



Halifax Zoning Board of Appeals

Meeting Minutes

Monday, May 3, 2021

The Halifax Zoning Board of Appeals held a public meeting/hearing on Monday, May 3, 2021 via Zoom hosted by Town Administrator Charlie Seelig with all Board members in attendance: Chairman Robert Gaynor, Vice Chairman Kozhaya Nessralla, Clerk Peter Parcellin, Members Gerald Joy, Robert Durgin and Alternate Member Dan Borsari (joined at 7:12pm).

Chairman Gaynor calls the meeting to order at 7:00pm and reprises the audience that this public hearing/meeting is being recorded. He explains the procedure and the protocol for public Zoom hearings per the Governor's order and takes a roll call of members in attendance.

BILLS

PH Express – Pet #938 – Advertisement #12413 = \$84.00
PH Express – Pet #939 – Advertisement #12414 = \$84.00
PH Express – Pet #940 – Advertisement #12415 = \$84.00
PH Express – Pet #941 – Advertisement #12416 = \$84.00
PH Express – Pet #942 – Advertisement #12417 = \$84.00
Amazon Business – Office Supplies – Invoice #146H-46FQ-3LHN = \$59.99

- M/Joy, S/Parcellin. Unanimously approved (5-0-0) by voice vote to accept and pay all PH Express invoices listed.
- M/Joy, S/Parcellin. Unanimously approved (5-0-0) by voice vote to accept and pay Amazon Business invoice.

APPOINTMENT

7:05pm – Hearing (Continued) Petition #933 – Scott Casagrande / 311-313 Plymouth St – Special Permit & Variance parking garage
Present: Scott Casagrande (applicant)

Chairman reads Public Hearing Notice into record. The Board did a site inspection on Saturday, May 1, 2021 with no deliberation, just a walk through. The Board discuss onsite and agree that due to the small, narrow lot, the proposed garage is placed in the only logical location. It cannot be moved as it will lose parking and fits the established character of the neighborhood. No commercial business will be conducted. Parcellin states Casagrande can meet all the requirements by decreasing the size of the building, however he agrees that the proposed building is placed in the best area on the lot. Parcellin was not present at the site visit. His concern is the hardship and if Casagrande needs the building to be at this proposed size. Casagrande is relatively close to an acre. States the town allows for 25% lot coverage which he falls well under. Casagrande explains that topography prevents him from reshaping the building. Casagrande informs the Board of his water issues on the lot however he has an approved site plan with drainage resolved. Parking spaces will not be rented, this garage is for personal use only. The building will be heated and will have electricity and water. (Borsari joins meeting.) Borsari agrees with Parcellin. Chairman doesn't see this derogates from the Bylaw or will be detrimental to the established character of the neighborhood. Casagrande states that this building is in the Business District but will be for personal use only.

- M/Durgin, S/Joy. Approved (4-1-0) by voice vote (Gaynor - Yes, Nessralla - Yes, Parcellin - No, Joy - Yes, Durgin - Yes) to accept Petition #933 with the condition that this garage will be for personal use only.

APPOINTMENT

7:30pm – Hearing (Continued) – Petition #936 – Ana Paula and Jose Tertuliano Filho, 12 White Island Rd – Special Permit and Variance for roof overhang and deck
Present: Jose Filho (applicant) and Joe Webby (Webby Engineering)

Chairman reads Public Hearing Notice into record. Filho explains proposed project. Proposed roof overhang is 10' x 16' and only used to cover his grill. Proposed 10' x 20' deck with requested variance of 50' to 40' from Monponsett Street. The roof construction was already started, but not the deck. This is a 3,000+ square foot lot. Currently there is a 3' x 4' deck which will be removed for new deck.

- M/Joy, S/Durgin. Unanimously approved (5-0-0) by voice vote to waive the on-site inspection for Petition #936.

Webby confirms that the deck is being expanded by 6 feet. States the bank issues are for Conservation as Conservation has a no structure within 50 feet of a resource area which, in this case, is an inland bank. Therefore there is 50 and 100 feet on the plan. Chairman responds to public comments that the lot is grandfathered so the hardship for a variance is the size of the property, the topography, and restrictions on the lot. He adds that he doesn't think this will be a detriment to the established character of the neighborhood, would only benefit from this project and because of the size and shape and the two frontages will not be detrimental to the intent of the Bylaw. Parcellin states the application asks for extension and continuation of the non-conforming use.

- M/Joy, S/Nessralla. Unanimously approved (5-0-0) by voice vote to accept Petition #936 as presented.

APPOINTMENT

7:55pm – Hearing – Petition #938 – Anthony Curtin / Curtin Bros, 640 Plymouth St – Amendment to Special Permit for existing underground fuel storage to above ground fuel storage

Present: Anthony Curtin (applicant)

Chairman reads Public Hearing Notice into record. Curtin presents project. Has license for underground storage of 50,000 gallons and would like to amend this to above-ground. Nothing else will change on the license issued by the State of MA he has from 1979 - it will remain 50,000 gallons of motor fuel, 500 gallons of lube oil, 300 gallons of heating oil for the garage and 150 gallons of anti-freeze. Only difference is move to above-ground. Chairman asks Curtin if he has an approved site plan review. Curtin responds that he has a scheduled meeting with the Planning Board coming up. Chairman explains that, according to the Town's Land Use Counsel Attorney Kwesell's opinion, Mr. Curtin will need an approved site plan review first. Curtin agrees to a continuation.

- M/Nessralla, S/Durgin. Unanimously approved (5-0-0) by voice vote to continue Petition #938 to July 12, 2021 at 7:05pm.

OTHER BUSINESS

Board reviews all other business items with no discussion.

40B Comprehensive Permit – Country Club Estates – Petition #920 – 7pm 5/19/21 via Zoom

Sexual Harassment Policy 2021 – Town of Halifax - Signatures

APPOINTMENT

8:20pm – Hearing – Petition #939 – St. Peter Auto Group / Allen & Derek St. Peter, 416 Rear Plymouth St – Special Permit for change of use to auto repair, mechanical business in business zone

Present: Allen St. Peter (applicant), Patrick Maloney (owner) and Joe Webby (Webby Engineering)

Chairman reads Public Hearing Notice into record. Chairman states he has concerns with the building and the septic system. St. Peter responds that the septic has been upgraded. Chairman states he doesn't believe this has been done yet. Landlord is Patrick Maloney and St. Peter believes he has had the septic upgraded. St. Peter states this is in the Halifax Park Plaza. Chairman explains the current septic system is on an easement and Maloney was in the process of completing septic on his own property. St. Peter was told by Maloney that he was making significant improvements to the main building, and this is a 2,400 square foot metal building in the rear and the existing septic system goes way out into the woods. The building is detached and there is currently no bathroom. Chairman states there must be a septic system. St. Peter informs the Board that he is not the owner of the property but the landlord, Maloney, is tackling the site plan review. St. Peter explains that there is a site plan that was given to him by Maloney. Chairman explains to St. Peter that the site plan must be approved by the Planning Board before the Zoning Board can hear his petition, per Attorney Kwesell's opinion. Maloney joins meeting and he is informed by the Chairman what is necessary. Webby explains that there is adequate soil testing in the area behind the building and a septic plan has been completed and is almost ready to submit to the Town, however there is no septic system for this building. Webby wasn't aware there was a need for a site plan review for this project.

- M/Durgin, S/Parcellin. Unanimously approved (5-0-0) by voice vote to continue Petition #939 to July 12, 2021 at 7:20pm.

APPOINTMENT

8:45pm – Hearing – Petition #940 – Stephen Gillis, 22 Colby Dr – Special Permit or Variance to continue non-conforming use of pre-existing in-law

Present: Stephen Gillis (applicant)

Chairman reads Public Hearing Notice into record. Gillis explains he purchased home in 1990 with an approved in-law from 1984/85. Septic system was installed. There is no shared opening but was told the in-law is grandfathered in as it came before the Bylaw for in-law was added. Gillis is selling the home and the buyer needs the permit for the in-law. Lot is 60,000 square feet, roughly. Gillis has

always had relatives in the in-law. When purchased, the home was a single-family with in-law. Letter from Building Inspector Tom Millias dated December 4, 2008, verifying the in-law was inspected and was unoccupied and a viable in-law with no special permit. The home and in-law are two separate units. Separate septic and heat. Water is only shared utility. Assessor's property card states there is a grandfathered in-law as a separate residence. There is a basement in the in-law with no connection to home unit. New owners will have immediate family members residing in the in-law.

- M/Parcellin, S/Durgin. Unanimously approved (5-0-0) by voice vote to waive the on-site inspection for Petition #940.
- M/Durgin, S/Nessralla. Unanimously approved (5-0-0) by voice vote to accept Petition #940 as presented with the condition that the new owners will renew in five (5) years.

APPOINTMENT

9:10pm – Hearing – Petition #941 – Gary & Stacey Villiard, 63 Carver St – Special Permit and Variance to renovate existing home and put on addition

Present: Stacey Villiard (applicant), Joe Webby (Webby Engineering) and Alan Dias (Board of Health and Planning Board)

Chairman reads Public Hearing Notice into record. Villiard presents proposed project. 8' x 10' addition, which will square off the back of the house and a 6' x 8' open front porch which will go closer to the street. Lot is 2.22 acres. Eventually, once renovation is complete, the Villiards will be moving into residence. Dias informs the Board that perc tests were done to this parcel with existing home and the Villiards will be submitting plans for septic system, but site plan review will be necessary for new structure (Petition #942). Dias' opinion is that the Board can act on this Petition as there is no question that there will be a septic and doesn't believe Zoning Board would need to condition a permit on a septic system. Chairman agrees and Durgin states according to Attorney Kwesell, septic is not under the Zoning Board purview and believes the Board can act on this petition. Durgin thinks a renovation would certainly be an improvement. Joy agrees. Parcellin wishes the Bylaw clearly stated if there was a clear line saying if one were renovating a property, apply to the Zoning Board for a special permit for a non-conforming structure, however Attorney Kwesell informed the Board that the Bylaw says the decision falls under the jurisdiction of the Zoning Board of Appeals.

Richard Nolan and Aldeen McGee, 50 Carver St - have no problems with renovations to the existing home but concerned with the next permit (Petition #942).

Linda Parent, 54 Carver St - renovation would be a big improvement to the home and would add to the property value.

- M/Durgin, S/Nessralla. Approved (4-1-0) by voice vote (Gaynor - No, Nessralla - Yes, Parcellin - Yes, Joy - Yes, Durgin - Yes) to waive the on site inspection for Petition #941.
- M/Nessralla, S/Durgin. Approved (4-1-0) by voice vote (Gaynor - No, Nessralla - Yes, Parcellin - Yes, Joy - Yes, Durgin - Yes) to accept Petition #941 as presented.

APPOINTMENT

9:20pm – Hearing – Petition #942 – Gary & Stacey Villiard, 63 Carver St – Special Permit to construct pole barn and store and process wood

Present: Stacey Villiard (applicant), Joe Webby (Webby Engineering) and Alan Dias (Board of Health and Planning Board)

Chairman reads Public Hearing Notice into record. Villiard informs the Board that they are a small property maintenance and small tree company. Husband Gary has been in Halifax for over 30 years doing this business. Looking for a place to have home and business in the same location. Operating hours will be 9am -5pm Monday - Friday. They will sell firewood so need a permit to process firewood (cut and split). Do not sell anything as far as landscaping supplies, only firewood. Chairman asks the Board about a mixed-use situation with a residential home and business in a business zone. Villiard did not yet apply for site plan review but plan to do so. Going with the advice from Attorney Kwesell, site plan approval must be obtained before a special permit should be granted from the Zoning Board. Applicant agrees to continuation.

- M/Durgin, S/Nessralla. Unanimously approved (5-0-0) by voice vote to continue Petition #942 to July 12, 2021 at 7:35pm.

ADJOURN

M/Joy, S/Parcellin. Unanimously approved (5-0-0) by voice vote.

DOCUMENTS:

1. Agenda for 5/3/21
2. PH Express Invoices – #12413, #12414, #12415, #12416 and #12417

3. Amazon Business Invoice #146H-46FQ-3LHN
4. Revolving Bill Schedules for PH Express Ads – Petitions #933, #936, #938, #939, #940, #941 and #942
5. Revolving Bill Schedule for Amazon Business
6. Application Packets – Petitions #933, #936, #938, #939, #940, #941 and #942
7. Sexual Harassment Policy 2021

Respectfully submitted,

Date: 7/12/2021

A handwritten signature in black ink, appearing to read "Kozhaya Nessralla". The signature is fluid and cursive, with a large initial 'K' and 'N'.

Kozhaya Nessralla, Vice Chairman
Halifax Zoning Board of Appeals