

Hull Zoning Board of Appeals

Minutes
September 5, 2017



The September 5, 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: Neil Kane, Chair
Patrick Finn, Clerk
Andrew Corson, Member
Scott Grenquist, Associate
Richard Hennessey, Associate
Corina Harper, Associate

Public Hearing: 20 Park Avenue

Applicant: Mark Zuroff

General relief sought: To apply for a special permit and/or variance to build a single family home as per plans pursuant to Hull Zoning By-laws Chapter 40-A, Sec. 61, Non-Conforming Uses, para 61-2.

Summary of discussion:

The owner of the property, Joseph McLaughlin, wishes to build a single family home on a parcel of land at 20 Park Avenue. McLaughlin stated that there was a two-family home on this property for forty or fifty years, but this burned down many years ago. He came before the board in April of 2015 but withdrew the application without prejudice. The board at the time suggested that he look into buying an adjacent piece of town-owned land in order to increase the size of his property. McLaughlin said that he has expressed his interest in doing so to the town, but the town has not been willing to sell it to him. He said that the owners of adjacent properties are in favor of the project, but he did not have notarized letters to that effect.

Finn noted that the plan for which he applied in 2015 was for a two-family building and that there were issues with the board at that time regarding the size of the lot and the density of the project.

Finn read in part an email from Town Manager Phil Lemnios regarding the town's position on the sale of the adjacent parcel of land, which stated:

"The Town still owns the parcel abutting 20 Park Ave. At this juncture, the Town has not offered the parcel for sale, and there are no immediate plans to do so. I would note that the owner of 20 Park Ave. has consistently inquired about purchasing the Town-owned lot. However, the lot may have other uses, such as a neighborhood pocket parking area, especially during storm events, when getting cars off the roads is important."

David Ray, Nantasket Survey Engineering, said that the hardship posed by the lot is the soil conditions, notably the amount of silt, which creates drainage issues. He said that the applicant is going to put in a water infiltration system that will improve the drainage of the property and the neighborhood. He further stated that the other hardship is the shape and size of the lot and that the applicant has attempted to purchase the neighboring lot, but has been unsuccessful. He noted that the two neighboring properties have 4 units and 18 units respectively and they both have smaller lots than 20 Park Ave.

Grenquist noted that the photo/drawing of the building doesn't correspond to the plan. McLaughlin said that the drawing is not accurate, but the plan is. He further stated that the height is less than 35'. Finn noted that 40' height is allowed in the zone.

Pat Mulvey, 16 Berkley Rd., said that she is a direct abutter and is concerned about the density of the area, the trees being removed, and the drainage issues. She also is concerned that this would set a precedent for building on small lots. She said that in even small rain storms, her property floods badly. Corson pointed out that with this project the drainage should improve. Ray pointed out that by excavating and using a gravel fill, they are creating thousands of

cubic feet for water to go before it is absorbed into the soil and this will decrease flooding. He stated that the applicant will have to go before the Conservation Commission as well.

Susan Mann, who is not an abutter but is a town resident, said that if the adjacent lot has the same soil conditions, it will still allow some flooding and therefore the town is not doing its duty.

The board will continue the hearing in order to perform a site visit at 6:30 p.m. prior to the next meeting on September 19. McLaughlin said that he will meet with the Mulveys to discuss their concerns.

Action Taken: On a motion by Finn, seconded by Corson, the board voted to continue the hearing for two weeks to September 19.

Vote: Kane – Aye
Finn – Aye
Corson – Aye

Public Hearing: 246 Nantasket Road

Applicant: John Kenyan

General relief sought: To apply for a special permit and variance to replace existing 245 square foot deck with anew 264 square foot deck as per plans pursuant to Hull Zoning By-laws Chapter 40-A, Sec. 61, Non-Conforming Uses, para 61-2. The existing and proposed side and rear setbacks are less than required.

Summary of discussion:

John Kenyan stated that he would like to make his deck larger. Grenquist pointed out that the deck will increase from 245 square feet to 361 square feet, a total increase of 108 square feet. He pointed out that if the applicant made the deck just a foot less deep they would not need a variance. He noted that one side is in conformance already.

Finn read the letter from Building Inspector Bartley Kelly, which stated in part:

“The proposed addition requires a special permit and variance from the Zoning Board of Appeals.

“Existing side setback is .56’ and the proposed is .4’ and the existing rear setback is compliant and proposed is 19.2’, less than the required 20’.”

The applicant agreed to stay within the rear setback requirement.

Action Taken: On a motion by Finn, seconded by Corson, the board voted to approve a special permit for 246 Nantasket Road, to construct a rear deck with the following conditions:

(a) Compliance with all applicable laws and codes of the Commonwealth of Massachusetts and the Town of Hull is required, including the rear setback 20’ requirement;

(b) The construction shall be done substantially in conformance according to the plans as submitted to the board on September 5, 2017, by Nantasket Survey Engineering, David Ray, dated July 27, 2017, with the exception being the rear setback must be in compliance;

(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 residential use;

(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.

Vote: Kane – Aye
Finn – Aye
Corson – Aye

Public Hearing: 144 Samoset Avenue

Applicant: Jack Mitchell

General relief sought: To apply for a special permit to construct addition to rear of home and a new front porch, as per plans pursuant to Hull Zoning By-laws Chapter 40-A, Sec. 61, Non-Conforming Uses, para 61-2. Proposed/existing front and side setbacks are less than required.

Summary of discussion:

Mitchell represents Ted Kramer and Luann Richardson of 144 Samoset Avenue. They would like to construct a 14x25' addition and a 12'x25' deck. This will increase lot coverage from 16.6% to 25.9% and will continue an existing nonconformity.

Finn read the letter from Building Inspector Bartley Kelly, which stated in part that...

"The proposed addition requires a special permit from the Zoning Board of Appeals.

"Existing dwelling lies within a Single-Family "A" Zone. Proposed/existing side setbacks (7.5+/-) are less than required (10'); front setback (15') is less than required (25') but may be waived as per section 50-2 footnote (a). All other dimensional requirements appear compliant."

Action Taken: On a motion by Finn, seconded by Corson, the board voted to approve the special permit to 144 Samoset Ave. to construct rear addition and deck, 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 September 5, 2017, by Duxborough Designs, dated June 14, 2017, and site plan by Nantasket Survey Engineering, David Ray, dated January 26, 2017. With exception being the rear setback must be in compliance.
- (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 single-family use;
- (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.

Vote: Kane – Aye
Finn – Aye
Corson – Aye

The meeting was adjourned at 8:45 p.m. on a motion by Corson, seconded by Finn.

Recorded by Catherine Goldhammer

Minutes Approved: Nate Finn clerk 10/17/17

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.