

BROCKTON CONSERVATION COMMISSION
March 15th, 2023 - 6:30 PM MINUTES

The Chair, Joyce Voorhis called the March 15th, 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, Ruby Clay, Laura Biechler and Peggy Curtis. A quorum was established. Acting Conservation Agent (BETA Representative Elyse Tripp – herein “Acting Agent”), Director Rob May, and Admins Isaiah Thelwell and Rhode Germain were also in attendance.

NOTE: Agenda Items:

#3 Notice of Intent 940 Belmont St / VA Hospital was **continued to the 4/19 Meeting .**

#5 Request for Amended Order of Conditions 455 Oak Street was **continued to the 5/17 Meeting. (Note: Due to an anticipated lack of quorum, the May Meeting has been postponed 5/23)**

1. Acceptance of Minutes

A motion to accept the February 15th meeting minutes was properly made by Peggy Curtis, seconded by Ruby Clay, and approved by a unanimous vote.

2. Commission Matter: East Bridgewater - Brockton Sewer Extension Project

Per Acting Agent, the Expanded Environmental Notification Form (EENF) that was received by the Conservation Department outlined an extension of the East Bridgewater sewer system that would connect to Brockton through or underneath Thatcher Street. The sewer extension would be about a quarter-mile long and within the buffer zone to Bordering Vegetative Wetlands (BVW), as well as within a small area of Bordering Land Subject to Flooding (BLSF). The Acting Agent suggested that the Commission, if deemed appropriate, could comment on the

EENF to request submission of a Request for Determination of Applicability (RDA) to determine if the work will impact Resource Areas Subject to Protection under the Wetlands Protection Act (WPA). The Acting Agent explained that an RDA is similar to a Notice of Intent (NOI), but it is lighter, and it does not result in the issuance of an Order of Conditions; Instead, a Determination could be made that although the work is within Resource Areas subject to protection, the proposed work would not impact the Resource Areas. The Commission determined that they would like a comment letter to be written and submitted by the Acting Agent. The comment letter would be sent to the Massachusetts Environmental Protection Agency (MEPA), who is currently reviewing the EENF, and the comments are due by the 27th.

4. Enforcement Order Update / Notice of Intent

Property: Map 181-042 Claremount Ave

Project: Restoration, grading, drainage improvements

Applicant / Representative: New Heights Builders / South River Environmental & Grady Consulting

Kevin Grady of Grady Consulting discussed the proposed restoration of a Site where fill has been added to the buffer zone and outlined strategies for removing the fill and re-establishing the buffer zone's functions. BETA Group reviewed the plan, and their comments were incorporated into two iterations of revisions. The most recent changes made were minor and only related to stormwater. Mr. Grady summarized that the project currently involves a 12,000 square foot Buffer Zone Restoration inclusive of a written narrative for the restoration. The plan aims to re-establish a 25 foot "no touch buffer zone" and includes several acres of restoration within uplands upgradient of the BVW. A drainage basin is proposed at the northeastern part of the site that is designed to collect runoff and has an emergency overflow to control the flow of water if necessary. Based on inquiries from the Commission, Mr. Grady further clarified that the green areas on the project plans would be seeded with grasses that require low maintenance. Mr. Grady additionally indicated that the 8-foot wide access way along the edge of the BVW and restoration areas was requested by BETA to access and monitor the restoration areas, as well as to access the downgradient side of the basin. This access way would also be loamed and seeded with native vegetation.

Mr. Grady explained that the pre-development analysis was based on satellite imagery from before 2015, which was a conservative analysis since the runoff went across woodland at that time; meaning less water contributed to the Resource Area. The post-development analysis had to show that the peak discharge rates did not exceed pre-development rates, and Mr. Grady further explained that the proposed restoration would decrease the peak discharge rate and runoff volume. Commissioner Peggy Curtis asked if there were any plans for a sports complex in the area, to which Mr. Grady responded that there are currently no plans for that Site, but there are plans for four fields and a building on adjacent property. Mr. Grady also explained that this property cannot be used for gravel removal due to zoning regulations and will likely be vacant land. They also discuss the removal of fill from the 25-foot Buffer Zone and the specific types of material used in the restoration process.

The Acting Agent affirmed that all of BETA's comments regarding the stormwater had been addressed. She also reviewed prior Agent Reports and found that there were a few outstanding comments, including two specific notes on the plans and a requirement for a fill management plan for the fill that would remain within the buffer zone . She suggests that the Commission may want to review documentation from DEP to verify the work that Mr. Grady had previously discussed . Mr. Grady explained the placement of erosion controls consisting of silt fence and silt sock.

A motion to continue the Notice of Intent for Map 181-042 Claremount Avenue to the April 19th Meeting was properly made by Peggy Curtis and seconded by Laura Biechler and approved by a unanimous vote.

Councillor Jack Lally expresses agreement with the decision of the Commission to postpone the matter until more information can be obtained and understood. He thanked the BETA Group, Inc. for their work and expressed appreciation for the efforts of the Commission.

Abutter Lisa Crowley offered to give a tour of the area from her property to the Commission members. Director May cautioned against trespassing and reminded the group that the Commission can get access to the property from the owner as part of their duties.

Commission Matter: 803 Crescent Street

Director May reminded the Commission and those watching at home about the Wetlands Ordinance introduced by the Commission that has an enforcement option within it, which would allow the Commission to levy and collect fines for noncompliance with Enforcement Orders. . He encouraged viewers to read the Ordinance and contact the Council to let them know that this is important to them. The Commission further discussed the difficulty of enforcing the code violations when there isn't an enforcement process in place.

The Acting Agent confirmed that the violation notice and Enforcement Order for 803 Crescent Street had been sent out by certified mail with a return receipt requested. The Acting Agent was unsure if the property owner had received the notice, and the Commission suggested reaching out to them via phone if possible. Potential language barriers were also discussed, and Commissioner Biechler suggested that if language was an issue, the violation notice should be issued in another language. Commissioner Biechler also asked if the notice was sent to a street address or a PO Box, to which the Acting Agent responded that it was sent to the street address.

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