



## **TOWN OF RAYNHAM**

### **BOARD OF APPEALS**

**RAYNHAM, MASSACHUSETTS 02767**

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## **Raynham Planning Board Meeting**

**Meeting Minutes**

**Thursday, March 17, 2022**

### **Call to Order**

Mr. Gallagher opened the meeting of March 17, 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.

### **Planning Board Members Present (5):**

Mr. Christopher Gallagher-Chairman; Mr. Burke Fountain; Mr. Russell Driscoll;  
Mr. Matthew Andrade and Mr. Brian Oldfield

### **General Business**

Raynham Planning Board – Approval of Minutes, February 17, 2022 and March 3, 2022  
The Board tabled approval of minutes until the next meeting.

### **Continued Public Hearing – Rules & Regulations**

**Motion:** Moved by Mr. Andrade and seconded by Mr. Fountain to continue the Public Hearing for Rules & Regulations until April 7, 2022 at 6:00 p.m. Discussion: None. Vote: 5-0-0

### **Public Hearing – Abbreviated Site Plan-40 Hill Street**

Mr. Driscoll read the Public Hearing notice.

The proposed project is for the construction of a 45 ft. x 65 ft. addition onto an existing building with associated utilities, additional pavement and landscaping. Mr. Gallagher stated that he reviewed the drainage calculations produced by Arthur Borden and Associates, and calculations are very accurate.

Present was Joshua Borden, P.E., Borden Associates, 302 Broadway, Raynham, MA. The project is designed to have infiltration trenches to the north of the property, which will include roof and the existing building. Proposed landscaping on the west side of the property for screening. Mr. Fountain asked if the abutter had any concerns due to the size of the building. Mr. Borden informed that there have not been any comments received.

**Motion:** Moved by Mr. Fountain and seconded Mr. Andrade to approve the plan entitled “Site Development Plan at Map 17 Parcel 176-4E - Hill Street In Raynham, Massachusetts,” prepared

for Mullins Builders, dated March 30, 2021, with a revised date of March 10, 2022, by Arthur F. Borden Associates, Inc. Discussion: None. Vote: 5-0-0

### **Public Hearing – 883 Broadway-Taco Bell/Site Plan & Special Permit**

Mr. Driscoll read the Public Hearing notice.

Present was Daniel deAbreu, Esq., 174 Dean Street, Taunton; Ms. Nicole Duquette and Ms. Heather Monticup of GPI Engineering; and, Mr. David Lockwood of Route 9 Realty, LLC. The proposed project is for the existing building on site to be demolished and a new building constructed of approximately 2,165 sq. ft. for a Taco Bell Restaurant with 40 seats and a drive-through window. A community outreach forum was held in November 2021, and the project appeared to have the support from neighbors. The applicant received Nitsch Engineering review letter earlier this week. Mr. Gallagher informed that the board received a comment letter (dated March 17, 2021) from the Sewer Department.

Ms. Duquette informed that the building on site will be demolished with the square footage and impervious to be decreased. The site does not drain well, which causes flooding for neighbors. The current landscaping consists of a green strip that is in the MassDOT right-of-way. The plan is to raze the site and construct a new building with a drive-through component. The drive-through lane queue will have a total of seven vehicles within the stacking lane with the ability to have additional vehicles before the State road. Menu board to be located 101 feet from the neighboring lot. Water table on site is three feet underneath ground surface. Surface area infiltration basin to be in each landscaping area, five in total. Significant decrease of water runoff for neighbors and onto MassDOT right-of-way. Applicant is proposing a new service for water with connection to existing sewer, gas and electric. Hay bales and silt fence is proposed for the erosion control. Proposing wall signage of 62 sq. ft., a free-standing sign of 28 sq. ft. at a height of 6 feet. Landscaping design will include four internal trees within the site as well as trees along edge of property. The applicant spoke with Mr. William Reynolds from the Conservation Commission regarding the wetland area on the corner of the lot. This will be placed on the agenda for first Conservation Commission meeting in April.

Ms. Monticup informed the site has two large curb cuts. As part of redevelopment, they are proposing to close the access on Richard Street and modify Sylvan Street driveway to be in conformance with a new driveway on Rt. 138. A meeting was held on September 24, 2021, with MassDOT regarding the project and their proposal for reconstruction of Rt. 138. Comments from MassDOT are expected next week. Traffic study waiver is requested due to MassDOT advising that one is not necessary. The proposed drainage is also being reviewed by MassDOT along with Richard Street having ADA requirement. The area beyond the lot line in the rear of the property is wooded and owned by the Wongs and is not buildable. Mr. deAbreu informed that they will be working with the Raynham Highway Superintendent on the upgrade to the surrounding streets.

Mr. Fountain asked about the microphone on the drive-through and the level of noise. Ms. Duquette informed that the proposed trees will buffer sound and they will look at adding additional shrubs in the area. Bollards will be installed in front of each parking space in front of the building. There is a sidewalk in the rear. The site has a total of twenty-eight parking spaces.

Both entrances will be designed for in-and-out access with the intention of a one-way flow around the building.

Present was Ms. Anna Franzosa, 46 Sylvain Street. She informed that she and her neighbors do not have any strong objections for the project although they do have concerns regarding pedestrian safety, light and sound pollution, and environmental (such as runoff). She asked if car traffic could be limited behind the property. Currently, the parking lot is used as a school bus stop. She asked that the applicant work with the school district for safety of children in the area. Due to the size of the lot, she asked for a thorough snow removal plan. Another concern is lighting from headlights going into neighbors' homes. She asked for fence and/or evergreen plants to minimize the headlights. Ms. Franzosa asked the applicant to take into consideration the volume of the drive-through speaker, particularly before 9:00 a.m. and after 8:00 p.m. The neighbors appreciate the applicant wanting to work with them on the concerns especially regarding the runoff. Ms. Franzosa asked that the development company continue working together with the neighbors and in the future if any new problems arise.

Mr. Gallagher suggested the items presented tonight be forwarded to the Planning Board in writing so that they may be sent to Nitsch Engineering.

Mr. Gallagher expressed concerns with trash and questioned the on-site receptacles. Mr. Fountain would like to see the snow removal plan for the project.

Mr. Gallagher suggested a continuance to April 7, 2022, as well as an extension on the Board's time to act.

**Motion:** Moved by Mr. Fountain and seconded by Mr. Oldfield to continue the Public Hearing for 883 Broadway, Taco Bell site plan and special permit to April 7, 2022, at 6:10 p.m.  
**Discussion:** None. **Vote:** 5-0-0

### **Continued Public Hearing – Site Plan 1958 Broadway / Simulcast Center**

The Board received a letter requesting mitigation for Robinson Street.

Present was Mr. Pimento, Robinson Street, who asked if an independent traffic study will be conducted. Nitsch Engineering is reviewing the project and will request team to review the traffic. Mr. Pimento expressed concerns with the width of Rt. 138 and hours of operation.

Mr. Gallagher explained that the project is currently going through a review with MassDOT and MEPA. Mr. Fountain requested a traffic plan on the proposed traffic light to be included in plan package.

Present was Mr. Chris Carney, property owner. He informed that the project was presented to MassDOT, who will be making the final decision on the signalization or not. Mr. Gallagher said that the Board will work on addressing traffic signals with a condition of a traffic officer until such time of the signalization installation. Mr. Carney discussed the potential patronage for his establishment. There are approximately 200 people daily and 300-500 people on the weekend visiting the simulcast center. At this time, there would not be a need for a traffic officer. In the future, if the State approves sports betting, the number of vehicles visiting the site could increase.

Mr. Jacobs, of PMP, said that he wouldn't want the approval of the project tied to getting a traffic light just in case MassDOT does not approve.

Mr. Gallagher suggested Mr. Carney submit verbiage on the traffic signal to be considered during the drafting process of the conditions by the Board. Mr. Carney would like the Board to approve the project tonight as MEPA will be taking months to make their decision. The Board's time-to-act is April 29, 2022.

Waivers (Per correspondence dated March 14, 2022, from PMP Associates for Proposed Raynham Park Simulcast Center):

- 6.5(a) Waive the requirement to allow pavement for parking areas within seven and a half feet of any building wall.  
(Parking from closest building wall is approximately six feet, four feet in the rear for employees)
- 4.1 Waiver for the scaling of the locus map
- 4.7 Waive the requirement for landscape plan stamped by landscaper architect
- 4.8 Waive the requirement of the location size capacity of on-site abutting utilities and new utilities to be installed as part of the new project.
- 4.14 Waive the requirement for site plan scale 1:20 to 1:40
- 5.1.2 Waive the requirement for three-foot-wide landscape strip around the foundation wall
- 5.1.5 Waive the requirement that states parking lots containing ten or more spaces to have one tree per eight spaces
- 5.2.3 Waiver of requirement that lighting fixtures shall not exceed twenty (20) feet in height or the height of the building's roofline, whichever is lower.
- 5.2.4 Waiver of requirement that the wall pack lighting fixture shall not exceed 20 feet in height.
- 5.3.2.1 Waiver of drainage requirements that the 25-foot buffer screen is aesthetically pleasing and existing vegetation shall be in between all detention structures and adjacent off site uses
- 5.3.2.8 Waive the requirement that retention basin should provide 150% of the storm water volume for the 100-year storm.
- 5.3.2.11 Waive the requirement that head walls with wing walls are required at the outfall of all drainage
- 5.4 Waive the requirement that parking spaces shall not be located between the building and street layout.

- 5.6.2 Waive the requirement to allow the install of bituminous concrete Cape Cod berm; and Waive the requirement to allow the install of precast concrete curb and monolithic concrete curb within site.

Mr. Fountain reminded everyone that the Highway Superintendent does not allow waivers for stormwater requirements. Mr. Gallagher discussed that because this is on private property, he did not feel that this is under his purview.

**Motion:** Moved by Mr. Fountain and seconded by Mr. Andrade to approve waivers as listed. Discussion: None. Vote: 5-0-0

Mr. Gallagher would like to close the Public Hearing and vote to approve the site plan.

**Motion:** Moved by Mr. Fountain and seconded by Mr. Andrade to approve the site plan entitled "Site Development Plans Proposed Raynham Park Simulcast Center 1958 Broadway (Route 138) Raynham, Bristol County, MA 02767," prepared for Massasoit Greyhound Association by PMP Associates, A Jacobs Driscoll Engineering Inc. Company, Civil Engineering, Land Surveying Professionals, East Bridgewater, MA; plan dated January 26, 2022, revised through March 14, 2022. Discussion: Mr. Fountain added subject to final list of conditions to be added to the Certificate of Action, which will include traffic light and police detail until signalization is installed. Vote: 5-0-0

#### **Continued Public Hearing – 1958 Broadway/Warehouse Buildings Site Plan & Special Permit**

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

The Board received correspondence dated March 17, 2022, from Mr. Tom Greco, Karen's Way, representing the neighbors. Within the letter, the residents ask that the end of Robinson Street be closed to mitigate the cut through of vehicle traffic, a four-way signal at outlet of Robinson Street, no through traffic sign on Robinson Street and Hall Street, and work on the realignment of the traffic signal at Robinson Street. The letter also expressed concerns for noise.

Mr. Morey summarized the second comment letter received today from Nitsch Engineering. He discussed with the Board the comments as recommended by Nitsch (puddling in parking lot, HydroCAD model for 100-year storm and additional test pits in basin area).

Concerns stated in Mr. Greco's letter were:

\*Noise and light: The loading facility is behind the front building and will serve as a sound barrier. He feels that this is better than a sound barrier wall. The proposed extensive landscaping located in the front near Rt. 138 will also help with sound.

\*Signage for "no jake brake": The installation of a sign is not an issue but will need approval from MassDOT. If MassDOT does not approve signage, Mr. Gallagher suggested one to be erected on the property.

\*Light barrier: Proposed trees along Rt. 138 should help reduce light pollution. There is a total of 63 trees designed between both driveways. Lighting to be used will be LED fixtures, dark sky compliant, downward facing fixtures. Light poles to be twenty-five feet in height.

\*Security: The site will be gated with security even during the overnight hours.

#### Public/Community Comments:

Ms. Deborah Drew, 75 Karen Way's, questioned the type of trees. The tree type and size were reviewed as listed on the plan. If Robinson Street is not to be a dead-end, Ms. Drew requested a sidewalk for residents.

Mr. Carney informed that he gave the Town \$300,000 for mitigation of the project. Those funds could be used for such requests as sidewalks. Mr. Gallagher informed that all requests must be appropriated at Town Meeting.

Ms. Carla McRae, 307 Prospect Hill Street, asked if one traffic signal could be considered for both properties. She brought up the Paramount Drive/Walmart signalization with only one driveway. Both projects are different and will have two different addresses. The distance between proposed traffic signals is 600 feet.

Mr. Carney informed that the address for the Simulcast Center will remain 1958 Broadway due to liquor licenses, etc. The warehouse address will be determined by the Building Department. Mr. Grabarz discussed the property and future use not being determined. He expressed concerns with delay of school buses and mail delivery with the additional traffic. There recently was an article about Mr. Carney's future plans at the site and the increase of traffic. With the increase in traffic and the funds Mr. Carney has given the Town, Mr. Grabarz asked why couldn't a new fire station be built for the area.

Via phone; Mr. Tom Greco, asked if the dead end for Robinson Street or sidewalk is a project that Mr. Carney would be willing to enter with the Town. Mr. Greco thanked Mr. Carney for the gesture of funding signs for Robinson Street.

Mr. Gallagher closed the comment section of the public hearing.

The Board will need to approve the following waivers, Special Permit and Site Plan.

Waivers from the following Sections of Planning Board Rules and Regulations Governing the Issuance of Site Plan Approval as outlined in Beal Associates letter dated March 15, 2022:

- 4.1 Waiver for locus map scaling
- 4.7 Waiver for proposed landscape features and signed stamped plan by landscape architect
- 4.8 Waiver for onsite and abutting utilities
- 5.1.2 Waiver for 3-foot-wide landscape strip up against building
- 5.1.3 Waiver for 25-foot buffer areas maintained from any wetland resource area
- 5.1.5 Waiver for parking lot containing ten or more spaces shall have at least one tree per eight spaces

- 5.2.3 Waiver of luminaire not to exceed 20 feet in height, sidewalk path shall not exceed 12 feet in height.
- 5.4 Waiver for parking lot designed to include median strip and landscape islands.
- 5.6.4 Waiver for bollards to be placed along the side of buildings exposed to vehicular traffic.
- 6.4 and
- 6.5 Waiver for fiscal impact assessment and community impact assessment statement

Mr. Morey informed that during the last meeting the Board discussed bollards to be installed at doors and at locations where concrete walls are less than 9 inches thick.

**Motion:** Moved by Mr. Fountain and seconded by Mr. Driscoll to approve waivers as set forth in Beals Associates letter dated March 15, 2022. Discussion: Mr. Fountain amended the motion to add that waivers are to be subject to Section 5.6.4 for bollards to be within 30 feet of doors and anywhere where the building concrete is less than 9 inches thick. Mr. Andrade seconded. Vote: 5-0-0

Special Permit: **Motion:** Moved by Mr. Gallagher and seconded by Mr. Fountain to grant a Special Permit to allow parking reduction as shown on the plan. Discussion: Mr. Driscoll suggested leaving the Special Permit open since the future user is not known, and the number of parking spaces could either increase or decrease. Mr. Morey informed that the proposed number of parking spaces are 1181. If a tenant requires less or more, the applicant will need to come back before the Board.

Mr. Gallagher amended the motion to state parking as shown on plan, changes subject to further review and approval by the Planning Board whether through Site Plan Review or Minor Modification. Mr. Oldfield seconded and asked if vehicles will be registered in Raynham or if it could be a condition. No vehicles will be registered in the Town of Raynham. Vote: 5-0-0

Site Plan: When applying for permits, the applicant will need to do so with the new address to be supplied by the Building Department.

**Motion:** Moved by Mr. Fountain and seconded by Mr. Oldfield to approve the site plan entitled "Plans to Accompany Permit Documents for Raynham Business Park 1958 Broadway (Route 138) Raynham, Massachusetts Original Issue Date: January 25, 2022," amended through March 14, 2022, by Beals Associates, subject to changes for bollards and traffic light as discussed; subject to conditions to be drafted by the Planning Board no later than April 30, 2022; and to include recommendations from Nitsch Engineering. Discussion: None. Vote 5-0-0

#### General Business & Correspondence

- Invoices/Bills Payments: None
- Correspondence: None
- Old Business/New Business: None
- Planning Coordinator Update: None as Mr. Iafrate was not present
- SRPEDD Update - *Mr. Matthew Andrade:*

-The next SRPEDD Meeting is scheduled for March 23, 2022.

-The Board received information regarding District Local Technical Assistance (DLTA).

- 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 17, 2022, at 8:37 p.m. with no business to be conducted afterwards. Vote: 5-0-0

Respectfully submitted,



Russell Driscoll, Clerk

Next Scheduled Raynham Planning Board Meeting:

April 7, 2022 @ 6:00 p.m.