

# HULL PLANNING BOARD

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## Minutes: June 28, 2017

**Members Present:** Harry Hibbard, Chair; Jason McCann, Vice-Chair; Steve Flynn; Steve White; Nathan Peyton; Jeanne Paquin

**Members Absent:** Joseph Duffy

**Staff Present:** Chris DiIorio, Director of Planning and Community Development; James Lampke, Town Counsel

7:30 p.m. Hibbard called the meeting to order.

### A Street Marina Site Plan Approval Conformance

This discussion was deferred until such time as Duffy could be present.

### ANR 75 Main Street

David Ray of Nantasket Survey Engineering and William Good were at the meeting to present the ANR request for 75 Main Street with an alteration of a plan present previously on June 14, 2017. The new plan creates a 12,000 square-foot lot for the existing house and a smaller lot for the smaller building. White pointed out that on June 14 there was a lengthy discussion about the accuracy of labeling the smaller structure as a "house" and Ray had changed the plan to reference it as a "building." White noted that now it is labeled "house" again on the current plan. Ray said that it had been changed and signed at that meeting, but since then they have found a 2016 plan with a street address, indicating that it was a house and therefore they have labeled it as such. Lampke said that a street number doesn't mean that it was a house or residential structure. He further stated that it had been used as a book business.

DiIorio said that it is still unclear that the building qualifies as a house and it would be misleading if that label is still on the plan. He said that it is the Planning Board's job to determine that it meets the ANR for frontage and would be another board's job to determine whether it was a house or not. Paquin asked if they would be creating a new nonconformity. DiIorio said that it would be creating a new nonconformity for the existing house, which is presently a conforming structure. Lampke pointed out that subdivision law is a different issue than zoning compliance. The law is that it still has to be separately approved by zoning.

Lampke stated there are frontage requirement exemptions and existing structures requirement exemptions. He stated that not every structure or building qualifies for the existing structures exemption. He noted that the Main Street ANR application focused on the frontage exemption, but the cover letter referenced the two houses and the plan has a notation regarding division for two parcels each having a habitable building on the land. The habitability of both buildings has to be established if that is the exemption they are seeking.

Ray said that the law says that a lot with significant structures on it that existed before zoning control law may be subdivided. He said that in this case there are two structures on one lot that existed prior to zoning control law and there is adequate frontage.

Hibbard said that the board would not decide anything about the definition of the structures because there is not enough information. He said that the board can make it clear that the decision is based on the frontage. Ray said that they are applying on the basis of both frontage and the buildings. He said that the application should have stated that there are two structures. He asked if they could withdraw the application and reapply.

Lampke said that on the basis of frontage it meets the requirement for an ANR. Ray asked if the board would allow them to amend the application. Hibbard said that he doesn't think they have enough information. McCann agreed and said that they probably need additional support for that claim. Flynn said that there is a statement that there are two habitable buildings on the land, stated in the purpose, but that only one is habitable.

Ray said that he would like to withdraw and correct the application. The board voted as follows:

<b>Motion</b>	Paquin	Motion to approve the applicant's request to withdraw the application without prejudice.
<b>Second</b>	White	
<b>Vote</b>	Unanimous	

Note: Board member Nathan Peyton arrived at 7:45 p.m. Town Counsel Lampke left at 7:45 p.m.

## Mass DCR Chapter 91 Application W17-4891 Revetment

DiIorio said that the town is appealing the Conservation Commission's approval of the DCR work on the Hull Shore Drive seawall. The Planning Board has 21 days to make comments to the DEP if they wish to.

Reasons for appeal are as follows:

- Commission requested peer review and DCR didn't agree to do it.
- The seawall has been done in separate phases and it should have been done as one larger plan.
- A revetment is not going to prevent water from going over the top of the seawall, which has caused problems in the past.
- The plans include no provision for beach nourishment, which would do a better job of protecting the town, the wall, and local businesses.
- The seawall stability assessment was not conclusive.

Paquin said that the only solution is to stabilize the wall. Hibbard said that if continues to be addressed in pieces it never really solves the problem. Paquin said that nevertheless the wall has to be dealt with. She said that doing the wall doesn't preclude beach nourishment.

Hibbard stated that the DCR's communication with the town has been poor and their willingness to engage with the town has also been poor. McCann said that there should be comment from the board. Peyton asked if they were going to talk about process or about an alternative solution. DiIorio said that he could draft a statement. White said that he would recuse himself from commenting on the statement.

## Public Transportation Services

DiIorio said that he had been looking at trying to get an earlier ferry on Saturday and Sunday mornings. There are three morning boats that go to Hingham and none that stop here. McCann said he had written to Joan Meschino and Patrick O'Connor. He said that extra boats had been added to Hingham to because of the Fore River Bridge construction during the week. The construction also makes it difficult for people coming to Hull in the weekend.

DiIorio also said that the MBTA had an RFP out for bus service, but that trolleys were not part of their interest. He said that there is an online MBTA portal where people can propose innovations. He is putting something together for that. The chamber is also looking at the issue.

## Marijuana Zoning

Hibbard said that there is someone who is interested in putting a medical marijuana shop in town and asked if the Board would put together a zoning bylaw regarding settings for such an establishment. This would go to the Board of Selectmen and then back to the Planning Board for hearings. There is a buffer zone around facilities for children.

Hibbard said that there are two versions of the marijuana law currently in the state legislature. The Senate version says that if you allow medical marijuana, you cannot prohibit retail. The House version said you can't put more stringent conditions on recreational than on medical. DiIorio said that it is not yet clear what the final state law will rule on that issue.

The board will continue to discuss this at future meetings.

## Minutes

The board approved minutes as follows:

<b>Motion</b>	McCann	Motion to approve the minutes dated June 14, 2017.
<b>Second</b>	White	
<b>Vote</b>	Unanimous	

At 8:55 p.m. the Board voted unanimously to adjourn, on a motion by Paquin, seconded by Peyton.

Minutes approved:  Date: 9-13-17

The following documents were submitted and are part of the official records:

- Planning Board agenda for 6/28/17
- Planning Board minutes for 6/14/16
- Packet regarding 75 Main Street ANR
- Project plans for DCR seawall project