

**Joint Meeting of the Housing Plan Advisory Sub-committee,  
Short-Term Rental Committee, and Planning Board**

Monday, January 23, 2022

Nahant Town Hall, 334 Nahant Road, Nahant, MA 01908

7:15 PM – 8:30 PM

Hybrid Meeting / Meeting Minutes

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**Housing Plan Advisory Sub-committee**

- Michelle Capano, Chair
- Michael Rauworth, Vice Chair
- Mark Cullinan, Recording Secretary
- Lynne Spencer, Community Preservation Committee
- Patty Karas, School Committee
- David Wilson, Nahant Housing Authority
- Patrick O'Reilly, Planning Board
- James Walsh, Member
- Heather Goodwin, Member

**Short-Term Rental Committee**

- Wayne Wilson, Chair
- Steven Vivano, Planning Board
- Robert Tibbo, Member
- Marie Hladikova, Member

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**Nahant Planning Board**

- Robert Steinberg, Chair
- Patrick O'Reilly, Treasurer
- John Shannon Bianchi, Corresponding Secretary
- Sheila Hambleton
- Steven Vivano

**Public Attendees**

- 42 members of the public joined.
- Emily Pauls, Lynn Item

**Meeting Agenda:**

1. Call Meeting to Order
2. Welcome and Introductions
3. Overview of the Housing Production Plan (HPP) Sub-committee
  - MAPC role and support
  - Committee timeline
  - Upcoming key activities and deliverables
4. Discussion on Nahant's objectives and requirements for compliance with Ch. 40B and Ch. 3A (MBTA communities)
  - HPP process
  - 3A Zoning
  - Considerations for Short-Term Rental Committee in preparations for new zoning and regulations governing short-term rental properties in Nahant
5. Committees' Input / Questions
6. Next Steps for Committees
7. New Business for HPP
8. Citizen's Forum
9. Adjournment

**1. Call Meeting to Order**

- The Chair of the Housing Production Plan Sub-committee ("HPP") called the meeting to order at 7:16 PM.

**2. Welcome and Introductions**

- Chair of HPP, Michelle Capano opened the meeting and welcomed both the Short-Term Rental Committee ("STRC") and the Planning Board ("PB"), provided an overview of the agenda for this joint meeting and process for the meeting.
- Mr. Cullinan, Recording Secretary requested a roll-call of who from across the committees is present for tonight's joint meeting of HPP, STRC and Planning Board.

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- The following roll-call vote was taken for members of each committee present for the joint meeting.

**Housing Plan Advisory Sub-committee**

- Michelle Capano, Chair
- Mark Cullinan, Recording Secretary
- Lynne Spencer, Community Preservation Committee
- Patty Karas, School Committee
- David Wilson, Nahant Housing Authority
- Patrick O'Reilly, Planning Board
- James Walsh, Member
- Heather Goodwin, Member

**Short-Term Rental Committee**

- Wayne Wilson, Chair
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**3. Overview of the Housing Production Plan (HPP) Sub-committee**

- The Chair provided an overview of the HPP committee and the purpose of this committee to assist Nahant in meeting its affordable housing goal under Ch. 40B and comply with the new MBTA Communities 3A Zoning.
- Compliance in both statutes ensures Nahant can be well positioned for future funding opportunities that may come available and also assists the Nahant Housing Authority so there are no negative impacts to their funding needs as well.
- HPP is supported by the Massachusetts Area Planning Council ("MAPC") who are providing services to assist Nahant in creating the housing production plans. They have assisted numerous cities and towns across the Commonwealth on various affordable housing initiatives, housing production plans, open spaces plans, etc. MAPC is engaged in a contract with Nahant on this effort as well.
- The committee will have several deliverables to complete including housing needs assessment, obtaining community feedback into the housing production plan and developing recommendations for housing development opportunities in Nahant.
- Community feedback is encouraged and the HPP committee is planning its first community engagement for mid-February.

**4. Discussion on Nahant's objectives and requirements for compliance with Ch. 40B and Ch. 3A (MBTA communities)**

- Discussion moved to the next agenda items on the HPP process. The Chair provided further content related to understanding the housing needs in Nahant through data available. The main objective is to devise a plan for the town to achieve its compliance. The Chair spoke to the 10% affordable housing requirement for Chapter 40B.
- Next, the Chair spoke on the new 3A MBTA Communities and the objective of creating new zoning or a zoning overlay to allow for increasing housing stock of multi-family buildings in locations to help address the need for developing communities on or near public transportation. This would be considered 'building by right' to support this statute and the need for more housing units in communities serviced by public transportation. There are no age restrictions and supports families with children.

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- The Chair stated the importance for both STRC and Planning Board to be informed of these recent changes and also consider possible limitations that could impact housing stock for affordable housing requirements.
- Mr. Cullinan addressed what affordability is and what affordability means in Nahant. Based on the recent Housing Needs Assessment, approximately 40% of current residents would be eligible for affordable housing units. It is important to mention that typically, about 30% of a person's income is spent on housing expenses which qualifies a person under the affordable housing guidelines.
- Ms. Goodwin also contributed on who needs affordable housing and many persons are vulnerable given the increases in inflation and cost of living. Those falling into this category are residents we know.
- Ms. Capano highlighted this topic is tied to financial insecurity and its important help the public understand and the committees understand there is some unique nomenclature related to affordable housing topic.
- Ms. Hladikova from STRC asked how it is determined that 40% of Nahant residents fall into this category eligibility for affordable housing. Ms. Capano responded that US census data for 2020 was recently completed and MAPC provided this information through their analysis from the Housing Needs Assessment. This was a complete surprise to HPP committee.
- Mr. Cullinan also highlighted that there are also different levels of affordability and the median income in Nahant is approximately \$94,000 and if you are 80% of the median income you would qualify for affordable housing.
- Ms. Goodwin asked if the Housing Needs Assessment is available online for the public. Ms. Capano responded it is not at this time but took an action item to follow-up with Town Hall to get the documents published.
- Mr. Vivano from the Planning Board and STRC and offered support in the HPP efforts. Is affordable housing unit registered with the State or how is this defined. Ms. Capano stated that the affordable designation starts at the State level with a State average median income (AMI) of \$140,000 and through 2020 Census and pulled in residents reporting income, then 80% is considered the next threshold.
- Mr. Cullinan confirmed that rental units and owner-occupied properties would be registered with the State and count toward the 10% requirement under 40B. Under Chapter 40B, all Massachusetts cities and towns must define 10% of their housing stock as affordable units. Nahant has approximately 2.89%.
- Mr. Vivano asked for example if a 2-family that is not recognized as a 2-family would that meet or not in the State requirement or if the unit is not a legal unit. Mr. Cullinan stated since 1960 the Town has been zoned for single family residences. Any house that is multi-family after 1960 would be considered an illegal structure. There is the new idea of accessory dwelling units (ADU) and may be considered as a matter of right; however, our current zoning does not support them.
- Mr. Viviano stated that this may offer an opportunity for some property owners to obtain proper legal status of their property and assist with Nahant's affordable housing need.
- The Chair moved the discussion to the 3A MBTA Communities and Zoning and how creating clusters of new housing is a way in which families with children can live. Types of housing through various configurations would be under consideration to increase housing stock. Through MAPC in the Housing Needs Assessment data is available that will provide new perspectives on affordable housing in Nahant.
- The Chair then moved discussion to STRC and the proposed recommendations on the number of total short-term rental units in Nahant between 4-6% of total units in Nahant. The Chair stated that there are approximately 84 units needed for affordable housing compliance and that having clarity of the

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- number of short term rental units will affect affordable housing stock for Nahant. If we allow more units for short-term rental units and could impact affordable housing units. So, HPP seeks to make sure STRC is advised of this and consider options for short-term rental proposed zoning bylaws.
- Mr. Steinberg, Chair of the Planning Board, stated that the Planning Board submitted a proposal to the STRC on livable housing units of 4-5% for consideration. Mr. Steinberg stated STRC is looking at standards where non-owner-occupied units are considered and appropriate regulations herein.
  - Mr. Cullinan asked if STRC and Planning Board have reviewed housing stock in Nahant relative to affordable housing. Mr. Wilson, Chair of STRC, stated the committee has not had discussions on affordable housing stock. The focus has been on developing new rules and regulations and would be willing to discuss this issues and mentioned the deadline to meet of February 14<sup>th</sup> recommendations to the Board of Selectmen. Mr. Wilson also stated he is not convinced that that short term rentals will be impacted affordable housing units.
  - Mr. Cullinan interposed that the way short term rentals come into these discussions is that if more short term rentals increased in Nahant, this would reduce the number of year-round rentals or residences that could be considered affordable units. Mr. Cullinan also stated if proposed speculators considered Nahant there would be no limitations which could be a negative impact to qualified affordable units.
  - Ms. Goodwin added that it is important reference this is ‘essential housing’ and the needs of local employees of the Town who want to reside in Nahant. Ms. Goodwin added that the future of Nahant is another point to consider for the Town.
  - Ms. Hladikova asked when we discuss affordable housing is there a rental limit or monetary limit. Ms. Capano responded that it is based on income and 80% of the median income of a community which qualifies as affordable designation. In Nahant, the median income is approximately \$94,000 based on 2020 US Census data and 80% is the “essential housing” income limit desired to live in Nahant. As a follow-up question, Ms. Hladikova asked about the breakeven point for an owner on property how this can be income positive for that property owner. Ms. Capano stated that based on the categories under affordable housing, persons who spend over 30% and up to 50% would qualify. Further, there are options that can be explored to support funding of developments.
  - Mr. O’Reilly wanted also to point out the distinction of the lower case ‘a’ vs. the upper case ‘A’ related to affordable housing. The upper case ‘A’ related to deed restrictions should not exceed more than the 30% of housing costs when considered toward the 40B requirements.
5. Committees’ Input / Questions
- Mr. Cullinan moved the discussion to the consequence of not meeting the requirements of 40B. One impact is the Nahant Housing Authority for funding from State or Federal governments if Nahant is unable to meet its affordable housing plans and thresholds. There could be a tax burden back to the tax payer in Nahant. An unfriendly 40B development could occur and bypass local zoning because we have not put in place safe harbor.
  - Ms. Capano also raised the topic of ADU’s and a PSA (public service announcement) where the Town of Swampscott will be holding a public forum. It’s an opportunity for the public to learn more about ADU’s and how they will compliment a community. The meeting will be January 30<sup>th</sup> via Zoom for anyone interested in joining.
  - Mr. Wilson asked about the 3A MBTA Communities zoning which seems counter intuitive to building expensive multi-families and no mention of affordability. Mr. O’Reilly stated the 3A allows for percentage of affordable housing requirement so its not economical and build by right. Mr. Wilson clariid this would be options which Mr. O’Reilly confirmed.
6. Next Steps for Committees
- Ms. Capano highlighted the committee’s availability to STRC should any questions on affordable housing arise.

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---

7. New Business for HPP

- Community Engagement: The Chair discussed the date for the first community engagement and reviewed dates and availability with the committee members. February School Vacation Week is February 20-24, 2023 and February 14<sup>th</sup> is another date to avoid. A hybrid meeting was suggested for this forum to broaden community engagement.
  - Target date agreed will be Wednesday, February 15<sup>th</sup>. The Chair will confirm with Town Hall.
  - MAPC will prepare a press release and related materials for the community engagement event.
  - The Chair suggested that committee members consider developing questions for residents to ask to help the audience engagement
- Future HPP Meetings: Discussed meeting cadence and frequency. The Chair reminded MAPC is available for 9-10 meetings based on contractual arrangements. The Chair has requested an updated project plan to understand the timelines and completion of deliverables.
  - Mr. Cullinan suggested that HPP meet once in between each MAPC meeting.
  - The Chair will propose a calendar once MAPC revised schedules is available.
- Next meeting for HPP will be February 9<sup>th</sup> one week before first community engagement meeting.
- Communications/ Emails: For awareness there are some issues with Yahoo email accounts. This has been raised to Town Hall. If committee members are not receiving email communications, please consider reaching out to the Chair via mobile phone or text to resolve the matter. Mr. Wilson asked for assistance on updating his email address with Town Hall.
- Open Meeting Law reminder: The Chair shared the FAQ about communications related to Open Meeting Law. All questions before the committee need to be conducted during meetings.
- Village Church Monthly Breakfast: Feb 3<sup>rd</sup> Mr. Walsh will be speaking as a resident to the Village Church on affordable housing. He has self-reported to the Attorney General because of this role on HPP. Chair will follow-up with Mr. Walsh after the breakfast.

8. Citizen's Forum

- Questions were reviewed posted in the Zoom Chat.
- All public committee members need to be on video during a public meeting
- Clarified the Mean Median income as \$94,000
- Need to get materials created by MAPC on the Town website such as the Housing Needs Statement
- Question asked about Coast Guard Hosing and is this considered affordable housing. It was clarified that this is market rate housing. Town Meeting has set the direction for the outcome of the property.
- Will meetings continue via Zoom as the Pandemic meeting accommodations expires March 31<sup>st</sup>
- No further public comments provided.

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9. Adjournment

- The Chair requested a motion to adjourn the meeting, so moved by Mr. Cullinan and second by Mr. Wilson.
- Roll call vote as follows

- Michelle Capano, Yes
- Mark Cullinan, Yes
- David Wilson, Yes
- Patrick O'Reilly, Yes

- Patty Karras, Yes
- Jim Walsh, Yes
- Lynne Spencer, Yes
- Heather Goodwin, Yes

Meeting ended at 8:18 PM.

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**Respectfully submitted as approved at March 2, 2023 Housing Production Plan Advisory Sub-committee Meeting.**

**By:** Michelle *Capano*, *Chair*.