

Hull Zoning Board of Appeals

Minutes

October 18, 2016

The October 18, 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
Richard Hennessey, Alternate

Members absent: Scott Grenquist, Alternate

Public Hearing: 11 Rockland Circle

Start Time: 7:30 p.m.

Applicant: Paul Townsend

General relief sought: To apply for a special permit/variance to remove existing building – 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. That hearing was continued to October 4, 2016, at which time the hearing was again continued in order to allow the applicants to make new plans showing alterations to their initial proposal.

[Note: The October 4 continuance was not correctly posted and therefore Finn began the October 18 meeting by reading into the record the minutes from October 4 in order to insure that all of the material discussed on October 4 was a matter of record. Prior to doing so, the board voted to accept the portion of the minutes of October 4, 2017 that pertained to the 11 Rockland Circle hearing, with an amendment to correct Rockland Avenue to Rockland Circle. This was a motion by Corson, seconded by Finn.]

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.

The owner, Andrew Boothroyd spoke at the meeting, stating that he purchased the property in 1998 and ran Saporito's restaurant for 16 years before leasing the space to another couple who left after five years. He said that the building is currently in poor shape and the proposed use fits in with the character of the neighborhood. He stated that the two abutters most affected by the project are Christopher Hidell and Ruth Marchetti. He stated that both had been notified of the plans long before the project came before the town.

In the last rendition of the plans, the proposed front setback was less nonconforming than the current; the west side setback was compliant; the east side setback would be compliant if measured to the foundation (without the porch); and the rear setback would be compliant if measured to the foundations (without the decks).

Townsend stated that the project had now been reconfigured to take off the porch on the east side and the decks on the rear, making the building compliant to all required setbacks other than the front, which will be less noncompliant than the existing building. He stated that he had met with Building Inspector Peter Lombardo, who had agreed that the other setbacks were conforming and would not require zoning relief. Finn asked Townsend if Lombardo had the authority to waive the front setback requirement, as he does in some cases. Townsend stated that Lombardo can do this in a single family residential zone, but not in a Commercial Rec B zone.

Jeff Hassett of Morse Engineering presented the newly revised plan, noting that the side decks have been extended and an uncovered landing less than 30 square feet with a 30-inch overhang has been added to the front doorway. This is permitted by zoning as a matter of right. This area would be landscaped so as to provide screening between the applicant's property and the adjacent property. Hassett also pointed out that neighboring properties are 3.6' and 3.8' off the front property lines, and the proposed setback for the applicant's proposed structure is going from 3.9' to 14.1'. Finn pointed out that the front corner of the front is within the setback.

Several residents were present at the meeting to speak about the proposal:

- Chris Hidell, 9 Rockland Circle, spoke in favor of the project, stating that the applicants have scaled back their initial plans considerably since they first showed them to him. He said that this is the highest and best use of the property. He stated he was very much in favor of it.
- Joanne Capone, 21 Rockland House Rd., stated that safety and traffic were issues in the neighborhood. As she had in previous meetings, Capone said that the residents had voted against the project and she didn't know why that was not taken into consideration. She further said that the project would disrupt sewer lines and she was concerned about water runoff. Kane noted that the public can state its objections, but does not get to vote on the matter.
- Paula Young, 53 Park Ave., reiterated her opposition to the project.
- Dan Quaille, 5 Rockview Rd., provided the board with several renderings of the proposed building that he had compiled using Google Earth to show the impact of the structure on the houses around it. He stated that although the proposed structure will be more nonconforming to setbacks, it is twice as tall and is massive compared to the current building. Finn pointed out that the applicants are allowed 40' height as a matter of right, and they are below that.

Finn stated that the board appreciated the comments, and explained that the board hadn't given the applicants what they were initially seeking, but had asked them in the previous meeting to change their plans in order to better conform with the side setbacks, which they did. The only remaining issue would be the front setback.

Ernesto Caparotta, a direct abutter, was also at the meeting. Caparotta is a direct abutter who owns the land at the rear of the applicants' property. He stated that he had not received notification of the meetings with the Board of Appeals or the Conservation Commission. He explained that his mailing address is Ernesto Caparotta, care of his business partner, at a postal box. The letters had been sent to him at the correct box, but without the "care of." Since his business partner is the owner of record of the box, the letter was returned as undeliverable. Caparotta had a copy of the returned envelope and this was copied for the board's records.

Kane noted that the mailings do not need to be sent via certified mail. Townsend stated that the post office has to certify that they mailed them and provide a certificate of mailing. Hassett stated that it is not uncommon for some of them to be returned.

Caparotta stated that he was not necessarily opposing the project, but because he hadn't been involved in the previous hearings he requested a four-week continuance to have an engineer examine the impact on his land. He stated that he was concerned about drainage affecting his land, and also about parking and traffic in the neighborhood.

Kane called a ten minute recess so that Caparotta and the applicants could confer. When the hearing resumed, the applicants said that they had agreed to the continuance, but would like it to be only two weeks. Caparotta said that he would be away on November 1 and for the week preceding. He agreed that he would try to get his information together prior to that time.

Action Taken:

On a motion by Corson, seconded by Finn, the board voted to continue the hearing to Tuesday, November 1, at 7:30 p.m.

The board voted unanimously to adjourn at 8:50 p.m. on a motion by Finn, seconded by Corson.

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.