



## Hull Zoning Board of Appeals Minutes

Applicant: John Gilbert

Property: 1133 Nantasket Avenue

Date: 2-5-2015

Time meeting began: 8:07 pm

Time meeting concluded: 9:13 pm

Place of meeting: Hull Town Hall, Main Meeting Room

Members present:	Alana Swiec, Chair	<b>Sitting</b>	Attending	Absent	Abstain
	Roger Atherton, Clerk	<b>Sitting</b>	Attending	Absent	Abstain
	Mark Einhorn, Member	<b>Sitting</b>	Attending	Absent	Abstain
	Patrick Finn, Associate	Sitting	<b>Attending</b>	Absent	Abstain
	Phillip Furman, Associate	Sitting	<b>Attending</b>	Absent	Abstain
	Jason McCann, Associate	Sitting	<b>Attending</b>	Absent	Abstain

In Attendance: John Gilbert, applicant

**General relief sought:** To apply for a special permit to elevate house in excess of 35 feet.

**General discussion:** Swiec opened the meeting and called on the applicant to present his request. John Gilbert explained that his land surveyor was slow in providing the appropriate map, so his application was late. He commented that he had met several times with the Building Commissioner (BC) regarding problems which included a stairway that is partly on Town-owned land. He plans to move that to the driveway side so that it won't be on Town property anymore. The Land Surveyor provided a map with all of the setbacks, but it was revised and the Land surveyor mistakenly put the revision on the topographical plan. He intends to have that corrected and sent to the ZBA.

Swiec pointed out that the Board needs corrected plans – both the plot plan and the construction plans which do not show vertical dimensions. The timing of the appeal was discussed, as the letter from the BC was dated September 3 and the Appeal was stamped by the Town clerk on January 7, which is beyond the allowed time for an appeal of the BC's decision. After much discussion, the board decided that in the case of a disagreement with a BC's decision, the applicant has 30 days to respond, but when the BC defers his decision saying he does not have authority to decide until the applicant obtains a special permit (sp) or variance (v), then the 30-

day rule does not apply. Since the applicant is not disagreeing with the BC's decision and is seeking the sp/v recommended by him, the applicant does not have to comply with the 30-day rule.

Atherton then pointed out that the building plans do not show the actual height he plans to raise the dwelling to. Finn explained that if they are staying on the same footprint, the maximum they can go is 39 feet. In further discussion the applicant explained that the current building height is 36.7 feet and he is requesting to go to 45.5 feet. Finn added that since it is already non-conforming, only a sp is required. But the BC's letter indicated the proposed height is 39 feet. Atherton explained he had discussed this with the BC and the BC indicated he was going to get the ZBA corrected plans. When he got them, he found there was a problem with the height and he would need additional time to get this height issue clarified. Swiec repeated to the applicant that the ZBA needs both a corrected plot plan and construction plans before it can proceed.

Peter Dewey, 1131 Nantasket, an abutter, pointed out that when the house across the street at 1132 Nantasket (the Sartell house) was raised for flood zone protection and to allow parking underneath (Finn added this point), that he lost his view of Boston. Finn asked how that could be, unless his house was over 35 feet. Dewey explained his view is a line of sight view through the porch, and raising the house will, obstruct that. Finn responded that he would lose that view if Gilbert enclosed the porch, which is his right, and that it is in the best interest of the entire Town to have all these houses in the flood zone raised. Gilbert agreed.

Gilbert asked for clarification as to what the ZBA would need for additional information in addition to the corrected plans. Finn added show the elevations on the construction plans. Atherton added provide lot coverage. Swiec added show all setbacks, heights, driveways, parking, decking both existing and proposed, any sheds, whatever is on the property.

In response to Finn's question regarding parking, Gilbert explained he had been told by the BC and Anne Herbst that he is in an AE flood zone, is not exceeding the footprint, and so he can use the existing foundation to elevate the dwelling, but will have to provide means for the water to flow through, so it won't be available for parking.

Atherton asked how can the Board allow an increase over the 39 foot height limit? Finn explained the bylaw was for people who complied with the 35 foot limit and wanted to lift their home. Since this house is non-compliant that bylaw doesn't apply. The idea leading to the bylaw was that as FEMA regulations changed, people shouldn't lose their 35 feet of living space. Swiec asked if all the existing decks were permitted. Gilbert said yes they were. Swiec stated that the Board would decide about a site visit at the next hearing after we've seen the corrected plot plan and construction plans.

**Action taken, if any:** The hearing was continued to March 5 at 7:35.

Was final vote taken?                      Yes                      No

Recorded by:                                      Roger Atherton

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