

Hull Zoning Board of Appeals

The October 22, 2015 meeting of the Board of Appeals was held at 7:30 p.m. at the Hull Municipal Building, 253 Atlantic Ave., Hull, Massachusetts.

Members present: Alana Swiec, Chair
 Roger Atherton, Clerk
 Patrick Finn, Associate
 Phillip Furman, Associate

Administrative Business:

Swiec stated that Assistant Building Commissioner Bartley Kelly had requested clarification regarding the decision written by the Board regarding 179C Samoset Ave. Kelly wanted to issue a building permit for other work that is appropriate and permitted for the property as a matter of right; however the wording of the Board's decision would not allow him to do so. He requested a clarification of the Board's initial ruling.

Action taken: Finn moved that the Board clarifies that the work being performed is not prohibited by Condition D in the previous decision dated August 21, 2014 for 179 C Samoset Avenue.

The motion was seconded by Atherton and the vote was unanimous. Swiec will communicate the Board's decision to the Building Department.

Vote: Swiec	Yes
Atherton	Yes
Finn	Yes
Furman	Yes

Public Hearing: 15 Stony Beach Rd.

Start Time: 7:39 p.m.

Sitting: Swiec, Atherton, Finn

Applicant: Elizabeth Tuplin, property owner

General relief sought: To apply for a special permit to construct a second floor addition over existing first floor living area whereby the proposed/existing front and rear setback is less than required under Hull Zoning By-laws Section 61, paragraph 61-2, sub-paragraph f.

Summary of Discussion:

The applicant's daughter, Leslie Tuplin of Seaview Ave., Hull, stated that there was a fire at her mother's house in April of this year. They requested a building permit in June, which was granted in July. Subsequently they received a stop work order written on September 16, 2015, because of an oversight by the Building Commissioner because they had determined that "the second floor overhang over the existing first floor living area of the house is too close to the rear and front lot lines."

Finn read an email from Bartley Kelly, Assistant Building Commissioner, as follows:

"This particular zoning application is the result of an error by me in issuing the permit for this project. I talked to David Ray regarding the plan for 15 Stony Beach. His plan was done after the second floor was constructed. The existing building was one story with a partial basement. The proposed vertical addition would have been allowed as a matter of right except for the overhangs: right rear is 8.9' x 1.5' in the prescribed setback; the left rear is 11.9' x 1.5' in the prescribed setback; the front right is .4 x 1.5' in the prescribed setback. The total square footage that is in the prescribed setback area equals 29.55 square feet. The issue regarding the footprint calculation is as follows. The building footprint is 1220 square feet. The two decks are more than 5' off the ground and count towards lot coverage. The two decks total 317 square feet and the house footprint is 1220, for a total of 1537 square feet. The lot coverage is less than 30%. I have a call in to the applicant for 15 Stony Beach Road to get pictures of the property."

Atherton noted that the work stayed within the existing footprint, except for the overhang in the setbacks. He noted that his calculations from the plan showed different numbers than those of the Building Department. The Building Department stated .4' x 1.5' on the front right while Atherton's calculations showed 12' x 1.5', and the front left as 5.5' x 1.5'. This is an increase from the Building Department's square footage calculation from 29.6 to 57.8.

Swiec noted that they did not change the height of the building, which was 33.8', and there was no alteration in the foundation.

Peter Cuddy, 13 Stony Beach Rd., said that there is now a third floor with dormers and a new soffit that has extended beyond the original. He said that the building has increased greatly in size and that they have added two or three times the space, with a third floor with dormers. Leslie Tuplin said that there was a 24" soffit on the first floor and this is in the same vertical plane.

Abutter Rick Kaufman, 6 Seaview Ave., said that he was not there to stop them, but felt that the process had been circumvented and that they should have had to go through the Conservation Commission for approval. Michael Collins, 19 Burr Rd., agreed, and further pointed out the Building Department's initial error. Kaufman stated that the owner told people that she was just rehabbing the first floor, but was actually doing more work than that.

Finn noted that the determination for a special permit is whether it is substantially more detrimental to the neighborhood. He reminded those present that the Board does not oversee the Building Commissioner's enforcement of the bylaws and granting of permits. He noted that the Building Department's decisions can be appealed, but that was not the matter before the Board at this time.

Swiec added that the Board has nothing to do with issues regarding the Conservation Commission. Furman added that the Board has no enforcement authority.

Action taken: On a motion by Finn, seconded by Swiec, the Board unanimously voted to grant a special permit to construct a second floor addition over existing first floor living area whereby the proposed/existing front and rear setback is less than required under Hull Zoning Bylaws Section 61, paragraph 61-2, sub-paragraph f, for the premises at 15 Stony Beach Rd.

Atherton would clarify the site plan numbers. Swiec would ask Kelly to write a formal letter to be included in the decision.

Vote: Swiec	Yes
Atherton	Yes
Finn	Yes

The hearing concluded at 8:26 p.m.

Public Hearing: 5 Meade Ave.

Start Time: 8:27 p.m.

Sitting: Swiec, Atherton, Finn

Applicant: Alfred Muccini

General relief sought: To apply for a special permit to build a 10'x12' addition to an existing dwelling. Proposed side setbacks are less than required pursuant to Hull Zoning Bylaws Section 61, paragraph 61-2, sub-paragraph f.

Summary of Discussion:

Muccini explained to the board that they had initially built a room in accordance with code and parallel to the property line. However the room is slightly off-square and they would like to fix it. Doing so would move it into the setback by about five inches at the narrowest point and 16 inches at the widest.

A letter from neighbor Marie Hanlon of 8 Meade Avenue voiced support for the project.

Action taken: Finn made a motion to grant the special permit. Swiec seconded for discussion. The Board noted that the advertisement for the hearing had stated that this was an addition to the property, whereas it is actually a modification. Finn withdrew his motion. Swiec then moved that the Board grant a special permit allowing the applicant to modify an existing 10'x12' addition at 5 Meade Avenue, increasing the angle of the wall into the setback in order to make the room square. Finn seconded. The vote was unanimous

Vote: Swiec	Yes
Atherton	Yes
Finn	Yes

The hearing concluded at 8:41 p.m.

Public Hearing: 69 Bay St.

Start Time: 8:45 p.m.

Sitting: Swiec, Atherton, Finn

Applicant: Dana C. Gamble, property owner

General relief sought: To apply for a special permit/variance to add a sunroom on an existing deck and add a bedroom over an existing kitchen. Proposed/existing side setback is less than required pursuant to Hull Zoning By-laws Section 61, paragraph 61-2, sub-paragraph f.

Summary of Discussion:

Gamble explained to the Board that he is building over an existing footprint and is not increasing the footprint to turn a deck into a three-season sunroom and add a bedroom over the existing kitchen.

As this is an addition to a nonconforming property, it requires a special permit.

Finn noted that the addition is within the existing footprint and the height is 24.3'. The property owner said that he is extending an existing dormer. Finn explained that he is extending the pre-existing nonconforming structure 4' vertically on the right side. The applicant said that the sunroom would have windows or sliders all around and would not have heat or plumbing.

Action taken: On a motion by Finn, seconded by Atherton, the Board unanimously voted to grant a Special Permit to add a sunroom on an existing deck and add a bedroom over an existing kitchen. Proposed/existing side setback is less than required pursuant to Hull Zoning By-laws Section 61, paragraph 61-2, sub-paragraph f. Swiec noted that the approval was conditional on the sunroom not having heat or water.

Vote: Swiec	Yes
Furman	Yes
Finn	Yes

The hearing concluded at 8:55 p.m.

Public Hearing: 22 Gunrock Ave.

Start Time: 8:57 p.m.

Sitting: Swiec, Furman, Finn

Applicant: Corina Harper and Scott Kleiman

General relief sought: To apply for a special permit/variance to construct a 24 x 24' detached two-car garage on the front left side of the house, pursuant to Hull Zoning Bylaws, Section 61, paragraph 61-2, sub-paragraph f.

Summary of Discussion:

The applicants have just purchased 22 Gunrock Ave. and would like to construct a two-car garage. Harper was present at the meeting; Kleiman was not. Todd Egan, of Canton, and Steve Egan, of Whitman, who sold the property to Harper and Kleiman, were also present at the meeting. They explained that the garage size has been decreased to 20x20' and shifted toward the front right side of the house rather than the left.

Finn noted that the structure would only be 16' back from the lot line. Atherton noted that the minimum is 25' and therefore a variance would be needed. Finn agreed, as this is a new nonconformity and there is no hardship. Todd Egan said that others in the area had been able to

build similar garages. Swiec said that the names mentioned did not come before the Board and thus must have constructed the garages as a matter of right.

Steve Egan said that they were coming for a special permit. Atherton noted that the Building Department considered it part of an existing nonconforming property. The Board considers it a new nonconformity, which is why it was advertised as required either a special permit or a variance.

Rich Ahl, 26 Gunrock Avenue, said that he was not in favor of the proposed plan as advertised, but more okay with the alternate one proposed at this meeting. However, he would wait to see how any new forthcoming proposal would affect his property before making a comment for or against. Ms. Heavern of 18 Gunrock Avenue, which is next door to the applicants' house, said that it is a large piece of property and she is in support of the garage. Harper said that Todd Egan had gone up and down the street and had gotten letters from neighbors in support of the garage. These were not notarized. Swiec said that they should be reviewed. Atherton said that they should be notarized for the next meeting.

It was noted that lot coverage is 38% by Building Department calculations and 40% by Atherton's, and they are proposing 49% by Building Department calculations and 52% by Atherton's. Atherton said that his numbers were a few square feet over those of the Building Department's, but he will clarify. Finn also noted that the garage now being proposed is slightly smaller than the one on the original plans. Atherton said that he would recalculate.

Finn noted that the house is on the property line on the right side, and there are lot coverage issues. Todd Egan said that 50% lot coverage is consistent with the neighborhood. A paper street next to the property would not affect the decision. Furman stated that the odds of approval as proposed are very low and suggested that the applicants continue the hearing and consider alternate plans.

Swiec suggested a continuance to November 19 in order to allow the Board the opportunity to do a site visit. She would have the applicants sign an extension.

Action taken: On a motion by Finn, seconded by Furman, the Board unanimously voted to continue the hearing to 7:55 p.m. on November 19, 2015.

Vote:	Swiec	Yes
	Finn	Yes
	Furman	Yes

The hearing was continued at 9:34 p.m.

Minutes:

A motion was made by Finn to approve the minutes for October 1, seconded by Atherton. The recording secretary stated that she wanted to clarify a matter regarding the minutes and asked to withdraw them from consideration until the next meeting.

The meeting concluded at 9:44 p.m.

Recorded by: Catherine Goldhammer

Minutes Approved:  11/10/2015

All actions taken: All action taken includes not only votes and other formal decisions made at a meeting, but also discussion or consideration of issues for which no vote is taken or final determination is made. Each discussion held at the meeting must be identified; in most cases this is accomplished by setting forth a summary of each discussion. A verbatim record of discussions is not required.