

HULL ZONING BOARD OF APPEALS

Applicant: William and Julie Kenison

Property: 323 Beach Avenue

Date: Thursday, May 16, 2013

Time Meeting Began: 7:30 p.m.

Time Meeting Concluded: 7:52 p.m.

Place of Meeting: Hull Municipal Building, Main Meeting Room

Zoning Board Members Present for Hearing:

Alana Swiec, Chair	Sitting	Attending	Absent	Abstain
Dr. Roger Atherton, Clerk	Sitting	Attending	Absent	Abstain
Atty. Mark Einhorn, Member	Sitting	Attending	Absent	Abstain
Phillip Furman, Associate	Sitting	Attending	Absent	Abstain

Others in Attendance:

William Kenison, Applicant

Julie Kenison, Applicant

John Meschino, Abutter

Barbara A. Meschino, Abutter

Karen Morgan, Recording Secretary

NEW HEARING—A new hearing for an application filed by William and Julie Kenison to evaluate and renovate existing house located at 323 Beach Ave. The proposed work requires a special permit as the proposed height 39.1 is more than allowed of the 35 ft. Copies of said application are available for public inspection at the Town Clerk's Office.

General Discussion: Mr. Atherton passed out a May 16, 2013 letter to the ZBA from Anne Herbst/Conservation in support of the project. In summary, writing in support for a Special Permit for 323 Beach Avenue to exceed the zoning height limit by 4.1 feet. The second item that Ms. Swiec has is a letter of support of a special permit for the property of 323 Beach Avenue from Helen Gould of 58 N Street. This letter is signed and notarized, and supportive of the proposed.

Mr. Kenison stated that this property has been in his wife's family for over 50 years. They would like to elevate the house and not remodel and keep everything the same except for that they are not going to be putting in porches on the second level. It is going to be an open area. The Board has a copy of the plans. He continued to say that the wrap-a-round porches will be removed. They want it to look presentable and make it solid by elevation, and get it above the flood plain, due to storms down the road.

Mr. Swiec asked about the house on the plans that looked like it will be remodeled. Mr. Kenison said that particular house is on T Street. Mr. Atherton spoke of the new by-law that changed his mind because he was looking at the 39.1 and the way we originally interpreted that by-law that passed in 2011 was that they can go 35 ft. by right and another 4 ft. by special permit. Point 1 does not sound like much, but it is still over the allowed amount. Mr. Atherton thought the applicants would need a Variance. When he spoke to Peter Lombardo, they both agreed that a Variance was needed and we would need to re-advertise. Then Herbst interpreted the new by-law differently and she convinced Mr. Atherton that what the Applicant's did was that basic flood level is 17 ft. They are going over 3.2, can go up to 4; still within the by-law that the Town Meeting passed in 2011. The actual height does not matter. They are taking a pre-existing structure and they are moving it up 3.2 ft. You are not going to collapse a house that was already built. All this by-law did was to say if you have a house and you want to move it up to 4 ft. that is okay with a special permit. Mr. Atherton said that he reversed direction.

Mr. Swiec asked the Applicants if this will be a year-long residence and Mrs. Kenison said yes.

Mr. Atherton said that a house cannot go above 35 ft. above average grade. This particular by-law says that if you are in a flood zone and you want to lift it up on pilings, you can do that above the flood zone level up to 4 ft. The Applicants are only up to 3.2 ft. They can do this with a special permit through the ZBA. Mr. Einhorn is in agreement as well with the passed by-law. The only problem that Mr. Atherton has is the shed. Mr. Kenison said that the shed will be gone.

Barbara Meschino, 34 S Street, Hull is here in support of the application.

Mr. Einhorn and Mr. Atherton said that they do not think a site visit is required. Mr. Kenison said that he looks to start this project in the fall. He is going to keep speaking to FEMA about retroactive payments. Ms. Swiec said that she will not need to do a site visit as she passed by that area several times. Mr. Kenison said that the only decking will be in front of the master bedroom on the second floor. Ms. Swiec said that the deck will face the water. Mr. Kenison said that the garage on the plans is also gone. The shed will also be gone as well.

Motion: Move to approve as requested with the condition that the shed be removed.

Member	Motion	Second	For	Against
Alana Swiec, Chair			X	
Dr. Roger Atherton, Clerk	X		X	
Atty. Mark Einhorn, Member		X	X	
Phillip Furman, Associate				

Comments: Unanimous

Action Taken, if any:

Mr. Atherton will write the Decision.

Recorded by Karen Morgan

Approved by Roger Atherton

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 a meeting must be identified; in most cases this is accomplished by setting forth a summary of each discussion. A verbatim record of discussion is not required.