



TOWN OF NAHANT

Planning Board

March 15, 2022

Dan Berman called the meeting to order at 6:07 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 – Joined at 7:10pm
Patrick O'Reilly – Joined at 6:15 pm
J Shannon Bianchi – Here
Steven Viviano – Not Present
Rob Steinberg, Recording Secretary – Here

John Stabile (alternate member) – Here

Dan Berman first addressed the ZBA package for 40 High Street. Dan noted that the garage is 20 feet high instead of the maximum of 16 feet high. The consensus was there isn't a policy or other reason for the PB to get involved

Dan Berman then asked for approval of the March 1, 2022 minutes of the Planning Board. Cal so moved, seconded by Pat.

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

Dan then turned to the short-term housing committee. Dan noted that Steve was not present so we cannot address. On the auxiliary dwelling unit ("ADU") subcommittee, Pat noted that the subcommittee (with Sheila and Shannon) had not met. Dan noted that this could be an opportunity for senior housing or other housing opportunities. Pat said we need to determine if there needs to be a familial relation and Dan said they need to be small units or have a max occupancy. There is also an issue of whether they can be detached. Pat and Shannon noted that we may need to inform the Town that this issue probably will not be ready this year. Patrick noted the interrelationship with the short-term housing provisions. Shannon said that ADU's are currently not permitted even though they exist in Town, and Shannon and Dan noted that we could say we don't want to permit it. Pat suggested there is an incremental approach of allowing in-law apartments as long as they meet safety requirements. Dan noted that the subcommittee meeting is a public meeting and then discussion ensued about how to publicize the meeting. Michelle Capano noted that Town posts on its Facebook website for important

meeting as well as on the Town site, and it can be shared with other Town social media. Dan noted that we should inform residents in such posting to submit comments outside of Facebook.

Dan then turned to the marijuana establishment ("ME") discussion. Shannon first discussed what we can and can't do as a Town. Shannon said there is a limit to how restrictive we can be. Shannon said the proposals in the document distributed by Rob are within the restrictions the Town can impose. Dan said we are more limited on imposing restrictions as opposed to requirements for the application, for example, as well as reports and updates.

Shannon noted that the ME starts with obtaining a host agreement with the Board of Selectman before the permit proceeding. Shannon said if the community wants more restrictions, they are less necessary in Nahant because, for example, we don't have any 5k square foot space for cultivation.

The PB went thru the list of proposals one-by-one.

- The PB decide that we don't need to further define open and visibility, and we will continue to have regulatory authority as approved.
 - In terms of limitations on use, the PB addressed what on-site consumption means and whether you have to leave the site and go home or the place you intend to go. Shannon noted that these issues are covered in the regulation. As to hours of operation, the PB discussed whether to make it seasonal or by daylight. Shannon said he didn't believe we can restrict hours of operation because we don't like it. Dan said the Town already has business hour restrictions. Pat asked whether we want to make the BOS the regulating body instead of us since they approve the hosting agreement.
- Dan noted that we can reserve the right to override our own rules, but we should have a time of operation and have different times for summer and the rest of the year. Pat noted that time of operation might be better for regulations than a bylaw. Shannon then read from guidelines noting that bylaws can be issued but are not required but the bylaw cannot be unreasonable or impracticable to prevent a person from operating an establishment.
- Limiting customers in store. Shannon said the state regulations speak to that and the fire code limits people in the store. The consensus of the PB was to not be concerned about crowding in the regulations. Rob said we could ask the expected capacity limitations in the application itself and what the fire law requires and what their own limits would require.
 - Ventilation. Shannon noted the Town does have limitations on noxious fumes, and doesn't know if that restrictions covers it. Dan asked whether marijuana is a noxious odor (it isn't a poison) and said if we want to prevent it we need to do it here.
 - Signs. Rob noted that the provision was adopted by Southbridge.



- Distance. Shannon thought the restrictions Dan proposes would not pass muster as to restrictive. Dan said we first need to determine if we want specific restriction and then determine if legal or feasible. Pat noted that the restaurant limitations would allow a ME in Nahant. And, the limitation on smoke shops is unnecessary. Dan said that school bus stops or places where kids hang-out getting ice cream should not be near the ME. Pat said he is on board with the school and playgrounds.

Shannon said that it is possible that residents of Nahant may wake up and decide that they don't want to allow MEs. Shannon said Nahant could opt out and not allow MEs. Dan said making that determination isn't our job; we are tasked with creating appropriate rules.

Shannon said as an action item we are going to reach out to Dan Skrip, but we have to make a recommendation first.

Pat mentioned reporting to the Board of Selectman on the special permit and the host agreement.

Dan asked about determining a nuisance and who would do it. Rob said he would go back to see how Southbridge handled the issue, and whether the PB has authority to pull the permit if it believe the ME is nuisance.

Dan asked for a motion for Rob and Shannon to prepare a clean draft of the proposal and go to Dan Skrip to determine the legality and practicality of limitations. Motion by Cal and seconded by Pat. The vote was as follows:

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

Dan noted that the community planners meeting is tomorrow and Dan asked if John Stabile would attend. John said he would. Dan said there is a meeting on multi-housing and we need someone to attend. Sheila said she will look at it and also send to Steve Viviano to see if he can attend.

Dan said he submitted the PB annual report and it will be on the website shortly. Dan said the deadline has passed to file papers to run for either Planning Board seat in the upcoming election. Dan asked who will be on the ballot and no one knew.

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 – yes
J Shannon Bianchi – yes
Steven Viviano – Not present
Rob Steinberg, Recording Secretary – yes

The Chairman then made a declaration of detrimental effect to allow the executive session, and stated that the Planning Board would not return to a regular session after the conclusion of the executive session.

Dan then asked for a motion to adjourn the meeting. Sheila so moved, seconded by Cal. The vote was as follows:

Daniel Berman, Chairman – yes
Calvin Hastings, Vice Chairman – yes
Sheila Hambleton – yes
Patrick O’Reilly – yes
J Shannon Bianchi – Not present
Steven Viviano – yes
Rob Steinberg, Recording Secretary – yes

Meeting adjourned at 8:16 pm.

Meeting Minutes prepared by Recording Secretary Rob Steinberg.

Approved by Planning Board on April 5, 2022