

TOWN OF NAHANT
ZONING BOARD OF APPEALS
MINUTES OF MEETING
June 12, 2019

A scheduled and noticed meeting of the Nahant Zoning Board of Appeals was called to order by Chairperson Campbell at or about 7:00 P.M. at the Nahant Town Hall, 334 Nahant Road, Nahant, Massachusetts. Present were Board members, Campbell, Walsh, Barba, Kasper and Leonardo.

HEARINGS:

7:00 p.m. 7 Lodge Road, Petitioners Mark and Darlene Jarrell

The Board of Appeals held a public hearing on Wednesday, June 12, 2019 at 7:00 p.m. at the Nahant Town Hall, at the request of Mark and Darlene Jarrell, represented at the hearing by Anthony Roossien, seeking a special permit and/or variance in regard to property setbacks at **7 Lodge Road**. The Building Inspector has denied a building permit stating that the “proposed addition is in violation of Section 5.03” of the zoning by-laws of the Town of Nahant in the following areas: “The proposed Lodge Road Setback is 18.1’ where the minimum allowed is 25”” and “The proposed Tallwood Road Setback is 17.5’ where the minimum allowed is 25””. A hearing was advertised in the Lynn Item on May 29, 2019 and June 5, 2019. The application was presented by Anthony Roossien, Architect. The Board asked questions of the Petitioner. The Chair asked if there was anyone to speak in favor or in opposition. The Petitioner and his Architect spoke in favor of the petition. A letter in support was submitted signed by Anthony Roossien, 1 Copper Beach Lane, Christine Pescatere, 5 Lodge Road, Ellen S. Munnely, 6 Lodge Road, Promayau, 3 Lodge Road, Susan H. Kane, 5 Tallwood Road, Anthony Di Driminius, 5 Copper Beach Lane. No persons spoke in opposition. The Board deliberated and discussed the applicability of a Special Permit to the facts. A motion was made by Peter Barba and seconded by Max Kasper to make a finding that the setbacks and the increase in floor area ratio are not more detrimental to the neighborhood, all members were in favor (5-0). A motion was made by David Walsh and seconded by Peter Barba to grant a special permit, all members were in favor (5-0). A motion was then made by David Walsh and seconded by Peter Barba to add that the project must be built according to the plans presented for this appeal, all members were in favor (5-0).

7:30 p.m. 4 Fenno Way, Petitioner Daniel Taylor

The Board of Appeals held a public hearing on Wednesday, June 12, 2019 at 7:30 p.m. at the Nahant Town Hall, at the request of Daniel Taylor, owner of **4 Fenno Way**, for a Special Permit and/or Variance for a dormer. The Building Inspector has denied a building permit stating that the “proposed floor area ratio is in violation of Section 5.03” of the zoning by-laws of the Town of Nahant in the following area: “The proposed floor area ratio is 57% where the maximum allowed is 45%”. A hearing was advertised in the Lynn Item on May 29, 2019 and June 5, 2019. The application was presented by Daniel Taylor. The Board asked questions of the Petitioner. The Chair asked if there was anyone to speak in favor or in opposition. The following persons spoke in favor: Paula and Chesley Taylor of 30 Flash Road, Nahant, Tom and Lorraine Cornu of 42 Winter Street, Nahant. A letter of support was submitted by John McDonough, 40 Winter Street, Nahant. No persons spoke in opposition. The Board deliberated and discussed the applicability of a Special Permit to the facts. A motion was made

by Peter Barba and seconded by David Walsh to make a finding that the small increase in floor area ratio is not more detrimental to the neighborhood, all members were in favor (5-0). A motion was made by Peter Barba and seconded by David Walsh to grant a special permit with the condition that the project be built as presented pursuant to the plans presented, all members were in favor (5-0).

8:00 p.m. 157 Nahant Road, Petitioner Peter Rogal

The Board of Appeals held a public hearing on Wednesday, June 12, 2019 at 8:00 p.m. at the Nahant Town Hall, at the request of Peter Rogal, as a tenant, for the property located at **157 Nahant Road**, Nahant, MA, owned by Stephen Viviano, for a special permit. The Building Inspector has denied a building permit stating that the “proposed fish and lobster store” requires a Special Permit Use according to Section 4.13 of the Zoning By-Laws of the Town of Nahant, Table of Use Regulations. A hearing was advertised in the Lynn Item on May 29, 2019 and June 5, 2019. The application was presented by Steven Viviano, Owner of the property. Mr. Viviano stated that Mr. Rogal planned to operate a fish store and to sell other related items. The Board asked questions of the Petitioner, regarding square footage of the rented space, hours of operation, delivery of goods, and parking. The Chair asked if there was anyone to speak in favor or in opposition. The following persons spoke in favor: Steven Viviano, 47 Little Nahant Road, Nahant. No persons spoke in opposition. The Board deliberated and discussed the applicability of a Special Permit to the facts. A motion was made by Peter Barba and seconded by David Walsh to grant a special permit pursuant to the by-laws for a change in use to a fish store, that hours of operation shall not exceed 8:00 AM to 10:00 PM and all deliveries (to the extent possible due to the size of the truck) shall be at the rear of the building), all members were in favor (5-0).

8:30 p.m. 157 Nahant Road, Petitioner Kristen Lamando

The Board of Appeals held a public hearing on Wednesday, June 12, 2019 at 8:30 p.m. at the Nahant Town Hall, at the request of Kristen Lamando, as a tenant, for the property located at **157 Nahant Road**, owned by Stephen Viviano, for a special permit. The Building Inspector has denied a building permit stating that the “proposed Being Well Boutique” requires a Special Permit Use according to Section 4.13 of the Zoning By-Laws of the Town of Nahant, Table of Use Regulations. A hearing was advertised in the Lynn Item on May 29, 2019 and June 5, 2019. The application was presented by Kristen Lamando, tenant in the property. Ms. Lamando stated that she planned to offer healing services such as meditation and massage and that she is licensed in massage therapy. The board asked questions of the Petitioner, regarding square footage of the rented space, licensure, hours of operation, and parking. The Chair asked if there was anyone to speak in favor or in opposition. The following persons spoke in favor: Kristen Lamando, petitioner. No persons spoke in opposition. The Board deliberated and discussed the applicability of a Special Permit to the facts. A motion was made by Peter Barba and seconded by David Walsh to grant a special permit pursuant to the by-laws for a change in use to a professional business, all members were in favor (5-0).

Respectfully submitted,
Jocelyn Campbell
Chair