

# Hull Zoning Board of Appeals

Minutes  
February 4, 2016

The February 4, 2016 meeting of the Board of Appeals was held at 7:30 p.m. at the Hull Municipal Building, 253 Atlantic Ave., Hull, Massachusetts.

Members present: Neil Kane, Chair  
Patrick Finn, Clerk  
Donna Bergamo, Alternate  
Andrew Corson, Alternate

## Public Hearing: 540 Nantasket Ave.

Start Time: 7:45 p.m.

Sitting: Bergamo, Corson, Finn

Applicant: Nguyen V. Nguyen

**General relief sought:** To apply for a variance to convert existing first floor business space into two apartments, making existing building into four residential units.

This was a continuation of a hearing first heard on December 17, 2015, continued to January 7, 2016, and continued again to this date, February 4, 2016. The property had been granted a mixed-use variance in [date?] for two residential units on the second floor and one commercial unit on the first floor. That variance was abandoned ~~revoked~~ when the property went for two years without the commercial space being utilized. When this application was received, the applicants wanted to turn the first floor space into two apartments. However after discussion and a site visit, it was determined that there were not enough parking spaces to allow the Board to grant that variance. The Board suggested that the applicants might keep the first application open and submit a second one requesting re-establishment of the first floor business use. The applicants did so, as someone had expressed an interest in purchasing the property as business space.

The second hearing, for the re-establishment of the first floor business use, was opened and discussed simultaneously. The applicant's realtor, Andrea Cohen, was also present.

**Action taken:** On a motion by Finn, seconded by Corson, the Board voted unanimously to refuse the application for a variance to convert existing first floor business space into two apartments, making existing building into four residential units.

Vote: Finn Yes  
Corson Yes  
Kane Yes

The hearing was closed at 8:14 p.m.

## Public Hearing: 540 Nantasket Ave.

Start Time: 8:50 p.m.

Sitting: Bergamo, Kane, Finn

**Applicant:** Nguyen V. Nguyen

**General relief sought:** To apply for a variance to re-establish existing first floor business use, making the existing building into business use on the first floor with two existing residential units above.

**Summary of Discussion:**

The applicants would like to sell the property in question and have signed a Purchase and Sale agreement with a buyer. The Purchase and Sale agreement is contingent upon the granting of a variance to return the first floor to commercial use.

After discussion, the Board decided to grant this application, with Bergamo explaining that there was a hardship that was created by the previous owner, as they had created a situation in which the commercial variance would lapse. The granting of the application would reinstate the historical variance on the property. The potential buyer would like the word "retail" added to the prior variance.

**Action taken:** On a motion by Bergamo, seconded by Finn, the Board voted unanimously to grant the application to re-establish existing first floor business use, making existing building into business use on the first floor with two existing residential units above, with the same conditions as existed in the previous decision, with the exception of adding "retail" as a provision.

Bergamo explained the timeline by which the decision needed to be registered and recorded. She also explained that there was a condition in the previous decision regarding the use of the basement as an illegal apartment, and explained that this condition would be part of the new decision as well.

**Vote:** Finn Yes  
Corson Yes  
Bergamo Yes

The hearing was closed at 8:14 p.m.

**Public Hearing: 225 Atlantic Ave.**

**Start Time:** 8:15 p.m.

**Sitting:** Not assigned

**Applicant:** Steven and Dale Fitzgerald

**General relief sought:** To apply for a special permit to construct a two story mixed use building consisting of a storage garage and one residential unit above.

**Summary of Discussion:**

Prior to the meeting, the Board received an email communication from Peter G. Palmieri, P.E., Director of Engineering at Merrill Engineers and Land Surveyors on behalf of the applicants, requesting that the hearing be postponed. The hearing was opened and the following email was read by Patrick Finn, Clerk.

"As a follow up to our earlier telephone conversation, acting on behalf of Steven and Dale Fitzgerald, this office respectfully requests that the Board of Appeals Public Hearing for the above referenced project scheduled for February 4, 2016 be continue to the next available date, February 18, 2016. In addition please include me via email as well as the owner on all future correspondence regarding the above project."

**Action taken:** On a motion by Finn, seconded by Corson, the Board voted unanimously to continue the hearing to 7:35 p.m. on February 18, 2016.

**Vote:** Finn Yes  
Corson Yes  
Kane Yes  
Bergamo Yes

The hearing was continued to February 18, 2016.

Recorded by: Catherine Goldhammer

Minutes Approved:   July 5 2016

*All actions taken: All action taken includes not only votes and other formal decisions made at a meeting, but also discussion or consideration of issues for which no vote is taken or final determination is made. Each discussion held at the meeting must be identified; in most cases this is accomplished by setting forth a summary of each discussion. A verbatim record of discussions is not required.*