



# TOWN OF RAYNHAM

## PLANNING BOARD

RAYNHAM, MASSACHUSETTS 02767

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### Planning Board Meeting

June 21, 2018

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

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

Board members absent: Daniel Andrade

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

**6:00 p.m.** – Mr. Gallagher called the meeting to order. He commented that he would like to recognize Mr. Andrade for all the years he served as chairman, but since Mr. Andrade was not present tonight, he will do so again when he is present.

**6:01 p.m.** – **Cornerstone Estates** public hearing was reconvened. Letter dated June 19, 2018, was received from Frank Gallagher, P.E., requesting a continuance of the hearing. Mr. Gallagher moved to continue to July 19<sup>th</sup>, 6 p.m.; second Mr. Teixeira. Motion passed on unanimous vote (4-0-0).

**6:02 p.m.** – Lee Castignetti, Long Built Homes, New Bedford, MA, appeared before the Board to discuss a proposed yield plan for Raynham Preserve. Mr. Gallagher stated his sister has property involved in the plan. The matter was tabled to its scheduled time of 6:15 p.m.

### General Business:

- Mr. Fountain moved to waive the reading and approve the minutes of May 3, May 17, and June 7, 2018; second Mr. Teixeira. Motion passed on unanimous vote (4-0-0).

**SRPEDD update:** None this week.

### Correspondence:

- Letter was received from HNTB/Mass DOT explaining that road improvements will be made from King Philip Street to the Easton town line. Mr. Teixeira noted that at a recent SRPEDD meeting, it was said that the improvements would end at Robinson Street because of the cost involved to go further. During discussion, it was noted the State had concerns because of the fact that part of Rte. 138 was constructed with cement underneath the pavement.

### Planner update:

- Mr. Iafrate held a department head meeting for a proposed jewelry store at property on Rte. 44 across from Shaw's Plaza. There are concerns with size constraints and parking but the project will move forward and will go to ConCom because of wetlands on site. Mr. Gallagher

noted that was his aunt's property. The property is zoned business, has sufficient frontage and .52 acres of land but may need fill. Mr. Gallagher noted there may be design constraints.

- Meineke, Rte. 44, seeks a final occupancy permit and bond release. The site is complete. As-Built Site Review correspondence, dated June 15, 2018, was received from Nitsch, recommending release of the remaining bond. Mr. Fountain noted the project looks good. He moved that based on the June 15, 2018, Nitsch report and Mr. Iafrate's recommendation, the Board release the bond and the revolving account being held for Meineke/1314 New State Highway; second Mr. Teixeira. Motion passed on unanimous vote (4-0-0).

(Mr. Gallagher left the meeting room.)

**6:12 p.m. – Lee Castignetti, Long Built Homes**, New Bedford, MA, appeared before the Board and submitted a preliminary plan for The Raynham Preserve East to be located off the end of Bayberry Road. Mr. Castignetti recapped the plan for the Board: there were previously 24 lots planned; the Gallagher/Perry land was discussed at last meeting; both parties have worked out a harmonious way to include the Gallagher/Perry land in the plan, and four lots have been added to the proposed open-space plan. Mr. Castignetti submitted a conventional plan showing the 28 lots along with a proposed yield plan.

Mr. Fountain asked if the proposed lots are realistic with no wetland issues; Mr. Castignetti said yes.

Evan Watson, P.E., Prime Engineering, Lakeville, MA, explained the plan, noting each lot has adequate upland; the detention basin is its own lot; and, there are no cemetery issues on site. Mr. Iafrate stated it looks like all the lots conform. Board members were okay with the plan as shown.

Mr. Castignetti discussed that the road has been shortened but still exceeds the road length regulation, and it has been agreed by the Board that the road length is grandfathered, but he is looking to reaffirm that it will be acceptable. It was noted the open-space will go to either the Town or a homeowners' association. The applicant will be discussing this with ConCom.

Mr. Fountain asked about the northerly cul-de-sac shown on the plan. Mr. Gallagher explained it is not part of this plan but was done as frontage on another plan.

After discussion, Mr. Fountain moved to accept the plan "Conventional Subdivision Plan The Raynham Preserve East," dated June 11, 2018, submitted by Long Built Homes, New Bedford, MA, as an accepted yield plan only; second Mr. Teixeira. Motion passed on unanimous vote (3-0-0).

Mr. Fountain moved that because this Raynham Preserve East plan is taken from a former approved subdivision and this road will be no longer than the previously approved road plan, the Board agrees the dead-end road length by-law is waived; second Mr. Teixeira. Motion passed on unanimous vote (3-0-0).

Lot releases for three additional lots at Raynham Preserve/Bassett Knoll Estates: Mr. Castignetti explained he originally believed July 1<sup>st</sup> was the date when new building permits could be issued at the subdivision but he since discovered that July 27<sup>th</sup> was the applicable date so Long Built now is seeking the early release of three lots in order to fulfill obligations to buyers. Mr. Iafrate noted that at the previous lot release request, he advised Mr. Castignetti to seek release of 10 lots. Mr. Iafrate said he would be okay with the three lots at this time but he will have issue with the next lot releases due to concern with basin issues.

E-mail, dated June 21, 2018, received from Ed Buckley, Highway Superintendent, was discussed. Mr. Iafrate showed photos Mr. Buckley sent of the basin. Mr. Castignetti said the basins are done and just need seeding. Mr. Iafrate said Mr. Buckley's concerns need to be addressed so Mr. Castignetti should talk to him.

After discussion Mr. Fountain moved to release any three lots on Sparrow Way in Phase 2 of the subdivision with no further releases until the basin is vegetated to the Highway Superintendent's satisfaction. Mr. Castignetti then suggested releasing five lots because of that condition. Mr. Iafrate was agreeable. Mr. Fountain amended to release five lots; second Mr. Driscoll. Motion passed unanimously (3-0-0).

Bond reduction request: Mr. Castignetti noted this request was made by Nick Harris. Letters for Phase 1B and Phase 1A, dated June 21, 2018, were received from Nitsch Engineering. It was noted the dollar value amounts provided earlier by Mr. Harris did not match those provided by Nitsch. Mr. Iafrate said he was okay with the Board voting to release since Nitsch had done the review work and cost estimates. It was noted that Phase 1A and 1B are now called Phases 1 and 2.

Mr. Fountain moved to reduce the bond being held for Phase 1/1A to \$341,555; second Mr. Driscoll. Motion passed by unanimous vote (3-0-0).

Mr. Fountain moved to reduce the bond being held for Phase 2/1B from \$464,425 to \$437,027; second Mr. Driscoll. Motion passed by unanimous vote (3-0-0). (6:42 p.m. - Mr. Gallagher returned to the meeting.)

**6:43 p.m. - O'Reilly Auto/147 Broadway:** Request for bond reduction was received from RMC Construction, Inc. Mr. Iafrate noted Nitsch Engineering submitted their review letter on June 5<sup>th</sup>, and there were issues with sediment and sod, and the underground utilities were missing on the as-built plan, but Mike Pincus said he would resolve the issues. Mr. Iafrate said he will revisit the site tomorrow. He recommended the bond be reduced to zero and an occupancy permit be issued.

Steve Hempfer was present for O'Reilly Auto. Mr. Teixeira informed him that on March 15, O'Reilly asked for a temporary occupancy permit and the Board agreed they were okay with it if Mr. Iafrate gave his okay when he returned to work, but then applicant went to the fire department for their approval and opened without Mr. Iafrate's approval. He asked Mr. Iafrate if that was correct; Mr. Iafrate said he was out of town and the store was opened without the proper occupancy permit. Mr. Teixeira said he was bothered by the store opening instead of waiting as told. Mr. Hempfer said he was not there, O'Reilly authorized it.

Mr. Gallagher asked if all outstanding issues are done. Mr. Hempfer said yes, all from the June 5<sup>th</sup> Nitsch report was done but they are still watering the sod. Mr. Teixeira noted North Raynham Water District has a water ban in place.

Mr. Gallagher moved to release the bond if it is determined all items and the as-built plan are addressed and complete; second Mr. Fountain. Mr. Fountain commented he dislikes the temporary occupancy permits and the Board should reconsider the policy. Mr. Hempfer noted the bond is from Pincus Construction and they have no control over O'Reilly. Mr. Gallagher noted Mr. Fountain has concerns in general because of past issues. Vote was taken and motion passed unanimously (4-0-0). The Board agreed the revolving account can be released when Mr. Iafrate is okay with the site.

**6:53 p.m.-Route 138 rezoning:** Laraine Nickerson, First Street, appeared before the Board to discuss the Rte. 138 rezoning. Mr. Gallagher read a petition that was signed by 50 people and sent to the Board of Selectmen asking that Dan Andrade and Burke Fountain be recused from future Rte. 138 meetings. Mr. Gallagher noted Planning Board members are elected and the Selectmen have no authority over them on such a matter. He said it is up to Mr. Andrade and Mr. Fountain if they feel it is an issue, and if people think there is an issue, their recourse is to the Ethics Commission.

Mr. Fountain said he's been on the Board for 27 years, and he owned property on First Street 25 years ago. He noted there have been attempts to rezone Rte. 138 for 25 years, the road is the second busiest in Town and is a mess. He has always felt that Broadway should be business zoned, not because he has represented people there but because it would be best for the Town. Mr. Teixeira questioned if all Rte. 138 was changed to Residential D years ago; Mr. Gallagher and Mr. Fountain noted only a section was changed to Residential D. Mr. Fountain said zoning on Rte. 138 is Residential A, Residential D, Business and Designated Development. Mr. Teixeira pointed out that the zoning map shows mostly purple for Residential D. Mr. Lafrate asked if Mr. Teixeira was saying the map was wrong; Mr. Teixeira wasn't sure.

Mrs. Nickerson spoke, stating that none of the signatures on the petition were from First Street or Chickering Road residents but were all from the middle or other side of town. She noted a lot of people were bewildered at Town Meeting and are concerned with the character of the town. She explained she brought the petition to the Selectmen because she believed she should start there. Mrs. Nickerson said she hopes to have an open, above-Board, amicable discussion on this. She noted she has been doing this for years and is sick of it. She said she is earnest in her thoughts and desires of what should go in the area. She noted she could have gotten more signatures in support of the petition but did not because of health issues.

Mr. Gallagher said her comments in support of an amicable resolution of the issue are noted. He stated the Selectmen can't instruct the Board, but they can suggest. Mr. Gallagher explained that Town Meeting Moderator John Donahue has offered to moderate a forum on the Rte. 138 issue. Mr. Teixeira said Mr. Donahue would do a good job. Mr. Gallagher suggested the forum be done at the Senior Center to accommodate people.

During discussion, Mr. Gallagher noted the meeting at the Senior Center would not be a formal Planning Board meeting and no votes would be taken, and the Planning Board members would attend as private citizens. Mr. Teixeira offered to coordinate a date with the Senior Center along with Mrs. Nickerson. It was agreed the forum will be in September at the Senior Center. Mr. Donahue will be contacted.

Mrs. Nickerson thanked the Board for their time tonight.

Mr. Teixeira asked Mr. Lafrate to revisit the issue of the zoning map.

There was no further business, and Mr. Gallagher moved to adjourn to sign plans; second Mr. Fountain. Motion passed on unanimous vote (4-0-0). Meeting closed at 7:10 p.m.



Russell Driscoll, Clerk