

# Hull Zoning Board of Appeals

## Minutes

October 4, 2016

The October 4, 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

**Members absent:** Richard Hennessey, Alternate

## Public Hearing: 11 Rockland Avenue

**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 plants pursuant to Hull Zoning By-laws, Chapter 40-A.

## Summary of discussion:

This is a continuation of a hearing begun on September 13, 2016. The hearing was continued in order to allow the board to conduct a site visit of the property, which took place this evening, October 4, 2016.

Paul Townsend of Mod-Tech Homes is the designer of the project for a property owned by Marianne and Andrew Boothroyd at 11 Rockland Avenue. 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 proposed building will be 44'x31' with four stories, which include parking and attic. Townsend informed the board that since the opening of the hearing on September 13, the Conservation Commission had approved the client's application.

Jeff Hassett of Morse Engineering presented a newly revised plan, showing the required, current, and proposed setbacks. The applicants noted that the proposed front setback will be less nonconforming than the existing structure; that the west side setback will be compliant; the east side setback would be compliant if measured to the foundation (without the porch); and the rear setback will be compliant if measured to the foundations (without the decks) and less nonconforming if measured to the decks. The porch and decks were shown on the drawing. The plan also specified the height 39.1' Hassett stated that a curb cut already exists. He further stated that with the exception of the porch, the proposed structure is more conforming to setbacks than the current structure.

Several residents were present at the meeting to speak in opposition to the proposal:

- Joanne Capone, 21 Rockland House Rd., who stated that safety and traffic were issues in the neighborhood. Kane stated that the board could consider comments related to zoning issues and that for traffic concerns the Police Department should be consulted. Capone said that the residents had voted against the project and that she would like a public interest review. She said that it was unattractive, will detract from the natural beauty, and will decrease property values. Kane noted that the public can state its objections, but does not get to vote on the matter.

- Paula Young, 53 Park Ave., said that she would like the project to be reconfigured to have less impact on the neighborhood.
- Barbara Connick, 28 Rockland House Rd., asked if it was possible to put a single family house in that location. Finn stated that a single family residence is not permitted in a Commercial Rec B zone. He read an excerpt from Building Commissioner Peter Lombardo's letter, which states that "the proposed use – two-family structure (Multi-Family Use as per Town of Hull Zoning Bylaw Article II – "Definitions") is allowed per section 35-1B.a; Per Table 51."
- Brian Fecteau, attorney for direct abutter Ruth Marcetti, asked if the proposed structure can be built within the setbacks.
- Dan Quaile, 5 Rockview Rd., stated that the plan is just too big for the parcel. He noted that Mrs. Marcetti's her view will be gone and her property values will fall. He asked if it could be built just a little smaller.
- Capone asked if the air conditioners would be noisy, as they are on the condos. Hassett said that these would be consistent with single family units.
- Young asked about some mounds and depressions on the land. Finn said that these could be an old septic system.
- Finn read new notarized letters of opposition from Barbara Connick, 28 Rockland House Rd. [not within the 300' notification zone for abutters], Joanne Haraden, and Paula Young, 53 Park Ave.

Grenquist noted that without the porch and the decks, they would only need front setback relief.

Finn noted that the left setback creates a new nonconformity with the porch. He further stated that if they take away the rear decks they are also within setback requirements. He said that the building inspector can waive the front setback requirement if he deems it appropriate and in keeping with other houses in the neighborhood. Townsend stated that it is not unusual for a board to approve an improved nonconformity such as would exist in the rear of the proposed building. Grenquist noted that the deck could be extended on the side. Finn stated that this was a unique case because it is a Commercial Rec B zone immediately next to a single family zone and there are so many vocal concerns from the neighborhood.

Townsend noted that if they remove the porch they are allowed to have a landing within the setbacks for the front door with just a covered landing. Hassett had a new drawing showing this change. Townsend asked if the project would be approvable if they conceded the porch. He said that they could submit a new plan within a couple of days. Mrs. Marchetti asked if there would be a privacy fence. The board suggested that perhaps this was something that could be worked out with the applicants.

### **Action Taken:**

On a motion by Finn, seconded by Corson, the board voted to continue the hearing to Tuesday, October 18, at 7:30 p.m.

## **Public Hearing: 100 Clifton Avenue**

**Start Time:** 8:35 p.m.

**Applicant:** Donald J. Ranney, Jr.

**General relief sought:** To apply for a special permit to enclose approximately 4'x8' existing porch on first floor of house at northeast corner. Extend second floor over existing rear southeast porch 4'x7.6' pursuant to Hull Zoning Bylaws Chapter 40-A, sec. 61, Nonconforming Uses, para 61-2, sub-para f, Pre-existing Structures and Sec. 61-2c.

### **Summary of discussion:**

The applicant wishes to enclose one existing 4'x8' porch and extend the height of a second 4'x7.6' porch. Don Ritz, architect for the project, explained that there is a full foundation under each porch.

Finn read the letter from Building Commissioner Peter Lombardo into the record. It reads in part:

"I am in receipt of your building permit application dated August 16, 2016, on which you propose to perform the following work:

Enclose front (northeast) porch (4'x8'); extend second floor over existing rear (southeast) porch (4'x7.6').

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 second floor addition requires a special permit from the Zoning Board of Appeals.

Existing/proposed front setback (13.1') is less than required (20') but may be waived. As per footnote 50-2a; existing proposed side setback (east) (5.1', 5.2') is less than required (10'); Section 61.2.f.ii (so-called 5/15 exemption) allows height extension over existing footprint. Existing entry porch southeast side and covered porch, northeast side, are not included in existing footprint, therefore a special permit is required to extend the second floor over these areas, per section 61-1.f

There were no abutters present to speak for or against the project.

#### **Action Taken:**

On a motion by Finn, seconded by Corson, the board voted to approve the special permit as requested.

<b>Vote:</b>	Finn	Yes
	Corson	Yes
	Kane	Yes

#### **Public Hearing: 110 Cadish Avenue**

**Start Time:** 8:45 p.m.

**Applicant:** Jack Mitchell

**General relief sought:** To apply for a special permit to construct a one floor addition to existing house as per plans pursuant to Hull Zoning Bylaws Chapter 40-A, sec. 61, Nonconforming Uses, para 61-2, sub-para f.

#### **Summary of discussion:**

Jack Mitchell, the contractor for this project, explained that the owner wished to create a small living space for her father by enclosing part of an open porch and constructing an addition. This would add 574 square feet of living space. The setbacks would not change, but the lot coverage would increase from 31.6% to 38 %. Finn noted that since the lot coverage was already nonconforming, a decision would be add to a current nonconformity rather than create a new one.

Finn read the letter from Building Commissioner Peter Lombardo into the record. It reads in part:

"I am in receipt of your building permit application dated August 23, 2016, on which you propose to perform the following work:

Construct one floor addition to existing house 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).



