



TOWN OF RAYNHAM

PLANNING BOARD

RAYNHAM, MASSACHUSETTS 02767

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Raynham Planning Board Meeting Minutes March 16, 2023

Call to Order

By remote connection (cellphone), Mr. Gallagher opened the meeting of March 16, 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 (4):

On a Roll Call Vote: Mr. Christopher Gallagher-Chairman (cellphone connection); Mr. Burke Fountain; Mr. Brian Oldfield; and, Mr. Matthew Andrade.

Absent: Mr. Russell Driscoll

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

Approval of Minutes from February 2, 2023, February 16, 2023, and March 2, 2023

Motion: Moved by Mr. Fountain and seconded by Mr. Oldfield to waive the reading of the minutes from February 2, & 16, 2023 and March 2, 2023, and approve as printed.

Discussion: None.

On A Roll Call Vote: Mr. Fountain-Aye; Mr. Oldfield-Aye; Mr. Andrade-Aye; and, Mr. Gallagher-Aye. Vote: 4-0-0

Joe Sullivan/Oakland Ave.

Mr. Gallagher stated that he reviewed the plans and past meeting minutes. He informed that all the land was approved through a Form A process. He suggested that going forward similar cases be approved through a definitive subdivision plan process so that roadways are approved each time.

In 2017, the Planning Board approved a plan for Mr. Sullivan that contained six acres to allow construction of one home with a gravel driveway 18 feet in width with 2-foot shoulder on each side for an overall width of 22 feet. The minutes of the meeting when approved state that for any additional construction to be done, pavement would be considered.

In 2018, there were two lots that the Town owned at end of Sandy Hill which were approved by the Planning Board through an ANR process with discussion of pavement. A binder course was installed for building permits to construct both homes and subsequently the developer received occupancy permits without a topcoat installed.

In 2021, with an agreement to pave Pine Street, Mr. Sullivan proposed a house lot with the correct frontage on a private road. A variance was received. The Planning Board informed Mr. Sullivan then that he would need to pave from end of Pine Street to the end of his lot. Mr. Sullivan then paved the binder course to the end of his lot. The question Mr. Sullivan proposed was whose responsibility is it to finish the topcoat.

Present tonight was Joe Sullivan. He presented to the Board the original approved plans - the plan for two lots approved in 2018 and the plan approved for retreat lots. Mr. Sullivan stated that he completed all that he was supposed to do except for the topcoat. He is getting a pushback to do the entire topcoat which he says is clearly not his responsibility.

Mr. Gallagher discussed that because the Town granted an occupancy permit for the houses built by the second plan, he feels the Town is responsible for the pavement, not Mr. Sullivan. He suggested Mr. Sullivan pay the Town for his portion of the pavement and allow the Highway Department to complete the entire roadway. He noted that the Planning Board has funds which were taken for future road improvement work and approximately \$140,000 is being held.

Mr. Iafrate informed that discussions were had with the Town Accountant on those Planning Board funds. The Board could take a vote to appropriate some of the money, but the Town Accountant will need to discuss with the Town Administrator how to process, and the Town Administrator will need to find out how to reallocate funds to this project.

Mr. Iafrate suggested for future approvals, the Board shy away from projects where several people are involved. These two lots slipped under the radar.

Mr. Gallagher recommended the Board acknowledge that Mr. Sullivan is not responsible for anything other than what was approved from Pine Street to the end of his section. Mr. Gallagher asked for a motion granting Mr. Sullivan permission to obtain building permits based on the binder that is present, but no occupancy permits to be issued until the matter of the topcoat is resolved.

Mr. Fountain commented on the use of funds allocated for a specific project being used for a different purpose. He said the funds may not be used unless there was a bilateral agreement with the project/developer to move the money to somewhere else in town.

Mr. Gallagher suggested seeking opinion from Town Council on the language in the original agreements to use the money allocated for a specific purpose. Mr. Fountain suggested that if building permits are approved for Mr. Sullivan, a bond be posted for the cost of the pavement that he is responsible for.

Mr. Oldfield asked if there was a way to seek out the developer of the second plan for their responsibility of paving.

Mr. Andrade asked for the length of the road to be paved. Mr. Iafrate estimated about 425 feet and informed that Mr. Buckley will draft an estimate for the topcoat.

Mr. Gallagher asked if Mr. Buckley could cost out each section separately.

Mr. Iafrate reminded the Board that they may want to take into consideration a proposed plan for another six- to eight-lot subdivision just off this road. The Board will need to determine whether they are going to allow the subdivision to come in off an 18-foot private way or mandate a full-blown road reconstruction all the way back to the intersection. Mr. Iafrate suggested communicating with the land owner on the north side to see what their plans are.

Motion: Moved by Mr. Fountain to contact Town Counsel for a review of the agreements on all four projects which the Planning Board is holding funds for. Mr. Oldfield seconded the motion. Discussion: None.

On A Roll Call Vote: Mr. Fountain-Aye; Mr. Oldfield-Aye; Mr. Andrade-Aye; and, Mr. Gallagher-Aye. Vote: 4-0-0

Mr. Sullivan informed that he brought this to the Board with hope that he would be relinquished from the responsibility of having to pave the section of road that was someone else's responsibility. A bond was posted initially when he did the gravel road. He asked if the Board would be looking for an additional bond to secure the topcoat.

Mr. Iafrate said he is comfortable with allowing building permits to be issued for Mr. Sullivan with the condition of no occupancy permits until the topcoat is complete.

Mr. Gallagher asked for a motion allowing the issuance of three building permits for Mr. Sullivan with the condition of no occupancy permits until the topcoat is complete or bond is in place for the topcoat.

Motion: Moved by Mr. Fountain and seconded by Mr. Oldfield to allow three building permits with the condition of no occupancy permits until the topcoat is complete or bond is in place for the topcoat. Discussion: None.

On A Roll Call Vote: Mr. Fountain-Aye; Mr. Oldfield-Aye; Mr. Andrade-Aye; and, Mr. Gallagher-Aye. Vote: 4-0-0

If there is no resolution on the topcoat when Mr. Sullivan is ready for occupancy permits, he asked if he would be allowed to complete the topcoat on his section of road. Members of the Board agreed that he would be able to complete the topcoat on his section of road.

Public Hearing (Continued): Church Street Estates

The Board received a letter informing that a final approval on this project has not been received by the Conservation Commission; therefore, they are requesting a continuance. Mr. Gallagher suggested a continuance until May 4, 2023. Time to Act is June 8, 2023.

Motion: Moved by Mr. Fountain and seconded by Mr. Oldfield to continue the Public Hearing for Church Street Estates until May 4, 2023, at 6:10 p.m. Discussion: None.

On A Roll Call Vote: Mr. Fountain-Aye; Mr. Oldfield-Aye; Mr. Andrade-Aye; and, Mr. Gallagher-Aye. Vote: 4-0-0

1588-1608 Broadway- Site Plan and Special Permit

The Board received correspondence from Gregory Driscoll, JDE Civil Engineering, Inc., dated March 9, 2023, requesting a withdrawal of the application, without prejudice, as the scope of the project has changed. They also requested a refund of application fees.

Ms. McKenney confirmed that no funds were used from the application fees for expenditures.

Motion: Moved by Mr. Fountain and seconded by Mr. Oldfield to allow the applicant to withdraw, without prejudice, as requested in the March 9, 2023, letter and that the application filing fee be refunded at this time. Discussion: None.

On A Roll Call Vote: Mr. Fountain-Aye; Mr. Oldfield-Aye; Mr. Andrade-Aye; and, Mr. Gallagher-Aye. Vote: 4-0-0

Keith McLaughlin – Discussion re. Cardinal Circle/Partridge Lane

Present were developer Keith McLaughlin and site supervisor Rich Andrukonis.

The Board received a copy of a letter addressed to the Building Inspector dated February 2, 2023, from Nitsch Engineering listing four items to be completed on these streets including pavement. Mr. Iafrate informed that the biggest issue has been communication between the Highway Department, Nitsch Engineering and the developer. Mr. Iafrate presented a copy of Nitsch engineering letter to Mr. McLaughlin.

The existing site plan was presented to the Board and Mr. McLaughlin explained the layout of the road and how they obtained the streets and lots in question.

Mr. McLaughlin presented a copy of a letter from JC Engineering, which stated that they are actively installing bounds for the properties.

All lots except Lot 55 have been built on and are sold. Lot 55 is not on the market and they have no plans on building it out until the completion of the road. Lot 55 is not being held as a bond was posted to release all the lots. The bond is a tri-party agreement for \$350,000.

Street trees have been secured at the nursery and will be planted within the next 2 to 3 weeks on Partridge Lane. Seeding needs to be done in the retention pond and a section of the retention pond will be repaired due to erosion issues.

Mr. Gallagher discussed the type of pavement mix required by the Town of Raynham. He said there was someone monitoring the paving and reported back its deficiencies, which is listed in the letter from Nitsch Engineering.

Mr. Andruknis agreed that there is a bad seam in one area and a bump at the beginning of the roadway that will need to be addressed. The paving company has agreed to come back to correct issues within reason. He informed that the roadway has a lot more asphalt than any road in town.

Mr. Oldfield said he had driven over the road and agreed with Mr. Buckley that the road needs to be milled and repaved. He continued that if the roadway is to come before the Town for acceptance, the taxpayers should not be burdened with the cost responsibility.

Mr. McLaughlin suggested scheduling a meeting next week with Mr. Buckley and Nitsch Engineering to go over any issues. Mr. Iafrate suggested working with both to see if they could come up with a solution for the problem areas. He reminded the developer that they need to communicate with the Town and to that homeowners need to be satisfied.

Mr. Gallagher said discussions should continue until the next meeting with all parties meeting beforehand to discuss the issues.

Mr. Fountain would like to see progress before the next meeting with something in writing as to what they have worked on and a timeframe for the items.

Mr. McLaughlin informed that he will formally respond to the Nitsch Engineering letter of February 2, 2023.

It was noted that the acceptance of the road may be too late for the spring Town Meeting, but Mr. Iafrate will check to see if road acceptance is allowed at the fall Special Town Meeting.

Motion: Moved by Mr. Fountain and seconded by Mr. Oldfield to continue discussion with Mr. Keith McLaughlin on Cardinal Circle/Partridge Lane to April 6, 2023, at 6:15 p.m.
Discussion: None

On A Roll Call Vote: Mr. Fountain-Aye; Mr. Oldfield-Aye; Mr. Andrade-Aye; and, Mr. Gallagher-Aye. Vote: 4-0-0

General Business

- Invoices/Bills Payable

Release of funds: Wal Mart-Paramount Drive; Katie Drive; and, 675 Paramount Drive; Ms. McKenney informed the Board that these are old accounts and a vote is required by the Board in order to release the funds.

Motion: Moved by Mr. Fountain and seconded by Mr. Oldfield to release funds for Walmart-Paramount Drive; Katie Drive and, 675 Paramount Drive. Discussion: None

On A Roll Call Vote: Mr. Fountain-Aye; Mr. Oldfield-Aye; Mr. Andrade-Aye and, Mr. Gallagher-Aye. Vote: 4-0-0

- Planning Coordinator Update - *Mr. Robert Iafrate*

Pre-submission meeting will be held next Wednesday for 376 Rt. 44, the old Chateau Jewelers Rte. 44 building regarding a drive-through restaurant to have a one-way entrance with exiting to be made through the shopping plaza. The meeting will also be for the proposed reconstruction of 768 Broadway, the old Brothers Pizza building.

- SRPEDD Update - *Mr. Andrade:* No new updates since the last meeting.

Town Administrator, Gregory Barnes, was present at tonight's meeting and introduced himself to Board members.

Adjournment

Mr. Gallagher asked for a motion to adjourn.

Motion: Moved by Mr. Fountain and seconded by Mr. Oldfield to adjourn from the Raynham Planning Board Meeting of March 16, 2023, at 7:00 p.m., with no business to be conducted afterwards.

On A Roll Call Vote: Mr. Fountain-Aye; Mr. Oldfield-Aye; Mr. Andrade-Aye; and, Mr. Gallagher-Aye. Vote: 4-0-0

Respectfully submitted,



Russell Driscoll, Clerk

Next scheduled Meeting: April 6, 2023