

HULL PLANNING BOARD
253 Atlantic Avenue, 2nd floor
Hull, MA 02045

Phone: 781-925-2117

Fax: 781-925-8509

Minutes: March 27, 2019

Members Present: Jeanne Paquin, Chair; Harry Hibbard, Vice-Chair; Steve White, Clerk; Joe Duffy; Steve Flynn; Nathan Peyton

Members Absent: Jason McCann

Staff Present: Chris DiIorio, Director of Planning and Community Development

Public Hearing: Home Occupation

Paquin read aloud the notification of the public hearing for discussion of a proposed bylaw amendment regarding changes to the bylaw regulation home occupation, Sections 22 and Section 31-1d. DiIorio gave an overview of the reason for changing the bylaw, which is related to a recent appeal of a Board of Appeals decision and subsequent court case. The change allows for the parking of two vehicles used in the home occupation, rather than one. The provision prohibiting vehicles over 10,000 pounds will not be changed. The second change provides protection to abutters from nuisances that might arise from the home occupation. [See document.]

Members of the public spoke as follows:

- Patrick Cannon, 16 Sagamore Terrace, asked for clarification regarding why parking was allowed on the street rather than on the property. Peyton stated that parking more vehicles on the street, even if parking spaces are available on the property, creates the potential for street congestion.
- John Stezelecki, 8 Front Street, asked for clarification regarding equipment such as front-end loaders. Paquin stated that these changes refer only to vehicles. Stezelecki further asked whether a trailer with a commercial plate on it is considered a vehicle or a piece of equipment. Hibbard said that this was not currently regulated and a trailer is not a motor vehicle. He said that Stezelecki would have to consult general law on this.
- Pat Finn, 8 Telegraph Avenue, and member of the Board of Appeals, stated that the law suit was a neighbors' dispute in which one resident complained about visible activity and equipment and signs on vehicles. They also took issue with the business owner parking on the street rather than in his driveway, and parking a trailer on the property. The Board of Appeals approved the contractor's right to have a home occupation on the location. The court returned a verdict that he could not park on his property per the current bylaw. Finn stated that the proposed provision for two vehicles does not cover the issue of a trailer. He further asked if there was time to take this to the Zoning Bylaw Study Committee. Finn also read aloud the proposed language regarding abutter protections, and stated that the language was too broad and disputes over what constitutes a nuisance would end up back at the Board of Appeals. Hibbard said that he thinks this is a restatement of current laws on nuisances.
- Patrick Cannon, 16 Sagamore Terrace, asked for clarification that this bylaw is intended to allow two commercial motor vehicles under 10,000 pounds with lettering on them. This was confirmed by the board.

In addition, Paquin read aloud the board received two residents as follows:

- Peg Chaput, 12 Lynn Avenue, requested that the board include waste water under the list of nuisances. she also expressed concern about how many home occupations may be allowed on one property. [See document.]
- A letter from Ray Sarno, 296 Newport Road, requested that the board define the specific levels of restrictions in the list of nuisances. [See document.]

A reporter from the Hull Times asked if the vehicles could still park in the street. Finn stated that two vehicles could park on the property and additional vehicles could park on the street. He stated that it might make sense to limit the number of home occupations per property. Paquin stated that the board had considered this and made a decision to not include this regulation.

The proposed bylaw amendment will be submitted for inclusion in the Town Meeting Warrant. Warrant articles are sometimes permitted to be altered during Town Meeting.

Motion	Hibbard	Motion that we close the hearing and send the article as written to the Selectmen with our recommendation for its passage.
Second	White	
Vote	Unanimous	

Public Hearing: Special Permit/Site Plan Review for 163 Nantasket Avenue

Paquin opened a public hearing for a special permit/site plan review filed by Austin Realty Proprietorship, LLC for the property located at 163 Nantasket Avenue (Map 38/Lot 024), under Article III, Section 39A Nantasket Beach Overlay District of the Zoning Bylaw to construct a mixed-use retail/residential development with 1,500 square feet of commercial/retail space and 41 studio and one-bedroom residential units.

Attorney Adam Brodsky of Drohan Tocchio & Morgan was present at the meeting to speak for the applicant, as were Steve Austin, manager, Tim Power, project engineer, and Brian Donahue, architect.

Brodsky stated that the applicant has submitted revised plans for the development, which will consist of 41 rental apartments, plus retail space, designed in the art deco style. The design has been through several discussions with the Design Review Board. The applicant has opened a hearing with the Conservation Commission, which is waiting for the storm water system review.

Donahue explained the design changes for the project. The footprint of the building has not changed since the last meeting with the board. He responded to some of the comments that were in the report of consultant John Chessia who reviewed the project and acknowledged that there was an inconsistency regarding the number of units on the top floor in the materials presented to Chessia. He noted that the Nantasket Avenue elevation has been changed to show a more traditional art deco style. The Park Avenue elevation has not been changed. Unit layouts remain the same. [See plans.] White asked if the board had resolved an issue regarding language in the bylaw regarding prohibition of flat roofs. Power presented the site plan and the storm water management plan. [See document.] This included a discussion of the storm water management system, which includes catch basins, a retreatment system, an underground recharge system, and replacement of existing pipe, resulting in a reduction of the quantity of storm water coming off the site.

Julia Parker, member of the DRB, stated that the DRB has met with the applicant three times and is supportive of the design. She said that she has concerns about mandating mansard roofs for all buildings. The DRB would still like to refine color selections and exterior materials. The applicant said that they would clarify these with the DRB.

Paquin read aloud letters received by the board regarding the project from the following. [See documents.]

- John Struzieri, Director of the Sewer Department, providing the treatment facility's notes and recommendations.
- The DRB, regarding its meetings with the applicant and its current recommendations.
- Steve Olsen from Aquarion Water, regarding the water company's requests and recommendations.
- Bartley Kelly, Building Inspector, regarding zoning districts occupied by the site.
- Peter Lombardo, Building Commissioner, regarding his review of the site/building plan, non-conforming front setback, building height, and zoning districts.
- John Dunn, Chief of Police, regarding suggestions and requests on parking requirements and access to emergency vehicles.

Paquin noted that they have not yet received communication from the Fire Department or the electric plant. She also asked the applicant to provide a detailed lighting plan.

Members of the public spoke as follows:

- Pat Finn, 8 Telegraph Avenue, and member of the Board of Appeals, suggested that NBOD language about the roof style be amended in the bylaw.
- Bill Serroll, 12 Park Avenue, was concerned about parking spaces and lack of street parking for visitors in the summer. Hibbard noted that all the board can do is make sure that the applicant meets with the parking requirements of the bylaw, and they do.

White asked about leasing. Austen said that he was looking for long-term leases of one year and no week-by-week, at market rate accounting for the lower square-footage units, estimating \$1,000-1,300 per unit. He stated that he currently charges \$800-1,000 per month for units he owns in the area. Hibbard noted that the Sandpiper building has had quite a few police calls. Austen said that the building has been cleaned up quite a bit, and he now does extensive background checks. Hibbard asked if he will commit to one-year leases. Brodsky noted that this was not something the board could request as a condition. White said he also had concern about the police calls for the Sandpiper in the past years. Austen said that these many of these are medical calls. He said that he is working on evicting some tenants currently. White asked about the use of the retail space. Austen said that he doesn't yet know what this will be.

Jennifer Constable, 47 Samoset Avenue, also member of the Board of Selectmen, asked if the project if the project is funded privately. Austen said that it is. She also questioned the use of an art deco design. She asked if there is any guidance about continuity of design in the area. Parker said that the DRB has discussed developing design standards in more detail in the future. Brodsky pointed out that there are design guidelines in the NBOD. He also explained that initial plans were for a version that was similar to existing buildings in the area. He said that the DRB expressed a desire to see something different rather have all designs be the same along the avenue.

Tom Burns, 1 Clifton Avenue, member of the DRB, stated that the Berkley Place development is currently underway. He noted that these properties have been derelict for a number of years. He stated that not having all the buildings look the same was one of the DRB's considerations. He noted that the art deco style is an echo of the design of the bathhouse.

Duffy asked if Brodsky had investigated the front setback. Brodsky said that he had communicated his response to these to DiIorio prior to the last hearing. He stated that the board can waive the setback requirement front yard setback described in Section 7.1.3 in the NBOD section of the bylaw. Brodsky said that they have requested these waivers. They had asked for the same relief for the side, stating that their position ask that having frontage on two streets, they have a front yard on both sides. Duffy asked if there were any buildings fronting on that side. Brodsky said that there was a building on the corner of Park and Nantasket with a 5.8' setback. Duffy said that this might be a variance because the bylaw does not refer to providing a waiver for side yards. Brodsky said there was nothing in the NBOD that would prohibit two front yards in an L-shaped building. In addition, he said that the roof provision was including in a design guideline section of the bylaw. He said that the design standards in the NBOD state that flat roofs are discouraged, not prohibited, and also notes that a variety of roof styles are encouraged, allowing the board flexibility, particularly since the design was approved by the DRB. He also stated that the height of the building is based on allowable height plus additional height allowed by flood zone requirements, and stated that the current proposal does not activate the need for an additional height permission. He further stated that the majority of the area is in the NBOD zone and that this has been reviewed with Lombardo.

Peyton noted that there is a clear front of the building in the front and this is not clear for the side of the building. He further asked where the signage goes for the retail portion of the building. The applicant said that signage would be determined by the usage. Parker said that the DRB had stated in their letter that they would like the applicant to review signage with them when they have more information.

John Chessia reviewed his comments, stating that many of them had already been covered by previous discussion. [See document.] He added additional comments and recommendations on grading, sight lines regarding traffic safety for access and egress, parking, dumpster location, bicycle spaces, connections to town systems, construction, and sediment controls.

Flynn asked if the building would require a transformer. The applicant said that they have not designed the electric yet. In response to questions about the one-way egress, Brodsky noted that the applicants had provided a traffic study. The hearing was continued to April 24, 2019 at 7:35 p.m.

Motion	Flynn	Motion to continue the hearing to April 24, 2019 at 7:35 p.m.
Second	Duffy	
Vote	Unanimous	

A Street Liquors modification request

The board considered a request for a site plan modification. Julia Parker, architect, Taylor and Nancy Tibbetts, owner operators, and Jay Graham, general contractor, were present at the meeting. Parker noted that the site plan was approved

about a year ago and the building is now under construction. She stated that some prices have come in higher than expected, and the owners now feel that they do not have use for a second floor and would like to remove it from the plan. The board reviewed the new plans and discussed whether this is a major or minor modification. A major modification would activate the need for a public hearing. Flynn, Duffy, and Hibbard said that they considered this a minor change, since the request takes away space rather than adds it. Paquin noted that it is not changing the use of the building. White stated that this was a major change. He stated that without a second floor it is essentially a different building. DiLorio said that this situation is not well-defined in the bylaw. Peyton said that he agreed with White. White stated that he would like to go forward with this project, but the board needs to develop criteria for making decisions between major and minor modifications.

Motion	Hibbard	Motion that the board determine that the proposed change is a minor modification.
Second	Duffy	
Vote	5-1-0	

Motion	Flynn	Motion that we approve as a minor change the modifications to 673-677 Nantasket Avenue, A Street Liquors for the removal of the second floor, with no other changes made to the design.
Second	Peyton	
Vote	Unanimous	

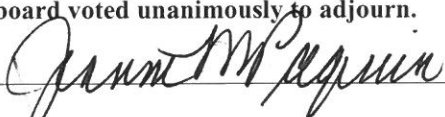
Committee meeting updates / New business

Paquin stated that the Open Space and Rec Plan needs a representative from the Planning Board. The town has received a grant to develop a plan and are creating a committee.

Motion	Flynn	Motion to nominate Peyton.
Second	Hibbard	
Vote	Unanimous	

DiLorio presented Chessia's estimate to the board for \$125/hour for the work and \$145/hour at meetings. DiLorio will present the estimate to Paragon Boardwalk.

At 10:20 p.m. the board voted unanimously to adjourn.

Minutes approved:  Date: 4/11/19

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

- Planning Board agenda for 3/27/19
- Site Plan documents for 163 Nantasket Avenue
- Draft of zoning article regarding home occupation
- Request for modification to site plan for A Street Liquors