

Town of Raynham, Massachusetts

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Planning Board minutes November 17, 2016

The Raynham Planning Board held its regularly scheduled meeting on Thursday, **November 17, 2016**, at Raynham Veterans' Memorial Town Hall. The meeting was opened at 6:00 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: Bob Iafrate, Planning Coordinator; Maureen McKenney, Administrative Assistant

Mr. Andrade welcomed Bob Iafrate to the meeting and congratulated him on being appointed as the Planning Coordinator. The full-time planner position has been eliminated and the new position will be on a six-month trial basis. Mr. Iafrate is the Building Commissioner/Zoning Enforcement Officer and his role is being expanded to become more involved with the planning department.

6:02 p.m. Mr. Andrade welcomed WEBLO Scouts Pack 43 to the meeting. Troop Leader Mike Lydon explained that as part of a merit pin requirement, the Scouts were at the meeting to observe local government in action and, in addition, they must identify energy problems in Town.

Mr. Gallagher explained to the Scouts the Planning Board's role in reviewing and approving plans for subdivision roads and for commercial development in Raynham. He explained that planning for the future of Rte. 138 is a big issue.

Mr. Lydon asked if training is needed to be a Board member and the reasons each member ran for the position. Mr. Andrade explained that no training is needed for their roles on the Board but each member brings something from his own experience to the Board. Mr. Teixeira noted he has a vested interest in Route 138 so he ran to become involved in that issue. Mr. Gallagher said he felt his expertise as a professional engineer was a good way to give back to his town. Mr. Andrade explained he is in the construction business and felt he had a lot to offer the Board after he himself appeared before them to present projects. Mr. Fountain noted his experience as an attorney in real estate law brings a good background of knowledge. Mr. Driscoll explained that he stepped up to the position after another candidate backed out of the election.

Mr. Lydon asked how the Scouts can help the community. Mr. Teixeira suggested they contact Liz Moura at the Council on Aging as they can always use help. Mr. Gallagher informed that the Veterans' Memorial at the Town Hall was created as part of an Eagle Scout project. Mr. Iafrate mentioned help could be needed in maintaining detention basins, and Mr. Andrade suggested they contact the Highway Department.

6:17 p.m. Josh Freeman, Raynham, MA, appeared before the Board and explained that he would like to create a court tennis facility in town. He explained that court tennis is an 800 year old sport and there are only two facilities in New England, one being in Newport, RI. Mr. Freeman noted there is a 5-acre lot on Carl Road owned by the Town that may be suitable for such a facility.

Mr. Teixeira asked Mr. Freeman if he is asking the Town to do the project. Mr. Freeman stated yes, it would be a public facility that would have membership. Mr. Fountain asked how big the building would be. Mr. Freeman said he has plans for an approximate 110 ft. by 50 ft. building. Mr. Andrade explained that any building project would have to come before the Planning Board for review but to get a public project started it would need to go before the Selectmen or the Park and Rec department. He noted the bottom line would be getting funds. He suggested Mr. Freeman contact Park and Rec and discuss the possibility of a multi-community project. Mr. Freeman noted most of these facilities are private with the exception of the one in Newport. Mr. Teixeira noted any funding would need to be approved by Town Meeting.

6:28 p.m. Meineke site plan, 1314 New State Highway: The public hearing was opened. Mr. Driscoll read the hearing notice. Larry Silva, P.E., Bridgewater, MA, and Edmund Brennan, Esq., Taunton, MA, appeared before the Board to present the plan.

Mr. Brennan explained that the Meineke business will be moving from the south side of Route 44 across the street to the north side. Owners are currently leasing property but will be buying this property. Water and sewer will connect by an easement through the adjacent Silva property on Judson Street. A Form A plan will be created for the 30,000 sq. ft. property and both lots involved will comply with zoning. The existing house on site will be razed to construct a new 3,400 sq. ft. building with six bays and parking that complies with zoning. Waivers are being requested.

Review correspondence, dated November 15, 2016, was received from Nitsch Engineering. Silva Engineering responded to Nitsch comments by letter dated November 17, 2016. Mr. Brennan stated there are no outstanding issues after Nitsch review.

Mr. Brennan discussed the property lines, noting the site is all business zoned and setbacks comply. He stated the drainage is “straightforward,” and the applicant hopes to move timely because he must be out of his current site by June 30th. Mr. Brennan corrected his earlier statement that the building will be 3,400 sq. ft., noting it will be 3,437 sq. ft. plus additional 778 sq. ft. office space. Mr. Andrade asked about buffer to the back property. Mr. Brennan explained there will be fencing and shrubbery.

Mr. Silva explained the site plan was revised after the Nitsch comments and fencing was added to the shrubbery as a result in order to avoid headlight glare to residential properties. He explained the lot is narrow but the building orientation works best for parking and lot function. He noted test pits were done. He explained the flow and overflow for storm events. Site lighting was addressed in his letter. Mr. Fountain asked if there are lights on the back of the building. Mr. Silva explained they are on the front with maybe a small light at the exit door. Mr. Gallagher asked if it is a mirror image of the property across the street. Mr. Silva stated there are more bays at this location.

Mr. Iafrate asked if there is a tight tank for floor drains. Mr. Silva said yes, he will show it on the plan. Mr. Iafrate asked if there is room for delivery trucks to turn. Mr. Silva said there is a 50 ft. radius for box trucks. Mr. Iafrate asked about bollards and air conditioning unit. Mr. Silva noted bollards are on the plan and the AC unit will either be on the roof top or rear of the building. He noted applicant needs site plan approval before he can produce architectural drawings.

Mr. Iafrate commented that the snow storage space looks unrealistic and suggested it be relocated southerly. He also questioned the need for a waiver for plantings, noting there seems plenty of space. Mr. Silva explained the snow storage is near the infiltration system. He explained they added low growing shrubs to the residential side of the site and are trying for balance between plantings and visibility on Route 44 side. Mr. Andrade asked if they are requesting a waiver on landscaping. Mr. Brennan explained the requirement is one tree to eight parking space but applicant is asking to put the trees in the front and some in the back of the property instead of in the parking area. Mr. Silva said they can look for low shrubs for the front. It was noted that trees are not being taken down along property line with Hutch site. Mr. Silva stated there will be sufficient vegetation.

It was noted Nitsch has not seen the revised plan. Mr. Brennan said Nitsch comments are not disputed. Mr. Silva agreed, noting they were very thorough. It was noted the State will not review the plan until the Planning Board approves it.

Letter dated November 9, 2016, was received from sewer department; there were no issues and Mr. Silva stated their concerns were incorporated.

After discussion, it was agreed Nitsch will review the plan revisions.

Rick Mastria, owner of nearby auto dealerships, addressed the Board and spoke in support of the plan, noting it is a good opportunity for the applicant.

Mr. Fountain suggested conditions of approval being plan revisions subject to Nitsch final review, a Form A for the property must be submitted and Certificate of Action shall be drafted by applicant.

Waivers were discussed. It was agreed the waiver requests will be subject to what is shown on the plan not what is stated in Silva Engineering November 17th letter. Mr. Fountain moved to approve the waivers shown on the site plan dated October 25, 2016, and revised on November 17, 2016, subject to the landscaping plan; second by Mr. Gallagher. Motion passed 5-0-0.

Mr. Fountain moved to approve the site plan entitled Site Plan Proposed Automotive Repair Shop, 1314 New State Highway, Raynham, MA, dated October 25, 2016, last revised November 17, 2016, prepared by Silva Engineering Associates, P.C., Bridgewater, MA; second by Mr. Driscoll. Mr. Gallagher amended to add ‘subject to a Form A plan being endorsed prior to the site plan endorsement and with Nitsch final review of the revisions’. Motion passed 5-0-0.

7:03 p.m. Brookside Circle: Rick Mastria, owner of 81 Brookside Circle, appeared to discuss the roadway. RHD Cost Estimate Worksheet Brookside Circle, 2016, Sheets A, B and C were received from Highway Superintendent Ed Buckley.

Mr. Andrade explained that Brookside Circle was never completed, the developer defaulted on the project and the bond was called in 1989, but there were conservation issues that prevented the road from being finished. Also, the subdivision plan was never recorded and that by law if a plan is not recorded it must go back to the Planning Board for resigning and at that time the Board can modify the plan.

Mr. Andrade explained that the Selectmen, the road owners and he would like to resolve this issue and the Selectmen have agreed to release the \$51,994 bond being held to complete the roadway, which will not be a Town road. An LLC has been established to oversee the road work and Mr. Mastria is the manager.

(Mr. Driscoll left the meeting at 7:09 p.m.)

The estimates submitted by Highway Superintendent Buckley were discussed. The Board agreed they were okay with a 26 ft. road width. Mr. Andrade discussed that most of the funds held in the Church Street account will go to improvements on Locust Street but that \$35,000 of those funds can go toward Brookside Circle if additional pipe work as requested by Mr. Buckley is done. Mr. Andrade recommended the Board let the project go forward starting with re-endorsing the subdivision plan, and he will work with Town Counsel to get the \$35,000 allocated for Brookside improvements.

Mr. Gallagher said he was not in favor of using public money for private roads. Mr. Andrade said the Selectmen also had that concern but the additional piping will benefit the Town. Mr. Gallagher noted it is still a private road. Mr. Teixeira asked if Brookside would ever be public; Mr. Andrade stated no, it would be denied. Mr. Andrade stated there are two issues: the old plan must be signed and recorded, which Town Counsel advised can be done, and a plan modification with or without the use of funds.

Mr. Gallagher said if the road is private, he is okay with 26 ft. road width but not with using public money. Mr. Teixeira agreed that if the road is private, no public funds should be used. Mr. Andrade noted it is up to the Selectmen to give the bond money out and the money is not being used now and cannot be used as general Town funds. After discussion, the Board agreed they would resign the plan if okay with Town Counsel and consider a minor plan modification for the road width and elimination of sidewalks.

Mr. Iafrate asked if water, sewer and gas were available on the road. Mr. Mastria said gas is but not the other services. Mr. Iafrate noted more funds may be needed and a hydrant may be needed. Mr. Mastria was not sure if a hydrant is in place but said there is drainage in place, rip-rap is needed and water and sewer can be brought down the road.

Mr. Andrade asked Mr. Fountain his thoughts on using the \$35,000; Mr. Fountain stated it would be okay if it were helpful to the Town drainage system on Route 44. Mr. Teixeira wants clarification on how the funds will be spent. Mr. Andrade said funds will be used for a 12-inch pipe through Brookside across Route 44. Mr. Gallagher asked if there was an analysis on the need for the upgrade in the pipe. Mr. Iafrate stated Mr. Buckley is concerned with the low spot at the Rte. 44/Church Street intersection. Mr. Andrade noted the State suggested the pipe. Mr. Mastria said there is more runoff since the State redid Route 44. Mr. Andrade noted it won't be perfect situation but it will be better.

Mr. Gallagher noted the Brookside owners bought their property as is. Mr. Andrade said the Town is returning the bond to them, not building the road. Mr. Mastria commented that taxes on the road are assessed not based on an incomplete road and the road was not finished in part because of ConCom issues so the bond was called. He stated it is hard for customers to use the road and it is not a good representation for Raynham. He noted if the situation had not happened as it did, the road would be done and would have been a Town road. He noted this solution is a win/win. Mr. Teixeira asked if tax revenue would increase with the improvements; Mr. Mastria stated no. Mr. Fountain noted the owners are getting taxed as if it is a full road.

Mr. Andrade suggested Mr. Mastria arrange getting the plan to the Board for signature. It was noted the plan will need a new signature block. Mr. Gallagher said there should be a new mylar plan and a note on the plan that this is a re-endorsement.

7:26 p.m. 1619 New State Highway/VW Dealership: Rick Mastria appeared before the Board to discuss a special permit for parking reduction that was issued for this site. The special permit was issued for a common ownership between Kia dealership and Ford dealership but Mr. Mastria has since purchased the property and it is now the Volkswagen dealership. He explained that the Volkswagen property has been increased in size in order to make the parking legally conforming and there is a barrier between his property and the adjacent property.

Mr. Andrade asked what proof Mr. Mastria could offer so the Board could make a finding that the special permit is no longer needed. Mr. Mastria submitted a plan showing that 143 parking spaces are on the VW lot when only 141 are required.

Mr. Fountain asked if a Form A plan is on record. Mr. Mastria stated yes, the Griecos did a Form A prior to the property sale. Mr. Gallagher asked if Mr. Mastria was here because there is a title glitch. Mr. Mastria explained that the special permit mentions joint ownership so he is just trying to clean up the situation. Mr. Fountain noted the special permit is null and void now. Mr. Andrade asked if there were easements on the property. Mr. Mastria said there is one for water. He noted there is no longer septic on the site and the VW cars unload on Brookside Circle.

Mr. Fountain suggested a signed and sealed letter be submitted from Mr. Mastria's P.E. confirming the parcel has 143 parking spaces and conforms to zoning. The Board agreed that when the letter is submitted, they can issue a Certificate of Action stating the special permit is no longer needed.

7:35 p.m. Church Street open-space concept plan: tabled to later in meeting. (Chris Gallagher left the meeting room.)

7:36 p.m. Tomlin Estates: Frank Gallagher, P.E., Foxborough, MA, appeared before the Board to request lot releases for Tomlin Estates (located off White Street). Mr. Gallagher explained the road top coat, loaming and seeding still need to be done, but the as-built plan is done. Mr. Gallagher explained there is a \$1,500 estimate for the loaming and seeding and \$6,800 estimate for the top coat. Mr. Andrade estimated there may be \$15,000 of work left to complete. He noted owner/developer Shawn Cairns is seeking release of Lots 1 and 3 with Lot 2 being held by the Board in lieu of bond funds since the road will be private. Mr. Gallagher stated that Mr. Cairns is okay with Lot 2 being held. Mr. Iafrate agreed to holding the lot. Mr. Andrade moved to release Lots 1 and 3 and hold Lot 2 until the completion of road work; second Mr. Fountain. Motion passed 3-0-0. The as-built plan was submitted. Mr. Gallagher will bring the Form J into the office for the Board to sign.

7:41 p.m. King Philip Realty Trust/Church Street: Todd Pilling, P.E., Brockton, MA, appeared before the Board along with Frank Campbell of King Philip Realty Trust to discuss property on Church Street. Correspondence dated October 31, 2016, from Mr. Pilling, re. Cluster Development was received. The King Philip Realty Trust property is the site of multi-family apartment buildings. The owners want to eliminate the existing lot lines on the property and go forward with an open-space development plan in order to construct garages and eventually more apartment buildings. Mr. Pilling noted the project can go forward with or without municipal water and both municipal water and sewer are available. Mr. Andrade asked if the project could meet all zoning requirements and Mr. Pilling stated yes, explaining there is a total of 88 acres available. Mr. Andrade said Nitsch Engineering would be looking at the project.

Mr. Pilling asked if the owner/applicant could use three nearby lots, which are landlocked and located in Taunton, as part of the open-space plan. The Board agreed lots located in Taunton cannot be used for the Raynham plan. Mr. Fountain questioned if the land could be used for recreation land associated with the plan. Mr. Andrade said no, the lots should be left out of the plan. Mr. Pilling noted he is only here for discussion purposes and not asking the Board to sign anything tonight.

Mr. Andrade noted a playground area will be needed. Mr. Pilling thought one could be located centrally on the plan. Mr. Teixeira asked the time frame for construction. Mr. Pilling said the garages would be built first and the apartment buildings built out over 20 years. Mr. Teixeira suggested letting the school committee know the scope of the project.

Mr. Andrade suggested the plan could be a friendly 40B/40R project. Mr. Pilling explained it would need to be located near public transportation and be in a zoning overlay district to qualify as such. Mr. Andrade suggested the owner look into constructing the project as a 40B. Mr. Iafrate noted a 40B plan would go to the Board of Appeals, not the Planning Board. Mr. Campbell said they could look at that possibility.

Mr. Iafrate noted dumpsters must be shown on the final plan. Mr. Pilling stated all infrastructure will be shown on the plan including dumpsters.

No action was taken by the Board.

8:05 p.m. Form A, Pine Street: Nick Harris, West Yarmouth, MA, presented the Form A to the Board. The plan was reviewed for the changes made since the last meeting. It was noted Pine Street is a public road.

Mr. Gallagher said he is concerned with the turnaround. Mr. Harris said he can improve it when constructing. Mr. Harris and Mr. Gallagher discussed the construction of the turnaround.

After discussion, Mr. Gallagher moved to approve as an ANR plan the "Plan of Land in Raynham, MA," dated November 14, 2016, prepared by RIM Engineering Co., Inc., Mansfield, MA, for Claire Harris, Trustee, Raynham Realty Investment Trust, West Yarmouth, MA; second by Mr. Teixeira. Motion passed 4-0-0. The plan was signed.

8:05 p.m. 1253 Broadway: Delia Donato, Norton, MA, appeared before the Board to request approval for abbreviated site plan process for changes to the site plan for 1253 Broadway. Mrs. Donato presented a copy of the approved site plan along with a proposed plan for changes to the site. She explained she is adding a second story of about 800 sq. ft. to the building.

Mr. Iafrate explained that a residence at the site was converted to a business about 10 years ago and the owners now want to add a second floor to the building. He thinks abbreviated site plan would be okay as they are only adding parking to the site. During discussion, it was noted an elevator is not needed in the building because it is not public.

Mr. Gallagher suggested the Board could consider the changes as a minor modification to the approved site plan. Mr. Iafrate agreed with the idea. Mr. Driscoll noted there is an area that is cleared for parking.

Mr. Gallagher moved to approve as a minor modification the plan entitled Site Plan, Site: Assessors' Map 3, Lot 373, 1253 Broadway, Raynham, MA, Prepared For Richard J. Donato, First Mortgage Associates, plan dated November 14, 2016, prepared by Silva Engineering Associates, P.C., Bridgewater, MA, subject to the filing fee for a minor modification; second by Mr. Teixeira. Motion passed 4-0-0. Mr. Fountain noted a Certificate of Action was filed in November 2008 for the original site plan.

8:21 p.m. 425 Paramount Drive/China Eternal Copiers: Brandon Carr, DiPrete Engineering, Cranston, RI, presented the approved site plan for endorsement. He informed the Board that there were two slight changes: a door was slid over from its original location and six parking spaces were added. The Board endorsed the plan.

8:25 p.m. Form A plan for Metro Motors, Rte. 44, was tabled to next meeting.

General Business:

Mr. Fountain moved to waive the reading and approve the minutes of October 20, and November 3, 2016; second Mr. Teixeira. Motion passed 3-0-0.

Planning Coordinator update:

- Mr. Iafrate is meeting with contractors for 220 Paramount Drive/Haynes Development next week to inspect the site. Applicant may come before the Board next meeting for temporary occupancy permit.
- Mr. Iafrate told the Board there is an agreement in place to finish the roads at Berry Hill.
- Mr. Andrade informed the Board that he saw Berry Hill and the development looks good. He noted the basins are to be cleaned and the paving will be done and the as-built plans are needed. At his suggestion, the applicant has provided \$200,000 surety in order to get a Certificate of Occupancy for the final dwellings. The funds are being held by Attorney William Rosa's office. Mr. Andrade signed the surety agreement establishing the funds
- Mr. Iafrate informed the Board that he met with developers about a possible plan for the Bradford Trailer site on Route 44. It is not certain at this point if a project at the site will go forward or not.
- Riverview Meadows 40B development is moving on to construct Phase II and Phase III, and Nitsch Engineering may review the plans for the ZBA. He noted the project has been moved further from the Taunton River. Also, the Town will get credited for the affordable units as building permits are issued. Raynham is within 10 to 12 units of the 10% affordable housing number.
- Mr. Iafrate asked that the retreat lot by-law be put back on the Boards agenda for the next Town Meeting. A public hearing will be scheduled.

There was no further business and the meeting adjourned at 8:37 p.m.

Respectfully submitted,
Russell Driscoll, Clerk