



Hull Zoning Board of Appeals Minutes

Applicant: William and Gail Izbicki

Property: 88 Atlantic Avenue, Hull, MA

Date: August 7, 2014

Time meeting began: 7:48 pm

Time meeting concluded: 8:25 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: Ellen Barone, Board Administrator
William and Gail Izbecki, Applicants and Owners
David Ray, Nantasket Engineering
J. Ferrara, Contractor
S. Connor, Chair Conservation Commission
B. Kelly, Building Inspector

General relief sought: Applicants are seeking a Special Permit construct a deck connector pursuant to Hull Zoning Bylaws Section 61-2f.

General discussion: Mr. Ray pointed out there is a slightly revised plan dated 7/15/14, replacing the original plan dated 6-9-14, that adds a small elevated A/C platform on the right side of the structure which protrudes 0.4 feet into the setback. He added there is an 18 inch leeway for eaves, bay windows, and similar which are allowed as a matter of right, but the Building Commissioner wanted it shown on the plan. Dr. Atherton pointed out that it does not protrude as far as other parts of the structure on that side, and seems to be de minimus.

There then followed a discussion about the platform on the left side that was extended perhaps two feet to conform to the main structure. As originally proposed, Mr. Ferrara explained, the safety rail would be right in the middle of a window, so it makes more sense to structurally and

esthetically to extend the platform. Mr. McCann asked about an alternative of shortening it to between the door and the window, but the eventual consensus was that it was acceptable as proposed by Mr. Ferrara, as the extension into the setback is only about 0.5 feet further than the house itself.

Ms. Swiec asked if there were comments from the audience and there were none. Ms. Swiec noted there is a notarized letter of support of the project from Ms. Sceviour, 85 Atlantic Avenue (across the street).

Mr. Ray, who worked on the original proposal 11 years ago, indicated that the project was a tear down and rebuild in the original footprint, and in some areas was even less non-conforming than the original. He added that the proposed connecting deck is in addition to the original and needs to come before the ZBA for approval. The original owner did not finish the project and the Izbeckis have purchased it and are bringing this to the Board now. Ms. Connor spoke and said this property came before the ConComm many times regarding the front deck as it is too close to the seawall – less than the required 10 feet; but that is not before the ZBA. Mr. Finn said it was likely grandfathered. Ms. Connor said it is still an issue for the Commission.

Mr. McCann expressed concern that the Board needed to see the building Permit to make sure all was done as originally proposed. Mr. Ray added that the structure is less non-conforming than the original. Mr. Kelly left the hearing and returned with the Building Department File. Mr. McCann and Dr. Atherton reviewed the plans. Mr. Finn pointed out that the Board needed to be sure as to whether there is a new non-conformity requiring a Variance or an extension of a non-conformity that requires a Special Permit. The consensus was that a Special permit would suffice.

Ms. Swiec asked if a site visit was needed? After discussion, it was decided that 30 square feet are allowed as a matter of right for a platform of this kind providing a second egress, and the additional 11 square feet being requested is minor and would have de minimus effect. Mr. Finn added that as a Special Permit requires a decision that the change will not be substantially more detrimental to the neighborhood and this project qualifies, in his opinion. Mr. McCann stated that the original re-construction was allowed as a matter of right, and so only a Special Permit is required for the deck connector; and this small additional area being requested will not be detrimental.

Action taken, if any: Mr. McCann made a motion to approve the request as presented and according to the revised plan dated 7-15-2014. The motion was seconded by Dr. Atherton.

Was final vote taken?	Yes	No	
Final Vote:	Alana Swiec	Yes	No
	Roger Atherton	Yes	No
	Jason McCann	Yes	No
Recorded by:	Roger Atherton		
Minutes Approved:	_____		