

TOWN OF NAHANT
ZONING BOARD OF APPEALS

SPECIAL PERMIT DECISION

FINDINGS AND DECISION OF THE NAHANT ZONING BOARD OF APPEALS

RE: **O WILLOW ROAD**

Application of Michael Gallant for a Special Permit pursuant to the Nahant Zoning By-laws

DATE FILED: January 30, 2018

I. PROCEDURAL HISTORY:

- a) Application was filed by Michael Gallant, (the Applicant”) with the Nahant Zoning Board of Appeals (the “Board”) to construct two signs at 0 Willow Road, Nahant Massachusetts (the ”Property”) as shown on the Plans attached to the application pursuant to the Nahant Zoning Bylaw Section 8.07. Michael Gallant is the authorized agent of the property.
- b) The property is located in the R2 district.
- c) A public hearing, after proper notice was given, was opened and closed on April 2, 2018.
- d) The application was accompanied by photos showing the locations of the requested signage.
- e) The representative of the Applicant showed the Board an actual sample of the aluminum lettering being proposed in one of the signs.
- f) The Board reviewed the application and all other materials and information prior to the close of the public hearing. No persons appeared to speak against the application. The Board received and gave due consideration to the testimony given at the hearing.
- g) The following Board members attended the public hearing:
 - Jocelyn Campbell, Chair
 - Paul Morse, Member
 - David Walsh, Member
 - Peter Barba, Member
 - Greg Keene, Member
 - Donnalee Leonardo, Associate Member
 - Max Kasper, Associate Member

II. FINDINGS:

a) General

- i. The Petitioner is Michael Gallant, represented by Cory Rhoades and Kari-Ann Greene of D'Ambrosio Brown LLP.
- ii. The neighborhood is at the end of a residential street and near the golf course.
- iii. On January 30, 2018, the Petitioner filed a Petition for a Special Permit to add two signs.
- iv. The Board held a public hearing on April 2, 2018.
- v. During the public hearing, the Petitioner proposed to add two signs where one sign is the maximum allowed pursuant to the Nahant Zoning By-law.
- vi. A motion brought by Paul Morse and seconded by Greg Keane that the signage as proposed is not more substantially detrimental to the neighborhood.
- vii. A motion brought by Paul Morse and seconded by David Walsh to grant a Special Permit as proposed.

b) Special Permit Criteria

- i. Section 8.04.G and 8.05.A of the Zoning By-Laws require that the Board review the following criteria: A finding that, a change, extension or alteration shall not be more detrimental than the existing nonconforming use to the neighborhood. In regard to signage, factors considered were (1) whether the sign is painted directly on the exterior on any wall; (2) whether more than one sign; and (3) whether such sign exceeds 20 sq. ft. in area.
- ii. Specific Findings Regarding Special Permit Criteria: The Board finds that the signage as proposed is not more substantially detrimental to the neighborhood and that this satisfies the criteria.

III. VOTE:

The following members of the Board voted to **grant** the Special Permit, subject to the above-stated terms and conditions: Unanimous.

The following members of the Board voted to **deny** the Special Permit, subject to the above-stated terms and conditions: None

IV. DECISION:

After reviewing the Application, the photos and other materials and information submitted and after giving due consideration to testimony given at the public hearing, the Board made the above-referenced findings of fact and, based upon those findings, the Board hereby decides that the Property is suitable for the signage sought pursuant to §Section 8.04.G and Section 8.05.A of the Nahant Zoning By-laws and that all the required criteria for a Special Permit have been met. Accordingly, the Board hereby grants a Special Permit to Michael Gallant for such signage, which includes two signs

pursuant to the plans as depicted in the Application and in accordance with the terms and conditions stated below.

V. TERMS AND CONDITIONS:

- a) This Special Permit shall lapse two 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 sooner commenced 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 duly authorized agent of the Town of Nahant shall have the right to enter upon the Property to ensure continued compliance with the terms and conditions of this Special Permit.

This Decision was filed with the Town Clerk on Monday April 30, 2018 3:45 PM
Maureen R. Basile Town Clerk

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.

Signatures to appear on the next page.

NAHANT ZONING BOARD OF APPEALS,

I vote as set forth above and on supplementary sheets marked.

 Jocelyn Campbell, Chair
 Paul Morse, Member
 David Walsh, Member
 Peter Barba, Member
 Greg Keene, Member

Donnalee Leonardo, Associate Member

Max Kasper, Associate Member

Filed with the Town Clerk on Monday, April 30, 2018 3:45 pm

Margaret R. Barile
Town Clerk

