



## Halifax Planning Board Meeting Minutes April 6, 2017

A meeting of the Halifax Planning Board was held on Thursday, April 6, 2017, at 6:30 p.m. at the Halifax Town Hall, Meeting Room #1, 499 Plymouth Street, Halifax, Massachusetts.

**Members Present:** Gordon Andrews, Chairman; Larry Belcher, Vice-chairman  
Mark Millias, clerk; Karlis Skulte & Jonathan Soroko, members

The meeting was called to order at 6:30 p.m. and the agenda was read into the record by Gordon Andrews

MOTION: Mark Millias to accept the agenda as read

SECOND: Jonathan Soroko AIF

**Informal Discussion: Tim Fabroski - Jordiss Rain Estates**

Mr. Fabroski is before the Board to request a lot be released and do a Form A lot from the subdivision so that he may get started on building the home. He can get water and electricity thru the frontage of Palmer Mill Rd., have a temporary access on Palmer Mill Rd. He said he can do a Form A, get started on the house while he is constructing the road. Drive way and address will still be Rider's Way, and once road is completed will move access.

Mr. Andrews explained a regulation of having the access to property on the frontage. Corner lot has two frontages. He asked what the schedule of the road is.

Mr. Fabroski said they are ready to start now, but the water is being caught from the stumps, maybe two months before a binder goes in. Within that time he said he can get the lot stumped cleared and get going on the septic, foundation while doing the road.

Discussion between members of if it was technically releasing the lot from the subdivision and also about the logistics of separating the lot, then possibly having to re submit for the subdivision.

Mr. Andrews does not see it as separate. He is looking for a release of the lot. Mr. Andrews said it is not an ANR, it is part of the subdivision.

Mr. Millias said he is not proposing this as a typical Form A, facing Palmer Mill, this is not a Form A plan. Members discussed the procedure of releasing the lots, the road is started, a bond is posted, and then lots released.

Mr. Andrews asked what the proposed timeframe / schedule of the road.

Mr. Fabroski said two months should have all grades in the drains in and a binder.

Discussion then continued on when to post the bond, as you want to get as much done with the road as possible.

Mr. Andrews advised that state policy stays you can start the work before you post bond, you just can't start building and sell the lots. Mr. Skulte asked what the rules would be if the board releases the lot. Mr. Andrews said it would be at the board's discretion.

Mr. Millias stated that because he is not presenting the board with a Form A plan, he doesn't think they should be releasing the lot with not work done at the site.

It was suggested to wait until next meeting to make a decision.

Mr. Fabroski then stated that that wouldn't make a difference. After two weeks of stumping and grading and everything else, he is pushing the first two months, and might as well stay with the original plans and bond the road and release the lots regular.

Mr. Millias: even if we were to release the lot today, you would still proceed with the road, correct? You're not going to insert all your attention to the lot.

Mr. Fabroski: you would. Do the entrance and do this first. Cut this one loose, stump it clean it set up drain, let it dry for a few weeks, and then blow in the road. We wait two weeks to come back, by that time we will stick to the original plan, get the infrastructure in as far as we can, then bond the remaining, and go for our regular releases.

It was asked how long it would take to build the house. Mr. Fabroski advised about 3 ½ months.

Discussion continued regarding the process of clearing, and preparing the land for road work. It was asked if he needed to sell the house to borrow money on it. Mr. Fabroski said, you could borrow against it, but even if we didn't I could at least cash money, clear it, septic, foundation, etc... it's not so much to get the construction loan. Just releasing it, I could borrow against my own land. If you're worried about some sort of bond,

Mr. Millias advised that (as the Board) we have to think of the town's best interest. It's not in the town's best interest to release lots in general, without surety in some form. Everyone would come in and ask for the "first lot free". It does set a precedent.

Discussion again regarding if it is a Form A. It is not a form A If it had come in as a straight form A plan, we would be talking different. The release of a lot from a subdivision with no bond, typically I would say no on that every time, because it's not in the town's best interest.

Mr. Belcher, felt that even if he built the lot and nothing else, it doesn't hurt the town. Members briefly discussed the location, and plan of the subdivision. Mr. Fabroski understands that it was not presented as a form A, at the beginning of this process. Mr. Belcher also said the bond was to make sure we (the town) does not get stuck with an unfinished road, and this lot does not require the road.

Mr. Andrews brought up a couple unfinished subdivisions, Pasture Lane and Autumn Lane, were the Board held lots instead of surety bond and the roads still remain unfinished. He continued to comment that this is the basis of what the Board does, they don't want those conditions.

The board said that he could come back to the next meeting to advise where he is at with the road.

#### **Form A - Gary Rice, Land Planning: 280 South St.**

ANR for a single lot off South St. required frontage, building circle, located wetlands. This will be more of a retreat lot, as buyer wants to be back off the road. There is an easement for an abutter (Gray), is on a plan and has been deeded.

Mr. Andrews stated that the town has a requirement that you have to pass on your own frontage to access your lot. Discussion regarding the easement, as the Gray property has had the driveway on the other lot for several years, possibly decades. Mr. Soroko asked how the easement would work if either property is sold. The easement would transfer with the land.

Motion to accept the plan of land on lot 1 on South St. Prepared for Silver Leaf Farms, by Land Planning, being 280 South St., Map 92 Lot 7 & Map 102 Lot 5. Book 34564 Pg. 71, Ply Cty Reg. of Deeds.

MOTION: Mark Millias

SECOND: Larry Belcher

AIF

**Secretarial:**

Signatures required for Site Plan Review approved at last meeting for 822 Old Plymouth St.

Secretary advised of a phone call received regarding the Twin Lakes Condo Association, property manager wanted to know if the road would be accepted by the Town.

**Meeting Minutes:**

Motion to accept the meeting minutes of March 16, 2017

MOTION: Mark Millias

SECOND: Larry Belcher

AIF

**Heron Road - Road acceptance**

Members did go to the site; Mr. Skulte thought it was fine. Mr. Andrews explained what the property owner, it makes sense if you look at the other driveways, they all start and blend into the driveway, and they don't stop at the sidewalk, then into the driveway. The property owner (Mr. Annis) had given a back story to the whole thing, with Springer. We looked at the other driveways, could take water. The intent is to hold the water on the road. Members went over the plan and topography of the road/sidewalk. The other driveways do not have the sidewalk going thru them. The driveway was originally lower and the developer had to bring in a lot of asphalt to come up to what is there. Mr. Annis would like to see one continuous slope.

Members discussed the original plan design. They also discussed what more the Board could do at this time to rectify the situation. Right now whether or not to recommend the road to be accepted, then the Board of Selectman will hold a Public Hearing, and goes to vote at Town Meeting. It was discussed how the first driveway had a steeper berm, bump. What he (Mr. Annis) would like to have seen, cut out the whole section including the sidewalk, then repave straight thru to the back of the sidewalk. On the others, the sidewalks stop, driveways go thru, the sidewalk starts up again.

It was also discussed if the slope configuration is bad enough to have it redone. If it could be redone that would work for the two, developer and property owner. Mr. Andrews noted that the driveway was down below the base of the sidewalk before and asphalt was brought it to bring it up. Mr. Soroko also touched on the other houses that are lower, and if in a couple years we have a lot of rain water, would go into the property and into the houses, they complain about water, why isn't it done correctly. Every house should be looked at not just one.

Members reviewed original subdivision plan. There should be a 3" rise, sidewalk 4', 2% slope; plan does not have anything specific to the driveways details. Mr. Andrews explained more about the history of the subdivision, as it was not developed in a timely manner. It was started then stopped for several years. A temporary driveway for Mr. Annis was constructed to get access from Lantern Ln.

If it is technically correct, does the board make the developer do it over? Where does the board draw the line?

The Peer Review Engineer said there is nothing wrong with it. If the agreement was in writing it may be a different situation. As a Board, going forward, we can request a driveway detail for projects. Some members were very conflicted with what they can do for the property owner, and what they can make the developer do. Mr. Karlis stated that they would have to redo all the driveways to be technically correct. Peer review Engineer report said it is all ok, and is not concerned with the drainage going down the driveways, did not look

at them, but the plan looks to have a bit of a rise on each driveway. There is a small area that goes to the catch basin by the driveways.

It was discussed if the members wanted to drive by as it is currently raining and could judge the flow.

Members were asked of final thoughts:

Mr. Belcher: Technically speaking that we should accepted it.

Mr. Andrews: refrained

Mr. Millias: I'll have to go the same way, there is no reason to not accept it.

Mr. Soroko: I can't find a reason to go against the Peer Review, but it doesn't make sense, none of the driveways are based upon or are made to what the specs show, wasn't labeled out. I think we'll just accept it.

Mr. Skulte: I'll accept.

Motion to recommend accepting Heron Road.

MOTION: Mark Millias

SECOND: Larry Belcher

OPPOSED: Gordon Andrews

Recommendation 4-1

Discussion continued on whether to motion to accept the As-Built> Mr. Andrews stated the plan says: Approved as a Public Way, so the board felt it should wait until after Town Meeting to sign. The As-Built is just the as built conditions that are out there, so the signed engineer is responsible to make sure everything is on there and correct. It was then discussed if the Board could request more driveway detail on plans when submitted to avoid any further issues in the future.

**Adjourn:**

Motion to adjourn meeting.

MOTION: Larry Belcher

SECOND: Karlis Skulte

AIF

It was unanimously voted to adjourn the meeting at 8:15 p.m.

Respectfully submitted,

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

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Terri Renaud  
Planning Board Secretary