

**Hull Board of Selectmen
Final Minutes
October 24, 2019**

The meeting of the Hull Board of Selectmen was called to order at 7:30 p.m. on Thursday, October 24, 2019, at Hull Town Hall, 253 Atlantic Avenue, 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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MINUTES

Public Shade Tree Hearing – 184 Nantasket Road

Those who wished to speak during the public hearing were sworn in prior to the discussion. Joseph Stigliani, Acting DPW Director, gave a brief explanation of the current hearing. A previous request filed in October of 2018 to remove the Honey Locust tree at 184 Nantasket Road was denied by the Tree Warden as it was determined that it was a Public Shade Tree that was located on Town property. The applicants are now requesting the permission of the Board of Selectmen, as required by MGL, Chapter 87, to remove this tree in order to build a single family residence on the property in place of the former residence.

The homeowner, Mary Beth Cicero, who was unable to attend the meeting, was represented by her attorney, Adam Brodsky, Esq., Jack Mitchell, contractor for the proposed building project, Brad Holmes, certified arborist, and David Ray, professional land surveyor. Ms. Cicero proposes to build a dwelling on the property to replace a structure that was demolished due to heavy damage caused by a storm in March of 2017. She has secured all necessary permits for the proposed dwelling. The tree in question, a Honey Locust tree, has an extensive root system that will very likely be compromised during excavation for the proposed structure. Since the tree is located near power lines its failure will very likely cause damage to the lines. Brodsky pointed out that the tree in question is a non-native tree and was most likely planted by a previous homeowner for ornamental reasons. He feels it is highly unlikely that it was planted by the Town with the intent of its being a public shade tree. Due to the almost certain failure of the tree resulting from necessary excavation, the homeowner would like to be proactive and remove the tree before it causes damage. She is willing to plant two replacement trees to be located in an area that would not threaten power lines and will cover the cost of the removal of the current tree and the planting of the replacement trees. Holmes agreed with Atty. Brodsky that the Honey Locust was never intended as a Public Shade tree, and that its current location is a very poor one. He is willing to work with the Tree Warden as to the location of the replacement trees. Mitchell pointed out that the house has been fully permitted but that excavation will destroy the root system of the tree. Ray agreed that if the tree is left in place at some point in the future it will almost certainly take down the nearby power lines. Brodsky added that the project is fully permitted, which fully meets zoning and wetlands requirements, and she does not have the resources to redesign and re-permit the structure.

Several residents spoke in opposition to the removal of the tree. It was pointed out that there are many trees in the Town that are close to power lines and that this one is not unique. The Town has planted a number of locust trees on Town property. There was also discussion as to whether the permits should have been issued for this property without taking into account the size and placement of the tree and whether a house the size of the proposed structure will fit on the lot, which is very small. There was also a concern that the property is situated in an area that is prone to flooding and that taking out its root system will have a major impact on Nantasket Road.

Brodsky replied that the tree had been on the building plans from the beginning but that it had only recently been judged to be a Public Shade tree. The project was reviewed for compliance with flooding regulations and the proposed house is in compliance with all Zoning requirements.

After discussion the board voted as follows:

Motion Reilly Motion to approve the removal of the Honey Locust tree, the cost of the removal to be borne by the applicant. Two trees, size and species of the trees to be approved by the Tree Warden and Town Manager and location as well, to be placed in an appropriate spot and guaranteed for 2 growing seasons.

Second Constable

Vote Unanimous*

*Kevin Richardson was not present for the vote.

The Hearing was over at 8:29. The Board took a brief recess at this time.

Public Hearing: Request from Justin Gould and Andy Spinale RE: Lease Amendment Steamboat Wharf Marina

Those who wished to speak during the public hearing were sworn in prior to the discussion. The applicants, Justin Gould and Andy Spinale were present, accompanied by their attorney, Adam Brodsky, Esq. Prior to the discussion Richardson, who had consulted before with Lampke, disclosed that his son had been employed at Jake's Seafood during the past season. However he assured the Board that he feels he is able to act in a fair, objective, and impartial manner in considering the lease amendment request. This disclosure was made publicly to comply with the Conflict of Interest per Lampke's advice.

Brodsky stated that in October of 2018 Steamboat Marina had submitted a request for approval of the conversion of the vacant Lobster Express space to a seasonal restaurant with an outdoor patio. It is his position that no formal amendment to the lease is necessary since restaurant use was contemplated in the lease but that Steamboat will need Board consent for the alternation of the space to allow for the proposed restaurant. At that time the Board had asked Steamboat to address the issue of parking. In response they formed a flexible parking plan which takes into consideration all of the parking uses including Jakes Restaurant. At the request of the Board both the parking plan and the business plan

were submitted to peer reviewers for evaluation, at Steamboat's expense. The parking plan was reviewed by Gillen Associates and their report was submitted on September 14, 2019. It was Gillen's finding that the parking plan was reasonable and that if enforced sufficient parking would be available. The business plan was reviewed by Edelstein & Associates and a report was submitted on September 27, 2019. It was their finding that the business plan was reasonable based on both quantitative and qualitative guidelines. It is the applicants' feeling that all outstanding issues have been addressed by the Gillen and Edelstein reports.

Lemnios asked whether sufficient marketing had been done to attempt to rent out the space. Gould responded that they had reached out to approximately 50 potential vendors but had no response.

Grey asked about the proposed dates for the opening and closing of the restaurant. Spinale stated that the plan was to open on 5/1 and close on 10/31. A prolonged discussion followed regarding the ability of Steamboat to have all boats off the pier during this time period in order to allow for adequate parking for all tenants. Spinale acknowledged that it would be difficult to guarantee that all boats would be off the site for those dates but that they were willing to compromise and possibly implement a phased parking approach which would guarantee Jakes 27 dedicated parking spots as of 4/1. He feels that 6/15 is a reasonable date to have all parking spots available.

It was acknowledged that there are a lot of "what ifs" related to this plan and it is necessary to balance the rights of all of the tenants. The owner of Jakes stated that it is his hope that due diligence will be done so that Jakes won't be negatively affected. He also noted that Jakes is used to operating with 30-40 spaces, not the 27 mentioned in the proposed plan.

Sestito suggested the need to go into Executive Session and feels that the issue would probably be decided at the next session on 11/7/19. Reilly stated that it would be desirable to have the parking issue resolved at this time so that the process of applying for further permits and licenses would move more quickly.

CORRESPONDENCE

Sestito read correspondence from Cinzi Lavin, who is resigning from the Hull Historic District Commission. Lemnios was asked to put together a letter thanking her for her efforts for the Town.

Sestito read correspondence from Paul Sordillo, Director of Veteran's Services regarding the Veteran's Day remembrance to be held on November 11, 2019 at 11:00 am.

Sestito read a memo from Frank Kerr, Chairman of the Logan Airport Committee stating that the Airport Committee will be disbanded as of 10/15/19 as it has fulfilled the task it was assigned. Lemnios will send a letter to the Committee thanking them for their service.

Motion Reilly That the Logan Airport Committee be disbanded effective October 15, 2019

Second Richardson

Vote Unanimous

APPROVALS

The Board approved the re-Appointment of Craig Wolfe, 89 Edgewater Road, as Selectmen's Representative to the South Shore Community Action Council for a term to expire in 2021, subject to his satisfying conflict of interest training and being sworn in by the Town Clerk.

Motion Reilly

Second By member

Vote Unanimous

The Board approved the re-appointment of the following Council on Aging Members:

Pauline McEntee	Term expires 2022
Maureen O'Brien	Term expires 2022
Virginia Richardson	Term expires 2022
Lawrence Schell	Term expires 2021
Brian McCarthy	Term expires 2020
Herb Altsher	Term expires 2020

Motion Reilly

Second Grey

Vote Unanimous

The Board approved a request from Patrice Kenney, Manager of the Nantasket Beach Salt Water Club to extend their Liquor License to January 15, 2020.

Motion Reilly

Second Constable

Vote Unanimous

The Board voted to approve a request from the Knights of Columbus for approval of a One Day Liquor License on Saturday, November 30, 2019 from 4:00 pm to 9:00 pm.

Motion

Second Grey

Vote Unanimous

The Board voted to approve a request from the Knights of Columbus for approval of a One Day Liquor License on Saturday, November 9, 2019 from 6:00 pm to 11:00 pm.

Motion Reilly

Second Grey

Vote Unanimous

Old and New Business

Constable stated she had been part of a phone conference regarding issues experienced this past summer with ferry capacity. The issue of over capacity has been raised to the MBTA. It does not seem as if new vessels will be added but she would like them to pursue a bus connection between Hull and Nantasket Junction which would help shift passengers off the ferry to the commuter rail. In addition, she would like a discussion around adding a vessel on the 7 or 7:30 runs and the 5 or 5:30 runs and feels that it would be advisable to collect data on the number of passengers that are left on the dock at either Hull or Long Wharf. Lemnios said that it might be advisable to schedule a meeting with commuters at Pemberton to create data and ask them to keep a log of when they are unable to get on a ferry.

Constable also brought up the Transportation Bond bill being put forward and suggested that the Town stay on top of how they would like any moneys received to be spent. She also mentioned the housing study, and said that there may be funds available for housing assistance. Any application for these funds should be done as soon as possible as the money generally goes quickly.

Grey brought up the issue of Committee appointments. Lemnios feels that currently the committees have enough members but that he will be working on this.

Lemnios gave an update on paving and construction projects in the Town and all are moving forward well.

There will be a Special Town Meeting to be held on November 18, 2019.

EXECUTIVE SESSION

At this point Sestito moved that the Board go into Executive Session to discuss strategy with respect to litigation and that the Chair feels having an open meeting might have a detrimental effect with respect to the litigating position of the body; move to go into Executive Session to consider the purchase, exchange or 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; and to not reconvene in open session.

The following items will be discussed:

- Steamboat Wharf Lease
- Murphy/McIntosh/Kernan v. Town of Hull

Motion Sestito

Second Richardson

Vote Unanimous Richardson – Aye
 Reilly – Aye
 Constable – Aye
 Grey – Aye
 Sestito – Aye

The open meeting was adjourned at 9:39 pm. The Board will meet next on November 7, 2019 at 7:30 pm.

Recorded by Kathleen Fanning

Approved by:

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 and Corrected Agenda for October 24, 2019
- Correspondence from Cinzi Lavin, Paul Sordillo, and Frank Kerr
- Approval requests regarding Craig Wolfe, Council on Aging members, Nantasket Beach Salt Water Club liquor license, One Day liquor licenses for Knights of Columbus
- Memo and correspondence from Joseph Stigliani, Acting DPW Director regarding request for removal of public shade tree at 184 Nantasket Road
- Letter and supporting documentation from Adam Brodsky regarding shade tree at 184 Nantasket Road
- Site Plan for 184 Nantasket Road