



# Town of Halifax Commonwealth of Massachusetts

## Zoning Board of Appeals

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

### HALIFAX ZONING BOARD OF APPEALS

Wednesday, July 10, 2013

The Halifax Zoning Board of Appeals held a public meeting on Wednesday, July 10, 2013, in Meeting Room #1 of the Town Hall with the following Board members in attendance:

Robert Gaynor, Kozhaya Nessralla, Peter Parcellin and Sally Wells were in attendance.

Debra Tinkham was in attendance, via remote participation, as her geographic distance made it unreasonably difficult to physically attend.

Vice-Chairman Gaynor called the meeting to order at 6:45pm.

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**BOARD/COMMITTEE:** ZONING BOARD OF APPEALS

**MEETING** **PUBLIC HEARING** (Please circle appropriately)

**DATE:** JULY 10, 2013 **TIME:** 6:00PM

**LOCATION:** TOWN OF HALIFAX, 499 PLYMOUTH ST, MEETING ROOM #1 [2<sup>ND</sup> FLOOR]

**PURPOSE:** Town of Halifax by and through its Planning Board v. Richard Gilcoine, Debra Tinkham, Robert Gaynor, Kozhaya Nessralla, Sally Wells and Peter Parcellin, in their official capacities and as they are Members of the Town of Halifax Zoning Board of Appeals &

- Robert Durgin and Debra Durgin, Land Court C.A. #: 2013-MISC-477922
- Gregory Tereshko Land Court C.A. #: 2013-MISC-477923

**REQUESTED BY:** MARION WONG-RYAN, ZBA SECRETARY

**NOTE:** All meeting notices must be filed and time stamped in the Town Clerk's Office and posted on the Municipal Bulletin Board no later than 48 hours in advance of meetings (excluding Saturdays, Sundays and legal holidays). Please keep in mind the Town Clerk's hours of operation and make the necessary arrangements to be sure posting is made in an adequate amount of time.

\*Per changes to the Open Meeting Law effective 7/1/2010, "A listing of topics that the Chair reasonably anticipates will be discussed at the meeting" are to be listed on the agenda.

### LIST OF TOPICS TO BE DISCUSSED

**An opportunity for the Zoning Board of Appeals to reflect on the statutory findings and potentially render a decision as to how to direct land counsel, Deutsch|Williams to proceed in the ongoing matter, as the Order to Show Cause orders stated the following: "...no later than ten (10) days from the issuance of this order [which is dated July 3, 2013]."**

The secretary began by confirming with each board member that Debra Tinkham was clearly audible, via remote participation by telephone, as her geographic distance made it unreasonably difficult to physically attend.

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The secretary explained to the board members that due to the receipt of the letter(s) from the office of land counsel, Deutsch|Williams on July 8, 2013, this meeting was called as there is an emergency court order at hand, with a deadline of July 13, 2013 to respond to the courts. This scenario was reflective for both cases [Robert Durgin and Debra Durgin, Land Court C.A. #: 2013-MISC-477922 and Gregory Tereshko Land Court C.A. #: 2013-MISC-477923].

**Robert Durgin and Debra Durgin, Land Court C.A. #: 2013-MISC-477922 [Petition #788]**

The secretary read aloud the letter aloud from Deutsch|Williams, dated July 8, 2013 [see attached].

It was duly moved (K.Nessralla) and seconded (Sally Wells) to decline any further action in defending this zoning decision. All in favor and so voted by voice 4-1-0; Sally Wells, YES; Kozhaya Nessralla, YES; Debra Tinkham, YES; Peter Parcellin, YES; Robert Gaynor, NO.

The board asked the secretary to send a letter to land counsel to reprise the attorney of the decision made by the Zoning Board of Appeals.

**Gregory Tereshko Land Court C.A. #: 2013-MISC-477923 [Petition #789]**

The secretary read aloud the letter aloud from Deutsch|Williams, dated July 8, 2013 [see attached].

It was duly moved (K.Nessralla) and seconded (Sally Wells) to decline any further action in defending this zoning decision. All in favor and so voted by voice 4-1-0; Sally Wells, YES; Kozhaya Nessralla, YES; Debra Tinkham, YES; Peter Parcellin, YES; Robert Gaynor, NO.

The board asked the secretary to send a letter to land counsel to reprise the attorney of the decision made by the Zoning Board of Appeals.

It was duly moved (K.Nessralla) and seconded (Sally Wells) to adjourn the meeting at 6:59pm. All in favor and so voted by voice 5-0-0.

Respectfully submitted,

Marion Wong-Ryan  
ZBA Secretary

Debra Tinkham  
Zoning Board of Appeals, Chairman

**Town of Halifax** Commonwealth of Massachusetts

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