

# Town of Raynham, Massachusetts

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## Planning Board meeting February 16, 2017

The Raynham Planning Board meeting of **Thursday, February 16, 2017**, at Raynham Veterans' Memorial Town Hall, was opened by Chairman Daniel Andrade at 6:00 p.m.

Board members present: Daniel Andrade, Burke Fountain, Christopher Gallagher, Russell Driscoll and John Teixeira

Board members not present: (all present)

Staff present: Robert Iafrate, Building Commissioner/Planning Coordinator; Maureen McKenney, Administrative Assistant  
**6:00 p.m. – Form A plan for 1314 New State Highway:** Proper application and fee were received. No representative for the plan was present. The Form A plan is related to the recently approved Meineke site plan.

Mr. Andrade noted the plan is giving about eight feet from Lot 112A to Lot 158A. Mr. Iafrate said it is being done to make Lot 158A conforming. Mr. Andrade read the note of intent on the plan. Mr. Andrade said there is no note on the plan regarding wetlands.

Mr. Teixeira asked why there is a note on the plan about non-compliance with zoning. Mr. Fountain explained the purpose of the note is to state that there is no promise that the plan conforms to zoning, and if a zoning issue gets by the Board, it will be addressed by the Building Commissioner. Mr. Teixeira said he doesn't like the note.

Mr. Andrade said there should be a note on the plan regarding the wetlands on site.

Mr. Fountain moved to approve "Plan of Land Site: Assessor's Map 15, Lot 158 1314 New State Highway Raynham, Massachusetts Prepared For Milfort Suprilus," prepared by Silva Engineering, Bridgewater, MA, dated November 14, 2016, as an Approval Not Required Plan subject to the surveyor adding a note to the plan prior to recording stating there are no wetlands on site; second by Mr. Driscoll. Motion passed 4-0-0.

Mr. Teixeira asked if the note regarding zoning can be eliminated. Mr. Andrade said it is a standard note.

The Form A plan was endorsed and will be held until the note is added.

(6:07 p.m. – Mr. Gallagher arrived.)

**6:08 p.m. – Public hearing for estate lot by-law** was opened by Mr. Andrade. Mr. Driscoll read the hearing notice. Copy of e-mail, dated February 16, 2017, re. revisions to the proposed by-law, was received from Town Counsel Pietnik.

Mr. Teixeira noted there is a contradiction in Sections 6.12.1 and 6.12.2 regarding the zoning districts where the lots will be allowed. He read the sections he was referring to. Mr. Gallagher questioned if the lots would be allowed in an Industrial District.

Mr. Iafrate noted no subdivisions are allowed in an Industrial District but single-family homes are allowed. He noted all zoning districts allow a single home to be built.

Mr. Fountain questioned if the Board wanted the estate lots in Industrial or Light Industrial. Mr. Andrade said they want them wherever single residences are allowed. After review of the zoning by-laws and discussion, it was agreed to strike the Industrial Zone for estate lots but they would be okay in a Business Zone.

After discussion, it was agreed that 6.12.2 Requirements, No. 1, would end after "80,000 sq. ft." and the additional wording will be eliminated.

Mr. Gallagher suggested striking the language of the first sentence in 6.12.2, Requirements. After discussion, it was agreed to do so.

Mr. Driscoll cited Requirements, No. 5, and questioned if paper streets are included. Mr. Iafrate suggested adding the word “approved.” Mr. Gallagher favored leaving the wording as is because the Town Clerk’s office does not have all approved streets listed. Mr. Andrade agreed with leaving the wording as is because the estate lots will come to the Board for approval so they will know if a street is approved or not. Mr. Iafrate noted the by-law is a collaboration between all and if something is not caught by the Board it will be at the Building Department. It was agreed to leave No. 5 as is.

Mr. Driscoll noted the memo received from Town Counsel addresses the issue of contiguous upland. Mr. Fountain said the upland should be the same in this section as other sections of the by-laws.

Mr. Iafrate discussed the issue of avoiding four or five contiguous driveways for estate lots, noting he checked the by-laws of a few other towns and they discouraged it. He suggested that no more than two contiguous estate lots be allowed to avoid this problem.

Mr. Andrade asked if no more than two would be allowed per applicant or per parcel. He noted this by-law is being proposed in order to avoid the two-lot subdivisions with one unbuildable lot being submitted. He questioned if two abutting property owners each having enough land can be denied estate lots on their properties. Mr. Teixeira noted that theoretically there could be a street having all 50 ft. frontage lots. Mr. Iafrate noted that cul-de-sacs are being eliminated.

Mr. Driscoll suggested adding wording “up to SPGA as to allowing more than two adjacent retreat lots.” Mr. Teixeira said the Board cannot say yes to one owner and no to another. Mr. Iafrate suggested just policing the issue individually with no language added.

Scott Faria, P.E., Holmgren Engineering, was present in the audience and addressed the Board. He noted that the Town of Easton estate lot by-law states that only one lot per subject property is allowed and subject property cannot be divided after the by-law is written, and it eliminates subdivisions happening. Mr. Fountain said he liked that wording. The Board agreed with adding similar wording.

6.12.2 Requirements, No. 10, was discussed. Mr. Iafrate said the lots will need either Town water or sewer. It was agreed to leave No. 10 as is.

Fees for the estate lots were discussed. It was agreed the fee schedule will be amended before the Attorney General returns the by-law to the Town if approved. It was also agreed application forms will need to be changed.

Mr. Andrade asked if anyone present had comments or questions. No one responded.

Mr. Andrade moved to approve the estate lot by-law as revised; second by Mr. Fountain. Motion passed 5-0-0.

**6:54 p.m. – 220 Paramount Drive/Haynes Development site plan:** Scott Faria, P.E., Holmgren Engineering, Brockton, MA, was present along with Brian and Frank from Haynes Development. A Construction Cost Estimate, dated February 16, 2017, was received from Nitsch Engineering.

Mr. Andrade noted applicant is here tonight to establish a bond amount so a temporary occupancy permit can be issued. Mr. Faria explained the applicants have made changes to the site since they were before the Board in December. A guardrail and fence have been added and rims and basins have been lowered. Mr. Andrade noted there is no topography shown on the plan. Mr. Faria explained that all is not finished on the plan. Mr. Andrade noted that at the previous meeting, the Board disagreed that the retaining wall was done as approved. He asked if the lot is lower now than approved. Mr. Faria explained that the plan and retaining wall were approved at a 2-to-1 slope and after adding blocks to the wall, there is a 3-to-1 slope. Mr. Gallagher noted that Nitsch Engineering did not mention the discrepancies. He asked if the site is close to the plan. Mr. Gallagher and Mr. Faria reviewed the plan numbers and then agreed all was okay. Mr. Andrade noted that Nitsch said they reviewed a partial as-built. Mr. Andrade informed the applicant there are three types of bonds the Board can accept. Brian Haynes said they will be submitting an insurance bond. Mr. Andrade informed him the bond must be approved by Town Counsel, and he asked when the

building would be occupied. Fred Tardy, owner of the building, was present and informed the Board that he would be the first occupant and hoped to be in the building by March 1<sup>st</sup>.

Mr. Andrade informed Mr. Tardy that issuance of a temporary occupancy permit is not assurance for safe and adequate access, and he has a problem with issuing the permit with no parking lot striping in place for a tenant other than the owner, Mr. Tardy. He said if anyone else is in the building without the striping, there could be a mess.

Mr. Iafrate advised that the applicant can post a bond and the temporary occupancy permit can be issued for 90 days, and the applicant can return to the Board if remaining work is not done with the 90 days.

Mr. Gallagher moved to accept the As-built Plan prepared for Haynes Group by J. K. Holmgren Engineering, Inc., revised date February 10, 2017, and issue a temporary occupancy permit after the proper bond is posted; second by Mr. Fountain. Motion passed 5-0-0.

**7:09 p.m. – General Business:**

Mr. Fountain moved to waive the reading and accept the minutes of February 2, 2017; second by Mr. Teixeira. Motion approved 5-0-0.

No bills were submitted for payment.

No correspondence was received.

**Planning Coordinator update:**

- Mr. Iafrate informed that the building at 1296 Broadway is to be razed in a couple of days.
- Mr. Iafrate there will be a pre-submittal review meeting next week with department heads for a 100-room hotel on Commerce Way.
- Mr. Iafrate informed that there is a plan in place for the old Brothers Pizza site, and he will keep the Board updated on this. Mr. Andrade discussed there are issues in this area going back to clean-up of the Central Oil property. He noted the Selectmen had given the property owner another year to clean up the site. Mr. Teixeira noted the Central Oil tanks are empty and the site is an eyesore. Mr. Andrade noted the DEP sent letters to the owner 10 to 12 years ago, and he suggests moving forward with the clean-up of Central Oil site. He noted the Town is not getting taxes paid for the site. Mr. Iafrate noted the land with the barber shop is not part of the Brothers Pizza land.
- Mr. Iafrate informed the Board that Bohler Engineering sent him the proposed O'Reilly Auto Parts site plan, and he is reviewing it now.
- Mr. Iafrate is also reviewing the plans for 1000 New State Highway/Innovation Park. He noted it is a dense plan. Mr. Andrade asked if applicant had purchased the land behind the Wendy's site. Mr. Iafrate said they must have because it is shown on the plans.
- Mr. Iafrate told the Board that he attended a meeting at SRPEDD on medical marijuana issues, and the meeting was informative.

**SRPEDD update:** No update this week.

Mr. Teixeira informed the Board that he recently attended a RAVE meeting and the school superintendent discussed that he was concerned with enrollment increase. The superintendent asked that he be a part of long-range planning and that he be updated on projects. Mr. Teixeira asked if the Board was okay with these requests. Mr. Andrade asked if the Selectmen should approve the requests. Mr. Teixeira noted that Selectman Marie Smith was at the meeting. The Board then agreed they were okay with the requests.

There was general discussion of 40B projects. Mr. Fountain noted that a 40R or "friendly" 40B requires access to public transportation be available as part of the project.

There was no further business. Mr. Andrade moved to adjourn the meeting and to endorse the 1296 Broadway/Skyline Marble and Granite site plan; second by Mr. Teixeira. Meeting adjourned at 7:23 p.m.

Respectfully submitted,

Russell Driscoll, Clerk