



Robert F. Sullivan  
Mayor

# CITY OF BROCKTON

## DEPARTMENT OF PLANNING AND ECONOMIC DEVELOPMENT

Planning Board

Historical Commission

Conservation Commission

Robert May, CEcD  
Director

### BROCKTON CONSERVATION COMMISSION MINUTES

Stephanie Danielson called the March 16, 2022 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.

The following members were confirmed to be in attendance by roll call: Stephanie Danielson, Laura Biechler, Bonnie Sparks, Joyce Voorhis, and Peggy Curtis. Conservation Agent Megan Shave and Admin Pam Gurley were also in attendance.

1. Commission Matter: Review & Approval of Meeting Minutes

A motion was properly made (Sparks) seconded (Biechler) and unanimously passed by a roll call vote to accept the minutes from the meeting of 2-16-22.

2. Commission Matter: Wetlands Protection Ordinance Draft Update

The agent said that she made the suggested revisions and the updated draft is in the ordinance folder 2022; she said that the changes are in red. She said she will send out a poll to schedule another meeting.

3. Request for Certificate of Compliance

Property: 10 Father Kenney Way

Project: Parking lot expansion

Application / Representative: Council on Aging / Outback Engineering

There was no representative present. The chair asked the agent to give her report.

Megan Shave said this was a parking expansion at the COA; she said she conducted a site inspection on February 25th; she said the conditions match the approved plan but noted that the 10x12 shed on sonotubes was replaced by an 11x15 bed; she said that the snow storage signs were installed and recommended a COC with ongoing conditions E1, 2 and 3.

Bonnie Sparks asked if there were any issues with snow storage by the shed area; the agent said that the compensatory flood storage is on the easterly side; she said the area next to the shed is in a flood plain; she said special condition E3 is specific to labeling of snow storage area; she said it can be modified to state that there is to be no snow storage except where posted.

The chair asked how the bio retention area looked and was told there were woody plantings, but she cannot comment further on their health because they are not leafed out.

A motion was properly made (Sparks) seconded (Curtis) to issue and OOC with ongoing conditions as recommended by the agent. Motion was amended (Sparks) to add May inspections of the bio retention area and that any dead plant material shall be replanted; and there is to be no snow storage except where posted second (Voorhis). Passed unanimously.

#### 4. Request for Certificate of Compliance

Property: 15 Leach Ave

Project: Two-family house

Applicant/Representative: Infinity Real Estate Dev / JK Holmgren Engineering

Matt Tavares said that the stone around the building was removed and the new calcs were emailed today.

The agent said that as expected the net fill on site was greater than the cut and fill on the approved plan; she said in both cases the net cut is exceeding the net fill; she said that the compensatory storage is in excess of filled area and a COC can be issued with ongoing conditions as listed.

A motion was properly made (Sparks) seconded (Voorhis) and unanimously passed to issue a COC with ongoing condition E1.

#### 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 said that when she spoke with the agent last week no additional information had been submitted; the agent said that as of today nothing was submitted. The chair said this is an after the fact NOI for yard expansion and accessory structures. The agent said the current delineation shows the BVW boundary following the limit of disturbance; she said it is unlikely that the BVW line retreated 80' and said she asked JKH to follow up with soil logs. The chair asked Matt Tavares if he had any communications with his client and was told that Scott Faria just expected it to be continued.

The Commission members discussed tabling the matter and reissuing an enforcement. The agent said this was originally filed in September; she said their options were either another continuance, tabling and reissuing an enforcement order, or denying due to insufficient information. The chair said that if the commission voted to deny the NOI she would recommend another enforcement order be issued. The agent said they can issue an enforcement for requiring a restoration plan and that the work can be done under the enforcement order.

Joyce Voorhis asked if the NOI was submitted after the work was done and was told it was. Bonnie Sparks said she would defer to the chair in this matter but said that she would like to make sure the owners are held accountable. The chair recommended a motion to deny the NOI and that they vote to issue a second enforcement order requiring a plan for restoration and an assessment of the amount of fill.

A motion was properly made (Sparks) seconded (Voorhis) and unanimously approved to deny the NOI.

The agent noted that as this was a public hearing, so they need to ask if there was anyone there from the public and that they motion to close the hearing first.

There was no public present.

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

A motion was properly made (Sparks) seconded (Voorhis) and unanimously approved to deny the NOI and issue a second enforcement order requiring a plan for restoration and as assessment of the amount of fill.

#### 6. Notice of Intent

Property: 940 Belmont St (VA Hospital)

Project: Roadway improvements

Applicant/Representative: Monument Constructions / JK Holmgren Engineering

Matt Tavares said they need another continuance on this and asked to be continued to April 20th.

A motion was properly made (Curtis) seconded (Voorhis) and unanimously approved to continue to 4-20-22.

#### 7. Notice of Intent

Property: 14 Athens Drive

Project: In-ground pool and pool house

Applicant/Representative: Jamie Holmgren / JK Holmgren Engineering

Matt Tavares said that the silt sock location has been added to plan; he said that the fencing has been moved to square it off; the utilities from the house to pool house were located; the pool house will be on sonotubes, not foundation; he said they added an underground propane tank storage and a planting plan.

The agent said they have addressed the comments from the previous report; she said that the planting plan is appropriate; she noted that it seemed to be a lot of sonotubes for a house that size; she said she will look at the building permit to verify there is no foundation; she said she is recommending special conditions.

Peggy Curtis asked if the use of lawn chemicals would be an issue; and was told that standard special condition E1 specifies no pesticides/herbicides.

Bonnie Sparks said there is a lot of pipe needed and asked what the reason was for having it in that area; she said she would like to see it outside the BZ. The chair asked if it was for heating the pool or the pool house and Matt Tavares said he was not sure.

Joyce Voorhis asked about pool discharge: how will water be discharged; Matt Tavares said that with this type of pool there is no discharge of water. The agent said they can add a condition that there is to be no discharge from the pool in the BZ. The chair asked why no test pits were done to determine depth to groundwater.

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

A motion was properly made (Sparks) seconded (Voorhis) and unanimously approved to grant an OOC with standard and additional special conditions as indicated by the agent including no discharge from the pool within the BZ.

#### 8. Notice of Intent

Property: 159 Torrey Street – Thorny Lea

Project: Irrigation Pond Vegetation Management

Applicant/Representative: Thorny Lea Golf Club / SOLitude Lake Management

A motion was properly made (Voorhis) seconded (Sparks) and unanimously approved to continue to 4-20-22.

#### 9. Notice of Intent

Property: 30 Goldfinch Drive

Project: In-ground pool and decking

Applicant/Representative: Alexander & Jennifer Wilshire / ECR

Brad Holmes said that they have revised the plan; he indicated that this is actually an above ground pool set into the grade of the land with a retaining wall; he said they are also proposing removal of the Japanese knotweed.

The agent said that the application originally described this as an in-ground pool, but the cross section shows that it is aboveground in the rear; she said the knotweed is in the proposed work area; she said it is a small area of knotweed and can be excavated as part of this.

Bonnie Sparks asked if there was anything that could be used as a barrier to protect the area around the pool; Brad Holmes said the back side of the pool has a 4-5' difference; he said soils disturbed will be stabilized with seed mix.

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

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

10. Notice of Intent

Property: 455 Oak St

Project: Parking lot drainage improvements

Applicant/Representative: Fuller Craft Museum / SLB Group

Timothy Power said they received the comments from BETA and will be asking for a continuance to address them; he said the project is for drainage and pavement repair; he said the area is located close to upper pond; he said they are looking to do full depth reconstruction (gray area on plan) and said that the area is subject to substantial flooding; he said it takes a while for it to drain; they are proposing to improve the drainage; raise the grade and change the pitch towards the building and proposing a large rain garden which will hold it back and release slowly; they will also mill and overlay of rest of the parking area; he said there will be a net reduction in impervious area; he said they included an area in their calculations for the rain garden for a possible future addition, but there is no building addition proposed at this time; he said the hazard trees are identified, but the stumps will remain.

The agent said that the ILSF is shown on plan as BVW; she said that the flags should enclose the area; she recommended that they expand the landscape areas to restore the 25' BZ to bank of the pond; she noted there is no runoff treatment for the lot and would like to see some improvement to the runoff; she said there are no details for tree removal around the bank; she noted that TSS removal for rain garden pretreatment is important since the garden is designed to overflow into the BVW.

Peggy Curtis asked what happens if the runoff is too fast for the rain garden; Timothy Power said in a large storm event the rain garden will collect the water prior to overflowing into the wetland; he said it is designed to push water away from the wetland.

Joyce Voorhis asked about the locations of the hazard trees and was told that "X" indicates dead trees. Peggy Curtis asked if they would be checking the trees for pests and was told that the trees will be removed from the site. Bonnie Sparks asked if they considered offering the trees to a local artist. Stephanie Danielson asked about TSS settling into the low spot and asked how frequently the area will need to be cleaned out. She was told that the plantings will hold the sediment in place and break it up; and that the area will need to be monitored quarterly during the first year and after that annually. She said she would like to see a special condition for training for museum staff. Peggy Curtis asked if the plants in the rain garden would be native plants. Timothy Power said there are recommended plantings.

A motion was properly made (Sparks) seconded (Voorhis) and unanimously approved to continue to the April 20th meeting.

11. Notice of Intent

Property: 466 Forest Ave

Project: Health services facility

Applicant/Representative: Brockton Neighborhood Health Center / Meridian Associates

Michael Jacques said this is a modular construction of a building for NHC on the Brockton High School site.

David Kelly said that this building was originally proposed for another area of the high school but they were informed it is an area being set aside for a possible future addition. He said that area is grassed and mowed; there will be no no poured foundation; they have proposed a SW management system and are landscaping around the building; he said they added a stockpile location; he said that the building will not increase runoff; they have submitted an illicit discharge statement; he said they did some borings and did find groundwater; he said that all disturbed areas will be seeded.

The chair asked if they have to responded to BETA's comments; David Kelly said that the changes were submitted about 6:30 today. Peggy Curtis asked about parking and was told they will be sharing parking with the school; she asked if the building will be used by the public and was it is solely for students. Michael Jacques said that they are starting off with BHS, but that the school committee expressed interest in expanding to other students. Joyce Voorhis said she is glad to see this finally happening; there is a need.

The chair said that they will need BETA to review the latest information and see their final response; the agent said that the O&M plan should be a standalone document. The chair asked why they waited to do the test pits; she was told that the results of the borings show that the system will work. She said that neither BETA nor the commission had the chance to review what was submitted due to the late submission time.

A motion was properly made (Voorhis) seconded (Sparks) and unanimously approved to continue to the April 20th meeting.

## 12. Notice of Intent

Property: Massasoit Boulevard / 290 Thatcher St

Project: Infrastructure for nine existing light poles

Applicant/Representative: Massachusetts Electric Company / TRC

Molly Lennon said the application was for electrical equipment along Massasoit Blvd. to fix the street lights; she said right not there is not enough power feeding the street lights and it is a safety hazard; she said they are proposing the installation of a new transformer box and two bollards; 9 hand holes by base of the lights and new conduit; she said that they updated figure 2 today and gave an overview of the project. She said that installation of the conduit will cause temporary impacts; she said there are no no handholes proposed in the river front areas (handholes are boxes with covers underground for access to the conduit); she said they submitted a supplemental memo to the commission and MassDep today.

There is no file number issued.

The agent said she received the supplemental information; she said that the commission needs to determine if they want to see compensatory storage for the pad: does pad have an effect on flood storage.

The chair said she would prefer to see a typical engineering plan; Molly Lennon said that National Grid does not typically prepare engineering plans for this sort of work; the chair asked if the wetlands line was done by survey and was told by GPS. The chair said it would be easier to see if the imagery background is removed.

Joyce Voorhis asked where the transformer was sitting. Molly Lennon said that the conduit comes up from underground; the transformer box is sitting above ground.

Peggy Curtis asked about the use of solar panels and was told they are not an option for those lights; she was told it is costly and that everything would need to be replaced; she asked what kind of equipment will be used for trenching and was told a backhoe and it will be parked in an upland area. She asked about the length of the project and was told it should just be several weeks.

A motion was properly made (Voorhis) seconded (Sparks) and unanimously approved continue to April 20th.

13. Notice of Intent

Property: 82 Ames Street

Project: Commercial parking lot

Applicant/Representative: Robert Toukhmanian / River Hawk Environmental

The agent said she received a request today for a continuance; she said they just received the check for Beta today.

A motion was properly made (Sparks) seconded (Voorhis) and unanimously approved continue to April 20th.

14. Notice of Intent

Property: Map 003-049 Pleasant Street

Project: 40B apartment complex with stormwater infrastructure in Brockton

Applicant/Representative: Blackledge, LLC / Coneco

A continuance was requested to allow time to address previous comments. A motion was properly made (Voorhis), seconded (Curtis) and unanimously approved to continue to April 20th.

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.