



CITY OF BROCKTON

DEPARTMENT OF PLANNING AND ECONOMIC DEVELOPMENT

Planning Board

Historical Commission

Conservation Commission

Robert F. Sullivan
Mayor

Robert May, CECD
Director

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BROCKTON CONSERVATION Commission

December 16, 2020 at 6 PM

Minutes

Stephanie Danielson introduced herself and called the December 16, 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 conservation Commission 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 ask a question please raise your hand. All votes will be done via roll call to ensure count accuracy.

The chair said that they had received the resignation of Lucia Cerci.

Members present: Chairperson Stephanie Danielson and Bonnie Sparks (as there are only three sitting members of the Commission the chair declared that there was a quorum present:). Also present were Megan Shave, Conservation Agent and Pam Gurley, admin.

1. Request for Determination of Applicability

Property: 863 Belmont Street

Project: Razing existing building and Repurposing site for auto sales facility

Applicant/Representative: SNE Sunoco / JK Holmgren Engineering

Scott Faria said that this property was the site of a chinese buffet restaurant. He said that the owners of the Sunoco station on Belmont St want to repurpose the lot as a used car lot; he said that they have received ZBA approval. They intend to raze a large portion of the building (left hand side); leaving the pavement in place and will repave where the demo is. He said they are installing a stormwater management system; he said at the NW corner of the property there is an isolated wetland area that they had Brad Holmes look at property and he feels that it is not protectable; he said that they are 150' away from that area; he said this plan shows the additional curbing in that area they were asked to add by tech review and will be installing siltation.

Megan Shave said that she conducted a site visit and was able to locate the flags; she said that series A is a smaller area in NE corner of the site (not on plan) and is so small that it is not jurisdictional; the B portion is on the project site; she said she noted standing water through that area and off the site; she estimated an area of 0.6 acres and if that held 6" it would be ILSF; conservatively it should be considered ILSF; but said there is no buffer zone to ILSF; she said that the plans include a notation about vegetation cutting but there is no need for clearing or cutting beyond the LOW area; two existing CB if they outfall to ILSF may need to re-directed; if the items are addressed and they remove the notations she feels that the Commission could issue a Negative 4.

Scott Faria said that the CB is a leaching CB; there is no inlet or outlet and it will remain as leaching

CB. He said they have no issue and will revise the plans to address the comments and will add the siltation barrier extension and remove the note of vegetation removal.

Stephanie Danielson asked which plan showed the location of siltation specifically and was told C-4. Scott Faria said it will be extended along the edge of pavement.

Bonnie Sparks asked about oil and gasoline and was told there will be no inside storage or repair of vehicles....just used car lot.

A motion was properly made (Sparks) and seconded (Danielson) and unanimously passed by a roll call vote to continue to January 20, 2021 to allow for the plan revisions.

2. Request for Certificate of Compliance

Property: 68 Twelfth Ave

Project: Single Family House Addition

Applicant/Representative: Franky August / JK Holmgren Engineering

Scott Faria said since last meeting the shed has been moved to greater than 50' from the wetlands; he said this was the only outstanding issue.

Megan Shave said she can now recommend the issuance of the COC with the ongoing conditions as outlined in OOC.

A motion was properly made (Sparks) seconded (Danielson) and unanimously passed by a roll call vote to grant the full COC with the ongoing conditions as contained in the OOC.

3. Request for Certificate of Compliance

Property: 1020 W Chestnut St

Project: Tortelleria Mi Nina - Warehouse

Applicant/Representative: New England Tortilla / JK Holmgren Engineering

Scott Faria said since the last meeting they have addressed some of the issues but still need to install some drainage; he said the new siltation has been installed for this work. Weather permitting they plan to install the drainage before the next meeting.

The agent confirmed the erosion controls are installed and agreed that the site is stable.

A motion was properly made (Sparks) seconded (Danielson) and unanimously passed by a roll call vote to continue to the January meeting.

4. Request for Certificate of Compliance / Enforcement Order

Property: 196 Manley St

Project: Construction Equipment Sales

Applicant/Representative: Equipment East / JK Holmgren Engineering

Scott Faria said that his client would like to leave the stone in on the side of the building and said it helps with building maintenance. He said they would like to file for an Amended OOC and make their case to the Commission; the purpose of the project hasn't changed.

The chair said she will not be in favor of amending the order. Bonnie Sparks asked if it was still permeable to water as if it was never paved. Scott Faria said they will propose a buffer zone enhancement plan along the strip; he said that the resource area is a drainage ditch...not a pristine wetlands; the chair said it is still 10-15' of buffer zone; she said that the applicant did not appeal the

OOC and deliberately did what they wanted, which was exactly what they were told not to do. She said they do not need permission to file for an amendment to the OOC. The agent said that the applicant can file for an amended order and it is up to the Commission to determine if they consider the change minor, allow the amendment, or require a new NOI. She suggested that they withdraw the request for a COC at this time. Scott Faria asked to withdraw the request.

A motion was properly made (Sparks) seconded (Danielson) and unanimously passed by a roll call vote to allow the applicant to withdraw his request for a COC.

5. Notice of Intent

Property: 955 Belmont Street

Project: Convenience Store & Gas Station

Applicant/Representative: Colbea Enterprises / Ayoub Engineering

Attorney Danielle Dufault said they were able to address the open items from the last meeting and submitted them to Beta for review. She said they added the native species as requested and are happy with the results.

Megan Shave said that Beta has confirmed that the SW requirements have been met and has recommended special conditions for an OOC.

Bonnie Sparks asked about the species specifically and was told which species were replaced and what species they were replaced with.

A motion was properly made (Sparks) seconded (Danielson) and unanimously passed by a roll call vote to close the hearing.

A motion was properly made (Sparks) seconded (Danielson) and unanimously passed by a roll call vote to issue a standard OOC with the following additional special conditions from the Agent's report:

- The 12-in silt sock erosion control barrier should be supplemented with silt fence at the northwestern limit of work where grading around the retaining wall is proposed.
- Areas to be loamed & seeded within the 50-ft Buffer Zone shall be seeded with a native seed mix (New England Conservation/Wildlife Mix, or similar to be approved by the Commission).
- Hay bales and/or hay mulch shall not be used on the Site; straw mulch must be clean and seed free.
- Contaminated soils encountered during demolition and Site preparation activities shall be disposed of properly at a site approved to receive contaminated material.
- The Commission shall receive confirmation of MassDOT approval of drainage connections prior to Commission approval of a Building permit and the start of construction.
- The existing septic system shall be removed per Board of Health requirements.
- A representative of the Commission shall observe additional test pits within proposed subsurface infiltration systems. If needed, design revisions shall be submitted to the Commission for review and approval.
- A representative of the Commission shall observe the bottom of excavation for the subsurface infiltration systems.
- A signed copy of the Stormwater Operation and Maintenance Plan shall be provided to the Commission prior to Commission approval of a Building permit and the start of construction.

6. Notice of Intent - **Request for Continuance to January 20, 2020**

Property: 53 Baker Street
Project: Single Family House
Applicant/Representative: Kenneth Mousette / ET Engineering

7. Notice of Intent

Property: Whitman Sewer Force Main Easement (Alger St - Thatcher St - Southfield Dr)
Project: 20-in Sewer Force Main Replacement
Applicant/Representative: Town of Whitman / Environmental Partners

Alysa Longo said there were a few outstanding concerns from last month's meeting and said they have submitted their response to them.

Megan Shave said that she has reviewed the notes on dewatering and it is a standard plan for dewatering the active trench; she said she is still concerned about flooding conditions as the backfilled areas will not be immediately stabilized; she said she has recommended some special conditions to address those concerns as well as additional erosion controls and a recommendation that they mulch the areas after seeding to help with stabilization.

The chair recommended that all those conditions be included in an OOC; the agent has drafted a proposed OOC that includes these special conditions; the chair said she would like a condition that prior to start of work the Commission receives the construction phase plan set; the agent confirmed that this condition is also in the draft.

A motion was properly made (Sparks) seconded (Danielson) and unanimously passed by a roll call vote to close the hearing.

A motion was properly made (Sparks) seconded (Danielson) and unanimously passed by a roll call vote to issue an OOC with the special conditions from the draft of special conditions provided in the Agent's report.

8. Notice of Intent

Property: Electric Easement at 70 East Battles Street
Project: Installation of two new utility poles
Applicant/Representative: Massachusetts Electric Company / TRC Environmental

(Proof of mailing received)

Jim Bolduc said the work proposed is the installation of a pole in back of the Ames St. substation; he said they will come out the back of the substation with matting about 500'; they will be installing two new feeder poles; there is a temporary impact of 9000 sq ft and said they have been speaking with the agent.

Megan Shave said that the 9000 sq ft of temporary impact would trigger a 401 Water Quality Cert. She said that an administrative consent order from MassDEP to MEC allows for the use of matting without a 401 WQC. She said she has drafted an OOC with special conditions that should be complementary to the consent order.

Jim Bolduc said they already have a vegetation management plan in place and are required to do quarterly monitoring. The chair said that if the matting is not sufficient for access that they will need to come back before the Commission.

A motion was properly made (Sparks) seconded (Danielson) and unanimously passed by a roll call vote to close the hearing.

A motion was properly made (Sparks) seconded (Danielson) and unanimously passed by a roll call vote to issue an OOC with the special conditions from the draft of special conditions provided in the Agent's report.

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

Request for Minor Plan Change – Westwood Ave Lot 3 (SE 118-0747)

Current owner Victor Rosario is proposing a smaller home; the agent confirmed that the only change is the house size and said that the new location is further from the original limit of work and could be considered a minor change.

A motion was properly made (Sparks) seconded (Danielson) and unanimously passed by a roll call vote to accept the revision as a minor change. .

Enforcement Correspondence – 1014 Pearl Street

The agent said she had conducted an enforcement visit based on a report of excavation equipment at the site; she confirmed with the owner that a retaining wall was being installed for a “dog potty area”; she advised the owner that this was a change from her OOC and that she should consult with her engineer. The Commission then received a letter from JKH asking for consideration of possible modification of the plan to include two dog potty areas within the 100-ft Buffer Zone. She said that JKH has put the locations on the plan and plans to request an amended OOC; she said that the amendment request was not submitted for this meeting because of insufficient time to notify abutters and the question of whether the Commission would consider an amended OOC appropriate to address the changes; at minimum an amended OOC is needed for increased impacts to the 100-ft Buffer Zone; it is a question of scope and purpose of the potty areas compared to the approved parking area and building expansion.

The chair said she was inclined to require a new NOI; this work should have been in the last NOI if it was intended from the start. She has concerns about animals using the potty areas in proximity to the brook. Bonnie Sparks agreed that this should be a new NOI filed. She has concerns about the location and has questions about how the areas are used and whether waste will be stored in them.

A motion was properly made (Sparks) seconded (Danielson) and unanimously passed by a roll call vote that the change is so sufficient as to require a new NOI.

Enforcement Correspondence Update - Map 010-164 Pearl St

The agent said this is the undeveloped parcel owned by James Victorine; she said that the NOI was to have been submitted by the 11-30-20 per agreement at the last meeting; she said she witnessed the test pits; the board voted unanimously to issue the enforcement order requiring the filing for January meeting.

Update – Hammond St Cemetery Erosion Control Plan

The agent said that the additional erosion controls and contingency plan were submitted; she said that there were significant additions made to the plan which will provide more site stabilization within Phase I.

A motion was properly made (Sparks) seconded (Danielson) and unanimously passed by a roll call vote to accept the minutes from 11-18-20.

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.

As you are aware the Commonwealth of Massachusetts and the City of Brockton are currently in a “State of Emergency” during the COVID 19 pandemic. Should you have any questions relative to this agenda, please email the Planning Department at: planning@cobma.us.