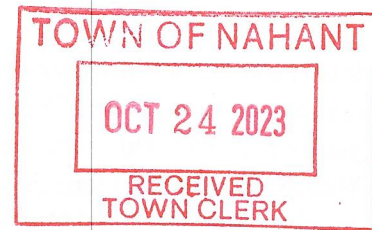


TOWN OF NAHANT
ZONING BOARD OF APPEALS
MINUTES OF MEETING
October 10, 2023



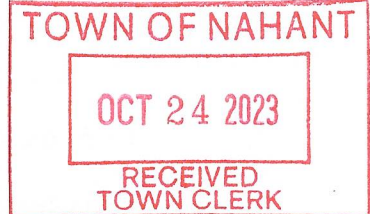
A scheduled and noticed meeting of the Nahant Zoning Board of Appeals was called to order by Chairperson Campbell at or about 3:00 P.M. at the Nahant Town Hall, 334 Nahant Road, Nahant, Massachusetts, via ZOOM. Present were Board members David Walsh, Michael Rauworth, Gerardo Raffaele, Cameron Merrill, and Jocelyn Campbell. All votes are taken by roll call.

3:00 p.m. 43 Colby Way, Sally Sampson, Petitioner

The Board of Appeals held a continued public hearing on October 10, 2023, at 3:00 P.M. via Zoom. The hearing was continued from October 4, 2023, at which time the Board offered for the applicant to revise her plans to add some missing dimensions, revise calculations, and reconvene on this day. At the start of the hearing, Sally Sampson spoke and reiterated the purpose of her application, which was to add a staircase to the bedroom on the third floor where her home office is located and was previously accessed by a pull-down set of stairs. Mr. Knapper then spoke and stated that he had submitted the revised plans and added the dimensions and revised calculations as requested. His new calculations indicate the floor area ratio existing was at .52 and proposed at .57 (as compared to the building inspector's calculation of .59). Mr. Knapper's further clarification reduced his calculation to .49. It was noted that in the assessor's records, the property appears as a three-bedroom home, despite the third bedroom being located on the third floor and only accessible by pull-down ladder/stairs. Mr. Knapper noted that the extension of the roof line created a small amount of additional square footage on the 3rd floor (187-237). The Board asked questions of the applicant and Mr. Knapper. Cameron Merrill asked Mr. Knapper about his calculations and clarified the process he used. The Board then discussed the two areas of relief needed, which were the floor area ratio and the front setback. The chair then asked if there were any persons there in addition to those who appeared on the last date to speak in favor or in opposition of the petition. Gene Yonkers of 120 Bass Point Road spoke in favor, indicating that he felt the applicant was improving her home. Louise Potts of 54 Colby Way spoke in opposition, stating that although she did sign a paper in favor initially, she was asking what was next. The applicant pointed out no changes in the plans since she signed. Catherine Carr of 49 Colby Way spoke in opposition, stating that her view of the street would be obstructed by the new front door location and the overhang over the door. Mr. Knapper stated that the view Ms. Carr was referring to was up the street and not towards the ocean and that there was no impact. The Board then deliberated the matter. The Board reviewed the property via Google Earth and discussed the view complaint by Ms. Carr and a reduction of the front setback to the minimum, where it was obvious that most of the houses on the street met the road or were just a few feet back from the road. The Board discussed the application of the Nahant Zoning By-laws Section 5.02(c)3 and those applicable to special permits. Michael Rauworth made a motion for a finding that the project as proposed was not more detrimental to the neighborhood; this was seconded by David Walsh. After a roll call vote, David Walsh, Michael Rauworth, Gerardo Raffaele, Cameron Merrill, and Jocelyn Campbell all voted in



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**DECISION OF THE
NAHANT ZONING BOARD OF APPEALS**

RE: **43 Colby Way**

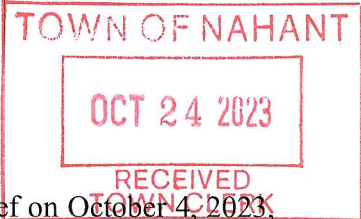
Application as filed by Sally Sampson for a variance or special permit.

DATE FILED: August 29, 2023

HEARING DATE(S): October 4, 2023 and
October 10, 2023

I. PROCEDURAL HISTORY.

1. The Nahant Zoning Board of Appeals opened a public hearing on Wednesday, October 4, 2023, at 5:45 PM via ZOOM at the request of the owner of the property seeking a Special Permit or Variance to relocate the existing main entry door from the right façade to the front façade and erect an associated cantilevered gable end roof and landing, and to selectively demo the existing lower/minor gable roof and erect a new roofline to match the primary/major gable roofline at the residence to accommodate better space within for a code-compliant stair. The Building Inspector issued a Stop Work Order on August 23, 2023, because Building Permit # R-23-00131 was issued in error. Section 3 of the Building Permit application states: "Kitchen and Bath gut renovation, new windows and finish exterior cladding with roof repair." The applicant failed to note that additions were to be made to the 2nd and 3rd floors. These additions, as built, increase the Floor Area Ratio to 1485 sq. ft., which is 59% of the lot area of 2411 sq. ft.
2. In addition to the application, the applicant filed building plans entitled "Renovations 43 Colby Way, Nahant, MA 01908" dated June 11, 2023, by JK Design Collaborative, to be confirmed by an appropriately licensed design professional and a Plot Plan dated September 27, 2023, and stamped by Wayne C. Jalbert, Professional Land Surveyor, from Hancock Survey Associates, Inc.
3. The hearing was advertised in the Lynn Item on September 21, 2023, and September 27, 2023.



iii. The Board opened the public hearing on the request for relief on October 4, 2023, and closed the hearing on October 10, 2023.

iv. At the public hearing, Joshua Knapper, contractor for the Petitioner, presented the case.

v. After hearing the matter, deliberating, and taking into consideration the Nahant Zoning By-laws, the testimony presented, and the documents filed, the Board found that the project as presented was not substantially more detrimental than the existing nonconformity to the neighborhood and that the front setback would be reduced to the minimum of 15.'

IV. VOTES. (All votes were taken by roll call.)

Michael Rauworth made a motion for a finding that the project as proposed was not more detrimental to the neighborhood than the existing nonconformity; this was seconded by David Walsh. After a roll call vote, David Walsh, Michael Rauworth, Gerardo Raffaele, Cameron Merrill, and Jocelyn Campbell voted in favor, and the motion passed. Cameron Merrill then brought a motion for a finding that the adjacent homes were closer than 25 feet to the street and that we, therefore, reduce the front setback for this purpose to 15.' This was seconded by Michael Rauworth. After a roll call vote, David Walsh, Michael Rauworth, Gerardo Raffaele, Cameron Merrill, and Jocelyn Campbell voted in favor, and the motion passed. Michael Rauworth then brought a motion to grant a special permit, which shall include all of the changes proposed in the applicant's recent submission. This was seconded by David Walsh. After a roll call vote, David Walsh, Michael Rauworth, Gerardo Raffaele, Cameron Merrill, and Jocelyn Campbell voted in favor, and the motion passed.

V. DECISION.

After reviewing the application, the plan(s), and other materials and information submitted, and giving due consideration to testimony given at the public hearing, the Board made the above-referenced findings of fact, and based upon those findings, the Board hereby decides that the required criteria for a Special Permit have been met. Accordingly, the Board grants a Special Permit to complete the project as presented and to reduce the front setback to 15', which is the minimum pursuant to the Nahant Zoning By-Laws.

VI. ADDITIONAL TERMS AND CONDITIONS.

A duly authorized agent of the Town of Nahant shall have the right to enter upon the Property to ensure compliance with the terms and conditions of this Decision.

This Decision was filed with the Town Clerk on October 24, 2023.