

TOWN OF NAHANT

Planning Board

November 21, 2022

The Chairman called the meeting to order at 6: 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 –Here
Steven Viviano –Here
J Shannon Bianchi, Corresponding Secretary – Not Here
John Stabile– Recording Secretary - Here

James Dolan – Not Here
Michelle Capano – Not Here

The Chairman first asked for approval of the meeting minutes of November 1, 2022. So moved by Cal, seconded by Sheila. The vote was as follows:

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

The Chairman then noted that a member of the PB has stated that he believes people who are owner/operators of short-term housing on the PB should agree not to operate short-term properties for a period of years before they are permitted to make any comments. The Chairman said he would like to further discuss this issue, and then determine my decision as Chairman on whether to permit these persons to make comments.

Patrick noted that if we were to recommend different regulations for the business district, we would have to look at conflicts differently.

The Chairman decided to allow owner/operators on the PB to make comments. However, he said he would identify those members and alternative members of the PB who own or operate a short-term rental at each meeting in which this item is discussed, as well as any such person who lives next door to an active short-term rental, and will ask any member of the public who is recognized to speak to so identify themselves. The Chairman then identified that Steve Viviano has a beneficial short-term housing in Nahant via a trust, and Jimmy Dolan owns and operates short term housing in Cape Cod.

The Chairman next turned to the 238 Wilson Road (Ackerman) and 10 Wilson Avenue (DeCamp) application to ZBA. Sheila noted that the Decamp's have a porch encroaching over the lot line into the right-of-way and there is no parking because the area is blocked. In September 2021, we did note on a previous plan filed after a fire on the property, and the application didn't meet the timing requirements for grandfathering and expressed concern over the number of variances. Corresponding Secretary to notify ZBA of that comment because parking is needed on the lot for Decamp, and the Ackerman's are asking for an exorbitant amount of variances as we commented before (we don't know the extent of the difference between this application and the previous application).

The Chairman turned to the remaining issues to be discussed relating to the PB's preliminary recommendations on short-term housing for the short-term housing committee. For each proposal, the comment or recommendation is noted in the block indented statement.

Issue 4 continued – Who Can Qualify for a Permit

Multi-unit dwellings must have a minimum of 10 or more units to receive a permit for short-term housing.

Determined this provision is excessive and not applicable because we only allow single family units (others are grandfathered).

Dwellings that are subject to an outstanding building, electrical, plumbing, mechanical fire, health, housing or zoning code enforcement (including notices of violation, notices of cure, orders of abatement, cease and desist orders and corrective actions (or if there are any outstanding building permits for the property) or in which there are unpaid taxes, fees (including water, sewer and trash) or assessments may not receive short-term rental permit (or continue to hold one)

All agree except that is permit rule as opposed to a by-law. We already have provision if you have a lien on your property, you can't get a building permit and that is in the by-laws. Steve noted that the Town should be able to revoke the license if the violation or problem occurs after the grant of permit.

Owners need not reside in the property during the short-term rentals and need not reside in Nahant during part or all of the year. (Note some require dwelling be primary unit 9 months per year); however, the owner must appoint a nearby operator as detailed below.

We don't think these fits well with Nahant lifestyles. If we want to limit, there are other ways to limit the number of short-term rentals. Sheila said we can't propose anything contrary to State law.

Issue 5 Capacity Limits

Proposed view

The maximum occupancy shall be set at one (1) more than twice the number of bedrooms (e.g., five (5) for a two (2) bedroom unit). (Newton is 3 room maximum). The dwelling's bedroom count is based on the assessors' records (legal bedroom) and shall include accessory units

PB likes this limit. John raised whether it should be more. Sheila raised issue whether short-term rental can only be accessory unit, and Rob will look into it. Steve said it is important to limit occupancy and doesn't want to limit family units. Rob said they could set a range>

Steve recommends rule that occupants two year older will be counted in the number of limits.

The unit must be rented for 2 days or more to each guest

Unit must be rented to one party at a time and not rented as separate bedrooms or spaces to separate person

Maximum number of visitors (non guests) in the house is limited to in and around 5.

Issue 5: Prohibited Uses

Commercial uses are prohibited in short-term rentals. Such uses include, without limitations, accessory uses for an event center, service of food and drink for payment or use as a bed & Breakfast, rental for meetings.

No excessive noise or outdoor activities or other disturbances between 10 pm and 8 am.

No signage is allowed for a short-term rental.

Issue 6: Parking

Proposed View:

On-site parking of one space per short-term rental bedroom the permit would specify the number of parking spaces given the lay-out of the driveway. Vehicles of visitors/guests in excess of this amount must receive a parking pass (fee amount for short-term housing tbd) from the Nahant police with the pass conspicuous on the front dashboard. Excess parking for registered guests will be granted at the discretion to the permitting authority.

Motor home, recreational vehicle, boat, commercial vehicle, or otherwise prohibited motor vehicle on the premises of a short-term rental or on a residential street near a short-term rental.

Prohibited for person to pave or otherwise cover previous soil to create additional on-premises parking without amendment to a short-term permit and permit from the Building Inspector.

Problematic because you could create the driveway prior and, in any event, need approval from the building inspector.

Issue 7 Notifications and Recordkeeping

Proposed View

Owner shall post a notice with the following information in a conspicuous place and owner sends it to guest to acknowledge they will abide by these rules

Owner certificate of registration

Contact information for Operator and whom to call in an emergency

Instructions for recycling and waste disposal

Requirement that dogs be leashed and use a pooper scooper

Outdoor activity and noise restriction (see police bylaws)

Parking regulations Including visitor parking passes, and parking restrictions for street sweeping and snow emergencies)

Quiet hours

And such other requirements as put forward by BOS or the regulatory authority for short-term housing

Applicant must notify legal abutters, those within 300 feet (within 10 days before filing a permit application (or seeking a renewal) via hand deliver and certified mail (and notification of application shall be submitted with application or renewal

Annual report on statistical data on short term housing by Town Administrator posted on the website

Both of the above requirements were viewed as helpful

Short-term rental registrations shall be published on the town website just like building permits.

The provision below was discussed and determined to be useful

The short-term rental operator or their agent shall maintain an up-to-date log of all occupants that occupy the short-term rental, which shall contain the occupants' names, ages, and dates of commencement and expiration of each short-term rental period. The log shall be available for inspection by the Town's Board of Health and Department of Public Safety in case of emergency. The purpose of this requirement is to ensure that the Town shall have basic identifying information of all occupants of the short-term rental at all times.

Issue 8 Other Safeguards

Registration are nontransferable and terminates on sale of the property

The operator, if not the owner, i.e. an agent, must be able to respond to emergencies within 30 minutes or emergency and 2 hours of a problem. Failure to respond in these time periods is a violation of the ordinance.

Steve strongly agrees with having a prompt contact.

The Chairman then noted that we will state in our document the perceived conflicts of certain PB members. The Chairman also stated that Steve Viviano should tell the short-term housing committee which proposed PB provision might be worthy of consideration by them.

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

Rob Steinberg – Chairman - Yes

Calvin Hastings, Vice Chairman – Yes

Sheila Hambleton – Yes

Patrick O'Reilly - Yes

Steven Viviano – Yes

J Shannon Bianchi, Corresponding Secretary – Not present

John Stabile– Recording Secretary – Yes

Public meeting adjourned at 7:12 pm

Meeting Minutes prepared by Recording Secretary and Rob Steinberg.

Approved by Planning Board on December 5, 2022.