

Town of Raynham, Massachusetts

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

Planning Board minutes December 15, 2016

The Raynham Planning Board held its regularly scheduled meeting on Thursday, **December 15, 2016**, at Raynham Veterans' Memorial Town Hall. The meeting was opened at 6:02 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

6:02 p.m. – Bassett Knoll Estates: Lee Castignetti, Long Built Homes, New Bedford, MA, and Nick Harris, Global Construction, presented a Form J for release of Lots 40 through 63 at Bassett Knoll. Also, letter dated December 13, 2016, was submitted from Long Built Homes requesting waivers from certain construction standards on the approved Bassett Knoll Estates plan. Mr. Andrade noted that Global Construction and Raynham Investment Realty Trust were the owners/applicants of the subdivision plan, not Long Built Homes. Mr. Harris said Long Built drafted the letter on behalf of Raynham Investment Realty Trust but they could amend the letter to correctly reflect that.

Mr. Castignetti amended the letter. He explained he has a vested interest in the subdivision as Long Built is buying the lots for construction. Mr. Andrade noted Claire Harris is listed as the Trustee of Raynham Investment Realty Trust so she must sign any requests for modification to the subdivision plan. Mr. Harris suggested tabling the matter to the next meeting. It was agreed to continue to January 5, 2017, 6 p.m.

Mr. Castignetti requested the lot releases on the Form J submitted. Mr. Andrade asked if the Certificate of Action (COA) was complied with; Mr. Harris said he believed it was. Mr. Harris asked if funds for the detention basin were submitted. Mr. Harris noted the covenant was sufficient security and explained that water, sewer and drainage for Phase I are in place.

Mr. Fountain asked about Phases I and II. Mr. Harris explained there are 44 lots in Phase I and 26 lots in Phase II.

Mr. Andrade read from the Certificate of Action regarding detention fees and snowplow fees, noting that lot releases need fees up to date. Mr. Fountain questioned if a bond was needed for completion. Mr. Andrade said he was okay with holding Phase II as security. He asked about the easements required. He read again from the COA, noting all has been complied with. Mr. Fountain said he wants to see the easements. Mr. Harris said easements were recorded and he is finishing the basin now. Mr. Andrade stated that any lot served by the basin needs to be addressed. Mr. Fountain had concern with possibility of bad economy preventing the road from being finished.

Mr. Andrade discussed the possibility of lot owners not knowing where their lot layout ends and creating potential problems if sprinkler systems are located in the Town layout before the road is finished. He asked Mr. Harris to address that scenario to avoid problems. Mr. Harris said that in previous subdivisions, he has made owners aware of this.

It was noted the Homeowners' Association document has been recorded. Letter dated December 13, 2016, was received from Highway Superintendent Ed Buckley with comments on the requested waivers/plan modification. Mr. Harris was given a copy of the letter.

It was agreed to continue Bassett Knoll matter to January 5, 2017, 6 p.m.

6:20 p.m. – Metro Ford, 1651 New State Highway: Form A was presented by Ted Lyzinger, Project Manager, MBL Land Development & Permitting Corp., on behalf of Metro Ford/MDR Enterprises LLC. He explained the Form A reconfigures property lines between adjacent parcels 1619 New State Highway and 1641-1651 New State Highway. It was noted that Parcel 1 is now the location of the Volkswagen dealership and there are now sufficient parking spaces at Volkswagen. A request to eliminate the previously granted special permit for parking reduction on Volkswagen lot has been received from Mastria, new owner of the property.

During discussion, Mr. Iafrate noted there is no change of use at the site. Mr. Fountain noted Mastria has told the Board the site complies.

Proper application and fee for the Form A were submitted. After review of the plan, Mr. Fountain moved to approve "Form A In Raynham, MA Metro Ford Assessors Map 16, Parcel 55-8, 55-7, 56, 57, 58 & 55-1 Raynham Massachusetts," prepared by MBL Land Development & Permitting Corp.; second by Mr. Driscoll. Motion passed 4-0-0. Mr. Driscoll signed the plan.

6:35 p.m. – Jim Albani appeared before the Board to discuss rezoning on Rte. 138. He explained he is a real estate developer who is working with a client interested in property on Rte. 138 and is wondering what the status of Rte. 138 is at this time. He noted he is not a Raynham resident but he has interest in Rte. 138 because it is a good corridor with a lot of possibilities for commerce and tax revenue.

Mr. Andrade explained that he feels changes to Route 138 are needed and they will be working with the Building Inspector/Planning Coordinator on zoning changes but they may not be ready for the Spring Town Meeting. Mr. Fountain noted change has been sought on Rte. 138 for years but nothing has happened yet because people don't agree on the issue. Mr. Iafrate said he will contact Mr. Albani to discuss further.

6:37 p.m. – Haynes Development, 220 Paramount Drive: Scott Faria of Holmgren Engineering, Brian Haynes and Steve Perry of Haynes Development, site contractors, appeared before the Board to discuss partial release of the site for temporary occupancy permit and the setting of a bond. He noted the contractor ran out of time due to weather and has not completed everything on site but building permits are needed.

Mr. Andrade asked if the building permits cannot be obtained without release from the Board. Mr. Iafrate informed the Board that the applicant can get permits, they were not told they couldn't. Mr. Haynes said he is looking to close out the Haynes Development portion of the site. Mr. Faria noted the Building Inspector and Steve Ventresca of Nitsch were at the site Monday to observe. Mr. Andrade stated he was at the site today and found manholes 1½ inches higher than the binder, asking if they would stay that way all winter. He noted it was "crazy" to post a bond at this point and the Board will not give their blessing for an occupancy permit for the building. He discussed that the retaining wall was not well done and will create problems; the landscaping is the worst he's seen; the site is a mess; and, the plan doesn't show guardrail for the wall which will be a safety issue. Mr. Fountain questioned if a fence was going on top of the wall.

Mr. Haynes said they tried to follow the plan design. Mr. Andrade asked if Mr. Faria has seen the wall; Mr. Faria said yes.

Letter dated December 15, 2016, was received from Steve Ventresca, Nitsch Engineering. Mr. Faria and applicants were given a copy of the letter. The letter recommended a bond amount of \$222,823. Mr. Fountain stated the manhole covers are a safety issue. Mr. Andrade noted that's why the Board will not give occupancy permit approval. He noted he would rather see the money put into finishing the site because it is an unsafe condition.

Mr. Faria noted the silt sacs were done per Nitsch requirement. Mr. Andrade stated that was because Highway Superintendent Buckley had requested it. Mr. Haynes said they could drop the rims down to alleviate safety concern. Mr. Andrade told him to get the site useable and do the retaining wall. Mr. Faria noted all was done by design and things are not finished. Mr. Andrade said it was unsafe as is, explaining that the retaining wall is a major problem and there could be hazards for adjacent school. Mr. Faria noted all is not finished. Mr. Andrade advised all to figure out how to get done.

Mr. Iafrate noted the drainage system must work and that the rims can be dropped so it does work. He noted the wall elevation is different and maybe can be raised, and it has to be so cars will not go over the wall. He stated building permits can be given.

Mr. Haynes said he will read the Nitsch letter and take care of what needs to be done. He noted Haynes wants to take care of their part of the project before the other contractor needs an occupancy permit for the interior of the building. Mr. Faria said everything will be done as approved by plan.

6:55 p.m. – Mastria Volkswagen, 1619 New State Highway: Plan and letter dated November 22, 2016, were received from Vincent Sorrentini, AIA, showing 143 parking spaces at the site. It was noted a request was received by Mastria to eliminate the special permit for parking reduction that was granted by previous owner for this site because the parking now conforms to zoning. Mr. Mastria was not present tonight. Mr. Fountain noted the plan was prepared by an architect and is not stamped by a PE as the Board requested. The matter was tabled to January 5, 2017.

6:58 p.m. – Form A-Church Street: Karen Patneade of Earth Services, Taunton, MA, presented the proposed plan to divide property into two conforming lots. She noted upland is sufficient and there is now a horseshoe-shaped driveway but the left driveway can be eliminated. Mr. Iafrate said he went over the plan and found it meets criteria.

Mr. Fountain moved to approve the "Approval Not Required Plan of Land Church Street, Raynham, MA. Prepared For Joseph J. Crowninshield, Jr.," prepared by Earth Services, Taunton, MA, dated December 9, 2016; second by Mr. Driscoll. Motion passed 4-0-0. Mr. Driscoll endorsed the plan.

7:02 p.m. – Carlton Street subdivision plan: Edmund Brennan, Esq., Taunton, MA, appeared before the Board to discuss. He noted that on September 1st, the Board released the covenant and approved Form J to release Lot 1 but Lot 2 was not on the Form J although the covenant was for both Lots 1 and 2. He noted the subdivision owner has since purchased property across the street from his lots. He explained that the September 1st covenant release had conditions: no Certificates of Occupancy issued until applicant gets approval from the Board on the road completion and a Homeowners' Association document.

Mr. Brennan submitted Form J for release of Lot 2 so the covenant will be gone.

Mr. Andrade noted the property across the street is not part of the plan but it was mentioned because there was no bond in place for the subdivision and this lot could be security. Mr. Brennan agreed it was not part of the subdivision plan. Mr. Andrade said he was okay with releasing Lot 2 because the Board already voted on it but the lot across the street should not get building permit until the road is done. Mr. Brennan questioned why the lot couldn't be released before the road is down so the top coat will not be ruined.

Mr. Iafrate asked if the plan was being modified. He stated a bond may be needed before an occupancy permit is issued if the road is not done. Mr. Andrade noted that even though the road is private, Town standards must be followed and there is nothing tying the third lot to the plan. Mr. Brennan noted the COA references future development of lots on Carlton Street.

Mr. Fountain said he was okay with the owner signing a document stating he owns the third lot and the Board can hold it as security. Mr. Brennan requested the Board sign the Form J for Lot 2. Mr. Fountain suggested the Board sign the Form J but hold until the letter as discussed is received. Mr. Brennan said that was okay although the Board had already voted to release both lots.

The Form J for Lot 2 was signed and will be held until ownership information and Homeowners' Association information is obtained. Mr. Andrade noted this did not have to wait until the January 5th meeting.

General Business:

Mr. Fountain moved to waive the reading and approve the minutes of November 17, 2017; second by Mr. Driscoll. Motion passed 4-0-0.

Planning Coordinator update:

- Mr. Iafrate noted most of his concerns were talked about tonight.
- He is monitoring Berry Hill and found some of the berm is not done, the road is not clean and all houses have been built. It was noted that a financial agreement was signed between the Board and the developer for surety for completion of the roadway.
- Mr. Iafrate told the Board that the Bradford Trailer site on Route 44 may not be redeveloped for another project due to water and sewer issues. The Board noted there should have been stub put in place when Rte. 44 was reconstructed. It was not known who the property owner is. Mr. Iafrate noted Raynham Center Water District had given the owners options for development but they were not taken.
- Mr. Iafrate informed the Board that he has talked to Mass DOT District 5 about the traffic light at corner of Broadway and Center Street and was informed that permits were issued but are on hold until April or May due to weather.

SRPEDD update:

- Mr. Teixeira noted the State is still getting comments on the rail line. He briefly discussed differences between Stoughton and Middleboro lines, noting many more trains would be in service with the Stoughton line.
- Mr. Teixeira read from proposed comprehensive zoning reforms that are being proposed by the State, including changes to accessory/in-law apartments. Mr. Andrade discussed that Raynham regulations for in-law apartments could be revamped to allow a bigger size apartment than currently allowed. Mr. Fountain noted 750 sq. ft. as allowed now is reasonable for elderly.

Mr. Andrade commented that 2016 was good year for the Board and all had worked hard. He thanked all those present for their service.

There was no further business and the meeting closed.

Respectfully submitted,

Russell Driscoll, Clerk