



Halifax Planning Board Meeting Minutes April 2, 2015

A meeting of the Halifax Planning Board was held on Thursday, April 2, 2015, at 7:30 p.m. at the Halifax Town Hall, Meeting Room #1, 499 Plymouth Street, Halifax, Massachusetts.

Members Present: Rob Piccirilli, Vice-chairman
Mark Millias, Clerk
Larry Belcher, member
Rick Greeley, member
Absent: Gordon Andrews

The meeting was called to order at 7:32 p.m. and the agenda was read into the record by Rob Piccirilli

MOTION: Rick Greeley to accept the agenda as read
SECOND: Mark Millias AIF

Appointments: Jim Haluch – Mobile Station, 576 Plymouth St.

Informal discussion regarding replacement of Mobile sign. New would go from wood to aluminum, externally light, no dimensional changes. However, would like to have digital LED gas pricing. Pricing would go from 4 prices down to two. Sign up top would not change. Will be a new face and change to aluminum.

Mr. Greeley asked if it is internally lit.

Mr. Haluch: No, it's externally lit and will stay externally lit.

Mr. Millias: Frame and footprint will stay the same?

Mr. haluch: We are not changing anything on the post, with the exception of putting aluminum shroud around it. None of the dimensions change at all.

Mr. Piccirilli: Will there be any time delays, is this going to flash different numbers or continuous until you change the gas price?

Mr. Haluch: It will be continuous until we change the gas price and in addition to that, specifically get one that will change its brightness. So that it is more bright during the day, and dimmer at night. Only time it will change is when they actually change the gas price.

Secretary gave out info to members regarding what they allowed at Cumberland Farms, and that the Board only allowed it at the pump. But the state law says they are allowed to advertise gas prices.

Mr. Piccirilli: Does Cumberland Farms have digital pricing on 106, to me I don't consider that back lit. That's not an issue.

Secretary advised C.F, has a scrolling sign out front. At the pumps they have digital toppers.

Mr. Belcher: Same sign, one is digital, one is not.

Mr. Haluch: Yes, the gas price is digital.

Mr. Piccirilli: asked if there are any problems with the sign by-laws.

Mr. Piccirilli: I think that the fact that it will not be flashing or changes every so many seconds.

Mr. Haluch: Most of the stations now are just, instead of having five different prices up there for every grade. They just want to put the regular price up and diesel.

Mr. Piccirilli asked about the discussion with Cumberland Farms when they came in about the pump toppers.

Secretary advised, they did not. They had already done the scrolling sign, which Tom Millias had approved.

They have a light shining down on it. Scrolls as opposed to the digital. The Board allowed the gas toppers, a while ago.

Mr. Piccirilli still concerned with internally lit and not internally lit. We don't specifically have a by-law on digital stuff.

Mr. Haluch advised that is what he is dealing with, with other towns with similar issues

Mr. Piccirilli: We don't have anything specifically stating that they are not allowed.

Secretary said only other digital is Cumberland Farms... only on the pump toppers

Mr. Piccirilli: any other discussion, anyone want to make a motion?

Mr. Millias: Well, I would argue that the sign itself isn't back lit, it's only the advertisement for the gas, so I think we are ok on that. The Mobile part's not back lit.

Mr. Piccirilli: how is the Mobile sign lit right now?

Mr. Haluch: There is a light on the ground that shines up.

Mr. Belcher: What is the problem with backlit?

Mr. Millias: We don't allow any backlit in town. (internally lit)

Motion to approve the sign change at the Mobile Gas Station at 576 Plymouth Street as shown (presented) in photo.

Motion: Rick Greeley

Second: Larry Belcher

AIF

Mr. Piccirilli also stated that nothing will be changing as far as the size of the sign, will just be changing from paper to digital gas price advertisement.

Discussion: Amanda Estates: plan change

Secretary advised that she extended a call to Mr. Kotowski that the letter received on March 24, 2015 would be presented to the board. Also gave brief summary of letter.

In attendance: Mr. Kotowski and Ms. Monti:

Mr. Kotowski: This is a letter in response to the letter we got from you folks couple weeks back when a plan was presented at the Planning Board. As I stated in the letter it was always our intension to come back before the Planning Board **after we got approval from the Zoning Board of Appeals for a special permit some discussion amongst staff here at the Town Hall whether it was appropriate that we come back here before the PB make a presentation. We really weren't sure, we eventually kinda conceded. Ok we'll come back as I said in the letter the applicatant is in FL. He was actually suppose to be back this week, but has delayed it for a couple more weeks. So when we got your letter, he asked us to respond to it and then when I got Terri's phone call last night, yesterday, I relayed that message to Corey, he said to go in and kinda explain the letter. Here tonight for that, I don't know what happens as far as if we should ask the board to come back in the future time to present the plans, or if it's ok to present them now. I know it's sort of informal thing, it's up to you guys, I brought a set of plans I could go over. What we were planning on going over with you, if it's the right time to go over this. Or if it's already been discussed and decided, then that's ok too.

Mr. Piccirilli: Myself speaking, I had a quick glance at the plan and through the letter I can see what was done and can understand why it was done at the zoning board meeting. Obviously there was an abutter there that was voicing his concern. Were there any other abutters at this meeting, from either side?

Mr. Kotowski: There were a few of the others, but he was the more vocal one. I guess part of the thing, in my recollection from the hearing was that, when it was originally proposed the wetlands, was originally brought up that we were not meeting the intent of the by-law. When we went back and read it, realized the buffer

was for parking and structures. We came back before the board with basically two versions of the plans. Look, we think we are in compliance of the by-law, with the plan you guys have already received and approved through your approval process. But we offered it as for a mitigation if you would considered this one or that one, makes no difference to us. And so they felt that because the neighbor had concern that it was the right thing to do. So they decided to go with the changed plan, which was relocating the drive-way opposite side of the road. Remove the 4 foot strip between the sidewalk and the edge of the pavement, which provided the buffer that the neighbor was looking for. So then after the decision was to grant the sp was voted on. It was discussed with conditions for the approval, so the board only discussed two conditions. We think you need to do official percs on all the lots with the Board of Health. We had done some percs with the BOH and some with Merrill. We felt we had demonstrated that the soils were consistent, we had enough soils and the board agreed. They weren't within all the areas. So that was one condition. The other that they asked was that we meet with the new fire chief, because the previous one reviewed the plans and you guys have a new chief. So those were the only two conditions that were asked. While we were discussing that the abutter brought to the attention that the Planning Board. Said I think this plan needs to go back, when discussing with the Zoning Board of Appeals, he said I think this plan needs to go back to the Planning Board for further review. At which time the Board of Appeals all talked about whether or not the changes on the plan were significant if they were minor in nature and so there was a lot of discussion back. I remember my position was , well I would say that there would be significant changes if we were eliminating the sidewalk completely or if we were shortening the width of the road or if we were taking and adding four or five more units. That was my position and they pretty much went along with it. They said, yeah, We think it's a minor changes we don't think we're going to write it into the conditions for the approval, that you need to go back to the Planning Board. So, We weren't trying to dodge the Planning Board, it was just that our feeling was that the special permit granting authority, being the Board of Appeals if they felt the changes, like I said, we can all have an opinion as to whether these changes are significant, minor in nature, but really the ones that grant the Special Permit is, in my opinion, I know it's consistent with a lot of different towns, is who every grants the special permit if they want to send you back to get other reviews, then or other conditions, they will include that, so. That's our position, again after it was discussed and Terri and Marion both had contact after the hearing, and said you know you guys really should go back, and that is when I talked to Cory and he said well then I'll be back in the spring time, not doing anything all winter long, nothing is going to happen now. I'll come back in the springtime and regroup and come back before the Planning board. That's what I told Terry we would do, and then we had, trying to keep our guys busy, and so Webby said hey Marion needs 5 copies of the plans, Planning needs a copy, Fire needs a copy, run off a few sets and drop them off. I guess Terri had said something like is anyone coming in to present the plan? Brian just went home, he never asked or told me or anything. So I didn't know that you guys were going to present it that night, otherwise I might have.

Secretary> Interject here: Anytime something is received in the office, any given day, it will be presented to the Board and their next meeting no matter what it is. Whether someone is coming in or not, so whether you thought we would be discussing it or not it's still going to be presented. If they choose to discuss it, that it their choice. It is not up to me to extend a courtesy to you saying you gave it to us, we have to discuss it. It is just something that happens. If they get mail, they look at it, they discuss it.

Mr. Kotowski: I understand, and like when you originally asked me if we were coming in to make a presentation I assumed that we would have to schedule an appointment with the board, not just show up. Ok we would like to be on this day, we're making a presentation kind of go over everything as far as what changes were done, otherwise all they really have to go by Terri is, well this is what I got, and that doesn't seem fair to us.

Secretary: But if you give something to the Planning Board it's going to be given to them at their next available meeting. No matter when you deliver it or make an appointment or not. That's how it works.

Mr. Kotowski: But then again how is it, I'm not trying to argue but then how is it ever brought before the Board and say here. We didn't ask for you guys to review it, consider it, look at it, talk about it, question. It was just presented and then all of a sudden it gets sent back as not approved. It just to me it's just like.

Secretary: Well you knew it wasn't approved before because you changed it at Zoning Board.

Mr. Piccirilli: Well I think the problem is the original was approved and this is the problem, and our concern was, if an approved plan is leaving here it's approved as is. If it leaves the office and gets changed anywhere along the line, why are we even approving anything. And again, I'm not saying it's anyone's fault, but the Zoning made some changes to a plan that was approved. Again, were ever the conversation was lost or not lost I think that you need to know and they need to know that if it it's approved by us, it can't be changed, unless it comes back and gets reapproved. I understand there were some abutters that had some concern and I can understand why it was moved, obviously if someone had concern on one side and there was no opposition one the other side. I think as a board and speaking for myself, that we stay in the loop and what we are approving stays as is.

Mr. Millias: And also when it comes to permitting wanted to make sure the plan that we approved is going to get you your permits. If they change it or accept a different plan, if you went to say, Building and tried to pull permits on it, to make sure you can use one set of the plans or the other. If you don't want to get shot down because Planning Board signed off on a different set of plans.

Mr. Kotowski: I understand the consistency argument, I guess my question is, are the changes that modified throughout the discussion and permitting process with the Board of Appeals, are they changes that this Board has a problem with, as far as just what we did? Or, I understand that they weren't what you originally reviewed, but we have a conundrum, because now we have a special permit and now we have an approved plan from you guys and now we have a dis-approved Special Permit Plan. So I guess I am looking for a little direction as to where do we go from here?

Mr. Belcher: Did they give you as special Permit on the 30'?

Mr. Kotowski: Ya,.

Mr. Belcher: As you've written it here, it seems like that maybe it didn't need a Special Permit.

Mr. Kotowski: No, the whole Special permit was for the Multifamily itself. Specifically said a 30' buffer shall be provided, just paraphrasing, between any abutting properties and free of parking and/or structures or accessory use structures.

Mr. Belcher: I mean you have it right here, it seems as, and I have it in front of me, was that something that the Zoning Board felt they needed to give you something special for?

Mr. Kotowski: It was thru the discussion a few board members who said well we can just waive it they way as we originally had presented and I take responsibility because I thought I was trying to do the right thing because I said, Before we get into asking the board to waive that I think we can do something different. I voluntarily said I think we can take and make those changes, again I didn't think, personally they were major changes. Again if I was.

Mr. Piccirilli: Again, I'm not saying that they're major or not, when you look at it, the point is, we wouldn't know if it ever came back to us.

Mr. Kotowski: Part of my response was, we always intended to come back to you guys, again, I do a lot of work in a lot of different towns, most towns, there is, there is always this review from the planning board for site plan, usually from you folks, and then a lot of the time, when you get before the board of appeals, they make all kinds of changes and things like that. But then that becomes this is the plan of record, and your site plan is more of a guidance throughout them, but here we are back to you guys and I guess that is,

Mr. Millias: Do you believe that you will be able to pull the building permits with the plan that was signed the zoning board, like that is not an issue for you guys.

Mr. Kotowski: Again, I think that if for us, if the topic never got brought up, another words if we just went here and these are the changed plans and if it was never discussed, the planning board didn't have an ability to say, these because I kinda, another argument, let's say that we show these house drawings here, these schematics their not, there's barely any dimensions on them, but it gives you an idea of what, and we go ahead, and the builder goes ahead and says, well I want to take this toilet and move it here, or I want to take this closet and put the door here. Does that mean that we have to come all the way back before you guys because you saw a plan that had a toilet here or there. You know again, but all of a sudden, if there was a seven story structure there then that you know, or they were trying to apply for something like that.

Mr. Piccirilli: I think one of the things would be, and like you said, I don't think it's up to the Zoning Board, they are going to make their changes based on the recommendation based on what come before them. But, no you're relying on the zoning board to have the ability to distinguish if it's going to change drainage, if it's going to change? Do you know what I'm getting at? It's just two different things and it could be, and it probably is a very minor change, but for them to look at it and decide that, it's not their deal.

Mr. Kotowski: As I was trying to answer to Mark, it's seemed like that was part of the discussion that were just trying to distinguish what the board, if they are granting the special, my feeling is, if a board grants a special permit and the applicant can go down to the building department and file building permit, and says I'm granted the authority for this special permit, because of the Zoning Board case, then the plans that got reviewed from the Board of Appeals are the plans of record. But that's my opinion, I'm not the building, you know.

Mr. Millias: I was just wondering if you need us to reapprove this, to hold up any issues that you get with permitting?

Mr. kotowski: It seems there is an opinion that that is the case. It may not be my opinion. Again, my opinion Doesn't really matter, it just seems that there's an opinion. I got a phone call from Mr. Millis(Tom) who said that he felt the same way I think you brought up which is that there is inconsistency, and that the inconsistency needs to be hammered out so, when it get to the point....

Mr. Millias: When it gets to the point where we say you can because of that.

Mr. Kotowski: So that's why we're here. And this was brought to the attention after the board made their decision. Even though we didn't really like it, we'd have to come back make another, but you know, we said sure we'll come back and like I said the applicant hasn't filed for any building permits, he's in down in Florida, you know, and not planning on doing anything, we actually and just as a side bar note... we just today the 3rd, we got tomorrow, they are going to issue the chapter 91 MEPA review and for the wetlands crossing. So we still have that to go through, it's kinda what we focused on for the winter in case something happened there too. Actually part of the discussion we had with MEPA was, can you, cause, they wanted us to reduce some of the impact to the crossing, and they said can you eliminate the sidewalk, can you reduce the width, and I said absolutely no I can't. So, that was part of that whole process that we just went through.

Mr. Piccirilli: Again, we're not trying to hold you up, we're just trying to make sure, like you said there are those inconsistencies.

Mr. Greeley: Alright, let's get this resolved.

Mr. Piccirilli: Well, do you want to look at the plan?

Mr. Greeley: Yes

Mr. Kotowski: I can go over what the changes are from what the plan was.

Mr. Belcher: Ok, you said you moved the sidewalk?

Mr. Millias: As long as he can get permitted with the plan that was signed by Zoning, I don't think we have to go back over it.

Mr. Piccirilli: We if he said if he wants to look at the plan, he welcome to look at the plan.

Mr. Kotowski: All the changes were limited to sheet no. 2 which deals with the infrastructure, the proposed improvements. Originally we had the sidewalk extended along side of the road all the way down to Elm St. This gave us with the grass strip I want to say of 24 ' to the neighbors property. So by eliminating the grass strip at 4 feet wide and putting the sidewalk on the other side of the road the 4' sidewalk, that's 28' that we were able to shift it, and what we actually did is from this point on, we just slide the road, the alignment of the road, so that we actually, but we never changed the 24 width of pavement, we never changed the radius' which were originally approved down here at the intersection, cause we knew the concerns of the fire dept. and access thru planning, with you folks previously. So really that is all that had changed so we showed the 30' vegetated buffer, just as, just to show it on the plan. but that is all changed, we kept the swales there for the drainage that were always there and we spoke to the abutter over here, he didn't care one way or the other.

Mr. Belcher: I just have one question, by what you've written here, you believe and for parking or any structures, so the one we signed originally, should be acceptable thru Zoning, but your making a change because of a concern brought up by an abutter.

Mr. Piccirilli: Because there was a concern on one side and obviously not a concern on the other.

Mr. Kotowski: But the Special Permit that was granted specifically refers to the revised plan that they reviewed and so, we

Mr. Belcher: so now you have one that we approved and one that they approved.

Mr. Kotowski: So moving forward, one is to come back here tonight and see if you'll accept these as minor changes from the original set of plans, two is to go back to the Board of Appeals and get them to amend the special permit to allow the original plan that you folks have already reviewed and approved and your approval stands and then we would have to amend the order of conditions.

Mr. Piccirilli: Can we get something from you in writing just based on what the original plan had and the changes you have to this plan. And as far as that's concerned ...

Mr. Belcher: I don't have a problem, I mean you are changing it from essentially the turn to the street, and the angle and you switched the sidewalk.

Mr. kotowski: the abutters property ended here and we decided once we go t beyond the wetlands crossing, to jump across the street to this tangent section and run the sidewalk on the northerly side of the road.

Mr. Belcher: and a slight angle

Mr. Kotowski: to make sure that we have the 30' here.

Mr. Belcher: And like I say, not because it's a force issue, but because of the concerns.

Mr. Kotowski: It was an option for the planning board, I mean the board of appeals to consider.

Mr. Piccirilli: What is that do for the buffer on his side.

Mr. Kotowski: well, from the property line, to the sidewalk he is now at 17-18'.

Mr. Piccirilli: Is that from the garage?

Mr. Kotowski: Oh no, from the garage, if I had to imagine, 1 inch = 40, you, from his garage to the property line is 70' and then to the edge of the sidewalk it's 85 - 87ish. Legitimately, I can see the concern from the abutter of here, because there isn't much of a vegetative buffer along his property line, but the buffer on the northerly property line is pretty substantial, very thick, it goes right up the back of his garage pretty much. So, I understood the concern, and again, we would prefer to go with this because who wants to have angry neighbors, but if that's not our option then again, we'd have to go back to the Board of appeals and say, we want to revisit this again, we still think we're in compliance, this was the original plan, and then we pushed the roads, so now it's 24' to the neighbors property.

Mr. Piccirilli: Was that his only concern?

Mr. Kotowski; I think so, yeah

Mr. Piccirilli: that he gets the 30' buffer.

Mr. Greeley: I classify that as a minor change

Mr. Belcher: now this is strictly my opinion, as long as the street is the same width, you have the same angles
There, we, all other concerns we addressed in the initial

Mr. Kotowski: That was the Fire Chief's concern, when he reviewed it, when we went down there and met
with him, as long as the road is 24' wide and all the radius' and the curve in here hasn't changed at all, and the
intersection hasn't changed.

Mr. Belcher: I don't have a problem with it, that's my opinion, you've made your changes, you haven't done
anything as drawn that we can, it's not really up to us, it's just a review issue. I think you covered it right, I
think it's more of a matter you can go to every different board and everyone is going to have an argument of
what's important and what isn't, and that is why I think it needs to be shown to everybody.

Mr. Piccirilli: I totally understand people voicing their opinions at the meeting, I just want to make sure
everybody is on the same page and if we can get something, if you guys disagree with it, just get something in
writing just specifying the changes from the original plan to this plan. If you guys have any other issues or non
issues?

Mr. Greeley: I don't have a problem with it at all.

Mr. Belcher: no

Mr. Millias: It is your understanding that you'll be okay with permitting? That's my only concern is that your
going to show up and they're going be like this isn't approved by the Planning board and have to come back.

Mr. Kotowski: Originally it was my feeling, that, if, after it was brought to my attention the following, well a
couple days after, Marion who was the secretary for the Zoning board was on vacation, and Terri happen to be
in that night. When Marion came back from vacation, she's trying to type up the decision, obviously she had
concerns. She said well if the plans change you guys have to go back. That was her initial thought. I said, well
wait a minute actually I think it was discussed, and the board actually made us their minds that we didn't have
to go back and it was brought up. But since she wasn't there and wanted to be a little on the safe side. She
said you guys really should come back. And so I talked to Cory and he said alright, we'll come back down the
road. So my feeling was originally Mark, that I didn't think the we would need to since it was the board
granting the special permit, but you know, that was my opinion at the time, I will know better next time, that
we need to have further consistency if these things get changed, if we have another project like this that come
up. We'll know instinctively that we have to come back before the Planning Board and go over any changes
that might come up even though they seem to be minor.

Mr. Piccirilli: It seems to me that you're not in any super great rush to get this started, so if something was to
be put off until our next meeting as far as a letter or something, is that going to hold you guys up?

Mr. Kotowski: No, like I said, tomorrow is the day that they are going to be issuing the MEPA, but that's still, I
don't think the Cory is going to be looking to do anything for a while now, it's just that we knew we had to go
through that first, so we're kinda waiting to do that. Us at Webby it was something we could work on all
winter long. They had a lot of information they needed to.

Mr. Piccirilli: It's up to you guys if you want to make a motion or talk about it some more.

Mr. Millias: I'm satisfied, I don't see anything wrong with the changes, as long as he doesn't need anything
else to approve from us.

Mr. Greeley: do we need to give something to the Building Inspector to classify those as minor changes,
Planning board approval is not necessary.

Motion to ask Mr. Kotowski to provide a letter explaining the changes between the original Planning Board
approved subdivision (MFD) and the plans approved by the Zoning board of Appeals. (for next meeting)

MOTION: Mark Millias

SECOND: Larry Belcher

AIF

Secretarial: Bills:

Motion to pay bill to WB Mason in the amount \$18.34 for office supplies

MOTION: Larry Belcher
SECOND: Rick Greeley AIF

Motion to pay Plympton/Halifax Reporter for subscription for \$25.00

MOTION: Larry Belcher
SECOND: Rick Greeley AIF

Secretarial: Meeting minutes:

Motion to accept Meeting Minutes of March 19, 2015 as written.

MOTION: Larry Belcher
SECOND: Rick Greeley AIF

Discussion: ZBA requested any comments or concerns regarding Blackledge Farms 40B project.

Mark Millias would like to see the first house/lot on the left as you enter into the development to be eliminated as it is right behind the resident on Franklin St. Reason being that we can provide the residents/ existing house on Franklin St. the same type of setbacks that they thought they would be getting from any other abutter. Larry Belcher would like to add that he has concerns with the one lane in and out. Has the board or developer considered a double barrel entrance.

Secretary brought board up to date on Two River Farm and new developments on obtaining the bond to finish the road/subdivision

Adjourn:

Motion to adjourn meeting.

MOTION: Larry Belcher
SECOND: Mark Millias AIF

It was unanimously voted to adjourn the meeting at 8:30 p.m.

Respectfully submitted,

Date Approved: _____

Terri Renaud
Planning Board Secretary

