



# TOWN OF RAYNHAM

## PLANNING BOARD

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### Planning Board Meeting

May 3, 2018

Meeting opened: 6:00 p.m. by Chairman Daniel Andrade

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

Board members absent: (All present)

Also present: Robert Iafrate, Building Commissioner;  
Maureen McKenney, Administrative Assistant

**6:00 p.m.** – Mr. Andrade opened the hearing. Mr. Teixeira reminded that the Board had to reorganize. Mr. Fountain moved to nominate Dan Andrade as Chairman, Burke Fountain as Vice-Chairman; Mr. Driscoll as Clerk; second by Mr. Driscoll.

Mr. Teixeira moved to nominate Chris Gallagher as Chairman; second by Mr. Andrade. Mr. Gallagher said he believes in rotating the Board officers. Mr. Andrade said he's been here 15 years and no one wanted the chairmanship; he again seconded Mr. Teixeira's motion. Mr. Driscoll noted the vote was for Mr. Gallagher as chairman, Mr. Fountain as vice-chairman, Mr. Driscoll as clerk and Mr. Teixeira as SRPEDD representative. Mr. Teixeira's motion to reorganize passed by unanimous vote.

**6:03 p.m.** - Mr. Andrade read a letter from the Selectmen forwarding rezoning amendments for Rte. 138, Rte. 44 and Church Street. He noted the Rte. 138 zoning heard was already held, and a letter had been received from Town Counsel stating that all was done legally but Mr. Gallagher and Mr. Teixeira had issues. Mr. Teixeira noted he had not seen the letter and asked if the Selectmen voted on it at their April 3<sup>rd</sup> meeting. Mr. Andrade said yes. Mr. Teixeira said he was at that meeting and did not hear it. Mr. Gallagher noted his issue was the warrant saying the Planning Board sponsored the articles. Mr. Andrade said that was a typo, and the Selectmen have sponsored the article in past years. Mr. Gallagher said it would be a Town Counsel issue then.

Mr. Andrade left the meeting room for the first hearing.

Public hearings for rezoning on Rte. 44 and Church Street were opened. Mr. Driscoll read the hearing notice for the two zoning amendments.

Mr. Gallagher explained the first property is Map 16, Parcel 55, bordered by the Taunton River, East along Rte. 44 and around the car dealerships. The property is currently split zoned – Residential A and Business. The amendment will rezone two small parcels so the entire property will be Business zoned. Mr. Teixeira showed the map provided with the zoning lines.

Mr. Fountain said he was in favor because it made no sense to make two small pieces of the property useless. Mr. Gallagher agreed.

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Scott Leonard, 618 Church Street, noted these zoning lines go through his property. He asked if there were plans for business, noting this is an old property with a significant change proposed. Mr. Gallagher explained there is a preliminary plan for an Adult Retirement Community (ARC)/over-55 development, which is allowed in Business zone, so it is being rezoned to all Business for that purpose. Upon question from Mr. Leonard, he noted the property was part of the ARC development, there will be 50 units, there will be no children in the development, and Rte. 44 will be the main access to the development. Mr. Teixeira noted a side access will be on Church Street.

Mr. Leonard said there is major congestion at the nearby traffic lights and asked if there are plans to upgrade the infrastructure. Mr. Gallagher said that tonight's hearing was for rezoning, and the ARC project would come back before the Board. People within 300 feet of the property will be notified of the hearing, and that will be the forum to address issues. Mr. Gallagher explained the rezoning process, noting abutter notifications are not sent out for rezoning hearings.

There were no other comments or questions. Mr. Fountain moved to recommend approval of the amendment; second by Mr. Gallagher; motion passed 3-0-1 (Mr. Fountain, Mr. Gallagher and Mr. Driscoll in favor; Mr. Teixeira abstained).

Mr. Gallagher explained the second amendment is for rezoning property on Church Street, near the Taunton River and near existing apartment buildings. Amendment was submitted by Citizens' Petition.

Mr. Teixeira commented that the wording on the article makes it difficult to know where the property is; the description is insufficient and not definitive enough for Town Meeting. He asked if anyone was present to explain the amendment. No one responded. Mr. Fountain noted the property being rezoned from Residential A to Residential B is located across from an existing Residential B zone. (Mr. Andrade re-entered the meeting.)

Mr. Teixeira explained to Mr. Andrade that he felt the amendment was not descriptive and was vague. Mr. Andrade said it's a moot point, the petition has 10 signatures. Mr. Fountain noted only two people on Church Street signed the rezoning petition. Mr. Andrade said Town Meeting will vote on it because it was submitted with 10 signatures.

Mr. Gallagher asked if there were public comments. There were none.

Mr. Teixeira noted this has come up before. Mr. Iafrate said this is the first time he saw it.

Scott Leonard asked if there are already apartments on the property. Mr. Gallagher said this is the other side of the street from the apartments. Mr. Leonard noted this will increase density; he is concerned there is no infrastructure.

After discussion, Mr. Andrade moved that the Board make no recommendation but send the amendment on to Town Meeting; second by Mr. Fountain. Mr. Gallagher agreed. Mr. Teixeira asked if the Board was comfortable with the amendment wording. Mr. Gallagher said the wording was done.

Helen Andrews, Dean Street, asked the purpose of the amendment. Mr. Gallagher said they had no idea since the proponent was not here, so they will find out at Town Meeting. He noted the Board's vote is to not make a recommendation. Mr. Andrade said they had no choice but to send the amendment to Town Meeting. Mr. Teixeira noted he spoke to Dave Flaherty and was told he had no choice but to send the

amendment on as submitted. Mr. Teixeira noted there was hearsay talk that the property went before a Town board and was turned down on a request to go from a single-family property to a two-family property, and after being turned down, there was a lawsuit. Mr. Andrade said this means nothing because it is a Citizens' Petition.

Mr. Gallagher said the motion is to recommend no action and to let Town Meeting decide. The motion passed 4-1-0 (Mr. Gallagher, Mr. Fountain, Mr. Andrade, Mr. Driscoll in favor; Mr. Teixeira opposed).

**6:31 p.m. – Public hearing for Abbreviated Site Plan for Tearall Road/Jamie Fallon** was opened. Mr. Driscoll read the hearing notice. Joshua Borden, Arthur Borden & Associates, Raynham, MA, appeared before the Board as petitioner's representative. Mr. Borden explained that Mr. Iafrate had given the applicant a list of what was needed for the private roadway. He explained that Mr. Fallon is improving about 500 ft. of the road from Locust Street to his property; water line and forced main sewer will be provided with stubs for other existing lots; and, water department and sewer department comments will be addressed.

Mr. Gallagher noted a letter (dated April 30, 2018), was received from the sewer department stating their issues. He noted he just received correspondence from Highway Superintendent Ed Buckley (dated May 3, 2018), stating this lot is similar to Lot 229 on Tearall Road. He gave Mr. Borden a copy of Mr. Buckley's letter.

Mr. Andrade asked for the estimated distance from this property to the other end of Tearall Road. Mr. Borden couldn't say but he pointed out on the Assessors' map where the property is located. Mr. Fountain asked for a best guess on the distance to the nearest house on Tearall Road; Mr. Borden estimated at least 1000 feet.

Mr. Andrade noted the Board did not require pavement for the Bumila property at the other end of Tearall Road. He asked if there is forced main for this property; Mr. Borden said yes, there was no choice. Mr. Andrade asked if the elevation to Bumila property is uphill; Mr. Borden said he didn't look at that end of the road.

Mr. Borden noted the water department is requiring a 12-inch line and stubs for other lots. He explained the water line is going on their side of the road, the sewer line on the other side. Mr. Gallagher had no issues. Mr. Fountain had none if the road was paved but he wants water and sewer lines in the road for everyone. Mr. Borden said they are trying to accomplish that.

Mr. Iafrate said a 125 ft. by 125 ft. geometric building square is needed on the plan to conform to zoning. Mr. Borden noted the lot is pre-existing so if the square doesn't fit, they can go to the ZBA. Mr. Iafrate commented that Mr. Buckley is concerned that the road be brought to full specs if it is to become a Town road. He noted the Board's road requirements were meant for single lots. Mr. Borden said they are only doing one or two lots, and they should be responsible. Mr. Gallagher noted any future development must come before the Board. Mr. Iafrate said he was bringing Mr. Buckley's concerns to the Board.

Mr. Fountain noted Tearall Road is an ancient way. Mr. Iafrate said the plan shows they are adding nine feet to the existing 11 feet of roadway, and Mr. Buckley thinks all that should be repaved with 18 ft. pavement and 2 ft. of stone on each side. Mr. Andrade said he is not sure if they should stay at 20 ft. for this road if it eventually connects to the other end of Tearall Road where there is 32 ft. layout with 20 ft.

graveled. Mr. Gallagher said they would want the road to match up. Mr. Iafrate noted Bumila has a 32 ft. layout and utilities, all done at his expense.

Mr. Borden said this road can't be expanded but they can do 20 ft. fully paved with 2 ft. stone on each side, and sewer will be done as far as the house. Mr. Andrade said the sewer line needs to match the water line and there should be a 2-inch line. Mr. Borden said they are okay with that with 20 ft. pavement. Mr. Fallon asked if they are now paving all the roadway; Mr. Borden said yes.

Mr. Gallagher suggested continuing the hearing to get further input from Ed Buckley. Mr. Andrade said he talked to Mr. Buckley this morning and has told the Board what Mr. Buckley said.

It was noted the water department will decide if 8-inch or 12-inch pipe is needed. Mr. Andrade advised applicant to research and discuss with the water department. Mr. Gallagher said the plan should reflect 2-inch force main to the end and a completely repaved road per Ed Buckley. Mr. Iafrate noted this had been the Board's policy, it's their decision.

Barney Bornstein, 869 Locust Street, addressed the Board and stated he maintains 800 feet of Tearall Road. He noted the plan shows his property as an abandoned house but he has lived there four months. He said he is in favor of the proposed house but there is a lot of water and the road is deteriorating. He has had six inches of water in his driveway and does not want to add to the problems. He questioned if a fire hydrant is needed every 500 feet, noting the Bumila property has one up the road. Mr. Iafrate said a hydrant will be needed.

Mr. Bornstein said he can't connect to sewer now. Mr. Gallagher explained he can if there is a pressure main, and the Bornstein property will be covered by the planned sewer line. Mr. Bornstein asked that the road maintenance issue be clarified, noting he plows now but has had issues with other residents. Mr. Gallagher said the road will not be public. He explained that residents on the road have a fee ownership to the center of the road and will handle the maintenance. Mr. Teixeira asked if an association is needed. Mr. Fountain stated no. Mr. Andrade noted the road is an ancient way and the owners assume responsibility for it. Tearall Road will not be a public road, and the Town will not maintain.

Mr. Bornstein said he plows 800 feet on the road. Mr. Andrade said all the property owners on the road have the same issue. Mr. Bornstein said he had no problem plowing, but has concerns with water issues from two lots. Mr. Borden said they are leaving stubs for two lots but aren't developing two lots.

There were no further comments or questions.

Mr. Gallagher moved to approve "Site Development Plan Tearall Road in Raynham, Massachusetts Prepared for Ranbrook, Inc.," dated March 27, 2018, by Arthur F. Borden & Associates, Inc., Raynham, MA, with the conditions that the road width is as shown on the plan but the existing pavement is to be taken up and repaved; there shall be a 2-inch force main sewer line to the property; the water main shall be as shown on the plan and a fire hydrant will be provided; the road is to remain private and will not be maintained by the Town. Mr. Fountain asked about drainage. After discussion, Mr. Gallagher added a condition that there will be a Cape Cod berm to Locust Street to maintain the gutter line. Mr. Teixeira seconded Mr. Gallagher's motion to approve with conditions; motion passed unanimously (5-0-0).

**Public hearing for Abbreviated Site Plan and Modification to Site Plan and Special Permit for DePuy/325 Paramount Drive** was opened. Mr. Driscoll read the hearing notice. Brian Adams, DePuy Orthopaedics, appeared before the Board on behalf of the applicant.

It was explained that the proposed plan is constructing parking spaces that were previously approved on a 2008 site plan, and a recreational field is being relocated because it is being displaced by the additional parking spaces.

Mr. Adams reviewed the site plan. It was noted the area where the field is going is wooded.

Mark Beaudry, P.E., Meridian Associates, addressed the Board and explained the plan: the existing road going to Ashley Way will remain; the existing volleyball and soccer fields and the portable basketball hoop at the parking lot are used after hours; the fields are for employees only on lunch hours or limited after-work hours and are fenced and gated with card access; no lighting is planned, no seats, no scoreboards. In 2008, a special permit was issued for parking and 273 spaces were "banked" and not constructed; DePuy wants to construct the parking now using a more efficient layout that provides 308 spaces, about 35 more spaces than what is required. He explained this plan provides an expanded basin to accommodate flow from the parking spaces. The fields are improved with better drainage and swales so there is no increased runoff to properties. Mr. Gallagher asked if the basin is constructed. Mr. Beaudry said the main basin was constructed about 2004 but the expansion is not yet built. He explained there will be reduced flow; the waiver requests now are the same requests made with the 2008 plan; a 6-ft. vinyl fence will be provided; there will be no bathrooms at the fields, there is no need because there are no spectators; and, there is no water bubbler but a water hose is provided.

Mr. Beaudry explained the new parking area will have the same lights used at the existing parking lot. He explained there are two applications before the Board: abbreviated site plan review for the recreation fields and an amendment to the 2008 site plan and special permit approvals for the parking lot. The fields will be done first and work will start in June.

Mr. Teixeira asked if the adding parking is because of new hiring. Mr. Beaudry said it is for incremental growth because the DePuy Institute education facility has grown.

Mr. Gallagher asked if the Board had questions. Mr. Andrade said he recommends approval on the condition that the fields will be for DePuy use only, not for public use and not to be sublet. During discussion, it was noted the site is no longer used for busing to the nearby temple although applicant was proud to be a part of that event.

Richard Dion, 563 South Street East, addressed the Board and spoke of issues with noise from nearby Stone Forge restaurant and said if existing wooded area is taken away, the noise will be louder. He said he was glad there will be a fence and no lights. Mr. Beaudry explained the 6-ft. vinyl fence will have an effect and it can go all the way to the corner. It was noted the fence will be 25 ft. off the property line and the fields are 50 ft. off the line. Mr. Iafrate said the fence can go to 28 ft. but won't block noise. Mr. Andrade discussed that he is not sure the woods will help for noise, noting he can hear noise from Jockey Club on Rte. 44 at his house on No. Main Street. Mr. Gallagher asked if arborvitaes will help with noise. Mr. Iafrate felt 4 ft. – 6 ft. quick-growing trees are needed. Mr. Andrade recommended 6 ft. – 8 ft. Green Giants, which are deer resistant, to be planted 5 ft. – 6 ft. on center so they won't suffocate.

Another abutter from Ashley Way asked if the fence will be connecting to an existing fence on Ashley Way. Mr. Beaudry said he wasn't sure because of the buffer.

Bob Amaral, 553 South Street East, said he was concerned with water in the nearby woods. He agreed with the proposal but he is concerned with the traffic, the road is becoming hectic and treacherous with many applicants. He noted it is not all the applicant's burden but the road could use a sidewalk. Mr. Andrade said in the future if the applicant is adding square footage, they could look at this and impose conditions. He noted the Board doesn't have control over everything and there is a lot going on in the area, such as the temple and a 40B development.

Mr. Beaudry discussed that the drainage was subject to a MEPA review and is still below that threshold. Mr. Gallagher noted all was addressed and was above and beyond. He asked Board members if they had issues. Mr. Fountain said no. Mr. Iafrate asked about snow removal and parking lot lights. Mr. Beaudry explained there are nine light poles and there is a photometric plan was provided. Snow will be removed to a roadside area and other areas on site and will not go into the basin. Snow removal will not be needed for the fields, just the parking areas.

Mr. Iafrate asked if the Paramount group approved the plan. Mr. Beaudry said yes, approval letter is in the submittal package.

There were no further comments or questions. Mr. Gallagher moved to approved all waivers as requested; second by Mr. Fountain. Motion passed unanimously (5-0-0).

Mr. Gallagher moved to approve the plan entitled "Proposed Parking Expansion & Recreation Fields, DePuy Orthopaedics, Inc., 325 Paramount Drive, Raynham Massachusetts," dated April 3, 2018, prepared by Meridian Associates, Westborough, MA, with the conditions that the fields remain for private employee use only; arborvitae shall be added to the west side of the fields with 60-inch high, fully healthy Green Giants or equal deer-resistant trees planted 8 ft. to 10 ft. on center; second by Mr. Andrade; motion passed unanimously (5-0-0).

Mr. Gallagher moved to approve the requested modification to site plan approval and special permit for parking; second by Mr. Teixeira. Motion passed unanimously (5-0-0).

**General Business:** No plans for endorsement. No minutes submitted for approval.

**SRPEDD:**

- At the last SRPEDD meeting, presentation was give on the Marine Technology Corridor, which exists from the Cape up along the coast.
- The annual SRPEDD meeting is May 23<sup>rd</sup>, in Dartmouth. Mr. Teixeira will attend. The cost is \$40.00. Mr. Gallagher moved to approve the payment; second Mr. Fountain. Motion passed unanimously (5-0-0).

**Town Planner update:**

- The fire and police departments have concerns with the solar photovoltaic project on King Philip Street. Mr. Iafrate will amend the Certificate of Action to reflect the concerns.

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- The drainage basin at China Eternal Copiers on Paramount Drive is not draining and it overflows onto Hill Street. The property owners are working on fixing the problem.
- Call was received from Topher Smith at Mass Highway Department advising that work on Rte. 138 will be moving forward. A meeting is being planned with State and the Town officials to discuss. Mr. Iafrate will keep the Board updated.

There was no further business. Mr. Gallagher moved to adjourn; second Mr. Andrade. The vote was unanimous (5-0-0).

Respectfully submitted,



Russell Driscoll, Clerk