

Town of Raynham, Massachusetts

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Planning Board meeting June 2, 2016

The Raynham Planning Board held its regularly scheduled meeting on Thursday, **June 2, 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, Russell Driscoll, John Teixeira

Board members not present: Christopher Gallagher, Burke Fountain

Staff present: Maureen McKenney, Administrative Assistant; Tim Inacio, Town Planner

6:00 p.m. – Tomlin Estates: The public hearing was opened.~ Mr. Driscoll read the hearing notice. Frank Gallagher, P.E., Foxboro, MA, appeared before the Board and gave a brief history of the project:~ property is on the south side of White Street; 7.5 acres; it is former farm property; the existing No. 207 house is not part of the subdivision plan since it was separated out by ANR plan; three lots will be created off a private road with Lot 2 to be the largest at 5 acres; he and the applicant met with the Board previously to discuss a possible 6-lot subdivision but settled on this 3-lot plan with private road; there will be a hammerhead turnaround.~ Also, the houses will not be located exactly as shown on the plan; an existing back house and barn are to be demolished; and, water and sewer will be available.

Mr. Andrade noted there are three Board members present tonight and asked if the applicant was comfortable with that.~ After discussion, Mr. Gallagher decided to proceed with the hearing.

Mr. Teixeira noted the Board and Mr. Gallagher had previously discussed doing test pits on site.~ Mr. Gallagher explained that test pits were done but not witnessed but the results are not on the plan.~ Testing was done every 100 ft. on center line, 400 ft. into the property.~ There is sand and gravel in the front and no buried debris.~ Also, soils are tighter and less permeable going to the back.~ Mr. Gallagher said he can provide the information.~ Mr. Teixeira noted the Board was concerned with the burying of debris, which would have been done in the back.~ Mr. Gallagher noted they dug to the rear when previously considering a basin and they found only stumps.~ Mr. Teixeira noted the stumps are no concern; Mr. Gallagher agreed.

Mr. Gallagher showed the road cross section and discussed the 18 ft. paved road to be constructed.~ He said it is modeled after Riverfront Estates.~ Mr. Andrade noted Riverfront is his subdivision.~ Mr. Gallagher showed the manhole locations.~ Mr. Andrade suggested discussing that issue with the Sewer Department.~ Also, road grade will be 1% and the basin will be 2 ft. deep with rip-rap spillway.~ Mr. Andrade questioned how the water would get down the road.~ Mr. Gallagher noted the three lots are not subject to DEP storm water regs but that is not saying they are not taking concern with the issue.~ Mr. Andrade advised Mr. Gallagher to address the issue for both sides of the road.~ It was noted there will be no fence around the basin.~ Mr. Teixeira noted if the basin is grassed that is okay, but stones can be dangerous.

Letter dated May 18, 2016, from the Sewer Commission was received.~ The Commission had no objection to the plan but has concerns with the design of three sewer manholes. Mr. Gallagher was given a copy of the letter and will contact the sewer department to discuss.

Letter dated May 12, 2016, was received from the Building Commissioner regarding issue with the plan not showing location of the geometric building square on the plan.~ Mr. Gallagher agreed to revise the plan to provide the geometric building squares. The Building Commissioner also has concern with how the lot for No. 207 White Street was divided from the original parcel. It was noted that a Form A plan was done in December 2015 to separate the lot for No. 207.~ Mrs. McKenney will follow up with the building department on that issue.

Mr. Andrade asked if anything was received from the fire department regarding the waiver requests.~ There were no comments received, and Mr. Andrade said he would like a letter from them.

Mr. Andrade asked if anyone present had questions or comments.~

Megan~Magill, 175 White Street, spoke and asked about the penciled lines she saw drawn on a copy of the plan she viewed.~ Mr. Inacio stated those may have been quadrant lines that he drew on his working copy of the plan.~ Mr. Andrade explained that if three lots are presented on the plan, only three lots will be approved.~ He also noted with the smaller road, this plan is better for the Town.

Mr. Andrade asked if there will be a homeowners' association for maintenance and plowing.~ Mr. Gallagher explained there will be legal documents more than a simple deed to address the issue.~ Mr. Andrade requested a copy of the legal documents, noting that may be a condition of approval.

Mr. Teixeira asked why the road will be private.~ It was noted the road will be private if the requested waivers are granted to not have full road build-out.

Bob~Pribusauskas, 157 White Street, spoke and asked about the setback for Lot 1, which his property abuts.~ Mr. Gallagher explained the 20 ft. setback requirement.~

Mr. Andrade asked if the plan was filed with ConCom.~ Mr. Gallagher said an Order of Conditions was issued and the wetland line approved.~ Mr. Andrade said ConCom might want to look at the swales on the street.~ Mr. Gallagher noted they are in the loop since being copied on the Planning Board filing.~ Mr. Andrade asked Mr. Inacio to check with ConCom.

Bob Pribusauskas asked about the elevation of Lot 1 and questioned if it would drain towards the pond.~ Mr. Gallagher explained that it would.~ Mr. Andrade explained that the Board looks at all the lots and the building department will address individual lot issues.~ Mr. Pribusauskas noted there were test holes in the front acreage and stated he was interested in what was in the back area.~ Mr. Andrade explained the Board does not have a legal opinion on how far they can ask for test pits.~ He questioned if the Town Planner can do a site visit.

Mr. Teixeira asked Mr. Gallagher if he was agreeable to a test pit in the back area.~ Mr. Gallagher said it is not his call.~ Mr. Andrade suggested they could find out from Town Counsel before the next meeting but that walking the property with the engineer may be enough.~ He noted rumors of any debris being buried are just that unless proved otherwise.~ Mr. Gallagher said he would be happy to walk the property with the Town Planner or the ConCom agent.~ Mr. Andrade said that would suffice; the Board agreed.

Mr. Gallagher discussed that the plan is purposely a low-impact development.~ Mr. Andrade noted there is also benefit to applicant of a lower cost road.~ ~~~~~

There were no other comments or questions.

Mr. Andrade asked Mr. Inacio to check with the fire department and ConCom, Mr. Gallagher to contact the fire department and sewer department, and Mrs. McKenney to check with the building department.~ The public hearing was continued to June 16th, 6:05 p.m.

6:42 p.m. – Hall Street, Form A plan:~ Timothy Boda, Coneco Engineers and Scientists, Bridgewater, MA, presented the plan.~ Proper fee and application were received.~ Mr. Boda explained the plan divides property into two lots, 2.316 acres each with Parcel A having 152.01 feet frontage and Parcel B having 170.50 feet frontage. The intent is to build a single family house on each lot.

Mr. Andrade noted the property borders on Farm and Forest District.~ He noted water and sewer are available but sewer is not shown.~ Mr. Boda said no utilities were shown.~ Wetland boundary was shown.

Mr. Andrade stated there are errors on the setbacks that must be changed and if water and sewer are available, they must be shown.~ ~After discussion, it was agreed if that is not a regulation requirement, they need not be shown.~ It was agreed the requirements for the Farm and Forest District need not be shown if not building in that district.

The plan was returned to Mr. Boda and the matter continued to June 16th.

6:52 p.m. – Bassett Knoll Estates-easterly portion: Lee Castignetti appeared before the Board along with developer Nick Harris to discuss a subdivision plan that was approved years ago in the area of Bassett Knoll Estates. Letter dated May 17, 2016, from Mr. Castignetti on the subject was received. Mr. Castignetti informed the Board that he is a representative of Long Built Homes and they are interested in the subdivision as a contract purchaser.

Mr. Castignetti noted the property has a lengthy history and was approved as a subdivision with a looped road but it is not clear if the length was allowed at the time of approval or a waiver was granted. He noted the subdivision cannot be built as approved due to expansion of wetlands, and Mr. Harris as property owner is looking for direction for approval so the subdivision can be built.

Mr. Castignetti stated there is no threat of a 40B plan, but if the Board has no inclination towards the current plan, the HAC has no problem with the road configuration, and a comprehensive permit can by-pass the dead end road length issue.

Mr. Andrade stated the Board advised Mr. Harris previously that he can build the road as approved or modify with a minor modification to today's construction standard. He noted if land is being added and drainage changing, that cannot be done and if Mr. Harris has to go to 40B plan, he has to. Mr. Andrade commented that the 40B process through the State should be overhauled and it is a loophole for contractors but one would be foolish not to use it if the Town is not at 10%.

Mr. Castignetti discussed the fact that all towns have different dead-end road lengths and he sees it as anti-development "garbage." Mr. Andrade stated the road length is against what the Board is allowed to do. He noted the fire chief had input on the 1350 road length for dead-end street. Mr. Castignetti stated that three days ago the fire department indicated they were okay with the new plan and that the Board can grant a waiver for the road length if they are willing. Mr. Andrade asked how much of a waiver. Mr. Castignetti explained the preliminary concept for a single road as shown on the plan presented and stated it will not negate access. The Board, Mr. Castignetti and Mr. Harris discussed access to the subdivision from a point shown on the plan. Mr. Andrade questioned what the issue is. Mr. Castignetti stated that in the regulations there is no definition of dead-end road.

Mr. Andrade stated if the access point is less than 1350 feet, there is no problem. Mr. Castignetti discussed his belief that there is 1275 feet between points shown on the plan and the 500 feet as pointed out is the longest dead-end length. Mr. Harris told the Board that the fire chief and the building inspector have no problem with the plan they are showing tonight.

Mr. Castignetti stated the question is the interpretation of a dead-end and they are showing only a 500 ft. dead end. Mr. Andrade suggested they could continue this issue until there is a full Board. Mr. Harris said he is trying to work with the Town to avoid a 40B plan. He said he has paid taxes on this land and does not understand the thought process tonight, asking how he can convince the Board.

Mr. Andrade said the Town Planner can research the issue and look at the 1996 Certificate of Action and the Rules and Regulations to see if the road was not a dead-end in 1996. Mr. Harris said he wants to work with the Board but a new subdivision plan would be three less lots.

Mr. Andrade said the question is where the 1350 ft. road length starts and stops. Mr. Castignetti asked if the 1350 ft. length was approved in 1996, would the Board agree with his interpretation now. Mr. Andrade said the Board will take that into consideration, and they are not looking to stop the plan but will look at it with all five members present.

The discussion was continued to June 16th, 6:20 p.m.

7:21 p.m. – Mastria Mazda, 1548 New State Highway:~ Steve Gordon, Kirker-Perry Construction, appeared before the Board and presented Site Plan Overlay, dated June 2, 2016, which showed a proposed addition and renovation to the Mazda building.~

Mr. Andrade explained that Kirker-Perry contacted the Building Inspector regarding an addition to the Mazda dealership building and was advised that zoning by-laws require that any changes to parking or entrances will trigger site plan review with the Planning Board.~ Mr. Andrade, Building Commissioner Bob Iafrate and Mr. Inacio conducted a site visit together, but Mr. Andrade said he was not comfortable saying he had no problem with the changes without the Board being consulted about the changes being planned.

Mr. Andrade explained the front entrance is being changed by moving it forward approximately 15 ft. and over about 8 ft.

Mr. Teixeira asked if there are bollards.~ Mr. Gordon said they will be added.

Mr. Andrade noted the changes do trigger Planning Board review, and he discussed the changes with Mr. Gallagher, who had no problem with them. Mr. Andrade discussed if this were not a modification, it would be an abbreviated site plan, which he feels is not necessary.~ Mr. Andrade stated the bollards will be inspected by the Building Commissioner and the Town Planner. The Board agreed that no abbreviated site plan is needed. Mr. Inacio will inform the Building Commissioner.

The Board agreed that the Town Planner and Building Commissioner can review the as-built plan and the construction site to make sure work is done accordingly.~ Mr. Andrade moved that abbreviated site plan is not needed and that upon issuance of an occupancy permit for the addition, the Town Planner will review that the work was done according to plan for the parking and door changes and is done satisfactorily; second Mr. Driscoll.~ Motion passed unanimously 3-0-0.~ Mr. Gordon was advised to reach out to the Town Planner as well as the Building Commissioner.

General Business:

- Invoices were signed. No minutes were received. Summer schedule was discussed. It was discussed to keep the schedule as is and Board members can ask for time off for vacation or other plans as needed. After further discussion, it was agreed to cancel the July 7th meeting.
- Mr. Teixeira asked if Mr. Inacio looked at the basins at the middle school and Whippoorwill Estates as discussed at the last meeting. Mr. Inacio said he did and that will be part of his Town Planner update.

Town Planner update:

- Memorandum on highlights of senate bills was received from Mr. Inacio. After brief discussion, it was agreed this matter will be put on a future meeting agenda for discussion.~ The Board has concerns whether or not the changes will be forced on Towns or allowed by Town discretion. Mr. Inacio will send the proposed legislation to Mr. Fountain and Mr. Gallagher for their review.
- Memorandum on hazardous trees was received from Mr. Inacio. Discussion on the subject was tabled to future agenda. The Board will discuss whether or not a policy can be enforced.
- Mr. Inacio submitted memos detailing work being done in Raynham by MassDOT. Mr. Andrade commented that the information provided is important and asked that the Highway Superintendent, the Selectmen and Mr. Noblin of the Economic and Business Development Committee be kept in the loop. He noted he was surprised by the amount of money spent by the State in Raynham and suggested the information would be good on the Town's website.
- Mr. Inacio discussed the Rte. 138 resurfacing. Sidewalk repairs and resurfacing are two different projects. Resurfacing is not yet funded or scheduled.
- Hutch Motorsports was discussed.~ It was agreed the applicant needs to come before at the Board at the next meeting to request an extension of their temporary occupancy permit beyond original six months.~
- Mr. Inacio informed the Board he will discuss fencing around rip-rap swales with Highway Superintendent Ed Buckley next week.

Colbea/Shell gas station, Rte. 44: Copy of e-mail from Anthony Fruchtl of Ayoub Engineering to Mrs. McKenney, dated~May 20, 2016,~was received, advising the Board that the guardrail is in place and requesting release of the surety funds.~ Mr. Andrade confirmed the guardrail is in and is good but the Police Chief is not okay with the agreement for the camera installation and has not signed it.~~ Also, the Fire Chief has issue with the fire lane and wants it extended 20 feet.~ The Building Inspector will ask the applicant to voluntarily extend the lane. Release of the surety funds was tabled.

Mr. Teixeira discussed that he attended the annual SRPEDD meeting and was sworn in as the Board's representative.~ He noted Patricia Haddad was the guest speaker and informed that a public records information bill is pending before the Senate and also legislation to ban plastic bags is being considered.

There was no further business.

Mr. Andrade moved to adjourn; second by Mr. Teixeira. Motion passed 3-0-0.

The meeting adjourned at 8 p.m.

Respectfully submitted,

Russell Driscoll, Clerk

