



# Halifax Planning Board Meeting Minutes January 7, 2021

A meeting of the Halifax Planning Board was held on Thursday, January 7, 2021 via Zoom hosted by Town Administrator Charlie Seelig.

Members Present: Chairman Alan Dias, Clerk Rick Merry, Members Amy Troup and Gordon R. Andrews. Vice Chairman Mark Millias is absent.

Chairman opens the meeting at 7:00pm and takes a roll call of all members. Explains protocol of Zoom meeting.

## Appointments/ Hearings

**7:00pm – 0 & 2 Walnut Street – Outback Engineering/Matt Grosschedl – Form A**

Per the request of the applicant, this appointment has been rescheduled.

## Discussion

**Bracken Engineering/Scott Burgess, 8 Hilda Lane – Subdivision Modification and Site Plan Review – withdrawal of subdivision modification and extension of site plan review**

Chairman states that Bracken Engineering withdrew the Subdivision Modification. Email will be sent to Bracken Engineering to request site plan review extension be withdrawn as there is no project in front of the Board. Andrews suggests the Board sign the extension until the applicant submits the withdrawal.

**MOTION to accept the Letter of Agreement for Extension for a Site Plan Review for 8 Hilda Ln:  
Andrews**

**SECOND: Merry**

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

**Passes 3-0-1**

**MOTION to accept the Letter of Agreement for Withdrawal of Subdivision Modification for 8  
Hilda Ln: Andrews**

**SECOND: Troup**

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

**Passes 4-0-0**

Letter of Concern to Zoning Board of Appeals from Halifax Resident Kerri Butler dated 12/17/20 added to digital file.

**Autumn Lane – Don Treannie (developer) – payment received for inspections; inspection report completed by Merrill Engineers 12/21/20 and invoice for first inspection received**

Treannie has not contacted the Planning Board since the completion of the inspection report from Merrill Engineers. There is no further update at this time but will be kept on the agenda until further information is given.

**Pasture Lane – status**

There is no update at this time. Septic plan was approved. Will keep item on agenda until further notice from developer.

**O'Reilly's Auto/330 Plymouth Street – payment received for final inspection by Amory Engineers upon receipt of as-built / as-built received 12/22/20, final inspection completed on 12/29/20 by Amory/Pat Brennan with inspection report; re-inspection completed 12/30/20 by Amory due to plow damage**

Funds from O'Reilly's were received. Only a few items needed correction. The as built is in process of being produced with Chairman's request for wet stamp. The Board will review the as built. The Chairman reviewed and only has one concern with the amount of pitch from the catch basins on the street to the drainage basins in the rear. Other minor things that Amory noted which were sent to Casey Burch of Solli Engineering. Once items are corrected: snowplow damage, stop sign knocked over and erosion from down spouts on building, Amory Engineers will review again. Andrews states that it was decided "we can't be a fix for 106" in regard to drainage on the street. In response to Troup's concern with Alger's property drainage issues, Andrews states that the drainage issue with Alger's has more to do with Mutual Bank but there was concern that this would add to the Alger's problem,

however, Andrews states that with the submitted calculations, this O'Reilly project will not add to the issue as O'Reilly's is maintaining drainage on their own property. Downspouts will be repaired. Procedurally, Amory Engineers can go back out for a final inspection if the Board requests it. In response to Andrews' question if O'Reilly's was looking for a sign off to open, Dias states that the Building Department was going to issue O'Reilly's a temporary occupancy permit. Dias was okay with that relative to the drainage and building itself. The Board of Health would not provide temporary occupancy permit. Dias spoke with surveying company informing them of what the Board would like to see on the as built.

#### **Complete Streets Program / Green Seal approval and project list,**

The Board discusses project ideas and comes up with a list.

Andrews: Sidewalks on Rte 58 from 106 (north) to existing sidewalks in Monponsett area; Connect other sidewalks around town around South Street down towards Carver Street; Rte. 106 is well-connected until Rte 105; Elm Street and Carver Street are the bike paths through town – widen these paths to make a bike lane. (Bike Path comes down Elm Street, Rte. 106 and to Carver Street.); Sidewalk from the 106/58 intersection going South down Rte. 58.

Dias: Problematic Intersections - Pine and Plymouth Streets, Rte 36 and Holmes Street/Oak St. These also need signage; Need sidewalk from Ligan St up to Plymouth St; Improvements to and extension of sidewalks in front of Harmony Liquors

Troup: Sidewalks to extend to second entrance of trailer park, if they do not.

Merry: Sidewalks from Cranberry Drive to Old Plymouth Street.

These ideas will be prioritized at the next meeting before sending to Highway Department/Steve Hayward. Merry confirms that these need engineering before presentation. Troup states that the town must pay for it up to \$35,000 per contract. Town Administrator Seelig, via chat, responds to Troup. (Chat included at the end of these minutes).

#### **Cled's Tree Service, 450 Industrial Drive – non-compliance with site plans / possible ZEO action (167-28)**

Gordon R. Andrews recuses himself from this discussion at 7:37pm.

Chairman Dias states that there are approximately 5,000 yards of woodchips but Cled has made a good dent getting rid of it. Dias goes on to say that upon further research, however, the site itself is not in compliance. There are issues with Planning Board, Board of Health and Fire Department. Last July the prior Board issued a site plan to be reviewed which didn't happen. The Board will need to discuss what action they would like to take. Troup states she was on the Board when the site plan was approved last year, and it was signed. Dias states that it was extended and Cled's should have come back in July. Merry states that in his opinion, Cled has outgrown the lot by the looks of it. Troup shares 2018 and 2019 site plan approval on screen. Dias states this is a landscaping plan where there have been no structures built and is also not in compliance. Dias reviewed all files Building and Board of Health. **Troup asks if Dias saw the Planning Board Files? Dias states no and then reconsiders his statement and then asks JoAnn Snow to share the plans. It takes almost five minutes to obtain the plan that Joann shared. Troup states that they have been unable to move forward due to Covid. Troup adds that she drove by the site in preparation for this meeting. Dias states that according to the plans provided, there hasn't been anything done. Troup states that there are other places in 2005 where roads were agreed upon but haven't been completed and asks what Dias' point is. The photograph of plan is shared on screen. Dias states that there are other plans that bear a surveyor stamp and a PE stamp which are fraudulent. Troup would like to see this but Dias can't get these plans to her now. Dias refers to a septic plan. Troup states that she isn't clear on what plan Dias is talking about and would like to see the fraudulent plan. Dias isn't sure what the date of the fraudulent plan is. Dias states that there were two decisions made based on fraudulent plans.**

**Troup states she does not see a stamp on this site plan. Dias stated there is not a stamp on this plan. Now Dias is referring to a different plan that was approved last year. Troup asks Dias which plan he is referring to. Merry asks which plan is that. Dias does not have the dates of the plans. Dias states a lot of Un-sureties including Troup making decisions on 2018. Troup wonders how this is being talked about without proof. Dias does not have proof. Dias does not agree. Dias thinks everyone in town should comply to the site plan. Conversation about site plans being fraudulent. Troup states that she cannot make a statement or decision with here say as there are accusations without proof. Troup responds that the fire department is involved and has given Cled 90 days so the Planning Board should wait for that time period to be reached. Dias disagrees and states that every business in town should comply with site plans. Troup states that Dias is making a big accusation without any proof. Dias responds that he did the research and contacted the engineer who verified this wasn't his plan. Dias was advised to report this fraudulent plan to the Board of Professional Licensure which Dias believes is up to Bracken Engineering. Dias asks the Board if they should let Cled continue to do whatever he wants to do or come in and comply with the site plan. Troup responds that the fire department (via Chief Viveiros' letter) is handling the NFPA issues with this property, giving Cled a 90-day compliance deadline and that the Board should take this issue up once that deadline is reached. Troup adds that it's up to Bracken Engineering to deal with the accusation of a fraudulent site plan and if this comes to fruition, the Board can decide what they'd like to do. Troup adds that Dias shouldn't**

be accusing someone of something without any documental proof and adds that this is slander and would like to move past this conversation. Dias responds that Troup's point has been taken and asks Merry his opinion on making a motion. Troup states that they have no quorum. Troup states that Dias has a nephew working at the Tree company next door. Seelig confirms that Merry is not present. Troup would like to move forward to the next agenda item and states the Board can return to this if Merry returns.

Dias tries to have Charlie get Merry back. he again asks if Merry is not with us?

Troup states we do not have a quorum move on

Dias wants to wait to see if he comes back to the meeting.

Charlie wants to get a mobile phone number to get Merry back on the call

Dias asks someone at his home to use another phone to get Merry back

Finally, tells Charlie we will move on to the next issue.

**241 Franklin Street – As Built and site plan comparison**

Gordon R. Andrews has re-joined the meeting.

Dias asks if the site plan was submitted

Dias is a little foggy on this.

Andrews states they have seen smaller plans

Dias states that covid is creating an issue with getting the full size plan in.

The Board states they have not seen the full-sized as built that was submitted to the Planning Board office and the PDF does not suffice.

Dias: Please put this on the next agenda

Send a letter and mentions the building department has been dealing with issues.

Charlie announces Rick is back

Rick Merry re-joins the meeting after experiencing technical difficulties.

Dias wants to go right back to the Cleds Tree

Andrews wants to finish this conversation first.

Dias doesn't want to spend time in the office?

Can we have it scanned? Troup

Merry wants to confirm what subject we are on.

Andrews suggests that the Board members each go into the office and compare the original plan to the as built plan.

Dias wants to Hold on 241 Franklin Street

Let's go to the next item on the agenda, and then go back to Cled's.

**Planning Board Document Request Policy/Procedure – all requests by any individual, including Planning Board members, for Planning Board documents/files be handled by completing a request form for staff assistance and documentation purposes**

Troup states that this item was not on the agenda on Tuesday when the agenda was posted. Secretary responds that this item was posted on the agenda on Tuesday with the Clerk which can be seen on the Town website. Troup disagrees. (Note: See attached 1/7/21 agenda with Clerk's time stamp. This agenda was posted on the Halifax Town web site including this item under "Discussion" on 1/5/21. Time Stamp reads: "Received 1/5/2021, 1:38:49pm Halifax Town Clerk.") (see copy that was sent to the Planning Board on Tuesday\*) Dias states that due to Covid and limited staffing at Town Hall, the Planning Board or Selectmen should come up with some policy or procedure to allow people to go into the office to review files. Troup and Andrews disagree and state that the Planning Board are in charge of their files and should be able to go in and view them when they need or want to without be requesting or asking the Selectmen for suggestions, as the Selectmen have no power over the Planning Board. Merry states that they should be allowed to view Planning Board files only. Dias agrees that the Planning Board files should be made available to the Planning Board during reasonable hours but states that this is an issue he believes the Selectmen should give the Planning Board some guidance on. Troup and Andrews agree that they should be able to view the Planning Board files during Town Hall hours without any assistance. Merry states that it would be helpful to have staff there to make sure the files are retrieved and returned to their proper place. Troup motions to deny. Dias asks Seelig to mute Troup as he states she is being disruptive and not following meeting protocol.

**Troup: Do other boards and offices have logs and ask to see their files? No**

**Andrews:** We are the planning board; we are in charge of all of that information. It is our job  
The Planning Board files are our files.

**Merry:** our files

**Dias** Agrees with Andrews but states “personally he thinks the selectman should handle.” He wants to defer this to the selectman and get a policy to the planning board”

**Andrews:** “ The selectman do not have power over the planning board. We are the planning board. We are elected by the planning board. We are elected by the people to be the Planning board. the files belong to the Planning Board. Nobody oversees the planning board. The people elect us. The town hall is open; we have the right to go in and look at those files. It's not up to the selectman, it's not up to Charlie, it's not up to anybody else. We are the planning board. Nobody else goes to the selectman to see if they can see their files. The Board of Health doesn't go to them to ask if they can see their files, The Assessors don't go to the selectman to see their files. This thing has gone.. I don't know where this is coming from. That all of a sudden we come under someone else, maybe you were elected chairman to the board a little premature as you don't understand how things work.”

**Dias:** “okay, I am going to say that I agree with most of what you said but I believe the building is under the jurisdiction of the town hall. So if you have reasonable hours

**Andrews:** when the town hall is open we can go in. not asking for anything special

**Dias:** whats your pleasure?

**Troup:** motion to deny.

**Andrews:** no motion

**Merry:** is it due to Joann not being there.

**Troup:** we don't need help to find it.

**Dias:** Amy Please

**Dias** to rick they agree. doesn't have a clue where the files are.

**Dias** speaks over Rick, We are all speaking over each other at this point. not just one person. it is a heated discussion.

**MOTION to adjourn: Andrews**

**SSECOND: Troup**

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

Technical difficulties for Merry, Andrews and Dias. Dias looks for motion to adjourn the meeting due to technical difficulties. Dias states that this is per the guidance of the Governor. Seelig states that everyone is now present, they are choosing not to speak.

**MOTION to adjourn due to technical difficulties: Merry**

**SECOND: Dias**

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

**Passes 2-0-1**

Submitted by:

Date: 03/04/2021

**Meeting Minutes amended by Amy L. Troup**

**Zoom Chat**

00:16:03Jo-Anne Snow: Those forms must be filed with the Town Clerk - withdrawal and extension - but need members signatures.  
00:17:31Jo-Anne Snow: There are two forms - Withdrawal of Subdivision modification AND extension of site plan review. Both need signatures.  
00:42:41Charlie Seelig: The original \$35,000 for the Complete Streets program is funded from a reimbursable state grant.  
00:43:03Amy L. Troup: reimbursable...not definite  
00:43:40Charlie Seelig: There is a grant agreement. As long as the Town follows the stipulations of the grant, the amount is reimbursed.  
01:12:08Jo-Anne Snow: Full-sized As-Built Plan was attached to this chat for 241 Franklin St  
01:12:14Jo-Anne Snow: See above  
01:13:01Jo-Anne Snow: Just sent in email also  
01:26:12Resident: If a file is being requested to be seen, then ask "secretary" for file , review it and return it . That is all that is being asked.  
01:26:49Amy L. Troup: our secretary is not in the offices  
01:27:23Gordon: he is not here  
01:27:41Jo-Anne Snow: But there is a secretary in the office for Regulatory Board even though it's not me.  
01:27:46Resident: someone from the regulatory board is always there  
01:28:01Resident: \*there

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