



# Halifax Planning Board Meeting Minutes September 16, 2021

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HALIFAX TOWN CLERK

A meeting of the Halifax Planning Board was held on Thursday, September 16, 2021, at 7:00pm in the Great Hall of the Halifax Town Hall 499 Plymouth Street, Halifax, MA.

These minutes are an abstract of the Planning Board meeting held Thursday, September 16, 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 and Member Rick Merry. Member Mark Millias is absent.

Chairman calls Halifax Planning Board meeting into session at 7:05pm, states members present and reads agenda into record.

**MOTION to accept the agenda as read:** Troup  
**SECOND:** Elliot  
**All in favor (4-0-0)**

## Appointment

**7:00pm – (Hearing) Petition #951 - Attorney Emile Bussiere, Jr / R&J LLC – 314 Plymouth St – Special Permit for a storage building (Filed: 8/12/21, Withdrawn and Re-applied with updated application 9/13/21)**

Nobody is present.

The Chairman informs the Board that this Petition has been withdrawn due to miscalculated square footage of proposed building on application. Troup reads Letter of Withdrawal Request from Webby Engineering into record.

**MOTION to allow True Storage to Withdraw Without Prejudice the Special Permit under 167-7D that was submitted to the Board:** Troup  
**SECOND:** Elliot  
**All in favor (4-0-0)**

## Bills

Amory Engineers – 8/16/21 – Invoice #15669 – Engineering Services 314 Plymouth St = \$760.00

**MOTION to pay Amory Engineers Invoice #15669 for 5 hours of engineering services on 314 Plymouth Street for \$760.00:** Troup  
**SECOND:** Elliot  
**All in favor (4-0-0)**

## Appointment

**7:15pm – (Continued) – Attorney Emile Bussiere, Jr / R&J LLC – 314 Plymouth St – Site Plan Review (Filed: 5/27/21, 45 Days: 7/11/21 with Extension to 9/21/21)**

Nobody is present.

The Board is in receipt of a letter of request from Webby Engineering on behalf of applicant to extend the site plan to the next Planning Board meeting (October 7, 2021). Chairman asks the secretary to send a Letter of Request for Extension for site plan to applicant for an extension to 10/24/21. Troup states she will email the applicant first thing in the morning to get a request for extension.

## Meeting Minutes

**MOTION to accept the Meeting Minutes for August 19, 2021:** Troup  
**SECOND:** Merry  
**Passes 3-0-1\*** (Elliot abstains as he was absent from 8/19/21 meeting.)

**MOTION to accept the Meeting Minutes for September 2, 2021: Troup**

**SECOND: Merry**

**Passes 3-0-1\* (Elliot abstains as he was absent from 9/2/21 meeting.)**

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### Discussion

#### **Josh Liddell – 285 Holmes Street – drainage calculations and soil logs**

Liddell informed the Chairman that he doesn't have the calculations from the engineer yet and would like to be moved to the next Planning Board meeting.

#### **Walmart, Shawn Boostrom – extended hours request**

Secretary informs Board that Boostrom may not make the meeting tonight and, if not, would like to be on the next meeting.

#### **Richard Harrison/Arnold Werra – Map 73-7A-0 – 0 Plymouth Street**

Chairman reached out to Mr. Werra to ask what is going on at this location but has not made contact yet. Troup reads email from Arnold Werra sent to the Planning Board on 9/15/21.

#### **Pasture Lane**

Regarding an inquiry from Pasture Lane resident Stephanie, Chairman tried calling her and left a message but has not heard back. Chairman has not spoken to developer John Paquette for two weeks but left him another message. Paquette was supposed to let the Chairman know what was going on. Troup asked what the Board decided on contacting Town Counsel. Chairman responds that because Paquette reached out to him, Chairman kinda dropped contacting Town Counsel but asks the Board if they want to pursue it. Troup states that she believes the Board should do something for the residents on this street. Chairman can ask Town Counsel to attend next meeting to discuss.

#### **Subdivision Control Regulations Chapter 235-6(C) – ANR time frame – date for hearing**

No discussion.

### Correspondence

The Board reviews mail.

Troup reads email from Chief Viveiros dated 9/3/21 regarding Halifax Meadows Lydon Lane.

Troup announces the Special Town Meeting date 9/21/21 and location and urges everyone to attend.

Troup reads email from Tracey Pitochelli / Halifax Park Plaza / 416 Plymouth Street dated 9/15/21 into record. The Board agrees that Halifax Park Plaza must apply for a Modification to their Site Plan and cannot just send something in.

When asked about the updates to Map 95 Lot 9 (Monponsett St) and Map 73-7A-0 (Plymouth St) the secretary informed the Board that memo drafts to the Building Inspector were sent to the Board via email several times for their approval before sending to the Building Inspector, per the Board's request, regarding Map 95 Lot 9, Monponsett Street and Map 73-7A-0, Plymouth St. The secretary did not receive a response from the Board, therefore did not send the memos to the Building Inspector.

### Appointment

**7:30pm – 655/657 Monponsett Street Twin Lake Liquors – Site Plan Review (Filed 7/26/21, 45 Days: 9/9/21, extended to 10/10/21)**

Applicant KV Patel (owner), Laurence Gogarty (contractor) and Jim Paul (electrical contractor) are present.

Chairman Gordon R. Andrews recuses himself.

Elliot, referring to a letter of complaint sent to the Board from Gogarty on June 24, 2021, retracts his statements made towards Gogarty and asks for Gogarty to accept his apology. Gogarty accepts. The Board moves on.

Gogarty presents the site plan with upgrades made to the septic system and notes added by Webby Engineering. Gordon R. Andrews, recused and a member of the audience, requests a copy of the site plan be placed somewhere for the public to view. Gogarty does so. Gogarty approaches the Board members at their table to review and discuss the site plan. He states that the unused space does have the potential, in the future, to become some type of tenant space but, at this point, he does not know what that would be. Adds that, at this time, a retail marijuana store is a hypothetical project, as far as he is concerned. Until they know what the space is going to be



used for, they cannot design any parking, lighting, etc. Gogarty confirms to Elliot that, as a matter of right, whatever occupies that space in the future will have to come back before the Board for either a site plan or special permit, depending on the business.

Gogarty explains the lighting design for Twin Lake Liquors, according to the plans presented. Lighting is designed and is reflected on plans that the light does not leave the property. It doesn't mean you cannot see the lights, but they are directed down. Gogarty states that this is a commercial building with a use allowed in a Commercial Zone to operate until 11pm and, for public safety and security, requires lighting on the building. Bulbs cannot be changed in these fixtures. These lights are 45-watts and LED and are dark-sky compliant meaning no light shines up and does not throw light, per Paul. There are 4 of these light fixtures on the building. Elliot states that, according to the By-Laws, as long as lights are not crossing into the neighboring yards, they are within the safety protocol for running a business at the location. The pole lights were removed so that they are not shining on neighboring properties. Troup asks about parking. Gogarty responds that the number of spaces is determined by the square footage of the retail space which is reflected in a table on the plans submitted to the Board. Troup states that she just wants to talk about everything, leaving nothing out and adds that the reason she wanted to do this site plan review is to make everyone happy.

Gogarty adds that they have agreed and will install a 6-foot high, solid, white vinyl fence, if the Board approves this site plan.

Jaime DiGuisto, 10 Bow St., inquires about the fencing as she will be completely exposed to the parking at Twin Lake Liquors. Gogarty shows her the fencing proposal on site plans, and they have a side discussion that is inaudible. Fencing plan is discussed with Board. DiGuisto agrees to the proposed plan for fence. Patel will need to discuss plan with his fence company to confirm.

Nicole Nelligan, 649 Monponsett St., states her concerns regarding the lights shining on her property. Asks if two of the lights can be shut off or if arborvitaes or shrubs can be planted along her property to block this light. Elliot shows and explains to Nelligan the lighting plan. Gogarty states they have been as reasonable as they can. Elliot explains and stresses to Nelligans that the Board understands their concerns however the Board has to follow the Town By-Laws and the applicant is following these laws. Anything beyond that is not under the Planning Board's jurisdiction. Nelligan's husband departs the meeting abruptly. Patel explains that he addresses trouble on his property if and when he sees it. The lights are on a timer by manual clock and shut off no later than 11:00pm, per Paul.

Nelligan, DiGuisto and Andrews approach the Board table and Elliot and Gogarty explain the design of the proposed fence using the site plan.

**MOTION to approve the site plan with the addition of 80 feet of 6-foot white solid fence along the back line to go beyond the parking and that the applicant agrees to come back with any changes as far as tenants and site plan modification in the future: Troup**  
**SECOND: Elliot**  
**All in Favor (3-0-0)**

Gogarty will update the site plans and drop them off at the Planning Board office. The Board will come in and sign the plans when the plans are submitted.

Chairman Gordon R. Andrews returns to meeting at 8:30pm.

#### Appointment

**8:00pm - Steve and Janice Hayward – Form A (File #21-A-211) – Intersection of Elm St & Furnace St (Filed 9/8/21, 14 Days: 9/22/21)**

Applicants/owners Steve and Janice Hayward are present.

Haywards present their Form A. The Board reviews the plans. Andrews confirms that the Haywards are looking to cut out Lot 6-3. Plan to build a single-family home. Haywards confirm to Merry that they meet all setbacks. Chairman explains the Haywards divided into 2 lots last time and the plan submitted to the Planning Board now is dividing land into 3 lots: 6-3, 6-2, 6-4 which is not what the Haywards meant to apply for. The Board suggests the Haywards get the plans re-drawn for the Board to sign. The Haywards will return in two weeks.

#### Adjourn



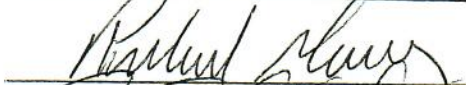
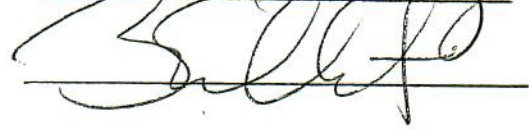
**MOTION to adjourn: Troup**  
**SECOND: Elliot**  
**All in favor, 4-0-0**

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Respectfully submitted,

Date Submitted: 10/7/2021

Gordon R. Andrews, Chairman

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