

TOWN OF NAHANT

Planning Board

March 22, 2023

The Chairman called the hearing to order at 6:05 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 – Here

John Stabile– Recording Secretary –Here

James Dolan – Not Present

Michelle Capano – Not Present

The Chairman began the meeting by noting that last night the PB convened to discuss the Short-Term Rental By-Law Committee proposals. The PB did not vote on the proposal last night. The Chariman said that tonight, we are discussing the Citizens' Petition.

The PB discussed with legal counsel certain issues with respect to notice of the hearings, and legal counsel said he was confident that the Attorney General would waive any technical deficiencies in notice by way of email and not also sending the notice by mail, noting the Worthington case in which notice was not sent at all to key parties and posting in the newspaper also did not occur, but the hearing was deemed sufficiently noticed.

The Chairman determined last night that he would allow all members and alternate members of the PB to deliberate, but only persons who attend the applicable hearing would be entitled to vote. The Citizen's petition hearing was held on March 15, and those present were the Chairman, Steve Viviano, John Stabile, Patrick O'Reilly, and Cal Hastings, so those are the members who may vote whether to accept or reject the proposal of the Citizen's Group. The Chairman noted that the proposal cannot be amended, but the PB may comment on its decision.

The Chairan said we do not expect to vote tonight, but rather to discuss the Citizens Petition and asked does Monday at 7 pm work for everyone so can vote?

The Chairman started the substantive discussion by noting how much he appreciated the work of the citizen's group and the group of hosts of short-term rental owner operators in Nahant. The Chairman stated that the hearing we had on March 15 was quite useful in understanding the Citizen's position.

The Chairman the asked for any comments on the Citizen's Petition from member of the PB.

Patrick clarified the renewal license and Dan Dolce said that they envisioned evaluation whether or not a renewal license was warranted. Patrick also noted that the relicense was only for health and safety compliance, and not disruptions, and Dan Dolce said disruptions would be encompassed by the enforcement provisions. Patrick wanted more information on the annual process because there are procedures for considering each complaint but no the totality of complaints.

For rentals, a certificate of fitness is to be issued to see if they are code compliant, but it creates a problem with the Building Inspector says it is code compliant and someone gets injured if there is a code issue. The regulation need to identify key compliance issue where the Building Inspector needs to sign-off.

Steve said the process in the ZBA needs to be streamlined and asked how that would occur, and the Chairman said that would have to be discussed Monday night because this meeting was noticed only for discussion of Citizen's Petition.

Shannon asked what are the enforcement mechanisms for the Town. Dan said there is a full section on enforcement, and noted that the STRC doesn't address at all. Dan said citizen's wanted to see enforcement mechanism and criteria for granting licenses. Dan said the STRC did not finish the assignment. If someone is violating code, that should be enforced. Finance Committee noted that if both on the warrant, nothing might not pass.

Shannon said both proposals fall short and said he would vote no on both proposals at Town meeting. Shannon said there are too many unanswered questions. Shannon said we should first decide whether we want to prohibit short-term rentals through a referendum.

Dan said he appreciates Shannon's concern, but he was worried that nothing would get done, so they felt they had to submit something.

Patrick noted that the statute said that we have to issue a report or recommendation. Patrick noted that we could attach the summary that Michelle developed.

Sheila said that citizens believe the STRC developed regulations which we haven't seen. The Chairman said his understanding is there are not regulations being offered. Rob Tibbo read the article setting up the STRC that says they are to propose by-laws.

Shannon noted that both proposals did not have a number of days limit of operation per year.

Sheila said that Patrick needs to approve the voucher that was emailed to him with a bill for the PB. Chairman to add approval of voucher.

Shannon said we should discuss strategy for NU litigation soon.

Dan Dolce said whether there is a by-law or regulation doesn't matter as they are both binding. Dan said the Town will be disappointed because the draft is so vague, and the Citizen's Petition is in line with the recommendation of the PB. Dan said they are trying to work out a compromise.

The Chairman asked for a motion to adjourn. Shannon so moved, 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

Public meeting adjourned at 7:06 pm
Meeting Minutes prepared by Recording Secretary and Rob Steinberg.
Approved by Planning Board on Approved March 27, 2023.

Appendix



