

TOWN OF NAHANT  
ZONING BOARD OF APPEALS  
MINUTES  
June 7, 2021



A scheduled and noticed meeting of the Nahant Zoning Board of Appeals was called to order by Chairperson Campbell at or about 5:00 P.M. at the Nahant Town Hall, 334 Nahant Road, Nahant, Massachusetts, via Zoom (remote technology). Present were Board members, Campbell, Walsh, Barba, Rauworth and Kelly. All votes were taken by roll call.

SCHEDULED HEARING:

**5:00 p.m. 58 Lennox Road, Margaret Ackerman, Petitioner**

The Board of Appeals held a public hearing on June 7, 2021 at 5:00 PM, on the petition filed by Margaret Ackerman, owner of the property located at **58 Lennox Road**, Nahant, Massachusetts, for a Special Permit or Variance to extend an existing rear deck. The Inspector of Buildings has denied a building permit on March 22, 2021, where the proposed deck is in violation of Section 5.03 of the Zoning By-laws of the Town of Nahant where the proposed lot coverage is 33%, where the maximum allowed is 25%, and where the proposed left side setback is an extension of same, where the minimum allowed is 10'. The Hearing was advertised on May 24<sup>th</sup> & May 31<sup>st</sup>, 2021. The Chair read into the record the Governor's order, and the advertisement from the Lynn Item. Ms. Ackerman proceeded to present her case, stating that her proposed deck extension, though in violation of the by-laws, will only extend 4' to align with the current footprint of her home. Currently her deck and railing stops in the middle of a picture window obstructing her views to the backyard and the ocean. Board members asked about the height of the deck from the ground, how long she has owned the house, whether there were any prior deck restrictions; and the height of the deck. The Petitioner reported that she has no other desk on the house. The Board asked if there was anyone to speak in opposition or agreement. Valerie Ventora of 56 Lennox Road, spoke in favor of the proposed deck. No one spoke in opposition. The Board deliberated and discussed the request of a variance or Special Permit, regarding left side setback requirement, the lot coverage requirements, and the continuation of the non-conformity. A motion was made by Peter Barba that the proposed change is not substantially more detrimental to the neighborhood than the existing situation. This motion was seconded by David Walsh. Chair Campbell brought attention to the Board that extending the non-conformity creates less space between the existing homes, which are already tightly packed. A roll call vote was taken and the motion passed, all voting in favor were Peter Barba, David Walsh, Michael Rauworth, Caitlin Kelly, and Jocelyn Campbell, with none opposed. The motion was made by Peter Barba to grant a Special Permit to extend the

deck, with the restriction that this deck can never be enclosed. The motion was seconded by David Walsh. A roll call vote was taken and the motion passed, all voting in favor were Peter Barba, David Walsh, Michael Rauworth, Caitlin Kelly, and Jocelyn Campbell, none opposed.

**5:30 p.m. 132 Bass Road, ATK LLC, Petitioner**

The Board of Appeals held a public hearing on June 7, 2021, at 5:30 PM, on the petition filed by ATK LLC, owner of the property located at **132 Bass Road**, Nahant, Massachusetts, seeking a Special Permit and a Variance to remove a landing and stairs and build a new 6.8" x 11" deck with stairs. The Inspector of Buildings has denied a building permit on March 22, 2021, where the proposed deck is in violation of Section 5.03 of the Zoning By-laws of the Town of Nahant where the proposed lot coverage is 29%, where the maximum allowed is 25%, and where the proposed left side setback is 4.1" where the minimum allowed is 10'. The Hearing was advertised on May 24<sup>th</sup> & May 31<sup>st</sup>, 2021. The Chair read into the record the Governor's order, the advertisement from the Lynn Item and a letter in opposition received from the abutting neighbors. Chris LeBlanc, the contractor on the project, spoke to the advertisement and an error within it; however, the Chair pointed out that this is what was written on his application. The proposed deck would replace an existing landing and stairway and would be a means of egress for the Unit. The stairs currently lead from the street, whereas the new deck would allow for a staircase from the back driveway. It would provide a seating area for the homeowners, built out of composite decking. Pictures were presented to show the current situation and the proposed plan. A question was asked by the Board, regarding the location and the distance from the neighbor's hedges to the current line of their home. The Chair asked the parties to clarify who the owner was, where Ash Ventures LLC, is the Declarant on the Master Deed, not ATK, LLC, Anne Kavanaugh spoke representing her brother. The Chair then asked if the property is in a flood zone, how much of the renovation is complete and the height of the property as this was left blank on the application. Mr. LeBlanc answered that #130 is complete and is currently on the market, whereas #132, is about to get its rough inspection and the height of the property is unknown. The Board asked why a sliding door was installed where the proposed deck was to be built, prior to obtaining approval, Mr. LeBlanc answered that this construction was in anticipation of approval. Ann Kavanaugh, owner, 565 Broadway #9, New York, New York 10012, spoke in favor regarding the aesthetic of the home, believing it would add to the beauty of the property and the neighborhood. Debbie O'Connor, 62 Spiny Path, spoke in opposition to the proposed deck stating, as the owner of the property behind the house, the proposed deck and stairway would directly block their ocean view from their first floor. As well as the fact that they cannot see the current stairway to the front of the house. Mr. Bennet, 134 Bass Road, the direct abutter, spoke in opposition stating that the proposed setback will not be 10' off his property line, but instead will be 6' to 4'. He spoke to the fire safety issue, stating that

firefighters would not be able to access the homes in between the driveways. Mr. Bennet also stated that the home already has two beautiful decks, one on the oceanside, one on the side of the house, and that there is no need for another deck. Mr. Bennet also feels that there has been construction for over three years and feels that the deck is a decrease in property value for his home. The Chair stated that Mr. and Mrs. Bennet had sent in a letter of opposition, which included the various reasons for opposition Mr. Bennet had just stated. The Board deliberated and discussed the request of a Variance or Special Permit, regarding the opposition of the neighbors, the block the deck will have of ocean views, the need for substantial light and air, the fire safety issues, and the disregard for setback requirements. A motion was made by Michael Rauworth that the proposed modification does have a substantially detrimental effect on the neighborhood. The motion was seconded by David Walsh, and a roll call vote was taken and the motion passed, all voting in favor were Peter Barba, David Walsh, Michael Rauworth, Caitlin Kelly, and Jocelyn Campbell, with none opposed. The Board suggested to Mr. Leblanc and the applicant that the Board could continue with its vote to grant or deny the relief requested or they could withdraw their application. The applicant withdrew their application. A motion was made by David Walsh to accept the withdrawal of the petition without prejudice, with a second from Peter Barba. A roll call vote was taken, and the motion passed, all voting in favor were Peter Barba, David Walsh, Michael Rauworth, Caitlin Kelly, and Jocelyn Campbell, none opposed. The meeting Adjourned at 6:08 PM.

Respectfully submitted,  
Jocelyn J. Campbell , Chair