



**Raynham Conservation Commission
Raynham, Massachusetts
Regular Meeting
October 18, 2023 @ 5:30 p.m.
Donald L McKinnon Meeting Room**

Members Present:

Dave McRae – Chairman
Bill Reynolds – Commissioner
William Campbell - Commissioner

Staff Present:

Azu Etoniru - Conservation Consultant
Amy Engelhardt – Conservation Clerk

Absent: Riley Menconi – Commissioner

Called to Order:

Mr. Dave McRae called the meeting to order at 5:30 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 Request for Determination of Applicability – 0 Hall Street, Parcel 3-312-B

Mr. McRae read the Public Hearing Notice

Present was John Dagon, petitioner.

During the last meeting, the Commission requested four items to be added to the plan, height of the garage, erosion control with double hay bales, grade at the corners of the buildings, note for the deck in the rear and the trees to be removed. The plan in front of the Commission outlines these items.

Present was Patricia Finnigan, 225 Hall Street, Raynham, MA. Ms. Finnigan commented on the impact of wildlife, tree removal and water from the Hockomock Swamp.

The site visit will need to be scheduled for the review of the wetland line.

Motion: Moved by Mr. Reynolds and seconded by Mr. Campbell to continue the Public Hearing for the Request for Determination of Applicability – 0 Hall Street, Parcel 3-312-B until November 1, 2023 at 5:30 p.m. for the Commission to conduct a Site Visit. Discussion: None. Vote: 3-0-0

• Continued Notice of Intent – 362 New State Highway – Popeye's Restaurant – DEP #269-1047

Present was Brian Levy, Attorney for the applicant Raynham Chicken; Matthew Bersch, Engineer, Dynamic Engineering and Mr. Tom Liddy, Project Wetland Scientist.

The proposed project is a 1500 sq. ft. restaurant with a drive-through. The project is a redevelopment project in a degraded area. The proposed project is being moved further from the brook, substantially improve the storm water management system and improving wetland buffer zone area through a program where they are going to be removing invasive species.

The project was in from of the Zoning Board of Appeals and Planning Board with both meetings continued.

A written peer review comment letter was received on September 19th regarding the compliance with the DEP Storm Water Management, Handbook Standard 3 and for plans to be stamped by a PLS. On October 6, 2023 a package was sent to the Commission addressing the comment letter. The Agent reviewed the new package and a comment letter was sent to the attorney today.

Mr. Bersch reviewed the Site Plan Rendering dated October 18, 2023. Changes are: double drive-through lane; four employee parking spaces; modified driveway out through Rt. 44 to channelize the right-out movement; restriping and curbing modification on the north side of the popery; and snow storage.

Mr. Bersch addressed the review letter from the Conservation Agent. Comment #1 will require additional topography; Comment #2 – DEP Storm Water Management, Handbook Standard 3 states there is to be reduced volume of runoff and the site currently increases the volume of runoff; Comment #3 requests additional information of the underground detention system which will be provided; Comment #4 DEP Storm Water Management, Handbook Standard 3, soil testing to be provided to Agent; Comment #5 manufactured treatment devise; General Comment, Comment #2 – soil erosion control where as the plans is showing a combination of two stacks of hay bales and silt fence; Comment #2 additional topography is required in area of outfall at the existing head wall that discharges to the stream.

Mr. Etoniru commented on the well-produced plans. As the applicant spoke of the discharge, there is still the need to provide recharge especially when you are increasing 2800 sq. feet of impervious area.

Within the Stormwater Management Report, Mr. Bersch informed that they determined the soils on site are Type D and there is literally zero infiltration into the surface soils. There is zero runoff into the groundwater so whether they reduce imperious coverage or increase impervious coverage there is going to be no change to the amount of runoff that gets into the ground water. With the different criteria's they ran through to try to meet the requirement, it is impossible to meet Standard #3 given the project area and site limitations.

Mr. Etoniru commented on the redevelopment and not having a net decrease in pervious, but rather an increase in pervious. The maximum extent of feasible compliance relates to incline redevelopment.

Mr. Etoniru recited the Stormwater Handbook saying that is it is assumed you met the recharge requirement if you provide static discharge volume, the static discharge volume has not been met. The site does not support the proposed project as designed.

With the changes charged to the applicant by the Planning Board, Attorney Levy said it caused more imperious surface area. The only change from the last plan to the plan in front of the Board is the impervious surface, a total of 43 sq. feet. If the project impervious surface is reduced, the impervious surface area is not going to change the infiltration.

Because there is a very gentle slope, the Board would normally allow the applicant use waddles rather than a double stake row of hay bales and silt fence for erosion control.

Mr. Bersch asked if the Commission would allow, within a condition, the additional topography that needs to be obtained in order to finalize the rip rap apron design.

Because it is a part of the design feature, the design must be reviewed by the Commission to approve.

With the increase impervious for parking, Mr. McRae asked if there is some type of dig and replace to try to get better material on site.

To comply with the requirement for runoff, Mr. Bersch said that over excavation and replacement with suitable soils somewhere is the ultimate way to make it work.

Motion: Moved by Mr. Reynolds and seconded by Mr. Campbell to continue the Public Hearing for a Notice of Intent, 362 New State Highway – Popeye’s Restaurant – DEP #269-1047 until November 15, 2023 at 5:30 p.m. Discussion: None. Vote: 3-0-0

- **Request for Extension-Order of Conditions**–Rt. 138 Broadway Reconstruction DEP #269-1006

Motion: Moved by Mr. Reynolds and seconded by Mr. Campbell to issue an extension for the Order of Conditions – Rt. 138 Broadway Reconstruction for DEP #269-1006 for three years. Discussion: None. Vote: 3-0-0

INFORMAL

General Business

Acceptance of Minutes – October 4, 2023

The commission tabled the approval of the minutes until the next meeting.

Bills

Members of the Commission reviewed, and signed bills presented.

Correspondence

The Board received correspondence from the Bridgewater Lake Nippenicket Action Focus Team regarding a project. Currently, the Commission does not have any comments because there is no project in front of them.

There was a resident present who questioned the trees that are on land in Raynham. Mr. McRae will contact the Tree Warden to discuss.

Kings Pond Dam Project filings are beginning. Cross-section plan was received for the Commission to review.

The Commission received correspondence from Clean Harbors regarding a roll over accident on Rt. 495 to Rt. 24 S on ramp that involved damaged to the saddle tank of a Stop & Shop truck. Clean Harbors notified DEP and the engineer on site forwarded pictures to the Commission. Mr. McRae visited the site and there was about 20-30 yards of peat removed and replaced. Because DEP was on site and took charge, there is responsibility necessary from the Commission. While on site, Mr. McRae commented about the removal of six maple trees about 6 inch in diameter. Part of the mitigation will be to replant trees.

Correspondence was received regarding a temporary diversion of the water on Mill Street to conduct the work.

Site Visits

A site visit will need to be scheduled for the wetland line on Hall Street.

Mr. McRae asked for a motion to adjourn.

Motion: Moved by Mr. Campbell and seconded by Mr. Reynolds to adjourn from the Conservation Commission meeting of October 18, 2023 at 6:54 p.m. with no business to be conducted afterwards.

Discussion: None. Vote: 3-0-0

Respectfully submitted,

Dawn Caradonna

Recording Secretary

Next Scheduled Meeting

November 1, 2023 @ 5:30pm
