

# Town of Raynham, Massachusetts

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## Planning Board meeting August 3, 2017

The Raynham Planning Board held its regularly scheduled meeting on Thursday, **August 3, 2017**, 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, Christopher Gallagher, Russell Driscoll, John Teixeira

Board members not present: (all present)

Staff present: Maureen McKenney, Administrative Assistant

**6:00 p.m. - 748-770 New State Highway special permit public hearing** was opened. Mr. Driscoll read the hearing notice. Halim Choubah, P.E., Choubah Engineering, No. Dartmouth, MA, appeared before the Board to present the plan.

Mr. Andrade explained the site is currently the location of Bradford Trailers on Rte. 44; on June 15<sup>th</sup>, the Planning Board approved a site plan for the proposed gas station/ convenience store; and, tonight's hearing is being held to consider a special permit to allow a drive-through window because the special permit request was not filed as part of the original site plan application.

Mr. Choubah addressed the Board, noting he had been under the impression that the original site plan application included the special permit, but tonight's hearing has been properly advertised as needed. Mr. Choubah explained the Bradford site is being redeveloped; the site is zoned business; the existing building will be demolished and new building constructed; and, a peer review was done for the site plan.

Mr. Andrade asked if there was a question about the line for the cars. Mr. Gallagher stated there was a queuing concern but it has been addressed. Mr. Choubah agreed, noting enough spaces are being provided. There was brief discussion about the location of the dumpsters, which were relocated as shown on the plan.

Mr. Choubah asked the Board to clarify condition No. 2 on the Certificate of Action (COA) that was issued for the approved site plan. The condition states a special permit is needed for parking reduction; however, the required spaces are being provided on the plan so no special permit is needed for parking reduction. After discussion, it was agreed the condition on the COA is in error. The condition should refer to a special permit being needed for the drive-through. Mrs. McKenney said she will amend the COA to reflect that.

There were no questions or comments. Mr. Gallagher moved to approve the special permit as requested for the drive-through; second by Mr. Teixeira. Motion passed unanimously (5-0-0).

**6:15 p.m.** – Discussion with James Fallon re. Tearall Road tabled as no one was present.

**6:15 SRPEDD update:** Mr. Teixeira stated there has been no activity on the rail line.

Mr. Teixeira questioned if the approved American Legion site plan showed site lighting having two shielded lights and one not shielded. He explained that one lamp post lights up the house across the street. Mr. Gallagher noted TMLP put the light poles in place but he doesn't know if it was done at the request of the Legion. Mr. Andrade discussed how lights at Johnson's Pond across from his property shined too far and TMLP inspected the lights after being called in, and they corrected the problem. After discussion, it was agreed Mr. Teixeira will contact Mr. Iafrate who can notify TMLP of the problem.

**6:20 p.m.** (Mr. Gallagher left the meeting.)

**6:21 p.m. – Gallagher Place subdivision plan (located off King Street):** Attorney Edmund Brennan, Taunton, MA, appeared before the Board on behalf of Chris Gallagher. Attorney Brennan submitted copies of the subdivision plan. He

also submitted letter dated August 1, 2017, from Raynham Fire Chief James Januse. Attorney Brennan explained that Gallagher Place, was approved as a two-lot subdivision plan in the early 1990's. One house was built, and a barn was constructed on what is shown as Lot 12-214-4A. Mr. Gallagher would like to now construct a house on Lot 12-214-4A. Attorney Brennan explained the plan submitted tonight shows an 18 ft. gravel entry with a cobblestone block apron. He asked what the Board will consider as sufficient access for two houses. He noted the Fire Chief's letter says there is adequate access for fire department emergency vehicles.

Mr. Andrade noted the plan was approved for two houses. Attorney Brennan stated correct. Mr. Fountain noted one lot was deemed unbuildable on the plan. Mr. Andrade said it was unbuildable unless the applicant came before the Board for improvements. Attorney Brennan agreed with Mr. Andrade and asked was upgrades will be needed. He explained that the driveway will be opened to 18 ft. width with bluestone gravel and the apron added for aesthetics. He asked if this is enough for the Board to approve so a building permit can be obtained. Mr. Andrade asked if water and sewer lines are new.

Attorney Brennan explained there is a gravity line but if found to be insufficient, the lines can be upgraded. Mr. Andrade noted that if water and sewer are not available, 60,000 sq. ft. in area is needed. Attorney Brennan stated there is definitely water and sewer on the site.

Mr. Andrade explained he spoke to Mr. Iafrate on the issue of improvements and it was felt that 18 ft. is consistent with other private ways with two to three house lots, White Street plan being an example. He also noted the Fire Chief is okay with this plan. Mr. Andrade stated that with two lots, a paved road shouldn't be needed. It was noted there is no more developable land surrounding this land. Mr. Andrade commented that the Building Inspector raised the concern about what would be done with other unpaved roads such as Sandy Hill and Tearall Road; Mr. Andrade noted those roads could possibly accommodate 40 to 60 houses.

There were no comments or questions from other Board members.

Attorney Brennan and the Board discussed how the plan should be filed for approval. Attorney Brennan noted the subdivision plan has already been approved and felt a building permit can be issued. He stated the question is whether or not anything more is needed along with the 18 ft. width, bluestone gravel, apron and the Fire Chief being okay with the proposal. Mr. Andrade asked about electrical service. Attorney Brennan said there is overhead service that can handle another house.

Mr. Andrade said he would like a note on the plan stating no further building allowed on Gallagher Place. Attorney Brennan noted the plan only has frontage for two houses.

Mr. Fountain discussed his concern with notifying the abutters about this proposal after the Board approving the plan 20 years ago and telling abutters there would be no further building. He is concerned that no notice is going out to the abutters. Mr. Andrade stated that is a legal issue since the plan is approved. Mr. Teixeira suggested the Certificate of Action be looked at for conditions. It was agreed that Attorney Brennan will research the matter and check into the COA.

**6:38 p.m. – James Fallon appeared before the Board to discuss property on Tearall Road.** Copy of e-mail dated August 3, 2017, was received from Ed Buckley, Highway Superintendent. Mr. Fallon explained he wants to construct a house 300 ft. in from Locust Street. His property has 150 feet frontage on Tearall Road and sewer and road upgrades are needed. Mr. Fountain noted that would mean at least 450 feet of improvements would be needed.

Mr. Fallon discussed that the improvements mentioned by Mr. Buckley's e-mail could amount to \$250,000. He noted he has this property under agreement.

Mr. Andrade explained that other property owners were waiting for a potential six-lot subdivision to be constructed on the other side of Tearall Road but the applicants backed out of the plan and that property was purchased for construction of one house. Mr. Andrade explained that in situations like Tearall Road, the Board has been requiring property owners to bring water and sewer to the end of their property lines so the next owner can tie in, and this can be a burden for the first person coming in such as Mr. Fallon.

Mr. Andrade explained that the Board will determine issues such as curbing and paving. He noted that once water and sewer are in, other owners will develop their property but Mr. Fallon will be taking on the burden of the first 300 feet of improvements.

Mr. Andrade commented that the Board probably won't require curbing but the whole matter may need legal research and the Board may ask for information regarding the owner's legal right to improve if the road is private.

Mr. Fountain noted Mr. Fallon could do the water and sewer lines and the next person could pave. Mr. Andrade stated Mr. Fallon will have to work with the water and sewer departments and he should talk with the other departments before returning to the Board. Mr. Fountain noted he should determine the cost of the project also.

Mr. Driscoll asked if a temporary turnaround will be necessary. Mr. Andrade said the fire department may want one. Mr. Fallon asked if he could do a hammer head at his driveway. Mr. Andrade said he could do one built to H-20 standards but it would be temporary until the next person comes along. Mr. Fountain said if the fire department is okay with it, the Board is okay with it.

Mr. Fallon asked if the road improvements would be on the whole of his 150 feet frontage. Mr. Andrade explained that in the past, the Board has required road improvements if water and sewer are being done; but, the Board could discuss improving up to the driveway and would look at the situation. He noted if sewer was going by the property, a stub would be required. No action was taken by the Board on the matter.

**6:57 p.m. – 147 South Street West site plan:** As-built plan was received. Mr. Fountain explained the Building Department wants the Board to vote on issuance of a final Certificate of Occupancy (CO) for the site. He noted he assumes all has been done since the request is being made.

Mr. Andrade stated he is abstaining from the matter because he sold the property to his nephew. He noted there is a temporary CO in place now and the Building Inspector had just been waiting for the as-built plan. There were no comments or questions. Mr. Fountain moved to accept the as-built plan and direct the Building Inspector to issue a final CO; second Mr. Teixeira. Motion passed 3-1-0 (Mr. Andrade abstained).

Mrs. McKenney asked the Board to vote on releasing all project funds. Mr. Fountain moved to release all funds; second Mr. Teixeira; Motion passed 3-1-0 (Mr. Andrade abstained).  
There was no further business. The meeting adjourned at approximately 7:05 p.m.  
Respectfully submitted,  
Russell Driscoll, Clerk