

# Hull Zoning Board of Appeals

## Minutes

June 2, 2016

The June, 2, 2016 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:** Neil Kane, Chair  
Patrick Finn, Clerk  
Andrew Corson, Alternate

### Public Hearing: 82 Atlantic Avenue

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

**Applicant:** Kerry Cashman

**Public Hearing regarding 82 Atlantic Avenue:** To apply for a special permit to remove/demolish existing dwelling; build new dwelling on raised pilings as per plans pursuant to Hull Zoning Bylaws Section 61, Non-Conforming Uses, para 61-2, sub para f, Pre-Existing Structures.

#### Summary of Discussion:

This was the opening of a public hearing regarding 82 Atlantic Avenue. The applicant, Kerry Cashman, was present at the meeting to present her plans for the property. Cashman is in the process of purchasing the property and it is currently under contract, contingent on receiving zoning relief for her proposed project. Also present on her behalf were Dick Rockwood of Rockwood Designs and David Ray, of Nantasket Survey Engineering. Rockwood did the architectural work for Cashman. Ray would do the elevation of the building.

The project involves tearing down the existing structure and rebuilding a new two-and-a-half story home, elevated on pilings in keeping with FEMA requirements. The proposed structure would be 20' wide, 4' narrower than the existing one. In addition, the existing structure is set immediately on the right-side property line and the proposed building will be situated 3' to the left of that, leaving more room between it and the house at 80 Atlantic Avenue. The height of the proposed structure, even when elevated is less than 35'. By rebuilding 25' off the road there will be parking places for three cars, where no parking currently exists. A rear deck will be less than 5' off the ground.

Cashman pointed out that the proposed dwelling would be less nonconforming than the present one, as it will comply with front setback requirements and side setbacks will be greater and more uniform. She noted that the property has been vacant for over 15 years; that the proposed project will be an improvement on the existing structure and not substantially more detrimental to the neighborhood; and that it is in keeping with the nature of the neighborhood and will add value.

Finn read into the record the letter from Assistant Building Inspector Bartley Kelly, dated April 26, 2016, which reads in part as follows:

"I am in receipt of your building permit dated April 12, 2016, on which you proposed to perform the following work:

Remove/demolish existing dwelling, build new dwelling on raised pilings as per plans.

After having reviewed said application I have determined that this would be in violation of the Town's zoning by-law(s).

Section 61, Non-Conforming Uses, paragraph 61-2, sub para f, Pre-Existing Structures. The proposed addition requires a special permit from the Zoning Board of Appeals.

The existing and proposed setbacks on the left and right are less than required, the existing front setback is less than required, the proposed front setback would be allowed."

Finn noted that because the letter referred to an addition as well as specifying a remove/rebuild, he would clarify the wording with Kelly. Finn also noted that the proposed building will be less nonconforming on both sides and front. He noted that if they were staying on the existing footprint it would be a matter of right. He further stated that it was unclear whether this should be a special permit or a variance. The hearing was advertised as a special permit. Rockwood noted that they are moving the house away from the house of a person who is objecting to it. Ray stated that it was clear to him that it was a special permit as referenced in Kelly's letter.

Marie Wentling, 18 Mayflower Rd., Hull, is the seller's representative for the property. She stated that she has been representing the property since 2014 and this is the farthest it has gone. She said that this is a sophisticated and thoughtful design and she supports the applicant.

William and Kara Pellicano, 112 Atlantic Avenue, voiced their support of the applicant's project, stating that the improvements Cashman is making will make a great statement for the neighborhood.

Ellen Morrissey, 80 Atlantic Avenue, voiced her opposition to the application. She stated that she is a trustee of 80 Atlantic Avenue along with her sister Joan M. McAuliffe. The board was in receipt of a notarized letter from Morrissey. McAuliffe was not present at the meeting, nor had she signed the notarized letter. Morrissey specified the following objections:

She had renovated her property twice without raising the ridge line or increasing the footprint. She would like Cashman to do the same. She noted that she thinks this is an "aggressive" and "overzealous" design, more than needed by a single person. She noted that the new 34' height will adversely affect her sun, privacy, and views. She objected to the 8'6" interior ceiling heights because "you don't live on the ceiling, you live on the floor." She is concerned that her foundation will rock when they put in the pilings and she would like to know more about the pilings and any landscaping planned to obscure them. She stated that an unfinished attic floor in a home occupied by one person was "too imposing, dense and invasive." She stated that the proposed building would "put her under the Zakim Bridge" and that she would be "put into a tunnel of darkness." She argued that the proposed project was substantially more detrimental. She also stated that she had tried to buy the property previously but the owners would not sell it to her.

Corson pointed out that view and sun are not issues that the board will consider, nor are interior design decisions, and that the board will only consider valid zoning-based issues. Wentling further pointed out that residents don't own their views.

The board discussed whether parking would be possible underneath the home when it is elevated. Ray pointed out that due to the narrowness of the proposed house, and the needed pilings, there would not be room under it for parking.

**Action taken:** On a motion by Finn, seconded by Corson, the Board voted unanimously to continue the hearing to 7:40 p.m. on June 16, 2016, with a site visit to be conducted at 7 p.m. on the day of the hearing.

**Vote:** Finn Yes  
Corson Yes  
Kane Yes

The hearing was closed at 9:20 p.m.

## **Continuation of Public Hearing: 172 Atlantic Avenue**

**Start Time:** 9:20 p.m.

**Applicant:** Richard Hulverson

**Continuation of Public Hearing regarding 172 Atlantic Avenue:** To apply for a special permit to correct a non-conforming height. Existing height is 35.8 feet. It remains .8 feet above what is allowed pursuant to Section 61, Non-confirming uses, para 612, sub para f, Pre-existing Structures.

**Summary:** Neither the applicant nor the owners were present. Therefore the hearing was continued to June 16, 2016 at 8 p.m.

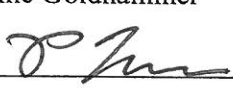
**Action taken:** On a motion by Finn, seconded by Corson, the Board voted unanimously to continue the hearing to 8 p.m. on June 16, 2016

**Vote:** Finn Yes  
Corson Yes  
Kane Yes

The hearing was closed at 9:23 p.m.

The board voted unanimously to adjourn at 9:25 p.m. on a motion by Finn, seconded by Corson.

**Recorded by:** Catherine Goldhammer

**Minutes Approved:**  Clerk 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.*