

BROCKTON CONSERVATION COMMISSION
Thursday, September 27, 2018 – 7:00 PM
Basement Level – City Hall
Meeting Minutes

Members present: David Zaff, Ray Henningson and Mark Speizer. Also present were Megan Shave & Pamela Gurley, COB and Caitlin Nover, Nover Armstrong Assoc. (NAA).

1. Certificate of Compliance Request
Property: C-2 Transmission Line ROW
Applicant: TRC/Mass Electric

Applicant statement: Sam Phatt (TRC) said all the work was exempt except for a small area of trenching; the use of the timber mats was successful. He said they conducted weekly inspections of the work.

Comments: Megan Shave said that the ground has re-stabilized and re-vegetated on its own. She said that the straw waddles should be removed as soon as possible and is recommending that the commission issue a full COC with the special condition dealing with herbicides is to continue.

Decision: Issue a full COC with ongoing conditions relative to herbicide use and that the straw waddles are to be immediately removed.

Motion: Speizer

Second: Henningson

In favor: 3

Opposed: 0

2. Request for Determination
Property: 10 Churchill Avenue (gas service)
Applicant: Columbia Gas/Merrill Engineers

Comments: David Zaff said there is an existing OOC on the property for a garage and this is for a new gas line to the home.

Megan Shave said that Merrill working in Lawrence unable to attend. She said she conducted a site visit and the addition is under construction and the erosion control that is there now is sufficient for gas main work as the gas line is under the driveway.

Decision: Issue a negative 3 determination and a positive 2B

Motion: Henningson

Second: Speizer

In favor: 3

Opposed: 0

3. Request for Determination – Grove, Hudson & Leyden Streets

Applicant: Columbia Gas/Merrill Engineers

Continued to October 11, 2018

4. Notice of Intent – Proposed Cumberland Farms

Property: 700 Oak Street

Applicant: Matt Leidner, Civil Design Group/TMC CF of New England & Chris Lucas, Lucas Environmental

David Zaff stated for the record that his family members are involved with ownership of this land but he has no financial interest from this property. Ray Henningson said that the company he works for sells product to applicant.

Applicant's statement: Matt Leidner said that the proposal is for a 5,270 SF convenience store/gas station. He said there will be five pumps; there will be an ANR plan for approximately two acres creating a standalone parcel. He said some of the work is in the 100' buffer zone. He said they are treating the site as new development under SW management and have designed an extensive SW system. He said the SW was peer reviewed by NAA and their only comment was that the emergency overflows should be incorporated into the two basins (this was also brought up at the TRC meeting by the City Engineer).

Comments: Caitlin Nover said that NAA generally complies with the SW management except for emergency overflow which applicant has agreed to address. She said that the applicant has submitted the necessary information for the commission to issue an OOC. M. Shave said she has been out to the site and also recommends the issuance of an OOC with the limit of work as defined on the sheets and siltation as on the detail sheet.

R. Henningson asked about the dumpster, fueling and snow removal locations (snow storage on plan 4.0) and D. Zaff asked if they have a common area maintenance plan and he was told that Cumbies has a site maintenance plan and they would provide a copy for the file.

Mark Speizer commended the applicant for detailed plans submitted.

Action: Motion to close the hearing.

Motion: Speizer

Second: Henningson

In favor: 3

Opposed: 0

Motion to issue and OOC with standard conditions and special conditions as proposed by NAA and the agent in their memos.

Motion: Speizer

Second: Henningson
In favor: 3
Opposed: 0

5. Notice of Intent – Sewer Force Main Easement Clearing
Applicant: Town of Whitman
Representative: Environmental Partners Group

Applicant's statement: Ziad Kary said since the last meeting he spoke with John Hobbs of DEP who advised him that they will not need 401 Water Quality Cert. and that they do not need to file an NOI as this was a limited activity – maintenance and clearing. He said they were advised to withdraw or request a COC. He said that they have to have an option to allow for the clearing of the easement in order to find the limits of the easement. He said they are proposing to cut it – no grubbing to allow for the testing. He said they are sure they will find something and expect to be back with NOI and then do the 401 Cert.

Comments: Caitlin Nover said she is somewhat confused by what John Hobbs said as he is not in the wetland group. She said this does not appear to be a limited project; the burden is on the applicant to show they are minimizing impact; she said that at the last meeting 10' was enough clearance and now they want to clear the easement.

Z. Kary said all they are proposing now is the clearing and testing – there are a lot of unknowns; he said they would like the flexibility to be on either side of the force main.

Megan Shave said if they withdraw it is not the commission duty to monitor the site.

David Zaff asked if there was any compromise; he said he would like to see as little disturbance as necessary. Z. Kary said in order for the surveyor to stake the easement the clearing needs to be done.

M. Shave asked who placed the stakes that are there now and was told Merrill. She said that there is no question that the work needs to be done; she just wants to make sure area is adequately protected. R. Henningson said that he shares the chairs concerns and if they are too restrictive it could cause a problem.

M. Shave said it was always intention of the commission to issue an OOC; they were just asking for additional information to back up what might be issued.

After some discussion it was agreed that the commission would issue an emergency certificate to allow the work to be done and leave the NOI open. C. Nover asked if they intended to do the work and then file after the fact. Z. Kary said they still have to go out to bid and are looking at January/February for what

needs to be done; the clearing, geo prob testing first and then the ultrasonic scan on the pipe, etc.

Councilor Anne Beauregard has some concerns and was surprised there are no neighbors; the secretary said that the office had received quite a few phone calls about this.

Z. Kary said they would be willing to leave the NOI open at this time with the issuance of an emergency order.

Action: Issue an emergency order to allow for the necessary clearing and testing.

Motion: Speizer

Second: Henningson

In favor: 3

Opposed: 0

Hearing was continued to the December meeting.

6. Notice of Intent – Plot 2 Belgravia Avenue – Proposed Subdivision

Applicant: Buskull Properties

Representative: Curley & Hansen

Continued to October 25, 2018

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

The secretary said they had a request to issue a partial COC for 25 Cypress Drive. She said that this subdivision was completed by the Bertarelli Brothers over 20 years ago; the OOC was for the roadway construction and some homes. This home was the first home built and has no jurisdiction. The home is being sold and the closing attorney has requested that we issue a COC.

Action: Issue a partial COC to 25 Cypress Dr.

Motion: Henningson

Second: Speizer

In favor: 3

Opposed: 0

Motion to accept minutes of 9-13-18 as presented

Motion: Speizer

Second: Henningson

In favor: 3

Opposed: 0

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.

MEETING ADJOURNED.