1. **Purpose.** The purpose of the Nantasket Beach Overlay District (NBOD) is to stimulate mixed use redevelopment of commercial and multi-family property at scales and densities appropriate for an historic beachfront community in order to revitalize the economy and help balance the commercial and residential tax base while protecting people, property, and resources. The NBOD achieves this purpose by;

1.1. Supporting environmentally and commercially sustainable development;
1.2. Promoting a mix of uses and architecture so that commercial, residential and cultural opportunities may be developed in close proximity to one another in a pedestrian and bicycle friendly community;
1.3. Providing landowners with the opportunity to pursue more flexible forms of development in exchange for advancing community goals and values;
1.4. Enhancing the value of land and buildings;
1.5. Encouraging a less sprawling and more efficient form of development that consumes less open land and reduces greenhouse gas emissions;
1.6. Protecting barrier beach and dune systems and their functions in providing storm and flood protection and wildlife habitat, and
1.7. Creating incentives for development that can withstand sea level rise and increased flooding and frequency and intensity of storms caused by climate change, and thereby; protect persons and property from the hazards that may result from unsuitable development in areas subject to flooding, extreme high tides, and rising sea level.

2. **Scope of Authority.**

2.1. The NBOD shall be considered as overlying other districts and shall be described by and include the areas included in the NBOD on the Town of Hull Zoning Map. The owners of property in the NBOD shall continue to possess all current underlying zoning rights and be subject to the requirements applicable in those Districts, except as provided in S. 6. Prohibited Uses.

2.2. If a proponent requests to develop in accordance with the regulations in this S., the rules and regulations of the NBOD shall apply. If the proponent elects to develop under the provisions of the underlying zoning district, the provisions of that district shall control and the provisions of the NBOD shall not apply. If it is not clear as to whether the NBOD provisions or the underlying district provisions apply, then the provisions of the NBOD shall supersede.

2.3. Special Permit approval is required as described in S. 3. of the NBOD for all projects and uses.

2.4. Flood Protection: The Planning Board may at its discretion issue a Special Permit allowing new and existing buildings within a Special Flood Hazard Area in the NBOD, as defined by the latest edition of 780 CMR (Code of Massachusetts Regulations, Massachusetts State Building Code), to be elevated beyond the prescribed height limit to provide compliance by meeting or exceeding the flood elevation requirements of said CMR. Buildings cannot exceed the elevation required to comply with 780 CMR by more than four (4) feet or six (6) feet if permitted under S. 12 Incentives for Adaptive and Resilient Buildings of the NBOD.

3. **Special Permit Administration and Procedures:** The Planning Board shall act as Special Permit Granting Authority for the NBOD, following the procedures specified in S. 34-1.A.1A. of this Zoning Bylaw except for S. 34-1.A.1 A. 11. a, b, e, f, h and S. 18 which shall not be applied in the NBOD. However, when the projects in the NBOD include hotels all provisions of S. 34-1 A.1.A. shall apply except for S. 34-1.A.1 A. 11. h. relating to parking and 11.c. a definition of hotel. All projects being permitted under the NBOD shall be subject to the NBOD S. 10. Off Street Parking and Loading Requirements. The Hotel definition in S.4 applies to Hotels permitted under the NBOD.

3.1. Required submittals for a Special Permit: Each application for a Special Permit in the NBOD shall be accompanied by a site plan and building elevations at an appropriate scale. Such site plan shall show the entire project area at a scale of a minimum of 1" = 20' and shall be prepared by a registered surveyor and/or registered professional engineer and registered architect. The site plan and ten (10) copies thereof and listed plans and studies shall be submitted with the application to the Town Clerk who shall forthwith transmit the same to the Planning Board and shall show at least the information required in S.34-1.A.1 A. 3. of these Bylaws, and in addition as follows:

3.1.1. When determined by the Planning Board a traffic impact study including a parking program will be required.

3.1.2. In order to protect the community's welfare the Planning Board may require a study analyzing the municipal fiscal impact of the proposed project.
3.2. The Planning Board may require such additional information and impose conditions as it finds necessary to protect the health, safety, and welfare of the public or the occupants of the proposed use, or of the NBOD.

3.3. The Planning Board has the authority to employ consultants or experts including but not limited to technicians, attorneys, engineers, economists and architects for the purposes of reviewing and evaluating, on its behalf, the information shown on the site plan and any additional information. The costs of such professional assistance incurred by the Planning Board shall be borne by the applicant. However, the cost to be paid by the applicant (1) shall not exceed the reasonable and usual charges of the consultants; and (2) shall be estimated in writing by the consultants and made known to the applicant before the Board incurs any costs. No Certificate of Occupancy may be issued by the Building Commissioner until the applicant has paid, or reimbursed the town for all such costs.

3.4. Special Permit Procedures for the NDOD shall be those procedures stipulated in S.34-1A.1.A, 4, 5, 6, 7 and 8 of these Bylaws.

3.5. In considering an application for a Special Permit under this Section, the Planning Board may approve same only if it finds that, in its judgment, the proposed development shall not be substantially more detrimental to the established character of the neighborhood and town and all the conditions set forth in S.34-1A.9 of these Bylaws are satisfactorily met.

3.6. Special permit conditions. In approving a Special Permit, the Planning Board shall be authorized to attach such conditions and safeguards as are deemed necessary and appropriate to protect the neighborhood and the Town of Hull. These may include but not necessarily be limited to all the conditions set forth in S.34-1A.1.A. 12 of these Bylaws and including:

3.6.1. Appropriate modifications to the design features to ensure compliance with the standards set forth herein. The Building Commissioner shall not issue a certificate of occupancy until and unless the Planning Board issues a certificate of compliance with the provisions herein provided. All construction, including landscaping, site preparation and other authorized uses of the land, shall be in compliance with an approved Special Permit and conditions attached thereto and Site Plan conditions unless duly amended by the Planning Board.

3.7. The Special Permit shall automatically lapse two years from the date of the grant of a Special Permit unless substantial use or construction is commenced except for good cause, or an extension has been granted by the Planning Board for not more than six months. Excluded in the two-year time period is the time required to pursue or await the determination of appeal referred to in S. 17 of the M.G.L., Chapter 40A.

3.8. To facilitate a streamlined permitting process under the NBOD, the Planning Board shall conduct Site Plan Review, as specified in Town Hull Zoning Bylaw S. 40, and where appropriate shall conduct this Site Plan Review process concurrently with the Special Permit process for the NBOD, including holding a joint public hearing for Site Plan Review and Special Permit Review.

3.9. Reviews by various municipal boards, departments, agencies or commissions may be held jointly in accordance with M.G.L. Chapter 40A, S. 11 of the General Laws.

3.10. Minor modifications to the Special Permit may be made at a duly held regular or special meeting of the Planning Board.

4. Definitions
ADULT USE: An adult bookstore, an adult motion picture theater, an adult dance club, an adult paraphernalia store, an adult video store and such other uses as defined and provided for by M.G.L. Chapter 40A S. 9A.
APPURTENANT STRUCTURES: Appurtenances to buildings which are in no way used for living purposes, such as chimneys, towers, spires, stairwell penthouses, and ornamental features, turrets, cupolas or other special features may extend up to ten (10) linear feet above the maximum permitted height provided the plan area of such features does not exceed ten percent of the overall square footage of the roof. Appurtenances shall be a component of the roof design, and not appear to be a leftover or add-on element.
DRIVE-THROUGH RETAIL ESTABLISHMENT: Any commercial use which utilizes a vehicular drive-up window including but not limited to banks and the sale of food.
DORMER: A structure as part of the roof built with the front wall flush with the wall below, or projected beyond a maximum of two feet, or held back no more than half the length of the main sloped or Mansard Roof, with side walls perpendicular to the pitch of the sloped roof. “Eyebrow” and hip dormers without side walls also shall be defined
as dormers. Height of dormer shall be no higher than main roof. Linear footage of dormer shall be measured at the base of the dormer wall, unless the roof intersects the main roof without side walls, in which case the width shall be measured at the mean of the dormer roof.

FLAT ROOF: A roof whose pitch is a maximum of 1:12. Height measurements shall be to the perimeter of the roof, or to any level parapet or to the mean of any pitched or radius parapet.

FREEBOARD: The elevation of the building above the National Flood Insurance Program (NFIP) minimum. Freeboard reduces storm and flood damage as well as helping to protect against sea level rise.

GREEN BUILDING: Structures and site that incorporate the following performance elements:
- Minimum impact on ecosystems and water resources and water use both inside and out. Highest possible energy-efficiency and use of alternative energy sources including passive solar and/or onsite alternative energy production.
- Use of sustainable building materials and reduction of solid waste.
- Have indoor environmental quality elements which promote better indoor air quality including natural ventilation and access to daylight and views.
- Compact site layouts that enable and promote walking and provide physical connections to a range of transportation modes, open space and other amenities.
- Incorporation of features for on-site retention, detention and low impact design treatment of stormwater runoff and on-site and off-site stormwater drainage sized to accommodate affects of sea level rise, flooding and increased frequency and intensity of storm events.

GROSS FLOOR AREA: The sum of the floor areas of all the spaces within the building with no deductions for floor penetrations other than atria is the Gross Floor Area (GFA). It is measured from the exterior faces of exterior walls or from the centerline of walls separating buildings but it excludes covered walkways, open roofed-over areas, porches and similar spaces, pipe trenches, exterior terraces or steps, roof overhangs, parking garages, surface parking, and similar features.

HABITABLE SPACE: An area of any structure that is legally accessible and intended for human occupancy for permanent residential or commercial uses. Mechanical rooms, parking areas, storage areas, other passive accommodations or temporary uses shall not constitute habitable space.

HEIGHT OF BUILDING: The vertical distance above the curb grade, to the highest point of the roof beams of a flat roof or the mean of roof rafters of a sloping roof or to the top of a mansard roof. However, if the natural grade of the ground contiguous to the building is not at the curb grade, the height shall be measured from the mean finished grade at the foundation of the building.

HOTEL: Is defined as any establishment used for the feeding and lodging of guests which is licensed or required to be licensed under the provisions of M.G.L. Chapter 140, § 6. The definition of a hotel shall not include a motel, lodging house or rooming house.

MANSARD ROOF: A roof which forms the walls of the top floor of a building with a Flat Roof above. The pitch of the roof shall be a minimum of 10:12 and maximum of 18:12. Height of Roof shall be measured to the intersection of the Mansard Roof and the Flat Roof above it.

MARKET HALL: The lowest floor of a multi-story structure that is not designed as a habitable space but can be occupied on a seasonal basis, is without permanent walls and is for uses including but not limited to temporary commercial or retail uses, cultural uses, parking (limited to 50% of the area) and shall be open with minimum headroom of 8 feet and compliant with lowest floor uses as defined in S. 42 and S. 11 of the NBOD.

MIXED-USE BUILDING: A combination of office, retail and/or residential uses arranged vertically in multiple stories of buildings which are mutually supporting, exhibit physical and functional integration and are developed in conformance with a coherent design. A combination of commercial parking facilities and residential uses shall constitute a mixed use.

MIXED USE DEVELOPMENT: A development containing a mix of some or all of multi-family residential, single-family residential, commercial, institutional and other uses, all conceived, planned and integrated to create vibrant, workable, livable and attractive neighborhoods is a mixed use development.

OPEN SPACE: Open Space (OS) is defined as land that is open to the sky, including natural features of the site and not covered by permanent structures or impervious surfaces; parts of a lot landscaped with trees, shrubs, ground covers and grass, walks, bike trails, terraces, plazas and related pedestrian uses and amenities which may be open to the public or for occupants of lots. Such space may not include lot area used for parking, access drives or other impervious areas intended for vehicular use. OS may include required twenty (20) foot setbacks where an NBOD project abuts a residence or residential district. OS may include public and private walkways linking OS to public ways and parking and transportation facilities. Impervious surfaces intended for access for those with disabilities are included in the OS calculation. OS under the NBOD shall protect and enhance important natural and cultural
resources including but not limited to: natural systems; cultural resources including passive and active recreation; vistas and view corridors, and locations for cultural events and celebrations. Public OS is encouraged in the NBOD.

RESIDENTIAL DISTRICTS: All residential zoning districts defined in the Hull Zoning Bylaw including, Single Family A, B and C and Multi-Family A and B.

SEGMENTATION: Developments may not be intentionally divided into parts to avoid compliance with the requirements of the NBOD.

SLOPED ROOF [WITH RAFTERS]: A roof with a pitch greater than 1:12, terminating in a ridge or hip.

SMART GROWTH: Well-planned development that protects OS, revitalizes communities, keeps housing affordable and provides more transportation choices. There are 12 principles that define Smart Growth:

1. Mix of land uses.
2. Take advantage of compact building design.
3. Create a range of housing opportunities and choices.
4. Provide a variety of transportation choices including walkable neighborhoods and transit oriented developments which reduce vehicle miles travelled.
5. Foster distinctive, attractive communities with a strong sense of place.
6. Preserve OS, natural beauty, and critical environmental areas.
7. Strengthen and direct development towards existing communities with respect for historical architectural context and preservation of significant historical fabric.
8. Make development decisions predictable, fair, and cost effective.
9. Encourage community and stakeholder collaboration in development decisions.
10. Reduce carbon footprint by conserving energy, and by using alternative energy sources.
11. Building and site design which utilizes passive solar energy and natural ventilation.
12. Conserving water resources through low impact site design and conservation.

5. Special Permit uses. All uses currently allowed in the zoning underlying the NBOD are allowed in the NBOD by Special Permit except for the prohibited uses in 6. below.

6. Prohibited uses. The following uses are prohibited within the boundaries of the NBOD:

6.1. Adult uses.
6.2. Drive-through food establishment is prohibited. Other drive through retail establishments if determined by the Planning Board to create traffic congestion and other detrimental impacts on the public welfare are also prohibited.
6.3. Automobile, motorcycle and boat repair, sales, and service establishments, including gasoline or diesel fueling stations.
6.4. Car wash.
6.5. Storage of chemicals or other hazardous materials, except for household hazardous waste stored in accordance with the Town’s Residential Hazardous Materials guidelines.
6.6. Video arcades unless this use is pre-existing on site prior to Special Permit request to develop a project through the NBOD or the Planning Board determines this is an acceptable support function at the project location under the NBOD.
6.7. Large auditoriums or entertainment uses where they abut Residential Districts unless the Planning Board determines that sufficient on and offsite parking is provided and that hours of operation, noise, light and other use impacts are not detrimental to the neighborhood and any abutting residential districts and that there is effective enforcement of all use regulations.

7. Dimensional, lot and density regulations. The following requirements shall apply to development carried out under the provisions of this NBOD. The Special Permit may authorize the continuation, extension and/or modification of pre-existing dimensional nonconformities and may apply the yard and dimensional requirements applicable to new buildings in the NBOD.

7.1. Setbacks and yards

7.1.1. Minimum lot size: None
7.1.2. Minimum frontage: Twenty-five (25) linear feet or other which is deemed by the Planning Board to be appropriate for the project site.
7.1.3. Minimum front yard: Ten (10) linear feet from lot line including any right of way, provided however, if there are already buildings fronting on the same street in the same block, the Planning Board may as an exception by Special Permit waive this requirement and establish a frontage to conform to the other buildings. Existing buildings shall not attain non-conforming status because of this setback requirement.
7.1.4. Minimum side yard: None, except where the subject property shares a lot line with a residential parcel in any residential district in which case the minimum side yard shall be twenty (20) feet. This yard requirement may be part of the projects required OS.

7.1.5. Minimum rear yard: None, except where the subject property shares a lot line with a residential parcel in any residential district in which case the minimum rear yard setback shall be twenty (20) feet. This yard requirement may be part of the projects required OS.

7.1.6. Multi-family residential structures shall be setback at least twenty five (25) feet from the boundary of the project area or such lesser distance as may be permitted by Planning Board.

7.2. Height: The maximum height shall be forty (40) feet plus usual appurtenant structures. The Planning Board may approve through the Special Permit process as described in S. 3 of the NBOD, developments of a maximum height forty (40) feet with the following exceptions:

7.2.1. In order to preserve existing residential views:

7.2.1.1. Where lots in the NBOD abut any Residential District the maximum height shall not exceed forty (40) feet plus roof top appurtenant structures and any flood freeboard allowance. Where the underlying zoning has a minimum lot area dimension this height restriction shall apply to an area of the abutting lot up to that minimum which shall be a transition area between NBOD projects and Residential Districts.

7.2.1.2. Buildings within 250 feet from any Residential District shall not exceed the height of the underlying zoning. The proponent can overcome this requirement by documenting that the topography is such that the proposed building and appurtenant structures will not impede residential views. Documentation required to overcome this requirement includes but is not limited to:

7.2.1.2.1. Licensed survey of topography with 2 foot contours for project site and abutting residential properties in Residential Districts within an area 250 feet from any Residential District.

7.2.1.2.2. Architectural and engineering plans showing views of project from residences within 250 feet from project structures and appurtenant structures.

7.2.2. The Planning Board may at its discretion issue a Special Permit allowing new and existing buildings within a Special Flood Hazard Area, as defined by the latest edition of 780 CMR, to be elevated beyond the prescribed height limit to provide flood proofing by meeting or exceeding the flood elevation requirements of said CMR. Buildings cannot exceed the elevation required to comply with 780 CMR by more than four (4) feet. Roof top mechanicals appropriately screened or enclosed must be below the total allowed building height.

7.2.3. Under S. 12 of the NBOD, “Incentives for constructing buildings that are adapted to and resilient to the impacts of climate change on coastal communities in designated floodplain districts.” The Planning Board may at its discretion issue a Special Permit allowing new and existing buildings within a Special Flood Hazard Area, as defined by the latest edition of 780 CMR, to be elevated beyond the prescribed height limit to provide flood proofing by meeting or exceeding the flood elevation requirements of said CMR. Buildings cannot exceed the elevation required to comply with 780 CMR by more than six (6) feet. Roof top mechanicals appropriately screened or enclosed must be below the total allowed building height.

8. Open Space Requirement. The project proponent shall submit an Open Space (OS) Plan to the Planning Board for all projects exceeding six (6) acres. The Planning Board may require an OS Plan and/or conservation restriction for projects of less than six (6) acres to protect community interests. All OS Plans shall include a maintenance plan. The purpose of the OS Requirement is to maintain the character of a beachfront community. In order to achieve this purpose OS Plans required under the NBOD shall protect and enhance Hull's many important natural and cultural resources and interests including but not limited to the following:

8.1. Natural System(s). In particular barrier beach and dune systems as defined in 310 CMR 10 and their functions in providing storm and flood protection and wildlife habitat.
8.2. Cultural resources including:

8.2.1. Passive and active recreation spaces, except activities detrimental to drainage, flood control, erosion and the functions of flood and storm protection provided by barrier beaches, dunes and other wetlands.

8.2.2. Vistas and View Corridors: Among the visual resources are water bodies, parks, beaches, and other OS; landmarks, monuments, and historically and architecturally important buildings and structures. It is the policy of the Hull Planning Board to open up, create, and maintain important view corridors, especially of such landmark features as Boston Light, World's End, the Weir River, all ocean, bay and harbor views; Fort Revere, the Boston skyline, and historic sites and buildings.

8.2.3. Locations for cultural events and celebrations.

8.3. OS Area Requirements: The OS required below shall be left undeveloped and/or improvements and uses as described in S. 8.4 below shall be provided. The requirements are minimums and the Planning Board may require additional OS and or offsite OS mitigation to protect community interests as described in S.8.1 and S.8.2.

8.3.1. Development projects including six (6) or more acres shall set aside a minimum of 50 percent of the total project area, including a required 20 foot wide setback strip around the perimeter of the development, as OS.

8.3.2. When a project in the NBOD abuts a residential district a transition of landscaped OS a minimum of 20 feet wide including any or all of the uses in S. 8.4 must be part of the required OS plan and is included in the required OS area calculation.

8.3.3. Development projects of less than six (6) acres shall set aside a minimum of 15 percent of the total project area as OS which shall include any required yard or setback.

8.3.4. Development projects may be phased but not segmented. The projects OS requirements are calculated based on the entire project build out regardless of phasing.

8.3.5. The Planning Board in review of OS plans may consider existing public OS, conservation areas and recreational opportunities available in the neighborhood in determining compliance with OS area requirements. The Board shall consider existing public OS when a project includes rehabilitation, rebuilding or additions to existing structures.

8.4. A required OS Plan shall have one or a mix of the following uses:

8.4.1. Undeveloped property.

8.4.2. Recreational facilities such as pathways, picnic areas or play-fields.

8.4.3. Pocket parks, gathering places and plazas which may be open to the public.

8.4.4. Walkways and bike lanes linking transit, parking and natural and built attractions with landscaping, sidewalk furniture and other pedestrian scale amenities which may be open to the public.

8.5. Contiguity of OS: Preserved OS shall be contiguous to the greatest extent practicable. Where noncontiguous areas of OS are preferable to protect conservation areas, applicants shall attempt to connect these resource areas to the greatest extent practicable through the use of trails and/or vegetated corridors. OS will still be considered contiguous if it is separated by a shared driveway, roadway, or an accessory amenity (such as, paved pathway or trail, or shed for the storage of equipment).

8.6. Ownership of the OS: OS contained within the property owners' lot(s) shall be owned and maintained by the property owner. At the applicant's discretion the OS may be owned by:

8.6.1. A private owner for any purpose not inconsistent with a conservation restriction or the approved OS plan;

8.6.2. A non-profit organization or agency of the Commonwealth, with their consent, whose principal purpose is the conservation of OS for any of the purposes set forth herein;

8.6.3. The Hull Conservation Commission; or

8.6.4. A property owners association (POA) owned jointly or in common by the owners of lots or units within the project. If the POA option is selected the following shall apply:

8.6.4.1. The documents organizing the POA shall be submitted to the Planning Board for approval before final approval of the project, recorded prior to the issuance of building permits, comply with all applicable provisions of state law, and pass with conveyance of the lots or units in perpetuity. Each individual deed, and the deed, trust, or articles of incorporation, shall include language designed to effect these provisions.
8.6.4.2. Membership must be mandatory for each property owner, who must be required by recorded covenants and restrictions to pay fees to the POA for taxes, insurance, and maintenance of common OS, private roads, and other common facilities.

8.6.4.3. The POA must be responsible in perpetuity for liability insurance, property taxes, the maintenance of recreational and other facilities, private roads, and any shared driveways.

8.6.4.4. Property owners must pay their pro rata share of the costs in S. 8.6.4.3 above, and the assessment levied by the POA must be able to become a lien upon individual properties within the project.

8.6.4.5. The POA must be able to adjust the assessment to meet changed needs.

8.6.4.6. The applicant shall make a conditional grant to the Town of Hull, binding upon the POA, of the fee interest to all OS to be conveyed to the POA. Such offer may be accepted by the Town of Hull, at the discretion of the Hull Board of Selectmen, upon the failure of the POA to take title to the OS from the applicant or other current owner, upon dissolution of the association at any future time, or upon failure of the POA to fulfill its maintenance obligations hereunder or to pay its real property taxes.

8.6.4.7. Ownership shall be structured in such a manner that real property taxing authorities may satisfy property tax claims against the OS lands by proceeding against individual property owners in the POA and the dwelling units they each own.

8.6.4.8. Hull Town Counsel must find that the POA documents presented satisfy the conditions in S. 8.6.4.1. through 6. above, and such other conditions as the Planning Board shall deem necessary.

8.6.5. Selection of ownership option 8.6.1., 2. or 4. requires:

8.6.5.1. The conveyance of a conservation restriction as outlined herein; and

8.6.5.2. The granting of an access easement over such land sufficient to ensure its perpetual maintenance as conservation, or recreation land. Such easement shall provide that in the event the trust or other owner fails to maintain the OS in reasonable condition, the Town of Hull may, after notice to the lot owners and public hearing, enter upon such land to maintain it in order to prevent or abate a nuisance. The cost of such maintenance by the Town of Hull shall be assessed against the properties within the development and/or to the owner of the OS. Pursuant to G.L. Chapter 40 S. 58 the Town of Hull may file a lien against the lot or lots to ensure payment for such maintenance. Pursuant to G.L. Chapter 40 S. 57 the Town of Hull may also deny any application for, or revoke or suspend a building permit or any local license or permit, due to neglect or refusal by any property owner to pay any maintenance assessments levied.

8.6.6. Maintenance: The Planning Board shall require the proponent to submit an ongoing maintenance plan and subsequently will establish ongoing maintenance standards as a condition of development approval to ensure that utilities are properly maintained and the OS land is not used for storage or dumping of refuse, junk, or other offensive or hazardous materials. Such standards shall be enforceable by the Town against any owner of OS land, including a POA. If the Board of Selectmen finds that the maintenance provisions are being violated to the extent that the condition of the utilities or the open land constitutes a public nuisance, it may, upon 30 days written notice to the owner, enter the premises for necessary maintenance, and the cost of such maintenance by the Town shall be assessed ratably against the landowner or, in the case of an POA, the owners of properties within the development, and shall, if unpaid, become a property tax lien on such property or properties.

8.7. Permanent Conservation of the Required OS: Any land required to be set aside as OS, voluntarily preserved in excess of that required, conserved as a condition of site plan approval and Special Permit, shall be permanently protected pursuant to Article 97 of the Articles of Amendment to the Constitution of the Commonwealth of Massachusetts or a perpetual restriction under G.L. Chapter 184 S. 31-33. Unless conveyed to the Town of Hull Conservation Commission, the required OS shall be subject to a permanent Conservation, or Watershed Preservation Restriction conforming to the
standards of the Massachusetts Executive Office of Environmental Affairs, Division of Conservation Services, in accordance with G.L. Chapter 184 S. 31-33, approved by the Planning Board and Board of Selectmen and held by the Town of Hull, the Commonwealth of Massachusetts, or a non-profit conservation organization qualified to hold conservation restrictions under G.L. Chapter 184, S. 31-33. Any proposed OS that does not qualify for inclusion in a Conservation Restriction, or Watershed Preservation Restriction or that is rejected from inclusion in these programs by the Commonwealth of Massachusetts shall be subject to a Restrictive Covenant in perpetuity under G.L. Chapter 184, Sections 26-30, which shall be approved by the Planning Board and Board of Selectmen and held by or for the benefit of the Town of Hull.

The restriction shall specify the prohibited and permitted uses of the restricted land, which would otherwise constitute impermissible development or use of the OS, consistent with the Special Permit Uses S. 5 and Prohibited Uses, S. 6 of the NBOD and any permits. The restriction may permit, but the Planning Board may not require, public access or access by residents of the development to the protected land.

8.7.1. Such land shall be perpetually kept in an open state, preserved exclusively for the purposes set forth herein and in the deed and/or in a restriction, and maintained in a manner which will ensure its suitability for its intended purposes. Any restriction or other legal document necessary to permanently conserve OS as required herein shall be recorded before lots are released or building permits are issued, whichever comes first.

9. General Requirements for Developments Under the NBOD.

9.1. Screening, NBOD areas abutting or within a residential area shall provide screening along the common property line in the form of an opaque fence, wall, or continuous evergreen shrubbery at least six (6) feet in height.

9.2. Fixed, retractable, or removable awnings and canopies for the protection of the public from the elements may be erected or installed within the front yard areas. On commercial and mixed use buildings these structures shall be limited to a six (6) foot extension across the full face of the building. On multi-family residential buildings the awnings and canopies shall be limited to the area of the front entry walkway extending in a straight line to the building and not exceeding six (6) feet in width with minimum clear headroom of 6 feet 8 inches.

9.3. The Planning Board after receiving recommendations from the Design Review Board will determine the size, type and design of all signs, notwithstanding the provisions of Article VII of the Zoning Bylaw. Any future change in signage shall require an application to amend the Special Permit to the Planning Board.

10. Off-Street Parking and Loading Requirements

| Table 1: Off-Street Parking Requirements for the NBOD are Specified in Table 1 |
|---------------------------------|-----------------|
| Studio and 1-bedroom residential units | 1 spaces/unit |
| 2 or more bedroom residential units | 2 spaces/unit |
| Eating and drinking establishments | 1 space/4 seats or 2 spaces/150 sq. ft gross floor area (GFA) |
| Hotels, motels, inns and bed and breakfasts | 0.75 spaces/guest room; add 1 space/500 sq. ft. meeting or banquet area |
| Medical, dental, or professional office building | 1.3 spaces/200 sq. ft. GFA |
| Offices (general) | 1 space/300 sq. ft. GFA |
| Retail business and service establishments | 1 space/250 sq. ft. GFA on 1st floor; 1 space/500 sq. ft. GFA thereafter on other floors (excluding basement storage) |
| Theaters, auditoriums/halls, places of assembly | 1 space/5 seats or per 8 linear ft. bench seating; OR 1 space/100 sq. ft. floor area if there are not fixed seats |
| Mixed-uses in a single building/development | Sum of individual uses; shared parking provision may apply |
Notwithstanding the foregoing parking requirements, if the applicant provides valet parking or other suitable alternative services, the Planning Board may authorize lesser requirements for both the number and size of parking spaces.

10.1. **Shared Parking:** Shared parking is encouraged in the NBOD. The goal of shared parking is to utilize limited parking space efficiently and thereby reduce congestion and air pollution by reducing "cruising" for parking spaces. When shared parking is proposed under the NBOD the proponent shall be required under S.3.1.1 to submit a traffic impact study including a parking program.

10.1.1. Stores, offices and other lawful uses except hotels, motels, residences, boarding houses, and rooming houses which are located in the NBOD may propose shared parking using the Department of Conservation and Recreation (DCR) parking lots providing that the legal distance between a DCR public parking lot and the main pedestrian entrance of the proposed use does not exceed 500 feet and the proponent has documented authorization from DCR to utilize DCR parking spaces which includes the number of spaces, their location and time and season of use.

10.1.2. Parking required for two (2) or more buildings or uses may be provided in combined parking facilities where such facilities will continue to be available for the several buildings or uses. The total number of required spaces may be reduced by up to one-half (1/2) if it can be demonstrated that the hours of days of peak parking need for the uses are so different that a lower total will provide adequately for all uses served by the facility. Proposals for shared parking shall be reviewed under Special Permit procedures concurrently with Site Plan Review, S. 40. The following requirements shall be met:

10.1.2.1. The proponent shall provide documented evidence of reduced parking needs based on planning and engineering practice satisfactory to the Planning Board.

10.1.2.2. The Planning Board shall determine how a combined or mixed use facility shall be broken down into its separate (constituent) components.

10.1.2.3. If a lower total is approved, no change in any use shall thereafter be permitted without further evidence to the Planning Board that the parking will remain adequate in the future, and if the evidence is not satisfactory, then additional parking shall be provided (either on- or off-site, or via a fee-in-lieu of parking) before a change in use is authorized by the Planning Board. A change in use of the entity providing the shared parking spaces will require the entity utilizing the shared parking to request an amended Special Permit for a new parking plan.

10.1.2.4. Any change in use, ownership or control of the entities owning or controlling the shared parking will require evidence of continued availability of shared parking to be provided to the Planning Board and Town Counsel and any such approved change shall be filed with the Site Plan if applicable and at the Registry of Deeds.

10.1.2.5. Off-street parking related to residential uses must be accommodated for on-site or nearby in a specific off-site lot controlled by the proponent.

10.2. **Fee-in-lieu of parking.** All or a portion of the required off-street parking for commercial, non-residential uses may be waived by a Special Permit from the Planning Board when the property is located within the NBOD, provided the following conditions are met:

10.2.1. The proponent provides evidence of a sufficient number of available public parking spaces in the vicinity of the property to justify the waiver without detriment to public transportation, health, and welfare and that the proponent is authorized to use said parking spaces from the controlling public entity, the Town's Board of Selectmen or the Department of Conservation and Recreation.

10.2.2. The Town is paid a fee equal to the fair market value of the waived parking spaces (the area of which shall be determined by the number of waived spaces times 200 square feet) plus the cost of converting such spaces into a parking lot, or public/private parking garage as estimated by the Planning Board with the advice of a consulting engineer and a minimum of two appraisals whose fees will be paid through an escrow account funded by the proponent. The Planning Board may require additional appraisals if deemed necessary. The owner of the property subject to the waiver is responsible for the payment in lieu of parking.
10.2.3. Payments in lieu of parking shall be made to a special Town account whose expenditures will be limited to costs related to parking and parking related transportation and facilities and bicycle facilities including trolley service connecting to remote parking lots and transit within and in the vicinity of the NBOD.

10.2.4. If the property owner donates to the Town a public right-of-way providing an important pedestrian or vehicular linkage, or contributes to the capital or operating expenses of the public trolley or bicycle system in accordance with a parking management or circulation plan adopted by the Planning Board, the Board may reduce the fee specified in the paragraph above by an amount equal to the value of the donation, up to the total amount of the fee.

10.2.5. Any waiver of off-street parking approved under this Section shall run with the land. Any subsequent changes of use requiring more parking shall necessitate a parking plan amendment and Planning Board review. No refund of any payment shall be made when there is a change to a use requiring less parking. Such payment and/or donation shall be made to the Town in total prior to the issuance of a building permit.

10.3. Bicycle parking

10.3.1. Bicycle parking shall be provided for all new development, and shall be located as close as possible to the building entrance(s).

10.3.2. Two (2) bicycle parking spaces shall be provided for each twenty (20) off-street parking spaces required.

10.3.3. Each will be a minimum of two (2) feet wide by six (6) feet long.

10.3.4. Rack(s) will be provided that allow for the bicycle frame and one wheel to be locked to the rack and that support the bicycle in a stable position without damage to wheels, frame or components. All bicycle racks shall be securely anchored to the ground or building structure.

10.3.5. Any property required to have bicycle parking may establish a shared bicycle parking facility with any other property owner in the same block.

11. Design Standards

11.1. The purpose of this Section is to provide standards to guide the development of buildings and renovations in the NBOD with human-scale, pedestrian oriented, high-quality design that contributes to the Nantasket area’s visual interest and vibrancy and relates to the community’s historic architectural types.

11.2. In addition to the criteria in Chapter 15 of the Town of Hull General Bylaws and S. 40 of this Zoning Bylaw, the Planning Board and the Design Review Board shall consider the following development attributes when evaluating development proposed in the NBOD:

11.2.1. Facade and openings. All primary commercial and residential building entrances shall be visible from the right-of-way and the sidewalk, and shall have an entrance directly accessible from the sidewalk. Doors shall not extend beyond the exterior facade into pedestrian pathways.

11.2.2. Scale, massing and spacing of buildings. The size and detailing of buildings shall reflect the community preference for moderate-scale structures that do not resemble “big box shopping centers.” New buildings and/or substantial alterations shall incorporate features to add visual interest while reducing the appearance of bulk or mass, such as varied facades, rooflines, roof heights, materials, and appropriately designed details such as moldings, cornices, bay windows, turrets, arcades, colonnades, brick chimneys or shutters appropriately designed and proportioned. Buildings shall provide for sight buffers and preservation of light and air to adjacent premises and roadways. Length of a building along its front shall not exceed 80 feet without one or a combination of the following where deemed appropriate by the Planning Board:

11.2.2.1. Public walkway appropriately landscaped through building lot to public way.

11.2.2.2. Public pocket park or plaza.

11.2.2.3. Height of building stepped down to 30 feet on front of building abutting roadway.

11.2.3. Buildings shall relate to the pedestrian scale by:

11.2.3.1. Including architectural details to add visual interest along the ground floor of all facades that face streets, squares, pedestrian pathways, parking lots or other significant public OS.
11.2.3.2. Articulating the base, middle and top of the facade separated by cornices, string cornices, step-backs or other similar features.

11.2.3.3. Continuous lengths of flat, blank walls adjacent to streets, pedestrian pathways, or OS shall not be permitted.

11.2.3.4. Flat roofs are permitted as part of a Mansard Roof or dormer but are otherwise discouraged. If utilized they should have parapets or projecting cornices. Flat roofs shall not be permitted in buildings with heights over 30 feet.

11.2.4. Site design. The qualities and performance of building sites may be included in any design standards adopted by the Planning Board and may include the following areas for review:

11.2.4.1. The location and configuration of proposed buildings and structures, parking areas and OS shall be designed so as to minimize shadow effects and any adverse impact on temperature levels or wind velocities on the site or adjoining properties.

11.2.4.2. All attributes included in the definition of Green Buildings.

11.2.4.3. Identify natural and manmade storm and flood protection.

11.2.4.4. Infrastructure including water, sewer, power and data systems.

11.2.4.5. Conservation of public view corridors and vistas; Among Hull’s important visual features are water bodies, parks, beaches, and other OS; landmarks, monuments, and historically and architecturally important buildings and structures. It is the policy of the Planning Board to open up, create, and maintain important view corridors, especially of such landmark features as Boston Light, World’s End, the Weir River, all ocean, beach, bay and harbor views. Boardwalks and site design elements may be used to enhance visual access to these coastal and cultural assets.

11.2.4.6. Dumpster enclosure, loading facilities, any utilities, HVAC and similar service elements locations shall be added as early as possible in design review.

11.2.5. Exterior architectural details, materials, colors. Traditional materials or materials visually indistinguishable and compatible with traditional materials are encouraged, such as cement fiber clapboards without artificial wood texture. Vinyl siding is strongly discouraged. PVC trim, moldings and railings are permitted within the established standards.

11.2.5.1. Awnings and canopies shall be compatible with the architectural style of the building. Colors and patterns used for awnings and canopies shall be subdued and compatible with existing awnings on adjacent buildings.

11.2.5.2. Except for minor trim, the building shall avoid the appearance of reflective materials. Glazing for windows and doors shall be non-reflective.

11.2.5.3. Ground floor commercial building facades facing streets, squares, or other pedestrian spaces shall contain transparent windows. Ground floor facades should avoid blank walls. Wherever possible, existing historic structures on the site shall be preserved and renovated for use as part of the development. Building facades and materials shall be varied to avoid appearance of building mass inappropriate for historic beachfront community.

11.2.5.4. Any alteration of or addition to an historic structure shall employ materials, colors and textures as well as massing, size, scale and architectural features that are compatible with the original structure. Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a historic property shall be preserved.

11.2.6. Roof slopes and shapes. New construction, including new development above existing buildings and/or substantial alterations, shall incorporate gables, dormers, cupolas, towers or other traditional roof forms which will be consistent with the historic architecture of the Town of Hull. Flat roofs are discouraged see S. 11.2.3.4. Roof slopes and shapes shall be varied to encourage appearance of building mass appropriate for historic beachfront community.
11.2.7. Mechanical equipment located on roofs shall be screened and/or enclosed, organized and designed as a component of the roof design, and not appear to be a leftover or add-on element. Roof top mechanicals appropriately screened or enclosed must be below any height allowance allowed for flood protection in the NBOD.

11.2.8. Pedestrian amenities. To the maximum extent possible development in the NBOD shall provide pedestrian amenities, such as wide sidewalks/pathways, outdoor seating/benches, plazas, squares or courtyards. Pedestrian pathways/sidewalks that connect parking areas with adjacent developments are encouraged.

11.3. The Planning Board after consultation with the Design Review Board may promulgate more detailed design standards and guidelines in addition to the above criteria.

12. Incentives for constructing buildings that are adapted to and resilient to the impacts of climate change on coastal communities in designated floodplain districts.

12.1. The purpose of this section is to encourage construction that will withstand increased flood elevations and frequency and intensity of storm events for new buildings and those being substantially improved (costs equal or exceed 50% of the appraised market value).

12.2. This Section provides the following incentives:

12.2.1. The Planning Board will permit projects under S. 12 through the Special Permit procedures (S. 3 of the NBOD). Projects permitted under this Section will be eligible for a rebate of up to $500 on the building permit fees through the Town's established administrative process for "freeboard" rebate.

12.2.2. Buildings will be eligible for insurance savings from the National Flood Insurance Program based on their elevation above the National Flood Insurance Program (NFIP) minimum height requirements. Projects proposed under S.12 must determine and report on their potential insurance savings allowed from NFIP due to their proposed "freeboard".

12.2.3. In order to provide storm and flood protection for new and existing buildings within a Special Flood Hazard Area, as defined by the latest edition of 780 CMR, the Planning Board may allow building heights up to a maximum of forty (40) feet above a non-habitable lowest floor (as defined in S. 42 of this Bylaw) which must be a "Market Hall". The height of the "Market Hall" will be calculated by adding the required flood elevation plus up to six (6) feet of freeboard. Therefore the total building height is calculated by adding the flood elevation plus the allowed freeboard up to six (6) feet and up to the maximum allowed forty (40) feet of habitable space. Buildings cannot exceed the elevation required to comply with 780 CMR by more than six (6) feet.

12.3. In order to receive these incentives, the project must incorporate the following elements into the proposed development:

12.3.1. All buildings must comply with existing Floodplain Regulations as set forth in S. 42 of this Zoning Bylaw.

12.3.2. The lowest floor or story of a building shall not contain habitable space, regardless of the property's location within the floodplain Districts set forth in S. 37 and 42 of this Zoning Bylaw and the property's designation within special flood hazard areas by the Plymouth County Flood Insurance Rate Map (FIRM) issued by the Federal Emergency Management Agency (FEMA) for the administration of the National Flood Insurance Program. Instead, open commercial lowest floor space will be used for temporary non-habitable uses as inspired by the traditional Market Hall that provide utility and ideally, contribute to economic and social activity of the NBOD.

12.3.3. Lowest floor uses may include but are not limited to:

12.3.3.1. Farmer's markets, vendor stalls.
12.3.3.2. Art exhibition and performance art.
12.3.3.3. Beach Reservation Visitors' Center and historic exhibits.
12.3.3.4. Temporary outdoor eating spaces, such as café tables for seasonal restaurants.
12.3.3.5. Parking, provided that the space allotted to parking does not occupy more than 50 percent of the total lowest floor square footage and is screened from other uses by three (3) to five (5) feet height screening with minimum 50% opacity.

12.3.3.6. Facilities to access the habitable floors of the structure, including enclosed stairways, foyers, elevators and similar facilities.

12.3.4. Mechanical, electrical service and HVAC equipment shall not be located on the lowest floor, but rather shall be located on roof or upper stories and screened or enclosed as an integral part of the building design and not as an add-on feature.

12.3.5. Generators sized to meet the emergency electrical demands of the building are located on roof or upper stories.

12.3.6. Underground utility lines and submersible electrical transformers are required where appropriate and feasible.

12.3.7. To the greatest extent possible buildings will be constructed to the highest storm and flood resistant standards for the A Zone, as described in 780 CMR 120 G Flood Resistant Construction and Construction in Coastal Dunes.

12.3.8. To the greatest extent possible, proponents shall incorporate in their buildings and developments the standards for building construction, architecture and site design for “Green Building” as defined in S. 4 of the NBOD.

12.3.9. To the greatest extent possible built landscape features that function to provide storm and flood protection shall be constructed and maintained.