



Hull Zoning Board of Appeals Minutes

Applicant: Montessori Elementary School, LLC

Property: 11 and 17 Rockland Circle; Hull, MA, 02045

Date: 10-16-2014

Time meeting began: 7:37 pm

Time meeting concluded: 8:26 pm

Place of meeting: Hull Town Hall, Main Meeting Room

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| 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: Walter B. Sullivan, Attorney for Montessori Elementary School, LLC
Denise McCabe, President, Montessori Elementary School, LLC

General relief sought: To appeal the Building Commissioner's decision to deny a certificate of occupancy and, in the alternative, to apply for a use variance to operate a Montessori Elementary school in a Commercial Recreation B Zone pursuant to Hull Zoning bylaw 30-3 and 35-1B.

General discussion: Swiec opened the hearing, and described what she and Atherton found at the site visit. Atherton stated that Sullivan had provided the requested answers to questions on the variance part of the application and a brief justifying a variance if it is needed. He indicated the Board needs to decide whether to support or not the Building Commissioner's (BC's) decision. The Town and State bylaws state that bylaws should not prohibit use of land or structures for educational purposes on land owned or leased by a nonprofit educational corporation which he believes Sullivan has established. He added that Finn and others wanted to further explore related issues to a variance in case there were conditions that should be added to the decision.

Finn stated that he wanted to have a site visit in order to look at parking and adjacent properties. Sullivan provided a plan showing parking, the playground area, and the access and egress for the children. McCann stated that he wanted to make sure the children would never have access to an

unfenced area. There was extensive discussion about where the fence would be erected around the property. Swiec added that the Town would need access to the back yard area for maintenance of the drainage. The applicant was advised to contact the Town manager regarding how all this can be worked out to provide Town access and protect the children. Swiec indicated she would contact the Town Manager to express her concerns about this issue and some of her observations about a possibly dangerous situation at the rear of the site. McCann and Finn expressed their concerns and Sullivan proposed that a condition be added that the BC be satisfied. Swiec opined that temporary fencing is available and could be utilized for Town access when needed. McCann suggested that there be full enclosure where students would have access. He believes that it is a ZBA decision and it can add conditions to the decision. Atherton agreed and stated his support for adding any necessary conditions regarding parking and safety.

Swiec stated that when she talks to the Town Manager she wants to discuss signage as there is heavy traffic in that area. Finn added that the Town shouldn't have to pay for the signs or street markings. McCabe agreed. Finn asked if should all be approved by the traffic commissioners (Board of Selectmen) and/or Chief of Police? Swiec responded she would let Lemnios (Town Manager) decide what is needed and who should pay. Sullivan agreed to meet with the Town Manager and work out these details to the Town's satisfaction.

It was also agreed that the parking requirements of 52-1 would limit the expansion of the school and if they decided to expand beyond the maximum of eleven, they would have to come back to the ZBA.

Action taken, if any: McCann made the motion to reverse the decision of the Building Commissioner with respect to the application made by the Montessori School on the basis of the Dover amendment Section 3 of 40A MGL and 30-3 of the Hull Zoning Bylaw permitting non-profit educational use of land or structures owned or leased by non-profit educational corporations. Conditions of the decision are that the parking spaces be as shown on the plans submitted and approved on October 16, 2014 as well as the four foot fence surrounding the play area; in addition all areas at the rear also be properly enclosed. Final proof of the non-profit corporation 501 3c is a necessary condition of the approval. Also included is compliance with all laws of the State and Town of Hull. In addition, the applicant must consult with the Town Manager regarding safety and signage.

Was final vote taken? **Yes** No

Unanimous vote: Atherton, Finn, and Swiec in favor of motion

Recorded by: Roger Atherton

Minutes Approved: _____