



Halifax Zoning Board of Appeals

Meeting Minutes

Monday, November 9, 2020

The Halifax Zoning Board of Appeals held a public hearing on Monday, November 9, 2020 via Zoom hosted by Town Administrator Charlie Seelig with all Board members in attendance: Chairman Robert Gaynor, Vice Chairman Kozhaya Nessralla, Clerk Peter Parcellin, Members Gerald Joy and Robert Durgin and Alternate Member Dan Borsari.

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

Appointment

7:00pm – Pet #926 – O’Connors, 85 Hemlock Ln – Special Permit for Existing In-law

Applicants Kristina and Sean O’Connor are present. Chairman reads Public Hearing Notice into record. O’Connor presents petition. House built as an in-law and special permit for in-law wasn’t renewed. Kristina’s father is occupying the in-law. Original special permit granted in 2001 Petition #508. No changes. Applicants have no questions. Board has no questions. Last renewed in 2011.

M/Nessralla, S/Parcellin. Unanimously approved by voice vote (5-0-0) to accept Petition #926 as presented.

Meeting Minutes

M/Joy, S/Parcellin. Unanimously approved (5-0-0) to accept Meeting Minutes for October 5, 2020 as presented.

M/Parcellin, S/Nessralla. Unanimously approved (5-0-0) to accept Meeting Minutes for October 14, 2020 as presented.

Bills

Plympton-Halifax-Kingston Express Ad for Pet #926 = \$84.00

Plympton-Halifax-Kingston Express Ad for Pet #927 = \$84.00

Plympton-Halifax-Kingston Express Ad for Pet #928 = \$84.00

Plympton-Halifax-Kingston Express Ad for Pet #929 = \$84.00

W.B. Mason – Invoice #214317736 and Invoice #214353113 for Office Supplies = \$33.16

Plympton-Halifax-Kingston Express One-year Renewal = \$25.00

M/Joy, S/Durgin. Unanimously approved (5-0-0) to accept all bills.

Appointment

7:15pm – Hearing – Pet #927 – Matt Grosschedle, Outback Engineering, 0 Walnut St – Special Permit for horse corral

Applicant Matt Grosschedle is present. Chairman reads Public Hearing Notice into record. Property is approx. 53.5 acres with no residential uses. Building permit applied for and denied by Building Inspector to build barn larger than 884 square feet. Existing buildings on property used to store farm equipment. Plot plan shows barn would be well set behind property lines. Shouldn’t be detrimental to established or future character of neighborhood. Parcel is separate from residential parcel. No commercial use. Second floor of barn will store any horse materials, riding equipment. The barn is mainly just to store the horses for the residents. There will be four to six horses at the most. No living quarters, a couple of hose bibs for water use. Will confirm if there will be bathrooms. Barn will be 300-400 feet back from the river. Will confirm where hay will be stored. Will confirm if heat will be used in the building. No training area within the building. Floor plan was not submitted with application. Hose bibs and wash sink will be in the barn. No drains in the floor, will be maintained manually. Dirt floor for horses. Timber-framed, post and beam. The main residence is to the left and the barn will be closer to the two existing, metal storage buildings towards the right side of property. Another access to building off Walnut Street. Does not envision much traffic as it’s a private use for the residents on neighboring property. Durgin asks if this falls within the Right to Farm laws. MGL 40A Section 3 – Agricultural Exemption. Nessralla states the owner has the acreage. Board references Attorney Kwezell’s opinion (email) to Building Inspector on 9/30/20: “...if the property is used primarily as a residence, the agricultural use cannot also be primary...however the Town of Halifax Zoning Bylaw allows barns over 884 sf. by special permit...ZBA can determine if the oversized barn is not more detrimental to the ‘established character of the neighborhood.’” Grosschedle states this is not a residential lot, not on the same lot as house. Barn property is owned by ADGA Realty. House lot is owned by Haseotes;

two separate entities. According to abutter's list map Parcellin asks why two lots show same address - 0 Walnut Street. Wonders where the lots are divided as he doesn't see the lot line. Grosschedle responds that they are two parcel numbers. House is on 2 Walnut Street lot. Grosschedle doesn't know why Assessor's map shows the same lot, that is not the case. Borsari questions the notes on plans regarding septic system, etc. Grosschedle responds that these notes were carried over in error. The septic system for residential house is north of this property and some utilities for that house run through this property. The concern is the size of the building – 3,000 square feet for four to six horses. Grosschedle responds that there may be a grooming area but there is no riding area. A floor plan will be submitted. There is no intent to do any sort of commercial use, only private use for the residential neighboring property. Applicant would be amenable to a condition on the special permit not to be used commercially.

Open to public.

Eddie Lane, 82 Walnut Street. No objection and thinks it adds to the property. Only horses presently being used by children. Owner of property is helpful and considerate to neighbors.

Chris Hadorn, 74 Walnut Street. Never had any issues with anything Haseotes has done out back. Has only improved property. Aesthetically Haseotes has been very considerate. No problems as abutters.

Grosschedle confirms that no door heights exceed 12 feet. Will submit floor plan.

M/Durgin, S/Parcellin. Unanimously approved (5-0-0) to waive the on-site inspection.

M/Durgin, S/Nessralla. Unanimously approved by voice vote **(5-0-0)** to continue Petition #927 until December 14, 2020 to receive and review floor plan.

If barn is agricultural exemption, Grosschedle asks why floor plan is necessary to inform client. Chairman explains that it needs to fit within the established character of the neighborhood, so the layout is a concern. Nessralla asks where the hay and manure will be stored. Grosschedle will get the answers to these questions and supply floor plan.

Appointment

7:30pm – Hearing – Pet #928 – Michael Nessralla, 137 South St – Special Permit and Variance for garage

Applicant Michael Nessralla is present. Chairman reads Public Hearing Notice into record.

*Kozhaya Nessralla recuses himself. Dan Borsari will be voting in his place.

M. Nessralla would like to construct garage closest to power line side to store six antique tractors. Building will be 30 x 30. Parcel is a little over an acre. Just a house on the property, a pool in backyard and a well off to the right side. If try to comply to bylaws the building would be in the pool. Currently has two-car garage under home. No sheds out back. Above-ground pool located towards left side of house, about 30 feet from the deck. There will be electricity, no water. No commercial use. Tractors have already been restored. Stone dust access to garage. Requesting variance of 15 feet from lot line as garage would be too close to the pool if stayed within the required 30 feet. House is close to rear of lot and is set back about 270 feet from road. When asked why garage set so far back, M. Nessralla responds would like to have some grass on property. Believes there is residential woods out back. Hilda Lane behind property. Chairman states that if approved, this would make a conforming lot non-conforming. If garage were built 14 feet smaller, would remain conforming. Board more concerned with rear setback rather than side setback. Lot was surveyed by Webby Engineering. Parcellin states that one can't create their own hardship and it's difficult to say the pool is the hardship. M. Nessralla confirms this is a single-story garage, may be a loft for storage.

M/Durgin, S/Joy. Unanimously approved by voice vote **(5-0-0)*** to schedule on-site inspection Sunday, December 13, 2020 at 9:00am.

M. Nessralla will have the property staked out.

M/Durgin, S/Parcellin. Unanimously approved (5-0-0)* to continue Petition #928 to December 14, 2020.

Other Business

November 18, 2020 – Public Hearing via Zoom – Pet #920 Country Club Estates 40B

Board discusses with Town Administrator Charlie Seelig the opening of the hearing via Zoom and how it will transpire. Cannot conduct hybrid meeting at this time as equipment to do so is very expensive.

Adjourn:

M/Nessralla, S/Durgin. Unanimously voted (5-0-0) to adjourn the meeting at 8:17pm.

Documents:

1. Agenda for 11/9/20
2. Meeting Minutes – 10/5/2020 and 10/14/2020
3. Application File for Petition #926
4. Bill Schedules for Petitions #926 - #929 advertisements
5. Plympton-Halifax Express Invoices 11999, 12000, 12001, 12002
6. Plympton-Halifax Express Renewal 2021 Subscription
7. W.B. Mason Invoices #214317736 #214353113
8. Application File for Petition #927
9. 9/30/20 email from Attorney Kwesell to Building Inspector – Pet #927

Respectfully submitted,

Date: 12/14/2020



Robert Gaynor, Chairman
Kozhaya Nessralla, Vice Chairman
Zoning Board of Appeals