HALIFAX ZONING BOARD OF APPEALS
Meeting Minutes
Monday, August 14, 2017

The Halifax Zoning Board of Appeals held a public hearing on Monday, August 14, 2017 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 7:00pm and reprised the audience that this public hearing/meeting is being audio taped. He also explained the procedure and the protocol at the public hearings.

Bills:
The Board approves and signs W.B. Mason bill – no motion necessary.

Meeting Minutes:
Motion to accept Meeting Minutes for Monday, April 13, 2015:
MOTION: Peter Parcellin
SECOND: Kozhaya Nessralla AIF
Passes: 4-0-2 (Daniel Borsari and Gerald Joy abstained)

Motion to accept Meeting Minutes for Monday, June 12, 2017:
MOTION: Gerald Joy
SECOND: Kozhaya Nessralla AIF
Passes: 4-0-0

Correspondence/mail/notices:
Chairman Gaynor and the Board reviews some of the mail items.

Appointments:
7:15 – Petition #868 and #869 Appeals, Cont. – Amanda's Estates - Gordon C. Andrews, Elm Street, Halifax
Present: Gordon C. Andrews; Attorney Gary Brackett (representing Mr. Andrews), Worcester; Town Counsel Richard Hucksam; Attorney Adam Brodsky (representing The Party Trust), Hingham; Amanda Monti, Ed Johnson; Joe Webby of Webby Engineering (project engineer); Gordon Andrews, Sr., Building Inspector Robert Piccirilli; Kim Roy (Board of Selectman).

Chairman Gaynor asks Mr. Hucksam if he'd like to comment on Mr. Brackett and Mr. Brodsky's written reviews of the case.

Mr. Parcellin explains that, although absent from July's meeting, he has reviewed all information, reviewed the entire meeting and is completely up to date.

Mr. Gaynor sets some ground rules. All questions and responses go through the Board to prevent arguments.

Mr. Hucksam explains that his opinion remains the same after reviewing the other Attorneys' memorandums. In his opinion, the project doesn't comply with the one-building-per-lot and 150-foot frontage requirements. He feels that Halifax differs from other towns in that other towns have provisions that give special permit-granting authority the ability to vary provisions of the Zoning by-law under certain circumstances if a certain standard is met. Halifax has

specific provisions in the Zoning by-law that say that the grant of a special permit is only authorization for the use. It does not affect the obligation of the project to comply with other provisions of the Zoning by-law. In his opinion, Mr. Hucksam feels that the 150-foot frontage in the AR zone is one of those provisions as well as the one building per lot. The Party Trust's argument, as Mr. Hucksam reads it, seems to indicate that there isn't any frontage requirement that applies to a project like this, but, in his opinion, this isn't a reasonable reading of the Zoning by-law.

Mr. Gaynor feels that the Board should look at the issues according to Zoning by-laws and how The Party Trust applied. Mr. Gaynor asks Building Inspector Rob Piccirilli, by Zoning Board definition, what exactly The Party Trust applied for. Mr. Piccirilli explains this is a six (6) single-family duplex applied for under Multifamily Development, not to be confused with a Multi-Family Dwelling. A Multi-Family Dwelling would be three (3) or more units. These, however, are all one and two-family units, separated. Mr. Piccirilli confirms that, in his opinion, there are six (6) buildings on one lot with a common ownership. The definitions of a "lot," "one ownership," and "condominium" in the by-law is read out loud by Mr. Piccirilli. Mr. Gaynor confirms that, by definition, there are six (6) buildings on one lot. Mr. Gaynor asks Mr. Piccirilli if there is a deed that substantiates this. Mr. Piccirilli confirms that as far as Attorney Mayo is concerned, after some tweaking, there is a Master Deed. As for Occupancy Permits, Mr. Piccirilli confirms that The Party Trust will not receive final occupancy until the Master Deed is approved.

Mr. Piccirilli asks Mr. Hucksam if specific use regulations or general density use regulations are being cited when referring to one building per lot as there is conflict with those two definitions. Mr. Hucksam cites *167-7D(2A)* which is read aloud by Mr. Piccirilli. Mr. Hucksam states this doesn't change his opinion. He reads this definition as each building should be on an individual lot and points out that there is still the minimum frontage issue. Mr. Gaynor doesn't understand what he's missing as any condominium complex, gives Twin Lakes and other condo complexes as examples, is on an individual lot; they're not subdivided. Mr. Hucksam answers that he's not familiar with those projects and is reading this project with these facts as needing each building on an individual lot. Mr. Hucksam further states that, regardless, there is still the frontage issue. Mr. Piccirilli responds to frontage issue by citing *Article 4: Dimensional and Density Regulations* and pointing out how it is further broken down in the Zoning by-laws. In his opinion, because Article 4 specifically references dimensional and density regulations and *Table 167-11* mentions both as well, it's difficult to find a multifamily development frontage regulation that specifically applies. *167-12* only states it must have continuous frontage with no specific length. Mr. Piccirilli points out a lot of the language states "except otherwise provided herein." He feels this language references this multifamily development plan. He explains that Amanda's Way went before and was approved by all the town Boards, all of these issues were addressed and the project was approved through the fire department for ingress and egress, etc. It required a special permit which was looked at by all Boards and, in Mr. Piccirilli's opinion, has met all the requirements.

Mr. Gaynor asks Mr. Andrews Sr. (Planning Board) what was applied for versus what was approved by the Planning Board. Mr. Andrews Sr. answers he is not at the meeting to comment on behalf of the Planning Board.

Mr. Nessralla states The Party Trust met the frontage for the roadway and doesn't understand why they need the 150-foot frontage as this was reviewed, voted on and approved already the way that it is.

Mr. Parcellin states that he can't see why a town that has stringent requirements for multifamily developments would allow for a single-family house to have 150 feet of frontage when 12 units can have the same or no frontage. Mr. Parcellin further states that the Board has grappled with the individual lot situation for a while. He is concerned about future developments if the Board allows one 12-unit multifamily development in an area of town that has no developments without following the frontage rules. Mr. Gaynor responds that there are completely different criteria for each development. He cites other condominium projects around town that are on only one lot with one Master Deed. Mr. Parcellin feels this is confusing. In his opinion, prior to building, there should be one ownership and one lot that has the number of acres and number of units. They should then go to the Planning Board and, with their subdivision approval, they should break up those lots, one building on each individual lot as this town wants to have stringent multifamily development requirements. Mr. Piccirilli responds that doing this is creating a subdivision and is no longer a multifamily development. Attorney Hucksam responds that if the one-building-per-lot requirement is put aside, the

larger parcel still only has 74 feet of frontage, less than half of what the Bylaw states. Without a subdivision roadway, that's all the frontage that it has.

Attorney Brodsky discusses his understanding of the Multifamily Development Bylaw. He explains that the town was inundated by large condominium projects so as to encourage a mix of housing units and to have condominiums, as the Bylaw references condominiums with respect to multifamily wanting to restrict the density. To do this, a Yield Plan is created for purposes of meeting the density requirements. The Planning Board requested the applicant to do this. The plan with "Lots" on it wasn't intended or required to show separate lots (i.e. subdivision control), it was required to demonstrate to the Planning Board that it wasn't exceeding density requirements. This plan, approved by the Zoning Board, was recorded with the special permit. There is no requirement in the Multifamily Development Zoning Bylaw to go for subdivision approval and it also mentions condominiums. There is a condominium association that owns the common areas and then there are individual unit owners. If the Board was going to require an applicant proposing a multifamily development (going for a condominium) and needed to divide into lots, it wouldn't happen as it's an unreasonable interpretation of the Zoning Bylaw. With respect to frontage, Attorney Brodsky explains that this is a problem with going back in time. The Zoning Board approved the applicant's special permit in 2015. The Party Trust relied on this special permit which wasn't appealed. It's now two and a half years later and a million-dollar investment. An infrastructure has been built, there is a road, there are utilities and two buildings (two units each) that have been substantially completed. Neither Mr. Hucksam nor Mr. Brackett have addressed the legal issue which is should the Board be allowing what's affecting the collateral attack on a special permit? The problem is that nobody can recall the Board's interpretation with regards to frontage as it was years ago. He feels this argument is the way out of this. Mr. Brodsky can assure the Board that if the minutes were reviewed from January 2015, this exact issue was discussed by the Zoning Board. The applicant's representative was asked the question about frontage and it was argued that with respect to Multifamily Development, there is no frontage requirement and/or the bylaw is ambiguous and was interpreted that way back in 2015 by the Board. Mr. Brodsky feels the Board and applicants are entitled to rely on that interpretation. After all of those questions were asked, answered and Mr. Andrews was involved in all of those conversations, this Board granted the special permit without requiring a variance. This isn't a case where someone was surprised about a decision - Mr. Andrews trying to re-interpret the Bylaw two and a half years later to the detriment of The Party Trust, who has relied upon it, is why the Board has a very strict statute of limitations that prevents and discourages these kinds of collateral attacks. Attorney Brodsky feels the Board should support the Building Inspector, deny the appeal and if Mr. Andrews still feels he is correct, he should put the issue in front of a judge and put the burden on him.

Mr. Gaynor asks if the Board has any comments or questions.

Mr. Borsari explains that subdivisions and multifamily developments are two different animals, however everyone seems to be using them back and forth, which can't be done. He discusses the Zoning bylaws. The process for a subdivision is different from a multifamily development. Multifamily developments are condominiums or apartment units. By definition, multifamily developments are one piece of land so there is a contradiction on *167-7D(2A)* that states "one building, one lot." That doesn't make sense, as that is not what a condominium complex or apartment complex is. Mr. Borsari feels the Board needs to go back and put a definition of a subdivision versus multifamily development, as it is contradictory. Mr. Borsari goes on to say he doesn't feel it's ambiguous, he believes *167-12: Density Regulations for Specific Uses A* overrides the *Schedule: 167-11*. Mr. Borsari reads *167-12* as adequate frontage is up to the discretion of the fire chief and the safety boards of the town. Mr. Gaynor adds that back in 2015 when the Board originally voted, the opinion of the fire chief and the police chief was crystal clear which is why the permit was granted.

Mr. Joy asks the Building Inspector, Mr. Piccirilli, if the building permit was issued for the roadway and the building infrastructure. Mr. Piccirilli responds that the only requirement is that the project has water, it goes through the Board of Health and sanitation and meets the requirements for housing. Mr. Joy asks if there will be any inspections to make sure everything is installed properly. Mr. Gaynor answers other than the site plan review, nothing else is necessary. Mr. Piccirilli confirms.

Attorney Brackett responds to Mr. Piccirilli and Mr. Brodsky. Mr. Brackett explains that his client, Mr. Andrews, advised him that there was a Petition #850 presented on August 22, 2016 to the Zoning Board. The Party Trust was asking for a

waiver of the Bylaw *167-7(2A)* of the requirement that buildings be located on separate lots. Mr. Brackett feels that this is an admission on The Party Trust's part that that Bylaw applies to this project. Mr. Andrews has reminded Mr. Brackett that there can be up to ten (10) units in one building in a multifamily development but each building must be on a separate lot. Mr. Brackett reads Zoning Bylaw *167-10: General Density Regulations Sub-Section A*. Mr. Brackett's supplemental statement refers to the fact that *167-12* does not change the minimum frontage requirement of 150 feet and it doesn't change the requirement in *167-7(2A)* that each building must be on a separate lot. What he finds strange in respect to Mr. Brodsky's argument is that the Planning and Zoning Board relied on this plan. As presented in his chronology, this isn't a question of an unknowing applicant. Six years ago, The Party Trust applied for definitive subdivision approval. On September 20, 2012, they withdrew rather than having a denial. There was then a suggestion that there would be a 40B presented which didn't go forward. Other condominium projects that were brought up (Twin Lakes) predate this Zoning Bylaw requirement. Mr. Brackett states that when Mr. Andrews prepared his request for zoning enforcement, he cited these sections of the Bylaw which, he feels, are very clear. Mr. Brackett points out that on the appeals of the building permit, you have the application for building permit and then there are the building permits for the four (4) lots under appeal. On the application for units seven (7) and eight (8), the street address is 264 Elm Street. This address is also being used for units one (1) and two (2). There is only 74 feet of frontage on Elm Street. There is not enough frontage to build a single-family home let alone the four units. Somehow the addresses on the applications are converted in the building permit. The building permit cites Unit Seven as 9 Amanda's Way. Amanda's Way doesn't exist. Unit Eight: 11 Amanda's Way. Unit One: 2 Amanda's Way. Unit Two: 4 Amanda's Way. He feels this is inconsistent with the Building Inspector's representation tonight. With respect to the issue of "no requirement for frontage," if Mr. Brodsky looks at his client's applications for building permit, there is a question as to the amount of frontage on the application form. The frontage for Units 7 and 8 is listed as "100 plus." The frontage for Units 1 and 2 is listed as "140 plus or minus" which still falls below the 150-foot requirement. Any suggestion by The Party Trust tonight that there's no frontage requirement for each building is undone by their own applications for building permits, by the plan they filed with the Planning Board for site plan and Zoning Board for special permit and it's undone by asking for a waiver a year ago of the one lot, one building requirement. Mr. Brackett wonders why The Party Trust didn't go back to the Planning Board as they did six years ago when they decided to go with a six-building development? And why did the Building Inspector wait six months to issue the building permits when The Party Trust filed the applications for building permits in November 2016? Mr. Brackett doesn't think you can create six lots by a Master Deed and forget about definitive subdivision approval.

Mr. Gaynor asks Attorney Hucksam if subdivision approval is required in this specific instance. Mr. Hucskam answers no, it's not strictly required. Mr. Hucksam goes on to explain that in his opinion, the reason subdivision approval is being discussed here is because of the frontage issue. With a parcel like this, in most towns, you'd have a subdivision roadway that would create frontage for lots. In a situation like this where the large parcel only has 74 feet of frontage where 150 is required in the AR district, the simplest most logical way to create frontage is to have definitive subdivision approval with a definitive subdivision roadway. In Mr. Hucksam's opinion, the frontage under the Halifax Zoning Bylaw has to be a public way or on a subdivision roadway in the purposes of this situation. Mr. Hucksam does state again, however, that there is no provision in the Zoning Bylaw that says subdivision approval is needed.

Mr. Brodsky responds to Mr. Brackett's remarks. It is not unusual for a project to change over a period of years. First, there was a subdivision proposed and considered that was withdrawn. Then there was a thought of a 40B comprehensive permit which changed as the town didn't want to see a 40B there. Then there was a proposal for a multifamily development which was permitted by special permit. The Party Trust came in about a year ago to change the style of the buildings but withdrew as it was bad advice which was allowed by the Zoning Board without prejudice. These aren't admissions that should be held against The Party Trust. They have done everything the town has asked them to do to move this project forward. Mr. Brodsky feels it's inappropriate for this Board to be reviewing what the prior Board did.

Mr. Gaynor asks if anyone has any more questions from the Board.

Mr. Brodsky discusses similar cases that speak to this situation. He gives copies of a 2009 Land Court *Cowalis vs. Cohasset* case to the Board and Building Inspector. In this case, a property owner was granted a special permit in

Cohasset to convert a three-bedroom home to a four-bedroom which was not appealed. Two years later an abutter requested the Building Inspector to take enforcement claiming that there should be a variance, not a special permit, to do this work. The Building Inspector denied the request for enforcement. It was appealed to the Zoning Board of Appeals and denied. It went on to Land Court and the property owner with the special permit and the town both sought the dismissal of the abutter's appeal arguing that there was a strict statute of limitations, they had 20 days to appeal. It was a collateral attack by an abutter two years after the applicant was given a special permit, arguing that the property owner didn't have frontage and needed a variance in order to vary the frontage requirement for their permit. The case was dismissed after being supported and argued by the town as well as by the homeowner. Mr. Brodsky reads a quote from the case and explains that even if the Zoning Board got it wrong, it doesn't matter because the abutter had notice of the action and didn't appeal the special permit within the 20-day period. Mr. Brodsky and his client have expectations as a party that has received not only a special permit from the Zoning Board but site plan approval and fire and water department approvals that can be reasonably relied upon when those approvals were granted. There has been over a million dollars invested and The Party Trust is two-thirds of the way through this project. Mr. Brodsky respectfully suggests that the Board deny the appeal of the building permit and support the building inspector's denial of enforcement. If this is brought to Land Court, Mr. Brodsky hopes that Mr. Hucksam's firm would be in support of The Party Trust.

Mr. Hucksam responds that this case is a different situation. If Mr. Hucksam considered this to be just a collateral attack on a special permit, he would be in complete agreement as it is far past the 20-day appeal period. In Halifax, there are a couple of provisions that specifically state that a special permit issued is only an authorization for a specific use with stated conditions. Another provision states a specific use: the 150-foot frontage requirement is a dimensional requirement. This is a fundamental distinction in Zoning – the difference between use and the difference between dimensional requirements. There is no provision like that in the example case Mr. Brodsky discussed.

Mr. Brackett, in response to Mr. Brodsky's mention of the million-dollar investment, cites a 1987 case *Dinsky vs. Framingham* where it was found the town was immune from liability because of a mistake by the Building Inspector. That immunity was embodied in the Public Duty provision of the Mass Torte Claims Act. All of the Boards' decisions are immune in the event that a mistake was made. Mr. Brackett would like to put aside the million-dollar investment because when going before a public official for permits, public officials are immune from liability for wrong decisions and Mr. Andrews' appeals do not constitute appeals from a special permit. Mr. Brackett and Mr. Andrews are not challenging the special permit. Mr. Brackett feels the Board should grant the appeals, bring the project to a halt and tell The Party Trust to go back and do it the right way as they started six years ago. The special permit was granted by the Board as "to use only" years ago. Mr. Brackett feels that it's The Party Trust's risk that they began doing work on the building permits before the 30-day appeal period ran. Any hardship that The Party Trust has suffered to this point is self-inflicted. They didn't get the definitive subdivision approval as required.

Mr. Piccirilli states that even if this project was under subdivision control you wouldn't need 150 feet to put the road in. The Party Trust's intention was not to create frontage because they're not subdividing the lots. They can put a road in under subdivision control without 150 feet. Did The Party Trust meet the intent of subdivision control? Mr. Piccirilli believes that they did. Mr. Gaynor asks if the Planning Board believed that The Party Trust's intent was the same as far as meeting the requirement? Mr. Piccirilli answers yes. There's nothing that says you need 150 feet to put a road in. The Party Trust put a road in to access the 12 acres. Their intent was not to subdivide. Mr. Parcellin responds that there is a map that shows the land subdivided and asks how that was not their intent. Mr. Gaynor answers it was because they were asked to show where the buildings would go.

Mr. Parcellin asks Mr. Piccirilli if the buildings would satisfy individual lot requirements in the Bylaw under subdivision control. Mr. Piccirilli answers if they don't have the adequate frontage, no. Mr. Parcellin asks if the plan submitted would be okay under subdivision control. Mr. Piccirilli answers no, the fact that it was never approved under subdivision control shows that it's not a subdivision. Mr. Parcellin asks if those were individual lots, would the buildings be on 40,000 square foot lots? Mr. Piccirilli believes they are on 40,000 square foot lots. Mr. Parcellin asks if they have individual lots as they are shown on the map, couldn't the Board make a requirement that The Party Trust go and do that to continue this project. Mr. Piccirilli responds that this project is not a subdivision, it's a multifamily. The rest of the

Board agrees that this is not a subidivision. Mr. Parcellin feels that the intent of the Bylaw is to have buildings on acre lots. Mr. Parcellin cites the project by the golf course, wanting to jam everything in but the intent of the Bylaw is that the buildings should be on 40,000 square foot lots for multifamily developments. Mr. Piccirilli explains that 40,000 square feet is for a Form A; an individual, single-family dwelling on a subdivision. The Bylaw specifically says "one building per acre (43,560 feet)." It's different, it's conflicting. Mr. Parcellin says whatever the requirement is for a house, they want that on a lot requirement. Mr. Piccirilli explains that The Party Trusts has more, they have 12 units (six duplexes) on 12-plus acres. Mr. Parcellin asks if The Party Trust went and got those approvals, would that satisfy because they don't' have 150 feet in the beginning? Mr. Nessralla answers The Party Trust cannot get 150 feet of frontage, they only have 74 feet of frontage to put the road in. Mr. Piccirilli responds that the road requirements were approved through the town, for the safety, the ingress, egress, Planning, Fire, Water. Mr. Gaynor asks Mr. Piccirilli what was approved by the Planning Board. Mr. Piccirilli answers the site plan review. Mr. Gaynor confirms with Mr. Piccirilli that the road was reviewed by separate engineering.

Mr. Hucksam advises the Board that a road cannot be created through site plan approval as it does not create frontage, only subdivision approval.

Mr. Andrews explains that the intent of the developer's engineer, who came before the Planning Board during the site plan review and spoke in the meeting, was that each lot would need variances. The Party Trust submitted the plan showing individual lots to the Zoning Board and Planning Board. Mr. Andrews feels that the intent of that plan is to show individual lots.

Mr. Piccirilli responds that he believes under the Planning Board, it was approved as a lot to remain in common ownership to be used for a condominium complex. Mr. Gaynor confirms – 12 acres as one lot? Mr. Piccirilli answers "correct."

Mr. Brodsky wants to be clear that the original plans submitted to the Planning Board showed the buildings on one lot without any divisions. At the request of Mr. Andrews Sr., Chairman of Planning Board, it was instructed to put the lots on the plan to show the yield and that the requirements were met. Mr. Brodsky does not see a requirement of the Bylaw stating each unit be on a 40,000-acre lot, as it wouldn't be a multifamily development. With respect to subdivision control law, if you were building a subdivision road, you would need to go through the subdivision control process to make sure that the road would meet the requirements. This is a special permit. Whether you call it a driveway or a road, it was to meet the intent of the subdivision requirements without complying and was reviewed by fire safety and by the town's engineers to show that there was safe access to egress and ingress.

Mr. Brackett feels the statement made by Mr. Brodsky suggesting that through the special permit process to approve the road, there was an intent to satisfy the subdivision process makes no legal sense. Mr. Brackett cites *Chapter 41 Section 81 L* which states that in order to build a building, you have to have frontage…public way, subdivision road or a way in existence in the opinion of the Planning Board. Mr. Brackett goes on to say that the legislature has dictated the subdivision control law and has dictated the *Enabling Act, Chapter 40A*. The Zoning Bylaw says to apply the stricter requirement which is 150 feet of frontage and every building in a multifamily development is on its own lot. There can be up to 10 units in one building. Whether it's a condominium or rental makes no sense, it's still a residential use. Mr. Brackett would look to the blackletter language of the Zoning decision – that the Zoning Board is granting a special permit as to use, but the applicant still has to meet every other provision of the Halifax Bylaw including subdivision approval and the 150 feet of frontage. Mr. Brackett talks about Mr. Brodsky's claim that The Party Trust has a hardship. Mr. Brackett explains that when you create your own hardship it's called a "Bootstrap Hardship." Mr. Brackett wraps up by saying that it can be done right the first time or it can be done again. He feels The Party Trust didn't do it correctly the first time even though he feels they knew that subdivision approval was required six years ago.

Mr. Gaynor asks Mr. Hucksam for his guidance as the Zoning Board representative.

Mr. Hucksam explains that he has expressed his opinion about the frontage. He doesn't agree with this interpretation, but there has been an interpretation expressed that because *Section 12A* talks about specific dimensional requirements

or multifamily developments without talking about frontage, this could indicate that 150-foot frontage does not apply. This is the alternative argument. Mr. Hucksam also explains that to grant the appeals, since this is a five-member board, a vote of four members of a five-member board is needed.

Mr. Gaynor asks for any other comments from the Board members.

Mr. Nessralla asks if the road was illegal, why didn't the town intervene and have everything stopped? Mr. Parcellin responds that there doesn't need to be a permit to build a road. Mr. Nessralla confirms.

Mr. Parcellin talks about his concern. The two years were up, no question. Aside from that, The Party Trust applied for a building permit, it was approved, it was appealed and they continued building anyway. He does feel bad that there was a lot of money spent as The Party Trust was relying on that, but he feels this is difficult.

Mr. Nessralla points out that the Board's decision right now is to uphold the Building Inspector's decision or deny it.

Mr. Gaynor reads the Public Hearing Notice into record dated July 10, 2017.

Mr. Gaynor asks for the pleasure of the Board. The Board decides they have enough information to vote this evening.

Mr. Durgin asks Mr. Brodsky when the lot was originally deeded. Mr. Gaynor answers 1951, was owned in its entirety of the 12-acre parcel. Mr. Gaynor reads *167-10 E*. Mr. Hucksam explains that this is a Lot-Grandfathering provision that the burden would be on the applicant to show that this would satisfy the requirements but the applicant hasn't made this argument. Mr. Piccirilli explains that the lots were in common ownership in 1951 and remain in common ownership through the selling of The Party Trust.

Motion to accept Petitions #868 and #869 as presented:

MOTION: Peter Parcellin
SECOND: Robert Durgin
Voice: Gerald Joy – No
Robert Durgin – No
Robert Gaynor – No
Peter Parcellin – Yes
Kozhaya Nessralla – No

Chairman Gaynor confirms Petitions #868 and #869 are denied 1 to 4, no abstentions.

Discussion

Talent Bank Form – Michael Chapin – 6 Delia Way, Halifax – Alternate Zoning Board Member Interview

Present: Michael Chapin

Mr. Chapin introduces himself to the Board. He has lived in Halifax for 14 years and previously lived in East Bridgewater for 22 years. He was an alternate, a member, a clerk and finally Vice-Chairman on the East Bridgewater Zoning Board of Appeals for eight (8) years. He is the former owner of Chapin's Wood Products in Whitman, MA. He is fully retired and would like to use his experience to help the Halifax community as an Alternate Zoning Board Member.

Mr. Gaynor and the rest of the Board would like a letter sent to the Board of Selectmen for the consideration for another appointment to the Zoning Board. Mr. Gaynor invited Mr. Chapin to further meetings.

Meeting Minutes:

Motion to accept Meeting Minutes for Monday, July 10, 2017:

MOTION: Gerald Joy
SECOND: Kozhaya Nessralla AIF
Passes: 5-0-0

Old Business/Discussion:

Petition #744 – Jennifer Choate – 7 Plymouth Street, Halifax

Present: Kimberly Roy, Selectman

Ms. Roy updates the Board regarding Ms. Choate's dog kennel. She explains that the Animal Control Officer just left the property and there are no dogs present. The closing for the sale of the property took place on August 10, 2017. Ms. Roy explains that due to another dog-barking complaint, there was another dog hearing (Board of Selectmen). The inspection was not complete after this hearing as Ms. Choate did not have the proper paperwork needed. There was a second inspection this evening, August 14, 2017, to verify that all dogs vacated the property on August 11, 2017. As the permits have been vacated, nothing further needs to be done.

Anonymous letter - Sale of 127 Walnut Street, Halifax

Zoning Board Secretary explains that there was an anonymous letter sent to the Zoning Board, Board of Selectmen and the Building Inspector regarding 127 Walnut Street property for sale. There was a pool in the yard that did not meet Zoning requirements. The Building Inspector looked at the property and the pool and it looks to be in order. There is a pool permit from 1989. Mr. Gaynor explains that as there is nobody to respond to, no action is necessary.

Adjourn:

Motion to adjourn meeting:

MOTION: Peter Parcellin
SECOND: Daniel Borsari AIF
Passes: 5-0-0

It was unanimously voted to adjourn the meeting at 8:50 p.m.

Respectfully submitted,

Robert Gaynor
Chairman, Zoning Board of Appeals