



Halifax Planning Board Meeting Minutes June 4, 2020

Official

A meeting of the Halifax Planning Board was held on Thursday, June 4, 2020 via Zoom hosted by Town Administrator Charlie Seelig at the Halifax Town Hall, 499 Plymouth Street, Halifax, MA.

Members Present: Gordon R. Andrews, Amy Troup, Ashley DiSesa and Mark Millias. Karlis Skulte is absent.

The meeting was called into session at 6:32pm.

Andrews opens the meeting and reads the agenda into record.

Motion to accept agenda as read: Millias Second: Troup All in favor

Appointment:

6:30pm - Pasture Lane - Mike Goodman (Discussion)

Mike Goodman is not present. Andrews spoke to Goodman on Monday, 6/1/20. Mr. Goodman said he would attempt to make the meeting this evening. The Board decides to move on as he is not present. (This discussion continues later on in the meeting with Pasture Lane resident Tina Kenyon.)

Other Business:

Motion to use Signature Stamps on approved Meeting Minutes: Millias Second: DiSesa All in favor

Motion to put Gordon R. Andrews as alternate (Signature Authority 2020 - Alternate Vendor Warrant*) for signing bills: Troup Second: Millias All in favor

*Andrews will bring the Signature Authority form to Troup and both will sign.

Appointment:

6:45pm - Board of Selectmen - Open Lines of Communication (Discussion)

Selectmen Tom Millias, Gordon C. Andrews and Troy Garron are present. M. Millias states he hopes for an agreement to have open lines of communication between the boards and move past any issues. T. Millias states that communication doesn't always result in agreement and agreeing to disagree is important without taking things personal. Chairman G.R. Andrews states that the Planning Board felt they were shut down when asked to come to the Board of Selectmen to talk. Troup agrees. T. Millias responds that the Selectmen generated a six-page letter to the Planning Board which the Selectmen felt was appropriate as the agendas are long and tedious and this issue had already come up. Troup stated that they had things to say and weren't allowed to do so. DiSesa adds that it took a couple of times of requesting to be on the Selectmen's agenda until the Planning Board received a response in the form of a letter from the Selectmen. DiSesa states that the letter was very attacking as it held information that the Planning Board wouldn't have known. DiSesa adds that if the Planning Board were given a chance to discuss their thoughts with the Selectmen and the Selectmen respectfully responded with the same information, they would have been able to see eye-to-eye. She states that if they could have all sat down and had an adult conversation in the beginning, emotions wouldn't have flared, and it wouldn't have become personal. T. Millias responds that emotions flared prior to the letter. T. Millias asks if the Selectmen's letter was read into the Planning Board minutes. Troup states that the letter was attacking and overboard. DiSesa states it was personal. Chairman G.R. Andrews asks where the information in the letter can be found, specifically that over \$100,000 has been spent on the lawsuit. T. Millias responds that the Planning Board could ask (for this information). Chairman G.R. Andrews states that he doesn't know if the taxpayers know that cost amount. T. Millias states that is why he asked if the Selectmen's letter was read into record as he thinks it would have been helpful to a lot of people. DiSesa states that this isn't about the lawsuit, it's about bylaw 167-22 and their rights as a Planning Board to

discuss this with the Selectmen. T. Millias states that there was an opportunity given by Garron for the Planning Board member(s) to bring this up to the Selectmen in a prior meeting, however it was not. Further, T. Millias doesn't see this discussion as particularly productive. DiSesa agrees but states for the future, the Planning Board should be given the opportunity to have a discussion with the Selectmen—keep communication open—instead of being shot down. Chairman G.R. Andrews states how this came across: the Planning Board cannot communicate with Town Counsel unless the Board of Selectmen okay it and asks if that is the policy. Charlie Seelig (Town Administrator) gives a timeline of how things transpired with the Planning Board requesting the Selectmen's approval to get advice from Town Counsel on appealing the Zoning Board of Appeals decision for Petition #915. Chairman G.R. Andrews and Seelig disagree on the request as Chairman G.R. Andrews states that the motion was to get Town Counsel's advice first, then decide on an appeal. Seelig states that the only reason the Planning Board was seeking advice from Town Counsel was to appeal the Zoning Board's decision and the Board was not interested in spending any more money on this matter. Troup asks if the Selectmen's job is to uphold the bylaws. Seelig responds that this is where there is a fundamental disagreement of whether the bylaws have been violated. Chairman G.R. Andrews states that his question is, does the Planning Board have to get permission from the Selectmen to seek advice from Town Counsel? Seelig responds that the Planning Board received Town Counsel's advice this week without permission from the Selectmen (on something else), but in this case, the Planning Board requested to appeal the Zoning Board's decision. Chairman G.R. Andrews stresses that he is talking about going forward. Seelig explains that if it's a lawsuit, it's up to the Board of Selectmen if counsel's going to be used. For other matters, Land Use Counsel can be used without going through the Selectmen. If it's Town Counsel you must go through Selectmen or Town Administrator. Troup re-reads motion from the minutes into record by the Planning Board: "To move forward with a 2-1 vote to appeal the ZBA's decision as long as after a second opinion from Town Counsel Larry Mayo confirms that the Planning Board has grounds to do so, and if not, they will halt the appeal with all in favor." Selectman G.C. Andrews asks Seelig if there is a written policy explaining what matters fall under Town Counsel vs. Land Use Counsel. Seelig responds that there is not, but if the Board wants to be more specific, the Board can consider that. Selectman G.C. Andrews thinks the Selectmen should look into it and would like to add to the agenda later on. Selectman Garron does not have anything to add to the discussion. Chairman G.R. Andrews hopes that things will work out smoother than they have in the past.

Minutes

Motion to accept Meeting Minutes from May 7, 2020: Millias

Second: Troup

All in favor

Discussion:

Pasture Lane. 5/27/2020 Planning Board letter to Michael Goodman regarding Pasture Lane and Michael Goodman's 5/28/2020 email response are read into record by Troup. Tina Kenyon, resident of Pasture Lane, is present. Kenyon expresses her frustration with Mr. Goodman and her lack of faith in him to the Board as it has been 13 years and she states that this isn't okay with her and the (rest of) the neighborhood. Andrews informs Kenyon that Town Counsel is working on this matter. Andrews also adds that he met with the road developers that want to take the road over and finish it, but Goodman must convey the title to them. According to Goodman, the lot had been taken to tax title and has to get the deed back from the other developer that Goodman sold it to. Kenyon believes Goodman is stalling. Troup states that Kenyon is being heard loud and clear but states to Kenyon to have hope that this time it will happen. Millias would like to get things in motion to have a backup plan. Kenyon states her street is falling apart. (Discussion is continued after next appointment.)

Appointment

7:15pm - Zoning Bylaws - Public Hearing

Motion to open the public hearing for Zoning Bylaw Changes: Troup

Second: DiSesa

All in favor

Chairman explains that due to the pandemic, the Planning Board would like to continue the hearing to July 16, 2020 at 7:30pm.

Motion to continue the public hearing for Zoning Bylaw Changes to July 16, 2020 at 7:30pm: Millias

Second: Troup

All in favor

Motion to return to the regularly scheduled Planning Board meeting: Millias
All in favor

Second: DiSesa

Discussion continues (of Pasture Lane):

Selectman Tom Millias is asked by Selectman Gordon C. Andrews to add to the discussion. T. Millias talks about an earlier time when the Planning Board was holding lots instead of cash bonds. When the lot was sold (on Pasture Lane) for \$25,000 T. Millias explains that the developer, buying at this price in a crashing market, should know there are issues with the lot, which there were and the developer was not prepared to finish the road work. T. Millias states that all parties need to be in agreement for a title transfer as this can be done, if it really wants to be; nobody knows the reason why this hasn't been done. Kenyon talks about the covenant attached to the lot which gave the developer two years from time of sale for the road to be finished. It's been two and a half years, and nothing has been done. T. Millias states this should be pursued, however it may be an uphill battle at Town Meeting as far as using town money to sue the developer, but T. Millias is open to exploring what recourse the town has regarding this matter. Kenyon describes the terrible condition of the unfinished road/Pasture Lane as it's dangerous, embarrassing and brings down the value of the homes in the neighborhood. M. Millias adds that he thinks the attempt to pursue this matter would be worth it and may be supported. T. Millias agrees but states that this would be the only money being spent for roadwork. M. Millias was under the impression that this would be something people would understand would cost extra money and thinks it's worth asking. T. Millias states that the lot in question is non-conforming. T. Millias states that he thinks this matter is worth bringing up to the town and airing it out. Kenyon will check in again at the next meeting. Chairman Andrews explains that Town Counsel Larry Mayo is getting in touch with Goodman's attorney and Mayo is ready to move forward, if necessary. Kenyon thanks the Board for their time.

Appointment

7:30pm - 11A Street - Maria Cina, abutter

Maria Cina is not present.

Discussion

Planning Board's Meeting Minute policy for posting drafts. The Board discusses having a draft of minutes to review and post every month. DiSesa and Millias discuss being comfortable with a draft. The Board discusses adding each Meeting Minute YouTube link to the Town website. Secretary informs the Board that there needs to be an actual document. The Board agrees that they will be better at approving the draft minutes (via email) before the meeting so that they can be posted as a draft.

Discussion

Public Document Request from Amanda Monti. Troup reads the Planning Board's response (6/3/2020) to Ms. Monti's Public Document Request (5/11/2020).

Motion to approve the Planning Board's response letter to Ms. Monti's Public Document Request: Troup

Second: DiSesa

All in favor

Andrews will go into the Town Hall and sign the letter.

Appointment

7:45pm - Pine Street North - Larry Costa, questions (see 5/21/2020 email from Mr. Costa to Ms. Troup requesting to be added to the agenda regarding questions on Pine Street North and Paradise Properties)

Larry Costa, realtor for Century 21 and his client Val and Len Hammarberg are present. The Hammarbergs own a grandfathered lot on North Pine Street that is up for sale. Their questions are: 1. What is sufficient within grade and what is the process for this? and 2. Does Halifax require a letter of determination on this being a buildable lot? Costa is just looking for process answers in order to sell the lot/to start the process before selling. Andrews informs Costa that adequate access must be known, and that part of the road is going over an easement and is not a public road. Andrews explains that he believes Costa would have to put the road in to create a legal access which also entails going into the Town of Hanson. Pine Street does not go through to Gold Street. Millias states that the Building Department—not

Planning Board—would be able to explain Zoning and if the lot is a buildable lot. Costa explains that the lot has about 350 feet of frontage on North Pine Street. Andrews explains that Pine Street doesn't connect through Gold Street as it shows, as it has never been constructed. Costa states that this property is located solely in Halifax. Millias, again, directs Costa to the Building Department. Andrews directs Costa to Zoning (Zoning Enforcement Officer) and confirms that adequate access determination would be Planning Board. Andrews confirms that a non-conforming lot on a dirt, private road a sufficient within grade does need to be determined by the Planning Board. Costa will be added to the next agenda, 6/18/20. Troup reads a letter dated 6/3/2020 from Keith Swanson to Charlie Seelig regarding a water service installation on Pine Street North. Costa would like to be added to the agenda for June 18, 2020 to discuss sufficiency within grade.

Appointment

8:00pm - Cesar Calouro, IT - Digital Submission (Discussion)

Calouro gives the Board updates on the replacement of software for digital file submission - waiting for response from new company. \$1,200 for laptop. Due to COVID-19, a refurbished laptop is not an option for now as current laptops have been reassigned. The Board would like to have a laptop for secretary but would rather wait for something refurbished rather than purchase a new laptop; would like to have one to use for meetings. Calouro talks about Working Groups for Digital Signatures and Permitting and encourages the Planning Board, if they would like, to join. Calouro confirms digital submissions will be the same program throughout the town, eventually, and will be a form system that goes into a cloud which will be received by the secretary of the board. Calouro confirms the projector is still on his and Scott's radar. Calouro explains that transcription software (for meeting minutes) can be helpful but has a set of requirements that are out of the user's control that can make transcription difficult. He will look into it as soon as possible but it involves work from multiple departments and external companies. Calouro explains that there isn't a software out there that transcribes clearly so there will be manual labor for corrections. This will only matter if the necessary equipment is available. Calouro will give another update in a couple of weeks regarding equipment. The Board doesn't want to spend a lot of money.

Discussion

The Board discusses Public Document Request policy. Andrews states that there is no policy across the board; the secretary is not responsible to fulfill the request, the Board is. Andrews spoke with Attorney Mayo who informed him that when the secretary gets a Public Document Request, it is up to each Board member to find any documents that pertain to the request and send this information back to the secretary. Andrews would like to get a policy for the Planning Board specifically regarding Public Document Request. Secretary will forward the request when it comes in, the members will check/search their own emails and respond back with anything applicable either way.

Motion to make the Public Document Request policy as follows: the Planning Board secretary will send the request to all members on the day it is received and will contact any Board member that has not responded to the Public Document Request by Day #8 (of the 10-day deadline): DiSesa Second: Millias All in favor

Correspondence

Email dated 5/28/2020 from DTM Law with attached Public Documents Request Appeal to the Supervisor - Amanda Monti's Public Document Request is read into record by Troup. DiSesa assumed that secretary was taking care of the request. Millias explains that he wasn't aware that there was a required action by him and the other members. The members understand and will do better. Andrews explains to Troup that this is not the fault of Town Administrator Charlie Seelig that the Planning Board missed the deadline for responding to this request. Andrews explains to the Board that it's not the fault of the secretary that they missed the deadline, either, and that the Planning Board is responsible for responding to these requests and must do so going forward.

Email dated 5/28/20 from Sharon Tavares regarding 20 Gold Street and email chain is read into record by Troup. Sharon Tavares is present and requests to be added to the June 18, 2020 meeting agenda. Troup reads 6/4/20 email from Sharon Tavares requesting documents. Andrews explains that the reason Maria Cina requested 11A Street to be added to the agenda was because she is getting flooded. Millias talks about past agenda items (lists of properties) with no explanation as to why they were added. Millias states that property owners of these listed agenda items should be notified that they have been added to the agenda if they themselves did not request to be added and should be given a

Motion to require the following three items going forward to be added to the agenda - resident's name, reason for inquiry and location of property: Millias Second: none

Discussion

Correspondence

Motion to send Meeting Minutes requested by Gordon C. Andrews adding 9/5/2019 as draft but noting will be done verbatim and include YouTube link: Troup Second: Millias All in favor

Adjourn:


Motion to adjourn at 9:22pm: Millias **Second: DiSesa** **All in favor**

Gordon R. Andrews, Chairman

Date Approved: 7/16/20

Kron Kron

Richard R. Cookman



Zoom Chat Transcript

00:24:02 Gordon C Andrews: if you're going to discuss this subject I'm recusing myself
01:04:09 Gordon C Andrews: I apologize I need to leave to attend silver lakes meeting
01:16:27 Jo-Anne Snow: Email #10
01:29:33 Charlie Seelig: Both the Building Inspector and the Administrative Assistant are in most days. Call (781) 293-6557.
01:31:31 Charlie Seelig: I'll send an e-mail that includes the Building Inspector and Mr. Costa asking that they contact each other.
01:36:59 Jo-Anne Snow: Do you want Larry Costa put on the next agenda?
01:37:23 Sharon Tavares: I'd like to the Gold St item to the next Planning Board meeting.
01:38:22 Jo-Anne Snow: Specific time or just discussion for Larry?
01:41:26 Jo-Anne Snow: Cesar is hopping on now
01:46:43 Charlie Seelig: The selectmen were okay with the Planning Board purchasing a laptop to be used for meetings - generally so that you would have a laptop to connect to the projector and screen to display plans, etc. at meetings.
02:04:17 Jo-Anne Snow: Public Doc Request requires a response in 10 business days
02:10:36 Jo-Anne Snow: Thank you, Ashley!
02:10:42 DaisyGal: lol
02:10:47 DaisyGal: just working through it!
02:25:58 Jo-Anne Snow: FYI - I did inform the Board that they had 10 days and that would be Tuesday 5/26/2020, to respond to Amanda Monti's request. The email was sent 5/14. Still no response.
02:27:30 Sharon Tavares: Not sure what happened with the echo!
02:31:46 DaisyGal: no worries!
02:32:52 Sharon Tavares: there have been other items on the agenda without detail i.e Pine St North item
02:33:50 iPhone: what if a property owner is not a resident how would they know to be involved in discussion
02:37:10 iPhone: having no representation from a property owner makes them appear unconcerned where they will not be involved in the meeting to find a resolution to any questions or concerns. I would think the property owner is a very key role if you are going to put their property on the agenda otherwise you have a 1 sided discussion and a planning board who has no knowledge of the complaint aside from the resident raising concern
02:37:54 DaisyGal: who is this?
02:47:53 Jo-Anne Snow: Did you want to decide on what to do with Meeting Minutes request from Gordon C. Andrews?
02:51:55 Jo-Anne Snow: Got it
02:52:58 Jo-Anne Snow: That's the only thing I see that wasn't officially decided on.
02:54:23 Jo-Anne Snow: Either post to website or send to him?
02:55:14 Jo-Anne Snow: Will these be posted to website or just sent to Gordon C?
02:56:01 Jo-Anne Snow: So put on 9/5 as a draft on website or sent directly to him?