

# Hull Board of Selectmen

## Minutes

May 18, 2017

The meeting of the Hull Board of Selectmen was called to order at 7:30 p.m. on Thursday evening, May 18, 2017, at Hull Municipal Building, 253 Atlantic Ave., Hull, Massachusetts.

Present: Kevin Richardson, Chair; Christopher Mitchell, Vice-Chair; Domenico Sestito, Clerk; John Reilly, Jr., Member, and Jennifer Constable, Member. Also present were Philip Lemnios, Town Manager; and James Lampke, Town Counsel. [Note: Reilly and Constable arrived at 8 p.m.]

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### APPOINTMENTS

#### Five Season Nantasket Beach Study

Conservation Administrator Christian Krahforst was at the meeting to present the selectmen with the 5 Season Nantasket Beach Study that has been prepared for the Department of Environmental Protection. This document contains beach profiles, storm damage surveys, an analysis of the effectiveness of Beach Management Plan; and recommendations for preparing a Notice of Intent for future activities that require one.

Lemnios noted that the chief difference in the beach since 2012 is the annual presence of nesting piping plovers, during which season the town works with Mass Audubon on protection measures. Krahforst noted that there are new bio-maps under review which will update the lists of endangered species and species of special concern in Hull. He stated that it is not yet known how these new categorizations will affect the town. He further stated that the Beach Management Plan will have to be updated to reflect the presence of the plovers and the steps taken to protect them.

The selectmen approved the 5 Season Nantasket Beach Study as presented tonight and authorized the Chair to sign on behalf of the board as follows:

<b>Motion</b>	Sestito	So moved
<b>Second</b>	Mitchell	
<b>Vote</b>	Unanimous	[Reilly and Constable not present.]

### LICENSES AND APPROVALS

The board approved the following:

<b>Motion</b>	Sestito	Motion to approve Theodore Sapienza, Hull Fire Department, for a road closure due to Kids Care event at Hull Central Fire Station on June 3, 2017 from 1-3 p.m.
<b>Second</b>	Mitchell	

<b>Vote</b>	Unanimous	[Reilly and Constable not present.]
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<b>Motion</b>	Sestito	Motion to approve John Donlon, 48 Beach Plum Lane, Cohasset, for South Shore 3 Beach Minimum Half Marathon on September 30, 2017 at 7:30 a.m., subject to public safety review
<b>Second</b>	Mitchell	
<b>Vote</b>	Unanimous	[Reilly and Constable not present.]

<b>Motion</b>	Sestito	Motion to approve permission for road closure for Third Street between Whitehead Ave. and Edgewater Road for annual party from 6-10 p.m. on Saturday, July 29.
<b>Second</b>	Mitchell	
<b>Vote</b>	Unanimous	[Reilly and Constable not present.]

In addition, the board approved the submission of Town Meeting certification documents to the Attorney General and Governor as follows:

<b>Motion</b>	Sestito	Motion to request a Governor’s message to confirm and ratify the action taken at the town meeting as listed in the warrant and votes.
<b>Second</b>	Mitchell	
<b>Vote</b>	Unanimous	[Reilly and Constable not present.]

## **CORRESPONDENCE**

### **Memo from William Leamy regarding Hull Memorial wall plaques dedication**

A memo from Veterans’ Agent William Leamy informed the board of the dedication of the Hull Memorial wall plaques on Saturday, June 17, at 11 a.m. General Richard Neal, USMC (ret.) will be the guest speaker. The dedication will add ten names to the Vietnam War plaque; 53 names to the Korean War plaque; 61 names to the WWII plaque; and 32 names to the WWI plaque.

The board then took a ten minute recess. Reilly and Constable arrived at this time.

## **Public Hearing: Sunset Bay Marina LLC, dba Local 02045**

This was a public hearing regarding an application from Sunset Bay Marina LLC, dba Local 02045, located at 2 A St., for:

- Alteration of description of the licensed premises for the existing All Alcoholic (seasonal) as a Restaurant License, the existing Common Victualler License, and the existing Entertainment License;
- Transfer of the All Alcoholic (seasonal) as a Restaurant License (existing or as amended) to LOCAL 02045, LLC (Lisa Powers, proposed manager);
- A Common Victualler License and an Entertainment License to LOCAL 02045, LLC (Lisa Powers, proposed manager)

As Attorney Lampke described this, the current licensee is seeking to add to the existing all alcohol, common victualler, and entertainment licenses; after which the new business owner seeks new common victualler and entertainment licenses as amended, and lastly seeks transfer of the amended all alcohol license from the current licensee to the new business.

### Summary of discussion:

The existing licensee wishes to amend the existing all alcohol, common victualler, and entertainment licenses to modify the number of floors in use during daily operations and the total number of seats.

Present for the applicant at the meeting were:

- The applicant's attorney Jeffery Tocchio, of Drohan Tocchio & Morgan
- Will O'Connell, owner of Local 02045
- Lisa Powers, general manager
- Current licensee Robert Folsom

Numerous members of the public were present. All those who wished to speak were sworn in at the beginning of the hearing.

Tocchio presented the applicant's plans as follows. The restaurant currently has 85 seats on the third floor; 140 on the second floor which is restricted to function use only; for a total of 225 seats. The current licensee, Robert Folsom, seeks to amend this as follows:

- 85 seats on the third floor
- 140 seats on the second floor, with the function-only restriction removed
- 30 additional seats on the first floor.
- Total seating: 255.

The applicant also seeks approval for the sale of alcohol on all three floors and the use of entertainment on all three floors. The hours of the establishment will remain the same and the hours of entertainment will not change. The applicant states that he will not have live entertainment on more than one floor at the same time. There will be dance floors on all three floors and alcohol on a seasonal basis on all three floors as well. There will be four televisions on each floor and a sound system for ambient music. Hours for entertainment are 11 a.m. to 11 p.m., Sunday through Thursday, and 11 a.m. to midnight on Friday and Saturday.

Tocchio stated that the applicants have a long track record and runs a number of restaurants on the South Shore. He stated that of the 100 people currently hired, over half are Hull residents. He described the owners as problem-solvers who are committed to addressing all issues with their properties. He stated that they have already established hiring police details on weekend nights to control external noise and parking issues. He presented letters from Police Departments in other towns in which the owners have restaurants, as well as a letter of support from Hull Lifesaving Museum.

The property has previously been through Site Plan Review. The possible use of parking attendants, valet parking, and golf cart transportation was discussed. He stated that employees will not park in the restaurant spaces, but down near Nantasket Avenue.

Mitchell expressed concerns about parking availability. Constable expressed concerns about noise problems in the residential neighborhood. Reilly stated that Folsom is responsible for the parking issues and the portions of the Site Plan Review that apply to parking should be attached to any license transfer.

The following residents voice concerns about the project:

- Charles Gould, 61 Halvorsen Avenue, stated that he was concerned about the hours of operation and parking.
- Gerry McLoughlin, 15 A Street, said that he wondered where the parking spaces were, as the spaces in front of the building belong to the town and some of the marina's spots have boats in them. He also stated that there is a history of many noise complaints for that location and that every time doors open there is noise in the neighborhood.
- Marybeth Lidington, 2 C Street, stated that when she had a bed and breakfast there was frequent noise from the restaurant at the location, as well as parking problems. She stated the noise is increased by the effects of the wind and water. She said there is not enough parking.
- Vic Paglierani, 9 B Street, stated that the employees don't park away from the restaurant. He said that golf carts will just drive around and identify all available spots in the neighborhood for restaurant parking. He said that he has had tire tracks in his front yard and people have urinated on his house.
- Jan O'Neill, 3 Prospect Street, stated that she is concerned about both noise and parking. She stated that there have been many promises made by various restaurant owners at the location and none of them have been fulfilled. She said that there is not enough parking, the area is a safety hazard, and there have been no neighborhood meetings. She would like to see a plan in writing.
- Greg Cove, 2 F Street, asked how many spots were for the marina and how many for the restaurant. He is concerned about parking.
- T.J. Stevenson, 1 A Street, stated that there is not enough parking and the noise is detrimental to the neighborhood. He also noted that delivery trucks arrive at 4 a.m. and sit there for two hours.
- Cathy Craig, 7 Central Avenue, stated that she is concerned about noise, parking, and safety.
- Don Kidston, 16 Milford Street, stated that there is noise from the inside of the restaurant and that the Bay Avenue East project, if approved, would eliminate some street parking. He also said that the dumpster was left open and a crow was distributing trash.
- Gail Franzen, 16 Milford Street, stated that she has an issue with the serving of liquor as late as is proposed. She said that after the restaurant closes the party moves to the boats. She would like contract numbers to call.
- A resident at 12 Milford Street was concerned about the noise.

- A resident at 10 Milford Street asked where the handicapped spots were going to be.
- Mike Schiller, 9 Milton Street, said that the owners run a good operation but he was concerned about the delivery trucks at 4 a.m.
- Allen Cardoos, 9 Central Avenue, stated that when there is a function at the restaurant there is a big problem with parking and with lingering after the function.
- A resident at 16 Milford Street suggested adding up how many legitimate parking spaces exist and creating models for parking scenarios and problems.
- Dana Zahka, 3 C Street, was concerned about parking.

The business owner, Will O’Connell, stated that he is committed to addressing any mistakes that are being made and any mistakes made in the future. He stated that he was committed to fixing any problems that occur. He said that the first floor will be geared to boaters, the second floor to families, and the third floor the same as it is now.

The manager, Lisa Powers stated that she lives in Hull and is committed to both the town and the restaurant. She said that she wants to hear about any problems and said that she makes herself available to take any complaints and respond to them.

Lampke suggested that there be a list of managers’ cell phones provided to abutters and that there will be signs in the restaurant regarding noise and parking and it being a residential neighborhood.

Reilly suggested the following:

- That the windows be shut at all times
- That there are no more 4 a.m. delivery trucks
- That a copy of the marina rules is available from Folsom
- That information is obtained from the fire chief regarding windows and from the police regarding Bay Avenue East
- That there be a copy of planning board conditions attached to any license
- That there be a manual on hand for police.

He said that he would like the board to take a week to consider how to proceed, but that he would like to let them get started for Memorial Day.

Lemnios said that the plan for the marina was put into place ten years ago and the success of the marina has far exceeded expectations so the plan should be revisited. He said that the parking issues in the neighborhood won’t be resolved right away and suggested that there is a need for a working group to address the issues, and that perhaps the Parking Committee could become involved. He noted that the property is zoned for business use, and there is nothing that can prevent a business from using it.

Constable said that the board wanted to be responsive to businesses, but the parking and noise issues needed to be addressed. Folsom offered to meet with neighbors once a month. He stated that the restaurant has a five year lease, with the option for five more.

The board took a ten minute recess and then voted as follows:

<b>Motion</b>	Sestito	Amend the description of the license premises for the existing all alcohol
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		<p>(seasonal) as a restaurant license for alcohol service on the first floor and on the second floor as dining rooms. Amend the entertainment license to include entertainment on the first floor with the restriction of no live entertainment on the first floor and for the second floor with no live entertainment on the second floor. And amend the common victualler license to include the first floor and the second floor as dining rooms. All of the foregoing are subject to the following conditions:</p> <ul style="list-style-type: none"> <li>• No deliveries or pickups prior to 8 a.m. Amended by Constable to 7 a.m. Amendment accepted.</li> <li>• Windows will be shut consistent with code. Amended by Constable to: “Windows will be shut consistent with code when live entertainment is offered.” Amendment accepted.</li> <li>• Cell phone numbers of managers distributed to those on the abutters list and posted on the premises.</li> <li>• Meeting with residents, following the abutters list, at the beginning and end of each season to address operational issues.</li> <li>• Demonstrate compliance with Planning Board site plan.</li> </ul>
<b>Second</b>	Constable	
<b>Vote</b>	Unanimous	

<b>Motion</b>	Reilly	Motion to approve common victualler license for Local 02045 LLC under the same conditions as the present license as amended.
<b>Second</b>	Sestito	
<b>Vote</b>	Unanimous	

<b>Motion</b>	Reilly	Motion to approve entertainment license under same conditions as the present license as amended. [Live music on the third floor, no live music on the first or second floor.]
<b>Second</b>	Sestito	
<b>Vote</b>	Unanimous	

<b>Motion</b>	Reilly	Motion to transfer all alcohol (seasonal) as restaurant license under same conditions as the amended existing all alcohol license, with the following conditions:
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		<p>-That all staff be TIP certified.</p> <p>-That they will meet with the Chief of Police regarding local and state alcohol laws and regulations and they will sign off on receiving those laws and regulations.</p> <p>-Agree to meet with Town Counsel, Town Manager, Town Planner, and member of the Board of Selectmen to further review and recommend further amendments to the license.</p> <p>-That there be a notebook kept with a list of the Planning Board conditions, a description of all licenses that are in effect, and contact information for managers/owners.</p> <p>-Amendment by Constable: That we do reference checks in communities where they have existing businesses. Accepted by Reilly.</p>
<b>Second</b>	Sestito	
<b>Vote</b>	Unanimous	

The hearing concluded at 11:30 p.m. The board took a five minute recess at this time.

### **Continuation of Public Hearing: Arc Lux, Inc., dba Mambo's**

The public hearing for Arc Lux, Inc., dba Mambo's, Anthony Ghosn, proposed manager, 269 Nantasket Avenue, for (A) All Alcoholic (Annual); and (B) Common Victualler licenses had been continued to this evening. It was continued to June 1 with the request and permission of the applicant.

### **NEW BUSINESS**

Reilly informed the board that the band concerts start on Memorial Day.

Lemnios noted that the Memorial Day Parade starts at 9:30 a.m. on May 29 at the High School, following a 9 a.m. assembly.

### **RE-ORGANIZATION OF BOARD OF SELECTMEN**

The board conducted its annual re-organization as follows:

- Kevin Richardson, Chair
- Chris Mitchell, Vice Chair
- Domenico Sestito, Clerk

<b>Motion</b>	Reilly	Motion to have Kevin Richardson retain the Chair.
<b>Second</b>	Sestito	
<b>Vote</b>	Unanimous	

<b>Motion</b>	Reilly	Motion to appoint Chris Mitchell as Vice Chair and Domenico Sestito as clerk.
<b>Second</b>	Constable	
<b>Vote</b>	Unanimous	

**The meeting was adjourned at 11:35 p.m. on a motion by Sestito, seconded by Constable. The board is scheduled to meet next at 7:30 p.m. on Thursday, June 1, 2017.**

*Recorded by Catherine Goldhammer*

Approved by:

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### **Documents**

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

- Board of Selectmen's agenda and added agenda for May 18, 2017
- Five Season Nantasket Beach Study
- Hull BioMap
- License application from Local02045 license application and packet
- Letter from
- Memo from William Leamy regarding Hull Memorial Wall Plaques Dedication
- Note from James Leahy regarding block party on Third Street
- Letter from John Donlon regarding 3 Beach Minimum half marathon
- Letter from Theodore Sapienza, Fire Department, regarding temporary road closure