



Halifax Planning Board

Meeting Minutes

June 2, 2022

A meeting of the Halifax Planning Board was held on Thursday, June 2, 2022, at 7:00pm in the Selectmen's Meeting Room at the Halifax Town Hall 499 Plymouth Street, Halifax, MA.

These minutes are an abstract of the Planning Board meeting held Thursday, June 2, 2022, which are on file with the Planning Board Department and posted on the Town of Halifax website and Area58 Halifax's YouTube page.

Members Present: Chairman Mark Millias, Vice Chair Amy Troup, Clerk Rick Merry, Members Robert Gaynor and Brendon Elliot (by phone).

Vice Chair Troup calls Halifax Planning Board meeting into session at 7:00pm, states members present and reads agenda into record.

MOTION to approve the agenda as read: Millias

SECOND: Merry

All in favor (5-0-0)

Discussion

SAI Communications LLC, Anne McGuinness – Verizon Wireless, 926 Plymouth Street – removal and replacement of equipment on cell tower

Anne McGuinness is present. Asks if site plan approval is required for the changes proposed – Verizon Wireless is proposing to make changes on cell tower—remove and replace 12 existing antennas, 6 existing remote radio heads, remove two small junction boxes with one large junction box with no changes to current ground space equipment or configuration—owned by Industrial Communications. All upgrades. Millias considers this maintenance and upgrade rather than a full site plan approval. Gaynor confirms no changes to existing height, modifications to existing mounts which falls within the scope of work. Space is leased from Industrial Communications. Building Inspector thought site plan approval was required.

MOTION to agree that a site plan is not required for maintenance and upgrade of antennas:

Millias

SECOND: Merry

All in favor (5-0-0)

Discussion

C&A Realty Trust – 101 Monponsett St – Request for Extension of Temporary Site Plan approval

Amanda Monti and Corrie Merritt are present. Requesting extension to temporary site plan approval until July 30, 2022. Port-o-potty delivered to site. Engineers are holding up updated site plans.

MOTION to approve request of temporary site plan approval until July 30, 2022: Millias

SECOND: Gaynor

All in favor (5-0-0)

Pasture Lane - status

Troup reads email from developer John Paquette dated 5/18/22 informing the Board they are withdrawing their request to amend the Pasture Lane subdivision. Pasture Lane resident Tina Kenyon is present. Tim Reichert, 4 Pasture Lane resident is present. Both residents explain that the road is in worse condition. Troup and Elliot both understand the residents' frustration as they went to Pasture Lane themselves for a look. Kenyon informs the Board that her attorney is doing a title search as the Town has not attached the covenant to the deed, which she informs the Board, is the fault of the Town making the developer free to walk. Kenyon informs the Board she had to sign off on the covenant when she bought the home. Millias states the completion of the road/work falls on the developer to do his due diligence before he took possession of the property. Kenyon gives the Board options to move forward, according to her attorney. One of the options, per Kenyon, is to take it to a special town meeting which would involve the town's taxpayers. Kenyon states they probably won't get everything completed in the covenant but want the road finished. Kenyon explains that she purchased the documents from Land Planning engineering that the Town couldn't find and explains that this information was never given to the current developer when the land was purchased. Reichert asks why he pays excise tax. Board explains that does not fall under the Planning Board, it's mandated by the State. Reichert departs. Kenyon just wants to find out from her attorney what

options Pasture Lane has. Millias states that this does not fall on the Town as once the Planning Board's original approval got recorded, the Town is no longer liable. Kenyon explains that the covenant stated that once the lot was sold, the developer had 24 months to build the home and finish the work. Kenyon explains that Pasture Lane was owned and developed first by Goodman, sold to MA Build for \$25,000 in 2017. Paquette purchased it for either \$1 or \$5,000 in 2020, Kenyon heard from Paquette and isn't certain which is accurate. When asked about a bond, Millias explains that when this development was approved by the Planning Board the standard practice was to hold the lot and it was the least desirable lot as opposed to a cash bond which is standard now. Gaynor states he thought cash bonds were always required. Millias states that a lot of developments across towns did the same. Troup states that it was before the market fell. Kenyon states the unfinished road is becoming a hardship for the residents. The water basin was cleared out by the developer three months ago and the trees are now in a 20-foot-high pile on the side of the road. Millias continues that this falls under the developer's responsibility, not the town regardless of the Town having or not having copies of the documents. Elliot agrees. Kenyon believes it's Town Counsel's responsibility to hold up the covenant. Kenyon asks the Board if they can confer with Town Counsel as the covenant is through the town. Millias confirms with Kenyon that she signed the covenant contract and states that this confirms the Town did create and attach the covenant; we know that it exists which shows that the Town is not responsible. Kenyon states that this is at the enforcement stage. Millias states to enforce the covenant the Town would need to vote to take possession of the lot; that is the Town's recourse. Troup would like to send the developer's latest email to Town Counsel with the question of liability.

MOTION to contact Town Counsel to determine the liability of the Town/Planning Board regarding enforcement: Gaynor

SECOND: Elliot

All in favor (5-0-0)

5-Minute Recess. Kenyon asks if the Board can check with the Fire Department on the safety of the woodpile.

Bills

MOTION to approve W.B. Mason Invoice #228664210 for office supplies = \$49.61: Millias

SECOND: Merry

All in favor (5-0-0)

Meeting Minutes

MOTION to approve Meeting Minutes for April 21, 2022 as read: Elliot

SECOND: Millias

All in favor (3-0-0)* Voting members: Troup, Elliot, Millias

MOTION to approve Meeting Minutes for May 5, 2022 as read: Merry

SECOND: Troup

All in favor (2-0-0)* Voting members: Troup and Merry

Correspondence

5/24/22 email from Railey Railsback – Walmart, 295 Plymouth Street- Additional lighting to on-line grocery pickup area
Troup reads into record. Board agrees light must be contained on property. Board agrees Walmart should show the Board a lighting plan. Secretary will request by email to attend the next meeting.

5/18/22 & 5/25/22 emails from Isabel Simoes – 12 Sherwood Drive – Drainage Easement for Highland Woods w/ photos
Troup reads emails into record. Millias states this has already been approved and accepted and has an as built which means the Town would be the responsible party for clearing the detention. Millias comments on all concerns. Elliot confirms he does not need to recuse himself (he lives in development but is not within 300 feet). Millias states that Ed Johnson would only be held responsible if the road was not approved. If it is approved, the Town would be responsible. Troup states the Board will need to see the file to see status of road, read minutes and do more research. Secretary will add to the next agenda.

Other Business

Decision Letters: Halifax Cigar & Smoke, Elevated Roots, River Street – approval and signatures

MOTION to accept decision letters as written for signing: Elliot

SECOND: Millias

All in favor (3-0-0) Voting Members: Troup, Elliot and Millias

Reorganization of Board Members

Millias welcomes newly elected member Robert Gaynor to the Board. Millias asks secretary to send a Thank You letter to Gordon R. Andrews for his time on the Planning Board over the years.

MOTION to appoint Mark Millias as Chairman, Amy Troup as Vice Chairman and Rick Merry as Clerk: Millias
SECOND: Elliot
All in favor (5-0-0)

Registry of Deeds Signature Letter 2022 – signatures
Board signs letter.

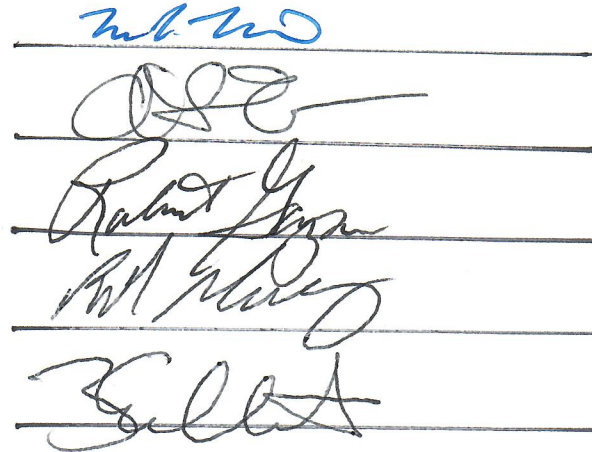
Adjourn

MOTION to adjourn at 8:32pm: Gaynor
SECOND: Merry
All in favor (5-0-0)

Respectfully submitted,

Date Submitted: 07/07/2022

Mark Millias, Chairman

The image shows five horizontal lines of lined paper with handwritten signatures. The top signature is in blue ink and appears to be 'Mark Millias'. The second signature is in black ink and is illegible. The third signature is in black ink and appears to be 'Robert Gaynor'. The fourth signature is in black ink and appears to be 'Rick Merry'. The fifth signature is in black ink and appears to be 'Elliot'.