

Town of Raynham, Massachusetts

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Planning Board meeting October 6, 2016

The Raynham Planning Board held its regularly scheduled meeting on Thursday, **October 6, 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, Russell Driscoll, John Teixeira

Board members not present: Christopher Gallagher

Staff present: Maureen McKenney, Administrative Assistant

6:05 p.m. – China Eternal Copiers, 425 Paramount Drive: Public hearings were opened. Mr. Driscoll read the hearing notices for both the abbreviated site plan and special permit for parking reduction. Brandon Carr, P.E., DiPrete Engineering, was present on behalf of the applicant. Letter dated September 7, 2016, was received from DiPrete Engineering with a list of waiver requests. He explained that the business services printers and is located on Paramount Drive between C.H. Babb Co. and Poland Springs.

Mr. Carr explained that there is no vehicular access between this property and Hill Street; there is a 40 ft. buffer of trees and vegetation; and, the plan proposes to expand the rear of the existing building with an addition of the same width. In 1990, a plan for this site was approved but the actual space that was constructed ended up being less than the plan allowed. The business buys in bulk and holds raw materials in stock so the addition is for warehouse space along with a small office. Ten parking spaces will be added to the existing 34 parking spaces. Seventy parking spaces were required at the time of the original approval but a special permit was granted to reduce to 34 spaces. The parking requirement for the new plan is 114 spaces but the applicant is seeking reduction to 44 spaces.

Mr. Fountain asked if there will be customers and visitors to the site. Mr. Carr was not sure but stated he never has seen the parking lot more than ½ to 2/3 full. He submitted a plan showing that the 114 spaces could be built on the site if needed in the future. Mr. Andrade questioned the number of parking spaces, noting they are ten deficient from the original approval. Mr. Carr said the building was not built out to the original approval so the 34 spaces sufficed. Mr. Andrade asked if the original space that was not built was warehouse space; Mr. Carr stated yes. Mr. Carr explained there are 30 employees now and minimal employees, if any, will be added.

Mr. Carr explained the plan will relocate the loading area for the warehouse; the existing utilities will be adequate; there will be no new signs; and, a set of stairs will be relocated away from Hill Street. Upon questions from Mr. Andrade, Mr. Carr stated the building setback at the corner is 50 ½ ft., the minimum allowed. He noted the vegetated area will be cut back and trees and evergreen plantings will be added for better screening at Hill Street. No new pole lights are proposed but there will be lights above the loading dock that will be kept to a minimum. Mr. Carr discussed the new tree line and the limit of clearing.

Mr. Andrade asked if there were residences nearby on Hill Street. Mr. Carr stated there were none directly across from the building. Mr. Teixeira asked if there were abutting residences; Mr. Carr stated no.

Mr. Andrade noted letter dated September 12, 2016, was received from Town Planner Tim Inacio. Mr. Carr said he reviewed the waiver requests with Mr. Inacio. Mr. Carr stated the plan was submitted to the business park and they have approved all but the architectural plans because there was delay in receiving them. The new building will be masonry to match the existing building. Mr. Carr stated that the business park had asked that if the Planning Board approved the site plan, there be a condition that the park could give their final okay. Mr. Andrade stated the Board does not do that. Mr. Fountain noted the business park is stringent. Mr. Teixeira asked if the park agreed to all that was submitted; Mr. Carr stated yes.

Mr. Carr explained that there is an emergency exit door with lights. He explained the lighting, noting there is none on the back of the building as the business park is sensitive to the residents of Hill Street.

Mr. Andrade asked if there will be bollards or car stops. Mr. Carr stated there will be pre-cast curbing and the only parking exposed to traffic is at the loading areas. Mr. Andrade stated that pre-cast curbing is better than bollards.

Mr. Carr discussed the infiltration basin for the addition and the new parking, noting he can provide the calcs to the Board. Mr. Fountain said the parking seems tight. Mr. Andrade asked how many spaces were originally required. Mr. Carr said 70 but a reduction to 34 was approved. Mr. Teixeira noted 22,000 sq. ft. of building is being added but the plan will still have the original number of parking spaces so basically no spaces are being added. It was noted no people are being added and the added space is for warehouse. Mr. Carr noted an 8 ft. by 8 ft. office is also being added.

Mr. Andrade noted it looks like three parking spaces can be added on each side of the walkway. Mr. Carr agreed it looked like there is room. Mr. Andrade noted that would be 16 additional spaces in total and he asked Mr. Carr to consider it. Mr. Carr stated he could accommodate that. Mr. Andrade stated that a minor modification would be needed if anything changes; Mr. Carr agreed. It was noted the building schematics are in the file. Also noted was that no outside review was done for the abbreviated site plan.

Mr. Fountain moved that pursuant to Article 13, Site Plan Approval and Sec. 6.5e, to grant special permit to allow reduction from 114 parking spaces (as required) to 50 spaces; second Mr. Driscoll. Motion passed 4-0-0.

Mr. Fountain moved to accept and approve the site plan entitled Permit Submission China Eternal Copiers, 425 Paramount Drive, by DiPrete Engineering, dated August 15, 2016, composed of eight sheets. Motion was tabled to address the waivers.

Mr. Andrade read into the record all the waiver requests as outlined in letter dated September 7, 2016, from DiPrete Engineering. Mr. Fountain moved to approve the waiver requests as read from the September 7, 2016, DiPrete letter; second Mr. Teixeira. Motion passed 4-0-0.

Mr. Driscoll seconded the motion that was tabled. Mr. Andrade amended the motion to add approval for the parking spaces and waivers as shown on the plan and add condition of moving the rear emergency door; second by Mr. Driscoll. Motion passed 4-0-0. Certificate of Action will be issued.

Bayberry Road Extension subdivision plan: Nick Harris, property owner, appeared before the Board to discuss a possible open-space subdivision plan for land off Bayberry Road that had previous approval as a conventional subdivision. Mr. Harris said he is looking for direction from the Board on the number of lots acceptable for a conventional plan so he can then proceed to an open-space plan.

Mr. Andrade noted a Memorandum, dated October 4, 2016, was received from the Michael King, Treasurer/Town Collector about unpaid taxes of Raynham Investment Realty Trust. Mr. Harris stated that was for different property.

Mr. Fountain asked who owns the Bayberry Road extension. It was noted the owner/applicant for Bayberry Road extension is Raynham Investment Realty Trust. Mr. Harris stated he only tonight saw the letter from the Tax Collector.

After discussion, Mr. Andrade informed Mr. Harris that the Board can look at the plan tonight but will not approve anything. After review of the plan, it was noted that the conventional plan shows 21 lots but the open-space plan shows 22 lots, and an increase in the number of lot is not allowed. Mr. Harris said the zoning by-laws allow for a 10% increase for an affordable housing lot. He noted the Town implemented a buy-back for the affordable lots. Mr. Andrade said he believed that 10% of the lots can be affordable but the number of lots cannot increase by 10% and the intent of the by-law is not to increase the number of lots. After reading the by-law, he stated he was not sure he could argue that and the plan might have 22 lots.

Mr. Harris asked if the Board is okay with the length of the road if it does not exceed the original road length. Mr. Andrade said he likes the open-space plan over the conventional. He discussed that the funds from a buy-out of the affordable lots goes to the Raynham Housing Authority not for repairs and maintenance but rather to build a fund to construct new housing. Mr. Harris noted \$300,000 from Bassett Knoll affordable lots is going to Raynham Housing Authority.

Mr. Fountain asked what Mr. Harris is asking of the Board tonight. Mr. Harris asked that the Board accept the conventional plan at 20 lots so he can move forward with the open-space plan. Mr. Andrade said he is not approving until the taxes are paid but his opinion is that the open-space plan is better. Mr. Driscoll agreed he liked the open-space plan. The Board agreed Mr. Harris has to prove he can build all the lots on the conventional plan, and he can continue with the consensus of the open-space plan, but he must return to the Board as no approval is given tonight.

6:57 p.m. – Form A-Pine Street: Nick Harris presented a Form A plan for land on Pine Street. Memorandum dated October 4, 2016, was received from Michael King, Treasurer/Collector. Mr. Andrade suggested Mr. Harris talk to the Tax Collector about the taxes due. He said Mr. Harris can withdraw the plan and refile after payment is made.

Mr. Harris requested that the Board allow him to withdraw the Pine Street Form A plan. The Board voted unanimously to allow. The plan and application were returned to Mr. Harris.

7:00 p.m. – Lincoln Woods: Copy of September 13, 2016, e-mail from Matt Kashmanian to Maureen McKenney was received. Mr. Kashmanian's e-mail expressed concern about the sidewalk to be put in front of his house on 70 Maple Street. Mr. Kashmanian appeared before the Board to discuss the matter. He noted he asked developer Todd Hamilton to attend the meeting but he is not here.

Mr. Kashmanian explained that the subdivision is being completed now and on the right side of the Maple Street cul-de-sac there is no sidewalk planned and on the left side of the cul-de-sac the sidewalk now stops before his property. He asked the Board if they would consider having the sidewalk stop where it is now and not be extended to his property as planned. He explained that if the sidewalk is extended it will tear up his lawn and landscaping and will require removal of some of his sprinkler system. He stated that Mr. Hamilton said he was okay with not extending the sidewalk but Mr. Kashmanian should talk to the Board about it.

Mr. Andrade explained that the Board does waive sidewalks on one side of a subdivision but never on both sides and they are generally required around the cul-de-sac. He noted that Mr. Hamilton would have to request a minor modification to the approved plan to change the sidewalks but he felt it may not be fair to the other residents on the street to change the plan now. Mr. Andrade noted that if Mr. Kashmanian was allowed to keep his lawn and sprinkler system in the Town road layout, it becomes the Town's responsibility when the road is accepted so it becomes a bigger problem than it may seem. It was noted the situation could affect safety for the other 20 houses on both sides of the street.

Mr. Teixeira asked if there could be problems in the future if Mr. Kashmanian's property is sold. Mr. Fountain said there could be and the highway department could have a big issue with it leading to a problem with the Town accepting the road. He cited a similar situation in King Estates with sprinkler systems being in the road layout.

Mr. Andrade told Mr. Kashmanian that his sprinkler system should be removed before the road work begins. Mr. Andrade explained that as-built plans will be done for the road and if the grades are different it could be a problem. Mr. Kashmanian noted if the work had been done by the developer four years ago, this would not be a problem now. He asked if he is financially responsible for removing the sprinkler system. Mr. Andrade stated definitely, noting that all issues will be addressed at the time the as-built is submitted.

General Business:

- Mr. Fountain moved to waive the reading and approve the minutes of August 18, and September 1, 2016; second Mr. Teixeira. Motion passed 4-0-0.
- SRPEDD update: Correspondence regarding September 30, 2016, SRPEDD meeting was submitted by Mr. Teixeira. He discussed that he attended a meeting in Taunton for the South Coast Rail. The pros and cons of two potential lines, Stoughton and Middleboro, were discussed at the meeting, and the Taunton reps were opposed to the Middleboro line but others felt they would rather have the sooner option, Middleboro, rather than waiting for the Stoughton line. Mr. Andrade noted that most towns thought the issue was settled and ready to start with the Stoughton line, noting it has been a long process.
- The issue of road completion at Berry Hill was briefly discussed. It was noted covenant as required in a Certificate of Action was never done and all building permits have been issued. It was agreed to send relevant information to Town Counsel for his review.
- Mr. Teixeira noted early voting will be held in the meeting room so the Board will have to use the small conference room for the next meeting.

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

Meeting adjourned at 7:26 p.m.

Respectfully submitted,

Russell Driscoll, Clerk

