

Town of Raynham, Massachusetts

558 South Main Street, Raynham, MA 02767
ph: 508.824.2707

Planning Board meeting July 21, 2016

The Raynham Planning Board held its regularly scheduled meeting on Thursday, **July 21, 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, Russell Driscoll, John Teixeira

Board members not present: Christopher Gallagher

Staff present: Maureen McKenney, Administrative Assistant; Tim Inacio, Town Planner

6:00 p.m. – Form A-Pine Street: Jay Gormley, Bridgewater, MA, appeared before the Board and submitted Form A plan on behalf of himself and Tony Chaves. He explained that he was before the Board six months ago and the Board approved a Form A plan to create seven lots, and he is here tonight with another Form A plan that is moving the frontage of the seven lots in order to create an additional access to the back lot.

Board members reviewed the plan. It was noted the reconfigured plan creates seven lots with 50 feet between Lots 3 and 4. Mr. Fountain noted a second entrance to the rear is being created. Mr. Gormley explained the intent is to create single family dwellings that may be suitable for plumbers, electricians or similar business owners.

Mr. Fountain moved to approve "Plan of Land on Pine Street in Raynham Massachusetts," dated July 12, 2016, prepared for Quail Hollow LLC, Bridgewater, MA, as an Approval Not Required Plan; second Mr. Driscoll; motion passed 4-0-0. The plan was signed.

6:07 p.m. – Carlton Street subdivision: Attorney Edmund Brennan, Taunton, MA, appeared before the Board on behalf of the property owner and submitted letter dated July 21, 2016. Mr. Brennan explained the two lots in the subdivision were put under a covenant. The road will remain private, the binder is down, the water and sewer lines are in place and the country style drainage swale has been rough graded. Mr. Brennan said the road is 99% done and the owner is seeking release of Lot 60-1 but the Board can hold Lot 60-2, which has a \$125,000 value, as surety for the Town. Mr. Brennan submitted a Form J for release of Lot 60-1.

Mr. Fountain asked if the water and sewer lines are located under the asphalt. Mr. Brennan stated yes. It was noted the lot across the street from Lot 60-1 can connect to the water and sewer lines without ripping up the road.

Mr. Andrade noted that since he has been on the Board, they have not taken a Form J on private roads and most private roads do not go out for review, although some have in the past. Also, there are no road construction amounts sought for roads that do not go out for review.

Mr. Fountain noted the Board doesn't care if a road is done or not done for a one-lot subdivision but this subdivision has two lots with a third possible lot across the street so this is a different situation. Mr. Andrade agreed it could be a problem for the lot across the street if this road is not built. He explained that the Building Commissioner is looking for consistency on the issue of lot releases. Mr. Fountain noted a Form J is only needed if a covenant is in place. Mr. Brennan stated there is a covenant and he will record the Form J lot release.

Mr. Andrade suggested letting the Building Commissioner know the Board will look at the issue on a case-by-case basis. Mr. Teixeira noted anything more than one lot should be consistent. Mr. Fountain suggested the Board can consider not putting covenants in place for private subdivisions so nothing further will be needed.

Mr. Andrade cited Tearall Road as an example of a private road not going out for project review. Mr. Brennan noted that was submitted as a road improvement plan and the highway and fire departments looked over the plan. Mr. Fountain noted it is not a one-size fits all issue. Mr. Andrade agreed that if a covenant is recorded for lots, a Form J is needed but the overall issue can be up for further discussion.

Mr. Brennan explained the applicant/owner owns the lots across the street so he will return to the Board for the other lot once the binder is down.~ Mr. Fountain moved to approve the release of Lot-60-1; second Mr. Andrade.~ Mr. Andrade stated the issue of private ways needs further discussion.~ Mr. Fountain noted he does not think the Board can treat all the same.~ Motion passed 4-0-0.

6:25 p.m. – Skyline Marble & Granite, 1296 Broadway site plan public hearing was opened.~ Mr. Fountain recused himself and left the room. Mr. Driscoll read the hearing notice.~ Correspondence received:~ Review letter July 19, 2016, from Nitsch Engineering; response letter July 21, 2016, from BRCSM; waiver request letter June 14, 2016, from BRCSM; and, letter July 12, 2016, from Town Planner Tim Inacio.

Attorney Edmund Brennan was present on behalf of the applicant.~ He explained the project is for a granite processing business with a 30,000 sq. ft. building with 26,000 sq. ft. of it for manufacturing, 2,000 for office space and 2,000 for retail showroom.~ The business use is allowed in the district, and special permits to allow the use in a water overlay district and to create more impervious use were granted for the site by the Board of Appeals. ~Mr. Brennan noted the Board of Appeals had Nitsch Engineering review the plan and a NOI for wetland issue is pending with ConCom.

The site is five acres, will have 2 accesses – one off Rt. 138 and another off Elm St. West.~ Soil testing has been done.~

Mr. Brennan explained the granite processing is done with high pressure water, which is then recycled, and there is no by-product from the processing and no environmental issues.~ Granite slabs will be stored on the north end of the site, retail component will be on the south end and primary access will be Elm St. West.~ Parking complies with requirements, the existing building will be razed and no variances are needed.~

Mr. Andrade asked if the project has filed with the State for Rt. 138 access.~ Mr. Brennan noted there is access now for the house but he is not sure if this new use has been filed.~ Eric Dias, P.E., addressed the Board and explained the current curb cut will double in size and will require filing with Mass. DEP but that will be done during construction phase.

Mr. Andrade asked if others had comments. ~Arthur Bendenelli, Superintendent NRWD, informed the Board he received the plans but is here to listen and to pass along NRWD forms to the applicant so there won't be a delay for the project.~

Mr. Andrade asked about sprinkler system.~ Mr. Brennan said it will fit in with code. ~

The July 19th letter from Nitsch Engineering was reviewed.~ He asked Mr. Inacio if he had any comments on the Nitsch review.~ Mr. Inacio suggested the review should go back to Nitsch for look at the waivers, such as the underground utilities.~ Attorney Brennan stated the applicant can provide any information needed.

Waiver requests were reviewed.~ A. Sec. 5.4~and B. Sec. 5.6.2 – Prohibiting parking between buildings and street layouts except for handicap spaces and requirement for curbing placed at the edges of all paved surfaces and wheel stops placed where parking spaces abut sidewalks or walkways:~Mr. Andrade stated the Sec. 5.4 waiver can be granted if bollards, bumpers or 4 ft. of concrete wall are provided.~ Mr. Dias stated pre-cast concrete curbing is proposed as a curb stop with a 5 ft. sidewalk adjacent but applicant is agreeable to bollards.~ Mr. Andrade noted cars can jump a 6" curb. After discussion of curbing, Mr. Andrade said he is concerned with using curbs as bumpers and would prefer bollards or wheel stops. Mr. Dias was okay with that.

C. Sec. 5.6.3: Mr. Andrade asked where the utilities will be coming off of. Mr. Dias stated Elm St. West and applicant will defer to the Board on this issue. It was noted the nearby gas stations have underground utilities, and the distance to install the underground utilities at this site will be 75 feet. Mr. Dias said the owner was agreeable to the underground.

D. Sec. 5.9 – requiring 60% of building's street side façade to contain windows:~After discussion it was agreed the applicant will determine what the amount of windows on the building façade will be and then ask for a reduced amount.

E. Sec. 6.0 – DIS – Board okay with; F. Sec. 6.1 – EIS – Board okay with; G. Sec. 6.3 – FIS – Board okay with; H. Sec. 6.5 – CIS – Board okay with; and, I. Sec. 6.7 – TIS – Board okay with.

Mr. Bendenelli of NRWD informed the Board that the water overlay is for the Raynham Center Water District. Mr. Andrade asked that the applicant's engineer contact the RCWD about the plan.

Mr. Brennan noted they had only received the review comments yesterday but the felt most of issues mentioned were benign. Mr. Andrade asked that the applicant be in contact with Nitsch to resolve the comments.

Mr. Inacio asked if a boundary survey was done. Mr. Brennan stated yes and it will be stamped for the next plan submittal.

The buffer for nearby residential area was discussed. Mr. Andrade noted there are wetlands nearby but asked that the applicant provide information so the Board can determine if screening is needed.

Mr. Driscoll questioned if access to the site would be better from Elm St. West considering the traffic on Rte. 138. Mr. Dias said he will look at that issue, noting the same concern was mentioned at the ZBA hearing. He noted truck traffic to the site will not be busy with only 2 or 3 trucks a day. Mr. Andrade requested that arrows be shown on the plan for the two-way access. It was noted there were no Nitsch comments on the traffic flow. Mr. Inacio said Nitsch is okay with the TIS waiver from the TIS. Mr. Teixeira suggested bollards can be put at the back of each corner to protect the building.~

Attorney Brennan noted the Nitsch review was thorough and applicant will get back to the Board on their comments.~~ The public hearing was continued to August 4th @ 6:15 p.m.~ (Mr. Fountain returned to the meeting room.)

7:04 p.m. – Bayberry Road Extension plan:~ Developer/owner Nick Harris, W. Yarmouth, MA, Lee Castignetti of LongBuilt Homes, Lakville, MA, and Scott Henderson, P.E.,~ McKenzie Engineering, Norwell, MA, appeared before the Board to discuss subdivision plan.~ Mr. Castignetti explained that at the last meeting it was agreed by the Board that this subdivision plan will be treated as a grand-fathered plan with a looped road exceeding the length of the dead-end road length as long as no additional property is added to the site.~

Mr. Andrade asked if all the bounds are correct.~ Mr. Harris stated no additional property is added and the property is shown as it was approved.~ Mr. Fountain asked if the lot areas are the same as the areas shown on the old plan; Mr. Henderson stated yes. Mr. Fountain asked what is different with this plan.~ Mr. Henderson explained the road layout had to change because the wetlands make it infeasible to build the road as shown on the old plan, and Mr. Harris is trying to create a new road that is not longer than the old approved road. Mr. Henderson explained the location and length of the new road, noting it exceeds the current limit but it is within the pre-existing approved length.~ The yield for the new plan will be 21 lots that are compliant with a drainage lot provided as well.~ Nine lots have been lost from the old plan to the new plan.~ It was noted ConCom permits will be needed for a few lots but they will be buildable.

The Board and Mr. Harris reviewed the old plan.~ Mr. Andrade asked about a Form A plan that was done to change the road several years ago.~ Mr. Henderson explained that in 1986 the loop road was approved, and in 1995, after the lot sizes in Raynham changed from 30,000 sq. ft. to 40,000 sq. ft., a Form A plan was approved to reconfigure the lots only with no change to the road layout.

Mr. Andrade noted the Board will need drainage and other information for the new plan.~ Mr. Henderson questioned if the current dead-end road length pertains to the new plan.~ After discussion about the fact that the road length was approved years prior, it was agreed the issue was “off the books.”~ It was agreed the new plan is a modification to the pre-existing plan.~ Mr. Andrade noted applicant will have to show the three lots mentioned previously can get ConCom approval.~

Mr. Castignetti noted the previous discussion had touched on the open-space plan concept being the Town’s preference and the applicant prefers it as well.~ He asked if it is okay as part of the modification to convert the plan to open-space.~ Mr. Andrade stated it could be done then, so it can be done now but the layout must be shown before proceeding to open-space. ~

Mr. Fountain asked if the entire piece is under one ownership with nothing severed.~ Mr. Harris stated yes, that is correct.~ Mr. Fountain stated if the road is being moved, the original plan needs to be rescinded.~ Mr. Andrade asked for a clean copy of the plan for the Board to work with; Mr. Harris will provide.~ Mr. Teixeira asked if fencing will be required on the drainage lot. ~Mr. Andrade said to bring that up at the plan hearing.

7:27 p.m. – Proposed day care center on South Main Street: Carol Measor, Raynham, MA, appeared before the Board to discuss a possible day care center she hopes to construct and operate on South Main Street.~ She submitted informational packets to the Board describing her proposal. Mr. Andrade informed that he had worked with Mrs. Measor about 2 years ago about her purchasing one of his properties for the daycare center but that no money was involved.~ He asked if anyone had objection to him being involved in the discussion now. Mrs. Measor stated no, and no one else responded.~

Mrs. Measor stated her plan is in the beginning stages.~ She now rents her daycare site and is trying to find a property to own.~ She has opportunity to purchase property located between 156 and 194 South Main Street that is 1.5 acres with 150 ft. frontage.~ She stated she was advised to see the Planning Board before proceeding to discuss her plan.~ Mrs. Measor noted that in the packet there is a copy of a June 6, 2016, letter from Town Counsel to the Building Commissioner on the issue of Mrs. Measor constructing a building for her business in a Residential A zoning district.

Mr. Andrade noted there are issues separate from the zoning issue, such as parking, drainage and traffic flow, that must be addressed.~ He noted the use may be okay with Town Counsel but that does not guarantee anything.~ Mrs. Measor said she is not looking for guarantees but rather advice.~ Mr. Andrade stated the best advice is to hire an engineer.~ He noted abbreviated site plan could be an option.

Mr. Fountain noted Mrs. Measor's conceptual sketch showed parking spaces along the building, which is a safety concern to the Board.~ Mr. Andrade noted all Town departments will look at the plan when submitted.~ ~Mrs. Measor explained she is getting input now before proceeding to spend money on the plan.~

Mr. Andrade noted the letter says the daycare center can be done and now it is up to the Board to see it is done safely.~ He suggested Mrs. Measor could return to the Board with an engineer to determine if full site plan review is needed for all issues.

7:44 p.m. – Scheduled discussion for possible site plan on Rte. 44.~ No one was present.~ No action taken.

7:45 p.m. – Form A-Hall Street:~ Tim Bodah, P.E., Coneco Engineers & Scientists, Bridgewater, MA, presented Form A for land on Hall Street.~ He explained that the Board recently approved a Form A for this land but a change had to be made to the plan because a new iron rod was discovered on the property that increases the lot area by 283 sq. ft. ~

Mr. Andrade asked how information is obtained in order to get the plan stamped.~ Mr. Bodah said deeds, past plans and ground evidence are used but in this case the deed was vague and did not mention any rod/monument on the property.~ Mr. Andrade said he appreciated Mr. Bodah returning to correct the plan.

Mr. Fountain said he believed the property had sold so the records need to be updated because the previous Form A was recorded. ~Also, the note on the plan should be clearer as to why the plan is being amended, and the current owner of the property needs to be listed. It was determined that a new Form A application with the new owner's name is needed.~ The Board agreed to waive the filing fee.~

Mr. Fountain said the Board needs to know the owner of record and the note for intent needs to be clearer.~ The plan was returned to Mr. Bodah. ~It was agreed that Mr. Fountain will review the revised plan when ready and Mr. Bodah will not have to return to the meeting with the plan.

Town Planner update:

- Town of Raynham Planning Report was submitted by Mr. Inacio.
- Mr. Inacio is still tracking the proposed State zoning and land use legislation. Mr. Andrade asked that Mr. Inacio advise the Board by memorandum when the Town has to deal with any issues and the legislation should be tracked for input purposes.
- Hazardous trees – briefly discussed. The Board agreed there could be wetland issues involved in taking down trees or the trees could be habitat for wildlife. It was agreed the issue can be handled on a case-by-case basis.
- Mr. Inacio discussed his idea for having checklists for subdivision and site plan projects. The Board liked the idea and Mr. Inacio will provide the checklists when ready.
- There was discussion of using PowerPoint for presentations at the meetings. Mr. Inacio will research the matter further.
- Estate lots issue was briefly discussed. Mr. Andrade noted the Building Commissioner can provide input and information to Mr. Inacio on what was done to date on a proposed by-law. Mr. Fountain noted a meeting should be scheduled for the issue.

General Business:

- Invoices were signed.
- No minutes were received.
- Letter from Grady Consulting, LLC, June 23, 2016, was received regarding the

guardrail at Hutch Motorsports, 1298 New State Hwy. The letter advised that the guardrail is not a State requirement. Mr. Fountain moved to approve a minor modification to Hutch Motorsports site plan by waiving the guardrail per Sec. 5.3.2.13 of Planning Board Rules & Regulations Governing the Issuance of Site Plan Approval; second Mr. Driscoll. Motion passed 4-0-0.

There was no further business and the meeting adjourned at 8:16 p.m.

Respectfully submitted,

Raynham Planning Board

Russell Driscoll, Clerk