



**Raynham Conservation Commission  
Raynham, Massachusetts  
Regular Meeting  
November 15, 2023 @ 5:30 p.m.  
Donald L McKinnon Meeting Room**

**Members Present:**

Dave McRae – Chairman  
Bill Reynolds – Commissioner  
William Campbell – Commissioner  
Riley Menconi – Commissioner

**Staff Present:**

Dawn Caradonna – Recording Secretary  
Azu Etoniru – Conservation Agent  
Amy Engelhardt – Conservation Clerk

***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 filings 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**

362 New State Highway – Popeye's Restaurant – DEP #269-1047

Present was Brian Levy, Attorney for the applicant Raynham Chicken and Matthew Bersch, Project Engineer, Dynamic Engineering.

The proposed project is for a drive through, no seating facility for a Popeye's Restaurant.

The application was in front of the Planning Board of September 7<sup>th</sup> and again on October 19<sup>th</sup> for which the Planning Board approved and issued a Certificate of Action with waivers.

Since the last meeting with the Commission on October 18<sup>th</sup>, there were exchange of emails from Dynamic Engineering and the Conservation Agent on the approach to deal with the recharge issue that was raised during the last meeting. Responses to the comments from the Agent have been addressed. The additional requested topographic information was provided and Dynamic Engineering were able to calculate the velocity of the water from the outfall and to show there would be no scouring.

Mr. Etoniru confirmed that all concerns were addressed. There were no additional comments from the Commission or the public.

Mr. Levy requested the Public Hearing to be closed.

**Motion:** Moved by Mr. Reynolds and seconded by Mr. Campbell to close the Public Hearing for Notice of Intent, 362 New State Highway – Popeye's Restaurant – DEP #269-1047. Discussion: None.

Vote: 4-0-0

Mr. Etoniru informed that the normal conditions would apply for inspection of erosion control prior to construction and a required deposit of \$3,000 for construction monitoring.

**Motion:** Moved by Mr. Reynolds and seconded by Mr. Campbell to approve the Notice of Intent, 362 New State Highway – Popeye’s Restaurant – DEP #269-1047 with standard conditions, inspection of erosion control prior to construction and a deposit of \$3,000 for construction monitoring. Discussion: None. Vote: 4-0-0

**Abbreviated Notice of Resource Area Delineation (ANRAD)**

0 Leonard St & 0 New State Highway, Raynham 44 Realty Trust, DEP #269-1049

Mr. Reynolds read the Public Hearing Notice

Present was Matt Monahan, 100 Nickerson Road, Marlborough MA.

The application contained a wetland delineation report prepared by Brad Holmes, Professional Wetland Scientist of ECR. The total parcel is about 65 acres with a BVW and inland bank river front area.

Mr. Holmes flagged the area in April and May of 2023 and surveyed by JK Holgreen in May and June 2023.

Mr. Etoniru informed that a site visit will need to be scheduled.

Present was Joan Cunningham, 35 Sandy Hill Road, Raynham, MA. Ms. Cunningham questioned the project and Mr. McRae explained that the Commission is only establishing the wetland line at this time.

**Motion:** Moved by Mr. Reynolds and seconded by Mr. Campbell to continue the Public Hearing for the Abbreviated Notice of Resource Area Delineation (ANRAD) 0 Leonard St & 0 New State Highway, Raynham 44 Realty Trust, DEP #269-1049 until January 3, 2024. Discussion: None. Vote: 4-0-0

**Request for Certificate of Compliance**

0 Richmond Street, Map 14, Lot 50-1, DEP #269-1022

Incomplete filing, no fees were received.

The Commission tabled discussions until the next meeting on December 6, 2023.

**Request for Amended Order of Conditions**

890 Broadway , DEP #269-1038

Incomplete application.

The Commission suggested rescheduling until the next meeting on December 6, 2023.

**Notice of Intent**

110 South Street East, DEP #269-1050

Mr. Campbell read the Public Hearing notice.

Representing the applicant was Jeff Nolan from Northeast Engineering and Consultants.

The proposed project is for a single-family dwelling. The lot number assigned is newly created as it was a cut out of the property originally at 110 South Street. There will be construction in the buffer zone for the dwelling. The reason a Notice of Intent was filed rather than an RDA is that they would like to have a backyard area. The back area will have minimal grading. The front of the property has been graded so that the drainage from this point, including the driveway, will be directed towards South Street East and away from the wetlands. There is a proposed collection system for roof drain run off on each side of the house with the collection of water from the front and back of the house to a pipe located in the front.

There is a sewer connection that goes out to William Avenue as well as an available water connection at South Street East.

Mr. Etoniru informed that the wetland line was reviewed and felt the line was actually very conservative. The plans will require a surveyor and engineer stamp.

Mr. Reynolds commented on permanent signage at the twenty-five foot for the limit of work up to and across the back line of the property.

Present was Kevin Muir, 19 Sandy Hill Road, Raynham, MA. Mr. Muir commented on the lot being created from an existing lot. He said the development within the area is creating water to come down the hill. His neighbors are getting flooded out. He discussed the development of land by B. Miller and culverts causing water to go on to his property. He said he is on the opposite side and no matter what type of engineering; the water will be pushed onto his lot.

Jeff Reid, 3 Sandy Hill Road, Raynham, MA. Mr. Reid informed that he took ownership of his home in June 2023 and did not receive a notice regarding this hearing, but the previous owner did. Mr. McRae informed that the abutters list is acquired from the Assessor's Office and that he would need to speak to them about the issue.

Vincent Munier of Taunton was present for his mother who lives in Raynham. His mother received a notice stating that her letter regarding the meeting was being returned by the Post Office. Mr. McRae informed that the applicant met the requirements for mailings and advertisement.

Jeff Reid questioned the buffer zone.

Mr. Etoniru explained of the buffer and the jurisdiction of Conservation Commission.

Mr. McRae explained that the 25 foot no touch is in according to the by-laws.

Joan Cummings, 35 Sandy Hill Road, Raynham, MA had pictures of her property that showed the amount of water in her back yard. She said, "every time there is a development, there is more water." She is against the development.

Diane Travares informed that she too is against the development. There is a 100-foot culvert not shown on the property.

Mr. McRae informed that the developer has gone above and beyond by putting the drainage in the front.

Mr. Nolan believes the proposed improvements will enhance the drainage by directing it toward the street into the catch basin and away from the wetlands.

No additional comments from the Commission or the public.

**Motion:** Moved by Mr. Reynolds and seconded by Mr. Menconi to close the Public Hearing for the Notice of Intent, 110 South Street East, DEP #269-1050. Discussion: None. Vote: 4-0-0

**Motion:** Moved by Mr. Campbell and seconded by Mr. Menconi to issue an Order of Conditions for 110 South Street East, DEP #269-1050. Discussion: None. Vote: 3-1-0 (Mr. Reynolds opposed)

Mr. McRae informed that there is a 21-day appeal process.

Mr. Etoniru informed that standard conditions will need to be added along with the condition for the permanent markers.

## **INFORMAL**

### **General Business**

#### Acceptance of Minutes – November 1, 2023

**Motion:** Moved by Mr. Reynolds and seconded by Mr. Menconi to approve the Conservation Commission meeting minutes of November 1, 2023 as printed. Discussion: None. Vote: 4-0-0

#### Bills

The Commission reviewed and signed bills presented

#### Correspondence

The Commission discussed the procedure and timeframe for applicants to advertise in the newspaper.

### **Site Visits**

No site visits scheduled.

Mr. McRae asked for a motion to adjourn.

**Motion:** Moved by Mr. Campbell and seconded by Mr. Menconi to adjourn from the Conservation Commission meeting of November 15, 2023 at 6:38 p.m. with no business to be conducted afterwards.

Discussion: None. Vote: 4-0-0

*Respectfully submitted,  
Dawn Caradonna  
Recording Secretary*

### ***Next Scheduled Meeting***

December 6, 2023 @ 5:30pm
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