



Hull Zoning Board of Appeals Minutes

Applicant: Paul Cutcliffe, Jr.

Property: 52 Salisbury Street

Date: 9-4-2014

Time meeting began: 7:40 pm

Time meeting concluded: 8:18 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

In Attendance: Adam Brodsky, Attorney
Paul Cutcliffe III, Operator of Nantasket Inn
David Ray, Nantasket Survey Engineering
Paul Cutcliffe, Jr., Applicant

General relief sought: Applicant seeks to apply for a special Permit to operate a Bed & Breakfast (B&B) pursuant to Hull Zoning Bylaw 46-1.

General discussion: Swiec opened the public hearing. Brodsky introduced the Cutcliffes, and Ray. Atherton explained he had been contacted by Ray by email regarding an initial plan. He explained that he had pointed out that 46-4c prohibits B&B parking in the front setback. The parking plan was revised and submitted to the Board. He asked the Board if this could be seen as a conflict of interest – having given advice on the proposal not in a public hearing. Several members thought not. Finn stated that as the Clerk, Atherton is often involved in zoning analysis, administrative functions involving applicants, and occasionally giving advice, and is also a regular member of the Board where he sits in judgment of those very same applications. Ray added that other jurisdictions allow pre-hearing consultation and that is all that this was. Finn added that it might be better for Atherton to recuse himself when he has been in contact with applicants outside of the public hearing. Other members of the Board disagreed as did Brodsky, the applicant's Attorney. Atherton decided, as a result, not to recuse himself since he had made

his advice conditional in that he did not, at the time, know what the Building Department would decide regarding the application, nor whether the other Board members would consider that bylaw relevant in this particular situation.

Brodsky stated that this home is in a SF-C zoning district which allows B&Bs subject to Section 46 regulations, which has 8 specific conditions. This B&B will be a clear accessory use; have three bedrooms for rentals; occupies only 38% of the total living space (maximum of 45% is allowed); and will need a Certificate of Occupancy before use as a B&B – which can be made a condition of the decision. Food for a fee is permitted, but they will not need a residential kitchen permit as they plan to serve only continental breakfasts. The signage will comply with the bylaw. The architecture is not being in any way changed. They will have three additional parking spaces for guests in the rear, as shown on the plans dated 7-23-2014 and revised 8-13-2014. This proposal, in his opinion, meets all the bylaw requirements.

Atherton asked about the requirement for a statement from the Town Treasurer/Collector stating that all municipal encumbrances are current. He was assured that the home had just been sold and couldn't have been if that condition were not met. Einhorn stated that the SP could be made conditional on the receipt of the required statement.

Swiec asked for audience comments. Ann Hoffses, 60 Salisbury, asked questions about the parking. She was shown the plans. She asked whether the B&B use would be seasonal and she was informed by Brodsky that it would be. Atherton pointed out that the bylaw requires the home must be owner-occupied whenever the B&B is operational. Cutcliffe, Jr stated that it will be closed while he is in Florida during the winter months. Hoffses asked about the nearby Town garden area and was assured by Ray that it had its own access and egress, separate from the proposed B&B. Delores Lorusso, 99 Edgewater, spoke in favor of the project and commented on the quality of the home and its landscaping.

Einhorn pointed out that this same home had come before the Board several years ago and so he was familiar with the property and did not think a site visit was necessary. The earlier request had been withdrawn, but his recollection was that it seemed like a good site for the proposed use.

Action taken, if any: Einhorn made a motion to approve the request for a B&B subject to the conditions of obtaining a COO, verification that the real estate taxes were paid to date, and in accordance with the parking plan dated 7-22-2014, revised 8-13-2014. The motion was seconded by Swiec. The vote was unanimous in favor.

Was final vote taken?	Yes	No	
Final Vote:	Alana Swiec	Yes	No
	Roger Atherton	Yes	No
	Mark Einhorn	Yes	No

Recorded by: Roger Atherton

Minutes Approved: _____