



HALIFAX ZONING BOARD OF APPEALS

Meeting Minutes

Monday, December 11, 2017

The Halifax Zoning Board of Appeals held a public hearing on Monday, December 11, 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 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, March 16, 2015:

MOTION: Peter Parcellin
SECOND: Kozhaya Nessralla AIF
Passes: 5-0-0

Motion to accept Meeting Minutes for Monday, November 13, 2017:

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

Correspondence/mail/notices:

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

- Letter from Zoning Enforcement Officer Rob Piccirilli to Pham Family dated 11/27/2017 requesting a Building Evaluation of structure at 395 Plymouth Street, Halifax, MA due to occupancy and use changes over the years. There have been no updates since this letter was sent, however the Building Department is currently working with them.
- Old Colony Planning Council Agenda for 11/29/2017
- 2018 Board of Selectmen Meeting Schedule
- Memo from Charlie Seelig dated 12/5/2017 regarding the Town's Land Use Counsel change from Deutsche-Williams to Kopelmann & Paige.
- Email dated 12/4/17 from Attorney Rich Hucksam responding to the Zoning Board's questions regarding the In-Law Apartment renewal process. (Discussion following appointments.)

Appointment:

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

Chairman Gaynor reads into record a letter of request for continuance from Kimberly Bernasconi as they are still working on acquiring a plot plan, as requested by the Board. There has only been one 30-day continuance.

Motion for Petition #871 to accept a letter of continuance and to extend the continuance until Monday, January 8, 2018:

MOTION: Robert Durgin
SECOND: Kozhaya Nessralla AIF
Passes: 5-0-0

Bills:

The Board reviews and signs one bill: Plymouth-Halifax Express for advertisements for Petition #858 totaling \$80.00.

Appointment:

7:15pm – Petition #858 – Joseph Podgurski, 37 Carver Street – Special Permit renewal

Present: Joseph P. Podgurski and Joseph M. Podgurski (owners); Jonathan Soroko (abutter at 31 Carver Street)

Mr. Gaynor reads the Public Hearing Notice into record.

Mr. Joseph P. Podgurski presents updated photos for the Board to review and explains that all is going as it should be. Mr. Podgurski confirms that two vehicles were sold and one vehicle was purchased. Usually there are three vehicles on the property. Mr. Joy asks for run times on the vehicles. Mr. Podgurski answers under 15 minutes and that the vehicles have been moved to the other side of the property as discussed at the June 12, 2017 meeting.

Mr. Soroko explains that he wanted to attend the meeting to comment that Mr. Podgurski has been a great neighbor and has followed all the rules, everything has been positive, for the record. Mr. Gaynor asks if Mr. Podgurski has heard from any other abutters. Mr. Podgurski answers that the only abutter he has spoken to is Ralph, and he is happy. Mr. Gaynor comments that he has been by the property a couple of times and thinks everything looks great. Mr. Joy feels that because of the abutters being content, he and the rest of the Board are okay using the photos presented rather than doing an on-site inspection.

The Board discusses the renewal extension and agrees that five years is acceptable as there have been no complaints. If there are any problems in the meantime, Mr. Podgurski will be subject to an inspection by the Building Inspector/Zoning Enforcement Officer.

Motion to accept the five-year renewal for Petition #858 as presented for 37 Carver Street:

MOTION: Gerald Joy
SECOND: Robert Durgin AIF
Voice Vote: All yes
Passes: 5-0-0

The Board members each sign the Decision form.

Discussion:

In-Law Apartment Renewal Process

Mr. Gaynor and the Board agree that as of January 1, 2018, with Attorney Hucksam’s advice, abutters should be notified of every renewal and confirms that the Zoning By-Law doesn’t require advertising. The Zoning Board of Appeals is responsible for notifying the abutters. The Zoning Board and Planning Board secretaries present their research findings of other towns’ (Carver, Dighton, Douglas, Holliston, Ipswich and Hopkinton) Zoning By-Laws regarding special permit renewals for (accessory) apartments and their processes. The information supports similar processes to Halifax – Affidavits submitted by the owner(s) with no public hearing – with only differences in time-frames ranging from two years to five years. The Board reviews this research.

The Board reads and discusses a possible amendment to 167-7(D)12 letter (e). The Zoning Board secretary explains that most towns have very vague language or no By-Law at all regarding apartment renewals.

Mr. Borsari feels that Attorney Saillant’s recommendation, in the past, to notify abutters is very important to add in to the By-Law because if there is an issue, it gives abutters a chance to speak out. The Planning Board secretary points out that if there’s an issue, abutters don’t wait for the renewal expiration date to speak up.

The Board agrees to keep renewals at five years, which should be included in the By-Law language, as well as notifying abutters. This process should start on January 1, 2018. It is decided that the cost of notifying abutters should fall on the applicant if the town isn't able to cover the cost. The Assessor's Office will be asked.

Motion to amend renewal application procedures for In-law Apartments to include Abutter's List requirement starting January 1, 2018:

MOTION: Peter Parcellin
SECOND: Gerald Joy AIF
Voice Vote: All yes
Passes: 5-0-0

The Zoning Board secretary will draft a letter of request to the Board of Selectmen to review the Halifax By-law requirements for special permits for in-law apartments. This draft letter will be discussed at the next Zoning Board meeting. The Zoning Board would like to take Attorney Rich Hucksam's recommendation (per his 12/4/17 email) into consideration to update the "wording" for the special permit renewal process to include abutter notification.

Other Business:

Petition #565 - Five-year In-Law Renewal – Velma E. Siegel, 97 Circuit Street, Halifax

Mr. Gaynor reads the application into record.

The Board is concerned that the occupants are not related by blood or marriage as they are "extended family," according to the applicant's application. After calling the applicant, Ms. Siegel, the Zoning Board secretary confirms that the occupants are grandchildren of a close friend. The secretary lets Ms. Siegel know that the Board is requesting her presence at the January 8, 2018 meeting to discuss further.

Motion to continue the five-year renewal for Petition #565 to January 8, 2018:

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

Petition #696 – Five-year In-Law Renewal – Robert M. Petta and Holly A. Gomes, 14 Kestrel Lane, Halifax

Mr. Gaynor reads the application into record. All information is reviewed and approved by the Board

Motion to accept the five-year renewal for Petition #696:

MOTION: Robert Durgin
SECOND: Kozhaya Nessralla AIF
Passes: 5-0-0

Other Business & Discussion:

- ❖ **New Application Form** – consolidating two application forms into one - "Application for Hearing for a Variance/Special Permit"

The Zoning Board secretary presents the new application form to the Board explaining that it makes things less confusing as it will be less repetitive. All the same information is included on the new application. Mr. Gaynor feels the reasoning for the repetitiveness is that it allows the Board to have extra confirmation of information. The secretary will make a sample Petition packet with the new application incorporated for the Board to review at the next meeting.

- ❖ Copies of the **2018 Zoning Board Meeting Schedule** are given to all members.

Adjourn:

Motion to adjourn meeting:

MOTION: Kozhaya Nessralla
SECOND: Peter Parcellin AIF
Passes: 5-0-0

It was unanimously voted to adjourn the meeting at 8:10 p.m.

Respectfully submitted,

Robert Gaynor
Chairman, Zoning Board of Appeals