



Halifax Planning Board Meeting Minutes August 20, 2020

A meeting of the Halifax Planning Board was held on Thursday, August 20, 2020 in the Great Hall at the Halifax Town Hall, 499 Plymouth Street, Halifax, MA.

Members Present: Chairman Alan Dias, Clerk Rick Merry, Members Gordon R. Andrews and Amy Troup. Vice Chairman Mark Millias is absent.

Chairman Dias states that he will not be reading the agenda into record but asks the Board if they have anything to add. There is no response from the Board.

Discussion:

241 Franklin Street Solar Project / 229 Franklin Street (abutter DiBona) - determine road location / fence / trees

Abutters Michael and Robert DiBona (229 Franklin St) are present. CS Energy representative John Pariah is in attendance. Dias comments on the CS Energy letter sent to the Planning Board on 8/19/20 from Ashlesh Kurahatti of CS Energy. Pariah discusses the plan for trees being planted. Troup asks if there is any certification showing where the road is. Pariah has photos but no as-built with him to show placement of road and trees. Pariah states that the road is located where it shows on the site plan and there is enough room to plant the trees. Troup reviews the site plan. M.DiBona states they will take the trees but is concerned about location of road which he was told that Conservation has no authority to make any changes to as the road is on the site plan. M.DiBona wants to make sure the road is built where it is supposed to be. Dias states that an as-built, which will be reviewed meticulously, is required in order for this project to be completed to make sure that CS Energy are in 100% compliance. Dias asks Pariah to make sure that whatever as-built he has will reflect the trees. Andrews states that the whole point of this meeting was to have something from CS Energy to show the Board confirmation of road placement. He adds that Pariah has an as-built but he didn't bring it with him so the Board can't move on. Dias states that CS Energy has to follow the site plan and confirms with Pariah that the as-built will be brought to the next meeting on 9/3/20. M.DiBona is concerned that when the trees grow, they will be on his property. Pariah understands this concern. Dias states that the as-built will have to be reasonably close to the site plan.

Troup states that she would like to continue the motion made at the last meeting, which was unanimous, that CS Energy would attend this meeting with proof of where the road is so that abutters can see it. Troup states that she wants action on the motion made at the last meeting that has not been completed. Andrews wants to see where the trees are going to be planted from the lot line so the abutters understand where that is. Troup would like the motion that was already made to be continued.

Pariah will bring an as-built showing location of trees and road to the meeting on 9/3/2020. Troup wants to make clear that she doesn't think the trees should be planted until the abutter is okay with it. Dias states that the Board doesn't have control of construction or time sequence of this project.

R.DiBona states that the Order of Conditions that addresses these trees is very specific calling for 5 foot diameter trees, 8 feet tall, placed 10 feet apart, two groves, 10 feet apart. Anything less than that he won't accept.

Dias confirms again with Pariah that he will attend the next meeting with the as-built drawing. Dias informs Pariah that they would like the as-built 4 - 5 days prior to the meeting as well as a full-size drawing brought to the next meeting.

Troup asks Pariah if CS Energy can wait to plant the trees until the Board sees that the trees will be planted correctly rather than planting them and then possibly having to dig them out to redo things. Pariah answers yes.

Discussion

Amy Dwyer – 894 Plymouth Street Unit #3 – storage space for business – site plan

Amy Dwyer is not present.

Discussion

John Parquette – 1 Pasture Lane

Nobody is present.

Discussion

Sarah Stearns - 111 River Street Marijuana Farm project – would like to ask questions

Stearns presents her perspective project. States that she represents Beals and Thomas, a civil engineering firm in Plymouth, MA. Has already been to the Board of Selectmen and this is just informational. She represents Bud's Goods and their perspective Marijuana Farm on River Street. Stearns gives Board a concept plan to give a sense of what her client is anticipating for the property in the industrial zone which includes an access off of existing road onto River Street. Met with Selectmen a year ago. Fifteen-thousand square foot building for processing, limited season staff use and potentially some greenhouses. Goes over property on plan to point out areas of planting for the first phase with a potential buildout on the rest of the land in time as budget and regulations allow. This is a blank slate so they can create and design something that will be compliant with the bylaw regulations. Will meet with Conservation Commission next week for another informational meeting. Client was unable to make it. *all*

Sarah Stearns stated that Lila supercedes 40A
Andrews confirms that this will not be retail, just cultivation/farming; ground farming is the goal. There will be four to five coupe houses on the site with a processing center inside the building with containment, storm water management. The product will be distributed somewhere else. It will be seasonal and is a true farm/agricultural operation. They will be coming before the municipal boards. The septic will be off-site because of the soils on site which will be part of the application. The property itself is entirely in Halifax but the property line is concurrent with the town line. Dias confirms where this property is in relation to the solar field - east. Dias mentions the septic possibly being on Wood Street but there are no septic plans from the Board of Health.

Dias confirms that the applicant should combine the site plan and special permit application as this is in the Industrial Zone.

Troup confirms that the facility will be fenced. Stearns explains this will be a highly regulated facility.

Discussion

Pine Street North - Potential Open Meeting violation - August 6, 2020 meeting

Dias explains he added this to the agenda as the Pine Street North matter was not on the agenda at the last public hearing where they took a vote and the public wasn't notified. He thinks this would be a technical violation of the open meeting law. To mitigate any potential complaints, the Board inadvertently took that vote and it is on the agenda for this week. Troup states that she believes Pine Street North was not brought up by the Board, but by someone in the audience so it can't be an open meeting violation since the Board didn't bring it up. Dias disagrees.

Discussion

Pine Street North - Location on the Town Map, Drainage, Construction

This item was requested to be added to the agenda by Andrews. Dias makes a retraction statement regarding not putting Pine Street North on the 8/6/20 agenda as he directed the secretary not to because the agenda was full.

Andrews talks about Pine Street North on town maps. He states that the town maps don't depict Pine Street North as it should be. Detail A on the maps shows Pine Street North connecting to Gold Street, which it does not do. Andrews discusses Pine Street North drainage and construction. He states that there appears to be drainage on Pine Street North which there are no plans for with the Planning Board depicting any approval of that drainage and construction. Construction of Pine Street North comes down to an easement and then connects to Gold Street. There are signs in that area stating private property, do not enter, emergency vehicles only. People that live on Pine Street North do not have legal access over that property. Their legal access would be Gold Street to Bow Street to Pine Street North. The town

map does not depict where that is. There is a plan floating around from the water department showing that there's a water line that now goes down Gold Street and cuts across to Bow Street to go to a lot over there. That plan did not come to the Planning Board for approval. Dias and Andrews discuss the Planning Board's jurisdiction over this issue (1888 subdivision), Andrews refers to 81E, zoning bylaws and subdivision control laws adopted by the town.

Andrews asks Dias if he should recuse himself from this discussion due to a conflict. Dias does not believe he has a conflict regarding this subject. Dias will get a legal opinion from the Ethics Board.

Andrews would like to look into where the drainage was put in.

John Day, attorney for Paradise Properties, LLC (owner of Pine Street North), is present. He informs the Board that in March there was a Zoning determination of a buildable lot on Pine Street North and earlier this summer there was a building permit issued for Pine Street North for a single-family dwelling which doesn't fall anywhere within the scope of bylaw 167-28. Thus, Day states, this is far out of Planning Board's jurisdiction. Day states that this issue is a continuing pattern of harassment towards Paradise Properties, LLC. There is nothing being brought to this Board regarding the development of Pine Street North that involves the Planning Board. Day puts the Board on notice that he will do whatever is appropriate to get Pine Street North off of the agenda if it appears again.

Troup addresses Day informing him that the Board had requests from somebody on Pine Street North back in May by email asking to be in front of the Planning Board which is why it was on the agenda. She adds that she believes there was a letter from an alternate building inspector, Chris Carmichael, that the road had to be "built out" in order to have a permit. Dias states that he isn't aware of this letter or its language. Troup has a copy of the letter and will forward to Planning Board secretary. Day suggests when the letter is available, to go through it to see where it best supports jurisdiction of Pine Street North at this time. Dias agrees with Day that the Board has no jurisdiction. Dias states that if Andrews has a particular section of subdivision control that gives the Board certain authority, that should be provided to the secretary. Dias will speak with Town Counsel to see if subdivision control applies to this and will write to the ethics commission to ask if there's a conflict for building Pine Street North. Andrews asks Dias if he put a water line down (on Pine St N). Dias states he does not have a financial interest in Pine St North drainage, construction or access. Andrews states that the main issue here is straightening out the Town maps to reflect the roads and adds that the Planning Board has jurisdiction over the official maps. Dias asks Andrews if the Planning Board has been involved in any other private ways in the last 25 years to which Andrews responds yes, many.

Jessica Palmieri (audience) states that there are 13 people in the room which is a violation of the people allowed (due to COVID-19 regulations). Town Administrator Charlie Seelig volunteers to leave the room as does another audience member. They depart. Dias asks Palmieri if she has a question regarding Pine Street North and she answers that she does not.

Dias confirms that Pine Street North will be added to the next Planning Board agenda (September 3, 2020) only to determine whether the Planning Board has jurisdiction. Andrews agrees.

Discussion

Complete Streets Program, Green Seal Environmental, Grant funds availability

Dias explains that there is \$400,000 worth of funds available to the Town through the highway department. Dias states that Green Seal Environmental will make a presentation regarding this grant to the Planning Board at their meeting on September 17, 2020. This program covers sidewalks, crosswalks, etc. Seelig explains that this is a courtesy so that the Planning Board, even though they may have no jurisdiction over the program, can find out more information.

Discussion

Comprehensive Permit "Country Club Estates" 40B Project - Postponed until September 2, 2020

Dias states that this hearing was postponed to September 2, 2020 and does not know what will happen.

Dias reads into record a letter that is not listed on the agenda as he thinks it's important for the Board members to hear regarding a Public Document Request from Amy Troup made on 8/12/2020. Troup states she does not have a copy of this in her file that this was going to be discussed. She adds that this is harassment against her.

Meeting Minutes

Troup asks to continue the approval of Meeting Minutes for August 6, 2020 as she needs more time to review. Andrews also did not have a chance to read these minutes. Merry reviewed them. Dias questions the time frame of subdivision Pasture Lane - 13 vs 15 years. Dias believes it is 13 years, but they will confirm at the next meeting. These minutes will be added to the next agenda (September 3, 2020).

Correspondence

There is no correspondence on the agenda.

Bills

There are no bills.

Other Business

Andrews v. Halifax – Civil Damages Case – Summons – Planning Board

Dias explains to the audience that the Planning Board, as well as various other boards, are defendants in a civil case brought by Gordon C. Andrews. Dias adds that this is the 5th or 6th litigation that Andrews has been involved in with the Town. Dias asks if there are any other comments.

Adjourn:

Motion to adjourn at 7:28pm: Troup

Second: Andrews

All in favor

4-0-0

Respectfully submitted,

Alan Dias, Chairman

Date Approved: 10/1/20

Alan Dias
Robert Merry
John Adams
JP