

Town of Raynham, Massachusetts

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Planning Board meeting July 20, 2017

Raynham Planning Board Meeting Raynham Veterans' Memorial Town Hall July 20, 2017

Meeting opened: 6:06 p.m., by Chairman Daniel Andrade

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

Board members not present: Russell Driscoll

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

6:06 p.m. - Rte. 44 Toyota: Brian Dunn, MBL Land Development & Permitting, Raynham, MA, appeared before the Board to discuss submitting an abbreviated site plan for a proposed service area addition to the Route 44 Toyota building. He explained the addition will be 8,500 sq. ft. space attached to the existing building; will have a new overhead door; will be located in the paved area at the back of the building; thirty-three parking spaces will be displaced; and, the addition will be white metal construction. Mr. Dunn noted he was advised by the Building Commissioner to discuss with the Board if new site plan or an amended site plan will be required. It was discussed that there is an area on site that holds 500 parked cars and is not paved, and the new parking area in the back will be graveled and will be used by employees. Existing drainage on site will be rerouted and a new catch basin will be added. Mr. Dunn explained that cars will enter the site at the front of the existing building and exit out the rear. It was noted the Toyota site and the adjacent Hyundai site have a combined 1000 parking spaces. Mr. Andrade asked if there will be any future additions. Mr. Dunn said he was not aware that the master plan had any other additions.

Mr. Andrade discussed that he was okay with an abbreviated site plan being submitted. He would like to see elevations of the body shop along with grading and paving information on the plan. Mr. Dunn agreed to submit. Mr. Gallagher said he wants the plans to be readable. Mr. Dunn said he will change the scale of the plan so the details can be seen easier, and he will show parking.

Mr. Andrade asked about drainage and grease traps, if any. Mr. Dunn explained the drainage. Mr. Gallagher noted the plans are difficult to read; Mr. Dunn agreed the details are not readable with the current scale.

Mr. Andrade asked if a plan was on file for the existing detail shop. Attorney Dan Vieira, Easton, MA, addressed the Board and explained the body shop was a full site plan but Mr. Dunn did not prepare it. The Hyundai dealership was full site plans but the renovation to the detail shop was not. Mr. Dunn noted an as-built plan was done to close out all the plans.

Mr. Iafrate said he wants a full parking plan provided for both buildings.

After discussion, Mr. Andrade moved to allow the applicant to proceed with abbreviated site plan; second Mr. Gallagher. Motion passed 4-0-0. Mr. Fountain asked if the plan is subject to full review; Mr. Andrade stated no. (6:25 p.m. John Teixeira left the meeting room briefly.) **6:26 p.m. Rockland Trust, Route 44, site plan:** Correspondence entitled "Raynham Center-275 New State Highway RT 44" was received from Mike Juliano, Manager, Raynham Center LLC. (Mr. Juliano was not present.) (Mr. Teixeira returned to the meeting.) Mr. Andrade explained this plan dates back to 2005, and at the time of approval, the Planning Board did not like the entrance, which is part of the State-owned road. As part of the site plan approval, applicant donated \$35,000 to help with possible change to the entrance. Mr. Juliano went to the State to try to change the entrance, but no change was ever allowed. Also noted was the fact that at the time of site plan approval, applicant said he would eventually demolish half the existing restaurant building in order to make improvements to the site; but, that was never done.

Mr. Andrade explained the Board took the \$35,000 to try to help the process along but nothing came of it, the entrance is still the same. The funds were forfeited to the Town after three years because no changes were made to the entrance. Mr. Gallagher commented that the

Board can use the funds as they see fit at this point.

Mr. Andrade stated that Mr. Iafrate brought to his attention the fact that there is a building permit application to renovate the existing restaurant building. Mr. Andrade explained he was not clear if the Board can use the \$35,000 in donated funds as they want. Mr. Gallagher suggested Mr. Juliano can submit a letter to the Board authorizing them to use the funds as they want, as was done in a past situation.

Mr. Iafrate read the Certificate of Action and said he thinks the Board can use the money elsewhere if they want. He noted the entrance cannot be redone without the existing building coming down, and there is nowhere else on site to relocate the building. Mr. Fountain suggested the funds could be used for additional signage to clarify that there is a right turn only out of the entrance. Mr. Iafrate stated that the property where the signs would be located is State-owned. After discussion, it was agreed that Mr. Iafrate will speak to Mr. Juliano about signs on his property and about submitting a letter to the Board authorizing use of the funds, after which Mr. Iafrate will issue the building permit.

Mr. Andrade announced a change to the agenda, noting Bassett Knoll discussion will occur last because Mr. Gallagher will not be part of that discussion.

6:36 p.m. - Innovation Park/1000 Rte. 44 site plan: Attorney Edmund Brennan, Taunton, MA, and Dan Gagne, P.E., Beals & Thomas, appeared before the Board to discuss revisions to the plan. Letter, dated July 14, 2017, was received from Attorney Brennan, re. minor modifications to the plan. Attorney Brennan informed the Board that Mass. Highway had changes to the plan. He explained the changes, noting that parking spaces increase by three as a result; the fire department wants 30 feet pavement width at the entrance; and, there is one single lane out now. Attorney Brennan asked the Board to approve the changes as a minor modification.

Mr. Andrade noted the plan changed from vertical granite to sloped granite. Mr. Gallagher noted there is no dedicated right turn lane now.

Mr. Gagne explained that Mass. Highway asked for that although they have not received Mass. Highway approval yet. Attorney Brennan explained that Mass. Highway gave applicant a sketch to follow. He noted the plan now is better with one lane although it queues up the traffic. Mr. Andrade said the main aisle is better now.

Attorney Brennan said he was confident of Mass. Highway approval. He asked the Board to vote on the plan so Mass. Highway can okay it.

Mr. Gagne noted the State will not approve the plan until the Town approves it.

Mr. Teixeira said he wished the access lined up with that across the street or that a light is installed to avoid confusion that occurs there.

Mr. Gagne said wetlands prohibit that from happening.

Mr. Iafrate asked if Mass. Highway wants a 50 ft. radius and 24 ft. striping at the throat. Mr. Iafrate asked what the plan revision date is. Mr. Gagne said July 13, 2017. Mr. Iafrate noted the fire department wants 30 feet pavement width. Attorney Brennan stated 30 feet is the minimum. Mr. Gagne said width will never be 24 feet; Mr. Iafrate said fire department will be okay if there is not less than 30 feet width.

During the discussion, it was noted that Building A is at the same square footage as is Building B.

Mr. Gallagher moved to approve as a minor modification plan entitled "Innovation Park 1000 New State Highway Raynham, Massachusetts (Bristol County)," dated January 31, 2017, last revised July 13, 2017, prepared by Beals & Thomas, Plymouth, MA; second by Mr. Teixeira; second for discussion by Mr. Andrade. Mr. Andrade asked for wording that the entrance of Rte. 44 be no less than 30 feet pavement width in and out past Building A; seconded; motion passed 4-0-0. Modified plan will be signed. (Mr. Gallagher left the meeting.)

6:51 p.m. - Bayberry Road Extension (Easterly portion of Bassett Knoll Estates): Lee Castignetti appeared before the Board representing Long Built Homes, who will be purchasing the land. Also present was Nick Harris, Global Construction. Mr. Castignetti explained he was before the Board about a year ago to discuss the subdivision plan that has had many revisions since 1986 and 1996. In 1996, a stand-alone subdivision was created on the property and at issue was the dead-end road length. He noted that wetlands do not allow construction of the plan as approved; the road is in excess of the 1350 ft. length allowed; and, the plan had received an implied waiver of the 1350 road length. He submitted a 20-lot feasibility plan - Plan of Land, Bayberry Road Extension, Raynham, Massachusetts.

Mr. Andrade said he thought this matter was decided and settled. Mr. Harris agreed. Mr. Castignetti said the Board had indicated favorability but it was not definitive. Mr. Andrade said the issue was researched, and at previous meeting, the Board determined the plan was okay. Mr. Castignetti said the plan tonight is conceptual for 20 lots. Mr. Fountain said he thought the matter was all behind them. Mr. Teixeira noted there was lengthy discussion, and he thought the waiver was based on the by-laws existing at the time. Mr. Andrade said he remembers being in favor.

Mr. Castignetti asked if the Board can accept the approved preliminary plan in order to establish a yield plan for an open-space subdivision plan. It was noted the subdivision plan was not an open-space plan at the original approval. Mr. Andrade said they can show the Board a yield plan. He requested that wetland information be on the plan. Mr. Castignetti said the wetland line is confirmed. Mr. Andrade advised Mr. Castignetti to not "squeeze out" lots that aren't there; Mr. Castignetti understood.

Mr. Fountain said the question is whether or not applicant can go more than 1350 feet length on the yield plan, and he is ok if that is the case; the Board agreed.

Frank Gallagher asked if the plan is the section that extends to Bayberry Road. Mr. Castignetti said yes, and said he would look over the plan with Mr. Gallagher afterwards.

Bassett Knoll Estates: Mr. Castignetti submitted a letter dated June 22, 2017, requesting approval of changes to road names in Bassett Knoll. Mr. Andrade asked if fire and police have seen the changes and are okay with them. Mr. Iafrate stated the police, fire and highway

departments have no issue with the name changes. Mr. Fountain noted the subdivision plan is recorded and asked if lots were conveyed, mortgages given or anything. Mr. Castignetti stated no, nothing.

Mr. Andrade moved to accept the name changes as read; second Mr. Teixeira for discussion. Mr. Fountain added wording based on the police and fire being okay with the changes and an affidavit being recorded and cross-referenced explaining the changes; motion passed 3-0-0.

7:05 p.m. – Bassett Knoll Estates: Nick Harris, Global Construction, appeared before the Board to request a reduction in the bond being held for Bassett Knoll Estates. A “Cost Estimate Update,” dated July 19, 2017, was received from Nitsch Engineering. Mr. Andrade, reading from the letter, noted the new amount from Nitsch is \$363,923, including the 30% contingency. He asked Mr. Harris if he agreed with the Nitsch comments; Mr. Harris said yes. Mr. Andrade asked Mr. Iafrate if he agreed; Mr. Iafrate said yes.

Mr. Andrade moved to accept the July 19, 2017, Nitsch bond reduction to \$363,927 from \$507,637; second by Mr. Fountain. Motion passed unanimously (3-0-0).

7:07 p.m. – Sandy Hill Road: Frank Gallagher, P.E., Foxborough, MA, and Joe Sullivan, owner of property off Sandy Hill Road, appeared before the Board to discuss Mr. Sullivan’s property. Mr. Fountain announced he will recuse himself when this matter goes forward. Mr. Gallagher noted they are here tonight as a follow up to last month’s meeting. He explained the property is on Oakland Ave, an extension of Sandy Hill Road; there are about six acres; Mr. Sullivan wants to improve Sandy Hill Road and Oakland Ave to a point the Board deems adequate access; and, he will then divide the property into two lots. Mr. Gallagher said he met with the highway, the police and the fire departments. Letter dated July 12, 2017, was received from the fire department and Mr. Gallagher submitted letter dated July 17, 2017, from the police department.

Mr. Gallagher said that at the last meeting the Planning Board was okay with the access. Mr. Andrade said they were okay with the access to the property but not in front of the property. Mr. Andrade asked what other properties in the area are developed. Mr. Sullivan discussed that there is a right-of-way nearby for Wetlands Trust property and the property to the north is owned by the Buddhist temple. Mr. Andrade asked about nearby Pine Street. Mr. Sullivan said Pine Street is a paper road. Mr. Andrade noted that Oakland Ave is also paper road and is only a dirt path as existing.

Mr. Andrade asked the other Board members if they saw the property. Mr. Fountain said no, Mr. Teixeira said he had. Mr. Andrade said he was a bit surprised the fire department said they were okay with the plan since he has received calls from the fire department in the past that subdivision roads are not wide enough in the winter.

Mr. Sullivan noted he showed the plan to the highway department and they had no issues; Mr. Gallagher said it’s not in writing. Mr. Gallagher said they are not paving the roadway and the pavement ends at the public section of Sandy Hill road; Mr. Sullivan’s improvements will begin near a common driveway with Lima; improvements will be 22 ft. wide with gravel and dense graded stone surface. Mr. Sullivan stated the road will be private. Mr. Gallagher said this is what was proposed to the highway department with no paving. Mr. Sullivan said he is not asking residents to financially help to make the road better, and he is making the road 22 ft. width with a turnaround for access and emergency vehicles with a snow area included.

Mr. Teixeira said he was surprised with the letters received especially from the fire department. Mr. Andrade asked where the snow will go. It was noted the Town plows to the paved area. Mr. Sullivan said snow will be discharged to the left on Town property.

Mr. Andrade said he still has issues with access, the stone dust “won’t fly” and the roadway has to be paved the same as other private roads in town are paved. He noted runoff will be a concern, and signage is needed. He discussed that the first section of the road is okay but after the first corner on Sandy Hill Road the area is congested. Mr. Sullivan asked who would be responsible for everything mentioned by Mr. Andrade; Mr. Andrade answered “you.” Mr. Sullivan questioned why him; Mr. Andrade said a judge could decide a clear answer. Mr. Andrade stated he does not think there is clear access for Mr. Sullivan. Mr. Andrade suggested talking to the highway department but he felt improvements are needed in this unique situation. He stated the plan as proposed is not a Form A plan but a subdivision plan. Frank Gallagher noted fire and police departments are ok with the plan, and per the subdivision control law, Mr. Sullivan could construct a roadway and then submit a Form A plan or file a subdivision plan. Mr. Andrade said that would be interesting. Mr. Gallagher stated it is an option. Mr. Andrade felt it was not an option and asked why Mr. Sullivan did not go to the Zoning Board of Appeals (ZBA). Mr. Gallagher said they could go to ZBA and construct a house and not make improvements but that wouldn’t benefit anyone.

Mr. Iafrate asked who owns the 40 feet north of the pavement end. Mr. Gallagher stated it was private, owned by the abutters. Mr. Iafrate asked if they had the right to improve there. Mr. Sullivan said he approached the three residences and all were happy with his plan. Mr. Iafrate asked if drainage with rip-rap will be done. Mr. Sullivan and Mr. Gallagher both stated yes. Mr. Iafrate asked about water and sewer. Mr. Sullivan said there will be wells and on-site septic. Mr. Iafrate noted the lot sizes will change if there is no municipal water. Mr. Sullivan said he understands that. Mr. Iafrate asked if 22 ft. is paved will that be adequate access. Mr. Andrade said if it is paved. Mr. Sullivan asked if rolled and compacted millings are acceptable. Mr. Andrade said no, it would be difficult for trucks and potholes cannot be controlled. He stated if the plan is done through the Planning Board, it must be done right not half-right and a full-blown subdivision plan is needed. He noted signage, such as a dead-end sign, is a big part of the plan.

Mr. Iafrate asked what relief has been granted in the past by the ZBA. Mr. Gallagher stated the old applications were different but for the most part it was for lack of frontage on a public way. Mr. Andrade noted this plan is different from the gate onward. Mr. Gallagher noted the road is set as a 40 ft. right-of-way on recorded plans. Mr. Andrade stated it is just a paper street.

Mr. Sullivan asked if he had 22 feet with adequate runoff, would the Board consider the plan. Mr. Andrade said he was not ready to say, and he would still suggest going to ZBA for a variance. It was noted there is 900 ft. in road length, which does not exceed the 1300 ft. maximum length allowed.

Mr. Gallagher said he thought letters from the police and fire departments was the way forward for the plan. Mr. Andrade said it is part of the process but he still disagrees there is adequate access.

Mr. Andrade noted the applicant can file a subdivision plan and let the Board vote or a variance can be sought. He suggested the applicant can meet with the highway superintendent and Board members to discuss. Mr. Andrade noted there were snow removal problems two years ago and some departments had problems with 26 ft. wide roads.

Mr. Gallagher asked if a meeting will be set up. Mr. Andrade said he will go with Ed Buckley and Bob Iafrate. Mr. Fountain said he will look at the site but will not vote. There will be three members to vote since both Mr. Gallagher and Mr. Fountain will not vote.

General business: Mr. Fountain moved to waive the reading and approve the minutes of June 15, 2017; second Mr. Teixeira. Motion passed 3-0-0.

SRPEDD update:

- Mr. Teixeira distributed SRPEDD sheet with community statistics, including Raynham, showing population, education, etc. Mr. Andrade suggested putting the information on the Town website. Mr. Iafrate was not sure the building permit numbers shown were accurate.
- SRPEDD meetings have been moved from 7 p.m. to 6:30 p.m.
- Nothing said on the commuter rail line lately.

Planning Coordinator update:

- Mr. Iafrate has been monitoring when the traffic light at Center St/Broadway will be installed. Every week he is told it will be installed "Monday," but nothing has happened yet.
- There are no members yet for the Broadway zoning committee. Mr. Iafrate noted there are a lot of people interested in change for Broadway. Mr. Teixeira asked if all 138 residents in the area are; Mr. Iafrate said not all those interested are from Rte. 138 but they are from Raynham.
- Berry Hill ARC is almost complete, and the Board is still holding the bond.
- Mr. Iafrate has been told there will soon be a plan for an 81-room hotel on Paramount Drive.

147 South Street West site plan: Mr. Andrade cannot vote on this plan. There was no quorum so the matter was tabled. There was no further business. Mr. Andrade moved to adjourn; second Mr. Teixeira. Motion passed 3-0-0.

The meeting closed at 7:56 p.m.

Russell Driscoll, Clerk