

The Brockton Conservation held a meeting in the GAR Room, City Hall, Brockton on Thursday, August 19, 2010 at 7:00 PM. Members present: Chairperson Stephanie Danielson, Scott Ford, Gregory Enos and Anthony, DiLallo, James Bosco. Also present were secretary Pamela Gurley and Marta and Henry Nover, Nover-Armstrong Associates (NAA).

### **1. Request for Determination**

Address: 45 Chestnut Street

Applicant: Lisa & James Sheehan

Representative: Same

Lisa & James Sheehan

Lisa Sheehan said that they want to install an above ground pool in their back yard. She said that there was a pool there when they bought the house. Mr. Nover said that he did a site inspection and checked the City records and looked at the aerials available and agreed that historically there was always a pool on the site.

Ms. Danielson asked how far the pool was to the brook and Mrs. Sheehan said it is 50'. Mr. Nover said that the area is all lawn area and is a fenced yard. Mrs. Danielson asked him if there would be any discharge into the wetland and he said that there will be no impact.

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

A motion was properly made (Ford), seconded (Enos) and unanimously passed to issue a negative #3 determination.

### **2. Request for Determination**

Address: Sandra Roman

Applicant: 87 Glen Avenue

Representative: Same

Richard Roman said that he would like to cut down two trees leaning toward his house. He said that the river runs through Glen Ave. and that the bank is being washed away causing the tree to lean. The trees are on his neighbor's property and he has his permission to cut the trees. He said that the tree service would not remove tree without receiving permission from the Conservation Commission. He said three trees fell last year and that two additional trees need to come down as they are leaning over the house.

Mr. Nover said that he did a site inspection and spoke with the property owner who told him that he wants the tree stumps left. Mr. Nover said that removal of the trees will not add to the destabilization of the river.

A motion was properly made (Bosco), seconded (DiLallo) and unanimously passed to close the public hearing.

A motion was properly made (Ford), seconded (Enos) and unanimously passed to issue a negative #3 determination

### **3. Certificate of Compliance**

Address: 70 Oak Street Ext.

Applicant/Representative: Charles Efremidis

The NAA report dated August 9, 2010 was entered into the record. (This request was continued in order to allow the applicant to complete work to the detention system.)

A motion was properly made (Enos), seconded (Ford) and unanimously passed to issue a certificate of compliance.

### **4. Certificate of Compliance**

Address: 76 Campanelli Drive

Applicant/Representative: Coneco Engineering/Land Tech

The August 16, 2010 Memo from NAA outlining some deficiencies found as a result of their site visit was entered into the record.

Shane Oates, Coneco said he is in agreement with the forebay issue and asked that Mr. Nover be on site along with himself. Regarding the dumpster pad he said that when he was before "tech review" they asked that it remain at the present location. He said there is no waste that only paper does into the dumpster. Ms. Danielson said that the Commission strongly wanted the dumpster relocated and asked if they would be willing to install a berm around the dumpster pad. Mr. Oates said he is not sure that grass will take now and would like to wait until the spring to plant. The property owner said that she is willing to do the seeding now if necessary. Mr. Nover said that the area beside the dumpster needs attention and asked that they remove the hay bales and silt fencing along the front.

Continued to September 9, 2010 by agreement of the parties.

### **5. Certificate of Compliance**

Address: Skyview Village

Applicant/Representative: JK Holmgren Engineering, Inc.

Mark Maganello, LEC

Ed Jacobs, JK Holmgren Engineering Inc.

The NAA letter dated 8-17-10 was entered into the records.

Mr. Jacobs said they are looking for a partial certificate of compliance. Ms. Danielson asked what work still needs to be done on the site. Mr. Nover said that JKH submitted a letter addressing the outstanding work. Mr. Nover said that the vegetation has passed the hay bale line. Ms. Danielson said that the siltation controls are to be immediately removed.

Mr. Nover said that the replication area is very thick. Ms. Danielson said that the replication area should mimic what was there before.

Mr. Maganello said that the replication area looks good. Ms Danielson said that she would like to see some street scape added.

Ms. Danielson said that she would be willing to propose that the Commission issue a partial certificate for the items that were addressed. Mr. Ford said that he would like to attach the JKH letter to that document.

A motion was properly made (Ford), seconded (Enos) and unanimously passed to issue partial certificate of compliance on the work that has been completed to date. The JKH memo addressing the remaining work is to be attached to the CC.

## **6. Notice of Intent**

Address: Plot 14 Sargents Way

Applicant: George Millette

Representative: Jennifer Turcott, Green Environmental

NAA report dated August 10, 2010 was entered into the record.

Mr. Nover said he met with Jennifer Turcott since last meeting. He said they have made an adjustment to the outlet structure; reduced infiltration rates to meet SW standards and they need only something showing the small increase; they do not need to rerun the calcs however. He said it will make sense to take some of "historic fill" out of the 25' buffer to allow for restoration. Ms. Turcott agreed and said that if the fill is left the vegetation may not thrive. Ms. Danielson asked if her client is amenable to removing some of the fill. George Millette said that he was.

Ms. Danielson said that the snow storage area is close to the 25' no touch; she asked if they knew the use of the building and was told it was a spec building. She said she is concerned about de-icing materials in that area and is not comfortable with the large snow storage area. Ms. Turcott said that they will be willing to use sand only. Ms. Danielson said that she is willing to entertain suggestions. She said she would like to see some attention to the streetscape. Mr. Nover said that DEP guidelines call for it to be located in a vegetated area. Ms. Danielson said that they could plant salt tolerant plants.

Continued to September 9, 2010 by agreement of the parties.

## **7. Notice of Intent**

Address: 899 Belmont Street

Applicant: Saad, Inc.

Representative: Gallagher Engineering

The August 18, 2010 NAA letter was entered into the record.

Ms. Nover said that the hearing was continued to have NAA review the pollution prevention and they have completed the review. She said that the pollution prevention plan not acceptable and suggested any order be conditioned that another plan is submitted. She said they will need to file with DEP before they do any digging because there was a prior release. She said that once they do that the Commission will receive all the info they have requested.

She suggested that any order have the following conditions: the Commission receive a copy of the RAM Plan; that the subsurface system is to be removed; the Commission receive confirmation that floor drains are connected to the city system; a request for a cc will be submitted within 60 day of completion of the project; there be a pre construction meeting; there be no stockpiling on site without prior approval and there is continuing inspection done during construction.

Mr. Gallagher said he went by template for the pollution prevention plan; he said that the report is modeled after template. He said that NAA suggested that EPA template be used but that he believes that all info was submitted. He said he is not trying to mislead anyone and stands by his report. He said he has no problem with the additional conditions except for having to do another prevention plan. He said he would also rather not have the inclusion of the RAM plan in the order; he said if it needs to be filed they will certainly file it.

Ms. Danielson said that the Commission has consistently raised concerns about the potential of contamination and has asked repeatedly for the info. She said that if the client intends to comply with the RAM plan requirement then what is the reason for not including it in the order. She said that regarding the long term pollution plan that just additional information needs to be provided not a complete new plan.

Mr. Ford said he wants the plan to reflect the standards set forth by the state and is comfortable with recommendations. He said that if they are willing to agree to the recommendations he is willing to support the issuance of the order.

Mr. Gallagher said he is willing to make use of the monitoring wells for testing before construction. Ms. Nover said that the source for contamination was never identified and that the RAM will identify the source; she said they would like to see (results from) the soil borings. All the members agreed with the consultants suggestions.

Ms. Danielson said she would like to see the updates to the plan before the order is issued. She also said the applicant will need to place a deposit to allow for ongoing monitoring. She asked that NAA submit an estimate.

A motion was properly made (DiLallo), seconded (Enos) and unanimously passed to close the public hearing.

A motion was properly made (Ford), seconded (DiLallo) and unanimously passed to issue a standard order of condition with special conditions incorporating NAA's memo.

## **8. Notice of Intent**

Address: Lot 10 (28 Pearl Way)

Applicant: Cotsweld Builders

Representative: Todd Pilling, Pilling Engineering

The NAA report dated August 18, 2010 was entered into the record.

Todd Pilling had the following comments to the 8/18 report: access to the detention area is through the gate on lot 9; regarding #5 there is no problem with the order referencing the Planning Board letter; he did not think #6 needed a response; no machinery on site

now which will allow work on the berm...they are willing to have it repaired but want to wait until they have equipment and are working on that particular lot.

Mr. Nover said he witnessed water coming out of the bottom of the berm. Mr. Pilling said they are willing to repair it as per the original plan. Mr. Nover said that they may want to look at the concrete wall along the top. Ms. Danielson said that there is to be no work to site until plan for berm repair is submitted and approved as well as a timetable for the repair.

A motion was properly made (DiLallo), seconded (Enos) and unanimously passed to close the public hearing.

Mr. Ford asked if there an access easement to lot 9 and Mr. Nover said the whole area is a drainage easement.

A motion was properly made (Ford), seconded (Enos) and unanimously passed to issue a standard order of conditions with special conditions as containing in NAA's memos.

### **Other Business**

Oak Hill Way – Jonathan Siegel  
Mark Maganello, KEC

The NAA letter dated 8-10-10 was entered into the record.

Ms. Nover said they conducted a review of the files and went out to the site. She said they need to request a partial CC for the restoration work that was completed. She said that no work has begun on the UPS area and it needs to be done this fall. They also need to request an extension to the order for the culvert work.

Mr. Maganello said they have to follow the Army Corp permit; he said that the culvert needs to be in by Oct. 1, 2010 and that the Conservation plan needs to match the Corps plan. Ms. Danielson said she would like to see an amended order filed. Mr. Nover said that the Army Corp modified the existing order but they can begin work under existing order and apply for an amended order.

Ms. Danielson said there is no excuse that the work that is required has not be done. Ms. Nover said that they also need to apply for an amended order for the change from a roadway to the 18' driveway. She said she has had a number of conversations with Mr. Siegel regarding this.

Mr. Maganello said he will submit a request for a partial COC and said they intend to do the remaining work this fall. He said they will be applying for an extension; the restoration area was designed to be BLSF and is turning into BVW and was over excavated. He said he would like to place fill to return it back to BLSF not BZ to the flood plain. He said they over excavated about a foot and that may jeopardize the existing P&S agreement.

The Commission stated that he not do any work in that area and that they had a problem having him reclaim that area as uplands with all the other issues on the site.

Ms. Danielson said she would like to know what the completion date will be; wants to see the restoration by the end of fall and feels that it is reasonable that amended order be received for a hearing the second meeting in Sept. Regarding the order to 118-613 she said that if the applicant proceeds without filing an amended order the commission will issue an enforcement order.

### **Other Business**

Release at 253 E. Ashland – DEP notified office that dried fire suppressant chemicals were released. Mr. Nover spent an entire day on the site. Property owner washed the chemicals down with water; the Fire Dept. was not notified as the system was not connected. The Commission agreed to send a letter and a bill for NAA's time and to issue an enforcement asking for them to submit their pollution prevention plan.

Bay State Gas – Former Gas Works Site – Letter regarding the proposed VSSD Outfall Reconfiguration was submitted; the secretary was told to advise them that they need to file their NOI before the Commission will issue any comments.