



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

Town Clerk's Office

AG Bylaw Response for

Nahant Special Town Meeting of November 19, 2025—Case # 12130

Warrant Articles # 1 and # 2 (Zoning)

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 affect from the date they were approved by the Town Meeting, unless a later effective date is prescribed in the by-law.

Posted: March 11, 2026

Website: www.nahant.org, Nahant Town Hall, Nahant Police Station, Nahant Public Library, and the Nahant Fire Station.

Witness my hand and the seal of the Town of Nahant this 11th day of March, 2026.

Very truly yours,

Diane M. Dunfee

Diane M. Dunfee, CMMC
Town Clerk/Chief Elections Officer
Notary/RAO
Ph: 781-581-0018 *217
Email: ddunfee@nahant.org



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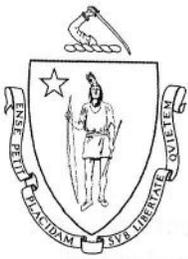
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THE COMMONWEALTH OF MASSACHUSETTS
OFFICE OF THE ATTORNEY GENERAL

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February 23, 2026

Diane M. Dunfee, Town Clerk
Town of Nahant
334 Nahant Road
Nahant, MA 01908

**Re: Nahant Special Town Meeting of November 19, 2025 – Case # 12130
Warrant Articles # 1 and 2 (Zoning)**

Dear Ms. Dunfee:

Articles 1 and 2 – Under Article 1, the Town amended its zoning by-laws to add a new Section 16, “Multi-Family Overlay District,” (“MOD”) to allow multi-family housing by right in compliance with G.L. c. 40A, § 3A. See Attorney General v. Town of Milton, 495 Mass. 183, 196 (2025) (General Laws Chapter 40A, Section 3A “creates an affirmative duty for each MBTA community to have a zoning bylaw that allows for at least one district of reasonable size where multifamily housing is permitted as of right.”). Under Article 2, the Town amended its zoning map to reflect the new MOD.

We approve Articles 1 and 2 because the amendments do not conflict with state law. See Amherst v. Attorney General, 398 Mass. 793, 795-96 (1986) (requiring inconsistency with state law or the Constitution for the Attorney General to disapprove a by-law). We will return the approved map to you by mail.

While we approve Articles 1 and 2, the Town must also separately obtain the Executive Office of Housing and Livable Communities’ (“EOHLC”) determination that the Town has complied with Section 3A. See 760 CMR 72.09, “Multi-Family Zoning Requirements for MBTA Communities.” We understand that the Town received District Compliance from EOHLC on January 22, 2026. See EOHLC “Submission Statuses” at <https://www.mass.gov/info-details/multi-family-zoning-requirement-for-mbta-communities>. We note however, that EOHLC’s decision on the Town’s application for District Compliance has no impact on the date the by-law amendments have lawful effect. The Attorney General’s approval of the by-law amendments pursuant to G.L. c. 40, § 32 means that the by-law amendments are in effect as of the date of the Town Meeting vote, and can be implemented, once the Town completes the posting/publishing requirements of G.L. c. 40, § 32.

We offer additional comments below for the Town’s consideration to ensure the proper

conditions on use). In light of these limitations on site plan review for as-of-right uses, the Town should consult with Town Counsel when applying Sections 16.7 and 16.9's provisions to multifamily housing in the MOD to ensure that its site plan review process does not exceed the allowable use of site plan review for as-of-right uses established under current state law.

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.

Very truly yours,

ANDREA JOY CAMPBELL
ATTORNEY GENERAL

Nicole B. Caprioli

By: Nicole B. Caprioli
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cc: Town Counsel Daniel Skrip