



## TOWN OF NAHANT

### Planning Board

April 5, 2022

Dan Berman called the meeting to order at 6:09 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  
Sheila Hambleton – Here  
Patrick O'Reilly – Not Present  
J Shannon Bianchi – Here  
Steven Viviano – Here (joined at approximately 6:15 pm)  
Rob Steinberg, Recording Secretary – Here

John Stabile (alternate member) – Here

Dan Berman asked for approval of the March 15, 2022, minutes of the Planning Board. Cal Sheila so moved, seconded by Cal.

Daniel Berman, Chairman – Yes  
Calvin Hastings, Vice Chairman – Yes  
Sheila Hambleton – Yes  
Patrick O'Reilly – Not Present  
J Shannon Bianchi – Yes  
Steven Viviano – Not Present  
Rob Steinberg, Recording Secretary – Yes

Dan Berman then asked Shannon the status of the indexing, and Shannon said he had not made progress. Shannon said he would confer with Dan on how to do the indexing.

Dan asked Steve about progress of the short-term housing committee. Steve said there was more discussion on airbnb's, and hosts called in and shared their experience. Steve said the committee would not expect a proposal for Town meeting. Steve said in the first meeting Wayne Wilson said he wants to eliminate illegal uses. Steve said they reviewed Newton and Cambridge regulations and said they were largely not relevant. Steve said if can't rent for Airbnb you shouldn't be able to rent for auxiliary dwelling units ("ADUs"). Steve said the rules need to be virtually identical. Defining short-term rentals is tough – should it be any unit that is not a one-year lease, or 60-90 days, etc.? It likely isn't just airbnb's or that type of housing. Dan said ADU's are essentially homes that meet Town requirements, but short-term is different because it could be a room in a house (which isn't allowable as ADU's). Dan, in response to Shannon's question whether we want to allow short-term rentals and ADU's, said the ADU's and short-term rentals are widespread in the Town even though they're not allowed, and we need to determine whether to enforce the existing bans or create new rules, or just shut them both down. Dan

says we need to protect the Town to provide safety but provide for flexibility. Shannon thought we should poll the public.

Tony Barletta said that he agrees with Dan's viewpoint. He said the Committee is looking at rules and regs about what is a legal space that can be rented, and it should align with the current code and what the PB proposes for ADUs. Tony said there are illegal apartments that may be registered through the State as a short-term rental, but the State isn't checking. Tony said the committee's job is to recommend regulations that protect the Town and safety, but not to determine whether to allow short-term rentals in the Town.

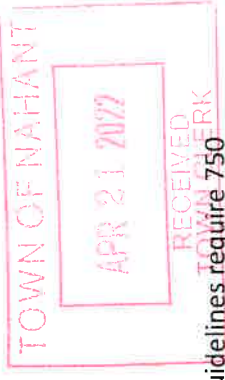
Dan said one of major distinctions between an ADU and short-term rentals is that if renting a small apartment, you think of it as your home. But if in short-term housing, you have a less of an incentive to take care of the place and not disturb your neighbors. Airbnb and VRBO have their own rules to protect the Town, owner, and neighbors, and an ability to enforce. Shannon said he is hesitant to make rules to help a for-profit house sharing business. Dan said the goal is not to accommodate Airbnb but protect the Town and others.

Tony said that Town wants to make sure the rental is safe, that the characteristics of the Town are not impaired as well as dealing with off-street parking.

Dan then turned to work of the subcommittee for by-law review, including ADUs. Dan read Josh Antrim's note that the PB consider reducing the FAR requirements and subdividing lots.

Dan then asked is it permissible for a member of the PB to attend a subcommittee of 3 members of the PB. Dan Skrip said that the additional person can listen but not deliberate and not violate the open meeting law. Dan Skrip said the better approach is to notice a meeting of the full Board. Dan Skrip said that 4 members of the PB cannot deliberate without such a notice to the public. Dan Skrip said that one person from the subcommittee could talk to a PB member and go back to the subcommittee.

Dan then turned to the MBTA housing requirements. Tony said that MBTA requires multi-family units, and some of the regulations of DHCD could create significant problems for Nahant. Tony said the responsive letter to the DHCD put together focuses on the statute and the guidelines that went beyond the statute, the impacts of the guidelines on the Town of Nahant, and recommended changes. As a MBTA community without any station in our Town, we are required to have a multi-family zoning district. Tony asked if DHCD would support amending the law to allow exemptions for communities that are covered but don't have stations. The guidelines say that the multi-family units need to be 50 acres with a minimum of 500 units. Tony said the approach didn't make sense and a percentage-based approach made more sense (such as 10%). Tony said the North Shore station is 2.5 miles from developable land so we couldn't be within a half-mile from a station as required by the proposed regulations. Sheila asked if we could pull out of the MBTA since so few people use public transportation from Nahant (we average less than 1 person per trip). Dan Skrip said we are called out in the statute as a MBTA community so we can't just pull out.



Dan Skrip said, even if we zoned the current multi-family units in the Town, the guidelines require 750 units and 50 acres so we wouldn't comply. In addition, the statute said 15 units per acres minimum. If they got rid of the contiguous acreage requirement, and went with a % requirement, we could potentially meet those requirements with some of the existing multi-family units in town (Bass Pt Apt, and the condos in Town). If we don't get relief, we will have to push toward removing ourselves as a MBTA community. The statute says if you can't have the zoning district close enough to the MBTA facility, there can be an exemption.

Rob asked what the enforcement mechanism is if we can't comply. Dan Skrip said they could deprive us of money from 3 buckets under the statute (but we don't currently utilize them), but the guidelines add a bucket of money we could lose that could be a problem (and we don't believe they can hold other grants and funding hostage). DHCD did admit the requirements didn't make sense for Nahant, but they want to produce new units of housing across the state. They said Nahant may not have been an intended community, but Massachusetts needs housing. If we were no longer a MBTA community, we would [no longer??] have the busing service, but we could potentially run our own shuttle bus to connect with the MBTA. The legislative fix is to remove ourselves as a MBTA community or allowing us to be subject to an exemption (given that we tried to work with DHCD). Our Senator (Senator Crighton), the sponsor of the original legislation, would say that covering Nahant wasn't the intent of the legislation (we are already 98% residential given the wetlands and floodplain). Dan Skrip noted that the statute is fine, but the guidelines create problems, and they are expected to be out this summer.

Tony said the PB could write comments to DHCD, and Dan suggested we do that. Dan asked that Shannon write a letter to the DHCD in collaboration with Dan and submit it for review at the next meeting.

Tony then brought to the PB's attention that there is an article in the warrant is expanding the storm water bylaw. It makes no changes to PB jurisdiction, but the permit requires that we include new language to the bylaw and that there be an administrative process to the building permit process with the PB review at an acre plus. Tony said he would send the proposal to the PB to provide feedback before it is finalized for the warrant. The warrant goes to print April 22<sup>nd</sup>.

Dan then turned to the marijuana bylaw. Dan Skrip said we can submit the wording of the zoning bylaw for the warrant when we notice the hearing. The hearing needs two weeks' notice, and then we could write a report or deliver the recommendation verbally.

Dan asked if there is a motion to adjourn the public meeting and go into an executive session pursuant to G.L. c. 30A, §21(a)(3) to discuss strategy with respect to litigation – Northeastern University Marine Science Center, 430 Nahant Road, Nahant, v. Town of Nahant Planning Board. The chair noted that an open meeting may have a detrimental effect on the litigating position of the public body. Cal moved to adjourn to executive session, seconded by Sheila. The vote was as follows:

Daniel Berman, Chairman – yes  
Calvin Hastings, Vice Chairman – yes  
Sheila Hambleton – yes

Patrick O'Reilly – Not present  
J Shannon Bianchi – yes  
Steven Viviano – yes  
Rob Steinberg, Recording Secretary – yes

The Chairman then stated that the Planning Board would not return to a regular session after the conclusion of the executive session.

Public meeting adjourned at 8:26 pm.  
Meeting Minutes prepared by Recording Secretary Rob Steinberg.  
Approved by Planning Board on April 19, 2022.