildings be broken into smaller, more costly buildings.
- **Reduce year-round multi-family units:** You have asked that we reduce the number of multi-family units reserved for islanders occupying the condominium as their primary home from the most recently proposed 40 (which was down from 60) to 24. We have been trying to find a mutually acceptable balance on this front over the past few iterations. As you know the original number of multi-family units proposed was 96, reduced to 60 in the September potential modification (100-unit plan), and then recently reduced further to 40. We are deeply disappointed that our significant reduction of this aspect of the project appears not to be acceptable. As you know from our many discussions, this element of our proposed development is extremely important to us.

- **Increase parking:** In addition, you have asked that we adopt a formula for parking that would require 13 more spaces than currently proposed, thus forcing a reduction in green/open space. Our proposed parking already exceeds comparable zoning requirements elsewhere on-island.

As we said in our March 8 memo to the Board, we have been trying hard to find a way to balance the Board's primary concern with density with our desire to make a meaningful dent in Nantucket's affordable housing shortage. We adopted most of the elements that came out of the Design Workshop while still maintaining our needed housing program in an earnest attempt to find a mutually agreeable plan. We have said that while we sincerely wish we could find a plan that both you and we could get behind, we have all recognized for some time that this might not be possible.

To that end, we have concluded that we will not make the further changes requested by the Board. Consequently, we ask that the public hearing be closed and that the Board issue its decision. While there has been a substantial effort aimed at exploring modifications, especially through the Design Workshop process, we have not succeeded in finding a mutually acceptable plan. Therefore, the Board's decision should be issued on the original proposal submitted on or about April 12, 2018 with its complete set of supporting exhibits and required submissions. It should be noted that a fully detailed "potential modification" plan (100 units) was submitted on or about September 26, 2018, and that this plan also includes all of the required elements of a complete proposal. The Board's peer reviews have addressed these plans. We presented a memo prior to the March 11 hearing with a summary of these submissions. You will note that in that memo we stated that we would be submitting two additional pieces to you: a) further site drainage information from Bracken Engineering and b) a memo from the law firm Krokidas and Bluestein regarding the Restrictions for condominiums for primary residences. These items are included here with this memo.

We recognize that while the Board has not endorsed any of the recently modified versions based on the Design Workshop, it does prefer many of the elements contained in those plans. However, in accordance with the Design Workshop process, those plans are conceptual. There is no need for us to submit, or for the Board to take additional time to consider, further details on a plan that would have our requisite project parameters, but which does not have the Board's support. If there are elements in any of these conceptual plans that the Board wishes to incorporate into its decision, it is obviously free to do so.

We still hope that this difficult process may yet result in a plan both the Board and we can agree upon, but given the current state of the discussions and distance between us, we feel it is simply time for you to make your decision.