

# BROCKTON CONSERVATION COMMISSION

WEDNESDAY, JUNE 17, 2020<sup>1</sup>

## MINUTES

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Stephanie Danielson introduced herself and called the June 17, 2020 meeting of the Brockton Conservation Commission to order and read the following statement: This meeting is being recorded in accordance with the government order suspending certain provisions of the Open Meeting Law General Law chapter 38 section 20. Real time public participation and comment can be addressed to the planning board utilizing the zoom virtual meeting software for remote access; this application will allow users to view the meeting and send a comment or question to the chair via the question and answer function submitted text comments will be read into the record. For those of you joining by phone press star nine. If you want to asked a questions please raise your. A copy of this recording will be on the city's web pages. All votes will be done via roll call to ensure account accuracy. As your name is called please indicated that you are present. There being three voting members of the commission in attendance constitutes a quorum (Danielson, Zygmunt & Cerci). Bonnie Sparks was not in attendance.

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1. Request for Amended Order of Conditions  
properly: Briarcliff Rd.  
Project: Single family home  
Representative: Gar-Con Corp.

Megan Shave said that this request was filed by Gary Bertocci in March as a result of his meeting with the commission relative to the proposed change to the properly lines and location of the house. Although the commission felt that the new plan was a better plan they felt it required a formal amendment. Stephanie Danielson said the proposed change was beneficial to the wetland area.

Megan Shave said she would like to have special condition II#3 amended tate that the buffer zone of existing trees and vegetation shall remain along the northers properly boundary as shown on the plan.

A motion was properly made (Cerci) seconded (Zygmunt) and unanimously passed by a roll call vote to issue an amended OOC accepting the revised plan as the plan of record.

2. Notice of Intent – Buskull Properties  
properly: Plot 2 Belgravia Ave.

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<sup>1</sup> A video recording of this meeting is available for viewing on the department website.

Project: Single Family Homes & Roadway  
Representative: Silva Engineering, Curley & Hansen

Megan Shave said they have been working with the city engineer about the issue of expanding the basin in the right of way. He said that the applicant will work with the DPW to dredge the stream to decrease impacts. She said there are no details on the dredging; no plan included.

Larry Silva said what they are looking for is to have the commission condition the OOC that the work in the stream is done in conjunction with this work. Stephanie Danielson said he is asking the commission to approve work without providing any information. He said BETA was concerned that were not meeting pre and post conditions at that location and that's what prompted the meeting with the city. She said that the indication from the city engineer was that the city would be doing the work. Megan Shave said that the city has no OOC allowing for any dredging; their past OOC allowed them to clean the streams of trash and that had expired. She said that the last OOC specifically prohibited dredging. The city will need to file a NOI.

Stephanie Danielson said that the general maintenance of waterways and dredging are separate matters. She said this work is being done specifically to aid your stormwater management. Larry Silva said they meet the requirements. He said they have an alternative and could bypass the basin and let it go under the roadway and find its way.

Stephanie Danielson said in order to approve a plan that calls for dredging the dredging has to be part of the application...the project. She said they need to know what the disturbances would be...what is the extent of the alterations. Larry Silva said if the commission agrees with the work they can add a stipulation that its done with the city's work on the stream to make sure that the outfall from the basin allows for the maximum protection for the neighborhood. He said that they are not the ones suggesting the dredging.

Phil Paradis said this is a unique situation; he said he is still concerned that there is an increase in peak runoff to 41 Herman. He said that there is no drainage in Belgravia now. He said there is a huge area that goes overland to Herman.

When asked who would be responsible for the dredging the commission was told that the developer would be responsible for the portion of the work from #41 down to Herman, but it would be up to the DPW how that work is done. They were told it would be up to the DPW to secure the OOC allowing the work. Larry Silva said that the city engineer was willing to do the maintenance.

Phil Paradis put up the watershed plan; he said that the existing drainage system is relatively compromised relative to capacity flow. He said they have several

videos of the flooding. He said that Larry Silva is correct in stating that at the downgradient end of Herman they do show that the peak rate of runoff is not increased. He said that the calculations show that there is an increase in the peak rate of runoff to the property at 41 Herman and that should be taken into consideration...he said that this abutter is in danger of increased frequency and severity of flooding. He said he was not involved in the discussion with the city engineer. He agreed that they do need the cooperation of the city for this project but has not seen any sort of plan showing how this dredging will be done.

There was a long discussion between the two engineers.

Several abutters spoke in detail about the ongoing flooding to their property.

Megan Shave spoke about the conditions of the stream bed and Joanne Zygmunt said she is familiar with the area and said although the stream sometimes is dry it flows pretty regularly throughout the year and houses in that area have a history of flooding. She asked if they would consider one less home.

Larry Silva said that they are picking up a lot more of the flow with the improvements in Belgravia. He asked if the commission could make the plan a condition of approval and said without the COB doing the work they can't proceed anyway. He said their only other option would be to not send the water that way and let the unregulated flow go underneath Belgravia. Stephanie Danielson said that it looks like there are some areas that growth may be inhibiting the flow. She said there is a difference between dredging and clearing of vegetation. The commission agreed that any OOC must contain a plan showing how the work will be done; no quantification of the disturbance. They agreed that it would be irresponsible for the commission to issue an order with a condition that another party secures a separate OOC for the work without any idea as to what that work is.

Continued to August 19, 2020 by agreement of the parties.

### 3. Notice of Intent – 56 Oak Hill Way

Project: Building Addition

Applicant: Atlantic Mechanical

Representative: Vertex

Jack O'Leary said they have submitted a revised plan moving the addition outside the 25' no touch. He said there is no disturbance proposed past the existing curbing. He said they have addressed the issue of the roof drain system, relocated the location of the erosion control and the maintenance of the basin was completed. Unfortunately they were a little over zealous and cleared vegetation. He said he has been speaking with the agent as to how to address that and will be submitted a planting plan. He asked that the plan be made a

condition of an OOC. Megan Shave said that the plan needs to include how to deal with the knotweed.

Phil Paradis said he has not had a chance to look at the roof drainage; the chair asked if they would like a continuance to the July meeting. Jack O'Leary said he would appreciate it if the meeting could be closed and an order issued. He was told that the commission is hesitant to close a meeting and issue without receiving all information. The applicant agreed to a continuance to the July meeting and was told if all information was received and verified the hearing would be closed and the order issued.

Continued to July 15, 2020 by agreement of the parties.

#### 4. Request for Amended Order of Conditions

properly: 130 Elliot Street

Project: Multi-Family Units

Representative: Environmental Consulting & Restoration, JKH

Brad Holmes said the developer is looking to modify the restoration area. He said they previously presented their finding of the historic fill/alterations. He said they had ordered the plant stock and then everything was put on hold; he said they had to get the plants in so the restoration area has actually been planted. Megan Shave said she agrees with the change to the excavation of the fill but said the entire 8,400 SF should be planted. She said that they are still waiting for entire set of plans with detail sheets to be submitted (contained in the original OOC); the last commission chair felt that the applicant did not need peer review for stormwater, but made it a condition that that no building permit issue without a stormwater review and approval by the city engineer. She said she would recommend that those conditions remain and that they keep the entire restoration area to remedy the increase in impervious area. Brad Holmes said they have already planted the plantings and spaced them out. He said he would restore the remaining area as a wildflower and pollinator habitat area. The commission agreed with that suggestion and said he should add that to the plan.

A motion was properly made (Cerci) seconded (Zygmunt) and unanimously passed by a roll call vote to issue an amended OOC with the conditions specified by the agent.

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

Minutes 2-26-19

A motion was properly made (Zygmunt) seconded (Cerci) and unanimously passed by a roll call vote to accept the minutes from 2-26-20.

Meeting was adjourned and the following items were moved to the next meeting as quorum was lost when Lucia Cerci lost her connection.

Update and Request for Field Change – 2020 Main St (SE 118-0741)

Enforcement Orders - to be Ratified

204 Court St.

42 Claremount Ave.

36 Claremount 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.**

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