



HALIFAX ZONING BOARD OF APPEALS

Meeting Minutes

Monday, September 10, 2018

The Halifax Zoning Board of Appeals held a public hearing on Monday, September 10, 2018 in Meeting Room #1 of the Town Hall with the following Board members in attendance: Chairman: Robert Gaynor, Co-Chairman: Kozhaya Nessralla, Clerk: Peter Parcellin, Member: Gerald Joy and Member: Robert Durgin. Associate Member: Daniel Borsari is absent.

Chairman Gaynor calls the meeting to order at 7:00pm and reprises the audience that this public hearing/meeting is being audio taped. He also explains the procedure and the protocol at the public hearings.

Correspondence:

Chairman Gaynor and the Board review and read into record all mail items.

- Certificate of Site Plan Approval from the Planning Board dated 8/22/2018 for a Solar Array, River Street, Halifax.
- Joint Status report from Brooks & DeRensis dated 8/23/2018 for Decision on Remand (*Re: Gordon C. Andrews v. ZBA Land Court Civil Action No: 17MISC000507*).
- Letter from Blatman, Bobrowski & Haverty, LLC dated 8/24/2018 regarding Gordon C. Andrew's appeal of the Zoning Board's Remand Decision on 8/13/2018.
- Letter from Brooks & DeRensis dated 8/29/2018 regarding the Zoning Board's opposition to Andrews' Motion concerning the Zoning Board's Decision on Remand and Request for Oral Argument.
- Memo from Board of Selectmen dated 8/29/2018 with attached Talent Bank Form from Adrienne McDougall. The Board would like to invite Ms. McDougall to the next meeting to interview for an Associate Member position.

Appointment:

7:05pm - Petition #879 – Brookside Realty, LLC., 11 "A" Street, Halifax –Special Permit/Variance for rebuild of pre-existing, non-conforming, single family home

Present: Ed Johnson (Manager, Brookside Realty, LLC) and Amanda Monti

Chairman Gaynor reads the Public Hearing Notice into record and states that some of the Board members had an on-site on Saturday, September 9, 2018. He asks Ed Johnson to explain and present the changes made since the last meeting on August 13, 2018. Mr. Johnson explains that at the site visit, the lot was staked out to show where the proposed house would be. The reason for the site visit was to see how far the front stairs were going to be from the traveled way on Water Street. As the Board saw, it was quite a distance away from the travel-way versus the actual right-of way. Mr. Johnson and Ms. Monti thought the abutter's fence was on 11 A Street but according to an old deed found by their engineer, the fence is on the abutter's property with the exception of one post. The deed showed a strip of property the abutter bought years ago. The plan presented on August 13, 2018 showed the house as 10 feet back from the property line, the amended plan shows the house as six feet to the property line. The fence is not on the property line. The septic location is staying the same and nothing else has changed. Mr. Johnson is trying to make things a little more conforming than what the existing structure is. The existing structure is only four (4) feet from A Street and only five and a half (5.5) feet from the line at the back corner. Mr. Johnson explains that they are maintaining six (6) feet from the lot line across the back of the house and making ample parking. Mr. Johnson states that the houses in the area are a decent size.

Mr. Gaynor asks the Board for their thoughts now that they have done the on-site inspection. Mr. Joy feels it will be a lot better. The house that is there now has a front door that is right on the road – three steps down and you're on the street. The other members agree. Mr. Gaynor found the on-site was very helpful. Mr. Durgin agrees and feels this project will be an improvement with the location of the new home and, with the new setbacks, things will be safer and

allow for more room. Mr. Durgin doesn't feel the project derogates from the intent of the by-law and conforms with the surrounding houses. Mr. Gaynor asks if there is any way the front stairs could come off. Mr. Johnson answers no as there is going to be a walk-out basement due to the topography of the grade. Mr. Parcellin feels it is an improvement. Mr. Gaynor likes the project for safety reasons, feels the hardship exists due to the layout and topography of the lot, is not detrimental to the established character of the neighborhood and does not derogate from the intent of the by-law.

Motion to accept Petition #879 as amended and presented with no conditions:

MOTION: Robert Durgin
SECOND: Kozhaya Nessralla AIF
Voice Vote: Kozhaya Nessralla – Yes
Peter Parcellin – Yes
Gerald Joy – Yes
Robert Durgin – Yes
Robert Gaynor – Yes
Passes: 5-0-0

Bills:

The Board approves one bill for Plympton-Halifax Express Advertisements for Petition #879 totaling \$84.00.

Other Business:

There have been no updates or communication from Attorney Alfieri regarding Petition #877 – 395 Plymouth St.

Meeting Minutes:

Motion to accept the Meeting Minutes from Monday, August 13, 2018:

MOTION: Kozhaya Nessralla
SECOND: Gerald Joy AIF
Passes: 5-0-0

Motion to accept the Executive Session Meeting Minutes from Monday, August 13, 2018:

MOTION: Gerald Joy
SECOND: Kozhaya Nessralla AIF
Passes: 5-0-0

Adjourn:

Motion to adjourn meeting:

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

It was unanimously voted to adjourn the meeting at 7:33 p.m.

Documents:

1. Agenda – September 10, 2018
2. Planning Board Site Plan Approval Certificate – August 22, 2018 – River Street Solar Array
3. Brooks & DeRensis Joint Status Report – August 23, 2018 – Gordon C. Andrews v. Halifax Zoning Board of Appeals Decision on Remand
4. Blatman, Bobrowski & Haverty Letter – August 24, 2018 – Gordon C. Andrews' Appeal of Zoning Board Decision on Remand
5. Brooks & DeRensis Letter – August 29, 2018 - Zoning Board's Opposition to Andrews' Appeal of ZBA Decision on Remand
6. Board of Selectmen Memo – August 29, 2018 – Adrienne McDougall Talent Bank Form

- 7. Adrienne McDougall Talent Bank Form
- 8. Public Hearing Notice – Petition #879
- 9. Amended Plan – 11 A Street
- 10. Plympton-Halifax Express Advertisement Bill – Petition #879
- 11. Meeting Minutes – August 13, 2018

Respectfully submitted,

Date: _____

Arlanna Snow
Zoning Board of Appeals Secretary

