

BROCKTON CONSERVATION COMMISSION

Wednesday, August 18, 2021 at 6 PM

G.A.R. Room, 2nd Floor, City Hall, 45 School Street

MINUTES

Members present: Chairperson Stephanie Danielson, Vice Chair Joanne Zygmunt, Joyce Voorhis, Laura Biechler, and Bonnie Sparks. Also present was Conservation Agent Megan Shave.

There being a proper quorum, the meeting was called to order by Chair Stephanie Danielson.

Commission Business

Review & Approval of Meeting Minutes – 7-21-21

A motion was properly made (Sparks), seconded (Zygmunt), and unanimously passed to accept the minutes from the meeting on 7-21-21.

New Applications

Request for Certificate of Compliance

Property: 4 Briarcliff Road

Project: Single-Family House

Applicant/Representative: Christos Kotsiopoulos / John McCluskey

The Agent explained that an Order of Conditions was issued in 1981 to construct a single family house at this property. An intermittent stream is located on an adjacent parcel, so a portion of the subject parcel is in the 100-ft Buffer Zone. The filing is very old and has been archived, so the original site plan is not available in the office. Review of aerial imagery shows some changes in landscaping over the years, but the footprint of the house has remained the same.

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

Request for Certificate of Compliance

Property: 25 Pearl Way

Project: Single-Family House

Applicant/Representative: Philip Saba / Pilling Engineering

The Agent explained that a request for COC was originally denied in 2011; a recent request was denied in February 2021 due to lack of documentation on Buffer Zone restoration plantings, an undocumented drainage pipe outletting into the wetlands, and dumping of yard waste in the wetlands.

Homeowner Philip Saba said he brought pictures to show updates on the site over the last 10 years. He said the spruce trees and bushes were planted, but the bushes were eaten by wildlife several times. Stephanie Danielson asked if the shrubs were protected. Philip Saba said they were tented. Stephanie Danielson asked if the area was unique in terms of wildlife. Philip Saba said that there is a lot of wetland conservation area, so there is all sorts of wildlife.

Stephanie Danielson said that mitigation work is not uncommon, so it is unusual that the mitigation could not be completed at this site. Philip Saba said that mitigation has occurred; the goal was to prevent erosion, and the area is vegetated. Bonnie Sparks suggested black raspberry; the thorns on young plants could deter wildlife browsing. Stephanie Danielson noted invasive plant species in the current vegetation.

Stephanie Danielson asked for an explanation of the pipe. Philip Saba said the pipe was added during construction due to a high water table, in order to keep water out of the basement; someone from the City had been out to the site to confirm the french drain installation. Stephanie Danielson asked if the As-Built plan shows the pipe. The Agent said no, the pipe is not shown on the approved plan or As-Built plan.

Stephanie Danielson asked about the dumping. Philip Saba said a Christmas tree had been dumped in the wetland. Stephanie Danielson asked about snapped trees. Philip Saba said they were cut up to keep them out of the road and left where they had been in the wetland.

Bonnie Sparks asked for an explanation of the choice of shrubs and trees planted; she commented that blue spruce is not a native tree. Philip Saba said those were the plants shown on the plan. Stephanie Danielson said she had probably commented on the spruce at the time of issuing the OOC as well. Stephanie Danielson suggested Conservation Mix in place of the lawn under trees.

Joanne Zygmunt noted that the mowing between the spruce trees is past the limit of work. Joanne Zygmunt asked for confirmation of the approximate location of the pipe. She asked why the builders didn't come back to the Commission after it was determined that the pipe was needed. Philip Saba said that someone from the City came out to the Site; Joanne Zygmunt said that someone from the City wasn't necessarily someone from the Commission. Philip Saba said they've done enough work to receive a COC like other houses.

Joanne Zygmunt asked about the reason for the previous denial. The Agent read from the 2011 denial letter: "The Commission also needs documentation of compliance with the MassDEP's Inland Wetlands Replication Guidelines for the 25-foot Buffer Zone plantings. The number of plantings should meet the spacing recommendation of the Guidelines." The Agent confirmed this to be the requirement of Special Condition E1 of the OOC; it seems to have been a matter of confirming the number and spacing of the shrubs.

Joanne Zygmunt said it is probably too late to have the pipe removed, so the As-built plan should be updated to add the pipe. She also commented that they probably can't establish a fully native plant community in this area; but the edge of the lawn is abrupt, so a compromise would be to not mow beyond the limit of work and replant the lawn with native seed mix. Philip Saba said they had originally used a native grass mix, and he won't mow that area anymore.

Joyce Voorhis asked if a percolation test was done before work started. Philip Saba said yes and it was dry at the time, but there was heavy rain and more water the year when the foundation was put in.

Bonnie Sparks agreed with Joanne Zygmunt to leave the restoration area alone and not mow between the spruce trees. She noted that there are still some native species mixed in with the invasives.

Joanne Zygmunt asked if a note can be added to the plan about the pipe. The Agent explained that an As-Built plan is usually updated by the surveyor if a structure is missing or inaccurate; surveyed plans are stamped, so technically the Commission can't add something to a plan afterwards. Stephanie Danielson acknowledged that it would be expensive to have the surveyor add the pipe when it should have been captured on the previous As-Built plan.

A motion was properly made (Sparks), seconded (Zygmunt) and unanimously passed to issue a full COC with the continuing condition of no mowing between the spruce trees beyond the approved limit of work.

Previously-Continued Applications – No Updated Information Received

Stephanie Danielson stated that the Agent had contacted the applicants about these items last week because the Commission had received no new information to review. The Agent had asked if the applicants were submitting new information or would be requesting continuances; only one representative responded. The Agent confirmed that only the representative of Industrial Blvd responded and requested a continuance, as noted on the agenda. Stephanie Danielson asked the representatives for the remaining items to come forward to formally request continuances so that the Commission can move on.

Request for Certificate of Compliance

Property: 122 Dunbar Street

Project: Maintenance building

Applicant/Representative: NAHF Brockton Limited Partnership / JK Holmgren Engineering

Scott Faria was present from JK Holmgren Engineering. Stephanie Danielson said she is inclined to start tabling these items so that they are not placed back on the agenda until the Commission has reviewed new information.

A motion was properly made (Zygmunt), seconded (Sparks) and unanimously passed to table the request.

Request for Certificate of Compliance

Property: 490 N Cary Street

Project: Single-Family House

Applicant/Representative: CLM Development / JK Holmgren Engineering

Stephanie Danielson asked if this item should be tabled as well. Scott Faria said he is not sure what else needs to be done on the site; the grass is growing, though maybe not as much as the Commission would want to see. Joanne Zygmunt asked if the Agent had any updates. The Agent said she had not received any updates on the site and does not have any information to respond to.

A motion was properly made (Sparks), seconded (Zygmunt) and unanimously passed to table the request.

Notice of Intent

Property: 940 Belmont Street (VA Hospital)

Project: Roadway improvements (McGauley Way / Cape Cod Road)

Applicant/Representative: Monument Construction / JK Holmgren Engineering

Stephanie Danielson suggested tabling this item. Scott Faria said they have been going back and forth with BETA Group and the Agent. Stephanie Danielson noted there has been no discussion with the Commission. Scott Faria said they still have revisions to make. Stephanie Danielson asked if they will have information for the next meeting. Scott Faria said that he hopes so; they just have to address the Agent's comments on flagging and erosion controls, as well as the stormwater comments.

A motion was properly made (Zygmunt), seconded (Sparks) and unanimously passed to continue the hearing to September 15th.

Notice of Intent

Property: 135 Elliot Street

Project: Multi-family residential development

Applicant/Representative: Fenton Associates, LLC / JK Holmgren Engineering

Scott Faria said that they have just received a report from BETA Group. Stephanie Danielson said that the Commission has not had time to review the revised plans.

A motion was properly made (Zygmunt), seconded (Sparks) and unanimously passed to continue the hearing to September 15th.

Notice of Intent

Property: 53 Cypress Drive / 300 Rockland Street

Project: 4 Lot Subdivision

Applicant/Representative: George Haikal / ET Engineering

The Agent stated that they received an email from Azu Etoniru of ET Engineering requesting a continuance; the Commission has not received updated information.

A motion was properly made (Sparks), seconded (Zygmunt) and unanimously passed to table the hearing.

Notice of Intent – [Continued to September 15th](#)

Property: Map 119-028 & 029 Industrial Blvd

Project: New industrial building

Applicant/Representative: Brockton Industrial Property Owner, LLC / LEC

A motion was properly made (Zygmunt), seconded (Sparks) and unanimously passed to continue the hearing to September 15th.

Previously-Continued Applications with Updated Information

Notice of Intent

Property: 132 Campanelli Industrial Drive

Project: Industrial Redevelopment – Loading docks, trailer storage & stormwater improvements

Applicant/Representative: MCP II Campanelli, LLC / Kelly Engineering Group

The Agent explained that the revised plans show the requested weir, and BETA Group has confirmed the design. All comments have been addressed at this time.

A motion was properly made (Voorhis), seconded (Sparks) and unanimously passed to issue an OOC with the additional Special Conditions from the Agent's report.

Notice of Intent

Property: 634/648 Summer Street

Project: Solar power-generating facility

Applicant/Representative: 648 Summer Street, LLC / SITEC

Stephanie Danielson stated that she will be recusing herself from the last two items on the agenda. A motion was properly made (Sparks), seconded (Voorhis) and passed unanimously for Vice Chair Joanne Zygmunt to take over as Chair for the remainder of the meeting.

Joanne Zygmunt confirmed abutter notification to open the hearing for 634/648 Summer Street. Steven Gioiosa introduced the site and existing conditions: the previous industrial-use buildings have been demolished; a portion of the site is undeveloped. The wetlands are off-property, with a portion of the property within the 100-ft Buffer Zone. The project proposes complete demolition of existing structures, removing existing pavement, and installing a solar field with a small entrance access drive. Steven Gioiosa said they will be maintaining the existing drainage pattern; the existing drain system will be cleaned and inspected; catch basins will be reset after grading for solar footings, and water quality treatment units will be installed for TSS removal. Steven Gioiosa said that they have addressed BETA's comments and incorporated the runoff from the abutting parcel to the north. He said that there are no structures proposed within 50 feet of the wetland resource areas; the isolated wetland area to the north of the site was determined to be non-jurisdictional.

Bonnie Sparks asked why solar fields plant grass that needs to be mowed. Steven Gioiosa clarified that the plans originally specified grass, but they changed the specification to propose a pollinator mix.

Joanne Zygmunt noted that although this project addresses previous comments and meets the requirements under the Commission's purview, she thinks solar fields are a waste of land.

Bonnie Sparks asked if there will be any tree clearing. Steven Gioiosa confirmed that the eastern portion of the site needs to be cleared. Bonnie Sparks asked if trees could be re-planted elsewhere in Brockton, perhaps through a collaboration non-profit. Joanne Zygmunt noted that trees will be planted along Summer Street. Steven Gioiosa noted the trees proposed on the landscape plan, but he cannot commit to an agreement of additional plantings elsewhere on behalf of the solar company. But he noted that the plan still needs additional review by the City, so there could be further discussion.

Joanne Zygmunt asked if topsoil will be removed and taken off-site. Steven Gioiosa said they will be reshaping the slope without too much earth movement; they will not be taking topsoil off site and will probably be bringing in topsoil once the existing pavement is removed.

Bonnie Sparks asked if the racking systems for the panels might be exposed to wet conditions or need reinforcement. Steven Gioiosa said a geotechnical consultant will do borings to determine specifications. Bonnie Sparks asked how deep the footings will be. Steven Gioiosa said these panels are not a heavy load on this site, so probably 4 or 5 feet.

The Agent confirmed that her previous comments and BETA Group's comments have been addressed. The Agent had visited the site several times and reviewed the isolated wetland; she determined it was not jurisdictional; the area receives storm runoff from the May Center, but the flow does not appear consistent enough to create a jurisdictional stream and BVW.

No members of the public present for comment.

A motion was properly made (Sparks), seconded (Voorhis) and unanimously passed to issue an OOC with the additional Special Conditions from the Agent's report.

Abbreviated Notice of Resource Area Delineation

Property: Map 003-049 Pleasant Street

Applicant/Representative: Blackledge, LLC / Coneco Engineers & Scientists

The Agent reported that she had just received an email from the applicant's wetland scientist explaining that she had a flat tire en route and was not able to make it to the meeting.

The Agent introduced the ANRAD plan and explained that the site is a parcel of land off of Pleasant Street on the Brockton/Easton border. The Agent explained that she reviewed the original delineations of BVW and Bank of an intermittent stream that runs partially parallel to the electric easement on the site. Wetland flag series Q delineated the Bank, wetland flag series I delineated the BVW on the eastern side of the stream, and series H delineated the BVW on the western side of the stream. The Agent noted that the western BVW appeared to continue further into the electric easement on the northern side of the site, around wetland flag H12. The applicant's wetland scientists conducted additional soil sampling and moved the BVW boundary out from flag H12 using new wetland flag series L. The Agent said that series L extends into Easton; they are only confirming the delineations in Brockton. The Agent stated that she reviewed the new flags and determined the BVW boundary to now be accurate in Brockton from flags H20 to H12 and then L1 to L7.

Joyce Voorhis asked about the eastern side of the wetland shown by the L series. The Agent said that the boundary likely continues back to the east; the boundary on the other side was likely not flagged because it faces abutters' parcels to the east; the owner's other parcels are to the west in Easton. Usually an owner/applicant is only looking to confirm the boundaries on or near their own parcels.

Joanne Zygmunt asked what exactly an ORAD confirms. The Agent explained that the ORAD confirms wetland resource area boundaries; there is a checkbox on the form for BVW and a checkbox for other resource areas, in this case, Bank.

Joyce Voorhis asked if the applicant will have to come back before the Commission if any work is proposed. The Agent confirmed that a Notice of Intent will need to be filed for any work; an ORAD confirms resource area boundaries and is often used to inform a project design before it is finalized.

No members of the public present for comment.

A motion was properly made (Sparks), seconded (Biechler) and unanimously passed to issue an ORAD confirming as accurate BVW (Wetland Flags I1 – I15, L1 – L7, H12 – H20) and Bank (Wetland Flag Series Q).

Meeting adjourned.

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.