

## **Hull Zoning Board of Appeals**

### **Minutes**

March 19, 2019

The March 19, 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  
Richard Hennessey, Associate  
Corina Harper, Associate

**Members absent:** Neil Kane, Chair  
Scott Grenquist, Associate

**Also present:** Sarah Clarren, Board of Appeals Administrator

### **Public Hearing: 98 Revere Street**

**Applicants:** John and Nancy Lenhart

**General relief sought:** To apply for a special permit/variance to remove existing side deck, replace with new deck, as per plans, pursuant to the Hull Zoning By-Laws Chapter 40-A, Sec. 61, Pre-existing structures. Existing and proposed side and rear setbacks are less than required.

**Sitting:** Finn, Hennessey, Harper

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

The applicant wishes to remove an existing deck and replace it. By doing so, they would further encroach on side and rear setbacks, which are already nonconforming. The new rear setback would be 9.6' on one side and 10' on the other. The bylaw requires a setback of 20'. Finn noted that this is a special permit as the proposed change would not create any new nonconformities. Lot coverage does not change.

The applicant stated that he has already received permission from the Conservation Commission, which Clarren confirmed.

The board had received letters from Building Inspector Bartley Kelly regarding this project. These were both read into the record. The first, dated January 3, stated that the proposed and existing side and rear setbacks were less than required. The second, dated January 31, stated that the side setbacks were less than required. Finn stated that the first of these letters appears to be correct, pointing out that the site plan by David Ray, Nantasket Survey Engineering, dated 12/18/18, shows that the existing rear setback is nonconforming at 13.1' and the proposed will be nonconforming at 9.6'.

**Action taken:** On a motion by Finn, seconded by Harper, the board voted unanimously to grant the petitioners' application for a special permit to remove existing side deck, replace with new deck, as per plans, 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 March 19, 2019, site plan from Nantasket Survey Engineering, David Ray, dated 12/18/18;

(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  
Hennessey – Aye  
Harper – Aye

### **Administrative Business**

The board reviewed, edited and unanimously approved minutes of 9/18/18; 11/20/18; 2/5/19; and 2/19/19 on a motion by Finn, seconded by Hennessey.

The board had intended to meet in Executive Session with Town Counsel James Lampke. This was cancelled, as Lampke was unable to attend.

On a motion by Finn, seconded by Hennessey, the board unanimously voted to set the date for a hearing, the remand from the judge, regarding the one issue on the Perry appeal regarding frontage, to April 16, 2019.

The meeting adjourned on a unanimous vote at 7:55 p.m. on a motion by Finn, seconded by Hennessey.

**Recorded by Catherine Goldhammer**

**Minutes Approved:**   8/16/19

*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.*