



Halifax Planning Board

Meeting Minutes

March 4, 2021

A meeting of the Halifax Planning Board was held on Thursday, March 4, 2021 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, March 4, 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 Alan Dias, Vice Chairman Mark Millias, Clerk Rick Merry. Member Gordon R. Andrews joins meeting at 7:02pm. Member Amy L. Troup joins meeting at 7:03pm.

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

Plympton-Halifax Express, Invoice #12252, Bud's Goods Advertisement = \$84.00

MOTION to pay Invoice #12252 to PH Express for \$84.00: Millias

SECOND: Merry

Roll Call: Merry – Yes; Millias – Yes; Dias – Yes

Passes 3-0-0

Appointments/ Hearings

7:05pm – WITHDRAWN – Bud's Goods and Provisions Corp – 111 River Street – Site Plan Review and Special Permit for Marijuana Establishment

Chairman states that the applications for Site Plan Review and Special Permit have been withdrawn. Board has no comment. (Acceptance of Withdrawals after Autumn Lane Discussion Item).

Discussion

Zoning By-Law Changes – Decision to hold hearing on April 1st or April 15th

Gordon Andrews joins meeting at 7:02pm. Amy L. Troup joins meeting at 7:03pm.

Chairman informs the Board that they will need to hold a public hearing on revisions to the Floodplain Bylaw.

MOTION to hold Public Hearing for Floodplain on April 1, 2021 at 7:30pm: Andrews

SECOND: Troup

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

Passes 5-0-0

Franklin Street Solar Array – As Built

Chairman states the issues. First, the As Built plan is missing from the Planning Board office. Second, there was a discrepancy with the address from the PILOT Agreement matching the Consolidation plan. Address should read 269 Franklin Street instead of 241 Franklin Street. This has been resolved and a new Consolidation Plan has been submitted. Because the As Built is missing, this cannot be compared. As Built should reflect the proper address. Chairman requests PDF of As Built first to confirm all is correct before submitting the printed official copy. Letter of Substantial Compliance from Conoco requested by the Chairman was received with the incorrect (241) address. This, along with the As Built, will need to be corrected and resubmitted.

Autumn Lane – Status

No updates available.

***Bud's Goods Withdrawal Acceptance**

Chairman reads portion of email from Sarah Stearns/Beals +Thomas dated 3/2/21 regarding reason for withdrawal. "The Applicant, Bud's Goods and Provisions Corp. and the landowner have decided to terminate the current agreement for site development until/unless such time that a better opportunity for on-site development of the marijuana farm is decided."

MOTION to accept the Letters of Agreement for Withdrawal without Prejudice for Bud's

Goods: Millias

SECOND: Andrews

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

Passes 5-0-0

Pasture Lane – Status

Chairman states there is no update and that he sent an email to the applicant asking for an update on what they were doing with no response. Chairman will try to forward this email to the Board, per Troup's request.

Appointments/ Hearings

7:15pm – Scott Casagrande/Duxbury Construction – 311-313 Plymouth Street personal garage – site plan review (continued)

Scott Casagrande (applicant/owner) and Freeman Boynton (Duxbury Construction) present.

Chairman brings Millias up to date on project regarding the updates to the site plans. Boynton states that the drainage calculations have been revised and submitted to Amory Engineers/Pat Brennan who signed off. Boynton adds that abutter to the west (319 Plymouth, closest abutter) wrote Letter of Support for the project. Was not received by Board or Secretary. Received communication from Fire Chief today asking for rearrangement of some of the parking spaces. The plan has been modified to reflect this change. Casagrande states that he has spoken and shared plans with the representatives of abutters Wal-Mart, Stop & Shop and a piece of land owned by S&S. Site Plan with Chief's parking changes addressed is shared on screen by Boynton and Casagrande goes over these changes. Nothing is changing on the plan as far as ground goes, just the location of the spots, per Casagrande. Troup shares Fire Chief's photo of plans with his red markings for parking changes. Handicapped parking spot is discussed and Casagrande confirms this was never meant to be a handicapped spot and never will be. Christmas trees will be trimmed back or cut down that are pushing the cars out into the parking lot to make more room; however, the Fire Truck was able to get around no problem. Casagrande will go before the ZBA for relief from some setbacks.

Chairman Dias reminds the Board that Section 167-28H includes the controlling guidelines for the Planning Board to make a decision. Chairman briefly goes over the seven (7) items to be considered on this site plan review. Andrews states that he doesn't think this project fits the plan of the business district. Merry has no concerns but adds that he agrees with Andrews that this doesn't fit but states that is up to Zoning. Millias believes everything has been satisfied at this point. Troup states that she does not believe it fits in this district and there should be a deed restriction onto the back garage to prevent it from its personal use being misconstrued any sale towards another buyer because there will be another issue down the line that if it turns into a garage of any type of service or changes owners; need deed restriction on it because it's not commercial and Casagrande is proposing it as a personal garage. Casagrande responds to Troup's comment that the proposed use is parking and storage garage from the town's bylaw which is a business use and will still be owned by the LLC, a business and the occupants will be Casagrande and a couple of other people paying rent. The special permit Casagrande is going to the ZBA for is a business use permit. Troup states she still believes it needs to be deed restricted, never to be anything like a service, garage, repairs done or anything like that. Casagrande responds that this will fall with the special permit so if somebody wanted to change the use they would have to go through the Boards. Troup responds that there needs to be something on there to protect the bylaws. Troup states if this is a business then there's not enough parking which is what the Board went through with O'Reilly's. Casagrande responds that the building itself is the parking as this is a parking garage so if there is any other use besides this for a future owner they would have to go back through the Boards. Casagrande is asking for a specific use from the ZBA. Troup responds that the Board has to make sure that in their site plan approval the applicant has to ask for variances for setbacks, parking—Troup asks if this is for business use or personal use. Casagrande responds it's a business that he will be occupying with some of his vehicles as well, it's in the business district. Troup states that she thought at the beginning, he proposed this as a personal use. Casagrande responds that they're his personal cars, but it's a business use within the business district. Troup states that he will be receiving rent which is a business which is not how Casagrande proposed it in the beginning. Casagrande responds that the use he is requesting has not changed at all. Troup disagrees. Chairman states that under Site Plan Review the Board does not have purview over deed restrictions or location of the building. If the plan changes at any point the applicant would have to return to the Planning Board if the ZBA issues a denial.

There are no comments from the public. The Board did not open a public hearing so don't need to close. Andrews thought Dias extended to time and date. Dias doesn't believe a site plan review is a public hearing that needed to be open or closed. Troup states the Board always has. Millias responds no, not for a site plan review. Andrews doesn't recall if this was a public hearing but typically,

no. Troup asks if this is a personal garage or a business. Dias responds that he believes that going by the agenda, whatever the use of the business is, it is under the purview of the ZBA.

MOTION to approve the plan for 311-313 Plymouth Street for Scott Casagrande prepared by Duxbury Construction: Millias
SECOND: Merry
Roll Call: Andrews – No; Millias – Yes; Merry – Yes; Troup – No; Dias – Yes
Passes 3-2-0

Andrews asks if this is subject to anything. Dias responds that Casagrande indicated he will follow the guidelines of the Fire Chief. Andrews states that this should be made part of the approval.

Millias amends his motion, as it is clear and apparent that Casagrande is complying to the request of the Fire Chief, to include this.
SECOND: Merry seconds this amendment.
Roll Call: Andrews – No; Millias – Yes; Merry – Yes; Troup – No; Dias – Yes
Passes 3-2-0

The Chairman and Millias wish Casagrande luck as his project has been approved.

Complete Streets Program – project list submitted to Highway Department and Board of Selectmen 1/25/21
No updates or additional comments.

Meeting Minutes

Chairman states that these minutes are quite old and by law the Board is required to approve minutes within 30 days or three (3) meetings.

MOTION to accept the 1/7/21 Meeting Minutes by Amy Troup: Troup
SECOND: Andrews
Roll Call: Andrews – Yes; Merry – No; Millias – Abstains as he was not present; Troup – Yes; Dias – No
2-2-1

MOTION to accept the 1/7/21 Meeting Minutes by Secretary: Merry
SECOND: Dias
Roll Call: Troup – No; Andrews – No; Merry – Yes; Millias – Abstains; Dias – Yes
2-2-1

Chairman will ask Town Counsel what to do when Meeting Minutes do not get approved.

Troup asks for additional time to review the 1/21/2021 and 2/4/2021 Meeting Minutes and would like to push them to the next meeting.

MOTION to continue the 1/21/2021 and 2/4/2021 meeting minutes to the March 18, 2021 meeting: Troup
SECOND: Millias

Chairman states again that Boards and Committees have 30 days or three (3) meetings to approve minutes.

Roll Call: Andrews – Yes; Merry – Yes; Millias – Yes; Troup – Yes; Dias – No
Passes 4-1-0

Correspondence

The Board reviews mail items.

2/16/21 – Letter from Coneco Engineering – Franklin Street Solar – Construction Approval

The Chairman states that this letter will need to reflect the corrected address on the plan – 269 Franklin Street.

2/18/21 – Letter from Drohan, Tocchio & Morgan, P.C. – 0 Monponsett Street, inquiry of agenda

The Chairman states this is not on the agenda. Dias updates Millias explaining that this address was added by Andrews to the last agenda (2/18/21) but since there are about 25 addresses under 0 Monponsett Street, Andrews was going to do some further

research and get back to the Board. Andrews confirms this is not on the current agenda to talk about. Millias states that it sounds like the Board can respond to this letter to let them know that 0 Monponsett Street is a generic number with no connection to their property. Dias did not respond to this letter as there was no indication of 0 Monponsett Street. If the Board is so inclined, Dias can respond back to the attorney that is relative to these people as this is not on the Planning Board's agenda. Andrews asks if something comes on the agenda, is this considered a notice to the person. Dias responds he would say not. The Board discusses notification to the owners of properties listed on the Planning Board agenda in terms of what the law is. Millias believes the Board should always notify owners of properties listed on the Board's agenda. Andrews is asking the Chairman if there is a law stating owners should be notified. Dias responds that he doesn't know of any statute that requires prior notice to discuss anything but doesn't know of any statute that indicates the opposite, however Dias states that common sense and respect for someone else is that if the Board talks about someone's property, they should be put on notice whether it's a requirement or not. Andrews asks how the Board will notify the property owners first if something is discussed and asks if they have to have a meeting to notify. Millias responds that if someone has an issue with a property, the Board should say they will notify the owners of said property and discuss at the next meeting. Andrews asks how you talk about it if it's not on the agenda. Millias responds that there's no reason the Board can't say that they would like to discuss something in the future. Andrews responds that it must be on the agenda to bring it up. Millias disagrees. Dias sees both Andrews and Millias' points. Dias thinks that any member of the Board could request that a property address be placed on the agenda, Dias also agrees that the Board discuss and ask property owner to be notified of issues Board has as this is common courtesy. Millias adds that it's also the best way to get results but this does not apply to any anonymous letters of concerns in his opinion. Andrews explains that he put this property on the agenda to bring up at the meeting which opens the door, and he was asked to do further investigation, which he is doing. Millias responds that if someone has an issue, it should be brought up, it should be added to the agenda and the owner should be notified. Andrews reiterates he requested 0 Monponsett to be put on the agenda, the discussion was opened, he was requested to get further information and he is doing so and when he has that information the owners can be notified, and it can be put back on the agenda. Andrews is only explaining to Millias what happened last meeting. Troup adds that she thinks there was something on the 1/7/2021 agenda where someone wasn't notified. Dias tries to move on regarding 0 Monponsett Street correspondence item. Troup states she has something to say. Dias asks if Troup has something to say about 0 Monponsett Street. Troup responds no, she has something to say about agendas which is the topic that the Board is on, she doesn't know what 0 Monponsett is. Dias explains that they are going to finish Correspondence and then Troup can talk about an agenda item. Dias, Andrews and Troup continue to debate what the topic is. Troup asks Dias who asked Town Counsel to attend a January meeting and asks how it got on the agenda. Troup and Dias begin talking at the same time (inaudible). Dias states that he will finish the Correspondence and then he will give Troup the floor.

2/22/21 – Email from Pat Brennan with Amory Engineer's Peer Review Letter for revised plan and drainage report – 311-313 Plymouth St

2/23/21 – Security Plan for Bud's Goods sent from Benjamin Nadolny of Bud's Goods

2/25/21 – CPTC Invitation – e-workshops

2/25/21 – Emails of Concern from residents regarding Bud's Goods

Chairman asks Troup if she'd like to discuss agendas. Troup responds that she has already said what she wanted to say.

Notices and Letters from Abutting Towns: Bridgewater, East Bridgewater

Troup states her concern with Bridgewater's Zoning Board of Appeals Public Hearing Notice regarding four mixed-use buildings with 67 apartment units located on Broad Street in Bridgewater causing more traffic for Halifax and possible water supply issues. Troup adds that the Planning Board should be taking note of surrounding towns with major developments causing overload. Millias adds that he believes Troup is saying, in general, the Board should pay attention to developments in surrounding towns and how they could potentially impact Halifax. Troup agrees this is what she meant.

Other Business

No discussion.

Adjourn:

MOTION to adjourn at 8:13pm: Andrews

SECOND: Troup

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

All in favor

Respectfully submitted,

Date Submitted:

Alan Dias, Chairman

Zoom Chat

00:17:44Jo-Anne Snow: Bill is already out to be signed in the office
00:20:49Amy L. Troup: thank you Jo-Anne
00:30:42Jo-Anne Snow: Having technical difficulties - going to restart. Be right back.
00:52:46Resident: why is this the only board that has two sets of minutes when there is a recording secretary and a recording?