

Hull Zoning Board of Appeals

Minutes **April 25, 2018**

The April 25, 2018 meeting of the Board of Appeals was held at 7:30 p.m. at the Hull Municipal Building, 253 Atlantic Ave., Hull, Massachusetts.

Members present: Neil Kane, Chair
Patrick Finn, Clerk
Scott Grenquist, Associate
Richard Hennessey, Associate
Corina Harper, Associate

Members absent: Andrew Corson, Member

Public Hearing: Flexible Plan Development Rezoning

This was a joint session with the Planning Board regarding a Town Meeting article proposing to change to the zoning bylaw to allow the Planning Board to have jurisdiction over site plan review and special permitting for flexible plan development projects. These are now under the purview of the Board of Appeals in the zoning bylaw. The Planning Board was the sponsor of the article. This portion of the meeting was a joint meeting with the Board of Appeals [BOA]. The following were present for the Planning Board: Harry Hibbard, Chair; Jason McCann, Vice-Chair; Jeanne Paquin; Steve Flynn; Nathan Peyton; Joe Duffy. Also present at the meeting were David Clinton, Advisory Board Chairman; Jennifer Constable, Selectperson; Bartley Kelly, Vice-Chairman of the HRA.

Finn questioned the reason and need for the warrant article. Hibbard said that the Planning Board does site plan reviews and therefore considered it a housekeeping change to the bylaw so that it could continue to do so in the case of flexible plan development. Finn said that the bylaw change and the Advisory Board's recommendation are unnecessary because under current zoning the BOA sends the site plan to the Planning Board for its review. Hibbard said that the Planning Board in that case would have no authority in the matter. He said that there is one property in town that fits in the flexible plan development category and it should be handled by the Planning Board because they are experts at this.

Finn further stated that there was no communication to the BOA on this matter. He stated that the Planning Board did the site plan review the last time, and it was held up in court. He further pointed out that the HRA's land development RFP has been just been released and that a united front is important. Hibbard stated that there were public meetings on this issue and that the BOA should have known about them. He said that the Planning Board is comfortable with joint meetings, but wants the sole authority over site plan review. He would like special permits to be under the authority of the Planning Board as well. Kane said that the BOA grants special permits for all kinds of issues. McCann said that the Planning Board is typically the special permit granting authority is for projects in the overlay district. Kane suggested that there should be as much scrutiny over a development of this size as possible.

Kelly said that if the boards go to Town Meeting as a divided group, it could send the wrong idea to potential developers. He said that site plan review should be handled by the Planning Board and zoning relief should be handled by the BOA. He said that he doesn't want the whole project to be put into jeopardy and asked the boards to work together. Flynn said that he had no problem working with the BOA as a collaborative venture and agreed that a unite front was important. He said that the Planning Board should have statutory responsibility for the site plan review and the BOA should issue the special permit. Duffy pointed out that there have been historical differences in which board handled which approvals, and over time some have shifted from the BOA to the Planning Board.

Clinton said that he sent all members of both boards an email about this matter on April 4, and that the BOA was not present at the Advisory Board meeting, and this was taken as tacit approval of the article. George Boylan, also of the Advisory Board, said that the important thing is to put together a process to facilitate the development of the HRA property.

Dilorio said that he had drafted a substitute article, which he distributed to both boards. [See document.] Based on this, Clinton said at the Advisory Board's upcoming meeting he would recommend that it reconsider its motion. He pointed out that it is too late to change the article, but they can change how it is read on Town Meeting floor. He invited all of those in both boards to the meeting on Monday. There was consensus among the boards that it was important for both boards to work together and present this at Town Meeting. Paquin suggested that the new motion be written out so that all would have it to refer to at the Advisory Board meeting.

Hibbard read aloud Dilorio's amended motion. [See document.]

Motion	Paquin	Motion to approve substitute motion of our article we submitted to Town Meeting regarding flexible plan development, which is in Section 43 of the zoning bylaw, as read and described and amended by the Chair.
Second	Flynn	
Vote	Unanimous	

Finn made the following motion on behalf of the Board of Appeals.

Motion	Paquin	Motion to endorse the Planning Board's new main motion.
Second	Grenquist	
Vote	Unanimous	

The meeting of the Board of Appeals adjourned at 8:40 p.m.

Recorded by Catherine Goldhammer

Minutes Approved: *Saturne Z...* *6-19-18*

All actions taken: All action taken includes not only votes and other formal decisions made at a meeting, but also discussion or consideration of issues for which no vote is taken or final determination is made. Each discussion held at the meeting must be identified; in most cases this is accomplished by setting forth a summary of each discussion. A verbatim record of discussions is not required.