



TOWN OF RAYNHAM

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Planning Board Meeting March 21, 2019

Meeting opened: 6:01 p.m. by Christopher Gallagher, Chairman

Board members present: Christopher Gallagher, Burke Fountain, Daniel Andrade, Russell Driscoll, John Teixeira

Board members absent: (all present)

Staff present: Robert Iafrate, Building Commissioner/Planning Coordinator
Maureen McKenney, Administrative Assistant

6:01 p.m. – Mr. Gallagher opened the meeting and announced it was being audio and video recorded.

6:02 p.m. – Request for Abbreviated Site Plan at 1555 King Philip Street/Raynham Highway

Department: Highway Superintendent Ed Buckley was present. Mr. Gallagher explained there is an existing salt garage on the premises; the highway department is proposing to construct a new salt garage in its place that will be slightly larger with two canopies/carports; new garage will be doubled in size and located on the existing pavement; it will be 16 ft. wide by 30 ft. in height with one end permanently open.

The closest building to the site is Aggregate Asphalt; new residences are over 1,000 feet away; the shed will be between the existing building and the transfer shed. Site plan approval is needed because the salt garage is considered a commercial construction over 1200 sq. ft. in size. Mr. Iafrate has met with Azu Etoniru, Conservation Agent, and it was determined there will be no impact to the existing site.

Mr. Fountain moved to approve Highway Department Facility Salt Shed Replacement Project, shown in permit set dated March 2019 by Weston & Sampson for Abbreviated Site Plan process; second Mr. Gallagher. Motion passed unanimously (5-0-0).

6:05 p.m. Greystone Estates (located off Locust Street): Public hearing was reconvened. Chris Gallagher left the meeting room because his brother, Frank Gallagher, is the project engineer. Frank Gallagher, P.E., and applicant Marcus Baptiste were present. Correspondence received: letter dated March 20, 2019, from Nitsch Engineering; copy of e-mail from Ed Buckley, Highway Superintendent, dated March 7, 2019.

Frank Gallagher explained the project is at the corner of Forest Street and Locust Street; it will be private development similar to Tomlin Estates off White Street and Cornerstone Estates off King Street; the road will be 18 ft. wide with 2 ft. shoulders on each side; road will be 600 feet long, coming off an existing drive; there will be three lots. There are no wetlands; hammerhead turnaround will be provided; Town water and sewer are available; each house will have a separate sewer system. He discussed storm water management, which involves a swale, a stilling basin and rip-rap stone overflow area.

Mr. Iafrate apologized for not having been able to speak to Mr. Gallagher about the plan prior to tonight. He commented that the plan doesn't have the typical country road feel of other private developments; the

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houses are jammed together like condos; the zoning square needs to touch the 45 ft. setback line; he sees opportunity to spread the lots out wider; and, he asked that the frontage against other property be eliminated.

Ed Buckley, Highway Superintendent, discussed his concerns with the drainage system for long term; he asked for a maintenance plan even though it will not be a Town project; he questioned if there will be any impact to the adjacent State-owned land or other off-site properties.

Mr. Fountain noted that waivers when given are a gift; the Board expects low-density; he is concerned more houses can be planned; he asked that the plan be set up so it is the end of development here. Mr. Andrade agreed; he cited Christopher's Way as an example saying he did away with a 2-lot plan for a plan with better road standards; he likes private ways for 3-lot subdivisions; he does not like the common driveways as cited by Nitsch in their review letter; a homeowners' trust/maintenance plan is needed.

Mr. Andrade is okay with waiving drainage requirements if the water has somewhere to go, citing Christopher's Way as an example; he does not like the curbing shown for this plan; does not agree with having granite entrances for this private plan.

Mr. Iafrate commented there can probably be a full subdivision here with 7 or 8 lots, which may make sense if they know the future for the open space. Mr. Fountain suggested that if there is potential for future development, they design for it now.

Applicant Marcus Baptiste, Chester Ave, Berkley, informed the Board he has created four Form A lots on Forest Street with potential for another eight lots but he since decided to create two retreat lots on Forest Street in addition to this plan and the Form A's, so there will be nine lots in total vs. the 12 potential. Mr. Andrade is concerned with frontage for these lots being in someone's back yard. Mr. Baptiste said his intent is to leave the existing house as is.

Mr. Andrade discussed that he would rather see a full subdivision done right over squeezing in three lots to get two retreat lots because that was not the intent of the by-law. Mr. Gallagher noted that would mean more houses. Mr. Baptiste discussed his intent is not to circumvent the by-laws. Mr. Andrade does not feel this 3-lot plan is done right; he has no problem waiving requirements if a plan is done right. He cited Pamela's Way as an example of lots being too close and leading to problems with owners. He suggested spreading out the lots or doing a cluster plan. Mr. Gallagher said the intent of the plan is for less impact.

Mr. Iafrate said his prior comments were made with the intent to reconfigure the lot lines; applicant could show a plan with the retreat lots; the lots are "too jammed together"; and, White Street and King Street are good examples of 3-lot subdivisions. Mr. Andrade agreed. Mr. Gallagher agreed the granite is not country like; he can make improvements.

Mr. Buckley discussed issues with properties being built too high with steep roads (Forest and Locust Streets), which can lead to flooding problems on the roads and the Town inheriting drainage problems. He noted language has been put in permits to help with similar sheeting situations; he has this same concern with retreat lots, being there is no drainage on Forest Street.

It was noted there will be water and sewer for this plan.

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Carol Mulqueeney, Parkwood Drive, addressed the Board, citing her concerns with drainage, especially with a big puddle in her back yard now, which she fears may become worse. Also, there are a lot of houses to squeeze into the area; she thought the parcel was landlocked.

Dave Smith, 864 Locust Street, informed the Board there is water on the side of the road that comes onto his property; he questioned if 18 feet is wide enough for a fire truck; a firefighter in the neighborhood told him it was not; and, he asked why the road is not coming off Forest Street. He believes the plan will depreciate his property. Mr. Andrade said 18 ft. is enough and more pavement means more runoff. Marilyn Belanger, 876 Locust Street, questioned how the driveway can accommodate three houses or more now when it was originally for one house; asked where drainage is going; and asked if nearby property is being taken for this development. Mr. Andrade explained the applicant cannot take other people's property for his plan. During discussion, Mr. Gallagher stated the fire department has approved an almost identical plan and there is no reason not to approve this. Mrs. Belanger asked why the road is not going off Forest Street. Mr. Andrade said the owner can decide how to use his property.

George Alexanian, 846 Locust Street: thinks they want part of his land; he wants to keep the peace and quiet there now. Mr. Baptiste stated he didn't want Mr. Alexanian's land; Mr. Gallagher said they are working with applicant's land.

Frank Gallagher discussed that they will save most of the existing trees for 864 Locust Street.

It was agreed to continue the hearing. Mr. Fountain moved to continue to April 18th at 6:05 p.m.; second Mr. Teixeira. Motion passed 4-0-0. It was announced no notices will be sent out.

(Chris Gallagher returned to the meeting at 6:59 p.m.)

7 p.m. – 295 New State Highway site plan hearing reconvened. Nick Dufresne, P.E., Farland Corp., and applicant Ali Abouzied were present. Correspondence dated March 18, 2019, received from Nitsch Engineering.

Mr. Fountain noted the Nitsch letter recommended the waivers, and he has issue with that as they usually do not make recommendations. Discussion followed that Nitsch should not recommend waivers but should state that it is a Board decision. Mr. Andrade discussed that he likes the Nitsch reviews, likes to see their opinions but the decisions are up to the Board. Discussion followed about some of the rules and regulations being redundant and archaic and need updating.

Mr. Fountain wanted to know where the traffic light is compared to the site curbing. Mr. Dufresne explained it is at the corner of the property and the entrance is as far away as possible on the site, about 120 ft. Mr. Fountain questioned if it was far enough. It was agreed it was okay. Mr. Gallagher said the fire chief is "fine" and concerns were addressed.

Mr. Dufresne explained that the edge of the parking lot was extended for fire department vehicles and deliveries; fire lanes are shown; bollards are on the plan; the entrance was widened to 28 ft. The road is a State highway; there will be right-turn-only exit with a sign and a painted stop sign could be added because there is no median on Rte. 44 for a sign.

There were no questions or comments from the public.

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Mr. Fountain discussed the locus map on the plan. He wants to see the entrances for Shaw's plaza, Honey Dew plaza and Rockland Trust site on the map; he wants to be able to see and understand the locus map. It was agreed this could be a condition.

Waiver requests were read: Sec. 5.1.2 – okay if bollards provided; Sec. 4.1 – locus map as discussed; Sec. 4.2 – 300 ft. is okay; Sec. 4.7 – okay; Sec. 4.19 – okay; Sec. 4.22 – okay, negligible impact; Sec. 4.23 – okay, no Town issues; Sec. 5.1.5 – okay; Sec. 5.4 – okay; Sec. 5.6.2 – okay – bollards are being provided; Sec. 5.7.3 – okay; Sec. 5.7.6 – okay; Sec. 6.2.5 – okay. Mr. Fountain moved to approve the waivers subject to the locus map as discussed and as listed in Nitsch letter dated March 18, 2019 and bollards installed per the plan; second Mr. Andrade. Motion passed 5-0-0. It was noted there is no mitigation.

Mr. Fountain moved to approve "Site Plan 295 New State Highway (Rt. 44) Assessors ID 14-222-A Raynham, Massachusetts," dated October 23, 2018, last revised March 6, 2019, prepared by Farland Corp., New Bedford, MA, for Ali Abouzeid, Taunton, MA, subject to the waivers as approved; second Mr. Driscoll. Motion passed 5-0-0.

7:22 p.m. – Doe Run subdivision: Chris Gallagher stated he was not involved. He noted Ed Buckley and Frank Gallagher walked the site last week along with nearby resident, Michael Looney.

Mr. Andrade commented that the water problems on Pine Street were not caused from the subdivision work. The pipe on the Looney property was cleaned after discovering it was clogged; this alleviated the problem on Looney property. Applicant was to do a swale to alleviate problems but it was agreed by all, including Mr. Looney, it won't be done now.

Mr. Buckley informed that two catch basins were added with two area drains. He explained he became aware of water issues last fall and began discussions to avoid issues. Frank Gallagher explained Mr. Looney and Mr. Gilbody were at the last meeting and discussed their concerns with storm water. The developer will now run a closed drainage system from Ariana Way to Courtney Way, picking up from the existing catch basin up Pine Street to Ariana; homeowner's have tried to move stormwater but it is not adequate; substantial wet land area at Gilbody's gathers stormwater and sends to Doe Run.

Frank Gallagher noted the Board asked for a swale at the last meeting to intercept water, and he, Ed Buckley, Michael Looney, contractor Paul Bumila and developer representative Joe Cantinelli met on site, and Mr. Looney informed them he didn't want the swale, the problem was a clogged pipe; the pipe was cleaned out and water then flowed. Mr. Gallagher is doing a catch basin for Looney and Gilbody low spots. Mr. Andrade noted there have been long term issues in the area. Mr. Gallagher explained they are intercepting a lot of stormwater and moving it down Pine Street in concrete pipe. He discussed that he and Mr. Buckley saw other issues at another neighbors and are doing a headwall at the layout line to help.

Mr. Andrade asked if the cost can be lessened with concrete pipes. Mr. Buckley said there could be a waiver to use heavy duty pipe but he doesn't want to set a precedent but he is not opposed. The Board agreed they are okay with the plastic pipe instead of concrete. (Chris Gallagher not involved in discussion.) Mr. Andrade said the as-built plan can be used for the modification.

Frank Gallagher discussed that the sewer line is being brought up the road and is close to being approved. That and the drainage pipe will be installed in the spring or summer so developer can obtain building permits. Mr. Iafrate said he is waiting for Mr. Buckley to have a level of confidence. No action taken.

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(Mr. Andrade left the meeting.)

7:40 p.m. – General Business:

- Invoices were signed.
- Mr. Fountain moved to waive the reading and approve the minutes of March 7; second Mr. Teixeira. Motion passed 4-0-0.
- It was noted there was information (Cumberland Farms) received for the March 28th zoning public hearing.
- No SRPEDD Update.
- No Planner Update.
- No plans to sign.

7:41 p.m. – Riverwalk Adult Retirement Community public hearing reconvened. Attorney Ryan Prophett, Raynham, MA, was present as applicant's representative along with Steve Gioiosa, P.E., Sitec Engineering, Dartmouth, MA.

Chris Gallagher explained there is nothing new yet from the review engineer. Mr. Gallagher said he has thoroughly gone over the plan; he has issues with the porous pavement but understands applicant is not using that now; he does not like its use here.

Attorney Prophett stated it is correct that porous pavement is not being used now; he believes the final plan review should be in next week. He submitted documentation on easements, letter from Sitec to JC Engineering (JC). Mr. Gallagher noted the first letter from JC references porous pavement so it means nothing now. Attorney Prophett noted references to the pavement were removed from the letter.

Mr. Fountain asked what JC thought of the porous pavement. Mr. Gallagher said JC didn't think much of it going by their first letter. He explained the pavement has certain uses but not for an over-55 development. Mr. Fountain noted there is issue with not knowing others who used it. Mr. Gallagher said he has no experience using it, but it is "off the table"; he has reviewed the plans and has questions; ConCom saw the plans last night, and he will go over the drainage questions with Azu.

Steve Gioiosa, P.E., addressed the Board. He stated the porous pavement is off the plan; he thinks it has application but he understands; and JC's concerns were with maintenance protocol; and, he thinks it would have been ideal in this situation. The plan is more conventional design now; ConCom has the drainage calcs and Azu will review; costly upgrades to the drainage system were made; storm septrors, swales, sediment pumps and sediment forebays are added; they are keeping within the ARC low impact development; a detention pond has been added; the plan meets the storm water standards. Mr. Gioiosa said he thought the porous pavement was better for recharge; water quality treatment has been added to the plan; there are now 48 lots on the plan instead of 49 lots but the basic configuration and concept are the same; the fire department said the road width is adequate and there is a letter; the plan is trying to mirror the by-laws in being low impact; he discussed the traffic trip count; an over-55 development is 50% of the traffic impact of a conventional subdivision.

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Mr. Gallagher discussed that the streets should be designed by subdivision standards, not for low impact; the intent of the by-law is a 50 ft. right-of-way but the plan doesn't meet this; the by-law says the streets, whether minor or minor collector, must meet regulations but not after a waiver; he has always said he's not comfortable with 18-ft. width; the plan should meet rules and regulations first and then try for waivers; 18-ft. widths are usually for three lots; there are too many lots on narrow streets here; he would rather see Mr. Gioiosa come back to see if a conventional subdivision can be done first with drainage; he questioned how there can be zero net increase with one little detention basin. Mr. Gioiosa said there "absolutely" could be. Mr. Gallagher doesn't agree with the right-of-way and road widths; Mr. Gioiosa disagreed that is what the regs say.

Mr. Gallagher discussed that he was on the Board when the regulations were done; this plan is done to get more lots. He questioned if Lots 1, 2, 3, 4, 5 and 6 are being accessed properly. Mr. Iafrate read Sec. 5.1g of the zoning by-laws stating that multi-family or condo developments may seek alternate access via site plan approval. Mr. Gallagher said these are not condos, they're individual lots with an association; he doesn't agree and thinks the plan gets around the required lot area and frontage access issues. Mr. Iafrate noted Article 18 encourages creative and innovative site planning and design. Mr. Gallagher stated he was involved in the by-law, the roads should be conventional; he noted Berry Hill was designed with conventional roadways; he doesn't believe this plan follows the intent of the regs. Mr. Iafrate noted the by-law says the plan has to be designed to Planning Board rules and regs for roads but doesn't say they can't ask for waivers.

Mr. Gallagher believes the drainage basin is too small, noting Mr. Buckley earlier said he wants catch basins every 300 feet on a three-lot plan. He questioned the use of the wetlands as detention; Mr. Gisela explained they are used today. Mr. Gioiosa said he understands the concerns; he agreed on the Planning Board road standard issue but feels the idea of waivers is encouraged and up to the Board. He noted the fire department is okay with the plan; Mr. Gallagher said fire department doesn't design; Mr. Gioiosa feels they should carry some weight on public safety. Mr. Gioiosa will defer to JC on drainage issue; he thinks the soils are okay.

Mr. Gallagher does not agree on the idea of using wetlands for drainage; common driveways are meant to straddle two lots and not meant for use as roadways. Attorney Prophett read a section from the by-law regarding common driveways, stating that is the exact case here; Mr. Gallagher disagreed. Mr. Fountain wants to see what the review engineer says.

Mr. Gallagher is concerned with how little drainage there is. Mr. Gioiosa met with JC on the new proposal and they didn't seem to have an issue with this approach. Mr. Gallagher would like to see conventional road and drainage as other subdivisions; about 22 feet is as low as he would go for 50 lots even though this is an over-55 development. Attorney Prophett read from the 18.11, ARC by-law regarding designing with respect to natural features; they are following the by-law as best can; he has done a lot of research on the issue and the smaller road widths fit here. Mr. Gallagher asked if his research was in Raynham. Attorney Prophett explained he sees Berry Hill daily, there is not a lot of driving in there. Mr. Gallagher noted the by-law says the road should be designed by Planning Board standards; the Board has the last say. He feels it is an issue of public safety for elderly; he has designed many over-55 plans and never had lower than 24 to 26 ft. width; he doesn't like less than 22-ft. width; he knows the intent of the by-law. Attorney Prophett said they are following the by-law; Mr. Gallagher disagreed. Attorney Prophett has talked to the fire chief who informed him he is okay with trucks getting down the road, and JC has deferred to the fire chief. Mr. Gallagher respects the fire chief but said his decision is made, not less than 22 ft. road width.

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Mr. Fountain stated he has some reading to do; he wants to hear what the engineer says.

Mr. Teixeira said he questioned why they don't use Christopher's Way for access and was told there were restrictions on the land; he asked if they had the restrictions. Attorney Prophett gave a copy, and stated using Christopher's Way is not an option and is not being considered and there are wetlands in the area.

Mr. Teixeira discussed that although this is an over-55 development with less traffic, not many people retire at 55, usually retiring between ages 60 to 65; retired people go back and forth a lot and will use Church Street access not Rte. 44 for the sake of "staying alive." Attorney Prophett stated Berry Hill is a "ghost town" with minimal traffic; this development will have a lot of retired people. Mr. Teixeira noted Pine Hill community has many people who work; retired people don't sit home all day. Mr. Gallagher agreed there would be a lot of movement; Attorney Prophett said there would be less than conventional. Mr. Gallagher noted they have to go by the traffic manuals.

Mr. Iafrate asked if Mr. Gallagher had a laundry list of concerns other than pavement width. Mr. Gallagher said he does not like using the driveway/roadway as access to lots; it should be a right-of-way or access to the clubhouse; he does not want less than 22 feet pavement width; catch basins at 300 feet with conventional drainage system; doesn't like use of wetlands for detention; the swales are "creative," and he will consult with Azu; thinks there should be 50 ft. right-of-way, maybe compromise at 40 feet; and, the plan should be conventional road and made simple to hand over to an association.

Drew Knappik addressed the Board: He has the letter with the signatures as was requested; commented it was amusing that wetlands are an issue for the road but wetlands were moved for Christopher's Way, and the applicant lives there. He does not buy the traffic study; comparing Berry Hill to here is apples to oranges as Pleasant Street has a long sight distance; he believes the concerns are not taken seriously; he believes most will use Church Street access rather than Rte. 44; sees no movement to address Church Street concerns.

Mr. Gallagher note the attorney had issue with the unsigned letter; there have been continuances; they now have the letter signed and given a copy to the attorney and engineer to address. Mr. Knappik noted the traffic count doesn't take into account deliveries or construction. It was noted the letter has addresses but not known if all who signed are homeowners with standing. Mr. Fountain noted they can be concerned citizens.

After discussion, Mr. Gallagher moved to continue the hearing to April 4th at 6:30 p.m.; second Mr. Fountain. Motion passed 4-0-0. (Mr. Andrade was not present for the public hearing.)

There was brief discussion on site plan fees.

8:50 p.m. – Mr. Gallagher moved to adjourn; second Mr. Teixeira. Motion passed 4-0-0.

Respectfully submitted,



Russell Driscoll, Clerk