



HALIFAX ZONING BOARD OF APPEALS

Meeting Minutes

Monday, January 8, 2018

The Halifax Zoning Board of Appeals held a public hearing on Monday, January 8, 2018 in Meeting Room #1 of the Town Hall with the following Board members in attendance:

Robert Gaynor, Kozhaya Nessleralla, 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, December 11, 2017:

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

Correspondence/mail/notices:

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

- Mr. Gaynor states that the Planning Board 2018 Meeting Schedule is on file.
- A memo from the Town Clerk dated 11/16/2017 regarding the Zoning Board regarding the Ethics Test and Acknowledgement forms for each member to sign. Members sign sheets and return to the secretary.
- A Planning Board memo dated 12/19/2017 with the Site Plan for review for Pope's Tavern asking the Zoning Board for their input.
- A memo from Charlie Seelig dated 12/20/2017 regarding Proposed Zoning Changes discussion. Town Meeting for this discussion will be held January 23, 2018. Mr. Gaynor states that the Zoning Board explained that they met with the Selectmen regarding their issues.
- A Deutsch-William packet from Kim Saillant dated 12/21/2017 regarding *Gordon Andrews v. Zoning Board - Land Court Civil Action*

Appointment:

7:05pm – Petition #565 – Velma Siegel, 40 Carver St. – Special Permit renewal for In-law Apartment

Present: Velma Siegel (Owner)

Chairman Gaynor reads into record Ms. Siegel's In-law renewal paperwork (Affidavit). In answer to Question #4 on the Renewal form – "The person who is related to owner/occupants of the existing single-family dwelling is related by blood or marriage" Ms. Siegel answered "No, extended family." Ms. Siegel presents her situation to the Board. She explains that due to much family hardship: several deaths as well as her grandchildren living away, she does not have any blood relatives available to live with her. Instead she has a close friend's daughter and daughter's friend living in the house. The Board asks Ms. Siegel several questions about her living situation. Ms. Siegel occupies the In-law apartment. Ms. Siegel receives some financial help from the housemates to help with some bills. Her 19-year-old grandson is planning to move in soon. Ms. Siegel has a door that she and rarely locks between the In-law and main house for privacy, however it's open 99% of the time. The Board explains that there is not supposed to be a door at all as it should be shared living space, according to the Zoning By-law. There is a kitchen in the in-law apartment.

Ms. Siegel's special permit was up for renewal as of December 11, 2017. Ms. Siegel states that there is no blood relative that could live with her temporarily until her grandson moves in. The Board feels Ms. Siegel should withdraw her

renewal application without prejudice to give her time to understand the criteria to meet the Zoning by-laws for in-law apartments. Ms. Siegel is concerned about withdrawing as she feels she's done everything she can and doesn't want to leave her place. Mr. Parcellin explains that she won't have to leave her home, the issue is that her in-law apartment does not currently comply with the Zoning by-laws for in-law apartments and the Board cannot deviate from those by-laws. Rather than denying her renewal the Board agrees that withdrawing the application to give Ms. Siegel time to comply with the by-laws would be best. The Board also explains to Ms. Siegel they feel she could use the direction of the Zoning Enforcement Officer Rob Piccirilli to better understand what she needs to do to remedy her situation to comply with the by-laws for in-law apartments. The Board explains that they will need Ms. Siegel to come back before the Board in either February or March to give them an update.

Ms. Siegel agrees to withdraw her renewal application, signs and dates a request note with the help of Zoning secretary Arlanna Snow.

Motion to accept Ms. Siegel's withdrawal of application without prejudice for Petition #565:

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

Appointment

7:15pm – Petition #871 – Derek Lewis/Christopher and Kimberly Bernasconi, 173 Monponsett Street, Halifax, MA – Special Permit for Second-Story Addition

Present: Kimberly Bernasconi (Owner)

Chairman Gaynor reads the Public Hearing Notice into record. Ms. Bernasconi presents the Board with the plot plan that was missing in their first hearing with Zoning at the November 2017 meeting as well as a photo of the portion of the house where the addition is going. She explains that the reason why they want to build up is because they can't walk up the stairs without hitting their head as the house is so old. A "bubble" was built into the roof to allow space. Ms. Bernasconi further explains that they need a new roof and to have a new roof they need to remove the "bubble."

The Board reviews the plans and photo. Mr. Gaynor states that, as discussed in the November meeting, the Bernasconis aren't increasing the footprint or moving any closer to the street than the pre-existing foundation is now, they are just building upwards. Mr. Gaynor opens to the rest of the Board for questions. Ms. Bernasconi confirms there will be no additional bedroom upstairs. Currently there is an existing bedroom and a washer and dryer/laundry room. It will all be living space.

Motion to waive the on-site for 173 Monponsett Street, Halifax for Petition #871:

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

Motion to accept Petition #871 as presented:

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

Secretary presents Ms. Bernasconi with the next steps and will send Decision Letters. The Board signs the Decision Form.

Appointment

7:30pm – Petition #872 – Todd Taylor, 46 Monponsett Street, Halifax, MA – Three-car Garage

Present: Todd Taylor (Owner)

Chairman Gaynor reads the Public Hearing Notice into record. Mr. Taylor presents his petition to the Board. He explains that he is applying for the special permit to construct a garage for storage. His is the second to the last house on the right before Plympton. The lot is a little over two (2) acres. The dimensions and setbacks are all correct and in order. The garage will be used for trucks, cars and storage. There will be no commercial use, personal use only. He has a F350 crew cab and a new tractor for site work. One bay will be used for his lawnmower and possibly something in the near future. The garage will be 32 x 40 feet. The second floor will be used for storage as their house does not offer any. There will be electric, heat and no plumbing.

Mr. Gaynor opens the hearing up to the Board for questions. Mr. Durgin asks about abutters. Mr. Taylor has only three abutters and has had all positive feedback regarding his project. The building will be built on grade. The house is built on existing grade. The garage will be within a foot of the existing grade and will be filled and graded accordingly. Mr. Taylor answers Mr. Nessralla's questions regarding septic/leaching field. The garage won't affect either as there is a two-inch pipe; a pump system. There is no natural leaching field. Mr. Taylor confirms that he has spoken with the Building Inspector/Zoning Enforcement Agent. The living space of the house is 2400 square feet counting all floors. The house is 40 x 32 x 28 feet; 80 feet smaller than the footprint of the garage. The garage doors will be 9 x 9 feet tall and the entire garage will be finished to match the house.

Motion to waive the on-site for 46 Monponsett Street, Halifax, MA for Petition #872:

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

Motion to accept Petition #872 as presented:

MOTION: Gerald Joy
SECOND: Peter Parcellin AIF
Voice Vote – 5 Yes 0 No
Passes: 5-0-0

Secretary gives a copy of the next steps to Mr. Taylor and will send Decision Letters. The Board signs the Decision Form.

Appointment:

7:15pm – Petition #873 – Town of Halifax, 506 Plymouth Street, Halifax, MA – Special Permit for Addition to Pope's Tavern

Present: John Campbell, Municipal School and Building Committee

Chairman Gaynor reads the Public Hearing Notice into record. Chairman Gaynor and Gerald Joy recuse themselves as they are also part of the MSBC. Mr. Nessralla will be taking over chair for this petition. Robert Durgin, Peter Parcellin, Dan Borsari and Kozhaya Nessralla will be the four votes needed (in the affirmative) to obtain the Special Permit requested.

Mr. Campbell presents the petition to the Board referring to the supplied site plans. He explains that they are proposing to build an addition to replace the existing building. In the new addition there will be a large room, an elevator and staircase to a second floor with a smaller room/kitchen. The elevation will be the same as the main building with plumbing and heating. The room on the second floor will be for the Town of Halifax to use for a banquet or large meeting. There will be a back doorway with stairs and a full basement also. Due to the pitch in the roof, the room on the second floor will be long and narrow. The addition will not be any closer to the road.

Mr. Gaynor speaks to the Board in regards to this petition letting them know that because the addition has two frontages, on South and Plymouth streets, in order to meet the requirements necessary for a special permit or variance it is a pre-existing, non-conforming lot. They're limited due to the topography of the property for the increase in parking spaces to where the septic would go and for the parking up top to meet the requirements for the square footage. This addition doesn't derogate from the intent of the by-law or interfere with the established character of the neighborhood.

It has been pre-existing on the site for many years and Mr. Gaynor feels does meet the requirements for a special permit or variance.

Mr. Nessralla wonders about the parking on the South Street side. Mr. Campbell answers that there is barely any parking on the South Street side and states that they do need a variance for the extra parking spaces due to the topography. Mr. Gaynor responds that this is the reason they meet the hardship.

Mr. Nessralla asks if the audience has any comments or questions. There are none.

Mr. Campbell asks if this also takes care of parking to which Mr. Nessralla answers "yes."

Motion to waive the on-site for 506 Plymouth Street, Halifax for Petition #873:

MOTION: Peter Parcellin
SECOND: Robert Durgin AIF
Passes: 4-0-0

Motion to accept Petition #873 as presented:

MOTION: Peter Parcellin
SECOND: Robert Durgin AIF
Passes: 4-0-0

The Board signs the Decision Form.

Bills:

There are two bills for the Board to approve. First, Plymouth-Halifax Express advertisement for Petition #872 totaling \$80.00. Second, Plymouth-Halifax Express advertisement for Petition #873 totaling \$80.00.

Other Business & Discussion:

The Zoning Board secretary presents the new application form in a sample packet to the Board explaining that it makes things less confusing, cleaner and neater. All the same information is included on the new application. The Board reviews the new bi-fold application packet with the original forms included and agrees that they like it also.

The Board discusses decision letter language to decide what should and should not be included.

The Board reviews a draft memo from the Zoning Board to the Board of Selectmen regarding a potential in-law renewal amendment.

Mr. Gaynor reads into record the 2017 Zoning Board Annual Report. Mr. Gaynor thanks the rest of the Board for their input and their help throughout the year. The Board requests that secretary, Arlanna Snow, be included in this report as the new Zoning Board secretary.

Adjourn:

Motion to adjourn meeting:

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

It was unanimously voted to adjourn the meeting at 8:11 p.m.

Respectfully submitted,

A handwritten signature in black ink, reading "Robert Gaynor". The signature is written in a cursive style with a large, prominent initial "R".

Robert Gaynor
Chairman, Zoning Board of Appeals