

The Brockton Conservation held a meeting in the GAR Room, City Hall, Brockton on Thursday, February 25, 2010 at 7:00 PM. Members present: Chairperson Stephanie Danielson, Scott Ford, Anthony DiLallo, Timothy Reilly and James Bosco. Also present were secretary Pamela Gurley and Marta Nover from Nover-Armstrong Associates (NAA).

1. Certificate of Compliance

Address: 76 Campanelli Drive

Applicant: Gael Land Realty, LLC (original applicant Flower Time)

Representative: Spence & Co. Ltd.

Ms. Nover said that the original order of conditions for "Flower Time" was issued in 1987. She said the existing conditions plan submitted at the time of the filing for the dialysis center can be considered as built and that any improvements needed to be made to the site are being made as part of that current proposal.

A motion was properly made (Ford) and seconded (Reilly) to issue a certificate of compliance to the original order of conditions. In favor: Danielson, Ford, DiLallo, Reilly and Bosco. None opposed.

2. Certificate of Compliance

Address: 985 Belmont Street

Applicant: KFC US Properties

Representative: JK Holmgren Engineering, Inc.

Ms. Danielson said that the Commission has the JK Holmgren letter dated 2-22-10 and the subsequent NAA letter dated 2-25-10 for their files. As the maintenance work was not completed (per JKH letter) Mr. Reilly suggested that the Commission table the request for a certificate of compliance until JKH could certify that all work has been finished. Ms. Danielson noted that as no one was present at the meeting to inform them whether or not the work was completed today she agreed that it should be tabled until the March 11, 2010 meeting.

Request was table to March 11, 2010.

3. Notice of Intent

Address: 25 Pearl Street

Applicant: Creative Homes

Representative: Creative Homes/Pilling Engineering

Todd Pilling of Pilling Engineering said that the revised plan shows the isolated wetland changed to bordering wetland, and has prepared a planting plan for the 25' buffer. He said he spoke with NAA today and was asked to add ground cover and a wildlife conservation grass mix to cover grass area on the grounds and they have added three additional highbush blueberries.

Ms. Nover asked where the silt fencing in the picture submitted is located. Mr. Pilling said it is not their fencing. He said that the 25' buffer is under the dirt pile. The Commission felt that three additional bushes was a 2,800 SF area was not enough. Ms. Danielson asked about the spacing of the blueberries and was told 15' on center. She asked Ms. Nover how compatible the spruce and the blueberries were and she said they should be OK. Ms. Nover said that the Commission could condition the spacing and the number bushes in the order.

A motion was properly made (Ford), seconded (Reilly) and unanimously passed to close the hearing.

A motion was properly made (Ford) and seconded (Bosco) to issue a standard order of conditions with the stipulation that the order contain the number and spacing of the bushes. In favor: Danielson, Ford, DiLallo, Reilly and Bosco. None opposed.

4. Request for Determination

Address: Walkers Playground (off May Avenue)

Applicant: James Anderson Field Fund

Brian Droukas introduced himself as the representative of the applicant. Ms. Danielson read the NAA letter dated 2-25-10 into the record.

Mr. Droukas said that this was a conceptual plan only and he was brought into help with the non-profit (James Anderson Field Fund). Mr. Droukas explained that James Anderson was killed several years back in an accident.

Ms. Danielson asked if this will replace an existing facility or will be in addition. Mr., Droukas said that when they talked to Chris MacMillian they told him that the proposal was to move the swing sets to another area and relocate the basketball field. He said he had no plans for that. Ms. Danielson asked if he knew who utilizes the area. He said to the best of his knowledge there is no use. Ms. Danielson said that if this space is being utilized by a multitude of persons; the best use for the area may not be to turn it into a use for only a single group.

Mr. Ford said he took a look out there today; there seems to be a new trench dug and it looks like there is water there more often than not. (He submitted pictures taken at the site today.)

Ms. Nover said that a lot of water sheds off the property onto the proposed ballfield and that the trench is redirecting the water.

Mr. Bosco asked if there was work done out there. Mr. Droukas said that they went before the Park Commission and School Committee and were told they were OK with the project if they received an approval from the Conservation

Commission. He said that trees were cut and lights were taken down; that they jumped the gun a little bit. Mr. Bosco said he was concerned about the amount of water there. Mr. DiLallo asked why was this area chosen and Mr. Droukas said that James Anderson grew up in the neighborhood. James Casieri (an abutter) noted for the record that James Anderson grew up on the west side of the city not in that area.

Ms. Danielson said that she does not see how this project can receive anything other than a positive determination.

Mr. Casieri said that the swing sets used everyday; he said there is also a nature trail back there and that they have an extremely wet neighborhood. He said if the neighbors do not clean out the storm drain the area floods.

An abutter to the property said he has to run a commercial pump. He said they only get a portion of the water now as the basketball court is 2' higher; if that is cut down they will be completely flooded.

Ms. Danielson asked if another location was looked at. Mr. Droukas said that although they looked at redoing the field at Walkers Playground and having it renamed the City told them no. He said that Pony/Colt needs additional fields because of numbers. Ms. Danielson said they will need to submit a fully engineered plan addressing the water problem. The Commission agreed that this may not be the best location for a field as it seems that the neighbors, the school, the existing field or all may be impacted by this project.

A motion was properly made (Ford) and seconded (Reilly) to issue a positive determination. In favor: Danielson, Ford, DiLallo, Reilly and Bosco. None opposed.

5. Notice of Intent

Address: Plot 14 Sargents Way

Applicant: George Millette

Representative: Jennifer Turcott, Green Environmental

The NAA report dated 2-25-10 was submitted for the record.

Ms. Turcott said that they were last in front of Commission in December. She said that this plan is based on the past plan submitted but that they had no problem providing the info in the NAA letter. She said that the proposed work needs to be approved by the easement holder and that she is aware there is additional information needed. She said however, that the post development is lower than pre development.

Ms. Danielson said that the Act requires that the applicant apply for all obtainable permits and asked if they had applied for Site Plan Approval. Mr. Millette said

that this project was already approved. Ms. Danielson asked the secretary if she knew the status. Ms. Gurley said at Mr. Millette's request she pulled out the old file and acknowledged that he had previously filed and had a technical review hearing but that was over three years ago. She said that the changes requested at technical review were never addressed and the matter went no further. She said because of the length of time, he will need to begin the process again. Ms. Danielson told Mr. Millette that he must begin the process immediately.

Mr. Ford asked if Algonquin owns all the easement and was told yes (Spectra Energy).

Ms. Turcott said at this time she would like to continue the matter to the March 25, 2010 meeting.

Ms. Nover said that there are still existing enforcement orders. She noted that the plan needs to show the alteration and the wetland restoration; that they need to show compliance; she said that the processed asphalt goes up to the BZ.

Ms. Turcott said that the easement is maintained by Algonquin Gas and is cleared up to the 25' no touch. Ms. Nover said that they do not remove all the vegetation within the easement and that there are clearly two existing tree lines.

Ms. Turcott said that the plans show the existing conditions under the ORAD; but that the site was significantly altered. Ms. Danielson said that she wants to see 25' no touch restored; she said this has been discussed at the previous meetings. Ms. Turcott said that it is marked out on the plan; the 25' and BZ show as upside down triangles. The members agreed that the plan was very difficult to read. They noted that their plan was not nearly as clear as the one she had.

Ms. Turcott was told to submit plans for restoration of 25' no touch and documentation of the area filled and restored. There is no clarification as to whether restoration is consistent with the act and the plans do not show disturbed area/restored area.

Ms. Nover said that the elevation of seasonal high ground water may be two high for underground infiltration. Ms. Turcott said they raised the underground infiltrators.

Hearing was continued to March 25, 2010 at the request of the applicant.

Other Business

The Commission noted receipt of the letter from JK Holmgren Engineering regarding Self Help.

Ms. Nover spoke to the Commission about applying for a Gateways Grant through PARC. It was suggested that they could apply for a mini grant through TWRA to do a study on how to use the Two Rivers Plan. Scott Ford agreed to work on the mini grant.