

TOWN OF NAHANT
ZONING BOARD OF APPEALS
MINUTES OF MEETING
March 22, 2021



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, pursuant to the Governor's order regarding same). Present were Board members, Campbell, Walsh, Barba, Kasper and McCool. All votes were taken by roll call.

SCHEDULED HEARING:

5:00 p.m. 79 Wilson Road, Petitioner: Williane Tomas and Eduards Tomas

The Board of Appeals held a public hearing on March 22, 2021 at 5:00 PM. on the petition filed by Williane and Eduards Tomas, owner of the property located at 79 Wilson Road via Zoom. The Inspector of Buildings has denied a building permit because the proposed alterations are in violation of Section 5.03 of the Zoning By-laws of the Town of Nahant, where the proposed Floor Area Ratio is 75% and the maximum allowed is 45%. The chair read into the record the Governor's order. The hearing was advertised in the Lynn Item on March 8, 2021 and March 15, 2021. The Petitioner spoke on his own behalf indicating his plans for a renovation of his front porch and roof deck that would not change the current footprint or height of the building. The board asked questions of the Petitioner. The following persons spoke in favor of the application: John Roy of 4 James Avenue, Dylan Doblin of 74 Wilson Road, Joanne of 95 Wilson Road, Jacob Eaton of 91 Wilson Road, Diane Urane of 6 James Avenue and Lily Fennelin of 10 James Avenue. No persons spoke in opposition. The board deliberated the application and request for a variance, and then voted to continue the matter to 5:00 PM on April 20, 2021 to allow the Petitioner time to amend his application and re-advertise the matter. David McCool brought a motion to continue the matter to April 20, 2021 at 5:00 PM to allow the applicant to amend his application, which was seconded by David Walsh. A roll call vote was taken, and the motion passed, all voting in favor were Peter Barba, David Walsh, Max Kasper, David McCool and Jocelyn Campbell.

SCHEDULED HEARING:

5:30 p.m. 10 Intervale Road, Petitioner: Amy Graciale

The Board of Appeals held a public hearing on March 22, 2021 at 5:00 PM. on the petition filed by Amy Graciale, owner of the property located at 10 Intervale Road via Zoom. The Inspector of Buildings has denied a building permit because the proposed change requires a Special Permit for the use of not more than two rooms and requires one parking space per employee and/or anticipated visitor. The chair read into the record the Governor's order. The hearing was advertised in the Lynn Item on March 8, 2021 and March 15, 2021. The Petitioner spoke on her own behalf and indicated that she would be the only employee of the business and would

have only one or two clients present at one time and that parking will be expanded to 6 spaces. The board asked questions of the Petitioner. No persons spoke in favor of or in opposition to the application. Michelle Capano of 29 Ocean Street posed several questions (not in favor or opposition) A motion was brought by David McCool and seconded by David Walsh to find that the application qualifies for a Special Permit under Section 4.70 A.2 of the Nahant Zoning By-laws and that the board approve a Special Permit accordingly. A motion to amend the same motion was brought by Peter Barba and Seconded by David McCool to add hours of operation from 8:00 AM to 9:00 PM and to limit customers to two at a time and to require that the applicant maintain her state licensing. A roll call vote was taken, and the motion passed, all voting in favor were Peter Barba, David Walsh, Max Kasper, David McCool and Jocelyn Campbell. A motion was brought by Peter Barba and seconded by David McCool to find that the proposed use is not substantially more detrimental to the neighborhood. A roll call vote was taken, and the motion passed, all voting in favor were Peter Barba, David Walsh, Max Kasper, David McCool and Jocelyn Campbell.

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6:00 p.m. Annual Meeting, Administrative Matters

The change in processing of advertising fees has been instituted. Discussion of timing of input by other boards or committees, in light of Bylaw provisions. The sense of the Board was to adopt flexible scheduling once inputs are received to expedite action on pending matters. A motion was brought by Jocelyn Campbell and seconded by Peter Barba to approve proposed amendments to the Rules & Regulations of the Board, Sections 3.11 and 3.12, to reflect that cost of advertising to be paid separately by the applicant to the newspaper and that the Town no longer includes the cost of advertising in the application fee – as previously voted in. A roll call vote was taken, and the motion passed, all voting in favor were Peter Barba, David Walsh, Max Kasper, David McCool and Jocelyn Campbell. A motion was brought by David Walsh and seconded by Peter Barba to adjourn the meeting. A roll call vote was taken, and the motion passed, all voting in favor were Peter Barba, David Walsh, Max Kasper, David McCool and Jocelyn Campbell.

Respectfully submitted,
Michael Rauworth, Associate Member