

Town of Raynham, Massachusetts

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Planning Board minutes January 7, 2016

The Raynham Planning Board held its regularly scheduled meeting on Thursday, **January 7, 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, Christopher Gallagher, Russell Driscoll and John Teixeira

Board members not present:~(all present)

Staff present:~ Maureen McKenney, Administrative Assistant

6:05 p.m. Whippoorwill Estates: Rich Andrukonis, project manager for D'Angelo, Inc., at Whippoorwill Estates, appeared before the Board to discuss posting a surety bond for Phase VI, Cardinal Circle, Whippoorwill Estates. Construction Cost Estimate, dated January 7, 2016, was received from Nitsch Engineering. The Nitsch cost estimate was \$354,467, which included 30% contingency amount. Mr. Andrukonis noted he expected the estimate might be high and was okay with it.

Mr. Andrukonis distributed copies of a portion of the Whippoorwill Estates Certificate of Action (COA) that outlined the mitigation fee for the project. He explained that since D'Angelo, Inc., only took over Phase VI of the project in the last couple of years, he did not feel the mitigation fee should be calculated on years that date back to the previous developer beginning the project. Mr. Andrade explained that the Board had addressed the subject with D'Angelo's when they first took over Phase VI, and D'Angelo's was aware that all fees must be paid. Mr. Andrukonis said he would like to see the fees calculated at \$1,250 per lot for Phase VI without the additional \$125 per year cost dating back to site work commencement of the previous developer. It was noted there are 12 lots in Phase VI, which are the subject of tonight's discussion of the new bond estimate for lot releases.

The Board discussed whether or not to amend the COA. Mr. Gallagher felt it was best to do that since the original COA dates back 15 years. Mr. Andrade noted the new developer is doing a good job and the economy should not be a factor in delaying construction of this phase. After discussion, it was agreed the COA will be amended to eliminate the condition of \$125 per lot per year dating back to the original commencement date and to require a mitigation fee of \$1,250 per lot plus \$125 per lot for one year only for a total of \$1,375 per lot for 12 lots for a total of \$16,500 mitigation for Phase VI. All the mitigation funds are due on February 1, 2016.

The Board requested that Highway Superintendent Buckley be made aware that these mitigation funds from Whippoorwill Estates may be used for improvements to Locust Street.

After further discussion, it was agreed to reduce the 30% contingency fee by the amount of \$16,500.

Mr. Gallagher moved to amend the Whippoorwill Estates COA, paragraph No. 8, by deleting wording after the first sentence ending in "...for the commencement of the construction of homes on lots" and adding "The Planning Board and the developer agree to the amount of \$16,500 and the amount will be paid by February 1, 2016, \$1,250 per lot plus \$125 per lot for one year, \$1,375 times 12 lots, totaling \$18,000." Motion seconded by Mr. Fountain. After discussion, Mr. Fountain moved to amend the motion to reflect the total amount of \$16,500; second by Mr. Gallagher. Motion passed 5-0-0.

Motion was then made to reduce the amount of \$354,467 from the Nitsch Construction Cost Estimate by reducing the contingency amount by \$16,500; second Mr. Fountain. Motion passed 5-0-0.

(Mr. Andrade left the meeting room at 6:28 p.m.)

6:28 p.m. – Form A, Church Street: Attorney Ed Brennan, Taunton, MA, representing Riverfront LLC, presented a Form A plan for three lots on Church Street. Application and fee were received. Attorney Brennan explained the plan proposes lot line adjustments for three fronting on Church Street that were approved as part of a Transfer of Development Rights (TDR) subdivision plan. He noted both old and new lot lines are shown on the Form A plan, and the lots are still above the zoning dimensional requirements for TDR.

After review of the plan, Mr. Gallagher moved to approve plan entitled “Approval Not Required Plan of Land Raynham, MA Prepared for Riverfront LLC Prepared by Earth Services Corporation,” dated November 20, 2015; second by Mr. Fountain. Motion passed 4-0-0. Mr. Driscoll signed the plan.

General Business: Mr. Fountain moved to waive the reading and approve the minutes of December 3, and December 17, 2015; second Mr. Teixeira. Motion passed 4-0-0.

(6:32 p.m. – Mr. Andrade returned to the meeting.)

Attorney Brennan commented that there is a note on the Church Street Form A plan stating the zoning district is Residential A. He requested that the engineer be allowed to reference the TDR plan to avoid confusion. Mr. Fountain suggested Attorney Brennan contact him to discuss the wording to be used.

6:33 p.m. Estate lots by-law: Copy of a draft estate lots by-law was received. Mr. Andrade noted the town planner had worked with the building commissioner on establishing this new by-law and the final version tonight was prepared by the building commissioner. Mr. Andrade said he felt the concept was a good one, and the Board will hold a public hearing on the proposal in the future. He noted that allowing estate lots in the future could eliminate the need for one-lot subdivisions in town.

Mr. Fountain discussed his concern with the setback for the 125 ft. x 125 ft. building square being at the minimum setback line for a structure and felt the wording on the issue was not clear. Board members agreed to look over the by-law and discuss it at a future meeting with the building commissioner present.

There was no further business at the public meeting.

Roll call vote was taken to go into Executive Session: Mr. Driscoll – yes; Mr. Fountain – yes; Mr. Andrade – yes; Mr. Gallagher - yes; Mr. Teixeira – yes.

The public meeting closed and the Board went into Executive Session at 6:38 p.m.

Respectfully submitted,

Russell Driscoll, Clerk, Raynham Planning Board