



**Raynham Conservation Commission
Raynham, Massachusetts
Regular Meeting
January 3, 2024 @ 5:30 p.m.
Donald L McKinnon Meeting Room**

Members Present:

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

Staff Present:

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

Arrived Late: 5:36 -Linda Pacheco - 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 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

251 Broadway Crossing LLC – DEP # 269-1046

Present was Jesse Aguiar, Civil Engineer for High Point Engineering and Ryan Prophett, Legal Counsel. The Commission was presented information from the Zoning Board of Appeals (ZBA). The ZBA granted the Comprehensive Permit and in the ZBA decision, they waived the 25-foot no touch. Attorney Prophett informed that his client could therefore go in and clean the 25-foot buffer zone. The Commission also received the filings from Department of Environmental Protection (DEP), Environmental Protection Agency (EPA) and wetland delineations.

During the last meeting, the Commission expressed concerns with work possibly done in the wetlands. Photos were presented that show where work was done, 25-foot no touch and where the wetland flags are located. When looking at the photos, a majority of the flags are in the wooded area where no work was done. Photos also show where his client did work up which is the row of hay bales.

With the presentation of the evidence tonight, Attorney Prophett requested a reconsideration of an outside review. It is an added expense to his client to have another person come in. Ken Thompson performed the wetland survey and Lighthouse Engineering staked the wetlands. Both are respected in the community. Attorney Prophett offered a site visit to the Board.

Mr. McRae stated that the Commission's opinion, since day one, was that this project proceeded in a way in which the Board normally does not work under. The order in which the Commission works is that the wetland scientist will mark the wetland, the Commission will conduct a site visit to confirm, debate and establish the wetland line. The site was cleared. The Commission cannot go by the wetland flag as to where the wetlands are located. The Commission does not know what was there before, there is no evidence of what was there before the clearing. It is the Board's opinion to go out and verify with soil sampling on this side of the wetland flags to make sure that indeed it is the edge of the wetlands.

Attorney Prophett recited Section 20 within the 40B statute where it regulates how things are done regarding wetlands and how local Boards under Section 20 fits within. The ZBA has the authority to make decisions for local boards specifically Conservation being included in that category.

Attorney Prophett is happy to provide this information to Town Council and to the Conservation Agent to review.

With the absence of the Conservation Agent, Mr. McRae stated that the Commission will take under advisement. Mr. McRae would like to discuss with the Agent the rights of the ZBA to negate the Commission's 25-foot no touch.

Mr. McRae asked for a motion to continue so that the Board can review the new information presented and consult with their Agent.

Motion: Moved by Mr. Reynolds and seconded by Mr. Menconi to continue discussions for the Notice of Intent, 251 Broadway Crossing LLC – DEP # 269-1046 until the January 17, 2024 at 5:30 p.m. Discussion: None. Vote: 5-0-0

Continued Abbreviated Notice of Resource Area Delineation

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

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

The application contains a wetland delineation report prepared by Brad Holmes, Professional Wetland Scientist of ECR. A site visit was conducted on December 2, 2023 to review the flagging. The results were to eliminate a few flags. We connected flags E1-2, E1-4 and E1-8 and removed E1-3 and E1-5 through E1-7. The changes are reflected on a revised plan dated December 5, 2023 that was submitted to the Commission.

Mr. Monahan requested approval of the delineation to the BVW, bank land underwater, riverfront areas and BLSF on the site.

Motion: Moved by Mr. Reynolds and seconded by Mr. Campbell to approve the Abbreviated Notice of Resource Area Delineation as shown on plans dated December 5, 2023. Discussion: None.

Vote: 5-0-0

Request for Order of Conditions (3 Year) Extension

Raynham Riverwalk – DEP #269-0965

Present was David Eastridge, Thorndike Development Company and Mark Flattery.

An Order of Conditions was issued in 2019 and amended in 2021. The applicant came before the Commission last spring to discuss a field change and since then work has begun and the wetland area reflagged. The original Order of Condition was expended with the State COVID allowance. Therefore, the original Order of Conditions is close to expiring.

Mr. McRae and Mr. Reynolds conducted a site visit and the site looks good. Mr. McRae would like to discuss with the Conservation Agent the expiration dates as he feels they may have already expired; therefore, a new filing will be necessary.

Mr. Flattery informed that he requested a meeting date back in November which would have been 30 days prior to the expiration date.

Mr. McRae requested that the applicant communicate with the Agent.

Request for Certificate of Compliance

450 South St. West – DEP# 269-1039

Present was Rebecca Baptiste from Silva Engineering Design and as-built Silva Engineering completed the design and as-built.

Mr. McRae informed that the site looks great and all paperwork appears to be complete.

Mr. McRae recommended approving pending final review from the Conservation Agent.

Motion: Moved by Mr. Reynolds and seconded Mr. Menconi to issue a Certificate of Compliance for 450 South Street West, DEP #269-1039, pending final review by the Conservation Agent. Discussion: None. Vote: 5-0-0

Abbreviated Notice of Resource Area Delineation

0 Pine St – Carney Pine St Trust - DEP #269-1051

Mr. Menconi read the Public Hearing notice.

Present was Evan Watson, W Engineering.

A land surveyor stamp by GM2 (formally Lighthouse Engineering) was added to the original plans and plans resubmitted. Ken Thompson, Wetland Scientist delineated the wetlands. The property has a top of bank or riverfront area which is 200 feet into the site. Drainage component from Rt. 495 that goes to a ditch and then to the river. There are wetlands bordering along the Taunton River. the plans also show the FEMA flood zones. The entire site is 54 acres.

No public comments.

Motion: Moved by Mr. Reynolds and seconded by Mr. Campbell to continue the request for an Abbreviated Notice of Resource Area Delineation, 0 Pine St – Carney Pine St Trust - DEP #269-1051 until February 7, 2024 at 5: 30 p.m. Discussion: None. Vote: 5-0-0

INFORMAL

Request for Minor Modification

362 New State Hwy - Raynham Chicken/Popeye's – DEP #269-1047

Present was Tom Whitty, Lukas Environmental.

The applicant was in front of the Board back in the fall for an Order of Conditions. The plan was submitted to Raynham Planning Board and Zoning Board of Appeals. During the initial submission of the plan set and a revised plan set, there was some work within the floodplain and changes with regards to the stormwater outfall. Additional topo was received, and the plans revised. A revised WPA form was not submitted indicating the square footage of alteration that went from 83 square feet to 249 square feet. The Order of Conditions was issued with a notation of the 249 square feet. Following discussions with the Conservation Agent and Chair as to the best way to rectify the discrepancy between the 83 and 249 square feet was a Minor Modification.

Mr. McRae explained that this is an administrative change for paperwork only.

Mr. McRae recommended an approval of a Minor Modification.

Motion: Moved by Mr. Reynolds and seconded by Mr. Menconi to approve the request for a Minor Modification, 362 New State Hwy, Raynham Chicken/Popeye's, DEP #269-1047. Discussion: None.

Vote: 5-0-0

General Business

Acceptance of Minutes – December 6, 2023

Motion: Moved by Mr. Menconi and seconded by Mr. Campbell to approve the Conservation Commission meeting minutes of December 6, 2023 as printed. Discussion: None. Vote: 3-0-2
(Mr. Reynolds and Ms. Pacheco abstained)

Bills

The Commission reviewed and signed bills presented.

Correspondence

The Commission received a request letter from Children's Development Center, 366 S. Main Street. An Order of Condition was previously issued. The request is for a modification to the original plans to include a chain link fence at the rear of the property. The purpose of the fence is to take children on nature walks.

Mr. McRae informed that Mr. Etoniru reviewed and recommended issuing a Minor Modification.

After reviewing the plans, it was suggested that they observe the 25-foot no touch.

Mr. McRae asked for a vote to approve a Minor Modification.

Motion: Moved by Mr. Reynolds and seconded by Mr. Campbell to approve a Minor Modification for Children's Development Center, 366 S. Main Street, Raynham, MA, DEP #269-0976. Discussion: None.

Vote: 5-0-0

Mr. McRae will communicate with the Children's Development Center the observance of the 25-foot no touch.

The Commission received a report from Clean Harbors regarding an incident that occurred on the off ramp from 495 onto Rt. 24. The report states there may be a need to perform additional limited sediment removal and water recovery from the diesel spill site.

Site Visits

0 Pine Street

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 January 3, 2024 at 6:24 p.m. with no business to be conducted afterwards.

Discussion: None. Vote: 5-0-0

Respectfully submitted,

*Dawn Caradonna
Recording Secretary*

Next Scheduled Meeting

January 17, 2024 @ 5:30pm
