TOWN OF NAHANT
JAN 12 2018
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TOWN OF NAHANT
ZONING BOARD OF APPEALS

SPECIAL PERMIT DECISION

FINDINGS AND DECISION OF THE NAHANT ZONING BOARD OF APPEALS

RE: **74 WILSON ROAD**

Application of Dylan Dobbyn and Ellen Culliton for a Dimensional Variance or Special Permit pursuant to the Nahant Zoning By-laws dated April 26, 2014.

DATE FILED: October 17, 2017

CONSTRUCTIVE GRANT: Special Permit - January 15, 2018, Variance - January 25, 2018

PROCEDURAL HISTORY:

1. Application to build a shed pursuant to the Zoning Bylaw Section 5.03 for property located at 74 Wilson Road, Nahant, MA was made by the above–referenced applicant, who is the owner/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 supporting signatures of abutters, owner statements, plans for a proposed shed by New England Outdoor, Mortgage Inspection Plan dated April 18, 2013 by Boston Survey, Inc. George C. Collins, Land Surveyor 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, Kim Mello and Dave Keane of 2 Parrott Road 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:
   - __X__ Jocelyn Campbell, Chair
   - __X__ Paul Morse, Member
   - __X__ David Walsh, Member
   - _____ Peter Barba, Member
   - __X__ Greg Keene, Member
   - __X__ Donnalee Leonardo, Associate Member
   - _____ Max Kasper, Associate Member

FINDINGS:

A. GENERAL

a. The Petitioner is Dylan Dobbyn and Ellen Culliton.

b. The Property consists of 1,884 square feet of land. The neighborhood is crowded.

c. On October 17, 2017, the Petitioner filed a Petition for a dimensional variance or special permit to allow construction of a shed in violation of Section 5.03 of the Zoning By-Laws.
d. The Board held a public hearing on December 5, 2017.
e. During the public hearing, the Petitioner proposed to construct a shed in excess of the maximum allowed pursuant to the Nahant Zoning By-law because, the applicant testified, it was needed to store his recreational equipment.
f. The applicant did not present sufficient criteria for a variance.
g. A motion brought by Paul Morse and seconded by David Walsh to find that the criteria for special permit was met was allowed.
h. A motion brought by Paul Morse and seconded by David Walsh to grant a special permit was allowed.

B. SPECIAL PERMIT CRITERIA

Section(s) 5.03 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 increase in size of the shed 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 the shed requested pursuant to §Section 5.03 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 Dylan Dobbyn and Ellen Culliton for such shed, pursuant to and in accordance with the terms and conditions stated below.

TERMS AND CONDITIONS:

1. 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.
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. The shed shall be constructed pursuant to the plans provided.

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

1. Paul Morse
2. David Walsh
3. Greg Keane
4. Donna Lee Leonardo

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

1. Jocelyn Campbell

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

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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.

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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 January 12, 2018 @ 10:30 AM

M.R. Barb Town Clerk