



# CITY OF BROCKTON

## DEPARTMENT OF PLANNING AND ECONOMIC DEVELOPMENT

Planning Board

Historical Commission

Conservation Commission

Robert F. Sullivan  
Mayor

Robert May, CEcD  
Director

### MINUTES

JUNE 15, 2022 - 6:30 PM

Stephanie Danielson called the June 15, 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, Chair, Joyce Voorhis, Laura Biechler, and Peggy Curtis. Conservation Agent Megan Shave and Admin Pam Gurley were also in attendance.

#### 1. Commission Matter: Review & Approval of Meeting Minutes – 05-18-22

No minutes ready for review - continued to July 20th meeting.

#### 2. Enforcement Matter: 58 Trout Street

The property owner was not in attendance. After the last meeting, the Agent sent the owner a list of resources on how to hire the necessary professionals and what needed to be filed; he did follow up and said he would reach out to hire someone.

Joyce Voorhis asked if the letter was in their file for today's meeting; the Agent said the referenced correspondence was sent via email, so she will print the emails as PDFs to share.

Peggy Curtis made a motion to issue a reminder letter to the owner and continue to July 2th; seconded by Joyce Voorhis and approved by unanimous roll call vote.

#### 3. Enforcement Matter: 53 Spark Street

The Agent said the trustee has requested a continuance; the written request has been uploaded asked for a continuance to the July meeting to have more time to research the site because counsel needs more time to research DEP requirements. Stephanie Danielson asked how long were they notified prior to May 18th meeting; they had asked for the July meeting and the commission requested an update at the June meeting. She said they are expected to be at the July meeting.

Peggy Curtis said there should be no more continuances after July; they had two months to do research.

Joyce Voorhis made a motion to continue to July; seconded by Peggy Curtis and approved by unanimous roll call vote.

#### 4. Project Update/Enforcement Matter: 93 Tilton Ave (SE 118-788)

Stephanie asked if there was any update; the Agent said she sent a letter to the owner and updated wetland scientist via email; wetland scientist has not heard anything; the owner called today to set up meeting for the erosion controls; the letter requested specifically that someone be present tonight.

David Slater introduced himself as representing the owner. He said they had a hard time trying to secure someone to do the work; silt sock will be installed within the week; they also hired the landscaper. Stephanie Danielson reviewed the enforcement details: the Agent sent written followup to prior letter; deck started without pre construction meeting or installation of siltation; no excavation of knotweed or planting by required dates; looked like new dumping on the site. Daniel Slater said someone disposed of tires on the property and they are getting rid of them.

Stephanie Danielson said the follow up letter requested a timeline for compliance and attendance at the meeting; no timeline has been submitted, and no written response has been submitted. Daniel Slater said the sock will be installed this week; landscaper will follow up with the removal of the knotweed. The Agent said that prior to any excavation there needs to be a pre construction meeting. Daniel Slater said that as soon as the sock is installed they will be in touch. Stephanie Danielson said that they want to see the written timeline and have the dumpster and porta potty been moved outside the limit of work.

Joyce Voorhis asked if they can start work once pre construction is held; the Agent said yes, they have a valid OOC.

Peggy Curtis made a motion continue to July 20th for update; seconded by Joyce Voorhis and approved by unanimous roll call vote.

#### 5. Request for Certificate of Compliance

Property: Dunbar St – Davis Commons

Project: Maintenance building

Applicant/Representative: NAHF Brockton Limited Partnership / JK Holmgren

Scott Faria from Jk Holmgren Engineering said the COC is for the maintenance building project permitted in 2019; they have the Agent's review letter; there are a few items that need to be addressed (clean up issues); they met with the contractor, and work will be done.

The Agent said this request was before the commission a year ago; at that time there were some issues with the wetland flags; flags were replaced (one was mislabeled) to confirm that the LOW was correct; most of remaining comments are issues with installation and maintenance of basins; monitoring well in basin is not on the plan; grading along western edge is shown as a grass swale, but as-built plan does not show that grading; rip rap not in good condition; re-seed basins as needed.

Peggy Curtis asked what scour is. The Agent said basin stormwater discharge comes out of the underdrain pipe; discharge from the pipe is more likely to erode surrounding soil without proper stone riprap to disperse the flow.

Joyce Voorhis asked about the monitoring well; the Agent said BETA requested a monitoring well in the infiltration basin; it is not on the as-built plan, and the times she has been out to the site she has not been able to see it because the basin has been full of standing water.

Joyce Voorhis about the function of the monitoring well; the Agent said it is used to check groundwater and ensure that the basin can infiltrate as it should. Joyce Voorhis asked if the basin is functioning; Scott Faria said the water does drain; he has pictures. Stephanie Danielson asked if anyone has opened the well to observe the water level; Scott Faria said they have not. Stephanie Danielson asked when the work is being done that they open the well; Scott Faria once it dries out he will be in touch with the Agent; he said the basin is designed to drain in three days.

Peggy Curtis made a motion to continue to July 20th; seconded by Joyce Voorhis and approved by unanimous roll call vote.

## 6. Request for Determination of Applicability

Property: 940 Belmont St – Spadea Pond

Project: Branch & tree removal

Applicant/Representative: US Dept of Veteran's Affairs / JK Holmgren

Scott Faria from JK Holmgren Engineering said the VA Hospital has an extensive wetland system; Spadea pond is used as a passive recreation area. Over winter five limbs fell; one tree fell in the pond and the remainder over the boardwalk.

The Agent said the RDA includes two uprooted trees, and branches; they are only proposing to cut down fallen branches and trees; the Commission could consider issuing a Negative Two determination because the trees are in resource areas, but work will not impact the wetlands as long as they only do hand work, leave stumps in place, and work from the boardwalk as much as possible.

Peggy Curtis made a motion to issue a Negative Two Determination; seconded by Joyce Voorhis and approved by unanimous roll call vote.

## 7. Notice of Intent

Property: Map 021-054,055,056 & 059 W Chestnut St & Map 021-007 & 058 Knapp Ctr

Project: Towing facility

Applicant/Representative: Lynch's Towing / JK Holmgren Engineering

Scott Faria from JK Holmgren Engineering said the NOI is for a proposed tow yard; the site is on Knapp Center; it is an 8-acre site that is higher than everything around it; it was a solid waste dump used by COB, including hurricane debris from 1938; it was capped around 1970; the City sold the land three years ago; the current owner is working with DEP to determine what can be done on the site; they are confident enough to proceed with the design. The plan with DEP approval is to excavate solid waste and sift it out; material will be tested, and if clean, will be used on the site; all waste will be removed and disposed of; the worst case scenario is that all existing material will be trucked off. The proposed facility is a 25,000 SF building for a tow yard; 500 parking spaces for towing under city and

state contracts; they had the resource area flagged, and the vast majority of the site is outside the 100' Buffer Zone.

The Agent said the band of BVW connects to series of wetland and intermittent stream; a portion of original clearing and sampling in 2020 was done within 100' BZ; erosion control was installed along the edge of disturbance; the erosion control needs to be re established (stabilization and restoration plan) due to new disturbance observe near wetland flag #7. BETA Group is concerned that at this time there is no information on the existing soil conditions; BETA is trying to find documentation; with the site history there is concern as to what the stormwater will be infiltrating into. Scott Faria said there is a volume of reports from the environmental consultant; they will send these reports.

Stephanie Danielson asked if a site visit by the Commission is needed.

Stephanie Danielson asked if MEPA review is required; the Agent said it is a Buffer Zone project but would check if the square footage triggers anything.

Scott Faria gave an overview of the plan and resource areas.

Laura Biechler asked about the driveway on the plan because driveways leach oil for approximately a year; Scott Faria said the plan meets stormwater management requirements.

Stephanie Danielson asked if the project is a land use of higher pollutant load; the Agent said she would defer to BETA to review the definitions as part of the stormwater review.

Joyce Voorhis asked is the elevation of most of the site higher than the bordering wetlands; Scott Faria said the mound will be reduced.

Peggy Curtis asked if there will be disposal of car fluids; Stephanie Danielson asked if there will be repairs on site.

Stephanie Danielson commented that this is a large facility; it would be really be nice to restore some of the buffer to the wetland; she what is the condition of the wetland. The Agent said the BVW is connected to a larger system; this is a narrow strip of forested swamp; somewhat degraded due to invasive plant species.

Stephanie Danielson asked if it is a named stream; the Agent said she doesn't think that the stream on the other side of Knapp Center is named; the closest named stream is probably Dorchester Brook.

The Commission agreed on a site visit on June 22nd at 8 am.

No comments from the public.

Peggy Curtis made a motions to continue to July 20th; seconded by Joyce Voorhis and approved by unanimous roll call vote.

## 8. Notice of Intent

Property: Massasoit Boulevard / 290 Thatcher St

Project: Infrastructure for nine existing light poles

Applicant/Representative: Massachusetts Electric Company / TRC

Molly Lennon from TRC said that they were asked to review the impact of the transformer box on flood storage; TRC engineers looked at it and determined it would be negligible, but they did provide a small compensatory storage area location outside the wetland. The storage area is 2' wide at the

base, 10' long, and one foot deep and would be excavated at the same time the rest of the work is being done and will be stabilized with wetland seed mix.

Peggy Curtis how this was determined ; Stephanie Danielson noted that a calculation was submitted, as shown on page 2 of the report. The Agent confirmed that this was the only outstanding issue; whether the impact of the pad is negligible is now moot because they are providing compensatory storage anyways.

Joyce Voorhis said she is happy to see the bollards around the transformer.

No public comments.

Peggy Curtis made a motion to close the hearing; seconded by Joyce Voorhis and approved by unanimous roll call vote.

Peggy Curtis made a motion to issue an Order of Conditions with the conditions outlined in the Agent's report; seconded by Joyce Voorhis and approved by unanimous roll call vote.

#### 9. Notice of Intent

Property: 195 Liberty St

Project: Commercial sign replacement

Applicant/Representative: Liberty Solar & Rubber Realty LLCs / Curley & Hansen Surveyors

Bill Self presented the proposed sign replacement. Stephanie Danielson said this started as an RDA and the Commission determined that it required an OOC.

Bill Self said it is the same plan as previously presented. The Agent confirmed that is the same proposal; adequate erosion controls are proposed; native plantings are proposed; she recommends special conditions in her report.

No public comments.

Peggy Curtis made a motion to close the hearing; seconded by Joyce Voorhis and approved by unanimous roll call vote.

Peggy Curtis made a motion to issue an OOC with special conditions outlined in the Agent's report; seconded by Laura Biechler and approved by unanimous roll call vote.

#### 10. Notice of Intent

Property: Map 003-049 Pleasant Street

Project: 40B apartment complex with stormwater infrastructure in Brockton

Applicant/Representative: Blackledge, LLC / Coneco

Stephanie Danielson said that the applicant intends to withdraw and re-apply.

Joyce Voorhis asked if there was a meeting in Easton yesterday.

Michael Toohill said the Easton Zoning Board voted 5-0 to issue the waiver for the by-law. He said they want to withdraw because of the letter from the attorney for potential litigation; they will withdraw and refile without prejudice.

The Agent confirmed that a withdrawal does not require a vote.

Joyce Voorhis asked about the timeframe for re-filing; Michael Toohill said that once they receive the decision from the Easton Zoning Board they will re-file.

NOI withdrawn.

Stephanie Danielson acknowledged George Hailer on a matter not foreseen by the Chair, but he was no longer in attendance. The Agent said this was an update on the Enforcement Order for Howard St/Claremount Ave. The Commission received written correspondence today outlining that they are looking to comply with the Enforcement Order. Stephanie Danielson requested that this update be added to the July meeting agenda.

Meeting adjourned at 8:00 PM.

**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.**