



# MEETING NOTICE POSTING & AGENDA TOWN OF HULL

TOWN CLERK'S STAMP

Pursuant to MGL Chapter 30A, § 18-25 all Meeting Notices must be filed and time stamped in the Town Clerk's Office and posted at least **48 hours prior to the meeting** (excluding Saturdays, Sundays and Holidays). Please be mindful of the Town Clerk's business hours of operation and make the necessary arrangements to ensure this Notice is received and stamped in by the Town Clerk's Office and posted by at least **30 minutes** prior to the close of business on the day of filing.

<b>Board or Committee</b>	<b>Select Board</b>
<b>Date &amp; Time of Meeting</b>	<b>Wednesday, March 20, 2024 at 6:15 pm</b>
<b>Meeting Location</b>	<b>Hull Town Hall – 253 Atlantic Ave Hull, MA 02045</b>
<b>Requested By:</b>	<b>Jennifer Constable, Town Manager</b>

## AGENDA

### EXECUTIVE SESSION

1. To consider the purchase, exchange, lease or value of real property along Beach Avenue in the vicinity of 169 Beach Ave. & 33 Malta St.
2. To discuss strategy with respect to litigation: Devine v. Town of Hull

### APPOINTMENTS

7:00 Nicole Costanzo, Esq. KP Law – RE: Hull Cannabis Bylaw Update and Proposed Bylaw Amendments

### DISCUSSION

1. Fort Revere Paint Day
2. Capital Improvement Committee Article
3. May 6, 2024 Town Meeting Warrant Review

### APPROVALS

1. Gregory Hoffmeister, Manager, 19 Hull Shore Drive, Doctor's Island Brewing Company, LLC dba Doctor's Island Brewing Re: (A) Seasonal Alcohol License (Farmers Series Pouring Permit), (B) Common Victualler, and (C) Entertainment License. (RENEWAL and CHANGE OF HOURS)

### TOWN MANAGER UPDATES

**HULL – CANNABIS BYLAWS**

**I. SUMMARY OF BYLAWS ADOPTED AT 2018 SPECIAL TOWN MEETING** *(voted out of order under lottery)*

**Article 5** – General Bylaw, approved by Attorney General, Case #8777

- Section 3 limits the “number of permits issued pursuant to marijuana retailers to two (2)”
- Section 4 establishes “general requirements” for “marijuana establishments” and “marijuana retailers”
- Section 5 creates annual local licensing scheme for “marijuana establishments”, with the Board of Selectmen as the license granting authority

*\* Codified as Chapter 309, Marijuana Establishment*

- § 309-4 (B)(1)(e) – Hours of operations do not include the actual hours voted at Town Meeting (“The hours of operation shall be set by the Board of Selectmen as part of the local license. In any event, hours of operation shall not be before 8 a.m. or after 8 p.m.”)
- § 309-3 – Limit on retail does not reflect the vote to add additional language (“The number of permits issued pursuant to this section to marijuana retailers shall not exceed two (2), which is not fewer than 20% of the package store licenses issued in Hull.”)

**Article 7** – Zoning Bylaw, approved by Attorney General, Case #8777

- Creates Marijuana Overlay District
- Section 4 establishes special permit and site plan approval requirements for registered marijuana dispensaries “see Section 6” and for marijuana establishments, with language to “see Section 7”
- Section 6 comprehensively regulates registered marijuana dispensaries
- Includes two Sections numbered “7” that seek to regulate marijuana establishments (the first, to ban them completely, and the second, to allow them by special permit) preceded by the following language:
  - o “Any future town referendum vote to ban Marijuana Establishments in the General Bylaws will determine which of the following Zoning Bylaw sections are approved. If a referendum to ban Marijuana Establishments is held and is passed by voters, the following section 7 shall become effective:
    - This Section “7” was a total ban on all marijuana establishments, expressly including marijuana retailers.
    - Article 2, the General Bylaw to ban, passed at Town Meeting (see below) and the referendum also passed at the ballot (both as general bylaw ban and as a zoning bylaw ban).

*\* Codified as Chapter 410, Article III - § 410-3.13. Marijuana Overlay District (with the total ban on marijuana establishments)*

**Article 6** – General Bylaw, approved by Attorney General, Case #8777

- Limits marijuana retail establishments (“The number of permits issued pursuant to this section to marijuana retailers shall not exceed two (2), which is not fewer than 20% of the package store licenses issued in Hull.”)

Article 1 – Zoning Bylaw, does not appear to have been submitted to and/or acted on by Attorney General

- Total ban on all marijuana establishments, expressly including marijuana retailers
- Passes at Town Meeting by 2/3 vote and at ballot – it is not clear why this bylaw was not submitted to and/or acted upon by the Attorney General (still, the zoning bylaw ban in article 7 was approved)

Article 2 – General Bylaw Ban, approved by Attorney General, Case #8777

- Total Ban on all marijuana establishments, expressly including marijuana retailers

## II. EFFECT OF BYLAWS ADOPTED IN 2018

In my opinion, the Town effectively banned all marijuana establishments, including marijuana retailers, pursuant to the adoption of the zoning and general bylaw bans and referendum votes after it voted a general bylaw limitation on retail establishments, such that the limitation was made ineffective. See Plainville Asphalt Corp. v. Town of Plainville, 83 Mass. App. Ct. 710, 713 (2013) (“The town’s legislative body is presumed to be aware of existing bylaws when it amends or enacts a new one.”) Further, in my opinion, the total zoning ban on marijuana establishments controlled because the Town regulated the topic at hand through “comprehensive” zoning bylaws such that the limitation on retail would have needed to be a zoning bylaw, not a general bylaw. See Haven Ctr., Inc. v. Town of Bourne, 490 Mass. 364, 369 (2022) (internal citations omitted) (“Nevertheless, even where a municipality properly exercised its police powers to regulate a local activity through its general bylaws, a particular ordinance may still be deemed to be a zoning regulation subject to the requirements of G. L. c. 40A in light of its “nature and effect,” and “the historical context”); see also Spenlinhauer v. Town of Barnstable, 80 Mass. App. Ct. 134, 141 (2011) (“the town’s attempt to use its general ordinance power to regulate off-street parking undercuts “the assorted protections contained in” c. 40A, in the process frustrating the purposes for which c. 40A was enacted”).

Moreover, the general bylaw creating a local licensing scheme for marijuana establishments while valid, in my opinion, did not defeat the total ban on marijuana establishments. Building Inspector of Lancaster v. Sanderson, 372 Mass. 157, 167 (1977) (“holding of a license or permit ... does not entitle the licensee or permittee to operate that business in a place where such a business is prohibited by zoning by-laws or ordinances”).

## III. VOTE TO CODIFY TOWN BYLAWS (2020 ANNUAL TOWN MEETING?)

Article 17 - The Town voted simply to apply a new numeric system, reorder and format the existing bylaws. There was no substantial modification to the language of the bylaws.

## IV. SUMMARY OF BYLAWS ADOPTED AT 2023 SPECIAL TOWN MEETING

Article 7 – Zoning Bylaw, approved by Attorney General, Case #11167

- Amended Section 410-3.13G by:
  - o Deleting Section 410-3.13G, which lifted total ban on all marijuana establishments.
  - o Adding a new Section 410-3.13G as follows: "The Planning Board may grant a special permit to a Marijuana Establishment and/or an applicant for a standalone adult use retail license to authorize adult use retail sales, subject to execution of a new Host Community Agreement, submission of new applications for site plan approval and special permit satisfying all of the requirements of Section 410-3.13H."
  
- Amended Section 410-3.13F(6)(g) by:
  - o Deleting Section 410-3.13F(6)(g), which stated: "An RMD licensed after July 1, 2017 shall not convert to a Marijuana Establishment without following the Special Permit and Site Plan Review procedures outlined in Subsection G."
  - o Adding a new Section 410-3.13F(6)(g) as follows: "A Marijuana Establishment licensed after July 1, 2017 shall not convert to a Marijuana Establishment without following Special Permit and Site Plan Review procedures outlined in Subsection H."

*\*As the Attorney General noted, as amended, Section 410-3.13 (F)(6)(g) prohibits a "Marijuana Establishment licensed after July 1, 2017" from converting "to a Marijuana Establishment" without a special permit and site plan. It seems that the intent actually was to prohibit a "Medical Marijuana Treatment Center" (or "Registered Marijuana Dispensary") from converting without a special permit and site plan pursuant to G.L. c.94G, sec 3(a)(1)(i). The Town should consider further amending this section.*
  
- Created new Section 410-3.13H titled, "MARIJUANA ESTABLISHMENTS (RECREATIONAL MARIJUANA)"
  - o Comprehensively regulating "Marijuana Establishment[s], which definition specifically includes a Marijuana Retailer[s]" by special permit.

Article 8 – General Bylaw, approved by Attorney General, Case #11167

- Amended Chapter 309 to add the following new section: "Notwithstanding any other provision of the town Bylaws to the contrary, a Registered Marijuana Dispensary and/or an applicant for a standalone adult use retail license may engage in adult use retail sales, subject to execution of a new or amended Host Community Agreement, compliance with all applicable Zoning Bylaws, and to final licensure and permission to commence operations from the Cannabis Control Commission."

**V. REQUESTED ZONING BYLAW AMENDMENTS FOR 2024 TOWN MEETING WARRANT**

- Bylaw to ban all marijuana establishments, except marijuana retailers, to limit marijuana retailers to two (2) by special permit **and to add language that was included on the 2018 warrant to regulate marijuana establishments by special permit:**

- o To see if the Town will vote to amend the Town of Hull Zoning Bylaws as follows:
  - By amending §410-3.13(B) to add the following new definition:

**MARIJUANA RETAIL ESTABLISHMENT**

An entity licensed to purchase, repackage, white label, and transport marijuana or marijuana product from marijuana establishments and to otherwise transfer this product to marijuana establishments and to sell to consumers.

- By amending §410-3.13(D)(3) to replace the term “Marijuana Establishments” with “Marijuana Retail Establishments”
- By amending §410-3.13(F)(5)(i) to remove the language in strike-through text and add the underlined text:

**Buffer Zone:** An RMD or Marijuana Establishment shall not be sited within a radius of 500 feet of an existing, licensed daycare center; a school or a playground dedicated to the primary use by or for children; a facility where the primary use is a video arcade; or the Paragon Carousel. ~~The 500 foot distance shall be measured in a straight line from the nearest point of that portion of a lot dedicated to the use of any of the activities (e.g., Marijuana Establishment, school, playground, etc.), so, by way of example and not limitation, if the Marijuana Establishment is located in a multi tenanted building and a playground is located in or on a portion of a larger lot, the line would be measured from the closest exterior portion of the Marijuana Establishment premises to the nearest point of the portion of the lot used for playground purposes.~~ The buffer zone distance of 500 feet shall be measured in a straight line from the geometric center of the Marijuana Establishment Entrance to the geometric center of the nearest applicable Entrance, unless there is an Impassable Barrier (as that term is defined by 935 CMR 500.002) within those 500 feet; in these cases, the buffer zone distance shall be measured along the center of the shortest publicly-accessible pedestrian travel path from the geometric center of the Marijuana Retail Establishment Entrance to the geometric center of the nearest applicable Entrance.

- By amending §410-3.13(F)(6)(g) to replace the term “Marijuana Establishment licensed after July 1, 2017” with the term “Medical Marijuana Treatment Center (RMD) licensed after July 1, 2017”
- By amending §410-3.13(G) to remove the **existing section** in its entirety and to replace it with the following new §410-3.13G:

**Comment [NJ1]:** The existing section, as amended in 2023 provides:

(G): The Planning Board may grant a special permit to a Marijuana Establishment and/or an applicant for a standalone adult use retail license to authorize adult use retail sales, subject to execution of a new Host Community Agreement, submission of new applications for site plan approval and special permit satisfying all of the requirements of Section 410-3.13H.

## MARIJUANA ESTABLISHMENTS (RECREATIONAL MARIJUANA)

- (1) Consistent with G.L. c. 94G, Section 3(a)(2), all types of “Marijuana Establishments” as that term is defined in G.L. c. 94G, §1 and 935 CMR 500, including, marijuana cultivators, craft marijuana cooperatives, marijuana product manufacturers, independent testing laboratories, marijuana transporters or any other type of licensed marijuana-related businesses, shall be prohibited within the Town of Hull; provided however, that this prohibition shall not apply to Marijuana Retail Establishments as defined in Section 410-3.13 of the Zoning Bylaw.

This prohibition shall also not apply to the sale, distribution, or cultivation of marijuana for medical purposes by a Registered Marijuana Dispensary (“Medical Marijuana Treatment Center”) as defined in Section 410-3.13 of the Zoning Bylaw.

**Comment [NC2]:** This Section shall be effective upon passage by the voters at a Town Election.

- (2) The number of Marijuana Retail Establishments permitted to be located within the Town of Hull shall not exceed two (2).

**Comment [NJC3]:** It is my understanding that this number is greater than 20% of the number of licenses issued within the Town for the retail sale of alcoholic beverages not to be drunk on the premises where sold under section 15 of chapter 138.

- And further, by amending §410-3.13H to remove the language in strike-through text and add the underlined text:

## MARIJUANA RETAIL ESTABLISHMENTS (RECREATIONAL MARIJUANA)

Applicants seeking approval to operate a Marijuana Retail Establishment, ~~which definition specifically includes a Marijuana Retailer, as both are defined in Chapter 309-2,~~ within the MOD shall proceed under the following regulations:

- (1) Use Regulations. Marijuana Retail Establishments may be permitted only within the set boundaries of the MOD pursuant to a Special Permit and Site Plan Approval. The Planning Board shall be the Special Permit Granting Authority.
- (2) Host Community Agreement or Waiver. Prior to submitting an application with the Planning Board, applicants shall ~~negotiate~~ execute a host community agreement or host community agreement waiver with the Board of Selectmen.
- (3) Application. In addition to the materials required under § 410-3.5A(2) of the Zoning By-Law, the application for a Special Permit for a Marijuana Retail Establishment shall include:
  - (a) Disclosure Statement - A notarized statement signed by the organization’s Chief Executive Officer and corporate attorney disclosing all of its designated representatives, including officers and directors, shareholders, partners, members, managers, directors, officers or other similarly-situated individuals and entities and their

**Comment [NJC4]:** As we discussed, in my opinion, the zoning bylaw cannot dictate whether the Select Board enters into an HCA and/or the HCA terms. Therefore, I have not included language that had been proposed in 2018 to that effect, i.e.:

### **Host Agreement**

7.2.1 Prior to application with the Planning Board applicants shall negotiate a host agreement with the Board of Selectmen as provided for under MGL Chapter 94G Section 3.

7.2.2 This host agreement shall include language that gives the Planning Board the ability to restrict signage to the standards outlined in the Special Permit Criteria section below.

addresses. If any of the above are entities rather than persons, the Applicant must disclose the identity of all such responsible individual persons for such entity.

- (b) Description of Activities - A narrative describing the type and scale of all activities that will take place on the proposed site, including, but not limited to on-site sales of marijuana or marijuana infused products, off-site deliveries, distribution of educational materials, and other programs or activities.
- (c) Floor Plans - A floor plan of the premises of the proposed Marijuana Retail Establishment that identifies the square footage available and describes the functional areas of the Marijuana Retail Establishment.
- (d) Site Plans – A plan or plans depicting all proposed development on the property as required under §410-4.1 of this bylaw.
- (e) Service Area- A map and narrative describing the area proposed to be served by the Retail Marijuana Establishment and the anticipated number of clients that will be served within that area. This description shall indicate where any other Marijuana Retail Establishment exists or have been proposed within the expected service area.
- (f) Transportation and Parking Analysis – A quantitative analysis, prepared by a qualified transportation specialist acceptable to the Planning Board, modeling the expected origin and frequency of client and employee trips to the site, the expected modes of transportation used by clients and employees, and the frequency and scale of deliveries to and from the site.
- (g) Context Map – A map depicting all lots and land uses within a 500 feet and any marijuana related land uses within a 2500-foot radius of the premises.
- (h) Building Elevations – Architectural drawings of all exterior building facades and all proposed signage, specifying dimensions, materials and colors to be used.
- (i) Licensure Materials – Marijuana Retail Establishments shall be licensed by the Cannabis Control Commission and copies of the application materials issued for the purpose of seeking licensure included in the application to the Town. A Marijuana Retail Establishment's Cannabis Control Commission application shall be included in the application to the Town. A statement outlining how the proposed project complies with the Cannabis Control Commission's regulations and process for approval shall be included.
- (j) Signage - Drawings of all proposed signage specifying location, illumination, dimensions, materials and colors to be used and details of sign construction.

- (k) Letters from the Police and Fire Departments indicating that they have reviewed the application materials ~~and approve~~ the safety and security measures of the Marijuana Establishment.
  - (l) Executed host community agreement ~~or host community agreement waiver~~.
- (4) Dimensional Regulations. Dimensional Regulations are governed by the underlying zoning or applicable overlay district.
- (5) Special Permit Criteria. In granting a Special Permit for a Marijuana Retail Establishment, in addition to the general criteria for issuance of a Special Permit as set forth in § 410-3.5A(2) of this Zoning By-law, the Planning Board shall find that the following criteria are met:
- (a) The building or buildings in which Marijuana Retail Establishment activities take place shall not be located within, on the same lot as, or on a lot adjacent to a licensed pharmacy or within buildings that contain any pharmacy, medical doctor offices or the offices of any other professional practitioner authorized to prescribe the use of medical marijuana, which exist as of the effective date of this amendment to the Zoning By-Law.
  - (b) The Marijuana Retail Establishment shall establish policies and procedures to ensure that no marijuana is smoked, eaten or otherwise consumed or ingested on the Premises.
  - (c) The hours of operation shall be set by the Planning Board, but in no event shall a Marijuana Retail Establishment be open to the public, nor shall any sale or other distribution of marijuana occur upon the Premises or via delivery from the premises, between the hours of 8:00 p.m. and 8:00 a.m.
  - (d) The Marijuana Retail Establishment meets all of the permitting requirements of all applicable agencies within the Commonwealth of Massachusetts and will be in compliance with all applicable state laws and regulations.
  - (e) The Premises have been designed to be compatible with other buildings in the area and to mitigate any adverse visual or design impacts that might result from required security measures and restrictions on visibility into the building's interior.
  - (f) The ~~46~~ Marijuana Retail Establishment provides a secure indoor waiting area for individuals and clients.
  - (g) Site is designed such that it provides convenient, safe and secure access and egress for clients and employees arriving to and leaving from the site using all modes of transportation, including drivers, pedestrians, bicyclists and public transportation users.
  - (h) Traffic generated by client trips, employee trips, deliveries to and from the Marijuana Retail Establishment, and parking and queuing especially during peak periods at the Marijuana Retail



Establishment, shall not create a substantial adverse impact on nearby uses.

(i) Buffer Zones:

i. A Marijuana Retail Establishment Entrance may not be closer than 500 feet from the nearest ~~School~~ Entrance (as that term is defined by 953 CMR 500.002) of any schools (k-12), daycares centers, video arcades, the Paragon Carousel and playgrounds dedicated for the use of children. (a) The buffer zone distance of 500 feet shall be measured in a straight line from the geometric center of the Marijuana Establishment Entrance to the geometric center of the nearest ~~School~~ applicable Entrance, unless there is an Impassable Barrier (as that term is defined by 935 CMR 500.002) within those 500 feet; in these cases, the buffer zone distance shall be measured along the center of the shortest publicly-accessible pedestrian travel path from the geometric center of the Marijuana Retail Establishment Entrance to the geometric center of the nearest ~~School~~ applicable Entrance.

Comment [NC5]: Do same for medical bylaw nuffer

ii. A Marijuana Retail Establishment shall be a minimum distance of 2,500 feet from the location of another Marijuana Retail Establishment or Medical Marijuana Dispensary, measured from the two closest points on the lots where these establishments are to be located. This is not meant to prohibit a single facility from containing both a Marijuana Retail Establishment and Medical Marijuana Dispensary.

(j) Marijuana Retail Establishments shall be located only in a permanent, enclosed building and not within any mobile facility. All sales shall be conducted either within the building or by home delivery pursuant to applicable state regulations. There shall be no "drive through windows" or openings of any kind allowing the purchase of marijuana or marijuana products to consumers outside of an enclosed structure.

(k) Signage/Lighting. Marijuana Retail Establishments shall conform to the signage requirements of §410-7.1 of the Zoning Bylaw. The Planning Board may impose additional restrictions on signage, as appropriate, to mitigate any aesthetic impacts.

(6) Special Permit Conditions. The Planning Board shall impose conditions reasonably appropriate to improve site design, traffic flow, public safety, air quality, and to preserve the character of the surrounding area and otherwise serve the purpose of this Section. In addition to any specific conditions applicable to the Applicant's Retail Marijuana Establishment, the

Planning Board shall include the following conditions in any Special Permit granted under this Section:

- (a) Hours of Operation, including dispatch of home deliveries.
- (b) ~~Special Permit shall be limited to the current Applicant and shall~~ lapse if the permit holder ceases operating the Marijuana Retail Establishment.
- (c) Special Permit shall lapse upon the expiration or termination of the Applicant's license by the Cannabis Control Commission.
- (d) ~~The~~ Permit holder shall provide to the Building Commissioner, Police and Fire Departments, Town Manager, Select Board, and the Board of Health, the name, telephone number and electronic mail address of a contact person in the event that such person needs to be contacted after regular business hours to address an urgent issue. Such contact information shall be kept updated by the permit holder.
- (e) The permit holder shall notify the Town Manager, Select Board, Zoning Enforcement Officer and Planning Board in writing within 48 hours of the cessation of operation of the Marijuana Retail Establishment's expiration or termination of the permit holder's license with the Cannabis Control Commission.
- (f) The designated contact person(s) shall notify in writing the Police and Fire Departments, Town Manager, Select Board, Building Commissioner, Board of Health, and the Planning Board within a minimum 12 hours following a violation, a potential violation, or any attempts to violate any applicable law, or any criminal, potential criminal, or attempted criminal activities as a Marijuana Retail Establishment permitted under this Section.
- (g) The designated representatives shall file an annual report (annually from the issuance of a Certificate of Occupancy) with the Office of Community Development and Planning providing a copy of all current applicable state licenses for the ~~17~~ Marijuana Retail Establishment and to demonstrate continued compliance with the conditions of Special Permit.
- (h) If Planning Board determines that provided parking is not adequate to address observed demand after operations have commenced the applicant agrees to meet with the Planning Board to explore options and make best efforts to resolve the issue.
- (i) No marijuana shall be smoked, eaten or otherwise consumed or ingested on the premises.
- (j) The Marijuana Retail Establishment operations shall not create nuisance conditions in parking areas, sidewalks, streets and areas surrounding its premises and adjacent properties. "Nuisance" includes, but is not limited to, disturbances of the peace, open public consumption of marijuana, excessive pedestrian or vehicular

**Comment [NC6]:** This language re: SP limited to applicant was in the 2023 version, do you still want to modify it to allow for a transfer of the SP?

**Comment [NC7]:** This was not included in the 2018 version, but you may want to add it here.

- traffic, odors emanating from the Marijuana Retail Establishment's premises, electrical lighting, illegal drug activity under State or local law, harassment of passersby, excessive littering, excessive loitering, illegal parking, excessive loud noises, excessive citation for violations of State traffic laws and regulations and/or Transportation Division Rules and Regulations, queuing of patrons (vehicular or pedestrian) in or other obstructions of the public way (sidewalks and streets), collisions between vehicles, bicyclists, and pedestrians, lewd conduct or police detentions and arrests.
- (k) Any Marijuana Retail Establishment that the Special Permit Granting Authority determines has become a nuisance for any reason may be found in violation of the Special Permit.

*Or take any other action relative thereto.*

#### **VI. REQUESTED GENERAL BYLAW AMENDMENTS FOR 2024 TOWN MEETING WARRANT**

- Amend to reflect ban on all marijuana establishments, except for marijuana retailers *[Note: The general bylaw has been amended further herein to require a local license for medical marijuana treatment centers (registered marijuana dispensaries) too as it appears that may have been the intent]*:
  - o To see if the Town will vote to amend the Town of Hull General Bylaws as follows:
    - By amending §309-2 to delete the following terms and their definitions: MARIJUANA CULTIVATOR, MARIJUANA INDEPENDENT TESTING LABORATORY, MARIJUANA MICRO-BUSINESS, MARIJUANA PRODUCT MANUFACTURER, MARIJUANA RESEARCH FACILITY, MARIJUANA TRANSPORTER, STANDARDS LABORATORY.
    - By amending §309-2 to replace the language “A not-for-profit entity” with “An entity” in the definition of term “MEDICAL MARIJUANA TREATMENT CENTER”
    - By amending §309-3 to replace the word “permits” with “licenses”
    - By amending §309-4(A) to replace the term “marijuana establishments” with “marijuana retailers and medical marijuana treatment centers” throughout **this subsection** and the term “marijuana establishment” with “marijuana retailer and medical marijuana treatment center” throughout **this subsection**
    - By amending §309-4(B)(1) to replace the term “marijuana establishments” with “marijuana retailers and medical marijuana treatment centers” throughout **this subsection** and the term “marijuana establishment” with “marijuana retailer and medical marijuana treatment center” throughout **this subsection**

- By amending §309-4(B)(1)(a) by replacing the existing language with the following: “With the exception of medical marijuana cultivation conducted pursuant to a special permit issued under the Town's zoning by-law and this general bylaw, all medical marijuana treatment centers’ and marijuana retailers’ licensed operations shall be conducted within a building or structure.”
- By amending §309-4(B)(1)(b) by replacing the existing language with the following: “No marijuana retailers or medical marijuana treatment center shall allow cultivation, processing, manufacture, sale or display of marijuana or marijuana products to be visible from a public place without the use of binoculars, aircraft or other optical aids.”
- By amending §309-4(B)(1)(c) by replacing the existing language with the following: “No marijuana retailers or medical marijuana treatment center may cultivate, process, test, store, sell, distribute and manufacture marijuana or marijuana products only within an area that is licensed, enclosed and secured in a manner that prevents access by persons not permitted by the marijuana establishment to access the area and all such activities must only occur within the area specifically described in the license issued hereunder.”
- By amending §309-4(C) to replace the term “marijuana establishments” with “marijuana retailers and medical marijuana treatment centers” throughout **this subsection** and the term “marijuana establishment” with “marijuana retailer and medical marijuana treatment center” throughout **this subsection**
- By amending §309-4(C)(4) to replace the term “establishment” with “marijuana retailer or medical marijuana treatment center”
- By amending §309-4(D) to replace the term “marijuana establishments” with “marijuana retailers and medical marijuana treatment centers” throughout **this subsection** and the term “marijuana establishment” with “marijuana retailer and medical marijuana treatment center” throughout **this subsection**
- By amending §309-5 to replace the term “marijuana establishments” with “marijuana retailers and medical marijuana treatment centers” throughout **this subsection** and the term “marijuana establishment” with “marijuana retailer and medical marijuana treatment center” throughout **this subsection**

**Comment [JL8]:** Does this mean throughout the entire bylaw?

**Comment [JL9]:** Re” “throughout”- does that requires amendments elsewhere to be specified, or should it be a general standalone amendment- “Amend throughout this bylaw by inserting xxx wherever zzz is specified

**Comment [JL10]:** See above

*Or take any other action relative thereto.*

**TOWN OF HULL  
BOARD OF SELECTMEN  
VOLUNTEER POLICY FOR ACTIVITIES<sup>1</sup>  
TO BE READ AND ACCEPTED BY VOLUNTEERS**

**Introduction-**

The Town values the volunteer services of its residents, employees and visitors. Such efforts contribute to the betterment of the Town and is appreciated.

Good public administration practices warrant there being a policy to address volunteers and volunteer efforts on various activities. This is important to ensure the safety of the public and the volunteers, as well as the protection and best use of private and public property and resources. Also, there are legitimate policy and liability issues that need to be addressed as part of good governance.

**Purpose-**

Volunteer policies are provided for overall guidance and direction to staff and volunteers engaged in volunteer activities and programs so that such activities are carried out in an appropriate manner. These policies are intended for guidance only and do not constitute a binding contractual or personnel agreement. The Town reserves the exclusive right to change any of these policies at any time and expects adherence to the policy. Areas not specifically covered by these policies shall be determined by the Board of Selectmen, Town Manager or designee.

**Volunteer Activities Subject to This Policy-**

Volunteer activities subject to this policy can take many forms. They could include and are not limited to helping at public events, working on Town projects, helping to maintain Town property, painting, routine maintenance and repair projects, dune grass planting, playground, beach and park cleaning, litter pick-up, etc.

No person, group of persons, organization or the like shall undertake any work or efforts of any nature on Town property or on behalf of the Town without the prior express written approval of the Town. Excluded from the foregoing are customary voluntary actions by the public in picking up trash and properly disposing of it, for which the Town incurs no liability. Although personal safety cannot be assured, this policy is for the improved safety of the person or persons involved, protection of Town property, the public and to minimize the potential liability of the Town.

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<sup>1</sup> This policy does not apply to those serving in appointed or elected positions on Town Boards, Committees, Commission and the like while engaging in the activities of the public body to which they have been appointed or elected.

## **Requests to Engage in Volunteer Activities-**

Any person, group of persons or organization wishing to engage in volunteer activities on behalf of the Town or occurring on Town property must submit a written request to do so, containing at a minimum details as to the dates and times for such activities, locations, names of all persons who would be involved if the activity were approved (by prior approval of the Town, the list of volunteers may be submitted after Town approval of the project), any tools or equipment to be used and the source of the tools or equipment and any other information that the Town may request from time to time.

As the Town Manager is vested with authority over all Town property under the Town's Charter, all such requests and additional information is to be submitted to the Town Manager's Office at Town Hall sufficiently in advance of the start of the project. No work may be started until the volunteer(s) and project are approved.

The Town will review the request and will either approve or not approve the request, with such terms and conditions as the Town determines are appropriate for the proposed activity. Any approval is subject to such terms and conditions as the Town deems appropriate considering the nature of the project.

The approval of a project shall not prevent the Town from declining to approve other projects. The Town reserves the right in its discretion to at any time and without liability to withdraw or cancel its approval of any volunteer or project. In such an event, the project shall cease if it has started and shall not start or resume unless approved by the Town and the volunteer shall cease any volunteer activities.

Depending on the nature of the project and other factors, the Town may require that volunteers undergo a CORI check and/or other background checks and interviews, particularly if the volunteer may be in contact with those of a vulnerable population. At the discretion of the Town, background screening and other background checks may be limited or excused, especially in such situations as one-time or limited public events where volunteers would not be working with vulnerable populations or one-time public events where volunteers could be working around vulnerable populations in a supervised, public and non-relational role. Example: one-time major or limited public events, clean-ups and adult programs.

To engage in any work on Town property or for the Town as a volunteer the volunteer must be officially accepted as such.

## **Responsibility of Volunteers-**

All volunteers volunteer at their own risk and the Town assumes no responsibility for any injury to the volunteer, the public or damage of any property or equipment. This underscores the need for there first to be Town approval for any volunteer project for better protection of the volunteer, the public and the Town, although the Town assumes no liability for any volunteer activity or for damage or injury arising therefrom. Nothing contained in any approval or action/inaction by the Town shall be construed to be or is intended to be an explicit and specific assurances of safety or assistance.

Except as otherwise provided for by law, the Town provides no liability and/or medical insurance or coverage for any volunteers engaging in such projects. Volunteers are urged to check with their own medical and liability insurance carriers as to any coverage that might be available. Volunteers may be required to obtain insurance and provide releases. Volunteers who are part of larger organizations should check with their parent organization as to insurance, as many carry insurance to protect their members in such situations.

By participating in any approved project, the volunteer is representing to the Town that s/he understands the work involved, is medically capable of same, understands the needs, duties and responsibilities of the work and accepts all risks to themselves, persons and properties.

Volunteers understand that there is no expectation of compensation or employment by engaging in such projects. There shall be no expectation of reimbursement of any expenses or funds advanced by the volunteer without the explicit prior approval of the appropriate Town representatives.

Volunteers shall exercise no authority by such volunteer activities and have no authority to act for or on behalf of the Town unless specifically authorized by the Town. Volunteers must not represent themselves as representatives, employees, officials or officers of the Town nor allow themselves to be viewed as such.

For the safety of everyone, volunteers may not use any tools or equipment, regardless of the source or ownership of same, unless specifically approved by the Town.

Volunteers when engaged as such must present and conduct themselves in any appropriate manner. They must dress appropriately for the work involved. They must treat all persons, including other volunteers, Town employees and representatives and especially the public with respect. Volunteers are not to engage in any enforcement or security activities and must contact the police and defer to the police any such possible incidents or occasions.

Volunteers can incur personal liability by their conduct and thus must be sure to conduct themselves appropriately at all times.

Volunteers and volunteer projects are subject to all applicable laws.

### **Service at the Discretion of the Town-**

The Town accepts the service of volunteers and the volunteer offers said service with the understanding that such service is at the sole discretion of the Town. Volunteers agree that the Town may at any time, for whatever reason and without liability, terminate the project and the volunteer's relationship with the Town.

The volunteer may at any time, for whatever reason, decide to sever the volunteer relationship with the Town. Notice of such a decision should be communicated as soon as possible to the volunteer's supervisor.

Upon completion or termination of volunteer service, the volunteer must promptly return to the Town any Town property that was given to the volunteer.

### **Exclusions-**

This policy does not apply to those serving in appointed or elected positions on Town Boards, Committees, Commission and the like while engaging in the activities of the public body to which they have been appointed or elected.

This policy is in addition to and does not replace any activity or public body volunteer policy. The Town, in its discretion, may suspend, waive, amend or modify any policy or approval.

This policy is not intended to apply to those situations where an organization has received permission from the Town to make use of Town property for its core activities, subject to the terms of such permission (i.e. approved use of sports fields and the like).

Should any part of this document be declared invalid, it shall not affect the remainder.

### **Certification of Volunteer-**

I, \_\_\_\_\_, hereby apply to be a Town volunteer in accordance with this Volunteer Policy and any amendments thereto for the \_\_\_\_\_ (project). If approved as a volunteer I acknowledge that I have read the policy, understand it and agree to be bound by it.

Date: \_\_\_\_\_

S/ \_\_\_\_\_

Name: \_\_\_\_\_

Cell phone: \_\_\_\_\_

Email: \_\_\_\_\_

Witness only:

S/ \_\_\_\_\_

Name: \_\_\_\_\_

---

Below is for Town use.



## 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, 2024 at 7:00 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 Select Board  
 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 the Select Board)

**ARTICLE 2:** 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 non-tidal rivers and streams, harbors, tidewaters, foreshores and shores along the public beach outside of Boston Harbor and authorize the Select Board or Town Manager to execute and deliver a bond of indemnity therefore to the Commonwealth, or take any other action relative thereto. (Inserted at the request of the Town Manager)

**ARTICLE 3:** To see if the Town will authorize the Select Board or Town Manager to enter into contracts with the Massachusetts Department of Public Works and/or 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 at the request of the Town Manager)

**ARTICLE 4:** To see if the Town will authorize the Select Board 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 at the request of the Town Manager)

**ARTICLE 5:** 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 Town Manager)

**ARTICLE 6:** 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 the request of the Town Manager)

**ARTICLE 7:** To see if the Town will fix the salaries of the following Town Officers, viz;

Select Board  
Moderator  
Town Clerk  
Assessors  
Municipal Light Board

Or take any other action relative thereto. (Inserted at the request of the Town Manager)

**ARTICLE 8:** 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 2025 for:

General Government  
Schools

Or take any other action relative thereto. (Inserted at the request of the Town Manager)

**ARTICLE 9:** 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)

**ARTICLE 10:** 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 earnings/surplus revenue for repairs, maintenance and capital improvements, or take any other action relative thereto. (Inserted at the request of the Permanent Sewer Commission)

**ARTICLE 11:** To see if the Town will raise and appropriate or appropriate and transfer from available funds a sum of money to operate the Cable Television Public, Educational and Governmental Access Fund as a so-called enterprise account, or take any other action relative thereto. (Inserted at the request of the Town Manager)

**ARTICLE 12:** To see if the Town will vote to raise and appropriate and/or transfer from available funds a sum of money to pay prior fiscal year's bills not paid due to an insufficiency of appropriation or late billing, or take any action relative thereto.

Axon Enterprises	Police	Fiscal Year 2021	\$2,234.00
Axon Enterprises	Police	Fiscal Year 2022	\$3,304.14
Axon Enterprises	Police	Fiscal Year 2022	\$ 375.00
Cannon Electric	Town Buildings	Fiscal Year 2023	\$ 434.65
Cannon Electric	Town Buildings	Fiscal Year 2023	\$1,949.96
Selig Plumbing	Library	Fiscal Year 2021	\$1,600.00
Selig Plumbing	Library	Fiscal Year 2021	\$1,285.00
Selig Plumbing	Library	Fiscal Year 2021	\$ 625.00
Selig Plumbing	Library	Fiscal Year 2021	\$1,215.00
Selig Plumbing	Library	Fiscal Year 2022	\$2,700.00
Selig Plumbing	Library	Fiscal Year 2022	\$1,420.00
Selig Plumbing	Library	Fiscal Year 2023	\$1,125.00

**ARTICLE 13 A:** The Hull Community Preservation Committee moves that the Town appropriate and/or reserve from the Community Preservation annual revenues in the amounts recommended by the Community Preservation Committee for Committee administrative expenses, community preservation projects and other expenses in Fiscal Year 2025, with each item to be considered a separate appropriation, as follows:

From FY 2025 estimated revenues for Historic Resources Reserve	\$ 70,000
From FY 2025 estimated revenues for Community Housing Reserve	\$ 70,000
From FY 2025 estimated revenues for Open Space Reserves	\$ 70,000
From FY 2025 estimated revenues for Committee Administrative Expenses	\$ 30,000

Or take any other action relative thereto. (Inserted at the request of the Community Preservation Committee)

**ARTICLE 13B:** The Hull Community Preservation Committee further moves to see if the Town will take the following action and appropriate from the Community Preservation accounts in the amounts recommended by the Community Preservation Committee, as follows:

- a) Appropriate **\$10,000** from the Community Preservation Open Space/Recreation Reserve to be used by the Town of Hull to hire a consultant to conduct a dog park feasibility study in town to establish a location and interest as well as cost. In accordance with the Town's procurement practices, with the Town of Hull also filing reports on said project with the Community Preservation Committee; and further that the Board of Selectmen and Town Manager are authorized to take all related actions necessary or appropriate to carry out this vote.
- b) Appropriate **\$10,000** from the Community Preservation General Fund to be used for an Open Space/Recreation project to be used by the Town of Hull to undertake resurfacing of the exterior red zone of the Kenberma Pickleball Courts located at Kingsley Road Map 28 / Lot 025, in accordance with the Town's procurement practices, with the Town of Hull also filing reports on said project with the Community Preservation Committee; and further that the Board of Selectmen and Town Manager are authorized to take all related actions necessary or appropriate to carry out this vote.
- c) Appropriate **\$20,000** from the Community Preservation General Fund to be used for an Open Space/Recreation project to be used by the Town of Hull to undertake the purchase and installation of "sails' shade structures to be installed at Menice Field located at Nantasket Avenue Map 40 / Lot 005, the Dust Bowl located at Main Street Map 2 / Lot 038, and Kenberma Pickleball Courts located at Kingsley Road Map 28 / Lot 025, in accordance with the Town's procurement practices, with the Town of Hull also filing reports on said project with the Community Preservation Committee; and further that the Board of Selectmen and Town Manager are authorized to take all related actions necessary or appropriate to carry out this vote.
- d) Appropriate **\$25,000** from the Community Preservation General Fund to be used for an Historic project to be used by the Friends of the Paragon Carousel to undertake the restoration of the carousel lights at the Paragon Carousel located at 205 Nantasket Avenue Map 37 / Lot 009-A, in accordance with the Town's procurement practices, with the Town of Hull also filing reports on said project with the Community Preservation Committee; and further that the Board of Selectmen and Town Manager are authorized to take all related actions necessary or appropriate to carry out this vote.
- e) Appropriate **\$7,700** from the Community Preservation General Fund to be used for an Historic project to be used by the Town of Hull to undertake the purchase of Veteran's Memorial Grave Markers to be placed at the Hull Cemetery located at Duck Lane Map 07 / Lot 006, in accordance with the Town's procurement practices, with the Town of Hull also filing reports on said project with the Community Preservation Committee; and further that the Board of Selectmen and Town Manager are authorized to take all related actions necessary or appropriate to carry out this vote.
- f) Appropriate **\$85,000** from the Community Preservation General Fund to be used for an Historic project to be used by the Hull Lifesaving Museum to undertake the restoration of the building located at 199 Main Street Map 01 / Lot 004, in accordance with the Town's procurement practices, with the Town of Hull also filing reports on said project with the Community Preservation Committee; and further that the Board of Selectmen and Town Manager are authorized to take all related actions necessary or appropriate to carry out this vote.

- g) Appropriate **\$27,000** from the Community Preservation General Fund to be used for an Historic project to be used by the St. Nicholas United Methodist Church to undertake the restoration of the steeple at the St. Nicholas United Methodist Church located at 128 Spring Street Map 06 / Lot 004, in accordance with the Town's procurement practices, with the Town of Hull also filing reports on said project with the Community Preservation Committee; and further that the Board of Selectmen and Town Manager are authorized to take all related actions necessary or appropriate to carry out this vote.
- h) To see if the Town will appropriate a sum of money, to be derived from the Community Preservation Fund, to be used by the Town of Hull for the Village Fire Station Historic Preservation and Rehabilitation and Construction Project, so-called, located at 129 Spring Street Map 06/Lot 062, or however it may be designated, provided that any amounts appropriated hereunder shall reduce by a like amount, the funds previously authorized to be borrowed for this project by vote of the Town adopted under Article 6B(F) of the warrant at the Annual Town Meeting held on May 1, 2023; or to take any other action relative thereto.

Or take any other action relative thereto. (Inserted at the request of the Community Preservation Committee)

**ARTICLE 14:** To see if the Town will vote to accept the provision of M.G.L. Chapter 32, section 103 (j) inserted by section 19 of Chapter 188 of the Acts of 2010 to increase the maximum base amount on which the COLA adjustment is calculated from \$18,000.00 annually to \$19,000.00 annually, or take any other action relative thereto. (Inserted at the request of the Hull Contributory Retirement Board)

**ARTICLE 15:** To see if the Town will vote to raise and appropriate, and/or transfer from available funds, a sum of money to be added to the Stabilization Fund, or take any other action relative thereto. (Inserted at the request of the Town Manager)

**ARTICLE 16:** To see if the Town will vote to appropriate the sum of \$ 3,836,117.50, received in legal settlement proceeds for the February 2013 storm damage to the Wastewater Treatment Facility for repairs, replacements and upgrades associated with the Wastewater Treatment Facility and collection system per the provisions of Massachusetts General Laws Chapter 44, Section 53, or take any other action relative thereto.

**Below is for Advisory Board Recommendation**

**Explanation:** State law limits the amount of settlement proceeds that can be spent without town meeting appropriation to \$150,000. This Article allows the Sewer Department to use the funds for litigation costs associated with the Town's claim, and/or for repairs, replacements and upgrades associated with the Wastewater Treatment Facility and collection system. The sum of \$3,836,117.50 has been received. (Inserted at the request of the Town Manager)

**ARTICLE 17:** To see if the Town will vote to raise and appropriate, and/or transfer from available funds, a sum of money for the costs associated with the litigation, engineering, design and related expenses in the claims of RC&D v Hull; Hull v RC&D and Hull v Allied World Insurance Company regarding the Crescent Beach seawall and revetment project and dispute, or take any other action relative thereto. (Inserted at the request of the Town Manager)

**ARTICLE 18:** To see if the Town will vote, pursuant to General Laws Chapter 40, Section 5B, to create a special purpose stabilization fund for the funding of capital improvements and projects, to be known as the Capital Stabilization Fund, and further, to see if the Town will vote to raise and appropriate and/or transfer from available funds the sum of money to said Capital Stabilization Fund, or take any other action relative thereto. (Inserted at the request of the Town Manager)

**ARTICLE 19:** Capital planning committee

**ARTICLE 20:** To see if the Town will vote to create and establish an Opioid Special Revenue Fund authorized by Chapter 77 of the Acts of 2023 and to transfer from free cash the sum of \$86,438 to be added to said Special Revenue Fund, or take any other action relative thereto. (Inserted at the request of the Town Manager)

**ARTICLE 21:** To see if the Town will raise and appropriate, transfer from available funds, and/or borrow a sum of money to pay costs of a feasibility study for a new public safety facilities combined, including the payment of all costs incidental or related thereto; or to take any other action relative thereto. (Inserted at the request of the Town Manager)

**ARTICLE 22:** To see if the Town will raise and appropriate, transfer from available funds, and/or borrow a sum of money to pay costs of equipping and outfitting the Hull Community Television Media Center, and any other costs incidental or related thereto; to authorize the Town Manager to apply for and accept grants and gifts to accomplish said projects and purposes, which amounts shall be spent in addition to the funds appropriated under this vote; and to authorize the Select Board to enter into agreements and take any other action necessary to carry out said projects, or take any other action relative thereto. (Inserted at the request of the Town Manager).

**ARTICLE 23:** To see if the Town will raise and appropriate, transfer from available funds, and/or borrow a sum of money to pay costs of the design and construction of repairs and improvements to the Pemberton Float, and any other site improvements, equipment and any other costs incidental or related thereto; to authorize the Town Manager to apply for and accept grants and gifts to accomplish said projects and purposes, which amounts shall be spent in addition to the funds appropriated under this vote; and to authorize the Select Board to enter into agreements and take any other action necessary to carry out said projects, or take any other action relative thereto. (Inserted at the request of the Town Manager).

**ARTICLE 24:** To see if the Town will raise and appropriate, transfer from available funds, and/or borrow a sum of money to pay costs of the design and construction of repairs and improvements to the Hull Memorial School and the related costs of relocating the Town Hall Administrative Offices to the Hull Memorial School, and any other site improvements, equipment and any other

costs incidental or related thereto; to authorize the Town Manager to apply for and accept grants and gifts to accomplish said projects and purposes, which amounts shall be spent in addition to the funds appropriated under this vote; and to authorize the Select Board to enter into agreements and take any other action necessary to carry out said projects, or take any other action relative thereto. (Inserted at the request of the Town Manager).

**ARTICLE 25:** To see if the Town will raise and appropriate, transfer from available funds, and/or borrow a sum of money to pay costs of the design and construction of repairs and improvements to the Nantasket Avenue and Fitzpatrick Way seawall, revetment and related coastal access infrastructure, and any other shore protection projects, including any related land acquisition costs, site improvements, landscaping, equipment and any other costs incidental or related thereto; to authorize the Town Manager to apply for and accept grants and gifts to accomplish said projects and purposes, which amounts shall be spent in addition to the funds appropriated under this vote; and to authorize the Select Board to enter into agreements and take any other action necessary to carry out said projects, or take any other action relative thereto (Inserted at the request of the Town Manager).

**ARTICLE 26:** To see if the Town will vote to accept the provision of M.G.L. Chapter 200A, Section 9A for managing of Town Treasurer's checking accounts, or take any other action relative thereto. (Inserted at the request of the Town Manager)

**ARTICLE 27:** To see if the Town will vote to accept the provisions of G.L. Chapter 59, Section 5, Clause 54, exempting personal property from taxation if less than an amount of \$10,000, as established by Town Meeting; and further, by establishing such minimum value of personal property subject to taxation as \$10,000, beginning in FY26, or take any other action relative thereto. (Inserted at the request of the Board of Assessors)

**ARTICLE 28:** Motion that the Town will amend Chapter 233 of the Code/Bylaws of the Town of Hull, Conservation, by adding the following new sections, to be numbered as indicated or by the Town Clerk:

**A. § 233-6. [Procedures.]**

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

**(a) Notice of Intent (NOI)**

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

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

**B. § 233-7. [After-The-Fact Fees.]**

- (a) Payments to the Town of Hull in accordance with the fee schedule established herein or otherwise provided for by law shall accompany all after-the-fact NOIs and RDAs. Fees are payable at the time of application and are nonrefundable.
- (b) The applicant is responsible for payment of the fee or cost to provide public notice for publishing in the local newspaper.
- (c) **After-the-Fee Schedule:**  
Filing fee for any after-the-fact RDA and NOI shall be **in addition** to the Commonwealth of Massachusetts fee (310 CMR 10.03(7) associated with the NOI application (Mass Dept. of Environmental Protection WPA Form 3), set forth as follows:

Requests for Determination of Applicability		\$ 50.00
Notice of Intent*	Category 1	\$100.00
	Category 2	\$275.00
	Category 3	\$550.00
	Category 4	\$750.00
	Category 5	\$3.00/ foot (Not less than \$100.00)
	Category 6	\$3.00/ foot (Not less than \$100.00)

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

CATEGORY 1: \$100.00

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

CATEGORY 2: \$275.00

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

CATEGORY 3: \$550.00

- a) Site preparation (for development beyond NOI scope).
- b) Each building (for development) including site.



- c) Road construction not crossing or driveway.
- d) Hazardous clean up.

**CATEGORY 4: \$750.00**

- a) Each crossing for development or commercial road.
- b) Dam, sluiceway, tidegate work.
- c) Landfill.
- d) Sand and gravel operation.
- e) Railroad line construction.
- f) Control vegetation in development (SFH).
- g) Bridge (SFH).
- h) Water level variation.
- i) Hazardous waste alterations to resource area.
- j) Dredging.
- k) Package treatment plant & discharge

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

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

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

- a) Boundary delineations for wetlands resources

**ARTICLE 29:** To see if the Town will amend the Zoning Bylaw to establish §410-3.2.A(8) Accessory Dwelling Units; establish §410-4.10 ACCESSORY DWELLING UNITS; and amend §410-5.1 Table 50 as follows:

§410-3.2.A(8) Accessory Dwelling Units, subject to the requirements of Section 410-4.10 of this Zoning Bylaw.

§410-5.1 Table 50 (addition is underlined)

	<b>SF-A</b>	<b>SF-B</b>	<b>SF-C</b>
<b>Maximum Number of Dwelling Units per Lot</b>	1 <u>+ADU</u>	1 <u>+ADU</u>	1 <u>+ADU</u>

§410-4.10 ACCESSORY DWELLING UNITS

## **A. PURPOSE:**

The purpose of this Bylaw is to provide:

- (1) Provide accessory dwelling units without significantly adding to the number of buildings in the Town or substantially altering the appearance of the residential property and for the purpose of enabling owners of single-family dwellings to share space and the burdens of homeownership with others while also protecting the stability, property values and residential character of the surrounding neighborhood.
- (2) Owner occupants of single-family homes with a means of obtaining rental income, companionship, and/or security, thereby enabling them to remain more comfortably in homes and neighborhoods they might otherwise be forced to leave;
- (3) A limited number of Accessory Dwelling Units via special permit which allows for orderly development and ultimately limited impact on the community;
- (4) Enable the Town to monitor Accessory Dwelling Unit (ADU) construction for code compliance.

## **B. DEFINITIONS:**

### **ACCESSORY DWELLING UNIT (ADU)**

A self-contained housing unit incorporated within a single-family dwelling and clearly subordinate in size to the principal dwelling in a manner that maintains the character and structural appearance of a single-family dwelling consistent with the provisions of Section 410-4.10 and MGL Chapter 40A Section 1A Definition of "Accessory Dwelling Unit".

### **Principal Dwelling**

For the purposes of this Section 410-4.10 is a single-family dwelling exclusive of the area that constitutes the Accessory Dwelling Unit (ADU)

A single-family dwelling with an Accessory Dwelling Unit (ADU) shall not be deemed to be a two-family dwelling

## **C. PROCEDURES**

- (1) Accessory Dwelling Units created under this by-law shall require a special permit from the Board of Appeals
- (2) The owner shall submit an application for a building permit for an Accessory Dwelling Unit, along with building plans, and survey and site plans of the existing and proposed conditions, to the Building Commissioner for review
- (3) If the Building Commissioner determines the proposed ADU is in compliance with this zoning bylaw Section 410-4.10, and all code requirements for residential use the application may be submitted to the Board of Appeals for review and decision

#### **D. GENERAL CONDITIONS**

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

(1) Owner Occupation

- (a) The owner of the single-family dwelling shall occupy either the principal dwelling or the ADU as the owner's primary residence. Temporary absences of the owner for a period of not more than six months in the aggregate in any twelve- month period and active military service of the owner for any length of time shall not be deemed a violation of this requirement provided that the dwelling units may only be occupied by family members of the owner during the owner's absence.
- (b) The owner shall recertify annually, by submission of a notarized letter to the Building Commissioner: that the owner shall continue to occupy either the principal dwelling or the ADU as the owner's primary residence, except for bona fide temporary absence as provide above in subsection E(1).
- (c) Upon the sale or other conveyance or transfer of a single-family dwelling which has been issued an ADU Permit, the new owner shall, within thirty (30) days of such transfer, submit a notarized letter to the Building Commissioner certifying that the owner will continue to occupy either the principal dwelling or the ADU as the owner's primary residence and comply with all conditions of the ADU Use, if the owner intends to maintain the ADU permit.

(2) ADU Limit

- (a) As of the date that the application for a Permit for an Accessory Dwelling Unit is filed, the total number of ADU Permits shall not exceed 100.
- (b) ADU Permits shall be restricted to ten (10) per calendar year as determined by the Building Commissioner

(3) Compliance – The owner shall recertify annually, by application for Board of Health Housing Code Division Certificates of Occupancy and comply with the rules and regulations of the Board of Health.

(4) Transfer - Neither the principal dwelling nor the Accessory Dwelling Unit may be sold or otherwise conveyed or transferred separately from the other.

(5) Short Term Rental - A Principal Dwelling or Accessory Dwelling Unit shall not be used for boarding and lodging, or other commercial use. A Principal Dwelling or ADU may be rented for periods not shorter than 6 months at a time, and are prohibited from any use as rental units on a weekly or daily basis.

#### **E. DIMENSIONAL AND DESIGN REQUIREMENTS:**

Any special permit for an Accessory Dwelling Unit (ADU) issued pursuant to this Section 410-4.10 shall be subject to, and shall incorporate the following conditions:

- (1) Any property/structure that has received a special permit or variance to expand square footage of the structure after the date of adoption of the ADU bylaw is not eligible for an ADU special permit.
- (2) An Accessory Dwelling Unit shall not be larger in floor area than  $\frac{1}{2}$  the floor area of the principal dwelling or 900 square feet, whichever is smaller.
- (3) An Accessory Dwelling Unit shall not have more than two bedrooms.
- (4) An Accessory Dwelling Unit shall not create an undue burden on the neighborhood.
- (5) An Accessory Dwelling Unit shall not be metered separately from the principal dwelling for electric, gas, water, or sewer utilities serving the single-family dwelling.
- (6) The parking requirement for an ADU is one off-street parking space per bedroom in addition to the minimum required two off-street parking spaces for a single-family dwelling, which shall be provided on the premises, as per Section 410-5.2.A. Table 55 Parking.
- (7) Any new entrance for the Accessory Dwelling Unit or the principal dwelling shall be located on the side or in the rear of the single-family dwelling, and all stairways to upper stories shall be enclosed within the exterior walls of the single-family dwelling, so as to be less visible from the street.
- (8) Additional or modified landscaping, fences or other buffers may be necessary to protect abutting properties from potential negative visual or auditory impacts of the ADU.

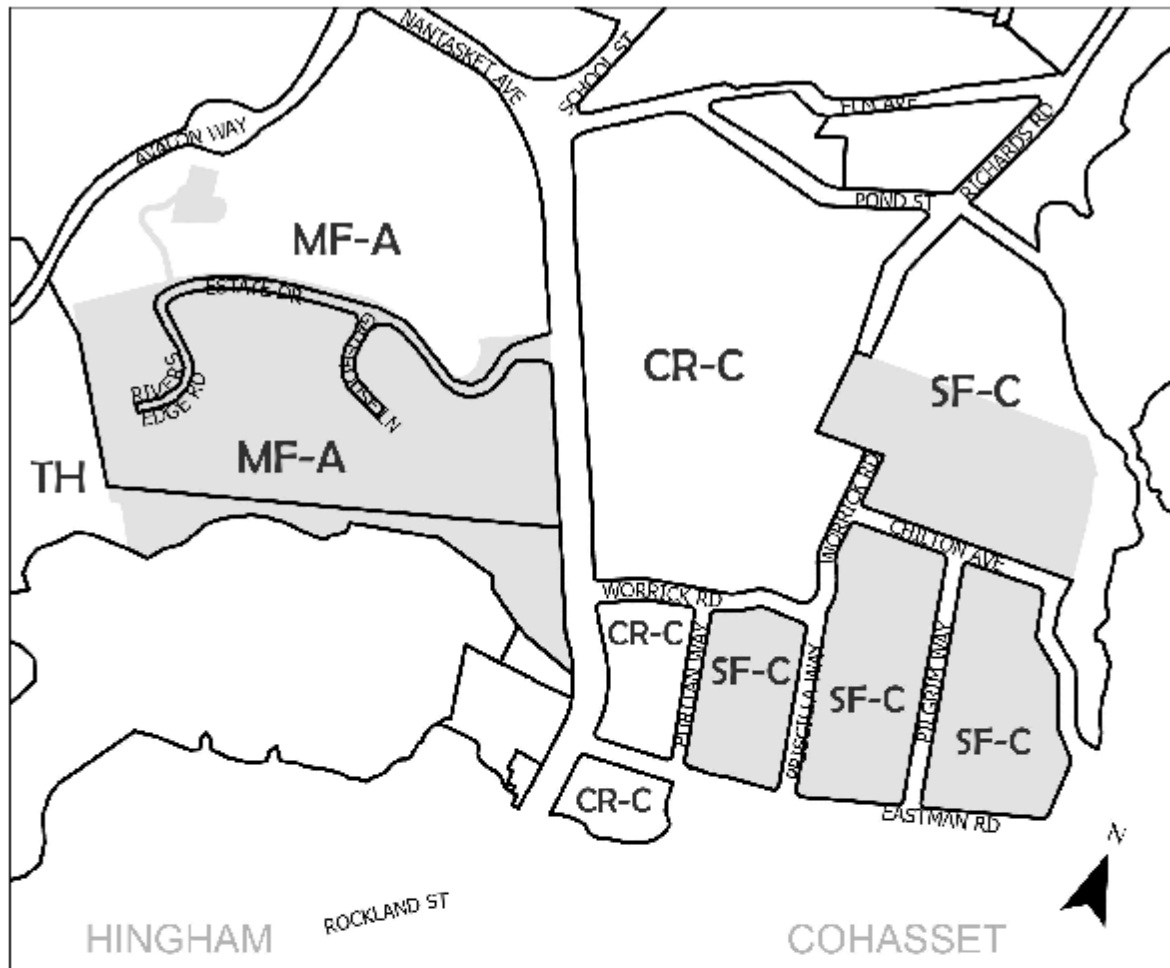
#### **F. SEVERABILITY:**

All the clauses of this bylaw are distinct and severable, and if any clause shall be deemed illegal, void or unenforceable, it shall not affect the validity, legality, or enforceability of any other clause or portion of this bylaw.

(Inserted at the request of Planning Board)

**ARTICLE 30:** To see if the Town will amend the Zoning Map in the effort to comply with MGL Chapter 40A section 3A "MBTA Communities" as follows: (Inserted at the request of the Planning Board)

1. Expansion of Commercial Recreation C (CRC) district as shown
2. Expansion of Commercial Recreation B (CRB) district as shown
3. Expansion of Multi-Family B (MFB) district as shown



**EXISTING ZONING**

- SF-C** Single Family C
- MF-A** Multi-Family A
- TH** Townhouse
- CR-C** Commercial Recreation C

**PROPOSED  
COMMERCIAL RECREATION - C  
EXPANSION  
REPRESENTED BY GREY AREA**

## Zoning Map Amendment 1 WEST CORNER Existing and Proposed Conditions



EXISTING ZONING

**MF-A** Multi-Family A  
**CR-B** Commercial Recreation B

PROPOSED  
 COMMERCIAL RECREATION - B  
 EXPANSION  
 REPRESENTED BY GREY AREA

## Zoning Map Amendment 2 NANTASKET BEACH Existing and Proposed Conditions



#### EXISTING ZONING

- MF-A** Multi-Family A
- MF-B** Multi-Family B
- SF-B** Single-Family B

**PROPOSED  
MULTI-FAMILY B  
EXPANSION  
REPRESENTED BY GREY AREA**

## Zoning Map Amendment 3 ATLANTIC HILL Existing and Proposed Conditions

**ARTICLE 31:** To see if the Town will amend the Zoning Bylaws to establish Floodplain Overlay

§ 410-3.8 Floodplain District.

**A.**

The Floodplain District is herein established as an overlay district. The District includes all special flood hazard areas designated on the Plymouth County Flood Insurance Rate Map (FIRM) issued by the Federal Emergency Management Agency for the administration of the National Flood Insurance Program, effective date July 3, 2024. These maps indicate the 1%-chance regulatory floodplain. The exact boundaries of the District shall be defined by the 1%-chance base flood elevations shown on the Plymouth County FIRM and further defined by the Plymouth County Flood Insurance Study (FIS) report effective date July 3, 2024. The effective FIRM and FIS report are incorporated herein by reference and are on file with the Town Clerk, Planning Board, Building Commissioner, and Climate Adaptation & Conservation Dept.

**B.**

Use Regulations: The use regulations governing the Floodplain District of Hull are in § **410-4.2**, Floodplain District use and development regulations, of these zoning Bylaws. Important state regulations concerning floodplain areas are referenced therein.

**§ 410-4.2. Floodplain District use and development.**

- A. The purpose of the Floodplain Overlay District is to:
- 1) Ensure public safety through reducing the threats to life and personal injury.
  - 2) Eliminate new hazards to emergency response Commissioners.
  - 3) Prevent the occurrence of public emergencies resulting from water quality, contamination, and pollution due to flooding.
  - 4) Avoid the loss of utility services which if damaged by flooding would disrupt or shut down the utility network and impact regions of the community beyond the site of flooding.
  - 5) Eliminate costs associated with the response and cleanup of flooding conditions.
  - 6) Reduce damage to public and private property resulting from flooding waters.
  - 7) Preserve the natural flood control characteristics and the flood storage capacity of the floodplain.
  - 8) Minimize potential loss of life, destruction of property, and environmental damage resulting from the projected impacts of a warming climate, including extreme rain events and relative sea level rise.

**B. Designation of Floodplain Administrator**

The Town of Hull hereby designates the position of Floodplain Administrator to be the *Building Commissioner* for the Town.

**C. Permit Requirements**

The Town of Hull requires a permit for all proposed construction or other development in the floodplain overlay district, including new construction or changes to existing buildings, placement of manufactured homes, placement of agricultural facilities, fences, sheds, storage facilities or drilling, mining, paving and any other development that might increase flooding or adversely impact flood risks to other properties.



Hull's permit review process includes the requirement that the applicant obtain all local, state and federal permits that will be necessary in order to carry out the proposed development in the floodplain overlay district. The applicant must acquire all necessary permits, and must demonstrate that all necessary permits have been acquired.

- (1) All development in the district, including structural and non-structural activities, whether permitted by right, by special permit or by variance, must be in compliance with Chapter 131, Section 40 of the Massachusetts General Laws and with the following:
  - (a) Sections of the Massachusetts State Building Code (780 CMR) which address floodplain and coastal high hazard areas;
  - (b) Wetlands Protection Regulations, Department of Environmental Protection (DEP) (currently 310 CMR 10.00);
  - (c) Inland Wetlands Restriction, DEP (currently 310 CMR 13.00);
  - (d) Coastal Wetlands Restriction, DEP (currently 310 CMR 12.00);
  - (e) Minimum Requirements for the Subsurface Disposal of Sanitary Sewage, DEP (currently 310 CMR 15, Title 5);

Permit applicants in the Floodplain Overlay District shall be made aware of future flood risk including the projected frequency and depth of flooding as shown on the Hull's MC-FRM "2.4 Foot Sea Level Rise" map dated 05/19/2022, and on the "1.2 Foot Sea Level Rise Flood Depth" map dated 05/19/2022, or the most current version of the MC-FRM (or latest state-adopted projection models), on file with the Town Clerk, Building Commissioner, Planning Board, and Department of Climate Adaptation and Conservation. Applications for new construction and/or substantial improvement of 3 or more residential units, new construction and/or substantial improvement of non residential structures shall include (1) a narrative, on a form designated by the Town, describing proposed methods to minimize future flood impacts to the property and surrounding areas, and (2) if relevant, include on site plans 1%-chance BASE FLOOD elevation predicted for 2.4 Foot Sea Level Rise. The future flood risk maps and GIS data layers are for planning purposes. Building Code flood resistant regulations apply only to the FEMA FIRMs.

#### E. Floodway Encroachment

In Zones A, A1-30, and AE, along watercourses that have not had a regulatory floodway designated, the best available Federal, State, local, or other floodway data shall be used to prohibit encroachments in floodways which would result in any increase in flood levels within the community during the occurrence of the base flood discharge.

In Zones A1-30 and AE, along watercourses that have a regulatory floodway designated on the Town's FIRM encroachments are prohibited, including fill, new construction, substantial improvements, and other development within the adopted regulatory floodway unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the community during the occurrence of the base flood discharge.

#### F. Unnumbered A Zones

In A Zones, in the absence of FEMA BFE data and floodway data, the building department will obtain, review and reasonably utilize base flood elevation and floodway data available from a Federal, State, or other source as criteria for requiring new construction, substantial

improvements, or other development in Zone A as the basis for elevating residential structures to or above base flood level, for floodproofing or elevating nonresidential structures to or above base flood level, and for prohibiting encroachments in floodways.

#### G. AO and AH zones drainage requirements

Within Zones AO and AH on the FIRM, adequate drainage paths must be provided around structures on slopes, to guide floodwaters around and away from proposed structures.

#### H. Subdivision proposals

All subdivision proposals and development proposals in the floodplain overlay district shall be reviewed to assure that:

- (a) Such proposals minimize flood damage.
- (b) Public utilities and facilities are located & constructed so as to minimize or eliminate flood damage.
- (c) Adequate drainage is provided to reduce exposure to flood hazards.

When proposing subdivisions or other developments in the Federal Floodplain District greater than 50 lots or 5 acres (whichever is less), the applicant must provide technical data to determine base flood elevations for each developable parcel shown on the design plans.

#### I. Recreational vehicles

In A1-30, AH, AE Zones, V1-30, VE, and V Zones, all recreational vehicles to be placed on a site must be elevated and anchored in accordance with the zone's regulations for foundation and elevation requirements or be on the site for less than 180 consecutive days or be fully licensed and highway ready.

#### J. Protection of dunes

Man-made Alteration of sand dunes within the Zone VE which would increase potential flood damage are is prohibited.

All new construction within Zone VE must be located landward of the reach of mean high tide.

#### K. Watercourse alterations

In a riverine situation, the Floodplain Administrator shall notify the following of any alteration or relocation of a watercourse:

- Adjacent Communities, especially upstream and downstream
- Bordering States, if affected
- NFIP State Coordinator  
Massachusetts Department of Conservation and Recreation
- NFIP Program Specialist  
Federal Emergency Management Agency, Region I

#### L. Requirement to Submit New Technical Data

If the Town acquires data that changes the base flood elevation in the FEMA mapped Special Flood Hazard Areas, the Town will use its best efforts, within 6 months, to notify FEMA of these changes by submitting the technical or scientific data that supports the change(s). Notification shall be submitted to:

- NFIP State Coordinator  
Massachusetts Department of Conservation and Recreation
- NFIP Program Specialist  
Federal Emergency Management Agency, Region I

**M. Variances to building code floodplain standards**

The Town will request from the State Building Code Appeals Board a written and/or audible copy of the portion of the hearing related to the variance, and will maintain this record in the community's files.

The Town shall also issue a letter to the property owner regarding potential impacts to the annual premiums for the flood insurance policy covering that property, in writing over the signature of the Floodplain Administrator that (i) the issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage and (ii) such construction below the base flood level increases risks to life and property.

Such notification shall be maintained with the record of all variance actions for the referenced development in the floodplain overlay district.

**N. Variances to local Zoning Ordinances related to community compliance with the National Flood Insurance Program (NFIP).**

A variance from these floodplain ordinances must meet the requirements set out by State law and may only be granted if: 1) Good and sufficient cause and exceptional non-financial hardship exist; 2) the variance will not result in additional threats to public safety, extraordinary public expense, or fraud of the public; and 3) the variance is the minimum action necessary to afford relief.

**O. Abrogation and Greater Restriction**

The floodplain management regulations found in this Floodplain Overlay District shall take precedence over any less restrictive conflicting Zoning Ordinance provision.

**P. Disclaimer of Liability**

The degree of flood protection required by this ordinance is considered reasonable but does not imply total flood protection.

**Q. Severability**

If any section, provision, or portion of this ordinance is deemed to be unconstitutional or invalid by a court, the remainder of the ordinance shall be effective.

**R. Definitions**

**AREA OF SPECIAL FLOOD HAZARD** — Is the land in the floodplain within a community subject to a 1% or greater chance of flooding in any given year. The area may be designated as Zone A, AO, AH, A1-30, AE, A99, V1-30, VE or V.

**BASE FLOOD** — Means the flood having a 1% chance of being equaled or exceeded in any given year.

**COASTAL HIGH HAZARD AREA** — Means an area of special flood hazard extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources. The area is designated on a FIRM as Zone V, V1-30, VE.

**DEVELOPMENT** means any man-made change to improved or unimproved real estate, including but not limited to building or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials. [US Code of Federal Regulations, Title 44, Part 59]

**FLOOD INSURANCE RATE MAP (FIRM)** — means an Commissioner map of a community on which FEMA has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

FLOOD INSURANCE STUDY (FIS) — means an examination, evaluation and determination of flood hazards, and if appropriate, corresponding water surface elevations or an examination, evaluation and determination of flood-related erosion hazards.

FLOODWAY. The channel of the river, creek or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height. [Base Code, Chapter 2, Section 202]

FUNCTIONALLY DEPENDENT USE means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities. [US Code of Federal Regulations, Title 44, Part 59] Also [Referenced Standard ASCE 24-14]

HIGHEST ADJACENT GRADE means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure. [US Code of Federal Regulations, Title 44, Part 59]

HISTORIC STRUCTURE means any structure that is:

- (a) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- (b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- (c) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
- (d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
  - (1) By an approved state program as determined by the Secretary of the Interior or
  - (2) Directly by the Secretary of the Interior in states without approved programs.

[US Code of Federal Regulations, Title 44, Part 59]

NEW CONSTRUCTION. Structures for which the start of construction commenced on or after the effective date of the first floodplain management code, regulation, ordinance, or standard adopted by the authority having jurisdiction, including any subsequent improvements to such structures. *New construction includes work determined to be substantial improvement.* [Referenced Standard ASCE 24-14]

RECREATIONAL VEHICLE means a vehicle which is:

- (a) Built on a single chassis;
- (b) 400 square feet or less when measured at the largest horizontal projection;
- (c) Designed to be self-propelled or permanently towable by a light duty truck; and
- (d) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

[US Code of Federal Regulations, Title 44, Part 59]

REGULATORY FLOODWAY - see FLOODWAY.

**SPECIAL FLOOD HAZARD AREA.** The land area subject to flood hazards and shown on a Flood Insurance Rate Map or other flood hazard map as Zone A, AE, A1-30, A99, AR, AO, AH, V, VO, VE or V1-30. [Base Code, Chapter 2, Section 202]

**START OF CONSTRUCTION.** The date of issuance for new construction and substantial improvements to existing structures, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement or other improvement is within 180 days after the date of issuance. The actual start of construction means the first placement of permanent construction of a building (including a manufactured home) on a site, such as the pouring of a slab or footings, installation of pilings or construction of columns.

Permanent construction does not include land preparation (such as clearing, excavation, grading or filling), the installation of streets or walkways, excavation for a basement, footings, piers or foundations, the erection of temporary forms or the installation of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main building. For a substantial improvement, the actual "start of construction" means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building. [Base Code, Chapter 2, Section 202]

**STRUCTURE** means, for floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank that is principally above ground, as well as a building, other than a gas or liquid storage tank that is principally above ground and affixed to a permanent site, as well as a manufactured home on foundation. For the latter purpose, the term includes a building while in the course of construction, alteration or repair, but does not include building materials or supplies intended for use in such construction alteration or repair, unless such materials or supplies are within an enclosed building on the premises.

**SUBSTANTIAL DAMAGE.** Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

**SUBSTANTIAL IMPROVEMENT.** Any repair, reconstruction, rehabilitation, addition or improvement of a building or structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the improvement or repair is started. If the structure has sustained substantial damage, any repairs are considered substantial improvement regardless of the actual repair work performed. The term does not, however, include either:

1. Any project for improvement of a building required to correct existing health, sanitary or safety code violations identified by the building Commissioner and that are the minimum necessary to assure safe living conditions.
2. Any alteration of a historic structure provided that the alteration will not preclude the structure's continued designation as a historic structure. [Base Code Section 1612.2]

**SUBSTANTIAL REPAIR OF A FOUNDATION.** When work to repair or replace a foundation results in the repair or replacement of a portion of the foundation with a perimeter along the base of the foundation that equals or exceeds 50% of the perimeter of the base of the foundation measured in linear feet, or repair or replacement of 50% of the piles, columns or piers of a pile, column or pier supported foundation, the building Commissioner shall determine it to be substantial repair of a foundation. Applications determined by the building Commissioner to constitute substantial repair of a foundation shall require all existing portions of the entire building or structure to meet the requirements of 780 CMR. [As amended by MA in 9th Edition BC]

VARIANCE means a grant of relief by a community from the terms of a flood plain management regulation. [US Code of Federal Regulations, Title 44, Part 59]

VIOLATION means the failure of a structure or other development to be fully compliant with the community's flood plain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in §60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided. [US Code of Federal Regulations, Title 44, Part 59]

ZONE AE — Means area of special flood hazard with water surface elevations determined.

ZONE AO — Means area of special flood hazards having shallow water depths and/or unpredictable flow paths between (1) and (3) ft. (Velocity flow may be evident; such flooding is characterized by ponding or sheet flow.)

ZONE VE — means area of special flood hazards, with water surface elevations determined and with velocity, that is inundated by tidal floods (coastal high hazard area).

*A variance from this FP Bylaw must meet the requirements set out by State law and may only be granted if a good and sufficient cause and exceptional non-financial hardship exist; 2) the variance will not result in additional threats to public safety, extraordinary public expense, or fraud or victimization of the public; and 3) the variance is the minimum action necessary to afford relief.*

#### **ARTICLE 32: Marijuana Zoning Bylaw Amendment** (Inserted at the request of the Planning Board)

**ARTICLE 33:** Opioid Settlement Abatement Fund to the Town of Hull, Ma From the state of Massachusetts. To set forth a committee per state statute guidelines of the Opioid Abatement Fund

Direct the Selectboard to set up a committee for the Opioid Abatement Fund granted to the Town of Hull from the state of Massachusetts per the guidelines set forth by the state to comprise of people in opioid recovery ,also include first responders IE: Police and Fire personnel Chiefs or thier designee , Board of health agent or designee . For the best use of the funds IE: Recovery ,prevention ,collaboration between first responders and the recovery community . The money is to come out of The Opioid Abatement funds not the general funds of the town. (Citizens' Petition inserted at the request of Scott Miller and others)

**ARTICLE 34:** Current Bylaw 359-10 Deposits on street; violations and penalties. No person other than a Town agent shall place or cause to be placed on any public sidewalk, street, highway or beach or upon any of the common lands of the Town any manure, gravel, dirt,ashes, lumber, wood, buildings, carriages, boxes, barrels, stones, coal or any rubbish or other things. THIS BYLAW SHALL BE AMENDED AS BELOW:

No person, including a Town official or agent, shall place or cause to be placed on or across any public or Town-controlled sidewalk, street, path, right of way, highway or beach or upon any of the common lands of the Town (each a "Right of Way") any manure, gravel, dirt, ashes, lumber, wood (including telephone poles), buildings, carriages, boxes, barrels, stones, coal or any rubbish or other things (each an "Obstruction"): provided that a Town official or agent may place an Obstructions on or across a Right of Way so long as such placement (i) is strictly necessary to ensure public safety, (ii) is temporary (and not seasonal), and (iii) is designed to prevent all access to the Right of Way by persons or vehicles other than those strictly necessary to achieve the

stated public safety objective. (Citizens' Petition inserted at the request of Kathleen Wolf and others)

**ARTICLE 35:** Move that the Town/Select Board will stipulate that the Railroad Bed Right of Way, from L St. to XY St., which is unobstructed from December through April, will continue to be unobstructed throughout the year, and that the Town owned barrier at the corner of L Street and the Right of Way will be removed and replaced by a lockable gate (or chain) which can be accessed by police and fire for emergency use (as stated in the RR Bed report) and/or take any other action relative there to. (Citizens' Petition inserted at the request of Kathleen Wolf and others)

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 \_\_\_\_\_ day of March, 2024.**

**SELECT BOARD**

\_\_\_\_\_  
**Greg Grey**

\_\_\_\_\_  
**Irwin Nesoff**

\_\_\_\_\_  
**Jason McCann**

\_\_\_\_\_  
**Brian McCarthy**

\_\_\_\_\_  
**Jerry Taverna**

**Plymouth ss.**

**Date:** \_\_\_\_\_

**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.**

DRAFT





# TOWN OF HULL

## ALCOHOL LICENSE INFORMATION FORM

Approval #1

NEW ☐ RENEWAL ☒ TRANSFER ☐  
AMENDMENT ☒ ☐ CHANGE OF MANAGER (COM)\*  
☒ CHANGE OF HOURS (COH)  
☐ OTHER \_\_\_\_\_  
ONE DAY ☐ Date: \_\_\_\_\_

FOR LICENSING AUTHORITY USE

Full Legal Name of Business: Doctors Island Brewing Company LLC  
Business Name (dba) if different: Doctors Island Brewing  
FID of Licensee: \_\_\_\_\_ Address of Premises: 19 Hullshore Drive  
Phone Number of Premises: 617-240-2119 Business Email: greg@drsislandbrewing.com  
Business Mailing Address: ☒ Same as above \_\_\_\_\_  
Owner of Business: Greg + Michelle Hoffmeister  
Manager of Record: Gregory Hoffmeister  
Phone: \_\_\_\_\_ Residential Address : \_\_\_\_\_

\*Proposed Manager (must file COM with ABCC): \_\_\_\_\_

Phone: \_\_\_\_\_ Residential Address : \_\_\_\_\_

Applicant's (authorized) Signature [Signature] Date: 3-5-24

By signing above you are verifying the accuracy of all information

License Class: ☐ Annual ☒ Seasonal ☐ One Day (1 + 1 Day[s]) Nature of Event: \_\_\_\_\_

TYPE OF LICENSE: (CHECK ONLY ONE)

\*\*\* PROVIDE HRS BELOW

Location of Event: \_\_\_\_\_

☐ Club ☐ Package Store ☐ Veteran's Club ☐ General On Premise ☐ Restaurant  
☐ Innholder ☐ Tavern ☒ Other (Specify) Farmer Brewery Pouring Permit

LICENSE CATEGORY:

☐ All Alcohol ☐ Wine & Malt ☒ Malt Only ☐ Wine Only ☐ Wine & Malt with Cordials  
☐ Other (please specify) \_\_\_\_\_

### HOURS OF OPERATION - PLEASE READ CAREFULLY

☐ NO CHANGES TO HOURS OF OPERATION FROM LAST YEAR: See Attached  
☒ REQUESTING CHANGE OF HOURS (complete ONLY if amending hours of operation from previous license period)  
☐ SEE ATTACHED HOURS (CHANGE OF HOURS)

REQUESTING TO OPEN:

Mon: 12-11pm Tues: 12-11pm Wed: 12-11pm Thurs: 12-11pm Fri: 12-11pm Sat: 12-11pm Sun: 12-11pm & Monday Federal Holidays 12-11

REQUESTING TO CLOSE:

Mon: \_\_\_\_\_ Tues: \_\_\_\_\_ Wed: \_\_\_\_\_ Thurs: \_\_\_\_\_ Fri: \_\_\_\_\_ Sat: \_\_\_\_\_ Sun: \_\_\_\_\_

Seating Capacity: (if applicable) 10 Indoor 24 Outdoor 34 Total

Occupancy Number: \_\_\_\_\_

Entertainment License: ☒ Yes ☐ No

Request for New Year's Eve  
Extension?

☐ YES ☐ NO

Hull AS2023-29

# LICENSE

ABCC 0075-RS-0554

## ALCOHOLIC BEVERAGES

### THE LICENSING BOARD OF

The TOWN of HULL, MASSACHUSETTS  
HEREBY GRANTS A

### COMMON VICTUALER

**License to Expose, Keep for Sale, and to Sell**

**Farmer Brewery Pouring Permit**

**To Be Drunk on Premises**

To: Doctor's Island Brewing Company, LLC dba Doctor's Island Brewing.

Gregory Hoffmeister, Manager

19 Hull Shore Drive

On the following described premises: One story wooden frame building containing one room with kitchen and service area, covered porch for outdoor dining, basement for storage, 1 entrance/exit on Hull Shore Drive and 1 entrance/exit in rear of building. Seating capacity: 34

This license is granted and accepted upon the express condition that the licensee shall, in all respects, conform to all the provisions of the Liquor Control Act, Chapter 138 of the General Laws, as amended, and any rules or regulations made thereunder by the licensing authorities. The license expires November 30, 2023, unless earlier suspended, cancelled or revoked.

IN TESTIMONY WHEREOF, the undersigned have hereunto affixed their official  
signatures this 30th day of August 2023

The Hours during which  
Alcoholic Beverages may be sold are:  
Thursday | 2:00pm-9:00pm  
Friday – Saturday | 12:00pm-11:00pm  
Sunday | 2:00pm-8:00pm  
Monday Federal Holidays | 12:00pm-10:00pm

Greg Grey  
Irwin Nesoff  
Jason P. McCann  
Brian S. McCarthy  
Jerry Taverna

} Licensing  
Authority

*Unless otherwise advised by Licensing Authority*



**TOWN OF HULL  
SELECT BOARD**  
253 Atlantic Avenue  
Tel: 781-925-2000

SELECTMEN'S OFFICE FEE:

\$50.00

(Date Received)

**APPLICATION FOR COMMON VICTUALER**

NEW ☐

RENEWAL ☒

TRANSFER ☐

AMENDMENT ☒

☐ CHANGE OF MANAGER  
☒ CHANGE OF HOURS  
☐ ONE DAY  
☐ OTHER

**SECTION 1 – APPLICANTS & BUSINESS INFORMATION**

*I, the undersigned, duly authorized by the concern herein mentioned, hereby apply for a Common Victualer's License, in accordance with the provisions of Chapter 140 of the General Laws.*

Applicant's Full Legal Name: Gregory W Hoffmeister

Applicant's Legal Home Address: \_\_\_\_\_

Applicant's Mailing Address (if different): \_\_\_\_\_

Applicant's Home Telephone Number: 617-240-2119

Cell Phone: \_\_\_\_\_

Applicant's E-Mail Addresses: Primary greg@drislandbrewing.com Secondary \_\_\_\_\_

Applicant's (authorized) Signature

Date: 3-1-24

*By signing above you are verify the accuracy of all information*

Full Legal Name of the Business: Doctor's Island Brewing Comm. LLC

Full Street Address of the Business: \_\_\_\_\_

Mailing Address of the Business (if different): \_\_\_\_\_

Telephone Number of the Business (if different): (617) 840-8385

Current Owner/Manager of Record: Gregory Hoffmeister

E-Mail Addresses of the Business (if different): \_\_\_\_\_

FID of the License: \_\_\_\_\_

Do you own ☒ or lease ☐ the premises?

If leasing, please provide the name and address of the lessor: \_\_\_\_\_

**SECTION 2 – LICENSE CLASS**

(Check One)

☐ Year Round Operation: (January 01-December 31)

☒ Seasonal Operation: (April 01 –November 30)

Expected date to open: Friday, April 25

Expected date to close: Sunday, November 17

\*If you plan to open your business later than the beginning license date or plan to close earlier than the license end date please explain why: most of our seating is outside on deck -

**SECTION 3 - HOURS OF OPERATION**

☐ NO CHANGES

☐ SEE ATTACHED

OPEN: Mon: 12:00 pm Tues: 12:00 pm Wed: 12:00 pm Thurs: 12:00 pm Fri: 12:00 pm Sat: 12:00 pm Sun: 12:00 pm

CLOSE: Mon: 11 pm Tues: 11 pm Wed: 11 pm Thurs: 11 pm Fri: 11 pm Sat: 11 pm Sun: 11 pm

**\*SEE OTHER SIDE\***

**NEW APPLICANTS AND/OR AMENDMENTS TO EXISTING LICENSE (ONLY)**

*Monday  
Pub.  
Holidays  
12-11*

## SECTION 4 – TO BE COMPLETED BY NEW APPLICANTS OR AMENDMENTS ONLY

**\*Note\***: A PUBLIC HEARING MAY BE REQUIRED. PLEASE INDICATE WHAT CHANGES MADE BELOW:

Is your kitchen fully equipped to conduct a business \_\_\_\_\_ Size of Kitchen \_\_\_\_\_

Sink \_\_\_\_\_ Hot and Cold Water \_\_\_\_\_ Is there a Stove ☐

Gas Burners \_\_\_\_\_ Electric Burners \_\_\_\_\_ Refrigerators \_\_\_\_\_

Bar \_\_\_\_\_ Lunch Counter \_\_\_\_\_ Tables # \_\_\_\_ / \_\_\_\_ Booths # \_\_\_\_ / \_\_\_\_  
(no. of seats) (no. of seats) (no. of seats) (no. of seats)

Seating Capacity? Indoor \_\_\_\_\_ Outdoor \_\_\_\_\_ TOTAL Seating Capacity \_\_\_\_\_

Are there Restrooms for - Men ☐ Women ☐ Unisex ☐

### AMENDMENTS

☒ REQUESTING CHANGE OF HOURS

☐ SEE ATTACHED

New Proposed Hours of Operation:

OPEN: Mon: 12:00pm Tues: 12:00pm Wed: 12:00pm Thurs: 12:00pm Fri: 12:00pm Sat: 12:00pm Sun: 12:00pm

CLOSE: Mon: 11pm Tues: 11pm Wed: 11pm Thurs: 11pm Fri: 11pm Sat: 11pm Sun: 11pm

Applicant's (authorized) Signature \_\_\_\_\_

*By signing above you are verify the accuracy of all information*

☐ REQUESTING CHANGE OF MANAGER

Proposed Manager \_\_\_\_\_

Home Address \_\_\_\_\_

Email Address \_\_\_\_\_

Cell Phone \_\_\_\_\_

**Owner/Manager's Signature** \_\_\_\_\_

Date \_\_\_\_\_

*By signing above you are verify the accuracy of all information*

MGL 140 § 4 "...licenses shall expire on December thirty-first of each year; but they may be granted during December, to take effect on January first following."

**LICENSE NUMBER**

2023-39

**FEE**

\$50.00

THE COMMONWEALTH OF MASSACHUSETTS  
TOWN OF HULL

This is to Certify that Doctor's Island Brewing Company dba Doctor's Island Brewing, Gregory Hoffmeister, Mgr  
19 Hull Shore Drive

IS HEREBY GRANTED A

**COMMON VICTUALLER'S LICENSE**

In said Hull and at that place only and expires December thirty-first 20 23 unless sooner suspended or revoked for violation of the laws of the Commonwealth respecting the licensing of common victuallers. This license is issued in conformity with the authority granted to the licensing authorities by General Laws, Chapter 140, and amendments thereto.

In Testimony Whereof, the undersigned have hereunto affixed their official signatures.

**Thursday | 11:00am to 11:00pm**

**Friday-Saturday | 12:00pm-11:00pm**

**Sunday | 2:00pm-8:00pm**

**Monday Federal Holidays | 11:00am to 10:00pm**

/s/ Greg Grey

/s/ Irwin Nesoff

/s/ Jason P. McCann

/s/ Brian S. McCarthy

/s/ Jerry Taverna

Licensing  
Authorities

**Issued: August 30<sup>th</sup>, 2023**

(OVER)



**TOWN OF HULL  
SELECT BOARD  
253 Atlantic Ave  
781-925-2000**

SELECTMEN'S OFFICE USE

**FEE \$100.00**

(Date Received)

**APPLICATION FOR ENTERTAINMENT LICENSE**

NEW ☐ RENEWAL ☒ TRANSFER ☐ AMENDMENT ☒

☐ CHANGE OF MANAGER (COM)\*  
☒ CHANGE OF HOURS  
☐ ONE DAY  
☐ OTHER \_\_\_\_\_

**SECTION 1 – APPLICANTS & BUSINESS INFORMATION**

Applicant's Full Legal Name Gregory W Hoffmeister  
Business's Full Legal Name Doctor's Island Brewing Company LLC  
Business Address 19 Hull Shore Drive  
Mailing Address ☒ Same as above  
Business Telephone Number 617-840-8385 FID# \_\_\_\_\_  
Business Email Address greg@drsislandbrewing.com  
Description of Premises Craft brewery and taproom

Manager of Record /\*Proposed Manager\* Gregory Hoffmeister  
Home Address \_\_\_\_\_  
Home Telephone \_\_\_\_\_ Cell Phone \_\_\_\_\_  
Email Address \_\_\_\_\_

**Owner/Manager's Signature**

*By signing above you are verifying the accuracy of all information*

**SECTION 2 – TYPE OF ENTERTAINMENT**

☒ No Changes to Type of Entertainment from Last Year  
Jukebox ☐ DJ ☐ Karaoke ☐ Piped in Music ☐ Amplification System ☐  
Recorded Music ☐ Live Music ☐ Vocal Music ☐ No. of Persons \_\_\_\_\_  
Instrumental Music ☐ No. of Instruments \_\_\_\_\_ Description/Type Instruments (i.e. guitar, drums, keyboard, etc.) \_\_\_\_\_  
Dancing by Patrons ☐ Location(s) \_\_\_\_\_ Size of dance floor(s) \_\_\_\_\_  
Floor Show ☐ Description \_\_\_\_\_ Other: \_\_\_\_\_  
Entertainment Location: Indoors ☐ Outdoors ☐ Description (provide floor plan if necessary) \_\_\_\_\_

**SECTION 3 – HOURS OF OPERATION**

☐ No Changes to Hours of Operation from Last Year  
Start Time: Mon 12:00pm Tues 12:00pm Wed 12:00pm Thurs 12:00pm Fri 12:00pm Sat 12:00pm Sun 2:00pm  
End Time: Mon 11pm Tues 11pm Wed 11pm Thurs 11pm Fri 11pm Sat 11pm Sun 11pm

**NOTE: SUNDAY ENTERTAINMENT HOURS, UNLESS OTHERWISE SPECIFIED BY LICENSING AUTHORITY, TO BE BEGIN NO EARLIER THAN 2:00 P.M.**

**LICENSE NUMBER:** 2023-29

**FEE:** \$100.00

**THE COMMONWEALTH OF MASSACHUSETTS  
TOWN OF HULL**

This is to Certify that **Doctor's Island Brewing Company, LLC. dba Doctor's Island Brewing**  
**Gregory Hoffmeister, Manager, 19 Hull Shore Drive**

**IS HEREBY GRANTED A LICENSE**

**For Entertainment as a Victualer at: 19 Hull Shore Drive**

**Type of Entertainment: DJ, Piped in Music, Amplification System, and Live (3 Instruments,  
Acoustic Guitar and Keyboard, and 3 Singers )**

**Hours: Thursday | 2:00 pm – 9:00 pm**

**Friday - Saturday | 12:00pm - 11:00pm**

**Sunday | 2:00 pm - 8:00pm**

**Monday Federal Holidays | 12:00pm to 10:00pm**

**This license is granted in conformity with the Statutes and ordinances relating thereto, and  
expires December 31, 2023 unless sooner suspended or revoked.**

**ISSUED: August 30<sup>th</sup>, 2023**

/s/ Greg Grey

/s/ Irwin Nesoff

/s/ Jason P. McCann

/s/ Brian S. McCarthy

/s/ Jerry Taverna

} Licensing  
Authoritie