

**Minutes of the Meeting of the Nahant Planning Board  
March 24, 2009**

**Present: Carl Easton, Sheila Hambleton, Cal Hastings, Dan Perepelitza, Cahri Richard Snyder, Teri Motley.**

**Also Present: Mike (?), Lynne Spencer, Jeff Mussman, representing the Nahant Preservation Trust and the LifeSaving Station.**

**Meeting called to order at 7:30 PM.**

**Meeting agenda changed to accommodate visitors and to discuss:**

- 1) proposed lease between Nahant Preservation Trust and the Life Saving Station,**
- 2) amendment to Zoning ByLaws to permit food service at the Life Saving Station.**

**Sheila Hambleton supported the viability of the Nahant Preservation Trust, but observed that the Lease agreement was written before the bylaw, as has happened with the cell phone tower.**

**Cal Hastings agreed that NHPT should have known the bylaws, so questions the reasons why a request for approval of the lease precedes the request for bylaw change. Questioned why a bylaw change is even needed, if they only want a catering facility.**

**Mike stated that no catering business will be based at the Life Saving Station, because food for any event will be prepared off-site and brought in.**

**Cal objected to getting this request 5 days ago, when the bylaw change had been drafted in January, wondered, if catering is off the table, why can't NHPT do what they want under the present bylaws?**

**Richard Snyder read relevant sections of the ByLaws. Sale of the property would require a 2/3 vote at town meeting, so he concluded that the town is protected from undesirable use byt the present bylaws.**

**Dan Perepelitza observed that the Town owns the land under the Life Saving Station , so could put it back into Natural Resource Zone at any time. He also asked if a daycare center would be permitted only through a special permit.**

**Cal Hastings read the definition of "day care" from the ByLaws.**

**Carl Easton asked: Why would Americasn Legion not be able to use the Life Saving Station under the present zoning?**

**Mike replied that a bylaw change would be belt and suspenders to reassure the Legion. The change would permit membership club in other B-1 districts.**

**Dan Perepelitza asked if there is electricity in the Life Saving Station? Mike said yes, via an extension cord from the garage.**

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It was noted that other related operations, such as Kelley Greens and the neighboring function hall are in NRZ, while the Bayside, the Knights of Columbus, and the Country Club are in residential zones.

Teri Motley asked if a lease confers the right to block access to the water?

Richard Snyder answered that it did.,

Cal Hastings asked who drafted it? Answer: Jeff Mussman. Cal Hastings asked if the lease could be changed any time after the bylaw passes, and asked about the ByLaws limitation of 15 parking spaces vs 40 spaces mentioned in the lease. Mike clarified that the limit for daily use is 15, for event parking it's 40.

Dan Perepelitza moved to accept the first article, 2nd by Carl Easton. 3 Aye, 1 Nay, 2 abstentions. Motion failed.

Question: What does this vote mean? Cal Hastings, observed that it means that we didn't approve. Dan Perepelitza asked what the language of the article at the Town Meeting would say. Cal Hastings wanted to know what happened to the comments at the Hearing on the ByLaw article re: noise.

Cal Hastings asked again: What would keep the lease from being rewritten? Lynne Spencer replied that NHPT has been responsible to the town as a public group, for over 10 years, and the present lease reflects intentions of the NHPT, based on that experience which has changed the NHPT since the Valley Road School struggle. NHPT did not seek out the Life Saving Station. Lynne admits that there is room for modification in lease, but the perfect should not be the enemy of the good.

Question: What effect does a non-endorsement have in Town meeting?

Answer: Not much. Dan Perepelitza observed that the chair may be asked to speak to the meaning of the non-vote.

Question: What were the other proposed uses? Lynn Spencer replied that the responses to a RFP resulted in: one for a Bed and Breakfast; another for a Marine Research Station.

The Life Saving Station's capital needs: \$400,000 from CPA, \$200,000 from the Legion. Rentals will fund operating expenses.

Dan Perepelitza moved for reconsideration of the motion. Carl seconded it. All In Favor. Motion Carried.

Dan Perepelitza, seconded by Carl Easton, moved to recommend passage of article 1. Sheila asked that in the future we define who would grant a special permit in a B-1 Zone, According to Section 9.06, it seems that a special permit is required for change of use of 1,000 square feet. Motion Carried Unanimously.

Discussion of proposed Article 2.

Carl moved to recommend approving the portion of the second article

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**which changes the definition of a Membership Club from “S” to “P”, that we recommend against the rest of the article, and that the Board will be prepared to move to amend the article in that way at town meeting. Dan Perepelitza seconded the motion. Motion Carried Unanimously.**

**Adjourned at 9:25 PM.**