

BROCKTON CONSERVATION COMMISSION
Wednesday, July 21, 2021 at 6 PM
G.A.R. Room, 2nd Floor, City Hall, 45 School Street
MINUTES

Members present: Chairperson Stephanie Danielson, Laura Biechler, Joanne Zygmunt, and Bonnie Sparks. Also present was Conservation Agent Megan Shave.

There being a proper quorum, the meeting was called to order by Chair Stephanie Danielson.

Review & Approval of Meeting Minutes – 6-16-21

A motion was properly made (Zygmunt), seconded (Sparks), and unanimously passed to accept the minutes from the meeting on 6-16-21.

Election of Chair & Vice Chair

A motion was properly made (Zygmunt), seconded (Sparks), and unanimously passed to appoint Stephanie Danielson as Chair of the Commission.

A motion was made (Danielson), seconded (Sparks), and unanimously passed to appoint Joanne Zygmunt as Vice Chair of the Commission.

Request for Certificate of Compliance - Continued to September 15th

Property: 86 (Lot 3) Melrose Ave

Project: Single-Family House

Applicant/Representative: Absolute Builders / Curley & Hansen Surveyors

Request for Certificate of Compliance

Property: 1020 W Chestnut St

Project: Tortilleria Mi Nina - Warehouse

Applicant/Representative: New England Tortilla / JK Holmgren Engineering

Matt Tavares from JK Holmgren Engineering stated that the site was stable and erosion controls can be removed. The Agent confirmed that the site stabilization was the remaining item to be addressed; at this point she recommended issuing a Complete Certificate of Compliance with Continuing Condition E1 - no herbicides or pesticides.

A motion was properly made (Sparks), seconded (Zygmunt) and unanimously passed to issue a full COC with continuing condition E1.

Request for Certificate of Compliance – Continued to August 18th

Property: 122 Dunbar Street

Project: Maintenance building

Applicant/Representative: NAHF Brockton Limited Partnership / JK Holmgren Engineering

Request for Certificate of Compliance

Property: 490 N Cary Street

Project: Single-Family House

Applicant/Representative: CLM Development / JK Holmgren Engineering

Matt Tavares from JK Holmgren Engineering stated that the As-Built Plan has been revised to show the accurate location of the erosion control barrier (ECB), and the limit-of-work markers have been moved to the upland side of the ECB at the Agent's request. He acknowledged that there has been some breakthrough of soil between the stones of the retaining wall, but he didn't think it would be an issue because the wall is about 80 ft from the wetlands. Stephanie Danielson asked the Agent to confirm, and the Agent stated that she did observe breakthrough and sediment buildup against the ECB. The Agent noted that some grass was growing, but the soils were not fully stabilized.

Bonnie Sparks asked if the stones themselves are stable and whether any masonry was used for the wall. Matt Tavares replied that there is no masonry, just stones from the site, but they are stable. Stephanie Danielson asked the Agent if this stone wall is similar to the wall from a previous recent COC request. The Agent said the retaining wall at Wilbur Ave was smaller and more stable with full grass cover and gravel around the house foundation. In this case, the soils are not fully vegetated and stabilized, and the sediment buildup at the ECB should be removed.

Stephanie Danielson asked why the ECB was in the wrong location on the original As-Built Plan. Matt Tavares stated the ECB was shown in its approved location, but it was installed upgradient of this location. Stephanie Danielson noted to Matt Tavares that there has been a repeated issue of incorrect details on As-Built Plans submitted by his office, and she expects this issue to not continue in the future.

Continued to August 18th by agreement of the parties.

Abbreviated Notice of Resource Area Delineation

Property: Plot 231 Pleasant Street

Applicant/Representative: Michael Haikal / JK Holmgren Engineering

Matt Tavares from JK Holmgren Engineering said that the ANRAD form has been signed by the owner as the Agent requested. The Agent confirmed that the MAHW flags were accurate in the field; the embankment of Salisbury Brook is a steep earthen embankment above a rock-lined channel; the boundaries of Bank and BVW overlap due to the steep slope. The Agent stated that the earthen bank is not well-vegetated in some areas, so she sampled soils upgradient of the flags and did not find hydric soil indicators.

A motion was properly made (Zygmunt), seconded (Sparks), and unanimously passed to issue an ORAD for Bank and BVW.

Abbreviated Notice of Resource Area Delineation - Continued to August 18th

Property: Map 003-049 Pleasant Street

Applicant/Representative: Blackledge, LLC / Coneco Engineers & Scientists

Stephanie Danielson noted that she will have to recuse herself from this hearing, so the Commission will need to ensure that they have a quorum.

Notice of Intent – Continued August 18th

Property: 940 Belmont Street (VA Hospital)

Project: Roadway improvements (McGauley Way / Cape Cod Road)

Applicant/Representative: Monument Construction / JK Holmgren Engineering

Notice of Intent

Property: 135 Elliot Street

Project: Multi-family residential development

Applicant/Representative: Fenton Associates, LLC / JK Holmgren Engineering

Stephanie Danielson confirmed abutter notification to open the hearing. Continued to August 18th by agreement of the parties.

Notice of Intent

Property: Plot 2 Belgravia Ave

Project: Single Family Homes & Roadway

Applicant/Representative: Buskull Properties / Silva Engineering, Curley & Hansen

Rebecca Baptista from Silva Engineering explained that they are sharing a revised design with the Commission. The work is now proposed outside of the 100-ft Buffer Zone. They have reduced the number of house lots to one new house on Hermon Street and two on Belgravia Ave. They are proposing the same catch basins, but the roadway has been shortened by about 200 feet. A water quality treatment unit is proposed at the end of the road. A sediment forebay is proposed for additional TSS treatment within a simple basin. The basin is not a true detention or infiltration basin, but it includes a berm so that water will not be directed to abutters. The Agent explained that this plan is being presented to the Commission because the Applicant intends to withdraw the NOI; the Commission is considering whether the revised design proposes any impacts to the 100 ft Buffer Zone. The limit of work is proposed outside of the 100-ft Buffer Zone, with overland flow of runoff into the Buffer Zone.

Stephanie Danielson asked if BETA Group had reviewed this plan. The Agent said that they have not reviewed this latest plan, but it is assumed that this design does not meet the full stormwater standards because it includes only three houses. Rebecca Baptista said that they are meeting the standard for TSS removal, but they are not meeting all standards because they are only proposing two houses on Belgravia Ave.

Joanne Zygmunt asked to confirm if any work will be in the Buffer Zone; Rebecca Baptista confirmed no. Stephanie Danielson asked if erosion controls were proposed at the limit of work and was told yes. Joanne Zygmunt asked if the project would increase the water flowing into the Buffer Zone. Rebecca Baptista said that the storage capacity in the area will increase due to the berm. The Agent added that the design will improve water quality because there is no treatment on Belgravia Ave currently, but peak flow rates and volumes into the Buffer Zone cannot be confirmed without seeing calculations. Joanne Zygmunt asked if there will be clearcutting up to the limit of work. Rebecca Baptista stated that they are hoping to shape the berm without clear cutting and could mark individual trees.

Abutter Paul Maliawco of 35 Hermon Street expressed concern that more water will still be sent towards the Hermon Street properties, but he was not sure if the Commission could do anything if they do not

have jurisdiction. He asked the Commission if their jurisdiction focuses on impacts to the wetlands; the Chair confirmed this.

Joanne Zygmunt asked if abutters will be re-notified as the project moves forward. Rebecca Baptista said yes, abutters will need to be notified for the Planning Board and Zoning Board of Appeals.

Stephanie Danielson noted that the project limit of work has been moved out of Commission jurisdiction, but said that if the sheet flow is found to cause issues in the Buffer Zone, then the Commission has the right to claim jurisdiction.

Joanne Zygmunt asked if the Commission needed to vote to close the hearing. The Agent said that it is up to an Applicant to withdraw an application; a withdrawal should be in writing to the Commission and MassDEP. The Agent explained that the revised plans have been submitted to the Commission for feedback, but approval of the withdrawal is not a formal process. The Agent said that generally an Applicant can withdraw at any time, but if the Commission believes they have jurisdiction, then they can issue an Enforcement Order when the work starts. Rebecca Baptista said that she will talk to the Applicant about the timing of the withdrawal: they intend to withdraw but may wait until after the Planning Board review.

Notice of Intent

Property: 132 Campanelli Industrial Drive

Project: Industrial Redevelopment – Loading docks, trailer storage & stormwater improvements

Applicant/Representative: MCP II Campanelli, LLC / Kelly Engineering Group

David Mackwell of Kelly Engineering Group reintroduced the project as an expansion of parking and loading zones for the existing industrial building. The proposed footprint is smaller than that of the project approved previously but never initiated. He said they have revised the site plans according to BETA Group's and the Agent's comments: They have moved the limit of work markers to the boundary of the 50 foot buffer zone. The existing stormwater basin will be restored based on its original design and plans. They have provided a protocol to remove debris from the drainage channel and trim vegetation; they have provided values for disturbance to Bank and LUW. Hand tools will be used to trim vegetation from the channel; no machinery will be used. They originally proposed subsurface drainage further north on the site, but are now proposing a larger subsurface system further south. They have added enhanced water quality treatment units. The system is designed to meet new development stormwater standards for runoff recharge and TSS removal. They are proposing Buffer Zone restoration within the 50 ft Buffer Zone. They agree with the Agent's recommended Special Conditions.

The Agent explained that her comments have been addressed on the latest plan. She said that the limit of work markers should be at the 50-ft Buffer Zone to prevent future encroachment into the restoration area. She stated that the existing basin is not jurisdictional as a resource area because it was installed after 1996; the drainage channel is jurisdictional as a stream because it existed prior to 1996. She recommended an additional Special Condition that only hand tools shall be used for vegetation trimming in the drainage channel and no ground disturbance to the Bank shall occur. The Agent said she spoke to Phil Paradis of BETA on the phone before the meeting: Phil said the additional test pits requested in his report could be conditioned to be conducted prior to the start of new construction; he also requested a weir to direct as much roof runoff as possible to the new subsurface system. The Agent noted that the current plan directs about half the runoff to the new system and half to the existing basin.

Stephanie Danielson asked why the test pits weren't performed for the subsurface system. David Mackwell explained that test pits were conducted in other locations to get the groundwater profile. Stephanie Danielson said the soil profile is not known in the proposed infiltration area. David Mackwell said there is fill on the site and they calculated drawdown using the static method for Group B soil; he expects there will not be an issue in meeting the calculated drawdown.

Stephanie Danielson asked where the weir will be located. David Mackwell said the weir or similar structure will be added within the manhole to direct low flow storm runoff to the subsurface system. Stephanie Danielson said the weir needs to be on the site plans. David Mackwell agreed to work with BETA on the weir design.

Continued to August 18th by agreement of the parties.

Notice of Intent – Continued August 18th

Property: 53 Cypress Drive / 300 Rockland Street

Project: 4 Lot Subdivision

Applicant/Representative: George Haikal / ET Engineering

Notice of Intent

Property: Map 119-028 & 029 Industrial Blvd

Project: New industrial building

Applicant/Representative: Brockton Industrial Property Owner, LLC / LEC

Claire Hoogeboom from LEC introduced the representatives present: LEC delineated the wetland boundaries in 2020; Gene Sullivan prepared the plans; Haley Marsh of GFI Partners is representing the Applicant. She said the site is two parcels - over 13 acres; the site is undeveloped but subject to previous disturbance and movement of soil stockpiles, as well as ATV activity. There are two BVWs on-site and a perennial stream (Salisbury Plain River) with Bank, Riverfront, BLSF. She said that she has reviewed the Agent's report and notes that the Agent has not suggested any changes to the delineations. The FEMA FIRM shows the floodplain boundary extending into the site. She said that JK Holmgren Engineering submitted a Letter of Map Amendment (LOMA) application that is still pending. She said there are no Outstanding Resource Waters or NHESP habitat. Stephanie Danielson asked if the Edson Brook was nearby; the Agent said it is further south on Oak Hill Way.

Gene Sullivan said they are proposing to bring in a new roadway section and two driveways. They are proposing a 1-story distribution warehouse; no tenant is proposed yet, but they are expecting to potentially have several within the building. A series of infiltration basins are proposed; the basins are not deep due to high groundwater. He noted that MassDEP issued a Superseding Order of Conditions (SOC) in 2009 that included flood storage restoration. The current plan proposes compensatory flood storage that exceeds the cubic footage from the SOC.

The Agent explained that the City received the Community Acknowledgement Form for the LOMA application, but she has not signed it because she thought a LOMA was inappropriate for a site with a known history of alteration. Aerial imagery shows that the site was cleared between 1980 and 1996, and earth moving activities have occurred. The SOC confirmed MassDEP's position that floodplain had been filled. The Agent recommended that the project proceed with the compensatory storage included.

Stephanie Danielson asked if the FEMA flood map was based on elevation. The Agent said there is a Base Flood Elevation for the site. Gene Sullivan pointed out the Base Flood Elevation as 72.5 ft on the plans. He said they have been unable to locate the SOC plans that show the area of floodplain fill. The Agent explained that the Planning Department has a plan set submitted by JK Holmgren Engineering to the Planning Board in 2015; it is assumed to be the same plan approved under the SOC; it includes the flood storage restoration area. The Agent explained that this current plan set is based on the survey used in JKH's previous plans, which used the NGVD29 datum. FEMA's revised flood maps from 2012 use the NAVD88 datum and show the BFE of the site as 70 ft (the previous flood map showed the BFE as 72.5 ft NGVD29).

Stephanie Danielson asked if the CSA matches what was approved under the SOC. The Agent explained that the proposed CSA has more storage volume, but a smaller area, and it is closer to the river than the SOC plan. The Agent said that the Regulations allow for compensatory storage in the Riverfront Area, but an alternatives analysis is required. Stephanie Danielson questioned whether the proposed CSA will capture the same storm floodwater as the area that was filled. The Agent said the CSA is next to the same river, but they cannot be sure of the exact footprint of filled floodplain; the footprint of disturbance after 1980 includes most of the site; it is possible the area of overlap between the FEMA flood zone and the disturbance footprint is all filled floodplain. The Agent said she assumed that the size of the filled floodplain area, and the size of flood storage to be restored, was determined as part of the previous NOI review.

Joanne Zygmunt asked if the proposed CSA floods now. Gene Sullivan said no; they will be digging down to the high water table to create the flood storage. Stephanie Danielson said that there could currently be more downstream flooding than there was before the disturbance. The Agent added that some of the proposed CSA is currently below BFE, so they are proposing excavation for incremental flood storage increase in this area.

Brad Holmes of ECR said it is compensatory storage, but it is somewhat restoration as well. He suggested that if it is moved out of the Riverfront Area and too far upland, then a berm could be created that would prevent floodwater from reaching the CSA. Joanne Zygmunt asked what the Riverfront Area looks like currently. The Agent said it is forested; historically disturbed by the sewer line installed before 1978, but not part of the clearing that occurred after 1980. Joanne Zygmunt asked if there were invasive plant species; the Agent said there was some glossy buckthorn, but the area was not dominated by Japanese knotweed like some other Riverfront Areas.

Stephanie Danielson suggested pulling the limit of the CSA out of Riverfront Area but meeting the existing grade to avoid creating a berm. Gene Sullivan said he could try to change the shape to still meet the volume. Claire Hoogeboom suggested that change in shape could be considered as part of the alternatives analysis. Joanne Zygmunt commented that there seems to be a tradeoff between alterations to the Riverfront Area and potentially impacting how the CSA receives floodwater. Stephanie Danielson concluded that they should perform an alternatives analysis with different configurations and return to the Commission to explain the pros and cons.

Stephanie Danielson asked if rain gardens or other Low Impact Development techniques had been considered. Gene Sullivan said it had not yet been considered but could be.

Gene Sullivan asked the Commission about BETA Group's comment recommending no infiltration basins within 50 ft of a wetland; he said the basins are not within 50 ft of surface water, and they are staying 25 ft from the wetlands as required by the Commission. The Agent confirmed that the Commission maintains a "no touch" policy for development in the 25-ft Buffer Zone, so BETA Group should be consulted to clarify their comment.

Continued to August 18th by agreement of the parties.

Notice of Intent

Property: 634/648 Summer Street

Project: Solar power-generating facility

Applicant/Representative: 648 Summer Street, LLC / SITEC

Hearing continued to August 18th due to a lack of quorum.

Notice of Intent

Property: Lot 84 Thatcher Street

Project: Single-family house

Applicant/Representative: Eugene Flynn / Environmental Consulting & Restoration

It was noted that Bonnie Sparks had signed a Mullins Rule form and was eligible to vote on this application.

Brad Holmes of ECR said they had revised the plans to include the stockpile notes and a drainage swale. The Agent said that the Commission's previous concerns have been addressed, and she recommended that an OOC include the additional Special Conditions from her report.

A motion was made (Zygmunt), properly seconded (Sparks), and unanimously approved to issue an Order of Conditions with the additional Special Conditions recommended by the Agent.

Meeting adjourned.