



Hull Zoning Board of Appeals Minutes

Applicant: **Steven Meyers**

Property: **119 Edgewater**

Date: **June 19, 2014**

Time meeting began: 7:36 pm

Time meeting concluded: 8:14 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 Einhorm, 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: Emily Hardej, Board Secretary

Steven Meyers, Architect and Applicant

Barbara Murphy, Owner

General relief sought: Applicants seeks a Special permit to construct an addition and deck, pursuant to Hull Zoning bylaws, Section 61-2f. The construction proposed is to demolish existing structure, re-use the existing foundation, build a new wood-frame two-story residential structure, which can be done as a matter of right, but the addition of the deck is partially in the right side setback area and requires a Special Permit, as it is an extension of a pre-existing non-conformity.

General discussion: Ms. Swiec opened the meeting and explained the process briefly to the applicant. Dr. Atherton explained that the advertising was somewhat incomplete because it didn't mention that the project was actually to demolish and re-build on the same footprint, which can be done as a matter of right and doesn't require a Special Permit. The ZBA advertising only mentioned the construction of the addition and deck. The Conservation Commission also advertised and did include the additional details and was sent to the same abutters; and so everybody involved has been fully informed that the project involves a tear-down and re-build of the entire structure.

It was noted that Mr. Lombardo revised his April 22, 2014 letter to the applicants on June 19, 2014 to clarify that the proposed construction requiring the Special Permit is "partially" in the setback area and that the "Proposed existing side setback of 5' (+/-) is less than the required 10'. Proposed/existing lot coverage is compliant."

Mr. Meyers explained that the issues are non-conforming lot size and right side setback. He then explained in some detail the proposed construction. He added that there is no intent to put air conditioning or other mechanicals on the right side and intends to correct elements there so that any water runoff will be retained on the property.

Mr. Finn asked if the increase in height conforms to the 5' by 15' rule (Section 61-2f (ii))? The response in the hearing is unclear. (Editorial note: the non-conforming setback is 5', the distance to the furthest projection of the abutting house is more than 15', and the proposed increased construction height of 35 feet is within the footprint, which all conform to the bylaw which states that pre-existing non-conforming one or two-family houses are permitted to extend the height of the house to a maximum of 35 feet, providing non-conforming setbacks are at least five feet, and the house is at least 15 feet from the furthest projection of the abutter's primary structure, and the height increase conforms to all other sections of the zoning bylaw.)

Mr. Pilachowski, 121 Edgewater, the immediate abutter, raised the issue of the actual distance of the setback, but was assured that the 5.1 foot had been measured and verified by a licensed

surveyor. He then commented that two of his issues had been addressed – the mechanicals not being in that setback area and the water run-off. He asked some questions regarding the length of the deck, which Mr. Finn answered. He then expressed concern that the property could be converted to a two-family and was assured by Ms. Swiec that no more than an in-law apartment would be allowed. Mr. Finn added that a condition could be added to the decision that the property shall remain a single-family.

Ms. Lorna Boduck, 117 Edgewater, the abutter on the left side asked for clarification on the proposed deck near her property. Mr. Finn pointed out that the deck on her side is within the area they can build as a matter of right. Mr. Meyer further showed her the plans and explained to her details of the construction plans and she said she was satisfied. Mr. Leonard Russell, 111 Edgewater, stated that he is completely supportive of the project. He stated it is beneficial to the neighborhood and the Town.

Mr. Finn asked about the parking. Mr. Meyers indicated that the parking is unchanged, there are at least four spaces available, and the driveway would remain. The Board decided that a site visit was unnecessary.

Opposition: None.

Action taken, if any: Dr. Atherton made a motion to approve the appeal, as requested by the Applicant, with the usual conditions requiring decks to remain forever open, and the additional Conditions of no mechanical units in the right side setback areas, the drainage run-off to be kept within the property, the home to be kept single-family, the driveway remaining, and that the construction be done according to the plans dated 4/25/2014. Motion seconded by Mr. Einhorn.

Was final vote taken?	Yes	No
-----------------------	------------	----

Final Vote:	Alana Swiec	Yes	No
	Roger Atherton	Yes	No
	Mark Einhorn	Yes	No

Recorded by: Roger Atherton

Minutes Approved: _____

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.