



HALIFAX ZONING BOARD OF APPEALS

Meeting Minutes

Monday, October 22, 2018

The Halifax Zoning Board of Appeals held a public hearing on Monday, October 22, 2018 in Meeting Room #1 of the Town Hall with the following Board members in attendance: Chairman: Robert Gaynor, Co-Chairman: Kozhaya Nessralla, and Member: Gerald Joy. Clerk: Peter Parcellin, Member: Robert Durgin and Associate Member: Daniel Borsari are absent.

Chairman Gaynor calls the meeting to order at 7:07pm 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.

- Memo from the Building Inspector dated 10/11/2018 regarding 5 Jordan Road, Halifax
- Memo from the Building Inspector dated 10/18/2018 regarding 10 Eighth Ave, Halifax

Appointment:

7:05pm – Petition #880 - Courtney Pereira, 624 Plymouth Street – Special Permit, pre-existing In-law Apartment

Present: Courtney Pareira, Karen Cooper (owners); Susan and Sal Basile (abutters – 581 Thompson Street)

Chairman Gaynor reads the Public Hearing Notice into record. Ms. Pereira states that the in-law apartment was built with the home by the McCulloughs, the previous owners. The Pereiras and Coopers bought the home on July 6, 2018 and have not made any changes. Ms. Pereira and Ms. Cooper understand the bylaws of In-law Apartments.

Mr. Gaynor asks the Board for their thoughts and if they have any questions. The Board does not. Mr. Gaynor explains to Ms. Pereira and Ms. Cooper that since this is a new special permit, the Board would like to do an on-site inspection. Ms. Pereira and Ms. Cooper understand and agree to this inspection.

Mr. and Mrs. Basile (abutters, 581 Thompson Street) do not wish to add anything.

Motion to continue Petition #880 until November 12, 2018 after an on-site inspection on Saturday, November 10, 2018 at 10:00 a.m.:

MOTION: Gerald Joy
SECOND: Kozhaya Nessralla AIF
Passes: 3-0-0

Appointment:

7:15pm – Petition #881 – Brian and Tara Tonello, 425 Elm Street – Special Permit/Variance to build a garage approximately 962 square feet with a ground floor area of over 884 square feet

Present: Brian Tonello (owner/applicant)

Chairman Gaynor reads the Public Hearing Notice and the Building Inspector's denial letter into record. Mr. Tonello presents his petition while the Board reviews the site plans. Mr. Tonello explains that the property is located on the Halifax/Hanson line, across from Hudson Street. The existing, single-family house has a one-car garage. The proposed plan is to make this garage into a family room and build an addition above the garage for a master bedroom. Mr. Tonello

would also like to build a three-car garage which would be accessed through the existing driveway going along the side of the house. Mr. Tonello presents architectural drawings for this proposed garage.

The garage will be used for three cars and no commercial use. There will be a crawl space above (attic storage) for storage with no running water. Mr. Tonello is not increasing the footprint for the addition to the existing garage. There are side setbacks of 30.4 feet and the rear setback is beyond what is needed. There will be no separate utilities in the new unfinished garage and no heat. Mr. Tonello has spoken with Shawn Sullivan (abutter) who is fine with the project. Mr. Tonello has not heard from any other abutters.

Mr. Gaynor explains that there are not enough members for a vote, but the Board would like to schedule an on-site inspection. Mr. Tonello informs the Board that the project is already staked out for their arrival.

Motion to continue Petition #881 to November 12, 2018 after an on-site inspection Saturday, November 10, 2018 at 10:45 a.m.:

MOTION: Gerald Joy
SECOND: Kozhaya Nessralla AIF
Passes: 3-0-0

Appointment:

7:30pm – Petition #882 – TD Design and Development Corp/Antonio DaSilva and Adrienne McDougall, 32 Hillside Ave – Special Permit to construct a keystone retaining wall

Present: Adrienne and Chris McDougall (owners); TD Design & Development/Antonio DaSilva (applicant/contractor); George Paulin (resident of 32 Hillside Ave); Donna Batson (abutter, 16 12th Ave)

Chairman Gaynor reads the Public Hearing Notice and the Building Inspector's denial letter into record. The applicant is seeking a special permit to build a retaining wall structure which would constitute a continuation of a non-conforming use and an extension of a non-conforming use with a variance of the front setback from Hillside Ave from 50 feet to 0 feet and both side setbacks from 30 feet to 0 feet. Mr. DaSilva presents the petition. He informs the Board that the existing retaining wall was a three-tier system, the first tier being on town property. Another contractor was hired to rebuild the retaining wall in the same location, however, the Halifax Building Department advised them that they were on town property. Mr. DaSilva would like to rebuild the retaining wall, originally beyond the property line, pushed back to the zero barrier (zero point of the property line). One portion is about four (4) feet to three feet six (3'6") to three (3) feet and tapers off along the front of the house. Because of the height of the front stairs, the earth is very high. Rather than having a large slope, a retaining wall would be built back into a one or two-tier keystone block, which is decorative and blends in better than a concrete wall. Mr. DaSilva is requesting a front setback variance from 50 feet to 0 feet and a side setback variance from 30 feet to 0 feet. The existing wall was already deteriorating.

Ms. Batson, abutter, explains that 32 Hillside Ave is the first house from 12th Ave. Ms. Batson references the plan to explain where the retaining wall is located. Currently, there are forms at this location from the previous contractors. Mr. Gaynor asks who maintains and owns the existing retaining wall. Ms. Batson answers that both she and Ms. McDougall do. The wall was built by the same mason when the houses were built in the 40s/50s. The lot is 13,000 square feet. Mr. DaSilva states that the retaining wall frontage is about 40 feet. Ms. Batson answers that the lot is odd and goes all the way out to Lingan Street. Ms. McDougall explains that they must use brick and cinder blocks to hold their fence up because rain causes the earth to wash away. The height of the retaining wall is around two feet six inches (2'6") but tapers as the land tapers. Mr. Paulin, Ms. McDougall's father, informs the Board that the previous contractor was about to pour the cement for a new retaining wall and took off when they were made aware that the building inspector was scheduled to arrive.

Mr. Gaynor asks about the backfill between the wall and the house. Mr. DaSilva answers that they will be using the original dirt with no additional dirt, maybe less. He goes on to say that a two-tiered wall would be more pleasing to the eye. There will be no cement/poured concrete. Instead, it will be anchored by a rack that goes about one foot inside the ground with gravel.

Chairman Gaynor reads into record an email from abutter Ray Bearce of 30 Hillside Ave. dated 10/22/18 in support of the retaining wall project. Ms. McDougall states that all her abutters are “rooting for her.”

Mr. Gaynor asks the pleasure of the Board. Mr. Nessralla would like to do an on-site inspection. Mr. Gaynor agrees. Ms. Batson and Ms. McDougall are concerned that the ground will freeze if they wait much longer. Ms. Batson has water leaking in her basement and feels the site, as it is now, is very dangerous. Mr. Gaynor explains that it’s the normal practice of the Board to do an on-site for something like this and reminds the applicants that there are only three members of the Board in attendance. Mr. DaSilva will be available for the on-site inspection.

Motion to continue Petition #882 to November 12, 2018 after an on-site inspection Saturday, November 10, 2018 at 12:00 p.m:

MOTION: Gerald Joy
SECOND: Kozhaya Nessralla AIF
Passes: 3-0-0

Other Business:

- Update on Petition #877 – Thao, Mai and Hiep Pham, 395 Plymouth Street – Special Permit for six-apartment use. The Board would like secretary Ms. Snow to continue to reach the Pham’s representative, Attorney Alfieri and the Phams by phone.

Adjourn:

Motion to adjourn meeting:

MOTION: Gerald Joy
SECOND: Kozhaya Nessralla AIF
Passes: 3-0-0

It was unanimously voted to adjourn the meeting at 7:58 p.m.

Documents:

1. Agenda – 10/22/2018
2. Memo from the Building Inspector - 10/11/2018 - 5 Jordan Road, Halifax
3. Memo from the Building Inspector - 10/18/2018 - 10 Eighth Ave, Halifax
4. Public Hearing Notice – Petition #880
5. Application for Special Permit – Petition #880
6. Public Hearing Notice – Petition #881
7. Denial Letter from Building Inspector – 8/27/2018 – Petition #881
8. Application for Special Permit – Petition #881
9. Site Plans of 425 Plymouth Street – Petition #881
10. Architectural drawings of site – Petition #881
11. Public Hearing Notice – Petition #882
12. Denial Letter from Building Inspector – 8/30/2018 – Petition #882
13. Application for Special Permit and Variance – Petition #882
14. Site Plans of 32 Hillside Ave – Petition #882
15. Email from Ray Bearce, 30 Hillside Ave – 10/22/2018 – Petition #882

