

Town of Raynham, Massachusetts

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Planning Board meeting October 20, 2016

The Raynham Planning Board held its regularly scheduled meeting on Thursday, **October 20, 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, Christopher Gallagher, Russell Driscoll, John Teixeira

Board members not present: Burke Fountain

Staff present: Maureen McKenney, Administrative Assistant

Berry Hill Adult Retirement Community (ARC):~ William Cormack, homeowner and resident of Berry Hill (located at corner of Pleasant Street and Pine Street) appeared before the Board to discuss concerns with the road being completed at Berry Hill. Mr. Cormack explained that Berry Hill was taken over by Turners after the original developer defaulted on the project. He informed the Board that the last five units are being constructed and asked what safeguards are in place for completion of the road and the parking lot at the clubhouse. He noted it was assumed that the Town was watching the project.

Mr. Andrade explained that a few weeks ago the Town Planner had brought the project to his attention, at which time he requested the Planner look into the matter.~ Mr. Andrade stated that the Turners have agreed to complete the work and, as a safeguard, occupancies will not be given to the last five houses until there is monetary security for the road. Mr. Andrade stated that the Certificate of Action for Berry Hill says that a person taking over the project has to secure the completion of the road. He noted that the building permits for the last five units were issued before security was in place. Mr. Andrade explained he spoke to the Building Commissioner, who agreed with not issuing the final occupancy permits without security. Also, the Building Commissioner has spoken to the Turners about not issuing the occupancy permits without security. Mr. Andrade explained that at the last meeting, the Board discussed this matter briefly and it was agreed that Mr. Fountain would contact Town Counsel to make him aware of this.

William Smith, Club House Circle, asked if there were any other contingencies in place. He stated he is concerned with water collecting at the island and is not sure if the drains are in place. Mr. Andrade said he will look at the approved plan and see if it was done accordingly. He stated that maybe the Board can visit the site and make sure construction was done according to plan. He noted the Board was open and up front with the bank that foreclosed on the project and the bank has worked well with the Town and the new owners.

Mr. Gallagher asked what happened with the original bond for the project. It was noted the bond was with the original developer, not the current owner of the project. Mr. Gallagher questioned if just the lots were bought instead of the whole project. Mr. Andrade noted the Certificate of Action said that persons taking over the project assumed responsibility. He said he has talked to the Building Commissioner about this and that although it is not up to the Town to complete the project, they will oversee the plan.

Mr. Cormack said he is concerned with the last five permits being issued with no covenant in place, and he doesn't think the owners can complete the roads before the houses sell. He said he is happy the Board is looking into the matter. Mr. Andrade said the Board will review the plan. Mr. Gallagher suggested they could invite the developer in to speak to them.

Mr. Cormack noted the drainage issues between the houses may not be visible. Mr. Andrade said he will look at the plans and ask the Building Commissioner to look on site. Mr. Andrade asked who plows and maintains the roads. Mr. Cormack stated Turners did. He explained there are three trustees in the homeowners' association, two of which are the Turners and the third is Mr. LaCivita so the Turners control right now.~ Mr. Cormack stated it was an oversight not to receive funds for the road but is happy Town Counsel and the Planning Board are working on the matter. He noted the project was a mess before Turners took it over, and they have done a good job finishing up the community hall, which is now better than it was.

Bassett Knoll Estates: Invoice for review services for Bassett Knoll Estates was received from Nitsch Engineering. The project review account was discussed. It was noted that the funds submitted by Shute must be returned to him and not used by current developer Harris. Mr. Andrade moved to increase the Bassett Knoll project review account by \$6,000 and ask Nitsch for an update on the project; second by Mr. Gallagher. Motion passed 4-0-0.

6:20 p.m. Form A Pine Street: Nick Harris, West Yarmouth, MA, presented the Form A plan. He noted he is resubmitting after withdrawing it at the last meeting. He told the Board that he spoke to the Tax Collector about the taxes owed on the property and also that he reviewed the State statute cited in the Tax Collector's previous letter of October 4, 2016.

Mr. Andrade asked if Mr. Harris had a new letter or agreement from the Tax Collector, noting it is the Board's policy to stand by the original letter until new one is issued. Mr. Harris said there is a dispute on the amount owed. He noted the Form A plan is neither a license or a permit but it is an endorsement by the Planning Board. Mr. Andrade said the Board must be advised by the Tax Collector. Mr. Harris noted the same situation has occurred in the past and the Board has signed a plan and held it until payment is made, and he has no problem doing it that way now. Mr. Andrade noted Mr. Harris had two weeks to resolve the matter with the Tax Collector. After discussion, it was agreed that the plan was being officially submitted tonight and the Board has 21 days to act on it.

The plan was tabled to November 3rd meeting. Mr. Gallagher questioned if the Form A is being submitted as a road improvement plan. Mr. Andrade stated yes, noting the existing dirt road will be paved.

General Business:

- Certificate of Action for China Eternal Copiers was submitted. It was noted changes were made since the first draft. Mr. Teixeira asked if the number of parking spaces specified is correct. Mr. Andrade explained that 50 parking spaces were approved.
- It was noted the Town Planner has left the position.
- Invoices were signed.
- No minutes were submitted for approval.
- No correspondence received.
- Mr. Teixeira noted there was no SRPEDD meeting so he has no update. He informed that Jean Fox and Jim Eng of Mass. DOT will be at the next SRPEDD meeting to discuss the rail line.
- Mr. Andrade moved to sign the Certificate of Action for China Eternal Copiers; second by Mr. Driscoll. Motion passed 4-0-0.

There was no further business and the meeting adjourned at 6:42 p.m.

Respectfully submitted,

Russell Driscoll, Clerk