

Town of Raynham, Massachusetts

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Planning Board meeting January 19, 2017

The Raynham Planning Board held its regularly scheduled meeting on Thursday, **January 19, 2017**, 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, Russell Driscoll, John Teixeira

Board members not present: Christopher Gallagher

Staff present: Robert Iafrate, Planning Coordinator; Maureen McKenney, Administrative Assistant

6:05 p.m. – Bassett Knoll Estates: Lee Castignetti, Long Built Homes, appeared before the Board representing Raynham Investment Realty Trust. Mr. Castignetti recalled that at the last meeting, Applicant requested plan modifications and waivers but those requests were tabled. Mr. Andrade noted waiver requests cannot be granted once a plan is approved but plan modification can be considered.

Mr. Fountain asked if sidewalks are being done on both sides of the road. Mr. Castignetti explained they have decided to build sidewalks on both sides as approved on the plan because it will cost less to build than the \$75,000 cost to mitigate for one side only so the applicant withdraws the request to modify since there will be no net savings. Mr. Andrade clarified that the applicant is not asking for sidewalk modification; Mr. Castignetti said that was correct. Mr. Andrade asked if applicant is requesting to change from vertical granite curbing to sloped granite curbing; Mr. Castignetti said correct.

Mr. Andrade noted that he was on site when backfilling for the sidewalks was done and found that the left side does not have proper material so if the applicant is no longer requesting a modification, the sidewalk will need to be redone. He asked Mr. Castignetti to let Nick Harris know this and to notify the Planning Board and Highway Department when done. He noted the other sidewalk was done properly.

Mr. Andrade said the mylar plan showing sloped granite needs to be changed, according to Ed Buckley, to show handicap accessibility information. Mr. Castignetti said location and detail will be shown. Mr. Andrade gave Mr. Castignetti back the mylar plan so it could be revised.

Mr. Andrade noted at the last meeting, the Board said they would accept the granite curbing modification if catch basins tied to manholes were put at the subdivision entrances to Locust Street but no specs were presented at last meeting or tonight.

After discussion, Mr. Andrade moved to approve the curbing modification if two catch basins are tied in to Locust Street to Ed Buckley's satisfaction. Mr. Fountain asked if money was being given in exchange for the curbing change or if the work is to be done by applicant. Mr. Andrade noted \$1,500 per lot has already been designated towards Locust Street improvements, and there is no compensation for the curbing change now, they just want the existing problem fixed with the catch basins. He stated the \$105,000 given already is for the whole of Locust Street improvements and is not curbing related. The change to the curbing will be given in exchange for a catch basin at both entrances of the subdivision, to be done to Highway Department satisfaction. The cost to install the two catch basins will not come out of the designated Locust Street improvement funds. Mr. Castignetti said there seems to be a clear understanding of what is to be done, and to clarify, the applicant will be performing the work on the catch basins consistent with the talks with Ed Buckley. Mr. Andrade requested a plan be provided ASAP so Mr. Buckley can sign.

Mr. Andrade moved to approve the modification to Bassett Knoll Estates as set forth on Bassett Knoll Estates plan dated December 6, 2016, in consideration of both entrances off Locust Street having catch basins installed by and at the cost of Applicant and work to be approved by Ed Buckley prior to being performed and the plan is to be redrawn showing ADA and handicap requirements also to be approved by Ed Buckley; second by Mr. Driscoll. Motion passed by unanimous vote. The plan will be signed when revised to show changes discussed.

Mr. Andrade stated that for the record, the sidewalk that was partially constructed on the left side shall be redone and approved by Highway Department.

Mr. Andrade noted that at the last meeting, applicant presented a Form J for release of Lots 40 through 63 but that was tabled. He asked if there was a bond. Mr. Castignetti said they will not seek lot releases now until the basin and sewer work is done to get costs down. He asked how the bond estimate process worked. Mr. Andrade advised him to send a Form J request to the Board and the Board will send Nitsch Engineering out to prepare a cost estimate, to include a 30% contingency. The Form J was tabled.

Mr. Andrade informed that he had been at Bassett Knoll recently and found the site was clear cut. Mr. Castignetti said it was done for the sake of grades and fill and that the trees that were cut could not be saved, and it was not done for the sake of clear cutting. Mr. Andrade said there could be no more clear cutting until individual plot plans are established. Mr. Castignetti said it won't happen again. Mr. Andrade mentioned that a silt fence on site was down. Mr. Castignetti said it was a turtle fence. Mr. Castignetti said they will be moving forward with work. Mr. Andrade advised them to notify the proper people for inspections.

Mr. Fountain said he reviewed the easements and they looked fine.

6:25 p.m. – Pine Street Extension subdivision plan: the public hearing was reconvened. Ed Jacobs, Jacobs Driscoll Engineering, appeared before the Board representing Carney, one of the property owners.

Mr. Jacobs explained that, at the Board's suggestion, he looked at the road improvement plan approved for adjacent property and picked up where that plan left off with the same design. He noted the pavement width is shown at 22 ft., there is a crown in the middle of the roadway and 3 ft. swale on the right side of the street. Upon question from Mr. Andrade, he explained how the swale pitches straight down. He noted the same details shown on the adjacent Harris plan are shown on this plan, with two different cross sections. Also, there are 17 parking spaces shown. It was noted that the parking lot has been incorporated into the road layout as suggested by Mr. Gallagher at previous meeting. Mr. Jacobs explained there are easements for the parking spaces.

Mr. Fountain asked if any part of Pine Street is public. Mr. Jacobs said it is and this extension may eventually be accepted but the public road stops before the extension.

Mr. Andrade discussed that this extension plan allows Bridgewater land to have access, the Carney land to have frontage and the Raynham land to have frontage. It was noted there are between 11 to 15 acres of developable land on Carney property.

Mr. Andrade discussed that if any future work is to be done off this plan, the Planning Board will look at improvements to be made. Mr. Fountain noted there could be a problem with the dead-end road requirement if residences are developed. Mr. Jacobs said they would need a waiver from the 1350 ft. requirement.

Mr. Jacobs noted the waiver requests were reduced and they are now on the plan.

Mr. Andrade asked if anyone in the audience had comments. No one responded.

Mr. Iafrate asked if there will be improvements on Town of Raynham land and will Raynham have ownership of the road; Mr. Jacobs said parcels owned by the three owners will have improvements and Raynham will have ownership of the road. Mr. Iafrate noted a residential subdivision is not allowed in Industrial zone. Mr. Jacobs said they are not at that point yet.

There was discussion of soil testing being needed. Mr. Andrade noted that whoever does the road in the future will do the testing and the whole process.

There was discussion about the issue of failure to complete the subdivision with two years as required in the regulations. Mr. Jacobs said he feels the two years starts when construction is started. Mr. Andrade said he was not sure about that, and Mr. Jacobs said that is why they are asking for the waiver from Sec. 7.11. There was discussion about applicant asking for an extension of time at two years. Mr. Jacobs then said he will withdraw waiver from Sec. 7.11. After further discussion, it was agreed if the plan is approved, whoever goes forward with the plan will follow the same process of following the regulations and notifying the Town of work being done.

After discussion, Mr. Fountain moved to approve the waivers on Sheet 1 of "Definitive Subdivision Plan of Land 'Pine Street Extension' in Raynham, Massachusetts," prepared by Jacobs Driscoll Engineering, North Easton, MA, dated July 12, 2016, last revised January 17, 2017; second for discussion by Mr. Driscoll. Mr. Andrade amended to remove the waiver from Section 7.11 as discussed. Mr. Fountain said applicant can return in two years. Amended motion passed by unanimous vote (4-0-0)

Mr. Fountain moved to approve the "Definitive Subdivision Plan of Land 'Pine Street Extension' in Raynham, Massachusetts," prepared by Jacobs Driscoll Engineering, North Easton, MA, dated July 12, 2016, last revised January 17, 2017; second for discussion by Mr. Andrade. No discussion followed. Motion passed by unanimous vote (4-0-0). Mr. Carney thanked the Board for their work, saying the plan will work out to the benefit of all.

6:50 p.m. – Carriage Hill Estates: Attorney Richard Fidler, South Easton, MA, appeared before the Board on behalf of Center Street Realty LLC to request recordable releases for the promissory note and unrecorded mortgage held by the Town of Raynham as is referenced in the Certificate of Action and release of the Lender's Agreement pertaining to the subdivision. Mr. Driscoll said he would sit out the matter as he has involvement with the developer. Mr. Andrade noted the subdivision was already voted on so there is no conflict at this point.

Letter dated January 11, 2017, from Mr. Fidler was read into the record. Attorney Fidler explained there are letters in the file indicating the promissory note and mortgage were released by the Board as well as the Lender's Agreement, of which Norwood Bank was a party. The releases were not recorded so Mr. Fidler is looking for recordable documents at this time for his client. It was noted the property covered by the agreements is now a public way. Mr. Fountain said he was okay with the request since this is now a public way and no funds are being held.

It was agreed no vote was needed to sign the documents and Mr. Driscoll will not sign. The “Released of Promissory Note and (unrecorded) Mortgage” and Release of Performance Secured by Lender’s Agreement” were signed and notarized.

General Business:

- Mr. Fountain moved to waive the reading and approve minutes of December 1, 2016; December 15, 2016; and, January 5, 2017; second by Mr. Driscoll. Motion passed unanimously (4-0-0).
- No invoices submitted.
- Copy of letter dated January 11, 2017, from Robert Iafrate, Building Commissioner, to Wade Smith, re. 1990 Broadway was received. It was noted Mr. Iafrate advised Mr. Smith to have the approved site plan modified before storing commercial vehicles on his property. No action was taken at this time.
- It was agreed to schedule a public hearing for the proposed Estate/Retreat Lot by-law on February 16, 2017.

6:57 p.m. - Form A-Mill Street: Plan prepared by Farland Corp., New Bedford, MA, prepared for Sandra Whelan, Raynham, MA, for land at the corner of Mill Street and King Philip Street was received. Neither applicant nor engineer was present. Application and MLCs were received.

Mr. Andrade noted the property was originally owned by Gonsalves but the land shown was not part of the subdivision. Mr. Iafrate noted these lots are being broken off the larger parcel on King Philip Street, and the lots will comply with zoning.

After discussion, it was agreed to table the plan and request the engineer appear before the Board to discuss.

7:03 p.m. – 220 Paramount Drive: Mr. Andrade noted a revised photometric plan for revised light pole heights was submitted although it was not on the agenda. Mr. Iafrate requested the Board table the matter for a month or so until applicant is further along in the project. The matter was tabled.

Mr. Andrade left the meeting at 7:07 p.m.

7:08 p.m. – Riverfront Estates: Edmund Brennan, Esq., Taunton, MA, appeared before the Board representing Riverfront LLC to request one Transfer of Development Rights (TDR) certificate to property at Young’s Lane, a private road. He noted he believes there will be three certificates left after this one is issued. Attorney Brennan explained the Young’s Lane property is 37,850 sq. ft. in size but otherwise conforms to zoning requirements. About 15 years ago, the property owner sought a variance from area requirement for the lot but the variance was denied, and the lot will fit well within the requirements for a TDR lot.

Mr. Fountain and Mr. Teixeira questioned if the Board can approve a TDR certificate on a private way. Attorney Brennan said he didn’t see the problem as the lot has water and sewer available, and the property owners would tie in as required.

There was discussion on the plan presented. Mr. Fountain asked if there were other houses after the lot in question. Attorney Brennan explained there will be four house lots, including Lot 1. He noted the road is paved but not to Town specs. Mr. Fountain said he is troubled by the private road. Mr. Iafrate commented that a lot can have frontage on a Town approved way but it does not have to be an accepted way. Mr. Fountain questioned the difference between an approved way and an accepted way. Attorney Brennan stated the lot needs to have sufficient access, which is the case here.

Mr. Iafrate noted there were at least four houses constructed on the roadway within the last 20 years and he will research how they were constructed. Attorney Brennan requested the Board sign a TDR Certificate so it can be recorded. Mr. Fountain asked if it should be signed before the research is done. Attorney Brennan said yes, but he would not record the Certificate until he knows the lot is buildable, and if it cannot be used, he will return to have it rescinded. Mr. Fountain asked if the Certificate was needed tonight. Discussion followed about the fact that there is no endorsement of zoning compliance with the approval, but only that there is adequate access to the lot. Attorney Brennan noted the Certificate will only be effective when recorded.

Mr. Fountain noted the only problem is the issue of the private way, and whether or not the lot will be buildable needs to be clarified. Mr. Teixeira asked why applicant was going through this process before asking about a building permit but he was okay with signing if applicant wanted to take the chance. Mr. Iafrate said he needs to see what was approved by the Town and if there is adequate frontage here.

Mr. Fountain said if the lot meets the rules, the Board can sign. Mr. Iafrate noted the Board is just signing now and the Certificate will be put in a back pocket until research done. Mr. Fountain noted the lot requirements are 100 ft. frontage and this lot has 179 ft. frontage on Young’s Lane and it meets the area requirement. Mr. Brennan agreed, noting the lot also has to be served by water and sewer, which can be brought to the lot so there is enough to approve.

Mr. Fountain moved that the Board finds that the lot shown as Parcel A on “Plan of Land of 578King Philip Street located in Raynham, Massachusetts owned by Helene Mary O’Neil,” dated July 16, 1999, by Arthur F. Borden & Associates, Inc., meets the requirements under the

Raynham Transfer of Development Rights as a lot suitable for being a receiving site parcel, subject to all requirements of Building Department and other Boards or parties of the Town of Raynham; second by Russell Driscoll. Motion passed 3-0-0. Mr. Fountain signed the TDR Certificate.
Planning Coordinator update: No updates for the meeting.
There was no further business and the meeting adjourned at 7:28 p.m.
Respectfully submitted,

Russell Driscoll, Clerk