



**Halifax Planning Board
Meeting Minutes
February 7, 2019**

Official

A meeting of the Halifax Planning Board was held on Thursday, February 7, 2019, at 6:30 p.m. at the Halifax Town Hall, Meeting Room #1, 499 Plymouth Street, Halifax, Massachusetts.

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

The meeting was called to order at 6:30 p.m. and the agenda was read into the minutes by Gordon Andrews
Motion to accept the agenda as read

MOTION: Mark Millias

SECOND: Jonathan Soroko

AIF

Discussion:

Rich Green from RG Automotive. He submitted pictures of the current sign and what he would like to do. He advised he is Incorporated now and the state told him to change [it]. Would like it to look aesthetically correct, and say RG Automotive Inc. Bylaws allows to increase the size as he is 101' feet back from road. Came up with the size.

Mr. Millias stated that it is 2' for words for 100' off road. How did you come up with 2 extra feet for the height of the letters?

Mr. Green stated he just increased it by 25% total area to make aesthetically correct.

Mr. Millias stated when I do the math you can increase it by 6 inches. Only allowed 25% of the 2 feet which brings to 2.5' What your asking for is greater than what we allow. Not sure if you need special permit or if we can grant this.

Mr. Green noted he will do whatever the board requires.

The board discussed they can allow increase for the 25%, but this is more for the height and will need a special permit. Will have to formally apply for a public hearing. Mr. Green will come in for the application and get on the agenda for a public hearing.

Motion to suspend the regular Planning Board meeting and open the public hearing for Site Plan Review for 19-SPR-01 Mud Fest.

MOTION: Jonathan Soroko

SECOND: Mark Millias

AIF

Public Hearing opened. Notice read into record by Jonathan Soroko

"The Halifax Planning Board will hold a public hearing on February 7, 2019 at 6:35 p.m. in Meeting Room 1, Town Hall, 499 Plymouth Street, Halifax, MA on the application for Robert Bergstrom by Christopher J Alphen, Esq. of Blatman, Bobrowki & Haverty, LLC. 9 Damonmill Square, Ste. 4A4, Concord, MA 01742 to seek an approval of site plan, and asking all waivers of site plan requirements under the Town of Halifax Zoning By-laws Chapter 167-28, to allow the event known as "Mud Fest" on the property located at 139 Hemlock Lane, Halifax MA. Said property is owned by Naja Nessralla c/o Samera Nessralla, 139 Hemlock Lane, Halifax, MA as shown on Assessors Map #51, Lot 1, Map 39 Lot 2, and Map 51 Lot 224. The applicant seeks approval and

waivers of all site plan requirements in accordance with the Zoning By-laws of the Town of Halifax under Section 167-28 Area is zoned Agricultural/Residential. Petition #19-SPR-01”

Chairman advised the procedure of the public hearing, any questions to go thru the board, the petitioner will present and then will open to the audience.

Mr. Bergstrom: My proposal is to continue holding the Mud Fest at that location like we have been doing since Nov. 2013 What I’m requesting is you guys approve the engineered plan and find that it is correct, safe and up to your what you expect an event like this to be at and do what I’m supposed to be doing. Request for the special permit to temporary change the land into a commercial or industrial like the article 57 that we just passed. For 2 days a year I hold a spring fest and a fall fest, the 2 days a year I request just a temporary special permit just to change the zoning temporarily be able to hold that event at 139 Hemlock.

Chairman Andrews: This is your first time before the board, so this board is not familiar with what goes on at all.

Mr. Berstrom: inside the packets I put a bunch of flyers, photographs of the big trucks that go thru the mud holes. If you look at the map, you’ll see three areas on there and their called pits. Pit 1, Pit 2, Pit 3, everyone should have one, in color, how come we have black and whites? [Secretary: copies have to go out to all the departments, so I sent them out] Mr. Andrews has a color copy.

Mr. Bergstrom stated he has the good one, it’s done in crayon too, did you notice that? So, these are the pits here and we have trucks, this is where all our pit guys park their big trucks. They will come out here and run thru the pits, big truck, small trucks, all sorts of trucks to see who can get the furthest, get the crowd to get going and all that. They come around, we have staffing every year, its cleared, nobody is out there. They have Fire Ambulance, everyone that needs to be there, and they go thru the mud and its slow speed, some are faster than other, but top speed is probably looking at 25 cuz they can get a good run going. We have jersey barriers We’ve been doing this since 2013 and my insurance tells me what I have to do. So, we have the proper feet between pits, from the, we doubled our footage from the pit to the people with the barriers. WE have barriers in and out, we have staff everywhere, traffic details and help the handicap people when they come in. This is all our parking down here. It’s 42 acres is my belief; our pits don’t even take up an acre of it. But this is all the corn field area during the season for growing.

Mr. Millias: None of this is going to be a permanent structure, everything as far as, you clear out of there, there’s no difference, nothing is moved or left at all.

Mr. Bergstrom: No, everything, ya , nope, we leave the jersey barriers because Mr. Nessralla doesn’t mind those stay, they are a thousand pounds apiece. I’m glad he lets me keep them there. But that is basically it. We do it for A- for Nessralla Farm, it helps supplement their income at one point they were very close, behind taxes back in 2013, that was the beginning of this, to help him out, fortunately it did. These two events help him greatly, they can buy corn, for their corn maze, and secondary, the kids love it, the young kids, and last but not least we have a younger generation, instead of being in the house playing video games, their outside building their mud trucks , and jeeps and their trucks, just for this event twice a year. Its great for the town, I’d like to continue it, we’ve hit some hiccups during the way, I’m hoping this is our final straw in our, with you guys approval, Mud Fest is here forever. I’m hoping.

Mr. Millias: The issues I see here are just with the plan itself. I think the overall scheme of what your doing there is acceptable, I do think is for the town, the problem I have is actually with the plan, just as far as what shows in the limit. Its tough for me to really look at this and its kind of a cartoon in my mind, as far as without dimensions and things like that, there are certain things that I think, I wouldn’t ask for anything changes as far as what you have proposed, just more information on the plan that I require.

Mr. Berstrom: Ya but he scaled it and he said they can get the information you want and so forth. Everything can be answered on this, for that. We meet the setback from property lines and all that from the conservancy areas over here

Mr. Millias: By scale it looks like it, but what I would like to see is some actual numbers on here from the engineer, to say, I'd like to see that we can keep this pretty far away, I mean I can't see how far away you are from anybody, I assume you are.

Mr. Berstrom: There are no houses here, no houses anywhere around here.

Mr. Millias: I think it would be fairly easy for them to prove that.

Mr. Berstrom: the text itself is an aerial view and I think.

Mr. Millias: In my mind it has to be on this, it has to be on the plan.

Mr. Berstrom: I'll run it by them, but this is what they gave me, and they said that this should be sufficient in enough.

Mr. Millias: I don't know if you want to take a list with there are a couple of things that I would be looking for to add to this.

Mr. Berstrom: Is everyone in agreement with that.

Mr. Soroko: I think the one reason why Mark is saying that is because there's a couple by laws that should boundary points, as far as where stuff is supposed to be, so, it's easier for us.

Mr. Berstrom: By stuff, what do you mean by stuff?

Mr. Soroko: for example, parking, where your toilets are, and for example, where your having the event itself, I'm just stating from a fact, if its more what Mark is saying, up to scale, because [Mark used to create these plans before] so he has an idea of what he's looking for and Webby knows how to create them. If its more up to scale things would be a lot easier for us to determine.

Mr. Andrews: One of the other factors is, I mean, this is something we're looking to put in a folder. We have to have more detail on here than that. That's why in our site plan, we require the plans to have the information.

Mr. Berstrom: Absolutely, because I asked him that, and I have a plan, kind of similar to this, that actually has measurements on it, but I gave him to use as a

Mr. Millias: So, I think certain questions, like how far away from this, like this doesn't tell me that this is 50 acres, this seriously could be 300 feet from the line. That is something I would definitely need, all the actual lot requirements, even just the scaled distance to show me these houses are hundreds of feet away, I believe they are, but I think that this could show everyone, clearly that we are hundreds of feet away from everything, it would help, so those are the things.

Mr. Berstrom: Yup, alright, sorry for wasting your time.

Mr. Andrews: No, its not a waste of time, this is part of the process.

Mr. Berstrom: Ya, I'm just frustrated because the engineer, Webby said it should be sufficient and he says he deals with you guys. I just go by what people tell me. I'm finding it very misleading at sometimes and stuff. I didn't know about this meeting until Charlie posted it on Halifax. My attorney was, I wasn't though.

[Secretary: the attorney was, the application came in under his name, for you, so I was obligated to send it to him]

Mr. Berstrom: It's pricy, she says I'm not supposed to make money off this and its coming out of my pocket, I'm just very frustrated at this point.

If you need numbers, distances, total amount of cars, same thing I did at music fest that I was trying to do at Nessralla Farm that started all this.

Mr. Millias: I don't think you came to us

Mr. Berstrom: Planning Board, I did a mapping of it and all that, how many cars, and handicap.

Mr. Andrews: For which?

Mr., Berstrom; Nessralla Farms, Fieldstone Farms, I mean Fieldstone Farms, Scott Clawson.

I was trying to do a country fest, and this is what started this mud fest thing so.

Mr. Millias: Oh, but really all boundary lines, lot dimensions, setbacks, those things,

Mr. Bergstrom: How many vehicles can be held, do we have to do an emergency evacuation, stuff.

Mr. Millias: Well, certainly if they can even just couple of distances to show us, I believe your providing hundreds apart, so I don't think there's a problem, I just think this has to show these things. So, I don't, right off the bat I'm not saying that any of these things need to change, I'm saying more information needs to be on plan.

Mr. Bergstrom: Like I said, Webby he's like there's a scale there if they need to get numbers and stuff, this should work for them, I've dealt with them, here you go Bob. The Boston courts just want this done with before we continue with ZBA and myself being brought to court.

Mr. Soroko: The only things that's questioning, it an event on an already existing lot, it's a temporary event, so what, I get the setbacks and stuff, I'm concerned with, I don't know if there are people over here, it's just so they don't give you troubles in the future, people come by here with a fine tooth comb and why did they approved something like that because it's so close

Mr. Bergstrom agrees, I wish my layer was here, he's away at the time, but he put packets together and I made copies, but he gave a view, I believe its in the packet, with this perimeter showing that, then showing where.

Mr. Millias: Get that information all on this

Mr. Andrews: One of the factors is, your coming before us for a site plan, if we just said we're just going to waive everything, then there's no site plan.

Mr. Bergstrom: that's my misunderstanding, I don't understand why we're here anyhow, some aspect.

Mr. Andrews: Well because we need to have something on a plan, that's what the law requires, we need a site plan, we need to have that site plan, we need to have a hearing that's open to the people to come in and voice their opinion.

Mr. Bergstrom: Absolutely, so we're just missing the numbers... more numbers ok I'll tell them this.

Mr. Millias: Yes, just more information on this yes.

[secretary advised to get a stamp and date on the plan]

Mr. Soroko: Ya, Webby should know that, should have provided you that, and it very confusing why

Mr. Bergstrom: that's the thing, I, I'm confused about this whole process.

Mr. Millias: You have to understand there's not enough on this for us to act.

Mr. Bergstrom: Its very frustrating, been doing this since 2013, some people just don't like me.

Mr. Soroko: The better detail this is the less problems we have in the future, just work with us and we'll help to give you the best advise possible.

Mr. Bergstrom: I'll talk to Webby and see what he can pull up, cuz he was down there physically, that's how he got what he has there.

Mr. Millias: it looks like he has the rough sketch,

Mr. Bergstrom: Like I said before I did have measurements from, I couldn't find mine, it actually had the footage from everything, from the setbacks from the fence, because insurance wise I had to submit that to them, so I get it.

Mr. Andrews: But if we're going to approve a site plan, we need to have something that works

Mr. Bergstrom: Absolutely, do you want smaller scale or is this the scale you need it to be, have him work on it as normal paper size.

Mr. Andrews: We call out to scale in the site plan, he has a copy of that, he can do it by this.

[secretary- fire department is ok with this as far....

Members discussed recommendations from the Fire Dept. already went thru the selectman and zoning board.

Mr. Soroko asked Mr. Bergstrom if he reached out to the Fire Dept. or the police dept. for recommendations sometimes it just helps. Letter, it always been a good event, I'm just saying recommendations don't hurt.

Mr. Bergstrom said they sit with him in meetings. Oh, just have them write something up that kind of thing.

Mr. Andrews asked if this has been sent out to the other boards.

Secretary advised that everything is in there on what was received back [so far] for comments, etc.

Mr. Soroko continued on, that if the fire department knows its safe, then we can tell based of the specs on here that they can turn around in time and no ones going to come after the town. Police, if there is enough room for them to come in. That's what I'm saying, that doesn't hurt.

Mr. Bergstrom: I'm held insurance wise to very strict guidelines, itself, and police and fire, I've doubled all the numbers that I'm supposed to be legally thru the insurance.

Mr. Andrews: The way this works, all the departments get notified they have 30 days to get back to us, we have 45 days to make a decision. Well we've opened the hearing at this point. The hearing is in progress, we can suspend the hearing and then open it up next week if you have more information to bring in. We'll continue the hearing until then.

Mr. Bergstrom; If you feel that's necessary, correct at this point.

Mr. Millias: yes, without those other things, I'm not approving.

Mr. Bergstrom; Absolutely. You're not in, you're probably not in, and all that until we see more, correct?

Mr. Andrews: but we're in an open hearing right now, so we are going to as if anyone else has any comments to make right now.

Ok I' just sit down then.

Chairman asked if anyone else would like to speak.

C. Seelig, Town Administrator: Mr. Chair, I know the board has gone over some of the items, for instance the are area of the site, if the square footage should be on the plan, the boundary lines are there, the dimension of the lot should be there, lot numbers I believe are mentioned on the plan, so that's helpful. There is no mention of the zoning district. I believe at least one of the lots that's mentioned, some of that is in conservancy some of it is agricultural/residential, no information about the zoning of the parcels. You're supposed to have the names of the owner of record, and all the abutting owners on the plan, also a north point. I don't think you need the perspective renderings in this case or any plans for building or structures because for this use, you're not selling anything. For the building and structures think they are on the plan, as far as I know, the green houses for instance are on the plan, some sort of building near the front. I don't know if there are any others, I'm hoping That all the buildings that are situated on the property now that are permanent are on the plan. There's no. 3 which is location of existing structures, we talk about that access road is a driveway, etc. make sure that everything that's in no. 3 of the requirements is on the plan. I didn't see any indication of fire lanes, I know that the fire chief has explored that , but when given the number of people, the number of vehicles that are going to be at the event, normally you'd have fire lane. If you went to Wal-Mart there's a fire lane, went to Stop & Shop there's a fire lane, or your going to have fewer vehicles in those locations, and here, I would think you would want on the plan a designated fire lane so emergency vehicles whether is police or fire can get in and out, which is just safety for everyone that's there. I know there is mention of the trash barrels, I don't know if there is a central collection site, since given how long the event is barrels are going to have to be emptied out on a regular basis, the individual barrels re located there on the plan, but I don't know if there is a central facility.

Mr. Bergstrom: There's a fire lane, there's 30 feet in front of the whole side. This right here is all wide open.

Mr. Seelig: There's not designation that's a fire lane. Inaudible, multiple persons speaking.

Mr. Bergstrom: These are all old fencing, if they really have to go, we just move a fence.

Mr. Millias: That's another thing where I think you can provide that no problem, so if you could just have him draw one, draw that in 30 feet.

Mr. Bergstrom: ya, 30 feet designate on the plan.

Mr. Andrews: Charlie is not done yet

Mr. Seelig: Rights of ways and easements, I'm assuming there are none. The applicant can check with the owner to make sure, if there are, they should be drawn on the plan because obviously, the rights of those people who have easements or rights of ways across the property if there are any would be affected, and for informational purposes should be on there. You mentioned getting the name of the engineer and the date and a stamp of the engineer on the plan, that's normal procedure and requirements. And lastly, I have a concern

whether or not the plan as drawn meets the requirements of the zoning bylaw. In that, if you take e a larger plan

Which I believe has the 200' to 1 " measurement, is everything at least, all the activities, at least, are they far enough away from the various boundary lines to meet the stipulations of the zoning by law. I don't know, I assume the applicant are saying they are, but

Mr. Andrews: But based on that plan, you can't really tell.

Mr. Seelig: right, so if things need to be moved in order to comply with, I think its 100' away from the boundary line for any activities, that includes parking and everything else.

Mr. Bergstrom: we'll compare notes down at Webby's and we've already been through this at one point. We did do it all. 150' here, it's like the conservancy area is way over here, we're not even near that.

Mr. Seelig: Everything should be shown, is what I'm saying. This is going to be a permanent record, we're going thru this process, he's been able to get the special permit from the Zoning Board, going thru the Site Plan Review, its all going to be documented, everybody is going to be able to refer to this. Here is the actual plan of the event, and its going to be much better for everybody. I'm glad the event is continuing, it's a great success for the town and for everybody who participates, folks will come in and watch, I'm looking forward to it. But I think everything needs to be documented, that's all.

??? The existing structures that your asking permits for

Mr. Andrews: Not permits.

Mr. Seelig went on again to advise the existing structures need to be on the plan, just confirming that there are not other structures on the property that aren't on the plan.

Mr. Andrews: Typically, those notes are on the plan.

Mr. Mascio: I'm just trying to help here so we can move forward. Your looking for names (of the abutters) on the new site plan.

Members and petitioners speaking at the same time.

Mr. Millias: and that's information that's readily available downstairs.

Mr. Mascio: I'm just trying to help here.... Because we have thousands of feet from this central point here out to the edge.

Mr. Andrews: I understand that but

Mr. Bergstrom again stated that he was shocked with the plan, but (indicating Mr. Webby) said that its sufficient enough. He also muttered something about frustration, defending himself, and {town}getting sued by their own people.

Members again stated they can meet our[the boards] requirement.

Mr. Mascio asked a few questions of Mr. Seelig about the restrooms, portables, (they are on the list, on the plan)

[In audible. Several people talking at the same time.] Noted that Mr. Mascio and Mr. Millias were discussing what should be on the plan.

Mr. Seelig did not to Mr. Bergstrom that there is a list, a site plan requirement list that Webby should have.

Mr. Soroko wants the applicant to make sure, to scale, that this is probably a buffer zone, and make sure they look at the 100' buffer zone and create something that you can follow that the board won't have problem with. Again, they members and applicants viewing the plan, but no real dimensions on it, stating hypothetical items here and there but no real boundary lines and setbacks. Make sure its 100' for the site plan and cover all.

Mr. Andrews asked if there was anyone else from the audience that would like to speak.

Mr. Millias advised that the next meeting we can re-open the meeting. Basically, suspend until the next meeting of February 21. The board can also continue again if the plan is not completed.

It was noted that the 45 days is Feb. 28.

Motion to continue the Public hearing for site plan review until February 21, 2019 petition

MOTION: Mark Millias
SECOND: Jonathan Soroko All in favor

Motion to reopen the regularly schedule Planning Board meeting

MOTION: Jonathan Soroko
SECOND: Mark Millias All in favor

Public Hearing: Special Permit #884 Joseph Murray for Dunkin Donuts illuminated sign

Motion to suspend the regular Planning Board meeting and open the public hearing for Dunkin Donuts at 355 Plymouth St.

MOTION: Jonathan Soroko
SECOND: Mark Millias All in favor

Secretary contacted Mr. Murray regarding tonight's meeting, he is requesting to withdraw the application for a special permit. Letter and agreement submitted to the board.

Motion to accept the letter of withdrawal by petitioner Joe Murray, Bike Realty LLC Petition #884, 355 Plymouth St. Halifax, MA 02338 date petition file was 11/14/18 signed by Joe Murray, as a mutual request and agreement of the application the petition is hereby withdrawn without prejudice.

MOTION: Jonathan Soroko
SECOND: Mark Millias All in favor

Motion to close the public hearing and return to the regularly schedule Planning Board meeting.

MOTION: Mark Millias
SECOND: Jonathan Soroko All in favor

Informal Discussion:

Bob Rego: informal discussion regarding a plan of land prepared by Vautrinot that shows small little subdivision off Fuller St. named Winnetuxet Way. One of the conditions of the plan was there would be no further subdivision of lot A and not construction of a dwelling on lot B until the road was improved to the Planning Boards standards. Wanted to go over the procedure that the board would like to follow of the improvement of that way. Likely thru Form C subdivision process. Just want to pave the road and put a cul de sac in. The intent is to subdivide Lot A. Would be enough frontage for two lots.

Members discussed with Mr. Rego what the planning board would require to file. Mr. Andrews advised they would have to file a Definitive Plan. Mr. Rego asked if the board, because its only serving two lots, would the board entertain waiving some requirements, not full construction, but sidewalks, curbing?

Mr. Andrews advised would probably not waive much else. Mr. Millias stated he would probably have to do the cul de sac because, with any other configuration as far as turnaround, not much space. R. Andrews stated that it was the basis when they first approved it, that there would be a road.

Mr. Rego said he will come back with a filing and go from there.

Form A : Fuller St.

Joe Webby, Webby Engineer, and Bob Burbee

Would like to create a 24-acre retreat lot, street lot, another retreat lot, street lot and 50-acre lot. Go all the way back to Winnetuxet River. Would be creating 5 new lots. Members went over the plan. What is being created, new lines, went over all requirements, uplands. Will be single houses. One is being combined from front area to back piece. Was advised to make sure the "circles" are tangent to the front lot lines, shape factor.

Motion to endorse/approve Form A, for plan of land in Halifax for Phyllis Sanborn revocable trust dated 1/14/2019 prepared by Webby Engineering Associates.

MOTION: Mark Millias

SECOND: Jonathan Soroko

All in favor.

Bills payable:

Motion to pay bill for Plympton/Halifax Express Public Hearing notice, legal Ad #10311 in the amount of \$84.00 for the Bergstrom site plan review

MOTION: Jonathan Soroko

SECOND: Mark Millias

All in favor

Motion to adjourn

MOTION: Mark Millias

SECOND: Jonathan Soroko

All in favor

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

Respectfully submitted,

Date Approved: _____

Terri Renaud
Planning Board Secretary
