

**Hull Select Board
Final Minutes
February 7, 2024**

The meeting of the Hull Select Board was held at 7:00 p.m. on February 7, 2024 at Hull Town Hall, 253 Atlantic Avenue, Hull, Massachusetts.

Present: Greg Grey, Chair; Irwin Nesoff, Vice-Chair; Jason McCann, Clerk; Brian McCarthy, Member, Jerry Taverna, Member. Also present was Town Counsel James Lampke (remotely) and Town Manager Jennifer Constable.

Before calling the meeting to order Grey led everyone in the Pledge of Allegiance.

APPOINTMENTS

Committee Charge Review and Updates:	Beach Management Committee Hull Clean Energy Committee
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Grey said that the Hull Clean Energy Committee would not be at this meeting.

Susan Mann, Chair of the Beach Management Committee, was present. She said that over the years the Committee has expanded on its original advisory role with a variety of volunteer efforts such as beach grass planting, surveying the beach, tracking the condition of permanent paths and fencing, locating unpermitted paths, and running the Plover Ambassador Program. She said the Committee has received little response or feedback from the Town on their efforts and is requesting guidance from the Select Board as to their role going forward. Chris Krahforst, Director of Climate Adaptation and Conservation, said it is possible that the Committee has served the purpose for which it was originally created and said he feels the Committee needs to know its purpose.

Mann said the Committee has identified two immediate priorities. The first is a name change from the Beach Management Committee to the Beach Management Advisory Committee, which they feel would help clarify their function. The second priority is to establish annual goals, preferably with the help of the Select Board and town staff. They feel that this would help the Committee focus its work and provide appropriate, targeted advice.

Mann said the Beach Management Plan was last updated in 2018 and they feel this should be done again. She said that they would like to apply for a technical assistance grant from MAPC to help with this, but would need the assistance of town staff in navigating the application process.

Mann said that a second area that the Committee feels should be addressed is management of beach access. She said that about a year ago they requested funding for 3 Mobi-mats to be placed on three permanent paths to the beach, but the previous Town Manager felt a study of the access points was needed so that they could be prioritized. She said this study was approved at Town Meeting and is just getting underway. She said that the town currently has 5-7 mats but there are approximately 34 paths in the town and she feels there should be a mat on each one.

Constable said she feels one of the most important things they need to do is update the Beach Management Plan. Krahforst said they need technical support for this and had reached out to MAPC but they indicated they do not feel they have the technical expertise to help with this. He said that some pressing issues with the beach have emerged that do require attention from his department. Mann said that until the Plan is updated the Committee is reviewing the existing plan and making notes about things that need to be changed so that they will have a starting point for a new plan.

Mann noted that in recent years the issue of plovers and beach access has been huge. She said that last year the Committee chose not to take this on but a few members of the Committee did as much as they could to educate the public on this issue. She said that the increasingly high tides that they are experiencing has made this problem more difficult to handle. She also noted that since Covid the population of dogs in Hull has increased dramatically and the

presence of dogs on the beach is a huge problem with the plovers. She suggested that the Town might want to expand the timeframe in which walking dogs on the beach is prohibited.

Constable said that the Beach Management Plan clearly needs to be updated, but she feels this a function of town staff. She recommended that while funding for a new plan is pursued, the Committee should review the existing plan and compile a list of items that still need to be accomplished and determine which functions, such as beach grass planting and the Plover Ambassador Program, the Committee could continue to implement.

McCann said that there might be funding sources other than MAPC for assistance with updating the Beach Management Plan. He said that Cohasset did a Sandy Beach Management Plan with CPA funding and suggested that Hull might be eligible for a similar grant.

Nesoff said he has been attending Committee meetings and is impressed by the dedication of the volunteers. The Select Board thanked Mann for her work and promised that there would be better communication going forward.

DISCUSSION

Rules and Regulations for Consideration of Requests for Host Community Agreements

Constable said that at the last meeting she and Lampke had suggested that the Board could begin reviewing their existing rules and regulations regarding Host Community Agreements (HCAs) and also consider how they would receive applications, what time period they wanted to have for receiving information, and how they would decide which applications they wanted to advance to an HCA. She said that if the Board has any suggested comments or changes to the existing rules and regulations, she would bring these to outside counsel to have her weigh in on them, but said she would like a pause in finalizing the rules and regulations until the questions relative to the bylaw adopted at the 2018 Town Meeting are resolved and until the CCC has issued its template for HCAs. She said that the Mass Municipal Association and the Mass Municipal Lawyers Association have both issued comments regarding the proposed HCA template which are raising additional concerns. She said they are not trying to delay moving forward on this but want to make sure they are doing it properly. She would not recommend accepting applications until all questions are resolved.

Nesoff said that finalizing the rules and regulations for HCAs is a different issue from what information they would like to see in an application in order to move it forward. He said that the current rules contain sixteen points of required information that he feels should be more than adequate in screening applicants. He suggested that they take the section of the Rules and Regulations regarding "HCA Requests to the Board" and use this as an application. He said he would like to start accepting applications because by the time they come in the HCA template should be available and feels this would expedite the entire process. McCarthy agreed with Nesoff, but McCann said he does not feel the application can be separated from the rules and regulations and he would be more comfortable waiting for the guidance of a cannabis law specialist.

Constable said if they do start accepting applications, they would need to set an opening and ending date for their submission and they would need to make clear what information they are seeking. She stressed that since Hull is limited to two marijuana establishments, they need to have clear criteria to determine which entities the Board wants to move forward to an HCA. She also cautioned the Board that the CCC has made social equity a consideration in awarding an HCA. She said that the CCC has a resource guide to equity and HCAs and said it would be helpful for the Board to read this document.

Grey said that given everything he has heard, he would be more comfortable having their rules and regulations finalized before accepting applications. Taverna and Nesoff said they feel it would be reasonable to accept applications with the caveat, suggested by Lampke at the last meeting, that due to the current state of marijuana legislation in Massachusetts, additional information might be required. Both Grey and Constable felt that this potentially creates more work both for applicants and town staff and McCann said it might create confusion with the businesses. Constable suggested that they could delay accepting applications until they know if the Town will need to pass a new bylaw at Town Meeting, which should be clear soon.

ACS attorney, Phil Silverman, said that Hull already has a comprehensive application process in place. He said that the two issues that the Board will ultimately need to focus on are the location of the establishment and its expertise in cannabis and ability to understand all the regulations surrounding the industry. He said he understands that the Town needs to wait on certain questions before granting an HCA, but delaying the application process has been very harmful to ACS. He said they submitted a very complete application in November and have yet to hear anything from the Town.

A member of the public at the meeting asked the Board if the fact that ACS has been operating in Hull for several years would be considered. Lampke said that all applicants would be evaluated in an equal manner and advised the Board not to answer the question.

Nesoff said that waiting for a possible Town Meeting vote would involve significant delays and he thinks they should start accepting applications. Grey said he would not be opposed to accepting applications but feels they should not review them until all the issues are clarified. Nesoff said he agreed with this proposal. Constable suggested that they begin accepting applications as of April 1st, which would allow time for continued discussions with outside counsel and release of the HCA template. Silverman said he does not think that the two applicants who have already submitted applications should be forced to resubmit them but Constable said the proposed solution would preclude that and Lampke agreed.

Motion	Nesoff	That the Select Board will post a notice for RFAs for Host Community Agreements on or about April 1, 2024 with a return date of June 1, 2024
Second Vote	McCarthy 4-0-1	Nesoff – Aye McCarthy – Aye Grey – Aye Taverna – Aye McCann – Abstain

Additional All Alcohol Off-Premises Seasonal Licenses

Before discussion began McCarthy disclosed that he has had business dealings in the past and nothing recent with Bobby Patel, the sponsor of the discussion, but feels he can be fair and objective. He said he has spoken with Town Counsel on this matter.

Constable said that currently the Town has issued all of its All Alcohol Off Premises licenses, but they have received a request to pursue an additional seasonal license. In order to pursue such a license, the Town would need to demonstrate to the ABCC that its seasonal population as of July 10th is projected to increase by 5,000 people. Constable said the seasonal population does not include people who come for day trips to the beach, and the ABCC has recommended that they gather information from local hotels, rooming houses, and bed and breakfast establishments based on their occupancy rates. She said that at this point it does not appear that the numbers would be anywhere near the number that is required by the ABCC for an additional license. She said that even if the numbers warrant an additional license, the Select Board is not required to issue one.

Constable said the more important decision for the Board is whether they would want to issue an additional license. She noted the vote at the Special Town Meeting in August rejecting an additional year-round package store license and said this is something the Board might want to keep in mind when deciding whether to ask town staff to put in the time and effort to gather the necessary data.

Attorney Walter Sullivan, who represents the business asking that the town seek an additional seasonal license, said that in past years the Select Board has certified a seasonal population that would support such a license and said he feels this Select Board should take the actions of past boards into consideration. Constable said they have been unable to document how past numbers were determined, but are now making a good faith effort to document numbers and at this point are not coming even close to the additional seasonal population that is needed. She and Lampke pointed out that the Select Board certifies the estimate under the pains and penalties of perjury and that it is correct to the best of their belief.

Grey and Nesoff both indicated that, based on the vote taken at the Special Town Meeting in August, they would not be comfortable issuing an additional seasonal license even if the numbers warranted one. Taverna and McCarthy felt that it is important to determine an accurate number for the Board to certify and McCarthy emphasized that local businesses deserve to have this information. McCann said he agrees with considering the Town Meeting vote, but said he would be comfortable asking staff to look into this and prepare the numbers. He said that if the numbers were high enough it might change his feelings about issuing an additional license.

There was some discussion about how the data would be gathered and who should be involved in doing this as well as the time frame for certifying the information. It was ultimately the feeling of the Board that they wanted more time to investigate this issue before making a decision.

Motion	Nesoff	That the Select Board table the discussion on pursuing an additional All-Alcohol Off Premises Seasonal license until they have gathered more information
Second Vote	McCann Unanimous	

APPROVALS

Zoning Referrals to Planning Board

- **MBTA Communities**
- **Floodplain**
- **ADU**

Constable said that there will be at least three Zoning bylaws put forward at Town Meeting pertaining to the MBTA Communities Act, Floodplain Management, and Accessory Dwelling Units. She said that the Select Board needs to refer these articles back to the Planning Board so they can move forward with public hearings.

Motion	McCann	To refer to the Planning Board zoning bylaw suggestions regarding the MBTA Communities Act, the floodplain district, and the proposed Accessory Dwelling Unit bylaw
Second Vote	Nesoff Unanimous	

Marie Pizziferri and Beth Stolloff, Residents, Brookline Avenue re: Request for road closure of Brookline Avenue (from Kingsley Avenue to Brockton Circle) on August 10, 2024 from 4:00 p.m. until 7:00 p.m. for a Block Party.

Motion	McCarthy	To approve a road closure of Brookline Avenue, from Kingsley Avenue to Brockton Circle, on August 10, 2024 from 4:00 p.m. to 7:00 p.m. for a Block Party, with a rain date of August 11, 2024, subject to approval by Public Safety
Second Vote	Taverna Unanimous	

Constable told the applicant that she should forward the details of the request to her office so that she can send them to the Police Chief and Fire Chief for their approval.

McDevitt Enterprises, Inc. dba Jo's Nautical, 125 Main Street, Stephanie Aprea, Mgr. re: (A) All Alcohol General on Premise; (B) Entertainment (Live, Jukebox, DJ, Karaoke) (Change of hours to include Wednesdays from 4:30 p.m. until 1:00 a.m.)

Grey noted that the Select Board has only received an application for a Change of Hours for the All Alcohol license but at this point has not received an application for a change in the Entertainment license. He asked if the Board wanted to postpone action on this until they have received the Entertainment application.

There were a number of residents at the meeting and several expressed concerns about the impact of outdoor music on the surrounding neighborhood. Questions were also raised about what time entertainment was to stop in the patio area and whether management was adhering to the hours set in the existing license.

Lampke suggested that since there were questions and concerns being raised, the Board should consider postponing action on this application to another meeting so the proponent could be present and answer the concerns of the residents. One abutter asked that the date and time of this meeting be published well in advance so that residents of the neighborhood could plan to attend. There was a brief discussion about the posting of Select Board agendas, and Grey noted that there is a link on the Town website that allows Hull residents to receive agendas as soon as they are posted.

Motion	Nesoff	To table the application of McDevitt Enterprises, Inc. dba Jo's Nautical, for a change of hours of their All Alcohol General on Premise License to the meeting of the Select Board on February 21, 2024 to allow the applicant to submit an application for a change in the Entertainment License and to appear before the Board to answer questions and concerns regarding their licenses
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Second Vote	McCann Unanimous
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Armando Aguilar, Manager, 440 Nantasket Avenue, Hull Knights of Columbus Re: One Day Liquor License on Sunday, February 18, 2024 from 1:00 p.m. to 5:00 p.m. for Baptism.

Motion	Nesoff	To approve the request of the Hull Knights of Columbus for a One Day Liquor License on Sunday, February 18, 2024 from 1:00 p.m. to 5:00 p.m. for a Baptism
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Second Vote	McCarthy Unanimous
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CORRESPONDENCE

Philip Maloney, Member, Hull Historic District Commission re: Letter of Resignation

Constable said she would send a letter of thanks to Mr. Maloney for his service on the Commission.

UPDATES

Constable said she did not have any updates at this time.

McCann said that Hull Pride is having their Valentine's Dance on Saturday starting at 7:00 p.m. and will be donating \$5,000 from the proceeds for a scholarship for a Hull High School student. He said this event is open to everyone.

McCarthy said he is making progress on the Beautification Committee and had reached out to Betty Russo, the President of the Hull Garden Club for input. He said she asked if this committee would have any say in the placement of memorial benches in the town and also asked if the town would be able to provide any money to help with their cleanup efforts. Constable said she would look into this to see if it would be possible but noted that providing funding for one committee might raise problems with other committees. She asked McCarthy to send her an email with an idea of what amount they might need and how the money would be used, and said that once the Committee decides what projects they would like to undertake, they should have a discussion about how the town can help them move forward. Nesoff said he thinks providing money in the budget for the Beautification Committee might be problematic as he knows there are other committees that could use financial help. He said he thinks the Select Board should establish a policy about how to handle monetary requests from town committees.

Taverna said he would like to have periodic updates on various issues and projects in the town such as the road paving plan, the telephone poles on the railroad beds, and the conversion of Beach Avenue to a one-way road. He also congratulated McCarthy on the birth of his new grandnephew, Jack.

On a motion by Nesoff, seconded by McCarthy, the Board voted unanimously to adjourn.

Recorded by Kathleen Fanning

Approved by:

Documents

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

- Agenda for Select Board Meeting on February 7, 2024
- Select Board Rules and Regulations for Host Community Agreements
- Materials related to proposed Zoning articles to be referred to Planning Board
- Request from Marie Pizziferri and Beth Stoloff for road closure on Brookline Avenue on August 10, 2024
- Application from McDevitt Enterprises, Inc. for Change of Hours of All Alcohol General On Premise License
- Application from Hull Knights of Columbus for One Day Liquor License on February 18, 2024
- Letter from Philip Maloney resigning from Historic District Commission