



## Halifax Planning Board Meeting Minutes May 4, 2017

A meeting of the Halifax Planning Board was held on Thursday, May 4, 2017, at 6:30 p.m. at the Halifax Town Hall, Meeting Room #1, 499 Plymouth Street, Halifax, Massachusetts.

**Members Present:** Gordon Andrews, Chairman; Mark Millias, clerk; Jonathan Soroko, member  
**Absent:** Larry Belcher & Karlis Skulte

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

### Secretarial:

Motion to pay Plympton/Halifax Express for Public Hearing notices 4/14 and 4/21/17 for \$80.00

MOTION: Mark Millias  
SECOND: Jonathan Soroko AIF

Motion to pay invoice #18593 to Silva engineering for Site meeting in the amount of \$187.50

MOTION: Mark Millias  
SEOCND: Jonathan Soroko AIF

### Meeting Minutes:

Motion to accept the meeting minutes of April 6, 2017

MOTION: Mark Millias  
SECOND: Jonathan Soroko AIF

Motion to suspend the regular Planning Board meeting and open the Public Hearing

MOTION: Mark Millias  
SEOCND: Jonathan Soroko AIF

Public Hearing Open for Article 48 on The annual Town Meeting Warrant. (PH notice attached)  
Charlie Seelig, Tom Millias, Kim Roy and Troy Garron, (Selectman present) Mr. Seelig spoke to the article:

This is in reaction to the passage on the November ballot for recreational marijuana. By-law allows for recreational establishments as in the Medical Marijuana, which is in the Industrial Zone. The proposal to be allowed in I-Zone thru a special permit by the Zoning Board of Appeals. Same type of restrictions as the Medical establishments, we don't have anything right now and now one has applied. If the by-law does not pass at town meeting, next would two fold, one, be to pass a town wide ballot measure to prohibit the recreation facilities at the same time, passing a zoning amendment to amend on the list of uses, but no allow

in any districts. One change from when the medical marijuana was passes allowed in I-2, (old BFI land fill) but recommend to be taken out.

Mr. Andrews asked if there were any other comments.

Mr. Millias spoke to the article: When medical marijuana in the Industrial (zone) it was approved it was prior to the Town voicing their opinion and approving for the recreation, since the two will go hand and hand, anyone interested in the medical aspect would want both, we need to allow for them to be in the same district. It seems it should be in the business district. Where it is going to be a business similar to any other, it doesn't seem to make sense to not only take part of Industrial zone, but not be in the business district like every other business.

Mrs. Roy stated that it will also have restrictions to what it can be near.

Mr. Seelig explained that this is a starting point, if the town says yes to this, then they could add the business district and be under special permit. If you're not going to recommend this because it isn't allowed in the business district then we will have nothing, but it is a starting point and can be amended at a future Town Meeting.

Briefly discussed the types of businesses allowed in the Industrial zone.

Mr. Millias feels that a recreational marijuana store would be like any other retail store, selling a product for money.

Mrs. Roy also stated that it is, in her opinion different than any "retail" store as they would also be allowed to sell other products that may be attracting children. (edibles).

Mr. Seelig continued to advise the board that again, it's a starting point, if at town meeting the voters say no because it isn't in the business district, then will start over with the by-law.

Mr. Soroko asked why medical establishments were not allowed in business district when it first went thru.

Mr. Seelig stated that they basically, a philosophy a limited drug, put in a more restricted area rather than general retail space.

Mr. Soroko feels it would be a fair opportunity to have them in the business district, and can bring income and profitability into the Town.

Discussion continued on whether the planning board wants to bring and amendment into town meeting, possibly pass over. The BOS started with the Industrial area because it is restricted.

Mr. T Millias: feels we need to start someplace, agree a business is a business, his concern is where the state hasn't stepped forward yet to set regulations, it may conflict with what we do. At least if we put in the Industrial zone with the medical marijuana, made a start, and if we want to clean it up, we have another town meeting in a few months.

Mr. Andrews: any more discussion. Planning board makes a recommendation for Town Meeting.

Motion for the Planning Board to accept and endorse Article #48.

MOTION: Mark Millias

SECOND: Jonathan Soroko

AIF

### **Close the public hearing and resume the Planning Board meeting**

Motion to end the public hearing and reopen the Planning Board meeting.

MOTION: Mark Millias

SECOND: Jonathan Soroko

AIF

## **Discussion - Heron Road - Road acceptance**

Open comments from the Board of Selectman regarding the Heron Road Acceptance.

Mr. Garron: They are at a standstill with making a decision, main question is how the Planning Board came up with the decision to recommend the acceptance. Was everyone able to voice their opinions at the meetings.

Mr. Millias: We did discuss it, and all had a chance to actually go over there and see it, personally drove up and down the drive way. As much as I would like to help Mr. Annis, who has an issue with it. I personally did not see and issue with and based by opinion on the review engineer. Did not see why we should go against that in any way. If Mr. Annis had a professional give his opinion of opposition, that we give us something to look over again. Right now the professional opinion is that it's acceptable. As much as I would like to see Mr. Annis happy with what he got, I'm not sure it's technically speaking, incorrect.

Mr. Andrews: By Engineering standards, it's acceptable. Basically, Mr. Annis driveway is different from the other driveways in there. All the other driveways go from the road to the lot without raising the height of the sidewalk, on his when you leave the road you go up over the sidewalk height. The other sidewalks come down to that. We did call the developer back in about that, discussed that before. Told that the driveway was done right. If you look at the profile of the road, it should come up before it goes down, so the others are not the same, they don't meet the plan. Should they all be the same, yes. As far as the engineer is concerned, acceptable the way it is. Mr. Annis spoke to the board and said he hoped he would have the same consideration as the other driveways. I don't think he did, but is it acceptable, that is where the question comes in.

Mr. Millias also wanted to add that the board sent a note and they did redo that. WE did take steps to make it correct.

Mr. Andrews advised that no one was notified of the correction (before hand) so there was no input on how it happened. Mr. Annis also did not have a say as he was not notified.

Mr. T Millias also went and drove the driveway himself. It is useable, not happy about it, but can't say it isn't useable. The transition is more severe than the others, but doable, would rather see it depressed but..

Mr. Annis then spoke to the board and showed a sketch of the sidewalks, profile. Explained that his driveway was stone before, the sidewalk and berm down to the level of road. Put top coat on the road sidewalk it raised it up and left a little off. Then I had to bring it up to match, but still severe drop. The excess amount should be removed. He also stated he went around town and viewed sidewalks. They are all depressed.

Mr. Millias said they don't get driveway details in plans. Asked if the driveway took the same course.

Mr. Annis stated that he had to relocate to the current location. After the first layer of pavement was put down.

Mr. Springer (developer) spoke that the three other driveways were paved prior to the top coat and top coat of sidewalk. Never informed Mr. Annis wanted not to pave his driveway opening where the sidewalk was. If it was staked out or if I was informed I would have informed the paving contractor to stop at driveway and make the transition. It was a surprise that there was a complaint about the driveway, I didn't know prior to paving contractor going in.

Mr. Millias; The apron that you provided came after the fact, which would explain the difference. As they would make the sidewalk level the whole way.

Mr. Annis, actually unknown to Mr. Springer when the paving crew came in, prior to putting top coat on, I spoke to the foreman and asked to pay attention to my driveway was, he said he would talk care of it.

Mr. Springer: I'm paying for the contractor, they are not going to take direction from a homeowner. If I had known about it, I could have got to SLT, he would have got to the contractor and would solve at that point.

Mr. Soroko: In the correction though, it sounds like Mr. Annis wasn't confronted when the correction was done.

Mr. Springer: Oh yes he, well, what happened with the correction rework, got a letter and sketch from Planning Board, that came to Silva (your review engineer) forward to SLT, not informed when they were going to to di, but said please take care of it. Next I knew I got an invoice saying it was done. New Year's Eve. No way of telling Mr. Annis because it was already done. They did what was proposed.

Mr. Soroko: stated if you knew if he had a problem with it, you would have taken care of it and knowing now that is an issue, that SLT to get completed, in that instance wouldn't you have hand held this and gets a heads up on this as a developer to help a home owner.

Mr. Springer: I did, said let me know and they didn't until it was done.

Mr. Andrews: As a contractor, if you're paying the bill, you should be able to tell them, to tell you when.

Mr. Springer: I did, let me know and they didn't. The job was done in coordination with the letter that came with this planning board.

Mr. Millias: It was done and acceptable, but not acceptable to Mr. Annis, but from a technical standpoint when they reworked it was done correctly.

Mr. Soroko again feels that knowing there was an issue, have to raise a level of concern that the rework is done perfectly so you don't have to rework the rework. It should have been hand held.

Mr. Millias disagrees. Mr. Andrews states that other than the fact that it didn't end up same as the others.

Mr. Millias says that Mr. Springer had not reason to not think SLT would not do that correctly.

Discussion between board members continued as to the review engineer and the paving. Mr. Andrews: stated that when we sent it back, that if those other driveways are the right way, then his isn't, His is, the others aren't.

Mr. Millias: we told him to correct the other three or correct that one.

Members then explained to the audience, the fact that on the other driveways the sidewalks comes down to the driveway, on (Mr. Annis) driveway his it goes over the sidewalk.

Mr. Springer: the paving contractor will come in, if there is a driveway paved there, they will feather down, to the driveway. There was no paved driveway, there's an opening so they went right over it.

Mr. Andrews: But the driveway was there.

Mr. Springer: There was some type of driveway. I don't know if he was using it.

Mr. Annis: It was a stone driveway that was in use.

Mr. Springer: I had no way of knowing if it was in use or not.

Mr. Garron: Sounds like a lack of communication with your engineer. Did he definitively say he wanted a slope down to the driveway or just put a ramp in?

Mr. Andrews: what we said, to make that driveway the same as the others, or make the others the same as that. This still is not the same as the others.

Mr. Millias and Mr. Andrews continued to discuss the issue at hand and how it should have been completed.

Mr. Soroko repeated that on the first notice the foreman was notified and there should have been communication between the foreman and developer, which did not happen. Second time around...it was asked if Mr. Annis notified the foreman or saw the foreman on the rework.

Mr. Annis advised when they were there the first day for the rework, putting down curbing by the catch basins, spoke to the person working the job, not the person before when putting first layer down (also spoke with him). The second person said he would accommodate my wishes. Was away on vacation when they did the rework. He went on to advise this has been ongoing for a dozen years and has spoken to the developer on several occasions, getting nowhere.

Mr. Springer stated that he contacted SLT to go down and fix the driveway according to what the review engineer had sketched out. Mr. Silva reviewed after it was acceptable, what else can I do?

Mr. Millias then stated that as the board they did what they could, sent a letter to have the driveway fixed and no reason for the board not to recommend, professional opinion and cannot base their findings off anything

else. If there is a different opinion from another professional, they will weight that against what has been given.

Mr. Annis advised that Mr. Silva suggested to run drainage into the pond, go thru 50' no touch zone, and so put in pit on my property. Reiterated that Mr. Silva drove the driveway in his truck and did not see a problem. Discussion continued between Mr. Annis and Mr. Millias about the construction of the driveway, sidewalks around town.

Mr. Garron interrupted, no progress is being made, agrees that communication was lacking, and doesn't know the remedy to it. Would have to be between Mr. Annis and developer. Our (Board of Selectman... Town) accepting the road, it isn't going to change the driveway situation, or if we don't. At this point it's out of our hands.

Going back to getting a professional opinion that it is wrong.

Mr. Seelig which would mean that a certain sum of money would have to be spent, either case asking to spend money.

Mr. Millias did not think the board should put it (expense) on Mr. Springer (developer)

Mr. Andrews: I would have to say no, because all the other driveways don't have that, I'll go back to the same thing, if the others don't have it, this one shouldn't have it and that's the end of it. I mean.

Mr. Millias: regardless of the engineers review.

Mr. Andrews: the engineer is saying... is it acceptable? Acceptable to what? Not to the rest of the subdivision. The approach into the driveway was drivable. I disagree with him.

Mr. Millias: but now we have a bigger issue, if we don't trust our review engineer....

Mr. Andrews: If that's acceptable, then the other three have to go up, it that's the way it's supposed to be then the other three should have the sidewalk go in front of them. He didn't give us an opinion on the other three.

Briefly spoke about the board recommending the acceptance. It was not voted to accept the "As-Built"

Mr. Andrews spoke to the problems that the town ends up with regarding subdivisions. The issue at hand is if the town accepts the road, then Mr. Annis will have to get permission from the Town to cut the sidewalk to lower his driveway. He thinks it should be resolved before the town gets into it. It could be addressed and taken care of before that, the parties are here that can do it if they wanted to do it. If not, take it to town meeting.

Mr. Garron said thank you to the board for their time and consideration.

Selectman's made a motion to move their meeting into executive session.

Mr. Annis asked if an amendment could be addressed at town meeting to accept road under condition.

Members and Mr. Annis continued going over the situation. The board also does not get driveway details with subdivisions. Also discussed possibly getting them in plans in the beginning, have a depression to be an easy transfer, will have more leverage.

It was mentioned that Mr. Millias may have done some fieldwork on the project for Webby Engineering.

Mr. Annis stated Al Vautrinot did the subdivision plans. However Webby is doing the As-Built.

#### **Discussion: 69 Summit St., Solar Array project**

Received proposed amendment to change fence.

Members review the change, they want to have a chain link fence and a solid vinyl fence in the same area.

Instead of a double fence, just want to use the vinyl fence on the perimeter and as the security fence. They will still have the plantings on the inside.

It was suggested that the abutters be notified of the amendment. Members agreed to hold til next meeting in order to review the original Site Plan Review and any conditions.

Notice from Selectman regarding Foreclosure of Vacant lots by-law. (warrant for town meeting)

**Adjourn:**

Motion to adjourn meeting.

MOTION: Mark Millias

SECOND: Jonathan Soroko

AIF

It was unanimously voted to adjourn the meeting at 7:45 p.m.

Respectfully submitted,

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

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Terri Renaud  
Planning Board Secretary