



HALIFAX ZONING BOARD OF APPEALS

Meeting Minutes

Monday, April 27, 2015

The Halifax Zoning Board of Appeals held a public hearing on Monday, April 27, 2015 in Meeting Room #1 of the Town Hall with the following Board members in attendance:

Debra Tinkham, Robert Gaynor, Kozhaya Nessralla, Peter Parcellin and Robert Durgin were in attendance.

Chairperson Tinkham called the meeting to order at 7:03pm.

Chairperson Tinkham explains that the meeting was called to hire an engineering firm for Petition #826 – Blackledge Farm, Halifax, MA.

Board secretary Marion Wong reads into record an email from the Board to Steve Ventresca regarding a phone conversation between Ms. Wong and Mr. Vantresca (Mitch Engineering). The email explains that Mr. Vantresca is unable to attend this meeting and will be bowing out of the bidding process.

Appointments:

7:00pm — Interview with Paul Brogna, Seacoast Engineering

Present: Paul Brogna, Owner/Engineer - Seacoast Engineering, Duxbury, MA

Mr. Brogna thanks the Board for the opportunity and presents his thoughts of the 40B Blackledge Farm project, Petition #826. After touring the site, he took some pictures and has some ideas from years ago and some new ideas as well. Mr. Brogna gives background information on Seacoast Engineering – started the company in 1979 – and his experience including extensive experience with 40B projects/reviews in South Shore towns.

Five years ago, he worked with the Halifax Zoning Board on Blackledge Farms. Mr. Brogna passes out photos he took of the project to the Board. He discusses several issues:

1. Intersection of Franklin Street. The line of sight issue looking towards South Street is a limiting factor. The preliminary report from five years ago of the intersection needs an updated 2015 report.
2. Site development. Same concerns (water pressure, infrastructure, etc.) still apply as they did five years ago.
3. Limitation viewpoint as it relates to conservation.
4. In an infrastructure development the old plan had a waste water treatment plant, the current plan shows all Title 5 systems.
5. Seacoast had relatively little information previously relative to perk test conditions; he would be getting into this as the process progresses.
6. Water study was done five years ago but needs to be updated.
7. Storm water collection system would be looked at very closely with meeting all the requirements as it relates to the state while keeping cost down.
8. Site lighting, landscaping and the architectural renderings. Engineering and architecture should blend to look good, wear well and be easy to maintain as well as support the town's best interest.
9. Recreation. Make this a neighborhood that is an asset to the town and enjoyable to reside in while meeting all requirements.

Photos show the stream (up and down) and can pose a challenge.

Mr. Brogna is a sole proprietorship at Seacoast Engineering so 99% of what the Board sees comes from Mr. Brogna. If he subcontracts out it's with people he works with on a regular basis and Mr. Brogna would still work with the Board and the applicant on an as-needed basis.

Ezra Glenn, consultant, confirms that Mr. Brogna is not a traffic engineer therefore it would be an additional cost. He asks Mr. Brogna if his quote is based on what the Board has seen and what they would expect. Mr. Brogna answers yes, based on a 40B conceptual plan process. Mr. Brogna explains that if the revised plans include all the same information from six years ago, that falls under his quote.

The Secretary comments that the application is complete for a general 40B, however there is a lot more detailed information that will need to be reviewed for this project. Mr. Brogna explains that the more detail the applicant gives to the Board now, the less work and expense the applicant will have to face later. Ms. Tinkham explains to Mr. Glenn that this is this Board's first 40B and asks if the current packet submitted by the applicant is normal as it is very vague. Mr. Glenn answers that it's relatively common. The disadvantage of this is that it can be dragged out. Some information is, by their right, okay to leave out at this stage but the bigger details like the drainage plan, roadway layout and wetlands should be included in more detail.

7:30pm – Interview with Engineer Ed Pesci, Pesci Engineering and Associates

Present: Ed Pesci, Owner and Engineer, Pesci Engineering

Mr. Pesci presents his proposal. He explains that he and Mr. Brogna worked together in the past for many years. In 1998 Mr. Pesci went to work for a consulting firm where he learned a lot about 40Bs and did some 40B work for the town of Hingham. He was the primary consultant for Hingham's Planning and Zoning Boards for three years. He also worked for the town of Kingston. He then worked for a company based out of Boston for three years and then went on his own in 2005; 10 years. In those ten years he has done much work for other communities. This summer Mr. Pesci is working for the town of Nantucket's Planning and Zoning Boards. He has also been working for Marshfield since 2001 and Sandwich 40Bs. He presents the Board with his references.

Mr. Pesci feels he has a lot of experience on the developer's side as well. Forty percent of his work is commercial private work and sixty percent is municipal work. John Whitney is an attorney and a 40B consultant for many surrounding towns and taught Mr. Pesci the 40B process.

In the 12/14/14 Mass Housing letter to the applicant for Blackledge Farms, there were four items that required attention:

1. Infrastructure – the impact before construction is completed and acceptable to the community and the neighborhood
2. Historical Commission – any archaeological work must be completed prior to construction
3. Storm Water Management – rules and practices
4. Single Entrance and Exit – explore emergency access location

Jeffrey Dirk is Mr. Pesci's traffic consultant and Halifax Zoning's traffic consultant. Mr. Pesci explains that his quote calls for a separate proposal as he feels it would better serve the Zoning Board. Mr. Pesci feels Jeff is the better expert regarding traffic beyond capacity. Asking the applicant for an updated report, especially after five years, is a good idea, in Mr. Pesci's opinion. Mr. Pesci included Mr. Dirk's credentials in his proposal. Mr. Pesci feels that he brings a lot to the table as he has had extensive 40B experience. Mr. Pesci feels because he has the experience of putting conditions together to protect the future and neighbors he can better advise the Board.

Ms. Tinkham asks the Board if there are any questions. Mr. Pesci presents, in writing, his references and resume (past project experience) to the Board. He explains that he is the Board's advocate and agent in order to push for what the Board wants and needs for this project. Mr. Pesci adds that he does construction inspections as well, which is an added service available for the Board if necessary.

Mr. Glenn asks Mr. Pesci if a meeting with Mr. Dirk is included in the quote. Mr. Pesci answers that the price for Mr. Dirk in the quote was to review and write a report for the Board but he could ask him to squeeze in a meeting as well but that would most likely be an added cost. Mr. Pesci is confident that Mr. Dirk would join the meeting. Mr. Pesci has never been an expert witness in other 40B projects but has for other reviews for Nantucket in 2012.

Mr. Gaynor asks Mr. Brogna if he has ever testified in court for other projects. He answers yes, in several towns and one 40B in Hingham.

Mr. Pesci thanks the Board for the opportunity.

Mr. Glenn explains that history of prior bids plays a part in how the Board chooses who will bid for these types of projects and possible bidding contenders are asked not to exceed a certain amount. This allows the Board to use process of elimination to decide on who will be the final bidders of projects. Mr. Pesci requests that after the selection has been made he would love to know where his company fell in pricing compared to others for the future.

Mr. Pesci and Mr. Brogna make their exits.

Communication:

Mr. Glenn joins the Board at the table. Ms. Wong reads to the Board an email from Attorney Galvin (Town Counsel for Norwell and Rockland) into record requesting to move the Zoning Board meeting to May 18th. Mr. Glenn explains to the Board that he recommended Ms. Wong ask Attorney Galvin for a 60-day extension now rather than waiting for the last minute. Because the time frame is on the Board rather than the applicant for this project, Mr. Glenn didn't want the Board to feel the pressure. Attorney Galvin has not yet replied to Ms. Wong's email. The deadline for asking Attorney Galvin for the waivers was today, April 27th at 10:00am. Mr. Nessralla asks why the applicants would want to delay this project. Mr. Glenn explains that they aren't trying to delay it but may want to give the Board as little information as possible so in the end, the Board feels the pressure to pass. The other approach is that the Board can reject for lack of information. Mr. Glenn advises the Board to keep in touch with Attorney Hucksam (Town Counsel). Mr. Glenn explains that his role is to help get this project passed that works for both the town and the applicant.

Ms. Tinkham apprises the Board of a memo received from Conico (representing Rick Lincoln, president) that they are going to do some soil testing next week on the project. The Board discusses peer reviews and whether one should be done. Mr. Glenn doesn't feel they are at that point yet.

Ms. Wong discusses an email from Charlie Seelig regarding the memos from Michael Buzzy (40B eligibility) to reiterate conditions from the Board of Selectmen. Ms. Wong also goes over a copy of the fire and water supply rules and regulations sent from the Fire Chief.

Discussion - Engineers:

Ms. Tinkham asks the Board their feelings on the interviews with Brogna and Seacoast.

Mr. Gaynor comments on both engineers' strengths. He enjoyed working with Mr. Brogna in the past and felt he did a great job. Mr. Gaynor likes that Mr. Brogna is not afraid to defend the town when necessary and likes his personable way. He also likes Mr. Pesci's professionalism but is concerned that Mr. Pesci is spread too thin.

Mr. Nessralla likes that Mr. Pesci has been on both sides of the job, feels Mr. Pesci has more experience and likes that he gave his references. Mr. Nessralla prefers Mr. Pesci for this project.

Mr. Parcellin was impressed by Mr. Brogna's background information but he also feels Mr. Pesci has a lot of experience.

Mr. Gaynor asks Mr. Glenn's opinion in regard to whether it's an advantage or disadvantage that Mr. Brogna worked on this project once before. Mr. Glenn feels that it really comes down to price with that answer since it might be a higher cost to catch Mr. Pesci up on everything even though it's not on the Board's dime. Mr. Brogna's main advantage was his

experience in the past with this project. However, Mr. Pesci has a lot of experience knowing where to push the project along, a new set of eyes is refreshing, he had a clearer proposal, he identified the traffic with respect to cost. Mr. Glenn feels the Board really can't go wrong with either choice.

Mr. Durgin liked both but liked the idea of a fresh set of eyes.

Ms. Tinkham was impressed with Mr. Pesci.

Motion to hire Ed Pesci (Pesci Engineering and Associates) for Petition #826: Blackledge Farms project:

MOTION: Kozhaya Nessralla

SECOND: Peter Parcellin

Ms. Tinkham calls for a voice vote:

Kozhaya Nessralla – Yes
Robert Gaynor – Yes
Peter Parcellin – Yes
Robert Durgin – Yes
Deborah Tinkham – Yes
Passes: 5-0-0

The Town of Marshfield highly recommended Mr. Pesci. Ms. Wong confirms to Mr. Glenn that there is a check from the applicant for peer review for \$12,000. Ms. Tinkham confirms with Ms. Wong that the Board's decision letter will go out to both Mr. Brogna and Mr. Pesci.

Informal Discussion

Going back to Town Administrator Charlie Seelig's memo on behalf of the Board of Selectmen needing an answer regarding 40Bs, Ms. Tinkham asks Mr. Glenn if the Zoning Board has the right to turn down these developments as Halifax has less than one percent of affordable housing. Mr. Glenn answers that the Board can and should try to identify problems and find ways to solve them for this project. If the Board denies the project without identifying any real problems, the denial will most likely be appealed and overturned.

Adjourn:

Motion to adjourn meeting:

MOTION: Kozhaya Nessralla

SECOND: Deborah Tinkham AIF

It was unanimously voted to adjourn the meeting.

Respectfully submitted,



Robert Gaynor
Chairman, Zoning Board of Appeals