



HALIFAX ZONING BOARD OF APPEALS

Meeting Minutes

Monday, October 16, 2017

The Halifax Zoning Board of Appeals held a public hearing on Monday, October 16, 2017 in Meeting Room #1 of the Town Hall with the following Board members in attendance:

Robert Gaynor, Peter Parcellin, Gerald Joy, Robert Durgin and Daniel Borsari are in attendance. Kozhaya Nessler is absent.

Chairman Gaynor calls the meeting to order at 7:05pm 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.

Meeting Minutes:

Motion to accept Meeting Minutes for Monday, September 11, 2017:

MOTION: Gerald Joy
SECOND: Peter Parcellin AIF
Passes: 5-0-0

Motion to accept Meeting Minutes for Monday, February 10, 2014:

MOTION: Peter Parcellin
SECOND: Robert Durgin AIF
Passes: 3-0-0

Motion to accept Meeting Minutes for Monday, March 10, 2014:

MOTION: Peter Parcellin
SECOND: Robert Durgin AIF
Passes: 3-0-0

Motion to accept Meeting Minutes for Monday, April 14, 2014:

MOTION: Peter Parcellin
SECOND: Robert Durgin AIF
Passes: 3-0-0

Motion to accept Meeting Minutes for Monday, May 20, 2013:

MOTION: Peter Parcellin
SECOND: Robert Gaynor AIF
Passes: 3-0-0

Motion to accept Meeting Minutes for Monday, June 10, 2013:

MOTION: Peter Parcellin
SECOND: Robert Gaynor AIF
Passes: 3-0-0

Motion to accept Meeting Minutes for Monday, July 29, 2013:

MOTION: Peter Parcellin
SECOND: Robert Gaynor AIF
Passes: 3-0-0

Bills:

The Board reviews and signs one bill for Plymouth-Halifax Express (ads for Petition #870 totaling \$80.00).

Correspondence/mail/notices:

Chairman Gaynor and the Board review all mail items:

- Memo to Selectmen from ZBA 9/13/2017 – Proposed Zoning Changes for Outdoor Events; Secretary Arlanna Snow confirms this memo was sent and the Selectman responded with a “Thank you” and nothing more.
- Charlie Seelig memo 9/14/2017 – Form A Planning Board Approval for Map 63 Lot 6 – 314 Plymouth Street; Mr. Gaynor reads this memo into record. No response is required.
- Memo from Town Accountant 9/20/2017 – Authorized Signatures; Each member of the Board signs the memo.

Appointments:

7:05pm – Petition #461 – In-Law Apartment - David & Nancy Samia, 51 Pratt Street, Halifax, MA

Motion to accept renewal for In-Law apartment at 51 Pratt Street, Halifax.

MOTION: Gerald Joy
 SECOND: Peter Parcellin AIF
 Passes: 5-0-0

7:10pm – Petition #870 – Variance for Addition - Bruce & Sarah Nobles, 55 Lingan Street, Halifax, MA

Present: Bruce and Sarah Nobles

Mr. Gaynor reads the Public Hearing Notice into record.

Bruce Nobles presents petition. Mr. Nobles explains that they’d like to add a mudroom to their home as there is no place to take off boots and hang coats. The mudroom would be on the right side. They’re not getting closer to Lingan Street but they’re getting closer to 6th Avenue. There are two frontages which, Mr. Gaynor points out, both the application and Public Hearing Notice don’t explain what the Board is varying from. Mr. Gaynor feels the application needs an added correction, which is a change of conditions under *Section 167-11*, stating the requirement of a variance of a front setback on 6th Avenue from 50 feet to 19 feet (20 feet as it’s common practice for the Building Inspector to allow for wiggle room), which is signed by the applicants. As both Bruce and Sarah are on the deed, they both sign the written correction.

The Nobles confirm that there will be pre-caste footings, the mudroom will be insulated, not heated, and there will be electricity. The deck on the side is there as a step up/landing which is required for any kind of new building. It will not be enclosed. The abutters have not expressed concern after being notified.

Mr. Gaynor attests to the fact that the mudroom addition is within the established character of the neighborhood and doesn’t derogate from the intent of the Bylaw. The hardship is due to the topography of the land and the non-conforming size of the lot, as it limits the addition to where and how the Nobles build it.

Motion to waive on-site inspection for Petition #870:

MOTION: Robert Durgin
 SECOND: Gerald Joy AIF
 Passes: 5-0-0

The Board agrees that the correction to the application (notification in writing and signed by the applicants) can be accepted as presented and there is no need to re-advertise.

Motion to accept Petition #870 as presented, clarified and corrected:

MOTION: Peter Parcellin
 SECOND: Gerald Joy AIF
 Passes: 5-0-0 (Voice Vote: all Yes)

Correspondence/mail/notices (continued):

The Board continues reviewing the remaining mail items.

- Deutsche-Williams - Notice of Appearance – 9/19/2017 (RE: Gordon C. Andrews v. ZBA and Building Inspector)
- Deutsche-Williams – Motion to Dismiss letter – 9/20/2017 (RE: Gordon C. Andrews v. ZBA and Building Inspector, Land Court Civil Action)
- Deutsche-Williams – 9/28/2017 – Letter of request for file 9/28/2017 (RE: Gordon C. Andrews v. ZBA and Building Inspector, Land Court Civil Action)
- Deutsche-Williams – Update on motions letter – 10/13/2017 (RE: Gordon C. Andrews v. ZBA and Building Inspector, Land Court Civil Action)
- Planning Board memo – FINAL Site Plan for 934 Plymouth Street as of 9/21/2017 – memo dated 8/18/2017; Halifax Mini Storage – adding another building.
- Old Colony Planning Council Agenda – 9/27/2017
- Town Clerk – 10/03/2017 – Open Meeting Laws Memo w/ attached updates
- Memo from Planning Board 10/11/2017 w/ attached site plan – Dunkin Donuts, 355 Plymouth Street

Adjourn:

Motion to adjourn meeting:

MOTION: Peter Parcellin
SECOND: Gerald Joy AIF
Passes: 5-0-0

It was unanimously voted to adjourn the meeting at 7:48 p.m.

Respectfully submitted,

Robert Gaynor
Chairman, Zoning Board of Appeals