



# **TOWN OF RAYNHAM**

## **PLANNING BOARD**

**RAYNHAM, MASSACHUSETTS 02767**

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### **Raynham Planning Board**

#### **Meeting Minutes**

**Thursday, September 7, 2023**

#### **Call to Order**

Mr. Andrade opened the meeting of September 7, 2023, at 6:00 p.m. and informed the meeting is being broadcast live on the Raynham Channel, Comcast Channel 98 and Verizon Channel 34. It is also being recorded by RayCAM for replay on the Raynham Channel and on YouTube.

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

**Present:** Mr. Matthew Andrade, Chairman; Mr. Burke Fountain, Vice Chairman; Mr. Russell Driscoll, Clerk; Mr. Christopher Gallagher, and Mr. Brian Oldfield

**Absent:** Ms. Maureen McKenney Planning Board Administrative Assistant

**Present:** Mr. Bob Iafrate, Building Commissioner

#### **Approval of Meeting Minutes – August 3, 2023**

Mr. Fountain requested the minutes to be tabled until the next meeting.

**Motion:** Moved by Mr. Fountain and seconded by Mr. Oldfield to table the minutes until September 21, 2023. Discussion: None. Vote: 5-0-0

#### **Rt. 44 Hyundai – Abbreviated Site Plan and Release of Bond**

Mr. Iafrate informed that a temporary occupancy permit was given and a bond amount is being retained for final landscaping and cleanup work. The work has been accomplished and final as-built plan has been received along with a final affidavit stating that everything's been done. He conducted an inspection on the site yesterday and all work has been accomplished. Mr. Iafrate recommended a vote to return the bond and issue a final occupancy permit.

Mr. Gallagher asked for an update regarding the fence. It was noted the fence in the back has been cleaned and re-erected.

**Motion:** Moved by Mr. Fountain and seconded by Mr. Oldfield to approve the as-built plan as submitted and the release of any bond money being held. Discussion: None. Vote 5-0-0

#### **Lincoln Woods-discussion with David Wardell, re: status of subdivision**

Mr. Wardwell or other representative was not present for discussion of Lincoln Woods.

Mr. Andrade suggested rescheduling discussions until September 21, 2023, and defer the matter to Town Counsel regarding what would be the next steps for the Town taking the bond to finish the road work since there has been no progress.

**Motion:** Moved by Mr. Gallagher and seconded by Mr. Oldfield to table discussion for Lincoln Woods subdivision until the Planning Board meeting of September 21, 2023, and to refer the matter to Town Counsel for further action on taking of the bond. Discussion: None. Vote: 5-0-0

**ANR/Form A Plan – South Street East/Williams Ave.**

Present was Joe Pollan, Northeast Engineering Consultants.

The proposed plan is to divide the parcel of land into two lots. Both lots to have legal frontage on South Street East, approximately 150 feet each. The parcel has the required upland, required square footage and both lots have set back lines and frontage.

The existing garage on Lot 2 will be removed. Mr. Iafrate informed that it is an accessory structure that's less than 200 square feet. The Town's by-law allows 10 feet setback if the structure is less than 200 square feet. Mr. Pollan confirmed that it is less than 200 square feet.

**Motion:** Moved by Mr. Gallagher and seconded by Mr. Driscoll to approve as an Approval Not Required plan, the plan entitled Perry Property, 110 South Street East, Raynham, Massachusetts, ANR plan, dated August 29, 2023, by Northeast Engineers and Consultants, Inc. Discussion: None. Vote: 5-0-0

**1900 Broadway – Site Plan modifications**

A request was received for an extension. It was agreed to reschedule to September 21, 2023, at 6:10 p.m.

**Public Hearing – 570 Elm Street East – Estate Lot and Form A Plan**

Mr. Driscoll read the Public Hearing notice.

Mr. Andrade informed that he will not be participating or voting on this application. Present was Edmund J. Brennan, Attorney at Law, Taunton, MA. The proposal is to cut 4,100 sq. ft. of land from Lot 2B as shown on the plan and to add it to the adjacent Lot 1A, which is owned by Mr. Stanley. The reason for this is because Mr. Stanley's driveway is on Lot 2B. By conveying the parcel to Mr. Stanley, his driveway will be entirely upon his parcel. All criteria set forth in the ordinance for Estate Lots are met. When the lots were initially divided, a variance was given for frontage and building square.

**Motion:** Moved by Mr. Fountain and seconded by Mr. Gallagher to approve the Special Permit as presented subject to an appeal and the Special Permit becoming effective by motion to approve the Approval Not Required plan in Raynham, Massachusetts on Elm Street East, prepared for Francis McGuirk, plan date of August 1, 2023. Discussion: None. Vote: 4-0-0

**Public Hearing- 362 New State Highway/Popeye's Site Plan with Special Permit**

Mr. Driscoll read the Public Hearing notice.

Present was counsel for applicant, Brian Levey; Ed Baksh, Director of Construction of PN Restaurants; Matthew Bersch, P.E., Dynamic Engineering; Kevin Savage, P.E., Traffic Engineer; Robert Grimaldi, Project Architect.

The application has been in front of the Conservation Commission and Zoning Board of Appeals and both Boards have continued their hearings to October. The applicant will be proposing the project to MassDOT for a curb cut. The site is owned by Ram Station Roman 2, LLC, since 2021, with a small portion of the site northerly owned by Raynham Station, LLC (Shaw's Plaza). Owner authorization has been submitted from both entities.

The site contains a building over two stories, which was formerly a jewelry store. The applicant seeks to construct a new building, which would be half the size at 1,514 sq. ft., for a Popeye's restaurant with no indoor seating, drive-through only. The site does contain wetland resource areas as well as river front.

Nitsch Engineering has provided two peer review letters, one dealing with the site plan and the other dealing with traffic. Combined, there were over 50 comments in the two letters. Counsel informed that they are working to prepare a response to the comments.

Matthew Bersch presented an aerial map exhibit dated 9-6-2023. The property is approximately 0.6 acres located in a Business District. The parcel has associated parking and one full movement driveway that leads out to Rt. 44 and pavement in the rear that leads to the Shaw's Plaza. East of the parcel is Dam Lot Brook with wetlands located partially on the east side of the property.

Next, a site plan rendering was presented dated 9-6-2023. The plan depicts the restaurant in the center of the parcel with associated parking, drive aisles, sidewalks, landscaping, lighting and a trash enclosure. In working with the traffic engineer, the best option for the driveway is to be a right-in and right-out in order to reduce the number of movements. There is also access to the Shaw's Plaza parking lot in the rear of the site that leads to an alternate driveway that includes signalization. Seven parking spots are being proposed along the east side of the development. The circulation around the building is provided via one-way drive. A single drive-through lane is proposed, which starts on the east side of the building and continues around counterclockwise to the north side where a menu board will be located. The hours of operation will be 10:30 a.m. to 11:00 p.m. Sunday through Thursday and 10:00 a.m. to 11:30 p.m. Friday and Saturday. Popeye's will receive deliveries once a week in a wp 50 truck during the overnight hours and a separate delivery for chicken, two or three times per week, using a box truck.

The trash enclosure is proposed in the northwest corner of the property on a 10 ft. x 20 ft. masonry enclosure with pickups three times per week and recycling bins picked up two times per week by a local vendor. The project will not encroach any closer to the wetlands than what is there currently. Improvements on site include landscaping, 47 total plantings including trees, evergreen shrubs, ground covering and perennials. Nitsch Engineering noted in their comment letter that the landscape plan needs to be certified by the Landscape Architect. If need be, the applicant will do so. Catch basins will be added to the site, including conveyance pipes that will collect stormwater runoff from various areas within the development. The conveying system eventually leads to an underground detention system, which is an arch system with an underground liner as there is no permeability available on site. Geotechnical testing was conducted, there is no infiltration into the soils. There will not be any infiltration proposed, however the site was designed to meet all the state and local stormwater requirements.

The development is proposing four new lighting fixtures, freestanding mounted at 18 feet around the site.

A second exhibit was presented for architectural elevation and signage on and around the building. There is a proposed freestanding, 20-ft. tall sign all along Rt. 44.

Kevin Savage presented the traffic impact study. Traffic counts were conducted along Rt. 44 and McDonald's driveway across the street as well as one signalized intersection in each direction to South Street East and Shaw's Plaza. About half of the traffic accessing the site is anticipated to be pass-by traffic. In terms of stacking, there is a proposed 10-car stack per post with a pick-up window on the west side of the building. Included in the traffic report are studies from three Popeye's locations in Massachusetts.

Robert Grimaldi reviewed the renderings of the elevations, building and signage.

Mr. Andrade asked about the number of parking spaces especially for employees and ordering guests. It was informed that the design is per the Town's by-law. Because the question has arisen, the applicant will discuss with Shaw's Plaza the possibility of an agreement on additional parking. Overflow parking was also brought up during discussions with the Zoning Board of Appeals.

The site currently flows to the right side; Mr. Andrade asked if the design will raise that side. The drainage pattern will remain as the site will continue to flow east toward the brook.

Mr. Andrade informed that typically with any building having a walkway, the Board would require bollards.

Mr. Fountain asked how walk-in traffic would be handled especially coming from Shaw's Plaza or the tire store next door. The applicant stated they would be willing to add a sidewalk for the traffic along Rt. 44, which will allow foot traffic to enter the front entrance of the building.

It was informed that corporately, there are approximately two dozen drive-through only Popeye's, but none are in Massachusetts.

To avoid traffic from taking a left out of the plaza, there is a curved island that channelizes right turn movements in and right turn movements out. Mr. Fountain asked if this will be extreme enough so that people will not be able to take a left. Mr. Bersch said they would be willing to add signage.

During conversations about Shaw's, Mr. Andrade suggested discussing an option where traffic exits the site from the rear and would then be absorbed into the plaza and looping around in front of the plaza and exiting at the existing signalization.

Snow storage was a concern from the Conservation Commission as well as in Nitsch Engineering comment letter. The group is evaluating with possibly proposing some open space in the grass area close to the entrance or closer to the southwest corner.

Mr. Gallagher said he did not see an issue in having the landscape plan signed and stamped.

The Board discussed measures taken to alleviate traffic turning left onto Rt. 44 from other businesses. Mr. Andrade informed that the newest project in Town is Starbucks, which has exiting right only and exiting in the rear of the property. He said that a large addition to this site would be a strong agreement between the applicant and Shaw's with how the rear of the site to the north could be used as an exit. He reminded the applicant that their peak hours and McDonald's peak hours are going to be the same and having crossing traffic can be dangerous.

Regarding snow storage in the south of the parcel, Mr. Andrade suggested placing it to the north of the parcel so there is no obstruction of any type for people entering and exiting.

Mr. Andrade read a letter from the Board of Sewer Commissioners. It stated that the sewer line located on the parcel should be video inspected for its integrity and to pinpoint any deficiencies.

The applicant requested a continuance until the Planning Board meeting of October 5, 2023. Continuance of the Public Hearing for 362 New State Highway/Popeye's Site Plan with Special Permit was continued until October 5, 2023, at 6:01 p.m.

#### **Doe Run Subdivision – Discussion with Mr. Intoccia**

Mr. Intoccia was not present.

Mr. Iafrate informed that the developer is requesting a minor modification to the original approval; and, he suggested discussing it at the next Planning Board meeting on September 21, 2023. The minor modification would be to eliminate granite curbing on one side and to switch it to Cape Cod berm.

The Board would like Mr. Intoccia or a representative for Mr. Intoccia to be present to discuss the requested minor modification. Also, no discussions until all outstanding issues are resolved.

Discussion with Mr. Intoccia – Doe Run Subdivision was rescheduled to September 21, 2023, at 6:12 p.m.

#### **Layla Estates Subdivision - Continued Public Hearing**

Present was Edmund J. Brennan, Attorney at Law, Taunton, MA.

Evan Watson, W. Engineering, Taunton, MA, has responded to the Nitsch Engineering comment letter and Mr. Watson's response is under review.

Mr. Brennan requested a continuance until such time as the comments are reviewed.

The Board's time-to-act is September 21, 2023. Mr. Brennan informed that he will forward correspondence for an extension.

Public Hearing – Layla Estates subdivision was continued until September 21, 2023, at 6:15 p.m.

#### **ANR/Form A Plan – Larkwood (fka Raynham Riverwalk)**

Mr. Andrade recused himself from discussions on the application.

Present was Mark Flaherty representing Larkwood/Raynham Riverwalk. The project was approved as a Comprehensive Permit and is presently underway but needs financing. The bank would like to take a first mortgage on Lot 1 with a second mortgage on Lot 2. One of the conditions of the Comprehensive Permit is that a third lot be open space. The ANR is for three lots, Lot 1 has 16 acres, Lot 2 has 12 acres of upland and the third has 15 acres. The purpose of the plan is for financing requirements only. The Comprehensive Permit is for the entire site. The ANR will be an overlay of the three lots.

Mr. Gallagher expressed concerns as the plan submitted references items that are not in front of the Planning Board. Also, he questioned the legality of the request because there was a similar situation where access had to be through legal frontage. Lot 1 has frontage on Church Street but that's not the legal frontage. Legal frontage would be access through the 50 feet of frontage and there is a couple of hundred feet of wetlands. The way it is depicted, there is not adequate access to Lot 1. Mr. Gallagher said he would not feel comfortable voting yes and signing a Form A that does not conform.

Mr. Flaherty requested to withdraw the plans. He will revise and resubmit to the Board with the understanding there is a required access to Lot 1.

#### **Wildwood Estates – Bond and lot release**

Mr. Iafrate informed that a bond amount was set by Nitsch Engineering at the last meeting. Since then, the applicant has completed some work. A site visit was conducted, and Mr. Iafrate confirmed the work has been completed. He said he would support the reduction in the bond amount to be submitted. The applicant is requesting bond reduction from \$113,000 to \$102,417.

**Motion:** Moved by Mr. Gallagher and seconded by Mr. Oldfield to approve the bond amount of \$102,417. Discussion: None. Vote: 4-0-0

The applicant is working to complete the necessary form for the lot release. Mr. Iafrate suggested the Board authorize the release of the lots pending the completion of the necessary form.

**Motion:** Moved by Mr. Fountain and seconded by Mr. Oldfield to authorize the Building Commissioner to release the lots for Wildwood Estates pending the completion of the necessary form. Discussion: None. Vote: 4-0-0

#### **Continued Public Hearing – Church Street Estates**

Christopher Gallagher explained that he discussed previously with Mr. Iafrate the process for doing a Form B for a cluster development. He explained the process, which is similar to a site plan process with the drainage, roadways and everything designed according to what would be there when compared to a definitive subdivision.

Mr. Gallagher then recused himself from discussions on the application.

Present were Frank Gallagher, Gallagher Engineering, Foxboro, MA and Mr. John Noblin, owner and applicant.

Previously discussed with the Board was a preliminary subdivision with twenty-two new lots. During the meeting, it was noted that a delineated wetland line was needed and melding the existing properties that

are on Church Street and owned by King Philip Realty Trust. There are eleven existing multi-family buildings that are all on separate lots that were done through Form A plan.

Mr. Noblin would like to eliminate the lot lines in between the existing structures. Each lot has 200 feet of frontage and 75,560 square feet area, which exceeds what would normally be required in a Residential B District. With lots this size, it allows for the development to have eight-unit multi-family buildings.

The wetland line was located, flagged and presented to the Conservation Commission for approval of an ANRAD, which was accepted.

The new plan will now have 31 lots. There is a reduction from the original twenty-two proposed lots to twenty lots. The reduction is because the wetland was a little more extensive than what was shown on the GIS map. The 20 new lots plus the existing 11 lots totals 31 lots.

Frank Gallagher requested approval on the density. Once approved, it will determine what can be submitted for a site plan.

Mr. Noblin noted that the same type submittal was done for King Philip St. apartment buildings.

It was noted that the plan is labelled a preliminary plan but is really a yield plan. If approved, Mr. Gallagher will move forward with a site plan.

Mr. Fountain discussed the roads and the setback for each lot. He asked if there was any time limit on construction. Mr. Iafrate informed that a site plan would be required for any kind of dwelling with a limit of two years. He suggested conditioning the approval on the removal of the lot lines for nothing other than garages.

**Motion:** Moved by Mr. Fountain and seconded by Mr. Driscoll to accept the "Preliminary Plan of the Subdivision of Land in the Town of Raynham, MA. Situated off of Church Street," prepared for King Philip Realty Trust, prepared by Gallagher Engineering, dated November 21, 2022, as amended on August 19, 2023. Discussion: None. Vote: 4-0-0

### **General Business**

- Invoices/Bills Payable - No invoices to approve.
- Correspondence

#### Email from Ed Buckley, Highway Superintendent

The Board received correspondence from Mr. Buckley regarding Lincoln Woods, Partridge Lane and Doe Run roadway repair. The Planning Board has been working with the developer of Lincoln Woods for quite some time with no action. The amount of work that needs to be done has been relayed to Town Counsel. After speaking with Mr. Buckley, his view is that if the developer would complete the Lincoln Woods roads, it would only be a band-aid as the roads are already 20 years old and have seen quite a lot of negative use.

Mr. Andrade said that in going forward, the Planning Board needs to pursue the bonds on

these different subdivisions that are not seeing any type of headway as far as work being done. He continued by saying the Town cannot accept roads after they have been pounded on for 5, 10, 15, or 20 years and then be at the mercy of replacing them when they inevitably fail shortly after accepting them. Lincoln Woods is on the top of the list for Mr. Buckley as well as on the Planning Board's list. Mr. Andrade recommended communicating with Town Counsel on the taking of bonds to complete the work.

- Old Business/New Business - No discussions
- Planning Coordinator Update

*Bob Iafrate, Building Commissioner* – No further discussions than what was discussed during the meeting.

- SRPEDD Update

*Christopher Gallagher* - Mr. Gallagher was not present. No update.

- Plans to be Signed – No plans presented to the Board.

#### **Adjournment**

Mr. Andrade 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 September 7, 2023, at 8:01 p.m., with no business to be conducted afterwards.

Respectfully submitted,



Matthew Andrade, Chairman

**Upcoming Meetings:** September 21, 2023