



Town of Nahant
334 Nahant Road, Nahant, MA 01908
Tel. (781) 581-9927 Fax (781)593-0340

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

RE: 5 Ward Road

Application as filed by Richard Bozarjian, Petitioner, seeking a Special Permit or Variance pursuant to the Nahant Zoning By-laws.

DATE FILED: October 29, 2024 **HEARING DATE(S):** December 16, 2024,
January 21, 2025, and
March 24, 2025

I. PROCEDURAL HISTORY.

- a) Application for a special permit or variance relative to the construction of a shed that was built oversized and within the setback requirements.
- b) The Office of the Building Inspector denied a building permit on October 7, 2024, where the proposed project would be in violation of Section 5.03 of the Zoning By-laws of the Town of Nahant in the following areas: (1) the proposed Left side setback is 2.2' where the minimum allowed is 10' and (2) the proposed Rear setback is 4.1' where the minimum allowed is 20.' The advertisement for this matter was placed in the Lynn Item on July 17, 2024, and July 24, 2024. The advertisements were read into the record.
- c) Notice was published in the Lynn Item on December 2 and 9, 2024.
- d) The application was accompanied by the following:
 - i. A certified plot plan dated March 24, 2022, entitled "Plot Plan 5 Ward Road, Nahant, Massachusetts," prepared by LeBlanc Survey Associates, Inc. 161 Holten Street, Danvers, MA 01923, stamped by Vernon LeBlanc, Professional Land Surveyor.
 - ii. Hand drawn plans showing the front and side elevation and floor plan of the shed, author unknown.
 - iii. A letter from Sequoia Construction dated March 13, 2025.
 - iv. Pictures showing the existing condition of the shed.
- e) The Petitioner, Richard Bozarjian, presented the matter. Mr. Bozarjian stated that he initially didn't realize that he needed a permit for a shed and that when Mr. Wilson told him he did, he sought the current relief.
- f) The Chair asked if there was anyone to speak in favor or opposition. No one spoke in favor or opposition.
- g) The Board asked questions of the Petitioner and then deliberated and discussed the matter.

- h) The Board deliberated and discussed the application of the Nahant Zoning By-laws.

II. FINDINGS.

a) General.

- i. The Petitioner is Richard Bozarjian.
- ii. On October 29, 2024 the Petitioner filed a Petition for a Special Permit or Variance.
- iii. The Board held a public hearing on the request for relief on the above three dates.
- iv. At the public hearings, the Petitioner spoke on his own behalf.
- v. The Petitioner's lot is a non-conforming lot, located in the R2 district, and in an AE Flood Zone.
- vi. The Petitioner started building the shed without a permit.
- vii. The Board discussed the application of the Nahant Zoning By-laws, specifically the lot dimensional requirements, the size of the shed and whether the Petitioner's inaction regarding the shed for more than two years constituted abandonment as defined by the Nahant Zoning Bylaws or not.
- viii. The Board briefly discussed the conservation Request for Determination of Applicability ("RDA").

b) Special Permit Criteria.

The Nahant Zoning By-laws require that the Board review and apply the following criteria and make the following finding:

- i. A finding that the proposed project as proposed would not be more detrimental than the existing non-conformity to the neighborhood.

III. VOTES. (all votes were taken by roll call)

- i. Josie Reis brought a motion for a finding that the proposed shed would not be substantially more detrimental to the neighborhood than the existing shed. Gerardo Raffaele seconded this motion. After a roll-call vote, all in favor were Gerardo Raffaele, Jake Brown, Max Kasper, and Josie Reis. Jocelyn Campbell voted against the motion. The motion for a finding passed.
- ii. Gerardo Raffaele brought a motion to grant a special permit with the following conditions: that the shed be built in the same location per the plans submitted to the Zoning Board of Appeals within 12 months. The shed shall be used for storage only. The shed shall not be used as a dwelling or for keeping animals. The motion was seconded by Josie Reis. After a roll-call vote, all in favor were Gerardo Raffaele, Jake Brown, Max Kasper, and Josie Reis. Jocelyn Campbell voted against the motion. The motion to grant a special permit passed.

IV. 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. 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 reconstruct the shed in the same location, as per the plans submitted to the Zoning Board of Appeals, preferably within 12 months. The shed shall be used for storage only. The shed shall not be used as a dwelling or for keeping animals.

V. ADDITIONAL TERMS AND CONDITIONS.

- a) A Special Permit (if granted) shall lapse two (2) years from the date of issue but shall not include such time required to pursue or await the determination of an appeal referenced in G.L. c. 40A §17: If substantial use of the Special Permit has not commenced sooner, except for good cause, or, in the case of a permit for construction, if construction has not begun by such date, except for good cause.
- b) A Variance (if granted) will lapse if not exercised in one (1) year.
- c) 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 Special Permit.

This Decision was filed with the Town Clerk on April 7, 2025

NOTICE OF RIGHT TO APPEAL

Notice is hereby given that any appeal from this Decision shall be made pursuant to Massachusetts General Laws, Chapter 40A, §17, and shall be filed within twenty (20) days after the date of filing this Decision in the Office of the Town Clerk for Nahant, Massachusetts.

Respectfully submitted,


Jocelyn J. Campbell, Chair

I hereby certify that I am the Town Clerk for the Town of Nahant and that no appeals have been filed with this office within the appeal period.

Diane M. Dunfee
Town Clerk

Date