

Town of Halifax Commonwealth of Massachusetts

Zoning Board of Appeals

499 Plymouth Street • Halifax, MA 02338 • 781-293-1736

**HALIFAX ZONING BOARD OF APPEALS
MONDAY, MARCH 13, 2006**

The Halifax Zoning Board of Appeals held its regular monthly meeting on Monday, March 13, 2006 in Meeting Room #1 of the Town Hall with the following Board members in attendance:

Debra Tinkham, Jean Reilly, Kozhaya Nessralla, Richard Gilcoine, Michael Schleiff, and Garrett Walsh. The secretary was not present.

Robert Gaynor arrived late at 7:45 pm.

Chairman Tinkham called the meeting to order at 7:00 p.m.

APPROVAL OF MINUTES:

It was duly moved (K. Nessralla) and seconded (R. Gilcoine) to approve the minutes of Monday, January 9, 2006.

Chairman Tinkham: All those in favor of approving the minutes of January 9, 2006, please signify by saying aye. So VOTED 5-0-0

BILLS

- A. Memorial Press Group - \$80.00
 - B. Deutsch-Williams
-

#622 – WAL-MART – 295 PLYMOUTH STREET, HALIFAX, MA

Mr. Phil Barthel faxed a letter on behalf of Gillis & Angley, LLP to the Board requesting that the Wal-Mart Hearing, Petition #622, be withdrawn without prejudice.

The chairman read the notice into the record (see file)

The Board voted to accept the withdrawal without prejudice.

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The Board reviewed the mail and discussed other matter issues;

- A. Building Inspector – Letter to Selectmen regarding money for upcoming 40B issues
- B. OCPC Agendas
- C. Planning Board – Site Plan Review for 640 Plymouth Street, Halifax
- D. Zoning Board of Appeals – 2005 Annual Report
- E. Planning Board – PHN for Anthony Curtain – Determination for Site Plan Changes
- F. Deutsch-Williams – Lounge vs. ZBA – Violation and Change of Ownership
- G. Deutsch-Williams – Lounge vs. ZBA – Re-filing of Petition
- H. AiroSmith Development – Cingular Wireless Repair/Replace on Water Tank at 499 Plymouth Street
- I. Charlie – Fieldstone Farms Horse Show Dates
- J. Deutsch-Williams – Lounge vs ZBA re: Status Conference – Feb 22, 2006
- K. Deutsch-Williams – Lounge vs ZBA re: Status Conference/Stipulation
- L. Deutsch-Williams – Lounge vs ZBA re: Proposed Stipulation in need of Changes
- M. Deutsch-Williams – Lounge vs ZBA re: Revised Stipulation
- N. Charlie – Special Town Meeting – Warrant Articles

The Board also reviewed site plans from 640 Plymouth Street,

Chairman Tinkham reviewed the annual report that she had written for the 2005 Annual Report with the Board.

#658 – PETER WALTERS on behalf of MICHAEL & DEBRA PIZZI – 254 MONPONSETT SREET, HALIFAX

The chairman read the notice of public hearing:

The Halifax Zoning Board of Appeals will hold a public hearing on March 13, 2006 at 7:15 p.m. in Meeting Room #1 of the Town Hall, 499 Plymouth Street, Halifax, MA on the application by Peter Walters on behalf of Michael & Debra Pizzi to attach the existing house to the detached garage with a 2-story breezeway with farmer’s porch and a master bedroom (24x24) addition above the existing garage at 254 Monponsett Street, Halifax, MA. Said property is owned by Michael & Debra Pizzi as shown on Assessor’s Map #63, Lot 16. The applicant seeks a special permit to continue and extend a non-conforming use in accordance with the Zoning By-laws of the Town of Halifax under Section 167-8 Non-Conforming Uses, page 16726.8. Area is zoned commercial. Petition #658

Mr. Pizzi brought his builder, Mr. Peter Walters, to the hearing to speak to the Board.

Tinkham: Would you like to explain to us what you would like to do?

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Walters: They would like to attach the house to the existing garage with a breezeway and add a 2nd floor over the garage. We will not be extending out over the wood box.

Mr. Walter's described the layout of the addition with the Board.

Walters: We are removing a room in the basement in order to make the master bedroom above the garage.

Tinkham: There is a bedroom in the basement now.

Walters: It's not really a bedroom; it's a storage room.

Pizzi: We have three bedrooms now.

Walters: They are small bedrooms.

The Board reviewed the layout of the current bedrooms, the proposed plans, and the location of the home.

Nessralla: So you will not have to change the septic system?

Walters: No.

Nessralla: The 3 bedroom count will stay the same.

Pizzi: Yes.

The Board continued to discuss the location of the home. The addition will not encroach any further onto the lot lines and will be smaller than the existing garage (it will not extend over the small wood box area)

It was duly moved (K. Nessralla) and seconded (J. Reilly) to waive the on-site inspection.

So VOTED 5-0-0

Tinkham: Does anyone have any more questions?

Schleiff: You are staying within the same footprint? You are just connecting the house to the garage with a breezeway and porch.

Walters & Pizzi: Right.

Schleiff: You are not having a kitchen in the addition.

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Walters & Pizzi: No kitchen.

Walsh: Is your basement wet?

Pizzi: No, we are really lucky.

It was duly moved (K. Nessralla) and seconded (J. Reilly) to grant your petition (#658) for a special permit to attach the existing house to the detached garage with a 2-story breezeway with farmer's porch and a master bedroom (24x24) addition above the existing garage. The proposed addition will be located at 254 Monponsett Street, Halifax, MA as shown on assessor's map #63, lot 16.

The Zoning Board of Appeals granted this petition due to the fact that this change will not be detrimental to the neighborhood as several homes in this area have been upgraded. The home is pre-existing non-conforming and the addition will not derogate from the intent of the bylaw because it will not encroach any further on the lot lines.

The Zoning Board of Appeals grants this petition with the following conditions:

1. The special permit was granted based on the plans and testimony presented at the hearing. Any changes from what was presented and approved must be brought back before the Zoning Board of Appeals.

Please be advised that all variances and special permits shall comply with all the rules and regulations and codes of the Town of Halifax.

This decision shall not take effect until:

- (a) A copy of this decision certified by the Town Clerk to the effect that twenty (20) days have elapsed since this decision was filed in the office of the Town Clerks (3/21/06) without any appeal having been dismissed or denied has been recorded in the Plymouth County Registry of Deeds, or with the Assistant Registrar of the Land Court for Plymouth County, and
- (b) A certified copy indicating such Registry Recording has been filed with the Board.

Chairman Tinkham called for a voice vote: J. Reilly, YES; K. Nessralla, YES, R. Gilcoine, YES; M. Schleiff, YES; and D. Tinkham, YES.

The motion to grant petition #658 passed 5-0-0

Ms. Tinkham reprised Mr. Pizzi and Mr. Walters of the procedure following approval of the petition.

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The Board discussed the upcoming zoning bylaw changes proposed by the building inspector through the planning board, John Peck, Janet Bradshaw, and Matt Ellis.

Chairman Tinkham discussed with the Board a conversation that she had with the building inspector, Tom Millias. Mr. Millias would like to form a small bylaw study group to review the bylaws in place. A couple of the members showed interest.

Garrett Walsh is very concerned with lot depth bylaw and he would like the Board to look into it. He would also like a true definition of lot depth.

It was duly moved, seconded and VOTED to adjourn the meeting.

Respectfully submitted,

Melissa Traynor,
Administrative Assistant

It was duly moved, seconded and VOTED to approve the minutes of Monday, March 13, 2006 as presented/corrected.

Debra Tinkham, Chairman
Zoning Board of Appeals
