



TOWN OF RAYNHAM

PLANNING BOARD

RAYNHAM, MASSACHUSETTS 02767

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

Planning Board Meeting April 5, 2018

Board members present: Daniel Andrade, Burke Fountain, Russell Driscoll, John Teixeira, Christopher Gallagher (7 p.m.)

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

The meeting was opened at 6 p.m. by Chairman Andrade.

6:01 p.m. – Gallagher Place (off King Street): Attorney Edmund J. Brennan, Jr., Taunton, MA, appeared before the Board representing owner/applicant Christopher Gallagher (not present for this portion of the meeting). Letter dated April 5, 2018, was received from Attorney Brennan regarding proposed improvements to Gallagher Place, shown on the submitted plan "Roadway Upgrade Plan of Gallagher Place," dated April 2, 2018, prepared for Chris Gallagher, 35 Gallagher Place, Raynham, prepared by Frank J. Gallagher, P.E., Foxboro, MA. Attorney Brennan explained that Gallagher Place, a two-lot subdivision, was approved in 1994. When approved, a restriction was imposed stating that no building permit could issue on the second lot until roadway improvements were approved by the Planning Board. There is currently a house on Lot 1 and a barn on Lot 2, and Petitioner now wishes to construct a single-family house on Lot 2. Water and sewer are available from King Street, electrical service is provided. The existing 12 ft. gravel drive will be widened to 18 ft. using blue stone gravel and a cobblestone apron will be constructed at the entrance to King Street. Attorney Brennan submitted letter dated August 1, 2017, from James Januse, Raynham Fire Chief, stating he was okay with the plan. Attorney Brennan noted the Board wanted the neighbors to be aware of the improvements being made so Mr. Gallagher approached the common-boundary neighbors to inform them, and all three assented to the changes. Attorney Brennan submitted a signed document verifying this. Mr. Andrade asked if anyone was present for Gallagher Place tonight, and no one responded.

Mr. Andrade explained he would like the cobblestones at the entrance along with a 20 ft. paved entrance tapering to 18 ft. wide into the property so debris can fall off vehicle tires before going onto King Street. He also requested a note be placed on the plan stating Gallagher Place is to remain a private road. After discussion, it was agreed that the conditions of approval from the original subdivision plan will follow with this modified plan.

It was noted this plan is a Land Court plan because of past ownership issues.

Mr. Fountain stated he was okay with the plan with conditions of 20 ft. wide pavement, the road to stay private, not to be public road without further upgrades being approved. Mr. Teixeira and Mr. Driscoll agreed.

Mr. Andrade moved to accept the proposed roadway improvements for Gallagher Place per the April 5, 2018, letter from Edmund J. Brennan, Jr., with 20 ft. wide blacktop pavement in addition to the cobblestones and with a note on the plan that no further development is allowed and the road is to be

maintained as a private way and not a public way, and the Certificate of Action must be recorded at the Registry of Deeds because this is a Land Court plan; second by Mr. Fountain. Motion passed unanimously (4-0-0).

6:09 p.m. - Rezoning petitions: Mr. Andrade read correspondence dated April 5, 2018, from David Flaherty, Acting Town Administrator, forwarding two citizens' petitions requesting rezoning of land on Church Street and land on Rte. 44 along with a request for acceptance of Princess Lane, Duke Drive and Queen's Circle. Mr. Andrade moved to schedule public hearing for rezoning on May 3, 2018; second by Mr. Fountain. Motion passed unanimously (4-0-0). A public hearing is not needed for the road acceptance and the Board will vote on the matter at the next meeting.

6:11 p.m. – Public hearing for Raynham Preserve East preliminary subdivision plan (off Bayberry Road) was opened. Mr. Driscoll read the hearing notice. Comment letter, dated March 28, 2018, was received from Nitsch Engineering. List of waiver requests was received; letter dated March 22, 2018, from Raynham Sewer Commission was received.

Lee Castignetti, Long Built Homes, appeared before the Board representing applicant, Long Built Homes, Inc., along with Evan Watson, P.E., Prime Engineering, Lakeville, MA. Mr. Andrade noted the applicant had been before the Board over the course of the previous 2 to 2 ½ years to discuss the plan, but this was not the definitive plan tonight.

John McGarry, Superintendent, Raynham Sewer Department, addressed the Board and explained that although this is a preliminary plan he wants to make all aware that the road profiles shown on the plan prevent successful sewer service. He suggested changes that can be made to allow a gravity sewer system to work. He stated applicant recognizes this and will design and work with the sewer department for a successful project. Mr. Andrade requested Mr. McGarry submit a letter to the Board at the definitive plan stage. Mr. McGarry agreed, saying he will track the project with the Board.

Mr. Andrade discussed the pump station at Paddock Road. He explained Highway Superintendent Buckley expressed concerns in an e-mail in December 2017 about the pump station turnaround being graveled. The Board then approved a reduction from the original turnaround width of 80 ft. with graveled to 60 ft. width with pavement. Mr. Castignetti noted he was not part of that issue and questioned if it was part of the original subdivision approval. Mr. Andrade stated the Board wants 60 ft. paved width for the turnaround and it will be a condition of approval. Mr. Castignetti agreed to it.

Mr. Castignetti explained the plan: in 1996, 30 conventional lots were approved with 3,775 ft. roadway length, which exceeded the 1,350 allowed length; the cost and expense to do the full 3,775 ft. length was discussed previously with the Board, and he now requests a formal agreement from the Board on the road length waiver as discussed. Mr. Castignetti explained the preliminary plan tonight is serving as the "yield" plan for an open-space plan.

Mr. Fountain asked what changes were approved in 1996. Mr. Castignetti explained the original plan was approved in stages, but over time the wetlands encroached on the property and this section had to be separated from the original Bassett Knoll plan, and the 30 conventional lots were created.

Mr. Andrade explained that Nick Harris was before the Board three years ago to discuss the fact that the road exceeded the 1350 ft. dead-end road length maximum. Mr. Andrade said he researched the matter and determined Mr. Harris had the right to build the 30 lots as previously approved. He noted the

wetlands encroached on the plan design, and the road length has been settled and will not come into play at this time. There are now 24 lots shown at 40,000 sq. ft. so the same number of lots can be done at 20,000 sq. ft. for an open-space plan.

Glen Reagan, 76 Bayberry Road, said he is concerned with this plan and his neighborhood values. He asked if Conservation Commission was involved with the plan. Mr. Castignetti stated the wetland lines are current and approved. Mr. Andrade said the plan has to go through all Town departments, including Conservation. Mr. Regan asked for how long the 1996-approved plan was good. Mr. Andrade stated it is still good.

Mr. Castignetti showed the open-space plan layout and said he is looking for agreement that the yield plan is good, that they can proceed with the open-space plan and that the road length waiver agreement is formally recognized.

Mr. Fountain asked if Nitsch approved both plans. Mr. Andrade noted the plan was reviewed by Nitsch because of the special conditions and there was nothing about the size of the lots mentioned by them. Mr. Fountain noted the Nitsch comments were useful to the plan; Mr. Castignetti agreed. Mr. Iafrate agreed the Nitsch review was helpful.

Jonathan Dyer, 65 Ramshead Road, stated it appears a section of Bayberry Road is crossing over wetland buffer and asked when that will be addressed. Mr. Andrade noted Conservation Commission handles the wetland issues, the Board will not approve the plan until Conservation Commission does and vice-versa, and Conservation Commission will hold a public hearing on the plan. Mr. Fountain noted the preliminary plan is a general concept of the plan and requirements of the definitive plan will be more detailed.

Mr. Regan asked when the wetlands were flagged. Mr. Andrade said the wetland lines are good for three years. Mr. Castignetti said a two-year extension was granted for the wetlands in February 2018, making the plan good to February 2020. March Deshaies, Bayberry Road, asked the percentage of wetlands present on the plan. Mr. Andrade said Nitsch will have to check on that issue.

Frank Gallagher, P.E., Foxboro, MA, addressed the Board regarding his concern with lack of access to an abutting parcel. He discussed that the lot in question is 4.5 acres and is landlocked so the developable uplands on the piece will be cut off. It was noted the lot was landlocked when the highway was built.

Mr. Andrade suggested Mr. Gallagher should consult an attorney on the matter. Mr. Gallagher stated the Board's regulations, Sec. 8.9 C – Streets, states the Board may require provision for access to adjoining property, which he said can be done without the loss of a lot to this plan. Mr. Andrade said the Board would need a plan and information on wetlands issue before considering, and Mr. Gallagher should reach out to applicant's engineer on the matter. He stated the Board will not interfere in this but will make a determination if pushed to do so. Mr. Gallagher said the Board's regulations say they can do so; Mr. Andrade said he will look at the matter but the hearing tonight is about the applicant's plan. Mr. Gallagher said the access issue can be determined through this hearing process. Mr. Andrade said it won't be tonight and suggested the parties work it out. He advised Mr. Gallagher to present a legal opinion, and the Board will act if it is determined illegal not to do so. Mr. Andrade requested that for the record, Mr. Gallagher send a letter to the office on this matter for the file.

Mr. Andrade asked if there were others to speak. No one responded.

Mr. Andrade noted the waiver list that was submitted was not for tonight's action. He moved that the Board agrees on the proposal for the open-space plan depending on Nitsch approval of the yield plan and with a 60 ft. paved diameter gravel turnaround constructed at the pump station on Paddock Road; second by Mr. Fountain. Motion passed unanimously (3-0-0, Chris Gallagher not present at the meeting).

Mr. Castignetti asked if there is a formal waiver on the road length. Mr. Andrade answered they were past that issue, he did the research. Mr. Castignetti asked that it be made clear so there is no need to investigate the matter again. Mr. Andrade moved that the length of the road exceeding 1,350 feet as approved previously is still acceptable today; second by Mr. Fountain. Motion passed unanimously (3-0-0, Chris Gallagher not present). Mr. Andrade informed that there will be notices sent out for the definitive plan.

(Chris Gallagher now in attendance.)

7:00 p.m. – Public hearing for Solar Photovoltaic site plan, 1550 King Philip Street, was opened. Mr. Driscoll read the hearing notice. Jean Christy, P.E., Tighe and Bond, appeared before the Board as representative, along with David Kane, Green Street Power Partners LLC. Comment letter, dated April 5, 2018, was received from Nitsch Engineering.

Ms. Christy explained the plan: the site is located at the landfill on King Philip Street that has been closed and capped per DEP regulations; there is site access off King Philip Street; the three megawatt facility will be located on 11 acres; the facility will be built on flat land, not on slopes; the existing roadway will be improved; the landfill cap cannot be penetrated so there will be ballast blocks to offset the construction; a special permit is needed to allow the project along with site plan approval; the plan was presented to Conservation Commission last night; the plan has been to Mass. DEP for their approval; culverts are designed for the project, including rip-rap swale to the existing storm water management system; there will be no net increase in storm water runoff; the project will provide ATV access for maintenance vehicles; and, there are no new lights added to the site.

Mr. Andrade said he spoke to Highway Superintendent Ed Buckley because he had questions about funding the project 20 to 25 years from now as well as funding for dismantling, if necessary. Mr. Buckley informed him that he has been working with Town Counsel on the lease for the site and money will be put into account for maintenance and dismantling. Applicant has also agreed to mow and maintain the landfill cap, which will be incorporated as a condition of the Board's approval.

Mr. Andrade requested that updated insurance policies be provided and contact information be provided on a plaque on site for easy emergency access. He noted Nitsch Engineering recommends the fire department have input in the project because of an active gas pipe on site.

Mr. Kane explained there will be an access road sufficient for large construction-related activities and once done, there will be no need for heavy equipment on site. He noted there will be no construction on slopes. Mr. Gallagher noted if a cement truck can be driven on the road, it could handle a fire truck. Mr. Andrade advised applicant to check with the fire department on the road capability for their vehicles. Mr. Kane agreed to do so.

Mr. Andrade said that the zoning by-laws require that a contract with TMLP is needed prior to a building permit, and he asked the status of that issue. Mr. Kane said their application is at TMLP, is being evaluated and the results should be in next week, and that will determine if any upgrades are needed. The

project is a community solar system under Mass. regulations. Mr. Andrade asked that a signed copy of the TMLP contract be provided.

Mr. Kane explained they want to start construction in May. It was agreed the Board needs comments from Nitsch, copies of contracts, comments from fire department, contact information and information on any signage. Mr. Kane noted the system will be monitored around the clock, 24/7, by the largest company in the country that handles such projects.

Mr. Gallagher suggested Mr. Iafrate discuss with Mr. Buckley a punch list of items needed. Mr. Kane said they have been working with Mr. Buckley for five to six months and project review has been done by an engineering firm hired by Mr. Buckley.

It was agreed to continue the hearing to April 19th, 6:20 p.m. and if applicant is not ready to proceed, they will request a continuance.

7:23 p.m. Public hearing for 1550 New State Highway site plan was opened. Mr. Driscoll read the hearing notice. Charles Michaud, P.E., Hawk Consulting, Inc., Millbury, MA, appeared before the Board as applicant's representative. Comment letter dated March 13, 2018, was received from John McGarry, Superintendent, Raynham Sewer Department.

Mr. Michaud explained the project: the site is the former "Honey of A Ham" building on Rte. 44; the plan is to renovate the building into four or five units of mixed commercial use; there is a leaching system on site now with three catch basins; four units will be on the first floor and one unit on the second floor; there are no additions to the building footprint.

Mr. Andrade noted the plan did not go to Nitsch Engineering for peer review but Mr. Gallagher reviewed it for the Board.

Mr. Gallagher explained there will be no new pavement on site so no additional runoff will be created; the infiltration systems provided will greatly reduce current runoff, so this is a big improvement; a detention or retention basin is not needed but applicant is doing one anyway; the grades on the plan appear to work and the calculations back it up. Mr. Gallagher said the plan looks pretty good.

Mr. Andrade noted the basin installation will need to be approved; Mr. Michaud agreed to that.

Mr. Andrade noted no signs were shown. Mr. Michaud explained the existing sign will be renovated to "1550 Place" and will be illuminated. Mr. Andrade asked for a design of the sign; Mr. Michaud agreed. Also, there will be signs over each unit doorway and designs will be provided.

Mr. Andrade noted there are no bollards shown. Mr. Michaud said there is no parking in front of the building. After discussion, it was agreed there will be bollards or bumpers and curbs at any walkway where there are parking spaces. The size of the parking spaces was discussed. It was agreed the parking spaces will be large size to accommodate all cars.

Landscaping was discussed. Mr. Andrade requested a cut sheet showing the landscaping.

Mr. Iafrate noted the site is pre-existing, non-conforming and the only reason the applicant is here for site plan approval is because of the change to the entrance. It was agreed that a note will be added on the plan

that the plan does not meet zoning requirements. Mr. Michaud noted the footprint is not changing, but they are taking off siding, adding stucco, cleaning up the site and enclosing the entrances.

It was agreed a fenced trash area will be provided. Snow removal may be tight but will be kept on site.

It was noted plans of all the interior units will have to be filed for building permits. Mr. Andrade instructed Mr. Iafrate to check the plans to make sure there is no apartment space built. It was noted the location of the stairs will remain as is, with two means of access.

A lighting expert will be consulted for a photometric plan and no lighting will go beyond the property boundary. Mr. Michaud agreed to provide the plan to Mr. Iafrate for his review before submittal.

John McGarry, Superintendent, Sewer Department, informed he sent a letter to the applicant regarding fees. He explained there is \$70,350 fee due for payment into the sewer bank. He also wants the plan revised per his comments in the letter and resubmitted to him. Mr. Andrade said it is not up to the Board to get into the sewer fees; Mr. McGarry said he was just making the Board aware. He explained the sewer bank by-law was approved in 2011, and the Sewer Commission wants zero impact on capacity for any new project or renovation. Mr. Andrade advised Mr. Michaud to make sure the plan is correct so the sewer numbers are right.

Mr. Andrade noted full landscaping and lighting plans are not needed, just enough of a plan for the Board to see what is being done. He suggested Mr. Michaud meet with Mr. Iafrate to review the plan. Owner/applicant Jason (Ming Ling Yau) was present and introduced himself.

The hearing was continued to April 19th, 6:40 p.m.

7:55 p.m. Nitsch Engineering contract: Mr. Andrade explained the Board currently has no contract with Nitsch for peer review services, so a proposed contract was submitted by Nitsch. Mr. Teixeira asked if the contract should be reviewed by Town Counsel. Mr. Andrade said no. Mr. Andrade moved to extend the Nitsch contract an additional three years from today; second Mr. Gallagher. Motion passed unanimously (4-0-0). Mr. Andrade signed the contract. The contract will be sent to Selectmen for their approval, if needed.

(Mr. Andrade left the meeting.)

7:57 p.m. Raynham Riverwalk, Preliminary Plan, public hearing was opened by Mr. Fountain. Mr. Driscoll read the hearing notice. Attorney Ryan Prophett, Raynham, MA, appeared before the Board on behalf of Riverwalk LLC (Dan Andrade, John Noblin, Frank Campbell). Correspondence received: comment letter from Nitsch Engineering, dated April 2, 2018; letter from Raynham Fire Chief, dated April 4, 2018; letter from Superintendent, Raynham Sewer Department, dated March 29, 2018.

Attorney Prophett explained the project: Riverwalk plan is for an adult retirement community (ARC); the plan satisfies the requirements of zoning by-laws Article 18, which requires a preliminary plan to be submitted; a private ownership trust will be created for the development; residents will be over 55 with no children allowed; the development will be good tax revenue for the Town. Attorney Prophett distributed color copies of the plan.

Steve Gioiosa, P.E., Sitec Engineering, Dartmouth, MA, addressed the Board, stating the following: property is 42 acres, 1600 ft. frontage on Rte.44 with small frontage on Church Street; property starts at the Taunton River; the wetlands are defined; he worked with the prior property owner for 12 to 15 years to find commercial use but the new property owner is planning the ARC; a Ford dealership, homes and undeveloped land surround the site; walking trails and benches will be provided but there will be no structures or clearing within 600 ft. or more to the river; there will always be “extensive buffering to the river.” Double-barrel entrance to be provided; there will be security gate and turnaround at the entrance; common mail-box area will be provided; common driveway will serve seven lots and a community building with parking area; each unit will have a garage; there will be a community garden; site amenities will be located closer to Rte. 44 than houses; the lots are minimum of 10,000 sq. ft. with 50 ft. frontage, with average being 12,000 sq. ft.

The site access road will meander with a turnaround point at mid-location and there will be secondary access at Church Street for emergency. Applicant will work with emergency services on access. Mr. Gioiosa noted the road widths vary from 16 ft. to 24 ft., and the fire department is okay with the widths. Mr. Gallagher said the 16 ft. width is not good; Mr. Teixeira said that could be difficult in snow; Mr. Fountain noted it would be hard for delivery trucks. Mr. Gioiosa noted that width is for secondary dead-ends in an effort to reduce impervious surface but those are valid concerns and they will work with the Board. Mr. Iafrate noted the Board does not need to take action tonight, they are just getting comments on the plan.

Mr. Gioiosa informed that the sidewalks will be 4 ft. to 5 ft. wide, ADA compliant. There is 57% open-space area, exceeding the 20% required; upland requirements are exceeded, making the project low-impact. Curbing is not yet determined and will depend on the drainage design.

Mr. Fountain stated he is concerned with delivery trucks. Mr. Gioiosa noted there is a letter from the fire department but he sees the issue with delivery trucks. He stated there are no major obstacles to address with Nitsch or the sewer department.

John McGarry, Superintendent, Raynham Sewer Department, addressed the Board, noting he submitted a letter for the project. He noted the sewer connection at Church Street is not large enough and an alternative is being developed. The sewer department does not want to monitor a low-pressure sewer line, and there is ongoing discussion with applicant regarding a homeowner's association agreement. The fees are outlined in his letter.

Laura Tate, 67 Church Street, addressed the Board, saying her property is adjacent to the access road and she is concerned with traffic. She appreciates the light and the exits but is concerned with traffic in and out, especially trucks. She noted the existing tree line is becoming the access road. Mr. Gallagher noted the access road could be for emergencies.

Drew Knappik, Church Street, asked why the access is behind the houses. Mr. Gallagher noted applicant doesn't own the other property. Mr. Gioiosa stated they have to meet the wetland standards, and there are no houses in the wetlands.

Mr. Fountain asked if extra trees can be planted, but no white pines. Mr. Gioiosa said a landscape architect will be doing a plan.

Mr. Knappik felt the Church Street access road should be emergency vehicles only. He noted there is a hill on Church Street at the access road and accidents may happen; traffic builds on Church Street at the light; and, he feels traffic should be sent out Rte. 44. Mr. Fountain said traffic study may be needed; Mr. Gioiosa said a line-of-sight analysis will be done.

Mr. Teixeira questioned the zoning line on the property. Attorney Prophett explained a zoning amendment is being requested to unify the site to all business zoning; there will be a hearing on May 19th. He stated the by-law allows ARC in Residential A; Mr. Teixeira disagreed. Mr. Gallagher explained ARC is not an allowed use in Residential A. He commented this is a great project, with less stress for Town departments. Mr. Teixeira requested applicant look at the width of the road.

It was noted there will be restrictive covenants for the ARC, no one under 55 except for a spouse or a caregiver may reside there; all will be according to the by-law.

Ron Bettencourt, former Raynham resident, spoke and asked if it is a handicap-friendly community. Attorney Prophett said yes, it will be ADA compliant, will have golf carts, but homeowners would provide handicap access to their own house.

There were no further questions.

Mr. Iafrate suggested the applicant take the fire department, sewer department and Nitsch comments and implement them to the plan. He asked when the drainage plan will be ready. Mr. Gioiosa said wetland and surveys are done, and road and drainage plans will be ready within 30 to 60 days. They will interact with department heads moving forward.

Mr. Fountain commented he was concerned with Church Street. Mr. Gallagher requested sight distance information be provided for the entrance. Mr. Teixeira noted he spends time at the food pantry up the street, and the road is a "speedway." Ms. Tate noted the road is used by drivers testing new cars and there is speeding.

The public hearing was closed at 8:40 p.m.

The Board agreed there will be no vote to approve, and the plan can move to the definitive plan or resubmit the preliminary. Attorney Prophett said they will move to the definitive. Mr. Teixeira noted the plan depends on the zoning change. Mr. Iafrate said if it does not pass, the number of lots can be reduced.

General Business:

- Invoices were signed.
- Mr. Fountain moved to waive the reading and approve the minutes of March 1, and March 15, 2018; second Mr. Teixeira. Motion passed unanimously (3-0-0).

Planner update:

- Mr. Iafrate is waiting for Innovation Park. He said he saw the fence on the property was down and he called the owner about it.

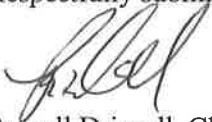
- There are small changes being made to the building size for the new hotel on Paramount Drive.

SRPEDD update:

- Slide presentation was given at the last SRPEDD meeting on marijuana and the Cannabis Control Commission. Regulations have been adopted and signed. The law says transport of cannabis cannot be prohibited.
- New assessment rates for towns in SRPEDD district will be 18.275 cents per person, which amounts to \$2,445.74 for Raynham's share. It was noted the Planning Board and Selectmen are each allotted 20 hours of work time for any project needed.

There was no further business and the meeting adjourned at 8:48 p.m.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'R. Driscoll', is written over the printed name.

Russell Driscoll, Clerk