

Town of Nahant
Conservation Commission
Meeting Minutes
Wednesday, March 19, 2025



Meeting Attendance: Colleen Collins, Thomas Famulari, Henry Hall, Mark Jarrell, Eden Reiner and Kristin Kent (Conservation Agent)

Meeting called to order by Mark Jarrell at 7:09 PM

1. Continued Notice of Intent, 0 Nahant Road (Forty Steps) (047-0610)

Town of Nahant / Sustainable Coastal Solutions, Inc.

Beach nourishment and coastal bank stabilization in Land Under the Ocean, Land Containing Shellfish, Coastal Beach and Coastal Bank.

Town met with MA Department of Environmental Protection and Office of Coastal Zone Management on 3/17. The grant deadline is the end of the fiscal year. Failure to have a permitted project by that time may result in the Town losing the grant money. Kent asked if the Commission would be amenable to having an interim meeting, if necessary to ensure the project could be permitted in order to meet the grant deadline – Commission was amenable.

Motion to continue the Notice of Intent to the next meeting made by Reiner, seconded by Collins. Motion passed unanimously.

2. Abbreviated Notice of Intent, 51 Fox Hill Road (047-0615)

Chris Kallenback

Construction of an addition, deck, bulkhead and relocated front stairs and walkway within Land Subject to Coastal Storm Flowage.

Chris Kallenback described the project, including the addition which is to be on a foundation and changing the basement entry to be a bulkhead. Residents had questions regarding the work that has been done to date – including removal of pre-existing fountain, stonewall and patio. Kent stated that people may remove features from their yard without Conservation approval, assuming site elevations are not altered.

Hall made a motion to issue an Order of Conditions with the following special conditions: site topography must remain the same as pre-construction and an as-built must be provided as part of the Certificate of Compliance process. Motion seconded by Famulari and passes unanimously.

4. Request for Minor Modification, 135 Bass Point Road (047-0612)

Chris & Deanna Kallenback

Request to change the orientation of the previously approved garage within Land Subject to Coastal Storm Flowage.

Chris Kallenback described the project, which consists of re-orienting the approved garage to better suit their needs and accessibility on the property. Existing pavers will be removed in areas to accommodate the new orientation.

There was a question regarding whether an as-built will be provided after construction is complete. Kent stated that it was a condition of the previous approval and will still be required. A member of the public asked why abutters were not notified. Kent stated that this type of request does not require a legal ad or abutter notification.

Kent noted that the Commission needed an updated plan that reflects the pavers to be removed and the new location of the proposed drywell.

Hall made a Motion to approve the minor modification with the previously stated conditions, seconded by Famulari. Motion passed unanimously.

Other Business:

Approval of Meeting Minutes

- January 15, 2025 – Motion by Hall, seconded by Reiner. Motion passed unanimously.
- February 19, 2025 – Motion by Hall, seconded by Famulari. Motion passed unanimously.

Kent stated that by her own error, she had not placed the 30 Emerald Road matter on the agenda for discussion, as requested by a resident. As such, Doug Breithaupt wished to speak regarding his concerns about the project. Kent cautioned the Commission that while they are able to listen to the concerns of residents, no action can be taken on the topic as it was not properly posted as part of the meeting agenda.

Mr. Breithaupt, of 32 Emerald Road, spoke regarding the issues he's having with water in his basement. He states that the issues began following excavation associated with the 30 Emerald Road project, as he believes that it changed the way water flows underground through the area. He would like the Commission to act under the Land Subject to Coastal Storm Flowage provision of the Nahant Wetlands Protection Bylaw. Valerie McCarthy, of 34 Emerald Road, also raised concerns regarding the volume of water Mr. Breithaupt is getting in his basement.

Kent stated that it was her opinion the Land Subject to Coastal Storm Flowage provisions of the Nahant Wetlands Wetlands Protection Bylaw do not apply to the situation, and therefore there is no lawful action to be taken by the Conservation Commission. She will confer with Town Counsel to determine if there are grounds for action by the Commission. Kent will update Breithaupt and McCarthy once an opinion is received from Town Counsel. The Commission agreed to hold an interim meeting to take action on the issue, if deemed appropriate by Town Counsel.

Famulari made a motion to adjourn the meeting, Hall seconded, all in were favor. Meeting adjourned at 8:25 PM.

Meeting minutes submitted by Kristin Kent, Conservation Agent

Minutes approved by the Conservation Commission on May 21, 2025