



Halifax Planning Board Meeting Minutes August 1, 2019

Official

A meeting of the Halifax Planning Board was held on Thursday August 1, 2019, at 6:30 p.m. at the Halifax Town Hall, Board of Selectman's Meeting Room, 499 Plymouth Street, Halifax, Massachusetts.

Members Present: Gordon Andrews, Mark Millias, Amy Troup; Karlis Skulte arrived at 6:45. Jonathan Soroko is absent.

The meeting was called into session at 6:35 p.m. and the agenda was read into the minutes by Gordon Andrews.

Motion to accept the agenda as read:

MOTION: Mark Millias

SECOND: Amy Troup

All in favor

Appointments:

6:35 p.m. Pasture Lane: Developer not in attendance. Was not able to contact Mr. Murray to attend.

Autumn Lane: developer not in attendance. Was not able to contact Mr. Treannie.

Discussion: Franklin Street, solar project

Chairman Andrews welcomed Zoning Board members: Robert Gaynor, ZBA Chairman and Gerald Joy, ZBA Member. Mr. Joy and Mr. Gaynor explain that they are looking for feedback on whether an easement can be approved for access to the back property as there is confusion on the lot being one parcel or two. Mr. Joy further explains that the applicant wasn't clear on what the Planning Board approved regarding an easement and if the lot was approved as one or two. Mr. Gaynor and Mr. Joy understood that there were never supposed to be two separate lots, however the applicant is now requesting a variance for an easement from the front to the back lot. There is an "understanding" that the (second) lot is under agreement for purchase. Planning and Zoning members review the site plan for Franklin Street to see exactly what was approved. They look for a common driveway/easement for the back property. Chairman Andrews noted that this is going to be a business. Chairman Gaynor (Zoning) stated the applicant advised the Zoning Board that once the project is complete, the access will only be used once per month for maintenance. The way Mr. Millias understood the applicant/owner is that they would use the (estate/front) lot as access and abandon it as buildable. Members identified the owners on the site plan. Mr. Andrews points out that, according to the plan presented to them the owners are Coneco and Springer Construction. The house lot was previously existing (Form A approved in 2009) but the plan was proposed as the front lot being used only for easement.

Mr. Gaynor wonders if a condition of an easement through the property can be made with the current owner of the house lot. Mr. Andrews clarifies the frontage stating that it's illusory frontage if it can't be used. If the front lot was sold, a road would need to be built and that frontage is gone for the back lot. Trying to use someone else's property as access is not allowed. The bylaws state you must access your property from your frontage. The estate lot, if sold, will no longer be their property. The applicants are creating their own hardship. Mr. Gaynor asks if the estate lot becomes useless as a buildable lot if an easement is granted. The Planning board feels that if the applicant wants an easement, they should use the house lot as access only and lose it as a separate buildable lot. They must use the lot as one or the other, use land for a business through a residential lot. The Board members discuss that easements are granted in deeds. The property is not land locked, they have access to frontage. If this did not touch the road anywhere else, they'd be willing to take on different options. Different options and problems regarding wetlands and highlands were discussed as well as cost differences. A suggestion to wrap the easement around the backside was made.

(Karlis Skulte joined the meeting at 6:45 p.m.)

Members discussed the required and or maximum width of an easement or access way. The Planning Board does not know of any specific requirements. Members reviewed the site plan and confirmed the access through the "estate lot."

Mr. Andrews reiterated that checks and balances between boards needs a better process so that the follow through is easier making sure that all information provided is the same for every board. It was suggested to have a signature card where the required approvals are signed by the boards or committees.

There is currently a check list in place for a site plan review and it is suggested to create an overall checklist for more extensive applications requiring more than one board's approval. Each board can have a checklist within their jurisdiction but there must be a review beforehand. Members agreed having an overall checklist would benefit all boards/committees. It was discussed that the Zoning Board members attend the next Planning Board meeting on August 15th to continue discussion (approximately 7pm). The members would like to work on the checklist together.

Members briefly discussed the definition of in-law apartments and bylaw requirements.

Members discussed meeting with the postmaster for 8/15 at 2 p.m.

Motion to meet with the postmaster on August 15th at 2 p.m. in Meeting Room 1.

MOTION: Amy Troup

SECOND: Karlis Skulte

All in favor

Gordon C. Andrews brought a letter from the court with a copy of the judge's decision, findings and fact and handed out copies to the members. Chairman Andrews recused himself from the meeting. Mr. Gordon C. Andrews discussed the judge's decision and went through the history of the site plan review in 2014 including that the original plans showed one lot, Town council's opinion and Halifax Trails.

There is a discussion on hiring of a secretary for the Planning Board and the Planning Board themselves having the ability to have input into who is hired.

A motion to be part of the process and to write a letter of request for permission on this matter to the Board of Selectmen is made.

MOTION: Amy Troup

SECOND: Karlis Skulte

All in favor

Chairman Andrews appointed Terri Renaud to write the letter to the Board of Selectmen for this request.

There is a brief discussion as to when the next Board of Selectmen's meeting will be.

Chairman Andrews asks to have a discussion on bylaw changes. He states that he has recently talked to Charlie Seelig who suspects that the next Town Meeting would be in the first part of October. Chairman Andrews also states that they need to set up a Public Hearing to discuss the bylaw changes before that meeting. Gordon C. Andrews clarifies the process on bylaw changes so that they might come to a decision on a date for the Town Meeting.

Amy reminds everyone that the public may also have requests for bylaw changes. The public must go to the selectmen by August 13th to be considered at the October 13th meeting. They would need to meet with Town Clerk Barbara Gaynor who would need to certify that they have the required 100 signatures to submit any requests for bylaw changes to the selectmen.

Karlis receives Bylaw handbook.

Approval letters are signed.

Board discusses Pasture Lane

Motion to approve Planning Board Minutes of May 16, 2019

MOTION: Amy Troup

SECOND: Mark Millias All in favor

Motion to approve Planning Board Minutes of July 18, 2019

MOTION: Mark Millias

SECOND: Amy Troup All in favor

MOTION TO ADJOURN

MOTION: Mark Millias

SECOND: Amy Troup All in favor

It was unanimously voted to adjourn the meeting at 8:57 p.m.

Respectfully submitted,

Date Approved:

9/19/19





