

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

SURFSIDE CROSSING, LLC,

Appellant,

v.

NANTUCKET ZONING BOARD OF
APPEALS,

Appellee.

Case #: 2019-07

PRE-FILED TESTIMONY OF DAVID FRONZUTO

1. My name is David Fronzuto. I am competent to give this affidavit and have personal knowledge of all facts contained herein except for those facts stated upon information and belief, which facts I am informed and believe are true and accurate.
2. I have been a full-time resident of Nantucket since 1988.
3. My background, professional credentials, and employment history are set out in the attached resume. Among other positions I have held on Nantucket, I was Nantucket's Emergency Management and Marine Safety Coordinator from 2012 until October 2017. In that capacity, I developed a Comprehensive Emergency Management Plan (CEMP) for the entire Island, addressing All Hazards, including fire, sewerage discharges, flooding, hurricanes, terrorism, biohazards, among other threats, which was reviewed and approved by the Massachusetts Emergency Management Agency (MEMA); developed an Emergency Operations Center for Nantucket, to coordinate emergency response from all participating departments for all residents; prepared and received approval for only the second Storm Ready

Certification by the National Weather Service; developed the Island's first Coastal Management Plan; developed and received MEMA approval for flood and inundation maps for Nantucket; attended numerous certification courses of the National Incident Management System (NIMS) and developed minimum requirements and testing for all Town departmental personnel. I also prepared comprehensive snow plowing and parking restrictions to be used in the downtown areas of Nantucket, which proved effective during the JUNO Blizzard of late January 2015, the second most damaging storm recorded on Nantucket.

4. I have participated in and served as a professional reviewer for emergency response programs and activities in Boston and on Cape Cod. Those activities have contributed to my understanding of and appreciation for the unique challenges of emergency response on the Island.

5. I also served as Nantucket's Harbormaster and Marine Superintendent from 1990 to 2012, after serving in the U.S. Coast Guard from 1968 to 1988. While Harbormaster, I developed a comprehensive oil spill and clean-up program for the Island. I also was responsible for addressing oil spill containment and clean-up at and near Nantucket Harbor and submitting reports to MEMA and FEMA regarding repairs and mitigation.

6. It is my professional opinion that the proposed Surfside Crossing project as currently configured and presented by the developer ("Project") presents very substantial emergency response - and therefore public safety - risks to residents of the South Shore Road neighborhood including especially the residents whose properties abut the Project site to the south, and in particular the Weinhold, Meredith, Zimicki, and Perry properties. Those risks arise, first of all, from the peculiar and very real difficulties for Nantucket to address any rupture of the sewer force mains to which this large Project proposes to connect, and which run through

the Project site, the Weinhold property, and South Shore Road. The nature, age and location of those force mains, the isolation and logistical response challenges endemic to the Island, and the problems Nantucket encountered in attempting to resolve a major 2018 release of sewerage from one of those same mains would grossly complicate efforts to resolve a rupture.

7. Among Massachusetts communities, the Island is uniquely isolated, critically does not benefit from mutual aid resources, and therefore has limited immediate public safety and technical resources. It is difficult to timely recruit off-Island resources, particularly in adverse weather conditions specific to Nantucket. The risk to the households adjacent to the Project site is exacerbated by issues of access for the South Shore Road neighborhood, which is dependent upon a single road with the Project to be located at its “choke point.”

8. My observations and opinions are based upon my education, training, and experience in the fields of emergency response planning and management, and marine resource management. They also are based upon my long-time residence and familiarity with Nantucket’s geography, roadways, and neighborhoods, as well as my knowledge of its infrastructure, transportation systems, emergency response resources and systems, and historical issues relative to emergency response. Finally, they in part are based upon information concerning the nature and vulnerability of the sewer force mains, contained in pre-filed testimony of Nantucket Sewer Department Director David Gray and Weston and Sampson Engineer Daniel Sheehan; information concerning the sewer lines’ locations relative to the Weinhold property, South Shore Road, and abutters’ private wells, contained in those affidavits and testimony of Bruce Perry and Jack Weinhold; information concerning firefighting issues, contained in pre-filed testimony of Mr. Perry and Nantucket Fire Chief Stephen Murphy; and information concerning traffic congestion concerns, contained in pre-filed testimony of Traffic Engineer Kien Y. Ho.

9. For purposes of my testimony, I have reviewed the above-noted pre-filed testimony, as well as the following materials:

- Determination of Insubstantial Change, dated July 31, 2020;
- Site Development Plans for 156-unit Condominium Development entitled “Surfside Crossing a Proposed 40B Development in Nantucket, Massachusetts,” dated February 15, 2018, with revisions through February 28, 2020, prepared by Bracken Engineering, Inc. [Exhibit 3];
- Architectural Plans for 156-unit Condominium Development [Exhibit 4];
- Comprehensive Permit Plans prepared by Bracken Engineering, Inc., entitled “Surfside Crossing” dated February 15, 2018 [Exhibit 7];
- Architectural Plans/Floor Plans prepared by Emeritus, prepared for Surfside Crossing, LLC, dated February 15, 2018 [Exhibit 8]; and
- Excerpt of Assessor’s Map and other maps depicting location of the proposed Project site in relation to the surrounding roads and the properties of Zimicki, Meredith, Weinhold, and Perry.

10. The only approved vehicular access into and out of the neighborhood is via South Shore Road. That road effectively is a dead-end street that ends at the ocean near the Surfside wastewater treatment facility. This limited access is critical in evaluating emergency response capabilities and concerns for a large residential project of the scale, density and location proposed, including the capability and timing of response to sewer main breaks, or for that matter fires and other emergencies at or near the Project site.

11. Unlike other Nantucket developments I am familiar with – including the development that directly abuts the proposed Project site to the north - this proposed

development would not provide any alternate means of access/egress for emergency situations. That deficiency is especially concerning because of the location of the Project's single driveway just south of the primary intersection of South Shore Road with Surfside and Fairgrounds Roads.

12. The location of the Project site just south of that intersection means that, even apart from heightened immediate risks to abutters from surface or groundwater pollution or fire, emergency response to a major event at the Project site inevitably would impair or impede access and egress, including emergency access and egress, from and to the abutting properties to the south of the Project site, namely the Weinhold, Meredith, Zimicki, and Perry properties.

13. In addition, the scale and density of the proposed development (283 bedrooms in 156 units, comprising 18 large condominium buildings, a large community building, and recreational facilities on site) would make emergency response at the site itself very challenging. This would be true not only for fire-fighting response about which Fire Chief Murphy has testified, but also for emergency access and response to address any rupture of the 20-inch sewer main that runs north-south through the Project site and the adjacent Weinhold property. (Such events would qualify as major emergencies and might trigger Nantucket Emergency Operations Center protocols.) Among other access concerns, the size and density of the large, multi-family condominium buildings and other structures that would lie above or adjacent to the force mains could limit access and repair.

14. Further, in my extensive experience addressing emergency situations on Nantucket, snow events - which often involve extended blizzard-like conditions on the Island - seriously complicate emergency access and response. Access and response at this particular development would be especially difficult in such conditions. The proposed development

would include 291 parking spaces scattered around the site, and the management and removal of snow would be difficult due to the density and layout of the complex. Its configuration would not allow for ordinary plowing and piling of snow on-site. In my professional experience on Nantucket, vehicles of residents often are left parked in places and for long periods that impede emergency access in snow or blizzard conditions, significantly delaying and compounding emergency response problems in such tight quarters.

15. Moreover, in 2018 Nantucket experienced catastrophic environmental damage from a rupture of the same 16-inch sewer main on which this development would also rely. That rupture occurred in harsh winter weather. It became necessary for the Coast Guard to transport a specialized repair crew from the mainland by helicopter in blizzard conditions. The release lasted longer and caused greater environmental damage because those conditions impaired emergency response and repair. Fully 3 million gallons of septic waste spilled into Nantucket waters before the flow could be stopped. Moreover, this occurred during the off-season when flows were substantially lower than they are during the summer season.

16. For all of these reasons, I am extremely concerned that the size, density and layout of the proposed development- in the particular location proposed - would complicate and delay emergency response, including that needed to stem the flow of septic waste from a rupture of the sewer force mains with which the Project proposes to service 156 living units.

17. In my professional opinion, such delays and – and therefore the proposed development - would pose a special and substantial threat to the abutting properties to the south of the Project site and to their private wells. In short, in my professional opinion in the field of emergency management, a residential project of the size, density and configuration of that proposed should not be constructed at the location proposed, because a major emergency there

could not be handled by Nantucket's emergency services in a way that would avert substantial harm to the abutting residential properties.

SWORN AND SIGNED UNDER THE PAINS AND PENALTIES OF PERJURY

THIS 19th DAY OF JANUARY, 2022.

DocuSigned by:
David Fronzuto
B0D6DAD08D2E4E6

David Fronzuto

David F. Fronzuto

20 Surfside Road, PO Box 2515
Nantucket, MA 02584

Phone: 508-901-1475
E-mail: loran41.42@gmail.com

Regular Positions:

4/12-10/17 Emergency Management & Marine Safety Coordinator, Town of Nantucket
8/90- 4/12 Marine Superintendent, Chief Harbormaster/Shellfish Warden, Marine & Coastal Resources Department, Town of Nantucket
8/86- 8/90 Owner, Nantucket Paging and Mariner Electronics, Nantucket, MA
8/86- 8/88 Commanding Officer, USCG LORAN Station Seneca, Romulus, NY
4/84- 8/86 Commanding Officer, USCG LORAN Station Nantucket, MA
1/81- 4/84 Electronics Officer in Charge, USCG Electronics Assist Team, New Orleans, LA
7/68- 1/81 Increasing levels of responsibilities within the United States Coast Guard

Selected Service Positions:

1980- United States Coast Guard, Chief Warrant Officer Association, Member,
1984-2018 Nantucket Rotary Club, Member
1988-2018 Egan Maritime Institute, Board Member
1992- Harbormaster, Obtained the 4th Federal No-Discharge Designation in the United States
1996- 2004 Cape & Islands Harbormaster Association, President,
2005- 2009 Massachusetts Harbormaster Association, Founding President
2004- 2012 Port Professionals, Massachusetts, Appointed by the Lieutenant Governor
2006- 2009 Nantucket & Madaket Harbors Action Plan, Development Committee
2007-2009 Massachusetts Ocean Partnership Scientific Committee
2012-2014 Nantucket Island, Coastal Management Plan Development

Selective Service Awards:

2009,2011 Lifesavers Recognition Award, Egan Maritime Institute, Nantucket Shipwreck Museum
2005 Commonwealth of Massachusetts, Governors Award, Serving the Boating Public
2005 U.S Environmental Protection Agency (EPA), Environmental Merit Award
2004 Charles E. Gould Service Award, Cape & Islands Harbormasters Association
1997 Commonwealth of Massachusetts, Inaugural Harbormaster Certification Academy

Narrative

The Marine & Coastal Resources Department was responsible for managing the largest area of diverse eco-systems in the Commonwealth of Massachusetts. The primary areas of focus were: waterways management, aids to navigation, operation of a 100 slip marina, shellfish propagation, habitat monitoring/restoration, beach erosion, storm water management, endangered species monitoring and protection, municipal marine infrastructure projects, design, bidding and construction, , oil spill containment/clean-up, hiring/training 40 lifeguards, the development of regulations for shell fishing and boating along with regulatory enforcement authority as outlined in Massachusetts General Laws, local by-laws and regulations. Directly responsible for an annual budget supervision of \$1.2M.

Developed and funded, Hazard Mitigation Plan, two Nantucket Harbors Action Plans (1993-2009), Shellfish Management Plan, FEMA flood maps development and implementation, Jetties reconstruction (USACOE 10M\$, numerous dredging projects, all marine construction projects (1990-2017), re-permitted Great Pond openings, Implemented first Water Quality testing plans for ponds and harbors (1990-2012)

While serving on the Port Professional Board, Governors Seaport Advisory Council, review and make approval recommendations for several major port construction and improvement projects in the Commonwealth. Developed the first Nantucket's Comprehensive Emergency Operation Plan and coordinate all town departments and NGO's on the island for emergency preparedness, response,

recovery and mitigation during disaster events. Management of post disaster damage assessment, submittals to Massachusetts Emergency Management and the Federal Emergency Management Agencies for repairs and mitigation solutions.