



Robert F. Sullivan  
Mayor

# CITY OF BROCKTON

DEPARTMENT OF PLANNING AND ECONOMIC DEVELOPMENT

Planning Board

Historical Commission

Conservation Commission

Robert May, CEC  
Director

## MINUTES

August 16th, 2023 – 6:30 PM

Joyce Voorhis called the August 16th, 2023 meeting of the Brockton Conservation Commission to order at 6:32 PM and read the following statement: “The meeting is being conducted remotely in accordance with Governor Healey’s Open Meeting Provisions, updated in March of 2023 which extended certain Covid 19 provisions until March 31, 2025. Real-time public participation and comment can be addressed to the Conservation Commission utilizing the Zoom virtual meeting software. If you wish to comment during a public input portion of the 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 ‘\*9’ to raise your hand. A copy of this recording will be on the City’s webpage. All votes will be done by a roll call to ensure count accuracy. The following members were confirmed to be in attendance by roll call: Laura Biechler, Peggy Curtis, Ruby Clay, Lily Green, Shareefah Mapp, and Joyce Voorhis - Chair. The Chair recognized and welcomed Lily Green, newest member of the Brockton Con Com. Conservation Agent Kyle Holden, Elyse Tripp, the Commission's consultant from BETA Group and Administrators Rhode Germain and Isaiah Thelwell were also in attendance.

*NOTE - Agenda Items Continued to the September 20th, 2023 Meeting:*

- #7. 549 Copeland Street - ANRAD
- #8. 710 Oak Street - NOI
- #9. 900 West Chestnut Street - AOOC
- #10. 0 Hammond Street - AOOC and EOOC
- #11. 455 Oak Street - AOOC and EO

### COMMISSION MATTER

#### *1. Acceptance of July 19th, 2023 Minutes*

**A motion was made (Biechler) and seconded (Curtis) to accept the July 19, 2023 minutes. Motion passed by unanimous vote.**

## PRESENT FILINGS

### *2. 0 Quincy Street - EOOOC*

The Chair requested and was given verification of DEP file number and abutter notification. Property owner Michael Mather provided an update to the Commission regarding a proposed apartment building to be erected on Quincy Street. He informed the Commission that no work on the site had started since the OOC was first issued in November of 2020. The project is a 5 story residential building with 39 apartments. Agent Holden provided more information from his Agent's Report stating the site has had some previous development, the site is not undisturbed land. Mr. Holden visited the site on August 8th, 2023, and confirmed no recent work had been done. Holden recommends extending their Order of Conditions by 3 years, The Applicant had a holdup in progress, and they plan to start work this fall. BETA Agent Elyse Tripp clarified, that the Wetlands-related issues of the plan remain the same and will be unchanged, any changes to the existing plan are architectural in nature. The applicant will send updated plans to Kyle to share with the commission.

**A motion was made to extend the Order of Conditions for 0 Quincy Street. (Curtis) and seconded by (Biechler). Motion passed by unanimous vote.**

### *3. Notice of Intent*

***Property: 10 Peckham Avenue***

***Project: Residential Construction***

***Applicant/ Representative: J.K. Holmgren Engineering***

The Chair requested and was given verification of a DEP file number and abutter notification. Scott Faria from J.K Holmgren Engineering representing DaSilva Enterprises presented the Notice of Intent Application for 10 Peckham Avenue. The applicant is proposing to build a 2 family building on a vacant lot on Peckham Ave. The property is bounded in the rear by the Trout Brook and a portion of the lot falls lower than the floodplain. The applicant plans to bring in fill to raise the lot above the floodplain. The limit of work is just outside of the 50 foot buffer zone. The dwelling will be a Raised Ranch style that will be above grade. Faria also mentioned that an Infiltration system will be behind the house to support the Sump Pump in the basement. Due to the plan for filling the floodplain, Agent Holden requested referring the application to BETA for a Stormwater Review. Mr. Faria agreed to continue this hearing until the next meeting of the Conservation Commission

**A motion was made to continue 10 Peckham Avenue to the September 20th Meeting (Curtis) and seconded by (Biechler). Motion passed by unanimous vote.**

### *4. Notice of Intent*

***Property: 166 East Ashland Street***

***Project: Contractor building construction***

***Applicant/Representative: J.K. Holmgren Engineering***

The Chair requested and was given verification of a DEP file number and abutter notification. Scott Faria from J.K. Holmgren Engineering representing RJ Messina Inc presented the Notice of Intent application for 166 East Ashland Street. This project has gone before the Zoning Board of Appeals and before the Commission for an ANRAD filing. The eastern boundary of the property abuts Trout Brook on the right, The Wetland Line is at the top of the bank according to the ANRAD filing. The Applicant is proposing the construction of Contractors' storage units. A series of drainage facilities are proposed

including recharge systems at each building for roof runoff. Although most of the site is outside of the Buffer Zone, Mr. Faria expects the project to be complicated and anticipates a review from BETA. Mr. Faria stated that the ZBA has prohibited all automotive repairs, it is not a repair facility - just storage to hold equipment for contractors overnight. Peggy Curtis inquired if the lot was a Brownfield site, to which Faria responded that it wasn't and gave some context of the history of the site within The City. Agent Holden recommended that BETA review the site specifically for wetland compliance and for compliance with Stormwater regulations.. Mr. Faria added that a landscape buffer will be maintained for the nearby residential properties.

**A motion was made (Curtis) and seconded (Biechler) to continue the Notice of Intent for 166 East Ashland Street to the September 20th Meeting. The motion passed by unanimous vote.**

## **5. ANRAD**

***Property: 339 Quincy Street***

***Project: Resource Delineation***

***Applicant/Representative: J.K. Holmgren Engineering***

*A typographical error was made with the filing name, The application is 339 Quincy Street rather than 399 Quincy Street.*

Scott Faria from JK Holmgren Engineering, representing CLM Development presented an ANRAD Application for 339 Quincy Street. The property abuts a large housing development that goes up to Court Street, It is a 14-acre property with 2 Wetland resources going through the property. Mr. Faria clarified that this ANRAD request is the first step of determining if the site can be developed. Mr. Faria stated that he cannot answer any questions regarding the development of the site, as this is the most preliminary part of the project. Agent Holden recommended that this project be peer-reviewed by BETA to review the Delineation.

## **Public Comment**

*Susan Macintyre* - Susan who is an abutter inquires if the abutting Debbie Road will be opened up, Kyle explained that this application doesn't speak to any development plans, it is just confirming the resource area. Susan speaks about the wildlife that is seen on the property, enjoyed by many who live in the area. She believes it would be very hard to build anything on this property due to the streams going through.

*Barbara Lindsey* - Barbara who is an abutter, confirmed that she sent a letter of concern to the Commission, and wanted to confirm this is on the record. Barbara has concerns about the meeting being noticed legally as 399 Quincy rather than 339 Quincy. Ms. Tripp mentioned that there is nothing that can be done to change the already posted Legal notification. Mr. Faria added that in the City of Brockton, land does not have formal street numbers, plots of land will not have a street number until a building permit is issued for property development/construction.

*Sam Andrade* - Sam mentioned that a plan was submitted in April of 2004. Kyle mentions

that these plans are available in the drive for the Commission and will also be included in BETA's review. Kyle suggested that Sam write a letter to the Commission regarding any concerns.

**A Motion was made (Curtis) and seconded (Biechler) to continue 339 Quincy Street to the September 20th Meeting, Unanimously Approved.**

***6. Notice of Intent***

***Property: 940 Belmont Street***

***Project: Fueling Station***

***Applicant/Representative: J.K. Holmgren Engineering***

Scott Faria with JK Holmgren Engineering representing the VA Hospital presented the application for a Notice of Intent for 940 Belmont Street. The VA Hospital has a Wetland system that runs along the eastern property line. The applicant has proposed a fueling station in the industrial end of the VA Facility, The VA would like to install a 1500-gallon dual compartment above-ground fuel tank to fuel their vehicles as the VA comprises a large fleet of vehicles. A part of the proposed plan is a roadway system to accommodate large fuel delivery vehicles.

The applicant also requested relief from the DEP Stormwater Management guidelines that recommend an infiltration basin be constructed at least 50' from the BVW. Faria stated that this current location is the only location on the site where they can provide a safe and appropriate turning radius for vehicles, although the location of the station is closer to the Bordering Vegetative Wetland than the applicant would like it to be. The applicant has no choice but to request a waiver. There has been extensive discussion between the applicant and BETA over the site plans.

Elyse Tripp confirmed that BETA and the applicant have resolved almost all of the concerns raised by BETA's review. She did mention one outstanding issue regarding Total Suspended Solids removal rates, that was not yet resolved to Stormwater Standards. The applicant is currently at 70% and needs to have a plan to remove at least 80% of total suspended solids to comply. Ms. Tripp affirmed that all other issues have been addressed and would recommend that approval be issued contingent upon the final 10% being achieved by the applicant's addition of a Second defense treatment unit at the drain system leading to the retention pond.

Mr. Faria approved of Tripp's recommendation but urged the Commission not to continue the project another 30 days so the applicant can begin construction before Winter approaches. When questioned by Commissioner Curtis about the location of the access road, Mr. Faria further stated the turning radius is necessary for commercial 18-wheeler trucks. The road is not meant to be used by regular employees and will not be open to the public. Mr. Holden read off the special conditions recommended by BETA

**A motion was made (Biechler) and seconded (Curtis) to close the hearing of 940 Belmont Street**

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**A motion was made (Curtis) and seconded (Biechler) to issue an Order of Conditions with standard conditions and the special conditions outlined by The Agent's report, pending the receipt of plans, revised plans, and calculations demonstrating meeting the TSS standards, verified by BETA Group.**

**7. ANRAD**

***Property: 549 Copeland Street***

***Project: Resource Delineation***

***Applicant / Representative: J.K. Holmgren Engineering***

BETA Agent Elyse Tripp Stated that, BETA will be reviewing the application with a hired Botanist and applicant in the field, per the updated letter.

**8. Notice of Intent**

***Property: 710 Oak Street***

***Project: Car Wash***

***Applicant/Representative: Civil Design Group LLC***

BETA Agent Elyse Tripp, BETA is working with the applicant to discuss the next steps and should have updates at the next meeting.

**11. 455 Oak Street - Fuller Craft Museum AOOO and EO**

Agent Holden indicated that there has been some miscommunication between the applicant and BETA, Mr. Holden has requested the applicant come to the next meeting to update the commission.

**VIOLATION DISCUSSIONS**

**12. 115 Goldfinch Drive**

Agent Holden stated the applicant was given 2 months to file a Notice of Intent to the Commission by this meeting., The NOI was submitted just before the August 19th meeting, without time for review. The applicant is expected to present their request at the next meeting to be held on September 20.

**ENFORCEMENT ORDERS**

**13. 803 Crescent Street**

According to Agent Holden, the applicant requested an extension last month and is actively working with J.K Holmgren Engineering to re-file as a new submission to present at the next meeting.

**14. 0 Lawton Avenue**

Agent Holden stated that he and the applicant have been working together to figure out where an unknown water source was coming from and contacted an environmental engineer for assistance. Mr

Holden says they are on pace to get to the bottom of the issue. An Amended Enforcement Order was sent to the current property owner to ratify the previous Enforcement Order which was sent to the previous owner.

**A motion was made (Curtis) and seconded (Biechler) to amend the Enforcement Order of 0 Lawton Avenue to reflect the current owner's name.**

***15. 57 River Street***

Agent Holden stated that this project came before the Commission's last meeting. Mr Holden issued an Enforcement Order which was seemingly ignored, as was issued in 2020 by former Agent Shave. Last month the Commission recommended the order be sent in multiple languages due to the possibility of any language barrier.

Property owner Bruce Cardoso did contact Agent Holden. Mr. Cardoso stated his father was placing gravel and dirt on site, and he spoke to Agent Holden about reverting the Wetlands to their original state. Cardoso seeks some guidance as to how to complete the process. Agent Holden agreed to help clarify the process by email/phone, so some action might be taken by the next meeting.

***16. 19 Otis Street***

Agent Holden, summarized that this original order was issued in April and there have been some language barriers and multiple attempts to connect but nothing has been done. The applicant's sister spoke on his behalf and mentioned that her brother, Mr Resende needs some guidance as far as hiring a Wetland Scientist. The applicant says it's been extremely difficult to find a scientist in his budget.

The Commission believes the best course of action would be to at least get a scientist out to begin the first step of evaluation of the site. Mr. Resende's representative asked who they should contact to begin the delineation and restoration work. Agent Holden declined to suggest a specific firm or individual to avoid the appearance of favoritism. Agent Holden suggested using a search engine to search the terms "Environmental Scientist, Wetland Scientist, or Environmental Engineer and Brockton MA" to generate a list of local qualified professionals. Laura Biechler recommended reaching out to a church or community center to help with referrals. Agent Holden will send another copy of the Enforcement Order to Mr. Resende, in order that it be available to the Wetland Scientist that Mr Resende contacts.

**A MOTION WAS MADE (Voorhis) AND SECONDED (Curtis) TO ADJOURN THE MEETING AT 8:30 PM. THE MOTION PASSED BY UNANIMOUS VOTE.**