



The Commonwealth of Massachusetts
Town of Acushnet
Conservation Commission
122 Main Street, Acushnet MA 02743
Tel: 508.998.0202 Fax: 508.998.0203

Robert Rocha, Chairman
Ted Cioper, Vice-Chair
Marc Brodeur
Everett Philla
Heidi Pelletier
Evelyn Bouley

Merilee Kelly, Conservation Agent
Christine Lagasse, Senior Clerk

MINUTES OF July 11, 2017 CONSERVATION COMMISSION MEETING

Present: Robert Rocha
Everett Philla
Heidi Pelletier
Marc Brodeur
Evelyn Bouley

Absent:
Ted Cioper

Merilee Kelly, Agent
Christine Lagasse, Senior Clerk

I. Meeting called to Order at 6:02 P.M.

II. Minutes for approval:

June 14, 2017 - A motion was made by Everett Philla to approve the minutes of June 14. The motion was seconded by Heidi Pelletier. Motion passed 5-0.

III. Meeting Mail: (none)

IV. Appointments: (none)

V. **Old Business:**

There is still an opening on the Commission for a new member; anyone interested should send a letter of interest to either the Selectmen or Conservation Agent Merilee Kelly.

VI. **New Business:**

NOI – Roberts Associates / 136 Hathaway Road (SE001-0521) – A Notice of Intent was filed by Roberts Associates for property located at 136 Hathaway Road, Map 14, Lot(s) 6A. The applicant proposes a septic system upgrade with retaining walls and associated grading within the 100 foot buffer zone to a bordering vegetated wetland. The applicant is represented by Foresight Engineering. Plan name “Sewage Disposal System Upgrade Design”. Plan dated 5/23/17.

Darren Michaelis of Foresight Engineering explained there is a failed septic system in the backyard of 136 Hathaway Road. The current septic system is in the water table and is approximately ten (10) feet from the wetlands. The septic is surrounded by wetlands on three (3) sides and wetlands across the street on Hathaway Road and surrounding the property. Mr. Michaelis stated he did his best to squeeze the septic system in the side yard. The grade will be elevated slightly behind the house to cover the tanks. It will be almost 2 ½ feet higher than the existing grade. The abutters to the right of this property have exactly the same system almost in the same spot. Mr. Michaelis said this project is on the schedule with the Board of Health for next week for the variances. Mr. Michaelis stated there may be some slight changes to the system but the work will basically be the same. .

Agent Kelly commented the project is straight forward for a septic system on a small lot. Robert Rocha explained a site visit was done three (3) weeks ago, and agreed this was a small lot for the project. He also commented this new septic will be an improvement over the old one, and, this needs to be done in order to sell the house. Agent Kelly questioned Mr. Michaelis if hay bales will be used. Mr. Michaelis responded only silt fencing will be used, but if required that he will also use hay bales.

Mike Cabral of 138 Hathaway Road asked how far away from his property line does the project need to be in order to do the work. Mr. Cabral stated there is only 25 feet from his property to the house where the new septic is to be installed. He also mentioned that there are big trees on his property and if any roots are cut during the excavating the trees may weaken and fall over. Mr. Cabral wanted to know who would be responsible if trees fall over and do damage to his property. Mr. Michaelis explained the property line was surveyed by a land surveyor and he knew the property line is correct, and that it is going to be tight squeeze. Mr. Michaelis also explained there is a retaining wall going in, and from that point it is all septic from the wall to the house.

He explained that the work being done should not disturb the trees or the tree roots. Mr. Cabral wanted to know how far away from his property line does the septic/leaching area have to be. Mr. Michaelis responded it is ten (10) feet according to code and five (5) feet for a variance from the Board of Health, but he will be asking for only a seven (7) feet variance.

Mr. Cabral is concerned about his trees falling, and asked Mr. Michaelis if he wanted to take them down. Mr. Michaelis explained that would be between him and the contractor onsite. Agent Kelly asked Mr. Michaelis if he already had a contractor in mind. Mr. Michaelis said the property is bank owned and contractors would have to bid for the job. Marc Brodeur asked Mr. Cabral if the contractor agreed to take the trees down if he would be in agreement with that. Mr. Cabral said that would be okay. Mr. Michaelis said that would not be a problem. Mr. Brodeur stated a condition could be added to the Order of Conditions that would state the contractor would be responsible for taking down the agreed upon trees.

Marc Brodeur made a motion to issue a positive Order of Condition with the condition it's up to Mr. Cabral if he feels certain trees will negatively be impacted the contractor will take down those trees at the projects expense. Also, if there is a pending storm coming up while the project is going on that hay bales be placed around the project area; but for now silt fencing will suffice. The motion was seconded by Evelyn Bouley. Motion passes 5-0.

COC – Veiga / 122 Gammons Road (SE001-0296) – A Certificate of Compliance was filed by Lisa Veiga for property located at 122 Gammons Road, Map 9, Lot(s) 12A. The applicant proposed to construct a single family dwelling, driveway, well and septic system and associated grading, within the 100 foot buffer zone of a bordering vegetated wetland. Plan name “Subsurface Sewage Disposal System”, plan dated 5/15/02.

Robert Rocha explained the Commission went out for the site visit approximately three (3) weeks ago and the project had been completed for a while. Agent Kelly said the property looks good. Everett Philla also concurred the project was totally completed. Everett Philla made a motion to issue a Certificate of Compliance for 122 Gammons Road. Heidi Pelletier seconded the motion. Motion passes 5-0.

RDA – DaCosta / 216 Leonard Street – A Request for Determination was filed by Timmy DaCosta for property located at 216 Leonard Street, Map 20, Lot(s) 9A. The applicant proposes to install an underground 500 gallon propane tank and associated 50 foot trench, within the 200 foot riverfront area. Plan name “Proposed propane plan”.

Timmy DaCosta of 216 Leonard Street explained the project to the Commission by saying he would like to install a 500 gallon underground propane tank. Jason gas will do the installation of the propane tank and DeTerra & Sons will do the excavating. Agent Kelly questioned Mr. DaCosta about the big hole that was dug in the rear of the property. Mr. DaCosta explained the hole was for the septic and the propane tank had not been installed yet. Robert Rocha also questioned the image on the plan for the propane tank and also asked approximately how long it would take to install the propane tank. Mr. DaCosta said it would take 2-3 days to install the tank.

Marc Brodeur told Mr. DaCosta that after the hole is dug and the tank has been dropped in to have the inspector come to look at it. Everett Philla asked Mr. DaCosta if the tank will be anchored. Mr. Brodeur stated that unless water was hit while excavating there is no need to anchor the tank down. Mr. DaCosta told the Commission that the water table is approximately 12+ feet deep and the hole that is being dug will only be five (5) feet deep. Agent Kelly told the Commission that the straw waddles are already there.

Everett Philla made a motion to issue a negative determination and was seconded by Marc Brodeur. Motion passed 5-0.

NOI – Peterson / Gammons Road (SE001-0522) – A Notice of Intent was filed by Bruce E. & Elaine Peterson for property located at Gammons Road, Map 9, Lot(s) 8D. The applicant proposes to construct a gravel driveway through a Bordering Vegetated Wetland to provide access for the construction of a single family dwelling which will be located outside the 100 ft. buffer zone on an existing retreat lot. The applicant is represented by Carmelo Nicolosi. Plan name “Sewage Disposal System – Site Plan”. Plan dated 6/27/17.

Carmelo Nicolosi representing the Petersons explained the project and narrative on the plan to the Commission. He stated the replication area is a little more than a 1-to-1 ratio (3,517 sq. ft. of alteration and 3,675 sq. ft. of replication). The work will be done by Parkside Excavation. Some utility poles will be installed in order to get electric up the driveway. The plan shows a 12 foot wide driveway but will be 16 feet wide instead to accommodate the slope on the side; there will also be 2 culverts of 8” diameter pipe. Mr. Nicolosi explained the applicant needs to fill in and replicate 3,517 square feet of wetlands. He also pointed out on page 2 of the plan the planting schedule. The house will be in excess of 100 feet from the bordering vegetated wetlands.

Agent Kelly indicated on the replication plan there are six (6) trees, twelve (12) sweet pepper bushes, and twelve (12) blueberry bushes. Mr. Nicolosi stated the trees will be red maple 3-4' in size. Mr. Nicolosi requested the planting to be done during the next growing season. Agent Kelly asked if the planting will be done this fall or next spring and summer. Mr. Nicolosi answered by saying next spring. Mr. Rocha asked when some of the wetlands will be dug up to make the roadway and move some of the wetlands soils and what will be done to transfer seed. Mr. Nicolosi said the wetland material will be stockpiled to later make the new replication area, and supplemented with loam for proper growth. Mr. Rocha asked if that will be the new base and not the top. Mr. Nicolosi answered by saying they will take the elevation down to a foot below the 42' contour and place the wetlands below that area. Mr. Rocha also questioned if it will be going up against the flag line. Agent Kelly asked how far from the property edge the driveway will be. Mr. Nicolosi stated it would go up to the stonewall.

Agent Kelly pointed out there is a house about half way up the driveway to the right and wondered if there will be any screening left for them. Mr. Nicolosi said the driveway will run along the property line and only a short portion will be within the easement then turning north. Agent Kelly stated that the other house should have trees on their side.

Marc Brodeur had concerns there may not be enough pipes being installed under the driveway as more would help the hydraulics. Mr. Nicolosi stated he is willing to double up on the pipes which will be 8" in diameter to four (4) instead of only two (2). Russel Dubois stated the material he will be using is permeable and would avoid any situations that would make the driveway soft. Mr. Nicolosi said he would be using a 2X2 basin on the side of the drive for stormwater drainage. Mr. Rocha suggested to Mr. Nicolosi these changes be shown on the as-built plan.

Mr. & Mrs. Paul Guilbeault of 78 Gammons Road had concerns about how this project will affect their property. There was a discussion among Mr. Nicolosi and the Guilbeault's regarding the specifics of the driveway installation. Russell Dubois will contact Mr. Guilbeault when the excavation begins to agree upon which trees will be removed and which ones will be kept. Marc Brodeur explained to the Guilbeaults what was being done has to reflect on the project address and not their property.

Agent Kelly requested Mr. Nicolosi increase the number of trees in the replication area to be doubled to twelve (12) from the original plan which only showed twelve (12) shrubs and six (6) trees. Mr. Nicolosi agreed to the change and will revise the plan.

A motion was made by Marc Brodeur to issue a positive Order of Conditions with the condition to increase pipes being installed from two (2) to four (4) eight inch (8") pipes in the driveway location to be determined by the engineers; the number of trees in the replication area will go to twelve (12). The motion was seconded by Evelyn Bouley. Motion passes 5-0.

COC – Cioper / 1505 Main Street (SE001-0168) – A Certificate of Compliance was filed by Michael Cioper for property located at 1505 Main Street, Map 3, Lot(s) 8. The applicant proposed to construct a 28' wide gravel way within the 100 foot buffer zone of a bordering vegetated wetland (has become Thomas Hill Road). Plan name "Braley Hill Estates, Subdivision as-build plan Thomas Hill Road", plan dated 10/27/15.

This gravel driveway was originally built to cross the wetlands to build 1505 Main Street, the first house in the subdivision. It later became Thomas Hill Road. Because 1505 Main Street was the first house, this filing was attached to the property. Mr. Rocha stated everything looks good and the property is done.

A motion to issue a Certificate of Compliance was made by Evelyn Bouley, and was seconded by Everett Philla. Motion passes 5-0.

Agent Updates:

Letter received from Spectra Energy, Agent Kelly read letter to the Commission which explained their decision to withdraw their filing on the pipeline project.

The town received another \$135,665.00 Green Community Grant for the town.

The Buzzard Bay National Estuary Program has grant solicitations open for mini grants and support for Inter-Municipal and Regional water quality monitoring programs.

Department of Fish and Game wants to know how many wild turkeys there are, they are asking if you observe one to go to their website and report your observation.

State Department of public health has a web site on mosquitos and ticks just go to mass.gov/dph for information

There are still some rain barrels for sale \$69.00 each for anyone who is interested.

VII. Future Business:

- The next meeting of the Conservation Commission will be on Tuesday, July 25, 2017

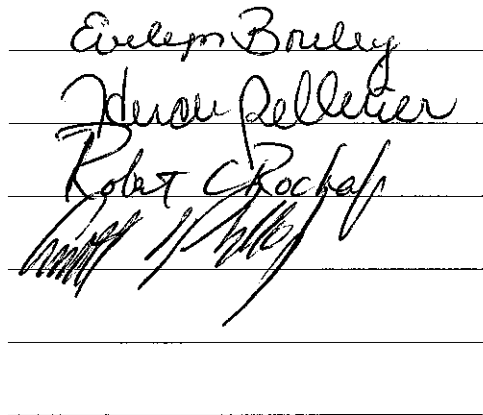
VIII. Meeting adjourned at 7:10 P.M.

A motion to adjourn was made by Everett Philla. The motion was seconded by Heidi Pelletier. Motion passed 5-0.

Respectfully submitted:

Christine Lagasse, Senior Clerk
Acushnet Conservation Commission

Minutes Approved:



Date: 8-8-17