



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, December 14, 2015

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

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

Chairperson Tinkham called the meeting to order at 7:05 p.m.

The Board reviewed the mail and other matter/issues:

7:15pm – Petition #837, David & Betty Jo Eosue, 326 Holmes Street, Halifax, MA

Procedural Matters

I Correspondence/Mail/Email/Fax

- OCPC: “Agenda for Meeting No. 522 December 2, 2015” [received 11/30/15]
- Letter from ZBA to Bowker, LLC – re: “Petition #826...” [dated 11/16/15]

II *Bill(s) – n/a

III Approval of Minutes

- **November 10, 2014**
- **Petition #826 = March 16, 2015, April 13, 2015, April 27, 2015, May 18, 2015 & August 10, 2015**

IV New Business – n/a

V Old Business

- 7:15pm – Petition #837, David & Betty Jo Eosue, 326 Holmes Street, Halifax, MA

VI Other Matters

- “2016 Zoning Board of Appeals Meeting Schedule-Addendum” [time stamped 11/16/15]
- Board of Selectmen – re: “2016 Board of Selectmen Meeting Schedule” memo [received 11/17/15]
- ZBA to Town Clerk – re: “Response to Letters from Newman & Newman, P.C. Attorney at Law...” memo [dated 11/24/15]
- Board of Selectmen – re: Letter to Scott Clawson re: Fieldstone Show Park [dated 11/25/15] & Secretary responded to email from Charlie Seelig, [emails dated 11/10/15 & 11/18/15]
- Wage & Personnel Board – re: “Public Hearing” memo for on 1/12/16 [received 12/1/15]
- Planning Board – re: “2016 Meeting Schedule” memo [received 12/7/15]
- Board of Selectmen – re: “Submission of Information-Important Dates” memos [received 12/7/15]

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- Charlie Seelig – re: “FY2017 Budget Forms and Submission Process” memos [received 12/8/15]
- Planning Board – re: “Solar Array @ 69 Summit St” [emailed 12/3/15] & response from Secretary [emailed 12/9/15]
- Charlie Seelig – re: “Town of Halifax-Board of Selectmen-Meetings on 12/22 and 12/29” email
- Finance Committee – re: “Finance Committee Representative” [emailed 12/8/15] & response from Secretary [emailed 12/9/15]
- Secretary to ZBA – Request Approval to submit:
 - “Fiscal Budget Request to the Town Accountant-FY 2016-2017 Zoning Board of Appeals”
 - “Town of Halifax Inventory Equipment- December 31, 2015”
 - DRAFT – “Zoning Board of Appeals 2015 Annual Report”

VII Upcoming Hearings, Seminars &/or Conferences

VIII Open Comments /Open Business

- Received after the posting of the agenda and acknowledged were the following:
 - Conservation Commission 2016 Meeting Schedule
 - Finance Committee 2016 Meeting Schedule
 - Board of Health 2016 Meeting Schedule
 - Special Town Meeting for January 4, 2016, posted for potential quorum

IX Possible Executive Session

X Adjourn

Petition #837, David & Betty Jo Eosue, 326 Holmes Street, Halifax, MA

BOARD/COMMITTEE: ZONING BOARD OF APPEALS
MEETING PUBLIC HEARING (Please circle appropriately)
DATE: DECEMBER 14, 2015 TIME: 7:15PM
LOCATION: Town of Halifax, 499 Plymouth Street, Halifax, MA
PURPOSE: Continuance of Petition #837....[see below]
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

Notice of Public Hearing

The Halifax Zoning Board of Appeals will hold a public hearing on Monday, November 9, 2015 at 7:30p.m. in Meeting Room #1 of the Town Hall, 499 Plymouth Street, Halifax MA on the application by SNE Products, Inc. (on behalf of David & Betty Jo Eosue) for a thirty-six (36) feet by twenty-four (24) feet In-Law Apartment at 326 Holmes Street, Halifax, MA. Said property is owned by David & Betty Jo Eosue, as shown on Assessor’s Map 22, Lots 16 & 35. The applicant seeks a Special Permit for an In-Law Apartment in accordance with the Zoning By-laws of the Town of Halifax under Section 167-7(C), Summary of Use Regulations (page 167:20) & Section 167-7(D)(12) Specific Use Regulation, page 167:27.

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Area is zoned residential. Petition #837. Applicant to discuss with his client/property owners of a potential submission of revised architectural plans and certified plot plans based upon the public hearing on Monday, November 9, 2015.

Attendees for the application were Dana Anderson (Contractor of SNE Products, Inc.), Mr. & Mrs. Eosue and his mother-in-law, Joanne Brady (who would be the resident to the proposed in-law apartment).

Mr. Anderson addressed the Board, informing them that he discussed the architectural changes proposed to the addition. Mr. Anderson showed the difference of the original submitted plans to the revised plans submitted to the Office of the Zoning Board of Appeals on December 7, 2015 and was time stamped with the Town Clerk. The Board was able to see side by side comparison of the original submitted to the revised proposed plan.

The house is styled as a ranch style home with no second level. The Board re-verified that all utilities will be shared. Mr. Anderson explained as the addition is a modular build, the terminology is a meet wall where it will connect with the existing home. This would represent the perforated/dotted lines in the revised architectural plans.

The opening to connect to the existing home will be a five feet opening. The shared living space is the family room. The Board is pleased with the revised layout overall. The Board reviewed the egresses onto the addition. Mr. Parcellin asked what, if any, moving the modular forward did to the addition. Mr. Anderson responded that, if anything, it made it that the side lot line is in favor of adhering to setback regulations as the original was thirty point five (30.5) feet versus the revised is thirty three point two (33.2) feet.

Chairperson Tinkham asked Mrs. Brady if she is pleased with the revised in-law addition. She was very pleased, giving her access to the family yet offering her space for herself and friends she would like to entertain.

The Board wanted Mr. Eosue to know that should there be no need for the in-law apartment going forward, the zoning board would need to know. Should the applicants decide to sell the property that it cannot be sold as a single family home with an in-law apartment. The potential buyers will have to apply for the special permit as it only goes with the applicant and not the property.

It was duly moved (Robert Gaynor) and seconded (K.Nessralla) to waive the on-site inspection. So voted by voice: 5-0-0.

It was duly moved (R.Gaynor) and seconded (P.Parcellin) to grant your petition (#837) for a Special Permit application (by Dana Anderson of SNE Products, Inc.) for a thirty-six (36) feet by twenty-four (24) feet In-Law Apartment to your property, located at 326 Holmes Street, Halifax, MA, as shown on Assessor's Map 22, Lots 16 & 35. The application was granted as it met the criteria for an In-Law Apartment in accordance with the Zoning By-laws of the Town of Halifax under Section 167-7(C), Summary of Use Regulations (page 167:20) & Section 167-7(D)(12) Specific Use Regulation, page 167:27. Area is zoned residential.

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This petition was granted as it does not derogate from the intent of the bylaw and will not be detrimental to the established character of the neighborhood.

The conditions for granting the special permit for the in-law apartment are as follows:

- The in-law apartment will share all utilities.
- The layout of the in-law apartment is to remain as the submitted revision plans presented at the December 14, 2015 meeting and time stamped by the Halifax Town Clerk received on "2015 DEC 7 PM 1:45".
- The in-law apartment kitchen appliances are to be removed when no longer occupied by a family member.
- The in-law apartment cannot become an income producing apartment.
- If any change in tenancy takes place, the applicant is to come back for review.
- The Board shall be notified if the in-law apartment is no longer needed.
- The special permit shall run with the owner and not with the property. The special permit is not transferable.
- Should the conditions for granting the special permit for the in-law apartment no longer exist, the special permit shall become null and void.
- The special permit for the in-law apartment is granted for a period of 5 years. Upon expiration of the permit, the applicant(s) shall come back before the Board and apply for an extension.
- The special permit was granted based on the plans and testimony presented at the hearing. Any changes from what was presented and approved must be brought back before the Zoning Board of Appeals.

Please be advised that all variances and special permits shall comply with all the rules, regulations, and codes of the Town of Halifax.

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 (12/15/15) 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

The motion to grant petition #837 passed 5-0-0

Chairperson Tinkham reprised Mr. Eosue and Mr. Anderson of the procedure following approval of the petition.

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Resignation of Board Member, Debra Tinkham

After serving the Town of Halifax for over 27 years, Board member, Debra Tinkham decided to step down from her position, making 2015 her last year of service. The fellow board members were saddened to receive her letter of resignation but accepted it and wished Mrs. Tinkham the very best in her future endeavors. The Board took a thoughtful moment to express their sincerest appreciation to Debra Tinkham.

Reorganization of the Halifax Zoning Board of Appeals

At the same public meeting, the Halifax Zoning Board of Appeals voted to reorganize, effective immediately for the remainder of 2015 year and the calendar year of 2016.

It was duly moved (Debra Tinkham) and seconded (Robert Durgin) to nominate Robert Gaynor to the position of Chairman for the Zoning Board of Appeals. So Voted by Voice: 5-0-0.

It was duly moved (Robert Gaynor) and seconded (Debra Tinkham) to nominate Kozhaya Nessralla to the position of Vice-Chairman for the Zoning Board of Appeals. So Voted by Voice: 5-0-0.

It was duly moved (Debra Tinkham) and seconded (Kozhaya Nessralla) to nominate Peter Parcellin to the position of Clerk for the Zoning Board of Appeals. So Voted by Voice: 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, Vice-Chairman
