

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  
Paul Valente

Merilee Kelly, Conservation Agent  
Christine Lagasse, Senior Clerk

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**MINUTES OF April 24, 2018 CONSERVATION COMMISSION MEETING**

**Present:** Robert Rocha  
Everett Philla  
Ted Cioper  
Heidi Pelletier  
Paul Valente

**Absent:**  
Marc Brodeur  
Evelyn Bouley  
  
Christine Lagasse, Conservation Clerk

Merilee Kelly, Agent

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

**II. Minutes for approval:**

March 27, 2018  
April 10, 2018

March 27, 2018 - A motion was made by Everett Philla to approve the minutes of March 27. The motion was seconded by Heidi Pelletier. Motion passed 4-0.

April 10, 2018 - A motion was made by Paul Valente to approve the minutes of April 10. The motion was seconded by Robert Rocha. Motion passed 3-0.

**III. Meeting Mail: (none)**

**IV. Appointments: (none)**

## V. Old Business:

**RDA – Cote / 143 Nestles Lane** – A Request for Determination of Applicability was filed by Erika & Joseph Cote, for property located at 143 Nestles Lane, Map 1, Lot 13. The applicants propose to remove manure from within a wooded area containing bordering vegetated wetland, as well as fill and grade the driveway and paddock area within the 100-foot buffer zone of a bordering vegetated wetland. Plan name is “Proposed Septic System Replacement Plan”, plan 4-15-04.

Agent Kelly said there is now a manure management plan in place. At the last meeting the Commission heard from David Sol, the abutter, and the Cotes regarding the manure pile. Mr. Rocha said that he and Mr. Valente went to visit the property last Saturday, April 21, 2018. Mr. Rocha stated the manure pile was not as large as originally thought. The pile was measured by Mr. Rocha and he stated it was 25 X 16 feet. He said there is no need to put up hay bales or silt fencing around the manure pile being removed. The manure pile has already dried out. He said he was comfortable with the pile being removed by hand without using any erosion control. Mr. Valente agreed.

Property owner Joseph Cote of 143 Nestles Lane said that his neighbor David Sol of 141 Nestles Lane was concerned that silt fencing be installed around the manure pile. Mr. Cote wanted the Commission to ask Mr. Sol if he was concerned about silt fencing not being installed when he went in with a Bobcat and removed manure without the Commission’s permission. Mr. Cote wanted to know from the Commission what the status of his complaint is. He stated that nothing has been done about his complaints. Agent Kelly said she is in the process of addressing his complaints in a letter. Mr. Cote said the Health Agent, Joe Correia, came to his house and he wanted to know if he had also spoken to Agent Kelly. Agent Kelly said she and the Health Agent have been talking about the situation. They also did another site visit the other day with the Building Inspector, Animal Control Officer, and Town Administrator to the property.

Mr. Rocha asked Agent Kelly about the proposed work in the paddock area that involves buffer zone work. Agent Kelly said that as far as she understood, the Cotes wanted to do that work by hand as well. Mr. Cote said the Health Agent does not want the paddock area done by hand as it would take too long. Mr. Rocha said that an excavator would be needed to do the scraping and removal of the top 3-6 inches and replace it with something like stone dust. The Cote’s do not want to remove the manure pile with the excavator; they want to remove it by hand. Mr. Rocha suggested that hay bales or straw waddles be used along the stone wall where the wetland line is, to stop any runoff.

Mr. Rocha said it is necessary to speed up the time frame to get the manure removed. It originally was suggested it would need to be completed in 6 months. He said the Commission was getting “push-back” from other boards and wants the work to be completed in a 4 month time frame. The work would need to be completed by the end of August 2018.

David Sol of 141 Nestles Lane questioned the work area that was indicated on the plan. He showed the area where he said the manure started and is now composted. He asked if anyone on the Commission was concerned with the tons of manure, and gallons of urine per day, over a period of 21 years.

Mr. Sol asked if the paddock area had ever been scraped and the soil replaced – he didn’t think it had. He said the prior owners of the property did properly maintain that area. He is concerned for his well.

Mr. Rocha responded that the Commission now has a maintenance plan in place for the Cotes that was put together by a combination of different boards. Ms. Cote stated the prior owner of the property had 7 horses on the property and had access to heavy equipment. Ms. Cote said they do not have access to any heavy equipment to maintain the area the horse is in on a consistent basis but the Cote's have scraped it. Mr. Sol said when you have an animal your first concern should be with your neighbors. He said he will be happy just to have the manure removed. He is still concerned with the water runoff into the wetlands, then going into the Acushnet River, affecting the water quality.

Mr. Rocha stated that, according to state regulations of the Wetlands Protection Act, one thing one cannot do is increase the amount of run-off onto a neighbor's property. Mr. Sol said he is not creating any run-off. Agent Kelly told Mr. Sol that any addition being made to his driveway is in the buffer zone and would require a permit.

Ted Cioper made a motion to issue a negative determination with the following stipulations:

- the manure is to be removed by hand by the end of August
- before any clearing begins with an excavator either hay bales or straw waddles be installed on the Conservation side of the yard
- Leveling off of driveway will be allowed

The motion was seconded by Everett Philla. Motion passes 5-0.

## **VI. New Business:**

**COC – GDC Development/ Blacksmith Drive (SE001-0499)** – A Request for a Certificate of Compliance was filed by GDC Development for property located at 6 Blacksmith Drive, Map 5. Lot 7L. The applicant proposed to construct a single family dwelling, along with associated grading and utilities, a portion of the work taking place within the 100-foot buffer zone of a bordering vegetated wetland. Plan name “Subsurface Sewage Disposal System”, dated 5/9/14.

This was the last lot to be completed on Blacksmith Drive. Agent Kelly stated the project was complete and looks good. Heidi Pelletier made a motion to approve the Certificate of Compliance and was seconded by Paul Valente. Motion passes 5-0.

**COC – Wayland Development Corporation/ Peach Blossom Drive Drive (SE001-0166)** – A Request for a Certificate of Compliance was filed by Wayland Development Corporation for property located off Main Street known as Peach Blossom Drive. The applicant proposed to construct a 17-lot residential subdivision located on the west side of Main Street westward to the New Bedford Reservoir. A portion of the stormwater attenuation facility and associated grading are located in the buffer zone to a bordering vegetated wetland. Plan name “Apple Blossom Estates Subdivision, Acushnet, MA Utilities Record Plan”, dated 12/3/2004.

Agent Kelly said the plan showed the drainage facility, and the road is in and has been for some time. The detention basin is completely surrounded by a chain link fence, and someone is maintaining the area. The facility is functioning the way it should be. Mr. Valente commented that he observed some grass clippings were being thrown over the fence into the detention basin. Ms. Pelletier stated there were also trees growing within the drainage facility. Agent Kelly said the DPW was cleaning detention basins last year and maybe this one had been missed. Agent Kelly will contact the DPW to make them aware that this still needs to be cleaned.

A Motion to issue a Certificate of Compliance was made by Heidi Pelletier and was seconded by Paul Valente. Motion passes 5-0.

**Agent Updates:**

The EPA was in the office yesterday, April 23, 2018 and did a presentation on the Superfund site for this year.

The annual town-wide clean-up went well. Boy Scout troops 51 and 11 both came and did an amazing job. There were also families and groups of residents who participated.

There is a Town Meeting forum on Monday, April 30, 2018 at 7PM in the Town Hall Meeting Room. The Annual Town meeting is May 14, 2018, in the Ford Middle School.

There have been several complaints regarding stormwater in this season of wet weather.

**VII. Future Business:**

- The next meeting of the Conservation Commission will be on Tuesday , May 8, 2018

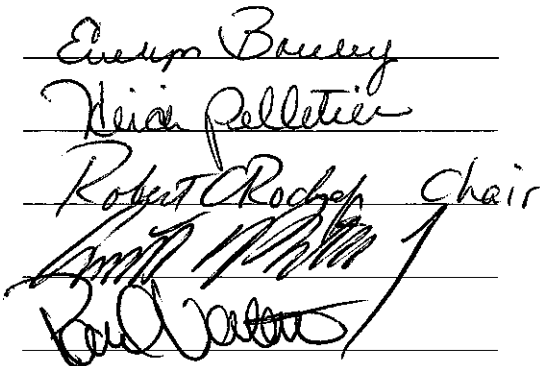
**VIII. Meeting adjourned at 6:50 P.M.**

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

Respectfully submitted:

Christine Lagasse, Senior Clerk  
Acushnet Conservation Commission

Minutes Approved:



Date: 5-8-18