

BROCKTON CONSERVATION COMMISSION
TUESDAY, OCTOBER 29, 2019 – 7:00 PM
GAR Room – City Hall
AGENDA

Members present: Stephanie Danielson, Bonnie Sparks, Joanne Zygmunt and Sam Ward. Also present were conservation agent Megan Shave and secretary Pamela Gurley.

1. Request for Amended OOC – 485 Pearl St.

Project: Single Family Home

Applicant: Roy Andrade

Representative: Greg Driscoll, Jacobs Driscoll

Applicant's statement: Greg Driscoll said that the commission issued an extension to the existing OOC at the last meeting. He said this amendment changes the layout of the house by flipping it. He said they received the agent's comments and sent in revised plans today addressing the comments; he is leaving the siltation as installed; added color coding to the plan; added a notation that the deck is to be built last and added a dewatering/washout area.

Comments: S. Danielson noted that the members have not seen the revised plan as of yet.

M. Shave said she is concerned about the corner of the house and but said if deck is built last there should be clearance; the deck is proposed 10' from the limit of work; the deck will be built on sonotubes; she asked G. Driscoll what the rational was for the location of the dewatering/washout area and was told the property naturally slopes in that area.

S. Danielson noted that the deck is very close to the 25' no touch area and wants to make sure permanent markers are installed to make sure the home owner is aware of the property limitations. She said they are proposing a tremendous amount of paved surface and asked if it was calculated and said it may exceed the SF of the home.

J. Zygmunt noted that the west and south sides of the deck have no steps. B. Sparks said that asked if there any consideration to changing shape of deck; she also agreed that there was a lot of pavement and asked if some of the paving could be done using pavers.

S. Ward asked if the commission had any idea how many markers they were looking at. M. Shave said they generally stipulate one every 25'. S. Danielson said she would like to see them closer...every 15'.

J. Zygmunt said that the driveway portion near the home is downgrade and it looks like most of it will run towards the back. G. Driscoll said that area will be lawn. She asked if

there was any concern about chemical runoff and asked if runoff from driveway reaching the lawn would impact the BVW; M. Shave said that infiltration should take place along the lawn and backyard.

S. Danielson said there is an extraordinary amount of pavement being proposed; M. Shave said that this plan is a mirror image of what was originally supported.

Acton/Decision: Motion to close

Motion: Ward

Second: Zygmunt

In favor: 4

Opposed: 0

Motion to issue an amended order with special conditions as discussed including: maintaining the existing limit of work; the deck is to be built last to maintain clearance; permanent markers every 15'

Motion: Ward

Second: Sparks

In favor: 4

Opposed: 0

2. Request for Determination of Applicability – 1 Massasoit Blvd.

Project: Parking Lot Maintenance

Applicant: Massasoit Community College

Representative: Bill Maher, Nitsch Engineering

Applicant's statement: Bill Maher said Massasoit is looking for permission to reconstruct parking lot 4; he said that parking area is occupied by the facilities department, students and staff; he said they will also be removing and resetting some curbing and installing some new granite curbing; the existing fuel pumps will remain; the three containers south of the building will be removed from the site by Massasoit and the remaining ones will be temporarily relocated (storage of tools, mowers, etc.); he said the salt storage shed at rear of the parking lot will be relocated out of BZ on concrete or paved pad.

Comments: S. Danielson said the plan was difficult to read.

M. Shave explained the resource areas; she stated that there is no increase in footprint. She had asked what was stored in the containers and was recommending the relocation of the salt shed. She said she is recommending a negative 3 with conditions to include a 12' compost staked in place silt sock and no removal of woody vegetation. She said the work also requires a general construction permit and is recommending that the commission receive a copy of the SWPPP prior to start of work.

S. Danielson asked what exists for stormwater management now and said this project requires that they meet stormwater management to the maximum extent practicable.

B. Maher said currently there are no hoods and no sumps in the existing CB's; he said they will be removing all six existing structures and installing hoods and deep sump CB.

S. Ward asked if the machines are all serviced in the main maintenance building and was told yes.

Action/Decision: Motion to issue a negative 3 with the conditions as recommended by the agent.

Motion: Zygmunt

Second: Sparks

In favor: 4

Opposed: 0

3. Notice of Intent – Between DW Field Pkwy & 71 Elwood Ave.

Project: Ellis Brett Dam – Compliance Work

Applicant: Timothy Carpenter,

Representative: Fuss & O'Neill

M. Shave said she received an email late afternoon from Tim Carpenter asking for a continuance to the 11/20/19 meeting.

Continued to 11/20/19 by agreement of the parties.

4. Notice of Intent – Plot 4-3 Oakland Street

Project: Single Family Home

Applicant: Cecile Cazeau

Representative: ET Engineering

The chair said that at the last meeting the commission asked that he (A. Etoniru) speak with this client about the possibility of moving the location of the home to protect the area.

Applicant's statement: A. Etoniru said he spoke with his client; after discussing what the minimum setbacks were and assuring her that the work can safely be done to protect the 25' setback they are requesting that the home be approved as presented. He said this is the home that meets the needs of her family.

Comments: S. Danielson asked if he had heard the commission's concern relative to the new home at 485 Pearl St; she said that deck will be built last to avoid breaching the setback and the site is considerably larger. She asked if the home could be shifted a foot. A. Etoniru said he is willing to have the work proceed in two stages and has already told his client that the work will require monitoring. .

J. Zygmunt asked how the site will be monitored; M. Shave said it is up to the commission. She said she doesn't know how the family room can be done without breaching the area; she said she has recent projects where excavation of the foundation breached the siltation; she is suggesting that there should be no foundations.. She said there are roof drains being proposed, but no test pits have been done; she said she

wants to make sure that we witness the test pits. She would suggest that the environmental monitor is on site to report to the commission. She said that at this time she cannot recommend an OOC be issued; but if the commission votes to issue she is recommending conditions.

A. Etoniru said that the family room only has 4' foundation and the work can be done with a small bobcat.

B. Sparks asked if a variance would be possible in order to allow them to move the home closer to the street setback. S. Danielson asked again if they would shift the home over a foot or make the home smaller. A. Etoniru said he is willing to move the home over one foot, but does not want to re-drawn the plan; he said he will submit a foundation as built showing that the foundation has been moved. He said he will agree to a condition that there can be no framing until the location is verified.

S. Ward asked if they were planning on using a bobcat for the foundation work. A. Etoniru said that the family room foundation is only 4' deep and the bobcat will be fine

Public Comment:

Bill Manseau, 129 Thatcher St., said that Bertarelli tried to build a home there years back. He said that the property floods. He said that water can be 2' deep.

Nicole Marble, same address, said the area floods all the time.

Delgado Henry, 37 Oakland St., said that the neighbors dump on the property; he said he wants to see a house built to control the flooding.

M. Shave said that she would still like to see a modification to the home...have it made smaller. She said that if the commission wants to issue an OOC she would recommend including all the special conditions contained in the memo including the hiring of an environmental monitoring engineer and the installation of limit of work markers.

The chair was asked if the environmental monitor is chosen by the commission; she said it was the commission's choice and the applicant's responsibility to pay for it; she asked A. Etoniru if he was able to speak on behalf of client and he said he was and is agreeable to the special conditions. He asked that the commission close the hearing and issue a COC.

Action/Decision: Motion to close.

Motion: Ward

Second: Sparks

In favor: 4

Opposed: 0

Motion to issue an OOC with standard conditions as well as the special conditions as recommended by the agent to include (but not limited to): permanent markers are to be installed every 15' and must be installed prior to issuance of a COO; location of home is to be shifted 1'; a foundation as built must be submitted and its location verified prior to

any framing of home beginning (building permit); environmental monitor is to be on site during all aspects of excavation; the monitor is to be chosen by the commission and paid at the applicant's expense.

Motion: Ward

Second: Sparks

In favor: 3

Opposed: 1 (Zygmunt)

5. Request for Certificate of Compliance – 10 Churchill Ave. Ext.

Project: Garage

Applicant: Jeff Martin

Representative: Jeff Martin

Comments: M. Shave said the order was for a garage addition to existing house and it was built as shown; she said there is a slight modification in shape of wrap swale; the permanent markers were installed; she said there is a small garden by the LOW and there is a continuing condition that there is to be no herbicides/pesticides used.

S. Danielson asked how the commission can insure that is done; Jeff Martin said they don't use herbicides/pesticides in the garden or lawn; he also said all the homes on the street are on well.. there is no city water. J. Zygmunt asked to add commercial fertilizers to list.

Action/Decision: Motion to issue a COC with continuing conditions as recommended by agent in memo.

Motion: Zgumant

Second; Sparks

In favor: 4

Opposed: 0

6. Notice of Intent – Plot 14 Dunbar Street

Project: Maintenance/Mail Building

Applicant: National Affordable Housing Corp.

Representative: Josh White, JK Holmgren Engineering

S. Danielson noted for the record that revised plans were received on 10-18-19 and asked if BETA had reviewed the changes. M. Shave said the revised plans show the centerline of the channel; spot grades and she has requested info on how grading may affect the channel. She said that BETA has not reviewed the revised plans as the quote was only for one round of reviews; the secretary said the initial quote contained an estimate for two reviews but JKH asked them to go back to BETA and get another estimate...the revised estimate was for only one review.

Applicant's statement: Josh White said the applicant is looking to develop a proposed maintenance/mailroom with parking and to redevelop the basketball court; he said they are proposing a sediment forebay to handle the parking area going into an infiltration basin to take 100 year storm with an overflow; he said roof runoff will be piped into the

basin; they added a swale to the west of the basketball court and 12" silt sock at LOW area was added on the detail sheet.

Comments: M. Shave asked if they had any information about the crates and was told that the neighbor had trailers and running water...the crates are not theirs will be removed.

S. Danielson said there is a lot of proposed pavement and it looks like there is an excessive amount of parking; the secretary said that was a suggestion from tech review to accommodate parking for residents to keep them from parking along the street at the request of the ward councilor.

J. Zygmunt asked if the basketball court exists now and was told it does but it will be relocated and will be made smaller; she asked if the court could be shifted further from the 50' BZ ...further south. Mark Cohen said he had no issue with that.

Bonnie Sparks asked how JKH will be addressing the water that could possibly flow through the parking lot; J. White said there is a proposed swale around the north side of the parking lot to control it, but said they will look at doing something else; he said said they could look at removing 2-3 spots.

Action/Decision: Motion to continue to 11/20/19

Motion: Zygmunt

Second: Sparks

In favor: 4

Opposed: 0

7. Notice of Intent – 196 Manley Street

Project: Gravel Parking Lot w/Drainage

Applicant: Equipment East

Representative: JK Holmgren Engineering

Applicant's statement: J. White said the property is located at 196 Manley St.; he said the applicant owns and rents excavating and construction equipment; he said they intend to add a loading dock, a new entrance on Manley St., there will be display parking along Manley; they are proposing an 11' wide driveway along the south side of the building to a recycled asphalt parking lot and a new entrance to Johnathan Dr.. He said they need the driveway along the south side so that equipment can get to the back of the building without going onto the street; building will be used for sales, display and maintenance of vehicles.

Comments: B. Sparks asked how much equipment will be stored there; she said that the site will be virtually all paved and they are giving no consideration to the 25' buffer.

J. Zygmunt said they are proposing two entrances on each street and asked why they needed the other entrances; she said the corner of Manley St. and Jonathan Dr. is currently vegetated.

M. Shave said that the city engineer has requested that there be only one entrance on each street; he had no preference as to which one was kept. She said that regarding the review the same request was made by JKH regarding BETA's fee and they are in the same situation as the prior applicant.

J. Zygmunt said that the heavy equipment will be hugely disturbing to the BZ. S. Ward asked J. White if there was anything that could be done to modify the plan so accommodate them. S. Danielson said that the commission would like to see some modifications to the plans.

Action/Decision: Motion to continue to 11/20/19

Motion: Zygmunt

Second: Sparks

In favor: 4

Opposed: 0

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

A motion was made (Ward), seconded (Sparks) and unanimously passed to accept the minutes from 8-8-19 & 10-10-19 as corrected.

The agent gave an update regarding Cambo St.; the commission asked that she send letters to both property owners.

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.