



HALIFAX ZONING BOARD OF APPEALS

Meeting Minutes

Monday, January 14, 2019

Passes
3-0-0

The Halifax Zoning Board of Appeals held a public hearing on Monday, January 14, 2019 in Meeting Room #1 of the Town Hall with the following Board members in attendance: Chairman: Robert Gaynor, Clerk: Peter Parcellin, Member: Gerald Joy and Member: Robert Durgin. Co-Chairman: Kozhaya Nessralla and Associate Member: Daniel Borsari are 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 the Meeting Minutes from Monday, December 10, 2018:

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

Appointment:

7:05pm – Petition #886 – Thao, Mai and Hiep Pham, 395 Plymouth St - Special Permit to continue, alter and extend the existing apartment from a four-dwelling use to a six-dwelling use

Present: Mai Pham (owner/applicant) and Quat Tran (translator);

Chairman Gaynor reads the Public Hearing Notice into record. Mr. Gaynor asks Mr. Pham what has happened with the property since the last Petition was withdrawn. Mr. Pham (via Mr. Tran) explained that he spoke to the Building Inspector after the last meeting and understood the Building Inspector to have no requirements for changes made to the property and that all was well. The Board reviews the plot plans that are supplied to them in the application packet. Mr. Pham explains that there is one two-floor unit in the main house which would be unit #6 and unit #5 is a two-level unit in the rear. The Building Inspector and the Fire Chief have both seen the plans. The Zoning Board secretary explains to Mr. Gaynor that the Building Inspector and Fire Chief inspected the property on November 27, 2018 and nothing has changed; there are still only four (4) units currently occupied as far as they could see. The Board reviews the Inspection Report from 11/27/2018. Mr. Pham answers that there has been no work done to bring anything up to code. Mr. Parcellin points out that everything presented tonight is the same as the last application.

Mr. Gaynor asks Mr. Pham several questions regarding the property plans. Mr. Pham confirms to the Board that there will be a septic system for six (6) or seven (7) units on a new lot eventually, that the dilapidated dwelling in the back will be raised later, not now and that an architect redesigned the lots to be combined but those plans have not been approved. Mr. Gaynor reminds Mr. Pham of the discussion the Board had with their attorney, Mr. Alfieri, in the summer of 2018 regarding the abutter's lot line possibly being moved. Mr. Gaynor asks if this has been discussed with the abutter and Mr. Pham answers that the lot lines are not an issue. Mr. Gaynor asks the pleasure of the Board.

Mr. Joy feels that there needs to be a new certified plot plan submitted with correct lot lines. Mr. Parcellin confirms with Mr. Pham that nothing new is being built, that everything is just existing with no changes. Mr. Parcellin explains that the Board was looking for certain changes since the last time the Phams were applying for six (6) units. Mr. Pham answers that nothing has changed, the sprinkler system will be installed sometime. The pool house is still unoccupied and will remain an accessory structure. Mr. Pham agrees to have the large, condemned accessory structure (barn) raised within the year.

The Board agrees, and Mr. Gaynor informs Mr. Pham that he must meet with the Building Inspector again as there are requirements that must be met in regard to building codes (780 CMR), safe guards and so on. Changes must be done as soon as possible. A special permit cannot be approved with the property in its current state.

Motion to continue Petition #886 for 30 days (February 11, 2019) to give the applicants a chance to meet with the Building Commissioner, to get a new certified plot plan and bring the property up to code:

MOTION: Gerald Joy
SECOND: Peter Parcellin AIF
Passes: 4-0-0

Appointment:

7:15pm – Petition #887 – Matthew and Kimberly Campbell – 112 Fuller St, Special Permit for In-law Apartment

Present: Matthew & Kimberly Campbell (owners), Richard Sawter (Kimberly's father - Pembroke)

Chairman Gaynor reads the Public Hearing Notice and application into record. Matthew Campbell presents the petition using photos and a plan. He clarifies their location. Mr. Campbell points out the existing house with farmer's porch that was built in 1994 and has an existing variance of 45 feet in the front when they bought the house 15 years ago. He explains that this is a retreat lot, points out the septic system and the street. Mr. Campbell explains that they are turning their kitchen into a master bedroom with bathroom and walk-in closet. They are adding a kitchen onto the back of the house to replace the existing kitchen and changing the existing bathroom into a half bath / laundry room. The hallways would be made wider to accommodate Mr. Campbell's mother-in-law's wheelchair. The in-law apartment would have a separate entrance, a shared den, kitchen and bedroom off the back with standard shower and walk-in closet. They would also share an office space. The in-law will be single-story. The existing house is a two-story with two bedrooms and a full bathroom upstairs. They will mimic the existing front porch to the new in-law's access into the house. There are two openings inside the house for shared living space: six (6) foot opening and five (5) foot opening. Mrs. Campbell presents the Board with copies of their certified plot plans.

Mr. Campbell explains that this is a six-acre lot with a 50-foot setback because of the retreat lot. He explains that they are looking to build a stand-alone, two-car garage with storage, no water and no septic, just power. The architect redesigned their original plans and slid the in-law addition back, directed by the Building Inspector, to meet the 50-foot setback for their retreat lot.

The Board agrees that everything meets the by-laws; Nobody has concerns or questions. Abutters have been contacted and are all in favor of the project.

Motion to waive the on-site inspection for Petition #887:

MOTION: Gerald Joy
SECOND: Peter Parcellin AIF
Passes: 4-0-0

Motion to accept Petition #887 as presented:

MOTION: Peter Parcellin
SECOND: Gerald Joy AIF
Voice Vote: Robert Gaynor – Yes; Gerald Joy – Yes; Peter Parcellin – Yes; Robert Durgin – Yes;
Passes: 4-0-0

The Board signs the Decision Form.

Correspondence:

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

- Letter from Building Inspector dated 11/28/18 regarding a proposed wireless communications facility at 285 Holmes Street
- Water Commissioner's Meeting Schedule for 2019
- Decision Letter from Planning Board dated 1/3/19 regarding the lighted sign (Petition #884) at 355 Plymouth Street (Dunkin' Donuts).

Bills:

The Board signs all bills.

1. Plympton-Halifax Express, Petition #886 Advertisement = \$84.00
2. Plympton-Halifax Express, Petition #887 Advertisement = \$84.00
3. W.B. Mason, Office Supplies = \$15.70

Other Business/Discussion:

- Conflict of Interest forms are signed by each member and returned to the secretary to be submitted to the Town Clerk.
- The Board reads into record and reviews the 2018 Annual Report and approves to submit the report to the Board of Selectmen.

Adjourn:

Motion to adjourn meeting:

MOTION: Gerald Joy
SECOND: Peter Parcellin AIF
Passes: 4-0-0

It was unanimously voted to adjourn the meeting at 8:02 p.m.

Documents:

1. Agenda – 1/14/2019
2. Meeting Minutes – 12/10/2018
3. Public Hearing Notice – Petition #886
4. Memo from Building Commissioner with Stipulation Requirements – Petition #886
5. Application packet – Petition #886
6. Public Hearing Notice – Petition #887
7. Application packet – Petition #887
8. Decision Form – Petition #887
9. Letter from Building Inspector - 11/28/18 - proposed wireless communications facility at 285 Holmes Street
10. Water Commissioner's Meeting Schedule for 2019
11. Decision Letter from Planning Board - 1/3/19 - lighted sign (Petition #884) at 355 Plymouth Street
12. Invoice - Plympton-Halifax Express advertisement for Petition #886
13. Invoice – Plympton – Halifax Express advertisement for Petition #887
14. Invoice – W.B. Mason – Office Supplies
15. Signed Revolving Bill Schedule – Petitions #886 and #887
16. Signed Expense Bill Schedule
17. Signed Conflict of Interest forms for four of six members
18. Zoning Board of Appeals 2018 Annual Report

Respectfully submitted,

Arlanna Snow
Zoning Board of Appeals Secretary

Date: 2-11-19



