

## Advisory Board Minutes 3/9/2020

Name	Office	Present	Absent	Absent with notice
David Clinton	Chair	x		
Jay Polito	Vice Chair	x		
Jason Frady	Clerk	x		
Bob Carney				X
Dan Sullivan		x		
Pat Cormier		x		
Peter Larsen		X		
Robyn Healey		X		
Steve Kiley		X		
Chad Wolfe		X		
Matt Mitchell		X		

Dave Clinton called the meeting to order at 7:03 p.m.

In attendance are Town Manager Phil Lemnios, Town Counsel Jim Lampke, Conservation Agent Christian Krahforst.

### Legal Department Discussion and Budget:

Attorney Lampke acts as Hull's General Counsel. He works with the insurance companies and any attorneys they assign to our cases providing oversight and support. He works with specialized counsel for specific issues such as tax title and land issues. Jim works on case prep for employee issues.

The Town is developing a contingency plan for "Coronavirus" preparation and response. The federal government is passing down info from FEMA to MEMA, to MASS DPH. DPH is passing info down to town Boards of Health. The task force has begun forming questions and doing research. Jim is in contact with other municipal attorneys to learn what other towns are doing.

Town Counsel doesn't see any issues coming up that will require large expenditures for specialized counsel, although you can't always predict what may come up during the year.

### Article 26 "Hingham Water Lien"

In regards to the sewer department, if someone doesn't pay their sewer bill, it will result in a lien being placed on the property that must be satisfied for refinancing or transfer of ownership. Unpaid liens can also be attached to property taxes.

With the water company, when one town provides services to residents of another town, there needs to be an enforcement method of collections. This can either be through a lien process or private bill collectors. That's why Hingham has asked Hull to put an article on this year's warrant to give Hingham, or the Weir River Water Co. Lien authority for residents of Hull. There is some question or doubt as to

20200304-4

**Summary of Opinion:** Based on legal research and analysis, for the reasons described more fully below, it is my opinion that the Council, like all Town departments, boards, committees, councils, commissions and the like, is subject to the Charter.

Following extensive study and review as to ways to improve the operation of the Town through centralized management, the Town voted at Town Meeting in 1988 to petition the Legislature to enact a special law creating a Board of Selectmen, Town Manager and Open Town Meeting form of government in Hull. The Legislature enacted such a special law, c. 8 of the Acts of 1989, which became the Town Charter.

The Charter was subsequently amended in 1993 to specifically make clear that the Light Department was under the supervision and authority of the Town Manager. Although it was my opinion in 1989 that the Light Department was under the jurisdiction of the Town Manager, certain events not relevant now promoted the Town to petition the Legislature to amend the Charter to make this even clearer. This underscores the concept that the Town operates under a centralized administration of the Town with the Board of Selectmen as the chief policy board and the Town Manager as the Chief Administrative Officer.

Prior to the enactment of the Charter, Hull, like many communities in the state, operated on a somewhat un-centralized and fragmented structure. Numerous local boards, officials and

I am writing to address various issues and questions that have arisen regarding the Town of Hull Charter (Charter) and the Hull Council on Aging (Council). Basically, this matter relates to whether the Council is subject to the Charter, in that certain authority it might have arguably had previously is now under the Charter vested elsewhere in our government.

**RE: Opinion Regarding Town Charter and Hull Council on Aging**

Dear Board Members and Town Manager

February 13, 2020  
Board of Selectmen and  
Town Manager  
Town hall  
253 Atlantic Avenue  
Hull, MA 02045

**James B. Lampke, Esq.**  
**Town Counsel**  
781-749-9922  
Fax: 781-749-9923; Cell- 617-285-4561  
jlampke@town.hull.ma.us

**TOWN OF HULL**  
*Home of Boston Light, America's 1<sup>st</sup> Lighthouse*  
**LAW DEPARTMENT-MAILING ADDRESS**  
**115 NORTH STREET**  
**HINGHAM, MASSACHUSETTS 02043**



employees operated in an individual fashion with actual or at least perceived authority, subject generally to the general laws and local by-laws.

Recognizing that such a fragmented operation of government was not conducive in modern times for a well-run government, the Town transitioned to a charter form of government. An essential feature of this form of government was the centralized administration of the Town under a strong Town Manager. I say "strong" Town Manager in the sense that the Town Manager was vested under the Charter with broad authority and responsibility to ensure the effective and orderly administration of the Town.

A central component of that move towards centralized administration of the Town was the placing of broad policy formulation authority in the elected Board of Selectmen and broad administrative authority and responsibility in the Town Manager.

Consistent with that theory of government, the concept was that all Town departments, boards, committees, commissions, councils, officials, officers and employees would be under the Charter.

This meant that those components of the Town would not have in many instances the authority that they may have had before, with the result that they had to operate within the Town government framework of centralized administrative authority vested in the Town Manager.

That the Town is to operate under the Charter with the central administrative authority for the Town vested in the Town Manager is made clear by various provisions of the Charter. For example, Section 1 of the Charter provides that: "The Town of Hull shall be governed by the provisions of this Act. To the extent that the provisions of this Act modify or repeal existing General Laws and special acts or the by-laws of the Town of Hull, this Act shall govern." (emphasis added)

A Council on Aging exists in a community where the community accepts G.L. c. 40, section 8B Hull did so accept this law (also adopting a local bylaw, Chapter 12 of the Town of Hull Code/Bylaws) and thus the Council was established. The functions and duties of the Council were set forth in those laws, subject to the general rule that the Council, like all other similarly constituted boards, was subject to other laws then existing and to be enacted.

The Charter was such a law enacted by the Legislature.

To the extent that the Council may have had certain broad powers under G.L. c. 40, section 8B or the bylaw, those powers were tempered and modified by the governmental structure of the Town, namely the Charter.

The state law is silent as to who is the appointing authority of the Council. However, the bylaw specifically provides that it is the Board of Selectmen. This is consistent with section 3.D of the Charter it is clearly stated that the Board of Selectmen "shall appoint ... all members of committees, boards and commissions"<sup>1</sup> subject to certain exceptions not pertinent. (emphasis added)

Also under section 3.E of the Charter, as relates to activities of the Town, the "Board of Selectmen shall have general administrative oversight of such boards, committees, positions, or commissions appointed by the Board of Selectmen." As the Council is appointed by the Board

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<sup>1</sup> For convenience, in this opinion letter "Boards" is used to mean all local boards, committees, councils, commissions and the like.

of Selectmen, the Board of Selectmen would have "general administrative oversight" of the Council.

As noted above, the administration of the Town is vested in the Town Manager. This is made clear in Section 4.A of the Charter by specifically providing that the Town Manager is "the chief administrative officer of the Town" and is responsible "for the effective management of all Town affairs placed in the manager's charge by [the Charter], the Board of Selectmen, by by-law or vote of Town Meeting, and for the implementation of Town policies placed in the Manager's charge by the Board of Selectmen."

Further highlighting the Town Manager's authority and responsibility is the fact that in Section 4.B the Charter provides the Town Manager "shall be the chief financial officer of the Town and shall be responsible for the design and preparation of the annual budget, filling grant applications, and controlling budget expenditures". (emphasis added) Since any expenditures of a Board would be of Town funds and the control of those funds involves the Town Manager per the Charter.

As noted in Section 4.B quoted above, the Town Manager is responsible for the filling of grant applications. In order to ensure an organized effort by the Town in grant matters as well as to ensure that grants being applied for are within the policies and direction of the Town, all such grant applications are to go through the Town Manager. The Town Manager may delegate the preparation and filling of grant applications to others, but grant applications must go through the Town Manager.

The Charter further emphasizes the central role of the Town Manager in the operation of the Town by specifically providing that the "Town Manager shall supervise all Town departments under the jurisdiction of the Selectmen and direct the operation of the Town." Section 4.C.1. Also see Section 4.C.2, which provides that the "Town manager shall be responsible for coordination of operational and strategic planning of the Town." It would be inconsistent with the concept of "coordination of operational and strategic planning of the Town" not to have it coordinated by the Town Manager as opposed to each Board.

In terms of employment of persons by the Town, the Charter also places the authority for this in the Town Manager. Section 4.C.3 of the Charter specifies that the Town manager "shall appoint ... all department heads, all officers and all subordinates and employees of the Town" subject to certain exceptions not pertinent here. (emphasis added). While the bylaw refers to the Council appointing employees, that was the process before the adoption of the Charter. Upon the adoption of the Charter, all appointments of employees and the like (with certain exceptions not pertinent) are done by the Town Manager.

As relates specifically to contracts to be entered into on behalf of the Town, the Charter provides in Section 4.C.9 that the Town Manager's the "central purchasing agent for all Town departments and activities" except for the School Department. Contracts and purchases would include hiring consultants, contractors and the like. This must be done through the Town Manager. A board does not therefore have independent authority to enter into such contracts.<sup>2</sup>

In terms of Town property, the authority and responsibility for same is placed in the Town Manager. The Charter provides in Section 4.C.10 that the Town Manager "shall manage and be responsible for all Town buildings, property and facilities" except the schools. (emphasis

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<sup>2</sup> It begs the issue that for a valid contract there must be available funds. Since Town funds are under the oversight of the Town Manager, this further accentuates the fact that the Town Manager is responsible for all contracts and purchases. Anyone contracting with a Town Board who does not go through the proper channels, including the approval of the Town Manager, does so at their peril of not being paid, participating in an illegal contract and other risks. I do not comment on the obvious issues of a Board member doing so.

added) Thus, the Council would have no authority to engage in activities pertaining to Town property without, at a minimum the involvement of the Town Manager.

I have highlighted in particular the above provisions because the view may have been expressed by some that the Council, based on the language of G.L. c. 40, section 8B and the bylaw, has authority to become involved in the activities cited above (such as hiring or overseeing employees, entering into contracts, involving itself in Town property, applying for grants, etc.). To the extent that section 8B and the bylaw could be read to authorize the Council to be involved in some degree with those activities, our Charter clearly provides otherwise and places those activities under the Town Manager and/or Board of Selectmen.

The Charter, being a special law enacted by the Legislature, prevails over a general law.

To be certain, local Boards, such as the Council, play an important role in our community and government. Our Town could not function without the hard work and dedication of the many members of local Boards. However, those members must be sure to operate within the framework of the law, including the Town Charter. Doing that ensures the effective and orderly administration of the Town which benefits everyone.

I trust that this opinion satisfactorily addresses the various issues on this matter.

Should you have any questions or wish to discuss this further, please do not hesitate to contact me.

Very truly yours,



JAMES B. LAMPKE

TOWN COUNSEL

JBL/I

## FROM THE ANNUAL REPORT

FOOD SERVICES					
	2014	2015	2016	2017	2018
Meals on Wheels	17,000	17,000	17,000	18,000	15,500
Weekly	327	327	327	346	298
Daily	65	65	65	69	60
Congregate Meals	3,800	2,800	3,260	2,768	2,800
Weekly	73	54	63	53	54
Daily (4 Days)	18	13	16	13	13

TRANSPORTATION					
	2014	2015	2016	2017	2018
Van Rides	4,000	4,600	4,400	4,600	3,464
Weekly	77	88	85	88	67
Daily (4 Days)	19	22	21	22	17
Grocery Shopping	308	366	347	-	541
Weekly	6	7	7	-	10
Daily (4 Days)	1	2	2	-	3
Lunch pick up	1,746	1,497	1,218	2,173	2,642
Weekly	34	29	23	42	51
Daily (4 Days)	8	7	6	10	13

MEDICAL / HEAT					
	2014	2015	2016	2017	2018
Podiatrist Feet Check	155	133	118	154	110
Blood Pressure Checks	202	189	121	-	170
Fuel Oil Assistance	40	36	32	32	26

IN CENTER RECREATIONAL ACTIVITY					
	2014	2015	2016	2017	2018
In Center Exercise	2,604	1,839	2,033	2,976	1,862
Weekly	50	35	39	57	36
In Center Games/Cards	2,085	1,594	1,666	2,871	2,868
Weekly	40	31	32	55	55

DEMOGRAPHICS

YEAR BORN	AGE	Population	% of 65+	% of Town Pop.
1920 to 1929	91+	90	2.9%	0.85%
1930 to 1939	81 to 90	402	12.9%	3.81%
1940 to 1949	71- to 80	1,313	42.1%	12.45%
1950 to 1955	65 to 70	1,317	42.2%	12.48%
65+ Population		3,122		
Total Population		10,549		

Source: 2019 Street Listing-Town Census

# Town of Hull

## Stormwater Bylaw

March 2020

20200309-2

# Why do we need another bylaw?

- Over 200 Massachusetts towns discharge stormwater under U.S. EPA's NPDES Municipal Separate Storm Sewer Systems permit (the MS4 Permit).
- NPDES is the National Pollution Discharge Elimination System Permit. It is typically a license for a facility to discharge a specified amount of a pollutant into a receiving water under certain conditions. **Permits** may also authorize facilities to process, incinerate, landfill, or beneficially use sewage sludge.
- The NPDES permit program addresses water pollution by regulating point sources that discharge pollutants to waters of the United States
- Created in 1972 by the CWA, the NPDES permit program is authorized to state governments by EPA to perform many permitting, administrative, and enforcement aspects of the program.

- Although EPA and MassDEP adopted the MS4 Permit in 2003, some towns still have not yet adopted legally enforceable mechanisms to control construction site runoff, prohibit illicit discharges, or control post-construction stormwater. All municipalities should examine their existing ordinances, bylaws and regulations, determine whether additional actions are needed to comply with the MS4 Permit, and if so, implement them.
- The 2016 Massachusetts Small MS4 General Permit was signed April 4, 2016 and will become effective July 1, 2018, after a 1 year postponement of the effective date.

# Problems with Stormwater Pollution

- Stormwater runoff is generated from rain and snowmelt events that flow over land or impervious surfaces, such as paved streets, parking lots, and building rooftops, and does not soak into the ground. The runoff picks up pollutants like trash, chemicals, oils, and dirt/sediment that can harm our rivers, streams, lakes, and coastal waters. To protect these resources, communities, construction companies, industries, and others, use stormwater controls, known as best management practices (BMPs). These BMPs filter out pollutants and/or prevent pollution by controlling it at its source.
- The NPDES stormwater program regulates some stormwater discharges from three potential sources: municipal separate storm sewer systems (MS4s), construction activities, and industrial activities. Operators of these sources might be required to obtain an NPDES permit before they can discharge stormwater. This permitting mechanism is designed to prevent stormwater runoff from washing harmful pollutants into local surface waters.

## Benefits of effective stormwater runoff management:

- protection of wetlands and aquatic ecosystems,
- improved quality of receiving waterbodies,
- conservation of water resources,
- protection of public health, and
- flood control.

This 5-year permit, jointly issued by EPA and MassDEP, requires towns to meet six minimum control measures

1. Pollution Prevention/Good Housekeeping for Municipal Operations

This measure addresses runoff from municipal operations such as DPW yards, salt storage areas, vehicle maintenance yards, road construction, and includes what practices towns should undertake to operate the stormwater system effectively. Towns must:

- Develop an operations and maintenance plan for their stormwater system.
- Train employees on how to incorporate pollution prevention and good housekeeping practices into their activities (e.g., vehicle and building maintenance, salt piles, and catch basin cleaning).

## 2. Must have an Illicit Discharge Detection and Elimination (IDDE)

Program - Illicit discharges are non-stormwater discharges to the storm drain system. Because illicit discharges typically contain bacteria and other pollutants, the MS4 Permit requires towns to develop and implement an IDDE program that includes these elements:

- A legally enforceable mechanism prohibiting illicit discharges.
- A storm sewer map identifying the location of all storm drain outfalls.
- A plan to detect and eliminate illicit discharges.

3. Construction Site Runoff Control - The federal Construction General Permit already requires owners/operators to file a Notice of Intent for construction activity disturbing more than one acre of land. Towns may wish to adopt stricter local rules. Minimum requirements include adoption of:

- Legally enforceable mechanism to control erosion during construction
- Procedures for municipal site plan review of construction projects

4. Post Construction Runoff Control - This measure requires ongoing stormwater management after construction is completed.

Requirements include:

- Adopt a legally enforceable mechanism to control stormwater after construction
- Establish procedures for long-term operation and maintenance of BMPs

5. Public Education and Outreach - Towns are encouraged to form partnerships to distribute educational materials to diverse local audiences within the community as part of a formal public education program.

6. Public Participation and Involvement - EPA suggests that communities give the public the opportunity to play an active role in developing and implementing the MS4 program. Towns must comply with applicable public notice requirements and determine the program's implementation goals and strategies.

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CM	Task	Date Required	Complete During/By Year (Yr 1 is July 2018- June 2019)
	SWMP update	Annually	1 2 3 4 5 6 7 8 9 10
	MINIMUM CONTROL MEASURES		
1	Public Education and Outreach Messages*		
	Residents - 2 messages	By yr 5, min. 1 year apart	
	Businesses & Institutions- 2 messages	By yr 5, min. 1 year apart	
	Developers - 2 messages	By yr 5, min. 1 year apart	
	Industrial Facilities - 2 messages	By yr 5, min. 1 year apart	
2	Public Involvement and Participation		
	Opportunities for Public Participation	Annually	
	Public Review of SWMP & Annual Report	Annually	
3	Illicit Discharge Detection & Elimination (IDDE)*		
	Sanitary Sewer Overflows Inventory Update	Annually	
	System Mapping - Phase 1	6/30/2020	
	MS4 Outfalls and Receiving Waters	43 mapped	
	Open Channel Conveyances - swales ditches	None Mapped	
	Interconnections	None Mapped, DCR exist	
	Town owned BMPs	None Recorded	
	Initial Catchment Delineations	Not done	
	System Mapping - Phase 2 (pipes, MHS, CBS)	6/30/2028	
	CBS & MHS	1,440 cb & 386 MH mapped	
	Pipes	some with TV effort	
	Refine Catchment Delineations	Update Annually	
	Outfall/Interconnects Catchment Ranking Updates	Update Annually	
	Dry Weather Screening & Sampling	By yr 3 & every 5 yrs	
	Catchment Investigations Problem Outfalls - begin Yr 2	6/30/2025	
	Catchment Investigations All Outfalls	6/30/2028	
	Wet Weather Sampling	part of catchment invest.	
	Illicit Discharge Elimination (Locate & Remove)	60 Days from source ID	
	Confirmatory Dry Weather Screening	1 yr after removal	
	Training	annually	
4	Construction Site Runoff Control		
	Construction Site Inspections & Enforcement Procedures	6/30/2019	
	Site Plan Review Procedures	6/30/2019	
	Requirement for Construction Site Erosion Controls	6/30/2019	
	Construction Site Waste Control Requirements	6/30/2019	
5	New Development and Redevelopment*		
	Update Regulations - Retention/Treatment	6/30/2020	
	Assess Street Design & Parking Guidelines	6/30/2022	
	Assess Regulations to allow Green Infrastructure	6/30/2022	
	Locate 5 Properties for Impervious Area Reduction	6/30/2022	
6	Good Housekeeping		
	O&M Program - ? facilities, ? Parks & OS	6/30/2020	
	SWPP - 1 DPW Facility, Landfill?	6/30/2020	
	MS4 Infrastructure Program	6/30/2020	
	Training for O&M and SWPP Program Activities	Regularly/As Needed	
	Catchbasin Cleaning Schedule - <i>updated after two insp.</i>	6/30/2019	
	Catchbasin Cleaning (1,440 CBS)	when 50% full	
	Street Sweeping (55 miles of road)	Spring	
	Assess Regulations to allow Green Infrastructure	Quarterly	
	Inspection of Structural BMPs - <i>None on Record</i>	Annually	
	Maintenance of Structural BMPs	as needed	
	Annual Reports	by 9/30 annually	
	*There are supplemental requirements for receiving waters impairments for bacteria in Hull.		
	Complete	Due 6/30/2020	
	Future Year Task		

Figure 2-1: Town of Hull MS4 Permit Compliance Schedule

## MS4 Permit - Hull, MA Stormwater Bylaw & Regulation Compliance Schedule

MS4 2016 Permit Requirement	Existing Bylaws	New Stormwater Bylaw	Required By Date
Illicit Discharge Authority & Prohibition	Does not exist	Compliant	5/1/2008 - Annual Report requested extension to May 2020 Town Meeting
Construction Site Stormwater Runoff Control for land disturbance 1 Ac of greater	Not Compliant*	Compliant	5/1/2008 - Annual Report requested extension to May 2020 Town Meeting
New & Re Development Project Stormwater Runoff Control for land disturbance 1 Ac of greater and discharge into municipal drain system, including required provisions and design standards	Not Compliant*	Compliant with adoption of Proposed Regulations	6/30/2020 - EPA extension to 6/30/2021 pending

\*Existing Stormwater Bylaw: General Bylaw Chapter 84 - The bylaw requires practices that will control stormwater generated at Commercial, Industrial and ANR sites greater than 1 AC, and provide treatment to protect groundwater and surface water from degradation however is does not meet all requirements of the permit.

# Stormwater Bylaw Purpose

- The purpose of this bylaw is to protect natural resources, municipal facilities and maintain and enhance public health, safety, welfare, and environment by regulating illicit connections and discharges to the Town of Hull's MS4 system and controlling the adverse effects of construction site stormwater runoff and post-construction runoff.

# Stormwater Bylaw Objectives

1. Protect water resources;
2. Comply with state and federal statutes and regulations relating to stormwater discharges including total maximum daily load requirements;
3. To prevent pollutants from entering the Town's municipal separate storm sewer system (MS4) and reduce or eliminate pollutants entering the Town's MS4 from existing uses;
4. To prohibit illicit connections and unauthorized discharges to the MS4 and require their removal;
5. To establish minimum construction and post construction stormwater management standards and design criteria for the regulation and control of stormwater runoff quantity and quality;
6. To establish provisions for the long-term responsibility for, and maintenance of, structural stormwater control facilities and nonstructural stormwater management practices to ensure that they continue to function as designed, are maintained, and pose no threat to public safety; and
7. To ensure the legal authority to ensure compliance with the provisions of this bylaw through inspection, monitoring, and enforcement.

### **SECTION 3. Authority**

This bylaw is adopted under authority granted by the Home Rule Amendment of the Massachusetts Constitution, the home rule statutes, Massachusetts laws, rules and regulations and the laws, rules and regulations of the Federal Clean Water Act found at 40 CFR 122.34.

## **SECTION 4. Creation of Stormwater Authority and Responsibility for administration**

- There is hereby created a Stormwater Authority comprised of one staff member, as designated by the Town Manager, from the Conservation Department, Community Development & Planning Department, Building Department, Public Works and Sewer Department, which shall administer this bylaw and any regulations promulgated, as well as perform such other duties assigned to it by law, the Board of Selectmen or the Town Manager. A quorum of the Authority shall consist of three members. The Stormwater Authority shall organize by electing a Chair, Vice-Chair and Clerk. The Stormwater Authority may delegate and authorize any member to act as its agent, subject to the approval of the Town Manager.
- The Stormwater Authority shall administer, implement and enforce this bylaw and adopt regulations and amend same, subject to the approval of the Board of Selectmen. Any powers granted to or duties imposed upon the Stormwater Authority to promulgate such rules and regulations shall not have the effect of suspending or invalidating this chapter. The Stormwater Authority may from time to time appoint agents to act on its behalf, subject to the approval of the Town manager.

## **SECTION 6. Compliance with EPAs General Permit for MS4s in Massachusetts**

This bylaw is intended to further the objectives of and to act in concert with any applicable federal, state or local laws concerning storm water discharges in the Town of Hull, including but not limited to the requirements of the United States Environmental Protection Agency's most recent General Permit for MS4s, and nothing in this bylaw is intended to limit or restrict the authority of any board, commission or officer of the Town to act in accordance with any federal, state and local laws within their jurisdiction, and in the event of a conflict, the more stringent requirements will control.

## **ARTICLE III – STORMWATER MANAGEMENT AND LAND DISTURBANCE**

### **SECTION 1. Applicability**

This Bylaw shall apply to all activities that result in disturbance of 12,500 square feet or more of land or more that drains to the Town's MS4 System. Except as authorized by the Stormwater Authority or as otherwise provided in this Bylaw, no person shall perform any activity that results in disturbance of 12,500 square feet of land or more.

**Barbara DiVito**

**11 Halvorsen Ave**

**Hull, MA 02045**

**781-925-1712**

Article 24

January 24, 2020

Town of Hull

Town Manager

253 Atlantic Ave.

Hull, MA 02045

Attention: Phil Lemnios

Dear Mr. Lemnios,

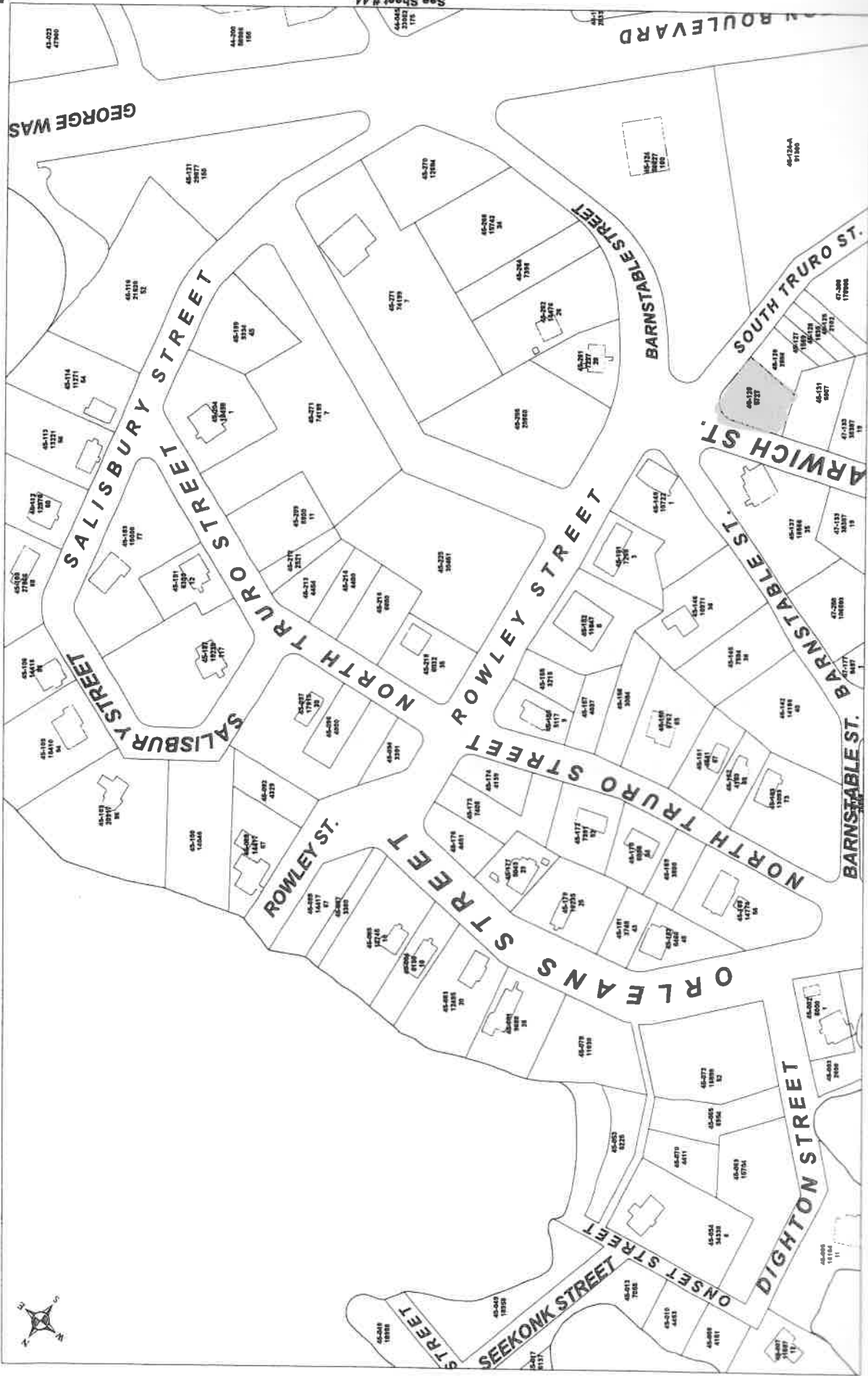
The DiVito family would like to donate a piece of land consisting of 5728 square feet at 29 Barnstable St. to the town for conservation purposes. (Assessor's parcel ID 45-129) We offer it at no cost to the town. We only ask that they take care of any legal and closing costs and that the transaction be finalized prior to December 31, 2020. We would also like a small sign or plaque to be placed on the property as a remembrance of Nazzareno DiVito Jr. Please advise us if the town would like this property and can meet these terms.

Thank you.

Sincerely,

Barbara A. DiVito

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20200309-1

## PROPERTY LOCATION

No	Alt No	Direction/Street/City
29		BARNSTABLE ST, HULL

## OWNERSHIP

Owner 1:	DIVITO NAZZARENO JR & BARBARA A TRS DIVI		
Owner 2:			
Owner 3:			
Street 1:	11 HALVORSEN AVE		
Street 2:			
Twn/City:	HULL		
St/Prov:	MA	Cnty/	
Postal:	02045-0000		Own Occ: Type:

**PREVIOUS OWNER**

Owner 1:	DIVITO NAZZARENO JR & BARBARA -		
Owner 2:	-		
Street 1:			
Twn/City:			
St/Prov:		Crtry	
Postal:			

## NARRATIVE DESCRIPTION

This Parcel contains 5,727 SQ FT of land mainly classified as LAND with a(n) N/A Building Built about , Having Primarily N/A Exterior and N/A Roof Cover, with 0 Units, 0 Baths, 0 HalfBaths, 0 3/4 Baths, 0 Rooms Total, and 0 Bdrms.

## OTHER ASSESSMENTS

Code	Descrip/No	Amount	Com. Int
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## PROPERTY FACTORS

Item	Code	Descip	%	Item	Code	Descrip
Z	SFC	SING FAM	100	U		
O				t		
n				l		
Census: 5001						
Flood Haz: 2						
D				Topo		
s				Street		
t				Traffic		

## LAND SECTION (First 7 lines only)

Use Code	Description	LUC Fact	No of Units	Depth / Price/Units	Unit Type	Lat
130 LAND			5727		SQ FT	SITE

## IN PROCESS APPRAISAL SUMMARY

Use Code	Building Value	Yard Items	Land Size	Land Value	Total Value	Legal Description	User Acct
130			5727.000	156,200	156,200	576,577.578 ROCK ANNEX	45-129
							GIS Ref
							GIS Ref
							Insp Date
							07/30/14

## PREVIOUS ASSESSMENT

Year	Use	Cat	Bldg Value	Yrd Items	Land Size	Land Value	Total Value	Asses'd Value	Notes	Date
2020	130	FV		0	5,727.	156,200	156,200	156,200	Year End Roll	12/17/2019
2020	130	NC		0	5,727.	156,200	156,200	156,200	Year End Roll	10/18/2019
2019	130	FV		0	5,727.	149,400	149,400	149,400	Year End Roll	1/15/2019
2018	130	FV		0	5,727.	149,400	149,400	149,400	Year End Roll	1/9/2018
2017	130	FV		0	5,727.	149,400	149,400	149,400	Year End Roll	1/5/2017
2016	130	FV		0	5,727.	149,400	149,400	149,400	Year End Roll	1/12/2016
2015	130	FV		0	5,727.	125,600	125,600	125,600	Year End Roll	1/8/2015
2014	130	FV		0	5,727.	125,600	125,600	125,600	year end roll	1/8/2014

## SALES INFORMATION

Grantor	Legal Ref	Type	Date	Sale Code	Sale Price	V	Tst	Verif	Assoc PCL Value	PAT ACCT:
DMITO NAZZAREN	442-33		8/22/1995			1	No	No		
CASEY MARY R	151467-		6/15/1973				No	No		
GILSON ANNIE D	137-150		3/27/1959				No	No		
	10-12		1/1/1947				No	No		

## BUILDING PERMITS

Date	Number	Descrp	Amount	CFO	Last Visit	Fed Code	F. Descrip	Comment
2/28/2010	11-256	NEW HOUS	100,000/C		7/24/2013			NO START

## ACTIVITY INFORMATION

Date	Result	By	Name
7/30/2014	PERMIT VISIT	189	J HARRIS
7/24/2013	PERMIT VISIT	189	J HARRIS
7/2/2012	PERMIT VISIT	201	IS MCCATHERN
7/14/2011	PERMIT VISIT	189	J HARRIS
3/21/2003	VACANT LOT	294	DENNIS MATTE

**Sign:**

Alt	Spec	J	Fact	Use Value	Notes
raised	%	Land	Code		
value	Class				
156,188	0			156,200	

Total AC/HA:	0.13147	Total SF/SM:	5727.00	Parcel LUC:	130	LAND	Prime NB Desc:	NO WTR INFL
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Disclaimer: This Information is believed to be correct but is subject to change and is not warranted. Database: AssessPro

**collect**

Total:	156 200
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2021



the law that Hingham has proposed we adopt. The Muni Modernization Act doesn't address water companies, but it does address sewer. Aquarion does not have lien authority. This is a result of the system changing hands. It is more equitable for the water system to be able to use the lien process since private bill collectors are seen as having a poor reputation. We should all remember that when someone doesn't pay their water bill, it will affect the rest of the rate payers who have to make up the difference via rate increases.

Article 17 was listed as a Town Counsel article, but it is actually a Planning Board article. We will discuss it when the Planning Board appears before the Advisory Board.

Article 24 is an article to acquire land by gift. The family of Mr. DiVito wishes to donate the land on Barnstable St to the town for open space. The property would be difficult to develop. The family wishes to make the transfer prior to December 31. The only costs to transfer the land would be legal and closing costs. Town Counsel and the Conservation Agent will review the parcel before Town Meeting to ensure there are no environmental concerns with the property. This action would not accept the land directly but would grant the authority to accept the land to the Board of Selectmen. Please see attachment

Article 25 seeks to take an easement at 105 Edgewater Road. There is a drainage pipe that needs to be extended with a headworks added. The pipe has been there for some time without an easement. The property owners asked the town to repair the pipe and are supportive of the easement. Advisory Board Chair Clinton requested that the property owners come before the board or possibly provide a letter to the board confirming their non-opposition to the easement.

Article 22 – Stormwater Management Bylaw - Chris Krahforst

This article is to create a new bylaw to meet the requirements of the EPA. EPA authority over stormwater dates back to the 1972 Clean Water Act. This bylaw will help protect our water resources, comply with state and federal regulations by mapping our stormwater drainage system and providing a structure to review construction and post construction stormwater runoff, and create a maintenance framework for the system. Failure to pass the bylaw could result in a consent decree from the EPA that could place more stringent standards on the town in addition to significant fines. The EPA has pushed cities and towns to go through this process, although it was delayed around 2008.

Hull has hired The North and South Rivers Watershed Association (NSRWA) to provide education to the community. An Authority will be created by the bylaw with the department heads from Sewer, Conservation, DPW, Building, Community Development and Planning. The bylaw applies to all activities resulting in the disturbance of 12,500 square feet of land or more. The town decided to start with larger properties to gain expertise. The bylaw could be revised by Town Meeting at a later date to include smaller properties if the Authority decides it is needed. The town worked with BETA Engineering to develop the bylaw. BETA is producing a drainage map of the town. While the town could have chosen a more basic mapping of the stormwater drainage system, it was ultimately decided to do a thorough mapping to keep from having to do more work in the future.

The bylaw and the regulations adopted by the board will result in a cleaning program for the system. It will require ongoing funding in the future. The bylaw also authorizes a revolving fund that will be

funded by fees paid by developers. The fund has a cap of 35,000 for the first year. After 2 or 3 years the town will adjust the cap to reflect realistic receipts and expenditures. The EPA permit the town is seeking will be a 5 year permit. We looked at several towns' bylaws to model ours after. While no community is exactly like ours it was helpful to start with a framework from another town and customize it to Hull. Please see attachment 20200309-2

Dan Sullivan moves to adjourn. Pat Cormier seconds the motion. The vote is unanimous.

Dave Clinton adjourns the meeting at 9:54 p.m.

#### Attachments

20200309-1 Letter from Barbara DiVito with property map and assessors card

20200309-2 Stormwater Bylaw Presentation.

20200309-3 Data on town population and Sr. Center usage.

20200309-4 Opinion regarding Town Charter and Hull Council on Aging