

COMMONWEALTH OF MASSACHUSETTS

TOWN OF HULL, MASSACHUSETTS

Facsimile of the May 6, 2013

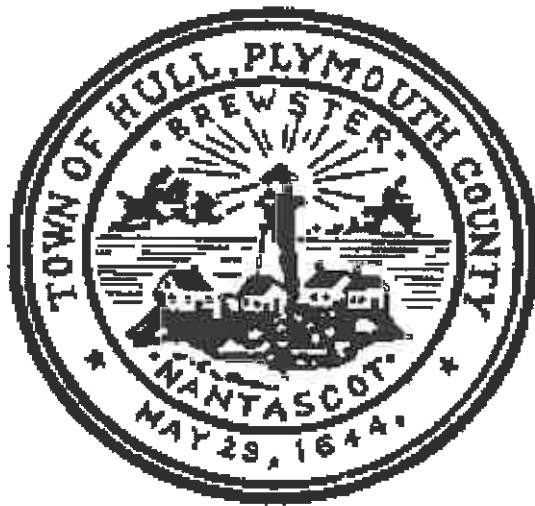
ANNUAL TOWN MEETING WARRANT

and

SPECIAL TOWN MEETING WARRANT

with

ADVISORY BOARD RECOMMENDATIONS



Monday, May 6, 2013 at 7:30 o'clock in the evening

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

TOWN of HULL
MODERATOR'S MESSAGE

Welcome to the 2013 Hull Town Meeting. Welcome Spring! Thankfully, we have survived the late winter storms and the Sewer Treatment Plant shutdown. At this Town Meeting we have important business to attend to: Budget review and approval and a new beachfront economic overlay zone are among the most pressing. Our local issues deserve our attention. Voter participation in Town Meeting is vital to Hull's character. At Town Meeting we get to legislate the business of our Town. For more than 300 years, New Englanders have been meeting to decide Town business. At Town Meeting decisions are made which affect each of us. Town policy and financial decisions are made at Town Meeting which affects everyone in Town. Town Meeting is the purest form of democracy. Each voter can stand up and speak their mind on any particular issue. The opportunity to speak on a given issue, and attempt to persuade your fellow voters is at the core of our democratic values. Our forefathers and foremothers fought many a battle for the right to be able to govern themselves. Immigrants from around the world still flock to America to live in a place governed by the people. Our Town Meeting is a direct expression of local governance. As we debate the articles at Town Meeting, remember that vigorous debate need not be disrespectful. Not everyone is going to agree with you and that is OK. Different opinions make Town Meeting interesting and useful. Remember to please be considerate and get to the point in your comments. This year, as usual, we have quite a bit of ground to cover. Clarity, brevity and respect for others are held in high regard at Town Meeting. Thank you in advance for your participation and cooperation.

Some frequently used Town Meeting procedural rules are set out below:

Quorum: In 1987 we abolished quorum requirements. Therefore, town meetings begin at the time designated by the Selectmen in the warrant (usually 7:30 p.m.).

Order of Articles: In 1980, we enacted a by-law providing, that the order of considering articles, except for the general budget articles, shall be determined by lottery. The moderator may declare certain articles, due to legal requirements, must be considered before or after other articles are considered.

Motions: After an article has been chosen by lottery, the moderator reads the motion pertaining to that article. The motion must be within the scope of the article as printed in the warrant and must be seconded. After a motion has been made, substitute motions and amendments may be offered, but no more than two (2) substitute motions or amendments may be before the meeting at any given time. Any substitute motion or amendment must also be within the scope of the article.

Discussion of articles: Persons wishing to speak should stand and remain standing until recognized by the moderator. They should begin their remarks by stating their name and address. We usually vote to limit first time comments on an article to ten (10) minutes. We have a bylaw limiting second time comments to five (5) minutes. Remember, often the most effective comments are succinct and to the point.

Point of order: May be used to raise a procedural question only. A point of order may be made at any time, requires no second and is not debatable.

Call for the question is a motion to terminate debate. It requires a two-thirds vote and is not debatable.

Voting by secret ballot shall occur when the Advisory Board so recommends in writing or when 15 voters so request, or when required by statute or town by-law.

Questioning the vote: When seven (7) voters question the moderator's calling of voice vote, a standing vote will be taken.

Motion to reconsider must be made on the same night that the vote to be reconsidered was taken; a two-thirds vote is required; a vote once reconsidered cannot be further reconsidered.

Resolutions may be offered without prior notice; are non-binding and not debatable.

Other procedural rules governing our meetings are spelled out in the book "Town Meeting Time", Little Brown, 1962, 2nd Ed. 1984

Michael S. Nuesse, Moderator

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.

THE ADVISORY BOARD:

J. Schmid, Chair
P. Larsen
J. Canavan

D. Clinton, Vice Chair
E. Minelli
J. Tiani

J. Polito, Clerk
J. Dennard

R. Kenney
R. Carney



**TOWN OF HULL
Advisory Board**

253 Atlantic Avenue
Hull, Massachusetts 02045

781-925 2000
Fax: 781-925-0224

To the Citizens of Hull,

Hull, like most towns in Massachusetts, continues to face some difficult decisions regarding the budget that supports all our town's functions.

This warrant contains a Projected Revenue and Expenditure Summary for the year ending June 30, 2013. This summary reflects a balanced budget that was achieved by the diligent work of all town departments. This enables the Town to maintain level services.

In order to restore limited services, Free Cash is being allocated to the Stabilization Fund this year. The Town is not using any additional monies from the Stabilization Fund to balance the budget. The Town should continue to invest in this fund whenever possible.

There are two economic development related articles for you to consider. Article 23 requests a zoning change to create an Overly District in order to stimulate mixed used redevelopment and Article 14 requests a bond authorization for reconstruction in the surfside area to allow for underground utilities placement. This is the first article that will be presented to the Town for consideration. The second will come in a later year. Articles 24 through 28 all involve citizens' petitions.

Thank you, in advance, for your involvement and participation at this important time in Hull's history.

Sincerely,

John Schmid, Chairman
David Clinton, Vice Chairman
Jay Polito, Clerk

Advisory Board Members:

*Expire in 2013: John Schmid, Richard Kenney, Jay Polito, Ernest Minelli IV
Expire in 2014: James Canavan, Peter Larsen, Jill Dennard, Robert Carney
Expire in 2015: John Tiani, David Clinton, (vacant)*

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 Monday, the Sixth day of May next, 2013 at 7:30 o'clock in the evening, then and there to act upon the following articles, namely:

ARTICLE 1. To hear and act upon the following:

- The Report of the Selectmen
- The Report of the School Committee
- The Report of the Fire Department
- The Report of the Police Department
- The Report of the Treasurer/Collector
- The Report of the Town Clerk
- The Report of the Board of Assessors
- The Report of the Municipal Light Board
- The Report of the Trustees of the Public Library
- The Report of the Town Counsel
- The Report of the Retirement Board
- The Report of the Committees
- The Report of the Town Accountant
- The Report of the Board of Health
- The Report of the Planning Board

or take any other action relative thereto. (Inserted by Board of Selectmen)

Recommendation: Favorable Action on Article 1. The Advisory Board recommends acceptance of the Annual Town Reports as presented. (Unanimous)

ARTICLE 2. A) To see if the Town will assume liability in the manner provided by section 29 of Chapter 91 of the General Laws and amendments thereto, for all damages that may be incurred by work to be performed by the Department of Public Works of Massachusetts and/or the Massachusetts Department of Environmental Protection for the improvement, development, maintenance and protection of tidal and nontidal rivers and streams, harbors, tidewaters, foreshores and shores along the public beach outside of Boston Harbor and authorize the Selectmen or Town Manager to execute and deliver a bond of indemnity therefore to the Commonwealth; and further,

B) To see if the Town will authorize the Selectmen or Town Manager to enter into contracts with the Massachusetts Department of Public Works and/or County Commissioner

and/or Massachusetts Department of Environmental Protection for the construction or maintenance of seawalls and land areas bordering on tidal waters, for the ensuing year, or take any other action relative thereto. (Inserted by Board of Selectmen)

Recommendation: *Favorable Action on Article 2. Town Meeting approval is necessary to allow the Board of Selectmen to contract with the Commonwealth for work to be performed by the Commonwealth. (Unanimous)*

ARTICLE 3. To see if the Town will authorize the Board of Selectmen to enter into contracts with the Commonwealth of Massachusetts, its divisions, commissions and agencies, including the Department of Public Works and/or the County Commissioners for the construction and maintenance of public highways for the ensuing year, or take any other action relative thereto. (Inserted by Board of Selectmen)

Recommendation: *Favorable Action on Article 3. This is an annual housekeeping article, which allows the Town to enter contracts with the Commonwealth, which provides funds for highways and roads. (Unanimous)*

ARTICLE 4. To see if the Town will authorize the Treasurer/Collector to enter into compensating balance agreements, as permitted by M.G.L. Chapter 44, section 53F, or take any other action relative thereto. (Inserted at the request of the Treasurer/Collector)

Recommendation: *Favorable Action on Article 4. This is an annual housekeeping article, which enables the Treasurer to gain services or benefits from banking institutions with which we have funds on deposit. (Unanimous)*

ARTICLE 5. To see if the Town will vote that all income from sales of electricity to private consumers or for electrical supplies to municipal buildings or for municipal power, and for sales of appliances and jobbing during the next fiscal year, be appropriated for the Municipal Light Department, the whole to be expended by the Town Manager for the expenses of the plant for the next fiscal year, as defined in section 57 of Chapter 164 of the General Laws and Chapter 8 of the Acts of 1989, as amended, or take any other action relative thereto. (Inserted by Board of Selectmen)

Recommendation: *Favorable Action on Article 5. This article reaffirms that operating income from the Light Plant sales and activities will be used to meet the expenses of the Light Plant. In addition, it stipulates the Town Manager will see that the funds are expended as specified by the laws of the Commonwealth. (Unanimous)*

ARTICLE 6. To see if the Town will fix the salaries of the following Town Officers, viz;

Selectmen
Moderator
Town Clerk
Assessors
Municipal Light Board

or take any other action relative thereto. (Inserted by Town Manager)

Selectmen	\$ 2,500.00(members)
	\$ 3,000.00(chair)
Moderator	\$ 425.00
Town Clerk	\$ 17,475.00
Assessors	\$ 400.00(members)
	\$ 1,000.00(chair)
Municipal Light Plant	\$ 450.00(members)
	\$ 600.00(chair)

Recommendation: Favorable Action on Article 6. This is an annual housekeeping article that provides compensation for the above-mentioned board members. (Unanimous)

ARTICLE 7. To see if the Town will raise and appropriate or appropriate and transfer from available funds a sum of money to operate the Harbormaster's Department as a so-called enterprise account, or take any other action relative thereto. (Inserted at the request of the Harbormaster)

Recommendation: Favorable Action on Article 7. This article fulfills the State requirement that the Town appropriate sufficient funds to operate the Harbormaster Enterprise Account. (Unanimous)

ARTICLE 8. To see if the Town will raise and appropriate or appropriate and transfer from available funds a sum of money to operate the Sewer Department as a so-called Enterprise Account, including appropriating retained earning/surplus revenue for repairs, maintenance and capital improvements, or take any other, action relative thereto. (Inserted at the request of the Permanent Sewer Commission)

Recommendation: Favorable Action on Article 8. This article fulfills the State requirement that the Town appropriate sufficient funds to operate the Sewer Enterprise Account. (Unanimous)

ARTICLE 9. To see if the Town will raise and appropriate or appropriate and transfer from available funds a sum of money to defray the expenses of Fiscal Year 2013 for:

General Government
Schools

or take any other action relative thereto. (Inserted by Board of Selectmen)

Recommendation: Favorable action on Article 9. The Advisory Board recommends favorable action on the Fiscal Year 2014 town budget. We recognize the work that the Town Manager, the Board of Selectmen, School Committee and the various department heads have invested to structure a budget that funds our various general government and school priorities. This budget represents the collaborative efforts of these various stakeholders, and we acknowledge the sacrifices that are being made by all as we work together to meet the needs of our community. (Unanimous)

ARTICLE 10. To see if the Town will vote to authorize revolving funds for certain Town Departments under Massachusetts General Laws Chapter 44, §53E1/2 for the fiscal year beginning July 1, 2013, as follows:

<u>Revolving Fund</u>	<u>Authorized to Spend Fund</u>	<u>Revenue Source</u>	<u>Use of Fund</u>	<u>FY14 Spending Limit</u>	<u>Disposition of FY13 Fund Balance</u>
Zoning Board of Appeals	Board of Appeals	Application fees charged for special permits, variances and appeals on orders or decisions of the Building Commissioner	Expenses and fees of the Zoning Board of Appeals	\$10,000	Balance available for expenditure
Inspectional Services	Building Commissioner	Receipts for plumbing, gas and electrical permits and inspections	Salaries and expenses for the plumbing, gas and electrical inspectors, and for the related proportion of support staff expenses related thereto	\$80,000	Balance available for expenditure

Vaccination Clinics	Board of Health, Director of Public Health	Fees and billings for vaccination clinics	Expenses related to vaccination clinics, including nursing services and related proportion of support staff expenses related thereto	\$35,000	Balance available for expenditure
Inspectional Services	Board of Health, Director of Public Health	Receipts for rental housing unit inspections and housing and residential swimming pool inspections	Salaries and expenses for the health inspector(s) and any other required inspector, and for the related proportion of support staff expenses related thereto.	\$100,000	Balance available for expenditure
Integrated Preschool	School Committee	Preschool class tuition	Salaries, expenses and fees for three (3) integrated preschool classes for children ages three to five identified as having a disability to provide a nurturing, caring and supportive environment that fosters the development of self-esteem	\$90,000	Balance available for expenditure
Council on Aging Activities	Director of Council on Aging	Fees for programs sponsored by the COA, other fees for services	Salaries and expenses to provide additional services to senior citizens, payment of program fees	\$10,000	Balance available for expenditure
Hazardous Materials Clean Up	Fire Chief	Insurance claims, clean-up fees, receipts for use of personnel and equipment for hazardous material clean-up	Salaries, equipment and supply replacement, and other expenses related to clean up and disposal	\$25,000	Balance available for expenditure

Parking Fund	Board of Selectmen	Sale of parking stickers, visitors passes and parking meters	Enforcement, signage, obtaining new parking areas and other parking related costs	\$80,000	Balance available for expenditure
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or take any other action relative thereto. (Inserted by Board of Selectmen)

Recommendation: Favorable Action on Article 10. This is an annual housekeeping article that is required to re-establish revolving funds for various uses in FY 2014. The revolving funds ensure that the funding of these departments is generated by these departments. (Unanimous)

ARTICLE 11. To see if the Town will vote to authorize the below listed revolving fund for Tax Title Expenses under M.G.L. Chapter 44, section 53E1/2 for the Fiscal Year beginning July 1, 2013:

Revolving Fund	Authorized to Spend Fund	Revenue Source	Use of Fund	FY14 Spending Limit	Disposition of Fund Balance
Tax Title Legal Expenses	Treasurer/Collector	Legal fees charged to past due accounts	Tax Title legal services	\$10,000	Available for expenditure

or take any other action relative thereto. (Inserted by Board of Selectmen)

Recommendation: Favorable Action on Article 11. This article will establish a revolving account in FY 2014 for the purpose of legal services for Tax Title research. Revolving funds ensure that the funding of these departments is generated by these departments. (Unanimous)

ARTICLE 12. To see if the Town will appropriate and/or transfer from the Waterways Improvement Fund the sum of \$50,000.00 to replace the Harbormaster Department patrol boat engine and to repair retaining walls at Pemberton Pier and Nantasket Pier, or take any other action relative thereto. (Inserted at the request of the Harbormaster)

Recommendation: Favorable Action on Article 12. This action will allow the transfer of \$50,000 from the Waterways Improvements Fund, an Enterprise Fund, to purchase a patrol boat engine and repair retaining walls. This action will not impact the tax base. Moneys raised by mooring fees, rental fees, and excise taxes you serve the Waterways Improvement Fund. (Unanimous)

ARTICLE 13. To see if the Town will appropriate a sum of money, to be added to the \$750,000 authorized by Article 8 of the May 3, 2010 Annual Town Meeting, to pay the costs of engineering, permitting and work relative to dredging the Nantasket Pier area, including the payment of all costs incidental and related thereto; to determine whether this amount shall be raised by borrowing or otherwise; to authorize the Board of Selectmen 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 the request of the Harbormaster)

Recommendation: Favorable Action on Article 13. This action will authorize the borrowing of an additional \$500,000 to the \$750,000 previously approved at the May 2013 Town Meeting and allow the Nantasket Pier dredging project to proceed. The dredging of Nantasket Pier is necessary to maintain the vital commercial and recreational uses for approximately the next ten years. This project will be paid by the Waterways Improvement Fund, an Enterprise Fund, and will not impact the tax base. Moneys raised by mooring fees, rental fees, and excise taxes to serve the Waterways Improvement Fund. (Unanimous)

ARTICLE 14. To see if the Town will appropriate a sum of money to pay costs of constructing underground structures to receive utilities for the Nantasket Avenue Rebuild Project, including the payment of all costs incidental and related thereto; to determine whether this amount shall be raised by borrowing or otherwise; to authorize the Board of Selectmen 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 Board of Selectmen)

Recommendation: Favorable action on Article 14. The Advisory Board recognizes the ever-present need to prioritize the Town's capital outlays; the majority of the Board believes this is a worthwhile and necessary investment in the Town's infrastructure for the future of the gateway area of our community. This is a vital component of the Nantasket Beach revitalization and the Town's Planning Director, Design Review Board, Hull Historical Commission, and Chamber of Commerce are in support of this Article. (Majority 6-2)

Minority View: The minority believes this is a valuable and worthwhile project. However, in this fiscal climate we find it hard to justify an expense of this size for something that is ultimately for aesthetic value. The list of major capital projects this town needs is lengthy. Significant attention and investments need to be made in Town Hall, the seawalls, roads, fire hydrants, and technology to name a few. We believe the money is better spent elsewhere.

ARTICLE 15. To see if the Town will amend Chapter 90 of the Code/Bylaws of the Town, Animal Control Laws, by adopting provisions of or making changes pursuant to c. 193 of the Acts of 2012, an Act Further Regulating Animal Control, and including the following:

- A. Amend section 901-Definitions, by adding the following:
"Nuisance or Dangerous Dogs – In addition to any definitions provided in this bylaw for nuisance or dangerous dogs, the definitions and procedures of G.L. c. 140, sec. 136A shall apply."
- B. Amend section 90-3.G – Declaration of Nuisance Offenses, by striking said section and renumbering the remaining sections of section 90-3.
- C. Amend section 90-5 – Impoundment, by striking the phrase "ten (10) days" and inserting in its place the phrase "seven (7) days".
- D. Amend section 90-7 – Violations and Penalties, by striking the phrase "in addition to the above" and inserting in its place the phrase "in addition to the provisions of this bylaw".
- E. Amend section 90-14.C – Dangerous and Vicious Dogs, by (1) adding before the two phrases "Animal Control Officer" the phrases: "Hearing Authority and/or" and (2) adding at the end of C the following: "6. Any other remedy provided for by law."
- F. Add a new section to be numbered by the Town Clerk as follows:

"Section 90 - Hearing and Remedies

- A. If any person shall make a complaint in writing to the Hearing Authority and/or Animal Control Officer of the town that any dog owned or harbored within the town is a nuisance dog or a dangerous dog, the Hearing Authority and/or Animal Control Officer shall investigate or cause the investigation of the complaint, which to the extent applicable may include an examination under oath of the complainant at a public hearing. Based on credible evidence and testimony present at the public hearing, the Hearing Authority shall: (i) if the dog is complained of as a nuisance dog, either dismiss the complaint or deem the dog a nuisance dog; or (ii) if the dog is complained of as a dangerous dog: (A) dismiss the complaint; (B) deem the dog a nuisance dog; or (C) deem the dog a dangerous dog.
- B. In addition to any other remedy provided for in this bylaw, the town, Hearing Authority and the Animal Control Officer shall have such other powers, rights and remedies as provided for by any applicable law.

or take any other action relative thereto. (Inserted at the request of the Town Counsel)

Recommendation: Favorable action on Article 15. This article will amend our existing Code/Bylaws in order to ensure consistency with State Law. There have been recent changes to the Massachusetts General Laws and it makes sense to keeping our language consistent. (Unanimous)

ARTICLE 16. To see if the Town will vote to charge for each unpaid electric and/or sewer bill added to a tax bill as a lien, a fee of \$25 to be added to and collected as part of the tax, as authorized by M.G.L. Chapter 40, section 22F or any other applicable law, effective July 1, 2013, or take any other action relative thereto. (Inserted at the request of the Treasurer/Collector)

Recommendation: Favorable action on Article 16. This article allows the Town to charge \$25 for unpaid sewer and electric bills when a lien is placed on a property. This fee will help to offset the costs for collections by the Town. Unpaid bills add costs to the office of the Treasurer/Collector. In addition, unpaid balances adversely impact rate payers that make payments in a timely fashion. (Unanimous)

ARTICLE 17. To see if the Town will vote to accept the provisions of Chapter 139 of the Acts of 2012, sections 63, 64 and 65, Local Option Increase to Benefits Payable to Widows and Widowers of Disabled Public Employees under M.G.L. 32, section 101. The benefit would increase from \$6,000 to \$12,000, or take any other action relative thereto. (Inserted at the request of the Retirement Board)

RECOMMENDATION: Favorable Action on Article 17. This article allows the Retirement Board to increase the benefit up to a maximum of \$12,000 for surviving spouses of retired public employees who were disabled prior to November, 1996. There are two spouses currently receiving the \$6,000 benefit. There are potentially nineteen retired disabled employees' widows or widowers entitled to this increased benefit. (Unanimous)

ARTICLE 18. To see if the Town will accept the provisions of G.L. 59, section 5K that allows the maximum in reduction of the real property tax bill be based on 125 volunteer service hours in a given tax year, rather than a stated dollar amount for those eligible participants in the Senior /Citizen Property Tax Abatement program, or take any other action relative thereto. (Inserted at the request of the Town Accountant)

RECOMMENDATION: Favorable Action on Article 18. This provision would be tied directly to the number of hours of volunteer service performed, and would automatically account for any future updates to the Commonwealth's minimum wage price structure. (Unanimous)

ARTICLE 19. To see if the Town will release any temporary construction and/or permanent easements or portions thereof obtained as part of the Summit Avenue Portion Sewer Project under an Order of Taking dated September 22, 1975 and recorded at Plymouth County Registry of Deeds, Book 4105, Page 49 as related to the property at 32 Reef Point where said easements are no longer needed due to a relocation of the sewer line at said property and therefore as determined by the Town Manager and Sewer Department are no longer needed, all under such terms and conditions as are approved by the Town Manager and Sewer Department, or take any other action relative thereto. (Inserted at the request of Town Counsel)

Recommendation: Favorable action on Article 19. This article allows the Town to release temporary and permanent easements (land use rights) on the referenced property that are no longer necessary for the purposes for which they were originally taken as determined by the Sewer Department and Town Manager. (Unanimous)

ARTICLE 20 . To see if the Town will amend the Code/By-laws of the Town by

A. Adding a new section as follows:

(Chapter and section numbers to be assigned by the Town Clerk)

Registration and Maintenance of Blighted Vacant Buildings, Structures and Properties

A) Purpose: Enforcement Authority

The purpose of this bylaw is to help protect the health, safety and welfare of the citizens by preventing properties from becoming blighted or vacant and not maintained, protecting property values and neighborhood integrity, protecting the Town's resources, avoiding the creation and maintenance of nuisances and ensuring the safe and sanitary maintenance of buildings. Blighted buildings are at an increased risk for fire, unlawful entry and other public health and safety hazards. This Bylaw will help secure the Town's public welfare by requiring all property owners (which term shall include managers and those with responsibility for the care of property), including lenders, trustees and service companies and foreclosing parties, to properly maintain blighted properties.

Code Enforcement Agents of the Town shall be the enforcement authorities as to this bylaw.

This bylaw shall be in effect through September 30, 2015 unless rescinded or extended prior thereto.

B) Definitions

- a. "Town": means the Town of Hull, MA.
- b. "Code Enforcement Agents": means a Department Head or employee within any Department involved in the enforcement of laws pertaining to public safety.
- c. "Days": means consecutive calendar days.

- d. "Local" means within twenty miles of the property in question.
- e. "Property": means any real property or portion thereof, located in the Town of Hull, including but not limited to buildings or structures situated on the property.
- f. "Property Enhancement Plan" (PEP): a Plan which will detail the owner's action steps that address all violations of this by-law and other applicable laws, rules and regulations.
- g. "Owner": a person or entity who, alone or severally with others:
 - a) Has legal or equitable title to property or has care, charge or control of any building, dwelling unit or parcel of land in any capacity including but not limited to agent, personal representative, executor, executrix, administrator, administratrix, trustee or guardian of the estate of the holder of legal title; or
 - b) Has legal right to possess the property in question; or
 - c) Is a mortgagee in possession of any building on property; or
 - d) Is an agent, trustee, receiver or other person appointed by the courts or owner and vested with possession or control of a building on property or property itself; or
 - e) Is an officer or trustee of an association of unit owners of a condominium or cooperative which is or is on the property, including the common areas.
- h. "Legally Occupied": Occupied in accordance with the provisions of the applicable laws, rules and regulations.
- i. "Structure": A combination of materials for permanent or temporary occupancy of use, such as a building, bridge trestle, tower, framework, retaining wall, tank, tunnel, stadium, reviewing stand, platform, swimming pool, shelter, pier, wharf, bin, fence, sign, gasoline pump, recreational court, or the like.
- j. "Building": Any structure used or intended for supporting or sheltering any use or occupancy; a structure enclosed within exterior walls or firewalls, built, erected and framed of a combination of any material, 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 similar covering, whether or not permanent in nature and the word "building" shall be construed where the context requires as though followed by the words "or parts thereof".
- k. "Blighted Residential or Non-Residential property (i.e. commercial, business or other property not constituting residential)": means a building, structure or property which has some of the following characteristics: shows signs of substantial physical distress, including, but is not limited to, boarded-up or broken windows or doors, fire damage, collapsed roofs, exposure to the elements, susceptibility to unauthorized entry, the accumulation of trash, junk, and/or debris, or that appears to pose a risk to public safety, as determined by Code Enforcement Agents. Blighted does not include a building that is unoccupied while undergoing renovations for which a valid building permit exists, or while undergoing repairs due to fire or other casualty for which a valid building permit

exists. In order to come within this definition and bylaw, it must be property not being used or occupied as intended, is not legally occupied, has been wholly vacant for sixty (60) days and have one or more of the foregoing characteristics.

C) Registration and Registration Fees

- a. Blighted property: If a building, structure or property is determined to be blighted under this bylaw by a Code Enforcement Agent, the agent shall issue a notice to the Owner(s) of the property informing them of all conditions on the property which must be corrected as required by the pertinent codes in order to remove the determination as blighted under this bylaw.. Upon provision of documentary evidence of correction of the conditions in such notice, the Code Enforcement Agents shall inspect the property and, so long as there are no other outstanding violations, the Code Enforcement Agents shall issue a certificate of compliance as relates to this bylaw.
- b. Unless the violations have been corrected within 14 days after notice of violation has issued, the Owner(s) shall register the property with the Inspectional Services Department on forms provided by said Department.
- c. Any property registered under this By-Law shall pay an annual registration fee which shall be for a one year period or sooner period if the property is issued a certificate of compliance under this bylaw. Registered property that receives a certificate of compliance under this bylaw shall be liable for a new registration fee or fees should it subsequently be determined to be blighted. The registration fee shall be set by the Board of Selectmen pursuant to G.L. c.40, 22F.
- d. Willful failure to pay the annual registration fee shall be a violation of this By-Law, and the full fee shall be deemed and designated an assessment against the Property and constitute a municipal lien on the property in accordance with G.L. c.40, 58.
- e. Within thirty (30) days of registration, unless the property has received a certificate of compliance, the Owner(s) of any property required to be registered under this bylaw shall pay to the Town an annual special inspection fee of one hundred (\$100.00) dollars to provide for cost of recovery for inspection services provided by the appropriate Town departments. This fee shall be in addition to any other inspection fees that may be required by the Code Enforcement Agents.
- f. If the Owner(s) is a corporation or other entity with a principal place of business outside the Commonwealth of Massachusetts or an individual residing outside the Commonwealth, the owner shall appoint an in-state agent authorized to accept service of process and other documents under this By-Law, such as property manager or real estate professional.

- i. Each registration shall state the Owner's and, if applicable, agent's name, telephone and cell phone number, email, residence and place of business in the Commonwealth of Massachusetts and mailing addresses located within the Commonwealth of Massachusetts including valid: name, street number, street name, city or town, state and zip code; the residence or place of business shall not be a Post Office box

D) Maintenance and Security Requirement

- a) Properties subject to this Bylaw must comply with all state and local health, sanitary and safety codes and regulations. The local owner or local property management company must inspect and maintain the property on at least a monthly basis for as long as the property is in violation of this bylaw. The name and the 24 hour contact telephone number of the local owner or local property management company responsible for the maintenance must be posted on the front of the property so as to be clearly visible by the Code Enforcement Agents or their designee from the street.
- b. In accordance with applicable law property that is blighted must be safe and must be safe and must be secured so as not to be accessible to unauthorized persons.
- c. Compliance with this bylaw does not relieve the owner or other responsible party of any applicable obligations set forth in the laws, rules, code, regulations, covenant conditions and restrictions, and/or homeowner's association rules and regulations.

E) Inspections

Code Enforcement Agents, or their designees, shall have the authority to periodically inspect the exterior and interior of any building subject to this Bylaw for compliance upon at least twenty-four (24) hours' notice or such notice as is reasonable under the circumstances to the property owners or their designees. If access is not provided by the owner or designee, the Town may seek access by appropriate court approval or other lawful means.

F) Other Actions

Nothing in this Bylaw shall abrogate the powers and/or duties of the Town to act pursuant to any law, rule or regulation.

G) Appeals

Any persons aggrieved by a decision or order issued hereunder may appeal said decision to the municipal hearing officer appointed under G.L. c. 148A within seven (7) days.

H) Applicability

If any provision of this Bylaw imposes greater restrictions or obligations than those imposed by any general law, special law, regulation, rule, ordinance, order or policy, the provisions of this Bylaw shall control.

I) Severability

If any provision of this Bylaw is held to be invalid by a Court of competent jurisdiction, then such provisions shall be considered separately and apart from this Bylaw and the remaining provisions, which shall remain in full force and effect.

J) Penalties

A failure to comply with the provisions of this bylaw shall be subject to a fine of \$100.00 for each day of non-compliance. These provisions may also be enforced under the town's non-criminal disposition bylaw and/or by any other enforcement method under the law. Nothing contained herein shall serve as a limit on other lawful enforcement mechanism, nor shall the same excuse compliance with any other laws, rules or regulations

- B. And further to amend Chapter 1 of the Code/Bylaw of the Town by inserting the following in the Table "Provisions Subject to Non-Criminal Disposition":

<u>Cite Chapter</u>	<u>(Enforcing Person)</u>	<u>Penalty</u>	
Abandoned or Vacant Properties By-law	Code Enforcement Agents	First offense- Second and Subsequent Offense \$ each	

or take any other action relative thereto. (Inserted by Board of Selectmen)

Recommendation: Favorable action on Article 20. The proponents of this article have listened to the comments of Town Meeting and are presenting an article that reflects those concerns and recommendations. This By-Law will address "blighted" properties that are wholly vacant for sixty (60) days or more. Vacant unmaintained properties can be a blight on the community and a hazard within a neighborhood. This Article provides the town additional means to protect and promote "the health, safety and welfare of the public". (5-1 with 2 abstaining)

ARTICLE 21. To see if the Town will amend Chapter 60, section 9B of the Code/Bylaws of the Town by adding the following: "The Moderator may take articles out of order and consolidate the motions for same in order to facilitate the discussion of similar or related topics and/or to act on routine articles or to otherwise facilitate the conduct of the town meeting. The Moderator shall first announce in each instance to the body the articles proposed to be taken

out of order and if the body passes by majority vote a motion objecting to the taking of certain articles out of order, those articles so objected to shall not be taken out of order unless otherwise permitted or required by law", or take any other action relative thereto. (Inserted by the Town Manager)

Recommendation: Favorable Action on Article 21. *In approving this Article you will allow for the moderator to propose to link related articles so as to provide for a more effective and efficient administration of the Town Meeting and thus town government. Any such proposed action would need to be proposed to town meeting in advance for discussion and be subject to a majority vote. (Unanimous)*

ARTICLE 22. To see if the Town will amend Chapter 169 of the Code/Bylaws of the Town by adding the following new sections:

- (10) No person shall keep or maintain any inoperable motor vehicle on any public way for more than fifteen (15) days.
- (11) No person shall keep or maintain a registered or unregistered trailer which is not attached properly to an operable motor vehicle on any public way for more than 48 hours without the prior approval of the Police Department. Trailers shall include boat trailers, storage trailers, equipment trailers, car trailers, motorcycle trailers, construction trailers or similar trailers, devices or contrivances., or take any other action relative thereto. (Inserted by the Town Manager)

Recommendation: No Recommendation on Article 22. *This matter should be referred to a study commission of the Town Manager, Chief of Police, and Advisory Board. While this Article warrants consideration and seems simple on its face, it is recommended to be referred to study to address some enforcement and compliance issues to ensure clarity. (Unanimous)*

ARTICLE 23. To see if the Town will vote to amend the Town of Hull Zoning Bylaw Article III, Establishment of Districts by adding Section 39A Nantasket Beach Overlay District (NBOD) as follows:

Nantasket Beach Overlay District

1. **Purpose.** The purpose of the Nantasket Beach (NBOD) 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 NBOD, 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 by right 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 fifty (50) 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 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 fifty (50) 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 fifty (50) 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.

Nantasket Beach Overlay District DRAFT Illustrative Map

0 1,000 Feet



 Proposed Overlay District

NOTE: This map is for illustrative purposes only. For official district boundaries, refer to maps on file with the Town Clerk.
Sources: MassGIS, Town of Hull

MAPC

or take any other action relative thereto. (Inserted at the request of the Planning Board)

Recommendation: *Recommendation at Town Meeting on Article 23. The Advisory Board did not possess sufficient information in order to make a recommendation at the time of the printing of this warrant. (Unanimous)*

ARTICLE 24. A NEW DAY (formerly Womansplace Crisis Center) requests from the Town of Hull that \$2,000 be raised and appropriated to A New Day in fiscal year 2014 in lieu of services provided to the sexual assault survivors and their families. (Inserted on petition of Carmen L. Arroyo and others)

Recommendation: *Unfavorable Action on Article 24. The Town has been previously notified by the Massachusetts Department of Revenue indicating that municipalities are not legally allowed to make grant payments to private entities. (Unanimous)*

ARTICLE 25. To see if the Town will vote authorization to the Board of Selectmen to grant license and license agreement to the occupant(s)/owners in the Town of Hull abutting former railroad lands for the purpose of cleaning and maintaining the adjoining and/or abutting former railroad land in the deeded name of the Inhabitants of the Town of Hull (often referred to as former railroad bed area land) Plymouth County Registry of Deeds Book 1756, Page 558-564 and for the purpose of their exclusive lawful and private use, in total consideration of only one dollar (\$1.00) for an unspecified period of time, revocable at any time for any reason, at less than fair market value return to the inhabitants/taxpayers of the Town of Hull and without a publicly advertised bidding process. (Inserted on petition of Kenneth L. Kaplan and others)

Recommendation: *No Action on Article 25. This article is based on a dispute with the town over the railroad bed ownership and use. This is a complicated matter that if not carefully considered could adversely impact the Town and its Taxpayers. These issues require significant study and collaboration before Town Meeting action. (Unanimous)*

ARTICLE 26. To see if the Town will vote that the Board of Selectmen retain special counsel independent of their appointed Town Counsel for the purpose of studying and making written recommendation to the Board of Selectmen regarding the conversion of former railroad lands now under the Town of Hull municipal controls and oversight for private uses for a fair value consideration by lease, license or sale, etc. and to determine the legal procedures that must be followed, and to appropriate or appropriate and transfer funds to pay for special counsel. (Inserted on petition of Kenneth L. Kaplan and others)

Recommendation: *Unfavorable Action on Article 26. Approval of this article directs, rather than permits, the Board of Selectmen to hire special counsel to address the concerns raised by the citizen's*

petition (Article 25) regarding the railroad bed ownership and use. The Town is served by local counsel and is not in the fiscal position to fund a mandate for special counsel for a matter based on a dispute. Approval of this article would set a dangerous precedent for future disputes with the town. (Unanimous)

ARTICLE 27. To ask the Town of Hull to vote to raise or appropriate or transfer from available funds the sum of \$3,000 to contract with South Shore Women's Resource Center for domestic violence intervention and prevention services for its residents. (Inserted on petition of Denise Whitfield and others)

Recommendation: *Unfavorable Action on Article 27. The Town has been previously notified by the Massachusetts Department of Revenue indicating that municipalities are not legally allowed to make grant payments to private entities. (Unanimous)*

ARTICLE 28. To see if the Town will vote to establish the Board of Health's Community Outreach and Family Support Coordinator position as a full time, thirty-five (35) hour position and further to raise and appropriate or transfer from any available fund or funds a sum of money to pay the 35 hour per week job, the full 35 hour wage and not the thirty-two (32) hour wage it has been funded at over prior years, or act on anything related thereto. (Inserted on petition of Sandie Weiner and others)

Recommendation: *No Action on Article 28. This is a personnel issue best vested within the authority of the Town Manager.*

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 thirty 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 second day of April, 2013.

BOARD OF SELECTMEN

Plymouth ss

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.

CONSTABLE, TOWN OF HULL

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 Monday, the Sixth day of May next, 2013 at 8:00 o'clock in the evening, then and there to act upon the following articles, namely:

ARTICLE 1. To see if the Town will appropriate and/or transfer a sum or sums of money from available funds to pay the following unpaid bills incurred prior to July 1, 2012:

Vendor	Amount	Department
Andrea's Police Supply Inc.	\$409.85	Police Department -- Uniform allowance
Hull Times	\$50.00	Town Manager -- Employment advertisement
Commonwealth of MA	\$15,142.57	Non-contributory retiree payment (MGL c 32, sec 59A)

or take any other action relative thereto. (Inserted at the request of the Town Accountant)

Recommendation: Favorable Action on Article 1. This is a housekeeping article to pay unpaid bills from a previous fiscal year. Town Meeting approval is necessary to make this expenditure. (Unanimous)

ARTICLE 2. To see if the Town will appropriate and/or transfer a sum or sums of money from available funds to the following:

Department	Amount	Reason
0141-Assessor	\$6,555	Interest on ABT judgment (Verizon)
0145- Treasurer/Collector	\$17,000	Real Estate Tax legal issues
0192-Public Buildings	\$10,000	Building maintenance/repair
0210-Police Department	\$4,500	Parking meters
0215-Dispatch (SSREC)	\$10,926	Special assessment -- operations
0424-Blizzard Emergency	\$50,000	DPW resources, fire overtime
0543-Veterans Benefits	\$55,000	Benefits
0912-Worker's Comp	\$15,000	Settlement

or any other accounts for expenses or benefits, or take any other action relative thereto. (Inserted at the request of the Town Accountant)

Recommendation: Favorable Action on Article 2. This article will allow certain departments additional monies for incurred expenses to be transferred from available funds. This is a housekeeping item to ensure that expenditures made can be paid this fiscal year.
(Unanimous)

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 aid town thirty 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 hand this second day of April, 2013.

BOARD OF SELECTMEN

Plymouth ss

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.

CONSTABLE, TOWN OF HULL

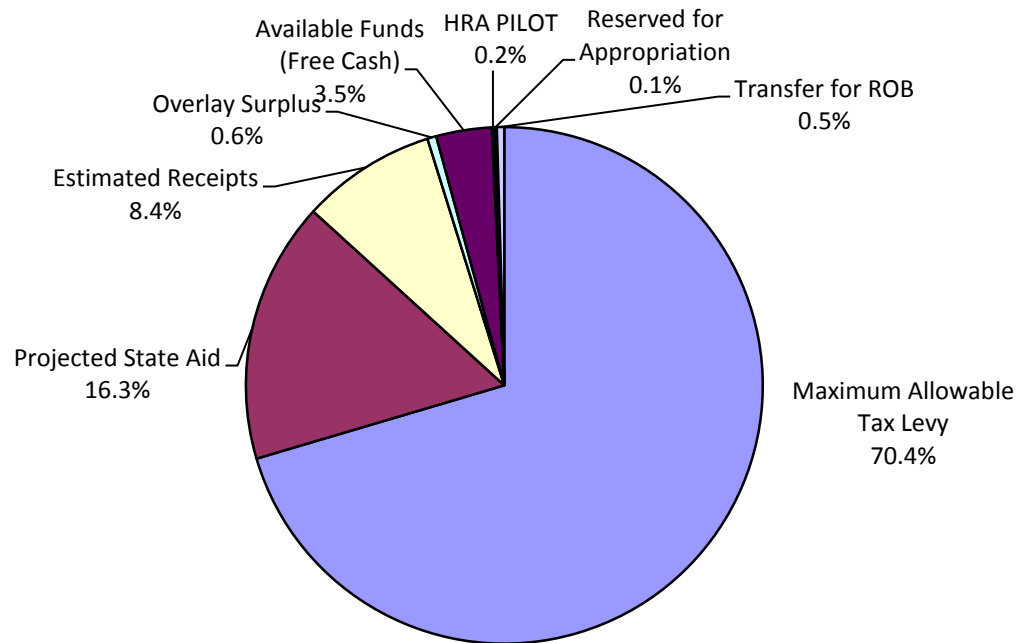
Town of Hull
Fiscal Year 2014 Projected Revenue and Expenditures

Revenue Summary		FY 13	FY 14	Dollar Change	Percent Change
1	Real Estate/Property Taxes				
2	Base Tax Levy	23,344,777	24,046,365	701,588	3.01%
3	Statutory 2 1/2 Increase	583,619	601,159	17,540	3.01%
4	Growth in Tax Base	117,969	140,000	22,031	18.68%
5	Debt Exclusion-High School	497,038	486,563	(10,475)	-2.11%
6	Maximum Allowable Tax Levy	24,543,403	25,274,087	730,684	2.98%
7	Intergovernmental Revenues				
8	State Revenue Sharing	5,875,638	5,875,638	0	0.00%
9	Less School & Library Offsets	(14,048)	(14,048)	0	0.00%
10	Projected Net State Aid	5,861,590	5,861,590	0	0.00%
11	Local Receipts				
12	Estimated Local Receipts	2,735,830	3,027,706	291,876	10.67%
13	Overlay Surplus	75,000	200,000	125,000	166.67%
14	Available Funds (Free Cash)	850,000	1,246,369	396,369	46.63%
15	Stabilization Fund	252,144	0	(252,144)	-100.00%
16	Additional PILOT-Light	0	0	0	
17	PILOT-HRA	65,000	55,000	(10,000)	-15.38%
18	Reserved for Appropriation	20,000	58,000	38,000	190.00%
19	Transfer from Enterprise-ROB	159,315	166,240	6,925	4.35%
20	Total Local Receipts	4,157,289	4,753,315	596,026	14.34%
21	Enterprise Funds				
22	Sewer Operating Budget	2,301,448	2,355,226	53,778	2.34%
23	Sewer Debt	568,267	561,630	(6,637)	-1.17%
24	Harbormaster	132,451	142,911	10,460	7.90%
25	Harbor Debt	19,375	108,160	88,785	458.25%
26	Enterprise OPEB	0	48,000	48,000	400.00%
27	Total Enterprise Fund Revenue	3,021,541	3,215,927	194,386	6.43%
28	TOTAL RECEIPTS	37,583,823	39,104,919	1,521,096	4.05%
II	Expenditure Summary	FY13	FY14	Dollar Change	Percent Change
29	General Government	22,232,976	23,052,404	819,428	3.69%
30	General Reserve	50,000	50,000	0	0.00%
31	Health Insurance	3,906,089	3,925,000	18,911	0.48%
32	Other Insurances	1,158,600	1,261,291	102,691	8.86%
33	Town Wide	281,500	269,625	(11,875)	-4.22%
34	Unemployment	85,000	75,000	(10,000)	-11.76%
35	Pension Total	3,206,926	3,315,000	108,074	3.37%
36	Debt & Interest	1,971,197	2,059,362	88,165	4.47%
37	Capital Improvements-General	210,000	344,000	134,000	63.81%
38	Reserve for State Aid reduction	222,684	0		
39	Total Services Costs	33,324,972	34,351,682	1,026,710	3.08%
40	Enterprise Funds				
41	Sewer Operating Budget	2,301,448	2,355,226	53,778	2.34%
42	Sewer Debt	568,267	561,630	(6,637)	-1.17%
43	Harbormaster Operating Budget	132,451	142,911	10,460	7.90%
44	Harbormaster Debt	19,375	108,160	88,785	458.25%
45	Enterprise OPEB	0	48,000	48,000	100.00%
46	Enterprise Fund Expenditures	3,021,541	3,215,927	194,386	6.43%
47	Other				
48	Overlay	325,000	305,000	(20,000)	-6.15%
49	Snow Removal Deficit	20,000	200,000	180,000	900.00%
50	Blizzard Deficit	0	50,000	50,000	0.00%
51	Other Total:	345,000	555,000	210,000	60.87%
52	Intergovernmental Charges				
53	State County Assessments	309,396	309,396	0	0.00%
54	Charter School Assessment	307,914	307,914	0	0.00%
55	Regional Dispatch	275,000	365,000	90,000	32.73%
56	Intergovernmental Total	892,310	982,310	90,000	10.09%
57	TOTAL EXPENDITURES	37,583,823	39,104,919	1,521,096	4.05%
NET EXCESS/(DEFICIT)		0	0	0	

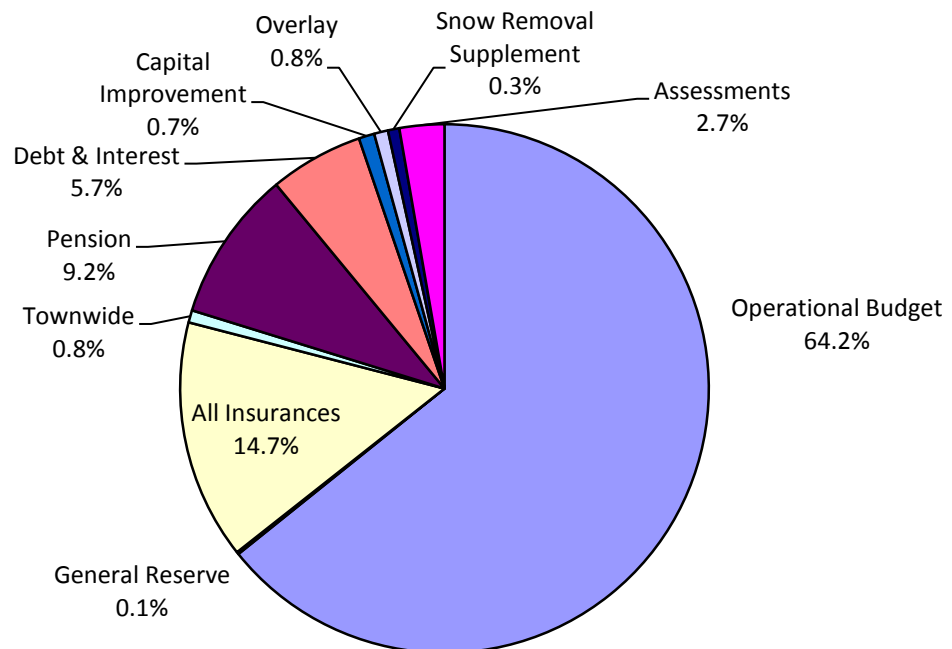
Town of Hull

General Government Budget Recap

Fiscal Year 2014 Budget Revenue Source



Fiscal Year 2014 Expenditure Budget Summary



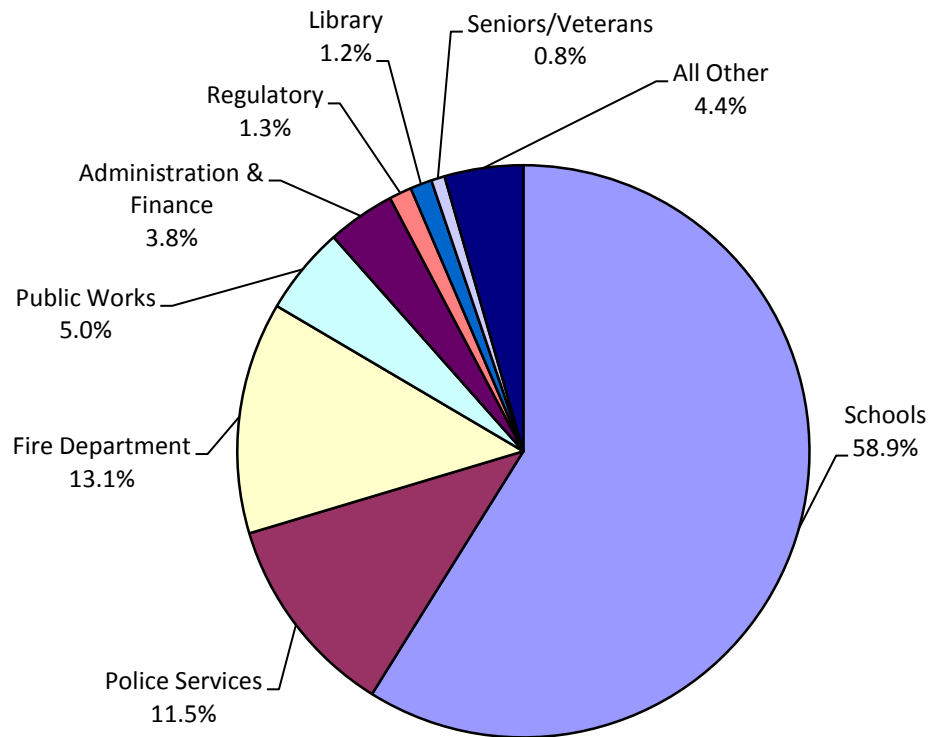
Total General Government Budget
\$35,888,992
(Excludes Enterprise Funds)

Town of Hull
Fiscal 2014 General Government Budget Summary

Department		FY12 Actual	FY13 Approp	FY14 Request	Town Mgr Recommends	Advisory Bd Recommends	% Dept Budget	% Total Budget	Dollar Change	Percent Change
Elections	113	7,957	9,900	5,816	9,250	9,250	0.04%	0.03%	(650)	-6.57%
Town Manager	121	214,387	221,125	227,136	227,136	227,136	0.99%	0.66%	6,011	2.72%
Selectmen	122	135,797	142,264	146,988	129,988	129,988	0.56%	0.38%	(12,276)	-8.63%
General Government Supj	124	75,746	62,544	62,544	79,544	79,544	0.35%	0.23%	17,000	27.18%
Advisory Board/Reserve	131	5,548	6,750	6,750	6,750	6,750	0.03%	0.02%	0	0.00%
Accounting	135	146,923	150,234	156,544	156,544	156,544	0.68%	0.46%	6,310	4.20%
Assessors	141	158,659	169,960	177,560	177,560	177,560	0.77%	0.52%	7,600	4.47%
Treasurer/Collector	145	303,848	312,613	321,941	321,941	321,941	1.40%	0.94%	9,328	2.98%
Law Department	151	125,759	116,018	119,460	119,460	119,460	0.52%	0.35%	3,442	2.97%
Boards & Commissioners	152	1,500	1,750	2,250	2,250	2,250	0.01%	0.01%	500	28.57%
MIS/IT	155	125,498	163,632	168,530	168,530	168,530	0.73%	0.49%	4,898	2.99%
Town Clerk	161	21,976	23,325	20,975	20,975	20,975	0.09%	0.06%	(2,350)	-10.08%
Board of Registrars	163	4,836	7,475	5,045	5,045	5,045	0.02%	0.01%	(2,430)	-32.51%
Conservation	171	76,466	94,855	96,610	96,610	96,610	0.42%	0.28%	1,755	1.85%
Planning Board	175	47,999	77,438	98,814	98,814	98,814	0.43%	0.29%	21,376	27.60%
Board of Appeals	176	10,266	12,000	10,681	10,681	10,681	0.05%	0.03%	(1,319)	-10.99%
Town Buildings	192	141,531	137,920	142,092	142,092	142,092	0.62%	0.41%	4,172	3.02%
Police Department	210	2,344,849	2,551,640	2,628,034	2,628,034	2,628,034	11.40%	7.65%	76,394	2.99%
Public Safety/Dispatch	215	392,258	0	0	0	0	0.00%	0.00%	0	0.00%
Fire Department	220	2,696,685	2,900,832	2,987,207	2,987,207	2,987,207	12.96%	8.70%	86,375	2.98%
Building Department	241	144,480	181,954	169,089	169,089	169,089	0.73%	0.49%	(12,865)	-7.07%
Emergency Preparedness	291	6,416	33,000	33,990	33,990	33,990	0.15%	0.10%	990	3.00%
Animal Control	292	11,101	20,000	22,487	22,487	22,487	0.10%	0.07%	2,487	12.44%
Shellfish	297	11,700	11,700	12,103	12,103	12,103	0.05%	0.04%	403	3.44%
School	301	12,795,439	13,049,658	13,996,776	13,571,644	13,571,644	58.87%	39.51%	521,986	4.00%
Highway	421	780,510	821,056	859,668	859,668	859,668	3.73%	2.50%	38,612	4.70%
Snow Removal	423	89,046	74,830	74,830	74,830	74,830	0.32%	0.22%	0	0.00%
Landfill	430	59,299	65,700	63,913	63,913	63,913	0.28%	0.19%	(1,787)	-2.72%
Grounds Maintenance	491	65,738	82,900	82,900	82,900	82,900	0.36%	0.24%	0	0.00%
Watershed Management	495	6,625	7,200	7,200	7,200	7,200	0.03%	0.02%	0	0.00%
Park Maintenance	496	51,531	54,510	59,510	59,510	59,510	0.26%	0.17%	5,000	9.17%
Board of Health	511	158,688	185,489	197,326	197,326	197,326	0.86%	0.57%	11,837	6.38%
Council on Aging	541	122,654	139,671	156,869	150,193	150,193	0.65%	0.44%	10,522	7.53%
Veterans' Services	543	21,874	26,050	26,420	26,420	26,420	0.11%	0.08%	370	1.42%
Library	610	235,000	273,383	282,720	282,720	282,720	1.23%	0.82%	9,337	3.42%
Park and Recreation	650	21,031	50,000	50,000	50,000	50,000	0.22%	0.15%	0	0.00%
War Memorial	692	0	0	0	0	0	0.00%	0.00%	0	0.00%
Department Budgets		21,619,621	22,239,376	23,480,778	23,052,404	23,052,404	100.00%	67.11%	813,028	3.66%
Worker's Comp	912	48,591	35,000	36,750	36,750	36,750		0.11%	1,750	5.00%
Unemployment Comp	913	29,172	85,000	75,000	75,000	75,000		0.22%	(10,000)	-11.76%
Health & Life Insurance	914	3,810,805	3,906,089	4,218,518	3,925,000	3,925,000		11.43%	312,429	8.00%
Townwide Insurance	915	327,259	362,500	371,560	371,560	371,560		1.08%	9,060	2.50%
FICA Payments	916	230,191	247,100	254,513	254,513	254,513		0.74%	7,413	3.00%
Uninsured Medical Payme	920	57,198	59,000	61,950	61,950	61,950		0.18%	2,950	5.00%
Veteran's Benefits	543	338,292	345,000	400,000	425,000	425,000		1.24%	55,000	15.94%
Fuel Reserve	131	69,866	110,000	111,518	111,518	111,518		0.32%	1,518	1.38%
Insurance Total		4,911,373	5,149,689	5,529,809	5,261,291	5,261,291		15.32%	380,120	7.38%
Hydrant	124	184,096	215,000	225,750	225,750	225,750		0.66%	10,750	5.00%
Derelict Property Services	124	0	20,000	20,000	0	0		0.00%	0	0.00%
Audit/Consultant	124	73,900	46,500	43,875	43,875	43,875		0.13%	(2,625)	-5.65%
Town Wide Total		257,996	281,500	289,625	269,625	269,625		0.78%	8,125	2.89%
Non Contributory	911	61,632	80,000	65,000	65,000	65,000		0.19%	(15,000)	-18.75%
Contributory	918	3,020,137	3,126,926	3,250,000	3,250,000	3,250,000		9.46%	123,074	3.94%
Pension Total		3,081,769	3,206,926	3,315,000	3,315,000	3,315,000		9.65%	108,074	3.37%
Principal-Debt Excluded	712	334,000	325,000	325,000	325,000	325,000		0.95%	0	0.00%
Interest-Debt Excluded	752	183,306	172,038	161,563	161,563	161,563		0.47%	(10,475)	-6.09%
Principal-General Long Te	710	909,882	909,882	1,039,882	1,039,882	1,039,882		3.03%	130,000	14.29%
Interest-General Long Ter	750	500,369	536,777	532,917	532,917	532,917		1.55%	(3,860)	-0.72%
Interest-Temp Borrowing	751	0	7,500	0	0	0		0.00%	(7,500)	-100.00%
Fees on Borrowing	751	0	20,000	0	0	0		0.00%	(20,000)	-100.00%
Transfer to Capital Project	751	0	0	0	0	0		0.00%	0	0.00%
Debt Service Total		1,927,558	1,971,197	2,059,362	2,059,362	2,059,362		5.99%	88,165	4.47%
Reserve Fund		43,672	50,000	50,000	50,000	50,000		0.15%	0	0.00%
Capital		256,401	210,000	350,000	344,000	344,000		1.00%	140,000	66.67%
Total Budget		32,054,718	33,108,688	35,074,574	34,351,682	34,351,682		100.00%	1,965,886	5.94%

Town of Hull
General Government Operational Budget Share

Fiscal 2014 Budget



**Total General Government
Operational Budget
\$23,052,404**

**Advisory Board
Municipal Building
Hull, MA 02045**

**Presorted Standard
CRRT
US Postage Paid
Permit #17
Hull, MA 02045**

**Residential Customer
Hull, Massachusetts 02045**