



TOWN OF NAHANT
ZONING BOARD OF APPEALS

MINUTES

April 11, 2022

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, Jocelyn Campbell, David Walsh, Michael Rauworth, Caitlin Kelly, and Max Kasper. All votes were taken by roll call.

4:45 P.M. A meeting of the Nahant Zoning Board of Appeals met for purposes of discussing membership as regular members and alternates, a reduction in the number of members, and corresponding updates to the Zoning Board of Appeals Rules and Regulations. Present for this meeting were Jocelyn Campbell, David Walsh, Michael Rauworth, Caitlin Kelly, and Max Kasper. A motion was made by Jocelyn Campbell to accept the proposed changes to the Rules and Regulations to accommodate a change in membership from five to three members, and David Walsh seconded the motion. A roll call vote was taken, and the motion passed, all voting in favor were Jocelyn Campbell, David Walsh, Michael Rauworth, Caitlin Kelly, and Max Kasper, with none opposed.

5:00 P.M. 40 High Street, Nahant, Massachusetts, Stephanie Anguilo-Costa, Petitioner

The Board of Appeals held a public hearing on April 11, 2022, at 5:00 PM, on the petition filed by Stephanie Anguilo-Costa, owner of the property at **40 High Street, Nahant, Massachusetts**, seeking a Variance or Special Permit to allow for the construction of a new detached three-car garage with the proposed height of 20 feet where the maximum allowed is 16 feet. This is in violation of Section 5.03 of the Nahant By-Laws. The advertisement was posted in the Lynn Item on March 28, 2022, and April 4, 2022. Present for this hearing were Jocelyn Campbell, David Walsh, and Michael Rauworth. The petitioner and property owner's attorney Stephen Smith then presented the case. Attorney Smith stated that within the given information was a letter from the building inspector dated March 1, 2022, which noted the problem of the 20-foot height being 4 feet taller than the maximum allowance of 16 feet, as well as the petitioners' desire for a variance. Attorney Smith stated that the property at 40 High Street is made up of two parcels and over 54,000 square feet of land, that the property has an entrance from High Street as well as a 60-foot frontage from Greystone Road, and it has a slope from East to West. The building itself was built in 1875 and is estimated to have a height of 35 feet. On the proposed one-story detached garage, the petitioner is asking for a 20-foot height allowance which will allow the slope of the roof to be consistent with the existing structure. Attorney Smith stated that a 16-foot roof would have to be a flat roof that will not allow for sufficient clearance for the petitioner's vehicles. It was also noted that the petitioner would have to undergo hardship to change the grade and topography of the property (due to the extreme grade) if they were required to change the proposed plan. Michael Rauworth asked for clarification from the first plan to the newly proposed plan. Jocelyn Campbell

asked for further explanation as to why the petitioner requires a 20-foot roof. The Board had no further questions for the applicants. The Board then asked if there was anyone to speak in favor of the application. The owner of 40 High Street, Stephanie Anguilo-Costa spoke in favor. Cameron Merrill of 2 Prospect Street, asked the Board to consider several conditions for the garage including that it does not become a dwelling space, that it is never used commercially, and that any condensers or mechanical eye sores be shielded. The Board then asked if there was anyone to speak in favor of the petition. No one spoke in opposition. The Board then began deliberations. They discussed that the proposed detached garage is a better option than an additional dwelling or multi-story space. Jocelyn Campbell made a motion for a finding that owing to the circumstances relating to the soil, conditions, shape, and topography, and little enforcement of the by-laws that there would be a substantial hardship and that relief can be granted for a height without substantial detriment to the neighborhood.

David Walsh seconded the finding. A roll call vote was taken, and the motion passed, all voting in favor were Jocelyn Campbell, David Walsh, and Michael Rauworth, with none opposed. A motion was made by Michael Rauworth that a variance be granted. David Walsh seconded the motion. Michael Rauworth moved to amend the motion to attach the conditions that any condensers and mechanical equipment that may be attached be placed on the side opposite High Street from 2 Prospect Street, that it never be used for commercial purpose, and that no dwelling use be permitted. David Walsh seconded the motion. A roll call vote was taken and the motion passed, all voting in favor were Jocelyn Campbell, Michael Rauworth, and David Walsh, with none opposed. Michael Rauworth moved that the variance be granted as specified in the main motion as amended with the conditions. David Walsh seconded the motion. A roll call vote was taken and the motion passed, all voting in favor were Jocelyn Campbell, Michael Rauworth, and David Walsh, with none opposed. The meeting adjourned at or about 6:00 P.M.