



## Halifax Planning Board Meeting Minutes May 21, 2020

## Official

A meeting of the Halifax Planning Board was held on Thursday, May 21, 2020 via Zoom hosted by Town Administrator Charlie Seelig at the Halifax Town Hall, 499 Plymouth Street, Halifax, MA.

Members Present: Chairman Gordon R. Andrews, Vice Chairman Karlis Skulte, Members Amy L. Troup, Ashley DiSesa and Clerk Mark Millias.

Chairman Andrews calls the meeting into session at 6:34pm.

Andrews reads the agenda into record.

**Motion to accept agenda as read: Troup**

**Second: DiSesa**

**All in favor**

Skulte joins the meeting.

### Appointment

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

Chris Winiewicz is present along with Cled (Cled's Tree Service).

Chairman Andrews recuses himself and Millias acts as Vice Chairman (Skulte was absent from the last meeting).

Winiewicz recaps his noise complaint with timeline. Winiewicz believes noise is coming from a giant wood processor at 450 Industrial Drive and other machinery with no noise barrier on Winiewicz's home on the top of the hill. Cled states they only work Monday through Saturday, never Sundays. A top grinder is on the property, which is industrial zoned but Cled's has an agreement/permit with the town that states they cannot pile stumps or logs that cannot be controlled; everything must be controlled. Top grinder is used when there is a good-sized pile of material that is not usable. There is a company who hauls away good logs to sawmills. Cled's also sells firewood. The machine must be on the property to grind the stumps that cannot go through a wood-chipper. Millias suggests moving the machine behind the pile or somewhere that sound can be contained on the property. Cled suggests building a wall with logs. However, he adds that the time of year of this noise complaint is when there are no leaves on the trees which allows the sound to travel further. Cled's Tree Service is also slower at that time of year so Cled keeps his crew working by using the grinding machine to clean up piles. Cled cannot promise there will not be noise, but he will try to build a wall to contain the noise. Winiewicz has videos and photos on the Sunday he states Cled's was operating and states that the grinder was placed on the property line where the high-power tension wires are. Winiewicz adds that even with leaves on the trees, there is no barrier. It is louder at a higher level where Winiewicz's property lies. Winiewicz agrees that a log or chip pile, if placed properly, may mitigate the sound but would like to follow up if it doesn't help. Troup asks how he'd like to follow up as Cled's Tree Service is zoned Industrial and they have to operate. Winiewicz states DEP noise is considered pollution but once it leaves the property line, all sorts of DEP rules become involved and references Town Bylaw 167-9. Skulte adds that if the noise complaint continues, it should go to the police, Board of Health or Building Inspector and state would need to get involved. Winiewicz responds that he did start with the Building Inspector who told him to start with the Planning Board and the Police. The Police Chief has been logging in the noise. Millias states that he doesn't believe Planning Board has the authority on this but would like to start with Cled building that wall. All parties agree.

### Appointment

#### **6:45pm - Lawrence Gogarty - Monponsett Liquors, 653 and 655 Monponsett Street**

Gogarty is present. He states that all the work is happening on the inside and there will be no expansion of the building's footprint. There will be a new roof, new HVAC equipment and interior operations. The Board reviews the site plan and architectural plans as Gogarty explains the project further. He hopes the left side portion will be renovated at some point down the line, but the objective now is to get the liquor store open. Signage and lighting will be on 653 (liquor store). No

work will be done on 655 at this time as it will only be used for storage. They are focusing on the exterior to make things weather-tight, but no major alterations planned for exterior. There will be new electrical wiring to get things up to code. Already met with Building Inspector and Fire Chief on the property. Skulte asks Gogarty if he's in front of the Board for a site plan review. Gogarty states that Building Inspector wanted him to run things by the Planning Board on a formal/informal basis. The front yard setback is only 18 feet making them a pre-existing, non-conforming structure but they are not making things more non-conforming as they aren't expanding the footprint. There will be a sign on the front, right side of the building (in front of the handicap spot) stating that there will be no parking at the front of the building. There is no plan to replace the signage. 2,700 square feet is the entire footprint of the liquor store and 1,160 square feet is the retail space open to the public. Number of employees would be a max of two at a time in the store, but he is just the architect and construction manager representing the owner.

Skulte, looking over the site plan review process, explains that there is nothing required by the Planning Board to act on this project. Millias responds that he doesn't think a full site plan review is required. Troup references 167-14F for parking. Skulte states the entire lot is paved so they could put 100 spots on there if they wanted to. DiSesa has nothing to add and doesn't feel there is a need to continue forward. The Board discusses if it is required that Gogarty get anything in writing from the Planning Board to move forward. Skulte and Millias feel that this is an informal conversation and no action is necessary. Gogarty asks if the Board can write him an email stating that the Planning Board doesn't require a formal site plan review for this project. The Board and Gogarty agree that the minutes will reflect the Board's feelings that if anything changes with this project, the Building Inspector should be contacted to direct the project to whatever Board and/or Committees they may need to move forward. Currently, the Planning Board is wishing Gogarty good luck and do not feel any action is necessary at this time.

#### **Appointment**

##### **7:00pm - Pasture Lane - Mike Goodman**

Chairman Andrews states that he spoke with Goodman who will not be attending this meeting but will attend the next meeting. Andrews explains that the last time he spoke with Goodman, Goodman's lawyer was trying to get the lot back and get things squared away so that he could move ahead. Andrews asked Goodman if he could give the Planning Board something in writing with this information, but nothing was received. Andrews let Goodman know that Town Counsel Attorney Mayo would be moving forward with the lawsuit if nothing happens soon. The Board discusses a timeline - when to get the lawsuit started. Andrews states that Counsel could get something together quickly. Millias doesn't want to spend a lot of money to reprimand Goodman unless there's a clear path. Andrews explains that the Selectmen have full control on whether to allow a lawsuit to go forward. Skulte asks for more clarification on what a lawsuit will do. Andrews isn't sure what the lawsuit will force Goodman to do but explains that Attorney Mayo informed him that a judgment will give them an idea of money against him. Skulte asks if the town will finish the road and charge Goodman the fees for doing so. Millias agrees that this is what he means. The Board decides they would like to ask Attorney Mayo questions, which Andrews states he will call and discuss with Mayo over the phone. DiSesa suggests sending a letter to Goodman formally asking him to attend the next Planning Board meeting.

**Motion to send a letter to Mike Goodman stating that he has indicated through conversations with the Chairman that things will be moving forward with Pasture Lane but have been delayed again and the Board would like a timeline to inform the residents of Pasture Lane what his plan is and request his presence at the June 4, 2020 Planning Board meeting: DiSesa                      Second: Skulte                      All in favor**

Skulte asks if they can inform the Board of Selectmen to get on their agenda to discuss Pasture Lane. Andrews informs Skulte that Charlie Seelig, Town Administrator, has been working along with the Selectmen and that they are up to date on what's going on.

#### **Appointment**

##### **7:15pm - Regulations for Electronic Submission of Plans**

Andrews explains to Skulte that the Board feels there should be regulations where all documents for applications should be submitted electronically and asks Skulte, in his engineering experience, his suggestions on this. Skulte states that everything should be submitted in PDF form via email to the town as attachments or a link as well as hard copy submission.

Skulte states that most towns require both hard copies and electronic submissions. Andrews explains this would make it easy to email these documents back and forth between departments/boards.

Andrews spoke with IT (Cesar Calouro) who states that he is looking into this. Cesar is working on making sure the server can handle it. Skulte states it would be helpful for everyone, even the public, to be able to access this information also. Skulte doesn't think the number of hard copies should be reduced, just add electronic submission.

Andrews spoke to IT about a laptop for Planning Board and explains that this would come out of the Planning Board budget, not the town's budget. IT will also work on getting the overhead projector up for the meetings so everyone can see the plans. Andrews states that the laptop would not need to be taken home but would stay in the office, but adds that the Secretary could have used this laptop while working from home due to the pandemic.

A copy of Charlie Seelig's email response to the Planning Board's request for Laptop and Zoom account dated May 14, 2020 is viewable on the screen.

## Discussions

## Comprehensive Permit

Andrews states this hasn't come up yet.

## Zoning Bylaws

Andrews states this is down the road.

**ZBA Petition #915 Amanda Estates and 167-22 and any other case law**

Andrews states that the Board of Selectmen have not yet responded on this.

## 241 Franklin Street Solar Project - site plans

Troup explains that the Board was looking to make sure that the updated consolidated site plan was in the files and a note that it is not sub-dividable is attached which protects the abutters who were worried about that lot being subdivided in the future. The Secretary, via Zoom chat, explains this was already completed. Andrews states he will go in and check in the Building files.

**Signature Authority form 2020 - approve one person to sign Vendor/Warrant**

Due to the pandemic, the accountant will accept bills with one signature as long as the Board approves the “signer” and each bill. Troup states she will do this.

**Motion for Amy Troup to sign bills that have been affirmed by the Planning Board (during the pandemic): Troup**  
**Second: Skulte All in favor**

### 395 Plymouth Street - Site Plan follow-up

Andrews states the Planning Board sent the Building Inspector a request for an update on this property.

### Laptop for Planning Board

Andrews states this was already discussed.

## Zoom Meeting Membership

Andrews spoke with IT (Cesar) about this. Andrews' thoughts were that everyone was going to be doing the Zoom meetings. Cesar explained that there are only two accounts with the town for him and Charlie Seelig. Andrews wondered if the Board would need to host Zoom meetings in the future and also explained his fear that meetings would need to be canceled if Cesar and Charlie were unable to host. Troup informs the Board that it is \$168.00/year for an additional Zoom membership or host. Andrews explains that a credit card would have to be used and the town doesn't want anyone to be responsible for that.

## Proposed Zoning Bylaw Changes



## Correspondence

- An email from Larry Costa to Troup on 5/21/2020 is made viewable by Troup on screen. The email includes questions for the Board. Troup reads email into record and states this relates to Pine Street North. Troup requests this be on the next agenda (6/4/2020).
- Petition #923 Application Filing (5/12/2020) - Troup reads cover letter from Drohan Tocchio & Morgan, P.C. dated 5/12/2020 and makes application viewable on screen. The Board sets a hearing date. Board requests secretary to add Petition #923 hearing for June 18, 2020 at 7:00pm. Secretary confirms.
- Email Public Document Request from Amanda Monti on 5/11/2020 (update sent on 5/11/2020) - Troup reads request and update to request into record. Andrews states "we will answer that."

## Discussion

Skulte asks if the Selectmen responded to or acknowledged the Planning Board's request to be added to their agenda as he missed the last meeting. Troup responds that the Planning Board received a six page letter from the Board of Selectmen/Charlie Seelig (4/28/2020) and that at the last Planning Board meeting (5/7/2020) it was unanimously voted to request to be on the Selectmen's agenda. DiSesa states that the Selectmen never responded to the Planning Board's email with that request. Skulte asks for the "jist" of the Selectmen's letter. Troup states that the Selectmen can't deny an elected Board's request to meet with them. Millias doesn't understand why there's not an open line of communication. DiSesa suggests the Planning Board invite/add the Selectmen to a Planning Board meeting/agenda. The Board discusses the reason to have a conversation with the Selectmen. Skulte's understanding is the Planning Board wanted the Selectmen to expound on their decision not to let the Planning Board get Town Counsel's advice. DiSesa agrees and asks as an elected board, why were they (Planning) denied access to Town Counsel? There was a 2-1 vote by the Planning Board to appeal the Zoning Board's decision regarding Petition #915 depending on Town Counsel's advice on whether or not to do so. Millias states he is not in support of the appeal and doesn't feel the need to discuss it with the Selectmen and feels the Selectmen's letter/report was thorough. Troup clarifies that the Planning Board is only asking for permission to get advice from their attorney and to have a discussion with the Selectmen. She adds that they can't deny an elected Board this right. Troup likes DiSesa's idea to invite the Selectmen to a Planning Board meeting. DiSesa would like the opportunity to explain to the Selectmen that the Planning Board did not have the information included in the Selectmen's letter. DiSesa thinks they have requested to be added to the Board of Selectmen's agenda three times now. Skulte asks if the Selectmen has said everything they need to say in their letter. DiSesa and Troup state that the Planning Board didn't get to discuss their side. DiSesa states there needs to be an open line of communication. Troup adds that it's the Planning Board's job to follow the bylaws and it's what they are elected to do.

**Motion to write a letter to the Board of Selectmen to reiterate the Planning Board's three times asking to be on their agenda to discuss 167-22 or come to the Planning Board's next meeting: Troup                      Second: DiSesa  
Two in favor (Troup and DiSesa); One Opposed (Skulte); One Abstained (Andrews); No response (Millias)\***

**\*Millias clarifies later in this discussion that he opposed this motion as well.**

Millias and Troup debate over the Board of Selectmen's letter dated 4/28/2020. Troup states that Charlie Seelig wrote the letter, not the Selectmen. Millias argues that the Selectmen read and approved the letter by signing the letter. Troup asks how they know the Selectmen read the letter as the letter was never read into record. Millias states that whether they read it or not, the signatures approve it. Troup states that it is a violation of American rights not to allow a discussion between the Planning Board and Board of Selectmen. Millias states that a six-page letter explaining the reason for the Selectmen's denial is enough information to go on without having to continue the discussion. Troup questions whether Millias should be involved in this discussion as his father is one of the decision makers. Millias states that his father is one of the people who wrote and signed the Selectmen's letter. Troup states Millias' father did not write it. Troup feels the laws are there to be followed. Millias states that the Board needs to be clear on what this conversation with the Selectmen will entail. Troup states it should be about bylaw 167-22. Millias refuses to discuss the appeal or the denial as he feels the denial is clear. Troup states that every law should be followed. Troup wants to discuss the Selectmen's letter with the Selectmen. Troup states the Planning Board was not given the opportunity to discuss things but instead were told things. Millias states that a Board shouldn't have to discuss a denial for 45 minutes every single meeting. Troup feels that not

allowing the Planning Board, three times, to be put on the Selectmen's agenda is violating a freedom. Millias states that the Selectmen already knew what the Planning Board's position was by the submission of the requested agenda item - to appeal another Board's determination. Troup wants to know if the Selectmen are fearful of the proposed conversation and if so, why. Millias doesn't feel he needs to defend himself repeatedly. DiSesa feels the communication is lacking and states that she didn't know any of the information given to them in the letter. Millias explains he is open for conversation of open lines of communication between boards. DiSesa doesn't understand why it had to go this far, especially with an elected board.

**Motion to invite the Selectmen to the next Planning Board meeting to have a conversation about open lines of communication: Millias                      Second: DiSesa Four in favor (Troup, Millias, Skulte and Disesa); 1 abstained (Andrews)**

Skulte adds that it is important to say that they are not going to get into the meat of the issue or re-litigate that particular issue but just want to talk about respecting each other's rights. Troup states that 167-22 was already made in another motion. Andrews confirms that this motion is going out as a letter. Board agrees.

**Correspondence**

Andrews states that he had a request from Maria Cina to put 11A Street on the agenda for the next meeting. She is an abutter who lives across the street and wants to talk to the Planning Board. This will be added to the agenda for 6/4/2020.

**Minutes**

**Motion to approve Meeting Minutes for April 16, 2020: Troup                      Second: DiSesa                      All in favor**

**Motion to approve Meeting Minutes for March 19, 2020: DiSesa                      Second: Troup                      All in favor**

**Adjourn**

**Motion to adjourn: Millias                      Second: DiSesa                      All in favor**

Submitted by,

Chairman, Gordon R. Andrews

Date: 6/18/20

  
  
