

TOWN OF NAHANT NOTICE OF PUBLIC HEARING
to make
Zoning Changes

Notice is hereby given that the Town of Nahant Planning Board will hold a public hearing on MARCH 30, 2017 in the Town Hall at 7:30 pm and 8:00 pm for the following reason:

1. **At 7:30pm: To AMEND the STORM-Water Bylaws regarding Section 6, Rules and Regulations; Section 9, (B) (3) Special Assessments; Section 9 (C) Criminal Penalty; Section 9 (D) Non-Criminal Disposition and other minor clerical revisions as recommended by the Attorney General's office in a letter to the Town Clerk dated August 15, 2015; and**

2. **At 8:00pm: To ADD a new section to the Zoning Bylaws: Section 9.09A, regarding site plan approval as follows, "SITE PLAN REVIEW FOR RELIGIOUS AND EDUCATIONAL USES AND CERTAIN CHILD CARE CENTERS".**

Documents are available for review in the Town Clerk's office and Town website, nahant.org.

**Planning Board
Richard J Snyder, Chairman**

Daily Item Legal Notice: March 16 and 23, 2017
Posted: 3/16/2017

ARTICLE 35. (Nahant Zoning Bylaw Amendment) To see if the Town will vote to amend the Nahant Zoning Bylaw by making the following changes regarding site plan approval:

Item 1. Add a new section 9.09A, as follows, regarding Site Plan Review for Religious and Educational Uses and Certain Child Care Centers:

9.09A SITE PLAN REVIEW FOR RELIGIOUS AND EDUCATIONAL USES AND CERTAIN CHILD CARE CENTERS.

A. Purpose. The purpose of this Section is to provide for site plan review of religious and educational uses and child care centers otherwise subject to G.L. c. 40A, s. 3.

B. Site Plan Review Required. Prior to the issuance of any building permit or certificate of occupancy, the establishment, alteration, change, extension, or reconstruction of (a) non-profit religious or educational purpose, or (b) day (child) care center as set forth in the Table 1, the Table of Use Regulations, shall require site plan approval from the Planning Board pursuant to this Section.

C. Scope of Site Plan Review. Under this Section, Site Plan Review shall be limited to two (2) inquiries:

1. Whether the use qualifies for protection under G.L. c. 40A, s. 3; and, if so,
2. What reasonable regulations concerning the bulk and height of Structures and determining Yard sizes, lot area, setbacks, open space, parking and building coverage requirements, if any, should be imposed on the use.

D. Required Information. All applications for Site Plan Review shall be in writing and provide, at a minimum, the following information:

1. Name and address of applicant person or entity;
2. Name and address of property owner;
3. Description of the proposed use and any documents necessary to establish threshold compliance with G.L. c. 40A, s. 3;
4. Reason that relief is requested from otherwise applicable zoning requirements; and
5. If necessary to reach a decision on the application, the Planning Board may request further information from the applicant consistent with G.L. c. 40A, s. 3, specifying in detail the information required.

E. Site Plan; Contents. In addition, the applicant shall submit a site plan with the following information:

1. Legend depicting all pertinent existing and proposed site features;
2. The date and north arrow shall be shown on the plans;
3. All site plans must be stamped by a Registered Professional Civil Engineer and a Professional Land Surveyor. The land surveyor shall perform an instrument boundary survey and shall certify the accuracy of the locations of the Buildings, setbacks, and all other required dimensions to property lines;
4. Zoning Chart depicting “Required” vs. “Provided” for all applicable zoning criteria including Lot size, Lot Frontage, setbacks, Building Height, Lot coverage, parking spaces, and landscaping requirements;
5. Locus map, at a scale of 1”=600’ or suitable scale to accurately locate the site in Town, oriented on the plan in the same way as the large scale plan;
6. The location, width, status (public or private), and name of all streets within 100’ of the project;
7. On-site and abutting lot lines. On site lot lines shall be described by bearings and distance. Abutting lot lines shall be shown in a general way;
8. Zoning District lines, including overlay districts if applicable;
9. The location of existing or proposed Building (s) on the Lot shall be shown with total square footage and dimensions of all Buildings;
10. Any streams, brooks, or wetland resource area boundaries within 100’ of the property lines;
11. Information on the location, size and type and number of existing and proposed landscape features;
12. Information on the location, size and capacity of existing and proposed on-site and abutting utilities, (water, sewer, drainage, natural gas, electrical cable, etc.) including utilities in abutting side Streets, if applicable;
13. Detailed locations and dimensions of all existing and proposed Buildings and uses on site and on abutting properties, including exterior details relating to the Building footprint.
14. All existing and proposed setbacks from property lines.

15. All minimum, or below minimum, setback distances;
16. Information and details for all site and directional on-site signage shall be submitted;
17. Elevation and facade treatment plans of all proposed structures;
18. Color renderings for new construction;
19. Information on the location, size and type of parking, loading, storage and service areas. A parking calculation schedule noting existing, required and proposed spaces for the entire site shall be provided; and
20. Details and specifications (if applicable) for proposed site amenities, including but not limited to fences, recreation facilities, walls or other barrier materials, and special paving materials.

F. Performance Standards. Uses governed by this Section shall meet the dimensional requirements for the district in which they are located. No building shall have more than three (3) stories.

G. Decision. The Planning Board may approve, approve with conditions, or deny an application for site plan approval. In making its decision, the Planning Board shall be guided exclusively by G.L. c. 40A, s. 3. The Planning Board shall file a written decision with the Town Clerk within sixty (60) days of receipt of the application. Failure to file a decision within sixty (60) days shall constitute approval of the site plan.

H. Appeal. Any appeal of the Planning Board's decision shall be made pursuant to G.L. c. 40A, s. 17, to a court of competent jurisdiction.

Item 2. Make any miscellaneous changes to the Zoning Bylaw necessary to accommodate the inclusion of new Section 9.09A.

Item 3. Amend Section 9.09, Site Plan Review, by adding the following new provisions after Subsection E.10 and renumbering existing Subsection F to Subsection I:

F. Lapse. Any site plan approval issued under this section shall lapse within two (2) years if a substantial use thereof has not commenced sooner except for good cause.

G. Rules and Regulations; Fees. The Planning Board may adopt and amend rules and regulations, including fees, consistent with this By-law. These regulations may establish performance standards, and design guidelines or standards, consistent with the purpose of this Section.

H. Appeal. The decision of the Planning Board pursuant to this Section 9.09 shall be

appealed within twenty days in accordance with G.L. c. 40A, s. 17 to a court of competent jurisdiction.

Or take any other action relative thereto.

Memorandum

To: Jeff A. Chelgren, Nahant Town Administrator

From: Daniel G. Skrip, Nahant Town Counsel

Re: Storm Water By-law revisions

Date: March 6, 2017

In August 2015, the AG struck down three sections of our Storm Water By-laws: Section 9(B)(3); Section 9(C); and Section 9(D). Below are the original versions (with the disapproved areas in **bold**), and then the versions with my suggested revisions (with the disapproved areas still in **bold**, but my revisions in **bold underline**).

Section 9(B)(3), Special Assessment - original version

Within thirty (30) days after completing all measures necessary to abate the violation or to perform remediation, the violator and the property owner shall be notified of the costs incurred by the [city or town], including administrative costs. The violator or property owner may file a written protest objecting to the amount or basis of costs with the Planning Board within thirty (30) days of receipt of the notification of the costs incurred. **If the amount due is not received by the expiration of the time in which to file a protest or within thirty (30) days following a decision of the Planning Board affirming or reducing the costs, or from a final decision of a court of competent jurisdiction, the costs shall become a special assessment against the property owner and shall constitute a lien on the owner's property for the amount of said costs.** Interest shall begin to accrue on any unpaid costs at the statutory rate, as provided in G.L. Ch. 59, § 57, after the thirty-first day following the day on which the costs were due.

Section 9(B)(3), Special Assessment – suggested revisions (omissions not noted)

Within thirty (30) days after completing all measures necessary to abate the violation or to perform remediation, the violator and the property owner shall be notified of the costs incurred by the [city or town], including administrative costs. The violator or property owner may file a written protest objecting to the amount or basis of costs with the Planning Board within thirty (30) days of receipt of the notification of the costs incurred. **If the amount due is not received by the expiration of the time in which to file a protest or within thirty (30) days following a decision of the Planning Board affirming or reducing the costs, or from a final decision of a court of competent jurisdiction, the costs shall become a municipal charges lien against the property owner pursuant to G.L. Ch. 40, § 58 for the amount of said costs.** Interest shall begin to accrue on any unpaid costs at the statutory rate, as provided in G.L. Ch. 59, § 57, after the thirty-first day following the day on which the costs were due.

