



HALIFAX ZONING BOARD OF APPEALS

Meeting Minutes

Monday, July 9, 2018

The Halifax Zoning Board of Appeals held a public hearing on Monday, July 9, 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 was absent.

Chairman Gaynor calls the meeting to order at 7:01pm 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 the Meeting Minutes from Monday, June 4, 2018:

MOTION: Gerald Joy

SECOND: Dan Borsari AIF

Passes: 3-0-0

Bills:

The Board approves two bills: Pitney-Bowes for postage = \$325.00 and W.B. Mason for printer toner = \$158.36.

Appointment:

7:05pm – Petition #877 – Thao, Mai and Hiep Pham, 395 Plymouth Street – Continuance of Special Permit Authorizing Existing Six-Apartment Use

Present: Hiep Pham (owner), Rob Piccirilli (Zoning Enforcement Officer / Building Inspector)

Mr. Gaynor welcomes Hiep and reads into record the Public Hearing Notice from June 4, 2018 into record. Hiep confirms that Attorney Alfieri is not coming. Mr. Gaynor confirms that the Board has read both Town Counsel's opinion (Attorney Amy Kwesell) and Brooks and DeRensis (Attorney Kim Saillant)'s opinion. Mr. Piccirilli asks if Attorney Alfieri is still representing the Phams. Hiep answers that yes, Mr. Alfieri is still representing them however he didn't feel Mr. Alfieri was needed at this meeting. The Board and Mr. Piccirilli feel that Attorney Alfieri, as he presented the Petition from the beginning and in order to avoid any confusion, should be present since there are still some concerns that need to be addressed regarding encroachment. Mr. Gaynor explains this to Mr. Pham and lets him know that it is recommended by the Board to continue until August when Mr. Alfieri can be present. Mr. Pham understands and will let Mr. Alfieri know to contact the Zoning Board Secretary as soon as possible for a status update.

Motion to continue Petition #877 to August 13, 2018:

MOTION: Kozhaya Nessralla

SECOND: Gerald Joy AIF

Passes: 4-0-0

Copies of both Attorney Kwesell and Attorney Saillant's opinions are requested by and given to Gordan Andrews (Planning Board Chairman in audience).

Correspondence:

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

- Notices of Hearing from Plympton ZBA, June 14th at 6:00pm and 6:30pm regarding a Special Permit for Kennel and Guest House for Chris and Lorna Rankin at 259 Main Street, Plympton.

- Letter from Planning Board to the Board of Selectmen dated 6/5/2018 regarding the Certificate of approval for the site plan for Pope’s Tavern addition and renovation.
- Memo from Planning Board dated 6/8/2018 regarding Form A Distribution for 180 Thompson Street. The Board reviews the plans.
- Decision letter from Planning Board dated 6/12/2018 to Ernest and Gladys Stevens at 443 Thompson Street.
- Public Hearing Notice from Town of Plympton ZBA for their meeting on 7/17/2018 with Stephen Kotowski at 51 Cedar Street on the appeal of denial for the application.
- Memo from Planning Board dated 6/26/2018 regarding site plans for review for a proposed solar array at 0 River Street. The Board reviews the plans.
- Memo from Planning Board dated 7/2/2018 regarding the site plan for replacement of a fuel storage tank at 60 Hemlock Lane. The Board has nothing to add.
- Email from Attorney Kim Saillant (Brooks & DeRensis) dated 7/6/2018 with attached Land Court Order – (*Re: Gordon C. Andrews v. ZBA, Building Inspector and The Party Trust*).

Discussion: The Board agrees to request their Attorney, Kim Saillant, to be present at the August 13, 2018 meeting for this remand review. They would like the meeting advertised and abutters notified however they will be reviewing Petitions #868 and #869 for remand without receipt of additional information, evidence, argument or presentations.

- Memo from Charlie Seelig, Town Administrator dated 7/9/2018 regarding Use of Town Counsel.

Executive Session

Motion to go into Executive Session to discuss litigation in the Town of Halifax/Building Inspector v. Robert Bergstrom and Halifax ZBA: Land Court case C.A. #16 MISC 000681-GHP.

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

Motion to end Executive Session.

MOTION: Kozhaya Nessralla
 SECOND: Robert Durgin AIF
 Passes: 4-0-0

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 8:30 p.m.

Respectfully submitted,



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