



## Halifax Planning Board Meeting Minutes October 17, 2019

## Official

A meeting of the Halifax Planning Board was held on Thursday, October 17, 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

**Absent:** Karlis Skulte

**Resigned:** Jonathan Soroko

The meeting was called into session at 6:33 p.m. and the agenda was read into the minutes by Gordon Andrews.

Secretary confirms that there are no bills.

Motion to accept the agenda as read:

MOTION: Amy Troup

SECOND: Mark Millias

All in favor

Secretary gives the Board a site plan for Walmart, as requested by Mr. Andrews.

### Appointment

6:30 p.m. Hilda Lane (Brookside Subdivision) - Scott Burgess is in attendance.

Mr. Burgess would like to rescind the current subdivision as it is financially unfeasible with only four lots. He would like to file for a retreat lot so he can get his house in. In the meantime, he will redesign and re-engineer the plan to get more lots out of it. This would give him time to do this during the winter, put a proper subdivision in which would gain Webby his front access plus his father on Lot 7 and that would take care of Mr. Nessralla. All will have legal frontage on a regular road coming in which would solve the problem that has been going on since 2005. Mr. Burgess is willing to put the time in to correct all the problems of the past.

Mr. Burgess would like to do a retreat lot and has all the access as required by the Bylaws. Mr. Andrews asks Mr. Burgess where his frontage is. Mr. Burgess states that for a retreat lot he only needs 50 feet which is out on Hayward Street and then his driveway goes by Webby's house and up in. Mr. Burgess would draw a new set of plans for a subdivision and get everyone frontage. Mr. Burgess confirms he owns the road. There is currently a common driveway which will be temporary until the road is complete. The Board reviews a current site plan. Mr. Millias feels that the current situation must be fixed. Mr. Burgess retrieves his proposed plan from his truck for the Board to review.

Mr. Millias doesn't know how the Board will give a permit for the "first one" as the Town will no longer hold Mr. Burgess to the road. He's not sure if they can release the Town's interest in the road as the Town can say either Mr. Burgess or someone has to build the road.

Ms. Troup asks if Mr. Burgess has any concerns with the FEMA zones. Mr. Burgess responds that he does not, the new wetlands were staked out and they do not differ from the original.



The Board reviews and compares plans. Mr. Millias confirms that Mr. Burgess has this new proposal due to time constraints because if Mr. Burgess files a subdivision it will take three to six months.

Ms. Troup feels there needs to be an approvable plan with no questions and a bond. Mr. Millias feels Mr. Burgess has the frontage. Mr. Burgess is willing to build a road out of pocket. Mr. Andrews feels the Board will need to speak to Town Counsel. Mr. Millias agrees. The project currently is approved but is timed out - according to the Town regulations, eight (8) years. Ms. Troup is concerned with the impact on abutters. Mr. Millias doesn't foresee any problems with abutters. Mr. Andrews states that you cannot do an estate lot off of a subdivision. Mr. Andrews states if there's a modification there needs to be a hearing. Ms. Troup feels they need to see an official plan with an updated proposal as she feels she doesn't have enough information. Mr. Burgess requested a bond for the road but doesn't know the status on that.

This discussion is put on hold for the 7:15 p.m. appointment.

#### **Appointment**

7:15 p.m. Amanda's Estates (continued)

Motion to continue the public hearing for Amanda's Estates until November 7, 2019 at 7:30 p.m.:

MOTION: Mark Millias

SECOND: Amy Troup

All in favor

#### **Appointment - discussion continues for Hilda Lane**

Mr. Burgess' first option is to rescind the current subdivision, approve his new proposal, get his permit and cut some trees. He doesn't have enough time for any other option.

Mr. Andrews states that the Board will ask Town Counsel about rescinding and going for the new proposal. Mr. Millias feels there needs to be something legal written for a new proposal like this—building one house and coming back later to build a subdivision. Mr. Millias states that it's better for everybody if Mr. Burgess gets the lots and the Town gets the road. Ms. Troup likes the idea of Mr. Burgess doing this but would like to see a plan to know exactly the layout, how it impacts the bylaws and abutters.

The Board agrees to ask Town Counsel their questions and will meet again at the meeting on November 7, 2019. Abutters do not need to be notified at this time. Mr. Burgess needs an engineer's quote. There is discussion regarding what the fee is for a review of a plan for a bond. The Board reviews the fee information sheet provided by the secretary. Mr. Andrews informs Mr. Burgess they will need about \$1,000 and whatever the engineer's bill is, this will cover it.

Mr. Burgess thanks the Board and departs.

Mr. Andrews states that there does not need to be a motion to continue as this was just a discussion but there will need to be a letter written to Town Counsel. The content of this letter is not reiterated to the secretary at this time.

#### **Appointment**

7:00 p.m. Rider's Way, CBU Installation - Tim Fabroski is in attendance.

Mr. Fabroski asks about the balance of his revolving account for Rider's Way which he paid \$2,500 and said this can be looked into later. Mr. Fabroski goes on to say that the Town does not accept bonds, only cash. Mr. Andrews states the Town takes bonds, too. Mr. Fabroski argues that they do not as he had a bond that cost \$10,000 for Rider's Way and the Town denied it and told him he needed \$200,000 in cash which is currently sitting in Rockland Trust. Mr. Fabroski goes on to say his attorney called and informed the Town that the Bylaws state bonds are accepted. Mr. Fabroski explains that previous Board secretary Theresa looked into this at the time by speaking with the Selectmen and the Treasurer



and confirmed that the Town will not accept a bond. If that's incorrect Mr. Fabroski would like his money out of the bond.

Mr. Fabroski discusses Rider's Way. He put in a road, went through site plan, Silva, Webby, fire and highway departments and Conservation and got approval for his subdivision. He even went through perc tests twice. The houses are going up and now the mailboxes will go out front and USPS doesn't deliver the mail. Halifax Postmaster informs Mr. Fabroski that he will need a cluster box. Mr. Fabroski asked the Building Department who informed him that 10 or more addresses is enforceable. The Bylaws state nothing lower than 10 needs a cluster box. Mr. Fabroski researched the US Postal Service (Mr. Fabroski submits a printout from [USPS.com](https://usps.com) dated 12/21/2017 to the Board) which states on their website that new homes, built or established within a block of existing homes can receive the same type of mail delivery service as the older homes. It goes on to say that once you create a block then it requires a cluster box centralized in the streets. Mr. Fabroski's subdivision goes in and out, eight houses. There is no block and it's attached to an existing older home street. The road is in, the sidewalk is allocated.

Mr. Millias states that there are no regulations that they are aware of. The Board attempted to get in touch with the postal service for guidance and were given no clear answer. Mr. Millias has no direction. When the postal service was asked directly about the installation and what is required with less than 10 homes, the response was "the developer purchases the unit, he/she should contact the growth manager." Mr. Fabroski feels that if the mail service feels there should be cluster boxes, they need to inform the Town Planning Boards. Mr. Fabroski feels that not delivering the mail is obstructing a federal service with no set regulations. Mr. Fabroski has tried discussing this issue with the postmaster who insists she will show Mr. Fabroski where to put the cluster box but Mr. Fabroski refuses as this is not a regulation by the USPS or stated in the Town Bylaws. He also states that the Halifax Postmaster is Growth Management. Mr. Fabroski feels a cluster box will cause liability issues and looks terrible or will need to be put on someone else's property which will require an easement.

Ms. Troup and Mr. Millias suggest that the Board send the Halifax Postmaster a note informing her that they are not willing to enforce cluster box installation at this time, but she could propose that the Town add it to their Bylaws moving forward.

Motion to write a letter to the Halifax Postmaster to inform him/her that the Planning Board cannot enforce the installation of cluster boxes for a subdivision at this time as it is not a Town Bylaw and the USPS does not have any written regulations stating this must be done unless the Postmaster has something to submit to the Planning Board stating otherwise. The Planning Board will not be enforcing a cluster box installation at Rider's Way:

MOTION: Amy Troup

SECOND: Mark Millias

All in favor

#### **Discussion:**

The Board reviews and discusses the site plan for Walmart regarding the service of pre-order/pick-up of goods and delivery of those goods to customers parked in designated spaces in the parking lot. These designated spaces will be made wider for this service. Someone from Walmart may be coming in to speak to the Board about this at the November 7, 2019 meeting.

#### **Mail:**

250 Industrial Drive - The Board reviews a message from the Building Commissioner dated 10/17/2019 regarding action taken for business - Danielle Grenata. Mr. Andrews informs the Secretary that the Board needs to request a letter from the Zoning Enforcement Officer for a determination on zoning. Mr. Millias adds that there was no motion, vote or endorsement made, the Board just wished Ms. Grenata luck.

Jonathan Soroko's letter of resignation - The Board would like the Secretary to send a letter of thanks to Jonathan for his time with them.

#### **Secretarial:**

Meeting Minutes for the September 5, 2019 11:00 A.M. meeting with Post Master Carmen LaRiviere, cannot be approved as all members at that meeting are not present this evening.

Zoning Bylaw changes recommendations for Town Meeting 10-21-19 are not made. Board is unclear as to who posted the meeting for 10-21-19. Arlanna Snow, Zoning Board secretary who is present explains that the meeting was posted for the Planning Board and Zoning Board for Special Town meeting as directed by the Town Clerk.

Motion to contact Town Counsel to review the letter received by the Board from Brent T. Warren regarding 8 Hilda Lane Realty Trust and give an opinion on whether the Board can grant the estate lot with plans to make the subdivision in the future.

MOTION: Mark Millias

SECOND: Amy Troup

All in favor

Motion to adjourn:

MOTION: Mark Millias

SECOND: Amy Troup

All in favor

It was unanimously voted to adjourn the meeting at 8:17 p.m.

Date Approved:

1/2/20

Respectfully submitted,

Gordon Andrews, Chairman

  
  
