

Hull Zoning Board of Appeals

Minutes

September 6, 2016

The September 6, 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
Corina Harper, Alternate
Scott Grenquist, Alternate
Richard Hennessey, Alternate

Public Hearing: 22 Channel Street

Start Time: 7:40 p.m.

Applicant: Nick Trubia

General relief sought: To apply for a special permit to raise home, move to rented lot next door, build addition on rear with new decks, remodel first and second floor, add new flood compliant foundations consisting of wooden piles. The existing height is 34.7 feet high and the proposed height is 38.9 +/- feet high. The existing front and right side setbacks are less than required per Section 61, Non-Conforming Uses, para 61-2, sub para f, pre-existing structures.

Summary of discussion:

Trubia stated that the proposed work will eliminate the current foundation, raise the house on pilings, and move it about 5' to the west, making the setbacks less nonconforming. The existing house will be remodeled, with an addition on the second floor in the rear over the enclosed rear porches. Two decks will also be added. The elevation will include 4' of freeboard and the maximum height will be 39'.

The owner, Bill Baggott, was in attendance and he stated that the Conservation Commission had approved the plan.

Harper noted that the elevation would reduce the flood risk. Finn stated that the maximum height of a home in a single family district was 35', but the zoning bylaw, Table 50, footnote (a)-(aa) states that existing buildings in a Special Flood Hazard Area may exceed that limit by no more than 4'.

While there were none opposed to the proposed changes, several abutters were present with concerns or questions.

David Irwin, 3 Town Way, noted that he was neither for nor against, but was concerned about the pile driving because all of the homes in the area are over 100 years old and he was worried about the cracking of foundations from the pile drivers. He also stated that when this house is elevated, water will wash under it and flood other homes.

Robert Nelson, 23 Channel St., asked if there has been any experience with what happens to surrounding homes when piles are being driven.

Trubia stated that they will dig trenches in the lines of the pilings in order to clear out any large boulders, which should minimize the vibrations.

Catherine Nelson, 27 Channel St., asked who would be liable if there was any damage.

David Ray, Nantasket Survey Engineers, said that he has been just outside of property lines when piles were being driven and could barely feel it. He stated that it would probably take 3-7 days to put the pilings in.

Randy Gould, 2 Cushing St., expressed concern about the house being moved temporarily across a town-owned walkway, and asked if it would still be there and in good condition after the house was moved back. Ray stated that the machine that moves the house is not as large as might be expected and that the moving process is to roll it over the area. He said that the right of way and the existing lot will look the same and will be cleaned up after the process. Finn stated that putting it back in a similar condition could be a stipulation of an approval, if the board were to grant one.

Phil Bjorkman, 11 Town Way, said that he was concerned about moving the house over and leaving the lot vacant all winter. Ray said that when the house is elevated, or while it is moved, water will flatten out more quickly and won't be as damaging as it currently is with channeling on either side of the house.

Irwin asked about the ground base would be. Baggott stated that it would be crushed stone or permeable pavers. Ray said that if pavers were used, they would be very large.

Finn noted that the proposed changes would make the house less nonconforming and that under zoning bylaw, Table 50, footnote (a)-(aa), the height was allowed.

Action Taken:

On a motion by Finn, seconded by Corson, the Board voted to approve a special permit for Bill Baggott, 22 Channel St., to raise home, build addition on rear with new decks, remodel first and second floor, add new flood compliant foundations consisting of wood piles to the proposed height of 38.9 +/- feet, the maximum height being 39' feet. The special permit covers that the proposed front and right side setbacks are less than required in the zoning bylaws and covers under the footnote to Table 50, (a)-(aa), where the special permit granting authority may in its discretion issue a special permit allowing existing buildings within a special flood hazard area, as defined by the latest edition of 780 CMR, to be elevated beyond the prescribed height limit to provide flood proofing by meeting or exceeding the flood elevation requirements of said CMR. The building cannot exceed the elevation required to comply with 780 CMR by more than 4', so we are allowing up to 39', based on the plans by Nantasket Survey Engineering, David G. Ray, site plan of existing/proposed conditions dated 6/14/2016, and the architect's plan from Alan Kearney, 222 North St., Hingham, dated 5/11/16.

The following conditions apply:

- (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 September 6, 2016, by David Ray and Alan Kearney.
- (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 required.

(d) 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.

(e) The height shall not exceed 39'.

(f) The town right-of-way and neighboring property shall be put back to the existing condition prior to construction.

Vote: Kane Yes
Finn Yes
Corson Yes

The hearing was closed at 8:25 p.m.

Administrative Business

The board noted that a vote to grant a variance for 822 Nantasket Avenue which was taken on August 16, 2016, was not official, because following the hearing it came to the board's attention that the abutters had not been notified. The hearing has been re-advertised for September 13, 2016 and abutters have been notified.

The board voted unanimously to adjourn at 8:30 p.m.

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.