

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 JACK WEINHOLD

I, Jack Weinhold, depose and state:

1. My name is Jack Weinhold. 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 Marybeth Splaine and I live at 11R South Shore Road, Nantucket, Massachusetts (the "Property").
3. I am 84 years old. Marybeth is 88 years old, walks with a cane, and is assigned a handicapped parking sticker.
4. We live at the Property with our daughter.
5. My wife and I are the owners of the Property, although it is in a testamentary trust.
6. The Property has been our primary residence for 30 years as of December 2021.
7. Our Property directly abuts the southern property line of the site of the 156-unit development proposed by the Applicant in this proceeding ("Project") ("Project Site").
8. The northeast corner of our house is located 21 feet from the southern boundary of the Project site.

9. Our only water supply is provided by our private, on-site well, which is located just 8 to 10 feet from the southern boundary of the Project Site.
10. Our well has been our only water supply for 30 years. We have never had any problem with the quantity or quality of water provided by our well.
11. I have reviewed the Pre-filed Testimony of Bruce Perry.
12. The soil is sandy on our Property and, I understand, on the Project site and throughout our neighborhood.
13. The flow of groundwater on our Property, and I understand in the neighborhood generally, is from northeast to southwest.
14. Because our Property directly abuts and our well lies just feet from the Project Site, and due to the groundwater flow and permeability of the sandy soils, any contamination on or released from the Project Site or into its groundwater would flow into our Property and contaminate our well.
15. I have reviewed the Pre-filed Testimony of Daniel E. Sheahan, David Gray, and David Fronzuto.
16. As depicted on current Project plans and Town records, a 20-inch sewer main line extends through the Project Site and then south to and through our Property.
17. Specifically, that sewer main line runs from the Project Site south along our driveway, 12 to 14 feet at the east side of the driveway and down to the southern boundary of our Property.
18. Due to the location of the sewer main line on our Property directly abutting and south of the Project Site, the size, age and vulnerability of the main line as established by the testimony of Messrs. Sheehan and Gray, the permeability of the sandy soil, the location of our well, and the related emergency response challenges established by Mr. Fronzuto, our Property and well stand to be badly damaged or destroyed by a rupture in the sewer line at or near the Project Site (or by a failure of a sewer pump station which the developer proposes to locate on the Project Site).
19. I have reviewed the Pre-filed Testimony of Stephen A. Murphy.
20. The vegetation on our Property and, from what I know and can see, on the Project site is primarily pitch pine scrub oak. From Mr. Perry's testimony, I understand that such vegetation is very combustible.


21. The only means of egress from our house and out of the neighborhood in case of a fire would be north on South Shore Road since South Shore Road is a dead end to the south.
22. Because we are a direct abutter to the Project Site and our house is just 21 feet from its property line, our Property would be especially jeopardized by any fire at the proposed development.
23. From the Fire Chief's testimony, I understand that due to its size and design, the Project presents very serious fire-fighting access problems for his Department and that, because of that and Nantucket's 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 am extremely concerned about the significant risk that any fire at the Project site would pose – to a heightened degree - for my wife and I who are elderly, our daughter, and our Property next door to the proposed development.
24. In addition to these concerns arising from the vulnerable sewer infrastructure and the fire risks and firefighting complications for the proposed development, I also am very concerned about the direct light, noise, and traffic congestion impacts which the Project would have on our Property and lives.
25. I have reviewed layout, parking and landscaping plans submitted by the developer for the current version of the Project. They show an internal roadway in an elongated "U" shape whose narrow bottom would be parallel to, directly north of our Property, and just 25 feet from our property line. That narrow bottom of the drive would contain a 10-space parking area. Each "arm" of the "U" roadway also would contain additional parking areas – four lots for 41 vehicles on the western arm, and three lots for 32 vehicles on the eastern arm. Thus, 10 spaces would be located only 30 feet (scarcely 1-2 car lengths) from our Property and another 73 spaces would be on adjacent drives that would be aligned in the direction of our Property. Those 83 parking spaces mean that a large proportion (almost 30%) of the total 291 proposed parking spaces of the entire development would be concentrated right behind our Property.
26. As cars regularly approach, access, and exit the 10 spaces, at all hours of day and night, their headlights would shine directly into our backyard and house. Moreover, vehicles that circulate through the "U," including those accessing and exiting the additional 73 parking spaces along it, also would shine their headlights directly into our backyard and house.
27. I understand the developer has requested a waiver of all screening requirements for all parking at the Project.

28. We have not contended with any intrusive light impacts in the past, much less any so extreme. They would disturb us greatly and very negatively impact the use and enjoyment of our Property.
29. Visual screening, if it were sufficiently tall and impervious to such light (which is hard to conceive), could help to alleviate those light impacts. However, it would not resolve the problem due to the concentration of so many vehicles so close to our Property and the alignment of the roadways in relation to our Property. Screening so tall and impervious also is likely to run afoul of local requirements because it would be of a scale and size inconsistent with the rural character of our immediate neighborhood and Nantucket in general.
30. The concentration of vehicles and traffic so close to our Property - and the activities associated with proposed condominium building #14 (with 8 or 9 housing units) that would nearly abut our property line - also would generate a great deal of noise adjacent to our backyard and house. The internal drives and parking areas with 83 cars entering exiting, and circulating through the bottom of the "U" just 25 feet away, would be like having a small suburban mall nearly on our doorstep in what is essentially a rural neighborhood on Nantucket.
31. That noise would severely and negatively impact the use and enjoyment of our home and backyard of 30 years, particularly in season. The noise disturbance could not be alleviated merely by visual screening (even if substantial screening could be and were required).
32. I have read the Pre-filed Testimony of Diane Coombs.
33. I also am concerned by the proposed development's inconsistency with the HDC Act and Bylaw requirements, and its inconsistency with the architectural style and character of the built and natural environment of our immediate neighborhood. The proposed large and 32-foot tall building directly behind our Property would be out of keeping with the predominant character of our immediate neighborhood. The Project's many massed buildings would loom over the houses along Whereowhereo Lane and irretrievably change the feel of the place.
34. Finally, I am concerned that the very large volume of Project-related traffic would exacerbate existing traffic congestion in our immediate neighborhood and impair access – including especially emergency access and egress – for our Property and family. The Project plans reflect a single entrance/exit for the proposed 283-bedroom development to accommodate 291 resident vehicles and inevitable additional delivery and service vehicles, not to mention emergency responders. That driveway would be located on South Shore Road just south of its intersection with Surfside Road, which forms the

chokepoint of the only road by which we can access and exit our neighborhood and by which emergency responders can reach our Property.

35. Cars already back up at that intersection (and surrounding intersections) as they try to leave the area and beach in summer months. That congestion would be made hugely worse by the uncontrolled influx of Project-related vehicles at that critical location, especially during the busiest morning and evening hours.
36. I therefore am very concerned that the proposed development would impair or impede access to my home and family in the event of a fire or a health emergency. This concern is heightened because of our elderly status and health issues.
37. In light of these substantial 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 wife and me at this late stage of our lives.

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

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Jack Weinhold