

TOWN OF NAHANT
ZONING BOARD OF APPEALS



DECISION TO ACCEPT PETITIONER'S REQUEST TO WITHDRAW

FINDINGS AND DECISION OF THE NAHANT ZONING BOARD OF APPEALS

RE: **51 LITTLE NAHANT ROAD**

Application of Stephen Viviano as petitioner for Jayne DesLauriers, Owner, for a dimensional Variance or Special Permit pursuant to the Nahant Zoning By-laws.

DATE FILED: February 12, 2018

HEARING DATE: April 2, 2018

I. PROCEDURAL HISTORY:

- a. Application of Stephen Viviano as Petitioner for Jayne DesLauriers, Owner, (collectively the "Applicant") for a dimensional Variance or Special Permit pursuant to the Nahant Zoning By-laws which limit a dwelling height to 30' and requesting permission to construct a dwelling to 35' in height.
- 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 a plan(s), entitled prepared by Home Designs by Cyganiewicz and dated August 15, 2017.
- e. A letter from the Office of the Building Inspector dated February 8, 2018 was attached.
- f. A letter/petition from neighbors was submitted at the hearing.
 - i. The following persons spoke in favor of the application at the hearing:
 1. George Mastoras, 5 Linda Lane, Nahant, MA
 2. Eric Peterson, 52 Little Nahant Road, Nahant, MA
 3. Stephen Viviano, 47 Little Nahant Road, Nahant, MA
 - ii. The following persons spoke against the application at the hearing:
 1. Robert Silva, 7 Burpee Road, Nahant, MA
 2. Wayne Wilson, Nahant Building Inspector, gave commentary on facts of case, generally against
- g. The Board received and gave due consideration to the materials presented and testimony given at the hearing.
- h. The following Board members attended the public hearing:
 Jocelyn Campbell, Chair
 Paul Morse, Member, Acting Chair
 David Walsh, Member

- Peter Barba, Member
- Greg Keene, Member
- Donnalee Leonardo, Associate Member
- Max Kasper, Associate Member

II. FINDINGS:

a. GENERAL

- i. The Board held a public hearing on April 2, 2018 beginning at 7:31 PM.
- ii. The Petitioner is Stephen Viviano on behalf of Jayne DesLauriers, Owner.
- iii. The site abuts the ocean.
- iv. Petitioner, Stephen Viviano for Jayne DesLauriers, Owner, applied for a dimensional Variance or Special Permit pursuant to the Nahant Zoning By-laws which limit a dwelling height to 30' and requesting permission to construct a dwelling to 35' in height.
- v. During the public hearing the following motions were made:
 - 1. Motion to accept letter/petition of neighbors. Unanimous in favor.
 - 2. Motion to find the plan not substantially more detrimental. 2 in favor, 3 oppose.
 - 3. Motion to deny – no action.
- vi. Petitioner withdraws without prejudice.
- vii. Immediately following the close of the public hearing, the Board voted to accept the Petitioner's request to withdraw the Petition for a dimensional Variance or Special Permit, without prejudice.
- viii. Meeting adjourned 8:22 PM.

III. DECISION:

The Board unanimously voted to accept the Petitioner's request to withdraw the Petition for a dimensional Variance or Special Permit, without prejudice, for the property located at 51 Little Nahant Road, Nahant, Massachusetts.

This Decision was filed with the Town Clerk on Friday May 4, 2018 10:00 AM.
Margaret L. Burek
Town Clerk

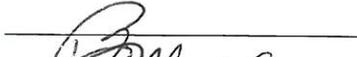
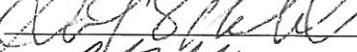
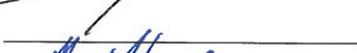
NOTICE OF RIGHT TO APPEAL

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 Friday May 4, 2018 @ 10:00 AM
Margaret H. Baric
Town Clerk