

# Hull Zoning Board of Appeals

## Minutes

September 18, 2018

The September 18, 2018 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  
Richard Hennessey, Associate

**Members present:** Scott Grenquist, Associate  
Corina Harper, Associate

## Public Hearing: 685 Nantasket Avenue

**Applicants:** Giselle Stilphen

**General relief sought:** To Apply for a Special Permit/Variance to remove nonstructural wall, add two doors to convert existing commercial space into additional living area. The existing mixed-use building (2 apartments and commercial space) is located in a Business Zone; the proposed conversion of existing commercial space to a third residential unit requires a Special Permit and/or Variance.

**Sitting:** Kane, Finn, Hennessey

### Summary of discussion:

Finn read aloud a letter from Assistant Building Commission Bartley Kelly, dated May 9, 2018, stating in part that the building permit request dated April 26, 2018 would be in violation of Hull Zoning By-Laws, Sec. 61.2, subparagraph f, Pre-existing structures, and that the proposed conversion of existing commercial space to a third residential unit requires a Special Permit and/or Variance.

Finn said that the board had obtained additional information on the case since its last hearing. He noted that the minutes of a November 17, 2005 hearing stated that the board would approve four units if the applicant bought the property in back of hers or received a grant of easement on the abutting property. Stilphen obtained the easement in 2006. Finn read in part from these minutes, which stated that four family units within an existing business zone were approved. The hearing had then been continued to a date that was not stated, but in the interim the entire zoning board had not been reappointed, except for David Marsachi. Two years later there was a record of a communication from Stilphen's former husband Gary Stilphen withdrawing the application. Finn read aloud the Board of Appeals minutes from November 3, 2005. [See document.] He also read aloud a July 19, 2007 letter written by David Marsachi, then the Chairman of the Board of Appeals, stating that the application had been withdrawn. [See document.] This stated that there was no adequate parking, although Ms. Stilphen had gotten a parking easement in 2006.

Stilphen said that at that point in 2005 there were already three existing units. She said that she has been paying occupancy fees for three residential units for 13 years, and that there were walk-throughs at the last approval. She said that she would like to be grandfathered. She stated that she also has Board of Health inspections for three residential units. She is now asking to eliminate the commercial unit and have just three residential units. Because a sprinkler system is required when there are more than two residential units, Finn noted that the discrepancy between the numbers of residential units currently existing is a problem. Stilphen said that according to her records she has had three residential units since that time and wants only to continue with three

Finn suggested that if she is not changing the number of residential units, and just wants to eliminate the commercial unit, she might not need zoning relief. He noted that there is a disconnect between the Building Department and Board of Health records now that the new information has been found. He suggested that the Building Department review the new information. Stilphen will ask them to do so. Finn pointed out that if she has been paying every year for three occupancy permits and has the health inspections for it, this will help her case regarding the sprinkler system. He said he would be willing to vote to make this a three residential unit structure based on the available information in order to make it an official determination.

**Action taken:** On a motion by Finn, seconded by Hennessey, the board voted unanimously to continue this to October 2, 2018, at 7:35 p.m.

## **Public Hearing: 121 Bay Street (Continuation)**

**Applicants:** Beatrice Bergstrom

**General relief sought:** To Apply for a Special Permit/Variance to: construct new 2 family home, each side with 4 bedrooms and 4 ½ baths, as per plans, pursuant to the Hull Zoning By-Laws Chapter 40-A, Sec. 61, Pre-existing structures; Non-Conforming Uses. Building will replace previous 3 family unit. Proposed rear setback does not comply; proposed front setback (13.0') may be waived.

**Sitting:** Kane, Finn, Hennessey

### **Summary of discussion:**

An email was received from Stephen Bergstrom stating that the applicants would like to continue to October 16.

**Action Taken:** On a motion by Finn, seconded by Hennessey, the board voted unanimously to continue 121 Bay Street to the end of the meeting on October 16.

## **Public Hearing: 811 Nantasket Avenue (Continuation)**

**Applicants:** Matthias Braeu

**General relief sought:** To Apply for a Special Permit/Variance to turn mixed use property into a multiuse property, as per plans, pursuant to the Hull Zoning By-Laws Chapter 40-A, Sec. 61, Pre-existing structures; Non-Conforming Uses. The existing mixed-use building – 2 apartments/office/commercial space—is located in a business zone and is conforming. The existing use was established by a special permit in 1982. Converting office space to a residential unit may require amending special permit and/or variance for change of use to multi-family from mixed use. Multi-family use is non-conforming in a business zone. Existing parking appears to be adequate for proposed use.

**Sitting:** Kane, Finn, Hennessey

### **Summary of discussion:**

Finn notified the board that the applicant has requested a continuance as he is out of the country.

**Action Taken:** On a motion by Finn, seconded by Hennessey, the board voted unanimously to continue 811 Nantasket Avenue, to the end of the agenda on October 2.

## **New Business**

Sarah Clarren, the board's administrator, has asked that the board make a clerical modification to 22 Sagamore Terrace (7/17/2018 Special Permit/Variance) to correct a typographical error.

**Action Taken:** On a motion by Finn, seconded by Hennessey, the board voted unanimously to approve the clerical modification to 22 Sagamore Terrace special permit.

The meeting was adjourned at 8:34 p.m. on a motion by Finn, seconded by Hennessey.

The board's next meeting will be on October 2, 2018.

**Recorded by Catherine Goldhammer**

**Minutes Approved:**  3/19/19

*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.*

