



Hull Zoning Board of Appeals Minutes

Applicant: Paul Paquin

Property: 28 Bay Avenue East

Date: 10-2-2014

Time meeting began: 8:23 pm

Time meeting concluded: 8:55 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: John Burke, co-owner
Leah Putnam, dance instructor

General relief sought: Request to amend the existing variance to allow for educational and instructional uses.

General discussion: Swiec opened the hearing and called on the applicant. Paquin is on business travel and his co-owner John Burke, 20 L Street, responded. He indicated they are requesting a revision of a previously granted variance. They have operated this office building for several successful years under the conditions of the variance. There is a large open space on the second floor that the prior owner used as a church member gathering space. They have been approached by several people wishing to use the space for a variety of purposes. The one that seems most appropriate to the space, parking availability, and with the least impact on the neighborhood, is for dance and exercise instructional use. They believe it is just an extension of the current professional business use granted by the variance in this Single-family B zoning district.

Finn mentioned that he had earlier, before joining the current ZBA, spoken against granting the variance as he thought at the time that a better use would be to have two single family structures. But now that the variance has been granted and there is a need for the additional business and there is ample parking. But he did ask if there had been consideration given to separating the two structures? Burke said that had all been covered in the earlier appeal – that the way the

building had been built and the limited yard space around it – it just doesn't lend itself economically to being converted to single-family. It would cost a great deal of money to create a home of that size and in an area close to a marina and with business buildings across the street in a business zone would not work. Finn pointed out that he was asking about the residence and Burke reported that building was separated under conditions of the original variance and is being used as a Single-family. Jean Paquin, 23 Edgewater, explained that the two buildings are owned by the same people, but this request is only about the office building, not the house.

Burke explained that they have not changed the second floor and it remains much the same as a gathering hall for the church when it was active. Swiec pointed out that page two of the email in the file lists the different types of instruction. Burke added that they are working with Leah Putnam, 130 Main street, who is a professional dance and exercise instructor, who would like to open a business in that space to teach dance and exercise. Putnam explained her background and training is in dance instruction and said she had been looking all over Hull and this opportunity appeared to be the best for her business. Burke added that currently the space is unused, there is a need for dance instruction, and that he and Paquin are going through this process to make this work. Swiec asked about Putnam's experience in a business like this and she explained that in her previous job she did both instruction and also had learned the business and management aspects of running a dance studio.

Finn pointed out there was no record of a formal appeal application. He also indicated he was willing to make a motion to amend the existing variance to allow for educational/instructional use. Atherton seconded the motion. Swiec requested that the applicant furnish the Board with an application and use the existing email that lists the instructional class types as part of the documentation. Finn added that a condition of the variance should be that the uses must be compliant with State regulations for educational uses. Burke pointed out that such a condition is more appropriate to an educational teaching school and this more instructional than educational. Putnam pointed out that there are no State requirements for dance instruction. Finn said then they would be compliant. McCann objected. The Board decided to accept the original motion without the added condition. McCann added that it is important to emphasize the word "instructional use." There was then discussion about how to write this decision. McCann suggested looking up the requirements for amended variance in MGL 40A. Atherton indicated he hadn't been able to find anything on that topic. McCann agreed to assist in determining how best to write this.

Action taken, if any: Swiec moved to vote on the motion made by Finn. It was seconded by Atherton. The vote was unanimous in support.

Was final vote taken? **Yes** No

Final Vote:	Alana Swiec	Yes	No
	Roger Atherton	Yes	No
	Patrick Finn	Yes	No

Recorded by: Roger Atherton

Minutes Approved: _____