



Halifax Planning Board Meeting Minutes February 4, 2021

A meeting of the Halifax Planning Board was held on Thursday, February 4, 2021 via Zoom hosted by Town Administrator Charlie Seelig.

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

Chairman opens the meeting at 7:00pm and takes a roll call of all members. Explains protocol of Zoom meeting.

Chairman reads statement regarding Governor Baker's 3/12/2020 order suspending certain provisions of Open Meeting Law proceeding via Zoom.

Bills

Amory Engineers – Invoice #15531 – O'Reilly's Auto, 330 Plymouth St = \$492.50

MOTION to pay Invoice #15531 to Amory Engineers for \$492.50: Millias

SECOND: Troup

Roll Call: Andrews – Yes; Merry – Yes; Troup – Yes; Millias – Yes; Dias – Yes

Passes 5-0-0

Unfinished Business from 1/21/21 Meeting: Correspondence

The Board has no comments on the following items:

- 1/15/21 – Email communication between Alan Dias and Don Bracken – 450 Industrial Drive/Cled's Tree
- 1/19/21 – Email communication between Alan Dias and Casey Burch/Solli Engineering – O'Reilly's Auto corrections
- Notices and Letters from Abutting Towns: Hanson & Pembroke
- Notices, Memos and/or Letters from Halifax Boards & Committees: Board of Health Public Hearing Notice

Discussion

241 Franklin Street – As Built – final sign-off needed

The scale on the As Built differs from the original plan. Building department is satisfied with the progress. Conservation must review their portion of As Built. Millias, Andrews and Troup need to review the plans. Merry reviewed and didn't see any problems. Board will discuss again at the 2/18/21 meeting.

O'Reilly's Auto/330 Plymouth Street – invoice received from Amory/Pat Brennan 1/12/20 for as-built review, inspection and report – punch list complete, final sign-off needed

Chairman gives update. Amory is fine with plan. Engineer and land surveyor indicated that construction is done according to plan.

MOTION to approve site plan as built as drawn: Andrews

SECOND: Troup

Roll Call: Andrews – Yes; Merry – Yes; Troup – Yes; Millias – Yes; Dias – Yes

Passes 5-0-0

Appointments/ Hearings

7:10pm – Joshua/Liddell Bros – 285 Holmes Street – preliminary site plan review

Joshua Liddell (Liddell Bros) is present. Rick Merry recuses himself as a Planning Board member but will comment as a resident. Liddell presents intentions. Proposed fence plan per scale. No other intent currently. There is some activity at this location. General use for property is for antique storage only. Nothing major in the works right now. His Uncle, Gary Liddell, bought the property and has been doing some beautification, some land clearing out back. Area is now leveled off and is proposing to put in a fence. Property up against railroads. Millias confirms there is a chain link fence which stops where the building stops, about 130 feet off road on both sides. Building Inspector inspected property. Liddell explains that the heat was not working in the building. North Star was hired by Gary to do a switch over without a permit resulting in a cease and desist, however they now hold a permit. Out of respect Liddell stopped all work even though they were not asked to at this time. Nothing will be done until they go through formal permitting processes. Gary's statement was sent to Board via email. There is an existing foundation on back of building to be used

for possible future addition (space metal buildings). Landscaping and possible paving might be done in the spring but will need to get a permit for this. Dias states that putting up a fence is not an issue. Clearing an area to create parking lot will be an issue which would require a site plan. Liddell understands. Gary is currently trying to beautify property. Site plan would be needed for drainage when that time comes. Andrews states that for a fence, there is no issue before the Board. Troup confirms that North Star was replacing the heating system.

Merry, as a resident across the tracks, expresses his concerns. States that there is a cue-pack parking lot, there has been work going on for months with new sheetrock, overhead door, leaching pit; not just heating. Merry doesn't believe what Liddell is saying as there is a lot more activity. Millias clarifies that Liddell is just asking about putting up a fence. Liddell responds that the property goes back a couple of hundred feet which was heavily wooded and was leveled off with temporary drainage put in. There will be no businesses run out of this property. Building has been cleaned up and cleared out, windows, some sheetrock. Building Inspector walked around inside and outside and is aware of all that is going on, per Liddell. All work has been stopped. Liddell will come back before the Board before doing anything further.

Discussion

Will McNeice/Podgurski Corp – 300 Plymouth Street – discussion drainage plans / proposed small strip mall

Chairman is not clear on what Podgurski Corp is trying to do other than putting drainage in for the roof. McNiece is not present for this discussion. Dias doesn't know why drainage plans were submitted but comments that this might be a stormwater management issue which they would need to go to Conservation for. If there are any site changes, they would need to come to Planning Board to get site plan modified. There is nothing else to discuss other than that there are some roof drains. Board needs more information, is unclear what is being proposed.

Site Plan & Special Permit guidance meeting w/ Atty. Amy Kwesell – members availability

Chairman explains that due to large projects coming before the Planning Board, some newer members will need guidance on how to act on these projects. Proposing a session with Q&A with Land Use Counsel Attorney Amy Kwesell (KP Law) for site plans and special permit processes. Andrews may not be able to attend at 6:30pm but states he thinks it is a great idea to hold the session. Troup has no scheduling conflict at this point. Merry and Millias are available. Attorney Kwesell will be notified.

311-313 Plymouth Street – Scott Casagrande – Letter of Agreement for 90-day Extension filed with Clerk 1/25/21. Continued to February 18th at 7:05pm with second amended plan

Chairman informs in receipt of 90-day extension.

Bud's Goods Marijuana Establishment – peer review estimate from Amory Engineers 1/28/21, fund amount for revolving account, extension or waiver of 167-28; Hearing date set for March 4, 2021 at 7:05pm

Full-sized plans were received by all members. An estimate from Pat Brennan/Amory Engineers review of site plan was received by Planning Board. Andrews suggests getting multiple estimates/bids from other engineers per the Board's process in the past. Merrill, PMP and Silva Engineering are some names used previously. Dias is fine with this but suggests requesting money for revolving account to cover engineering costs. Board discusses a proper amount to request.

MOTION to fund the revolving account for Bud's Goods: Andrews

SECOND: Millias

Roll Call: Andrews – Yes; Merry – Yes; Troup – Yes; Millias – Yes; Dias – Yes

Passes 5-0-0

Will ask Bud's Goods to provide \$2,500.00 for revolving account. Dias informs the Board that he requested Bud's Goods to waive Section 167-28. Dias would like to go out for a site visit. Board agrees. Secretary will request possible dates from applicant for a site visit with approximate staking of buildings before March 4, 2021 hearing. Troup asks about extension and informs the Board that the filing date was January 28, 2021. A form Letter of Agreement for Extension of Site Plan Review will be sent to applicant with a request for 90-day extension. 90 days from March 4, 2021. Andrews recommends that the applicant sign and return the extension the Monday after the March 4th hearing. Board agrees.

Autumn Lane – update

No update.

Pasture Lane – status

Mary Baker, realtor for buyers of 1 Pasture Lane Elias and Ashley Bassila, is present.

Chairman states that the Board is talking to the proposed developer and will hopefully have something at the next meeting.

Andrews spoke with developer John Parquette. Parquette is concerned that they've gone this far to get the building permit and

were told to get perc tests and then the Building Inspector informed him that he could not grant them a building permit. Andrews informed Parquette that the reason for that is because the Planning Board has a covenant on this lot which will not be released until the road is complete. Andrews recommended that Parquette come in and speak to the Board. Parquette wanted to get a bond. Andrews informs Parquette that they can't deny him if he wants to get a bond, but Pasture Lane residents are frustrated that nothing is getting done. Andrews suggested Parquette get progress done on road, come into the Planning Board with schedule of what construction looks like to complete road and then the Board can look at what the bond would be. Andrews finds it difficult for the Board to say Parquette can build a house without getting progress done on road as residents have been waiting a long time. Troup suggests getting a written notice from the Building Department stating that as soon as the road is finished the building permit would be granted. Andrews states he does not think it makes any difference. There is a covenant on the lot and the town should not release the lot until the road is finished or guaranteed with a bond that it will be done. Troup states that speaking from a realtor's point of view, the deal cannot go through without something in writing and it would solve a lot of problems. Andrews suggests the Board could put this in writing but wouldn't put it on someone else to write a letter and hold things up. Troup states that she thinks something assuring the buyer/builder in writing would be best and is how she interpreted the email from Mary Baker. Dias states that he has been in touch with the developer and is in the midst of trying to work out the issue with the Building Department regarding the covenant issue; trying to come up with some sort of alternative so that the road can be done and building permit can be issued while holding on to the occupancy permit until the road is complete. Dias will make sure he has something for the next meeting from the developer.

Mary Baker states that the concern is that the developer didn't relay the information on what was going on with the Planning Board and the road. From the buyer's point of view they are trying to understand what the holdup is and what they can do to put pressure on the developer to make sure the road is completed. It has been six months with no movements, updates and no motivation on the builder/developer's side to get things done. Baker doesn't know if that is because of the road, the covenant restriction or misunderstanding. Baker confirms that Troup is correct that it would be helpful to have something in writing stating that the building permit would be issued once road is complete as it would give some direction. However, even with something written, it's only as good as the action taken behind it and nobody can be forced to act. Does seem developer is trying to make strides in the correct direction, but anything she can get to keep her buyers in the game is what she is looking for. Millias adds that the only thing the Planning Board could put in writing is that once the road is complete, the lot can be released. The Board cannot add that a building permit would be issued. Troup agrees but states that something in writing would help Baker and her buyers put a fire under the developer. Baker understands now that there have been conversations between the Board members and the developer, but this wasn't information she had before. Millias isn't clear on who the Board is giving a written statement to. Troup responds that it would benefit the buyer. Millias reconfirms that the Board cannot make a statement about granting a building permit. Troup states again that if the building department was willing to give a written letter to the buyer stating that the building permit would be issued once the road is complete would give the buyer more confidence, direction and progress. Baker states that this makes sense.

Dias confirms that he will have a substantial update at the next meeting.

Complete Streets Program – project list submitted to Highway Department and Board of Selectmen 1/25/21

No comment.

Correspondence

The Board reviews mail and comments on the following items:

1/26/21 – Email from Bracken Engineering, 8 Hilda Ln – Letter of Agreement to Withdraw w/out Prejudice Site Plan Review

Chairman confirms there is nothing before the Board for 8 Hilda Lane as everything was withdrawn.

MOTION to allow signature stamps on 8 Hilda Ln Site Plan Review Withdrawal: Millias

SECOND: Andrews

Roll Call: Andrews – Yes; Merry – Yes; Troup – No; Millias – Yes; Dias – Yes

Passes 4-1-0

Notices, Memos and/or Letters from Halifax Boards & Committees: Zoning Board of Appeals PHN Pet #931

Chairman explains this is 596 Monponsett Street, the old theater will be razed. Troup asks if this will be in the same footprint. Dias responds he does not know. Troup states she believes he owns the lots all the way over to C-Mac so one of those lot lines is a little off. Dias states that there is no action for the Planning Board to take on this but if the Board members have any concerns, they can attend and be heard at the ZBA hearing on 2/8/21.

Meeting Minutes

MOTION to accept the amended (by AT) Meeting Minutes for 11/5/20: Troup

SECOND: Andrews

Roll Call: Troup – Yes; Andrews – Yes; Millias – Yes; Merry – No; Dias – No

Passes 3-2-0

MOTION to accept the 11/19/20 Meeting Minutes: Andrews

SECOND: Troup

Roll Call: Troup – Yes; Andrews – Yes; Merry – Yes; Millias – Yes; Dias – Yes

Passes 5-0-0

MOTION to accept the 12/3/21 Meeting Minutes: Andrews

SECOND: Merry

Troup asks for discussion of 10/15/20 meeting minutes regarding which set was approved and signed. Secretary explains that the 10/15/20 set that was printed and left on the meeting table was the approved, amended (by Troup) approved set to sign. Troup disagrees. Troup asks for this set of minutes to be added to the 2/18/21 agenda.

Roll Call: Troup – Yes; Andrews – Yes; Millias – Abstained; Merry – Yes; Dias – Yes

Passes 4-0-1

Other Business

Comprehensive Permit “Country Club Estates” 40B Project - continued to February 24, 2021

Chairman asks Board to review drainage plans and notify the ZBA if any comments. Andrews asks if the ZBA has asked the Planning Board any questions. Dias responds none that he is aware.

Discussion

Cled’s Tree Service, 450 Industrial Drive – non-compliance with site plans / possible ZEO action (167-28)

Gordon R. Andrews recuses himself from this discussion at 8:27pm.

Millias briefly reviewed information on this issue. Dias brings Millias up to date. Set of plans from Bracken Engineering marked up by another individual without Bracken’s knowledge, which, in Dias’ opinion, means Cled is in non-compliance. Dias states that he believes Cled was supposed to return in either July of 2019 or 2020 to review site plan which never happened. Dias states that there is no question that the approved plan was not a legitimate plan prepared by an engineer. This has been substantiated both by the engineer and Cled’s Tree. Dias confirms to Millias that the plan was submitted as if it was prepared by Bracken Engineering. Cled’s is working with fire department to get into compliance. Cled has until March 10, 2021 to bring property into compliance. Dias would like Cled to come to the Planning Board prior to this date with a new certified site plan so the Board can start from the beginning as the other plans are no good. Merry has nothing to add. Troup missed some of the informal conversation on 1/21/21 due to technical difficulties. Troup asks which site plan is in question as there are two. One of the site plans had a building, septic system, drainage, sidewalk, and parking which the Board approved last year. Troup asks if this is the plan Dias is saying is fraudulent. Millias remembers something came in with a building that was not originally proposed but cannot remember details. Dias states there was a plan that came in with markings on it that were not drawn by an engineer. Dias recalls seeing the plan Troup is talking about come through the Board of Health but thinks it was okay but needs to be sure. Dias states that Cled admitted he marked the plans up. Troup responds that the plan Dias may be talking about is a plan that Fiore (previous owner) marked to help Cled during purchase process but was not presented to the Board as if Bracken made the markings. Troup adds that anyone on the Board would know that markings (red lines, etc.) would not be from an engineer. Millias agrees and states that if someone updated a pre-existing plan for the Board just for showing, they certainly could have approved it without it being an engineered plan. Dias states that the Board has a set of plans with the name “85 LLC” that Cled’s holds the property in. Dias states that the Board needs to figure out how to get the property in compliance and give him the time he needs to move forward. Dias doesn’t agree with Troup 100% as he has reviewed all plans showing 85 LLC. Millias asks Dias what infractions there are and if Dias is requesting an Existing Conditions Plan. Dias responds no, that would be a waste of money for Cled as Cled has indicated to other boards he would like to put up a building. Dias wants to know exactly where the building and parking will be located. Millias responds that the Board doesn’t have the right to ask Cled something he’s not proposing right now. Dias states Cled is proposing a building but is not coming in. Millias responds that Cled hasn’t proposed anything because he hasn’t come in. Dias states he knows that the original plan submitted is incorrect and that Cled is in violation of his site plan. Millias states now the Board must prove this by asking for an Existing Condition Plan or some type of proof. Millias asks Dias again what the infraction/violation of site plan is that Dias is aware of. Dias responds the storage of logs, woodchips, equipment (grinder). Millias asks if Dias is saying that the site plan doesn’t allow Cled to store logs on the property. Dias responds that Chapter 31 of the Forest Code allows logs to be stored in a certain position and none of that is compliant. Millias states none of that is up to the Planning Board. Dias responds that it would be because on that site plan, he showed storage of those facilities and if there are any violations from there it goes to Fire Department. Millias states that it’s not a Planning Board issue.

Millias would like Dias to prove that Cled has done something wrong. Dias suggests Millias look at the site and look at the plans in the Planning Board files. Dias was not part of the process, just looking at plans and meeting minutes submitted. Dias' goal is to get Cled in compliance.

MOTION to write a letter to Cled's Tree Service to make sure the property is in compliance by March 10, 2021: Millias

SECOND: Merry

Troup would like to know what the infraction is as the Board could be overstepping their bounds since Cled's is already aware and working with Fire Department and she doesn't see a need to double up.

Roll Call: Merry – Yes; Troup – No; Millias – Yes; Dias – Yes

Passes 3-1-0

Adjourn:

MOTION to adjourn at 8:50pm: Troup

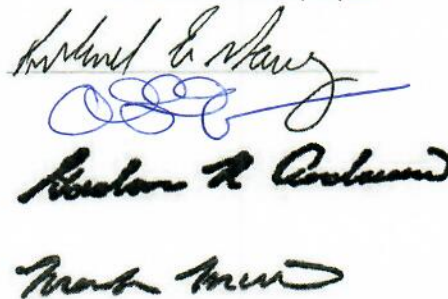
SECOND: Millias

Roll Call: Troup – Yes, Merry – Yes, Millias – Yes, Dias - Yes

All in favor

Respectfully submitted,

Date Submitted: 3/18/21



Chairman, Alan Dias

Zoom Chat Transcript

- 00:13:00Jo-Anne Snow: The folder for 241 Franklin was on the table the last 3 times I was in along with the asbuilt
- 00:20:57Jo-Anne Snow: Email #3
- 00:21:05Jo-Anne Snow: All attachments for Liddell

