



Halifax Planning Board Meeting Minutes August 19, 2021

A meeting of the Halifax Planning Board was held on Thursday, August 19, 2021, at 7:00pm in the Great Hall of the Halifax Town Hall 499 Plymouth Street, Halifax, MA.

These minutes are an abstract of the Planning Board meeting held Thursday, August 19, 2021, which are on file with the Planning Board Department and posted on the Town of Halifax website. The video recording is posted on Area 58's Halifax YouTube page.

Members Present: Chairman Gordon R. Andrews, Vice Chair Amy Troup and Member Rick Merry. Clerk Brendon Elliot and Member Mark Millias are absent.

Chairman calls Halifax Planning Board meeting into session at 7:04pm, states members present and reads agenda into record.

MOTION to accept the agenda as read: Troup

SECOND: Merry

All in favor (3-0-0)

Appointment

7:00pm – (Hearing) Proposed Zoning By-Law Changes to Chapter 167-7(D)(14) Medical Marijuana Treatment Centers, 167-7(D)(15) Marijuana Establishments

Colonel Boothe (petitioner) present.

Boothe presents his proposal for Zoning By-Law change.

BOOTHE: My name is Colonel Boothe and I am the owner of Kay's Cannabis. I am looking to site a retail marijuana dispensary, manufacturing facility and small craft cultivation at 300 Plymouth Street. The proposed By-Law change...currently the marijuana dispensary cannot be located within 500 feet of an alcohol pouring license which is essentially a ban on all marijuana dispensaries in that part of the town which is really the central business district in Halifax. 300 Plymouth St is within 500 linear feet of the Lyonville Tavern so that is the alcohol pouring license that is in question here. Looking to open marijuana product manufacturing, retail dispensary and craft cultivation. Reasons to support this initiative: 300 Plymouth Street is one of the best locations for a dispensary in town. We would not be adjacent to any residential, we have ample parking of roughly 30 plus spaces, we are located in an already business-focused area. Some of the economic benefits: estimated \$6 million/year in retail revenue and \$3 million/year in wholesale revenue of which 3% will be paid to the Town of Halifax which is roughly \$270,000 paid/year in community impact fees. We would be donating \$5,000/year for the school department for school supplies. In regards to community support, we have secured 195 signatures of support from Halifax residents verified prior. We have support from other business owners in the plaza and will be providing roughly 20+ jobs to Halifax residents. Ultimately what I'm looking for is your vote of support prior to the Town meeting where the By-Law would potentially be changed. I'm just looking for an opportunity to open multiple businesses in town to provide careers for residents as well as help offset some of the tax (inaudible). Any questions or concerns?

TROUP: What do you mean when you say product manufacturing?

BOOTHE: So, making things like pre-rolls, hash...just so everyone knows, I co-founded a company called the Ballistic Health Group. We currently own a 34,000 sq. ft. cultivation manufacturing facility in Middleborough. We also have a 1-acre (inaudible) so when it comes to understanding this industry I am on multiple licenses which can all be verified by the CCC. Product manufacturing, when you do things simply like making (inaudible) hash, which is really just made with iced water and just pre-rolled joints. Those are the main manufacturing products. Essentially it's taking all the by-products from the cultivation and packaging them up into more sellable goods to help maximize our revenue. So we would be doing both cultivation manufacturing and utility space. I have roughly 6,300 sq. feet of space (inaudible).

TROUP: Okay. And then craft cultivation would also be, like, indoor growing or something?

BOOTHE: Indoor growing, correct. We are looking at about 2,000 sq. foot canopy from that which I would be able to produce about 500 or so pounds per year. Uh, I'm sorry...yeah, roughly about 500-1,000 pounds per year.

TROUP: Is that in one unit? Are you thinking one unit?

BOOTHE: Yes. Yeah. It may be multiple units combined, but it's roughly 6,300 sq. ft. of space.

TROUP: Are you out of the 500-foot mark there from Happy Dragon?

BOOTHE: What's that?

TROUP: You know, Happy Dragon? Are you out of the 500 foot...

BOOTHE: Yeah...Just to the left of the Lyonville Tavern...so we may be out of it based off of that but it's really the Lyonville Tavern. And if you went building to building, I am out of the 500-foot buffer but the issue is, it's the property lines. So it's property line to property line and we are a little more than 300 feet away. So that's the issue there. And having this By-Law creates a ban for any cannabis retail businesses in town. There's a pouring license at the Country Club for the golf course, that is a massive property line. That sets the 500-foot buffer all around that property as well. So I tried location after location and I couldn't find any location in that area that would meet that buffer requirement.

TROUP: Okay.

ANDREWS: Rick, anything?

MERRY: No, I see his point. You know, 500 feet is pretty hard to do anything with, you know. I don't see the problem with shortening it up.

ANDREWS: And you're looking to change it to...?

BOOTHE: Yeah, I would say 250 linear feet would be ideal, that would put us right there. Leave it around 300 just to be safe, I would say 250 (inaudible).

TROUP: But in the the By-law that we have, in the change of the By-law I think it says 300 so that's what it would be.

BOOTHE: Yeah.

TROUP: Yeah. Okay.

ANDREWS: Okay, the Board doesn't have anymore questions? Open it up to the Public, anybody have any questions? Not seeing any.

TROUP: Motion to close the hearing for...

MOTION to close the hearing: Troup

SECOND: Merry

All in favor (3-0-0)

Board decides to discuss at the September 2, 2021 meeting with hopes that they will have a full Board in order to decide on making a recommendation.

Discussion

Josh Liddell – 285 Holmes Street – drainage issues / Steve Hayward's emails dated 6/25/21 and 7/16/21

Josh Liddell and Steve Hayward are present.

Board discusses if they can hold this discussion if Merry recuses himself as they will not have quorum. Chairman states that Liddell can present the discussion without Merry, who will still hear it, but the Board cannot act on it.

Merry recuses himself.

Liddell presents his changes. States after his last meeting with the Board if there were any issues, they would fix them immediately which is what Liddell has done. Liddell explains that he met Hayward at the site after his email and showed him what drainage they did and since then added more basins and revised the plot plan showing what they've done on the site to keep all the water on the property. Chairman informs Troup she can ask questions. Troup asks if Liddell has done this with soil evaluations. Liddell responds no but explains that they got soil borings done. Liddell confirms that he has already added some (basins). Troup asks if this was engineered by the boring. Liddell responds no, they had Land Planning come out to survey the whole area and Liddell proposed to add some drainage to the low spots, which is what they did, and they are shown on the map. Chairman states that they have no calculations of what the drainage is going to handle. Liddell will get these calculations. Chairman states that if they are adding drainage on there, there should be some calculations (what the runoff is) and soil logs presented to the Board prior to constructing. The Board requests this information from Liddell at the next meeting.

Hayward states his observations of the site that he saw a couple of times, took pictures. States Liddell is trying to make it right. Hayward states Liddell has contained the water on his own property with a berm with the exception of the neighbor. Liddell confirms that there is no water leaving his property currently. Chairman confirms with Liddell that the southside has been regraded against Liddell's neighbor because it doesn't show on the plans what was regraded. The Board reviews the Holmes Street planning file, prior plans. Liddell points out on the site plan where the re-grading was done and where the berm was added. States it rained pretty hard today and there was no water on the neighboring property. Chairman asks again for Liddell to return with calculations and soil logs to be brought back to the Board.

The Board confirms that 285 Holmes Street will be on the September 2nd meeting, without Liddell, with information requested by Board.

Appointment

7:30pm – (Continued) Attorney Emile Bussiere, Jr / R&J LLC – 314 Plymouth St – Site Plan Review (Filed: 5/27/21, 45 Days: 7/11/21 with Extension to 8/24/21); Amory Review Reports dated 7/8/21 and 8/2/21

Joe Webby (Webby Engineering) and abutter Tina Alger are present.

Webby explains that there was a punch list from Pat Brennan/Amory which was boiled down to a couple of items and Amory approved the drainage requested. The couple of things they have done – leaching fields and drainage basins – were approved. Brennan's last comment to add an extra 6-inch water line to the sprinkler system and the only thing the Board is still looking for (inaudible) but other than that, they have taken care of all Pat Brennan/Amory's concerns. Webby explains how they were able to do the drainage basins. Webby confirms there are two drainage basins for the roof. Used 100-year-storm predictions for storm events. All overflow will go into the wetland area, per Webby. Special Permit application was filed with the Planning Board. The Board and Webby discuss stormwater.

Tina Alger states there is too much water right now, her husband got stuck last week when mowing the lawn as the groundwater is so high in the ditch. Very concerned where all of this water is going to go. States every new project dumps water in the same place. Alger feels this project will create more water. Merry states he doesn't see how this project will make more water but will try to get the water to leach into the ground. Alger feels that this project will create a higher water table. Troup agrees. Merry doesn't see how construction is going to change the water table. Troup disagrees. Webby states there is a slight change, inches, and agrees with Merry. Troup does not like the laws that allow building in the wetlands as it's a detriment to the animals and environment. Alger talks about the history of the ditches in the area and how the wetlands were created. Alger states they tried to work with the bank whose engineers didn't help with any solution, bad neighbors. Alger talks about the 40B and how John Peck wanted to fix the ditches for her, but his children say no, they don't want the ditches touched. Doesn't know what will happen with the 40B. Webby states the ditch is about 60 feet away from 314 Plymouth St and explains the direction of the water when it rains and adds that this is what all the drainage design proposed for this project is for. Everything is being done properly with stormwater management, per Webby.

Troup would like to continue the site plan so that the Board is deciding on the site plan and special permit together.

MOTION to continue the Site Plan Review to September 16, 2021 and for the applicant to submit a Letter of Mutual Agreement for Extension for Site Plan Review to September 21, 2021: Troup
SECOND: Merry
All in favor (3-0-0)

Board would like to amend the agenda that was posted for the Planning Board to attend the Board of Selectmen on 8/24/21 due to possible constructive approval in case the Board doesn't receive the Letter of Mutual Agreement for Extension for Site Plan Review from applicant Emile Bussiere / R&J LLC beforehand.

Appointment

7:30pm – 655/657 Monponsett Street, Twin Lake Liquors – site plan review (Filed 7/26/21, 45 Days: 9/9/21)

Applicant requested to be moved to the September 2, 2021 meeting.

Correspondence

8/16/21 – Email from Rylie Hawley – Town Meeting, Proposed Zoning By-Law for limit on Marijuana Establishments

Rylie Hawley is present. Explains she is hoping to put a cap on the amount of marijuana dispensaries allowed in the Town of Halifax. She would like the cap to be two instead of 20%. Hawley goes on to list surrounding town caps. States more dispensaries will not increase the revenue that the town's creating, it will only make each location struggle having more business coming in. More locations will mean more travel from one to another, causes more traffic. A cap will allow current dispensaries to be more town friendly. There will be less competition with this cap. The Board informs Hawley that her proposal missed the deadline for the special town meeting on September 8, 2021.

Discussion

Walmart

No one is present.

Pasture Lane

Chairman states he received a call from John Paquette who left him a message, however he hasn't connected with him yet. Chairman is writing up the email to Town Counsel and will send it out. Chairman states it has been 14 or 15 years so they should try to take

another stab at it with Town Counsel, see if they can push it along. Merry states that it seems like nobody from Pasture Lane is complaining anymore. Chairman states he still gets calls from Pasture Lane residents asking what's going on. Troup states when it was under agreement there was a little more attention on it. It wasn't her deal, but she thinks they moved on because they couldn't get an answer which, Troup states, is really too bad. Chairman states they are trying to get a building permit without the road finished. Chairman spoke to Paquette's partner and told him "Personally I can't see telling you that we're backing you to go get a building permit and you can just say you're gonna post the bond. They haven't done anything over there, you keep saying you're gonna do something, it wouldn't take a lot for you to send some guys over there and clean the place up, make an effort. But it's like, zero. There's talk but there's nothing. It's pretty hard to say, okay yeah, we'll take you on your word that you're gonna do something now." Merry states that it's a catch-22 and a tough situation. Chairman states "they got caught in the mess when they were taking the lots and adds that before 2008 everything was getting done and lot prices were going up and they were finishing them off but after that, lot prices dropped, and nobody touches it. The Board can't be releasing things without the bond. There's a covenant on the lot, the Town can't take that lot. There's a covenant on it that they can't, they can't build on it. There's no force mechanism to make them finish that. With the bond, at least we (the Board) can go after the bond even though we don't want to."

Bills

Plympton-Halifax Express Newspaper – 8/1/2021 – Renewal Subscription for 1 year = \$25.00

MOTION to pay Plympton-Halifax Express Newspaper Renewal Subscription for one year for \$25.00: Troup
SECOND: Merry
All in favor
Passes 3-0-0

Meeting Minutes

Troup believes they took a vote to add "Discuss with Board of Selectmen the Planning Board Secretary coming under the jurisdiction of the Planning Board" to the Board of Selectmen's agenda. Merry and Andrews agree.

MOTION to accept the Meeting Minutes for August 5, 2021 with an addition that on page 3 under Discussion item "Discuss with Board of Selectmen the Planning Board Secretary coming under the jurisdiction of the Planning Board" that the Board voted 4-0 to be in front of the Selectmen:
Troup
SECOND: Merry
All in favor
Passes 3-0-0

Correspondence (cont.)

The Board continues reviewing mail items.

8/11/21 – Email from Charlie Seelig/BOS – BOS to re-institute Zoning By-Law Review Committee
Chairman and Troup will serve on this committee.

MOTION that Gordon R. Andrews and Amy L. Troup be appointed to the Zoning By-Law Review Committee: Troup
SECOND: Merry
All in favor
Passes 3-0-0

8/13/21 – Email from Charlie Seelig/BOS – Department Head Meeting w/ Selectman Andrews
Chairman will attend 8/25/21 as he states it's for the Department Heads and he is Chairman.

Other Business

ZBA Comprehensive Permit "Country Club Estates" 40B Project – continued to November 17, 2021 at 7pm at Town Hall, 499 Plymouth St / Great Hall

Adjourn

MOTION to adjourn: Troup
SECOND: Merry
All in favor, 3-0-0

Respectfully submitted,

Date Submitted: 9/2/2021

Gordon R. Andrews, Chairman

Gordon R. Andrews

W. R. [unclear]

Robert Murray