



HALIFAX ZONING BOARD OF APPEALS

Meeting Minutes

Monday, March 12, 2018

The Halifax Zoning Board of Appeals held a public hearing on Monday, March 12, 2018 in Meeting Room #1 of the Town Hall with the following Board members in attendance:

Robert Gaynor, Kozhaya Nessralla, Peter Parcellin, Gerald Joy, Robert Durgin and Daniel Borsari are in attendance.

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.

Meeting Minutes:

Motion to accept the Meeting Minutes for Monday, February 12, 2018:

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

Motion to accept the Meeting Minutes for Monday, April 27, 2015:

MOTION: Kozhaya Nessralla
SECOND: Peter Parcellin AIF
Passes: 4-0-0*

**Gerald Joy not a Board member April 27, 2015 and therefore cannot vote.*

Correspondence:

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

- Planning Board Memo dated 2/20/2018 regarding a site plan for J & V Auto Sales at 320 Monponsett Street. The Board reviews the plan and discusses the location.
- Selectmen Memo dated 2/20/2018 regarding a Class II License for Valter Ferreira at 320 Monponsett Street with attached applications. The Board reviews the applications and will discuss with the Building Inspector.
- Letter and attached legal documents from Attorney Kim Saillant of Deutsch-Williams dated 2/20/2018 regarding her motion to strike improperly filed documents. (*Re: Gordon C. Andrews v. Zoning Board, Building Inspector and The Party Trust - Land Court Civil Action No: 17MISC000507*).
- Letter of Violation from the Zoning Enforcement Officer Rob Piccirilli dated 2/22/2018 sent to the Pham Family at 395 Plymouth Street. The Zoning secretary confirms that nothing has happened since the letter was sent.
- Planning Board Memo dated 2/27/2018 with attached site plans for review of Proposed Solar Array at 0 River Street. The Board discusses location.
- Old Colony Planning Council Agenda for the 2/28/2018 meeting.
- Planning Board Memo dated 3/2/2018 regarding a Form A for a new home being built on 10 Thompson Street.
- Letter from the Planning Board to Nova Machine and Design/Robert MacLennan regarding the site plan waiver.

Appointment:

7:05pm – Petition #565 – Velma Siegel, 97 Circuit Street – Special Permit renewal for In-law

Chairman Gaynor reads into record a letter Ms. Siegel sent on March 1, 2018 stating she is allowing her neighbor, Kenneth Vinton, to speak on her behalf regarding her in-law apartment. Ms. Siegel nor Mr. Vinton are present. Mr. Gaynor requests that Ms. Siegel and Mr. Vinton be contacted regarding the status on Ms. Siegel's in-law as far as compliance.

Appointment:

7:20pm – Petition #875 – Nova Machine and Design – 413 Plymouth Street – Special Permit for Light industrial use in the Commercial/Business District

Present: Robert MacLennan (applicant) and Bill MacLennan (partner/brother)

Chairman Gaynor reads the Public Hearing Notice and the Building Inspector’s Letter of Determination into record. Mr. Robert MacLennan presents his petition. He explains that Nova Machine has been located for the last 14 years at 500 Industrial Drive (between DMC Racing and Liddell). He informs the Board that Nova makes small plastic and metal parts for other companies. There is no retail, therefore no foot traffic. Their hours of operation are typically 7am to 5pm Monday through Friday and a half day on Saturdays. Everything takes place inside the building; they are not working on cars (as it used to be an auto body) outside of the building so the noise levels are low. There are delivery drop-offs in the morning and pick-ups in the afternoon. Three to four times a month there may be a truck delivery of metal – aluminum and steel round-bars and 12-footers. All stock will be stored inside.

Board member Dan Borsari works in the same industry and asks a series of questions based on his experience. Mr. Borsari explains that he looked at the property on Plymouth Street and there is a nice loading dock. Mr. Gaynor points out that they are in a residential area and asks if there are trucks coming in and out. Mr. MacLennan answers that it could be anywhere from a few times a month to none at all, it all depends on their workload. Nova doesn’t manufacture the same materials all the time, it’s more customized. There are nine (9) machines inside the building and six (6) employees which means there are no more than six (6) cars on the property at a time. Mr. MacLennan explains that all their scrap is stored in 55-gallon drums inside the shop. There will be no air conditioning so windows will be left open. Any noise heard would most likely be a dull hum. As it is a residential neighborhood, noise complaints are a concern. Mr. Borsari suggests that the Board deal with any noise complaints when and if they are made. Cost-savings, Mr. MacLennan explains, is one of the reasons Nova Machine is moving to 413 Plymouth Street; it’s smaller and cheaper to heat and keep cool. The MacLennans are leasing the building from owners Allied Realty Associates, LLC and are currently working on a five (5) to seven (7) year lease.

The Board discusses stipulations and makes two (2) motions:

Motion to waive on-site for Petition #875:

MOTION: Peter Parcellin
SECOND: Robert Durgin AIF
Passes: 5-0-0

Motion to accept Petition #875 as presented with the following Stipulations:

1. The applicant(s) must come before the Board in one year for a **review** no later than the Monday, March 11, 2019 scheduled public hearing. This will be the responsibility of the applicant(s) to make an appointment in written form with the office of the Zoning Board of Appeals to be placed on the agenda before February 18, 2019.
2. The special permit will allow limited to temporary storage outside of the building.
3. Any and all abutter complaints will be directed through the Building Department.
4. There will be shielded lighting outside for security purposes.
5. Hours of operation will be 6:00am – 7:00pm Monday through Friday and 6:00am – 12:00pm on Saturday.
6. The special permit is granted with a limit to one (1) container at a maximum of 20 feet located at the back/side (near dock) of the property.
7. The special permit was granted based on the presentation and plans presented at the hearing. Any changes from what was presented and approved must be brought back before the Zoning Board of Appeals.

MOTION: Gerald Joy
SECOND: Peter Parcellin AIF
Voice Vote: Kozhaya Nessralla – Yes
 Peter Parcellin – Yes
 Robert Gaynor – Yes
 Robert Durgin – Yes
 Gerald Joy: Yes
 *Dan Borsari's Input: Yes

Passes: 5-0-0

The Board signs the decision form.

Bills:
The Board approves two bills: Plymouth-Halifax Express advertisement for Petition #875 totaling \$80.00 and W.B. Mason for a cordless phone/answering machine unit for the Zoning Board Department totaling \$79.51.

Adjourn:
Motion to adjourn meeting:

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

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

Respectfully submitted,



Robert Gaynor
Chairman, Zoning Board of Appeals