

Planning Board Recommendation on Compliance MBTA 3A

Process and Recommendation:

The Planning Board, led by Sheila Hambleton, engaged in an intensive process to explore various options to comply with the zoning requirements in MBTA Section 3A. It held over 10 public meetings to reach its proposal, and held a public hearing on September 23, 2025, to discuss the preliminary decision it reached. After reviewing input from the public, the Planning Board's recommendation is as follows:

The Town of Nahant vote to establish an overlay district on a parcel commonly known as Bass Point

The reasons for this decision are as follows:

- **Of the seven sites considered for achieving 3A compliance, Bass Point had the least impact on the community. Indeed, because Bass Point already has multifamily units via a special permit, Nahant can merely create a multi-family overlay district there and achieve compliance with state requirements.**
- **The Planning Board identified minimal, if any, discernable impacts from this action. In fact, if the proposal is adopted, the number of multi-family units would significantly decrease if at some future date the current multi-family units were eliminated and only 10% of the units were affordable housing. Bass Point would be limited to 84 units instead of the current total of 124 units, and the 8-9 affordable units would be occupied by people at roughly the same economic level as current residents of Bass Point. If 25% of the units were allocated for such residents, a limit of 128 units could be created which would mean virtually no change in the number of units or demographics of occupants that currently reside at Bass Point.**
- **If Nahant does not comply with Section 3A, it would create palpable risk to our community:**
 - **It would give the State the right to establish a multi-family complex at any place it deemed most appropriate.**
 - **It could subject Nahant to monetary penalties and litigation costs.**
 - **It could deprive Nahant of the ability to adopt home rule and charge impact fees on non-taxpaying entities to cover increased costs on our community.**
 - **It would eliminate Nahant's ability to obtain grants from the State to defray house costs.**

- The proposal has the added benefit of getting us very close to zoning compliance with Section 40b (affordable housing) for safe harbor. The Planning Board believes that making efforts to comply with state efforts to expand housing in Massachusetts may yield “good will” with respect to future needs for state funding Nahant may request.
- In summary, unlike many communities in Massachusetts, Nahant has an easy way to comply with Section 3A, creating virtually no change in our community and avoiding serious, potential adverse impacts. The Planning Board proposal does that.

Background

1. State Requirement

- a. MBTA communities (such as Nahant because of its proximity to the Lynn Station) must have at least one multi-family zoning district by December 31, 2025, that meets the required size designated by the State.
 - i. Failure to comply results in loss of eligibility for certain funding and civil penalty that could be significant.
 - ii. Nahant cannot avoid this obligation by foregoing this funding or asking that bus service be stopped.
- b. The State determined Nahant needs to zone for 85 multi-family housing units (5% of total housing units) on almost 6 acres (excluding roads, floodplains, government-owned land, etc.) and 15 units minimum gross density.
- c. Current multi-family units are not counted as part of meeting the 3A requirements.
- d. Becoming adversarial with the State is a bad option given future funding needs in event requires additional help with risks to community – rising sea levels, anticipated infrastructure repair, and other costs demands.

2. Planning Board Process

- a. Retained a consultant, Nels Nelson - Community Scale, on a limited basis with limited costs (paid by EOHLC) to assist with compliance (Nels is experienced in drafting zoning by-laws and recommended by EOHLC)
- b. After Nels briefed the Planning Board (“PB”) on options for proceeding, the PB found Nels to be neutral in approach and highly competent. The PB reviewed various potential sites with certain key objectives in mind:
 - i. Multi-family feasibility
 - ii. Development costs

- iii. Impact on culture and recreational opportunities in Nahant
 - iv. Fair consideration of all potential sites, regardless of area and demographics
 - c. The State identified acreage it viewed as available for multifamily zoning.
 - d. The 7 sites selected for evaluation by the PB are set out in Appendix 1.
 - i. Bass Point
 - ii. Nahant Country Club land
 - iii. Nahant Road to Ocean (Winter to Summer Streets)
 - iv. Range Road/Bayside
 - v. Willow/Cliff/Vernon Road Area
 - vi. Nahant Road Corridor from the Bank to Short Beach
 - vii. Nahant Road business district (Spring, Kennedy Court area)
- 3. The PB's Determination
 - a. The PB members rated each site on the 12 criteria identified in the top line of Appendix 2. Votes were taken on these criteria for each site and then totaled. However, the PB doubled the scores for 3 selection criteria:
 - i. Feasibility for development of new units (cost of land, economics for new multifamily units)
 - ii. Aesthetics and Compatibility with Neighborhoods
 - iii. Impact on Open Space and Recreation
- 4. An example of the PB's initial ratings for these 7 sites is set out in Appendix 3. The highest rated sites providing the best opportunity for multi-family development were:
 - i. Bass Point – 45.5
 - ii. Nahant Road Corridor from the Bank to Short Beach – 45.5
 - iii. Range Road/Bayside – 40

The lower rated sites were:

- iv. Nahant Country Club – 32
- v. Willow/Cliff/Vernon Road Area - 36
- vi. Nahant Road to Ocean (Winter to Summer Streets)
- On the feasibility criteria – Bass Point and the Nahant Rd Corridor both scored a 10 with the next highest Range Rd/Bayside at a 7.
- On the aesthetics and compatibility criteria – Bass Point and the Nahant Country Club scored a 10 with the Nahant Rd Corridor to Short Beach scoring an 8.

The PB also considered the Nahant Rd and Spring Rd business district but did not formally rate it because of flood risk and disruption to the few businesses offering value to Nahant

residents (with new, more expensive leases likely eliminating valued business for Nahant residents)

5. An additional factor on which the PB placed considerable weight was limiting disruption to the community. Applying this factor as well as the other factors noted above, the PB believes that Bass Point was the most advantageous site in which to create an overlay district for multi-family housing in one area only. The rationale included:

- a. The site already contains multi-family units so compatibility was exceedingly high, and impact on aesthetics would be minimal.
- b. The site had high feasibility for new units because of a prime location that could support new development and where land values (or need to acquire properties to allow for development) were favorable.
- c. Adverse impacts on the culture and open space/recreational opportunities were minimized.
- d. The multi-family designation could reduce the number of units on site from 128-85.
- e. There would be little additional traffic or accessibility issues. However, should Castle Road be narrowed in the future (as proposed), those issues would exist without the zoning overlay district change.

6. What Is the Impact of Multi-Family Overlay District Being Added in the Nahant Zoning By-Laws

- a. The Multi-Family Overlay District (“MOD”) is a zoning district superimposed over an underlying R-2 zoning district. It would allow multi-family development as of right to the current or future owner of the Site (proposed to be Bass Point) but requires 15 units per acre or 85 total units on the Site. At the same time, all current R-2 Nahant Zoning By-Laws would govern any such development, including height restrictions.
- b. Bass Point is currently zoned single family residential, but the owner was permitted to create multi-family units per a Special Permit. Under the proposed article, the current or future owner would build multi-family units as a matter of right.
 - i. The owner could still build single family units or repair and rehab the existing 128 units even with the overlay district.
- c. If the owner sought to rebuild the complex, it could only build 85 housing units and 10% of the housing units constructed would need to be “affordable” housing units (see explanation immediately below). To build 128 units (the number of units currently on the site), 25% would have to be affordable.

- i. Affordable units are those set at a price so that a person or household at meets the median income of Nahant residents could afford it. These units are not low-income housing units.
- d. The PB determined to include the affordability requirements would get Nahant 90% of the way to meeting requirements under Section 40b. If, in fact, the 128 units were rebuilt (with 25% of those in these units inhabited by those who are in the median economic demographics of Nahant), Nahant would be very close to safe harbor from a large scale development where Nahant would have no say as to size, height, location etc.
 - i. While achieving safe harbor from a large-scale development is very challenging for Nahant, the PB believes that its good faith effort to move significantly towards compliance will show Nahant is seeking to help the State achieve its overall increase in housing and affordability goals. It also helps the community with its problem of insufficient lower cost units while benefiting Nahant in its effort to obtain future State resources by working collaboratively with the State on its housing goals.

Questions (From the Public Hearing and Elsewhere) and Answers

1. Could the State ignore Nahant's change in zoning and allow a developer to construct multi-family units with no height restriction elsewhere on Nahant?
Such an occurrence is extraordinarily unlikely. The Planning Board worked collaboratively with the State, and it informally approved our proposed approach.
2. I have heard rumors Section 3A may be rescinded. Does it make sense for Nahant to act now?
Changes in the law can always occur. If that happens, Nahant has the ability to change its laws. However, based on current law and when we know, there are great benefits to proceeding as the Planning Board proposes, and significant downsides to not doing so, with a proposal that will result in little, if any, change for our community.
3. Very few Nahant residents use public transportation. Could Nahant have opted out of the 3A program?
The Law requires that MBTA Communities "shall have" a compliant zoning district and does not provide any mechanism by which a town or

city may opt out of this requirement. Nahant is an MBTA community by virtue of its proximity to the Lynn train station.

4. Did the Planning Board consider Lodge Park to Nahant Road?

The site is an excluded area by virtue of the fact it is a natural resource area and its wetlands.

5. Did the Planning Board conduct a traffic study on impacts on Bass Point?

Ordinarily, such studies are done by the developer at its expense and then the developer's proposal is review in light of that study for any recommended needs. Since the Planning Board proposal will likely lessen traffic and worst case will maintain current traffic levels, a traffic study was not deemed necessary.

6. When is the overlay district zoning triggered?

It is triggered by a tear down of current units at Bass Point and new construction. A change like refurbishment does not make the site more nonconforming and would not trigger the overlay.

7. Is any new development subject to height limits, setbacks and other zoning restrictions?

Yes.

8. Why wasn't an overlay district for all of Nahant considered?

It was but the Planning Board determined that it made more sense to choose a site on which multi-family units would be most compatible with current use and had the least disruption on the Town and the ten factors on which it determined the optimal site for the overlay zoning.

9. How would enforcement of the overlay district happen?

The building inspector is charged with enforcing our zoning laws. The Housing Council and Planning Board may review needs in this area if and when it becomes apparent new construction at Bass Point could occur.

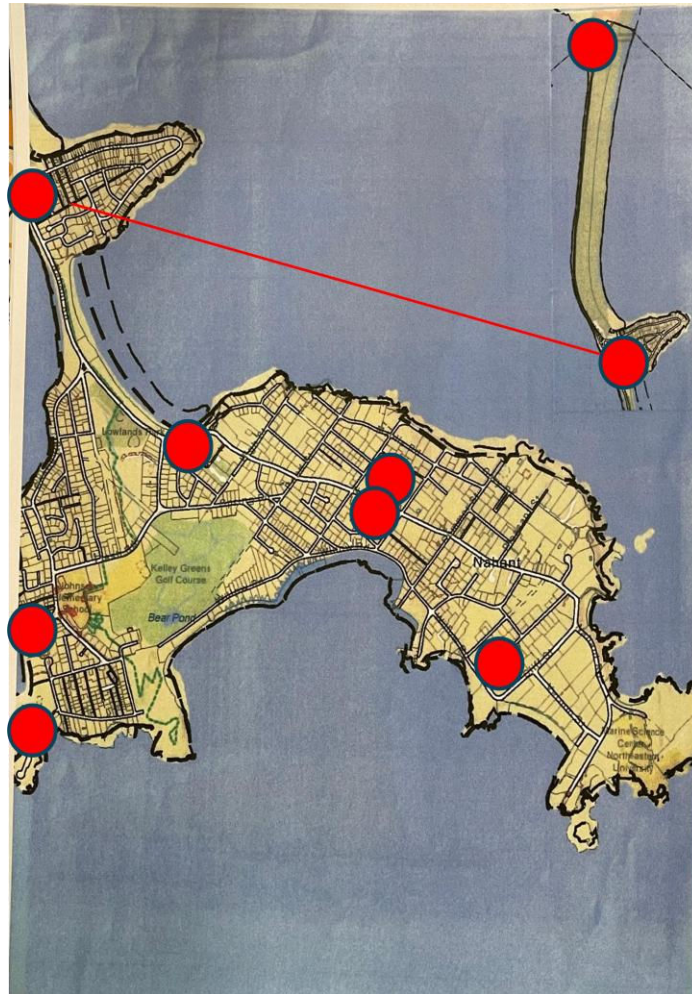
10. What specific grants would no longer be available to Nahant if it doesn't comply with 3A?

An MBTA community that fails to comply with this section shall not be eligible for funds from: (i) the Housing Choice Initiative as described by the governor in a message to the general court dated December 11, 2017; (ii) the Local Capital Projects Fund established in section 2EEEE of chapter 29; (iii) the MassWorks infrastructure program established in section 63 of chapter 23A, or (iv) the HousingWorks infrastructure program established in section 27½ of chapter 23B.

11. Was the owner of Bass Point notified of the change?

A formal written notice was sent and additional efforts were made by the Chair to ensure the owner knew of the public hearing and had other opportunities to comment.

Appendix 1



Appendix 2

Sites	Area	Acreage	Feasibility New Units*	Net New Units for Area	Aesthetics, Compatibility *	Impact Open Sp/Rec*	Impact Traffic	Impact Infrastr	Transit Accessibility	Flood Risk, Climate	Equity	Town Acceptance	Total	Notes
Bass Point	A/ T o houses; B/ Not Include Existing Apts; C/ Including Adjacent Houses		10.0	-	10.0	10.0	4.0	3.0	1.5	2.0	0.0	5.0	45.5	Good site; do not want to lose housing unit since existing apt more than 15 per acre, but leave to developer discretion? Parts of property may be in floodplain buffer (exclude?). One owner is plus if don't include adjacent housing. Don't want to lose
Nahant Country Club			2.0	-	10.0	2.0	4.0	3.0	5.0	5.0	0.0	1.0	32.0	Difficult to acquire as Nahant Pres T trust owns for purpose of maintaining in current usage; 12 apt in existing building and don't want to lose less expensive housing; valued open space and recreational area.
Nahant Rd - Winter/Summer Streets			3.0	-	6.0	10.0	4.0	3.0	5.0	5.0	0.0	1.0	37.0	Expensive area to acquire housing with among highest number of owners makes it less feasible.
Range Rd/Bayside	A/ Alt; B/ Exclude Knights; C/ Exclude Knights and House		7.0	-	7.0	10.0	4.0	3.0	4.0	3.0	0.0	2.0	40.0	Knight of Columbus valued event community center - perhaps allow mixed use in new development with event center included; acquiring housing difficult because of number of owners but are numerous multifamilies that might be replaced.
Cliff/Vernon Willow Roads	Area Along Cliff Extending East		6.0	-	4.0	10.0	3.0	3.0	2.0	5.0	0.0	3.0	36.0	Not a natural area for multi-family; acquiring land is expensive due to high end homes.
Nahant Rd - Bank to Short Beach	Exclude New House and		10.0	-	8.0	10.0	1.5	3.0	5.0	5.0	0.0	3.0	45.5	Good area for multifamily, There are 20 homes along this strip of land.
Notes on Criteria				Same all Site					Looked at if 1/4-1/2 mile from bus stop		Same all Site			