



HALIFAX ZONING BOARD OF APPEALS

Meeting Minutes

Monday, May 1, 2017

The Halifax Zoning Board of Appeals held a public hearing on Monday, May 1, 2017 in Meeting Room #1 of the Town Hall with the following Board members in attendance:

Robert Gaynor, Kozhaya Nessralla, Peter Parcellin, Gerald Joy, Robert Durgin and Daniel Borsari were in attendance.

Chairperson Gaynor called the meeting to order at 7:00 pm and reprised the audience that this public hearing/meeting is being audio taped. He also explained the procedure and the protocol at the public hearings.

Correspondence/mail/notices:

Chairman Gaynor reviews and discusses mail items. Reads letter from Deutsch-Williams regarding ZBA's response to Plaintiff Scott Clawson's request for production of documents for Petition #744. Reads OCPC Agenda (April 26, 2017) and OCPC Invitation to 50th Annual Meeting on May 18, 2017.

Appointments:

7:10 – Petition #867 – In-law Apartment - J. Schneider, 39 Hemlock Lane, Halifax

Present: Mr. Joseph Schneider, Margaret Schneider and Edward Schneider

Chairperson Gaynor reads Public Hearing Notice into record and greets the Schneiders.

Mr. Gaynor asks if there was any problem meeting the requirements and regulations for the in-law. The Schneiders advise there were not. Members review plan for in-law and a one-car garage. Joseph Schneider points out that openings were changed from 5' to 6' openings. Mr. Gaynor asks if there is a plan showing the 6' openings. The Schneiders respond that there is not. Mr. Gaynor explains that the ZBA requires architectural drawings showing 6' openings and also needs five (5) copies of these drawings. [Later confirmed to Schneiders that only four (4) are needed.] Mr. Gaynor asks Board if they have any questions. Mr. Gaynor explains that Schneiders must meet requirements of Board in order to hold a vote. Mr. Nessralla explains everything must be in place – lot lines, dimensions of house, where the openings are, where the front door and deck will be. The Board reviews Plot Plan. Mr. Parcellin feels that these plans do not show needed dimensions. Mr. Gaynor explains that they need dimensions to calculate and ensure the addition meets proper requirements to issue a permit. The addition will be within the 900 sq. ft. limit.

Motion to continue on June 12, 2017 at 7:10pm:

MOTION: Robert Durgin

SECOND: Kozhaya Nessralla AIF

Passes: 5-0-0

Discussion:

Chairman Gaynor speaks to the board about his phone conversation with Mr. Nick Gentile regarding his business-zoned property on Old Plymouth Street. Mr. Gaynor reminds the board of Gentile's Planning Board approved 50 x 50 metal building behind his business, Ellis Auto Body. Gentile wishes to know if, once he is retired, he could take his new building (50 x 50) and use it for his car collection/personal use and rent out the

repair garage he is currently working out of. Gentile informed Gaynor that he spoke with the Building Inspector/Enforcement Agent, Mr. Rob Piccirilli, who asked Gentile to run it by the Planning Board and Zoning Board to cover himself. Gentile has no intention on using it for living quarters. Mr. Gaynor advised Gentile to come in for this meeting to talk about it with the Zoning Board.

Bills:

Motion to accept Express Newspaper bill for \$80.00:

MOTION: Peter Parcellin
SECOND: Gerald Joy AIF
Passes 5-0-0

Meeting Minutes:

Motion to accept Meeting Minutes for Monday, June 13, 2016:

MOTION: Gerald Joy
SECOND: Peter Parcellin AIF
Passes 5-0-0

Motion to accept Meeting Minutes for Monday, September 12, 2016:

MOTION: Peter Parcellin
SECOND: Gerald Joy AIF
Passes 5-0-0

Motion to accept Meeting Minutes for Monday, February 13, 2017:

MOTION: Peter Parcellin
SECOND: Gerald Joy AIF
Passes: 5-0-0

Motion to accept Meeting Minutes for Monday, March 13, 2017:

MOTION: Gerald Joy
SECOND: Peter Parcellin AIF
Passes: 5-0-0

Motion to accept Meeting Minutes for Monday, April 10, 2017:

MOTION: Peter Parcellin
SECOND: Gerald Joy AIF
Passes: 5-0-0

Discussion:

Petition #858 – Joseph Podgurski, 37 Carver Street, Halifax, MA – Non-compliance of Special Permit

Present: Linda Parent, 54 Carver Street, Halifax, MA

Chairman Gaynor reads into record Zoning Enforcement Officer Mr. Piccirilli’s response (5/1/17) to ZBA’s request to do an inspection of property. Mr. Gaynor also discusses a note from David Carlson regarding Mr. Carlson’s concerns with property being used as commercial rather than residential. Mr. Carlson also expressed his concerns of the property being in the historical zone, per a letter he received from the Historical Society (which, when asked, was unable to produce). ZBA secretary confirmed that 37 Carver St is not in historical district according to Zoning map, however the property line abuts the historical district.

Mr. Kozhaya Nessralla suggests sending a letter to petitioner/owner of property, Joseph Podgurski, requesting him to contact Zoning Board to appear at next meeting to address their non-compliance of permit to the board. Mr. Gaynor agrees. Mr. Parcellin suggests including copies of Mr. Piccirilli's letter and Special Permit along with ZBA's letter. Board agrees. Board would also like neighbor Mr. Soroko to be notified of the steps the Board is taking regarding Mr. Podgurski's non-compliance.

Motion to send letter to resident of 37 Carver Street regarding Petition #858 including copy of Special Permit and letter from Zoning Enforcement Officer:

MOTION: Peter Parcellin
SECOND: Robert Durgin AIF
Passes: 5-0-0

Linda Parent comments that property 37 Carver Street is very noisy, there is a lot of machinery, a boat for sale, backhoe, diesel autos cannot be heard but she sees lights on at night, carport, etc. Mr. Gaynor would like to request that Mr. Piccirilli be present at the meeting on June 12th. Board agrees.

Informal Discussion:

Present: Nick Gentile, Ellis Auto – Old Plymouth Street, Halifax

Mr. Gentile informs the board that he was approved by the Planning Board to build a 50 x 50 building on his property for storage. Mr. Gentile is planning to retire in a year or two and asked the Building Inspector about using this building for personal storage (his own cars). Building Inspector directed him to the Zoning Board. Mr. Gaynor informs the board that it is zoned Business and asks Mr. Gentile to confirm that there would be no "mixed use" issue – no residents involved. Mr. Gentile confirms there would not. Mr. Gaynor reminds the board that Ellis Auto business is currently being conducted on the premises. Mr. Gaynor asks the Board their thoughts.

Mr. Nessralla feels that as long as it isn't turned into a business, should be fine. Mr. Gaynor comments that even if he did run it as a business, it is zoned business. Mr. Nessralla expresses his concern with who ends up with the property someday if Mr. Gentile decided to run it as a business at any point. Mr. Nessralla wants to make sure it will only be used as storage. Mr. Gentile responds that the idea is that he would keep the property for his children and confirms it would only be used as storage. Mr. Gentile confirms he would only do work in the building on his own cars (brake job, oil change, etc). He will not be leasing or renting the new space out, only the front. Mr. Gaynor explains to Mr. Gentile that any substantial change would have to come back to the board as far as maintaining the established character of the neighborhood, not detrimental to the neighborhood; would have to show the board he met all requirements.

Mr. Parcellin is concerned with size of building if it were used as residential. Mr. Gentile thinks the property is about an acre, acre and a half where the building would be located. Confirms this is just a building and would not be used as a residence - no bathroom, maybe water, will have electricity/heat. Mr. Gentile told Building Inspector that there would be heat as he needs heat for his cars. Planning Board secretary informed Mr. Gentile that the site plan from the Planning Board would need review as the Planning Board only approved the building for storage, not for any type of work. If it is changed at all and used for any kind of personal use, even if just to change bumper or brake job, Planning Board would need to decide if this is a substantial change or not and may need to resubmit. As far as Zoning, Mr. Gaynor asks the Board if there are any more concerns. Mr. Nessralla asks Mr. Gentile about his dogs. Mr. Gentile confirms he has ten dogs, has a Kennel License to have ten dogs. There have been no concerns or issues with dogs.

Mr. Gentile is told that when he is ready to get going to contact the Planning Board to be added to the agenda.

Correspondence:

In-law Permit Renewal – Helen and Gary Frattasio - 24 Brandeis Circle, Halifax
Mr. Gaynor reads Renewal Notice. Asks Board if any problems with renewal? None.

Motion to accept renewal for In-Law apartment at 24 Brandeis Circle, Halifax.

MOTION: Robert Durgin
SECOND: Kozhaya Nessralla AIF
Passes: 5-0-0

Adjourn:

Motion to adjourn meeting.

MOTION: Peter Parcellin
SECOND: Robert Durgin AIF
Passes: 5-0-0

It was unanimously voted to adjourn the meeting at 7:50 p.m.

Respectfully submitted,

Robert Gaynor
Chairman, Zoning Board of Appeals