

BROCKTON CONSERVATION COMMISSION
June 21 , 2023 - 6:30 PM MINUTES

The Chair, Joyce Voorhis called the June 21, 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 Beichler, Ruby Clay, Peggy Curtis, and Shareefah Mapp (non voting status). A quorum was established. The Commissions consultant - BETA Representative Jonathan Niro, Planning Department Director Rob May, Conservation Agent Kyle Holden, Admin Isaiah Thelwell, and Admin Rhode Germain were also in attendance.

NOTE: Agenda Items:

#6 710 Oak Street Continued to July 19th Meeting

#8 940 Belmont Street Continued to July 19th Meeting

#17.B Fuller Craft Museum Continued to July 19th Meeting

1. Acceptance of Minutes 4/23 and 5/23 - A point of clarification was made that commissioners can vote to accept minutes of meetings that they did not attend, as long as they have read and understand those minutes.

A motion was made to accept the 4/23/23 and 5/23/23 meeting minutes as read by Laura Biechler and seconded by Peggy Curtis. Motion passed by unanimous vote.

2. Emergency Certification: 2 Silver Road

During the meeting, Kyle Holden presented information to the Commission regarding a recent storm that knocked down a tree onto a driveway and three cars at 2 Silver Rd, requiring prompt removal. An Emergency Certification was issued for the property at 2 Silver Road, allowing them 30 days to complete the emergency work. Kyle confirmed that as of July 21, 2023 the tree has already been removed. The Commission voted to certify the issuance of the Emergency Certification as appropriate.

A motion was made to approve the Emergency Certification of 2 Silver Road by Laura Biechler and seconded by Peggy Curtis. Passed with unanimous consent.

3. Violation Discussions

A. 30 Oak Street Extension

Kyle Holden informed the board that Olga Leroy was unable to attend the meeting but provided an update for work done at 30 Oak St Extension. The Hamilton Oak company has started remediation work, and a remediation was submitted. The work is expected to be completed by the end of the week. Kyle plans to take or have Olga take pictures to confirm that the work has been done, and Olga will appear before the Commission in the July meeting to discuss the matter and potentially close it. Joyce Voorhis expressed satisfaction that the discussion is progressing without the need for an enforcement order, and the Commission agreed that no vote is required for this update.

B. 115 Goldfinch Drive

Kyle Holden, reported that expansion of a property at 115 Goldfinch Drive has encroached upon neighboring property owned by WildLands Trust. The encroachment occurred when the property owner, Mr. David Teixeira, had construction work done without securing the necessary permits. The encroachment also seems to have extended into a wetland buffer area and a floodplain. The Conservation Commission and WildLands Trust have been involved in discussions to address the issue.

The current focus of the Commission is on addressing the resource area issues, including delineating the wetland boundaries and creating a remediation plan. Attorney James Burke attended the meeting as a representative for the property owner, and states that the owner has agreed to remove the encroaching structures and work on the necessary restoration. The option of issuing an Enforcement Order was discussed, but the property owner's representatives argued against it, citing the substantial effort and expense already incurred to resolve the situation. It was proposed the vote on the Enforcement Order would be suspended until the August 16th meeting, to allow action to be taken to remediate the violation.

Commissioner Curtis asked about the date of property purchase, which will be provided by Mr Burke to the Commission. A potential resolution was discussed, which would involve submitting a wetland delineation by the July meeting and an after-the-fact NOI application to the Commission by the August meeting. It was agreed that a formal Enforcement Order will be issued if there is not some action taken by the August meeting.

C. 155 Winthrop Street

Kyle Holden, introduced a violation noted when the property owner at 155 Winthrop Street paved their entire backyard, which abuts an intermittent stream, without proper

permits. The Commission voiced concern about the violation and its impact on resource areas. Commissioner Curtis asked if zoning ordinances might be involved since the entire yard was paved.. Agent Holden suggested that he look into this violation more carefully, rather than having remediation done for wetland purposes, only to result in non-compliance with various regulations, including setback requirements and Zoning Ordinances. They discussed involving other departments such as the Building Department, Zoning Board, Stormwater Authority.

It was recommended that Agent Holden have a meeting with the Building Commissioner and Zoning Board to determine the requirements and to consult with the property owner in order to create a plan for compliance. The Commission suggested a 30-day timeline with an update to be provided at the July meeting.

D. 26 Allen Street

Agent Holden presented information about a property on Allen Street, within the buffer zone to Salisbury Brook that was found to be in violation due to accumulation of debris and dumping. The property owner's daughter, Cynthia Tsarhopoulos, informed the Agent that the cleanup had been done, but upon inspection, it was discovered that the property was overgrown with Japanese knotweed and still contained debris. It was suggested that the vegetation be allowed to die back naturally during the fall, which would expose the remaining debris for removal in winter or early spring.

There was a discussion about whether this violation fell within the jurisdiction of Wetlands Protection Act, and it was confirmed that it was within the buffer zone of Salisbury Brook, making it within jurisdiction. The suggestion was made to resend a violation notice with a request for the cleanup to be performed in the fall or early winter. It was proposed to revisit the property in December, and if the cleanup had not occurred by then, an Enforcement Order would be issued at that time. Different commissioners expressed their opinions on the matter. Laura Biechler agreed with the proposed timeline, while Peggy Curtis expressed concern about the property owner ignoring the previous order and waiting until the foliage covered the debris. Kyle Holden mentioned that the broken-down car on the property may still be present.

Commission Chair Voorhis, summarized the decision as follows: another violation notice would be sent with a request for action by December, and if the action does not occur, an Enforcement Order would be issued. The communication with Cynthia Tsarhopoulos would continue, and the expectation was that the property owner would respond in writing.

4. Enforcement Orders

A. 19 Otis Street

Kyle Holden provided an update on this case where a pergola and deck was erected on the bank of the Salisbury River. A representative for the property owner requested an

in-person meeting due to a language barrier, Agent Holden met with the property owner and a representative from the building department to discuss the Enforcement Order and the required actions by the property owner to remediate the area impacted by the building over the property line abutting Salisbury Brook.

The Agent suggested following up with the property owner before the July meeting and convey the expectation that they will have an update for the Commission prepared by then. Joyce Voorhis agreed and suggested that at the very least, a survey and plan should be provided in July. Kyle proposed sending a follow-up letter in the meantime to express the Commission's expectation for an actionable item at the July meeting, which was agreed upon by the Commission.

B. 82 Ames Street

Agent Holden discussed an Enforcement Order issued on a property owned by Robert Toukmanian at 82 Ames Street. Bob Rego and Robert Toukmanian joined the meeting to address the Enforcement Order and to provide their perspective.

According to Robert Toukmanian the property was purchased in August 2020 and it was partially paved and overgrown. They wanted to clean up the land and use it in conjunction with their nearby storage building. At that time, the Building Department informed them that no permits were required for vegetation clearing. Initially, they cleaned up the debris and garbage left by previous dumpers, including needles and other debris. However, they received a notice from the Conservation Commission about land clearing activities being in a resource area. They communicated with the previous Conservation Agent, Megan Shave, representing the Commission and implemented erosion barriers around the drainage channel. They halted work after receiving the Enforcement Order from Agent Shave and submitted an after-the-fact Notice of Intent in December 2021, as they had already done some clearing. The notice was for using a portion of the land as a parking lot, which required paving and stormwater design. However, delays occurred due to injury and scheduling conflicts, resulting in missed meetings. They recently evicted a tenant who had violated ordinances and has since moved vehicles from a rented lot on the property. Toukmanian states that they have not conducted any work on the parcel for the past two years and have no immediate plans to do so. If they decide to proceed with a commercial parking lot, they will follow the necessary procedures.

Toukmanian expressed their goal of cleaning up and landscaping the property, similar to their other property in Brockton. They emphasized their commitment to following regulations and transforming the overgrown and rundown area into a well-maintained commercial property. The Commission inquired about the clearing activities and the zoning of the property. Toukmanian stated that they did not remove trees but rather cleared overgrown weeds and maintained the area. The zoning of the property is described as "I-2," which refers to industrial zoning. Bob Rego explained that the prior agent, on visiting the site, regarding the classification of a channeled stream as a

riverfront area. He mentioned that the stream is fully culverted and doesn't appear on any U.S. Geological Survey (USGS) maps or historic maps as a perennial stream.

Jonathan Niro, BETA consultant, offered his perspective, stating that if the stream flows through a culvert, it may preclude it from being considered a riverfront area, but it would still be considered a stream and be subject to buffer zone regulations. He suggested further investigation into the files to determine the scope of the enforcement and whether there are any email chains related to the issue.

Bob Rego added that the stream doesn't have wetland vegetation along its sides and is a stone-lined channel. There's no defined stream to the west of it and he explained the drainage structures and piping in that area. Laura Biechler asked about the future use of a corner with gravel on the property, and Robert Toukmanian clarified that they currently occupy the building for cold storage and have no intention of renting it out until they address the issues with the Conservation Commission and the Building Department.

Kyle Holden suggested working together over the next month to align definitions and coordinate with the Building Department. He recommended engaging a wetland scientist to evaluate the property and determine the vegetation present. The conversation ended with the agreement to engage a botanist to assess the stream as a resource area and to determine the site's characteristics before proceeding further with the development plans. Commission agreed with Agent Holden's proposal.

C. 803 Crescent Street

Kyle Holden provided an update on the property at 803 Crescent St owned by Bruno Silva. Bruno Silva contracted with J.K Holmgrem to develop a remediation plan for the site known as 803 Crescent Street, an Auto Repair and Used Car Dealership which is currently in progress. Kyle mentioned that it might take a month or two to finalize the plan, and stated that an update would be provided at the next meeting.

5. Certificate of Compliance

A. Heritage Court

Neuza Barros, representing the Heritage Court development, presented their request for a partial Certificate of Compliance for Lot 25, one home of the subdivision which is nearing completion. They mentioned that they had completed all pre-construction requirements and implemented maintenance steps. The only pending requirement was the installation of permanent boundary markers at the wetland boundary on the site.

Kyle Holden confirmed that temporary markers were currently in place but emphasized the importance of permanent markers to avoid future issues with property changes. He stated that the concrete monuments had been ordered and were scheduled for delivery within the next few days. Ms. Barros requested a compromise where Kyle could sign off

on the compliance once the permanent markers were installed, instead of waiting for another month.

The Commission discussed the possibility of conditional approval, pending installation of the markers, and agreed that it would be a suitable solution. They requested Ms. Barros to provide proof of purchase for the markers, which would be added to the file. Peggy Curtis and Ruby Clay expressed their agreement with the conditional approval.

A motion was made to issue a conditional partial Certificate of Compliance for Heritage Court Lot 25 with the special condition that the Partial COC would take effect once permanent boundary markers are installed and verified by the Conservation Agent by Peggy Curtis and seconded by Laura Biechler and approved by roll call vote.

B. West Chestnut Street

Jim Burke and Bob Pelaggi discussed a Certificate of Compliance regarding a property on West Chestnut Street. The original Order of Conditions was issued on June 19, 2002 but a request for a Certificate of Compliance was not filed following completion of work. Kyle Holden read a statement provided by Mr. Pelaggi, highlighting that the work performed on the site was in substantial compliance with the Order of Conditions. Kyle mentioned that they were unable to locate the original Notice of Intent or full restoration plan due to the age of the filing.

One concern raised during the discussion was the requirement for permanent boundary markers, which could not be found at the site. Pelaggi explained that the site's history dated back to 2002, and due to the lack of detailed records, it was challenging to determine the precise wetland boundaries. The absence of labeled areas associated with the brook further complicated the issue. The Commission acknowledged the difficulty in obtaining complete documentation for the old filing and expressed the need to address the outstanding Certificate of Compliance.

Peggy Curtis expressed her thoughts with the situation and mentioned that in the past, a 25-foot increment between boundary markers was standard, but considering the area, she believed a larger increment would be acceptable. Joyce Voorhis agreed with this assessment. Kyle Holden suggested that once the permanent markers are installed, he could verify the installation and issue the certificate. He will upload pictures and the Certificate for the Commission's review. If necessary, further discussion on the matter can take place at the next meeting. Peggy Curtis made a motion to issue the Certificate of Compliance with the condition that Kyle verifies and signs off on the issue. Laura Biechler seconded the motion. The meeting concluded with a roll call vote on the motion.

A motion was made to issue a conditional Certificate of Compliance for 337 - 339 West Chestnut Street with the special condition of final verification from The Agent was made by Peggy Curtis and seconded by Laura Biechler and approved by roll call vote.

7. Notice of Intent
Property: Ames Street Substation
Project: SubstationCleanup
Applicant/Representative:Coneco Engineers & Scientists

Kyle Holden introduced the discussion about the 97 Ames Street substation cleanup project, with Michael Toohill representing Mass Electric. The project involves the remediation of lead-contaminated soil within the site, with no change in elevation or impact on the riverfront area. Jonathan Niro from BETA Group provided a Peer Review, confirming that the majority of the work falls outside the riverfront area regulations. The cleanup project complies with the Bordering Land Subject to Flooding performance standards.

Jonathan Niro, as a Beta Consultant, presented several special conditions, including restrictions on pesticide use, clean fill requirements, and submission of watering and seed mix plans. He stated that the applicant had provided sufficient information for the commission to consider issuing an Order of Conditions

A motion to close the hearing and issue an Order of Conditions with the stated special conditions for 97 Ames Street was made by Laura Biechler and seconded by Peggy Curtis. Motion carried by roll call vote.

9. Notice of Intent
Property: Pleasant Street
Project: 2 Family Construction
Applicant/Representative: JK Holmgren Engineering

Scott Faria, from JK Holmgren Engineering, presented a notice of intent for a 2-family home on Pleasant Street. Beta Group had conducted a review, and Faria made some changes based on their feedback. However, Beta Group had not yet provided a formal response to those changes. Joyce Voorhis asked about the post-construction best management practices packet, which seemed to be missing from the submission. Faria agreed to send it over to Kyle and the Commission. Peggy Curtis asked about the location of the leaching field, to which Faria indicated its position on the right side of the property. As BETA Group's formal response was pending, the commission planned to review the revised plans later and will discuss the project in more detail after receiving BETA's feedback.

A motion to continue the hearing for the Notice of Intent for Pleasant Street to the July 19th Meeting was properly made by Peggy Curtis and seconded by Laura Biechler and approved by a unanimous vote.

10. ANRAD

Property: 549 Copeland Street

Project: 28 unit Residential Subdivision

Applicant / Representative: JK Holmgren Engineering

Joyce Voorhis inquired about the completion of abutter notifications for the project, to which Scott Faria admitted that he hadn't checked on it recently but confirmed that the notification had been made. Joyce mentioned that it should be submitted to the Agent. Scott mentioned that they hadn't given Beta Group the green light to review the wetland lines yet, as the necessary payment hadn't been made. Therefore, he requested a continuance until the July meeting. Commissioners had no further questions or comments.

A motion to continue the ANRAD for 549 Copeland Street to the July 19th meeting was properly made by Peggy Curtis, seconded by Laura Biechler and approved by a unanimous vote.

11. RDA

Property: 1020 W Chestnut Street

Project: Silo Construction

Applicant / Representative: JK Holmgren Engineering

Scott Faria explains that the property, located at 1020 West Chestnut Street, is currently occupied by New England Tortilla Company, which manufactures blue tortilla chips. As part of their expansion plans, they need to construct an additional storage silo on the property to separate the production of their blue tortilla chips from their other products. Scott mentioned that they had previously filed a Notice of Intent and received an Order of Conditions in 2019 for the construction of the building on the property. They also obtained approval from the Zoning Board of Appeals for the height of the silo.

The proposed silo would be placed on an existing concrete pad, surrounded by the packing area. Scott emphasized that there would be no land disturbance, as the silo would be placed entirely within the existing concrete area. Kyle Holden, who conducted the review for the project, raised some concerns during the discussion. He mentioned that during his site visit, someone informed him that they planned to improve the concrete foundation by removing the existing concrete pad and adding reinforcement so the new concrete pad could support the weight of the new silo. Scott confirmed that this work may prove to be required but would still be within the existing concrete pad area and would not involve expanding the footprint. Kyle also expressed concern about the limited work area shown on the Site Plan. He questioned whether it would provide enough space for machinery and access to the site. Scott acknowledged that the circle representing the work area might need to be expanded during construction to accommodate machinery and staging. He clarified that any expansion would still be within the paved areas of the site.

Joyce Voorhis requested a scale key on the plan to better understand the size of the distances involved. Scott explained that the scale was 30 to 1, and the silo had a diameter of 14 feet and a height of about 40 feet. He also mentioned that there was a 12-foot distance between the edge of the silo and the adjacent pavement.

After the discussion, Kyle presented his recommendation. He stated that he had reviewed the Request for Determination of Applicability (RDA) application and conducted a site assessment. Based on his review, he recommended issuing a Negative 3 Determination subject to the following conditions: the site plan shall include the addition of erosion control measures to protect the Bordering Vegetated Wetland during construction and that all construction material/storage for the project shall be placed outside of the 100-foot Wetland Buffer Zone. He also recommended issuing a Positive 2b Determination stating that the boundaries of the following resource areas are not confirmed by the Determination: Bordering Vegetated Wetland.

A motion to issue a Negative 3 Determination and Positive 2b Determination with the aforementioned conditions for 1020 West Chestnut Street, was made by Peggy Curtis, seconded by Laura Beichler, and passed unanimously

12. RDA

Property: Plymouth Street Playground

Project: Landscaping

Applicant/Representative: Dunetz Landscaping

Ray Dunetz presented the Plymouth Street Park project. He explained that Ray Dunetz Landscape Architecture, Inc. (RDLA) was working with the City to design several parks, and three of them fell within the jurisdiction of the Conservation Commission.

Ray shared his screen and displayed the plan for Plymouth Street Park. He pointed out that the park is located adjacent to Trout Brook, and the red line on the plan represents the edge of the brook. He mentioned that the park is an existing facility, and their work involves minor renovations. The plan showed the removal of an existing bituminous concrete pad, which would be replaced with grass. The basketball courts would remain in their current location but undergo resurfacing. Additionally, the existing playground area would receive a new rubber surfacing. Ray mentioned that erosion control measures were included along the back fence line to mitigate impacts during construction. He clarified that the park's surface, currently made of 2-inch concrete, would be stripped and then repaved without any significant changes. Peggy Curtis inquired about the replacement fence mentioned in the plan, specifically the change from a 4-foot fence to a 6-foot fence. Ray clarified that there is no 6-foot height fencing except for a small section between the parking lot and another area.

Kyle Holden added a comment, noting that there was a minor labeling issue with the FEMA flood zone lines on the plan. He pointed out that the dashed turquoise line labeled "FEMA Floodway" should actually be labeled "FEMA Flood Zone AE," and the solid line should be labeled "FEMA Floodway." He mentioned that it was not a significant issue, but the labels should be corrected for accuracy.

In conclusion, Kyle asked Ray if he had anything else to add, and Ray responded that he was initially confused about the fence replacement but now understood the plan's intentions. Kyle confirmed that the work outside of the 25-foot riverfront area, apart from the fence replacement, fell outside the jurisdiction and offered his additional comments.

A motion to issue a Negative 3 Determination with Special Conditions and Positive 2B Determination was properly made by Peggy Curtis and seconded by Laura Biechler and approved by a unanimous vote.

13. RDA

Property: Tukis Park

Project: Landscaping

Applicant/Representative: Dunetz Landscaping

Ray Dunetz from RDLA presented the Tuka's Playground project. He explained that they were replacing old play equipment and adding two new ADA accessible parking spaces to improve park accessibility. The playground currently lacks ADA approved parking, and they planned to add two handicap parking spaces at the end of Trout Street to provide wheelchair access to the playground. Ray mentioned that Kyle had informed him about an inaccurate FEMA flood line, and they corrected it based on GIS maps and input from their surveyor. He displayed the modified flood elevation, which now accurately encompassed the baseball field, courts, and playground area.

The plan included the wetland buffer zone, the 100-foot buffer in purple, and the 25-foot perennial stream bank in orange. Wetlands were flagged by Lucas Environmental, and a survey was conducted by Development Geospatial, ensuring accuracy. Ray shared the site preparation plan, which involved removing some items while protecting a 30-inch caliper tree. Accessibility improvements were also planned for the other side of the park, outside the commission's jurisdiction. He presented a plan showing the subject work in the playground, including the addition of swing sets, two handicapped parking spaces made of bituminous concrete, and fill around the existing playground area to address holes caused by play activities.

Kyle acknowledged Ray's presentation and expressed appreciation for the updated flood zone delineation. He clarified that the new parking spots were within the 100-foot wetland buffer zone, but since the area was already degraded, as long as there were no elevation changes after construction, it shouldn't pose a significant issue. Kyle proceeded to provide his recommendation to issue a Negative 3 Determination subject to the following conditions. First, he requested that the erosion controls mentioned in the RDA application be added to the site preparation plan, specifically to protect the area within the marked 100-foot wetland buffer zone. Additionally, he recommended that all construction materials and storage be placed outside the 100-foot wetland buffer zone and the correct FEMA flood zone AE. He emphasized that no changes in grade under post-construction conditions should be permitted.

Finally, Kyle recommended issuing a Positive 2b Determination stating that the boundaries of the bordering vegetated wetland were not confirmed by the determination, referring to the delineated wetland in the southwest portion of the map.

A motion to issue a Negative 3 Determination with Special Conditions and Positive 2b Determination was properly made by Peggy Curtis and seconded by Ruby Clay and approved by a unanimous vote.

14. RDA
Property: Hillstrom Farm
Project: Landscaping
Applicant/Representative: Dunetz Landscaping

Ray Dunetz explained that there was an existing old basketball court at the northern portion of the park, which used to have an entrance off an abutting street. He showed the context of the park and the wetland buffer line, marked in purple, which crossed through the old basketball court. The plan for the project involved removing the basketball court and turning it into a parking lot. Ray presented the erosion and sediment control plan, and displayed the design for the new entrance and parking lot, which would accommodate approximately 20 to 25 cars. The parking lot was within the existing asphalt footprint and outside the 100-foot wetland buffer. Ray also mentioned that they were restoring the soccer field and repurposing an old tennis court as a football court. The existing parking lot would be renovated, without expanding its footprint. He clarified that although the parking lot was located near the wetland, it was not over the wetland edge.

Joyce asked if the existing parking lot was right on the wetland, and Ray confirmed its location but mentioned they were not increasing its size. In fact, they might be making it smaller using standard parking space sizes. Ray further explained that they initially planned to renovate the driveway, but due to the need for irrigation, they had to bring electricity to the site and use a fire hydrant for the water supply. The plans for the utilities had been adjusted, and the irrigation pumps and controllers would be located in one corner of the park, near the existing fire hydrant. Kyle Holden clarified that both water and electricity would be brought from the access road at North Street, and Ray confirmed, adding that there would be a series of utility boxes and infrastructure for irrigation control and water pressure improvement.

A motion to issue a Negative 3 Determination with Special Conditions and Positive 2b Determination was properly made by Peggy Curtis and seconded by Ruby Clay and approved by a unanimous vote.

15. RDA
Property: 2023 Sewer System Rehabilitation
Project: Sewer Line Expansion
Applicant/Representative: Weston & Sampson

Steve Pedersen from Weston and Sampson provided an overview of the project. He explained that it was a municipal sewer project for the Town of East Bridgewater and the City of Brockton, where an agreement had been made to convey a limited amount of wastewater from East Bridgewater to the Brockton sewer system. The project involved approximately 22,000 feet of pipe, with the last 1,300 feet being an 8-inch force main in Thatcher Street within Brockton.

Steve mentioned that around half of the 1,300 feet of pipe was within a hundred feet of adjacent wetlands along Thatcher Street. The relevant map was displayed, showing the route of the project from East Bridgewater to Brockton along Thatcher Street. Steve explained that the major concern would be siltation control during construction, which would involve implementing standard erosion control measures like straw waddles. He assured that everything would be restored to pre-construction conditions, and the pipe itself would be pressure tested and buried beneath the road surface.

Steve also mentioned that the project involved a pump station in East Bridgewater, which collected wastewater through gravity collectors and transported it via a 14,000-foot force main to Brockton. The last 1,300 feet of the project would be located in Thatcher Street. Joyce asked about the number of homes in East Bridgewater that would benefit from the project, to which Steve explained that the agreement with Brockton was for an average daily wastewater flow of 75,000 gallons. He mentioned that the project would serve underdeveloped and underutilized commercial and industrial areas, as well as some high-density residential developments, including a 240-unit development. Peggy Curtis asked why the sewer system needed to be connected to Brockton instead of East Bridgewater. Steve clarified that East Bridgewater did not have a wastewater treatment plant, so they relied on conveying wastewater to Brockton for treatment.

A motion to issue a Negative 5 Determination, a Negative 3 Determination with Special Conditions outlined by the Agent, along with a Positive 2b Determination for the 2023 Sewer System Rehabilitation Expansion was properly made by Peggy Curtis and seconded by Ruby Clay and approved by a unanimous vote.

16. RDA
Property: Dupont Substation
Project: New England Power Company
Applicant/Representative: BSC Group Inc

Alison Milliman from BSC Group presented on behalf of New England Power Company regarding a request for determination of applicability. The proposed activities included the installation of a riser pole outside the existing substation and approximately 190 linear feet of underground conduit. The total impact to the 100-foot buffer zone was estimated to be approximately 2 square feet. Alison explained that the existing DuPont substation in Brockton was enclosed by fences, and the proposed riser pole would be installed near the northern side within the disturbed area associated with the substation. The underground conduit would connect the pole to the existing distribution facilities located outside the fence. She shared photos of the site and described the minor impacts and the restoration plans, which involved filling the trench with native soil and stabilizing it with rip rap gravel.

Joyce Voorhis asked about the size and height of the riser pole, to which Alison explained that riser poles can range from 20 to 50 feet in height, depending on the necessary clearance requirements for electrical lines. Peggy Curtis inquired about any changes to the existing fences, and Alison clarified that there were no proposed changes to the fence lines. Kyle Holden provided his recommendations, stating that the utility pole installation was exempt activity, but

the trenching of the power line into the substation was not. He suggested issuing a Negative 3 Determination with conditions, including the installation of straw waddles around the disturbed areas. He also recommended a Positive 2b Determination.

A motion to issue a Negative 3 Determination and Positive 2b Determination was properly made by Peggy Curtis and seconded by Ruby Clay and approved by a unanimous vote.

17. Report

A. Whitman Sewer

Kyle provided an update on The Whitman Sewer project that required semi-annual reporting to the Commission. He mentioned that the report had been uploaded to the drive for the Commission's review. This reporting was part of the conditions set by the Commission when they issued an Order of Conditions for the project.

B. Fuller Craft

Kyle discussed the Fuller Craft Museum project, which had encountered stormwater complications. BETA Group was engaged to assess the flooding issues, and the museum received an Enforcement Order for failing to establish vegetation on a trench that had been dug to address the flooding. The museum submitted photos showing progress in stabilizing the area, and an action item was expected for the Commission next month.

18. Utility Notification

A. Algonquin I-2 System Pipeline

The Agent reported that a natural gas pipeline company had detected an anomaly in a section of pipe in Brockton. They needed to trench and repair the pipe, which would likely take up to a week. The proposed work area was located on the south side of Brockton, close to the Veterans Affairs hospital.

Kyle shared a map showing the approximate location of the pipeline work, which was in the southwest corner near the high school. The work was scheduled to occur in the 3rd Quarter of 2023.

The Commission requested that BETA review the Utility Notification to assess if an RDA filing would be appropriate.

B. New England Power Company - Footer Repairs

The Agent informed the Commission that New England Power Company had notified the Commission that they planned to commence work to repair five utility poles within the City of Brockton. The submitted plans showed that the proposed work would be within

wetland resource areas but claimed that the work would be exempt under the Wetlands Protection Act.

The Commission also requested that BETA review this Utility Notification to assess if an RDA filing should be required.

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