

Brockton Conservation Commission
Thursday, January 31, 2019 - 7:00PM
Basement Level – City Hall
MEETING MINUTES

Committee Members Present: David Zaff – Chair, Dr. James Cobbs, Mark Speizer, Samuel Ward, and Ray Henningson. Also present were Megan Shave, Brockton Conservation Agent and Caitlin Nover of Nover-Armstrong, a Division of BETA Group, Inc. (BETA).

1. Notice of Intent - Plot 2 Belgravia Avenue – Proposed Subdivision
Applicant: Buskull Properties
Representative: Curley & Hansen

Megan Shave stated that the applicant has hired a new engineer, Joe Silva, and has requested a continuance until the May meeting of the Brockton Conservation Commission.

2. Request for Determination of Applicability - Grove, Hudson & Leyden Streets
Applicant: Columbia Gas
Representative: Merrill Engineering (Dana Altobello)

Comments by Merrill: The work involves proposed maintenance clearing of the existing gas main line and replacement of portions of the gas main. Portions of the clearing will take place within Bordering Vegetated Wetlands (BVW), Riverfront Area, and Bordering Land Subject to Flooding. The resource area delineation was completed by Brad Holmes. Work will be conducted using the open trench method. No trenches will be left open overnight. Hydraulic directional drilling will be used underneath the Salisbury Plain River. No work will be conducted during rain events. A silt sock is proposed for erosion control measures.

Impacts to the intermittent stream bank will only be subject to foot traffic. Invasive species will be flagged by a botanist prior to construction. Erosion controls will be installed prior to construction. With these BMPs we feel that we have minimized impacts as best we can.

Comments by Conservation Agent: Megan Shave stated that both she and BETA submitted comment letters requesting that the Applicant submit additional details to make sure they qualify for the utility exemption under the Wetlands Protection Act. Some of these details include practices for protecting bank and Land Under Water for the Salisbury Plain and the intermittent stream. Following our comments the intermittent stream was flagged in the field and the Applicant submitted additional information regarding construction BMPs. The clearing within the BVW is mitigated with a re-planting plan as well as invasive species management. Ms. Shave stated that with the additional information a negative 5 determination can be issued.

Comments by BETA:

Caitlin Nover agreed with Megan Shave's findings. She stated that the Applicant has provided additional details thoroughly showing that they intend to use the required BMPs necessary in order to qualify for the utility maintenance exemption.

David Zaff asked for confirmation of exactly what the additional information they submitted included.

There were no further comments from the Commission or from the Public.

Decision: To issue a Negative 5 Determination of Applicability.

Motion: Speizer

Second: Henningson

In Favor: 5

Oppose: 0

3. Notice of Intent – 1020 West Chestnut Street

Applicant: New England Tortilla

Representative: JK Holmgren Engineering (John White)

Comments by JKH: Josh White stated that there are wetlands on the eastern part of the site and several basins on the site that have been overgrown. Said they want to maintain the existing basins. The Applicant has no issues with the recommendations from agent. There were concerns about spills however the client wants to point out that they never have had a spill and that there are several things in place to prevent spills.

Comments by Conservation Agent: Megan Shave stated that she reviewed the revised submission. She stated that they have added a couple bollards and have updated the O&M plan based on BETA's recommendations. Based on BETA's review she believes the Applicant has provided enough information to issue an Order of Conditions. She said she still believes the previously mentioned special conditions should be implemented. These include:

- Maintenance of the existing stormwater management and drainage system be completed before starting construction of new building;
- Invasive plants be flagged by a wetlands professional during maintenance and be removed and disposed of off-site;
- Have a Conservation Commission representative witness excavation of bottom of proposed system;
- Trash be removed from the wetlands on-site; and
- A Continuing condition to have "no dumping" signs along the edge of the parking area and driveway.

Decision: Motion to close the public hearing.

Motion: Speizer

Second: Cobbs

In Favor: 5

Oppose: 0

Decision: Motion to issue a standard Order of Conditions with the aforementioned Special Conditions.

Motion: Speizer

Second: Henningson

In Favor: 5

Oppose: 0

4. Notice of Intent – 940 Belmont Street (DEP File No. 118-718)
Applicant: US Department of Veterans Affairs
Representative: JK Holmgren Engineering (John White)

Comments by JKH: Josh White said that currently there is no drainage system in this area. They are proposing to construct two stormwater constructed wetlands with plantings that are native to this area. We have designed it so that the plants won't get overwhelmed with water. The water will get treated in these stormwater constructed wetlands. We've worked with Henry Nover on this design and he submitted his comment letter on January 25th and we don't have any problems with any of his recommendations.

Comments by BETA: The recommended Special Conditions from Henry Nover's January 25th comment letter include:

- Before rough grading of the CSW's, the City witness the excavation of test holes of sufficient number within the location of the proposed CSW's to confirm the estimated seasonal high groundwater elevation.
- The City inspect the rough grading of the construction staging areas before placement of any pavement.
- The City inspect the rough grading of the CSW's before placement of any organic layers and plantings.
- Provide a minimum of a 25 foot setback where possible from the staging area paving to the wetlands.
- Provide pea stone diaphragm BMPs at the edge of the paving where there is discharge of stormwater from the section of the construction staging areas that drain to the wetlands and stream along Cape Cod Road.
- Eliminate the unspecified rip-rap and substitute a dense native vegetation of a minimum height of 6 inches between the edge of the construction staging paving and the wetlands.

Comments by Conservation Agent: Megan Shave stated that this project was originally an enforcement and the Applicant was required to file a NOI. The design of these stormwater constructed wetlands has been the reasons for the on-going continuances of the NOI.

Comments by Commission: David Zaff stated that there he agrees with the recommended Special Conditions. He asked whether Holmgren has given any thought about moving portions of the pavement out of the 25' buffer where possible. Josh White responded saying that he thinks that it is possible - that it is only about 5 feet it shouldn't be a problem.

Decision: Motion to close the public hearing.

Motion: Speizer

Second: Cobbs

In Favor: 5

Oppose: 0

Decision: Motion to issue a standard Order of Conditions with the aforementioned Special Conditions.

Motion: Speizer

Second: Henningson

In Favor: 5

Oppose: 0

5. Notice of Intent – 940 Belmont Street (maintenance)

Applicant: US Department of Veterans Affairs

Representative: JK Holmgren Engineering (Present: John White)

Comments by Holmgren: The VA has asked to maintain a 10 foot buffer around the fence per regulations. Portions of this buffer are within bordering vegetated wetlands (BVW) and the buffer zone. Megan Shave sent her comment letter and requested that the Applicant provide the federal statute. Josh White passed out some printed pages explaining this requirement.

Davied Zaff asked how much of the fence is within the BVW. Josh White stated that the fence makes several wetland crossings including through wetland replication areas and across a couple streams.

Megan Shave stated that JKH has provided more detail of what the process would be. They aren't going to clear the entire 10 foot buffer they are only going to clear anything touching the fence. It was not clear to her the requirements of this statute and how vegetation can in fact impact the fence. She inspected the site and saw only a few plants that were touching the fence. She said it is still not clear to her why everything that touches the fence needs to be removed to protect the fence. It is a large area of BVW that would be cleared and she thinks they need to re-evaluate other options...has the exemption from the statute been pursued...was the fence installed knowing this statute existed...these need to be addressed before we can approve this work.

Comments by Commission: David. Zaff stated that he wants JKH to quantify how much clearing in the buffer zone and how much clearing in the BVW would take place if this work is approved.

Ray Henningson asked what was more important protection of the fence versus protection of the wetlands. He said the commission is here to protect the wetlands and thinks that a fence shouldn't be in danger from wetland plants and shrubs.

Jim Cobbs stated that the commission needs to find out exactly what quantity would be impacted. Once they have that information then they can figure out exactly how to mitigate and avoid impacts.... like he asked last time... has a waiver from the regulation been pursued? He said he agrees with Ray Henningson has said what is more important the wetlands or a fence?

John Hughes (VA) - The fence is used to keep patients in and keep people out. He said they are concerned that they won't have visibility if someone is trying to break in. There are certain gaps in the fence that were installed for animal migration. We do house 100 mental patients. We are the main hub for mental patients.

David Zaff said that he would like to continue this to can get more information that should clear up some of these questions. Megan Shave stated that we need more information about what exactly the regulation states and requested that the regulation/statute to be submitted. Some of the reasoning does not make sense.

David Zaff asked if the applicant would you like to continue to the next meeting? Mr. Hughes requested to continue the hearing until the next conservation meeting.

Mr. Speizer asked that the proposed work going through wetlands be marked so impacts can be easily seen.

Decision: To continue to the February 20, 2019 meeting.

Motion: Cobbs

Second: Henningson

In Favor: 5

Oppose: 0

6. Notice of Intent – 130 Elliot Street (proposed condominiums)
Applicant: Joe Savino
Representative: JK Holmgren Engineering (Present: Josh White)

The Applicant requested a continuance to the February 20, 2019 meeting.

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

Pleasant Street, Lot 2 –

Megan Shave stated that she's been in communication with both Greg Driscoll (Gomes) and Eric Diaz (Strongpoint Engineering). Regarding lot 3 the new they brought back the fill from the existing silt sock. She was told that approximately 500 cubic yards of fill was removed from the site. She went out after the rain storm and generally the erosion controls were holding well except for one area. The area has since been reinforced with extra erosion controls. At this point we are waiting on Strong point for the buffer zone restoration plan but she believes in terms of pulling back the fill that has been completed as requested. The fill has been pulled back in closer to compliance with what is shown on the approved plan.

Pleasant Street, Lot 3 –

Greg Driscoll said that they secure the new erosion control in the proper place and said that they added some extra silt fence. The drainage and foundation are in and they are ready to stabilize the whole area.

Greg Driscoll stated the foundation ended up being about 1 to 1.5 feet higher than what was proposed. There is a lot more fill than what was proposed; he said he was on the site today with Danielson Gomes to address this issue.

Megan Shave stated that the highest point has been reinforced with extra erosion controls. Going forward her biggest concerns are the large mound of fill and also the area with the steepest slope.

Greg Driscoll said some of this fill will be removed although Gomes wants to add more fill to the back yard which could be done with an Amended Order of Conditions.

Jim Cobbs asked if the agent has been on the site recently. She said she was on the site today for this meeting. There is a lot of fill with differing depths. There is one main pile of fill. She said she went out after the rain storm last week and the erosion controls appeared to be holding for the time being.

David Zaff said so they are proposing to file an AOOOC to allow the excess fill to remain. Jim Cobbs asked if the new grading plan is going to show even more fill. Greg Driscoll stated that that was the plan. David Zaff said they need to explain why so much fill is needed.

Megan Shave stated that the fill that is there now....some is from the foundation hole and some is additional fill that was brought in.

Danielson Gomes said most of the fill came from a material and gravel company and was purchased.

Sam Ward agreed that they should come back in with a new grading plan.

Megan Shave stated that if there is any sort of collapse of the fill it will need to be addressed immediately.

Mr. Henningson was happy to see that he finally contacted an engineering firm. He said he has been to the site.

David Zaff stated that he appreciated that Mr. Gomes is making an attempt to get this issue straightened out.

Decision: To accept the 12-19-18 and 1-10-19 Meeting Minutes

Motion: Speizer

Second: Henningson

In Favor: 5

Oppose: 0

No further discussion.

Decision: To adjourn the 1/31/19 meeting

Motion: Henningson

Second: Cobbs

In Favor: 5

Oppose: 0