

MINUTES OF THE MEETING HALIFAX CONSERVATION COMMISSION

November 10, 2020

A meeting of the Halifax Conservation Commission was held on Tuesday, November 10, 2020 in the Selectman's Meeting Room, First Floor, Vice Chairperson Chris Hadorn opened the meeting at 7:00 p.m.

In Attendance: Vice -Chairperson, Chris Hadorn; Ed Lane and Gerry Fitzgerald

Absent: Kathy Evans, John Peck and Assoc. Colleen Fiumara

Appointments/Hearings:

7:00 p.m. NOI: 596 Monponsett St.

Present: Joe Webby, Webby Engineering and owners Robert and Kathy D'Agostino

Mr. Webby presents the septic and plot plan to members. Would like to raise existing building and build new Single-Family Dwelling. Currently they own lot 65A, option to purchase lot 78 (old theatre/Auction house from Caddigan) abuts Monponsett Pond and BVW associated. 50' and 100' buffer zone. Would like to raise existing building, foundation and build new Single-Family Dwelling. Adequate perching in area, gravity system, di nitrification tank and secondary treatment because of the proximity to the pond. Closest to pond is for the deck 13 1/2 feet and foundation is about 27'. Retaining wall is still there and do not plan of taking it down.

Members would like to see something new put up. Briefly discussed the recent past history of taking down part of the building. It was asked if a (1) wall would need to stay? It was indicated that the town did not require it. Mr. Fitzgerald asked if the Board of Health has approved the septic. Mr. Webby said it has not, plans submitted, and waiting to make adjustments.

They will need variances with the Zoning Board of Appeals

It was noted that this is subject to all approvals before Mr. D'Agostino buys lot 78, that the structure will be located on. He currently owns lot 65A where the septic will be located.

Motion to approve the NOI for 596 Monponsett St. with standard Order of Conditions with approvals from other necessary boards and Board of Health

Motion: Gerry Fitzgerald

Second: Ed Lane

All in favor

Motion to pay bills: Ad#12019 (Monponsett St.) Ad#12024 (Spring St.) Total \$84.00

Motion: Gerry Fitzgerald

Second: Ed Lane

All in favor

7:10 p.m. NOI 0 Spring St.

Present: David Klenert, Collins Eng.; Roger Warren (owner) and Alan Dias

Mr. Klenert presented the NOI to the members, (green cards given). Project is on Crystal Lake, just north. 90% of project is in Pembroke. Right on the Pembroke/Halifax line. Existing conditions plan. Mr. Warren owns the properties in yellow. Wetlands in green, 50' in orange and 100' in red.

The existing house doesn't have a foundation, just on slab. Propose to raise completely and move outside the 50' buffer. Requested a waiver to work within the 50' buffer, for demolition existing will be completely demolished and removed. No house in Halifax or 50' buffer. Propose silt fence, extending road, Crescent Ave. to access the lot. Going thru Pembroke, to get town approval, had to do drainage, storm water mgmt., treat water before its released and no erosion. Silt fence surrounds the whole limit of work and will stay in place until everything is stabilized.

Mr. Klenert went thru each page of the plans, Easement plan, the road – 22' all the way down, requirement of Pembroke, no underground utilities or water system. Will have catch basins, 100' buffer, portion of road within 100' of Crystal lake. Inserts of catch basins will catch & clean 80% of solids, and easy to maintain. Everything will be in underground infiltration required by Storm Water Mgmt. Reports are being reviewed by Pembroke, Conservation & Planning Board. Already has several meetings with Planning and expect approvals next week. Septic system approved by BOH (Pembroke) but need new approvals. Plans were in front of the commission and approved but Order of Conditions has run out before construction could start. Showed on plan the town line, which runs along the 50' buffer, only thing doing inside 50 after construction is grading around the house.

Present: Brian Cook – presented a letter to the Commission. At one point in time, Grandmother Ester Cook owned all the land on this entire pond. Taking possession, contacted town manager for 20 years that Mr. Warren & Mr. Wesson do not own the land they are trying to develop. Much of ownership was taken from Cook by tax taking (tax title) town mistakenly took, went back & forth. Mr. Cook wants the Wesson group to meet with the Cook's to work it out. He states if Halifax moves forward on any application for the development of the pond will then have a problem. He claims the roads are not where they should be. People think they own property they don't. The road that is there cuts thru other lots. He states (we) own 40 lots still on the pond and an agreement to take all of Charlie [inaudible either Presents or Cousins] property as well. Mr. Cook claims Mr. Wesson, built the cottage illegally without permit, still stands. Halifax collected taxes then foreclosed on the names that appeared, but had died (1800 & 1900's). Tom Millias and Charlie Seelig is aware of this. They (Cook's) have not filed an adverse possession or terms of prescriptive rights, because didn't want to cost the town or the Warren/Wesson group money. The past couple years Mr. Wesson has become more aggressive, threatened family, just want to make you aware and realize the project is in Pembroke, but the parcel in Halifax is an embarrassment, no running water, septic or bathroom (living in for 40 years) Before Halifax does anything, (he) think they need to be sure of what the rights are of the papers and the abutters. We own property on both sides of this property, which he refers to as the last resort.

Mr. Fitzgerald asked for court documentation. Mr. Cook said he has some, but not with him, and will send to the board. Mr. Klenert advised this is news to him. [they] had ZBA hearings they should have showed up. Mr. Cook said he had no notice. Mr. Klenert said everyone gets notice. Cook claims he did not receive anything. Mr. Dias represents Mr. Warren and have done very extensive title search, not sure if Mr. Cook has relevance here, if title issues, should have been addressed. Mr. Warren property has been (inaudible) can't get much better title than that. Extensive work on road, private way, belongs to habitants within the private way. Issue before the board is to tear down house, (has water and small septic) intention is to tear down, get away from pond and put in systems. If he believes and take adverse possession, don't believe this board can make a decision on.

Mr. Fitzgerald stated as far as removing the [structure] don't have a problem with that. Any litigation is with the town, not the commission. It was noted again by Mr. Cook that "he" was not notified. Mr. Fitzgerald stated with the registered abutters (he would be). Secretary then noted that the ZBA hearing is with Pembroke not Halifax, therefore Town of Halifax would not notify him (Mr. Cook). Halifax only is dealing with Conservation, and only to remove the existing structure and minor grading.

Mr. Hadorn asked if anything will be rebuilt. Mr. Klenert stated a house in Pembroke, outside the 50 and the septic is on the other side of the street. Mr. Cook then asked for clarification - 1 house 1 lot? Mr. Klenert, 1 house 1 lot now, but the road will provide access to Roger Warren's other 2 lots. Mr. Cook stated there will be three buildable lots. Mr. Klenert agreed, all in Pembroke. Mr. Dias added - to be clear, the structures will be in Pembroke, some of the property is in Halifax. Again, removing a house inside the 50 (BVW).

Motion to approve NOI for to remove the existing dwelling with a Standard Order of Conditions at 0 Spring St., Halifax, [0 Crescent St., Pembroke] variance within the 50 BVW as submitted on plans.

Motion: Gerry Fitzgerald

Second: Chris Hadorn

All in favor

Discussions/Action to be taken.

Cert. of Compliance for Cumberland Farms on Elm Street and 15 Richview Ave.

Motion to approve Certificate of Compliance for Cumberland Farms, Elm Street

Motion: Gerry Fitzgerald

Second: Ed Lane

All in favor.

Motion to approve Certificate of Compliance for 15 Richview Ave.

Motion: Gerry Fitzgerald

Second: Ed Lane

All in favor

Update:

35 Ocean Ave. – Building Inspector sent out letter to Mr. Estes for and update status of deck.

Received call today, Mr. Estes is looking to get engineered plans to bring forward to Commission and building inspector. Looking to also contact the Harbor Master to take the deck down and make it a floating dock. Would the commission like a follow up letter sent? Members briefly discussed the status and decided to wait on a letter to be sent at this time.

Discussion:

515 Monponsett St. – update

Ed Lane went to the site and spoke with Mr. Burgess. He would like to have some trees removed. Gave a go-ahead couple weeks back for small trees. 1 on the side, 1 in the front. There are two large pine trees by the water, 1 struck by lightning. The one to the right looks fine, can probably prune it. Mr. Lane told Mr. Burgess he has to get the board's approval. Will be having the walkway/stairs down to the water, so can either prune it or take it down. Very tall 50 -60 feet high, could probably hit his house.

Gerry Fitzgerald thoughts that he can do something temporarily and come back before us again. Mr. Lane said he wanted to take them down Saturday.

Members briefly discussed the "Emergency Order" from 499 Monponsett St. These issues are NOT an emergency. Commission asked to send a message to 499 Monponsett St. for follow up. Was decided not to make a decision on the tree removal of 515 Monponsett.

Mr. Lane thought he gave a go ahead for trees, [515 Monponsett St.] to the right of the house, front of the house and 2 in the back to take down. It was noted that it was probably just for pruning. (will have to go back in meeting minutes to clarify). The 2 large pine are right at the water. It is a steep hill to the water.

Secretary to look at the NOI for what was presented for 515 Monponsett St. Email 499 Monponsett St. for time of trees to be removed Emergency order was until Nov. 12 and trees not down yet.

Motion to adjourn

Motion: Gerry Fitzgerald

Second: Ed Lane

All in favor

Documents/Mail

Agenda, general notes of meeting; mail; email and documents to include: ZBA PH Notices; Road Cuts; Eversource/Columbia Gas; Ply/Hal Express News.

Respectfully submitted,

Date Approved: 12/8/20

Signatures:



