

TOWN OF NAHANT
ZONING BOARD OF APPEALS
MINUTES OF MEETING
July 28, 2026

Chairperson Campbell called a scheduled and noticed meeting of the Nahant Zoning Board of Appeals to order at about 3:00 p.m. at the Nahant Town Hall, 334 Nahant Road, Nahant, Massachusetts, via Zoom. Present were board members David Walsh, Gerado Raffaele, Cameron Merrill, Scott Ofrias, and Jocelyn Campbell. All votes were by roll call.

HEARING(S):

3:00 PM PUBLIC HEARING -10 FALLON WAY

Architect Jean Allen discussed the new plans dated July 10, 2026, and how the foundation will be in the same cavity, with very little excavation needed. The meeting was interrupted by an intruder, then recommenced. The chair read into the record an email from neighbors Sue Sherry and Victoria Fortino regarding changes to the site plan. Mr. Williams, an engineer from Williams & Sparagas, described the changes, which included adding boulders and geofabric with stones on top. This was discussed with the abutters. Ms. Fox asked questions about the plan. Mr. Williams explained that, in addition, there is a planned infiltration trench that was not there before. Mr. Williams explained that these measures were not a fix for all the water flowing from the hill, but this plan shows what they intend to do on the Petitioners' land, and it should help. The chair discussed the existing facts with the Board, what the Board knew about Fallon Way, which was that it had been voted as a public way (in two parts) at a town meeting in 1993, per the town clerk, and that the house and lot existed in its current location, jutting into the way at least since 1954. This was demonstrated by a public record at the Essex Registry of Deeds, filed as plan no. 279 of 1954, showing the house in its current location. There is a guard rail on the way at the base of the hill. Attorney McGloin interjected, stating that there was a question as to whether the house was lawfully in the way. The chair explained that we were sorting the facts and discussing what we do know about the way and the project. The Board continued its deliberations. Gerardo Raffaele stated that the house had been there a long time and that the project is an improvement. David Walsh stated that what is being built is already there. Cameron Merrill stated that he had no problem with the project, provided we (the board) can take steps to protect the neighboring properties. Scott O'Frias agreed with Cameron Merrill. The chair stated that the project had come a long way from when it was first introduced as a large three-floor residence with a flat roof, with almost no engineering proposed. The result is a 1 ½-story residence similar in size to the existing house, with extensive engineering of the subject property related to the proposed drainage. David Walsh moved, seconded by Cameron Merrill, for a finding that it was reported to the Board (the Zoning Board of Appeals) that Fallon Way was designated as a public way in 1993, and that we believe the house was built prior to 1954. After a roll call vote, David Walsh, Gerado Raffaele, Cameron Merrill, Scott Ofrias, and Jocelyn Campbell were all in favor, and the motion passed. Next, the board discussed the .02 increase in lot coverage (referred to as building coverage due to the definitions in the Nahant Bylaws). The Board discussed that the previous nonconformity

was an exacerbation of an existing nonconformity, and not a new nonconformity. Cameron Merrill brought a motion, seconded by David Walsh, as a Section 6 finding, stating that the .02 difference in the lot/building coverage from the existing condition to the proposed structure was not substantially more detrimental to the neighborhood than the previous nonconformity. After a roll call vote, David Walsh, Gerado Raffaele, Cameron Merrill, Scott Ofrias, and Jocelyn Campbell were all in favor, and the motion for the Section 6 finding passed. Next, Cameron Merrill moved for a finding pursuant to Nahant Bylaw §7.03 E that the proposed reconstruction was not substantially more detrimental than the previous structure. After a roll call vote, David Walsh, Gerado Raffaele, Cameron Merrill, Scott Ofrias, and Jocelyn Campbell were all in favor, and the motion for a finding passed. Lastly, Cameron Merrill moved to grant a special permit for the project with conditions, which was seconded by David Walsh. The Board then discussed and proposed the following conditions: (1) The project must be built according to the recent plans provided, Building plans dated July 10, 2026, and site plan dated July 27, 2026. (2) The project must abide by the conditions in Nahant Zoning Bylaws §9.08 C, no.'s 1, 2, and 3 (pasted below), and (3) §9.08 D in its entirety. The Board discussed protecting the neighbor's homes and the unusual circumstances with the older homes and foundations so close to the subject property. For purposes of this section 9.08 D, the Board agreed that a bond or insurance of \$1,000,000 per abutting property would be a satisfactory amount of security.

Nahant Zoning By-Laws [excerpt] §9.08 C [in part]

In granting a special permit, the special permit granting authority may impose special

conditions after taking into account, among other considerations, the following:

1. Protection of adjoining premises in the general neighborhood from any detrimental use of the lot or structure
2. Convenience and safety of vehicular and pedestrian movement within the area.
3. Responsibility and adequacy of the methods of disposal of sewage, refuse and other wastes.

§9.08 D

Such conditions shall be imposed in writing, and the applicant may be required to post bond or

other security for compliance with said conditions in an amount satisfactory to the special

permit granting authority.

After a roll call vote, David Walsh, Gerado Raffaele, Cameron Merrill, Scott Ofrias, and Jocelyn Campbell were all in favor; the motion for a special permit with conditions passed, and the meeting was adjourned. After adjournment, Attorney McGloin and Ms. Fox had some questions regarding the process, which we addressed briefly and then concluded.

Jocelyn Campbell, Chair
Approved 8/19/2026