

**TOWN OF NANTUCKET  
ZONING BOARD OF APPEALS  
DECISION ON COMPREHENSIVE PERMIT APPLICATION, G.L. c. 40B, §§ 20-23**

APPLICANT: Surfside Crossing, LLC

PROPERTY: 3, 5, 7 and 9 South Shore Road, Lots 4, 3, 2 and 1 on Plan Book 25, Page 50, Map 67 Parcels 336, 336.9, 336.8, and 336.7

PROJECT: 156 condominium units in eighteen multi-family buildings, with 3,975 square foot community building, on 13.56 acres

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**I. PROCEDURAL HISTORY**

1. On June 13, 2019, the Nantucket Zoning Board of Appeals (“Board”) issued a comprehensive permit to the Applicant for a 60 unit project consisting of 40 single-family detached homes and 20 condominium units on the 13-acre project site with space for a looped roadway and other open space needs.
2. This was in response to a 92 unit proposal which the Applicant submitted following design workshop meetings with the Board’s 40B consultant Edward Marchand and peer review architect Cliff Boehmer during the public hearing on the original permit application which sought approval for 156 units of mixed single family and condominium units.
3. The Applicant appealed the Board’s 60 unit approval with conditions to the Massachusetts Housing Appeal Committee (“Committee”) claiming that the reduction in the number of units rendered the project “uneconomic.” Over the objection of the Board, as well as the objection of the intervenor, Nantucket Land and Water Council, the Committee specifically assigned retired Committee Chair Werner Lohe to serve as Presiding Officer over the administrative hearing. The basis of the objection was that Mr. Lohe had served as a 40B technical consultant to help get projects approved and permitted following his retirement from the Committee and therefore could no longer serve as an unbiased Presiding Officer over evidentiary appeal proceedings.
4. In April, 2020, shortly following the filing of its appeal, the Applicant submitted a Notice of Project Change to the Committee, seeking approval for an all condominium project of 156 units.
5. The Board moved for a remand public hearing on the Notice of Project Change pursuant to 760 CMR 56.07(4) as the change in building type from a mix of single-family detached homes and condominium units to an all condominium project eliminating single-family homes was an expressly stated example of a project change requiring public hearing by the Board in the first instance.

6. Presiding Officer Lohe denied the Board's motion for remand and maintained jurisdiction over the project change despite the express language of the comprehensive permit regulations.
7. The Board filed a Superior Court appeal of the Presiding Officer's ruling which the Court dismissed on the grounds that the issue was not ripe for adjudication until the conclusion of the Committee's administrative appeal proceedings.
8. Thereafter, pursuant to the schedule set by the Presiding Officer, the parties submitted pre-filed testimony of 12 witnesses, 5 for the Applicant, 7 for the Board, and evidentiary exhibits. At this time, although several interested parties had participated fully in the underlying public hearing before the Board, including area residents Christopher Meredith, et al., as well as the Nantucket Land and Water Council (formerly the Nantucket Land Council), Presiding Officer Lohe denied their motions to intervene and allowed only limited participation as interested parties without the right to submit witness testimony or cross-examine witnesses at the hearing.
9. An administrative evidentiary hearing was held on March 4 and 5, 2021, consisting of the Board's cross-examination of two of the Applicant's witnesses: the Applicant's principal, Jamie Feeley, and the Applicant's environmental consultant, Brian Madden. The Applicant chose not to cross-examine any of the Board's witnesses, including witnesses who presented unrefuted testimony concerning the Town's preferred public sewer options for the project and witnesses who testified to deficiencies in site design issues, including the lack of adequate open space.
10. At the hearing, through cross-examination of Mr. Feeley, and the introduction of recent comparable sales figures, the Board established that there was a very small number of units which could be added to the 60 approved units to easily render the project economic, even if the Committee accepted the Applicant's argument that the project was uneconomic at 60 units.
11. The Committee ignored the Board's evidence and issued a decision ordering issuance of a permit for 156 units and striking all conditions of substantive significance in the Board's approval with conditions. This, despite the fact that the Applicant itself conceded it could do the project at 92 units.
12. The Board appealed the Committee's decision to Nantucket Superior Court arguing that the Presiding Officer committed an error of law in refusing to remand the Applicant's Notice of Project change to the Board for a public hearing, and that the Committee erred in disregarding the Board's evidence on project economics and ignoring evidence on issues of substantial local concern, such as the Town's preferred sewer design, and open space issues.
13. The Nantucket Land and Water Council and Christopher Meredith, et al., also filed appeals of the Committee's decision, both of which were consolidated with the Board's lawsuit.

14. By 3-2 vote, the Nantucket Select Board ordered dismissal of the Board's lawsuit in an effort to explore a negotiated resolution in lieu of litigation, but those efforts were unsuccessful. In the meantime, the Land and Water Council and Meredith lawsuits proceeded in Nantucket Superior Court.
15. Notwithstanding the pending Superior Court appeal, the Applicant decided to proceed with the project at its own risk, including sending a crew with chainsaws to the site on the early morning of Saturday, January 28, 2023, clear-cutting the site in its entirety without any prior notice, causing widespread shock and dismay.
16. The Applicant then insisted on expedited review by the Board in March, 2023 for conformance of its final construction plans with the approval by the Committee which was still under appeal. The Applicant also represented to the subsidizing agency that there were no pending lawsuits affecting its ability to proceed.
17. The Board reviewed the plans with the assistance of peer reviewer John Chessia, and held meetings on May 18, 2023, May 30, 2023, June 13, 2023, June 26, 2023, and June 28, 2023, to try to address numerous deficiencies and inconsistencies in the plans.
18. On June 28, 2023, the Board reluctantly approved and signed a letter to the Building Inspector confirming compliance with the Committee decision, allowing a building permit to issue, but also noted several deficiencies left unresolved because of the Applicant's refusal to allow more time.
19. Following issuance of the building permit, the Applicant proceeded with construction activities at the site, again despite the pending Superior Court appeal still being litigated by the Land and Water Council and the Meredith plaintiffs.
20. However, in January, 2024, Nantucket Superior Court Judge Gildea granted a dispositive motion filed by the Land and Water Council on the substantial change/remand issue, ruling that the Committee erred in refusing to remand the Applicant's Notice of Project Change to the Board for a public hearing in the first instance.
21. The Court characterized the Committee's interpretation of its own regulations on notices of project change as "arbitrary, unreasonable and inconsistent" and remanded the matter back to the Committee for corrective action consistent with the Court's decision.
22. In an earlier Superior Court appeal, the Court (Wilkins, J.) had also ruled that the Presiding Officer erred in denying intervention status to the Land and Water Council. In Judge Gildea's January, 2024 ruling, the Court rejected the Applicant's argument that the Land and Water Council lacked standing to argue the Notice of Project

Change issue based on Judge Wilkins' earlier decision on intervenors' status and that the same reasoning applied to the Meredith plaintiffs on the issue of standing.

23. Following the Superior Court ruling on the Notice of Project Change, the Committee continued with specially assigned Presiding Officer Lohe to continue to preside over the remand proceedings ordered by the Court.
24. The Presiding Officer conducted a conference of counsel in the remand proceedings in July, 2024 and denied the Board counsel's contention that the Board must be afforded the full 6 months following commencement of the remand hearing to complete the public hearing. The Presiding Officer denied the full 6 months despite the fact that more than four years had passed from the time the matter should have been remanded originally, in April, 2020. The substantial passage of time resulted in changed circumstances from those which existed at the time of the original hearing. It also meant that two new members, who replaced two of the five members who originally heard the application, would have to hear the project in the first instance without any prior knowledge or information concerning the project. Nevertheless, the Presiding Officer refused to grant the full six months over the Board's objection, and over the objection of the intervenors.
25. Once the hearing was underway, the Presiding Officer also denied motions for extensions of the deadline to close the public hearing despite the complexity and importance of new issues which had arisen during the more than four years which had passed from the time the Notice of Project Change should have been remanded to the Board in 2020. This obstructed the Board in its ability to hear the project changes in a fully deliberative manner and deprived it of the ability to seek further review by consultants previously engaged to review the original project or to resolve the Applicant's refusal to allow peer review on critical issues, such as stormwater management, and protection of the Zone II to a public water supply.
26. The Board was forced to close the public hearing on March 4, 2025, as ordered, over its expressly stated objections to the Committee. The Board then conducted deliberations on March 19, 2025, April 10, 2025, and April 14, 2025.
27. The record of proceedings on the remand hearing is listed in the attached Exhibit A.
28. On April 10, 2025, the Board voted to deny the project by unanimous vote based on the findings stated below.

## **II. FINDINGS**

### **A. Public Water Supply**

1. Since the time of the original permit application in 2019, protection of the quality of the Town's sole source aquifer, the sole source of the Town's public drinking water, has become an issue of critical public health concern.

2. The Town is currently contending with chemical contamination of the public wells which draw on the sole source aquifer which provides the Town's drinking water.
3. The Town (through its local water department, the Wannacomet Water Company) has already closed one of its five public wells for PFAS levels exceeding federal and state limits and has expended significant funds in an effort to take mitigative measures necessary to bring the well back on-line. However, these mitigative measures provide filtration to the output of one well but does not solve the problem of contaminants being drawn into the sole source aquifer which feeds the wells.
4. There are also private drinking water wells on properties abutting the project site drawing from the same sole source aquifer. Adverse impact on abutting wells and violation of local requirements for setbacks to private wells has been identified by the Nantucket Board of Health as an issue of Local Concern left unresolved.
5. In addition to these concerns, the Nantucket Board of Health, in written comments dated October 24, 2024, also raised questions and concerns about the proposed stormwater management system for the project considering the project's location within the wellhead protection district (Zone II of a public drinking water supply) for the Town's sole source aquifer. The Board of Health urged independent peer review of stormwater management and water quality issues, which the Applicant has refused.
6. The Nantucket Select Board, in consultation with the Town's Natural Resources Director, in written comments dated November 24, 2024, has also recommended review of the project's ability to properly treat surface water before being infiltrated to groundwater.
7. With the Applicant's refusal to allow independent peer review by an engineer qualified to assess stormwater management and water quality issues, the Board is left to either accept the Applicant engineer's contention that the proposed below-ground stormwater management system in a Zone II protection area is adequate, or rely on expert testimony presented by parties objecting to the stormwater management proposal, such as the Nantucket Land and Water Council.
8. The Board finds that issues raised by expert witnesses for the Nantucket Land and Water Council – hydrologist Scott Horsley (reports dated December 10, 2024 and January 10, 2025) and stormwater engineer Sean Reardon (reports dated December 3, 2024, January 13, 2025, and February 13, 2025) are issues of critical public health concern, as follows:
  - a. The Project proposes construction within a Zone II wellhead protection area of a public water supply.
  - b. State Drinking Water Regulations at 310 CMR 22.21(2)(b)(7) limit impervious surfaces in a Zone II to 15% "unless a system for artificial recharge of

precipitation is provided that will not result in degradation of groundwater quality.”

- c. The Town’s Public Wellhead Recharge Zoning Bylaw, at Section 139-12G(2)(9) limits impervious coverage to 15%, requires at least 95% recharge of annual precipitation that falls on the site, and requires “no degradation” of groundwater quality.
  - d. State Stormwater Standards require additional levels of treatment for stormwater for projects with higher pollution loads (Standard 5) and critical areas such as a Zone II of a public water supply (Standard 6).
  - e. The Applicant proposes impervious coverage of 52% of the site, which is more than **3.5 TIMES** the maximum allowed under the Drinking Water Regulations and the local Wellhead Recharge Zoning Bylaw without providing additional treatment measures to address recharge quantity and quality.
  - f. The proposed stormwater management system provides no treatment to remove noxious chemicals, including PFAS. Dissolved pollutants are not adequately filtered by conventional below-ground stormwater systems as that proposed and cannot be treated naturally due to the clear cutting of all trees and vegetation from the site and the maximization of substantially all of the site for large buildings and paved parking areas.
  - g. The system cannot meet 95% recharge rate required in the Public Wellhead Recharge Bylaw because more than 15% of rainfall on impervious surfaces to the degree proposed would never recharge to groundwater.
  - h. The proposed system does not meet best management practices in accordance with Stormwater Management Standards 5 and 6 and the Applicant has failed to justify consideration of impervious coverage in excess of the 15% limit imposed under the Massachusetts Drinking Water Regulations and the Wellhead Recharge Bylaw.
  - i. The system fails to meet Best Management Practices for Land Uses with Higher Potential Pollutant Loads (“LUHPPL”) or for discharges within the Zone II of a public water supply.
9. The Board credits the testimony of Mr. Horsley and Mr. Reardon on these issues and finds that the Applicant failed to rebut the testimony, replying simply that other projects on Nantucket employed similar below-ground stormwater management systems and that the Board must do so here irrespective of public health concerns raised during the hearing concerning drinking water. None of the projects the Applicant cited with below-ground systems in a Zone II involve projects of this magnitude, nor do they have land areas which can easily accommodate above-ground

naturally vegetated detention areas but for the Applicant's insistence on maximizing build-out to the greatest degree possible.

10. The Board also credits the testimony of Nantucket Tipping Point witness Kristen Mello who provided compelling testimony about the risk of PFAS and other chemical contamination of public water supplies through inadequate stormwater management systems in densely developed projects with high percentages of impervious surfaces and lack of natural filtration features.
11. The Board finds that the stormwater management system, as proposed, poses undue risk of harm to the Town's public water supply.
12. There are no conditions which the Board can impose to address the water quality issue because the Applicant refuses to propose or even consider an alternative design or alteration of project density so that above-ground detention basins, vegetated areas or other means of naturally filtering stormwater could be installed.

## **B. Other Issues**

13. The tightly constrained site, developed to the maximum degree possible, with its single means of tightly constricted access and egress, poses an undue risk to the safety of the occupants of the proposed housing, with inadequate alternate means of access and egress in case of emergency.
14. Both the Nantucket Fire Chief and the Nantucket Police Chief expressed that they prefer a second means of emergency egress farther from the sole means of access and egress proposed.
15. The Board credits testimony from former Nantucket firefighter, Beau Barber, who was present for the Veranda House fire, and testified "A hypothetical fire any larger than the Veranda House combined with wind, would quickly overwhelm our current water resources and leave our personnel resources completely ineffective." The Board also heard testimony about the lack of mutual aid available to the island of Nantucket for major emergency events and finds the issues described above to be critical matters of local concern.
16. The Board also credits the testimony of island physician Dr, Timothy Lepore who raised concern over the inability of on-island medical facilities and staff to handle a major emergency event at this project involving injuries, as further exacerbated due to the concentration of people at the location, and the logistics of rescue operations in congested conditions. As noted by Dr. Lepore: "Mutual aid, in terms of people and equipment are several hours away... The size and massing of the buildings, the density, the residents' expected vehicles ignore the limitations of the Nantucket Cottage Hospital medical facilities [the only on-island hospital] to address a major medical event at this location... We just can't handle it."

17. The Applicant itself had proposed a better design with two permanent means of vehicular access to the site farther apart from one another in the 92-unit project proposal referenced above, during the hearing on the original project proposal. In these remand proceedings, however, the Applicant has refused to budge on the issue, refusing to even consider an alternate, safer design.
18. Based on this testimony, as well as the concerns noted by interested parties during the public hearing, and because the Applicant refuses to consider an alternate design, the Board finds that it cannot condition the project so as to adequately protect the safety of the occupants of the proposed housing or of first responders in the event of emergency, and that this outweighs the need for housing as proposed.
19. The project, as proposed, is also opposed by the Nantucket Planning Board, by written comments dated December 3, 2024, noting that it “continues to find that the intensity of the proposed development is excessive and that the supporting infrastructure—including parking, roadways and open space—is insufficiently designed to accommodate the scale of the project.”
20. The Planning Board also “strongly recommends that the Applicant incorporate a secondary access point into the site design. This measure is a critical safety enhancement given the size and scope of the project.”
21. The housing type, as proposed, does not meet the critical local need for affordable housing for those who work and live on Nantucket year-round and will leave the small percentage of affordable units isolated against the majority of units focused on seasonal occupancy with frequent short-term turnover in the seasonal months, exacerbating already untenable congestion issues during the Summer months, including lengthy queues of backed-up traffic at area intersections. Further, a recent traffic study done by Kittleson Associates for the Town indicates that intersections in the location of this development have the category of having the highest number of crashes/injuries on the Island, which the Board finds to be an issue of critical public health and safety concern.
22. The project, as proposed, is also inconsistent with the comments and recommendations of the Town’s Affordable Housing Trust Fund which recommended restriction against short-term renting across all units, not just the affordable units, reduced scale and additional buffering so as to protect the quality of life for residents within and around the development, more green space and recreational space on site, and expanded affordability tiers to meet the local needs of year-round residents.
23. Again, unfortunately, the Applicant refuses to consider any alteration to its project design despite many requests by the Board for a good faith dialogue.



24. Pursuant to 760 CMR 56.05(8)(b), the Board may deny a comprehensive permit if there are no conditions which can adequately address issues of "Local Concern," defined at 760 CMR 56.02 as the need to protect the health or safety of the occupants of the proposed project or of the residents of the municipality, to protect the natural environment, to promote better building design in relation to the surroundings and municipal and regional planning, or to preserve open spaces.
25. The Board finds that the Applicant has failed to address the above-noted issues of Local Concern, that it cannot condition the project so as to adequately address issues of Local Concern, and that these issues outweigh the need for housing as proposed. Accordingly, the Board finds that it must deny the project as proposed in the Notice of Project Change.

### **III. DECISION**

Based on the foregoing findings, on a motion of ELISA ALLEN, seconded by JOHN BRESCHER, the Board voted 5 to 0 (McCarthy, aye; Botticelli, aye; Allen, aye; Mondani, aye; Brescher, aye) to deny the project as proposed in the Notice of Project Change at public deliberations conducted on April 14, 2025 and to authorize the Chair, Susan McCarthy to sign and issue this written decision on behalf of the Board.

**[SIGNATURE PAGE TO FOLLOW]**

Nantucket Zoning Board of Appeals

By: Susan McCarthy, Chair

Dated: April 14, 2025

COMMONWEALTH OF MASSACHUSETTS

County of Nantucket, ss

On the 14<sup>th</sup> day of APRIL, 2025, before me, the undersigned notary public, personally appeared SUSAN MCCARTHY, one of the above-named members of the Zoning Board of Appeals of Nantucket, Massachusetts, personally known to me to be the person whose name is signed on the preceding document, and acknowledged that they signed the foregoing instrument as their free act and deed and voluntarily for the purposes therein expressed.

Catherine Ancero

Official Signature and Seal of Notary Public

My commission expires:



Filed with the Town Clerk on Apr. 14, 2025.

Nancy J. Holmes  
Nancy Holmes, Town Clerk

**Notice:** Appeals, if any, by any party other than the Applicant, shall be made pursuant to G.L. c. 40A, §17, and shall be filed within twenty (20) days after filing of this notice in the office of the Town Clerk, Town Hall, Nantucket, MA. Any appeal by the Applicant shall be file with the Housing Appeals Committee pursuant to G.L. c. 40B, §23, within twenty (20) days after the filing of this notice in the office of the Town Clerk.

COMMONWEALTH OF MASSACHUSETTS  
DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT  
HOUSING APPEALS COMMITTEE

HAC Docket No. 2019-07

SURFSIDE CROSSING, LLC,

Appellant

v.

NANTUCKET ZONING BOARD OF  
APPEALS,

Appellee

**EXHIBIT A – RECORD ON NOTICE  
OF PROJECT CHANGE**

**I. Packet for 03-04-2025 Hearing Session**

1. Letter from Nantucket Land and Water Council to Nantucket Zoning Board of Appeals regarding Remand Public Hearing Final Comments dated February 19, 2025
2. Massachusetts Stormwater Handbook – with comments
3. Email from Paul R. DeRensis to William Saad regarding Reasons to Deny Surfside Crossing Permit Application dated February 19, 2025
4. Letter from Timothy Lepore, M.D. dated March 3, 2025
5. Recorded Documents dated October 13, 2023
6. Email from Paul R. DeRensis to William Saad regarding Reasons Why the Surfside Project Application Should be Denied with Amendment to Add a Tenth Reason dated March 4, 2025
7. Letter from Nantucket Zoning Board of Appeals to Chief Michael Cranson dated March 6, 2025
8. Letter from Nantucket Fire Department to Chair of Zoning Board of Appeals dated March 10, 2025

## **II. Packet for 02-19-2025 Hearing Session**

9. Motion for Further Extension of Deadline to Close Public Hearing
10. Letter from Weston & Sampson to Wannacomet Water Company dated February 7, 2025
11. Letter from Nantucket Fire Department to Zoning Administrator dated February 12, 2025
12. Email from Paul Haverty to William Saad regarding ZBA Meeting Packet dated February 7, 2025
13. Letter from Code Red Consultants to Nantucket Zoning Board of Appeals regarding Special Meetings and Fire Department Access dated February 6, 2025
14. Open Space Plan prepared by Bracken Engineering, Inc. dated July 25, 2022
15. Pre-Filed Testimony of Laurie J. Gould
  - Gould Exhibit 1
  - Gould Exhibit 2
  - Gould Exhibit 3
  - Gould Exhibit 4
  - Gould Exhibit 5
16. Submission to the Zoning Board of Appeals for Public Record regarding Granting a Permit with Conditions Won't Work
17. Email from Meghan Perry to Susan McCarthy and William Saad regarding Water Company Requesting Emergency Declaration for PFAS-contaminated Public Well dated February 7, 2025
18. Public Comment Follow-up – from Feb 14, 2024 Select Board Meeting
19. Edward J. Collins, et al. v. Wayland Board of Selectmen, 31 Mass.L.Rptr 189
20. Email from Meghan Perry to William Saad regarding For Packet dated February 14, 2025
21. Letter from Reardon Development Services LLC to Nantucket Land & Water Council regarding Engineering Peer Review Comment Letter 3 dated February 13, 2025
22. Letter from Jacques Zimicki to Nantucket Zoning Board of Appeals regarding Rainwater/Pollutants and Stormwater Recharge dated February 7, 2025
23. Letter from Jacques Zimicki to Nantucket Zoning Board of Appeals regarding Stormwater Management dated February 14, 2025

**III. Packet for 02-11-2025 Hearing Session**

24. Comprehensive Hearing Permit Requested Waivers
25. Email from Beau Barber to William Saad regarding ZBA Follow Up Comments dated February 4, 2025
26. Email from Robert Bates to William Saad regarding Zoning Board Discussion dated February 4, 2025
27. Kristen Mello Submission for Deliberations
28. Susan J. Berman Submission for Deliberations
29. Email from Paul DeRensis to William Saad regarding Testimony of Witness Beau Barber as presented by Nantucket Tipping Point dated February 6, 2025
30. Town of Nantucket Zoning Board of Appeals Amended Comprehensive Permit Rules and Regulations dated March 15, 2018
31. Email from Paul R. DeRensis to William Saad regarding Exhibits from Town of Nantucket Traffic Consultant dated February 6, 2025
32. Email from Meghan Perry to William Saad and Susan McCarthy regarding Letter to ZBA dated February 6, 2025

**IV. Packet for 02-03-2025 Hearing Session**

33. Letter from Bracken Engineering, Inc. to Chair of Nantucket Zoning Board of Appeals regarding Stormwater Review dated January 30, 2025
34. Timeline

**V. Packet for 01-24-2025 Hearing Session**

35. Common Space ADA Plan dated December 15, 2023
36. Email from Meghan Perry to William Saad regarding Nantucket Current | PFAS Contamination At Public Water Well Prompts dated January 17, 2025
37. Letter from Paul R. DeRensis to Nantucket Zoning Board of Appeals regarding Surfside Crossing dated January 21, 2025
38. Letter from Paul J. Haverty to Nantucket Zoning Board of Appeals regarding Stormwater Review dated January 21, 2025

39. Letter from Chessia Consulting Services LLC to Nantucket Zoning Board of Appeals regarding Follow up Plan Review dated January 21, 2025
40. Letter from Nantucket Land & Water Council to Nantucket Zoning Board of Appeals regarding Remand Public Hearing dated January 21, 2025
41. Letter from Meg Miller Ruley to Nantucket Zoning Board of Appeals regarding Private Well Contamination, PFAS6 12 Toms Way Nantucket dated January 21, 2025
42. PFAS Timeline for areas on Nantucket including 2, 4, 6 Fairgrounds Road, Amelia Drive, Waitt Drive, Toms Way

**VI. Packet for 01-15-2025 Hearing Session**

43. Supplemental Information from Paul J. Haverty to Nantucket Zoning Board of Appeals dated January 8, 2025
44. BEI Peer Review Response – Scott Horsley dated January 8, 2025
45. BEI Peer Review Response – Sean P. Reardon, PE dated January 8, 2025
46. Pre-Filed Testimony of Robert J. Michaud, P.E.<sup>1</sup>
  - Michaud – Exhibit 1
  - Michaud – Exhibit 2
  - Michaud – Exhibit 3
  - Michaud – Exhibit 4
  - Michaud – Exhibit 5
47. Pre-Filed Testimony of Jeremy Souza
  - Souza – Exhibit 1
  - Souza – Exhibit 2
  - Souza – Exhibit 3
48. BEI Response to Board of Health Letter 10-24-24
49. Well Exhibit Plan dated November 25, 2024
50. Sean Reardon Engineering Peer Review Comment Letter 2 dated January 13, 2025
51. Letter from Nantucket Land & Water Council to Nantucket Zoning Board of Appeals dated January 10, 2025

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<sup>1</sup> In addition to Applicant's Submission of portions of the record in the underlying administrative appeal hearing, the Board's counsel furnished the entirety of the Pre-Filed Testimony and Exhibits of the Board's case in the underlying appeal proceedings, which are on file with the Board and posted on the Board's webpage for the Project.

52. Letter from Scott Horsley to Nantucket Land & Water Council dated January 10, 2024
53. Email from George X. Pucci to William Saad dated January 10, 2025
54. Motion for Extension of Deadline to Close Public Hearing dated January 10, 2025
55. Email from Meghan Perry to William Saad dated January 13, 2025
56. Capital Program Committee Meeting 08/29/2024 – YouTube Video Transcript

**VII. Packet for 12-18-2024 Hearing Session**

57. Paul Haverty Response to Comments to Energy Coordinator dated December 11, 2024
  - Exhibit 1 – National Grid Data
  - Exhibit 2 – Architectural Site Plans
  - Exhibit 3 – Letter from the Executive Director of Mass. Historical Commission to Surfside Crossing dated August 23, 2018
58. SCN Type A1 Residential Arch Floor Plans
59. SCN Type A2 Residential Arch Floor Plans with Elevation
60. SCN Type B Residential Arch Floor Plans
61. SCN Clubhouse Arch Floor Plans
62. Massachusetts Environmental Policy Act Certificate on the Environmental Notification Form
63. Bracken Engineering Inc. Response to Plan Review dated December 11, 2024
64. 12-18-2024 Update to Plan Comparison
65. Select Board Comments and Questions to Zoning Board of Appeals dated November 21, 2024
66. Letter from Planning Board to Zoning Board of Appeals dated December 3, 2024
67. Paul R. DeRensis Objections to Hearing Conduction dated December 6, 2024
68. Sean Reardon Engineering Peer Review dated December 3, 2024
69. Scott Horsley Peer Review dated December 10, 2024

70. Letter from Nantucket Land & Water Council to Nantucket Zoning Board of Appeals dated December 12, 2024

**VIII. Packet for 11-20-2024 Hearing Session**

71. Chessia Consulting Services LLC Plan Review dated November 15, 2024

72. Email from Paul Haverty to William Saad and Leslie Snell regarding 11-5-24 Letter to Nantucket ZBA dated November 5, 2024

73. Email from Paul Haverty to William Saad regarding Engineering Escrow – SSX Review dated November 5, 2024

74. Board/Department Letters

75. Letter from Jacques Zimicki dated November 1, 2024

76. Email from Holly Backus to William Saad dated November 18, 2024

**IX. Packet for 10-17-2024 Hearing Session**

77. Email from Chris Meredith to William Saad regarding SSX 40B Wells Issue dated September 24, 2024

**X. Packet for 09-05-2024 Hearing Session**

78. Memorandum of Decision and Order on the Parties' Cross-Motions for Judgment on the Pleadings

79. Remand Order

80. Paul J. Haverty Letter regarding Hearing on Remand dated August 21, 2024

Exhibit 1 – Final Civil Plans

Exhibit 2 – Plan Comparison

Exhibit 3 – Erosion Control Plan

Exhibit 4 – Operation and Maintenance Plan

Exhibit 5 – Stormwater Report

Exhibit 6 – Architectural Plans

Exhibit 7 – Landscape Plans

Exhibit 8 – Summary Response

Exhibit 9 – Waiver List

Exhibit 10 – Pre-Filed Testimony of Don Bracken

Exhibit 10(1) – Exhibit 1 to Pre-Filed Testimony of Don Bracken

Exhibit 10(2) – Exhibit 2 to Pre-Filed Testimony of Don Bracken



Exhibit 10(3) – Exhibit 3 to Pre-Filed Testimony of Don Bracken (Lotting Plan)  
Exhibit 10(3) – Exhibit 3 to Pre-Filed Testimony of Don Bracken (Site  
Development Plan)

Exhibit 11 – Pre-Filed Testimony of Andrew Kotchen

Exhibit 12 – Pre-Filed Testimony of Brian Madden

Exhibit 12(A) – Exhibit A to Pre-Filed Testimony of Brian Madden

Exhibit 12(B) – Exhibit B to Pre-Filed Testimony of Brian Madden

Exhibit 12(C1) – Exhibit C1 to Pre-Filed Testimony of Brian Madden

Exhibit 12(C2) – Exhibit C2 to Pre-Filed Testimony of Brian Madden

Exhibit 12(D) – Exhibit D to Pre-Filed Testimony of Brian Madden

Exhibit 12(E) – Exhibit E to Pre-Filed Testimony of Brian Madden

Exhibit 12(F) – Exhibit F to Pre-Filed Testimony of Brian Madden

Exhibit 12(G) – Exhibit G to Pre-Filed Testimony of Brian Madden

Exhibit 12(H) – Exhibit H to Pre-Filed Testimony of Brian Madden

Exhibit 13 – Pre-Filed Testimony of Bob Michaud

Exhibit 13(1) – Exhibit 1 to Pre-Filed Testimony of Bob Michaud

Exhibit 13(2) – Exhibit 2 to Pre-Filed Testimony of Bob Michaud

Exhibit 13(3) – Exhibit 3 to Pre-Filed Testimony of Bob Michaud

Exhibit 13(4) – Exhibit 4 to Pre-Filed Testimony of Bob Michaud

Exhibit 13(5) – Exhibit 5 to Pre-Filed Testimony of Bob Michaud

Exhibit 14 – Pre-Filed Testimony of Jeremu Souza

81. Paul R. DeRensis Letter regarding Hearing on Remand Letter dated August 28, 2024

82. Record of Overruled Objection

83. Email from Meghan Perry to William Saad and Susan McCarthy regarding the Record of  
Overruled Objection to HAC Proposed Remand Order dated August 17, 2024

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