



Halifax Planning Board Meeting Minutes March 3, 2016

A meeting of the Halifax Planning Board was held on Thursday, March 3, 2016, at 7:30 p.m. at the Halifax Town Hall, Meeting Room #1, 499 Plymouth Street, Halifax, Massachusetts.

Members Present: Gordon Andrews, Chairman
Mark Millias, Vice-chairman
Larry Belcher, clerk
V. Richard Greeley, member
Absent: Bob Baker

The meeting was called to order at 7:30 p.m. and the agenda was read into the record by Gordon Andrews

MOTION: Mark Millias to accept the agenda as read
SECOND: Larry Belcher AIF

Appointments

7:30 p.m. – Hollywood East Classics: 413 Plymouth St.

Mr. Tony Gianetti present: Review of site as per approval Sept. 2014.

Secretary advised of a discussion at last meeting regarding a request to the Board of Selectman to possibly increase the amount of car sales. Mr. Seelig suggested to increase spots from 7 to 11.

Mr. Millias asked if they were looking for an increase or just a recommendation.

Mr. Gianetti: It was recommended because we have cars for sale, but also cars parked that are being restored.

Mr. Seelig came and suggested to increase the number.

Mr. Andrews: So you have 7

Mr. Gianetti: yes

Mr. Belcher: The problem we saw is that you have two existing containers next to the building. They take away from your parking spots.

Mr. Gianetti explained again that Mr. Seelig suggested increasing the number. He is not looking to increase at this time.

Mr. Millias: Do you know how many vehicles are parked right now?

Mr. Gianetti: There is outside? 7 for sale and there are customers, that we are doing work for right now.

Mr. Millias: How many employees?

Mr. Gianetti: 2

Mr. Greeley advised of the space, area that needs to be left open (next to building where the containers are located)

Mr. Gianetti: Ok, I wasn't aware of that, I'll just move those containers.

Mr. Millias: Due to the visible congestion in there, I couldn't see increasing the spots without a full site plan.

Mr. Gianetti: I wasn't really looking for it. So if it's a no go, I'm perfectly fine with it.

Mr. Andrews: So, you are here to get a recommendation for the existing license?

Mr. Gianetti: Yes

Mr. Andrews: Anyone want to make a motion to stay with the status quo?

Motion to continue with the 7 parking spaces for car sales.

MOTION: Mark Millias

SECOND: Larry Belcher

AIF

7:40 p.m. - Two River Farms; Street Acceptance request and As-Built

Brian Grady present from GAF Engineering:

Currently before the Selectman requesting a road acceptance and has been reviewed by the town engineer, Merrill Associates. Highway Superintendent has spoken verbally with the Town manager and he is fine with it. Only two comments from the review engineer, is that behind a couple of the berms it is lacking some soil. They should be able to get out there in next few weeks. Other is the catch basins, (highlighted) that don't have the eliminator, baffle inserts and the other catch basins do. Contractor says he couldn't get them in the catch basins. The pipes are too high and right up against the slab top and within the catch basin there wasn't any room to get the eliminator in. Based on that conversation with him, if we keep it the way it is and not have the eliminators in, we have this water quality structure at the end of the line. That will treat the run off prior to it being discharged. It will be carried forth in this last water quality structure. Our request tonight is if we can get a recommendation from you to the selectman that the absence of those eliminators in the catch basins are acceptable because of the water quality structure at the end of the line.

Mr. Millias: Did you get any feedback as to why, was there a problem with the design, or the installation that they were not able to get those units in? I assume it was designed correctly and certainly should have been installed.

Mr. Grady: I don't know, I certainly can try to find out why. I think the elevations are pretty close to the design. It's just that the tops of the pipes are right at that slab top and catch basin. Not the cone as there is in some of the catch basins, because these pipes are quite high, because they are at the beginning of the line, and with the angle of the pipe. They could extend the PVC pipe in the pipe, extend out and put the eliminator on and give you more room, but that would bring it out directly under the catch basin.

Members reviewed the plans.

Mr. Millias questioned one of the RIM measurements (63.57)

Mr. Grady said it is a typo.

Mr. Andrews: I think we should make a motion to send a memo to the selectman, based on the fact that we have a separator down line from there. The water quality structure, that anything that does get in should be taken care of.

Mr. Belcher asked about it clogging.

Mr. Grady advised that the eliminator is only for floatables. The solids is what would be clogging it, it is a three compartment tank.

Make a motion to send a recommendation to the board of selectman that we approve the As-Built plan without the hoods installed due to the fact that it will be caught in the water quality structure.

MOTION: Mark Millis

SECOND: Rick Greeley

AIF

7:50 p.m. JDEngineering_ Halifax Trails Co., Inc. , Site Plan Review

Ed Jacobs and Greg Driscoll present: submitted application, fee and new plans to secretary, also submitted a copy of the recorded Form A from Registry of Deeds.

Mr. Jacobs here for Halifax Trails Co., Inc. Have been thru this before and came before the board 2014. At that time we had been to the Zoning Board then came here. We had 5 lots, with every building on a separate lot and the roadway that came from Monponsett St. Requested waivers and variances from the Zoning board because the houses were too close to the lot lines. Variances from front setback of 75ft down to 11ft on three buildings and one building down to 15 feet. The rear setbacks we asked for variances from 100 feet to 53.75.

The permit ran out so we were asked to re-file. We have re-filed with Zoning and with a new attorney. A question came up in the by-laws with the legality of the roadway and lots as they weren't ever recognized as subdivision control. Our clients attorney Rob Pelligreni spoke with the Building Inspector and I believe town counsel, on how best to solve this situation. They have asked us to come before you. We revised the plans, taken all the lots off and made this a driveway instead of a street. We've asked for the waiver(letter) the following waiver is requested from article 3 section 167-7d2a of the Halifax Zoning by-laws, as it says "It is required that any Multi-family complex proposal hereunder shall locate each building on an individual lot which shall have continuous frontage on a public or private way." We're asking for that to be waived according to article 6 Section 167-28g4b which states "The planning board may waive specific requirements when they are inappropriate to a given proposal."

That seems to be the solution between all parties and looking for approval of the Board. Attorney is advising that since it is a condo complex, the lots are not legal and will have difficulty on closings for the units.

Mr. Andrews: What we did was signed a site plan showing those lots on it, it wasn't a subdivision. So after going back over it I had spoken with Rob also and it makes more sense to waive that requirement because it doesn't make any sense. In order for you to make it under subdivision control, then it wipes out the multi-family. To be honest, we haven't done a multi-family with these regulations. Is there any questions or comments from anyone else.

Mr. Millias: As far as deeded them, there are no requirements to have them on a lot? It confuses things?

Mr. Jacobs: I'm no attorney, but our attorney said it would be a nightmare. It's not a legal lot, lots.

Mr. Millias: As far as changing it from the road, it's still going to be privately maintained?

Mr. Jacobs: Yes, the condo association will maintain it, which was always the intent. We haven't changed anything on the roadway, everything is exactly the same. It's going to be maintained by the association just like it was before.

Mr. Andrews: I think that was stipulated in the site plan anyways. That wouldn't be changed, all you're looking to do is waive that?

Mr. Jacobs. Right

Secretary: So when we do a new letter we can put this (Note) back in?

Mr. Jacobs: sure, absolutely

Mr. Andrews: Do I have a motion to waive the requirement under section 167-28G4B, the Planning Board may waive specific requirements when they are inappropriate to a given proposal. Motion to waive the requirement for the lot lines.

Make a motion to waive the specific requirement of multi-family development complex, shall locate each building on an individual lot which will have continuous frontage on a public or private way.

MOTION: Larry Belcher

SECOND: Mark Millias

AIF

Mr. Andrews: Do I have a motion to accept the new site plan as drawn dated March 2, 2016?

Motion to accept/approve the Site Plan, 265 Monponsett St. dated March 2, 2016 Halifax Trails with the note of the road is and to remain as a private way and not be maintained by the Town for any maintenance, plowing, sanding maintenance of the road, parking areas, landscaping, drainage structures and devices as well as utilities and any other infrastructure of the commonly owned property of the condominium association.

MOTION: Larry Belcher

SECOND: Rick Greeley

AIF

Discussion: Bella's Pizza & More: Containers

Present: Tony Muscolino, 416 Plymouth St. (tenant); John Thiboutot: representing Niles Co. (Property owner)

Mr. Moscolino: here to talk about my containers out at 416 Plymouth St. They will be disappearing in 30 days. Two of them will be out there, in 30 days. 1 came from my old place, which is going to stay in that back corner in front of that.

(Secretary advised that the only one approved by the Board was the cooler attached to the building)

Mr. Moscolino: Is there any way I can keep the one I have. It's out of the way.

Mr. Greeley: across the street there are two of them.

Mr. Thiboutot: The owner doesn't mind as long as it is approved by the Board.

Mr. Andrews: As far as yours are, can we have it shown on the plan where that is going to stay?

(Secretary advised, didn't do a full site plan, it was a discussion, informal for the storage cooler)

Mr. Muscolino: There are two over here, there is one in the back corner by the woods.

Mr. Greeley: What is in it?

Mr. Muscolino: My dry storage. Containers that I use for cooking. We they have a good deal, I just buy a ton of it, because it's expensive. That's all we keep in there, we don't keep anything else. The other two containers ended up there, because I sold my other two locations that I had. The stuff that people didn't want, I ended up taking out and is actually being picked up at the end of the month.

Mr. Andrews: So you will be down to one container and the building cooler.

Reviewed the pictures

Mr. Andrews: Where is the building in the back.

Mr. Muscolino: Right here, if you come in the parking lot, it is off to the left in the corner.

Mr. Andrews: That building is not being use now.

Mr. Thiboutot: No, it is not in operation, it was for the old Laundromat.

Mr. Andrews: Can that get pushed back?

Mr. Muscolin: Well it is, it is out of the way, you can't even see it.

Mr. Andrews: That's not on the drive going around the back?

Mr. Muscolino: There isn't any drive around the back.. I misunderstood, no it's not in the way of the drive when they come around. It's tucked away in the corner.

Mr. Millias: Do you know the distance between the cooler and container is, greater than 20 feet?

Mr. Muscolino: Yes absolutely.... At least 30.

Mr. Andrs: so no problem with a truck getting around, a fire truck/

Mr. Muscolino: No, but the other two I can promise you, will be out in 30 days.

Mr. Andrews: Ok... is the board good with that.

All members agreed.

Mr. Thiboutot: Can I get a letter or something to that effect, just for the file.

Mr. Andrews: Yes

(Secretary: Mr. Andrews: Containers need to be removed by April 15, 2016)

Discussion: Assignment of Peer Review Engineer for Subdivision; Jordiss Rain Estates.

Secretary advised of new qualifications and pricing. Members discussed the engineers that submitted new packets. Received from Merrill Assoc. PMP, Silva Engineering, Tibetts. Land Planning and Amory did not submit new qualifications.

Make a motion to accept Silva Engineering Associates the review Engineer for the Definitive Subdivision for Jordiss Rain Estates.

MOTION: Mark Millias
SECOND: Larry Belcher AIF

Secretary advised hearing date is March 17th and brought to my attention regarding the piece of property. (showed plot plan to members) There is a right of way going thru the property. Only thing I have so far is an abutter that has sent in a concern regarding the drainage.

Meeting Minutes:

Motion to accept the Meeting Minutes of February 18, 2016

MOTION: Larry Belcher
SECOND: Bob Baker AIF

Discussion:

As-Built Two River Farms: Secretary advised a memo sent to Board of Selectman with the concerns the Board has about the catch basins. Will be having a hearing Tuesday 23rd at 8:45 pm, for the acceptance of roadway. If anyone is interested in attending, members unable to attend. Secretary will try to get a hold of Mr. Andrews to attend. Board will at some point have to endorse the As-built and release the remaining bond. Members went over the catch basin issue, gas traps were unable to be installed due to not enough clearance. Board would like an explanation as to what and why the structure did not have the clearance to install the gas traps. Request the developer to come in.

Adjourn:

Motion to adjourn meeting.

MOTION: Larry Belcher
SECOND: Rick Greeley AIF

It was unanimously voted to adjourn the meeting at 8:15 p.m.

Respectfully submitted,

Date Approved: _____

Terri Renaud
Planning Board Secretary