



Halifax Planning Board Meeting Minutes November 7, 2019

Official

A meeting of the Halifax Planning Board was held on Thursday, November 7, 2019, at 6:30 p.m. at the Halifax Town Hall, Meeting Room #1, 499 Plymouth Street, Halifax, Massachusetts.

Members Present: Gordon Andrews, Mark Millias, Amy Troup, - member Karlis Skulte (arrived at 6:43)

The meeting was called into session at 6:30 p.m. and the agenda was read into the minutes by Chairman Andrews. **M/Troup, S/Millias** to accept the agenda as read with all in favor.

6:30 p.m. Discussion – Interview with Alan Dias – Planning Board Membership

Present: Alan Dias

Dias discusses that he is a long-time resident of the town, has had various positions within the time and currently on the Board of Health. Familiar with Chapter 40 of the Zoning Act, subdivision control and is interested in serving on the Planning Board. Mr. Millias states he is happy that Mr. Dias has an interest and hopes to see how it works out. Mr. Troup asks if he will stay on both boards. Mr. Dias responds yes. Ms. Troup asks why he is interested in serving on the board. Mr. Dias explains he has always been interested in Planning. Ended up with BOH because it was available. He has clients that deal with planning boards and is familiar with sections of the bylaws, planning and some of the issues and believes he would be helpful. Can read septic plans, subdivisions, drainage and all construction aspects of planning; not necessarily with site plan approval but was involved with Zoning Bylaw committee and adopted some of the site plan requirements, especially on Routes 58 & 106. Briefly discusses when he was involved. Andrews states he has known Mr. Dias a long time. Members thank him for coming and having an interest in serving on the Board.

6:45 p.m. Hilda Lane – Scott Burgess

Present: Scott & Diane Burgess

Clarification is made of where house will be located. (Mylar is presented.) Existing subdivision (approved). Burgess would like to do this project in two phases: Build up to gain frontage (for existing homes), build drainage, reconfigure at some point to get more lots to make it feasible. Overlay of mylar will stay the same, house will be on Lot 3 and gain four (4) buildable lots to build and sell to help finance the project.

Millias: Works to show the lot configuration with the house where you want it.

Ms. Troup asks for street frontages. Mr. Burgess states they are all 150 feet or plus.

(Skulte arrives at 6:43 p.m.)

Existing homes need frontage on paved road which will be given in first phase. Re-engineered to get four (4) lots in. Feels the drainage can be re-engineered as it is overbuilt. Members discuss history of subdivision, as it is from 2005ish. Came with baggage, had a covenant and no bond. There have been a couple of previous owners and Burgess is willing to make it work. New plan has one (1) additional lot but had nine (9) lots at one time and 18 duplexes approved as well. Also looking for overhead wires, as some are in place.

Andrews gives a summary of subdivision background: Two houses were existing, frontage coming up and new house was built. There was a shared dirt driveway. Frontage was a retreat lot. Sold piece to developer and approved as pre-existing house. Frontage was on approved subdivision. This house has frontage on the street but using as driveway. Burgess is proposing for phase one, to bring road up to give frontage on two (2) existing houses. Wants to do a retreat lot but doesn't really have the right to do so. Technically doesn't have to build the road and subdivision, he can withdraw subdivision and just create one. Skulte asks if it was already approved and recorded. Andrews states that he spoke with town counsel

and because this was approved and has frontage, can't do away with the subdivision, cannot create the lot with no frontage.

Skulte: As it stands, does this exist in terms of approved plan? Right of way exists and the lots exist.

Andrews: Propose to do in phases, bring it up and build house before (the road) is done.

Burgess states he has to be out of his current house by April.

Ms. Troup asks about the extra lot, how it gets approved. Skulte advised will probably have to vacate the right of way and dedicate a new right of way. Asks Burgess if he has to go thru a whole new subdivision process. Millias' concern is if the Board approves just the one house without building the road, how does Burgess come back later to create the subdivision?

Mr. Burgess states he will be posting a bond. Currently has no bond or covenant with the town. Towns bylaws cannot incorporate an estate lot with a subdivision.

Andrews: The subdivision can be done in phases, the problem will be when you change it, will be a modification of the subdivision.

Skulte is concerned with the storm water management plan and design of the catch and detention basins. Burgess states there are to be catch basins in two (2) locations. Would like to reengineer so less of a pitch, therefore less dirt. Culvert design is too large and need headwalls. Troup asks if it will need to go through Conservation. Burgess advises he has spoken with Conservation. He can go in and cut the trees to get the silt socks down. Troup asks if he is affected by the new storm water management. Burgess responds it is fine the way it is. Skulte asks if existing house weren't there, would the Board allow someone to build at the end of the subdivision, occupy and not build the road to that house.

Burgess and members continue to discuss the ins and outs of estate lots vs. subdivision with current conditions of this subdivision, as it has existing houses, etc. No time before could someone do this without a road already established or within a subdivision. Basing this off four (4) lots, Burgess wants to build his house. He cannot build the road by April; need to bond the road. It will take three to four months to build the house and street. Can't do much in winter as there will be too much frost. Skulte talks about abandoning the right of way and reestablishing with a new subdivision, modify or dedicate a new right of way; start from scratch. Members reached out to council to get some help to see their options. Andrews states there is an approved subdivision on the table. Burgess can bond that and go ahead. Need to get a cost of completion estimate, release the four lots, build on the lot. Members briefly discuss Mr. Burgess' opinion.

Burgess' Attorney: Lots of confusion with this as it has been so long. The nature of it, and retreat lot. Screams yes can do it, because house was subdivided out. That is not the intention, it is that these house(s) were going to get road frontage, driveway and building it out is the goal. In order to make it work and have a place to live, it has to be done as a phasing. This proposal was the quickest, best cost-effective way to get the road in. Once work is done, bond is posted. Discussion of what to do and when.

Andrews states that the Board can't allow to wipe out the subdivision; the subdivision was approved and gave frontage on house and can't wipe out their frontage. Legally this cannot be done. The house was existing long before the subdivision was approved.

Burgess' Attorney: If there is a way where the town can work with us and get it approved, yes get a road in, satisfy that, get house in over the winter, then next spring go and get it done as fast as possible.

Andrews: At which point are you applying for the modification?

Burgess' Attorney: Don't have to modify anything to bring the road up, beyond that.

Skulte: Will be a phase, what kind of application will you submit?

Andrews: The problem is the phase doesn't include his house in the back. Can apply for modification now.

Burgess is concerned with things stopping and from getting a building permit now. He'd do phase one up to a point, bond the whole subdivision as it is in its entirety, as it is approved now, (has estimates now for 500k each), put up a bond for \$600,000, get his building permit, bring the road up past him, and off he goes. He has his bond. He will build the road as he has four houses to sell. All houses are perked out. Members discuss bringing in and bonding now. Andrews wants to know at what point will Burgess bring in the modification.

Burgess can seek it right away.

Andrews: If the modification fails, Burgess still has this.

Burgess and his attorney want to do it simultaneously, start the road, start the house and look for modification. Get a building permit and make it all work. Andrews advises they will send the subdivision out for cost estimate for completion. Burgess can post the bond and get started.

Skulte asks about the wetland crossing. Burgess' plan has 4 x 4 box culverts but 200' feet long. They will reengineer and design it and make sure it meets code. The culverts as currently designed are extremely expensive. It is asked when he will start construction of road. Burgess responds once he puts up the bond he will start. Discussion continues with possible start dates, wetland crossings, progress of road, etc. All are trying to get this done as this subdivision has been around too long. Attorney stated it's a two-part question - Can he post bond and is it sufficient to get a building permit? Andrews advises Burgess will need access to house for permit. Board discusses which engineer to hire for the review: Amory, Merrill Associates, Silva.

M/Troup, S/Skulte to get an estimate on a peer review quote from Amory for Hilda Lane with all in favor.

Andrews mentions to Burgess that as he starts, the [board] has a list of inspections.

7:00 p.m. Walmart - Site Plan Review

Present: Seth Chates of HFA.

Presents proposal of slight modification to the parking spaces. Currently remove and reduce the number, widen and repaint some of the existing space. Will reduce by six (6) spaces and 13 new. The idea is to provide more access and safety as employees deliver product to customer. Existing online pick up is inside store. Existing signage and paint. Will just repaint existing door on the side, install two (2) directional signs and put up wall packs on side of building for additional lighting. New crosswalk by the access for safety. Will be located beyond garden center. Reserved parking for those patrons. Time frame will only be five (5) to 10 minutes.

Skulte asks about the zoning requirements for loss of those parking spaces. Chates advises there is more than enough than what is required. Members discuss the parking requirements, what was originally proposed and this new proposal. Andrews and Millias believe there to be far more spaces than required. Members review site plan. Millias advises that if redoing the lines, the old lines should be completely removed. Chates advises the new lines will be specifically for online pick up. Skulte asks about signage. Chates advises there will be two (2) signs and will get a separate permit for these. They also have existing lighting but would like to add five (5) additional wall packs. Only directional signage will be added. There will not be any canopy.

Mr. Gaynor (Zoning Board chairman) is in attendance. Troup asks Gaynor if he knows of an overage of the parking spaces and if they need a variance. Gaynor advises that he didn't believe they had an overage but has a specification for the grass area and drainage requirements and must keep the [back] green. It is available for town use and is lighted. Does not believe they have to vary any requirement. Chates reiterated they will completely eliminate six (6) spaces but add 13 wider spaces. Skulte is concerned if a variance from the parking reduction is needed. Gaynor is concerned with outside sales as supplies will be stored in the parking area. Chates again advises of the directional signage to move the online pick up to one area. Members agree to keep any other questions out and review application as is. Application is for modification of parking. Continue to next meeting 11/21/19 at 6:30 p.m.

7:30 p.m. Amanda Estates - Public Hearing

Present: Joe Webby, Webby Engineering, The Party Trust (applicants - Amanda Monti and Ed Johnson)

Mr. Andrews recuses himself.

M/Millias, S/Troup to open the public hearing for Amanda Estates with all in favor.

Webby: Monday we were at the Appeals board and going for a modification of a site plan and at that time, even though we got a majority vote it was not a super majority. So the feeling we got at the Monday night meeting was that the dissenting votes thought that we should have these lots have at least 150 feet of frontage, so what we've done is we have the same number of units, cut down from six (6) lots to four (4) lots, and we now have four (4) lots that all have 150 feet

of frontage. I put in pink the old lines and so we've just basically taken some of the units connected to them so we have two (2) quadruplex and two (2) duplexes. We know this is going to require time for the Board to process this a little bit, so we are going to be asking for a continuance to November 21st.

Members agree.

Skulte: Did you have this modified plan for the zoning board in terms of the—

Webby: We have the same one that you've been looking at.

Millias: Ok, so this was developed after that conversation.

Johnson: As you know town counsel, when we came to you guys, felt as though you weren't the granting authority to give us the waiver and said that we should go to the ZBA. So, we did go to the ZBA with the plan without the lots on it, same plan that you guys saw last. As Joe (Webby) said, majority vote felt as though it should be on lots with the frontage. There were six (6) lots on the plan that was approved initially, but there were two (2) lots lacking frontage of the 150 that is required in the table. Instead of going six (6) lots, we turned it into four (4) lots so they meet the lot criteria.

Skulte: And you've essentially been able to consolidate the two by doing a breezeway or something in between the two... (inaudible)

Monti: Correct.

Skulte: So how about the actual right of way, are you trying to dedicate the roadway through a subdivision process?

Monti/Johnson: No.

Skulte: So how does that work then with frontage?

Johnson: The lots will remain in contiguous ownership, thru the Associate as Condos. The lots wouldn't be deeded out.

Skulte: Including the lot that has the road on it.

Johnson: Correct.

Skulte: So, the lots having frontage on another lot, basically.

Webby: We were asked, and I know we have the Appeals Board here, we were asked to show lot lines, for dimensional purposes, because we still want to come in under the multifamily, with the 10 acres. But we have no intention of selling these lots to the units. This is still going to be a condo Association.

Skulte: Ok. Sure.

Webby: The roadway has already been approved under site plan approval by the Planning board, as a private way.

Skulte: Ok

Webby: Let's not even call it a way, it's a driveway.

Troup: What is that first page again?

Webby: It's basically just the map showing it all at once.

Troup: So that the new one? Ok.

Webby: We have a whole bunch of plans; I don't know how many sets you want.

Monti: I think we have to get them stamped in.

Skulte: Does that first lot, that fronts on Elm Street, does that have 150 feet of frontage? Not the one that Amanda's Way is located on.

Webby: No, this never had 150 feet. I think it has 77ish...there was never 150 feet for this property.

Skulte: Ok.

Troup: So, you're going to give us stamped plans so that we can look at them.

Monti: Yes, we are asking to continue until the next hearing. Adam Brodsky and town counsel had conflicting schedules for today, so we were hoping we could continue.

Skulte: And maybe we can ask their opinion on whether or not this satisfies the requirements, because I know there was some discussion about whether or not those lots should have frontage on a public way, whether or not they just need to be lots, whether or not overall lots needed to have any sort of frontage on a public way.

Millias: But you are under the impression that this would satisfy the Zoning Board?

Monti: Correct.

Skulte asks if there was anyone in the audience for the hearing.

Abutter Gordon C. Andrews: 244 Elm St: So, what's being continued here tonight has not been publicly advertised. This is completely different from what was publicly advertised. What's been publicly advertised was a plan that was asking for a waiver from the requirements, that's not what this plan is tonight. And I think you should reject in accepting this plan. And they should have to refile, and they are going to have to file for an actual subdivision in order to create those lots.

Skulte: Before we immediately deny, I'd like to get an opinion from legal counsel, as this is, and falls under the original application in terms of the project as a whole. I don't think we are taking action on—

GC Andrews: Typically, when you ask for different relief, you have to apply for a new hearing, and I would say that this is completely different from what they requested for relief. They requested a waiver of the requirement, now they're coming in with a different plan that shows four (4) lots that aren't actual lots and they're not requesting a subdivision.

Millias: Where this project has been moving forward and this is based on the recommendation of another board, I'd say this is the same issue, we're just moving forward under the recommendations of another board.

GC Andrews: The only other thing I'd like to say is the Zoning Board voted down, they did not vote 4 to 1 so it was not approved. So, if they bring it back to Zoning, they will have to re-advertise for a new public hearing. So, I think they should have to do the same thing here with the Planning Board, letting all the abutters know the new project that's coming in.

Skulte: A clarification of the process was the application that you had in front of the zoning board, voted on and denied. Are you going to have to file a new application with the zoning board?

Webby: We would have to go back to modify again, we're asking for modifications.

Monti: We're asking for a continuance to the next meeting essentially.

Webby: To answer the questions, yes, we would have to go back to the appeals board. But prior to going back to the appeals board, I believe, because we did not get positive vote, we have to come back here first, then we can ask that question, but I believe there is a waiting period, two (2) years or some waiting period before we go back to the appeals board, unless we come to the planning board next. So, we're still just asking for a modification of the site plan.

Troup: Why did zoning deny it last week? Because they needed to have subdivided lots.

Webby: Again, you were at the hearing, I'll let the legal eagles talk about that. There was confusion over the definition of lots in your bylaws. There's confusion over whether this is a multifamily and then, 167-2a, where each building should sit on a lot that has 150 feet of frontage. Under the multifamily there is no frontage requirement.

Troup: I actually read that differently.

Webby: Well then, that's fine, you guys can read it...everybody is going to read all these bylaws differently because they're so confusing. That's why right now we're asking for a continuance on the amendment or any action until November 21st.

Skulte: Again, to clarify, what was the original application submitted for reconsideration? I know you weren't at the original hearing.

Webby: I believe I was. On the original we had asked for a modification to eliminate the lot lines. Actually, we didn't have any of the lot lines, we originally asked, and eliminated all the lot lines, so we had a straight 12 ½ acre lot. Under site plan approval, at that time, it was requested by the board—got the impression from the board, go to the appeals board first. So, then we went to the appeals board...the feeling that we got was that they wanted lots, for dimensional purposes. We still have no intention of selling off these lots to the people.

Troup: But I don't think that was actually needed, I think they needed to be subdivided and that's what it said in the original site plan approval, I believe.... My only thought process now is that the abutters should be here, and they should be notified to be here, so they are aware of what's going on in their neighborhood.

Millias: Where this is a public hearing, don't you think that's provided?

Skulte: It would have been, so as long as they were putting tabs on the process, this is a public hearing.

GC Andrews: Mr. Chairman, this plan is not advertised in any way.

Skulte: This plan was not, but the project as a whole has been advertised, as far as the public hearing but whether or not we agree that this is an approvable plan, I think they're submitting for a modification to the previous application.

GC Andrews: I would just point out to the fact that what they asked for is not what they're asking for now.

Skulte: I agree, it's a request to modify in a different way than originally requested to modify.

Charlie Seelig (Town Admin): The recommendation would be that the Planning Board tonight should come up with a list of questions to ask town counsel. Obviously, Gordon Sr. has some questions as to what has to happen or not happen. You all had some questions, I don't think you're making any decisions specifically, or a final decision tonight, it sounds like, so come up with a list of questions. You're going to...ask counsel to come in two weeks from now, and get those questions answered in the meantime.

Skulte: I agree, and I don't think we want to immediately turn it down, because we're not familiar with the legalities of it. So, I think we will ask the questions to counsel and get some clarification and make sure we're doing things procedurally, correct? So, to that point, I guess what questions do we have around the table as it relates to the plan in front of us or the process as a whole?

Troup: My first one is, shouldn't the abutters be aware of any plan, because if it was next to me, I'd want to know. And I think it was just denied at Zoning, and if there were a lot of abutters and a lot of towns' people there...I would think that they would want to be there.

Skulte: So, the question is whether or not abutters should be re-notified?

Troup: Because it was denied so they thought it was over.

Skulte: Well this process has, it was open through public notification process through the original hearing, we just don't re-notify people each time there's another hearing coming up. So, it's just part of the ongoing public hearing until we take action on it. So, you just get notified the first time somebody comes in. And you just have to be aware that it's still ongoing. So, unless it was determined to be a new application, there wouldn't be another public notification. We could get the word out, and do it that way, but I don't think there's a formal requirement necessarily. But maybe that's a question, does it need to be resubmitted as a new application, if it's different from the original application?

Troup: Where it has been denied.

Skulte: Well it's been denied in a different forum, with a different board, I think.

Troup: Well, right, like...if it's gonna be a new plan, then shouldn't everybody who lives the abutting area be notified of it? ...People go based on what the plan is. And if it changes, then they should be notified. You know what I mean? I asked that in the last one too.

Millias: No, I just think it's that whole thing, they've already been told, if they stopped listening then that's not on us or them. Like, this has never come to a conclusion, this has been open for a long time.

Troup: But our board's main process is to protect the public and their interest.

Millias: Ya, but if they don't protect themselves or have any interest in this, then why would that be a burden on us?

Troup: Well, because we are elected by them and we work for them.

Millias: And they showed up and then decided...you're saying that they decided not to listen or continue to show up. So, they've already made that decision. Charlie may have a better point than I do.

Skulte: Point being, unless it gets resubmitted as a new application there's not a requirement to re-notify publicly. If they were to resubmit as a new application, everybody would get re-notified through the formal process with the formal notifications.

Troup: With this new plan.

Skulte: With the new plan. If it was determined that this is a new plan as opposed to a modification, not the previous plan, then people would get this plan.

Troup: Isn't this a new plan, because there's multiple buildings on one lot in this.

Seelig: I know you're having continued disagreement, ask that question of counsel. I mean you can go back and forth all you want and certainly have a right to, but it doesn't sound like you're going to get any more information tonight from counsel. So, ask the question to counsel. Second is, on the side of what ZBA does or doesn't do, doesn't specifically change this hearing or this plan in that, just as conservation makes a decision before anyone else makes a decision or anybody else makes a decision, your hearing process is your hearing process, simply just because something happened someplace else, doesn't end the hearing process here.

Resident Jo-Ann Andrews: 688 Plymouth St. I drive by Elm St. quite a bit, there on the street there is a sign with how the subdivision looks. So, every time I drive by, I see how the subdivision is supposed to look like. You're changing it, so are you going to put up another sign? Because you're changing it, because I drive by, and (inaudible). But now you're changing it, you're advertising, this is the way it's gonna be, this is the way it's gonna be, and now you're changing it. So, you say to me, it's up to me to know what's going on, well I drive by every time on Elm St. There's the for-sale stuff and a diagram, shows all these lots. This is for sale, now you're changing it.

Millias: Certainly, they would. They have an approved plan that shows that, the sign that they have in front of the property, shows exactly the approved plan that they have from the town. I don't see how that would be any different.

Skulte: I think it's up to the developer should they want to put up a new sign in the future, that's part of it.

J. Andrews: You're saying this is the way it is, this is the way it is, and I come here and you're changing it.

Skulte: That's not a legally binding sign, I appreciate it...(inaudible. several people talking)

J. Andrews: I feel you're not being truthful; we have bylaws, you have to go by our bylaws.

Skulte: And that's what we're going to do, we are going to ask legal counsel the proper process to go through, if it's a new application it will be a new application, and everybody will be re-notified and it is what it is. If its determined that it's a continuation of the previous modification, the open hearing that we're currently here for today will be continued and be reopened for another public hearing at the next meeting. We just want to make sure we do it the right way. Any other questions? I know I have a question as it relates to whether the lots need to have frontage on a public way.

G.C. Andrews: Can you ask if a subdivision is required in order to create frontage?

Skulte: I think that would go hand in hand with the last question about having frontage on a public way, because you wouldn't be able to do that without making a subdivision. But we can ask that to clarify. Anything else? I think it would be useful to have them here at the next hearing so if we have things on the fly, we can keep the process moving.

Millias: I agree with that.

G.C. Andrews: Another question to ask is if this is actually a multifamily development, where two (2) of the buildings have duplexes, two (2) of the lots have duplexes, they don't have three (3) or more dwelling units.

Skulte: We can review the zoning requirements for that. I believe there is a distinction between multifamily developments as a whole and I don't recall there being a limitation on duplexes of a minimum size for a multifamily, can we ask that question for clarification?

G.C. Andrews: There's a special permit for duplexes and then there's a special permit for multifamily development complexes, so its two different—

Skulte: Yes, for clarification we're still looking for the permit under the multifamily development. And we would have a two-unit building... and.... two 2-unit buildings and two 4-unit buildings?

Monti: Yes.

Skulte: Based on your understanding do you believe that this would have to go back to zoning if we were to take action of some form, with this modification?

Monti: Yes, modification of the special permit.

Johnson: Yes, because this would be a substantial change of what was approved.

Skulte: Did I hear you correctly that you would have to wait two years to go back to that.

Webby: That was just back in my memory, there is a way around it and come back to the Planning board. The project has to basically be different from what we proposed before the appeals board. So, this is different than what we already proposed, but we still have to come here for it, it's the steps ... back to the planning board then back to zoning.

(many talking at once)

Skulte: We'll get the clarification on that result, so if it's determined substantially different as a separate application, then we'll review it based on that merit.

J. Andrews: The other thing is some plans are already recorded at the registry of deeds, and that's going to totally change everything?

Skulte: They would have to and there'd be some property hoops that you have to jump through, to either consolidate the lots and re-subdivide or do what you have to do to create the new lots.

Millias: That's really common and similar to what we'll have to deal with with Hilda Lane, I believe.

G.C. Andrews: Could you look into Section 17 Aquifer protection to see if these four (4) units would meet the requirements? Because you're not allowed to have more than 1,500 gallons on a single lot in Zone 2 for any use other than single family.

Skulte: How many does 10 create? How many bedrooms are in each? Four?

Webby: Three (3) in each unit. 3,900 gallons.

Johnson: No different than what was approved by the Board of Health previously under Zone 2.

Skulte: Ok. Anything else?

Millias: I make a motion to continue the public hearing for Amanda's Estates until November 21, 2019 at 7:30 p.m.

Brief discussion to get a letter of agreement to continue the hearing from the petitioners. There is a timeline.

(Agreement previously signed was until 11/24). Discussion on continuing the public hearing.

The applicant needs to request a new continuation, as they will be beyond timeline to act.

Seelig recommends 60–90 days and the board can make a decision earlier than the extension.

Skulte: The next meeting dates are the 21st, Dec 5th, and Dec 19th.

Board asked for continuance to Dec. 20th which was reconsidered to December 23rd.

M/Millias, S/Skulte to approve the request to extend and continue the public hearing for Amanda's Estates until December 23, 2019 with two (2) votes in favor, Millias and Skulte, and one (1) abstain, Troup.

M/Millias, S/Skulte to continue the public hearing for Amanda's Estates until November 21, 2019 at 7: 30 p.m. with two (2) votes in favor, Millias and Skulte, and one (1) abstain, Troup.

Copies of updated plans to be submitted.

M/Millias, S/Skulte to resume regularly scheduled meeting with all in favor.

Discussion: Pasture Lane

Present: Residents of the subdivision including Tina Kenyon. Town of Halifax holds the last lot - 1 Pasture Lane. Tina discusses the timeframe of the developer to develop the land. Sold 12/22/17 and there is nothing being done. She is looking for the Board to enforce the covenant and get the road completed. Members discuss. There are subdivisions out there that have a similar situation. They do not know how the sale went through with the lot being held. Residents are frustrated with the lack of progress of the completion of the road. The problem arises as the value of the lot is less than what it would cost for the town to finish the road. Tina wants the town to go after the builder. The current owner now owns the covenant. The cost has gone up since 2006 from original estimate of \$98,000 now approx. \$120 – \$150,000. Andrews notes that now the road has deteriorated, the base will have to be fixed as well as the drainage and a topcoat will need to be added. Tina advised that the original owner, Michael, put money in an escrow account as good faith to finish the road. As this is now 13 years old, residents want to see some progress made in any way possible; completing the road or some action against the developer.

Members thought to send letter to current owner, covenant says must be completed within 24 months from date of sale of property. Resident (Tina's husband) states he has two major concerns, 1) Condition of road has deteriorated and will cost more to get back to a state where it can be completed and 2) It's a safety issue; highway department put cones up where the drain covers are which becomes an obstacle course on the road during winter/snow and emergency vehicles wouldn't be able to get down the road safely. Property values are also a concern.

Even if the town would take the property, they may sell it to fund the completion of the road. Assuming it's a buildable lot, does it have the value to offset the cost to complete the road? If the town takes it over, can they find the funding, or do they have to go to town meeting for funding with the town doing the work? Tina adds that the developer did not comply with the plan, drainage, hydrants. Also, other items were not built correctly so the new cost to complete project has increased. Andrews asks Town Admin Charlie Seelig if he's had contact with town counsel about subdivision, Autumn Lane. Seelig advises that the town never took it over. Millias adds that the town doesn't seem to have a process. Andrews notes that the town still has a covenant of the property and can't be built on. The town can't just take the lot if taxes are paid. Andrews also explains that the town does not hold lots anymore because of this issue but can take a bond. The covenant states that they cannot build on the lot until the road is complete. Skulte asks if the town can take the property like a normal bond. Andrews explains it is not being assigned to the town. Skulte asks if the Board has any formal recourse on that covenant to take control and inquires what the covenant states.

Members present several questions: Can the town, or is it in the towns interest, to take over the road itself? Can a lien be put on the lot? Can the owner deed the lot over to the town? Can an attorney write a letter to start proceedings to take the property? What action can be taken at this point, can they serve the developer legally?

Members continue discussion. The owner's covenant deadline is coming up and he should be reminded of his obligations. Unless the town intervenes, things will not change. There could be more liability if someone gets hurt. Must go through a town meeting vote. Andrews asks Tina if she and residents will give the board until the next meeting to look into this further. This will be added to the agenda for the next meeting on 11/21/19 at 7:15 p.m.

Discussion: Brian Adduci of SOEP

Present: Brian Adduci, owner

Adduci would like to rent space from Paul's Alarm to be located at 894 Plymouth Street. He works for a painting company and the space would be used for storing supplies and equipment as their other shop is in Lawrence and this would be an easier location. There would be no sales or customers. Adduci came to the board because of the parking spaces. He may have box trailers in parking lot. Members ask how many vehicles would be parked at the unit. Adduci advises there are five (5) spaces per unit so up to 5. There is no other business at the present time in the building as the building is not complete yet. The unit is about 1000 square feet with four (4) units to the building which has about 40 parking spaces available. The Board wants to ensure each individual use is what the board is expecting. Seelig confirms there are 22 total parking spaces. Again, Adduci advises his rental space will just be used for storage. He and one (1) other employee will go in and out. Andrews asks if Adduci would be using up to four (4) spaces. Adduci confirms. Millias believes he would have

up to five (5), but as he would only need two (2) or three (3) at most, it would not be an issue. Adduci is looking for approval from the board for site plan approval. Skulte asks if Adduci needs site plan approval or if this is informal just to ensure the use is consistent with the original approval. Millias agrees. Motion to allow SOEP the use is based on the use of four spaces. Members discuss legality of spaces provided for each unit, who will come in, and if they should make a determination by use or by unit. Retail vs. restaurant is used compared to storage. Troup asks about employee cars and box truck. Adduci advises there will not be any employee cars on a daily basis, only once in a while to take box truck to sites.

M/Skulte, S/Troup to approve the use of SOEP at the property located at 894 Plymouth Street in 1 unit with all in favor.

Informal Discussions

Members discuss the applicants to fill the vacancy on the Board. They are informed that Planning Board and Board of Selectman make the decision. A meeting is set for December 10th. Discussion on multifamily bylaws. Amy Kwesell (town counsel) will come in for questions and to start a review to revamp the bylaws, to look at the direction the town wants to go, start filtering ideas, etc. This meeting is set for Tuesday Nov. 19th at 7:00 p.m. The Board would like to have something in for March to start hearings for town meeting. For complete rewrite, need appropriations. Finance Committee would like to get it done. Koppelman & Paige will need to give the town approximate cost to go to town meeting. Members have conflicting opinions on whether the bylaws are confusing and if they should be clarified. Troup feels the bylaw is fine and not confusing. Skulte feels it is difficult to understand and unclear and supports a rewrite of parts or all of it. Millias agrees and feels there is a need for clarification.

Secretarial: Meeting Minutes

M/Millias, S/Skulte to accept the Meeting Minutes for August 15, 2019 with all in favor.

Andrews would like a copy of the approved meeting minutes to be kept by the Town Clerk. He would also like the special permit and subdivision numbering system reviewed to ensure it is kept in line with and by the Clerk.

Skulte advises that Quincy had a similar issue to Halifax regarding their Postmaster and cluster boxes. Quincy sent out a pamphlet regarding rules & regulations for cluster boxes mainly for multifamily housing as there are not a lot of subdivisions in Quincy. Discussion of letter sent to the Postmaster as Board is not going to require cluster boxes on Rider's Way) as town does not have any regulations. Moving forward the Board can look at cluster boxes as a requirement for subdivisions but Board was not given any actual regulations.

M/Skulte, S/Troup to approve Meeting Minutes for September 5, 2019 11:00 a.m. meeting with two (2) in favor, Skulte and Troup, and one (1) abstain, Millias.

Members review meeting minutes for September 25, 2019. Skulte asks about the conflicting information from Town counsel. Troup wants some information added to the minutes. Troup believes the minutes should reflect to the public something that recreates the meeting but do not need to be verbatim. She would like her statements included.

Members discuss the language and what options they have to approve Amanda's Estates. What was applied for in the modification of site plan approval? Members review the public hearing notice for Amanda's Estates. The original states to "consider the modification of site plan approval," "requests to waive the requirement of section 167-7D2a" and "seeks modification and waiver." Skulte asks if they can now ask for just modification of site plan approval as the board cannot waive the requirement. It was determined to postpone the decision to allow the applicants to go to the Zoning Board before the Planning Board acted. Discussion continues with what was discussed with town counsel: what and if the applicant needs to resubmit a new plan or accept the plan as a modification. It is decided that the Board cannot waive the lot lines but wonders if applicant should resubmit a new package when submitting a new plan for modification. Members agree to get an opinion from town counsel.

The Board concludes there will be modifications to the meeting minutes prior to approval.

Members review meeting minutes of October 3, 2019.

Secretary Snow asks for members to be more specific and elaborate on what the determination letter for Mr. Adduci should include. Members respond that it's a Letter of approval based on the site plan and to include that there will be no employees and will be used for storage. The board does not have any issues with the proposed use.

M/Millias, S/Troup to approve the Meeting Minutes for October 3, 2019 with all in favor.

Members review Meeting minutes for October 17, 2019.

There is a discussion regarding Hilda Lane and whether there is frontage for an estate lot - can Burgess build that one house then build out the subdivision? Does he have to build the road first to ensure the existing houses continue to have their frontage? Burgess intends to build in as far as he must to give existing houses frontage, build his house, then potentially submit a new subdivision plan. The bond submittal will be to complete the whole road. Burgess has submitted a check for \$1,000.00 at this time for estimate cost of completion review. The members believe he will have to record the plans again. There may be a different process to vacate a right-of-way and to change lot lines as opposed to redesigning lot lines within the plan. Andrews advises that it's only a plan registered at this time; only lots when they are deeded out. Skulte wants to go over the steps of a subdivision. There should be a deed for the roadway each lot will deed as they are sold with no interim step. As each lot sells there should be reference to the subdivision plan on each deed.

Millias states that one does not need a plan to sell each piece of property. You can have a deeded lot that is not shown on a plan. The deed must have a legal description, it does not have to site a plan. Skulte and Millias discuss how lots would be deeded. Millias states that two people can own property and there will be as many deeds as lots in the subdivision. Lots are only created on the plan, but not deed. Burgess owns the whole property; the street is within the parcel.

Millias states he read the letter for Jonathan Soroko and feels it can be sent.

Members discuss the difference of posting a bond vs cash surety.

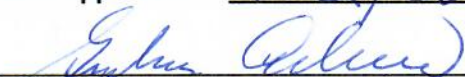


Troup discusses adding to the 10/17/19 minutes and approving the 9/5/19 (a.m.) minutes. The board discusses voting on the bylaws at the Monday 10/21/19 special town meeting before adjournment. Changes will be made. Skulte feels the minutes from 10/17/19 were contradictory. Danielle Grenata's business is discussed. Skulte adds that there was no motion. Millias believes the board did not need to make a formal motion and vote or endorse for a new use for Grenata's business. Andrews feels the Board needs letters of determination from the Zoning Enforcement Officer. Andrews discusses having a checklist between the boards for consistency. Troup advised she will email Snow with her minute edits.

M/Troup, S/Millias to bring email with the subject invoice for training Halifax Solar project with all in favor.

M/Millias, S/Skulte to adjourn at 10:30 p.m. with all in favor.

Respectfully submitted,

Date Approved: 11/2/20

Gordon Andrews, Chairman