

Hull Zoning Board of Appeals

Applicant: Patricia & Dung Tran

Property: 58 Edgewater Road, Hull MA 02045

Date: Thursday, April 17, 2014

Time Meeting Began: 8:35 p.m.

Time Meeting Concluded: 9:30 p.m.

Place of Meeting: Hull Municipal Building, Louis C. Costa Room, 253 Atlantic Avenue

Zoning Board Members Present for Hearing:

Alana Swiec, Chair	Sitting	Attending	Absent	Abstain
Dr. Roger Atherton, Clerk	Sitting	Attending	Absent	Abstain
Atty. Mark Einhorn, Member	Sitting	Attending	Absent	Abstain
Phillip Furman, Associate	Sitting	Attending	Absent	Abstain
Jason McCann, Associate	Sitting	Attending	Absent	Abstain
Patrick Finn, Associate	Sitting	Attending	Absent	Abstain

Others in Attendance:

Patricia & Dung Chan (Applicants)
Mr. Yusef (53 Edgewater Rd.)
Mrs. Collins (60 Edgewater Rd.)
James Linville (57 Edgewater Rd.)
Richard Lorman (59 Edgewater Rd.)
Emily Hardej (Recording Secretary)

General Relief Sought:

Applicants seek to apply for a special permit to remove existing roof and 2nd floor walls. Reconstruct second floor and raise height to use attic for an additional room pursuant to Hull Zoning Bylaws, Section 21-2f. Proposed/existing side and rear setbacks are less than required.

General Discussion

Ms. Swiec asks the applicants why they are interested in this addition for the house and Mr. Tran explains that, "the walls are crooked, the space is unusable, and they would like to go a bit higher to utilize the attic space." Dr. Atherton goes on to explain he does the engineering, using the analysis sheet, also to see how it affects the zoning more or less than the existing. Dr. Atherton made estimates for the property plot plan and the red on the analysis sheet means that they are not conforming to the bylaws. The plot plan has the deck as 11 feet 4 inches wide; however, the building plan from 2005 may

be inaccurate, as the building plan submitted documented the deck at 9 feet 4 inches. The committee unanimously agrees that the plot plan from 2005 needs to be further investigated.

Dung Tran (58 Edgewater Rd.) further explains the changes that he wants to make to his home. In more detail, he explained that the roof needs to be removed, and he is asking for additional walls to create a third floor. He first explained that he wanted about 3 extra feet in height, but whatever the Board approves the roof needs to be taken off. However, it was pointed out that Mr. Tran miscalculated the height because the building plan says the existing home is 27 feet in height and he would like to go up to 34.5 feet, which is more than 3 feet.

Ms. Swiec read the letter from the Building department indicating that the proposed addition requires a Special Permit. She then asked the applicant "Is this meeting for a height issue or set back issue?" Mrs. Tran believed she was denied due to a setback issue. Dr. Atherton agreed with Mrs. Tran saying that she was correct. Mr. Finn says that the proposed height of 35 feet is within the bylaws and that he would be allowed to expand vertically on the footprint as long as it was within those height limits. Dr. Atherton once again questions the accuracy of the 2005 plot plan. In 2005, the Applicant applied for a special permit but the Board required a two foot reduction in the width because of the setback limitations.

The special permit would allow the Applicant to raise the height of the house approximately 8 feet which is under the 35 foot limit in accordance with the bylaws. Roger Atherton and Jason McCann once again agree that an accurate plot plan really is necessary. Patrick Finn asked Roger if he was a registered land surveyor and when Dr. Atherton said no, Mr. Finn also pointed out that no one on the Board was. Ms. Swiec concluded she was not voting on the decision, but the voting members of the Board agreed with her that any decision would have to be tied to an accurate new plot plan being created.

The Board opened up the discussion to see if anyone at the meeting had questions or concerns.

Mr. Finn asked why do you need this addition? Mr. Tran said the bedrooms are only 9 x 10, and 6 x 8, and the added height would allow him to combine those and create a new one.

Mr. Yusef of 53 Edgewater Rd. (the builder or architect of the Applicant's previous addition and has knowledge of the property) mentions that the house is quite old, the walls are leaning, and that it could use some improvements. He explains that the square footage is only 440 sq. feet with two small bedrooms on the second floor and there is only 350 square feet of living space. The special permit would be in accordance with the code because it would be 34.6 feet in height. The special permit would be good for Hull, he also explains that the Tran's are wonderful neighbors, and this would allow them to live in a decent home.

Patricia Collins (60 Edgewater Rd.) added that the Tran's are great neighbors; however, they are adding a third floor and she feels that the numbers are wrong from the 2005 plot plan. Mr. Finn adds, "The height number you feel is incorrect?" Steve Collins indicates that he wants clarification about the height of the house in the plot plan. Mr. Yusef explains that the average height of the home is between 34.5 and 34.6 feet, not higher than 35 feet. "I think the average grade is like 6 feet around the property,

were there any elevation shots taken?" said Mr. Finn. Mr. Yusef responds that he did not have any surveyors. The Board agrees that a Survey Plot Plan is needed with elevations.

Mr. Collins adds that she wants to make sure the special permit would be in conformance with the setback rules. Mr. McCann says that it takes a lot of careful looking at. Mr. Collins asks where did the height set forth in the 2005 plot plan come from? They asked for a height extension and the previous Board said no. Mrs Collins added, "I just want to say that there should be a site visit."

Mr. Jim Linville of 57 Edgewater Rd. comments that the Applicants are great neighbors. They turned the old house which was a dump and turned into something nice. The Trans want to raise the walls of their home and in doing so it won't block anyone's views. There is nothing wrong with what they want to do. They have two children (in their 30's), they want their kids to be able to visit....they have my support they improved the value of the property. And it will be a lot more with this addition.

Ms. Swiec explains that Hull does not have any sight line requirements unlike Cape Cod, it's not part of the zoning laws unfortunately. Mr. Collins once again adds that the Tran's are wonderful people, but questions where the height requirements are coming from. The Collins request a survey plot plan with the elevations, as does Pat Finn showing that the height from average grade level would be less than 35 feet.

Mr. Collins wants a scale drawing because he is a builder himself. Ms. Swiec asks if there is a scale drawing on file for 58 Edgewater Rd? She also asked if the proposed height of the interior space, how much could it be brought down to lower the roof peak? Mr. Yusef explained there were quite a few ways he could minimize the height to conform to the 35 foot height bylaw requirement.

Richard Lorman (59 Edgewater Rd.) sent a notarized letter to recommend that the town allow the construction for 58 Edgewater Rd. He also adds he has no problem with it. Kathleen Concannon and Richard Lorman both sent in properly notarized letters in favor of the Applicant's special permit. Ms. Swiec concludes that the Board needs to schedule a site visit and asks the Applicant's if a month would be sufficient time for a continuance. The various Board members agree they will all go on their own accord.

Hearing for 58 Edgewater concluded.

Motion: The Board agrees for a continuance on Thursday, May 15th, 2014 at 7:35. For the record, Ms. Swiec will be unable to attend.

Was the final vote taken?	Yes	No
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Recorded By: Emily Hardej

Approved By: Roger Atherton _____