



Halifax Zoning Board of Appeals Meeting Minutes October 3, 2022

The Halifax Zoning Board of Appeals held a public meeting/hearing on Monday, October 3, 2022 in the Board of Selectmen's Meeting Room at Halifax Town Hall, 499 Plymouth Street, Halifax, MA with the following Board members in attendance: Vice/acting Chairman - Kozhaya Nessralla, Clerk – Peter Parcellin, Members – Gerald Joy, Robert Durgin and Tina Kenyon; Associate Member – Marline Amedee.

Vice / Chair Nessralla calls the meeting to order at 7:00pm.

APPOINTMENT

7:00pm – Hearing – Petition #980 – Nancy & George Gonsalves, 102 Hayward Street – Special Permit for Existing In-Law

Present: Nancy Gonsalves (applicant)

Parcellin reads Public Hearing Notice into record. Nancy presents her petition for a special permit renewal for her existing in-law. No changes are taking place. Currently there are family members residing in the in-law.

- M/Joy, S/Kenyon. Unanimously approve (5-0-0) Petition #980 as presented. (Voice Vote: Durgin – Yes; Parcellin – Yes; Joy – Yes; Kenyon – Yes; Nessralla – Yes)

Board signs decision form.

APPOINTMENT

7:05pm – Hearing – Petition #982 – R&J LLC, 0, 314 Plymouth Street – Special Permit for Light industrial/storage in Business Zone

Present: Frederick McCarthy and Chris Petersen (Field's Capital and self-storage developer representing R&J LLC) Larry Silva (civil engineer at Silva Engineering), Robert and Joe Peck (applicants, R&J LLC)

Kozhaya Nessralla recuses himself.

Parcellin reads Public Hearing Notice into record. Booklets of proposed project are handed out to Board and audience members. McCarthy explains he and Petersen are contracted to build the property for R&J LLC. Property is zoned Business which doesn't allow for self-storage without a special permit. Storage is in demand for Halifax and is usually considered a "good neighbor;" It increases property tax rolls but does not increase school enrollment; Traffic is light and resides in a typically quiet neighborhood. R&J LLC has withdrawn their 2020 application for a 40B project without prejudice at this property. There was a self-storage project proposed in 2021 on this property by someone who was looking to purchase the property, however they withdrew. McCarthy explains they have read through all the meeting minutes from 2021 and it seemed that the reason that project did not go through was not the use but the location of the building from the street, the size of the building and the aesthetics. McCarthy has taken those notes and they've had Silva Engineering redesign the project. McCarthy refers to page two (2) of handout booklet. For this project, the first proposed building is 400 feet back from the street and the other buildings are even further away. The proposed building will be eight (8) buildings; seven (7) of those buildings will be one (1) story and the largest one-story building will be 5,400 square feet. The 8th building, the largest, will be 18,000 square feet and will be two (2) stories. They applied to Planning Board to address the size of the building. The design of the proposed buildings will have a classic New England red barn look. Referring to page seven (7), the view of the buildings from the street is obscured due to the proposed location and landscaping.

Joy brings up the Board's concern with the traffic light at the entrance. The entrance will be lined up with the Stop & Shop entrance/traffic light. The entrance will be two (2) lanes in and two (2) lanes out to prevent any traffic buildup. Joy discusses drainage/water damage. Silva explains that the new driveway for this proposed storage will be a shared entrance opposite the light. When R&J applies to the Board down the line for a commercial use for the property, a driveway easement would be given from this property to the other to help make sure this works well in the intersection. Silva discusses the drainage issues. Silva states that he has become very friendly with resident Tina Alger, whose property abuts these properties. Silva further explains that he has formulated the drainage design based on making sure they are improving the drainage on the Alger property. Silva, referring to the drawings, presents the drainage plans. He points out where a large detention basin is proposed to handle the water that comes from the entrance road. There is also a pipe that comes from the Tonello property into an existing ditch that follows its way through to the Alger property. This detention basin is almost twice as large as what was planned for the 40B project to make sure they were able to reduce the amount of water that heads in that direction. There are also proposed improvements on the Alger property to capture, pipe and remove the water from the area which discharges to the golf course and down into the pond. This water is not the majority of the drainage. The majority of the drainage is being collected and brought down to be discharged to a detention basin that discharges into the golf course as well, as golf courses need water for their ponds. The proposed project does not negatively impact the existing or future character of the neighborhood, rather it enhances it; it takes care of current drainage issues, and the use helps with taxes while not being a big demand on the Town.

Silva understands that they need final design approval from Planning Board and Conservation and is asking if the ZBA will allow for this requested use (i.e. approve the special permit) with the contingency that the site plan and drainage are approved by the Planning Board and Conservation Commission. Joy responds that R&J LLC is premature coming to the ZBA with this requested use as the ZBA will not vote on anything before the site plan is approved. Durgin and Parcellin agree. Joy adds that it sounds and looks like there have been a lot of improvements planned for the site and prior issues have been addressed. Alger has not seen the plans yet. R. Peck references displayed plans to clarify drainage and to show the location of the pond. Silva explains that the septic requirement for this project is very small. Septic and reserve area are located on the property with very little flow. The three (3) buildings that face the street have the red barn façade while the remaining five (5) buildings are white corrugated metal. Peck adds that he and his brother will be buffering the view between the golf course and storage buildings. There are 25-foot aisles between each building and the end caps are 30 – 35 feet apart. Silva informs the Board that two (2) lots, Lot A and Lot B, have been created and approved by the Planning Board and have required frontage. All lots are owned by R&J LLC. Lots have been recorded with the Registry of Deeds. Parcellin asks about access to back lot and what the lighting plan will be. Lighting plan is shown to the Board. As for access, McCarthy explains access hours and office hours. Office hours are typically 8am to 6pm Monday through Saturday and 12pm to 4pm on Sunday. Access hours would most likely be 6am to 10pm.

Robert Gaynor asks why all the buildings cannot have the red barn façade to remain within the character of the neighborhood. McCarthy explains it's due to cost as a red barn look is more expensive. However, McCarthy explains that there will be trees and bushes planted and the white buildings will not be seen from the street. The only people that will see the white storage buildings, as they are set back, will be the customers. Gaynor is concerned as these buildings would be in the center of town. Gaynor asks if there will be fire restrictions and sprinkler systems required due to the location of the buildings and how far back they are being proposed. Gaynor asks if there will be any issues with the fire truck access. Silva explains that all these points will be addressed during their site plan review and that they will satisfy the Fire Department. McCarthy confirms that all eight (8) buildings will be storage except for the front office which will be retail-specific to storage. There will be 400 units. Per Petersen, the larger building will be a two-story climate-controlled building with a single-loading area. The units will range from 5' x 5' to 20' x 20'. There is about 49,000 square feet of gross area throughout the eight buildings. There will be no outside storage. There are 20 parking spaces for customers, not for storage use. Peck states they are trying to maintain the integrity of the area. The storage company is called Extra Space Storage which is the 3rd largest storage company in the country. R&J LLC are a third-party in respect to running the facility but will not necessarily run the storage on a day-to-day basis. This will be done by Extra Space. Silva explains that the future proposed Urgent Care facility will have an easement for access, but the detail of the design is being handled by a different civil engineering company. Urgent Care is not part of this application. Petersen describes the detail of the larger building.

- M/Parcellin, S/Kenyon. Unanimously approve (5-0-0) to continue Petition #982 to December 12, 2022 at 7:00pm. (Voice Vote: Durgin – Yes; Parcellin – Yes; Joy – Yes; Kenyon – Yes; Nessralla – Yes)

APPOINTMENT

7:10pm – Hearing – Pet #977 – Ghasson Tanous & Carol Dowd, 20 Holmes Street – Special Permit & Variance to raze and rebuild single-family home

Present: Ghasson Tanous and Carol Dowd (applicants), Joe Webby (Webby Engineers)

Parcellin reads Public Hearing Notice into record. Joy reports findings from the on-site inspection on 10/1/22 stating that due to the topography of the land, the proposed home cannot be built in any other location. There is no Conservation issue for this property. Durgin agrees and reports that it is the best location due to the water and large embankment.

- M/Joy, S/Durgin. Unanimously approve (5-0-0) Petition #977 as presented. (Voice Vote: Durgin – Yes; Parcellin – Yes; Joy – Yes; Kenyon – Yes; Nessralla – Yes)

Board signs decision form.

APPOINTMENT

7:15pm – (Continued) Hearing – Petition #978 – Bruna DiCosta, 22 Colby Drive – Special Permit for a two-family

Present: Luthero de Aguiar Filho (applicant's boyfriend, representative)

Parcellin reads Public Hearing Notice into record. Joy reports findings from the on-site inspection on 9/24/22 stating that everything is separate – entrances, electric and septic. The Board discusses if the water should be separated for any future sale. The Board agrees that this should not be sold as two separate apartments in the future. Joy believes the applicant has done everything right to turn this into a two-family. The Board is concerned for future in-laws in town who may ask to do the same. Parcellin states his concerns approving this special permit for a two-family due to the change in the established character of this neighborhood as well as setting a precedent for future in-laws but appreciates what the applicant is requesting. Joy states that he doesn't believe it would be cost-effective for most to change an in-law into a two-family; Joy believes this would be rare. Amedee states that every situation is different, and the Board shouldn't base this application on possible future applications or what has already transpired. Joy agrees and states that this property predates the Halifax Zoning By-law for in-law apartments. There have been no neighbors and/or abutters present at meetings speaking in opposition of this application.

- M/Joy, S/Kenyon. Petition #978, with the condition that this will not be sold as a condominium, is denied (3-2-0). (Voice Vote: Durgin – No; Parcellin – No; Joy – Yes; Kenyon – Yes; Nessralla – Yes)

The Board signs Decision Form.

BILLS

- M/Parcellin, S/Joy. Unanimously approve (5-0-0) to accept all bills. (Voice Vote: Durgin – Yes; Parcellin – Yes; Joy – Yes; Kenyon – Yes; Nessralla – Yes)

MEETING MINUTES

- M/Parcellin, S/Durgin. Unanimously approve (4-0-1)* Meeting Minutes for September 12, 2022. (Voice Vote: Durgin – Yes; Parcellin – Yes; Joy – Yes; Nessralla – Yes) *Kenyon was absent from this meeting.

CORRESPONDENCE

The Board reviews mail items.

OTHER BUSINESS

By-Law Committee Review Update

Joy informs the Board that nobody showed up for the last posted meeting. Kenyon states that the meeting is scheduled for next Tuesday.

Comments to Planning Board for 0 & 592 Plymouth Street – Site Plan Review and Hilda Lane Subdivision Modification

Unidentified residents state they are present to discuss this agenda item. The Board informs the residents that 0 & 592 Plymouth Street is not before the Zoning Board of Appeals, it is before the Planning Board for site plan review. The reason for this agenda item is that the Planning Board distributed a copy of the site plan to the ZBA for comment. Resident, who states that she lives across from this property on Clyde O’Bosworth, explains that she was present when this project was denied by the Planning Board earlier this year as the applicants did not show up for their hearing and it was explained by a Planning Board member to residents at the hearing that if the Planning Board didn’t deny the site plan at that time, the applicants would get automatic approval. Resident goes on to say that they were informed at said Planning Board meeting that the applicants for this project could not reapply for two more years and wonders why the applicants are now moving forward/reapplying. The Board explains that the two-year rule applies to special permits, not site plans. The residents look at the site plans submitted to the Zoning Board. Kenyon comments that she has seen trees being removed already from behind the site and she is also concerned about the increased traffic.

ADJOURN:

- M/Joy, S/Kenyon. Unanimously approved (5-0-0) to adjourn at 8:26pm with all in favor. (Voice Vote: Durgin – Yes; Parcellin – Yes; Joy – Yes; Kenyon – Yes; Nessralla – Yes)

DOCUMENTS

1. Agenda for 10/03/22
2. Application Packet – Petition #980
3. Application Packet – Petition #982
4. Application Packet – Petition #977
5. Application Packet – Petition #978
6. Meeting Minutes – 9/12/22
7. Revolving Bill Schedules – 10/3/22, PH Express – Pet #980, 981
8. Expense Bill Schedule – 10/3/22, W.B. Mason
9. PH Express Invoices for Ads #13651 and 13652
10. W.B. Mason Invoice #232644314
11. 9/13/22 – Email w/ attached Public Hearing Notice – 0 & 314 Plymouth Street – Special Permit for storage facility
12. 9/19/22 – Email w/ attached plans from Planning Board – 0, 312 & 314 Plymouth Street – Form A approval
13. 9/26/22 – Email w/ attached plans from Planning Board – 6 & 8 Hilda Lane – Subdivision Modification
14. 9/27/22 – Email w/ attached plans from Planning Board – 0 & 592 Plymouth Street – Retail / Office Site Plans
15. 8/17/22 – Email from Town Counsel Attorney Hucksam

Respectfully submitted,

Date: 11/14/2022



Vice-Chairman, Kozhaya Nessralla
Halifax Zoning Board of Appeals