

# Town of Raynham, Massachusetts

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## Planning Board minutes January 5, 2017

The Raynham Planning Board held its regularly scheduled meeting on Thursday, **January 5, 2017**, at Raynham Veterans' Memorial Town Hall. The meeting was opened at 6:06 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: Robert Iafate, Planning Coordinator; Maureen McKenney, Administrative Assistant

**6:02 p.m. – Bassett Knoll Estates:** Lee Castignetti, Long Built Homes, and Nick Harris, Global Construction, were present to request a modification to the plan and release of Lots 40 through 63. Letter dated January 3, 2017, was received from Claire Harris, Trustee of Raynham Investment Realty Trust, owner of the subdivision plan, advising the Board that Mr. Castignetti has been retained as legal counsel for the subdivision and is fully authorized on behalf of the owner. Also received was affidavit dated January 3, 2017, from Mr. Castignetti regarding Long Built Homes involvement with Bassett Knoll Estates; letter dated January 3, 2017, from Mr. Castignetti requesting waivers from certain construction standards at Bassett Knoll Estates; and, letter dated January 3, 2017, from Mr. Castignetti requesting modification to conditions in the Certificate of Action for Bassett Knoll.

Mr. Castignetti addressed the Board as representative of Raynham Investment Realty Trust and explained that Long Built Homes purchased 70 lots in the subdivision. Waivers as requested in the January 3, 2017, letter were discussed. Waiver No. 1 requested sloped granite curbing in place of vertical granite. Waiver No. 2 requested sidewalks on one side of the subdivision instead of both sides. Mr. Harris said no curbing plan has been submitted yet. Mr. Andrade told him a plan showing the modification is needed. Mr. Harris suggested they continue this matter to another meeting so the plan can be provided.

Mr. Harris noted he talked to Highway Superintendent Ed Buckley today and they discussed work to be done on Locust Street and the value of the work, and Mr. Buckley asked for a plan to alleviate the drainage problem on Locust Street at the entrance/exit to the subdivision. Mr. Harris noted if a plan for work on Locust Street is approved, he can go forward to determine the value of the work and the curbing. Mr. Castignetti noted this was consistent with the letter the Board received from Mr. Buckley at the last meeting.

Mr. Andrade noted the Board has the right to change the plan anytime if it is found something is needed. Mr. Castignetti noted the drainage issue is on Locust Street and not a subdivision issue. Mr. Andrade stated Locust Street is used to access the subdivision. Mr. Andrade discussed that Locust Street is a problem for Mr. Buckley and Mr. Buckley wants a catch basin on the other side of the street since the Town will be redoing Locust Street. Mr. Harris said he contributed \$105,000 towards improvements on Locust Street. Mr. Gallagher noted the change in curbing is a huge savings. Sidewalks were briefly discussed. Mr. Castignetti noted Mr. Buckley is looking at the catch basin issue as mitigation for the sidewalk waiver.

Mr. Andrade discussed that he thinks sloped granite curbing is better than the vertical granite for plowing, safety vehicles, tires and rims.

Mr. Gallagher stated the sidewalks as approved on the Certificate of Action are okay, and the savings in the granite curbing can be compensated by repairs needed. He asked if the sloped granite would be on both sides. Mr. Castignetti explained it will be mix of both with the radius and cul-de-sac and drainage being vertical.

Mr. Fountain said he has no problem with the change with mitigation. Mr. Driscoll and Mr. Teixeira agreed. Mr. Andrade said the plan should be modified to show sloped granite throughout and with the installation of manholes as per Mr. Buckley, and applicant should work with Mr. Buckley. Mr. Harris said he had that conversation with Mr. Buckley today. Mr. Castignetti said they will continue to talk with Mr. Buckley and get his approval. He said the plan is done and will be submitted.

Mr. Andrade noted he talked to Mr. Buckley today and Mr. Buckley had no problem with the plan. Mr. Harris said there will be one catch basin and one manhole on Locust Street per his talk with Mr. Buckley today. It was agreed to continue this matter to January 19, 2017, so a plan can be submitted.

Mr. Fountain asked if they were meeting with Mr. Buckley on the curbing change in exchange for something for the Town, and if so, what would the Town gain. Mr. Castignetti said there would be exchange for work. Mr. Fountain asked where the \$75,000 submitted for the sidewalk waiver

would go. Mr. Andrade said Locust Street.

Lot releases at Bassett Knoll were discussed. Mr. Castignetti said they were looking for relief for two reasons: winter conditions and financial. He noted there will be no money released by the bank until the lots close and they cannot close on the lots until they are released.

Mr. Andrade read into the record an e-mail dated January 5, 2017, from Mr. Buckley regarding the request for modifications to Basset Knoll. Mr. Castignetti stated it is not specific in the letter but the modifications are being done only for the 24 lots to be released and it will be the same going forward.

Mr. Gallagher questioned if applicant could not get the \$12,000 that is to be submitted for the detention fees. Mr. Harris said that is not a problem. Mr. Fountain noted the \$500 per lot for detention fees is a Board of Health issue. Mr. Gallagher noted it is a Board of Health regulation but it is incorporated in the Planning Board's Certificate of Action.

Mr. Andrade stated that release of 24 lots is not realistic but five is okay. Mr. Castignetti said they cannot open the subdivision for five lots. He explained that 20 lots would be the minimum and it would take nine months to build. The Board noted there could be no occupancy permits until the detention basin is loamed and seeded. Mr. Andrade noted that releasing only five lots gives the Board more oversight without bonding. It was noted the remaining lots would be security. Mr. Harris said they cannot do that. He discussed that a previous conversation insinuated they could have the lots requested with the blacktop being done so they did the blacktop, and they wouldn't have done it until spring if they knew they couldn't get the lots released.

Mr. Gallagher noted most subdivisions do not get released without security as protection for the Town. Mr. Harris said the Town could sell the lots. Mr. Gallagher said the legal costs would prohibit.

Mr. Harris said he was told by Mr. Buckley to pave 1500 feet. Mr. Andrade noted Mr. Buckley said do not go further than that because of the weather. Mr. Harris agreed that was right. Mr. Andrade noted that when speaking with Mr. Harris he had said that he could not promise anything for the others on the Board.

After discussion, Mr. Andrade said if 20 lots are needed they would have to deny the Form J without security being posted. Mr. Castignetti said he withdraws the request, and he will return on the 19<sup>th</sup> for the waivers.

Mr. Fountain stated someone needs to review the easements and HOA document. Copies of both will be sent to Mr. Fountain and Town Counsel Pietnik.

**6:43 p.m. – Pine Street Extension subdivision:** the public hearing was opened. Mr. Driscoll read the hearing notice. Ed Jacobs, PLS, Jacobs Driscoll Engineering, North Easton, MA, was present on behalf of applicant George Carney, also present.

Mr. Jacobs explained that the plan is for land off the end of Pine Street and bordered by Rte. 495. The plan is a result of meetings between property owners George Carney, the Town of Raynham and the Town of Bridgewater. Both the Carney and the Town of Bridgewater property became landlocked when Rte. 495 was constructed. He noted the Town of Raynham will benefit with 246 feet of frontage created on Pine Street, and the Town of Bridgewater will gain access to their land along with an easement for 17 parking spaces for trails. The Carney property will gain frontage on a road. Mr. Jacobs noted that no road construction is proposed at this time so the situation is a win/win. A definitive plan will need to be filed for actual road construction.

Mr. Andrade questioned why applicants were here with a definitive plan, noting that he attended the original meeting between the owners and it was never intended for a plan to be approved without a road plan.

Mr. Gallagher said the plan should be submitted as a preliminary. He compared the plan to the adjacent Harris property. Mr. Andrade explained that Harris is to improve Pine Street 100 feet past his property with a turnaround. Mr. Gallagher noted 22 ft. road width was required from Harris.

Mr. Andrade said it doesn't matter who builds the road but at least they will have an approved plan when ready rather than having nothing. Mr. Gallagher suggested continuing the hearing so applicant can prepare a road improvement construction plan. Mr. Andrade said the plan need not be elaborate with full detail but it should show the 22 ft. wide pavement extension, topography and right-of-way. It was noted no review from Nitsch will be needed.

Mr. Fountain questioned whether or not the Board approved a subdivision on Pine Street one or two years ago. Mr. Gallagher noted lots were approved by ANR plan. Mr. Fountain asked if the Bridgewater property is landlocked; Mr. Jacobs stated yes, it has no legal access. Mr. Jacobs discussed the location of the Carney lots, which amount to 15 buildable acres.

Mr. Fountain said the Board could approve the plan with no waivers and amend it later. Mr. Andrade felt that might reduce the value to the Town of Raynham, and the Town should subdivide their property and sell it as it is good land.

It was noted all three parties signed the application form.

Mr. Iafrate asked what the Board is approving other than access over the Raynham property. Mr. Gallagher stated nothing. Mr. Andrade stated Pine Street extension with improvements. Mr. Gallagher suggested making the parking lot part of the right-of-way; Mr. Jacob said it might work with easements. Mr. Iafrate noted there is no water service to the lots so they need 60,000 sq. ft. area and 200 ft. frontage.

Mr. Carney addressed the Board and said he appreciates the efforts of all to help and he will comply with the Board.

The public hearing was continued to January 19, 2017, 6:10 p.m.

**Mastria, 1619 New State Highway:** The matter was tabled to future meeting.

**General Business:** Invoices were signed. There were no minutes for approval.

**Planning Coordinator update:**

- Mr. Iafrate informed the Board he had a pre-submittal meeting with O'Reilly Auto Parts for property at 147 Broadway. The site is in a water resource Zone II area and will need Board of Appeals approval along with site plan.
  - The State will not be updating the 40B census statistics until the year 2020 so the Town will be working off the current numbers when Riverview Meadows submits building permits for their 40B development on South Street East.
  - The 40B plan for North Main Street was denied by the Board of Appeals.
  - The retreat lot by-law will be put on the January 19<sup>th</sup> Planning Board agenda.
  - The basin at 220 Paramount Drive site has been lowered; the wall is built higher and the slope is better; and, the railing will be extended.
- Mr. Andrade noted he saw the site Monday and there was a different contractor. Mr. Iafrate said there have been several contractors.

**SRPEDD UPDATE:** There was no update since there was no SRPEDD meeting last month.

Mr. Teixeira noted a good job was done on the American Legion parking lot. Mr. Andrade informed the Board that the fire chief spoke to him about concerns that the entrances at the American Legion and a new South Street West site may not be wide enough, and the chief asked if there could be discussion on widening both entrances for fire trucks. The Board noted both plans meet the requirements for width and curbing. Mr. Fountain said he agreed the entrances looked tight. Mr. Andrade said they could look at the issue. Mr. Gallagher noted the plans go to all departments for site plan review. The Board agreed they could look at the design guidelines.

**7:23 p.m.** - There was no further business and Mr. Andrade moved to adjourn the meeting; second Mr. Teixeira. Motion passed 5-0-0. Meeting adjourned.

Respectfully submitted,

Russell Driscoll, Clerk