



HALIFAX ZONING BOARD OF APPEALS

Meeting Minutes

Monday, February 12, 2018

The Halifax Zoning Board of Appeals held a public hearing on Monday, February 12, 2018 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 are in attendance.

Chairman Gaynor calls the meeting to order at 7:04pm and reprises the audience that this public hearing/meeting is being audio taped. He also explains the procedure and the protocol at the public hearings.

Meeting Minutes:

Motion to accept the Meeting Minutes for Monday, January 8, 2018:

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

Appointment:

7:10pm – Petition #565 – Velma Siegel, 97 Circuit Street – Special Permit renewal for In-law

Chairman Gaynor reads into record a note dated February 12, 2018 from Ms. Siegel's neighbor Kenneth Vinton. The letter states that he is Ms. Siegel's neighbor, would like to help Velma with her In-law renewal and requests that the Zoning board allow her more time by extending her meeting to March 12, 2018. The Board decides that they would like Ms. Siegel to submit her own request in writing to continue her hearing to March 12, 2018. Mr. Gaynor reads into record the Letter of Withdrawal sent to Ms. Siegel from the Zoning Board dated January 17, 2018. The Zoning Board secretary will contact Ms. Siegel informing her of the Board's request to acquire a written request for continuance until March 12, 2018.

Motion to postpone Petition #565 pending agreement in writing from Ms. Siegel for March 12, 2018:

MOTION: Peter Parcellin
SECOND: Kozhaya Nessralla AIF
Passes: 5-0-0

Correspondence/mail/notices:

Chairman Gaynor and the Board review and read into record all mail items:

- Response/denial letter to Gordon Andrews from Charlie Seelig dated 1/11/2018 regarding Mr. Andrews request for a 340/348 Monponsett cease and desist order.
- Letter from Director of Building Maintenance Gerry Elliott dated 1/11/2018 introducing the new director
- Three memos from Charlie Seelig all dated 1/15/2018 regarding proposed zoning changes: Signature Block, Time-Limited Permits and the Building Permit Bylaw

Appointment:

7:20pm – Petition #874 – Ralph & Joanne Smith, 40 Carver Street – In-law Apartment

Present: Ralph and Joanne Smith (Owners/Applicants)

Chairman Gaynor reads the Public Hearing Notice into record. The previous special permit was in Mabel Smith's name. She has since passed and Ralph and Joanne are now applying for a new special permit in their name. Mr. Gaynor confirms that Mr. and Mrs. Ralph Smith live in the main house, Ralph's brother-in-law (Joanne's brother) is in the in-law

apartment and there have been no other changes. Ralph and Joanne are the owners of record. There have been no changes to the size, petitions, walls or kitchens. There has been no feedback from neighbors/abutters. The Board has no further questions.

Motion to accept Petition #874 as presented:

MOTION: Peter Parcellin
SECOND: Kozhaya Nessralla AIF
Passes: 5-0-0

The Board signs the decision form.

Correspondence/Mail (continued):

Chairman Gaynor and the Board finish reviewing and reading into record all remaining mail items:

- Reply email response from Administrative Assessor Debbie Dean to Zoning Board secretary Arlanna Snow dated 1/17/2018 regarding Abutters list cost responsibility for In-law Renewals
- Old Colony Planning Council Agenda dated 1/31/2018
- Memo from Planning Board dated 2/2/2018 regarding the Form A Distribution on River Street
- Letter from the Building Commissioner to Nova Machine and Design dated 2/6/2018 regarding proposed business for light industrial use at 413 Plymouth Street

Informal Discussion:

The Board discusses the process of renewing In-law apartments.

Peter Parcellin: What are they changing for in-laws?

Robert Gaynor: They want to remove the time limit on any permit so it wouldn't be 5 years that they'd have to come back as it has been.

Kozhaya Nessralla: So once they get the permit, that's it? How do you check on them?

RG: Once the Building Inspector receives a complaint that they're not complying he orders a cease and desist.

KN: But that's why we're here, to check up on them after 5 years. Then you know if they're doing something.

RG: I know. How would we have found out about Velma Siegel if she didn't come back in? Look at Hayward Street turning into a boarding house. You don't know until you get a complaint.

Dan Borsari: If a new neighbor moves in they wouldn't know they'd have recourse, if necessary. I think it's a good thing to do every 5 years.

RG: I do, too.

KN: Why should we change it? Why can't it stay the same?

RG: If that's the feeling of the Board we can express that.

PP: Where did the push come from?

RG: The legality of issuing a 5-year renewal without doing a brand new permit. In other words, we shouldn't be a renewal, it should expire. And we should issue a new one which would be another new process.

KN: This has been working pretty good. Keep it as is.

DB: The abutter's being notified should be the one change.

PP: We could stipulate when we issue them that it doesn't expire but that they have to come back before the Board.

KN: If we keep it at 5 years we don't have to do a stipulation. Why dismantle? If they have it for life and don't come back and sell it for duplexes...

RG: It would go on until a neighbor/abutter complains.

DB: They could be making money. That would be the building inspector's position, if they're collecting rent.

KN: By keeping it the same you know if the person is still alive or deceased. If you change it, you won't know that. Keep it the way it is.

RG: So instead of the word renewal, it would expire in 5 years and they would have to reapply. This would have to be advertised and everything, would increase the cost.

DB: It should stay a renewal with notifying abutters.

RG: There would be no more renewal, it will expire. It's non-existent.

DB: Maybe there could be a provision that if it's pre-existing, there wouldn't be an advertisement, only notify abutters.

KN: No because that would be an exception. You can't do that.

RG: As a matter of definition for a special permit it has to be advertised and the abutters have to be notified. I don't think you can up and change that.

KN: That's crazy to have to do that. I think we should just leave it as is.

RG: If it's a special permit for commercial that runs a specific period of time then yes, they would have to come back up as it expires, that's how it was explained to me. There is no renewal.

Robert Durgin: So now, every 5 years, there will have to be a new permit?

RG: Right.

DB: (to Bert) Did anyone site that to you? What general law?

RG: That is Mass General Law, 40A, that is how it was cited. The Building Inspector said that. Maybe we can get a clarification from Rob? He could specifically explain it to the Board in a letter?

Gerry Joy: It was just a discussion that night among other things.

RG: Do we want to send a letter out for clarification?

RG: Dr. Mr. Piccirilli on the meeting of Feb 12, 2018 it was the Board's discussion to further clarify any changes in the current status for the process of renewal or in-law apartment. The issues of checks in conformity over the 5-year period. Without that 5-year renewal, the Board has a question on how we'd have control over the requirements set forth in the Zoning Bylaws without a system of checks and balances. We'd appreciate your input. =====41:02

Bills:

There is one bill for the Board to approve for Plymouth-Halifax Express advertisement for Petition #874 totaling \$80.00.

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