

Hull Zoning Board of Appeals

Minutes

November 15, 2016

The November 15, 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, Member

Members absent: Corina Harper, Alternate
Richard Hennessey, Alternate
Scott Grenquist, Alternate

Public Hearing: 11 Rockland Circle

Start Time: 7:45 p.m.

Applicant: Paul Townsend

General relief sought: To apply for a special permit/variance to remove existing building and construct a new two-family building with four garage spaces below, per plans pursuant to Hull Zoning By-laws, Chapter 40-A.

Summary of discussion:

This is a continuation of a hearing which began on September 13 and was continued to October 4, October 18, and November 1.

In previous meetings it had been established that Paul Townsend of Mod-Tech Homes is the designer of the project for a property owned by Marianne and Andrew Boothroyd at 11 Rockland Circle. The owners wish to remove an existing building and construct a two-family dwelling with all parking off the street. The proposed building will have one unit on each floor, with two garages beneath the building and two additional off-street parking spaces. The Conservation Commission has approved the application.

In each of the previous meetings regarding this property there were several neighborhood members present to object to the project. The applicants had therefore altered their plans so that the only noncompliant setback was a portion of the front setback, which was less noncompliant than exists with the current building. Townsend had met with Building Inspector Peter Lombardo, who had agreed that the other setbacks were conforming and would not require zoning relief.

At the October 18 continuance, Ernesto Caparotta, a direct abutter, stated that he had not received notification of the meetings with the Board of Appeals or the Conservation Commission and that he had concerns regarding the project. He asked for a continuance so that his engineers could examine the impact on his land. This was granted. In response, the applicant has removed from their plans the designation of Caparotta's property as wetlands. They have gotten approval from the Conservation Commission for this change. Townsend stated that they had met privately with Mr. Caparotta and said that he was now fine with the current plan. Mr. Caparotta was not present at the meeting.

Finn read for the record a notarized letter from Joanne Capone, 21 Rockland House Rd., dated November 11, 2016, stating that she objected to the project for safety, traffic, noise, stability of the neighborhood, and aesthetic reasons.

Brian Fecteau, a relative and attorney speaking on behalf of Ruth Marchetti, a direct abutter, asked about the height of the building and whether that would be reviewed by the building inspector. Finn stated that the height as designated on the plans would be a condition of approval. Fecteau also wished to discuss the screening between Mrs. Marchetti's property and the proposed building. He said that she would prefer an opaque fence rather than shrubbery. Corson pointed out that she would then have a fence a foot off her property line and 3-4 feet from the steps from the second floor. Finn suggested a four-foot, non-opaque fence, plus shrubbery. Boothroyd said he had no problem with either. Townsend said that they will work with all neighbors to achieve a satisfactory solution to the screening problem.

Action Taken:

On a motion by Finn, seconded by Corson, the board voted unanimously to approve a special permit/variance to remove existing building at 11 Rockland Circle and construct a new two-family building with four garage spaces below, according to the site plan by Morse Engineering dated 7/5/16 and revised on 10/28/16 without wetlands delineations on the abutting property, 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 substantially in conformance, according to the plans as submitted to the Board on November 15, 2016 by Mod-Tech Homes LLC, Marshfield, MA, Paul Townsend, dated November 15, 2016, and the plot plan by Morse Engineering dated 7/5/16 and revised on 10/28/16 without the wetlands delineations on the neighbor's property;
- (c) The owners shall submit an application for a building permit, to the extent necessary, along with an updated copy of a plot plan or survey, and an updated building plan, to the extent necessary, to the Building Commissioner for his review and approval in order to ascertain whether the existing residential structure is in compliance with all code requirements for two-family use;
- (d) The owners shall work with all abutters regarding screening to comply with the zoning bylaw 34.3a where business areas abutting a residential area shall provide screening along the common property line in the form of an opaque fence, wall, or evergreen shrubbery six feet in height, which can be modified with the agreement of the direct abutters to include fencing, screening, and/or landscaping and shrubbery to the extent necessary;
- (d) The owners stipulated that they shall submit an updated site plan after consultation with the direct abutters for their review and approval, to the extent necessary, to the Building Commissioner for his review and approval, to the extent necessary, in order to ascertain whether the proposed screening is in compliance with Hull Zoning bylaw Section 34-3 General Requirements for Business and/or Commercial Recreation uses in all Business and Mixed Use Residential Districts: 34.3(a) "Business area abutting a residential area shall provide screening alongside the common property line in the form of an opaque fence, wall, or evergreen shrubbery at least six (6) feet in height".
- (e) Subject to curb cut review and approval by Police Chief and/or Safety Officer to approve the driveway opening;
- (f) 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 at any future date, unless an application is submitted to the Board and a written decision is issued approving the proposed expansion or extension.

The hearing was adjourned on a motion by Finn, seconded by Corson.

Administrative Business

The board voted to approve minutes for the following meetings on a motion by Finn, seconded by Corson:

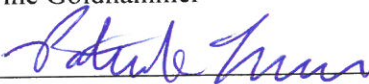
- August 16, 2016
- September 6, 2016
- September 13, 2016
- October 4, 2016
- October 18, 2016
- November 1, 2016

The board discussed the idea of increasing the total number of members on the board. Finn noted that the composition of the board is according to bylaw. They discussed the possibility to submitting a proposed bylaw change to the next Town Meeting Warrant. Corson said that he would also discuss it with the Zoning Bylaw Committee.

The board also discussed whether or not to record meetings and what method to use.

The board voted to adjourn at 8:45 p.m. on a motion by Corson, seconded by Finn.

Recorded by: Catherine Goldhammer

Minutes Approved:  clerk 1/17/17

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.