



Halifax Planning Board

Meeting Minutes

March 18, 2021

A meeting of the Halifax Planning Board was held on Thursday, March 18, 2021 via Zoom hosted by Town Administrator Charlie Seelig.

These minutes are an abstract of the digital (audio and video) recording of the Planning Board meeting held Monday, March 18, 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.

Roll Call of Members Present: Chairman Alan Dias, Clerk Rick Merry, Members Gordon R. Andrews and Amy L. Troup. Vice Chairman Mark Millias joins meeting at 7:10pm.

Chairman opens the meeting at 7:01pm and reads statement pursuant to MA Governor Baker's Order 3/12/2020 suspending certain provisions of the Open Meeting Law Ch 30A Section 18 due to Zoom Meeting protocol. Chairman takes a roll call of all members present.

Bills

Plympton-Halifax Express – Zoning Bylaw Hearing Advertisement – 3/19/21 Invoice #12301 = \$84.00

MOTION to pay Invoice #12301 to PH Express for \$84.00: Troup

SECOND: Merry

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

Passes 4-0-0

Appointments/ Hearings

7:05pm – Joseph Podgurski – 49 & 63 Carver Street – Form A

Owner Stacey Villiard is present.

Andrews states issue that there's a barn within 30 feet of sideline being created in lot to the right (looking at the plan). Dias states that both buildings are to be razed. Troup agrees. Andrews states that they are present when being subdivided. Villiard confirms both buildings are going to be removed. Andrews states that everything else looks cut and dry. Merry has no comments.

Millias joins meeting (7:10pm).

71-10, 71-11 and Parcel A – three (3) lots are being created in this Form A. Troup asks if Parcel A is going to become part of 17-A. Dias confirms with Villiard that Parcel A will become part of 17-A. Father and son bought together and son currently owns 17-A. Andrews states they don't want to create parcels with no access. Millias agrees that typically the Planning Board does not approve landlocked parcels. Dias points out that the legend on this plan being presented states Halifax Planning Board and Zoning Board. The Board requests that Villiard correct the legend on the plan to reflect the Halifax Planning Board only and show that there will be no landlocked parcels being created with the Planning Board's approval (Parcel A). Andrews adds that the requisite circle should be touching the frontage/tangent to Carver St. Both circles should be moved. Millias prefers to vote after changes are made to the plans. Villiard doesn't have any time constraints. All plan copies must be corrected, including Mylar.

There is discussion on timeframe. Troup states 45 days and that an extension would be needed from applicant. Andrews believes it is 14 days for a Form A. Dias asks Villiard to request extension until April 15th. Troup asks if there's a specific extension form. Millias states that it can just be written down without a form. Villiard will request an extension and submit updated plans as soon as possible so the Board can reassess at their meeting on April 1st.

7:25pm – Brian Wall/Gras Taps – 894 Plymouth St – Preliminary Discussion for dispensary

Applicant Brian Wall and his partner Brendan McKee are present.

Appointment begins at 7:21pm. Wall gives background on himself and McKee. Wall founded his current company in 2017 which does payroll, 401K and HR employee benefits for cannabis companies across the US. McKee most recent company has two dispensaries in Massachusetts. Currently renting two middle units at 894 Plymouth Street. Would like to open a recreational dispensary which is properly zoned and meets 500-foot buffer zone (655 feet). Webby is engineering this project. Aware of Circuit and Laurel Street and have reached out to residents offering to host virtual or on-site tour of proposal. Willing to work with Town

and neighbors to include aesthetics of building and being a good neighbor. Wall and McKee prefer this area to the center of town due to less traffic. Spoke to Chief of Police who likes this location and has no concerns and to better understand the police department needs regarding situational training of employees for security and any other necessities. Spoke with Fire Chief to make sure his needs are met. Want to understand any concerns of the Planning Board. The location would generate 3% tax revenue for the town. There will be over 65 dispensaries permitted in the next month across the state. Traffic and location will generate business locally. Wall refers to the Preliminary Grass Taps proposal packet submitted to the Board. Odor mitigation, security plan and fire suppression program will be dealt with by Wall. Wall confirms that this will be a retail outlet, not a delivery company as they are not a social equity applicant. Wall confirms to Chairman that this would be a distribution point with a number of people coming in on a daily basis.

Andrews confirms with Wall this will be a retail/sales business. Wall states there are 24 customer parking spaces and would have access to all these spaces as the other business do not use them. Wall states that they will be renting for dispensary between 900 and 1,200 square feet with remainder for a break room, vault and work areas. Vault is required by CCC regulations.

In response to Merry's question on managing the flow of customers and therefore make sure there's enough parking spaces McKee explains that they would operate on an appointment system. On a five- or 10-minute basis per hour they would allow a certain number of appointments to take place. Willing to work with town on a cap for those appointments. No walk-ins until this is no longer necessary.

Troup has no additional questions.

Dias confirms to Millias regarding zoning that town meeting adopted the bylaw that allows, by special permit, this type of facility in the Business zone but must meet certain setbacks for childcare and alcohol facilities.

Dias doesn't believe the building currently has sprinkler systems. Dias confirms this is a four-bay building. Dias asks if Grass Taps' security plan shows isolation of their space from other bays. McKee states that the vault will be custom generated to make sure that no one can drill into their area. All products will be taken off the sales floor and well-secured in vault while not open for business. Dias states his concerns for parking and explains that the following will need to be included in site plan application: how much traffic will be generated, how often appointments will be scheduled, hours of operation vs appointment times which ties into parking spaces necessary, employee counts (part-time included). Wall confirms that there will be 20 employees with a combination of full and part-time, managers, etc. Millias adds that parking would need to be required for employees and will need to know how many employees will be working at one time. Dias states that police need to be aware of which spaces are assigned to which businesses.

McKee confirms that they have started the Host Community Agreement process.

Chris Winiewicz, 29 Circuit Street. Comments that he hopes the Board fact checks everything being said as he has seen in previous marijuana establishments information doesn't add up as he believes is what is happening here. States there are some discrepancies with revenue figures and conversations with the police chief. Also, would like the Board to take notice of the traffic from other shops like these. Dias states that the Planning Board's jurisdiction is with the site plan and special permit, not revenue figures and licensing as that is Board of Selectmen. Dias confirms the Planning Board will fact check traffic numbers, parking etc. with another engineer. Refers Winiewicz to Selectmen.

Christine Salvatore, 475 Laurel Street. States concern about amount of traffic, difficulty getting out to 106 from Circuit Street. Dias responds that this will be discussed further in the process and confirms with Wall and McKee that this information will need to be provided.

Dias reviews with applicants what is required to be submitted for site plan review.

7:45pm - Steven and Janice Hayward – 25 Furnace Street/Elm – Form A

Joe Webby (Webby Engineering) is present.

Webby presents project. Haywards own property that is mostly a field. Would like to carve off a lot on Elm St with 204 feet of frontage and 40,433 sq feet of uplands. Wetlands were delineated. Would like to create one lot on Elm Street with approximately five (5) acres left with Map 48 Lot 6. Webby confirms the shape factor circle will be moved. Andrews confirms with Webby that the drainage shown is an underground pipe, not a ditch which is a town easement, outfall at the pond. Merry confirms that with the pipe there can be no building in drainage. Dias confirms with Webby that the proposal is to put a dwelling that meets setback not on the pipe with septic system in the 50-foot front setback. There is enough room to build a dwelling. Merry asks how Webby comes up with shape factor as he is curious. Webby believes it's the perimeter divided by the area. The bigger the area, the bigger the shape factor. Millias thinks everything looks good as far as the plan. Troup was just looking at the drainage easement. Dias states nothing

can be built within that 12-foot strip of drainage easement. Andrews would just like shape factor clarified, doesn't see drainage easement as a problem. Millias doesn't see the shape factor circle as necessary in this case as it is clear. Troup states that the Board should be consistent. Webby agrees with Troup but asks if the Board would consider making an endorsement contingent on this correction. Board agrees.

MOTION to endorse the ANR Book 44089 Page 287 Map 48 Lot 6 for applicants Janice and Steven Hayward of 25 Furnace St dividing the lot into two lots: 6-1 off of lot 6: Andrews

SECOND: Millias

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

New Mylar will be provided with shape factor circle correction.

Passes 5-0-0

Discussion

Franklin Street Solar Array – As Built

Chairman confirms with secretary that the Board is waiting for the corrected as built to reflect the proper street address (269 Franklin Street).

Autumn Lane – Status

Per Chairman Dias, this is an open item and no complaints have been received. Andrews states that the Board is not hindered there, the road has been finished and the next step is in the developer's court. Andrews suggests removing this item from the agenda going forward unless the developer gets in touch.

Pasture Lane – Status

Chairman Dias states he has had conversations with the developer, John Paquette and Town Counsel. Dias did an extensive review of the bylaws to see if the proposal presented by Paquette (dated 3/9/21) is a mechanism for the Board to get the road finished and the lot released. Dias is looking for the Board to review letter to the Planning Board dated 3/16/21 written by Dias along with Exhibits A – C. Dias understands that Paquette would do the work himself and is in a position to put in some sort of a bond which would require a review and approval by Counsel. Counsel will let the Board know which the best mechanism is to ensure the road would be completed. As part of that agreement, the Board would take a vote on removing the covenant and replace it to allow the building of the structure with no occupancy issued until the road is completed. Dias is looking tonight to send this proposal back out to Amory, with the Board's approval, to get numbers to have a complete package. Andrews states that they have sent this out to Amory already which was as cost that was paid for. Dias responds the applicant will/does pay for this review by Amory.

Andrews asks what the goal is – to bring up to today's price? Andrews has spoken to Paquette also. He understands that the goal is to get the lot released and build a house. Andrews states that he thinks it's the Board's responsibility to the people of the Pasture Lane subdivision (previous owner is still not off the hook) to get this done as soon as possible. Andrews is not willing to vote until the Board sees some work being done. Andrews thinks it's an injustice to the people of Pasture Lane to try to accommodate releasing the lot to build a house. The whole reason the lot was held until the road is complete. Now the lot is worth more than what it costs to fix the road. Andrews states that the developer should be told the Board might be willing to accommodate a bond for some of the work but there hasn't been any motivation to show the residents that anything will happen. Andrews adds that the last thing the Board wants to do is to let them start and then must pull a bond to finish the work. Dias responds that it is his understanding that the Board is not going to release the lot without some work being completed on the road. Therefore, Dias thinks a hearing process should take place and have the developer come in and give the Board a schedule. Dias agrees with Andrews that the Board should not release any portion of the lot until some road work has been completed; the Board owes this to Pasture Lane residents. However, Dias thinks the starting point is that the Board needs Amory's cost for review which would be part of the proposal. Dias then thinks that during the hearing process the Board can ask Paquette and neighbors for time frames. Dias doesn't want to see a bond; thinks some of the road work should be started before a hole is dug. Millias responds that he doesn't see the benefit of Amory figuring out the cost of the roadwork as the Board will not take a bond for any percentage of number. Millias states that he thinks the Board should stay firm on getting the road finished before getting the lot. Millias doesn't believe an updated cost is valuable to the Board. Dias responds that this isn't the intent, the cost is irrelevant at this point. Dias clarifies he wants to know what Amory will charge to complete all the inspections on the road. It's up to the Board how and when the project will be started. The lot will not be released until the developer can get work done. Andrews states that the cost of Amory to do the inspections is on the developer, the Board doesn't need to ask the cost. The number of inspections required is based on the way the work is done. The Board sets up the inspections, but the cost is on them. Andrews confirms that Amory is the engineering company on this project as they have been. Andrews states the Board needs to get a list of inspections to protect the Board. Andrews adds that the plan required three layers of asphalt which wasn't required on any other subdivisions around town, usually there are two coats. The Board needs the engineer to make the judgment call on what's there. Paquette would like to put down two coats. The Board will need direction on the engineer from this. Dias wasn't aware there was already a vote on record that Amory is the approved engineer on this project going forward.

Andrews states yes, there was. Andrews agrees with Dias that the steps to change what was planned regarding road layers is necessary. Dias will ask Amory scope of work and confirms that the cost is on the developer.

Andrews suggests asking Amory Engineers their opinion on the road – if what is there now is adequate – before the hearing process. Secretary confirms there is \$158.00 in the revolving account for Pasture Lane/Farmview Estates. Andrews and Millias agree that the Board doesn't need to take a vote to request funds for the revolving account. There is discussion on holding a hearing with abutter notification and advertisement. Dias doesn't interpret the bylaw of holding a hearing as having to advertise or notify abutters in every case as in this case the work being done is not going to change anyone's property lines. Dias also thinks anyone can request a hearing, doesn't have to be the developer at this point. Troup and Andrews disagree as this is a subdivision change. Dias will do whatever the Board would like to do. Millias states that there needs to be clarification; if the applicant is requesting a change to the subdivision there should be a formal hearing with advertisement and notification to abutters. Andrews and Troup agree with Millias. Andrews suggests Paquette request a public hearing for subdivision changes and notify abutters. Board agrees. Dias states the public hearing request by Paquette to reflect what is in Dias' letter (235-45 Modification/Amendment). Andrews adds that Amory has met with Paquette. Dias will follow up.

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

Troup asks if projects are required to be engineered. Dias suggests Troup contact the Selectmen and/or Highway Department as he does not have an answer to her question. Millias remembers that the projects need to be engineered. If there are real issues that the Board is interested in, Millias feels that the Board should be sure about what projects they choose as these would need to be paid for. Troup understands that all 15 projects would need engineering so will be spending \$200-300,000 which don't seem that necessary. Dias doesn't believe that 15 projects will be engineered as this is a "wish list," the Board makes recommendations and someone else makes priorities. Millias agrees this isn't clear. Troup will go see Steve Hayward.

Peer Review Procedure

Peer Review is determined by a vote of the Board (Bud's Goods is referenced). Andrews states that at the beginning of the year the Board would send out requests and bids would be received by engineers for peer reviews. Typically like to get engineers that aren't representing projects in town. On previous lists, the Board had Merrill, Collins, PMP, Land Planning, Silva and Amory for example. A few engineering firms to do peer reviews is what the Board strives for. Secretary, per Chairman's advisement, requested a quote from Merrill Engineering for Bud's Goods. Andrews states that the Board needs to contact some of these engineers to send a list of their fees for site plan peer reviews. Dias suggests doing an RFP for consulting services with Mass Municipal. Andrews suggests just reaching out to the engineers.

Form A process

Chairman states that he has been asking for the last few Form A plans to be sent to the Assessor's office to review and confirm appropriate lot numbers. Andrews agrees that the plans be sent to Assessor's going forward and states that anything can be submitted to the Town Clerk for date stamp. Dias doesn't think submitting to Town Clerk is necessary. Andrews adds that the timeframe for a Form A decision is 21 days. Doesn't necessarily mean that when ANRs are signed they are a buildable lot.

Meeting Minutes

MOTION to accept the Meeting Minutes for January 21, 2021: Troup

SECOND: Andrews

Roll Call: Andrews – Yes; Troup – Yes; Millias – abstains (not present); Merry – Yes; Dias – Yes
Passes 4-0-1

MOTION to accept the Meeting Minutes for February 4, 2021: Troup

SECOND: Andrews

Roll Call: Andrews – Yes; Troup – Yes; Millias – Yes; Merry – Yes; Dias – Yes
Passes 5-0-0

MOTION to accept the Meeting Minutes for February 18, 2021: Troup

SECOND: Andrews

Roll Call: Andrews – Yes; Troup – Yes; Millias – Yes; Merry – Yes; Dias – Yes
Passes 5-0-0

March 4, 2021: Troup will make additions to the written draft minutes submitted by the secretary between 1:03:09 – 1:06:43 of the recorded meeting.

MOTION to push the Meeting Minutes for March 4, 2021 to the April 1, 2021 meeting: Troup
SECOND: Millias
Roll Call: Andrews – Yes; Troup – Yes; Millias – Yes; Merry – Yes; Dias – Yes
Passes 5-0-0

Correspondence

The Board reviews mail items and has no comments.

Troup requests that Town Counsel guide the Board on what to do with Meeting Minutes from January 7, 2021 as there was a tie vote on two sets of minutes: one written by secretary, another by Troup. Millias states he normally wouldn't vote on minutes for meetings where he wasn't present. However, he would be willing to watch the video and go over the two sets of minutes to cast his vote as it may be helpful in this case so as to resolve the issue. The Board agrees. Secretary states that drafts of both sets of January 7, 2021 meeting minutes are posted as drafts on the website including link to video, as she was taught to do so. Troup asks who advised secretary to do so. Dias responds that the January 7, 2021 are not on the agenda this evening to discuss but can be put on the next agenda. Troup states this falls under ****Any other unscheduled business following posting of this Agenda**** stated on each agenda. Dias reiterates this is not on the agenda to discuss but can add to the next agenda. January 7, 2021 meeting minutes will be added to the next meeting agenda.

Andrews states that there was another email that was received. Dias responds that there isn't any other correspondence on the agenda. Secretary confirms the email was received this morning and sent to entire Board but couldn't add to agenda for this evening. Will be added to the next agenda under Correspondence.

Other Business

No discussion.

Adjourn:

MOTION to adjourn at 9:18pm: Millias

SECOND: Troup

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

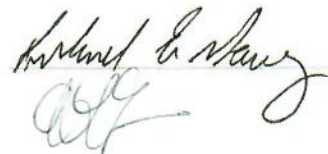
All in favor

Respectfully submitted,

Date Submitted: 3/18/21



Alan Dias, Chairman



Zoom Chat

01:02:57 Jo-Anne Snow: Form A plan and Application for Furnace Street just sent again in an email to all Planning Board members.

01:03:19 Amy L. Troup: thank you

01:41:45 Jo-Anne Snow: If notification and advertisement is required, the hearing cannot take place on April 1st, it would need to be April 15th or later.

02:10:33 David: Minutes are what happened at a meeting. Not opinions or interpretations. And they do not need to be verbatim. This is the only board that does this!

02:22:14 Amy L. Troup: diligence and accuracy is necessary. and for the record the meeting minutes for 9 5 19 never were completed as directed by the board and that is years ago