

Town of Nahant



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Nahant Planning Board

Introduction

The Nahant Zoning By-Laws was rewritten by the Planning Board, and adopted by Town Meeting on April 30, 1990. The first notice of the public hearing on the revised by-law was published on March 5, 1990. The revised by-law became effective at the time of town meeting vote on April 30; some portions relating to nonconforming structures were effectively retroactive to March 5. The Attorney General approved the revised by-law on August 13, 1990.

The following information was prepared by the Planning Board during September of 1990, and revised in October 1991. While we believe it is accurate, this summary does not modify the applicable law, and the landowner is responsible for complying with all regulations.

Land Use Laws and Regulations in Nahant

Land use in Nahant is subject to various Town, State and Federal laws and regulations. The regulations most commonly applicable are listed and described below. The individual land user is responsible for obtaining all permits, filing all required applications, and demonstrating compliance with whichever laws and regulations apply to the proposed land use. Approval under one law or regulation does not imply that any of the others have been met. The list below is not exhaustive; other State and Federal regulations may apply as well.

Zoning By-Law, Town of Nahant, adopted under Massachusetts General Laws, Chapter 40A, guides the development pattern of the Town by creating districts, including Residential, Business, Natural Resources and Public Districts, which group compatible uses together, and a Flood Plain overlay district. The By-Law sets standards governing the use of land and the dimensions of structures and lots, and regulates parking and signs. The Zoning By-Law is enforced by the Building Inspector (responsible to the Board of Selectmen), through Building Permits, Occupancy Permits and inspections. Petitions for Variances, applications for Special Permits, and appeals are heard by the Board of Appeals, except Special Permits for certain structures or uses in the Business Districts are issued by the Planning Board after a Site Plan Review process. The Planning Board, Board of Health (Board of Selectmen) and Conservation Commission may review applications to the Board of Appeals and give recommendations.

Nahant Subdivision Rules and Regulations set standard and procedures for subdividing parcels of land into two or more new parcels or lots, and constructing ways, utilities and drainage, pursuant to Massachusetts General Law, Chapter 41. These regulations are administered by the Planning Board, via approval of subdivision plans.

The Massachusetts State Building Code sets forth regulations and design standards for the construction, alteration, repair, demolition and removal of buildings. The Code is administered by the Building Inspector through the Building Permit and Occupancy Permit Procedures, and inspections. Portions of the Building Code relate to fire protection systems are enforced by the Fire Department.

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The Massachusetts State Plumbing Code regulates plumbing wiring. The Code is administered by the Inspector of Plumbing Inspector through the issuance of plumbing permits and inspections.

The Massachusetts State Electrical Code regulates electric wiring. The Code is administered by the Inspector of Wires through the issuance of electrical permits, and inspections.

Nahant By-Laws, Article XIV, Discharge of Wastewater, sets standard for sewerage disposal. The By-Law is enforced by the Board of Selectmen.

The Massachusetts Wetlands Protection Act. Massachusetts General Laws, Chapter 131, Section 40, is administered and enforced by the Nahant Conservation Commission. It requires that construction or land alteration in or near the coast, wetlands or flood plains (as defined by the law) be reviewed and regulated by the Conservation Commission. Regulations for administering the Act have been promulgated by the Massachusetts Department of Environmental Protection, and are enforced by the Conservation Commission.

The State Sanitary Code imposes various regulations to protect the public health. The Code is enforced by the Board of Selectmen, acting as the Board of Health.

It is the responsibility of the petitioner or applicant to comply with the above requirements. Acceptance of documents or applications by the Town Clerk does not imply a finding that proper documentation has been submitted, and the Board of Appeals may deny an application based on failure to submit required documentation.

Adopted by the Nahant Planning Board – September 7, 1990

Adopted by the Nahant Board of Appeals – William Crawford 4/9/99

Filed with Harriet Steeves, Town Clerk