

TOWN OF NAHANT
ZONING BOARD OF APPEALS

SPECIAL PERMIT DECISION

FINDINGS AND DECISION OF THE NAHANT ZONING BOARD OF APPEALS

RE: **134 WILLOW ROAD**

Application of Anthony Roossien, RA representative for Ronald J. Pawelski and Ellen J. Newlands, Trustees for a Special Permit pursuant to the Nahant Zoning By-laws dated April 26, 2014.

DATE FILED: October 26, 2017

CONSTRUCTIVE GRANT: Special Permit - January 24, 2018, Variance – February 3, 2018

PROCEDURAL HISTORY:

1. Application to demo and rebuild a single family dwelling pursuant to the Zoning Bylaw §Section 7.03.E for property located at 134 Willow Road, Nahant, MA was made by the above-referenced applicant, who is the representative/authorized agent of the owner of the property.
2. The property is located in the R1 district.
3. A public hearing, after proper notice was given, was opened and closed on December 5, 2017.
4. The application was accompanied by a plan(s), entitled “Plot Plan” prepared by Parsons and Faria, Inc., dated July 9, 2017 and “Proposed Plot Plan” prepared by Parsons and Faria, Inc., dated September 15, 2017. And plans entitled “Building Permit Set” prepared by Anthony Roossien Architects, Inc., dated September 20, 2017, and photos.
5. The Board reviewed the application, the plan(s), and all other materials and information prior to the close of the public hearing. At the hearing, Cathy and Mark Irving of 12 Hubby Way and 132 Willow Road and Chesley Taylor of 1 Summer St. Ct. and Gretchen Henry of 138 Willow Road, all spoke in favor of the application. No persons appeared to speak against the application. The Board received and gave due consideration to the testimony given at the hearing.
6. 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

FINDINGS:

A. GENERAL

- a. The Petitioner is Anthony Roossien, Architect, representative of the owner.
- b. The Property consists of 6363 square feet of land.
- c. On October 26, 2017, the Petitioner filed a request for a Special Permit to demo and re-construct on a non-conforming lot.
- d. The Board held a public hearing on December 5, 2017.
- e. During the public hearing, the Petitioner proposed to remove and reconstruct a single family residence within the same footprint on the same lot.
- f. A motion brought by Paul Morse and seconded by Greg Keane to find that the criteria for special permit was met, this motion was allowed.
- g. A motion brought by David Walsh to grant said special permit was allowed.

B. SPECIAL PERMIT CRITERIA

Section(s) 7.03.E of the Nahant Zoning By-law 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.

C. SPECIFIC FINDINGS REGARDING SPECIAL PERMIT CRITERIA

The Board finds that the demo and reconstruction of a single family residence within the same footprint would not be more detrimental to the neighborhood and that this satisfies the criteria.

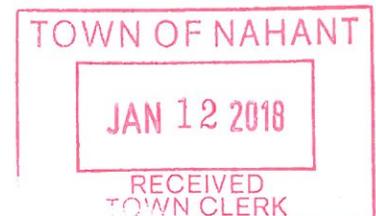
DECISION:

After reviewing the Application, the plan(s) 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 demo and reconstruction pursuant to § Section 703.E 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 the applicant in accordance with the terms and conditions stated below.

TERMS AND CONDITIONS:

1. This Special Permit shall lapse in 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.
2. 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.
3. Property to be constructed pursuant to the plans provided.



VOTE:

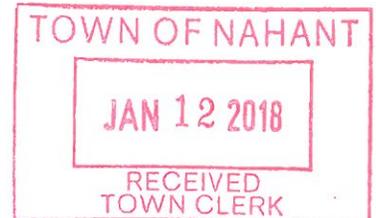
The following members of the Board voted to **grant** the Special Permit, subject to the above-stated terms and conditions:

Unanimous

The following members of the Board voted to **deny** the grant of Special Permit:

None

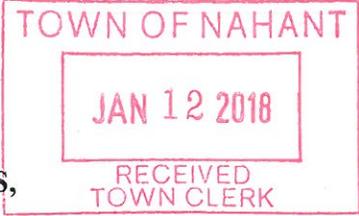
This Decision was filed with the Town Clerk on *January 12, 2018*
@ 10:30 A.M. MRB Town Clerk.



NOTICE OF RIGHT TO APPEAL

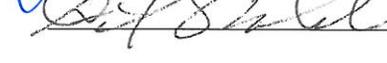
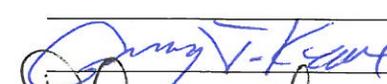
Notice is hereby given that any appeal from this Decision shall be made pursuant to Massachusetts General laws, Chapter 40A, §17, and shall be filed within twenty (20) days after the date of filing this Decision in the Office of the Town Clerk for Nahant, Massachusetts.

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
 Donalee Leonardo, Associate Member
Max Kasper, Associate Member

Filed with the Town Clerk on January 12, 2018 @ 10:30 A.M.
m. r. Barba Town Clerk