

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  
Paul Valente  
Richard Pimentel  
Ryan Rezendes  
Merilee Kelly, Conservation Agent  
Joann DeMello, Senior Clerk

MINUTES OF OCTOBER 13, 2020  
CONSERVATION COMMISSION MEETING

**Present:** Robert Rocha  
Absent: Evelyn Bouley

Robert Rocha  
Everett Philla  
Heidi Pelletier  
Paul Valente  
Richard Pimentel  
Ryan Rezendes

Merilee Kelly, Agent  
Joann DeMello

Nyles Zager, Zenith Consulting Engineers  
Manny Gaspar – MG Property Group, LLC

Meeting called to order at 6:04 p.m. held via zoom.

II.

Minutes for approval:

A motion was made by R. Pimentel to approve the minutes of September 22, 2020. H. Pelletier seconded the motion. Motion passed 5-0.

III.

Meeting Mail: None.

IV.

Appointments: None.

V.

Old Business:

VI.

New Business:

NOI – MG Property Group, LLC / Labonte Street SE 001-550 A Notice of Intent was filed by MG Property Group, LLC for property located at Labonte Street, Map 15, Lot 456A. The applicant proposes to construct a single family house with associated utilities, driveway, grading and landscaping within the 100' buffer zone to a bordering vegetated wetland. The applicant is represented by Nyles Zager of Zenith Consulting Engineers, LLC. Plan name is

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"Site Plan Lot 456A Labonte Street" dated September 14, 2020. Nyles Zager was present on the zoom call to discuss this project. Mr. Zager emailed Joann the proof of abutter notification. The Commission conducted a site visit on Saturday. Mr. Zager stated the dwelling will be a 25' X 50' raised ranch, the roadway was constructed previously through an Order of Conditions SE 001-0535. Erosion control will be placed around the entire limit of work and a dewatering basin will be used during construction. Agent Kelly asked how will you keep the stormwater on-site or will it drain onto Labonte Street? Mr. Zager said the road construction was already approved from the original filing and only a small portion will run-off into the wetland. It will end up on Pembroke Avenue. Agent Kelly asked how will you handle run-off freezing in the winter? Mr. Zager said he is utilizing what was previously approved from the Order of Conditions. Commission would like to see a material or vegetative fence to keep people out of the wetlands. P. Valente asked if Mr. Zager had the roadway filing handy, Mr. Zager no I don't have it on hand tonight. P. Valente asked how far from the Southeast corner of the dwelling is it to the wetlands? Mr. Zager said approximately 15 feet. Mr. Zager also stated sewer and water are available on this property and also for the next 2 lots that will be heard for Labonte Street. H. Pelletier made a motion to issue a positive order of conditions with the following conditions 1. Wetland flags need to be re-hung before construction begins. 2. A split rail fence or a vegetative fence to be installed at the limit of work. R. Rezendes seconded the motion. Chairman Rocha in favor. Motion passed 3-0-2 P. Valente and R. Pimentel abstained from Zoom.

**NOI - MG Property Group, LLC / Labonte Street SE 001-0551** A Notice of Intent was filed by MG Property Group, LLC for property located at Labonte Street, Map 15, Lot 456B. The applicant proposes to construct a single family house with associated utilities, driveway, grading and landscaping within the 100' buffer zone to a bordering vegetated wetland. The applicant is represented by Nyles Zager of Zenith Consulting Engineers, LLC. Plan name is "Site Plan Lot 456B Labonte Street" dated September 14, 2020. Mr. Zager emailed Joann the proof of abutter notification. The Commission conducted a site visit on Saturday. Mr. Zager stated the dwelling will be a 25' X 50' raised ranch, the roadway was constructed previously through an Order of Conditions SE 001-0535. Erosion control will be placed around the entire limit of work and a dewatering basin will be used during construction. Construction at the closest point to the wetland will be approximately 35 feet. H. Pelletier made a motion to issue a positive order of conditions with the following conditions 1. Wetland flags need to be re-hung before construction begins. 2. A split rail fence or a vegetative fence to be installed at the limit of work. R. Rezendes seconded the motion. Chairman Rocha in favor. Motion passed 3-0-2 P. Valente and R. Pimentel abstained. Everett was disconnected from Zoom.

**NOI - MG Property Group, LLC / Labonte Street SE 001-0552** A Notice of Intent was filed by MG Property Group, LLC for property located at Labonte Street, Map 15, Lot 456C. The applicant proposes to construct a single family house with associated utilities, driveway, grading and landscaping within the 100' buffer zone to a bordering vegetated wetland. The applicant is represented by Nyles Zager of Zenith Consulting Engineers, LLC. Plan name is "Site Plan Lot 456C Labonte Street" dated September 14, 2020. Mr. Zager emailed Joann the proof of abutter notification. The Commission conducted a site visit on Saturday. Mr. Zager stated the dwelling will be a 25' X 50' raised ranch, the roadway was constructed previously through an Order of Conditions SE 001-0535. Erosion control will be placed around the entire limit of work and a dewatering basin will be used during construction. Construction will be approximately 37 feet from the wetland. H. Pelletier made a motion to

issue a positive order of conditions with the following conditions 1. Replication area work to begin on this lot and no work shall commence on this lot or on lots 456A and 456B Labonte Street until replication is complete. 2. Wetland flags need to be re-hung before construction begins. 3. A split rail fence or a vegetative fence to be installed at the limit of work. R. Rezendes seconded the motion. Chairman Rocha in favor. Motion passed 3-0-2 P. Valente and R. Pimentel abstained. Everett was disconnected from Zoom.

**COC – Manuel Almeida / 8 Wildrose Lane** A Certificate of Compliance was filed by Manuel Almeida for property located at 8 Wildrose Lane, Map 18 Lot 13G. The applicant proposed to replace an existing soil absorption system with a 1500 gallon tank, distribution box and a 15' X 29.6' leaching field with related grading within the 100 foot buffer zone to a bordering vegetated wetland. The applicant is represented by Michael Koska of Michael J. Koska & Associates, Inc. Commission members conducted a site visit on Saturday. Project looked good, grass was growing in well. H. Pellerier made a motion to issue the certificate of compliance. R. Rezendes seconded the motion. Chairman Rocha in favor. Motion passed 3-0-2. P. Valente and R. Pimentel abstained. Everett was disconnected from Zoom.

## VII.

**Discussion:** Wetlands By-Law. Discussion was held regarding Standards vs. Regulations. Everett has now re-joined Zoom at 6:43 p.m. P. Valente would like to review the town of Marion's standards and other options. Discussion regarding establishing wetland standards, then investigate a by-law later. Chairman Rocha will type up a summary for members to review. P. Valente would like a scenario of legal action. Vote will take place at next meeting.

## VIII.

**Agent Updates:** Agent Kelly stated there is a lot of building going on in town, but everything going well in Conservation. P. Valente asked Agent Kelly if she knew what transpired on Peckham Road – Police Officer on site... Agent Kelly did not know what had happened there.

Riverview Park update – R. Pimentel asked about arborvitae planting. P. Valente asked what prompted DPW to start the project? Agent Kelly said the Board of Selectmen received a grant with a short timeline. P. Valente asked about an after the fact filing. P. Valente would like the Commission members to visit the site. R. Pimentel said he has been by the project already. R. Rezendes did not see any erosion control in place. Agent Kelly to speak with Dan Menard, DPW Superintendent.

E. Philla asked about P.J. Keating – What are they doing to fix the wetlands? Agent Kelly said they are appealing the Enforcement Order in court.

Chairman Rocha asked about work on Hamlin Street – No work has begun, Mr. Menard has rented a paver and completing projects around Town.

**Meeting adjourned at 7:17 P.M.**

A motion to adjourn was made by P. Valente The motion was seconded by E. Philla Motion passed 6-0.

Respectfully submitted:  
Joann DeMello, Senior Clerk  
Acushnet Conservation Commission

Minutes Approved:

Robert Rocha - Chairman

Everett Philla - Vice-Chairman

absent

Evelyn Bouley

Heidi Pelletier

Richard Pimentel

Ryan Rezendes

Paul Valente

Date signed: November 10, 2020

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