



Halifax Planning Board

Meeting Minutes

January 19, 2023

Meeting Link: <https://www.youtube.com/watch?v=31vnm6OTmAM>

A meeting of the Halifax Planning Board was held on Thursday, January 19, 2023, at 7:00pm in the Great Hall at the Halifax Town Hall 499 Plymouth Street, Halifax, MA.

These minutes are an abstract of the Planning Board meeting held Thursday, January 19, 2023, 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: Vice-Chair Amy Troup, Clerk Rick Merry and Member Robert Gaynor.
Members Absent: Chair Mark Millias and Member Brendon Elliot.

Vice Vice-Chair Troup calls the Halifax Planning Board meeting into session at 7:04pm, states members present, announces an item to be voted on as being added to the agenda and reads agenda into record.

- Member Gaynor makes a phone call regarding the added item to the agenda. Member Gaynor states he wanted to double check to be sure the item addition could be added/discussed.
- Vice-Chair Troup asked if they could ask who was on the phone during the public meeting.
 - Member Gaynor stated if the request was before the 48-hours, it could be added/discussed.
 - Vice-Chair Troup stated that it was.
 - Member Gaynor stated the Board would need to take a roll call vote in order to hear it at tonight's meeting.
 - Vice-Chair Troup commented, yes, the Town Administrator stated that as long as we said it... (statement interrupted). Member Gaynor asked if we had to do a roll call vote? Vice-Chair Troup replied that he did not state they had to do a roll call vote, but if you want to do a roll call vote, Bert? Member Gaynor stated yes, I think we should. Vice-Chair Troup asked, Rick? Clerk Merry stated yes. Vice-Chair Troup stated she is also a yes for the roll call vote.

MOTION: For roll call vote to allow Larry's Loco Taco Site Plan addition on tonight's agenda at 7:45pm.

SECOND:

All in favor (3-0-0)

- Vice-Chair Troup asked, so that was the vote to allow the addition, and now we are going to vote to allow Loco Larry's Taco at 7:75 as per the applicant telling us yesterday that we missed it and asked to be put on? Vice-Chair Troup stated when didn't think it would be a problem as it would be helping one of our Halifax residents. Member Gaynor stated he agrees, he didn't think it would be a problem to do that, but they have to follow the open meeting laws. It was supposed to be posted 48 hours prior and it was worth checking on it to make sure they comply with state requirements. Vice-Chair Troup commented they have done this numerous times without this procedure; however, I will oblige going forward. Do you want to vote to allow the amended agenda? Member Gaynor stated he will make the motion to allow the amended agenda. Clerk Merry seconded the motion. Member Gaynor asked for a roll call vote, so the Board was

complying. Vice-Chair Troup agreed. Vice-Chair Troup asked, roll call vote, Bert? Member Gaynor stated yes. Rick? Clerk Merry stated yes. Vice-Chair Troup said, myself, yes.

MOTION: To allow the amended agenda: Bert Gaynor
SECOND: Rick Merry
All in favor (3-0-0)

Appointments/ Hearings: Vice-Chair Troup announced first item on the list.

- **7:05pm – Petition 981 – R&J LLC – 0 & 314 Plymouth Street:** Special Permit for oversized storage building (Determination required w/in 90 days from close of hearing, no extension required) need an extension or a decision by February 2, 2023, we need to vote an extension or action on this. (Determination required w/in 90 days from close of hearing)
 - Vice-Chair Troupe asked Member Gaynor if they could ask who he was talking to during a public meeting to get the advice. Member Gaynor stated, the Town Clerk, and she was going to verify it with the Town Administrator. She couldn't get in touch with him, but she did say with a roll call vote we could do that. Vice-Chair Troupe asked Town Clerk Susan Lawless? Member Gaynor stated yes.
 - Vice-Chair Troupe went back to Petition 981 – R&J LLC – 0 & 314 Plymouth Street Special Permit for oversized storage building and stated according to our files this would be needing to have some sort of a decision by February 2, 2023. Can we ask for a continuance, or what do you think? Otherwise, it goes to automatic site plan approval. Member Gaynor asked to see/review the site plan again for clarity as to the location. Vice-Chair Troup and Clerk Merry explained the location was behind O'Reilly's Auto. Member Gaynor asked if there was someone there that was going to speak to it. Vice-Chair Troup commented, not that she is aware of and asked if there was anyone in the public there for 0 & 314 Plymouth Street. Vice-Chair Troup stated we have to have some kind of idea of what we are going to do. We have to discuss it. We can email them and ask for a continuance. Member Gaynor asked what they have for information on the perc's, that was brought up at their last discussion. Vice-Chair Troup stated they had not heard anything. Member Gaynor asked, so we don't know at this point either, if any of the recommendations of the outside, the construction of it or anything has been included, this is all we would be voting on, period? Vice-Chair Troup replied, correct. She would think that the best process would be to ask them for a continuance to have an extension on their site plan so that it doesn't go to automatic approval. Member Gaynor asked Clerk Merry his thoughts on it. Clerk Merry asked why it would go into automatic approval. Vice-Chair Troup replied that the time limit would lapse. Clerk Merry stated so either we give them an extension, or we don't approve it. Vice-Chair Troup replied, or else they get an automatic approval for it. Member Gaynor asked, so we can suggest giving an extension, but there is nobody here to agree to the extension. Vice-Chair Troup stated that the Board has to protect the town. Member Gaynor asked what the date of the decision? Clerk Merry replied February 2nd. Member Gaynor asked if we send them a letter and ask for an extension and they say no, will we be meeting again prior to the expiration time? Vice-Chair Troup replied, that's cutting it very close and checked her calendar. She stated the reason they would be cutting it very close is because if we have no quorum that day, then it would go into an automatic approval. We need to have a continuance; we need an extension. Member Gaynor commented, if we don't have a quorum and they come out and say no they don't want to give us an extension then they would be an automatic approval without our vote. Vice-Chair Troup replied, if we don't have a quorum

February 2nd. Clerk Merry commented, February 2nd is our next meeting anyway. Vice-Chair Troup replied yes, but if we don't have a quorum, do you see what I am thinking? Because we are close a lot, like tonight we are very close. Member Gaynor replied, yes, but if we have a quorum on February 2nd, and they say no, I don't want to give you an extension, they will get an automatic approval. Vice-Chair Troup replied, no, because at that time we would get to vote. Member Gaynor replied, so it doesn't expire. It would, that meeting, that night. Vice-Chair Troup replied, hopefully to have a quorum. I was just hoping to get a 30-day extension, to give the town a buffer.

- Vice-Chair Troup addressed the public and stated that they are talking about the storage buildings that are going to be behind O'Reilly's where they are going for the special permit for the oversized building and storage buildings, so she is trying to protect the town by making sure they are diligent on this instead of waiting until the last second. That would be a large undertaking next door to O'Reilly's and where Nessralla was previously. Vice-Chair Troup asked if the public knew where she was talking about, Plymouth Street, the old Nessralla's. A member of the public began to ask a question. Vice-Chair Troup stated if anyone was going to speak, they needed to go up to the microphone and state their name and address. Member of the public, Patricia Sullivan, B1-5 Lydon Lane addressed the Board and asked if they could tell her exactly where the building was going. Was it going behind the O'Reilly's or was it going where the old Nessralla was. Vice-Chair Troup replied, behind O'Reilly's. If you are looking at the old Nessralla's from the street, it would be to the back right behind O'Reilly's. There would be a total of 8 buildings, and one of them would need a special permit for an oversized building, according to our by-laws. Ms. Sullivan asked, isn't that closed to the wetlands back there? Vice-Chair Troup replied, they are in front of Conservation currently and on an ongoing basis. Ms. Sullivan commented that it was a big building. Clerk Merry commented, this is all we have period for that? There is no drainage or septic or anything like that. Vice-Chair Troup replied, you have everything that's in the file. Vice-Chair Troup also pointed out there is no stormwater management at this time. The Board members reviewed all current file documents. Vice-Chair Troup commented that she is just trying to make sure that they are on top of everything.
- Member Gaynor made a motion to request for the 30-day extension. Vice-Chair Troup asked, and if they don't provide it? Member Gaynor replied, "then we will have to put them on the agenda for February 2nd." Vice-Chair Troup replied, and make sure we have a quorum. Member Gaynor agreed. Vice-Chair Troup asked for a second on the motion and then they would open it up for discussion. Clerk Merry seconded the motion.

MOTION: To request a 30-day extension: Bert Gaynor

SECOND: Rick Merry

- Member of the public, Chris Winiewicz, 129 Circuit Street addressed the Board. Mr. Winiewicz stated in a previous meeting that was going to be Starbucks and the Urgent Care and they referenced there would be a new 4-way stop light where the Stop & Shop is, this would be the new street that goes out back to this? The Board replied yes. Mr. Winiewicz commented and possibly, depending on what works out, there could be Urgent Care out front, Starbucks, the new auto parts, and this would be all back behind it? Vice-Chair Troup commented that they are separate properties, she believes they just haven't been numbered/renumbered yet from the ANR. They are just applying on 0 & 314 Plymouth Street. Mr. Winiewicz commented, yes, he just remembers that they were talking about a new street, it would just be a 4-way stop light now? Vice-Chair Troup replied, yes.

- Vice-Chair Troup asked if there was anybody else. Member of the public Frank Johnston, 257 Elm Street addressed the Board and asked, just on the building at a previous meeting back in the fall, the Board had brought up with the applicant something about the color of the building and the design of the building, is that correct. Especially on the 2-story building, there were supposed to be some plans for that, have you not received that yet? Vice-Chair Troup replied, no. Mr. Johnston stated, and the other thing is, there is going to be a potential conflict with the sharing of the roadways. We talked about where the Urgent Care, Starbucks, and auto parts at the previous meeting as well on the other plans. Do you think 30-days is enough? Maybe, if you are going to ask for an extension can you ask for a longer period of time than 30-days. Vice-Chair Troup replied, we absolutely could. She just wanted to make sure if they didn't have a quorum on the 2nd, that they would have done something to protect the town from having an automatic approval. Mr. Johnston asked, so you'll vote tonight instead of waiting until the 2nd to roll the dice and see what happens. Is that correct? Vice-Chair Troup replied that is correct. Mr. Johnston asked, is that why you are going with the 30-day extension instead of like a 45 or a 60? Vice-Chair Troup replied, yes. Mr. Johnston thanked the Board.
- Vice-Chair Troup asked what about a discussion between us? If they don't give an extension, should we add to the motion that we would have a motion to deny the site plan review? Clerk Merry replied, well, we don't seem to have enough in front of us to approve it anyway. Vice-Chair Troup commented, right. I'm just talking about the town and what happens. Member Gaynor replied, he doesn't think they should put an automatic denial or an automatic approval on it. Vice-Chair Troup commented, if they don't give us an extension. I'm just discussing with you both about it. Member Gaynor commented that he would just leave it open. I think it makes sense to go the 45-days. Member Gaynor amended his motion to 45-days instead of 30. Vice-Chair Troup agreed. Clerk Merry seconded the motion.

Vice-Chair Troup stated she will email application first thing in the morning.

MOTION: To amend earlier motion of a request for a 30-day extension to a 45-day extension: Bert Gaynor

SECOND: Rick Merry

All in favor (3-0-0)

- **7:15pm – Kozhaya Nessralla/Pat Maloney, 416 Plymouth Street:** Site Plan review (partial for units uses and addition to existing uses at property. (Filed 11/07/2022, 30 days 12/07/2022 extended to 01/30/2023. Extension, withdrawal, or a decision will need to be made.
 - At 7:23 Vice-Chair Troup called for 416 Plymouth Street Site plan review. Joe Webby of Webby Engineering presented the Board with revised site plans and stated that they were also sent electronically. The Board acknowledged the electronic submission. Mr. Webby described the plan design for 416 Plymouth Street indicating the Plaza, Rockland Trust Bank and the Fire Station. Mr. Webby informed the Board and the Public that Mr. Kozhaya Nessralla was also present at the meeting tonight. Mr. Webby stated what Mr. Nessralla would like to do is move his operation from the parcel of land it is presently on down to the area between the car wash and the plaza building. He would like to lease out approximately 38,000 square feet for his outdoor plant, flower, he would like to have a greenhouse and a trailer office at the site. We have spots for the loam, the mulch, and his firewood. He is basically going to have the same business he has a quarter of a mile up the street down to here. Vice-Chair Troup asked what other changes and additions are on the plans. Mr.

- Webby replied that the only other change is that the Halifax Plaza owners were thinking of renting out what we used to call the lint building, the small building behind the plaza that used to collect the lint when it was a car wash. I believe someone had applied to restore automotives there, but I don't know that for sure. That's the only other thing that Mr. Webby is aware of. Vice-Chair Troup stated, you mean the laundromat, right? Mr. Webby replied, yes, the laundromat used to be on the inside. Member Gaynor asked if that building was in his proposal. Mr. Webby replied no, this building already exists. Member Gaynor responded, yes, but it is not going to be used for what you are applying for here. Mr. Webby replied, "No it is not. Nessralla will not be using that." Vice-Chair Troup asked if the applicant was going to use that, they'd have enough parking? Mr. Webby replied, we have about 121 spaces now. Vice-Chair Troup replied, it's just been that over the last 6 months we've had a kennel maybe, and then they were going to split the Church and things like that. So, they are not proposing any of those things at this time? Mr. Webby commented on the doggy day care withdrew because they couldn't get them an outdoor walking area. Per Conservation, it was too close to a conservation area. Vice-Chair Troup asked, how many units are currently in there, 5, 6? Mr. Webby replied we have the church, the hair salon, and then there are 2 vacant units next to Rodney's restaurant, and of course the bank. And there are no plans for anything on that? Mr. Webby replied, not as far as he knows. He's actively trying to fill the building. Vice-Chair Troup asked if it has gone through Conservation with all the new wetland lines. Mr. Webby responded, yes and indicated the wetland line on the plan that was proposed for the doggy day care and the additional wetland line was approved when the septic plan 2-years ago. Vice-Chair Troup asked if there were any additions to any parking spots to basically take care of Nessralla Farm. Mr. Webby replied no, and indicated on the plan, up in the right-hand corner, where they are dedicating 12 parking spots for Nessralla Farm. Those parking spots are currently paved and marked/lined out.
- Vice-Chair Troup asked the Board if they had any questions. Member Gaynor replied, he has a couple of questions. The first one, the greenhouses, are those permanent structures? Mr. Nessralla answered from the public seating that they were temporary. Member Gaynor stated, also, Mr. Webby you stated that it was on 38,000 square feet, so it was under an acre. So, I know that it is not on the stormwater district on the map there, but where it is under an acre, is it still going to have to comply with stormwater management? Mr. Webby replied, "I believe under your by-law it does not have to because it is less than 45,560. However, we are not paving any of this, so the only impervious surface would be the greenhouse." Member Gaynor asked and there is no new construction on it, it's basically just the land. Mr. Webby replied yes, it's just the land. What Mr. Nessralla is proposing to do is basically to scrape the loam off the top and put a hard pack down, like he has currently. Member Gaynor commented, a pervious hard pack? Mr. Webby replied, yes, a previous hard pack. Vice-Chair Troup asked, even though that was wetlands that were allowed to be taken away before, that's ok as well, according to Conservation? Mr. Webby replied they got permission to remove an isolated, vegetated wetland that was full of phragmites invasive species and Conservation allowed us to fill that in. Member Gaynor asked when that was, and Mr. Webby replied 2021. Member Gaynor asked if there was any other egress on to the property, on the 38 acres or is it strictly coming in the other entrance way to use those spaces as parking. Is there parking going to be on the 38,000 square feet? Mr. Webby replied, "No. Currently there are 3 curb-cuts. They are not proposing any other curb-cuts other than the existing spots." Member Gaynor asked Mr. Nessralla, so the only traffic coming in and out, because you are going to continue to do; wood and deliveries is your 2 trucks whenever deliveries happen. Mr. Nessralla replied, yes. Member Gaynor asked, are there curb-cuts

there now or are they pre-existing? Mr. Nessralla replied, "No, there are no curb-cuts." Mr. Webby replied, no curb-cuts, just the 3 existing. Mr. Webby stated he will be utilizing the one on the right and indicated it on the plan. Member Gaynor stated that was his question, thanked Mr. Webby and commented that he had no other questions. Clerk Merry commented that he answered everything he had to ask. Vice-Chair Troup asked if parking spots 118-121 in the back of the building were new. Mr. Webby stated they were not; they are lined-out and that as far as he knew they have not added anymore parking. Vice-Chair Troup asked, the square off the back of the building, in front of the angled parking, do you know what that is? Mr. Webby replied he believes that is an AC unit. Vice-Chair Troup thanked Mr. Webby.

- Vice-Chair Troup addressed the Board and commented that they need to wait 30-days for comments on the site plan from the other Boards. Member Gaynor stated he thought the notices already went out to the other Boards. Vice-Chair Troup replied that their Board just got that plan today. Member Gaynor suggested they speak with the Building Inspector, who is also the Zoning Enforcement Officer for advice.
- Building Inspector Jim Perry introduced himself and stated he submitted correspondence a long time ago with my comments. He asked the Board if they had them on record. Vice-Chair Troup this is a new plan as of today. Building Inspector Perry commented that he has not looked at tonight's modified plan and stated he would think that would be recirculated to all the departments for comments. Vice-Chair Troup agreed. The Board discussed the process. Vice-Chair Troup stated they would continue to the 02/16/23 meeting and work to get the comments from the other Boards, everything will be in line and in proper order.
- **7:30pm – Continued 8 Hilda Lane Realty Trust/Scott Burgess – 6-8 Hilda Lane – Definitive Subdivision Modification** (submitted 09/20/22, 45 days for comments: 11/4/22, 60-days for submission to act 11/19/22, 45-days extension: 01/03/23, then a 60-day extension to 03/04/23.
 - Vice-Chair Troup announced that 8 Hilda Lane will be coming before the Board at the February 02, 2023, meeting.
- **While waiting for the 7:45 appointment to begin:**
 - The Board spoke with Inspector Perry regarding applicants and interviews for the open Planning Board Secretary position. Inspector Perry stated that the interviews should begin next week. The Board discussed their availability for interviews. The inspector commented that he thinks one member of the Board should be present during the interviews. Once he has some availabilities for the Board, he will set up the interviews accordingly. The Building Inspector discussed with the Board the possibility of getting one person/secretary to do both Planning and Zoning Board of Appeals. Vice-Chair Troup asked in that case would there be someone in the office all days? Inspector Perry replied, it would cover both hour shifts. He commented that Conservation is a separate entity, so it is harder to provide coverage along with the other two positions. Planning and Zoning go hand-in-hand. Vice-Chair Troup commented that the Board didn't really get to discuss that at the last meeting. Member Gaynor replied, it would be subject to whether or not they would be allowed to do that. Inspector Perry responded that they would not be hiring for a full-time position, it would be 1 person for 2 part-time positions. The Board discussed this possibility amongst themselves, and Vice-Chair Troup thanked Inspector Perry.
 - Member Gaynor asked about the possibility of having Meeting Minutes done by other office staff. The Board discussed this with Inspector Perry. Because the meetings are Live streamed and being recorded by Area 58, Inspector Perry stated he would see what he could

do about getting their minutes caught-up. Vice-Chair Troup offered to come in and help the Peggy and Caroline get started. The Board thanked Inspector Perry.

- **7:45pm – Larry Locos Tacos at 940 Plymouth Street: Taco Trailer Site Plan Review:**
 - Larry MacDonald of Loco Larry's presented the site plan and the original plot plan to the Board. He stated he enlarged the plan to better view it and indicated the parking area on the right of the plan, where the trailer location would be and the signs located on the plan are going to be all lined up in the front. Indicated the whole area he would be using for parking. Member Gaynor asked the actual location of the area being discussed. Vice-Chair Troup replied 940 Plymouth Street, the Industrial Park area. Mr. MacDonald replied, right across from Johnny Macaroni's & Perewitz's. Vice-Chair Troup commented, not the Industrial Park, behind. Mr. MacDonald commented across 106. Vice-Chair Troup asked if he would have one sign or multiple signs. Mr. MacDonald responded, indicating on the plan where his trailer is located stating, that's a 14' trailer, there's 150' and his signs will be lined up in front of it so no cars can stop there. There will be another sign directing cars to the parking area. The main concern was keeping people/traffic off the side of the road. He stated he was given keys to his and her bathrooms and indicated on the plan where they were. Member Gaynor asked, this is a street that goes back to the landfill? Vice-Chair Troup and Mr. MacDonald indicated the two different streets on the plan. One goes to the landfill and the other goes back to Perewitz and the parking for Loco Larry's will be. Member Gaynor asked if the business would be coming in everyday or staying at the location. Mr. MacDonald stated the business is mobile and would be there a couple of days a week, Sunday, Monday & Tuesday, or Monday & Tuesday, Wednesday to give his employees extra hours. It is not a permanent structure. Member Gaynor asked what the business hours would be. Mr. MacDonald replied probably 12:00pm to 7:00pm. The rest of the week he would pull it out because he does private events. Vice-Chair Troup commented, we already have these plans in our files. Mr. MacDonald explained to the Board that the plans are the same. He just blew up the original plan sideways so that they could get a better look at the set-up. Vice-Chair Troup commented that Conservation has made a comment stating that if it is only for a food truck to be parked there, it should be ok. They also asked if the applicant was going to disturb any wetlands or be within 100' of a wetland. Mr. MacDonald explained that it is a commercial area with pavement/parking lot. Wetlands are farther away. Member Gaynor asked about when people/vehicles would see the sign for Loco Larry's and where they would be able to pull in to park. Mr. MacDonald indicated all the parking areas for people/vehicles to pull in. Vice-Chair Troup commented that there would be no parking allowed at the street.
 - Member Gaynor addressed Inspector Perry and asked if there was anything, as far as he knew that was known to be a setback, to be X# of feet away from a street or anything like that? Member Gaynor stated he doesn't believe their Board has had any experience or application like this in the past. Inspector Perry commented that there is no setback on parking. Member Gaynor replied, no, the setback on the trailer itself. Would it have to be back, say... 150', or something like that. Inspector Perry replied it's portable, it's not really a structure, it kind of makes it a unique situation. Member Gaynor commented, yes. The same thing with the signs. We were just talking about that this afternoon, pages of signs. Can you just put-up sandwich signs? Inspector Perry replied there is a regulation for sandwich board signs. Member Gaynor asked to the number of them? Inspector Perry replied, size & number and the length that they can be. Member Gaynor commented he was asking because he knew Mr. MacDonald wanted to put the signs up front, but it might be restricted in their by-laws. Mr. MacDonald explained the reason he wanted to do that was

to keep people/vehicles from going over and stopping there and so they know they have to pull around back. He stated he was just putting that idea out there to make the Board happy. Mr. MacDonald commented that you're worried about people/vehicles pulling over there which I don't want them to do. Member Gaynor replied he is concerned about vehicles going 45mph down the street and oh, there's a hot dog stand I need to pull over. Mr. MacDonald replied that's why he wanted the signs out there, so they know to pull out back. Mr. MacDonald also commented indicating on the plan that the window on the trailer would not be facing the road, it would be facing in. So, they are not going to see the window and run up to it. They are going to see it's there, if they want, they can either loop around or slow down and pull in. Mr. Macdonald commented that the owner, Mr. Greely, has been asking him to come for a while, he has just been so busy. Vice Chair-Troup commented that they received the application on 12/19/22 so today is the 30 days and I will read into record all the other Boards comments. Member Gaynor asked the Board of Health and washing facilities. Mr. MacDonald replied, the Health Agent has already inspected the unit and he is permitted for it. Vice Chair-Troup stated she would start with the Board of Health comments.

▪ Board of Health:

- #1. Restroom facility on-site and available for work staff. Mr. MacDonald replied, yes, I have the keys to a restroom for his and hers.
- # 2 from Heath Agent, Bob Valery, all permits and required certificates are up to date and have been permitted and inspected for the past 2 years with no issues. Vice Chair-Troup stated the next one was from Jim Perry the Building Inspector.

▪ Building Department: I have reviewed the proposed site plan for 940 Plymouth Street, a food truck, please be advised the applicant will need the following:

- A special permit is needed for a retail or commercial business with a drive-thru, drive-in, or open area for sales, operations in any pertinent buildings, structures in an industrial zone. Mr. MacDonald replied he has a peddler's license already. Vice Chair-Troup commented, you don't actually have a drive-thru. Mr. MacDonald replied that that's the same thing, it's the peddlers license for when you are mobile.
- The project must comply with 521 CMR which is Architectural Access Board. Inspector Perry commented that is for handicap access. Vice-Chair-Troup asked you have parking for the handicap access there? Mr. MacDonald replied yes, there is handicap access. There are a few handicapped spots already down there labeled.
- The applicant will need a permit for a food trailer. Vice Chair-Troup commented that this has already been determined by the Board of Health. Department. Vice Chair-Troup the next one of from the Fire Department.

▪ Fire Department: The attached site plan submission from applicant Lawrence MacDonald was received by the Planning Board 12/19 for review and was approved by the Fire Chief. Vice-Chair-Troup commented that there were no more comments received within the 30-days.

- Member Gaynor asked if there were comments from the Police Department. Vice-Chair Troup replied, "No." Member Gaynor commented that the speed of the cars going through there would be his only concern. Member Gaynor would like to hear from the Police Chief and see what his thoughts were on this matter. His thought is if you know you are going to stop there it's not a problem, but if you're going 45mph and you see the sign and try to turn

in, that would be a problem, having a spur of the moment thought, oh there's a nice taco place and try to turn in. Mr. MacDonald commented, it's the same as Dunkin Donuts and they have less parking than he does. Dunkin Donuts has traffic going out into the road because they don't have room. He has plenty of room, I'm only a little trailer. Clerk Merry commented, if they go by it, they'll just have to turn around and go back. Mr. MacDonald commented, he's not trying to put them out there, but they are out there, and people are trying to go around them. Member Gaynor replied that there's a difference, people know now, they've been there so long, that Dunkin Donuts is there. You're just driving down the road and there's a taco stand; he thinks that's different. And, Dunkin Donuts certainly isn't right on the road/Plymouth Street, it is set back, he just sees it as a safety issue and would be interested in what the Police Chief has to say.

- The Board opened the floor to public comment. Mr. MacDonald and a member of the public spoke amongst themselves regarding where the trailer and parking were located. Vice-Chair Troup and Member Gaynor requested anyone with questions go to the microphone so everyone could hear as it is a public meeting that is being recorded. Member Gaynor commented that his point was they have had stands in the past, one up by Twin Lakes Liquors he believes was a hot dog stand, there was one down by Carver Street across from the Mobil Station he also believes was a hot dog stand. Clerk Merry commented that those locations did not have 45mph traffic there. Member Gaynor commented, exactly. Mr. MacDonald commented that Relish the Dog used to right across for the Mobile Station and that the owner of that hotdog cart is now one of his employees. Member Gaynor commented that he doesn't know if the Board would be open to it, but he would only accept it on the basis that there is/are no problems with the Police Department. That would be his only concern and that they comply with current zoning as far as signage. Member Gaynor asked Inspector Perry if he was pretty sure the trailer did not have to have a set-back from Plymouth Street. Inspector Perry replied that he will look into it again, but it is a portable structure. Member Gaynor asked if that makes it exempt. Inspector Perry commented they don't have any setbacks for it. Vice-Chair Troup asked if the signage was the basic size. Mr. MacDonald replied that it is the normal small size sign you stick in the ground, it's not big and gaudy. It's enough for people to see it and know they can't stop there, and it tells them to park around the rear. It's to direct them. Member Gaynor asked Inspector Perry what the regulation was as far as signage. Inspector Perry replied that the sign Board typically is 36 on a regular sign per side. Co-Vice-Chair Troup asked if they would be removed at night, correct. You put them out, then you put them back in. Mr. MacDonald commented yes, once the trailer is gone, the signs go with him. Just like the voting signs, you just stick them in the ground. Vice-Chair Troup presented a by-law book to the Board, and they had some discussion amongst themselves. Vice-Chair Troup asked Inspector Perry if there was a limit on how many signs could be posted. Member Gaynor replied that there is a limit. Inspector Perry replied he believes there is. Member Gaynor asked if it was two signs. Inspector Perry confirmed that it was. The Board continued to review the by-law book and discuss amongst themselves. Vice-Chair Troup pointed to a section of the book regarding temporary signs and Member Gaynor commented that it says allowable by permit by the Building Inspector. Vice-Chair Troup commented that it says that it allows two signs. Member Gaynor commented that it also says that it shall not exceed six square feet. Vice-Chair Troup asked if Member Gaynor would like to make a motion. Member Gaynor replied that if they want it in the form of a motion, he'd prefer to hear from the Police Department as far as the safety concerns go and get the Chiefs opinion on it before they vote. He commented that he would make a motion to continue it until their next meeting until we get a response from the

Police Department. Vice-Chair Troup commented that she would agree with that, her only thought is that they just did 30-days and haven't heard from the Police Department and thinks maybe they could make a motion to approve contingent on the final approval from the Police. Member Gaynor thinks they should just continue it to the next meeting, it's only two weeks away. They have the response from everyone else, they are the only one left to hear from. Vice-Chair Troup commented that she agrees, she is just stating that they already gave the departments 30-days allowable to comment and they did not receive anything from them. Her thought process is because they didn't hear back from the Police Department within the allowable time, and the applicant is there tonight, in her opinion, they should approve contingent on the final approval from the Police and any suggestion he might have. If he has ideas or suggestions, we could then move it to the February 02, 2023, meeting. That we they wouldn't be prohibiting someone from town doing work based on the fact that the 30-days allowable did go by already. Clerk Merry commented, the Police were notified, yes. Member Gaynor replied that they don't know that. Vice-Chair Troup commented that the other Boards that receive the site plans responded within the 30-days. Member Gaynor suggested an extension to the 30-days. Clerk Merry agreed. The Board discussed the issue amongst themselves. Mr. MacDonald asked to comment. He stated the reason he is doing this is for the girls that work for him. They have kids, they need work, they need more hours. The longer we wait, the longer they don't work. They have part-time jobs, but I am mostly their full-time, they are counting on me. He just wanted the Board to know this. If he needs a letter from the Police Department, we can go there tomorrow, he just doesn't want to keep putting it off. Clerk Merry asked is there a chance we could approve it now, but he can't start until the Police say he can. Vice-Chair Troup commented, especially due to the fact that we had the 30-day allowable time. Clerk Merry commented that instead of waiting two more weeks, maybe he can get an answer tomorrow, or does it have to come back to the Board. Vice-Chair Troup replied that it doesn't if they approve it with conditions. Member Gaynor commented that he thought they wanted it an official public record. Vice-Chair Troup responded that she was saying if they approve it based on what they have as knowledge with the caveat for the Police Chief to sign-off on it. Member Gaynor commented that he understands, but if the Police Chief were to say something like they don't have a problem with it, but he needs to be back farther, then we need to put that in there as a contingency, as opposed to him saying either yes or no. Vice-Chair Troup commented that they could make it so that if the Police Chief approves it as is, then they would approve it, if that's how you both felt. By the by-laws. Member Gaynor commented that he understood, he would just feel better to hear from the Police Chief. Vice-Chair Troup commented that she understands. Member Gaynor stated that he would make a motion to continue the hearing until they hear from the Police Chief. Clerk Merry replied so they are waiting 2-weeks no matter what. Member Gaynor replied yes, he would rather do it that way so, as Vice-Chair Troup said earlier, it's on the public record and if the Police Chief has concerns about speed and distance from a road or a state highway he could comment, and he'd feel better. Vice-Chair Troup replied, which we already gave 30-days, so we have technically done what we were supposed to do and now we're hindering, where we are looking for a comment from somebody instead of following the process. That is just her thought process on it. Clerk Merry replied, they didn't get a comment from them so that means they are ok with it, right. The Chief would have commented one way or another. Vice-Chair Troup responded it would be good if each Board commented either way. But she is thinking, the 30-days is up, and we are now holding somebody-up. Member Gaynor asked when they got it. Vice-Chair Troup replied, on the 19th, it has now been 31-days.

Now we put ourselves at risk of having an issue. Member Gaynor commented that he would then suggest they do what Vice-Chair Troup mentioned earlier and do a 30-day extension on it. Vice-Chair Troup replied, she meant that it would expire on the 2nd, so we could get that extension if that was the way we were going to go, but her thought process was to approve it, based on that it follows the by-laws and has all the permits, with the sign-off of the Police Chief. That would be the way she would suggest they go. To protect all aspects. Clerk Merry replied, as Member Gaynor was saying, if the Police Chief has a problem with how close Mr. MacDonald is to the Road, they will have to come back. Vice-Chair Troup replied, the Chief would have to approve it as-is, or Mr. MacDonald would have to come back. We could ask for an extension of 30-days just in case there is a problem and if there is a change that the Police Chief wants to make, then we could see Mr. MacDonald on the 2nd. Clerk Merry commented, give him the 30-days to cover ourselves. Vice-Chair Troup replied, yes, to protect the town from automatic approval. A member of the public asked the Board to make a comment. With permission, she announced herself as Erica Rossini, 6 Deer Run Road. Ms. Rossini stated that past practice has been that you give the departments 30-days, they get back to you. The Board needs to accept the 30-days went by, some departments responded, some departments didn't, or the Board needs to implement a policy that says 30-days allowed and each department has to do a check-off. You can't keep going back and forth. This is ridiculous. Vice-Chair Troup commented that was the point she was trying to make. Clerk Merry replied he understands all that. Mr. MacDonald asked if it is the location of the trailer that was the concern or waiting for the Police Department to respond. Vice-Chair Troup replied that it is Member Gaynor's concern. Member Gaynor responded that it is a public safety issue as far as he is concerned. Mr. MacDonald stated that he could move the trailer behind the line of trees, if it makes any difference. If you look at the plot plan, there's a line, those are trees. He was trying to be on the side where he would be noticed, but if it is a big deal, he can put it on the other side of the trees so that it is not directly on the road and maybe have a flag showing he's there instead of the trailer. Vice-Chair Troup replied, she thinks that would be a better idea. Mr. MacDonald commented that most of his stuff is going to be online orders anyway and when they order online the directions will tell them where to park. He's trying to do everything on his part to ensure no one's going to be out front. He realizes everyone is concerned, and he is too. He doesn't want anybody pulling up there either and cause an accident. He wants to make sure they are going to move to the back. Vice-Chair Troup asked Member Gaynor if Mr. MacDonald put the trailer behind the trees, would that make him feel better. Member Gaynor replied, he didn't know. Clerk Merry commented that it makes more sense to be behind the trees, people would be less apt to park on the street. Member Gaynor agreed. Member Gaynor commented that his point is, as a member of the Board, he would rather have the Police Department tell him where the trailer should be. Vice-Chair Troup replied, she agrees 100%, but the 30-days is up and then we could be in trouble for that. Member Gaynor commented if the 30-days are up on February 2nd ... Vice-Chair Troup interjected and commented, no, the 30-days is for comments was up yesterday. Member Gaynor replied, oh, ok. Vice-Chair Troup commented that the 45-day site plan review expiration is on February 2nd. Mr. MacDonald stated the beautiful thing about a trailer is that they can tell me to move. Member Gaynor suggested that the Board put this matter on the next agenda for a continuance and vote on it then. Clerk Merry commented as long as we hear from the Police Department. Member Gaynor commented that he's not comfortable with Mr. MacDonald going to the Police Department and coming back and reporting to the Planning Board. Mr. MacDonald interrupted and asked the Vice-Chair Troup if he could show her

something. Member Gaynor continued speaking with his Board and commented that he thought it would be best if it was a matter of public record. Mr. MacDonald interrupted again indicating something on the plan to Vice-Chair Troup. Member Gaynor stated to Mr. MacDonald, excuse me, I'm having a conversation here and continued his conversation with the Board stating again that he thought it would be best if as Vice-Chair Troup said, that it was a matter of public record, and they have something in the file showing it. Vice-Chair Troup replied that the police Department had a deadline of 30-days and that by ordinance, as Ms. Rossini was saying, the Planning Board is now making it open for them to comment after their deadline and it could be a lawsuit. Member Gaynor responded that he thinks it is important that they get a comment from the Police Department. Vice-Chair Troup replied again that it could be a lawsuit because it is already past the time. Member Gaynor commented that it's not a by-law that that they are required to respond in 30-days, it's saying please respond in 30-days, but he doesn't think it's a legal matter. Vice-Chair Troup replied it is a by-law, it's their site plan review policy. Member Gaynor replied fine. Vice-Chair Troup went to the plan Mr. MacDonald was indicating to earlier when he asked to show her something. Mr. MacDonald commented that if the problem is where the trailer is located, he could move it so that it is inside the lane of the road so vehicles would have to pull in to see his set-up. He commented that there is a lot of land there and he can move the trailer anywhere, that's the beauty of owning a trailer. Clerk Merry replied that it is not a matter of them liking where it is, as Member Gaynor was saying and he agrees with him, is the Police Department going to have a problem with it. They haven't responded yet, but it wouldn't be a bad idea to at least hear what the Police Chief has to say. That's their only concern. He doesn't have a problem where it is, if the Building Inspector and nobody else has a problem, he doesn't see a problem with it. As far as people zipping down the road and seeing the Taco stand there and pulling over to the side of the road and walking to his trailer when it's right in front, he can see that being a problem, but if the trailer is further back where they are not going to see it that's not a problem. Clerk Merry stated as Mr. MacDonald said most people are online. After his trailer is there for a long time, people are going to know you're there. Mr. MacDonald commented that he does a lot of his advertising online anyway.

- Vice-Chair Troup acknowledged Chris Winiewicz to speak. Mr. Winiewicz stated he doesn't want to see Mr. MacDonald held up any longer because he thinks it is a good idea, but he also thinks the concern is a legitimate concern, because, from the town line to about Pine Street/Cranberry Drive, is a high-speed area. Right down the street the Police are already having a major problem with people crossing 106 with almost major accidents it seems like every other week. And down closer to where Mr. MacDonald's trailer will be he's also watched because they are bringing in the almost million tons of contaminated dirt to dump in Halifax and there is up to a hundred 18-wheelers a day doing 50MPH and he has seen some cars pull out of the local businesses and the 18-wheeler, fully loaded has to throw on the Jake-breaks to try and slow down on that section of 106. Vice-Chair Troup replied that she 100% agrees, but that is not the point, it is site plan review policy, that's all. Mr. Winiewicz responded that yes, he doesn't want to see him held up, but he thinks the Police Chief should have a part of it. Clerk Merry commented that the Board doesn't want to see Mr. MacDonald held up either. Member Gaynor commented that they should make it contingent on approval from the Police Station. Clerk Merry replied that if the Police Chief approves it tomorrow, Mr. MacDonald is good to go tomorrow. Member Gaynor agreed and stated he doesn't have a problem with that.

- Building Inspector Perry commented that they could take a vote to approve or disapprove with the stipulation that the Police Chief has no issues with the plan as proposed. The applicant is willing to do whatever he needs to do to satisfy the Police Chief. So as not to hold-up Mr. MacDonald, he thinks that would be the prudent thing to do. Member Gaynor commented that he doesn't have a problem with that at all. Vice-Chair Troup commented that was her suggestion. Clerk Merry commented, that way they would be covering all the bases. Vice-Chair Troup read from the paperwork that Member Gaynor would make a motion to approve the application for site plan review at 940 Plymouth Street made on December 19, 2022, to sell tacos on the side of the road from a food trailer #22SPR-233.

MOTION: To approve the application of Mr. MacDonald for his business located at 940 Plymouth Street in Halifax, site plan review number 233 contingent upon the compliance with the requirements of the Building Inspector, as far as signage and approval requirements from the Halifax Police Department.: Bert Gaynor

SECOND: Rick Merry

All in favor (3-0-0)

Hearings continued to a future meeting:

- ***ADGA Realty LLC and Malden Redevelopment LLC – 0-592 Plymouth Street – Site Plan Review:**
 - File Date: 9/26/2022 30 Days for Comments 10/26/2022; 30 Day
 - Extension to 12/10/2022, then a 60 Day Extension for 60 days to February 8th, 2023.
- ***Deangele Duarte – 359 Plymouth Street – Site Plan Review, Contractor Storage:**
 - Filed November 14, 2022; 30 Days for comments on 12/10/2022; 45 Days 12/29/2022, then 30-day extension to 1/28/2023, Then 60 Day Extension to March __ 2023.
 - Extension for the applicant to apply for a special permit to the Zoning Board of Appeals to have light industrial use in a commercial/business district and follow all other Halifax Zoning by laws.

Possible Discussion:

- **Halifax Trails:**
 - Vice-Chair Troup asked if the Board wanted to discuss anything regarding Halifax Trails, the 40B. Member Gaynor replied that is the comprehensive permit from the Zoning Board of appeals. Once that application is before the Zoning Board, they will be asking for the Planning Boards opinion on different things and we can share with them, even as I've discussed with Mr. Perry, Building Department, basically when it gets to the Zoning Board, they're the ones that issue the comprehensive permit. Member Gaynor does plan on participating and adding his personal views as a Board Member. At this point are they including that one building across the street at the peach farm, we don't know yet. Well, I don't know yet. Vice-Chair Troup replied that when they came to present so that we could understand what you made a comment on, they included it. But from the Selectmen's standpoint, Jonathan Selig stated that they didn't include it. Member Gaynor commented that's how he construed it. We're talking abstracts at this point. It's the principle. Yes, I've personally talked to the Fire Chief in regard to the 3-story building, we don't have a fire truck that can go beyond 75'. There is no road that goes behind if there was a fire in the back of the building. This all comes out with the comprehensive permit process. Member

Gaynor smiled and said and I'm pointing to you Mr. Nessralla with the Zoning Board. Member Gaynor thinks all those points will come out during the correct process of filing the 40 B application. Vice-Chair Troup commented that was a good point Member Gaynor made on going behind the building, she was thinking we only had the ladder for the 2 ½, but I wasn't sure. Vice-Chair Troup announced the next Possible Discussion item.

- **Curtin Brothers:** *(640 Plymouth Street and Ellis Auto (822 Old Plymouth Street)*
 - Vice-Chair Troup asked if any of the Board Members did the site plan walk. Clerk Merry and Member Gaynor replied that they did. Member Gaynor commented that just open up a discussion about it, with the new Stormwater Management, Member Gaynor had questions as when Vice-Chair Troup brought up the pavement issue. Under the new stormwater management by-laws, it specifically states that even the process that small is actually better and more conducive to complying with new stormwater management criteria where it is more pervious to the impervious asphalt. The only other question he has was the parking issue. He doesn't know if there's designated parking spaces or if it has to be painted on the actual surface indicating the parking spaces. Vice-Chair Troup replied that they have to be painted. Member Gaynor commented that he thinks at the last meeting Mr. Curtin agreed to have them painted if they had to be. Member Gaynor commented that his personal view is just that, if you had the space and the designated area, did it actually, physically have to be painted. Clerk Merry commented that he doesn't see the need of it, it's just his own personal use. Member Gaynor replied that there were 2 employees and thinks there is a sign right on it that says that traffic comes in is minimal. Vice-Chair Troup commented that the only thing she will state is that when they don't follow the parking by-law, then how are we going to uphold the law when 359 Plymouth Street asks us where their parking's going to be or 314 Plymouth Street or any. Member Gaynor replied right, so it's going to be painted. Vice-Chair Troup commented if they don't uphold the by-laws on a consistent, constant basis we are opening ourselves to lawsuits. Member Gaynor agreed. Vice-Chair Troup stated especially with different things going on currently. Member Gaynor agreed. We're going to be tipping our hand to issues with that because they are going to have squat. Member Gaynor commented that his point was not that you didn't have to comply, it was for my own benefit he didn't know exactly how it was worded. He didn't have an objection to it, it was for his own benefit on how it worked. He does remember at the last meeting Mr. Curtin said if it needed to be painted, he'd paint it. Clerk Merry commented that the whole issue was about it being paved. He can just apply for a modification and just paint some lines and call it a day. Vice-Chair Troup asked the Board if that is what they wanted to ask them to do is modify the site plan and put it in front of us. Member Gaynor asked if it had to be modified, it's on the site plan that it's painted, it's complying. Clerk Merry commented it went from paved to pervious, it's crushed asphalt. It does the job, is it really that critical that they have to have it painted. Vice-Chair Troup responded that they can't decide. The Board really can't decide on what they presented for a site plan and got approved. It needs to go for a modification, or we are opening ourselves up to not being able to have anyone follow site plans. Member Gaynor commented ok, so we just got through doing the same thing, so maybe, did we make a mistake? If the Police Chief comes back and says he wants with Loco Larry's to be 30', because his site plan says it's located at X number of feet, and now the Chief wants it further back, does he have to file a modification for that? Vice-Chair Troup replied unless he is approved by the Chief, yes. Member Gaynor commented that's what he is saying. If the Chief says he has to move it, then it is postponed again because he

has to file for a modification of the second plan. Vice-Chair Troup responded that's how she looks at it.

- Building Inspector Perry commented not to get off this subject, but if Mr. MacDonald sees the Chief tomorrow and the Chief wants the trailer moved back 25', then he should have the plan adjusted so the trailer is showing and the next meeting when he comes in you can submit the actual plan based on what the Chief wanted. Real simple.
- Vice-Chair Troup commented we'll have to sign the site plan when it is proved. By, the situation right here, right now is that there is a site plan that's here and signed, so unless they follow everything and everything is on the site plan, then we can't just say no, you don't need it because it was already signed. So they have to go for a modification. Member Gaynor commented so if we do the same thing, it could be contingent upon the lines being painted as opposed to being contingent upon the Police Department approval. As long as we are consistent is his point. Vice-Chair Troup commented just say for example, XYZ convenient store had a site plan and they didn't do some of the things on the site plan. How are we supposed to make sure they do those things when we let it go. They'll just be like; you didn't make them do it. Member Gaynor replied of course they would, I agree with that. Vice-Chair Troup stated that is why they have to follow the process. It's not personal, it should be business. Member Gaynor replied, ok, do it that way then. Vice-Chair Troup commented that he can either do the things that are on the site plan or modify it. In the past that's how it was done. Member Gaynor replied so if he just paints the spaces. Vice-Chair Troup replied no, he would have to put in for a modification of the site plan in order to change the site plan that is already signed. Currently he has a site plan that is signed and then we have an as-built that doesn't match the site plan. So, we can't just let it go. We have to have it match the site plan in order to sign-off. Or he can apply for a modification of the site plan. Member Gaynor replied ok. Clerk Merry commented this all for just painting the pavement. Member Gaynor commented I could see applying for a modification if he said no more bathrooms, I'm taking out these bathrooms, but this isn't that. In order to comply he just has to paint them and comply. Vice-Chair Troup commented there is also paving on there that they have to modify. Clerk Merry commented that it isn't pavement really. Vice-Chair Troup replied that it doesn't matter, that's what it states on the site plan.
- A member of the audience began to speak, and Vice-Chair Troup asked that he go to the microphone to be heard. Tony Curtis introduced himself and stated he was from 640 Plymouth Street. Vice-Chair Troup looked through the paperwork for the site plan. Once the site plan was open, Vice-Chair Troup commented that it lists post-paved parking. Mr. Curtis repeated post-paved parking and asked Vice-Chair Troup what that meant. Indicating the site plan, Vice-Chair Troup replied it means that the paved parking is paved, and this is the line, where it stops, it goes right up to the unit and so (indicating an area on site plan again) Vice-Chair Troup commented and so this is paved, (indicating another area on site plan again) she commented, this is reprocessed asphalt. Mr. Curtis replied, correct, so it's paved. These are the lines on the paper, why do you not consider this to be paved. Vice-Chair Troup replied because it is not paved. Mr. Curtis asked Vice-Chair Troup what is paving if this is not paved. Vice-Chair Troup replied, this is a different paving than processed asphalt. Mr. Curtis asked Vice-Chair Troup what the definition is of paving. It could be concrete; it could be stone. Vice-Chair Troup looked through the paperwork and read some of the paving requirements.
- Building Inspector Perry commented that the detail page should show the type of pavement required. Vice-Chair Troup thanked Inspector Perry. The Board reviewed the detail page. Vice-Chair Troup read, Finley course, surface course, processed gravel, compacted back on

- gravel. Vice-Chair Troup commented to Mr. Curtis that this is not personal, it's just what's on here that we have to follow. The Board continued to review the site plan and details. Vice-Chair Troup again commented to Mr. Curtis that this is not personal.
- Mr. Curtis commented that he guesses his petition will go through you, indicating Inspector Perry. Inspector Perry replied no, he helped him out with the forms, it has to go through the Planning Board. A member of the audience asked Inspector Perry why you didn't explain that to me the day I was there. Vice-Chair Troup asked the audience member to go the podium with the microphone. Inspector Perry replied that he told him that nobody was at the Planning Board and that he would help him with the forms required and went down and talked to the acting Town Administrator. Vice-Chair Troup reminded the speakers that they needed to address the Board, not each other. Jason Curtis introduced himself and stated that Inspector Perry was the only one there with the Secretary, he asked for the paperwork and Inspector Perry couldn't produce the paperwork, he didn't know where it was, him or the Secretary. Nobody from the Planning Board was there, so we requested it. Mr. Curtis asked Inspector Perry if that was correct, and Inspector Perry agreed. Inspector Perry replied he spoke to the Town Accountant who was a previous Planning Board Secretary. Inspector Perry asked Mr. Curtis if he gave it to him. Mr. Curtis replied that he gave him something he thought was the document. Inspector Perry commented that he gave Mr. Curtis the application for site plan approval, he told Mr. Curtis to write on the site plan "Modification." Mr. Curtis replied, but you weren't sure. Vice-Chair Troup commented that the conversation needs to come to the Board. Mr. Curtis spoke over Vice-Chair Troup and said do you hear me; he wasn't sure of the paperwork. Vice-Chair Troup again tried to gain control and Mr. Curtis spoke over Vice-Chair Troup again and said do you hear me; he wasn't sure when he gave me the paperwork and I wasn't going to fill something out and muddle this out any more, Amy. This has become so personal. How many times do I have to be here. Aren't you sick of looking at me. Seriously. I'm tired of being here. Vice-Chair Troup repeatedly stated this is not personal and asked why it was personal. Mr. Curtis replied look Mrs. Greeley, it's very personal. Vice-Chair Troup responded Mrs. Greeley? Mr. Curtis responded yes, Mrs. former Greeley, yes. Vice-Chair Troup replied it's been 8-years. Mr. Curtis responded that it doesn't matter, it's still a huge conflict-of-interest. Vice-Chair Troup replied that it was not.
 - Building Inspector Perry commented that just for the record, he does not handle the Planning Board, he was just trying to help the gentleman out. There are no secretaries in that office. Member Gaynor asked does Mr. Curtis now need to get an application for a site plan review, put "modification" on it and fill it out. Inspector Perry asked if anyone has ever filled out an application for modification of site plan review. Vice-Chair Troup replied yes. Inspector Perry asked what form they use. Vice-Chair Troup replied that they use the site plan review. Inspector Perry asked if they mark it up as a modification. Vice-Chair Troup replied yes. Thanks what we have used for Hilda Lane and others who come in for modification. It's just always been under the site plan review. Inspector Perry commented I guess that answers the question. Vice-Chair Troup replied yes. Inspector Perry commented that the modification would get recirculated and sent to all of the pertinent Boards for comment. Vice-Chair Troup replied yes.
 - Mr. Jason Curtis rose from the audience and commented that he would just get that later and while passing the camera to leave commented that this was a fucking joke. Vice-Chair Troup moved the meeting on to Ellis Auto and asked where the Board left-off on this matter. Clerk Merry commented about renewing Curtin Oil. Vice-Chair Troup replied that he had to file a modification. Clerk Merry commented he has to file the modification or pave, one or the

other. Vice-Chair Troup replied yes. He has to follow the regiment or file a modification. Vice-Chair Troup addressed the audience and commented that it's just what has to happen, according to the plan and reiterated sincerely that it's not personal.

- **Ellis Auto: 822 Old Plymouth Street:**

- Member Gaynor asked what Ellis Auto was non-compliant with. Vice-Chair Troup gave Inspector Perry the floor. Inspector Perry stated the last time he spoke to Ellis Auto he was told also that he needed to do a the final as-built site plan through the Planning Board so the Board could sign-off so that a certificated of occupancy could be scheduled. Member Gaynor asked if Mr. Ellis has been notified that these requirements are necessary. Inspector Perry replied yes, he spoke to him when he came into the Building Department a few days after the last meeting, he was in Florida. Member Gaynor asked and that's a site plan with review application and modifications on it. Inspector Perry replied he doesn't know if there are modifications as he does not have an endorsed plan. He's pretty much done as far as Building but as far as the site plan, he doesn't know what's required. Member Gaynor thanked Inspector Perry. Vice-Chair Troup asked the Board if they were all set with Ellis Auto for today. Member Gaynor replied he doesn't have anything more.

- **359 Plymouth Street:** A member of the audience requested to speak. Vice-Chair Troup granted that request. He went to the podium and introduced himself Mr. Shea of Thompson Street. Mr. Shea commented regarding the 359 Plymouth Street site plan review which will be coming up. Has that been accepted as is? Vice-Chair Troup replied no, what the Board has done is ask them to apply for a special permit with the Zoning Board of Appeals, due to the fact that it is light industrial, and they are also a commercial business. The Board is also wondering if it's a historical district clipped any in depth box that they would have jurisdiction over it. Member Gaynor commented that just to add that he spoke with Mr. Shea today and checked the historical map and lot 9 and lot 1 are pretty much the property line where the historical line ends. Which is, Coletti's Kitchen and the 2-vacant lots which is 359, ends on that side of the street. This property would not be in the historical district. Vice-Chair Troup commented to Mr. Shea that the Board wanted to be absolutely sure it wasn't in the historical district. Mr. Shea asked if the Board would accept a letter from the Historical District in regard to the building that is going to go up. He stated he wasn't sure if it was going to be a metal building or if it's just going to be an area. He knows it's not in the Historical District but given the buildings that surround it. Right across from the golf course is the Historical House on the corner. The 2 other businesses, both the insurance company and Coletti's is also in compliance. Anything you try to notice is so good. The house across the street from Dunkin Donuts. The whole area, we get the chance of having people drive through our town without having someone saying what the heck happened there. We feel as a Board it may be a problem if it's complex. There's a building that is right next to Coletti's. If you look in the back, there's a metal building, its flat roads, there's nice windows on it. You go by and it looks nice. Clerk Merry commented your saying it needs some curb appeal is what it needs. Mr. Shea thanked Clerk Merry. Clerk Merry commented instead of 4' of foundation and a metal building. I have the same feelings. When the time comes, it needs to be presentable. Mr. Shea commented that he can send a letter. Vice-Chair Troup replied that she will always accept comments from the Historical District. As far as the business or anything else no concerns, it's just their concern of what it's going to look like, that's all. Vice-Chair Troup asked Mr. Shea if the Board ever thought of extending the Historical District. Mr. Shea replied, no, not at the time, it's pretty long now. They had thought about it at first. They felt the entrance way to the Country Club was nice with all the trees and across the street was just a vacant lot not thinking of the future of what

may go in there. We just thought that spot would be good. We start at 105 and go all the way down to that spot. We didn't want to infringe. Just a thought, that's all. Clerk Merry commented that he had the same thought. Vice-Chair Troup commented that 359 Plymouth Street needs a special permit and that's why at the 03/05/23 meeting, the Board had them go through Zoning Board of Appeals, so they don't have to continue their site plan review. If they get their special permit, they can come back. She believes they are up the end of March, beginning of April but she's not sure of the date. Mr. Shea commented that he would send a letter on what they discussed and thanked the Board. Vice-Chair Troup thanked Mr. Shea.

- Member Gaynor asked if there were site plans for that. Both Clerk Merry and Member Gaynor commented that there's a lot going on. Member Gaynor commented that he recalls Inspector Perry saying they were going to put trucks inside and there were a couple of offices inside. The Board reviewed and discussed the site plan amongst themselves. Vice-Chair Troup asked Zoning Board of Appeals Chair, Kozhaya Nessralla if the Zoning Board had received any applications from the applicant. Mr. Nessralla replied, no. The Board continued to review and discuss the plan regarding stores and light industrial use.
- A member of the audience, Mr. Chris Winiewicz requested to speak. Vice-Chair Troup granted that request. Mr. Winiewicz stated he just wanted to make a comment. When we were talking about curb appeal. I don't know if you have seen it, but a lot of people are talking about the porta-potties, all along the street. He knows at the last meeting the Planning Board the Board asked and were told that he puts them out there for when he starts building, but some people are posting documents that show that he's actually an owner for that private toilet company. Clerk Merry commented so he was advertising. Mr. Winiewicz commented if it goes before the Board again, he just wanted to show that could be a porta-toilet storage place too. That might not be good for the center of town. Vice-Chair Troup thanked Mr. Winiewicz for the information.
- A member of the audience commented that he thought he'd make a point on the sight brought up about the porta-potties. Frank Johnson, 257 Wood Street took the podium and commented that he said that he (porta-potties owner) had said that maybe he put those toilets out there to start construction, but he thinks he starts telling lies. Toilets are 5-6 hundred dollars a month, there's no construction going on and there's 4 porta's out there. Why is that? Mr. Johnson thought maybe they were in fact doing perc testing and the surveying needed people were working out there. So why would you have facilities for 40 people? Clerk Merry commented that he thought the same thing. Mr. Johnson asked why they are there. Clerk Merry replied he didn't know. Vice-Chair Troup replied, maybe signage. Mr. Johnson asked if that was a Zoning issue with Building. They need to go. Vice-Chair Troup commented that she actually and was told there are no permits in Halifax for those. Vice-Chair Troup gave Inspector Perry the floor. Inspector Perry stated he would look into the signage. He also commented that he spoke with the Board of Health and there was no septage permit pulled. Vice-Chair Troup thanked Inspector Perry.

- Board of Selectman Meeting on 01/10/2023 regarding: **Pasture Lane**, **Sherwood**, and **Delia Way**: Vice-Chair Troup stated she was going to separate the property topics one by one.
 - **Delia Way**: Vice-Chair Troup stated that Delia Way has a sinkhole and possibly more at their other manhole. Vice-Chair Troup has sent documentation including all the way back to 2002 when that subdivision was moved to the Town of Halifax. Vice-Chair Troup has not gotten a reply and will work on getting an update. Member Gaynor stated that he spoke with Mr. Hayward regarding Delia Way, and he said there were 4 total that are basically underground. Clerk Merry commented the manholes have 2-plates on them and were put in

so long ago they are basically rotted casing. Member Gaynor stated Mr. Hayward is also looking into whether the street itself hasn't been approved. What's the liability of going maybe 20 years, is the developer liable for it? Both Vice-Chair Troup and Clerk Merry replied it's his road. Vice-Chair Troup commented that is what they are asking town council. What can they do, because it is actually a private road and every question that was listed in the Board of Selectmen's meeting Vice-Chair Troup put into the letter to Town Council. Member Gaynor commented great, that's awesome. Clerk Merry commented, just like Parson Lane it's going to cost more to fix the road. It was a bad deal to begin with, it's just coming back to bite us in the butt. Vice-Chair Troup agreed, we never should have done it. Clerk Merry commented that it wasn't them, it was the previous Board. He doesn't understand why they would do something like that. Member Gaynor commented that it wasn't just Halifax, it's happened in Hanover too. The Board continued to discuss Delia Way amongst themselves.

- **Pasture Lane** Vice-Chair Troup stated that Pasture Lane is with Town Council and Pasture Lane is also with Town Council regarding the process of what needs to happen in here.
- **Sherwood**: Vice-Chair Troup stated that Sherwood is a totally different issue. They have a bond, not a full bond, she doesn't know how but in 2018 the Planning Board allowed a partial release of the bond and apparently it's not done. Last year when this was on their agenda, the contractor was saying it is done. Member Gaynor remarked so legal is going to get involved with all of it? Vice-Chair Troup stated she sent everything over to legal last Wednesday but hasn't received anything back yet. The Board discussed the bond issue amongst themselves. Member Gaynor commented that he thought it was all or nothing, he didn't know you could do a partial release. Vice-Chair Troup replied that she talked to accounting and verified that some have an account.
- Inspector Perry commented that with the cash bonds what happens is the developer typically puts up a cash bond for one and a half times what it will cost to finish the road. He puts up that cash bond. That number is usually determined by the towns review engineer and as he progresses and gets other items done along the way he can request a reduction which will then go through the town engineer to suggest how much will be released. Inspector Perry went over how the cash bond process is done. The Board closed the Board of Selectman Meeting on 01/10/2023 regarding: Pasture Lane, Sherwood, and Delia Way.

Bills:

- None

Meeting Minutes:

- None

Correspondence:

- Notices and letters from other abutting towns
- Notices, Memos and/or Letters from Halifax Departments, Boards and Committees.
- ****Other Business:** any other unscheduled business following posting of this agenda**
 - **0 & 592 Plymouth Street**: A member of the audience was there for 0 & 592 Plymouth Street. Vice-Chair Troup informed him that was continued to a future date. Member of the audience stated that they had asked for a continuation at the last Planning Board meeting. He wasn't prepared to present anything tonight. They've worked through with Conservation what they need with changes to the site plan and demographics. Vice-Chair Troup replied

what they need with changes to the site plan and demographics. Vice-Chair Troup replied that yes, the Planning Board has that letter that's why they had it under "Hearings Continued to a Future Meeting." We were making sure that the public was informed that it was up and coming still. Vice-Chair Troup apologized for the confusion. Member of the audience asked to be put on the Planning Board's 02/02/23 meeting. Vice-Chair Troup thank him.

MOTION: To go into executive session and not return to the public session:

Bert Gaynor

SECOND: Rick Merry

All in favor (3-0-0)

Possible EXECUTIVE SESSION:

- Possible Executive Session for 314 Plymouth Street in Halifax Petition 983
- Notice of Action appealing the decision of the Planning Board of the Town of Halifax, which was recorded in your offices on December 19, 2022. A Copy of the complaint was filed at Plymouth Superior Court (Docket No. 2383CV00012) A copy is at the town Clerk's office as of January 5, 2023.
- Discussing strategy with respect to litigation in an open meeting may have a detrimental effect on the litigating position of the Town.

Adjournment:

- 9:00pm

Respectfully Typed & Submitted by Peggy Selter,

Date Submitted: 03/16/2023.

Mark Millias, Chair

Amy Troup, Vice-Chair

Richard Merry, Clerk

Brendon Elliott, Member

Richard Gaynor, Member

The Halifax Planning Board