



# **TOWN OF RAYNHAM**

## **PLANNING BOARD**

**RAYNHAM, MASSACHUSETTS 02767**

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

### **Raynham Planning Board**

#### **Meeting Minutes**

**April 7, 2022**

#### **Call to Order**

Mr. Fountain opened the meeting of April 7, 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.

#### **Planning Board Members Present (4):**

Mr. Burke Fountain; Mr. Russell Driscoll; Mr. Matthew Andrade and Mr. Brian Oldfield

**Arrived Late:** 6:06 p.m. Mr. Christopher Gallagher, Chairman

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

#### **General Business**

Approval of Planning Board Minutes, February 17, 2022, March 3, 2022, and March 17, 2022

**Motion:** Moved by Mr. Fountain and seconded by Mr. Oldfield to approve and waive the reading of the Planning Board minutes from February 17, 2022, March 3, 2022, March 17, 2022.  
**Discussion:** None. **Vote:** 5-0-0

#### **Continued Public Hearing: Subdivision Rules & Regulations**

**Motion:** Moved by Mr. Fountain and seconded by Mr. Andrade to approve the Subdivision Rules and Regulations Governing the Subdivision of Land in the Town of Raynham, MA, as printed. **Discussion:** None. **Vote:** 5-0-0

#### **1094 New State Highway/Hyundai - Request for Abbreviated Site Plan**

Present was Kristen Labrie, Howard Stein Hudson Engineering. The construction is for a renovation of the building with a proposed addition in the rear, approximately 5,000 sq. ft. and a covered parking area located on the right side of the building to be used as a pick-up location of cars. Site work consists of moving an oil grid separator from its current location to the outside of

the proposed building as well as moving the current gas service. No addition to the impervious area. The applicant seeks a minor modification.

Mr. Iafrate stated that the Board would need to spend time for a proper design of the buffer due to residential in the back of the property. Noise may need to be addressed as a condition to not allow any speakers or intercoms in the rear of the building. Also, a parking legend is needed for what's existing and what is going to be proposed.

**6:06 p.m.** – Mr. Christopher Gallagher arrived

Ms. Labrie informed that they will be proposing seven new parking spaces to the current count.

**Motion:** Moved by Mr. Fountain and seconded by Mr. Oldfield to accept 1094 New State Highway Hyundai request for Abbreviated Site Plan. Discussion: None. Vote: 5-0-0

**Public hearing: 1000 New State Highway**

All waivers were previously approved.

Mr. Gallagher informed that a letter was received from Mr. Daniel deAbreu, 174 Dean Street, Taunton, dated April 5, 2022, with comments and rejections of conditions.

Conditions

#1 - Guard manager shall be placed on site to direct traffic flow and to maintain proper placement of vehicles during hours of operations, which shall be from 7:00 a.m. – 10:00 p.m. The gate shall be locked when no guard manager is on duty.

*Comment* - Petitioner objects to any restriction on hours of operations. There is no basis for such restriction, the sound study was conducted by Tech Environmental and demonstrated that the proposed facility will not create a noise nuisance. Applicant will fully comply with DEP noise policy. The key aspect of the project since its inception has been a 24/7 hours of operation. The petitioner has made a substantial effort to address the concerns of the Board that arise from a 24/7 hours operation. The petitioner objects to being required to staff the site with an on-site guard manager. The petitioner requests that the condition be modified to strike any reference to restricted hours of operation and permit installation of a security system sufficient to monitor the site and investigate any complaints.

Mr. Gallagher fully agrees with petitioner because they did propose a 24/7 operation and has gone through great lengths between noise studies to show that it complied with the noise requirement. A proposed sound barrier will help deflect and absorb the noise. A full-time guard may not be necessary when parking cars or trucks. They could simply have cameras and the Board could revisit the full-time guard in the future. Mr. deAbreu offered clarification on the applicant's objection to the condition and commented on their suggestion of no guard on site.

Mr. Fountain would like the restriction to remain and if there is no problem with noise then perhaps the requirements could be loosened up.

Mr. Driscoll suggested 24/7 hours of operation for 6 months; if any issues, the Planning Board has the right to uphold the proposed condition. He is in favor of the operation being 24/7 but doesn't want the neighbors to have to hear the noise.

Mr. Gallagher informed that the proposed system in lieu of the guard would have the evidence of the issue if a complaint is received. Mr. deAbreu questioned the true mechanism for the Board under the by-Law for this condition.

Mr. Iafrate informed that discussion is not whether to agree or disagree with the Board's opposition to condition. Since the Board agreed with Mr. Iafrate decision, they need to make sure that all negative impacts are mitigated and that is why the conditions have been put together. All the conditions can be tweaked, but the objections to all the conditions will not actually solve some of the potential problems that have been seen and could potentially come out of the use of this property. If the Board waits to see if there are complaints, there will be complaints and they are going to be by the dozens, and they can happen immediately. Mr. Iafrate suggested imposing adequate conditions and if those issues don't arise, the Board can revisit it in the future and/or removed.

Mr. Gallagher stated that the Board needs to mitigate for noise, light, etc. He feels that the applicant has addressed with all the studies conducted. Restricting hours may cause issues with traffic on Rte. 44.

According to the letter received, Mr. Iafrate pointed out that the applicant has objected to everything that has been built into the conditions which has been worked on for the past two weeks. The conditions control the site to mitigate issues.

If the Board does not restructure the hours of operation, Mr. Andrade informed that a guard needs to be on site regardless of cameras. Audio on a camera is not the same as in real life. A guard can be on site to physically direct traffic, patrol it and inform drivers if they need to move. Mr. Fountain spoke of the complaints received regarding dealers along Rt. 44. It was noted that delivery drivers are independent drivers and the Board has no control of them.

Mr. deAbreu agreed with in lieu of restricting operations, a guard to be on site.

Mr. Iafrate suggested restricting parking overnight in the spaces toward the back near the sound wall if the Board is lifting the condition on restricting hours. The Board discussed the hours for the guard to be on site.

Mr. Fountain stated that if the guard on site does not work out, the Board reserves the right to revisit the topic and restricting hours of operations if need be.

#3 - Construction of the manufactured structure and restroom facilities. Structure will be tied in to Town sewer and water.

#4 - Entrance gate located 80 linear feet back.

#5 – No other storage other than registered trucks, trailers *and other motor vehicles* on site.  
*Comment:* suggested added language, “trucks, trailers and other motor vehicles on site.”

#6 – Applicant requests the ability to garage vehicles in Raynham at this facility, therefore, all vehicles must be registered in Raynham.

*Comment* - The vehicles parked on site may not be the garage location of the vehicle. Some may be there for a stretch of time but brought somewhere else.

Mr. Fountain stated that tractor trailers may be coming from out of state, but the small delivery vehicles will be making deliveries in MA and should be registered somewhere in MA. The whole use of the property is for garaging vehicles. The Board currently conditions FedEx because their vehicles are garaged overnight.

Mr. Iafrate suggested reaching out to the Board of Assessors for rules that the Board can go by. Board members agreed to leave the condition as is.

#7 – There shall be no loading or unloading of merchandise on site.

#8 – Lighting on the northern side should be shut off between 10:00 p.m. - 7:00 a.m.

Mr. Gallagher feels that it will not be a safe situation to shut the lights off if there is no restriction on the hours of operations. Mr. Andrade suggested the guard on site should be able to dim or lower the lights in the section from the sound wall back. The proposed lighting is to light the pavement and minimum lighting has been proposed.

Board to strike Condition #8

#9 – All lights shall be fitted with shields to direct lighting down  
Waiver issued by the Board. Strike Condition #9

#10 - No vehicle repairs conducted on site.

#11- No *excessive idling, no idling in violation of application law* on site

*Comment* – suggested added language “no excessive idling, no idling in violation of applicable law.”

Board concurs with comment for Condition #11

#12 - Noise report to be submitted quarterly to the Board of Health for review.

Mr. Iafrate informed that the language in this condition was given to the Planning Board through Nitsch Engineering.

#13 - Site work shall not commence until all Federal and State permits are issued.

Mr. Iafrate informed that this is a general condition used by the Planning Board. Because work on the site has begun, condition #13 could be removed. Board concurred.

#14 – All tree plantings should meet the minimum caliper.

Waiver issued by the Board. Strike Condition #14.

#15 – All project review fees to be paid prior to signatures

#16 – Sound wall to the north shall be extended westerly approximately 300 feet.

*Comment* – Suggested language change to read, “The sound wall shall be constructed approximately an additional 300 feet along a portion of the northern wall of the parking area in the vicinity of parcel 15-122.”

Board agreed with the language.

#17-#22 Remain as drafted

**Motion:** Moved by Mr. Fountain and seconded by Mr. Oldfield to approve the conditions as discussed and amended for 1000 New State Highway. Discussion: None. Vote: 5-0-0

Site Plan Approval:

**Motion:** Moved by Mr. Fountain and seconded by Mr. Oldfield to approve the Site Plan for 1000 New State Highway subject to the conditions imposed herein. Before signatures, the Planning Board requires a plan that reflect those conditions. Discussion: None. Vote: 5-0-0

Public Hearing: 883 Broadway/Taco Bell:

**Motion:** Moved by Mr. Fountain and seconded by Mr. Driscoll to continue the Public Hearing, 883 Broadway-Taco Bell until April 21, 2022, at 6:10 p.m. Discussion: Mr. Fountain asked if the applicant was working with Mr. Ed Buckley, Raynham Highway Superintendent, regarding drainage. Mr. Iafrate informed that there was a ZOOM meeting today on the project with MassDOT, and MassDOT is going to doing a lot of work around the site including straightening out one of the roads that is a fish tail. Mr. Buckley is working on the concerns for the back streets and the drainage coming off the site. Mr. Fountain also expressed concerns as to why the current owner is not selling all the property, the back portion was left as is. Vote: 5-0-0

**1900 Broadway / Simulcast - Certificate of Action/Conditions:**

Waivers and site plan approval

## Certificate of Action with conditions

### Conditions:

#1 – All revisions from the approved plan should be approved by the Planning Board and review engineer as a major or minor modification.

#2 – If the facility is permitted for additional betting, slots, sporting and a modification to site plan approval would be necessary

#3 - Applicant will be responsible for signage deemed necessary by the Planning Board for Wilbur Street, Robinson Street and Broadway areas.

#4 - Improvements to the Robinson Street/Broadway intersection required by MassDOT in the Town of Raynham will be the responsibility of the applicant. Mr. Gallagher suggested the language stating Town of Raynham be removed due to MassDOT Highway.

#5 - All existing business activity on the subject site shall be extinguished before issuance of the building permit and all vehicles, debris junk should be removed from site.

#6 - There shall be no stockpiling of materials or storage of vehicles on subject site.

*Comments* - language change to “No materials shall be stockpiled or vehicles stored on the subject site after the granting of the occupancy permit.”

#7 - The dumpster corral to be expanded to support proposed restaurant facility size requirement.

#8 - Internal and external directional signage to be installed to direct traffic flow to be approved by the Planning Board prior to endorsement.

#9 – No-parking signage shall be installed along the full length of the access road. Mr. Iafrate stated that a couple of signs would be sufficient.

#10 - Final entrance layout signalization plan to be approved by Planning Board prior to endorsement.

*Comment* – suggested language change to, “If MassDOT does not approve the signalization as proposed in the Planning Board approval then the applicant must immediately submit a new plan to the Planning Board that reflects MassDOT approval.”

#11 - All cost associated with the project internally and externally will be the responsibility of the applicant.

#12 - All vehicles related to the operation or connected to an on-site business shall be registered in Raynham.

*Comment* – suggested language to be added, “All *commercial* vehicles related to the operation or connected to an on-site business shall be registered in Raynham.”

#13 - Suggested language change by Mr. Gallagher, "Developer donation of \$300,000 shall be dispersed to Raynham Police Department and Fire Department evenly. The funds shall be submitted to the Board of Selectmen before occupancy permit received. Two checks written, one to the Raynham Police Department in the amount of \$150,000 and another \$150,000 check written to the Raynham Fire Department."

#14 - All lights shall be fitted with shields to direct lighting down

#15 - All tree planting shall meet the minimum caliper size required for Raynham Planning Board.

#16 - All project review and legal notices shall be paid in full prior to endorsement of plan and a minimum balance of a thousand dollars must be maintained in the review account for as build review and inspections.

#17 - The plan shall be endorsed by the Planning Board prior to the issuance of a full building permit. Prior to the endorsement of the final approved plan, the applicant shall add a copy of the Certificate of Action to the set of plans.

#18 - The developer shall deposit funds or post a surety bond, *prior to occupancy permit*, approved by Town Counsel into an escrow account controlled by the Planning Board equal to 130% of the cost of related to signalization and other off-site traffic infrastructure work. These funds shall be used for construction requirements and public safety details. the amount shall be calculated by the Planning Board consultant.

*Comment* – language to be added, "*prior to occupancy permit*,"

Mr. Gallagher stated that the applicant could issue a bond to the Town of Raynham and once MassDOT requires a bond, it could be switched over to them. Because the amount of the signalization is not known, the bonding amount would not be a true amount.

Board concurred to strike Condition 18

#19 - The Planning Board reserves the right to have a traffic control officer to direct traffic at peak hours at the entrance to the site at the applicant expense *if facility obtains sports betting license*.

*Comment* – language to be added, "*if facility obtains sports betting license*."

#20 – Final As-Built plan shall be submitted via Autocad.pdf

**Motion:** Moved by Mr. Fountain and seconded by Mr. Oldfield to accept the Certificate of Action as set forth with the conditions as discussed and amended. Discussion: None. Vote: 5-0-0

**1958 Broadway / Warehouses - Discussion of conditions of approval:**

Conditions –

#1 - #4 As drafted

#5 - All vehicles related to any future operation or connect to the on-site business must be registered in the Town of Raynham.

Members concurred to strike Condition #5

#6 - All lights shall be fitted with shields to direct light downward. Parking lot lighting other than security lighting shall be dimmed or turned off between the hours of 11:00 p.m. to 7:00 a.m.

*Comment - All fixtures will not have shields except for the lighting in the middle of the parking lot which are set to spray outward. Suggested language change – All lighting shall be dark sky compliant and shall be designed to direct light to the ground surface through the use of shields or other features.*

#7 - Strike Condition #7

#8 - Planning Board reserves the right to have a traffic control officer to direct traffic at peak hours at the entrances of the site at the applicant's expense.

#9 - Final entrance layout signalization plan to be approved by Planning Board prior to endorsement.

*Comment - suggested language change, "If MassDOT does not approve the signalization as proposed in the Planning Board approval then the applicant must submit a new plan to the Planning Board reflecting the MassDOT approval."*

#10 - Prior to endorsement of the plan, applicant should add a copy of the Certificate of Action to the set of plans.

#11 - There shall be no storage of vehicle parts or outside repairs of vehicles on site.

#12 - All project review fees, legal fees must be paid prior to signing of the plan.

#13 - Communication improvements in accordance with the Raynham Police Department and Fire Department approval before occupancy permit.

*Comment - Mr. Gallagher asked if the applicant would be willing to donate funds for devices, approximately \$150,000-\$200,000 per CMR.*

#14 - On-site security shall be provided by the tenants during working hours.  
Board concurred to strike Condition #14



#15 - Large building numbers and on-site directional signage will be provided and approved by the *Building Commissioner*.

#16 - Strike Condition #16.

#17 - All fill and part of the project shall be clean and not containing hazardous materials.

#18 - Final As-built plan with drainage, landscape etc. to be submitted to the Planning Board.

#19 - Standard applicant owner/operator will follow the OM Plan

#20 - #21 – Strike Condition #20 & #21

#22 - Final approved plan shall be endorsed by Planning Board prior to issuance of a full building permit.

**Motion:** Moved by Mr. Fountain and seconded by Mr. Andrade to approve the Site Plan and Certificate of Action entitled 1958 Broadway, warehouse distribution building, Planning Board Site Plan, File S-2022-1 and SP-2022-1 as set forth on the draft of the Certificate of Action and reviewed with changes as set forth on the Conditions discussed this evening. Discussion: None. Vote: 5-0-0

**8:08 p.m.** - Mr. Driscoll left the meeting room

**8:09 p.m. - 40 Hill Street – Certificate of Action**

**Motion:** Moved by Mr. Oldfield and seconded by Mr. Fountain to approve the Certificate of Action, 40 Hill Street. Discussion: None. Vote: 4-0-0 (Mr. Driscoll not in the room.)

Mr. Gallagher left the meeting room

**Public Hearing: Master Plan**

Mr. Andrade read the Public Hearing notice

**8:11 p.m.** - Mr. Driscoll and Mr. Gallagher returned to the meeting room

Present was Ms. Lizeth Gonzalez, SRPEDD.

The Master Plan represents main missions for the Town to achieve over the life of the plan, approximately 5 to 10 years. The process to compile the Master Plan took 2 plus years. There were two sessions for each of five public workshops for a total of 10 meetings, which included individual discussions with Town staff and members of the public. The project team received feedback through online activities, public workshops, project webpage and social media. A survey was conducted asking both residents and business owners to describe their current relationship to the Town. The survey results provided a conversation the project team could use

during the Master Plan process. A total of 536 responses were received, 50% from residents who have lived in town for more than 16 years with 50% of those who responded between 35-54 years of age.

The mapping exercise encouraged participants to pinpoint locations in Town that they identified as a problem, challenge or solution. Key information was reviewed along with the State's plan to restore commuter rail service from Boston to New Bedford. The Town benefits from a healthy economy including the success of Paramount Drive, manufacturing, retail trade, accommodation and food services.

The Master Plan's grand vision for Raynham's future was discussed through eight elements. Land use is the element where Raynham encourages development to support growth in appropriate areas of Town, ensuring consistent architectural design and form to support the creation of a vibrant, walkable and distinct Town Center. The goal is for a Town Center with mixed-use zoning, design guidelines and cultural programming that could be a place for community. The relocation of the public safety facility provides an opportunity to develop that parcel with this vision in mind. Housing is the element where Raynham increases its housing stock to ensure affordability in order to enable residents to "age in community" and that opens Raynham to young families and first-time homebuyers. A vision for diverse housing includes developing adult retirement communities through the Town's ARC bylaw. Economic development is the element that fosters commercial and industrial growth in select areas of Raynham, focusing on facilitating the development of small business. A vision for small business growth would support new zoning for Rt. 138 as a mixed-use overlay district.

Natural and cultural resources is the element where Raynham supports and promotes local events, amenities and spaces while considering new opportunities to build community pride and connectivity. This includes a vision to better preserve and protect Raynham's natural habitats and landscapes. Open space & recreation is the element where Raynham continues to protect and preserve its open spaces and strives to create more opportunities to access recreational sites. A vision for water access would give residents more recreational access along Hewitt's Pond and the Taunton River. Services & facilities provides modern and accessible facilities that meet the needs of Raynham's departments and carefully considers the future use of under-utilized facilities. A vision for modern facilities includes the development of a new public safety facility and a feasibility study to assess the future of the current library.

Transportation & circulation improves circulation, safety and appearance for all users of Raynham's roads, and promotes alternatives to driving when enjoying Raynham's natural and recreation spaces. A vision to improve bike and pedestrian opportunities in Town would include developing a Bike and Pedestrian Plan. Residents want to feel safe walking in their neighborhoods and around Town. Implementation is the final element of the Raynham Master Plan. Ms. Gonzalez suggested the implementation of a committee to coordinate and oversee with a lot of work to be done collaboratively. Beyond defining visions, the Master Plan outlines priorities, responsible parties, examples of success stories and complementary actions. There are a lot of great places in Raynham but there is a need to get the information out there for residents. During discussion with residents, a need was expressed for information and where to obtain the information

The implementation of the plan falls under the Planning Board and Planning Department. In order for the plan to work, Mr. Iafrate said that the Town needs someone who is going to be looking at it on a daily basis. The Town currently does not have a Planner, additional support is needed. Members discussed the location of the current public safety building and the use of the land.

Mr. Iafrate thanked Ms. Gonzalez for her presentation on the Master Plan.

**Motion:** Moved by Mr. Fountain and seconded by Mr. Andrade to approve the Master Plan as presented and recommend acceptance of the Plan to Town Meeting. Discussion: none. Vote: 5-0-0.

#### General Business & Correspondence

- Invoices/Bills Payments: Bills signed by the Board.
- Correspondence: None
- Old Business/New Business: None
- Planning Coordinator Update - *Mr. Iafrate:*
  - ❖ The 1708 New State Highway, Silko Honda, site plan has been completed; occupancy permit will be issued.

Mr. Iafrate thanked Ms. McKenney on drafting of the conditions for both Certificate of Actions presented tonight.

SRPEDD Update - *Mr. Matthew Andrade:*

- ❖ The next SRPEDD meeting is going to be devoted to discussion on the South Coast Rail.
- Plans to be signed: None

Planning Board Comments:

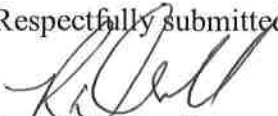
Mr. Gallagher suggested a change in the future regarding the removal of Form J – frontage requirements and Site Plan approval, moved through a Special Permit.

#### **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 April 7, 2022 at 8:46 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 21, 2022 @ 6:00 p.m.