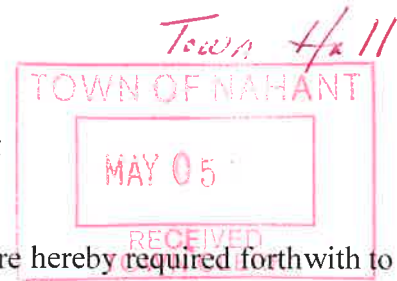


Town Of Nahant
Annual Town Meeting Warrant
May 20, 2023



GREETINGS: In the name of the Commonwealth of Massachusetts, you are hereby required forthwith to warn the inhabitants of the Town of Nahant, qualified as the law directs, to assemble at the Nahant Town Hall, 334 Nahant Rd, Nahant Massachusetts for the Annual Town Meeting on Saturday the 20th day of May, 2023, for to act on the Articles in this warrant at 12:30 p.m. that same day.

ARTICLE 1. (FY 2023 Transfers) To see if the Town will vote to raise and appropriate, and/or appropriate from available funds in the treasury, and/or transfer the following sums, or take any other action relative thereto.

ARTICLE 2. (FY2023 Snow & Ice) To see if the Town will vote to raise and appropriate and/or appropriate from available funds in the treasury, and/or transfer from available funds, a sum of money for the FY2023 snow and ice account, or take any other action relative thereto.

ARTICLE 3. (Prior Year bills) To see if the Town will authorize the payment of prior Fiscal Year bills, or take any other action relative thereto.

ARTICLE 4. (Salary & Classification Plan) To see if the Town will vote to amend the Nahant Town By Laws, Article XIII, Section 5, Subsection B, entitled "Chart of Classification and Salaries" for the fiscal year beginning July 1, 2023, or take any other action relative thereto.

ARTICLE 5. (Compensation for Elected Positions) To see if the Town will vote to fix the salary and compensation of all elective officers of the Town, as provided by Chapter 41, Section 108, as amended, or take any other action relative thereto.

ARTICLE 6. (Omnibus) To see if the Town will vote to raise and appropriate and/or appropriate from available funds in the treasury, or transfer from available funds such sums of money as may be necessary to defray Town charges for the fiscal year beginning July 1, 2023, or take any other action relative thereto.

ARTICLE 7. (Water & Sewer Enterprise) To see if the Town will vote to raise and appropriate and/or appropriate from available funds in the treasury, or transfer from available funds a sum of money to operate the Water and Sewer Enterprise Fund for the fiscal year beginning July 1, 2023, or take any other action relative thereto.

ARTICLE 8. (Water/Sewer Paving) To see if the Town will vote to raise and appropriate and/or appropriate from available funds in the treasury, or transfer from available funds, including retained earnings of the Water and Sewer Enterprise, the sum of \$50,000 for paving throughout Town, including all costs incidental to or related thereto, or take any other action relative thereto.

ARTICLE 9. (Rubbish Enterprise) To see if the Town will vote to raise and appropriate and/or appropriate from available funds in the treasury, or transfer from available funds, including retained earnings of the Rubbish Enterprise, a sum of money to operate the Rubbish Enterprise Fund for the fiscal year beginning July 1, 2023, or take any other action relative thereto.

ARTICLE 10. (Compost Area) To see if the Town will vote to raise and appropriate and/or appropriate from available funds in the treasury, or transfer from available funds, including retained earnings of the Rubbish Enterprise, the sum of \$30,000 for the costs associated with the maintenance of the compost area, or take any other action relative thereto.

ARTICLE 11. (Recreation Revolving) To see if the Town will vote to accept M.G.L. Chapter 44, section 53D, thereby reauthorizing Parks and Recreation revolving accounts for general recreation, basketball, sailing, tennis, Fourth of July, tot lots, playground equipment, and Youth Commission and to raise and appropriate a sum of money to fund said account, or take any other action relative thereto.

ARTICLE 12. (Revolving Funds) To see if the Town will vote to fix the maximum amount that may be spent during FY 2024 beginning July 1, 2023 for the revolving funds established in the town By-laws for certain departments, boards, committees, agencies or officers in accordance with G.L. c. 44 § 53E 1/2, or take any other action relative thereto.

ARTICLE 13. (OPEB) To see if the Town will vote to raise and appropriate and/or appropriate from available funds in the treasury, or transfer from available funds the sum of \$25,000 to the Other Post-Employment Benefits Liability Trust Fund, or take any other action relative thereto.

ARTICLE 14. (Stabilization) To see if the Town will vote to raise and appropriate and/or appropriate from available funds in the treasury, or transfer from available funds the sum of \$200,000 to the Stabilization Fund, or take any other action relative thereto.

ARTICLE 15. (Paving) To see if the Town will vote to raise and appropriate and/or appropriate from available funds in the treasury, transfer from available funds, or raise by borrowing, a sum of \$100,000, or any other sum, for paving throughout Town, including the payment of all incidental or related costs, or take any other action relative thereto.

ARTICLE 16. (COA Kitchen) To see if the Town will vote to raise and appropriate and/or appropriate from available funds in the treasury, transfer from available funds, or raise by borrowing, a sum of \$50,000, or any other sum, for the renovation of the Council on Aging kitchen, including the payment of all incidental or related costs, or take any other action relative thereto.

ARTICLE 17. (Release Funds from Transportation Network)

To see if the Town will vote to appropriate or transfer \$724.50 from the reserve for appropriation for the purpose of implementing Transportation Infrastructure Enhancement Fund, or take any other action relative thereto.

ARTICLE 18. (Sewer/DPW Capital) To see if the Town will vote to raise and appropriate and/or appropriate from available funds in the treasury, transfer from available funds, or raise by borrowing the sum of \$150,000, or any other sum of money to purchase two dump trucks, including the payment of all costs incidental or related thereto, or to take any other action relative thereto.

ARTICLE 19. (MWRA Water Capital) To see if the Town will vote to raise by borrowing, \$500,000 from the Massachusetts Water Resource Authority, to repair and/or replace water distribution lines and appurtenant structures, and in connection therewith, to enter into a loan agreement and/or security agreement with the MWRA relative to such loan, or take any other action relative thereto.

ARTICLE 20. (Chapter 90 Highway) To see if the Town will vote to raise and appropriate and/or appropriate from available funds in the treasury, or transfer from available funds, or raise by borrowing, such sum of money in order to accomplish certain highway construction and maintenance pursuant to the provisions of the General Laws, Chapter 90, or other state transportation program, or take any other action relative thereto.

ARTICLE 21. (Community Preservation) To see if the Town will vote to spend, or set aside for later spending, not less than 10 per cent of the annual revenues in the Community Preservation Fund for open space, not less than 10 per cent of the annual revenues for historic resources, and not less than 10 per cent of the annual revenues for community housing or to take any other action as may be allowed under the Community Preservation Act as requested by the Community Preservation Committee.

FY2024 Grant Recommendations:

- A. To appropriate the sum of \$10,000 from Fiscal Year 2024 Community Preservation Fund estimated revenues for administrative and operating expenses of the Community Preservation Committee.
- B. To appropriate the sum of \$71,720 from the FY 2024 Community Preservation estimated revenues to upgrade the existing Flash Road public tennis courts with improvements of lighting, wind and sun screens to enhance the multi-uses of the courts for tennis playing as well providing improvements for the playing of pickleball for the purpose of promoting recreation in the Town of Nahant. The request for CPA funding, including all incidental and related costs, is based upon an application submitted by a group of volunteers but all upgrades to the facilities and their use are subject to approval by the Town of Nahant and administration by the Town Administrator and Board of Selectmen.
- C. To appropriate the sum of \$23,775 from the FY 2024 Community Preservation estimated revenues for the purpose of completing a half-way completed project of restoring and digitizing badly degraded historical records--Nahant School registers, 1963-1968.
- D. To appropriate the sum of \$46,500 from FY 2024 Community Preservation estimated revenues to continue restoration work at the Fort Ruckman section of the east slope of the Bailey's Hill.
- E. To appropriate the sum of \$29,000 from FY 2024 Community Preservation estimated revenues to carry out restoration projects at Lodge Park on East Point. This proposal involves trail redesign and natural restoration to improve safety as well as the introduction of new signage.
- F. To appropriate the sum of \$50,000 from FY 2024 Community Preservation estimated revenue for the planting of trees at the Kelly Green and restoration of three pedestrian bridges.
- G. To appropriate the sum of \$20,000 from FY 2024 Community Preservation estimated revenue for the planning and implementation of the Town's rights of way.
- H. To appropriate the sum of \$25,000 from the FY 2024 Community Preservation estimated revenues for the purpose of transforming currently vulnerable Town of Nahant vital records, 1980 - present, into a format that will ensure their preservation for all mandated, as well as historical purposes.
- I. To appropriate for the payment of debt service on the \$350,000 Town Hall and Greenlawn Cemetery Entrance Archway Bonding authorized by the 2022 Annual Town Meeting (Article 22H), the sum of \$52,850 from FY 2024 Community Preservation estimated revenue for the first year of the bond payments.
- J. To appropriate for the payment of debt service on the \$500,000 Public Library Bonding authorized by the 2021 Annual Town Meeting (Article 21E), the sum of \$68,000 from FY 2024 Community Preservation estimated revenue for the second year of the bond payments.
- K. To appropriate for the payment of debt service on the \$400,000 Public Library Bonding authorized by the 2019 Annual Town Meeting (Article 16C), the sum of \$50,152 from FY 2024 Community Preservation estimated revenues for the fourth year of the bond payments.

- L. To recommend the Town set aside from Fiscal Year 2024 Community Preservation Fund estimated revenues for later appropriation any other amount not otherwise set aside or appropriated as aforesaid to be maintained in the Community Preservation Fund General Reserves Account for later appropriation.

ARTICLE 22. (Open Space Committee) To see if the Town will vote to amend Article VI of the General By-Laws to add a new section forming a seven (7) member Open Space Committee to be appointed by the Moderator to, among other things, replace the annually continued Open Space and Recreation Plan Committee and to implement the Nahant Open Space and Recreation Plan, which new section is available for inspection in the town clerk's office, or take any other action relative thereto.

ARTICLE 23. (Police By-Laws - Feeding Wildlife Amendment) To see if the Town will vote to amend the Police By-Laws by adding Article XIV - Wildlife Feeding (a copy of which is available for review in the Town Clerk's office) to increase the protection of the health, safety and welfare of the community by restricting the feeding of wild animals, or take any other action relative thereto.

ARTICLE 24. (Short-Term Rental Control By-Laws) To see if the Town will vote to amend the General By-Laws by adding a new Article (XIX) to regulate Short-Term Rentals, and to amend the Zoning By-Laws to address the use of Short-Term Rentals, as promulgated by the Short-Term Rental By-law Advisory Committee and available for inspection in the town clerk's office, or take any other action relative thereto.

ARTICLE 25. (Citizen Petition – Short-Term Rental By-Law)

Short Term Rental Dwelling Units: To see if the Town will vote to adopt the following By-law to address Short Term Rental Dwelling Units:

I. Preface

In recognition that short term housing rentals provide both benefits and costs to the community, the Town wishes to create by-laws and regulations to balance the right of property owners to make reasonable use of their property while establishing rules that mitigate the risk of negative impact on neighborhoods. The rules should not be unreasonably restrictive that people who may want or need to rent their homes (and can benefit from short term housing rentals because difficulties with long term rentals and fluctuations in the housing markets) would be unable to pay property taxes or other expenses, yet also simultaneously must address (1) real health, safety, and nuisance concerns and (2) zoning restraints so that we minimize the risk of disruptions that can be caused by short term housing rentals.

II. Definitions

(a) **Short Term Housing Rental:** A rental reserved in advance to one guest party of at least one (1) bedroom in a residential dwelling or one complete residential dwelling for a minimum of two (2) consecutive nights but no more than thirty-one (31) days. Such dwelling unit does not require occupation by the owner-operator as a primary residence or otherwise. The maximum occupancy should be set at one (1) more than twice the number of bedrooms (e.g., five (5) for a two (2) bedroom unit) based on the bedroom count registered in the assessors' records (legal bedrooms) and shall include accessory units. Occupants aged two (2) years or older shall be counted in this limit. Daily visitors in addition to registered guests (e.g., nonregistered guest visitors for a meal) in the dwelling unit is limited to five (5) persons.

(b) **Residential Dwelling:** A one-family or two-family dwelling as defined by the Zoning By-Laws but excluding: congregate living complex; elderly housing; group residence; homeless shelter; orphanage; temporary dwelling structure; transitional housing; hotel; motel; executive suite; lodging house; rooming house.

III. Location of Short Term Housing Rentals

Short term housing rentals are permitted in residential and business areas to the extent the use does not impinge on Protected Areas. Furthermore, short term housing rentals should be added to the Table of Uses in the Zoning By-Laws.

IV. Class and Number of Permits

(a) At no point shall the total number of short term housing rentals exceed 4% of the total dwelling unit stock in the Town. Property owners may only operate one (1) property as a short term housing rental unless already operating multiple properties as short term housing rentals prior to the effective date of this By-Law, in which case the properties may be allowed to continue to operate as short term housing rentals. Additionally, if the total number of short term housing rentals has not exceeded 5% of the total dwelling unit stock in the Town, then a property owner may apply for additional permits up to a maximum of three (3) total permits.

(b) An LLC or Trust shall be allowed to hold a permit only if the shareholders or members of the said LLC or Trust are natural persons. Such natural persons shall be listed on the permit application.

(c) A rental tenant shall not offer a rental unit as a short term housing rental. Owners of rental units that are below market rate or have income restrictions or are otherwise subject to housing or rental assistance or deemed affordable housing shall not be allowed to own or operate short term housing rentals.

(d) Permits shall be issued fairly and equitably from applicants who meet the permit requirements or have had more than 14 days of short-term rentals under a permit for the prior year.

V. Requirements of Short Term Housing Rentals

(a) Compliance. No short term housing rental shall be offered except in compliance with the provisions of this By-Law.

(b) Registration. Owners of any short term housing rental located in the Town of Nahant must register with the Town in accordance with Section VI of this By-Law.

(c) Annual Certification. All owners must file annually by January 31 with the Town a sworn certification attesting to continued compliance with the requirements of this article and all applicable public safety codes.

(d) Notice to Abutters. All owners must notify via hand delivery and certified mail all abutters to the residential dwelling of the registration of the residential dwelling as a short term housing rental within thirty (30) days of registration and subsequent annual certification including contact information of the owner, operating manager (if applicable), the owner's state registration number, and a reference to this By-Law.

(e) Outstanding Code Enforcement. Owners are prohibited from offering a short term housing rental if (i) the residential dwelling is subject to any outstanding building, electrical, plumbing, mechanical, fire, health, housing, sanitation, noise, or zoning code enforcement (including notices of violation, notices of cure, orders of abatement, cease and desist orders, and corrective actions), (ii) there exist outstanding building permits allowing work on the property in the unit be rented, or (iii) there are unpaid taxes, fees (including water, sewer, and trash), or assessments related to the property.

(f) Code Violations. Should a residential dwelling receive at least three code violations within any twelve (12) month period then it will be ineligible to be offered as a short term housing rental for a period of six (6) months from reasonable notice of the third violation.

VI. Registration Requirements

Owners must register with the Town prior to occupancy of any short term housing rental that commences after January 1, 2023 the following:

(a) State Certificate. A copy of the certificate of registration issued in accordance with Massachusetts General Laws Chapter 62C, Section 67.

(b) Owner Affidavit. A completed affidavit containing the following information:

- (1) Contact information of Owner and, if applicable, the contact information of the operating manager residing in the Town and appointed by the Owner in accordance with section (f) below;
- (2) Proof of Residence (see (f) below);
- (3) Confirmation that there is no code enforcement or building permits.

(c) Smoke Detector and Carbon Monoxide Certificate of Compliance. All short term housing rentals must comply with the applicable smoke detector and carbon monoxide requirements for residential units set forth in Massachusetts General Laws Chapter 148, Section 26E. Owners must schedule an inspection with the Fire Department and receive a Certificate of Compliance indicating that the property meets the smoke detector and carbon monoxide requirements prior occupancy commencing after January 1, 2023.

(d) House Rules. A copy of the House Rules required to be posted and distributed in accordance with section VIII below.

(e) Registration Filing Fee. At the time of registration, Owners must pay a filing fee of \$500 to the Town.

(f) Appointment of Operating Manager. A non-resident owner must appoint a local operating manager residing in the Town when registering a short term housing rental.

VII. Inspections

The Town may conduct inspections of any short term housing rental as may be required to ensure safety and compliance with all applicable ordinances and local, state, and federal codes, including but limited to the provisions of this article. All inspecting departments shall keep records of inspections and visits to the property throughout each year.

VIII. Responsibilities of Owners

(a.) General Responsibility. The Owner shall be responsible for the proper supervision, operation, and maintenance of the short term housing rental in accordance with the requirements of this By-Law and all other pertinent laws, regulations, and codes. The Owner shall also be responsible for the behavior and activity of guests that results in a violation of this ordinance. The appointment of an agent shall in no way relieve the Owner from responsibility for full compliance with the law.

(b) No Nuisance. Short terms housing rentals shall not result in the disruption of the peace, tranquility, or safety of the immediate residential neighborhood through the production of noise, vibration, light, glare, trash, fumes, odors, traffic, parking congestion, or any other nuisance beyond that which normally occurs in the immediate residential area, including no disruptive noise, outdoor activities, or other disturbances between the hours of 10pm to 8am. Owners shall respond no later than two (2) hours of notification of a disruption and failure to respond may lead to immediate termination of the permit.

(c) Compliance with Town By-Laws and State and Local Laws. All short term housing rentals shall comply with all applicable ordinances and local, state, and federal codes applying generally to residential dwellings in the Town.

(d) Commercial Events Prohibited. A short term housing rental property shall not be used for a commercial event during its occupancy as a short term housing rental. Commercial events include luncheons, banquets, parties, weddings, meetings, charitable fundraising, commercial or advertising activities, or other gatherings for direct or indirect compensation.

Signage. No signage is permitted indicating the dwelling unit(s) as a short term housing rental.

(e) Parking. Vehicle parking in excess of one on-site stall per bedroom are required to obtain an on- street parking pass from the Police Department for conspicuous display on the front dashboard. Recreational vehicles, boats, commercial vehicles, and other vehicles that are not regularly used for passenger transportation of small groups are not permitted for off-street or on-street parking.

(f) Agreements with Occupants. Owners may not enter into any rental agreements that are inconsistent with the terms of this article.

(g) Minors. No short term housing rental shall be rented to any unemancipated person who is younger than eighteen (18) years of age.

(h) Occupant Registries. The owner of every short term housing rental must maintain, in permanent form, a registry log of occupants. It must include the contact information of the guest reserving the rental and dates of stay. The registry log must be available for inspection by the Town upon request.

(i) Fire Prevention Notice. Owners shall post in a visible place inside the residential dwelling information regarding the location of any fire extinguishers, gas shut off valves, fire exits and fire alarms in the dwelling.

(j) Notice of Registration. The Owners of every short term housing rental shall post in a prominent place within the rental the House Rules below as well as the certificate of registration with the Town. The Owner shall clearly display the Town registration number in all advertisements or notices of the short term housing rental, including online advertisements.

(k) House Rules. Owners shall institute House Rules to prevent the short term housing rental from being a cause of complaint to the Police Department or a cause of nuisance or annoyance to the neighbors or neighborhood.

(1) House Rules must make occupants aware of the Town's By-Laws and the Owner's policies, which shall be in writing. At a minimum, House Rules shall adequately address the following:

- (i) Noise control, including use of audio equipment, excessive noise, or outdoor activities that may disturb the peace especially between the hours of 10pm to 8am;
- (ii) Adherence to laws regarding disorderly behavior;
- (iii) Proper trash disposal;
- (iv) Requiring leashing of dogs and waste disposal bags;
- (v) Location of parking stalls on the property;
- (vi) Neighborhood parking regulations and restrictions;
- (vii) Occupancy limits according to the Town's By-Laws;
- (viii) Any other provisions as may be required by the Town.

(2) Owners shall ensure all occupants are aware of the House Rules by distributing them prior to the date of occupancy and posting them in a visible place.

(l) Egress and Access. Owners of short term housing rentals, classified as one-family or two-family dwellings for the building code, shall be responsible for ensuring that adequate egress is provided in accordance with the the appropriate section of Massachusetts State Building Code, 780 CMR.

(m) Maintenance. The building and all parts thereof shall be kept in good general repair and properly maintained.

(n) Burden of Proof and Cooperation. The burden of proof is placed on the Owner to demonstrate that they are operating within the limits of this By-Law. Owners must cooperate with any enforcement or investigation proceedings under this By-Law.

(o) False Information. Submission of false information shall constitute a violation of this By-Law.

X. Enforcement, Violations, and Penalties.

(a) Enforcement. The Town shall be responsible for enforcement of this By-Law, including any rule or regulation promulgated hereunder, and shall institute all necessary administrative or legal action to assure compliance.

(b) Notice of Violation. The Town shall issue a written notice of any violation of this By-Law to the Owner. Said notice shall describe the prohibited condition and order that it be remedied within thirty (30) days of receipt of the notice.

(c) Penalties. Any Owner who violates any provision of this ordinance shall be subject to suspension or termination of the certificate to operate a short term housing rental and a fine of not more than three hundred dollars (\$300.00) for each violation. Each day a violation occurs shall be a separate offense. The Town shall notify the Massachusetts Commissioner of the Department of Revenue of all such suspensions or terminations.

(d) Violations of building, health, or fire code. Any action by the Town to suspend, terminate or issue fines under this section shall not bar any other separate action by any other violation enforcement.

(e) Failure to Register. Any person who offers or operates a short term housing rental without first registering with the Town shall be fined three hundred dollars (\$300.00) per violation per day. Each day's failure to comply with a notice of violation or any other order shall constitute a separate violation.

Nontransferable. Short term housing rental permits are not transferable and will terminate upon sale of the property.

(f) Notification to safety authorities. The Police Department and Fire Department shall be provided the contact information of the owner and operating manager (if applicable).

X. Effective Date.

The provisions of this Article IX shall take effect on January 1, 2024.

XI. Severability.

The provisions of this article are severable. If any provision, paragraph, sentence, or clause, of this article or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this article.

ARTICLE 26. (Continue Committees) To see if the Town will vote to continue the following standing committees to June 30, 2024: Community Preservation Committee, Cable TV Advisory Committee, Veterans Memorial Committee, Sailing Committee, Cemetery Advisory Committee, Coast Guard Design and Development Advisory Committee, Town Charter and By-law Committee, Tennis Committee, Town Owned Land Study Committee, Nahant Alternative Energy Committee, Golf Course Management Advisory Committee, and the Open Space and Recreation Plan Committee, Cultural Council, FEMA Flood Insurance Study Committee, Green Community Committee, MVP Committee, Noise Abatement Committee, Nahant Fire Station Architectural Assessment Committee, Short Term Rental Committee, or take any other action relative thereto.

You are hereby directed to serve this Warrant by posting attested copies of the same in at least four public places in the Town, no less than fourteen (14) days before the day upon which the meeting is held.

WHEREOF FAIL NOT, and make due return of the Warrant with your doings thereon, to the Town Clerk at the time and place of meetings as foresaid.

Given under our hands this 26th day of May in the year of our lord Two Thousand and Twenty Three.

BOARD OF SELECTMEN


Eugene Canty


Mark P. Cullinan


Joshua A. Antrim

Pursuant to the foregoing notice, the subscriber, I, the Constable of Nahant, has notified the inhabitants of said Town by posting attested copies of this notice in the Nahant Town Hall, Fire Station, Police Station and Public Library on the 5th day of May, 2023.


Robert Seanan, Constable *Police Chief*
Chief Furlong

