

## Nahant Housing Plan Production (HPP) Sub-committee

Thursday, May 11, 2023

via Zoom

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### **Committee Members**

- Mark Cullinan, Board of Selectmen
- Michael Rauworth, Zoning Board of Appeals
- James Walsh, Resident Member
- Lynne Spencer, CPA Committee (absent)
- David Wilson, Nahant Housing Authority (absent)
- (Open Committee role)
- Michelle Capano, Resident Member, HPP Chair
- Patrick O'Reilly, Planning Board
- Patty Karas, School Committee
- Antonio (Tony) Barletta, Town Administrator
- John Cruz, Sr. Housing Planner, MAPC
- Alex Koppleman, Sr. Housing Planner, MAPC
- Christian Brand, Interim Community Engagement Director, MAPC

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### **Citizen attendees**

- Paulette Marie
- Susan Downs-Cripps
- Susanne Macarelli
- Marge Parisi
- Kelsey Anderson
- Cassandra Roy
- Enzo Barile
- Kerry Collins

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### **Meeting Agenda:**

1. Call meeting to order
2. Continue discussion on affordable housing options
  - Review and discuss MAPC analysis HPP development constraints and opportunities
  - Review draft outline of the recommended HPP goals and strategies
3. Discuss virtual HPP Open House – Wed May 24<sup>th</sup>
4. Discuss Prepare for Community Engagement #2 Thu Jun 15<sup>th</sup> (date change)
5. Propose HPP Information Table at Town Meeting – Sat May 20<sup>th</sup>
  - Discuss purpose – promote committee and upcoming community engagement in June 15<sup>th</sup>
  - Hours, support, materials
6. Committee New Business
  - Next HPP Meeting
7. Citizen's Forum
8. Adjournment

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### **1. Call Meeting to Order**

The Chair of the Housing Production Plan Sub-committee ("HPP") called the meeting to order at 6:34 PM. The chair reviewed the agenda with the committee and highlighted the new date for the second community engagement to be on Wednesday, June 15<sup>th</sup> at Town Hall. The date was changed in order to accommodate the scheduled program for the 6<sup>th</sup> Grade Johnson School Graduation.

### **2. Discuss virtual HPP Open House – Wed May 24th**

Mr. Koppleman from MAPC led the discussion which reviewed the following topics: 1) Online open house (survey) 2) Development constraints, 3) MAPC housing site and opportunity area recommendations and 4) Draft HPP goals and strategies outline. The objective of this discussion was to confirm the proposed sites by MAPC and recommend development strategies.

Mr. Brandt walked the HPP Committee through a mock-up of the online open house (survey). There are three components to the survey: interactive mapping tool (social pinpoint), scoring of housing strategies and participant written feedback. Survey uses Qualtrics for survey platform and analytics.

Mr. Walsh asked if the online open house will be available as a community engagement or activity after. Ms. Capano clarified that the "online open house" is an online survey that will allow the public to review proposed

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sites and housing strategies and provide feedback. The intent is to release and communicate to the public and make the best use of digital technologies.

Mr. Rauworth confirmed that the online open house is in addition to the in-person community engagement. Ms. Capano had asked as one of the activities of the committee is to execute a survey as an additional tool for residents to provide feedback if unable to attend the committee meetings or community engagements and who want to contribute feedback on Nahant's affordable housing needs.

Mr. Koppleman also shared two key points: 1) sharing the proposed sites with the public prior to the community engagement and 2) preview the housing goals established so the public will be familiar with them prior to the community engagement.

Mr. Rauworth asked clarifying questions as this is an additional to the community engagement as a tool and the housing strategies and goals previously shared with the HPP committee. The information on the housing goals and strategies will also be available for the citizens to review and comment.

Mr. Brandt discussed in further detail how the survey platform will operate and how a respondent should respond to the survey questions. There are features of the survey tools that respondents will be able to opt-in or not and then review the social point of the proposed sites.

Mr. Rauworth asked if the survey will be annotated with details of sites in order to inform the survey respondents further about the criteria in the sites in terms of sizing, development opportunities, etc. Mr. Brandt confirmed that background information will be included in the social point section of the survey.

Mr. Walsh asked if respondents will be required to identify him/herself as residents of Nahant and shared concerns over persons using false identities. Mr. Brandt stated we cannot prevent the non-Nahant residents from responding to the survey; however, the survey will be set up that respondents have to provide certain identifiable information in order to continue to provide feedback within the survey such as name and email address – this can result in lower response rates. In the survey tool will track the IP address of each device responding to the survey and we will also ask what the survey respondent's relationship to the community (e.g., resident, non-resident, former resident). Mr. Rauworth suggest other criteria for the demographics section of the survey.

Mr. Brandt also discussed additional outreach support, materials, and user-friendly tools to help encourage participation to the survey and community engagement such as social media, flyers, press release and RVSP form for the community engagement.

Ms. Capano asked if Mr. Brandt could show a live demonstration of the survey and highlighted how the social point functionality works.

### 3. Continue discussion on affordable housing options

Mr. Cruz provided an overview of the **Development Constraints** and what was shared in the last HPP committee meeting. Review and discuss the constraint maps and language used and the committee will provide feedback so MAPC can modify the proposed sites.

- **Nahant Business District.** Nahant Road/Spring Road is being evaluated for MBRA 3A location.
- **Excluded Land.** represents locations from Department of Housing and Community Development (DHDC), and land not possible for 3A development unless identified in a housing production plan or misidentified. Criteria in this is all land that is publicly owned - wetlands, open to flooding, public rights of ways, privately owned land that impacts on water support, physical features make it impossible, educational or institutional uses.

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- **Protected Open Space.** Three classifications: permanently protected open space, land designated with limited protection, unprotected open space and may be subject to development.
- **Flood Zones.** 1% chance of annual flooding or ponding, these are 100-year flood zone; high risk coastal areas which have fast moving water also known as “V zones”.
- **Sea Level Rise.** Mean Higher High Water (MHHW) potential increases up to four feet in sea level rise.
- **Wetlands.** Focused on the coastal and some inland areas. Typical areas saturated by ground water and near sea level, spill over to development areas.
- **Wildlife Habitats.** Core habitats and priority habitats of rare species are likely not areas considered for re-development.
  - Ms. Capano noted that the Nahant Thicket would need to be included as a wildlife protection and has been supported through Massachusetts Audubon.
- **Topography.** Shows contour lines representing elevation about sea level. For Nahant, this is important substantial changes in elevation in certain areas.

Mr. Cruz moved the discussion to **Housing Sites and Opportunity Areas Recommendations**. MAPC presented their recommendations for both the housing plan and MBTA 3A to the Committee. Some of the sites covered one or the others or both. Other properties were deemed not appropriate – Bass Point Apartments and Dump Site.

Mr. Rauworth interjected that from last week’s committee meeting, there was discussion about Bass Point Apartments and asked question related to 3A that there is nothing preventing from designating an already densely developed area as a 3A area. Mr. Cruz clarified that 3A does not consider what already existing but looks at the potential of what can be developed in the future. Mr. Cruz reviewed the opportunity sites with the Committee for the housing plan and 3A.

- **Bass Point Apartments.** Ms. Capano commented on the Bass Point Apartments that there is a section of land undeveloped and presented to the owners of the property that could offer potential for future housing development. Mr. Cruz stated that there are some challenges where the parcel would need to be divided to a consider for both housing plan and 3A and that option is not available at this time and the subject areas is located within the flood zone. Nahant has a Flood Zone Overlay District which outlines substantial regulatory restrictions in turns of development.
- **Country Club West** was discussed and is in wetlands and in the flood plan. This is the location at the end of Pond Street.
- **Edgehill Apartments.** Identified as 3A zoning district.
- **Country Club East.** Move the district to be on just slide and combine with Edgehill for 3A zoning.
- **Foxhill Road** – correction should be Ward Rd.

Mr. Rauworth asked for clarification on the Edgehill and 3A zoning in terms of accomplishing the goals of 3A. Mr. Koppleman commented that this is an area where mulit family exists for 3A would be desirable for other properties in this location – Country Club East. Mr. Cruz qualified if there are existing areas that quality for 3A then these could be submitted to DHDC to be included under the new statue. For Nahant, current zoning allows for single family homes and two families.

Mr. O’Reilly question whether the Bass Point Apartments, for example, could be covered under the 3A since 30% of the town has multi-families. Mr. Koppleman stated that the multi-families do not conform with current zoning. Mr. Rauworth reminded the committee and MAPC that a zoning change is a civic decision and does not require the consent of the existing owners, but the zoning change could benefit the property owner. Proposed housing options look to increase or expand housing stock in Nahant. Mr. O’Reilly exclusion of Bass Point Apartment and Edgehill and why we would not change the zoning and make it easier to (re) build and re-zone of existing density and align our zoning. Mr. Koppleman highlighted that MAPC has identified areas of 3A interest are outlined for consideration. Mr. O’Reilly offered that the Town could purchase some of the Edghill units and make them into affordable housing.

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Mr. Cullinan asked the following on the two affordable housing units on Spring Road which are duplex units and contribute to 40B and could they be considered for re-development and also zoning under 3A. Mr. Koppleman stated if there is affordable housing which is low density and are considered to increase the density would be allowed if the change would improve the conditions/units for those living there. Mr. Rauworth stated that the locations, if not efficient, could be updated as long as there is swing space to move tenants while rebuild was occurring. Mr. Rauworth asked for 3A purposes, could these be considered to increase density and achieve affordable housing needed. MAPC acknowledged that these locations could be explored further.

Mr. Koppleman confirmed removing Country Club East from consideration due to development constraints. Bass Point Apartments would also be better considered for 3A zoning. As for other sites, removed the Dump Site and would like further feedback on the Church and two locations on Spring Road. For Spring Road (Compost Area and near Fire Station/Flash Road), while shows wetlands on the map. Mr. Cullinan offered we should leave the sites on and allow for further public comment and identify the constraints and should be considered. Mr. Rauworth stated that any development would be based on the economic analysis by a potential developer.

For the Coast Guard Housing (CGH), MAPC stated there is already an existing development in place but could offer a proposal to change. Mr. Walsh questions this comment of MAPC and clarified that the Board of Selectmen have been authorized to sell the property, but no developer has been engaged. Mr. Rauworth stated that MAPC is offering that the current plan be re-considered. Mr. Rauworth offered that the CGH be considered for 3A purposes. Mr. Koppleman stated that he would not agree with offering publicly owned land for 3A consideration. For 3A, its purpose is to enable a private property owner development right vs. an agreement with a developer and you do not need a zoning regulation and focus for including in the housing plan.

Mr. Cullinan disagreed with the assertion of MAPC on CGH and that should be considered for both the housing plan and 3A. Mr. Cruz concluded that MAPC can take back and review. Mr. Koppleman responded to Mr. Walsh's question on senior housing which 3A excludes. Mr. Rauworth asked for additional clarifications as 3A does not allow for age restrictions and encourages development for housing for families.

Ms. Capano suggested for the purpose of the online survey that there be upfront prompts that explain the housing plan sites and those that are both housing plan and 3A opportunities. And highlight pros/cons of each. Mr. Rauworth also mentioned the use of eminent domain to make the property deed restricted to accomplishing the housing goals needed, this should be explored. Mr. Cullinan added that the vehicle would be the Housing Trust could review the benefits and if useful to the Town of Nahant. Mr. Rauworth offered that this was previously discussed in light of tax delinquent properties. Mr. Brandt also included that making sure the background information is available in the online open house for each of the sites to help respondents provide their feedback and make decisions.

Mr. Koppleman requested to move to the next topic on **Housing Goals and Strategies Discussion**. Before doing so, Ms. Capano raised that Little Nahant is not included and is there interest in discussing and including an undeveloped lot in Little Nahant on Wilson Road. Mr. Rauworth provided an update that the adjacent property owner has acquired that lot and applied for a building permit which was declined. Mr. Walsh also asked about 9 Little Nahant Road. Ms. Capano stated it's going through final sale and should be closing shortly.

Mr. Koppleman recapped the past six months of work of the committee covering the Housing Needs Assessment and the first community engagement, and presented the goals and MAPC drafted these strategies and what we are comfortable to bring forward to the second community engagement. This will be narrowed down with actions plans on how to implement the recommendations.

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Re-cap of the HPP Goals:

- Expand 'Little to Middle' Housing Options – create greater variety of housing types in Nahant
- Produce update case A Affordable Housing – create more options for affordable housing in the market
- Reduce housing instability for seniors and vulnerable housing – address cost of housing that is disproportionately higher
- Harmonize housing needs with sustainable housing goals – build housing and neighborhoods that address sustainable

Mr. Koppleman stated that the goal to “support first time home ownership” was taken out and moved to a strategy. This will be included in the recommendations. Mr. Walsh asked to confirm that the upper case “A” Affordable Housing is subsidized housing and Mr. Koppleman confirmed that this would be deed restricted to cost no more than 30% of their income. Mr. Walsh followed with a question on if this type of housing would be owned a public entity or non-profit. Mr. Koppleman stated not always if there is friendly 40B development where it would be 25% deed restricted and 75% market rate. Mr. Rauworth added that this type of development is subsidized by the property owner with certain conditions embedded in the deed and possible tax benefits.

MAPC is proposing the housing strategies to be included in the online survey for public comment and feedback. Mr. Koppleman reviewed the outline and covered each of the strategies' themes – Capacity, Policy, Programming, and Regulatory and then also identified with housing goals it covers.

For 'Establishing an Affordable Housing Trust (AFT)', Mr. Rauworth commented that the CPC contribution can go as high as 70%. Ms. Capano stated that the threshold are established by the CPC Committee. Mr. Walsh recalled from Ms. Spencer that the percentage could be increased according to Committee's direction. Mr. Koppleman also stated that this is a detail that needs to be considered for different complexities.

Mr. Cullinan asked if these strategies are not mutually exclusive, and Mr. Koppleman confirmed that these are intertwined to support each other.

'Hiring a part-time planner' as a means of building staffing capacity and addressing housing growth. Mr. Cullinan asked if this could come through the AFT as part of the administrative services.

Next, the committee discussed the Regulatory Strategies which focused on zoning regulations for the Town. Accessory Dwelling Units (ADU) is a strategy to increase housing options with minimal impacts. This will allow homeowners who want to create housing options, especially for seniors who want to downsize and pass larger home to extended family. Mr. Cullinan asked if for the Town to adopt, the Town would need to accept the provisions in Massachusetts General Laws (MGL) covering ADU's.

Mr. Koppleman stated that the Town would have to create an amendment to the Zoning Bylaws which would require adoption of MGL and a simple majority since the State amended the guidance to address the housing crisis in Massachusetts. Thus, ADU's would be acceptable by a matter of right to reduce the application or permitting process to make is easier for non-developers/homeowners. The Board of Selectmen could establish regulations with certain requirements such a detached building, setback requirements, off street parking, etc. Mr. Rauworth asked how these ADU's would be regulated so there is no discrimination in terms of

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who occupies the ADU's. These units would be subject to fair housing regulations and there may be certain exceptions. Housing regulations should not be in conflict with Federal Fair Housing statutes. The property is deeded as one property with two buildings, and you cannot sub-divide the lot to separate the main home from the ADU.

Mr. Cullinan asked if the ADU's can be deed restricted to account toward Affordable Housing. Mr. Koppleman confirmed that ADU's cannot deed restricted nor be counted to SHI. Mr. Cruz did state that regulations should be created that address thresholds for rents and affordability in mind. This is being explored in Salem.

Mr. O'Reilly asked a process question which MAPC will assist in proposed bylaw changes. Mr. Koppleman stated that a part-time consultant would need to be engaged to help develop those proposed by-law changes. The work before the committee is a plan toward proposed by-law changes. Mr. O'Reilly followed up with 3A zoning and Mr. Koppleman confirmed MAPC would be able to assist on proposed by-law changes for 3A zoning.

"Allow different housing types" would accommodate diverse needs of citizens for housing and create inventory of housing to help the affordable housing needs. This strategy allows for modifications to existing by-laws for various housing types.

Under Regulatory Strategies, Mr. Koppleman covered "40R zoning which is the smart growth overlay" and suited for smaller sites analysis. Functions as an overlay over 3A zoning. Existing State tool and allow for calculations towards to affordable housing units. Communities do not need to prove out the numbers of affordable housing units. Benefit of this approach is that Nahant is eligible for finding for Capital Improvements for development such as improving sidewalks.

Mr. Koppleman moved to cover the Policy Strategies. The Committee discussed options for the CGH and recommendation would include a "right to return" when someone is displaced and make the developer provide this service. This strategy may include affordable housing component as well in a developer agreement. Mr. Walsh stated that the Committee could recommend some lots be sold to pay off the \$1.8M loan and review Goddard Drive as possible re-development for affordable housing. Mr. Koppleman asked if MAPC could review the documents leading to CGH and provisions. Ms. Capano confirmed that the meeting minutes from the 2021 Annual Town meeting would be available for MAPC to review the Article and language on the decision.

"Review public owned land and partner with a developer for affordable housing." The Committee reviewed this strategy and Mr. Koppleman provided further context on this proposed strategy which included affordable housing, market rate housing, and open space. This would apply Spring/Emerald Roads. Mr. O'Reilly asked why would not the non-Housing Authority develop affordable housing .

Mr. Koppleman stated that the development partners could be the Housing Authority may not have the resources financial or other or interested in doing so. This would also be deed restricted to Affordable Housing. Mr. Walsh asked about possible changing the plans for the CGH to allow for senior of different kind of public housing development. Mr. O'Reilly affirmed that that permanent deed restriction does not require to have a lot of land and so this would support 40B development. Mr. Walsh stated that we have to be specific and concentrated as we do not have the land area.

Mr. Koppleman summarized the remaining Policy Strategies for the Committee.

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Next, Mr. Koppleman moved to review the Programming Strategies and highlighted some of the concepts that could be used. Ms. Capano stated that the executive director, Mary Miner, for the Council of Aging has been in her role for 18 months and has been working towards supporting the Nahant seniors with questions such as healthcare coverage. Much of what Ms. Miner has addressed on housing instability Nahant does not have any programs in place. Mr. Walsh suggested the Committee also reach out to the Board of the Council on Aging to discuss their plans or goals aligned to what the Committee is working on.

#### 4. Committee New Business

Mr. Koppleman covered next steps with the Committee: the housing goals and strategies will be covered at the June community engagement. A press release has been drafted and flyer. Ms. Capano will have the flyer distributed at the Town Meeting and the online survey communicated to the public.

#### 5. Propose HPP Information Table at Town Meeting – Sat May 20th

Ms. Capano explained that for the May 20<sup>th</sup> Town Meeting, the Committee would have a table to promote the community engagement and online survey. Mr. Brandt is invited to help support and Ms. Capano and Mr. Brandt would be available to answer the questions of residents on the work of the Committee.

#### 6. Committee New Business

Ms. Capano offered if the committee wanted to meet next week. Mr. Walsh asked if the Committee could take time to review the goals and strategies and send questions to Ms. Capano could consolidate and re-distribute to the Committee and to forward to MAPC.

#### 7. Citizen's Forum

- Kelsey Anderson, resident of Spring Road, raised concerns about the number of housings suggested and does impact the neighborhood makes a more transient.
- Question: Are we saying no to more affordable housing as an option for the public and can this be listed as an option and if an option for a question. Ms. Capano responded that the Town is working to comply with the State requirements of 40B and 3A until we've heard feedback from the community people who live here want to stay here and from the first community engagement there is significant need for more senior housing. Mr. Rauworth also stated there is a cost to the Town of a hostile 40B development if unable meet this requirement.
- Cassandra Roy, 42 Spring Road, Do we have to say to the public that we do or do not have comply. Ms. Capano responded earlier on 40B and for 3A, the Attorney General has explicitly stated that the State will proceed against communities who do not comply with 3A. Mr. Walsh stated that the Committee's goal is to come up with a plan that complies with the State laws. Ms. Roy follow-up with a question would the Town be fine without [a housing plan]. Mr. Walsh responded that developers would be able to bypass local zoning and potential build a development at profit inconsistent with the values of the community.
- Kelsey Anderson asked for an outline of what State funding the Town has received because of [3A MBTA] and does not think public is well-informed and that some community members are outspoken and what the usage of the Town is of MBTA buses which would drive transparency around this issue before the Town.
- Ms. Roy also asked what the address of the Committee members were. Each committee member provided their home addresses.
- Ms. Anderson asked about the open lot on High Street and why that is not considered. Ms. Capano confirmed that property is being considered and is on the site map.

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- Ms. Anderson asked about the removal of the land where the Country Club sits and Ms. Capano stated the proposed land removed is at the end of Pond Street where there is paper road and on the location of the property is behind the homes at the end of Willow Road, east end of the Golf Course.
- Ms. Roy stated that the east side of Nahant is not being considered and feels like Spring Road area was invested in through the courts and is main point of conversation a little stifling to be given the existing housing. Ms. Anderson also stated living across from the [public] housing is very disrupting and is concerned about a transient neighborhood such as protecting neighborhood. Mr. Cullinan agreed with the citizens feedback and more could be done to improve the Town and neighborhood. The four largest sites under consideration are the Coast Guard Housing, Greystone Road behind the Spindrift, St. Thomas Church and the Country Club. Ms. Roy works from home and hears yelling and screaming and the condition of the homes are not in terrific condition. The fear is if more [public] housing is built, how will they be maintained and what types of people will be living there.

### 8. Adjournment

The Chair asked for a motion to adjourn the meeting. So moved by Mr. Cullinan and seconded by Ms. Karras.

Roll-call vote was taken:

Mr. Rauworth – Yes	Mr. O’Reilly – Yes
Mr. Walsh – Yes	Ms. Karras – Yes
Mr. Cullinan - Yes	Ms. Capano - Yes

The meeting ended at 9:40 PM.

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**Respectfully submitted as approved at the August 17, 2023, Housing Production Plan Advisory Sub-committee Meeting.**

**By:** Michelle Capano, Chair