

BROCKTON CONSERVATION COMMISSION
Wednesday, July 17, 2019 – 7:00 PM
GAR Room – City Hall
AGENDA

Members present: James Cobbs, Ray Henningson and Sam Ward.
Also present were Pamela Gurley and Conservation Agent Megan Shave

1. Update from Colombia Gas

Megan Shave said that during the clearing permitting under the RDA the contractor hit a gas main; she said that the damaged portion has been replaced and backfilled and the area stabilized.

2. Update from Town of Whitman

Megan said she received the report and read the summary; she said the entire report is quite lengthy.

Discussion: Ziad Kaly said they have concluded the clearing activities; he said they did 80 geo probes and 12 were highly corrosive and 17 were borderline; the pipeline was not corroded on the inside. He said they have presented the Town of Whitman with alternative analysis. He said that at this time they are looking to replace the pipeline with poly pipe; it is a lengthy permitting process. They are proposing to keep the existing pipe on line and put a new pipe along side. The town will need to go out to bond for the funds.

Jim Cobbs asked if there was any way to protect those areas that are corroded and asked what the time frame was; he was told they cannot by pass the system, it would be the same as installing a new pipe; Ziad Kaly said they need 20% plans to begin the permitting process and the permitting process takes about six months.

Megan Shave said the work was done through emergency certificate, but that the NOI is still open; she said that the site is re-vegetating on its own; she said that the erosion controls were under water in the spring in the Beaver Brook area. Ziad Kaly said they intend to keep the easement the same and said that the new pipeline will be parallel and separated by 10' from the old pipe; he said they would like to keep the easement clear where pipeline is.

Ray Henningson asked what would happen if voters say no to the bonding; Dennis Smith said at some time the DEP will order the work to be done. He was asked (if approved) at which end they intend to start work and were told it is a pressure pipe for the entire line and crews can come in from both locations.

Ray Henningson noted that from the maps most of the corroded areas are in Brockton and asked who is responsible if something happens in Brockton was told that the Town of Whitman will come in; he said their job as a commission is

to protect the wetlands but that he will support anything that will move this forward expeditiously.

Sam Ward asked if there was an insurance policy that will protect COB from damage; Dennis Smith said he did not know the answer that but will find out.

Ziad Kaly said they are looking at the spring of 2020. Jim Cobbs said that the bid should state that the construction work should be done simultaneously; Dennis Smith said that are probably some companies that may work quickly enough to not need simultaneous work. Jim Cobbs asked if the Town Meeting had been scheduled and was told that they expect the meeting will be early fall.

Continue to November 20, 2019 for further updates by agreement of the parties.

3. Notice of Intent -940 Belmont Street Maintenance (118-742)

Applicant: US Department of Veterans Affairs

Representative: JK Holmgren

Applicant's statement: Scott Faria said the VA is still debating the issue of the clearing along the fence.

Comments: Megan Shave said that since last meeting on this she has been in contact with JKH and the VA. She said at the last meeting the commission asked for the statute that the VA was using for allowing the work. She said that the manual date is 2013 and said the NOI for fence was filed in 2014. She asked Scott Faria if he knew if they every applied for an exemptions. She said that the area they want to clear cannot be permitted especially without any replication. She said she received some documentation from VA and after reading it would have to conclude that the work is not exempt. She said the commission's choice is that either the work cannot be permitted or they could issue an OOC regulating the clearing for the cutting of branches that touch fence; no clear cutting of woody vegetation; no cutting of trees; and allowing for mowing of restoration areas A, B & D once a year.

Scott Faria asked for a continuance to September 18th to give his client one more shot to address this to the satisfaction of the commission.

4. Notice of Intent –Plots 2, 3, 4 & 5 Knapp Centre & Plot 59 W. Chestnut St.

Project: Lynch's Towing

Applicant: Lynch's Towing

Representative: JK Holmgren Engineering

Applicant's statement: Scott Faria said that the land is at the end of Knapp Centre and the applicant has an agreement to purchase with COB and Baines Electric; he said the site is the location of the of old city sewer beds and old dump. He said that is quite a bid a unsuitable material there; he said the soil

needs to be tested to determine what needs to be removed and in order to do that they would like to clear up to the 25' no touch and do some digging. He said that the plan shows and old wetland line done for another project.

Comments: Megan Shave said that she found flags C-7 & C-8; Scott Faria said he re-set that location (7, 8 & 9); Megan Shave said there are no elevations on the plan and it is hard to tell where things are. She said the plan is from an old RDA and those wetland lines were not confirmed; she said she believes the wetland line is longer and is around northern part of property as she found wetland indicators. Scott Faria said that the property line has been staked and he will send the wetland person back out.

Continued to 8/8/19 by agreement of the parties.

5. Notice of Intent - 130 Elliot Street (proposed condominiums)

Applicant: Joe Savino

Representative: JK Holmgren Engineering

Applicant's statement: Scott Faria said the newly revised plan to shows 8,000 SF of restoration contiguous with Trout Brook all on Savino's property; he said he has seen the proposed special conditions from the agent and has no issue with any of them.

Comments: Megan Shave said that the DEP Circuit Rider recommended hitting that 8,000 SF amount; she said this revision meets the 8,000 SF BVW alteration making assumption that it is replacing flood plain; she said that it meets the performance standards (noting that the original alteration went onto neighbor's property). She said she is recommending the following special conditions be incorporated into any OOC issued by the commission:

- Expand the Wetland Restoration Area to the 8,345 s.f. corresponding to the Wetland Changes Areas, or provide justification of why this area is not feasible.
- Clarify whether a vegetated filter strip BMP is proposed for treatment train #2.
- Prior to the commencement of any activities, the Applicant shall employ a Professional Wetland Scientist to oversee the Wetland Restoration Area work. The Applicant shall provide the Brockton Conservation Commission with the name, address and telephone number(s) of the Wetland Scientist prior to the start of work.
- An initial Pre-Construction Meeting shall be held between a representative of the Commission and the Wetland Scientist to inspect the erosion control barrier along the downgradient edge of the Wetland Restoration Area prior to the start of excavation.

- A representative of the Commission shall observe excavated soils within the Wetland Restoration Area to confirm that excavation is sufficient to restore BVW and BLSF.
- Excavation for the Wetland Restoration Area shall be completed prior to Conservation Commission approval for issuance of a building permit and start of new building construction.
- Any areas disturbed during construction activities and equipment staging must be restored and reseeded immediately upon completion of work.
- If dewatering is necessary during activities, groundwater must be stored in a secure container and filtrated to remove suspended sediment prior to discharge into an upland area.
- A representative of the Commission shall observe excavated soil conditions at locations of Bioretention areas to confirm that soil type and depth to groundwater are consistent with design assumptions. If soil conditions are not consistent, the Commission reserves the right to require design changes.
- A request for a Partial Certificate of Compliance shall be submitted to the Commission within 30 days of the completion of work associated with each of the following permitted activities: Wetland Restoration Area, Stormwater Management BMPs, and Residential Units & Garage. The three (3) total requests for PCOCs should include an “As-Built” plan stamped and signed by a Registered Professional Engineer or Land Surveyor showing post-construction conditions within all areas under the jurisdiction of the Wetlands Protection Act. A full Certificate of Compliance may be issued in place of the third PCOC if the previous two PCOCs have been issued.
- The Wetland Scientist shall submit biannual monitoring reports on the Wetland Restoration Area to the Commission for three years following issuance of this Order of Conditions or until a full Certificate of Compliance is issued. If the restored areas have not achieved 75% coverage by wetland indicator species by this time, additional plantings and monitoring events may be necessary.

She also said that there was one more additional condition: She noted that the plan set we have is only two sheets and that prior to the issuance of a building permit that the city engineer receive a full set of plans for his review and comment on the stormwater design.

Scott Faria said that it is difficult to receive letter from city engineer and asked if they would just “take their word” that the stormwater design would work. Megan Shave said that the applicant did not supply outside consultant review money so

there was no review of the stormwater design. The commission agreed that because of the lack of peer review of the proposed stormwater design that the OOC should contain the special condition that would request that the city engineer review and comment on the design.

Action/Decision: Motion to close the hearing
Motion: Ward
Second: Henningson
In favor: 3
Opposed: 0

Action/Decision: Motion to issue an OOC with standard conditions and special conditions as recommended by the agent.
Motion: Henningson
Second: Ward
In favor: 3
Opposed: 0

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

A motion was properly made (Henningson), seconded (Ward) and unanimously passed to accept the minutes from 6-6-19 as presented.

Megan Shave said that she had received notification from Mass DEP that there was clearing in wetlands in the Baker St. area. She gave the commission the back ground history of the site and said she went out to the site and did a small soil sampling.

The commission agreed to issue an enforcement order for the unpermitted work being done on the site.

Action/Decision: Issue an enforcement order
Motion: Henningson
Second: Ward
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.