



HALIFAX ZONING BOARD OF APPEALS

Meeting Minutes

Monday, June 8, 2015

The Halifax Zoning Board of Appeals held a public hearing on Monday, June 8, 2015 in Meeting Room #1 of the Town Hall with the following Board members in attendance:

Robert Gaynor, Kozhaya Nessralla, Peter Parcellin and Robert Durgin were in attendance.

Chairperson Deborah Tinkham called the meeting to order at 7:03pm and reprised the audience that this public hearing/meeting is being audio taped. She also explained the procedure and the protocol at the public hearings.

Public Hearings:

7:00pm – Petition #744 – Jennifer Harmon, 7 Plymouth Street, Halifax, MA

Ms. Tinkham reads the Public Hearing Notice and correspondence related to this petition into record.

Present: Jennifer Harmon

Ms. Tinkham goes over a police report of a neighbor's complaint about dogs barking. Ms. Tinkham reads through the conditions of Ms. Harmon's permit and Ms. Harmon confirms that each condition is being followed. Mr. Gaynor asks Ms. Harmon, other than one breed of dogs, if anything else has changed. Ms. Harmon confirms that nothing has changed. Mr. Nessralla asks if Ms. Harmon still has horses. Ms. Harmon confirms that yes, she does. Mr. Gaynor confirms with Ms. Harmon that everything is up to date with the dogs for the Town Clerk. Ms. Tinkham suggests extending the permit to two or three years with the condition that if anything changes with the dogs or if there are any complaints, the Board be addressed. Mr. Gaynor feels that because there has been compliance over the years he would have no problem extending the permit for two years. The applicant and the Board agree. There are no further questions or comments.

Motion to accept Petition #744 with the amendment that the permit be granted for two years rather than the approval of a one-year period in the past:

MOTION: Robert Gaynor

SECOND: Kozhaya Nessralla AIF

Passes: 4-0-0

7:15pm – Petition #829, Michael & Susan Lawless, 22 Marjorie Drive, Halifax, MA

Ms. Tinkham reads the Public Hearing Notice into record.

Present: Michael and Susan Lawless

Mr. Lawless explains to the Board that they would like to build a farmer's porch on the front of the main house. The lot is almost half of an acre. The farmer's porch would be eight (8) feet. There is much confusion on why the application reads that there is a request for a variance for the violation of accessory building or structure. Mrs. Lawless explains that she filled out the application according to what she was told, but didn't entirely understand what that meant. Mr. Gaynor asks if they are moving a shed or re-doing their shed. They are not. Ms. Lawless suggests it might be dormers, however the dormers are already there. The Board determines that the variance request was a mistake and does not apply to this permit request. The Lawlesses would only like to add a farmer's porch for cosmetic reasons, to balance off the existing farmer's porch that is

on the end of the driveway and the new addition. It is not to be enclosed or used as living space. There will be no electricity, heat or running water on this porch.

Ms. Tinkham opens the discussion up to the public for comments or questions. There are none.

Mr. Gaynor asks Mr. & Mrs. Lawless if they have spoken to any neighbors or abutters regarding any concerns about building the porch. Mrs. Lawless answers that yes, their neighbors are aware and have not expressed concerns. The Lawlesses have owned the house since 2010. Mr. Gaynor explains that because most of the lots in the area are the same size, adding the farmer's porch to balance it off would only benefit the pre-existing conditions in the neighborhood. He does not think it would derogate with the intent of the by-law. Because of the size and dimensions of the lot, Mr. Gaynor feels it would satisfy the hardship as their lot does sit on the corner and has two frontages with no other place to put the porch.

Motion to waive the on-site inspection of Petition #829:

MOTION: Robert Gaynor
SECOND: Kozhaya Nessralla AIF
Passes: 4-0-0

Mr. Lawless is doing the work himself for the farmer's porch and will be matching the new farmer's porch to the existing farmer's porch – railings, sonatubes, etc. Mr. Gaynor asks Mr. Lawless to draw in the new porch onto the plan with the lot line to show the dimensions. Mr. Lawless adds the drawing, signs and dates it.

Motion to accept Petition #829 as amended and corrected; within the established character of the neighborhood, it doesn't derogate from the intent of the by-law and the hardship is a pre-existing, non-conforming lot, being on the corner leaves them with the restriction of having no other place to add the porch:

MOTION: Robert Gaynor
SECOND: Kozhaya Nessralla AIF
Passes: 4-0-0

7:30pm - Petition #828, Gerald Shillcock & Laurie Miller, 93 Paradise Lane, Halifax, MA

Ms. Tinkham recuses herself as she is a direct abutter to this address. Mr. Gaynor reads the Public Hearing Notice into record.

Present: Laurie Miller

Owner Mr. Shillcock and Ms. Miller are applying to construct a two-car garage and addition to their home with variances. Ms. Miller presents her petition. She explains that this is a very small lot. The is currently a one-bedroom, one-bathroom house which they're looking to expand to add another master bedroom and another bathroom as well as a garage. The garage is sitting on the lot line and they would like to pull it off the line. Due to the septic on one side, the front yard and the back dropping off, there aren't a lot of places to go. The Board and Laurie review the plans.

Mr. Gaynor opens the discussion up to the Board for comments or questions.

Mr. Gaynor asks if the garage has living space. Ms. Miller answers that there is a room upstairs (music room) with heat and electricity as it is a recreation room. There will still only be one kitchen in the home and will remain as a single-family dwelling.

Adjourn:

Motion to adjourn meeting:

MOTION: Kozhaya Nessralla

SECOND: Robert Gaynor

AIF

Passes: 4-0-0

Respectfully submitted,

Robert Gaynor

Chairman, Zoning Board of Appeals