



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

Robert Rocha, Chairman
Everett Philla, Vice- Chairman
Heidi Pelletier
Evelyn Bouley
Richard Pimentel
Ryan Rezendes

Patrick Hannon, Conservation Agent
Joann DeMello, Senior Clerk

**MINUTES OF JULY 27, 2022
CONSERVATION COMMISSION MEETING**

Present:

Robert Rocha, Chairman
Everett Philla
Ryan Rezendes
Heidi Pelletier

Patrick Hannon
Joann DeMello

Brian Grady, GAF Engineering
Kevin Kelly, Acushnet Company
Robert Hinckley, Board of Selectmen member
Diane Abram, resident
Joanne Pacheco, resident

Absent: Evelyn Bouley
Richard Pimentel

Meeting called to order at 6:13 p.m.

Minutes for approval: R. Rezendes made a motion to approve the May 11, 2022 minutes. E. Philla seconded the motion. Motion passed 4 -0. E. Philla made a motion to approve the June 8, 2022 minutes. H. Pelletier seconded the motion. Motion passed 4-0. H. Pelletier made a motion to approve the June 22, 2022 minutes. R. Rezendes seconded the motion. Motion passed 3-0-1. Everett abstained, not present at said meeting.

Meeting Mail: None.

Old Business:

E. Philla made a motion to open the hearing. R. Rezendes seconded the motion. Motion passed 4-0.

Continued (Public Hearing) NOI – Acushnet Company / 115 Manchester Lane SE 001-0571

A Notice of Intent was filed by Acushnet Company for property located at 115 Manchester Lane, Map 11, Lot 25C.34. The applicant proposes to construct a 55' X 110' visitors center with associated parking lot reconfiguration, utilities, subsurface sewage disposal system and stormwater management system within the 100' buffer zone to a bordering vegetated wetland. Work proposed is limited to drainage improvements and construction of an infiltration basin. The applicant is represented by William Madden of G.A.F. Engineering. Plan name is "Test Facility Visitors Center prepared for Acushnet Company" dated April 26, 2022. Brian Grady was present to update the Commission on this project. Revised plans were received dated July 26, 2022 and there are minor changes outside the buffer zone which include a smaller septic system and less grading, drainage basin smaller and sidewalk changes. Agent Hannon asked about the basin size and impervious area changes. Mr. Grady said the impervious area has decreased in size. Agent Hannon asked about the Stormwater calculations, Mr. Grady said the changes are minor. R. Rezendes made a motion to issue a positive order of conditions with stormwater approval at a later date. E. Philla seconded the motion. Motion passed 4-0. Motion to close the public hearing was made by R. Rezendes. E. Philla seconded the motion. Motion passed 4-0.

P.J. Keating 72 South Main Street – Buffer Zone Restoration – Silt Pile Relocation. The removal of the silt piles from the buffer zone to a bordering vegetated wetland, discussion on delay in completing the work approved by the Commission. Agent Hannon read aloud a letter from McGregor Legere & Stevens dated July 26, 2022. Agent Hannon said the soil board needs to meet to approve a work plan. Diane Abram asked where does it stand with the silt piles being moved? Chairman Rocha explained that PJK did speak with the Conservation Commission and now they need approval from the Soil Board. Agent Hannon explained 3 Boards are involved in the process, Conservation, Board of Health and Soil Board. Chairman Rocha will send a follow up letter to McGregor Legere & Stevens, Board of Selectmen and the Soil Board.

New Business:

R. Rezendes made a motion to open the public hearing. E. Philla seconded the motion. Motion passed 4-0.

(Public Hearing) NOI – John Romanelli / Retreat Lot C Peckham Road SE 001-0574

A Notice of Intent was filed by John Romanelli for property located at Peckham Road, Map 16, Lot 8. The applicant proposes construction of a single-family 4 bedroom dwelling. The applicant is represented by Jamie Bissonnette of Zenith Consulting Engineers, LLC. Plan name is "Subsurface Sewage Disposal System Retreat Lot C Peckham Road" dated July 6, 2022. John Romanelli of Zenith Consulting Engineers, LLC was present to discuss this project. Commission members did a site visit. Mr. Romanelli said the Board of Health requested the perc test from years ago be re-perced for the proposed septic system. Roof drains will be used, erosion control is in place and detention basins are under construction. Agent Hannon said the

infrastructure has been built out – very nice project. Stormwater was handled by the Planning Board for the development. Agent Hannon suggested the standard conditions for the Order of Conditions. R. Rezendes made a motion to issue a positive order of conditions with the standard conditions. E. Philla seconded the motion. Motion passed 4-0. E. Philla made a motion to close the public hearing. H. Pelletier seconded the motion. Motion passed 4-0.

Discussion:

Pollinator Garden – Agent Hannon gave an update of the garden, the Scout Troop was involved in maintaining it, the shed where some tools were stored has been removed, Golf Course Superintendent Steve Tibbels can answer some questions the Commission has. Invite Steve Tibbels to the next meeting.

Agent Hannon recommended using the Personnel Action Form (PAF) for the clerk's stipend. Agent Hannon stated the funding will be from the Wetlands Protection Act – not from the Conservation Commission budget – this will not cost the taxpayers any money. R. Rezendes made a motion to use the PAF form for the weekly stipend of \$75.00. H. Pelletier seconded the motion. Motion passed 4-0.

Stormwater:

- Stormwater Authority – Agent Hannon spoke with Town Counsel. Agent Hannon asked about the Commission remaining the Stormwater Authority, Commission is in favor of leaving it under Conservation. At this time, Agent Hannon is an employee at will, Chairman Rocha to send a letter to Board of Selectmen requesting the Agent be appointed vs. an employee at will. Diane Abram asked why was he removed? Chairman Rocha explained time is split between Board of Health and Conservation. Agent Hannon said he was the only department head who was not re-appointed. Chairman Rocha asked Heidi her thoughts on the Stormwater staying in the Conservation Office, she is concerned about the additional workload and responsibilities for the clerk. Chairman Rocha asked Everett the same question – he stated there certainly is more responsibility and agrees it fits in with Conservation. Everett would like at some point to look into training for the members and staff. Ryan asked what in the by-law is keeping us from being non-compliant. Agent Hannon said illicit discharge, infiltration issues, TSS – total suspended solids, removal rates and residential vs commercial are some issues. R. Rezendes would like Agent Hannon to present a side by side comparison of the by-law 2007 and the proposed by-law.
- Deep Brook Estates – Jose Castelo purchased Deep Brook Estates and said he purchased it with all the necessary permits. Agent Hannon spoke with the Town Planner to verify if the project had been permitted regarding Stormwater. Doug Pimentel, Town Planner said no. Chairman Rocha would like to see consistency with permit issuance. Agent Hannon would like to send letter to Town Administrator stating Mr. Castelo needs a Stormwater Permit.
- Year End MS4 update - A crew from Coneco has been in Town lifting manhole covers and checking outfalls. They will prepare the annual report for compliance and then it will be sent to the Town Administrator for signature then to EPA and DEP. The town will then be in compliance for the first time since 2007. With the by-law

tabled, the town will not be penalized for non-compliance, that will be noted in the report.

- Discussion on hiring a part time clerk for Stormwater permitting and compliance – Agent Hannon said if the clerk's stipend does not get signed, he is suggesting that the Commission will need to look into hiring a clerk to process the Stormwater paperwork.

Agent Updates:

Agent Hannon asked the Commission if they were contacted by the Board of Selectmen regarding his re-appointment. Chairman Rocha said no.

Agent Hannon said that Paul Valente was re-appointed again, even though he has not been present at meetings for 2 years. Chairman Rocha will send an email to Lisa.

Agent Hannon asked are we going to go back to the regular meeting schedule? Members would like to have 1 meeting in August, then resume bi-weekly meetings. Only 1 filing was received, Joann will reach out to the Engineer with the schedule update.

Joanne Pacheco 25 Morse's Lane – question on cutting down trees, preserving land nature and moratorium on solar fields. Agent Hannon said there is a 6 month moratorium on solar fields. A revised regulation is being worked on.

Agent Hannon received a complaint about 415 Middle Road, trees being cut down and large rocks either being trucked in or out. Agent Hannon went there, left a cease and desist and the owner called him back. Site visit was scheduled, no violations found. Patricia Thibault – 405 Middle Road attended the meeting asked about paving the driveway and cutting of the trees. Agent Hannon said the property owner agreed not to cut any trees on the property moving forward. A Request for Determination is requested for a reasonable size shed – file with Registry of Deeds.

1092 Main Street complaint – Bulldozer close to wetlands, Commission would like Agent Hannon to monitor the situation.

10 Blacksmith Drive – Ready for a COC.

Public Meeting adjourned at 7:40 p.m.

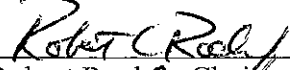
A motion to adjourn the public meeting was made by R. Rezendes. The motion was seconded by H. Pelletier. Motion passed 4-0.

Respectfully submitted:

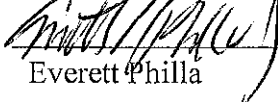


Acushnet Conservation Commission

Minutes Approved:



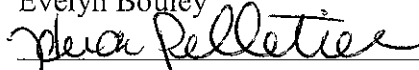
Robert Rocha - Chairman



Everett Philla

absent

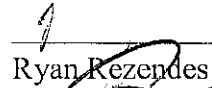
Evelyn Bouley



Heidi Pelletier

absent

Richard Pimentel


Ryan Rezendes

Date signed: September 28, 2022

**McGREGOR
LEGERE & STEVENS**

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BY E-MAIL

July 26, 2022

Robert Rocha, Chair
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**RE: P.J. Keating Co. / 72 South Main Street
Order of Conditions / DEP File No. SE 001-0558**

Dear Chairman Rocha and Members of the Commission:

This firm represents P.J. Keating Company (“PJK”) with respect to its approximately 381-acre parcel of land at 72 South Main Street in Acushnet (the “Property”). We are writing with regard to the item appearing on the Commission’s July 27, 2022 meeting agenda under the heading “P.J. Keating ... Buffer Zone Restoration – Silt Pile Relocation” for “discussion on delay in completing the work approved by the commission”.

It is our understanding that this agenda item relates to the work approved under the above-referenced Order of Conditions (the “OOC”).¹

As you may recall, in March 2022 PJK proposed an expedited schedule for performing the work approved by the OOC.² PJK expended significant time and resources in developing that proposed schedule – even though the OOC allows PJK three years, until July 2024, to perform the approved work – in an effort to work cooperatively with the Commission.

Indeed, PJK and its representatives appeared before the Commission to discuss this matter at no fewer than six meetings during the winter and spring of 2022.³

¹ The OOC was issued on or about July 9, 2021, and approved the removal of washed-stone fines from jurisdictional Buffer Zone at the rear of the Property, grading and stabilization the eastern slopes of the remaining washed-stone fine pile, and assessment, restoration and monitoring of nearby Bordering Vegetated Wetlands.

² PJK’s proposed timeline was set forth in our March 16, 2022 letter to the Commission.

³ The matter was discussed at Commission meetings on January 12, February 9, February 23, March 9, March 23, April 13 and April 27, 2022. The Commission also conducted a site visit at the Property on February 19, 2022. Unfortunately, those discussions took place under the specter of repeated threats by the Commission’s Agent, Patrick

McGREGOR LEGERE & STEVENS

During the Commission's April 27, 2022 meeting, it became clear that PJK could not perform the work on its proposed timeline. Specifically, Mr. Hannon announced that evening that PJK must obtain a Soil Removal Permit prior to beginning the removal and grading work; he also belatedly recognized that an enforcement order would be inappropriate because PJK has "an Order of Conditions, they're in compliance with the Order of Conditions, it gave them three years to move the pile."⁴

PJK wishes to confirm that it intends to perform the work approved by the OOC within the three years allowed, following receipt of a Soil Removal Permit from the Acushnet Soil Board. PJK is in the process of preparing an application for a Soil Removal Permit, which is currently on track to be filed in September 2022.

Thank you for your attention to this matter. Please do not hesitate to contact me should you have any questions.

Very truly yours,



Luke H. Legere

cc: A. Alexander Weisheit, Esq.
Jeffrey T. Blake, Esq.
Jaime Kelly, Interim Town Administrator

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TOWN CLERK

Hannon, to issue an enforcement order against PJK because it had not yet begun work under the OOC. For example, during the Commission's April 13, 2022 meeting Mr. Hannon stated that Town Counsel was in the process of drafting an enforcement order requiring PJK to begin removal and grading work as approved by the OOC.

⁴ As discussed in our May 6, 2022 letter to the Commission, PJK remains deeply troubled by Mr. Hannon's actions, which have caused a massive waste of time and resources for both PJK and the Commission members.

