

ZONING BY-LAW OF THE TOWN OF HULL



As Amended through 2014 Annual Town Meeting

(No Zoning Changes Were Acted on at 2015 Town Meeting)

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ARTICLE I GENERAL

Section 1 - Purpose

- 1-1. The purpose of this bylaw is to promote the health, safety, convenience, morals or welfare of the inhabitants of the Town of Hull by regulating and restricting:
- a. The height, number of stories and size of buildings and structures;
 - b. The size and width of lots;
 - c. The percentage of lot that may be occupied;
 - d. The size of yards, courts and other open spaces;
 - e. The density of population;
 - f. and the location and use of buildings, structures and land for trade, industry, agriculture, residence or other purpose under the Powers authorized by Chapter 40A (the Zoning Act) of the General Laws of the Commonwealth of Massachusetts and any amendments thereof.

Section 2 - Buildings

- 2-1. Except as provided in Section 61, Non-conforming Uses of this bylaw no building or structure shall be constructed, and no building, structure or land, or part thereof, shall be used for any purpose or in any manner other than for one or more of the uses hereinafter set forth as permitted in the district in which such building, structure or land is located.
- 2-2. No building or premises shall be erected, razed, moved or enlarged, or altered except in conformity with the regulations herein specified.
- 2-3. Any building or use legally existing at the time of the enactment of this zoning bylaw may be continued.

Section 3 - Enforcement

- 3-1. This bylaw shall be enforced by the Building Commissioner. No building shall be built or altered and no use of land or building shall be begun or changed without a permit having been issued by the Building Commissioner. No building shall be occupied until a certificate of occupancy has been issued by the Building Commissioner. Any person violating any of the provisions of this bylaw may be fined no more than three hundred (\$300) dollars for each offense. Each day that such violation continues shall constitute a separate offense.

Section 4 - Zoning Bylaw Committee

- 4-1. Establish a permanent committee to serve without compensation, known as the Zoning Bylaw Committee consisting of seven members, one the Building Commissioner or his nominee, one a member of the Board of Selectmen or their nominee, one a member of the Planning Board to be appointed by the Chairman of the Planning Board, one a member of the Board of Appeals or their nominee, and three citizens of the town appointed by the Planning Board, to study and report periodically to the Planning Board to update the zoning bylaws and zoning maps.
- 4-2. Said appointees shall be appointed for a three (3) year period, these periods being staggered to ensure continuity on the Zoning Bylaw Committee.
- 4-3. Initial appointments shall be made in the following manner: Building Commissioner term expires upon change in office, Selectmen's appointee shall be for two (2) years, Board of Appeals' appointee shall be for one (1) year, member of the Planning Board shall be for three (3) years, three (3) citizens of the town to be appointed by the Planning Board: one for one (1) year, one for two (2) years, and one for three (3)

years. Thereafter, upon expiration of these initial appointments, further appointments shall be made for terms of three (3) years each. Initial appointments shall be made as of May, 1984.

Section 5 - Validity

- 5-1. The provisions of these bylaws are severable, and if any of its provisions shall be held unlawful or otherwise invalid by the Attorney General or any court of competent jurisdiction, the decision of the Attorney General or such court shall not affect or impair any of the remaining provisions.

END OF ARTICLE I

ARTICLE II DEFINITIONS

Section 21-Usage

- 21-1. For the purpose of this bylaw, the following words and phrases shall have the meanings given in this Article.
- a. Verbs used in the present tense include verbs employing the future tense. The singular noun includes the plural noun, and conversely, the plural noun includes the singular noun.
 - b. The word "building" includes "structure" and shall be construed as being followed by the words "or part thereof"; the word "occupied" includes the words "designed, arranged or intended to be occupied". Where the word "use" is employed, it shall be construed as if it was followed by the words, "or is intended, arranged, designed, built, altered, converted, rented or leased to be used".
 - c. The word "shall" is in all cases mandatory.
 - d. All distances and areas refer to measurements in a horizontal plane.
 - e. Wherever the term Building Commissioner appears in these bylaws it shall be construed as being followed by the words "and such local inspectors as are duly appointed."

Section 22-Meaning of Words

- 22-1. Unless otherwise expressly stated, the following italic words and phrases appearing in this zoning bylaw shall have the meanings indicated by tried definitions immediately following in this section. Words and phrases not defined in this article, but defined in the *Massachusetts State Building Code, 780 CMR* shall have the meanings given in that code. Words and phrases not defined in either this article or the Code shall have the meanings as defined in the *American Heritage Dictionary of the English Language*.

Accessory Building or Use: A building or use on the same lot with, and clearly incidental and subordinate to the principal use or structure, except that on-site, off-street parking located in accordance with other provisions of this zoning bylaw shall be considered an accessory use and accessory uses in connection with scientific research or scientific development or related production do not have to be located on the same parcel of land as the principal use, subject to Chapter 40A, Section 9 of the Massachusetts General Laws.

Awning or Canopy: A roof like structure of flexible material stretched over a frame.

Basement: That portion of a building that is partly underground and which has more than one-half its height, measured from the finished floor to the finished surface of the floor above, below the average finished grade of the ground adjoining the building.

Bed and Breakfast Home: An owner occupied, detached single family dwelling unit where three or fewer bed and breakfast units are available for rent and a breakfast is included in the rent, as an accessory use, in which accommodations are available for overnight.

Bed and Breakfast Unit: A rental guest unit in a bed and breakfast home consisting of one bedroom.

Boat: A vessel or watercraft capable of being used as a means of transportation on water and propelled by oars or paddles or by sail or power, other than a sea/float aircraft capable of operating on water. Lifeboats and/or inflatable boats located on or inside another boat are specifically excluded from this definition when they are so located.

Building: Combination of any materials, whether portable or fixed, having a roof, to form a structure for the shelter of persons, animals, or property. For the purpose of this definition, "roof" shall include an awning or any similar covering, whether or not permanent in nature.

Construction: The act of assembling materials of construction, as shown on the plans approved by the permit or special permit granting authority, into the primary structure shown on said approved plans, does not include actions preliminary to, or required for, construction, such as planning and designing, site preparation, and obtaining any and all required approvals outside the control of the special permit granting authority.

Day Care Center: Any facility operated on a regular basis whether known as a day nursery, nursery school, child development center or preschool, or known under any other name, which receives children not of common parentage under seven years of age or under sixteen years of age if such children have special needs, for nonresidential custody and care during part or all of the day separate from their parents. Day care center shall not include any part of a public school system; any part of a private, organized educational system, unless the services of such system are primarily limited to kindergarten, nursery or related preschool services, a Sunday school conducted by a religious institution; a facility operated by a religious organization where children are cared for during short periods of time while persons responsible for such children are attending religious services; a family day care home; an informal cooperative arrangement among neighbors or relatives or the occasional care of children with or without compensation therefore.

Development: Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, grading, paving, excavation, or drilling operations.

Dwelling Unit: One or more rooms forming a habitable unit for one family and containing complete and independent housekeeping facilities.

Dwelling, Multi-Family: A building or structure designed for occupancy as a residence by two or more families, an apartment house.

Dwelling, Single Family: A building designed for occupancy as the living quarters for one family, but not a trailer or mobile home.

Face or Facing (of a sign): The surface of a sign upon, against or through which the message of the sign is exhibited.

Family: One or more persons related by blood, marriage, or adoption and including domestic employees occupying a dwelling unit and living together as a single housekeeping unit; or a group not exceeding four (4) persons, who need not be related by blood, marriage, or adoption occupying a dwelling unit and living together as a single housekeeping unit.

Family Day Care Home: Any private residence which on a regular basis receives for temporary custody and care during part or all of the day, children under seven years of age or children under sixteen years of age if such children have special needs; provided, however, in either case, that the total number of children under sixteen in a family day care home shall not exceed six, including participating children living in the residence. Family day care home shall not mean a private residence used for informal cooperative arrangement among neighbors or relatives or the occasional care of children with or without compensation.

Floor Area Ratio: The ratio of the total gross floor area of a building or buildings on one lot to the total gross area of the lot.

Floor Area, Gross: The sum of the gross horizontal areas of the several floors of a building, excluding areas used for accessory purposes as well as all basement or cellar areas devoted exclusively to uses accessory to the operation of the building. All horizontal dimensions shall be taken from the exterior faces of walls, including roofed porches and balconies whether enclosed or unenclosed. It shall also include the horizontal area at each floor level devoted to common hallways, stairwells and elevator shafts.

Functionally Dependent Use: A use that cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

Ground Sign: Any sign which is secured or supported by one or more poles, uprights, or braces in the ground which are not part of the building.

Height of Building: The vertical distance above the curb grade to the highest point of the roof beams of a flat roof or to the top of the rafters at a ridge of a sloping roof. However, if the natural grade of the ground contiguous to the building is not at the curb grade, the height shall be measured from the mean finished grade at the foundation of the building.

Home Occupation: An occupation conducted in a dwelling unit by persons residing therein and involving no change in the customary external appearance of the premises or other visible evidence of the conduct of such home occupation other than one announcement sign as provided in Paragraph 70-2a of this zoning bylaw. In connection with the conduct of such activity only customary home or hobby-type equipment shall be used and the sale of any articles shall be limited to those produced on the premises.

Lodging House: A residence in which space is let for compensation to four (4) or more lodgers, but not including dormitories or other buildings of charitable, educational or philanthropic institutions.

Lot Area: The horizontal area within the exterior lines of the lot, exclusive of any area in a public or private street or way; except that one-half of any private right-of-way common to two adjoining lots may be inside yard requirements.

Lot Depth: The mean horizontal distance between the front and rear lot lines of the lot measured in the mean direction of the side lot lines of the same lot.

Lot Frontage: That part of a lot (a lot line) abutting on a street or way; except that the ends of incomplete streets, or streets without a turning circle, shall not be considered frontage, and yards shall be provided as indicated under *Yard* in this section.

Lot Line, Front: A line separating the lot from a street or private way. Where a building line has been established by the Town of Hull for street widening purposes, such building lines shall be used as the front lot line under the provisions of this bylaw.

Lot Line, Rear: The lot line opposite the front lot line; except that in the case of a corner lot, the rear lot line shall be the line opposite from the street on which the principal or proposed building faces.

Lot of Record: A lot recorded in the Registry of Deeds of Plymouth County, or in the Land Court in the Commonwealth of Massachusetts either as a separate lot or as a part of a subdivision.

Lot Width: The mean horizontal distance between the side lot lines of the lot measured to the mean direction of the front and rear lines of the same lot.

Lot: A contiguous parcel of land in identical ownership throughout, bounded by other lots or by streets, and used or set aside and available for use as the site of one principal building with one or more accessory buildings. For the purpose of this bylaw, a lot may or may not coincide with a lot on record.

Manufactured Home Park or Subdivision: A parcel (or any number of contiguous parcels) of land divided into two or more manufactured homes for rent or sale.

Manufactured Home: A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes the term "manufactured home" also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days. For insurance and other similar vehicles.

Non-Conforming Building: A building purposes the term “manufactured home” does not include park trailers, travel trailers, that does not conform to the regulations prescribed by this bylaw for the district in which it is located.

Non-Conforming Lot: A lot that does not conform to the regulations prescribed by this bylaw for the district in which it is located.

Non-Conforming Use: A use of a building or lot that does not conform to a use regulation prescribed by this bylaw for the district in which it is located; provided that such use was already in existence and lawful at the time this use regulation became effective.

Occupancy Use: The purpose for which a building or structure is designed, used or intended to be used. A “Change of Occupancy” does not include a change of tenants or proprietors.

Open Space: That part of a lot designed and developed for use by the occupants of the lot or for the pleasant appearance of the building in which they reside. Such space may include swimming pools, tennis courts, or similar facilities; household service uses such as clothes drying, private gardens; or landscaped elements and natural features of the site, walks, and terraces. Decks and roofs of garages and buildings in excess of twenty (20) square feet, accessible to occupants of a building, may also be calculated as open space: also a balcony having an area of not less than forty (40) square feet and reserved for the exclusive use of one family may be counted toward meeting the required open space on the lot. Such open space may not include lot areas used for parking, access and service drives or other hard surfaced areas intended for vehicular use.

Physical Value: The sound physical value of a building or structure shall be the replacement cost minus the depreciation as determined by the Building Commissioner.

Pole Sign: A sign supported by or suspended from a freestanding column, pipe or pole.

Project Cost: The permit building cost as agreed prior to issuance of the Special Permit.

Rest Home: A rest home is any institution, however named, which is advertised, announced or maintained for the express or implied purpose of providing care to three or more persons, who, although ambulatory, need supervision or medical care but not professional nursing services.

Roof Sign: A sign erected upon or above a roof of a building or structure.

Sign: as used in this zoning bylaw shall include signs, outdoor advertising, billboards, poster boards, letters, words, models, devices, symbols, trade-marks and shall include every kind of structure that is arranged, designed or used as an advertisement, announcement, or for direction.

Street Line: The boundary line of the lot separating it from a public street or private way. Where a building line has been established by the Town of Hull for the purpose of future public use, such building line shall be used as the street line whenever the street line is used in the provisions of this bylaw.

Structure: A combination of materials assembled at a fixed location to give support or shelter, such as a building, bridge, tower, framework, retaining wall, tank, tunnel, stadium, platform, bin, fence, flagpole or the like.

Substantial Use: The fact or state of being used for the purpose shown on the plans approved by the permit or special permit granting authority.

Wall Sign: A sign attached to, or erected against a wall of a building or structure, with the exposed faces of the sign in a place approximately parallel to the plane of said wall.

Wetlands: All resource areas subject to the protection under GL C. 131, section 40 as set forth in the provisions of 310 CMR 10.02(1), in effect as of April 10, 1997, whose delineation has been approved by the Hull Conservation Commission or as determined by an appellate body from such determination; provided however, that land falling within said definition solely because it is land subject to coastal storm flowage and/or land subject to flooding is excluded from this definition.

The provisions of this definition shall not apply to property zoned for single family or two-family use or property owned by the Town of Hull or other governmental authorities.

Wireless Communications Device: Any antenna, dish, or panel mounted on or in a building or structure, used by a commercial carrier to provide wireless communications services. The term "Wireless communications device" does not include a wireless communication structure.

Wireless Communication Facility: Any and all materials, equipment, equipment structures/shelters/cabinets, towers, dishes and antennas, other than customer premises equipment, used by a commercial carrier to provide telecommunications or data services and is intended to include generally towers, antennas, dishes and panels, as the context calls for.

Wireless Communication Services: The provision of the wireless telecommunication services including by way of example cellular telephone service, personal communications, data services, telecommunications and enhanced specialized mobile radio service.

Wireless Communication Structure: A wireless communication monopole, including antennas and accessory structures mounted thereon, if any, which facilitates the provision of wireless communication services.

Yard: The open space at the front, sides and rear of a building between the exterior walls of the building and the boundaries of the lot upon which it stands.

END OF ARTICLE II

ARTICLE III ESTABLISHMENT OF DISTRICTS

Section 30 - Types of Districts.

30-1. For the purpose of this bylaw, the Town of Hull is hereby divided into the following classification of use districts:

- ° Single-Family Residence District A
- ° Single-Family Residence District B
- ° Single-Family Residence District C
- ° Townhouse Residence District
- ° Multi-Family Residence District A
- ° Multi-Family Residence District B
- ° Mixed Use Residential District
- ° Business District
- ° Waterfront District
- ° Commercial Recreation District A
- ° Commercial Recreation District B
- ° Commercial Recreation District C
- ° Public Open Space District
- ° Flood Plain District
- ° Conservation District
- ° Wireless Communication Services District

30-2. Boundaries

- a. The boundaries of the districts shall be the sidelines of the streets, property or lot lines, or other lines shown on the map entitled "Building Zone Map of Hull, Massachusetts", on file in the office of the Building Commissioner, which map is hereby adopted and made a part of this bylaw. This map is open for inspection during regular office hours and copies are made available to those desiring them.
- b. Where boundaries are indicated as property or lot lines and the exact position of such lines is not justified by measurements, the true location thereof shall be taken as the boundary lines. Where boundary lines are fixed by distance from the street, property or lot lines, such measurements shall control.
- c. Whenever any uncertainty exists as to the exact location of a boundary line, the location thereof shall be determined by the Building Commissioner; provided, however, that any person affected by his decision thereon may appeal to the Board of Appeals as hereinafter provided.

30-3. Uses

- a. These zoning bylaws shall not prohibit, regulate or restrict the use of land or structures for religious purposes or for educational purposes on land owned or leased by the Commonwealth or any of its agencies, subdivisions or bodies public or by a religious sect or denomination, or by a non-profit educational corporation, except as provided by law.

- b. In all districts, uses, whether or not on the same parcel as activities permitted as a matter of right, accessory to activities permitted as a matter of right, which activities are necessary in connection with scientific research or scientific development or related production, may be permitted upon the issuance of a special permit, provided the Board of Appeals finds that the proposed accessory use does not substantially derogate from the public good.
- c. These zoning bylaws shall not prohibit, unreasonably regulate or require a special permit for the use of land for the primary purpose of agriculture, horticulture or floriculture, nor shall they prohibit or unreasonably regulate the expansion or reconstruction of existing structures thereon for the primary purpose of agriculture, horticulture or floriculture, except that all such activities shall be limited to parcels of at least five (5) acres.
- d. Except as provided in Massachusetts General Laws, Chapter 40A, or in this bylaw, no building, structure or land shall be used except for the purpose(s) permitted in the district as described in this section. Any use not listed shall be construed to be prohibited.

Section 31 - Single-Family Residence Districts A, B, and C.

- 31-1. Permitted uses for Single-Family Residence Districts A, B, and C.
 - a. Detached single-family dwellings.
 - b. Religious, educational or municipal uses.
 - c. Renting of sleeping rooms for not more than three (3) persons in a dwelling regularly occupied by the owner for residential purposes.
 - d. Accessory uses customarily incidental to a permitted main use on the same premises, including the use of a room or rooms for customary home occupations conducted by resident occupants, and involving no change in the customary external appearance of the premises or other visible evidence of the conduct of such home occupation other than one announcement sign as provided in Paragraph 70-2.a, and provided that (a) such office or studio is open to clients by appointment only, (b) no more than two (2) other persons are regularly employed on the premises in connection with such use (c) material, equipment, or products shall not be visible from the street, and (d) the sale of any articles is limited to those produced on the premises and related to the permitted home occupation. Said customary home occupations include, but are not limited to the following: Professional office or studio of a resident physician, dentist, attorney, architect, contractor, accountant, artist, engineer, real-estate or insurance broker, art dealer, interior decorator, appraiser, or member of another recognized profession.
 - e. Family day care homes as provided for and defined in Massachusetts General Law, Chapter 28A, Section 10 as amended, subject to the provisions of Section 47, Guidelines for Issuance of Special Permit for Family Day Care Home" of this zoning bylaw.
 - f. Boat and boat equipment storage, subject to the requirements of Section 45, Boats and Boat Equipment Storage of this zoning bylaw.
 - g. Bed and breakfast homes, subject to the requirements of Section 46 of this zoning bylaw.
- 31-2. Dimensional and Intensity Regulations for Single-Family Residence Districts A, B, and C
 - 31-2A. In a Single-Family Residence District A no existing lot shall be changed as to size or shape resulting in a violation of the requirements set forth in Table 50 (SF-A) and the parking requirements specified in Section 52.
 - 31-2B. In a Single-Family Residence District B, no existing lot shall be changed as to size or shape resulting in a violation of the requirements set forth in Table 50 (SF-B) and the parking requirements specified in Section 52.
 - 31-2C. In a Single-Family Residence District C, no existing lot shall be changed as to size or shape resulting in a violation of the requirements set forth in Table 50 (SF-C) and the parking requirements specified in Section 52.

- 31-2D. The common property line between two existing non-conforming parcels may be changed to provide access along the property line between the two parcels, provided that no building may be closer than five (5) feet to the revised line and the houses located thereon are no closer than fifteen (15) feet apart, that no conforming lot shall become non-conforming thereby, and that a special permit for such action is issued by the Zoning Board of Appeals. (Amendment added, Annual Town Meeting, May 5, 2003)
- 31-3. General Regulations for Single-Family residence Districts A, B, and C.
- a. Site plan review, subject to the provisions of Section 40, Site Plan Review of this zoning bylaw, shall apply to new buildings and/or structures which involve non-residential uses or multi-family uses for three (3) or more residential units, and expansions or changes in use of existing buildings which will result in five thousand (5,000) or more, square feet of gross floor area.
 - b. Land undergoing construction and/or development, and regrading is subject to the provisions of Section 63, "Grading, Drainage, Erosion and Sediment Control" of this zoning bylaw.
 - c. No building or structure or portion thereof constructed or adapted for a retail, mercantile or industrial use shall be occupied as a residence or place of human habitation unless properly altered to meet the provisions of Section 31, Single-Family Residence District of this zoning bylaw in effect at the time of said construction or adaptation as they relate to residential use.
 - d. Garden sheds not requiring a permanent foundation or concrete slab, and no more than eighty (80) square feet gross floor area, and less than eight (8) linear feet in height shall not require a permit. Such sheds may not be constructed in the front setback area nor closer than three (3) linear feet to any interior lot lines.
 - e. No building shall be constructed within ten (10) feet of a publicly owned seawall.
 - f. No structure(s) shall be built closer than twenty five (25) feet from the top edge of a cliff that is greater than twenty (20) feet in height unless said cliff is certified as stable by a registered geologist or registered engineer.
 - g. The provisions of Section 42, Floodplain District Use and Development Regulations of this zoning bylaw apply wherever applicable.

Section 32 - Multi-Family and Townhouse Residence Districts

- 32-1. Permitted uses for Multi-Family Residence Districts and Townhouse Residence District
- 32-1A. Multi-Family Residence Districts A
- a. Multi-family residential uses, restricted to four rooms no more than two of said rooms to be bedrooms excluding bath.
 - b. Garden apartments and town houses, restricted to four rooms no more than two of said rooms to be bedrooms excluding bath.
 - c. Convalescent, nursing, or rest homes under special permit by the Board of Appeals as governed by Chapter 40A, Massachusetts General Law.
 - d. Boat and boat equipment storage, subject to the requirements of Section 45, "Boats and Boat Equipment Storage" of this zoning bylaw.
 - e. Any use permitted in Paragraph 31-1 of this zoning bylaw subject, however, to the provisions of Paragraph 31-2B as they pertain to Single-family Residence District B.
 - f. Bed and breakfast homes, subject to the requirements of Section 46 of this zoning bylaw.

- 32-1B. Multi-Family Residence Districts B
- a. Multi-family residential uses, restricted to four rooms no more than two of said rooms to be bedrooms excluding bath.
 - b. Garden apartments and town houses, restricted to four rooms no more than two of said rooms to be bedrooms excluding bath.
 - c. Convalescent, nursing, or rest homes under special permit by the Board of Appeals as governed by Chapter 40A, Massachusetts General Law.
 - d. Boat and boat equipment storage, subject to the requirements of Section 45, "Boats and Boat Equipment Storage" of this zoning bylaw.
 - e. Any use permitted in Paragraph 31-1 of this zoning bylaw subject, however, to the provisions of Paragraph 31-2B as they pertain to Single-family Residence District B.
 - f. Bed and breakfast homes, subject to the requirements of Section 46 of this zoning bylaw.
- 32-1C. Townhouse Residence District
- a. Any use permitted in Paragraph 31-1 subject, however, to the provisions of paragraph 31-2C Single-family Residence District C, of this zoning bylaw, except that minimum lot size shall equal 43,560 square feet.
 - b. Townhouse and garden apartment type multi-family dwellings, not to exceed eight (8) dwelling units per multi-family dwelling, and no such multi-family dwelling to exceed thirty-five (35) feet in height.
 - c. Boating facilities for boats other than power boats or sailboats in excess of twenty (20) feet, and structures serving such facilities, so long as such boating facilities are located in or at a navigable waterway and the accessory buildings are situated adjacent to such boating facilities. Accessory buildings shall not exceed thirty-five (35) feet in height and shall not have a lot coverage exceeding 2,500 square feet in the aggregate. Permitted uses in such accessory buildings shall be limited to the following:
 - (a) coffee shop and/or restaurant.
 - (b) uses devoted to sales, repairs and servicing of non-power boats.
 - d. Accessory recreational facilities for personal use and enjoyment for the enhancement of the other uses permitted in this Paragraph (32-1C), such as walkways, nature areas, tennis courts, shuffleboard decks, athletic facilities and swimming pools.
 - e. Interior and exterior parking facilities and structures, structures for utility services, structures for traffic control services and structures of a decorative nature, and other accessory uses normally associated with the permitted uses set forth in this Paragraph (32-1C).
- 32-2. Dimensional Requirements and Intensity Regulations for Multi-Family Residence Districts A and B and Townhouse Residence District.
- 32-2A. In a Multi-Family Residence District A, no existing lot shall be changed as to size or shape resulting in a violation of the requirements set forth in Table 50 (MF-A) and in the parking requirements specified in Section 52.
- 32-2B. In a Multi-Family Residence District B, no existing lot shall be changed as to size or shape resulting in a violation of the requirements set forth in Table 50 (MF-B) and in the parking requirements specified in Section 52.
- 32-2C. In a Townhouse Residence District, no existing lot shall be changed as to size or shape resulting in a violation of the requirements set forth in Table 52 and in the parking requirements specified in Section 52.

32-3. General Requirements for Multi-Family Districts.

- a. Open space for active recreation totaling not less than twelve (12) square feet for each dwelling shall be provided on those parcels used for apartments.
- b. Fixed, retractable, or removable awnings and canopies for the protection of the public from the elements may be erected or installed within the front setback areas. On business and commercial buildings located in a multi-family residential district, the awnings and canopies shall be limited to a six (6) foot extension across the full face of the building. On multi-family residential buildings the awnings and canopies shall be limited to the area of the front entry walkway extending in a straight line to the building and not exceeding six (6) linear feet in width.
- c. Site plan review, subject to the provisions of Section 40, Site Plan Review of this zoning bylaw, shall apply to new buildings and/or structures which involve non-residential uses or multi-family uses for three (3) or more residential units, and expansions or changes in use of existing buildings which will result in five thousand (5,000) square feet of gross floor area.
- d. Land undergoing construction and/or development, and re-grading is subject to the provisions of Section 63, "Grading, Drainage, Erosion and Sediment Control" of this zoning bylaw.
- e. No building or structure or portion thereof constructed or adapted for a retail, mercantile or industrial use shall be occupied as a residence or place of human habitation unless properly altered to meet the provisions of Paragraph 31-2B of this zoning bylaw in effect at the time of said construction or adaptation as they relate to residential use.
- f. Garden sheds not requiring a permanent foundation or concrete slab, and no more than eighty (80) square feet gross floor area, and less than eight (8) linear feet in height shall not require a building permit. Such sheds may not be constructed in the front setback area nor closer than three (3) linear feet to any interior lot lines.
- g. No building shall be constructed within ten (10) feet of a publicly owned seawall.
- h. No structure(s) shall be built closer than twenty five (25) feet from the top edge of a cliff that is greater than twenty (20) feet in height unless said cliff is certified as stable by a registered geologist or registered engineer.
- i. The provisions of Section 42, "floodplain District Use and Development Regulations" of this zoning bylaw apply wherever applicable.

Section 33 - Waterfront District

33-1. Permitted Uses for Waterfront District

- a. Water-dependent uses as defined by and consistent with Massachusetts General Law Chapter 91, and 310 CMR 9.00 et seq, *Waterways Regulations* such as commercial and recreational marine uses, marinas, moorings and mooring services, dockage and mooring for transient boats, launch services, pump out facilities, fishing (both commercial and sport, including facilities for loading and unloading commercial fishing boats and the storage of ice, but under no circumstances the cleaning or processing of fish or the storage of bait), boat rentals and charters, terminals for commuter and excursion boats, boat sales, boat storage, chandlers, sail makers, marine railways, marine service centers, and Harbor Master facilities.
- b. Non-water-dependent uses as defined by and consistent with Massachusetts General Law Chapter 91, and 310 CMR 9.00 et seq, *Waterways Regulations* such as coffee shops, restaurants, and convenience shopping (including food, variety and personal services), entertainment facilities, and museums.
- c. Facilities for the sale and dispensing of marine fuel, subject to the granting of a Chapter 91 license and a Special Permit by the Hull Board of Appeals per Section 80, of this bylaw.
- d. Residential uses: None.

- e. Hotels, motels, and office buildings: None.
 - f. Accessory uses normally associated with permitted uses in this Section (33), within the confines of the building.
 - g. Television and radio antennas not exceeding fifty feet (50') above ground level.
 - h. Navigation aids.
 - i. In a Waterfront District, the determination of principal and accessory use will include consideration for seasonal changes in marine businesses and the wide range of marine-related items serviced and sold.
- 33-2. Additional Standards for uses allowed by Special Permit in the Waterfront District:
- a. Public amenities, such as launching ramps, access to the waterfront, public fishing areas, and visual access to the water, must be considered wherever there is no threat to public health and safety or other unreasonable liability to the property owner.
- 33-3. Signage
- a. Signs for the purpose of identification of businesses and shops are permitted in the Waterfront District, subject to the granting of a Special Permit by the Board of Appeals per Section 80, of this bylaw (after consultation with the Design Review Board and the Building Department). Generally signs should be in scale with the size and bulk of the buildings and compatible with one another. Signs should not project above the roofline. Internally illuminated signs, signs with moving parts, and freestanding signs are not to be used. Signs should relate solely to the business conducted on the premises.
- 33-4. Dimensional Requirements and Intensity Regulations for Waterfront District
- a. Table 53 sets forth the minimum zoning requirements for construction within a District zoned Waterfront District, which requirements shall apply in lieu of any other requirements set forth in this bylaw.

Section 34 - Business and Mixed Use Residential Districts.

- 34-1. Permitted uses for Business District and Mixed Use Residential District.
- 34-1A. Business District
- a. Office, bank, newspaper or job printing establishment.
 - b. Restaurant.
 - c. Any wholesale, retail or service business except places of amusement, not involving manufacture on the premises except of products the major portion of which is sold on the premises by the producer to the consumer.
 - d. Manufacturing or industrial use, provided that no such use shall be permitted which would be detrimental or offensive in the same or adjoining district by reason of: danger of explosion or fire, excessive vibration or noise (that is, no noise or vibration shall be perceptible without instruments at a distance greater than fifty (50) feet from the industrial premises, obnoxious fumes, smoke, gas or odors, or production of refuse above the capacity of the sewage or refuse collection system of the town, subject to special permit by the Board of Appeals, governed by Chapter 40A, Massachusetts General Law
 - e. Gasoline service stations and liquid propane dispensing operations are subject to special permits by the Board of Appeals, governed by Massachusetts General Law. Chapter 40A.
 - f. Bed and breakfast homes, subject to the requirements of Section 46 of this zoning bylaw.
 - g. Mixed Multi-family Residential and Business, provided, however, that not less than 30 percent of the gross floor area be for business uses, such as office, bank, and restaurant, or any wholesale, retail or service business except places of amusement, not involving manufacture on the premises except of

products the major portion of which are sold on the premises by the producer to the consumer, with the remainder to be for rental residential use. Said residential use to be restricted to units of not more than four rooms, excluding bath, with no more than two of said rooms to be bedrooms. Except for the residential means of egress, no residential unit shall be permitted on the front street side of the level of exit discharge. Height shall be limited to 40 feet and density to a maximum of 15 residential units per acre, in proportion to the actual area of the lot, or take any other action relative thereto.

- 34-1A.1 Uses permitted by Special Permit in a Business District,
- A. Hotel Use Special Permit Development
1. For the purpose of promoting the more efficient and appropriate use of land in harmony with its natural features and in furtherance of the general intent of this bylaw to protect and promote the health, safety, convenience and general welfare of the inhabitants of the Town, the Planning Board may grant a discretionary special permit (hereinafter called a special permit) for a Hotel Use Special Permit Development subject to the procedures, regulations and conditions contained in this section and elsewhere in this bylaw as applicable.
 2. In a Hotel Use Special Permit Development, the following uses may be permitted by special permit.
 - a. Mixed Multi-Family Residential units and Hotel and Hotel-related amenities within the same/connecting building.
 - b. Mixed Hotel and Hotel-related amenities and uses within the same/**connecting** building.
 - c. Hotel Use
 - d. Hotel-related amenities are those types of uses customarily associated with the operation of a hotel or resort hotel and include but are not necessarily limited to dining rooms and restaurants which may or may not provide for the sale of alcoholic beverages, newsstand, retail shops, function halls, health club, swimming pool, and conference meeting and function facilities.
 3. Each application for a special permit for a Hotel Use Special Permit Development shall be accompanied by a site plan and building elevations at an appropriate scale. Such site plan shall show the entire project area at a scale of 1" = 20' and shall be prepared by a registered architect or registered professional engineer. The site plan and ten (10) copies thereof shall be submitted with the application to the Town Clerk who shall forthwith transmit the same to the Planning Board and shall show at least the following:
 - a. All lot lines, wetlands and existing and proposed topography at two foot contour intervals.
 - b. Proposed development parcels and the location of all buildings (existing and proposed) and proposed uses on each parcel.
 - c. Existing and proposed street, parking, drainage and utility systems.
 - d. Location of proposed parks, playgrounds and other open spaces, if any.
 - e. A tabulation of the total number of dwelling units and the number designated for each proposed dwelling type.
 - f. Types of proposed Hotel-related amenities, function and conference facility uses and other business uses, square footage and number for each type of use, by type of use.
 - g. Landscape plan showing all proposed landscape features and proposed improvements including walks, pedestrian ways, planting areas with size and type of stock for each shrub or trees, walls, fences and outdoor lighting.

- g. The use involved will not be substantially detrimental to the established character of the neighborhood or town, including but not limited to architecture.
 - h. There will be no nuisance or serious hazard to vehicles or pedestrians.
 - i. Adequate and appropriate facilities will be provided for the proper operation of each proposed use.
 - j. The public convenience and welfare will be substantially served.
 - k. Adequate assurance that any benefits, special conditions, amenities or the like offered will be established, maintained, completed and serve as a benefit to the community.
10. An application for a special permit for a Hotel Use Special Permit Development shall be submitted and reviewed in a manner consistent with the procedures set forth in Chapter 40A of the Massachusetts General Laws and this zoning bylaw.
11. In a Hotel Use Special Permit Development, the following requirements relating to the use, density and intensity of land use shall apply. Any items not covered in this special permit section shall be governed by the applicable provisions of this zoning by-law.
- a. The proposed project must include a minimum of two contiguous acres.
 - b. Structures shall not exceed a maximum height of forty feet plus usual roof top structures and ornamental features.
 - c. For the purposes of this special permit, a hotel shall be defined as a building containing 50 or more guest rooms used for temporary occupancy of individuals accessed through a lobby which is operated with a staffed front desk 24 hours per day. The definition of a hotel shall not include a motel, lodging house or rooming house.
 - d. No more than 15 apartment units per one (1) acre parcel
 - e. Residential units shall be limited to no more than four rooms, exclusive of bathrooms, with a maximum of two (2) bedrooms.
 - f. Lot coverage shall be limited to no more than fifty per cent.
 - g. At least 25 percent of the total project area may be set aside as open space. In its discretion, taking into account site conditions and such planning factors as the Board deems appropriate, the Planning Board may consider parking areas in its calculations of open space.
 - h. Minimum parking requirements are as follows:
 - i. two (2) spaces per apartment unit
 - ii. one (1) space per hotel room
 - iii. one (1) space per three full time employees
 - iv. one (1) space per 200 sq/ft net conference, hotel-related amenity and commercial space.
 - v. parking and loading for all uses shall meet the minimum requirements as specified in Section 52 of this bylaw.
 - i. Notwithstanding the foregoing parking requirements, if the applicant provides valet parking or other suitable alternative services, the Planning Board may authorize lesser requirements for both the number and size of parking spaces.
 - j. All structures within a Hotel Use Development shall be setback at least 10 feet from the boundary of the project area, provided the Planning Board may, in its discretion, taking into account actual area setbacks and such planning factors as the board deems appropriate, modify this agreement.

- k. The Planning Board will determine the size, type and design of all signs, notwithstanding the provisions of Article VII of the zoning bylaw.
12. Special permit conditions. In approving a special permit, the special permit granting authority shall be authorized to attach such conditions and safeguards as are deemed necessary and appropriate to protect the neighborhood and the Town of Hull. These may include but not necessarily be limited to the following:
 - a. Requirement of front, side or rear yards greater than the minimum required by this bylaw.
 - b. Requirements of screening of parking areas or other parts of the premises or from the streets by walls, fences, planting or other devices, as specified by the special permit granting authority.
 - c. Limitation of method or time of operation or extent of facilities.
 - d. Regulation of number, design and location of access drives or other traffic features.
 - e. Requirements of off-street parking or other special features beyond the minimum required by this or other applicable bylaws, codes or regulations.
 - f. Appropriate mitigation where deemed necessary
 - g. Appropriate modifications to the design features to ensure compliance with the standards set forth herein.
13. The Planning Board has the authority to employ professional consultants or experts including technicians, attorneys, engineers and or architects for the purposes of reviewing and evaluating, on its behalf, the information show on the site plan and any additional information. The costs of such professional assistance incurred by the Planning Board shall be borne by the applicant. However, the cost to be paid by the applicant (1) shall not exceed the reasonable and usual charges of the consultants; and (2) shall be estimated in writing by the consultants and made known to the applicant before the Board incurs any costs. No Occupancy Permit may be issued by the Building Commissioner until the applicant has paid, or reimbursed the town for, all such costs.
14. The Inspector of Buildings shall not issue a certificate of occupancy until and unless the appropriate special permit granting authority issues a certificate of compliance with the provisions herein provided. All construction, including landscaping, site preparation and other authorized uses of the land, shall be in compliance with an approved special permit and conditions attached thereto unless duly amended by permission from the special permit granting authority.
15. The special permit shall automatically lapse two years from the date of the grant of a special permit unless substantial use or construction is commenced except for good cause, or an extension has been granted by the Planning Board for not more than six months. Excluded in the two-year time period is the time required to pursue or await the determination of appeal referred to in Section 17 of the Massachusetts General Law, Section 40A.
16. Reviews by various municipal boards, departments, agencies or commissions may be held jointly in accordance with Chapter 40A, Section 11 of the General Laws.
17. Minor modifications to the Special Permit may be made at a duly held regular or special meeting of the Planning Board.
18. Applications processed under this Special Permit process shall be exempt from the Site Plan Review requirements of this bylaw. However, the provisions of Section 40-3b.2, 40-3.c., and 40-4. of this Zoning Bylaw shall be applicable to Special Permit applications under this section.
19. Notwithstanding any other provision of the zoning bylaw to the contrary, the Planning Board may, in its discretion, by a special permit issued hereunder or an amendment to an existing

20. special permit issued hereunder, authorize roof top appurtenances with a height of up to 35 feet, provided that said rooftop appurtenances shall in no way be used for occupancy purposes and are ornamental features only. (Amendment added, Annual Town meeting, May 13, 2002)
- 34-1A AA Multifamily dwellings in Business Districts
- AA-1 In addition to all other uses allowed in the business zoning district, the Planning Board may issue a Special Permit to authorize the reconstruction (including razing), renovation and/or modification, exclusively for multifamily residential purposes, or nonconforming residential or lodging house building structures, the nonconforming use of which is not “grandfathered”. Notwithstanding any other provisions of the zoning bylaw, the Special Permit may authorize up to four dwelling units on a lot, but there must be two conforming off-street parking spaces for each approved unit.
- AA-2 The Special Permit may authorize the continuation, extension and/or modification of pre-existing dimensional nonconformities (including without limitation setbacks, lot coverage and land area per dwelling unit) and may apply the setback and dimensional requirements applicable to new commercial buildings in the Business District. However, the Special Permit may not vary or waive applicable off-street parking requirements for dwelling units.
- AA-3 The Planning Board may issue a Special Permit upon its finding that the proposed structure and use will not be substantially detrimental to the Business District in which it is located. The Special Permit process shall be governed by and conducted in accordance with the applicable provisions of M.G.L. Chapter 40A. Unless it waives Site Plan Review, the Planning Board shall conduct its Site Plan Review of a proposed project simultaneously with its Special Permit process.
- 34-1B. Mixed Use Residential District
- a. Multi-family dwellings, no such dwelling to contain more than eighteen (18) dwelling units and no such dwelling to exceed forty (40) feet in height;
 - b. Business and commercial uses limited to the following:
 - (i) Office uses;
 - (ii) Professional uses such as medical, dental, legal and accounting;
 - (iii) Crafts, the products of which being sold on the premises;
 - (iv) Convenience shopping and personal service business uses and establishments;
 - (v) Restaurants and banks.
 - c. Mixed use buildings designed for business and commercial uses as provided in Paragraph 34-1B.b and multi-family dwelling uses, no such building to contain more than sixteen (16) dwelling units and no such building to exceed forty (40) feet in height;
 - d. Accessory recreational facilities for personal use and enjoyment for the enhancement of the other uses permitted in Paragraph 34-1B.a, such as walkways, nature areas, tennis courts, shuffleboard decks, athletic facilities and swimming pools.
 - e. Interior and exterior parking facilities and structures, structures for utility services, structures for traffic control services, and structures of a decorative nature, and other accessory uses normally associated with the permitted uses set forth in this Paragraphs (34-1B).
- 34-2. Dimensional Requirements and Intensity Regulations for Business District and Mixed Use Residential District.
- 34-2A. In a Business District, no existing lot shall be changed as to size or shape resulting in a violation of the requirements set forth in Table 50 (Bus) and in the parking requirements specified in Section 52.

- 34-2B. Table 54 sets forth the minimum zoning requirements for construction within a District zoned Mixed Use Residential District, which requirements shall apply in lieu of any other requirements set forth in this bylaw.
- 34-3. General Requirements for Business and/or Commercial Recreation uses in all Business and Mixed Use Residential Districts.
- a. Business areas abutting a residential area shall provide screening along the common property line in the form of an opaque fence, wall, or evergreen shrubbery at least six (6) feet in height.
 - b. No building or structure or portion thereof constructed or adapted for a retail, mercantile or industrial use shall be occupied as a residence or place of human habitation unless properly altered to meet the existing provisions of Paragraph 31-2A, of this zoning bylaw.
 - c. Fixed, retractable, or removable awnings and canopies for the protection of the public from the elements may be erected or installed within the front setback areas. On business and commercial buildings the awnings and canopies shall be limited to a six (6) foot extension across the full face of the building. On multi-family residential buildings the awnings and canopies shall be limited to the area of the front entry walkway extending in a straight line to the building and not exceeding six (6) feet in width.
 - d. For storage of boats and boat equipment, the requirements of Section 45 "Boats and Boat Equipment Storage," of this zoning by-law apply in all Commercial Recreation Districts.
 - e. Site plan review, as described in Section 40, "Site Plan Review" of this bylaw, shall apply to all new buildings and/or structures, which involve non-residential uses or multi-family uses for three (3) or more residential units, and expansions or changes in use of existing buildings which will result in five thousand (5,000) square feet of gross floor area.
 - f. A non-residential building or structure hereafter erected in a Business District shall meet all minimum requirements set forth in subparagraphs (i), (ii), and (iii) below.
 - (i) Minimum rear yard of twelve (12) feet. In the event that additional yards are required to assure access to the rear of the lot or any adjacent lots, such yards shall be provided with a minimum width of twelve (12) feet.
 - (ii) All buildings in any Business District shall have a minimum setback of ten (10) feet; provided however, if there are already buildings fronting on the same street in the same block, the Board of Appeals may as an exception by Special Permit waive this requirement and establish a frontage to conform to the other buildings. Existing buildings shall not attain non-conforming status because of this setback requirement.
 - (iii) No other yards are required except that the same minimum yard dimension as for single family dwellings, as described in Section 50 (SF-A), shall be required for any portion of a lot adjacent to a Residence District.
 - g. Land undergoing construction and/or development, and regrading is subject to the provisions of Section 63, "Grading, Drainage, Erosion and Sediment Control" of this zoning bylaw.
 - h. In a residential area located in a business district, garden sheds not requiring a permanent foundation or concrete slab, and no more than 80 sq. feet gross floor area, and less than 8 feet in height shall not require a permit. Such sheds may not be constructed in the front setback area nor closer than 3 feet to any interior lot lines.
 - i. Alteration, reconstruction, extension or structural change to a single family residential structure located in a business district will be permitted as a matter of right provided that such change meets the minimum requirements for single-family dwellings in the Single-Family A district as set forth in Section 31, "Single-Family Residence District" of this zoning bylaw.

- j. No structure(s) shall be built closer than 25 feet from the top edge of a cliff that is greater than 20 feet in height unless said cliff is certified as stable by a registered geologist or registered engineer.
- k. In all business districts, the provisions of Section 42, Floodplain District Use and Development Regulations of this zoning bylaw apply wherever applicable.
- l. No building shall be constructed within 10 feet of a publicly owned seawall.
- m. Open space for active recreation totaling not less than twelve (12) square feet for each dwelling shall be provided on these parcels used for apartments.

Section 35 - Commercial Recreation A, B, and C Districts

35-1. Permitted Uses for Commercial Recreation A, B, and C Districts.

- 35-1A. Commercial Recreation A District [Subject to the requirements of Section 50 (CR-A), Table 51, and the parking requirements specified in Section 52.]
 - a. Hotels, motels, inns and marinas.
 - b. Convenience shops, personal services and accessory uses normally associated with permitted uses in paragraph 35-1A.a, within the confines of the building.
 - c. Multi-family residential use including garden apartments and townhouses.
 - d. Restaurants.
 - e. Any use permitted in Paragraph 31-1, of this zoning bylaw, subject, however, to the requirements of Paragraph 31-1A.
 - f. Flexible Plan Development subject to the provisions of Section 43, "Flexible Plan Development" of this zoning bylaw.
 - g. Bed and breakfast homes, subject to the requirements of Section 46 of this zoning bylaw.
 - h. Museums
- 35-1B. Commercial Recreation B District [Subject to the requirements of Section 50 (CR-B), Table 51, and the parking requirements specified in Section 52.]
 - a. Hotels, motels, marinas, and multi-family dwellings. Convenience shopping including food, drugs, offices, banks, small hardware, variety and personal services designed to primarily serve the local shopping needs of the immediate neighborhood.
 - b. Places of amusement or assembly.
 - c. Restaurants.
 - d. Deleted April 10, 1995 Town Meeting, Article 21
 - e. Height shall be limited to a maximum of 40' and density to a maximum of 18 dwelling units per acre. Density figures shall be allowed as a ratio in proportion to the actual area of the lot in question.
 - f. Bed and breakfast homes, subject to the requirements of Section 46 of this zoning bylaw.
- 35-1C. Commercial Recreation C District [Subject to the requirements of Section 50 (CR-C), Table 51, and the parking requirements specified in Section 52.]
 - a. Hotels, motels, inns, marinas.

- b. Accessory uses normally associated with permitted uses in Paragraph 35-1C.a within the confines of the building.
 - c. Multi-family residential use including garden apartments and town houses and height not to exceed forty (40) feet.
 - d. Restaurants.
 - e. Flexible Plan Development subject to the provisions of Section 43, "Flexible Plan Development" of this bylaw.
 - f. Bed and breakfast homes, subject to the requirements of Section 46 of this zoning bylaw.
- 35-2. Dimensional Requirements and Intensity Regulations for Commercial Recreation A, B, and C Districts
- 35-2A. The dimensional requirements listed in Table 50 (CR-A), Table 51 and the parking requirements specified in Section 52 shall apply to structures hereafter erected, enlarged or altered in a Commercial Recreation A District.
 - 35-2B. The dimensional requirements listed in Table 50 (CR-B), Table 51 and the parking requirements specified in Section 52 shall apply to structures hereafter erected, enlarged or altered in a Commercial Recreation B District.
 - 35-2C. The dimensional requirements listed in Table 50-(CR-C), Table 51 and the parking requirements specified in Section 52 shall apply to structures hereafter erected, enlarged or altered in a Commercial Recreation C District.
- 35-3. General Requirements for Business and/or Commercial Recreation uses in all Commercial Recreation Districts.
- a. Business and/or Commercial Recreation areas abutting a residential area shall provide screening along the common property line in the form of an opaque fence, wall, or evergreen shrubbery at least six (6) feet in height.
 - b. No building or structure or portion thereof constructed or adapted for a retail, mercantile or industrial use shall be occupied as a residence or place of human habitation unless properly altered to meet the existing provisions of Paragraph 31-2A of this zoning bylaw as they relate to residential use.
 - c. Fixed, retractable, or removable awnings and canopies for the protection of the public from the elements may be erected or installed within the front setback areas. On business and commercial buildings the awnings and canopies shall be limited to a six (6) foot extension across the full face of the building. On multi-family residential buildings the awnings and canopies shall be limited to the area of the front entry walkway extending in a straight line to the building and not exceeding six (6) feet in width.
 - d. For storage of boats and boat equipment, the requirements of Section 45 of this zoning bylaw apply in all Commercial Recreation Districts.
 - e. Site plan review, as described in Section 40, "Site Plan Review" of this bylaw, shall apply to all new buildings and/or structures, which involve non-residential uses or multi-family uses for three (3) or more residential units, and expansions or changes in use of existing buildings which will result in an increase of five thousand (5,000) square feet of gross floor area.
 - f. A non-residential building or structure hereafter erected in a Commercial Recreation District shall meet all minimum requirements set forth in paragraphs (i), (ii), and (iii) below.
 - (i) Minimum rear yard of twelve (12) feet. In the event that additional yards are required to assure access to the rear of the lot or any adjacent lots, such yards shall be provided with a minimum width of twelve (12) feet.
 - (ii) All buildings in Commercial Recreation Districts shall have a minimum setback of ten (10) feet; provided however, if there are already buildings fronting on the same street in

the same block, the Board of Appeals may as an exception by Special Permit waive this requirement and establish a frontage to conform to the other buildings. Existing buildings shall not attain non-conforming status because of this setback requirement.

- (iii) No other yards are required except that the same minimum yard dimension as for single family dwellings, as described in Table 50 (SF-A), shall be required for any portion of a lot adjacent to a Residence District.
- g. Land undergoing construction and/or development, and regrading is subject to the provisions of Section 63, "Grading, Drainage, Erosion and Sediment Control" of this zoning bylaw.
- h. In a residential area, garden sheds not requiring a permanent foundation or concrete slab, and no more than 80 sq. feet gross floor area, and less than 8 feet in height shall not require a permit. Such sheds may not be constructed in the front setback area nor closer than 3 feet to any interior lot lines.
- i. No structure(s) shall be built closer than 25 feet from the top edge of a cliff that is greater than 20 feet in height unless said cliff is certified as stable by a registered geologist or registered engineer.
- j. In all business and/or commercial recreation districts, the provisions of Section 42, Floodplain District Use and Development Regulations of this zoning bylaw apply wherever applicable.
- k. No building shall be constructed within 10 feet of a publicly owned seawall.

Section 36 - Public Open Space District

- 36-1. Permitted uses for Public Open Space District
 - a. Town-owned property.
 - b. Public beaches.
 - c. Parks.
 - d. M.D.C. beaches and parks with public parking and open space, play areas, pedestrian walks, landscaping and structures incidental hereto.
- 36-2. All uses of property zoned Public Open Space other than municipal uses shall be subject to the approval of the Board of Appeals.
- 36-3. In a Public Open Space District no existing lot shall be changed as to size or shape resulting in a violation of the requirements set forth in Table 50 (POS) and the parking requirements specified in Section 52.
- 36-4. Parking Requirements: to be determined by the Board of Appeals on a case by case basis.
- 36-5. General Requirements for Public Open Space District
 - a. When town-owned property is sold, its zoning status shall revert to the least restrictive zoning in the abutting districts, subject to such restrictions and conditions as may be imposed by the town meeting vote selling the property, unless the town meeting votes to place said property in a different zoning district.
 - b. Maximum height limitations may be exceeded by Special Permit issued by the Zoning Board of Appeals allowing a variation of roof heights of the structure or structures. The average height of the various roofs shall not exceed the maximum height allowed in the particular district. In no case shall the highest roof exceed the maximum height allowed in that district by more than 12 feet.
 - c. Fixed, retractable, or removable awnings and canopies for the protection of the public from the elements may be erected or installed within the front setback areas.
 - d. No building shall be constructed within 10 feet of a publicly owned seawall.

- e. No building or structure or portion thereof constructed or adapted for a retail, mercantile or industrial use shall be occupied as a residence or place of human habitation unless properly altered to meet the existing provisions of Paragraph 31-1A of this zoning bylaw as they relate to residential use.
- f. For storage of boats and boat equipment, the requirements of Section 45 of this zoning bylaw apply in all Commercial Recreation Districts.
- g. Site plan review, as described in Section 40, "Site Plan Review" of this bylaw, shall apply to all new buildings and/or structures, which involve non-residential uses or multi-family uses for three (3) or more residential units, and expansions or changes in use of existing buildings which will result in an increase of five thousand (5,000) square feet of gross floor area.
- h. Land undergoing construction and/or development, and regrading is subject to the provisions of Section 63, "Grading, Drainage, Erosion and Sediment Control" of this zoning bylaw.

Section 37 - Floodplain District

- 37-1. Floodplain District Boundaries and Base Flood Elevations: The Floodplain District is herein established as an overlay district. The District includes all special flood hazard areas within the Town of Hull designated as Zone AE, AO or VE on the Plymouth County Flood Insurance Rate Map (FIRM) issued by the Federal Emergency Management Agency (FEMA) for the administration of the National Flood Insurance Program. The map panels of the Plymouth County FIRM that are wholly or partially within the Town of Hull are panel numbers 25023C0012J, 25023C0016J, 25023C0017J, 25023C0019J, 25023C0036J, 25023C0038J and 25023C0039J, dated July 17, 2012. The exact boundaries of the district may be defined by the 100-year base flood elevations shown on the FIRM and further defined by the Plymouth County Insurance Study (FIS) report dated July 17, 2012. The FIRM and FIA report are incorporated herein by reference and are on file with the Town Clerk, Planning Board, Building Official and Conservation Commission.
- 37-2. Use Regulations: The use regulations governing the Floodplain District of Hull are in Section 42, "Floodplain District Use and Development Regulations" of these zoning Bylaws. Important state regulations concerning floodplain areas are referenced therein.

Section 38 - Conservation District

- 38-1. Within a Conservation District, the following uses shall be permitted:
- a. Conservation of soil, water plants, and wildlife including wildlife management shelters and accessory outdoor, recreation uses limited to nature study areas, walkways, and boating or fishing where otherwise legally permitted;
 - b. Maintenance and repair of existing structures, roadways, utilities and watercourses (including changes to watercourses for swimming, fishing and other recreational uses); and
 - c. Accessory uses limited to fences, flagpoles, noncommercial signs and docks.

Section 39 - Wireless Communication District

- 39-1. Purpose: The purpose of this section is to establish a district in which wireless communications services may be provided with minimal harm to the public health, safety and general welfare. The purpose of this by-law is also to establish appropriate siting criteria and standards for communications towers and facilities including but not limited to radio, television, and cellular communications. This by-law is intended to establish reasonable regulations while allowing adequate service to residents, the travelling public and others within the Town and to accommodate the need for the minimum possible number of such facilities within the Town. Specifically, the Wireless Communications Services District has been created to (a) protect the general public from hazards associated with wireless communications facilities; (b) minimize visual impacts from wireless communications facilities on districts within Hull and to preserve scenic views to and from the town's roadways, open space, recreational areas and waterways; (c) allow the provisions of necessary wireless

communications services and (d) promote shared use of facilities to minimize the need for additional facilities. This section does not apply to satellite dishes and antennas for residential use.

39-2. Description of Areas Included in the Wireless Communications Services District:

- a. The Wireless Communications Services District shall include all land and structures owned by the Town of Hull from time to time and all land and structures located in the Public Open Space District or in a Commercial Recreation District on a structure, other than a single or two family structure.
- b. The Wireless Communications Services District shall be construed as an overlay district with regard to said locations. All requirements of the underlying zoning district shall remain in full force and effect, except as may be specifically superseded herein.

39-3. Special Permit Granting Authority: For the purposes of this By-law, the Board of Appeals shall be the Special Permit Granting Authority.

39-4. Use Restrictions: A wireless communications facility (including antennas and accessory structures, if any) or devices, including antenna or satellite dish may be erected in a Wireless Communications Services District upon the issuance of a special permit by the SPGA pursuant to Article 8, Section 80 and M.G.L. c. 40A, subject to all of the following conditions:

- a. The only wireless communications structures allowed are free-standing monopoles, with associated antenna and/or panels. Lattice style towers and similar facilities requiring three or more legs and/or guy wires for support are not allowed. Wireless communications devices such as antennas, dishes and panels, mounted on or in a building or structure, are also allowed.
- b. To the extent feasible, all service providers shall co-locate on a single facility. Wireless communications facilities shall be designed to accommodate the maximum number of users technologically practical, taking into account relevant matters, such as, for example, height limits, current and future technology. The intent of this requirement is to reduce the number of facilities which will be required to be located within the community.
- c. Any proposed extension in the height, addition of cells, antennas, dishes or panels, construction of a new facility, or replacement of a facility, shall be subject to a new application for an amendment to the Special Permit.
- d. New facilities shall be considered by the SPGA only upon a finding by the SPGA that existing or approved facilities or facilities under construction cannot accommodate the wireless communications equipment planned for the proposed facility.
- e. In no event shall any monopole be located closer than two (2) miles to any other such facility except upon a specific finding that such shorter distance does derogate from the intent of this bylaw.
- f. Subject to such other limitations as expressed in this by-law, no facility or attached accessory antenna shall exceed 50 feet in height as measured from ground level at the base of the facility except upon a specific finding that such greater height is necessary and does not derogate from the intent of this bylaw.
- g. All facilities shall be designed to be constructed at the minimum height necessary to accommodate the anticipated and future use.
- h. A monopole shall not be erected nearer to any property line than a distance equal to the vertical height of the facility (inclusive of any appurtenant devices), measured at the mean finished grade of the facility base, except upon a specific finding that such shorter distance does not derogate from the intent of this by-law.
- i. A monopole shall not be erected nearer to a residential lot line than 500 feet, except upon a specific finding that such shorter distance does not derogate from the intent of this by-law.
- j. Siting shall be such that the view of the facility from adjacent abutters, residential neighbors and other areas of town shall be as limited as possible. All facilities shall be painted or otherwise colored so they will blend in with the landscape or the structure on which they are located. A different

- k. coloring scheme shall be used to blend the facility with the landscape below and above the tree or building line.
- l. Wireless communications facilities shall be suitably screened from abutters and residential neighborhoods.
- m. Fencing, as appropriate, shall be provided to control access to wireless communications facilities and shall be compatible with the scenic character of the town.
- n. Existing on-site vegetation shall be preserved to the maximum extent practicable.
- o. There shall be no signs, except for announcement signs, no trespassing signs and a required sign giving a phone number where the owner can be reached on a twenty-four (24) hour basis. The aggregate of the signs shall not exceed three (3) square feet.
- p. Night lighting of the facilities shall be prohibited unless required by the Federal Aviation Administration. Lighting shall be limited to that needed for emergencies and/or as required by the FAA.
- q. There shall be a minimum of one (1) parking space for each monopole, and be used in connection with the maintenance of the facility and the site, and not to be used for the permanent storage of vehicles. The parking space shall measure nine (9) feet by twenty (20) feet.
- r. To the extent technologically feasible, all network interconnections and utilities from the facility shall be via underground land lines and underground connections.
- s. Applicants proposing to erect facilities on municipally owned land or structures shall provide evidence of contractual authorization from the town to conduct wireless communications services on municipally owned property.
- t. Traffic associated with the facility and accessory facilities and structures shall not adversely affect abutting ways.
- u. Satellite dishes, panels and/or antenna may be located on or in structures or may be free-standing. Satellite dishes, panels and/or antenna shall be situated on a structure in such a manner that they are screened, preferably not being visible from abutting streets. Free standing dishes, panels or antenna shall be located on the landscape in such a manner so as to minimize visibility from abutting streets and residences and to limit the need to remove existing vegetation. All equipment shall be colored, molded and/or installed to blend into the structure and/or the landscape.
- v. Antennas, panels or dishes located on a structure shall not exceed ten (10) feet in height above the level of its attachment to the structure.
- w. Annual certification demonstrating continuing compliance with the standards of the Federal Communications Commission, Federal Aviation Administration and the American National Standards Institute including structural integrity certification by a professional registered engineer and required maintenance shall be filed with the Building Commissioner by the Special Permit holder.
- x. All unused facilities or parts thereof or accessory facilities and structures which have not been used for one (1) year shall be dismantled and removed at the owner's expense. The Special Permit holder shall file and maintain in effect a bond ensuring that the facilities shall be removed as provided for hereunder or when its use has been discontinued. Said bond shall be from a company authorized to do business in Massachusetts and shall be subject to the approval of the Town. This shall be a condition of the special permit and shall be filed prior to the issuance of the building permit.

39-5. Procedure for a Special Permit:

- a. All applications for wireless communications facilities, including towers, antennas, panels or satellite dishes shall be made and filed on the applicable application forms for site plan and special permit in compliance with the Application Instructions. In addition to the requirements for Site Plan Review under Section 40 of the Hull Zoning By-Law and the Special Permit Requirements under Article 8, Section 80 of the Hull Zoning By-Law, five copies of the following information must be submitted for

an application to be considered complete. The Special Permit shall be applied for and obtained as a pre-condition for applying for and obtaining Site Plan Review.

- (i) A site plan at a scale of 1" = 40' which shall show all property lines, the exact locations of the proposed facilities and structure(s), street, landscape features, residential dwellings and neighborhoods and all buildings within five hundred (500) feet of the facility.
- (ii) A color photograph or rendition of the facility with its antennas, dishes and/or panels. For satellite dishes panels or antennas, a color photograph or rendition illustrating the dish, panel or antenna at the proposed location is required. A rendition shall also be prepared illustrating a view of the monopole, dish, panel or antenna from the nearest street or streets.
- (iii) The following information must be prepared by a professional engineer or other authorized representative, as appropriate for the information being presented:
 - 1. a description of the facility and the technical, economic and other reasons for the proposed location, height and design,
 - 2. confirmation that the facility complies with all applicable Federal and State standards,
 - 3. a description of the capacity of the facility including the number and type of panels, dishes, antennas and/or transmitter receivers that it can accommodate and the basis for these calculations,
 - 4. if applicable, a written statement that the proposed facility complies with, or is exempt from applicable regulations administered by the Federal Aviation Administration (FAA) Federal Communications Commission (FCC), Massachusetts Aeronautics Commission and the Massachusetts Department of Public Health,
 - 5. the applicable review and advertising fees as noted in the application guidelines.
- (iv) The applicant must produce and file proof of authorization for the location proposed, such as a deed, lease, license or preliminary approval of same, such as a letter of intent.
- (v) Nothing contained in this By-law shall preclude the SPGA from requesting additional information related to the subject of the applications, which information shall be provided by the applicant.

39-6. Criteria For Review and Approval:

- a. The SPGA shall review all applications for communications facilities and shall find:
 - (i) that the location of the facilities is suitable and that the size, height, and design is the minimum necessary for that purpose.
 - (ii) that the proposed facility will not adversely impact historic structures or scenic views.
 - (iii) that there are no feasible alternatives to the location of the proposed facility (including co-location) that would minimize their impact and that the applicant has exercised good faith in permitting future co-location of facilities at the site.
 - (iv) that the proposed facility is in compliance with federal and state requirements regarding aviation safety.

The findings, including the basis for such findings, of the Board shall be stated in the written decision of approval, conditional approval, or denial of the application for Special Permit.

- b. The Board shall also impose, in addition to any applicable conditions specified in the By-law, such applicable conditions as it finds reasonably appropriate to safeguard the neighborhood or otherwise service the purposes of this By-law, including, but not limited to: screening, buffering, lighting, fences, modification of the exterior appearance of the structures, limitation upon the size, method of access or other traffic features, parking, removal or cessation of use, or other requirements. Such

conditions shall be imposed in writing and the applicant may be required to post bond or other surety for compliance with said conditions in an amount and form satisfactory to the Board.

- c. The Special Permit is granted for a period of two (2) years and shall lapse if substantial use or construction has not commenced by such date, except for a good cause shown. And provided further that such construction, once begun, shall be actively and continuously pursued to completion within a reasonable time. Any extension, addition of cells or construction of new or replacement facilities shall be subject to an amendment of the Special Permit following the same procedure as for an original grant of a Special Permit.

39-7. Exemptions:

- a. The following types of wireless communications facilities are exempt from this By-law:
 - (i) Amateur radio towers used in accordance with the terms of any amateur radio service license issued by the Federal Communications Commission, provided that (1) the tower is not used or licensed for any commercial purpose, and (2) the tower must be removed if the use is discontinued for one year.
 - (ii) Facilities operated for municipal purposes.

39-8. Term of Permit: Special permits issued hereunder shall run for a period of five (5) years following the issuance thereof. Prior to the expiration thereof, the permit holder shall file for a renewal or extension of said permit by following the provisions of this bylaw then in effect for the issuance of an original permit. It is the responsibility of the permit holder to so file in a timely enough manner to ensure no lapse in authorization. The SPGA may issue a temporary special permit during the hearing process.

39-9. Severability: If any portion of this bylaw shall be declared invalid by the final decision of an authorized agency or court of competent jurisdiction, such invalidity shall not affect the remaining portions, which shall remain in full force and effect; and to this end the provisions of this bylaw are hereby declared severable.

39A Kenberma Area Overlay Parking District

39A-1 The parcels located on the east side of Kingsley Road, between Kenberma Street and Revere Street, currently zoned as a Multifamily A District, shall also be designated as the Kenberma Area Overlay Parking District.

39A-2 In addition to all uses allowed in the underlying zoning district, parcels in the Kenberma Area Parking Overlay district may be utilized for vehicular parking, traffic flow, customer access, maintenance vehicle access and deliveries accessory to the abutting businesses on Nantasket Avenue. Such uses may be established, however, only in conjunction with a substantial lateral expansion of a commercial building on the abutting Nantasket Avenue property. For the purpose of this bylaw the term "substantial lateral expansion" shall be defined as an expansion of an existing commercial building on Nantasket Avenue that increases its gross retail floor area by at least 40% and a) does not expand the building into the Multifamily A District on Kingsley Road) and b) does not add a story or stories to the existing or expanded building.

39A-3 The establishment of accessory parking and vehicle access areas on parcels in the parking overlay district shall be subject to Site Plan Review by the Hull Planning Board in accordance with the provisions of Section 40 of the Zoning Bylaw. In addition to all other powers of the Planning Board pursuant to Section 40, in reviewing a project in the Kenberma Area Parking Overlay District the Planning Board may impose reasonable conditions pertaining to lighting, drainage, screening, curb cuts, access, hours of use and landscaping which shall promote the use of the overlay district parcels for the authorized accessory purposes but mitigate potential adverse impacts on neighboring residential properties.

39B - Nantasket Beach Overlay District

1. **Purpose.** The purpose of the Nantasket Beach Overlay District is to stimulate mixed use redevelopment of commercial and multi-family property at scales and densities appropriate for an historic beachfront community in order to revitalize the economy and help balance the commercial and residential tax base while protecting people, property, and resources. The NBOD achieves this purpose by;
 - 1.1. Supporting environmentally and commercially sustainable development;
 - 1.2. Promoting a mix of uses and architecture so that commercial, residential and cultural opportunities may be developed in close proximity to one another in a pedestrian and bicycle friendly community;
 - 1.3. Providing landowners with the opportunity to pursue more flexible forms of development in exchange for advancing community goals and values;
 - 1.4. Enhancing the value of land and buildings;
 - 1.5. Encouraging a less sprawling and more efficient form of development that consumes less open land and reduces greenhouse gas emissions;
 - 1.6. Protecting barrier beach and dune systems and their functions in providing storm and flood protection and wildlife habitat, and
 - 1.7. Creating incentives for development that can withstand sea level rise and increased flooding and frequency and intensity of storms caused by climate change, and thereby; protect persons and property from the hazards that may result from unsuitable development in areas subject to flooding, extreme high tides, and rising sea level.
2. **Scope of Authority.**
 - 2.1. The NBOD shall be considered as overlying other districts and shall be described by and include the areas included in the NBOD on the Town of Hull Zoning Map. The owners of property in the NBOD shall continue to possess all current underlying zoning rights and be subject to the requirements applicable in those Districts, except as provided in S. 6. Prohibited Uses.
 - 2.2. If a proponent requests to develop in accordance with the regulations in this S., the rules and regulations of the NBOD shall apply. If the proponent elects to develop under the provisions of the underlying zoning district, the provisions of that district shall control and the provisions of the NBOD shall not apply. If it is not clear as to whether the NBOD provisions or the underlying district provisions apply, then the provisions of the NBOD shall supersede.
 - 2.3. Special Permit approval is required as described in S. 3. of the NBOD for all projects and uses.
 - 2.4. Flood Protection: The Planning Board may at its discretion issue a Special Permit allowing new and existing buildings within a Special Flood Hazard Area in the NBOD, as defined by the latest edition of 780 CMR (Code of Massachusetts Regulations, Massachusetts State Building Code), to be elevated beyond the prescribed height limit to provide compliance by meeting or exceeding the flood elevation requirements of said CMR. Buildings cannot exceed the elevation required to comply with 780 CMR by more than four (4) feet or six (6) feet if permitted under S. 12 Incentives for Adaptive and Resilient Buildings of the NBOD.
3. **Special Permit Administration and Procedures:** The Planning Board shall act as Special Permit Granting Authority for the Overlay District, following the procedures specified in S. 34-1A.1A. of this Zoning Bylaw except for s 34-1A.1 A. 11. a., b., e., f., h. and S. 18 which shall not be applied in the NBOD. However, when the projects in the NBOD include hotels all provisions of S. 34-1 A.1.A. shall

apply except for S. 34-1A.1 A. 11. h. relating to parking and 11.c. a definition of hotel. All projects being permitted under the NBOD shall be subject to the NBOD S. 10. Off Street Parking and Loading Requirements. The Hotel definition in S.4 applies to Hotels permitted under the NBOD.

- 3.1. Required submittals for a Special Permit: Each application for a Special Permit in the NBOD shall be accompanied by a site plan and building elevations at an appropriate scale. Such site plan shall show the entire project area at a scale of a minimum of 1" = 20' and shall be prepared by a registered, surveyor and/or registered professional engineer and registered architect. The site plan and ten (10) copies thereof and listed plans and studies shall be submitted with the application to the Town Clerk who shall forthwith transmit the same to the Planning Board and shall show at least the information required in S.34-1A.1 A. 3. of these Bylaws, and in addition as follows:
 - 3.1.1. When determined by the Planning Board a traffic impact study including a parking program will be required.
 - 3.1.2. In order to protect the community's welfare the Planning Board may require a study analyzing the municipal fiscal impact of the proposed project.
- 3.2. The Planning Board may require such additional information and impose conditions as it finds necessary to protect the health, safety, and welfare of the public or the occupants of the proposed use, or of the NBOD.
- 3.3. The Planning Board has the authority to employ consultants or experts including but not limited to technicians, attorneys, engineers, economists and architects for the purposes of reviewing and evaluating, on its behalf, the information shown on the site plan and any additional information. The costs of such professional assistance incurred by the Planning Board shall be borne by the applicant. However, the cost to be paid by the applicant (1) shall not exceed the reasonable and usual charges of the consultants; and (2) shall be estimated in writing by the consultants and made known to the applicant before the Board incurs any costs. No Certificate of Occupancy may be issued by the Building Commissioner until the applicant has paid, or reimbursed the town for all such costs.
- 3.4. Special Permit Procedures for the NDOD shall be those procedures stipulated in S.34-1A.1.A, 4, 5, 6, 7 and 8 of these Bylaws.
- 3.5. In considering an application for a Special Permit under this Section, the Planning Board may approve same only if it finds that, in its judgment, the proposed development shall not be substantially more detrimental to the established character of the neighborhood and town and all the conditions set forth in S.34-1A. 9 of these Bylaws are satisfactorily met.
- 3.6. Special permit conditions. In approving a Special Permit, the Planning Board shall be authorized to attach such conditions and safeguards as are deemed necessary and appropriate to protect the neighborhood and the Town of Hull. These may include but not necessarily be limited to all the conditions set forth in S.34-1A.1.A. 12 of these Bylaws and including:
 - 3.6.1. Appropriate modifications to the design features to ensure compliance with the standards set forth herein. The Building Commissioner shall not issue a certificate of occupancy until and unless the Planning Board issues a certificate of compliance with the provisions herein provided. All

construction, including landscaping, site preparation and other authorized uses of the land, shall be in compliance with an approved Special Permit and conditions attached thereto and Site Plan conditions unless duly amended by the Planning Board.

- 3.7. The Special Permit shall automatically lapse two years from the date of the grant of a Special Permit unless substantial use or construction is commenced except for good cause, or an extension has been granted by the Planning Board for not more than six months. Excluded in the two-year time period is the time required to pursue or await the determination of appeal referred to in S. 17 of the M.G.L., Chapter 40A.
- 3.8. To facilitate a streamlined permitting process under the NBOD, the Planning Board shall conduct Site Plan Review, as specified in Town Hull Zoning Bylaw S. 40, and where appropriate shall conduct this Site Plan Review process concurrently with the Special Permit process for the NBOD, including holding a joint public hearing for Site Plan Review and Special Permit Review.
- 3.9. Reviews by various municipal boards, departments, agencies or commissions may be held jointly in accordance with M.G.L. Chapter 40A, S. 11 of the General Laws.
- 3.10. Minor modifications to the Special Permit may be made at a duly held regular or special meeting of the Planning Board.

4. Definitions

ADULT USE: An adult bookstore, an adult motion picture theater, an adult dance club, an adult paraphernalia store, an adult video store and such other uses as defined and provided for by M.G.L. Chapter 40A S. 9A.

APPURTENANT STRUCTURES: Appurtenances to buildings which are in no way used for living purposes, such as chimneys, towers, spires, stairwell penthouses, and ornamental features, turrets, cupolas or other special features may extend up to ten (10) linear feet above the maximum permitted height provided the plan area of such features does not exceed ten percent of the overall square footage of the roof. Appurtenances shall be a component of the roof design, and not appear to be a leftover or add-on element.

DRIVE-THROUGH RETAIL ESTABLISHMENT: Any commercial use which utilizes a vehicular drive-up window including but not limited to banks and the sale of food.

DORMER: A structure as part of the roof built with the front wall flush with the wall below, or projected beyond a maximum of two feet, or held back no more than half the length of the main sloped or Mansard Roof, with side walls perpendicular to the pitch of the sloped roof. "Eyebrow" and hip dormers without side walls also shall be defined as dormers. Height of dormer shall be no higher than main roof. Linear footage of dormer shall be measured at the base of the dormer wall, unless the roof intersects the main roof without side walls, in which case the width shall be measured at the mean of the dormer roof.

FLAT ROOF: A roof whose pitch is a maximum of 1:12. Height measurements shall be to the perimeter of the roof, or to any level parapet or to the mean of any pitched or radius parapet.

FREEBOARD: The elevation of the building above the National Flood Insurance Program (NFIP) minimum. Freeboard reduces storm and flood damage as well as helping to protect against sea level rise.

GREEN BUILDING: Structures and site that incorporate the following performance elements:

- Minimum impact on ecosystems and water resources and water use both inside and out. Highest possible energy-efficiency and use of alternative energy sources including passive solar and/or onsite alternative energy production.

- Use of sustainable building materials and reduction of solid waste.
- Have indoor environmental quality elements which promote better indoor air quality including natural ventilation and access to daylight and views.
- Compact site layouts that enable and promote walking and provide physical connections to a range of transportation modes, open space and other amenities.
- Incorporation of features for on-site retention, detention and low impact design treatment of stormwater runoff and on-site and off-site stormwater drainage sized to accommodate affects of sea level rise, flooding and increased frequency and intensity of storm events.

GROSS FLOOR AREA: The sum of the floor areas of all the spaces within the building with no deductions for floor penetrations other than atria is the Gross Floor Area (GFA) It is measured from the exterior faces of exterior walls or from the centerline of walls separating buildings but it excludes covered walkways, open roofed-over areas, porches and similar spaces, pipe trenches, exterior terraces or steps, roof overhangs, parking garages, surface parking, and similar features.

HABITABLE SPACE: An area of any structure that is legally accessible and intended for human occupancy for permanent residential or commercial uses. Mechanical rooms, parking areas, storage areas, other passive accommodations or temporary uses shall not constitute habitable space.

HEIGHT OF BUILDING: The vertical distance above the curb grade, to the highest point of the roof beams of a flat roof or the mean of roof rafters of a sloping roof or to the top of a mansard roof. However, if the natural grade of the ground contiguous to the building is not at the curb grade, the height shall be measured from the mean finished grade at the foundation of the building.

HOTEL: Is defined as any establishment used for the feeding and lodging of guests which is licensed or required to be licensed under the provisions of M.G.L. Chapter 140, § 6. The definition of a hotel shall not include a motel, lodging house or rooming house.

MANSARD ROOF: A roof which forms the walls of the top floor of a building with a Flat Roof above. The pitch of the roof shall be a minimum of 10:12 and maximum of 18:12. Height of Roof shall be measured to the intersection of the Mansard Roof and the Flat Roof above it.

MARKET HALL: The lowest floor of a multi-story structure that is not designed as a habitable space but can be occupied on a seasonal basis, is without permanent walls and is for uses including but not limited to temporary commercial or retail uses, cultural uses, parking (limited to 50% of the area) and shall be open with minimum headroom of 8 feet and compliant with lowest floor uses as defined in S. 42 and S. 11 of the NBOD.

MIXED USE BUILDING: A combination of office, retail and/or residential uses arranged vertically in multiple stories of buildings which are mutually supporting, exhibit physical and functional integration and are developed in conformance with a coherent design. A combination of commercial parking facilities and residential uses shall constitute a mixed use.

MIXED USE DEVELOPMENT: A development containing a mix of some or all of multi-family residential, single-family residential, commercial, institutional and other uses, all conceived, planned and integrated to create vibrant, workable, livable and attractive neighborhoods is a mixed use development.

OPEN SPACE: Open Space (OS) is defined as; land that is open to the sky, including natural features of the site and not covered by permanent structures or impervious surfaces; parts of a lot landscaped with trees, shrubs, ground covers and grass, walks, bike trails, terraces, plazas and related pedestrian uses and amenities which may be open to the public or for occupants of lots. Such space may not include lot area used for parking, access drives or other impervious areas intended for vehicular use. OS may include required twenty (20) foot setbacks where an NBOD project abuts a residence or residential district. OS may include public and private walkways linking OS to public ways and parking and transportation facilities. Impervious surfaces intended for access for those with disabilities are included in the OS calculation. OS under the NBOD shall protect and enhance important natural and cultural resources including but not limited to: natural systems; cultural resources including passive and active recreation; vistas and view corridors, and locations for cultural events and celebrations. Public OS is encouraged in the NBOD.

RESIDENTIAL DISTRICTS: All residential zoning districts defined in the Hull Zoning Bylaw including, Single

Family A, B and C and Multi-Family A and B.

SEGMENTATION: Developments may not be intentionally divided into parts to avoid compliance with the requirements of the NBOD.

SLOPED ROOF [WITH RAFTERS]: A roof with a pitch greater than 1:12, terminating in a ridge or hip.

SMART GROWTH: Well-planned development that protects OS, revitalizes communities, keeps housing affordable and provides more transportation choices. There are 12 principles that define Smart Growth:

1. Mix of land uses.
 2. Take advantage of compact building design.
 3. Create a range of housing opportunities and choices.
 4. Provide a variety of transportation choices including walkable neighborhoods and transit oriented developments which reduce vehicle miles travelled.
 5. Foster distinctive, attractive communities with a strong sense of place.
 6. Preserve OS, natural beauty, and critical environmental areas.
 7. Strengthen and direct development towards existing communities with respect for historical architectural context and preservation of significant historical fabric.
 8. Make development decisions predictable, fair, and cost effective.
 9. Encourage community and stakeholder collaboration in development decisions.
 10. Reduce carbon footprint by conserving energy, and by using alternative energy sources.
 11. Building and site design which utilizes passive solar energy and natural ventilation.
 12. Conserving water resources through low impact site design and conservation.
5. **Special Permit uses.** All uses currently allowed in the zoning underlying the NBOD are allowed in the NBOD by Special Permit except for the prohibited uses in S. 6 below.
6. **Prohibited uses.** The following uses are prohibited within the boundaries of the NBOD:
- 6.1. Adult uses.
 - 6.2. Drive-through food establishment is prohibited. Other drive through retail establishments if determined by the Planning Board to create traffic congestion and other detrimental impacts on the public welfare are also prohibited.
 - 6.3. Automobile, motorcycle and boat repair, sales, and service establishments, including gasoline or diesel fueling stations.
 - 6.4. Car wash.
 - 6.5. Storage of chemicals or other hazardous materials, except for household hazardous waste stored in accordance with the Town's Residential Hazardous Materials guidelines.
 - 6.6. Video arcades unless this use is pre-existing on site prior to Special Permit request to develop a project through the NBOD or the Planning Board determines this is an acceptable support function at the project location under the NBOD.
 - 6.7. Large auditoriums or entertainment uses where they abut Residential Districts unless the Planning Board determines that sufficient on and offsite parking is provided and that hours of operation, noise, light and other use impacts are not detrimental to the neighborhood and any abutting residential districts and that there is effective enforcement of all use regulations.
7. **Dimensional, lot and density regulations.** The following requirements shall apply to development carried out under the provisions of this NBOD. The Special Permit may authorize the continuation,

extension and/or modification of pre-existing dimensional nonconformities and may apply the yard and dimensional requirements applicable to new buildings in the NBOD.

- 7.1. Setbacks and yards
 - 7.1.1. Minimum lot size: None
 - 7.1.2. Minimum frontage: Twenty-five (25) linear feet or other which is deemed by the Planning Board to be appropriate for the project site.
 - 7.1.3. Minimum front yard: Ten (10) linear feet from lot line including any right of way, provided however, if there are already buildings fronting on the same street in the same block, the Planning Board may as an exception by Special Permit waive this requirement and establish a frontage to conform to the other buildings. Existing buildings shall not attain non-conforming status because of this setback requirement.
 - 7.1.4. Minimum side yard: None, except where the subject property shares a lot line with a residential parcel in any residential district in which case the minimum side yard shall be twenty (20) feet. This yard requirement may be part of the projects required OS.
 - 7.1.5. Minimum rear yard: None, except where the subject property shares a lot line with a residential parcel in any residential district in which case the minimum rear yard setback shall be twenty (20) feet. This yard requirement may be part of the projects required OS.
 - 7.1.6. Multi-family residential structures shall be setback at least twenty five (25) feet from the boundary of the project area or such lesser distance as may be permitted by the Planning Board.
- 7.2. Height: The maximum height shall be forty (40) feet plus usual appurtenant structures. The Planning Board may approve through the Special Permit process as described in S. 3 of the NBOD, developments of a maximum height forty (40) feet with the following exceptions:
 - 7.2.1. In order to preserve existing residential views:
 - 7.2.1.1. Where lots in the NBOD abut any Residential District the maximum height shall not exceed forty (40) feet plus roof top appurtenant structures and any flood freeboard allowance. Where the underlying zoning has a minimum lot area dimension this height restriction shall apply to an area of the abutting lot up to that minimum which shall be a transition area between NBOD projects and Residential Districts.
 - 7.2.1.2. Buildings within 250 feet from any Residential District shall not exceed the height of the underlying zoning. The proponent can overcome this requirement by documenting that the topography is such that the proposed building and appurtenant structures will not impede residential views. Documentation required to overcome this requirement includes but is not limited to:
 - 7.2.1.2.1. Licensed survey of topography with 2 foot contours for project site and abutting residential properties in Residential Districts within an area 250 feet from any Residential District.
 - 7.2.1.2.2. Architectural and engineering plans showing views of project from residences within 250 feet from project structures and appurtenant structures.
 - 7.2.2. The Planning Board may at its discretion issue a Special Permit allowing new and existing buildings within a Special Flood Hazard Area, as defined by the latest

edition of 780 CMR, to be elevated beyond the prescribed height limit to provide flood proofing by meeting or exceeding the flood elevation requirements of said CMR. Buildings cannot exceed the elevation required to comply with 780 CMR by more than four (4) feet. Roof top mechanicals appropriately screened or enclosed must be below the total allowed building height.

- 7.2.3. Under S. 12 of the NBOD, "Incentives for constructing buildings that are adapted to and resilient to the impacts of climate change on coastal communities in designated floodplain districts." The Planning Board may at its discretion issue a Special Permit allowing new and existing buildings within a Special Flood Hazard Area, as defined by the latest edition of 780 CMR, to be elevated beyond the prescribed height limit to provide flood proofing by meeting or exceeding the flood elevation requirements of said CMR. Buildings cannot exceed the elevation required to comply with 780 CMR by more than six (6) feet. Roof top mechanicals appropriately screened or enclosed must be below the total allowed building height.

8. **Open Space Requirement.** The project proponent shall submit an Open Space (OS) Plan to the Planning Board for all projects exceeding six (6) acres. The Planning Board may require an OS Plan and/or conservation restriction for projects of less than six (6) acres to protect community interests. All OS Plans shall include a maintenance plan. The purpose of the OS Requirement is to maintain the character of a beachfront community. In order to achieve this purpose OS Plans required under the NBOD shall protect and enhance Hull's many important natural and cultural resources and interests including but not limited to the following:

- 8.1. Natural System (s). In particular barrier beach and dune systems as defined in 310 CMR 10 and their functions in providing storm and flood protection and wildlife habitat.
- 8.2. Cultural resources including:
- 8.2.1. Passive and active recreation spaces, except activities detrimental to drainage, flood control, erosion and the functions of flood and storm protection provided by barrier beaches, dunes and other wetlands.
- 8.2.2. Vistas and View Corridors: Among the visual resources are water bodies, parks, beaches, and other OS; landmarks, monuments, and historically and architecturally important buildings and structures. It is the policy of the Hull Planning Board to open up, create, and maintain important view corridors, especially of such landmark features as Boston Light, World's End, the Weir River, all ocean, bay and harbor views; Fort Revere, the Boston skyline, and historic sites and buildings.
- 8.2.3. Locations for cultural events and celebrations.
- 8.3. OS Area Requirements: The OS required below shall be left undeveloped and/or improvements and uses as described in S. 8.4 below shall be provided. The requirements are minimums and the Planning Board may require additional OS and or offsite OS mitigation to protect community interests as described in S.8.1 and S.8.2.
- 8.3.1. Development projects including six (6) or more acres shall set aside a minimum of 50 percent of the total project area, including a required 20 foot wide setback strip around the perimeter of the development, as OS.

- 8.3.2. When a project in the NBOD abuts a residential district a transition of landscaped OS a minimum of 20 feet wide including any or all of the uses in S. 8.4 must be part of the required OS plan and is included in the required OS area calculation.
- 8.3.3. Development projects of less than six (6) acres shall set aside a minimum of 15 percent of the total project area as OS which shall include any required yard or setback.
- 8.3.4. Development projects may be phased but not segmented. The projects OS requirements are calculated based on the entire project build out regardless of phasing.
- 8.3.5. The Planning Board in review of OS plans may consider existing public OS, conservation areas and recreational opportunities available in the neighborhood in determining compliance with OS area requirements. The Board shall consider existing public OS when a project includes rehabilitation, rebuilding or additions to existing structures.
- 8.4. A required OS Plan shall have one or a mix of the following uses:
 - 8.4.1. Undeveloped property.
 - 8.4.2. Recreational facilities such as pathways, picnic areas or play-fields.
 - 8.4.3. Pocket parks, gathering places and plazas which may be open to the public.
 - 8.4.4. Walkways and bike lanes linking transit, parking and natural and built attractions with landscaping, sidewalk furniture and other pedestrian scale amenities which may be open to the public.
- 8.5. Contiguity of OS: Preserved OS shall be contiguous to the greatest extent practicable. Where noncontiguous areas of OS are preferable to protect conservation areas, applicants shall attempt to connect these resource areas to the greatest extent practicable through the use of trails and/or vegetated corridors. OS will still be considered contiguous if it is separated by a shared driveway, roadway, or an accessory amenity (such as, paved pathway or trail, or shed for the storage of equipment).
- 8.6. Ownership of the OS: OS contained within the property owners' lot (s) shall be owned and maintained by the property owner. At the applicant's discretion the OS may be owned by:
 - 8.6.1. A private owner for any purpose not inconsistent with a conservation restriction or the approved OS plan;
 - 8.6.2. A non-profit organization or agency of the Commonwealth, with their consent, whose principal purpose is the conservation of OS for any of the purposes set forth herein;
 - 8.6.3. The Hull Conservation Commission; or
 - 8.6.4. A property owners association (POA) owned jointly or in common by the owners of lots or units within the project. If the POA option is selected the following shall apply:
 - 8.6.4.1. The documents organizing the POA shall be submitted to the Planning Board for approval before final approval of the project, recorded prior to the issuance of building permits, comply with all applicable provisions of state law, and pass with conveyance of the lots or units in perpetuity. Each individual deed, and the deed, trust, or articles of incorporation, shall include language designed to effect these provisions.

- 8.6.4.2. Membership must be mandatory for each property owner, who must be required by recorded covenants and restrictions to pay fees to the POA for taxes, insurance, and maintenance of common OS, private roads, and other common facilities.
- 8.6.4.3. The POA must be responsible in perpetuity for liability insurance, property taxes, the maintenance of recreational and other facilities, private roads, and any shared driveways.
- 8.6.4.4. Property owners must pay their pro rata share of the costs in S. 8.6.4.3 above, and the assessment levied by the POA must be able to become a lien upon individual properties within the project.
- 8.6.4.5. The POA must be able to adjust the assessment to meet changed needs.
- 8.6.4.6. The applicant shall make a conditional grant to the Town of Hull, binding upon the POA, of the fee interest to all OS to be conveyed to the POA. Such offer may be accepted by the Town of Hull, at the discretion of the Hull Board of Selectmen, upon the failure of the POA to take title to the OS from the applicant or other current owner, upon dissolution of the association at any future time, or upon failure of the POA to fulfill its maintenance obligations hereunder or to pay its real property taxes.
- 8.6.4.7. Ownership shall be structured in such a manner that real property taxing authorities may satisfy property tax claims against the OS lands by proceeding against individual property owners in the POA and the dwelling units they each own.
- 8.6.4.8. Hull Town Counsel must find that the POA documents presented satisfy the conditions in S. 8.6.4.1. through 6. above, and such other conditions as the Planning Board shall deem necessary.
- 8.6.5. Selection of ownership option 8.6.1., 2. or 4. requires:
 - 8.6.5.1. The conveyance of a conservation restriction as outlined herein; and
 - 8.6.5.2. The granting of an access easement over such land sufficient to ensure its perpetual maintenance as conservation, or recreation land. Such easement shall provide that in the event the trust or other owner fails to maintain the OS in reasonable condition, the Town of Hull may, after notice to the lot owners and public hearing, enter upon such land to maintain it in order to prevent or abate a nuisance. The cost of such maintenance by the Town of Hull shall be assessed against the properties within the development and/or to the owner of the OS. Pursuant to G.L. Chapter 40 S. 58 the Town of Hull may file a lien against the lot or lots to ensure payment for such maintenance. Pursuant to G.L. Chapter 40 S. 57 the Town of Hull may also deny any application for, or revoke or suspend a building permit or any local license or permit, due to neglect or refusal by any property owner to pay any maintenance assessments levied.
- 8.6.6. Maintenance: The Planning Board shall require the proponent to submit an ongoing maintenance plan and subsequently will establish ongoing maintenance standards as a condition of development approval to ensure that utilities are properly maintained and the OS land is not used for storage or dumping of refuse, junk, or other offensive or hazardous materials. Such standards shall be enforceable by the Town against any owner of OS land, including a POA. If the Board of Selectmen finds that the maintenance

provisions are being violated to the extent that the condition of the utilities or the open land constitutes a public nuisance, it may, upon 30 days written notice to the owner, enter the premises for necessary maintenance, and the cost of such maintenance by the Town shall be assessed ratably against the landowner or, in the case of an POA, the owners of properties within the development, and shall, if unpaid, become a property tax lien on such property or properties.

- 8.7. Permanent Conservation of the Required OS: Any land required to be set aside as OS, voluntarily preserved in excess of that required, conserved as a condition of site plan approval and Special Permit, shall be permanently protected pursuant to Article 97 of the Articles of Amendment to the Constitution of the Commonwealth of Massachusetts or a perpetual restriction under G.L. Chapter 184 S. 31-33. Unless conveyed to the Town of Hull Conservation Commission, the required OS shall be subject to a permanent Conservation, or Watershed Preservation Restriction conforming to the standards of the Massachusetts Executive Office of Environmental Affairs, Division of Conservation Services, in accordance with G.L. Chapter. 184 S. 31-33, approved by the Planning Board and Board of Selectmen and held by the Town of Hull, the Commonwealth of Massachusetts, or a non-profit conservation organization qualified to hold conservation restrictions under G.L. Chapter 184, S. 31-33. Any proposed OS that does not qualify for inclusion in a Conservation Restriction, or Watershed Preservation Restriction or that is rejected from inclusion in these programs by the Commonwealth of Massachusetts shall be subject to a Restrictive Covenant in perpetuity under G.L. Chapter 184, Sections 26-30, which shall be approved by the Planning Board and Board of Selectmen and held by or for the benefit of the Town of Hull.

The restriction shall specify the prohibited and permitted uses of the restricted land, which would otherwise constitute impermissible development or use of the OS, consistent with the Special Permit Uses S. 5 and Prohibited Uses, S. 6 of the NBOD and any permits. The restriction may permit, but the Planning Board may not require, public access or access by residents of the development to the protected land.

- 8.7.1. Such land shall be perpetually kept in an open state, preserved exclusively for the purposes set forth herein and in the deed and/or in a restriction, and maintained in a manner which will ensure its suitability for its intended purposes. Any restriction or other legal document necessary to permanently conserve OS as required herein shall be recorded before lots are released or building permits are issued, whichever comes first.

9. General Requirements for Developments Under the NBOD.

- 9.1. Screening. NBOD areas abutting or within a residential area shall provide screening along the common property line in the form of an opaque fence, wall, or continuous evergreen shrubbery at least six (6) feet in height.
- 9.2. Fixed, retractable, or removable awnings and canopies for the protection of the public from the elements may be erected or installed within the front yard areas. On commercial and mixed use buildings these structures shall be limited to a six (6) foot extension across the full face of the building. On multi-family residential buildings the awnings and canopies shall be limited to the area of the front entry walkway extending in a straight line to the building and not exceeding six (6) feet in width with minimum clear headroom of 6 feet 8 inches.
- 9.3. The Planning Board after receiving recommendations from the Design Review Board will determine the size, type and design of all signs, notwithstanding the provisions of Article

VII of the Zoning Bylaw. Any future change in signage shall require an application to amend the Special Permit to the Planning Board.

10. Off-Street Parking and Loading Requirements

Table 1: Off-Street Parking Requirements for the NBOD are Specified in Table 1	
Studio and 1-bedroom residential units	1 spaces/unit
2 or more bedroom residential units	2 spaces/unit
Eating and drinking establishments	1 space/4 seats or 2 spaces/150 sq. ft gross floor area (GFA)
Hotels, motels, inns and bed and breakfasts	0.75 spaces/guest room; add 1 space/500 sq ft. meeting or banquet area
Medical, dental, or professional office building	1.3 spaces/200 sq. ft. GFA
Offices (general)	1 space/300 sq. ft. GFA
Retail business and service establishments	1 space/250 sq. ft. GFA on 1 st floor; 1 space/500 sq. ft. GFA thereafter on other floors (excluding basement storage)
Theaters, auditoriums/halls, places of assembly	1 space/5 seats or per 8 linear ft. bench seating; OR 1 space/100 sq. ft. floor area if there are not fixed seats
Mixed-uses in a single building/development	Sum of individual uses; shared parking provision may apply

Notwithstanding the foregoing parking requirements, if the applicant provides valet parking or other suitable alternative services, the Planning Board may authorize lesser requirements for both the number and size of parking spaces.

10.1. **Shared Parking:** Shared parking is encouraged in the NBOD. The goal of shared parking is to utilize limited parking space efficiently and thereby reduce congestion and air pollution by reducing “cruising” for parking spaces. When shared parking is proposed under the NBOD the proponent shall be required under S.3.1.1 to submit a traffic impact study including a parking program.

10.1.1. Stores, offices and other lawful uses except hotels, motels, residences, boarding houses, and rooming houses which are located in the NBOD may propose shared parking using the Department of Conservation and Recreation (DCR) parking lots providing that the legal distance between a DCR public parking lot and the main pedestrian entrance of the proposed use does not exceed 500 feet and the proponent has documented authorization from DCR to utilize DCR parking spaces which includes the number of spaces, their location and time and season of use.

- 10.1.2. Parking required for two (2) or more buildings or uses may be provided in combined parking facilities where such facilities will continue to be available for the several buildings or uses. The total number of required spaces may be reduced by up to one-half (1/2) if it can be demonstrated that the hours of days of peak parking need for the uses are so different that a lower total will provide adequately for all uses served by the facility. Proposals for shared parking shall be reviewed under Special Permit procedures concurrently with Site Plan Review, S. 40. The following requirements shall be met:
- 10.1.2.1. The proponent shall provide documented evidence of reduced parking needs based on planning and engineering practice satisfactory to the Planning Board.
 - 10.1.2.2. The Planning Board shall determine how a combined or mixed use facility shall be broken down into its separate (constituent) components.
 - 10.1.2.3. If a lower total is approved, no change in any use shall thereafter be permitted without further evidence to the Planning Board that the parking will remain adequate in the future, and if the evidence is not satisfactory, then additional parking shall be provided (either on- or off-site, or via a fee-in-lieu of parking) before a change in use is authorized by the Planning Board. A change in use of the entity providing the shared parking spaces will require the entity utilizing the shared parking to request an amended Special Permit for a new parking plan.
 - 10.1.2.4. Any change in use, ownership or control of the entities owning or controlling the shared parking will require evidence of continued availability of shared parking to be provided to the Planning Board and Town Counsel and any such approved change shall be filed with the Site Plan if applicable and at the Registry of Deeds.
 - 10.1.2.5. Off-street parking related to residential uses must be accommodated for on-site or nearby in a specific off-site lot controlled by the proponent.
- 10.2. **Fee-in-lieu of parking.** All or a portion of the required off-street parking for commercial, non-residential uses may be waived by a Special Permit from the Planning Board when the property is located within the NBOD, provided the following conditions are met:
- 10.2.1. The proponent provides evidence of a sufficient number of available public parking spaces in the vicinity of the property to justify the waiver without detriment to public transportation, health, and welfare and that the proponent is authorized to use said parking spaces from the controlling public entity, the Town's Board of Selectmen or the Department of Conservation and Recreation.
 - 10.2.2. The Town is paid a fee equal to the fair market value of the waived parking spaces (the area of which shall be determined by the number of waived spaces times 200 square feet) plus the cost of converting such spaces into a parking lot, or public/private parking garage as estimated by the Planning Board with the advice of a consulting engineer and a minimum of two appraisals whose fees will be paid through an escrow account funded by the proponent. The Planning Board may require additional appraisals if deemed necessary. The owner of the property subject to the waiver is responsible for the payment in lieu of parking.
 - 10.2.3. Payments in lieu of parking shall be made to a special Town account whose expenditures will be limited to costs related to parking and parking related

transportation and facilities and bicycle facilities including trolley service connecting to remote parking lots and transit within and in the vicinity of the NBOD.

10.2.4. If the property owner donates to the Town a public right-of-way providing an important pedestrian or vehicular linkage, or contributes to the capital or operating expenses of the public trolley or bicycle system in accordance with a parking management or circulation plan adopted by the Planning Board, the Board may reduce the fee specified in the paragraph above by an amount equal to the value of the donation, up to the total amount of the fee.

10.2.5. Any waiver of off-street parking approved under this Section shall run with the land. Any subsequent changes of use requiring more parking shall necessitate a parking plan amendment and Planning Board review. No refund of any payment shall be made when there is a change to a use requiring less parking. Such payment and/or donation shall be made to the Town in total prior to the issuance of a building permit.

10.3. Bicycle parking

10.3.1. Bicycle parking shall be provided for all new development, and shall be located as close as possible to the building entrance(s).

10.3.2. Two (2) bicycle parking spaces shall be provided for each twenty (20) off-street parking spaces required.

10.3.3. Each will be a minimum of two (2) feet wide by six (6) feet long.

10.3.4. Rack(s) will be provided that allow for the bicycle frame and one wheel to be locked to the rack and that support the bicycle in a stable position without damage to wheels, frame or components. All bicycle racks shall be securely anchored to the ground or building structure.

10.3.5. Any property required to have bicycle parking may establish a shared bicycle parking facility with any other property owner in the same block.

11. Design Standards

11.1. The purpose of this Section is to provide standards to guide the development of buildings and renovations in the NBOD with human-scale, pedestrian oriented, high-quality design that contributes to the Nantasket area's visual interest and vibrancy and relates to the community's historic architectural types.

11.2. In addition to the criteria in Chapter 15 of the Town of Hull General Bylaws and S. 40 of this Zoning Bylaw, the Planning Board and the Design Review Board shall consider the following development attributes when evaluating development proposed in the NBOD:

11.2.1. **Facade and openings.** All primary commercial and residential building entrances shall be visible from the right-of-way and the sidewalk, and shall have an entrance directly accessible from the sidewalk. Doors shall not extend beyond the exterior facade into pedestrian pathways.

11.2.2. **Scale, massing and spacing of buildings.** The size and detailing of buildings shall reflect the community preference for moderate-scale structures that do not resemble "big box shopping centers." New buildings and/or substantial alterations shall incorporate features to add visual interest while reducing the appearance of bulk or mass, such as varied facades, rooflines, roof heights, materials, and appropriately designed details such as moldings, cornices, bay windows, turrets, arcades, colonnades, brick chimneys or shutters appropriately designed and proportioned. Buildings shall provide for sight buffers and preservation of light and air to adjacent premises and roadways. Length of a building along its front shall not exceed 80 feet without one or a

combination of the following where deemed appropriate by the Planning Board:

- 11.2.2.1. Public walkway appropriately landscaped through building lot to public way.
- 11.2.2.2. Public pocket park or plaza.
- 11.2.2.3. Height of building stepped down to 30 feet on front of building abutting roadway.
- 11.2.3. **Buildings shall relate to the pedestrian scale by:**
 - 11.2.3.1. Including architectural details to add visual interest along the ground floor of all facades that face streets, squares, pedestrian pathways, parking lots or other significant public OS.
 - 11.2.3.2. Articulating the base, middle and top of the facade separated by cornices, string cornices, step-backs or other similar features.
 - 11.2.3.3. Continuous lengths of flat, blank walls adjacent to streets, pedestrian pathways, or OS shall not be permitted.
 - 11.2.3.4. Flat roofs are permitted as part of a Mansard Roof or dormer but are otherwise discouraged. If utilized they should have parapets or projecting cornices. Flat roofs shall not be permitted in buildings with heights over 30 feet.
- 11.2.4. **Site design.** The qualities and performance of building sites may be included in any design standards adopted by the Planning Board and may include the following areas for review:
 - 11.2.4.1. The location and configuration of proposed buildings and structures, parking areas and OS shall be designed so as to minimize shadow effects and any adverse impact on temperature levels or wind velocities on the site or adjoining properties.
 - 11.2.4.2. All attributes included in the definition of Green Buildings.
 - 11.2.4.3. Identify natural and manmade storm and flood protection.
 - 11.2.4.4. Infrastructure including water, sewer, power and data systems.
 - 11.2.4.5. Conservation of public view corridors and vistas; Among Hull's important visual features are water bodies, parks, beaches, and other OS; landmarks, monuments, and historically and architecturally important buildings and structures. It is the policy of the Planning Board to open up, create, and maintain important view corridors, especially of such landmark features as Boston Light, World's End, the Weir River, all ocean, beach, bay and harbor views. Boardwalks and site design elements may be used to enhance visual access to these coastal and cultural assets.
 - 11.2.4.6. Dumpster enclosure, loading facilities, any utilities, HVAC and similar service elements locations shall be addressed as early as possible in design review.
- 11.2.5. **Exterior architectural details, materials, colors.** Traditional materials or materials visually indistinguishable and compatible with traditional materials are encouraged, such as cement fiber clapboards without artificial wood texture. Vinyl siding is strongly discouraged. PVC trim, moldings and railings are permitted within the established standards.

- 11.2.5.1. Awnings and canopies shall be compatible with the architectural style of the building. Colors and patterns used for awnings and canopies shall be subdued and compatible with existing awnings on adjacent buildings.
 - 11.2.5.2. Except for minor trim, the building shall avoid the appearance of reflective materials. Glazing for windows and doors shall be non-reflective.
 - 11.2.5.3. Ground floor commercial building facades facing streets, squares, or other pedestrian spaces shall contain transparent windows. Ground floor facades should avoid blank walls. Wherever possible, existing historic structures on the site shall be preserved and renovated for use as part of the development. Building facades and materials shall be varied to avoid appearance of building mass inappropriate for historic beachfront community.
 - 11.2.5.4. Any alteration of or addition to an historic structure shall employ materials, colors and textures as well as massing, size, scale and architectural features that are compatible with the original structure. Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a historic property shall be preserved.
 - 11.2.6. **Roof slopes and shapes.** New construction, including new development above existing buildings and/or substantial alterations, shall incorporate gables, dormers, cupolas, towers or other traditional roof forms which will be consistent with the historic architecture of the Town of Hull. Flat roofs are discouraged see S. 11.2.3.4. Roof slopes and shapes shall be varied to encourage appearance of building mass appropriate for historic beachfront community.
 - 11.2.7. Mechanical equipment located on roofs shall be screened and/or enclosed, organized and designed as a component of the roof design, and not appear to be a leftover or add-on element. Roof top mechanicals appropriately screened or enclosed must be below any height allowance allowed for flood protection in the NBOD.
 - 11.2.8. Pedestrian amenities. To the maximum extent possible development in the NBOD shall provide pedestrian amenities, such as wide sidewalks/pathways, outdoor seating/benches, plazas, squares or courtyards. Pedestrian pathways/sidewalks that connect parking areas with adjacent developments are encouraged.
 - 11.3. The Planning Board after consultation with the Design Review Board may promulgate more detailed design standards and guidelines in addition to the above criteria.
- 12. Incentives for constructing buildings that are adapted to and resilient to the impacts of climate change on coastal communities in designated floodplain districts.**
- 12.1. **The purpose** of this section is to encourage construction that will withstand increased flood elevations and frequency and intensity of storm events for new buildings and those being substantially improved (costs equal or exceed 50 % of the appraised market value).

- 12.2. **This Section provides the following incentives:**
- 12.2.1. The Planning Board will permit projects under S. 12 through the Special Permit procedures (S. 3 of the NBOD). Projects permitted under this Section will be eligible for a rebate of up to \$500 on the building permit fees through the Town's established administrative process for "freeboard" rebate.
 - 12.2.2. Buildings will be eligible for insurance savings from the National Flood Insurance Program based on their elevation above the National Flood Insurance Program (NFIP) minimum height requirements. Projects proposed under S.12 must determine and report on their potential insurance savings allowed from NFIP due to their proposed "freeboard".
 - 12.2.3. In order to provide storm and flood protection for new and existing buildings within a Special Flood Hazard Area, as defined by the latest edition of 780 CMR, the Planning Board may allow building heights up to a maximum of forty (40) feet above a non habitable lowest floor (as defined in S. 42 of this Bylaw) which must be a "Market Hall". The height of the "Market Hall" will be calculated by adding the required flood elevation plus up to six (6) feet of freeboard. Therefore the total building height is calculated by adding the flood elevation plus the allowed freeboard up to six (6) feet and up to the maximum allowed forty (40) feet of habitable space. Buildings cannot exceed the elevation required to comply with 780 CMR by more than six (6) feet.
- 12.3. **In order to receive these incentives**, the project must incorporate the following elements into the proposed development:
- 12.3.1. All buildings must comply with existing Floodplain Regulations as set forth in S. 42 of this Zoning Bylaw.
 - 12.3.2. The lowest floor or story of a building shall not contain habitable space, regardless of the property's location within the Floodplain Districts set forth in S. 37 and 42 of this Zoning Bylaw and the property's designation within special flood hazard areas by the Plymouth County Flood Insurance Rate Map (FIRM) issued by the Federal Emergency Management Agency (FEMA) for the administration of the National Flood Insurance Program. Instead, open commercial lowest floor space will be used for temporary non-habitable uses as inspired by the traditional Market Hall that provide utility and ideally, contribute to economic and social activity of the NBOD.
 - 12.3.3. **Lowest floor uses** may include but are not limited to:
 - 12.3.3.1. Farmer's markets, vendor stalls.
 - 12.3.3.2. Art exhibition and performance art.
 - 12.3.3.3. Beach Reservation Visitors' Center and historic exhibits.
 - 12.3.3.4. Temporary outdoor eating spaces, such as café tables for seasonal restaurants.
 - 12.3.3.5. Parking, provided that the space allotted to parking does not occupy more than 50 percent of the total lowest floor square footage and is screened from other uses by three (3) to five (5) feet height screening with minimum 50% opacity.

- 12.3.3.6. Facilities to access the habitable floors of the structure, including enclosed stairways, foyers, elevators and similar facilities.
- 12.3.4. Mechanical, electrical service and HVAC equipment shall not be located on the lowest floor, but rather shall be located on roof or upper stories and screened or enclosed as an integral part of the building design and not an add on feature.
- 12.3.5. Generators sized to meet the emergency electrical demands of the building are located on roof or upper stories.
- 12.3.6. Underground utility lines and submersible electrical transformers are required where appropriate and feasible.
- 12.3.7. To the greatest extent possible buildings will be constructed to the highest storm and flood resistant standards for the A Zone, as described in 780 CMR 120 G Flood Resistant Construction and Construction in Coastal Dunes.
- 12.3.8. To the greatest extent possible, proponents shall incorporate in their buildings and developments the standards for building construction, architecture and site design for “Green Building” as defined in S. 4 of the NBOD.
- 12.3.9. To the greatest extent possible built landscape features that function to provide storm and flood protection shall be constructed and maintained

END OF ARTICLE III

ARTICLE IV USE REGULATIONS

Section 40 - Site Plan Review

- 40-1. Purpose:** The purpose of the site plan review process is to protect the health, safety, convenience and general welfare of town residents by providing for a review of plans for uses, buildings and structures which may have significant impacts on traffic, municipal and public services and utilities, environmental quality, community economics and community values in the town.
- 40-2. Applicability:** The site plan review and approval provisions of this section shall apply to the following types of structures and uses:
- a. land subdivisions resulting in three (3) or more lots.
 - b. new buildings and/or structures, which involve non-residential uses or multi-family uses for three (3) or more residential units, and expansions or changes in use of existing buildings which are now, or will result in 5,000 square feet of gross floor area. (Amended, Annual Town Meeting, May 5, 2003)
 - c. The calculation of increase in floor area shall be based on the aggregate of all new structures, improvements, alterations or enlargements, calculated from the date of enactment of this section.
 - d. Wireless Communication Facility
- 40-3. Application and Review Procedure:**
- A. Basic Requirements: An application for Site Plan Review shall be submitted to the Building Commissioner who shall calculate the fee based upon the estimated cost and evaluate the plan for conformity with zoning. Within fifteen working days from receipt of the documents the Building Commissioner shall return the plans to the applicant along with a memo stating conformity or non-conformity with the zoning bylaw citing the non-conformities, if any, with a copy to the Planning Board. Upon receipt of the Building Commissioner's evaluation, the applicant may file the application and the fee with the Planning Board, which shall begin the review process as outlined in the zoning by law. The town requires that no building permit be issued for those projects for which site plan review is necessary unless the Planning Board has approved an application. In addition, no occupancy permit may be granted by the Building Commissioner until the Planning Board has given its approval that the project (and any associated off-site improvements) conform to the approved application and any conditions imposed by the Planning Board. A temporary occupancy permit may be granted with the approval of the Planning Board subject to conditions for completion of work (which shall include a requirement for surety, in an amount and form to be determined by the Planning Board). (Amended, Annual Town Meeting, May 13, 2002)
 - B. Materials Required: An application for site plan review shall be accompanied by:
 1. One or more drawings prepared by qualified professionals such as a registered engineer, architect, or landscape architect and containing:
 - a. Location and dimensions of all buildings, easements and structures, and other construction, parking and loading areas, walkways and driveways, internal roadways and accessways to adjacent public roadways; location and type of all external lighting, utilities, gas, telephone, electrical, communications, water drainage, flood zones, sewer and other waste disposal.
 - b. Location, type, dimensions, and quantities of landscaping and screening.
 - c. Location of all other existing natural features; including ponds, brooks, streams, and wetlands.
 - d. Topography of the site, with two-foot contours.

2. A brief written narrative description of the project, highlighting any special features of the items listed above, shown on the site plan. At a minimum the narrative description should provide enough information for the Planning Board to understand what site planning, architectural, landscaping and engineering solutions are being proposed to handle the problems of traffic, parking, internal pedestrian circulation, provision of utilities, drainage, flooding, including the potential impacts of future sea level rise, wastewater and solid waste disposal, lighting and signage, environmental protection and aesthetic considerations such as views and design compatibility with surrounding development.
 3. A minimum of 5 copies of the drawing(s) and narrative shall be submitted to the Planning Board. The Planning Board may request additional copies as it finds necessary.
- C. Additional Materials Required: After initially reviewing the proposed site plan the Planning Board may require that the applicant submit any of the following materials:
1. Conceptual drawings of buildings and structures to be erected, including elevations.
 2. A landscape plan at the same scale as the site plan, showing the limits of work, existing trees, and all proposed landscape features and improvements including planting areas with size and type of stock for each shrub or tree.
 3. A locus plan showing the entire project and its relation to existing areas, buildings, structures and roads for a distance of 1,000 feet from the project boundaries, or such other distance as may be approved or required by the Planning Board.
 4. An isometric line drawing (projection) at the same scale as the site plan, showing the entire project and its relation to existing areas, buildings, structures and roads for a distance of 100 feet from the project boundaries.
 5. In addition, the Planning Board may require a developmental impact study to be prepared by a consultant at the expense of the applicant if the site plan and narrative description do not answer key questions relating to the environment, soils, water, traffic and surrounding community.
 6. A model at the same scale as the site plan, showing the entire project and its relation to existing areas, buildings, structures and roads for a distance of 100 feet from the project boundaries.
 7. Should the Planning Board find it necessary to seek advice or assistance, it has the authority to employ professional consultants or experts, including, technicians, attorneys, engineers and/or architects for the purposes of reviewing and evaluating, on its behalf, the information shown on the Site Plan and any additional material. The costs of such professional assistance incurred by the Planning Board shall be borne by the applicant. However, the cost to be paid by the applicant (1) shall not exceed the reasonable and usual charges by the consultants; and (2) shall be estimated in writing by the consultants and made known to the applicant before the Board incurs any costs. No Occupancy Permit may be issued by the Building Commissioner until the applicant has paid, or reimbursed the town for, all such costs.
- D. The Review Process: The Planning Board shall hold a public hearing on any properly completed application within 65 days after filing, with proper notice per Massachusetts General Law, Chapter 40A, Section 12, and shall render its decision within 105 days of the filing. If the Planning Board fails to act within said time period, the application shall be deemed to be approved. However, upon the written request of the applicant, the time period during which the Planning Board must render its decision may be extended or continued to any mutually agreed upon date and time specific. All costs of the notice requirements shall be at the expense of the applicant.
1. Upon reviewing a completed application, the Planning Board may seek the comments of any of the Town Boards or Staff which the Planning Board finds appropriate, including: the Building Commissioner, the Highway Department, the Town Planner, the Police Department, the Fire Department, the Design Review Board, the Board of Health, the Conservation Commission, The

Park and Recreation Commission, the Electric Light Department, the Sewer and Water Commission, the Historical Commission, the Board of Appeals, and the Board of Selectmen

2. Within 35 days of receiving a copy, these agencies shall report to the Planning Board on (1) the adequacy of the data and the methodology used to determine the impacts of the proposed development and (2) the effects of the projected impacts of the proposed development. An agency may recommend conditions or remedial measures to accommodate or mitigate the expected impacts of the proposed development. Failure by any agency to report within the allotted time shall constitute approval by that agency of the adequacy of the submittal and also that, in the opinion of the agency, the proposed project will cause no adverse impact.
 3. The Planning Board shall not render a decision on an application until it has received and considered all reports requested from town departments and boards, or until the 35 day period has expired, whichever is earlier. Where circumstances are such that the 35-day period is insufficient to conduct an adequate review, the Planning Board may, at the written request of the applicant; extend such period to 60 days.
 4. In reviewing the impacts of a proposed development, the Planning Board shall consider the information presented in the application for site plan approval, all reports of town departments submitted to the Planning Board, and any additional information available to the Planning Board, submitted to the Planning Board by any person, official or agency, or acquired by the Planning Board on its own initiative or research.
- E. Board Actions: The Planning Board may grant approval, may deny approval or may grant approval with special conditions, based on its review of the projected development impacts and the proposed methods of mitigating such impacts, and whether the proposed development is in conformance with Section 40-4, Design Guidelines. The Planning Board may also waive the requirements for site plan review if, in the opinion of a two-third majority of the Planning Board, the adverse impacts of the proposed development are not significantly greater than the impacts of uses which are or can be made of the site under existing laws and regulations.
1. Conditions which may be imposed with an approval may include
 - a. Controls on the location and type of access to the site;
 - b. Requirements for off-site improvements to improve the capacity and safety of roads, intersections, pedestrian ways, water, sewer, drainage, and other public facilities which are likely to be affected by the proposed development;
 - c. Requirements for donation and/or dedication of land for right-of-way to provide for future roadway and/or intersection widenings or improvements;
 - d. Requirements for securing the performance of all proposed work, including proposed off-site improvements, by either or both of the following methods: (a) a performance bond, a deposit of money, negotiable securities, letter of credit, or bank passbook in an amount determined by the Planning Board to be sufficient to cover the cost of all or any part of the improvements required as conditions of approval, (b) a covenant running with the land, executed and duly recorded by the owner of record, whereby the required improvements shall be completed before the property may be conveyed by other than a mortgage deed.
 - e. Conditions to minimize off-site impacts on traffic and environmental quality during construction.
- F. The Appeal Process: Any person aggrieved by a decision or non-decision of the Planning Board with regard to Site Plan Review may appeal to the Board of Appeals in accordance with Massachusetts General Law, Chapter 40A, Section 8.
- G. Application Fee: The fee for filing a Site Plan Review Application is 1/10 of one percent of the cost of the project work. It cannot be less than \$200.00 nor more than \$1,000.00. The fee shall be paid at the time of application.

- H. Administration: The Planning Board shall be responsible for deciding the meaning or intent of any provision of this section which may be unclear or in dispute.
- I. Lapse of Approval: Site plans approved under Section 40 of this Zoning Bylaw shall automatically lapse two years from the date of approval unless substantial use or construction has commenced except for good cause. Not included in the two year time period is the time required to pursue or await the determination of an appeal referred to in Section 17 of M.G.L. Chapter 40A. (Amendment added, Annual Town Meeting, May 13, 2002)

40-4. Design Guidelines: The following specific items may be considered by the Planning Board in making its decision:

1. Protection and enhancement of important existing site features
 2. Protection of adjoining premises against detrimental uses by provision of surface water drainage, sound, sight and wind barriers and preservation of views, light and air quality.
 3. Convenience and safety of vehicular and pedestrian movement within the site, the location of driveway openings in relation to traffic or to adjacent streets.
 4. Adequacy of the arrangement of parking and loading spaces.
 5. Adequacy of the methods of disposal of refuse and other wastes.
 6. Relationship of buildings, structures and open space to the natural landscape and existing buildings and structures.
 7. Prevention of pollution of surface and groundwater, soil erosion, increased runoff and flooding.
 8. Protection against flood damage on site and protection against flood impacts to adjoining properties, taking into consideration current conditions and the potential for future sea level rise.
- A. In considering these items the Planning Board should use the following principles:
1. Preservation of Landscape: The landscape shall be preserved in its natural state, insofar as practicable, by minimizing tree and soil removal, and any grade changes shall be in keeping with the general appearance of neighboring developed areas;
 2. Community Impacts: Design elements shall be compatible with the character and scale of neighboring properties, buildings and structures. The design of the development shall be consistent with existing local standards and plans, including those adopted by the Planning Board, Conservation Commission, Parks Commission, Design Review Board and other town bodies having such jurisdiction.
 3. Relation of Proposed Buildings and Structures to Environment: Proposed buildings and structures shall be related harmoniously to the terrain and to existing buildings and structures in the vicinity that have a visual relationship to the proposed buildings and structures. The achievement of such relationship may include the enclosure of space in conjunction with other existing buildings and structures or other proposed buildings and structures and the creation or focal points with respect to avenues of approach, terrain features or other buildings and structures. Projects are strongly encouraged to create or extend public spaces such as open plazas that extend walkways into a project, courtyards that are publicly accessible, or small areas of greenery that extend an adjoining green area into a project.
 4. Drives, Parking and Circulation: With respect to vehicular and pedestrian circulation, including walkways, interior drives and parking, special attention shall be given to location and number of access points, general interior circulation, separation of pedestrian and vehicular traffic, and arrangement of parking areas that are safe and convenient and insofar as practicable, do not detract from the design of proposed buildings and structures and the neighboring properties. Landscaping and/or fencing shall be used to buffer parking areas from adjacent areas. Pedestrian access to nearby public areas such as parks, beaches, public buildings and structures and

commercial establishments shall not be impeded but rather encouraged wherever possible and barriers to pedestrian patterns shall be avoided.

5. **Surface Water Drainage:** Special attention shall be given to proper site surface drainage so that removal of surface waters shall not adversely affect neighboring properties or the public storm drainage system.
6. **Utility Service:** Whenever feasible, electric, telephone and other utility lines shall be underground. Any utility installations remaining above ground shall be located so as to have a harmonious relation to neighboring properties and the site.
7. **Advertising Features:** The size, location, design, color, texture, lighting and materials of all exterior signs and outdoor advertising structures or features shall not detract from the design of proposed buildings and structures and the surrounding properties.
8. **Special Features:** Exposed storage areas, exposed machinery installations, service areas, truck loading areas, utility buildings and structures and similar accessory areas and structures shall be subject to such setbacks, screen plantings, or other screening methods as may reasonably be required to prevent their being incongruous with the existing or contemplated environment and surrounding properties.
9. **Other Environmental Impacts:** The proposed project shall not create any significant emission of noise, dust, fumes, noxious gases, radiation, or water pollutants, or any other similar significant adverse environmental impact. The location and configuration of proposed buildings and structures, parking areas and open space shall be designed so as to minimize shadow effects and any adverse impact on temperature levels or wind velocities on the site or adjoining properties.
10. **Outdoor Lighting:** Outdoor lighting, including lighting on the exterior of a building and/or structure, or lighting in parking areas, shall be arranged to minimize glare and light spillover to neighboring properties.
11. **Vistas and View Corridors:** Hull is a community with many important visual resources which should be maintained or enhanced. Among the important visual features are water bodies, parks, beaches, and other open spaces; landmarks, monuments, and historically and architecturally important buildings and structures. It is the policy of the Hull Planning Board to open up, create, and maintain important view corridors, especially of such landmark features as Boston Light, World's End, the Weir River, all ocean, bay and harbor views; Fort Revere, the Boston skyline, and Hull Village Common.
12. **Flooding;** Special attention shall be given to maintaining the natural capacity of the land to prevent or reduce flooding. Structures, including fill, shall be designed with special attention to minimizing the potential for property damage from flooding and the re-direction of flood waters to other locations.

40-5. Separability: The invalidity of one or more provisions or clauses of this section shall not invalidate or impair the section as a whole or any other part hereof.

Section 42 - Floodplain District Use and Development

42-1. Purpose-The purpose of this floodplain district is to protect the public health, safety and general welfare, to protect human life and property from the hazards of periodic flooding, to preserve the natural flood control characteristics, and the flood storage capacity of the floodplains.

42-2. The floodplain district is an overlay district to all other applicable districts. All structural and non-structural development activity shall conform with the permitted uses of the primary underlying district. All development in the district, including structural and non-structural activities, whether permitted by right, by special permit or by variance must be in compliance with Chapter 131, Section 40 of the Massachusetts General Laws and with the following:

Sections of the Massachusetts State Building Code (780 CMR) which address floodplain and coastal high hazard areas;

Wetlands Protection Regulations, Department of Environmental Protection (DEP) (currently 310 CMR 10.00);

Inland Wetlands Restriction DEP (currently 310 CMR 13.00);

Coastal Wetland Requirements Restriction, DEP (currently 310 CMR 12.00);

Minimum Requirements for the Subsurface Disposal of Sanitary Sewage, DEP (currently 310 CMR 15, Title 5).

Any variances from the provisions and requirements of the above referenced state regulations may only be granted in accordance with the required variance procedures of these state regulations.

42-3. Definitions for this Section only:

AREA OF SPECIAL FLOOD HAZARD is the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. The area may be designated as Zone A, AO, AH, A1-30, AE, A99, V1-30, VE or V.

BASE FLOOD means the flood having a one percent chance of being equaled or exceeded in any given year.

COASTAL HIGH HAZARD AREA means an area of special flood hazard extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources. The area is designated on a FIRM as Zone V, V1-30, VE.

DEVELOPMENT means any manmade change to improved or unimproved real estate, including but not limited to building or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

FLOOD INSURANCE RATE MAP (FIRM) means an official map of a community on which FEMA has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

FLOOD INSURANCE STUDY means an examination, evaluation and determination of flood hazards, and if appropriate, corresponding water surface elevations or an examination, evaluation and determination of flood-related erosion hazards.

NEW CONSTRUCTION means, for floodplain management purposes, structures for which the "start of construction" commenced on or after the effective date of a floodplain management regulation adopted by a community. For the purpose of determining insurance rates, NEW CONSTRUCTION means structures for which the "start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later.

ONE-HUNDRED-YEAR FLOOD – see BASE FLOOD..

SPECIAL FLOOD HAZARD AREA means an area having special flood and/or flood-related erosion hazards and shown on an FHBM or FIRM as Zone A, AO, A1-30, AE- A99, AH, V, V1-30, VE..

STRUCTURE means, for floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home. STRUCTURE , for insurance coverage purposes, means a walled and roofed building, other than a gas or liquid storage tank, that is principally above ground and affixed to a permanent site, as well as a manufactured home o foundation. For the latter purpose, the term includes a building while in the course of construction, alteration or repair, but does not include building materials or supplies intended for use in such construction alteration or repair, unless such materials or supplies are within an enclosed building on the premises.

ZONE AE means the 100-year floodplain where the base flood elevation has been determined

ZONE AO means the 100-year floodplain with flood depths of 1 to 3 feet, where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

ZONE VE means a special flood hazard area along a coast subject to inundation by the 100-year floodplain with additional hazards due to velocity (wave action). Base flood elevations have been determined.

42-4 Permitted Uses: The floodplain District is an overlay district to all other applicable districts. All structural and non-structural development activity shall conform with the permitted uses of the primary underlying district. All development shall conform with the requirements of the State Building Code pertaining to the flood resistant construction.

Anchorage: The structural systems of all buildings or structures shall be designed, connected and anchored to resist flotation, collapse or permanent lateral movement due to structural *loads* and stresses from flooding equal to the base flood elevation and shall be designed in accordance with 780 CMR 1615.3 and 1615.4.

Enclosures below base flood elevation: Enclosed spaces below the base flood elevation shall not be used for human occupancy with the exception of structure *means of egress*, entrance foyers, *stairways* and incidental storage. Fully enclosed spaces shall be designed to equalize automatically hydrostatic forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement shall either be certified by a *registered design professional* in accordance with 780 CMR 3107.12 or conform to the following minimum criterion: a minimum of two openings having a total net area of not less than one square inch (645 mm) for every one square foot (0.1 m) of enclosed area subject to flooding shall be provided. The bottom of all openings shall not be higher than 12 inches (305 mm) above grade immediately adjacent to the location of the opening. Openings shall not be equipped with screens, louvers, valves or other coverings or devices unless such devices permit the automatic entry and discharge of floodwaters.

Water-resistant construction: Occupancies in any use group other than Use Group R (residential) shall, in lieu of meeting the elevation provisions of 780 CMR 3107.5.1, be erected with floors usable for human occupancy below the base flood elevation provided that the following conditions are met:

1. All space below the base flood elevation shall be constructed with walls and floors that are substantially impermeable to the passage of water.
2. All structural components subject to hydrostatic and hydrodynamic *loads* and stresses during the occurrence of flooding to the base flood elevation shall be capable of resisting such forces, including the effects of buoyancy.
3. All openings below the base flood elevation shall be provided with water-tight closures and shall have adequate structural capacity to support all flood *loads* acting upon the closure surfaces,
4. All floor and wall penetrations for plumbing, mechanical and electrical systems shall be made water tight to prevent floodwater seepage through spaces between the penetration and wall construction materials. Sanitary sewer and storm drainage systems that have openings below the base flood elevation shall be provided with shutoff valves or closure devices to prevent backwater flow during conditions of flooding.

High-hazard zones (V Zones): Areas of tidal influence which have been determined to be subject to wave heights in excess of three feet (914 mm) or subject to high-velocity wave run-up or wave-induced erosion shall be classified as high-hazard zones. All buildings or structures erected in a high-hazard zone shall be designed and constructed in accordance with 780 CMR 3107 6.1 through 3107.6.4. *Plans for such construction shall be prepared by a registered professional engineer or architect to ensure compliance with 780 CMR 3107.6.*

Exception: A proposed addition that triggers the substantial improvement requirements shall be constructed according to the provisions of 780 CMR 3107.6. However, the existing structure is not required to be brought into compliance with 780 CMR 3107.6, provided that the addition IS NOT an additional story(s) which relies on the support of the existing structure. Should the construction of an additional story(s) meet the substantial improvement definition, the existing structure shall then meet all the applicable provisions of 780 CMR 3107. 6.

Note: Areas shown as V Zones on the most recent Flood Insurance Rate MAP published by the Federal Emergency Management Agency shall be considered in establishing high-hazard zones.

Elevation: All buildings or structures erected within a high-hazard zone shall be elevated so that the lowest portion of all structural members supporting the lowest floor, with the exception of mat or raft foundations, piling, pile caps, columns, grade beams and bracing, is located at or above the base flood elevation.

Enclosures below base flood elevation: All spaces below the base flood elevation in a high-hazard zone shall not be used for human occupancy and shall be free of obstruction except as permitted herein:

1. Mat or raft foundations, piling, pile caps, bracing, grade beams and columns which provide structural support for the building.
2. Entrances and *exits* which are necessary for required ingress and *means of egress*.
3. Incidental storage of portable or mobile items readily moved in the event of a storm.
4. Walls and partitions are permitted to enclose all or part of the space below the elevated floor provided that such walls and partitions are not part of the structural support of the building and are constructed with insect screening, open wood lattice, or non-supporting walls designed to break away or collapse without causing collapse, displacement or other structural damage to the elevated portion of the building or supporting foundation system due to the effect of *wind loads* as specified in 780 CMR 1611.0 and *water loads* as specified in 780 CMR 1615.0 acting simultaneously. Any such non-supporting solid wall shall be certified as specified in 780 CMR 3107.12.3.

Foundations: All buildings or structures erected in high-hazard zones shall be supported on pilings or columns and shall be adequately anchored to such pilings or columns. The piling shall have adequate soil penetrations to resist the combined wave and wind loads (lateral and uplift) to which such piles are likely to be subjected during a flood to the base flood elevation. Pile embedment shall include consideration of decreased resistance capacity caused by scour of soil strata surrounding the piling. Pile system design and installation shall also be made in accordance with the provisions of 780 CMR 1816.0 and 1817.0. Mat or raft foundations which support columns shall not be permitted where soil investigations required in accordance with 780 CMR 1802.1 indicate that soil material under the mat or raft is subject to scour or erosion from wave-velocity flow conditions.

Repair or Replacement of Existing Foundations: Existing foundations may be repaired without further compliance with 780 CMR 3107 unless the work required is determined to be substantial as defined herein.

Exception: Existing foundation systems which are replaced in total or which are replaced so as to constitute new construction shall meet the requirements of 780 CMR 3107.6 regardless of whether the work required is substantial,

Protection of mechanical and electrical systems: Electrical equipment and heating, ventilating, air conditioning and other service equipment shall be either placed above the base flood elevation or protected so as to prevent water from entering or accumulating within the system components during floods up to the base flood elevation, in accordance with the mechanical code listed in **Appendix A**. Installation of electrical wiring and outlets, switches, junction boxes and panels located below the base flood elevation shall conform to the provisions of 527 CMR 12.00 listed in **Appendix A** for location of such items in wet locations. Duct insulation subject to water damage shall not be installed below the base flood elevation. This section shall apply to new and substantially improved or damaged structures.

Construction materials, methods and practices: All buildings or structures erected in flood-hazard zones (A Zones) or in high-hazard zones (V Zones) shall be constructed with materials resistant to flood damage and be constructed by methods and practices that minimize flood damage.

Construction materials shall be resistant to water damage in accordance with the provisions of 780 CMR 1808.0, 1810.2, 1813.4, 2307.2, 2309.1, 2311.4 2311.6 and 2503.4.

Mobile units: New or replacement mobile units to be located in any hazard zone shall be placed in accordance with the applicable elevation requirements of 780 CMR 3107.5.1 and 3107.6.1 and the anchor and tie-down requirements of 780 CMR 35.

Alterations, renovations and repairs: Alterations, renovations and repairs to existing buildings located in any hazard zone shall comply with all applicable provisions of 780 CMR. Compliance with 780 CMR 3107 is not required unless such alteration, renovation or repairs constitute substantial improvements as defined in 780 CMR 3107.2.

Exception: Repair or replacement of existing foundations shall comply with 780 CMR 3107.6.4.

Increases in building height and floor area: See 780 CMR 3107.5 Exception and 3107.6 Exception.

Certifications: Certifications shall be submitted in accordance with 780 CMR,3107.12.1 through 3107.12.3.

As-built elevation certifications: A licensed land surveyor or registered design professional shall certify the actual elevation (in relation to base flood elevation) of the lowest structural member required to be elevated by the provisions of 780 CMR 12.

Water-resistant construction: Where buildings or structures are to be constructed in accordance with 780 CMR 3107.5.4, the code official shall require that a *registered design professional* provide *construction documents* showing proposed details of floor, wall and foundation support components, loading computations and other essential technical data used in meeting the conditions of 780 CMR 3107.5.4. The *construction documents* shall be accompanied by a statement bearing the signature of the *registered design professional* indicating that the design and proposed methods of construction are in accordance with all applicable provisions of 780 CMR 3107.5.4.

High-hazard construction: Where buildings or structures are to be constructed in accordance with 780 CMR 3107.6, the code official shall require that a *registered design professional* provide *construction documents* showing proposed details of foundation support and connection components which are used in meeting the requirements of 780 CMR 3107 6.3. Where solid walls or partitions are proposed below the base flood elevations, wall, framing and connection details of such walls shall be provided, including loading computations for the wall and foundation system used in meeting the conditions of 780 CMR 3107.6.2. The *construction documents* shall be accompanied by a statement bearing the signature of the *registered design professional* indicating that the design and proposed methods of construction are in accordance with all applicable provisions of 780 CMR 3107.6.

42-5 Use Regulations:

- 1) Within Zones AO on the FIRM, adequate drainage paths must be provided around structures on slopes, to guide floodwaters around and away from proposed structures.
- 2) Man-made alteration of sand dunes within ZONE VE which would increase potential flood damage are prohibited.
- 3) All new construction within ZONE VE must be located landward of the reach of mean high tide,
- 4) All subdivision proposals must be designed to assure that:
 - (a) such proposals minimize flood damage
 - (b) all public utilities and facilities are located and constructed to minimize or eliminate flood damage and
 - (c) adequate drainage is provided to reduce exposure to flood hazards..

Section 43 – Flexible Plan Development

- 43-1. For the purpose of promoting the more efficient use of land in harmony with its natural features and in furtherance of the general intent of this bylaw to protect and promote the health, safety, convenience and general welfare of the inhabitants of the town, the Board of Appeals may grant a special permit for a Flexible Plan Development subject to the regulations and conditions contained in this section.

43-2. In a Flexible Plan Development, the following uses is permitted:

- a. Multi-family residential use, including garden apartments and town houses.
- b. Hotels, motels, inns and marinas.
- c. Convenience commercial uses normally found servicing multi-family residential use such as foods, hardware, office, banks, news store, drug store, luncheonette, laundry, barber and beauty shops and variety store.
- d. Accessory uses normally associated with permitted uses in Paragraph 35-1A such as cocktail lounge, restaurant, beauty and barber shop, drug store, news stand, and similar uses designed to serve transient patrons provided such uses are located in the confines of the principal building.
- e. Public open space and recreation.

43-3. Each application for a special permit for a Flexible Plan Development shall be accompanied by a site plan and building elevations at an appropriate scale. Such site plan shall show the entire project area at a scale of 1" = 100' and shall be prepared by a registered architect or registered professional engineer. The site plan and three (3) copies thereof shall be submitted to the Board of Appeals and shall show at least the following:

- a. All lot lines, wetlands and existing and proposed topography at two-foot contour intervals.
- b. Proposed development parcels and the location of proposed uses on each parcel.
- c. Existing and proposed street, parking, drainage and utility systems.
- d. Location of proposed parks, playgrounds and other open spaces.
- e. A tabulation of the total number of dwelling units and the number designated for each proposed dwelling type.
- f. Types of proposed commercial uses and square footage for each type of commercial use.
- g. Landscape plan showing all proposed landscape features and proposed improvements including walks, pedestrian ways, planting areas with size and type of stock for each shrub or trees, walls, fences and outdoor lighting.
- h. A written statement detailing the design characteristics for the development, including, but not limited to, exterior building materials, architectural treatment and street furniture.

43-4. Within ten days after the receipt of the special application and accompanying site plan, the Board of Appeals shall transmit a copy of said site plan to the Planning Board, Board of Selectmen, Board of Health, and the Conservation Commission and said boards may, at their discretion, investigate the proposed layout and report in writing its recommendations to the Board of Appeals.**43-5.** In considering an application for a special permit under this section, the Board of Appeals shall consider whether the proposed Flexible Plan Development conforms to the following guidelines:

- a. The protection of adjoining premises against detrimental uses by provisions for surface water drainage, sight buffers and preservation of light and air.
- b. The convenience and safety of vehicular movement and the location of driveway openings and parking areas in relation to traffic or to adjacent streets.
- c. The convenience and safety of a pedestrian circulation system that provides direct routes between major buildings, parking areas and roads.
- d. The adequacy of the methods of disposal of sanitary sewage, storm water drainage, and solid waste refuse from the uses permitted on the site.

- e. The impacts of the proposed uses on one another within the development and the extent the proposed development relates harmoniously to the terrain, use, scale and proportions of existing and proposed buildings in the vicinity.
- 43-6.** A application for a special permit to develop a Flexible Plan Development shall be submitted and reviewed in a manner consistent with the procedures set forth in Chapter 40A of the Massachusetts General Laws and this zoning bylaw.
- 43-7.** In a Flexible Plan Development, the following requirements relating to the density and intensity of land use shall apply.
- a. The proposed project must include a minimum of 10 acres.
 - b. Structures shall not exceed a maximum height of 70 feet.
 - c. At least 25 percent of the total project area, excluding a 20 foot wide setback strip around the perimeter of such area, shall be set aside as open space. The open space shall be left undeveloped or provided with recreational facilities such as pathways, picnic areas or play-fields.
 - d. Minimum parking requirements are as follows:
 - (i) 1.5 spaces per dwelling unit
 - (ii) Parking for other uses shall meet the minimum requirements as specified in Paragraph 35-4 of this bylaw.
 - e. All structures within a Flexible Plan Development shall be setback at least 20 feet from the boundary of the project area or such lesser distance as may be permitted by the Board of Appeals in the case of structures other than multi-family residential structures.
 - f. All signs shall conform to the provisions of Article VII of this bylaw.
 - g. Density requirements: Residential density shall not exceed ten (10) units times the number of acres within the total project area plus the additional bonus units.
 - (i) Commercial density shall not exceed 50 percent of the total project area.
 - (ii) Compliance with the density, dimensional and open space requirements of this paragraph (43-7) shall be determined on the basis of the boundaries and total area of the Flexible Plan (including any public open space contained therein) without regard to the location or area of the separate lots within such Flexible Plan Development. Except as expressly provided herein, the density and dimensional requirements of Article III of this bylaw shall not apply to uses or structures within a Flexible Plan Development Plan. Nothing in this paragraph (43-7) shall prohibit the phased development or division of a proposed project area into separate lots provided that the requirements of this paragraph are maintained for the total project area.
- 43-8.** The Board of Appeals may approve an increase in the maximum number of dwelling units allowed in accordance with the following bonus schedule. The total bonus allowed shall not exceed 10 dwelling units per acre.

AMENITY BONUS

- a. 40% of proposed dwelling units devoted to elderly or handicapped housing. up to 5 additional dwelling units per acre.
- b. Minimum 20 foot buffer strip around entire project area. up to 5 additional dwelling units per acre.
- c. Active recreational facilities open to the public such as tennis court and public such as tennis court and up to 5 additional dwelling units per acre.

- d. Proposed dwelling units provide 50% of heating and hot water requirements by means of solar energy up to 5 additional dwelling units per acre.
- e. Underground parking for proposed dwelling units up to 5 additional dwelling units per acre.
- f. Passive marine related recreational facilities open to the public such as waterfront park or boat landing facilities up to 5 additional dwelling units per acre.
- g. Other normally accepted incentive bonuses up to 5 additional dwelling units per acre.

Section 44 - Planned Unit Development (deleted April 10, 1995)

Section 45 - Boats and Boat Equipment Storage

45-1. General - For the purpose of this Section (45) a boat shall be defined as a vessel or watercraft capable of being used as a means of transportation on water and propelled by oars or paddles or by sail or power, other than a sea/float aircraft capable of operating on water. Lifeboats and/or inflatable boats located on or inside another boat are specifically excluded from this definition when they are so located.

- a. Boats shall be stored on solid ground and be adequately supported.
- b. Storage of fuels and lubricants shall be in accordance with Fire Department Regulations.
- c. Any required vehicular parking spaces may not be used for boat storage.

45-2 Non Commercial Storage - The storage of pleasure and fishing boats, owned by Hull residents, on residential property is a permitted use subject to the following restrictions:

- a. Not more than three boats may be stored at any one residence. Storage of more than three boats may be authorized by Special Permit issued by the Board of Selectmen.
- b. Boats shall not be stored closer than three (3) feet from any lot line or three (3) feet from any structure.
- c. Lot coverage including all structures and boats shall not exceed fifty (50) percent. Boat coverage area shall be the result of its overall length times its widest girth. Coverage in excess of 50% may be authorized by Special Permit issued by the Board of Selectmen.

45-3 Commercial Storage - The storage of boats on a lot or a portion of a lot set up specifically for this use as a business enterprise in Business and Commercial Recreation A, B and C Districts is a permitted use. Commercial storage in other districts may be authorized by Special Permit issued by the Board of Selectmen. All commercial storage shall be subject to the following restrictions:

- a. a certificate of insurance shall be filed with the Fire Department.
- b. any commercial storage area fronting on a 50-foot wide street shall have a driveway entrance not exceeding 30 feet.
- c. any commercial storage area shall be fenced to exclude public entry except for approved access.
- d. No boat shall be stored closer than three (3) feet from an interior lot line, nor closer than 3 feet from any building.
- e. Spacing shall be in accordance with Fire Department requirements.
- f. Inside storage of Boats shall be in accordance with Fire Department requirement

45-4 Fishing and Lobstering Equipment - Temporary or seasonal storage of fishing and lobstering equipment, owned by Hull Residents, is a permitted use in all areas subject to the following restrictions:

- a. All lobster traps and/or fishing equipment shall be cleaned before storage and be free of any organic matter;
- b. There shall be no storage of bait.
- c. Lobster traps shall be stored in a neat and orderly configuration.

- d. Storage height shall not exceed 10 feet.
- e. Traps shall not be stored nearer than 3 feet from any lot line and 3 feet from any structure.
- f. There shall be a maximum of 300 traps to be stored in any one area. A Special Permit, issued by the Board of Selectmen, shall be required for storage of more than 300 traps.

Section 46 - BED AND BREAKFAST

46-1. Special Permit.

Provided that each of the following conditions and requirements are met, the Board of Appeals may issue a special permit for a bed and breakfast home to be conducted in a detached single-family dwelling unit in the following districts: Single Family Residence District A, Single Family Residence District B, Single Family Residence District C, Multi-Family Residence District A, Multi-Family Residence District B, Business District, Commercial Recreation District.

46-2. General Conditions and Requirements.

- a. No bed and breakfast home, new or pre-existing, shall be operated without first being granted a special permit from the Board of Appeals and a certificate of occupancy from the Building Commissioner and the Board of Health. Each bed and breakfast home in existence on the effective date of this provision is not a non-conforming use, is in violation of the zoning by-law, and is not entitled to remain in operation without the issuance of a special permit and a certificate of occupancy.
- b. A bed and breakfast home is an accessory use and the primary use of the dwelling unit shall remain as a single-family residence.
- c. Within each detached single-family dwelling unit issued a special permit and a certificate of occupancy for a bed and breakfast home there may be a maximum of three (3) bedrooms which are rented as bed and breakfast units. As an accessory use, the bed and breakfast home shall not occupy more than 45 per cent of the gross floor area of the dwelling unit.
- d. The special permit for a bed and breakfast home shall be issued for an initial period of two (2) years in operation. Thereafter the special permit shall be issued for a maximum of five (5) years. The special permit shall be issued only to the owner of the property and shall not be transferable. Any changes in ownership of the property shall require a new special permit. The special permit may be revoked if any of the conditions and/or requirements of this section are violated, as determined by the Building Commissioner and/or the Board of Health. An aggrieved party may take an appeal to the Board of Appeals.
- e. A certificate of occupancy is required prior to the commencement of the bed and breakfast home operation and shall state the maximum allowable occupancy of same, which shall be determined by the Board of Health on a case-by-case basis.
- f. Food for a fee may be served only to overnight guests. In some instances, the State Sanitary Code requires that a residential kitchen permit be obtained from the Board of Health.
 - (i) Bed and breakfast homes serving continental breakfast only are not considered food establishments and need not obtain a food establishment permit. For the purpose of this section, continental breakfast is defined as: beverages; fresh, frozen, and commercially processed fruits; baked goods; cereals; homemade or commercial jams, jellies, honey, and maple syrup; cream; butter; and commercially manufactured hard cheeses, cream cheese, and yogurt.
 - (ii) Bed and breakfast homes serving full breakfast shall obtain a residential kitchen permit from the Board of Health.
- g. Signage shall be limited to one attached wall or window sign, not to exceed three square feet, mounted on the building and one ground sign, single- or double-faced, permanently

anchored five feet or less above grade, as approved by the Building Commissioner, not to exceed three square feet per face, not to be internally illuminated, not located so as to obstruct traffic visibility across street corners, and located no closer than five feet to any lot line.

h. The architectural character of the dwelling shall be maintained as a single family home.

46-3. The dwelling unit containing the bed and breakfast home shall be designed so that the exterior appearance of the structure remains that of a single-family dwelling. Alterations, revisions, or additions to the structure are permitted provided the architectural character of a one-family dwelling is maintained and all other requirements of this by-law are met. The Design Review Board shall review exterior changes.

46-4. Procedures - Each application for a special permit shall be accompanied by:

- a. A site plan showing all existing and proposed structures and appurtenances, any changes to existing grade, and all boundary/ property lines and easements. The Building Commissioner may require a certified plan.
- b. A floor plan, drawn to scale, of the dwelling showing each of the bed and breakfast units and the access to, and egress from, each such unit, and each unit's relationship to an adequate bathroom. The area(s) where breakfast is to be prepared and served shall be designated.
- c. An off-street parking plan showing that one off-street parking space per bed and breakfast unit shall be provided on the site, or that adequate off-street parking can be provided without causing undue burden to the neighborhood. Off-street parking shall be prohibited from the prescribed building front setback area and restricted to the sides and rear of the premises.
- d. A written statement from the town Treasurer/Collector stating that all municipal encumbrances are current or under proper agreement
- e. A presentation of all proposed exterior structural changes sufficient to show that the architectural character of the dwelling is maintained as a single family home.

Section 47 - Guidelines for Issuance of Special Permit for Day Care Center or Family Day Care Home

- 47-1.** In determining whether a special permit should be granted the Board of Appeals shall make a decision based on the following guidelines, requirements, and considerations:
- a. the petitioner shall present a certified copy of a license or provisional license issued to it under M.G.L. Chapter 28A, Section 10:
 - b. via publication and notice of the public hearing on the application of the Board of Appeals shall assess the support of or objection to the proposed facility in the particular neighborhood, that the use is not substantially more detrimental to the established or future character of the neighborhood and does not derogate from the intent or purpose of this bylaw;
 - c. adequacy of existing or proposed facilities to meet the needs of the number of participants for which the facility is licensed; including: (1) indoor facilities, (2) outdoor facilities, and (3) structural considerations;
 - d. adequacy of parking; and
 - e. the Board of Appeals may make inquiry of the petitioner, and require the disclosure, as to the financial considerations and the organizational arrangements of the principals of the operation;
 - f. subjecting the Special Permit to such restrictions and conditions as the Board of Appeals deems meet and proper.
- 47-2.** In no event shall a special permit granted hereunder run for a period of longer than two years. Upon expiration of said two-year period the petitioner shall be responsible for re-applying to the Board for

further permits as required. Should the Office for Children revoke, rescind, or cancel the license issued to the petitioner under M.G.L., Chapter 28A, Section 10, any special permit issued hereunder shall immediately lapse and become null and void. The Special Permit shall be applicable to the petitioner alone and shall not be transferable to any other person or location.

- 47-3.** Notwithstanding any provision herein to the contrary, the special permit granting authority given by this section shall be applicable only in the following zoning districts, as defined in the bylaws: Single Family Residence A, B, and C.

Section 48 - Gambling.

The operation of a Gaming House or otherwise manufacture, transport, sell, offer for sale, store, display, repair, recondition, possess or use any gambling device within 1000 yards of an occupied residential dwelling, or a House of Worship, or a school building; or to keep, or assist in keeping a gaming house within 1000 yards of an occupied residential dwelling, House of Worship, or school, is prohibited.

For purposes of such a zoning law, the definition of a Gaming House shall conform to the Massachusetts General Laws, chapter 271, section 1A, to mean and include a ship or vessel when it is in the territorial waters of the Commonwealth of Massachusetts.

Said zoning law shall in no way restrict a dealer or seller who is duly licensed to sell tickets or shares in the state lottery from selling the same; nor shall it restrict any activity conducted under permits issued in accordance with the provisions of the Massachusetts General Laws, chapter 271, section 7a.

END OF ARTICLE IV

ARTICLE V

TABLES

Section 50 – Dimensional Requirements and Intensity Regulations

50-1. Tables

TABLE 50. Minimum requirements for construction within districts zoned Single-family A, Single-family B, Single-family C, Multi-family A, Multi-family B, Business, Commercial Recreation A, Commercial Recreation B, Commercial Recreation C, and Public Open Space are set forth below. *NOTE: Parenthetical letters refer to footnotes in Paragraph 50-2.*

	<u>SF-A</u>	<u>SF-B</u>	<u>SF-C</u>	<u>MF-A</u>	<u>MF-B</u>
Minimum Lot Dimensions					
Area in square feet	6,500	12,000	20,000	10,000	10,000
Frontage in linear feet	60	75	90	100	100
Minimum Yard Dimensions					
Front in linear feet	25 (a)(c)(k)	25 (a)(c)(k)	25 (a)(c)(k)	25 (a)(c)(k)(r)	25 (a)(c)(k) (r)
Side in linear feet	10 (b)	10 (b)	10 (b)	15 (b)(r)	15 (b) (r)
Rear in linear feet	20 (b)	20 (b)	20 (b)	25 (b)(j)(r)	25 (b)(j)(r)
Maximum Height of Buildings					
Number of Stories	3	3	3	N/A	N/A
Height in linear feet	35(f)(y)(a.a)	35(f)(y)(a.a)	35(f)(y)(a.a)	40(e)(f)(i)(y)(a.a)	50(e)(f)(i)(y)(a.a)
Minimum lot width in linear feet	(c)	(c)	(c)	(c)	(c)
Maximum lot coverage in percentage	30 (d)(g)(t)(z)	30 (d)(g)(t)(z)	30 (d)(g)(t)(z)	30 (d)(g)	50 (d)(g)
Accessory Structures					
Minimum front yard in linear feet	25	25	25	25	25
Minimum side yard in linear feet	6	6	6	6	6
Minimum rear yard in linear feet	6 (j)	6 (j)	6 (j)	6 (j)	6 (j)
Maximum height in linear feet	14	14	14	14	14
Maximum number of dwelling units per lot	1	1	1	See Table 51	See Table 51
Maximum number of buildings per lot	1	1	1	2 (h)	2 (h)
Maximum number of dwelling units per acre	N/A	N/A	N/A	8.7 (r)(m)	17.4 (r)(m)

Table 50 (Continued). Minimum requirements for construction within districts zoned Single-family A, Single-family B, Single-family C, Multi-family A, Multi-family B, Business, Commercial Recreation A, Commercial Recreation B, Commercial Recreation C, and Public Open Space are set forth below. *NOTE: Parenthetical letters refer to footnotes in Paragraph 50-2.*

	<u>Bus</u>	<u>CR-A</u>	<u>CR-B</u>	<u>CR-C</u>	<u>POS</u>
Minimum Lot Dimensions					
Area in square feet	None	10,000	10,000	10,000	(q)
Frontage in linear feet	None	100	100	100	(q)
Minimum Yard Dimensions					
Front in linear feet	10 (c)(k)(r)(u)	25 (c)(k)(r)	25 (c)(k)(r)	25 (c)(k)(r)	(q)
Side in linear feet	N/A (w)	10 (b)(r)(w)	10 (b)(r)(w)	10 (b)(r)(w)	(q)
Rear in linear feet	N/A (w)	20 (b)(r)(w)	20 (b)(r)(w)	20 (b)(r)(w)	(q)
Maximum Height of Buildings					
Number of Stories	N/A	N/A	N/A	N/A	(q)
Height in linear feet	40 (e)(c)(f)(i)(y)(a.a)	40 (e)(f)(i)(o)(r)(y)(a.a)	40 (e)(f)(i)(r)(y)(a.a)	40 (e)(f)(i)(o)(r)(y)(a.a)	20 (a.a)
Minimum lot width in linear feet	N/A	N/A	N/A	N/A	(q)
Maximum lot coverage in percentage	N/A	30 (d)(g)	30 (d)(g)	30 (d)(g)	10
Accessory Structures					
Minimum front yard in linear feet	25	25	25	25	(q)
Minimum side yard in linear feet	6	6	6	6	(q)
Minimum rear yard in linear feet	6 (j)	6 (j)	6 (j)	6 (j)	(q)
Maximum height in linear feet	14	14	14	14	14
Maximum number of dwelling units per lot	N/A	See Table 51	See Table 51	See Table 51	(q)
Maximum number of buildings per lot	1	2 (h)	2 (h)	2 (h)	(q)
Maximum number of dwelling units per acre	15 (m)	14.5 (m)(n)(r)	18 (m)(n)(r)	14.5 (m)(n)(r)	(q)

Table 51. Dimensional requirements for multi-family structures hereafter erected, enlarged or altered in Multi-Family A and B and Commercial Recreation “A”, “B”, or “C” District; Business.

Number of Stories		Front Setback	Side Setback	Rear Setback	Minimum Land Area per Apartment Unit
Multi-Family A and B Zones					
MF-A	All	25 feet	15 feet	25 feet	5,000 sq. ft.
MF-B	All	25 feet	15 feet	25 feet	2,000 sq. ft.
Commercial Recreation A, B, C, and Business Zones					
	One Story	25 feet	10 feet	20 feet	7,000 sq. ft.
	Two Story	25 feet	15 feet	25 feet	4,800 sq. ft.
	Three Story	25 feet	17 feet	27 feet	3,600 sq. ft.
	Four Story	25 feet	19 feet	29 feet	3,000 sq. ft.
	Five Story	25 feet	2 feet ^(a)	2 feet ^(a)	2,400 sq. ft.

^(a) This space requirement shall be added for each additional story over the four (4) story requirement.

Table 52. Dimensional Requirements and Intensity Regulations for Townhouse Residence District. *NOTE: Parenthetical letters refer to footnotes in Paragraph 50-2.*

Minimum Lot Area	3 acres (m)
Minimum Lot Frontage	150 feet (a)(c)(k)
Maximum Height of Buildings	40 feet (e)(f)(i)
Maximum Lot Coverage*	
Residential Buildings	25% (g)
Residential Garages and Parking Buildings	5% (g)
Nonresidential Buildings	1% (g)
Recreational Structures	10% (g)
Aggregate Lot Coverage for all Structures	30% (g)
Minimum Setback from Lot Lines	
From a Single-Family A District	50 feet (a)(j)
From a Single-Family B District	20 feet (a)(j)
From a Single-Family C District	50 feet (a)(j)
From a Conservation District	0 feet (j)
From all other Districts	25 feet (a)(j)
Minimum Land Area Per Dwelling Unit	
From each dwelling unit	7,800 sq. ft. (m)
Number of Buildings Per Lot	
Notwithstanding any other provisions of this zoning bylaw, more than one (1) principal building, more than two (2) multi-family dwellings, and more than one (1) other permitted structure may be constructed on a lot so long as there is no violation of the requirements of Section 32-2C and of the uses permitted in Paragraph 32-1C.	

* Proximity of Multi-Family Dwellings to Each Other

- a. Multi-family dwellings may be grouped together so long as (1) there shall be a minimum distance of twenty-four (24) feet between multi-family dwellings and (2) the total number of dwelling units in any grouping of multi-family dwellings shall not exceed twenty (20).
- b. Groupings of multi-family dwellings as provided in Footnote (a.), above shall be located so that there shall be a minimum distance of fifty (50) feet between such groupings.

Table 53. Dimensional Requirements and Intensity Regulations for Waterfront District.

- a) Setbacks:
 - 1) 15 feet from any street
 - 2) there shall be a minimum distance of twenty (20) feet between buildings.
- b) Building Heights:
 - 1) Maximum structure height: one story (grade to eave height, 8 feet)
 - 2) Maximum Structure Height: two and one-half stories (grade to eave height, 20 feet)
 - 3) Maximum Allowable Eave to Ridge Height: 10 feet
 - 4) Maximum Structure Height: 30 feet.

Exception:

Subject to review by the Design Review Board and the granting of a Special Permit by the Planning Board, turrets, towers, cupolas, or other special features may exceed the 30 foot height limit by 10 feet provided the plan area of such features does not exceed twenty percent of the overall square footage of the roof.

- c) Massing
 - 1) Sloped roofs with a Minimum pitch of 6:12 are encouraged.
 - 2) Structures such as pergolas and open, roof-like structures such as awnings and pavilions which provide shelter while preserving views are encouraged.
- d) Density
 - 1) Lot coverage shall not exceed 50%.
 - 2) For the purpose of this Section (33), more than one principal building and/or more than one accessory building or structure may be constructed on a single lot.

TABLE 54. Dimensional Requirements and Intensity Regulations for Mixed Use Residential District. *NOTE: Parenthetical letters refer to footnotes in Paragraph 50-2.*

Minimum Lot Area	5 acres (m)
Minimum Lot Frontage	150 feet (a)(c)(k)
Maximum Height of Buildings	40 feet (e)(f)(i)
Maximum Lot Coverage	
Residential, Business and Commercial, and/or mixed use buildings	25% (g)
Garages and Parking Buildings	5% (g)
Other Buildings and Structures	1% (g)
Recreational Structures and Facilities	10% (g)
Aggregate Lot Coverage for all Structures	30% (g)
Minimum Setback from Lot Lines	
From an adjacent Single Family Residence District	50 feet (a)(j)

From districts other than single family residence districts	25 feet (a)(j)
From public ways bordering the lot	25 feet (a)(j)
Minimum Land Area Requirements	
From each dwelling unit	7,800 sq. ft. (l)(m)(x)
For each 1,000 square feet of floor area of buildings or portions of buildings occupied other than as a residential dwelling units	35,000 sq. ft. (l)(m)(x)

Number of Buildings Per Lot

Notwithstanding any other provisions of this zoning bylaw, more than one (1) principal building, more than two (2) multi-family dwellings, and more than one (1) other permitted structures may be constructed on a lot so long as there is no violation of the requirements of Section 34-2B, and of the uses permitted in Paragraph 32-1B.

Proximity of Buildings to Each Other

- a. Buildings may be grouped together so long as (i) there shall be a minimum distance of twenty-four (24) feet between buildings and (ii) the total number of dwelling units in any grouping of buildings shall not exceed twenty-eight (28) units.
- b. Groupings of buildings as provided in A. above shall be located so that there shall be a minimum distance of thirty (30) feet between such groupings.

50-2. Footnotes to Tables in Section 50

- (a) Front yard dimensions are to be measured from the right-of-way line where a plan of the way is on file with the Registry of Deeds or in Town Records, or in the absence of such plan, from the nearest side line on the traveled way to the outer front wall of the dwelling, provided however that the Building Commissioner may waive this requirement and establish a front yard setback to conform with the residences on the same side of the street within two hundred (200) linear feet of the property,
 - (a.a) The special permit granting authority may in its discretion issue a special permit allowing existing buildings with a Special Flood Hazard Area, as defined by the latest edition of 780 CMR, to be elevated beyond the prescribed height limit to provide flood proofing by meeting or exceeding the flood elevation requirements of said CMR. Building cannot exceed the elevation required to comply with 780 CMR by more than four (4) feet.
- (b) Side yards and rear-yards are to be measured from the furthestmost projection of the main structure, however, chimneys, cantilevered windows, eaves, and canopies may project no more than 30 (thirty) inches into the prescribed setbacks. Platforms not exceeding 30 square feet in addition to accompanying stairs are allowed in the prescribed setbacks as a matter of right. Under no circumstances, however, shall the projection of any item into a setback constitute a preexisting nonconformity.
- (c) Width of lot at front yard setback line (building line) shall be at least the same as the minimum frontage requirements.
- (d) Includes accessory buildings.
- (e) Where not otherwise specified.
- (f) Appurtenances to buildings, such as chimneys, ventilators, towers, spires, equipment and stairwell and/or elevator penthouses, and ornamental features may extend up to ten (10) linear feet above the height of the building. Such appurtenances shall not be used for occupancy except for repairs and maintenance. (Amended, Annual Town Meeting, May 13, 2002)
- (g) Roads, driveways, parking lots and other paved surfaces shall not be considered in computing maximum lot coverage.
- (h) Two Multi-family buildings may be built on one lot provided that the buildings conform in all other respects to the Zoning Bylaw, and only if the Planning Board, under the Site Plan Review process, determines that two buildings would be less detrimental to the neighborhood by preventing the so-called "wall" effect.
- (i) Maximum height limitations may be exceeded by Special Permit issued by the Zoning Board of Appeals allowing a variation of roof heights of the structure or structures. The average height of the various roofs shall not exceed the maximum height allowed in the particular district. In no case shall the highest roof exceed the maximum height allowed in that district by more than twelve (12) vertical feet.

- (j) In the event that additional yards are required to assure access to the rear of the lot or any adjacent lots, such yards shall be provided with a minimum width of twelve (12) linear feet.
- (k) Fixed, retractable, or removable awnings and canopies for the protection of the public from the elements may be erected or installed within the front setback areas. On business and commercial buildings located in a multi-family residential district, the awnings and canopies shall be limited to a six (6) foot extension across the full face of the building. On multi-family residential buildings the awnings and canopies shall be limited to the area of the front entry walkway extending in a straight line to the building and not exceeding six (6) linear feet in width.
- (l) Density figures shall be allowed as a ratio in proportion to the actual area of the lot in question.
- (m) Areas such as wetlands, steep slopes over 45% grade, and land below the high water mark shall not be counted in figuring the number of permissible units for the purpose of calculating the minimum area in square feet per dwelling unit.
- (n) Open space for active recreation totaling not less than twelve (12) square feet for each dwelling unit shall be provided on those parcels used for apartments.
- (o) Seventy (70) feet with Flexible Plan Development (FPD), per Section 43 of this zoning bylaw.
- (p) *Deleted April 10, 1995 Town Meeting, Article 21.*
- (q) To be determined by the Board of Appeals on a case-by-case basis.
- (r) The requirements of Table 51 apply to all multi-family structures erected in this district.
- (s) Does not apply to Business Uses
- (t) In-ground and above-ground swimming pools and unroofed decks and patios not exceeding five (5) feet in height from average finish grade (not including guard rails), shall not count toward said lot coverage.
- (u) The Board of Appeals may as an exception by Special Permit waive this requirement and establish a frontage to conform to other buildings. Existing buildings shall not attain non-conforming status because of this setback requirement.
- (v) The same minimum yard dimension as for single family dwellings Table (50-1) shall be required for any portion of a lot adjacent to a Residence District.
- (w) Areas abutting a residential area shall provide screening along the common property line in the form of an opaque fence, wall, or evergreen shrubbery at least six (6) feet in height.
- (x) If a lot in a Mixed Use Residential District is used for both residential and non-residential purposes, the entire area of such lot may be considered in calculating both the minimum land area requirements for dwelling units and for buildings or portions of buildings occupied other than as dwelling units.
- (y) Appurtenances such as chimneys, ventilators, towers, spires, equipment, stairwell and/or elevator penthouses and ornamental features shall not be included when measuring the maximum permitted height of buildings. (Amended, Annual Town Meeting, May 13, 2002)
- (z) Calculation of lot coverage in single family districts for undeveloped tidal waterfront lots at the time of the adoption of this bylaw, shall not include any land below the mean high water as determined by NGVD (National Geodetic Vertical Data).

Section 52 - Parking and Loading Requirements

52-1. Parking Capacity - Off-street parking areas shall be provided in accordance with Table 55:

TABLE 55. Parking requirements.*

<u>Building Use</u>	<u>Parking spaces required</u>
One & Two family residential	2 (two) spaces per dwelling unit
Multi-family residential	2 (two) spaces per dwelling unit
Boarding house or rooming house	1 space per rental and /or a sleeping unit. Any bedroom or group of two beds in a single room constitutes a sleeping unit.
Offices, Business, services, retail stores, service establishments and restaurants.	1 (one) space per 200 sq. ft. of net retail floor area.

Halls and Places of Assembly.	1 (one) space for each 10 (ten) occupants (based on the established occupancy load) pursuant to 780 CMR, Section 106.5.
Hotel, motel	1 (one) space per rental room.
Public and Semi-Public Use.	1 (one) space per 500 sq. ft. of net public area.
Stores, offices and other lawful uses except hotels, motels, residences, boarding houses, and rooming houses which are located between Rockland House Road on the south and Wharf Avenue on the north.	None, providing that the legal distance between the MDC public parking lot and the main pedestrian entrance of the store, office or other lawful use does not exceed 500 feet.
Day Care Centers	1 (one) space for every 8 children

* In no case shall there be less than one (1) off-street parking space for each three full-time employees on the maximum working shift.

52-2. Parking Dimensions: Each off-street parking space shall be at least 180 square feet in area, 9 feet in width and 20 feet in length, and have proper access. The loading space for commercial vehicles shall not be less than 30 feet in length, nor less than 10 feet in width, and have a minimum clear height of 14 feet.

52-3. Parking Location: No off-street parking and/or loading area shall be located on the set-back areas, or nearer than 3 feet to buildings or structures other than parking garages, or located on side yards nearer to the side lot line than 3 feet. However, for all one-, two-, and three-family dwellings parking in a driveway with an improved surface approved by the Building Commissioner shall not be considered a violation of the front set-back. In a Business District off-street parking is permitted on set back areas.

- a. For one, two and three family dwellings, off-street parking shall be permitted within the set-back areas, but not closer than 3' to any interior lot lines. Such parking area shall have an improved surface that shall be approved by the Building Commissioner, with consideration given to runoff and drainage. Said permission does not exempt proposed new one, two or three, family dwellings from complying with the parking requirements for new construction.

52-4. General Requirements for Parking and Loading Areas: Parking and loading areas shall be adequately drained and surfaced with an all-weather dust-free surface and designed so that drainage does not cross public sidewalks. Off-street loading berths shall be provided in such a way as to eliminate interference with public use of sidewalks, streets or alleys. Lights used to illuminate parking and loading areas shall be arranged so as to reflect light away from adjoining residential premises. Parking egresses shall be limited to 30 foot wide curb openings.

52-5. Screening Requirements: For all open air parking areas, containing five or more parking spaces and all open air loading areas, including those for auto service and drive-in establishments and for boat or vehicle sales, rentals, or storage, which adjoin or face a street or a residential, public or semi-public property:

- a. The street or adjacent property shall be protected from lights by: 1) a strip at least four feet wide, densely planted with shrubs or trees which are of a type that may be expected to form a year-round dense screen within three years, or 2) a wall, barrier, or fence of uniform appearance and at least 50 percent opaque, or 3) a landscaped earthen mound, or 4) a drop in grade from the adjacent property or street level to the parking level. Such screening shall be at least three feet high along the street and at least five feet high along the property lines abutting residential, public or semi-public property. These minimums shall apply to shrubs and trees used as screens at the time of planting. Such screening shall be maintained in good condition at all times.
- b. Parking stalls in parking lots shall be set back from the street lot line a minimum of five feet.
- c. At least five percent of the interior of a parking lot with 21 to 60 parking spaces and at least ten percent of the interior of a parking lot with 61 or more parking spaces shall be landscaped and continually maintained. Planting along the perimeter of a parking area, whether required screening or a general beautification, shall not be considered as part of the required interior

- d. landscaping. The landscaping shall be distributed throughout the parking area and shall include trees or shrubs as well as other plant material. Existing trees shall be preserved wherever possible. No planting bed shall have a width of less than three feet. The provisions of this subparagraph (c) shall not apply to a Business District.
- 52-6. Trucks over 10,000 pounds gross weight and construction equipment are prohibited from parking in a residential district unless a Special Permit is granted by the Board of Selectmen. The Board shall consider evidence which shall be provided by the applicant regarding the following requirements:
- a. Availability of garage space on the premises
 - b. Availability of screened space on the premises
 - c. Size of land available for said use
 - d. Unavailability of suitable parking facilities
 - e. Detriment to the neighborhood
- 52-7. Developments that include slips are required to provide one (1) off street parking space for every two slips available to the general public in addition to any other parking requirements. Such parking shall be located on-site or on private property within ¼ mile of the site, unless exempted under Article V, Table 55. (Added, Annual Town Meeting May 3, 2005)

END OF ARTICLE V

ARTICLE VI GENERAL REGULATIONS

Section 60 - Lot in Two or More Districts.

60-1. Any lot in single ownership and on record at the time the bylaw is adopted, that is divided into two or more use districts shall be considered one use and that use shall be the predominant use, that is the one covering the largest proportion of the area of the lot. Should the lot be divided equally into two or more use districts, the total lot shall be bound to the less restrictive use.

Section 61 - Non-Conforming Uses.

61-1. The lawful use of any structure or land existing at the time of the enactment or subsequent amendment of this bylaw may be continued although such structure or use does not conform with provisions of this bylaw.

61-2. If the rights authorized by a variance are not exercised within one year of the date of grant of such variance they shall lapse, and may be reestablished only after notice and a new hearing pursuant to Section 80 of this bylaw.

- a. Any existing non-conforming use may be hereafter altered within any parts of a building which were manifestly designed for such use at the time of the adoption of this bylaw.
- b. No change or substantial extension of the non-conforming use of a structure or land shall be made, except in accordance with Paragraph 61-2.f of this bylaw. An extension which meets the setback requirements of Article III which does not conform with respect to the minimum area requirements shall not be considered an increase in the extent of the non-conforming use of the structure or land.
- c. A non-conforming use which has not been used for a continuous period of two (2) years or more shall not be re-established, and any future use shall conform with this bylaw.
- d. Once changed to a conforming use, no structure or land shall be permitted to revert to a non-conforming use.
- e. No part of this section shall be so construed as to prevent the performance of normal repairs or replacement of parts of any non-conforming structure, provided that such repair or replacement, do not constitute an extension of the non-conforming use of such structure.
- f. *Pre-existing Structures:* Pre-existing non-conforming structures or uses may be extended, changed or altered, provided that no such extension, change or alteration shall be permitted unless there is a special permit granted by the Board of Appeals making a finding that such change, extension or alteration is not substantially more detrimental than existing non-conforming use to the neighborhood.
 - (i) Any existing one- and two-family dwelling may be extended, altered, changed, or rebuilt, provided that said alteration or reconstruction is performed within the existing footprint. The existing footprint shall be defined as the perimeter outline of the structure excluding eaves, decks, and porches. Any legally existing non-conforming eaves, decks, and porches may be reconstructed in their former entity only. No expansion of living space into said deck(s) or porch(s) is permitted without a Special Permit from the Zoning Board of Appeals. No exemption in height is permitted outside the prescribed setbacks

without a special permit from the Zoning Board of Appeals. However, height extensions relating to flood proofing pursuant to 780 CMR and F.E.M.A. regulations within the prescribed height limit are permitted as a matter of right.

- (ii) Pre-existing one or two-family houses are permitted to extend the height of the house within the existing footprint to a maximum of thirty-five (35) feet, provided any non-conforming setbacks are at least five (5) feet, the house is at least fifteen (15) feet from the furthest projection of the abutting primary structure and the height increase conforms to all other sections of the zoning bylaw.
 - (iii) A pre-existing dwelling on an undersized lot shall not be considered as non-conforming provided the structure conforms with all of the other provisions of the zoning bylaw, including parking. If a pre-existing dwelling on an undersized lot is razed, a new structure may be built on the same lot as a matter of right provided the new dwelling conforms with all of the other provisions of the zoning bylaws including parking. (Amendment added, Annual Town Meeting, May 5, 2003)
- g. *Single Family Residences in Business Districts:* Alteration, reconstruction, extension or structural change to a single family residential structure will be permitted in a Business District as a matter of right provided that such change meets the minimum requirements for dwellings in a Single Family Residence A District as set forth in "Table 50, SF-A" and Section 31 of this Zoning By-law.
- h. *Preexisting Business and Mixed Uses in Residential Districts:* Notwithstanding any language in the Hull Zoning Bylaw to the contrary (including without limitation Article VI, Section 61-2 a. through g. inclusive), lawful preexisting nonconforming business uses immediately abutting Nantasket Avenue between Kenberma Street and Bay Avenue East may as a matter of right be changed to another use allowed in the Business District except for changes to restaurant uses and gas stations, and the structure in which such preexisting uses are located may be altered, expanded, or changed as a matter of right, without necessity of a special permit or variance, contingent upon and subject to the following conditions and limitations:
- (i) The structure as it exists, or if it is to be altered, expanded or changed, as it shall be upon completion of such alterations, expansions or changes, must comply with side yard and rear setbacks, lot coverage, and height restrictions of the residential district in which it is located. The front setback need not comply with the requirements of the residential district but may not extend further into the front setback area than the existing building unless the Building Commissioner determines that waiver of the front setback is appropriate in accordance with footnote (a) to Table 50 of this bylaw.
 - (ii) The property as it exists, or if it is to be altered, expanded or changed, as it shall be upon completion of such alterations, expansions or changes, shall comply with all requirements of this zoning bylaw for off-street parking in a Business District.
 - (iii) The screening requirements of Section 34-3a. of this bylaw shall apply.
 - (iv) Notwithstanding the language of Section 34-1Ag., mixed residential and business or commercial uses are allowed only if the property as it exists at the time this bylaw provision is voted by town meeting consists of such mixed use units. The total number of units in a mixed use building as it exists at the time this bylaw provision is voted by town meeting may be retained but shall not be increased. For the purpose of this paragraph a unit shall be defined as a distinct business, commercial or residential area located within such building as of the date this

bylaw provision is voted at town meeting, even if the unit was not in continuous use for a period of two years or more or was otherwise deemed abandoned. Storage and utility areas shall not be considered as separate units.

Commercial or business units, as defined above, may in a mixed use building be converted to and utilized as residential units as long as the total number of residential units in the mixed-use building as converted does not exceed three. Units may be relocated, enlarged or reconfigured within the building as it exists or as the building is to be altered, expanded or changed. No residential unit shall contain more than four rooms, excluding bath, with no more than two of said rooms to be bedrooms.

Existing mixed-use buildings may not as of right be converted to commercial or business uses only. The number of residential units in an existing mixed-use building as it exists at the time this bylaw provision is voted by town meeting may not be reduced if the number of commercial or business units is to be increased. A business or commercial unit which is converted to residential use may not be returned to business or commercial use.

All other provisions and Tables of the Hull Zoning Bylaw pertaining specifically to mixed-use and multifamily buildings, including without limitation density, height, number and location of units, percentage of business use, and lot area, shall be inapplicable hereto and shall be deemed superseded by this Paragraph h.

- (v) Exterior storage or display of materials, equipment, products, or supplies is prohibited.
- (vi) Notwithstanding any language in Article V, Section 52-6 to the contrary, one truck over 10,000 pounds gross vehicle weight but less than 12,000 pounds gross vehicle weight may be parked in an interior area of the premises. Exterior parking or storage of commercial vehicles exceeding 10,000 pounds gross weight and heavy construction equipment (such as but not limited to excavators and front-end loaders) is prohibited.
- (vii) Accessory buildings are prohibited. The main building may be expanded to include an enclosed integrated garage as long as the building as expanded complies with all of the setback, lot coverage, and height restrictions of the applicable residential district.
- (viii) Any expansion, reconstruction or substantial alteration of the preexisting building shall be subject to review by the Design Review Board.

Section 62 - Construction or Operations under a Building Permit

62-1. Construction or operations under a building permit shall conform to any subsequent Amendment of this bylaw, unless the use or construction is commenced within six months after the issuance of the permit and in cases involving construction, unless such construction is continued through to completion as continuously and expeditiously as is reasonable.

Section 63 - Grading, Drainage, Erosion and Sediment Control

63-1. Purpose-The purpose of this section is to prevent or protect against the effects caused by airborne dust and silt/debris-laden runoff waters originating from land undergoing construction and/or development and re-grading onto:

- Abutter's property.
- Public streets.
- Public catch basins and drainage systems.

- 63-2. Control plans-Site and construction plans showing compliance with applicable provisions of this Section shall be submitted to the Building Commissioner for approval prior to the start of any construction or development activities on the site. These plans shall show:
- Grading, drainage, erosion and sediment control measures.
 - Projected effects on property adjoining the site.
 - Sequence of work represented by these plans.
 - Any engineering designs or calculations to support plans.
- 63-3. Procedures
- Alteration of land in existing developed areas shall be conducted in such manner that changing patterns of natural drainage shall not adversely affect neighboring properties.
 - Development and construction shall be accomplished so as to minimize the potential for erosion, either by wind or water.
 - Control measures such as hay bales, weirs, and sediment traps shall be in place prior to commencement of each sequence of work.
 - Sediment basins, debris basins, traps, desilting or silt traps for removing sediment from runoff waters shall be installed in conjunction with the initial grading or site clearance operations.
 - All control measures shall be coordinated with the sequence of grading, construction, and development operations.
 - Paving of driveways, parking lots and other impervious surfaces shall be completed in conjunction with final grading.
- 63-4. Responsibility - The owner/developer/contractor shall be responsible for all damage to adjacent properties caused by his actions or non-actions and shall promptly clean up any silt or debris and/or effect such repairs as are necessary to restore the adjacent properties to their original condition.

END OF ARTICLE VI

ARTICLE VII SIGNAGE

Section 70-Signs, Billboards and Other Projections

The term sign as used in this article shall be held to include signs, outdoor advertising, billboards, poster boards, letters, words, models, devices, symbols, trade-marks and shall include every kind of structure that is arranged, designed or used as an advertisement, announcement, or for direction. See Article 2, Section 22 for definitions.

70-1. Permits.

- a. Signs, ground signs, roof signs, wall signs, pole signs, projecting signs, marquee signs, electric signs, grouping of letter or words, poster boards, billboards, when exceeding an area of 3 1/2 square feet face surface of the sign, shall not be erected, constructed or altered, except as provided by this code, and until a permit is obtained from the Building Commissioner. No permit shall be granted until an application has been properly presented with plans and specifications accompanying the application, showing the intended location, dimensions, materials to be used, weight, details of the sign construction, all of which shall have been approved by the Building Commissioner. No portable or temporary sign shall be placed upon any property unless a permit is first obtained and must be removed by the applicant within the time limit set forth in the permit.

70-2 Exemptions.

- a. Real estate signs not exceeding eight (8) square feet in area, advertising real estate for sale or for rent when placed upon the property to be sold or rented may be erected without a permit from the Building Commissioner, provided that only one such sign is placed upon the property to be sold or rented. No permits are required for signs on a public carrier or for municipal, state or federal buildings, nor for construction signs and similar signs used in connection with and during construction operations, or any temporary signs used for public fund raising or political purposes when removed within thirty (30) days. Portable signs set up for warning the public of a dangerous condition shall not require a permit, however, such a sign shall be removed as soon as the conditions have been remedied.
 1. No more than one sign shall be displayed on any property.
 2. The size of said sign shall not exceed eight (8) square feet.
 3. Said sign may be displayed up to a maximum of thirty (30) consecutive days.

70-3. Public Ways

- a. Signs and advertising devices to be erected over a public way shall first have the approval of the Selectmen before a permit for the erection of such sign is granted

70-4. Locations

- a. Logo type, trade-marks or other distinctive arrangements of a trade name may be constructed upon parapets without spacing the letters if the area occupied on the parapet does not extend over 50 percent of the length of the side of the building upon which it is placed.
- b. A sign, no more than one (1) square foot gross area, may be displayed in a single family area.
- c. Illumination of all signs shall be controlled so as not to shine upon the window of any residence within 100 feet distance of such sign. Where business zones abut a residential zone, the location of any sign shall be at least ten (10) feet away from such boundary line of any residential zone.

70-5. Non-Conforming

- a. Signs that are abandoned, dilapidated or illegible, or do not indicate the current use or service provided shall be prohibited and shall be removed by the property owner within one-year from the date of the issuance of the violation.

END OF ARTICLE VII

ARTICLE VIII ADMINISTRATION

Section 80 - Board of Appeals.

- 80-1. There shall be a Board of Appeals who shall act as the special permit granting authority as provided by Massachusetts General Law, c 40A, as amended, subject always to the rule that it shall give due consideration to the promotion of public safety, health, convenience and welfare encouraging the most proper use of land, and conserving property values, that it shall permit no building or use injurious, noxious, offensive or detrimental to a neighborhood and that it shall prescribe proper conditions and safeguards in each case.
- a. The Board shall consist of three (3) members to be appointed by the Selectmen. ..All members of the Board shall be residents of the town. The appointments first made shall be for one-, two-, and three-years respectfully, so that the terms of one member shall expire each year and subsequent appointments shall be for a term of three (3) years.
 - b. Vacancies shall be filled for unexpired terms within sixty (60) days in the same manner as in case of original appointments and as hereinafter provided. There shall at all times be three (3) associate members of the Board of Appeals who shall be appointed in like manner and have the same qualifications as the regular members of the Board. In case of an unfilled vacancy, inability to act, or conflict of interest on the part of a member of such Board, the Chairman of the Board of Appeals shall designate one of the associate members to take the place of such member.
- 80-2. The Board of Appeals shall exercise the powers and perform the duties prescribed for a Board of Appeals under the provisions of Massachusetts General Law, Chapter 40A, or any amendments hereto. Any action of the Board under such sections shall be in accordance with and subject to the terms thereof. The Board of Appeals shall have the following powers:
- a. Appeals: To hear and decide an appeal taken from any person aggrieved by reason of his inability to obtain a permit or enforcement action from any administrative officer under the provisions of Chapter 40A of Massachusetts General Laws, by the Metropolitan Area Planning Commission, or by any person including an officer or board of the Town of Hull, or of an abutting city or town aggrieved by an order or decision of the Building Commissioner, or other administrative official, in violation of any provision of Chapter 40A of Massachusetts, General Laws, or any bylaw adopted thereunder.
 - b. Variances: To authorize upon appeal or upon petition with respect to particular land or structures a use or dimensional variance from the terms of this bylaw where the Board of Appeals specifically finds that owing to circumstances relating to the soil conditions, shape or topography of such land or structures and especially affecting such land or structures but not affecting generally the zoning district in which it is located, a literal enforcement of the provisions of this bylaw would involve substantial hardship, financial or otherwise, to the petitioner or appellant, and that desirable relief may be granted without substantial detrimental to the public good and without nullifying or substantially derogating from the intent or purpose of this bylaw.
 - c. Special Permits: Special permits shall be granted after a public hearing held by the Board of Appeals and all other Special Permit Granting Authorities within sixty-five (65) days of the filing of an application with the Town Clerk and after the Board of Appeals or other Special Granting Authorities finds that the use involved will be in harmony with the general purpose and intent of this bylaw and shall not be substantially more detrimental to the established or future character of the neighborhood and town and subject to appropriate conditions or safeguards if deemed necessary.
- 80-3. A special permit shall automatically lapse two years from the date of the grant of a special permit unless substantial use or construction is commenced except for good cause. Included in the two-year time period

is the time required to pursue or await the determination of an appeal referred to in Section 17 of Massachusetts General Law, Chapter 40A.

- a. Special permits granted under Section 43, "Flexible Plan Development" of this zoning bylaw shall remain in effect for a period of two (2) years plus such time required to await the determination of an appeal referred to in Massachusetts General Law, Chapter 40A, Section 17 from the grant thereof, and shall automatically lapse if a substantial use thereof has not sooner commenced except for good cause as determined by the special permit granting authority following a public hearing with proper notice per Massachusetts General Law, Chapter 40A, Section 12 or, in cases where a permit for construction has been granted, if construction has not begun by such date except for good cause as determined by the building commissioner.
- 80-4. All requests for Board of Appeals action shall be made out on forms furnished by the Building Commissioner and all such applications shall be filed at the office of the Town Clerk.
- a. Any person applying for a building permit who desires to be relieved from the operation of any of the provisions of this section (80) may make application in writing to the Town Clerk, specifying in detail the subject matter and the nature of the action or relief requested.
 - b. The Building Commissioner and others shall give the Board of Appeals such information as it may require in regard to cases that come before it.
- 80-5. The Board of Appeals shall take action only in public meetings and shall keep minutes of its procedures which shall be open to public inspection. A fee, set by the Board of Appeals, to defray expenses shall be paid with the filing of the application for a hearing with the Board of Appeals.
- 80-6. Where the street or lot layout actually on the ground or as recorded differs from the street and lot lines as shown on the Building Zone Map, the Building Commissioner shall interpret the map in such a way as to carry out the intent and purpose of the bylaw and map for the particular section or district in question.

END OF ARTICLE VIII