



## Halifax Planning Board Meeting Minutes October 5, 2017

**DRAFT**

**A meeting of the Halifax Planning Board was held on Thursday, October 5, 2017, at 6:30 p.m. at the Halifax Town Hall, Meeting Room #1, 499 Plymouth Street, Halifax, Massachusetts.**

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

The meeting was called to order at 6:33 p.m. and the agenda was read into the minutes by Gordon Andrews  
Motion to accept the agenda as read

MOTION: Mark Millias

SECOND: Karlis Skulte

AIF

### **Appointments:**

6:30 p.m. Dunkin Donuts: final site plan review and sign off

Charlie Woodward present: Mr. Woodward went over the final revision of the site plan for Dunkin Donuts. Board requested that the area / green space be revised to show as green, not as patio. On the corner there is an employee door (for drive up waiting, not public traffic). Re-did the details sheet so it is cleaner to read. Mr. Skulte asked about the handicap ramp details. Mr. Woodward advised it would be with the architectural plans with the building plans. He also advised the patio is more for advertising with umbrellas than for people to sit. Mr. Millias then asked about a cross hatched on the plan. Mr. Woodward said it is for the handicap, but the other strip is for the former existing foundation for the house.

Mr. Skulte again mentioned the ADA ramp, the detail shows that it may not work, and to make sure it gets constructed correctly. 5' walk in only one direction, needs to be uniform. It would be too steep in one direction. Mr. Woodward said it will be on the detail sheets. The ADA specifications will be met regardless of the detail specs.

Motion to accept revised plan for Bike Realty LLC for 355 Plymouth St., Map 63, Lot 13 with the condition that the ramp be built to ADA specifications. Signatures required for site plan endorsement:

MOTION: Mark Millias

SECOND: Karlis Skulte

AIF

Mr. Skulte asked who the architect is on this job. Mr. Woodward advised they have their own group that they use for all the Dunkin Donuts.... Donovan Services.

### **Discussion: Sherwood Dr.**

Present: Tom & Amanda Reardon, 11 Sherwood Drive. Wanted to express concerns with Sherwood Dr. The road was paved and concerns with the trees and the fill between the sidewalk and the lawns and the lampposts. The trees in the neighborhood are setback off the road except theirs... they are placed in between the sidewalks. The concern is when they grow it will ruin the curbs and sidewalks. Wanted to have that looked at. It is the 2 foot strip between the curb and the sidewalk. Mr. Reardon explained that when you

enter Sherwood Drive on the left hand side, the trees are in between the road and sidewalk, the sidewalk ends in front of their house, when you go back down the other side the trees are close to the road. (don't think they are 5 feet off the road) They are also concerned with the landscaping, they only have dirt.

Mr. Skulte also lives in the neighborhood (Rye Meadow) he stated he also has a similar problem, built the curbs up and there are gaps behind the curb and sidewalk and would also like that resolved.

Light posts are also a concern, they (electrician) came today to put wires in, but not completed at their house, And stated they took the light post out of the ground to get the attention of the builder, (which they did) and the light post was put back in. The wiring was done for the other posts, but not theirs because there is no trench. Mr. Reardon explained why he removed the post, as they look to be running the wires to the house which would be over his septic tank, which could create a problem in the future. Voicing their concerns over the development in general.

Secretary advised that the plans show that the trees according to the approval, they are to be placed between the road and the sidewalk.

Mr. Millias asked if they want the trees. The Reardon's said "Yes" they want the trees, just want to make sure they don't pop the sidewalks.

Memo from the other builder finishing up Highland... (Ed Johnson) he is concerned that the trees are not where they are supposed to be.

Mr. Reardon asked if he would be responsible for that area. Mr. Skulte advised that technically the Town would be responsible for everything in the right of way, about 10' from the curb. The finishing of the landscaping from the developer would consist of loam and seed. (it was clarified that Ed Johnson is responsible for Highland Cr, Bayberry, Rye Meadow, but Welby Builders is responsible for Sherwood Dr.)

Mr. Skulte asked if other than a safety issue, did they have an issue with the location of the trees? The Reardon's said "no". They just do not want to be responsible for repairs if the curbs or sidewalks lift up. It was advised it should be a town issue. (driveways itself would be personal property)

Mr. Reardon also was asked to leave a letter from a neighbor with the Board. It is another issue regarding the house, (inside) it is strictly with the builder and not part of the Planning Board involvement.

In conclusion, they wanted to know if the bond was still standing or not, because they can't get in touch with him and is worried that if he gets his bond back he won't return. And that they have issues that need to be taken care of, they have potential of having a leak in their air conditioning( Freon).

Mr. Millias advised that the board, before releasing any of the bonds, they try to make sure everything is resolved, and the road is completed before the Town accepts the road. Mr. Skulte advised that they have requested a partial release, and asked what else is left to be completed as far as roadway.

They advised the trees, lamp post, landscaping (all the way down the left hand side is no loam along the curb/sidewalk). They will also be following up with us for next meeting. They did ask about the detention basin and who is responsible for it. Board advised of a maintenance schedule for cleanout, developer should be maintaining until the town accepts the road. It was also discussed about a cart path that is on their property. It was advised to check their deed for any easement. Mr. Andrews advised it used to be used for horses (farm) and they ran the circle (within Highland Estates), should not have any issues.

### **Discussions:**

Welby Builders requested release of \$100,000 of bond. Mr. Andrews suggested a letter be sent, if they are going to address the issues. Schedule for completion, post lights, loaming and seeding, backfill against sidewalks, berms. Mr. Skulte agrees with Mr. Johnsons comment on the concern with the trees, they are very tight within that narrow strip. But it matches what is on the plan. Mr. Johnson basically saying the rest of the neighborhood has the trees outside of the road layout, but Sherwood has (Mr. Andrews noted that Mr. Salters... first developer came in and spoke to the board, typically in roadway, but on property would be a better tree, the town wouldn't be responsible for the tree, the people would be responsible and for the post lights, electricity etc. It becomes a better subdivision. Briefly discussed the Highland as a whole, is tied to Sherwood, each developer, same lender holding bond. Tabled discussion for next meeting.

**Discussion: Jordiss Rain Estates:**

Treasure has received cash surety of \$155,000.00 for the completion of road. Mr. Fabroski is looking for release of the lots. Mr. Andrews explained the process. Received an estimate for the cost to complete the subdivision (\$140,000 + 10%) Developer puts up bond, we don't hold lots, release lots for building, and release bond when everything is completed.

Motion to release the lots at Jordiss Rain Estates (i.e.: Ryder's Way) in consideration of performance bond held by the Town Treasurer.

MOTION: Mark Millias

SECOND: Karlis Skulte

AIF

**Bills:**

Motion to pay Merrill Associates Inv. #4871 for the amount of \$725 and also Inv. #4874 in the amount of \$1,087.50 for a total of \$1,812.50

MOTION: Mark Millias

SECOND: Karlis Skulte

AIF

**Secretarial:**

Secretary advised Board of updates to the Open Meeting Law.

Briefly discussed the BOS meeting regarding the proposed new by-laws. Mr. Millias advised it was really to get the conversation going, it was suggested to wait for a full board to start reviewing and amending. It was mentioned to have more time as a board, for the multifamily by-law, as they don't want to hastily remove sections, take and look at it as a whole. Discussed the outdoor entertainment, in support of, except those people live in residential areas because it's residential and having commercial events in those areas could create problems. BOS do the license for outside entertainment, but would still need ZBA to allow the use. It was mentioned again for at least 5 acres to hold a commercial event, but need more thought, still need Special Permit from Zoning, and BOS to issue license. If temporary use, does it need to be identified, if not primary use, could be a legal challenge. Town Council is looking at the by-law. It was discussed in regards to secondary agricultural events to assist the farmer to promote agriculture. Members looked up the agricultural uses in the by-law what is allowed... etc. 167-7 Schedule of use Regulations. Federal and State regulations for farming have exemptions and are allowed secondary uses. It comes down to whether it is a commercial event for profit.

Motion to adjourn meeting.

MOTION: Mark Millias  
SECOND: Karlis Skutle AIF

It was unanimously voted to adjourn the meeting at 7:30 p.m.

Respectfully submitted, **Date Approved:** \_\_\_\_\_

Terri Renaud  
Planning Board Secretary

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