



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

AUGUST 17, 2022 - 6:30 PM MINUTES

Approved 10-06-22

The Chair, Joyce Voorhis called the August 17th, 2022 meeting of the Brockton Conservation Commission to order and read the following statement: "It being 6:30 PM, I call this meeting of the Brockton Conservation Commission to order. This meeting is being conducted remotely in accordance with the extension of the Governor's Order suspending certain provisions of the Open Meeting Law, Mass 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. If you wish to comment during a public input portion of a hearing, please use the "raise your hand" function to be addressed at the appropriate time. For those of you joining by phone only, please press star (*) nine to 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 count accuracy."

The following members were confirmed to be in attendance: Joyce Voorhis, Chair, Laura Biechler, and Ruby Clay. Conservation Agent Megan Shave, Director Rob May and Admin Rhode Germain were also in attendance.

Request for continuances:

Per the Chair Joyce Voorhis, the following items have requested continuances to the September 21st meeting.

A. Certificate of Compliance

Property: Dunbar St – Davis Commons

Project: Maintenance building

Applicant / Representative: NAHF Brockton Limited Partnership / JK Holmgren

Per the Chair this item has been continued without an update for two months so far; the Chair asked to hear a motion to table the item until there's an update.

A motion to table was properly made by Laura Biechler, seconded by Ruby Clay and unanimously approved.

B. 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

A motion to continue to September 21, 2022 was properly made by Ruby Clay, seconded by Laura Biechler and unanimously approved.

**1. Enforcement Order Update: Map 181-042 Claremount Ave
Representatives: George Hailer & Kevin Grady**

The Chair made the following statement: “for those in attendance please note that this item is not a public hearing. An Enforcement Order has already been issued by the Commission, and this is a follow-up discussion to ensure compliance.”

George Hailer mentioned wanting to address and comply with all the requests made by the Commission at the previous meeting.

Kevin Grady listed the four (4) points in the Enforcement Order which were:

1. Installation of an erosion control barrier

Per Kevin Grady, the erosion control measures were installed. They also installed a silt fence and silt sock at the top of the slope at the back of the berm.

2. Logs and data sheet with the wetlands report

Per Kevin, their wetland scientist does not typically provide that information and it’s not typical protocol but they can provide them upon request.

3. Request for sampling

Per Kevin, they hired a LSP to oversee issues with hazardous waste and they will be highlighted and dealt with under the typical protocol.

4. Proposed drainage area

The drainage areas were carried over from a concept plan, but they don’t believe they are necessary at this phase of the project.

Right now the storm water runs across the site and runs up against an earthen berm that was constructed; the earthen berm that is out there restricts the flow of stormwater off of the property; all runoff is held back. They also provided a restoration plan. The slope has been stabilized and has been in the same place for a few years.

The Chair asked Megan to report on the update she received on August 8th, 2022. Megan asked Kevin Grady if the erosion control barrier was installed to which he replied affirmatively. She noted that it is standard protocol under the MassDEP wetland delineation guidelines to prepare datasheets. She also inquired about the mitigation and measures and asked for a fill management plan, and protocol schedule for the sampling.

Megan proposed the removal of the berm within the 100-ft buffer zone and reminded that except for restoration work, any improvements to the site will require a Notice of Intent (NOI).

The Agent recommendation was to not approve the restoration plan and to leave the current Enforcement Order in place.

A motion to maintain the Enforcement Order and for a NOI to be filed if deemed necessary by the applicant was properly made by Laura Biechler, seconded by Ruby Clay and unanimously approved.

2. Request for Determination of Applicability

Property: Map 181, Lots 42,44,53,54,162 Howard Street

Project: Sports complex

Applicant / Representative: New Heights Builders / Grady Consulting

Per Megan, there is some overlap between the previous site and the site included under the Request for Determination of Applicability (RDA); the previous item was referring specifically to an Enforcement Order on Map 181 Parcel 42. This RDA is for several parcels including a portion of Parcel 42 as well and

has been submitted requesting the Commission's determination of whether the Wetlands Protection Act is applicable to the project. Along with this request for determination, a site plan was submitted showing the various layout details of this proposed project. The site plan dated in July shows a limit of work with an erosion control barrier for the sports complex. Based on the jurisdictional areas under the Wetlands Protection Act, they are proposing a limit of work that is more than 100 feet away from Bordering Vegetated Wetland, so based on that, that would support a Negative Determination from the Commission, specifically a Negative Four Determination, because based on that site plan the work described in the request is not within an area subject to protection under the Act including the buffer zone and therefore does not require filing a Notice of Intent. However, she included in her report that the applicant also provided a stormwater pollution prevention plan (SWPPP) as part of their RDA submission.

The plan also shows an additional erosion control barrier along the top of the slope of the berm on parcel 42, and there are also some highlighted notes indicating work on the berm. Megan suggested that the applicant address the discrepancy between the two plans because they are asking the Commission to determine if the work is subject to the Wetland Protection Act and the Commission will not be able to do that unless they can provide consistent plans. If they are unable to provide consistent plans then the Commission will vote on the most conservative plans.

Megan recommended that the applicant take a second look at the plans. George Hailer affirmed that all recommendations will be addressed and the plans will be revised to address the conflicts.

The Chair asked about the site drainage; Kevin Grady shared the Site Plans for the sports complex and described the proposed stormwater management infrastructure.

The Chair asked for confirmation that the applicant intends to continue the hearing so that the plans can be clarified; George Hailer affirmed. Kevin Grady asked about the location of the current erosion control barrier versus what should be shown on the RDA plans. The Agent reiterated that two sets of plans were submitted to the Commission with the RDA application for the sports complex; if the Site Plan is the accurate plan showing the sports complex work, then the SWPPP plan needs to be revised; if the SWPPP plan accurately shows the work for the sports complex, then the Site Plan needs to be revised.

Public Comments

Michelle Dubois

State representative Michelle Dubois mentioned that the developer had multiple violations and the residents were asking the Commission to be strict with the rules and not leave the berms forever. She also stated that some residents did not receive notification about the meeting. However, the Chair clarified that a Request for Determination of Applicability does not require notification. Michelle Dubois questioned what a Request for Determination of Applicability is, to which the Chair clarified that for this project, it is to determine if it is subject to the Wetlands Protection Act.

Jack Lally

Councilor Jack Lally acclaimed the Commission for being prudent to hold off action until the Enforcement Order is closed. He mentioned that there are separate properties involved, but the public perception for good reason is that it is all one, because there was supposed to be only one project, but now there are two plans that need clarification. He reiterated that the dirt and piles are an issue and they need to be removed. He also showed gratitude to the members of the Commission for their judgment.

Michelle Henson

Public member Michelle Henson questioned the discrepancies in the names for this project. Per Michelle, it was known as "Processing Yard" but now is being called a sports complex. She questioned which it was.

She also stated if they are requiring protection from the stormwater runoff to the wetlands, they should also be concerned by the stormwater that runs into the basements of those who abut the property. She also questioned why they were not keeping and making the result of the soil test available to the public.

Lisa Crowley

Per Lisa Crowley, this is not 2 properties but 1. She also questioned if the applicant will be able to move forward with the Notice of Intent without the Conservation Commission requiring it through the Determination. She asked to clarify the difference between a Determination of Applicability and a Notice of Intent.

Per Megan Shave, there are two different agenda items. The first item that was discussed was an Enforcement Order for unpermitted activity within jurisdictional areas of the Conservation Commission, and so as part of that Enforcement Order there were several required mitigation measures; therefore, the first hearing was to review the progress towards achieving those measures. Megan also mentioned that there was discussion of filing a Notice of Intent so that work could be done or could be permitted within jurisdictional areas; she explained that a Notice of Intent can be filed by an applicant at any time, though in this case that does not change that there is already an Enforcement Order that is open, and which includes mitigation measures and requirements, and that the Commission will continue to follow up on the Enforcement Order to make sure that those are addressed.

Megan clarified that this Request for Determination of Applicability is an application that an owner or applicant can submit when they want a determination from the Commission about whether the work they are proposing is subject to the Wetlands Protection Act, which generally means that they are asking if they need to file a Notice of Intent for this work, which is what the applicant is doing in this case for the sports complex.

Anna Shapiro

Resident Anna Shapiro, as well as her husband, expressed concern about the developers' operations and also expressed their desire for more open space in the city.

A motion to continue to September 21, 2022 was properly made by Laura Biechler, seconded by Ruby Clay and unanimously approved.

3. Notice of Intent

Property: 0 Westgate Drive

Project: New hotel development

Applicant / Representative: Karm Hospitality, LLC / Strong Point Engineering

Per Stephanie Hoban, they dealt with all the comments from BETA Group which were mostly all about the stormwater, as they are doing very minimal work within the buffer zone. The only outstanding comments as of the last meeting were about the test pits and the stormwater infiltration areas. They changed the size of one of the infiltration areas to hold all of the stormwater and rooftop runoff and added four test pits within the area of the infiltration. BETA is now satisfied with the project.

Megan Shave reiterated that this was a Notice of Intent because a small portion of the proposed clearing work associated with the parking area is within the 100-foot buffer zone to a Bordering Vegetated Wetland. However due to the distance from the wetland area and the existing topography that naturally contains the

site, there doesn't seem to be any risk of encroachment further into the buffer zone or towards the resource area based on the plans provided. Since all the revisions were made, she confirmed that all of BETA's stormwater comments have been addressed and they conclude that the proposed project is in compliance with the stormwater management standards. BETA also recommended four special conditions related to providing follow-up housekeeping documents to the Commission prior to the start of the work in addition to having an Agent of the city view the excavations for the infiltration in order to reconfirm design assumptions.

Megan Shave recommended that the Order of Conditions contain both the Commission standard special conditions as well as BETA's suggested comments.

Public Comments

David Price

Mr. Price questioned the impact this development will have on the water flow of the property.

Per Stephanie Hoban, there's a natural grade break along and just outside of the property line so they are actually not touching anything on the wetland side of the grade break. Since they are only touching things on the Westgate side of the ridge, it will have absolutely no effect on any of the stormwater or existing water to the east of the property.

Joyce Voorhis questioned whether Mr. Price was referring to the other water sources on D.W. Field Park. She also wanted to know where the water that comes down from the berm will go. To which Stephanie replied that it will go into a large infiltration system and that prior to the infiltration, it will be treated using catch basins and storm sceptors and then any overflow from the infiltration will go into the closed drainage system in Westgate Drive.

Joyce Voorhis questioned if there was any area of concern, but Megan Shave confirmed that according to BETA the proposed improvements are in compliance with the stormwater management standards which essentially means that the project is not going to negatively change the discharges of water leaving the property.

Anna Shapiro

Anna Shapiro questioned how the development will affect wildlife, and Stephanie Hoban confirmed that it will not be affected.

Michelle Dubois

Representative Michelle Dubois questioned what a Notice of Intent (NOI) was. To which Megan Shave explained that a NOI is filed when a project will affect a wetland or buffer zone. For example: Most of the site of this project is more than 100 ft from the wetland; however, the North section of the property is within the 100 ft buffer zone, and a small area of clearing is proposed to accommodate the parking lot. Therefore, an NOI was required, but they do not expect that the buffer zone work will affect the wetlands.

Megan Shave also explained that an Order of Conditions was a permit to do the work and needed to be filed with the Registry of Deeds. Rob May explained that a Certificate of Compliance to clear the title would also need to be filed with the Registry of Deeds after the project is completed.

Michelle Dubois requested that a special condition be added to make sure that no work be done within the 100 ft buffer zone and also that one of the conditions be to maintain cleanup.

Per Megan, one of the ZBA decision requirements was for a screening fence along the property boundary so that litter will be contained and not enter D.W. Field Park. And the Stormwater management Operation & Maintenance plan will include site maintenance as well.

A motion to close the hearing for 0 Westgate Drive was properly made by Laura Biechler, seconded by Ruby Clay and unanimously approved.

A motion to issue an Order of Conditions with special conditions outlined by the Agent's report was properly made by Laura Biechler, seconded by Ruby Clay and unanimously approved.

4. Notice of Intent

Property: 125 Peterson Ave

Project: Yard expansion

Applicant / Representative: Maiky Francillon / Outback Engineering

The Chair Joyce Voorhis asked Megan to confirm if the abutter notifications and file number were received to which Megan replied affirmatively.

The representative of the applicant, Engineer Greg Drake, stated that the owner proposed clearing and leveling off their backyard. He is also proposing adding a shed and fencing along the 25 ft "no touch" buffer zone to have a usable space in their backyard.

Per Megan Shave, the house had an Order of Conditions for its construction, so under that Order of Conditions there was a limit of work that was very close to the house itself. She believed that the proposed project was not the easiest installation in terms of logistics and feasibility. However, if the Commission is satisfied, she recommends several special conditions that would further ensure protection of the Bordering Vegetated Wetland. Per Megan, if an Order of Conditions is issued, the fence should be installed on the upland side of the erosion control barrier and limit of work markers should be installed even though there will be a fence.

The Commission questioned whether there was any other site that the shed could be moved to. They also suggested moving the shed forward an additional 1-2 feet from the 25 ft buffer zone.

Greg Drake confirmed the applicant will be willing to move the shed to a different location as suggested by the Chair, and agreed to come back with a revised plan as recommended by the Agent.

A motion to continue to September 21, 2022 to see revised plan was properly made by Laura Biechler, seconded by Ruby Clay and unanimously approved.

5. Notice of Intent

Property: Map 003-049 Pleasant Street

Project: 40B apartment complex with stormwater infrastructure in Brockton

Applicant / Representative: Blackledge, LLC / Coneco

According to representative Michael Toohill, this project continued from the last meeting because of issues with the abutter notification; however, this was corrected. This project was also previously withdrawn without prejudice both in the town of Easton and Brockton, but they are now back with the same project. This project is a proposed affordable housing project with 108 low to moderate income apartment units in Easton. Most of the project is located in Easton, however, the part of the stormwater utility will be in Brockton. They are proposing an infiltration system for the stormwater and building a berm around the infiltration system. That infiltration system has an emergency outlet that comes down outside of the retaining berm that holds the infiltration system up. Some changes were made from the original proposed plan which included a detention basin but it's now changed to an underground infiltration system which is smaller in area.

Per Megan Shave's report, since the previous meeting, the landscape plan was updated to provide some additional plantings in the buffer zone on the Brockton parcel, which is what was previously requested. She also suggested that a gate be added on top of the emergency access stairwell to address the concern that the stairwells can be seen as access for uses that are not intended under this plan. She also recommended that the existing surface concrete products and other man-made objects that still remain on the Brockton Audubon Preserve be removed with notification to Wildlands Trust. She also recommends that, because the project is subject to receiving a MassDEP Wastewater permit, a condition be added that the Commission will receive the evaluations and documentation following the approval of the wastewater permit prior to the start of any new work. She also recommended site monitoring due to the size and length of the project, as well as copies of the stormwater pollution prevention plan (SWPPP), and the contact info of all individuals responsible for monitoring under the SWPPP. Another condition would be to record in the Registry of Deeds that no snow will be stored past the edge of the designated area, and this area should be marked by a fence and signage.

Michael Toohill agrees to all the conditions but does not want to add a gate since the stairs are needed for public safety, but they have agreed to put signage up.

The Chair asked about the Infiltration system dimensions, and according to Michael Toohill it was about 40x40 ft or 50x50 ft.

The Chair also questioned if the top of the infiltration would be seeded with grass and the side of the slope seeded with a mix of some sort. According to Michael Toohill, the side will be seeded with a Conservation mix, and the top of the infiltration system will be pavement. The top of the infiltration system that will be seeded is in the Easton side and it will be used as a recreational area.

The Chair also questioned if the presence of a catch basin would allow drains to go down into the wetlands, to which Michael Toohill confirmed that wouldn't happen as all the drainage would go into the infiltration system. He also stated that there was an emergency outlet in case the infiltration system was full, which would rarely happen. In the event that it became full, it would drain right into the buffer zone down towards the power line easement and then ultimately make its way down to the wetland system.

Per Megan Shave, it had been the Commission's understanding that the parking will be all in Easton, and the Brockton portion is only being proposed as a snow storage. She pointed out the striping and curbing on the plan that supports this. Michael Toohill confirmed that this was the case according to the plans.

The Chair asked whether it would be a pet friendly apartment complex and if they will have a car wash area. Michael Toohill replied that he did not know. The Chair also mentioned if the use of fertilizers wouldn't affect the Wetlands. Per Michael Toohill, this could be specified in the special conditions to exclude the use of fertilizers. Per Megan there is already a standard special condition for no pesticides within jurisdictional areas, but the Commission can also amend the special condition to include no fertilizers.

Public Comments

Elizabeth Pyle

Per Elizabeth Pyle, the applicant shared new test pit data and an updated storm water plan to the Easton Conservation Commission and requested that same information be made available to the Brockton Commission. She is also requesting that this new information be peer reviewed due to several inconsistencies and areas of concern found by their specialist. These inconsistencies are cause for concern such that the Conservation Commission could not be sure that the infiltration system will function as designed.

She shared the groundwater elevation data dated on 8/23/2021. Based on this data, the CMW-3 shows that the groundwater elevation is at 169.4 and the new data shows that the elevation is of 166.25. There are also many other inconsistencies that she asked for the applicant to explain. She also asked that the Commission request a mounding analysis for the basin because this is a unique design, and if water is confined by the impermeable barrier on three sides then it's likely to get pushed upward to even higher elevations on the infiltration side of the system, so that there would be a greater mound on the infiltration system side than what has been accounted for.

She also wants the applicant to explain how the recent test pit data correlates to their own monitoring well data, their hydrogeologic report, and the water elevations in the surrounding wetlands.

Per Megan Shave, BETA would need to look at the new data for review and also revisit their letter that they wrote in May which concluded that the design was compliant with the MassDEP stormwater standards based on the information they reviewed as of May 9th. Megan also stated that in terms of the additional test pits requested by the Easton Conservation Commission, this was not a requirement for the Brockton review, and that additional information was not submitted to the Brockton Commission. Therefore she requested that the supplementary data be submitted to be reviewed by BETA to see whether or not this changes their previous determination.

Elizabeth Pyle mentioned that the reports can be found on the Easton Conservation Commission website along with the new stormwater report.

Tom Minichiello

Councilor Tom Minichiello mentioned that a number of neighbors contacted him with respect to concerns regarding potential flooding and washout and drainage runoff issues.

He also questioned what conditions would trigger an overflow of the infiltration system and how much would drain and when to the protected jurisdictional areas. He also showed concern to the degradation of the Audubon land due to landscaping or clippings. He also added that there needs to be more adequate barriers as well as fencing to prevent the runoff into the Conservation land.

Michael Toohill requests to receive the letters from Elizabeth Pyle's law office so that their engineer and BETA's engineers can work from the same page.

A motion to continue to September 21, 2022 and to have updated test pit data for the stormwater system and have BETA review any new data was properly made by Laura Biechler, seconded by Ruby Clay and unanimously approved.

6. Notice of Intent

Property: Map 174 Lots 394, 406-410 & Map 177 Lots 34-38 (Heritage Court)

Project: Residential subdivision

Applicant / Representative: QS Lending Trust / Civil & Environmental Consultants

Representative Steve Gioiosa explained this was a 33 lot single-family residential development that was approved through the city a number of years ago which received planning board and Conservation Commission approval with an Order of Conditions. The project is divided into two phases. The first phase included 21 house lots that have been constructed. There was a valid permit and all the work completed was done under that valid permit, however it is now expired and they are now in a position to need a new Order of Conditions to be issued in order to complete the second phase.

Per Megan Shave, this project was originally reviewed as part of the larger Woodland Park subdivision and received its Order of Conditions in 2004 originally. The Order has been extended several times and was

also amended twice with the most recent in 2014. In the most recent amendment there were two special conditions related to the limit of work and positioning of structures in relation to the Heritage Court section of the project. There were special conditions a, c and d. Special condition c stated that the limit of work behind lots 25, 26 and 27 should be moved further west on the site plans to the maximum extent feasible and then special condition d was that a revised plan be submitted to the condition showing this new limit of work. However, based on the comparisons of the current and the 2014 plans, the plans are showing the same limit of work. The 2014 Amended Order of Conditions specifically said that the limit of work was supposed to be moved, so she recommends that the special condition be honored, and the limit of work should at least be moved outside of the 25 ft. buffer zone. This would require amending the current plan to reflect that limit of work, and then also a note would need to be added to the plan specifying that any area between the two limits of work either need to remain vegetated, or if they've already been disturbed, will need to be stabilized and allowed to revegetate. The 2014 Order of Conditions also stated that the house on lot 28 be shifted further away from the wetlands to the maximum extent practicable. However it is still in the same location as it was on the 2014 plan. Megan Shave requested that the applicant honor that special condition. Per Megan Shave, a visit on the site shows piles of fill that contained evidence of construction debris (asphalt, brick and concrete) in the vicinity of lots 26 and 27. Every Order of Conditions says that fill used in the project must be clean and must not have evidence of construction debris, and so going forward she's recommending a note be added to the plan to highlight the fact that all existing fill with any evidence of construction debris or any other evidence of dumping within the project area must be removed from the site. She also mentioned that BETA should complete a new review of the stormwater management system, which would include a site visit to document the current conditions and the progress on the stormwater management system to date in order to reconfirm that the project will be compliant with stormwater management standards. Both Laura Biechler and Ruby Clay agreed with the Agent.

Applicant Peter Venuto mentioned that they were unaware that they needed to relocate the houses further towards the road; however, they will follow the recommendations and move house number 28 further from the wetlands. He also mentioned that any debris will be removed. He also questioned whether lot 29-33 were outside of the buffer, which is an affirmative. He also questioned if the new order would be for the entire subdivisions or for the lots that are impacted by it.

Per Megan, this Notice of Intent is going to be reviewed for the entire Heritage Court, including the stormwater system.

Peter questioned if it was ok to get the lots on the easterly side of the project released so that they could start applying for building permits. Per Megan, there is no mechanism for the Commission to release a portion of the project or issue an Order of Conditions only for a portion of the project.

Motion to get updated plans and BETA's stormwater review and to continue to the September 21st meeting was properly made by Laura Biechler, seconded by Ruby Clay and unanimously approved.

7. Notice of Intent

Property: Map 172, Lots 1, 3 & 557 Arthur Street

Project: Roadway extension for subdivision

Applicant / Representative: Rockwood Realty Trust / Jacobs Driscoll Engineering

The Chair asked Megan to confirm if the abutter notifications and file number were received for both projects to which Megan replied affirmatively.

Representative Greg Driscoll explained this a proposed roadway extension to create a cul-de-sac and frontage for two buildable lots. The site consists of three lots and the applicants wish to obtain the necessary land permits to extend the existing roadway. This site was previously owned by Rocky Mountain Spring Water company and there is a natural spring on the site. The plan is to shut down the well. He also mentioned that the work was within the 100 foot buffer but outside the 25 foot except for a small area right which goes into the existing roadway. He also doesn't believe there will be much disturbance to the buffer zone.

Per Wetland Scientist Brad Holmes, they reviewed the wetland to the west of the project area the day before and will be updating the plans to take into account that it is part of the wetland system and not an isolated wetlands as shown on the plan. It is an extension of the A and B series bordering vegetative wetland. He also mentioned they will be working on the mitigation plan and will get it back to the Commission.

Per Megan Shave, some of her comments were already or are in the process of being addressed, such as extending the wetland flags and clarifying the infrastructure on the site. She also expects to receive an updated plan that clearly shows what structures on the site are associated with the spring and what will be left behind. To her understanding, as part of the well declassification process, they are proposing only to cover the cistern because they cannot remove the spring, and this should be clearly shown in the updated plan. She also wants them to clearly show a buffer zone restoration area to help offset the areas where they will be dipping into the 25 foot buffer zone in their limit of work, and then also to more closely show the details and grading of the roadway extension to make sure that there will not be increased untreated runoff from the roadway into the closest section of the wetland. All these comments can be reviewed in her August 4th report. She also recommended that the revised plans need to be shown to the Commission for review.

Greg Driscoll asked Megan Shave to read into the records the letter from the applicant's attorney Phil Nessrala. Megan confirmed that the letter was received and has been posted in the public drive of the Conservation Commission. It was also read into the records.

Per Megan Shave, the Commission received a letter of opposition from the residents at 143 Ridge St, which is posted online in the Commission public drive which was read into the records.

The Chair questioned if the closing and sealing of the cistern is going to increase the amount of groundwater in the area. Per Greg Driscoll, the spring is still going to flow as a natural spring therefore it wouldn't increase the groundwater.

Public Comments

Jamal Brathwaite

Jamal Brathwaite wanted to speak about the Heritage Court item and asked for an additional special condition to be added; however, the Chair asked him to talk next month since that item was already continued to the next month's meeting.

Michelle Dubois

Representative Michelle Dubois is opposed to the project and thinks that they shouldn't put a house on this property until there's an official decommissioning and abandonment of the drinking water supply. She also opposes decommissioning the water supply and does not understand why it's even on the agenda.

The Chair questioned if this was a public or private supply, to which Megan Shave replied that it is privately-owned land; however, it is classified as a public water supply by MassDEP.

Per Ed Jacobs, this is about getting a roadway extension, so it can be a simple matter for the Commission to put in as a condition that they will not get a building permit until the well is decommissioned.

Michael Breyer - 160 Arthur Street

Neighbor Mike asked for the Commission to put in as a condition that there will not be a building permit issued until the well is decommissioned. He also opposed the idea of opening up Arthur street due to safety issues.

However, it was confirmed by Greg Driscoll and Ed Jacobs that the project was not going to open Ridge Street, rather it is adding about 115 ft of roadway to the dead end of Arthur Street and actually improving it with a cul-de-sac on the end.

Doug Wedge - 65 Ridge Street

Doug Wedge opposes the project because the applicants are not able to say where the water will go. He also alluded to the fact that once the road is approved, there would be nothing to stop them from going back to the city to ask to build more houses since the road is already built.

Jack Lally

Counselor Jack Lally echoed the sentiments of his constituents who have spoken and voiced their concerns about the project. He mentioned that many towns including Brockton are running out of serviceable wells and accessible drinking water; therefore, he thinks that it was short-sighted to dismiss a resource like this for a couple of houses. He thinks that any further adjustment to this property is going to seriously have an adverse impact on the homeowners in the area. He also voiced concern about where the water would be directed.

Per Rob May, it has been represented to the city by the property owner that the well is being abandoned because it is no longer fit to drink.

Per Ed Rose of Rocky Mountain Spring Water, they started having problems with the spring probably back in December 2020 when groundwater was getting mixed in it. He also said that due to the garbage pile on a nearby property, the groundwater was contaminated, and the well has not been used since October 2021. He mentioned that since it's a pre-existing non-conforming source, no town or state wants to buy the spring. He would rather have it as a water supply, but it's not feasible because they do not have the minimum standard protective radius needed to upgrade the spring. He also mentioned that they have found coliform in the water every time they test it, which is the reason why they had to close the well. He explained that if the proposed houses are not granted, the land would probably get donated to another child care center; however, it will never be a drinking water site again.

David Doyle - 56 Ridge Street

Per David Doyle, the contractors will strip the land of all the trees and he is already getting water whenever they get about four inches of rain. He also fears that they will be using dynamite which will negatively affect the underground springs. He also mentioned seeing deer, coyotes, rabbits, and it would be nice to leave the green space for the animals instead of taking them away.

Laura Biechler asked to leave due to it being extremely late, and thus quorum would not be possible and the meeting would need to be adjourned. Items 9 through 12 that were listed in the Agenda will need to be continued to the September 21st meeting.

A motion to continue items 9 through 12 was properly made by Joyce Voorhis and seconded by Ruby Clay, and unanimously approved.

13. Commission Matter: Appointment of Vice Chair

The Chair Joyce Voorhis nominated Laura Biechler as Vice Chair of the Conservation Commission committee.

A motion to approve the nomination was properly made by Joyce Voorhis, seconded by Ruby Clay, and unanimously approved.

Meeting adjourned at 10:36pm