



HALIFAX ZONING BOARD OF APPEALS

Meeting Minutes

Monday, April 10, 2017

The Halifax Zoning Board of Appeals held a public hearing on Monday, April 10, 2017 in Meeting Room #1 of the Town Hall with the following Board members in attendance:

Robert Gaynor, Kozhaya Nessralla, Peter Parcellin, Gerald Joy, Robert Durgin and Daniel Borsari were in attendance.

Chairperson Gaynor called the meeting to order at 7:00 pm and reprised the audience that this public hearing/meeting is being audio taped. He also explained the procedure and the protocol at the public hearings.

Correspondence/mail/notices:

No mail.

Appointments:

Informal discussion: Joseph, Margaret Schneider

Present: Mr. Joseph Schneider, Margaret Schneider and Edward Schneider

Informal discussion regarding the submittal of petition for an In-Law apartment at his residence 39 Hemlock Ln.

Mr. Gaynor asked if they have received the requirements and regulations for the in-law.

The Schneider's advised they have. Plan was shown to members and explained the property and possible area for in-law and a one car garage. The existing deck will be replaced. They also noted the main entrance and common area for both dwellings. The garage will be a couple steps down, due to the topography. The basement is not open to the new unit. Oil heating will be separate, electricity, water and septic will be shared. The addition will be within the 900 sq. ft. limit. The mudroom and play room is the shared living space, but is not included in the 900 sq. ft. for the in-law.

It was asked if they meet the setback requirements. They advised they will not need a variance of setbacks.

Secretary advised that the Building Inspector advised to stay within the 30' setback as one corner is close.

Members discussed the shared living area and the openings, Board would like them to be about 6 feet for both openings.

Mr. Gaynor stated he does not see any major issues, and are fulfilling all the requirements, shared living space, and only main concern is if the openings are closed off, they would become duplex or two-family. He also explained the 5 year renewal process.

7:10 p.m. – Petition # 863; Stephen Campbell

Chairman Gaynor read the Public Hearing Notice into record.

Present: Stephen Campbell: Special Permit for In-Law Apartment.

There have been no changes made since the informal discussion. Single family home with In-Law. Main house for son and In-Law for his wife and himself. Shared septic, electric and water. Forced Hot Water for heat which may or may not be shared. May keep separate as he likes it warmer than the main house.

He plans to be in Florida majority of year, would like to shut down the in-law and put up heavy blanket.

Mr. Gaynor asked about the drive-way. Mr. Thompson explained the driveway location and current plans for the proposal. Main entrance, (shared) shared living space, shared ½ bath and laundry area, foyer, completely open. No entrance to the deck from the in-law, nor is there access to the basement from the in-law. Walk out basement, and is fully open and would be shared living space as well.

Chairman asked the board if they had any questions.

Motion to waive on-site.

MOTION: Peter Parcellin
SECOND: Kozhaya Nessralla AIF
Passes: 5-0-0

Motion to accept petition #863 as presented, with the condition to meet all the requirements for the in-law.

MOTION: Kozhaya Nessralla
SECOND: Peter Parcellin AIF
Passes: 5-0-0

7:20 p.m. – Petition # 865 Toby & Lindley Grossman – 15 Hickory Road

Chairman Gaynor read the Public Hearing Notice into record.

Present: Toby & Lindley Grossman: Special Permit and Variance for a deck.

Property is between Hickory Rd and Madison Rd. - Mr. Grossman – did an addition a couple years ago and cut of deck on the pre-existing house, built the addition and put the deck back on, not knowing it was considered a structure, shifted and now need approval for variance. Submitted letter signed from abutters supporting their petition.

Mr. Gaynor: read letter into record. There was a variance for the addition?

Mr. Grossman: yes, I didn't know, I just took the deck off and same deck right back and filled in the dead spot. Original deck stopped here.

Mr. Grossman: thought it was more of a patio because it's ground level and is very low.

Mr. Grossman submitted pictures of the deck.

Mr. Gaynor opened to the board for questions. Members discussed the pre-existing deck, Mr. Gaynor asked about sonotubes. Mr. Grossman said he will have to discuss with the building Inspector. Members discussed the size of lot and shape that there are few places they could put a deck. Lot is .34 acre.

Chairman opened to audience. No abutters present. Practice of the board to have and on-site inspections, however the board can waive the on-site. Motion to waive the on-site:

MOTION: Peter Parcellin
SECOND: Robert Durgin AIF
Passes: 5-0-0

Motion to accept Petition #865 with the condition that they take the necessary steps with the Building Inspector to ensure the safety of the deck, with a variance for the left side setback from 30' to 14.6' rear setback from 40' to 28.4'. It does not derogate from the intent of the by law to grant the variance and special permit. and is not detrimental to the character of the neighborhood.

MOTION: Peter Parcellin
SECOND: Robert Durgin AIF

7:30 p.m. – Petition # 866; Gordon Andrews – 13 Dwight Street

Chairman Gaynor read Public Hearing Notice into record

Present: Gordon Andrews. Special Permit to Continue and Extend

Mr. Andrews would like to renovate the existing single family dwelling, fill in the first floor to square off the front and add a second floor. The screened in porch will become living area, and raise roof to go up 2 stories on portion of house.

Mr. Gaynor asked for an explanation of the front overhang. Mr. Andrews stated that that there is shed roof and would like to expand to second floor by carry it over and put a full shed dormer. Will not be increasing the non-conformity, and not encroaching any closer to the street.

Mr. Joy stated that none of the dimensions or variances is going to change, everything he is doing is within the same footprint that is existing. Mr. Gaynor added, except for one section, increasing the footprint, but not increasing the setbacks, in the rear or the sides.

Mr. Gaynor opened to audience.

Robin Gilpatrick: 26 Dwight St. : House is the last one on the street, unfortunately because of being at the end, the water lines are 1 ½ inch, we are constantly without water, I am concerned with 2 ½ baths, in a house with one elderly woman, is now going to potentially have a family of 4 bedrooms, 5-6 people. Laundry and showers, etc.. I realize it is not the right venue to talk to you, but no one else wants to hear my concerns. This has been an ongoing issue. We asked the Water Dept. to come down, they said they had not flushed down 1 ½ inch pipes for 30 yrs. Dug a hole in front yard, water gets flushed once in a while, but is the color of the walls. Constantly running water to drink it, bath in it, and do laundry. But the thought of increasing the number of people using the water before it gets to me is frightening.

Mr. Gaynor asked about the septic.

Mr. Andrews advised that there will be a new system being put in.

Mr. Gaynor asked the bathroom count.

Mr. Andrews stated there is one there now and will be putting in 2 and ½. With three bedrooms going to four. Mrs. Gilpatrick went on to say that it has been a long time since a whole family was in there, the water department told me to run a hose until the water is running clear/clean enough to use. We have approached the water department for years and constantly told, it's "Monponsett" and not a priority in Town to upgrade the water lines in that section of Town. Felt that is insulting, and hurtful and eventually maybe water lines will be appropriately sized for the community that lives there. In the meantime I want just needed it to go on record, because at some point I'm going to say why and I paying my water bill, half of it's just being flushed away because I can't use it.

Mr. Gilpatrick: We have a lot of houses in the neighborhood to have a family move in, instead of two people in the house, there's 6, 7 people, so water is increased and when that happens, we can tell the water pressure goes way down, and turns color.

Mr. Gaynor asked if it will remain a single family house.

Mr. Andrews stated it will be.

Mr. Gaynor asked for any other comments:

Mark Valentine: 12 Dwight St.: Have always had the best drainage, and have no problems, we have all sand there, have a sess pool, there are three wells on the property, the top well (top of hill) has the same water as the Town does at the Y camp. Point for point same water that come out of the well, but a couple houses away it is all clay.

Melo Spencer: 21 Dwight St.: She explained that the water line bends, and when another house is washing vehicles, her laundry becomes rust, and have to go to the water Dept. to get rust out. Because they are only 2" pipes and not new pvc pipes, the water bends and by the time it gets to Gordon's place, it's already flushed.

Mr. Gaynor asked if he had been to the Board of Health. Mr. Andrews sated he has and it is all set and approved.

Mr. Gaynor asked for any other comments or concerns. Will it improve the character of the neighborhood? Mr. Nessralla said it will improve the neighborhood. Mr. Gaynor asked about hardship with the topography and layout of the lot, Mr. Andrews is limited with what he can do. Mr. Parcellin said he is not increasing the footprint. He is only asking for a Special Permit.

Mr. Nessralla said he will be improving the neighborhood and maybe fix the water line issue.

Mr. Gaynor asked why he asked to exceed 50% of the market value.

Mr. Andrews stated it would be more than likely, rather ask than not.

Motion to waive the on-site.

MOTION: Peter Parcellin
SECOND: Kozhaya Nessralla AIF
Passes 5-0-0

Motion to accept Petition #866 as presented with a Special Permit.

MOTION: Kozhaya Nessralla
SECOND: Peter Parcellin AIF
Passes 5-0-0

Informal Discussion:

Scott Casagrande, Drew Strawbridge. 359 Plymouth St, Looking at property for business potential, across from the Country Club. Show plot plan, 2 parcels, next to Coletti Kitchen. Mr. Strawbridge would like to lease and place a freight farm on the land. New and upcoming Hydroponic Farming, inside the container, place on sonotubes so would be a structure. It would be year round, growing lettuce, herbs etc. Looking to place one, two max on the lot.

Members are a little concerned with the way it would look from the street. Discussed what would be inside for insulation and electricity. The water consumption would be approximately 10 gallons per day. New technology, and would be limited to what can be grown inside, leafy greens and herbs.

Mr. Joy asked if it would be the only thing on the parcel.

Mr. Casagrande stated he does not have anything else being built. He went over the preliminary plan, and how you can be positioned different ways. Nothing is set at this point. Just wanted to talk to the Board.

Members discussed the lifetime of the containers and the leasing/purchasing process.

Mr. Gaynor stated he would not want to see them coming thru town, unless there was some fence or something pleasant to the eye to hide them a little. Some discussion of where they are at this time, basically in suburban areas. The time frame of Mr. Strawbridge or an employee at the site would be minimal. Be part-time so would not require a bathroom, only about 15 hours a week, or 3 hours per day, very minimal impact and would not really need a curb cut for the entrance.

It was also discussed that they are actually two separate lots, and may possibly sell off the other at some point. Mr. Casagrande also state he has spoken to the Building Inspector, where it was discussed to put it on sono tubes to make it a structure, but it is an Agricultural Use.

Mr. Nessralla asked if it was feasible to have just one trailer. What is the turnaround of the produce.

Mr. Strawbridge stated it can be 5 – 6 or up to 7 weeks. Many restaurants in the area have already approached him to do business as they would like fresh produce in the winter. The container can grow about 1000 head of lettuce per week, with very little water or electricity and no pesticides. He also advised he can have an app on phone to keep track of it, but will be on site to move plants around as needed.

Mr. Gaynor asked if he had spoken with the Board of Health, regarding bathroom facility.

Mr. Casagrande stated they have not gotten that far yet. Mr. Strawbridge also discussed the natural pesticides he would use for the lettuce. If this goes forward, they would like a sign stating what it is and what they do.

Mr. Gaynor asked about trucks. Mr. Strawbridge said only mini cooler truck would be involved and he would be transporting the products. Discussed the opportunity for the new technology. Members only concern is how it would look from the street. Would like to see something nice, fence, bushes.

Mr. Casagrande would like to see it be educational as well. Have the school children go to see how it works.

Not sure what they would need from the Zoning Board, but wished them good luck.

Secretary advised to speak with the Conservation Commission, regarding placement, as wetlands are on the property.

Discussion:

Continued discussion regarding correspondence from Mr. Seelig: Regulation of vacant and abandoned properties.

Mr. Gaynor did a little research on the subject matter; he went to the Dept. of Housing and Community Development. They do have several definitions, you can abandoned if where house is taken down, can put restrictions, property size, etc. There may be certain criteria that has to be met. Each should be determined on own merit. He did not think you could lose grandfathered status, but if met criteria, it would be on a case by case. Towns have their own definition of abandonment. They discussed the MASS General Law that says if a SFD was demolished you can't rebuild under the grandfathers status. Questions to ask: lot size at least 5K sq. ft., 50 ft. frontage, located in an area zoned for SF or TW use and di the lot conform to existing zoning when legally created, separated or separately held from adjoining land at time.

They also reviewed the registration portion of the requirements. Within 90 days of a building becoming vacant or abandoned it has to be registered with the Town. There is also an appeal process.

Secretarial

In-Law Renewal: Mr. Touhey: Brandeis Cr.

Motion to renew Special Permit for In-Law Apartment:

MOTION: Gerry Joy

SECOND: Kozhaya Nessralla AIF

Invoice for Ply/Hal Express: Advertisements, #863, #865, #866: Bill signed.

Deutsche Williams: Letter read into record; update regarding S. Clawson, Vs. Town of Halifax ZBA and Jennifer Harmon. 7 Plymouth St.

Chairman requested a response letter be sent to DW. Received correspondence dated 3/16/17, the board would like to be informed of any changes in the status should it occur in the near futures, thank you for your time and considerations.

Memo: Letter from Building Inspector, Rob Piccirilli; Halifax Trails extension not required.
Chairman Gaynor read into record.

Lastly: update of 590 Moponsett St.; Residents are out of the upstairs apartments, Mr. Bob McCourt will be sending letter when all the furniture is out, then Building Inspector and Fire Chief can do a final inspection.

Adjourn:

Motion to adjourn meeting.

MOTION: Kozhaya Nessralla

SECOND: Gerry Joy

AIF

It was unanimously voted to adjourn the meeting at 8:45 p.m.

Respectfully submitted,

Robert Gaynor
Chairman