

**BROCKTON CONSERVATION COMMISSION
OCTOBER 5, 2022 - 6:00 PM MINUTES**

The Chair, Joyce Voorhis called the October 5th, 2022 meeting of the Brockton Conservation Commission to order and read the following statement: “It being 6:00 PM on October 5th, 2022, I call this meeting of the Brockton Conservation Commission to order. This meeting is being conducted remotely in accordance with the extension of the Governor’s Order suspending certain provisions of the Open Meeting Law, Mass 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. If you wish to comment during a public input portion of a hearing, please use the “raise your hand” function to be addressed at the appropriate time. For those of you joining by phone only, please press star (*) nine to raise your hand. A copy of this recording will be posted on the City’s web pages. All votes will be done via roll call to ensure count accuracy.”

The following members were confirmed to be in attendance: Joyce Voorhis, Chair, Laura Biechler, and Peggy Curtis. Conservation Agent Megan Shave, Director Rob May and Admin Rhode Germain were also in attendance.

Request for continuances:

Per the Chair Joyce Voorhis, the following items have requested continuances to the October 19th meeting.

A. Enforcement Order Update: Map 181-042 Claremount Ave

Per the Agent the applicant, owners, and representatives are working on addressing the comments on the Enforcement Order from the last meeting and providing revised restoration plans.

A motion to continue to the October 19th, 2022 was properly made by Peggy Curtis, seconded by Laura Biechler and unanimously approved.

B. Request for Determination of Applicability

Property: Map 181, Lots 42,44,53,54,162 Howard Street

Project: Sports complex

Applicant / Representative: New Heights Builders / Grady Consulting

Per the Agent the applicant requested to continue to October 19th to submit a revised SWPPP plan.

A motion to continue to the October 19th, 2022 was properly made by Peggy Curtis, seconded by Laura Biechler and unanimously approved.

1. Notice of Intent

Property: Map 021-054,055,056 & 059 W Chestnut St & Map 021-007 & 058 Knapp Ctr.

Project: Towing facility

Applicant / Representative: Lynch's Towing / JK Holmgren Engineering

Per Scott Faria, the property was previously owned by the City of Brockton and was used as a solid waste and debris dump. However, it reforested itself and was completely wooded when the client purchased it. Due to the fact that it was a solid waste site, they needed DEP approval. They are currently at the finish line with DEP and looking for a Planning Board Approval.

Their plan is to shave the entire site down and sift the material to come up with 2 piles: dirt and debris. The debris will be shipped out and the dirt will be tested and if it meets certain requirements, it will be used as fill on the property. However, if the dirt doesn't meet the requirements, it will get trucked off and the property will be filled according to the site plan.

The project was sent to BETA and 2 outstanding minor issues were found which will not have a significant impact on the plan.

The plan is to build a 25,000 SF towing facility on this site which will be fenced in. There is also a drainage system proposed throughout the site.

The Chair questioned the letter DEP sent which stated that no fatal flaws were found. Per Scott Faria, that's DEP ways of saying that it's okay for them to proceed.

Peggy Curtis questioned if the runoff issues were addressed. Per Scott Faria, the entire area will be paved and the runoff is directed to catch basins. He also mentioned that the entire drainage system meets all the stormwater requirements.

The Chair questioned what the capacity of the pond was and whether the other drains were draining into the city stormwater system. According to Scott Faria, it was roughly a 4 foot deep basin and the drainage was not going in the city. Scott also mentioned that calculation shows that all 3 systems will take care of the runoff.

Laura Biechler questioned if the Commission received a restoration plan for the 25 ft. Buffer Zone, to which Scott replied that Claire from LEC will have it by the next day. Scott also explained that the biggest issue is the solid waste, which goes up to the edge of the Bordering Vegetated Wetland, therefore it didn't make sense to put a siltation barrier to the 25 ft. Buffer Zone. Instead, their restoration plan is to remove debris and then restore the 0 to 25 ft. Buffer Zone.

Agent's Report:

Per Megan, the proposed solid waste removal and soil reclamation plan will touch the Wetland boundary, however it can be justified due to how heavily degraded the 25 ft. Buffer Zone is. She also mentioned that the restoration plan would not only take care of the solid waste but also the Japanese knotweed on the site. Since the Commission did not yet receive the Buffer Zone restoration plan, the Agent is expecting to see the planting plan, any special details about the reclamation procedure as it applies to the 25 ft. Buffer Zone, and any other information

pertaining to the removal and monitoring of the Japanese knotweed reflected in the full restoration plan that will be submitted. In the meantime, the Agent suggested the following special conditions that the Commission should consider:

- Prior to the start of the work and the Commission's approval of any building permits, the Commission should get copies of all official approvals from MassDEP Solid Waste Section.
- A two-year monitoring period of the restoration area.
- The initial planting and seeding be completed before a Partial Certification of Compliance be granted, and a PCOC should be issued before a Certificate of Occupancy be granted.

Phil Paradis with BETA Group

Per Phil, BETA was asked to provide a peer review of the stormwater system for this project and the system provided meets the requirements of the MassDEP stormwater management standards. However, he does recommend a few conditions. He recommends that test pits be conducted on each of these systems, and also hydrologic conductivity tests be conducted to confirm both the infiltration rate and the depth to groundwater, soil texture, etc. He instructed Scott and his team to put oil separators prior to any infiltration or discharge.

Phil also recommended that the calculations for stormwater 27, 28 and RNSW-3 be adjusted as necessary to reflect the new findings from the soil testing once it's done.

He also recommends that the final operation and maintenance plan be compiled as a standalone document that contains the map and the checklist.

Scott Faria mentioned having no issue with either the Agent's or Phil's comments.

Per the Agent, it is the policy of the Commission not to close hearings and issue Orders with pending plans so the Commission should consider that policy for this case. She recommended adding as an additional special condition that the restoration plan be submitted to the Commission along with a request for an amended order of conditions prior to the start of any site work.

Peggy Curtis questioned if the restoration plan will be available by October 19th to which Scott replied affirmatively. She also commented on continuing to the next meeting so that the applicant can have time to submit the restoration plan.

Per Scott Faria, they would prefer to close out the meeting tonight and follow the Agent's suggestion so that they are able to file to the next Planning Board.

Laura Biechler confirmed that the restoration plan would be available tomorrow and said she had no problem with the suggestion.

Public Comments

Lisa Crowley

Resident Lisa Crowley, would like for the Commission to continue the project to October 19th as per policy.

A motion to continue to the October 19th, 2022 meeting was properly made by Peggy Curtis, seconded by Laura Biechler and unanimously approved.

2. Notice of Intent

Property: 125 Peterson Ave

Project: Yard expansion

Applicant / Representative: Maiky Francillon / Outback Engineering

Per Maiky Francillon, he submitted a revised plan following all the recommendations made by the Commission and the Agent on the last meeting back on August 17th and would like for the Commission to grant the Order of Conditions so that he can move forward.

Agent's Report:

Megan mentioned that all the comments were addressed and thus her recommended special conditions are that the limit of work shall be staked out in the filed prior to the pre-construction meeting, that the fence shall be installed on the Upland side of the limit of work, and that the limit of work markers shall be installed every 15 ft. along the approved limit of work.

Peggy Curtis questioned if the fence will outline the green area to which Megan answered affirmatively. Peggy also questioned if the shed and markers would be in the 25 ft Buffer Zone; however, Megan mentioned that they would be in the 50 ft Buffer Zone along at the limit of work.

A motion to close the hearing for 125 Peterson Ave was properly made by Laura Biechler, seconded by Peggy Curtis and unanimously approved.

A motion to issue an Order of Conditions with special conditions outlined by the Agent's report was properly made by Peggy Curtis, seconded by Laura Biechler and unanimously approved.

3. Notification of Change in Ownership / Extension Request -132 Campanelli Industrial Drive (SE 118-0780)

There was no representation for this item.

Agent's Report:

Per Megan, there was an Order of Conditions for 132 Campanelli Industrial Drive, which is an existing warehouse building. The Order was to redo the loading docks and do some drainage improvements, as well as some required restoration work along the intermittent stream on the north side of the property. One of the special conditions was that any fill be removed and planting be done within one year. The Order of Conditions was issued on September 7th, 2021 so the deadline to do that initial restoration work would have been on September 7th, 2022. However, the property was acquired by a new owner that is still in the process of hiring contractors. The new owner is requesting a 9 month extension to complete the restoration requirements under the Order of Conditions.

A motion to grant the 9 month extension of the deadline for Special Condition E1 was properly made by Peggy Curtis, seconded by Laura Biechler and unanimously approved.

4. Ratification of Enforcement Order – 1330 Pleasant Street

Agent's Report:

Per Megan, this is an Enforcement order issued back in August responding to a report of an in-ground pool at 1330 Pleasant Street. This project was last before the Commission in December 2021 for a Certificate of Compliance request. This request was denied by the Commission due to various deviations between what was built and what was approved under the Order of Conditions. There were several requirements that needed to be addressed before a certificate of compliance would be issued which included: removing the crushed stone driveway, correcting the grading that changed the drainage pattern on the and around the house, and removing the leftover construction debris on the site. Thus, the new Enforcement order included the same requests from the Certificate of Compliance denial letter but also a request for a Notice of Intent to be filed by September 21st for the pool and any work associated with the pool. However, the representative of the owner requested an extension to October 21st to prepare the Notice of Intent that addresses the items in the Enforcement Order.

Per the Agent, the Commission would need to vote on two matter:

- 1) To ratify the enforcement
- 2) To grant or not to grant the extension request.

A motion to ratify the enforcement order issued by the Agent was properly made by Peggy Curtis, seconded by Laura Biechler and unanimously approved.

A motion to extend the deadline to October 19th, 2022 was properly made by Peggy Curtis, seconded by Laura Biechler and unanimously approved.

5. Commission Matter: Approval of Meeting Minutes

A motion to approve and accept the July 20th, 2022 meeting minutes was properly made by Laura Biechler, seconded by Peggy Curtis and unanimously approved.

A motion to review the August 17th, 2022 meeting minutes was properly made by Laura Biechler, seconded by Peggy Curtis and unanimously approved.

Meeting adjourned at 07:56 pm