

Hull Zoning Board of Appeals
Minutes
February 6, 2018

The February 6, 2018 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, Associate

Members absent: Neil Kane, Chair
Scott Grenquist, Associate
Corina Harper, Associate

Public Hearing: 130 Cadish Avenue

Applicants: Gregory C. Howard

General relief sought: To apply for a special permit/variance to build a 12' x 8' open deck from existing deck across the front of the house, pursuant to the Hull Zoning By-laws Chapter 40-A. The proposed/existing side setback is less than required.

Summary of discussion:

Applicant Gregory Howard stated that he wished to expand the front deck on his summer home. He said that the building is currently elevated in order to put a cement foundation underneath. He said that there are no abutters other than the Harris family at 132 Cadish Avenue who will be able to see the deck and that the Harris property will only be able to see part of it.

Finn read a letter from Building Inspector Bartley Kelly, which stated that the proposed change was in violation of the Town's Zoning bylaw, Section 61, Non-conforming Uses, paragraph 61-2, sub paragraph f, Pre-existing Structures, because the proposed/existing side setback is less than required.

Finn noted that the front setback is also nonconforming. The current setback is 11' and the proposed is 15.7'. Hull resident Dennis Zaia, who is not an abutter, was at the meeting to present to the board a notarized letter from abutters Ronald and Dolores Harris, 132 Cadish Avenue, who are currently in Florida. The letter expressed that they had no objections as long as the applicant "abides by existing building codes." They also requested that the stair landing "not be so close to the lot line and suggest a turn in the stairs." They provided an illustration of same.

The applicant stated that the stairway is not an issue per his discussion with Kelly. Finn agreed that egress stairs are exempt from the setback requirement. Hennessey said that the stairway in the plan is not an accurate representation of what will be there. Howard stated that it is not yet clear how any stairs there will be and that the stairs on the plan are just an indication for where they will be rather than how many there will be. He stated that he is open to discussing the configuration of the stairs with the Harrises.

Finn pointed out that the proposed change to the side setback is not substantially more detrimental to the neighborhood. Corson agreed with this assessment.

Action Taken: On a motion by Hennessey, seconded by Corson, the board voted unanimously to approve the application for a hearing submitted by Mr. Howard to build an open deck from existing deck across the front of the house, 12' x 8', a special permit with the standard conditions included:

(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 by Paul Bonnarrigo P.E., plans dated 12/17/17, structural engineer number 47449, with a reference to David Ray's site plan dated January 7, 2015, David G. Ray, Nantasket Survey Engineering, LLC, registered professional land surveyor number 35412, signed and dated January 7, 2017;

(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 structure is in compliance with all zoning and 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: Finn – Aye
Hennessey – Aye
Corson – Aye

Administrative Business

Board administrator Sarah Clarren notified the board that she had received two notarized letters from Ellen M. Morrissey about a previous hearing regarding 82 Atlantic Avenue. The first letter was to Chairman Neil Kane asking the board to explain its decision and the process leading up to the decision. The second letter, to Town Clerk Lori West, requested a review of materials relating to the application for a special permit for 82 Atlantic Avenue. The board agreed that they would have no response to the letter to Kane, as he was not present and also because they have no written confirmation from Town Counsel James Lampke as to the status of Morrissey's appeal on the decision.

Public Hearing: 121 Bay Street

Applicants: Beatrice Bergstrom and Steven Bergstrom

General relief sought: To apply for a special permit/variance to construct a new two-family home, each side with four bedrooms and 4 ½ baths, as per plans, pursuant to Hull Zoning By-laws Chapter 40-A, Sec. 61, Non-Conforming Uses, para 61-2. Building will replace previous three family unit. Proposed rear setback does not comply. Proposed front setback (13') may be waived.

Summary of discussion:

The applicant has submitted a written request for a continuance to February 20, 2018.

Action Taken: On a motion by Hennessey, seconded by Corson, the board voted unanimously to approve the request for a continuance to February 20, 2018.

Vote: Finn – Aye
Hennessey – Aye
Corson – Aye

The meeting was adjourned at 8:44 p.m. on a motion by Hennessey, seconded by Corson.
Recorded by Catherine Goldhammer

Minutes Approved: _____

 4/17/18

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.