



**Halifax Planning Board
Meeting Minutes
July 20, 2017**

OFFICIAL

A meeting of the Halifax Planning Board was held on Thursday, July 20, 2017, at 6:32 p.m. at the Halifax Town Hall, Meeting Room #1, 499 Plymouth Street, Halifax, Massachusetts.

Members Present: Karlis Skulte, Vice-chair; Mark Millias, clerk; Jonathan Soroko & Larry Belcher, members
Absent: Gordon Andrews

Agenda read into minutes. Motion to accept the agenda as read

MOTION: Mark Millis

SECOND: Larry Belcher

AIF

Discussion – Burrage Pond

Anthony Stella and Jason Zimmer representatives from Mass Wildlife.

Mr. Stella spoke to revitalization of entrance to Burrage Pond Plan:

Back 3 years ago, survey work by abutter resolved in losing a portion of access way and fence went up along the property line, blocking the access. They want to try to design to a plan to restore the driveway (safer width). People are driving along the fence, but it's tight. Want to make safe and accessible. They don't need permits, but want to advise and let the Board look at the plans. He discussed and advised the topography of the property and the best was to safely improve the access and parking area. It will not require a retaining wall. The vegetation will stabilize the slope and will have native seed mix and plantings. There will be crushed blue stone put down.

Member brought up the question of an (ADA) accessible spot, they will not be (stripped) spaces, but will designate a spot. There will only be about 10 spaces. The current sign will be updated or a new sign placed and they will have a new kiosk with materials and information in it. They will also be monitoring the area with remote, cellular based. They provide information to the environmental police. Most visitors are hikers and dog walkers.

They did discuss the slope and drainage situation, Mr. Stella noted that it will drain back into the area and not go into the neighbor's property. Any drainage from Elm St. will remain on Elm St. If necessary they will use rip rap stone. The sight line on the entrance is okay, but will be clearer once they clean up the front. They agreed to put up one handicapped sign for designation of ADA. (large copy of plan retained)

BILLS:

Motion to pay bill to Silva Engineering in the amount of \$170.00 for Jordiss Rain Estates inspection.

MOTION: Larry Belcher

SECOND: Jonathan Soroko

AIF

Discussion:

Secretary advised of a new report from Silva Engineering of an inspection.

Members discussed the stock pile of organic waste noted in the report. A letter has gone out to the developer to provide proof of removal. Other than that the board does not have any other concerns.

Discussion:

By-laws for review: Mr. Skulte was not here at the last meeting and would like to be brought up to date.

They discussed how they need to clear up the multifamily by-laws and possibly adopt more of the regular laws into multifamily. One issue was the frontage, how we do not have a requirement for a road. Standard Form A frontage is 150', and should that also be required for a roadway/entrance to any development.

They discussed how to get variances of frontage, because a by-law states you cannot have variances with Special Permits. Subdivisions are not required to have 150' frontage of the entrance. They discussed if a private way is a driveway, access way. The definition of "lot" implies subdivision control, would everything then be required to be a subdivision as opposed to a multifamily development. Would also need to ensure it keeps with the character of the town. Using the same set of rules, the only difference is there is more than one family in a building. It almost implies you need to build each building on a 10 acre lot.

The setback for the multifamily buildings is stricter than single family lots. They discussed if the lot requirement for Multifamily was to ensure the stricter setback rule. They discussed Halifax Trails, and how they had variances from the setbacks, but if variances are not allowed how did they get them. (167-21A2) Special permits: "Such permits shall be applicable only to the use of the property for the purpose specified and shall not waive, vary or relax any other provision of the chapter applicable thereto."

However: The next section #3 for variances "The board of appeals may authorize upon appeal or upon petition with respect to a particular parcel of land or to an existing building thereon, a variance from the terms of the chapter as set forth under MGL C. 40A, Section 10."

Mr. Skulte stated that it could be argued that it is not a conflict, just that a special permit is for the use, then grant variances for the other aspects of it. Specific to the use of the property, actually take separate votes for each request. Members discussed the density regulations for a specific use, and then if they would be required to meet the general density regulations. Would they be required to meet subdivision control? The specific use should have its own requirements. Section 167-12, setback implies they are all on the same lot, with 100 feet between the buildings. Members reviewed both sections of the by-law for multifamily... 167-12 and 167-7D2

Mr. Soroko stated that he had looked at a couple surrounding towns and they basically have the multifamily and subdivisions under one. Members continued to discuss the conflicting language, the definitions within the by-law. Private drives are not maintained by the town. Does it prohibit other residents to be excluded for certain events. (Halloween.) As it would be one piece of property owned by the condo association. Multifamily is having an access on a way, it is more a driveway within a piece of property. Members touched on the commercial properties have a "way" to access, it isn't a private way. Should it be held to the same standards as a road.

All aspects of an access way, whether private or public should be reviewed during the site plan review process similar to any commercial development. As for multifamily, possibly taking out the provision for "each building being on a separate lot" would clear up some confusion. Members then discussed driveways, as it is not allowed to have a common driveway .

Mr. Skulte asked if the “no common driveway” is for multiple buildings or multiple lots? Retreat or Estate lots were discussed, frontage requirements. Estate lots are not intended to be incorporated into the subdivision of land.

If they don't impose a certain requirement for frontage, whether it being 110' for road access or 150' for minimum (single) lot frontage all the parcels could be looking at developments behind established neighborhoods. Defining a frontage requirement would be best served to eliminate any confusion. 110' of frontage to safely build a road, but 150' would be excessive for that purpose, however for minimum lot frontage for single family the 150' makes sense.

As long as the town has certain requirements for multifamily and certain setbacks, it will keep the developments away from the residents (houses) that are already established. They all felt that taking out the “lot” requirement for multifamily would alleviate some confusion, but taking out the one building per lot across the board could create problems down the line, BUT multifamily developments would still require a minimum of 10 acres and one acre per unit. They also briefly discussed that special use regulations for specific uses should supersede the general density regulations. Identify each piece and where it can deviate and the rest has to conform.

Members will review and continue discussion for any by-law changes for the next Annual Town Meeting in May, 2018.

Motion to adjourn meeting.

MOTION: Larry Belcher

SECOND: Jonathan Soroko

AIF

It was unanimously voted to adjourn the meeting at 7:30 p.m.

Respectfully submitted,

Date Approved: _____

Terri Renaud
Planning Board Secretary