

Hull Board of Selectmen
Minutes
April 26, 2011

The meeting of the Hull Board of Selectmen was called to order at 7:40 pm on Tuesday evening, April 26, 2011, at the Hull Municipal Building, 253 Atlantic Avenue, Hull, Massachusetts.

Present: Domenico Sestito, Chairman; Dennis Blackall, Vice Chairman; and John Reilly, members. Also present were: Philip Lemnios, Town Manager and James Lampke, Town Counsel.

Not Present: John Brannan, Clerk; Christopher Olivieri, member

Appointments

7:40 pm: Joshua James Award: Fire Chief Hollingshead and Deputy Chief Russo acknowledged the Joshua James Life Saving Award. Michael McDevitt and Capt. Robert Mitchell received this award as a result of their actions on the morning of April 10th when they redirected their boat and saved the life of a 42 year old male who had jumped from the Tobin Bridge. Hollingshead presented the Joshua James Award plaque to the Board of Selectmen asking that it find a place in the room as a reminder of this great award.

7:45 pm: Continued Public Hearing - Steven B. Shuman, 119 Touraine Avenue - Request to store two unregistered vehicles

Sestito swore in Steven Shuman, his attorney Mr. Grossack and members of the public who wanted to speak at this hearing.

Sestito read comments from the Chief of Police stating that both vehicles are viewed to be off the road and in his opinion, the Sergeant feels the vehicles are properly stored. Shuman's attorney at this time presented pictures that had been requested at the original hearing two weeks ago.

Carlos Eduardo, Mike McDonough and Dr. Richard Rosenthal are all abutters to Shuman's property and the cars border the properties of both Eduardo and McDonough, Rosenthal has full view of the vehicles. They all voiced great concern that this is a symptom of a much larger problem. It was suggested that Shuman insure the cars and park them in his garage, but the structure itself is unsafe. Neighbors claim that there are animals living in the cars and there is concern for the children and any harm that may come from these animals. In answering Blackall's questions, Shuman stated that the Chevrolet hasn't been driven since 2000 and the Buick earlier this year. He hasn't begun any restoration work, has been saving money for that.

Move - Blackall Not to approve the 2 vehicles

Second -

There was no second to Blackall's motion

Move - Reilly To approve a one year license with the following stipulations:
certification that all fluids are drained, cars are kept covered,
animals are not living in the cars, fee is \$25 per vehicle.

Second - Sestito Roll Call Vote - Reilly, aye, Sestito, aye, Blackall, nay

For discussion

Reilly asked Lampke about the bylaw. Lampke said a person can get a permit from the Chief of Police for one unregistered vehicle. If they want more than one they go through the process of going through the Board of Selectmen. Lampke said the abutters would have the opportunity to appeal the permit. The provision states that the permit can be revoked if it is determined that the vehicles decrease value of property. Blackall stated that Wellspring offers the opportunity to negotiate these types of situations, they do mediation for these types of areas. Reilly explained that his trouble with some bylaws is what is a public hazard, a hazard to public safety, a public nuisance - that puts us in a position to try and define it. Lampke explained that there are definitions that are set forth in case law. Lampke paraphrased a nuisance interferes with someone's general use of property - there other definitions as well. Lemnios asked Lampke if all 3 standards have to be met or can one be met. Lampke said that if the board determines that if any of the standards do not exist they can deny the license. If they determine that if one of the standards are met the board can decide from there if they will approve the license. Blackall asked Lampke to reiterate the definition of nuisance. McDonough said the cars have oil and gas in them and asked how long will it be before these things start leaking into the ground. Grossack said that there will be a check and if there is oil and gas they will be drained immediately. 8:35 pm: Sestito closed the hearing.

8:37 pm: Peter Hood - Veterans Agent

Lemnios introduced Peter Hood who has been appointed as the Veterans Agent for the Town of Hull. Hood at this time spoke briefly about his experience and has been a Hull resident since 1975. His goal is to assist veterans and their families so they can maintain a respectable quality of life. Blackall asked how he served. He explained he served as a medic in the army from '70-'71.

8:41 pm: Bob Fultz - re: George Washington Boulevard Project

Fultz spoke about funding from the Mass Highway Department for a transportation corridor study on George Washington Boulevard and Summer St to the Hingham rotary. He gave the full project need form to the Board. It is very timely for a number of projects going on along the boulevard. This study would be in conjunction with Hingham. What he would like them to do would be to look at this roadway in terms of creating a multimode transportation system for bikes, pedestrian, and cars and also to protect the environment such as run off, etc.. He said if we can get a good transit connection and a good parking program as well, it could reduce air pollution caused by vehicles. It would also help with economic development and he mentioned the seasonal ferry. Sestito asked which ferry Fultz was referring to. Fultz said that right now to bring the ferry into Nantasket Pier it doesn't look like that will happen this year. Sestito asked how far along Hingham is with this study. Fultz said they are working with Hingham and getting their input. Blackall mentioned that Hingham is in the process or were going to start to renovate the rotary but has been delayed due to state funding. This would interface and integrate with that project. Audience member Rhoda Kanet said that Hull has been a real visionary in terms of becoming more bicycle friendly and looking for alternative ways to travel in and around Hull. Audience member Samantha Woods, lives off of the Boulevard, and as a neighbor would like to suggest the town whole heartedly take a look at this.

Move - Reilly	To approve and authorize submission of this Project Need Form in conjunction with the Town of Hingham to the Mass Highway Department for funding for the George Washington Boulevard/Summer St. Transportation Corridor Study.
Second - Blackall	Vote - passed unanimous

8:36 pm: Public Hearing - Joseph Agostino dba Beach Food, 245 Nantasket Avenue - re: Change of Location for All Alcohol (Annual) License

Sestito opened hearing and then postponed to address other issues

Swore in all to testify

Hearing recessed.

8:59pm: Hearing reconvened

Sestito, Reilly and Blackall all submitted for public record that they have all had campaign events at Agostino's restaurant locations. He wants to relocate from 265 to 245 Nantasket Ave. Agostino submitted a floor plan to the Board; 11 seats at the bar, kitchen, 66 in dining area. Blackall asked how parking was going to be addressed. Agostino said that he will have more parking than he does now. Agostino is hoping to be done by mid-June. Audience member Anne Murray has concerns, that 265 is owned by the town. Lampke confirmed, and that Agostino is a lessee and as part of the proposal he is showing the renovations he wants to make. If the board approves they will also be approving the reconfigurations of the building. It will not be at the Town's expense, it is all at the lessee's expense. Murray asked about current seating capacity is for 265, is it expanding what the current seating is within that building. Reilly stated that it will be lessee's improvement of the property. Lemnios explained that the current location accounts to 92, so it will be a decrease in seating. Reilly asked Agostino if there has been a filing for plumbing, electrical, building permits, before the design review, conservation review. Agostino said yes to all. Lemnios explained that the Board in their role as a licensing body does not get into those plans. Agostino said that he brought the basement to the same level as the other kitchen. In the back will be a sub shop, in the front will be a restaurant. Agostino explained to the Board members more specifically what the plan was that he presented tonight in hopes that they would be able to explain it more effectively. Lampke said the current seating capacity in 2001 when it was Oasis restaurant, was approximately 55 in dining room, 18 at the bar for a total of 73 the last time someone went there as a sit down restaurant. Sestito explained to the audience what the plans that were presented tonight actually cover, specifying that the interior is the primary change. Lemnios addressed the concern regarding the traffic pattern of the new location by stating that there is a traffic signal and crosswalk at that location.

Move - Reilly	To approve the transfer of the license based on the floor plan that was presented this evening, a copy of the design review report, what was specified to the esthetics of the building, parking plan
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Second - Blackall	Vote - Passed unanimous.
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Lampke said there is already a common victualer l at the new location and if there are any changes that affect the common victualer license he will then have to come in front of the board.

9:55 pm: Hearing closed.

10:02 pm: meeting called back to order

10:02 pm: Public Hearing - Beach Fire, LLC dba Beach Fire, Lawrence DeFranco, Manager, 42A State Park Road - re: Change of description to the All Alcoholic (Annual) License
Hearing opened: Sworn almost entire audience.

DeFranco gave an update, along with some plans to the Board regarding changes that are being made as a result of damage from the December 26, 2010 storm. They are looking to turn the 2 indoor decks to outside decks as opposed to the “3 season rooms”. The floor plan is staying the same, but the back part of the room that was enclosed is going to be an outdoor deck. In '07 it was an outdoor deck and was enclosed, now they are looking to have it as outdoor again. The interior was cut where the bar was raised on one side, it has now been leveled out and the bar now is straight and faces the ocean. Seating capacity is the same. Sestito brought up the past concern of residents of noise, now opening the rooms up to be decks, how is that going to effect noise level. DeFranco doesn't see there will be an increase in noise, there will only be dining out there. Lampke asked relative to that if there is going to be any change to piped in music outdoors. DeFranco said he would follow the entertainment guidelines. There won't be any speakers on the deck areas. DeFranco has an anticipated completion date of next week with an opening date of May 7th. DeFranco confirmed that he did notify the abutters and he gave Lampke the green slips that were returned from the notification. Dave Dunlap said that he got a call this evening about the hearing, felt that the owners should have talked to abutters about the noise level. Blackall and Reilly thought the decks could be open provisionally with a hearing to take place in the future for a final decision. Reilly asked Lampke if there is any verbiage that would be binding. Lampke suggested approval for trial period of 30 days in terms of the use of the decks.

Move - Reilly	To approve the amended changes to the first floor to the bar area at this time.
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Second - Blackall	Vote - Passed unanimous
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Move - Reilly	To approve a trial period until June 7th for use of the decks, applicant will reissue notification to abutters with list from Assessors' list for June 7th meeting and abutters are welcome to come to the restaurant during the 30 days.
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Second - Blackall	Vote – Passed unanimous
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DeFranco understood and did not oppose the trial period.

Reilly proposes a site visit before the Board votes.

10:54pm: hearing closed

Correspondence

1. Hull Yacht Club - re: Request to have a yard sale at Mariner's Park: Sestito read letter from Hull Yacht Club requesting permit Sunday 6/19 8am-1pm, they will have required insurance prior to sale date.

Move – Reilly To approve the yard sale at Mariner’s Park with the stipulation that they meet all requirements to obtain the permit and have the required insurance.

Second – Blackall Vote – Passed unanimous

2. Hull Boosters Club - re: Request to have a Toll Booth at Miller’s Crossing: Sestito read letter From Nancy J. Sullivan for the Toll Booth on June 11th from 9-12pm.

Move – Blackall To approve the Toll Booth event for the Hull Boosters Club on June 11 from 9-12pm

Second – Sestito Vote – Passed unanimous

Licenses

1. Knights of Columbus, 440 Nantasket Ave. - One-day all alcohol for May 14, 2011 from 5pm to 10pm

Move – Reilly To approve the one-day all alcohol for May 14, 2011 from 5-10pm

Second – Blackall Vote - Passed unanimous

2. Knights of Columbus, 440 Nantasket Ave. - One-day all alcohol for May 20, 2011 from 7pm to 11pm

Move – Reilly To approve the one-day all alcohol for May 20, 2011 from 7-11pm

Second – Blackall Vote - Passed unanimous

3. Carol A. Morris - Parking for 900 cars at HRA lots A & B - Renewal - Operator

Move – Reilly To approve the parking for 900 cars at the HRA lots A & B

Second – Blackall Vote - Passed unanimous

Miscellaneous

Rhoda Kanet invited everyone to the 2nd Annual Candidates’ Night at the Temple on May 5th at 7pm.

New Business

Sestito put out a reminder that this Thursday, April 28 at the Nantasket Beach Resort is the first Hull Hero Award event at 7:30pm. All are invited to attend.

Blackall asked if 8 Hillside or Marston Inn has been sold. He mentioned the Energy Conference. He said the School Department wants to go to Town Meeting to solicit funds for the schools. He suggested that it would make sense if an article (a paragraph) was sent to Hull Times explaining the process. Lemnios explained that one of the concerns expressed by people is to not have monies moved into the stabilization fund. Right now the proposal is to move an

estimated \$600K of free cash into stabilization fund at the Special Town Meeting. That would require a 2/3 vote to go in or out for any potential use.

Reilly got a call from the Chairman of the War Memorial Commissions about a memorial for Staff Sgt. Patrick Kinnealy at Packard St. and Nantasket Ave., and Merrill F. Noddin, who was in WWII and Korea and served in the Army, at Holbrook and Meridian.

Move - Reilly	To approve the locations and requests for these two memorials
Second - Sestito	Vote - Passed unanimous

Reilly asked for an update on the sewer work that is going on. Lemnios explained that typically you isolate a section of pipe and there is a truck that pumps in hot water and then a liner will be put in to seal it to make sure that ground water doesn't infiltrate into the pipe. Process should be completed in 2-3 weeks. It really goes to the efficiency of the operation, there is an indirect savings by diminishing the waste that you are treating. HE suggested that when people leave the HRA parking lots, he would like to look into having people wait in the parking lots and have a police officer directing them out as opposed to blocking up side streets, etc. Reilly announced that Congressman Bill Keating would be at Town hall on May 17, 10-12 meeting constituents.

Lemnios passed out pamphlets and an update on the Hull Offshore Wind Workshop.
Summarizing R&D efforts.

Move - Blackall	To adjourn meeting at 11:27pm
Second - Reilly	Vote - Passed unanimous

Meeting adjourned at 11:27 pm

July 26, 2011
Approved