



Hull Zoning Board of Appeals Minutes

Administrative Minutes

Date: 9-18-2014

Time meeting began: 7:30 pm

Time meeting concluded: 8:50 pm

Place of meeting: Hull Town Hall, Main Meeting Room

Members present:	Alana Swiec, Chair	Sitting	Attending	Absent	Abstain
	Roger Atherton, Clerk	Sitting	Attending	Absent	Abstain
	Mark Einhorm, Member	Sitting	Attending	Absent	Abstain
	Patrick Finn, Associate	Sitting	Attending	Absent	Abstain
	Phillip Furman, Associate	Sitting	Attending	Absent	Abstain
	Jason McCann, Associate	Sitting	Attending	Absent	Abstain

General discussion: Review and discussion of Zoning Appeals Application, Application for Hearing: Procedures and Requirements, and Rules and Regulations.

Swiec opened the meeting for discussion. Finn suggested the Board use the original application rather than the revised one. Swiec agreed to clean up the application and add some of the additional information of the proposed form such as email addresses and cell phone numbers and other ideas agreed to, and bring it back to the Board for discussion.

Atherton raised the issue about number of copies (now 3, proposed 9). Finn made the point that the Town should be making the copies, not the applicants, and if cost is the issue, then the fee for submission should be raised. He added that the Clerk shouldn't be making the copies nor be involved in the process until the same time as all other members. He opined that Board members shouldn't have to make copies at home either. The Board shouldn't change the process to accommodate the Town; the Town should be doing all this work, not Board members.

Specific items were then discussed. Finn stated that on the previous Board he served they didn't specify all these requirements - on the proposed # 12 - as different cases needed different kinds of evidence, plot plans, architectural drawings. By not specifying these, the applicant could decide what to present, and at the Hearing the Board could decide whether it needed additional. If so, the Hearing could be continued, and the applicant could provide whatever is requested at the next hearing. Atherton explained that the previous Boards he'd served on, the approach was

different – all the information that was thought to be needed was specified ahead of time to minimize the number of hearings. Finn countered that was not customer or user friendly. He preferred the more open-ended approach that might take more meetings, but for the typical applicant would be far more responsive to actual needs and be less costly.

Finn raised concern about the item F - Certification - as it contradicts the new requirements of the added Section I. Atherton pointed out that Section I was inadvertently removed and should be there along with the added section from 40A, proposed earlier by Finn. Finn added that he proposed the Board retain Sections H and I, and drop F.

Swiec brought up page 2. She agreed that the ZBA doesn't need all this information from all applicants, but a site plan is almost always necessary. Atherton explained that often times he has to calculate lot coverage and building height; and the proposed requires the applicant to provide those. Finn stated he believes everything necessary is provided by the Assessor's card. Atherton responded that he had found the Assessor's dimensions to be only approximate where a Certified Plan is necessarily accurate. In addition, many applicants just provide a mortgage plan – the dimensions of which are often rough – the purpose of which is to show the building on the lot and are not intended to be used as a plot plan would be. David Ray has told the board on several occasions that such plans are just to show there is a house or structure on the property on the lot, and is primarily to justify the mortgage; and are not usually sufficiently accurate from the dimensional perspective of zoning.

Swiec asked about the site plan requirement. Finn repeated he doesn't want any of these and that it the Board's job to decide what is needed with each application. It should be enough to have a plot or survey plan and the Assessor's card; if more is needed the applicant can be told so at the hearing. Swiec asked whether the board should specify scale requirements. Finn responded he didn't believe the Board should tell the applicant what scale to do their plan in. If the Board needs something additional then it can continue the hearing to get it. Swiec concluded that all these additional requirements should be eliminated. Finn stated that the original was adequate and the Board should leave it to the applicant as to what to present to the board; that these additions are "overkill". Swiec agreed.

Swiec commented that Finn was offering a practical proposal – does that work for other members – engineers and lawyers? Atherton responded that it is just a different approach. When he and the previous chair - Bonnie Raffetto, a lawyer – put these proposals together, and were then added to by Jack Barringer, a real estate developer who moved here from California where apparently zoning bylaws and requirements are more strict and comprehensive – the thinking was let's get everything needed on the application, so the Board can make decisions quickly rather than not doing so and continuing the hearing to get additional information. Finn responded that every hearing is different and the need for detailed information varies a lot from case to case. Finn and Swiec agreed that the less detailed was more user-friendly and the board would be able to specify at the first hearing what additional information, if any, was required. Atherton stated he was OK with this approach as long as the Board understands this will make additional hearings necessary in some cases for the applicant to develop the additional information.

Swiec raised the issue of Special Permits versus Variances. Atherton explained that the original asked several separate questions to request input on the many dimensions of each of these with separate spaces on the form to be filled in by the applicant. The revision combines all of these for the Special Permit on one page with space provided to answer all the related questions and the same for a Variance if one is requested or needed. The intent was to reduce the length of the application by several pages. McCann suggested that the original was probably easier for the applicant to understand and respond to.

A discussion ensued regarding page 5 (Building Commissioner's Certification page). Finn argued that the whole page was unnecessary as it is up to the Building Commissioner as to what is required. Atherton pointed out that if the Board eliminates this page, how is the Board going to get copies of previous decisions? Swiec responded that this page is for the internal use of the Building Commissioner to make sure all necessary documentation is included or not. She agreed to include all these suggestions in her revision.

Swiec moved the discussion to "Application for Hearing: Procedures and Requirements." The Board agreed to eliminate Section F (Certification). Lines in purple (previously approved by the Board) except for Section F and the lines in red (newly proposed by Atherton and Finn) were accepted as presented, including the direct quote from MGL 40A, Section 15 – Appeals of Building Commissioner's Decision or Failure to Act. Swiec indicated she would put together a new draft for review of the Board.

The discussion shifted to Rules and Regulations. The purple on page 5 (RE-Application) was approved and on item C.8 (Order of Business) was not approved, as unnecessary. The Board agreed that the changes in red should be included; the purple additions in I.F and II.C should be removed; and the purple in III.G should be added. No formal vote was taken.

The issue of re-application was discussed. MGL 40A requires re-applications must go to the Planning Board. The Board recently inadvertently deviated from this practice by telling the applicant to come back directly to the ZBA. Barone consulted with Town Counsel who recommended that because the applicant was advised to come back directly to ZBA that that applicant should do as advised.

Action taken, if any: Motion by Finn, seconded by Swiec, to approve the Minutes of September 4th for 52 Salisbury and 128 Atlantic. The vote was unanimous in favor. Decisions were signed for 52 Salisbury and 128 Atlantic.

Recorded by: Roger Atherton

Minutes Approved: _____