



TOWN OF RAYNHAM

PLANNING BOARD

RAYNHAM, MASSACHUSETTS 02767

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

Planning Board Meeting October 4, 2018

Meeting opened: 6:00 p.m. by Christopher Gallagher, Chairman

Board members present: Burke Fountain, Daniel Andrade, Russell Driscoll, John Teixeira

Board members absent: (all present)

Also present: Robert Iafrate, Building Commissioner/Planning Coordinator; Maureen McKenney, Administrative Assistant

6:00 p.m. Doe Run subdivision: The matter was tabled to a future meeting. No action taken.

6:01 p.m. Bassett Knoll/Raynham Preserve: Mr. Iafrate noted he advised Lee Castignetti of Long Built Homes that he need not be present tonight. Mr. Iafrate updated the Board on the status of the subdivision. Cost Estimate Update, dated October 3, 2018, for Raynham Preserve-Phase 1B, was received from Nitsch Engineering. Copies of e-mails from Steven Ventresca at Nitsch Engineering to Ed Buckley and Lee Castignetti regarding recent site visit and field report were also received.

Board members and Mr. Iafrate discussed the information.

After discussion, Mr. Andrade moved to release the remaining lots in Phase II on Sparrow Way bringing the number of released lots to 17; second Mr. Teixeira. Motion passed unanimously.

6:10 p.m. Skyline Marble & Granite site plan: Request for an occupancy permit was discussed. Mr. Iafrate explained he visited the site with Steve Ventresca of Nitsch Engineering. Mr. Iafrate submitted a red-line as-built plan that was prepared by applicant's engineer.

Mr. Iafrate discussed outstanding items: handicap parking spots located on grade steeper than 2% – the problem was solved by relocating the parking spots. Some stop signs not installed – they are now installed. Veneer columns are now completed. The swing gates on the fenced area are on order and will be installed soon.

A "Punch List," dated October 3, 2018, was provided by Nitsch Engineering. Erosion control issue will be reviewed and approved by Conservation Commission. Final updated as-built plan will be provided.

October 4, 2018

Page 2

Eric Dias, P.E., Strong Point Engineering Solutions LLC, Middleboro, MA, addressed the Board and explained that the gates will be installed beginning next week; handicap parking spots were relocated and will be shown on updated as-built plan; the stop signs with stop bars and cross walks were installed at Elm Street and Broadway entrances and will be added to the updated as-built plan.

Mr. Andrade said he thought more bollards were to be provided on the south and east side. Mr. Dias explained that bollards were not shown on the plan approved in mid-2017 but curb stops were shown in front of the walkway and parking spots. He noted there was a conversation about bollards but the curb stops were approved. Mr. Iafrate said he believed this was a trade-off.

Mr. Dias explained that an as-built plan was submitted and then a modified red-line site plan was submitted. It was noted there is a bollard shown on the modified site plan at the northwest corner of the building near the loading docks but the rest are curb stops.

Mr. Andrade noted the entrance was different. Mr. Dias said the building design was not finalized when the site plan was approved; the entrance was relocated to the corner of the building and became more elaborate. He explained that the handicap parking spots do not have bollards but they have curb stops and handicap parking signs behind.

Mr. Andrade noted Nitsch had comments about catch basins near Elm Street. Mr. Dias explained there was an issue with an easement that did not exist; the catch basin issue was discussed with and approved by the Highway Department. Mr. Dias has documentation of that. Mr. Andrade recalled there were issues, and he asked Mr. Iafrate to confirm this with Ed Buckley.

Mr. Fountain noted Nitsch commented on the infiltration system. Mr. Dias explained how the system was designed, stating he is confident it will function as designed and he will provide calculations to Nitsch. Mr. Gallagher had no issue with the explanation.

Mr. Teixeira asked Mr. Iafrate to check on the bollard issue. Mr. Iafrate agreed to do so; he will also confirm Ed Buckley is okay with the plan.

Mr. Andrade said the parking lot is not large, it is okay without the landscape islands, the trees make the parking lot look good. Mr. Dias noted the parking lot islands can cause plowing hazards.

Mr. Dias explained they have to file the RCOC with Conservation Commission but applicant wants the site completed before they apply for it.

Mr. Gallagher said he would entertain a motion to give Mr. Iafrate direction on the occupancy permit. After discussion, Mr. Andrade moved to approve the modifications to the site plan for not

October 4, 2018

Page 3

installing the islands in the parking lot in lieu of moving the trees to the front sloped landscaped area; second Mr. Fountain. Unanimous vote to approve.

Mr. Andrade moved to approve the final, updated as-built plans when submitted to Mr. Iafrate subject to Ed Buckley being satisfied with the drain pipe and the manhole as discussed; verification that the original plan approved by the Board does not require bollards; a certification on the calculations for the drain pipe and manhole, as discussed, be provided; and, completion of the deeds; second Mr. Teixeira. Motion passed on unanimous vote. Certificate of Occupancy will be issued.

General Business:

- No invoices received.
- No correspondence received.
- Mr. Fountain moved to waive the reading and accept the minutes of August 16, and September 6, 2018; second Mr. Teixeira. Motion passed on unanimous vote.

Planning Coordinator Update:

- Mr. Iafrate has been discussing the issue of wet basins with the Raynham Preserve East applicant.
- Roadway and basin in Bassett Knoll Estates Phase 3 are under construction. Applicant is working with Nitsch Engineering and Highway Superintendent Buckley on unsuitable materials that were found. Mr. Andrade noted the unsuitable material was from the dog track site and it contained a lot of recycled junk. He noted Mr. Buckley contacted him about the issue so he suggested doing tests on the material but applicant ended up taking the material off site instead.
- Mastria Kia, 1555 New State Highway: A temporary occupancy permit has been issued for the front part of the building. A bond was posted for \$825,000 for the remaining site work. Temporary occupancy permit is good for six months and will be revisited in March.
- The parking improvements at DePuy on Paramount Drive are 90% complete.
- Preliminary department head meeting will be held next week for site plan application for two storage buildings at 275 New State Highway.

October 4, 2018

Page 4

- The second meeting of the Route 138 public forum is scheduled for this coming Wednesday at 6:15 p.m. Mr. Andrade asked how people were notified. It was noted the meeting is posted; those who attended the last meeting know the date; texts have been sent; posting was done on Raynham Residents page in Facebook.

SRPEDD Update:

- The Rte. 44 overpass over Rte. 24, Exit 13B, will be closed on Wednesday, October 10th, 9 p.m. to 5 a.m., in order to install drainage systems. There will be detours involved.
- Traffic lane shifts will be implemented on Route 44 near the overpass bridge starting October 9th, 9 a.m. to 3 p.m. and 8 p.m. to 4 a.m., for ongoing work.
- The meeting room will be used for early voting from October 22nd to November 2nd. Mr. Teixeira suggested holding the November 1st Planning Board meeting at South School so the meeting can be broadcast. It was agreed to wait to the next meeting to determine.

Innovation Park, 1000 New State Highway public hearing was reconvened. Mr. Gallagher informed that he will be missing a few meetings and he will decide how to handle that as the hearing proceeds.

Mr. Gallagher noted at the last meeting, the Board selected a review study firm and when discussing the study with the firm, several items of concern were added by the Board for the study, which almost tripled the cost. He has not had a chance to review the new proposal but it was forwarded to the applicant.

Attorney Ed Brennan, Taunton, MA, applicant's representative, addressed the Board. He explained that the cost of the study went from \$8,000 to \$26,000. He believes the Board should have an outside consultant review applicant's study, as is done in other applications; CEC (Civil & Environmental Consultants, Inc.) should review the Tech Environmental report that was prepared for the applicant and then tell the Board if the report is deficient and if so, how; then the Board can consider the next step. Attorney Brennan believes at this point, the Tech report has been essentially disregarded; CEC should review and report back to the Board; and, Tech Environmental is a highly regarded firm, their report should be reviewed.

Mr. Gallagher stated it was the Board's decision that the report wasn't deficient but rather they wanted an independent study to get their own data; the Board is looking at this as a brand new submission and he wants proper data from where they are starting now. Attorney Brennan asked that someone weigh in on Tech's report for the Town rather than ignore it. Mr. Gallagher said he understood. Mr. Andrade noted the Board read the report, they aren't ignoring it, but feel it is insufficient in what it covers. He noted the Board had CEC come before the Board to hear what they

October 4, 2018

Page 5

want gathered for the report. He noted applicant's consultant can look at what the Board wanted from CEC and have them provide it for the Board.

Mr. Andrade stated the Board wants to know where the base of information comes from, that is what they disagree on. Mr. Gallagher stated the Board is not saying Tech Environmental is good or bad, but they want an independent person to gather information and compare to Tech information. Mr. Gallagher stated data was pulled from GIS maps and from his experience, it is not always accurate. Mr. Andrade again suggested applicant's consultant can consider what the Board wants for information. He stated the Board disagrees on how information was gathered and the Board needs more information before proceeding.

Buzz Artiano, property owner, 6 Commerce Way, Carver, MA, spoke. He asked for clarification on what would be the next step if he takes the CEC proposal and brings it to Tech Environmental, and Tech then augments their report along with proper surveying data of neighboring properties, which they have agreed to do, and the Board is still in disagreement. Mr. Andrade said if they do all that CEC was asked to do, that information is critical to the next step. Mr. Artiano said he doesn't want to keep "moving the goal posts," but assuming the survey data is done properly by law, to then have the Board say they want CEC to do it over again. Mr. Andrade said the Board wouldn't be in a position to disagree at that point, but now information is lacking regarding elevations and noise. Mr. Gallagher said the elevations are wrong; Mr. Artiano said he gets that and it will be addressed. Mr. Gallagher said it is within the Board's purview to hire experts; Mr. Artiano agreed.

Mr. Andrade stated he has not made a decision about how this will go, he doesn't have enough information. He wants the information to satisfy concerns of the neighbors. He discussed that he wants the information they need without "pushback." Mr. Artiano stated there was no pushback but there has been back and forth discussion on the review number. He is fine with Tech reviewing the list to make sure they can incorporate the Board's concerns.

Mr. Artiano said he wanted to make the point that the neighbors have all cut their tree lines to his property line and exposed the last 100 feet of the business zoning line in their properties. Mr. Gallagher said it is the Board's job to ensure the residential abutters are well buffered. He said if this use came in first, the Board would not have allowed applicant's site to be cut to the property line.

Mr. Fountain discussed that he couldn't promise that some part of the report would not need to be verified but he couldn't say that he would definitely want another engineer to go out and do work. Mr. Gallagher noted the elevation data was bad from the beginning.

October 4, 2018

Page 6

Attorney Brennan said the properties of more than the seven abutters represented by Attorney Costa were surveyed and work will be done soon. Tech Environmental will look over the CEC report and will submit their information but he cannot yet compare their price with the CEC quote.

Mr. Andrade apologized for previously saying applicant's report wasn't worth the paper, but the information in the report is insufficient for the Board to make a fair decision on what to do.

Attorney Brennan said he will report back to the Building Commissioner when he has information but it will take time. He noted Mr. Gallagher can only review the record for one missed meeting so it may be to his advantage to not take testimony at the next meeting. Mr. Gallagher said he could potentially miss three meetings.

It was agreed to continue the public hearing to October 18th. An extension of time-to-act will be needed at the next meeting.

Attorney Matthew Costa, Taunton, MA, representing abutters, addressed the Board and stated that the scope of issues to be reviewed is a matter of what the by-law requires and the Planning Board is the expert on that. He stated a major issue with Tech's original study was that it didn't look at all sources of noise, some sources were omitted based on DEP policy but the zoning by-law does not refer to DEP policy but refers to unreasonably detrimental or offensive or a nuisance. He submitted a letter to the Board with a copy to applicant stating there was no reason for Tech's analysis to omit certain noises. He asked that the Board reserve judgement as to whether it will hire a peer review consultant, and he believes they have done that.

Mr. Andrade said it seems clear Attorney Costa is looking for what the Board is looking for.

Paul Cavallaro, Bear Stump Circle, addressed the Board. He discussed there is difference between steady-state sound study versus a transient sound study, and it is important that be addressed. Mr. Andrade suggested he put his concern in writing and submit for the file; Mr. Cavallaro agreed.

There were no further comments. Mr. Fountain moved to continue the hearing to October 18th, 6:15 p.m.; second Mr. Teixeira. Motion passed on unanimous vote.

Attorney Brennan said if Mr. Gallagher is not present at the next meeting, if testimony is limited to the status of the expert's review, nothing will be missed and Mr. Gallagher can participate on the vote. He is 99.9% sure, Mr. Gallagher can make up one meeting.

Mr. Teixeira noted he visited the Shrewsbury site last Saturday and when appropriate, he will bring it up.

October 4, 2018

Page 7

There was no further business. Mr. Gallagher moved to adjourn; second Mr. Teixeira. Unanimous vote to adjourn.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read 'R. Driscoll', written in a cursive style.

Russell Driscoll, Clerk