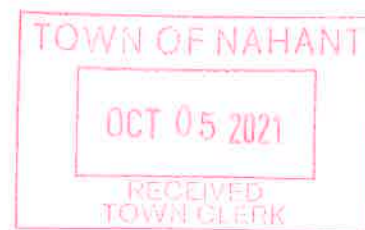


**TOWN OF NAHANT**  
**Planning Board**  
**September 23, 2021, 6 PM**



**LOCATION: ZOOM CONFERENCING, NAHANT, MA**

**Meeting Minutes**

Dan Berman called the meeting to order at 6:13 pm, stating that the meeting was properly noticed, and called the roll of those members attending:

Daniel Berman, Chairman – Here  
Calvin Hastings, Vice Chairman – Here  
Shelia Hambleton – Here  
Patrick O'Reilly – Here  
J Shannon Bianchi – Here  
Steven Viviano – Here  
Rob Steinberg, Recording Secretary – Here

Kristen Standish (alternative member) – Here  
John Stabile (alternate member) – Not Present

Public in attendance included the following persons:

Jeff Blake (Town Counsel)  
David Linhart (Counsel for Northeastern University)  
David Lurie (Counsel for the Nahant Preservation Trust)  
Bill Newell of MS Online News  
Hannah Chadwick of the Lynn Item  
WBZ-TV

Dan noted that we are now resuming the PB's deliberation on NU's proposed expansion and conducting our site plan review. Dan said he sent around a draft decision document as well as a document Shannon worked on related to FEMA.

Dan noted that we will not be taking input from Northeastern, the public or the press during the meeting today.

Dan next turned to the subject of voting on the proposed decision. Jeff Blake said that it is possible for the PB to have one vote on the decision, but Dan said he wanted to have a separate vote on each finding and determination to make them separate and independent.

Dan then had the members of the PB read the draft decision he had distributed. Dan asked the Recording Secretary to keep the vote tally on motions on a separate spreadsheet. **That spreadsheet showing the motions as well as discussions when applicable is attached hereto as Attachment 1 and**

**incorporated into these minutes by reference. Dan stated that he would be making adjustments to the working draft decision document during the course of the meeting and the decision document (which Dan will be revising during the course of this meeting) is attached here to Attachment 2.**

Sheila asked whether there was a reference in the draft decision to the fact the Conservation Commission rejected the petition, and Dan said it was noted in a condition and doesn't need to be a finding.

Patrick noted that the draft decision doesn't provide much information on the natural resource district. Patrick said the natural resource district applies independent of Dover. Dan said the Seventh Day Adventist case provides that Dover does not override natural resource regulation. Dan said we should say that without the protection of Dover, NU would not be able to proceed with its development initiatives.

Dan then began to review the draft decision attached hereto, noting that he changed the introduction.

Dan asked if the date of the decision is the date we file, and Jeff Blake, counsel for the Town, said it would be the date we filed.

Shannon asked to remove the third paragraph under Background regarding the size of the proposed structure. Patrick recommended replacing this paragraph with language that the designation of the East Point area as a natural resource area states an intention to minimize development rather than permit it to be increased. Dan said he can quote the bylaw on this point and its purposes.

Shannon asked that the paragraph related to the 2017 FEMA map should read that this map was not yet adopted by the Town at Town Meeting, and replace the term unapproved.

Dan said we need to pull back on our discussion of high tide and low tide. Dan said it is fair to criticize NU for counting the intertidal areas, but it is not really correct to say that NU owns only to the high tide line. Dan said the NU deed doesn't mention tide lines but rather provides the property extends to Massachusetts Bay so, according to the colonial ordinance, the ownership of the tidal properties goes with the land grant. Patrick argued that was incorrect. Dan said we can't state that NU doesn't own the tidelands because whoever owns the uplands owns the tidelands. Dan noted that there has been no conveyance of the tidelands separate from the upland area.

On finding of 5, Jeff Blake suggested we shouldn't state the law, and Rob and Dan said that finding shows our interpretation of the law.

After concluding the Planning Board's deliberations on the Northeastern site plan review, the meeting moved on to regular business.

Cal raised the issue of logistics on the visit to the Tides in connection with the construction and use permit for the 2/2A Wilson Road property, and Cal said he would send out proposed dates.



Dan noted that the meeting minutes yet to be approved will be circulated before the meeting on October 5, 2021.

Cal moved to close the meeting, seconded by Sheila. The vote was as follows:

Daniel Berman, Chairman – Yes  
Calvin Hastings, Vice Chairman – Yes  
Shelia Hambleton – Yes  
Patrick O'Reilly – Yes  
J Shannon Bianchi – Yes  
Steven Viviano – Yes  
Rob Steinberg, Recording Secretary – Yes

Meeting adjourned at 9:37 pm  
Meeting Minutes prepared by Recording Secretary Rob Steinberg.  
Approved by Planning Board on \_\_\_\_.

