



Halifax Planning Board Meeting Minutes August 5, 2021

A meeting of the Halifax Planning Board was held on Thursday, August 5, 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 5, 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. (Issue with tape, delayed video recording.)

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

Chairman reads agenda into record.

MOTION to accept the agenda as read: Troup
SECOND: Elliot
All in favor

Appointment

7:00pm – (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), applicant Attorney Emile Bussiere, Pat Brennan (Amory Engineering) and abutter Tina Alger are present.

Webby speaks to site plan and presents roof peak information as requested. Working with Brennan on Brennan's review/punch list dated 7/8/21. Brennan goes over his 8/2/2021 report stating drainage is biggest concern. Revised plan was submitted to Brennan today (8/5/21) by Webby with drainage changes but Brennan states that they are not quite there yet. Troup asks about the calculations for foundation and footing and size of building and associated By-Law. Alger is present because of drainage concerns as they cannot take any more water. Brennan will look into her concerns. Will continue to August 19, 2021 at 7:00pm. Will also apply for special permit through Planning Board.

Appointment

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

Board informs the audience the applicant has requested to be continued to August 19, 2021.

Bills

MOTION to pay Registry of Deeds Signature Recording 2021 for \$107.00: Troup
SECOND: Elliot
All in favor
Passes 4-0-0

MOTION to pay W.B. Mason Invoice #221098756 for \$71.78: Troup
SECOND: Elliot
All in favor
Passes 4-0-0

MOTION to pay PH Express Invoice #12654 Ad for Zoning By-Law Change for \$251.10: Troup
SECOND: Elliot
All in favor
Passes 4-0-0

Meeting Minutes

MOTION to accept the Meeting Minutes for May 6, 2021: Troup
SECOND: Merry
All in favor
Passes 4-0-0

MOTION to accept the Meeting Minutes for May 20, 2021: Troup
SECOND: Elliot
All in favor
Passes 4-0-0

MOTION to accept the Meeting Minutes for June 3, 2021: Troup
SECOND: Elliot
All in favor
Passes 4-0-0

MOTION to accept the Meeting Minutes for June 17, 2021: Troup
SECOND: Elliot
All in favor
Passes 4-0-0

MOTION to accept the Meeting Minutes for July 1, 2021: Troup
SECOND: Elliot
All in favor
Passes 4-0-0

Discussion

8 Hilda Lane – Preliminary Subdivision

Engineer Don Bracken is not present for discussion.

450 Industrial Drive – 2005 site plans submitted for signatures, per Don Bracken

Troup signs copy of 2005 site plan revised in 2019 submitted and requested by Don Bracken. Needs Millias' signature. Soroko is no longer on Board to re-sign.

Proposed Zoning By-Law Amendment Hearing by Colonel Boothe to eliminate the buffer zone preventing marijuana establishments from being near venues with alcohol pouring licenses – advertised for public hearing to take place August 19, 2021 at 7:05pm / Expected Special Town Meeting dates are 9/7/21 or 9/8/21

Petitioner Colonel Boothe is present and presents his proposed By-Law change. Boothe is looking to site a marijuana treatment, dispensary, cultivation, and manufacturing facility at 301 Plymouth Street, however he cannot currently site this venture in the area due to 167-7(D)(14) and (15) Zoning By-law that prohibits marijuana treatment centers and establishments from being within 500 linear feet from an alcohol pouring license. The location he'd like to site, he states, is a fairly busy area, has parking, is not adjacent to residential zone and will produce a high revenue due to busy area. Boothe states his financial projections of about \$6 million/year out of the retail store and roughly \$3 million/year of wholesale and manufacture of goods with a roughly \$270,000 community impact for the Town. Boothe is looking for help and support from the Board for this opportunity as he doesn't believe this By-Law makes sense and was crafted in error as the current By-Law bans these opportunities from this area completely. He's secured 195 signatures from residents in support. The official Planning Board hearing is scheduled for August 19, 2021.

Proposed Zoning Bylaw Amendment by Kimberly and Matt Campbell / The Farm at Raven Brook 167-7(D)(16) – addition of Farm Special Event

Kimberly Campbell is present. Campbell explains to the Board that she has been approached by people to hold weddings and corporate events at their farm. She would like to add a change to the By-Law to allow people to utilize their farms and open space for things other than just farming. They would use outside services with proper licensing for alcohol and catering, etc. Campbell is looking for guidance from the Board to know next steps and if this proposal falls under this By-Law as Mudfest does. Troup suggests Campbell speak to an agricultural attorney for rights under 61A. Andrews informs Campbell of the process to propose a change to Zoning By-Laws and confirms that there are no agritourism By-Laws in town at this time. Their location is zoned Agricultural-Residential. Campbell asks if she, as a resident, can hold a function on her farm/residential property with alcohol that's not zoned for business. Troup states Campbell would go to the Selectmen. Elliot states that the Town Administrator Charlie Seelig seems to have

information. Seelig explains that a resident can hold their wedding on their property as it would be considered an accessory use to the resident with alcohol as the Town doesn't regulate alcohol licensing if you're having a party on your property. However, if you are selling a service, leasing the property for a certain number of hours that would be considered a commercial activity, which is different. Troup urges Campbell to review the 61A laws.

Walmart – extended hours

Nobody is present. Invite to next meeting.

Discussion with Board of Selectmen the Planning Board Secretary coming under the jurisdiction of the Planning Board

Andrews suggests setting up a meeting with the Selectmen as Andrews states that this is the only Board in town that doesn't hire their own secretary. Troup agrees. Merry asks who is responsible for hiring their secretary now. Andrews responds that it was coming under the Regulatory Board, the Building Inspector. Merry asks Andrews if that's a problem. Andrews responds yes because they are elected and the Board should be picking their own secretary. Andrews adds that the Board of Health and Finance Committee pick their own secretary and so should Planning Board. He is not suggesting the Board changes the secretary, just the way the secretary gets hired. Troup agrees with this. Andrews and the Board ask to be added to the August 24, 2021 Board of Selectmen's meeting for this discussion.

The Board all agreed to the meeting with the Selectman O (per Amy Troup)

Pasture Lane – status

Andrews reached out to John Paquette and his partner and hasn't heard anything back. Would like to reach out to Town Counsel to see if there's something they can do to push this along. Andrews states he will reach out to Town Counsel himself, confirms he will do so to Secretary.

Subdivision Control Regulations Chapter 235-6(C) – ANR time frame and additional changes – reschedule hearing date

This hearing was not advertised as the Board did not inform the Secretary of the specific proposed changes and language they wanted to make. Andrews informs Troup that since these would be a regulation change, it is not tied to Town Meeting. Andrews informs Secretary he will work on this with her.

Correspondence

The Board reviews and discusses some mail items.

Troup reads into record an email dated 8/5/21 sent to the Board from Kerri Butler regarding her concerns about 8 Hilda Lane and wetlands in the area.

Appointment

8:00pm – 934 Plymouth Street, Cubesmart – site plan modification (Filed 7/27/21, 45 Days: 9/10/21)

Applicant Norm Kotoch is present. Kotoch presents site plan modification proposal. Would like to put two small 1,200 square foot buildings (2,400 square feet) in the back of the property. Kotoch understands the Board must wait 30 days from filing the site plan to allow other Boards and Committees opportunity to comment but asks if there is a possibility for the Board to make a determination if there are no objections as they are currently at capacity and in dire need of additional units and this would also save time. It is paved and drained in rear of property. Kotoch confirms there are three 5 x 10 buildings and one 10 x 5 on the side. All on slabs. This proposal is much more modest than prior proposal and necessary. The Board, after discussion with Kotoch, decides they will continue to wait the full 30 days to allow comments from other Boards, Committees and Departments and make their determination on September 2nd. The Board does not feel comfortable making a determination that takes effect subject to no objections on the 30th day and would rather stick to the normal process of making their determination once the 30 days has elapsed. The Board has no objections. Andrews' only concern is if the fire trucks can get between the two buildings.

Correspondence (cont.)

The Board continues reviewing mail items.

Troup reads 7/16/21 email from Steve Hayward to the Planning Board with attached photos regarding drainage issues at 285 Holmes Street.

Merry recuses himself.

The Board informs Merry he can speak as a resident. Merry asks why Josh Liddell has not been back before the Board as there are still drainage issues and Liddell has now been given a building permit. Merry informs the Board Liddell tried to make a berm there and it has not worked. Water must be contained on the property. Merry asks how Liddell meets MCM4.

MOTION to request Liddell to return to the Planning Board meeting August 19, 2021: Troup
SECOND: Elliot
All in favor
Passes 3-0-1

Merry returns to meeting.

Secretary will send Liddell an email to request him to return to the Planning Board on 8/19/21.

Other Business

Signature Authority Fiscal Year 2022 – signatures

Registry of Deeds Recording of Members 2021 - Signatures

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: Elliot
All in favor

Respectfully submitted,

Date Submitted: 8/19/2021

Gordon R. Andrews, Chairman

