

COMMONWEALTH OF MASSACHUSETTS

TOWN OF HULL, MASSACHUSETTS



**Special Town Meeting
Thursday, August 31, 2023 at 7:00 o'clock PM**

**at the Hull High School situated at
180 Main Street, Hull, MA**

PLEASE BRING THIS DOCUMENT WITH YOU TO TOWN MEETING

MODERATOR'S MESSAGE
THURSDAY, AUGUST 31, 2023, 7 p.m.
HULL HIGH SCHOOL GYMNASIUM

The town of Hull will be holding a Special Town Meeting on Thursday night August 31, 2023, beginning at 7 p.m. at Hull High school. Town officials are aware that this is a busy time for many, but the Town must follow the law in this matter.

As a result of receiving a citizen's petition with the required number of certified signatures the Town of Hull is obligated under Massachusetts General Laws Chapter 39 Section 10 which states the following:

"The selectmen shall call a special town meeting upon request in writing, of two hundred registered voters or of twenty per cent of the total number of registered voters of the town, whichever number is the lesser; such meeting to be held not later than forty-five days after the receipt of such request."

As a result of this citizens petition the Select Board was required to open the warrant, (the document that has the Articles to come before town meeting) which allowed other petitions to be filed by citizens and for town officials to submit potential Articles.

Consequently, we now have a warrant with ten Articles. The Articles to be decided by you at Town Meeting are important and can have a significant impact on our town. As always it is you, the Citizens of Hull, who take the time to attend Town Meeting who make the decision on these important issues. Town Meeting will be asked to decide the following issues among others. This is a very brief summation please read the warrant for all the associated details.

Accessory Dwelling Units: A change in bylaws that would allow Accessory Dwelling Units in single family home districts.

A request for added funding of \$600,000 to pay the costs of renovating and making repairs to the Fort Revere Tower on Telegraph Hill in Hull.

Three Articles that relate to various Town of Hull Bylaws which if amended would allow an existing Registered Medical Marijuana Dispensary to add adult recreational use retail sales.

An Article that asks the Town Meeting to vote to authorize the Select Board to petition the General Court for an act of special legislation, granting an additional liquor license for the sale of all alcoholic beverages to be drunk off the premises. to Preep Corporation, d/b/a Quick Pick Food Shop, located at 261-265 Nantasket Avenue.

A request from the School Department to fund emergency repairs at the Middle School with an expected Phase one cost of \$300,00.

An Article from the Conservation department requesting modification to the existing fee structure and enhanced regulatory authority.

An Article for the DPW requesting \$120,000 for needed equipment.

The warrant you have received describes the Articles that will be discussed and voted on at Town Meeting. The actual vote will be on the motion presented at Town Meeting and it is

not necessarily the same as the Article in the warrant. However, the motion must basically adhere in scope to the Article presented in the warrant or it will be ruled out of order.

The rules at town meeting are relatively straightforward and are geared to providing each of you the opportunity to speak and vote on each of the motions presented at Town Meeting. The detailed procedure for running Town Meeting can be found in *Town Meeting Times* and a link to a Citizens Guide to Town Meeting can be found at the following link:

https://www.town.hull.ma.us/sites/g/files/vyhlf3286/f/uploads/citizens_guide_to_town_meeting.pdf

I will briefly explain the rules at the beginning of Town Meeting. I hope you will all take the opportunity to review the Warrant prior to Town Meeting and join me at the Special Town Meeting at Hull High School on Thursday, August 31, 2023, beginning at 7 p.m.

These are consequential issues and should not be decided by a few. Please take the time to attend and let your voice be heard.

George Boylen

Moderator, Town of Hull

ADVISORY BOARD MESSAGE

Under our current form of Government, the Town Manager, with the guidance of the Board of Selectmen, prepares the Town Budget and presents it to the Board of Selectmen and the Advisory Board for their review. Through discussions with the Town Manager and Department Heads, the Advisory Board reviews the budgets and makes recommendations for changes. This process usually concludes with agreement between the Advisory Board and the Town Manager in terms of presenting the Budget to Town Meeting. The Advisory Board considers all articles for the purpose of making recommendations with explanatory statements. While considering each article many questions are considered such as: Is it necessary? Can the Town afford it? Is it in the Town's best interest? Is it fair to all? Does it affect the balance of power? Is it within legal and allowable guidelines?

The following section includes a facsimile of the Town Warrant. It is called a facsimile because the actual Warrant does not include the commentary and recommendations of the Advisory Board. Some confusion has been caused in the past when motions are read at Town Meeting and are differently worded than what you see here. Motions may be worded differently so long as they are worded within the scope of the printed article. Some people think of the printed warrant as an agenda of the Town Meeting. The legal warrant is printed, signed and posted by our Board of Selectmen.

Comments are in italicized print under the ARTICLES. The RECOMMENDATION precedes the commentary of the Advisory Board. Typical recommendations are as follows:

FAVORABLE ACTION - The Advisory Board is recommending a favorable vote on the Article.

UNFAVORABLE ACTION - The Advisory Board is recommending an unfavorable vote on the Article.

NO RECOMMENDATION - The Advisory Board does not wish to make a recommendation or there is insufficient information to support a recommendation.

RECOMMENDATION AT TOWN MEETING - The Advisory Board does not wish to make a recommendation prior to reviewing additional information or waiting for another committee to hold a public hearing.

NO ACTION - A no action motion or recommendation suggests that Town Meeting set aside and prevent any further action on this Article for the meeting.

REFER TO STUDY—This motion refers (commits) a matter to a committee for additional investigation and report or carry out substantive action.

THE ADVISORY BOARD:

J. Frady, Chair

C. Wolfe, Vice Chair

R. Healey, Clerk

R. Carney

D. Clinton

P. Cormier

S. Kiley

P. Larsen

J. Polito

P. Schneider

D. Sullivan



**TOWN OF HULL
Advisory Board**

253 Atlantic Avenue
Hull, Massachusetts 02045

781-925-2000

To the Citizens of Hull,

In this Warrant Facsimile for the Special Town Meeting, August 31, 2023, you will see that the Advisory Board has voted to provide its recommendations at Town Meeting for most articles. The Advisory Board prefers to provide the voters of Hull its most informed recommendations in the warrant facsimile after having met with the petitioners, proponents, and opponents of the articles. However, the window of opportunity for the board to meet and discuss the articles is short. The process requires that the Special Town Meeting occur within 45 days of the date the petition is first submitted. During that window of time, the Clerk must validate the signatures of the initial request, the Select Board must meet to open the warrant, the warrant must remain open for additional petitions, and the Select Board must close the warrant. The warrant was closed on August 14th. The Advisory Board met with all citizens whose submitted petitions were verified by the Town Clerk as well as representatives of the Town for their articles. This tight schedule did not afford the Advisory Board an opportunity to meet on the ADU article since it had not cleared the Planning Board by the 14th. Before the Special Town Meeting, the Advisory Board will have met with the petitioners and received feedback from the planning board so we can provide our Recommendation at Town Meeting.

The Town has submitted articles that some may not see as “Urgent” and don’t need to be dealt with at a Special Town Meeting, other articles from the Town do require action and would have been reason enough for the Select Board to call a Special Town Meeting this Fall. One of these urgent articles would fund a new electric pump to service the lagoon at Draper and Newport and the other article would fund emergency repairs to the portico roof at Memorial Middle School. The Advisory Board wishes to encourage the town to bring its regular business before Annual Town Meeting each May. The window of opportunity for the Advisory Board to review articles from the Town is very short for Special Town Meetings. Having a meeting at this time of year creates difficulty for the Advisory Board due to personal and professional scheduling conflicts and doesn’t afford the voters of Hull to spend as much time reviewing the articles. However, it is our duty to review and make recommendations on all articles on the warrant.

The Advisory Board wishes to thank Town Clerk, Lori West, Town Counsel Jim Lampke, The Select Board, Planning Board and Zoning By-Law Committee for their work on the Special Town Meeting. We would also like to thank everyone who submitted a petition, and the voters of Hull for their thoughtful consideration of the articles.

Sincerely
Jason Frady, Chair
Chad Wolfe, Vice Chair
Robyn Healey, Clerk

Advisory Board Members:
Expire in 2023: Dan Sullivan, Robert Carney, Paul Schneider
Expire in 2024: Stephen Kiley, David Clinton, Peter Larsen, Jason Frady
Expire in 2025: Patricia Cormier, Robyn Healey, Jay Polito, Chad Wolfe

COMMONWEALTH OF MASSACHUSETTS

Plymouth ss.

To any of the Constables of the Town of Hull in the County of Plymouth

Greetings:

In the name of the Commonwealth of Massachusetts you are hereby directed to notify and warn the Inhabitants of the Town of Hull qualified to vote on Town affairs and elections to meet at **Hull High School situated at 180 Main Street** in said Hull, on Thursday, the **thirty-first** day of **August next, 2023** at **7:00 o'clock** in the evening, then and there to act upon the following articles, namely:

ARTICLE 1: PART A:

“To see if the Town will **Amend** Article III and Article V of the Zoning Bylaws and adopt the proposed Article IV Section 410-4.10 Accessory Dwelling Units (ADU) to the Zoning Bylaws to **Add** the following:

Article III Section 410-3.2 Single-Family Residence Districts; Permitted Uses: After Section 410-3.2.A (7), **Add:** 8) Accessory Dwelling Units, subject to the requirements of Section 410-4.10 of this Zoning Bylaw. Article V Section 410-5.1 Table 50, **Amend** SF-A,B,C: Maximum number of dwelling units per lot=1: **Add:** “+ADU”. Article IV Uses. After Section 410-4.9; **Add:** Section 410-4.10, to insert the following:

Section 410-4.10 ACCESSORY DWELLING UNITS

A. PURPOSE: Consistent with MGL Chapter 358 of the Acts of 2020 Housing Choice and Hull Housing Production Plan

- 1) Provide a limited number of Accessory Dwelling Units without adding to the number of buildings in the Town and without reducing open space in the Town or substantially altering the appearance of the principal dwelling, and to provide for a more efficient and economic use of existing housing stock by enabling homeowners of single family dwellings larger than required for their present needs, to share space and the burdens of homeownership, while also protecting the stability, property values, and residential character of the neighborhood.
- 2) Provide housing units for family members, and seniors aged 60 years or more, and occupants who would qualify for an “Affordable Housing Unit” through income eligibility, with gross household income at or less than 80% of the Boston Metropolitan Area Median Income, with housing costs no more than 30% of gross household income.
- 3) Enable the Town to monitor Accessory Dwelling Unit (ADU) construction for code compliance.

B. DEFINITIONS:

- 1) An “Accessory Dwelling Unit” (ADU) is a self-contained housing unit incorporated within a single-family dwelling and clearly subordinate in size to the principal dwelling in a manner that maintains the character and structural appearance of a single-family dwelling consistent with the provisions of Section 410-4.10 and MGL

Chapter 40A Section 1A Definition of "Accessory Dwelling Unit".

- 2) For the purposes of this Section 410-4.10, a "Family Member" shall be a person related to the owner by blood, adoption or marriage, and may also include domestic help and caregivers.
- 3) A "Principal Dwelling" for the purposes of this Section 410-4.10 is a single-family dwelling exclusive of the area that constitutes the Accessory Dwelling Unit (ADU).
- 4) A single-family dwelling with an Accessory Dwelling Unit (ADU) should not be deemed to be a two-family dwelling.

C. DIMENSIONAL AND DESIGN REQUIREMENTS: Any Permit for an Accessory Dwelling Unit (ADU) issued pursuant to this Section 410-4.10 shall be subject to, and shall incorporate the following conditions:

- 1) Compliance with all applicable laws and codes of the Commonwealth of Massachusetts and the Town of Hull is required, including Hull Zoning Bylaws Article V: Table 50 Dimensional Requirements and Intensity Regulations 410-5.1.A
- 2) An Accessory Dwelling Unit shall not create any dimensional nonconformities.
- 3) An Accessory Dwelling Unit shall not be larger in floor area than ½ the floor area of the principal dwelling or 900 square feet, whichever is smaller.
- 4) An Accessory Dwelling Unit shall not have more than two bedrooms.
- 5) An Accessory Dwelling Unit shall not create an undue burden on the neighborhood.
- 6) An Accessory Dwelling Unit shall not be metered separately from the principal dwelling for electric, gas, water, or sewer utilities serving the single-family dwelling.
- 7) The parking requirement for an ADU is two off-street parking spaces in addition to the minimum required two off- street parking spaces for a single-family dwelling, which shall be provided on the premises, as per Section 410-5.2.A. Table 55 Parking.
- 8) Any new entrance for the Accessory Dwelling Unit or the principal dwelling shall be located on the side or in the rear of the single-family dwelling, and all stairways to upper stories shall be enclosed within the exterior walls of the single- family dwelling, so as to be less visible from the street.
- 9) Additional or modified landscaping, fences or other buffers may be necessary to protect abutting properties from potential negative visual or auditory impacts of the ADU.

D. GENERAL CONDITIONS: Any Permit for an Accessory Dwelling Unit (ADU) issued pursuant to this Section 410-4.10 shall be subject to, and shall incorporate the following conditions:

- 1) The owner shall submit an application for a building permit for an Accessory Dwelling Unit, along with building plans, and survey and site plans of the existing and proposed conditions, to the Building Commissioner for his review and approval, in order to ascertain whether the proposed ADU is in compliance with this zoning bylaw Section 410-4.10, and all code requirements for residential use.
- 2) The owner of the single-family dwelling shall occupy either the principal dwelling or the ADU as the owner's primary residence. Temporary absences of the owner for a period of not more than six months in the aggregate in any twelve- month period and active military service of the owner for any length of time shall not be deemed a violation of this requirement provided that the dwelling units may only be occupied

- by family members of the owner during the owner's absence.
- 3) The owner shall recertify annually, by application for Board of Health Housing Code Division Certificates of Occupancy and comply with the rules and regulations of the Board of Health.
 - 4) The owner shall recertify annually, by submission of a notarized letter to the Building Commissioner: that the owner shall continue to occupy either the principal dwelling or the ADU as the owner's primary residence, except for bona fide temporary absence as provide above in subsection D.2.
 - 5) Upon the sale or other conveyance or transfer of a single-family dwelling which has been issued an ADU Permit, the new owner shall, within thirty (30) days of such transfer, submit a notarized letter to the Building Commissioner certifying that the owner will continue to occupy either the principal dwelling or the ADU as the owner's primary residence and comply with all conditions of the ADU Use, if the owner intends to maintain the ADU permit.
 - 6) Neither the principal dwelling nor the Accessory Dwelling Unit may be sold or otherwise conveyed or transferred separately from the other.
 - 7) An Accessory Dwelling Unit shall not be used for boarding and lodging, or other commercial use. An ADU may be rented for periods not shorter than 180 days at a time, and are prohibited from any use as rental units on a weekly or daily basis.

E. ELIGIBILITY REQUIREMENTS:

- 1) As of the date that the application for a Permit for an Accessory Dwelling Unit is filed, the total number of ADU Permits shall not exceed 100, and ADU Special Permits shall be restricted to ten (10) per calendar year.
- 2) A Building Permit for an Accessory Dwelling Unit (ADU) may be issued as of right, provided that:
 - (a) The premises is in compliance with all zoning requirements in this Section 410-4.10, including parking.
 - (b) The applicant shall be the owner of the premises and must submit a notarized affidavit certifying occupancy of either the principal dwelling or the ADU as the owner's primary residence immediately upon issuance of the Permit for an ADU.
 - (c) The applicant shall submit a notarized affidavit certifying occupancy of either the principal dwelling or the ADU as a Housing unit for family members, or seniors aged 60 years or more, or occupants who would qualify for an "Affordable Housing Unit" through income eligibility, with gross household income at or less than 80% of the Boston Metropolitan Area Median Income, with housing costs no more than 30% of gross household income. (*Unless otherwise prohibited by a Federal or State agency under a financing or other subsidy program).
 - (d) The Area of the Lot on which the existing single-family dwelling is located shall not be less than the minimum Lot Area for the Zoning district.

PART B: (2/3 super-majority vote threshold)

- 3) The Board of Appeals may only issue a Special Permit for an Accessory Dwelling Unit (ADU) provided that:
 - (a) The premises is pre-existing, non-conforming and meets the following minimum eligibility requirements as per Hull Zoning Bylaw Article VIII Administration: Section 410-8.1 If the Board of Appeals 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.

(b) The applicant shall be the owner of the premises and must submit a notarized affidavit certifying occupancy of either the principal dwelling or the ADU as the owner's primary residence immediately upon issuance of the Special Permit for an ADU.

(c) The applicant shall submit a notarized affidavit certifying occupancy of either the principal dwelling or the ADU as a Housing unit for family members, or seniors aged 60 years or more, or occupants who would qualify for an "Affordable Housing Unit" through income eligibility, with gross household income at or less than 80% of the Boston Metropolitan Area Median Income, with housing costs no more than 30% of gross household income. (*Unless otherwise prohibited by a Federal or State agency under a financing or other subsidy program).

(d) As per Hull Zoning Bylaw Article VI General Regulations Section 410-6.2.B(6): "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", or take any other relative action thereto;

(Inserted at the request of the Zoning Board)

RECOMMENDATION ON ARTICLE 1: Recommendation at Town Meeting: *The Advisory Board will make its recommendation at Town Meeting due to the short window of deliberation and the Planning Board having not yet met to discuss this article. In matters of zoning the Advisory Board appreciates the Planning Board's discussions and helps us to make our recommendations to the voters. (Unanimous)*

ARTICLE 2: To see if the Town will amend the Code/Bylaws of the Town as follows:

A. Amend Section 56-9.A, Order of Consideration of Articles by adding a new sentence at the end as follows:

Following the completion of the general budget and related Classification and Salary Plan articles the Moderator may present a motion for adoption of a Consent Agenda(s).

B. Amend Section 56-9, Order of Consideration of Articles by adding a new section as follows:

C. 56-9 C Notwithstanding Section 56-9A, the Moderator, after consultation with the chairpersons of the Select Board and Advisory Board, may create a Consent Agenda or Consent Agendas consisting of articles not likely to be controversial and not likely to generate debate. These articles can be put on a Consent Agenda or Consent Agendas to allow a motion that they be acted upon as one unit for each Consent Agenda. At the call of a Consent Agenda,

the Moderator shall refer to the articles in each unit, one by one. If seven or more voters in attendance wish to hold an item from the Consent Agenda(s), that particular article is removed and will be acted upon in the normal manner. Once the articles have been included in a Consent Agenda, the Moderator asks for a motion to act upon those articles on that Consent Agenda, all at once, with a single vote. All articles remaining on that Consent Agenda shall then be voted upon by a single vote without sponsor presentation or debate, or take any other action relative thereto.

(Inserted at the request of the Town Moderator)

RECOMMENDATION ON ARTICLE 2: Favorable Action: *This article seeks to simplify the way certain warrant articles are addressed at Town Meeting. This article will allow the Town Moderator with the consent of the Advisory Board Chair and Chair of the Select Board to place certain articles onto a "Consent Agenda." This would allow the articles in the Consent Agenda to be called together and voted on as one motion. Town Meeting must consider certain articles, such as indemnification of the Commonwealth, Compensating Balance Agreements, acceptance of reports and other articles each year. This would take those articles out of the lottery process and allow us to take up these articles as one motion after the completion of the budget and its related articles. This article also provides a backstop should voters feel that certain articles need further discussion. 7 voters could rise at Town Meeting to hold an article from the Consent Agenda to consider it separately. Should this article pass, the process could be used as soon as the next Annual Town Meeting. (Unanimous)*

ARTICLE 3: To see if the Town will amend Chapter 233 of the Code/Bylaws of the Town of Hull, Conservation, by adding the following new sections, to be numbered as indicated or by the Town Clerk:

A. § 233-6. [Procedures.]

Unless otherwise exempted by law, applications for a hearing before the Conservation Commission are required and a hearing held, before conducting any activities that may impact natural resources protected by the Massachusetts Wetlands Act (G.L. C.131, §40) and/or other applicable law. These procedures are detailed in 310 CMR 10.05 and other applicable law. The following procedures have additional Conservation Commission administrative fees:

(a) Notice of Intent (NOI)

A NOI is a standard application for a proposed activity which is likely to impact on a site or nearby wetland resource areas. The Conservation Commission is the town appointed body responsible for review of a NOI. The information supplied with the NOI is the primary data base used in making decisions on wetlands projects. Complete and accurate submissions minimize possible delays to secure necessary information.

(b) Request for Determination of Applicability (RDA)

Any person who would like a formal decision as to whether the Conservation Commission has jurisdiction over a specific area or a proposed activity (or both) may file a RDA with the Conservation Commission.

(c) Permit extensions (PE)
Order of Conditions (OOC) are associated with the issuance of a WPA permit by the Conservation Commission. OOC expire three (3) years after the date of issuance and can be requested for an extension before its expiration.

(d) Certificates of Compliance (COC)
A Certificate of Compliance (COC) is required to certify that all the conditions of the WPA permit have been met.

(e) Requests to Amend Order of Conditions
An Amended Order request should only be for changes in the project that have occurred since issuance of the original Order and should not substantially change conditions governing work that has not changed as permitted.

B. § 233-7. [Fees.]

(a) Payments to the Town of Hull in accordance with the fee schedule established herein and/or otherwise provided for by law shall accompany all NOIs; RDAs; and requests for PEs, COCs, and amendments to existing Orders of Conditions. Fees are payable at the time of application and are nonrefundable.

(b) Any Notice of Intent fee or Request for Determination of Applicability fee received as a result of after-the-fact removal, alteration, dredging or filling within Conservation Commission jurisdictional boundaries or the Conservation Commission issuing an enforcement order for a violation of the Wetlands Protection Bylaw, shall be doubled.

(c) The applicant is responsible for payment of the fee or cost to provide public notice for publishing in the local newspaper.

(d) The Conservation Commission is authorized to require an applicant (for a RDA or NOI or any other filing) to pay a fee to cover the reasonable costs and expenses borne by the Conservation Commission in processing and evaluating the permit application. The Conservation Commission may, at its discretion, waive the application fee, costs and expenses for a permit application.

(e) Fee Schedule:

Local Filing fees for any RDA, NOI, PE, COC, and Amendments to OOC shall be in addition to the Commonwealth of Massachusetts fees by statute and/or regulation and as set forth as follows:

Requests for Determination of Applicability \$ 50.00

Notices of Intent*

Category 1	\$ 100.00
Category 2	\$ 275.00
Category 3	\$ 550.00

Category 4	\$ 750.00	
Category 5	\$ 3.00/foot	(Not less than \$100.00)
Category 6	\$ 3.00/foot	(Not less than \$100.00)
Permit Extensions	\$ 100.00	Residential
	\$ 300.00	Commercial
Certificates of Compliance	\$ 50.00	Residential
	\$ 100.00	Commercial/Subdivision
Requests for Amendments to Orders of Conditions	\$ 25.00	Residential
	\$ 200.00	Commercial/Subdivision

***[Notice of Intent Categories (from Mass DEP Form wpa3inst.doc, ref. 1/03/13):**

CATEGORY 1: \$100.00

- a) Work on Single Family Lot: addition, pool, etc.
- b) Site work without house
- c) Control vegetation (SFH): removal, herbicide, etc.
- d) Resource improvement.
- e) Work on septic system separate from house.
- f) Monitoring well activities minus roadway.

CATEGORY 2: \$275.00

- a) Construction of Single Family House (SFH).
- b) Parking lot.
- c) Beach nourishment.
- d) Electric Generating Facility activities.
- e) Inland Limited Projects minus road crossings.
- f) New agricultural or aquacultural projects.
- g) Each crossing for driveway to SFH.
- h) Any point source discharge.

CATEGORY 3: \$550.00

- a) Site preparation (for development beyond NOI scope).
- b) Each building (for development) including site.
- c) Road construction not crossing or driveway.
- d) Hazardous clean up.

CATEGORY 4: \$750.00

- a) Each crossing for development or commercial road.
- b) Dam, sluiceway, tidegate work.
- c) Landfill.
- d) Sand and gravel operation.

- e) Railroad line construction.
- f) Control vegetation in development (SFH).
- g) Bridge (SFH).
- h) Water level variation.
- i) Hazardous waste alterations to resource area.
- j) Dredging.
- k) Package treatment plant & discharge

CATEGORY 5: \$3.00 per linear foot (\$100.00 minimum)

- a) Docks, piers, revetments dikes, etc.

CATEGORY 6: \$3.00 per linear foot (\$100.00 minimum)

- a) Boundary delineations for wetlands resources]

Fees for filings received after a project has commenced are double the fee listed.

C. § 233-8. [Special Local Wetland Bylaws.]

- (a) Any vegetated wetland determined to reduce flood risk by storing or conveying flood waters shall not be filled or altered from performing this function.
- (b) The Conservation Commission shall take into account the **cumulative adverse effects** of loss, degradation, isolation, and replication of protected resource areas throughout the Community, resulting from past activities, permitted and exempt, and foreseeable future activities, or take any other action relative thereto.

(Inserted at the request of the Conservation Commission)

RECOMMENDATION ON ARTICLE 3: Favorable Action: Majority: *This article has a number of sections. One section aims to update the fee structure for the different categories of activity by commercial and residential development with the Conservation Commission. We expect the Director of Climate Adaptation & Conservation will present the fee structure changes in detail on the floor of Town Meeting. The Conservation Commission cannot currently assess the Cumulative Impact to changes in wetlands. This Bylaw would allow the Conservation Commission to take this into consideration.*
Minority: *Action on the changes to Wetland Protection is an important decision by the Town Meeting members and with such a short timeframe for discussion and hearing voices from all sides of any issues is not possible. We would rather see more debate through the annual Town Meeting process next Winter and Spring. (4-3, 1 abstaining)*

ARTICLE 4: To see if the Town will appropriate the sum of \$120,000, or such other sum, to pay the costs of purchasing and installing departmental equipment for the Department of Public Works, including the payments of all costs incidental and related thereto; to determine whether this amount shall be raised by borrowing or otherwise, to authorize the Select Board and Town Manager to contract for any state or federal aid available for the project, or take any other action relative thereto.

(Inserted at the request of the Select Board)

RECOMMENDATION ON ARTICLE 4: Favorable Action: *There are two pieces of equipment that regulate water flow in the Lagoon at Draper and Newport Avenue. The Primary pump is electric and is over 22 years old and has failed. There is a secondary pump which is diesel and was last rehabilitated in 2016. This article seeks to bond \$120,000 over 12 years to replace the Primary pump. Bonding this amount will have little effect on the Town's debt service. (Unanimous)*

ARTICLE 5: To see if the Town will appropriate the sum of \$600,000, or such other sum, to be added to amounts authorized under Article 16 of the May 2, 2022 Annual Town Meeting, to pay the costs of renovating and making repairs to the Fort Revere Tower on Telegraph Hill in Hull, including the payment of all costs incidental and related thereto, to determine whether this sum shall be raised by borrowing or otherwise, or to take any other action relative thereto.
(Inserted at the request of the Select Board)

RECOMMENDATION ON ARTICLE 5: Favorable Action: Majority: *During the 2022 Annual Town meeting, \$2,200,000 was authorized for bonding to make repairs to the Fort Revere Water Tower. During the period since, the bid has risen by 15-20% according to proposals returned to the Town. In order to continue with the approved bonding, Town Meeting is being asked to extend the authorization by \$600,000. For example, if funded for a 20-year bond, this change will add approximately \$45,000 to the Town's debt service for the first year.*

Minority: *At the May 2022 Town Meeting, Article 16 was approved for the bonding of \$2,200,000 for the restoration of the Fort Revere water tower. At that time the minority opinion of the Advisory Board advised that the expense outweighed the value of doing this project, especially since its scope was narrowed to the minimum structural work intended to save the tower and would not allow public access. Additionally, where other towns have taken on this responsibility for historic structures, they have also received substantial state, federal, or historic agency assistance. Hull has received none. The town now faces the certainty that the intended minimum work will exceed the allocation by almost 30%. It is time to face the reality that no amount allocated today can anticipate the actual cost by the time work begins. The minority opinion of the Advisory Board is that this expense should not be borne by the town. (5-2)*

ARTICLE 6: To see if the Town will appropriate \$300,000, or such other sum, to pay costs of renovating and making repairs to the exterior of Hull Memorial Middle School, including the payment of all costs incidental or related thereto; to determine whether this amount shall be raised by taxation, transfer from available funds, borrowing, or otherwise provided, or to take any other action relative thereto.
(Inserted at the request of the Select Board)

RECOMMENDATION ON ARTICLE 6: Favorable Action: *The School Department is seeking to bond a \$300,000 in order to make emergency repairs and engineering design necessary to stabilize the portico roof line at the entrance to the Hull Memorial School building. The issue was discovered recently by engineers and presents a high risk to students, faculty, staff, and visitors to the school. We expect a future request for a larger bond at the next Annual Town Meeting once the total cost of repair is understood. Failure of Town Meeting to act could result in eventual failure of the entrance structure and exposure to harm. (Unanimous)*

ARTICLE 7: To see if the Town will vote to amend the code of the Town as follows:

(A) Amend Chapter 410 (Zoning) by deleting Section 410-3.13G(1)(2) and replacing it with a new Section 410-3.13(G) that will read as follows: (G): The Planning Board may grant a special permit to a Marijuana Establishment that has been licensed and lawfully operating within the Town for at least one year to authorize adult use retail sales, subject to execution of a new Host Community Agreement, submission of new applications for site plan approval and special permit satisfying all of the requirements of Section 410-3.13H.

(B) Amend Chapter 410 (Zoning) by deleting Section 410-3.13F(6)(g) and replacing it with the following text: A Marijuana Establishment licensed after July 1, 2017 shall not convert to a Marijuana Establishment without following Special Permit and Site Plan Review procedures outlined in Subsection H.

(C) Amend Chapter 410 (Zoning) by adding a new Section 410-3.13H, as set forth below.

H. MARIJUANA ESTABLISHMENTS (RECREATIONAL MARIJUANA). Applicants seeking approval to operate a Marijuana Establishment, which definition specifically includes a Marijuana Retailer, as both are defined in Chapter 309-2, within the MOD shall proceed under the following regulations

(1) Use Regulations Marijuana Establishments are allowed only within the set boundaries of the MOD

(2) Host Agreement. Prior to application with the Planning Board applicants shall negotiate a host agreement with the Board of Selectmen

(3) Application. In addition to the materials required under § 410-3 5A(2) of the Zoning By-Law, the application for a Special Permit for a Marijuana Establishment shall include **(a)** Disclosure Statement-A notarized statement signed by the organization's Chief Executive Officer and corporate attorney disclosing all of its designated representatives, including officers and directors, shareholders, partners, members, managers, directors, officers or other similarly-situated individuals and entities and their addresses. If any of the above are entities rather than persons, the Applicant must disclose the identity of all such responsible individual persons for such entity. **(b)** Description of Activities- A narrative describing the type and scale of all activities that will take place on the proposed site, including, but not limited to on-site sales of marijuana or marijuana infused products, off-site deliveries, distribution of educational materials, and other programs or activities.**(c)** Floor Plans- A floor plan of the premises of the proposed Marijuana Establishment that identifies the square footage available and describes the functional areas of the Marijuana Establishment.**(d)** Site Plans- A plan or plans depicting all proposed

development on the property as required under §410-4.1 of this bylaw.**(e)** Service Area- A map and narrative describing the area proposed to be served by the Marijuana Establishment and the anticipated number of clients that will be served within that area. This description shall indicate where any other Marijuana Establishment exists or have been proposed within the expected service area.**(f)** Transportation and Parking Analysis- A quantitative analysis prepared by a qualified transportation specialist acceptable to the Planning Board, modeling the expected origin and frequency of client and employee trips to the site, the expected modes of transportation used by clients and employees, and the frequency and scale of deliveries to and from the site.**(g)** Context Map- A map depicting all lots and land uses within a 500-foot radius of the premises.**(h)** Building Elevations and Signage – Architectural drawings of all exterior building facades and all proposed signage, specifying materials and colors to be used.**(i)** Licensure Materials: Marijuana Establishments shall be licensed by the Cannabis Control Commission and copies of the application materials issued for the purpose of seeking licensure included in the application to the Town.**(j)** Letters from the Police and Fire Departments indicating that they have reviewed the application materials and approve the safety and security measures of the Marijuana Establishment.**(k)** Executed host agreement.

- (4)** Dimensional Regulations. Dimensional Regulations are governed by the underlying zoning or applicable overlay district.
- (5)** Special Permit Criteria. In granting a Special Permit for a Marijuana Establishment, in addition to the general criteria for issuance of a Special Permit as set forth in § 410-3.5A(2) of this Zoning By-Law, the Planning Board shall find that the following criteria are met:**(a)** The building or buildings in which Marijuana Establishment activities take place shall not be located within, on the same lot as, or on a lot adjacent to a licensed pharmacy or within buildings that contain any pharmacy, medical doctor offices or the offices of any other professional practitioner authorized to prescribe the use of medical marijuana, which exist as of the effective date of this amendment to the Zoning By-Law.**(b)** The Marijuana Establishment shall establish policies and procedures to ensure that no marijuana is smoked, eaten or otherwise consumed or ingested on the Premises.**(c)** The hours of operation shall be set by the Planning Board, but in no event shall a Marijuana Establishment be open to the public, nor shall any sale or other distribution of marijuana occur upon the Premises or via delivery from the premises, between the hours of 8:00 p.m. and 8:00 a.m. **(d)** The Marijuana Establishment meets all of the permitting requirements of all applicable agencies within the Commonwealth of Massachusetts and will be in compliance with all applicable state laws and regulations.**(e)** The Premises have been designed to be compatible with other buildings in the area and to mitigate any adverse visual or design impacts that might result from required security

measures and restrictions on visibility into the building's interior **(f)** The Marijuana Establishment provides a secure indoor waiting area for individuals and clients.**(g)** Site is designed such that it provides convenient, safe and secure access and egress for clients and employees arriving to and leaving from the site using all modes of transportation, including drivers, pedestrians, bicyclists and public transportation users.**(h)** Traffic generated by client trips, employee trips, deliveries to and from the Marijuana Establishment, and parking and queuing especially during peak periods at the Marijuana Establishment, shall not create a substantial adverse impact on nearby uses.**(i)** Buffer Zone: A Marijuana Establishment Entrance may not be closer than 500 feet from the nearest School Entrance (as that term is defined by 953 CMR 500.002). **(a)** The buffer zone distance of 500 feet shall be measured in a straight line from the geometric center of the Marijuana Establishment Entrance to the geometric center of the nearest School Entrance, unless there is an Impassable Barrier (as that term is defined by 935 CMR 500.002) within those 500 feet; in these cases, the buffer zone distance shall be measured along the center of the shortest publicly-accessible pedestrian travel path from the geometric center of the Marijuana Establishment Entrance to the geometric center of the nearest School Entrance.

- (6)** Special Permit Conditions. Planning Board shall impose conditions reasonably appropriate to improve site design, traffic flow, public safety, air quality, and preserve the character of the surrounding area and otherwise serve the purpose of this Section. In addition to any specific conditions applicable to the Applicant's Marijuana Establishment, Planning Board shall include the following conditions in any Special Permit granted under this Section: **(a)** Hours of Operation, including dispatch of home deliveries.**(b)** Special Permit shall be limited to the current Applicant and shall lapse if the permit holder ceases operating the Marijuana Establishment.**(c)** Special Permit shall lapse upon the expiration or termination of the Applicant's license by the Cannabis Control Commission.**(d)** Permit holder shall provide to the Building Commissioner, Police and Fire Departments, and the Board of Health, the name, telephone number and electronic mail address of a contact person in the event that such person needs to be contacted after regular business hours to address an urgent issue. Such contact information shall be kept updated by the permit holder.**(e)** The designated contact person(s) shall notify in writing the Police and Fire Departments, Building Commissioner, Board of Health, and the Planning Board within a minimum 12 hours following a violation, a potential violation, or any attempts to violate any applicable law, or any criminal, potential criminal, or attempted criminal activities as a Marijuana Establishment permitted under this Section.**(f)** The designated representatives shall file an annual report (annually from the issuance of a Certificate of Occupancy) with the Office of Community

Development providing a copy of all current applicable state licenses for the Marijuana Establishment and to demonstrate continued compliance with the conditions of Special Permit.(g) If Planning Board determines that provided parking is not adequate to address observed demand after operations have commenced the applicant agrees to meet with the Planning Board to explore options and make best efforts to resolve the issue. Or take any action relative thereto.

(Inserted at the request of a Citizen's Petition by Bruce McWhorter and others).

RECOMMENDATION ON ARTICLE 7: Favorable Action: Majority: *This Article proposes to amend the Zoning Bylaws to authorize the Planning Board to permit an existing Registered Marijuana Dispensary, that has been licensed and lawfully operating for at least one year, to offer adult use retail sales (instead of strictly medical sales currently allowed); provided that, the Registered Marijuana Dispensary meet specific requirements set forth in the amended Zoning Bylaws. The proponents of this amendment posit that this amendment will allow the Registered Marijuana Dispensary to make available to all adults the benefits of cannabis currently available only to adults with medical prescriptions. The proponents also note that the existing Registered Marijuana Dispensary is competing with rising numbers of competitors that are not limited to sales of medical marijuana. The Advisory Board acknowledges that the Town voted to adopt a Zoning Bylaw and a General Bylaw that each prohibit the recreational sales of marijuana in a 2018 Special Town Ballot. However, the Advisory Board notes that the views of the Town voters may have changed over the past five years as recreational marijuana use has become better understood and more commonplace. Similarly, many communities within the Commonwealth of Massachusetts (including neighboring towns) now permit adult use retail sales of cannabis. Finally, the Advisory Board highlights that approving this Article will amend only the current Zoning Bylaw and not the General Bylaw.*

Minority: *This article requests that the town allow adult use retail sales of marijuana to the one and only existing medical marijuana dispensary in the town. There is no doubt that the landscape for the sale of marijuana has changed in Massachusetts and the current owners have indicated that without this change they may go out of business. The members of the minority on this article do not have an objection to the article in general, but only the provision that a permit to have retail sales of marijuana requires that any business seeking this relief must have "been licensed and lawfully operating within the Town for at least one year." Accordingly, the current dispensary is the only potential dispensary that would qualify for retail sale of marijuana in the Town. By including this one-year provision, the Town would essentially be limiting any potential competition to the current operator, as any new operator would have to operate as a medical only dispensary for at least one year before applying for a retail license. The current dispensary, which is seeking the relief of the town to add retail sales to their business in order to survive has indicated that a medical only dispensary is not a viable business, however their proposal would make that a requirement for any new applicant. Accordingly, they are asking the town to save their business and to limit any competition to their business going forward. For the reasons above, the minority opinion of the Advisory Board is that this change in the bylaws should not be granted without the elimination of the one-year operating requirement for any potential dispensary the town may consider in the future. (6-2)*

ARTICLE 8: To see if the Town will vote to amend the code of the Town as follows:

(A) Amend Chapter 309 (Marijuana Establishments) of the town's General Bylaws by adding the following new section to be determined by Town Clerk: Notwithstanding any other provision of the town Bylaws to the contrary, a Registered Marijuana Dispensary that has been licensed and lawfully operating in the Town for at least one

year may engage in adult use retail sales, subject to execution of a new Host Agreement, compliance with all applicable Zoning Bylaws, and to final licensure and permission to commence operations from the Cannabis Control Commission, or take any other action relevant thereto.

(Inserted at the request of a Citizen's Petition by Bruce McWhorter and others).

RECOMMENDATION ON ARTICLE 8: Favorable Action: *This Article proposes to amend the town's General Bylaws to allow an existing Registered Marijuana Dispensary, that has been licensed and lawfully operating for at least one year, to additionally offer adult use retail sales. Authorization is subject to a new Host Agreement, meeting applicable Zoning Bylaws and state requirements.*

*As stated in our recommendation on Article 7 this amendment will allow the Registered Marijuana Dispensary to make available to all adults the benefits of cannabis currently available only to adults with medical prescriptions. The Advisory Board acknowledges that the Town voted to adopt a General Bylaw to prohibit the recreational sales of marijuana in a 2018 Special Town Ballot. However, the Advisory Board notes that the views of the Town voters may have changed over the past five years as recreational marijuana use has become better understood and more commonplace. Similarly, many communities within the Commonwealth of Massachusetts (including neighboring towns) now permit adult use retail sales of cannabis. The Advisory Board highlights that approving this Article will amend the current General Bylaw only. **Minority:** The minority members refer you to the same opinion found in Article 7. (6-2)*

ARTICLE 9: To see if the Town will vote to authorize, pursuant to M.G.L. Chapter 64N, Section 3, the increase of the local sales tax (from 2% to 3%) upon the sale or transfer of marijuana or marijuana products by Marijuana Retailers of the Town of Hull, to a rate of 3% or the highest amount that may be permitted by law from time to time of the gross receipts of the vendor, or take any other action relative thereto.

(Inserted at the request of a Citizen's Petition by Bruce McWhorter and others).

RECOMMENDATION ON ARTICLE 9: No Action: Majority: *The State Tax allowed is already at 3% in the Town of Hull. (Unanimous)*

ARTICLE 10: To see if the Town will vote to authorize the Select Board to petition the General Court for an act of special legislation, granting an additional liquor license for the sale of all alcoholic beverages to be drunk off the premises: provided, however, that the General Court may make clerical or editorial changes of form only to the bill: An Act authorizing the Town of Hull to grant an additional license for the sale of all alcoholic beverages to be drunk off the premises.

SECTION 1. (a) Notwithstanding section 17 of chapter 138 of the General Laws, the licensing authority of the town of Hull may grant one additional license for the sale of all alcoholic beverages not to be drunk on the premises pursuant to section 15 of said chapter 138 to Preep Corporation, d/b/a Quick Pick Food Shop, located at 261-265 Nantasket Avenue, in the town. The license granted pursuant to this act shall be subject to all of said chapter 138 except said section 17.

- (b) The licensing authority shall not approve the transfer of a license granted pursuant to this act to any other location, but it may grant the license to a new applicant at the same location if the applicant files with the licensing authority a letter from the department of revenue and a letter from the department of unemployment assistance indicating the license is in good standing with those departments and that all applicable taxes, fees, and contributions have been paid.
- (c) If the licensee terminates or fails to renew the license granted under this act, or if such license is revoked or no longer in use, it shall be returned physically, with all of the legal rights and privileges pertaining thereto, to the licensing authority, which may, within 3 years after such return, then grant the license to a new applicant at the same location and under the same conditions as specified in this act, otherwise such license shall dissolve.
- (d) The license granted under this act shall be issued within 2 years after the effective date of this act; provided, however, that if the license is originally granted within that time period, it may be granted to a new applicant under subsections (b), and (c) thereafter. This act shall take effect upon its passage.
(Inserted at the request of a Citizen's Petition by Christine Riviuccio and others)

RECOMMENDATION ON ARTICLE 10: Favorable Action: Majority: *The Advisory Board recognizes the uphill battle that the petitioner faces to gain approval by the State and ultimately if successful at the State to then gain approval by the Select Board as Alcohol Licensing Commissioners. The Petitioner made a compelling case in the majority's opinion that Quick Pick Food Shop offers ease access to those citizens with mobility needs. This ability would also allow for more expansion of the business in service to all the neighborhood citizens and visitors. While we acknowledge the tough road ahead for this license, we felt Town Meeting could allow the whole process to play out.*

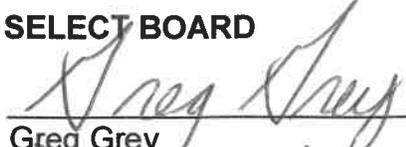
Minority: *The retail business owned and run by the applicant for this liquor license is well regarded and proven responsible but there is no need for an additional package store in Hull. There are 4 package stores in Hull that are spaced far enough apart to serve all sections of town conveniently. 3 of the 4 are liquor sales only, and all of their revenue has to come from that stream only. The Qwik Pik mart has many offerings to enhance their profitability and the addition of this license will dilute the market for the other package stores, especially the one closest to this site which is only .18 tenths of a mile from the proposed store. That's roughly 950 feet. The minority opinion of the Advisory Board is that this license should not be granted as there is no need for it and there is a possibility of detrimental consequences for existing businesses if granted. (6-1, 1 abstaining)*

And you are hereby directed to serve this Warrant by causing attested copies thereof to be posted at the main entrance to the Municipal Building and at least three other public places in said town fourteen days at least before the time of holding said meeting, as directed by vote of the town.

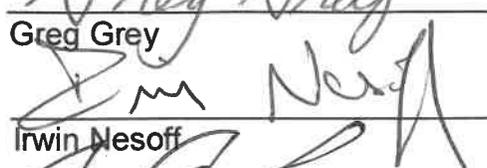
Hereof fail not and make due return of this Warrant with your doings thereof to the Town Clerk at the time and place of meeting aforesaid.

Given under our hands this 16th day of August, 2023.

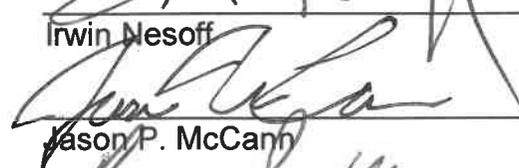
SELECT BOARD



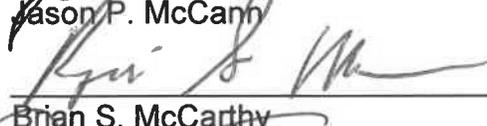
Greg Grey



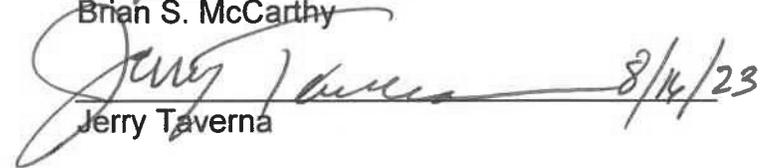
Irwin Nesoff



Jason P. McCann



Brian S. McCarthy



Jerry Taverna

8/16/23

Plymouth ss.

Date: August 17, 2023

By virtue of the above warrant, I have this day notified and warned as therein directed, the Inhabitants of the Town of Hull qualified to vote in elections and town affairs, to meet at the time and place for the purpose therein stated.



Kathleen A. Pelozzi
Constable, Town of Hull