



January 13, 2021

Mr. Robert Gaynor, Chair
Halifax Zoning Board of Appeals
499 Plymouth Street
Halifax, MA 02338

Subject: Country Club Estates – Comprehensive Permit

Dear Mr. Chairman:

Hancock Associates has been hired to assist the Board of Appeals in their review of the proposed Country Club Estates Comprehensive Permit through a grant from the Technical Assistance Program of the Massachusetts Housing Partnership (MHP). MHP engages qualified consultants to assist the Zoning Board of Appeals (ZBA) in navigating and understanding underlying development issues and impacts as they relate to the process and regulations associated with evaluating a Comprehensive/40B permit. Consultants also help facilitate productive discussions with developers and in most cases, communities receiving technical assistance from MHP have successfully negotiated comprehensive permits on terms mutually agreeable to both the municipality and developer.

Hancock Associates continues to review the Comprehensive Permit submission, new plans and documents from the Applicant, peer reviewers, town boards, departments and staff, as well as the Zoning Board and citizen input at hearings and offer the following as continuing guidance to the Board.

Minimum Requirements

The governing regulations (760 CMR 56) require applicant to meet three main criteria for consideration of a Comprehensive Permit before a Zoning Board of Appeals:

- The Applicant has site control
The Applicant R & J LLC has presented a deed to the subject 8.7 acre parcel (Deed Book 38017 Page 343). R & J LLC is a limited liability corporation in good standing with the Massachusetts Secretary of State's office, established in in 2009, with

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annual reports filed through 2019. John Peck is the sole Manager of the LLC. The Applicant may proceed using this entity, which would become a Limited Dividend Organization upon executing a Regulatory Agreement with MassHousing. Since the entity has been existence since 2009, the Applicant may also choose to create a project related entity. In this case, the Applicant would have to produce documents pertaining to transfer of the property to that entity.

The deed for the property lists 8.7 acres being Lots A, B and C on a plan recorded at the Plymouth Registry of Deeds (Plan Book 54 Plan 26). The Application mentions 5.02 acres. In reviewing this plan, the lot configuration appears different than the configuration on the presented site plans. The Applicant should clarify the discrepancies between the plan of record and that depicted on site plans. There are also septic and drainage easements shown on the plans apparently granted by the Halifax Country Club. As these easements contain critical proposed infrastructure, the Applicant is required to demonstrate they have these easements to demonstrate site control.

This item remains open. An email from Planning Board on 1/12/21 also raises the issue. The Applicant should address the issues above in writing.

- The Applicant has received a Site Eligibility Letter (PEL).
MassHousing issued a Site Eligibility Letter on June 4, 2019. The project does not appear to have changed since the PEL was issued.
- The Applicant is a Limited Dividend Organization
As discussed above, the Applicant, R & J, LLC is a limited liability corporation registered with the Massachusetts Secretary of State, if the Applicant intends to create a separate entity for this project additional documents pertaining to this transfer as well as a letter committing to the limited dividend requirements should be submitted to the Board.

This item remains open. The Applicant should address the issues above in writing.

Review of Submission

760 CMR 56.05 contains the required elements of a submission of a Comprehensive Permit to the Zoning Board of Appeals. The following is a review of the submission with regard to these requirements:

- Preliminary site development plans with the locations and outlines of proposed buildings; the proposed locations, general dimensions, and materials for streets, drives, parking areas, walks and other paved areas; and proposed landscaping improvements. Any project of five or more units must have a site plan stamped by a registered professional architect or engineer.
The applicant has satisfied this requirement. A Plan set has been submitted prepared by Silva Engineering Associates dated January 20, 2020 and last revised December 18, 2020.
- An existing condition report on the proposed site and the surrounding areas.

The applicant has complied with this requirement. An existing conditions survey prepared by Silva Engineering Associates dated January 20, 2020 and signed and stamped by Jonathan Pink, Professional Land Surveyor.

- Preliminary, scaled architectural drawings prepared by a registered architect, with typical floor plans, elevations, and sections, including construction type and finishes.

The applicant has satisfied this requirement. Architectural Plans have been submitted prepared by Dennis J. Swart dated August 20, 2018.

- Tabulation of proposed buildings by type, size, and footprint, impervious coverage, and open space, including percentage of tract to be occupied by buildings, parking and paved vehicular areas.

The applicant has satisfied this requirement. This table appears within the Site Plan set.

- A preliminary subdivision plan if the project involves a subdivision.

It is unclear if any subdivision or re-division of the subject parcels is required. As discussed earlier, there appears to be some discrepancies between the plan of record and the lot configuration shown in the site plans.

This item remains open the Applicant should provide a written response.

- A preliminary utilities plan (water, wastewater, drainage, and storm water management facilities).

The applicant has satisfied this requirement with the plan set referenced above.

- A list of Waivers from local bylaws and regulations.

The applicant has satisfied this requirement.

Peer Review Consultants

The Board plans has engaged Patrick G. Brennan, P.E. and Amory Engineers, P.C. with traffic subcontracted to Gillon Associates. Mr. Brennan has provided reports to the Board dated May 18, 2020 and January 5, 2021. Gillon Associates provided a reports to the Board dated May 28, 2020 and January 13, 2021. The Applicant has provided responses from Silva Engineering Associates to the Amory report dated July 22, 2020 and from Green International to the Gillon letter dated January 11, 2021. Silva has also provided a plan dated December 18, 2020 purporting to respond to comments from the November 18, 2020 hearing. We would respectfully request the Applicant's team continue to provide formal written responses to all comments in letter form repeating the comments and providing written responses to assist the Board in their review.

We understand an initial deposit of \$30,000 is being made to establish a Chapter 44, Section 53G account. To date, \$ 2,217 has been billed to been paid out to the peer review consultants leaving a balance of \$27,783. As the Board has recently received additional information regarding both site and traffic issues, Amory and Gillon will be reviewing these documents.

Comments from other municipal boards and committees, town staff

The application was distributed to town board and departments for comment. We will continue to work with staff to keep track of input and make sure all parties have provided comments. We will assist the Board in coordinating review and comments from the

various Boards and Departments in town. The Board has received the following from departments and other boards:

Department/Board	Contact	Comments Dated
Conservation Commission:	Gerry Fitzgerald, Chair	
Planning Board:	Gordan R. Andrews, Chairman	Email 1-12-21
Board of Health	Alan Dias, Co-Chair	Email 12-15-20
Fire Department	Chief Jason Viveiros	Email 11-18-20
Police Department	Chief Jacob Chaves	
Building Inspector	Robert Piccirilli	
Highway Department	Steve Hayward, Highway Surveyor	
Water Department	Richard Clark, Chairman	
Affordable Housing Comm.	Thomas Schindler	

Update on Local Preference

Charlie Seelig, Halifax Town Administrator provided a draft of the updated Halifax Housing Production Plan. This plan is intended to update and revise the town's very thorough 2010 Housing Production Plan prepared by Consultant Karen Sunnarborg and the Halifax Affordable Housing Committee, chaired by Selectman Tom Millias. A Housing Production Plan (HPP) is a community's proactive strategy for planning and developing affordable housing by creating a strategy to enable it to meet its affordable housing needs in a manner consistent with the Chapter 40B statute and regulation. The information contained in the report regarding the town's needs will more than satisfy the Massachusetts Department of Housing and Community Development's (DHCD) requirement for the town to provide proof of need in implementing up to 70% local preference condition in administering the lottery for the affordable units. The Applicant has provided examples of Requests for Local Preference for 40B projects in Medway and Norfolk. These are helpful. We will work with the Board and staff to compile a similar letter using the data from the Halifax HPP once the Board has rendered a decision.

Coordinating the project review schedule

As the Board is aware you have 180 days from the opening of the Public hearing to close the hearing. The Board opened the public hearing on November 18, 2020. The Applicant had provided an extension to the required 30 days the Board has to set up the Public Hearing. With November 18th as the date of the Public Hearing, the 180 days would bring us to Monday, May 17, 2021. If the Board decides to meet once a month during the 180 days, this equates to five hearings after the initial hearing. We have put together a rough schedule of potential topics for the six possible hearing dates.

November 18, 2020

- Brief overview of Chapter 40B for the audience,
- Initial presentation by applicant
- Initial comments from the Board
- Discuss of peer review reports.
- Review town department comments received to date.

- Open discussion to the public.
- Discuss future schedule and schedule site walk

January 13, 2021

- Traffic Study Presentation by the Applicant.
- Discussion of intersection geometry concerns.
- Peer Review of Traffic Report and Applicant's responses.
- Fire and Police Department Comments
- Presentation of Detailed Civil Engineering and Wetland Design by Applicant
- Review of Board of health Concerns

February 2021

- Follow up on outstanding traffic issues
- Civil Engineering Peer Review
- Water Supply and Board of Health (septic) Issues
- Conservation Commission Issues
- Scheduling Working Session with key staff.

March 2021

- Neighborhood concerns and mitigation
- Landscape Design
- Architectural Design Review

April 2021

- Clean up loose ends
- Begin framework of draft decision and conditions
- Economic review if any conditions claimed uneconomic

May 15, 2021

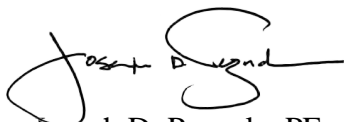
- Close Public Hearing (starts 40 days to clock decision with Town Clerk)

The Board can meet in public sessions during the 40 days to deliberate on the draft decision and vote when the Board is ready to do so.

This is a draft of possible topics for each meeting, we will continue to work with the Board to establish the schedule moving forward. The Board is within their right to request an extension to the 180 days from the Applicant. In most instances Applicant's assent to short (30-60 day) extensions when the need arises.

We look forward to continuing to assist the Board in this complex and dynamic process. Please do not hesitate to contact me should you have any questions or comments.

Sincerely,
Hancock Associates,

A handwritten signature in black ink, appearing to read "Joseph D. Peznola". The signature is stylized with a large, looping initial "J" and a prominent "S" at the end.

Joseph D. Peznola, PE
MHP Consultant

cc: Amy Kwesell, KP Law
Paul Cusson, Delphic Associates