



HALIFAX ZONING BOARD OF APPEALS

Meeting Minutes

Monday, May 7, 2018

The Halifax Zoning Board of Appeals held a public hearing on Monday, May 7, 2018 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. Peter Parcellin is absent.

Chairman Gaynor calls the meeting to order at 7:03pm 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.

Appointment:

7:05pm - Informal Discussion – Ronald and Cheri McLeod, 109 Holmes Street – Variance for an addition

Present: Cheri McLeod, owner

Ms. McLeod informs the Board that her Dad (Ronald) had the home built in 1972. It is located three houses before Lindy's supermarket on the opposite side. In 2003 Cheri moved into the home with her son and they built an In-law (Petition #569 – Special Permit) without a variance. Her parents lived in the In-law, however, her mother passed away and her father now lives in the in-law alone. Ms. McLeod is a single mother of three children (17, 10 and 10 years old). In addition to her nursing career (four nights a week) she opened a daycare as a second income which is very successful. The house is a front-to-back split. The bedrooms are 9 x 8, 8 x 10 and 10 x 12 and the rest of the house is consumed by daycare paraphernalia. Ms. McLeod would like an addition to have space in the home for just her family, not to be shared with daycare – a family room, a mudroom and a bathroom on the first floor and a playroom ("kids cave") on the second floor.

The addition she is proposing can't go off the in-law side as it comes close to the property but there is 40 feet on the other side of the house which is where she'd like to do a 25-foot addition. Webby Engineering re-surveyed the land. She wants to know if the Zoning Board would consider a variance from 30 down to 15 feet before she spends money on an architect. She can't build off the back of the house because she needs the yard for her daycare and needs a certain amount of square feet for each child in her daycare. If she goes up, she would have to redo solar which she doesn't know if she can afford to remove. She is proposing to go out and up. She has up to ten (10) children in her daycare and four (4) employees.

Ms. McLeod presents photos and plot plans of the house and in-law to the Board. She currently has only one bathroom as her basement bathroom is not working. Mr. Borsari asks where the septic system is. Ms. McLeod answers that it is in the front. Ms. McLeod explains that there is a neighbor to the left of her house and a 30-foot vinyl fence. The addition would be on the left side but would not go beyond the fence. The fence continues into a chain-link fenced in backyard play area. Behind the chain-link fence are the wetlands. Her yard is split in two – daycare area with an above ground pool and deck and a dog area. A stockade wooden fence separates the daycare play area (on her side) from the animal area (on her Dad's side).

Mr. Gaynor asks the opinion of the Board. Mr. Nessralla asks about neighbors. Ms. McLeod answers that she has not spoken with her neighbors about her proposed addition because she wanted to speak to the Board first, however she has never had any problems with her neighbors. On one side is an elderly couple she's known for years and the other is town-owned Section 8 housing. Ms. McLeod was hoping for 25 feet without a full foundation. Mr. Gaynor feels Ms. McLeod will have a tough time with the hardship. He personally feels she could put the addition on without having to do a variance by starting the addition on the side and wrapping around to the back. Mr. Joy is concerned with relocating the solar as it's going to be expensive. Mr. Durgin is concerned with the hardship as he feels Ms. McLeod has other options without going for a variance. Ms. McLeod asks if she would have a hardship if she measures the backyard and there isn't enough square footage per child. Mr. Durgin answers no, it would be self-created. Mr. Gaynor asks how the in-law roof would work with an addition. Ms. McLeod explains the in-law is ranch-style, not front-to-back split like her side. The in-law solar is facing the front, hers is facing the back. Mr. Borsari wonders if it's possible for the addition to come from the back of the house and she could relocate the play area. Ms. McLeod explains that moving the large deck and above-ground pool would be a problem and there's a large hill that would have to be graded.

Because Ms. McLeod doesn't have a hardship and already has a conforming lot, what she's proposing would make her lot non-conforming and she would still have an issue with finding a hardship. Mr. Borsari explains that to try to make an addition work there would need to be changes made but it's possible to extend the walk-out basement. Ms. McLeod feels it would be too expensive to move the pool and deck to make a new playground with the addition on top of it. Ms. McLeod thanks the Board and will be back after thinking about things.

Discussion concludes.

Correspondence:

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

- Letter from Brooks & DeRensis (formerly Deutsch-Williams) dated 4/9/2018 regarding a status update (*Re: Gordon C. Andrews v. Zoning Board, Building Inspector and The Party Trust - Land Court Civil Action No: 17MISC000507*)
- Decision letter from the Planning Board dated 4/18/2018 regarding Petition #876, Joseph & Linda McCarthy's special permit for 16 Thompson Street.
- Letter from Planning Board dated 4/18/2018 regarding Halifax Solar's Certificate of Approval for 0 River Street.
- Letter from Brooks & DeRensis dated 4/20/2018 with two new filings (*Re: Gordon C. Andrews v. Zoning Board, Building Inspector and The Party Trust - Land Court Civil Action No: 17MISC000507*).
- Memo from Board of Selectman dated 4/24/2018 regarding a Public Hearing for Ann Marie Reed's long-term trailer permit at 31 Oak Place.
- Old Colony Planning Council Agenda dated 4/25/2018.

Other Busienss:

Mr. Borsari attended the special Planning Board meeting on May 3rd where/when it was voted to recommend certain Zoning by-law changes at Town Meeting. He is concerned for the Zoning Board and for the residence of the town of Halifax regarding the proposed entertainment special permit by-law. Currently it's for two days and there is nothing saying that later it would be for four or six days as it would have to go to Town meeting. If this by-law passes, the granting authority would fall on the Zoning Board rather than the Board of Selectmen, as it is now. Charlie would like to pull together a voluntary By-law Review Board and Mr. Borsari would like to join. He will send a letter to the Board of Selectmen to let them know.

Meeting Minutes:

Motion to accept the Meeting Minutes from Monday, April 9, 2018:

MOTION: Kozhaya Nessralla
SECOND: Gerald Joy AIF
Passes: 4-0-0

Bills:

The Board has no bills.

Adjourn:

Motion to adjourn meeting:

MOTION: Gerald Joy
SECOND: Robert Durgin AIF
Passes: 4-0-0

It was unanimously voted to adjourn the meeting at 7:50 p.m.

Respectfully submitted,



Robert Gaynor - **Chairman, Zoning Board of Appeals**