



TOWN OF RAYNHAM

PLANNING BOARD

RAYNHAM, MASSACHUSETTS 02767

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

Planning Board Meeting September 6, 2018

Meeting opened: 6:02 p.m. by Christopher Gallagher, Chairman

Board members present: Christopher Gallagher, Burke Fountain, Daniel Andrade, John Teixeira

Board members absent: Russell Driscoll

Also present: Robert Iafrate, Building Commissioner-ZEO-Planning Coordinator
Maureen McKenney, Administrative Assistant

6:02 p.m. Orchard Street Extension: Lee Castignetti, Long Built Homes, Inc., appeared before the Board for re-endorsement of Orchard Street Extension subdivision plan because the recording deadline was missed. He noted the plan was approved when Mr. Andrade was chairman and that the Board only needs to re-date the signed plan at this time rather than Board members resigning.

Mr. Andrade felt the plan must be re-endorsed, not re-dated. Mr. Castignetti disagreed, stating re-dating would be the same as re-endorsing, and they have done that in other towns. Mr. Andrade noted they would have to use tonight's date and not back-date the plan.

Mr. Andrade moved to re-date the plan; second Mr. Fountain. Motion passed unanimously (4-0-0). The plan was re-dated with tonight's date.

6:08 p.m. Bassett Knoll subdivision: Lee Castignetti, Long Built Homes, Inc., was present for status update on the subdivision. Mr. Castignetti explained seeding was done last week and grass is growing in Basin A; Long Built has taken over Basin B to expedite matters, seeding was done Monday and grass is now growing there. Dense grade was applied to the cul-de-sac, Nitsch has inspected and they are hoping to pave Monday.

Mr. Iafrate submitted site visit report, dated August 31, 2018, from Timothy Parker, Nitsch Engineering.

Mr. Castignetti continued, noting Global Construction finished Basin A, Long Built did Basin B, Global is doing the cul-de-sac and Long Built is working with Global to take over Phase 3. He noted Nick Harris is quite ill, and he has not talked to him in several weeks.

Mr. Gallagher stated nothing is completed.

Mr. Iafrate said Basin 1 is germinating but hasn't stabilized yet. He explained that Mr. Buckley is very happy with work done but not yet 100%; Mr. Buckley doesn't want lots released until there is more grass in the basins. Mr. Iafrate noted the cul-de-sac is shaped, loamed and graded. Mr. Andrade noted the grass in the basins is an old issue that needed to be done; he is not comfortable with releasing 12 lots but may be with releasing five lots.

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September Mr. Gallagher said they have been waiting forever, this should have been done months ago. Mr. Castignetti said he couldn't disagree with that. Mr. Gallagher said they should wait until Mr. Buckley is okay with the work before releasing more lots.

Mr. Castignetti said he is looking for any number of lots to be released; Long Built is trying to be responsive.

Mr. Andrade discussed that Phases 1 and 2 have to be completed before the lots in Phase 3 are released. He noted Mr. Castignetti is in the middle of the concerns the Board had with Global. He is comfortable with releasing five lots so the project can continue. He noted the Board has leverage in the bond posted.

Mr. Gallagher stated that according to Mr. Iafrate, Mr. Buckley is not okay with lot releases; the Board's concern is not Mr. Castignetti's relationship with Global, but their concern is to make sure all work is done; what has been sold in the development is not the Board's concern. Mr. Castignetti said all is done; Mr. Gallagher disagreed.

Mr. Gallagher suggested Mr. Castignetti return in two weeks and ask for 12 lot releases. Mr. Andrade said he wouldn't vote to release all the lots in two weeks, it will take at least a month. He noted the Nitsch report confirmed what work has been done. Mr. Gallagher felt the report confirms what has not been done; he will compromise with three lot releases. He noted the work did not get done until the Board stopped releasing lots. Mr. Castignetti said all work is done, the grass is growing.

Mr. Fountain asked if competent people have taken over the work. Mr. Castignetti explained J.D. Lanigan is doing the work; Mr. Buckley can confirm they have done work in Town. Mr. Andrade said he was not satisfied, this is an ongoing subdivision with issues that need to be addressed.

After discussion, Mr. Andrade moved to release five lots until further notice; second Mr. Fountain. Mr. Andrade and Mr. Fountain – Yes; Mr. Gallagher and Mr. Teixeira – No; the motion failed to carry.

Mr. Teixeira noted they are dealing with two entities, but it's not the Board's place to get in the middle of it.

Mr. Gallagher informed Mr. Castignetti that \$7,000 is still needed for the project review account. Mr. Castignetti agreed to provide the funds.

6:27 p.m. Christina's Path: Mr. Iafrate informed the Board that he advised developer Steven Joyce that he need not be present tonight. Mr. Iafrate explained that issues were identified at a recent site visit to the subdivision; Mr. Buckley and Mr. Joyce are "on the same page"; the work will be done before the end of October; and Mr. Buckley and Mr. Joyce are coordinating Christina's Path road work with the road work being done on White Street.

6:29 p.m. Sandy Hill road plan: Developer Joe Sullivan appeared before the Board to have the approved plan endorsed. Mr. Gallagher left the meeting because his brother was involved in the plan.

Mr. Andrade, Mr. Fountain and Mr. Teixeira endorsed the plan.

Mr. Sullivan updated the Board on the status: once the plan is recorded, trees will be cleared and the 22 ft. road width will be constructed using gravel; a hammerhead turn will be constructed.

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Mr. Andrade told Mr. Sullivan to take care of what needs to be done in accordance with the Certificate of Action, and to provide the Board with a copy of the plan recording slip. Mr. Sullivan agreed to do so.

(Mr. Gallagher returned to the meeting.)

6: 35 p.m. 1000 New State Highway site plan: Mr. Gallagher reconvened the public hearing. He noted Mr. Driscoll was not present tonight and asked if the applicant wished to go forward.

Mr. Andrade noted tonight was for discussing a contract so the Board can hire a firm to do a study for them. Mr. Gallagher noted the applicant has to agree to pay for the study.

Mr. Fountain asked if they would be taking testimony tonight. Attorney Edmund Brennan, Taunton, MA, appeared as applicant's representative. He agreed that no testimony will be taken tonight so Mr. Driscoll can participate. He noted he only received the contract proposals today, and he sent them to their consultant to see if they were reasonable, noting they were entitled to do so under statute because they are paying for the study. They have not received input yet from their consultant but they feel it is important to get it. Attorney Brennan said they agree to no testimony being taken tonight and ask that the Board push the vote on a contract to the next meeting. He noted they are awaiting a response from Nitsch on the July 15th Beals & Thomas letter.

Mr. Gallagher noted a third proposal was received, which the applicant may have not yet seen. He stated applicant was within their rights to continue the matter.

Mr. Andrade discussed that the regulations are clear that the Board has the authority to hire as they see fit with the applicant's approval of a reasonable fee but it is the Board who picks the consultant, not the applicant. Mr. Andrade noted the Board was not taking the \$19,800 proposal, it is too high. He discussed that the proposal from the local business seemed the best.

Mr. Gallagher noted that picking a consultant would not be considered taking testimony. He asked if Attorney Brennan agreed. Attorney Brennan said he was okay with that, noting he is not suggesting the applicant has the right to tell the Board which consultant to pick, but they are asking their consultant for input for what it's worth. Mr. Gallagher asked if it was legitimate for the Board to vote on the matter tonight; Attorney Brennan stated yes.

Mr. Teixeira asked about the third proposal, noting he has not seen it. Mr. Iafrate said they are throwing it out. He explained he sought proposals from CEC, Atlantic Design and Epsilon, with CEC being the local firm; Epsilon's proposal is over \$19,000, which didn't include all work the Board wanted done; and, the Atlantic proposal was just received today. Mr. Iafrate stated CEC seems to encompass all work and they are local; Atlantic only quoted on noise study, no pollution study and they were found to have a conflict so they are out. Mr. Iafrate said he recommended CEC; he suggested the applicant review that proposal and get back to him next week.

Mr. Teixeira asked what a desk top study is, noting he thought the Board wanted an actual study. Mr. Iafrate explained they would be going into the field and testing noise.

Mr. Andrade suggested the company appear before the Board so they know the Board's concerns. He noted the Board needs more information on sound and odors. Mr. Gallagher agreed it is wise to bring the consultant in before the Board, noting he is not signing until he meets with CEC. Mr. Andrade moved to

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have CEC attend a Board meeting to discuss the Board's concerns; second Mr. Fountain. Motion passed on unanimous vote (4-0-0).

Mr. Gallagher noted Attorney Matt Costa was at tonight's meeting as attorney for abutters. He stated all correspondence on the proposals should go to Attorney Costa so he is in the loop.

After discussion, Mr. Teixeira moved to continue the public hearing to September 20th, at 6:30 p.m.; second Mr. Fountain. Motion passed by unanimous vote (4-0-0). Mr. Gallagher stated there will be no new notifications sent to abutters but the meeting is posted.

Attorney Brennan asked if the Board will not contract with CEC until they are invited in; he was told yes, that was the Board's vote.

6:53 p. m. General Business:

- No invoices were received.
- Mr. Fountain moved to waive the reading and to accept the minutes of August 2, 2018; second Mr. Teixeira. Motion passed by unanimous vote (4-0-0).
- Mr. Gallagher read correspondence from Raymond Ferrone, President, Briarwood Construction, South Easton, MA. Mr. Ferrone's letter confirmed he understands and agrees that no occupancy permits will be issued for Lots 3, 4 and 5 on Pine Street Extension until the roadway has been constructed per the approved plan.

Mr. Iafrate informed that he has been to the site quite a few times recently with Mr. Buckley, and Mr. Buckley will be monitoring to make sure the work is done according to plan; two lots have been released and two lots will be released after the work is done. Mr. Andrade asked if the Board needs to release Lots 3, 4 and 5. Mr. Iafrate said to release Lot 3, hold Lots 4 and 5.

Mr. Andrade moved to let Mr. Iafrate issue building permits for the lots on Pine Street with the final decision on occupancy permits up to the Board; second Mr. Teixeira. Motion passed by unanimous vote (4-0-0).

6:58 p.m. Planner update:

- Mr. Buckley is concerned with work at Doe Run subdivision (off Pine Street). Mr. Iafrate will keep the Board updated.
- There will probably be a preliminary plan coming in for 366 North Main Street. The proposed building will not be big, but will have a large parking area and two curb cuts.
- Mr. Buckley is working on rules for road work during a five-year moratorium; Mr. Iafrate will provide a copy at the next meeting.
- Mr. Iafrate has been trying to meet with the developer of the former "Honey of A Ham" site on Route 44, but no one has been on site lately.

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- Mr. Iafrate has been trying to meet with the developer of the former "Honey of A Ham" site on Route 44, but they have not been there lately.
- The building permit for CVS on Broadway is being finalized.
- Two demolition permits for former Bradford Trailer site on Rte. 44 have been issued.
- Mr. Fountain asked about the former Williams garage site on North Main Street. Mr. Iafrate stated the building is being renovated, the project went before the Board of Appeals and the business use is being continued so there will not be a 40B project.

SRPEDD update: None tonight.

7:02 p.m. - There was no further business. Mr. Gallagher moved to adjourn; second Mr. Teixeira. Motion passed by unanimous vote (4-0-0).

Respectfully submitted,



Russell Driscoll, Clerk