

TOWN OF NAHANT  
ZONING BOARD OF APPEALS  
MINUTES OF MEETING  
November 17, 2020

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, Kasper and McCool. All votes were taken by roll call.

**SCHEDULED HEARING:**

**5:00 p.m. 143 Nahant Road, Petitioner Brett Henry**

The Board of Appeals held a public hearing on November 17, 2020 at 5:00 PM, on the petition filed by Brett Henry, tenant of the property located at 143 Nahant Road, for a Special Permit to operate a take-out window from his catering business. The Building Inspector had denied a building permit stating that the “proposed restaurant/fast order food establishment” requires a Special Permit Use according to Section 4.13 of the Zoning By-Laws of the Town of Nahant, Table of Use Regulations. The Hearing was advertised November 3<sup>rd</sup> and November 10<sup>th</sup>, 2020.

The Chair read into the record the Governor’s order, the advertisement and a letter from the Nahant Planning Board. Mr. Henry spoke on his behalf and entertained questions by the board. Mr. Henry stated that he had invested in the business there and had not originally planned to do take out. The board asked questions of the applicant and made comments, specifically David Walsh noted that the applicant’s services in a B1 zoning district fell under the consumer services establishment section of the by-laws. Peter Barba noted that the applicant had provided services to the town previously as a restaurant owner (Mount Vernon) and was trying to save his business and pay his bills. The Board discussed issues concerning parking and square footage and the type of establishment being operated on the premises. Brett Henry indicated that he had up to four (4) parking spaces in the rear of the building and that his space was 800 square feet. The Chair stated that she had received an email from the Town Clerk and a Nahant resident indicating that the notice on the town’s website was not opening and was producing an error message. Therefore, the Chair suggested that the hearing be continued to allow for further notice to be posted. The Chair asked if anyone was present to speak in opposition or in favor. No one spoke against the petition but the following persons spoke in favor of this petition (1) Wayne Wilson, neighbor at 7 Spring Road stated he had no objection, (2) Ann Wachtel of 16 40 Steps Lane stated that she had no objections and was in favor, she stated that the opening of Brett Henry’s has been a savior to some people in Nahant and (3) Stephen Viviano, landlord and property owner spoke in favor and said that Brett Henry has been a good tenant. A motion was made by David Walsh and seconded by Peter Barba to continue the matter for one week. All voting in favor were David Walsh, Peter Barba, Max Kasper, David McCool, and Jocelyn Campbell.

A motion was made by David Walsh and seconded by Peter Barba to adjourn. All voting in favor were David Walsh, Peter Barba, Max Kasper, David McCool, and Jocelyn Campbell.

Respectfully submitted,  
Jocelyn Campbell, Chair