

# Hull Zoning Board of Appeals

## Minutes

December 17, 2015

The December 17, 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  
Patrick Finn, Member  
Phillip Furman, Associate  
Donna Bergamo, Associate  
Andrew Corson, Associate

### Public Hearing: 28 Winthrop Avenue

**Start Time:** 7:35 p.m.

**Sitting:** Finn, Bergamo, Corson

**Applicant:** William Curtis

**General relief sought:** To apply for a special permit to build a three season porch. The proposed and existing side setback is less than required pursuant to Sec. 61, para 61-2, sub-para f.

#### Summary of Discussion:

Curtis seeks to build a three-season porch with the dimensions of 15.5'x19.5'. The applicant states that the porch would not affect any other properties or their views. This had been a deck that collapsed during a storm and they would like to replace it with the porch. There is a slight rectangular extension into the setback beyond where the deck had been. The building inspector found that the "proposed 4.9' and existing 4.9' side setback is less than required."

**Action taken:** On a motion by Finn, seconded by Bergamo, the Board voted unanimously to approve the special permit to construct a three season porch on the front of the house.

Vote:	Finn	Yes
	Bergamo	Yes
	Corson	Yes

The hearing concluded at 7:43 p.m.

### Public Hearing: 179C Samoset Avenue

**Start Time:** 7:45 p.m.

**Sitting:** Finn, Furman, Swiec

**Applicant:** Arnold Freeman

**General relief sought:** To apply for a special permit to remove existing bathroom and rebuild as per plan, foundation and single floor for new bathroom and kitchen; pursuant to Section 61, paragraph 61-23, sub-paragraph f.

This property is also subject to a previous zoning decision that stated any further expansion vertical or horizontal requires ZBA approval.

**Summary of Discussion:**

This property was damaged in a February 2015 storm when a water pipe burst and ran undetected for several weeks. They have redesigned the house so as to square it off. As there is no foundation under the deck and the door to the kitchen, it also requires a new foundation. Contractor Gabe Lortie said that the damage exceeded 50% of the value of the house and therefore they need to have a flood-compliant foundation.

Lot coverage will increase 1.3%, from 31.5% to 32.8%.

The language in the previous zoning decision that stated that any further expansion vertical or horizontal requires ZBA approval was modified on October 22, 2015 when the Board clarified that the work to be performed was not prohibited by Condition D in the previous decision dated August 21, 2014.

**Action taken:** On a motion by Finn, seconded by Furman, the Board voted unanimously to approve the special permit to remove existing bathroom and rebuild as per plan, foundation and single floor for new bathroom and kitchen; which will increase lot coverage from an existing 31.5% to a proposed 32.8%.

Vote:	Swiec	Yes
	Furman	Yes
	Finn	Yes

The hearing concluded at 7:57 p.m.

**Public Hearing: 540 Nantasket Ave.**

**Start Time:** 8 p.m.

**Sitting:** Swiec, Corson, Finn

**Applicant:** Nguyen V. Nguyen

**General relief sought:** To apply for a variance to convert existing first floor business space into two apartments, making existing building into four residential units.

**Summary of Discussion:**

Nguyen and Phuong Le are the owners of the property, which currently consists of two commercial spaces on the first floor and two apartments on the second floor. They had previously rented the commercial space, however they have not had success in doing so since 2012. They had tried to sell the property, but the mixed-use variance had been revoked because the property had not been used commercially in over two years. The area is now a residential zone. Finn noted that by returning the first floor to residential space they would be complying with the current zoning bylaw, making it more conforming than it is with the commercial units. The board also noted that the application calls for a variance, but the property would now be reverting back to current zoning, thus requiring a special permit rather than a variance.

Phuong Le said that there are eight parking spaces. However, Furman noted that these were actually four tandem spots. Finn said that there was already a pre-existing nonconformity on the parking so they would need a special permit for the parking aspect. The appellants noted that there was street parking on the side and front of the building and that the parking in the back of the building was accessed via right-of-way.

Finn also noted that there have been four previous zoning provisions for the property. The mixed-use zoning allowed for one storefront and two apartments. They are now proposing to turn the one commercial space into two

apartments. Phuong Le said that there were two storefronts when they purchased the property. Finn said that the question was how many residential units could be allowed. The assessor's card indicated three units, two baths, and one half-bath.

The appellants' realtor, Andrea Cohen, said that there had been two 900-square-foot commercial units with two separate entrances. She added that commercial space is vacant all over town and that this has been a hardship for the appellants.

Swiec stated that she was concerned about the use of the right-of-way as a driveway and also about the configuration of the parking. Finn pointed out that for zoning purposes, tandem spaces are not considered. Furman agreed that the parking is a key point.

Morris Murphy, an abutter at 543 Nantasket Ave., said that it is a common driveway and that if there are cars parked in it, it will block the parking lot. Furman pointed out that they were not proposing to park in the right-of-way. Murphy also said that at one point there was a general store at the location and it included a post office, which is why there is a second door.

**Action taken:** The Board scheduled a site visit for Saturday, December 19, at 10 a.m. At 8:34 p.m. the hearing was continued to 8 p.m. on Thursday, January 7.

**Recorded by:** Catherine Goldhammer

**Minutes Approved:** \_\_\_\_\_

*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.*