



**Halifax Conservation Commission  
Meeting Minutes  
November 21, 2023**

These minutes are an abstract of the Conservation Commission meeting held Tuesday, November 21, 2023, which are on file with the Conservation Department and posted on the Town of Halifax website and Area58 Halifax's YouTube page.  
<https://www.youtube.com/watch?v=bLIVqYcU1JE>

**Present at the Meeting:** Kathy Evans, Chair, Steve Goodman, Member, Melanie Martin-Plant, Member.

**Absent:** Edward Lane, Co-Chair, Kimberley King, Secretary.

Chair Evans calls the Halifax Conservation Commission meeting into session, states members present and announces that the meeting is being recorded by Area 58 and can be viewed on YouTube.

**The Conservation Commission meeting opened at 7:00pm**

**Hearings:**

- **7:00pm:** 0 Highland Circle & 69 Summit Street: **NOI** – *Hearing Continued:*
  - To construct a wetlands crossing to allow access to existing uplands.
    - Peer Review went to Eco Systems-Solutions on 01/03/23.

A motion was made to remove 0 Highland Circle & 69 Summit Street from the agenda until the applicant/representative contacts the Conservation Commission to continue the hearing.

**Motion:** Steve Goodman

**Second:** Melanie Martin Plant

**ALL in Favor:** (3-0)

- **7:05pm:** 111 River Street – **ANRAD** – *Continued Hearing:*
  - Approval of Bordering Vegetated Wetlands (BVM).
    - Ecosystems Solutions Review Revisions.

A motion was made to continue the ANRAD for 111 River Street to Conservations December 05, 2023, at 7:15pm.

**Motion:** Melanie Martin Plant

**Second:** Steve Goodman

**ALL in Favor:** (3-0)

**Appointment:**

- **7:10pm:** Hilda Lane Development: Joe Webby, Webby Engineering & Scott Burgess, owner to be present.
  - Re-Delineation completed.



- Board went over the reason this matter was before Conservation being that the Planning Board requested Conservations commentary. While reviewing the plan, it was determined that the delineation had expired, and the ANRAD was over 3-years old and would require to be re-delineated. The Board reviewed the re-delineated plan the owner & representative brought to a previous meeting and determined that in order to move forward with Conservation, the new ANRAD would need to be submitted to approve the new wetland line. Once that is complete, a peer review of the ANRAD would need to be done of the new delineation to ensure the line is correct. A Notice of Intent will then be required for any work/construction to be done on the property.

#### **Discussions and Actions to be Taken:**

- 413 Plymouth Street: Jake Sullivan, new owner.
  - Looking for an idea of how the Board would vote if he were to submit an RDA or NOI to pave an area and clear an area of the property.
    - Prior to Mr. Sullivan's appearance, the Board discussed briefly what would need to be submitted for Mr. Sullivan to pave and clear an area on the property.
    - Mr. Jake Sullivan and the Board discussed his request to clear brush and approximately a dozen trees, the stream/brook on the property, a wetlands line, the wetland distance, is it within 100' of the wetland, a possible site visit, absorption to the wetlands once trees are removed, the ditch/depression area and contacting an engineer for submission on a Notice of Intent may be helpful if the work is within 100' of a wetland area.
- 383 Monponsett Street: Driveway Installation Complaint.
  - After-the-Fact RDA and fee received.
  - Board vote for Determination of Applicability.

A motion was made to Approve the After-the-Fact RDA for 383 Monponsett Street.

**Motion:** Steve Goodman

**Second:** Melanie Martin Plant

**ALL in Favor:** (3-0)

- 250 Lingan Street: Morse Brothers Earth Removal Permit Application
  - Selectmen's Decision.
    - Member Goodman expressed his disappointment of the Select Boards approval of Morse Brothers Earth Removal permit, he expressed that his review of the towns by-laws indicate it was illegal and Morse Brothers own attorney indicated that it wasn't lawful for the Board of Selectmen to approve it. Member Goodman commented that depending on the way the by-law is read; the permit should have come before Conservation or Zoning. Member Goodman thinks the reason it was brought before us was so that we could abide by our by-laws and the Board of Selectmen could say no and then they could appeal to the State. He feels that's what the



plan was and that's why they highlighted the fact that it was illegal.

Member Goodman stated this action violates at least three (3) by-laws.

- Member Goodman commented that there may be repercussion, but he is calling out the Selectmen outright lied. At the Board of Selectmen meeting when they approved the permit, they said the Conservation Commission has no problem with it and that is just not true. When they asked Conservation to submit comments, two (2) members of the Conservation Commission submitted comments against it, and nobody submitted comments in favor of it and he doesn't know how you interpret that as a Select member as Conservation having no problem with it. Member Goodman wants this on the record because he feels this is an outright lie and he doesn't want people in the town to think that Conservation was behind this project and that Conservation thought this was a good idea at all. He personally doesn't and the Commission has never offered an opinion as a Board, and he doesn't like that the Selectmen said Conservation did.
- Member Martin-Plant stated she would like to comment on this matter as well. Member Martin-Plant commented that she concurs with a lot of what Member Goodman said. Conservation did not as a Board submit commentary or anything official. Member Martin-Plant commented that she did submit a letter herself and feels that the Commission was not given enough time, and it could have been a misunderstanding that was taken as it was accepted by the Board because nothing official was submitted from the Commission and she was a little confused by the very short notice they had to submit comments and that the Commission didn't have time to have a meeting beforehand about it. Member Martin-Plant commented that if the Commission had had a chance to have a meeting beforehand about it, she would have volunteered to draft a letter from the Board and gotten every body's input and put that all together. Member Martin-Plant commented that she is personally disappointed by the lack of time the Commission was given to come up with individual comments because it couldn't have happened, the Commission didn't have a meeting and that is why two (2) members had to submit letters independently and the Commission should have discussed it, had an opinion as a Board and come up with a joint statement to the Select Board. The fact that the Commission didn't have time to do that was disappointing to Member Martin-Plant and she is also disappointed with the results.
- Chair Evans commented that it was already voted on by the Select Board. Member Martin-Plant commented that she understands that and would like to believe it was a misunderstanding with the Select Board without having something official from the Commission that they misinterpreted that to be that the Commission had no opposition to it, but it was actually just the fact that we didn't have time.
- Chair Evans commented that maybe going forward Conservation could look at what Member Goodman has brought up as far as, do Earth Removal Permits need to come before Conservation prior to the Eart



Removal. Chair Evans commented that Conservation could look into what other town's do and reach-out to DEP. Member Martin-Plant commented that she believes that is a good idea, however, even just asking the opinion of the Board, she feels the Commission was not given enough time, because the Commission didn't have a meeting before that. Member Martin-Plant commented that the Board can't discuss things outside of an open meeting so that timing did not work out for Conservation to be able to meet. Member Goodman commented that there were at least two (2) meetings from the time Morse Brothers applied for the permit to when the Select Board asked for the Commissions input that they could have sat as a Board and had a collective thought process about it. The Administrative Assistant commented that the Earth Removal Permit was at one of the meetings for comments, questions or concerns and the Board didn't write anything. Member Goodman commented that he did, he was at that meeting. The Administrative Assistant asked if Member Goodman wrote on the paperwork. Member Goodman commented that they may have discussed it a little bit, but it was just a discussion, it wasn't on their agenda to vote on anything. Member Martin-Plant commented that the Earth Removal permit wasn't on our agenda to give an official statement. Member Goodman commented that that opportunity was taken away from the Commission. Chair Evans commented that going forward we can look into other things and what other towns do and also check with DEP and see what the State suggests.

- Member Martin-Plant commented that even if the Commission is not asked for an official opinion, maybe in the future we should, if the Select Board is going to interrupt the Commission as not giving an official opinion because of not having time to, the Commission may just want to be pro-active and draft an official opinion when they are asking for comment. The Administrative Assistant commented that she thinks that is what the comments, questions and concerns are, the official Statement the Select Board is asking for from the Commission.

- 314 Plymouth Street and 340 Plymouth Street:

- Drainage Pipe & Abandoned Ditches issue, Alger property (340 Plymouth Street).

- Tom Alger of 340 Plymouth Street addressed the Board reminding them that at the last meeting there were some questions about the town's engineer's indication that his proposal to extending the pipe to back ditch "should" alleviate some of the water run-off.
      - The administrative Assistant read into record Pat Brennan of PGB Engineering's response to the Boards concern of the word "should" from a previous letter. Mr. Brenna responded that he used the word 'should' because while the work on the self-storage property will alleviate some of the Alger's flooding issues, they also get runoff from other sources unrelated to the outfall pipe running through the



O'Reilly property including Plymouth Street. Therefore, the flooding issues that the Alger's experience will not be completely remedied by this work, but they will be lessened. Mr. Alger commented that his engineer and the Peck's engineer have come to a meeting of the minds that the run-off from the remaining portion of the storage facilities and the Starbuck's property and the existing situation with the bank and O'Reilly's would be sufficient with those two (2) pipes that they are seeking an easement for through the Alger property. Mr. Alger commented that is all in their calculations, they've calculated the amount of water flow that would be necessary. What they are unable to do is calculate what the water flow will be from Rt.106 and the two (2) parking lots across the street at Happy Dragon and Nonnies Restaurant. The water that is coming from that outflow pipe from Rt. 106 includes all the water from Rt. 106 and the water from those two (2) parking lots. Mr. Alger commented that his engineer cannot determine what the water volume will be from the pipe. If the town's engineer would like to get in touch with his and the Peck's engineer, that would be welcomed to help solve the problem. Mr. Alger commented that it is his opinion that the town should have some sort of a piping system to dispose of the water on Rt. 106 and also the owners of the other properties across the street should take care of their own water and not dump it on their property.

- The Board discussed the water runoff from the properties across the street, the pitch of the parking lots, and that the issue possibly being a matter for the State to look into. The Board asked if it could possibly be an issue for the Highway Department because the town pipe from the parking lots is connected to the State's drain. The Board discussed the fact that these issues would have been discussed at the time the other properties went before Planning, so now Conservation only has the option of hoping to alleviate the waterflow, runoff and some of the flooding. The Administrative Assistant commented that she thinks it would be the Highway Department, but she will double-check with Highway Surveyor Howard.

**Bills to be Approved and Signed:**

- Revolving Account: (#25-173-5380):
  - Express Newspaper:
    - 550 Monponsett Street – Legal Ad Notice# 14973 - \$45.00.
    - 48 Elm Street – Legal Ad Notice# 14857 - \$45.00

A motion was made to pay bills.

**Motion:** Melanie Martin Plant

**Second:** Steve Goodman

**ALL in Favor:** (3-0)



### **Meeting Minutes to be Approved and Signed:**

- **Approve & Sign:**

- November 07, 2023, Meeting Minutes.

A motion was made to approve the October 17, 2023, Revised Meeting Minutes.

**Motion:** Melanie Martin Plant

**Second:** Steve Goodman

**ALL in Favor:** (3-0)

- October 17, 2023, Meeting Minutes Revised 11.16.23

A motion was made to approve the October 17, 2023, Revised Meeting Minutes.

**Motion:** Melanie Martin Plant

**Second:** Steve Goodman

**ALL in Favor:** (3-0)

- Approved on 10/04/23. Just Require Signatures: Board signed appropriate minutes.
  - October 03, 2023, Meeting Minutes.
  - September 27, 2023, Meeting Minutes.
  - September 15, 2023, Meeting Minutes.

### **Other Business: \*\*Any other unscheduled business following posting of this Agenda.**

- The Board briefly discussed having consistent policies and procedures for residents so that they know prior to a meeting if they require a Request for Determination of Applicability (RDA) of a Notice of Intent (NOI).
- Member Goodman commented to the Board that due to what happened with the Earth Removal Permit for Morse Brothers and Conservations lack of ability to protect the biggest resource in Halifax, leads him to announce to the Board that he thinks he is going to resign tonight. Member Goodman feels that being on the Board is not having the affect he thought it would, he feels that the Commission has been rendered powerless by the decisions made by the Board of Selectmen and until things change at that level, he feels he is wasting his time.
  - The Board asked if they could discuss the matter further as he is an asset to the Committee.
    - Member Goodman commented to the Board that he has asked the Board of Selectmen to formally remove Kim King from the Conservation Board as she has missed seven (7) of the last eight (8) meetings. Member Goodman commented that he has filed an ethics violation report with the State Ethics Board for Kim Kings behavior outside of the Conservation Commission and that he has brought that to the attention of the Board of Selectmen and that they have done nothing and told him they are Leary to act, when our town by-laws directly allow them to remove anyone, they've appointed for any reason they see fit. Member Goodman commented that he does not know what is going on in this town and why some people have as much power as they do and feels that it is limiting the ability of the Conservation Board.
    - Member Martin-Plant commented that she would like to respectfully request that the Commission go into Executive Session



at the next meeting to discuss exactly what Member Goodman just brought up about the request he made to the Select Board and see if there is something the Commission can do as a committee to talk about a policy for lack of attendance perhaps.

- Chair Evan's asked, is there not one?
- Member Goodman commented that there is, if you miss three (3) in a row, you can be removed, but it is at this Board and the men's discretion.
- Member Martin-Plant commented that she would like to request that the Commission go into Executive Session at the next Conservation meeting to discuss that and she would request that Member Goodman be here for that and postpone the resignation until after that meeting.
- Member Goodman commented that he would wait until after the next meeting or two before making a final decision.
- The Administrative Assistant asked Member Goodman if he would like a joint executive meeting with the Select Board. Member Goodman doesn't know if they are willing to.
- Member Martin-Plant requested that the Commission meet first to outline the Commissions issues first.
- Member Martin-Plant requested the Executive Session because it involves the character of a member.
- The Board determined that they would meet in executive session on December 05, 2023 regarding this matter and then request to meet with the Select Board at their December 19, 2023 meeting.

**Next Meeting:** December 05, 2023

**Motion was made to Adjourn at 7:42pm:**

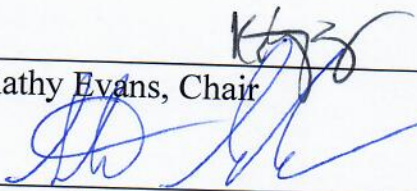
**Motion:** Steve Goodman

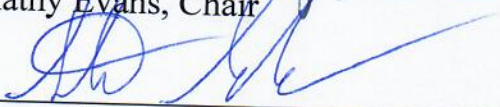
**Second:** Melanie Martin-Plant

**ALL in Favor:** (3-0)

Respectfully typed and submitted by:  
Peggy Selter, Administrative Assistant  
Conservation Commission

Approved Date: December 19, 2023

  
\_\_\_\_\_  
Kathy Evans, Chair

  
\_\_\_\_\_  
Steve Goodman, Member

  
\_\_\_\_\_  
Melanie Martin-Plant, Member