

**TOWN OF NAHANT
ZONING BOARD OF APPEALS
MINUTES OF MEETING**

Date: May 13, 2026

A scheduled and noticed meeting of the Nahant Zoning Board of Appeals was called to order by Chairperson Campbell at or about 5:51 p.m. via ZOOM, preceded by a site visit to 148 Wilson Road, Nahant, Massachusetts, at 5:00 p.m. Present were Board members David Walsh, Gerardo Raffaele, Scott Ofrias, and Jocelyn Campbell. All votes were by roll call.

SITE VISIT:

148 WILSON ROAD. The Board scheduled a site visit prior to the hearing to ensure daylight hours and to accommodate schedules. The Board met at the site and walked the property. The Petitioners were present and pointed out the locations of the proposed construction project. No testimony was taken, and no questions regarding the appeal were entertained.

HEARING:

148 WILSON ROAD. The Board resumed its deliberations at about 6:51 p.m. via Zoom. The Board first considered whether any relief could be granted. Discussion ensued regarding whether the lot coverage increase constituted a new non-conformity, thereby necessitating a variance rather than a special permit. The Board discussed building and lot coverage. **The chair moved to find that the lot coverage increase from .22% to .31%, where .25 % is allowed, constitutes a new non-conformity under the Nahant Zoning Bylaws (the "Bylaws"). The motion was seconded by Scott Ofrias, who also clarified that the finding would be based on the figures provided by the Petitioners.** All in favor were David Walsh, Gerardo Raffaele, Scott Ofrias, and Jocelyn Campbell. The Board then discussed the lot's uniqueness due to its elevation, noting that upon visiting the site, the lot appeared to be physically lower than the lots on either side. David Walsh asked whether the lower elevation met the topographical criteria of a variance. Scott Ofrias suggested that the lot is unique in that it is lower and collects all the runoff. Gerardo Raffaele said it was unique and definitely lower, the porch roof will direct the water away from the house and foundation. **Gerardo Raffaele moved to make a finding that the elevation at 148 Wilson Road appears to be significantly lower than that of either property on the right or left (adjacent neighbors), that water drains off the adjacent lands, and #148 appears to take the brunt of the water.** Seconded by David Walsh. All in favor were David Walsh, Gerardo Raffaele, Scott Ofrias, and Jocelyn Campbell. **Jocelyn Campbell moved to find that a literal enforcement of the Bylaws would create hardship.** David Walsh seconded the motion for discussion. David Walsh asked for clarification regarding the meaning of a "literal enforcement" of the Bylaws. The chair replied that it would mean that the request for relief would be denied. The Board then asked whether denying the relief would create a substantial hardship for the Petitioners, and all agreed. All in favor were Gerardo Raffaele, because the roof will help with their stormwater management by directing water to the grass and away from the house, and raising the back deck will help with the water issues there; Scott Ofrias said that it is a substantial hardship to have flooding in the basement; David Walsh and Jocelyn Campbell also agreed. Next, the chair asked whether any members felt the project, as proposed, would be detrimental to the public good. David Walsh said

no. Gerardo Raffaele said no, the neighbors will not lose any light or view, due to the low elevation, no one will be able to see it from the road, the new porch will be within the setbacks, and the .6% that the coverage is over is small, the project doesn't seem too far out of reach. Scott Ofrias said that we should weigh the abutting neighbors' opposition, too, since they are members of the public, but that overall, the project does not meet the criteria for a detriment to the public good. The Board then reviewed Section 1.03 of the Nahant Zoning Bylaws:

Purpose The purpose of this bylaw is to promote health, welfare, safety, and convenience of the inhabitants of the Town of Nahant; to lessen congestion in the streets; to conserve health; to secure safety from fire, flood or panic and other dangers; to provide adequate light and air; to prevent overcrowding of land and to avoid undue concentration of population; to encourage housing for persons of all income levels; to facilitate the adequate provision of transportation, water, sewerage, drainage, schools, parks, open space and other public requirements; to conserve the value of land and buildings; to encourage the most appropriate use of land throughout the Town and to preserve and increase amenities; to achieve optimum environmental quality through design review and cooperation; to protect views; to preserve the coastal character of the community; and to encourage an orderly expansion of the tax base by proper utilization and development of land; all in accordance with the provisions of Chapter 40A of the General Laws of the Commonwealth of Massachusetts.

Scott Ofrias pointed out that the purpose was in line with some of the issues raised by members, such as the provisions for water, drainage, and the appropriate use of the land. **David Walsh moved to make a finding that the project, as presented, will not be a detriment to the public good.** Seconded by Jocelyn Campbell. Discussion ensued. Scott Ofrias suggested that we use additional language from the third prong of the variance criteria instead: "That desirable relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of such ordinance or by-law." David Walsh agreed to adopt Scott's suggested language to his motion. All in favor were David Walsh, Gerardo Raffaele, Scott Ofrias, and Jocelyn Campbell. **David Walsh moved to grant a variance to the Petitioners based on all discussions and findings to date.** Seconded by Gerardo Raffaele. Discussion - Scott Ofrias, asked if we could add conditions, and it was agreed we would add conditions pursuant to Section 9.07 of the Bylaws as follows: (i) that the porch may not be enclosed, (ii) that the porch may not be used as dwelling area, and (iii) that the project be built as per the plans presented to the Zoning Board of Appeals with the application dated February 13, 2026. The hearing adjourned about 7:00 p.m.

Respectfully submitted,
Jocelyn Campbell, Chair
Approved May 28, 2026