

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 JACQUES ZIMICKI

I, Jacques Zimicki, depose and state:

1. My name is Jacques Zimicki. 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. My wife Joan Stockman and I live at 13 Wherowhero Lane in Nantucket, Massachusetts ("Property").
3. We have owned the Property since 1990.
4. Our Property has been our primary residence since 1995.
5. The Property directly abuts the southern boundary of the site of the 156-unit residential development proposed by the Applicant in this proceeding ("Project") ("Project Site").
6. There are two houses on our two-acre Property. My wife and I live in one of them ("Primary House"), and the other is leased to tenants ("Leased House").
7. Both houses are close to the southern boundary of the Project Site.
8. The Primary House is in the northwest corner of our Property near the southern boundary of the Project Site.

9. The Leased House is in the northeast corner of our Property, about 250 feet from the Primary House, about 40 feet from the southern boundary of the Project Site.
10. Since 1995 and presently, the only water supply for both houses has been our private, on-site well.
11. Our well is in the northeast corner of the Property, about twenty-five (25) feet from the southern boundary of the Project Site.
12. There has never been any problem with the quantity or quality of water provided by our well.
13. I have reviewed the Pre-filed Testimony of Bruce Perry.
14. The soil at our Property and, I understand, on the Project Site and throughout our neighborhood, is sandy.
15. The flow of groundwater on our Property and, I understand, in the neighborhood generally, is toward the southwest. In that regard, I attach as **Exhibit 1** a true copy of the Well Placement Plan that was prepared by Nantucket surveyor John Shugrue in 1996 and submitted to the Nantucket Health Department in connection with the anticipated sewer designs for the property which I subdivided, and which now comprises my Property and the properties of my current neighbors Mr. Weinhold and Mr. Meredith.
16. Because our Property directly abuts, and our well lies so close, to the Project Site, and due to the groundwater flow direction and high permeability of the sandy soils, any contamination on or released from the Project Site or into its groundwater would likely flow onto or into our Property and contaminate our well.
17. For those reasons, the harm to our Property and our well from any contamination at the Project Site would be different from and greater than the potential harm to the larger neighborhood.
18. I have reviewed the Pre-filed Testimony of Daniel E. Sheahan and of David Gray.
19. As shown on the Project plans and Town records, a 20-inch sewer main extends through the Project Site and then south to and through another residential property in our subdivision identified as 11R Southside Road which is owned by Jack Weinhold and Marybeth Splaine.
20. Due to the sewer main's extension onto our neighbors' property, its size and age, and its vulnerability to rupture from construction and utility installation for the Project (as established by Mr. Sheahan's Pre-Filed Testimony), our Property and our well would be

at great risk of contamination from a rupture in the sewer mains at or near the Project Site (or from a failure of a sewer pump station which the Applicant proposes to locate on the Project Site).

21. Likewise, due to their proximity and the soil characteristics and groundwater flow, our Property and well also are at very heightened risk of harm from groundwater contamination at and from the Project Site, inasmuch as the Applicant appears not to have designed for adequate pretreatment of surface runoff and infiltration from more than 20 large buildings and 162,000 square feet of impervious surfaces.
22. I have reviewed the Pre-filed Testimony of Stephen A. Murphy.
23. The vegetation on the Project Site and in the neighborhood generally is primarily pitch pine scrub oak. I understand that such vegetation is very combustible.
24. For our Property and the Meredith property, the only means of egress in case of a fire would be via the 1000 feet of Whereowhereo Lane (just south of the Weinhold property) and then north on South Shore Road, which is a dead end to the south. Our ability to safely exit the neighborhood therefore would be impeded in the event of a fire at the Project Site, and even more so if such a fire were to implicate the Weinhold property.
25. Because our Property directly abuts the Project Site and our houses are so close to it, there is a very significant risk of harm for us from any fire at the development.
26. From Fire Chief Murphy's testimony, I understand that, due to its size and design, the Project presents very serious fire-fighting access problems for his Department and due to the compromised access, Nantucket's very windy conditions, and the neighborhood's flammable vegetation, he and Mr. Perry are of the opinion that the proposed Project "create[s] a serious public safety concern." I therefore am extremely concerned about the significant risk that any fire at the development would pose - to a heightened degree - for our own Property next door, and for the safety of my family.
27. Even in ordinary conditions, the Project would greatly exacerbate traffic congestion for us. During the summer months, cars routinely back up along South Shore Road from the intersection with Surfside Road - and along Surfside and Fairgrounds Roads - due partly to vehicles and bicycles making use of the nearby beach (the ocean-facing lifeguarded beach closest to Town).
28. That congestion would be multiplied by the addition of the contemplated 291 Project resident vehicles - as well as other visitor, delivery and service vehicles - all entering and exiting the Project Site through a single driveway just south of the South Shore Road-Surfside Road intersection.

29. I am 70 years old. My wife is 61. We have concerns about the ability of emergency vehicles to access our Property, and those of our immediate neighbors, if the sole vehicular access to the nearby hospital is clogged with so many additional vehicles.
30. In addition to concerns with well pollution, firefighting access and safety, and traffic congestion, I am concerned with new and substantial light and noise impacts on our Property.
31. Because it directly abuts the Project Site and our houses are close to its southern boundary, we would suffer direct impacts from development-generated light. That especially includes the headlights of vehicles accessing and parking at a 24-car lot barely 25 feet from our Property. Headlights of vehicles regularly entering and exiting that lot and maneuvering within it in the early morning and evening hours would shine directly into our Leased House. Turning vehicles also would cast their headlight at our Primary House.
32. I understand the Applicant has sought a waiver of all screening requirements for all parking areas. The lack of sufficiently dense and tall screening would leave my Property and family constantly disturbed by light impacts of incessant vehicle activity.
33. Noise impacts also are a significant concern. We already experience noise generated by the assisted living facility (including its air handling units) located just south of our Property across Whereowhereo Lane. The Applicant's proposed development would greatly compound noise impacts for us due to the close proximity of that proposed parking lot (and the next parking lot just north of that), the use of trash dumpsters, activity at multi-family building #10, air handling units, and other activities arising from such a dense residential development.
34. I have reviewed the Pre-filed Testimony of Diane Coombs.
35. Unlike the homes in our South Shore Road neighborhood, and unlike even those in the Sachem's Path development just north of the Project Site, the Project would comprise 18 densely packed, large condominium buildings, repetitious in appearance. As Ms. Coombs testifies, that massing of large structures, each 30 feet tall, on a mostly clearcut site, would be grossly inconsistent with the scale, architectural style, and rural feel of our neighborhood.
36. I was required to confer with and gain the approval of the Nantucket Historic District Commission when I designed and constructed the Houses on our Property. They now unfairly would be swamped by an extremely large and dense development that would escape such review.

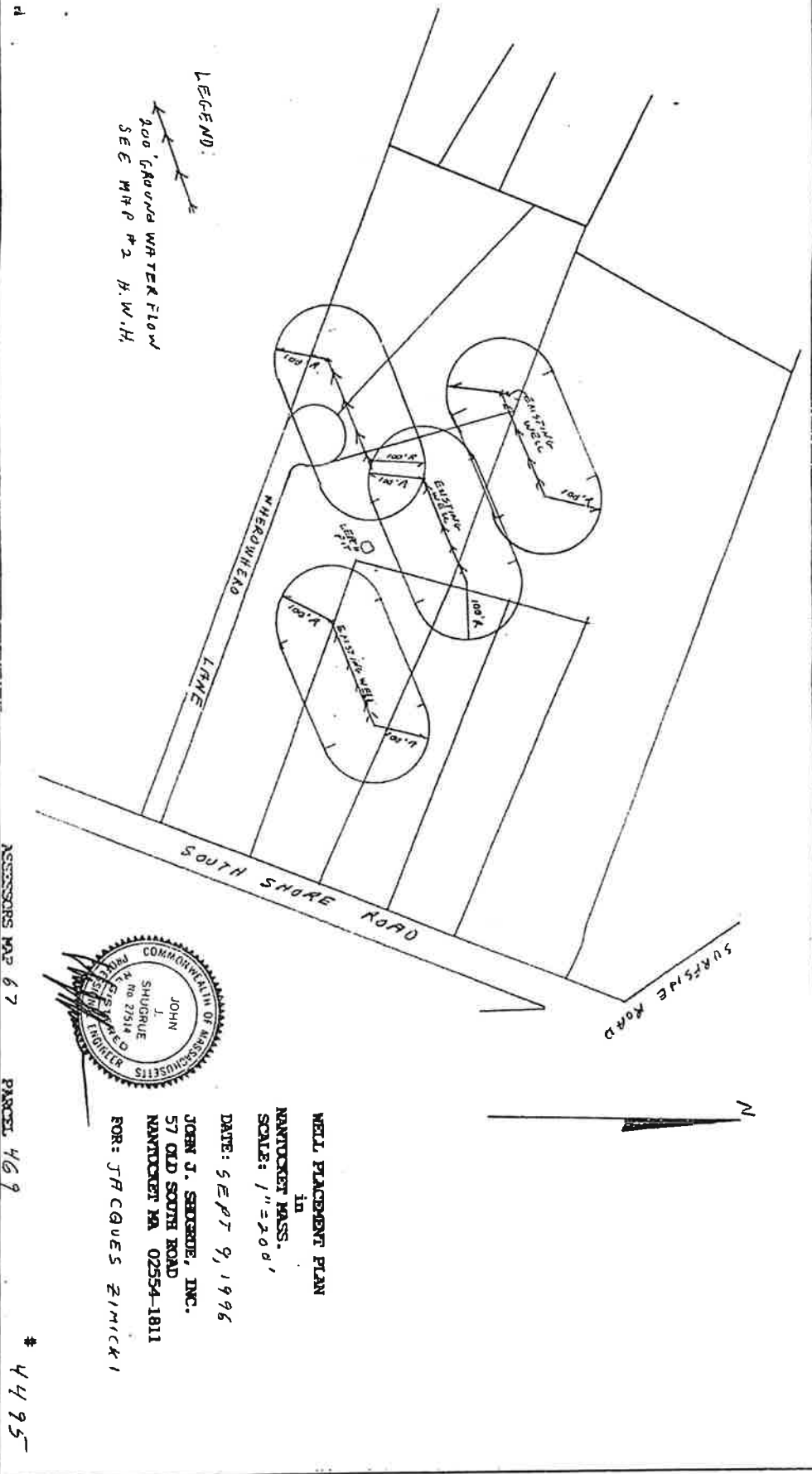
37. In light of these many sewerage, fire, emergency access, light, noise, and legitimate aesthetic concerns, I sincerely ask this tribunal to not countenance the proposed Project and the burdens it would impose on our Property and on my family at this stage of our lives.

SIGNED UNDER THE PENALTIES OF PERJURY THIS 14TH DAY OF JANUARY,
2022.

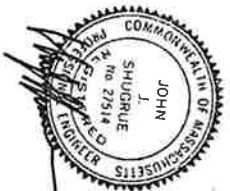
DocuSigned by:
Jacques Zimicki
CB786DFC99E443B

Jacques Zimicki

tabbies



LEGEND:
 ↗↘ 200' GRAVITY WATER FLOW
 SEE MAP # 2 H.W.H.



WELL PLACEMENT PLAN
 IN
 NANTUCKET MASS.
 SCALE: 1" = 200'
 DATE: SEPT 9, 1996
 JOHN J. SEEGER, INC.
 57 OLD SOUTH ROAD
 NANTUCKET MA 02554-1811
 FOR: J.F. CAVES ZIMICKI

ASSESSORS MAP 67 PARCEL 469

* 4495