

**TOWN OF HULL
ADVISORY BOARD MINUTES**

Date of Meeting: 3/17/2008 Meeting Start: 7:00 pm

Meeting Adjourned 9:30 pm

Attendance:

Member	Present	Absent	Others Attending
Charleen Tyson		X with notice	Ken McDonald
Joan Senatore	X		Pat Finn
Charlie Ryder	X		Bruce Wood
Jim Tobin	X		Anne Herbst
John Schmid	X		Sheila Connor
Dick Kenney	X		Gerard Mackin
Jim O'Brien	X		Peter Bourikas
David Clinton	X		James Lampke
Dennis Zaia	X		Phil Lemnios
Jay Polito	X		Susan Ovans
Harry Hibbard	X		Roger Jackson

Minutes of 3/10/2008

Motion: motion to accept.

Vote:

Member	Made by	Seconded by	In Favor	In Opposition	Abstained
Charleen Tyson					
Joan Senatore			X		
Charlie Ryder			X		
Jim Tobin			X		
Dick Kenney		X	X		
Jim O'Brien	X		X		
David Clinton			X		
John Schmid			X		
Dennis Zaia			X		
Jay Polito			X		
Harry Hibbard			X		

Comments:

James Tobin would like to have meeting start at 7 pm in order to gain the half our earlier rather than later.

Motion: To begin meetings at 7 pm

Vote:

Member	Made by	Seconded by	In Favor	In Opposition	Abstained
Charleen Tyson					
Joan Senatore		X	X		
Charlie Ryder			X		
Jim Tobin	X		X		
Dick Kenney			X		
Jim O'Brien			X		
David Clinton			X		
John Schmid (left early)			X		
Dennis Zaia			X		
Jay Polito			X		
Harry Hibbard			X		

Comments:

Jim asked that we asked the School Department to come back in to present their final budget.

Hull Commission on Disabilities called their commission to order as they had a quorum.

Warrant Articles

Article 18 discussions should be held and advertised.

Town Counsel opened discussion on the article which deals with the the town swapping land the resident and owner of 183 Beach Ave.

The town would like to add handicapped access to The A St Entrance to Beach. To do this the town would deed back a portion of A St in exchange for a beach lot owned by the resident of 183 Beach Ave.

What is the town needed the street back and the town was to take the land by eminent domain, The owner would not claim damages and a deed restriction would be imposed on future owners.

Town Counsel addressed a letter sent to the town on behalf of the abutters of the Bourikas home at 185 Beach Ave.

John Schmidt stated that he did not feel the design would be effect and or safe. He asked if the turning radius needed has been studied for Fire apparatus and snow plows?

John S. Suggests that the design to could be reworked by flipping the ramp and place the parking spots n the other side so that this swap may not be needed.

Bruce Wood of the Commission on Disabilities spoke of the plan being vetted by various boards.

Dave Clinton asked about the Deed restriction to no claim damages.

Dave C. also asked how towns people to accept the Engineers determination that the amount of land need for remedy of the Bourikas's lot coverage should be believed as true.

James Tobin asked about the determination of the appeal process of the requirement to remove the portion of the building that is out of compliance. This appeal process is still underway after losing the first appeal and the petition to the ZBA.

Jim asked if there is a timeline for judgment. Town Counsel answered that this could be at least a year. Jim Tobin asked how the town can reconcile this granting of a portion of the street to the K st street issue. Town manager countered that this was no analogous to K St as the owner there built on the street with out permission and petition until after the enhancement to the property was built.

Phil reiterated this as an option to comply with ADA and the need to handicapped access to the beach.

We can resolve the town problem of limited access and gives the town another access point to clean the beach.

Dick Kenney asked the when we do the exchange and be granted and easement to allow the town to make use that the portion of the street as a road.

Town Counsel stated that this was an option on the table and presented to the owner (Bourikas).

Patt Finn stated that while on the ZBA he voted in favor granted relief since this was an error of the town.

Jim O'Brien stated that this need for relief was based on an honest mistake of the Building department. Jim asked if there was any way to offer relief to the abutters.

Town Manager stated that they have try to not see this as a solution to the Bourikas's, but rather as solution to the town need for handicapped access.

Dennis agrees that we have a need for access, and also agrees with Dick Kenney's suggestion. He also asked about the possibility of the use of the parcel on the other side of the A st cornered to 183 Beach Ave.

Bruce Wood also mentioned that the Conservation committee, Beach management, DPW director all looked at possible options and this was determined to be best

Jay Polito asked if Fire or Police was involved in the decision for placement.

Dave C. mentioned that Police and Fire should be asked in when the engineers who designed the solution comes in for a future meeting.

Bruce Wood presented documents to show history of the need and non-compliance to ADA.

John asked what are the towns right to make use of the exiting access to the beach on the Bourikas lot.

Attorney Mackin made a presentation to the status of the appeal in that they are waiting due to the court schedule.

Dave C asked about the area being exchanged and granted easement in perpetuity to the town as a right of way. Town Counsel felt that was not the best option but would be to regain ownership unencumbered through eminent domain at such point in the future when the town decides.

Article 19

Town Counsel Discussed the article dealing with releasing of easement granted for Allerton Bluff Project. A housekeeping action as the property involved has been closed in transaction.

Article 20

Town Counsel discussed the nature as being a fairly new law in setting up trench permits. This related to the State law that was enacted recently in response to a tragedy involving a child in another town. Very few communities have enacted bylaws to implement the state law at the local level. A few will be associated with this permit to be decided by the BOS. State defines what a trench is and what are the requirements.

Pat Finn has attended training by OSHA regarding trench building and they explained that each town and city should create their own bylaw to implement locally.

Article 22

Town counsel presented chart relating to an easement to be granted in order provide communications to a building constructed for communication infrastructure. This is a house keeping issue as it has already been completed.

Article 23

Town Counsel discussed the proposition to change the process by which Special Town Meetings are called. Town Counsel explained reasoning for this change is a matter to scheduling and the part of the bylaw that requires a 30 day requirement for finalizing and posting the warrant. He explained that we could be faced with a minimum of 45 and more likely 60 days to call a STM. Town counsels suggest is to change the 30 requirement to 14 days.

Chairman Ryder explained that The AB has the issue of vetting the articles appropriately with a limited timeframe.

Jim O'Brien mentioned that we always have the option to no supports an article if we feel rushed and have not properly understood the merits of an article.

Harry Hibbard wonder if we could explore qualifying language requiring these timeframes based on an emergency call of the meeting.

Jay Polito asked where Hull stands on our timeframes listed in the bylaw.

Town Counsel said that more towns then not get to special town meeting quicker that Hull.

Dennis Blackhall asked if language to could be crafted to require these new timeframe used when the BOS and AB agree on a STM need. Other wise if BOS call on their own the current Timeframes are used.

Article 32

Pat Finn Discussed his Zoning article with the AB. This was a similar article to the one presented last year.

Chairman Ryder asked what he has done to influence the Planning Board to recommend favorable action.

Chairman asked town counsel for his thoughts.

Town Counsel stated the idea is intriguing, though the density issue is a concern. He had questions regarding section 49-1: purpose – requiring conforming lots to be able to take advantage of this bylaw.

Does this mean conforming to the bylaw or to current zoning laws.

Pat stated that this would be conforming to the bylaw.

Town Counsel also asked about the parking clause which has changed from one off street site for each unit to three off street parking spaces.

Motion: Adjourn

Vote:

Member	Made by	Seconded by	In Favor	In Opposition	Abstained
Charleen Tyson					
Joan Senatore			X		
Charlie Ryder			X		
Jim Tobin	X		X		
Dick Kenney			X		
Jim O'Brien			X		
David Clinton			X		
John Schmid (left early)		X	X		
Dennis Zaia			X		
Jay Polito			X		
Harry Hibbard			X		

Comments:

Respectfully submitted;
 David Clinton
 Secretary/Clerk