



Halifax Planning Board Meeting Minutes May 7, 2020

Official

A meeting of the Halifax Planning Board was held on Thursday, May 7, 2020 via Zoom (hosted by Town Administrator Charlie Seelig at the Halifax Town Hall, 499 Plymouth Street, Halifax, MA).

Members Present: Chairman Gordon R. Andrews, Members Amy Troup, Ashley DiSesa and Mark Millias. Karlis Skulte is absent.

Chairman Andrews calls meeting into session at 6:35pm by Andrews.

Andrews opens the meeting and reads the agenda into record.

Motion to accept agenda as read: Millias Second: DiSesa All in favor

Appointment

6:30pm - Chris Winiewicz - Noise Complaint at 450 Industrial Drive

Mr. Winiewicz is present. Explains he has videos and would like to continue the discussion to the next meeting so he can show those videos. Discusses complaint. States noise began in January/prior to MLK weekend and could be heard throughout his home. Described it as the noise of a machine coming from Industrial Park, like harmonics, all week and all weekend and so on. He placed phone calls and got the run-around, was told there is no machine at that address. He called Newcombs (next door) and Newcombs manager explained it was not their machine as they have an identical machine to the machine next door but had to move their machine to BRS Sand and Gravel to get it away from others, hence the noise was coming from next door. Noise continued off and on until quarantine.

Andrews recuses himself at 6:45pm for the remainder of this appointment but will continue to run the meeting.

Winiewicz states that 450 Industrial denies having any machine on property. Millias states that the Board will look into the operating hours and could possibly point Winiewicz in the right direction. Winiewicz states that noise is considered pollution and should not leave the property line and should be mitigated. Board decides to request the presence of those at 450 Industrial Drive to the next meeting along with Winiewicz to continue discussion. Troup will scan the bylaws to see what they say about noise. DiSesa states it would be a good idea to get the videos for the next meeting from Winiewicz. Millias asks Secretary to send a letter from the Planning Board to 450 Industrial Drive informing them of a noise complaint and to request their presence at the meeting on May 21, 2020 for further discussion with everyone involved. Winiewicz and all members agree. Millias reiterates what the Board would like written in the letter. (There is no official motion made.)

Bills

Motion to pay Plympton-Halifax-Kingston Express bill for Zoning Bylaw Public Hearing Ad on 4/17/2020 and 4/24/2020 for \$84.00: Troup Second: DiSesa All in favor

Appointment

6:45pm - Monponsett Liquors - 653 and 655 Monponsett Thompson Street

Lawrence Gogarty, project manager, is present. The Board does not have copies of site plan as he dropped them off at Town Hall. Secretary informs (via Zoom chat) everyone that Town Hall does not have the capability to scan copies of site plan as they are too large. The Board is familiar with the building in question. Larry describes the project: in March, the left-hand side section was taken down. What remains are two other sections of the building, the one on the right will be the liquor store. The portion on the left (old restaurant) will be storage. New roof, new HVAC unit for the store only, completely new interior wiring, as nothing is up to code, new installation, new ceiling tiles and a coat of paint in the liquor store. There is no new expansion of the existing footprint of the building. Gogarty clarifies they are not rebuilding the other half. Gogarty met with the building inspector, fire chief and deputy fire chief to show what was being done inside,

most important aspects of the electrical work are exit signs, emergency lights and smoke detectors. The owner has attempted to get this open ASAP; he has owned this property since October. Gogarty is looking for a waiver from the full site plan review process. Parking will be to the right side of the building (if looked at from the street) and shows 16 spaces. Half would be perpendicular to the side of the building and the other half would be a mirror image of what would be facing the building. Millias asks if front spots would be eliminated and parking would only be on left and right of building. Gogarty states that there is so much area and for now there will only be parking on the right with no parking allowed in the front (parallel to the building) as that would impede the fire department. Signs will be put up that parking parallel to the building is not allowed, only the right side. "There is loads of room," per Gogarty. There is 1,160 square feet open to the public for the retail store. The total area of the liquor store is 2,700 (plus or minus) square feet. The remainder is office/storage.

Troup states that she wishes the Board had a copy of the plan to follow Gogarty better. DiSesa asks if Gogarty is able to take a photo of the plan and email it to the Board. Gogarty could hang up and take a photo. Millias states that he may be inclined to waive a complete site plan review as it is just a renovation, but the Board would definitely want to see and sign off on something that at least laid out the parking lot and that change where the rest of the building is going to and what the use is. Millias restates that he would be willing to set aside a new and entire site plan review but would like to see the layout to sign off on. Gogarty suggests bringing five (5) hard copies to Town Hall on Monday and would like to be placed on the agenda for May 21, 2020. The Board agrees that this is a good plan. Troup asks if there is any green space on the plan. Gogarty responds no, not really as it has been paved for years. There is a house in the back on the lot (shown on site plan) that has been vacant and the outside is a disaster with some lawn that is all shot. Gogarty suggests that between now and 5/21/20 the members could drive by to get a better idea of what's going on and adds that he is available for any questions in the meantime. Will be placed on Agenda for May 21, 2020.

Appointment

7:00pm - Pasture Lane - Update/Discussion with Tina Kenyon

Tina Kenyon is present. Andrews states that he spoke with Developer Michael Goodman who is not available this evening, but informed Andrews that there is someone interested in purchasing the subdivision/last lot and finishing the road but working out the details. The Board feels they need to run this by Town Counsel. Andrews spoke to Attorney Larry Mayo who said he'd be glad to take a look at whatever is proposed to make sure things are locked in and to keep things rolling. Kenyon states she thinks Goodman is stalling as this has happened once before where he put it on the market for three months and then took it off. Andrews responds that he met Goodman out on the job with the guys who are interested in doing the road. Andrews states that they're working it out right now with the lawyers. Whatever they come up with for a deal will be run by Town Counsel to make sure as Goodman tried selling the lot before and they want to make sure the liability is still with Goodman to ensure the road is finished. Kenyon asks if there is a proposed date that this needs to be done by. Andrews responds that Goodman is looking to be in by the next Planning Board meeting on May 21st and will try to have information to present to the Board prior to that meeting so that Town Counsel can review it first. Andrews spoke with the road builders and they believe they will be able to make a deal with Goodman, make some money and sell the lot off and get the road finished which is better than the Town trying to take it over. Kenyon just hopes they aren't being pushed off again and will try to make the next Planning Board meeting as well.

Discussion

241 Franklin Street - Site Plan Follow-Up

Andrews states the plans were signed and the Board should get into the office and take a look at everything. Work has started on this site.

395 Plymouth Street - Site Plan Follow-Up

Board would like an update from the Building Inspector to see what the status is.

Map 95 Lot 9, 11A Street, Map 19 Lot 65A, 5 Short Street, 92 Lingan Street and 20 4th Avenue - Variances

Andrews recommends passing over these properties tonight until the next meeting. The Board agrees.

Electronic Submission of Plans

Andrews states he thinks this is a regulation that the Board needs to work on by making sure that all plans are submitted electronically (still requiring paper plans) as it will be easier to pass around, especially with Zoom meetings. Millias states this isn't asking too much and this can be done. Andrews states that he feels this needs to be a regulation the Board should adopt. Andrews suggests putting a regulation together for the next meeting to vote on. The Board agrees. Andrews asks Secretary to add this to the next agenda as an appointment as they will be acting on it. All members agree.

Zoom Meeting Membership

Andrews states that the Board would like to look into getting a Zoom membership so that they can run their own meetings.

Laptop for Planning Board

The Board agrees they would like to reach out to IT Cesar Calouro to get an update on a Planning Board laptop as it was requested already. Millias states that he feels this would be put to good use.

Zoning Bylaw 167-22

Andrews states this is something they've kept on the agenda.

Pine Street North (Lot)

Andrews states this is a lot on Pine Street that someone has inquired about but Andrews thinks they need to pass over that as well. Board agrees.

Appointment - Hearing

7:15pm - Zoning Bylaw Changes

Andrews reads the Zoning Bylaw Public Hearing Notice into record.

Notice of Public Hearing

The Halifax Planning Board will hold a public hearing on Thursday, May 7, 2020 at 7:15 p.m. in the Great Hall 2nd floor of the Town Hall, 499 Plymouth Street, Halifax, MA to see if the Town will vote to make changes to pertinent sections of the Halifax Zoning Bylaw Regarding Multifamily Uses by updating Sections 167-3 Definitions, 167-7 Schedule of Use Regulations and 167-12 Density Regulations for Specific Uses. A new proposed Multifamily Bylaw section will be added entitled **Two-Family and Multifamily Dwellings Developments** with sub-sections:

- A. Definitions for Condominium, Dwelling, Dwelling Detached Single-Family, Dwelling Two-Family/Duplex, Dwelling Multifamily, Dwelling Unit and Multifamily Development
- B. General Requirements – Applicable to all Single Structure Two-Family Dwellings and Multifamily Developments
- C. Single Structure Two-Family Dwelling and
- D. Multifamily Development – Two-Family or Multifamily Dwellings (more than one structure)

This hearing will also be held to see if the Town will vote:

- A) To allow recreational Marijuana Establishments in the Commercial District via approval of a special permit by the Zoning Board of Appeals;
 - B) To update the Floodplain section of the Zoning By-law regarding the Panel Map dates and Identification Numbers, the LFD date, the Purpose of the Floodplain By-law and changes to the language concerning Floodplain Data.
 - C) To establish, in Halifax, which entity "makes a finding" under Massachusetts General Laws, Chapter 40A, Section 6.
- Said proposed changes are on file with the Town Clerk's office, Halifax Town Hall, 499 Plymouth Street, Halifax, MA.

Halifax Planning Board
Gordon Andrews, Chairman
Karlisk Skulte, Vice Chairman
Mark Millias, Clerk
Amy Troup, Member

Notice advertised in the Plympton/Halifax/Kingston Express on **Friday, April 17, and Friday, April 24, 2020.**

Motion to open the public hearing: Troup Second: DiSesa All in favor

**Motion to continue this hearing for the Bylaws to June 4, 2020 at 7:15pm in the Great Hall: Troup Second: DiSesa
All in favor**

**Motion to close the public hearing and reopen the regularly scheduled Planning Board meeting: Troup
Second: DiSesa All in favor**

Meeting Minutes

The Board reviews several sets of Meeting Minutes, makes edit requests and approvals.

Motion to accept Meeting Minutes from February 6, 2020: Troup Second: DiSesa All in favor

Motion to accept Meeting Minutes from November 21, 2019: Troup Second: Millias All in favor

Motion to accept Meeting Minutes from March 5, 2020: Troup Second: DiSesa All in favor

Troup and Andrews request revisions to Meeting Minutes from March 19, 2020.

The Board reviews Meeting Minutes from April 16, 2020.

TROUP: (referring to 4/16/20 minutes Discussion section on page 1 entitled "Zoning Bylaw 167-22 and Zoning Board Decision Petition #915 Amanda's Estates and any other caselaw that may come up" which was an item requested by Troup to be added to the agenda): The reason I'm talking about Zoning Bylaw 167-22 and only referencing #915 isn't because I'm picking on that petition, it's because the bylaw wasn't followed and I don't understand that. So I just want it to be noted that we are going to end up discussing that case due to the fact that the 167-22 was of that, but it's not because of that, it's because of 167-22 and the fact that the attorney showed up and said and was there for three meetings, um, in January and February, three or four meetings she was at with Zoning, um, telling them about that, so that's, that's why I didn't—that's why I'm about the 167-22. It doesn't necessarily have anything to do with #915. Just so that, because the way it looks is it's always, like, pushing that and it's just because you have to put it on the agenda to talk about it, but it's 167-22 that wasn't followed that I have an issue with. I just think that should be noted in these discussions.

ANDREWS: I will talk with Larry Mayo to see if the Board can just put the Zoning item on there and drop the other one or not. But I think if you bring up that case is why we would have to have it on there.

TROUP: Well that's what I was just saying, it's not because—yeah.

ANDREWS: I'll double check.

TROUP: K.

MILLIAS: It's probably just the difference between—you're not saying, the issue isn't necessarily the bylaw, it was like the enforcement of, so it has to be tagged to something, it must be something official like that.

The Board continues to request revisions to Meeting Minutes from April 16, 2020. The Board agrees to review minutes with requested revisions at the next meeting.

The Board discusses how to sign the Minutes (during pandemic). Andrews suggests bringing copies around to the members. Mark suggests using the signature stamps once audio is available. Troup agrees to using stamp as long as it is motioned and accepted. DiSesa doesn't know if she has a stamp but agrees it would be easier than driving it around or she can sign, whatever works is fine with her.

Troup would like the hearings to be done verbatim for Meeting Minutes from September 5, 2019 as she states that she feels there is much missing. Millias prefers the way the minutes are done now rather than verbatim. DiSesa states she agrees that the hearings should be done verbatim so that nothing is missed and tone isn't misread. Millias states that in

his experience, verbatim is where the tone and inflection get lost. Troup states "sometimes the tone and inflection is misinferred by the writer." Millias explains that if someone is speaking, the Board can agree if they think something sounds sarcastic or not and that gives everyone a chance to decide. Andrews states that a hearing should reflect what a hearing was.

Motion to have the minutes be verbatim for hearings: Troup Second: DiSesa Three (Andrews, Troup, DiSesa) in favor, One (Millias) opposed.

Discussion

Letter from Board of Selectmen dated 4/28/2020 to Planning Board re: Request to Appeal ZBA Decision

Andrews recuses himself from this discussion. Troup discusses her thoughts on the letter. She states she thinks that this is a lot of work to deny the unanimous decision of an elected Board in the Town of Halifax to meet with the Selectmen and a lot of time was spent because at the Selectmen's meeting she remembers hearing Seelig saying that he wrote this (letter), so there was a lot of time spent on it and a lot of it was unnecessary because it goes through a lot of pointing. Troup states that in her opinion, this is a simple case of "Dear Selectmen, the Planning Board has unanimously said that we want to be on your agenda and you denied us twice, why? What's the big deal?" Troup noticed in some of the meeting minutes Seelig mentioned to Attorney Amy Kwesell that it was okay that the Planning Board talk to Land Use attorney about items with his permission and now they aren't allowed. Troup doesn't understand how an elected board, with a unanimous vote to request to meet with Selectmen, gets denied. Millias asks for clarification: did the Selectmen deny the Planning Board from talking to them or did they just say they couldn't fund the appeal? Troup responds that the Planning Board had a unanimous vote to meet with the Selectmen and the Selectmen wouldn't put the Planning Board on the Selectmen's agenda. Millias states that it seems weird that the Selectmen wouldn't meet with the Planning Board and denied a conversation. Troup responds "they did." She explains that on March 24, 2020 the Board of Selectmen said they couldn't use counsel. Troup references 4/16/2020 meeting minutes reflecting the Planning Board's unanimous vote that they should be on the Board of Selectmen's agenda and the Selectmen wouldn't put the Planning Board on their agenda. Troup goes on to say that Seelig then wrote the letter from the Board of Selectmen and it was not read out loud at the Selectmen's meeting and states that the Selectmen wouldn't allow the Planning Board to meet with them.

Millias states that the letter reiterates the denial of the approval. Millias wonders if the Planning Board makes a motion to get on the Board of Selectmen to discuss the appeal, not request to have the appeal. DiSesa responds that that is what the Planning Board already tried (unanimous vote to request to be on the Selectmen's agenda) and the Selectmen denied them. DiSesa explains that the Selectmen are making it all about the appeal of the case but it's not about that, it's about the bylaw. DiSesa states that the letter talks about the case but that's not what the Planning Board is asking about. Millias is wondering why the Planning Board can't separate the two. DiSesa states that the letter has a lot of information that the Planning Board wouldn't know about and puts the blame on the Planning Board that the Planning Board had a lack of discussion of "financial stuff." DiSesa states that if the Selectmen sat down and talked with the Planning Board, they would realize the Planning Board isn't even talking about "that specific case." DiSesa states that, yes, the bylaw pertains to "that case" but that's not what the Planning Board is talking about. DiSesa states "We're not going after that case, we're not going after the money the town spent." DiSesa adds that at a prior Planning Board meeting, the Board was asking if they could talk to Attorney Larry Mayo about "what the situation is" and adds that Attorney Kwesell gave the Planning Board incorrect information, which is why the Planning Board wanted to ask Mayo the same question, which they were not allowed to do, and were also not allowed to be placed on the Board of Selectmen's agenda when requested.

Millias responds that he read the letter as the Selectmen are not willing to fund an appeal, not that they're unwilling to talk so Millias doesn't understand the lack of communication. Millias asks what set of Planning Board meeting minutes shows the Planning Board's vote to request to be added to the Selectmen's agenda. Troup references the Planning Board Meeting Minutes for 4/16/2020 for the motion and unanimous vote. Millias states that he thinks the letter is a good cover of why the Selectmen denied "it" but Millias can't support the lack of communication and sharing of information. Millias isn't sure where the Planning Board goes from this, Town Meeting forum? He's not sure. Troup suggests writing a simple letter saying that this was a lot of information that the Planning Board didn't know and that the Planning Board wants to be on the Selectmen's agenda, as was already unanimously voted for by the Planning Board. Millias states he isn't in favor of the appeal but he is against the Selectmen not discussing it with the Planning Board. DiSesa states that an elected board should be heard. Millias suggests that the Planning Board's proposal should be the discussion without relevance to any

pending case. Millias states he doesn't know how they could separate the issues as the issue isn't with 167-22, it's with the enforcement of 167-22 and the enforcement of 167-22 pertains to the Petition (#915). Millias doesn't know how to separate those two. He states that "you can't talk about the enforcement of 167-22 without talking about the project in question." Troup states she has always been about making sure the bylaws are followed. Millias is fine with that, but his issue is how does the Planning Board have a discussion with the Selectmen without discussing that particular Petition? Millias states "if the Planning Board is just discussing the ins and outs of 167-22, they should certainly be having that dialogue." Troup agrees. DiSesa states that she thinks the Planning Board should make another motion to be placed on the Selectmen's agenda to discuss the bylaw and keep doing that until the Selectmen add the Planning Board to their agenda. DiSesa wonders how any public person can get on an agenda but an elected Board can't. How does that work? she asks. Millias wonders if there should be a meeting/discussion about open communication.

Motion to request to be added to the Board of Selectmen's agenda to discuss the Zoning Bylaw 167-22: DiSesa
Second: Troup (Mark, Troup, DiSesa) All in favor

Andrews rejoins the meeting.

Adjourn:

Motion to adjourn: Troup Second: Millias All in favor

The meeting was adjourned at 8:42pm.

Respectfully submitted,

Gordon R. Andrews, Chairman

Date Approved: 6/4/20





