

**TOWN OF NAHANT**

**Planning Board**

**June 17, 2021, 5 PM**



**LOCATION: ZOOM CONFERENCING, NAHANT, MA**

**Hearing Minutes**

Dan Berman called the hearing to order at 5:06 pm stating that the hearing was properly noticed, and called the roll of those members attending:

Daniel Berman, Chairman – Here  
Calvin Hastings, Vice Chairman – Here  
Shelia Hambleton – Not Present  
Patrick O'Reilly – Here  
J Shannon Bianchi – Not Present  
Steven Viviano – Here  
Rob Steinberg, Recording Secretary – Here

Public in attendance:

None

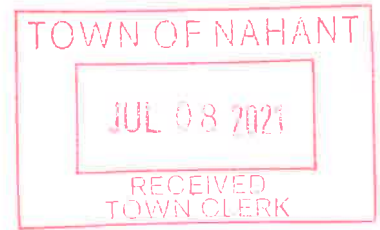
Dan Berman opened the meeting by asking members to review the minutes of the June 2, 2021 meeting and two changes were made to those draft minutes. Those changes were made by the Secretary, but the Board deferred approval as a quorum of those who attended the June 2 meeting was not present.

Dan then noted that a letter relating to construction at 2A Wilson Road was prepared shortly before the meeting. Dan asked that the draft letter be changed to reference Paragraph 12 in the October 2, 2000 Order of Conditions issued by the Planning Board related to 2A Wilson Road. However, Dan suggested that the Planning Board review the issue further before sending a letter. Cal noted that it would be prudent to have a conversation with Dan Skrip given that construction is underway on the building and the Board should act promptly. Dan stated that the applicant will need a "change of use" permit prior to beginning operation, and Cal said they should have come to the Board for that permit before they started construction.

Dan then noted that, under the by-law for nonconforming uses, the Building Inspector did not have authority to issue the building permit. Dan stated his view that under zoning by-law Section 7.03(D)(3) you can't take a nonconforming building down and rebuild it in the same footprint without a special permit absent a calamity such as a fire.

Dan then asked for a motion to authorize Cal and/or himself to meet with town counsel to discuss whether or not a cease and desist order for 2A Wilson Rd construction is appropriate, and to determine what action should be taken or requests made of the Town. Pat so moved, seconded by Rob. The Board voted as follows:

Daniel Berman, Chairman – Yes



Calvin Hastings, Vice Chairman – Yes  
Shelia Hambleton – Not Present  
Patrick O'Reilly – Yes  
J Shannon Bianchi – Not Present  
Steven Viviano – Yes  
Rob Steinberg, Recording Secretary – Yes

Dan then noted that he spoke to Dan Skrip about the letter from the Attorney General dated March 5, 2018 relating to Warrant Article #35 on site plan review for religious and educational institutions or certain child care facilities, as well as other related Warrant Articles. Dan said that Dan Skrip concurred with his interpretation that the Planning Board can determine whether the Dover Act is applicable and determine what zoning conditions should be imposed. Dan stated that Northeastern is required to submit site plans to the Planning Board for approval. Dan said he would draft a letter to the Conservation Commission indicating that Planning Board approval of Northeastern site plan(s) is a required predicate for the building permit. The letter will also be sent to the ZBA, Selectmen, Building Inspector, and the Town Administrator.

Cal made a motion to authorize Dan to have a conversation with a Conservation Committee to alert them that we are sending a letter regarding the need for Planning Board approval of the Northeastern proposed site plan(s). Steve seconded. The Board voted as follows:

Daniel Berman, Chairman – Yes  
Calvin Hastings, Vice Chairman – Yes  
Shelia Hambleton – Not Present  
Patrick O'Reilly – Yes  
J Shannon Bianchi – Not Present  
Steven Viviano – Yes  
Rob Steinberg, Recording Secretary – Yes

Dan then raised questions about a house under construction at 120 Willow Road. Dan said that the plan is for the house to be close to 30 feet height limit, and noted that neighborhood residents have commented it looks much taller than that. Dan stated that the Building Inspector was authorized to issue the permit but a question was raised whether the structure as built complies with the 30 foot height limit. Dan concluded, however, that it is within the ZBA's, not the Planning Board's, jurisdiction to determine compliance with the building permit.

Dan then asked for a motion to close the hearing. Rob so moved, seconded by Steve. The Board voted as follows:

Daniel Berman, Chairman – Here  
Calvin Hastings, Vice Chairman – Here  
Shelia Hambleton – Not Present  
Patrick O'Reilly – Here  
J Shannon Bianchi – Not Present  
Steven Viviano – Here  
Rob Steinberg, Recording Secretary – Here

Hearing adjourned at 6:34 pm.  
Hearing Minutes prepared by Recording Secretary Rob Steinberg.  
Approved by Planning Board on July 6, 2021.

