

**HULL PLANNING BOARD**  
**253 Atlantic Avenue, 2nd floor**  
**Hull, MA 02045**

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**January 25, 2017**

**Members Present:** Harry Hibbard, Chair; Steve White; Steve Flynn; Nathan Peyton; Jeanne Paquin; Joseph Duffy

**Members Absent:** Jason McCann

**Staff Present:** Chris DiIorio, Director of Planning and Community Development

**7:30 p.m.** Hibbard called the meeting to order.

**0 Rockland Circle**

Developer Tom Meade was present to request the release of all of his occupancy permits for 0 Rockland Circle. He had provided a memo addressing outstanding issues regarding the site plan.

Regarding condition 4A, the requirement to remove three light poles in the pocket park area, Meade's memo stated that in earlier discussions he had with former Director of Planning and Community Development Robert Fultz, Fultz had stated that it was not feasible to move two of the light poles since they carry not only Hull Light power lines, but other cable and telephone wires as well.

DiIorio stated that Hull Light Operations Manager Panos Tokadjian had indicated that it was not impossible to move the poles, but they would have to get permission from the cable companies to do so. Meade said he hadn't contacted them after the conversations he had with Fultz. He said that Verizon and Comcast have year-long waits for moving wires and that the cost of putting them across the street or underground would be prohibitive. He stated that Fultz had told him that this requirement could be waived.

Regarding condition 4D, Meade's memo asked if the requirement to post a \$6,000 maintenance surety was acceptable in any form other than cash and stated that his branch manager at Eastern Bank has offered to put a hold on one of his operating accounts with a letter of understanding that the Town could draw the funds in case of default.

Regarding the textured crosswalk, Meade's memo stated that they were not able to install this before the winter and that this type of crosswalk cannot be installed in cold weather. He stated that he has provided the cost estimate from Hub Construction, and he thinks that Hub will post a bond to guarantee completion.

Regarding condition 10J, the memo noted that the plantings were completed on October 21, 2016 and there is no one-year guarantee from the landscape contractor, but the town has the \$6,000 maintenance surety and the requirement of a review meeting regarding park maintenance after the first year.

Regarding exterior lighting his memo noted that they have removed the exterior flood light from the north end of the building.

Paquin asked if the easement had been registered with the Plymouth County Registry of Deeds. Meade said this had been decided by Town Counsel James Lampke and had been signed and recorded with other documents.

Regarding the paving of the parking area, Meade said that they need to put a top coat on, which can't be done now due to the weather. DiIorio said that if the only thing left was the parking area, there could be a surety, but since it is on private land there is a question of whether a surety would be acceptable. He stated that the board could hold one Certificate of Occupancy as surety on everything. Meade said that all of the condos are under agreement. Three will close within the next week and the latest closing date is February 17. He further stated that he has a contract with Hub Construction to do the work.

Hibbard stated that he wanted to hear from Attorney Lampke as to whether the alternatives to surety that Meade has raised are acceptable to the town. The sureties are \$6,000 for maintenance, \$7,500 for paving, and \$1,500 for the crosswalk. Duffy said that there had been four or five meetings to put the conditions together and he wants to be sure that the town has the leverage it needs.

White said he had confidence that these would get done, but said that if the pole was agreed on, from an aesthetic standpoint the pole removal would make it a real park. Hibbard said that the timeline for removing the pole would be very long and questioned whether the board wanted to hold up five sales for that. Paquin said they would have to amend the conditions to reflect that it was not possible or feasible to move them. Meade said that Fultz had said the cost could run into the hundreds of thousands of dollars.

Peyton said that they should get specific numbers on how much moving the poles would cost and how long it will take. He said that the board would need to decide whether a change to the conditions would be a minor or major amendment and if it is major, they will need to have a public hearing. He said that the expectations of the community are important. Dilorio noted that the board needs to give fourteen days' notice for a public hearing.

Hibbard said that they can hold out the last Certificate of Occupancy and get all the other matters clarified over the next three weeks. Duffy asked Dilorio to expedite getting information from Fultz and a cost estimate from Tadajkian.

The board moved as follows:

<b>Motion</b>	Flynn	Motion that we release three of the certificates for tomorrow or Monday depending on when we get the surety for the \$6,000 and the bond from Gratta and have a hearing on the moving of the poles if necessary after discussing with Fultz and getting information from Tadajkian.
	Amended motion by Paquin	Amend the original motion to exclude any talk of the hearing or how we are going to deal with the light poles and just make a motion to vote to release these three of the Certificate of Occupancy with the provision that we get the maintenance surety and the bond relative to the crosswalk work and we also want to see a copy of the bond for the paving.
	Amended by Duffy	To include: "and that both are acceptable to the board."
	Amended by Paquin	To include: "contingent upon Dilorio receiving the required documents."
	Amended by Duffy	To include: "and running them by Jim Lampke."
<b>Second</b>	Duffy	
<b>Vote</b>	No vote	

Hibbard then made a substitute motion as follows:

<b>Motion</b>	Hibbard	Motion to release three of the four remaining Certificates of Occupancy upon receipt of satisfactory evidence of the maintenance bond, Hub Construction security for the textured crosswalk, and some evidence of security for the driveway paving.
<b>Second</b>	Duffy	
<b>Vote</b>	Unanimous	

Dilorio will get updates from John Chessia, Don Ritz, Robert Fultz, and Hull Light. The board can then decide what to do about the final Certificate of Occupancy.

## Minutes

The board approved minutes as follows:

<b>Motion</b>	Duffy	Motion to approve the minutes of November 4, 2015
<b>Second</b>	Paquin	
<b>Vote</b>	Unanimous	

### **CDBG Program Income and Bay Avenue East Application**

Dilorio said that they are moving ahead with the application for the Bay Avenue East CDBG and have hired Breezeway Consulting to do the work at a cost of \$2,000. He stated that there will be a public hearing at a meeting of the Board of Selectmen. They will not be making any changes to the plans and the cost estimates are the same. The application is due on March 10.

He further noted that the town has gotten about \$150,000 back from past grants, and the DHCD says this is no longer program income. Town Manager Philip Lemnios has told him that this can be put into a fund that the Planning Board administers. He said the town accountant will ascertain what the money can be used for.

### **Zoning By-law Amendments**

The board discussed the composition of the task force designated to discuss the implementation of the pending marijuana law in order to recommend a Town Meeting Warrant article. The task force is composed of representatives from the Fire and Police Departments, Jennifer Butler Richards from the Board of Health, Eric Hipp from the School Committee, a member of HAPSA, Jennifer Constable from the Board of Selectmen, and Dilorio. The Chamber of Commerce will select someone at its next meeting. Hibbard volunteered to be the Planning Board's representative. White said that the meeting with the Selectmen got the Planning Board's point across and made some people think about the issue in a different way.

### **New business**

Dilorio said that the signing ceremony for the Community Compact will occur on February 14 at 10 a.m. and Lemnios would like to know if the Planning Board could send a designee.

Flynn provided an update from the Capital Outlay Committee, stating that it has decided to go for a debt exclusion again. The use of funds from a potential debt exclusion hasn't been determined. The committee is also reviewing what CPA funds can be used for and will get Department of Revenue guidelines on this. There were also questions about whether CPA recommendations can be made or changed at town meeting, and questions about how funds from the capital program that are freed up if some of those projects can be funded under the CPA can be used.

Peyton stated that he will not be running again for the <sup>chair</sup> South Shore Coalition and there will be a new representative. He stated that the Legislative Breakfast will be held at the Nantasket Beach Resort on the seventh.

**At 9:35 p.m. the Board voted unanimously to adjourn, on a motion by Duffy, seconded by Paquin.**

Minutes approved:  Date: 3-27-17

**The following documents were submitted and are part of the official records:**

- Planning Board agenda for 1/25/17
- Minutes for the meetings of November 4, 2015
- Memo from Tom Meade regarding 0 Rockland Circle
- Application for endorsement of ANR for 195 North Truro St.