

# Town of Raynham, Massachusetts

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## Planning Board meeting June 15, 2017

The Raynham Planning Board held its regularly scheduled meeting on Thursday, **June 15, 2017**, at Raynham Veterans' Memorial Town Hall. The meeting was opened at 6:02 p.m. by Chairman Daniel Andrade.

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

Board members not present: Burke Fountain

Staff present: Maureen McKenney, Administrative Assistant

Mr. Gallagher opened the meeting at 6:02 p.m. Mr. Andrade then left the room because he was not participating in the first agenda item.

**6:03 p.m. - Form A plan for Kenny Road and North Main Street:** The plan was submitted on behalf of Daniel Andrade, Raynham, MA.

Proper application form, MLC and filing fee were received.

The Board reviewed the plan. Mr. Gallagher explained that the plan changes lot lines by taking 1,253 sq. ft. of land from Lot 26 Kenny Road and gives 1,253 sq. ft. of land to 68 North Main Street. He noted there is an even swap of land, the plan is relatively simple and both lots conform to zoning.

There were no comments or questions.

Mr. Driscoll moved to accept "Plan of Land In Raynham, MA. Prepared For Daniel Andrade," prepared by Earth Services Corp., Taunton, MA," and dated May 23, 2017; second by Mr. Teixeira. Motion passed 3-0-0. Mr. Driscoll signed the plan. Mr. Gallagher noted for the record that Mr. Andrade had recused himself and left the meeting room for this matter.

**6:05 p.m. -** Mr. Andrade returned to the Board.

**6:06 p.m. - Form A plan for Hill Street:** Paul Bumila, Raynham, MA, presented the plan. Proper application form, MLC and filing fee were submitted.

Mr. Andrade explained the plan, noting there is an easement shown, the lots involved are under separate ownership and all owners have signed the application. Mr. Gallagher noted Lot 1 meets zoning requirements for frontage and area, and the plan is separating a back lot from the front lot.

Mr. Gallagher moved to approve as an Approval Not Required Plan the plan entitled "Plan of Land Site: Assessors' Map 17, Lot 104, Hill Street, Raynham, Massachusetts," prepared for GB sons Construction Co., Inc., by Silva Engineering, Bridgewater, MA, and dated June 9, 2017; second by Mr. Teixeira. Motion passed 4-0-0. Mr. Driscoll signed the plan.

**6:10 p.m. - O'Reilly Auto Parts site plan public hearing was reconvened.** Josh Swerling, P.E., Bohler Engineering appeared before the Board. Review comment letter, dated May 8, 2017, was received from Nitsch Engineering. Mr. Swerling explained that Conservation Commission and North Raynham Water District have both seen the plan. He said he has responded to the Nitsch review comments and the plan seen tonight conforms to the needed changes, including showing the list of waivers on the cover sheet. It was noted there are 10 waiver requests.

Mr. Andrade read the following waiver requests from site plan regulations that need to be voted on: Sec. 4.15; Sec. 4.22; Sec. 5.1.5, Sec. 5.4; Sec. 5.6.2; Sec. 5.7.2; Sec. 5.7.3; Sec. 5.9.6; Sec. 5.9.7; Sec. 5.9.9.

Mr. Andrade noted the proposed O'Reilly Auto store will be constructing a new building on an existing site and that unlike a restaurant, there will be quick trips into this site. He noted he felt the flat roof proposed with the waiver from Sec. 5.9.7 was okay for the business. He moved to accept the waivers as read; second by Mr. Gallagher. Motion passed 4-0-0.

Mr. Gallagher moved to accept the site plan entitled "Site Development Plans For: Proposed O'Reilly Auto Parts At 147 Broadway," prepared by Bohler Engineering, dated March 10, 2017, last revised May 8, 2017; second by Mr. Teixeira; second for discussion by Mr. Andrade. Mr. Andrade asked if there was anything to add or any questions. Mr. Swerling noted that the fence is being replaced for the next door neighbor as discussed at last meeting.

Vote was taken on the motion to approve; 4-0-0 unanimous to approve. Certificate of Action will be issued.

**6:20 p.m. - General Business:**

- Mr. Andrade moved to accept the minutes of May 8, and June 1, 2017, as written; second by Mr. Gallagher. Motion passed 4-0-0.
- Agenda item for Bassett Knoll Estates was tabled to future meeting.
- Planning Coordinator update: None tonight.
- SRPEDD update: None tonight.
- Mr. Andrade noted the Board's July 6<sup>th</sup> meeting is cancelled.
- Mr. Andrade informed the Board that the as-built plan for 425 Paramount Drive/China Eternal was received by the Board and will be forwarded to Mr. Iafrate. He noted Mr. Iafrate had told him that the site was ready and looked good and all that was missing was the as-built plan, which has now been received.

Mr. Gallagher moved to release the plan subject to the Building Commissioner's approval; second by Mr. Teixeira; second for discussion by Mr. Andrade. No further discussion. Unanimous vote to approve 4-0-0. Mr. Andrade stated the Building Commissioner will look at the as-built plan on Monday and if there is anything different, he will advise the Board.

**6:27 p.m. – 748-770 New State Highway site plan:** The public hearing was reconvened. Hal Choubah, P.E., Choubah Engineering, representing Jiger Patel, presented the plan. Mr. Choubah explained the plan proposes redevelopment of the existing 748-770 New State Highway site where Bradford RV is now located. He noted the applicant has been working on the plan over the past year with the Town departments and the plan tonight is the result of several meetings with departments and especially with the fire chief. He explained the plan, noting the following: the lot is zoned business; the plan combines three lots, all with existing impervious on site; there are five existing curb cuts; the existing building will be demolished and two new buildings will be constructed; the layout has been revised since the last meeting with the Board; the new buildings will be 6240 sq. ft. and 4,240 sq. ft.; there will be two curb cuts for entrance and exit and one curb cut for exit only; the plan conforms to zoning; there is no storm water management on site now; the plan proposes that runoff will be collected with a closed drainage system and treatment on site before going to an infiltration system; Board of Appeals approval is need for the gas station; and, dumpsters on site will be enclosed. Mr. Gallagher noted the letter from Nitsch Engineering, dated June 15, 2017, seems to indicate everything has been addressed except for the waivers. He noted there are test pits on the plan and a separator on the plan.

Mr. Andrade stated that a special permit from the Planning Board is needed for the proposed drive-thru although the drive-thru was always shown as part of the plan. He noted there are eight waiver requests addressed in the Nitsch comment letter.

Mr. Choubah noted the plan now shows five cars in the cue line for the menu board. During discussion, it was agreed that there are nine cars showing in the cue after the order Board so that waiver from Sec. 5.8.1 is not needed.

Mr. Gallagher stated there are two drainage items on the plan and the Nitsch letter says a waiver is not needed but he feels it is not.

There was discussion about filing a special permit application to allow the drive-thru window. It was noted the plan has not yet been sent to the Board of Appeals. Mr. Andrade stated the Planning Board can approve the plan as presented with the drive-thru because it was always shown on the plan. After discussion, it was agreed the applicant will file with the Planning Board for the special permit to allow a drive-thru.

Mr. Driscoll asked about the curb cuts, noting the 16 ft. cut for exiting only could be a "nightmare." During discussion Mr. Andrade noted that making the curb cut larger could create more problems by inviting people to turn into the site that way. Mr. Teixeira agreed but felt that cars would turn in there any way. Mr. Choubah noted the plan has not yet been to Mass. Highway for approval. Mr. Andrade noted Mass Highway can approve the plan or not approve but he would make the curb cut smaller so there is no opportunity to turn in. It was noted the entrances were made smaller as a result of comments from the Town. Mr. Choubah said they will have to see what Mass Highway says. Mr. Driscoll noted his comment was just a suggestion.

Letter dated May 16, 2017, from Raynham Sewer Commission was received and read. Mr. Choubah was given a copy. Mr. Gallagher noted the issue mentioned will be addressed at the building permit process. Mr. Choubah explained he has a plan that shows the layout of sewer based on comments from water and sewer departments.

Mr. Andrade read the following waiver requests from site plan regulations into the record: Sec. 5.1.1; Sec. 5.1.4; Sec. 5.4 (he noted bollards are provided throughout the site); Sec.5.6.2; Sec. 5.7.2; Sec. 5.7.3. He noted waiver request from Sec. 5.8.1 is eliminated.

Mr. Andrade asked how well the dumpsters being located near the employee parking area will work. Mr. Choubah explained the dumpsters are emptied early in the morning and, if needed, employees can move their cars. Mr. Andrade suggested the dumpsters be moved to another location that will conform to zoning. Mr. Choubah suggested shifting the dumpsters to the loading area. Mr. Andrade noted that area will be less used; Mr. Choubah agreed to relocate the dumpsters.

Mr. Andrade moved to accept the waiver request as read per the Nitsch comment letter; second by Mr. Gallagher. Motion passed 4-0-0. Mr. Gallagher moved to approve the plan entitled "Proposed Filling Station, C-Store & Retail Space at 748 New State Highway (Rte. 44), Raynham, MA," dated March 30, 2017, last revised June 14, 2017, prepared by Choubah Engineering Group, Inc., No. Dartmouth, MA, with

the dumpsters being relocated and a special permit for the drive-thru window not being part of this approval; second by Mr. Teixeira. Motion passed 4-0-0.

Mr. Teixeira noted the Board's next meeting is July 20<sup>th</sup> if applicant plans on submitting the special permit application.

**6:59 p.m.** – Chris Gallagher left the meeting.

**7:00 p.m. – Sandy Hill Road discussion:** Frank Gallagher, P.E., Foxboro, MA, appeared before the Board representing property owner Joe Sullivan, also present. Mr. Gallagher explained they are looking for direction to develop Mr. Sullivan's 5.88 acre property at the end of Sandy Hill Road on the dirt road section. Mr. Andrade asked what the goal is. Frank Gallagher stated it is to create two lots, noting that the road is not constructed to Town standards and the property might not be deemed to have adequate access. Mr. Teixeira confirmed that Google Maps shows the property on a dirt road.

Frank Gallagher explained that since 1986, the Board of Appeals (ZBA) has granted five variances to allow building on this private way with a lack of frontage on a public way, the last one granted in 1996. Mr. Andrade commented that the Planning Board and ZBA have different end goals with the Planning Board's goal being adequate access. Mr. Gallagher noted Mr. Sullivan's frontage is on a private way with no improvements having been made to the way since 1986, but Mr. Sullivan will make improvements. Mr. Teixeira asked if the road will remain private; Mr. Gallagher stated yes.

Mr. Andrade asked if Mr. Sullivan will make improvements on Sandy Hill Road or just on his own property. Mr. Gallagher showed on a plan where the improvements will start on Sandy Hill Road and extend to the end of Mr. Sullivan's property. Mr. Andrade noted this is just a discussion at this point with the Board giving their opinions. Frank Gallagher commented that Sandy Hill Road was in place before subdivision control law was enacted in Raynham.

Mr. Sullivan told the Board he has owned the property for eight months. He explained the existing way was created as access for farming and access to South St. East. He noted the property to the rear is owned by Wildlands Trust. He told the Board he has met with DPW, and he will improve the roadway to 22 ft. width with compacted gravel and with a turnaround at the end of his property for emergency vehicles and snow.

During discussion, it was noted there is an agreement between Mr. Sullivan and three other owners to maintain the roadway. Mr. Gallagher showed a copy of the agreement. Mr. Andrade noted there is not enough room now for two cars to pass on the roadway.

Mr. Andrade stated the Board's concern is having adequate access to the property. He noted at one section of Sandy Hill Road, there is a house with its front steps on the road itself. Mr. Sullivan said he is not close to that section of Sandy Hill Road and cannot widen it. Mr. Andrade discussed how that section provides access to Mr. Sullivan's property and adequate access is what is needed to get to Mr. Sullivan's property. Mr. Andrade asked what makes adequate access; Mr. Gallagher said there is no specific definition and the Board determines. Mr. Andrade said common sense determines.

Mr. Teixeira asked how emergency vehicles get to the property now. Mr. Andrade said he had no idea but that wasn't the Board's problem now. He noted he built houses on the road years ago and it has not changed since then.

Mr. Andrade discussed that the variances granted by the ZBA were for frontage not for access. He said he doesn't want to dictate the plan but Mr. Sullivan must show there is adequate access to his property not just in front of his property. He noted applicant could seek a variance, and Mr. Gallagher noted with a variance there would be no benefit of improvement. Mr. Sullivan stated he want to improve the roadway. Mr. Andrade said that today there is not adequate access for two more houses on the roadway but the applicant can discuss with fire department and police department for their input. Mr. Teixeira agreed he would like to hear what the fire department says. Mr. Sullivan noted there will be a turnaround, and Mr. Andrade commented that in his opinion getting to the Sullivan property is the issue not the property itself. Mr. Sullivan said he will speak to the fire department. Mr. Andrade said there could be accidents or other problems on the roadway. Mr. Sullivan noted that is hypothetical and could happen anywhere.

Mr. Andrade noted nearby Raymond Ave was developed but adequate access was available and the access was improved upon and potential future needs were considered. Mr. Gallagher said he understood where the Board was coming from and the upside of the situation is that there could be access for six houses if improvements are made.

After discussion, it was agreed Mr. Sullivan would contact the fire department for input. Mr. Andrade said an attorney may be needed to show the Board there is adequate access or the applicant can go to the ZBA for a variance. Mr. Gallagher said they could go to ZBA but they are here offering roadway improvements to the Planning Board.

**7:35 p.m. – 1000 New State Highway/Innovation Park site plan:** Attorney Edmund Brennan, Taunton, MA, and Dan Gagne, P.E., Beals and Thomas, appeared before the Board along with applicant Buzz Artiano to discuss modification to the approved Innovation Park site plan. Attorney Brennan informed the Board that the State DPW has determined there is too much access to the site and they want the entrance reduced from 50 ft. to 24 ft., with a 50 ft. radius at the property line narrowing to a 24 ft. throat. The State requested the change in order to avoid two cars coming out of the site side by side trying to make left and right turns onto Rte. 44 at the same time. Mr. Gagne explained how some of the parking will shift as a result of the change.

Mr. Andrade asked if Mass Highway told the applicant what they wanted at the entrance so actually the change was not a result of changes to the inner flow on site. Mr. Gagne stated yes, but the inner flow was changed because it was inefficient. Mr. Andrade asked why the entrance is crooked. Mr. Gagne stated because he had to change the radius.

Mr. Andrade noted Mass Highway was only concerned with their property and the interior of the site is for the Board to handle. He noted building footprint changes are being made to satisfy Mass Highway and he sees this as interference with the inner site traffic. He noted the traffic flow now is not as neat and the direction has been changed. He noted the Board approved the traffic flow to accommodate both vehicles and trucks.

Mr. Andrade asked if there will be signage for the traffic flow; Attorney Brennan said there would be. Mr. Andrade commented that the tight radius to exit the site affects the interior traffic flow. Mr. Gagne said the issue can be solved with signage. Attorney Brennan stated drivers learn quickly so the signage can resolve the issue. Mr. Artiano informed the Board there will be no traffic light. He discussed the traffic flow and agreed that the drivers will learn quickly and will head to the open area. Mr. Andrade pointed out where the trucks cannot go and said a better plan than signage is needed. Attorney Brennan noted the plan was previously designed with signs.

Mr. Teixeira asked if they can get a bigger entrance. Mr. Gagne stated no.

Mr. Driscoll suggested turning the building location 90 degrees for better traffic flow and then shifting the parking. Attorney Brennan said the signs worked before so why not now.

Mr. Andrade noted this is a large project and the site is being crammed to maximize dollars, and he understands that, but the site has to work right. Mr. Teixeira asked if an exit can be added. Mr. Gagne said Mass Highway said no to that.

Mr. Andrade stated Mr. Driscoll had a good idea. Attorney Brennan noted this is not a safety issue but there will be inconvenience, which won't be good for rentals. Mr. Andrade said it is a safety issue due to bottlenecking.

Mr. Artiano noted that if the building is rotated, as suggested, and the parking is shifted, they would be down to only one extra parking space but they could show that parking at the overhead doors would work. Mr. Andrade said no, he would rather give a parking reduction if it will improve the entrance. Mr. Gagne said they cannot change what the State wants. Mr. Andrade stated the applicant knew they would need Mass Highway approval when they came to the Planning Board for approval and they knew Mass Highway's reputation. Mr. Gagne noted the State does work with different radii. Mr. Gagne noted the throat of the entrance widens to 30 feet as soon as possible and he feels the trucks will see they cannot make the turn at the left corner and they will learn not to use it.

Mr. Artiano stated they will continue to work on the plan, he appreciates the Board's comments and will return. Mr. Gagne said they have made an effort. Attorney Brennan said he thinks the new proposal shown is the same as the Wendy's entrance. Mr. Andrade said the Wendy's entrance is awful. No action was taken. There was no further business. Mr. Andrade moved to adjourn; second Mr. Teixeira. Motion passed 3-0-0. Meeting adjourned at 8:02 p.m. Respectfully submitted,  
Russell Driscoll, Clerk