



Robert F. Sullivan
Mayor

CITY OF BROCKTON

DEPARTMENT OF PLANNING AND ECONOMIC DEVELOPMENT

Planning Board

Historical Commission

Conservation Commission

Robert May, CEcD
Director

MINUTES

JANUARY 17, 2024 – 6:30 PM

Chair Joyce Voorhis called the January 17th, 2024 meeting of the Brockton Conservation Commission to order 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 for remote access. 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’ raise your hand. A copy of this recording will be on the City’s webpage. Please note that this is a professional meeting, should disrespectful or inappropriate statements be made during the meeting, the host reserves the right to mute the speaker. All votes taken during this meeting will be done by a roll call vote to ensure count accuracy.”

The following members were confirmed to be in attendance by roll call: Laura Biechler, Ruby Clay, Shareefah Mapp, Lily Green, and Joyce Voorhis - Chair. BETA Representative Elyse Tripp, Administrator Rhode Germain and Agent Kyle Holden were also present.

NOTE - Agenda Items **Continued to the **February 21st, 2024** Meeting:**

3. ANRAD

Property: 549 Copeland Street

Project: Resource Delineation

Representative: J.K. Holmgren Engineering

5. Notice of Intent

Property: 166 East Ashland Street

Project: Contractor building construction

Representative: J.K. Holmgren Engineering

6. Notice of Intent

Property: 511 Thatcher Street

Project: Solar canopy Construction

Representative: Farland Corp.

8. Notice of Intent

Property: 137 Perkins Avenue

Project: Storage facility renovation

Representative: J.K Holmgren Engineering

COMMISSION MATTER

1. Acceptance of December 13th, 2023 Minutes

A motion was made (Biechler) and seconded (Clay) to accept the December 13th, 2023 minutes. Motion passed by unanimous vote.

NEW FILINGS

2. Notice of Intent

Property: 155 Winthrop Street

Project: Remediation

Representative: Pinebrook Consulting

Agent Holden presented the after-the-fact Notice of Intent filing for 155 Winthrop Street in response to a violation notice issued in May. The violation was for unpermitted paving in the backyard, extending to the nearby brook. The Commission decided that the homeowners should remove pavement within the 25-foot riverfront area and perform restoration planting. Holden shares photos of 155 Winthrop Street, emphasizing the proximity of the pavement to the brook.

Per Holden, the homeowner is concerned about losing space used for volleyball events. The property has hosted events without proper permits, attracting attention from the Brockton Quality of Life Task Force. Holden mentions the significant setup for volleyball, including poles set into the asphalt. The 25-foot setback for restoration is non-negotiable, but the homeowner proposes planting grass in the first half of the space for continued use. Holden suggests discussing options without voting immediately due to a language barrier with the homeowners, allowing time for feedback and discussion.

A representative of the homeowners Keith Brewer emphasized the challenges faced and the intent behind the project. Brewer highlights the homeowners' cooperation and willingness to contribute to Brockton's improvement and also addresses the significance of volleyball to their culture.

A motion was made (Clay) and seconded (Biechler) to continue the hearing for 155 Winthrop Street to the February 21st meeting. Motion passed by unanimous vote.

CURRENT FILINGS

4. Notice of Intent

Property: 10 Peckham Avenue

Project: Residential construction

Representative: J.K. Holmgren Engineering

Scott Faria with J.K Holmgren Engineering presented the Notice of Intent application for 10 Peckham Avenue. Per Faria, the project is a 2-family home on Peckham Avenue with a vacant lot that formerly was occupied by a multi-family building. The property has a resource area with Trout Brook at the rear, leading to Buffer Zones. Faria says the main challenge is the floodplain, with an existing 100-year flood elevation covering most of the lot and part of Peckham Avenue. Faria mentions working with BETA to address calculations for cuts and fills. They have now satisfied all requirements and are ready to proceed.

BETA Representative Elyse Tripp provides a summary of BETA's findings on the project. Per Tripp, the most recent plan shows a slight reduction in the size of the home, ensuring compliance with performance standards for work within the borderline subject to flooding. BETA recommends approval, contingent on providing a new revised WPA Form-3 and a signed Operation and Maintenance plan. Tripp suggests including the latter as a special condition. Additional special conditions include the use of clean and debris-free fill, approval of the flag boundary for this filing only, and the provision of an as-built plan for a Certificate of Compliance. Tripp notes that the revised WPA Form-3 is the only outstanding item.

Agent Holden raised a concern about not receiving the most recent plans with the agreed upon cut and fill tables. He suggests making the issuance of the Order of Conditions conditional upon receiving the updated plans. Faria apologizes and commits to forwarding the plans immediately after the meeting.

A motion was made (Biechler) and seconded (Clay) to close the public hearing for the 10 Peckham Avenue Notice of Intent. Commissioner Green abstained. The motion passed by unanimous vote.

A motion was made (Clay) and seconded (Biechler) to issue an Order of Conditions with special conditions outlined in BETA's report dated December 28th and any other additional special conditions discussed. Commissioner Green abstained. The motion passed by unanimous vote.

7. ANRAD

Property: 0 Toby Road (Parcel ID: 175-160)

Project: Bordering vegetated wetlands & riverfront delineation

Representative: W Engineering

Agent Holden informs the Commission that the project is up for Peer Review by BETA, and BETA has submitted a scope and fee request to the applicant. However, the applicant has not yet funded this request, causing a delay. Councillor Jack Lally expresses his gratitude to Agent Holden for keeping him informed and present during the discussion. He looks forward to future meetings and thanks the Commissioners.

A motion was made (Clay) and seconded (Biechler) to continue the hearing for 0 Toby Road to the February 21st meeting. The motion passed by unanimous vote.

VIOLATION DISCUSSION

9. 26 Allen Street

Agent Holden provided an update on the property at 26 Allen Street that has been under scrutiny since April 2023 due to dumping on the site. A Violation Notice was issued, and while some cleanup has been done, small debris still remains. Agent Holden is seeking guidance from the Commission on the standard they want to uphold for cleanup and whether to issue an Enforcement Order or provide more time for the property owner to address the remaining issues. Chair Voorhis asks if formal letters have been sent, and Holden mentions that communication has been verbal, suggesting sending another letter to document the situation. No immediate action is required by The Commission.

ENFORCEMENT ORDER

10. 28 Howard Square

Per Agent Holden, the property at 28 Howard Square and 24 Howard Square have debris and trash within the 25-foot riverfront area. Holden seeks permission from the Commission to issue an Enforcement Order for both properties. The order would require the removal of debris within 30 days, attendance at the February meeting to demonstrate compliance, and a prohibition on gardening within the riverfront area.

A motion was made (Clay) and seconded (Biechler) to issue an Enforcement order for 28 Howard Square with the conditions stated by Agent Holden. The motion passed by unanimous vote.

A motion was made (Clay) and seconded (Biechler) to issue an Enforcement order for 24 Howard Square with the conditions stated by Agent Holden. The motion passed by unanimous vote.

A Motion was made (Clay) and seconded (Biechler) to adjourn the meeting.