

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

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**Minutes: February 13, 2019**

**Members Present:** Jeanne Paquin, Chair; Steve White, Clerk; Joe Duffy; Jason McCann; Steve Flynn

**Members Absent:** Harry Hibbard, Vice-Chair; Nathan Peyton

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

**Zoning Bylaw Amendments**

Building Inspector Bartley Kelly was present at the meeting to discuss with the board its proposed changes to the bylaw governing home occupation. He stated that allowing only one vehicle per driveway might be an issue and could lead to conflicts between neighbors. He further stated that the current bylaw has largely worked over time, with very few issues, and there is an appeals process in place via the Board of Appeals if issues do occur. He noted that the current legal case is specific to the properties involved. He said he would support it personally, with the exception of the stipulation allowing only one business vehicle in the driveway. He said he would rather see the vehicles parked in the driveway than on the road.

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

This was 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. Steve Austin, manager, Tim Powers, project engineer, Brian Donahue, architect, and David Ray, engineer, were also present.

Brodsky noted that the property has frontage on Nantasket Avenue, Park Avenue, and Berkley Road. There is an existing two-story residential and commercial building on the property. The northern portion is in Commercial Rec B and the NBOD zones. The south portion is in a multi-family A zone. The primary project is in the NBOD, which is why they are pursuing the special permit through the Planning Board. Brodsky explained that the plans before the board were for a five-story, 47' building which would need a waiver for maximum height. However, he said, the Design Review Board (DRB) had expressed a preference for an earlier version of the plans which were for a four-story, 44' building, which would not require a waiver. He stated that this is the version he will present to the board this evening. He noted that it is in an art deco style, similar to the Mary Jeanette Murray Bathhouse. He further stated that the application is for the five-story building, however they would like to go forward with the four-story version.

Donahue explained the art deco design plans to the board, as well as the site plan, three-dimensional views, and elevations. He explained that the footprint is basically the same for the four-story plan as it was for the five-story building. He said the units would be rented at market-rate and there will be two stories of 14 units and one story of 13 units, between 420 and 900 square feet, with most of them 400-500 square feet.

Brodsky asked for the board's guidance on which version of the project to pursue. He stated that if it is the art deco version the applicant will submit full plans to the board and its engineering consultant John Chessia. He also asked for guidance on two zoning issues. The first of these was the minimum front setback, which requires 10' but can be waived if nearby buildings have a smaller setback than is required. He noted that there is a commercial building at the corner of Park and Nantasket with a 5.8' setback on Park Avenue and the applicant would request a waiver for a 2' setback on Nantasket Avenue and a 5.8' setback on Park Avenue.

Brodsky also noted that the design standards in the NBOD state that flat roofs are discouraged and not allowed for buildings over 30'. However, it also notes that a variety of roof styles are encouraged. He said that they would ask the board to give them a waiver to allow them to use a flat rather than a mansard roof as a modification of the design standard.

Julia Parker, DRB member, stated that the DRB reviewed both designs and found the design and height of the art deco building more fitting for the neighborhood and also allowed for a variety of architecture in the area. She said that the DRB would like to have more discussion with the applicant regarding the Park Street side setback. She also stated that the DRB is in favor of the board waiving the design standard regarding the flat roof.

DiLorio said that language of the bylaw does allow the board flexibility regarding roof style. Flynn and McCann agreed. White stated that he didn't know if they could make that decision project by project based on the language of the bylaw. He said that it would have to go back to Town Meeting to officially change the design standards. Brodsky said that he makes a distinction between zoning requirements and design standards, which he stated are intended more as guidelines, and asked that the board give the applicant guidance on the above issues so that they can make necessary business decisions. McCann said that they can adjust the requirement about the flat roof, particularly since the DRB preferred that style. Flynn concurred, noting a preference for a variety of styles and heights.

Members of the public spoke and other interested parties spoke as follows:

- David Ray spoke as both project surveyor and as a town resident. He said that the art deco version of this project is preferable and pointed out that this will only be the third project under the NBOD and zoning bylaws always get tweaked. He said that the current bylaw allows for the requested flexibility.
- Paul Cutcliffe, owner of 115 Nantasket Ave, the Nantasket Hotel, said that he was in favor of the art deco design and height and was concerned about the size of the units and whether it would turn into a competition for the hotel with daily or weekly rentals. Austin said that he had no intention of doing that and would seek long-term rentals only. Cutcliffe also expressed concerns on behalf of Seawatch Condominiums, 20 Rockland House Road, regarding the height of the originally proposed five-story building.
- Marian Bressel, 19 Holbrook, said that she was concerned with lack of parking for both residents and for the customers and employees of the commercial space. She had concerns about congestion in the area. Brodsky said that the project would comply in all respects with the zoning bylaw. Austin stated that in his adjacent building he has 18 units and there were only nine vehicles.
- Bill Serroll, 12 Park Avenue, was also concerned about parking stating that there is very little parking allowed on the street. He also asked where the dumpsters would be. Paquin explained that this would be addressed in the full plan. The applicant explained that the dumpsters would be enclosed. Serroll also expressed concerns about flooding. Brodsky noted that there would be a storm water management system. Powers said that there will be series of underground chambers. Serroll asked how close the new plan will be to his home. The applicant estimated that it would be about 35' between buildings based on the plans.
- Kelly Ennis, architect for 147 Berkley Place, said that she was in favor of the art deco design.
- Caroline Wagner, 29 Berkley Road, asked about the parking lot, and was concerned about the cars coming and going on Park Ave. and Berkley Road. Paquin noted that public safety will review the project and submit its comments to the board in writing. Concerns were noted.

- Bob Berwick, owner of 155 Nantasket Ave, the Berkley Place project, said that he had been concerned about the mansard roof design and a design standard that dictated buildings that looked the same. He recommended that the board take seriously the flaws in this idea. Brodsky agreed with this concern.

The board they took a consensus on which design they preferred. White said that he would agree with the flat-roofed design, but would like to get advice from Town Counsel on whether it is allowed within the current language of the bylaw. Paquin and McCann said that the current language gives the board flexibility to approve this design. McCann said that he was willing to be flexible on the front setback as well, and that the board has the ability to do so. Duffy said that he would like to have time to think about it further.

Brodsky said that this was sufficient guidance at this time. He also asked the board if it was sufficient for the applicant to use existing traffic studies for Powers to review and present to the board. Ray said that this data is about two years old and is part of the two-way roadway project. McCann said that he was comfortable with that at this time. He also asked the applicant to complete the NBOD checklist to be sure that all of the points are covered.

The applicant will get the new plans to DiIorio, who will consult with Chessia about his timeline for reviewing them. The board continued the hearing to February 27, 2019 at 8 p.m.

The board briefly discussed the order in which the applicant should consult with the DRB and the Planning Board, or whether there should be joint initial meetings.

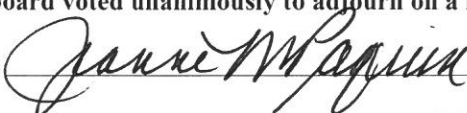
### Minutes

It approved the minutes of 1/9/19 as follows:

<b>Motion</b>	Flynn	Motion to approve the minutes.
<b>Second</b>	Duffy	
<b>Vote</b>	Unanimous	

**At 9:20 p.m. the board voted unanimously to adjourn on a motion by Hibbard, seconded by Peyton.**

Minutes approved:

 Date: 4/11/19

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

- Planning Board agenda for 2/13/19
- Minutes of 11/28/18 and 12/12/18
- Site Plan documents for 163 Nantasket Avenue
- Draft of zoning article regarding home occupation