



Halifax Zoning Board of Appeals Meeting Minutes May 6, 2020

The Halifax Zoning Board of Appeals held a special public hearing on Wednesday, May 6, 2020 via Zoom (hosted by Town Administrator Charlie Seelig) with all Board members in attendance: Chairman Robert Gaynor, Vice-Chairman Kozhaya Nessralla, Clerk Peter Parcellin, Member Robert Durgin, Member Gerald Joy and Alternate Member Dan Borsari.

Chairman Gaynor calls the meeting to order at 7:00pm and reprises the audience that this public hearing/meeting is being recorded. He also explains the procedure and the protocol at the public hearings.

Appointment:

7:00pm – Petition #920 – Country Club Estates - Hearing

Chairman Gaynor and the Board discuss letter from Amory Engineers/Pat Brennan dated March 2, 2020 with attached proposed Scope of Services and Cost Estimate. The Board votes **unanimously to accept Amory Engineering as their consultant for Country Club Estates (40B) Comprehensive Permit**. Voice Votes as follows: K. Nessralla – Yes; P. Parcellin – Yes; Gerald Joy – Yes; Robert Durgin – Yes. **Passes 5-0-0.**

Paul Cusson, Delphic Associates - representative for applicant Country Club Estates (Joseph Peck) is present remotely. He states that there is no objection to Amory Engineering on their part. Requests a copy of Amory's proposal (scope of services and cost estimate). He further states that Silva Engineering will be representing from an engineering point of view.

Gaynor states that due to the pandemic, the Board does not feel a proper presentation can be made for Country Club Estates via Zoom so would like to continue to a future date.

Cusson asks Gaynor if the hearing has been officially opened for Country Club Estates to which Gaynor responds first yes, then no it has not. Joseph Peznola introduces himself as being retained by Halifax under the Mass Housing Partnership Technical Assistance (grant) program to help the Zoning Board/Town navigate the process of this comprehensive permit as a consultant/facilitator/advisor. He is here to make sure the peer review gets done and to answer questions. At the first hearing he gives a general overview of a 40B and helps the Zoning Board organize their thoughts and the structure of the meeting. There is a 180-day time limitation from the opening to the close of the public hearing. Peznola helps organize the process and make it as efficient as possible as the Zoning Board is taking on the role of all the other Boards in the town. Once the hearing is closed, Peznola will work with Attorney Kwesell to make sure that proper conditions are memorialized in the decision and that the Board is as informed as they need to be to make a decision.

Peznola states that the Board is not opening the hearing, they are "tabling" the matter at this time. The applicant has provided an extension to open the hearing and Peznola suggests that the applicant submit an additional extension due to the governor's order. Cusson states that they would be glad to issue an extension due to the governor's current stay-in-place order that expires on May 18, 2020. Given this situation but doesn't know if it's entirely necessary as the Board has 30 days to open a hearing from May 18th. Peznola suggests that the applicant grant the extension regardless. Cusson responds that they will send this extension out tomorrow.

The Board discusses a date to hold the hearing for Petition #920. It is decided by all members, Joe Peznola and Paul Cusson that June 17, 2020 works for all to hold the meeting. **M/Parcellin, S/Nessralla to table Petition #920 until Wednesday, June 17, 2020 at 7:00pm and that the applicant submit an extension letter with all in favor.**

Cusson wonders if it makes sense for engineers to have discussions between each other to answer each other's questions regarding this project so that they will be ahead of the game when the hearing officially opens on 6/17/2020. Gaynor feels that everything should be presented in the hearings. Peznola responds that they need to be careful getting too much into the public record before the 40B hearing is opened. Findings of the peer review can be complete and read into record at the open of the hearing. Additional interaction between engineers may be premature and Peznola would like input from Attorney Kwesell before that goes too far. In order to make up some time for the applicant, getting monies in and getting Amory going is feasible. Attorney Kwesell will have to give them more input on anything else. Cusson confirms with Peznola that Amory Engineers can do their initial review and submit their comments as it would be a big help.

Seelig explains that Amory Engineers can continue to do their peer review with abutters', members' and/or other interested parties' input which gets integrated into the peer review process. Peznola confirms this and states that this may increase the cost of the peer review which they will stay on top of. Any increase in expenditures will be shared with the applicant and, if necessary, requests of supplemental funds can be made. Cusson states that it's not unusual for a review to be an on-going process as the peer review not only happens during the hearing process but even after the ZBA issues the decision, usually with several conditions which need to be addressed. The applicants are prepared to absorb any costs due to any possible inefficiencies.

To answer questions from resident Amy Troup (who is present via Zoom), Gaynor confirms that the cost goes to the applicant for engineer's peer review. Gaynor also confirms that he received an abutter's letter. Gaynor states that they will send a letter to Attorney Kwesell to keep her apprised of everything.

Peznola states that the Boston Public Improvements Commission recently had a public meeting abiding by the restriction on gatherings as a point of information and explains how meetings were set up and organized due to pandemic and social distancing, government restrictions. This may be something the Board would like to discuss in advance. Seelig will look into getting a much larger meeting room – the multi-purpose room in the school.

Adjourn:

M/Nessralla, S/ to adjourn this meeting at 7:31pm and continue to June 17, 2020 in the Great Hall with all in favor.

Documents:

1. Public Hearing Notice – Petition #920
2. Application Packet – Petition #920
3. 3/2/2020 - Amory Engineers Scope of Service and Cost Estimate with attached letter from Pat Brennan
4. 5/6/2020 – Note from abutters Algers sent to Chairman by Amy Troup

Respectfully submitted,

Date: 06/01/2020



Robert Gaynor, Chairman
Kozhaya Nessralla, Vice-Chairman
Zoning Board of Appeals