



TOWN OF RAYNHAM

PLANNING BOARD

RAYNHAM, MASSACHUSETTS 02767

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Planning Board Meeting August 16, 2018

Meeting opened: 6:05 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: Maureen McKenney, Administrative Assistant

6:05 p.m. Christina's Path: Developer Steven Joyce was not yet present. The Board discussed that the road is not finished; there is a bond for \$135,000 that was issued in February 2007; Highway Superintendent Ed Buckley is concerned about the condition of the road; and, Mr. Joyce had been coming before the Board every couple of years but has not been there in a while.

Mr. Joyce was present (6:07 p.m.). He updated the Board on the status of the road: all lots are built, all work - engineering, road and sidewalk - is done. The pavement is in "very good" condition for being 10 years old; he has a company doing the finish work; Arthur Borden Associates is doing the rest of the engineering work; and, there are a few small items to complete.

Mr. Gallagher stated it's been 11 years since the start of the project and several extensions have been given. He advised the work should be finished or the Board will take the bond. Mr. Joyce said the work will be completed by September or October. Mr. Gallagher asked for a written schedule by the next meeting; Mr. Joyce agreed to that and he agreed to coordinate the work with Mr. Buckley.

Mr. Andrade advised Mr. Joyce to fix the area where there is grass growing from the granite curbing and the crack in the center of the cul-de-sac with weeds growing. Mr. Joyce will fix.

Mr. Gallagher told Mr. Joyce to schedule a walk-through with Mr. Buckley before the next Board meeting, get a list of Mr. Buckley's issues, have a construction schedule for the Board and get the work done this season. Mr. Joyce said that was the plan, all the houses are now constructed. Mr. Fountain noted there is no reason for heavy equipment to be on the road if the houses are done. Mr. Andrade noted Mr. Buckley will be paving White Street and has concerns about tying into Christina's Path in its current condition.

It was agreed to continue the matter to the next meeting. Mr. Joyce will have a written construction schedule for the Board if he cannot attend in person. He said he wants the road accepted by the Town. Mr. Gallagher advised the next Town Meeting is October or November and Mr. Joyce should check the Certificate of Action to make sure all is done.

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6:14 p.m. Pine Street: Mike Ferrone of Briarwood Construction, So. Easton, MA, appeared before the Board regarding building lots on Pine Street. It was discussed that there are roadway improvements that must be done in accordance with the approved Pine Street Extension subdivision plan. Mr. Gallagher explained that Mr. Iafrate has concerns so he will not issue Certificates of Occupancy (CO's) until the road improvements are done. Mr. Ferrone said he understood.

Mr. Andrade explained that he couldn't find that the subdivision plan was recorded. Mr. Ferrone noted the Pine Street property he is involved with is the Carney property, not the Harris property. Mr. Gallagher suggested Mr. Ferrone discuss the issues with Mr. Iafrate and then return to the Board, stating Mr. Ferrone should not be handcuffed by others. Mr. Andrade said the plan must be recorded, and because it's past six months since the plan was approved, it must be resigned by the Board, and all conditions on the Certificate of Action must be followed.

Mr. Ferrone said he is willing to complete the roadway shown on the approved Carney plan but he isn't responsible for the Long Built/Harris section of road. He noted the turnaround is done. The Board reviewed the approved plan with Mr. Ferrone. Mr. Ferrone said he was under the assumption he had to do the road work for the Carney plan.

It was agreed the plan needs to be resigned so it can be recorded. Mr. Gallagher said building permits can be issued once the plan is recorded but no CO's will be issued until all road work is done.

The Harris plan was briefly discussed. It was noted there is a swale on that plan and no drainage so no as-built plan will be needed. After further discussion, it was agreed to ask Nick Harris of Global Construction to attend the next Board meeting to discuss his work on the road. Mr. Ferrone will attend also to have the Carney plan resigned.

6:30 p.m. 1000 New State Highway site plan: Public hearing was reconvened. Mr. Gallagher stated issues of concern to the Board are noise and pollution; a study of these issues was received from the applicant; the Board is waiting for a cost estimate to have an independent study done for them, not just a review of the study submitted; he apologized for the delay. He noted the site is cleared now so they will be starting with different data.

Applicant's representative, Attorney Edmund Brennan, One Church Green, Taunton, MA, addressed the Board, noting there was a lot of information presented at the last meeting and suggested that tonight the Board address operational issues of Shrewsbury site versus this site. He discussed that Epsilon may be doing a sound/environmental study for the Board, and all will have access to it so there is no merit to discussing those issues tonight. Mr. Gallagher agreed, noting the Board is getting proposals for an independent study.

Mr. Gallagher read a letter dated August 8, 2018, from Matthew Tanis, Raynham Health Agent, which cited concern over potential noise nuisance.

Mr. Gallagher read letter dated August 14, 2018, from Jeanne Carter, Deer Hollow Trail, which stated her opposition to the project. She feels the project will be very detrimental to the area resulting in noise pollution, air quality pollution, light and numerous other issues of concern. Attorney Brennan said he understands the fear of the unknown but they have to deal with the facts as evaluated and the real data.

He noted no one working on the project was with him tonight because there is no Epsilon report to discuss.

Mr. Andrade read information he had from Mass DEP about fine particle diesel pollution being a health risk, questioning how that is taken into account in the study done. Attorney Brennan noted DEP sets standards to be followed. Mr. Andrade felt the Board of Health said they didn't meet the standards; Attorney Brennan didn't agree that's what the letter said; Mr. Andrade said he just wants the information in the record.

Mr. Gallagher noted maybe there shouldn't be a 24-hour operation, citing concerns stated in the BOH letter. Attorney Brennan said they should wait for the Epsilon study. Mr. Gallagher discussed there is a big difference between a dealership and a maintenance garage. Attorney Brennan explained the business has to offer warranty maintenance. He discussed the projected sales for Raynham site based on the Shrewsbury site - \$13.4 million in new truck sales; \$6.5 million in parts sales and \$2.6 million on service and warranty work. He noted the business has to do maintenance service but it is not the thrust of the business. He noted there are 30 new, expensive trucks on site at Shrewsbury now that are being prepared for customers.

Mr. Gallagher said he would be curious to see the new trucks versus all the trucks on site. Attorney Brennan explained that it varies. He noted the Raynham site is 30,500 sq. ft. in size; approximately 14,000 sq. ft. of space for repairs; 7,600 sq. ft. for office; 6,200 sq. ft. of warehouse and 1,900 sq. ft. retail space. Shrewsbury has 10,000 sq. ft. repair space; 6,000 sq. ft. office space; 29,000 sq. ft. warehouse space and 6,000 sq. ft. retail space; and, Shrewsbury has other uses not being proposed in Raynham.

Mr. Fountain said he had questions for the manager and owner. Steve Georgallas, Chief Strategy Officer for Tri-State, and a CPA, was present as the owner's representative. Upon questioning by Mr. Fountain, Mr. Georgallas stated the business opened in 1981-1982; they moved to Shrewsbury from Southborough approximately 10 years ago; they sell Freightliner and Western Star trucks and they provide warranty work on Auto Parts trucks and deliver new trucks to their customers; approximately 300 to 400 new Western Star and Freightliner trucks are sold yearly; the business is going to sever the relationship with Auto Parts as they are having problems with them; they sell parts for Thomas Built Bus and Allison Transmission.

Also, there are zero used trucks sold; Select Trucks/Daimler (used trucks) rents space at their site; he does not know if there are used trucks sold off the property; there are probably 100 to 150 used trucks sitting on the lot; the retail store sells seats, chromes in the parts showroom; no space is provided for truckers to sleep/shower; the business provides extensive road service, on-site warranty work, inspections for the State; they handle snowplow equipment for the State and warranty work for that equipment. At Shrewsbury, Select Trucks has its operations consisting of truck leasing, long-term leasing and short-term rentals; warehouse, engine and alignment shops are on site; a training and technician school are on site. Mr. Georgallas said it is hard to tell how many Select vehicles are on site today but there are 200 trucks in the parking lot today. Mr. Georgallas did not know how many vehicles would be repaired on a typical day; there are 14 or 15 repair bays, including those for Express Assessment; he is not sure how many trucks get serviced per week. Mr. Georgallas explained service is sometimes done on the road for businesses including Stop & Shop; he is not sure if the business only works on diesel trucks but he assumes that smaller, non-diesel trucks might be worked on also; the Shrewsbury site works on school buses, town vehicles and state vehicles; and, depending on the make, they do repairs on refuse/garbage trucks.

Mr. Georgallas continued responding to Mr. Fountain's questions: There are approximately 20 parts delivery trucks/vans operating from the site; unknown the percentage of customers who pick up their parts vs. delivery of parts; the business does not own tow trucks; just the part's transit vans would be registered in Raynham; Shrewsbury is the hub of the business with 99% of administration done on site; alignment shop, engine shop, the big warehouse that leases space and tech school will not be duplicated in Raynham; there are 24 technicians at Shrewsbury site through three shifts with only three on overnight shift; Raynham first year will have seven techs through three shifts, with maybe 4 daytime shift, two on second shift and one overnight; there are 21 bays in Shrewsbury vs. 14 in Raynham – in front of the facility.

In response to questions from Mr. Teixeira, Mr. Georgallas stated there will be no engine shop in Raynham like there is in Shrewsbury; the Raynham market is more vocational and will do trades on take-in vehicles but there is no selling of used trucks in Shrewsbury; Select will absolutely not be represented at the Raynham site; equipment like front-end loaders and bulldozers are not worked on for customers.

Mr. Driscoll asked what work is done in the 21 bays over the shifts. Mr. Georgallas noted he is a CPA, not the owner, but he explained how the prep work on vehicles is rotated, noting there is not one tech assigned to each bay; trucks to be prepped are not delivered to the site by car carrier and they arrive only during the day and not at night.

Mr. Gallagher questioned why they are open 24 hours if there is not activity in the 21 bays at night. Mr. Georgallas said 24-hour operation is a Daimler requirement and if they would not be allowed to operate otherwise. Mr. Georgallas agreed to provide a list of Daimler's requirements for the Raynham site, noting every location has to be approved by Daimler.

Mr. Andrade discussed that Shrewsbury is the comparison site for the Board and that was the site used for the sound study. Attorney Brennan noted they used Shrewsbury because the Board asked about it; Mr. Andrade said that was all the Board had to go on.

Mr. Georgallas said the Raynham site will be different than Shrewsbury. Mr. Andrade questioned how the Shrewsbury site could be accurately used for the Raynham sound study. Attorney Brennan said the sound test was done on a more active site with uses not to be at the Raynham site. The difference in the square footage at the sites was discussed. Mr. Andrade noted the Tri-State Trucking repairs and trucking business is the best at what they do but the Board is looking at the number of trucks to be serviced.

Attorney Brennan noted all work in Raynham will be done indoors and the 21 bays allow for good traffic flow on site, and the 21 bays are not filled with 21 techs. He noted there will be no school, no alignment shop, no engine rebuilding, no leasing to used-car dealer in Raynham. He said all work will be indoors in Raynham.

Attorney Brennan and Mr. Georgallas showed a plan sheet with the different use locations on the Shrewsbury site. Mr. Andrade discussed that he felt the large parking space now versus the buildings approved is a negative, he sees eight acres of pollution.

Mr. Gallagher noted this plan is a "different animal" and the previous plan wasn't approved for this use. Attorney Brennan said this is a different submission. Mr. Gallagher discussed that this plan has nothing to do with the previous plan, this is a new submission and if this had been done first, the site wouldn't have been cleared. Attorney Brennan noted the sound study was done under existing conditions.

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Mr. Andrade noted it was previously stated by Tech Environmental that the second floor of residences would be affected by the project, which he feels is too much. Attorney Brennan said they weren't saying they would not address some of the issues but they need to wait for Epsilon to report. Mr. Gallagher suggested they find a similar site with abutting residential properties to use as the base of study because these two sites are not a fair comparison. Attorney Brennan said the study is based on existing conditions and that a year ago, this use wasn't imagined as potential. Mr. Gallagher discussed that using the sound study from the previous use was not fair. Mr. Andrade noted that the Board reduced parking for the previous plan so there wouldn't be cars and the noise of closing doors near the residence. Attorney Brennan noted this plan reduces gross building floor area to 30,000 sq. ft.

The Board agreed they need to have a study done; Attorney Brennan had no objection.

Mr. Andrade moved to direct Robert Iafrate to hire a consultant, to get a quote and to notify the applicant of the cost because if this is going forward, a study needs to be done; second by Mr. Fountain. Motion passed by unanimous vote (5-0-0).

Mr. Gallagher asked those present in the audience if it is louder since the site was cleared. There were several loud responses of yes.

Mr. Fountain stated they needed a company to address the berms, not just measure noise. Mr. Andrade noted noise shouldn't overspill a property line just like light can't overspill. Mr. Gallagher noted fumes are also an issue but for another meeting.

Mr. Fountain asked if trucks will stay in bays if it takes three weeks to repair them. Mr. Georgallas said they will stay in the bay, adding that there is good ventilation inside. Mr. Fountain asked if idling trucks can be left inside and not have any trucks idling outside at any time. Mr. Georgallas explained that three minutes idling is the law, the trucks only idle when testing and no work is done outside. Mr. Fountain noted that the three-minute time limit can be longer if necessary for repair/testing purposes. Mr. Georgallas stated all work is done indoors.

After brief discussion, an extension of the Planning Board's time-to-act to October 31, 2018, was signed by Attorney Brennan.

Mr. Teixeira discussed that he sees the number of bays at the facility leading to an increase in the amount of work with increased noise level, comparing it to building an eight-bedroom house for three people.

Mr. Gallagher asked if anyone had comments, and the following people spoke:

Kathleen Quinn, 314 Judson Street, stated there is "absolutely" more noise heard since the trees on the site have come down; it is unfortunate the trees were taken down; Google comments say that people stay at the Shrewsbury site three to four days and take showers; statistics indicate that crime is up at truck stops; she is concerned with the level of crime and worried for children; the project belongs in an industrial park; if FedEx had moved to this site, she would also not want them; it is a shame that the group home has lost their only enjoyment; she is angry about the project.

Brant Cruz, 279 Judson Street, thanked the Board for their work in this matter. He cited the Board of Health letter that was read and questioned the rationale for working on the west side of the building,

noting his property is on the westerly side. Mr. Andrade said the Board will get information from the study to be done.

Joseph Reidy, 329 Judson Street, had a question about property boundaries as an aerial view of the area seems to show the corner of the site on his driveway. Mr. Gallagher explained that the aerial view map was not by survey but by GIS mapping, which is not an accurate depiction, and the actual plan is done by survey.

Patricia Riley, Selectmen, read into the record a letter dated September 15, 2018, from the Selectmen/Board of Health. The letter expressed concerns the Selectmen have as the Board of Health, citing issues with noise, air quality and possible violation of the zoning by-laws.

Pam Menconi, 339 Judson Street, asked if the main building in Shrewsbury is representative of the main building in Raynham, not inclusive of any leased property. Mr. Gallagher stated that would be a fair assumption. Mrs. Menconi questioned if a website is accurate when it says there are 30 –plus technicians on three shifts; Mr. Gallagher felt that could be called into question with the 21 bays. Mrs. Menconi questioned if truckers would be allowed to sleep in their trucks while waiting or shower. Mrs. Menconi said she went to Shrewsbury Tuesday and took photos. She saw people working outside the bays, and the doors to the bay were open. Mr. Gallagher asked for copies of the photos. Mrs. Menconi asked if there will be test driving at night in Raynham on the open-space. Mr. Gallagher noted the majority of the site is for parking. Mrs. Menconi said she had issues with the waivers; Mr. Andrade said they were not discussing those tonight.

Mrs. Menconi discussed that in the event of a fire, the area could be exposed to danger from diesel trucks. Mrs. Menconi noted there was a fire at Shrewsbury in 2013 and Clean Harbor had to clean up; there is a need for a clearer picture of what will be happening on the site. She asked if there will be DOT inspections on the site; Mr. Andrade noted they said they were licensed to do them. Mr. Gallagher said the Board will look at everything to make sure the project meets the by-laws and is in compliance with all criteria.

After discussion, Mr. Gallagher moved to continue the public hearing to September 6, at 6:30 p.m.; second Mr. Teixeira. Motion passed by unanimous vote (5-0-0). Mr. Gallagher stated there will be no new notifications sent out.

General Business:

- No minutes were received.
- Correspondence dated August 14, 2018, was received from Madison Homes LLC, Seekonk, MA. Mr. Gallagher stated no action is being taken tonight because the plan is not recorded. Mr. Andrade explained the property is on Sandy Hill Road. He instructed that Bob Iafrate issue no building permits until the road work is done. Mr. Gallagher stated Madison if wants to do the work, they can do it according to plan. Mr. Fountain moved that no building permits will be allowed until the road work is done; second Mr. Andrade. Motion passed by unanimous vote.

Planner update: None tonight.

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SRPEDD update: None tonight.

8:08 p.m. - There was no further business. Mr. Andrade moved to adjourn; second Mr. Teixeira. Motion passed by unanimous vote (5-0-0).

Respectfully submitted,


Russell Driscoll, Clerk