



# 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, November 10, 2014

The Halifax Zoning Board of Appeals held a public hearing on Monday, November 10, 2014 in Meeting Room #1 of the Town Hall with the following Board members in attendance:

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

Robert Gaynor was not in attendance.

Chairperson Tinkham called the meeting to order at 7:02 p.m.

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The Board reviewed the mail and other matter/issues:

7:15pm – Petition #818, Kristen & Raymond Lofstrom, 88 Summit Street, Halifax, MA

7:30pm – Petition #819, Keith & Kathleen Berry, 34 Highland Circle, Halifax, MA

7:45pm – Petition #820, Lawrence A. Woodbury, 35 Eighth Avenue, Halifax, MA

8:00pm – Petition #822, William & Maria Scott, 108 Hayward Street, Halifax, MA

8:15pm – Petition #821, Raymond Kingston, 204 Plymouth Street, Halifax, MA

#### Procedural Matters

##### **I**     \*Correspondence/Mail/Email/Fax

- OCPC – “Agenda for Meeting No. 513, October 29, 2014” [received 10/27/14]
- Letter from abutter, Alan Praught on 108 Hayward St., Halifax, MA [received 11/4/14]

##### **II**     \*Bill(s)

- Revolving: “Halifax Postmaster” for stamps = \$357[already signed on 10/22/14 & submitted for payment on 10/27/14; on the agenda for acknowledgement]
- Revolving: “Express Newspaper” for Legal Ads/Petitions #819,#820,#821 & #822=\$280

##### **III**    Approval of Minutes

- May 19, 2014; September 8, 2014; October 6, 2014

##### **IV**    New Business

- 7:30pm – Petition #819, Keith & Kathleen Berry, 34 Highland Circle, Halifax, MA
- 7:45pm – Petition #820, Lawrence A. Woodbury, 35 Eighth Avenue, Halifax, MA
- 8:00pm – Petition #822, William & Maria Scott, 108 Hayward Street, Halifax, MA
- 8:15pm – Petition #821, Raymond Kingston, 204 Plymouth Street, Halifax, MA

##### **V**     Old Business

- 7:15pm – Petition #818, Kristen & Raymond Lofstrom, 88 Summit Street, Halifax, MA

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**VI Other Matters**

- \*ZBA to ZEO – re: “40 Carver Street, Halifax, MA” memo [dated 10/14/14]
- \*Charlie Seelig to ZBA – re: “Working Effectively with Elected Officials & Appointed Boards & Committees Webinar” [emailed to ZBA 10/14/14]
- \*ZBA to Ezra Haber Glenn – re: Thank you letter for Chapter 40B presentation on October 22, 2014 [dated 10/27/14]
- \*Charlie Seelig to ZBA – re: “Town of Halifax-Mass Audubon Workshop at Town Hall- November 12” [emailed to ZBA 10/29/14]
- \*Wage and Personnel Board to ZBA – re: “Public Hearing” on January 13, 2015 [dated 11/4/14]
- Secretary to ZBA – re: “2015 Meeting Schedule” for the ZBA proposed

**VII Upcoming Hearings, Seminars &/or Conferences**

**VIII Open Comments /Open Business**

**IX Possible Executive Session**

**X Adjourn**

**Zoning Board of Appeals - Meeting Minutes**

It was duly moved (K.Nessralla) and seconded (P.Parcellin) to approve the meeting minutes for the following dates: May 19, 2014, September 8, 2014 and October 6, 2014.

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**Petition #818, Raymond & Kristen Lofstrom, 85 Summit Street, Halifax, MA**

\*Re-Advertising & Continuance of this Public Hearing is November 10, 2014 at 7:15pm  
(\*Note: See below for the amendments to the original Notice of Public Hearing)

The Halifax Zoning Board of Appeals will hold a public hearing on Monday, October 6, 2014 at 7:45pm in Meeting Room #1 of the Town Hall, 499 Plymouth Street, Halifax, MA on the application by Kristen Lofstrom to request the following: a Special Permit to construct a twenty four (24) feet by thirty-six (36) feet In-Law Apartment, along with a Variance of the front set back from fifty (50) feet to forty seven (47) feet **\*to an amended forty three (43) feet** and the right side set back from thirty (30) feet to sixteen (16) feet **\*to an amended nineteen (19) feet** to the existing home at 85 Summit Street, Halifax, MA. Said property is owned by Raymond & Kristen Lofstrom, as shown on Assessor’s Map #88, Lot 5 (Note: Previous owners of said property were Raymond & Maureen Kingston). The applicant seeks a Special Permit for an In-Law Apartment, under Section 167-7D(12) Specific Use Regulations (pages 167:38-39) & 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 #818

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Board member, Kozhaya Nessralla, recused himself as he is a direct abutter to the property.

It was duly moved (P.Parcellin) and seconded (R.Durgin) for a continuance of Petition #818 to the next public hearing date of Monday, December 8, 2014 at 7:14pm due to a lack of a voting quorum. So VOTED 3-0-0

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**Petition #819, Keith & Kathleen Berry, 34 Highland Circle, Halifax, MA**

The Halifax Zoning Board of Appeals will hold a public hearing on Monday, November 10, 2014 at 7:30pm in Meeting Room #1 of the Town Hall, 499 Plymouth Street, Halifax, MA on the application by James DelPrete of Beantown Home Improvements, Inc. on behalf of the home owners for a Special Permit for a “Home business or professional office/studio, conducted by a resident of the premises; accessory use” to the property located at 34 Highland Circle, Halifax, MA. Said property is owned by Keith & Kathleen Berry, as shown on Assessor’s Map #89, Lot 60T. The applicant seeks a Special Permit in accordance with the Zoning By-laws of the Town of Halifax under Section 167-7 Schedule of Use Regulations, specifically Summary of Use Regulations, page 167:27 & Specific Use Regulation under Section 167-7D(11), page 167:37-38. Area is zoned Residential. Petition #819

Applicants, Keith & Kathleen Berry & their contractor, James DelPrete of Beantown Home Improvements, Inc. were present to speak to the petition.

The secretary stated that the applicants were already made aware of the voting quorum for this petition. The secretary explained to the Board that she had requested from Mr. DelPrete (back on October 7, 2014) a submission of a plan that (option B) that would represent the office space to be 400 square feet, as allotted by the zoning by-laws.

Mr. & Mrs, Berry, along with Mr. Delprete were present to speak to the petition.

The secretary began by explaining that she informed Mr. Delprete that there is a specific section in the by-law allotting a maximum office space of 400 square feet. As such, she recommended that Mr. Delprete submit the architectural plans as proposed (plan A) and also another architectural plan that adheres to the 400 square feet (plan B). Mr. Delprete agreed and submitted two versions.

Mr. Delprete began speaking and informed the Board the existing home has a three-car garage and the applicants would like to convert it to a one-car garage and change the remaining part of the garage into an office space. Mr. Berry spoke and explained to the Board that their business is 99% wedding photography and requires backdrops at times. The space is more for meeting potential clients. Mainly, business meetings have been held at the client’s home or at a Panera Bread. Mr. Berry finds it that his proposed clients would like to meet him at his location and when they have them in his living room, the clients can see the household clutter that normally collected by his own kids. The goal is to have a separate space for their business so the clients not have to meet in his house.

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The Board reviews the architectural plans A & B, as submitted. By moving in the wall, Mr. Delprete pushed the wall back further to get to the 400 square feet. A fire wall will be put in place, along with an exterior door. Mr. Delprete already spoke to the Building Inspector about the proposed layout. Other than a firewall, it is mainly open space. The garage door will stay in the exterior for appearance and if they want it to go back to it being a functional 3 car garage, it can be converted back pretty simply.

Mr. Berry explained that he has been in the photography business for approximately eleven years. The set up in his former home was set up in this format so it made setting up his business easier. When he moved to Halifax with his family, he thought he would do the same here.

Chairman Tinkham reviewed the by-law of Home business or professional office/studio by-laws and read them aloud where the applicant responded to each sub-section. The only employees will be Mr. & Mrs. Berry. Dedicated use of the space will be 400 square feet. There will be no equipment or product displays visible from the street. The applicants do not feel that traffic will be beyond that normally expected in a residential neighborhood. There will not be any deleterious effects on the neighborhood in terms of noise, vibration, glare, fumes, electrical disturbances or other emissions. A small sign is allowed. The applicant said that it's normally clients wanting to see his office set up and understanding what he offers in hopes to see albums of prior work. It is not the norm for clients to come to his residence but he would like make it an option.

Chairman Tinkham opened it to the audience for any questions.

Abutter, Lisa Gilbert of 78 Highland Circle, asked if this application changes the zoning of the neighborhood and if this be a benchmark for other businesses going forward. Her concern is a precedence being set. Chairman Tinkham replied that a precedence will not be set, that each application is based on its own merit, a case by case basis; and if a petition was granted with conditions set forth and are not being adhered to or differs from the actual use of the premise, than the board can void the special permit.

Abutter, Joyce Gannon of 21 Highland Circle, asked if this business being proposed by the applicant change the zoning for the neighborhood or just that house. Chairman Tinkham replied that there is no change in zoning. What is being applied is a special permit to run a business in their home. The special permit is issued to the applicant only and not the house. For example, should the applicant move in ten years, the special permit will be void, as this particular special permit does not go to the property but the applicant. This special permit would not be transferrable. Based on this application, the applicants would like to keep the façade as is.

Board member, Peter Parcellin spoke regarding the amount of work being done within the interior of the home for a minimal amount of clients projected to visit the property and is wondering why. Mr. Berry replied that he agreed however, for him, it all comes down to presentation and the drive to through the neighborhood to his residents that gives that validation to his potential clients that he is a legit photographer and his prices are reasonable and reputable. Mr. Parcellin is concerned about the amount of children in the neighborhood and for those who are unfamiliar with the neighborhood, tend to drive fast around the bend and curves.

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He does not feel that the neighborhood was meant for that type of traffic. Mrs. Gannon concurred with that statement from Mr. Parcellin regarding the traffic. Mr. Berry responded by saying that he can pull out his calendar and show them the amount of clients he has coming over. He said the average amount of people coming to the house is approximately two clients per week for an hour. He does not believe that he would be contributing to an increase of traffic. In fact, he has had clients over already and has not seen any impact at all; no different than other neighbors having friends over or children being picked up for dance lessons or a numerous amount of cars parked outside someone's home for a pasta party. Mr. Parcellin agreed with that statement and there is a lot of that interaction. He has been paying closer attention to the traffic in the neighborhood since the filing of this application. His concern is that there is a little bit of vagueness for the amount of work being done in the property for this business. As for the cars parked for a pasta party, when going to a friend's house, one is in a different mindset versus one that believes they may be late for an appointment, does not know the neighborhood. The frenzy of the driving is different. Mr. Berry agreed that there is validity to that point. This is a major concern for Mr. Parcellin.

Mr. Berry said that he understands the concerns but does not feel the impact of his business will be there. His business was also in his past home, in Bridgewater, MA and no one even knew or had any concerns. He understands that the amount of renovation he is proposing for a business that will see minimal clients may seem extreme but it may be to just make him feel good for his clients to see a nice work environment.

Abutter, Kim Cicone of 38 Highland Circle is their neighbor. Her concern is the speed of the cars entering the neighborhood. Recently, she had an issue where someone approached her daughter on the street and that frightened her, as it does all the neighborhood. A covenant when she bought this house (which is not null and void) was no businesses within the neighborhood.

Chairman Tinkham explained that in the past, there have been conditions set forth that the special permit is granted for a year and to review how things are going. That is something the Board has done before and can be entertained.

Mr. Berry said that he may become overly sensitive and hopes the neighborhood doesn't think that when they see a cluster of his cars in his driveway now, that it is his business clients versus having family/friends over his house. Board member, Mr. Nessralla responded by saying that should not be the case as it is your home and you are allowed, like everyone here, to have people over and entertaining.

Abutter, Laura Andrade of 24 Highland Circle, reiterated that the concerns of her neighbors are the same concerns that she has as in the last month, two people came to her front door looking for the applicants address. Her mother lives with them and being elderly, she was nervous to open the front door.

Mrs. Berry said that she will be buying bigger home address numbers for to better the visual.

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Chairman Tinkham reminded the applicants that in order for this petition to be granted, an affirmative by all four members are required (as it was a four member board this particular evening). The applicants understood.

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

Chairman Tinkham reviewed aloud by-law section 167-D(11) on page 167:37-38 of the “Code of the Town of Halifax Massachusetts” as the Board will be voting on the “option B” submitted by the applicant which adheres to the criteria of by-law section 167-D(11). The applicants said that there are no hours of operation but by appointment only.

It was duly moved (K.Nessralla) and seconded (R.Durgin) to accept the petition (819), as presented. With a vote of three (3) in favor, one (1) opposed, zero (0) abstained, the Board voted to deny the petition (#819) for a Special Permit for a “Home business or professional office/studio, conducted by a resident of the premises; accessory use” to the property located at 34 Highland Circle, Halifax, MA (as shown on Assessor’s Map #89, Lot 60T) in accordance with the Zoning By-laws of the Town of Halifax under Section 167-7 Schedule of Use Regulations, specifically Summary of Use Regulations, page 167:27 & Specific Use Regulation under Section 167-7D(11), page 167:37-38. Area is zoned Residential.

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The reason for denying the special permit were, as follows:

- The Board did not feel that the submitted plans fit the established character of the neighborhood.
- The Board did feel that there may be an increase in automobile traffic beyond that normally expected in a residential neighborhood.
- The Board denied the special permit based on the presentation, plans and testimony presented at the public hearing.

In accordance with the Halifax Zoning By-Laws , under Section 167-21. A (2) & Section 167-21.A (3) , no petition for a special permit and/or variance which has been unfavorably acted upon by the Board of Appeals shall be considered on its merits by said Board within two (2) years after the vote of such unfavorable action, except with the unanimous consent of the Planning Board. The petitioner has the right to request consent from the Planning Board if they feel that there has been specific and material changes in the conditions upon which the previous unfavorable decision was made. The petitioner also has the right to appeal the decision of the Zoning Board of Appeals to the Plymouth County Superior Court, the Land Court or in said Court by bringing an action within twenty (20) days after the decision has been filed in the office of the city or town clerk (11/12/14).

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Chairperson Tinkham called for a Voice Vote: R.Durgin, YES; P. Parcellin, NO; K.Nessralla, YES; D.Tinkham, YES

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**Petition #820, Lawrence A. Woodbury, 35 Eighth Avenue, Halifax, MA**

The Halifax Zoning Board of Appeals will hold a public hearing on Monday, November 10, 2014 at 7:45 pm in Meeting Room #1 of the Town Hall, 499 Plymouth Street, Halifax, MA on the application by Lawrence A. Woodbury to request a Variance of the left side setback from thirty (30) feet to ten (10) feet and the front setback from fifty (50) feet to eight (8) feet to build a twenty four (24) feet by twenty six (26) feet car port to the property located at 35 Eighth Avenue, Halifax, MA. Said property is owned by Lawrence A. Woodbury, as shown on Assessor's Map #52, Lots 348-352 & 382-386. The applicant seek a Variance for a Continuation (section 167-8A) & Extension (section 167-8C) a non-conforming use (page167:40) and 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 #820

Petitioner, Mr. Woodbury was present to speak to his petition.

Chairperson Tinkham asked Mr. Woodbury to explain to the Board what he is proposing to do on his property as it pertains to his application. Mr. Woodbury said he would like construct a car port to house his boat, antique car and summer furniture. There is no more room on his property and he needs to store these items. Mr. Woodbury submitted a facsimile of his proposed car port. There is no concrete pad or pouring of a foundation, just poles in the ground. It will eventually be enclosed. The Board reviewed the plot plan and submitted picture. Ms. Tinkham asked if the proposed car port is positioned where the driveway is currently. Mr. Woodbury said there is only a single car spot. The Board asked there were other locations on the property the car port could have been placed. The applicant was concerned about the location of the leaching field and placing a car port near that area.

Chairperson opened the petition to the audience.

Abutters, Donald & Monica Irish, of 21 Eighth Avenue spoke to the petition. He was concerned about the location of the car port as his property abuts behind the existing shed and he is a direct abutter and right up against their property. Ms. Tinkham asked if Mr. Irish could estimate the distance of his house to the lot line. Mr. Irish could only take a guess of approximately seventy to eighty feet.

There will be no business done on the property. Any work or maintenance on the items stored will belong to the property owner and for personal use only. Mr. Nessralla asked if he will have lighting and the applicant said that he will need temporary lighting.

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It was duly moved (R.Durgin) and seconded (P. Parcellin) to proceed with an on-site inspection on December 6, 2014 at 9:00am. So VOTED 4-0-0

The Board asked the applicant to stake out the proposed car port.

It was duly moved for a continuance of Petition #820 to the next public hearing date of Monday, December 8, 2014 at 7:30pm. So VOTED 4-0-0

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**Petition #822, William & Maria Scott, 108 Hayward Street, Halifax, MA**

The Halifax Zoning Board of Appeals will hold a public hearing on Monday, November 10, 2014 at 8:00p.m. in Meeting Room #1 of the Town Hall, 499 Plymouth Street, Halifax MA on the application by William & Maria Scott for the use of an existing In-Law Apartment at 108 Hayward Street, Halifax, MA. Said property is owned by William & Marie Scott, as shown on Assessor's Map 121, Lot 10. The applicants seek a Special Permit for an In-Law Apartment in accordance with the Zoning By-laws of the Town of Halifax under Section 167-7(C), Summary of Use Regulations (page 167:26.1) & Section 167-7(D)(12) Specific Use Regulation, page 167:38-39. Area is zoned residential. Petition #822

Mr. Scott came in front of the board to speak to his petition.

Mr. Scott said that he received a letter from the Building Inspector's office informing him that a special permit is required for an in-law apartment. Mr. Scott was unaware that a special permit was required because the in-law already existed upon purchase of the property and it was not brought to his attention until he received the letter. His intent is to be in compliance with the town. The Board appreciated the efforts from the applicant.

The secretary proceeded to read aloud the letter from the Building Inspector's Office, dated 9/17/14 (-see attached-).

Mr. Scott apologized for not acting sooner as he did receive letters prior to this date but was in the midst of a divorce and it slipped his mind. The Board informed him that he received the letter as a five year renewal of the in-law apartment is required, as stated in the by-law. The Board made Mr. Scott aware that the special permit is non-transferable. Mr. Scott stated that there is share utilities, small kitchen, single septic system and one furnice. Mr. Scott submitted pictures of the conditions of the home for the Boards review. The house is a ranch and a door is separating the space. The in-law was built back in 1989 and was a pre-existing addition.

Abutter, Alan Praught , submitted a letter to the Office of the Zoning Board of Appeals, dated November 1, 2014 and was read aloud by Chairman Tinkham (-see attached-).

Mr. Scott informed the Board that his daughter lives in the in-law section of the home.

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Chairman Tinkham explained to Mr. Scott that the situation that the Zoning Board of Appeals is regularly a 5 member board but a member was absent tonight. The applicant had two options: if this petition goes to vote, it would need to be unanimous in the affirmative to move forward with the 4 members tonight or if the applicant would like to wait to the following month to await the fifth member to attend to vote on this petition. Mr. Scott said he would like to proceed tonight.

Chairman Tinkham opened the petition to the audience for any questions but no responses.

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

It was duly moved (R.Gaynor) and seconded (K.Nessralla) to grant your petition (#816)for a”) voted to grant your petition (#822) for a special permit for the existing in-law apartment to your existing home at 108 Hayward Street, MA (as shown on Assessor’s Map #12, Lot 10), in accordance with the Zoning By-laws of the Town of Halifax, under Section 167-7.D.12, Schedule of Use Regulations, page 167:38-39.

The permit was granted as the home had a pre-existing in-law apartment and due to the time period the in-law apartment was built, met the criteria of the by-law for in-law apartments. The diligence of the applicants to legitimize the in-law apartment by filing for a special permit was appreciated by the Board. This petition was granted as it does not derogate from the intent of the bylaw and will not be detrimental to the established character of the neighborhood.

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

- The in-law apartment cannot become an income producing apartment.
- The special permit shall run with the owner and not with the property. The special permit is not transferable.
- The special permit for the in-law apartment is granted for a period of 5 years. Upon expiration of the permit, the applicant(s) shall come back before the Board and apply for an extension.
- 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 &/or special permits shall comply with all the rules, regulations, and codes of the Town of Halifax.

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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 (11/12/14) 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.

Chairperson Tinkham called for a Voice Vote: R.Durgin, YES; P. Parcellin, YES; K.Nessralla, YES; D.Tinkham, YES

The motion to grant petition #822 passed 4-0-0

Chairperson Tinkham reprised Mr. Scott of the procedure following approval of the petition.

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**Petition #821, Raymond Kingston, 204 Plymouth Street, Halifax, MA**

The Halifax Zoning Board of Appeals will hold a public hearing on Monday, November 10, 2014 at 8:15 pm in Meeting Room #1 of the Town Hall, 499 Plymouth Street, Halifax, MA on the application by Raymond W. Kingston to request Special Permits to the property, located at 204 Plymouth Street Halifax, MA, for the following: build a forty (40) feet by twenty five (25) feet detached garage which would be in excess of 884 square feet, the ground floor area will be greater than the foundation size of the house and build a sixty (60) feet by forty (40) feet detached barn which would have a ground floor area greater than the foundation size of the house. Said property is owned by Raymond & Maureen Kingston, as shown on Assessor's Map #603/Lot 17. The applicants seek Special Permits under Section 167-12.F (4) & (5), authorized by special permit from the Zoning Board of Appeals page (167:47) in accordance with the Zoning By-laws of the Town of Halifax. Area is zoned residential. Petition #821

Petitioner, Mr. Kingston, was present to speak to his petition.

Chairperson Tinkham asked Mr. Kingston if he can explain what he is proposing on his property.

Mr. Kingston said he is proposing a three-car garage. As for the barn, he is proposing a barn to store his three horses. Currently his three horses are being housed at the location of the proposed barn, in a fenced in forty feet by forty feet area and residing in a shipping container temporarily. He explained to the Board his previous property was 85 Summit Street and he built the existing barn on that property. His intention is to duplicate the style of the barn on his previous property to his new property. He would be storing his equipment, such as a tractor, to maintain the property. There will nothing commercial stored but for personal use only.

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Ms. Tinkham asked about the existing two structures on the property. One structure is a shed and the other structure was a so-called guest house, consisting of a single room with no bathroom and no utilities.

There are two other sheds that are dilapidated and he will be tearing down.

Mr. Kingston would like electricity to both structures and no heat or plumbing. He would be open to an on-site inspection. The proposed barn would be a wooden structure and pull barn door style. Both proposed structures will be single story. Mr. Kingston said that the proposed barn is slightly larger than the one at the former property because of having room to store his equipment without cramming it all into a tight space.

Chairperson Tinkham opened the petition to the audience.

Abutter, Tom Keegan, of 5 Pine Brook Drive, asked to see the location of the proposed structures. The Board showed him the certified plot plan.

Abutters, Martha & Derek Shanahan, of 196 Plymouth Street wanted to see the location of the proposed structures and reviewed the certified plot plan.

Ms. Tinkham asked Mr. Kingston what kind of equipment he owns. Mr. Kingston said he has a tractor with a loader, a mini-front loader, wood chipper, etc... Ms. Tinkham asked if all the equipment he owns is to maintain the property and Mr. Woodbury said yes and reiterated that it is all for personal use only, no commercial use and no boarding of other horses. Ms. Tinkham asked where the waste from the horses end up and Mr. Woodbury said that the waste is given to the Nessralla's.

Keith Swanson, Superintendent of the Water Department for the Town of Halifax, was present for the petition. He wanted to make the Board aware that this work is in a Zone 2 area which is a Well Protection Zone, which is a timid area. Zone 2 is not dealt with a lot and the last time a Zone 2 issue arose was when Cumberland Farms upgraded their fuel system. Mrs. Swanson is meeting with his Board on Wednesday night (November 12, 2014) to discuss this matter and the applicant may need to file with DEP (Department of Environmental Protection) and a potential on-site inspection. In a Zone 2, animals are permitted on a property (up to 10 cows and 10 horses). There are two existing wells (Richmond Park #1 and Richmond Park #2) in Halifax. Mr. Swanson took a moment to review the zoning districts. Mr. Swanson said he is going to await the decision of his Board on Wednesday night. As of this moment, he does not believe it will be an issue as the structures are being proposed on a well field. He will get the Board's recommendation Wednesday night but as precautionary measure of the heavy equipment, that is the concern. Ms. Tinkham asked if his Board can get the decision to the office of the Zoning Board of Appeals, it would be appreciated. Mr. Nessralla said that there are lots of things allowed on Zone 2 and if conditions need to be placed to meet the criteria of the Water Department, then so be it. So long as the zoning by-laws are followed, that would be fine and not looking for any surprises, in the end.

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Abutter, Mrs. Shanahan, wanted to check it was a single story barn. Mr. Kingston said yes, twelve foot high walls with an A-frame roof. The garage would be a ten foot tall wall with an A-frame roof.

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

Chairperson Tinkham asked Mr. Kingston if she can do an on-site on December 6, 2014 at 9:15am-9:30am.

The Board wanted to wait for the outcome from the Water Department.

It was duly moved for a continuance of Petition #821 to the next public hearing date of Monday, December 8, 2014 at 7:45pm. So VOTED 4-0-0

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

Respectfully submitted,

Marion Wong-Ryan  
Zoning Board of Appeals, Secretary

Debra Tinkham  
Zoning Board of Appeals, Chairman

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