

# Town of Raynham, Massachusetts

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## Planning Board meeting August 4, 2016

The Raynham Planning Board held its regularly scheduled meeting on Thursday, **August 4, 2016**, at Raynham Veterans' Memorial Town Hall. The meeting was opened at 6:08 p.m. by Chairman Daniel Andrade.

Board members present: Daniel Andrade, Christopher Gallagher, Russell Driscoll

Board members not present: Burke Fountain, John Teixeira

Staff present: Maureen McKenney, Administrative Assistant; Tim Inacio, Town Planner

**6:08 p.m. – Zoning by-law discussion:** Raynham Building Commissioner Bob Iafrate was present to discuss estate lots with the Board. A draft copy of an estate lot by-law was received from Mr. Inacio.~ Mr. Andrade noted the Board has been working on creating an estate lot by-law for several years.

Mr. Iafrate explained that he has collaborated in the past with the Town Planner and Mr. Andrade on creating this by-law, he has tried to keep the by-law simple and precise, and he is here tonight to answer any questions.~ He explained an estate lot would be allowed in any zoning district that allows residential use and that previously the Light Industrial District on Pine Street was left out but that district is now being added. Mr. Gallagher noted the Pine Street area is a good location for these estate lots.

Mr. Iafrate explained that estate lots are not for subdivisions but rather for single family lots. He noted that No. 10 on the list of requirements may need to be reworked to consider areas such as Pine Street that do not have Town water and sewer. It was noted that the estate lot size will be above 60,000 sq. ft. so the words "Town water" could be taken out of No. 10 because water would not be an issue.

In discussing the lot area requirement, Mr. Andrade noted the reason for requiring 80,000 sq. ft. in area is to make the lot comparable to what is now considered a "one-lot" subdivision having a buildable lot and an accompanying non-buildable lot. The estate lot by-law is meant to avoid the one-lot subdivisions and the road construction waivers that are usually granted for them. After discussion, it was agreed to maintain the 80% upland requirement in No. 3 on the requirements.

No. 4 was discussed. Mr. Iafrate stated this requirement is in place so the 50 ft. right-of-way width will be maintained. Mr. Andrade suggested 40 ft. would be sufficient; Mr. Gallagher agreed.

No. 5 – It was questioned if the access to the lots would be private or public. It was agreed that the access/driveways would not be built to Town road standard so they will be private.

No. 7 – Mr. Iafrate explained that once the estate lot widens to 125 ft., the 45 ft. setback would be measured. Mr. Andrade suggested having the access 15 ft. wide with H 20 load for safety vehicles.

It was noted the estate lot will be regulated by Special Permit through the Planning Board.

Highway Superintendent Ed Buckley was present and suggested a 20 ft. minimum length into the lot with 15 ft. width.

Mr. Andrade asked if all were okay with the 40 ft. right-of-way as opposed to 50 ft. All were agreeable.

It was agreed the Town Planner will prepare a checklist for use with the estate lot by-law. It was agreed all work on the access way should be done prior to occupancy permit being issued.

It was agreed item No. 10 will be stricken from the draft by-law as previously discussed.

Mr. Andrade moved to schedule a public hearing for the by-law; second Mr. Driscoll. Motion passed 3-0-0.

The Board and Mr. Iafrate next discussed having a definition in the zoning by-laws for "change of use." Mr. Iafrate explained he has been trying to determine what constitutes a change of use for a non-conforming property or use.~

Mr. Inacio submitted language he had drafted after researching the issue in other communities. Mr. Andrade discussed that previously any change of~a business was considered a change in use and was required by the previous Building Inspector to go to the Board of Appeals to allow the change. He cited Bristol County Savings Bank as one of those instances.

Mr. Iafrate noted the issue only related to non-conforming uses and he feels it is now a subjective issue so he is trying to define and clarify.~ Mr. Andrade noted the old Mastria property on North Main Street had a problem with being allowed a change-in-use at the site and as a result there is now a 40B development proposed there.

Mr. Gallagher asked what the end-game is. Mr. Iafrate explained he is trying to determine when the Board of Appeals needs to get involved and he is trying to make the situation easier if a new use is equal or less detrimental than the previous. If a use is determined to be more detrimental, the matter would go to the Board of Appeals. Mr. Gallagher noted new language would be giving more control to the Building Commissioner.

After discussion, it was agreed more research is needed and the draft is not ready yet for public hearing.

**6:56 p.m. – Skyline Marble and Granite site plan** public hearing was reconvened. Attorney Ed Brennan, Taunton, MA, was present on behalf of the applicant. Comment letter dated August 1, 2016, was received from Strong Point Engineering. It was noted that Mr. Gallagher would need to review the tapes and information from the past meeting if a vote is taken tonight because he missed the last meeting.

Mr. Inacio informed the Board that his previous comments on the plan were addressed but Nitsch Engineering's response to the last Strong Point Engineering comments has not been received yet. Attorney Brennan said that Strong Point responded to the previous Nitsch comments and incorporated all the suggestions from Nitsch so there was nothing was left to address.~ He distributed sketches of the building as requested by the Board.

Mr. Andrade read letter dated August 4, 2016 from Highway Superintendent Ed Buckley. Mr. Buckley was present and stated that he has not seen the last Nitsch review so he is not sure if he has the same comments as them. Mr. Buckley stated that his concern is the existing easement because the Town currently maintains the basin and mows the easement area annually. He noted the plan changes the grading and the Town will not be able to maintain as previously and the Town would have to tear up the site to repair or reconstruct if there are problems. Mr. Brennan noted the applicant cannot interfere with the Town easement rights but applicant can use his property without interfering with the drainage easement.

Mr. Buckley explained the plan is adding load over the old piping system, which could potentially cause collapse. He suggested that the easement and piping be relocated outside of the construction area and the Town could continue to maintain. Mr. Andrade asked if the applicant would have to file with ConCom to do this. Mr. Buckley stated the piping system can't be buried and made inaccessible. Mr. Gallagher suggested running pipe from the catch basin to the wetland to stay out of the grading area. Mr. Buckley noted a new easement area could be created and some replacements may be needed but it is a trade-off.

Mr. Brennan stated there is no easement of record but there is one shown on plans. He noted applicant's problem now is the contractual time-frame but the matter seems simple so it could become a condition of approval. Mr. Gallagher felt that relocating the piping should be no impact to ConCom. Mr. Andrade stated it should be easier for the applicant. Mr. Gallagher explained that an 81X easement plan could be recorded and the easement deeded to the Town prior to occupancy.

Mr. Buckley stated the catch basin should be replaced and an upgrade of pipe may be needed for the change in volume. Mr. Andrade said it is cleaner to replace existing piping and that 12" pipe is sufficient.

Mr. Inacio asked if further Nitsch response is needed now. Mr. Brennen stated there is nothing of controversy left.

7:17 p.m. The meeting was recessed to allow Mr. Gallagher to review information from previous meeting.

7:28 p.m. The meeting reconvened. Mr. Andrade noted Mr. Gallagher was updated.

Comment letter dated August 4, 2016, along with an attached list of 13 waiver requests, was received from BRCSM. Mr. Andrade stated the Board is okay with the BRCSM response without further Nitsch response. It was noted there will be underground utilities at the site. It was agreed there will be wording for the easement as a condition of approval. Mr. Andrade asked if anyone present wished to speak. No one responded.

Mr. Brennan noted the plan shows 18% window coverage and he cannot imagine a building having 60% coverage as required in the regulations. Mr. Andrade said the Board will look at that in the future.

Mr. Gallagher moved to approve waiver request Nos. 1 through 13 as stated on letter dated August 4, 2016 from BRCSM; Mr. Andrade second for discussion. Motion passed 3-0-0.

Mr. Gallagher moved to approve the site plan "Skyline Marble and Granite 1296 Broadway," dated June 13, 2016, revised date August 1, 2016, by Strong Point Engineering Solutions LLC, Easton, MA, with the condition that the existing drainage structures and piping in the existing drainage easement, two catch basins on Elm Street West shall be replaced with a 12 inch reinforced concrete pipe to extend northwest to the wetland and staying out of the paved area, and a new 20 ft. easement shall be granted to the Town of Raynham for maintenance of pipe. All work and costs are the responsibility of Applicant; second by Mr. Driscoll. Mr. Buckley requested there be a flared outlet at the end of the structure with a 12 inch reinforced concrete pipe and with level and stable area above. Motion was amended to include Mr. Buckley's request and that notice shall be provided to the Highway Department for inspection and approval; Mr. Driscoll seconded the amended motion. Motion passed 3-0-0. Mr. Andrade suggested the applicant's engineer contact Mr. Buckley on the matter.~ Mr. Inacio will prepare the Certificate of Action.

**7:40 p.m. – Form A, Hall Street:**~ The plan was before the Board but the applicant was not present. Mr. Andrade explained that the plan was previously before the Board but needed a change in the wording for the intent of the plan.~ He read the new wording. Mr. Gallagher moved to approve Plan of Land for 463 Hall Street, Prepared for Gerry Theriault, 312 Hall Street Raynham, MA, dated July 22, 2016, by Coneco Engineers & Scientists, Bridgewater, MA, as an Approval Not Required Plan; second by Mr. Gallagher. Motion passed 3-0-0. The plan was signed.

#### **General Business:**

- Letter dated July 26, 2016, was received from B & D Construction requesting the release of the surety funds for the 252 Broadway site. Mr. Andrade noted he inspected the project and it is done and looks good. He moved that the funds for 252 Britton Street be returned; second Mr. Driscoll. Motion passed 3-0-0.
- Letter dated July 28, 2016, was received requesting release of the funds for the Shell/Colbea site plan at 442 New State Highway. All work has been done but the issue of the camera as requested by the police department remains. It was noted that the camera is not a Board regulation matter so all funds can be released. Mr. Andrade moved to release the funds for 442 New State Highway; second Mr. Driscoll. Motion passed 3-0-0.
- A Tri-Party Agreement for use at Whippoorwill Estates Phase VI was received. Mr. Andrade noted Town Counsel has reviewed the document and said it is okay. Mr. Andrade moved to accept the Tri-Party Agreement in place of the cash funds now being held; second Mr. Driscoll. Motion passed 3-0-0. Funds are to be released to the developer.
- Minutes of June 16, and July 21, 2016, were received. Mr. Andrade moved to waive the reading and accept the minutes; second by Mr. Gallagher. Motion passed 3-0-0.

- SRPEDD update: Federal regulations are being considered to redraw the current planning districts. Raynham would be delineated with the Boston area. SRPEDD may not be doing long-range planning. Mr. Andrade noted the matter sounds confusing. He noted that Mr. Teixeira had asked that the Board write a letter saying they did not like the plans. Mr. Inacio noted the plan is still pending and it is a Federal decision to be made. After discussion, it was agreed to table the matter.

**Town Planner update:**

- Tomlin Estates Homeowners' Association documents have been approved by Town Counsel.
- Mr. Inacio has talked to the Town Administrator about Power Point and was told the town hall does have Power Point available. Mr. Inacio has talked to Mike Hylin at Comcast about how the plans reviewed by the Board at meetings can be better seen by those in attendance at the meetings and those watching on TV at home. The Board likes the idea of better visibility of the plans for all and Mr. Inacio will continue to work with Mr. Hylin.
- Mr. Inacio noted Grant King at SRPEDD is going to work on the Rte. 138 land use update in September.
- Mr. Inacio will attend a Southeast Coast Rail meeting tomorrow in Dartmouth and one in Boston on Monday.
- Mr. Inacio is working on getting GIS for his desktop, and he is working on checklists to help applicants and engineers for site plans and subdivision submittals. Mr. Gallagher said he will look at the checklists.

There was no further business. Mr. Andrade moved to adjourn; second Mr. Gallagher. Motion passed 3-0-0.

Respectfully submitted,

Russell Driscoll, Clerk