

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



**Town of Nahant  
Massachusetts**

**Special Town Meeting  
Saturday, November 23, 2019  
12:30pm**

**Warrant  
For the Special Town Meeting  
November 23, 2019**

**TO THE CONSTABLE OF THE TOWN OF NAHANT:**

**GREETINGS:**

In the name of the Commonwealth of Massachusetts, you are hereby required forthwith to warn the inhabitants of the Town of Nahant, qualified as the law directs, to assemble at the Town Hall, 334 Nahant Road, Nahant for a Special Town Meeting on Saturday the 23rd day of November, 2019 at 12:30 p.m. then and there to act on Articles appearing on the Warrant.

**ARTICLE 1. (Water & Sewer Enterprise)** To see if the Town will vote to raise and appropriate and/or appropriate from available funds in the treasury, or transfer from available funds an additional sum of money to operate the Water and Sewer Enterprise Fund for the fiscal year beginning July 1, 2019, or take any other action relative thereto.

**RECOMMENDED**

The Advisory and Finance Committee recommends passage of this Article. This Article is taking funds from the retained earnings that are currently in the water & sewer enterprise fund and appropriating additional funds for expenses that are paid from this fund. Currently for this fiscal year, the Water & Sewer Enterprise account has an appropriation of \$1,080,634 for expenses. After the Annual Town Meeting, the Town has learned that expenses have increased for this fiscal year by \$62,351 because of additional Lynn Water and Sewer obligations. This Article will allow the Town to authorize the appropriation and the usage of the retained earnings to fund the additional amount required.

**ARTICLE 2. (Fire Ocean Rescue Boat)** To see if the Town will vote to raise and appropriate and/or appropriate from available funds in the treasury, or transfer from available funds, the sum of \$20,000, or any other sum of money, for the purchase of an Ocean Rescue Boat, including the payment of all incidental or related costs; or to take any other action relative thereto.

**RECOMMENDED**

The Advisory and Finance Committee recommends passage of this Article. The current Fire Ocean Rescue boat, an integral piece of life safety equipment, is over a decade old and has been evaluated to need replacement. Funds appropriated from this Article will allow the Town to procure a suitable replacement.

*Supporting Statement from the Town Administrator-* The Ocean Rescue boat and Ocean Rescue truck have both reached a critical state and due to their age and costs to repair, need to be replaced. As an ocean front community, it is imperative that our first responders to the many

ocean rescue calls that we receive, are utilizing reliable equipment. While both pieces of equipment are in need of replacement now, we are prioritizing the purchase of a new Ocean Rescue boat by requesting funds that will give time for the new vessel to be built and in service for the upcoming season. Our current Ocean Rescue boat is a 2008 14 ft. inflatable originally purchased with proceeds from a fundraising event. This recreational boat has been utilized as an emergency response vessel to its max capacity for 10 years and has served the community well. However, the age and the use of the boat have caught up with it and the most recent repair costs exceed the boat's value. It is important to note that the cost of a new Ocean Rescue boat exceeds the amount being requested in this article. The Fire Department is once again pursuing alternative funding through fundraising efforts. Also, we may be able to trade or sell the outboard, trailer and other related items to help supplement the costs of a new vessel. In order to provide the services expected of our community, our emergency response personnel must be outfitted with reliable and effective equipment. I support the passage of this article.

Additional supporting statements from the Acting Fire Chief and the Harbormaster can be referenced in Appendix 1.

**ARTICLE 3. (Citizens' Petition) (Zoning By-Law Amendment)** To see if the Town shall vote to amend the Nahant Zoning By-Laws as follows: In Section 4.10 – USES PERMITTED IN A NATURAL RESOURCE DISTRICT, subpart E, entitled Prohibited Uses, at the end of item 2, between the word “above” and the final period, insert the parenthetical clause, (see other parts of Section 4.10 subparts A thru D and also see Section 2.02, Definitions, for Nonprofit Religious or Educational Purposes.)”

#### **NO RECOMMENDATION**

The Advisory and Finance Committee makes no recommendation on this Article, as it deals with an amendment to the Zoning By-Laws that should be left to the voters to decide. The proponents and the Planning Board may offer additional commentary on this Article at Town Meeting. The proponents' Zoning By-Law Amendment Petition can be referenced in Appendix 2.

**ARTICLE 4. (Citizens' Petition) (Zoning By-Law Amendment)** To see if the Town will vote to amend the Nahant Zoning Bylaws 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 after the Annual Town Meeting 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.

### **NO RECOMMENDATION**

The Advisory and Finance Committee makes no recommendation on this Article, as it deals with an amendment to the Zoning By-Laws that should be left to the voters to decide. The proponents and the Planning Board may offer additional commentary on this Article at Town Meeting. The proponents’ Zoning By-Law Amendment Petition can be referenced in Appendix 3.

## APPENDIX 1

### **Additional Article 2 (Fire Ocean Rescue Boat) Supporting Statements**

*Supporting Statement from Acting Chief Palombo and the Nahant Fire Department* - The demand for a local Ocean Rescue response has existed for as long as Nahant has been settled. A tragedy in 1997 highlighted the need for a consistently prepared, trained, organized response to these types of emergencies. In the prior three years, the Nahant Fire Department has responded to 34 ocean rescue emergency calls and launched the boats and rescue swimmers on 13 of those incidents. There were 28 individuals safely returned to shore and two fatalities in that timeframe. The Nahant Fire Department's Ocean Rescue boat and truck have reached the end of their life expectancy.

The Ocean Rescue boat is a 2008 Zodiac Futura Mark 3, 14' inflatable that was purchased new with the proceeds from a fundraising event. While this vessel had served the department well, it had numerous shortcomings. The vessel did not have any electronics and was not constructed for emergency response efforts. It was completely constructed of PVC canvas with a plywood transom, which made it a poor operational platform in rough ocean conditions. In July 2019 the vessel had a failure of its glue joints and is no longer serviceable.

The Ocean Rescue truck was a retired electric utility step-van. The 1999 Freightliner was obtained by the Nahant Fire Department at no cost in 2008 and department personnel constructed shelving inside to store the Ocean Rescue gear. The truck is now twenty years old and has become unreliable and expensive to maintain. Another major problem with the truck is that it does not have seated/belted riding positions for personnel to ride safely in while on the road.

The Nahant Fire Department has a seasonal lease (May – October) for a Yamaha Waverunner. This watercraft is excellent for daytime rescues of a single individual in moderate weather conditions. However, it cannot be used safely at night. It does not have the ability to carry lighting or communications equipment, and it is not a safe vessel in winter or rough conditions.

Through experience, the Nahant Fire Department has determined that the ideal rescue watercraft for the majority of ocean rescue calls we respond to is a Rigid Inflatable Boat (RIB) that is between 15-18 feet in length, has lights, GPS, and radio communication. It is powerful enough to rapidly move up to 4 fully equipped personnel through rough seas, and weighs under 1000 pounds so it can be deployed from a beach by three personnel. A RIB is ideal because the partial fiberglass hull creates a stable platform that can maneuver through rough seas and is a strong surface to carry the engine, electronics, and operator console. The inflatable tubes on a RIB greatly reduce weight and provide stability in rough seas. These vessels are virtually unsinkable, which is why they are widely used in military, law enforcement, and rescue applications. Another benefit is that the inflatable tubes are relatively inexpensive to repair or replace, which greatly extends the useful life of the vessel. The current cost of a suitable vessel, fully equipped is approximately \$40,000.

This proposed warrant article provides funding for half the cost of a suitable Rigid Inflatable Boat, fully equipped. The balance of funding will come from Capital Outlay money already in the Fire Department operating budget, fundraising efforts by the Nahant Fire Fighters union, and from the sale of the 2017 40 hp Yamaha outboard engine that was used with the former rescue boat. Thank you for your continued support!

*Supporting Statement from Harbormaster Robert W. Tibbo* - The Nahant coastline is approximately 8.5 miles long. Several recreational websites list Nahant as a top destination for fishing, boating, swimming, surfing, kite-boarding, and scuba diving with some of these activities described as year-round pursuits. Our community was identified as an ideal location to deploy rescuers to ships in distress over 100 years ago and still hosts one of the original 32 Massachusetts life-saving stations. Today, emergency 911 calls arising from the previously mentioned recreational activities are often routed to Nahant fire and police due to our geographic location in Broad Sound.

Unfortunately, it is impossible to determine what is needed to conduct a rescue until first responders arrive on scene and with minimal staffing available on any given day, our responders must have their equipment with them and immediately available. The Jet Ski and inflatable boat are very portable and can be launched from various locations around town throughout the year. Both are highly capable in surf along our beaches and in shallow waters between Nahant and Revere.

The Harbormaster Boat is a tremendous asset in open-water but very limited in shallow water, and coastal surf. More importantly, we are only available beginning in May and must typically have the boat out of the water in late October, due to storms and sea conditions. The Nahant Fire Department is focused on near shore incidents that occur year-round.

As a lifelong resident of Nahant, a retired call firefighter and ocean rescue technician, and current Harbormaster, it is my opinion that one of our greatest obligations as a town is to provide the training and equipment necessary to keep our first responders safe. The boat proposed by the Nahant Fire Department is similar to boats used by rescuers around the world. It is exactly what we need.

## **APPENDIX 2**

### **Proposed Zoning By-Law Amendment Petition**

This Appendix shows the Zoning By-Law Amendment Proposed by the Citizens' Petition in Article 3.

Petition for Warrant Article

We the undersigned Citizens of Nahant petition that the Board of Selectmen following the provisions of Massachusetts General Law Chapter 39 Section 10 and Massachusetts General Law Chapter 40A Section 5 to include the Proposed Zoning By-Law Amendment, below, in the Warrant for the next Annual or Special Town Meeting after appropriate hearing and review by the Planning Board. The Proposed Zoning By-Law Amendment is as follows:

"Article \_\_\_\_

To see if the Town shall vote to amend the Nahant Zoning By-Laws as follows:

In Section 4.10 – USES PERMITTED IN A NATURAL RESOURCE DISTRICT, subpart E, entitled Prohibited Uses, at the end of item 2, between the word "above" and the final period, insert the parenthetical clause, (see other parts of Section 4.10 subparts A thru D and also see Section 2.02, Definitions, for Nonprofit Religious or Educational Purposes.)"

We/I certify that 107 signatures were certified by the Town Clerk and are duly qualified voters.

Nahant Board of Registrars Date: August 5, 2019

Registrar of Voter of Nahant

Town Clerk: Margaret R. Barile

Margaret R. Barile

Mary A. Conlin  
So. Clinton  
Margaret R. Barile

BOARD of Registrar

Proponents Statement



We propose amending the indicated section which currently reads:

**"2. Any building or structure (private or public) except as permitted above."**

to read after insertion:

**"2. Any building or structure (private or public) except as permitted above (see other parts of Section 4.10 subparts A thru D and also see Section 2.02, Definitions, for Nonprofit Religious or Educational Purposes)."**

There are two alternative amendments to the Zoning By-Law that have been proposed. The two alternatives differ only in the interpretation of the phrase "except as permitted above". Clearly, "above" means "previously in the text" you are reading. We propose clarifying that the meaning of the phrase "except as permitted above" by the inserting" the specific sections where structures are permitted in a Natural Resource District "above" – that is, section 4.10 and 2.02. Reading both sections 4.10 and 2.02 as "above", eliminates all of "ambiguity" and "conflicts" alleged in an alternative Zoning By-Law Amendment under consideration and makes the Zoning By-Law internally consistent as intended.

We love Nahant. We love all our neighbors. We love the vistas, beauty, and wildlife of East Point. We cherish the rich history of the land which was the site of the Nahant Hotel, the Henry Cabot Lodge estate, and the Lowlands cottage of George Abbott James and his wife, Elizabeth Cabot Lodge, Lodge's sister and brother in law. We understand that the US Government bought the land to support coastal defenses with gunnery and Nike missiles. We understand they developed magnetic submarine detection and experimented with sonar devices on this site. We understand that the U.S. Government offered the land first to the Town of Nahant for \$30,000 in 1964 when it no longer needed the defense facilities. We understand that the 1964 Annual Town Meeting voted Indefinite Postponement on Article 16 to buy the land. We understand that Northeastern University purchased the land shortly thereafter for a Marine Science Center.

We understand that in 1991, Nahant adopted Zoning By-Law amendments and a new Zoning Map which added a Natural Resource District. We understand that Massachusetts General Law Chapter 40A, section 3, (a.k.a. the Dover Amendment) provides that "No zoning ordinance or by-law shall regulate or restrict the interior area of a single family residential building nor shall any such ordinance or by-law prohibit, regulate or restrict the use of land or structures for ... educational purposes on land owned ... by a nonprofit educational corporation; provided, however, that such land or structures may be subject to reasonable regulations concerning the bulk and height of structures and determining yard sizes, lot area, setbacks, open space, parking and building coverage requirements." We understand that Section 2.02, Definitions, contains a definition of Nonprofit Religious or Educational Purposes which is consistent with this state law and clearly states "Land or structures ...for educational purposes on land owned ... by a nonprofit educational corporation shall be permitted in any district". We understand that if and when Northeastern University seeks a permit for an educational structure, Northeastern University will have to meet the above requirements of the Zoning By-Law and will also have to meet all existing federal, state, and local environmental regulations as part of the permitting process. We trust our Town Administrator and elected Boards of Selectmen and Planning Board, and our appointed Town Counsel, Building Inspector, Conservation Commission, and Board of Appeals and all State and Federal appellate authorities to act in our best interests and assure that we are compensated now and in the future for impacts to our infrastructure, services, and utilities that may arise from such permitting and use. We likewise trust all State and Federal appellate authorities to rule fairly on their regulations as may arise.

In summary, We love Nahant. We love all our neighbors. We encourage our neighbors to support our existing Zoning By-Laws and this amendment which only clarifies by a parenthetical clause that sections 4.10 and 2.02 should be read together to eliminate all suggested conflicts and ambiguity.

See our Petition on the Reverse S

## **APPENDIX 3**

### **Proposed Zoning By-Law Amendment Petition**

This Appendix shows the Zoning By-Law Amendment Proposed by the Citizens' Petition in Article 4.



October 15, 2019

Ms. Margaret Barile, Town Clerk  
Town of Nahant  
334 Nahant Road  
Nahant, MA 01908

RE: Petition for Special Town Meeting

Dear Ms. Barile,

I represent a group of concerned Nahant residents who support the passage of amending Nahant's Zoning Bylaw to clarify the definition of Nonprofit Religious or Educational Purposes. We are requesting that a Special Town Meeting be held by December 14, 2019 for such purpose.

Please find accompanying this letter as Attachment 1 a Petition to the Nahant Board of Selectmen signed by over 275 registered Nahant voters formally requesting the scheduling of the Special Town Meeting no later than December 14, 2019 or within 45 days of receipt of this petition. We also attach as Attachment 2 a proposed Article for inclusion in the Warrant itself which specifically addresses the subject matter of the petition.

We are anxious to work with the Board of Selectmen, are prepared to assist in any manner the Board of Selectmen feel appropriate, and will make ourselves available to answer any questions the Board may have. Please contact me at (781) 581-3428 at your earliest convenience.

Sincerely,

Michelle S. Capano  
29 Ocean Street  
Nahant, MA 01908  
[michelle.capano@yahoo.com](mailto:michelle.capano@yahoo.com)

Attachment 1 – Special Town Meeting Petition, dated October 7, 2018

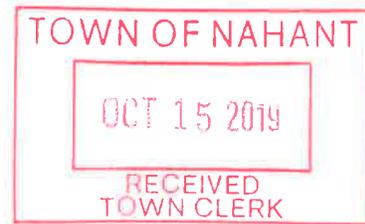
Attachment 2 – Proposed Nahant Zoning Bylaw to clarify the definition of Nonprofit Religious or Educational Purposes

Attachment 3 - Explanatory Statement

Attachment 4 – Detailed presentation of the proposed changes to Nahant's Zoning Bylaw

CC: Mr. Calvin Hastings, Chair, Nahant Planning Board  
Mr. Jeffrey Musman, 15 Trimountain Road, Nahant, MA 01908





**Attachment 2**

**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”.

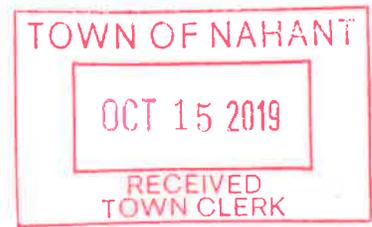
The definition would thereby read in full:

**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.**



**Attachment 3**

Explanatory Statement There appears to be an ambiguity in the zoning bylaw with respect to Non-Profit Religious or Educational Purposes in a Natural Resource District. The purpose of this Article is to clarify that the intent of the bylaw is to preserve natural resources for conservation and recreational uses by applying the Natural Resource District restrictions and prohibitions of uses equally to all people and entities, including non-profit institutions.

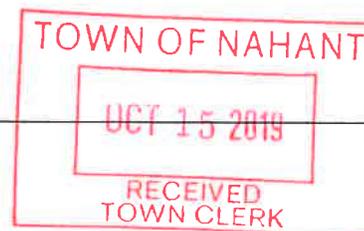
The apparent ambiguity is that on the one hand, the Table of Use Regulations, Table 1, designates Non-Profit Religious or Educational Purposes as “P” for “permitted” within a Natural Resource District. On the other hand, there are at least three reasons why such an interpretation is not appropriate and is in contradiction to the intent of the bylaw: (1) the definition of NonProfit Religious or Educational Purposes merely tracks the language of M.G.L. c. 40A, § 3, the so-called Dover Amendment, which suggests that the intent of the bylaw is to permit such uses only to the extent required by the Dover Amendment; (2) the designation in the Table of Uses is in direct conflict with Section 4.10, which limits and restricts permitted uses in a Natural Resource District irrespective of whether such uses are for non-profit religious or educational purposes; and (3) Section 4.13 makes clear that in the Table of Uses, “uses designated by ‘P’ are permitted in the districts shown, subject to the provisions of this bylaw”, meaning that the provisions of Section 4.10 govern uses within a Natural Resource District.

This Article will clarify these specific issues in three ways. First, this Article will amend the definition of Non-Profit Religious or Educational Purposes to make clear that the bylaw does not extend the rights of non-profit institutions beyond those required by the Dover Amendment. The Article also corrects non-substantive drafting errors that were in the original definition.

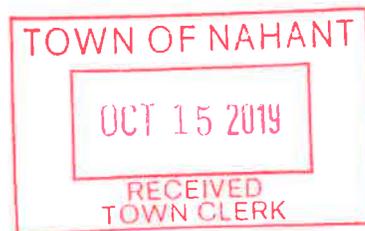
Second, this Article will change the Table of Uses designation for Non-Profit Religious or Educational Purposes within a Natural Resource District from “P” for “permitted” to “N” for “not permitted”. This change will bring the Table of Uses in harmony with the plain language and intent of Section 4.10.

Third, in the Table of Uses, the row for “Non-Profit Religious or Educational Purposes” refers to its definition. In addition to clarifying that definition as discussed, this Article will add a reference note that will follow the Table of Uses as well. This note will make clear that a nonprofit institution is entitled to all of the same permissible uses in a Natural Resource District as any other person or entity and that such uses are governed by Section 4.10. In other words, it will clarify that the intent of the bylaw is that a non-profit institution does not receive any special or discriminatory treatment. The bylaw would not permit such an institution to do anything in a Natural Resource District that everyone else is prohibited from doing and it would provide for the same treatment under Section 4.10 to all persons and entities. The reference note also will make clear that uses for Non-Profit Religious or Educational Purposes are allowed in a Natural Resource District to the extent required under the Dover Amendment.

Although Section 4.13 is already clear that in the Table of Uses, “uses designated by ‘P’ are permitted in the districts shown, subject to the provisions of this bylaw”, clarification of the potential ambiguity through this proposed Article will benefit the Town moving forward. Furthermore, the Attorney General has approved zoning bylaws with similarly worded prohibitions on religious and educational uses in zoning districts intended to conserve natural resources. For example, the Town of Webster’s Zoning Bylaw and Table of Uses prohibits religious and educational uses in its conservancy district but includes a footnote similar to the Note proposed here that such uses may be protected to the extent required by Dover. These changes will clarify that the provisions of Section 4.10 regarding Natural Resource District uses and restrictions apply to everyone, equally across the board and that the rights under the zoning bylaw for non-



profit religious or educational purposes extend only so far as required by the Dover Amendment and no farther.



To: Nahant Board of Selectmen, 334 Nahant Rd, Nahant, MA 01908

Date: October 7, 2019

We the undersigned, being registered voters of the Town of Nahant, hereby petition the Nahant Board of Selectmen to insert the Following Article on the Warrant for a Special Town Meeting to be held within 45 days in accordance with Massachusetts General Laws- Part 1, Title V11, Chapter 39.

**Article \_\_\_\_\_ To see of the Town will vote to amend the Nahant Zoning Bylaw to clarify the definition of Nonprofit Religious or Educational Purpose 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 MGL. c.40A §3**” following “...by a nonprofit or educational corporation shall be permitted in an 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 “for each district”>

The definition would thereby read in full:

**Nonprofit Religious or Educational Purposes:** Land or structure for religious purposes or 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 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 structure shall be subject to the regulations concern the bulk and height of structures and determine yard sizes, lot area, setbacks, open space, and building coverage as described in Table 2, **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 label “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 Resources District to the extent provided in Section 4.10 of this bylaw or to the extent required by M.G.L. c.40A§3.**

We, then, the signatories below, registered voters of Nahant, request the Nahant Board of Selectmen to hold a Special Town Meeting no later than December 14, 2019 or within 45 days of receipt of this petition in accordance with Massachusetts General Laws – Part I, Title VII, Chapter 39, Section 10.

We/I certify that 272 signatures were certified by the Town Clerk and are duly qualified voters.

Nahant Board of Registrars Date: October 28, 2019

Registrar of Voter of Nahant

Town Clerk Margaret R. Barile

Margaret R. Barile

Mary A. Conlin  
Is Conlin  
Margaret R. Barile  
Board of Registrar

TOWN OF NAHANT  
OCT 15 2019  
RECEIVED  
TOWN CLERK

## 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.

TOWN OF NAHANT  
 RECEIVED  
 OCT 15 2019  
 TOWN CLERK

## Item 2 Changes

**Existing**

TABLE OF USE REGULATIONS

Description of Use	Zoning Districts:					
	R-1	R-2	B-1	B-2	NR	P
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

Adds callout to new Note 3 (see following slide)

**Proposed**

TABLE OF USE REGULATIONS

Description of Use	Zoning Districts:					
	R-1	R-2	B-1	B-2	NR	P
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

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

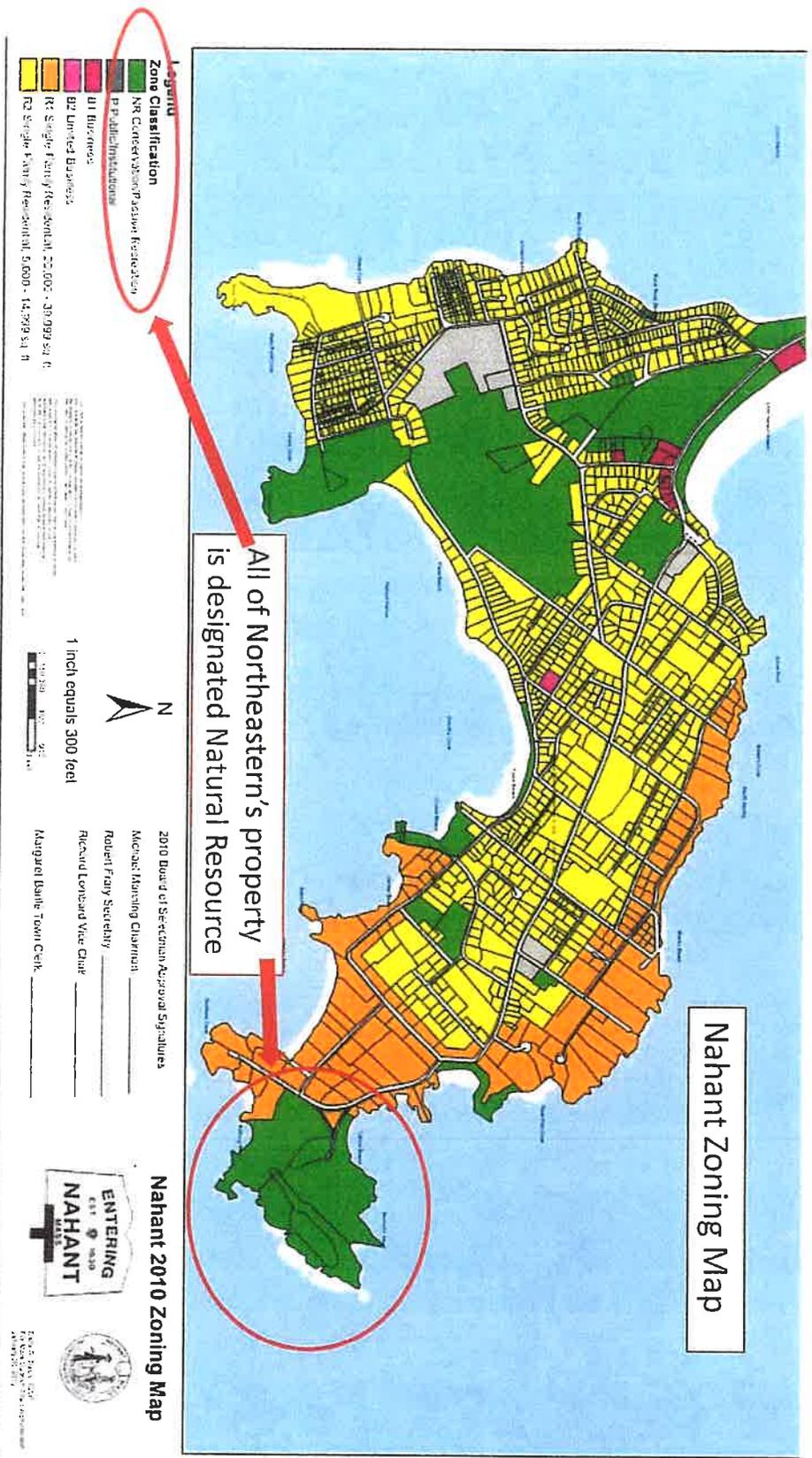
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# Backup Slides

for additional information

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Subject: Limitation on Building in Nahant Natural Resource Area



All of Northeastern's property is designated Natural Resource

Nahant Zoning Map



ZONING BY LAWS  
Town of Nahant

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**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.

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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 606 - 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 of 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.**

Use	Parking Spaces	Unit
One or two family dwelling	2.0 per	Dwelling unit
Multiple family dwellings or Publicly assisted	0.5 per	Dwelling unit
Private	1.0 per	Dwelling unit
Multi-family dwellings or Attached dwellings:	1.5 per	Dwelling unit
1 Bedroom or less	2.0 per	Dwelling unit
2 Bedrooms or more	2.0 per	Dwelling unit
Definitions:	2.0 per	3 beds
Accessory buildings or building 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
Medical office, studio, civic, recreational or other uses	1.0 per	2 Employees in the maximum working shift
Boating Alloys	2.0 per	400 sq ft. of GFA
Eating & drinking places serving food or beverages	1.0 per	2 employees in the maximum working shift
(Continued)	plus 1.0 per	plus 1.0 per
Table of Required Off-Street Parking Continued.		
Public or Accessory Use	Building Spaces	Unit
Hospital, chronic or convalescent sanitariums, nursing or convalescent homes	1.0 per	2 employees in the maximum working shift
	plus 1.0 per	plus 1.0 per
(2)	plus 1.0 per	plus 1.0 per
Schools, museums	2.0 per	3 Staff members
	plus 1.0 per	3 Students of changing age (unless car usage is prohibited)
	Or 1.0 per	6 seats in largest place of assembly; (whichever is greater)
Retail and service establishments	1.0 per	250 Sq. Ft. of GFA (3)
Supermarket	1.0 per	150 Sq. Ft. of GFA
Business offices (including financial institutions)	1.0 per	350 Sq. Ft. of GFA
Medical and dental offices	1.0 per Or 2.0 per	250 Sq. Ft. of GFA
		Diverse, dental procedure, hospital or other, involved in direct patient care (whichever is greater)
Research and development	1.0 per Or 1.0 per	600 Sq. Ft. of GFA
(Continued)		2 employees in the maximum working shift (whichever is greater)
Table of Required Off-Street Parking Continued.		
Public or Accessory Use	Building Spaces	Unit
Industrial, including printing	1.0 per	600 Sq. Ft. of GFA
Publishing	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
Warehouses, wholesale establishment, public utility stations	1.0 per	1,000 Sq. Ft. of GFA
Martina	1.0 per plus	1000 sq. ft. of GFA
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 procedure - All other home occupations shall provide the number of parking spaces required for "medical and dental offices". All other home occupations shall provide the one space per nonresidential 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)

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