

**TOWN OF NAHANT
PLANNING BOARD**

**TUESDAY, OCTOBER 6, 2020 6:00PM
LOCATION: ZOOM CONFERENCING, NAHANT, MA**

MEETING MINUTES

Call to order at 6:05pm

Calvin Hastings, Chairman - Here
J Shannon Bianchi, Corresponding Secretary - Here
Daniel Berman Vice Chairman - Here
Sheila Hambleton - Here
Mirjana Maksimovic – Here
Steven Viviano – Here
Patrick O'Reilly, Recording Secretary – Here

Public guests in attendance:

Annie Wachtel
Daniel Skrip
Peter Barba
Emily Potts
Paul
Diane Dunfee

Minutes Approvals

Motion to approve August 27 minutes by Sheila Hambleton, Seconded by Shannon Bianchi

Calvin Hastings, Chairman - Yes
J Shannon Bianchi, Corresponding Secretary - Yes
Daniel Berman Vice Chairman - Yes
Sheila Hambleton - Yes
Mirjana Maksimovic – Yes
Steven Viviano – Yes
Patrick O'Reilly, Recording Secretary – Yes

Motion to approve September 8 minutes as amended by Sheila Hambleton, Seconded by Shannon Bianchi

Calvin Hastings, Chairman - Yes
J Shannon Bianchi, Corresponding Secretary - Yes
Daniel Berman Vice Chairman - Yes
Sheila Hambleton - Yes
Mirjana Maksimovic – Yes
Steven Viviano – Yes
Patrick O'Reilly, Recording Secretary – Yes

Motion to approve September 15 by Sheila Hambleton, Seconded by Shannon Bianchi

Calvin Hastings, Chairman - Yes

J Shannon Bianchi, Corresponding Secretary - Yes

Daniel Berman Vice Chairman - Yes

Sheila Hambleton - Yes

Mirjana Maksimovic – Yes

Steven Viviano – Yes

Patrick O'Reilly, Recording Secretary – Yes

96 Willow Rd

Calvin Hastings – Opening remarks regarding letter to the planning board

Dan Berman – Explained that only if the Zoning Board of Appeals wanted to reverse their earlier decision then that would require Planning Board consent. Otherwise there is no decision that needs to be taken

Paul Smith – Presented history of 96 Willow Rd . Explained that work was done well in excess of permit. Filed Request for enforcement and appealed to ZBA. Value of building permit was nearly 3 times of original permit application. And there is no dispute that the value was in excess of the building permit. Permit was amended after enforcement. Hopes that someone can intervene. All filing deadlines were met and expected a hearing at the ZBA. Recounted correspondence with Building Inspector and ZBA. Claims that notice was not given to them about the ZBA meeting. Despite finding that the permit was well over the limits of the permit they decided not to invalidate the permit. Finds fault with approach by town counsel, ZBA and building inspectors actions.

Dan Berman and Paul Smith – Discussion about nature of ZBA notice for the September 15 meeting and that it was not a hearing. However some decision was apparently made. Mentioned that hearing has now been scheduled.

Paul Smith discussed further that his petition was not repetitive. Discussed the previous history of claims of repetitive petitions. Also, that there were multiple continuances. A cease and desist was issued and never rescinded, not limited in time, yet work continued afterwards.

Dan Berman discussed not having a chance to review video of September 15 ZBA.

Paul Smith – Recounted details of the ZBA meeting and referral to the planning board. Doesn't believe ZBA deliberated properly.

Dan Berman – Expressed board's concern about the process.

Shannon asks what the planning board needs to consider at this time

Daniel Skrip – Nothing needs to be considered at this time.

Shannon Bianchi asked if there are superior court cases.

Dan Skrip – Yes and explained that there were.

Shannon Bianchi suggests that we end discussion

Dan Skrip discussed an error in referring the matter to the planning board at this time.

Dan Berman asks if there is any oversight authority

Shannon Bianchi expressed concern about people feeling that there was notice given.

Daniel Berman concerned about process and rules and what we should comment on.

Pat O'Reilly asked if this would come back to planning board after zoning board

Dan Skrip suggested it would not.

Cal Hastings asked about whether there was a formal referral from ZBA.

Daniel Skrip explained how that should be rescinded

Sheila Hambleton explains that all we were asked to do is comment

Dan Berman explains that we can comment and that the referral was taken back.

Cal Hastings wants to make it clear that there was a mistake in referral from the ZBA

Dan Skrip will provide something in writing.

Cal Hastings states he is reluctant to comment further

Dan Skrip explained that the portion of the motion at the 9/15 meeting that was in error was sever-able.

Dan Berman suggests that we move on

Dan Skrip suggests including both sides if we would hold a meeting.

Dan Berman explained that we wouldn't be holding a hearing, but if we wanted to consider further comments then that would be at a general meeting

Paul Smith thanked the board for their time

Dan Skrip thanked the board

Other topics

Discussion about committee assignments to board. Will add committee assignments to future agenda.

General discussion on procedure. Shannon questions on procedure. Cal suggests we discuss next time.

Discussion of schedule and zoom.

Meetings to be 1st and 3rd Tuesdays of the month

Monday November 2 rather than election day

Further discussion of scheduling site visit before Spouting Horn Hearing. Coordinating among stakeholders to get on site. Some questions and discussion about the accuracy of town and US maps.

Motion to adjourn made by Cal Hastings, Seconded by Sheila Hambleton 7:55pm

Calvin Hastings, Chairman - Yes

J Shannon Bianchi, Corresponding Secretary - Yes

Daniel Berman Vice Chairman - Yes

Sheila Hambleton - Yes

Mirjana Maksimovic – Yes

Steven Viviano – Yes

Patrick O'Reilly, Recording Secretary – Yes

Meeting Minutes Prepared by Patrick O'Reilly, Recording Secretary

Minutes Approved by Planning Board on November 9, 2020