



TOWN OF RAYNHAM

PLANNING BOARD

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Raynham Planning Board

Meeting Minutes

Thursday, March 3, 2022

Call to Order

Mr. Gallagher opened the meeting of March 3, 2022, at 6:00 p.m. and informed the meeting is being broadcast live on the Raynham Channel, Comcast Channel 98 or Verizon Channel 34 or GoToMeeting.com.

Planning Board Members Present (5)

Mr. Christopher Gallagher, Chairman; Mr. Russell Driscoll, Clerk; Mr. Matthew Andrade; Mr. Brian Oldfield; and, Mr. Burke Fountain, Vice-Chairman - remote via phone

Also Present: Mr. Robert Iafrate, Building Commissioner/Planning, and Ms. Maureen McKenney

General Business

Approval of Minutes of February 17, 2022 - Tabled approval of minutes until the next meeting.

6:05 p.m. – Public Hearing – 1000 New State Highway

Mr. Gallagher informed that the Building Commissioner issued a letter dated October 12, 2021, regarding the use of the site. Mr. Gallagher agrees with recommendation as stated in Mr. Iafrate's letter. Mr. Gallagher noted that Beals & Thomas has addressed comments from Nitsch Engineering review letter. Waivers to be reviewed later in the meeting.

Present was Daniel deAbreu, Esq., Brennen, Recupero, Cascione, Scungio & McAllister, Taunton, MA. He informed that the site has substantial changes in terms of reconfiguration including the installation of a sound wall as a buffer zone on the northern end of the property.

Present was Daniel Gagne, P.E., of Beals & Thomas. He informed that concerns expressed by the Board a few months ago have been incorporated in the design. The southern portion of the site will contain a sound wall. This location is the proposed parking for tracker trailers and the northerly portion of the site will be parking for smaller type trucks. There is also a robust planting plan to help with noise. The existing fence will remain and the area beyond will have natural growth over time. Snow storage to be on pavement and/or removed if necessary.

The site is designed for 72 trailer parking spaces; 144 box truck parking spaces and 134 van parking spaces. Site lighting throughout with LED downward facing fixtures. A survey was conducted of the site for a stormwater management system with little to no system found in the ground. The proposed design will meet MassDOT and MEPA requirements. The sound barrier will be made with 2" thick pressure treated timber, 9 feet in height. Mr. Gallagher informed that he reviewed both the lighting and sound design.

Mr. Oldfield discussed the hours of operation and questioned if the trucks will be registered in Raynham. Mr. deAbreu informed that the property owner will not be the owner of the trucks.

Board members discussed a tracking gate for access and monitoring of trucks entering the site. Suggestion of a key card so that vehicles are not idling while entering or exiting. There will be no overnight sleeping in vehicles/trucks. Mr. deAbreu informed that security has not been determined. Signage was proposed to instruct drivers into the appropriate parking spaces and Mr. Gallagher suggested adding a traffic manager on the site.

Conditions as presented by Nitsch Engineering:

- Require site light to be shut off or dimmed in areas close to residents.
- Require site light to be fitted with house side shield or light trespass shield.
- Require baseline for noise levels and indoor vibration levels prior to construction.
- Owner should pay and provide quarterly monitoring or at a time interval determined by the Board of Health of notice vibration levels submitted to the Board of Health. Monitoring should be in perpetuity.
- No idling allowed on site.
- No vehicle or truck repair on site.
- Operations should be minimized to prevent backing up during off hours.
- Require restriction of hours of operation.
- Require air pollution sample and quarterly monitoring paid and supplied by the owner or a time interval determined by the Board of Health. Air pollution monitor should be submitted to Board of Health and should be in perpetuity.

Mr. Gagne informed that the queue from the street to the gate would be approximately four vehicles. Signage for traffic management was discussed and Mr. Gagne agreed that this is something they could do.

Mr. Gallagher suggested a requirement be added for no loading or unloaded of vehicles and no overnight parking. Mr. Fountain informed that the Board will require a new recorded test on lighting for the final occupancy.

Matthew Costa, Attorney at Law, 73 Washington St., Taunton, representing Mark and Pamela Menconi, 333 Judson Street; Brant and Patricia Cruz, 279 Judson Street; Anthony and Susan Foscarota, 283 Judson Street; People, Inc., of 317 Judson Street; and, Joseph and Angela Reidy, 329 Judson Street. Attorney Costa's clients are very concerned with the project as they have already experienced noise and other impacts from the site especially prior to the Zoning Enforcement Officer's letter dated October 12, 2021, ordering the owner to stop storing trucks until they were approved. Before this date, there were frequent complaints from his clients as Judson Street is directly behind the site. The plan and design presented tonight does not address his client's concerns.

Attorney Costa informed that he appealed the site use determination, and it is pending before the Zoning Board of Appeals. They remain to take the position that this is not a retail use and there is an argument that this is allowed in the business district because it is retail. Attorney Costa would argue that a parking lot where trucks are stored with no buildings is not a retail use site under any normal definition. Another concern is noise, of which he has not heard anything regarding a sound evaluation. There may be a requirement for a base line of decibel levels, but no report presented. His clients have no idea if the proposed sound barriers will be effective or not. Despite the efforts being made, coupling and uncoupling noise of diesel trucks are loud especially during the overnight hours. Based on the plan presented, there is nothing to prevent the trucks from navigating the whole site, waking up his clients during the night.

Under Zoning By-Law, uses that would tend to reduce property values in adjoining district, by reason of excessive noise, are not allowed. Therefore, the Planning Board does not have sufficient information to say that this would not create excessive noise that would impact property values.

Because of zoning issues and questions raised, Attorney Costa said that they are opposed to the petition and asked the Board to deny. The site does not include restrooms, and it has been indicated that idling would not be allowed, but there will be some idling necessary for trucks when warming up or backing up when they are in the process of picking up their trailers. How effective is the noise barrier? How will everything be enforced? Is there a plan for anyone to be on site? It appears that it will be left to the drivers to carry out the conditions of the Planning Board, and they will not have any knowledge of the what the conditions are. If this was a retail site, the owner would have incentives to follow the requirements.

Present via GoToMeeting.com was Mr. Matthew Reiger, Environmental Engineer with Tech Environmental, 303 Wyman Street, Waltham, MA. He explained that a sound assessment was performed and according to the report, it meets all rules and regulation that the town has. A computerized sound analysis was performed to see if the project complied with the MassDEP noise policy-MA Noise Regulations 310-CMR 7.10. Ambient monitoring was performed on the site to determine what the existing sound levels are followed by acoustic modeling to determine what the impact would be for the project; and then see if the project complied with the MassDEP noise policy. The ambient monitoring for the site was previously conducted in 2018 under the guidance of the Planning Board. Monitoring was conducted in different locations throughout the site and at that time, the Board did not accept the monitoring because there were concerns that it would be different if there were trees on the site.

The monitoring was redone by deploying a long-term meter in the northeast portion of the wooded area on site. The monitoring was done for a period of six days with reports received hourly during the day. The sound meter determined that the quietest time period was between 2:00 a.m. to 4:00 a.m., 38 decibels. Based on MassDEP noise policy, ambient lowest sound level would be between 2:00 a.m. to 4:00 a.m., and the allowable increase would be a 10 decibel or 48 decibels. Acoustic modeling was conducted, which included the mitigation items presented, sound barrier wall on northern portion of the property, as well as the sound barrier wall in the middle of the property, and the commitment by the applicant that all tractor trailer activities such as idling and hitching and unhitching occur in the southern portion, which is a great distance from homes on Judson Street. Monitored impacts were between 42-48 decibels. Therefore, the project complies with the MassDEP noise policy.

Mr. Fountain recommended the Board vote on the allowed use with an addition of a restroom on site. A small type building was discussed which would house a restroom facility. Mr. Gallagher would like to complete the hearing this evening with the Board moving forward and having time to list the conditions for the project.

Attorney Costa stated that based on the decibel readings, there will be an impact to his clients. He asked for a study to be conducted on effects of property values due to noise.

Ms. Menconi, 339 Judson Street, stated that property values will be affected especially due to 24-hour operations. Residents have had no time to receive a property value study. A property value study was conducted for the previous site proposal and there was a loss of equity in the amount of 80,000 for her property. The company has no vested interest in the town. During the time frame of August – November 2021, Ms. Menconi stated she experienced more disruption and noise in those three months than the entire time she lived in her home for the past 21 years. There were activities on site even after a Cease and Desist Order was given. She stated the applicant has a track record of not following rules of the town.

Mr. Jim Dupont, 118 Elm Street East, found the suggestion of a card access to be very good especially for knowing who is accessing the site. Mr. Dupont asked how the noise analysis was conducted if there is no berm installed.

Mr. Gallagher informed that part of the conditions would be for the Board to have the ability to revisit the noise aspect on this project, and, if found to be ineffective, the applicant will need to come up with something to correct the issue.

Mr. Anthony Foscarota, 283 Judson Street, questioned the plastic fence serving as a sound barrier. Mr. Gallagher informed that the existing fence will only serve as a screen barrier. Mr. Iafrate suggested a sketch of the sound barrier.

Ms. Patricia Cruz, 279 Judson Street, informed that the barrier does not extend beyond her property. She asked if there was sound data for trucks in the area behind her house. Mr. Reiger stated that trucks are committed to the southern portion of the site. With the proposed parking of box trucks behind her property, Ms. Cruz questioned the back-up noise. There is nothing except for trees behind her property. She also informed that there is excessive runoff of water from the site onto her property.

Mr. Gallagher asked if it would be possible to extend the sound barrier behind 279 Judson Street. Mr. Reiger said he will need to review the elevation, but the noise level at her home would comply to the noise policy of MassDEP. Mr. Gagne suggested the installation of a stockade fence behind Ms. Cruz's property. Mr. Gallagher suggested the proposed fence be changed to a sound barrier. Ms. Cruz asked if a noise study could be redone to include the addition of the barrier behind her house. She also asked if there was a local location of a similar site with a barrier installed so that residents could see what the real-life situation is like with a barrier.

It was noted the Board's Time-to-Act should be extended until April 21, 2022.

MOTION: Moved by Mr. Oldfield and seconded by Mr. Driscoll to close the hearing for 1000 New State Highway, Raynham, MA. Discussion: None. Vote: 5-0-0

Motion: Moved by Mr. Oldfield and seconded by Mr. Andrade to agree with the Building Commissioner/Zoning Enforcement Officer's letter dated October 12, 2021, that the site is an allowable use in the zone. Vote: 5-0-0

Waivers:

- Section 4.1 – Locus map
- Section 4.1.3 – Site plan scale
- Section 4.2 – Elevation of all streets and driveways, curb cuts
- Section 4.6 - Existing property contours
- Section 5.1.5 - Trees shall be four-inch trucked diameter
- Section 5.2.1 - All luminaries light fixtures
- Section 5.3.2.2 - 30-foot buffer zone
- Section 5.3.2.11 - Head wall with wind wall protection
- Section 5.3.2.12 - Minimum of one (1) test for detention basin
- Section 5.6.2 - Curbing not bituminous concrete
- Section 5.7.6 - Leveling area provided
- Section 6 - Development impact statement

MOTION: Moved by Mr. Oldfield and seconded by Mr. Andrade to approve the waivers as presented and listed on the front sheet of the plans. Discussion: None. Vote: 5-0-0

MOTION: Moved by Mr. Oldfield and seconded by Mr. Andrade to approve the Site plan entitled "Vehicle, Trailer, and Equipment Storage 1000 New State Highway Raynham, Massachusetts (Bristol County), owner and applicant 1000 New State Highway Industrial LLC c/o Criterion Group, LLC, 28-18 Steinway Street, Astoria, NY 01103, by Beals and Thomas Engineering, Surveyors, Landscape Architects, 32 Court St, Plymouth, MA, dated July 2, 2021, revised February 11, 2022. Discussion: Mr. Fountain would like to review the completed conditions prior to approval of the site plan.

Mr. Oldfield withdrew his motion.

Mr. Gallagher suggested continuing the Public Hearing until April 7, 2022, at which time the Planning Board will review the conditions. If the conditions are satisfactory to both parties, a vote can be taken or a continuance to April 21, 2022, for a vote.

MOTION: Moved by Mr. Fountain and seconded by Mr. Andrade to continue the Site Plan approval for 1000 New State Highway until April 7, 2022, at 6:05 p.m. Discussion: None. Vote: 5-0-0

6:10 p.m. – Continued Public Hearing – 1958 Broadway /Simulcast Center

Greg Driscoll, P.E., P.M.P Associates, representing Massachusetts Greyhound Association
The Board received correspondence requesting a continuation of the Public Hearing until March 17, 2022, with an extension on the Board's Time-to-Act until April 29, 2022.

Motion: Moved by Mr. Oldfield and seconded by Mr. Andrade to approve the continuation of the Public Hearing for 1958 Broadway, Simulcast Centers until March 17, 2022, at 6:30 p.m. and to approve the request for an extension on the Time-to-Act until April 29, 2022. Discussion: None. Vote: 5-0-0

6:15 p.m. Continued Public Hearing – 1958 Broadway/Warehouse Buildings

Present was Todd Morey, P.E., Beals Associate, Boston MA; Mr. Mike Wurtsbaugh, Portland Industrial, Atlanta, GA, and Ms. Elizabeth Peart, Traffic Management.

A review letter was received late today from Nitsch Engineering as well as a list from Mr. Iafrate of 8-9 items to be addressed.

Mr. Morey reviewed the project as presented during the last meeting including reduction for parking. The rendering of the building is shown on the plan as well as the requested roadway for the Fire Department.

Mr. Morey informed that they are proposing bollards at the entrance areas, handicap parking spaces and in front of the glass areas on the building for approximately 75 bollards to be installed. Mr. Fountain stated that if bollards are not used in front of all parking spaces, a letter stating that the building is structurally adequate should be received from a certified structural engineer.

Mr. Wurtsbaugh informed that there is a building located in Taunton, MA, very similar to the one they are proposing.

Mr. Dave McRae, 293 Prospect Hill Street, questioned the water capacity in North Raynham with the proposal of this project. Mr. Iafrate informed that they are currently working on this.

Traffic is a concern especially in the south bound lane of Rt. 138. Mr. McRae suggested one entrance for both projects rather than multiple signals. Elm Street East and surrounding neighborhoods have a weight limit. Police will need to patrol to make sure the trucks adhere to the weight limit. Mr. McRae asked if the Board will hire a traffic engineer to review this project.

Mr. Grabarz, Robinson Street, also expressed his concerns with the hours of the operation and the number of trucks in and out of the site. He asked for a possible restriction on the hours of operations. With the State scheduling reconstruction for Rt. 138 and the number of proposed trucks, there is a potential for increased accidents. Because vehicles will be detoured during the renovation project, he suggested this project be done after the Rt. 138 reconstruction.

Mr. Gallagher informed that the applicant should be communicating with MassHwy, District 5 to make sure the project is approved by them. Traffic during the reconstruction of Rt. 138 will be traveling through neighborhoods.

Ms. Ana DeRosier, 271 Hall Street, said there is noise and smell from the property currently; she can only image what it will be like with the addition of 750 trucks in the area.

Mr. Jim Dupont stated MassDOT has plans for Rt. 138, but Robinson Street intersection needs to be addressed by the town. Years ago, when the old track was operational, there was a police detail.

Mr. Tom Greco, 76 Karen's Way, stated that an adjustment to Robinson Street would be nice if it too was realigned. Ms. Elisabeth Peart, Traffic Management, informed that the proposed signal for the south driveway would aid in the Robinson Street approach. There is no realignment proposed for Robinson Street or evaluation conducted for the use of Robinson Street.

Mr. Greco expressed concerns with traffic diverted to neighborhoods. Roads are quiet and private. He asked for a diverted flow study.

Ms. Deb Drew, 75 Karen's Way, asked why such a large size warehouse if there is no known end user.

Mr. Steve Drew, 75 Karen's Way, stated that there will be an increase in air pollution due to the number of trucks.

Mr. Gallagher asked for a detailed plan of the signalization for Robinson Street.

Mr. Morey informed that both projects for 1958 Broadway are entirely separate. The use is not compatible for one driveway.

8:55 p.m. Mr. Fountain left the meeting

Mr. Morey requested a continuance until March 17, 2022.

MOTION: Moved by Mr. Oldfield and seconded by Mr. Andrade to continue the Public Hearing for 1958 Broadway Warehouses to March 17, 2022, 6:45 p.m. Discussion: None. Vote: 4-0-0. Due to the continuance, Time-to-Act should be extended.

General Business & Correspondence

- Invoices/Bills Payments - Bills reviewed by the Board.
- Correspondence: The Board received correspondence from a resident on Bayberry Road regarding a street sign. Mr. Iafrate has spoken to the developer and a sign will be installed.
- Old Business/New Business: None

- Planning Coordinator Update - *Mr. Iafrate*: The Collins Group submitted a suggestion for the Rules & Regulations.


- SRPEDD Update - *Mr. Matthew Andrade*: No report to present.
- Plans to be signed: None

Adjournment

Mr. Gallagher asked for a motion to adjourn.

MOTION: Moved by Mr. Oldfield and seconded by Mr. Andrade to adjourn from the Raynham Planning Board Meeting of March 3, 2022, at 9:07 p.m. with no business to be conducted afterwards. Vote: 4-0-0

Respectfully submitted,



Russell Driscoll, Clerk

Next Scheduled Raynham Planning Board Meeting:

March 17, 2022, @ 6:00 p.m.