



Halifax Planning Board Meeting Minutes December 16, 2021

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A meeting of the Halifax Planning Board was held on Thursday, December 16, 2021, at 7:00pm in the Selectmen's Meeting Room at the Halifax Town Hall 499 Plymouth Street, Halifax, MA.

These minutes are an abstract of the Planning Board meeting held Thursday, December 16, 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 7:02pm, states members present and reads agenda into record.

MOTION to approve the agenda as read: Troup

SECOND: Elliot

All in favor (4-0-0)

Appointments

7:00pm – 0 Monponsett St, Amanda Monti – Temporary Site Plan Review (Filed: 11/10/21, 45 Days: 12/25/21)

Present: Amanda Monti, owner/applicant

Amanda: I think that last time we went through everything.

Troup confirms whether or not there were comments from other departments on this site plan. Chairman states "and Board of Health" and shows Troup the comment dated 11/18/21 from Board of Health agent written on the 11/16/21 Planning Board memo to all departments that is in the file. Troup shares comment with Monti "Porta Potty to be on site." Monti reviews area on plan and states she will order one tomorrow. Board reviews site plan and files. Troup asks Monti about trash and disposal. Monti responds that there is no trash on site. Chairman asks so there isn't a dumpster on site? Monti confirms that there is no dumpster on site. *Troup asks Monti if we can expect that no one will be working at night due to not having lighting.* Monti confirms nobody will be working on site after dark. Elliot Notice there is as more waivers on the site plan than checks. Troup says that was my thought as well.. However, they will be coming back in May. Monti confirms that this is a temporary site plan and will be returning to the Planning Board sometime around May of 2022. Troup asks what are we doing about peer review? Have we ever not done it. Merry, states liddell didn't have a peer review. Chairman brings up Liddell property and states that they are having a struggle with that. Merry states that Liddell got a building permit, which is what he wanted. Chairman states this would be the same thing. Monti states she doesn't know the property they are talking about and asks if it is listed as temporary as she feels this would be a different situation. Chairman states they are discussing the site plans. Troup states they are trying to create consistency. Merry: this is cut and dry, temporary site plan, just to smooth things out until next year. Monti states she didn't know if this is the same thing as what she is trying to do with her property. Merry agrees with Monti that what she is requesting is different. Monti reiterates that at the last Planning Board meeting her father, Corrie Merrit, gave the Board his permission to contact his engineer. Monti asks Chairman if he did so. Chairman responds he did not. Monti states this would give a bigger picture as he is working with Webby. Chairman states that the concern is the runoff going into the wetlands which isn't reflected on the plan in front of them. Monti responds that the Conservation Commission came to the site and did an inspection. Troup asks Monti if there are any letters from Conservation that could help. Monti responds no but confirms to Chairman that she did submit a plan to Conservation. Chairman states it would be helpful to have a copy of the plan submitted to Conservation. Monti states she is happy to submit a copy of this same plan to the Planning Board. The secretary confirms the Board received nothing from Conservation on this site plan. Elliot confirms the normal protocol of sending site plans for peer review. Merry states what would they look at. Monti informs Elliot that, the way she understood it, it was agreed already that this wouldn't need a peer review as this is just a temporary site plan. Troup doesn't recall this discussion about peer review. Monti reminds the Board that it was listed on the 12/2/21 Planning Board agenda. Chairman confirms. Troup reads the agenda from 12/2/21 and states they can't vote before 30 days is up. Monti states the 30 days was for the temporary site plan review, not a peer review. Elliot re-iterates and asks for confirmation on the normal, to set precedent, that a site plan goes out for peer review. Chairman confirms and states that is not done here. Liddell is brought up again to which Elliot states that is not the property the Board is talking about at this time. Merry doesn't see why the Board would need to send this out for peer review since this is just temporary.

MOTION to approve: Merry

MOTION to send the site plan out for peer review to remain consistent with everything we do from here on out and never ever let it go: Troup

Chairman states that there is already a motion on the table that the Board has to deal with. Elliot asks the difference between a temporary site plan and permanent site plan and why one would go out to an engineer and not the other and asks how this would impact the future site plan that will be coming back in May. Chairman states the question is does a temporary site plan have a time frame on it. Elliot asks what the downside would be to send out the temporary site plan to an engineer for an official peer review. Merry again states he doesn't know why this would have to go out for peer review. Chairman doesn't see a big deal but asks, because this is a temporary site plan, could it be time stamped to say it's only temporary to May of 2022 when it will be done. Troup agrees that this would be fair. Monti is fine with that and feels it is fair. The plan will be developed over the winter. Chairman any more discussion. Elliot speaks about why wouldn't a temporary site plan go out for a peer review; the same as we would a regular site plan. what would be the down fall, The delay in time to do a peer review would prevent the cease and desist from expiring on this property.

MMOTION to accept the temporary site plan until May 31, 2022: Merry
SECOND: Troup
All in favor (4-0-0)

Troup gives Monti a copy of Building Department's comment on site plan. Monti takes photo of Board of Health's comment on site plan and the site plan with porta potty. Troup helps Monti with her pdf/picture of the temporary site plan with the porta potty on it.

Appointments

7:15pm – (Informal Discussion) 416 Plymouth Street, Halifax Park Plaza – activity on site / site plan review

Present: Patrick Maloney, owner

Maloney informs the Board they are working on the leeching field which has taken him over a year to get done along with drainage area. Maloney fills the Board in on the background details, referring to site plans. Maloney explains they had to go to Conservation to put a gravel road in. Maloney points out the new leeching field location on the plans. Maloney explains there are a lot of underutilized areas due to the issues with the leeching field. Anything going into the area after the site is cleaned up would come back before the Board. Troup asks Maloney for the plan showing the road that was put in. Maloney explains that it is on the septic plan and will get the Board a copy. Maloney states that hopefully they will get a tenant in the future, and they will come back to the Board for a site plan review, parking, etc. Troup, I was under the impression that we would see what was going on on the whole property tonight. Patrick explains if he knew that. Troup asks to see the septic plan and conservation plan. Patrick agrees. Troup asks why she is the only one interested in seeing the road and the rest of the property?

Appointments

7:30pm – (Discussion) Twin Lake Liquors, 657 Monponsett Street

Gordon R. Andrews recuses himself.

Troup informs the Board she drove by and looked at the property and took photos, which she shows Merry and Elliot. Merry states that he drove by the property also. Troup informs the Board that the fence is installed, as discussed. Troup spoke with abutter Jaime DiGuisto and property owner Patel and everything is complete. Troup states hopefully DiGuisto is good. Elliot states that the fence looks nice. Troup will check in with DiGuisto and states that the fence looks like 80 feet. elliot; you can't buy a property next to a commercial spot and expect not to have lighting

Merry: agrees.

Gordon R. Andrews re-joins meeting at 7:39pm.

Troup states she will send the photos she took of the property to the secretary.

Discussion

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

Merry recuses himself.

No one present. Troup states she emailed Josh Liddell about the drainage calculations and plans on doing so again, maybe going to talk to him to see what the Board can do. Merry asks to speak as an abutter in the audience. Recently, lights have been added. Merry talks about the outdoor lighting on the building that lights up his house, the railroad tracks and should not go past the lot line. Merry's

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son-in-law spoke to Liddell and asked him about fixing the lights, but nothing had been done. Merry does not understand why the property needs to be lit up like it is an industrial park. Merry asks that the Board take into consideration that it's a unique piece of property in that it's industrial in a residential zone. Merry thinks lighting should be on the site plan.

MOTION to update the site plan with lighting and the drainage calculations by the January 20, 2022 meeting: Troup
SECOND: Elliot

Merry adds that this is not a personal vendetta between Merry and Liddell. It's just that this is an approved site plan for an addition on the building and the building doesn't meet any of the conditions for site plan. Merry wanted this site plan to go out for review and told the Board so, but the Board said no. Troup states that she will never do that again, not even for a temporary site plan. Merry states that it's a whole different site plan due to the changes that have happened on the property since the approval with drainage problems and everything else, states it's a whole different animal. Troup refers to previous discussion and asks why the Board wasn't talking about how much they cleared out and all the drainage calculations that are changing for that and a road going in. Troup states this is inconsistent and adds that Merry wasn't supporting these same issues for 0 Monponsett St, either. Troup reiterates that things should stay consistent. Merry states that the Planning Board approved a bogus site plan for Liddell so that he could get his building permit. Troup states she has no relationship to Liddell and consistency has to say something. Troup asks Merry why he wasn't for a peer review for 0 Monponsett Street or caring about the road at Park Plaza, and now has a totally different point of view. Merry states the Board didn't do a peer review for Liddell, either. Troup continues to discuss consistency and its importance. Merry states that the Board sent Villiard out for a peer review and everyone else but not Liddell and asks why. Troup responds she didn't think it would be a problem but stands corrected. Merry explains that his input wasn't considered on Liddell's site plan before it was approved. Troup disagrees and states that she incorporated Merry's concerns into her motion, has been following up with Liddell and sticking up for Merry. Troup states that she is all for everyone being treated the same. Elliot states its the only way the Board is going to avoid these conflicts in the future. Elliot states he wishes this conversation happened prior to 0 Monponsett because he would have changed his vote to ask for a peer review.

MOTION to update the site plan with lighting and the drainage calculations by the January 20, 2022 meeting: Troup
SECOND: Elliot
All in favor (3-0-0)

Chairman brings up 0 Monponsett Street stating, "there are more checks on the not than there are on the on included." Chairman states there was no talk about drainage on the 0 Monponsett Street site. Merry responds that there is no need for any drainage on that site. Chairman asks what is coming off the piles. Merry asks "isn't that all conservation?" Chairman responds that it isn't conservation "because if there's drainage coming off of there, what's going to mitigate that?" Chairman adds that silt sock doesn't fit site plan. Chairman states that regarding time frame, "they have been operating down there anyways."

Merry re-joins meeting.

Chairman states that the Building Inspector gave 0 Monponsett 60 days and then another 60 days. Chairman states that it's uncommon for this Board to give a site plan first time around without having them come back. Chairman asks Merry if he went through 0 Monponsett Street's plan and wrote down everything that's off of there as if there was a review being done. Merry asks what there is to review or see as there's nothing there. Chairman states that there is something to see there. Chairman asks Troup if she went through it. Troup responds that she did. Chairman asks if she went through it according to the By-Laws. Troup doesn't know drainage calculations, but she did ask about the tub grinder as there are complaints about it in another part of town. Chairman asks Merry how much time he puts into the Planning Board as far as studying the plans and going through everything. Merry responds "as much as I feel like I have to." Chairman asks Troup who responds, "I think that I do a few days a week." Chairman states to Merry that that is an engineer's job to do that as the Planning Board doesn't get paid to do so. An engineer goes through everything and writes down what he sees, per Chairman. The Board continues to discuss 0 Monponsett Street. Elliot refers back to the 60 days and another 60 days given to 0 Monponsett Street by the former Building Inspector who, Elliot states, "seemed like he didn't really...wasn't following protocol, whatever...all of a sudden, what was such a rush tonight?" Elliot goes on to say that the Board shouldn't have approved the Liddell one without having gone to peer review. Troup and Elliot agree that a peer review will be part of the process for all site plans going forward.

Halifax Meadows / Lydon Lane – removal of rotary parking spaces, resolved with Fire Chief Viveiros

Troup reads from Viveiros letter that the parking spots have been removed so the school buses can do what they need to.

Pasture Lane – status

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Chairman states the Board is waiting for the Selectmen to get back to the Board on getting Town Counsel's advice. Troup asks the secretary to email the Selectmen as the Request for Legal advice form has not been sent out yet to avoid wasting any more time.

Meeting Minutes

MOTION to accept Meeting Minutes for November 4, 2021 as written: Troup
SECOND: Merry
All in favor (4-0-0)

MOTION to accept Meeting Minutes as written for December 22*, 2021: Troup
SECOND: Merry
All in favor (4-0-0)

*Incorrect date in motion.

Correspondence

The Board reviews mail.

Adjourn

MOTION to adjourn at 8:00pm: Troup
SECOND: Merry
All in favor (4-0-0)

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Respectfully submitted,

Date Submitted: 1/6/2022

Gordon R. Andrews, Chairman

Gordon R. Andrews
Michael Merry
[Signature]