



## Halifax Planning Board Meeting Minutes July 17, 2014

A meeting of the Halifax Planning Board was held on Thursday, July 17, 2014, at 7:30 p.m. at the Halifax Town Hall, Meeting Room #1, 499 Plymouth Street, Halifax, Massachusetts.

**Members Present:** Gordon Andrews, Chairman  
Rick Greeley, Member  
Mark Millias  
Absent: Larry Belcher, Rob Piccirilli

The meeting was called to order at 7:30 p.m. and the agenda was read into the record by Gordon Andrews  
MOTION: Rick Greeley to accept the agenda as read  
SECOND: Mark Millias AIF

### **Appointments:**

#### **Continuation - Site Plan Review: Amanda Estates – off Elm St.**

Amanda Monti and Steve Kotowski of Webby Engineering.

Mr. Kotowski went over the basics of the Site Plan, and made the presentation of the site plan for the proposed Multi-family development and will be going to the Zoning Board of Appeals for a special permit. Reviewed by Merrill Associates extensively and based the design for Multi-family on the road that was reviewed and meets the Planning Board standards for subdivision roadway, felt adequate for access way for Multi-family Dev. Will be private way, no lot lines, so street lines, everything in the same location and design same, only difference is the shortened tangent section of roadway about 100' which pulled the cul-de-sac closer. None of the drainage or location of utilities, sidewalks any of that stuff changed. Different Boards comments, memo's, conservation commission, Planning Board asked (petitioner) to go there, go through punch list of items. Met with them, made presentation and all seem to be supportive. (one member made motion to approve,) Was suggested that since they had been there before (Conservation), they wanted to go back to Planning Board and get site plan approved than to back to Conservation. Even though they had an open Notice of Intent application for the work within the buffer zone, recommended that we (petitioner) should go about it by re-advertise in paper, re-notify abutters, as if it were a continuation. They (Conservation) agreed to allow to proceed with original application still opened. Once allow Site Plan Review will go back to Con Com. Weren't any real issues from other departments. (jurisdictional for the application of the crossing.) Local Commission can approve and allow a crossing up to 5000 sq. ft. of replication. Allowed to extend beyond that in DEP, reviewed application and conditioned it as long as, once local has approved the 5000, then apply to Army Corp of Engineers for water quality. Approval needed from local Commission to apply to Army Corp. of Eng. If anyone has any questions or would like to go over the plans again.

Mr. Andrews: Run into a snag because the buildings have to be located on separate lots.

Mr. Kotowski: Not aware of that and would like to see that.

Mr. Millias: It was not brought up last time and when we were looking through by-laws as another property like this is in front of us for Multi-family, has the same thing, same issue were the individual ownership of the units, but not on individual lots. Directly in the by-law.

Mr. Kotowski: Yeah if it's there I want to see it. Pretty sure we've gone through the by-law, item by item. Real interested to see that they have to be on individual lots, because if you are doing a condo development, you have to do individual lots?

Secretary advised in Section: 167-7D(2) Multi-Family Developments.

Mr. Kotowski: No way we missed this. Was this adopted recently?

Mr. Andrews: No, it hasn't been changed.

Mr. Kotowski: Either that or combined onto one big complex.

Mr. Andrews: Each building has to be on a separate lot.

Mr. Kotowski: But if we make one building, I'm amazed that we didn't pick up on that.

Mr. Greeley: Can you do that, get a continuation.

Mr. Kotowski: Is this in the Zoning By-Law or back...

Mr. Andrews: In the Zoning By-Law: 167

Mr. Kotowski: I'm embarrassed, almost certain we went through every regulation, I went thru it, her father went thru it, and we had other people go thru it. I can't believe we got this far and didn't see that. We're going to the drawing board. Not much we can do tonight.

Mr. Andrews: It just so happens that we have another one that came in with individual lots, and then they were trying to take them off the individual lots, like wait a minute.

Mr. Kotowski: Well, back to the drawing board.

Mr. Andrews: You want to just continue?

Mr. Kotowski: Yes, will have to.

Secretary has Letter of Mutual Agreement Ready.

Mr. Kotowski: Let's do 30 days for now.

Motion to accept the Mutual Agreement for an Extension of a Site Plan Review for Amanda Estates for 30 days, starting 7/17.

Secretary... do you want 30 days from today or 30 days from the original deadline which will bring us to August 23rd. We have August 7 and August 21 meetings. Would like to do 30 days from deadline to give us 2 more meeting dates (if necessary)?

Mr. Andrews: Is that alright. Bring in the next meeting, that's fine, but it would give us until the second meeting, the 21<sup>st</sup>.

Ms. Monti: Yeah we can do until the 21<sup>st</sup>.

Motion to accept Mutual Extension, new deadline date August 21<sup>st</sup>.

MOTION: Mark Millias

SECOND: Rick Greeley

AIF

### **Site Plan Review: Borrego Solar Systems - 280 South St.**

Evan Watson from Prime Engineering representing for Borrego Solar Systems. Solar Farm to be located at 280 South St. currently known as Silver Leaf Farms. Mr. Watson showed members the current plan. They are in front of Conservation Commission, and was asked to make a revision on the dirt drive to gravel access road and erosion controls. Get rid of dirt bare earth, converted into Metal ground cover. Panels will be installed by pile driven, they are installed onto the racks. Racks will be (one) in the middle on each panel. Facility will have a security fence and gate. Only structure is to be an Equipment pad, switch gear, power inverters, utility poles connected to South St. Chapter MGL 40A, does allow for solar panels in any zone if no particular by-laws in the town. Report submitted showing the criteria which meets the site plan review. No detrimental effects on

abutters. Traffic will only be during construction. Earth work. Maintenance, current condition, soil processing area to meadow, reduce run off. After installation only maintenance, maybe once a month to check on equipment. Current conditions for soil run off, just bare earth, no drainage or erosion control. By changing to a meadow, increase the curve number, reduces run-off by changing the use.

Mr. Andrews: Proposed for grass

Mr. Watson: Perennial mix underneath and one for in between rows. 2 native mixes.

Mr. Andrews: Will it be mowed between the panels.

Mr. Watson: Yes, so the grass doesn't grow or create a fire hazard. Off street loading, only during construction in wooded area behind existing use. Residential privacy at least 700' away, no plan to expand, cap on regulations up to 650 Kw, before have to set up on the requirements. Included in the report that they feel they meet all the criteria of the Site Plan Review.

Mr. Greeley: What is the life expectancy?

EW: Warranty for about 15 years, now in for about 30 years, last at least 20 yrs.

Mr. Greeley: Who is the present owner?

Mr. Watson: Owner is Silver Leaf, Borrego will be leasing the property, so owner of facility is Borrego

Mr. Greeley: Is it government funded

Mr. Watson: 1mKW- solar renewable energy credit. That has value to a power plant that uses fossil fuels, government fines them if not enough renewable energy. Avoid fees by getting renewable energy credit.

Mr. Millias: What are the proposed pads, only going to have inverters, will it be in metal containers.

Mr. Watson: It will not be a building, the equipments transformer pad will be enclosed metal cabinet.

RG: How hot do they get?

Mr. Watson: only about as a piece of glass out in the sun.

Mr. Andrews: Any questions for the Board. Most of the upgrade that is proposed is just here?

Mr. Watson: Just will upgrade from dirt to gravel.

Mr. Millias: Any paved apron from South St.

Mr. Watson: With this improvement and vehicle traffic it will be adequate.

Mr. Greeley: How long will it take to complete the project?

Mr. Watson: A larger project takes about 5 to 6 months.

Mr. Greeley: What is the fencing?

Mr. Watson: Chain link fence is 6 feet high. Not asking to close the meeting or get approval tonight, still going through Conservation. They have asked for additional information, so if you have additional request, we can do that before closing.

Motion to continue to August 7, 2014 at 8 p.m.

MOTION: Mark Millias

SECOND: Rick Greeley

AIF

Rob Piccirilli (vice-chairman) arrived at 8:05 p.m.

Discussion: Highland Woods Estates:

Informally, Ed Johnson here to update the Board of the progress within Highland Woods, and also to introduce Mr. Gillespie of Welby Builders. Welby Builders has bought the Sherwood Drive Extension (portion of Subdivision) and will be developing that section. Mr. Johnson updated the Board on the pavement of the

roads, about ¾ completed. All the sidewalks are done, bounds are put in with exception of 3 (sprinklers in the way). In August he should be completed with Split Rail Lane, and in the spring will pave the rest of the development with the exception of Sherwood. Warren Bush is going to continue doing the roadwork for Sheerwood. Mr. Gillespie, (Welby Builders from Scituate) intend to complete the road, build out all 10 remaining lots, build on spec in accordance to the style of the neighborhood.

Gordon Andrews had to leave – Quorum still maintained. 8:15 p.m.

### **Continuation – Site Plan Review - Halifax Trails, Monponsett St. : Multi-family Development.**

Alan Comeau owner, Greg Driscoll, and Ed Jacobs from Jacobs Driscoll Engineering.

Mr. Driscoll submitted revised plans received today (7/17/14). Submitted drainage cal report.

Time being 8:20 open site plan review for Halifax Trails. Mr. Piccirilli reviewed new plans quickly. Advised of issue with individual lots for each structure. (new plans put lots back on plan) Need to review requirements, Halifax Zoning By-Law Chapter 167-7D2 requires any multi-family development complex shall locate each building on an individual lot which will have continuous frontage on a public or private way.” We need to go over that with you as far as what you may want to do with that in the future or how you want to address that in the future. Because of the time frame we need to go over with you as far as if you would be willing or not to sign an extension so that we can continue that and look at it.

Mr. Driscoll: We went ahead with the plans that we originally filed for with Zoning. Last week we had the lots removed but we went back to the original variances that we were asking for. We are keeping the lots, to abide by the chapter of the Zoning by-Law and we are providing the lots for each individual building.

Secretary: That’s on the new plans?

Mr. Driscoll: That’s on the plans just submitted today.

Secretary: page 4 of 13

Mr. Driscoll: That’s the overall lotting plan. The lots are also shown on 5 & 6 as well. The lot lines are shown, the dimentions, etc.

Secretary: Because the last time you were here, you had taken the lot lines off. So now you’ve put them back on.

Mr. Jacobs: The lot lines that we originally had are back.

Mr. Comeau: Yes, well, we met with the Zoning Board and they granted us

Mr. Driscoll: There was take of taking the lot lines off and asking for a variance to the chapter of the zoning by-law that you mentioned and dropping all the individual dimensional variances that we asked for originally. We since talked to the zoning board and we went back to our original plan. We didn’t re-file or start our petition with zoning, we continued with the original petition, which was to ask for several variances of dimensional regulations based on the shape of the lot, for each individual building. So each building is going to be on a separate lot. We have variances for setbacks. This is going to be a private way, right along here, so we don’t have enough for setbacks, rear setbacks to that, and a couple of the buildings, some of them we did, these ones we did.

Mr. Greeley: What is the setback here.

Mr. Driscoll: The front setback? What is required?

Mr. Piccirilli: What do you have?

Mr. Driscoll: Eleven feet

Mr. Millias: These were all requests that were granted by the zoning board?

Mr. Driscoll: Yes.

Mr. Jacobs: So this would be the new lot lines, Lot 1, lot 2, lot 3, lot 4 and lot 5.

Mr. Driscoll: and this is going to be a private way, Halifax Trail, so they have the frontage along the private way.

Members reviewed the by-law. Secretary stated that the Zoning board of Appeals isn't supposed to grant special permits or variances until the Planning Board endorses a Site Plan Review.

Mr. Driscoll: They approved it on the condition of getting approvals from the other Boards.

Mr. Piccirilli wants to be brought up to date on the time frames.

Secretary stated that the "Board" has until July 24<sup>th</sup> to endorse or approve a site plan which is 45 days after filing, unless both parties agree to an extension. Next meeting is August 7.

Mr. Piccirilli: I guess where we stand with this is as far as time is concerned, because of the timeframe, both parties would need to mutually agree for an extension, or we need to make a decision on this thing. I guess the question is are you willing to mutually agree for an extension?

Mr. Driscoll: What would be needed for you guys to extend, what more would you need?

Mr. Millias: Just top look at it so that you have every variance that you would have needed .

Mr. Driscoll: OK

Mr. Comeau: What kind of extension are you talking about?

Mr. Piccirilli: At this point the minimum needed would be 30 days. Then you can extend off of that.

Mr. Comeau: I never went through this process. I never got a special permit before planning.

Mr. Millias: I think it essentially comes down to, you would have to get denied from us, and ask them for an appeal. So kinda went past us, it's like asking the parent that you know is going to say yes first.

So you asked the people that you would ask if we said no, so now you are kinda taking our chance to say yes or no away.

Mr. Comeau: Normally we go to the planning board and then if its something that we can't work with, we may go to the board of appeals, but I thought were, I don't know, but I thought were it's a special permit the process doesn't work the same way.

Mr. Millias: Me personally, that's something I have to look into.

Mr. Comeau: I don't know, my biggest concern is the winter coming, if I don't get my road in, we're dead

Mr. Millias: We can't say your ok, because you clearly don't meet the setbacks, and you don't actually have a variance, because if you did, you wouldn't be coming to us. If you were already in Zoning board of Appeals, that means you've already been denied from us. So, we can't say that that plan is ok and endorse it, because it doesn't meet our requirement.

Mr. Comeau: I don't have my lawyer here, and he would be able to understand this better than I can.

Secretary : Last week when you were here, we only had 3 people, you can in with a revised plan with no lot lines, which you previously had. So when we see all of a sudden your taking your lot lines out, wait a minute why are you doing that, in the meantime your going to Zoning Board to get variances from those lot lines, I believe is what you did, then since last week, or Monday you put the lines back in.

Mr. Comeau: The original plans with the lot lines.

Secretary: So your kinda flip flopping here. We don't know what your doing with Zoning, and Zoning doesn't know what your doing with us. This is where you should have started, and I really shouldn't be talking out of turn, I'm only the secretary, but I kinda have a good handle on this.

Mr. Piccirilli: I been absent for a couple of meetings, we are volunteers and I have a lot of stuff going on. So where she is speaking, she is filling in the blanks for some of us that aren't here.

Secretary: Yes, and Gordon is very up to date with this, and when we had you here last week, Gordon was in on everyone's day off, looking at this and that when we went to the Town council, and said Yes, you have to have a lot line. Then you come back tonight with the lot lines. So, we need to really just take a step back and look at it and make sure everything is there that the site plan requirements need for a Multi-family Development, before we endorse,

Mr. Driscoll: correct

Mr. Millas : So we were expecting to address this with not having lot lines, that's why we need time, to now look at this again, we were expecting none. And to comment on that and now it's a different issue.

Mr. Comeau: But the original plan with the lot lines has been here for at least a month, I would say. So, I kinda, before we changed it the last time, it was here for quite a while, so I would think that everyone had a change to look at it.

Mr. Driscoll: Just to avoid any confusion from last week, we were kinda given direction from the Zoning Board to prepare another petition and would talk about it at the meeting that we just had on Monday. We could either re-apply or keep going with what we already had filed.

Mr. Piccirilli: I think what it comes down to, Do you want to sign an Mutual Agreement for a 30 day Extension?

Mr. Comeau: 30 days from today?

Secretary: We prefer 30 days from the original deadline, which is the 24<sup>th</sup>.

Mr. Comeau: So 30 days from the 24<sup>th</sup>.

Secretary: Which is next week, that way we can get two more meetings in if necessary. Next one being August 7<sup>th</sup> and August 21<sup>st</sup>.

Mr. Comeau: Does that mean we have to wait 5 weeks before we get a decision?

Secretary: No, not necessarily, it depends on if we can get a full board her at next meeting, and everything looks good, if the board chooses to approve it, you get approved.

Mr. Comeau: And if the board chooses, to tell to go jump in a lake, then what do we do?

Secretary: I guess your back to the Zoning Board to appeal our denial of endorsement.

Mr. Driscoll: So between now now and the next meeting? Would there be any feedback on what you guys may request from us or revisions, we can address and bring.

Secretary: I think everything has been submitted, I think it's just a matter of going thru it.

Mr. Driscoll: Ok.

Mr. Picirilli: And again, the lot lines that were taken out and put back in are the exact as they were.

Mr. Comeau: The exact same plan.

Mr. Driscoll: I don't think you were here, the layout is all the same, the only revisions we made to these plans include the grading and drainage design. On the original, there was three basins, storm water basin that I was able to tweak this basin and to get and put a drain line in, to put all the storm water thru cause this was really big and able to handle the storm water from this side of the site. I put another control structure that was aided in and taken care of that as well, and this basin got moved over a little bit. Septic tanks are in as Board of Health requires one tank per unit. Relocated the water service to the back.

Mr. Piccirilli: so those are the revisions were done when?

Mr. Driscoll: On the last set of plans from last week. And this week.

Secretary: Everything that was revised is on this set of plans here?

Mr. Drisll: yes, and I have extras if you want. There is nothing new with the drainage calculations, but I do have another to give you one.

Mr. Picirilli: And that has revisions?

Mr. Driscoll: Yes, that was revised as of last week. There was aslso a questions about seeing the Nelligan property, they are co-applicants and the land we to get the 26 acres. There is a plan showing the nelligan property. These are flagged wetlands over here, and the rest from the mas gis. This has been flagged on the field, we just haven't had time to go out and locate them. This is in general the way it looks, there is a nice ridge that goes thru here, splits the wetlands, and that is when we eventually go to Con Com for building trails for the residents to use.



Mr. Piccirilli: that whole parcel is also separated from the other units. That is an individual parcel correct?

Mr. Driscoll: Yes, they will be combined into one parcel. And one ownership for the association.

Mr. Piccirilli: At this point are they combined.

Mr. Driscoll: they are not.

Mr. Greeley: is there a P & S on this.

Mr. Driscoll: Yes, and they are co-applicants on the project as well. This is the parcel that's being developed and this is the parcel that is going to make up the extra land that we need. It's really, it's undevelopable land, It has been perced.

Mr. Piccirilli: How does that parcel get combined as far as, it's up to these two here, and that is going to get combined into one of these lots.

Mr. Driscoll: It's going to be another common open common space, like the road. It's a private road, but that's common space. This area is going to be common space as well. Going to be quite a bit of work for the attorney that puts the corner box together, while these buildings are on separate lots.

Mr. Millias: If you remove these lot lines, because this is now the same ownership, now changes that entire lot.

Mr. Piccirilli: These are individual lots,

Mr. Driscoll: But will be owned by the same entitiy, home owners association.

Mr. Piccirilli: But in order to do that, you will have a lot line here, under the same common ownership.

Mr. Jacobs: Just lot 4, 5 and common space owned by the association, just as the road, etc.

Mr. Greeley: So, you have no plans for this? No development plans for that?

Mr. Driscoll: No, it will be trails, want to put a nice area in.

Mr. Jacobs: This parcel plus this parcel equals 26 acres and we need all that 26 acres to get the 26 townhouses, so there is nothing they could do over there anyways.

Mr. Millias: Is it going to be label or deeded as to like a lot, not individually labeled now, like we require them to be on a separate lot, but you don't really denote one lot from the other.

Secretary: No,. they can have all the lots under common ownership.

Mr. Piccirilli: As long as each building has it's own lot.

Mr. Comeau: The Association will own all of the property by master deed, and it will have to name each individual lot.

Mr. Millias: That is what I'm thinking, it will eventually that has to be something.

Mr. Comeau: And the owners will own a percentage of the association, about 4 % per homeowner, and they also have a unit deed, for their individual units. My attorney knows how to do it. In Hanson, there are town house style condo's there is 6 units per foundation, they are on separate lots, they did it that way so they can phase the development. I like the phasing idea, it makes it easier for me.

Mr. Piccirilli: It comes down to the by-law, meeting the requirements of the by-laws. So again, it comes down to the mutual agreement of 30 days. If you want to sign, take 30days from the 24<sup>th</sup> to August 23<sup>rd</sup>.

(discussion about Quorum, 5 member Board, and majority vote)

Mr. Comeau: and last week we were talking no lot lines, and this week, were talking lot lines, so...

Mr. Millias: I need to get some clarification to approve based on an appeal that you haven't actually gotten, just based off the information on the plans, we would all have to say No. Because you are too close and don't meet the dimensional requirements, you don't actually have the variance in your hand to say look, we don't have to. That's clarification personally I need, before I can go any further.

Mr. Driscoll: We could have that then, depending on how long it takes them to write the decision.

Secretary: she is on vacation this week, and then there is a 20 day appeal, from the time it goes to the clerk's office.

Make a motion for a Mutual Agreement for Extension of the Site Plan Review, extending until August 23, 2014, 30 days from the existing/original date.

MOTION: Mark Millias

SECOND: Rick Greeley

AIF

To be continued on August 7, at 8 p.m.

**Adjourn:**

Motion to adjourn meeting.

MOTION: Larry Belcher

SECOND: Rick Greeley

AIF

It was unanimously voted to adjourn the meeting at 10:00 p.m.

Respectfully submitted,

**Date Approved:** \_\_\_\_\_

Terri Renaud  
Planning Board Secretary

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