



Halifax Planning Board Meeting Minutes June 17, 2021

A meeting of the Halifax Planning Board was held on Thursday, June 17, 2021, at 7:05pm in the Great Hall of the Halifax Town Hall 499 Plymouth Street, Halifax, MA.

These minutes are an abstract of the digital (audio and video) recording of the Planning Board meeting held Thursday, June 17, 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 (joined at 7:10pm), Member Rick Merry. Member Mark Millias is absent.

Chairman reads agenda into record.

MOTION to accept Agenda as read: Troup

SECOND: Merry

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

Passes 3-0-0

Appointment

7:05pm – Gary & Stacey Villiard – 63 Carver St - Site Plan Review

Gary & Stacey Villiard (applicants) are present.

Villiards explain that they are constructing a pole barn to store equipment for tree and landscaping business. Board reviews plans. Plan revisions were made to label fence in back corner, height, width and length of log piles and woodchip bin on property. One part-time and one full-time employee. No asphalt work proposed. Existing home on property will be renovated and will reside there eventually with shared septic system. Lighting will be on both sides of pole barn. No business sign will be installed. Worked with fire chief to ensure compliance. No office in building, just storage.

Chairman explains that the Board must wait the full 30 days for feedback from other Boards/Committees/Departments and therefore cannot make determination at this time. The Villiards will come back to the Planning Board meeting on July 1, 2021.

Bills

The Board reviews bills.

Amory Engineers – 6/4/21 Invoice #15616A, Engineering Services 894 Plymouth St = \$1,369.00

Amory Engineers – 6/4/21 Invoice #15616B, Engineering Services 640 Plymouth St = \$444.00

MOTION to pay Invoice #15616A: Troup

SECOND: Merry

All in favor

MOTION to pay Invoice #15616B: Troup

SECOND: Elliot

All in favor

Appointment

7:30pm – (Continued) Joshua Liddell – 285 Holmes St – Site Plan Review

Josh Liddell (applicant) is present

Merry recuses himself at 7:30pm.

Troup drove by but is already very familiar with property. Revised plans were submitted via email with revision made to Note #7. Troup reads email received on June 3, 2021, from Highway Surveyor Steve Hayward to the Board stating his concerns of water runoff. Liddell's response email dated June 7, 2021 is read into record stating no issues with water runoff. Liddell's June 9, 2021 letter to Board is read into record concerning no issues with water runoff and no drainage issues.

Merry, 301 Holmes Street, states his concerns with drainage and water runoff referencing Bylaw MS4 Stormwater Runoff Control. Liddell understands grades and elevations as he does this for a living as well. Liddell states there are no drastic slopes on property, and everything drains fine. Liddell confirms with Troup that he is willing to come back before the Board to fix any potential issues that may arise. Merry states again that he feels it's the Board's responsibility to deal with drainage issues. Merry suggests sending the site plan out for review to resolve any potential issues. Liddell states there will be some landscaping eventually. Engineer Gary Rice created the site plan. Liddell states his uncle would like to beautify the property and will have an erosion control plan eventually. Liddell guarantees that if there are any issues with the property it will be fixed immediately.

MOTION to approve the site plan at 285 Holmes Street, Halifax, MA dated May 12, 2021 with the condition of following the general notes on the plan and #7 proposed paved parking to slope to surrounding pervious areas and will not drain onto Holmes Street to follow MCM4 Construction Site Stormwater Runoff Control and the applicant agrees that if there are any issues he will come back to the Planning Board willingly and deal with those issues: Troup

SECOND: Elliot

All in favor

Passes 3-0-0

Andrews states they will need 4 copies of full-sized plan in the Planning Board office. Troup states they will have a determination letter sent out to Liddell.

Merry rejoins Board.

Appointment

8:00pm – (Complaint Discussion) Twin Lake Liquors – 657 Monponsett St

Mr. & Mrs. Nelligan (abutters at 649 Monponsett St), Laurence Gogarty (contractor), KV Patel (owner) and Jim Paul (electrical contractor) are present.

Andrews recuses himself.

Troup reads Nelligan's complaints dated June 11, 2021 and June 13, 2021 into record regarding lighting on Twin Lake Liquors building shining into their home and a man barking at her dogs. Gogarty addresses lighting issue. Site has been cleaned up and temporary fence was removed. Light on utility pole has been redirected by National Grid. Gogarty shows an old site plan when restaurant was present showing utility pole #2 (in question) showing the light fixture Nelligan referred to as new. Gogarty ensures they will deal with this issue regardless that the light has been on this pole for many years. New solid 6-foot fence proposed to be put up where chain link fence is now which is 70 feet from building, which is necessary for parking. Troup asks Gogarty and Patel if they would be opposed to a full site plan review as there are so many changes taking place. Gogarty asks if the Board wants a site plan on the entire site. Gogarty mentions a proposed cannabis store to be located in the storage unit attached to the liquor store and explains that at the last meeting the Board did not require a full site plan review. Gogarty states that two of the three Selectmen voting determined not to sign the HCA Agreement for the cannabis store. Gogarty adds that a full site plan was in the works until the Selectmen denied the HCA Agreement, so the engineering has been paused until this gets sorted out. Gogarty would prefer to hold off on a partial site plan with only a liquor store present as the liquor store only needs 23 parking spaces, according to Zoning By-laws. The Board and Gogarty continue to discuss whether a site plan review is necessary at this point. Troup's opinion is to do a site plan review now due to so many changes taking place and the abutters' complaints. Gogarty suggests resolving the lighting issue for now, there already is a resolution on the fence before doing a full-fledged site plan review. Elliot states the Board should just work on resolving the points listed on the agenda regarding complaints on lighting, fence and cleaning up the lots. Gogarty asks the Board for another week to resolve lighting and fence complaints as he doesn't see a need to spend money on a partial site plan. Troup disagrees and explains that this would fall under a modification to the site plan of 1998. Gogarty emphasizes that when he was in front of the Board in 2020 for the liquor store, the Board didn't feel anything they were doing warranted a site plan review. Nothing has changed on the site since what was proposed in 2020, even though abutters are voicing their concerns. Gogarty explains that the use for the liquor store is allowed and does not require a special permit according to Halifax Zoning By-laws. Gogarty believes they can resolve abutters' concerns without doing a site plan at this time. The issue of bringing up tenant space as the storage space brings up the concern for a site plan review, per Troup.

Board opens up to public.

Jamie DiGuisto, Bow Street, property abuts 657 Monponsett Street. She voices her concern with the liquor store property and intention of having a cannabis business move in. Abutter Nancy at 649 Monponsett Street states her concerns regarding lighting on 657 Monponsett Street property. Abutters continue to discuss their concerns about Twin Lake Liquors property with the Board.

Jim Paul (electrician) describes to Board the lighting design installed on property. Explains that photos of lights look brighter than what is actually there. Suggests painting the walls of the building to reduce reflectance. States that he is responsible for the safety and security of this building and the lights need to be on until the store closes.

The Board discusses amongst themselves what should be done. Troup would like this property to go through site plan. Troup believes it would be more cost-effective to Patel to do a site plan review. Elliot agrees. The Board further discusses with Gogarty the need for a site plan. Troup reads 167-28 Zoning By-law.

MOTION to comply with 167-28 and do a site plan: Troup

Elliot's concern is that this motion doesn't address the specific situation that the abutters are here for tonight. The Board again discusses concerns with Gogarty as there is confusion regarding a possible tenant attached to the liquor store in the storage unit. Elliot explains that a site plan will resolve current concerns on the property. Gogarty disagrees. Troup believes a site plan review protects the owner of this property.

MOTION to request as soon as possible (by the second meeting in July or the first meeting in August) a site plan for 657 Monponsett Street, Halifax, MA: Troup

SECOND: Elliot

Vote: Troup – Yes, Elliot – Yes, Merry – No

Passes 2-1-0

Paul states that a site plan will not change the lighting issues. Merry agrees. Gogarty stresses this to be true. The discussion continues between the Board, Patel, Gogarty, Paul and abutters. Troup insists this site plan will clear up issues. Elliot agrees. Gogarty and Board discuss a drawn site plan versus an engineered site plan. Gogarty asks the Board what they want him to show on a site plan for lighting as there won't be anything additional he can show. Merry agrees with Gogarty. Troup insists they need to follow the Bylaws. Elliot agrees with Troup.

Andrews rejoins the meeting at 9:30pm.

Discussion

Walmart – 295 Plymouth St – Letter from Shawn Boostrom dated 5/28/21 (received 6/7/21) – request for hours of operation change

Andrews states there is a restriction on Walmart hours, before he was on Board. Andrews suggests the Board look at the Walmart file and move to next meeting.

Franklin Street Solar Array – As-Built, sign

Plan is still in the office to be signed. Board will do so.

Pasture Lane – status

Andrews left John Paquette a message and did not hear back.

Subdivision Control Regulations Chapter 235-6(C) – changes to ANR time frame, date in August for hearing

Changing ANR time frame from 14 to 21 days to match State regulations. Andrews would like to also take a look at 235-21(C-4) to add "tangent" to the street lines for clarification. Andrews suggests looking at plates for street layouts and possibly make changes. These changes require a public hearing which the Board would like to be scheduled for August 5, 2021 at 7:05pm. Troup informs the secretary that they will get the proposed Bylaw changes to her first.

0 Monponsett Street - Map 95 Lot 9

Troup reads Planning Board 6/8/21 memo to Building Commissioner into record and Building Commissioner's response dated 6/16/21.

MOTION to request the Zoning Enforcement Officer issue a cease and desist for 0 Monponsett Map 95 Lot 9 based on the fact that they've been given extensions not warranted and not provided the Board with a site plan and they were notified they are to provide a site plan to be approved in order to continue their business: Elliot

Andrews says we can send to attorney to make sure it's written correctly.

MOTION (amended) to line up with the proper protocol in order to follow the channels to be able to request a cease and desist based upon fact that they've been given ample time and opportunity to

provide us with a site plan and have not and request that they bring a site plan to the Planning Board for approval to continue business operations in the Town: Elliot

SECOND: Troup

All in favor

Passes 4-0-0

Meeting Minutes

MOTION to approve the Meeting Minutes for April 15, 2021: Troup

SECOND: Merry

Passes 3-0-1*

*Elliot was not present for this meeting.

Correspondence

Board reviews all correspondence.

Adjourn

MOTION to adjourn the meeting: Troup

SECOND: Elliot

All in favor

Respectfully submitted,

Date Submitted: 8/5/21

Gordon R. Andrews, Chairman

Gordon R. Andrews
OTG
Elliot
Merry