

TOWN OF NAHANT
ZONING BOARD OF APPEALS
MINUTES
June 27, 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, and Caitlin Kelly. All votes were taken by roll call.

5:00 P.M. 19 Baker Road, Nahant, Massachusetts, Kristen Standish, Petitioner

The Board of Appeals held a public hearing on June 27, 2022, at 5:00 PM, on the petition including plans filed by Kristen Standish, owner of the property at **19 Baker Road, Nahant, Massachusetts**, seeking relief; i.e., variance or special permit, to approve the subdivision of a non-conforming lot located at 19 Baker Road, as shown on an ANR plan filed with the Registry of Deeds Land Court Department as Plan No. 1234-13. The proposed new lots would-be lot no. 320 to include 10,202 sq. ft. with an existing single-family dwelling and lot no. 321 to include 6,101 sq. ft. with an existing two-family dwelling. The matter was advertised in the Lynn Item on June 13, 2022, and June 20, 2022. The advertisement was read into the record. The property owner's attorney, Stephen Smith, presented the case and argued that the lot was unique in its shape, it had frontage on two streets, and that the proposed separation of the two lots would not be substantially more detrimental to the neighborhood. Attorney Smith provided two emails from persons in favor of the application, Regina and Alan Lane of 62 Little Nahant Road, and Sarah and Herbet Duane of 72 Little Nahant Road. The following persons spoke in opposition of the petition: Ruthie Merrell of 71 Lennox Road Unit #1, Attorney Panos spoke on behalf of Alex Panos and Anita Goodman of 10 Baker Road, William Kelley of 67 Lennox Road, Kelly Stevens, 56 Little Nahant Road, Eric Peterson of 52 Little Nahant Road, George Mihovan of 64 Lennox Road. The Board deliberated and discussed that for several reasons the relief could not or should not be granted. Section 7.03 D (4) of the Nahant Zoning By-laws does not allow for the creation of non-conforming lots; an extraordinary amount of relief would be necessary, historically the Zoning Board had not allowed the separation of the two-house lots, of which there are several in Nahant and that in doing so could potentially set a precedent. The chair discussed the Massachusetts Appeals court case of Bruno vs. the Zoning Board of Appeals of Tisbury (limitations period began to run when the lot was sold not when an ANR stamp was affixed) and the fact that an ANR endorsement does not shelter zoning violations. Caitlin Kelly brought a motion to allow the Petitioner to withdraw her application which was seconded by David Walsh. After a roll call vote, Caitlin Kelly and David Walsh voted in favor, Jocelyn Campbell voted against, and the Motion passed. After a brief intermission to allow counsel to speak to his client, the board reconvened and voted again to accept the petitioner's withdrawal, Jocelyn Campbell brought a motion to accept the Petitioner's withdrawal of her application which was seconded by David Walsh. After a roll call vote, Caitlin Kelly, David Walsh and Jocelyn Campbell voted in favor, and the Motion passed. The meeting adjourned at or about 6:04 P.M.

Respectfully submitted,

Jocelyn J. Campbell, Chair