

BROCKTON CONSERVATION COMMISSION
WEDNESDAY, DECEMBER 11, 2019 – 7:00 PM
GAR Room – City Hall
MINUTES

Members present: Stephanie Danielson, Joanne Zygmunt & Bonnie Sparks; also present were Megan Shave (agent) and Pamela Gurley.

1. Notice of Intent – Between DW Field Pkwy & 71 Elwood Ave.
Project: Ellis Brett Dam – Compliance Work
Applicant: Timothy Carpenter, Parks Superintendent
Representative: Andrea Judge, Fuss & O'Neill

Applicant's statement: Andrea Judge said that she had forwarded the updated documents to the agent. She said that the project is for repairs to Ellis Brett dam. She said that the city received an order from the Office of Dam Safety to bring it into compliance; currently the site has issues with irregular grading; the spillway is inadequately sized; the proposed work will involve the clearing of trees, root stumps and vegetation within 20'; (maintenance drive will be re-graded by the COB) she said that the slopes are not stable; they are proposing to replace the current spillway; the concrete is cracking; proposing to remove the entire concrete structure to be sized in kind.

Comments: S. Danielson asked how this work might impact the pond; Tim Carpenter said that they intent to maintain the pond level as low as possible; A. Judge said said that the objective after the work is done is to maintain the pond level as it is now. She said that the pond needs to be significantly drawn down; there will be a temporary conveyance system as the work area needs to be kept dry; contractors will be on site every day.

S. Danielson asked how the area will protected in a storm event; A. Judge said that the conveyance system will bypass the flow and there will be a temporary cofferdam; she said that the PE stamped water plan will be submitted to the Office of Dam Safety; she said there will also be a flood contingency plan which the contractor would be responsible for.

Bonnie Sparks asked how long would the membrane will be doing the work of the dam; she was told that the COB will seek funding in FY 21 and if funded work will begin in spring 2021; the project will take 6-7 month and they want to avoid working in winter.

Megan Shave said that she reviewed resource areas and BETA reviewed the SW; she said the project meets standards of a limited project; she said her comments were broken into two sections, contingency and housekeeping.

S. Danielson asked if they will need a dewatering plan for area; M. Shave said she is asking for a flood contingency plan but can also ask for a dewatering plan.

A. Judge said the plan needs to be reviewed by F&O and submitted to the Office of Dam Safety; she said that some dewatering will be required; she said that the contractor is responsible for those details; S. Danielson asked that the dewatering details be added as a special condition.

M. Shave she she is also asking for additional special conditions; a SWPT illicit discharge compliance statement and long term O&M plan for after construction prior to issuance to COC; A. Judge said she would like to prepare the O&M plan concurrently as preparation of the plan can be included in the grant.

Joanne Zygmunt said the dam serves as flood control; she asked if there was an allowance for fish passage; A. Judge said she is not aware of any fish; she said this is one of six dams. S. Danielson asked what the average depth of the pond was; T. Carpenter said the weir board is 6" and the actual pond has a lot of sediment.

Action/Decision: Close hearing
Motion: Zygmunt
Second: Sparks
In favor: 3
Opposed: 0

Action/Decision: Issue an OOC with standard conditions and with the special conditions recommended in the agent's report as well as the condition that there is to be a two week lead time ahead of a meeting for submission of all reports.

Motion: Zygmunt
Second: Sparks
In favor: 3
Opposed: 0

2. Notice of Intent – Plot 14 Dunbar Street
Project: Maintenance/Mail Building
Applicant: National Affordable Housing Corp.
Representative: Scott Faria, JK Holmgren Engineering

Discussion: M. Shave said that the outstanding stormwater issues from last meeting from BETA's review have been met; she said additional test pits have been done and they received notification from BETA that most recent revised is satisfactory. She would like to see a special condition that "crates" are removed from the property prior to construction.

Action/Decision: Close hearing
Motion: Zygmunt
Second: Sparks
In favor: 3
Opposed: 0

Action/Decision: Issue an OOC with standard conditions and requirement for removal of crates prior to start of work.
Motion: Sparks

Second: Zygmunt
In favor: 3
Opposed: 0

3. Notice of Intent – 196 Manley Street
Project: Gravel Parking Lot w/Drainage
Applicant: Equipment East
Representative: S. Faria, JK Holmgren Engineering

Discussion: M. Shave said that BETA has provided confirmation that all SW requirements were met. S. Faria said that they pulled the edge of the parking back 10' and eliminated the 11' drive around the building. S. Danielson said that the commission appreciates that the applicant listened to their concerns and made the changes. M. Shave said that she is recommending the standard special conditions. She also stated that the DPW & BETA have concerns about the number of driveway openings and thickness of proposed pavement; she said that the project will need DPW approval; she said neither of those issues are under the commission's jurisdiction so they cannot be conditioned.

Action/Decision: Close hearing
Motion: Zygmunt
Second: Sparks
In favor: 3
Opposed: 0

Action/Decision: Issue an OOC with standard conditions and with the special condition that the 25' brush line is to be maintained in its current state.
Motion: Zygmunt
Second: Sparks
In favor: 3
Opposed: 0

4. Notice of Intent – Buskull Properties-Continued to January 15, 2020
Property: Plot 2 Belgravia Ave.
Project: Single Family Homes
Owner/Representative: Curley & Hansen

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

Oakland St -S. Danielson said she was present at the on site with Azu and DEP (appeal was filed by applicant) as the client would like to have AE perform the work and not pay for an outside consultant per the OOC. She said the state asked that we work the matter out. She said the questions seems to be whether or not he can objectively oversee the (his) work; she said she can attest that he is a man of integrity and if the commission appointed him the work would be performed with utmost care and dignity.

B. Sparks said she is concerned that this will be setting precedent; S. Danielson said the decision is up to the commission but we can agree that future requests would be addressed on a case by case basis; she said that the agent will be making periodic inspections. The members said that they trusted the chair's judgment.

A motion was made (Sparks), seconded (Zygmunt) and unanimously passed to accept Azu Etoniru to serve as the environmental construction monitor in this matter specifically with the stipulation that the appeal to DEP will be withdrawn. A. Etoniru said he will be withdrawing the appeal.

A motion was made (Sparks), seconded (Zygmunt) and unanimously passed to accept the minutes from 10-29-19 & 11-20-19.

The agent spoke to the members about the proposed Conservation Area Regulations and Restrictions; she said we have had an inquiry relative to hunting and the use of metal detectors; after considerable discussion it was agreed to post the regulations and restrictions (with changes) and with the addition that hunting is prohibited in conservation areas as well as the use of metal detectors.

A motion was made (Zygmunt), seconded (Sparks) and unanimously passed to adopt the the regulations with the proposed changes.

Updates: Ongoing Enforcement Matters

11 Carter Road - Barbara Watson

The agent said that while doing site visit at adjacent property she observed light construct debris thrown over the fence into the Trout Brook area; the owner said she has been living there since 2011 and has called the COB to have them clean it up; she said she put the fence in and the debris was there. The chair said that if the debris had been there since 2011 it would have vegetation; M. Shave said she was there in November and it was sparsely vegetated but she said that something was thrown over the fence while she was there.

J. Zygmunt asked the agent to issue a follow up letter to neighbors about dumping.

The agent was asked to issue an enforcement letter to 15 Leach Ave.

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.