

**Nahant Planning Board Meeting
5/5/2009**

Present: Cal Hastings, Teri Motley, Dan Perepelitza, Carl Easton, Sheila Hambleton and Richard Snyder. Absent without notice: Mark Schiffenhaus.

Also present: John Mello, Dunkin Donut's franchise owner; Paul Rebelo, Contractor.

Meeting called to order at 7:38 PM.

Mr. Mello and Mr. Rebelo presented the plans for redecorating the Dunkin Donuts building. Chair read the special conditions put on the building in 2000, comparing them to the plan presented. Review of prior conditions revealed that the proposed redecorating did not trigger any of the prior conditions. Orders of condition were imposed on the Dunkin Donuts as a part of the orders of condition imposed on the whole Tides property, as Dunkin Donuts is a tenant of the owner of the Tides property. Orders of conditions required the Dunkin Donuts building to have the same colors as The Tides, and the Dunkin Donuts owners have maintained the original color scheme, but The Tides has changed. The proposed project does not seem to be impacted by the orders of conditions imposed originally.

**Moved by Teri Motley: that the PB acknowledge receipt of proposed plans from M.J. Tavares, Architect, dated 3/12/2009, with respect to 2A Wilson Road, depicting proposed interior modifications to the existing structure, together with the petitioners' acknowledgement of adherence to original Order of Conditions dated 10/2/2000. The Board finds that the said order of conditions is not violated in any respect by these proposed interior modifications as shown on the plan on file with the Building Inspector, and that no special permit is required by any applicable special permit granting authority.
2nd by Cal Hastings, All In Favor.**

This vote is without prejudice to the Board's position that the adjoining structure (The Tides) may be in violation of its Special Permit.

Proposal by Frank and Jean Botta for a special permit on 62 Willow Road, Discussion ensued. Chair reminded the Board that it has voted not to comment on applications unless they represented egregious violations of the ByLaws which are substantially derogatory to the purpose of the bylaws. Carl Easton pointed out that the building is actually 41' above the grade, but the plans show the measurement beginning at the top of the pilings. This raises a question to address to the ZBA concerning the definition of "original grade" in calculating height of a building. Discussion ensued concerning height calculations and elevations. The Bd decided not to comment on the application.

Discussion on the Rights of Way project included various ideas for following up on the Town Meeting's granting of the CPA money for the project.

A future agenda item should be using the \$15,000 in previous year's CPA funds to make progress on the Town Plan.

Meeting Adjourned at 8:55.