

TOWN OF NAHANT
ZONING BOARD OF APPEALS
MINUTES OF MEETING
August 11, 2020

A scheduled and noticed meeting of the Nahant Zoning Board of Appeals was called to order by Chairperson Campbell at or about 7:00 P.M. at the Nahant Town Hall, 334 Nahant Road, Nahant, Massachusetts, via Zoom (remote technology). Present were Board members, Campbell, Walsh, Barba, Kasper. Leonardo and McCool. All votes were taken by roll call.

SCHEDULED HEARINGS:

7:00 p.m. 156 Bass Point Road, Petitioner Glenn Kennedy, Remade LLC

The Board of Appeals held a continuance of a public hearing on August 11, 2020 at 7:00 PM. on the petition filed by Glenn Kennedy of Remade LLC, owner of the property located at 156 Bass Point Rd., Nahant, for a Special Permit and/or Variance for Lot Coverage, Right Side Setback, Open Space and Parking. The Building Inspector has denied a building permit stating that the “proposed Lot Coverage is 43% where the maximum allowed is 25%, the “proposed Right Side Setback is 1’ or less where the minimum allowed is 10’, the “proposed Open Space is 37% where the minimum allowed is 45%” and the “proposed Parking is 3 spaces where the minimum allowed is 4”. The chair read into the record the Governor’s order regarding remote meetings. Mr. Kennedy presented his revised plans. The Board discussed the revised plans, asked questions of the applicant and deliberated. A motion was made by David Walsh and seconded by David McCool, to accept the proposed plans as presented, including lot coverage not to exceed 40%, open space of 37%, and parking for a total of three (3) cars; and to make a finding that requested relief would not be substantially more detrimental than the existing nonconforming structure to the neighborhood. A roll call vote – all voting in favor were Peter Barba, Donnalee Leonardo, David Walsh, David McCool, and Jocelyn Campbell. A motion was made by David Walsh, seconded by Peter Barba, to grant a special permit for the three areas of relief; lot coverage not to exceed 40%, open space of 37%, and parking for a total of three (3) cars. A roll call vote – all voting in favor were Peter Barba, Donnalee Leonardo, David Walsh, David McCool, and Jocelyn Campbell.

7:30 P.M. 2 Linda Lane, Petitioner Mr. Paul Gallagher

This matter having been appealed to the Land Court Department of the Trial Court of Massachusetts; the chair read into the record the Judge’s Order from the court’s decision. The Board discussed the decision with counsel present at the Zoom meeting and with counsel for the opposing party. A motion was made by Peter Barba, seconded by David Walsh to accept the court’s judgment and to annul our decision of September 5, 2018 regarding the retaining wall. A motion was made to make a finding that the stone wall is in violation of the Nahant Zoning By Law 5.02(J) and to reverse the building inspector’s denial of Mr. Gallagher’s request for enforcement, thereby requiring the property owner to obtain a permit for the wall. The Board will file a supplemental decision no later than August 31, 2020, per the order of the court. A roll call vote - all voting in favor were Peter Barba, Donnalee Leonardo, David Walsh, David McCool, and Jocelyn Campbell.

7:45 P.M. Mr. Paul Smith

Mr. Paul Smith addressed the Nahant Zoning Board of Appeals, asking specifically whether a cease and desist order was in effect in regard to construction work at 96 Willow Road. Mr. Smith was advised that there had been a temporary order in place at one time but that said order was no longer in effect.

A motion was made and seconded to adjourn the meeting. All voting in favor were Peter Barba, Donnalee Leonardo, David Walsh, David McCool, and Jocelyn Campbell.

Respectfully submitted,
Jocelyn Campbell, Chair