

Meeting of Planning Board on February 25, 2025

With notice being properly given, the Chair opened the meeting at 6:32 pm and called the roll. The following persons were present: Hambleton, Bianchi, Steinberg, Flacke, and Carey, and Alternates T. Hambleton and J. Lewis.

Tim Bell attended as a liaison for the Fincom.

The Chair started with approval of the meeting on February 5, 2025. Motion made by Bianchi and seconded by Rebecca. The vote was as follows: yes - Hambleton, Bianchi, Steinberg, Flacke, and Carey. Minutes of February 18, 2025, were not discussed nor approved (prepared by Flacke).

Bianchi noted that adds for the ADU by-laws for parking and utilities needed to be discussed. He worked with Dan Skrip and these adds were made and the ADUs were reorganized. There was discussion of a vote on rescission of the February 5 vote. Shannon moved to rescind the vote on February 5 regarding the draft ADU sent to the Selectmen, with that motion second by Carey. The vote was as follows: yes - Hambleton, Bianchi, Steinberg, Flacke, and Carey.

On the revised ADU to submit (accompanying document to these minutes), Rebecca noted a typo in **15.04 C to correct the added word "not"**. Rebecca asked about the reorganization and why we moved the new no. 1 back to no. 6 as it was. Bianchi noted that the structure was different from what was reviewed and approved by Tony and the ZBA. And, there was a reason to lead with an enforcement section to emphasize it. Bianchi then reviewed the utility addition at "H" and the addition at "I" for utilities and parking in Section 15.04. Shannon also said that the time period was changed for 3 months and the table of use was not changed because it is allowed by right. T. Hambleton noted he drafted a "view" ordinance and wanted to get it on an agenda. S. Hambleton noted we need to look at all zoning by-laws. On utilities, Shannon said we needed to **add "without a special permit" to the end of section 15.04, H.**

Bianchi moved to the send to the Selectmen the accompanying document (Draft ADU Bylaws for 2-25-25 PB Meeting) with the two amendments bolded above, seconded by Carey. The vote was as follows: yes - Hambleton, Bianchi, Steinberg, Flacke, and Carey.

The budget right now is \$2,650 for 2025, and the Chair noted that we need to meet with the Finance committee given the need for a larger budget to put together the MBTA zoning by-law. The Chair noted consultants will be interviewed on MBTA effort. The Chair suggested meeting with the Nahant Housing Authority regarding the MBTA by-laws.

The Chair then turned to Section 3A of the MBTA. She noted that we need 84 units. The Chair said that we should have a special town meeting in October for review.

The Chair noted that the hearing will be March 18th for the ADUs.

The Chair that said that we will discuss at the next meeting 49 Little Nahant Road in which the Building Inspector denied a permit based on the proposed FAR. She noted we also will discuss the budget and the Master Plan process, and a structure for the ADU hearing.

Zoning By-Laws

Section 15: Nahant Accessory Dwelling Units

Section 15.01 - Purpose and Intent

The purpose and intent of this bylaw is to comply with Section 8 of Chapter 150 of the Acts of 2024, also known as the Affordable Homes Act.

Section 15.02 - Definitions

The following definitions shall be applicable to this section:

Accessory Dwelling Unit (ADU) A self-contained housing unit, inclusive of sleeping, cooking and sanitary facilities on the same lot as a principal dwelling, subject to otherwise applicable dimensional and parking requirements, that:

1. maintains a separate entrance, either directly from the outside or through an entry hall or corridor shared with the principal dwelling sufficient to meet the requirements of the state building code for safe egress;
2. is not larger in gross floor area than 1/2 the gross floor area of the principal dwelling or 900 square feet, whichever is smaller; and is subject to such additional restrictions as may be imposed by a municipality, including, but not limited to, additional size restrictions and restrictions or prohibitions on short-term rental, as defined in section 1 of chapter 64G; provided, however, that Nahant shall not unreasonably restrict the creation or rental of an accessory dwelling unit that is not a short-term rental.

Protected Use Accessory Dwelling Unit (PADU). An attached or detached ADU that is located, or is proposed to be located, on a Lot in a Single-family Residential Zoning District and is protected by M.G.L. c. 40A, § 3, provided that only one ADU on a lot may qualify as a PADU. An ADU that is nonconforming to Zoning shall still qualify as a PADU if it otherwise meets this definition.

Section 15.03 - Administration, Enforcement, and Procedural Requirements

1. The Building Inspector shall administer and enforce the provisions of this Section.
2. The Nahant Zoning Board of Appeals shall be the Special Permit Granting Authority under this Section and shall administer and enforce the provisions of this section related thereto.
3. To the extent applicable to a Single-Family Dwelling, the construction of any PADU must be in conformity with the State Building Code and Title V of the State Sanitary Code and lawful under all other provisions of applicable Nahant health, zoning and other

- d. No PADU shall be used for boarding, lodging, short term rental, or other commercial use (other than long term rentals). A PADU may be rented for periods not shorter than a duration of less than ninety (90) days.
- e. Setbacks for PADUs shall be the same as setbacks established in the Nahant Zoning Bylaws for Single-Family Dwellings.
- f. Detached PADUs shall not exceed thirty (30) feet in height from basement to average peak without a Special Permit.
- g. No more than one (1) Accessory Dwelling Unit may be created per lot without a Special Permit.
- h. All utilities servicing a PADU must be provided through the Principal Dwelling and may not be provided through separate, independent utility connections.
- i. For each PADU, one (1) additional off-street parking space shall be required in addition to any parking already required of the Principal Dwelling.

Section 15.05 - Prohibitions

- 1. No ADU or PADU may be sold separately from the principal dwelling.
- 2. No parcel may have more than one ADU or PADU thereon without a Special Permit.

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