

BROCKTON CONSERVATION COMMISSION
Thursday, April 12, 2018 – 7:00 PM
GAR Room – City Hall
Meeting Minutes

Committee Members Present: David Zaff – Chair, Dr. James Cobbs, Mark Spitzer, Samuel Ward, and Bianca Gay. Also present were Ruth Geoffroy and Caitlin Nover of Nover-Armstrong Associates, Inc (NAA).

1. Notice of Intent
Property: 2 Belgravia Avenue
Applicant: Buskull Properties
Representative: Curley & Hansen

The hearing was continued to the May 10, 2018 meeting.

2. Notice of Intent
Property: Plot 1-1 Bangor Street
Applicant: Christopher Piazza
Representative: Strong Point Engineering

Presenter: Eric Dias, PE, Strong Point Engineering (Strong Point)

Comments by Merrill: I am representing Chris (the Applicant) for this Notice of Intent. Site access is through a shared easement off of Alger Street. We were previously here for an ANRAD filed for this site a couple of years ago and then the construction of a couple of single family houses that have since received COCs. The site is approximately 11 acres and is very wet. The house is set in the center of the remaining upland area. The Board of Health (BOH) has approved the proposed septic system as of today. No work is proposed in the 25-foot buffer. Nover-Armstrong has issued a comment letter that had several comments about some plan inconsistencies. We have addressed those and have the updated plans for the record.

Comments of Commission: Mr. Zaff confirmed with Mr. Dias that BOH has approved the proposed septic system. Mr. Zaff stated that it looks like the project is outside of the 25-foot buffer zone entirely. Mr. Zaff stated that the Commission has been using limit-of-work caps as a Special Condition that can be placed on poles in the ground to prevent future encroachment to the wetlands. Mr. Dias stated that he is familiar with the markers and that the Applicant would have no problem using them.

NAA Comments: Ms. Geoffroy stated that, according to Mr. Dias the plan recommended changes to the plan have been made. Ms. Geoffroy stated that during NAA inspections various solid waste and debris were observed. NAA recommends the Commission make a Special Condition related to the removal and storage of the solid waste. Mr. Zaff asked whether a 21E has been done for the site. Mr. Dias stated that there was no 21E assessment because the bank did not require one as it is residential. Mr. Dias stated that they did not see any signs of contamination. He said he believes there has already been some clean up by a previous owner.

Dr. Cobbs asked whether there will there be an as-built plan showing that there are permanent markers. Mr. Zaff stated that he doesn't believe As-Built plans are in the

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standard conditions but we can require a Special condition to include an As-Built plan. Mr. Dias had no objections.

Public Comments: Darlene Ducharme asked where the Applicant is going to build exactly. She asked if it would be right across from her property on Bangor Street. Carol Brosseau added that they are concerned it would interfere with the pumping station. She stated that it is very wet in that area and it is always flooded.

Mr. Dias responded stating that if you live on Bangor Street you will never see the house as it is off of Alger Street it just technically has a Bangor address because that is where the site frontage is located. He stated that all of the drainage is proposed to sheet flow over the proposed lawn area and will have to go through at least 75 feet of lawn before it flows into the wetlands. Whatever small amount of water that reaches the wetland will be able to be handled by the large wetland system and won't affect the drainage on Bangor.

Decision: Motion to close the public hearing.

Motion: Mark Spitzer

Second: Samuel Ward

In Favor: 4

Oppose: 0

Decision: Motion to issue a standard Order of Conditions with the aforementioned Special Conditions.

Motion: Mark Spitzer

Second: Dr. James Cobbs

In Favor: 4

Oppose: 0

3. Notice of Intent

Property: 899 Belmont Street

Applicant: Titanium Group

Representative: Choubah Engineering

Presenter: Attorney John Creedon and Hal Choubah, Choubah Engineering

Mr. Creedon introduced the project. He stated that there two owners who are present and that Mr. Choubah is the project engineer. Mr. Creedon stated that the project was originally filed as a RDA and that the Applicant has filed a NOI at the request of the Commission. Mr. Creedon stated that Mr. Choubah will present the project.

Comments by Choubah Engineering: – Mr. Choubah stated that he is the consulting engineer. Mr. Choubah submitted proof of the legal ad and notice to abutters. Mr. Choubah stated that the wetland boundary was approved during the application. He stated that he whole site is within the 100-foot buffer the wetlands. He stated that there is currently a 2,100 sqft building and garage with two car bays on the site. The stormwater currently sheet flows to the south / west towards Belmont and Edinboro Ave. He stated that NAA made a comment regarding the vegetation on the other side of the guardrail. He said that everything on the south side of the guardrail is 100 percent paved and that the rear portion of the site is the wetland and utility easement.

Mr. Choubah stated that the Applicant wants to add an addition onto the existing store. The drainage patterns will not change and will continue to sheet flow to the south and

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west. He stated that they have added a fence along the back of the property as suggested by the Commission during the last application. This is a redevelopment and if you are not increasing impervious there are certain standards you don't have to meet and some only to the extent practical and continued to say that there is really not much room for any LID stormwater improvements on the small site. We thought we could take the roof runoff and infiltrate it and reduce the water to the street by about 30 percent. NAA has stated that maybe infiltrating is not the best idea due to previous contamination on the property. He agreed with that idea that it may not be the best idea. Mr. Choubah stated that NAA made several other comments which they are all fine with and that issue comes down to – do we leave the infiltration area or remove it from the project?

Mr. Choubah stated that he has looked at other possibilities like taking parking areas and making them crushed stone but that may have the same type of issues as the infiltration area.

Comments of Commission: Mr. Zaff asked if everything from that existing building and garage will be. Mr. Choubah responded, stating the the existing bays will be part of the new convenience store and that new bays will be added onto the side. Mr. Zaff asked what the distance between the new construction and the wetlands is. Mr. Choubah stated that the distance is 15 feet.

Mr. Zaff asked where the snow will be stored. The owner, Ronen Drory stated that at their other properties in Brockton they will push the snow to the designated areas and if the snow bank gets too big they remove it from the sites.

NAA Comments: Ms. Geoffroy stated that, she believed 3 USTs were removed back in 2013 along with a significant amount of contaminated soil. She stated the DEP reports showed that soil samples taken in 2016 and 2017 showed residual contamination on the site. A closure assessment was just issued for the site which acknowledged that there is residual contamination on the site. Because of the residual contamination, not knowing the direction of the groundwater flow, and the fact that this is a complete redevelopment project – which means the project doesn't have to fully comply with the standards, it is our recommendation that the infiltration area not be installed.

Mr. Zaff asked Ms. Geoffroy if the best way for the Applicant to move forward with the project would be to maintain the current drainage patterns. Ms. Geoffroy stated that, that is correct.

Mr. Choubah stated that during construction there will be an LSP on site for any earth work and will be conducting soil testing.

Mr. Drory stated that they have been working in Brockton for many years. He stated that they are taking a run-down site on one of the main entrances to Brockton and cleaning it up. We feel that taking the infiltration area out is the best solution not because we would be saving money but because that is what our engineer and our LSP are telling us is best. He stated that they have no problem with any special conditions the Commission wants.

Ms. Geoffroy stated that there are proposing to remove a tank in the NW corner of the site and moving underground vent pipes. She stated that don't show a plan to repave the

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site once they do this work. Mr. Choubah stated that they will likely be patching the pavement.

Ms. Geoffroy stated that it is NAA's recommendation to use 18" compost silt sock. She stated NAA's recommendations for potential Special Conditions:

1. Prior to any site demolition activities, a Building Demolition Plan detailing the handling of demolition material and measures to mitigate impact to adjacent resource areas including wetting procedures, stockpiling of debris, erosion control, inlet protection, etc. shall be submitted for review and approval.
2. During the partial demolition of the on-site building and excavation for the foundations of proposed structures, the applicant shall have a Massachusetts Licensed Site Professional (LSP) on-site to determine and document whether soils beneath these areas need to be removed and transported off-site for disposal and / or recycling.
3. A "load-and-go" approach for soil removal should be employed. If necessary, contaminated or potentially contaminated soil shall be stored on and securely covered with adequate plastic sheeting in an area located greater than 50 feet from any wetland resource area or drainage inlet.
4. All laboratory analytical results from sampling events must be provided to the Commission and / or their representative.
5. There shall be no discharge of dewatered groundwater to wetland resource areas either by direct or indirect discharge to wetland resource areas or existing drainage systems. Notice of dewatering activities must be given to the Commission and / or their Agent within 48 hours.
6. If required for this facility, proof of NPDES General Construction Permit submission is required as well as the NPDES General Permit Stormwater Pollution Prevention Plan (SWPPP).
7. A copy of the MCP Release Abatement Measure Plan shall be provided to the Commission concurrent with its filing with MADEP.
8. There shall be no stockpiling of soil or other materials within 50 feet of any resource areas. If overnight stockpiling of impacted soil or clean import materials are necessary, all stockpiles will be covered and secured with polyethylene sheeting pending transport the following day. Designated "Clean Soil Stockpile" and "Impacted Soil Stockpile" storage areas shall be depicted on a Site Plan – "Title", dated "Date" and prepared by "Engineer" to be provided to the Commission.

Ms. Geoffroy stated that NAA had additional recommendations for the infiltration area however it sounds like the Applicant is no longer interested that. She stated that NAA has also thought about additional places to put the roof runoff and that they could not find any other practical alternatives either.

Mr. Zaff stated that the applicant has provided a lot more additional information and is satisfied. Ms. Geoffroy stated that with the recommended special conditions and plan revisions an OOC can be issued. Dr. Cobbs asked if the revised plans be referenced in the Order. Mr. Zaff confirmed that once the Commission closes the public hearing that they have 21 days to issue the OOC. Mr. Zaff informed the Applicant that the issuance of the OOC depends on whether revised plans are submitted within the 21 day period.

There were no comments from the public.

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Decision: Motion to close the public hearing.

Motion: Mark Spitzer

Second: Samuel Ward

In Favor: 4

Oppose: 0

Decision: Motion to issue a standard Order of Conditions with the aforementioned Special Conditions and pending on the submittal of revised plans.

Motion: Mark Spitzer

Second: Samuel Ward

In Favor: 4

Oppose: 0

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

Merlin Anbourg – Mr. Anbourg stated that he is a Trustee with the Parkview Reservoir Condominium Association. He stated that he hired a contractor to come out to remove some concerning trees and that the contractor informed him that the trees are part of a conservation area and will need approval from the Conservation Commission to remove them. He stated that the contractor agreed that the trees are a safety hazard.

Mr. Zaff responded, asking Mr. Merlin to send pictures to Ms. Shave and let him know that she can approve their removal if it is indeed a safety issue.

1. Stone Farm – Request for Field Change Approval

Ms. Shave stated that she has distributed a letter to Commission from Conor that requests the approval of a field change to change the width of the proposed boardwalk from 3.5 feet to 3 feet. Ms. Shave stated that both her and Ms. Nover agree that the proposed field change would either not increase or reduce the total wetland impact and that she would like to recommend that the Commission approve the change.

The Commission had no objections to the field change.

2. 1288 Pleasant Street, Lot 3 – Enforcement Orders

Ms. Shave stated that her and Ms. Nover visited the site on March 28, 2018 and found that the stockpiled soil had been removed however the owner, Danielson Gomes, has not submitted proof of when or where it went. Ms. Shave stated that they observed that there appeared to be additional contaminated soil on the site and that the erosion controls have still have not be fixed. She stated that Mr. Gomes has recently come into the planning office to request that the cease-and-desist be removed and was told that was not possible because he has complied with the requests outlined in the EO's.

Mr. Zaff stated that his recommendation is to keep the cease-and-desist in place.

3. 45 Angelo Street - Potential wetlands violation

Ms. Shave stated that the planning office has received several complaints about this site which included potential vegetation clearing within the wetland. Ms. Shave stated that her and Ms. Nover visited the site on March 28, 2018 and found that four (4)

trees had been cut down near the southwest corner of the lot. The trees may actually be located on the City of Brockton land that abuts 45 Angelo Street. Ms. Shave stated that she also observed a significant amount of trash and debris in the wetland.

Mr. Zaff stated that Ms. Shave should send the owner a letter on behalf of the Commission explaining the observed violations and request that he appear before the Commission so they can explain the situation and what the rules are regarding the wetlands on his property.

Decision: To adjourn the 4/12/18 meeting

Motion: Samuel Ward

Second: Dr. James Cobbs

In Favor: 4

Oppose: 0