



**Halifax Planning Board  
Meeting Minutes  
March 1, 2018**

**OFFICIAL**

**A meeting of the Halifax Planning Board was held on Thursday; March 1, 2018, at 6:30 p.m. at the Halifax Town Hall, Meeting Room #1, 499 Plymouth Street, Halifax, Massachusetts.**

**Members Present:** Gordon Andrews, Chairman; Karlis Skulte, Vice-chair; Mark Millias, clerk and Jonathan Soroko Absent: Larry Belcher

The meeting was called to order at 6:33 p.m. and the agenda was read into the minutes by Gordon Andrews  
Motion to accept the agenda as read

MOTION: Mark Millias

SECOND: Jonathan Soroko AIF

Appointments:

Site Plan Review: Pope's Tavern 506 Plymouth St.

It was requested to continue the meeting for approval for 60 days as the Engineer has not finalized the full set of Plans require

Motion to accept the request for continuance for 60 days for the site plan for Pope's Tavern at 506 Plymouth St., Halifax, to expire on April 30, 2018

MOTION: Mark Millias

SECOND: Jonathan Soroko AIF

Karlis Skulte arrived at 6:38 p.m.

Appt. for 6:45 p.m. Mr. Ferriera not in attendance. Board moved to next appointment

Form A - 233 South St. Bradford White Map 111 Lot 4C

Mr. White not in attendance – cutting one lot into two.

A foundation is on the current lot. Members discussed whether the delineation was confirmed by the Conservation Commission. Even if the resource area was confirmed years ago, if it was noted on the plan, that would be fine. Only have to go to Conservation if within 100' of wetland line with an NOI, but if they want to lock in area, it's important to do. Mr. Andrews was more concerned with ensuring they have the square footage for uplands requirement.

Members agreed to have the wetland line confirmed by Con Com, just need to verify the line. possibly done in 2005. Will continue at next meeting to obtain more information.

Site Plan Review – Nova Machine, Robert MacLennan

Mr. MacLennan present: wants to lease the building, already have a precision machine shop at 500 Industrial Dr. want to downsize. Light industrial use, small to medium parts, 5 employees, no foot traffic coming in, no retail, couple deliveries each week. All activity will be inside the building.

Secretary had applicant update the parking, and as shown is less invasive than previously used. Letter of intent and Zoning Enforcement Officer letter of determination.

Mr. Soroko asked about the sign if it will be the same size. (he will need to get sign permit with building department)

Mr. Millias reiterated that they get designs from someone else, no foot traffic, no one coming in, it won't be a showroom.

Mr. MacLennan: No, nothing like that, we do 98% is over the internet, sell to other commercial businesses. They send prints, we give them a price.

Mr. Millias stated that if they are only using 7 – 8 spots would be good.

Members discussed why a site plan review is required if nothing is changing. Secretary stated this is to ensure the Planning Board know who is coming in, what they're doing, conforming to the rules and regulations. They agreed that it is smaller so a full site plan probably would not be necessary. It was discussed if the spaces were marked and if the emergency vehicles can get into the area of the building. Mr. Soroko was concerned with spot 7 & 8 and the vehicles getting on that side of the building. Mr. Andrews noted that you can't get on that side. (no room, the grade goes down). It was asked if Mr. MacLennan would be marking the spaces.

Mr. Millias stated that if they are only having employees, they don't need stripping. Mr. Skulte discussed that if they have a handicap space it needs to be made accessible and a sign designation.

Mr. Skulte asked if they have or had gone thru the Zoning process. Mr. MacLennan advised they will be going before the ZBA in a couple weeks.

Make a motion to waive the requirement of a full site plan review, and request a sign for (1) Handicap parking space. Modified: The handicap space should be compliant with the (ADA) regulations.

MOTION: Mark Millias

MODIFIED: Karlis Skulte

SECOND: Jonathan Soroko

AIF

Members signed the plan presented to have on file.

#### Form A – Joseph McCarthy – 10 Thompson St.

Joseph & Linda McCarthy present. Want to make a retreat lot to build a new house. (secretary advised they will be coming back in for a Special Permit for the Estate Lot).

Mr. Skulte asked about the process, whereas the Form A lot is created but cannot be a buildable lot until a special permit is issued.

Mr. Andrews stated that without the special permit it is not valid.

Mr. McCarthy asked why it is a special permit as everything meets the requirement for a retreat lot, why is there a difference of a retreat lot and a regular lot.

Mr. Andrews stated it is allowable, but only by special permit

Mr. Skulte asked about the wetlands and if they have been to the conservation commission.

Mr. McCarthy advised they are going on March 20<sup>th</sup> to Commission.

Motion to accept the plan of Land for Thompson St. Halifax, for Linda and Joseph McCarthy plan dated February 26, 2018 lots 1 & 2. Note that this lot is not considered buildable until a Special Permit is issued.

Book 56 page 510 plan #124 of 2011

MOTION: Mark Millias

SECOND: Jonathan Soroko

AIF

Site Plan Review: 320 Monponsett St. V. Ferriera

Not in attendance. Site plan submitted and sent out to the Town Departments. He will also be going to the Board of Selectman for a Class II license to sell cars. (form submitted by BOS) This is the formal submitted plan for review. Will be back on April 5<sup>th</sup> for final review. Secretary did speak with Mr. Ferriera, he intends to park the landscaping vehicles to the back of the lot, and does not intend to build the garage or any repairs at this time. Right now just looking to get the car sales and landscaping business going. Will have to go to the ZBA for any car repair shop and for the garage as it is over 884 sq. feet allotted for garages.

Mr. Millias: we had questions if he buys cars fixes them under the co. is that garage a business building or a person garage, as he lives there. What do we consider that garage?

Mr. Skulte: asked about mixed use.

Members discussed residential house in the commercial/business zone.

K.Skulte: Does it specifically prohibit it?

G.Andrews: No

K.Skulte: If it doesn't prohibit it, then it would be allowed to have both kinds of uses on the property.

M.Millias: But how do you treat the garage as

J.Soroko: He's running a landscaping company and wife is doing the car sales, in the meantime he's buying cars, fix them.

M.Millias: As long as the cars he's fixing in the garage are the cars that he owns and he's going to be selling, that's fine as long as the garage it's self isn't a business.

G.Andrews: if he's doing it as a business he'll have customers coming in.

J.Soroko: will need parking spots regardless if you have people coming in to check the cars.

M.Millias: more if you have a three bay, anyone that is proposing a three bay garage for work on, mechanics.

Mr. Skulte went over the requirements: 6 spaces for 1 for 75sq. ft. ... 7 spaces for employees for service bay. Accounts for it. What is auto sales for parking?

M.Millias: they figure how much parking they can provide and then the selectman decide how many cars they can sell based off that. (and the Planning Boards recommendation)

Members went over the space counts. Have theoretically 6 spaces for cars to sell. (one handicap space was provided : as noted on plan) only 18 spaces remaining for business' sales, repairs, employees. Members continued to discuss the prior meeting with Mr. Ferriera and where he may park his landscaping trucks and trailers. Which way the garage bay doors would face?. They also discussed the size of the garage and how many cars could be serviced at a time, how many spaces you need for those cars, employees, and patrons.

Each bay spot you also need a parking spot. Spaces also need to be provided for customers, storage of cars waiting for service. Etc. Members went over Mr. Ferriera application to the BOS and what is stated on the plan itself. It was also stated that he will need to go to the Zoning Board for an oversized garage and repair service station. It was also mentioned that if he were to have a service station then the parking would be for that only and not add in other business uses. If he does have the repair service, the cars may be subject to oils leaking, and he may need to pave the parking lot and install some storm water controls, etc. Currently does not have intention to pave, Mr. Millias and Mr. Skulte mentioned he could put a membrane underneath, with catch basin and hood so the oils doesn't spread.

It was requested that Mr. Ferriera give more complete definitive information, letter of intent. How many vehicles for landscaping business, how many potential employees, service bay(s), how many car sales he wants, confirm what the intend, future use will be.

Form from Board of Selectman for his Class II license signed by member, Planning Board requires a site plan review.

Site Plan Review - Solar Array . River St. Map 117 lot 1 (Informal Discussion)

Mr. Angley - Attorney for applicant in attendance:

This will be an informal discussion as members will start their review of the site plan for a solar array on River Street. Board can send out drainage calculations for review if they choose.

Mr. Angley spoke to the board about the "Smart Program" dedicate blocks and the owners bid, if you get the first spot you get more percentage per kilowatt. The next round will be lower, and so on. The owner would like to get in for the June bid. They will not be developing the entire site as there are wetlands. There will be a fence and have spoken with the Building Inspector and Fire Chief. Mr. Angley spoke in regards to National Grid doing a review as to whether they will be tied in or not. It will be revenue for the town, and won't be using the town's resources.

There will not be a building, no traffic in or out, no employees, with the exception of maintenance for landscaping. The grass will be mowed twice a year. There will be 6 feet of fence with 1 feet of barbed wire on top. There will be a gate and secondary access and will provide a Knox box with key for the Fire Department. Will maintain whatever buffer is required for landscaping in the front, keep existing tree line in place.

Mr. Skulte asked about the 2 civil engineers on the plan.

Mr. Angley advised that Prime Engineering (civil) and the electrical engineer (Krebs), there was also Silva Engineering that delineated the wetlands. An ANRAD has been submitted, and will be filing a NOI.

It was also noted that part of the property is in the Flood Plain. Mr. Angley advised that no panels will be in the flood plain. Members reviewed the plan for the wetlands and floodplain lines. The property is mostly fields. It was asked if there were going to be two phases to this project. Mr. Angley said as a practical matter, no, but there is potential, if they can tie into Eversource. (Silva Engineering also did the Form A to cut out this parcel). It was asked by Mr. Skulte if they would be doing any grading at the site. Mr. Angley said if, it would not be very much. The panels will be set in the ground. Mr. Skulte mentioned that he would like to see the front of the property landscaped so that as you are coming down the road you see landscaping as opposed to looking at something industrial. It was mentioned to have self-sufficient, native plantings.

Mr. Andrews mentioned the Fire Department is looking for funding for firefighter training. Mr. Angley said that it was discussed previously and they will comply with the request. He also mentioned they will be meeting with the Board of Selectman for a PILOT program.

Mr. Millias asked if there will be a building. Mr. Angley advised there will be a bunker. There will be periodic checks, and an employee will be in and out to check on the panels if there are any damaged... etc. It was also discussed that this property was a testing area and or an area to set off explosives.

Mr. Andrews asked if this was the actual submission. Mr. Angley said yes and that they would be back. The secretary advised they will be on the agenda for April 5, 2018. (within 45 day of submittal) Mr. Angley noted that NHESP has been contacted. They have had two meetings with the Fire Chief and Building Inspector. Secretary advised that notices will be sent out to abutters, even though it is not a special permit, but have had inquiries, so it is for consideration of the neighborhood.

It was requested to receive a copy of the recorded Form A plan. Mr. Angley will provide via email. Mr. Skulte asked if a peer review would be warranted. If the board wants a peer review, they could motion and assign an Engineer to review. Mr. Skulte also discussed that the solar panels are mounted, the elevations stays the same but concentration of the way the drainage get channelized and flows, possibly in a different way. Mr. Millias asked if it is packed gravel around them. Mr. Angley stated that it stays as natural grass. Drill in each

post. The panels will be angled and a certain separation of each. The impact will be minimal, and the report states the same.

Secretarial:

Informed the Board that Halifax Pizza, then Bella's will now be Famous Pizza (Seafood & Roast Beef) Victiualar license issued by Board of Selectman. No plan review required, same use, different owner.

61A Parcels: 99 Fuller St. and other properties owned by Sanborn Trust. – if in 61A, and sell property, the Town has first rights to buy. Taxes are reduced for Agricultural uses. 5 acre minimum lot required. Members discussed briefly regarding the properties, potential tax revenue, affordable housing. The Board at this time does not have any interest in the properties.

Unregistered vehicle permit request: 16 Cedar St. - Board of Selectman looking for any review required by the Planning Board. Mr. Soroko asked if any abutters will be notified, if the Board of Selectman issue the permits, why does the Planning Board get involved. Secretary advised that departments are notified in the event a review from that board is required. The potential of junk yards being established, or a business to repair cars, etc. Mr. Skulte asked if the Board has the authority to do anything. Mr. Soroko attended a prior Selectman meeting and stated that the Board was interested in why the individuals had multiple vehicle, and gave them a time frame to get the out of their property, some used as parts. There will be a formal public hearing, notice in paper. Mr. Andrews stated that this board can if they wish to have a site plan review. Board elected to table the discussion at this time, continue to next meeting on March 15.

Crystal Lake properties: Assessor asked if any members knew about a piece of property, and also received a copy of email from Mr. Seelig. Mr. Millias read from the email, Mr. Cook is requesting that no permitting or review of land by Robert Wesson as the property is acquired illegally a taken on properties on Crystal Lake. (copy in meeting folder) The two items are not related. Members briefly reviewed the plan of land, not signed by Halifax Planning Board. The email was in reference to other properties. At this time Mr. Andrews is the only remaining board member and does not recall the land/parcel in question by the Principal Assessor.

Members were asked about the projector and screen, IT would like to know what to do with it. Members agreed to have it installed/mounted in the meeting room. Zoning, and Board of Health also have meetings in Meeting Rm #1 and anyone else can have access to the equipment.

ZBA memo: (copy in folder) – In-Law Apartment: input on 5 year renewal, check and balance:

Mr. Millias asked if they officially as a board could suggest they get rid of that 5 year review/renewal. Mr. Soroko stated that he went to the Selectman's meeting and voiced his opinion there that they/families should not have to share space, each should be able to have privacy, and should not have renewals. Members discussed that it should be as of right, or not have a 5 year renewal. Members did not feel that abutters should have to be notified on renewal. Mr. Skulte did feel that a review with an inspection of some sort would be beneficial so as to ensure that those with apartments are not charging rent.

Secretary advised of the current process of affidavit, notarized and submitted to the Board. It was then discussed if they have a permit does the Zoning Board have the right to rescind the permit. If you give someone a permit, they build it, can you tell them they have to now take it down, or take the use away, and how can you enforce owners to not use their space. If it's a n In-law you don't charge rent, if your charging rent, then it becomes a two-family or rental (income producing). Mr. Andrews stated our by-laws do allow for Duplex's, then only deal with building codes. (750 sq. ft. required for apartments) Members then discussed

the zoning boards past practice of shared living space, with open area of 6 feet, without a door. Therefore, there is no separation between the two. Mr. Skulte did not see the need for having an in-law if that is the case. What is the point of having a permit, other than potentially having people rent them out for profit.

Members stated their positions: Mr. Soroko: as of right, no 5 year renewal – Mr. Millias: by right  
Mr. Andrews: by right -

Two family was discussed as far as, by special permit, would have to adhere to building codes, (which is different than an in-law apt.) If in-law is by right, it will be a family member. If doing a duplex, that is a two family with a special permit.

Mr. Skulte: by right as long as it meets the definition.

Meeting Minutes:

Motion to approve Meeting Minutes of October 5, 2017 (Gordon, Mark, Karlis)

MOTION: Mark Millias

SECOND: Karlis Skulte AIF

(Mr. Andrews asked about Jordiss Rain Estates: Secretary advised building permits have been applied for.)

Motion to approve Meeting Minutes as entered for Nov. 17 2017 (Jon, Karlis, Gordon)

MOTION: Jonathan Soroko

SECOND: Karlis Skulte AIF

Motion to approve Meeting Minutes of February 1, 2018 (Karlis, Gordon, Mark)

MOTION: Karlis Skulte

SECOND: Mark Millias AIF

Motion to approve Meeting Minutes of October 19, 2017 (Karlis, Mark, Jon)

MOTION: Jonathan Soroko

SECOND: Karlis Skulte AIF

Motion to adjourn meeting.

MOTION: Jonathan Soroko

SECOND: Mark Millias AIF

It was unanimously voted to adjourn the meeting at 8:50 p.m.

Respectfully submitted,

**Date Approved:** \_\_\_\_\_

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Terri Renaud  
Planning Board Secretary

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