

Hull Zoning Board of Appeals

Applicant: Patricia & Dung Tran

Property: 58 Edgewater Road, Hull MA 02045

Date: Thursday, May 15, 2014

Time Meeting Began: 7:39 p.m.

Time Meeting Concluded: 8:30 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.)
David Ray, Nantasket Survey Engineering
Patricia Collins (60 Edgewater Rd.)
Stephen Collins (60 Edgewater)
James Linville (57 Edgewater)
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:

Mr. Einhorn chaired the hearing and asked the applicant if he wished to speak. Mr. Yusef did and pointed out that there was at the last hearing questions raised about the height, which they believe is 34'6" and conforms. There is a new plan, which is now to scale and it is easier to determine the dimensions. The new drawing is exactly what they plan to build. Mr. Einhorn indicated that a site visit was performed. Dr. Atherton pointed out the height on the plan shows 49.7 feet. Mr. Ray explained that the General Notes on the plan shows the mean grade is 15.3, if that is subtracted from the 49.7, it

equals 34.4, which is less than the maximum allowed of 35 feet. Dr. Atherton elaborated that the original plan submitted with the application was incorrect, but the Board now has a correct plan. Mr. Finn made a motion to approve as presented, but no one seconded the motion pending further discussion.

Patricia Collins asked if there could be additions not shown. Mr. Finn said his motion would exclude all additions in perpetuity. Mr. Einhorn commented that the plans submitted with the application would be included in the Board's decision. He clarified by saying that the applicant could still propose a change in the future, but as Mr. Finn indicated any future Board would know from the decision that this Board was not in favor of any further expansion. Mr. Finn added that he thought this present plan would not be more detrimental to the neighborhood, but that any further expansion might be. Mrs. Collins expressed concern that they might build higher than the plan called for. Mr. Finn stated he would add a condition that the height would remain below 35 feet. Mr. Finn and Mr. Einhorn both commented that it is the responsibility of the Building Commissioner to make sure the applicant conforms to the plan.

Mr. Stephen Collins questioned the fact there is door on one plan where there is none on the other plan. Mr. Yusef stated there is an existing door there and it should be on the new plan; if not he would add it to the plan. Mr. Linville added that the original house was a wreck and the applicants have done a great job of improving the house and the neighborhood. Mr. Lorman added his support to the project. He indicated he had submitted a notarized letter in support. Dr. Atherton mentioned that there are two letters of notarized support, one from Mr. Lorman and one from Mr. McCannon of 4 Second Street.

Mr. McCann questioned whether the issue was both rear and the side setbacks? Dr. Atherton clarified that it is the rear and right side setbacks that are non-conforming. Mr. Finn added that the non-conformities are being intensified by the added height. Mr. McCann asked if the 5-15 Rule applied? Mr. Linville (formerly chair of the Hull Planning Board) explained that this Rule was to allow people to expand vertically if there was sufficient distance between the structures, so the fire department would have access in case of fire. Mr. McCann asked why the front setback was not mentioned in the Building Commissioner's letter. Dr. Atherton explained that the Building Commissioner can waive the front setback requirement depending on other nearby structures. Usually the assumption has been in the past that if he doesn't mention it, then the Board will often assume he has waived it; but the reasonableness of that can always be verified either from the plans or the site visit. Mr. Finn commented that the 25 foot setback requirement for old construction is difficult and is really only applicable to new construction.

Mr. McCann stated he is comfortable seconding Mr. Finn's earlier motion with all the conditions discussed. Mr. Finn repeated his desire to have the condition of no further expansion in perpetuity.

Hearing for 58 Edgewater concluded.

Motion:

Was the final vote taken?

Yes

No

Vote was unanimous in favor with the following votes:

Roger Atherton -**Yes**

Patrick finn – **Yes**

Jason McCann - **Yes**

Recorded By: Roger Atherton

Approved: _____