



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

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2022 FEB 28 A 9:06

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

Patrick Hannon, Conservation Agent
Joann DeMello, Senior Clerk

**MINUTES OF JANUARY 12, 2022
CONSERVATION COMMISSION MEETING**

Present:	Robert Rocha, Chairman Everett Philla Ryan Rezendes Richard Pimentel Heidi Pelletier Evelyn Bouley	Absent: Paul Valente
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Patrick Hannon, Agent
Joann DeMello

David M. Davignon, Schneider, Davignon & Leone, Inc.
Eric DeBarros, resident
Luke Legere, PJK Counsel
Robert Robinson, PJK Vice President of Aggregates
Douglas Vigneau, PJK Environmental Compliance Manager
Charles Caron, Caron Environmental
Christian DeSousa, resident
Lynda Skapik, resident
Deborah Polchlopek, resident
Mary Cordeiro
Cheryl's Ipad
Dave's Ipad

Meeting called to order at 6:00 p.m. held via Zoom.

Chairman Rocha opened the meeting and informed the audience that this meeting had been posted as a public hearing, then due to COVID was changed to a Zoom meeting. The Town Clerk was contacted for guidance regarding the proper procedures regarding this change. Chairman Rocha explained the hearing/meeting will recess for 15 minutes to allow the public to log into Zoom. R. Rezendes made the motion to recess for 15

allow the public to log into Zoom. R. Rezendes made the motion to recess for 15 minutes. H. Pelletier seconded the motion. Roll call vote: Ryan, Everett, Heidi, Rick, Chairman Rocha – Yes. Motion passed 5-0.

Chairman Rocha announced the time as 6:15 p.m. H. Pelletier made a motion to open the hearing/meeting. E. Philla seconded the motion. Roll call vote: Rick, Evelyn, Everett, Ryan, Heidi, Chairman Rocha – Yes. Motion passed 6-0.

Minutes for approval:

A motion was made by R. Rezendes to approve the minutes of December 8, 2021. E. Philla seconded the motion. Roll call vote: Rick, Ryan, Everett, Heidi, Chairman Rocha – Yes. Motion passed 5-0.

Meeting Mail:

Agent Hannon said the peer review reports were received, substantial comments received.

Appointments: None.

Old Business:

(Continued Public Hearing) NOI – Eric DeBarros / Map 14, Lot 4 C Hathaway Road SE 001-0570. A Notice of Intent was filed by Eric DeBarros for property located at Map 14, Lot 4C Hathaway Road. The applicant proposes to construct a single family dwelling, septic system and a 12 ft. wide gravel driveway along with a 50' X 80' barn/garage southerly from the dwelling within the 100-ft. buffer zone to a bordering vegetated wetland. The applicant is represented by David M. Davignon of Schneider, Davignon & Leone, Inc. Plan name is "Sewage Disposal System – Site Plan" for Hathaway Road dated November 18, 2021. This hearing was continued from December 8, 2021. Revised plans were received by Mr. Davignon. Natural Heritage has been approved. Agent Hannon received a call from a neighbor regarding a portable saw mill and cutting trees down. Agent Hannon informed the Commission that Mr. DeBarros has not been observing the buffer zone areas, he has concerns with the work process. Agent Hannon spoke about wetland field data sheets have not been supplied. The DEP circuit rider conducted a class and said this field is being left out and it is a requirement for submittal on the NOI and Order of Conditions. Mr. Davignon disagreed with the circuit rider requesting data forms, this has not been a Commission practice. Discussion ensued. Mr. DeBarros spoke and told the Commission what he wants do on the property. Chairman Rocha asked the Zoom participants if they would to comment on this project. No comments. Chairman Rocha stated this is a wetlands and buffer zone project; state rules need to be respected, please contact the Conservation Agent with work process. Discussion continued about erosion control. Christian DeSousa made a comment that more research should have been done before the purchase of the property. R. Rezendes made a motion to issue a positive order of conditions with 1 special condition – Erosion control inspection, on-site meeting with Contractor within 5 days prior to construction. E. Bouley seconded the motion. Roll call vote: Everett, Heidi, Rick, Ryan, Evelyn and Chairman Rocha – Yes. Motion passed 6-0. R. Pimentel made a motion to close the hearing, seconded by E. Philla. Motion passed 6-0.

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P.J. Keating Enforcement Order July 16, 2020

Discharge violation status and dissolution of order by vote of commission.

Agent Hannon stated this has been resolved. R. Rezendes made a motion to dissolve the enforcement order. E. Philla seconded the motion. Roll call vote: Rick, Everett, Heidi, Ryan and Chairman Rocha – Yes. Evelyn abstain. Motion passed 5-0-1.

P.J. Keating Enforcement Order August 13, 2020

Wetlands violation, impacts to BVW from silt pile slope failure. Enforcement order resulted in the filing and approval of NOI # SE001-0558. E/O can be dissolved by vote of commission. Agent Hannon stated this has been resolved. E. Philla made a motion to dissolve the enforcement order. R. Pimentel seconded the motion. Roll call vote: Everett, Heidi, Rick, Ryan, Evelyn and Chairman Rocha – Yes. Motion passed 6-0.

Heidi Pelletier left the meeting at 6:47 p.m.

New Business:

COC – Janet Perron / 30 Club Avenue SE 001-0445 A Certificate of Compliance was filed by Janet Perron for property located at 30 Club Avenue, Map 15, lot 148. The applicant proposed to construct an attached 24' X 24' garage to an existing single family dwelling with related grading within the 100' buffer zone to a bordering vegetated wetland. Agent Hannon stated that everything is in order, older project needing COC for a pending sale. R. Pimentel made a motion to issue the certificate of compliance. E. Philla seconded the motion. Roll call vote: Everett, Rick, Ryan, Evelyn and Chairman Rocha – Yes. Motion passed 5-0.

Violations:

P.J. Keating Co. 72 South Main Street – New Enforcement Order silt beyond the silt fence, failure to inspect, failure to comply with NOI SE-001-0558, discussion and ratification, review of matters presented; votes may be taken. Agent Hannon shared his screen – a report from Coneco Engineers & Scientists with regards to the silt pile has not been stabilized. When will this work take place? Robert Robinson replied he had 3 years from the approved Order of Conditions. Mr. Robinson said the Commission did not place a date certain on the Order of Conditions. Agent Hannon suggested issuing an Enforcement Order with the requirement to remove the silt from the buffer zone within 60 days and restore the buffer zone to its original grade and vegetate it. R. Rezendes asked if any of the work has been started or was just the erosion control set up? Has excavation started? The silt fence and sock were installed. Silt is still traveling into the wetlands. Mr. Robinson said the area is being inspected daily, heavy rains had occurred before the Towns visit. Agent Hannon mentioned that PJK had 1 year to stabilize the area. Douglas Vigneau said the order of conditions was issued on July 7, 2021, not a year ago. Mr. Vigneau said a small breach occurred in the silt fence and silt has entered the wetland area. Nothing in the order stated daily inspections. Attorney Legere would like to comment, Agent Hannon asked why didn't they notify the Commission that PJK would have Counsel present? Attorney Legere said it's a public meeting. Attorney Legere mentioned that the order of conditions was issued on July 7, 2021. PJK has 3 years to complete this work, work has not begun and will be incrementally performed. Charles Caron said the silt pile would be stabilized first. R. Rezendes would like the Commission to conduct a site visit. Members agreed. R. Robinson said that is fine,

please wear the appropriate gear. Site visit is scheduled for January 22, 2022. Comments from the audience – Linda Skapik – Is anyone at the PJK site or is it closed for the winter? R. Robinson said a manager and some office staff are at the location. Quarry and asphalt are closed, other work at the stone plant will begin in approximately 2 weeks. R. Rezendes made a motion to continue this discussion at the January 26, 2022 meeting. R. Pimentel seconded the motion. Roll call vote: Everett, Rick, Ryan, Evelyn and Chairman Rocha – Yes. Motion passed 5-0.

Eric DeBaros Map 14 Lot 4C Hathaway Road NOI SE-001-0570 {Pending Approval} Violation of wetlands protection act, buffer zone violations and repeated non-compliance issues. Discussion and review of matters, votes may be taken. Agent Hannon said Natural Heritage has sent the letter, previous discussion was good no need for enforcement.

Discussion:

- 211 Middle Road – Peer review response – Lengthy response from Beals & Thomas, most comments due to engineer using a boiler plate document- typographical errors. New plan sent today and it will be reviewed again by Beals & Thomas.
- Policy on Buffer Zone – policy of a 25 foot no touch zone with the ability of a hardship variance from the policy. To be placed on the website and Engineers would be notified. R. Rezendes likes the recommendation with the Commission having discretion on each project. E. Philla and R. Pimentel also in favor of this policy. Place on next agenda.
- Policy on Wetlands Delineation – Agent Hannon has recommended wetland data forms shall be required for all NOI applications. The circuit rider from DEP conducted a training session and said these forms have been missing with NOI submittals. E. Philla made a motion to adopt wetland data form requirements for a NOI submittal beginning January 13, 2022. R. Pimentel seconded the motion. Roll call vote: Ryan, Rick, Everett, Evelyn and Chairman Rocha – Yes. Motion passed 5-0.
- 2022 Filing Deadline – Chairman Rocha read over the schedule.

Stormwater:

- **88 Wing Lane – CVE North America** – Agent Hannon said the project was done as an RDA while he was not the Agent. Feedback was received from Jim Marot, Building Inspector and Doug Pimentel, Town Planner. Agent Hannon gave an update of the project since he has become the Agent. Multiple concerns regarding construction, the site being cleared and the stormwater permit was not requested. Eversource has been issued a stop work order and they are looking to get matters corrected. Mr. DeBarros has lived on Elaine Way for 30 years, gave the Commission his concerns about the drainage. Agent Hannon said it will take about 1 to 2 months to receive the review comments, when he does it will be placed on the agenda.
- **734 Main Street – Rep Weld Corp.** – Agent Hannon said the business has a Class III junk license, stormwater compliance and setbacks are required and the owners have hired David Davignon to do the site work and topography. Agent Hannon has sent out all the documents for compliance and would like a timeframe schedule of when the work will be completed. The Board of Selectmen would like to have this in place by April 1, 2022 before they would seek action.

will be requesting a stormwater filing from P.J. Keating Co. R. Rezendes suggested now that we are handling stormwater, can the Commission conduct site visits. Agent Hannon yes. R. Rezendes would like to visit P.J. Keating and Rep- Weld on Saturday, January 22, 2022.

Agent Updates:

Agent Hannon discussed the budget for F/Y 23. Agent Hannon said Wetlands Protection Act monies can be used to pay salaries, it's placed in a revolving fund. Most Commissions pay their agent and staff out of this fund. Stormwater paperwork and responsibilities have been given to Senior Clerk, recommends paying a stipend thru this fund – no cost to taxpayers.

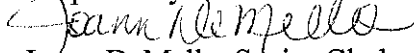
Agent Hannon spoke about wetlands loss maps; Selectmen Gaspar has filed a public records request to get geotechnical information regarding P.J. Keating Co. Human altered wetlands are wetlands that were taken out without permission.

R. Rezendes asked about the auger and munsell chart, does the Commission need to be certified to use them? Agent Hannon said no, but Andrew Poyant from DEP would be able to come out and do a training or an engineer from Conceo would also be available to conduct a training.

Public Meeting adjourned at 8:17 p.m.

A motion to adjourn the public meeting was made by E. Bouley. The motion was seconded by R. Rezendes. Motion passed 5-0.

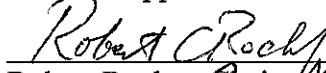
Respectfully submitted:



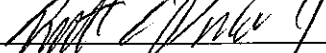
Joann DeMello, Senior Clerk

Acushnet Conservation Commission

Minutes Approved:



Robert Rocha - Chairman

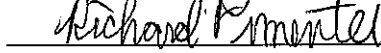


Everett Philla

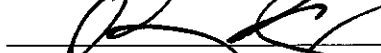
Evelyn Bouley



Heidi Pelletier



Richard Pimentel



Ryan Rezendes

absent

Paul Valente

Date signed: February 9, 2022

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