

Hull Zoning Board of Appeals

Applicant: Judith and Stanley Slawsby

Property: 158 Manomet Avenue

Date: Thursday, April 17, 2014

Time Meeting Began: 7:45 p.m.

Time Meeting Concluded: 8:30 p.m.

Place of Meeting: Hull Municipal Building, Louis C. Costa Room, 253 Atlantic Avenue

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
Jason McCann, Associate	Sitting	Attending	Absent	Abstain
Patrick Finn, Associate	Sitting	Attending	Absent	Abstain

Others in Attendance:

Judith and Stanley Slawsby, Applicants
Mark Bergman, 167 Manomet Avenue, Attorney for Applicants
Stewart Slawsby, Son of Applicants
Emily Hardej, Recording Secretary

General Relief Sought: Continuation of a Public Hearing on an applicant filed by **Judith & Stanley Slawsby** regarding property **158 Manomet Ave.**, Hull, MA which according to the application seeks: To apply for a Variance to allow off-street parking within the side setback and relief of the required dimensions, for off street parking pursuant to Hull Zoning Bylaws, Section 52-2 and Section 52-3.

General Discussion:

Ms. Swiec introduced Jason McCann, who attended the hearing and the site visit for 158 Manomet Ave. and will replace Mark Einhorn, who is one of the three original voting members. The attorney for the applicants, Mark Bergman, announced that he was not present for the past site review, but he said that it was recommended to the building inspector to change the application to reduce the application to one car instead of two and moved over 3

feet, so there would no longer be a side setback variance needed. The new proposal was submitted to Mr. Lombardo.

Dr. Atherton explained that was proposed at the site visit, but the Board could not react to it until Mr. Lombardo responded. Mr. Bergman approached the Board members and presented the new proposal. He also apologized for the delay. Jason McCann asked a question, "When we spoke at the last meeting, we spoke about the utility pole on the other side of the house," Mr. Bergman interjects that he had wished the new proposal would have been presented prior to the meeting. Mr. Bergman also added that he contacted the Hull Light Company, where an employee did go out and do a review of the site.

The employee of Hull Light Company indicated that we would propose the pole to be moved, but he couldn't vouch for the telephone and cable companies that they would agree to the relocation. For the pole to be moved the applicants would acquire cost of \$2,000-\$3,000, but they may also acquire additional costs from both the telephone and cable companies.

Mr. McCann asked Mr. Bergman if he contacted the cable and telephone companies about the moving of the pole. Mr. Bergman said that they may or may not go along with the moving of the pole and also that they may or may not request an additional cost. Mr. Bergman also added that he was surprised that the Hull Light Company couldn't make the decision on it's own, but added that there is a sharing process amongst the companies.

Ms. Swiec asked Mr. Bergman if the applicants discussed with Peter Lombardo about the viability of the utilization of the right side for a driveway irrespective of moving the pole. She also added that the board was surprised at the amount of clearance from the right side line, to the location of the pole, it was found that there was more than sufficient space to allow the driveway space. Ms. Swiec also said, "If you didn't have to move the pole, I believed we measured it, it was 13 feet currently from the position to the right of the house, would that be allowed by right?" Dr. Atherton said that the revised proposal was not 3 ft. from the house and that it wasn't 9 x 20 ft; but they were referring to the left side of the house still. Ms. Swiec said she was actually referring to the right side of the home.

Ms. Swiec also said it seemed far more reasonable to do the car parking space on the right side of the house. The left side of the home did not meet the minimum requirement of 9 x 20 feet which was indicated by Mr. Lombardo. Dr. Atherton agreed that it was non-compliant. Mr. Bergman said that the motivation for why Mr. Lombardo was contacted without causing a violation in the side set back, was the proposal on having one car space as opposed to two car spaces closer to the house. There was no indication from Mr. Lombardo to put the lot on the right side of the house. There was never any conversation about transferring the driveway to the right side of the home. Mr. Bergman also said he was under the impression the right side

would still be in violation. He wasn't aware if the Slawsby's had been advised otherwise about the right side. He asked if the applicants could speak for themselves about the transferring the driveway to the right side.

Ms. Swiec addressed Mrs. Slawsby asking her if there was any indication that when the Board looked at the availability of the space on the right side of the house, and the calculations were in fact done. The zoning Board agreed at the site visit that it would be an alternative for your clients to pursue. Ms. Swiec asked if Mr. Lombardo presented that as an alternative for the Slawsby's?

Mrs. Slawsby, 158 Manomet Ave., said it was much more expensive, her husband and herself are 80 years old, and the idea of putting another \$5,000 into the driveway would be a hardship for them. She also stated that Mr. Lombardo never suggested that the right side would be an alternative. That with the new proposal there was no longer the 3 ft. from the neighbor's side. "We are talking about a space 3 x 5 ft. which is 7 sq. feet. I thought that Mr. Lombardo never really approached the other side at all. We were under the impression that if Mr. Lombardo said it was ok for the left side of the driveway, we would be fine and we could go ahead with it," Mrs. Slawsby said.

Dr. Atherton said that if the driveway was moved to the right side it would go from a variance to a special permit. It would be a new conformity. Then it's just an issue of special permit. Mr. Bergman asked if he could have some extended time to contact Mr. Lombardo about the right side parking and to contact the cable company and the telephone company about moving the pole. They would also need to contact the Conservation Commission. Ms. Swiec said that she had spoken to the son of the Slawsby's, since Mr. Bergman was not present at the past site review and Mark Einhorn was also at the site visit and was agreeable that the right side would be a good alternative. It was also discussed that the pole might not even have to be moved.

Stewart Slawsby was addressed by the board and he said he thought they were a foot short on the right side. Ms. Swiec said it would certainly be more agreeable on the right side and the pole might not even be an issue. It would be far less intrusive. The take away for her from that site visit was that they may not need to move the pole at all. She felt that even if there were some degree of violation, it would be less than the two previous proposals.

Mr. Finn, said he wouldn't be comfortable if his mother was 80, that it would not be practical to have the Slawsby's change their original plan on the left side. Ms. Swiec said it was a couple feet on each side of the door. Mr. McCann pointed out that the revised proposal on the left side would still require a variance. Mr. Finn stated that he couldn't remember a variance ever being required for a parking space. Mr. Bergman asked if they could come back at

a different later day. If a continuance was allowed the applicants wouldn't have to withdraw their application.

Mrs. Slawsby pointed out her husband just had a minor stroke and that the left side would be much easier for them. Every time there was a snow storm this past winter, Mr. and Mrs. Slawsby had to go stay with their daughter. She was under the impression by moving over the 3 feet was reasonable for them. It's been a hardship for her at their age to take care of herself, Mr. Slawsby, and the house. Snowstorms require their moving the car and a driveway would get their cars off the street.

Ms. Swiec explained that she is not unsympathetic, but there is a set of perimeters that they have to follow also in accordance to the zoning board of appeal laws. It can actually be more complicated than one thinks. It would be better to do something as a matter of right rather than seeking a variance. Ms. Swiec advised to Mrs. Slawsby that she should explore all options before the committee would give a denial. Dr. Atherton also said to the applicants they could potentially face a denial and wouldn't be able to do anything with the parking space application for 2 years.

The Board discussed that there is more to the each application than appears, but the dimensional bylaws exist, to protect others and the town of Hull. Mr. Slawsby explained that he had to have his son live in the house with them this winter just to be there to move the car in case it snowed. He just isn't able to operate the car in the cold weather anymore and isn't quite sure why he hasn't been given approval. He feels like he is specifically being targeted.

Mr. Bergman again suggested the applicants be given a continuance. Ms. Swiec said that the continuance would allow them the time to contact Mr. Lombardo. She also said she and Dr. Atherton will send out an email to explore the options.

Ms. Swiec suggested that June 5th, 2014 be the next meeting but it is realized that May 1st 2014 would work at approximately 8:00 p.m. Mr. Bergman said that it's fine. Dr. Atherton said that he would get clarification from Mr. Lombardo if the applicants were indeed grandfathered so they would only need one space and also would it be feasible and less intrusive on the right side and zoning compliant.

Motion: Ms. Swiec makes a motion to continue the Hearing until May 1st, 2014 at 8:00 p.m.

Was the final vote taken? Yes **No**

Recorded by: Emily Hardej

Approved by: Roger Atherton