



## Halifax Planning Board Meeting Minutes August 6, 2020

A meeting of the Halifax Planning Board was held on Thursday, August 6, 2020 in the Multi-Purpose Room at the Halifax Elementary School, 464 Plymouth Street, Halifax, MA.

Members Present: Chairman Alan Dias, Clerk Rick Merry, Members Gordon R. Andrews and Amy Troup. Vice Chairman Mark Millias was absent.

### **Appointment:**

#### **6:45pm – 241 Franklin Street Solar Project / 229 Franklin Street (abutter DiBona) – fence proposal**

Abutters Michael and Robert DiBona (229 Franklin St) are present. No one from solar company CS Energy is present. Troup met with the property owner (abutter) to see what was going on. Dias explains to DiBonas that because solar company is not represented at the meeting, the Planning Board's hands are tied. Dias did not review an as-built. Andrews doesn't know that there is one. Merry states that the project isn't finished and asks if there would even be an as-built. Dias states that based on his representations, it looks like the road is a little closer to the DiBona's property than it should be. He adds that Planning Board doesn't require an as-built certification, that would be Conservation. So until the project is completed, the Planning Board doesn't know about the road. Dias can reach out again to see if solar company will come in. Andrews states that the Board can call the solar company in and believes that if the road is in the wrong place, the solar company will have to move it. Merry states that this is more about the fence replacing the trees, doesn't really have to do with the road. Merry spoke with superintendent on project - Kevin White - who explained that the contractors use GPS to put the road in but this will not be known until there is an as-built. M. DiBona asked months ago if they could have a fence and was told no by the solar company. DiBonas were then approached by CS Energy asking if it was okay to have a fence and M. DiBona asked if the fence could extend the property line and CS Energy said no, so DiBonas said they'd rather the trees. CS Energy has come back saying they'd like to do a fence but DiBonas want it to be 375 feet. M. DiBona feels the reason CS Energy is coming to them is because there is not enough room for two rows of trees because the road is too close to the property line. Merry states that Kevin White will give 208 feet of fence. Troup would like to verify that the site plan was done correctly to make sure the road is in the right spot in order to protect each party. Andrews and Dias discuss whether to make a motion or not. The Board agrees that CS Energy will be asked to attend the next meeting.

**Motion to request CS Energy to attend the next Planning Board meeting and verify where the road is behind the DiBonas property: Andrews**

**Second: Troup**

**Voice Vote: Troup - Yes, Andrews - Yes, Merry - Yes, Dias - Yes**

**All in favor**

R. DiBona asks that the trees should be shown in the location that they are supposed to be on the original site plan and on the as-built as well so that the DiBonas can demonstrate where the road is now, where it should be and where the trees are in relation to both. Dias explains that an as-built comes when the project is complete, which he doesn't believe it is close to. Dias states that GPS should tell whether the road is in the correct place.

### **Bill**

**Motion to pay bill to Plymouth County Registry of Deeds to record the Planning Board member signatures for \$107.00: Troup**

**Second: Andrews**

**All in favor (4-0-0)**

## Discussion

### **Verbatim Meeting Minutes**

Dias would like the Board to think about the problems that can occur when meeting minutes are done verbatim. Troup clarifies that hearings are verbatim. Dias would like to take another look at that at the next meeting.

## Appointment

### **7:00pm – Amy Dwyer – 894 Plymouth Street Unit #3 – storage space for business – site plan**

Amy Dwyer is present. Dwyer explains that her husband's storefront and glass business, 3 Sons Custom, would like to rent space for storage at 894 Plymouth Street, Unit #3. She explains there is no active customer base or showroom, just used for the purpose of working inside the workshop and for storage. The owner of the property is unsure of the signage he will be using for his building, but Dwyer would like to put a small sign somewhere inside the building to be seen from the street in case of a delivery. Dias spoke with Paul Reid, owner of property. Dias believes the Dwyers should file a site plan application in order to identify rental space, traffic flow etc. but the rest of the (site plan) requirements have the potential to be waived. Troup asks if property owner Reid will be coming in for signage for entire building. Dias can't answer that. Andrews explains that there is already a site plan for 894 Plymouth St building submitted by Reid. Andrews adds that typically a waiver of a full site plan is requested by the applicant and the Board makes sure, comparing with the building site plan, that the applicant's plan fits with regard to parking, etc. Andrews explains to Dwyer she will need to show a picture of what their sign will look like, she will need to get a permit from the Building Department for that sign, and she needs input from the property owner showing each unit with the addition of Unit #3 as well as signage input. Dwyer states the owner explained there would be a small street-side sign showing each business name but there is nothing yet. Andrews states that Dwyer doesn't need to have a sign to have a business when Dwyer asked if there would be an issue of occupying the space without a sign. Dias states that he doesn't have an issue with Dwyer moving into the unit as long as she continues with the process. Board agrees.

## Discussion

### **John Parquette – 1 Pasture Lane**

Handouts are given to Board members from Parquette - report from Amory Engineers, copy of the Bylaws for asphalt requirements, and the engineers answer. Parquette states that he is the new owner of 1 Pasture Lane, purchased from the original developer who asked him to finish the road in exchange for the lot. Parquette met with Andrews two months ago and engineer to come up with plan as far as doing repairs on the developer's list. One item on the list that was the sticking point that made it financially feasible to do is the second lift of binder. Road is currently bindered - last 15 years has had one binder. Bylaws require two lifts total. Original plans show three lifts of binder. This was where they could make it financially valuable to do the work in exchange for the lot. Mr. Parquette states they have been getting pushback - some people don't want to see anything built on the lot. A potential buyer was told by Building Department that this lot is not buildable. Parquette can complete every repair requested by Amory except for the second lift of asphalt, which would give a total of three lifts of asphalt. Parquette is willing to do two lifts but will not do the work if the lot can't be built on. If this is a situation where not everyone is on board, he's not interested as he will not fight with the Town to build on the lot after the work is done on the road. Dias is only concerned with amending the original plan stating three lifts of asphalt. Andrews states they are looking to get the road in according to our specs which is why Amory is on board. Dias would like Parquette to give the Board exactly what is going to be done and touch base with Highway Department so that years down the road, when this is accepted, there is a punch list of what went on. Dias and Andrews would like to get this done. Parquette would like some kind of assurance from the Building Department that they will be able to get a building permit. Andrews suggests a determination from the Building Inspector.

Tina Kenyon, resident of Pasture Lane, speaks of her frustration. Kenyon asks how this lot got sold when there was a covenant restriction as, according to public record, the lot is back to Russell Mills. She just wants her road finished and feels there is something going on. Her email dated 8/7/20 was reviewed by the members. Dias explains these things can happen, there is someone here (Parquette) who is willing to finish the road. Dias further explains that, without looking at the covenant, the covenant probably prohibits owner from getting the building permit. Dias states that they, as a Board, will do the best they can to get the road finished. Dias viewed the site. Kenyon wants to know how a lot of land

that has a covenant restriction can be sold in the town when it has not been recorded at the Registry of Deeds. Kenyon explains that the lot is “sort of” buildable, but not with the house that is listed. She went through this seven years ago with Russell Mills Pond. Homeowners and Kenyon are ready to file suit with the Town as it keeps getting kicked down the road and this is the 10th meeting in the last seven months that she has attended on this matter. Andrews doesn’t know how the ownership was transferred, but states that the covenant is still on the lot. Kenyon states that it’s not Parquette’s job to do the third asphalt coat, it’s the original owner’s job. Troup states that Parquette is here and will finish and they will sort this out with him. Troup suggests that Kenyon help Parquette figure out why that lot is not buildable. Troup clarifies with Parquette that someone went into the Building Department and was told that the lot was not buildable. Kenyon wants to know where to go to find out why the public record isn’t correct. Dias explains that this is not a Town issue until the road is accepted and right now it is a private way. Kenyon disagrees. Troup states that the best solution is to figure out why Lot 1 is not buildable and make sure it can be so that Parquette can finish the road. Andrews will contact Town Counsel to try and get an answer to Kenyon’s question of how the lot was sold without being recorded by the Town.

### **Comprehensive Permit “Country Club Estates” 40B Project - Postponed until September 2, 2020**

#### **Open Meeting Law Violation Letter dated 7/9/2020 to Gordon R. Andrews from Secretary of State**

Andrews reads letter into record. Dias explains they will need to release emails involved in this OML violation.

**\*Motion to release emails dated 12/20/2019 and add to Meeting Minutes: Andrews  
Second: Merry  
All in favor**

\*(See emails at the end of this document.)

#### **Appointment**

#### **7:30pm – Hearing – Zoning Bylaw Changes**

**Motion to open public hearing for Zoning Bylaw Changes: Andrews  
Second: Merry  
Roll Call: Troup - Yes, Andrews - Yes, Merry - Yes, Dias - Yes**

Land Use Counsel Attorney Amy Kwesell is present and reviews revisions of Multifamily Development Zoning Bylaw and states these revisions took nine months with four or five meetings. Kwesell reviews the changes made.

(See Zoning Bylaw changes document attached to the end of this document.)

Dias points out and confirms with Kwesell some proposed changes: multifamily development would be buffered, provisions on the construction of the internal drive according to subdivision control standards in the event that the project has no accepted streets with such things like no parking on an internal drive, there is a minimum parking spot requirement per unit, exterior lighting (no flood lighting). Kwesell states that relief required for a multifamily development is a special permit through the Zoning Board of Appeals, however the Zoning Board cannot act on it until the site plan has been conducted by the Planning Board; this is the time when the internal drive will be determined to meet subdivision as it is in the Planning Board’s purview.

Andrews confirms again that this would go to site plan first. Kwesell refers to General Requirements 3.A. Andrews asks Kwesell to run through a scenario for someone to apply. Kwesell refers to D.3 for explanation. She goes on to explain that site plan approval must be obtained prior to the grant of the special permit. Once applicant gets site plan, they go to Zoning for special permit, the application goes out for comment. Kwesell clarifies. She refers first to section B.2. Applicant would file with the Planning Board first. Site plan approval must be obtained first, then the applicant applies to Zoning Board for special permit which first goes back to the Planning Board for comment. Troup refers to B.3A and would like this to be very clear. Kwesell refers to Section 28 of Bylaw which clarifies that Planning Board is the only

board who can grant site plan approval. Troup doesn't think it would hurt to add in that applicant must go to Planning Board first. Dias goes over the process again with Kwesell.

Dias opens to public.

Jo-Ann Andrews, 688 Plymouth Street: She fails to understand why the Town and Planning Board feel that this is the right time to hold this hearing on these proposed bylaws during Covid-19. She states there are 24 people here and her health is at risk; she has skin cancer. She has to go to surgery. She may not be able to attend a Town Hall Meeting to speak and this is the only chance she has. She has three surgeries and maybe more. She states there is already a violation here as there are 24 people. It is stated by Town Counsel that there can be 25. Ms. Andrews responds "you can have 25? Alright, if I'm mistaken, I'm mistaken." There is a Zoom meeting going on for the schools and some (of the audience) would rather be listening as some have grandchildren involved. She doesn't believe developers are more important than residents but states she feels this Board, with these bylaws, is making this more about the developers and not enough about the residents. She believes these bylaws should be withdrawn until a better time without Covid when more people can attend. She doesn't understand why the Town is pushing for these bylaws now and should wait for a time when more people can attend and speak.

David Mascio, 16 10th Ave: Supports Jo-Ann Andrews statement that there is not enough people that can attend this hearing to judge this for the town. He understands the urgency and what needs to be done but the town needs to be able to have the opportunity to speak in a group setting without being scared to do so. The septic system 310 CMR Title V - asks what is being done for the septic systems for these developments. Asks if each unit will have their own septic and a Title V or will it be a joint system. States that these bylaws will keep getting adjusted and next thing you know there will be a two-family house next to every house in town. Asks if these bylaws will keep changing as the neighborhoods begin to get inundated. Schools are going to get overpopulated and asks where things will go from there. He states that some of these are things that everyone in the town should be able to understand, not just 25 people. He brought his kids to this town for the small aspect of it, not to grow more but to settle where the town is at with the kids that are here. He adds that there will be more kids coming and potentially Halifax could be full, in-person school for the kids. With Covid, there aren't enough people here to judge this.

Dias responds to the septic issue raised by Mascio. All septic systems will need to be Title V compliant whether it's multi or single family. From a Board of Health standpoint, each unit will have a separate tank that goes out to one main leaching field. That's why 310 CMR is included. Kwesell adds that the applicant must get the approval of the Board of Health which must be submitted with their application before the special permit can be granted. Dias would say that septic plans will be submitted before site plan approval. Kwesell confirms. So, first step for multifamily would be Board of Health, second step Planning Board, then Zoning Board of Appeals.

Ashley DiSesa, Riders Way: Has two children in the school system and would like to be at the school committee meeting but chooses to be at the Planning Board meeting as she trusts the school committee more than she trusts the Planning Board. DiSesa asks how many units per building. Dias responds that if you have a contiguous building the most you can have is eight bedrooms and it has to be 160,000 sq feet of contiguous upland. Kwesell confirms and responds four units or families/building.

Tina Kenyon: Asks if there are any plans for the school as she states buses are already above capacity (three kids per seat). With multi-family coming in, Kenyon asks how will buses be afforded if they can't be afforded now. Dias responds that he doesn't know if there will be any more development coming into town and he's unsure of how much land is left for development but, unfortunately, Halifax has a bylaw that has been problematic and this is the solution to simplify the bylaw; to correct it. There has been a lot of litigation because of this bylaw. A lot of Board members sat in on meetings to come up with a general consensus so that Halifax can have a multifamily development bylaw suitable for the town to avoid all of this litigation. Dias adds that we aren't sure there is anyone coming to this town for multifamily but can assure Kenyon that when they do come, they will need to be going through multiple boards to accomplish it. Kenyon isn't sure why this needs to be opened up for multifamily. Dias responds that Halifax has multi-family developments in town now. Kenyon responds that the two areas where there are multifamily developments now seem to have a lot of problems. Dias responds that Planning Board is not here to encourage or discourage the building, they're

just here to make sure they have a bylaw that protects the town and to tell developers to do what they are supposed to and to avoid litigation involved in the prior bylaw.

Troup states her opinion that she is against multifamily changing the bylaw.

Jessica Pallberry, 13 White Street: Doesn't remember when this was voted on for Town meeting, maybe 2017 or 2018, she's not sure when, but the town voted down multifamily, so asks why this is being brought up and states that this does affect schools. There should be more than 25 people here.

Michael DiBona, 229 Franklin Street: Asks if there is a way to limit these multifamily applications on a parcel or withdraw before submitting something else. Over 10 years that he has been at his location there have been many different variations and the developer never has to withdraw their proposal, it just changes to a different variation of that same parcel. Dias responds that he thinks DiBona is speaking about being involved with a Chapter 40B. Dias explains that the town has the ability to grant a special permit but if that permit is not to the liking of the developer, they get what they want out of housing court. If it's not going to be a 40B, the town has the rights to determine what will be there. Dias states that the bylaw would prohibit anything more than 12 units. DiBona isn't concerned with the number of units, he is concerned with the developer who comes in with the application for that parcel. He asks if the town can make the developer withdraw that proposal before changing their mind and submitting something else. He asks if a parcel can only have one application for a development on it at one time. Dias responds that the town has no control over that, but he can't see why you'd have two proposals at one time if one of the boards is going to review a proposal for an 8-lot multifamily development and then a developer wants to do a 10-lot multifamily development, Dias doesn't think the board would entertain both of those, they'd ask which one the developer wants. DiBona asks if the town can make the developer withdraw the 8-lot development before they submit another. He feels that when there are so many proposals going on it's difficult for the board to know everything that is going on with every parcel in town. Dias doesn't believe the Planning Board has that right but defers to Kwesell. Kwesell states that she finds it hard to believe that a developer would apply numerous times on the same parcel as each time he/she would have to pay the application fee, abutter notifications, peer review and furthermore, all land use permits are timed. So, for a variance it is 100 days, special permit is 65 days and then close the hearing, etc. Kwesell is thinking that what the applicant was probably doing was revising their proposal for the same property which is a Board call. If it's a completely different property, the Board may tell the applicant to reapply, re-advertise, re-notify abutters and so on. Kwesell agrees with DiBona that an applicant should not have numerous things in parallel, as it would be too hard to track. Dias states that this bylaw would prevent this from happening and the Board wouldn't allow it. DiBona states that everyone can agree that all 25 people in the room aren't going to allow it but he's more concerned with 2, 5 or 10 years. Bob DiBona states that this project (241 Franklin St) went through five (5) different proposals before it ended up as solar. Troup asks the DiBonas if there was a different application for each proposal or just one with changes. M. DiBona is unsure.

David Mascio, 16 Tenth Ave: Confirms that Halifax has been standing by their bylaws for around 30 to 35 years. Andrews states that Multifamily bylaw was changed around 1987 or so. Mascio asks if there isn't enough land left to build, how will Halifax fit a 40B. This will only increase town's taxes. He adds that the bylaws for a multifamily worked up until recently. It's not that he's against it, because if the bylaws were followed in the beginning, none of this litigation would have been happening. Mascio states that there is not enough people alarmed about what is going to happen in the future because Amanda's Estates is coming up. Mascio asks if the multifamily bylaws are being written around what other towns allow for multifamily or to allow Amanda's Estates to be built. He adds that everyone in this town has to be aware of what will happen in this town - traffic, surveys. Compares traffic on Rte 106 at a certain time of day to L.A. traffic. Mascio asks that if there isn't enough land for contractors to build, where will they push a 40B.

Dias explains that Halifax has a bylaw for multifamily that has been on the books since the mid-80s/90s that is very problematic - it's confusing and resulted in a lot of litigation. The multifamily developments in town were all put in by Court order. Need to make sure that the bylaw is a mechanism to keep the town out of court. Mascio asks how many court cases the town has had from the past bylaw. Dias answers Twin Lakes, one at the corner and now Amanda's Estates. Troup adds "prior to the bylaw." Troup states that the bylaws for multifamily were changed after Twin Lakes and Lydon Lane were put in because the elementary school overflowed and a lot of kids had to go to Pembroke. The Silver Lake school had to have double sessions as they were overloaded. Troup adds that this is why those bylaws were

changed and this goes along with subdivision control which begs the Planning Board to look at how much water, traffic, and how it will affect the town as far as resources for the people that reside in the town.

Ashley DiSesa: Moved to Halifax for the Silver Lake school district and wants her kids to be able to go to the public school here and have the option of vo-tech to do the things that they do here - sports, etc. Her biggest concern is overpopulating the schools. There isn't enough land to have middle and high schools as they have to pay for those schools, so taxes are going up to put in multifamily homes to support those kids coming in. Towns people need to know that a huge number of people are getting excluded from this meeting as they are at the school committee meeting which DiSesa states is much more important right now due to Covid-related decisions having to be made. DiSesa doesn't understand why this meeting for the bylaws couldn't have waited and states it is wrong on so many levels that this meeting is being held tonight before Town meeting. Dias responds that this meeting is required. The function of this Board is to make recommendations on these bylaws before Town meeting. Dias, when asked by Tina Kenyon if there is a way to postpone this meeting to a night when there is no school committee meeting taking place, states that they weren't aware there was a school committee meeting tonight. Troup states she was aware.

Jessica Pallberry: She was one of the kids that got bussed and didn't return home until 4:30pm and doesn't want other kids in the town having to do this. She asks why multifamily is a new issue when it's been followed for so long before the Amanda Estates project. She asks why this one project is making an issue, why can't the bylaws be followed that were followed before. She asks why Amanda's Estates is more special than anything else.

Gordon Andrews states that the bylaws being proposed tonight are in response to a new interpretation of the bylaws. He continues to state that the change is due to the way current town counsel interprets the bylaw compared to past town counsel who did not have a problem with the interpretation of the bylaws. Andrews states that the current building inspector interprets these bylaws differently than they were interpreted before. These bylaws have been there and if (prior) Town Counsel's advice was followed, these bylaws wouldn't be changing. In his opinion, Andrews states that this meeting should not have happened tonight. He states that this meeting should be postponed for another year until they can get past Covid. To him, this meeting doesn't have the kind of urgency that requires the need for this meeting to be happening now. Andrews goes on to say that the meetings regarding the bylaw changes were great, but small, and made up mostly of people at the Town Hall that decide what happens. What needs to happen is that the public needs to know these things are going on, it will affect their lives and the Board needs to know if this is what the people want. This meeting tonight is about knowing what the people want and what is good for the town. As members of the Planning Board, they are representing what the public wants. Andrews does not agree with this meeting tonight with a 25-person limit when the school committee meeting is going on. He adds that a lot of people have called him and asked what is going on. Andrews didn't know that this hearing was going to take place tonight until two days ago. Andrews' vote on this is no.

Town Counsel Kwesell states that the opinion that changed was from Attorney Hucksam to Attorney Kim Saillant who worked for the same law firm at the same time. Kwesell didn't come into this until litigation commenced and was under way which is still being handled by Attorney Saillant. Kwesell states that it was not the change in Town Counsel that sparked any kind of litigation. In fact, Kwesell states she didn't come into this until after the judge had already made his decision in July of 2019 and Kwesell stated numerous times that she did not understand the judge's decision. Kwesell doesn't know what else to tell Andrews. Andrews states he isn't saying it was Kwesell's decision, but Attorney Hucksam's was town counsel and Andrews states that Hucksam's opinion of the case (Amanda's Estates) was correct. Up until Hucksam's decision and everything changed, everything was okay. The building inspector came up with a different decision and now the town is spending hundreds of thousands of dollars in legal fees defending something. Andrews doesn't think tonight is the place for this discussion as there aren't enough people and would like to wait for a time when more than 25 people can show up.

Ashley DiSesa: States that in her opinion the reason "they" are doing these bylaws is because people in their elected seats are making their own interpretation of the bylaws to possibly benefit themselves, their businesses or their own properties. DiSesa states that the town needs to change the elected officials to follow the bylaws.

David Mascio: Brings up Amanda's Estates one last time. Mascio states if the bylaws had been followed correctly and guided the contractor correctly, those houses should have been filled already, should have had residents in them and it's the town's fault for not getting involved the correct way.

Dias asks Kwesell if, in her opinion, the original bylaw is problematic and has created some of the confusion in the lawsuits the town has had. Kwesell responds in her opinion, yes, and goes further to say that she thinks the judge has a problem with the bylaw, too, as his decision doesn't make much sense and she doesn't think he could come to terms with it. Kwesell adds "There's a couple of points that should be made - out of most multifamily development bylaws, to have four (4) max is a very low number. Most are anywhere between eight (8) and 24, but you have to take the town as it comes. The other thing that is important to note is that Halifax has a great dimensional chart right now where you require 40,000 square feet of upland for any house to be built on...that is why you're not seeing a lot of development. We have not changed that at all. With multifamily we've gone up exponentially with each unit, however that is where 40B comes in. A 40B does not have to abide by 40,000 square feet per unit or per house. When a 40B comes in, they don't have to follow the dimensional chart and if you don't allow some kind of multifamily development, even limited like we're proposing, my concern is that you would be susceptible to 40B where you'd have these very tiny lots. During this, we discussed doing a cluster subdivision where you can reduce the size of the lots and create more open space which was resoundingly denied. No one wanted to do that. You wanted to keep your lots large, which is what this proposed bylaw does."

Jessica Pallberry: She thanks Kwesell for the explanation and states that if this is so confusing, more people should be present to hear what Kwesell has to say so more can understand it as a town, not 25 people. Asks if this hearing can be postponed as she doesn't think this is a fair representation of the town. She hasn't heard many people for it. Dias states that they can't control Covid, and states that the reason they held this meeting is because there will be Town meeting August 30th or potentially September 12th. The same process will be followed at Town meeting, the function of this meeting is to hold a hearing to get input and make a vote. Pallberry states that the Board has heard the input of the people in attendance and the Board still wants to proceed with multifamily. Dias states they aren't trying to proceed, they're holding a hearing and once the hearing is closed, the Board members will debate. Dias doesn't know that anyone has made up their mind on having multifamily but states the town has multifamily, so the biggest question, to him, is does the town have a multifamily bylaw that is going to keep them in litigation or does the town have a multifamily bylaw that is more restrictive, he believes, than the original bylaw? Dias states that this bylaw proposes 80,000 square feet for two (2) units where as the old bylaw was 40,000 square feet for (2) units. Per Andrews, the old bylaw is one unit per acre. Kwesell states that the old bylaw is a 10 acre minimum. Kwesell states that the new bylaw proposes single-unit buildings, meaning a townhouse of four (4) would be the maximum, rather than apartment-type buildings. Pallberry asks about frontage. Dias responds 150 feet of frontage - the frontage requirement for the development entrance is 150 feet and then each dwelling unit has to be on a lot that has 150 feet of frontage, 50 feet of setback which are the same as a single-family house. Kwesell adds there is 150 feet of width frontage so one can't have crazy-shaped lots. Pallberry asks if someone owned multiple lots, can they combine them to build a multifamily. Dias answers they could, but still have to meet the 10-acre and 150 feet of frontage requirements, confirmed by Kwesell.

Jo-Ann Andrews: States that this is really important and asks why the board can't postpone to a later date in 2021 so Covid could be over and more people could understand what is going on rather than shoving it down their throats in August or September and people are freaking out because elderly are still afraid since March to come out of their houses. Asks and suggests that it would be better to continue the hearing to 2021 so everyone could be involved and understand.

Someone (not viewable on camera) asks if this an option. Troup responds "yes."

Resident of 265 Pond Street (name inaudible): States that she is going along with most of the people here and asks if this meeting can be delayed so more people could understand. Explains that if (the new proposed bylaw) makes things more difficult, she thinks people would be happy to know that as they don't want more multifamily, don't want taxes going up, or new elementary school. She thinks there should be a good comparison showing how this (new bylaw) benefits or hurts the town to give people more time and the ability to have more people hear it.

Dias states that this (multifamily) bylaw is more restrictive than the original. Kwesell adds that it is much more restrictive and deals with all the setbacks between buildings, it deals with the buffer with common development, parking and lighting a lot more. Kwesell adds that one good thing is there has been experience now so they knew what to put in.

Troup asks Kwesell if allowing someone with, say, 120,000 square feet build a multifamily with three (3) units or 180,000 square feet with four (4) units, that's under the 10-acre minimum so would that make it more difficult? Kwesell responds that it's limiting the number of units so to have a minimum 10-acre, you're going to get 10 units. Troup asks, "we're keeping the minimum 10-acre?" and Kwesell responds "in the existing." Troup responds "okay, making sure because there's a lot changed. Okay." Troup stated she wanted to clarify that the 10 acres was staying. Dias and Kwesell confirm this to be true. Wetlands have not changed. Kwesell states that a single-family house has to have 40,000 square feet of contiguous uplands. Kwesell confirms to Troup that this is always.

Troup states that resident Kim King sent an email to be heard at the meeting. Troup reads part of this email (that pertains to the multifamily bylaw) into record. The email states King is not in support of the multifamily bylaw changes.

Town Administrator Charlie Seelig informs the Board they were asked to pass over the Floodplains Bylaw proposal. The Board passes over this bylaw.

Robert Maker, proposer of Marijuana Bylaw, speaks to his proposal. He explains that the way the bylaw is written, the zoning can only be industrial and states business needs to be brought to the town. Dias asks Maker to explain what he's trying to do and then adds that they'll have to get into the dimensional chart. Maker resumes that as it is written currently, to get a medical marijuana dispensary, you have to be in the industrial zone with a special permit. Right now, Maker states that this area is inaccessible due to the dance school, daycare center so that whole bylaw can't be used. So to bring a dispensary into town, they need it to be allowed in the Business-Commercial zone. Maker reiterates that the town needs business brought in as the residents pay a lot in taxes. Maker states that he believes that 3% of a dispensary's sales goes to the town. Not to mention what is used as a host to bring them in. It can employ between 10 and 20 people, which would probably be townspeople. He states that he's heard people say a dispensary can bring in people from other cities that are trouble. He adds that Brockton, Wareham and Plymouth all have dispensaries. He states that the people that will shop in the Halifax dispensaries are going to be family, friends and neighbors from the town, not people out of town. He adds that there are a lot of vacant buildings. He hasn't nailed down a property yet as he's still making sure this is going to go through before he does research to find a place. Dias states that he isn't clear and confirms with Maker that Maker is trying to open up a marijuana dispensary not to grow but to sell marijuana. Maker states that it's a very tough process. He explains it would need to go through the town as he would need a special permit. But to do that, and employ people and fill up some buildings, the bylaw needs to be changed as it is not suitable for the town right now.

Dias opens it up to the Board to ask questions. Dias confirms with Maker that he is looking to open up a marijuana establishment in the business zone. Dias confirms it is business, not commercial. Dias asks Maker to explain to the audience where the business zones are. Maker doesn't know where all of them are, except down Route 106, Route 58. Dias explains that a lot of the town's business zones are residential. Dias goes over some business zones. Dias informs Maker that he is looking to put a marijuana establishment in a business zone that is potentially going to have a residence. Maker adds that it would be by special permit so it would be up to the Board and adds that if it's a problem to get that special permit, obviously Maker wouldn't be able to open.

Dias opens up to the audience.

Ashley DiSesa states that this is also something that more people should be present for. DiSesa asks Maker what the regulation is in a business zone - is he allowed to be in a certain area with people who sell liquor; restaurants. Maker answers no and clarifies it's not a liquor store, it's that they can't be near anywhere they pour liquor or that is within 500 feet of a church or a school. Maker states that there's a lot of stuff that goes with this, that's why he needs a special permit from the town. DiSesa wonders where Maker is going to do this and doesn't want this to get to a point where it turns into, "okay, never mind I can't do it there either, let's do a residential special permit." Maker explains that the CCC has so many hoops to jump through so if there's a problem, they won't give him the license. DiSesa isn't against it, she

knows the town needs more business. Maker talks about surrounding towns. Maker explains this would not be medical, it would only be recreational. DiSesa asks if he would be able to do medical also. Maker explains that the medical is another whole operation and it wouldn't be worth it to get that license. DiSesa asks if he would be able to go for a different zone if it were medical. Maker answers no, it's all under the same umbrella. Maker explains that some dispensaries are half medical, half recreational with two different doors with high security. DiSesa tells Maker that she thinks it would be fabulous if Maker had some kind of plan of where he thinks this could go in this town and be able to tell more than the 12 people who are left (in the room). Maker responds that will come up at some point before the special permit. Maker confirms this is being filmed and will be on YouTube and states that people can watch and contact him with any questions. Maker states that they have a few location options but in answer to DiSesa's question of what those locations are, he doesn't know as he hasn't made any deals with people or signed any lease or purchased any property. He states that he has looked at somebody's lots on Route 106 but nothing has come of it yet. There are so many guidelines that it narrows things down considerably. DiSesa asks what Maker will do about security and traffic. Maker answers that if she calls the CCC they will give a list. Dias states that they are getting off topic of the bylaw proposal. DiSesa asks if traffic wouldn't fall under a zoning issue. Dias responds that Maker is looking to change the zoning throughout the town so obviously they'd be looking at traffic impact with site plan. He doesn't know where this would fit in zoning. Dias explains that the issue is he's proposing to make the zoning change so asks to stay with it.

Dias asks if there are any other comments or questions. Troup reads again from Kim King's email that she is in support of marijuana dispensaries in commercial zones.

Troup states that DiSesa was asking a lot of great questions that people from home would want to know. No more questions from the Board members. Troup states that every person in the room has asked for a postponement and the Board works for them, so she thinks that is what the Board should do.

Seelig clarifies to the audience and Board that if they close the hearing, they can do another hearing with a proper notice according to dates for advertisement. As for holding a second hearing, it won't matter. Not that people shouldn't speak about the matters, but the articles are on the warrant and legally the Board has met their requirement with this hearing. Even if no recommendation is made for Town meeting, the Board has met the requirement and Town meeting has the decision to make. Seelig continues to explain that the Board could continue the hearing to another date without closing the hearing, they can hold another hearing but all of that won't matter as Town meeting has the decision no matter what happens.

Troup asks Seelig if they can make a motion that the Board listen to the townspeople and everyone stating that they would like it postponed to next year as an urgency. Troup addresses Seelig that he stated his opinion. Seelig responds that it is not an opinion, he knows the law. Townspeople make the final decision as it's on the warrant. He explains how Town meeting works to Troup, which Troup responds she understands how Town meeting works. Seelig goes on to explain that Townspeople make the decision of whether to pass over an article at town meeting. It is not the Planning Board's decision to make, it is not the current audience's decision to make here. It's the townspeople at Town meeting that make the decision. Troup asks Seelig if they should just disregard all the people who have elected them at this hearing tonight and everything they have stated. Seelig explains that the Board is listening to the people tonight and take what they've said into consideration in terms of the Board making the recommendation to Town meeting. Troup responds that the Board should listen to the people tonight and have this at a future Town meeting where people will be educated on what the laws are going to be changed to. Troup tells Seelig to sit. Seelig again explains that the Planning Board makes the recommendation to Town meeting to vote yes, to vote no, to pass over, to bring it back to a future town meeting. Seelig states he's explaining what the Board legally can or cannot do and the method for doing it. Troup asks if the Board can legally do what she stated. Seelig responds no. The Planning Board cannot tell anyone they are not allowed to vote on something, the townspeople at Town meeting have the right to make that decision. Andrews explains that this hearing is for the Planning Board to decide whether they recommend an article as a Board, which is made at Town meeting. Articles are already on so Town meeting will ask what the opinion of the Planning Board is, then a motion is made for or against. The Planning Board can also get up and say that they don't think the town should look at this right now and make a motion to pass over. But the Board's job here is to hear the facts. He wishes there were more people here, but this is the process. Andrews knows how he will vote and what his recommendation is.

Dias makes the suggestion to close the hearing.

**Motion to close the public hearing for Zoning Bylaw changes and open up regular planning board meeting: Andrews**  
**Second: Merry**  
**Voice Vote: Troup - Yes; Andrews - Yes; Merry - Yes; Dias - Yes.**  
**All in favor.**

The Board deliberates and votes on each article.

#### Multifamily Bylaw

**Motion not to recommend the Multifamily Bylaws: Andrews**  
**Second: Troup**

Troup: Based on everybody who is here at this hearing I didn't hear anybody stand for it so therefore we wouldn't be doing right by the people who elected us if we voted otherwise.

Andrews: I don't think this has been a fair presentation to the people and ultimately it will be up to the people at the town meeting to make the decision whether they recommend or don't recommend.

Troup: I see many discrepancies with missing definitions and missing information which will cause more confusion and I don't think there was enough time.

**Voice Vote: Troup - Yes; Andrews - Yes; Merry - No; Dias - No.**  
**2-2. Defer to Town meeting with no recommendation from Planning Board.**

#### Zoning - Marijuana

**Motion to not make a recommendation: Andrews**  
**Second: Troup**

Troup: Based on the town meeting votes on previous years and hearing the consensus of the voting members.

Dias: I agree with Gordon and Amy, my problem is that the business districts around town are multiple and even though there's a special permit process because we have residential and businesses combined...my feeling is that marijuana should be in the Industrial zone.

Merry: I don't really agree with that. There are so many restrictions on it anyway. It's all special permit. The town needs a lot more revenue and obviously nobody wants families in here so its gotta get it somehow. It's really limited in Industrial where anything like this can go. With restrictions it's all up to special permits so it's not going to make much of a difference where it's going to be.

**Voice Vote: Merry - No; Dias - Yes; Troup - Yes; Andrews - Yes.**  
**3-1. The Board does not recommend this article.**

#### Meeting Minutes

Troup would like to make an amendment to the minutes that Troup asked to go with Alan Dias to 241 Franklin Street.

**Motion to recommend the approval of Meeting Minutes for July 16, 2020 with the adjustment requested by Troup: Andrews**  
**Second: Troup**  
**Voice Vote: Merry - Yes; Dias - Yes; Andrews - Yes; Troup - Yes**  
**All in favor**

#### Correspondence

Email 7/16/20 from Ashley DiSesa regarding Public Document Request

DiSesa speaks about this request. DiSesa explains the request and that it is a Planning Board matter, not personal - Gold Street, 11A Street and Pine Street North. DiSesa goes through the timeline of events for her request. DiSesa did not receive her request. Dias and DiSesa debate over whether this request is official business or is a personal request. DiSesa

states she is being blocked from Pine Street North as she only received Gold Street and 11A Street from Assessor Holly Merry. Dias tells DiSesa to make another request to the Planning Board for what she is asking for. Troup agrees that DiSesa's request was official Planning Board business and doesn't think DiSesa needs to make another request. DiSesa appealed to the Secretary of State. The Board debates over this request being a Planning Board matter. Troup adds that preparing for an agenda item is important.

Andrews states that he tried to add an agenda item and Dias wouldn't let him. Dias responds that the agenda item was relative to Pine Street N and he said he would put it on for discussion purposes to determine what official business the Planning Board had. Andrews states that Dias just said an item can be added to the agenda if a Board member requests it. Dias responds that he said they would discuss, Andrews disagrees and says he was refused. Dias believes that Pine Street North is an issue with some of the members of the Board as to the owners. The Board continues to discuss. Andrews did not specify an address on Pine Street North to add to the agenda. Dias believes this is important. Andrews doesn't believe his email request to add Pine Street North was vague and explained his reasons why he wanted it on the agenda. Dias believes this is a witch-hunt. Dias and Andrews continue to discuss Pine Street North on the town map. Dias won't let this Board participate in a witch-hunt. Troup does not wish to be grouped in to being a part of a witch-hunt and explains she is just doing her job, and this is inaccurate.

Decision Letter from Abutting Town Pembroke and Notices from Bridgewater and Pembroke are reviewed.

**Motion to add Pine Street North to the next meeting regarding construction on the road, location on the town map and drainage on the road: Andrews**

Andrews is looking for information and will provide information on Pine Street North to the Planning Board.

**Second: Troup**

**Voice Vote: Troup - Yes; Andrews - Yes; Merry - Yes; Dias - Yes.**

**All in favor**

**Adjourn:**

**Motion to adjourn at 9:35pm: Merry**

**Second: Andrews**

**All in favor**

Respectfully submitted,

Alan Dias, Chairman

Date Approved: 10/1/20  
Alan Dias  
Robert Merry  
[Signature]  
John Andrews

## OPEN MEETING LAW VIOLATION EMAILS - 12-20-19

Re: Meeting reminder and agenda

Andrews, Gordon R. <Gordon.R.Andrews@halifax-ma.org>

Fri 12/20/2019 12:27 PM

To: Troup, Amy <Amy.Troup@halifax-ma.org>; Snow, Jo-Anne <JoAnne.Snow@halifax-ma.org>; Karlis Skulte (Home) <karlis@skulte.com>; Mark Millias (Home) <markmillias@aol.com>; Millias, Mark <Mark.Millias@halifax-ma.org>; Skulte, Karlis <Karlis.Skulte@halifax-ma.org>

Cc: Pam Mcsherry <pmcsherry@town.halifax.ma.us>; Gaynor, Barbara <Barbara.Gaynor@halifax-ma.org>

I Amy

After checking on things I believe that the complaint should have been handled by the department head of which would be the chairman of the planning board so I am also looking for the reason why this is not being done properly!

Get [Outlook for iOS](#)

**From:** Troup, Amy <Amy.Troup@halifax-ma.org>

**Sent:** Friday, December 20, 2019 12:20:13 PM

**To:** Snow, Jo-Anne <JoAnne.Snow@halifax-ma.org>; Andrews, Gordon R. <Gordon.R.Andrews@halifax-ma.org>; Karlis Skulte (Home) <karlis@skulte.com>; Mark Millias (Home) <markmillias@aol.com>; Millias, Mark <Mark.Millias@halifax-ma.org>; Skulte, Karlis <Karlis.Skulte@halifax-ma.org>

**Cc:** Pam Mcsherry <pmcsherry@town.halifax.ma.us>; Gaynor, Barbara <Barbara.Gaynor@halifax-ma.org>

**Subject:** Re: Meeting reminder and agenda

Good Afternoon Planning Board , Town Admin, Town Admin Secretary, please forward to the selectman, and Barbara Gaynor,

I want to be sure that you are all in the know

I am reading the minutes

the minutes of September 19th state that we are not to get a copy of a recuse request for Mark

Please explain why when I was asked to be recused; everyone on the board received a copy of that? I can prove by emails that this happened.

I, also, want to know why I have not received any more response to my complaint about being harassed and bullied by the X Planning Board Secretary while she was on the clock training our new secretary.

I complained about it on September 20th, 2019, this is why Barbara Gaynor is cc'd as I sent it to her that day.

Apparently, someone complained to Charlie Seelig about it on the 19th after it occurred. Who was the complainer on the night of the 19th?

I know that Jonathan Soroko and Mark Millias witnessed it. Among others that were in attendance that evening.

I want something to be done. It was absolutely out of line.

8/12/20, 12:34 PM

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<https://outlook.office.com/mail/deeplink?version=2020080303.17&popoutv2=1>

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"to be called a know it all" while I asked tons of questions to make sure that I was aware of the consequences of my votes is quite interesting.

to be heckled during the meeting for asking questions that matter, such as why do we not have a paper that others have??

and after the meeting to be screamed at and flipped off by Terry was absolutely out of line. see my complaint below:

sent on the morning of September 20th 2019 at 8:13 a.m.

*Good Morning Barbara,*

*I am regretfully writing to inform the town of last night's events at the town planning board meeting.*

*Throughout the meeting former secretary to the planning board, Terry Renaud, was making rude comments during the meeting. Terry was mocking questions and statements that I would make. It was extremely distracting as she would turn to the secretary, Jo-ann, she is supposed to be mentoring and make rude comments with regards to the statements and questions I would make.*

*Just after the Planning Board meeting adjourned, Terry Renaud was combative towards me with words, comments and action including but not limited to flipping me off; giving me her middle finger vibrantly. Many in the room including planning board members were appalled at her actions and claimed I did not deserve such hostility.*

*Terry further accused me of being a know it all. I would like to defend myself and inform anyone to look at the video of any Planning Board meeting, including last evening's meeting, to witness I ask a series of questions to inquire about what the processes are and learn how to be a member of the board.*

*The board has high pressured decision making for the town residents, a lot of new to us processes are being inquired about on how these events are to be dealt with. I do not believe that a former secretary mentoring a new secretary should heckle and make comments about my comments to that secretary during an elected board members' meeting. It has created a hostile environment with a lot of bullying for me, a member of this board.*

*These and other actions are very insubordinate. I request a hearing for the discipline of these actions.*

*Regretfully,*

*Amy L. Troup*

*Planning Board Member Beautification Committee Member Resident of Halifax*

<https://outlook.office.com/mail/deeplink?version=2020080303.17&popoutv2=1> Page 2 of 3

**Its extra puzzling due to the fact that I happened upon a Selectman's meeting on November 26th, 2019 that there was an open complaint**

that Terry, the x planning board secretary, had made against an employee, Gordon C. Andrews?  
why is that streamlined and taken care of? My complaint is 3 months old.

Listen. this is all not fair  
let me add that last night, December 19th 2019, there was a letter signed that is not in my paperwork, that was not shown to me.  
Can I please have a copy of that letter?  
that is against open meeting law.

Can we please follow the rules? They are rules for reasons.

Completely at a wonder of what is going on, Amy L. Troup

**From:** Snow, Jo-Anne <JoAnne.Snow@halifax-ma.org>  
**Sent:** Thursday, December 19, 2019 10:03 AM  
**To:** Andrews, Gordon R. <Gordon.R.Andrews@halifax-ma.org>; Karlis Skulte (Home) <karlis@skulte.com>; Mark Millias (Home) <markmillias@aol.com>; Millias, Mark <Mark.Millias@halifax-ma.org>; Skulte, Karlis <Karlis.Skulte@halifax-ma.org>; Troup, Amy <Amy.Troup@halifax-ma.org>  
**Subject:** Meeting reminder and agenda

Good morning members,

Hope all is well!

Please confirm If you plan to attend tonight's meeting. Thanks!

**Jo-Anne Snow**

**Planning Board**

499 Plymouth Street  
Halifax, MA 02338  
Office: 781-293-1736  
Email: [Joanne.Snow@halifax-ma.org](mailto:Joanne.Snow@halifax-ma.org)

8/12/20, 12:34 PM

## **SECTION I: Pertinent Sections of the Halifax Zoning Bylaw Regarding Multi- family Uses**

### **§ 167-3. Definitions.**

~~DWELLING—A building or portion thereof designed exclusively for residential occupancy, including single-family, two-family or multiple-family dwellings, but not including hotels, motels, boardinghouses, trailers or structures solely for transient or overnight occupancy.~~

~~DWELLING, DUPLEX—A two-family building designed with separated dwelling units, side by side, separated by a firewall.~~

~~DWELLING UNIT—One (1) or more living or sleeping rooms arranged for the use of one (1) or more individuals living as a single housekeeping unit, with permanent provisions for cooking, living, sanitary, eating and sleeping facilities.~~

~~MULTIFAMILY DEVELOPMENT—A development of three (3) or more dwelling units on a single lot of land under one (1) ownership of not less than ten (10) acres in size.~~

~~MULTIFAMILY DWELLING—A building intended and designed to be occupied by more than one (1) single housekeeping unit in separate units; any residential structure containing more than one (1) room for cooking facilities.~~

~~SINGLE FAMILY DWELLING—A freestanding structure designed and equipped for occupancy in its entirety by one household and having no party wall or walls in common with adjacent house or houses. This excludes house trailers, mobile homes, trailer coaches or similar units designed to be transported over the highway by attached wheels, whether or not on wheels, blocks or a conventional foundation. [Amended 5-12-2014 ATM, Art. 54]~~

~~TWO FAMILY DWELLING—A dwelling containing two (2) dwelling units, whether on different floors or side by side as in a semidetached or duplex configuration.~~

### **§ 167-7. Schedule of Use Regulations.**

~~D. — Specific use regulations.~~

~~(2) — Multifamily development allowable by special permit from the Zoning Board of Appeals in the AR, B and C Districts.~~

~~(a) — It is required that any multifamily development complex proposed hereunder shall locate each building on an individual lot which shall have continuous frontage on a public or private way.~~

~~(b) — The complete parcel must be under the ownership of the developer before a special permit is granted.~~

~~(c) — Design guidelines. The shapes, scale, location and materials of all buildings, lighting, roads and parking shall be consistent with the character of the neighborhood and with the terrain and vegetation of the site.~~

~~(d) — All utilities in a multifamily development shall be installed underground.~~

### **§ 167-12. Density regulations for specific uses.**

~~A. — Multifamily development~~

~~(1) — The number of units in a multifamily development shall not exceed the number of acres in the parcel on which they are to be built.~~

- ~~(2) Eighty percent (80%) of the total parcel tested on a two-hundred-foot by two-hundred-foot grid must be found to be percable by the Board of Health.~~
- ~~(3) The minimum parcel size shall be ten (10) acres.~~
- ~~(4) No unit shall have any more than two and one half (2½) stories which contain any amount of living space. This limitation will be enforced by a covenant with the purchaser of each unit.~~
- ~~(5) The minimum front setback shall be seventy-five (75) feet, the minimum rear yard shall be one hundred (100) feet, and there shall be at least one hundred (100) feet between any two (2) buildings. In addition, the required thirty-foot minimum side yard between the development and adjacent properties shall be maintained as a vegetated buffer area free of parking or any structures, and any changes in its natural state shall require approval by the special permit granting authority.~~
- ~~(6) Minimum residential floor area. No multifamily housing, whether condominium or rental, shall be erected, reconstructed, remodeled or altered so that the lowest level, (i.e., ground floor or equivalent) of living space per dwelling unit (i.e., in a unit) contains less than seven hundred fifty (750) square feet.~~

## SECTION II

### Proposed Multifamily Bylaw

#### **New Section: TWO-FAMILY AND MULTIFAMILY DWELLINGS DEVELOPMENTS:**

Two-family and multifamily dwelling units shall be permitted in the Agricultural Residential (“AR”), Conservancy (“C”) and Business (“B”) Zoning Districts only upon issuance of a special permit from the Zoning Board of Appeals and shall be subject to the following:

#### **(A) Definitions: The following definitions found in Section 167-3 are pertinent to this Section:**

**CONDOMINIUM** — A system of ownership of real estate, including attached and detached residential dwelling units, established pursuant to the Condominium Act of the Commonwealth of Massachusetts, Chapter 183A of the Massachusetts General Laws, in which the dwelling units are individually owned and the land and common areas are owned in common. A condominium is not a use or a building type; rather it is a form of ownership that can apply to any use or building type.

**DWELLING** - shall mean any building containing one or more dwelling units, but excluding mobile homes.

**DWELLING, DETACHED SINGLE-FAMILY** - shall mean a dwelling containing not more than one (1) dwelling unit.

**DWELLING, TWO-FAMILY/DUPLEX** - shall mean a single building containing two (2) dwelling units.

**DWELLING, MULTI-FAMILY** - shall mean a single building containing at least three (3) dwelling units, but not more than four (4) units. This definition shall include “town houses” consisting of side by side units open at least two sides.

**DWELLING UNIT** - shall mean a building or part of a building occupied or suitable for occupancy as a residence and arranged for the use of one or more individuals living as a single housekeeping unit with its own cooking, living, sanitary and sleeping facilities.

**MULTIFAMILY DEVELOPMENT** – shall mean more than one, two-family and/or multifamily structures on one or more contiguous lots.

**(B) General Requirements – Applicable to all Single Structure Two-Family Dwellings and Multifamily Developments:**

(1) Review Standard. Notwithstanding any other section of the Zoning Bylaw, the Zoning Board of Appeals must find that the multifamily use will not be more detrimental to the established or future character of the neighborhood or the town. The Zoning Board of Appeals may condition a project to minimize any impact to the established or future character of the neighborhood or the town.

(2) Single Structure Two-Family Dwellings and Multifamily Developments shall be subject to § 167-28, Site Plan Review. Site Plan Approval must be obtained prior to the grant of a Special Permit pursuant to this section. A multifamily development with two or more structures on two or more lots may be treated as one project requiring one application for site plan review. The Planning Board, at its sole discretion and in accordance with its rules and regulations may engage a peer review consultant to review any Site Plan application filed pursuant to this Section.

(3) Each lot containing a two-family structure, a multifamily dwelling, or a multifamily development must have access, drainage and utilities functionally equivalent to that provided under the Planning Board's Subdivision Rules and Regulations. The Zoning Board of Appeals shall refer the special permit application to the Planning Board for written comments and recommendations within seven (7) days of receipt. The Planning Board shall acknowledge the written Site Plan Approval required under sub-Section (2) above or make additional written recommendations and comments and send copies thereof to the Zoning Board of Appeals and to the applicant within forty (40) days of receipt of the referral request by said Zoning Board of Appeals or there shall be deemed no opposition or desire for comment. The Zoning Board of Appeals shall not act upon said special permit until:

- a) Site Plan Approval has been obtained; and
- b) Either comments from the Planning Board have been received, or said forty (40) days have elapsed, whichever is sooner.

(4) Departure from the visual scale of single-family development shall be minimized by limiting each multifamily structure to no more than four dwelling units. The architectural theme of a two-family and/or multifamily structure shall be carried out by use of compatible building materials, color, exterior detailing, bulk, and/or rooflines. Rigidity in design shall be avoided by variations in building, location, planting, lot coverage, and building materials.

(5) No building shall be floodlit. Drives and parking areas shall be illuminated only by shielded lights not higher than 15 feet.

(6) The applicant shall submit a 310 CMR 15.000 compliant septic system design approved by the Board of Health with the special permit application.

(7) No in-law apartments or accessory dwelling units are allowed in any single family structure, two-family structure or multi-family structure after development has occurred.

**(C) Single Structure Two-Family Dwelling:**

(1) A single structure comprising a two-family dwelling which is not part of a Multifamily Development must have at least 150 feet of frontage on an existing public way.

(2) The following lot area density is required:

<b>Density Requirements: Single Structure Two-Family or Multifamily Dwelling</b>	
Number of Dwelling Units	Contiguous Upland Lot Area Required
2	40,000 sf

(3) The minimum front setback shall be fifty feet (50) feet from the public way, the minimum rear yard shall be forty (40) feet, and the minimum side setback shall be at least thirty (30) feet. The maximum height shall be 2 ½ stories or forty (40) feet. Maximum lot coverage (including accessory buildings) shall be 25%.

(4) There shall be two and one-half (2 ½) parking spaces per dwelling unit. Each parking space shall be, at a minimum, 9 feet by 18 feet.

**(D) Multifamily Development: Two-Family or Multifamily Dwellings (more than one structure):**

(1) Multifamily Development is defined as more than one, two-family and/or multifamily structures.

(2) Multifamily Developments are allowed by special permit from the Zoning Board of Appeals on a single lot of land under one (1) ownership of not less than ten (10) acres in size which contains 150 feet of frontage on an existing public way.

(3) Each Multifamily Development must have at least 150 feet of frontage on an existing public way.

(4) Each Multifamily Development must have at least 150 feet of lot width frontage.

(5) Each Multifamily Development must have a lot width of 150 feet of frontage for a distance of 100 feet from the frontage of the public way.

(6) Internal drives are permitted provided they are of sufficient width, suitable grades and adequate construction to provide for the needs of vehicular traffic generated by the site. There shall be no overnight parking allowed on any internal drive.

(7) Each two-family or multifamily structure within the Multifamily Development must contain the following lot area density:

<b>Density Requirements for each Structure comprising a Two-Family or Multifamily Dwelling within a Multifamily Development</b>	
Number of Dwelling Units	Contiguous Upland Lot Area Required

2	80,000 sf
3	120,000 sf
4	160,000 sf

(8) Each two-family or multifamily structure within the multifamily development must have 150 feet of frontage on a public way or internal drive within the exclusive use areas as required under sub-section D(12).

(9) The minimum front setback shall be fifty feet (50) feet from the public way or internal drive, the minimum rear setback shall be seventy-five (75) feet, and the minimum side setback shall be fifty (50) feet. The minimum distance between each two-family or multifamily structure within the Multifamily Development shall be sixty (60) feet. The maximum height shall be 2 ½ stories or forty (40) feet. Maximum lot coverage (including accessory buildings) shall be 25%.

(10) There shall be two and one-half (2 ½) parking spaces per dwelling unit. Each parking space shall be, at a minimum, 9 feet by 18 feet. Required parking spaces may not be sited on any internal drive.

(11) There shall be a fifty (50) foot vegetated buffer between the Multifamily Development and abutting properties that are not part of the development. Said vegetated buffer area shall be maintained as a vegetated buffer area free of parking, structures, or drives, including any internal drives and any changes in its natural state shall require approval by the special permit granting authority.

(12) Each application for a Multifamily Development must provide a “Concept Plan” depicting exclusive use areas for each dwelling so that the Board of Appeals may determine that adequate land exists for the use and enjoyment of residents. Exclusive use areas shall be depicted as dashed lines on the plan.

**Zoning – Marijuana – Submitted Via Petition – Robert Maker, et al**

To see if the Town will vote to amend Chapter 167-7 (Zoning – Schedule of Use Regulations) from:

Use		AR	B	I	I-2	C
Marijuana Establishment [See § 167- D(15)] [Added 05-08-17 ATM, Art. 48]		N	N	SP	N	N

To

Use		AR	B	I	I-2	C

	Marijuana Establishment [See § 167- D(15)] [ <b>Added 05-08-17 ATM, Art. 48</b> ]	N	SP	SP	N	N
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