



Halifax Zoning Board of Appeals Meeting Minutes Monday, April 11, 2022

The Halifax Zoning Board of Appeals held a public meeting/hearing on Monday, April 11, 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, Clerk – Peter Parcellin, Members – Gerald Joy, Robert Durgin and Tina Kenyon. Associate Members Dan Borsari and Marline Amedee are absent.

Vice-Chairman Nessralla calls the meeting to order at 7:00pm.

APPOINTMENT

7:00pm – 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

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

Parcellin reads Public Hearing Notice into record. Dias gives a brief history of the process they've been through so far and states this is their third Zoning Board meeting, due to the Building Inspector's change of requirement from a special permit for the pole barn exceeding 884 square feet (as a garage/barn) to a special permit for an accessory building. Dias informs the Board that the only change made to the plans since the last meeting is on the cover sheet in the red box that determines the special permits required. Dias gives copies of the rendered landscape of property to each Board member. The applicant is scheduled to attend Board of Health and Conservation in the next week.

The Board asks questions. Dias confirms to Nessralla that there are two lean twos on either side of the pole barn. It is also confirmed to Durgin that the pole barn is strictly for personal use. Podgurski confirms to Joy that the square footage of the single-family dwelling on adjacent property is 1,492. The pole barn will have electricity, no running water. There will be running water in the Commercial building. When the Board and Dias question why the Building Inspector changed his mind on the special permit for the pole barn, Kenyon informs the Board that when she spoke with the Building Inspector, he told her he wanted to err on the side of caution as there is more than one use. Dias confirms to Kenyon that the pole barn, in the residential zone, is about eight (8) feet from the commercial zone, where the commercial building is proposed. Both properties where the single-family dwelling and the proposed commercial building and pole barn are located are owned by the Podgurskis under Carver Street Realty, LLC.

Dias confirms to the Board that the commercial building was made larger (just shy of 9,000 square feet) by adding a bay to the backside of the building but shifted the building back due to the sprinkler system, so they didn't get closer to the street. The only open space is on the backside of the building. The welding will occupy the rear-most portion of the commercial building along with the open space. The welding shop is 2,990 square feet. Parcellin asks for a comparison of this space to another commercial space in town. Dias states that there is a pole barn on the abutting property that is 6,500 square feet and adds that it is a pretty modest workspace. It is allowed by right in this zone, per Durgin. Welding will take place outside under the covered area on the backside of building. Rows of arborvitaes are located on top of a 5-foot berm along the street. This will not be seen from the street once the arborvitaes grow. Once again, Dias confirms that the driveway was shifted to prevent lights from shining into the home of the abutter directly across the street.

Parcellin asks about welding hours of work which Podgurski Jr. confirms is usually around 7am to 4pm or 5pm and it is also confirmed they will get minimal deliveries. Podgurski Jr. explains he does snow plowing as well however the Board is concerned with the welding work hours. The lighting plan is shown and explained to the Board. There will only be backlighting on the building, no pole lighting, they're at zero-foot candles all along the property; everything is shielded and pointed down, so no light goes beyond the property lines.

Board opens to audience. Unidentified abutter located across the street states concerns with lighting still shining into kitchen window of their home and is also concerned about rock/stone on driveway. Dias responds that this “driveway” is just a temporary construction entrance and not the final location of the driveway. The driveway will be shifted further east. Nessralla informs the abutters that the rock/stone is temporary. Dias adds that these are temporary tire scrubbers for construction vehicles, but this will be paved when complete. Abutters state they are fine with everything and that it’s all “going good, they are doing what they say.”

Robert Gaynor, resident of Pemmican Way, wonders if the Board could add a stipulation to the special permit that would require the Podgurskis to shield the lights on the building. Dias and applicants agree to this. Also, it is confirmed the driveway will be shifted 40 feet.

Parcellin questions the need for the pole barn to exceed 25% of the living area. Dias responds that it’s for their personal need, what the Podgurskis must store. Dias confirms again that this pole barn is for personal storage only – skid steer, motorcycles, etc. There will be no business use. Dias informs the Board that the septic system will be between the pole barn and commercial building. There is no other proposed landscaping separation, just grass.

The Board discusses conditions to put onto special permit for welding use. Podgurski Jr. confirms that they have four employees.

- M/Kenyon, S/Parcellin. Unanimously approved (5-0-0) Petition #960’s Special Permit for welding use in a commercial building in the business zone with the following conditions agreed upon by the applicant: 1. Neighbors will not experience noise effects of welding from 6:00am to 6:00pm on the exterior portion of the building and 2. Lighting will not affect the neighbors. (Voice Vote: Durgin – Yes; Kenyon – Yes; Joy – Yes; Parcellin – Yes; Nessralla – Yes)

The Board signs Decision Form.

APPOINTMENT

7:05pm – Hearing – Petition #965 – Joseph Podgurski, 49 Carver St – Special Permit for Pole Barn

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

Parcellin reads Public Hearing Notice into record. Durgin confirms there will be no livable area, just personal storage. Will have lighting inside, no running water. Durgin adds, and the Board agrees, that they are approving this special permit as it fits within the established character of the neighborhood as there are other buildings of this size in this neighborhood.

- M/Kenyon, S/Parcellin. Unanimously approved (5-0-0) Petition #965 with the condition that it is for personal use only. (Voice Vote: Durgin – Yes; Kenyon – Yes; Joy – Yes; Parcellin – Yes; Nessralla – Yes)

The Board signs Decision Form.

APPOINTMENT

7:10pm – Hearing – Petition #964 – Debra Trotta, 51 Paradise Ln – Special Permit & Variance for deck

Applicant Debra Trotta and husband are present.

Parcellin reads Public Hearing Notice into record. Trotta presents the project and explains that the current septic is located behind the house. They originally wanted to pull the house 10 feet from the water, but the septic must be 20 feet from the house. There is not much of a backyard which is why the deck is needed for entertaining without trampling over the vegetation in the backyard. There is no beach, just a straight drop. This will be a second-floor deck. The Board reviews the plans submitted. The house will remain inside the footprint, just need a variance for the deck. The house is 30 feet off the property line. Will be tearing the current house down and rebuilding. There will be a new septic system located in the front of the house which is why the house cannot be moved forward.

Robert Gaynor, resident of Pemmican Way, speaks to the project and states his opinion that it's clear there's a hardship due to the topography and size of the lot, is not detrimental to the established character of the neighborhood and does not derogate from the intent of the Bylaw. The Board agrees.

- M/Joy, S/Kenyon. Unanimously approved (5-0-0) to approve Petition #964 as presented. (Voice Vote: Durgin – Yes; Kenyon – Yes; Joy – Yes; Parcellin – Yes; Nessralla – Yes)

The Board signs the Decision Form.

APPOINTMENT

7:15pm – Hearing – Petition #966 – Ryan Walsh, 207 Cranberry Dr – Variance for addition

Owner Christina Walsh (Applicant's spouse) and certified engineer (representative) Gigi Maldon are present.

Parcellin reads Public Hearing Notice into record. Maldon presents the project. Maldon states the home is in the residential zone and side setbacks are 30 feet. Applicants are proposing to build a garage with a room above for their growing family. Currently they have a three-bedroom home, and their septic is designed for a four-bedroom which won't require any updates to the septic. Their hardship is due to topography and width of lot. Septic is located on the front of the property. Parcellin asks for clarification on why topography is an issue. Maldon explains that the house cannot be too close to the septic so this addition can only be constructed in the location it has been proposed. Durgin agrees and adds that the lot gets narrower, and the pool is in the back. Walsh confirms all neighbors are on board with addition.

Parcellin asks why the addition cannot be made smaller to fit within the setbacks, thus complying with the Bylaws. He understands it would be inconvenient, but the addition could be put on the back or made smaller to comply. Maldon explains that if they were to put the addition on the back, they would have to expose more of the existing foundation due to the grading of the land. This would then have less than four feet of coverage, which is against the building code. This home is a split-ranch and is placed in the center of the property. Maldon informs the Board no engineering was required for this plan, but she is representing the applicant and explains that the Walshes just want to grow their family and need the space applied for.

The Board agrees that a site visit will be helpful.

- M/Kenyon, S/Joy. Unanimously approved (5-0-0) to do an on-site inspection at 207 Cranberry Drive on Saturday, April 30, 2022 at 9:00am. (Voice Vote: Durgin – Yes; Kenyon – Yes; Joy – Yes; Parcellin – Yes; Nessralla – Yes)
- M/Durgin, S/Kenyon. Unanimously approved (5-0-0) to continue Petition #966 to Monday, May 2, 2022 at 7:05pm. (Voice Vote: Durgin – Yes; Kenyon – Yes; Joy – Yes; Parcellin – Yes; Nessralla – Yes)

MEETING MINUTES

- M/Kenyon, S/Durgin. Unanimously approved (4-0-0)* the Meeting Minutes for Monday, March 14, 2022. (Voice Vote: Durgin – Yes; Kenyon – Yes; Parcellin – Yes; Nessralla – Yes) *Joy was absent from this meeting.
- M/Parcellin, S/Durgin. Unanimously approved (5-0-0) the Executive Session Meeting Minutes for March 2, 2022 stating "these minutes will not be released until disclosure no longer defeats the purpose of the Executive Session." (Voice Vote: Durgin – Yes; Kenyon – Yes; Parcellin – Yes; Nessralla – Yes; Joy - Yes)

OTHER BUSINESS

Nessralla informs the Board that he received a call from someone regarding 100 Lake Street with two buildings – one in front of the other. Nessralla explains that the owner has gutted one of the buildings, he's replacing the roof and replacing the windows. Nessralla reminds the Board that the owner came before the Zoning Board in the past and the Board informed him, he would need to apply. The owner applied but his denial letter had expired so the owner withdrew his application and was informed by the Board he would need to reapply. He did not return. Building Inspector (Perry) gave owner a building permit to do the shingles on the house and to do the windows, however the owner has

gone further with the work he is doing. Nessralla spoke to the Building Inspector this afternoon who informed Nessralla that the owner has the right to fix his roof. Nessralla asked the Building Inspector about the additional work being done and about the lot in the back and the Building Inspector told Nessralla he would get back to him. Nessralla did not hear back. Nessralla thought the Building Inspector would go over to the property and give the owner a cease-and-desist order. Nessralla informs the Board that the Building Inspector gave the owner a building permit to do the roof and the windows, and the owner has been working inside the structure. Kenyon asks if the Board can formally ask the Building Inspector to inspect the property to see what's going on. Nessralla explains that an abutter who lives across the street complained to the Building Inspector stating there is more work being done that is not permitted. Nessralla adds that the owner of the property has done something to the foundation as well. Kenyon states she and Joy are going to see the Building Inspector at the Zoning By-Law Review Committee meeting this week and would like to discuss with him there to move things along more quickly.

- M/Parcellin, S/Kenyon. Unanimously approved (5-0-0) to forward the verbal complaint regarding 100 Lake Street to the Building Inspector/Zoning Enforcement Officer, to inspect the property and attend the next Zoning Board of Appeals meeting with his determination. (Voice Vote: Joy – Yes; Durgin – Yes; Kenyon – Yes; Parcellin – Yes; Nessralla – Yes)

Separate from the above issue, Kenyon informs the rest of the Board that she had a casual conversation on the soccer field with another resident of the Town who asked Kenyon about a property in town that is being used for broken down cars and a lot of other things. The resident informed Kenyon that this property has been complained about in the past. Kenyon goes on to say that she was told someone had gone out to look at the property, whether it was the current Building Inspector or the last Building Inspector, who told the owner to shut it down. The owner cleaned it up for a short time and now it's happening again. Kenyon asks the Board what the resident should do to get this property onto the agenda and adds that the resident is nervous about doing so. Parcellin informs Kenyon that the resident should email or call the Building Inspector with their concerns. Joy is familiar with the property Kenyon is referring to, but it is not identified in the meeting. Joy states that there are about six cars on the property which have plates on them but are not drivable and the police have come to the property in the past to tow a few of the vehicles from the woods. Joy goes on to say that the owner starts projects without finishing them. Joy gives additional examples of these unfinished projects on the property. Joy adds that this property has been in front of the Board of Selectmen in the past as well.

40B Comprehensive Permit – Country Club Estates – Petition #920

Nessralla confirms with the Board that this public hearing was continued, per the applicant's request.

Zoning By-Law Review Updates

No discussion.

BILLS

Board approves all bills.

- M/Parcellin, S/Durgin. Unanimously approved (5-0-0) Plympton-Halifax Express Bills for Ad #s 13147, 13146 and 13148, W.B. Mason bill and Pitney-Bowes bill. (Voice Vote: Joy – Yes; Durgin – Yes; Kenyon – Yes; Parcellin – Yes; Nessralla – Yes)

ADJOURN:

- M/Joy, S/Parcellin. Unanimously approved (5-0-0) to adjourn at 8:25pm with all in favor. (Voice Vote: Durgin – Yes; Kenyon – Yes; Joy – Yes; Parcellin – Yes; Nessralla – Yes)

DOCUMENTS

1. Agenda for 4/11/22
2. Application Packet with added rendered landscape drawings – Petition #960
3. Application Packet – Petition #965
4. Application Packet – Petition #964
5. Application Packet – Petition #966

6. Meeting Minutes – 3/14/22
7. Expense Bill Schedule – 3/14/22, WB Mason
8. W.B. Mason Invoice #228231382
9. Revolving Bill Schedule – 4/11/22, PH Express – Pet #s 964, 965, 966
10. PH Express Invoices for Ads #13146, 13147 and 13148
11. Revolving Bill Schedule – 4/11/22, Pitney-Bowes postage meter
12. Site Plans for 115 River Street and 319 Monponsett Street

Respectfully submitted,

Date: 5/2/2022

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

Vice-Chairman, Kozhaya Nessralla
Halifax Zoning Board of Appeals