



# Halifax Planning Board Meeting Minutes April 15, 2021

A meeting of the Halifax Planning Board was held on Thursday, April 15, 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, Clerk Rick Merry, Members Gordon R. Andrews and Amy Troup. Vice Chairman Mark Millias is absent.

Chairman opens the meeting at 7:00pm 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

W.B. Mason 3/24/21 Invoice #21888393 – Office Supplies - \$57.11

**MOTION to pay Invoice #21888393 to W.B. Mason for \$57.11: Troup**

**SECOND: Andrews**

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

**Passes 4-0-0**

## Discussion

**49 & 63 Carver Street – status on Fire Chief's 3/25/21 order to Gary Villiard/Villiard Tree Service that all storage of existing material (forestry products) be removed within 30 days**

No added discussion or update.

## Appointments/ Hearings

**7:05pm – Anthony Curtin / Curtin Bros – 640 Plymouth St – Site Plan Review – Above Ground Fuel Storage (Filed: 3/30/21, 45 days: 5/14/21)**

Andrews recuses himself. Curtin is not present. Board opens hearing.

**MOTION to open the hearing for Anthony Curtin at 640 Plymouth St, Halifax, MA 02338 Map 60 Lot 14 to change or make an expansion to use for above ground fuel storage : Troup**

**SECOND: Merry**

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

**Passes 3-0-1**

Curtin still not present. Andrews re-joins meeting.

## Discussion

**Franklin Street Solar Array – approval of As-Built with corrections; digital received, still waiting for hard copies to be submitted for signatures**

Board waiting for hard copies of as built plans to be submitted.

## Pasture Lane

Dias does not have an update but reminds the Board he reached out to applicant to file modification for subdivision. Troup does not have a copy of this and asks Dias for the email conversation between him and developer of Pasture Lane John Paquette. Dias states that the letter in the meeting packet is what he received from Paquette, was an attachment to an email. Dias states that he responded with Planning Board hearing process. Troup would like to see it. Dias responds "okay."



## **Complete Streets Program**

Highway Surveyor is working with the Complete Streets coordinator to narrow down to two or three projects from the 15 that were requested.

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

Dias states Halifax regulations for ANR plans are substantially less than the States. Halifax requirement is 14 days, State law is 21 days. Dias thinks the Board should review and change it to State regulations time frame. Troup doesn't think this would be in time for Town Meeting. Seelig states that this doesn't require Town Meeting approval, it's a regulation of the Planning Board who would hold a public hearing, public notice; it is not part of the Zoning Bylaw. Dias thinks the Board should put together what their specific regulations say and what Chapter 40 says and add to agenda for next meeting. Andrews agrees.

**Request from Amy Troup emailed to Chairman Dias and Planning Board Secretary on 4/7/21 for "Correspondence in the last year from the attorneys, Mayo or Kwesell or any others with communication to do with the planning board, town counsel email on April 1<sup>st</sup>, 2021, emails between Alan and Bob Paquette, any and all emails between Alan, The Planning Board and the Fire Chief, any and all emails between Charlie Seelig and Alan Dias, any and all emails between you and Alan Dias, any and all emails between Zoning Enforcement and Terry Renaud and Alan Dias or any other planning board member, any and all emails between selectman and Alan Dias"**

**Request from Amy Troup emailed to Planning Board Secretary on 4/7/21 "Please send us communication and the emails between applicant and Alan"**

**Request from Amy Troup emailed to Planning Board Secretary on 4/7/21 in response to an email from Chief Viveiros regarding 450 Industrial Drive "can you please forward the plan signed in 2020?"**

Dias doesn't see a reason to discuss. Troup disagrees and states that this is a reminder that there should be clarification of all Board communication to and from attorneys within the Board so everyone can understand the process of everything going on. Troup confirms this is the purpose of her requests as this is Planning Board business and the Board should see this.

**Attorney Larry Mayo's email dated 4/12/21 with attached Letter dated 4-12-21 titled "AC Privilege Let 04122021" to Planning Board members regarding "Public Records Requests Pertaining to Legal Counsel"**

Andrews explains how he interprets the letter – Town Counsel is saying if a Planning Board member speaks to Town Counsel, that information is privileged. Andrews doesn't see how this helps the Board. Andrews believes any request for Town Counsel's opinion on Planning Board issues should go through the secretary, question should be sent to the members of the Board and Town Counsel's opinion should come back to all members of the Board. Dias believes that Mayo's letter addresses Andrews' concerns. Andrews believes information to the Board from Town Counsel is still client-privileged information, not necessarily open to the public. Dias states he is not going to try to interpret the letter.

Troup states if there is any Planning Board advice it should come back to the Board without having to ask for it. Merry thinks if the Board needs information, the Board as a whole should ask for it from Town Counsel, not just one member. Troup states Dias keeps mentioning he has received information from Attorneys Mayo and Kwesell and developer Paquette and the Board needs to see it as the Board needs all information to make a decision.

Bob Ross, 198 Thompson Street asks questions. Ross asks if there is a fee attached to the Public Records Request from Troup. Dias responds that his opinion is that with a request of this magnitude, with the work that would go into it, there would be a cost attached. Ross states he believes the fee can be waived by the Records Access Officer and thinks it is inappropriate to charge a sitting Board member for access to that Board's records. Dias responds that plans or files kept in the office are available to the members however when a member is looking for a year's worth of emails, that request is extensive and needs to be paid for in his opinion. Troup informs the Board that Town Administrator Seelig put in for an appeal to the State. Andrews states that he agrees with Ross 100% and that this is about being open and transparent. Ross adds that he understands the attorney-client privilege issue, but he believes that whoever is covered by this privilege has the ability to waive this privilege at any time they'd like.

Troup would like to read the State's determination on the appeal by Seelig. Dias responds that as this was not part of this discussion and is not on the agenda, it cannot be read into record, however the secretary can add it to the next agenda and Troup can provide this information. Andrews asks Dias if the Board has to make a formal request for this letter or does Troup need to provide it to the Board. Andrews states he believes this situation is one-sided and states that as Chairman, Dias needs to be open and transparent. Dias doesn't know if Andrews knows what transparency means and states it is time to move on.

Ross asks (via chat) how many records exist between Attorney Mayo and Mr. Dias. Dias responds that in a one-year period he has no idea. Ross asks if these records solely exist between Mayo and Dias. Dias responds typically not as Dias usually tries to copy the secretary on his emails but is not sure if Mayo responds to secretary. Ross believes adding a third party would waive attorney-client



privilege. Dias states he has no problem with the request as long as the requestor is paying for their request. Ross asks why this information isn't segregated and filed where it would be readily available. Ross doesn't understand why Dias is individually searching for the records. However, Ross thinks it is a different story if it's a personal email. Dias responds that someone has to go in and do the search and he isn't going to do it.

David Mascio asks Dias how many emails Dias took through private emails that should have been through town email for town business. Mascio asks if Dias is using private email for public business and Dias doesn't know how to use his email and he can't post it for public members, Dias should probably not be using his private email for public business as a Planning Board or Board of Health member. Dias responds that when he did a search, there were over 500 emails that went to his town email address that he always requests be sent to his personal email address.

Gordon C. Andrews, 244 Elm St asks, if Dias is asking a question for the Board and he is cc'ing the secretary, why isn't the Board being copied as the secretary works for the Board. Dias responds that the secretary is always cc'd. Gordon C. Andrews states that if the secretary is being cc'd on emails, those emails should be printed out and given to the Board members so the Board knows what's going on. Per Andrews, nobody should have to do a public records request and pay for access to their Board's records. There is no policy set by the Board of Selectmen that says one has to do so. Andrews would like to know why the information isn't shared from the secretary to the Board members. Dias responds that the information is shared as anything he sends out that has to do with the Board, he copies to the secretary who, Dias states, is very good about copying Dias and everyone else on the Board. Andrews suggests that if Dias sends a letter as Chairman of the Board, a copy of that letter goes into the file so all members have access to this information. Andrews states that if a letter or email comes to the Board of Selectmen, the BOS secretary or Charlie makes sure that a copy of that letter or email gets to everyone on the Board. Andrews is upset that the taxpayer's money is being wasted on all of these requests. Dias states he is not wasting anyone's money. Andrews disagrees and states that the Board should print out every email the secretary gets and make it available to the members so this issue is done. Dias responds that this is already being done and adds that replying all does not happen; everything goes through the secretary who submits it to the Board which is following the law. Andrews states that the Board of Selectmen put a policy in place that everyone should be using their town email. Dias believes that copying his town email on anything he sends from his private email works just as well. Dias states he had nothing to do with Troup's request and its cost. Dias is fine with opening his town email to whomever would like to look at it and will hire someone to go through his emails for the last year.

#### Appointments/ Hearings

**7:05pm – Anthony Curtin / Curtin Bros – 640 Plymouth St – Site Plan Review – Above Ground Fuel Storage (Filed: 3/30/21, 45 days: 5/14/21)**

Andrews recuses himself. Curtin is still not present.

**MOTION to continue the hearing for Anthony Curtin/Curtin Bros Site Plan Review for above ground fuel storage filed 3/30/21 to May 6, 2021 at 7:45pm: Troup**

**SECOND: Merry**

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

**Passes 3-0-1**

Andrews re-joins meeting.

#### Discussion

**Vote for Hire Review for Anthony Curtin 640 Plymouth St Site Plan Review and Flower & Soul Inc 894 Plymouth Street projects**

**MOTION to hire Amory Engineers for Flower & Soul with a \$1,200.00 initial deposit for review and an estimate: Andrews**

**SECOND: Merry**

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

**Passes 4-0-0**

Andrews recuses himself.

**MOTION to hire Amory Engineers for Anthony Curtin 640 Plymouth St with a \$1,200.00 initial deposit for review and an estimate: Troup**

**SECOND: Merry**

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

**Passes: 3-0-1**





Dias states he thinks the Board should ask if site plans impact the new Halifax bylaw, the MS4 Plan. If not, there should be a note that says so. If more than one acre is disturbed, the applicant should file a plan with Conservation Commission.

Andrews re-joins meeting.

Dias mentions an email from Attorney Mayo regarding grammatical errors in the Floodplain Bylaw. Troup received this email. Dias does not think this will really impact the bylaw, but he will respond to Attorney Mayo asking if it is sufficient to make editorial changes in the warrant or put the Town Meeting on notice of errors. Hopefully, editorial adjustments can be made at Town Meeting instead of holding a new hearing. Andrews states that usually these types of minor changes are made at Town Meeting.

### Meeting Minutes

**MOTION to approve Amy Troup's Meeting Minutes for March 4, 2021:** Troup

**SECOND:** Andrews

Dias hasn't reviewed the recording so based on the information he has he is comfortable with secretary's minutes. Merry agrees and thinks residents should watch the video if they need more information than what the secretary's minutes include. Troup believes her additions tell the whole story. Dias states Meeting Minutes with a tie vote should both be posted, per Attorney Mayo's opinion. Troup states this opinion was not received by the Board, requests to see this opinion and adds "we put more regard on a secretary than we do on an elected official of the Town of Halifax."

**MOTION to approve secretary's Meeting Minutes for March 4, 2021:** Merry

**SECOND:** Dias

**MOTION (amended) to approve secretary's Meeting Minutes for March 4, 2021 with link to recorded video of meeting:** Merry

**SECOND:** Dias

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

**Denied**

### Correspondence

The Board reviews mail items.

Andrews reads 4-10-21 Email from Joann Andrews "Subject: 0 Monponsett Street Map 95-9;" references 350 Industrial Drive into record.

Troup reads 4-12-21 Email from Building Department with attached letter dated 4/1/21 from Building Inspector to Amanda Monti / C & A Realty Trust regarding 0 Monponsett Street Map 95 Lot 9 into record.

### Adjourn:

**MOTION to adjourn at 8:23pm:** Merry

**SECOND:** Troup

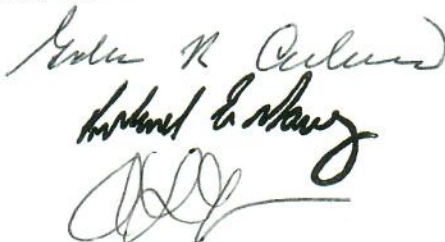
**Roll Call:** Andrews – Yes; Merry – Yes; Troup – Yes; Dias - Yes

**All in favor**

Respectfully submitted,

Date Submitted: 6/17/21

Gordon R. Andrews, Chairman





## Zoom Chat Transcript

00:19:23 Bob Ross: Can the public ask questions regarding the Public Records requests being discussed?

00:25:53 Bob Ross: Once discussion is closed - will the public have an opportunity to comment and ask questions?

00:26:49 citizen007: i'm confused, did ms. troupe ask or the board as a whole? sounds like she is going beyond her member role

00:29:12 David: When counsel is requested..,the board takes a vote to ask counsel. Then it's a planning board decision!! Counsel then responds TO THE BOARD!

00:29:54 citizen007: not sure about that. i've seen on previous meetings she's asking for her own self interest. just my opinion

00:32:54 Bob Ross: I would like to speak on Mr. Mayo's letter as well

00:34:43 citizen007: if asking for her own interest, she should pay, if the board asks to get a FULL year of emails that's different, but a whole year, it's excessive. depends on what she is really looking for.

00:36:45 Bob Ross: Can I ask how many records exist between Attorney Mayo and Mr. Dias?

00:39:50 Gordon Andrews: Are you asking questions for the board, and you cc the secretary what isn't the board being copied? The secretary works for the board.

00:40:02 Gordon Andrews: I'd like to ask that question

00:44:27 David: A request was made...the towns attorney responded. End this foolishness. It's embarrassing

00:44:45 Amy L. Troup: Conclusion

Accordingly, I hereby grant the Town an extension of 30 business days to furnish copies of records responsive to Ms. Troup's request. See G. L. c. 66, § 10(c). The Town is advised it must provide the records in a manner consistent with the Public Records Law and its Access Regulations. To the extent possible, the Town must provide responsive records on a rolling basis. Ms. Troup may seek judicial review of this decision by commencing a civil action in the appropriate superior court. See G. L. c. 66, §§ 10(c), 10A(c).

Sincerely,  
Rebecca S. Murray  
Supervisor of Records

00:45:25 resident: Town members should work together not attack each other .. it is embarrassing for the town of halifax

00:47:15 David: Why is looking back a year??!! Guess it wasn't important at that time!!!

00:49:07 citizen007: don't think anything is being hidden, ms troupe is searching for fault in other members. if something was brought up a year ago, why wasn't it done then.

00:49:13 HD#1: This is embarrassing. bullies!!!

00:49:29 Halifax Citizen: The chairman has tried to put processes in place and the board is resistant to change.

00:50:05 HD#1: Move on!!!

00:50:06 citizen007: who's the real bully. i've seen members bully each other.

00:50:35 David: Mr Andrews is worried about taxpayers money....that explains his 4 lawsuits against the town and hundreds of thousand of dollars. ☹️

00:51:02 Halifax Citizen: - attorney has advised, chair has taken his advice, move on!

00:51:04 HD#1: I agree david

00:51:12 Amy L. Troup: State doesn't agree!

00:51:33 citizen007: oh right a board of selectman suing the town, no conflict of interest there. real transparent

00:52:29 Halifax Citizen: and yes that's what this is all about, let's bury the fact that there are lawsuits out there that will cost Halifax taxpayers hundreds of thousands!

00:54:18 Amy L. Troup: Please share identity to be more transparent.

00:54:27 Jo-Anne Snow: And per usual, I will CC the board on Mr. Curtin's email regarding his hearing.

01:08:32 David: Please let the secretary do her job..,she is very good at it!!

01:09:10 Halifax Citizen: Agreed David !

01:09:55 resident: agreed as well. I have never seen a board have such a problem with meeting minutes.

01:10:47 David Mascio: Maybe you should join a board and help make decisions

01:10:52 David: A meeting is a summary of what was discussed and voted on.....not verbatim.

01:11:05 citizen007: think ms. TROUP just likes to have it her way and not according to MGL.

01:11:24 Halifax Citizen: Historically Ms Troup revises meeting minutes, don't know why. She says does not want 'verbatim' yet she edits/changes words to her own verbiage. THat's not 'verbatim'?

01:12:20 David: She has no clue what meeting minutes are. It's all about her and her agenda.

01:12:24 resident: Amy attacks Jo Ann constantly, Jo Ann doesn't put that in the minutes

01:12:25 David Mascio: She's required to go over the meeting minutes it's part of the meeting that is missing

01:12:27 citizen007: Her character is in question

01:12:48 HD#1 "henry/halifax resident": If In, vote out!!!



01:13:46David Mascio: Why because she's sticking her neck out for this town you have no character reveal your identity or be scared like the rest of the puppets

01:13:50citizen007: really HD#1. maybe she should be voted out.

01:14:24Halifax Citizen: Bully? Ms Troup? really? How many people have you bullied at town hall? Who is the bully here?? Townspeople don't know about those incidents.

01:14:49resident: The police were called on her for attacking the women working there

01:14:58citizen007: puppet, think you are the puppet mr. mascot . are you her boyfriend

01:15:38David: Ms Troup...bullying????

You constantly go at Ms. Snow and speak about her in a condescending manner.

01:15:38Halifax Citizen: Noone knows about that, and there are other situations as well. !!

01:16:35Halifax Citizen: because the secretary has her priorities straight and has no agenda

01:16:54citizen007: get over yourself ms. troupe. yes i've seen the meetings too. she bullies

01:17:04David: Agree!

01:18:21David Mascio: If you know so much about how town politics why don't you join a board

01:18:55HD#1 "henry/halifax resident": Accept the minutes! Get over this !

01:22:12Halifax Citizen: really Ms Troup? A compromise is presented and still no resolution!

01:22:20David: Ms Troup again has shown that she had no clue about minutes.

01:22:43citizen007: because she wants it her way.

01:23:38resident: From your wife

01:24:12Halifax Citizen: unacceptable, try to resolve, nope. Does Ms Troup ever vote against Mr Andrews vote? Speaks volumes ..

01:24:28HD#1 "henry/halifax resident": Who's the letter from?

01:24:59citizen007: yes it does, and don't forget their son is the Selectman is suing the town

01:25:50resident: Amy Troup is The andrews family realtor... notice she was thinking until Gordon said NO about the minutes

01:26:05Halifax Citizen: clearly there is an existing agenda amongst certain board members -- townspeople please take notice...

01:26:21David: Mr Andrews should not be involved in this discussion. Nor should his wife. Their son is suing the owners of 0 Monponsett St, 95-9.

CONFLICT OF INTEREST!!!!

01:26:26HD#1 "henry/halifax resident": Who are he letters from?

01:27:28Halifax Citizen: Clearly the Andrews do not play by the rules! and Ms Troup uses the same rule book! pathetic!

01:27:39resident: its sad for the town

01:27:40David: So your issue is.....a site plan has been requested.

01:27:56David Mascio: Sad this town is run by communist