

Hull Zoning Board of Appeals

Minutes
January 7, 2016

The January 7, 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, Member
Phillip Furman, Associate
Donna Bergamo, Associate
Andrew Corson, Associate

Public Hearing: 22 Gun Rock Ave.

Start Time: 7:36 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'x24' detached two-car garage on the front left side of the house.

Summary of Discussion:

This is a continuation of a hearing opened on October 22, 2015. At that time the applicants were about to purchase 22 Gun Rock Avenue and wanted to construct a garage as described above. Because the design was for a detached garage that was only 16' from the street, the applicants would have needed a variance. The Board at that time suggested that the applicants might want reconsider their design. The new design is for a two-car 22'x29' attached garage that is 25.8' from the street, which is within zoning bylaws and no longer requires a variance. The height of the proposed garage is 12', rather than the 14' specified by the initial plan. Lot coverage increases from 39%-52%, and therefore a special permit is required.

The date of the original plan was 10/16/2015. The most recent revision is stamped and signed 12/21/2015.

Atherton and Swiec suggested that the Board do a site visit because of the increase in lot coverage. Finn noted that the applicants had reconfigured their designs in response to the Board's concerns and that a site visit could have been done earlier. Furman pointed out that lot coverage is consistently high in that area.

Action taken: On a motion by Finn, seconded by Furman, the Board voted unanimously to approve a special permit to construct an attached two car garage as presented, with the condition of no further expansion in perpetuity, and that the garage shall remain garage space and never be converted to living space.

Vote:	Swiec	Yes
	Furman	Yes
	Finn	Yes

The hearing concluded at 7:55 p.m. **Public Hearing: 25 Point Allerton Ave.**

Start Time: 7:56 p.m.

Sitting: Swiec
Atherton
Finn

Applicant: Paul K. and Diane R. Norton

General relief sought: To apply for a special permit to demolish and rebuild building on existing footprint with addition including garage. Elevate building on piers to comply with flood regulations.

Summary of Discussion:

This is a home owned by Paul and Diane Norton, of 758 Lancaster Ave., Lunenburg, MA. They bought the house in 2009 as a fixer-upper. It is currently on piers, which are failing. Mr. Norton stated that they were initially going to rebuild the home, but the builders said that they might as well tear it down due to the condition of the piers and the foundation.

In 1999, a special permit and variance were granted to previous owners so that they could add a deck. This stated that no future alterations could be made to the building. For this reason, the applicants are now seeking a new special permit. Finn stated that by zoning bylaw they could do the project as a matter of right they could fit it within allowed setbacks. David Ray, of Nantasket Survey Engineering, said that they had tried to do so, but could not make it fit.

Corson, and Furman pointed out that because the structure is being demolished, they are not actually adding to an existing building and it will be less nonconforming than it is now.

Action taken: On a motion by Finn, seconded by Atherton, the Board voted unanimously to approve the special permit as presented, with the following conditions:

- (a) Compliance with all applicable laws and codes of the Commonwealth of Massachusetts and the Town of Hull is required,
- (b) The construction shall be done according to the plans presented,
- (c) Following construction, no further expansion, change or alteration of the structure (vertically or horizontally) or extension, change or alteration of the structure into any setback areas (front, side or rear) shall be permitted in perpetuity without the express approval of this Board of Appeals.

Vote:	Swiec	Yes
	Atherton	Yes
	Finn	Yes

Following the vote, Ann Snyder, an abutter at 23 Point Allerton Ave., made herself known to the Board. She was concerned about the environmental impact of the tear-down and rebuild, specifically how it would impact her son's breathing problems. The Nortons agreed to keep her informed about the project and to inform their builders about her concerns. Swiec noted that it was the applicants' right to do the work, but that the building department keeps careful track of how work is done. Two other abutters, Pat McKinley, of 27 Point Allerton Ave., and Marylou Dowd, who lives at the corner of Point Allerton and Meridian, said that they are in favor of the project. A local realtor, Andrea Cohen, who was present at the meeting for another applicant, said that the project will increase the property value of abutters.

The hearing concluded at 8:21 p.m.

Public Hearing: 540 Nantasket Ave.

Start Time: 8:29 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:

This is a continuation of a hearing that had been opened on December 17, 2015. The applicant, Nguyen V. 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 stated that they have not had success renting the commercial space 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. They sought to convert the existing commercial space into two apartments.

In the previous session of this hearing, the Board expressed concern that there was not adequate parking for two additional apartments. They also noted that the assessor's card specified that the building was currently permitted for two apartments and one commercial space, not two.

The Board conducted a site visit of the property on December 19, 2015.

After a lengthy discussion, the Board again noted that there is not sufficient legal parking available, either on the property or on nearby streets, for the applicant to have the number of parking spaces required (8) for four residential units. Bergamo noted that the bylaw states that for every apartment they need two parking spaces and they would therefore need a variance in order to add two apartments. If there were only three units in total, they would only need a special permit, as they already have 6 parking spaces. The Board also revisited the fact that the assessor's card indicates that there is only one commercial space at the property, not two. The applicants said that they want two residential units on the first floor to offset the cost of installing a sprinkler system. They stated that it has been a financial hardship for them to carry the building as it is and not be able to rent the first floor spaces. They stated that when they purchased the property there were no businesses in it at that time.

Morris Murphy, an abutter at 543 Nantasket Ave., said that the plan presented by the applicant does not actually look like the property layout. Corson noted that it is a stamped survey, which the Board must follow. Murphy stated that his concern is that people will park in front of his house.

The applicants asked whether they would need a new application if they wanted to go back to having commercial space. They were advised that they would. They were told that they can keep this current application open and file a second application for a mixed-use variance, thereby keeping their options open while they consider what to do. The applicants agreed to take a continuance and consider their options.

Action taken: At 9:23 p.m. the hearing was continued to 7:35 p.m. on Thursday, February 4.

Administrative Business

The Board signed decisions for 179C Samoset Avenue and 28 Winthrop Avenue.

Recorded by: Catherine Goldhammer

Minutes Approved: JP Mm club July 5, 2016

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.