

Town of Raynham, Massachusetts

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

Planning Board meeting June 16, 2016

The Raynham Planning Board held its regularly scheduled meeting on Thursday, **June 16, 2016**, at Raynham Veterans' Memorial Town Hall. The meeting was opened at 6:05 p.m. by Chairman Daniel Andrade.

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

Board members not present: All present

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

6:05 p.m. – Tomlin Estates:~ The public hearing was reconvened.~ Frank Gallagher, P.E., Foxboro, MA, appeared before the Board on behalf of Applicant. Mr. Gallagher updated the Board on the plan, noting the following: a revised plan was submitted to the officer earlier this week; he talked on the phone about the plan with the Fire Chief and the Chief requested 22 ft. wide pavement and 23 ft. is now provided; previous comments from the sewer and water departments were incorporated into the plan; a water hydrant was relocated at the end of the water main; the turn radius was changed to accommodate concerns of the fire department; lots have been reconfigured to address concerns of the Building Inspector; a manhole was relocated per the Sewer Commission; water service was relocated to #207 per the Water Department; five test pits were added to the site; and, a Homeowners' Association agreement was submitted.

Mr. Gallagher showed a cross section of the stilling basin and discussed. The limit of disturbance is shown on the plan as requested by the Town Planner, and the 100 ft. buffer is now shown. Cart paths are now shown on the plan.

Mr. Teixeira asked about the issue of possible buried debris. Mr. Gallagher explained he walked the site with the Town Planner and they did not see settling or anything else, noting that is why the test pits were added and the cart paths shown. Mr. Teixeira asked if the Board was comfortable now with this concern and Mr. Andrade noted there is not much more they can do without solid information as to debris buried on site.

The issue of showing the wetland flags was discussed. Mr. Andrade suggested the flag locations could be shown on the as-built plan.

Mr. Fountain asked about pavement width. Mr. Gallagher discussed that there is 19 ft. pavement with Cape Cod berm and 2 ft. gravel on each side for 22 ft. in total of stable, graveled width. He noted there could be a condition of a Proctor Test on the gravel upon completion. Mr. Andrade noted there could actually be 23 feet gravel base, and Mr. Gallagher stated yes.

Mr. Teixeira asked if the Board was okay with no written letter from the Fire Chief. Mr. Andrade noted it has been done in the past but suggested the Town Planner reach out to the Chief.

Mr. Andrade explained that the Building Inspector has a concern with the Form A that was approved to separate the house on White Street from the subdivision parcel. The matter will be looked into. Mr. Fountain noted the similarity between this Form A and another Form A on Broadway with similar circumstances and the Board approved the Broadway Form A after consulting with Town Counsel so they used the same reasoning with the White Street Form A. Mr. Andrade stated the Building Inspector is not disagreeing with the Board but he needs further information. Mrs. McKenney will follow up with the Building Inspector.

Mr. Andrade asked if anyone present had questions. Andy Dennehy, 200 White Street, spoke and asked if the new road will be in the same location as the existing road. Mr. Gallagher stated the road has been shifted slightly. Mr. Dennehy discussed that he prefers the road not be directly across from his driveway, and also that he would like a stand of existing trees maintained.

The Board had no further comments or questions for Mr. Gallagher. It was noted Board member Christopher Gallagher is not participating in the hearing. It was agreed the Town Planner will draft the Certificate of Action (COA) and send to Mr. Fountain and Frank Gallagher for review. The

COA will have conditions regarding flag locations, and a 23 ft. gravel road base for stabilization.

Mr. Fountain moved to approve “Tomlin Estates Definitive Subdivision Raynham, MA,” owners Shamrock Realty Trust, Easton, MA, prepared by Gallagher Engineering, Foxboro, MA, dated April 7, 2016, last revised June 13, 2016, subject to the matters discussed; second by Mr. Driscoll. Motion passed 4-0-1, Chris Gallagher abstaining.

6:37 p.m. – Form A, Hall Street: (Burke Fountain left the meeting room.) Tim Bodah, Coneco Engineers and Scientists, appeared before the Board with the plan. Proper application and fee were submitted at prior meeting. Mr. Bodah explained he revised the plan to eliminate references to the Farm and Forest District as requested at the prior meeting. The plan was reviewed. Mr. Gallagher asked about buildings encroaching in the setback. Mr. Bodah explained that existing structures will be razed.

Mr. Andrade moved to approve the Form A for 463 Hall Street, Raynham, MA 02726, Prepared For Gerry Theriault, 312 Hall Street Braynham (sic), MA, dated June 7, 2016, prepared by Coneco Engineers and Scientists, Bridgewater, MA; second by Mr. Teixeira; motion passed 4-0-0. (Mr. Fountain not present in meeting room.) Mr. Driscoll signed the plan.

6:40 p.m. – Form A-Judson Street: Dominic Kuran, 501 Judson Street, presented a Form A plan, along with application and fee, for his Judson Street property. The plan adds a small piece of property from adjacent 525 Judson Street to his lot.

Mr. Fountain asked if Mr. Kuran had been to the Board previously for his property. Mr. Kuran stated he had not but neighboring Mr. Pillsbury had taken another piece from 525 Judson St. Mr. Kuran provided a document stating there are no wetlands on the property. Mr. Fountain requested that information be added to the plan.

Mr. Gallagher said he was okay with the plan but suggested the accuracy of the sewer easements shown be checked.

Mr. Fountain moved to accept “Plan of Land 525 Judson Street Raynham, Mass.,” dated June 19, 2015, prepared by AGH Engineering, Stoughton, MA, subject to review of the MLC by a Board member and the wetland note being added to the plan; second by Mr. Driscoll. Motion passed 5-0-0. The plan was held.

6:55 p.m. – Bassett Knoll Estates: Lee Castignetti and Nick Harris were present. (Mr. Gallagher left the meeting.) Mr. Andrade noted there was previously discussion about an old subdivision plan that extended off Ramshead Road, and the fact that making changes to the approved road is not considered a modification to the plan. Mr. Castignetti said the issue they are discussing is the acceptability of a loop road relating to the definition of a dead-end road.

Mr. Andrade explained the Town Planner researched the files and determined the plan was signed in 1996 and there was no new plan since that time but there had been modifications in 1987-1988, and the modifications eliminated the road connection to Bassett Knoll Estates. Further, at that time, the dead-end road length was 500 ft. but the modification was approved with a dead-end road exceeding the 500 feet. Mr. Andrade said he felt that if this subdivision plan stays as is and a modification is submitted that does not add any land to the plan, the approved plan would be good. He stated that if land is added and the looped road changes, it becomes a new plan. He stated the plan should be brought to current standards. The Board discussed that the 1350 ft. dead-end road length begins at the intersection of the two streets.

Mr. Castignetti presented a copy of the 1996 approved plan, noting it is the same as the 1995 plan with lot widths changing and the road staying the same. Board members reviewed the plan. Mr. Andrade noted there was never a definition of a dead-end in the regulations until 1995. Mr. Fountain said he agrees with where the 1350 ft. length begins. Mr. Andrade noted if land is added and the lots change, the plan is no longer the original approved plan, and he is comfortable with that determination and okay with changes to the plan without land being added.

Mr. Andrade asked if what he says is accurate. Mr. Harris stated yes, in a sense, but he was told previously he could not change the road configuration so he at least has that much now. He asked if he needed to make the looped road or could he do another road. Mr. Andrade stated he must stay within the footprint without asking for additional waivers. Mr. Fountain asked where the 1350 ft. road length started; it was shown on the plan.

Mr. Andrade stated the plan with the lots will be grandfathered as is and he thought that the 1995-1996 plan was a new approval but it actually was not. Mr. Harris stated he appreciated that and thanked the Board.

Mr. Castignetti asked if it would be a modification if this layout is shown but the plan is done as an open-space. The Board agreed it should be okay but they would need enough information showing the plan works, and that a special permit is needed. Mr. Andrade stated nothing is definite without bringing more to the Board.

7:12 p.m. Hutch Motorsports site plan: Owner/Applicant David Hutchins appeared before the Board and requested an extension of his temporary occupancy permit. He asked who will be inspecting the paving when it is done soon. It was agreed that a Board member and the Town Planner can inspect and the Board can release funds if the work is acceptable.

Mr. Hutchins explained another issue is the 20 6 ft.to 8 ft. arborvitaes to be planted, noting that size is rare and expensive. He asked if he can plant 5 ft. – 6 ft. arborvitaes instead, which will grow at a rate of 2 ft. per year and will be half the cost. Mr. Andrade said he was okay with that if the Board agreed.

Mr. Hutchins asked if the wooden guardrail required around the drainage ditch is needed because he feels it's ugly and will require maintenance and there is no other guardrail on Rte. 44. Mr. Andrade said that if the guardrail is shown on the plan but it's determined to not be necessary, a plan modification will be needed. Mr. Fountain noted a modification would also be needed for the change in trees. Mr. Fountain noted the drainage ditch does not look deep and if it is a foot or less deep, a guardrail would not be needed. Mr. Hutchins said it is more than a foot. Mr. Andrade stated if a car went into the ditch, there would not be drowning. He noted the biggest issue is public safety and he sees no impact from the guardrail being eliminated. He asked if the guardrail is required if it's on State property. After discussion, it was agreed that if the guardrail is not required by law, there is no issue. It was agreed Mr. Hutchins will contact his engineer to send the Board a letter on the issue.

Mr. Andrade moved to approve the site subject to the Town Planner and one Board member approving the work done; second Mr. Teixeira. Motion passed 4-0-0. Mr. Andrade moved to extend the temporary occupancy permit for 60 days; second Mr. Teixeira. Motion passed 4-0-0.

Mr. Andrade commented that the business and lawn are the nicest looking small business on Rte. 44.

7:25 p.m. - 425 Paramount Drive: Brandon Carr, DiPrete Engineering, Dedham, MA, and Rhode Island, appeared before the Board on behalf of China Eternal copiers. He noted the site is located between Poland Springs site and C.H. Babb site. He explained that a site plan was approved for this site in 1999 and additional building space and parking spaces were approved but not yet built. China Eternal plans to expand the building by 22,000 sq. ft., 6,400 sq. ft. of which was part of the 1999 approval. Ten parking spaces will be added and utilities will be expanded; new stormwater treatment and infiltration system will be provided but both will remain on site and not add to the business park system.

Mr. Andrade said he is concerned that the plan is within 50 ft. of the back property line at Hill Street. Mr. Carr explained that 50 ft. is the no-touch area with either natural vegetation or reduced vegetation and fencing required so applicant will provide trees and fencing. It was noted there are no houses abutting the parcel. Mr. Andrade said he was concerned with noise from the warehouse area but with no houses adjacent that is not an issue.

Mr. Fountain noted there is fair amount of additional warehouse proposed. Mr. Carr explained that with the expanded warehouse, 44 spaces of the required 114 parking spaces will be provided, and the business park is okay with the proposal but wants to see a plan showing the extra spaces can be provided if needed. After discussion, the Board agreed with that concept. It was noted a special permit for parking reduction would be needed. Vote was taken to approve an abbreviated site plan process with no Nitsch review for the proposed plan. Motion passed 4-0-0.

Town Planner update:

Mr. Inacio discussed his plan provide the Board with verbal updates at the first meeting of each month and for the second meeting provide e-mails to Board members in advance for feedback on issues to be discussed. The Board was agreeable to the idea.

Mr. Inacio informed that the permit for the traffic light at Rte. 138 and Center Street has been issued by Mass DOT.

Mr. Inacio discussed that he is working on getting GIS software for mapping. The Board liked the idea and agreed this shouldn't be delayed for budget reasons. Mr. Teixeira suggested checking with SRPEDD to see if funding is available.

Mr. Inacio noted the funding cycle for SRPEDD has expired. Mr. Andrade asked that a request for the available 20 hours of assistance to the Planning Board be submitted. Mr. Inacio explained there is no guarantee of hours being available.

Mr. Teixeira noted there is a SRPEDD meeting next week at 5:30 p.m. and suggested the Town Planner attend. Also, there is a South Coast Rail meeting on June 23rd for project update that the Town Planner can attend.

General Business & Discussion:

- Kennedy Plumbing is working towards final occupancy and will contact the Board when ready for inspection.
- Mr. Teixeira informed that the State Senate rejected an amendment for outside auditing

of 40B permits and rejected other reforms to the 40B law. The Board agreed they would like Planning Board's more involved in 40B permits but State law doesn't give that authority.

- Mr. Teixeira discussed the proposed State legislation that could affect towns and that he felt it could be taking authority away from towns.
- Fencing around rip-rap basins was discussed. It was noted that the first five phases of Whippoorwill Estates have been accepted. Mr. Teixeira questioned if the developer of Phase VI in Whippoorwill is responsible for remaining fencing in the development. Mr. Inacio said he will look into the matter. Mr. Teixeira asked about the basin at the school. Mr. Inacio said he has not connected with Highway Superintendent Ed Buckley yet about that basin and fencing.
- Mr. Fountain motioned to waive the reading and approve the minutes of May 19, and June 2, 2016; second by Mr. Teixeira. Motion passed 4-0-0.
- Copy of letter dated June 15, 2016, was received from Highway Superintendent Buckley to the Board of Appeals regarding Forge River Place Comprehensive Permit. No action was taken.
- It was agreed to cancel the July 7th meeting.

There was no further business. Mr. Andrade moved to close the meeting; second by Mr. Teixeira. Motion passed 4-0-0.

Respectfully submitted,

Russell Driscoll, Clerk