

**TOWN OF NAHANT**  
**ZONING BOARD OF APPEALS**  
Minutes of Meeting  
May 3, 2021

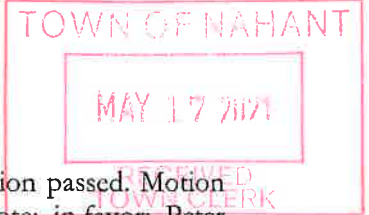


A scheduled and noticed meeting of the Nahant Zoning Board of Appeals was called to order by Chairwoman Campbell at or about 5:00 P.M. at the Nahant Town Hall, 334 Nahant Road, Nahant, Massachusetts, via Zoom (remote technology, pursuant to the Governor's order regarding same). Present were Board members, Jocelyn Campbell, Peter Barba, Max Kasper, David McCool and Associate member Michael Rauworth. All proceedings following the published meeting notice and all votes were taken by roll call.

**SCHEDULED HEARINGS:**

**5:00 p.m. 35 Castle Road, Petitioner: Ronald Petrucci**

The Board of Appeals held a public hearing on May 3, 2021 on the petition filed by Ronald Petrucci for the property located at 35 Castle Road, Nahant, Massachusetts, seeking a Special Permit to allow a building height over 30' pursuant to Section 5.02 of the Zoning By-laws of the Town of Nahant. The Inspector of Buildings had issued a Cease and Desist Letter dated March 1, 2021 because the actual renovation of the building was not consistent with the building permit application and plans submitted. The chair read into the record the Governor's order. The hearing was advertised in the Lynn Item on April 19, 2021 and April 26, 2021. The Petitioner submitted a certified plot plan and the consent of several neighbors via email and some attended as well. No persons spoke in opposition. The Petitioner's counsel spoke on his behalf, seeking a special permit. He stated that the over height situation resulted from three field changes in the structure, each which was at odds with the plans and each of which added several inches to the maximum height, which stands at 31.6 feet. The Board asked questions of the Petitioner's counsel and of Wayne Wilson, Building Inspector, who attended the hearing. Mr. Wilson testified that he went to inspect and measured the building and discovered it was over the height limit. Peter Barba expressed concern that this property had been the subject of a previous application before the ZBA, obtaining relief as to aspects unrelated to the condition currently at issue. Chairwoman Campbell mentioned that although she disagreed that this after the fact request, the house is built now so we must evaluate it according to the by-laws. Where the lot is larger than usual for Nahant (over 11,000 square feet) the lot will not cause overdevelopment of the lot, the floor area ratio is over that which is permitted in the district (proposed at 25% where the maximum allowed is 46%), and it is unlikely to interfere with views in a significant manner. The board took into account the input (in support) of a number of neighbors in email (several) correspondence submitted in writing to the Board, as well as a petition in support signed by a number of neighbors and submitted to the Board before the hearing of the Petitioner Petrucci and the persons present, a list of which is on file with the building department. No persons spoke in opposition or submitted adverse comments in any other form. A Motion was made by Michael Rauworth; seconded by Peter Barba to find that the proposed additional height will not cause overdevelopment of the lot, increase the floor area ratio to over the limit allowed for the area, nor interfere with views substantially. A roll call vote was taken, all were in favor: Peter Barba, Max Kasper, David McCool, Jocelyn Campbell, Michael Rauworth; and the motion passed. Motion (by Rauworth; seconded by Barba): To find that the proposed action is not substantially more detrimental to the neighborhood than the current non-conformity. A roll call vote: in favor: Peter Barba, Max



Kasper, David McCool, Jocelyn Campbell, Michael Rauworth; and the motion passed. Motion (by Barba; seconded by Kasper): To approve the special permit. A roll call vote: in favor: Peter Barba, Max Kasper, David McCool, Jocelyn Campbell, Michael Rauworth; motion passed. Consideration of this issue was concluded at 1748, whereupon the next application was taken up.

**5:30 p.m. 51 Pond Street, Petitioner(s): Jennifer and Sean Dignan**

The Board of Appeals held a public hearing on May 3, 2021 on the petition filed by Sean and Jennifer Dignan for the property located at 51 Pond Street, Nahant, MA, seeking a Special Permit to add an addition. The Inspector of Buildings has denied the building permit on March 1, 2021 because the proposed addition is in violation of Section 5.03 of the Zoning By-laws of the Town of Nahant where the proposed Lot Coverage is 36% where the maximum allowed is 25%, the proposed Floor Area Ratio is 48% where the maximum allowed is 45%, the proposed Left Side Setback is an extension of the same where the minimum allowed is 10', and the proposed Right Side Setback is an extension of the same where the minimum allowed is 10' 5:30 p.m./May 3, 2021. The matter was advertised Lynn Item April 19 and April 26, 2021. The chair had previously read into the record the Governor's order. The Petitioner's architect spoke on his behalf, seeking a special permit. He stated constructing the addition as proposed would not have any adverse effect on public safety, a concern expressed in the letter from the Planning Board. The Board asked questions of the Petitioner. The board took into account the input of the following neighbors in support of the petition: Jennifer Dignan (petitioner), 51 Pond Street, Sean Dignan (petitioner), 51 Pond Street, Linda Barba, 22 Emerald Road, Matthew and Susan Hendrickson, 16 Emerald Road. No persons spoke in opposition. The board deliberated took into account all of the testimony, plans and documents filed. Motion (by Rauworth; seconded by Walsh): To find that the proposed action is not substantially more detrimental to the neighborhood than the current non-conformity. A roll call vote: in favor: David Walsh, Max Kasper, David McCool, Michael Rauworth; opposed: Jocelyn Campbell; motion passed. Motion (by Kasper; seconded by Walsh): To approve the special permit. A roll call vote: in favor: David Walsh, Max Kasper, David McCool, Michael Rauworth; opposed: Jocelyn Campbell; motion passed. Consideration of this issue was concluded at 1808, whereupon scheduling of forthcoming applications was discussed. Motion (by Rauworth; seconded by Walsh): To approve the minutes of previous meetings not previously ratified. A roll call vote: in favor: Peter Barba, David Walsh, David McCool, Jocelyn Campbell, Michael Rauworth; motion passed. The meeting adjourned at 1811.

Respectfully Submitted,

Michael Rauworth