



Halifax Zoning Board of Appeals

Meeting Minutes

December 12, 2022

The Halifax Zoning Board of Appeals held a public meeting/hearing on Monday, December 12, 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 Chairman - Kozhaya Nessralla, Members – Gerald Joy, Robert Durgin and Tina Kenyon; Associate Member – Marline Amedee. Clerk – Peter Parcellin is absent.

Acting Chair for this meeting is Gerald Joy who calls the meeting to order at 7:06pm and informs the audience that this meeting is being recorded.

DISCUSSION

Request Town Counsel to attend a future ZBA Meeting to discuss ZBA protocols: appointment of members, preference on Town Attorney for legal matters, contacting Town Attorney regarding other members

Joy states that this item has been on the agenda for a while and informs the audience that the Town Attorney has refused the Board's requests to attend a meeting. The Board agrees that with the new Board of Selectmen they would like to send a letter to the Selectmen requesting Town Counsel to attend the Board's next meeting on January 9, 2023, to answer questions the Board has regarding Zoning Board protocols and the upcoming 40B project for Halifax Estates.

Audience member resident Gordon C. Andrews states that Town attorney Rich Hucksam was made the point person for the 40B project and was supposed to reach out to all Boards for comments. Kenyon confirms that the Zoning Board was asked for comment. Joy states that the Board would like to speak to Town Counsel about Zoning protocols. Andrews responds that the Selectmen are responsible for the appointment of Zoning Board members and goes on to say that as for complaints about other Board members, Andrews states that the Board needs to be careful not to break the Whistleblower Act. Andrews states "if you get complaints from somebody else in town about a Board member and you get advice from an attorney, the attorney can't break attorney-client privilege." Joy responds that the Board is not asking to break attorney-client privilege and goes on to say that the Board is trying to figure out what the protocol is when someone on this Board wants to speak to Town Counsel; do they have to go to the Selectmen first to see an attorney or can they just contact the attorney with a problem? Andrews responds that if a Board member has a concern about conflict of interest, the protocol is supposed to be that the member is supposed to be able to call the Town Attorney to explain the matter and the Town Attorney will tell that member if they should or should not act or call ethics. Andrews adds that a Board member is supposed to look at the agenda to see if there's an issue before them that they can be questioned on and it's up to the Board member to follow through.

Nessralla states that in previous years, residents wishing to be on the Zoning Board would come to the Board and the Board would give a recommendation to the Selectmen who would then decide to appoint or not. Andrews states that he knows that this was past protocol but that is not the way the laws go. Nessralla responds that this is what the Board would like to find out from Town Counsel, not from anyone else. Nessralla states they are the Zoning Board members and adds that they would like to talk about projects like the 40B that are coming up in front of them with the attorney as well in order to make an informed and correct decision. Nessralla adds that the Board is "not digging for bones," they are just looking for additional information to move forward directly from Town Counsel.

MEETING MINUTES

- M/Kenyon, S/Durgin. Unanimously approve (5-0-0) the Meeting Minutes for October 3, 2022. (Voice Vote: Durgin – Yes; Kenyon – Yes; Joy – Yes; Nessralla – Yes; Amedee - Yes)

CORRESPONDENCE

11/2/22 – Letter from Silva Engineering for 0, 314 Plymouth Street – Request for Special Permit hearing continuance to January 9, 2023

Joy reads letter into record.

- M/Kenyon, S/Durgin. Unanimously approve (4-0-1*) Silva Engineering's request to continue their hearing for Petition #982 to January 9, 2023 at 7:00pm. (Voice Vote: Durgin – Yes; Kenyon – Yes; Joy – Yes; Amedee - Yes)
*Nessralla abstains from this vote.

BILLS

- M/Joy, S/Kenyon. Unanimously approve (5-0-0) Plympton-Halifax Express – 2023 Subscription Renewal for \$25.00. (Voice Vote: Durgin – Yes; Kenyon – Yes; Joy – Yes; Nessralla – Yes; Amedee - Yes)

OTHER BUSINESS

Zoning Board of Appeals Secretary Resignation

The Board wishes Zoning Board secretary Arlanna Snow good luck on her journey.

Meeting Schedule 2023

The Board agrees that the Meeting Schedule for 2023 is fine.

By-Law Committee Review Update

Joy informs the Board that the next date for a meeting is in January with nothing else to report.

ADJOURN:

- M/Joy, S/Kenyon. Unanimously approved (5-0-0) to adjourn at 7:17pm with all in favor. (Voice Vote: Durgin – Yes; Amedee – Yes; Joy – Yes; Kenyon – Yes; Nessralla – Yes)

DOCUMENTS

1. Agenda for 12/12/22
2. Letter of Request for Continuance of Public Hearing 11/2/22 from Silva Engineering – Petition #982
3. Meeting Minutes – 10/3/22
4. Expense Bill Schedule – 12/12/22, PH Express – Renewal Subscription 2023
5. Resignation Letter from Zoning Board Secretary Arlanna Snow – 12/9/22
6. 2023 ZBA Meeting Schedule

Respectfully submitted,

Date: 1/9/2023



Vice-Chairman, Kozhaya Nessralla
Halifax Zoning Board of Appeals