



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 November 28, 2017 CONSERVATION COMMISSION MEETING**

<b>Present:</b>	Robert Rocha	<b>Absent:</b>
	Heidi Pelletier	Ted Cioper
	Marc Brodeur	Everett Philla
	Evelyn Bouley	
	Merilee Kelly, Agent	

**I. Meeting called to Order at 6:00 P.M.**

**II. Minutes for approval:**

November 14, 2017 - A motion was made by Marc Brodeur to approve the minutes of November 14. The motion was seconded by Evelyn Bouley. Motion passed 4-0.

**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:**

**RDA – Davis/1514 Main Street, Map 5, Lot 3.3** – A Request for Determination of Applicability was filed by Anita Davis of 1528 Main Street for property located at 1514 Main Street, Map 5, Lot 3.3. The applicant wants to know if the work being done is within a bordering vegetated wetland or its associated 100-foot buffer, if there is fill in the wetland, and if the work being done is subject to the Wetlands Protection Act.

Robert Rocha explained the filing was brought forth by a neighbor and not the owner of the property. Mr. Rocha mentioned a site visit was done by the Commission on November 25, 2017 and prior visits to the property had also been done in the past. Agent Kelly presented some prior plans of the property dated from 2011 to the Commission.

Anita Davis of 1528 Main Street stated she has been a resident of Acushnet since 2001. She mentioned she built a home/farm on her property. Ms. Davis said her concern is the wetlands at 1514 Main Street. She said that she watched things being pushed around in a manner that she believes would be unacceptable by the State. She also said she saw 18 wheelers come in with dirt. Ms. Davis is concerned about contamination to the stream. She said she has a habit of walking in the woods, or on horseback, and there are old logging trails there from previous years.

Ms. Davis asked the Commission when a project starts and then completes if anyone goes out to inspect it. Mr. Rocha explained when a project is completed a Certificate of Compliance is only issued after the Commission goes out to inspect the completed project. Ms. Davis asked the Commission if there is recourse if the project is not done correctly and what the procedure would be. Mr. Rocha stated if a project is not done correctly then the Commission would have the property owner correct it, and if the property owner was not satisfied with the Commissions' instructions then they could appeal to the State. Mr. Rocha explained the process of Conservation filings to Ms. Davis.

Mr. Antonio Borges of 1514 Main Street spoke to the Commission and stated that a 10 wheeler had entered his property with stones in it and not dirt. Mr. Borges recommended to the Commission that Ms. Davis should take pictures if her claim is that dirt was being dumped. Ms. Davis was also said other things were being done on the property and Mr. Rocha interjected saying the Commission would not comment on things that are happening outside of the buffer zone.

Ms. Davis stated she has been observing the Borges' property and has documentation. She had someone with a drone go out to take overhead pictures of the dirt to prove there is dumping into the stream. Mr. Rocha asked Ms. Davis if she had photos that she wanted to

share with the Commission. Ms. Davis never produced any photos or documentation to the Commission.

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Mr. Borges asked the Commission if the pond was filled with any dirt. Mr. Rocha stated it was not and no activity was seen there either. Ms. Davis said her complaint was about the stream. Agent Kelly showed the Commission on the GIS map where the property had been delineated and where the buffer zone was. Agent Kelly also stated when she walked the property she did not see any signs of fill, or any activity going on around either the pond or the stream.

Agent Kelly asked Ms. Davis if her complaint was about Mr. Borges bring in fill, and that someday Mr. Borges will be filling in the wetlands with it. Ms. Davis said she was not saying that, what she was saying is just in case he was planning to. Marc Brodeur explained to Ms. Davis if the property owner moves into the wetlands area all she needs to do is make a non-anonymous phone call. Mr. Rocha told Ms. Davis the Commission wants her claims to be documented with a photograph and Ms. Davis stated that it was. Ms. Davis said the person who took the photos was a professional but was unable to attend the meeting, and that was why she asked for the Commissions' e-mail.

Mr. Rocha echoed what Agent Kelly had said, saying, the Commission walked the property and did not see evidence of any activity within the wetlands buffer zone. There were no signs of any filling or scraping. Mr. Rocha told Ms. Davis that if she comes back with another comment or complaint she would have to show changes. Mr. Rocha said the Commission has been out to the property several times. Ms. Davis stated this was the first time she had asked the Commission to go to the property and the first and only complaint she ever made against 1514 Main Street.

Agent Kelly said that someone had been complaining and requesting that she go out to the property and she has gone out there at least 5 times. Mr. Borges said Agent Kelly has been out to his property 7 times due to complaints. Mr. Borges also stated in the 14 years he has lived at 1514 Main Street, the Board of Health, Conservation, Building Inspector, and Animal Control Officer had been out there 8-9 times due to request of Ms. Davis. Mr. Borges stated each time someone was called to go out to his property there were no findings to the complaint. Marc Brodeur commented the Commission will no longer go out to the property unless there is documentation to prove a complaint.

Marc Brodeur made a motion to issue a negative determination and was seconded by Evelyn Bouley. Motion passes 4-0.

**Agent Updates:**

Discussion on benefits for being a member on the Conservation Commission and what a member does

**VII. Future Business:**

- The next meeting of the Conservation Commission will be on Tuesday, December 12, 2017

**VIII. Meeting adjourned at 6:30 P.M.**

A motion to adjourn was made by Heidi Pelletier. The motion was seconded by Evelyn Bouley. Motion passed 4-0.

Respectfully submitted:

Christine Lagasse, Senior Clerk  
Acushnet Conservation Commission

Minutes Approved:

Evelyn Bouley  
Heidi Pelletier  
Robert C. Rock

Date: 12-12-17