



## Hull Zoning Board of Appeals Minutes

Applicant: John Gilbert

Property: 1133 Nantasket Avenue

Date: 3-5-2015

Time meeting began: 7:41pm

Time meeting concluded: 8:41 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	Attending	<b>Absent</b>	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 hearing and indicated that the Board had noted some inaccuracies on the plans, and had asked for clarification and additions to the plans. Gilbert provided copies of the revised plans and noted that he had spoken to Lombardo, the Building Commissioner, about these changes and additions. The Board had asked for setbacks, lot coverage, and clarification of the elevations and parking, both existing and proposed.

Finn pointed out the existing height is 36.7 feet and is non-conforming. In response to questions, Gilbert explained that it will be three stories and they have put the mechanical equipment – heating and hot water – in the attic. They had two bedrooms in the basement that they want to keep and so they are asking to move the whole house up out of the flood zone. Finn clarified that it made sense to raise the house up; his concern was by retaining the basement space, it would make four stories. But if it is only three stories and it's within the original footprint, then it seems OK.

Atherton indicated that the issue is whether the measurement is from the average grade level or the FEMA Flood level, a difference of 6.4 feet. Einhorn pointed out that it is non-conforming and the issue is whether it is substantially more detrimental to the neighborhood.

Finn stated that the Town adopted the bylaw for raising homes as a matter of right, but it doesn't prevent anyone from using the FEMA as a matter of right and going 35 feet above that. In this case the AE zone is 13 feet and adding the existing house height of 36.7 to the FEMA requirement of 13 and the bylaw wave buffer allowance of 4 feet would be 53.7 feet; and they are asking for 52.1, which is less than the maximum allowed. This height would only be allowed for a house that is already non-conforming, as this one is.

Einhorn summarized that any structure would have to be within four feet of the base flood elevation plus the existing house height or 35 feet if new. Finn added that all he wants to do is lift the house to flood level plus something less than the four feet allowed, which they can do with a special permit if the Board agrees it is not substantially more detrimental.

Gilbert explained that he had some problems with his engineer, but the plan he submitted at this hearing are accurate. Atherton mentioned that he had talked today with the Building Commissioner who indicated these plans are accurate. He cautioned that his original letter was based on the incorrect information provided by the applicant's engineer.

Atherton asked how can the Board decide whether it is substantially more detrimental, when it doesn't exist, and the Board can only use its imagination to evaluate how it will look? Einhorn responded that there is no one at the hearing saying it will be detrimental to their views. Finn reminded the Board there was one person at the last hearing indicating that he was concerned about losing his view through the porch that would be eliminated by raising this structure.

Finn stated that FEMA law was to prevent a town from saying that people couldn't go over height restrictions no matter what. They would be allowed to raise their homes out of the flood zone. And the Town added a four foot possible buffer to take advantage of lower insurance costs. Atherton pointed out that usually houses are lifted from their first floor up, but Gilbert wants to raise his basement level up as well. Finn added it is only three stories. Gilbert stated that in FEMA's eyes his basement is his first floor because it has an exit door which opens out to grade level.

Atherton stated that the Board has to decide whether it will be substantially more detrimental to the neighborhood. Furman pointed out that there is no house behind him and one house in front of him, so who would it be detrimental to? Einhorn reminded that Board that there is no one at the hearing saying it will be substantially more detrimental. Swiec indicated she was in support of the appeal. Finn added they might not even need the additional two feet. Gilbert stated that he agreed because that height would require many stairs to get up from grade. He indicated that he will probably only go six inches or so over the 13 feet to reduce the number of stairs. Gilbert asked the Board to approve the building height on the plans as the proposed maximum, which will allow him the flexibility to minimize the height extension during construction. Finn suggested that could be added in the conditions.

Swiec asked for clarification of the parking and Gilbert showed her on the plans where it is and explained that his and his neighbor's driveways abut each other, so it is a shared large driveway, and there is plenty of parking.

**Action taken, if any:** Einhorn made a motion to approve raising the height as shown on the plans dated February 23, 2015 and stamped by the Board on March 5, 2015. Atherton seconded the motion. The vote was unanimous by Atherton, Einhorn and Sweic.

Was final vote taken?            **Yes**            No

Recorded by:                      Roger Atherton

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