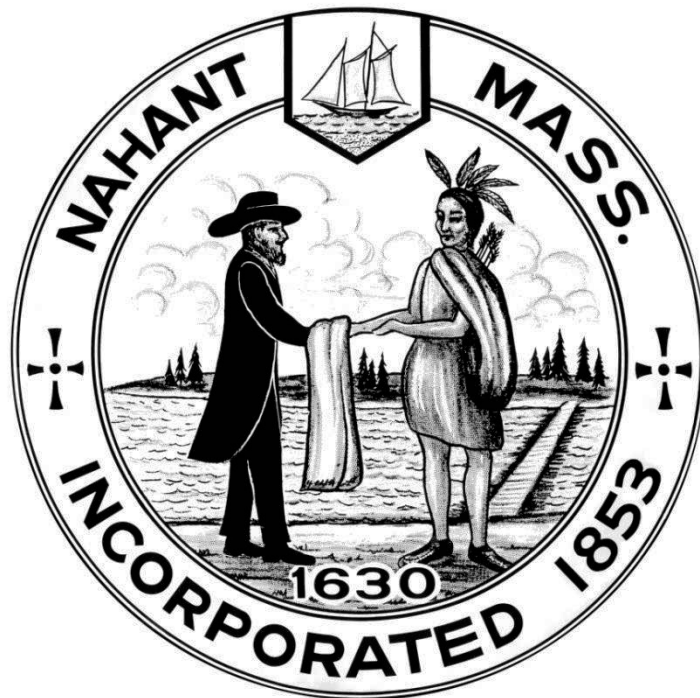


**Report and Recommendations  
of the  
Advisory and Finance Committee**



**Town of Nahant  
Massachusetts**

**Special Town Meeting  
Wednesday, November 19, 2025  
7:00pm**



## Table of Contents

There are two Articles for this Special Town Meeting. We present the text of the Articles as adopted by the Board of Selectmen, followed by the Advisory and Finance Committee's Recommendation.

In the Appendices, you'll find additional information pertinent to the Articles. Included in this book is the final Warrant and no further changes can be made to the Warrant, including grammar, formatting or otherwise.

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**Warrant**  
**For the Special Town Meeting**  
**November 19, 2025**  
**7:00 PM**  
**Nahant Town Hall**

**ARTICLE 1 (Section 3A/MBTA Communities):** To see if the Town will vote to add the following new section – *Section 16 Multi-family Overlay District* – a copy of which is available for review in the town clerk’s office, to Nahant’s Zoning Bylaw in order to comply with Section 18 of Chapter 358 of the Acts of 2020 that added a new Section 3A to the Massachusetts Zoning Act, or take any other action related thereto.

**ARTICLE 2 (Zoning Map Amendment):** To see if the Town will vote to amend its Zoning Map to reflect the new overlay district referenced in Sub-section 16.2 (Establishment and Applicability) of the new Section 16 (Multi-family Overlay District) of Nahant’s Zoning Bylaw, a copy of which is available for review in the town clerk’s office, or take any other action related thereto.

**RECOMMENDED:**

Section 3A of the MBTA Communities Act requires Nahant and other municipalities to create multi-family zoning before December 31, 2025. The State may withhold grants and potentially other funding if municipalities do not comply.

After thorough research, the Planning Board has developed an initial, practical response to the State's multi-family mandate. Creating a multi-family overlay district on the Bass Point Apartments property can satisfy the State requirements with relatively little impact to the Town (housing density, public services, infrastructure).

The Bass Point Apartments, now zoned as single family (R2), obtained a special permit for multi-family use. Creating the multi-family overlay can meet the State's 3A requirements in an already-existing multi-family area.

This proposed Article is not intended to limit other possible future locations for multi-family (or affordable housing). Nor will it impact the recently passed Accessory Dwelling Unit (ADU) Zoning By-Law.

The Advisory and Finance Committee understands that Section 3A is controversial, as demonstrated in Milton and recently in Marblehead. We recommend this Article for Section 3A compliance now, manageably.

**APPENDIX 1**

**Proposed Section 16 of the Town's Zoning Bylaw  
Multi-Family Overlay District**

## Section 16 Multi-family Overlay District

### 16.1 Purpose

The purpose of the Multi-family Overlay District (MOD) is to allow multi-family housing at a density of 16 units per acre as of right per Section 3A of the Zoning Act (Massachusetts General Laws Chapter 40A). This zoning provides for as of right multi-family housing to accomplish the following purposes:

1. Promote public health, safety and welfare by encouraging the production of various housing sizes and types to provide equal access to new housing throughout the community to meet the various needs for people and households of all incomes, ages and sizes.
2. Preserve open space in a community by locating new housing within or adjacent to existing developed areas and infrastructure.
3. Increase the municipal tax base through private investment in new residential developments.

### 16.2 Establishment and Applicability

This MOD is an overlay district superimposed over the underlying zoning district and is shown on the Zoning Map.

1. **Underlying Zoning.** The MOD is an overlay district superimposed on underlying zoning districts. The regulations for use, dimension, and all other provisions of the Zoning By-law governing the respective underlying zoning district(s) shall remain in full force, except for uses allowed as of right in the MOD. Uses not identified in Section 16 are governed by the underlying zoning district(s) requirements.
2. **Density Protection.** The Planning Board shall have the authority to modify any conflicting dimensional or design standards imposed by other sections of the zoning bylaws if such standards would result in a reduction of the base density of 16 units per acre for multifamily housing within the MOD.
3. **Cap on Maximum Dwelling Units per District.** The Multi-family Overlay District (MOD) is limited to 84 housing units, based on 16 units per acre, including as-built or permitted units within the MOD boundaries. Projects with at least 25% affordable units, permitted by Special Permit under Section 16.4.2 (up to 25 units per acre), may exceed this cap up to 128 total housing units within the MOD.

### 16.3 Definitions.

For Section 16, the following definitions shall apply. See Section 2 of the Zoning By-laws for all other definitions.

1. **Affordable unit.** A multi-family housing unit that is subject to a use restriction recorded in its chain of title limiting the sale price or rent or limiting occupancy to an individual or household of a specified income, or both.
2. **Affordable housing.** Housing that contains Affordable Units eligible for listing in the EOHLIC's Subsidized Housing Inventory.
3. **Applicant.** A person, business, or organization that applies for a building permit, Site Plan Review, or Special Permit.

4. **Area Median Income (AMI).** The median family income for the Boston-Cambridge-Quincy MA-NH HUD metropolitan statistical region includes the Town of Nahant as defined by the U.S. Department of Housing and Urban Development (HUD).
5. **As of right.** Development that may proceed under the Zoning in place at the time of application without needing a special permit, variance, zoning amendment, waiver, or other discretionary zoning approval.
6. **Building coverage.** The maximum area of the lot can be attributed to the footprint of the buildings (principal and accessory) on that lot. Building Coverage does not include surface parking.
7. **Compliance Regulations.** *Compliance Regulations for Multi-Family Zoning Districts Under Section 3A of the Zoning Act* as further revised or amended from time to time - see 760 CMR 72.00: MULTI-FAMILY ZONING REQUIREMENT FOR MBTA COMMUNITIES.
8. **EOHLC.** The Executive Office of Housing and Livable Communities (formerly Department of Housing and Community Development, also known as DHCD) or any successor agency.
9. **Development standards.** Provisions of Section 16.7 General Development Standards made applicable to projects within the MOD.
10. **MBTA.** Massachusetts Bay Transportation Authority.
11. **Multi-family housing.** A building with three or more residential dwelling units or two or more buildings on the same lot with more than one residential dwelling unit in each building.
12. **Multi-family zoning district.** A zoning district, either a base district or an overlay district, in which multi-family housing is allowed as of right.
13. **Open space.** Contiguous undeveloped land within a parcel boundary.
14. **Parking, surface.** One or more parking spaces without a built structure above the space. A solar panel designed to be installed above a surface parking space does not count as a built structure for this definition.
15. **Residential dwelling unit.** A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation.
16. **Section 3A.** Section 3A of Chapter 40A of the Massachusetts General Laws.
17. **Site plan review authority.** The Planning Board is responsible for Site plan review within the MOD.
18. **Special permit granting authority.** The Special Permit Granting Authority shall be the Zoning Board of Appeals for the issuance of special permits in the MOD.
19. **Subsidized Housing Inventory (SHI).** A list of qualified Affordable Housing Units maintained by the Executive Office of Housing and Livable Communities (EOHLC) used to measure a community's stock of low-or moderate-income housing for M.G.L. Chapter 40B, the Comprehensive Permit Law.

#### 16.4 Permitted Uses

1. **Uses Permitted As of Right.** The following uses are permitted as of right within the MOD: Multi-family housing, up to 16 units per acre. See Section 4 of the Zoning By-laws for all other uses allowed as of right in the underlying zones.

2. **Uses Permitted by Special Permit.** The following uses require a Special Permit from the Permitting Authority: Multi-family housing, up to 25 units per acre, with the provision of Affordable Housing for at least 25% of the total units. All other provisions of Section 16.8. Affordability Requirements apply to the Affordable Housing Units developed in accordance with this section.
3. **Accessory Uses.** The following uses are considered accessory as of right to any of the permitted uses in Section 16.4.
  - a. Parking, including surface parking on the same lot as the principal use.
  - b. As of right accessory uses appropriate to the above permitted uses, per Section 3 of the Zoning By-laws for uses allowed as a right or special permit in the underlying zones.

### 16.5 Dimensional Standards

1. **Dimensional Standards.** Notwithstanding anything to the contrary in this Zoning, the dimensional requirements applicable in the MOD are as follows:

Minimum Lot Dimensions: 5 Acres

Minimum Frontage: 75 feet

Minimum Front Yard: 25 feet

Minimum Side Yard: 10 feet

Minimum Rear Yard: 20 feet

Maximum Stories: 2.5

Maximum Height: 30 feet

Maximum Floor Area Ratio: 0.45

2. **Multi-Building Lots.** In the MOD, lots may have more than one principal building.
3. **Exceptions.** The limitation on height of buildings shall not apply to chimneys, ventilators, towers, silos, spires, or other ornamental features of buildings, which features are in no way used for living purposes and do not constitute more than 25% of the ground floor area of the building.

### 16.6 Off-Street Parking

The parking requirements in Table 6-1 shall apply to development in the MOD.

### 16.7 General Development Standards

1. Development standards in the MOD are applicable to all multi-family and mixed-use development. These standards are components of the Site Plan Review process in Section 16.9 Site Plan Review.
2. **Site Design.**
  - a. **Connections.** Sidewalks shall provide direct connections among building entrances, the public sidewalk (if applicable), bicycle storage, and parking.
  - b. **Vehicular Access.** Where feasible, curb cuts shall be minimized, and shared driveways encouraged.
  - c. **Screening for Parking.** Surface parking adjacent to a public sidewalk shall be screened by a landscaped buffer of sufficient width to allow the healthy

establishment of trees, shrubs, and perennials, but no less than 6 (six) feet. The buffer may include a fence or wall of no more than three feet in height unless there is a significant grade change between the parking and the sidewalk.

- d. **Parking Materials.** The parking surface may be concrete, asphalt, decomposed granite, bricks, or pavers, including pervious materials but not including grass or soil not contained within a paver or other structure. Pervious materials are encouraged.
  - e. **Open Space and Plantings.** Plantings shall include species that are native or adapted to the region. Plants on the Massachusetts Prohibited Plant List, as may be amended, shall be prohibited.
  - f. **Lighting.** Light levels shall meet or exceed the minimum design guidelines defined by the Illuminating Engineering Society of North America (IESNA) using LED lamps, and shall provide the illumination necessary for safety and convenience while preventing glare and overspill onto adjoining properties and reducing skyglow.
  - g. **Mechanicals.** Mechanical equipment at ground level shall be screened by a combination of fencing and plantings. Rooftop mechanical equipment shall be screened if visible from a public right-of-way.
  - h. **Dumpsters.** Outdoor dumpsters shall be screened by a combination of fencing and plantings.
  - i. **Stormwater Management.** Strategies that demonstrate compliance of the construction activities and the proposed project with the most current versions of the Massachusetts Department of Environmental Protection Stormwater Management Standards, the Massachusetts Stormwater Handbook, Massachusetts Erosion Sediment and Control Guidelines, stormwater approval required by Article XVI of Nahant's General By-law, and, if applicable, additional requirements under the Town of Nahant MS4 permit.
3. **Buildings: Multiple Buildings on a Lot.**
- a. For a mixed-use development, uses may be mixed within the buildings or in separate buildings.
  - b. Parking and circulation on the site shall be organized to reduce the amount of impervious surface. Where possible, parking and loading areas shall be connected to minimize curb cuts onto public rights-of-way.
  - c. A paved pedestrian network shall connect parking to the entries to all buildings and the buildings to each other.
  - d. The orientation of multiple buildings on a lot should reinforce the relationships among the buildings. All building façade(s) shall be treated with the same care and attention in terms of entries, fenestration, and materials.
  - e. The building(s) adjacent to the public street shall have a pedestrian entry facing the public street.
4. **Buildings: Shared Outdoor Space.** Multi-family housing and mixed-use development shall have common outdoor space that all residents can access. Such space may be in any combination of the courtyard, rooftop, or terrace. All outdoor space shall count towards

the project's minimum Open Space requirement.

5. **Buildings: Principal Façade and Parking.** Parking shall be subordinate in design and location to the principal building façade while minimizing the extent of impervious surface.
  - a. **Surface Parking.** Surface parking shall be located at the rear or side of the principal building. Parking shall not be in the setback between the building and any lot line adjacent to the public right-of-way.
  - b. **Integrated Garages.** The principal pedestrian entry into the building shall be more prominent in design and placement than the vehicular entry into the garage.
  - c. **Parking Structures.** Building(s) dedicated to structured parking on the same lot as one or more multi-family buildings or mixed-use development shall be subordinate in design and placement to the multi-family or mixed-use building(s) on the lot.
6. **Waivers.** Upon the request of the Applicant and subject to compliance with the Compliance Regulations, the Site Plan Review Authority may waive the requirements of this Section 16.7 General Development Standards, in the interests of design flexibility and overall project quality, and upon a finding of consistency of such variation with the overall purpose and objectives of the MOD.

## **16.8 Affordability Requirements.**

1. **Purpose.**
  - a. Promote the public health, safety, and welfare by encouraging a diversity of housing opportunities for people of different income levels;
  - b. Provide for a full range of housing choices for households of all incomes, ages, and sizes;
  - c. Increase the production of affordable housing units to meet existing and anticipated housing needs; and
  - d. Work to overcome economic segregation allowing the Town of Nahant to be a community of opportunity in which low and moderate-income households have the opportunity to advance economically.
2. **Applicability.** This requirement is applicable to all residential and mixed-use developments with 2 or more dwelling units, whether new construction, substantial rehabilitation, expansion, reconstruction, or residential conversion. No project may be divided or phased to avoid the requirements of this section.
3. **Affordability requirements. Subsidized Housing Inventory:** All units affordable to households earning 80% or less of AMI created in the MOD under this section must be eligible for listing on EOHLIC's Subsidized Housing Inventory.
4. **Provision of Affordable Housing.** In Applicable Projects, 10% of housing units constructed shall be Affordable Housing Units. For purposes of calculating the number of units of Affordable Housing required within a development project, a fractional unit shall be rounded down to the next whole number. The Affordable Units shall be available to households earning income up to 80% of the AMI.
5. **Development Standards.** Affordable Units shall be:

- a. Integrated with the rest of the development and shall be compatible in design, appearance, construction, and quality of exterior and interior materials with the other units and/or lots;
  - b. Dispersed throughout the development;
  - c. Located such that the units have equal access to shared amenities, including light and air, and utilities (including any bicycle storage and/or Electric Vehicle charging stations) within the development;
  - d. Located such that the units have equal avoidance of any potential nuisances as market-rate units within the development;
  - e. Distributed proportionately among unit sizes; and
  - f. Distributed proportionately across each phase of a phased development.
  - g. Occupancy permits may be issued for market-rate units prior to the end of construction of the entire development provided that occupancy permits for Affordable Units are issued simultaneously on a pro rata basis.
6. **Administration.** The Nahant Housing Authority shall be responsible for administering and enforcing the requirements in this section.

## 16.9 Site Plan Review

1. **Applicability.** Site Plan Review is required for any multifamily or mixed use projects in the MOD. An application for Site Plan Review shall be reviewed by the Planning Board for consistency with the purpose and intent of Section 9.
2. **Submission Requirements.** As part of any application for Site Plan Review for a project within the MOD submitted under Section 9, the Applicant must submit the following documents:
  - a. Application and fee for Site Plan Review.
  - b. Site plans submitted for Site Plan Review shall show that the area proposed for multifamily housing development does not exceed six acres in total.
  - c. Site plans that show the position of the building on the site, points of vehicular access to and from the site and vehicular circulation on the site, stormwater management, utilities, and landscape treatments, including any screening of adjacent properties, and other information commonly required by Nahant for Site Plan Review.
  - d. Elevations of the building(s) showing the architectural design of the building.
  - e. All site plans shall be prepared by a certified architect, landscape architect, and/ or a civil engineer registered in the Commonwealth of Massachusetts. A certified landscape architect registered in the Commonwealth of Massachusetts shall prepare all landscape plans. A certified architect registered in the Commonwealth of Massachusetts shall prepare all building elevations. All plans shall be signed and stamped, and drawings prepared at a scale of one-inch equals forty feet (1"=40') or larger, or at a scale as approved in advance by the Permitting Authority.
3. **Site Plan Approval.** Site Plan approval for uses listed in Section 16.4 Permitted Uses shall be granted upon the determination by the Planning Board that the following

conditions have been satisfied. The Site Plan Review Authority may impose reasonable conditions, at the applicant's expense, to ensure that these conditions have been satisfied.

- a. The Applicant has submitted the required fees and information as outlined in Nahant's requirements for a Building Permit and Site Plan Review
  - b. The project described in the application meets the development standards outlined in Section 16.7 General Development Standards.
  - c. The project shall not cause the cumulative number of housing units in the MOD to exceed the cap established in Section 16.2.3.
4. **Project Phasing.** An Applicant may propose, in a Site Plan Review submission, that a project be developed in phases subject to the approval of the Site Plan Review Authority, provided that the submission shows the full buildout of the project and all associated impacts as of the completion of the final phase. However, no project may be phased solely to avoid the provisions of Section 16.8 Affordability Requirements.

#### **16.10 Severability.**

If any provision of this Section 16 is found to be invalid by a court of competent jurisdiction, the remainder of Section 16 shall not be affected but shall remain in full force. The invalidity of any provision of this Section 16 shall not affect the validity of the remainder of Nahant's Zoning.

**APPENDIX 2**

**Proposed Zoning Map with Multi-Family Overlay District**



**Zoning**

- B1 Business
- B2 Limited Business
- NR Conservation/Passive Recreation
- P Public/Institutional
- R1 Single-Family Residential
- R2 Single-Family Residential
- Multi-family Overlay District (MOD)

**Town of Nahant Massachusetts  
Zoning Map**

0      250      500 m      11 in x 17 in  
 1:14,000

As of September 2, 2025

**APPENDIX 3**

**Recommendation of the Planning Board**

## Planning Board Report with Recommendations on Compliance MBTA Section 3A

### **Process and Recommendation:**

The Planning Board (“PB”), led by Sheila Hambleton, engaged in an intensive process to explore various options to comply with the requirements in Section 3A of the Zoning Act. It held over 10 public meetings to reach its proposed by-law, and held a public hearing on September 23, 2025, to discuss the draft it submitted for consideration by a Special Town Meeting. After reviewing input from the public, the PB’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 Section 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.
- If Nahant does not comply with Section 3A, it would create palpable risk to our community:
  - It would give the State the opportunity to sue Nahant to compel compliance. In the worst-case scenario, the State would establish a multi-family zoning district at any place and size it deemed most appropriate.
  - It could subject Nahant to monetary costs, including litigation fees.
  - It would eliminate Nahant’s ability to obtain some funds from the State to defray house costs.
- The submitted by-law has the added benefit of getting us very close to zoning compliance with Chapter 40B (affordable housing) for safe harbor. The PB believes that making efforts to comply with state requirements 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 PB 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. Nahant's current multi-family housing (i.e., Bass Point Apartments, The Anchorage, Edgehill, Rockledge, and Spindrift) are not counted as part of meeting the Section 3A requirements because Nahant does not have a multi-family housing zoning district.
  - d. Becoming adversarial with the State is a bad option given future funding needs in the event Nahant requires additional funds to combat risks to our community – rising sea levels, anticipated infrastructure repair, and other costs demands.
2. PB Process
- a. PB 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 Nelson briefed the 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. Nels Nelson showed the PB a map developed by a State agency and noted two larger areas where compliance could be achieved, which included Bass Point
  - d. The 7 sites selected for evaluation by the PB are set out in Appendix 1. They were:
    - 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 is 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. 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-Law

- a. The Multi-Family Overlay District (“MOD”) is a zoning district superimposed over an underlying, already existing zoning district, in this case an R-2 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 overlay district, 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. The PB determined to include the affordability requirements would get Nahant 90% of the way to meeting requirements under Chapter 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 elsewhere on Nahant with no height restriction?
 

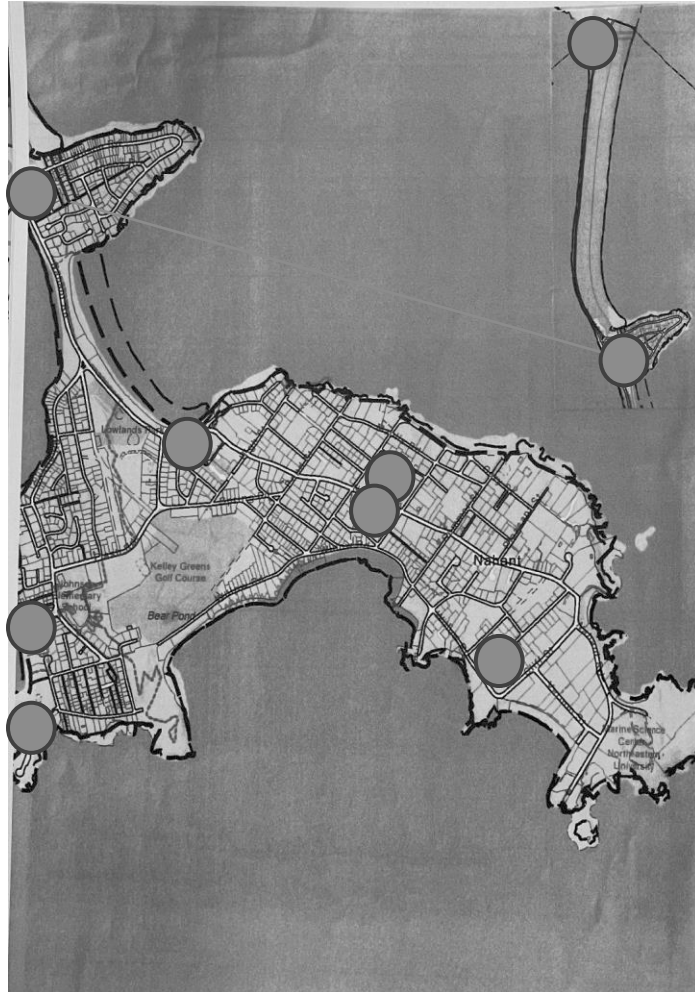
This zoning overlay will actually protect Nahant from losing its ability control land use by remaining compliant with 3A. The PB worked collaboratively with the State, and it seemed pleased with our proposed approach.
2. I have heard rumors Section 3A may be rescinded. Does it make sense for Nahant to act now?
 

Changes in the law can always occur. If that happens, Nahant has the ability to amend its by-laws. However, based on current law and what we know, there are important 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?
 

Section 3A states 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 PB consider Lodge Park to Nahant Road?  
The site is an excluded area by virtue of the fact it is a natural resource area and it has wetlands.
5. Did the PB 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 reviewed in light of that study for any recommended needs. Since the PB 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?  
If all of Nahant were to be in the MBTA-compliant district, the entire community's minimum density would have to be 15 units per acre, which would entail a significant and widespread upzoning that could not be feasible to adopt. The resulting capacity goes way beyond the actual state requirement of 85 units.
9. 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.
10. Was the owner of Bass Point notified of the change?  
Yes. A formal written notice was sent directly to the owner, and additional effort was made by the Chair to ensure the owner knew of the public hearing, options for participation, so that they had opportunities to comment. The owner did not speak at the PB hearing. In fact, it appears the owner did not attend the PB hearing.

# 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/ To 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 less expensive housing
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 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/ All; 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 as Site					Looked at if 1/4-1/2 mile from bus stop		Same as Site			

**Nahant Town Hall  
334 Nahant Road  
Nahant, MA 01908**

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