

TOWN OF NAHANT  
ZONING BOARD OF APPEALS  
MINUTES  
December 5, 2022

A scheduled and noticed meeting of the Nahant Zoning Board of Appeals was called to order by Chairperson Campbell at or about 3:00 P.M. at the Nahant Town Hall, 334 Nahant Road, Nahant, Massachusetts, via Zoom (remote technology). Present were Board members Jocelyn Campbell, Michael Rauworth, and Caitlin Kelly. All votes were taken by roll call.

**3:00 P.M. 10 Wilson Avenue, Nahant, Massachusetts, John H. DeCamp, Petitioner**

The Board of Appeals held a public hearing on December 5, 2022, at 3:00 PM, on the petition, including plans filed by John H. DeCamp, owner of the property at **10 Wilson Avenue, Nahant, Massachusetts**, seeking a Special Permit to add “less than half a floor that includes roof deck” in violation of Section 5.03 of the Nahant Zoning By-laws where (1) The proposed Floor Area Ratio is 85% where the maximum allowed is 45%; and (2) the proposed number of stories is 3 where the maximum allowed is 2.5. The matter was advertised in the Lynn Item on November 21 and 28, 2022. The advertisement was read into the record. The property owners submitted the application and building plans entitled “DeCamp Residence 10 Wilson Ave. Nahant, MA 01908” dated October 3, 2022, by Anthony Roossien Architects, Inc., and a certified plot plan entitled “Plot 10 Wilson, Nahant, MA Scale 1” = 16’” dated October 14, 2022, by Faia, Registered Professional Land Surveyor. The property owner spoke along with Anthony Roossien, Architect. The owner stated that he had lived in Nahant for 20 years and that he wanted to make room for two teenagers in his home. Mr. Roossien stated that the roof type did not fit with the by-laws and that the current structure was really more like two stories, that they took into consideration whether anyone’s views would be affected and they would not. Present to speak in favor was Sue Sherry from 6 Wilson Avenue, Nahant, Massachusetts. Submitted via email in support was an email from Mary Elizabeth Cormier, owner of 12 Wilson Avenue, and a signed statement from Karen L. Wakefield, 8 Wilson Avenue, Victoria Fortine, 6 Wilson Avenue, and Frank Ciampa, 8 Linda Lane, all located in Nahant, Massachusetts. No persons spoke in opposition. The Board deliberated and asked questions of the Architect and Applicant. The Board discussed the application of the Nahant Zoning By-laws in general as well as section 5.03. Michael Rauworth brought a motion for a special permit finding that the proposed added half floor and roof deck as proposed, would not be more detrimental than the existing non-conformity to the neighborhood, which was seconded by Caitlin Kelly. After a discussion on the motion which included discussing facts that supported the finding such as no views are affected and there are many neighbors in support, and a roll call vote, Michael Rauworth, Caitlin Kelly and Jocelyn Campbell all voted in favor of the findings. Caitlin Kelly brought a motion to grant a special permit which was seconded by Michael Rauworth and then amended said motion to include a condition that the roof deck shall not be enclosed. After a roll call vote, Michael Rauworth, Caitlin Kelly and Jocelyn Campbell all voted in favor of both the original motion and the amended motion to grant a special permit. The Special Permit was granted with the condition that the roof deck could not be enclosed. The meeting adjourned at or about 3:25 P.M.

### **3:30 P.M. 56 Valley Road, Nahant, Massachusetts, Moira Pellegrino, Petitioner**

The Board of Appeals held a public hearing on December 5, 2022, at 3:30 PM on the petition, including plans filed by Moira Pellegrino, owner of the property at **56 Valley Road, Nahant, Massachusetts**, seeking a Special Permit to remove the existing detached garage and concrete drive; construct new detached garage; renovate existing bulkhead stair and entry; rebuild existing front stairs and walkway; install new generator and fence, dated October 17, 2022, citing the following: (1) The proposed Lot Coverage is 33% where the maximum allowed is 25%; (2) the proposed rear yard setback is 1' where the minimum allowed is 20'; (3) the proposed left side setback is 8'0" where the minimum allowed is 10'; and (4) the proposed right side setback is 2'6" where the minimum allowed is 10' in violation of Section 5.03 of the Nahant Zoning By-laws. The matter was advertised in the Lynn Item on November 21 and 28, 2022. The advertisement was read into the record. The property owners submitted the application and building plans entitled "Pellegrino Residence 56 Valley Road, Nahant, MA 01908" dated September 28, 2022, by Howell Custom Building Group, and a certified plot plan entitled "Plot Plan of Land #56 Valley Road Nahant, Mass." dated October 23, 2022, by Sullivan Engineering Group, Inc. Paul J. Finocchio, Professional Land Surveyor and John Sullivan III Registered Professional Engineer. Steve Prittie from Howell Custom Building Group spoke along with the owner. Mr. Prittie stated that the plan was to move the garage along the lot line so that the owner could enter it in a straight line rather than a hairpin turn. The current placement of the garage is behind the home to the left. He states that the proposed garage was only slightly larger than the existing garage. Present to speak in favor was Jim Devereaux of 54 Valley Road, Nahant, Massachusetts. No persons spoke in opposition. The Board deliberated and discussed the application of the Nahant Zoning By-laws in general as well as section 5.03. Michael Rauworth brought a motion for a special permit finding that the proposed reconstruction of the home would not be more detrimental than the existing non-conformity to the neighborhood, which was seconded by Caitlin Kelly. After a discussion on the motion which included discussing facts that supported the finding such as the rear yard setback was not changing but moving along the lot line, that no views will be affected and that roll call vote, Michael Rauworth, Caitlin Kelly and Jocelyn Campbell all voted in favor of the motion. Caitlin Kelly brought a motion to grant a special permit which was seconded by Michael Rauworth, and then brought forth an amended motion, also seconded by Michael Rauworth, to add conditions such that; the garage shall not be increased in height and that the garage shall not be occupied as a residential dwelling. Caitlin Kelly withdrew her first motion, and after a discussion on the amended motion and a roll call vote, Michael Rauworth, Caitlin Kelly, and Jocelyn Campbell all voted in favor of granting a special permit in all four requested areas of relief. The Special Permit was granted with the conditions that the garage shall not be increased in height and that the garage shall not be occupied as a residential dwelling. The meeting adjourned at or about 3:59 P.M.

### **4:00 P.M. 16 Castle Road, Massachusetts, Daniel and Elizabeth Thompson, Petitioners**

The Board of Appeals held a public hearing on December 5, 2022, at 3:00 PM, on the petition, including plans filed by Daniel and Elizabeth Thompson, owners of the property at **16 Castle Road, Nahant, Massachusetts**, seeking a Variance or Special Permit for proposed stairs and wrap-around deck for entrance to the house, dated October 12, 2022, citing the following: (1) The proposed lot coverage is 33% where the maximum allowed is 25%; and (2) the proposed Fox Hill Road front setback is 1-2' where the minimum allowed is 25' in violation of Section 5.03 of the Nahant Zoning By-laws. The matter was advertised in the

Lynn Item on November 21 and 28, 2022. The advertisement was read into the record. The property owners submitted the application and building sketch, undated and unstamped, and a certified plot plan entitled "Plot Plan of Land Located in Nahant Massachusetts," dated December 17, 2021, by Christopher R. Mello, PLS, Registered Land Surveyor. The property owners stated that they wanted to make repairs to the stairs and build a landing for safety reasons because currently there is no landing and the stairs are right up to the door. Present to speak in favor was David Walsh, 11 Fox Hill Road, Nahant, Massachusetts. No persons spoke in opposition. The Board deliberated and discussed the application of the Nahant Zoning By-laws in general as well as section 5.03. Michael Rauworth brought a motion for a special permit finding that the proposed new stairs and added deck space would not be more detrimental than the existing non-conformity to the neighborhood, which was seconded by Caitlin Kelly. After discussion on the motion which included discussing facts that supported the finding such as the current stair appears unsafe, no new non-conformity is being created but instead an existing non-conformity is being extended, and the change will not have a detrimental effect on the neighborhood, and then a roll call vote, Michael Rauworth, Caitlin Kelly and Jocelyn Campbell all voted in favor of the findings. Michael Rauworth then brought a motion to grant a special permit which was seconded by Caitlin Kelly. After a discussion and a roll call vote, Michael Rauworth, Caitlin Kelly and Jocelyn Campbell all voted in favor of granting a special permit. The Special Permit was granted with the conditions that the project shall be built as shown on the plan provided and that the stairs and deck shall not be enclosed in the future. The meeting adjourned at or about 4:20 P.M.

Respectfully submitted,

Jocelyn J. Campbell, Chair