

## **Hull Zoning Board of Appeals**

### **Minutes**

February 5, 2019

The February 5, 2019 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  
Scott Grenquist, Associate  
Richard Hennessey, Associate  
Corina Harper, Associate

### **Public Hearing: 133A Manomet Avenue**

**Applicant:** Alysha Perry

**General relief sought:** To Apply for a Special Permit/Variance to: renovate and add two additions, as per plans. Pursuant to the Hull Zoning-Bylaws, Chapter 40-A, Sec. 61, Pre-existing structures; Non-Conforming Uses. Proposed and existing side and rear setbacks are less than required.

**Sitting:** Kane, Finn, Hennessey

#### **Summary of discussion:**

Perry provided the board with a new site plan showing correct lot coverage. She said that abutters' homes are all about the same size as her home and they have all done additions that are comparable. She is proposing a 13'5" setback in the rear and a 93 square-foot addition for a bedroom. This will be on the existing footprint. The railroad bed is at the rear of the house. They are under required lot coverage. Setbacks are currently nonconforming. She said that she has submitted both special permit and variance applications.

Finn stated that this is a variance due to the rear setback. Rear setback is currently is 24.1' to the patio and 38.8' total and the proposed setback is 13'5". Grenquist pointed out that this is creating a new nonconformity. Finn explained that a variance requires a specific hardship. The board further stated that if the applicant redesigns the addition to conform to the setback, this would be a special permit.

The applicant stated that they didn't realize when they bought the house that the fenced yard included part of the railroad bed. She said that the neighbors are already encroaching into the rear setbacks. She said that the Conservation Commission has approved the project. She explained that redesigning the addition would create a space that was not a good dimension for a bedroom, in the event that the owner ever required a wheelchair.

Finn explained that houses with existing nonconformities could extend setback encroachments with only a special permit. He said that he could make a motion to allow them a special permit with the condition that they submit plans to the building department that they not extend into the rear setback. He pointed out that the stairs do not count in setback considerations.

Leonard Peters, 137 A Manomet Ave., stated that he was in favor of the project, and would like to see it in the form presented this evening, in case the owner ever needs to use a wheelchair. He explained that everyone in the neighborhood uses the railroad bed as part of their property. Ms. Peters stated that she also approved of the project.

Finn said that a revised plan would still allow for a handicapped accessible bedroom if that were ever to be necessary. Hennessey pointed out that a speculative hardship could not be considered and that the board had to go by existing conditions.

Janet Johnson, 15 Beach Ave., stated that she is in favor of the project. She asked if there is any wiggle room. The board said that there was no problem with the size of the addition, only with going into the setback.

Randy Gould, 2 Cushing Street, said that the problem with the railroad bed is that everyone has encroached on it.

None were present to speak in opposition to the proposal.

Finn read a letter from Building Inspector Bartley Kelly, dated January 3, 2019, which stated in part that the property needed a special permit because existing and proposed side and rear setbacks are greater than allowed. Finn pointed out that this evaluation missed the rear setback issue and it should have said special permit/variance. The advertisement was correct.

After discussion the board voted as follows:

**Action taken:** On a motion by Finn, seconded by Hennessey, the board voted unanimously to approve the special permit for Mr. and Mrs. McGreavy, 133A Manomet Ave., for renovations and additions to existing home, approve a special permit; 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 February 5, 2019 from Alluring Concepts, dated October 11, 2018, revised December 17, 2018, and a site plan from Webby Engineering and Associates, 180 County Road, Plympton, MA on January 30, 2019.
- (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 conversion 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) No encroachment into the rear setback.

**Vote:** Kane – Aye  
Finn – Aye  
Hennessey – Aye

### **Public Hearing: 353 Beach Avenue (Continuation)**

**Applicants:** Leif S. and Christa O'Leary

**General relief sought:** To Apply for a Special Permit/Variance to elevate structure and reconfigure/extend front and rear deck; enclose two porch areas, as per plans. Pursuant to the Hull Zoning-Bylaws, Chapter 40-A, Sec. 61, Pre-existing structures; Non-Conforming Uses. Proposed elevation exceeds the maximum allowed height and the proposed and existing side setbacks are less than required. Existing/proposed lot coverage is over 30%; existing lot coverage is 35.3% and proposed is 37.7%.

**Sitting:** Kane, Finn, Harper

#### **Summary of discussion:**

At the previous hearing, David Ray, Nantasket Survey Engineering, stated that he was asking for less than requested in the application. He said that the clients had initially planned for a 2' height increase, but applied for a 4' height increase, as suggested by the Conservation Commission. However, their structural engineer stated that in order to increase the height 4' they would need a different kind of foundation. The Conservation Commission did not approve that change. Therefore, the applicants have changed their zoning relief request to a 2' height increase. The whole house will be on pilings. The plans presented at that hearing did not reflect this and the hearing had been continued to allow for submission of new plans.

The home will now not exceed the height requirements. Therefore, the rear deck will not count for lot coverage, as it will now be below 5'. The increase in lot coverage will now be less than in the original application. The board now has plans reflecting these changes.

Finn pointed out that the right side is 4' and front is 4'6". He said that the abutter at 8 X Street is only 4'6" from the property line on the left and 4' on the front. He pointed out that although stairs and landings don't count as encroaching into setbacks, the proposed extra set of stairs goes right up to the fence at the property line. Ray said there is about a foot between the stairs and the property line. Finn said that he was concerned about access for the Fire Department in case of emergency. He stated that the applicants can meet their goals without the extra set of stairs. The owner stated that she has four children and the more egresses the better in an emergency.

After discussion, the board made a motion as follows.

**Action taken:** On a motion by Finn, seconded by Harper, the board voted unanimously to approve a special permit to elevate structure for flood compliance and reconfigure/extend front and rear deck to facilitate egress as a result of elevating home; enclose two porch areas, as per site plan, proposed first floor additions on site plan, for Leif O'Leary, 353 Beach Ave, 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 February 5 by Alan Kearney Architect, 222 North Street, Hingham, dated 8/30/18 and revised 11/26/18, and site plan by Nantasket Survey Engineering, David Ray, dated JUNE 21/2019;
- (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 conversion 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  
Harper – Aye

### **Public Hearing: 185/185A Samoset Avenue (Continuation)**

**Applicants:** Steven Faber

**General relief sought:** To Apply for a Special Permit/Variance to remove portion of covered porch, side kitchen expansion/addition, exterior deck modifications, new rear addition, new 2nd floor room over existing footprint. Existing and proposed lot coverage is more than the 30% allowed. For 185A Samoset Avenue: reconstruct as (2) car garage with guesthouse above. Existing side and rear setbacks are less than required, existing and proposed lot coverage is more than the 30% allowed.

**Sitting:** Kane, Finn, Hennessey

### **Summary of discussion:**

There are two buildings on the property. The owners would like to add to the primary residence and would like to reconstruct the rear building as a two-car garage with a guesthouse above. The previous hearing was continued so that the board could conduct a site visit. They also encouraged the owners to reconfigure their plans so that the lot coverage would not increase.



The applicant said that he would like to be able to park his cars in the garage. The applicant said that this is his year-round house and he feels that the project would not be detrimental to the neighborhood. He said that he has a back problem and wants to live on the first floor. He has spoken to the neighbor next door and she will be getting more sunlight because he is cutting down trees.

Grenquist said that on one side the setback is now 7' to the deck and 5.4' from boundary line. There is no current nonconformity on that side. Finn suggested that they try to stay within the setbacks on the sides. Rose suggested a new plan that would do so by putting the stairs outside.

The board discussed lot coverage. The applicants would need 1,950 square feet or less in order to conform to lot coverage. The current plan for 2,207 square feet is 34% lot coverage.

Grenquist said that he was happy with the modification to the second building and the exterior steps. He is also satisfied with the 34% lot coverage, as this is already a nonconforming lot in terms of coverage coverage. Finn said that it is a special permit and that the project is not substantially more detrimental to the character of the neighborhood. Grenquist noted that they will have to submit revised plans. Finn said that the only change from the existing plans will be that the right side of the secondary dwelling will change to a 10' setback and the left side is staying at a conforming setback.

**Action taken:** On a motion by Finn, seconded by Grenquist, the board voted unanimously to approve a special permit for Steven Faber, 185/185A Samoset Avenue to remove portion of covered porch, side kitchen expansion/addition, exterior deck modifications, new rear addition, new 2nd floor room over existing footprint, interior renovations. 185A Samoset Avenue is a rear guesthouse reconstruct as a two-car garage with a guesthouse above, 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 February 5, 2019, building plans by Robert Rose, Architect, dated 12/19/2018 and revised on 2/5/2019, and site plans from Nantasket Survey Engineering, David Ray, dated 7/2/18/2018 and revised 2/5/2019;
- (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 conversion is in compliance with all code requirements for residential structure;
- (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) No encroaching into the right side setback on the secondary dwelling.

**Vote:** Kane – Aye  
Finn – Aye  
Grenquist – Aye

The meeting adjourned on a unanimous vote at 9:20 p.m. on a motion by Hennessey, seconded by Grenquist.

**Recorded by Catherine Goldhammer**

**Minutes Approved:**  2/19/19

*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.*