



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, JUNE 2, 2014

The Halifax Zoning Board of Appeals held a public hearing on Monday, June 2, 2014 in Meeting Room #1 of the Town Hall with the following Board members in attendance:

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

Debra Tinkham was not in attendance.

Vice-Chairman called the meeting to order at 7:10 p.m.

Erica M. Harkins, 30 White Island Road, Halifax, MA

The Halifax Zoning Board of Appeals will hold a public hearing on May 19, 2014 at 7:00 pm in Meeting Room #1 of the Town Hall, 499 Plymouth Street, Halifax, MA on the application by Erica M. Harkins to request both a Special Permit to rebuild and extend her deck to twelve (12) feet by twenty six (26) feet, along with a Variance of the following setbacks: rear set back from forty (40) feet to thirty-six point four (36.4) feet; right side setback from thirty (30) feet fifteen (15) feet; left side setback from thirty (30) to four point four (4.4) feet, to her existing home at 30 White Island Road, Halifax, MA. Said property is owned by Erica M. Harkins, as shown on Assessor's Map #42, Lots 37 & 49. The applicant seeks a Special Permit for a Continuation & Extension of a Nonconforming uses (Section 167-8A & 8C, page 167:39) & a Variance of the setback requirements, under Section(s) 167-11 Table of Dimensional and Density Regulations (page 167:43) in accordance with the Zoning By-laws of the Town of Halifax). Area is zoned residential. Petition #809

The applicant (and her parent, Heidi & John Harkins of 70 Wareham Street, Halifax, MA) came before the Board to speak to her petition.

Mr. Gaynor asked Ms. Harkins to explain her petition. Ms. Harkins said that she would like to replace and extend her deck. Parts of the existing deck is rotted and illegally built. Her goal is to make the deck useable and also rid the fact that the existing deck wraps around a tree and the tree is pushing the deck boards upward (as shown on pictures submitted by the applicant).

Mr. Gaynor asked where her home is located & she said that she overlooks the west pond. The Board reviewed pictures of the existing deck and the submitted plot plan which showed the placement of the existing deck versus the proposed deck. Upon review, the proposed deck would appear to not encroach any closer to the side lot lines.

The house is believed to built around 1947, a 6,743 square foot(grandfathered) lot. There is an existing wood shed which will remain intact. The neighbors are fine with the proposal of the deck. As for electricity, there is existing electricity running from the house.

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It was duly moved (K.Nessralla) and seconded (R. Durgin) to waive the on-site inspection So VOTED 4-0-0

It was duly moved (K.Nessralla) and seconded (P.Parcellin) to grant your petition (#809) both a Special Permit to rebuild and extend her deck to twelve (12) feet by twenty six (26) feet, along with a Variance of the following setbacks: rear set back from forty (40) feet to thirty-six point four (36.4) feet; right side setback from thirty (30) feet fifteen (15) feet; left side setback from thirty (30) to four point four (4.4) feet, to her existing home at 30 White Island Road, Halifax, MA as shown on Assessor's Map #42, Lots 37 & 49, in accordance with the Zoning By-laws of the Town of Halifax under a Special Permit for a Continuation & Extension of a Nonconforming uses (Section 167-8A & 8C, page 167:39) & a Variance of the setback requirements, under Section(s) 167-11 Table of Dimensional and Density Regulations (page 167:43).

The Zoning Board of Appeals granted this petition as the granting of the deck will not be detrimental to the neighborhood. The home is pre-existing, non-conforming and 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:

- **The deck, which is located at the rear of the home, is to remain open.**
- **The deck cannot be enclosed .**
- **The deck will not encroach any further to side lot lines.**
- **The special permit and/or variance were 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/or 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 (6/3/14) 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.

Vice-Chairman Gaynor called for a voice vote: R.Durgin, YES; P.Parcellin, YES; K.Nessralla, YES; R.Gaynor, YES

The motion to grant petition #809 passed 4-0-0

Vice-Chairman reprised Ms. Harkins of the procedure following approval of the petition.

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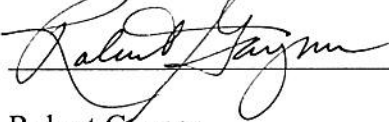
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It was duly moved, seconded and VOTED to adjourn the meeting.

Respectfully submitted,



Marion Wong-Ryan
Zoning Board of Appeals, Secretary



Robert Gaynor
Zoning Board of Appeals, Vice-Chairman



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Notice of Public Hearing

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Halifax Zoning Board of Appeals

Debra Tinkham, Chairman; Robert Gaynor, Vice-Chairman; Kozhaya Nessralla, Clerk
Peter Parcellin & Robert Durgin

Notice advertised in the Plympton-Halifax Express on both Friday, May 16, 2014 & May 23, 2014.

