

## **TOWN OF NAHANT**

### **Planning Board**

**June 6, 2023**

The Chairman called the meeting to order at 6:00 pm, stating that the hearing 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 – Not Here (Joined after start of meeting)  
J Shannon Bianchi, Corresponding Secretary – Here  
John Stabile – Here

Michelle Capano - Here  
James Dolan – Here

The Chairman asked for a motion to approve the minutes of the May 2, 2023 meeting. Cal so moved, seconded by Patrick. The vote was as follows:

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

The Chairman asked for a motion to approve the minutes of the May 16, 2023 meeting. Cal 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 – Abstain  
Steven Viviano – Not Present  
J Shannon Bianchi, Corresponding Secretary – Yes  
John Stabile– Recording Secretary – Abstain

The Chairman turned to the question of short-term housing.

Shannon moved to indefinitely table agenda items 2, 3, and 4 addressing short-term housing, seconded by Sheila for discussion purposes. The Chairman asked for any discussion of the motion. Shannon said he talked to the Town Clerk and she said we already submitted our statement. She said that the Planning Board statement on the proposal at Town Meeting will be sent to the AG and there is nothing more to do. Discussion ensued and the Chairman said he did not agree with the opinion of the Town Clerk that the Planning Board is limited to the statement it submitted on a hearing in which the article advanced on the floor at Town Meeting was not the

subject. The Chairman noted that guidelines from the State regulatory agency specifically allow the Planning Board to send its explanation to the Attorney General.

Shannon noted that the Chairman discussed the impact of the Floor Amendment and his motion was only about process of whether further consideration of the short-term rental issue should occur. The Chairman said it is impossible to know whether to allow discussion if we don't know what the issues to be discussed will be.

Shannon amended the motion to postpone Planning Board discussion on short-term rental until a decision by the Attorney General is made, seconded by Sheila. Jimmy Dolan said that are we not fulfilling our responsibility to have a discussion in an open forum whether we did everything properly. The Planning Board should determine whether it met the requirement of holding a hearing. Patrick said Town Meeting has spoken, and everything is done. Patrick said he thought the Floor Amendment was generally consistent with what was noticed, heard and subject to a recommendation by the Planning Board and that only 3 letters were changed. Steve said that the change in letter had a very large impact. The Chairman talked about the impact on revenue to the Town, the hosts who can no longer operate, and the impact on business who depend on nearby lodging (and that the \$200k in projected revenue from short-term housing extrapolated is 8,000 lodging nights a year). The Chairman stated that he thought the Floor Amendment was fundamentally different than the proposals on which the Planning Board held a hearing and issued a recommendation. The Chairman noted that if a proposal is fundamentally different than what was proposed, it is illegitimate.

The Chairman noted that Dan Skrip, legal counsel to the Town, was asked to attend but declined because he thought he could have undue influence on the determination of elected officials. The Chairman stated that Dan Skrip told him he believed it was reasonably foreseeable the Floor Amendment would be offered. Michelle said she agreed it was foreseeable, and that a point of order should have been made following the vote, but that didn't occur. The Chairman said he disagreed the amendment was foreseeable as it was a fundamental change or change in character from what was considered in the Planning Board hearing and presented in the proposed.

Wayne Wilson was then allowed to speak and he stated that the Planning Board consideration of whether the Floor Amendment was properly brought before the Town was not useful.

The Chairman then asked each member and alternate member whether they had any further thoughts. Hearing none, the Chairman called for a vote on the motion. The Chairman determined not to allow members of the public to add comments during the hearing saying that he believes the issue has been fully vetted. The vote whether to postpone Planning Board discussion on short-term rental until a decision by the Attorney General was as follows:

Rob Steinberg – Chairman - No  
Calvin Hastings - Vice Chairman – Yes  
Sheila Hambleton – Yes  
Patrick O'Reilly – Yes  
Steven Viviano – No  
J Shannon Bianchi, Corresponding Secretary – Yes  
John Stabile– Recording Secretary – No

The motion passed by a 4-3 vote.

Michelle then brief the PB on the Housing Plan and provided notification of an event. She also discussed participation in an open survey on housing.

On Town right-of ways, the Chairman noted there are three steps to complete: (1) identify the property encroaching on rights of way, (2) mark those properties, and (3) send a letter to encroaching persons to remove the encroachment. Cal noted that letter were sent in the past and that did not work. Sheila noted that she had gathered information on those areas of Little Nahant where there is town owned land on which there is encroachment, and she handed her work to the Chairman. The action items were to determine what work the BOS is doing on this issue, and to determine how to proceed.

Sheila noted that she had sent rules for the Planning Board to the Chairman and Shannon. The Chairman asked what needs to get done. Shannon said he would proofread and send the results to Rob. The document can then be updated.

Cal noted that he intends to resign and outlined the process as being his submission of a letter to the Chairman and then submission of letters to the Town Clerk and Town Administrator. Cal handed his resignation letter to the Chairman. Cal's normal term would end of May of next year. Cal said the letter to the Town Administrator and Town Clerk would be sent tomorrow.

The Chairman asked for a motion to adjourn. Motion made by Cal, and seconded by Shannon.

Rob Steinberg – Chairman - Yes

Calvin Hastings, Vice Chairman – Yes

Sheila Hambleton – Yes

Patrick O'Reilly – Yes

Steven Viviano – Yes

J Shannon Bianchi, Corresponding Secretary – Yes

John Stabile– Recording Secretary – Yes

Public meeting adjourned at 7:16 pm

Meeting Minutes prepared by Recording Secretary and Rob Steinberg.

Approved by Planning Board on .