



*Town of Nahant*  
*334 Nahant Road, Nahant, MA 01908*  
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**FINDING AND DECISION OF THE  
NAHANT ZONING BOARD OF APPEALS**

**RE: 49 Little Nahant Road**

Application as filed by Shelly Ziegelman, Principal at SWZ Architects, on behalf of Nicholas Grund, Owner, seeking amendment to a special permit granted April 2, 2025.

**DATE FILED:** February 2, 2026

**HEARING DATE:** March 17, 2026

**I. PROCEDURAL HISTORY.**

- a) A Special Permit was issued on April 2, 2025.
- b) The petitioner sought an amendment to the Special Permit where, during demolition, a structural engineer deemed the existing foundation unsafe and unserviceable pursuant to MA Building Code AJ102.11. The petitioner sought to replace the existing foundation rather than reuse it, pursuant to Section 7.03(D)3 of the Nahant Zoning Bylaws.
- c) The application was accompanied by the following:
  - i. Architectural Plans entitled "Grund Residence" 49 Little Nahant Road, Nahant, MA 01908, dated January 30, 2026.
  - ii. Existing Plot plan dated December 8, 2024, by C.L.G. Associates.
- d) At the hearing date, Shelly Ziegelman, Architect, spoke on behalf of the owner and presented the case. Ms. Ziegelman stated that the foundation had to be replaced, but that they planned to do so in the same footprint. She also stated that conservation had approved the plans.
- e) The advertisement ran in the Lynn Item on March 3 and 10, 2026.
- f) No persons spoke in favor or in opposition.
- g) The Board asked the Petitioner and the Owner questions and then deliberated on the matter.
- h) The Board discussed that there would be no new non-conformities.

**II. FINDINGS.**

**a) General.**

- i. The Petitioner is Shelly Ziegelman, Principal at SWZ Architects, on behalf of Nicholas Grund, Owner.
- ii. On April 2, 2025, the Petitioner was granted a Special Permit for the reconstruction of 49 Little Nahant Road.
- iii. The Board held a public hearing on the date noted above.

- iv. At the public hearings, Shelly Ziegelman spoke on behalf of the Owner of the property.
- v. The Owner's lot is a non-conforming lot, containing approximately 4,348 square feet.
- vi. The lot is located in the R-2 Zoning District.
- vii. The Board discussed the application of the Nahant Zoning By-laws, specifically section 7.03, FEMA regulations, conservation, a neighbor access agreement, and setbacks.

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. The Board made a finding that the 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. David Walsh brought a motion to find that the proposed changes (a new foundation in the same footprint) were not more detrimental to the neighborhood, seconded by Cameron Merrill. Members voting in favor were David Walsh, Gerald Raffelle, Scott Ofrias, Cameron Merrill, and Jocelyn Campbell.
- ii. David Walsh brought a motion to make a grant and an Amendment to the existing Special Permit to replace the foundation. Members voting in favor were David Walsh, Gerald Raffelle, Scott Ofrias, Cameron Merrill, and Jocelyn Campbell.

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 has decided that the criteria for a special permit have been met. Accordingly, the Board grants an amendment to the existing Special Permit dated April 2, 2025, to include the replacement of the foundation in the same footprint as per the plans submitted to the Zoning Board of Appeals, and if necessary and agreed upon, an access agreement to be negotiated with the neighbor at #51.

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.



