



Town of Halifax Commonwealth of Massachusetts

Zoning Board of Appeals

499 Plymouth Street • Halifax, MA 02338 • 781-293-1736

HALIFAX ZONING BOARD OF APPEALS Monday, September 14, 2015

The Halifax Zoning Board of Appeals held a public hearing on Monday, September 14, 2015 in Meeting Room #1 of the Town Hall with the following Board members in attendance:

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

Chairperson Tinkham called the meeting to order at 7:04 pm and reprised the audience that this public hearing/meeting is being audio taped.

The Board reviewed the mail and other matter/issues:

Procedural Matters

I Correspondence/Mail/Email/Fax

- OCPC – “Agenda for Meeting No. 519 August 26, 2015” [received 8/24/15]
- Linda Braga email – re: “Finance Committee Representative” to the ZBA [received 9/8/15 & replied 9/9/15]

II *Bill(s)

- Revolving: “Express Newspaper” – Petition #818 Legal Notice = \$70 (never invoiced by newspaper until now)
- Revolving: “Express Newspaper” – Petition #835 & 834 Legal Notices = \$140
- Revolving: “Pesce Associates” – Petition #826 Engineering Professional Services (rendered from 6/24/15-8/31/15) = \$2,332.25

III Approval of Minutes

- November 10, 2014

IV New Business

- 7:10pm – Discussion with Ali Soufan, 381 Holmes Street, Halifax, MA
- 7:15pm – Petition #834, Jonathan Wall, 236 Oak Street, Halifax, MA
- 7:30pm – Petition #835, Garrett K. Back, 23 Richview Avenue, Halifax, MA

V Old Business – N/A

VI Other Matters

- Secretary to ZBA – re: Update ZBA on the 2 formerly interested candidates
- Planning Board to ZBA – re: “Site Plan for 934 Plymouth St.. (#14-SPR-137)” memo [received 9/9/15]

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- VII Upcoming Hearings, Seminars &/or Conferences
- VIII Open Comments /Open Business
- IX Possible Executive Session
- X Adjourn

Upon reviewing the correspondences/mail/memos, Chairman Tinkham proceeded to read an email with the subject tile “ZBA Petition #826 Blackledge Farm 40B Project” (-see attached-) from John McKeown, Director of the Housing Authority for the Town of Halifax (and also, in the abutting town of Pembroke, MA) to the ZBA Secretary. Upon reading the email, the secretary informed the Board that she will be forwarding this along to the appropriate contacts.

Discussion with Ali Soufan, 381 Holmes Street, Halifax, MA

BOARD/COMMITTEE: ZONING BOARD OF APPEALS
MEETING PUBLIC HEARING (Please circle appropriately)
DATE: SEPTEMBER 14, 2015 TIME: 7:10PM
LOCATION: Town of Halifax, 499 Plymouth Street, Halifax, MA, Meeting Room #1 / 2nd Floor
PURPOSE: Discussion with Ali Soufan of 381 Holmes Street, Halifax, MA
REQUESTED BY: Marion Wong-Ryan, ZBA Secretary

NOTE: All meeting notices must be filed and time stamped in the Town Clerk’s Office and posted on the Municipal Bulletin Board no later than 48 hours in advance of meetings (excluding Saturdays, Sundays and legal holidays). Please keep in mind the Town Clerk’s hours of operation and make the necessary arrangements to be sure posting is made in an adequate amount of time.

*Per changes to the Open Meeting Law effective 7/1/2010, “A listing of topics that the Chair reasonably anticipates will be discussed at the meeting” are to be listed on the agenda.

LIST OF TOPICS TO BE DISCUSSED

Zoning Board of Appeals Chairperson Debra Tinkham requested Mr. Ali Soufan’s attendance to explain his request for a “Class II License” requiring sign off from the Zoning Board of Appeals.
Company: DBA Ali’s Auto Repair and Sales

Mr. Soufan was in attendance to explain his request for a “Class II License”.

Chairman Tinkham asked Mr. Soufan to explain to the Board his request. Mr. Soufan addressed the Board explaining that he has requested a Class II License for automobiles, permitted by the Board of Selectmen but in need of sign off from other Boards/Departments within the Town Hall. His business consists of operating from an auction house, where the cars remain stored until the cars are bought and sold from a dealer, then shipped overseas. His reason for the license is to have an occupational home business. There will be no cars from the auction house at his place of residency. He reiterated that the cars stay at the auction lot. The Board was satisfied with the explanation and appreciated Mr. Soufan for taking time to explain his business.

It was duly moved (R.Gaynor) and seconded (K.Nessralla) to sign off on the Class II License application portion from the Zoning Board of Appeals.

Chairperson Tinkham called for a Voice Vote: R.Durgin, YES; P. Parcellin, YES; K.Nessralla, YES; R.Gaynor, YES; D.Tinkham, YES. The sign off by the ZBA was passed 5-0-0.

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Notice of Public Hearing

Petition #834 – Jonathan Wall, 236 Oak Street, Halifax, MA

The Halifax Zoning Board of Appeals will hold a public hearing on Monday, September 14, 2015 at 7:15 pm in Meeting Room #1 of the Town Hall, 499 Plymouth Street, Halifax, MA on the application by Jonathan Wall to request a Special Permit to build a detached garage in excess of eight hundred eighty four (884) square feet to the property, located at 236 Oak Street Halifax, MA, Said property is owned by Jonathan K. Wall & Lauren E. Perry, as shown on Assessor's Map #12/Lot 4D. The applicant seek a Special Permit under Section 167-12.F (4), authorized by Special Permit from the Zoning Board of Appeals page (167:47) in accordance with the Zoning By-laws of the Town of Halifax. Area is zoned residential. Petition #834

Mr. Wall was present to speak to his petition.

Mr. Wall explained that he is applying for a special permit for a 1,200 square foot garage and the bylaw requires any garage in excess of 884 square feet must come before the Board. He will be storing his racing car, only personal cars. The size of the garage is forty feet by thirty feet. There will be no running water but there will be heat and electricity. No work on vehicles outside. The two end garages will house their regular cars and the middle garage will be where the work will be done on his personal funny cars/racing cars. His hobby of racing cars is self funded with the help of his parents. His car names are "Boogie Man" and "Fireball Watson".

Mr. Wall came towards the Board and showed them the proposed structure using his certified plot plan. Mr. Wall said he is not sure how many trees will need to come down but will keep a tree line. Currently there is a shed and that will be removed to build this structure.

Mr. Gaynor wanted to verify that there will be no road testing of any funny cars on Oak Street, especially it being a residential neighborhood. Mr. Wall confirmed that there will be no racing or road testing of his funny cars. Mr. Wall said that his funny cars are so low, they can only go on a track. As for lighting, no lighting out of the ordinary, just regular flood lights/sconces in between each bay with vinyl siding. There will be nothing that bright. Second story will be for storage only and there will be no bathroom installed and no living space.

The Board and Mr. Wall reviewed the certified plot plan and layout as the location is set way back from the property and as long as there is a tree line in place, that would please the Board. Chairman Tinkham read aloud the stipulations in the town by-laws regarding garage/barns, along with garage door heights. Mr. Wall said that his garage doors would be no higher than ten feet.

Chairman Tinkham opened the petition to the audience.

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Abutter, David Fryer of 242 Oak Street spoke and was in favor of the barn due to the location.

It was duly moved (R.Gaynor) and seconded (K.Nessralla) to waive the on-site inspection. So Voted by Voice and passed 5-0-0.

It was duly moved (R.Gaynor) and seconded (P.Parcellin) to grant your petition(#834) for a Special Permit to build a detached garage in excess of eight hundred eighty four (884) square feet to the property, located at 236 Oak Street Halifax, MA, Said property is owned by Jonathan K. Wall & Lauren E. Perry, as shown on Assessor's Map #12/Lot 4D and the Special Permit was granted under Section 167-12.F (4), authorized by Special Permit from the Zoning Board of Appeals page (167:47) in accordance with the Zoning By-laws of the Town of Halifax.

This project does not derogate from the intent of the By-law and will not be detrimental to the neighborhood.

The following conditions (agreed upon with the applicant) must be adhered to in order for the special permit to remain in effect:

1. The garage is to be used for personal use only. No commercial use will be allowed.
2. No running water or drainage will be installed in the garage.
3. Electricity and heating will be allowed. Electricity will be tied into the existing service from the house.
4. No living space will be allowed in the garage.
5. The second floor will be used for storage only in the garage.
6. Garage door(s) will not exceed ten (10) feet in height.
7. In regards to the tree line, the applicant agreed to keep the tree line intact and to limit the amount of tree removal for the building of the detached garage.
8. The special permit runs with the applicant(s) only and is not transferable.
9. 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.

This decision shall not take effect until:

- (a) A copy of this decision certified by the Town Clerk to the effect that twenty (20) days have elapsed since this decision was filed in the office of the Town Clerk (9/15/15) without any appeal having been dismissed or denied has been recorded in the Plymouth County Registry of Deeds, or with the Assistant Registrar of the Land Court for Plymouth County, and
- (b) A certified copy indicating such Registry Recording has been filed with the Board.

Chairperson Tinkham called for a Voice Vote: R.Durgin, YES; P. Parcellin, YES; R.Gaynor, YES; K.Nessralla, YES; D.Tinkham, YES

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The motion to grant petition #834 passed 5-0-0

Chairperson Tinkham reprised Mr.Wall of the procedure following approval of the petition.

Petition #835 -Garrett K. Back, 23 Richview Avenue, Halifax, MA

The Halifax Zoning Board of Appeals will hold a public hearing on Monday, September 14, 2015 at 7:30 pm in Meeting Room #1 of the Town Hall, 499 Plymouth Street, Halifax, MA on the application by Garrett K. Back for a Special Permit to build / renovate the home, located at 23 Richview Avenue, Halifax, MA. Said property is owned by Garrett K. Back, as shown on Assessor's Map #40, Lots 82 & 83. The Special Permit requested requires the following: a Continuation. Alteration and Extension of Non-Conforming Uses (Sections 167-8A, 167-8B & 167-8C; page 167:40) in accordance with the Zoning By-laws of the Town of Halifax. Area is zoned Residential. Petition #835

The secretary read a letter aloud (-see attached-) to the Board from the petitioner, requesting a continuance to the next regularly scheduled public hearing date of October 5, 2015 as he was (and stated on the letter) "...unable to obtain sufficient architectural plans in the time frame since we became aware of improper permits for the renovations at 23 Richview Avenue."

The secretary read the email correspondences to/from the applicant to make the Board aware of the status.

It was duly moved (R.Durgin) and seconded (K.Nessralla) to continue the public hearing of petition #835 to Monday, October 5, 2015. Chairperson Tinkham called for a Voice Vote: R.Durgin, YES; P. Parcellin, YES; R.Gaynor, YES; K.Nessralla, YES; D.Tinkham, YES

The motion to grant a continuation of petition #834 to Monday, October 5, 2015 passed 5-0-0

It was duly moved, seconded and VOTED to adjourn the meeting.

Respectfully submitted,

Marion Wong-Ryan
Zoning Board of Appeals, Secretary

Robert Gaynor
Zoning Board of Appeals, Chairman
