

## This presentation shows the proposed changes to Nahant's Zoning By-laws

- Existing and Proposed words are shown side-by-side to clearly show the exact changes
- Following are 3 slides, 1 slide explaining each of the 3 items
- All changes are highlighted in yellow
- Explanatory statements are provided for each change
- Additional reference information is in the Backup Slides

ARTICLE \_\_\_ To see if the Town will vote to amend the Nahant Zoning Bylaw to clarify the definition of Nonprofit Religious or Educational Purposes by making the following changes:

**Item 1.** Amend the Definition of Nonprofit Religious or Educational Purposes by (1) inserting "**only to the extent required by M.G.L. c. 40A, § 3;**" following "...by a nonprofit educational corporation shall be permitted in any district"; (2) changing "Section 4" to "**Section 5**"; and (3) deleting "parking" and inserting "**and parking as described in Table 6-1**" following "for each district".

The definition would thereby read in full:

**Nonprofit Religious or Educational Purposes:** Land or structures for religious purposes or for educational purposes on land owned or leased by the Commonwealth of Massachusetts or any of its agencies, subdivisions or bodies politic or by a religious sect or denomination, or by a nonprofit educational corporation shall be permitted in any district **only to the extent required by M.G.L. c. 40A, § 3;** provided, however, that such land or structures shall be subject to the regulations concerning the bulk and height of structures and determining yard sizes, lot area, setbacks, open space, and building coverage requirements as described in Table 2 of **Section 5** for each district and **parking as described in Table 6-1.**

**Item 2.** Amend **TABLE 1 TABLE OF USE REGULATIONS** by inserting inside the parenthesis "**and Note 3 below**" following "see definition" for "Non-profit religious or educational purposes" and changing the designation letter from "P" to "N" in that row under the column labeled "NR".

**Item 3.** Amend **TABLE 1 TABLE OF USE REGULATIONS** by inserting the following after Note No. 2:

**3. Uses or structures for Nonprofit Religious or Educational Purposes are allowed in a Natural Resource District to the extent provided in Section 4.10 of this bylaw or to the extent required by M.G.L. c. 40A, § 3.**

## Item 1 Changes

### Existing

**Nonprofit Religious or Educational Purposes:** Land or structures for religious purposes or for educational purposes on land owned or leased by the Commonwealth of Massachusetts or any of its agencies, subdivisions or bodies politic or by a religious sect or denomination, or by a nonprofit educational corporation shall be permitted in any district; provided, however, that such land or structures shall be subject to the regulations concerning the bulk and height of structures and determining yard sizes, lot area, setbacks, open space, parking and building coverage requirements as described in Table 2 of Section 4 for each district.

Ties definition of nonprofit to Massachusetts General Law c. 40A, 3 (Dover Amendment)

### Proposed

**Nonprofit Religious or Educational Purposes:** Land or structures for religious purposes or for educational purposes on land owned or leased by the Commonwealth of Massachusetts or any of its agencies, subdivisions or bodies politic or by a religious sect or denomination, or by a nonprofit educational corporation shall be permitted in any district **only to the extent required by M.G.L. c. 40A, § 3**; provided, however, that such land or structures shall be subject to the regulations concerning the bulk and height of structures and determining yard sizes, lot area, setbacks, open space, and building coverage requirements as described in Table 2 of **Section 5** for each district **and parking as described in Table 6-1.**

Typo correction

Clarifies parking requirements to be consistent with existing parking requirements

# Item 2 Changes

## Existing

TABLE OF USE REGULATIONS

<u>Description of Use</u>	<u>Zoning Districts:</u>					
	<u>R-1</u>	<u>R-2</u>	<u>B-1</u>	<u>B-2</u>	<u>NR</u>	<u>P</u>
Single-family detached dwelling	P	P	P	P	N	P
Non-profit religious or educational purposes (see definition)	P	P	P	P	P	P
Municipal buildings & other public uses	P	P	P	S	N	P
Non-profit outdoor recreational uses	P	P	P	S	P	P
Golf Course	N	S	N	N	S	S
Agriculture, horticulture, floriculture, or viticulture (on site of 5 acres or more)	P	P	P	P	P	P
Neighborhood convenience retail store not exceeding 2,500 square feet or employing more than 3 persons	N	N	P	N	N	N
Other retail stores	N	N	S	N	N	N

## Proposed

TABLE OF USE REGULATIONS

<u>Description of Use</u>	<u>Zoning Districts:</u>					
	<u>R-1</u>	<u>R-2</u>	<u>B-1</u>	<u>B-2</u>	<u>NR</u>	<u>P</u>
Single-family detached dwelling	P	P	P	P	N	P
Non-profit religious or educational purposes (see definition and Note 3 below)	P	P	P	P	N	P
Municipal buildings & other public uses	P	P	P	S	N	P
Non-profit outdoor recreational uses	P	P	P	S	P	P
Golf Course	N	S	N	N	S	S
Agriculture, horticulture, floriculture, or viticulture (on site of 5 acres or more)	P	P	P	P	P	P
Neighborhood convenience retail store not exceeding 2,500 square feet or employing more than 3 persons	N	N	P	N	N	N
Other retail stores	N	N	S	N	N	N

Adds callout to new Note 3 (see following slide)

Changes "P" for permitted to "N" for not permitted, to be consistent with Section 4.10 Uses Permitted in a Natural Resource District

## Item 3 Change

(these are the Notes at the bottom of the Table of Uses in the previous slide)

### Existing

- Notes: 1. Some uses may require site plan review. See Section 9.09.
2. It is the intent of this zoning bylaw not to create any industrial districts and not to permit any industrial uses anywhere in town.

### Proposed

- Notes: 1. Some uses may require site plan review. See Section 9.09.
2. It is the intent of this zoning bylaw not to create any industrial districts and not to permit any industrial uses anywhere in town.
3. **Uses or structures for Nonprofit Religious or Educational Purposes are allowed in a Natural Resource District to the extent provided in Section 4.10 of this bylaw or to the extent required by M.G.L. c. 40A, § 3.**

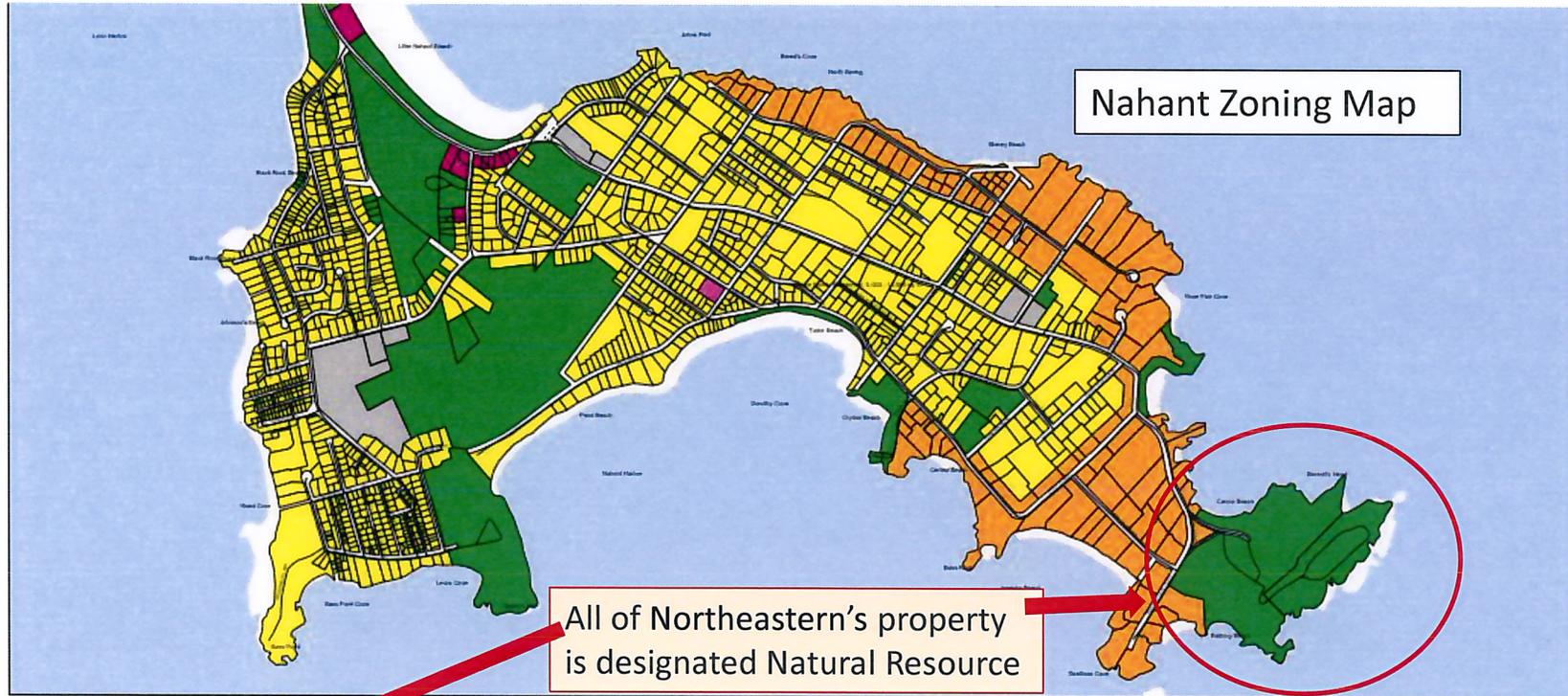
New note adds cross reference to Section 4.10 and Dover Amendment

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# Backup Slides

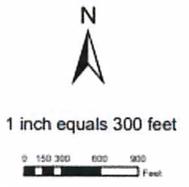
for additional information

# Subject: Limitation on Building in Nahant Natural Resource Area



- Legend**
- Zone Classification**
- NR Conservation/Passive Recreation
  - P Public/Institutional
  - B1 Business
  - B2 Limited Business
  - R1 Single Family Residential, 20,000 - 39,999 sq. ft.
  - R2 Single Family Residential, 5,000 - 14,999 sq. ft.

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2010 Board of Selectman Approval Signatures

Michael Manning Chairman: \_\_\_\_\_

Robert Frary Secretary: \_\_\_\_\_

Richard Lombard Vice Chair: \_\_\_\_\_

Margaret Barile Town Clerk: \_\_\_\_\_

**Nahant 2010 Zoning Map**



Dave R. Turilli, GISP  
For Mark Cutler, Town Administrator  
January 28, 2010

ZONING BY-LAWS  
Town of Nahant

TABLE OF CONTENTS

SECTION 1.	TITLE; AUTHORITY; AND PURPOSE	
1.01	Title; Short Title	1-1
1.02	Authority	1-1
1.03	Purpose	1-2
SECTION 2.	DEFINITIONS	
2.01	General	2-1
2.02	Definitions	2-1
SECTION 3.	DISTRICTS AND BOUNDARIES	
3.01	Establishment of Districts	3-1
3.02	Zoning Map	3-1
3.03	Boundaries of Districts	3-2
3.04	Cases of Lots in Two Districts	3-2
SECTION 4.	USE REGULATIONS	
4.01	Purpose & Intent	4-1
4.02	Application	4-1
4.03	Existing Buildings & Land	4-1
4.04	Uses Subject to Other Regulations	4-2
4.05	Trailers, Mobile Homes, and Boats	4-2
4.06	Renting of Rooms to Roomers or Lodgers	4-2
4.07	Customary Home Occupations	4-2
4.08	Parking of Vehicles in Residence Districts	4-3
4.09	Swimming Pools	4-4
4.10	Uses Permitted in a Natural Resource District	4-6
4.11	Microwave and Cable Facilities	4-8
4.12	Accessory Uses	4-8
4.13	Table of Use Regulations	4-10

**SECTION 4.10 – USES PERMITTED IN A NATURAL RESOURCE DISTRICT**

A. Purpose – The Natural Resource District is intended for natural resource and recreation uses in accordance with the following purposes:

1. The preservation and maintenance of protected wildlife and wetlands resource areas and habitats.
2. The protection of the Town against the costs which may be incurred when unsuitable development occurs in swamps, marshes, along water courses, in areas of high impact due to overcrowding of land and undue concentration of population, or on slopes subject to erosion.
3. To preserve and increase the amenities of the Town and foster enjoyment of its remaining natural resources as recreational values.
4. To conserve natural conditions, wildlife and open space for the education, passive and active recreation and general welfare of the public.

B. Uses – The following uses are permitted in a Natural Resource District:

1. Conservation of water, plants and wildlife.
2. Outdoor recreation, including play areas, nature study, boating and fishing, where otherwise legally permitted but excluding buildings and structures.
3. Wildlife management areas, foot, bicycle, and/or horse paths and bridges provided such uses do not affect the natural flow pattern of any
4. Wildlife and wetlands management programs.
5. Environmental Monitoring.

C. Uses by Special Permit – The follow uses are permitted in a Natural Resource District only upon special permit issued by the Board of Appeals in accordance with Section 9:

1. Boathouses, golf clubs, skating, picnic shelters and other structures for recreational uses by non-profit organizations including but not limited to public agencies.
2. Installation of utility lines necessary to serve areas inside and outside the district where other access is not feasible.
3. Environmental restoration or reclamation projects.

D. Special Permit Criteria in Natural Resource District – Prior to issuing a special permit for uses requiring a special permit in the Natural Resource District, the Board of Appeals shall consider the following:

1. Proof of Stability: The applicant shall furnish proof in writing to the Board of Appeals that the land in question is not subject to high water or erosion, not unsuitable because of drainage conditions for the intended use.
2. Reports by Other Boards: The Conservation Commission, Board of Selectmen, Recreation Commission and Planning Board may review the proof of suitability furnished by the applicant and report thereon to the Board of Appeals within 30 days of receipt of said proof.
3. Limitation of Proposed Use: The Board of Appeals shall find that the proposed use, including the development thereof, will not interfere with the purposes for which the Natural Resource District has been established and will not be detrimental to the public health, safety, or welfare, and shall set such limits to the special permit as will safeguard said purposes.

E. Prohibited Uses – The following uses are prohibited in a Natural Resource District:

1. The storage or disposal of any soil, loam, peat, sand, gravel, rock or other mineral substance, refuse, trash, rubbish, debris or dredged spoil, except as part of the construction process.
2. Any building or structure (private or public) except as permitted above.
3. Permanent storage of materials or equipment.
4. The storage or disposal of materials used for snow and ice control including sand, salt and other de-icing chemicals.
5. The storage or disposal of hazardous wastes, as defined by the Hazardous Waste Regulations promulgated by the Hazardous Waste Board, the Water Resources Commission, and the Division of Water Pollution Control under the provisions of Section 27 (8), 52, 57, 58 and Chapter 21 of the General Laws.

Conclusion: Any non-recreational building on Northeastern University property at East Point is prohibited by Nahant Zoning By-Laws

Table 6-1: Table of Required Off-Street Parking

**SECTION 6.06 – TABLE OF REQUIRED OFF-STREET PARKING**

Off-street parking shall be provided in accordance with the following Table 6

1. In determining the number of parking spaces required, calculate the number or parking spaces required for each use on the site and add them together. Any

fractional spaces of one-half or more shall be rounded up to the next whole number. In cases where differing uses will use parking spaces at differing times, the Building Inspector shall determine the maximum number of spaces required to meet peak demand.

TABLE OF REQUIRED OFF-STREET PARKING follows.

**Table 6-1**

**TABLE OF REQUIRED OFF-STREET PARKING**

Principle or Accessory Use	Parking Spaces	Unit
One or two family dwelling	2.0 per	Dwelling unit
Housing for the elderly:		
Publicly assisted	0.5 per	Dwelling unit
Private	1.0 per	Dwelling unit
Multi-family dwellings or Attached dwellings:		
1 bedroom or less	1.5 per	Dwelling unit
2 bedrooms or more	2.0 per	Dwelling unit
Dormitories	2.0 per	3 beds
Accessory lodgings or lodging houses	1.0 per	Room offered for rent but not less than 1 per 2 beds
Home occupations (4)	(See note 4 below)	
Place of public assembly such as Churches, theaters, assembly halls, stadiums, clubhouses, function halls (1)	1.0 per plus 1.0 per	5 seats plus 2 Employees in the maximum working shift
Mixed office, studio, civic, Recreational or other uses	1.0 per	400 sq.ft. of GFA
Bowling Alleys	2.0 per	Bowling lane
Eating & drinking places serving food	1.0 per	2 employees in the

or beverages

plus 1.0 per plus 1.0 per

(Continued)

Table of Required Off-Street Parking Continued.

Principle or Accessory Use	Parking Spaces	Unit
Hospital, chronic or convalescent sanitariums, nursing or convalescent homes	1.0 per plus (2) plus 1.0 per	2 employees in the maximum working shift
Schools, museums	(2) 2.0 per Plus 1.0 per Or 1.0 per	Attending doctor 4 Patient beds
Retail and service establishments	1.0 per	3 Staff members 3 Students of driving age (unless car usage is prohibited) 6 seats in largest place of assembly, (whichever is greater)
Supermarket	1.0 per	250 Sq. ft. of GFA (3)
Business offices (including Financial Institution)	1.0 per	150 Sq. ft. of GFA
Medical and dental offices	1.0 per Or 2.0 per	350 Sq. ft. of GFA
		250 Sq. ft. of GFA Doctor, dentist, dental hygienist, nurse practitioner, therapist or others involved in direct patient care (whichever is greater)

Research and development Or 1.0 per 1.0 per

(Continued)

Table of Required Off-Street Parking Continued.

Principle or Accessory Use	Parking Spaces	Unit
Industrial, including printing	1.0 per	600 Sq. Ft. of GFA
Publishing	Or 1.0 per	2 Employees in the maximum working shift (whichever is greater)
Gasoline station or repair garage	1.0 per	300 Sq. Ft. of GFA
Warehouse, wholesale establishment, public utility stations	1.0 per	1,000 Sq. Ft. of GFA
Marina	1.0 per Plus	Boat slip Any additional spaces required to serve ancillary uses (per above)
Any other nonresidential use	1.0 per	300 sq. ft. of GFA

(1) See further requirements in Section 6.03 C.

(2) See further requirements in Section 6.03 D.

(3) Gross floor area (GFA) is defined in Section 2. Definitions.

(4) Medical or dental professionals shall provide the number of parking spaces required for "medical and dental offices". All other home occupations shall provide one space per nonresident employee plus visitor parking in accordance with anticipated demand but not

## References:

- All of East Point, including all the property owned by Northeastern, is designated by the Town of Nahant as a Natural Resource area. Here is a link to the map.

[http://www.nahant.org/documents/board\\_of\\_appeals/zoning\\_maps/Nahant\\_Zoning\\_With\\_Parcel\\_Boundary\\_2\\_17\\_2010.pdf](http://www.nahant.org/documents/board_of_appeals/zoning_maps/Nahant_Zoning_With_Parcel_Boundary_2_17_2010.pdf)

- Nahant Zoning By-Laws do not permit building in a Natural Resource area. Here is a link to Nahant's Zoning By-Laws, see section 4.10

[http://www.nahant.org/documents/by\\_laws/Zoning%20By%20laws%202012%20REVISED%20FOR%20ATM%202012%20FLOOD%20PALI%20DISTRICT%204%202012.pdf](http://www.nahant.org/documents/by_laws/Zoning%20By%20laws%202012%20REVISED%20FOR%20ATM%202012%20FLOOD%20PALI%20DISTRICT%204%202012.pdf)