



TOWN OF RAYNHAM

PLANNING BOARD

RAYNHAM, MASSACHUSETTS 02767

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Planning Board Meeting

August 2, 2018

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

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

Board members absent: (all present)

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

6 p.m. - Bassett Knoll Estates: Mr. Gallagher explained that a site meeting was recently held with Ed Buckley, Dan Andrade and Robert Iafrate present along with developers Nick Harris and Lee Castignetti and Tim Parker of Nitsch Engineering. Meeting Summary, dated August 1, 2018, was received from Nitsch. The meeting was held to review the detention basin, Paddock Road cul-de-sac and trees at the project site. At a past meeting the Board voted that there would be no further lots released until all the necessary work is done.

Mr. Iafrate noted he told Mr. Harris he did not have to attend tonight's meeting, and he would advise the Board of the situation. Mr. Iafrate suggested the Board reaffirm their vote to release no lots until all work is done with the exception that one lot at the basin can be released now.

Mr. Andrade explained Mr. Buckley is concerned that after three years there is no grass at the Phase IA - Retention Area basin. The Board had told Mr. Harris to redo the basin so the grass would grow, and Mr. Harris said he would do so. Also, Mr. Buckley expressed concern that trees at Paddock Road cul-de-sac were going to die so they should be taken out.

Mr. Iafrate informed the Board that Lee Castignetti asked if one lot at the basin can be released with the promise not to return to the Board until all work is done. Mr. Gallagher stated Mr. Iafrate should inform the developer that after this, no building permits would be issued and no lots released. The number of the lot to be released now is either 41 or 42, Mr. Iafrate will confirm. After discussion, Mr. Gallagher moved that besides the one lot next to the basin, there will be no future building permits or lot releases at this time; second Mr. Teixeira. Unanimous vote to approve (5-0-0).

6:07 p.m. - 1000 New State Highway/Tri State Truck Center site plan: Mr. Gallagher opened the public hearing. He explained the applicant will make his presentation, the Board can then ask questions, Mr. Iafrate can comment next and then the floor will be open to the public. Mr. Driscoll read the hearing notice.

Attorney Edmund Brennan, 1 Church Green, Taunton, MA, appeared before the Board as applicant's representative along with property owner Buz Artiano, Dan Gagne, P.E., Beals and Thomas, Southborough, MA, Steve Georgallas, for applicant ATG Holdings, and Matt Riegert, P.E., Tech Environmental, Waltham, MA.

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Attorney Brennan addressed the Board, stating the following: this plan is an amendment to the plan the Board approved in May 2017 for flex space buildings at this site totaling 115,000 sq. ft.; the previously approved buildings were various sizes for various uses; there was considerable neighborhood input during previous plan process, resulting in the approved plan; the new plan will have 800 to 900 sq. ft. less impervious space. Also, the Conservation Commission (ConCom) has issued an Order of Conditions, their concerns have been addressed. This new site plan is for 30,500 sq. ft. building for a new truck dealership for Tri State Trucking; the business is not selling used trucks unless they are taken in trade; there will be maintenance and repair of trucks on site; there will be a school on site for diesel mechanic training; there will be sales and distribution of truck parts; the site will provide well-paying jobs, especially the diesel mechanic training. Letter dated July 24, 2018, was received from Nitsch Engineering; Beals and Thomas (B & T) has responded to that letter, but Nitsch has not yet responded to those B & T comments; Mr. Gagne's comments tonight will refer to the B & T responses to Nitsch; there are no significant engineering issues to address; and, sound and environmental studies were done by Tech Environmental, whose rep is here tonight.

Attorney Brennan stated he heard the Board may refer the project to Epsilon, they are a good firm and applicant is okay with the referral.

Dan Gagne, P.E., Beals and Thomas, addressed the Board, and stated he is coordinating the review with Nitsch Engineering. He discussed waiver requests. Waiver to not provide granite curbing at the entrance and building front: proposal is for sloped granite at the entrance to the building to prevent truck incidents; bituminous Cape Cod berm to be provided on the remainder of the site. Waiver to not provide a traffic impact study: letter is provided in the application on traffic impacts at the site; generally traffic impacts are expected to decrease due to difference between this use and the use proposed with the previously approved plan. Parking: additional spaces are being provided for vehicle stock. Nitsch had asked for an oil/water separator for the building interior: this will be included with the building permit. Nitsch requested oil/water separator to contain outside spills: proprietary separators have been installed on site to contain minor spills; Con-Com has requested emergency shut-off gates for catastrophic spills and two canal type gates on the outlets are on the plan.

Mr. Gallagher noted the plan will go back to Nitsch to respond to the B & T comments, and the Board will make a decision on the curbing; parking makes sense for a dealership. Parking was discussed. The size of the spaces will vary: spaces for passenger vehicles, for tractor trucks (12' x 30') and for trailer storage when necessary (12' x 60'). There will be 225 parking spaces provided.

Mr. Fountain noted there is confusion on the waivers. Mr. Gagne explained there was a minor discrepancy between the waiver requests shown on the plan and those stated in the application. He issued a supplemental letter dated July 25, 2018, to clarify the waivers, but no new waiver requests were added in that letter. Mr. Gallagher said they could go through the waivers tonight but not vote on them; further review is needed.

Mr. Gallagher read waiver requests: 1. Scale of plan to allow 1 to 40; 2. Sec. 5.1.2 - 3-ft. wide landscape strip - this was waived on the original site plan; 3. Sec. 5.1.5 – waiver from tree diameter size. Mr. Andrade asked what is provided at the front of the building. Mr. Gagne explained a 10 ft. wide sidewalk and landscaping will be provided in front, the remainder of the building front will have garage doors on both sides. There will be access ramps to the sidewalk. It was asked if there will be bollards or wheel stops. Mr. Gagne said there will be sloped granite curbing. Mr. Gallagher said that should be addressed

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as the Board generally requires bollards for protection; sloped granite curbing is inadequate. Mr. Gagne will consider replacing with vertical granite in front of building.

It was discussed that there is no parking at the back of the building; the only parking near the building is in front.

Waiver 4 – Sec. 5.3.2.11 - headwall. Mr. Gallagher felt it is not a big issue. 5. Sec 5.6.2 - curbing – already discussed. 6. Sec. 6.0 –Development Impact Statement: this project went to MEPA and applicant is awaiting a response.

Mr. Andrade asked about plantings throughout the lot. Mr. Gagne explained some landscaped islands are provided throughout but additional islands would be detrimental because of the trucks. Mr. Andrade noted anything on the outside perimeter is not an island. The Board suggested Mr. Gagne review the regulations on this issue; Mr. Gagne agreed to do so.

Mr. Fountain asked Mr. Gagne to further explain the curbing. Mr. Gagne showed the sloped granite through the entrance, changing to bituminous concrete Cape Cod berm with a transition back to sloped granite in front. He is agreeable with changing to vertical granite at the sidewalk. He noted the entrance is the same as what Mass DOT had approved on previous plan.

Mr. Andrade asked if one tree per eight parking spaces is shown. Mr. Gagne said yes and showed the landscape plan. He said 33 trees are required and 115 are provided throughout the site and there is also additional buffer.

Mr. Gallagher and Mr. Gagne discussed additional waiver request: 40 ft. between property line and beginning of parking area: one section provides only 35 ft.

Mr. Andrade noted the trees provided are all outside the paved parking area but the idea is to soften the parking lot. No waiver is sought but the design does not meeting the criteria of Sec. 5.1.5; Mr. Gallagher agreed. Mr. Gagne will look at that issue and either provide trees or seek a waiver.

Mr. Fountain asked about a Development Impact Statement. Mr. Gagne discussed the open space shown on plan Sheet 4: 14.3 acres (35%) is provided, 7.7 acres is required. It was noted a considerable amount of the open-space is wetlands.

Mr. Fountain asked about drainage. Mr. Gagne showed the location of the infiltration basin on site and discussed.

Matthew Riegert, P.E., Tech Environmental, addressed the Board next, commenting as follows: his firm specializes in air quality and noise impact studies, permitting and compliance; two studies were done – sound study and air quality. The sound study was done to determine if the project is in compliance with MassDEP noise standards; MassDEP policy limits a sound increase to 10 decibels or more over existing sound or the creation of a pure tone over previous sounds - hum or high pitch. He explained the steps taken to document existing conditions. The Tri-State facility in Shrewsbury was used for the study. It was noted only one afternoon and at least two hours at night were spent in Shrewsbury and it was known to them that the company was coming to the site for the study. Mr. Riegert explained the goal at Shrewsbury was to isolate sound sources and assess things such as idling trucks, doors opening. Mr. Andrade asked if the loudest sounds from that day were applied to this study; Mr. Riegert said yes. Mr. Andrade questioned if it was possible to do this properly. Mr. Gallagher asked about the ambient model.

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Mr. Riegert explained that the model assumes the worst case weather and accounts for early a.m. and late p.m. as being the worst and accounts for the number of employees. Mr. Andrade said he was looking for real numbers, noting that days differ and the busiest time for repairs is 9 a.m. to 12 p.m.; Mr. Riegert said they weren't there those times.

Mr. Teixeira questioned why ambient measurement was done on a weekend and not weekday. Mr. Riegert explained the biggest concern was nighttime periods, and the study was done by MassDEP standards. Mr. Teixeira asked if the highest levels were during the week; Mr. Riegert said yes and explained how it related to the Mass DEP allowing 10 decibels over. Mr. Gallagher said the Board will send the study out; sound, pollution and buffers are other concerns. Mr. Andrade agreed the study has to go out but noted that would just be someone reviewing the numbers on paper that were said to meet MassDEP policies.

Mr. Iafrate said the impact of the 12 ft. berm should be discussed. Mr. Gallagher asked how the berm relates to the elevation of the houses. Mr. Riegert explained the goal of the wall is to block the line of sight and help reduce sound due to sound losing energy as it travels over the wall, and sound impacts at the ground will be less. He explained the second story levels were considered and incorporated in the study.

Mr. Andrade asked if the wall could be closer to the proposed building. Mr. Riegert explained why it would be less effective. Mr. Andrade asked about trees. Mr. Riegert explained they are less effective. Mr. Andrade noted if this plan was done previously, the Board would not have allowed the trees to come down; the trees add a lot to the wall; he suggested additional trees could be considered. Mr. Riegert said sound will travel over trees so they would need to be close to the homes. Mr. Gallagher suggested sound barriers on top of the wall as an option.

Mr. Riegert said the sound impact increase is less than 10 decibels and there is no pure sound impact so the plan meets the MassDEP standards. Mr. Andrade asked if they were talking about a berm or a wall; Mr. Riegert said 12 ft. berm.

Mr. Andrade discussed that this site has a different surrounding atmosphere than Shrewsbury. Mr. Riegert discussed that the goal in Shrewsbury was to isolate and establish sound sources and at this site it was to gather data for absolute quiet to demonstrate compliance with MassDEP. Mr. Andrade asked if noise absorption pavement was considered. Mr. Riegert explained that is meant for highways to reduce friction and sound and wouldn't work here. Mr. Andrade asked if the effect of 150 ft. buffer of trees, either in front or in back of the berm, could be calculated.

During discussion, the Board noted this is a new filing and the original approval is set aside. Attorney Brennan stated they are working off the previously approved plan so he sees this plan as a modification.

Mr. Andrade noted there will be substantial trucks, noise, pollution, making this a "different animal." He discussed that all types of trucks will be worked on and there will be a "massive amount" of heavy vehicles on site with worse pollutants possible. He stated he is usually all for business and other than the abutting residences to the site, this could be fantastic. He stated the Board would have kept the trees for this project. Mr. Gallagher noted this project would be perfect across from the dog track site.

Mr. Andrade read from a section of the zoning by-laws regarding permitted uses in a business district. Attorney Brennan said there would be very few used trucks on site, most to be traded-in and gone. Mr.

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Andrade noted it was stated there was increased parking for saleable trucks, many of which could be big, smell bad and have loud airbrakes.

Mr. Teixeira said he looked up the Shrewsbury site and saw everything imaginable there. Attorney Brennan noted part of that site belongs to another party. It was noted the Shrewsbury site is half the size of this site.

Mr. Andrade continued reading from the zoning by-law and noted it gives the Board the right to ask for larger buffer, trees or anything to protect the residences, and the Board needs more accurate detailed, real-life comparisons. He discussed a truck center in Rhode Island that has only 50 trucks on site with three houses nearby, but all other similar projects are located in industrial parks, which concerns him. He asked if the Massachusetts anti-idling laws were mentioned in the noise study; Mr. Riegert said yes, the law says idling can be five minutes or less. Mr. Andrade asked if there will be idling outside; Mr. Riegert said maybe and read from the air quality report about exclusions. Mr. Andrade said the report could be thrown away if vehicles are being serviced, noting No. 2 doesn't apply, No. 3 is more for a truck stop, and No. 1 is limited; the project would be exempt from the laws because it can be said repairs or warming up is being done. Mr. Gallagher noted people could be warming up their own cars. Mr. Andrade explained he is worried that the majority of trucks going to the site will not meet standards. He cited stories from "Truckers Report" as examples for his concerns.

Attorney Brennan replied this is not a truck depot or stop; the site must comply with MassDEP regs. Mr. Teixeira asked why the site is 24-hours. Attorney Brennan said to work on the trucks, noting he will deflect to Epsilon for the noise and pollution issues. Attorney Brennan said both sides have to co-exist, noting the residents moved to an area with business nearby. Mr. Andrade stated the last plan maximized the site and gave neighbors protection. He questioned how testing for diesel fuel on site can be done. Mr. Riegert explained that federal regulations were adopted by Massachusetts and all sites must comply. Mr. Andrade discussed that something may comply but not be acceptable to residents as far as sound or smell impact coming from the clear-cut property. Attorney Brennan said they should wait to see what Epsilon says; standards are needed, not being arbitrary. Mr. Andrade said standards are the base.

Mr. Gallagher said if the truck plan had come to the Board first, there would be a more substantial buffer. Mr. Andrade said any sound absorption to second floors of residences is not acceptable. Mr. Iafrate noted Beals and Thomas designed a 12 ft. berm with vegetation and that should be explained.

Mr. Gagne discussed the sound study and the 12-foot berm. He explained the berm is about the height the fence is now; it is built with no chance of collapse; it runs about 1000 feet long; grass vegetation is provided because trees would be a wind issue; the width at the top is about 6 feet. Mr. Gallagher noted a 2 to 3 slope could make it stable for trees. Mr. Gagne said it was done to maintain the existing footprint; Mr. Gallagher said this is a new filing. Mr. Gagne said they sacrificed paved area for the berm.

Mr. Andrade asked why so much paved area. Mr. Gagne explained it is turning space for vehicles. Mr. Andrade questioned why the massive amount of parking spaces. Mr. Gagne said not all the 225 spaces are for trucks, parking is split among all vehicles, including employee cars. Mr. Andrade asked for a chart showing the different uses. Mr. Gagne will get the additional information.

Mr. Gallagher asked about the sod staple for the berm. Mr. Gagne explained it is jute matting. Mr. Andrade asked about the existing buffer. Mr. Gagne said it was from 16 ft. to 45 ft. Mr. Andrade noted a

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75 ft. minimum is needed for an Adult Retirement Community and business requires 25 ft. although business to business doesn't matter. Mr. Gallagher noted the Board can do as they want for buffer.

Mr. Iafrate explained he contacted Epsilon and the firm can review the reports submitted by applicant for \$3,000 fee. Mr. Andrade discussed that the Board needs the best information out there, the project may meet the levels but it is not real-world realistic and more information is needed. Attorney Brennan said they know the Board's concerns now, and Epsilon will say if testing was done right or not. Mr. Fountain cited the example of an airport meeting regulations but not wanting to live next to it. Mr. Iafrate questioned if the Board should do their own testing. Attorney Brennan suggested seeing a report first. He noted the site meets regulations and applicants need to use their property; Mr. Andrade noted the Board gave applicant approval for 112,000 sq. ft. at the property.

Mr. Iafrate asked for a lighting plan. Mr. Gagne said it's in the plan set. Mr. Iafrate suggested an interior moving plan to see how trucks will move on the site, and a waiver is needed if there are no islands on the site. Mr. Iafrate suggested a field trip to the Shrewsbury site may be good for the Board.

Mr. Andrade had a question about the safety valve provided. Mr. Gagne explained ConCom asked for the extra protection. Mr. Andrade noted the safety valve is good only if someone on site sees a spill. Mr. Andrade and Mr. Gagne further discussed the issue of separators and safety valves. Mr. Gagne noted Nitsch requested separators in addition to the valve, which he believes is excessive. Mr. Andrade noted there could be a large quantity of large trucks that leak.

Mr. Iafrate noted the letter from Raynham Center Water District (RCWD) (August 1, 2018) and asked how applicant is bringing water to the site. Mr. Gagne explained there is a permit with MassDEP but they are working to directional drill under Rte. 44 because the road was recently resurfaced. Mr. Andrade noted there is also a moratorium on Judson Street because of resurfacing.

Buz Artiano, owner, spoke on the issue of water connection. He noted a 12" main was required to connect through Judson Street, there is pipe in the ground to get to Judson Street now, but they are not tied in. Mr. Andrade said Bill Ward had informed him the applicant couldn't tie into Judson Street until after the five-year moratorium. Mr. Artiano said he was misinformed, the moratorium is with Rte. 44, not Judson Street; he has a valid permit to dig up Rte. 44 but District 5 did not get informed of the paving; he has confirmed with District 5 that they can't stop the permit but he prefers a Judson Street loop. After discussion, it was agreed the water issue would be addressed later.

Mr. Gallagher asked if members of the public had comments.

Joseph Reidy, 329 Judson Street, addressed the Board. He presented photos showing the limit of trees as viewed on his property. Mr. Andrade asked if the limit of trees matched the plan; Mr. Reidy said no, trees were cleared to the fence but there were trees put on his property. Mr. Gallagher asked if the small trees depicted the property line. Mr. Reidy said no, they were planted by him. It was noted the photos shown were taken from the back and upstairs. Mr. Gallagher asked if the fence is on the property line. Buzz Artiano stated the fence is not on the line, there is a very steep slope and Reidy property is higher. Mr. Artiano said he offered to put the fence on the hill but Mr. Reidy said no, so he sent \$1,800 to pay for the trees shown in Mr. Reidy's photo. Mr. Gallagher noted this plan is a different use.

Mr. Reidy discussed that the berm at the elevation shown will not prevent sound or view and will be level with his yard. He noted the goal is to block the line-of-sight and noise for any abutter. Mr. Andrade asked

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where the monitoring system is for each yard. Mr. Riegert said it's in the sound study. Mr. Reidy showed a chart that shows house elevations, but the numbers for his house aren't correct. Mr. Andrade said more information is needed. Mr. Riegert said State data was used so it's not as precise as a spot survey. Mr. Gallagher noted a sound study is based on elevations plus or minus.

Mr. Reidy discussed that the berm is shown to hug the property line but the plan shows it 50 ft. from the east property line. He questioned if this affected the modeling. Mr. Gallagher said if the berm is on the property line, there would be a conservative result. Mr. Reidy noted it was said there will be sound sources – HVAC and ventilation – on the roof 20 ft. to 30 ft. above the berm and questioned if this will have an impact. Mr. Andrade noted that's a good point. Mr. Riegert said the sound study assumed those would be on the roof but they will be on ground level. Mr. Reidy questioned how the ambient sound was recorded. Mr. Riegert said the intent was that ambient sound measurements represented the neighborhood. Mr. Reidy asked if it was 500 feet away; Mr. Riegert stated yes. Mr. Gallagher said he thought the ambient sound would be off the residences.

Joe Pacheco, Raynham Selectman, addressed the Board, stating he typically doesn't address Planning Board matters but he has received calls about the project. He noted the plan is a departure from the last plan, is not a beneficial departure and is not consistent with the Rte. 44 goal. Mr. Pacheco gave "tremendous credit" to Mr. Andrade for his research. He noted the Selectmen/Board of Health is not equipped to deal with noise calls so they send the police, and it would be significant cost to quantify the complaints. He has concern with the big problem of unloading vehicles on Route 44; a lot of businesses are closed at night but this is 24 hours and police and fire may be needed; and, there could be significant number of vehicles on unfamiliar roads causing motor vehicle accidents, which could have impact.

Brant Cruze, 279 Judson Street, spoke and questioned how many diesel mechanics certificates have been issued through July 31st. He discussed that this project is a "massive departure" from the Shrewsbury site. He thanked the Planning Board for their research. He saw nothing about new vehicles or sales on the Shrewsbury comment page; asked if towed vehicles would be brought to the site; the Shrewsbury site doesn't seem to tow; it seemed there were mainly repairs at the Shrewsbury site. He questioned if the bay doors would be open during repairs even though it said they would be closed. He asked how repairs would be done in the middle of the night, where would customers wait. Also, would vehicles with hazardous materials be repaired and what level of hazardous materials in relation to Federal regulations. He read sections of Federal regulations. He questioned the results of modeling results and how representative they are and asked the Board to consider more than just peer review.

Bill Perkins spoke for People, Inc., 317 Judson Street. He said the residential home can be seen clearly from Rte. 44 because all trees on the adjacent property were removed. He read a letter, dated August 2, 2018, from Megan Scheffer, President & CEO of People, Inc., that explained the purpose of the home; the outdoor patio for the residents has no environmental buffer now; and, what was once a pleasing atmosphere is all cleared, which exposes the senior residents to noise and pollution, having a negative impact. Ms. Scheffer's letter expressed "vehement opposition" to the Tri State Trucking plan.

Mr. Gallagher noted this is a new application; if a noise study had been done before this, the site would not be cleared. He stated there could be a flaw because the noise barrier was taken out.

Pam Menconi, 339 Judson Street, spoke on behalf of the neighbors. She said comparing the back area of this project to the Shrewsbury project was "apples and oranges." She showed picture of Shrewsbury site,

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noting it is half the size of this proposal, there is a huge variable with many vehicles being brought in, many of which will not be good, clean trucks.

Ms. Menconi read from a statement, saying the residents have been there for years and expect noise, light and such things as dumpsters being emptied, pager sounds from car dealerships, car wash radios – all of which are expected but minor irritations; however, this project is not the same and will create more noise and pollution; there will be continuous incoming and outgoing traffic over 135 hours weekly, which is excessive; there are health risks with diesel; she has concern with short and long-term effects so there should be a limit to exposure; there are backyards close to or adjacent to the site; and, windows on second floors would have to be closed to avoid health issues. She is very concerned with health issues.

Ms. Menconi discussed that a big issue is property values and marketability. She consulted experts on the matter, and read a letter dated August 2, 2018, from Paula Noonan, Broker/Realtor, stating the project will be an “enormous detriment” to the value of homes abutting the site and in the immediate vicinity due to noise, trucks in and out of the site, resulting in 15% to 20% or more in depreciation.

Ms. Menconi read July 31, 2018, letter from Eric Ritcey, Sr. Loan Officer at Leader Bank, explaining he did a quick exam and feels the project is “potentially disruptive,” resulting in 10% to 20% discount in value on top of the typical difference between neighborhoods and commercial projects. Ms. Menconi also informed that Dan Gouveia of Keller-Williams did a last-minute analysis. He has not sent his comment letter yet but he advised there would be \$20,000 differential, a conservative estimate that could be found to be significantly greater if he does a full site visit. Ms. Menconi will ask for his detailed report.

Ms. Menconi stated that meeting Mass standards doesn't mean something is acceptable. She referred to the zoning by-law Mr. Andrade read earlier, stating this project violates that by-law. She stated this project will mean loss of property value; there will be no break or reprieve because it is 24 hours; steady repairs being done 24 hours, specifically 10 p.m. to 7 a.m., could result in disruption of overnight hours to residents; the project will violate the Raynham general noise by-law; residents will call the police, which will not be good. She stated residents are not naïve, knowing they purchased near a business zone on Rte. 44, they are not anti-business but do not want a project of this nature and size.

She noted residents were not happy with the first approval but they knew it fit the zoning by-law; all trees have since been removed, which affects the view of people across Judson Street; the site looks good now with some trees but from November to April there is nothing, everything can be seen; the noise will travel to Deer Hollow and affect those values; this is a different level than business on Rte. 44; there will be noise, pollution, night disruption, health risks.

Mr. Gallagher said the hearing is not closing tonight. He noted the Board has discretion, is formulating opinions and will send the information out for review. He advised that no new hearing notices will go out to abutters.

Mr. Andrade noted there is a lot of information for the applicant to get. Attorney Brennan suggested continuing to the next meeting date. Mr. Iafrate said there will be no Epsilon response until the second meeting in September.

Mr. Gallagher moved to continue to August 16th, 6:30 p.m.; second Mr. Fountain. Motion passed on unanimous vote (5-0-0). Mr. Gallagher reminded there will be no new notices sent out.

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8:42 p.m. - A five minute recess was called.

8:48 p.m. - The meeting reconvened.

Mr. Gallagher left the meeting. Mr. Fountain continued as Chair.

8:49 p.m. - Cornerstone Estates: Public hearing was reconvened. Frank Gallagher, P.E., was present along with applicant Shawn Cairns. Mr. Gallagher explained the Board requested that Nitsch review the plan, mainly the culvert issue. Review letter, dated July 11, 2018, was received from Nitsch.

Mr. Gallagher explained the project is three lots located on the south side of King Street, across from King Estates. He noted he made revisions according to July 11th Nitsch letter. Last night's ConCom hearing was continued. Mr. Gallagher had submitted a revised letter, dated July 26, 2018, with fewer waiver requests. The roadway is to be constructed per the regulations but with less width.

Mr. Andrade asked how the east-west runoff will be handled. Mr. Gallagher explained there is a cross-culvert routed under the road. He explained revisions he made to the culvert to eliminate the damming effect. He noted Nitsch suggested an "open bottom" culvert. Mr. Fountain asked what that is. Mr. Gallagher explained it is pretty much like a bridge. Upon further questions from Mr. Fountain, Mr. Gallagher explained it doesn't fill as much of the wetlands, has less of an impact, and it was proposed by Nitsch. Mr. Fountain noted he would have thought otherwise. Mr. Gallagher said he doesn't think it's less of an impact but he is trying to meet the request. He said ConCom is okay with it but that hearing has been continued until Nitsch responds.

Mr. Andrade asked about street trees. Mr. Gallagher noted there is a waiver request. Mr. Andrade said the Board will be requiring a street sign that says "private way," and Mr. Cairns' White Street development will need one also.

Mr. Gallagher said the waiver requests changed, the culvert was changed and Nitsch requires an erosion control plan so he submitted one with the new plan set; that is no longer a waiver request. There is 50 feet anti-tracking at the entrance.

Mr. Gallagher discussed that he submitted revised stormwater analysis; the stormwater runs southerly; the impact of three lots is just a drop in the bucket considering the surrounding area.

Mr. Gallagher discussed the hammerhead turnaround. He spoke to Deputy Fire Chief who had asked for 50 feet on either side of the hammerhead so the plan was revised. It was noted water, sewer and hydrants are shown on the plan. There is a 2-inch force main to pump to a manhole and each lot has a low pressure pump. Mr. Gallagher said he met with John McGarry of sewer department prior to the submittal and those details are shown on the plan.

Mr. Gallagher discussed that the box culvert is designed for 100 year event.

Mr. Andrade noted Nitsch mentioned the open space and asked if there is a waiver request. Mr. Gallagher said it seems that regulation pertains to subdivisions with 10 or more lots and does not apply to the plan with three lots.

Mr. Andrade said he wants shade trees rather than granting a waiver. Mr. Gallagher noted there is over 400 feet of road before the house lots so the trees aren't necessary. Mr. Andrade said they will be

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clearing the roadway, the Board is not requiring sidewalks so applicant can do a few trees; no waiver.

Mr. Iafrate advised the Board should wait for a Nitsch response to the box culvert issue, and an okay is need from the fire department regarding the turnaround. He also said shade trees are a good idea and the Board should set a number required. Mr. Andrade felt the Board could vote to approve with the condition of the outstanding issues being settled. Mr. Iafrate was okay with that. Mr. Gallagher noted he has given the fire chief what he asked for.

Mr. Fountain asked about the waiver for the project review fee. Mr. Iafrate explained Nitsch is doing the same review for the Planning Board and the ConCom so there will be no duplicate review. Mr. Fountain stated there would be no waiver.

Other waivers were discussed: Sec. 8.6 – ok with the Board if applicant gets a letter from the fire department stating their approval; Sec. 8.9 – okay with the Board; Sec. 8.12 – it was noted there are underground utilities. Mr. Gallagher noted the roadway pitches left to right and a waiver is still needed on the drainage because there are no catch basins or manholes.

It was agreed eight shade trees will be planted by applicant as discussed with the Board.

Mr. Fountain moved to approve waiver requests from Sections 6.0, 8.1 through 8.4 subject to a letter from the fire department that they are satisfied with the drive width; 8.9-e,-j,-l, -p, 8.12, 9.7, 9.9, 9.10 and 9.16 insofar as it would require planting more than eight shade trees, subject to the fire department being okay with the turnaround and Nitsch Engineering approving the box culvert; second by Mr. Andrade. Motion passed by unanimous vote (4-0-0).

Mr. Fountain moved to accept the plan entitled “Definitive Plan of the Subdivision of Land in the Town of Raynham, MA. Situated off of King Street,” prepared for Shamrock Realty Trust, Easton, MA, by Gallagher Engineering, Foxboro, MA, dated March 27, 2018, last revised on July 25, 2018, subject to the waivers as granted and the fire department and Nitsch Engineering issues; second by Mr. Andrade. Motion passed on unanimous vote (4-0-0).

General Business:

- Mr. Fountain moved to waive the reading and accept the minutes of July 19, 2018; second Mr. Teixeira. Motion passed unanimously (4-0-0). Mr. Driscoll signed the minutes.
- Invoices were signed.
- No correspondence was received.

Planner update:

- The foundation is in place for the hotel on Commerce Way. There were site issues which slowed the project down but it is proceeding now.
- A demolition permit was issued for the structures at Bradford Trailer site on Rte. 44.

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- CVS on Rte. 138 – Lopes Company is doing the drainage work and no building permit has been issued yet although Lopes was issued a permit for the retaining wall.
- Kia on Rte. 44 – work is progressing.
- Work on improvements at the old Honey of A Ham building is proceeding slowly.
- There is nothing happening with the lights at Rte. 138/Center Street. Mr. Iafrate is trying to get information from Mass. DPW District 5 but no one is responding to inquiries.

SRPEDD update:

- The Army Corps of Engineers has been asked to review wetland filings for the South Coast rail.
- Mr. Teixeira informed that at a SRPEDD meeting he learned the town of Dighton has town counsel write decisions for the Planning Board when a project has been denied, which can be helpful if a denial is appealed in court, and he was just passing on this information to the Board. Mr. Andrade commented that by-laws adopted in 1953 do not favor Planning Board disapprovals, and it's up to the Board to protect the process. If a plan is denied, it must be on the basis of the rules and regulations.
- Mr. Andrade discussed that the highway department is concerned that Christina's Path is not finished. There is a bond in place, but the subdivision is long past the two-year period for completion. There is no handicap sidewalk accessibility, and Mr. Buckley is worried about the binder. It was agreed to have the developer attend a meeting to discuss. Mr. Iafrate noted the last house on Christina's Path was recently finished. He has discussed the road with the owner, and the owner is trying to get someone to finish the work, including the sidewalk. He agreed it would be good to meet with the owner. It was agreed to request the owner to attend a meeting.

There was no further meeting. Mr. Andrade moved to adjourn; second Mr. Teixeira. Motion passed unanimously (4-0-0).

Respectfully submitted,



Russell Driscoll, Clerk