



**Halifax Planning Board  
Meeting Minutes  
June 15, 2017**

**OFFICIAL**

**A meeting of the Halifax Planning Board was held on Thursday, June 15, 2017, at 6:15 p.m. at the site of 4 Heron Road, Halifax, Massachusetts.**

**Members Present:** Gordon Andrews, Chairman; Larry Belcher, Vice-chair  
Mark Millias, clerk; Jonathan Soroko & Karlis Skulte, members

The meeting was called to order at 6:15 p.m.

**Discussion - Heron Road –**

Present were - Rick Springer developer, and Mr. Peter Annis – resident of 4 Heron Rd.

We are all here to discuss and come to an agreement of resolution to the driveway entrance from the road into 4 Heron Rd. Mr. Springer advised that he met with the paver (at the site) and agreed they would cut out each end of the sidewalk, completely thru and across the driveway.

Mr. Annis stated that he does not want any hump from the road going into driveway. He would like a completely smooth transition and it to blend in. The sidewalk should be depressed as the others in the subdivision are. It was also discussed that when they tried to fix the issue last winter, they only cut and repaved from the street/berm to the sidewalk, leaving not much of a difference.

After much discussion, Mr. Skulte requested a memo of agreement be sent to both the resident of 4 Heron Road, Peter Annis and to the Planning board so all are informed. The final outcome was that: from the edge of the road, cutting into the driveway, and sidewalk, up to approximately 6' on the left side and approximately 4' on the right side, beyond the edge of road layout (staked) will be cut out, and repaved, with a smooth transition into the driveway.

It was also agreed upon that Mr. Springer will advise the resident and the Board when the work will be started and completed so that the resident and possibly a Board member can be present during the construction.

It was then motioned by Mark Millias to continue the Board meeting at the Town Hall.

Seconded by Karlis Skulte AIF

**A meeting of the Halifax Planning Board was held on Thursday, June 15, 2017 at 7:00 p.m. at the Halifax Town Hall, Meeting Room #1, 499 Plymouth Street, Halifax, Massachusetts.**

Meeting called back into order by Gordon Andrews at 7:00 p.m. all members present and agenda read into minutes:

Motion to accept agenda as read

MOTION: Larry Belcher

SECOND: Mark Millias

AIF

## **7:00 p.m. Form A – Pond St. for Ed Brown**

Present: Ed Brown, Deb Brown

Mr. Brown presented a Form A for their property on Pond St. they presently live in the existing home to the back of the property. He advised there is a common driveway for them and the neighbor, Little's property. They would like to cut out a front lot in order to build a smaller home for themselves. They showed the frontage for the back lot and will be purchasing some land from the other neighbor, Tereshko in order to provide the 150' of frontage.

Mr. Andrews asked about the access to the existing lot will remain.

Mr. Brown advised it will be the access as it is an existing common driveway between the two homes.

Mrs. Brown advised there is room in another area if they wanted to put one in. It is a shared driveway and is on the deeds. Both properties have easements.

Mr. Andrews advised that the Town by-laws you have to enter/access over the frontage of the lot.

Mr. Millias added that the wording in not that you show access, is that you access the frontage. Mrs. Brown advised that they have had the driveway for 30 yrs.

Members and the Browns continued discussion of the property and surrounding property. There is a pond that is owned by Mr. Tereshko. The piece they will be buying from Mr. Tereshko. Also they the pond would become landlocked as there would not be an existing right of way, but with the Form A, the right of way would be cut off. They advised they could have Mr. Webby put the easement for the septic (Mr. Tereshko) onto the plan.

Mr. Andrews advised that with the cut of property, it may have a right of way, but the piece will become landlocked. There was discussion of how to get the access. It was discussed if they could create it as a retreat lot. It was discussed if the lot was grandfathered. Mr. Andrews advised that it is currently not a retreat lot, and the way they cut it would not work for current lot requirements. It was also discussed about the wetlands in front and if it would be technically accessed. Retreat lots have not have side-by-side driveways. As the Little's lot is now an existing retreat lot, their lot cannot be re-created as a retreat lot with the common driveway.

Members went thru scenarios if it could be cut any other way. It was also advised that if it were to be sold, the deed they have would not be transferred in full, the conveyance would only be in part. Again, the members went over the plan as the proposed lot lines, current lines and former lines were confusing. Members reviewed the Town maps for reference. (3 parcels in question.) Continued discussion with alternative ways, however wetlands also become a factor and possible replication process with Conservation. The shape factor was also stated.

Mr. Brown asked what constitutes access. Mr. Millias stated that you have to access your property from your own frontage. Emergency vehicles also need to be able to access the property to the home. It was quickly discussed that if they did the easement for 68 & 72 Pond St. it would take care of that (common driveway) Mr. Webby advise to have it put on the deeds, which was does recently. 1986 moved into their house. Mr. Andrews remember the plan coming in, Mr. Tereshko and wanted to divide more. (It was noted that the Little's did not establish their own driveway when the retreat lot was created. They used the driveway for 68 Pond St.)

Members did not motion to approve as, as the plan stands now it does not meet the Town regulations for conforming lots.

**7:30 p.m. Form A, - Joseph Peck, Plymouth St.**

Joe Peck - Presented a Form A plan for 314 Plymouth St. (existing conditions also shown by secretary) Mr. Peck would like to take the two current lots and split into 2 buildable lots and 2 non buildable parcels. The property was part of the multifamily project presented and withdrawn several months ago. The lot is shown with 110 on frontage (if they did a street/subdivision) other two lots have about 166 each.

Mr. Karlis asked about the wetlands on the property. Mr. Peck advised that is located to the back of the lots and on the right (behind Alger's and Mutual bank) Mr. Millias asked about why it isn't at 150 feet of frontage, and may want to secure the future of that lot. Mr. Peck thought that all the lots had 150 feet of frontage. He would like to be put on the Agenda for the next meeting and have the plans re drawn. July 6, @6:45 p.m.

7:50 p.m. - Review of Dunkin Donuts – building plans submitted to Building Inspector.

Members spoke about the grass strip in front to provide more green space. The plans do not show any additional space. It was discussed to ensure that the site plan that was approved by the Board WILL BE what is actually built. Mr. Skulte requested to ask the developer if he intends on providing the site plan. He also asked to see a copy of the approval letter.

**\*\*Mr. Andrews read from the by-laws regarding estate lots and access for estate lots. (167-16)\*\***

Approval letter stated as "potential" green space. Mr. Millias thought that it was left as they would try to provide as much as they could, we did not give a hard number or had an agreement on one. It was left as to do their best. Mr. Andrews stated that he thought they would come back and show us the added green space. Mr. Skulte read from the letter, "potential green space approx. 3- 5 feet to be provided between the entrance and exit", could be green or something else.

Mr. Skulte also brought up if there would be a review engineer to oversee the project. Mr. Andrews did not know if we put that in as a requirement, but when Stop & Shop and Wal-mart were built, it was required. Secretary advised that we could request funds for a review engineer. Board also requested to have the developer come in to review plans (site) in reference to the green space on 106. (briefly discussed if the site was in the historical district ... map reviewed and it is not)

**Secretarial:**

**Meeting Minutes:**

Motion to accept the meeting minutes of May 18, 2017

MOTION: Jonathan Soroko

SECOND: Mark Millias AIF

**Bills:**

Motion to pay Merrill Associates for invoice #3854 a total of \$1,136.80 for Autumn Lane

MOTION: Mark Millias

SECOND: Larry Belcher AIF

Motion to pay CDW Government invoice #HXV5487 for total of \$966.61 for new printer

MOTION: Jonathan Soroko

SECOND: Larry Belcher AIF

Motion to pay Silva Engineering invoice #18786 for a total of \$188.75 for Jordiss Rain Estates

MOTION: Mark Millias

SECOND: Jonathan Soroko

AIF

**Re-organization:**

Motion to nominate Gordon Andrews as Chairman

MOTION: Mark Millias

SECOND: Jonathan Soroko

AIF

Motion to nominate Karlis Skulte as Vice-chair

MOTION: Mark Millias

SECOND: Larry Belcher

Motion to nominate Mark Millias as clerk

MOTION: Larry Belcher

SECOND: Jonathan Soroko

AIF

Discussion: Zoning by-laws to review.

It was briefly discussed that the State may be regulating the in-law apartments to be allowable as of right. If this is to occur, the Town will have to also bring our in-law requirements up to date.

Mr. Skulte would also like to discuss the Multifamily zoning. He would like to get rid of some of the conflicts in the language that the board looked at previously. Mr. Millias mentioned that the by-law states it has to be on "a lot", the part about the frontage is not in that part of the by-law, but the definitions of lot... a lot is a parcel of land that shown on a plan. It was then discussed to definition of a lot. Mr. Skulte also mentioned the required frontage and it being contradictory to the condo developments.

Mr. Andrews stated that the multifamily needs 10+ acres to build, but you can't have more than 1 building on a lot, so you need the lots, which means you then need to go to subdivision control. Mr. Skulte argued that fact that as long as you have the requirements (frontage and acres) you should be able to have condos without subdivision control. The one building on a lot conflict needs to be addressed. Mr. Andrews stated that if you have "a" building with 10 units, it can be on one lot. Separate buildings need separate lots, which needs frontage.

Common driveways are not allowed, so is a driveway for a condo development a private way? According to zoning, they cannot be created. The subject of a private way also was brought up, that it is conflicting to the by-law that specifically references private ways. Mr. Andrews stated they can be in existence now (prior to zoning by-law) they just cannot be newly created. Mr. Skulte thought they should be treated more as a commercial development as opposed to a single family residential development. The common driveway for the new Dunkin donuts was brought up as they will be sharing with Stop & Shop for the secondary access. The commercial accesses should be able to cross form one business to another. (i.e.: Stop & Shop, and Wal-mart was supposed to build access between the two, but did not)

As a board they all agreed to review the issues that have problems or conflicting language. It was also agreed to try to get the public involved.

Motion to adjourn meeting.

MOTION: Larry Belcher

SECOND: Jonathan Soroko

AIF

It was unanimously voted to adjourn the meeting at 8:45 p.m.

Respectfully submitted,

**Date Approved:** \_\_\_\_\_

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Terri Renaud  
Planning Board Secretary

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