



**Town of Nahant**  
**334 Nahant Road, Nahant, MA 01908**  
Tel. (781) 581-0018 Fax (781) 593-0340



## NOTICE OF APPROVAL OF BY-LAWS

**From the NAHANT May 20, 2023 Annual Town Meeting**

In accordance with MGL Chapter 40, Section 32, notice is hereby given of the approval by the Attorney General's Office for the changes to *Nahant's General By-laws; Article 22* and *Police By-laws: Article 24* of the May 2023 Annual Town Meeting Warrant and as voted on at the adjourned **Annual Town Meeting on May 20, 2023.**

- **Article 22 – GBL – Open Space General By-law**
- **Article 24 – PBL – Wildlife Feeding Bylaw**

Pursuant to MGL Chapter 40, section 32

**General By-laws** and amendments take effect on the date of this posting- September 15, 2023.

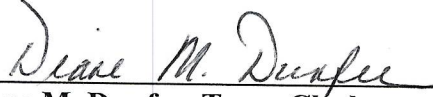
Claims of invalidity by reason of any defect in the procedure of adoption or amendment may only be made within 90 days of the posting of this notice.

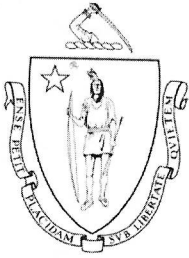
Attached please find the Letter of Decision from the Attorney General's Office for above referenced By-laws along with the Certified Vote of each Article from Nahant's adjourned Annual Town Meeting May 20, 2023.

Notice of Approval is posted at NAHANT's Town Hall, Library, Fire Dept., Police Station, the Town of Nahant Website; Nahant.org. Copies can be viewed and obtained in the Town Clerk's Office at Nahant Town Hall, 334 Nahant Road, Nahant, Ma. 01908  
M-TH 8:00am-4:00pm and Friday 8am-12:30pm or on the Town of Nahant Website

Articles 22 and 24 were approved by Assistant Attorney General, Kelli E. Gunagan on August 28, 2028.

ATTEST:

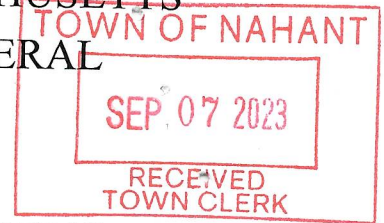
  
Diane M. Dunfee, Town Clerk



ANDREA JOY CAMPBELL  
ATTORNEY GENERAL

THE COMMONWEALTH OF MASSACHUSETTS  
OFFICE OF THE ATTORNEY GENERAL

CENTRAL MASSACHUSETTS DIVISION  
10 MECHANIC STREET, SUITE 301  
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August 28, 2023

Diane M. Dunfee, Town Clerk  
Town of Nahant  
334 Nahant Road  
Nahant, MA 01909

**Re: Nahant Annual Town Meeting of May 20, 2023 -- Case # 11033**  
**Warrant Article # 24 (Zoning)**  
**Warrant Articles # 22, 23, 24 (General)**

Dear Ms. Dunfee:

**Articles 22 and 23** - We approve Articles 22 and 23 from the May 20, 2023 Nahant Annual Town Meeting.

**Articles 24** - The Attorney General's deadline for a decision on Article 24 is extended for an additional 60 days under the authority conferred by G.L. c. 40, § 32. The agreement with Town Counsel for a 60-day extension is attached hereto. We will issue our decision on Article 24 on or before **October 28, 2023**.

**Note:** Pursuant to G.L. c. 40, § 32, neither general nor zoning by-laws take effect unless the Town has first satisfied the posting/publishing requirements of that statute. Once this statutory duty is fulfilled, (1) **general** by-laws and amendments take effect on the date these posting and publishing requirements are satisfied unless a later effective date is prescribed in the by-law, and (2) **zoning** by-laws and amendments are deemed to have taken effect from the date they were approved by the Town Meeting, unless a later effective date is prescribed in the by-law.

TO BE ADDED TO ARTICLE VI OF THE GENERAL BY-LAWS:

SECTION 10. Town of Nahant Open Space Committee

- A. There shall be established an Open Space Committee consisting of seven (7) voting members who reside in Nahant who shall be sworn to the faithful performance of their duties by the Town Clerk.
- B. The Open Space Committee shall be appointed by the Town Moderator. Committee members shall serve two (2) year staggered terms, with the majority of the first members appointed for a two (2) year term, and the remaining initial members appointed to a one (1) year term. Thereafter each member shall serve for two (2) years or until a successor has been appointed.
- C. The membership shall consist of individuals with experience, training or an expressed interest in open space planning and management, land conservation, grant writing, communications, and other related areas.
- D. The Open Space Committee shall have the following responsibilities and duties:
  - (a) Implement the Nahant Open Space and Recreation Plan in accordance with the goals and tasks identified in such Plan and update the plan when required upon the expiration of the then-current plan.
  - (b) Work with the Board of Selectmen, Town Administrator, and other Town officials, boards, committees and commissions for the conservation, preservation, acquisition, maintenance, and management of town lands and open space areas.
  - (c) Develop community education and communication tools regarding the value and use of the Town's open space areas.
  - (d) Encourage philanthropy and private efforts to promote and preserve open spaces.
  - (e) Act as a resource and advocate for the Town's open spaces.
- E. The Open Space Committee shall choose its own officers, may adopt rules of procedure regarding its functioning and operation, and may appoint subcommittees of its members to undertake its responsibilities and duties.
- F. The Open Space Committee may submit a budget to the Town for approval by the Town Meeting. The Committee may accept any gifts or bequests of money or other personal property or any donation to be applied, principal or income, for their respective uses.

End

A TRUE COPY, ATTEST:



*Diane M. Dwyer*

TOWN CLERK



**Police By-Laws  
Article XIV**

**Wildlife Feeding**

**Section 1 - Intent.**

**Section 2 - Definitions.**

**Section 3 - Prohibited activity.**

**Section 4 - Exceptions.**

**Section 5 - Penalties.**

**Section 1 - Intent.**

The density of human population on a small landmass affords an environment for wildlife to live in close proximity to the residents and businesses of the Town of Nahant. The intent of this bylaw is to protect the health, safety, and welfare of this community. It has been established that feeding wildlife increases the potential for damage to public and private land and property. Feeding of gulls especially endangers water quality and drinking water supplies, according to the Massachusetts Department of Conservation and Recreation, Division of Water Supply Protection. In addition, it is the intent of this bylaw to protect the welfare of wildlife as feeding can interrupt their normal feeding patterns, can cause nutritional problems, threaten their health and promote the spread of diseases. This bylaw should not be interpreted in any way to interfere with the authority of the Massachusetts Division of Fisheries and Wildlife or any other state agency.

**Section 2 - Definitions.**

As used in this and subsequent sections:

**BIRD FEEDER** shall mean any apparatus designed for the feeding of songbirds that is equipped with attachments, such as a baffle and a catch platform, to prevent access to the food (including but not limited to, seed, suet, nuts, peanuts and dried fruit) by any other wildlife.

**DESIGNATED ENFORCEMENT AUTHORITY** shall mean Nahant Animal Control Officer, Nahant Police Officers and agents of the Nahant Board of Health.

**FEEDING** shall mean the act of ground feeding, placing, exposing, depositing, distributing, or scattering, directly or indirectly, of any grain, shelled, seeds, wheat, bread or bakery products, salt, meat or parts, fish or parts, or any other feed or nutritive substances, in any manner or form, so as to constitute for such wildlife a lure, attraction, or enticement to, on, or over any such areas where such feed items have been placed, exposed, deposited, distributed, or scattered.

**WILDLIFE** shall mean any undomesticated and unrestrained animal or fowl, including but not limited to coyotes, foxes, raccoons, skunks and other animals or fowl (including gulls and geese).



A TRUE COPY, ATTEST

*Diane M. F.*

TOWN CLERK



Section 3 - Prohibited activity.

No person shall intentionally or unintentionally feed any wildlife on public or private property within the Town of Nahant. Whenever the Nahant Animal Control Officer or any designated enforcement authority becomes aware that wildlife has been found feeding on any substance, as defined above, and the landowner or person committing the act has been notified of the occurrence by any person authorized to enforce this bylaw, and wildlife is thereafter found feeding on any such substance after any act of the commission or omission by the landowner or other person, such feeding shall be *prima facie* evidence that the feeding was with the knowledge or consent of the landowner or other person.

Section 4 - Exceptions.

A. Any individual, company or corporation that is duly licensed by the Commonwealth of Massachusetts or entitled under law to possess wildlife of any kind.

B. Any action that is officially sanctioned by the Commonwealth of Massachusetts that would require feeding, baiting, or luring of wildlife (i.e., capturing and tagging wildlife for scientific projects and study).

C. Any individual, company, or corporation that is engaged in lawful agricultural pursuits, including but not limited to growing crops, crop-bearing plants or raising livestock.

D. This Article shall not be interpreted so as to prohibit bird feeders. If, however, a bird feeder is determined by a designated enforcement authority to be the cause of a public safety threat or nuisance, the bird feeder(s) and seed debris will be required to be removed within 48 hours.

Section 5 - Penalties.

Any violation of this bylaw may be enforced through the non-criminal disposition procedure found in Article XIII and subject to the penalties forth in Article XIII, Sub-Article II, Section 6.

End



A TRUE COPY, ATTEST:

*Deane M. Dunfee*

TOWN CLERK