

**Nahant Planning Board**  
**Minutes of Public Hearing Held March 4, 2014**  
**Re: Bed and Breakfast by-law**

Pursuant to posted notice attached, a meeting was called to order at 8:33 pm by Mr. Hastings.

Present were: Richard Snyder, Cal Hastings, Carl Easton, Sheila Hambleton, Thom Donahue, Tony Roossien.

1. Sheila Hambleton read the Public Hearing posting (see attached).
2. Richard Snyder explained the purpose of the planning board.
3. Richard Snyder read the current "Roomers and Lodgers" by-law as well as a proposed change (see attached).
4. Wayne Wilson, Town of Nahant Building Inspector, explained that the process should determine what a "lodger" is and what a "transient guest" is. Also, when does this turn into a "business" in a residential district? Richard Snyder commented that we assumed it is a business but the "lodger" by-law exempts this.
5. Mr Tibbo of 78 Fox Hill Road referenced NFPA code, fire-code, life-safety issues. Mr. Tibbo demonstrated "typical" long term rentals by advertising in papers, craigs-list, vs Ms. Tanfani, of 76 Fox Hill Road, who advertises on a "B&B" web site. Ms. Tanfani is a neighbor of the Tibbos on Fox Hill Road and that her use of her home creates issue for him using his own property with regard to noise, security, property value, as well as this use in this zoning district.
6. Selectman Mike Manning mentioned that the grammar should be corrected in the title of section 4.06 and that it should define a "roomer" or "lodger". The term "per dwelling unit" is vague and should probably say "total". Mr. Manning also raised the issue of inspections, permits, licenses, and codes.
7. A comment was made about Newburyport having Bed and Breakfast language in their by-law.
8. Maria Walsh of 7 Harmony Ct. in Nahant commented that it would be nice to have a place like Ms. Tanfani's in town.
9. Tony Roossien asked where the line/difference is between a "home" and "Roomer or Lodger" with regards to inspections? Wayne Wilson explained that egress primarily with regard to life-safety.
10. John Coulon, Board of Health rep for Nahant introduced himself as a resident. He added that the Town has a mechanism for some level of enforcement by

inspection of every non-owner occupied dwelling for certificate of inspection. Mr. Coulon also mentioned that Rooming House/Lodging House as defined in the State Housing Code cannot have more than (3) three occupants beyond the second degree of kinship.

11. Cal Hastings mentioned that the Town does not have a "B&B" by-law but by not having one they are excluded and not allowed by that exclusion.
12. Vi Patek asked about liability – who is liable? The group consensus was that the owner is liable.
13. Terri Clark of Furbush Road commented that times are changing and she is in favor of updating the by-law. She mentioned tax codes with regard to B&B's. She is worried about sex offenders and that the law of reporting does not apply to short term roomers or lodgers. She also commented about gun permits for transients. She is not in favor of B&B's.
14. Mr. Snyder advised that we received a letter from Linda Tanfani and letters from abutters but would not distribute because it referenced a negative dispute with the Tibbos. Mr. Snyder will check with the Town Council on how to handle. Mr. Snyder read the letter that did not reference the dispute. (see attached).
15. Mr. Tibbo commented that with respect to inspections that commercial enterprise is a line of distinction.
16. Mr. Manning mentioned that the comment by Mr. Coulon with respect to the state code may be a guide for defining roomers and lodgers.
17. Mr. Snyder concluded the meeting and the meeting was adjourned at 9:53 pm.

Respectfully submitted,



Anthony Roossjen  
Recording Secretary

December 22, 2013

Nahant Planning Board

Hello. I'm Linda Tanfani, residing at 76 Fox Hill Road. I'm writing this letter to the board because I understand that you will be having a meeting in regards to B&B licensing and the 4.06 zoning by-law. I will not be able to attend said meeting, or meetings, because I will be out of state for the winter months. You may have already heard about me and/or my situation. As the decision to of whether to allow a B&B in town has been dropped on your board, I'd like to introduce myself and state my case for allowing zoning 4.06 to continue as is or allowing a B&B license

For the past two years, from June to October, I have opened my home to short term boarders and guests. Many are from Europe and most stay for 2 to 3 nights. There have also been guests from Canada, Australia, New Zealand, and most recently Iceland! When staying in someone's home, Europeans use the term B&B as a brand, as we tend to ask for a Kleenex as opposed to a tissue.

I am a 66 year old single woman who is very active in town. I belong to The Woman's Club, The Red Hat's, and The BiblioBabes book club. I run the Nahant Holiday Fair at the Town Hall where the proceeds are given to the Woman's Club Scholarship Fund. I was on the committee for Mitchell's Corner that gave its proceeds to town projects. I enjoy the warmth of many local friends as I have lived here since 1978, moving into the Bass Point Apartments after the Great Blizzard and then purchasing my home in 1983. I am a jewelry artisan, a spiritual healer, a Reiki Master, and a host to guests. I am also a grandmother of three bright and beautiful grand daughters who live in Ipswich, MA. I enjoy knitting, reading, collecting sea glass and beach china for my jewelry creations, cooking, walking my dog, gardening, and constantly fixing my home. I mention all this for two reasons. The first is that I keep as busy as possible and do not have time to spend, or interest in, my neighbors' personal lives and business. Second, as busy as I am, life still gets a bit lonesome living alone. Some time ago a friend who is in my exact situation suggested working with AirBNB as she does in Boston.

Since starting to take in boarders my world has opened. Imagine sitting in your living room chatting with a couple from Holland and a fellow from Germany. I may not be able to travel to Europe but now Europe has come to me. And I am no longer feeling so alone. What a brilliant idea as my friend Maya suggested.

Before I opened my home I researched the Nahant Town bylaws and found section 4.06 which I've strictly used for the operation of my small business.

Please let me tell you about AirBNB. They are a company from California whose stock tripled once it went public. (Wish I had got in on that!). I advertise with them because they vet their potential clients. In other words, if you wanted to stay at someone's home and you had never used AirBNB previous, you first have to fill out forms, give your social security number, show your license or passport, and themake a short film of yourself to match the face on the film to the face on the passport. When Air is sure you

are who you say you are, you can book and pay them by credit card, which is another safe guard. One does not host unknown strangers.

It doesn't stop there as I vet all potential guests, as well. I do not allow "partiers". I do not want a family with young children as my home is not child proof...and so on. I choose who I want to stay in my home for my comfort level. These guests are people of means. I lock nothing away, including my jewelry. I have never had one thing stolen or go missing. A few broken or chipped coffee mugs, but that is it. I feel very safe and I feel the town is safe, as well.

I also take in relatives and friends of towns' people who do not have sufficient room to house them on holidays and special occasions. I send guests to Captain's for breakfast and lunch and to Kelly's and the Tides for lunch and dinner. It helps Nahant's economy and also helps mine. Being a senior citizen on social security, I can breathe more deeply knowing I have some extra money coming in and that I have people full of life, adventure and laughter in my home. It is such a win/win.

I would like to mention that the term B&B is universal. It is a brand...like asking for a Kleenex when the correct word is tissue. Because I advertise on a B&B website, and it is called a B&B by most of my guests, I still am in compliance with 4.06, and that is how I would greatly prefer it to stay.

I've attached letters from my neighbors about my running on 4.06. As you will see, none have a problem and all encourage my small business. All, that is, except for the Tibbo's. I don't know what their complaint is because they refuse to talk with me about it. They refused the offer of mediation with the Nahant Police Department or the Selectman. They have been very mean spirited towards me. They harass and bully and stalk me as I'm sure you will see when they present all their many photographs. They will show you many cars in my driveway that holds up to six cars. Some photos they will show you are photos of vehicles belonging to friends, family, grandchildren, etc., and some, of guests.

I have been in compliance with the zoning of 4.06. I have off street parking, a shared kitchen, and we all use the same door. I also am attaching a letter from Mr John Conlon of the Nahant Board of Health who has found me compliant.

I would rather not run a B&B because I do not want a sign outside my door, nor do I want to take in anyone who asks to stay, as you must in a true B&B, without discrimination. Running with the 4.06 gives me control in who stays at my home. Having said that, I would comply with a B&B license if that is what the board and the towns' people vote for. I have two rooms that I rent and a third in case a grandchild or a friend would want to spend some time visiting me in our lovely town.

It's important that you know that it is very quiet at my home. Tina, directly across the street, has been living here since April 2013. She never knew I was taking in short term boarders even though she has a rather large view of my house, driveway, and property. I asked her if she noticed cars in my driveway. She said yes, but she thought they were relatives or friends and that she MYOB's. I wish I could say that was true of the Tibbo's, who have to leave their yard and walk down the street before seeing my driveway to take their many photos. The Tibbo's property is not overlooked by me or my guests. The Tibbo's have said at a Selectman's meeting that there are many empty nesters in town and they are

afraid this will be happening all around Nahant with outsiders using our beaches and parks. Really? Nahant is opened to all. But, in fact, most guests are not interested in spending much time in Nahant. They go into the city of Boston or up to Salem and Rockport to tour. Even to NH and Cape Cod.

Again, there has never been a disturbance or noise at my home. But there is lots of noise coming from the Tibbo's cutting their lawn at 7am, and the next day weedwacking at 7am, followed by the next day taking their trash out loudly at 6am, and the fourth morning starting up and revving the motorcycle at 7am, then roaring off only to return 10 minutes later. All this disturbing noise is directly under all of my bedroom windows. This occurs even if I am here alone. I awake startled, heart pounding, fearing a heart attack. Their actions are very mean spirited, petty, and a bit bullying, I would say.

The Tibbo's have also reported me to the ConComm for talking care of town land behind my home that I have been taking care of for the past 32 years. There appears to be a grudge against me that I don't understand. We had been friendly for the past 30 years. I mention this not to air neighbor squabbles, but to say that if no one else has any problem, then it must be their problem and it is all very sad and deeply unsettling for me. I have called the police many times to quiet the Tibbo's down and ask for mediation which they have refused. I would like this situation resolved to a win/win. If forced to stop it would create a financial and emotional hardship and I cannot see how having guests, which is NOT constant by any means, adversely affects the Tibbo's or affects them at all.

This is a long letter, but contains all that I would say if I could be at your meeting. There are police reports if you would like to ask to see them. I have listed all my activities to show that I am a well balanced woman who does not have time for this silliness. I'm afraid I am the Tibbo's hobby. They have compiled a full dossier on me that is filled with untruths and misleading information. I want to be left alone and I would like all their childish behavior to stop. Mostly importantly, I would like to be allowed to continue to have guests in my home.

I will abide by your decision, of course, and the decision of the town voters.

I thank you for all the work you do being on this board. It can be a thankless job. Thank you also for your time and attention to this matter.

Sincerely,



Linda Tanfani

76 Fox Hill Road

cell 978 239 6988

Nahant Planning Board

I'd like to state, for the record, that my neighbor Linda Tanfani at 76 Fox Hill Road has had short term boarders stay at her home for the past two summers.

There has never been a problem of any sort, including noise or parking issues. In fact, I never know if she has guests or friends and relatives visiting. When I have interacted with a few guests they have been very friendly and respectful. Having said that, we don't see many because they seem to go off in the morning touring and not returning until after eight or nine in the evening.

My wife, Julia, and I have no problem with Linda's situation. In fact, we think it's a clever way for a single, retired person to make extra money in this day and age. We believe she is only having a problem with one neighbor on the opposite side of her house and we cannot understand why that is. It is a non-factor as far as we are concerned and hope she will be allowed to continue her business. I know that she is in compliance with the zoning laws.

Please feel free to contact me if you would like any more information.

Thank you.

A handwritten signature in blue ink that reads "Micheal Gallagher". The signature is written in a cursive style with a large initial "M".

Micheal Gallagher

74 Fox Hill Road

To  
Board of Selectman

I have been a neighbor  
of Linda Tanfani for  
many years. I am not  
opposed to what she is  
doing. We have never been  
bothered by noise or traffic  
and have no opposition to  
her plan

Sincerely

Ellen Donahue  
69 Foxhill Rd  
Nahant, Mass  
01908

To whom it may concern,

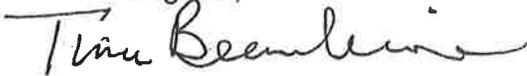
My name is Tina Beaulieu. I now live in Paul Cronin's apartment directly across the street from Linda Tanfani. The other day she came by to ask if I had a problem with her having roomers stay at her house. I actually started laughing and said I had no idea she had roomers.

She said that I may have noticed cars in the driveway. Now that she mentioned it, I guess I have, but I thought they were friends and family. There is never any noise so I have absolutely no problem with her roomers.

In fact, I am slightly jealous of hearing that Europeans as well as people from all over the country are across the street. I have asked if I can go over and meet some. How very interesting.

I would hope that you do not ask her to stop renting. I feel that it makes Fox Hill Road, and Nahant, more interesting.

Regards,

A handwritten signature in cursive script that reads "Tina Beaulieu". The signature is written in dark ink and is positioned to the left of the typed name.

Tina Beaulieu

77 Fox Hill Road

Paul Cronin <pcronin01@yahoo.com>

Nov 5

to me

Hi Linda,

I am sorry, but I don't feel comfortable writing a letter. I know I said I would, but I feel that puts me in the middle of the mess. I would rather stay out of the fray.

Off the record, i did stop by Quinn of Lynn this morning and talked to Perry. I went in with insurance questions, but brought this up with him. I told him that the people are not a constant thing and that it does not affect anyone in the neighborhood in any way, shape or form. I told him you were a great person and a great neighbor. I said, at this point you have to follow the rules because someone has brought it to your attention, but the whole mess is over nothing. He knows exactly what is happening and he thanked me for my input.

I also spoke with Kerri across the street this morning and asked her if she was speaking against and she said she was not getting involved. I told her it does not affect her in any way and asked her not to get involved. She said she was not.

I'm sorry and I hope this works out for you.

Paul Cronin did not want  
to go on record. He doesn't want  
any neighbor debates, and I can't  
blame him.  
He did say the highlighted —  
As it is on the record, please  
be discrete.

ROBERT A. DAVITCH  
1101 Market Street  
Suite 2700  
Philadelphia, PA 19111

November 26, 2013

Nahant Selectmen  
Nahant, MA

**RE: Linda Tanfani**

To Whom It May Concern:

My wife Wendy and I are close friends of Maria and John Welsh. In fact, Wendy has known Maria for more than 35 years. We have visited Maria and John many times over the years, and we have very much enjoyed our stays at Nahant. Prior to 2013, we stayed regularly at Captain Jack's, which is no longer in operation.

Wendy and I visited the Welshs most recently in August of 2013. Before our visit, Maria suggested that we contact Linda Tanfani, a friend of hers, who was kind enough to allow us to stay in her home during our visit for a few days. We very much enjoyed our time at Linda Tanfani's house, with one notable exception. Early each morning, at or before 7:00 a.m., we were awakened by loud, ear piercing sounds coming from Linda's neighbors' property. We heard a lawnmower, a weedwacker, trash cans being dragged back and forth across the pavement, and a motorcycle. We thought this was rude and obnoxious, especially because there was no need for this behavior so early in the morning, or on a weekend. The noises were grating and alarming, and it was apparent to me that they were being made purposefully.

If you need any further information, please do not hesitate to contact me at (215) 574-0600 (office) or (215) 990-1805 (cell phone).

Very truly yours,



Robert A. Davitch

RAD/do

All this comes with a happy, helpful, and interested hostess. No smoking in or out, please, and no strong perfumes. Well behaved, small, non-shedding dog lives here and will steal your heart.

My home is your home...please come and enjoy!

This is not a B & B...it is for short term roomers, as per our town code. Breakfast items are provided, but you must prepare it yourself.

*I have changed my ad to  
read this way →*

date

Hi Linda,

It was a pleasure staying with you. This was exactly what a B (note the missing B) should be like. A home away from home. The location is great and the company even better.

If we'll be around, we'd definitely consider staying with you again.

Good luck with scooter aka monster!

*This is from a guest who knew  
about the "Single B".*

## REPORT

Date: October 17, 2013

From: John Coulon, RS, Agent, Town of Nahant Board of Health

To: Andrew Bisignani, Town Administrator, Town of Nahant

Re: Complaint of Illegal Bed & Breakfast existing at 76 Fox Hill Road, Nahant

-I have conducted 2 interviews with Ms Linda Tanfani, Owner/Occupant of 76 Fox Hill Road.

-I have reviewed

<https://www.airbnb.com/rooms/436647>

<https://www.airbnb.com/rooms/548533>

<https://www.airbnb.com/rooms/561334>

<https://www.airbnb.com/rooms/1155681>

which are web postings by Ms Tanfani regarding the availability of her rooms (2) for rent, short term. Pertinent amenities include "off street parking", "continental breakfast",

-I have reviewed the available Town of Nahant Bed & Breakfast Regulation (1993) and the applicable Town of Nahant Zoning By-Law (4.06)

*-It is my conclusion that this property meets the threshold of a "Bed & Breakfast" as defined in the Town of Nahant Bed & Breakfast Regulation (1993), section 3.*

*-I have advised Ms Tanfani to either submit an application for a Bed & Breakfast License or cease the practice meeting this regulation.*

-It is my determination that as of yesterday, October 16, 2013, 76 Fox Hill Road is in compliance with the Town of Nahant Bed & Breakfast Regulation for Public Health matters with the exception of a valid license. The Board of Selectmen may direct other Town disciplines (Building, Plumbing, Wiring, Fire) to conduct inspections.

-NOTE: As of the writing of this report (October 17, 2013 at 5:00 pm) no appropriate application has been submitted to the Selectmen's Office.