



Halifax Zoning Board of Appeals

Meeting Minutes

Monday, December 14, 2020

The Halifax Zoning Board of Appeals held a public hearing on Monday, December 14, 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 7:12pm 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

7:05pm – Hearing – Pet #929 – Twin Lake Liquors, 657 & 659A Monponsett St – Special Permit for interior renovation

Applicant Laurence Gogarty is present. Dan Borsari recuses himself.

Chairman reads Public Hearing Notice into record. Gogarty presents petition. Represents owner of property, handling design. Pre-existing, non-conforming structure. Do not meet the required front yard setback of 50 feet, the existing setback is about 18 feet. Not increasing footprint of existing building. Interior renovations and exterior work will include new siding to improve appearance of property. First, the owners have a financial hardship as they have spent significant amount of money acquiring the property. There were issues with structure – severe roof joist deterioration which required structural engineer. Almost all joists on right side were sistered up. Demolished portion of building that was falling down. New roof has been installed. \$85,000.00 of work is anticipated for both remedial and interior in terms of cosmetic appearance. If applicant were not allowed to continue operation of liquor store, this would constitute a financial hardship. Second, the renovation work would not involve substantial detriment to public good. Third, Gogarty does not believe a granted special permit would not derogate from the intent of Zoning Bylaw.

Open to Board for questions. Gogarty confirms to Chairman, in respect to a decrease in non-conformity, that the left-hand side of building was reduced by about a third, if not more. The application is now complete. Site plan was copied from planning board files. Gogarty confirms to Joy that the right side will remain liquor store and left side will be used for overflow storage from liquor store. Chairman sees this project meets all requirements. Board agrees. Parcellin confirms all setbacks are decreasing. Liquor store floor area is 2,700 sq. feet. Storage area is 2,000 sq. ft. The storage area may be rented out in the future as there is a natural dividing wall between liquor and storage areas.

M/Joy, S/Nessralla. Unanimously approved (5-0-0) by voice vote to waive on-site inspection.

Open to public. Gordon Andrews asks by chat if the ZBA is aware of potential of Green Earth Cannabis' inhabiting part of the structure. Occupancy is not in front of the Board currently.

M/Durgin, S/Joy. Unanimously approved (5-0-0) by voice vote to accept Petition #929 as presented.

Appointment

7:20pm – Hearing – Pet #927 – Matt Grosschedle, Outback Engineering, 0 Walnut St – Special Permit for Horse Corral (continued)

Applicant Matt Grosschedle (Outback Engineering), Vice Chairman Alan Dias (Board of Health) and Land Use Counsel Attorney Amy Kwesell are present.

Chairman reads Public Hearing Notice into record. Grosschedle answers the Board's questions from the last meeting mainly regarding the floor plan and horses. Confirms that there will be six corrals with up to six horses. They are draft horses which are larger than standard horse. There are a couple of convenience areas/bathrooms which, according to Grosschedle the applicant has brought to the Board of Health and were approved as they are tied into the existing septic for the house that has already been approved. Manure will be composted on site and used as fertilizer on the fields for agricultural purpose. The floors will be concrete, and the building will generally be unheated as warmth from animals will keep barn heated. Hay loft on second floor. Small storage area on second floor to store bridles and saddles for horses. Door heights will not exceed 12 feet. There will be no commercial use. There are no living quarters or intent for living quarters in this barn.

Open to the Board. Septic is questioned by Durgin. Bathrooms are tied to septic on house (north of property). These are two separate lots. Grosschedle states again that Board of Health was already approached by this design plan and approved and states that there must be an easement. Believes that this was originally one lot that was separated. Dias states that nothing has come in

front of the Board of Health in the last five years regarding connecting the barn to the septic system. Dias adds that if the applicant gets approval from ZBA, they will need to come back to the Board of Health. If it's a separate building on a separate lot, it will require its own septic system. Borsari is concerned with ¾ bathroom, ½ bathroom and laundry as it looks to be more than just for convenience. Grosschedle confirms that the intent really is only for convenience as the house is quite far away from this proposed barn; not for living quarters. Grosschedle was under the impression that the applicant had spoken with Board of Health but if they need to, will go to Board of Health for approval. Gaynor would not vote to approve this special permit without Board of Health's approval. Under Assessor's, Grosschedle states that the two lots (barn and home) are under separate ownership. Grosschedle believes there was a septic plan filed a long time ago with Board of Health for this project. Dias adds that there are problematic septic plans on file that were approved by Board of Health illegally, according to DEP. The applicant will need a fully compliant 330 gallon/day septic system.

Attorney Kwesell states that any septic system on property not owned by applicant including an easement requires a variance from Board of Health. Kwesell also states that the Board has 90 days left to approve variance.

Grosschedle requests a continuance to resolve the issues. Secretary will send an extension form to be completed by Grosschedle.

M/Nessralla, S/Parcellin. Unanimously approved (5-0-0) by voice vote to continue Petition #927 to January 11, 2021.

Appointment

7:35pm – Hearing – Pet #928 – Michael Nessralla, 137 South St – Special Permit and Variance for garage (continued)

Applicant is not present. Kozhaya Nessralla recuses himself.

Chairman reads Public Hearing Notice into record. Chairman and other members (Joy, Durgin, Parcellin and Borsari) completed a site inspection on 12/13/20. Durgin states although it looks on the plans as if there is plenty of land to move the garage to comply without variances, the applicant is limited with placement because of the pool. Durgin does not feel this is a self-created hardship but a hardship due to topography and water runoff. The proposed placement of garage is suitable. Durgin doesn't feel the garage is oversized. There will be six antique tractors housed in this garage. Borsari does not think this is detrimental to the neighborhood. Joy, Gaynor and Parcellin agree. No electricity. Chairman agrees that due to the setbacks and high-tension lines there is no other location on the property to place garage. There will be no commercial use.

Open to public. Abutter Kerri Butler, 22 South Street states that she is in support of project and agrees with the Board regarding placement and size of garage.

M/Joy, S/Durgin. Unanimously approved (5-0-0) by voice vote* to accept Petition #928 as presented with no commercial use.

*Dan Borsari is voting in place of Kozhaya Nessralla

Appointment

8:00pm – Hearing – Pet #930 – Bracken Engineering/Scott Burgess, 8 Hilda Ln – Special Permit for Multifamily Development

Applicant Don Bracken (Bracken Engineering) on behalf of Scott Burgess (owner) and Attorney Kwesell are present.

Chairman reads Public Hearing Notice into record. Bracken explains that Burgess brought the property back in July 2019. Property consists of 21 acres located off of Hilda Lane which is a paper subdivision road which was approved in 2005. The road has not been built except for a common driveway to two houses that have their access from Hilda Lane currently. The intent is to build a subdivision road and to construct a multifamily development on one large lot. This proposal is for 21 units broken up into five separate buildings. Gaynor explains to Bracken that because there are additional variances required on the property that have not been advertised, he would like this advertised as one project with all that is being requested. Kwesell confirms. She adds that there is a request to revise the subdivision due to drainage, etc. She adds that right now, the only public or private roadway approved was in 2005 and they are seeking an amendment to that roadway. She suggests the applicant finish with the Planning Board on the subdivision modification so there is an approved roadway that the Planning Board is comfortable with and then come before the ZBA with 21 acres with frontage along a public or private way. Bracken responds with their requested changes from Planning Board: 1. Relocation of drainage basin 2. Install a water line 3. Remove driveway entrances to show that there are only two entrances to this proposed project. They have withdrawn their request for subdivision modification from Planning Board and plan to resubmit. Gaynor asks Bracken to confirm that when the applicant (Burgess) brought a duplex application before the ZBA in December 2019, it was never denied; the applicant withdrew their application without prejudice. Bracken was not involved and has no details. Kwesell states that the subdivision approved in 2005 is only good for two years, according to subdivision control, however it is up to the Planning Board on how to deal with this. The applicant's requested changes are under the Planning Board's purview.

Open to Board. Application has been updated to request all four variances for another advertisement for January. Parcellin states that he feels the application does not seem to be complete anyway as the roadway was last approved in 2005. He is concerned with community's concerns and states that everyone deserves to know what is going on. Kwesell recommends there be a continuance for

one month and then a withdrawal in that time frame to allow time for Bracken to discuss with his client. If not, the Board will have to deny the project and the applicant would be looking at another two years to reapply.

Bracken officially requests to withdraw the application at this time. Secretary will send Bracken withdrawal form.

M/Parcellin, S/Durgin. Unanimously approved (5-0-0) by voice vote* to accept the Withdrawal Without Prejudice of application for Petition #930.

**Dan Borsari is voting in place of Kozhaya Nessralla*

Kerri Butler, 22 South Street, states her concerns about this project.

Meeting Minutes

M/Parcellin, S/Joy. Unanimously approved (5-0-0) by voice vote to accept Meeting Minutes for November 9, 2020 as presented.

M/Parcellin, S/Joy. Unanimously approved (5-0-0) by voice vote to accept Meeting Minutes for November 18, 2020 as presented.

Bills

- Plympton- Halifax Express Ad for Pet #930 = \$84.00
- Amory Engineers Invoice #15509 (with attached breakdown) Pet #920 = \$777.00
- Landlaw Specialty Publishers Invoice #41021 2021 MA Landcourt Reporter Subscription Renewal = \$235.00

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

Other Business

December 16, 2020 – Public Hearing via Zoom – Pet #920 Country Club Estates 40B

Applicant requested a continuation to this hearing to January which will require an extension.

2021 Meeting Schedule – all members have received copy

Adjourn:

M/Nessralla, S/Joy. Unanimously voted (5-0-0) to adjourn the meeting at 8:34pm.

Documents:

1. Agenda for 12/14/20
2. Application File for Petition #929
3. Application File for Petition #928
4. Application File for Petition #927
5. Application File for Petition #930
6. Meeting Minutes for 11/9/2020 and 11/18/2020
7. Bill Schedule for Petition #930 advertisement
8. Plympton-Halifax Express Invoice #12090
9. Bill Schedule for Petition #920 - Amory
10. Amory Engineers Invoice #15509 for Petition #920
11. Bill Schedule for Landlaw
12. Landlaw Specialty Publishers Invoice #41021
13. 2021 ZBA Meeting Schedule

Respectfully submitted,

Date: 1/11/2021



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