



Robert F. Sullivan
Mayor

CITY OF BROCKTON

DEPARTMENT OF PLANNING AND ECONOMIC DEVELOPMENT

Planning Board

Historical Commission

Conservation Commission

Robert May, CEcD
Director

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BROCKTON CONSERVATION COMMISSION ¹ **WEDNESDAY, JUNE 24, 2020 - 6 PM** **MINUTES**

Stephanie Danielson introduced herself and called the June 24 2020 meeting of the Brockton Conservation Commission to order and read the following statement: This meeting is being recorded in accordance with the government order suspending certain provisions of the Open Meeting Law General Law chapter 38 section 20. Real time public participation and comment can be addressed to the planning board utilizing the zoom virtual meeting software for remote access; this application will allow users to view the meeting and send a comment or question to the chair via the question and answer function submitted text comments will be read into the record. For those of you joining by phone press star nine. If you want to asked a questions please raise your. A copy of this recording will be on the city's web pages. All votes will be done via roll call to ensure account accuracy. As your name is called please indicated that you are present. There being three voting members of the commission in attendance constitutes a quorum (Danielson, Zygmunt & Sparks). Lucia Cerci was not in attendance.

1. Extension Request

Property: Thorny Lea Golf Course
Project: Water Course Improvement
Representative: Scott Faria, JK Holmgren

Megan Shave said that the the OOC was issued for routine semi annual maintenance of the golf course. She said they are looking for an extension. Stephanie Danielson said she would like to see a condition to the extension that before there is any removal of sediment or alteration of land underwater that sufficient notice is given to the commission to review the work proposal. The members agreed with the recommendation.

A motion was properly made (Zygmunt) seconded (Sparks) and unanimously passed by a roll call vote to issue a three year extension with the condition that before there is any removal of sediment or alteration of land underwater that sufficient notice is given to the commission to review the work proposal.

¹ A video recording of this meeting is available for viewing on the department website.

2. Notice of Intent

Property: Plot 1 Leach Ave.

Project: Single Family Home

Representative: Scott Faria, JK Holmgren Engineering

Megan Shave said that this property is at the end of Leach Ave. She said that this foundation was installed without a building permit being issued. She said the abutter next door has sent pictures of the water being directed to his property. She said that there was a LOMA issued but there is no BFE, no engineering analysis and the FEMA reference point is a property a block away. She said French's Brook is culverted through there.

Scott Faria said there has been approximately 100CY of fill brought in. He said his client purchased the property through a city auction. He said there is no floodplain because the stream is culverted.

John Pires, 16 Leach Ave., said the water can be four feet deep; his property is flooding in a heavy rain; he said the storm drains surge and he does pay flood insurance. Stephanie Danielson asked if the LOMA only covered the vacant lot and was told yes.

Scott Faria said that the LOMA lists the elevation at 81.8 a block away and that is three feet higher than the known floodplain.

Another abutter said that water comes in off Keith Ave. and pours into his yard...the water has no where to go.

Bonnie Sparks said maybe there should be no basement or a reduced basement. Stephanie Danielson asked what the depth to groundwater was. Scott Faria said there are no test pits. He was told that the city engineer has made some comments that need addressing and said the applicant should to make sure that there is no additional problem from this site to the abutters.

The applicant asked for a continuance to 7-15-20 in order to address the comments from the city engineer.

3. Notice of Intent Continued to July 15, 2020

Property: 166 E. Ashland St.

Project: Commercial Units

Representative: MBL Land Development

4. Notice of Intent

Property: Map 142 Plot 383 Quincy Street

Project: Apartment Building

Representative: Azu Etoniru, ET Engineering

Stephanie Danielson said that she has a work related conflict but without her participation within the rule of necessity, this will be unable to be heard as they will not have quorum.

Azu Etoniru said that she has always been fair and impartial and has no issue with her participating in the hearing. Attorney John McCluskey also concurred.

Azu Etoniru said that this is a proposed redevelopment project calling for assisted elderly housing at the property located at Quincy and Crescent Streets. He said that the site is 85% impervious. He said they have done a stormwater analysis and it is a wash. They are providing for onsite recharge. He said that there is a LOMA for a specific area and the rest of the site remains in the flood plain. He said that standard 7 states that we need to meet the SW regs to the maximum extent practicable. He said they have reduced the rate of runoff; re established the flag locations and the 25' no touch from the BVW, but said they cannot meet that condition. He said that they are proposing 130 SF of BVW alteration. He said that they have received the comments from BETA and the agent and will be asking for a continuance to address them.

Joanne Zygmunt asked about the additional alteration in the 25' BZ and asked if there was any alternative or any offset. She said that she has a concern about snow storage and trash that close to the 25' BZ.

Continued to July 15, 2020 at the request of the applicant.

5. Request for Determination

Property: 53 Baker Street

Project: Single Family Home

Representative: Azu Etoniru, ET Engineering

Megan Shave said the permit plot plan for this house had no BVW and was signed off without being aware of the past history. She said once they were notified of the issue she issued a cease and desist. She said that the site has a long history and the documents were provided to the commission. She recommended a positive 1 determination.

Azu Etoniru said he was hired recently by the builder/property owner to straighten out the issue. He said that DEP policy allows for an RDA when the work proposed is greater than 50' from the BVW and they are hoping that the commission will let the work continue.

The commission discussed the past history of the project and noted that the work was closer than 50' and felt that the determination would be a positive one requiring an NOI filing. Azu Etoniru asked that since the foundation was in the building be allowed to continue with the house framing, but agrees to do no site work....that his client was held up by the COVID delay. Megan Shave said that the enforcement was issued months before that.

Joanne Zygmunt said he needs to follow the process. The commission agreed that there should be no work on this site until an OOC is issued.

A motion was properly made (Zygmunt) seconded (Sparks) and unanimously passed by a roll call vote to issue a positive 1 determination.

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

6. 940 Belmont St (VA Hospital) – Request for Minor Change

Megan Shave said she was out to the site and that the VA was adding a connection from the existing water line to the pump house. She said this is a minor change and suggested that the commission accept sheet plan 6 (alt #1) dated 2-27-13 and revised through 4-2-20 as the plan of record.

A motion was properly made (Zygmunt) seconded (Sparks) and unanimously approved by a roll call vote to accept the proposed change and plan as the plan of record.

7. 2020 Main St – Request for Minor Change

Megan Shave said that she the applicant submitted a letter from the engineer requesting that they not be required to regrade the BZ area as it was not necessary for the function of the SW design. She said that she agreed with the assessment and suggested that this could be considered a minor change.

A motion was property made (Zygmunt) seconded (Sparks) and unanimously passed by a roll call vote to accept the proposed minor change.

8. Enforcement Order Ratifications

A motion was property made (Zygmunt) seconded (Sparks) and passed unanimously by a roll call vote to ratify the following enforcement actions.

57 River Street, 34 Herman Street and 204 Court St., 42 Claremount Ave. 36 Claremount Ave.

The listing of matters is those reasonably anticipated by the Chair which may be discussed at the meeting. Not all items listed may in fact be discussed and other items not listed may also be brought up for discussion to the extent permitted by law.

As you are aware the Commonwealth of Massachusetts and the City of Brockton are currently in a “State of Emergency” during the COVID 19 pandemic. With the closure of the City Hall to the public should you have any questions relative to this agenda, please email the Planning Department at: planning@cobma.us.

Applications and plans are available online in the Conservation Commission Public Documents folder (Google Drive), available from the Conservation Commission webpage (<https://brockton.ma.us/city-departments/planning/conservation-commission/>)