

Hull Zoning Board of Appeals

Minutes October 3, 2017

The October 3, 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

Members absent: Corina Harper, Associate

Public Hearing: 112 Atlantic Avenue

Applicant: William Pellicano

General relief sought: To apply for a special permit to extend back deck an additional 4' as per plans, pursuant to the Hull Zoning By-laws 40-A, Sec. 61, Non-Conforming Uses, para 61-2. Existing and proposed side setbacks are less than required.

Summary of discussion:

The applicant had received a special permit from the board in August 2016 to tear down an existing home and construct a new one on the property. At this time they would like to extend the back deck 4' beyond what was previously approved.

David Ray, Nantasket Survey Engineers, stated that the new plan was already approved by the Conservation Commission.

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" and that "existing and proposed side setbacks are less than required."

There were no abutters present at the meeting to speak in favor of or in opposition to the project.

Action Taken: On a motion by Finn, seconded by Corson, the board voted to grant the special permit for 112 Atlantic Avenue to extend back deck an additional 4' as per plans, with the following standing conditions that were in the original special permit dated July 5, 2016:

(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 3, 2017, and the site plan by David Ray, Nantasket Survey Engineering, dated June 13, 2017, stamped.

(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 proposed single family 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.

(e) Subject to curb cut opening on Bath Ave. being approved by Police chief, which was issued by permit dated July 12, 2016.

Vote: Kane – Aye
Finn – Aye
Corson – Aye

Public Hearing: 238 Nantasket Road

Applicant: Mark and Doreen Mc Donnell

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:

Doreen McDonnell informed the board that in order to expand the first floor living space and improve access to the living space, she and her husband, who was not present at the meeting, would like to construct a porch in the front and a 20x14' addition in the back of the house.

Finn noted that the house is currently compliant and the proposed changes would make it non-compliant, and therefore it would require a variance for front and rear setbacks and lot coverage. He noted that hardship has to be related to the property and has to meet strict criteria. He read the letter from Building Inspector Bartley Kelly, which stated in part that "the proposed addition requires a variance from the Zoning Board of Appeals. Existing front and rear setbacks are compliant with zoning, the proposed front and rear setbacks are non-compliant. The existing lot coverage is compliant; the proposed is non-compliant."

Corson stated that he would like the board to conduct a site visit prior to deciding the case.

Action Taken: On a motion by Finn, seconded by Corson, the board voted to continue the hearing to October 17, 2017 and to conduct a site visit at 6:30 p.m., prior to the meeting.

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. 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 conducted a site visit at the property prior to tonight's meeting. Finn noted that the board looked at the lot, including shape, topography, and soil conditions, and reviewed water drainage issues and the foundation for the proposed dwelling.

Ray stated that the foundation will be FEMA compliant. In addition, the applicant will be removing all the soil and filling with in gravel in order to improve drainage in the neighborhood.

Corson pointed out that in order to work with the neighbors, the applicant has removed the rear deck from the plans, is planting trees in the rear, and will have only three bedrooms upstairs as opposed to four.

Finn read from the Hull Zoning By-laws Chapter 40-A, Sec. 61, Non-Conforming Uses, para 61-2f.

(iii) A pre-existing dwelling on an undersized lot shall not be considered as nonconforming provided the structure conforms with all of the other provisions of the zoning bylaw, including parking. If a pre-existing dwelling on an undersized lot is razed, a new structure may be built on the same lot as a matter of right provided the new dwelling conforms with all of the other provisions of the zoning bylaws including parking. (Amendment added, Annual Town Meeting, May 5, 2003)

McLaughlin stated that he wants to put tax revenue back into the town and that he is going to put people into the neighborhood who own the home. He stated that this will be a betterment over current conditions. He referenced the cars that were parked on the vacant lot. 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 20Park 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."

There were none present at the meeting to speak in favor of the project.

Pat Mulvey, 16 Berkley Rd., expressed concerns about flooding, but said that she felt a little better after tonight. Her main concern was that the lot was too small and that it was now a single family, but the footprint was the same. She asked if it is approved can they specify that it is to remain a single family. McLaughlin noted that there is only parking for one family. Finn stated that there can be a condition that it should remain a single family home in perpetuity. Hennessey said that this would take care of it, rather than try to put it onto the deed.

McLaughlin said that he would work with Mulvey and any other abutters to try to solve issues and answer concerns.

Paul Murray, 14 Berkley Rd., expressed concern about an existing manhole cover. Ray stated that a manhole cover is on town-owned land. Murray said he would like to clarify where the pipes are going. His concern is that it will be broken during construction. Corson said that would be the applicant's responsibility to correct. McLaughlin said that they would not be digging in that area. He said that he would try to find out more about the manhole. Finn noted that this is not a zoning issue. Grenquist said that it might be a conservation issue. McLaughlin said that they had yet to go before the Conservation Commission.

Grenquist pointed out that they are very close to working out the issues with the abutters and that once these are resolved, the board can take action. The board voted to continue the hearing. Mulvey asked if she had to attend the next session of the hearing and was told that she was not required to do so, but that it is always advisable to participate until a hearing is concluded.

Action Taken: On a motion by Finn, seconded by Corson, the board voted to continue the hearing to October 17, at 7:45 p.m.

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: Patricia Zin 11/7/17
clerk

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.