



Hull Zoning Board of Appeals Minutes

Applicant: Peter S. Jerome

Property: 154 Cadish Avenue

Date: February 19, 2015

Time meeting began: 7:35 pm

Time meeting concluded: 8:15 pm

Place of meeting: Hull Town Hall, Main Meeting Room

Members present:	Alana Swiec, Chair	Sitting	Attending	Absent	Abstain
	Roger Atherton, Clerk	Sitting	Attending	Absent	Abstain
	Mark Einhorn, Member	Sitting	Attending	Absent	Abstain
	Patrick Finn, Associate	Sitting	Attending	Absent	Abstain
	Phillip Furman, Associate	Sitting	Attending	Absent	Abstain
	Jason McCann, Associate	Sitting	Attending	Absent	Abstain

In Attendance: John Boyd, 4 Sunset Avenue, Builder/Developer
George Boylen, 150 Cadish Avenue, abutter

General relief sought: To expand kitchen and laundry room on to existing side porch; pursuant to Hull Zoning bylaws, Section 61-2.

General discussion: Swiec opened the hearing and said that at the last hearing on January 15, the Board discussed the plans and what Jerome was planning to do. The understanding was that the board needed more detailed plans and clarification as to the issue of the dryer being enclosed in a small area near to the abutter's dwelling. She indicated that the Building Commissioner had sent an email stating that the ZBA's decision issue is the construction in the setback and, if approved, that he would enforce all the fire code requirements.

Boyd presented the new plan and an affidavit from the immediate abutter at 152 Cadish, whose dwelling is next to the area where the proposed porch enclosure is located. Swiec indicated that the letter is properly notarized and read it for the record. Barlett's letter stated support for the construction in the location requested. Boyd then distributed the wet-stamped new plans. He explained that the new plan shows the new stairs and where they are located, the setbacks, the lot coverage, and is dated January 23, 2015.

Finn pointed out that the porch is only 5.5 feet away from the abutter's house. He said that these houses are too close together. Finn argued that the owner has a very large extensive porch and this enclosure could be located anywhere on it that would be less close to the abutter's home..

He added that he knows it is only special permit and it would be hard to say it would be substantially more detrimental to the neighborhood, and obviously all the houses nearby are too close together. He questioned whether the Board should make it worse and increase the fire hazard? Boyd asked how did this make it any worse? Finn responded – by enclosing an open porch, it increases the fire hazard. He continued that as other boards have done, this Board should specify cementitious, flame-retardant material be used. He repeated that there are better locations elsewhere on the porch that should be selected.

Boyd responded that this had all been discussed at the previous hearing. The proposed location is the best one where it is near the kitchen, bathroom, and the gas meter's location. It is also acceptable to Ms. Bartlett as any other location will obstruct her view. It works from both an architectural point of view and the mechanical aspects of this home. Finn countered that there are lots of options. Boyd responded that no, there really aren't – if the Board does not approve what has been proposed, then it won't happen – there's nowhere else that works.

McCann stated that he was somewhat concerned about the distance between the structures. He recognizes they are pre-existing and not changing, the proposed is not visible from the street, there will be no venting or noise, the abutter is satisfied, and they are not going further into the setback. He finds that this is not substantially more detrimental to the character of the neighborhood.

There was extensive further discussion about whether the decision should specify fire-retardant materials. McCann suggested that the materials the Board is discussing might go further than the Building Code would require, so it should be included. Finn added that he thought cementitious clapboard/siding or other fire-proof materials should be added, as approved by the Building Department/Fire Chief, as a condition.

McCann asked about the two structures on the property. Atherton responded that the second is an accessory structure that is much larger than the typical shed or garage the Board has encountered in the past. This fact complicated the engineering analysis as to which building the rear setback should determine the rear setback. Finn pointed out the accessory structures have their own setback requirements. As a result, McCann asked Atherton to add the width of the accessory structure and setback where needed. Finn also pointed out the deed shows a different street than the address on the plan and the appeal.

Boylen, 150 Cadish, stated that he understands the concerns about the closeness of the properties, but the reality is that is what exists there is pre-existing and people in the neighborhood understand that. We all see this as an improvement over what exists there now. The owner is an airplane pilot and wants to retire there and will be a very good neighbor to have. He recognizes the space between the structures cannot be changed and is not compounding the problems because it is not going beyond the existing footprint. Swiec complimented Boylen for his contribution.

Swiec asked for a motion to approve the modified plan signed by Boyd. She added there will need to be some language in the decision regarding flame-retardant material or flame-resistant material. Finn added cementitious or other fire-retardant material.

Action taken, if any: McCann made a motion to approve the request for a Special permit to enclose the 5 by 15 foot section of the porch and the 3 by 5 foot set of stairs in the setback, including the provision that cementitious, fire-retardant material be used on the outside of the enclosure. The motion was seconded by Atherton. The vote was unanimous: Atherton, McCann, and Swiec approved the motion.

Recorded by: Roger Atherton

Minutes Approved: 3/5/2015