



TOWN OF RAYNHAM

PLANNING BOARD

RAYNHAM, MASSACHUSETTS 02767

Tel. 508-824-2745 Fax 508-828-4290

Meeting Minutes

Thursday, October 19, 2023

Call to Order

Mr. Andrade opened the meeting of October 19, 2023, at 6:00 p.m. and informed the meeting is being broadcast live on the Raynham Channel, Comcast Channel 98 and Verizon Channel 34. It is also being recorded by RayCAM for replay on the Raynham Channel and on YouTube.

Planning Board Members Present (5):

Present: Mr. Matthew Andrade, Chairman; Mr. Burke Fountain, Vice Chairman; Mr. Brian Oldfield, Mr. Christopher Gallagher and Anthony Niccoli, Alternate Planning Board Member.

Absent: Mr. Russell Driscoll

Present: Mr. Bob Iafrate, Building Commissioner, and Ms. Maureen McKenney, Planning Board Administrative Assistant

Approval of Meeting Minutes – October 5, 2023

Motion: Moved by Mr. Fountain and seconded by Mr. Oldfield to waive the reading and approve the minutes of October 5, 2023, as printed.

Vote: Mr. Fountain-Aye, Mr. Oldfield-Aye, Mr. Gallagher-Aye, and Mr. Andrade-Aye.
Discussion: None. **Vote:** 4-0-0

Continued Public Hearing Wal Mart/160 Broadway Site Plan

Present was Molly Obendorf, P.E., with Bohler Civil Engineering Company

The proposal is for an expansion project at Wal Mart on Broadway. The responses to the Nitsch peer review letter were submitted, and today the applicant received one change regarding the elevation of the infiltration system. The Nitsch letter commented on a two-foot separation from estimated seasonal high groundwater. The Stormwater Report was submitted confirming the two-foot separation. Also mentioned in Nitsch's comment letter was the requirement that bollards be placed in front of the building and making sure there was a four-foot clearance for ADA. Ms. Obendorf stated ADA is not required as customers will not be leaving their vehicles during order pick up.

Mr. Andrade reviewed all responses and had no further comments.

Waivers have been inserted on the front sheet of the plans.

Motion: Moved by Mr. Fountain and seconded by Mr. Oldfield to approve the requested Waiver Nos. 1 through 4 as set forth on the October 18, 2023, Nitsch Engineering peer review letter.

Discussion: None.

Vote: Mr. Fountain-Aye, Mr. Oldfield-Aye, Mr. Gallagher-Aye, and Mr. Andrade-Aye.
Discussion: None. Vote: 4-0-0

Motion: Moved by Mr. Fountain and seconded by Mr. Oldfield to approve and accept the Site Plan for Wal Mart proposed pickup and signage, striping improvement, in building expansion for the site at 160 Broadway, Town of Raynham, Massachusetts, as revised through October 12, 2023.

Discussion: None.

Vote: Mr. Fountain-Aye, Mr. Oldfield-Aye, Mr. Gallagher-Aye and

Mr. Andrade-Aye. Vote: 4-0-0

Mr. Iafrate commented on the standard conditions for this application with one addition per the request by Nitsch Engineering for the confirmation of the two-foot stormwater separation from the estimated seasonal high groundwater prior to construction or at the onset of construction with their own soil evaluator and then submit confirmation to Mr. Iafrate for submittal to Nitsch Engineering.

General Business

- Invoices/Bills Payable - Invoices signed by the Board.

(Mr. Gallagher was not present for the following)

- Correspondence

Campbell Court bond and fees

Letter received from John Noblin, Pleasant View Realty Trust, requesting the release of the bond and any other fees associated Campbell Court subdivision. The bond amount is approximately \$114,590 and there are remaining funds in the project review account. Ms. McKenney informed that the road acceptance is an article at the fall Town Meeting.

Mr. Andrade suggested acting on the release pending vote at Town Meeting on the road acceptance.

Motion: Moved by Mr. Fountain and seconded by Mr. Oldfield to release the bond and project review account for Pleasant View Realty Trust pending vote at the Town Meeting on November 13, 2023. Discussion: None. Vote: 4-0-0

6:13 p.m. – Mr. Gallagher joined the meeting in person

Continued Public Hearing – 362 New State Highway/Popeye's Site Plan with Special Permit

Present was Brian Levey, Attorney for the applicant Raynham Chicken, LLC; Matthew Bersch, Project Engineer, Dynamic Engineering Consultants P.C. and Corey Chase, Traffic Engineer, Dynamic Engineering Consultants, P.C.

The proposed project is to raze the existing building in order to construct an approximately 1,500 sq. ft building for a Popeye's Restaurant with drive-thru but with no interior seating. The lot size is roughly 26,000 sq. feet.

The project was in front of Raynham Zoning Board of Appeals and Raynham Conservation Commission with both meetings continued until November 15, 2023.

A revised plan has been submitted since comments were received from Nitsch Engineering. Review letter was received today with comments along with information that peer review on the traffic is still in review.

Mr. Bersch displayed the site plan rendering dated October 18, 2023.

A double drive-thru lane has been added on the northwest corner of the site which increases the capacity of the drive-thru from ten to fourteen. Parking stalls added on the south side of the development for employees. The width of the exit radius on to Rt. 44 was increased. A pedestrian access path was provided on the entrance drive and crossway. Modification was made to the striping around the drive-thru lane for one-way circulation. The applicant has coordinated with the property owner of Shaw's Plaza to allow all truck traffic to circulate through the plaza and exit through the driveway in the rear of the proposed building.

The plan reflects minor adjustments to the architecture and the total new signage is being reduced to 90 sq. ft. in area, which will avoid an issue with zoning.

Mr. Bersch reviewed Dynamic's responses to Nitsch Engineering comment letter. Comment #1-lighting. They will provide side and back shielding to the lighting. Comment #17-drainage. This comment pertains to a future review by MassDOT. Comment #22-drive-through facility. The stacking has been increased from ten to fourteen vehicles with eight of the queuing spaces before the menu board, which complied with the Town's by-law. Comment #29-General. Increase of available parking from seven spaces to fifteen spaces. Designated areas for snow storage and the agreement with Shaw's Plaza for cross-access parking and truck use will be presented to the Board. The agreement is for four employee parking spaces. The last comment is to provide file versions of the plans in PDF CAD and GIS.

A total of six waivers are listed on the front coversheet of the plans. The Board received a revised version of the coversheet via email yesterday.

Mr. Fountain asked where bollards are being used.

Mr. Bersch informed that bollards were added at the front of the southeast corner of the building, in the back-left corner northwest as cars circulate around the drive-thru lane and around the trash enclosure.

Mr. Fountain discussed possible vehicles hitting the building in the front section when cars drive into or back out of a parking spot.

The site has 6" curbing along with a five-foot landscaping path running along the building. The parking spaces are angled therefore cars are not backing straight up.

Mr. Fountain questioned signage for exiting into Shaw's Plaza.

There is no proposed directional signage as the striping will allow vehicles to follow the path lane and there will be pavement striping for vehicles coming in the opposite direction. Also, there will be a sign for people coming from Shaw's stating "No entrance for Popeyes."

Mr. Andrade requested a sign on the north corner that would say "Exit" in addition to the striping on the ground into the Shaw's plaza. Mr. Bersch agreed to adding a sign when exiting into Shaw's plaza.

Mr. Andrade expressed concerns with the snow storage area especially if snow piles are rather large.

Mr. Bersch believes there will be no issue with site visibility or identification of cars on the road for exiting movements.

Mr. Oldfield commented on the exit from Popeyes and exit from Shaw's on to Rte. 44 as the exits are too close, it is an accident about to happen.

The parking assessment and traffic impact statement was prepared and revised October 6, 2023. A letter is being prepared which will detail responses from Nitsch Engineering comments. Based on the information that is being put forth, Mr. Chase said they feel they have adequately addressed all comments and any remaining comments would likely just be technical in nature. Mr. Chase explained the flow of traffic with the double stack drive-thru lanes. With the concerns expressed by Mr. Oldfield on the proximity between the two driveways, they feel that it was prudent in this case to restrict that driveway to just be right in right out and not be full access like some of the other driveways up and down the corridor. The right-in, right-out driveway will flow traffic to the west and those using the pickup stall on the east side of the building will be forced to exit through Shaw's plaza. Mr. Chase believes that the recommendation to provide some sort of way-finding signage at the east south east point to direct vehicles toward the plaza is a good idea. The project is proposes clearing of landscape that is directly adjacent to Rt. 44 to provide an improved line of sight. The right turn onto Rt. 44 will have striping as well as a stop sign and a sign saying right turn only. The applicant still needs to communicate with MassDOT.

Mr. Gallagher commented on the entrance for Shaw's plaza being after the proposed entrance. He said the proposed project is a tremendous improvement.

Mr. Iafrate questioned the building elevation and asked if there was going to be a parapet wall to hide any rooftop units. He also asked the Board to consider a condition or an operational procedure for employee parking and for Door Dash pickup at the off-site parking. Another consideration is for snow storage not to impact more than one parking spot before the snow would need to be removed off site.

Attorney Levey asked what the next steps were. He suggested not closing the hearing in case there are any changes to the plan at the continued meetings with ZBA and/or the Conservation Commission.

Mr. Andrade asked if the Board was comfortable with the site plan as outlined tonight. It was agreed that if the Board closed the public hearing and there were minor modifications, the applicant could come back to review with the Board.

Motion: Moved by Mr. Fountain and seconded by Mr. Oldfield to close the public Hearing for 362 New State Highway/Popeye's Site Plan with Special Permit. Discussion: None. Vote: 4-0-0

Motion: Moved by Mr. Fountain and seconded by Mr. Gallagher to allow Waivers for 5.7.1, 5.7.2, 5.7.3, 5.8.4, 5.8.5 and 5.8.7 as show on the proposed cover sheet for the proposed Site Plan for Raynham Chicken, LLC proposed Popeye's with drive through at 362 US Route 44, last revised October 8, 2023. Discussion: None. Vote: 4-0-0

Motion: Moved by Mr. Fountain and seconded by Mr. Gallagher to approve the Special Permit for the drive through as shown on the Plan entitled proposed Site Plans for Raynham Chicken, LLC proposed Popeye's with drive through at 362 US Route 44 pending draft Certificate of Action. Discussion: None. Vote: 5-0-0

Motion: Moved by Mr. Gallagher and seconded by Mr. Oldfield to approve the Site Plan for Raynham Chicken, LLC proposed Popeye's with drive through at 362 US Route 44 pending review and approval of a Certificate of Action. Discussion: None Vote: 4-0-0

Mr. Andrade suggested scheduling the signing of the Certificate of Action for Popeye's on November 2, 2023, at 6:01 p.m.

General Business (continued)

- Old Business/New Business

- Planning Coordinator Update - *Bob Iafrate, Building Commissioner*

- Mr. Iafrate informed of an accident that occurred at the CVS on Rt. 44. A car hit the building on the side that has no bollards. The vehicle was electronically started and apparently took off on its own.
- Mr. Iafrate informed that there has not been a lot of activity accomplished at Doe Run subdivision in accordance with the timeframe given by the developer. There was grading and filling compaction done without notifying Nitsch Engineering for an on-

- site inspection; therefore, work was stopped. Compaction test results were received and forwarded to both Mr. Buckley, Highway Superintendent, and Mr. Intoccia.
- Mr. Iafrate informed that new applications are winding down.

 - Mr. Iafrate suggested that the Board request that funds be approved by the Board of Selectmen to allow SRPEDD to help draft zoning by-laws as recommended in the Master Plan.

 - Mr. Iafrate discussed the bond for Lincoln Woods not being enough for the work needed. Mr. Gallagher said Attorney Pietnik should call in the bond and the Town complete the work with what we can. Mr. Oldfield and Mr. Fountain agreed.

Regarding Layla Estates, Mr. Andrade informed there is an account balance after payment of \$557.80. Mr. Andrade suggested an additional \$5,000 be requested from the applicant.

Motion: Moved by Mr. Fountain and seconded by Mr. Oldfield to request additional funding for Layla Estates in the amount of \$5,000. Discussion: None. Vote: 4-0-0

- SRPEDD Update - *Christopher Gallagher*

- No updates at this time.

- Plans to be Signed

- ANR Plan for Elm Street East to be signed at the conclusion of the meeting.

Adjournment

Mr. Andrade asked for a motion to adjourn.

Motion: Moved by Mr. Fountain and seconded by Mr. Oldfield to adjourn from the Raynham Planning Board meeting of October 19, 2023 at 7:09 p.m. with no business to be conducted afterwards. Discussion: None. Vote: 5-0-0

Respectfully submitted,



Russell Driscoll, Clerk

Upcoming Meeting: November 2, 2023