



Halifax Planning Board Meeting Minutes April 1, 2021

A meeting of the Halifax Planning Board was held on Thursday, April 1, 2021 at 7:00pm 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, April 1, 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, Co-Chairman Mark Millias, Clerk Rick Merry, Members Gordon R. Andrews and Amy L. Troup.

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

Amory Engineering – February 2021, Invoice #15568A – 311-313 Plymouth Street engineering services = \$814.00

MOTION to pay Invoice #15568A to PH Express for \$814.00: Andrews

SECOND: Troup

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

Passes 5-0-0

Discussion

Franklin Street Solar Array – Vote to accept as-built with address change by applicant.

The Board is waiting for copies of As-Built from CS Energy as originally submitted As-Built is missing from the Planning Board office. Parcel ID is the same, plan needs to reflect original pilot agreement of 269 Franklin Street.

MOTION to approve the site plan for Franklin Street Solar Farm with the condition that the lot number is changed to match the assessor's records: Millias

SECOND: Merry

Dias suggests including wet stamp letter with correct address information in Motion.

MOTION AMENDED to include the requirement from Ashlesh Kurahatti to provide that information: Millias

Troup confirms with Chairman that this compliance letter with wet stamp be recorded with the As-Built.

Voice Vote: Millias – Yes; Merry – Yes; Andrews – Yes; Troup – “hesitantly yes;” Dias - Yes

Passes 5-0-0

Appointments/ Hearings

7:05pm – (Continued) Joseph Podgurski – 49 & 63 Carver Street – Form A (Submitted: 3/1/21 Extension: to 4/15/21)

Surveyor Lucas Klim is present.

Klim confirms Parcel A is not a buildable lot. Existing two parcels (49 & 63) contain piece that goes behind #37 Carver where applicant's son resides. Klim suggested to remove this piece and transfer to son's property strictly for conveyance purposes (note on plan: Parcel A to be conveyed and combined with Map 71 plus 17A, 37 Carver St).

MOTION to approve Plan of Land for 49 & 63 Carver Street, Halifax, MA as it is given to us today with its notes, that plan being prepared for Joseph M. Podgurski: Troup

SECOND: Millias

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

Passes 5-0-0

Board will sign plans.

Discussion

Pasture Lane

Chairman Dias gives update. Relayed information discussed with Board last week regarding clarification of repairs and holding a hearing via email to developer John Paquette. Spoke to Amory Engineering to send an estimate for inspections and final report with Paquette’s response. Dias reviews a brief breakdown of informal proposal of the work that needs to be done in three (3) phases. Anticipate project will take 4 – 5 months. Dias confirms to Troup that he believes there has been communication with Town Counsel regarding Pasture Lane within the last few months. Troup asks to see this, and Dias responds that he will do the best he can to get it to her.

Complete Streets Program – 3/19/21 information regarding engineering costs from Charlie Seelig

Troup’s reports her research: Halifax has spent \$20,000 from road maintenance account and will probably cost \$60,000-70,000 to do bike path engineering and that project would cost over \$400,000 to complete which is more than the grant will allow and the other 14 projects would not be completed as an example.

Subdivision Control Regulations Chapter 235-6(C) – ANR Time Frame

Halifax By-Law requires an ANR plan be endorsed within 14 days or applicants can get a constructive grant, most towns are 21 days. Chairman would like to hold a hearing to change this as well as the requirement that applicants obtain Site Plan Review before Zoning if the Board is interested in doing so. Millias agrees he would like to look into this.

Appointment

7:30pm – (Hearing) Zoning Bylaw Change – Floodplain – Eric Carlson Asst. Director, Flood Hazard Management Program Dept. of Conservation & Recreation

Assistant Director of Flood Hazard Management Program Department of Conservation & Recreation Eric Carlson is present.

MOTION to open Halifax Planning Board hearing Thursday, April 1, 2021 at 7:30pm via Zoom to see if the Town will vote to make changes to Halifax Zoning Bylaw Section 167-15 Floodplain District Regulations subsections (A) Floodplain District and (F) Definitions: Troup

SECOND: Andrews

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

Carlson introduces himself.

CARLSON: There are a couple of things that work here. First of all, there is a mapping update that has been underway...for 5 or 6 years. Last year we’ve been through this, maps ready to go and ready to be adopted but the process was canceled because of Covid. Charlie is familiar as he has been working primarily with Charlie. Over the summer, FEMA regrouped, and the decision was made in December of 2020. In January 2021 a Letter of Final Determination was sent to the Town of Halifax describing the process. When a mapping update takes place, communities that participate in the national flood insurance program have to update their local bylaws as a requirement of participating in the program to accept those maps. The other thing at work is that we at the state have come up with a new model bylaw which is different than the model bylaw from last year. Because of the new model bylaw, a lot of new language has to be added to the local bylaw. These are not new regulations, per se, but will be new to (Halifax) zoning bylaw and to the bylaws of all the other communities affected by this update that FEMA has had in 30 years or longer; we just haven’t been requiring them in Mass to be adopted into the local regulations. The two things put together: the maps will become effective on July 6th 2021. By that date, included in the LFD, these regulations are required to be in place, adopting the new maps and updating the bylaw to include the language we now include in our model bylaw.

DIAS: I’m going to put it out to the Board. Is there a major impact to the residents of the town in any of this language?

CARLSON: The maps aren’t changing significantly. The town has 11 panels, the flood insurance rate map for Halifax has 11 separate panels. Only two of them are being updated. It’s a watershed-based update. The Town of Halifax is within two different watersheds. Most of Halifax is in the Narragansett Watershed. But one small corner in the northeast part of the town is in the Cape Cod watershed. This mapping update is for the Cape Cod watershed. So, two panels up near Silver Lake are updated and only the floodplain in that small area is being updated. I look at it and I can hardly tell the difference between the old maps and new maps, but that’s me. If you want a better idea, you could take a look at those panels. Charlie knows how to find them, they are online.

SEELIG: The old and new panels are all available on the Town’s website.

CARLSON: The maps in my view are not changing significantly. As far as the language added, most of the language required in the local regulation are administrative tasks that the Town would be required to carry out, notification requirements for water course alterations. There are some things that have to be done if a variance is issued at the state level. There aren’t really significant changes in what is required if somebody is doing something in a flood plain. Most of FEMA’s requirements are in existing state regulations such as the building code which will apply regardless of what is in your local regulations. That’s where most of the – standards for construction, wetlands protection act has standards for other activities in floodplains. There is going to be a requirement for–permits will have to be required for all things that FEMA defines as “development.” The definition for development

is one of the things that has to be added to. If you look at the warrant article under the definitions part, development—permits are required for all things defined as development. It doesn't have to be a formal permitting process but at the very least a review and documentation that a review has taken place to determine impacts to floodplains and flood-related impacts. In my view, I don't think that the mapping changes are significant, I don't think the requirements being added are significant, but that's me.

DIAS: For the Board members, on page 13, Section F on the definitions is what he's talking about for development changes, and it looks very similar to our stormwater management bylaw, unimproved real estate. Another question - You've got different zones, these zones do not have any relationship to DEP zones? DEP zone As, zone twos...

CARLSON: No. Nope.

DIAS: Okay. I'm going to poll the Board members. Gordon? Anything? I can come back to you if you want. You're muted.

ANDREWS: Sorry. I don't have anything right now.

MILLIAS: No, I don't see a large impact. I believe it will be something we will be adopting regardless, so.

MERRY: No questions, I don't see any problems.

TROUP: I was curious what the differences in the modeling were gonna be?

DIAS: I'm sorry?

TROUP: He says there is changes in the modeling and I was curious to hear what he had for changes on that.

CARLSON: In the modeling?

TROUP: Did I misunderstand you when you were talking about...

CARLSON: Possibly. If you're talking about the hydraulic modeling that's done to produce a flood insurance rate map, is that what you're asking about?

TROUP: I believe you said there was gonna be changes to the modeling so I guess that's what you would be talking about, the hydraulic modeling.

MILLIAS: I'm not sure if he meant the model being the way the procedure...how we handle these things. I don't think it was the TT style.

TROUP: Thank you.

MILLIAS: No, no, Good one.

CARLSON: I think I know what you're talking about now. I said that we made changes to our state model bylaw. We have a model bylaw which is an example of a bylaw for towns to use when drafting up their own bylaw so we made changes to our state model bylaw.

TROUP: Thank you. So the changes would basically be, the changes—

CARLSON: I can point out some things that are new on the draft open in front of me. I'm looking at the bylaw 167-15 Section A Part One is not new.

DIAS: Just to clarify, you're in our bylaw right now?

CARLSON: I'm in your bylaw right now. I can tell you what things are new that we added to our state model bylaw. So, I'm in section A, number two is new. Number three, which says the degree of flood protection required is considered reasonable, that's new. Number four, the Town designates position of Building Inspector to be the flood plain...that's new. Number five, which is an administrative requirement, is new which requires that the town submits data to my office and to FEMA if there's data that indicates base flood elevations are changed in a given area, that's new. Number six, which is about variances, that is new. Number seven is new. Number eight is new. Number nine is new. Ten is not new. Eleven is not new. Twelve is new. And those are the new things that I can see here.

TROUP: So the one on variances, that's new, can you tell me what the changes from what we had is it completely new?

CARLSON: There are two things that relate to variances. Number six and number seven. Number six is the way the state building code works, the town of Halifax cannot issue a variance to a building code requirement. So there is a state building code appeals board that issues those variances. FEMA has a requirement that when a variance is issued to a building standard, this thing that's described here happens and essentially the town has to get a documentation of the variance to keep on file and write a letter to the person who received the variance talking about how the variance will affect their insurance rates. That's an administrative requirement that we did not require communities to have in their local regulations previously, but FEMA is now insisting that we do have that in the local regulations. Number seven also relates to variances. The first one is for variances that are issued by the state to a state building code standard, number seven is for a variance that's issued by the town of Halifax to one of the local standards that are in this zoning bylaw. Basically, what it says is if the town is issuing a variance to one of these town standards, not a state building code standard, it has to meet these criteria – good and sufficient cause, minimum necessary to afford relief and will not result in additional threats to public safety. Like I said before, these are actually things that have been in FEMA regulations for a long time, but we have not required these to be in local regulation and FEMA told us we have to start doing that.

TROUP: So that would mean anything being built in any of our flood zones would have to have a good reason for a variance.

CARLSON: Yeah, that's a good way of putting it.

TROUP: Thank you.

CARLSON: You're welcome.

DIAS: Anything else, Amy?

TROUP: Not so far.

DIAS: Eric, just to expand on that. On six and seven, will these be predominantly for any new construction in a flood zone or all construction?

CARLSON: Well, that would actually apply to—the building code variance would apply to either new construction of a building or substantial improvement to an existing building because that’s where—building codes standards apply to those things—now that would be number six. Number seven could apply to anything that’s defined as development.

TROUP: Thank you.

CARLSON: You’re welcome.

DIAS: And that’s all within our floodplain districts. And you’re saying Silver Lake is the predominant one, and is it East Bridgewater is another area? That end of town?

CARLSON: There’s floodplain all over the town. The floodplains that are changing as a result of this mapping update is the floodplain near Silver Lake but there are other areas of floodplain throughout the town. And these standards would only apply in those floodplain areas.

DIAS: Anybody else got any other questions...Gordon?

ANDREWS: Are we looking to be looking at more mapping changes coming up soon or is this something that’s gonna hold for a while?

CARLSON: This will be your only map change for a few years anyway. Like I said FEMA is doing mapping updates based on a watershed basis. Part of your town is in the Cape Cod Watershed so when this is done the Cape Cod watershed is not going to be looked at for a number of years. Right now, there’s really nothing going on, re-studies, happening in the Narragansett Watershed so I don’t foresee another mapping update for another...from start to finish a mapping update takes at least five years so I would say at least that long.

ANDREWS: Thank you.

CARLSON: You’re welcome.

DIAS: Any other questions or concerns?

TROUP: I do have one more question. In the flood zones, meaning like, what we were just talking about, all of the new parts of the amended bylaw that we are looking at right now that would not only apply in the Silver Lake area it would apply in the Narragansett the other areas all around town, correct?

CARLSON: Yes. Any areas that are identified as floodplain as defined in your bylaw.

DIAS: I don’t have my bylaw open, do we have a MSL or the mean sea level, does that determine the floodplain? The 60 contour?

CARLSON: Not necessarily. Basically, the datum that’s used to define elevations in flood insurance rate maps is NAVD 1988 (North American Vertical Datum) which is mean sea level but there’s no, like, standard elevation that’s used to define a flood plain, it’s very localized so in any given area a flood could be at a different elevation. I don’t know what elevations are typical right now because I don’t have the maps in front of me but it wouldn’t be, like, standardized across the town like, anything lower than 60 is flooding, so. To get a flood elevation you would look at the map and the map will, for some zones, the map will tell you what some of the flood elevation is.

DIAS: I didn’t know if it had any relationship, we have a 60 MSL for conservancy so, but there’s no relationship between the two?

CARLSON: No.

DIAS: I’ve asked the Board, is there anyone from the public that want to comment on this particular bylaw change? Charlie? Don’t know about the hands up business.

SEELIG: I don’t see hands up or sign of notes, in the chat function. I see no hands raised.

DIAS: Is the Board comfortable with the explanation by Mr. Carlson? Are we ready to proceed with closing the hearing?

ANDRWS: I’m good.

MILLIAS: Well done.

DIAS: Looking for a motion to close the hearing on the proposed zoning bylaw amendment for the floodplain district.

MOTION to close the hearing: Troup

SECOND: Millias

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

Passes 5-0-0

MOTION to recommend the changes to the floodplain zone for the next town meeting: Millias

SECOND: Troup

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

Passes 5-0-0

Seelig thanks Carlson. Dias and Troup thank Carlson.

Discussion

Site Plan vs. Petition Issues

Troup explains that a few weeks ago she went in to sign a withdrawal of site plan that was left out to sign along with a withdrawal of petition and she didn't believe the Planning Board signed the release of petition, so she was confused about that and wanted this explained as she believes site plans come in front of the Planning Board, not petitions. Wanted to see if she was incorrect on this. Seelig responds that he can imagine there was a possibility for a petition for special permit before the Board and the applicant applied for both a special permit and site plan and was withdrawing the applications for both therefore the Board needed to sign for both. Discussion of what project these withdrawal forms were for. Dias suggests it could have been the subdivision off Hayward street and Seelig adds that it could have been the marijuana farm as there was a petition in front of the Planning Board for it. Andrews states that Hilda Lane was a multifamily with a special permit before Zoning. Troup knows sometimes the Planning Board will have a petition in front of them, but she knows the Board only voted for the site plan release as she did not remember having a vote for the release of the petition, so she didn't sign the petition.

Discussion

Cled's Tree Service – 450 Industrial Drive – Compliance Update

Dias sees they have the Fire Chief on board. Andrews recuses himself. Dias requested that both the Fire Chief and Board of Health get a status on Cled's Tree as Fire Chief gave Cled 90 days to bring the matter into compliance. Chief Viveiros has technical difficulties. Board of Health update is reviewed. Fire Chief's letter dated 3/31/21 is read into record by Troup. Millias does not think there is any action required at this time. Board concurs. Dias states will wait until the Chief has completed his process. Troup asks Millias if this is the plan that the Board signed a year ago. Millias doesn't remember clearly. He recalls a bunch of storage for logs. Troup asks Millias if he remembers the building proposed last year. Millias does not.

Meeting Minutes

Due to technical difficulties Millias gets disconnected. Andrews rejoins the meeting.

Troup asks Dias if there is a determination from Town Counsel when meeting minutes are tied. Dias responds there is communication from Town Counsel regarding this issue. Troup asks that this information be shared with the Board. Dias states that he believes with a tie, there would need to be draft minutes or, as Millias suggested last meeting, a member not present would need to review all recordings and that person could decide on those meeting minutes. Troup asks that this email be forwarded to the Board. Dias states that an email came in today with a form that was forwarded. Troup does not see an email from Town Counsel today. Asks secretary to forward all emails over the last few months from Town Counsel.

Board breaks at 8:10pm to allow time for Millias to reconnect. After 5 minutes the Board resumes and skips over the January 7, 2021 meeting minutes. Andrews states he did not review the March 4, 2021 meeting minutes. Troup made edits and sent her updated version a week earlier.

MOTION to accept the Meeting Minutes for March 4, 2021, Troup's version: Troup
SECOND: Andrews

Dias did not review them as he was unable to due to the enlarged print totaling 70+ pages. Troup can resize them. Merry states he would vote for the secretary's minutes anyway.

MOTION Withdrawn by Troup to give Dias a chance to review the minutes.

Correspondence

The Board reviews mail items and has no comments.

MOTION to read 3/18/21 email from resident Joann Andrews into record: Andrews
SECOND: Troup
Roll Call: Andrews – Yes; Merry – Yes; Troup – Yes; Dias – No
Passes 3-1-0

Troup reads letter into record regarding 0 Monponsett Street, map 95 parcel 9-0 dep file #171-0504. Andrews suggests that the Board reach out to Zoning Enforcement Officer that there is a business being operated at this location and there is no site plan and that ZEO takes action.

MOTION to request Zoning Enforcement officer take action if there's a violation of no site plan there: Andrews
SECOND (for discussion): Troup

Dias asks what jurisdiction the Planning Board has. Troup asks that with everything the Board has been going through over the last few months with stumps and compliance of the fire department and trying to go after other places, the Board is not going to look at these same issues on another lot in town? She asks what the difference is.

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

Andrews asks Dias if he has a conflict with the owner of this property. Dias responds no. Andrews states this is on record. Dias confirms.

Motion does not pass.

The Board reviews the rest of the mail.

MOTION to read 3/25/21 letter from Fire Chief regarding Villiard’s Tree Service 49 & 63 Carver Street: Troup

SECOND: Andrews

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

Passes 4-1-0

Troup states that if they (Villiard’s) are going to continue use of Forestry products and stumps and such on the property, like everyone else in town they would need a site plan, but if it’s a clearing and not doing it as a continuous business, if just prepping a lot, she’s sure the Board can get some sort of a comment from the Villiards on this. Andrews states that they do nothing as that is what Dias seems to want to do about “the other one.” Troup states the Board should continue to watch this as they have for Cled’s at 450 Industrial and doesn’t see why this same process shouldn’t apply to other properties. Troup adds that this should continue to be on the agenda until the 30 days is up and the Board finds out what is going on and take motion after that. Board concurs.

Troup comments on ZBA Hearing Notice for 12 White Island Road. Notes that the roof is already off of the house over the deck, and it’s already being built. Troup suggests sending a letter to the Zoning Board with this information. Dias suggests Troup make comments to ZBA.

Other Business

No discussion.

Adjourn:

MOTION to adjourn at 8:43pm: Troup

SECOND: Merry

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

All in favor

Respectfully submitted,

Date Submitted:

Gordon R. Andrews, Chairman



Zoom Chat Transcript

00:12:54Jo-Anne Snow: Ashlesh explains in his email that you have in your packet that they no longer work with the surveyor but he can make the address correction on the as built as best he can. I told him to please do so.

00:13:55Jo-Anne Snow: The Substantial Compliance Letter is wet stamped and reflects the updated address.

00:19:19Amy L. Troup: Joanne can you share screen the plan?

00:19:31Amy L. Troup: for Carver street

00:20:29Amy L. Troup: thank you!

01:21:03Jo-Anne Snow: I sent a text and called but wasn't able to reach him.

01:24:27Jo-Anne Snow: Amy - could you please send them in a Word document file rather than text in an email?

01:25:05Jo-Anne Snow: Mark sent a text and said he is still trying