



**Halifax Planning Board
Meeting Minutes
May 3, 2018**

OFFICIAL

A meeting of the Halifax Planning Board was held on Thursday; May 3, 2018, at 6:30 p.m. at the Halifax Town Hall, Selectman's Meeting Room , 499 Plymouth Street, Halifax, Massachusetts.

Members Present: Gordon Andrews Karlis Skulte, Mark Millias, Lawrence Belcher,
Absent: Jonathan Soroko

The meeting was called to order at 6:35 p.m. and the agenda was read into the minutes by Gordon Andrews
Motion to accept the agenda as read

MOTION: Mark Millias

SECOND: Larry Belcher AIF

Secretarial: Members signed the bills payable previously approved on April 19, 2018 for payment to Plympton/Halifax Express.

6:40 p.m. Motion to suspend the regular Planning Board meeting to open for Public Hearing for the Amendment for Estate Lots. (Article 54)

MOTION: Mark Millias & read PH notice into agenda

SECOND: Larry Belcher All in Favor

Discussion: Mr. Skulte asked if it was to basically remove the requirement of a special permit, but will still be a part of the ANR process. Charlie Seelig (Town Administrator) also stated that a paragraph was removed a number of years ago specifically saying a special permit was needed, however this paragraph was not. This is just to clean up of the by-law. Members agreed based on the information that it should be removed. Gordon C. Andrews, 244 Elm St. (here on in to be indicated as GC Andrews) asked if it was just for a Single family home. Chairman Andrews said yes.

Motion to recommend to remove this section from the by laws pertaining to Estate Lots.

MOTION: Mark Millias & read notice into record

SECOND: Larry Belcher All in Favor

Motion to close the Public Hearing for discussion of Estate Lots

Discussions:

It was quickly noted that the Public Hearings can be posted/advertised and heard as one, as opposed to opening and closing of each one individually.

Members briefly discussed and reviewed the revised sign plans for Dunkin Donuts. Secretary showed the new plans with the reduced size of the wall sign and the "Halo" light, the directory(free standing) sign, and the directional signs revised to read as "enter only" & exit only".

Members reviewed and briefly discussed the (street) "As-Built" for Sherwood Dr., submitted by Mr. Donald Gillespie. Mr. Skulte stated that the detention basin is still ruddy in the back and the road is still soft in between the sidewalk and trees there is dirt going out into it. It gets steep and it ruts out and dirt is getting out into the street. (in the back into the detention basin)

6:50 p.m. Motion to end the Public hearing for Estate Lots and open the Public Hearing for Specific use regulations for Multifamily

MOTION: Mark Millias & read Public Hearing notice into record

SECOND: Karlis Skulte All in Favor

Chairman Andrews asked who is proposing this article. Mr. Seelig advised it is the Board of Selectman and then spoke to the article. He stated that no one has provided any reason as to why that section exists. He went on to discuss that Twin Lakes and Halifax Meadows both operate without lot lines. There has been no discussion on the subject as to why and including the residents of Halifax. Chairman Andrews noted that the by law came in after Twin Lakes and other condo projects and that was why it was added. Mr. Millias believes that with the other regulations to adhere to, that by deleting it, would clarify it and make the process easier. Chairman Andrews disagrees as there is nothing else regarding frontage for a multi-family, further stating when subdivision control came in, it was to eliminate multiple houses on separate lots. The interpretations that have been made is that you don't need frontage, and doesn't make sense to take out, attacking bylaw one paragraph at a time. He stated the town is in litigation right now, and is not the time to touch it. Mr. Millias again stated there is no need for it and it causes confusion for the board and everyone else involved, and are all aware of the fact that it has added confusion in the past. Mr. Andrews noted that the way people want to read it is that you can do multifamily without lot lines because they think a condo project is that, by law says each building needs to be on a separate lot, have to go thru subdivision control, so taking this out means you don't have to go thru subdivision control, and it was to eliminate that. Mr. Millias stated it was only for multifamily development, it does not attack all lots or proposals, only for multifamily. Mr. Seelig asked the Board did what other communities do for multifamily. Chairman Andrews stated they are all over the place. Mr. Seelig said it's not a matter of protection, but a matter of denial.

Chairman Andrews advised he hasn't heard anyone from the town saying there is a problem with it. GC Andrews then stated that the problem is with the interpretation, not with the by-law. Mr. Millias feels that it's tough to interpret when you add this to all the other by laws. GC Andrews went on the advise what Atty. Hucksom stated about frontage and lots, and the interpretation from the Building Inspectors office is where the problem is. Mr. Piccirilli stated not to get personal. GC Andrews then argued the fact that Single family dwelling lots require 150 feet of frontage and the interpretation given at the Zoning Board is there is 0 requirement, and all sorts of things will be built behind people's homes.

Dan Borsari, Aldana Rd. Stated he is on the Zoning board and recently had an issue with this and it is confusing because people interchange multifamily and condo, condos are on one lot with Master deed by definition. We specify multifamily development as a single lot, and condos don't? You can't say condos have to be on a separate lot. Mr. Skulte asked how it is different. Mr. Borsari stated multifamily development is that it is separate houses, sold to separate individuals, condos you don't own the land, you own the building, and land is under a master deed.

Chairman Andrews doesn't want to carve up the bylaw, whole thing needs to be looked at. Mr. Bosari then stated that you will be excluding condos in town. Mr. Andrews stated we need to add definition to the bylaw, if it can't be understood, the whole thing needs to be changed. Alan Dias, (Snow Rd) disagreed, the fact of a lot line in a parcel of land that is not subject to subdivision is ludicrous, you have lot lines in subdivision control, this language came over from a master plan, subdivision control is individual houses on lots with lot lines, you don't put condos or multiple family dwellings. Agreed the bylaw needs to be changed and this is step in the right direction to get it change to eliminate confusion. Mr. Skulte stated if it stays, the argument could be made that each one of these lots has to be 10 acres in size, because that's what the regulation says. GC Andrews disagrees that the parcel has to be 10 and each lot is different. Mr. Seelig then read the definition of multi-family development. Can't pick and choose which one is the right one. He also stated that the Planning Board has not taken any action to change the by law to as to avoid confusion. GC Andrews said that is disingenuous as the selectman have been talking about starting a committee, and accused the selectman of dragging their feet. Mr. Seelig stated the selectman has not received any interest (in writing) from the boards in serving on the new committee.

Mr. Belcher stated his concern is what made the selectman pick this section specifically. Mr. Seelig stated proposals to Planning Board are dealing with consequences of that section. Mr. Millias stated this section clearly adds confusion. He continued on about Halifax Trails as they had all requirements, and the lot lines were for legal description. Mr. Belcher stated the buildings with separate setbacks, take away lot lines, then they don't have separate setbacks from each other. Mr. Skulte state the whole point of Multifamily development is to have multiple buildings on a single lot. Mr. Millias again stated he believes the lines are for legal description. Mr. Skulte believes having lot lines is irrelevant as long as the parcel meets requirement. 40k sq. ft. with 150 frontage, 10 acre minimum, units dictated by the size, the lot line aspect makes it confusing, create a road, each lot has to have frontage within community, each lot can be construed as to requiring 10 acres.

It was discussed that it is required to have approx. 110 ft. for a road, lot has to have 150 ft. frontage, why not subdivide. Mr. Skulte stated more homes on multifamily development. CG Andrews asked how it is good for the town. Mr. Skulte again state the point of a multifamily section is so you can do it on suitable lots. Chairman Andrews stated out by law is set up for one family per 40k sq. ft. that the basis, business, residential, its multifamily 40k per unit. Mr. Millias said lot lines doesn't create 40k per unit, this change doesn't solve that or help. Chairman Andrews stated one unit per acre, and talked about density, a lot more houses in one area. Mr. Millias ten acres for 10 units, you are providing more area per house, 1 acre is bigger than 40k. Chairman Andrews if you can split up into lots, still limited to 1 unit per acre, doesn't make any difference if you have to put in a road and subdivide it, put in a unit with 5, create two lots with 5 units in two buildings. Mr. Millias stated density is wrong, again stating it is based on an acre, which is larger than 40k, the density is now less. CG Andrews then stated the issue is the number of buildings per lot. Mr. Skulte disagreed that shouldn't matter if two buildings, 3 buildings or one building, if you do a huge building with 10 units vs. two with 5 units, my opinion 2 with 5 is better for appearance.

GC Andrews argued again about frontage requirement of 150 feet, further stating the Building Inspectors office said that there is no frontage requirement here, so if you change this, it doesn't change the interpretation. Mr. Piccirilli stated that he doesn't believe that was the Building Inspector's interpretation, it was the attorney's interpretation, on the zoning board's decision. Chairman Andrews disagreed. Mr. Piccirilli said to look at the zoning board's decision their determination is on that. CG Andrews said if the bylaw is changed, to also change the table of density, 167-11 to add it multifamily and add requirements so it says 150 for lot.

Chairman Andrews explained the board can't change what was advised to the town. Mr. Skulte argued that it is a use within a district and no other use has separate frontage requirements a lot in that district. Mr. Millias also clarified that 150 frontage does not help density directly, because the 150 does not work into consideration the configuration and overall size of the lot. Mr. Belcher asked what the frontage is and stated it just says continuous frontage. Mr. Millias stated he doesn't believe each building should be on a lot with the frontage, it is not the core of a multifamily development, and it is contradictory to allow a multifamily development. Mr. Skulte noted to remove the lot line requirement, but also clarify the lot subject to multifamily needs the required frontage. Asked if we can recommend with a modification.

Mr. Seelig cannot change the table, at this time can only go off what the table of dimensions states, frontage of 150 feet for a lot.

Members briefly discussed the zoning aspect has to be met before a special permit (from ZBA) can be given for a use. Mr. Seelig stated if the town wants specific frontage for specific use it would be put in the table, multifamily is different than in the regular table, 167-11 nothing different noted for multifamily, it's very specific on distance between buildings and lot lines. Mr. Borsari spoke of his confusion with the interpretation on the size, if 10 acres can only put one building with 10 units. Chairman Andrews read the regulation 167-7D(2)(a). Mr. Skulte felt it is more ambiguous because then it doesn't say what the frontage needs to be, just that you need frontage. Chairman Andrews stated it the table doesn't differ for multifamily. Mr. Seelig just reiterated that someone was claiming 0 or some other amount of frontage, need to provide evidence. Mr. Borsari doesn't think it is the best use of land and wasn't the intent. Chairman Andrews stated the intent of the bylaw when it came in was to stop the condos (in the future). He also stated many discussions were had between planning board, the master plan committee and no one wanted cluster zoning, it what we have to work with, times have changed and now people want to change to have cluster zoning, allow lots street frontage. Willing to go on a bylaw committee, was on it in the past, couldn't get members from the private sector, always board members. Mr. Seelig reiterated that the reason it went in, people didn't like condos, that's why it went in. That is why it exists, comes down to if we want to allow condo developments in Halifax or not, or at least developments that have multiple buildings, if force the issue, will have 1 - 10 unit building instead of a 2 - 5 unit buildings. Mr. Millias asked if the town as a whole would want 5 builds with 2 units each is better the 1 building with 10, then we should strike this because it helps it. In order to maintain what the town wants, removing this will help the town get what they want.

CG Andrew stated he is opposed to that. He believes that if you have 2 - 5 units they should be on separate lots. If 150 of frontage no reason you can't subdivide, put in a road and frontage to those buildings, to get tax dollars for chapter 90 to increase the number of miles that we have in town, we're going to have to maintain for those that are coming in, the residents coming in we have to maintain the roads that they use.

Mr. Millias sated what he is saying is you want more road and more frontage which creates more maintenance and more issues. More difficult for the town to maintain, so that is contra productive to what you would like. You would like less roads, less maintenance, less taxes. By creating larger roads with larger maintenance, you create higher taxes. More road, more taxes, more expense.

CG Andrews stated he is the chairman for the finance committee and it is absolutely not correct. We're not maintaining the roads, take the funds in on chapter 90, add a new road, add new buildings, and get some benefit from that.

Mr. Seelig asked what are the 3 components of chapter 90 formula. GC Andrews stated. The number of people in town, number of miles in town and type of road it is. Mr. Seelig stated you get 2 of the three, won't have the added miles, town won't maintain the roads, but will get the benefit of additional people and vehicles. Mr. Piccirilli asked the chairman how much expense it would be to the town to maintain a private entrance to a condo, that the town doesn't assume, that they maintain by themselves? Chairman Andrews stated it is clear, if it's private, it's private. Mr. Piccirilli stated if it is a condo, maintained by the condo association, it is no cost to the town. CG Andrews felt that if this this is passed, will get away from subdivision

control, he said that you could get a duplex special permit for each one of the lots within a subdivision. 5 different lots and each could have a special permit, that would take care of what you're trying to do, within the bylaws. Mr. Skulte stated unless you want to build something with more than 2 units. Mr. Piccirilli stated that a duplex is not a multifamily. Mr. Skulte stated that you cannot do a three unit or twin lakes style development now. Also stated that each building would have to be on 10 acres, referring to Twin Lakes style. Chairman Andrews stated which was the intent of the by law. Mr. Skulte said it seems like it is not appropriate. Mr. Belcher thinks his main concern that one section doesn't mitigate the entire problem, it may work towards a better situation, but more sections need to be edited. A single change might invite other problems, need to solve as a whole.

Kevin Johndrow, Lantern Ln, if the town doesn't start with a small change it may never get done, and thinks it is a better use of the land. He also stated that he would like to see smaller units, in multifamily and not to restrict into a lot of lots and then can't build, don't add more roads that the town has to maintain and taxes go up. If small development, condo association takes care of it within that area, makes a better use and nicer town for all.

Motion for the Planning board to recommend this change.

MOTION: Mark Millias

SECOND: Karlis Skulte

Members G. Andrew and L. Belcher opposed the recommendation. Planning Board split 2 – 2

Motion to close the Public Hearing for Multifamily

MOTION: Mark Millias

SECOND: Karlis Skulte

Motion to open Public Hearing for Alternate Energy

MOTION: Larry Belcher & read notice into record

SECOND: Mark Millias All in Favor

Discussion:

Mr. Skulte asked why we need a zoning change. Mr. Seelig spoke to the article that under state law you are not allowed to prohibit alternate energy systems in any area. At some time the Town decided not to allow them in the I-2, and the Town has now had inquiries to put up solar in those districts, so at this point we would be matching state laws.

Motion to recommend the change.

MOTION: Mark Millias

SECOND: Karlis Skulte All in Favor

Motion to close the public hearing.

MOTION: Karlis Skulte

SECOND: Mark Millias All in Favor

Motion to open the public hearings for Commercial indoor/outdoor amusements

MOTION: Mark Millias & read notice into record

SECOND: Larry Belcher All in Favor

Discussion:

Mr. Seelig spoke to the article the selectman has proposed, all parties involved are interested in an agreed upon legal mechanism to go thru a special permit process for uses like this, a number of requirements involved, not as of right, restricted to number of days, hours, no alcohol, public health and safety. Would open up to all Agricultural Residential parcels (5 acres +) not a blanket permit. It has been reviewed by council, and the board and felt this is a good way to resolve the situation. He also mentioned that it would resolve the current lawsuit with the agreement on both sides.

M. Millias spoke that by giving the ZBA (as SPGA) they will have the opportunity to look at it and also give any residents near the event the chance to voice their opinion. Mr. Skulte asked what the rationale was for the "no alcohol restriction". Mr. Seelig advised that with talking with council and BOS, there is no need to allow alcohol, the current event does not have alcohol, and therefore BOS didn't feel the need that anyone else should have alcohol. Mr. Skulte questioned if it was a different type of event, such as outdoor restaurant, if it was non-profit? Mr. Seelig explained it's not about commercial vs. non-commercial, the use is outdoor entertainment doesn't matter whether commercial firm or non-commercial firm.

Mr. Piccirilli spoke that he wanted to advise that if this does happen, in the future as an assembly use, he would have it sent for site plan review, to address any temporary structures, parking, handicap parking, entrance and egress.

It was then briefly discussed if that had to be added to the new bylaw for a site plan review, however, the town already has bylaws in place to address that part of the permitting process.

Mr. Borsari – Aldan Rd, spoke that he is 100% opposed to this, people think their voting for the Mudfest, but he feels they are voting away some property rights. People should have an expectation to not be next to a commercial entity, right now it's only 2 days, but who will be here in the future, will they increase the days, it's a foot in the door bylaw. We don't have noise ordinances, what's allowed for entertainment, there are plenty of activities. Is the Mudfest agricultural or commercial? No need to change the bylaw.

Mr. Seelig spoke to correct that one stipulation is a maximum noise level of use shall be established by the SPGA, within the power of ZBA to say the noise can't be over a certain decibel. Mr. Piccirilli also wanted to clarify, if the town ran into issues or problems with the permit, would be revocable? Mr. Seelig stated he was not sure, but if violations occur, the normal procedure to allow to be corrected, but if they continue, the go into the fining process. Not sure if we on our own can revoke a special permit. Mr. Seelig would have to check if language can be added to give town authority to revoke.

GC Andrews asked if the permit would be issued every year, separately or would it continue. Chairman Andrews said it is up to 2 times per year. It was explained that the permit is good for up to 2 times per calendar year (2 days max per year) and not extended into the following year. Mr. Borsari felt there were too many unanswered questions, what about hotels if people want to stay overnight. He also thought that people could get together, join their lots to have an event. Again spoke that residents would give up voting rights and the decision would be up to 5 people. Mr. Seelig answered that the limit to number of hours is 10 for any particular day, no overnight would be allowed, the combining of lots would not be allowed, must have individual parcel of at least 5 acres. Mr. Borsari then asked if there had been a study to have 5k people in the summer and what it would do to the roads. Mr. Skulte said it would be part of the permit process, parking assessment, (traffic study). To reiterate, Mr. Seelig said it is not a use by right, and all special permits must meet general criteria to allow going forward. Mr. Borsari said to let it play out. Mr. Millias wanted to clarify that he's saying don't do this and if Mudfest (lawsuit) passes as AR it gets its permit through that. Mr. Borsari said yes, it will be an allowed use if it is deemed agricultural. Mr. Seelig stated that if it is ruled as AR then all

the others will want events claiming AR and not needing a special permit, this will allow the town to have more say. The ZBA has already ruled in favor that Mudfest is agricultural event. It will be hard pressed to rule a wedding or concert is agricultural. Discussion continued about Mudfest and the agricultural part of it and why it was ruled as such. Mr. Piccirilli wanted to clarify about zoning, as right now in the AR district it is not allowed and they are claiming a Farm Exemption, there is confusion is that it requires 5 acres now, the fact that you are in the AR zone you can't just have an event in your back yard, still need a minimum of 5 acres for a Farm exemption and event. Mr. Seelig stated that a farm as a use by right its less than 5 acres. Discussion between the Farm by Right and the current Entertainment by law, if activities help support the existence of the farm they have stronger case to be deemed agricultural. Mr. Millias noted that if we vote in the by-law then it will be harder for anyone to just claim agricultural, if we don't, we can't regulate what they do on the property. It was stated that the only other regulations is the entertainment permit itself from the BOS and the Board of Health has large event permits, doesn't matter what the actual use is. It is a fine line with the 1st Amendment, Right to assembly and so the live entertainment, we can be reasonably restricted, but not to a point where they can't hold an event.

The Right to Farm has no effect on zoning, a 5 acre exemption, can always farm, but under 5 acres, can't regulate how you farm, the restrictions go out if over 5 acres. Inside the state statute. We can only restrict or regulate agricultural on less than 5 acres. It goes for structures as well, certain parameters, but still have to follow the code (building). The farmer also has to show a certain amount of sales. GC Andrews asked about the bylaw and agricultural exemption. Mr. Seelig stated that basically is if the by law fails, and the lawsuit is deemed as an agricultural activities they won't be limited to a number of days. If the bylaw passes then the town can limit the amount of days. If the bylaw doesn't pass then it will be up to the event holder has to prove that it is an adjunct to the farm. Example that the corn maze is an adjunct to the farming of corn, or ice cream being produced as adjunct to the milking of cows.

Mr. Borsari again voiced his concerns over allowing this by law, how it will affect the town in future years.

Motion to recommend the article

MOTION: Larry Belcher
SECOND: Karlis Skulte All in Favor

Motion to close public hearing on Live entertainment.

MOTION: Larry Belcher
SECOND: Karlis Skulte All in Favor

Motion to open the public hearing for In-law apartments

MOTION: Larry Belcher & read notice into record
SECOND: Mark Millias All in Favor

It was then discussed to open all three of the public hearings regarding the Articles for In-Law apartments

Motion: to open the public hearing for the 7:30 p.m. public hearing

MOTION: Mark Millias & read notice into record
SECOND: Karlis Skulte All in Favor

Motion: to open the public hearing for the 7:40 p.m. public hearing

MOTION: Mark Millias & read notice into record.
SECOND: Karlis Skulte All in Favor

Discussion: Mr. Seelig spoke in regards to all three articles, that there have been a number of problems that are occurring with the in-law apartments bylaw. This doesn't solve all them just a step and larger discussions

should occur in the future, at this time just trying to uncomplicated situations for the permit holders. One is it goes with the land rather than the holder, if changing ownership of the parcel the special permit doesn't go with it. Simply a matter that the in-law goes with the property whether a new owner uses it or not. We cannot regulate kitchens, but can regulate space and the use.

Also looking at the 5 year renewal question, with talking with council and the ZBA, challenge is that having as a special permit if there are any changes to the original conditions, it would require new notices to the abutters. Trying to avoid the permit holder to not have to do things that are not necessary. Every 5 years the permit has to be renewed(reviewed) and abutters get notified but don't necessarily have to have a public hearing and notice in the newspaper. The ZBA can decide whether to move forward on renewing or not, depending on complaints or anything else. Another possibility, if there are any violations to the special permit the Building Inspector as the Zoning Enforcement Officer can enforce the by-law to bring them into compliance. We want to ensure there is a mechanism, in a less complicated way. People can always file a complaint on either the renewal or the review of the special permit.

Mr. Belcher spoke the he doesn't think either one should be required. If you have a house with family, once the special permit is granted the first time, and everything is met for that, doesn't see why it should ever have to be reviewed or renewed again. Mr. Millias agreed to this and added that it is tough to tell a property owner investing in their home and then deny them 5 years later. Mr. Piccirilli spoke that you can't deny them if they use it exactly as it's proposed. If there are two separate area divided by a demising wall, as they are supposed to have an opening, who is going to know after the fact. Now have two separate unit, rented out, sold, it is ultimately the use. If you follow all the stipulations as intended and the minute someone moves out and you rent it, that's not the intended use, now it's a problem. Chairman Andrews noted that if the in-laws are paying something, that is rent, and if there is that opening, then you really don't have an apartment. Mr. Piccirilli explained further as to single family, duplex, two family, the opening is the key to keeping it a single family, proper egress, meeting Building and Fire codes, once a wall is put in, its different (code wise) Demising walls need to be fire coded, smokes and CO detectors. Separate cooking, sanitation, living and sleeping quarters it is a separate unit, but open.

Mr. Seelig explained both the review process (Art. 60) and the renew process (Art. 58). A difference between abutters being notified and It was then asked if someone just wanted their parent living with them who has a bedroom, own bath, own living room, and likes to cook so there is a kitchen and a large opening/shared space... is it considered an in-law? Mr. Piccirilli noted that it is very difficult to make a determinations on whether it is considered a separate dwelling unit. How is it determined as a different use. For the "new" home owner thinking they have an apartment, technically it's an illegal apartment, now renting out, and becoming a landlord, now has a whole set of new laws.

It was argued that it is an extension of the house, the key word is rent. What is the point, if it's an apartment and can't close it off, it's an extension of the house. If in-law's are in, then you have to get/have a special permit. Again a bigger discussion has to be had, at this time, trying to make it easier on the permit holders. If the consensus is that the abutters are notified, go with article 58, if you don't want the abutters notified then 60. ZEO would do an inspection on both to ensure they are in compliance to original stipulations. Mr. Skulte asked if it would only apply to new permit holders or if it would be retroactive apply to current permits. Mr. Seelig stated that his interpretation is that it would apply to current ones also. He will talk with council as well, may have to go thru one more renewal then go to review. It all comes down to renting and or separation of living units.

Motion to not recommend Article 58 Chpt. 167-7 Zoning Schedule of Use regulations, In-law apartments by deleting section (167-7(D)(12)(e) and substituting therefore and changing language of the five year renewal process or to take any other action thereto.

MOTION: Larry Belcher
SECOND: Karlis Skulte All in Favor

Motion to recommend Article 60 to see if the Town will vote to amend the code Chpt 167-7 Zoning Schedule of use regulation In-Law Apartments by deleting 167-7(D)(12)(e) and substituting therefore a review of the permit every five years.

MOTION: Larry Belcher
SECOND: Mark Millias All in Favor

Recommendation with a change due to typo error to read as above.

Motion to recommend Article 59 to see if the Town will amend the code Town of Halifax 167-7 Zoning Schedule of use regulations by deleting 167-7(D)(12)(d) which provides the following In-law Apartment, Immediate Family/Accessory apartment d – special permits for in-law apartments are granted to the applicant and are not transferable with the land substituting special permits for in-law apartments are granted to the property and are transferable with the land.

MOTION: Larry Belcher
SECOND: Mark Millias All in Favor

Motion to close the public hearings for the three articles.

MOTION: Mark Millias
SECOND: Karlis Skulte All in Favor

Motion to open the public hearing to see if the town will vote to amend the code of the Town of Halifax Chapter 167-7 Zoning Schedule of use regulations ; Marijuana Establishments to make the following change – To allow Marijuana establishments by special permit from the Board of Appeals in Business/Commercial District.

MOTION: Mark Millias
SECOND: Larry Belcher All in favor

The applicant Robert Maker will have Patrick Johnson CEO of Cureleaf, MA speak. He is a local resident in Pembroke and currently operating a dispensary in Hanover, and second one in Oxford Mass. Trying to find a location on the South Shore, Halifax voted in favor of recreational Marijuana. Met with Mr. Seelig and discussed the possibility of amending 167-7 zoning use to consider establishments for adult/recreational use in the business zone. Works well and makes more sense to have in a well lite areas, easily accessible, versus in an Industrial zone and that suits the purposes.

Mr. Millias asked about what is the establishment? Is it a bar?

Mr. Johnson advised definition is broad, just here for a retail, (brick and mortar) store. State defines as laboratories, manufacturing and other things. Also spoke with Mr. Seelig and what it would mean to the town.

Mr. Millias stated that as a board and originally set it up for the medical marijuana establishment is zoned in Industrial, and as a board the retail part should be in the business commercial zone, and feels it gives the best chance for that business to thrive and makes more sense.

Mr. Skulte wanted clarification for recreational as well as medical use.

Mr. Johnson said it would be for both. Mr. Skulte asked about the State and the timing allowing the recreational use. Mr. Johnson said it could be as early as July 1, 2018. Depending on applicants and readiness. He went over the timelines of the process, applications, licenses, the state, and local authorities and their requirements. As a business perspective, it is easier in a business/commercial zone. Mr. Skulte asked about the host agreements.

Mr. Seelig explained the agreements are between the business and the Board of Selectman. A financial agreement, not involved with the planning board or any other requirements. It is a financial agreement, the business can provide up to 3% of the sales, to deal with any impact on the community. It varies as the State has said the money collected has to be related to anything that is generated by the facility. Goes towards police detail if needed. General receipt and town can decide how it will spend the money. The intent for business not to be extorted, the one we have (potentially, Four Daughters) does have a 3% agreement, they will still have property tax, personal property tax, for retail you get the 3% sales tax. For the cultivation facility we get the 3% impact fee, but no sales tax as there is no retail sales associated with that. Any interested applicant comes to the Board of Selectman, come up with a Host Community Agreement, and any retail facility will have the 3% sales tax fees. The by-law article is for the recreational (retail), there is no zoning change for medical.

Mr. Seelig went on to advise that for the State and licensing, some towns interact on the state licensing, confirming if zoning is allowed, but the town (Halifax) does not play a major role in licensing procedure. Zoning which any facility will have to go thru site plan process and special permit process, whether it be cultivation, retail, manufacturing, medical or recreational, still have to go thru if there, and third, the host community agreement, all can be simultaneously. All three have to be completed before they operate.

It was then discussed the regulations in place such as distances from schools, daycare facilities, or where children assemble, or where alcohol is served. (500 feet from property lines) Mr. Johnson asked if the town would consider reducing the requirements, such as license to pour (restaurants that serve alcohol). Or reducing the distance regulation down to 300 feet.

Motion to request that the town vote to amend the Code of the Town of Halifax Chapter 167-7 Zoning schedule of use regulations: Marijuana Establishments to make the following change: to allow Marijuana establishments by special permit from the Board of Appeals in the Commercial/Business district.

MOTION: Mark Millias

SECOND: Larry Belcher

Member Gordon Andrews opposed, passes 3-1-0

Motion to close the public hearing and open the regular Planning Board meeting

MOTION: Mark Millias

SECOND: Larry Belcher

All in Favor

Discussions:

Secretary advised the Board of a Form A for 395 Plymouth St. to be submitted in the next few weeks. Looking to change lot lines from larger parcel to add to a non-conforming lot to a more conforming lot. They will also be going to the Zoning board as it is currently renting 6 apartments, however the special permit is for 4 permits. Grandfathered for 4 currently running 6. Extend or increase the apartment use. Members quickly reviewed the plan and it will be formally reviewed on the May 17. It was noted that buildings are encroaching on other property, sheds, building. The out buildings, easement for septic leaching area is also noted on the plan. The whole piece, parcels are owned in the same name, but possibly deeded separately.

Quickly advised for information only to the Board regarding 241 Franklin St., previously approved for site plan for solar panels, (2016) A Form A was approved in 2009, however no special permit applied for an estate lot. Someone is looking to purchase for a house, however we have approved for solar array (farm), and it was possibly presented to the board without the easement and full notification of the single family (estate) lot. CEO believes not all information was presented to the Planning Board for site plan approval. Mr. Skulte asked if it could be used as accessory use to the house lot.

Secretary could not answer. Basically a false plan showing the estate lot as part of the parcel and access way for the solar farm. It was presented as part of the project.

Motion to adjourn meeting.

MOTION: Larry Belcher

SECOND: Karlis Skulte

AIF

It was unanimously voted to adjourn the meeting at 9:15 p.m.

Respectfully submitted,

Date Approved: _____

Terri Renaud
Planning Board Secretary

