

**TOWN OF NAHANT**

**Planning Board**

**October 4, 2022**

The Chairman called the meeting to order at 6:00 pm, stating that the meeting was properly noticed, and then calling the roll of those members attending:

Rob Steinberg – Chairman - Here  
Calvin Hastings, Vice Chairman - Here  
Sheila Hambleton – Here  
Patrick O'Reilly – Not Present  
Steven Viviano – Joined at 6:08  
J Shannon Bianchi, Corresponding Secretary – Here  
John Stabile– Recording Secretary - Here

James Dolan – Here  
Michelle Capano – Joined at 6:05 pm

The Chairman first asked for approval of the meeting minutes of September 6, 2022. So moved by Sheila, seconded by John. The vote was as follows:

Rob Steinberg – Chairman - Yes  
Calvin Hastings, Vice Chairman - Yes  
Sheila Hambleton – Yes  
Patrick O'Reilly – Not present  
Steven Viviano – Not present  
J Shannon Bianchi, Corresponding Secretary – Yes  
John Stabile– Recording Secretary – Yes

The Chairman then asked for approval of the minutes of the joint meeting of the Board of Selectmen and Planning Board of September 7, 2022. So moved by Sheila, seconded by Cal. The vote was as follows:

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

The Chairman then asked for approval of the meeting minutes of September 20, 2022. So moved by Cal, seconded by John. The vote was as follows:

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

The Chairman asked Shannon Bianchi to update where we are with dirt at Coast Guard Housing and Bear Pond. On dirt, the BOS has been advised of Shannon's idea to use the dirt in Nahant. The BOS told Shannon they will advise when engineering study is completed.

On 89 Willow Road, Sheila presented the issue to the PB, and it was the consensus of the PB to write a letter to the ZBA that the PB has no reason to object to the Building Inspector's determination on this matter.

On auxiliary housing, the PB determined to address the issue later at the Board level instead of in a subcommittee.

The Chairman then clarified the role of the PB with respect to short-term housing. The Chairman noted that our current goal is to provide ideas on zoning issues related to short-term housing to the short-term housing committee. The Chairman noted that the PB could recommend zoning bylaws for Town Meeting separate and apart from the short-term housing committee but is awaiting the determination of the short-term housing committee and hopes to defer to that committee on zoning issues related to short-term housing.

The Chairman next turned to specific short-term housing issues. The first issue is what constitutes residential use. The Chairman stated that residential use is lodging with no commercial event, ancillary use related to commercial event or service related to food). Dan Skrip said defining residential use isn't necessary because Massachusetts has a law indicating that short-term housing is residential. Dan noted that the court in Massachusetts could have ruled a short-term rental is a business, but chose instead to focus on the nuances in ordinances, which is indicative of a court acceptance that short-term rentals are not commercial

The Chairman raised the issue of when does the number of lodgers becomes so large that the use of the house is commercial. The PB generally agreed that there should be a limit of two persons per bedroom and an overall capacity limit if 6-8 registered guests. The issue of nonregistered visitors came up, and the Chairman said that we would address this issue as we proceed through the issues. John noted that the acceptance of tax receipts, which Sheila said has occurred, is de facto acceptance of short-term housing.

Shannon raised the issue of whether Steve Viviano should be allowed to make comments in the discussion since he has an interest in a trust that runs Airbnb's in Nahant. The Chairman asked Dan Skrip to state his legal position and ruled that we will stand by our motion to allow Steve to represent us on

the short-term housing committee and will allow him to discuss matters related to short-term housing in a context where we are not recommending a bylaw to the Town, but rather giving a preliminary recommendation to a committee.

Shannon noted that we do not need to address parking issues since they are already covered in the Town by-laws. Michelle said we have to look at parking in different parts of the town differently depending on congestion and other matters due to impacts on emergency vehicles and other reasons. If a house has two off-street parking spaces, we should not allow more for short-term housing. The Chairman noted we will address parking later in our deliberations.

Shannon asked whether alternate members should be allowed to voice their comments during our discussion of short-term housing. The Chairman asked Dan Skrip whether there was a legal ban from him allowing alternate members to comment, and Skrip said there was not, and it was within the discretion of the Chairman. The Chairman said he would exercise his authority to allow comments by alternate members.

Steve noted that you can't take a two-bedroom house and rent each bedroom out separately (noting there can only be one rental party, even if unrelated (per dwelling unit)).

The Chairman raised the issue of a capacity limit if 3 unrelated parties were in a unit and there was one common bathroom. John Stabile said that matter would be self-regulating and the PB did not have to address. The Chairman accept John's viewpoint.

The Chairman raised the issue of whether there should be a different capacity limits for short-term housing in commercial areas of town, and the consensus was there was no need since the commercial areas were so small.

The Chairman next addressed the issue of whether there should be a minimum duration on short-term housing in order to reduce churn at these dwellings. The consensus is that most short-term rentals in Nahant are a very short duration but that at least a 2-night minimum made sense. Steve expressed the view that a long minimum would be problematic since short-term was typically used for events like weddings.

Questions were raised about coordination with the short-term housing committee. The Chairman noted that he emailed the Chairman inviting him to speak to our committee but did not receive a response. It was asked whether we could coordinate better with the short-term housing committee and the Chairman asked that this issue be raised by our representative Steve Viviano. Jimmy Dolan asked Steve where the short-term housing committee was in its deliberation and Steve generally noted that the committee was in a fairly early stage in developing a regulatory framework.

The Chairman then noted that we have been going for almost one hour and thirty minutes, and we should continue the discussion at the next meeting. The Chairman stated that he will be out-of-the country for the next meeting so it is moved until Tuesday, the following week. The Chairman said it will

take at least 2 more meetings to get through all the issues, and that his expectations is that we will likely not issue preliminary recommendations until in and around Thanksgiving.

The Chairman asked for a motion to adjourn. Cal so moved, seconded by Steve. The vote was as follows:

Rob Steinberg – Chairman - Yes

Calvin Hastings, Vice Chairman – Yes

Sheila Hambleton – Yes

Patrick O'Reilly – Not Present

Steven Viviano – Yes

J Shannon Bianchi, Corresponding Secretary – Not present (left 7:15)

John Stabile– Recording Secretary – Yes

Public meeting adjourned at 7:27 pm.

Meeting Minutes prepared by Recording Secretary and Rob Steinberg.

Approved by Planning Board on October 25, 2022.