

HALIFAX BOARD OF SELECTMEN  
SELECTMEN MEETING  
TUESDAY, JANUARY 23, 2018 - 7:30 P.M.  
SELECTMEN MEETING ROOM

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Meeting came to order at 7:30 p.m. with Selectmen Thomas Millias, Kim R. Roy and Troy E. Garron present.

The following business was discussed:

**PLEDGE OF ALLEGIANCE**

The Board as well as those attending tonight's meeting stood to recite the Pledge of Allegiance.

**AGENDA**

Moved Roy and seconded by Garron, the Board unanimously approved the Agenda for Tuesday, January 23<sup>rd</sup>.

Moved by Roy and seconded by Garron, the Board unanimously approved the following Selectmen Minutes:

- Regular Session – October 24, 2017
- Regular Session – November 28, 2017

**APPROVED WARRANT AND COMMITMENTS**

Moved by Garron and seconded by Roy, the Board unanimously approved payment of the following warrants and commitments:

Payroll Warrant	# 65	\$ 352,831.16
Vendor Warrant	# 66	\$ 1,468,256.98
Withholding Warrant	# 67	\$ 130,458.22
Ambulance Commitment	# 1A	\$ 46,060.00
Ambulance Commitment	# 1B	\$ 35,054.00

**AFFIRMED WARRANT**

Moved by Garron and seconded by Roy, the Board unanimously affirmed approval for the payment of the following warrant:

Vendor Warrant	# 64	\$ 41,638.76
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Moved by Garron and seconded by Roy, the Board unanimously approved payment of the following Selectmen bills:

W.B. Mason (stamp).....	\$ 47.49
Lynch, Malloy, Marini, LLP (audit yr. end 6/30/17).....	\$ 4,500.00
Deutsch, Williams, Brooks (legal/December) .....	\$ 5,755.80
MIIA (property & casualty policy).....	\$ 2,906.00

**SCHEDULED APPOINTMENTS****Scott Materna – New Director of Building Maintenance**

Municipal & School Building member, John Campbell, came in this evening along with Mr. Materna to introduce him to the selectmen. Campbell said that although we are losing Elliott, Materna brings a lot of talent with him and will do just as good of a job.

Millias asked what his first impression was of the job and Materna said there is a lot more to do than what was listed on the job description. Millis said there are lots of ball to juggle and a lasting impression he has of Elliott and that he is always on the go.

Roy welcomed him and also said that Elliott is a hard person to replace but is confident that Materna will be able to do the same. She added that Elliot took a lot of pride in the work he did and for that building show it. She knows that he will do the same and that he has a great team to help him. Seelig said that the taxpayers want our properties to be maintained so that they do not fall apart.

Garron said that it has been fun working with Elliott over the years and appreciates all that he has done for the Town. He added that has always been proactive.

Roy asked where he lived and he said Plympton. Millias added that was great as he needs to be within a close proximity to the town. Campbell said that was one of the stipulations of the job. The Board thanked him for coming in.

**William Hinkley – Appointment to Taunton River Stewardship Council**

Mr. Hinkley came in this evening to meet the Board and be appointed to the Taunton River Stewardship Council. Roy stated that she was impressed with his resume and saw that he worked for the Commonwealth and was the director of grants. Garron asked what his assessment was on what has been going on with the Taunton River. Hinkley said he hopes that as a representative from Halifax he will inform BOS whatever he is privy to. He said that they are under resourced and that a lot happens in this water shed. Hinkley asked what was expected of him in terms of reporting back to the BOS and the other Boards in the town. Roy said reporting back to them once a year was fine and Millias said unless something unusual takes place. Seelig mentioned about the East Bridgewater dam that is in the process of being taken down and said that this will be another obstacle in getting the herring back to Monponsett and that the town hopes that stewardship council could work towards that.

Moved by Roy and seconded by Garron, the Board unanimously voted to appoint William Hinkley to the Taunton River Stewardship Council, term to expire January 23, 2020.

**GENERAL MAIL / DISCUSSIONS****Marijuana Cultivation Facility**

Town Counsel has reviewed the host agreement and Seelig is asking for direction from the Board as to what they want to do so that he can tell the developer. He asked the Board if they wanted to schedule a public forum for comments on the facility and the host agreement. Seelig clarified that if they were to have a public forum it is not for a site plan approval (Planning Board) or the special permit approval (ZBA). Roy said that they did have a public forum and Seelig said yes but it was not for the host community agreement. Garron asked what town counsel said about the host agreement and Seelig said that he has not asked him for comments only to review it.

Roy knows that they have not perked the land so do they want to have a host agreement before they go forward and Seelig said maybe. Millias said his take from the last conversation was they wanted to know there was support before going forward.

Garron said that if the projections were going to be what they were saying then he feels it is worthwhile for the town. Millias agreed and regardless of his personal feelings, the Board has an obligation to the town to look at the possible financial benefits to the town because we do not have a large commercial base and this is revenue that the town cannot match.

Roy said they could have another public forum but felt the same people would attend. Seelig agreed with Roy and said that weeks after the public forum said there were comments that some people did not know about this happening. He said that even though the host agreement does not deal with the concerns of the abutters he thinks it is another opportunity for the abutters to be able to ask questions so the developer has a better idea of what the town will be looking for.

Seelig asked if the host agreement was going to be comments from the BOS, town counsel and the public. Millias did not have a problem with having another forum and Garron said he could go either way. Millias also said having a draft host agreement will be beneficial should they have any kind of forum.

Roy said that if there were a lot of people who did not go to the first public forum then she is in support of having another one. She did say that she would want the same people from 4 Daughters who attended the first one to attend next one. She did say she felt bad that a couple of them were from out of State.

Seelig said he could put the host agreement up on line and ask for comments. Millias also said that the meeting was taped and they could arrange to have it aired at certain times. Garron wants to make sure that there are adequate public forums so that no one can say they did not have the opportunity to have a say in this.

Again Seelig said a special permit will require a notice to the abutters and the site plan does not but Seelig will make sure the event is publicized. Millias thought that was a good idea because another public forum will just rehash what was already said and Roy agreed. If the Board would like, Seelig will go back to Mayo and ask him to work on the host agreement then give it back to the developer and then bring back to the BOS on February 13<sup>th</sup>. The Board was okay with Seelig doing that.

#### Printing of the Town Report and Town Meeting Warrant

Harry B. Harding and Son in Whitman has provided a quote of \$14.45 per page for 120 copies of a 160-page Town Report and \$44.80 (.20 per page increase from last year) per page for 3,500 copies of a 40-page Town Meeting Warrant. Seelig said the increase is more or less than a ½ of 1% increase over last year and is recommending that the Board approve this quote.

Moved by Garron and seconded by Roy, the Board unanimously voted to award the printing contract to Harry B. Harding & Son for the printing of the Town of Halifax 2017 Annual Report, the 2018 May Annual Town Meeting Warrant and 2018 May Special Town Meeting Warrant.

#### Disband Master Plan Committee & Open Space Committee

Per Seelig's recommendation, moved by Roy and seconded by Garron, the Board unanimously voted to dissolve the Master Plans Study Committee and the Open Space Ad Hoc Committee.

#### Large Outdoor Event Permits

The BOH asked if the BOS (asking other departments) would like to see the applications and sign-off on large outdoor events. Garron and Millias liked this idea.

Burrage Pond – Elm Street Access

Jason Zimmer from Fisheries & Wildlife wrote to say that that an agreement has been made with a contractor to restore the access roadway and conduct routine maintenance of the existing parking lot off Elm Street. Zimmer's hope is that the work will start in February and be done before the spring.

Selectmen's Policies

Seelig is suggesting that Board review their current policy as some are outdated or the BOS has found more effective ways of dealing with issues. He will look at them, come up with changes and bring this back up on February 13<sup>th</sup>.

Burrage Pond – Elm Street Property Sale

Town Counsel Mayo wrote to that if the BOS wanted to sell an interest in the property such as conservation restriction or sell the actual land; they would need declare the property available for deposition and determine a value. If the town decided to dispose of the land at a price less than the appraisal amount then a notice would have to be published in the Central Register. Seelig asked the Board if they wanted to a.) not move forward in any way with the possible disposition of the property; b.) hold a public forum/hearing on the possibility of selling the property to the commonwealth of MA then make a decision or c.) decide to move forward with one of the options and present at Town Meeting.

Millias asked if Fisheries & Wildlife was to purchase the property would it be open to everyone and Seelig said yes but the town could put in stipulations. Millias was okay with selling the land to F&W because it is not usable to the town. Roy and Garron agreed with Millias. Seelig will contact Joan Pierce and Larry Mayo.

**SCHEDULED APPOINTMENTS (CONTINUED)****Derek Dowding – Unregistered vehicle permit**

Seelig asked Dowding how long did he need the permit for and he said he is still taking parts off of a vehicle for a vehicle of his so it will be done within the next six months. Roy asked if he was looking for a permit for six months and he said yes. Garron asked if the vehicle was visible from the street and Seelig said yes that it is impossible to put the vehicle on the property without being visible from the street. Dowding said he lives on the corner of Monponsett. Millias asked if he had more than one vehicle there and he said just the one. Millias then asked if he could cover the vehicle with a car cover and he said he was going to ask if he could put a tarp over it. Millias then asked what kind of vehicle was it and he said a F350 truck so it is small.

Roy asked if there were any neighbors present and Tom & Suzanne Perkins of 12 Lingan Street raised their hands. Mr. Perkins said he came this evening as he thought maybe he was opening a junk yard but if it just one vehicle he is okay with it.

Millias asked Garron and Roy's their thoughts and Roy said as long as the neighbors are fine with it she is too. Garron asked if there was a boat there and Dowding said yes but that is on the other side of the truck so it cannot be seen from the Monponsett side. Millias wants to put a time limit on it as he does not want the permit to be open ended and also said we did this recently and we required that he put up a fence. He was to be consistent and suggested a tarp or cover over the vehicle while being dismantled. Dowding said a car cover would not fit the truck as it is quite big.

Burt Gaynor asked if the parts that were being dismantled being sold out and asked if this permit was going to be for other vehicles that may be dismantled and be sold as this will be a commercial business in a residential area. Millias said this will be a one shot deal.

Roy asked if this was for commercial and Dowding said it was personal use for another of truck of his and he is not running a junkyard. He does plan on putting up a fence as this is not going to be the first and not going to be the last so once he puts the fence up there should not be a problem again. Garron said you will still need a permit because you are only allowed one unregistered vehicle on your property. Dowding said there is always going to be one so if he has to keep getting permits then he will. Millias clarified that the one unregistered vehicle is allowed as long as it cannot be seen from the road.

Gaynor then said he is doing this on a commercial basis; he is taking cars apart to sell the car then going to do another car. Dowding said he is taking the parts off his truck. Gaynor asked “so you will be having a new personal truck every six months “and he said yes and he has bought another truck and is going to get another truck for parts to rebuild it.

Garron asked when would he be putting up the fence and he said the spring. Garron said so that would be within the next ninety days and Dowding was unsure about the time frame. Garron stated that spring is fifty days away and he is trying to work with him, which Dowding understood.

Millias said sounds like it is going to rebuild a truck and sell it is that correct and Dowding said he is not going to do that but he does have other properties with trucks and this is the only time it has been a problem. Millias did say that he is exposed there and is struggling a little be more because if this is going to be on going. Dowding said that right now he has five registered vehicle and not all at his property.

Garron is willing to issue the permit for six months with some type of cover over the vehicles then we can revisit this issue at another time because we are discussing something that has not happened yet. Let’s deal with the issue that is at us now and said that he understands what Gaynor is saying.

Roy said her first thought was if the neighbors were okay with it she was but now it is sounding like commercial and that’s a deal breaker for her and does not how they get around it. Dowding said that this is not a white picket neighborhood and does not understand why people are complaining. Roy said that was a terrible thing to say and it is a very nice neighborhood. He then then said that he has had problems with this town since he moved in.

Gaynor asked what is the property zoned – Seelig checked and came back saying it is residential zone.

Roy suggested that he put the vehicles on the other properties until a fence is put up and Dowding stated that he does not have the means to transport the truck; the tuck was delivered to the house. With that being said Roy said he has the means to move it. Dowding then said he no longer in in contact with that person.

Millias said he was good until he commented that this was going to keep going on because at some point we are flipping vehicles. Dowding said that is not what he doing; he is fixing his own personal vehicle. Millias understood what he was saying and said that we do allow for one unregistered vehicle in our by-laws that cannot be seen and Dowding said behind a building or fence. Millias then said the BOS just granted an unregistered permit and asked that fencing be put up so therefore they need to hold it to the same standard and he at least wants to see some fencing on that side; maybe a few sections. He understands it may be hard with the ground being frozen. He would grant the permit with some cover.

Roy was okay with that and asked how many days does he have to put up the fencing up? Millias suggested sixty days as the ground is frozen and Garron suggested ninety days as you do not know what the weather is going to be like and the hope is that the ground it thawed in the middle of the spring.

Moved by Garron and seconded by Roy, the Board unanimously voted to grant an unregistered vehicle permit to Derek Dowding with the following stipulations:

- one (1) unregistered, unplatd and uninspected vehicle
- permit expires six (6) months from date issued (expires: July 23, 2018)
- vehicle must be hidden by a fence (resident has ninety (90) days from date of issue to put up a fence)

### **Oscar Magnuson - Unregistered vehicle permit**

Millias asked Mr. Magnuson his address for the record and he replied 13 Eleventh Avenue situated on the corner of Hillside Ave. Millias asked if it was for one vehicle and Magnuson said there are two Rangers, one has a bad frame and the other one doesn't. He is asking for two because he is making one out of the two, he has gotten rid of the green cab that was up on the lawn and everything else is pushed up out of the way, he cleaned up so that his neighbors would be happy and that you would have to go down Hillside to see anything in his yard.

Roy asked how long have these vehicles been on your property and he said that one was recently taken off the road.

Millias asked how much time did he think he would need and he said that he does not plan on working on the vehicles in the cold weather so if he could have until the summer that would be good with the hope that he'll be done before then.

Garron asked if there were any neighbors here tonight besides him and there was a show of hands. Millias said that they will give everybody an opportunity to comment on it.

Jim Grey – 27 Hillside Avenue

He said that he has cleaned it up a lot since he has moved in and was not sure what the issue was maybe having the chassis upside down in the back yard – it didn't look bad. Garron said that we are not having this hearing because somebody complained it is because he is asking for a permit to legalize it for a short period of time and to correct the situation – am I correct? Magnuson said that he wants to appease the Town.

Neighbor (did not give name)

He said that it is all cleaned up. Millias asked if he was okay with it and he said yes.

Roy asked that when he is done building this new vehicle he will not have any unregistered vehicles on his property and he said that was correct. She then said June 1<sup>st</sup> or May 1<sup>st</sup> and Ms. Martin (accompanied Magnuson) asked for June 1<sup>st</sup>. Roy then said if we set a time then he would be much quicker in getting it done. Garron said six months will take him into June and Roy and Millias agreed.

Millias asked if they should him to cover the vehicle and Roy said that the neighbors cannot see it. Garron said the yard is "L" shaped and Magnuson said you would have to come down Hillside Ave. to see it. He said that if you were walking by you could see it.

Millias explained that the reason they are here is because they are talking about more than one vehicle so, in a one-shot kind of scenario he does not have a particular problem, as long as the neighbors are okay with it, and it's not necessarily out front for everyone to see.

Garron recommended six months and then at the end of that period of time if there's still as issue then ...Ms. Martin said that if worse comes to worse she will just register the vehicle.

Millias said that he has to understand that BOS needs to be as consistent as possible.

Male Voice asked if it was the two vehicles in the driveway and Magnuson said that he already got rid of half of one, the green cab is gone but the frame is pushed up in the backyard and eventually the shell off the gold one is going on it and that (inaudible) is coming.

Moved by Garron and seconded by Roy, the Board unanimously voted to grant an unregistered vehicle permit to Oscar Magnuson with the following stipulations:

- maximum of two (2) vehicles including unregistered, unplatd and uninspected
- permit expires six (6) months from the date issued (expires: July 23, 2018)

### **GENERAL MAIL / DISCUSSIONS (CONTINUED)**

#### Talent Bank Form – Stacy Varaco

Ms. Varaco has submitted a talent bank form expressing interest in serving on the Holidays in Halifax Committee. The form has been forwarded to the committee.

#### Bridge Inspection – River Street/Winnetuxett

Reports of the above bridge has been received from the State and forwarded to the Highway Surveyor. Seelig recommends that the repairs to this bridge be pushed down on the list as the Pine Street bridge should be priority.

#### Regionalization Grant – Fire/EMS Service w/Plympton

Moved by Roy and seconded by Garron, the Board unanimously voted to have the Chair, Thomas Millias, sign the grant between the Commonwealth of Massachusetts and the Town of Halifax for the study and cost incurred in creating a regionalized Fire/EMS service with the Town of Plympton.

#### Monponsett Pond – Annual Report

SOLitude has completed their annual report for its activities at Monponsett Pond. There are no real surprises but there should be a discussion about why the phosphorus levels increased during the summer after a couple of months of treatment.

#### Release of Minutes for Executive Session

Seelig has gone through the executive minutes for 2016 and 2017 and had compiled a list of the minutes that can be released. This will be brought back to the Board on February 13<sup>th</sup> for them to vote on.

#### Use of Town Green – Boy Scout Yard Sale

Moved by Garron and seconded by Roy, Board approved a request from the Halifax Boy Scouts for use of the Town Green on Saturday, June 16<sup>th</sup>, from 7:00 a.m. to 3:00 p.m. for a fundraiser yard sale and granted permission for the Boy Scouts to put a sign announcing the yard sale on the Town Green for two weeks before the event.

#### School Repair Project – Windows, Doors, Siding Contract

Bids were received earlier this month and Lambrian Construction Company came in with the lowest bid. Seelig is recommending that they get awarded the contract.

Moved by Garron and seconded by Roy, the Board unanimously awarded the contract to Lambrian Construction Company for the Halifax Elementary School windows, siding and door replacement project in the amount of \$1,904,000.

#### HOPS Playground Grant

Moved by Roy and seconded by Garron, the Board unanimously voted to have the Chair, Thomas Millias, sign the grant between the Commonwealth of Massachusetts and the Town of Halifax for the Halifax Open Space Renovation.

Fieldstone Farm Horse Shows

Seelig has made a checklist/schedule for various tasks that Fieldstone Farms needs to do before each show. He is going to notify Clawson that the gazebo cannot be used (does not meet building code) and that the BOH is still waiting for a letter of agreement from him regarding the testing of the wells on the property.

**SCHEDULED APPOINTMENTS (CONTINUED)****Zoning By-Laws Discussion**

Members of the Planning Board and Zoning Board of Appeals along with the building Inspector were present this evening for this discussion.

Seelig began stating this was a continuation of the discussion the BOS had back in the fall regarding a number of zoning issues. Even though there was a fair amount of discussion no one came to any conclusions and with the upcoming town meeting and time frame to get changes on the warrant, Seelig wanted to continue the conversation.

Live Entertainment

Seelig said that they talked about zoning changes to allow, on a very limited basis, live entertainment events in the agricultural/residential district with a number of stipulations. Land use counsel had provided recommendations for it. In the Mudfest legal matter there has been interest for the town to bring something to town meeting, which would permit an event like Mudfest to happen. We are just dealing with whether it was a live entertainment event not whether it is agricultural or not. It would still go through the ZBA for special permit reviewing but it would also allow live entertainment on other properties in town with restrictions to the number of times a year the event could occur. Seelig wants to know whether they want to move forward on this or reach a consensus because if there not a consensus he said one could bring an article to town meeting and see what the town's people want to do.

Roy asked that if the ZBA approved the outdoor entertainment permit would the BOS issue a permit and Seelig said yes. She that asked what if the BOS did not want it and zoning gave the approval and Seelig said the Board would have to provide some concrete reasons as why they did not grant it.

Roy said if the BOS felt they had a valid reason not to issue a live entertainment permit what could that person do and Seelig said they could go to court. They would not go to the ZBA because they already approved the permit. If ZBA turned down a permit they could also go to court on that (land or superior court).

Seelig is suggesting a by-law change specifically for live entertainment. This would be changing the *use table* requiring that special permit is needed in the agricultural/residential district with stipulations in the by-law.

Building Inspector, Rob Piccirilli, asked what is preventing a entity/business going to numerous properties throughout town or opening another LLC on different properties and Seelig said that could happen. Millias suggested going a little further and set a number of times a single promotor could hold and event but again it would be easy to form another LLC. Piccirilli is bringing this up because he is the one who will have to deal with enforcement.

Roy liked ZBA's suggestion of a minimum lot area of five acres. Gaynor added that ZBA also stated single ownership of the property this way here you don't get a neighborhood with five homeowners owning one acre each and there is your five acres.

Seelig is going to talk with land counsel about each event will require a different special permit because events change over time and if we run into problems at an event and they come back the next year we can adjust the stipulations/requirements/restrictions. Gaynor agreed with Seelig's suggestion.



Piccirilli asked if a requirement would be that they go to Planning Board for a site plan and Seelig said yes if it was in the by-laws.

Roy questioned the following suggestion from ZBA

*The Board agrees that the festival operator shall provide public safety personnel to control traffic and provides medical aid at its sole expense with staffing levels to be determined by the police and fire chiefs*

She does not know if it is a problem with the union because the way it is written it means that they are not providing the public safety personnel but it will be required. She thinks it should be changed stating it is required as you do not want the operator to bring in private personnel.

Millias asked if there was a policy in place that suggests what Board someone should go first because over the years it has been controversial and no one knows what board they need to go to first for permitting. He asked if Planning and ZBA have talk about that.

Jonathan Soroko – Planning Board member

He said that they have had applicants come before them saying they will be meeting with ZBA in a week or two and ask the Planning Board to take a look at things to see if they might have a problem. They will glance over what they are proposing and give them some ideas, offer suggestions or have them tweak a few things so it meets the by-laws. Millias was wondering what board should be approached first and his thought it should be Planning Board and then ZBA with the recommendations from the Planning Board. He realizes that ZBA will do what is within their purvey but at least the resident could get some feedback prior rather than get some variances and Planning saying this is not going to work. Seelig said there is nothing preventing the two boards meeting jointly to review the applications as Halifax time frame to review applications is longer than other communities therefore we can reduce this by having joint meetings between multiple boards. Millias said maybe Planning and Zoning can talk about a format as to what board should be approached first.

Gerald Joy - ZBA member

He said that they need to know what the project is first because if someone shows up asking for an opinion and the project is too big there could be zoning problems and Planning is not going to approve it.

Piccirilli thinks that in a situation like this (live entertainment permit request) Planning Board would be approached first so that the necessary ingresses, egresses, parking issues, public safety are addressed and then grant the special permit. Roy asked if Planning makes the determination of public safety and Piccirilli said that would fall under the site plan review and questions would be asked that if there are so many people would we need x,y or z for safety.

Garron asked if ZBA and Planning require a submittal of a plan so that they can review it before they meet with the applicant. Gaynor said Zoning requires a plan be submitted with each application prior to them coming before the ZBA and also said that they have had people come before them for an informal discussion to get information on something they may be contemplating and then they would go to the Planning Board. He added that they meet once a month so if an application incomplete they will not be coming back for another month so it could be long process. Roy hated to ask this but have they ever thought about adding another meeting in the month just to help speed up the process on some of the applications if there is a glitch.

Soroko said you need to follow what the volunteers are doing so a lot of time people come before them and if a change is needed and we ask the applicant to come back in two weeks they are okay with coming back. And they have to realize that they need to go by the different boards and committees schedules. Gaynor said that Zoning does the best they can to be accommodating and there have been big projects in the past where they have meet more than once in a month.

He also said that there are times there might be a site inspection so it will be another thirty days before they can come back but if we are familiar with the site they may waive that.

Garron asked if the changes would be a positive effect on their meetings and Gaynor said yes and felt it was necessary because in the past they have run into issues and it is hard to enforce it. He understands it must be a hard task for the Building Inspector.

Seelig is going to work with the BOS and present to them a possible draft, which will incorporate comments from the ZBA and such, for Town Meeting and will make sure that everyone sees it. Roy asked who would be presenting the Article at Town Meeting and Seelig said the BOS would be.

### Affordable Housing

Seelig said that the Housing Production Committee put out a report several years ago and we are not incorporating any changes in the zoning by-law from that report but what he would like to do develop a method that would encourage 40B housing in Halifax. He explained that if we do a little each year and if a developer comes in to do a 40B we would have a better chance of saying no. Nothing has been done with the production plan but he would like to bring something to Town Meeting. He is okay if the consensus is no but he still would like to make some effort and will talk to the BOS to see if they want to do something separately.

Roy asked if Zoning or Planning had an opinion on this.

Seelig said through our own tax foreclosures are we are going to end up owning substandard lots with structures on them that no one would like to take off the town's hands. He said that perhaps change it so that we allow redevelopment of the substandard lots but as 40B housing this way here the homes are improve, they off the town's books, we a collecting taxes on them, 40b is up and neighborhood is looking good. Because if not the town is going to own these run down houses on substandard lots that we cannot sell.

Joy asked how many lots is he talking about and Seelig we are doing foreclosures on a number of lots and said maybe six are on substandard lots. This change will not pertain to lots that are already in tax title but the ones going forward. Seelig asked if there was interest and Millias said that they should explore it. Both Joy and Piccirilli thought so too.

### Multi-Family Housing

Seelig said that this also was talked about back in the fall and two things have come up the last few years have been. One is the stipulation that that each building in a multi-family development must be located on a separate land and the other is the language for the 200 ft. x 200 ft. grid for perc tests. He knows that the entire part of the by-law should be re-written but no one has made a proposal so he would like to work on these two issues. He is recommending eliminating each building having to be on a separate lot unless someone can come up with a reason because as it stands now we have Halifax Meadows and Twin Lakes and they seem to work fine without each building having to be on a separate lot. On the 200 x 200 grid the suggestion was to make it more ridged so that the perc tests need to be two hundred feet apart so that the grid is followed as this will eliminate a large development from trying to get through.

Millias said that this is something we should work on with the BOH. He knows the BOH did mitigate that language to allow soil samples as opposed to physically perking a number of places. Millias agreed there is conflicting language as we encourage multi-family housing and then we have language that no one can understand. He also said the setbacks will need to be looked at as we had them for each individual building.

Soroko agreed that the language is conflicting and that the Planning Board is trying to come up with some conclusions and edits they want to make. They are looking at neighboring town's multi-family by-laws and how we can incorporate language. He agreed that it is conflicting.

Gaynor said you can see where people will take advantage of the language and suggested that perc tests be a certain amount of feet away from other perc tests in any of the other 200 x 200 grids. He is not sure if this would be a temporary solution to a permanent problem. Millias said there is ripple effect to everything you do so you would need to be careful.

Alan Dias - Board of Health

He said the 200 x 200 makes no sense because if a lot perks then it perks and if it perks on the left or on the right that is where you put the septic system and then place the structure accordingly. Seelig thinks it was gauged to see how much of the acreage could actually be developed versus where the septic systems would be so we do not end up with someone building more homes or units than what the land can support. Dias said that in a normal development you are going to have your standard lots sizes and it should be sufficient.

Seelig said his reading of why it was put in the by-laws was because you could play games with the perk test and say we can squeeze this number of units in per the perc test but that number is reduced because more than likely some of that land the won't perk. Millias also said that if some of it was wetlands you could not do the 200 x 200 grid because you couldn't perk in the wetland area.

Roy asked Seelig if he wanted to keep that and he said the issue he has seen happen is that a developer will come in and do four perk tests one in each of the four corners and they are not actually two hundred feet apart. Millias said there is no criteria to the 200 x 200 grid it is almost like a sliding grid. Dias said that Halifax is the only community in Massachusetts that has this by-law. This by-law was strictly to prohibit non-conforming growth. Millias likes the language of one acre per dwelling unit and said you could also limit it to a certain amount of uplands than trying to do the grid. Piccirilli said that it also depends on how we proceed in the future with other parts of the by-law because when you start looking at cluster homes it is going to be hard to have one acre of 40,000 sq. feet of continuous for perking. Millias said they tried to do a cluster zoning by-law about fifteen years ago but there was not enough support for it. Piccirilli thought the Zoning Board would have some ... if we were to allow something like that then requirement for the special permit could be so many units per (inaudible).

Roy asked what would be achievable and Seelig said on the 200 x 200 grid he would need to talk with the Board to see if they want to eliminate it or do nothing. She then asked ZBA what they thought about the 200 x 200 grid and Gaynor said that they have not talked about it other than the problems they have run into in the past with the interpretation. He could see clearing up the language getting more specific about it or eliminate it all together. Seelig said he is going to propose to the BOS that the one lot building per lot be eliminated from multi-family. Roy asked everyone how they felt about it and Zoning said they were for it. Soroko (Planning) said the only thing that can be confusing is where the houses are if you consider one lot one house because when they are looking at a site plan review if you draw a square on your acreage and say that is the lot there could be five multi-family houses within that one lot. Piccirilli said that the building codes do not specify a multi-family housing; a condo development is multi-family housing within one lot but they are single family residences within townhouses so the whole thing is confusing. Seelig will continue to work on it.

#### Building Permit By-Law

This would not be a zoning by-law because it is not specific to zoning but it would allow the Building Inspector to fine any individual/company that begins work without a permit. It would be taking the State regulations and citing them into the town's regular by-laws which will state that a building permit is needed if one is needed under Code of Mass Regulations.

Should someone do something without a building permit this will allow Piccirilli get a fine levied enforcement much easier than having to work through the convoluted process of the State Board of Building Regulations & Standards. Gaynor said seeing as they all are in consensus then it should be done. Seelig will put something together for the BOS and send it along to everybody.

#### Signature Block

A signature block for the Planning and/or ZBA to sign would be helpful as it would to establish which particular version of any plan was officially approved by either Board. Piccirilli said this came up because the question was asked that if a multi-family plan was approved by either the Planning or Zoning Board should a signed site plan be recorded at the Registry of Deeds. He said that 183A states floor plan have to be recorded but site plan do not and thinks having the signature block and recording it at the Registry is a good idea because someone can go to the Registry and review the site plan rather than dig it out from the Town Hall. Seelig asked if a signature block is needed for a sub division or a commercial development and Piccirilli said a sub divisions would get recorded. He added that condo associations and single family homes are privately owned therefore they do not need to be recorded. Seelig will talk to Land Use Counsel to figure what we could do for a by-law and what it would cover.

#### Time Limited Permits – In-Law Apartment

Seelig said right now the current by-law for special permits is that the permit holder is required to come in every five years to renew the permit creating more work for the ZBA and the homeowner. In talking with Deutsch Williams and Kopelman & Paige they both agree that time-limit permits are difficult to justify unless there are specific public safety reasons that a permit be time-limited. Also a time-limited permit requires a new application, notice to abutters, public advertisement and a new hearing.

Seelig is recommending that the by-law be changed so that the property to which the special permit is attached be inspected on a periodic basis to ensure compliance with the stipulations of the permit. If the stipulations are not met, give the permit holder a certain amount of days to comply and if not rectified then enforce the zoning by-law. Seelig would like to check with Land Use Counsel whether the stipulations can include the revocation of the permit for failure to comply. He stated that if other special permits are time-limited then the same type of review could be conducted on a periodic basis.

Gaynor said the reason for in-law apartments was to eliminate illegal rental property. He asked how do you rectify the permits that don't expire and have to be renewed. It has always been the practice of the Board that the in-law kitchen is removed and that takes away from it being a rental property but then you have an addition on the house with bedrooms and shared living space is closed off. Piccirilli said the problem is the *use*; if someone is living there who is a tenant and paying rent it is then an illegal *use* because our by-law says you have to have shared living space but keep in mind that there is nothing stopping someone from closing a door to their unit as if it was a bedroom. He continued to say it is difficult to enforce something when you do not know what is going on so in order to be aware of what is going on he thinks doing inspections, getting affidavits and getting the neighbors involved (they are the ones who see the coming and goings on the property) would keep the town in the loop. Gaynor said another problem is that the permit will be tied to the property and not the applicant so now you have created a multi-family property or a two family home with a rental income. Millias said it gets dicey because if you look at 40A it has a section that says you cannot regulate the interior portion of a single family residence. Piccirilli said it is easier to allow duplexes because you can build something that has a fire separation wall it is allowable and it is not multi-family housing but it does not give you feeling of a single family dwelling with shared space.

Seelig will talk more with the BOS and Piccirilli about this unless ZBA wants everybody to do a new permit every five years but as previously stated that will require holding a hearing, notifying the abutters and a notice in the paper. He then said if we do time-limited permits then a new permit will need to be issued every time the period ends and that the stipulations on one permit (in-law) must be the same on all the permits. Lastly, Seelig said that Land Use Counsel can come in talk with everyone.

### **GENERAL MAIL / DISCUSSIONS (CONTINUED)**

#### Zoning By-Law Complaint – 340/348 Monponsett Street

Gordon Andrews has filed a request for enforcement of the Town's Zoning By-laws and the approvals (in 2014) by ZBA to allow for multi-family on the parcel at the above location. Seelig (temporary ZEO) has consulted with land use counsel in this matter and resolved that because there were procedural problems with the granting of the variances for the property and the matter was not timely appealed the request for zoning enforcement was denied.

#### Monponsett Pond Alum Pumping Facility

Three proposals have been submitted. Seelig will review them.

#### Junk Cars – 27 Hillside Avenue

After resident receiving two notices of fine this matter has moved to a criminal complaint with a hearing on march 12<sup>th</sup> at 2 p.m. Seelig will notify Town Counsel of this.

#### School Budgets

Halifax Elementary School Committee will be holding Budget hearings on February 5<sup>th</sup> and the school district will be holding theirs on February 8<sup>th</sup>. Seelig does not think that the finance committee will be prepared to make final recommendations by then. Given the money available and the requests that have been made it is unlikely the Town can fully fund either or both of these budgets. Seelig will attend both meeting and inform them of this.

#### Solar Farm – River Street

The proposal for the solar farm project has gone to the Planning Board for a site plan review. Seelig has extended an invitation to the developer to meet with the BOS since a PILOT will be needed.

#### Revocation Hearing – Evergreen Beverage d/b/a Twin Lakes Liquor

Hearing has been scheduled for February 13<sup>th</sup>. The office has not heard from the owner. Garron asked if we were sure he was getting the mail and Seelig said yes because it was sent out certified.

#### Resignation – William Sweeney - Logan Airport Noise Advisory Committee

Mr. Sweeney has given notice to the Town Clerk that he will be resigning from the above committee.

#### Proposed Leash Law – Burrage Pond

Seelig has posted on Facebook and the Town's website the proposed leash law at Burrage Pond. He has not heard anything back from residents. He is going to let Jason Zimmerman know that no one is going to the hearing in February as we have not heard anything negative about this proposal.

**EXECUTIVE SESSION**

Moved by Roy and seconded by Garron, the Board voted as follows to enter into Executive Session at 9:48 p.m. to discuss contract negotiations for Patrol Officers, Sergeants, Firefighters, Highway/Cemetery, Police Chief and Fire Chief:

Thomas Millias	-	Yes
Kim R. Roy	-	Yes
Troy E. Garron	-	Yes

Millias announced that no statement would be made at the end of the Executive Session and the Board would not reconvene in open session.

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Moved by Garron and seconded by Roy, the Board voted as follows to come out of Executive Session at 9:55 p.m.:

Thomas Millias	-	Yes
Kim R. Roy	-	Yes
Troy E. Garron	-	Yes

**MEETING ADJOURNED**

There being no further business, moved by Garron and seconded by Roy, the Board unanimously voted to adjourn the meeting at 9:55 p.m.

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Troy E. Garron  
Clerk

/pjm