

Zoning Board of Appeals

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

**HALIFAX ZONING BOARD OF APPEALS
MONDAY, MAY 1, 2006**

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

Debra Tinkham, Jean Reilly, Kozhaya Nessralla, Garrett Walsh, and Michael Schleiff.

Richard Gilcoine and Robert Gaynor were not in attendance.

Chairman Tinkham called the meeting to order at 7:04 p.m.

APPROVAL OF MINUTES:

It was duly moved (K. Nessralla) and seconded (J. Reilly) to approve the minutes of Monday, April 10, 2006.

Chairman Tinkham: All those in favor of approving the minutes of April 10, 2006, please signify by saying aye. So VOTED 5-0-0

BILLS

A. Memorial Press Group - \$247.50

The Board reviewed the mail and discussed other matter issues;

- A. Deutsch-Williams – Lounge vs. ZBA – Status Conference – April 24, 2006
- B. Halifax Housing Authority – Request for Housing Development Support
- C. Charlie – Lounge/Bagge – 732 Old Plymouth Street - RV Problem
- D. Charlie – Copy of memo sent to Mr. Bagge re: RV usage
- E. OCPC Agenda
- F. Deutsch-Williams – Lounge vs. ZBA – May 5th
- G. Tom Millias – re: 732 Old Plymouth Street (Bagge) – trailer used as residence

The Board sent a complaint letter to Charlie Seelig regarding 732 Old Plymouth Street, Halifax.

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Discussion cont:

The Board discussed Nick Gentile (#618) and his kennel license. The Chairman requested in April that the secretary send Mr. Gentile a letter stating that the Board had not heard from him in regards to the number of litters he has had since he received his kennel license. Mr. Gentile came into the office and spoke with the secretary. He stated that before the puppies are born he takes the dogs off the site and the puppies are born off site. The secretary informed Mr. Gentile that each time a litter is born, the Board needs to be notified as stated according to the conditions of his decision letter. Mr. Gentile will send the Board notification when a litter is born.

#663 – STEVEN & WENDY CORKREN – 385 PLYMOUTH STREET, HALIFAX

The secretary read the notice of public hearing:

The Halifax Zoning Board of Appeals will hold a public hearing on May 1, 2006 at 7:15 pm in Meeting Room 1, Town Hall, 499 Plymouth St, Halifax, MA on the application by Steven & Wendy Corkren for an extension of his original special permit #148 for an auto body and repair shop at 385 Plymouth Street, Halifax, MA. The applicant would also like to amend his special permit to allow for an increase in the number of unregistered vehicles from 7 to 10. Said property is owned by Steven Corkren as shown on the Assessor's Map #73, Lot #2. The applicant seeks a special permit to provide motor vehicle repairs and auto body repairs in a commercial zone in accordance with the zoning bylaws of the Town of Halifax under Section 167-7 Commercial Uses, page 16726. Area is zoned commercial. Petition #663

Tinkham: What would you like to do?

Corkren: I forgot to renew my permit and Melissa realized that I needed to renew my permit when I was going through the process to get a used car license. I would like to renew my permit.

Tinkham: So now you would like to sell cars also?

Corkren: I have to go through the Planning Board and the Selectmen to get permission.

Tinkham: That is your ultimate goal.

Corkren: Yes.

Mr. Corkren presented the Board with some pictures of the property.

Corkren: I have been there since 1978 and have never had a complaint.

The Board reviewed the pictures.

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Traynor: Mr. Corkren would like to continue with his permit but he would like to amend the petition so that he may be allowed to have 10 unregistered vehicles.

Mr. Corkren also asked the Board if they would consider not having to have him renew the special permit every 5 years based on the fact that he has never had any complaints and has complied with the stipulations of the previous special permit.

The Board reviewed and discussed the conditions of the old special permit and the amended request by Mr. Corkren.

Reilly: Where will you put the used cars? Do you have room out front?

Corkren: Next to the driveway there is a little island out front and I would like to display one or two there. I don't want to have 5 cars out at the front of my yard.

The Board reviewed the layout of the property. They are concerned with the display of the used cars on the property.

Tinkham: We have never had a problem with your operation but selling used cars makes me a little nervous. I don't have a problem with you but if you sell the property, we could have a problem with someone else.

Schleiff: What if we only allowed 1 car displayed out front on the property.

Corkren: The Planning Board approved me to have one car out front.

The Board discussed the layout of the lot and reviewed the possible locations to display the vehicles.

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

So VOTED 5-0-0

The Board continued to review the conditions of the original special permit.

Mr. Corkren is concerned with the number of cars allowed on the lot and requested that the Board allow for additional registered cars be on the property.

The Board discussed with Mr. Corkren the number of vehicles (both registered and unregistered) to be allowed on the property.

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It was duly moved (K. Nessralla) and seconded (J. Reilly) to grant your petition (#663) to allow for the continuation of your motor vehicle and auto body repair shop at 385 Plymouth Street, Halifax, MA as shown on assessor's map #73, lot #2.

The Board granted the special permit to allow for motor vehicle and auto body repairs in a commercial zone with the following conditions:

1. The special permit is to run with the applicant and is not transferable.
2. A limit of eight (8) registered vehicles is allowed on the property.
3. A limit of ten (10) unregistered vehicles is allowed on the property.
4. A limit of one (1) vehicle may be displayed out front for sale. All other vehicles must be stored behind the addition.
5. No exterior storage of used parts is allowed.
6. The storage area is to be fenced in.
7. The operating hours are to be from 8:00 am to 8:00 pm.
8. All signs displayed on the property must be consistent with Town zoning by-laws.
9. All work is to be done inside the building.
10. The special permit was granted based on the presentation and plans presented at the hearing. Any changes from what was presented and approved must be brought back before the Zoning Board of Appeals.

This petition will not be detrimental to the neighborhood as the surrounding area is zoned commercial and the business has been in existence for several years.

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 (5/9/06) 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, G. Walsh, YES; M. Schleiff, YES; and D. Tinkham, YES.

The motion to grant petition #663 passed 5-0-0

Ms. Tinkham reprised Mr. Corkren of the procedure following approval of the petition.

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#664 – ROBIN MURPHY, 3 LANTERN LANE, HALIFAX

The secretary read the notice of public hearing:

The Halifax Zoning Board of Appeals will hold a public hearing on May 1, 2006 at 7:30 pm in Meeting Room #1 of the Town Hall, 499 Plymouth Street, Halifax, MA on the application by Robin Murphy to construct a 28x10 screen porch to the rear of her home, construct a 12x6 bathroom addition and a 12x10 kitchen addition to the front of her home, and raise the roof on the front north side of her home located at 3 Lantern Ln, Halifax, MA. Said property is owned by Thomas Murphy & Robin (Murphy) Facey as shown on Assessor's Map #42, Lots 4, 5 & 6. The applicant seeks a special permit to continue and extend a non-conforming use in accordance with the zoning bylaws of the Town of Halifax under Section 167-8 Non-Conforming Uses, page 16726.8. Area is zoned residential. Petition #664

Tinkham: What would you like to do?

R. Murphy: I would like to put a screen porch on the back of my house.

The Board reviewed the plans and pictures while Ms. Murphy described what she would like to do.

R. Murphy: I would like square off the corner of the house and put in a first floor bathroom. I would also like to extend the kitchen and increase the roofline so that I may increase the size of the 2nd floor bathroom.

The Board reviewed the layout of the lot and the location of the proposed additions. Ms. Murphy will not encroach any further onto the lot lines.

The Board continued to review the plans and pictures of the property. Ms. Murphy has been through Conservation and has received permission to do the work.

Tinkham: The porch will be screened in. Will it have any heat?

R. Murphy: No. It will remain a screen porch and will continue to stay that way.

Schleiff: Is it a 3-season porch?

R. Murphy: No, just screens.

Schleiff: I would like it to stay an open screen porch.

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

So VOTED 5-0-0

It was duly moved (J. Reilly) and seconded (K. Nessralla) to grant your petition (#664) for a special permit to raise the roof on the front north side of your home and construct a (28x10) screen porch to the rear of the home. The special permit also allows for the construction of a (12x6) bathroom addition and a (12x10) kitchen addition to the front of the home. The proposed additions will be located at 3 Lantern Lane, Halifax, MA as shown on assessor's map #42, lots 4, 5, & 6.

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

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

1. The screen porch is to remain an open screen porch. It may not be enclosed and made into year round living space.
2. 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 (5/9/06) 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, G. Walsh, YES; M. Schleiff, YES; and D. Tinkham, YES.

The motion to grant petition #664 passed 5-0-0

Ms. Tinkham reprised Ms. Murphy of the procedure following approval of the petition.

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#665 – ROBERT & ANNE MARIE MAHER – 65 BRANDEIS CIRCLE, HALIFAX

The secretary read the notice of public hearing:

The Halifax Zoning Board of Appeals will hold a public hearing on May 1, 2006 at 7:45 pm in Meeting Room #1 of the Town Hall, 499 Plymouth St, Halifax MA on the application by Robert & Anne Marie Maher to build an in-law apartment at 65 Brandeis Circle, Halifax, MA. Said property is owned by Robert & Anne Marie Maher as shown on Assessor's Map 23, Lot 162. The applicant seeks a special permit for an in-law apartment in accordance with the zoning bylaws of the Town of Halifax under Section 167-7 Schedule of Uses, page 16723. Area is zoned residential. Petition #665

Tinkham: What would you like to do?

A Maher: We would like to put an in-law on. We started off with an addition for my son and daughter-in-law. It didn't work and we would like to make it an in-law so we have a little bit more of a separation.

A Maher: My husband has health issues and we would like to be able to stay in Halifax.

Daniel Maher (the Maher's son) presented and reviewed pictures with the Board.

Tinkham: What are we adding on; a bedroom, a full bath, a living room and a kitchen?

A Maher: Yes.

Tinkham: There is a breezeway between the two existing homes.

A. Maher: Yes.

Walsh: What is the plan for the space above the addition? (referring to the attic area)

Maher: We were just going to put a pull down but we had room to add stairs.

Joe McCullough: The height of the ceiling is 6'2" and that is only for four feet.

D. Maher: It will be for storage only.

Tinkham: There is only one main entrance into the in-law.

D Maher: Yes, there is the shared entryway into the apartment and then there is an exit off of the kitchen.

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Tinkham: What kind of shared utilities do we have?

McCullough: Shared septic, water, and electric.

Tinkham: What is the shared living space?

A Maher: We have the 10x10 room which contains the washer and dryer and the computer/office station.

The Board reviewed the pictures of the built addition.

Walsh: Are you sharing the laundry area.

A Maher: Yes.

The Board discussed the layout of the addition. The 7 foot opening between the mudroom/breezeway is to remain open.

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

So VOTED 4-1-0

It was duly moved (J. Reilly) and seconded (G. Walsh) to grant your petition (#665) for a special permit for an in-law apartment to be situated at 65 Brandeis Circle, Halifax, MA as shown on assessor's map 23, lot 162 in accordance with the Town of Halifax Zoning By-laws under Section 167-7 Schedule of Uses.

The permit was granted due to the fact that the project meets all the criteria of the by-law for in-law apartments. This project does not derogate from the intent of the by-law and is not detrimental to the neighborhood at this site. The project has a shared common entrance, shared utilities (water, electric, septic), shared living space (computer area) and meets the requirements of the Halifax Zoning Board By-laws for In-law Apartments.

The conditions for granting the special permit for the in-law apartment are as follows:

- The in-law apartment will share all utilities listed above.
- The Board shall be notified if the in-law apartment is no longer needed.
- The special permit for the in-law apartment is granted for a period of 5 years. Upon expiration of the permit the petitioners shall come back before the Board and apply for an extension.
- If any change in tenancy takes place, the applicant is to come back for review.
- The special permit shall run with the owner and is not transferable.
- The in-law apartment can not become an income producing apartment.

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Conditions continued:

- The in-law apartment kitchen appliances are to be removed when no longer occupied by a family member.
- The 10x10 shared area is to remain open between the homes.
- The in-law walk-up attic area is to be for storage only and can not be converted into living space.
- 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, 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 Clerk (5/9/06) 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, G. Walsh, YES; M. Schleiff, YES; and D. Tinkham, YES.

The motion to grant petition #665 passed 5-0-0

Ms. Tinkham reprised Mr. & Mrs. Maher of the procedure following approval of the petition.

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, May 1, 2006 as presented/corrected.

Debra Tinkham, Chairman
Zoning Board of Appeals
