

1/1/2020

2

11/18/2020

1

https://nahant.patriotpermitpro.com/index.php?act=process&amp;id=6550

Documents			
Document Name	Entered	Received	Signed Off
Commercial Building Permit Application	09/17/2020	09/17/2020	09/17/2020
Copy of Active or Current Licenses	09/17/2020	09/17/2020	09/17/2020
Plans	09/17/2020	09/17/2020	09/17/2020
Liability Insurance Certificate	09/17/2020	09/17/2020	09/17/2020
Workers Compensation Affidavit - 2015	09/17/2020	09/17/2020	09/17/2020
Commercial Permit	09/29/2020	09/29/2020	09/29/2020

Inspections	Revisions
<p>9/29/20 - Supporting documents scanned &amp; checked - KAC</p>	

Approvals
<p>Building Inspector</p> <p>Kim Shultz Campo 09/29/20 1:53pm</p>

Accounts
<p>Commercial Permit Fee</p> <p>9/19/2020 (\$480.00)</p> <p>Check \$480.00</p> <p>9/29/2020 Balance: \$0.00</p>

History	Action	Date
Application Opened: Commercial		09/17/20
Procedure Run: Add Defaults		09/17/20
Document Added: Copy of Active or Current Licenses		09/17/20
Fee added		09/17/20
Document Entered:		09/17/20

## Application Overview

Related Documents:	View
Parcel ID: 25A-0-408	
Address: 2 WILSON RD NAHANT MA 01908	
Application Type: Commercial	
Property Map: View Google Map	
GIS MAP: AXIS GIS MAP	

**Proposed Work:**

Install metal roof to match existing roof over existing deck

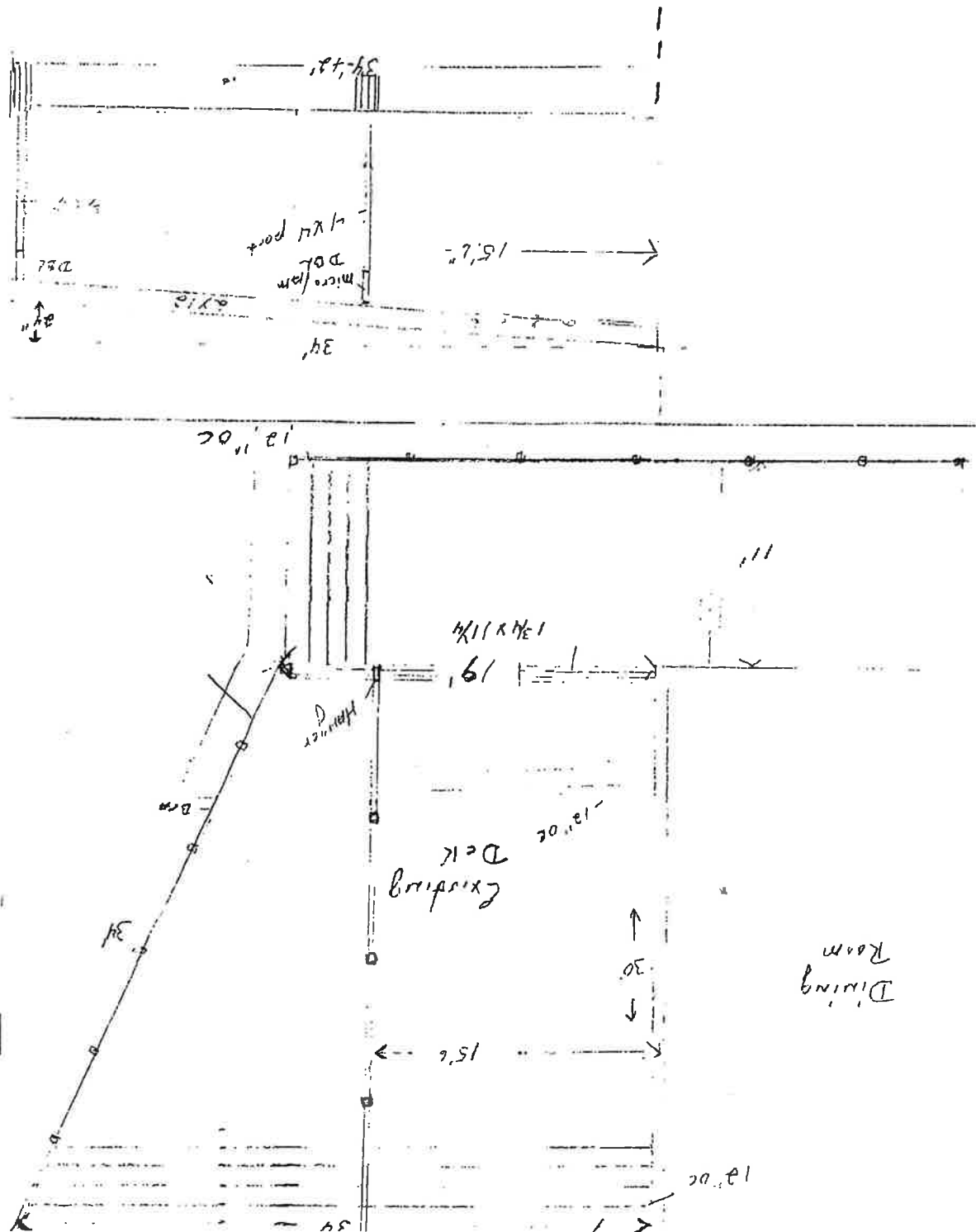
  

**Status History**

Application Submitted	09/17/2020 20-00351
Permit Issued	09/29/2020 C-20-00014



- metal roof for main building
- 3/4 T.C plywood for roof
- 2x12 for roof truss
- 4x6 support post for DBI LVL







Town of Nahant Application For Building Permit  
Addition or Alteration

Dated: \_\_\_\_\_

1. Owner Maria Helle Mailing Address 364 Lynnway Tel. # 781-593-0320  
2. Location of property (street & #) 24 Wilson Rd. Assess. Map \_\_\_\_\_ Lot \_\_\_\_\_  
3. Architect MANUEL TAVARES Address 520 Pleasant St. W. Plymouth Tel. # 617-846-1187  
4. Builder Edward Craveiro Address 10 Warren St. Plymouth Tel. # \_\_\_\_\_  
5. Mass Construction Supervisors License # 2607 Home Improvement Reg. # \_\_\_\_\_  
6. Zoning District \_\_\_\_\_ How is structure presently occupied? No +  
7. Coastal Zone Designation \_\_\_\_\_ as per F.I.R.M.  
8. Variance or Special Permit required - Yes ☒ No \_\_\_\_\_ Date decision filed with Town Clerk 7/24/00  
9. Distance for lot lines: front street \_\_\_\_\_ side street (cor. lot) \_\_\_\_\_  
rear lot line \_\_\_\_\_ side lot lines \_\_\_\_\_ and \_\_\_\_\_  
10. Gross floor area: basement 1,775 1st. \_\_\_\_\_ 2nd. \_\_\_\_\_ 3rd. \_\_\_\_\_ Total 2  
11. Number of bathrooms 2 Number of kitchens 1  
12. Height of ridge from mean grade 15'-0"  
13. Lot size \_\_\_\_\_ sq. ft. Area now covered by structures 1,775 sq. ft. 5 % of lot  
14. What is nature of addition or alteration: Change to Dunkin' Donuts Cafe  
How will addition be occupied? Restaurant  
15. Distance of addition from lot lines: front street 8' side street 1'-0" +  
16. Size of extension: length N/A width N/A height N/A  
17. Type of construction SB gross floor area 1,775 SPT.  
18. Foundation material concrete thickness 8" depth below grade 4'-0" height 8'-0"  
19. Style of roof shingle roof covering shingle weight per square \_\_\_\_\_  
20. Size of floor joists: 1st \_\_\_\_\_ 2nd \_\_\_\_\_ 3rd \_\_\_\_\_ Distance O.C. \_\_\_\_\_  
21. Insulation thickness and materials: walls 3 1/2" roof 9" foundation \_\_\_\_\_  
22. Is there any electrical work to be performed? Yes ☒ No \_\_\_\_\_ If so, an electrical permit must be issued to a licensed electrician.

Notes:

- (A) Inspection no relief from compliance with all local and state regulations
- (B) Notice for closing in and occupancy inspection is required.
- (C) Owner is responsible for supplying a certified plot plan.

Fees: The amount of fees shall be \$10.00 per thousand dollars of work performed and materials used under this permit subject to review by the Building Inspector.

Minimum fee is \$10.00 Maximum fee is \$2,000.00  
Estimated cost \$100,000.00 Fee \$1,000.00

I certify that the above information is true and correct. I understand that pursuant to MGL 268, Section 1A I am subject to the penalties for perjury if the above information is willfully presented as false.

Owner Thomas J. Brougas  
Builder Edward Craveiro

Application Approved Date X Permit Number X

Application Denied Date 9-19-00

Reason For Denial SECTION 6.06 (TABLE OF REQUIRED OFF-STREET PARKING)  
SECTION 4.13 (TABLE OF USE REGULATION)

W. Wilson  
Building Inspector





OFFICE OF THE  
**BUILDING INSPECTOR**  
TOWN HALL, NAHANT, MASS. 01908

DATE: 9-19-00

To Applicant: JOHN & MARIA MELLO

Your application for a building permit(s) is denied for the following reason:

THE PROPOSED CHANGE IN USE REQUIRES A SPECIAL PERMIT FROM THE PLANNING BOARD AS PER SECTIONS 9.05 & 9.08 OF THE ZONING BY-LAW.

THE PROPOSED USE IS ALSO IN VIOLATION OF SECTION 6.06 (TABLE OF REQUIRED OFF-STREET PARKING.)

THE PROPOSED DUNKIN DONUTS AND THE EXISTING DOCKSIDE RESTAURANT ARE LOCATED ON THE SAME LOT AND SHARE THE AVAILABLE PARKING.

THE DOCKSIDE HAS AN OCCUPANCY LOAD OF 238 PERSONS AND 14 EMPLOYEES PER SHIFT WHICH MAKES THE PARKING REQUIREMENT 67 SPACES. THE PROPOSED DUNKIN DONUTS HAS AN OCCUPANCY LOAD OF 31 PERSONS AND 2 EMPLOYEES PER SHIFT, CREATING A PARKING REQUIREMENT OF 9 SPACES. A TOTAL OF 76 SPACES. (OVER)

You may appeal this decision to the Board of Appeals within thirty (30) days of denial. Forms are available in the Town Clerk's Office.

If your appeal is successful you must RE-APPLY for a building permit. Be sure to include a copy of the Board of Appeals decision with your new application.

Wayne T. Wilson  
Building Inspector



THE PARKING PLAN PREPARED FOR THE FORMER "BEACHES"  
RESTAURANT AND ON FILE AS THE ACCEPTED PARKING PLAN  
FOR THE PROPERTY IN QUESTION. HAS ONLY 64 SPACES  
LOCATED ON THE PROPERTY.

THIS IS 12 SPACES SHORT OF THE MINIMUM REQUIRED.



D E C I S I O N

12/11/00 2:02 inst. 537

BK 16741 PG 152



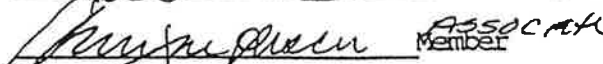
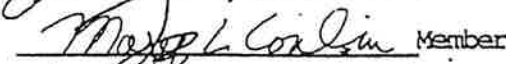

The BOARD OF APPEALS met on November 1, 2000  
and with all of the aforesaid members present and voting,  
found and decided as follows:

At a public hearing held at the Nahant Town Hall, Nahant, MA on November 1, 2000  
on the petition of John Mello, of 18 Apple Hill Lane, Lynnfield, MA, proprietor of  
the Dunkin' Donuts Cafe, 2A Wilson Road, Nahant, MA, requesting a variance to  
change the required number of parking spaces at the property at 2A Wilson Road,  
the Board rendered the following decision:

On a motion by Ms. Marie, seconded by Mr. Morse, the Board voted (4-0, with Ms.  
Conlin abstaining) to grant a variance for the number of parking spaces required.  
The variance is granted upon the further condition that this decision is  
recorded with the Essex South District Registry of Deeds.

BOARD OF APPEALS OF THE  
TOWN OF NAHANT, MASSACHUSETTS

I vote as set forth above and on supplementary sheets marked

 Chairman  
 Secretary  
 Associate Member  
 Member  
 Member

*To the Mello Jr.  
18 Apple Hill Lane  
Lynnfield Mass  
01940*

Filed with Town Clerk, Town of Nahant, MA, on Nov. 6, 2000  
at 7:30 AM

This decision may be appealed to the Superior Court if said  
appeal is filed within 20 days from the date the decision is  
filed with the Town Clerk.

*Harriet C. Steves*  
TOWN CLERK

No appeals have been filed  
with this office during the  
allowed appeal period.

*Harriet C. Steves*



BOARD OF APPEALS

TOWN OF NAHANT, MASSACHUSETTS

John Mello, of 18 Apple Hill Ln., Lynnfield, MA  
proprietor of Dunkin' Donuts Cafe, 2A Wilson Rd. PETITIONER

STATEMENT OF FACTS

THE BOARD OF APPEALS FOR THE TOWN OF NAHANT,  
MASSACHUSETTS, conducted a PUBLIC HEARING at 7:10 o'clock  
P.M., on Wednesday, November 1, 2000 at the TOWN HALL,  
NAHANT, MASSACHUSETTS on the petition of John Mello, 18 Apple Hill Ln., Lynnfield, MA

Present at the hearing were the following members of the  
Board.

[Signature] Chairman

[Signature] Secretary

[Signature] Associate  
Member

[Signature] Member

[Signature] Member

Due notice of the hearing was given by mail, postage prepaid, to town officials and to all other persons deemed to be affected as shown on the most recent tax list, a copy of such notice and list of abutters and town officials so notified being attached and marked "A". Notice was also given by publication in the Lynn Daily Evening Item, a copy of such published notice being attached marked "B".

Also attached:



**ORDER OF CONDITIONS  
Nahant Planning Board**

**Property Location:** 2A Wilson Rd

**Assessors Map** 25A/ Lot 408

**Owner:** Bongiorno, T J / M T and Bongiorno, J

**Applicant:** Mello, John/Dunkin' Donuts Cafe

**Date:** October 2, 2000

1. This Special Permit/Site Plan Review decision shall not be effective until the Town Clerk certifies that no appeal of the decision has been filed within the statutory appeal period, or, if an appeal has been filed, it has been dismissed or denied, and a certified copy of the decision is recorded in the Essex South District Registry of Deeds in accordance with Chapter 40A. The applicant is responsible for obtaining a certified copy and filing with the Registry of Deeds, and for paying the recording fees. A copy of the receipt from the Registry of Deeds shall be provided to the Planning Board and the Building Inspector prior to the issuance of a Building Permit.
2. The applicant is responsible for the routine upkeep of the site during all phases of development. Upon completion of all site and construction work, the site shall be cleared of any remaining debris and construction material.
3. All on-site work shall be completed so as not to affect abutting properties, except as otherwise approved in this decision. If the applicant must undertake work on abutting properties, the applicant shall secure prior to the start of any work, written authorization from the abutters to work on their properties. The Planning Board shall be furnished proof of such authorization prior to the start of any work.
4. During construction, should any modification to the approved site plan or other plans be necessary, the applicant shall submit to the Planning Board (Board) a written request outlining such modification and/or change prior to its implementation. If, in the opinion of the Board, the proposed modification and/or change is substantial, the Board may require the public hearing to be reopened and parties in interest notified as to an amendment of the original Special Permit/Site Plan Review decision. Such request for modification must be submitted with documentation from the applicable Town agencies whose jurisdiction would oversee such a change. For the purposes of this paragraph, substantial modifications shall include any changes affecting those criteria as set forth under the Nahant Zoning Bylaw which the Board has relied on when issuing this Special Permit/Site Plan Review Decision. Any changes, amendments, or modifications to the Special Permit/Site Plan Review decision require approval of five (5) members of the Board.
5. This Special Permit/Site Plan Review decision shall lapse after two years of the date of the granting of the Special Permit if construction has not begun by such date except for good cause.
6. Within thirty (30) days of completion of the project, the applicant shall submit two (2) complete sets of "As-Built" plans to the Planning Board. The plans will be reviewed and approved by a five-member vote of the Planning board at its next regularly scheduled meeting. Further, the applicant shall provide documentation demonstrating compliance of plans with the permits, and/or conditions of the following Boards and agencies: Fire

DEC. 1, 2000  
Harriet C. Steeves  
TOWN CLERK



Department, Board of Health and Board of Public Works (Selectmen), Building Inspector, Police Department, and Conservation Commission.

7. The owner/applicant shall grant the Planning Board, its successors and assignees, a non-exclusive right and easement to enter the Premises in a safe manner during normal business hours for the proposed purposes of inspecting for compliance with the conditions of this Special Permit/Site Plan Review decision.
8. The Premises shall not be used for a substantially different purpose nor in a substantially different manner than allowed as a lawful nonconforming use of the Premises. The Premises shall not be used to a substantially greater extent than allowed as a lawful nonconforming use of the Premises, except to the extent that the use will be intensified by the construction authorized under this Special Permit/Site Plan Review decision.
9. The Premises shall not contain signs other than those shown on the plans and signage plans to be approved by the Planning Board.
10. All permanent outdoor lights, including signs and lighting used for area lighting or building floodlighting shall be steady, stationary, shielded sources directed so as to avoid causing glare for motorists, pedestrians, or neighboring premises. The marginal increase in light from the sign and all other lighting on the Premises, as measured at all property lines of the Premises other than street lines, shall not exceed one foot-candle.
11. The dumpsters or other rubbish disposal facilities on the Premises shall be kept closed and covered at all times, and shall be emptied as often as necessary to prevent garbage or rubbish from overflowing, but in no case less often than two times per week. The dumpsters or other rubbish containers shall be kept clean at all times, and shall be thoroughly steam cleaned and sanitized or replaced at least two times per year.
12. The granting of this Special Permit/Site Plan approval shall not exempt the applicant or the owner of the Premises from any provision of the Nahant Zoning Bylaw not specifically set forth in this decision. It shall be unlawful for the applicant or any owner of the Premises or any other person to reconstruct, convert or alter a structure or change the use, increase the intensity of use, or extend or displace the use of any building, other structure or lot, or change any required limitations or special conditions imposed by the Planning Board in authorizing this Special Permit, without appealing to the applicable special permit granting authority as a new case under the terms and conditions of the Nahant Zoning Bylaw.
13. The Building Inspector shall insure that all conditions outlined in this Order of Conditions, which can be met prior to the issuance of an Occupancy Permit, or satisfied before any Occupancy Permit is issued.
14. This Special Permit allows a change of use from retail store to a restaurant, and Dunkin' Donuts Café is deemed to comply with the definition of the term Restaurant under the Nahant Zoning Bylaw so as it operates under the conditions outlined in items 15. Through 33 below.
15. Plans drawn by MJ Tavares signed and dated by Planning Board are incorporated into this Order of Conditions. Any alteration from the Plan must be approved by the Planning Board.



16. The original Order of Conditions issued in 1991 for the property known as 2 Wilson Road must be followed, with the sole exception being that the parking layout shown in the plan referred to in Paragraph 15 shall supercede that shown for the same area in the original Order of Conditions.
17. The hours of operation for Dunkin Donuts Café shall be no earlier than 6:00am to no later than 8:00pm Sunday through Saturday.
18. The outside color scheme of the building must match that of the other primary building at 2 Wilson Road. Any color changes must be approved by the Planning Board and coordinated between the owner and lessees of the buildings, and the painting must be done at the same time.
19. Fence(s) must be constructed in order to control the dumpster area operated by the Dockside Restaurant and Dunkin Donuts Café. In addition to any other parties responsible for maintenance of property, proprietors and staff of Dunkin Donuts Café will be responsible for prompt clean up and proper disposal of any litter and debris that is either (a) near the premises and generated by Dunkin Donuts Café, or (b) on the premises controlled by Dunkin Donuts Café and generated by any use or user.
20. No vending machines are allowed within twenty feet of Dunkin Donuts Café.
21. Only one sign, with the name Dunkin Donuts Café, will be allowed. It shall be located at the front of the building. The color scheme for the sign must be approved by the Planning Board. Sign lighting to be from the front of the sign and shall not be fluorescent. The size of the sign must be no larger than that shown on the Plan.
22. Applicant must submit for Planning Board approval plans for signage and sign lighting prior to receiving a Certificate of Occupancy.
23. A minimum of two handicapped parking spaces must be provided.
24. Prior to the start of any site work, the applicant/owner shall secure all state and local permits/licenses and Boards/Committees approvals before the Building Inspector grants a building permit.
25. All copies of license/permits/approvals and an executed lease must be submitted to the Planning Board before the Building Inspector may grant an occupancy permit.
26. Item #23 of the original Order of Conditions does not apply to the employees of Dunkin Donuts Café.
27. Use shall be restricted to restaurant, as evidenced in part by (a) the continual offering of at least three made-to-order sandwiches during the breakfast, lunch and dinner hours, (b) the preparation of a substantial portion of menu items on the premises, (c) the distribution of menus, (d) the provision of no less than twenty table-seats within the premises, (e) the availability of wait service to the tables, and (f) the use of reusable ceramic dishware to be washed on site when serving coffee for consumption on premises
28. No drive through service shall be provided.



29. One Point-of-Sale position ("POS") shall be relocated so that the two POS's are separated by coffee service equipment.
30. Any heating or cooling equipment located outside of the building shall be suitably insulated for sound so that excessive noise does not escape the Premises; furthermore, said equipment shall not be visible from outside the Premises.
31. The Building Inspector may enforce a Cease and Desist order if any of the Orders of Conditions are violated.
32. Permitted Use shall be restricted to daytime restaurant use that is designed to attract, and in fact does attract, the majority of its customers during the morning, after which additional demands on parking and street infrastructure substantially increase from other area uses.
33. The Special Permit shall be conditioned upon Applicant's receipt of a variance for parking from the Zoning Board of Appeals.

**PLANS APPROVED**

Title

A-1- Site Plan, Floor Plan  
A-2- Elevations

Date

September 11, 2000  
September 11, 2000

**Approved Nahant Planning Board:**

Chairman

*James A. McNulty*

Treasurer

*Shirley K. Hemberton*

Corresponding/Recording Secretary

*[Signature]*

Member

*[Signature]*

Member

*[Signature]*





TOWN OF NAHANT, MASSACHUSETTS

OFFICE OF THE  
BUILDING INSPECTOR  
TOWN HALL, NAHANT, MASS. 01908

Date: Nov 5, 1990

To Applicant: M.D. BEACHS INC.  
6 NECTAR PL.  
NAHANT MA 01908

Your application of a building permit (s) is denied for the following reason:

- 1.) ALL PERMITS IN B-1 DISTRICT ARE SUBJECT TO SPECIAL PERMIT BY PLANNING BOARD.
- 2.) PROPOSED USE IS SUBJECT TO SAME AS ABOVE. SECT. 4
- 3.) PROPOSED CONSTRUCTION VIOLATES SECTION 5.02 (TABLE OF DIMENSIONAL REQUIREMENTS) AS TO:  
SIDE YARD SET BACK  
REAR YARD SET BACK  
MINIMUM OPEN SPACE
- 4.) PROPOSED CONSTRUCTION VIOLATES SECTION 6 (OFF-STREET PARKING + LOADING)

You may appeal this decision to the Board of Appeals within fourteen (14) days of denial. Forms are available in the Town Clerk's office.

If your appeal is successful you must RE-APPLY for a building permit. Be sure to include a copy of the Board of Appeals decision with your new application.

*Wayne T. Wilson*  
Wayne T. Wilson  
Building Inspector

PLANS HAVE BEEN REVIEWED FOR ZONING PURPOSES ONLY.  
ALL PLANS ARE SUBJECT TO STRUCTURAL AND CODE REVIEW,  
PARTICULARLY WHERE THEY RELATE TO SECTION 744.5  
OF MASS. STATE BUILDING CODE.





TOWN OF NAHANT, MASSACHUSETTS

OFFICE OF THE  
BUILDING INSPECTOR  
TOWN HALL, NAHANT, MASS. 01908

4-7-91

TO BOARD OF APPEALS  
TOWN HALL  
NAHANT, MA. 01908

RE. APPLICATION FOR VARIANCE  
AT 2 WILSON RD.

BOARD MEMBERS:

DUE TO REVISIONS IN PLOT PLANS, SITE PLANS, AND CONSTRUCTION PLANS MADE BY THE APPLICANT DURING THE SITE REVIEW PROCESS BEFORE THE PLANNING BOARD, IT HAS BECOME NECESSARY FOR ME TO REVIEW THE APPLICATION AND REVISE THE ZONING CHECKLIST. PLEASE FIND ATTACHED A NEW ZONING CHECKLIST AND NOTE THAT SOME OF THE REASONS FOR THE ORIGINAL DENIAL OF THE BUILDING PERMIT HAVE BEEN EITHER CHANGED OR ELIMINATED.

I WOULD ALSO LIKE TO BRING TO YOUR ATTENTION THAT THE SITE PLAN SUBMITTED CONTAINS MANY ERRORS IN THE INFORMATION BOXES IN THE BOTTOM LEFT HAND CORNER. DO NOT USE ANY MEASUREMENTS OR CALCULATIONS ON THE SITE PLAN. USE THE ZONING CHECKLIST ONLY WHEN A QUESTION OF MEASUREMENT OR CALCULATION ARISES.

RESPECTFULLY  
*Wayne Wilson*

COPIES TO: PLANNING BOARD  
APPLICANT  
SELECTMEN



4-7-91

# ZONING CHECKLIST

THIS FORM MUST ACCOMPANY ALL APPLICATIONS FOR SPECIAL PERMITS AND VARIANCES.

APPLICANT - M.D. BEACHS INC.

6 NECTAR PL.

SUBJECT PROPERTY - 2 WILSON RD.

PLAN DATE

12-14-90

	EXISTING MEASUREMENT	CONFORMING	NON-CONFORMING	PROPOSED MEASUREMENT	CONFORMING	NON-CONFORMING	MORE NON-CONFORMING	ACTION NECESSARY
USE	RESTAURANT	X		SAME	X			SPECIAL PERMIT REQUIRED
LOT SIZE	48,448'	X		SAME	X			
LOT COVERAGE	6385' = 13.2%	X		8952' = 18.4%	X			
FLOOR AREA RATIO	12770' = 26%	X		13989' = 29%	X			
OPEN SPACE	11011' = 22.7%		X	11217' = 23%		X		SPECIAL PERMIT
FRONT SET-BACK	80'	X		79'±	X			
LEFT SIDE SET-BACK	0'		X	0'		X		VARIANCE
RIGHT SIDE SET-BACK	130'	X		125'	X			
REAR SET-BACK	70'	X		55'	X			
NUMB. OF STORIES	ONE	X		ONE	X			
HEIGHT ABOVE GRADE	24'	X		24'	X			
OFF STREET PARKING	UNKNOWN			80 SPACES 66 REQUIRED	X			





TOWN OF NAHANT, MASSACHUSETTS

OFFICE OF THE  
NAHANT PLANNING BOARD

*2 Wilson Rd*

June 20, 2005

Thomas J. Bongiorno  
45 Little Nahant Road  
Nahant, Massachusetts 01908

Re: Special Permit Order of Conditions-Tides Restaurant, 2 Wilson Road, Map 25A, Lot 408

Dear Mr. Bongiorno,

It has come to the attention of the Planning Board that the owner of the Tides Restaurant has made significant changes to the exterior of the building and appears to be in violation of the Special Permit that was granted by the Planning Board. A request for zoning enforcement has been sent to the Building Inspector regarding these recent renovations to the building. Paragraph number 32 states:

"The granting of this Special Permit/Site Plan approval shall not exempt the applicant or the owner of the Premises from any provision of the Nahant Zoning Bylaw not specifically set forth in this decision. It shall be unlawful for the applicant or any owner of the Premises or any other person to reconstruct, convert or alter a structure or change the use; increase the intensity of use, or extend or displace the use of any building, other structure or lot, or change any required limitations or special conditions imposed by the Planning Board in authorizing this Special Permit, without appealing to the applicable special permit granting authority as a new case under the terms and conditions of the Nahant Zoning Bylaw."

I have also copied the owner of the Tides to give him the opportunity to comply with the order of conditions that were issued with the special permit that was granted by the Planning Board.

Respectfully Submitted,

*James A. McCurdy*

James A. McCurdy  
Corresponding Secretary  
Nahant Planning Board

Cc: Michael O'Callahan, Lessee, Tides Restaurant  
Building Inspector  
Health Agent

**RECEIVED**

JUN 27 2005

TOWN OF NAHANT  
BOARD OF SELECTMEN



Cons

NAHANT PLANNING BOARD

APPLICATION FOR SPECIAL PERMIT WITH SITE PLAN REVIEW

I/We hereby apply for a Special Permit with Site Plan Review under the provisions of Sections 9.08 and 9.09 of the Nahant Zoning Bylaw.

Address of Property: 20 Wilson Road  
Name, Address & Telephone of Applicant(s): MARY D.L.H. 598-3248  
6 NECTAR PLACE NANTUCKET, MASS  
Name & Address of Legal Owner(s) of Property: Josephine Bongiorno 24 Fox Hill Rd  
Name & Address to which advertising bill should be sent: 6 NECTAR PLACE

Applicant is: Owner ☒ Lessee (attach copy of lease) Prospective purchaser (attach copy of Purchase and Sale agreement) Option holder (attach copy of Option agreement). Note: If applicant is not the legal record owner, written consent of the owner is required with this application.

The Property is located in the B-1 zoning district.  
Is the Property in the Flood Plain district? (See Bylaw Section 10.2) ☒ Yes ☐ No

I/We intend to use the Property for the following specific purpose(s):  
Maintain its current use - restaurant/lounge / take out

Nature of Special Permit requested:

- ① Alteration and extension of non-conforming structure
- ② Special sign consideration
- ③ Construction of 2 new decks
- ④ off-site parking Request



NAHANT PLANNING BOARD

APPLICATION FOR SPECIAL PERMIT WITH SITE PLAN REVIEW

I/We hereby apply for a Special Permit with Site Plan Review under the provisions of Sections 9.08 and 9.09 of the Nahant Zoning Bylaw.

Address of Property: 20 Wilson Road

Name, Address & Telephone of Applicant(s): MARY DILL 598-3248  
6 NECTAR PLACE NAHANT, MASS

Name & Address of Legal Owner(s) of Property: Josephine Bongiorno 24 Fox Hill Rd

Name & Address to which advertising bill should be sent: 6 NECTAR PLACE

Applicant is: Owner ☒ Lessee (attach copy of lease) ☐ Prospective purchaser (attach copy of Purchase and Sale agreement) ☐ Option holder (attach copy of Option agreement). Note: If applicant is not the legal record owner, written consent of the owner is required with this application.

The Property is located in the B-1 zoning district.

Is the Property in the Flood Plain district? (See Bylaw Section 10.2) ☒ Yes ☐ No

I/We intend to use the Property for the following specific purpose(s):

Maintain its current use - RESTAURANT/lounge / Take out

Nature of Special Permit requested:

- ① Alteration and extension of non-conforming structure
- ② Special sign consideration
- ③ construction of 2 new decks
- ④ off-site parking request

Note: Applicant may attach additional sheets to describe the nature of the Special Permit and to indicate any facts which applicant believes the Planning Board should consider to justify the Special Permit.

Applicable Section(s) of Zoning Bylaw: 6.04(2) 7.03(c+d) 8.02(B)

I/We have filed the required submissions with the Planning Board, and the Planning Board's receipt is attached to the original of this application. I/We hereby request a hearing before the Nahant Planning Board with reference to this application. I/We acknowledge that this application may be denied if I/we do not make complete submissions required by the Zoning Bylaw of the Town of Nahant and the Nahant Planning Board Rules for Filing for Special Permits with Site Plan Review, except as waived by the Planning Board at a presubmission meeting. I/We agree to pay for legal advertising connected with this application directly to the newspaper publisher, and to submit proof of payment at the hearing on this application, and I/we understand that the Planning Board may require payment for a consultant or consultants under the provisions of Section 9.09C(7) of the Zoning Bylaw.



1. This Special Permit/Site Plan Review decision shall not be effective until the Town Clerk certifies that no appeal of the decision has been filed within the statutory appeal period, or, if an appeal has been filed, it has been dismissed or denied, and a certified copy of the decision is recorded in the Essex South District Registry of Deeds in accordance with Chapter 40A. The applicant is responsible for obtaining a certified copy and filing with the Registry of Deeds, and for paying the recording fees. A copy of the receipt from the Registry of Deeds shall be provided to the Planning Board and the Building Inspector prior to the issuance of a Building Permit.
2. This Special Permit/Site Plan Review decision is contingent on the granting by the Board of Appeals of a side yard setback variance allowing construction within the required side yard as shown on the plans.
3. This Special Permit/Site Plan Review decision is contingent on the approval by the Board of Health and Board of Public Works (Selectmen) of facilities for providing water service, sewage disposal and other utilities to the site.
4. This Special Permit/Site Plan Review decision is contingent on the approval by the Board of Public Works (Selectmen) of any work within the boundaries of public ways of the Town of Nahant.
5. This Special Permit/Site Plan Review decision is contingent on the approval by the Nahant Conservation Commission of any work within the jurisdiction of that Commission, and on compliance with all statutes, bylaws and regulations related to conservation and with all orders of the Conservation Commission.
6. This Special Permit/Site Plan Review decision is contingent on the written approval by the appropriate authorities of any work within the boundaries of land owned or controlled by the Commonwealth of Massachusetts, Metropolitan District Commission. No construction shall take place on such land without such written approval and necessary permits, copies of which shall be provided to the Planning Board and Building Inspector prior to the issuance of a permit for such work.
7. The "Stop" sign shall not be moved as shown on the plans without approval of the Board of Public Works (Selectmen). The applicant shall seek such approval, and shall move the sign if approval is granted. If approval is denied, the sign shall not be moved, but other work shall proceed as shown on the plans.
8. There shall be no "substantial improvements" to the Premises, as defined in Section 10.3(3) of the Nahant Zoning Bylaw.
9. There shall be no dumping, filling or earth transfer on the Premises except as specifically authorized by Section 10.3(5) of the Nahant Zoning Bylaw.
10. Prior to the start of any site work, the applicant shall secure all state and local licenses and permits as required for this project. The applicant shall provide the Planning Board with copies of all licenses and permits received.
11. The applicant is responsible for the routine upkeep of the site during



all phases of development. Upon completion of all site and construction work, the site shall be cleared of any remaining debris and construction material.

12. All on-site work shall be completed so as not to affect abutting properties, except as otherwise approved in this decision. If the applicant must undertake work on abutting properties, the applicant shall secure prior to the start of any work, written authorization from the abutters to work on their properties. The Planning Board shall be furnished proof of such authorization prior to the start of any work.

13. During construction, should any modification to the approved site plan or other plans be necessary, the applicant shall submit to the Planning Board (Board) a written request outlining such modification and/or change prior to its implementation. If, in the opinion of the Board, the proposed modification and/or change is substantial, the Board may require the public hearing to be reopened and parties in interest notified as to an amendment of the original Special Permit/Site Plan Review decision. Such request for modification must be submitted with documentation from the applicable Town agencies whose jurisdiction would oversee such a change. For the purposes of this paragraph, substantial modifications shall include any changes affecting those criteria as set forth under the Nahant Zoning Bylaw which the Board had relied on when issuing this Special Permit/Site Plan Review decision. Any changes, amendments, or modifications to the Special Permit/Site Plan Review decision require approval of five (5) members of the Board.

14. This Special Permit/Site Plan Review decision shall lapse after two years of the date of the granting of the Special Permit if construction has not begun by such date except for good cause.

15. Within thirty (30) days of completion of the project, the applicant shall submit two (2) complete sets of "As-Built" plans to the Planning Board. The plans will be reviewed and approved by a five-member vote of the Planning Board at its next regularly scheduled meeting. Further, the applicant shall provide documentation demonstrating compliance of plans with the permits, and/or conditions of the following Boards and agencies: Fire Department, Board of Health and Board of Public Works (Selectmen), Building Inspector, Police Department, and Conservation Commission.

16. The owner/applicant shall grant the Planning Board, its successors and assignees, a non-exclusive right and easement to enter the Premises in a safe manner during normal business hours for the proposed purposes of inspecting for compliance with the conditions of this Special Permit/Site Plan Review decision.

17. The Premises shall not be used for a substantially different purpose nor in a substantially different manner than allowed as a lawful nonconforming use of the Premises. The Premises shall not be used to a substantially greater extent than allowed as a lawful nonconforming use of the Premises, except to the extent that the use will be intensified by the construction authorized under this Special Permit/Site Plan Review decision.

18. Those areas designated on the approved plans for removal of asphalt shall be loomed and seeded and/or landscaped in accordance with the approved plans.



19. All landscaped islands shall be constructed with a 6" bituminous concrete curb in accordance with the approved plans. Landscaping shall be installed as soon as possible upon installation of the islands. Should adverse weather preclude such plantings, the applicant and/or owner shall stabilize islands with a temporary covering to prevent erosion. Plantings shall proceed as soon as possible once weather permits. The applicant and/or owner is responsible for annual replacement during the Spring season of any plantings that have not survived the winter season and/or have been damaged as a result of snow plowing.

20. Markings on the parking lot indicating the spaces to be occupied by motor vehicles shall be maintained so as to be plainly visible.

21. The Premises, including the parking areas, shall be kept clean and free from rubbish and debris.

22. In addition to on-site parking, at least one off-site parking space shall be provided for every two employees on the peak working shift.

23. No employee of any business on the Premises may park or remain parked on the Premises between 6:00 p.m. Friday and closing time on Friday evening/Saturday morning, between 12:00 noon Saturday and closing time on Saturday evening/Sunday morning, or at any time on Sunday.

24. The owner or occupant of the Premises shall not grant permission for parking on the Premises to any person other than customers of the businesses on the Premises, employees (other than as prohibited above), and delivery or service personnel, during hours in which any business on the Premises is operating.

25. The Premises shall not contain signs other than those shown on plans and signage plans to be approved by the Planning Board, except to the extent that signs presently existing on the liquor store are entitled to protection under the Nahant Zoning Bylaw.

26. The larger sign shall be illuminated only by steady, stationary, white light internal to the sign, without causing glare for motorists, pedestrians, or neighboring premises. The illuminated sign shall not produce more than one foot-candle of illumination four feet from the sign. No other signs on the restaurant building shall be illuminated.

27. The sign shall not be illuminated between the hours of 12:00 midnight and 6:00 a.m. unless the business is open and operating during those hours.

28. All permanent outdoor lights, including signs and lighting used for area lighting or building floodlighting shall be steady, stationary, shielded sources directed so as to avoid causing glare for motorists, pedestrians, or neighboring premises. The marginal increase in light from the sign and all other lighting on the Premises, as measured at all property lines of the Premises other than street lines, shall not exceed one foot-candle.

29. Regular maintenance and if necessary replacement of all lighting structures shall be the responsibility of the applicant and/or owner.



30. The dumpsters or other rubbish disposal facilities on the Premises shall be kept closed and covered at all times, and shall be emptied as often as necessary to prevent garbage or rubbish from overflowing, but in no case less often than two times per week. Any dumpsters or other rubbish containers shall be kept clean at all times, and shall be thoroughly steam cleaned and sanitized or replaced at least two times per year.

31. The applicant and/or owner shall be responsible for the general upkeep and routine maintenance of the entire site to ensure an aesthetically pleasing appearance for neighboring property owners. Upon completion of the project and prior to the "As-Built" approval from the Planning Board, the applicant and/or owner shall submit a written schedule of future regular maintenance of all drainage structures on site. The schedule shall specify routine semi-annual maintenance (suggest late Fall and early Spring) for cleaning of structures. Removal of sediment and/or debris from drainage structures is prohibited from disposal on-site and shall be disposed of off-site in an appropriate manner.

32. The granting of this Special Permit/Site Plan approval shall not exempt the applicant or the owner of the Premises from any provision of the Nahant Zoning Bylaw not specifically set forth in this decision. It shall be unlawful for the applicant or any owner of the Premises or any other person to reconstruct, convert or alter a structure or change the use, increase the intensity of use, or extend or displace the use of any building, other structure or lot, or change any required limitations or special conditions imposed by the Planning Board in authorizing this Special Permit, without appealing to the applicable special permit granting authority as a new case under the terms and conditions of the Nahant Zoning Bylaw.

33. The applicant shall incorporate all required revisions, as stipulated by this approval, onto the record set of plans prior to the Planning Board's endorsement of the Special Permit/Site Plan Review plans. No permits shall be issued nor work commenced until the plans are so approved. The revisions of the plans shall include plans for area lighting acceptable to the Planning Board and in compliance with the Zoning Bylaw, as discussed at the public hearing; signage plans in full and complete detail, including size and color, acceptable to the Planning Board; and corrections on the gross floor area of the liquor store building as discussed at the public hearing.

34. The Building Inspector shall insure that all conditions outlined in this Order of Conditions, which can be met prior to the issuance of an Occupancy Permit, or satisfied before any Occupancy Permit is issued.



## PLANS APPROVED

1. "Site Plan in Nahant MA of Tides Restaurant Exhibit - A Scale 1" = 20' Dec. 1990" prepared by Landmark Engineering & Surveying, Inc., 583 Chestnut Street, Lynn, Massachusetts (1 sheet).
2. "Proposed Site Plan Additions & Alterations to The Tides Restaurant Nahant MA", prepared by Linea 5, Inc., 955 Massachusetts Avenue, Cambridge, Massachusetts (5 sheets), including the following:
  - a. Front sheet titled "Proposed Site Plan" dated 12/14/90, with revisions dated 1/18/91, 2/8/91 and 3/15/91, which is approved except as to lighting and square footage of the liquor store building, both of which are to be submitted on a revised plan to be approved by the Planning Board in accordance with the Decision.
  - b. Sheet No. A1 titled "Floor Plan" dated 10/15/90, with revisions dated 11/13/90, 12/13/90, 1/18/91 and 3/18/91.
  - c. Sheet No. A2 titled "Elevations" dated 10/15/90, with revisions dated 1/18/91, 2/21/91 and 3/18/91, which is approved except as to signage, which is to be submitted on a revised plan to be approved by the Planning Board in accordance with the Decision.
  - d. Sheet No. A3 titled "Sections Framing Plans" dated 10/15/90, with revisions dated 1/3/91 and 1/18/91.
  - e. Sheet No. A1F titled "Floor Plan" dated 10/15/90, with revisions dated 11/13/90, 12/13/90, 1/18/91, and 3/18/91.





TOWN OF NAHANT, MASSACHUSETTS

OFFICE OF THE  
NAHANT PLANNING BOARD

NOTICE OF DECISION

Re: Application for Special Permit with Site Plan Review

Applicant: Mary Dill, 6 Nectar Place, Nahant, Massachusetts

Premises: 2 Wilson Road, Nahant, Massachusetts

Property Owners: Josephine Bongiorno, Mary Bongiorno and Thomas Bongiorno

The Nahant Planning Board ("Board"), acting as special permit granting authority under the Zoning Bylaw of the Town of Nahant, has approved site plans and granted Special Permits under the following provisions of the Nahant Zoning Bylaw:

a Special Permit under Section 7.03D(3) to allow the alteration and extension of the nonconforming restaurant building

a Special Permit under Section 6.04(2) to allow employee parking on another lot in the same district within 200 feet of the subject property; and

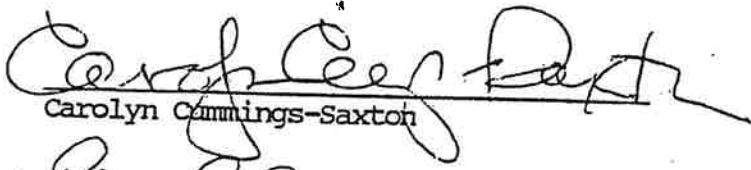
a Special Permit under Section 8.07 to allow a sign or signs greater in size than 20 square feet but less than 40 square feet, and to allow more than one sign.

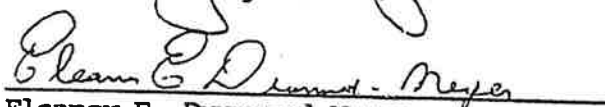
The site plan approval and all Special Permits are subject to the conditions and restrictions outlined in the decision of the Board and the Order of Conditions approved by the Board, and conditioned on construction in accordance with approved plans.

Hearings on the application were held on March 5, 11 and 19, 1991, and the Board voted on March 19, 1991.

Appeals, if any, from the decision of the Nahant Planning Board shall be made pursuant to Chapter 40A, Section 17, of the Massachusetts General Laws, and shall be filed within 20 days after the date of filing of a notice of decision in the office of the Town Clerk.

NAHANT PLANNING BOARD

  
Carolyn Cummings-Saxton

  
Eleanor E. Drummond-Meyer

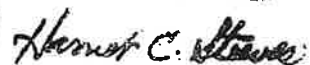
RECEIVED

APR 8 1991

TOWN OF NAHANT



A TRUE COPY, ATTEST



TOWN CLERK



Suzanne M. Hamill  
Suzanne M. Hamill, Clerk

Thomas G. McIntyre  
Thomas G. McIntyre

John Hayes Mason  
John Hayes Mason

Eden G. R. Milroy  
Eden G. R. Milroy

James A. Peterson  
James A. Peterson, Chairperson

Filed with the Town Clerk on April 2, 1991, at 12 p.m.

Harriet C. Steeves  
Harriet Steeves, Town Clerk

I hereby certify that no appeals have been filed with this office within the time limit of 20 days.

Harriet C. Steeves  
Harriet C. Steeves  
Town Clerk



A TRUE COPY ATTEST.

Harriet C. Steeves  
TOWN CLERK



## ORDER OF CONDITIONS

1. This Special Permit/Site Plan Review decision shall not be effective until the Town Clerk certifies that no appeal of the decision has been filed within the statutory appeal period, or, if an appeal has been filed, it has been dismissed or denied, and a certified copy of the decision is recorded in the Essex South District Registry of Deeds in accordance with Chapter 40A. The applicant is responsible for obtaining a certified copy and filing with the Registry of Deeds, and for paying the recording fees. A copy of the receipt from the Registry of Deeds shall be provided to the Planning Board and the Building Inspector prior to the issuance of a Building Permit.
2. This Special Permit/Site Plan Review decision is contingent on the granting by the Board of Appeals of a side yard setback variance allowing construction within the required side yard as shown on the plans.
3. This Special Permit/Site Plan Review decision is contingent on the approval by the Board of Health and Board of Public Works (Selectmen) of facilities for providing water service, sewage disposal and other utilities to the site.
4. This Special Permit/Site Plan Review decision is contingent on the approval by the Board of Public Works (Selectmen) of any work within the boundaries of public ways of the Town of Nahant.
5. This Special Permit/Site Plan Review decision is contingent on the approval by the Nahant Conservation Commission of any work within the jurisdiction of that Commission, and on compliance with all statutes, bylaws and regulations related to conservation and with all orders of the Conservation Commission.
6. This Special Permit/Site Plan Review decision is contingent on the written approval by the appropriate authorities of any work within the boundaries of land owned or controlled by the Commonwealth of Massachusetts, Metropolitan District Commission. No construction shall take place on such land without such written approval and necessary permits, copies of which shall be provided to the Planning Board and Building Inspector prior to the issuance of a permit for such work.
7. The "Stop" sign shall not be moved as shown on the plans without approval of the Board of Public Works (Selectmen). The applicant shall seek such approval, and shall move the sign if approval is granted. If approval is denied, the sign shall not be moved, but other work shall proceed as shown on the plans.
8. There shall be no "substantial improvements" to the Premises, as defined in Section 10.3(3) of the Nahant Zoning Bylaw.
9. There shall be no dumping, filling or earth transfer on the Premises except as specifically authorized by Section 10.3(5) of the Nahant Zoning Bylaw.
10. Prior to the start of any site work, the applicant shall secure all state and local licenses and permits as required for this project. The applicant shall provide the Planning Board with copies of all licenses and permits received.
11. The applicant is responsible for the routine upkeep of the site during



A TRUE COPY, ATTEST:

*Harriet C. Stowe*

TOWN CLERK



all phases of development. Upon completion of all site and construction work, the site shall be cleared of any remaining debris and construction material.

12. All on-site work shall be completed so as not to affect abutting properties, except as otherwise approved in this decision. If the applicant must undertake work on abutting properties, the applicant shall secure prior to the start of any work, written authorization from the abutters to work on their properties. The Planning Board shall be furnished proof of such authorization prior to the start of any work.

13. During construction, should any modification to the approved site plan or other plans be necessary, the applicant shall submit to the Planning Board (Board) a written request outlining such modification and/or change prior to its implementation. If, in the opinion of the Board, the proposed modification and/or change is substantial, the Board may require the public hearing to be reopened and parties in interest notified as to an amendment of the original Special Permit/Site Plan Review decision. Such request for modification must be submitted with documentation from the applicable Town agencies whose jurisdiction would oversee such a change. For the purposes of this paragraph, substantial modifications shall include any changes affecting those criteria as set forth under the Nahant Zoning Bylaw which the Board had relied on when issuing this Special Permit/Site Plan Review decision. Any changes, amendments, or modifications to the Special Permit/Site Plan Review decision require approval of five (5) members of the Board.

14. This Special Permit/Site Plan Review decision shall lapse after two years of the date of the granting of the Special Permit if construction has not begun by such date except for good cause.

15. Within thirty (30) days of completion of the project, the applicant shall submit two (2) complete sets of "As-Built" plans to the Planning Board. The plans will be reviewed and approved by a five-member vote of the Planning Board at its next regularly scheduled meeting. Further, the applicant shall provide documentation demonstrating compliance of plans with the permits, and/or conditions of the following Boards and agencies: Fire Department, Board of Health and Board of Public Works (Selectmen), Building Inspector, Police Department, and Conservation Commission.

16. The owner/applicant shall grant the Planning Board, its successors and assignees, a non-exclusive right and easement to enter the Premises in a safe manner during normal business hours for the proposed purposes of inspecting for compliance with the conditions of this Special Permit/Site Plan Review decision.

17. The Premises shall not be used for a substantially different purpose nor in a substantially different manner than allowed as a lawful nonconforming use of the Premises. The Premises shall not be used to a substantially greater extent than allowed as a lawful nonconforming use of the Premises, except to the extent that the use will be intensified by the construction authorized under this Special Permit/Site Plan Review decision.

18. Those areas designated on the approved plans for removal of asphalt shall be loomed and seeded and/or landscaped in accordance with the approved plans.



*Harriet C. Stearns*



19. All landscaped islands shall be constructed with a 6" bituminous concrete curb in accordance with the approved plans. Landscaping shall be installed as soon as possible upon installation of the islands. Should adverse weather preclude such plantings, the applicant and/or owner shall stabilize islands with a temporary covering to prevent erosion. Plantings shall proceed as soon as possible once weather permits. The applicant and/or owner is responsible for annual replacement during the Spring season of any plantings that have not survived the winter season and/or have been damaged as a result of snow plowing.
20. Markings on the parking lot indicating the spaces to be occupied by motor vehicles shall be maintained so as to be plainly visible.
21. The Premises, including the parking areas, shall be kept clean and free from rubbish and debris.
22. In addition to on-site parking, at least one off-site parking space shall be provided for every two employees on the peak working shift.
23. No employee of any business on the Premises may park or remain parked on the Premises between 6:00 p.m. Friday and closing time on Friday evening/Saturday morning, between 12:00 noon Saturday and closing time on Saturday evening/Sunday morning, or at any time on Sunday.
24. The owner or occupant of the Premises shall not grant permission for parking on the Premises to any person other than customers of the businesses on the Premises, employees (other than as prohibited above), and delivery or service personnel, during hours in which any business on the Premises is operating.
25. The Premises shall not contain signs other than those shown on plans and signage plans to be approved by the Planning Board, except to the extent that signs presently existing on the liquor store are entitled to protection under the Nahant Zoning Bylaw.
26. The larger sign shall be illuminated only by steady, stationary, white light internal to the sign, without causing glare for motorists, pedestrians, or neighboring premises. The illuminated sign shall not produce more than one foot-candle of illumination four feet from the sign. No other signs on the restaurant building shall be illuminated.
27. The sign shall not be illuminated between the hours of 12:00 midnight and 6:00 a.m. unless the business is open and operating during those hours.
28. All permanent outdoor lights, including signs and lighting used for area lighting or building floodlighting shall be steady, stationary, shielded sources directed so as to avoid causing glare for motorists, pedestrians, or neighboring premises. The marginal increase in light from the sign and all other lighting on the Premises, as measured at all property lines of the Premises other than street lines, shall not exceed one foot-candle.
29. Regular maintenance and if necessary replacement of all lighting structures shall be the responsibility of the applicant and/or owner.



*Harriet C. Stawick*



30. The dumpsters or other rubbish disposal facilities on the Premises shall be kept closed and covered at all times, and shall be emptied as often as necessary to prevent garbage or rubbish from overflowing, but in no case less often than two times per week. Any dumpsters or other rubbish containers shall be kept clean at all times, and shall be thoroughly steam cleaned and sanitized or replaced at least two times per year.

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32. The granting of this Special Permit/Site Plan approval shall not exempt the applicant or the owner of the Premises from any provision of the Nahant Zoning Bylaw not specifically set forth in this decision. It shall be unlawful for the applicant or any owner of the Premises or any other person to reconstruct, convert or alter a structure or change the use, increase the intensity of use, or extend or displace the use of any building, other structure or lot, or change any required limitations or special conditions imposed by the Planning Board in authorizing this Special Permit, without appealing to the applicable special permit granting authority as a new case under the terms and conditions of the Nahant Zoning Bylaw.

33. The applicant shall incorporate all required revisions, as stipulated by this approval, onto the record set of plans prior to the Planning Board's endorsement of the Special Permit/Site Plan Review plans. No permits shall be issued nor work commenced until the plans are so approved. The revisions of the plans shall include plans for area lighting acceptable to the Planning Board and in compliance with the Zoning Bylaw, as discussed at the public hearing; signage plans in full and complete detail, including size and color, acceptable to the Planning Board; and corrections on the gross floor area of the liquor store building as discussed at the public hearing.

34. The Building Inspector shall insure that all conditions outlined in this Order of Conditions, which can be met prior to the issuance of an Occupancy Permit, or satisfied before any Occupancy Permit is issued.



A TRUE COPY, ATTEST:

*Harriet C. Stearns*

TOWN CLERK



PLANS APPROVED

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2. "Proposed Site Plan Additions & Alterations to The Tides Restaurant Nahant MA", prepared by Linea 5, Inc., 955 Massachusetts Avenue, Cambridge, Massachusetts (5 sheets), including the following:
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  - b. Sheet No. A1 titled "Floor Plan" dated 10/15/90, with revisions dated 11/13/90, 12/13/90, 1/18/91 and 3/18/91.
  - c. Sheet No. A2 titled "Elevations" dated 10/15/90, with revisions dated 1/18/91, 2/21/91 and 3/18/91, which is approved except as to signage, which is to be submitted on a revised plan to be approved by the Planning Board in accordance with the Decision.
  - d. Sheet No. A3 titled "Sections Framing Plans" dated 10/15/90, with revisions dated 1/3/91 and 1/18/91.
  - e. Sheet No. A1F titled "Floor Plan" dated 10/15/90, with revisions dated 11/13/90, 12/13/90, 1/18/91, and 3/18/91.



A TRUE COPY, ATTEST:

*Harriet C. Stearns*

TOWN CLERK



December 20, 1990

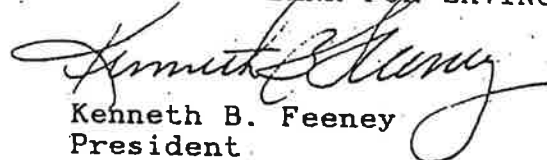
Planning Board  
Town of Nahant  
Town Hall  
Nahant, MA 01908

TO WHOM IT MAY CONCERN:

Please be advised that on behalf of Advantage Bank for Savings, I have granted Daniel J. Dill permission to use the parking area at the Advantage Bank for Savings branch located at 28 Nahant Road, Nahant, during non-banking hours, for employees of Tide's Restaurant.

Very truly yours,

ADVANTAGE BANK FOR SAVINGS

  
Kenneth B. Feeney  
President

KBF:rm

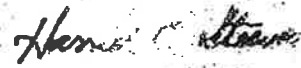


A TRUE COPY, ATTEST:



TOWN CLERK





TOWN CLERK





BK0:10809PG463 TOWN OF NAHANT, MASSACHUSETTS

 OFFICE OF THE  
 NAHANT PLANNING BOARD

TO: Board of Appeals  
 FROM: Nahant Planning Board, James A. Peterson, Chairperson  
 SUBJECT: Josephine E. Bongiorno and Mary E. Dill—Petition for Variance regarding  
 2 Wilson Road  
 DATE: April 1, 1991

The Planning Board met on March 19, 1991, with all members present: Carolyn Cummings-Saxton, Eleanor E. Drummond-Meyer, Suzanna M. Hamill, Thomas G. McIntyre, John Hayes Mason, Eden G.R. Milroy and James A. Peterson. We respectfully submit our comments and recommendation on the petition of Josephine E. Bongiorno and Mary E. Dill for a Variance from the side yard setback requirement regarding property at 2 Wilson Road.

The Planning Board unanimously recommends that the Variance be GRANTED.

On January 24, 1991, following several pre-submission conferences, Mary E. Dill submitted to the Planning Board an Application for a Special Permit with Site Plan Review. At that time, we believed that a Special Permit could be granted by the Planning Board to allow the alteration and extension of the nonconforming building as proposed by the petitioner in this matter, including any proposed construction which will violate the side yard setback requirement. Our belief was based on a series of decisions of the Land Court and the Massachusetts Appeals Court, the Planning Board's interpretation of the Zoning Act and our Zoning Bylaw, and the advice of Town Counsel. The Board of Appeals has apparently applied similar standards in the recent past.

The application was filed and a public hearing was scheduled for March 5, 1991. However, on February 20, 1991, the Massachusetts Supreme Judicial Court decided the case of Rockwood v. The Snow Inn Corp., 409 Mass. 361, indicating that a Variance would be required for an alteration which did not meet all of the requirements of the Bylaw. While the Planning Board is the Special Permit Granting Authority for this particular proposal, only the Board of Appeals can grant a Variance.

In addition to the change in legal interpretation, the petitioner was faced throughout the process with difficulties in determining the exact property line. An initial plan had showed the property line in a location which allowed ample setbacks for a larger addition. However, the petitioner ultimately determined that the line was located in a different location, which meant that the original proposal would have been built partially on MDC land. The plans were changed to reduce the size of the proposed building because of the location of the lot line, but a Variance is still required.



The Planning Board is enthusiastic about the proposal, which will remove portions of the structure which now extend over the property line, increase the open space on the land, and make many improvements to the property. After extensive study and two public hearings, we approved the site plans and granted Special Permits on March 19, 1991. Our approval was subject to several conditions, including a setback variance from the Board of Appeals; a copy of our decision is attached.

Because of the strict legal requirements, the Planning Board generally opposes the granting of Variances. We will probably continue to do so in the future. However, given the unique circumstances regarding this petition, we support the granting of this Variance. As the agency responsible for planning for Nahant, we believe the proposal will benefit the neighborhood and the Town.

cc: Petitioners  
Members and Associate Members of Board of Appeals  
Board of Selectmen  
Building Inspector  
Town Counsel  
Town Clerk

I hereby certify that twenty (20) days have passed after this decision was filed in the office of the Town Clerk, and no appeal has been filed.

*Harriet C. Steeves*  
Harriet C. Steeves  
Town Clerk





BKO 10809862

## DECISION

The BOARD OF APPEALS met on April 16, 1991  
and with all of the aforesaid members present and voting,  
found and decided as follows:

At a public hearing held at the town hall, Nahant, Massachusetts  
on April 16, 1991 at 7:30 pm on the petition of Mary E. Dill of  
6 Nectar Place, Nahant requesting variance from the side yard set  
back requirement for the property located at 2 Wilson Road, Nahant,  
the Board renders the following decision:

The Board finds that the proposed alterations and requested set  
back would not be detrimental to the public good and that a literal  
enforcement of the by laws would involve a substantial hardship to  
the petitioner. Based on the foregoing, the petitioner's request  
for a variance is granted with the condition that all alterations  
be accomplished in accordance with plans and specifications previously  
approved by Special Permits dated March 19, 1991.

BOARD OF APPEALS OF THE  
TOWN OF NAHANT, MASSACHUSETTS

I vote as set forth above and on supplementary sheets marked

*[Signature]* Chairman  
*[Signature]* Secretary  
*[Signature]* Member  
*[Signature]* Member  
*[Signature]* Member



Filed with Town Clerk, Town of Nahant, MA, on APRIL 19, 1991  
at 9:30 AM

This decision may be appealed to the Superior Court if said  
appeal is filed within 20 days from the date the decision is  
filed with the Town Clerk.

*Hariet C. Steward*  
TOWN CLERK

I hereby certify that twenty (20) days have  
passed after this decision was filed in the  
office of the Town Clerk and no appeal has been  
filed.

1991 MAY 29 PM 2:07

000376



TOWN OF NAHANT

July 28 20 05...

## TO THE BOARD OF APPEALS

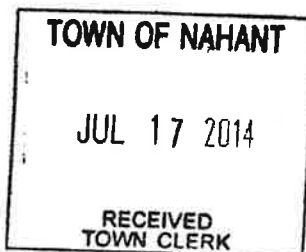
The undersigned hereby petitions the Board of Appeals ~~to vary the terms of the~~  
~~Zoning By Laws of the~~ ~~State of~~ ~~the~~ ~~premises~~

in the following respect: Appeal under Section 9.06 of the Nahant Zoning By Laws and Chapter 40A Sections 8 and 15 of the Massachusetts General Laws as follows:

~~or any limitation, extension, change, alteration or modification of use, or method of use as~~  
~~may be required by the Board of Appeals.~~

State Briefly Reasons ~~for~~ ~~the~~ ~~appeal~~.

1. Appeal under Section 9.06 of the Nahant Zoning By Laws of the refusal of the Nahant Building Inspector to enforce Section 32 a Special Permit issued on or about March 19, 1991 with respect to the premises variously described as 2, 2A and/or 2B Wilson Road, Nahant after request of the Nahant Planning Board dated June 7, 2005 delivered June 27, 2005.
2. Appeal under Section 9.06 of the grant of Building Permit for construction at said premises in continuing violation of said Section 32 of said Special Permit.



Petitioner ~~NAHANT PLANNING BOARD~~

By ~~Richard J. Snyder, Vice Chair~~

Address ~~40 Pearl Road, Nahant, MA 01908~~

ZIP CODE

Telephone Number ~~781-581-9900~~