

# Hull Zoning Board of Appeals

## Minutes

August 1, 2017

The August 1, 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

**Members absent:** Richard Hennessey, Associate  
Corina Harper, Associate

### Public Hearing: 1 Old Colony Road

**Applicant:** B. Scott Taylor and Elizabeth Taylor

**General relief sought:** To apply for a special permit and/or variance to remodel and expand residence. The proposed lot coverage would increase from 29.1% to 32.4% as per plans pursuant to Hull Zoning By-laws Chapter 40-A, Sec. 61, Non-Conforming Uses, para 61-2, sub para f.

#### Summary of discussion:

This is a continuation of a hearing begun on July 18. Scott and Elizabeth Taylor wish to expand their existing home in order to gain more interior space and create a second emergency egress point. They purchased the home in 2014. Jonathan Prea, of Prea Design, said that the work would expand the garage and workshop space, the dining room, and a bedroom. It would allow for a second exit point in back of the building. The board made a decision to continue the hearing in order to conduct a site visit, which occurred this evening.

David Ray, Nantasket Survey Engineering, noted that the site visit was done to make it easier for the board to visualize the space. He said that the applicants have an alternative plan which would keep lot coverage within permitted limits, but they wanted the board to see why it makes more sense to do it as initially requested. He stated that it is a safety issue, since keeping lot coverage under 30% would lead to a series of tripping hazards on egress. He pointed out that they are looking at a variance for lot coverage only because the deck is more than 5' off the ground and thereby is included in lot coverage calculations.

Taylor said they want the house to be safe for themselves and for anyone else who lives in the house going forward.

Finn said that the board did not typically look favorably on creating a new nonconformity for lot coverage exceeding 30%, but in this case they have exhausted the potential remedies. He said that as long as desirable relief may be granted without nullifying or substantially derogating from the intent or purpose of the zoning ordinance or bylaw, the board has leeway. The issue is whether the derogation is substantial, and in this case it isn't. He stated that the criteria for a variance have been met based on the previous meeting and the site visit and tonight's hearing.

**Action Taken:** On a motion by Finn, seconded by Corson, the board voted to grant a special permit / variance to Scott and Elizabeth Taylor, 1 Old Colony Rd., to remodel and expand the residence as per the plans presented. The proposed lot coverage would increase from 29.1% to 32.4% as per plans and the pre-existing nonconforming side setback would be extended to incorporate the bump-out to the garage. Additional conditions are:

(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 August 1, 2017, by Jonathan Prea, Architect, dated 1/18/17, and Nantasket Survey Engineering site plan dated 11/20/2016.

(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: 52 Salisbury Street**

**Applicant:** Jon Saunders

**General relief sought:** To apply for a special permit to transfer the existing bed and breakfast license as per plans pursuant to Hull Zoning Bylaws, Section 46-1.

### **Summary of discussion:**

Saunders stated that he and his mother seek the transfer of a current bed and breakfast at 52 Salisbury Street to their names. His mother Cheryl Saunders would be the owner occupant and it would be operated in the same manner as it is now.

Finn read the letter from the Building Department referring the Saunders to the Board of Appeals. It stated, in part, that “the proposed Bed and Breakfast requires a special permit from the Zoning Board of Appeals” and referenced Article IV, Section 46 of the Hull zoning bylaws.

Saunders stated that he and his family have run similar bed and breakfast operations on the Cape.

**Action Taken:** On a motion by Finn, seconded by Corson, the board voted to approve the transfer of the existing bed and breakfast license as per plans to Jon and Cheryl Saunders; 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) No more than three bed and breakfast units shall be maintained in the subject premises which shall not comprise more than 45% of the gross floor area of the subject property;
- (c) The applicant shall at all times maintain three off-street parking spaces for use by the patrons of the bed and breakfast at 52 Salisbury Street, Hull, Massachusetts;
- (d) This special permit shall be effective for a period of five years;
- (e) This special permit is issued to the applicants only, who will occupy the subject premises at all times when in use as a bed and breakfast; and it may not be transferred to a subsequent owner without reapplication for a special permit by any such future owner.
- (f) That evidence of all real estate taxes paid to date is provided by petitioner;
- (g) That the required parking spaces be in accordance with the plan submitted to the board dated on July 22, 2014, and revised August 13, 2014.

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

## **Public Hearing: 4 Bay Street**

**Applicant:** Meredith Love

**General relief sought:** To apply for a special permit and/or variance to convert existing first floor office space into a residential unit as per plans pursuant to Hull Zoning By-laws Chapter 40-A.

**Summary of discussion:**

Meredith Love stated that she wants to convert the office space at 4 Bay Street into a residential studio apartment. She stated that she is a real estate agent and lives at 1 Porrazzo Rd., which overlooks the Bay Street property. The unit is a 536 square-foot open space with two deeded parking spaces. They have added a shower to the existing bathroom. There will be no structural changes to the unit.

Finn read aloud a letter from Bartley Kelly, Assistant Building Commissioner, which stated that conversion requires a use variance and/or special permit from the Board of Appeals. It states that the property is in a business zone and has two residential units on the second and third floor and a current business use on the first floor. The letter states that Section 34-1A.g "Permitted uses for business and mixed use residential districts" allows for mixed use business/multi-family but requires that not less than 30% of gross floor area of the building be for business use. The conversion of the first floor unit into a residential unit will eliminate the business use from the building.

Finn read aloud the variance questionnaire. [See application.]

**Action Taken:** On a motion by Finn, seconded by Corson, the board voted to approve the use variance and/or special permit for 4 Bay Street, Unit A0, for Meredith Love to convert existing first floor office space into a residential unit 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 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 commercial structure is in compliance with all code requirements for residential use;
- (c) 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 8:30 p.m. on a motion by Corson, seconded by Finn.

Recorded by Catherine Goldhammer

Minutes Approved: Arthur Linn 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.*