



**Halifax Planning Board
Meeting Minutes
June 21, 2018**

OFFICIAL

A meeting of the Halifax Planning Board was held on Thursday, June 7, 2018, at 6:30 p.m. at the Halifax Town Hall, Meeting Room #1, 499 Plymouth Street, Halifax, Massachusetts.

Members Present: Karlis Skulte, Mark Millias, Larry Belcher
Absent: Gordon Andrews, Jonathan Soroko

The meeting was called to order at 6:34 p.m. and the agenda was read into the minutes by Mark Millias
Motion to accept the agenda as read

MOTION: Larry Belcher
SECOND: Karlis Skulte AIF

Secretarial:

Bills:

Motion to pay Pitney Bowes in the amount of \$100.00 to add to postage meter

MOTION: Larry Belcher
SECOND: Mark Millias AIF

Meeting Minutes:

Motion to approve meeting minutes of April 19, 2018

MOTION: Larry Belcher
SECOND: Mark Millias AIF

Motion to approve meeting minutes of May 3, 2018

MOTION: Mark Millias
SECOND: Larry Belcher AIF

Informal Discussion: Casey Burch – Solli Engineering. 330 Plymouth St.

Mr. Burch presented a proposed O'Reilly's at the property located between the Nessralla Farm Stand and Mutual Bank. (submitted site plan) Intermittent swale to the East. They are having the wetlands delineated and surveyed. Record of wetlands in lower corner but may change. Proposed 7225 sq. ft, loading to the south. The entrance will be 150' from the intersection and aligns with Happy Dragon Restaurant. With 36 parking spaces. He stated our regulations are stringent with parking (full required is 78 spaces) the reduction is around 48% for green space. It will be for retail only and no repairs or car services etc. Parking is 36, but will budge, might have to get a variance or waiver. (with site plan review). Depending on survey and wetlands, it is a tight site and the building may have to be adjusted, so may potentially have to encroach a setback, just wondering how the town handles variances.

Secretary advised if the lot is conforming, the ZBA is not supposed to give waiver/variance of setback requirements, as it will then create a non-conforming lot. (certainly not on the building)

Mr. Burch continued with that DOT does not have jurisdiction of the curb cut, want to have full discussion with Town, just here to see if there are any issues. Will have a traffic study, parking study, in the proposal. Looking if there are any potential issues.

Mr. Skulte stated that it is pretty lit behind the Mutual Bank building.

Mr. Burch stated they are proposing a detention system in the rear, subject to change due to wetlands, septic will also be in rear of property, again subject to change due to wetlands.

Members viewed the GIS plan and location. South bound traffic would have to cross double yellow line, left turn. Maybe look into having a second entrance on other side, may line up with Stop & Shop exit lane. Two turning lanes at Mutual Bank, Stop & Shop/Dunkin Donuts (from the south). Briefly discussed the prior subdivision that was to go in that area, wetlands, delineation... etc. Mr. Burch is currently looking at a quit claim deed and the legal team is seeing if it is a viable lot still. Subdivision did not actually go thru. The Board did approve a Form A. Mr. Burch advised his client just wanted to show the Town the potential development of the building. Also asked about landscaping. Mr. Skulte asked if they would be looking for relief of setback for the building. Mr. Burch said he did not know at this time. (Secretary pulled out file) Members looked at former Form A plan, however board does not know if it has been recorded. His plan shows "old lot line", Mr. Burch said he will have to look into the property & ownership. Mr. Millias asked about the dumpster pad, and truck deliveries. Mr. Burch said it is a board on board enclosure, fully enclosed. Design for WB50, 36ft' long truck. O'Reilly's has smaller trucks and they do pallet loading, into an overhead door. Biggest concerns are the actual property line configuration, the left "in" turn, and traffic in general. They will be following the Mass Storm Water requirements for storm water quality and attenuation, might be underground depending on the water elevation. The design will try to come up as fast as we can, depending on septic material. Mr. Burch asked about the towns requirements. Mr. Skulte advised that we follow the state general standards. No higher rainfall amount or increased detention analysis, as long as you meet the states standards. Mr. Belcher noted that the water does flow South and Mutual Bank and abutter has water build up. Mr. Burch discussed the storm water regulations for pre-treatment and treatment.

Mr. Skulte asked for him to get counts to justify the reduction of parking from other facilities. Mr. Burch said they have done studies in the past. Peak hours there are 7customers. 2 spaces per 100 sw. ft. 1 for every 175 for Halifax. Mr. Millias advised the board will look at the reduction of spaces, and how other stores operate, and to address the traffic flow into the premises. Mr. Skulte then mentioned signage and the town has strict by-laws. Mr. Burch advised they just wanted to come in before the holiday and see what the board would like.

Informal discussion: 413 Plymouth St. – Used car Sales

Present: Justin LeClaire, Jake Sullivan,

He would like to have car sales, a 24 car license, 12 inside, 12 outside. The zoning for indoor & outdoor. standard car lot, keep clean and neat to get people in the door, and do landscaping outside. The cars inside, originally put in for 12 cars, need to abide by a certain rule, 4500 sq. ft. bldg., can fit 17 comfortably inside, only looking for 12. Cars will be for on-line sales and by appointment only, so people won't be coming in and out frequently.

Mr. Millias stated the he knows the board has looked at this (site) before. Asked how many full-time employees there would be.

Mr. LeClaire stated they will basically have one on site at all times.

Members reviewed the current parking plan, and the old plan which was submitted.

Mr. LeClaire went on to say the lot is big enough and he does not want it overcrowded. Would like to keep it clean and neat. Main sales will be on-line so not much foot traffic, 12 cars inside are those we don't want to keep outside.

Mr. Skulte asked how the cars will be set up (inside)? Triple parked?

Mr. LeClaire advised that basically the front can fit 3 or 4 in a line, space in back can line up 9 side by side, 2 rows of 9, plus another couple on the side. Won't be over crowded.

Mr. Skulte: Its not going to be a car dealership with lights and jammed in tight.

Mr. LeClaire: No, with 12 cars, you can open doors freely, walk in and out, walk around. Can fit in 17 per the square footage.

Secretary advised this meeting, discussion is preliminary as the plan has to go out to the other departments, as usual for Site Plan Reviews. Have received feed back from the Board of Selectman, basically they want to know definitive details for parking. Mr. Skulte asked for them to get a plan "to scale" as this is a sketch,

Mr. Phearson advised it is an old one and reconfigured it. Mr. Skulte asked if you have to widen out pavement, these spaces look longer than these ones, and these look wider than these.

Mr. LeClaire stated that with 2 on the side, realistically maybe 10 feet, maybe more between. Want to keep those on the side street clear.

Mr. Skulte asked about the gravel path.

Mr. LeClaire stated it is a driveway but won't be using it, as it goes into the development. Mostly grass.

Mr. Skulte: was wondering for Fire apparatuses, to ensure there is room for emergency vehicles. He also asked if it meets all the zoning requirements for the use and...

Secretary advised that zoning still has to be determined, the Zoning Enforcement Office needs to determine if this meets the requirement of a salesroom and possibly go to ZBA.

It was then asked about the signs. They advised of one sign, were the preexisting one is blank white. It will be low key, as you see right now, only might put a couple shrubs up front and an awning or two over the front door.

It was advised that any sign be brought to the Building Department for approval and also the Zoning determination for a showroom. So, the question came up about parking for actual for people using the facility. Using both the old and new parking schedule. Which the Board of Selectman want them to determine what is what: cars for sales, spaces for customers. Mr. Millias asked if they would be flexible on the 24 cars.

Employee parking on left (parallel) Mr. Skulte asked if they will put together a revised plan with suggested updates. Next scheduled meeting in July 5, 2018.

Informal Discussion: Hilda Lane – Brookside Farms Subdivision

Walter Graney present: He has owned land, Hilda Lane. Wants to clear up confusion, some interested parties are getting wrong information from the town, stating that the permits have been rescinded for the subdivision, his notes and records say otherwise. He advised the Planning Board meeting minutes on 3/4/2010 was when they withdraw the letter to rescind the subdivision. It was rescinded because he did not act on the subdivision. Mr. Graney showed subdivision plans to board. Existing approval for subdivision, then went for higher density (multifamily use) got all the variances/special permits but those have lapsed. Believes still have valid subdivision.

Mr. Skulte: So 2005 approved,

Mr. Graney then showed motion of meeting minutes.

Clarified that the Planning Board rescinded the subdivision in 2009, and then in 2010 they withdrew the rescission. Mr. Graney also stated that under Associated Massachusetts General Laws chapter 41 section 81w, if you have a mortgage, you can't rescind the permits, and also wanted to just bring it to your attention.

Mr. Skulte then asked if a subdivision approval is good in perpetuity and never expires. Mr. Graney said no, as long as there is a mortgage on the property. Thought to protect the banks. Mr. Skulte asked if the Planning Board was going to rescind the approval only if the other one was acted on. Mr. Graney replied with: No, those permits expired, that was for 17 townhouses which I got the variances for thru the appropriate committees, but the market changed, so I've had the land for a long time., I've had some interested in the subdivision here, some have come in and got the information that there are no permits on it. Creates a hardship and want to clear it up.

Mr. Millias asked if he is trying to find out if it has actually has been rescinded.

Again Mr. Graney stated it has not been rescinded.

Secretary then stated that we should take it to the land use attorney.

It was then discussed why it was rescinded, being for the lack of action on developing the subdivision.

Mr. Millias explained the time limit had exceeded in order to build a subdivision, and now what is being proposed is different than what was approved by this board.

Mr. Skulte: you withdrew your 17 townhouses

Mr. Graney: They just expired, the permits and variances for that expired.

Mr. Skulte: did you get an approval for that as well.

Mr. Graney: Yes, as far as I remember it was.

Mr. Millias: As reading this, the reason for the planning board deciding to rescind was you proposed a different use.

Mr. Graney: I brought to the attention of the board, that under Associated Massachusetts laws, that you couldn't rescind it and I was just going to keep it as a subdivision, so then there was a vote taken there and a letter to rescind was withdrawn, back 10 years.

Secretary asked if he received a letter from the board of that withdrawal

Mr. Graney: Its right there in the minutes, I can't, it was 10 years ago.

Mr. Millias: Is your question that validity of that plan? Based off of this that would be, but we have to look at it further, just wondering if that is your question to us, whether or not this is still valid?

Mr. Graney: Ya, sure, whatever, I'm trying to clean this up, trying to get a way in, get my ducks in line.

Asking to research that right there, the vote was taken, that's my documents, off your website, just to clarify that so I can do something with it. Mr. Graney continued on... Second piece, is to modify, lets say its approved and that's it, consider that, the next one is modify this, more in line with the neighborhood and less environmental impact. Go with two lots off of Hilda Lane. What I'd like to do is just go for two lots, just modify this, reconfigure this, this and this lot here, and don't know what to do with the back, maybe deed it over to conservation or put a restriction on it, I'm not sure. Just two lots on this and keep this to gravel and just go with a gravel road. Get away and pay off the mortgage I have on it, that would be my ultimate goal. Has less environmental impact, no wetlands crossing and less intrusive on the neighbors that are there. I talked to Joe Webby, doesn't have any problem.

Mr. Skulte: I don't think we do private ways.

Mr. Graney: It's Hilda Lane, it's a gravel road that's the way it is.

MR. Skulte: Was the lotting plan approved and recorded, so there is an actual right of way there right now?

Mr. Graney: Ya, I own all this. What I'm trying to do is modify this, instead of going with 4 lots, just go with 2, put some sort of restrictions on this, get away from it.

Secretary asked if he was trying to no have to construct the road. Basically does not want to build the road. (Mr. Skulte) Mr. Graney then stated the reason for that if you look at the cost of the road construction and there's a pretty significant wetlands crossing down in here, looks like it was farmed at one time, and was dug out over here, they dug a lot of this out, drainage for the back part, look at the age of the trees, was out there

with a wetlands scientist, Steven Ivas, really what it was, not standing water or anything like that just the way of farming years ago.

Mr. Millias noted that several years ago with a lot of rain the water ended up in another persons yard and had to pump it out.

Mr. Belcher stated we can't do anything until we find out more information.

Mr. Millias: As far as us entertaining a new plan,

Mr. Skulte: you'll have resubmit a new plan at that point.

Mr. Graney: I understand that, but I'm trying to avoid more employed debt, cost on this to be honest with you, and I'm just saying right now its approved for four (4) I'd like to bring it down to two (2), two lots, like I said the back lot there, I'll throw a conservation restriction on it or something whatever you folks want.

Secretary: you can actually talk to conservation about that, that's not a decision for planning.

Mr. Millias: so your not going to try to develop later on.

Mr. Graney: I understand that. Hildas Lane itself goes to right about here. Its crushed stone, it's always been gravel, Mr. Nessralla's garden over here.

Mr. Skulte: so it's an actual right of way, just as gravel road right now going to one house.

Mr. Millias: IT does serve this house as well, just a dead end right now.

Mr. Graney: is that something you'd entertain? I'm just trying to poll and see what, make a direction here, that's what I'm trying to figure.

Mr. Millias: Although I would suggest that you give us time to research the other thing. Only because I'd hate to say ya draw up a plan, then we find, rather than waste time, money and effort.

Mr. Graney: My full intent is to give full disclosure.

Mr. Millias; yes, just give us time to research the first issue, then we can give you a better foresight on this.

Mr. Skulte: I personally might have an issue with four houses being served off a gravel road, where there are a lot of subdivisions in town where there is 3 or 4 houses where somebody is carving up and have to build the road to be part of it to get your snow plowing and all the access to the rest of it.

Mr. Graney: What I'm trying to get away from is the cost of the road construction driving the cost of the lots up and become out of sight to build on, trying to keep it simple.

Mr. Skulte: You have to build the seven to cover the offset the cost of the road

Mr. Graney: I have to do something with it

Mr. Skulte: Even if you shortened it up and do your cul-de-sac turn around on this side now instead of having to cross the wetlands, it minimizes some of the cost.

Mr. Graney: Like I said its trying to, pave to a driveway spec is a whole lot different to a pave to a road spec, that's what I'm looking at.

Mr. Belcher: I don't know how you get out with a driveway spec with that many houses on there.

Mr. Skulte: we have prohibitions on shared driveways and other stuff.

Mr. Graney: One step out at a time, do you do hammerhead as opposed to rotaries, circles

Mr. Millias: I forget the length of any dead end? 1000' without a second entrance.

Mr. Graney: this would be under that, I'm just talking about, if you do a hammerhead to save space

Mr. Millias: we may have adopted the larger apparatuses, 40 to 50 requirements for the fire department. We were going off the R40, which it their requirement for a two-axle vehicle. Just one thing we have to look at, we have a larger truck, which may exclude the bull head.

Mr. Graney: ok, just let me know, thank you for your time.

Secretary to look into the meeting minutes of the withdrawal of rescind letter, and if the subdivision is still valid (8 years) and to check with town land use counsel.

7:30 - site Plan Review for Fuel tank replacement. Preliminary review

Engineers are asking if they will have to go thru a full site plan review. Members reviewed and discussed. Currently it is an underground fuel storage tank, want to take it up and replace with above ground fuel tank. Will have construction fence around while working. They are not changing anything other than the type of storage, in the same place. Mr. Skulte asked why they are doing this. Mr. Belcher said probably because it is old. Pump it out, pull them out of the ground, check the soil make sure they weren't leaking. Mr. Skulte asked if there were any setback issues they could run into. Mr. Millias only had concerns with public access. It is only for the Town. Does not see that this is really an issue. Mr. Skulte: my only thing is if you have a gas station, you have ribs in the concrete pad around it to contain any sort of spill, containment. Members agreed they should think about some sort of containment. Concrete pad has no vertical walls. Maybe put a channel in the drainage.

Right now just asking if they need a full review. Should go thru other departments. If they did go thru a formal review, no fees to be paid, as it is for the town. With the site plan review, the Planning Board would send out to all departments and can send out to own review engineer (peer review) if choose. Mr. Belcher stated we can find out if they have to have a full site plan review and send it out. Members agreed and would like to distribute to everybody (dept's). Will check with Town Administrator for clarification of requirement and maybe send out to our engineer (to be determined -fee to come out of expense account). All concerned with containment, which if not coming to use officially allows them to circumvent that and not put anything in. Even getting to the catch basins, not safe, and would not allow anyone else to do it. Confirm with C. Seelig first.

Site Plan Review - 320 Monponsett: update

Trying to get him back in. He advised that he is not concerned with doing the sales of cars or garage, dealing with his landscaping business. Received email 6/21/18. Mr. Millias read into record. (copy in meeting folder) No formal application has been submitted, all discussions have been informal. Will keep on hold until he is ready to file.

Form A – 395 Plymouth St.

Need signatures for approval. Needed parcels labeled (new mylar submitted) They will still be deciding if they will be taking down the condemned building at some point, then will probably redo the lot lines to get the septic on the front lot. Building Inspector also concerned with the other out buildings, hoping to get them down as well. This was approved, did not really have any reason to not approved. Members would like to see them reconfigure to make it more conforming. The septic right now would not meet setbacks, that does not preclude them from creating the lot. Lots are all in the same name, basically reconfigured lines. Mr. Skulte stated that it is less conforming in regards to the septic setbacks, minimum setbacks from property lines. (10 from soil absorption area). According to Town Counsel the board did not have any jurisdiction and had no reason to not approve a Form A. It was discussed if it created any land use conformities or non-conformities. It was just to approve property lines, as long as it does not create more non-conforming parcel, having frontage and lot requirements. Pre-existing non-conforming, becomes more conforming. M.Millias signed mylar (Form A – 395 Plymouth St. / still requires G.Andrews & J.Soroko)

Application: Extend Unregistered Vehicle Permit – Board of Selectman

Mr. Millias read into record. Map 73 lot 7A: Members briefly discussed the fact that the vehicle has been there for some time, this is just to extend the permit. Only concern was if the vehicle leaks any fuel or oil into the ground. Members agreed there was no need for site plan. Mr. Belcher signed form for Board of Selectman.

Memo from Board of Assessors: 42 Thompson St. Secretary read into record.

Members took note, unfortunately the Planning Board does not research ownership when Form A's are received.

State Ethics: Mr. Skulte was advised to take the on-line certification and also signed the acknowledgement of Receipt of Ethics.

It was also discussed members interested in the new Zoning By-law Review committee. Mr. Skulte can not commit, Mr. Millias will be attending on Tuesday.

Motion to

It was unanimously voted to adjourn the meeting at 8:00 p.m.

Respectfully submitted,

Date Approved: _____

Terri Renaud
Planning Board Secretary

