



Hull Zoning Board of Appeals Minutes

Applicant: Richard Hulverson, Contractor

Property: 172 Atlantic Avenue, Hull, MA. 02045

Date: April 2, 2015

Time meeting began: 9:17 pm

Time meeting concluded: 9:40 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: Richard Hulverson, Contractor

General relief sought: To apply for a Special Permit to construct a third floor addition and rear second and third floor decks over existing rear covered porches.

General discussion: Swiec opened the hearing, Finn raised the issue that the owner was not present, and the Board needed to take a vote for the contractor to represent the owners, Ken and John Chipman of the Chipman Family Trust, at the hearing. The vote was unanimous to do so.

Atherton raised a concern that the construction plan and the plot plan differ in their representation of where the house is in relation to the seawall. The plot plan shows a four foot separation where the construction plan shows the home right up to the seawall. Hulverson said he couldn't explain it, but he knows there is sufficient distance between the two that he can walk there. Finn pointed out the Board doesn't vote on the structure. Atherton stated that he didn't think it was important except that the contractor needed to be aware of the discrepancy. He added that the plot plan would be the one the Board includes with its decision.

Hulverson described the owner's property that is used to summer here, and they consider this home to be a legacy home. They have a large family and they want to maximize the space available. They want to add second and third floor decks over the existing rear covered porch

and construct a front addition that adds living space on the second floor (now storage) and a new third floor living area, all within the existing footprint.

Atherton indicated that the Building Department had raised the issue of failure to meet the 5 by 15 rule. Finn added that's why they are here to get a Special Permit. They could have received permission as a matter of right had it complied, but it is increasing the non-conformity vertically and so they need a Special Permit. The Board must determine whether the increase will be substantially more detrimental to the character of the neighborhood. He added it is the Gunrock neighborhood where they are beach houses that are all close together, many built prior to zoning.

Finn asked where are the non-conformities? Atherton pointed out that they are increasing the lot coverage from 40.1% to 40.6%, a small increase, but still substantially more than the allowed 30%. They are adding the space on the third floor, which increases the intensity of the non-conformity vertically and violates the 5 by 15 foot rule. On the other hand they are decreasing the height by 0.8 feet to make it conform. They are also reducing the front setback by two feet, but the Building Inspector can waive that and has apparently done so, by not raising the issue in his letter informing them they need a Special Permit.

A site visit was discussed. Finn pointed out that they are remaining within the footprint, except in a small area in the front corner where they are squaring off a small section, going up and increasing the non-conformity, and decreasing the height. He stated a site visit might be necessary if they were increasing the footprint; but since they are not, he doesn't see the need for site visit.

Action taken, if any: McCann made a motion to approve the request to construct a third-floor addition and rear second and third-floor decks over the existing rear covered porch according to plans submitted by A. Kearney dated December 18, 2014 and the plot plan submitted by David Ray dated March 4, 2015 - with the condition that no further extensions or alterations be made given that the house is a pre-existing, non-conforming structure. There are no objections from any of the neighbors and without substantially increasing any of the non-conformities, it is not substantially more detrimental to the character of the neighborhood. The motion was seconded by Finn, and the vote was made unanimous by Atherton.

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.