

TOWN OF NAHANT
ZONING BOARD OF APPEALS

SPECIAL PERMIT DECISION

FINDINGS AND DECISION OF THE NAHANT ZONING BOARD OF APPEALS

RE: **246 WILSON ROAD**

Application of Everett Cole for a Variance or Special Permit pursuant to the Nahant Zoning By-laws.

DATE FILED: December 18, 2017

CONSTRUCTIVE GRANT: Special Permit – March 18, 2018
Variance – March 28, 2018

I. PROCEDURAL HISTORY.

- a) Application to add a second 20 ft. entrance to allow additional off-street parking pursuant to the Zoning Bylaw Section 6.05.D.3 for property located at 246 Wilson Road (AKA 119 Little Nahant Road), Nahant, MA was made by the above-referenced applicant, who is the owner/authorized agent of the owner of the property.
- b) The Office of the Building Inspector denied the building permit on November 9, 2017.
- c) The property is located in the R2 district.
- d) A public hearing of the Zoning Board of Appeals, after proper notice was given, was opened and closed on February 13, 2018.
- e) The application was accompanied by a plan, entitled Mortgage Inspection Plan, prepared by George C. Collins and dated July 16, 2014, supporting statements of the applicant indicating that in the warmer months the lack of parking creates congestion in the area, is a safety concern, and that three abutters to his property have the same parking arrangement. The applicant also included a photo of an aerial view of the neighborhood.
- f) The Board reviewed the application, the plan(s), and all other materials, applicable Nahant Zoning By-Laws and information prior to the close of the public hearing. At the hearing, Everett Cole, petitioner, 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.
- g) The following Board members attended the public hearing:
 - Jocelyn Campbell, Chair
 - Paul Morse, Member
 - David Walsh, Member
 - Peter Barba, Member

____ Greg Keene, Member
 X Donnalee Leonardo, Associate Member
____ Max Kasper, Associate Member

II. FINDINGS.

a) GENERAL.

- i. The Petitioner is Everett Cole.
- ii. The Property consists of 8,488 square feet of land. The neighborhood is crowded.
- iii. On December 18, 2017, the Petitioner filed a Petition for a Variance or Special Permit to add a second 20 ft. entrance to allow additional off-street parking in violation of Section 6.05.D.3 of the Zoning By-Laws.
- iv. The Board held a public hearing on February 13, 2018.
- v. During the public hearing, the Petitioner proposed to add a second driveway in addition to the maximum allowed pursuant to the Nahant Zoning By-law because, the applicant testified, it was needed for additional off-street parking.
- vi. A motion brought by Peter Barba and seconded by Paul Morse that the petition is not more detrimental than other properties, this motion was allowed.
- vii. A motion brought by David Walsh and seconded by Paul Morse to consider a Special Permit, this motion was allowed.
- viii. A condition motion brought by Peter Barba and seconded by Donnalee Leonardo to require pervious material for driveway, this motion was allowed.

b) SPECIAL PERMIT CRITERIA.

Section(s) 6.05.D.3 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.

- i. Specific Findings Regarding Special Permit Criteria:
The Board finds that the addition of a driveway would not be more 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 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 a second driveway pursuant to §Section 6.05.D.3 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 Everett Cole for such driveway, pursuant to 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.
- c) The second driveway shall be constructed pursuant to the plans provided.
- d) The Applicant shall utilize pervious pavers.

This Decision was filed with the Town Clerk on Thursday, March 15, 2018 @ 9:00 AM
Margaret R. Bevil, Town Clerk

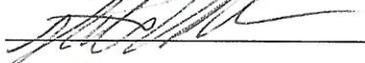
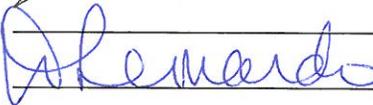
NOTICE OF RIGHT TO APPEAL

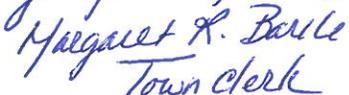
Notice is hereby given that any appeal from this Decision shall be made pursuant to Massachusetts General laws, Chapter 40A, §17, and shall be filed within twenty (20) days after the date of filing this Decision in the Office of the Town Clerk for Nahant, Massachusetts.

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 Thursday, March 15, 2018 @ 9 AM.

Margaret R. Boyle
Town Clerk