# Notice of Public Hearing

The Halifax Planning Board will hold a public hearing on Thursday, September 19, 2019 at 7:00 p.m. in the Selectman’s Meeting Room 1st floor of the Town Hall, 499 Plymouth Street, Halifax, MA on the following articles:

**ARTICLE 1** To see if the Town will vote to amend Chapter 167-7 (Zoning – Schedule of Use Regulations) from:

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| **Use** |  | **AR** | **B** | **I** | **I-2** | **C** |
|  | Marijuana Establishment [See § 167- D(15)] **[Added 05-08-17 ATM, Art. 48]** | N | N | SP | N | N |

To

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| **Use** |  | **AR** | **B** | **I** | **I-2** | **C** |
|  | Marijuana Establishment [See § 167- D(15)] **[Added 05-08-17 ATM, Art. 48]** | N | SP | SP | N | N |

**ARTICLE 2** To see if the Town will vote to amend Chapter 167, Section 7 (D) (15), paragraph 1 to read:

No Marijuana Establishment shall be located within 500 (five hundred) linear feet of any school or child care facility or where children generally congregate, any other Marijuana Establishment, or any establishment licensed to pour alcohol under the provisions of G.L. c 138 § 12 or within 300 (three hundred) linear feet of any parcel zoned agricultural-residential. Distances shall be calculated by direct measurement of a straight line from the nearest property line of the facility or parcel in question to the nearest property line of the Marijuana Establishment.

**ARTICLE 3**  To see if the Town will vote to amend Chapter 167-3 (Zoning – Definitions) from:

MARIJUANA ESTABLISHMENT - A marijuana cultivator, marijuana testing facility, marijuana product manufacturer, marijuana retailer or any other type of licensed marijuana-related business, all as defined [by] the Massachusetts General Laws, Chapter 94H.

To: MARIJUANA ESTABLISHMENT - A marijuana cultivator, marijuana testing facility, marijuana product manufacturer, marijuana retailer or any other type of licensed marijuana-related business, all as defined [by] the Massachusetts General Laws, Chapter 94G.

**ARTICLE 4** To see if the Town will vote to approve the following amendments to Chapter 167-7 (D) (12) Zoning Specific use regulations) of the Code of the Town of Halifax:

(e) Special permits for in-law apartments are granted for a period of five years and must be ~~renewed~~ reviewed after the five years. At least ninety (90) days before the end of the five-year period and for each five-year period after that while the special permit exists, the Zoning Enforcement Officer (ZEO) shall notify the permit holder and the Zoning Board of Appeals that a review of the permit will be conducted. The ZEO shall inspect the structure to ensure that the requirements of Zoning By-law §167-7.D(a) through (c) continued to be satisfied and the permit holder shall provide a sworn affidavit certifying that the requirements of Zoning By-law §167-7.D(a) through(c) continue to be satisfied because the in-law apartment shares a major utility, some shared living space and a shared entrance and is occupied by a relative of the owner and/or resident of the primary dwelling and the in-law apartment has not been converted to an income producing apartment and that any other conditions of approval imposed on the special permit also are satisfied. If the permit holder does not provide such sworn affidavit and/or the ZEO determines that the stipulations of the permit are not being met, the ZEO shall notify, in writing, the Zoning Board of Appeals and the permit holder of same, and provide the permit holder thirty (30) days after such notification to satisfy the requirements of the Zoning By-Law.

If the permit holder, within thirty (30) days of such notification, fails to satisfy the requirements of the Zoning By-Law, said special permit shall expire and a new special permit shall be required.

**ARTICLE 5** To see if the Town will vote to amend Chapter 167- 7 (C) (Zoning – Schedule of Use Regulations) from:

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| **Use** |  | **AR** | **B** | **I** | **I-2** | **C** |
|  | Multifamily dwellings or apartments[See § 167-7D(2).] | SP | SP | N | N | SP |

To

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| **Use** |  | **AR** | **B** | **I** | **I-2** | **C** |
|  | Multifamily dwellings or apartments[See § 167-7D(2a).] | SP | SP | N | N | SP |
|  | Multifamily developments  [See § 167-7D(2).] | SP | SP | N | N | SP |

And add to Chapter 167-7 (D) (Zoning – Specific use regulations)

(2a) Multifamily dwellings or apartments are allowable by special permit from the Zoning Board of Appeals in the AR, Band C Districts.

(a) It is required that any multifamily dwelling or apartment building proposed hereunder shall locate the building on one lot which shall have continuous frontage on a public or private way.

(b) The complete lot must be under the ownership of the developer before a special permit is granted.

(c) Design guidelines. The shapes, scale, location and materials of all buildings, lighting, roads and parking shall be consistent with the character of the neighborhood and with the terrain and vegetation of the site.

(d) All utilities connected to a multifamily dwelling or apartment shall be installed underground.

**ARTICLE 6** To see if the Town will vote to amend Chapter 167-8 (E) (Non-Conforming Uses) of the Code of the Town of Halifax with the following change:

E. Abandonment. No nonconforming use, other than any a single-family detached dwelling, which has been abandoned or discontinued for more than two (2) years shall be re-established. Any future use shall be in conformity with the provisions of this chapter.

The Zoning Board of Appeals may approve a special permit for a single-family detached dwelling which has been abandoned or discontinued for more than two (2) years.

**ARTICLE 7** To see if the Town will vote to amend Chapter 167-3 (Definitions) from:

MULTIFAMILY DEVELOPMENT – A development of three (3) or more dwelling units on a single lot of land under one (1) ownership of not less than ten (10) acres in size.

To: MULTIFAMILY DEVELOPMENT - A development of three (3) or more dwelling units on a single lot of land under one (1) ownership of not less than ten (10) acres in size in accordance Section 167.12(A).

AND from:

MULTIFAMILY DWELLING – A building intended and designed to be occupied by more than one (1) family, living independently in separate units; any residential structure containing more than one (1) room for cooking facilities.

To: MULTIFAMILY DWELLING - A building intended and designed to be occupied by more than two (2) families, living independently in separate units.

**ARTICLE 8** To see if the Town will vote to amend Chapter 167-7D2 (Specific Uses) from:

(b) The complete parcel must be under the ownership of the developer before a special permit is granted.

To: (b) The complete parcel must be under the ownership of the developer or evidence of secured interest in the purchase rights of the included parcels must be provided before a special permit is granted.

**ARTICLE 9** To see if the Town will vote to amend Chapter 167-10 (General Density) from:

B. A dwelling, building or any structure hereafter constructed or altered in any district shall not be located on a lot having less than the minimum requirements, and no more than one (1) dwelling shall be built upon any single lot, except as hereinafter provided.

To: B. A dwelling, building or any structure hereafter constructed or altered in any district shall not be located on a lot having less than the minimum requirements. No more than one (1) dwelling shall be built upon any single lot, except as herein after provided. Each building must be constructed on an individual lot for multifamily developments in accordance with § 167-12(A).

**ARTICLE 10** To see if the Town will vote to amend Chapter 167-12 (Density Regulations for Specific Use) from:

A. Multifamily development

1. The number of units in a multifamily development shall not exceed the number of acres in the parcel on which they are to be built.
2. Eighty percent (80%) of the total parcel tested on a two-hundred-foot by two-hundred-foot grid must be found to be percable by the Board of Health.
3. The minimum parcel size shall be ten (10) acres.
4. No unit shall have any more than two and one-half (2½) stories which contain any amount of living space. This limitation will be enforced by a covenant with the purchaser of each unit.
5. The minimum front setback shall be seventy-five (75) feet, the minimum rear yard shall be one hundred (100) feet, and there shall be at least one hundred (100) feet between any two (2) buildings. In addition, the required thirty-foot minimum side yard between the development and adjacent properties shall be maintained as a vegetated buffer area free of parking or any structures, and any changes in its natural state shall require approval by the special permit granting authority.
6. Minimum residential floor area. No multifamily housing, whether condominium or rental, shall be erected, reconstructed, remodeled or altered so that the lowest level (i.e., ground floor or equivalent) of living space per dwelling unit (i.e., in a unit) contains less than seven hundred fifty (750) square feet.

(7) Fire protection in condominium developments.

1. Every multifamily development, whether condominium or rental, built after 1984 shall install an automatic fire-detection system in each building. This system shall not include the smoke-detection systems unless so directed by the State Building Code or MGL c. 148, § 26C. The automatic fire-detection system shall be wired into the fire station, and the alarm notification system shall be compatible to the present alarm notification system. All expenses of the installation, including the tie-in at the fire station, shall be borne by the developer. The system shall be approved by the Fire Chief before any construction is started on the site. The maintenance of the system shall be the responsibility of the owner or condominium association, if any.
2. Every multifamily development, whether condominium or rental, built after 1984 shall have a hydrant system which is capable of supplying the required fire flow, plus fifty percent (50%). The water main shall not be less than eight inches in diameter, and the system shall be looped with no dead ends. All hydrants shall be set at five hundred (500) feet apart within the development.167:3005-14-2012
3. Every multifamily development, whether condo minimum or rental, shall supply adequate space in front of each building for fire apparatus to approach the buildings. This open space shall be kept open at all times. If said space is blocked by a vehicle, it shall be towed at the owner's expense. This order to tow may be given by either the Police or Fire Department.

To: A. Multifamily development

* 1. The number of units in a multifamily development shall not exceed the number of contiguous upland acres in the parcel on which they are to be built, as defined by Section 167-10(M).
  2. Percolation testing shall be performed and witnessed by the Board of Health in accordance with 310 CMR 15.00 (Title V) demonstrating that proposed areas for primary and reserve sanitary sewer leaching fields are suitable for development.
  3. The minimum parcel size for a multifamily development shall be ten (10) acres with 110 ft of frontage prior to development. Each lot containing a multi-family building shall have a minimum of 40,000 square feet in a rea in accordance with Section 167-10(M).and 150 ft of frontage.
  4. No building shall have any more than two and one-half (2½) stories which contain any amount of living space. This limitation will be enforced by a covenant with the purchaser of each unit.
  5. The minimum front yard shall be seventy-five (75) feet, the minimum rear yard shall be one hundred (100) feet, and a minimum of seventy-five (75) feet shall be provided between any two buildings. A minimum thirty-foot undisturbed vegetated buffer free of parking or any structures shall be provided between the development and adjacent properties. Any changes in its natural state shall require approval by the Planning Board as part of the Site Plan Review under § 167-28.
  6. Minimum residential floor area. No multifamily housing, whether condominium or rental, shall be erected, reconstructed, remodeled or altered so that the smallest dwelling unit contains less than seven hundred fifty (750) square feet of living space, excluding areas reserved for parking or garages.
  7. The stormwater management system shall be designed in accordance with the Massachusetts Stormwater Management Handbook and shall meet the Massachusetts Stormwater Management Standards as defined in 310 CMR 10.05(6)(k).
  8. Fire protection in condominium developments.
     1. Every multifamily development, whether condominium or rental, built after 1984 shall install an automatic fire-detection system in each building. This system shall not include the smoke-detection systems unless so directed by the State Building Code or MGL c. 148, § 26C. The automatic fire-detection system shall be wired into the fire station, and the alarm notification system shall be compatible to the present alarm notification system. All expenses of the installation, including the tie-in at the fire station, shall be borne by the developer. The system shall be approved by the Fire Chief before any construction is started on the site. The maintenance of the system shall be the responsibility of the owner or condominium association, if any.
     2. Every multifamily development, whether condominium or rental, built after 1984 shall have a hydrant system which is capable of supplying the required fire flow, plus fifty percent (50%). The water main shall not be less than eight inches in diameter, and the system shall be looped with no dead ends. All hydrants shall be set at five hundred (500) feet apart within the development.
     3. Every multifamily development, whether condominium or rental, shall supply adequate space in front of each building for fire apparatus to approach the buildings. This open space shall be kept open at all times. If said space is blocked by a vehicle, it shall be towed at the owner's expense. This order to tow may be given by either the Police or Fire Department.

**ARTICLE 11** To see if the Town will vote to amend Chapter 167-28 (Site Plan Requirements) from:

No permit shall be granted for any commercial, industrial, business, institutional, apartment, multi-dwelling, municipal or school building or public utility structure, and none of the above classes of structures shall be constructed or externally enlarged, and no such use shall be expanded or established in an existing building or lot not theretofore used for such purposes, except in conformity with a site plan bearing an endorsement of approval by the Planning Board. Said site plan shall show the owner of record, location, zone boundary lines, easements or other legal restrictions, exact location of building(s) on the lot with side, front and rear dimensions, lot dimensions, topography, adjacent public ways, location of off-street parking, lighting, utility systems, surface drainage, traffic flow, location and nature of open spaces with specific notations as to landscaping, locus plan and other details deemed necessary by the Planning Board. The Planning Board may waive or substantially reduce the site plan submission requirements for projects having limited or minor impacts consistent with the purposes of this chapter.

To: No permit shall be granted for any commercial, industrial, business, institutional, apartment, multi-dwelling, multi-family development, municipal or school building or public utility structure, and none of the above classes of structures shall be constructed or externally enlarged, and no such use shall be expanded or established in an existing building or lot not theretofore used for such purposes, except in conformity with a site plan bearing an endorsement of approval by the Planning Board. Said site plan shall show the owner of record, location, zone boundary lines, easements or other legal restrictions, exact location of building(s) on the lot with side, front and rear dimensions, lot dimensions, topography, adjacent public ways, location of off-street parking, lighting, utility systems, surface drainage, traffic flow, location and nature of open spaces with specific notations as to landscaping, locus plan and other details deemed necessary by the Planning Board. The Planning Board may waive or substantially reduce the site plan submission requirements for projects having limited or minor impacts consistent with the purposes of this chapter.

**ARTICLE 12** To see if the Town will vote to approve the following amendments to Chapter 167-11 (Table of Dimensional and Density Regulations: Notes B) from:

1. No new dwelling or attached addition thereto or attached addition to an existing dwelling shall be closer than thirty (30) feet from either side of the lot line.
2. 75 feet for multi-family development
3. 100 feet between multi-family buildings
4. 100 feet for multi-family development
5. See 167-12E, minimum yard requirements for accessory buildings

To: B. No new dwelling or attached addition thereto or attached addition to an existing dwelling shall be closer than thirty (30) feet from either side lot line.

1. 75 feet for multifamily buildings.
2. 75 feet between multifamily buildings.
3. 100 feet for multifamily buildings.
4. See § 167-12E, minimum yard requirements for accessory buildings.

Said proposed changes are on file with the Town Clerk’s office, Halifax Town Hall, 499 Plymouth Street, Halifax, MA.

Halifax Planning Board

Gordon Andrews, Chairman

Karlis Skulte, Vice Chairman

Mark Millias, Clerk

Amy Troup

Jonathan Soroko

Notice advertised in the Plympton/Halifax Express on **Friday, August 30,** and **Friday, September 6, 2019**.