



Halifax Planning Board Meeting Minutes October 21, 2021

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HALIFAX TOWN CLERK

A meeting of the Halifax Planning Board was held on Thursday, October 21, 2021, at 7:00pm in the Great Hall of the Halifax Town Hall 499 Plymouth Street, Halifax, MA.

These minutes are an abstract of the Planning Board meeting held Thursday, October 21, 2021, which are on file with the Planning Board Department and posted on the Town of Halifax website. The video recording is posted on Area 58's Halifax YouTube page.

Members Present: Chairman Gordon R. Andrews, Vice Chair Amy Troup, Clerk Brendon Elliot and Member Rick Merry. Member Mark Millias is absent.

Chairman calls Halifax Planning Board meeting into session at 7:01pm, states members present and reads agenda into record.

MOTION to approve the agenda as read: Troup
SECOND: Elliot
All in favor (4-0-0)

Appointment

7:00pm – (Hearing) Petition #951 - Attorney Emile Bussiere, Jr / True Storage – 314 Plymouth St – Special Permit for a storage building (Filed: 8/12/21, Withdrawn and Re-applied with updated application 9/13/21)

No one is present.

MOTION to open the public hearing of the Halifax Planning Board that started on Thursday, October 7, 2021 at 7:00p.m. in the Great Hall and was continued to tonight, October 21, 2021. The application is by Emile R. Bussiere, Jr. of True Storage for a Special Permit to construct a storage facility to be located at 314 Plymouth Street, Halifax, MA 02338. Said property is owned by R&J, LLC as shown on Assessors Map 63, Lot 6 and 6A; recorded in the Plymouth County Registry of Deeds in Book 38017, Page 343 to obtain a Special Permit as defined under Halifax Zoning By-Law Section 167-7D(13): Schedule of Use Regulations, Specific Use Regulations for Commercial Buildings and Structures exceeding 15,000 square feet. The applicant is seeking to construct a 61,960 square foot indoor, climate-controlled storage building in a business zone.
File #954: Troup
SECOND: Elliot
All in favor (4-0-0)

ANDREWS: Okay, so the hearing is open.

TROUP: I'm surprised that we haven't heard anything either by phone or email. Did we remind him of it?

SECRETARY: He was here for the continuance at the last meeting...(inaudible)

TROUP: No, no, no. Totally not saying that you should have or shouldn't...

SECRETARY: I'm surprised myself.

TROUP: Yeah, me too. I think that's basically what I'm stating.

ELLIOT: I think he was traveling from out of state, wasn't he?

MERRY: Just him?

TROUP: Connecticut?

ELLIOT: I thought it was Cincinnati.

TROUP: That was Norman Kotoch, I think.

MERRY: Yeah, storage guy.

ANDREWS: Is there any discussion on the...

ELLIOT: Well, I mean if they're not here...

ANDREWS: Well the hearing's open though.

TROUP: Well what does everybody think about it? We have a resident here. Would she like to talk to us anything about True Storage?

TINA ALGER, resident: I've said it all.

TROUP: I'm just making sure.

TINA ALGER: Thank you.

ELLIOT: I mean, at what point does the conversation come in to whether or not it fits within the character of the town?

ANDREWS: Well, we had that last time.

MERRY: Yeah, that's what we talked about at the last meeting.

ELLIOT: Aw, I should've been here.

MERRY: We went through all of that. I mean, the site plan is fine. I don't see a problem with that at all. It's just, like you just said, in my opinion, unfortunately I don't think it fits there. I'm not saying it doesn't fit in the town, it just doesn't fit there.

ELLIOT: It's almost too bad. I'd like it across the street from Cumby's, in that spot tucked behind the trees right there would be the perfect lot for that. Just not Nessralla Farms.

ANDREWS: It just seems like it's overwhelming for that area. It's gonna tower up there. I don't know. I mean, we do have a country feel coming into town. It's not a bad-looking building but...

TROUP: It's huge.

MERRY: Yeah, if it was way further off the street it probably wouldn't be as much of a problem. But you know, somebody that doesn't know the town when they drive through that's what they're going to remember about Halifax. "Oh yeah, you know the place with the big storage building. I don't know. Maybe I'm wrong, maybe it would be beautiful but I just, you know, like Gordon pointed out before it's closer to the street than all the other buildings around it. So that's gonna make it stand out even more.

ELLIOT: It would stand out if it was 200 feet off the street, let alone 50 feet off the street.

MERRY: Anyway, we went over that. Maybe that's why they're not here.

ELLIOT: I'm in agreement with whatever...it seems like we're on the same page.

ANDREWS: He did say he wished that we had voiced that opinion when he first came in. But I mean, when he first came in it was a site plan, it wasn't a special permit.

MERRY: Yeah, I think when he first came in that was the meeting I missed so I was kinda...I didn't really pay much attention. I just looked at the site plan and everything looked good. They were talking drainage and everything and that's what we're supposed to do. Then I started looking at the other aspects, that's why the last meeting I was kinda like, woah, wait a minute. I didn't do it intentionally...

ELLIOT: Their first meeting when he threw the picture up on the easel it was more to show us what the building would look like. But that's not our place right now to go, hm, no. We gotta keep talking about it and thinking about it.

ANDREWS: Except for that has to come to us for a special permit, too.

ELLIOT: Right.

ANDREWS: So as the site plan part of it...

TROUP: See, I don't even think the site plan is okay because the building would have to have a special permit for the site plan to be okay, so I don't think that the site plan even is.

MERRY: Not really.

TROUP: Because with the 60,000 sq. foot building on it the site plan actually isn't okay.

ELLIOT: Plus, when they're taking up that much property. I don't care...I mean, drainage for the surrounding...I'm sure the drainage is fine with the site plan and all that.

MERRY: According to Amory it all checks out.

TROUP: Yeah but I don't really think they're taking into consideration the 40B that's going behind it which makes me concerned.

MERRY: Yeah, if the 40B goes in behind it.

TROUP: Yeah but still, they're talking about putting it there and the drainage doesn't take anything into consideration with what is being done by Silva. You know so therefore it's really...

MERRY: I don't think that will impact the 40B at all, if anything I think it would probably help them, as far as drainage.

TROUP: But it wouldn't help any of the abutters.

MERRY: Oh no, it's water, what are you gonna do?

TROUP: Not build in wetlands.

ELLIOT: Is there a 60,000 sq. foot building anywhere else in Halifax?

ANDREWS: Well, Walmart's 100,000. Stop & Shop is, I think, 67 or...

ELLIOT: So basically it's another Walmart.

TROUP: Stop & Shop.

ELLIOT: Another Stop & Shop, sorry.

ANDREWS: Well, it's two and a half stories. It's not covering the same footprint.

ELLIOT: Still big.

MERRY: You say two and a half stories and it doesn't sound like a lot but you're talking like 37 feet. That's up there, you know? Like John Shea mentioned he saw one in Cohasset? Way off the street and up on a hill, he said it was a huge building. But even he said where that one was situated, it fits in.

TROUP: That was in an industrial trailer, I mean railway area.

ELLIOT: Is that something we vote on or just express our opinions?

ANDREWS: Well we vote on the special permit.

TROUP: And the site plan, right?

MERRY: We vote on the site plan and the special permit.

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TROUP: Should we close the hearing and make motions?

ELLIOT: It's 7:16. The next one's on at 7:15pm, isn't it?

TROUP: It's the same.

MERRY: It's still the same one. They're still not here anyway.

ELLIOT: That's what I mean. If you were on two spots on the agenda, you'd think be here for one of them.

ANDREWS: Well, I mean I think the take from the last meeting was, they were kinda like...

TROUP: He did say it was nice to meet us.

Elliot attempts to make a Motion to vote on the Special Permit.

TROUP: Do we have to close the hearing?

ANDREWS: Yeah, we'd close the hearing and then...

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MOTION to close the hearing: Elliot

SECOND: Troup

All in favor (4-0-0)

MOTION to deny the Special Permit for an application by Emile R. Bussiere, Jr. of True Storage for a Special Permit to construct a storage facility to be located at 314 Plymouth Street, Halifax, MA 02338. Said property is owned by R&J, LLC as shown on Assessors Map 63, Lot 6 and 6A; recorded in the Plymouth County Registry of Deeds in Book 38017, Page 343 to obtain a Special Permit as defined under Halifax Zoning By-Law Section 167-7D(13): Schedule of Use Regulations, Specific Use Regulations for Commercial Buildings and Structures exceeding 15,000 square feet. The applicant is seeking to construct a 61,960 square foot indoor, climate-controlled storage building in a business zone. File #954: Troup

SECOND: Merry

All in favor (4-0-0)

Appointment

7:15pm – (Continued) – Attorney Emile Bussiere, Jr / R&J LLC – 314 Plymouth St – Site Plan Review (Filed: 5/27/21, 45 Days: 7/11/21 with Extension to 9/21/21)

No one is present.

MOTION to deny the site plan for 314 Plymouth Street, Halifax, MA 02338: Troup

SECOND: Elliot

Merry and Troup discuss whether the site plan can be approved separately from the denial of the special permit. Merry states if the site plan meets setbacks, drainage, septic it could be approved. Troup disagrees as she states her opinion is that approving the site plan would be approving a site with a 60,000 sq. foot building on it which doesn't go with the town's bylaws. Troup adds that there will probably be a loophole to get the building built if they approve the site plan.

All in favor (4-0-0)

Appointment

7:30pm – JCM Land Holdings, LLC – Franklin Street – Form A (Filed: 10/6/21)

Present: Bob Rogers from GAF Engineering representing JCM Land Holdings.

Rogers presents the Form A. No new building lots being created. Property is almost entirely wetland. Dividing the large piece in back, Parcel A. Just have two parcels, the land is not buildable. Per the notes 1-5 on plan, Parcel A gets created and conveyed to the easterly abutter, JCM Land Holdings and Parcel B stays with the owner, Brookside Realty LLC. For whatever reason, they're separating it, most likely for the back piece to go to the easterly abutter but it's all wetland. Rogers does not believe Parcel B is a buildable lot. This is clearly not a subdivision of land under Subdivision Control Laws. Rogers responds that they are not creating a lot without frontage as it's an existing lot that has 81 feet of frontage that is not a building lot and it's not going to be a building lot. Just taking the back portion of land and conveying it to the neighbor. No frontage on back lot.

MOTION to accept Form A plan as presented Map 104 Lot 5, Deed Ref Book #49155 Page 162 for applicant JCM Land Holdings: Troup

SECOND: Elliot

All in favor (4-0-0)

Board signs mylar and returns mylar to applicant.

Appointment

7:45pm – (Discussion / Update) Twin Lake Liquors, 657 Monponsett Street – fence update, sign site plans

Present: Nicole Nelligan, abutter

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Gordon R. Andrews recuses himself. Troup informs Nelligan, per an email from the fence contractor, forwarded to the Board by Twin Lakes Liquors owner KV "Kenny" Patel, that there is a long lead time and delayed materials. Troup also informs Nelligan that Patel attempted to visit Nelligan but no one was home. Nelligan asks the Board about sample fence materials as that is what Nelligan states the owner said he would do. Nelligan states that she thinks Patel is dragging his feet until the dispensary goes into the property. Troup informs Nelligan that the entire country is waiting a long time for contractors. Nelligan asks if a different fence company can be used. Troup states she will call Patel for further details. Nelligan asks again about samples. Elliot explains that there could be a backlog of workflow over all but states that it has been noted things are not moving as quickly as abutters would like. Troup again promises she will contact Patel for more information. Nelligan asks Troup to inform Patel about all of the trash/litter going on to her property. Troup advises Nelligan that the Planning Board cannot enforce anything regarding litter, Nelligan would have to call the police. Nelligan voices her concerns regarding rent being paid for the storage space at Twin Lakes Liquors since 2020. Troup advises Nelligan to write a letter to the Board of Selectmen with her concerns and copy the other Boards. Elliot states this has not gone unnoticed by the Planning Board, also. Troup states they are trying to stay on top of things. Nelligan states her concerns about the parking spaces, saying some are diagonal and some are parallel, and parking seems to be a "free-for-all." Troup responds that the parking must be according to the site plan and confirms with Merry that the contractor is responsible for the painting of the lines for parking. Nelligan states that, currently, car headlights are shining in their home while sitting in the parking spaces at Twin Lakes Liquors. Elliot states that the fence will prevent this once it is installed. Nelligan informs the Board that they can give her cell phone number to Patel to call ahead to avoid any future failed visit attempts to her home. Troup goes over with Nelligan the points she will discuss with Patel during her phone call – fence samples, painting of the parking lines, litter issue and call ahead.

Gordon R. Andrews re-joins meeting.

Discussion

Josh Liddell – 285 Holmes St – drainage calculations and soil logs

No one present. Andrews states the Board should send a letter to Josh Liddell.

MOTION to send a letter to Josh Liddell of 285 Holmes Street to ask him to schedule to attend one of the next two Planning Board meetings regarding drainage calculations and soil logs: Troup

SECOND: Elliot

All in favor (3-0-1)*Merry recuses himself and abstains from vote as he is an abutter.

Walmart – extended hours

No one present. Secretary informs the Board that Shawn Boostrom has been reminded each meeting that he is on the agenda for discussion with no response.

Pasture Lane – status

Chairman states he spoke to owner John Paquette two weeks ago and hasn't heard back from him since, left him another voicemail but hasn't heard anything. Troup thinks a letter should be sent and she will attempt to get a hold of Paquette. Chairman believes a letter should be sent from the Board as it is getting to be another year. Troup inquires about contacting Town Counsel. Chairman said he had been holding off since Paquette was going to start moving on it. Troup states she does not think they should keep holding off and should contact Town Counsel. Chairman responds that he will give Town Counsel a call. Chairman responded to both Pasture Lane residents who contacted the Board inquiring about the painting lines and other concerns.

Bills

Amory Engineers – 314 Plymouth St, Engineering Services @ 6 hours – Invoice #15701 = \$929.92

MOTION to pay Amory Engineers Invoice #15701 for 6 hours of engineering services 314 Plymouth St: Troup

SECOND: Elliot

All in favor (4-0-0)

Correspondence

The Board reviews mail and mail is read into record by Troup.

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Other Business

Location of future Planning Board meetings / hybrid meetings – I.T. Cesar Calouro

Present: Cesar Calouro, IT Manager

Calouro explains that the Selectmen’s Meeting Room is already set up for Area 58 to record meetings on video with mics, video cameras, etc. He adds that there is a display screen for reviewing plans, etc. and will show the Board how to use all equipment. There should be minimal conflict to use the room for all Boards’ meetings. Calouro talks about live streaming and hybrid meetings using Microsoft Teams (replacing Zoom), Facebook and YouTube. The Board agrees that they would like to move all future meetings to the Selectmen’s Meeting Room for better technology.

MOTION to move all future Planning Board meetings to the Selectmen’s Meeting Room: Elliot
SECOND: Troup

Chat and mics will be disabled for all people joining a hybrid/virtual meeting but if the Board wants to allow someone to speak, they can choose to. The Board will be the moderators of the meetings. Elliot doesn’t know how he feels about people actively participating in meetings from home. Calouro agrees and states remote viewing only, in his opinion, is best and if someone wants to participate in the meeting, they should be physically present. Elliot agrees. Chairman would like anyone joining a meeting to sign in.

Chairman asks Calouro if the Board has a laptop yet. Calouro responds that by the next Planning Board meeting, November 4, 2021, there will be a laptop in the Selectmen’s Meeting room for their use. This will be a multipurpose laptop but it is still being discussed how and when each Board member will get their own laptop. Chairman states they offered to buy their own. Calouro responds that there was “red tape” with that, and he was stopped in his tracks as he was told there had to be an established policy to decide who gets them and if they are necessary. Elliot disagrees with this and would like to find out the roadblock to getting these laptops.

Troup reiterates that the Board would like to meet in the Selectmen’s Meeting Room for the next meeting. The Board agrees that they would like it to be in-person only, not hybrid. Chairman confirms with Calouro that a voice recorder is no longer necessary.

Meeting Minutes

MOTION to approve Meeting Minutes for October 7, 2021:

SECOND: Merry

All in favor (4-0-0)* Elliot was not present for this meeting therefore does not sign minutes

MOTION to approve Meeting Minutes for September 16, 2021: Troup

SECOND: Merry

All in favor (4-0-0)

Troup adds that the Board hasn’t heard from Halifax Park Plaza nor Arnold Werra’s lot on Plymouth Street. Secretary did not receive a response from Halifax Park Plaza when requested, twice, to apply for a site plan review. Troup requests that secretary email both contacts. Chairman and Merry explain that the lot, owned by Werra, was just being cleaned up and nothing seems amiss about the lot. Chairman spoke to Werra and confirms he was only cleaning the lot up and Werra is aware that if he does something on that lot, he must come in for a site plan review. Troup was concerned that Werra touched drainage. Chairman responds that he did not. Board agrees that a letter should be sent to Halifax Park Plaza to request that they apply for a site plan review.

MOTION to send a letter to Halifax Park Plaza asking them to see their modified site plan: Troup

SECOND: Elliot

All in favor (4-0-0)

Adjourn

MOTION to adjourn at 8:19pm: Troup

SECOND: Elliot

All in favor (4-0-0)

Respectfully submitted,

Date Submitted: 11/4/2021

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Gordon R. Andrews, Chairman

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Gordon R. Andrews
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