

Town of Raynham, Massachusetts

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

Planning Board meeting May 4, 2017

The Raynham Planning Board held its regularly scheduled meeting on Thursday, **May 4, 2017**, at Raynham Veterans' Memorial Town Hall. The meeting was opened at 6:01 p.m. by Chairman Daniel Andrade.

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

Board members not present: Christopher Gallagher

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

6:01 p.m. – Bassett Knoll Estates: Lee Castignetti, Long Built Homes, appeared before the Board representing owner Raynham Investment Realty Trust. Mr. Andrade informed that a Tri-Party Agreement was submitted to the Board today and will be sent to Town Counsel for his review. Once approved, the agreement will be surety for lot releases.

Nick Harris, representing Raynham Real Estate Investment Trust, was also present and informed the Board that he met with Tim Parker of Nitsch Engineering to discuss adjusting the Nitsch construction cost estimate for items such as tonnage for the top coat and rip-rap. He noted the rip-rap is now in place but Mr. Parker said it is up to the Board to remove it from the bond estimate. Also, Mr. Harris was not sure what “drainage cleaning” means. Mr. Andrade said it refers to cleaning the catch basins. Mr. Harris said the \$29,000 estimate to clean 10 catch basins, the rip-rap estimate at \$40,000 and \$23,000 estimate for road maintenance are all high amounts. Mr. Castignetti agreed that the rip-rap is in place and that the road maintenance and drain cleaning are high estimates at over \$50,000. Mr. Andrade said it seemed a bit excessive. He asked Mr. Iafrate to check with Highway Superintendent Ed Buckley and Steve Ventresca on the estimate costs mentioned.

It was agreed the Board will review and settle on the final amount at the next meeting. Mr. Castignetti asked if he can talk to Town Counsel on the Tri-Party Agreement. Mr. Andrade said yes.

Mr. Andrade informed that e-mail dated May 3, 2017, was received from Police Chief Donovan regarding the street name “Kattie Road” in Bassett Knoll Estates. The Chief wants the name changed because of safety concerns with its similarity to already existing Katie Drive. Mr. Andrade said the name should definitely be changed. He noted the change in name could cause problems because the plan is already recorded. After discussion, it was agreed the Board will send a letter to the Police Chief and the Fire Chief asking they please review street names when a plan is distributed because of the potential problems with changing street names once a plan is recorded.

Mr. Castignetti explained they have changed street names in the past and will do so for Kattie Road.

It was noted that the 911 system is in charge of approving street names. Mr. Iafrate said he also will take on responsibility for checking the street names in the future. Mr. Iafrate asked if a minor modification to the plan is needed with the change. Mr. Fountain said the change is very minor and the problem is fixable as long as something is recorded at the Registry of Deeds notifying of the name change.

Mr. Iafrate informed the Board he met with Mr. Castignetti regarding the Certificates of Action for Bassett Knoll and he determined there were no designated phases with specific lot enumeration in the Certificates of Action but rather just the condition that 20 lots only per year could be built.

It was noted the project will be built in three phases. Mr. Castignetti noted he previously sent a letter requesting to build one sidewalk as approved and in the letter he mentioned the subdivision being built in three phases.

Mr. Iafrate said Conservation Commission is okay with the release of lots. Mr. Andrade asked if Sewer Department is okay. Mr. Harris said he met with sewer department and they are okay, and the project is two to three months away from completing sewer.

6:19 p.m. – Zoning amendment: Marijuana Not Medically Prescribed: Public hearing was opened. Mr. Driscoll read the hearing notice.

Mr. Iafrate explained that the voters of Massachusetts voted to legalize marijuana, and the Selectmen now are taking this route to protect the Town by not allowing marijuana cultivators, facilities, manufacturing, retail sales or growing.

Mr. Teixeira pointed out that the State vote to legalize marijuana use but the measure was defeated in Raynham. Mr. Andrade discussed that previous Town Planner John Charbonneau had advised that the Town had to set up a zone for allowing marijuana and a zone was located on Route 44. Mr. Fountain stated that use was for medically prescribed marijuana only, not recreational use.

Mr. Driscoll noted the State has approved marijuana use but has directed that if towns do not want to allow, they must follow this route to disapprove and opt out of the State law.

Mr. Andrade asked if anyone present wanted to speak. No one responded.

Mr. Andrade moved to approve the article on Town Meeting warrant; second Mr. Teixeira. Motion passed 4-0-0.

6:25 p.m. – O'Reilly Auto Parts-147 Broadway site plan public hearing reconvened. Josh Swirling, P.E., and Lauren Sagaser, both of Bohler Engineering, were present on behalf of applicant. Mr. Swirling explained that O'Reilly now owns the property and it is being redeveloped for the auto parts store. The existing building will be demolished and a 7,500 sq. ft. store will be constructed by O'Reilly, who is coming into the local market. The existing impervious area on the 1.5 acre site will be reduced by about 16,000 sq. ft. The plan does not touch the endangered species line. The plan will be presented to the ZBA in one week for special permits in the Water Resource Protection Overlay District. The plan consolidates the two existing driveways to one. A special permit from the Planning Board is being sought to reduce the required 44 parking spaces to 37 spaces; the use is benign for traffic purposes.

Mr. Fountain asked the number of walk-in customers expected versus deliveries. Mr. Swirling said it varies by location, delivery depends on what type of customer accounts are built up, but strong walk-in retail is expected. Mr. Fountain asked the number of delivery vehicles that will be pulling out of the site. Mr. Swirling said it varies and that a fleet of vehicles will be used, and the drivers are O'Reilly employees.

Mr. Swirling said the design for the store will be cookie cutter for O'Reilly. He noted he feels the Nitsch May 2nd letter was favorable, the most significant item being the interior landscaping along with housekeeping items to clean up on the plan.

Waiver requests on Nitsch May 2, 2017, letter were discussed.

Sec. 4.15, Sec. 6.0 and Sec. 4.22 – Development Impact Statement: Mr. Fountain said he would like a traffic count. Mr. Swirling explained it was provided in the application.

Sec. 5.1.5 - Interior parking lot landscaping: It was noted there is a swamp behind the site, no plantings are needed. There will be 95 plantings out front. The landscape plan was reviewed. There will be sod planted in some areas and hydro seeding done in other areas. Mr. Andrade noted trees are not needed behind the building. Mr. Fountain suggested trees not planted on site could be put elsewhere in Town. Mr. Swirling said the required number of trees is provided on site. Mr. Teixeira asked that the view of Rte. 138 traffic not be obstructed. After discussion, the Board agreed they were okay with the plantings as shown.

Sec. 5.4 – Parking prohibited between buildings and street layouts: Mr. Swirling said bollards were at the front of the building and the sidewalk is separated from the building by shrubs. It was noted the building front is not all glass. Ms. Sagaser showed where the bollards will be located, noting typically eight or nine are provided. Mr. Swirling noted they will be five to six feet apart and cars will not be able to drive between. Mr. Andrade asked if there is a walkway. Mr. Swirling showed on the plan, noting wheel stops are also provided and the plan is ADA compliant.

Sec. 5.7.2 – Width of access connections at property line shall not exceed 25 feet: Applicant is proposing 38 ft. opening. Mr. Andrade noted the Board is okay with this as the fire department has issues with narrower driveway openings and the wider opening is better to accommodate equipment. Mr. Andrade suggested the Board at some point discuss changing the regulation.

Sec. 5.7.3 – Access connections shall provide minimum distance of 40 ft. depth between property line and beginning of parking and turn areas and stacking lanes: Plan provides 12 ft. No objection was raised.

Sec. 5.9.6 – Parking areas should be on side or rear of building: Nitsch did not object to the waiver. Mr. Fountain questioned when the Board decided it was not a good idea to park vehicles in the front of a building. Mr. Teixeira noted most other businesses on Rte. 138 had parking in front. Mr. Iafate noted this parcel is unique and there are challenges with the wetlands and water resource overlay district. Mr. Andrade agreed.

Sec. 5.9.7 – Flat roofs and A-frame roofs should be avoided: No objection to waiver was raised.

Sec. 5.9.9 – Minimum of 60% of building's street side façade shall contain windows: Ms. Sagaser noted that if the building had more windows than shown, they would be blacked out with shelving. It was noted almost 50% windows is provided.

Sec. 9.2 – ZBA requirement to provide a hydrogeologic study: Mr. Teixeira asked for explanation. Mr. Swirling said normally such a study is done by geotech or environmental consultant and a lot of soil testing is done. O'Reilly has done an environmental study and has required information for soils. Mr. Swirling noted the site is being cleaned up from past service uses and none planned for this store. Mr. Fountain asked if there would be "no oil changing" signs. There will not be signs but management handles that situation. It was noted there will be new blacktop on site except for the gravel in back.

General Comments section of Nitsch letter was discussed.

It was noted the building is under the 7,500 sq. ft. sprinkler requirement.

Snow storage was discussed. Mr. Swirling stated snow will be hauled off site if the perimeter of the lot cannot handle storage of plowed snow; he noted ConCom will be involved in handling snow storage. Mr. Andrade said North Raynham Water District (NRWD) may have concern but if the district is okay, the Board is too. Mr. Swirling agreed to contact NRWD. He noted that a couple of the parking spaces on site may be used for snow storage if the Board is okay with it. Mr. Swirling will contact both ConCom and NRWD on snow storage.

Mr. Andrade discussed access around the building, noting the fire department likes to be able to go around the building. Mr. Iafate said access is needed on at least three sides. Mr. Swirling will e-mail the plans to Fire Department for input. Mr. Iafate will follow up. Mr. Andrade said NRWD and ConCom should have input.

Mr. Fountain asked what is located south of this site. William St. Martin identified himself as the owner of Quality Auto, located south of this site for 46 years. It was noted Quality Auto is approximately 50 ft. south of the road opening of O'Reilly site, and a vacant lot and Emond Brothers site are north. The O'Reilly entrance is approximately 500 ft. to the traffic light. Mr. Teixeira noted drivers may find they cannot get onto Rte. 138; Mr. Swirling said they are hoping they can.

Mr. Teixeira discussed danger of large trucks parking on the road and instructed to make sure there is no truck parking on Route 138. Mr. Swirling noted O'Reilly owns their vehicles and deliveries are done after hours so the lots are clear. Mr. Andrade noted Mr. Fountain has had concerns with trucks parking on Rte. 44 over the years but the trucks park there anyway despite efforts to stop. Mr. St. Martin asked if there will be a fence replacing the older one now on the property line. Mr. Swirling said a fence is not showing on the plan now. Mr. St. Martin explained he does not want other business parking on his site. Mr. Andrade suggested Mr. Swirling work on the fence and figure out how to make it look better or remove. Mr. Swirling agreed.

Ms. Sagaser discussed the building, noting it will be split block of two tan colors, red trim around the front and plantings around the front. The building is standard for O'Reilly Auto.

Signs were discussed. Mr. Andrade questioned if they will be within the by-laws. Mr. Iafrate explained if a sign is over 15 ft., it must be permitted by the Board of Appeals. Mr. Swirling noted the O'Reilly sign department will pursue the signs.

Mr. Andrade noted the last Zoning Enforcement Officer was a "stickler" on signs and he asked how Mr. Iafrate felt about the sign by-laws. Mr. Iafrate said what is in place now works pretty good.

Mr. Teixeira asked the timeline for construction. Mr. Swirling said it depends on permitting but O'Reilly does not construct in winter so building could be next spring.

Mr. Iafrate asked if the HVAC will be on the roof. Ms. Sagaser it will be and the building is 19 ft. at tallest point.

Ms. Sagaser pointed out that the location of signs is shown on the plan. Mr. Swirling noted the sign is to the left of the driveway. No sign renderings are shown.

After discussion, the public hearing was continued to May 18th, 6:15 p.m.

It was noted the dumpster is shown at the back right corner. It was noted snow storage is a remaining issue, and Mr. Iafrate will follow up with the fire department on the access road.

General Business: invoices were signed. No minutes submitted for approval.

Planning Coordinator update:

- Mr. Andrade informed that Mr. Iafrate is now the permanent planning coordinator having recently been approved by the Selectmen after a six-month trial period and the appointment is working great. Mr. Iafrate noted it was an easy transition.
- Mr. Iafrate informed the Board he has been trying to find out when the Center Street/Route 138 traffic light will be installed but no one involved "knows anything about it." It was noted the light was supposed to be installed this spring but has not yet been done.
- Mr. Iafrate noted the name change at Bassett Knoll Estates was taken care of earlier.
- Mr. Iafrate will conduct a site inspection at Berry Hill next week with Mr. Andrade and Mr. Teixeira.
- Mr. Teixeira recently spoke with Frank Gallagher, P.E., about potential plan for property on Sandy Hill Road. Mr. Andrade noted Sandy Hill is another undeveloped road in Raynham and two new houses have been built on the unpaved section of the road. He noted there is a lot of open land there and suggested Board members go out to see the road. Mr. Fountain noted Sandy Hill is a narrow road, and there is a lot of conservation land there.
- Mr. Iafrate and the Board reviewed the proposed two-lot subdivision plan from Mr. Gallagher. It was agreed Mr. Gallagher should appear before the Board to discuss.
- Mr. Teixeira asked Mr. Iafrate about the issue of cars parked on the nearby car wash property. Mr. Iafrate said it is taken care of and the unregistered vehicles will go on the automobile dealership lot.

SRPEDD update:

- The new rail line will go through Middleboro, and the Town of Stoughton has said no train will go through their town center.

- The annual SRPEDD meeting will be at LeBaron Country Club in Lakeville on May 24th. Board members may purchase tickets to attend if they want.
- Mr. Teixeira is now on the nomination committee at SRPEDD.
- Mr. Teixeira attended a RAVE meeting to discuss the growth in school enrollment. He noted the Superintendent of Schools indicated he is willing to discuss the issue with the Board if they would like. Mr. Teixeira questioned if the Board can restrict the number of building permits issued once the Town meets their 40B requirement as a means to slow growth in the town.

Mr. Iafrate noted the Town previously had a “growth by-law” but it expired after five years. He said growth occurs when the economy is good but slows when it is not. He feels restricting building permits is a “slippery slope” and the number of permits fluctuates year to year.

Mr. Andrade thinks the residential housing is the least of the problems. He noted the 40B projects affect the towns, citing apartment projects as example.

Mr. Driscoll noted there were 38 house permits last year but some years there are none.

Mr. Fountain suggested phasing as a way of controlling growth.

Mr. Teixeira explained there is a need for more space in the schools, especially in Bridgewater.

- \$18 million in federal funding is available for transportation projects. Mr. Teixeira said Ed Buckley may want to go to SRPEDD TIP meetings. Mr. Fountain suggested Mr. Teixeira talk to Mr. Buckley. Mr. Teixeira said he provides the SRPEDD information to Mr. Buckley.
- Mr. Fountain briefly discussed his concerns with parking in front of buildings. He questioned why the Board opposes flat roof tops; Mr. Andrade said it went back to the days of Town Planner Richard McCarthy.
- Mr. Andrade discussed that the current parking regulations for larger projects, such as Wal Mart and Lowe’s, are “ridiculous” and the Town could be losing tax revenue by not having small pad sites within the area. Mr. Teixeira noted Mr. Andrade previously opposed allowing a pad site within the former K-Mart South Street West retail site. Mr. Andrade said there were different issues there. He noted the parking matter could be a discussion for the Board in the winter months.

There was no further business. Mr. Teixeira moved to adjourn; second by Mr. Driscoll. Motion passed 4-0-0.

Meeting closed at 7:52 p.m.

Respectfully submitted,

Russell Driscoll, Clerk