



**Raynham Conservation Commission
Raynham, Massachusetts
Regular Meeting
October 4, 2023 @ 5:30 p.m.
Donald L McKinnon Meeting Room**

Members Present:

Dave McRae – Chairman
Bill Reynolds – Commissioner
Riley Menconi - Commissioner

Staff Present:

Azu Etoniru - Conservation Consultant
Dawn Caradonna, Recording Secretary
Amy Engelhardt- Conservation Clerk

Absent: William Campbell – Commissioner

Called to Order:

Mr. Dave McRae called the meeting to order at 5:32 p.m. and informed that all Conservation Commission meetings are recorded by RayCam.

All Public Hearings and Meetings heard by the Raynham Conservation Commission on this date held at the Raynham's Veteran's Memorial Town Hall, Donald L. McKinnon Meeting Room, 558 South Main Street, Raynham, MA are relative to filing and joint hearings and/or meetings under M.G.L Ch 131, Section 40, as amended, and the Town of Raynham Wetland Protection Bylaw.

FORMAL

• **Continued Notice of Intent** – 275 Finch Road – DEP #269-1048

Present was Evan Watson, W Engineering.

During the last meeting, the Commission discussed a change to the erosion control from double row hay bales to straw waddles and the identification of the location for the removal of a triple birch tree, and engineering stamp. All items have been addressed in the plans.

Motion: Moved by Mr. Reynolds and seconded by Mr. Menconi to close the Public Hearing for Notice of Intent, 275 Finch Road, DEP #269-1048. Discussion: None. Vote: 3-0-0

• **Continued Notice of Intent** – Layla Estates – DEP #269-1037

Present was Evan Watson, W Engineering.

Since the last meeting, the divisions asked by both the Planning Board Engineer and Conservation Commission have been address. The Planning Board closed their hearing based on the plan set before the Commission. Mr. Watson anticipates that the Planning Board will act on a Certificate of Action tomorrow night.

Mr. Watson asked that the Hearing for the Notice of Intent be closed, and a Certificate of Conditions be issued.

Mr. Etoniru commented on the Special Conditions necessary for approval.

Motion: Moved by Mr. Reynolds and seconded by Mr. Menconi to close the Notice of Intent for Layla Estates, DEP #269-1037 Discussion: None. Vote: 3-0-0

Mr. Etoniru recommended the following conditions for the Order of Conditions.

- Order of Conditions should note that it is for a definitive subdivision for infrastructure work and not covering any individual lot development that will require NOI filing.

- Erosion control shall be staked with certification of location by land surveyor for the review and approval by the Commission. Notification to the Commission prior to work starting for inspection meeting with the contractor, developer and engineer.

- Certified non-refundable deposit in the amount of \$7,500 for inspection.

Motion: Moved by Mr. Reynolds and seconded by Mr. Menconi to issue Order of Conditions as set forth above for Layla Estates, DEP #269-1037 Discussion: None. Vote: 3-0-0

• **Request for Determination of Applicability** – 0 Hall Street, Parcel 3-312-B

Mr. Menconi read the Public Hearing Notice

Present was John Dagon, petitioner.

The applicant presented necessary paperwork, certified mailing receipts and published notice.

The parcel is approximately 20 acres with 6,600 square feet of uplands. The areas were delineated by LEC Environmental and the land was also delineated in 2019 by Environment Consulting and Restoration. Both environmental groups agreed on the delineation about 95%. LEC Environmental did move the flag lines a little when Keenan Surveying located LEC flags on their instrument. All proposed construction within 50-foot line on the plot plan and the proposal is for a single-family residence and garage.

Mr. Etoniru commented on the topographic detail, as there are no proposed elevations to show how the garage will be above the ground or the elevation of the home. The proposed patio is literally about 3-4 feet from the 50 foot and there is no erosion control barrier shown.

Mr. McRae was expecting an additional plan with the elevation and erosion control barrier.

Mr. Etoniru informed that the Commission can request the proposed plan be revised to show proposed contours and erosion control barrier at the 50-foot line.

Also, the trees depicted on the plans need to show which ones will be taken down.

Present was Stephanie McIntosh, 154 Hall Street, Raynham, MA. She does not want disturbance of any wildlife. She has a daughter who is Autistic and cannot handle loud noise from construction. The noise will set her back behaviorally.

Mr. Etoniru informed that noise control and construction equipment movement is not the jurisdiction of the Commission, only the wetlands.

Ms. McIntosh disagreed with Mr. Dagon on the conservation of the wetlands the wildlife that is living there needs to be preserved.

Present was Jeremiah Gibbs, 203 Hall Street, Raynham, MA. Mr. Gibbs main concern is the elevation and the excavation for the garage and house because the land does drop off. He said, “being so close to the wetlands, he does not see how it is going to work out.” Another concern is the receipt of notification for the hearing. Certified letters to residents were received today. Mr. Gibbs asked for at least 24-hour notice, not 4 hours.

The certified letters were only sent out on September 3, 2023. The requirement for notifications should go out at least 7 days prior to the hearing. Mr. Etoniru informed that the hearing should not have been opened.

Mr. McRae apologized for not noticing the date of the mailing.

Present was Patricia Finnigan, 225 Hall Street, Raynham, MA. Ms. Finnigan commented on the wetlands as her back yard is always wet. Her other concern is the wildlife. The wetlands on this proposed property backs up to the Hockomock Swamp. She too only received the certified letter meeting notice today

If the Commission is going to continue the hearing and because the abutter notification was not sent on time, Mr. Etoniru recommended re-notification of the abutters, at least 7 days before the next hearing.

Motion: Moved by Mr. Reynolds and seconded by Mr. Menconi to continue the Public Hearing for the Request for Determination of Applicability – 0 Hall Street, Parcel 3-312-B until October 18, 2023 at 5:30 p.m. Discussion: None. Vote: 3-0-0

- **Request for Extension of Order of Conditions – 675 Paramount Dr – DEP #269-999**

The request is for a three-year extension. No work has been completed, the ground has pavement and there is stable vegetation.

Motion: Moved by Mr. Reynolds and seconded by Mr. Menconi to extend the Order of Conditions for 675 Paramount Dr – DEP #269-999 for a total of three years based on no work being done. Discussion: None. Vote: 3-0-0

- **Certificate of Compliance – King St, Cross Country Sewer Line Access Improvement – DEP #269-473**

Request received through the Sewer Department.

Mr. McRae conducted a site visit and reported that all disturbed areas have regrown.

Motion: Moved by Mr. Reynolds and seconded by Mr. Menconi to approve the Certificate of Compliance for King St, Cross Country Sewer Line Access Improvement–DEP #269-473. Discussion: None. Vote: 3-0-0

INFORMAL

No discussion

General Business

Acceptance of Minutes – September 20, 2023

Motion: Moved by Mr. Reynolds and seconded by Mr. Menconi to accept the Conservation Commission Minutes of September 20, 2023 as printed. Discussion: None. Vote: 3-0-0

Bills

Commission members reviewed and signed bills presented.

Correspondence

No correspondence received since the last meeting.

Site Visits

Approximately two months ago, Mr. Etoniru and Mr. McRae conducted a site visit on Gardiner Street regarding a proposal to rectify a situation. The property owner was going to hire an engineer and there has been no response.

An Enforcement Order is in place, therefore, Mr. McRae suggested informing the property owner that an engineering response needs to be received by the Conservation Commission meeting on November 1, 2023 or they will be subjected to fines.

Motion: Moved by Mr. Reynolds and seconded by Mr. Menconi to forward correspondence regarding the violation and existing Cease and Desist Order and that the Commission will execute the Cease and Desist, as well as fines assessed, if no respond by November 1, 2023 . Discussion: None. Vote: 3-0-0

Mr. McRae had requested that Mr. Reynolds do a drive by regarding piles moving closer to the road at the dog track on Rt. 138. Mr. Reynolds confirmed that he conducted a site visit and agrees that the piles are moving closer to the road, the area has no erosion control and there is run off.

The Commission will need to research the owner of record and notify of site visit necessary.

Mr. McRae asked for a motion to adjourn.

Motion: Moved by Mr. Reynolds and seconded by Mr. Menconi to adjourn from the Conservation Commission meeting of October 4, 2023 at 6:13 p.m. with no business to be conducted afterwards.

Discussion: None. Vote: 3-0-0

Respectfully submitted,

*Dawn Caradonna
Recording Secretary*

Next Scheduled Meeting

October 18, 2023 @ 5:30pm
