

Hull Zoning Board of Appeals

Minutes April 16, 2019

The April 16, 2019 meeting of the Board of Appeals was held at 7:30 p.m. at the Hull Town Hall, 253 Atlantic Ave., Hull, Massachusetts.

Members present: Patrick Finn, Clerk
Corina Harper, Associate
Scott Grenquist, Associate

Members absent: Neil Kane, Chair
Richard Hennessey, Associate

Administrative Business

The board reviewed and unanimously approved minutes of 1/15/19, on a motion by Finn, seconded by Grenquist.

Public Hearing: 102 Highland Avenue

Applicants: John and Monica Giffin

General relief sought: To Apply for a Special Permit/Variance to construct addition on northeast corner of house; deck on rear of house; porch addition on south side of house, as per plans, pursuant to the Hull Zoning By-Laws Chapter 40-A, Sec. 61, Pre-existing structures; Non-Conforming Uses. Proposed/existing rear setback is less than required.

Sitting: Finn, Grenquist, Harper

Summary of discussion:

The board noted that the notification gave the applicants' name as Griffin, when it is actually Giffin.

David Ray, Nantasket Survey Engineering, was present to speak for the applicants. He said that this is an old Victorian and the applicants wish to do a historically correct renovation. He said that the only real issue is that the right rear setback is already nonconforming. They would like to create a wraparound porch, which would create an addition to the kitchen. This would bring it closer to the lot line, from 19.1' (already nonconforming) to 10.2'. Finn noted that the lot coverage does not change. He noted that this is a change to an existing nonconformity, which requires a special permit. The applicant said that the project will not affect any existing sight lines and they have had neighbors over to verify that their views would not be affected. The applicants said that they have been working with the Historical Commission.

Finn read aloud from the special permit application. [See document.] He also read into the record a letter from Bartley Kelly, informing the applicant that they needed to apply for a special permit because the proposed/existing rear setback is less than required. [See document.]

There were none present who wished to speak in favor or in opposition to the project.

Action taken: On a motion by Finn, seconded by Harper, the board voted unanimously to approve a special permit to the Giffins for 102 Highland Avenue, to construct addition on northeast corner of house; deck on rear of house; and porch addition on south side of house, 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 April 16, 2019, site plan from Nantasket Survey Engineering, David Ray, dated 11/2/18, and building plans by Joshua Rose Wood, RWA Architects, 11 Humphrey Street, Boston, Registered architect Joshua Rose Wood #50346, dated 7/25/18;

(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: Finn – Aye
Grenquist – Aye
Harper – Aye

The board took a brief recess at this time.

Public Hearing: 76 A Street

Applicants: David Dennis

General relief sought: To apply for a special permit/variance to install a larger shed to replace the smaller, existing shed, as per plans, pursuant to the Hull Zoning By-Laws Chapter 40-A, Sec. 61, Pre-existing structures; Non-Conforming Uses. The proposed/existing shed (accessory structure) is less than required 6' from property line; the proposed/existing lot coverage exceeds 30%.

Sitting: Finn, Grenquist, Harper

Summary of discussion:

The applicant wishes to replace a small shed with a larger one. Dennis said that he grew up in the house and recently purchased it and rehabbed the interior. There was a small shed on the property and they went through the Conservation Commission for permission to replace it with a new, slightly larger shed. They ordered the shed and it has been delivered, but they then discovered that they needed a building permit. They received a stop work order from the Building Department. Both sheds are now on the property. The old shed is 125 square feet, and the new one is 193 square feet. David Ray, Nantasket Survey Engineering, stated that the new shed would be situated on the same site as the old one and the additional square footage would extend into the property rather than into the setback. Existing lot coverage is already nonconforming.

Finn read aloud from the special permit application. [See document.] Finn read aloud a letter from Peter Lombardo, Building Commissioner, informing the applicant that they required a special permit for the project.

Grenquist noted that the previous shed must have been grandfathered, as it was a larger square-footage than is currently allowed, no larger than 80 square feet, and that this is a continuation of an existing nonconformity.

There were none present who wished to speak in favor or in opposition to the project.

Action taken: On a motion by Finn, seconded by Grenquist, the board voted unanimously to approve a special permit to replace current shed with a new shed of 193 square feet, 2.1' from the rear setback line and 2.3 feet from the side setback line, 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 April 16, 2019, Nantasket Survey Engineering, existing and proposed conditions, David Ray, dated 12/19/18;

(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.

[The following condition (e) was added as an amendment by Grenquist, accepted by Finn.]

(e) Old shed to be removed as soon as possible.

Vote: Finn – Aye
Grenquist – Aye
Harper – Aye

Following the vote, Ray noted that a shed 8x10' or less can be situated within 3' of the lot line (unless in a flood zone), but anything bigger has to be 6' from the lot line.

Public Hearing: 121 Bay Street (Continuation)

Applicants: Beatrice Bergstrom

General relief sought: To Apply for a Special Permit/Variance to: construct new 2 family home, each side with 4 bedrooms and 4 ½ baths, as per plans, pursuant to the Hull Zoning By-Laws Chapter 40-A, Sec. 61, Pre-existing structures; Non- Conforming Uses. Building will replace previous 3 family unit. Proposed rear setback does not comply; proposed front setback (13.0') may be waived. Administrative Business Correspondence Minutes Additional Business All written comments must be

Sitting: Finn, Grenquist, Harper

Summary of discussion:

Grenquist noted that this is a continuance request to May 7, 2019.

Action taken: On a motion by Finn, seconded by Harper, the board voted unanimously to continue this to May 7.

Vote: Finn – Aye
Grenquist – Aye
Harper – Aye

Executive Session

At 8:05 p.m. Finn moved to go into Executive Session, Zoning Board of Appeals, April 16, 2019, to discuss strategy with respect to litigation and the chair declare that an open meeting may have a detrimental effect on the litigating position of the body; to go into Executive Session to comply with, or act under the authority of the Attorney-Client

privilege; to go into Executive Session to consult with legal counsel and obtain legal advice pursuant to the Attorney-Client privilege; and to not reconvene in open session.

Matters to be discussed were:

- Perry vs. ZBA et al
- Kaplan vs. ZBA et al

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| Motion | Finn | So moved. |
| Second | Harper | |
| Vote | Unanimous | Finn – Aye Grenquist – Aye Harper – Aye |

The open meeting adjourned 8:10 p.m.

Recorded by Catherine Goldhammer

Minutes Approved: 

8/6/19

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.