

Town of Raynham, Massachusetts

558 South Main Street, Raynham, MA 02767
ph: 508.824.2707

Planning Board meeting April 6, 2017

The Raynham Planning Board meeting of **Thursday, April 6, 2017**, at Raynham Veterans' Memorial Town Hall, was opened by Chairman Daniel Andrade at 6:02 p.m.

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

Board members not present: Burke Fountain

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

6:02 p.m. – Form A plan – 47 Richmond Street: John Gonsalves, Richmond Street, Raynham, presented a Form A plan for his property. Proper application and fee were received.

The plan was reviewed. Mr. Gallagher asked if Mr. Gonsalves was adding the wetlands area to his house lot. Mr. Gonsalves said yes. Mr. Andrade explained that this Form A, combining the back land with the house lot, was a condition of previous Planning Board approval for Mr. Gonsalves' waiver-of-frontage plan after a variance for this property was granted by the ZBA. Mr. Iafrate explained a variance and waiver-of-frontage have been granted but no permits have been sought yet.

Mr. Gallagher noted his brother prepared the plan so he will not vote.

Mr. Andrade moved to approve the "Approval Not Required Plan of Land in Raynham, MA Lot 59 Richmond Street," prepared for John Gonsalves, 47 Richmond Street, Raynham, MA, by Gallagher Engineering, Foxboro, MA, dated April 4, 2017; second by Mr. Driscoll. Motion passed 3-0-1. Mr. Andrade requested that a recording receipt be submitted; Mr. Gonsalves agreed to do so. Mr. Driscoll endorsed the plan.

6:07 p.m. – Innovation Park/1000 New State Highway site plan public hearing was reconvened. Attorney Edmund Brennan was present along with applicants Buzz Artiano and Edward Artiano, Daniel Gagne, P.E., and Brendan (last name not known), wetlands specialist, both of Beals and Thomas.

Attorney Brennan addressed the Board, noting no testimony was taken at the previous hearing. He explained the site is east of Lowe's, is approximately 21 acres and six buildings will be constructed for "flex" space for various uses. He noted the site complies with zoning by-laws. Water, sewer and gas lines will be looped from Judson Street. The project is now before Conservation Commission and the wetland line has been approved. Attorney Brennan noted a project review letter dated April 13, 2017, was received from Nitsch Engineering and there are few issues. The site abuts a residential district to the north so there will be "extensive" landscaping buffer; there will be direct access to Route 44; an internal traffic plan was submitted; and, the Board's engineers signed off on the drainage.

Mr. Teixeira questioned where the utilities will be coming into the site. Attorney Brennan showed on the plan. Mr. Andrade noted that "complies" as Attorney Brennan stated earlier means the plan meets standards. Attorney Brennan agreed, noting no variances are needed. Mr. Andrade noted there has been a lot of back and forth between the engineers so the plan has come a long way since submitted. Attorney Brennan noted MEPA is satisfied with the plan. Mr. Teixeira informed that MEPA had SRPEDD conduct a review.

Mr. Iafrate informed the Board that he met with Attorney Brennan this week and his concerns from Nitsch's second review letter have been adequately addressed, but he is concerned that the internal circulation is "jammed up" and the Board could look at adjusting that.

Parking was discussed. It was agreed that more information on tenants is needed in order to determine the number of parking spaces needed. Mr. Iafrate noted that the fire department's concerns with the aisle widths have been addressed. He asked if there will be a "marquee" sign or more than one sign.

Mr. Gagne explained that he used two different types of tractor trailers and a box truck to analyze and design the parking needs. Mr. Andrade discussed that he was concerned with safety issues with larger trucks using the site with a 22 ft. aisle width. Mr. Gagne said the larger trucks will not be used frequently. Mr. Gallagher said width should be 24 ft. Mr. Gagne pointed out there are loading areas. Mr. Andrade noted they are dedicated to loading, not traffic, and there is not good flow on the site. Mr. Gagne said there will be another way around the site if there is a traffic bottleneck on site. Mr. Andrade discussed his concerns that a tractor trailer cannot get out if the other aisle is used. He asked how many tenants will be on site. Attorney Brennan said that it will vary. It was noted that each of the six buildings has a loading area. Mr. Andrade said his concern is that the traffic pattern works safely. It was noted the site does not have dedicated one-way traffic. Mr. Gallagher suggested lessening the building sizes to get 10 to 15 ft. more width to avoid problems with large trucks.

Mr. Gagne explained they are working with Mass Highway on a curb cut to resolve access issues and it is possible there will be restriping on Rte. 44. Mr. Andrade said his biggest concern is there is not enough room and he suggested making the second building on the plan shorter to give more room to the main corridor. Mr. Driscoll agreed with Mr. Andrade.

Mr. Teixeira questioned the distance to Paramount Drive. Mr. Gagne stated about 400 feet. Mr. Teixeira discussed concern with traffic going left from the site onto Rte. 44. Mr. Gagne said they are still working with Mass. Highway.

Mr. Gallagher suggested eliminating a bay at one of the buildings because the 22 ft. width is not adequate for all traffic coming into the site. He noted Mr. Gagne did a good job with the templates and was honest with the situation but it does not work and there should not be less than 24 ft. throats. Mr. Gallagher stated his other concern is the buffer with the residents. Mr. Andrade noted the Board will address that after the traffic. Mr. Andrade stated the other areas of the site are okay but the entrance is a major concern. Attorney Brennan informed that his client is willing to shrink the building by one bay to open the entrance. Mr. Iafrate said the plan should consider queuing and striping all the way in. Mr. Teixeira asked if there will be sidewalks for possible foot traffic on site. Mr. Gagne showed the 4 ft. sidewalks on the plan.

Mr. Andrade asked about the retaining wall. Mr. Gagne discussed the wall as shown on the plan, being 3 ft. to 8 ft. tall, big blocks with a standard guardrail. He showed the guardrail location in the back where the property slopes adjacent to the residences. It was noted the wall will be six feet higher than the residences and that abutters had requested a berm and buffer. Mr. Andrade noted it will be 5 ft. to 6 ft. higher along the adjacent properties in the back. There will be a fence on top of the berm behind the parking lot.

Mr. Andrade apologized that he misspoke earlier and that 50 ft. no-touch area was wrong, rather it is a 50 ft. building setback. Mr. Gagne explained he is working with the homeowners to address their concerns. Attorney Brennan said there will be a berm, landscaping and a fence as buffers. Anthony Foscarota, Judson Street, direct abutter, spoke to say he did not know the whole property would be built up by 5 feet so that is not really a berm. Mr. Gallagher noted the berm is behind the neighbor's property. Mr. Foscarota's property is behind the parking lot, has a gentle slope down and there will be a fence. It was noted the fence can be 8 feet high. Mr. Foscarota said he is concerned now that the building will be up 5 feet. Mr. Gallagher said the site has to be built up. Mr. Andrade asked which house is the one that is 20 ft. back off the property line; it was noted it is the group home. It was noted the trees at the back corner of the site will not be cleared and other trees will be provided. Joseph Reidy and Angela Reidy, Judson Street, abutters, spoke about concerns with the number of stories and height of the buildings. Attorney Brennan said the building will be one story. Mr. Gagne said the buildings will be 24 ft. with metal siding. Mr. Iafrate said there are two stories, one being a mezzanine. Owner/applicant Buzz Artiano spoke and explained the buildings will be 24 feet high, one story with a couple having small mezzanines but the majority of uses will be have 22 feet clear inside. Mr. Andrade said they should say two stories. Mr. Artiano said 22 ft. inside is one story.

Mrs. Reidy asked if there will be windows in the rear of the building. Mr. Artiano said yes, but at the Reidy property, Building C will have manual doors and 14 ft. overhead doors. Mr. Gallagher asked if there will be windows at the loading area; Mr. Artiano said yes.

Building renderings were shown to the Board and the abutters. Mr. Andrade noted the buildings are 24 ft. off grade plus 5 ft., totaling 30 ft. off grade so the buildings will be seen no matter the berm and fencing.

Mr. Gallagher asked if Building C is to grade. Mr. Gagne said yes and there will be landscaping around the corner but no fence. Angela Reidy asked if there will be no raise in elevation at her property line. Mr. Andrade said no raise. Mr. Teixeira noted Mrs. Reidy has concerns with windows on the buildings looking onto her property, and it appears there are no windows at the top of the building to look down into the Reidy property.

Pam Menconi, Judson Street abutter, spoke about the parking spots behind the building and concern with traffic in that area. Mr. Gallagher said parking will be 80 ft. to 100 ft. from the property line. Mr. Andrade noted that area is good land and cannot be eliminated from use. Mr. Gallagher suggested the fence could be wrapped around to eliminate car lights shining. Mr. Gagne said he understood but was hoping to leave the area without fencing for snow storage. He noted with additional tree clearing the fence could be moved back. Mr. Andrade suggested the fence could be located on the property line and extended down. Ms. Menconi noted the businesses and their hours are not known. Mr. Andrade said they will get into that. It was agreed to add to the fence as discussed.

Landscaping plan was discussed. Mr. Andrade said he is concerned that clearing to the property line for the slope won't work, and he would like 25 feet left natural and not touched. Mr. Iafrate noted the Planning Board can suggest a buffer per the zoning by-laws.

Mr. Andrade said he understands it is "buyer beware" but it is the Planning Board's job to make all happy. He noted the 25 ft. no-touch area can be the Board's decision. Attorney Brennan said the 50 ft. is a setback, not a buffer, and the Board can require screening but cannot take 25 feet of property. Mr. Andrade suggested Attorney Brennan can get a legal opinion. Attorney Brennan noted that all know the zoning when they buy their property and that some of the residential properties are themselves partially zoned business. Mr. Andrade said there should be trees and a fence 25 feet off the property line. Attorney Brennan questioned what that would do for the neighbors. Mr. Andrade said it would give them 25 feet more away from the site.

Mr. Foscarota spoke to say he would like mulch, trees and woodchips on the water tie-in area near by his property. Mr. Andrade noted this area is not an easement but is owned by the applicant, and he would recommend only loaming and seeding for maintenance reasons, and the owner will be maintaining.

Mr. Gagne said they will not clear more than needed and will keep the site tight. Mr. Andrade questioned if a sound barrier could be used. Mr. Artiano said he is working with Mr. Foscarota but that cutting through to Judson Street for water connection is not his control but it is the water district. He said there will be an 8-inch to 12-inch line, and they could plant trees on the property line but not on top of the line area. Mr. Andrade said that is between the two parties. Mr. Artiano said he is willing to work with the neighbors on plantings and he is meeting the by-laws.

Mr. Andrade noted the dumpsters are near the residential area. Mr. Artiano said they can be relocated. He said he is not in favor of sound barrier walls because they are unattractive and don't do much. He explained he is "picky" about his tenants and turns away about 20% of those looking to locate. He said he is available to meet with the neighbors and the tenants. Mr. Andrade said the back parking spaces can be eliminated to lessen noise to the residences. Mr. Artiano said they can look at that but they might need the spaces to comply with by-laws. Mr. Andrade said he would rather give a special permit to reduce the spaces. Mr. Artiano said there could be 20 feet more buffer if spaces are eliminated but they could be three to four spaces short of the requirement. The Board agreed they are okay with the idea of fewer parking spaces. Mr. Driscoll noted they may meet the requirement if the front building is reduced in size. All agreed.

Mr. Foscarota asked if there will still be fencing. He was told yes, there will be 8 ft. PVC fence along the back. Ms. Menconi asked if the fence will be parallel to the houses. Mr. Andrade said it will be 100 feet down the line. Mr. Andrade advised the applicant to get the dumpsters out of the back area.

Mr. Iafrate said that with the site built up five feet plus the height of the buildings, the buildings will be seen by the residences. Mr. Andrade agreed they cannot hide the buildings but concerns with nuisances, noise pollution can be addressed. He said he is comfortable with this owner, it could be a lot worse with others, and he has seen other buildings owned by applicant and he does a "very nice" job.

Mr. Iafrate asked if there is a phasing plan. Attorney Brennan said no, but the goal is a three to four year buildout. Mr. Artiano explained that all site work will be 100% done, including binder down, foundations in and landscaping done, before the first two buildings (A & B) are in. Mr. Andrade noted that will give a couple of year's growth for the trees before tenants are in. Mr. Andrade asked when the screening in back will be done. Mr. Artiano said "day one." He noted the site work is the noisiest and dusty part of the process but it will not take four years to complete. Mr. Iafrate requested the sign designs be submitted at the next meeting. Mr. Artiano said he does not use large marquee signs, but there will be internal site and building signs. There will be specific requirements for the site signs with nothing "messy," and there will be small internal directional signs. He noted the whole project will have one address.

Mr. Andrade commented that the drainage is flowing away from other properties and into the wetlands to dissipate. Mr. Gallagher discussed the drainage plan, explaining it went away from everyone's property and dissipated into the adjacent wetlands. Mr. Gagne discussed the grading of the site. Mr. Andrade said everything naturally flowed away from Judson Street and into the wetlands. Upon question from gentleman in the audience, elevations on the property were discussed.

Mr. Andrade read the waiver requests into the record. He noted they were pretty standard with no problems, and they will be addressed at next meeting.

Attorney Brennan asked if the Board's changes should be sent back to Nitsch. Mr. Andrade said no, all Nitsch concerns were addressed. Attorney Brennan noted that if a special permit is needed, they will have to re-advertise but they will deal with that if they have to.

Mr. Gagne asked where the dumpsters should be located. The Board agreed anywhere away from the residences.

It was agreed to continue the public hearing to April 20th, 6:05 p.m.

7:40 p.m. – Bassett Knoll Estates: Lee Castignetti of Long Built Homes appeared before the Board on behalf of owner Raynham Real Estate Trust. Correspondence dated March 13, 2017, and March 23, 2017, from Long Built Homes, was received.

Mr. Andrade noted that Long Built had submitted a bond estimate. Mr. Castignetti explained that was a rough estimate and he will be meeting with Nitsch Engineering on Monday at the subdivision to inspect the work done to date.

Mr. Andrade noted the owner is now proposing to eliminate the sidewalk on the left side; Mr. Castignetti agreed. Mr. Castignetti explained the owner will be paying the fee due to eliminate the affordable lots and that the conditions in the Certificate of Action mention payments due at phases. The owner will be requesting 20 lots be released as Phase I and Phase II will be 25 lots with the remaining lots at Phase III.

Mr. Andrade said the Board will review the Certificate of Action and can discuss adjustments for phases if needed. He informed Mr. Castignetti that the office will inform him of the bond amount once Nitsch determines and there is no need to return to the Board for that. Mr. Castignetti was agreeable. He noted that it was clear in the Certificate of Action that three payments are needed.

Mr. Gallagher stated there is probably a plan showing the phases but what is written in the correspondence received from Long Built seems reasonable. Mr. Andrade said the Board will look everything over and determine what is needed. It was noted that Mr. Iafrate and Ed Buckley will be at the site with Nitsch on Monday.

Mr. Andrade noted that previously Mr. Castignetti had indicated Long Built would be taking over the development. Mr. Castignetti explained they are working with Nick Harris to finish Phase I as planned and Long Built will take over at Phase II. Mr. Andrade discussed the catch basins that were leaking and needed attention. Mr. Castignetti said he was aware of the situation. Mr. Andrade discussed the filling being done and the soil conditions. Mr. Castignetti was aware of that also.

7:50 p.m. – Form A-Pine Street: Todd Pilling, P.E., Pilling Engineering, South Easton MA, appeared before the Board to present the plan along with realtor Patricia Cerritto, Vernon St., Bridgewater. Proper fee and application were submitted. Mr. Pilling explained the large property, owned by Pollard, was split by the construction of Rte. 495. The property is located on the paved section of Pine Street, is zoned light industrial, does not have municipal water and sewer so the lots are 60,000 sq. ft. with 200 ft. frontage. Mr. Pilling noted the owner wanted to do a TDR plan but could not because of the light industrial zoning.

There were no questions from those present. Mr. Gallagher moved to approve as an Approval Not Required Plan, the "Plan of Land Pine Street Raynham, MA, prepared for Zero Pine Street Realty Trust, 24 Westgate Drive, Stoughton, MA, dated February 14, 2017; second Mr. Driscoll. Motion passed 4-0-0. Mr. Driscoll endorsed the plan.

7:56 p.m. – Mastria Kia, 1555 New State Highway: Ed Ferreira of Mastria Kia appeared before the Board on behalf of owner. He submitted plans showing a proposed Kia sign at the entrance to the site along with building elevation sketches and a proposed site plan for the future new location of Kia.

Mr. Andrade explained that Mastria purchased the Kia dealership and has asked if he can park the cars in an area of what is now the Meineke dealership. The Meineke dealership will be moving off the site soon. Mr. Mastria was informed he could put the cars in the parking area if no changes were made to the existing building. A site plan will be submitted in the future to go forward with changes to the building once Meineke vacates the site but office trailers are in place until construction starts.

Mr. Andrade explained Mastria is asking to locate a Kia sign on the site along with the current Meineke sign. The Kia sign is being relocated from its current spot at Metro Kia, where it was located as part of that site plan approval. The Meineke sign will be removed when Meineke relocates.

There were no questions from those present. Mr. Andrade moved to approve the Kia sign as presented, reserving the Board's rights if the building application for the Kia site does not go through and the sign to be taken down if the project does not go through so there will not be two signs on site; second Mr. Driscoll. Motion passed 4-0-0.

8:01 p.m. – All American Assisted Living/1084 Broadway: Attorney Edmund Brennan, Taunton, MA, appeared before the Board on behalf of the owners. It was noted the site plan for the assisted living development was approved in the spring of 2014, and a future build out was part of the approved plan. Attorney Brennan explained that the owners will be expanding the site by building a memory unit as Phase II. The building foundation must be expanded by two feet in order to add a second story. No additional parking will be needed. Attorney Brennan noted the zoning by-laws allow for a minor modification to a site plan. After discussion, the Board agreed the expansion plan can be submitted as a minor modification.

General Business: Invoices were signed. There were no minutes received.

Correspondence: Letter dated April 5, 2017, was received from Town Administrator Randy Buckner requesting that the Board schedule a public hearing for amendment to the zoning by-laws by adding Sec. 6.13 Marijuana Not Medically Prescribed.

Mr. Iafrate explained the proposed by-law eliminates the possibility of dispensaries and other uses being allowed in Raynham. Mr. Andrade asked if the medical marijuana district that has been established will now go away. Mr. Iafrate said the by-law just pertains to recreational use and not medical uses. Mr. Gallagher noted only one other town in Massachusetts has enacted a similar by-law and one other town is also now trying. Mr. Teixeira said he was surprised Towns can override the State on the issue. Mr. Iafrate note the other town's by-law passed muster with the Attorney General.

Public hearing will be held on May 4, 2017.

SRPEDD update:

- Mr. Teixeira submitted the SRPEDD annual delegate appointment form. The Board agreed Mr. Teixeira will continue as the Board's SRPEDD representative. The form was signed.
- Mr. Teixeira informed that the Middleboro rail line has been approved and Phase 2 of the rail plan mentions the Stoughton line being done.
- Mr. Teixeira discussed that in the Raynham Call, the State House has voted 200 million dollars in Chpt. 90 funding and Bridgewater and Raynham will split one million in funds for infrastructure work.
- Mr. Teixeira discussed that the Federal government defines the planning areas and Raynham was due to become part of the Boston planning area but the bill that would have made that change did not pass legislation.

Planning Coordinator update:

- Mr. Iafrate informed that a temporary occupancy permit has been requested for 147 South Street West. He said there is \$22,500 in work left to be done, and a bond for \$35,000 has been approved by Town Counsel. Mr. Andrade said he is abstaining from this matter since he sold the property to his nephew. Mr. Gallagher moved to approve the occupancy permit; second Mr. Teixeira; motion passed 3-0-1.
- Mr. Iafrate discussed the site on Broadway directly across from the dog track. He informed that vehicles and equipment have been moved on the site without a plan or approval from him. He presented a proposed plan from the owner showing layout for a parking facility. He asked the Board if site plan or abbreviated site plan is needed. He noted the owner's plan shows the parking is neat and orderly but in reality it is not and all the vehicles are scattered about, and repairs and maintenance are being done on site. He noted there are no physical improvements being done to the site, and he is looking for direction from the Board. He questioned if site plan approval, per zoning by-laws, Sec. 13.2, is triggered although there is nothing in the by-laws that applies to trucking terminals.

- Mr. Andrade explained he has discussed this situation with Mr. Iafrate and he felt the owner should appear before the Board for abbreviated site plan. Mr. Teixeira questioned why full site plan would not be required. Mr. Gallagher noted the owner may balk at that. After brief discussion, the Board agreed that Mr. Iafrate will ask the owner to submit abbreviated site plan.

There was no further business and Mr. Andrade moved to adjourn; second Mr. Driscoll. Motion passed by unanimous vote. The meeting adjourned at 8:26 p.m.
Respectfully submitted,
Russell Driscoll, Clerk