

## **Hull Board of Selectmen**

### **Minutes**

**March 7, 2019**

The meeting of the Hull Board of Selectmen was called to order at 7:30 p.m. on Thursday, March 7, 2019, at Hull Town Hall, 253 Atlantic Ave., Hull, Massachusetts.

Present: Domenico Sestito, Chair; Jennifer Constable, Vice-Chair; Kevin Richardson, Clerk; John Reilly, Member; and Greg Grey, Member. Also present were Town Counsel James Lampke and Town Manager Philip Lemnios.

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### **APPOINTMENTS**

#### **Public Hearing: New licenses for 145NA, Inc dba The Nantasket Flats**

This is an application from The Nantasket Flats, a new restaurant in the location of the former Bridgeman's and then Rinalto's restaurant, for new licenses for: Annual All Alcohol, Common Victualer, Entertainment, and Automatic Amusement. Sestito swore in those who wished to speak during the hearing. In addition, Reilly read into the record a statement notifying the board under GL Chapter 268, Section 23, Conflict of Interest, that his business is a tenant of 121 Nantasket Avenue, which is an abutter to 145 Nantasket Avenue. The statement notified the board of his objectivity in this matter. [See document.]

Louis Cassis, Esq., representing the applicant, Richard Vaughn, stated that the new venue will follow the same layout, with about 15 seats at the bar and about 60 on each of the two floors. There will be patio seating as well. Requested hours of operation are 8 a.m. to 1 a.m. in the summer. They are requesting an entertainment license for 1-3 acoustic instruments for what is described as a community-friendly, family-friendly atmosphere with casual American food.

Richardson stated that the board has received a letter listing some concerns signed by about 45 abutters. The concerns include hours of outside entertainment, as well as traffic from delivery trucks on Atherton Road and Rockland Circle. Vaughn stated that the outside entertainment would be on Sunday afternoons from 3-6 p.m., and possibly the same on Saturday and that guitars would have amplification, with volume controlled by management. He stated that they plan to build up the fence on Atherton Road. Vaughn said that they want to leave open the option for a DJ, but don't anticipate having one. There will be a small five-seat bar on the patio, which is existing in the current layout.

The following members of the public spoke:

Maria Barber, 15 Atherton Rd., expressed concerns about delivery trucks coming down Atherton Road. She also was concerned about the hours of alcohol being served, and the outside entertainment/music. She said that she does want the restaurant to succeed in that location. Vaughan said that the delivery door is on Atherton, but he will talk with the delivery operators about not traveling down Atherton. He expressed that he has no intention to bring bands and late nights to the restaurant, and his intention is to be a good neighbor. Richardson noted that the board often limits initial hours and expands when things are going well. Constable suggested that the applicants be more specific about the hours of operation and music. Barber said that the abutters would appreciate not having any outside entertainment.

Lemnios said that the applicants need to put very specific hours of operation on each license application. He noted that operating in a dense neighborhood requires a very specific business plan. Vaughan stated that he wanted to have

flexibility in the application. He said he would be willing to take the DJ off the outside entertainment on the application. He said that he is happy to limit the hours of the outside music.

<b>Motion</b>	Reilly	For common victualer license: Motion to approve, subject to the applicant amending the application clearly stating that the hours of operation are seven days a week from 8 a.m. to 1 a.m. Motion for Nantasket Flats, 145 Nantasket Ave, Richard J. Vaughan manager.
<b>Second</b>	Richardson	
<b>Vote</b>	Unanimous	

<b>Motion</b>	Reilly	Further move to approve an alcohol license for Nantasket Flats, Richard J. Vaughan manager, with the hours of 8 a.m. to 1 a.m. on the interior; the deck hours 11 a.m. to 10 p.m. and patio vacated by 11 p.m.
<b>Second</b>	Constable	
<b>Vote</b>	Unanimous	

<b>Motion</b>	Reilly	Motion to approve the interior entertainment license for 10 a.m. to 1 a.m. for a DJ and three-piece acoustic, and piped music, subject to the applicant amending the application to include piped music.
<b>Second</b>	Richardson	
<b>Vote</b>	Unanimous	

<b>Motion</b>	Reilly	Motion to approve entertainment on the deck on Friday and Saturday from noon to 8 p.m. for acoustic only, and Sunday from 12-6 p.m. for acoustic only. Reilly added a stipulation that the applicant would provide sound proofing/insulation along Atherton Avenue, and along the back property line. He also moved to allow the ability to have entertainment on Monday holidays on the deck during the same hours as Sunday.
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		Richardson accepted this amendment.
<b>Second</b>	Richardson	
<b>Vote</b>	Unanimous	

<b>Motion</b>	Reilly	Motion to approve an automatic amusement device consisting of one pool table.
<b>Second</b>	Richardson	
<b>Vote</b>	Unanimous	

Richardson suggested that the applicant have a public meeting with the neighbors to introduce themselves and hear any concerns. Reilly also noted that they should have their phone numbers handy in the restaurant so that concerns can be addressed when/if they arise.

The public hearing was adjourned at 8:15. The board took a brief recess at this time.

#### **Justin Gould and Andrew Spinale regarding lease amendment**

Justin Gould and Andrew Spinale, Steamboat Wharf Marina, were present to continue a discussion on their request for a lease amendment to add a restaurant to their marina enterprise. Sestito noted that this discussion was to concentrate on new information rather than reiterate previous discussions. He further stated that the board would go into executive session at the end of the meeting in order to further discuss the matter.

Gould stated that the community would benefit socially and financially from the project. He noted that the marina has provided all requested additional information and has made concessions and shaped the proposal around the board's concerns. He stated that the marina has a proven track record, as have the Boothroyds, who will be managing the restaurant.

Jim O'Brien, owner of Jake's Restaurant, asked that the board carefully consider whether the benefits will outweigh the risks and disadvantages of the project. He urged them to say no to the request.

Reilly said that that the discussion in executive session would involve the lease of the property from a landlord's point of view. If the lease is approved there will be another hearing about hours, liquor license, etc. Constable stated that the question before the board is also whether it is an allowable use under the existing lease. Lampke said the issue is whether, as the landlord in that area, it is in the town's best interest to approve the existence of another restaurant there.

Sestito noted that the board will make a determination and then have Town Counsel discuss with the applicant's counsel, Adam Brodsky. Brodsky asked if the applicants could attend the executive session. Sestito said they cannot.

Michael Lyons, 112 Eastern Ave., asked if there was an RFP issued for this property and whether a restaurant was included in the RFP. Sestito stated that an RFP was issued in 2004. Lampke said that the RFP included a discussion of a variety of uses that were consistent with what could be done at the location and that a restaurant was included in the RFP as one of the uses the town would entertain as part of the marina. Lemnios said that the RFP included several options as to use, and when the Steamboat Group won the RFP, the food service use submitted at that time included a coffee shop, which would not have competed with the other tenant on the pier. One of the other concepts in the RFP was to create compatible, not competitive interests. He said that the board is operating in the capacity of a landlord and that landlords try to find a balance and compatibility of businesses and will consider whether the introduction of additional food service seats on the pier be a benefit or a detriment. He stated that the liquor license is an entirely different matter. Constable noted that the initial lease had been amended previously to include a fish market and expansion of same.

## APPROVALS

The board approved the following licenses:

<b>Motion</b>	Grey	Nantasket Beach Salt Water Club, Patrice Kenney, Manager, 3 Fitzpatrick Way, for (A) All Alcohol (Seasonal) (RENEWAL), (B) Common Victualer (RENEWAL)
<b>Second</b>	Reilly	
<b>Vote</b>	Unanimous	

<b>Motion</b>	Reilly	William Dwyer, dba Pemberton Bait and Tackle, 173 Main St. for Common Victualer License (RENEWAL)
<b>Second</b>	Grey	
<b>Vote</b>	Unanimous	

<b>Motion</b>	Reilly	Bayside Marking Systems, Inc., dba Nantasket Lobster Pound, James E. O'Brien, Manager, 50 George Washington Boulevard, for (A) All Alcohol (Seasonal) as a Restaurant (RENEWAL) (B) Common Victualer (RENEWAL)
<b>Second</b>	Grey	
<b>Vote</b>	Unanimous	

The board approved a request from Liz Londergan, 38 Atlantic House Rd. to hold the first annual “A Walk to Remember” on Thursday June 20, 2019 in honor of loved ones who have passed away. Proceeds will go to a number of scholarship funds for Hull and Stoughton High Schools.

<b>Motion</b>	Reilly	So moved, subject to final approval by Police and Fire
<b>Second</b>	Constable	
<b>Vote</b>	Unanimous	

The board also approved a request from John Johnson, Hull Boosters, regarding Hull Booster’s Beach Run, to be held on Thursday August 1, 2019.

<b>Motion</b>	Reilly	So moved, with the same stipulations [as above].
<b>Second</b>	Grey	
<b>Vote</b>	Unanimous	

## CORRESPONDENCE

Sestito read correspondence from Frank Parker notifying the board of his resignation from the Library Trustees. In addition, the board received a request from Lori West, Town Clerk to add Library Trustee to the Annual Town Election Ballot to fill one (1) year vacant seat.

<b>Motion</b>	Reilly	Motion to add to the annual town election a spot to fill a one-year term on the Library Trustees.
<b>Second</b>	Richardson	
<b>Vote</b>	Unanimous	

Reilly noted that Mr. Parker had also resigned from the Capital Outlay Committee, but had expressed his wish to remain involved in that endeavor. Reilly stated that the committee had voted to appoint Parker a member ex officio, non-voting.

<b>Motion</b>	Reilly	So moved
<b>Second</b>	Richardson	

<b>Vote</b>	Unanimous	

In addition to the above, the board received communication from the Town Clerk requesting that the board discuss calling a Special Town Meeting on May 6, 2019, at 7:30 p.m. with one article which would be the proposed turf field bond.

Lemnios stated that he recommended this because the topic has created heavy debate in town and at a vote held at a Town Meeting a few years ago people argued that they didn't have time to participate because the vote fell at the end of the evening. He said that by placing the article in a Special Town Meeting at the beginning of the regular Town Meeting on May 6, everyone will have the opportunity to participate in the discussion and the vote.

David Clinton, Chairman of the Advisory Board, added that having a special town meeting within the annual town meeting would not cost the town any additional money.

Resident Susan Mann stated that this could extend the length of the Town Meeting. She also noted that a lot of people will come for just the field discussion and not for the rest of the meeting. Lemnios pointed out that whenever the discussion comes up during the meeting it would take up the same amount of time. He said that the article will need a 2/3 majority vote to pass.

Reilly pointed out that since this is a policy change for the board regarding Town Meeting, he said that the board will have to consider this further in terms of future situations.

<b>Motion</b>	Reilly	Motion to approve
<b>Second</b>	Grey	
<b>Vote</b>	Unanimous	

Sestito read aloud a letter from Hull TV Director, Peter Seitz, notifying them that this is the 22<sup>nd</sup> year Dave Renks has been volunteering for Hull Television. He has covered every Board of Selectmen's and Town Meeting since 1998, as well as numerous other boards and committee meetings and events. Seitz commended Dave for his continuing service, as did Sestito and the board.

## NEW BUSINESS

Reilly said that he had a request from a business along Nantasket Avenue about beach parking at the meters along the DCR beach area, and suggested a possible two-hour time limit on parking in this area. He also pointed out that street lights were out in front of the arcade last summer and there is one out now near the former Bridgeman's. He suggested dealing with this now rather than waiting until the summer.

Next Tuesday, March 12, the board will meet at the High School exhibition room at 7 p.m. for a presentation on the subject of vaping. On March 21, the Hingham Board of Selectmen will do a presentation on the Aquarion acquisition at 7:30 p.m.

## EXECUTIVE SESSION

At 9:10 p.m., Sestito asked for a motion that the board go to into Executive Session to discuss strategy with respect to litigation and that the chair declares that an open meeting may have a detrimental effect on the litigating position of the body; to go into executive session to consider the purchase, exchange, lease, or value of real property, and that the chair declares that an open meeting may have a detrimental effect on the negotiating position of the body; to go into Executive Session to comply with, or act under the authority of the Attorney-Client privilege; to go into Executive Session to consult with legal counsel and obtain legal advice pursuant to the Attorney-Client privilege; and to not reconvene in open session.

Matters to be discuss were:

- Steamboat Wharf lease and value of lease
- Cummings vs. Hull

<b>Motion</b>	Constable	So moved.
<b>Second</b>	Grey	
<b>Vote</b>	Unanimous	Sestito – Aye Constable – Aye Grey – Aye Reilly – Aye Richardson – Aye  Note: Reilly stated that he would be abstaining on Cummings vs. Hull.

**The open meeting was adjourned at 9:15 p.m.**

*Recorded by Catherine Goldhammer*

Approved by:

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### **Documents**

The following documents were included in the members' packets or were presented during the meeting and are available in the Select Board's office upon request:

- Agenda for March 7, 2019
- License application from Nantasket Beach Salt Water Club, Patrice Kenney, Manager, 3 Fitzpatrick Way
- License application from William Dwyer dba Pemberton Bait and Tackle, 173 Main St.
- License application from Bayside Marking Systems, Inc., dba Nantasket Lobster Pound, James E. O'Brien, Manager, 50 George Washington Boulevard
- Letter from Liz Londergan regarding A Walk to Remember"
- Letter from John Johnson regarding Hull Boosters Beach Run
- Nantasket Flats application packet
- Memo from Town Clerk Lori West
- Letter from Frank Parker