



HALIFAX ZONING BOARD OF APPEALS

Meeting Minutes

Monday, November 13, 2017

The Halifax Zoning Board of Appeals held a public hearing on Monday, November 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 are in attendance. Peter Parcellin is absent.

Chairman Gaynor calls the meeting to order at 7:00pm and reprises the audience that this public hearing/meeting is being audio taped. He also explains the procedure and the protocol at the public hearings.

Meeting Minutes:

Motion to accept Meeting Minutes for Monday, October 16, 2017:

MOTION: Kozhaya Nessralla

SECOND: Gerald Joy AIF

Passes: 5-0-0

Correspondence/mail/notices:

Chairman Gaynor and the Board review and read into record all mail items:

- Letter from Building Inspector dated 10/16/17 to David Jackowitz regarding the "As-of-by-right" use for 324 Monponsett Street. It is explained that this involves a company wishing to purchase the lot, demolish the current building and rebuild a mental health home/facility.
- Old Colony Planning Council Agenda dated 10/25/2017.
- Memo from Town Administrator Charlie Seelig dated 10/24/17 regarding reviewing and possibly changing Land Use Counsel. The Board discusses their thoughts on the current Land Use Counsel, Deutsche-Williams, and expresses their satisfaction with the attorneys involved in the Zoning Board cases.
- Letter from Building Inspector dated 11/2/17 to the Pham Family regarding a Cease and Desist for non-compliant use of apartment at 395 Plymouth Street after an on-site inspection.
- Notice of Voluntary Dismissal from Deutsch-Williams dated 11/13/2017 regarding the Land Court Civil Action case "Scott Clawson versus the Halifax Zoning Board of Appeals and Jennifer Harmon."

Appointments:

7:10pm – Petition #871 – Derek Lewis/Christopher and Kimberly Bernasconi, 173 Monponsett St. – Special permit for addition

Present: Derek Lewis (applicant and contractor); Christopher Bernasconi (owner)

Mr. Gaynor reads the Public Hearing Notice and the Building Inspector's letter of denial into record.

Mr. Lewis presents the petition. Mr. Lewis explains, using the plans supplied, that he is cutting and removing a section of the roof down to the second-floor platform and extending the ridge line over to allow more area for a washer, dryer and closet on the second floor. The roof will be raised six (6) feet and will be moved from one side to the other. The chimney will be re-flashed. The ridge and roof line will all be the same. The pellet stove and chimney will be raised up. There will be no new floor area, but because the roof won't be touching down so low there will be more ceiling height. Nothing will change on the first floor. The footprint is the same, it's just a non-conforming lot.

Mr. Gaynor asks for more information on the home. Mr. Bernasconi answers that it is a blue house with a plastic skylight built in the 1820s on just under one acre of land.

As it is missing, Mr. Gaynor asks Mr. Lewis and Mr. Bernasconi to send a plot plan as soon as possible. Mr. Durgin asks about the small porch shown on the plan. Mr. Lewis explains that due to the house being too close to the street, the proposed porch will not be added.

Mr. Borasari asks how far the house is off the lot lines. This information cannot be supplied as there is no plot plan. The Board expresses their concern about voting on this petition without a plot plan. Mr. Borasari asks what the Building Inspector's reasoning was for the denial. The secretary answers that it would create additional living space. It is non-conforming as it is under an acre. Mr. Bernasconi adds again that the footprint is not changing at all. Mr. Gaynor asks if there are any photos of the outside/yard, Mr. Bernasconi suggests looking on MapQuest.

Mr. Gaynor explains that a plot plan is listed as needed on the application and asks each Board member their thoughts on moving forward without a plot plan. Each member agrees that a plot plan is necessary for an approval vote. Mr. Durgin suggests having an on-site to save time. Mr. Lewis explains that the Building Inspector mentioned that he would like to walk the site. The Board decides it would be best to wait for the plot plan before going any further.

Motion to continue Petition #871 to December 11, 2017 until which time a completed application will be provided to the Board:

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

Bills:

The Board reviews and signs three bills: Plymouth-Halifax Express for advertisements for Petition #871 totaling \$80.00, Pitney-Bowes (postage) expense totaling \$100.00 and Landlaw Specialty Publishers subscription renewal totaling \$235.00.

Other Business:

Five-year In-Law Renewal – Petition #560 - Paul and Debra Scioscia, 189 Monponsett Street, Halifax

Mr. Gaynor reads the renewal application into record.

The Board discusses whether these renewals should be re-advertised. In the past, the Board has accepted the renewals based on the application stating that there are no changes and there will be only blood relative(s) residing in the apartment. The Board decides to continue with past practice (no advertising) for Petition #560, but requests that the secretary ask Town Counsel if this procedure should remain as is or change/added to be re-advertised going forward.

Motion to accept the five-year renewal for Petition #560 as presented for 189 Monponsett Street:

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

Five-year In-Law Renewal – Petition #784 - Debra and Donna Feurtado, 300 Thompson Street, Halifax

Mr. Gaynor reads the application into record.

The Board has no thoughts or concerns for this renewal. There have been no changes.

Motion to accept the five-year renewal for Petition #784 as presented for 300 Thompson Street:

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

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 7:42 p.m.

Respectfully submitted,

Robert Gaynor

Chairman, Zoning Board of Appeals