



# CITY OF BROCKTON

## DEPARTMENT OF PLANNING AND ECONOMIC DEVELOPMENT

Planning Board

Historical Commission

Conservation Commission

Robert F. Sullivan  
Mayor

Robert May, CECD  
Director

### **BROCKTON CONSERVATION COMMISSION**

**Wednesday, November 17, 2021 at 6 PM**

**Via ZOOM  
MINUTES**

Stephanie Danielson called the November 17, 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, Joanne Zygmunt and Joyce Voorhis. Also present were agent Megan Shave and admin Pamela Gurley.

#### 1. Request for Certificate of Compliance

Property: 86 (Lot 3) Melrose Ave

Project: Single-Family House

Applicant/Representative: Absolute Builders / Curley & Hansen Surveyors

The chair asked that the agent give an update to the commission. Megan Shave said the outstanding concern was the relocation of the fence and the installation of markers in the right place; she said that work has been completed and recommends that a full COC be issued.

Bill Self said that the markers have been set and fence relocated as requested.

A motion was properly made (Zygmunt) seconded (Sparks) and unanimously passed by a roll call vote to issue a full COC with E-1 & E-2 as ongoing conditions.

#### 2. Request for Certificate of Compliance

Property: 955 Belmont Street

Project: Convenience store & gas service station redevelopment

Applicant / Representative: Colbea Enterprises / Ayoub Engineering

The agent said she has been out two times to the 955 Belmont St site and that the planting and site work was completed and the permanent LOL markers were installed. She said she has no additional concerns and recommends issuing a full COC with E-1 & E-2 as ongoing conditions.

A motion was properly made (Voorhis) seconded (Zygmunt) and unanimously passed by a roll call vote to issue a full COC with E-1 & E-2 as ongoing conditions.

3. Request for Certificate of Compliance  
Property: 485 Pearl St (495 Pearl St Lot 2)  
Project: Single- Family House (SE 118-0699)  
Applicant: Vieira & DiGianfilippo Ltd.

The agent said this was the original OOC issued for house construction; this home was not built and a subsequent OOC was issued. The attorney wants to close this order out.

A motion was properly made (Zygmunt) seconded (Voorhis) and unanimously passed by a roll call vote to issue a full COC to close out the OOC or 118-699 as an invalid order as the project was not constructed.

4. Request for Certificate of Compliance  
Property: 485 Pearl Street  
Project: Single-Family House (SE 118-0777)  
Applicant/Representative: Michael Haikal / JK Holmgren Engineering

The agent said that all the work has been completed as approved, LOW markers have been installed; she said the site is flat and the grass is growing; she said she recommends issuing a full COC with ongoing conditions E-1, E-2 & E-3.

A motion was properly made (Voorhis) seconded (Zygmunt) and unanimously passed by a roll call vote to issue a full COC with E-1, E-2 & E-3 as ongoing conditions.

5. Request for Certificate of Compliance  
Property: 490 N Cary Street  
Project: Single-Family House  
Applicant/Representative: CLM Development / JK Holmgren Engineering

The agent said the site has been further stabilized; gravel was put down; the breakthrough was cleaned up; they installed permanent edging at the top of slope; she said that if the commission is satisfied with the degree of stabilization then a full COC should issue.

The chair asked what was installed for edging and was told a hard landscape material. She said that it looks like its overtopping already; the agent said that its not a case of gravel overtopping; there is a bit of a gap between the edging and silt sock.

A motion was properly made (Sparks) seconded (Zygmunt) and unanimously passed by a roll call vote to issue a full COC with E-1, E-2 & E-3 as ongoing conditions.

6. Request for Certificate of Compliance  
Property: 1014 Pearl Street  
Project: Building and parking lot expansion (SE 118-0704)  
Applicant/Representative: Jengeo / JK Holmgren Engineering

The agent said this is the older OOC from 2016 for an addition to the rear of the building and expansion of the parking lot. She said that based on her site visit the parking lot, building addition and stormwater system were built as approved; she said there are several site variations...some out of jurisdiction some within: the dumpster was relocated outside the 100' BZ; there is an additional curb cut outside the BZ;

the exercise area was proposed as wood chips and was replaced with artificial turf; there are three open framed accessory structures added; between the curb cuts there was to be landscaped area and it is a gravel area and used for parking of company vehicles. She said there a multiple small changes and said that the issue is do all these changes constitute a major change. She said that if the commission issues a COC she is recommending that all vehicles should only be parked in approved parking areas.

Matt Tavares said that the strip that was graveled they use to park two vans; they are parked there when they are not transporting dogs. The chair asked why the area not landscaped and was told he was not sure.

Bonnie Sparks noted that the landscaping was removed for an impermeable surface ...and said it is easy to ask for forgiveness after to do something...she said all along the 100' BZ is now just pea stone.

Joyce Voorhis said that the wood chip area is now canine turf and asked if it provides the same protection; she said the canine turf is hosed down...she asked if it is being washed towards the brook; she was told that they wash it down toward the building, that they are very conscious about it.

Joanne Zygmunt echoed what had been said...she said that the discussion from past meetings was not taken to heart.

The chair said that this is not the first time this has happened...that they disregard what has been approved.

Bonnie Sparks asked what happened to all the trees that were to be left....it looks like the structures are in place of trees. Matt Tavares said there are two trees in the fenced in area that are not showing on the plan; he said that the trees in the back left corner are still there but don't show on the plan.

The chair said that it sounds like the as built is not in compliance with the issued plan; the island area should be landscaped and there should be no parking...she said they should get an updated plan to show tree locations; she said she would not have concerns about the structures if that was the only thing out of compliance

Joanne Zygmunt said she can understand that the canopies were an afterthought, but feels strongly that landscaping should be installed as approved.

A motion was properly made (Zygmunt) seconded (Sparks) and unanimously passed by a roll call vote to deny the request for an OOC.

## 7. Request for Certificate of Compliance

Property: 1014 Pearl Street

Project: Dog potty areas (SE 118-0776)

Applicant/Representative: Jengeo / JK Holmgren Engineering

The agent said that the applicant had a prior request for a COC and there were issues with the potty areas and some additional work (fencing); she said that the potty areas are on the side and in the front; the commission asked planting of 25 cinnamon ferns to mitigate additional work done and signage directing people to the potty areas and signage explaining the importance of the riverfront area. She said that work done as approved and recommends the issuance of the full COC with on going conditions.

A motion was properly made (Zygmunt) seconded (Sparks) and unanimously passed by a roll call vote to issue a full COC with E-1 & E-2 as ongoing conditions.

#### 8. Notice of Intent

Property: 85 Peterson Ave

Project: Yard expansion and accessory structures

Applicant/Representative: Jason Mosely / JK Holmgren Engineering

The agent said the property is a new single family house built in 2017; at that time the commission approved a LOW that represented limit of clearing/lawn. The owner wants to square off the lot at the 25' BZ and install a fence which will entail additional clearing of the brush line. She said it is a small expansion...she said there will not be much additional cleaning and they are out of 25' BZ at the closest point. She recommended that the new limit of work should be staked out to make sure they stay out of 25' area and that the fence needs to go on the upland side of the LOW and permanent markers installed and located on an as built plan.

A resident raised their hand to be recognized, but declined to speak. (Peter Dolliver)

A motion was properly made (Sparks) seconded (Zygmunt) and unanimously passed by a roll call vote to close the meeting.

A motion was properly made (Sparks) seconded (Zygmunt) and unanimously passed by a roll call vote to issue an OOC with special conditions as recommended by the agent.

#### 9. Notice of Intent

Property: 219 Bellevue Ave

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

Applicant/Representative: Marcia Dosreis / JK Holmgren Engineering

Continued by agreement of the parties to December 15, 2021.

#### 10. Notice of Intent

Property: 940 Belmont St (VA Hospital)

Project: Roadway improvements

Applicant/Representative: Monument Constructions / JK Holmgren Engineering

The agent said this NOI is for a continuation of a roadway improvement project at southern end. She said that discussions have been going back and forth between JKH and BETA and this revised set was recently reviewed by BETA and they have requested additional information. She said that some of previous comments were address; the LOW has been revised to bring it out of the 25' no touch; she said that the proposed restoration plantings are within the 25' area. The LOW crosses the BVW in one area....she asked that they double check to see if the LOW can be kept out of that area. They are proposing to work up to 25' and any OOC will need to have special conditions to avoid encroachment of that area.

Matt Tavares said they are in contact with the VA engineers; he said they plan to have a revised set of plans for the December meeting. He said they need to address BETA's latest comments.

Stephanie Danielson she is concerned about the staging and laydown area; she said it is outside the 25' buffer, but there may be a better location outside the 100' buffer. Megan Shave said the first plan showed it in the 25' so it has been moved some; Matt Tavares said he will make a note to have that reviewed.

Continued to Dec 15, 2021 by agreement of the parties

## 11. Notice of Intent

Property: 93 Tilton Ave

Project: Landscape work and septic system installation

Applicant/Representative: Gary Tremblay / Collins Civil Engineering Group

Megan Shave said that 93 Tilton is a large retreat lot off a shared driveway; she said that USGS identified stream that flows through the lot; she said she was not able to locate any previous filing and said there was an enforcement order from 2006 issued for clearing in the riverfront area; the enforcement order was recorded with Registry of Deeds requiring restoration; no plan was proposed and the site remained dormant; the property is full of invasives. She said the site is under new ownership and they are proposing to rehab the house and install a new septic system; she said she has spoken with new owner and suggested that this work could include the restoration.

Peter Lyons said the property has an abandoned house with a failed septic system; he said the property contains a stream, associated BVW and there is a second wetland line to the northern section of the stream; the house is outside the 50' buffer to the BVW. He said that they are abandoning and relocating the cesspool and are proposing to tuck the new leaching field in the western part of the property; he said this will be a pump system as there is high groundwater; he said they are 50' to the BVW at the closest edge of the tank; 65-70' to the edge of the closest point of the leaching system; straw waddles will encompass the whole property.

The chair asked who delineated the wetland line and was told Brook Monrow; she asked when it was done and was told early summer. She asked the applicant if he had any response to previously issued enforcement order; he said he has spoken to the owner about removing some of the debris. The chair said she was a member of the commission at time of the enforcement. Peter Lyons said the owner is willing to clean up the site but there is no plan at this time. The chair asked if it was occupied and if the current owner was planning to live on site. The applicant said the owner is looking to renovate the home without a change in footprint and resell.

Joanne Zygmunt asked why are they are not hooking up to city sewer and was told it is not financially feasible; it is more than 300'; there is high ground water and a stream crossing; they are proposing a three bedroom septic system and it is considered a repair with no increase in flow.

Joanne Zygmunt asked if there will there be any changes to the house area; she was told there will be no earth work; it is from foundation up work; they will not be disturbing the site twice; he said that the earth work will be limited to the septic system and the erosion control will become edge of lawn and permanent activity limit.

Bonnie Sparks said she lives on Tilton (but is not an abutter); she said there were people living in a building on one of the concrete pads and is concerned that something will be built there. Peter Lyons said there is no plumbing..no electricity...and that the commission could condition something. The property owner said he is thinking of putting a shed there, that it was a garage there at one time, he said he can not build a second house; he wants to clean it up and make it look nice.

Joanne Zygmunt asked to be walked through the rest of the site...what is doing to happen to invasives...will they be crossing the water way etc. Peter Lyons said that the dashed lines are the work limit and will clean out that area; he said there is no specific planting proposed. The property owner said that he is just hoping to expand the lawn further away from the house; maybe repave around the house.

Megan Shave said that the building department considers this a renovation within the existing footprint of house so he can pull a permit without zoning relief.

The chair said she would suggest strongly that the owner work with the wetland consultant and the agent and see what alterations have occurred and that the commission would like to see a plan for restoration and improvements.

Bonnie Sparks said she would like to see what the proposed clearing would be...the owner said there will be no cutting of any more trees...the woods are staying there.

The chair said that the entire property is within the BZ...she said that the commission has jurisdiction to include new clearing of vegetation and asked that they show the limit of clearing on property.

Debbie Peterson (abutter) said this is a pre existing non conforming use; she said that the garage was used as a house before the fire.

Joyce Voohris asked how long the actual driveway was from the street to the home and was told 325'. She asked if that would be an issue for salting in the winter; the chair said that the commission can consider limiting the use especially at the road crossing and the wetland area (she asked that the agent make a note of that).

Pat Galligan, 91 Tilton, asked about the time frame for construction and was told they are already working on the house, that interior demo has started.

The applicant asked for a continuance to the December meeting.

Continued to December 15 by agreement of parties

#### 12. Notice of Intent

Property: 53 Cypress Drive / 300 Rockland Street

Project: 4 Lot Subdivision

Applicant/Representative: George Haikal / ET Engineering

The chair said that this hearing was closed at the prior meeting at the request of the applicant; she said at that time they discussed with the applicant the option him requesting permission from the planning board for a smaller road; the chair said she has been informed that the planning board denied the project. She said there can be no new information heard as meeting was closed.

The agent said they will need to vote on the same plan set as discussed at September 15th meeting. Joyce Voorhis asked if someone could explain the denial by planning board to them. The agent stated that the board denied the project due lack of required radius. The chair said that they can not take that into consideration. The chair said that the project did not make sense for the site and the amount of impervious area is oversized for the site and she would not be voting in favor of the project; she said it does not provide the level of protection to the wetlands.

A motion was properly made (Zygmunt) seconded (Sparks) and passed by a unanimous roll call vote to deny the project.

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#### Review & Approval of Meeting Minutes – 9-15-21

A motion was properly made (Sparks) seconded (Zygmunt) and passed by a unanimous roll call vote to accept the minutes from 9-15-21.

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#### Other Business

The chair said that she is looking for a conservation commission appointee to OSRP working group; she said she was the original appointee; she also explained the necessity of the plan. She said the Megan is the staff lead; Megan Shave said the working group was formed prior covid; she said they need community outreach (via zoom); the working group is made up of members from con com, garden club, farmers market, parks department, a representative from sports and at large residents (current at large is Joanne).

Laura Biechler asked how many hours are expected...Megan said they should attend the public outreach session; there will be a couple of hours of meetings in the spring to put together goals and then the time needed to read the draft report. Laura asked what the term would be and was told that the goal is to submit for the 2022 deadline to get back on track for the grant cycle. Laura said she is happy to step in.

A motion was properly made (Danielson) seconded (Voorhis) and unanimously passed to approve Laura Biechler as the OSRP con-com representative.

Discussion of Wetlands Protection Ordinance Draft postponed to December meeting.