HALIFAX ZONING BOARD OF APPEALS
Meeting Minutes
Monday, January 13, 2020

The Halifax Zoning Board of Appeals held a public hearing on Monday, January 13, 2020 in the Great Hall of the Halifax Town Hall with all Board members in attendance: Chairman: Robert Gaynor, Vice Chairman: Kozhaya Nessralla, Clerk: Peter Parcellin, Member: Gerald Joy, Member: Robert Durgin and Alternate Member: Daniel Borsari. (Member Parcellin is 10 minutes late.)

Chairman Gaynor calls the meeting to order at 7:04pm 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.

<u>Meeting Minutes</u>
M/Joy, **S**/Durgin. **Unanimously Approved** to accept the Meeting Minutes from Monday, November 4, 2019.

M/Durgin, **S**/Nessralla. **Unanimously Approved** to accept the Meeting Minutes from Monday, December 9, 2019.

7:00pm – Petition #916 – Dean & Elyse Cascadden – 108 Hayward Street, Special Permit for Pre-existing In-law
Dean and Elyse Cascadden, owners/applicants, are present. Chairman Gaynor reads the Public Hearing Notice into record. The Board confirms there have been no changes made to the apartment and there is a blood relative living there (Dean's sister). There is shared living space and shared entrances. Special Permit (Decision letter) from previous owner Petition #822 read into record. A copy will be sent to current applicants. As member Parcellin missed part of Petition #916 hearing, he's unable to vote. **M**/Joy, **S**/Nessralla. Voice Vote with Nessralla, Gaynor, Durgin, Joy and Borsari voting. **Unanimously Approved** to accept Petition #916 as presented. The Board signs Decision Form.

7:15pm - Petition #902 – David A. Rota/Scroll Contracting – 292 Thompson St, Special Permit to build in-law apartment
Rota (owner) and Mirna Habib (owner) are present. Chairman Gaynor reads the Public Hearing Notice into record. Rota presents sketch with new design proposal. Points out and explains redesign showing den area. Square footage is more than requested in application. There are two (2) six-foot openings. Board would like to see an updated, certified plot plan. Must re-advertise with correct square footage (1,242 square feet). A Letter of Extension for Special Permit for 30 days is signed by Rota. **M**/Durgin, **S**/Joy. It is **Unanimously Approved** to continue Petition #902 to Monday, February 10, 2020.

7:30pm – Petition #912 – Scott P. Burgess – 8 Hilda Lane, Special Permit for two-family home
Gaynor reads Letter of Withdrawal without prejudice into record, completed and signed by Burgess. **M**/Durgin, **S**/Parcellin. It is **Unanimously Approved** to accept Letter of Withdrawal without prejudice for Petition #912.

7:45pm – Petition #913 – John and Teena Harrington – 9 Beech Road, Special Permit and Variance for garage
John Harrington is present. Chairman Gaynor reads the Public Hearing Notice into record. Board members discuss findings at on-site. Board feels Harrington is limited on location of garage due to topography, is within the established character of the neighborhood and doesn't derogate from the intent of the bylaw. Borsari feels the project is very well thought out. **M**/Joy, **S**/Parcellin. It is **Unanimously Approved** to accept Petition #913 as presented. The Board signs Decision Form.

8:00pm – Petition #914 – Daniel and Karen Gomm – 33 Bow Street, Special Permit and Variance for reconstruction
The Gomms are present. Chairman Gaynor reads the Public Hearing Notice into record. D.Gomm presents his new proposal providing new drawings/plans with a history of original proposal. He eliminated the front dormer and installed a 12-pitch roof, cut 12 feet off the shed (eliminated car port). There are no windows in the back. The loft is only to be used as storage with no (initially intended) workshop. There is a 500 square foot reduction on the bottom floor. There will be electricity and a wood stove but no plumbing. There is absolutely no commercial use for this structure. Abutter John Canon (27 Bow St) believes that the Gomms have a bigger workshop to run their business. Abutter Linda Born (7 Trinity Ave) is concerned about privacy and presents a letter of objection to the Board. K.Gomm presents photos of abutter's shed. The Board agrees the project fits within the established character of the neighborhood, conforms to the bylaws and has a topographical hardship with drainage. **M**/Parcellin, **S**/Durgin. It is **Unanimously Approved** to accept Petition #914 with the following conditions: the structure will be used only as a garage with no

living quarters, no commercial use and no plumbing, as presented, and with all necessary permits from Building Inspector. The Board signs Decision Form.

8:15pm – Petition #915 – The Party Trust – Amanda's Estates, Modification to Special Permit

The Party Trust (Amanda Monti and Ed Johnson) and their Attorney Adam Brodsky are present. Brodsky presents the Petition. The Party Trust would like to adopt new site plans (Webby Plans) for the development dated 7/10/19, revised 9/18/19 and again 11/6/19 and delete reference to prior plan set. Gaynor reads Land Use Counsel Amy Kwesell's letter of opinion dated 1/10/20 into record advising the Board to send this matter back to the Planning Board to decide, by majority vote, if this is a substantial change. Town Administrator Charlie Seelig adds that the Board may want to discuss if they feel they can make a decision on this application or discuss with the applicant a continuation to a date and time to allow the applicant to go back to Planning. Brodsky responds to Kwesell's letter by stating that the Party Trust is seeking modification to their existing special permit by adopting a new plan approved by the Planning Board on 12/2/19, not applying for a new special permit. Brodsky believes if his clients are sent back to the Planning Board, they will not have a chance for majority approval due to what he believes are conflicts with certain members. Brodsky believes this modification is a substantial change. Borsari feels this is a modification but is conflicted by Land Use counsel's opinion. Parcellin feels it makes sense not to continuously bring up new petitions with different modifications and wonders when it will stop. Nesralla feels there should be an end to this project and feels this is up to the Zoning Board of Appeals. The Board continues discussion. Abutter Gordon C. Andrews' attorney Ginny Kremer references her letter of objection dated 1/13/20 and speaks to the history of the petition. Kremer does not believe the Party Trust has a valid special permit, stating Land Court ordered the revocation of the building permits. Brodsky feels Kremer's presentation of her interpretation of the judge's decision is inaccurate. Durgin feels this is just a modification of the special permit and does not have an opinion on if this is a substantial change. Brodsky feels the substantial change element is not relevant. Parcellin feels this is technical and feels it is difficult to go against the advice of Land Use counsel. Joy's opinion has not changed; the Board approved the special permit long ago and feels the change is probably substantial as it is more in line with the bylaws but feels this is a modification. Gaynor doesn't want to do the wrong thing and would like to continue. Members agree. Secretary Snow informs the Board that this is a new application filed 12/11/19 with no extensions. Brodsky states that the Party Trust has a finite date of March 14th or 15th from the judge to fix things. **M/**Parcellin, **S/**Durgin. Voice Vote with Nesralla, Parcellin, Gaynor, Durgin and Joy voting. It is **Unanimously Approved** to continue Petition #915 to February 10, 2020 at 7:30pm. Ceelig will request Land Use Counsel's presence at the next meeting.

Bills:

The Board signs a Plympton-Halifax Express bill for Petitions #914, 915 and 916 advertisements at $84.00 each to revolving account totaling $252.00 and a Landlaw Specialty Publishers bill for 2020 MA Landcourt Reporter Subscription to expense account for $235.00.

Mail/Correspondence:

The Board reviews all mail items.

Adjourn:

M/Durgin, **S/**Parcellin. It is **Unanimously Approved** to adjourn the meeting at 9:06pm.

Documents:

1. Agenda – 1/13/2020
2. Signed Revolving Bill Schedules – Petitions #914, 915, 916
3. Signed Expense Bill Schedule – Landlaw Specialty Publishers
4. Invoice – Plympton-Halifax Express advertisements – Petitions #914, 915 and 916
5. Invoice – Landlaw Specialty Publishers
6. Public Hearing Notice – Petition #914
7. Application Packet – Petition #914
8. Decision Form – Petition #914
9. Public Hearing Notice – Petition #915
10. Application Packet – Petition #915
11. K-P Law's Letter of Opinion – 1/10/20
12. Blatman, Bobrowski & Haverty's Letter of Objection – 1/13/20
13. Public Hearing Notice – Petition #916
14. Application Packet – Petition #916
15. Decision Letter – Petition #822
16. Decision Form – Petition #916
17. Sketch of new design/proposal – Petition #902
18. Letter of Extension for Special Permit – Petition #902

19. Letter of Withdrawal – Petition #912
20. Decision Form – Petition #913

Respectfully submitted,

Robert Gaynor – Chairman
Zoning Board of Appeals

Date: 3-9-20