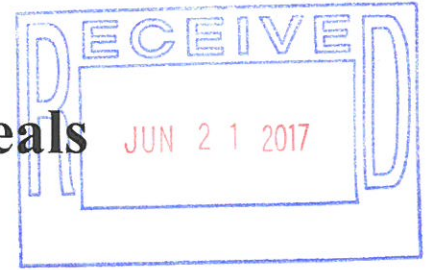


Hull Zoning Board of Appeals

Minutes

February 21, 2017



The February 21, 2017 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: Patrick Finn, Clerk
Andrew Corson, Member
Richard Hennessey, Alternate
Scott Grenquist, Alternate

Members absent: Neil Kane, Chair
Corina Harper, Alternate

Public Hearing: 3 Vautrinot Avenue

Start Time: 7:38 p.m.

Applicant: Steve Misdea

General relief sought: To apply for a Special Permit to: extend front porch 9' from what was previously permitted by the ZBA in July 2016. The proposed deck extension is on the left side of the home as per plans pursuant to Hull Zoning By-Laws Chapter 40-A, Sec. 61, Non-Conforming Uses, para 61-2, sub-para f.

Sitting: Patrick Finn, Clerk
Andrew Corson, Member
Scott Grenquist, Alternate

Summary of discussion:

Prior to the meeting the applicant communicated with the board's administrator Sarah Clarren and requested a continuance.

Action Taken:

On a motion by Corson, seconded by Grenquist, the board voted unanimously to continue 3 Vautrinot, Steve Misdea, to March 7, 2017 at 7:35 p.m.

Vote: Finn – Aye
Corson – Aye
Grenquist – Aye

Administrative Business

As Chairman Neil Kane was not present, the board decided to defer review of its application packet and Board of Appeals Rules and Regulations to the next meeting.

Public Hearing: 5 Nantasket Avenue

Start Time:7:45p.m.

Applicant:John Riley

General relief sought:To apply for a Special Permit to demolish existing structure and rebuild new structure to include 1 residential unit and 1 commercial space. The residential unit will be expanded into a second story as per plans pursuant to Hull Zoning By-Laws Chapter 40-A, Sec. 61, Non-Conforming Uses, para 61-2, sub-para f.

Sitting: Patrick Finn, Clerk
Andrew Corson, Member
Richard Hennessey, Alternate

Summary of discussion:

Attorney Michael Nuesse spoke on behalf of the applicant, stating that the property already has a special permit in effect for the project. The project had a permit dated April 4, 2015, and construction had begun, but the applicant's father, who owned the property at that time, became ill in 2015 and passed away in 2016. The applicant would now like to go forward and complete the project, but since some time has passed since there has been activity on the site, Building Commissioner Peter Lombardo referred Riley to the board. Nuesse stated that the statute requires either substantial use of the property or construction. He noted that site work was done last fall.

Finn read the February 16, 2017 letter from Commissioner Lombardo. [See document archives for this meeting.]

Finn said that demolition has been done and that the two-year time period is close enough based on the circumstances and the statute. Riley said that the plans were the same and there were no height or other changes from the previous plans. There were no abutters present at the meeting to speak in opposition or in favor of the project.

Grenquist noted that the board was being asked to clarify and affirm that the special permit is in good standing.

Action Taken:

On a motion by Hennessey, seconded by Corson, the board voted unanimously, pursuant to Building Commissioner Lombardo's letter, on a motion to affirm the special permit that is already in place for the applicant that dates back to April 4, 2015, since they have met the burden of showing both that construction has begun and that there is a special case to continue the permit based on due cause, based on the death of the applicant's father.

Vote: Finn – Aye
Corson – Aye
Hennessey – Aye

Public Hearing: 17 Rockland Circle

Start Time:8:10 p.m.

Applicant:Maryann Boothroyd

General relief sought: To apply for a Variance to change interior commercial use to single-family residential dwelling as per plans pursuant to Hull Zoning By-Laws Chapter 40-A, Sec. 61, Non-Conforming Uses, para 61-2, sub-para f.

Sitting: Patrick Finn, Clerk
Andrew Corson, Member
Scott Grenquist, Alternate

Summary of discussion:

Andrew Boothroyd stated that he and his wife Maryann Boothroyd are seeking a use variance for their property at 17 Rockland Circle in order to renovate an existing one story building for use as a single family dwelling. The property is located in a Commercial Rec B zone, which specifies multi-family use. He stated that the hardship is the small lot, limited parking, and no street parking. He stated that they are renovating the interior to include two bedrooms, a kitchen, and a bathroom, and will not be changing the height or footprint of the building. M. Boothroyd stated that they have tried to sell or lease the property as commercial space with no success.

Finn read the letter from Building Commissioner Lombardo. [See archived document.]

Christopher Hidell, 9 Rockland Circle, stated that he is in favor of the project. He said that the Boothroyds are doing no exterior alterations and that the building will be returned to its previous use as a single family dwelling. He said that it is the highest and best use of the property.

Joanne Capone, 21 Rockland House Rd., stated that she is opposed to it on the grounds of safety and esthetics. She also stated that the wetlands are moving closer. She stated that there shouldn't be any driveway coming down the hill.

A Boothroyd noted that the building is already there and will not be changed on the outside. He noted that it is in the flood zone. Hidell said that the existing driveway and spaces were paved several years ago and have been in continuous use. Finn noted that safety issues are reviewed by the Police Chief and Safety Officer.

Barbara Connick, 28 Rockland House Rd., spoke in opposition to the project and asked whether they could increase the height of the building. Finn said that in a Commercial Rec B zone the height limit is 40 feet regardless of the use. He further noted that because the applicants are requesting a change in use, they will need to have a variance rather than a special permit, and will have to meet a higher degree of statutory criteria. Grenquist stated that under current zoning it could be a two family, but not a one family.

Boothroyd asked if the board could put in a clause about the height, stipulating that no second story would be added in order to give Connick the reassurance she was looking for. Finn noted that a future owner could still petition the zoning board for more height. Abutter Ernesto Caparrotta said that the board doesn't have the authority to make a restriction. Hennessey said that restrictions are standard, and make it necessary for an owner would have to return to the board for subsequent changes.

The board reviewed the variance application and noted that Question 1, regarding hardship, was not answered. A. Boothroyd said that the hardship was size and parking. Finn read the explanation of the conditions of a variance.

Corson said that the property may be too small to have a multifamily dwelling. Hennessey said that commercial use wouldn't work because of the parking limitations. M. Boothroyd stated that they tried to sell it as a restaurant when there was a parking lot across the street with no success. A. Boothroyd said that the property was with a broker for commercial use for over a year.

Connick noted that the property used to have adequate parking space but the Boothroyds sold that space to make the five condominiums at 0 Rockland Circle.

Finn stated that he would like to look at the property and research use variance criteria before the board makes a decision. Grenquest asked if it is a sufficient hardship if the applicants can't get someone to buy or rent the property as a commercial property. He noted that the proposed project would have less impact on the neighborhood than a commercial or multifamily project.

Finn said that he would like a continuance. He noted that the applicants might want to have counsel and complete the variance questionnaire.

Caparrotta said that the standards for a use variance are very hard to meet and that cases often get overturned on appeal. He said that a hardship is not financial. He said it would stand no chance under appeal. He said he was not talking in opposition but that nothing met the criteria of a hardship. He stated that he plans a retail venture on his property and that if there is a single family home at the Boothroyds' location, there could be a problem with a drive-through. He noted that the rear and side of the Boothroyds' property are not residential but are Commercial Rec B and that the overlay provides that best used for his property.

The board decided to do a site visit at 6:45 p.m. on March 7.

Action Taken:

On a motion by Corson, seconded by Finn, the board voted unanimously to continue the hearing for 17 Rockland Circle to 7:45 p.m. on March 7, 2017.

Vote: Finn – Aye
Corson – Aye
Grenquist – Aye

Administrative Business, Continued

The board unanimously approved the minutes as amended for January 3, 2017 and January 17, 2017 (amended by Finn), on a motion by Finn, seconded by Hennessey.

The board voted unanimously to approve board meeting and submittal deadlines, on a motion by Corson, seconded by Finn.

The board voted to adjourn at 9:28 p.m. on a motion by Hennessey, seconded by Grenquist.

Recorded by Catherine Goldhammer

Minutes Approved: Catherine Finn clerk 6/20/17

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.