



Robert F. Sullivan  
Mayor

# CITY OF BROCKTON

DEPARTMENT OF PLANNING AND ECONOMIC DEVELOPMENT

Planning Board

Historical Commission

Conservation Commission

Robert May, CEcD  
Director

## MINUTES

FEBRUARY 21, 2024 – 6:30 PM

Chair Joyce Voorhis called the February 21st, 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, Peggy Curtis, 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 **March 20th, 2024** Meeting:**

### ***8. Notice of Intent***

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

***Project: Contractor building construction***

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

### ***9. Notice of Intent***

***Property: 511 Thatcher Street***

***Project: Solar canopy Construction***

***Representative: Farland Corp.***

### ***10. ANRAD***

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

***Project: Bordering vegetated wetlands & riverfront delineation***

***Representative: W Engineering***

### ***11. Notice of Intent***

***Property: 137 Perkins Avenue***

***Project: Storage facility renovation***

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

## ***12. Notice of Intent***

***Property: 155 Winthrop Street***

***Project: Remediation***

***Representative: Pinebrook Consulting***

### **COMMISSION MATTER**

#### ***1. Acceptance of January 17th, 2024 Minutes***

**A motion was made (Biechler) and seconded (Green) to accept the January 17th, 2024 minutes. Motion passed by unanimous vote.**

### **NEW FILINGS**

#### ***2. Notice of Intent***

***Property: 38 Lookoff Street***

***Project: Removal of Existing Structures and New Construction***

***Representative: Collins Civil Engineering Group, Inc***

A butter notification and DEP file number were verified.. Agent Holden confirmed that the DEP file number was issued and read information sent by DEP regarding situation of new buildings relative to the distance of riverfront. David Klenert with Collins Civil Engineering Group, Inc presented the Notice of Intent application for 38 Lookoff Street. Mr. Klenert presented an overview of the site conditions, including flagged high-water marks, riparian zones, and flood zone A. Mr. Klenert detailed the existing structures, a garage, shed, concrete slab, and trailer, and outlined the proposed changes, involving the removal of these structures and the construction of a new building for personal storage. Addressing concerns about the flood zone, Klenert highlighted potential adjustments to increase the distance from the established flood zone. In response to questions about structures within the riparian zone, Klenert provided specific distances for existing and proposed structures, emphasizing the intent to remain within existing disturbed areas.

Agent Holden explained that the plan presented by Klenert is a revised plan created in response to the Agent Report and that he has not had time to review the changes. Holden suggested continuing the discussion to the March meeting to allow for a thorough review of the revised materials.

Commissioner Green raised questions about the removal and staging of materials, asking where the material for the new building will be staged and where the removed structures will be taken. Mr. Klenert responded by detailing the staging areas and the plan for hauling away materials, emphasizing that any cut into the slope will use dirt around the site. Commissioner Curtis inquired about the driveway and proposed area alignment, suggesting adjusting the angle of the proposed building to the left to stay outside the 100-foot zone. Mr. Klenert responded, explaining that even if rotated, it needs to remain within the setback allowances of the Planning department. He mentioned the client's preference for the current angle and the need for additional paved area for maneuvering. Commissioner Curtis asked if trees will be knocked down, and Mr. Klenert clarified that 1700 square feet of wooded area will be removed. Ms Curtis also remarked, as noted in the agent report, that additional paving should be relectd on the current plan.

Agent Holden discussed the possibility of seeking a zoning variance in the future if needed. Mr. Klenert explained the challenge of creating one's own hardship and discussed the project's approach in bringing the site into conformity for Planning Board purposes. Holden suggests postponing BETA's involvement in the project until more time was spent reviewing information supplied. Chair Voorhis mentioned

reviewing specific comments from the Agent's Report and expressed interest in understanding the access points to the garage.

### ***Public Comment***

*Justin Schiller (Co-owner of 38 Lookoff Street)*

Mr. Schiller introduced himself and added that the orientation of the garage doors will face the existing paved driveway. He explained that the driveway will be widened to accommodate the garage doors, and mentioned the removal of the impervious existing cement pad. Mr. Schiller assured the Commission that the areas around the garages and shed will be restored with grass and vegetation.

**A motion was made (Biechler) and seconded (Curtis) to continue the hearing for 38 Lookoff Street to the March 20th, 2024 meeting. Motion passed by unanimous vote.**

### ***3. Certificate of Compliance***

***Property: 0 Pleasant Street (Parcel ID: 043-002)***

***Project: Two Family Dwelling***

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

Scott Faria with J.K Holmgren Engineering presented the Certificate of Compliance request for 0 Pleasant Street. According to Mr. Faria, the property had an Order of Conditions issued by the Commission a couple of years ago. Mr. Faria presented the current state of the property, stating that it is in compliance with the former Order of Conditions. He noted some minor additions, such as a walkway and landscaped areas around the dwelling, which were not part of the original plan. Faria highlights the additional investments made by the developer in landscaping, shrubs, and patio walkways. Agent Holden provided his feedback after conducting a site visit. He mentioned a special condition regarding the excavation of the infiltration area. Holden notes that no one from the city was present during the excavation process, as stated in the order of Conditions. The property owner Michael Haikal provided photos documenting multiple stages of the infiltration system installation.. Despite the oversight, Holden recommends issuing the Certificate of Compliance for the property.

Chair Voorhis raised a question about the lack of communication regarding contacting Agent Holden for the excavation. Scott Faria stated that he assumes responsibility for the oversight and assured that it won't happen again. Chair Voorhis acknowledged the photographic documentation and concluded the discussion.

**A motion was made (Biechler) and seconded (Curtis) to issue a complete Certificate of Compliance for 0 Pleasant Street. Motion passed by unanimous vote.**

### ***4. Notice of Intent***

***Property: 45 Industrial Boulevard***

***Project: Commercial Addition***

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

Abutter notifications and a DEP file number were verified for this application. Agent Holden read technical comments from DEP that accompanied the file number regarding stormwater concerns and wellheads. Scott Faria with J.K Holmgren Engineering presented a Notice of Intent application for 45 Industrial Boulevard involving the expansion of an existing building recently acquired by Bay State Linen. According to Mr. Faria the proposed addition is 70,000 square feet, with additional paving,

loading docks, and an extended driveway. The site is in an industrial area, surrounded by other industrial buildings.

Mr Faria explained that the parking lot runoff will be directed through a detention basin, and sediment forebays and stone swales will be utilized. A wetland area associated with the Salisbury River and a flood zone are present on the property. Agent Holden recommended sending the project to BETA for review, especially focusing on stormwater considerations and ensuring that calculations align with site needs.

Commissioner Curtis raised questions about the proximity to the Salisbury River, the potential for flooding, and how snow removal /storage will be managed. Mr. Faria addressed these concerns, emphasizing that the project is designed to minimize environmental impact, and snow storage areas will be indicated in the upcoming detailed plans.

**A motion was made (Curtis) and seconded (Biechler) to refer to BETA & to continue the hearing for 45 Industrial Boulevard to the March 20th, 2024 meeting. Motion passed by unanimous vote.**

### ***5. Notice of Intent***

***Property: 19 Otis Street***

***Project: Court Ordered Remediation***

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

Abutters notification and DEP file number and were verified.

Scott Faria with J.K Holmgren Engineering presented the Notice of Intent application for 19 Otis Street. According to Mr. Faria, the property owner Jesuino Resende built a masonry wall and a concrete patio along the banks of the Salisbury Brook without the necessary permits. The unpermitted construction crossed the property line of 19 Otis Street onto an adjacent parcel that is owned by the City of Brockton. Following non-compliance with an Enforcement Order, there was a court order for the removal of the wall from city property. The proposed plan involves manual removal of the wall block by block by the owner, followed by the removal of the concrete patio. Once this is done, the site will be restored to pre-construction grade, and plantings will be added to enhance the area. Mr. Faria Faria acknowledged comments and concerns from Agent Holden and mentioned the need for revisions to address conflicting information between his actual plan and the written restoration plan.

Commissioner Mapp questioned how the river might be protected from the proposed work, and Mr. Faria stated that sediment control measures will be implemented during the removal process. Silt sock will be placed along the river, and methods for slope stabilization, as suggested by Mr. Brad Holmes, will be employed. He emphasized that the area where the work is to be conducted is relatively flat, so the risk of sediment entering the river, and risk to Mr Resende as he works is minimal. Additionally, Mr. Faria addressed the issue of the newly constructed stairs that lead down into the brook. He clarified that the removal of these stairs will also be part of the overall restoration process.

### ***Public Comment***

*Jesuino Resende (19 Otis Street)*, owner affirms to the Commission that he will work towards compliance.

**A motion was made (Curtis) and seconded (Biechler) to continue the hearing for 19 Otis Street to the March 20th, 2024 meeting. Motion passed by unanimous vote.**

### ***6. Request for Determination of Applicability***

***Property: 180 Court Street***

***Project: Chiller Replacement***

***Representative: Vanasse Hangen Brustlin, Inc.***

Jocelyn Gambone from VHB, Inc presents the RDA application for 180 Court Street. Per Gambone, the project involves the removal and replacement of existing chiller equipment on the Verizon site on Court St. The existing concrete pad and sumps will remain in place, one filled with concrete and no ground disturbance is anticipated. The proposed work is designed to be above the 100-year flood elevation , with measures taken to ensure that the project minimizes impacts.

Chair Voorhis inquired about the functionality of the existing sumps and Ms. Gambone explained that the sumps are part of a separate, isolated system used for the cooling process and are not directly connected to groundwater or runoff. Brian Peno from Canon Design, the architect on the project, explained that the size of the cooling tower to the west is similar to the unit it is replacing, while the comparison for the air-cooled condensing unit is larger. The filling of that sump/ base is primarily to cap it and prevent water from getting in.

Commissioner Curtis asked if the filling of the base is intended to support the weight of the new unit, and Brian clarified that it is not for weight support but rather to prevent water intrusion. Chair Voorhis raised concerns about potential leaks of chemicals from the cooling towers. Peno assures that these sumps are watertight, minimizing the risk of any chemical leakage.

Agent Holden recommended that the Commission consider issuing a Negative 3 determination, to include the requirement for erosion controls in the area of the fence when it is moved.

**A motion was made (Biechler) and seconded (Green) to close the hearing for 180 Court Street. Motion passed by unanimous vote.**

**A motion was made (Green) and seconded (Biechler) to issue a Negative 3 Determination for 180 Court Street, with the stipulation to add erosion control barriers during removal and replacement of the fence. Motion passed by unanimous vote.**

**CURRENT FILINGS**

***7. ANRAD***

***Property: 549 Copeland Street***

***Project: Resource Delineation***

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

BETA Representative Elyse Tripp provided an update on the ANRAD at 549 Copeland, stating that a meeting was held in early February to discuss plans and finalize details. The conclusion was that there is sufficient information for The Commission to issue an Order of Resource Area Delineation (ORAD). However, Tripp highlighted some clarifications:

1. Only Bordering Vegetated Wetland (BVW) boundaries are sought for approval.
2. Other resource areas on the site are not part of the current ORAD approval.
3. Buffer zones were recognized associated with off-site resource areas that activity on this site may affect.
4. The classification of on-site streams as perennial or intermittent is not confirmed in this ORAD.
5. Wetland flags located outside the city or on private property are not approved under this ORAD.

Scott Faria expressed agreement with these recommendations.

## ***Public Comment***

*Katie Barnacle*, representing an abutter, expresses satisfaction with BETA's thorough review of the ANRAD and has no further comments.

**A motion was made (Curtis) and seconded (Biechler) to close the public hearing for the 549 Copeland Street ANRAD. Commissioner Green abstained, The motion passed 4-0.**

**A motion was made (Curtis) and seconded (Biechler) to issue an ORAD, with stipulations stated in BETA'S February 15th report for 549 Copeland Street. Commissioner Green abstained, The motion passed 4-0.**

## **VIOLATION DISCUSSION**

### ***13. 26 Allen Street***

Agent Holden provided an update on the property at 26 Allen Street regarding violation notices issued previously. According to Mr. Holden, a company was hired to clean the lot as requested but the work was not completely done. Cynthia Sarophilus, representing the property owner, agreed to address the remaining work, but due to recent snowfall, it was challenging to assess the site's condition. Mr. Holden had sent a follow-up letter last month and invited Tsarhopoulos to attend this meeting to demonstrate compliance. However, there has been no response from her. Agent Holden is aware of other properties owned by the same owner that are not in compliance with city health code violations, so he plans to refer the matter to the law department for further action. He will keep the commission informed of any developments.

## **ENFORCEMENT ORDER**

### **14. 1507 Main Street**

Agent Holden provided an update on Enforcement Orders issued to 1507 Main Street. The Enforcement Order was issued in the summer, and communication has been ongoing with the property owner of 1507 Main Street. The property owner spoke to the Commission and agreed to carry out the required restoration work, but there has been no progress or communication for months. Holden sent a follow-up letter requesting their attendance at the meeting to provide an update, but they are not present to address the Commission. Agent Holden plans to send another letter requesting a restoration plan be presented to the Commission at their March 2024 meeting.

### **15. 57 River Street**

Agent Holden provided an update on the Enforcement Order issued to 57 River Street for illegal dumping within the flood zone. This property owner has received multiple Enforcement Orders over multiple years. Mr. Holden sent a certified letter requesting their attendance at the meeting, but they are not present to address the Commission. Holden mentioned that he will send another letter requesting a remediation plan be presented to the Commission at their April 2024 meeting.

### **16 & 17. 28 Howard Square and 24 Howard Square**

Agent Holden provided updates on Enforcement Orders issued to 28 Howard Square and 24 Howard Square. Holden sent certified mail requesting compliance/attendance at this meeting, but the property owners are absent. The orders mandate cleaning up the riverfront area, emphasizing no restoration plan is needed, just the removal of trash. Holden noted that health inspectors also cited these properties for

similar violations. Due to non-compliance and the severity of the breach, Holden plans to expedite legal actions, coordinating with the city's legal team. Chair Voorhis asked about city-owned riverfront property, and Holden clarifies the scattered ownership of parcels throughout the City.

### **NOT ON AGENDA**

#### **Eversource Southland Terrace - Natural Gas Main Replacement**

Holden discussed a utility work notice from Eversource at Southland Terrace, deeming it an exempt activity if standard practices are followed. The file contains all documents from Eversource for the review of the Commission, Agent Holden concluded by stating that, in his review, this does not necessitate any additional filing.

**A Motion was made (Curtis) and seconded (Green) to adjourn the meeting.**