

The Brockton Conservation held a meeting in the GAR Room, City Hall, Brockton on Thursday, January 27, 2011 at 7:00 PM. Members present: Chairperson Stephanie Danielson, Scott Ford, James Bosco, Greg Enos and Timothy Reilly. Also present were secretary Pamela Gurley and Marta Nover, Nover-Armstrong Associates (NAA).

1. Request for Amended Order of Conditions

Property: 300 Manley Street

Applicant: Bernardi Auto

Representative: Metro West Engineering

Vice-Chair Scott Ford chaired this portion of the hearing as the chair recused herself from participation.

Brian Nelson, Metro West

Amy Rossi, Bernardi Auto

Mr. Nelson said that the issue of sedimentation along Manley St. which was brought up by a member at the last meeting was due to a fire hydrant that was hit and was an isolated event.

Mr. Nelson said he contacted National Grid after last meeting; the clearing limits (on Manley) were reduce from 20' to 10' and he said they will cross over Manley St. to a pole that was moved 55' and there will be no pruning or removal of trees there.

On W. Chestnut the clearing limits were narrowed also; the pole was slid left 20'; he said the new proposal is a more direct path and they are clearing 131sf in the be. He said the revised proposal calls for removal of 3 trees (instead of 15) and they are proposing to plant 6 silky dogwood and 6 viburnum. Ms. Nover said that the new proposal was a good spot to come through (looks like there is also a swath there already).

Mr. Reilly asked if they looked at connecting to any other poles with National Grid. Mr. Nelson said that they had and explained why the poles chosen were the best locations.

Mr. Enos asked Ms. Nover if the quantity of the trees was sufficient and Ms. Nover said she would suggest that they plant them as natural not landscaping, but said that the quantity is enough.

A motion was properly made (Enos), seconded (Reilly) and unanimously passed (with Ms. Danielson abstaining).

A motion was properly made (Enos), seconded (Bosco) and unanimously passed (with Ms. Danielson abstaining) to issue an amended order of conditions with the condition that a maintenance plan is submitted.

2. Notice of Intent

Property: 20 Bridge Street

Applicant: Antonio Alves

Representative: Land Surveys Inc.

Bruce Malcolm, LSI

Attorney Richard Wainwright

The 1-25-11 NAA revised report was read into the record by the Chair.

Mr. Malcolm said he sent the crews back out to the site and revised plan. The new plan shows a lowered garage floor; he said they recalculated the flood storage loss and gain and added a note on the plan that all unsuitable material from construction on the site must be removed from the site. He said they are holding the flood elevation of the driveway and the compensatory storage exceeds the proposed filling

Ms. Danielson said they need to have someone address the possible loss of wildlife habitat. Ms. Nover said that the tree clearing shown needs to be better depicted on the plan; they need to show tree line prior to clearing done last spring and current tree line; and the Commission needs to discuss whether or not they want to allow the area to remain cleared or have it re-vegetated.

Ms. Nover said that the project does not meet the performance standards. Mr. Malcolm said he sent a crew out to locate the tree line. Ms. Nover said that the tree line has moved toward the house and that on the last plan submitted was closer to the river.

Ms. Danielson said she is not inclined to allow the wildlife habitat area to remain as lawn and would like to see the area restored and said that the Commission needs to see what was cleared within their jurisdiction.

Mr. Reilly wanted to know what the barrel in the picture was and was told it is an empty oil tank (they are switching to gas). Ms. Danielson said there is a procedure for removing and cleaning an oil tank and she would like to see the documentation from the removal from the company.

Mr. Reilly said he would like to see the area restored. Ms. Nover said she would recommend they limit the yard and do some restoration so that no more than 10% is altered.

Continued to 2-24-11 by agreement of the parties

3. Notice of Intent

Property: 225 Liberty Street

Applicant: USPS

Representative: LEC Environmental

Walter Watson, JK Holmgren Engineering Inc.

Mark Manganello, LEC

The NAA 1-27-11 memo was read into the record.

Mr. Manganello said the property location is the USPS facility; the purpose is to provide additional security and to confine and redirect the flow of traffic on the property. Mr. Watson said when the construction is completed there will be about 200' less of impervious area. Ms. Danielson said she would prefer they use straw waddles; Mr. Watson said they would like to use a fiber filled sock during construction and willing to put a boom inside the catch basins.

Ms. Danielson asked if they new how frequently the property is it swept and Mr. Watson said he has no idea but that the building existed before there was storm water management. Ms. Nover said that they will need an OM plan. Ms. Danielson ask the Commission if they would agree to make the receipt of the OM a condition of the order and that the applicant agrees that no work is to begin before OM plan is received and reviewed and approved by NAA. Ms. Nover noted that the property is in a Zone 2 – a sensitive area; but that the project can be considered a minor project.

The Commission agreed that they would like to see the OM plan prior to closing the hearing and issuing an order of conditions.

Continued to 2-10-11 by agreement of the parties

4. Request for a Partial Certificate of Compliance
Property: Plot s10 & 11-1Oak Hill Way/ Plots 89 & 90 Plain St.
Applicant: South Brockton LLC/Bake LLC
Representative: LEC Environmental

Walter Watson, JK Holmgren Engineering Inc.
Mark Manganello, LEC

The NAA memo dated 1-25-11 was entered into the record.

Mr. Manganello said that the culvert was successfully installed in compliance with the plans. He said that he is in agreement with the work that still needs to be done. He said that the culvert work should be considered as associated work along with the project. Ms. Nover said that their request is a moot point as they can just get a COC on an expired OOC. Mr. Manganello said that they are looking for a partial COC to outline what work was done and what work needs to be done.

Ms. Danielson wondered why the rush; she said that usually a partial COC is needed when a transaction is pending. She said that in that case it would certainly be in the interest that the buyer and seller have an escrow to take care of the outstanding work to be completed. She said that she would not be inclined to issue a partial COC at this time.

Mr. Ford said that he might be inclined to issue a partial COC so that the outstanding issues are spelled out.

Mr. Reilly said that the applicant has had many opportunities to complete the project; he said that the owner dragged his heels and that it is not fair to ask the Commission to issue a partial COC. Mr. Enos questioned whether the issuance of a partial COC negates the enforcement order and Ms. Danielson said she did not believe it did. Ms. Nover said that the OOC expired and the work that was done at the site was done was done under an enforcement order. She said she does not feel that issuing a partial COC for work that was done under an enforcement order is the correct procedure. She suggested a return to compliance letter.

Mr. Enos said he would like to see the enforcement order on recorded at the Registry of Deeds in case the property changed hands.

A motion was properly made (Enos), seconded (Reilly) and unanimously passed to have the enforcement order recorded at the Registry of Deeds.

A motion was properly made (Enos) and seconded (Ford) to send a letter to the property owner outlining both the work that was completed and the work remaining.

Mr. Ford asked if the motion should contain a condition for escrow and Ms. Danielson said that she was not sure that the Commission can ask for their own surety.

In favor: Danielson, Ford and Enos
Opposed: Bosco and Reilly

5. Request for a Certificate of Compliance
Property: 70 Oak St. Ext.
Applicant: Riverband Development
Representative: Charles Efremidis

All work has been completed to the site as per the approved plans and the Commission agreed that a COC could be issued at this time.

A motion was properly made (Reilly), seconded (Ford) and unanimously passed to issue a full COC.

Other Business

Brockton West Youth Baseball – continued to 2-24-11

Updates on ongoing projects

 Derenzo – site visit Sat. morning @ 8AM (David Howe)

 Gas Works – RAM plan is in review – contacted DEP and they are not going to review it and provide comment

Minutes were not reviewed and approved.