



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

Wednesday, September 15, 2021 at 6 PM

Via ZOOM

MINUTES

Stephanie Danielson called the September 15, 2021 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 conservation Commission 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 ask a question please raise your hand. 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 indicate that you are present.

Members Present: Stephanie Danielson, Laura Biechler Bonnie Sparks and Joyce Voorhis. Also present were agent Megan Shave and admin Pam Gurley.

Review & Approval of Meeting Minutes – 8-18-21

A motion was properly made (Sparks) seconded (Voorhis) and unanimously approved to accept the minutes from 8-18-21.

1. Restoration Update – 56 Oak Hill Way

Megan Shave (agent) said the applicant's rep is requesting approval of some planting substitutions and the timing of seeding vs removal of knotweed.

Brandon Faneuf said that items called for were not planted and other items were planted that were not on the list; he said that wood chips were put down instead of straw; there was no New England mix or if it was put down it was suppressed by wood chips; the Japanese knotweed has been cut once this year; he said he is coming in to this project after the fact. He said they are not going to be able to control the knotweed by just cutting it to the ground.

Stephanie Danielson (chair) asked if he was aware of any methods that are successful. He said either herbicides or tarp over it and suggested an aquatic safe herbicide done by a professional and suggested the use of Garlon 3A.

Brandon Faneuf went over planting inventory for the commission; The chair asked why substitutions were made and was told the most common reason is the nursery does not have specific plant species. The chair said the original plant list provided a variety of plantings. Bonnie Sparks said that chokecherries are a good alternative to elderberry as well as sweet pepper. She said that she did environmental testing and that the Garlon will runoff into the wetlands because of the proximity of the knotweed to the wetlands.

The chair said she would like to see alternative methods; she said she would also like them to refresh the erosion controls. In terms of substitutions the agent said she agrees with Bonnie; they should have something fruiting during migration season; she suggested injecting the herbicide cane by cane in order to be successful. Bonnie Sparks said that cutting the knotweed is worse and said that the injection method is probably the best option for success.

Joyce Voorhis asked if it would be possible to get some common elderberry planted and said the wood chips would erode and said they may be better for erosion control. Brian Faneuf said they have been there so long they have settled into the soil. Bonnie Sparks suggested that they leave the wood chips and use it as the base and place the seed over that and lay in the straw.

The chair asked that the agent follow up with Brandon.

2. Request for Certificate of Compliance - Continued to October 20, 2021

Property: 86 (Lot 3) Melrose Ave

Project: Single-Family House

Applicant/Representative: Absolute Builders / Curley & Hansen Surveyors

3. Request for Certificate of Compliance

Property: 490 N Cary Street

Project: Single-Family House

Applicant/Representative: CLM Development / JK Holmgren Engineering

Matt Tavares said he sent new pictures of the new stone that was put in around the wall and that it will stabilize the wall; the agent said she sent comparison pictures in her report. The chair said she would like to see some sort of edging placed around where the erosion control is and said she is concerned that the smaller stones may migrate into the abutting area and there might be erosion of that area. Matt Tavares agreed that there could be potential for wash over. The agent said they should add edging where the erosion control barrier is located and use a more permanent lawn type edging. The chair asked that they come back when the edging is installed.

4. Notice of Intent Continued to October 20, 2021

Property: 85 Peterson Ave

Project: Yard expansion and accessory structures

Applicant/Representative: Jason Mosely / JK Holmgren Engineering

5. Notice of Intent

Property: 219 Bellevue Ave

Project: Yard expansion and accessory structures (after-the-fact NOI)

Applicant/Representative: Marcia Dosreis / JK Holmgren Engineering

The chair asked the agent if she received abutter notification (yes) and said there is no DEP# assigned as of yet.

Attorney Scott Rubin said this is an after the fact NOI for additional yard work and also an encroachment onto the neighbors property. He said it took some time to reach the abutting property owner, but that they were able to secure a license agreement with the owner of the Rocky Mountain property; he said there has been some encroachment into the 25' BZ; he said they have reviewed the 9-10-21 letter and at this time would like to continue the hearing until they can provide the board with the requested information.

A motion was properly made (Sparks) seconded (Voorhis) and unanimously passed to continue to the October meeting.

6. Notice of Intent

Property: 940 Belmont Street (VA Hospital)

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

Applicant/Representative: Monument Construction / JK Holmgren Engineering

The agent said at the last meeting the commission discussed tabling this item due; Scott Faria asked that it be continued and that he would have a submission for the next meeting; he stated that they had a recent discussion with Beta; she said that no additional information was forwarded for this meeting and that the commission should consider another continuance or table this.

Matt Tavares said they are working through the review comments with contractor and Beta.

A motion was properly made (Voorhis) seconded (Sparks) to table the application.

7. Notice of Intent

Property: 135 Elliot Street

Project: Multi-family residential development

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

The agent said that they received proof of abutter notification.

Matt Tavares said they received the final review letter from Beta and received the letter from the agent. He said that they are proposing a subdivision of a split zoned property with an existing commercial building and proposed new residential units. He said the property is within the flood plain and BVW some pavement and structures will require filling flood plain; compensatory storage proposed at rear of the site by the commercial building.

The agent said that their comments have been addressed; she said that due to the sensitivity of the area there are a number of recommended special conditions.

The chair said that the plan could have shown location of flood plain/compensatory storage on the plan clearer; she said that the additional test pit in the NW corner should be done before approval; the commission needs to know what is being designed to make sure that it can be done.

A motion was properly made (Sparks) seconded (Voorhis) and unanimously passed to close the hearing.

A motion was properly made (Sparks) seconded (Voorhis) and unanimously passed to issue an OOC with standard conditions and with the special conditions as recommended by the agent.

8. Notice of Intent

Property: 53 Cypress Drive / 300 Rockland Street

Project: 4 Lot Subdivision

Applicant/Representative: Attorney David Asack/George Haikal / Azu Etoniru, ET Engineering

The agent said that she had proof that abutters were notified.

Azu Etoniru said the application is for a four lot subdivision and roadway for two new house lots. He said the current design meets stormwater management; he said that he thought some of comments from Beta were outside their purview but said they have addressed all the comments. He said that the latest

updates show that drainage basin #B is above the BVW and they have included an emergency overflow; they added a level spreader so that when water comes out during normal conditions the water will meter out; On basin A they included all the area along Cypress and abutting properties; all that water will be intercepted by basin A; the rim and invert elevations were added to the profile; he said sheet 8 shows the extended erosion control; he said they meet 80% TSS removal; the plan is consistent with the provisions of the wetland protection act; he said 50% of subdivision is outside the con com's jurisdiction; he said they agree to the monitoring and that the limits of construction will be stakes out.

The chair said at the last meeting he was asked to explore reducing the size of the road; Azu Etoniru said he did present that to the planning board, and with input of fire department, the board did not seem inclined to reduce the pavement; he said that only two houses will use this road; the road is expensive (to build) and suggested that the commission could express its concern to the planning board.

The chair asked if the planning board requests input from other boards in city hall; the agent said the planning board requests that applicants clear conservation prior to planning board hearing; the chair said that other communities grant waivers and said she has a problem approving roadway so oversized. Azu Etoniru said that their first iteration showed lesser pavement and they were told to conform to city standards.

The chair recommended that the commission draft a letter to the planning board suggesting that they waive the standards for this roadway; Bonnie Sparks was in agreement with the recommendation; Laura Biechler asked if they were forcing the hand of the planning board.

Attorney David Asack asked if they could continue the hearing and give them the chance to go back to the planning board and discuss the recommendations. He said that the current owners may not be able to delay this project. Azu Etoniru said that they would like to explain to the planning board that the commission would like to reduce impact of pavement. Joyce Voorhis asked if a smaller project would reduce the invasiveness of the project; the agent said there would be less pavement, but that the limit of work and clearing would not necessarily change. Azu Etoniru said that he would be able to reduce the basin and be able to eliminate the potential encroachment of the 25' BZ. He also noted that a waiver from planning for one sidewalk will help and there will be a reduction.

The agent said that the commission needs to be specific in the letter....that they are looking for the road to be smaller to reduce overall footprint and address the environmental issues.

A motion was properly made (Voorhis) seconded (Sparks) and unanimously passed to have the agent draft a letter to the planning board.

Attorney Asask asked if the commission would vote to approve with contingency that the planning board allowed waivers; the chair said that would be easily appealable and said she was not sure about the message that sends.

Azu Etoniru asked that they vote to approve as submitted and if granted waivers by the planning board they would come back to amend the plan.

Bonnie Sparks asked about sending a formal letter; she said it doesn't feel like the right way to approach it.

Attorney Asack asked the commission to close the hearing and take a vote. Azu Etoniru requested that they vote to approve and send a letter to the planning board, but not issue the decision. The chair said that they do not need to issue the decision at this meeting; they have 21 days within which to issue; the applicant agreed to send a letter agreeing to continue beyond the 21 days for a total of 45 days and it was agreed that notification was to be received no later than 9-22-21.

A motion was properly made (Sparks) seconded (Voorhis) and unanimously passed to close the hearing.

9. Notice of Intent

Property: Map 119-028 & 029 Industrial Blvd

Project: New Industrial building

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

Claire Hoogeboom said back at the July meeting they were asked to prepare an alternative analysis and said they prepared three. She said that the proposed layout on revised plans is the most reasonable layout to provide compensatory flood storage; she said that the current land owner was issued a COC for superseding OOC from DEP. She said they have addressed Beta comments and submitted them today.

Gene Sullivan said they agreed to the monitoring well and addressed the means of draining the basins by adding a 6' underdrain. He said they also also provided back up calculations; he said that the only issue not addressed is the request for additional test pits; he said they did confirmatory test pits today but did not get the results. He said they tried to redesign to stay out of the 25' no touch. The agent said she agrees that this configuration is preferable; she said it was a good compromise; she noted her recommendation for special conditions and said she specifically recommended a condition for the time/date for when the compensatory storage/restoration work will be done.

A motion was properly made (Sparks) seconded (Voorhis) and unanimously passed to close the hearing.

A motion was properly made (Sparks) seconded (Voorhis) and unanimously passed to issue an OOC with standard conditions and special conditions as recommended by the agent.

The agent said she would like to discuss the draft ordinance at the next meeting.

Meeting adjourned.