

Hull Zoning Board of Appeals

Minutes

September 4, 2018

The September 4, 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: Neil Kane, Chair
Patrick Finn, Clerk
Richard Hennessey, Associate
Corina Harper, Associate

Members absent: Scott Grenquist, Associate

Public Hearing: 101 Highland Avenue (Continuation)

Applicants: Nicholas Orem, Jr. and Laura Scott

General relief sought: To Apply for a Special Permit/Variance to finish space above garage, as per plans, pursuant to the Hull Zoning By-Laws Chapter 40-A, Sec. 61, Pre-existing structures. The proposed project appears to create a separate additional dwelling unit in a single-family zone, which violates Article III, section 31.1 of the Zoning Bylaws.

Sitting: Kane, Finn, Hennessey

Summary of discussion:

Board administrator Sarah Clarren provided the board with an email from the applicant stating that they would like to withdraw their application without prejudice, but they are away and unable to provide a signed letter. She informed them that the board would determine whether the email communication was sufficient.

Action Taken: On a motion by Finn, seconded by Hennessey, the board voted unanimously to withdraw without prejudice 101 Highland Avenue, Nicholas Orem and Laura Scott's application.

Public Hearing: 811 Nantasket Avenue (Continuation)

Applicants: Matthias Braeu

General relief sought: To Apply for a Special Permit/Variance to turn mixed use property into a multiuse property, as per plans, pursuant to the Hull Zoning By-Laws Chapter 40-A, Sec. 61, Pre-existing structures; Non-Conforming Uses. The existing mixed-use building – 2 apartments/office/commercial space—is located in a Business zone and is conforming. The existing use was established by a special permit in 1982. Converting office space to a residential unit may require amending special permit and/or variance for change of use to multi-family from mixed use. Multi-family use is non-conforming in a business zone. Existing parking appears to be adequate for proposed use.

Sitting: Kane, Finn, Hennessey

Summary of discussion:

Finn notified the board that Braeu has requested a continuance via email. He had previously signed an extension.

Action Taken: On a motion by Finn, seconded by Hennessey, the board voted unanimously to continue 811 Nantasket Avenue, Matthias Braeu, for two weeks to September 18.

Public Hearing: 685 Nantasket Avenue

Applicants: Giselle Stilphen

General relief sought: To Apply for a Special Permit/Variance to remove nonstructural wall, add two doors to convert existing commercial space into additional living area. The existing mixed-use building (2 apartments and commercial space) is located in a Business Zone; the proposed conversion of existing commercial space to a third residential unit requires a Special Permit and/or Variance.

Sitting: Kane, Finn, Hennessey

Summary of discussion:

Stilphen said that she would like to merge the two units on the first floor of the building into one residential living space, which would be owner-occupied. She stated that there is not enough space for commercial parking in the area. If this is approved, there will be three residential units in the building, two on the second floor and one on the first floor.

She stated that this property had been before the Board of Appeals in 2006, and that at that time she and her former husband had purchased an abutting property, hoping to use it for parking. They had withdrawn their application at that time. Finn stated that he would like to have all of the information on this previous case before writing a decision, as it was unclear what the disposition of the case was.

None were present to speak for or against the application.

Action taken: On a motion by Finn, seconded by Hennessey, the board voted unanimously to continue to September 18.

Public Hearing: 20 Merrill Road

Applicants: David Bishop

General relief sought: To Apply for a Special Permit/Variance to: replace and extend historical porches, as per plans, pursuant to the Hull Zoning By-Laws Chapter 40-A, Sec. 61, Pre-existing structures; Non-Conforming Uses. Existing (2.2') and Proposed (2.2') side setback is less than required.

Sitting: Finn, Hennessey, Kane

Summary of discussion:

Grenquist was not present at the meeting, but Kane will take his place in the deliberations and has listened to the tape of the prior meeting.

Bishop said that he is rebuilding his house and trying to bring the porches back to their historic state.

The following spoke in favor of the project:

- Evan Pestone, 4 Island View Road, stated that he supported any betterment of the neighborhood.
- Jan Mullin, 3 Island View Road, stated that every project Bishop does is top notch and improves the neighborhood.
- Walter Riviuccio, 16 Merrill Road, an immediate abutter, said that what Bishop has done with the house is phenomenal and he supports the project. He stated that he has lived next door his whole life and remembers a porch that used to be there.

- Sandra Bopp, 22 Fairmount Way, said that Bishop is an outstanding individual and everything he has done to the house has had a positive influence on the neighborhood.
- Josephine Lewis, 2 Island View Road, stated that she looks forward to seeing the house restored.

In addition, Finn read into the record a notarized letter from Kristin Perry, 3 Island View Road, stating that she was in support of the project and a registered and notarized letter from Michael and Kathleen Fleming stating that they are in support of the project and zoning request.

The following spoke in opposition to the project:

- Bruno Debas, 26 Merrill Road, said that Bishop is improving the neighborhood, but feels extending an existing nonconformity for an additional 30' - from 10' to 40' - is too much.
- Neal Doherty, 24 Merrill Road, said the project will be substantially more detrimental to his property, since his property will depreciate

Finn read into the record a notarized letter from the condominium trust for 24-26 Merrill Road, dated August 20, 2018. [See document.] The letter stated in part that Debas and Doherty requested that the board deny the zoning relief request for the above stated reasons. The letter also stated that they intend to appeal if the relief is granted. The letter further stated that the distance of their home from the property line should not enter into the decisions. It further stated there are no records that the proposed decks existed historically and that they believe that this is a fabrication.

Finn pointed out that the standard for a special permit is whether it is substantially more detrimental to the character of the neighborhood. He noted that on appeal the applicant could argue that this is not substantially more detrimental because it is restoring what was there.

Action taken: On a motion by Finn, seconded by Hennessey, the board voted unanimously to approve the special permit to replace and extend historical porches, as per plans, extending the existing 2'2" left side setback for 20 Merrill Road, petitioner David Bishop, 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 4, 2018, a plot plan/survey plan by Nantasket Survey Engineering, David Ray, PLS number 35412, plan dated June 19, 2018; and building plans and elevations submitted to the board on September 4, 2018, from Walter A. McKinnon Associates, 278 Washington Street, Weymouth, and the plans are dated 4/4, 2018;
- (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 addition 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
 Hennessey – Aye

New Business

Finn stated that since board member Andrew Corson resigned on August 15, Finn has communicated via email with the Chairman of the Board of Selectmen regarding filling the member position as specified in the bylaw. He noted that both Associate members Harper and Hennessey are interested. They will find out further if Associate member Grenquist is interested in the position. Board associate members who are interested can send their letters of interest to the Board of Selectmen.

The meeting was adjourned at 8:48 p.m. on a motion by Finn, seconded by Corson.

The board's next meeting will be on August 21, 2018.

Recorded by Catherine Goldhammer

Minutes Approved:

Patricia Finn 11/20/18
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.