



TOWN OF RAYNHAM

PLANNING BOARD

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Raynham Planning Board Meeting Raynham Veterans' Memorial Town Hall March 1, 2018

Meeting opened: 6:05 p.m. by Burke Fountain, Chairman

Board members present: Burke Fountain, Christopher Gallagher, Russell Driscoll, John Teixeira

Board members not present: Dan Andrade

Staff present: Robert Iafrate, Planning Coordinator
Maureen McKenney, Administrative Assistant

6:05 p.m. – Public hearing: Site plan for CVS at Market Basket Plaza: Mr. Driscoll read the hearing notice. Correspondence received: Project review letter, Nitsch Engineering, March 1, 2018; waiver requests letter, BRCSM LLP, March 1, 2018 M. Attorney Edmund J. Brennan, Jr., Taunton, MA, appeared before the Board as Applicant's representative. He explained the proposed plan: the Market Basket site is 20.7 acres; a 60,000 sq. ft. building is located on site now; the existing CVS store is 7,000 sq. ft.; a 9,600 sq. ft. free-standing CVS building is proposed; the new building will be situated to the left on the entrance driveway; there is an access drive between this site and Padula property to the south that is used by Lopes but that will not be the primary access; the primary site access will be at the lights on Rte. 138; site plan approval as well as special permit to allow retail use in a Designated Development District and special permit for a drive-thru window are sought; the plan has received Board of Appeals approval; and, the plan was reviewed by Nitsch Engineering for both the Board of Appeals and Planning Board.

Attorney Brennan also explained that Nitsch and RJ O'Connell & Associates have had substantial correspondence and all Nitsch concerns are addressed as of today. Nitsch had concern with the traffic study method used due to the fact that future tenants at the plaza are unknown. Nitsch agreed to condition that another traffic study will be done if a future plaza occupant does not fit into the "820" traffic study designation that was used. It was noted there could not be a heavier use than the existing supermarket. The property owner is Market Basket and there will be a land lease for CVS. If a traffic study is needed in the future, the site plan and special permits run with Market Basket. Attorney Brennan stated Applicant is willing to adopt the Nitsch condition. Mr. Gallagher felt this would be a waste of time and money; the Board agreed it is not enough of an issue.

Attorney Brennan explained a waiver is being requested to allow six spaces in the queueing lane rather than the eight required. It is anticipated that between peak hours 4 p.m. to 6 p.m., there will be three cars in line, and if there were to be more than five cars, they would not extend past the building. There is also a by-pass lane available. The plan does not propose any new curb cuts on Rte. 138.

Mr. Teixeira questioned if cars can exit through the Lopes access drive. Attorney Brennan explained they can exit that way to head south. Mr. Teixeira said that is of concern to him. Attorney Brennan explained said this access is for emergency vehicle use, which the Fire Chief has approved, and the Lopes access is part of the property already, Petitioner is not constructing it

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Brian Dundon, P.E., RJ O'Connell & Associates, explained the drainage plan to the Board. The CVS drainage will be independent of Market Basket drainage. The CVS drainage will accommodate 150% of the 100 year storm, and the drainage has been thoroughly reviewed by Nitsch and all their comments addressed. Mr. Fountain asked if the existing Market Basket drainage goes into the CVS site; Mr. Dundon explained how the new drainage will not interfere with the existing drainage. Mr. Gallagher noted the Nitsch comments were addressed. Mr. Iafrate said the existing basin is being reconfigured to the other side of the property but there is no net change to the system, just the shape is being altered.

Mr. Teixeira asked if the store is open 24 hours. Mr. Dundon said that is not planned, the drive-up window will be open during store hours.

Mr. Iafrate asked that the Board be shown the building elevations. Bryce Hillman, B.K. Architects, presented two renderings of the building and explained what side of the building faces Rte. 138 and where the drive-up window is located. Mr. Teixeira stated the plan encourages traffic to go through the side entrance (Lopes) and in his opinion that is a big mistake.

Mr. Hillman explained the building will be block construction, flat roof and utilities will be located at the rear.

Mr. Teixeira asked where the store entrance is located. Mr. Hillman showed it faces the main driveway. Mr. Iafrate noted the town is trying to revamp Rte. 138 to make it look better, so the building side that faces Rte. 138 should be more attractive to passersby. Mr. Gallagher suggested rotating the building; Mr. Iafrate said the building needs to be "dressed up"; Mr. Fountain suggested adding windows. It was noted there will be parking against the building. Mr. Gallagher suggested bollards be added as a condition of approval. Mr. Fountain said either bollards or the wall must be made strong enough. Also, there will be a sidewalk along the building wall along with with curb stops.

Mr. Fountain agreed the Rte. 138 side of the building looked like the back of a warehouse, and suggested adding windows or something other than plain walls. Mr. Hillman said they can look at windows or using other materials. Mr. Fountain asked if the Board agreed with this. Mr. Teixeira said windows are okay but the look is not as big a concern to him as the second access to the site. Mr. Iafrate said signage for 'no left turn' could be added at the access.

Signage was discussed. There will be wall signs. A 15 ft. high pylon sign will be located 15 to 20 feet further back than the existing Market Basket sign, so it will not impair view. It was noted CVS building will be 19.4 ft. tall compared to Market Basket at 22.5 ft. tall. Mr. Teixeira asked if Market Basket approved the plan; Mr. Dundon stated yes, Market Basket is the developer of record.

Jim Lámp, in-house engineer for Market Basket, was present. He informed the Board they will be requesting the building look more appropriate for the area, and he will work with CVS for a better architectural appearance, improving the materials and look of the building.

Mr. Fountain asked if Applicant wants to improve the plan and then return to the Board. Attorney Brennan asked if the building was the only issue. Mr. Teixeira said the side entrance was a concern, and he doesn't see the benefit of it. Attorney Brennan said the curb cut was already on the property. Mr. Teixeira noted it is used by gravel hauling trucks now, and adding cars to it will make a mess of traffic and is setting up a hazard. He is concerned with cars going left onto Rte. 138 and Applicant is assuming cars will wait for the traffic light. It was agreed that this access road is good for emergency vehicles. It

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was noted there is a similar situation with cars making a left turn into McDonald's from Rte. 138 even though there are signs stating 'no left turn.' Attorney Brennan stated the access road can be restricted by signage to emergency vehicles. He did not think CVS would agree to eliminate the access.

Mr. Teixeira discussed that cars going north will take the left turn out of the access road to avoid the traffic light. Mr. Iafrate noted the Town's Master Plan talks about interconnecting sites in the future to avoid main road traffic. Mr. Teixeira noted the adjacent site is not retail shopping; Mr. Fountain said it could be in the future.

Kevin D'Andrade, TEC, addressed the Board and explained that he generated the traffic report, and there were no comments from Mass DOT about the secondary access drive. Mass DOT's concern was ability for truck movements. Signs were added to the plan regarding Rte. 138. He explained that the access drive is primarily for service vehicles and trucks. He noted trying to better connect sites would keep traffic off Rte. 138. He stated CVS traffic will be influenced to use the signal lights and it would be more difficult to take a left out of the access drive and doing so would increase time; he feels there is low risk of left-turn traffic.

Mr. Teixeira stated connecting sites is a good idea but adding that connection later is not a major issue. Mr. Fountain noted the fire department wants it now. Mr. Andrade suggested keeping the plan as is and observing. It was agreed that putting up a sign prohibiting left turn is a reasonable condition.

Mr. Gallagher asked when Market Basket will review the plan. Mr. Lamp said they can make a quick decision and it shouldn't be a big cost change. He asked for a condition that the Board can approve the change prior to a building permit being issued so the project can start. The Board was agreeable to this. Mr. Iafrate suggested the mechanicals be covered from the street view.

Attorney Brennan noted there are special permits involved and because the Board configuration will be different at the next meeting, he asked if they could vote tonight with condition so site work can proceed. The Board agreed to do so.

Mr. Lamp showed photos on his phone of better looking CVS buildings, more colonial in look, and said he will encourage CVS to use that design. Mr. Teixeira noted a similar CVS could be seen at Hart's Corner in Taunton.

Waivers were discussed. Mr. Fountain asked Mr. Iafrate if he is okay with concrete being used in place of landscaping strip along the foundation wall. Mr. Iafrate said it is safer than using mulch, which can cause fires. Bollards were shown on the plan. Mr. Dundon noted there were no bollards on the side but they were replaced with wheel stops.

Vote to approve waiver from Sec. 4.14, scale of the plan: Mr. Gallagher to approve; second Mr. Fountain. Motion passed unanimously (4-0-0). Vote to approve waiver from Sec. 5.8, five stacking spaces at the drive-thru lane rather than eight: Mr. Gallagher to approve; second Mr. Driscoll. Motion passed unanimously (4-0-0). Vote to approve waiver from Sec. 5.12, eliminate landscape strip at foundation wall: Mr. Gallagher to approve; second Mr. Teixeira. Motion passed unanimously (4-0-0).

Mr. Gallagher moved to approve Special Permit in accordance with zoning by-laws Sec. 7.4, to allow retail use in Designated Development District; second Mr. Fountain. Motion passed by unanimous vote (4-0-0). Mr. Gallagher moved to approve Special Permit in accordance with zoning by-laws Sec. 7.4, to

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allow a drive-thru window in Designated Development District; second Mr. Fountain. Motion passed by unanimous vote (4-0-0).

Conditions for site plan approval were discussed. It was agreed that approval of the plan is subject to future architectural review and approval of the building design, which is now not to the satisfaction of the Board, and a "service vehicle only" sign shall be added at the south side entrance.

It was noted no abutters to the site were present tonight.

Mr. Fountain moved to approve Site Relocation Plan for CVS Pharmacy, last revised February 23, 2018, by RJ O'Connell, subject to the conditions of future architectural review of the building design, which is now not to the satisfaction of the Board, and a "service vehicle only" sign shall be added at the south side entrance, and also the Applicant shall provide a traffic study, using methodology from Nitsch Engineering's memo of February 13, 2018, if the Board determines the space formerly occupied by CVS Pharmacy has a use not consistent with ITE Land Use Code (LUC) 820, Shopping Center; second by Mr. Driscoll. Attorney Brennan asked if the time period for the Board's architectural review is prior to the building permit being issued. Board agreed to that. Mr. Fountain moved to grant site plan approval subject to conditions discussed by the Board; second Mr. Gallagher. Motion passed by unanimous vote (4-0-0).

7:15 p.m. – Bassett Knoll Estates: Lee Castignetti, representing Raynham Investment Realty Trust, appeared before the Board and stated he is here "in full begging mode" because of a misinterpretation of the methodology of the phasing of Phase 2. He explained that at present no building permits can be issued for Phase 2 until July, but if the Board allows five more lots to be released before July, it would preserve momentum and stability due to the marketing being done. He said they are trying to get the project done in an orderly fashion.

Mr. Gallagher stated he never liked the phasing because the economy usually dictates building, and the phasing by-law was enacted when it was booming. Mr. Fountain agreed. Mr. Gallagher noted Bassett Knoll is the only subdivision under construction now.

Mr. Iafrate informed the Board he is visiting the subdivision multiple times a day to stay on top of things but the builder seems disorganized. He noted there are 16 of 20 building permits out now and another five won't hurt. He advised Mr. Castignetti to reach out to Highway Superintendent Buckley on the additional five lots being released and to provide Mr. Buckley with a plan. Mr. Castignetti said the five lots are on Sparrow Way, and they are on the Form J being submitted to the Board tonight for signature. Mr. Iafrate said he has no issue with this.

Mr. Fountain said the Board would go along with this if Mr. Iafrate is okay with it, but he is troubled the builder is not organized. Mr. Castignetti was unaware of this and will look into. After discussion, it was agreed no action will be taken on the five lots tonight, and Mr. Buckley will be consulted. Mr. Fountain said he imagined the Board will vote in favor at the next meeting.

7:23 p.m. – Form A Plan, Sandy Hill Road: Mr. Iafrate recused himself and left the meeting room. Chris Gallagher recused himself and left the meeting room.

Frank Gallagher, P.E., Foxboro, MA, appeared before the Board and presented a Form A plan prepared for owner/applicant SPG Construction and Development LLC, Bridgewater, MA. Mr. Gallagher

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explained the locus property was auctioned off by the Town of Raynham a few months ago, and the Sullivan property recently before the Board is north of this property. Mr. Fountain asked where the pavement ends. Mr. Gallagher showed on the plan that it is south of the Lema driveways. Also noted, the property is north of Stevens' property.

Mr. Teixeira asked how far the road is being paved. Mr. Gallagher explained it is being paved all the way up to and including SPG property. He noted the two lots proposed meet setback requirements and there are no wetlands on site. Also, the existing roadway is private, and the Form A application allows in this case. Mr. Gallagher stated the issue is whether there is adequate access, the same as in the Sullivan case. Mr. Fountain asked if the road is passable; Mr. Gallagher stated yes. Mr. Fountain asked if Mr. Sullivan is doing road improvements; Mr. Gallagher stated yes, he is ready.

Mr. Fountain asked what SPG is doing for improvements. Mr. Gallagher noted there had been talk by the Board that if there were any more lots proposed on the road, paving would be required. Mr. Teixeira asked who is responsible for paving. Mr. Gallagher stated SPG is open to paving from where pavement now ends to the end of SPG property. Mr. Fountain questioned if they would not be paving to Sullivan property. Mr. Gallagher said they were not expecting to bring pavement closer to Sullivan. Mr. Teixeira asked if Sullivan is doing the service work to be tied into; Mr. Gallagher said yes. Mr. Teixeira asked about the timing of this project; Mr. Gallagher said it is somewhat subject to Sullivan but Sullivan is ready to proceed.

Mr. Fountain asked if there are other unbuilt lots in the area; Mr. Gallagher said yes.

Jason Lema, abutter to the property, discussed that there are more house lots possible. He said there is talk of other development coming in through nearby Carlton Street. Mr. Gallagher said that nearby wetlands make other properties not developable.

Mr. Fountain said he wanted paving done to the intersection of the paper street with a turnaround provided for fire department access. He noted Sullivan is doing a hammerhead design for his property. Mr. Gallagher stated the fire department is okay with a hammerhead design.

Mr. Lema asked what the reason is for wanting pavement. Mr. Fountain said it holds up better. Mr. Lema noted the existing 12 feet is in bad condition. He stated he does not want more road pavement because of accelerated speeding and road runoff. He noted the existing road is only 12 feet wide and people will have to pass through that section to get to these new lots.

It was noted water and sewer are available to the proposed lots.

After discussion, Mr. Fountain moved to approve "Plan Of Land In The Town Of Raynham, MA. Situated Off Of Sandy Hill Road," by Gallagher Engineering, Foxboro, MA, dated February 9, 2018, as an Approval Not Required plan subject to road improvements being made as per Sullivan property conditions as shown on the plan and SPG agreeing to pave the road from the end of the existing pavement to the intersection of Pine Street and Sandy Hill Road; second Mr. Teixeira. Motion passed by unanimous vote (3-0-0).

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General Business:

- Mr. Fountain moved to waive the reading and approve the minutes of February 15, 2018; second Mr. Teixeira. Motion passed by unanimous vote (3-0-0.)

SRPEDD update:

- The Governor of Massachusetts has issues with home delivery of cannabis as well as the issue of social consumption of it.
- Improvements to Rte. 138 in 2021 are part of the TIP program. The Route 44 bridge improvements are not part of that program.
- The State is getting serious about South Coast rail, with progress moving forward.
- The Annual Town Meeting must be held on the third Monday in May per the Town by-laws. The date has not been accelerated and it will be held on May 21st.

There was no further business and the meeting adjourned at 7:50 p.m.

Respectfully submitted,



Russell Driscoll