

**TOWN OF NAHANT**  
**Board of Selectmen**  
334 Nahant Road  
Nahant, MA 01908

**PRSRT STD**  
**US POSTAGE PAID**  
**LYNN, MA**  
**PERMIT NO. 20**

**Warrant**  
**For the Special Town Meeting**  
**September 26, 2016**

**TO THE CONSTABLE OF THE TOWN OF NAHANT:**

**GREETINGS:**

In the name of the Commonwealth of Massachusetts, you are hereby required forthwith to warn the inhabitants of the Town of Nahant, qualified as the law directs, to assemble at the Town Hall for a Special Town Meeting on Monday the 26th day of September, 2016 at 7:30 p.m. then and there to act on Articles appearing on the Warrant.

**ARTICLE 1. (Zoning Amendment)** To see if the Town will vote to amend the Nahant Zoning Bylaw by adding a new section 14 entitled, "Bass Point Overlay District" consisting of the following sub-sections: Section 14.1-Purpose, Section 14.2 – Definitions, Section 14.3 – Overlay District, Section 14.4 Housing Affordability, Section 14.5 – Permitted Uses, Section 14.6 – Density, Section 14.7 – Dimensional Regulations, Section 14.8 – Performance Standards, Section 14.9 – Application for Special Permit, Section 14.10 – Procedures, and Section 14.11 – Decision, copies of which are available for viewing in the Town Clerks Office, or take any other action relative thereto.

**RECOMMENDED**

**The Advisory and Finance Committee** urges the voters of the Town of Nahant to approve the proposed zoning by-law amendment attempting to create the Bass Point Overlay District.

The purpose of this article is to change the zoning by-laws to facilitate the redevelopment of the Coast Guard Housing properties according to the plans approved by a special Town Meeting in November 2008. This plan would replace the existing single family homes with no more than 8 single family homes plus a multi-family dwelling of no more than 20 units with up to 25% set aside for low income residents. Without appropriate zoning, developers are reluctant to bid on this project. This article deals exclusively with adding an overlay zoning district and does not directly deal with the development plan put forward for the Coast Guard Housing project.

Having met with Chair of the Planning Board and the Chair of the Coast Guard Housing Design Development Advisory Board (CGHDDAB) to review the proposed zoning by-law amendment, the Advisory and Finance Committee concludes that approving the zoning amendment will help the Town achieve its goal of attracting competitive bids for the Coast Guard Housing project. The project was previously approved by the voters of the Town at a Special Town Meeting on November 10, 2008 to be sold for \$2,202,062.00. Due to market conditions at the time, the sale ultimately fell through and the Town has continued to operate the units as market rate rental units. Since 2008, the Town has attempted to obtain bids on the property with the current zoning in place, and only received one response to its December 2015 Request for Proposals (RFP) for the project, which the CGHDDAB did not view favorably. The CGHDDAB is preparing a new RFP and all parties involved have concluded that to secure the most favorable bids, the Town must address the zoning concerns by creating the Bass Point Overlay District prior to issuing the RFP.

By creating an overlay zoning district, the town is attempting to minimize potential risks that would steer developers away from submitting bids on the project. Without an overlay district, a potential developer would be forced to place a bid on the property and hope that the zoning would be approved at a later date. This approach would delay development and detrimentally impact the town's delicate finances. Currently, the town utilizes the close to \$125,000 of net revenue generated from renting the units known as the Coast Guard Housing to balance our budget. A delay in the development process could leave the land in question dormant

**SPECIAL TOWN MEETING**  
**\* ZONING BY-LAW AMENDMENT \***  
**Monday, September 26, 2016**  
**7:30 PM**  
**Nahant Town Hall**

for an extended period of time while the proper zoning approvals are sought, delaying the eventual creation of a new tax base for the town. Any delay in revenue from this parcel could have serious detrimental impacts on the town's finances and could create a budget short-fall while the land sits undeveloped and neither earning rent for the Town nor bringing in new tax revenue. Minimizing the administrative hurdles to complete the approved project would reduce the amount of risk to the town's operating budget. The Advisory and Finance Committee strongly urges the Board of Selectmen and Town Administrator to consider this temporary loss of income in negotiating a letter of understanding with any developer and hope they would include some sort of payment in lieu of taxes during the development period to offset the lost revenue while the project is being developed.

Additionally, the Bass Point Overlay District makes no changes to the current zoning by-laws throughout the town and would only be utilized if the project as presented was put forward. As was explained to the Advisory and Finance Committee, there is no risk to the dimensional requirements, density, setbacks and other fundamental tenants of our zoning by-laws throughout the town.

The adoption of this zoning by-law amendment grants the Planning Board the power to review a Special Permit Application which shall require that the project contain no more than 8 single family homes in Zone A, which is in the Castle Road corridor, and that the project contain a multi-family dwelling in Zone B, not to exceed 20 units. Assuming the project meets the requirements of the by-law, the Developer should be awarded a Special Permit. After receiving the Special Permit, the Developer will then be entitled to a building permit assuming compliance with the zoning and building codes. The process envisioned by the by-law change has been utilized by other communities who have looked to foster development of certain parcels of land and has proven to be effective in the goal of stimulating development.

The zoning by-law amendment also requires that portions of the eventual project retain some units for affordable housing. These units would be owner occupied, would have income restrictions, and would be restricted to a minimal percentage growth in value as set out by State statute. The affordable program would be administered by the Board of Selectmen to qualify and award units of the affordable program to eligible buyers. The Advisory and Finance Committee urges the Board of Selectmen to employ a neutral third party to administer the qualification and award process. Many other communities use a lottery system after qualification to make sure that the units are awarded in a fair manner. The Advisory and Finance Committee encourages the Board of Selectmen to follow a similar process.

The members of the Advisory and Finance Committee present at our last meeting unanimously voted to recommend this article and encourage the residents of Nahant to approve the zoning by-law amendment as presented.

**COAST GUARD HOUSING DESIGN DEVELOPMENT ADVISORY COMMITTEE SUPPORTING STATEMENT:**

As far back as 2008 the Town has proposed that the Military housing, located at the corner of Castle and Gardner Roads, be re-developed to contain eight (8) single-family houses and a twenty (20) unit condominium building(s). The purpose of this development was, in part, to introduce more varied forms of new housing to Nahant for the benefit of all as such housing does not now readily exist. The underlying zoning does not permit the re-development of this property as so envisioned. Article 1 proposes a zoning amendment that is specific to the town-owned land and would modify the existing density and area requirements within the Town Zoning Bylaw in order to permit the desired re-development. Any proposal under this new zoning amendment would require a special permit from the Planning Board as means of safeguarding that a re-development project would meet the construction specifications delineated in the Coast Guard Housing Design Guidelines established by the Town. Twenty-five (25%) of the developed units must be affordable as defined by the State. It is important to emphasize that the proposed zoning amendment provides controls that ensure that the resulting project is in conformance with the expectations of the town.

Additionally, before a redevelopment proposal can begin on this land, the Town must issue a Request For Proposal (RFP) which will yield a recommended development party, then the town will negotiate a Land Disposition Agreement (LDA) that specifies all desired controls over the project, the RFP award recommendation and the LDA must be voted on at the annual Town Meeting, and then the project must proceed through all required State and Local permitting processes. This overall process is expected to take between 12-16 months to complete and must all occur before the selected developer can start any construction on the site. It is important to emphasize that each of these steps works to incorporate Town controls regarding the initial development and long-term use of the land, ensuring that any failure in the process will result in the Town retaining the property and being held financially harmless, and will create penalties for non-compliance with the expressed requirements.

Assuming that the Special Town Meeting approves the proposed zoning amendment, it is the intent of the Town to issue an RFP by late October with an anticipated award by no later than late December.

Perry Barrasso, Chairman  
Coast Guard Design Development Advisory Committee

**PLANNING BOARD SUPPORTING STATEMENT:**

The Nahant Planning Board recommends adoption of these changes to the Nahant Zoning By-laws for the reasons stated by the Coast Guard Housing Design Development Advisory Committee.

Richard Snyder, Chairman  
Planning Board