

**BROCKTON CONSERVATION COMMISSION**  
**Thursday, January 12, 2017 – 7:00 PM**  
**GAR Room – City Hall**  
**Meeting Minutes**

Members present: Mark Norwood, Mark Speizer, Sam Ward, David Zaff and Jim Cobbs.  
Also present were secretary Pamela Gurley and Caitlin Nover & Henry Nover, NAA.

1. Certificate of Compliance (118-326)  
Property: Plots 3 & 4 Industrial Blvd.  
Issued: 11/28/95 (Kelleher)

The secretary said that during the recent transfer of this property the closing attorney found an existing OOC for a prior project that was never built and has asked that the commission issue a COC for an invalid order.

Decision: issue a COC for an invalid order; OOC has expired and the work was not started

Motion: Norwood

Second: Cobbs

In favor: 5

Opposed: 0

2. Notice of Intent  
Property: Plot 42 West Chestnut Street  
Applicant: Meadow Woods LLC  
Representative: Gallagher Engineering

Hearing could not be opened as there was insufficient abutter notification. The applicant is re-notifying all abutters and the legal will re-run with a January 26<sup>th</sup> hearing date.

3. Notice of Intent  
Property: 32 N. Manchester St. (Lot 6A)  
Applicant: Dan Evans, Evans Machine  
Representative: Mark Dibb, Condyne Engineering

Applicant's statement: Mark Dibb said that the proposal was for a 4,400 sf addition within BLSF. He said the entire site is below the base flood elevation of 94. He said they have been granted a variance from the ZBA. They have designed a sub surface infiltration area to handle roof run off. He said they received the comments from DEP stating they cannot count the flood storage of the drainage system as storage...there will be 19,000CF of flood storage lost. He said they are willing to remove and clean up some of the area containing historic debris to gain flood storage and would like to work through this with a monitoring process where Condyne and NAA will work together. He suggested a pre construction meeting for the clean up; they are proposing to work in a grid like system; want to begin with one area and clean it up and if they do not meet the 50% they will continue on.

Comments: Henry Nover said this is the fourth or fifth project for the site; he said Dan Evans has work hard to meet the regulations; he said he cannot compensate as the property is below the flood plain and he is out of options at this point; DEP has never commented on any of the other project at this site before now; he said he spoke with DEP today; he said they are sympathetic but there is no guarantee they will not intervene if the commission issues an OOC. He said the project is in compliance with the wetlands protection act and stormwater management and said that the proposal is a win win. He said that the commission has discretion here.

David Zaff asked how far are they proposing to work from Trout Brook and was told they are within about 10' in some areas. Henry Nover said that once the area is cleared that the wetlands vegetation should take over.

Jim Cobbs said that 50% of flood storage is still missing. Mark Dibbs said that since they are not being allowed the credit for the oversized system they would like to reduce the system and put the money into the cleanup; he said they are trying to achieve 50% restoration – with the restoration what is the amount of flood storage. Henry Nover said that DEP wants to see the revised plans; he said DEP was concerned that the commission might issue without reviewing the new plans or calcs.

Jim Cobbs said he did not get an answer and was told that the best case scenario will be 50% replication. Jim Cobbs asked if there was any other scenario that would get them closer to the 100% number.

Mark Speizer noted that they were using COB property for their replication; Mark Dibb said they are working with the COB on a licensing agreement.

Continued to next meeting 1-26-17 by agreement of the parties.

4. Certificate of Compliance (118-695)  
Property: Plots A, B, & C Claremount Avenue  
Issued: 4/23/15 (Michael Curtin)

Applicant's statement: Scott Faria said they were previously granted a partial COC.

Comments: Caitlin Nover said that at this time NAA's recommendation is that this not be issued. Restoration of wetlands on lot A was not done as proposed and there are no specifications on the plants. The larger driveways were addressed during the request for the partial COC.

Mike Curtin said that the work was done; he said they scraped two truckloads from site and re-seeded. Mike Curtin said he found the listing of plants installed but it was not submitted to NAA before letter was issued. Scott Faria said JKH did not do any topo in area after construction but will do a more detailed topo of the area showing the grading in the restoration area.

Mark Speizer said he was abstaining as he knows the Curtin family.

Continued to 1-26-17 by agreement of the parties.

#### 5. Request for Determination

Property: 940 Belmont Street (Berm)

Applicant: US Department of Veterans Affairs)

Representative: JK Holmgren

Applicant's statement: Scott Faria said that there is a large 100' long earth berm in the BZ; the VA is proposing to remove 85' of earth berm along the existing salt shed and clean up the area. He said the work is within the previous approved limit of work but close to the 25' area.

Comments: Caitlyn Nover said she met with Scott Faria on the site; NAA has no issue with the project; there is a lot of mud in the area so this will improve the area. She said that NAA proposes that the commission could issue a negative 3 determination.

Jim Cobbs asked how the salt is stored and was told in a garage and that removing the berm will not affect the salt area. Henry Nover said that the berm does terminate and the area is flat; he said that the potential was always there for the salt to run into the stream and this won't make a change to the area.

Mark Norwood asked where they the fill will go and was told it will be put in an approved storage area on site.

Decision: issue a negative three determination

Motion: Speizer

Second: Henningson

In favor: 5

Opposed: 0

#### 6. Request for Determination

Property: 940 Belmont Street (South side of property)

Applicant: US Department of Veterans Affairs)

Representative: JK Holmgren

Applicant's statement: Scott Faria said this area is the area closest to the W. Chestnut St. entrance. He said there is a construction trailer there now; he said the area is muddy and they would like to put down some gravel. There will be no clearing.

Comments: Caitlin Nover said NAA suggested that they not put and gravel in the 25' no touch and said the plan has been revised to show that. She said there is quite a bit of mud there and based on the fill material there now that the added gravel will create an impervious surface. She said that NAA suggests a positive 4.

Jim Cobbs asked if there would be a run off concern because of the impervious surface being created. Scott Faria said that is a valid concern and will speak with the VA.

Henry Nover said this area historically been used as lay down area; there was some discussion about whether there was an alternative surface that may be considered pervious.

Decision: Issue a positive 4 determination.

Motion: Cobbs

Second: Ward

In favor: 5

Opposed: 0

**Other Business/On-going Projects/Minutes/Discussion/Up-Dates**

Discussion – VA Hospital- fencing at stream crossing

Scott Faria said that the fence stops in the area of the intermittent stream at the W. Chestnut St area; the VA wants to put the fence in there and make it flush with existing grade. He said there are federal security guidelines governing this that state there is to be no more than a 2” clearance between ground and fencing. He said he is looking for some guidance.

Henry Nover asked what the height around the pond was and was told 6”. He felt that they would be able to make a narrow enough opening sufficient for migration.

The Commission members asked NAA to work with JKH to come up with a solution agreeable to all parties.

The secretary said that the original COC for 1150 West Chestnut St. was never recorded and the property was sold and the closing attorney asked that the Commission issue a duplicate for recording.

**The listing of matters is those reasonably anticipated by the Chair which may be discussed at the meeting. Not all items listed may in fact be discussed and other items not listed may also be brought up for discussion to the extent permitted by law.**