

# Hull Zoning Board of Appeals

## Minutes

October 17, 2017

The October 17, 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  
Corina Harper, Associate  
Richard Hennessey, Associate

**Members absent:** Scott Grenquist, Associate

### Public Hearing: 238 Nantasket Road

**Applicant:** Mark McDonnell

**General relief sought:** To apply for a variance to construct a porch and small bump-out on front of house and 20'x14' addition in the back of the house as per plans, pursuant to Hull Zoning By-laws Chapter 40-A, Sec. 61, Non-Conforming Uses, para 61-2. Existing front and rear setbacks are compliant; the proposed setbacks are non-compliant. The existing lot coverage is compliant; the proposed is not.

### Summary of discussion:

This is a continuation of a hearing in which the applicants are asking for a variance to expand the first floor living space and construct a porch in the front and a 20x14' addition in the back of the house. Prior to the meeting the board conducted a site visit.

The house is currently compliant in the rear setbacks and lot coverage and therefore requires a variance. David Ray, Nantasket Survey Engineering, stated that the property is currently not compliant in the front and therefore would require a special permit in the front and a variance in the rear. Lot coverage would increase from 17.4% to 31.4%. Required lot coverage is 30%.

Finn noted that the criteria for a variance are very specific. He also noted that the project will take the house to 3.5' off the front property line. He suggested that it would be helpful if the applicants found a way to cut back to meet the required lot coverage. The applicants agreed to a continuance to November 7, 2017 so that the application can be re-advertised as "special permit or variance."

**Action Taken:** On a motion by Finn, seconded by Corson, the board voted to continue the hearing to November 7, 2017.

**Vote:** Kane – Aye  
Finn – Aye  
Corson – Aye

### 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:**

This is a continuation from a hearing begun on September 5, 2017 and continued to October 3, 2017. The owner of the property, Joseph McLaughlin, wishes to build a single family home on a parcel of land at 20 Park Avenue.

The board noted that the application was by Mark Zuroff, the property owner's attorney, who had not been present at any of the hearing meetings. Therefore, the board voted unanimously, on a motion by Finn, seconded by Corson, to amend the application to add the name of the applicant as follows: ERM Hull, LLC, Care of Martin Realty, P.O. Box 2119, Quincy, MA 02169, who is represented here tonight by Joe McLaughlin.

David Ray, Nantasket Survey Engineering, stated that the property is compliant in the rear, and noncompliant on the sides. He stated that the front noncompliance can be waived by the Building Commissioner. He further stated that the property would have a positive effect on the neighborhood.

Finn noted that most of the setbacks on the street are 5' or less. He said that the property also needs a variance for lot coverage. He noted that there are two parking spots, which conform to the regulations for a single family home. He read into the record the criteria required for a variance, as specified by Mass. G.L. chapter 40A, section 10 and Hull Zoning Bylaw, Article VII, section 80-2(b). He stated that there has been extensive testimony regarding the property's unique soil conditions. Ray stated that the shape of the lot is also an issue.

Hennessey stated that they have addressed the four criteria for a variance and applied them to the facts. Corson and Harper concurred.

No abutters were present at the meeting to speak in favor of or in opposition to the proposal, but subsequent to the last meeting, in response to abutters' concerns, the McLaughlin had agreed to investigate an existing manhole cover on adjacent land. He stated that he has been unable to acquire any information about it. He also had reached an agreement with another abutter, Pat Mulvey, 16 Berkley Rd., regarding plantings and number of bedrooms on the second floor. The applicant had a written agreement between attorney Zuroff and Mulvey, which he presented at this meeting. This letter of agreement, dated October 5, 2017, was read into the record by Finn. [See document.] The letter specified ten pear trees planted five feet from lot line and no more than three bedrooms on the second floor of the house. Mulvey was not present at the meeting.

Finn asked the board to consider conditions to the approval of the application, specifically regarding the possibility of a condition stating that the dwelling had to remain a single family home, which had been mentioned at a previous meeting when abutter Mulvey expressed concern about future changes. He noted that because it was mentioned in the previous meeting as a possibility, he wanted the board to specifically address it before granting the petitioner's application, since the abutter was not present. The board decided that this concern was covered in its standard condition (d), which requires any further changes to come before the board for approval. The applicant said that if this was changed it might put his financing at risk. Ray said that the application was for a single family and that any changes would have to be approved in the future. The board noted that the number of bedrooms was specified in the letter of agreement, as were the trees. In regard to conditions regarding drainage, Corson stated that the Conservation Commission will handle that aspect of the plan.

**Action Taken:** On a motion by Finn, seconded by Corson, the board voted to grant the petitioner's application for 20 Park Avenue for a special permit/variance to build a single family home as per plans, 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 October 17, 2017, by Westchester Modular Homes, dated January 18, 2007, revised February 27, 2007 and April 2, 2007, and existing and proposed conditions plans by David Ray, Nantasket Survey Engineering, LLC, professional land surveyor, 35412, dated April 3, 2015;

(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

## **Administrative Business**

The board unanimously approved the minutes of July 18, 2017 and September 5, 2017 on a motion by Finn, seconded by Corson.

The meeting was adjourned at 9:25 p.m. on a motion by Corson, seconded by Finn.

Recorded by Catherine Goldhammer

Minutes Approved:  Clerk 11/7/17

*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.*