



# Halifax Zoning Board of Appeals Meeting Minutes Monday, March 14, 2022

The Halifax Zoning Board of Appeals held a public meeting/hearing on Monday, March 14, 2022 in the Selectmen's Meeting Room at Halifax Town Hall, 499 Plymouth Street, Halifax, MA with the following Board members in attendance: Vice-Chairman - Kozhaya Nessralla, Members - Robert Durgin, Tina Kenyon and Associate Member - Dan Borsari (remote). Clerk – Peter Parcellin and Member Gerald Joy are absent.

Vice-Chairman Nessralla calls the meeting to order at 7:00pm and informs the audience that this meeting is being recorded. He also takes roll call of members present.

## **APPOINTMENT**

**7:05pm – Hearing (Continued) – Petition #960 – Joseph Podgurski, 49 Carver St – Special Permits for Pole Barn and Commercial Building with welding equipment use in a building zone (Filed 11/16/21)**

*Eric Dias, Strong Point Engineering Solutions and Applicants Joseph Podgurski Jr. and Joseph Podgurski Sr. (owners) are present.*

Dias presents updates to Petition. Dias goes over again what the applicants applied to the Zoning Board for back in 2021 – Special Permit for welding use and Special Permit for Pole Barn over 884 square feet. He explains that they were not aware, when they applied to Zoning, that they needed to start with the Planning Board. He adds that they have secured their approved site plan from the Planning Board and, through the site plan process, explains there were some changes made to the plan. Dias informs the Board of those changes: 1. Commercial building grew by one bay (25 feet) due to having to be sprinkled. 2. Held front yard setback and pushed building back away from abutters. 3. Driveway was moved over so it is pointed at the driveway of the abutter across the street rather than at their front door. 4. Pole barn was pulled forward 25 feet. 5. Stormwater Management changes – eliminated a retention basin (Amory Engineers approved) 6. Wooden guardrail was added at request of Planning Board.

Dias informs the Board that the Building Department wrote to the Planning Board (dated 2/17/22 but not given to Planning Board until 2/22/22) stating that the applicant needs a special permit from the Zoning Board for the Pole Barn as an Accessory Building as it exceeds 20% of the floor area of the Livable Ground Floor Area of the Principal Building (single-family home on adjacent lot). (\*Note: the Zoning By-Law Definition for Accessory Building states a structure that exceeds 25% of the floor area, not 20% as is stated on Jim Perry's Memo to the Planning Board.)

Durgin disagrees that the Pole Barn falls under an Accessory Building and feels that it's a garage. Durgin adds that if this is indeed correct, the applicants would have to apply for a special permit for an Accessory Building. Dias expresses that it's unfair to the applicant as this special permit was not identified by the Building Department when the applicant applied to the Zoning Board. (Re: Building Department's denial letter from 11/2021 which states the applicant requires a special permit for a pole barn as it exceeded 884 square feet.) Dias states that the Building Department / Perry may have been trying to be thorough but agrees with Durgin that this pole barn does not qualify as an Accessory Building.

Borsari agrees with the Building Department that the pole barn falls under an Accessory Building.

Kenyon expresses that she feels it is unfair that the applicant wasn't made aware of this special permit requirement sooner.

Durgin states that if the Building Department is requiring a special permit from the Zoning Board for an Accessory Building, the applicant must reapply. Dias is concerned if he doesn't, the applicant will be denied a building permit.

The Board discusses approving part of the application (Special Permit for Welding Use) and continuing the Special Permit for the pole barn in order to reapply for the Accessory Building special permit. The Board decides that they will continue the Petition to April to allow for application and advertisement for the Accessory Building special permit, applicant will prepare the site in the meantime.

- M/Durgin, S/Joy. Unanimously approved (4-0-0) to continue Petition #960 to April 11, 2022 at 7:00pm. (Voice Vote: Durgin – Yes; Kenyon – Yes; Borsari – Yes; Nessralla – Yes)

### **MEETING MINUTES**

- M/Kenyon, S/Durgin. Unanimously approved (4-0-0) the Meeting Minutes for Monday, February 14, 2022. (Voice Vote: Durgin – Yes; Kenyon – Yes; Borsari – Yes; Nessralla – Yes)

### **OTHER BUSINESS**

#### **40B Comprehensive Permit – Country Club Estates – Petition #920 – April 6, 2022 at 7pm**

Board would like to invite Alan Dias to the next meeting as the Board felt he was a great help in the past meetings when Dias was a member of the Board of Health.

#### **New Alternate/Associate ZBA Seat**

No discussion.

#### **Zoning By-Law Review Updates**

No discussion.

Kenyon adds that she has no comments on the site plans received by the Planning Board for 115 River Street / Solar and 319 Monponsett Street / Elevated Roots marijuana dispensary. Board agrees they have no comments.

### **ADJOURN:**

- M/Durgin, S/Kenyon. Unanimously approved (4-0-0) to adjourn at 7:31pm with all in favor. (Voice Vote: Durgin – Yes; Kenyon – Yes; Borsari – Yes; Nessralla – Yes)

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### **DOCUMENTS**

1. Agenda for 3/14/22
2. Application Packet with updated site plan and Building Department memo to Planning Board – Petition #960
3. Meeting Minutes – 2/14/22
4. Site Plans for 115 River Street and 319 Monponsett Street

Respectfully submitted,

Date: 4/11/2022



Vice-Chairman, Kozhaya Nessralla  
Halifax Zoning Board of Appeals