

**BROCKTON CONSERVATION COMMISSION**  
**January 18th, 2023 - 6:30 PM MINUTES**

The Chair, Joyce Voorhis called the January 18th, 2023 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. Please note that discussion of all agenda items shall be limited to 15 minutes each to ensure timely progress through tonight’s agenda.”

The following members were confirmed to be in attendance: Joyce Voorhis, Chair, Laura Biechler, and Peggy Curtis. A quorum was established. Conservation Agent Megan Shave, Director Rob May, and Admin Isaiah Thelwell were also in attendance.

**NOTE. Agenda Item 4 VA hospital on Belmont St and Item 7 Enforcement order and NOI for 042 Claremount Ave were continued to the February 15 meeting.**

1. **Acceptance of Minutes**
- 2.

The Commission felt that there was not enough time between the posting of the minutes and this meeting.

**A motion to move the reading of the December 7, 2022, and December 21, 2022 meeting minutes to the next meeting on February 15th** was properly made by Peggy Curtis, seconded by Laura Biechler, and approved by a unanimous vote.

**2. Commission Matter - Appointment Agent/Representative of the Commission**

Planning Director Rob May announced that Megan Shave will be leaving her role as Conservation Agent for the City of Brockton. Director Rob May spoke admirably about his time with Agent Shave and thanked her for her outstanding work. Both Dr. Shave and Mr. May recommended to the Commission that they appoint BETA Group as its representative/agent. BETA Group will attend meetings, and perform site visits and other duties that the agent would normally do. Elyse Tripp was introduced as a representative from BETA Group who will be serving in this capacity. Additionally, BETA will also have the power to sign off on Enforcement Orders or Emergency Certifications in the event of ongoing violations or emergency situations and work with the Commission office to issue these documents.

**A motion to appoint BETA Group as the Commission's consultant as representative of the Commission with authority to sign and act on behalf of the Commission as permitted under the Wetlands Protection Act and its Regulations** was properly made by Peggy Curtis, seconded by Laura Biechler and approved by a unanimous vote.

- 3. Request for Certificate of Compliance**  
**Property: Dunbar St – Davis Commons**  
**Project: Maintenance Building**  
**Applicant/Representative: NAHF Brockton Limited Partnership / JK Holmgren Engineering**

Scott Faria of Holmgren Engineering was asked to update the Commission on the status of Davis Commons' request for a Certificate of Compliance (COC). There were still two items that need to be addressed in regard to this COC, one of which was the installation of a monitoring well in the main basin, and the other was addressing scouring in the first set of sediment. Scott expressed hope that the items would be addressed by the next commission meeting. Chair Voorhis asked Scott if there were any other specific items that were still outstanding, to which Scott confirmed the two items he mentioned previously.

Agent Shave suggested that the Commission continue the discussion to the next meeting on February 15th if they expect the comments from the Commission to be addressed.

**A motion to continue the Davis Commons Certificate of Compliance to February 15th** was properly made by Peggy Curtis, seconded by Laura Biechler, and approved by a unanimous vote.

- 5. Notice of Intent**  
**Property: 76 Campanelli Industrial Drive**  
**Project: Stormwater structure vegetation management**  
**Applicant / Representative: Gael Land Realty Inc / JK Holmgren Engineering**

Scott Faria of Holmgren Engineering discussed a Notice of Intent for an industrial building located at 76 Campanelli Industrial Drive. The building was built in the 1980s and had a drainage basin in front of the property that had not been properly maintained. The current owners planned to clear the vegetation in the basin to assess erosion and maintain it regularly by clearing any vegetation that grew back. They planned to cut the trees within the basin, but not grind them.. The design plans called for riprap at the pipes entering and exiting the basin, but it is unknown if this was ever installed. If not, they planned to install the riprap according to typical guidelines.

Agent Shave discussed her report related to the project and indicated that there is a need to clarify the definition of the area under the Wetlands Protection Act. The area was described as a detention basin, but based on the information submitted with the Notice of Intent, it appears to be a drainage ditch that was in existence prior to 1996. Based on aerial imagery and a site visit, the area seems to have developed a bank and wetland plants which would be considered jurisdictional as a stream under the Wetland Protection Act. The applicant needed to provide

more information to show that it was designed and installed as a detention basin and could therefore be maintained as such.

The Commission discussed the impact of climate change and dynamic wetlands on Resource Areas and the regulations that are in place to maintain their condition. They also discussed the issue of older drainage structures and the changes they have undergone over time due to lack of maintenance. They suggested that if these structures are adequately maintained, then they will continue to perform their intended function, and if not, they will change over time and may need to be treated as Resource Areas under the Act.

Dr. Shave recommended that efforts be made by Mr. Faria or in the archives of City Hall to locate the original file number and site plan to determine if this was built as a detention basin. If in existence prior to 1996, and unmaintained, it may fall under the jurisdiction of the Wetlands Protection Act, which requires that different Performance Standards be met.

**A motion to continue the Notice of Intent for 76 Campanelli Drive to the February 15th meeting** was properly made by Laura Biechler, seconded by Peggy Curtis, and approved by a unanimous vote.

**6. Notice of Intent**

**Property: 10 Father Kenney Way**

**Project: Senior Center Expansion**

**Applicant / Representative: City of Brockton - Council on Aging / Pare Corporation**

A DEP file number and abutter notifications were confirmed by Dr. Shave.

Brad McCord, the architect for the project on Father Kenney Way presented the plan for expanding the Council on Aging's Senior Center. The original building was built in 2000 and is currently 8,000 square feet. The expansion will add another 4,000 square feet to the building, which includes a new kitchen and multi-purpose rooms. The expansion will not impact the parking lot which was expanded in 2020. The expansion aims to help meet the needs of the senior community and improve services and programs.

Jim Jackson, a civil engineer with Pare Corporation, discussed the senior center project. He shared plans of the Resource Area and the location of a concrete wall which is the bank of the Salisbury Brook. The existing conditions, such as the catch basin, road drainage system, and the bio-retention area, were outlined. The main addition to the existing building included expanding the kitchen and adding more space in front of the building. To accommodate the new drainage from the addition, the project team took measures to ensure proper management of the increased runoff by directing flow to City stormwater drains and by increasing the size of the retention basin

Commissioner Curtis inquired about the vegetation at the bottom of a retention area. Jim Jackson indicated that the bio-retention area would have the retention soils and recommended seed mix, but there will be shrubs and trees around it. Brad McCord also indicated that the intent is to

relocate the existing plants located near the edge of the sidewalk. Chair Joyce Voorhis clarified that the edge of the retention area was just a couple of feet away from a 25-foot no-touch area.

Janice Fitzgerald, director of the Senior Center, indicated that the center was 20 years old and in need of renovations and updates to accommodate the increasing number of older adults in the community. The expansion of the center would improve its ability to provide more programs and services to older adults.

According to Brad McCord and Janice Fitzgerald, the renovation aims to maximize the use of the available space by adding an additional 1000 square feet of a multi-purpose room, subdividing it into three separate meeting spaces, and creating smaller social gathering spaces for small groups. The kitchen will be relocated to provide more space. An additional office will also be added to allow for additional staffing. The renovation is also expected to provide more opportunities for larger events at the center.

Planning Director Rob May addressed the Commission and applicant representatives about the Senior Center in the city. He mentions that a city, with a population of 106,000, generally has a larger senior center but budget constraints limit what they have. The extension to the center will offer more flexibility and usability for staff. Peggy Curtis also commented on the center, expressing concern about outgrowing the center too quickly.

Megan Shave's Agent Report addressed Salisbury Brook which is located to the south of the site and is channelized with a concrete bank. The construction area is within the existing lawn and walkway area, and the expansion will include stormwater storage and compensatory flood storage. The construction is subject to Massachusetts stormwater standards and has been reviewed by the city engineer with only one minor comment addressed. The cut and fill calculations have been provided, and there are no other plan revisions suggested by the Brockton city engineer.

The chair requested that a document demonstrating that plans have been reviewed by the City Engineer be provided for the record since the Commission relies on peer review from others to assess compliance with the Stormwater Standards. Dr. Shave recommended that a letter from the Engineer be included in the file after all permitting processes were complete.

**A motion to close the hearing and issue an Order of Conditions with the Special Conditions to include a final report from the city engineer after all follow-up** was properly made by Peggy Curtis, seconded by Laura Biechler, and approved by a unanimous vote.

- 8. Request for Amended Order of Conditions**  
**Property: 455 Oak Street**  
**Project: Parking lot and drainage improvements**  
**Applicant / Representative: Fuller Craft Museum / SLB Group**

Steve Ivas, a Representative of Fuller Craft Museum, spoke about the parking lot repair work that was recently done and plans to include a rain garden and repaving of the parking lot. However, in late November 2022 stormwater was overflowing between two isolated vegetated wetlands and the rain garden, causing flooding in the parking lot and along the entry drive. Agent Shave visited the site on December 4th and saw the water flowing over the driveway and on December 6 issued an emergency certification. To avoid it becoming an icing hazard, the applicant dug a channel between two wetlands and filed an after-the-fact request for an Amended Order of Conditions.

Timothy Power of the SLB group added that the channel was made by removing large boulders and yard debris that seemed to be causing the isolated wetland to overflow. The channel was narrow in order to act as a relief valve and let water drain while maintaining the upper wetland system. It was chosen at the lowest area between the two wetland systems to minimize work. The solution was considered permanent by the Representative and was working as expected. If there was more rainwater, it was anticipated that the channel would allow for continuous flow.

Agent Shave summarized her report, explaining that she issued an emergency certification with specific conditions in December for excavation work to remove fill and debris from between two wetlands. She did a follow-up site visit on January 9 to check that the trench was excavated and stabilized. At that time, Dr. Shave was unable to verify that the conditions for the emergency certification had been met, was unable to issue an Amended Order of Conditions, and instead issued an Enforcement Order due to the apparent instability of the site. The Enforcement Order required stabilization of the trench embankment, revised site plans, and an updated peer-reviewed stormwater management report. She recommended the Commission ratify the Enforcement Order she issued to reinforce the need for temporary erosion and sedimentation controls until the site is stabilized with vegetation.

Mr. Power and Mr. Ivas contacted the state after Agent Shave's visit. They showed photo evidence of horizontal silt socks and the use of Tackifiers on the surface of the channel embankments. Chair Voorhis asked about a substance called "Tackifier" which Timothy Power and Steve Ivas explained helps hold seed and soil in place to prevent erosion. In this case, only Tackifier was applied. These temporary stabilization measures are to be used until seeding can be established.

Dr. Shave requested that a revised stormwater report be submitted to the Commission to reflect changes in the drainage pattern on the site as a result of the excavation work. The Commission asked if the rain garden had a potential impact on the overflow of water from the isolated wetlands across the parking lot. Timothy Power mentioned that the drainage report did not anticipate the water flow from the isolated wetlands and they will look into ways to control it. They plan to address the issue holistically and determine the best solution.

**A motion to ratify the Enforcement Order for 455 Oak St and to continue the hearing to the February 15th meeting** was properly made by Laura Biechler, seconded by Peggy Curtis, and approved by a unanimous vote.

**A motion was made and seconded and approved to adjourn the meeting.**