



TOWN OF RAYNHAM

PLANNING BOARD

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Raynham Planning Board

Meeting Minutes

February 2, 2023

Call to Order:

By remote connection (cellular phone), Mr. Gallagher opened the Planning Board meeting of February 2, 2023, at 6:00 p.m. and informed the meeting is being broadcast live on the Raynham Comcast Channel 98 and Verizon Channel 34 and videotaped by RayCam.

Planning Board Members Present (5):

Mr. Christopher Gallagher, Chairman (Remotely); Mr. Burke Fountain, Vice-Chairman; Mr. Russell Driscoll, Clerk; Mr. Matthew Andrade and Mr. Brian Oldfield

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

Approval of Minutes from January 19, 2023:

Motion: Moved by Mr. Fountain and seconded by Mr. Driscoll to waive the reading and accept the minutes of January 19, 2023, as printed. Discussion: None. Vote: 5-0-0

Form A Plan - 332 Hill Street:

A house was built at 332 Hill Street by GB Sons Construction, and they are now requesting to separate a portion of the rear land on which the house is located and add it to the adjacent land they own. The house lot will contain the minimum zoning requirements for a house in a Business zone.

Mr. Gallagher informed that the engineer who prepared the plan did not include a purpose on the plan.

Motion: Moved by Mr. Fountain and seconded by Mr. Driscoll to accept and approve a plan of land, Assessors' Map 17, Lot 104, at 332 Hill Street, Raynham, MA, prepared for GB Sons Construction Co., Inc., by Silva Engineering Associates, dated January 26, 2023, as a plan not requiring subdivision approval. Discussion: None. Vote: 5-0-0

Layla Estates - Continued Public Hearing:

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The proposed plan is for a cluster subdivision to be located off Pine Street near Doe Run subdivision. Mr. Gallagher informed that during the last meeting, there was discussion on whether or not to allow a cluster development, which must be voted on by the Board via a Special Permit, or whether the Board preferred a conventional subdivision plan. Comments were received from the Water Department, Sewer Department, and Highway Superintendent. A special permit for a cluster development needs supermajority vote, which is four out of five

members voting in favor. Mr. Gallagher said there is a substantial amount of land on Pine Street, therefore, this plan could set the tone for future development. He noted that if the Board denies the special permit, no reason is necessary except that it does not fit into the neighborhood. Mr. Gallagher polled the Board members for their opinions on the matter.

Mr. Fountain said he would like to hear the presentation from the developer. He said, "From looking at both plans, Pine Street needs a lot of work." He asked, "What will be the mitigation for the work needed?"

Mr. Oldfield said, "I would be against a cluster development because there are no other clusters in the area." A conventional subdivision is the direction he is leaning toward.

Mr. Andrade said he would like to hear the presentation as it stands.

Mr. Driscoll said he has no strong feeling one way or the other and would like to see the presentation.

Present was Attorney Edmund Brennan, 174 Dean St, Taunton, representing the applicant, Charlie Macy. Also present was Evan Watson, P.E., civil engineer with W Engineering. Attorney Brennan explained that the proposed plan is for an open-space preservation subdivision, as allowed by Raynham zoning by-laws. He informed that the open-space special permit process requires a preliminary open-space concept plan be submitted along with a conventional plan. The initial plan submitted was for two Form A lots on Pine Street and twenty-eight lots within the development. An open-space plan would reduce the amount of infrastructure and roadway. The open space would back up against existing open space that comes in off Locust Street. If this preliminary plan is accepted by the Board, they will move to the special permit vote, which triggers a supermajority vote of four out of five members to approve.

Mr. Watson reviewed the plan, noting the open space development would increase the open space area by 250 acres. He informed that they have met with several department heads about the project following the last meeting with the Planning Board. The open-space plan is being refined based on recommendations from the Highway Superintendent, Water Department and Sewer Superintendent. The Sewer Superintendent is in favor of the gravity sewer lots. The Highway Superintendent expressed concerns with snow storage as well as the drainage system

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due to its location behind nine of the proposed lots. Comments were received from the Cemetery Commission requesting access to a cemetery located on the parcel.

Mr. Gallagher stated that the Form A lots will need drainage but there is nothing being shown. He reviewed the open-space design plan as well as the conventional plan. He said, "If open space is offered, there should be something, there is no difference in the areas of open spaces on either plan." He continued, "A cluster subdivision does not fit in the neighborhood." In

comparing what is the benefit to the Town via the benefit for the developer, the developer is saving about 1,000 linear feet of road that would cost him \$100,000. The developer is amenable to creating a less intrusive road on Maple Street to access a couple of lots, but the proposed plan would set a tone for the entire neighborhood.

Mr. Watson explained that he designed the project according to the open-space by-law procedure. He stated that there was a concern raised at the last meeting about lots being too narrow. By eliminating the two Form A lots and decreasing the number of lots for the cluster development to twenty-seven, they will be able to have two 40-foot lanes at the end of each cul-de-sac for snow storage. Mr. Watson informed that Mr. Buckley had no issues with the drainage but there were concerns about the condition of Pine Street. Doe Run is expected to do some improvements for their project, and it is expected that this developer would be able to do some improvements too. By developing a cluster subdivision, it would reduce costs and reduce maintenance for the Town. It would also allow mitigation to the Town for Pine Street.

Mr. Iafrate informed that Mr. Buckley did not make a recommendation as to which development he would prefer but he did bring up concerns he had with other cluster subdivisions in town.

Since the initial comment letter from the Highway Superintendent, Attorney Brennan informed that they met with Mr. Buckley to address his concerns.

Mr. Watson informed that the width of yards has increased to provide the required 20-foot side yard setback that is in the zoning by-law. Therefore, the minimum distance between homes would be 40-feet.

Attorney Brennan asked, "Why is open space not appropriate next to a conventional subdivision and what raises the concerns by Board members?"

Mr. Watson informed that there will be 105 feet frontage for each open-space lot. He also discussed the elevations of the road for the sewer. Roadway for open-space plan will have a 22-ft. road way with Cape Cod berm on one side and granite curbing on the other with a sidewalk. A conventional plan has a 24-foot wide roadway with sidewalks on both sides.

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Mr. Watson reviewed a comparison chart for each of the two subdivisions. He informed that for every ten units in a conventional subdivision, one unit needs to be affordable housing or if not, \$50,000 shall be paid to the Raynham Housing Authority.

Mr. Gallagher noted there is open space provided but it's not continuous. There is isolated land subject to flooding and unusable swamp land. He said, "A conventional subdivision could consist of houses that people are building in town these days. This is not a great precedent to set for the neighborhood." Doe Run was developed as a conventional subdivision and that type plan should continue throughout this neighborhood. He said he would not agree to vote for this, he would rather have a conventional subdivision.

Mr. Fountain informed that if the vote for the special permit is voted in favor, the developer understands that he will be saving \$500,000 and the Town will be taking all of that for improvements to Pine Street.

Attorney Brennan said, "If this is the condition, then vote and add the condition."

Mr. Oldfield commented on the letter from the Highway Superintendent recommending a conventional subdivision.

Mr. Gallagher stated that the letter is only a recommendation from the Highway Superintendent. An approval from the Sewer Department and Water District is not necessary for the plan to be approved by the Board. He said he would not be in favor of a cluster subdivision.

Mr. Lafrate stated that, in due fairness to the applicant, the developer and Mr. Watson addressed all concerns from the Highway Superintendent and those concerns have been incorporated in the new plans presented tonight.

Mr. Andrade expressed concerns with Pine Street roadway and the small bridge, especially with the infrastructure going in on Pine Street. He said, "The bridge is not adequate for all the traffic that will be going up and down Pine Street, including Doe Run." He continued by saying, "Something needs to be set aside for Pine Street as a whole before anything is done so that it will be able to handle the increased traffic. If a cluster subdivision is approved, a provision would need to be set aside for the road as a whole." He added, "Pine street was never built for that amount of traffic." He said he would not be in favor either way as everyone is neglecting Pine Street. He would like to see the Highway Superintendent's opinion on the road.

Noting that the plan before the Planning Board depicts one lot removed, Mr. Driscoll asked if the Highway Superintendent has been able to review this plan. Mr. Watson informed that the plan is not finalized, but following comments from the Board tonight, they were going to incorporate and finalize the plan for a review by the Highway Superintendent. Mr. Driscoll likes the cluster development especially how it keeps most of the homes off Pine Street with spaces between the farm and other surrounding homes.

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Mr. Watson informed that with a cluster development, there may be additional mitigation for Pine Street.

Mr. Gallagher asked for a straw vote to approve either a cluster subdivision or go with a conventional subdivision plan. Mr. Fountain said that at this point he does not have an opinion, he would abstain. Mr. Oldfield said that based on the recommendation from the Highway Superintendent, he would vote no. Mr. Andrade said that there are concerns with Pine Street but at this time he would abstain. Mr. Driscoll would be in favor of the layout of a cluster subdivision. Mr. Gallagher voted no.

Mr. Gallagher asked for a motion for a special permit based on the aesthetics to the neighborhood as there is no public benefit from a cluster subdivision over a conventional subdivision.

Motion: Moved by Mr. Oldfield to disapprove the request for a cluster development at Layla Estates. Mr. Fountain seconded for discussion. Discussion: Mr. Gallagher opened the public comment portion of the public hearing. No comments were heard. Mr. Gallagher closed the public comment section. Attorney Brennan asked to discuss comments made by Board members. He informed that the plans have been redefined based upon comments from town officials. He asked the Board to let them finish the design plan based on the input from the officials and once complete, to present to the Board for a vote.

Mr. Gallagher said there is no question on the design, it is the matter of a plan for either a cluster subdivision or a conventional subdivision.

Attorney Brennan said that if any vote by a member of Board is influenced by correspondence from town officials, then there should be an opportunity to address.

Mr. Oldfield suggested continuing discussions until the next meeting.

Motion: Moved by Mr. Oldfield to withdraw his original motion to disapprove the request for Layla Estates. Mr. Fountain seconded. Discussion: None. Vote: 5-0-0

Mr. Gallagher asked if Attorney Brennen would like to continue the public hearing until February 16, 2023. Attorney Brennan would like to continue and informed that the time-to-act is the first meeting in March.

Motion: Moved by Mr. Oldfield and seconded by Mr. Fountain to continue the public hearing for Layla Estates until February 16, 2023. Discussion: None. Vote: 5-0-0

General Business

- Invoices/Bills Payable: No invoices presented to the Board.

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- Correspondence:

The Board received correspondence regarding Cardinal Circle from Highway Superintendent Ed Buckley requesting to take the subdivision bond to complete road work. Mr. Iafrate informed that Mr. Buckley feels the road is substandard and the developer has not had contact with him for several months. If this is approved, this may allow the developer to step up to correct the work or, if not, the Town will take the bond to complete the work. Mr. Iafrate suggested reaching out to the developer to see if they can schedule work for the improvement. If not, then a vote can be taken, and Mr. Buckley will need to deal with the issue. Mr. Fountain agreed and would like research done on the bond to make sure it is in good standings and alert the bonding company that the Town is in the process of pulling the bond.

Mr. Andrade suggested information from the bond company by the next meeting. He said, "After a year of discussions, if we have the bond, then we should pull it." Mr. Driscoll agreed. He suggested giving the developer a time frame. Mr. Gallagher offered to reach out to developer and ask him to attend the next meeting to discuss.

Motion: Moved by Mr. Fountain to forward a certified letter to the developer stating the concerns of the Board in accordance with the Highway Superintendent's letter; request the developer attend and discuss with the Board at the February 16, 2023, meeting; include a copy of the Highway Superintendent's letter and letter from Steve Ventresca of Nitsch Engineering with the correspondence; and, to contact the Town's attorney to research the bond status. Mr. Driscoll seconded. Vote: 5-0-0

- Old Business/New Business: No discussions

- Planning Coordinator Update - *Mr. Bob Iafrate:*

Mr. Iafrate noted that previously the Board discussed who was responsible for the top coat on Sandy Hill Road. He spoke to Mr. Buckley, who informed that he is going to take his road work to the intersection. From the intersection past the three approved lots will be the responsibility of the applicant, Mr. Joe Sullivan. A copy of a plan was presented to the Board on Mr. Sullivan's roadwork responsibility.

Mr. Gallagher recommended adding to the agenda for discussion at the next meeting with Mr. Sullivan being present along with a written opinion from Mr. Iafrate before the meeting as he will not be present for the next meeting.

- SRPEDD Update- *Mr. Andrade:*

Mr. Andrade informed that at the last SRPEDD meeting, they discussed the South Coast Rail and what it is going to do to the direct abutting communities; there may be zoning

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changes. Also discussed at the meeting were Dartmouth's changes with Title V Regulation of nitrogen systems.

- Plans to be signed: No plans to be signed.

Adjournment

Mr. Gallagher asked for a motion to adjourn.

Motion: Moved by Mr. Oldfield and seconded by Mr. Fountain to adjourn from the Raynham Planning Board meeting of February 2, 2023, at 7:31 p.m. with no business to be conducted afterwards. Vote: 5-0-0

Respectfully submitted,


Russell Driscoll, Clerk