

**Hull Zoning Board of Appeals  
Minutes  
November 7, 2023**

The meeting of the Hull Zoning Board of Appeals was held at 7:00 p.m. on November 7, 2023 at Hull Town Hall, 253 Atlantic Avenue, Hull, Massachusetts.

**Call to Order:** 7:05 p.m.

**Members Present:** Patrick Finn, Chair  
Richard Hennessey, Clerk  
Tim Pranaitis  
Edmund Parsons

**Public Hearing:** 44 Chatham Street

**Applicant:** Peter Fickeisen

**General Relief Sought:** To apply for a Special Permit/Variance to: Install a 15'x12' extension of bedroom at left rear of building, pursuant to the Hull Zoning Bylaws Article VI, Sec. 410—6.2, Non-conforming Uses, paragraph 61-2, sub paragraph f, Pre-existing Structures.

**Summary of Discussion:** Fickeisen said that in 2019 they had performed major renovations on the house which his family had used as a summer cottage for seventy years. He said that he and his wife now want to live in the house full-time and would like to extend their bedroom by 15'x12' to give them more space. He said they will need a Special Permit for this work as there is a pre-existing non-conformity on the left side setback, which is 9' and should be 10'. This will remain the same. He said that he has just found out that there is also a non-conformity in the rear setback, so they would like a Special Permit for that as well.

Pranaitis read the Building Commissioner's letter into the record, which stated that a Special Permit is needed for the non-conforming left side setback. Finn then asked if anyone wanted to speak on this application. George Fredette, representing the Bryan family whose property abuts Fickeisen's, noted that there is a deck on the rear of Fickeisen's home that extends to the Bryan's property line. He said there was a major renovation of this deck in 2019 and he does not believe there was a building permit granted for this. He said the family would not oppose a Special Permit, but does want to make sure that there is no further encroachment on their property and that no construction vehicles cross their property during work on the addition. Fickeisen said that the deck in question had been there for about fifty years but that in 2019 they had taken off old planking and replaced it with new planking and did not feel a permit was needed for this.

There was some discussion as to whether a Variance would be needed for the non-conformity in the rear setback. Finn said that the Building Commissioner had specified only that a Special Permit is needed for the left side setback, and that he usually has a reason for not requiring a Variance. He said it is possible that since the original deck had been built fifty years ago Kelly had considered this a pre-existing non-conformity, and he also questioned whether the deck would count toward the rear setback since it is less than 5' off the ground. Finn noted that there are several questions on this application and he would like to speak with the Building Commissioner before taking a vote. He recommended a Continuance on the Hearing so that they could speak with Bart Kelly.

Pranaitis said they should address the Bryan's concerns about construction vehicles and asked Fickeisen if they had thought about how the addition would be constructed. Fickeisen said it is a small job and no foundation is required, so there would be no need for any vehicles to pass through the Bryan's property.

**Action Taken:**

<b>Motion</b>	Hennessey	To Continue the Hearing on 44 Chatham Street to the next duly scheduled meeting of the Zoning Board of Appeals
<b>Second</b>	Finn	

**Vote**                      Unanimous                      Hennessey – Aye  
Finn – Aye  
Pranaitis – Aye  
Parsons – Aye

**Public Hearing:**                      34 Gun Rock Avenue

**Applicant:**                              EFE LLC

**General Relief Sought:** To apply for a Special Permit/Variance to rebuild two-car garage with a bonus room above, attached to house on second floor, pursuant to the Hull Zoning Bylaws Article VI, Sec. 410-6.2, Non-conforming Uses, paragraph 61-2, sub paragraph f, Pre-existing Structures.

**Summary of Discussion:** Attorney Walter Sullivan and Scott Baker from Baker Construction were present on behalf of the applicant. Sullivan said this is a single-family home built in 1880 which is on a large lot in the Single Family A District. His clients wish to raze and rebuild the existing garage and add a bonus room above the garage that will connect to the second floor of the main house. He said there is an existing non-conformity on the left side setback as well as a small non-conformity in the front setback, but the footprint will remain the same and these will not be increased. He said there will be a small increase in lot coverage but they will stay within allowable coverage.

Finn noted that the Building Commissioner's letter, which said a Special Permit was needed for the left side setback, was dated January of 2023. Sullivan said they did not appeal the Denial at the time because the initial site plan they submitted with their application did not include lot coverage, but that has since been rectified. Baker said that they took out a permit last year for some renovations of the main house, including a bathroom remodel, windows, and some painting. He said that attaching the garage to the house has dragged the house and the garage into the high velocity flood zone and they have filed for a second permit for this work. He said that they do have an Order of Conditions from the Conservation Commission.

Finn said that Kelly often waives non-conformities in front setbacks, so this is not an issue. He said this is a simple Special Permit situation related to the left side setback but they should have an updated letter from the Building Commissioner. After a brief discussion they decided it would be possible to issue a Decision before obtaining this.

**Action Taken:**

<b>Motion</b>	Finn	<p>To grant a Special Permit for 34 Gunrock Avenue to rebuild two-car garage with bonus room above attached to the house on the second floor with the following standard conditions:</p> <p>(1) Compliance with all applicable laws and codes of the Commonwealth of Massachusetts and the Town of Hull is required;</p> <p>(2) The construction shall be done substantially in conformance according to the plans submitted by Stenbeck &amp; Taylor, Inc. dated March 13, 2023 and building plans from Baker Construction;</p> <p>(3) The owners shall submit an updated application for a building permit, to the extent necessary, along with an updated building plan and updated survey and site plans of the proposed conditions to the extent necessary to the Building Commissioner for his review and approval in order to ascertain whether the proposed residential structure is in compliance with all code requirements for residential use;</p> <p>(4) 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</p>
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future date, unless an application is submitted to the Board and a written decision is issued approving the proposed expansion or extension.

<b>Second Vote</b>	Hennessey Unanimous	Finn – Aye Hennessey – Aye Pranaitis – Aye Parsons – Aye
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#### Approval of Minutes

<b>Motion</b>	Finn	To approve the Minutes of the meeting of the Zoning Board of Appeals on October 17, 2023
<b>Second Vote</b>	Hennessey Unanimous	Finn – Aye Hennessey – Aye Pranaitis – Aye Parsons – Aye

On a motion by Finn, seconded by Hennessey, the Board voted unanimously to adjourn at 8:03 p.m.

Recorded by Kathleen Fanning

Minutes Approved: \_\_\_\_\_

 11/21/23

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.

