

Town of Raynham, Massachusetts

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Planning Board meeting April 21, 2016

The Raynham Planning Board held its regularly scheduled meeting on Thursday, **April 21, 2016**, at Raynham Veterans' Memorial Town Hall.~ The meeting was opened at 6:00 p.m. by Chairman Daniel Andrade.

Board members present: Daniel Andrade, Burke Fountain, Russell Driscoll, John Teixeira, Christopher Gallagher (6:07 p.m.)

Staff present: Maureen McKenney, Administrative Assistant

6:00 p.m. – Ramson Woods: (Mr. Andrade noted he was taking this agenda item out of order.) Robert Mastria, Bridgewater, MA, appeared before the Board to discuss setback requirements and the possibility of a retreat lot for his property that was approved as part of the Ramson Woods subdivision plan.~ He showed the Board a plan of the subdivision, noting the back lot will be served by a private roadway and the two front lots have frontage on Campbell Court.~ Mr. Mastria asked about the possibility of reducing the 45 ft. front setback at the back lot to 25 ft. setback to better accommodate location of a house on the lot.~ The Board informed Mr. Mastria that they cannot grant a setback variance because that is a Board of Appeals matter. Mr. Andrade explained the Board is getting close to a retreat by-law but it is not ready now.

Mr. Mastria noted the roadway was approved for 16 ft. width but he may ask to have that waived to 10 to 12 feet wide since it will be a private driveway rather than a road.~ Robert Mastria, Sr., Raynham, MA, noted the Campbell Court lots have 150 ft. frontage each. (Mr. Gallagher arrived.)

Mr. Andrade explained to Mr. Gallagher that Mr. Mastria wants to reduce the 45 ft. setback to 25 feet to make the property usable but the Board cannot approve it.~ Mr. Gallagher explained that the illusionary frontage is still needed even if the roadway is just a driveway. He explained that the frontage can be arced to keep the 150 feet needed and still pull back the front setback. ~It was noted there should still be room for a turnaround on the property.~ No action was taken by the Board. Mr. Mastria will consider reconfiguring the plan and may return to the Board for a minor modification.

6:13 p.m. – 442 New State Highway/Colbea Shell station: Alan Micale, Ayoub Engineering, appeared before the Board along with Chris Gerard of Colbea Enterprises to discuss occupancy for the site.~ Mr. Micale explained they want to open in two weeks.~ He will be finalizing the as-built plan next week and will send it to Nitsch for review. ~Mr. Micale stated they are hoping to return to the Board at the May 5th meeting for their final approval.~ Mr. Andrade stated it is up to Ayoub to give Nitsch sufficient notice for review.~ Mr. Micale explained he has contacted Nitsch Engineering.~

Mr. Andrade noted that any “glitches” that arise may need plan modification and he stated it is up to the applicant to handle things, not up to the Board.~ The Board will sign off if everything is okay with Nitsch, but it is up to the applicant to finalize everything. It was noted the Board cannot decide on any possible changes without seeing the as-built plan.~ Mr. Micale asked if it is possible to appear before the Board on May 5th to get a sign-off for the occupancy permit.~ Mr. Andrade said it is possible.

Mr. Gerard explained the site is almost done and the as-built plan will be sent to Nitsch by Tuesday. Mr. Andrade said they Board will sign off if everything is okay with Nitsch.

6:22 p.m. – Bassett Knoll Estates:~ Developer/applicant Nick Harris was present. Mr. Andrade explained that because the Board's last meeting was cancelled, he discussed with Mr. Harris that some work on the site could continue and the Board would vote on the requested modification tonight.~ He explained that changes in grade are being done in deep fill area.

Letter dated March 21, 2016, was received from McKenzie Engineering Group, Inc.; letter dated March 17, 2016, was received from Board of Sewer Commissioners. E-mail correspondence, dated April 6, 2016, was received from Bill Ward at RCWD. Letter dated April 6, 2016, was received from Nitsch Engineering. Mr. Harris and the Board discussed items in the Nitsch letter. Mr. Harris said he will take care of the issues.~

Mr. Andrade said a letter is needed from McKenzie Engineering stating they have reviewed the Nitsch letter and have no problem with it and will abide by it. Mr. Harris asked if the letter should be from Global or the engineer; Mr. Andrade said the engineer.

John McGarry, Superintendent of Sewer Department, was present and he stated he has contacted Tibbetts Engineering to consult on the subdivision and they will be on site and provide weekly progress reports to him..

Mr. Andrade advised those present to continue the e-mail communications as all have been doing. Mr. Harris agreed to do so.

Mr. Andrade asked for an update from Mr. Harris. Mr. Harris explained that the first two months of site work was dealing with water, road was regraded and stabilized, and sewer work will begin next week with manholes installed afterwards. He noted they are now working in the area with no grade changes. He stated there have been no compaction tests at this point. Mr. Andrade asked if sewer guidelines are being followed. Mr. Harris stated yes, that he knows exactly what the Board wants and he is all set with ConCom.

Mr. Andrade noted there was correspondence from the water department and the department is okay at this point; Mr. Harris agreed. Mr. Andrade asked Mr. McGarry if he is okay with the changes being made. Mr. McGarry stated yes.

Mr. Andrade moved to approve the modification to Bassett Knoll Estates definitive subdivision plan with revisions to profile, plan dated March 7, 2016, subject to compliance with the Nitsch Engineering letter dated April 6, 2016; second Mr. Driscoll. Motion passed 4-0-1 (Mr. Gallagher abstaining).

6:34 p.m. – Richmond Street waiver-of-frontage plan: Mr. Andrade noted this item is not on the agenda but Mr. Gonsalves is present regarding his plan that was approved by the Planning Board after he was granted a variance from frontage requirements from the ZBA.

Mr. Gonsalves explained the history of the plan, noting both he and the previous owners were each granted a variance for the property and both given an extension from the ZBA but the waiver-of-frontage plan was never brought to the Planning Board for signature by either owner.

Mr. Gallagher stated he will abstain from this matter because his brother prepared the plan. Mr. Andrade asked if any Board members had a problem signing the waiver-of-frontage plan now; no one did. Mr. Fountain asked where the plan has been. Mr. Andrade asked if he was concerned changes were made; Mr. Fountain said he was a little concerned. After discussion, it was agreed that Mrs. McKenney will review the mylar plan with the approved plan copy in the office to make sure they are the same.

It was noted the Town Clerk must still sign the plan. After discussion, it was agreed to hold the plan for the Town Clerk to sign if no appeal was taken. The plan was endorsed by Board members except for Mr. Gallagher.

6:46 p.m. – Raynham Crossing, Rte. 44 (aka K-Mart plaza): Attorney Edmund Brennan, Taunton, MA, appeared before the Board along with property owner Ken Frieze, Carlisle, MA. Attorney Brennan submitted a parking criteria sheet of the site, dated September 18, 2015, prepared by Bohler Engineering. Attorney Brennan explained the property owners are in negotiations with a new business that is interested in locating a small restaurant in the parking area of the site. He explained there will be a 3,500 sq. ft. pad for the building, noting there will not be a drive-up included. Attorney Brennan explained parking for a building without a restaurant would be 815 spaces, with a restaurant 915 spaces, and the owners are proposing 776 spaces, 139 less than required. He noted the plaza's parking lot is never filled and there are considerable spaces available.

Mr. Fountain asked if the restaurant will be sit-down with liquor. Mr. Frieze said there will not be liquor. Mr. Andrade asked if a separate building can be constructed in the parking lot. Attorney Brennan stated it can be.

Mr. Andrade explained that currently cars drive into that parking lot and sometimes don't know which way to go because it is so open. He asked if islands with trees can be added to the parking area, noting that by current zoning, more landscaping would be required. Mr. Teixeira agreed with Mr. Andrade. Mr. Frieze explained that the tenants control the parking lot and he would not get those additions approved because they would block visibility. He noted he has already given economic concessions for the new building and anything further could "kill the deal."

Attorney Brennan stated a new building would break up the parking lot. Mr. Andrade didn't agree.

Mr. Frieze explained that visibility to the rear tenants is an issue, and he is hoping this new business will enhance the site and stabilize tenants with more activity. Mr. Andrade suggested that small shrubs could be used. He noted the plaza looks good and the owners are doing a good job. Mr. Frieze said tenants are changing, and they are not out of the woods yet. Mr. Andrade discussed retail plazas in Hingham and Wareham and noted that additional landscaping with islands and low growing shrubs would enhance the Raynham site. Mr. Frieze agreed but noted this site is smaller and is not a destination site but is a local, convenient site.

Mr. Andrade suggested the owners get a letter from the police and fire departments regarding accidents in the parking lot. Mr. Brennan stated the accidents are caused by the openness of the parking lot and the new design will help somewhat with traffic flow. Mr. Andrade noted the applicant is looking for waivers and the Board is hoping to improve the site. Mr. Frieze said he understands but the project cannot go forward with what the Board is asking.~ Mr. Brennan stated the comments and concerns are duly noted and the owners will discuss. Mr. Frieze explained they have spent \$200,000 to update the plaza and they are invested in the site but the owners control the parking lot so he will have to go back to them.

General Business:

- Mr. Fountain moved to approve the minutes as received for March 17, 2016; second Mr. Teixeira.~ Motion passed unanimously.
- Mr. Andrade read a letter dated April 1, 2016,~from Brian Glavin, Raynham Tree Warden, regarding calls he has received from town residents expressing concerns with hazardous trees that are located on conservation land, open space or on a town easement. After discussion, the Board agreed they were not sure how the matter fits into their authority but they will have the new town planner look into the issue.~ It was noted that homeowner associations have control over open space in subdivisions.. Mr. Gallagher suggested the tree warden could be added to the sign-off sheet for street acceptance.
- Tim Inacio, who will be starting as town planner next week, was present.~ He noted he has seen the letter and can look into it.~ (Mr. Andrade left the meeting at 7:14 p.m.)

7:14 p.m. - 147 South Street West site plan:~ Attorney Edmund Brennan, Taunton, MA, appeared before the Board to request a minor modification to approved site plan.~ He submitted a letter dated April 21, 2016. He explained the site will not be developed as planned.~ There will now be one 7,300 sq. ft. building with 14% impervious coverage instead of the approved 20% impervious.~ There also will be a detention/retention basin for the subsurface system, as the project is smaller now.~ He noted that if it becomes possible to build the second building, applicant will return for another modification.

Mr. Fountain asked Mr. Gallagher if the modified plan should be reviewed.~ Mr. Gallagher stated no because a large portion of the site is not being paved now, which will reduce runoff 50% - 80%.~ He noted a fence is being added, which the neighbors will like.~ Mr. Driscoll and Mr. Teixeira agreed with Mr. Gallagher.

Mr. Gallagher moved to approve as a minor modification, the "Modified Site Plan 147 South Street West Raynham, MA. Owned by Andrade Construction, LLC, Prepared by~Earth Services Corporation," Taunton, MA, dated March 21, 2016; second Mr. Driscoll; motion passed 4-0-0.

General Business:

- Mr. Teixeira discussed information he received at the last SRPEDD meeting regarding areas in which SRPEDD can assist municipalities.~He noted he will not be at the next SRPEDD meeting if any other Board member would like to go in his place.
- Mr. Teixeira noted 107 Broadway property has sold but he is not sure how it is zoned.~

There was no further business and the meeting adjourned at 7:30 p.m.

Russell Driscoll, Clerk