



HALIFAX ZONING BOARD OF APPEALS

Meeting Minutes

Monday, March 13, 2017

The Halifax Zoning Board of Appeals held a public hearing on Monday, March 13, 2017 in Meeting Room #1 of the Town Hall with the following Board members in attendance:

Robert Gaynor, Kozhaya Nessralla, Gerald Joy, Robert Durgin and Daniel Borsari were in attendance.
Absent: Peter Parcellin

Chairperson Gaynor called the meeting to order at 7:00 pm 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.

Correspondence/mail/notices:

Notice regarding Religious Land Use and Institutionalized Persons Act was given to each member.

Notice of Site Plan Review for Ellis Auto Body:

It was asked by the Chairman if Mr. Gentile needed a Special Permit or any Variances from the Board. Secretary advised that he meets all Zoning requirements for the new building. Members briefly discussed the site and if the kennel was still there. It was noted that the kennel no longer exists on the property. A shed has recently been built, which also meets zoning setbacks.

Appointments:

Charlie Seelig: Abandonment Properties.

A number of residents have concerns of the number of properties that have been abandoned. Taxes may not be paid and going thru tax title, others have taxes paid. Buildings may be in poor shape or in foreclosure. Will be trying to alleviate the problem and will be looking into a by-law to improve the properties. Mr. Seelig explained the current by-law and current procedures for tax title. The Town may have to take on the burden of paying for the removal of the structure, but may not get the value back if sold. Would like a census of what the Town would like to do. Resell as house lots a possibility. Need to determine the meaning of abandonment, is it attached to lot, or structure. He would like to have by-law for 2018. He has looked at other towns. Mr. Seelig is looking for any thoughts on how to work thru this problem.

Mr. Gaynor asked about grandfathered status. Mr. Seelig advised the house(s) are still there and the parcel is recognized by the Assessors, but because there is no use, (no one living there) or attempt to live there for years, it become abandoned. He also explained there is no value unless it can be used and the Town may not recover the cost. With the Zoning Act, can the property be deemed useless? The abandoned property can be used or become part of another property. Mr. Seelig wants to see if the Town will re-establish the "lot" and use for residential property. If it is not abandoned it can be restored. Our current by-law states if it is not used or discontinued for more than two years shall not be reestablished. Under current zoning they would have to meet conformity.

There was some discussion of how many properties are currently in this status. Basically looking for feedback on re-writing the by-law so we can re-establish sub-standard lots, if they need variances, etc. and would like all the Boards including Planning Board to think about any ideas or thoughts on this subject. Mr. Seelig does not

want to commit the Town to this, unless there can be a better return of funds paid out. Possibly try to recoup thru taxes. Mr. Gaynor stated he would be interested in what legal council's opinion is and what can be done.

Informal discussion: Stephen Campbell, 35 Thompson St.

Present: Mr. Campbell- he would like to build a new house with an In-law. Submitted plans for members to review, looking for opinion before he files for a Special Permit. It will be his sons' house and he will live in the in-law. He plans on being in Florida during the winters, but would like a place when in Mass.

Mr. Gaynor went thru all of the In-Law requirements. Mr. Campbell advised that the utilities (water, septic, electrical) will all be on one, however the heat will be separate. He explained the driveway entrance for both units. Both families will use the front door, but will have a side door to the in-law for required egress. The floor plan is wide open, will share ½ bath and laundry, two (5' – 6' openings between the units, basement is also open. The 6' cased opening into in-law will remain open, not to be closed off. The floor area to be 894 sq. ft.

Mr. Gaynor asked if the Building Inspector had seen the plans yet. It was stated that he has not. A member asked about the separate heat and the 6' opening, the heat would be lost. Mr. Campbell advised they would put up a blanket to keep the heat in.

Informal discussion: Rob Pelligrini, Halifax Trails

Robert Pelligrini, Stephen Grant, representing their clients.

Reminding Board that this is in regards to Halifax Trails. They are at the point where a partner has agreed to sell the land (his shares) in the project. Would like to ask for an extension, acknowledges that it would only be one time for 6 months, but would obtain enough time to finalize with those who are interested in investing. To recap: March 15, 2016 received a new Special Permit and Variances, would like an extension on that. Informal meeting on how the board would feel on the request.

Secretary advised they may need to advertise, and filed a petition with the Clerk. Variances would run with the property, so any new owner would have to get a Special Permit under their own name. It was advised that it is possible that as part of this that they would just sell their shares, so it would continue to be Halifax Trails Company Inc. They would come back to the Board amend the name.

Here to get their opinion on granting the extension. He believes they are allowed anytime within 6 months of expiration date, to renew or extend.

Mr. Nessralla advised that if he got the letter in before the expiration date... tomorrow, the time would stop.

Mr. Grant (represents Allan Comeau) also spoke regarding the project and would like to keep moving forward to completion. Halifax Trails Co. Inc, partners would sell their shares to a buyer. Permits will still remain as Halifax Trails Company Inc. The president will change, and owners of the corporation will be different.

It was requested to get a formal letter of intent/request for extension. Mr. Pelligrini will be submitting for his client. Mr. Gaynor stated to submit within the next two days (with Town clerk) in order to extend for 30 days in order to submit application for the extension. Would like to see this petition for the next meeting.

Secretary advised the deadline is March 20 for the April 10 meeting.

Meeting Minutes:

Members reviewed the meeting minutes and advised to make a few corrections, bring back to next meeting for review/approval.

Open discussion:

Members discussed possible abandonment by-law. Meeting the definition of “grandfathered” many lots were of smaller sizes, 2500 – 5000 sq. ft. lots that have been owned separately, and buildable. It is a case of abandoning for 2 or more years, even if there is a structure, the use itself has not been continued. Members discussed if the Town picks up the cost of demolishing structures, and auctioning or selling for very little money. The Town would not be able to recoup the costs associated with it.

Several members felt that if the structure is still there, then it is not abandoned. Only if and when the structure is taken down, would the 2 years minimum then fall into place. It was also discussed that if a “parcel” was deeded to another piece of property, it would become as a whole and could not be re-sold. Members would like to have more research on abandonment with Town council. It was suggested that a “minimum bid” should be required to recoup some of the costs.

Adjourn:

Motion to adjourn meeting.

MOTION: Gerry Joy

SECOND: Robert Durgin

AIF

It was unanimously voted to adjourn the meeting at 8:05 p.m.

Respectfully submitted,

Date Approved: _____

Robert Gaynor
Chairman