



**Halifax Planning Board
Meeting Minutes
February 16, 2023**

A meeting of the Halifax Planning Board was held on Thursday, February 16, 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, February 16, 2023, which are on file with the Planning Board Department and posted on the Town of Halifax website and Area58 Halifax's YouTube page. https://www.youtube.com/watch?v=SfiXrfG_ZVU&t=858s

Members Present: Vice Chair Amy Troup, Clerk Rick Merry and Members Robert Gaynor and Brendon Elliot. Chair Mark Millias is absent.

Vice Chair Troup calls the Halifax Planning Board meeting into session, states members present and reads agenda into record. Vice-Chair Troup asks to edit minutes to reflect correct year of 2022.

MOTION To accept the minutes with the 2 dates on the minutes being 2022:
Member Elliot

SECOND: Member Gaynor

All in favor (4-0-0)

Roll Call Due to Zoom: Elliot – I, Gaynor – I, Merry – I, Troup – I.

Discussion/Actions/Votes:

- Signature Authority for payroll alternate.
 - Board discussed and voted Amy Troup as alternate signer for payroll.

MOTION To put Amy Troup as the alternate signer for payroll: Member Elliot

SECOND: Member Gaynor

All in favor (4-0-0)

Roll Call Due to Zoom: Elliot – I, Gaynor – I, Merry – I, Troup – I.

• **0 & 592 Plymouth Street:**

- A Revolving Account needs to be opened.
- Discuss & Vote on sending plan from January 25, 2023, to peer review.

Board discussed the request by application to have the site plan sent to peer review to help the process move faster. Vice-Chair Troup discussed the revolving account set-up required before sending site plans out for peer review.

MOTION: To send 0 & 592 Plymouth Street site plan to peer review once a revolving account is open in the amount of \$2,000.00: Member Elliot

SECOND: Clerk Merry

All in favor (4-0-0)

Roll Call Due to Zoom: Elliot – I, Gaynor – I, Merry – I, Troup – I.

• **101 Monponsett Street:** Amanda Monti Present

- Site Plan review, extension expired 12/02/22.
 - Ms. Monti requested to speak and approach the Board. She passed out paperwork and stated that she is requesting a 90-day extension. Ms. Monti explained that the project includes many acres of land and the process of getting everything in-order is very long. Ms. Monti &

Vice-Chair Troup showed pictures of the property. Some were taken in 2021 and some just recently. She stated that the clearing of land that was done shouldn't have been cleared as was promised when the Board extended her permit previously. Ms. Monti replied that there was no clearing of land. There were many trees leaning/falling into the street and needed emergency removal. Vice-Chair Troup and Ms. Monti disagreed on the clearing issue. Vice-Chair Troup stated in her opinion Ms. Monti is in violation of the stipulation of not clearing any land. Ms. Monti replied that is her opinion and that's fine. Member Elliot commented that their best option currently is to have a plan of action. Vice-Chair Troup replied that a full site plan is needed. Member Elliott stated our options are to extend another 90-days extension to allow the completion of the necessary paperwork within that 90-days, because we are requiring everyone to have a site plan to go through peer review. Will that expedite the process of getting everything lined-up and then we can move on. Ms. Monti replied it's not going to be the final project, but if you feel it's necessary, she will do it. Member Elliott explained that the site plan and peer review process will benefit all parties. Ms. Monti understood. The Board and Ms. Monti discussed the premise that if a 90-day extension was given it is with the knowledge that nothing is to be done or cleared on the property. Vice-Chair Troup and Ms. Monti continued to disagree about the matter of clearing done or not done on the property. The Board directed the conversation back to the solution. Member Elliott stated he is not under the belief that anything is happening with malicious intent. Vice-Chair Troup commented she's not saying it was malicious intent, she saying it is different now than the site plan shows.

MOTION: To approve the 90-day extension under the understanding that there is nothing else turned-over. Within that 90-days correspondence and progress from the engineers is passed along to the Board so that progress is monitored. If the end of the 90-day meeting is missed the Board will have no choice but to discontinue it: Member Elliot

SECOND: Member Gaynor

All in favor (4-3-1)

Roll Call Due to Zoom: Elliot – I, Gaynor – I, Merry – I, Troup – No.

Sign:

- **847 Plymouth Street:** Larry's Loco Taco. Mr. Larry MacDonald was present.
 - Site Plan with updated location
 - Vice-Chair Troup stated that the Board received the email from the Police Chief that the site plan review was ready to go and asked Mr. MacDonald to update the Board.
 - Mr. MacDonald explained to the Board that the Police Chief requested he move his trailer not to be so close to the road and now he is to the side of the road near the poles.
 - Vice-Chair Troup commented that they really already voted at the last meeting, what we were waiting for was for everyone to be in agreement.
 - Board members discussed the site plan amongst themselves, and Member Gaynor commented that both met with the Police Chief on 12/21/22 and the Chief marked on the plan that the second pole is where Mr. MacDonald needs to have his truck and trailer. Mr. MacDonald agreed, he was in the wrong spot.
 - The Board discussed whether Mr. MacDonald's application was approved once he was in compliance with the any recommendations made by the Police Chief of if a modified site plan was required before starting. The Board now has the modified site plan with the location the Police Chief wants the trailer and truck parked.

MOTION: To approve and sign the site plan for Loco Larry's Taco Truck: Member Elliot

SECOND: Member Gaynor

All in favor (4-4-0)

Roll Call Due to Zoom: Elliot – I, Gaynor – I, Merry – I, Troup – I.

- **314 Plymouth Street:**

- Steve Dahms of CASCO. 22SPR22. 02/08/2023 to 06/19/23

- The Board discussed amongst themselves that in December 2022, they voted not to approve the special permit for a Starbucks at 314 Plymouth Street and cannot go any further. They cannot sign-off on an extension to something they already voted no on.

- Signature Authority for Payroll Alternate Form.

- Week Ending 02/11/23 Payroll for Meeting Minutes – Margaret Selter & Caroline Vogt

MOTION: To approve and sign week ending 02/11/23 Payroll for Meeting Minutes – Margaret Selter & Caroline Vogt: Member Elliot

SECOND: Member Gaynor

All in favor (4-4-0)

Roll Call Due to Zoom: Elliot – I, Gaynor – I, Merry – I, Troup – I.

- **Express Newspaper:**

- 0 & 314 Plymouth Street – Notice of Public Hearing – 2 Weeks-Legal Ad#14031- \$90.00

MOTION: To approve and sign 0 & 314 Plymouth Street Legal Ad#14031- \$90.00: Member Elliot

SECOND: Member Gaynor

All in favor (4-4-0)

Roll Call Due to Zoom: Elliot – I, Gaynor – I, Merry – I, Troup – I.

Meeting Minutes: Board discussed grammatical errors.

- December 01, 2022, Meeting Minutes (Voted to correct year to 2022)

MOTION: To accept and sign December 01, 2022, Meeting Minutes with grammatical errors and no structural or fundamental change to the minutes: Member Elliot

SECOND: Member Gaynor

All in favor (4-4-0)

Roll Call Due to Zoom: Elliot – I, Gaynor – I, Merry – I, Troup – I.

- December 15, 2022, 40B Presentation (Voted to correct year to 2022)

- Board acknowledges the written record from the December 15, 2022, 40B Presentation.

- January 05, 2023, Meeting Minutes

MOTION: To accept and sign December 01, 2022, Meeting Minutes with grammatical errors and no structural or fundamental change to the minutes: Member Elliot

SECOND: Member Gaynor

All in favor (4-4-0)

Roll Call Due to Zoom: Elliot – I, Gaynor – I, Merry – I, Troup – I.

Correspondence: Board discussed Planning Correspondence.

- **0 & 592 Plymouth Street:** Transportation Impact Assessment.

- **Building Department, Halfix**

- 416 Plymouth Street – Nessralla's Open-Air Commercial Use Comments

- Board discussed comments from Building Inspector Perry and gave Mr. Nessralla a copy of what he required prior to approval of site plan.

- 0 & 592 Plymouth Street – Revised Grading & Drainage Site Plan Comments

- Board read comments from Building Inspector Perry regarding the site plan of which Inspector Perry had no issues at the time.

- **Zoning Board of Appeals, Town of Pembroke**

- 260-280 Oak Street - Decision Letter

- 108 Old Church Street - Decision Letter

- Comprehensive permit – 40B Application – Mattakeesett Village, Mattakeesett Street
- Zoning Board of Appeals, Town of Bridgewater
 - David Hartrey – Map 36, Lot 37 Public Hearing Notice
- Zoning Board of Appeals, Town of East Bridgewater
 - Findings & Decision for a Special Permit at 55 North Bedford Street
 - Findings & Decision for a Special Permit at 431 Pleasant Street

Other Business: **Any other unscheduled business following posting of this Agenda**

Executive Session: Announced that Board would be going into executive session and not return to public session. Board will adjourn from the executive session.

***Executive Session. Discussing strategy with respect to litigation in an open meeting may have a detrimental effect on the litigating or legal discussions of the Town.

- Delia Way

MOTION: To go into executive council and not return to public session: Member Elliot

SECOND: Member Gaynor

All in favor (4-4-0)

Roll Call Due to Zoom: Elliot – I, Gaynor – I, Merry – I, Troup – I.

Adjournment:

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Next scheduled meeting: March 02, 2023

Respectfully submitted by Peggy Selter.

Date Submitted: 04/20/2023.

Mark Millias, Chair

Amy Troup, Vice-Chair

Richard Merry, Clerk

Brendon Elliott, Member

Richard Gaynor, Member

The Halifax Planning Board