



Robert F. Sullivan  
Mayor

# CITY OF BROCKTON

DEPARTMENT OF PLANNING AND ECONOMIC DEVELOPMENT

Planning Board

Historical Commission

Conservation Commission

Robert May, CEcD  
Director

## MINUTES

DECEMBER 13, 2023 – 6:30 PM

Chair Joyce Voorhis called the December 13, 2023 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, Ruby Clay, Shareefah Mapp, Lily Green, and Joyce Voorhis - Chair. BETA Representative Elyse Tripp, Administrators Rhode Germain & Isaiah Thelwell, and Agent Kyle Holden were also present

**NOTE - Agenda Items **Continued** to the **January 17th, 2024** Meeting:**

#### **4. ANRAD**

***Property: 549 Copeland Street***

***Project: Resource Delineation***

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

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

***Property: 10 Peckham Avenue***

***Project: Residential construction***

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

#### **6. Notice of Intent**

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

***Project: Contractor building construction***

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

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

***Property: 511 Thatcher Street***

***Project: Solar canopy Construction***

***Representative: Farland Corp.***

## **9.ANRAD**

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

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

**Representative: W Engineering**

## **12. Notice of Intent**

**Property: 137 Perkins Avenue**

**Project: Storage facility renovation**

**Representative: J.K Holmgren Engineering**

## **COMMISSION MATTER**

### **1. Acceptance of November 15th, 2023 Minutes**

**A motion was made (Curtis) and seconded (Biechler) to accept the November 15th, 2023 minutes. Motion passed by unanimous vote.**

## **NEW FILINGS**

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

**Property: 10 Churchill Avenue Extension**

**Project: Residential accessory structure construction**

**Representative: Curley & Hansen**

Prior to opening the hearing, the DEP File number and notification of abutters were verified. Bill Self with Curley & Hansen presented the Notice of Intent application for a shed to be built at the rear of a single-family home at 10 Churchill Avenue Extension. The applicant has received approval from the Board of Appeals, as it would be the third accessory structure on the lot, in addition to a storage shed and a pool. According to Mr. Self, the proposed shed's location was carefully chosen to avoid interfering with the functionality of the pool area. The designated spot for the proposed 16 foot by 24 foot shed is an already cleared area, eliminating the need to remove any trees within the 50 foot zone of BVW. According to the applicant, the purpose of the shed is primarily for storage and utility, and it was emphasized that the location was chosen to complement the overall layout of the property without disrupting the existing landscape or wetlands.

Agent Holden discussed concerns raised by MassDEP regarding the Wetland on the north side of the property. As part of the application process, a wetland delineation was performed and two wetland areas were identified, one classified as "Bordering Vegetated Wetland" and the other as "Isolated Vegetated Wetland". MassDEP questioned the isolated status of the latter, potentially affecting its jurisdictional status. To address this, a new map was introduced, referring to the "Isolated" Wetland as Wetland Series A, with a note indicating that its jurisdictional status has not been conclusively determined. A commitment was made to conduct a full delineation and determination of isolated status in the future if work is planned within in the vicinity of Wetland A. Andrew Poyant, Circuit Rider from MassDEP expressed approval of this approach, and the Commission asked Agent Holden to include the proposed delineation requirement as a Special Order in the Order of Conditions.

There was some discussion about the proximity of the proposed building to the 25-foot no touch zone and the potential for stormwater drainage into the resource area from the roof, Buffer Zones, and chemical/pesticide storage.

Following discussion, Agent Holden read the following Special Conditions to be added to the Standard Conditions for the Notice of Intent Application at 10 Churchill Ave Ext. in Brockton:

1. Any additional development in the area of Wetland Series A will require further delineation to conclusively determine its jurisdictional status.
2. Stockpiling of materials will be kept outside of the 50 foot buffer zones of both Wetland areas
3. A crushed stone drainage perimeter will be placed around the base of the entire shed in order to provide for stormwater infiltration
4. Herbicides and Pesticides will not be stored in this shed
5. Gasoline powered motor vehicles will not be stored in this shed

Commissioners were in agreement that the list was adequate, and Commissioners Clay and Biechler expressed that enough information was available to make a determination without continuing to the next meeting.

There were no abutters or other members of the public present for comment.

**A motion was made (Curtis) and seconded (Biechler) to close the Notice of Intent hearing for 10 Churchill Avenue Extension. Motion passed by unanimous vote.**

**A motion was made (Curtis) and seconded (Biechler) to issue an Order of Conditions with Standard Conditions, in addition to the Special Conditions read by Agent Holden and included in the Agent's Report for 10 Churchill Avenue Extension. Motion passed by unanimous vote.**

### ***3. Request for Extension***

***Project: Whitman 20-inch sewer force main replacement***

***Representative: Environmental Partners***

Andrew Grota, a project manager with Environmental Partners Group, provided an update on the Force Main Replacement Project on behalf of the Town of Whitman. The project involved the replacement of a 16-20 inch force main that runs from Whitman into Brockton, conveying a significant portion of sewage waterflow. The replacement was initiated due to a rupture in 2016-2017.

The project was granted an Order of Conditions from the Commission in December 2020, and construction commenced in late 2021. The force main work was completed, and is in use by the Town of Whitman. Currently, the contractor is addressing a punch list and finalizing cleanup and restoration activities. The applicant seeks a 3-year extension to address remaining punch list items, confirm wetland restoration, and complete biannual monitoring reports, given the approaching end of the original three-year order of conditions. The extension request, if granted, will provide additional time for project completion and compliance with conditions, ensuring the wetlands' full restoration and continued reporting to the Commission.

Agent Holden recommended that the three year extension be granted.

**A motion was made (Curtis) and seconded (Biechler) to grant the 3 year extension request to the Order of Conditions for the Whitman 20-inch sewer force main replacement. Motion passed by unanimous vote.**

## CURRENT FILINGS

### **7. ANRAD**

**Property: 339 Quincy Street (Parcel ID:156-477)**

**Project: Resource delineation**

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

Scott Faria of Holmgren Engineering presented the ANRAD application for a Resource Delineation for a 14 acre site at 339 Quincy Street. According to Mr Faria, the project involves a Wetlands delineation on a vacant parcel on Quincy Street. After a review and site visit by BETA on October 31st 2023, adjustments were made to the Wetlands line. Revised plans were submitted to address BETA's comments, and the project team and BETA now agree on the Wetlands line, and the applicant requests approval of the changes. Agent Holden displayed the map of the area. Elyse Tripp of BETA stated that this ANRAD identifies only the BVW boundaries of the site, and stated that other resource areas within the BVW are present. Agent Holden reiterated that as development plans are formulated, these additional resource areas may require additional delineation and clarification.

#### *Public Comment*

*Barbara Lindsey* - Barbara Lindsey an abutter on Quincy Street expressed concerns about the proposed project, as it involves a pipe going through her property, under her backyard and driveway, which handles runoff water from the 14-acre area. She mentioned that on rainy days, the water comes through her backyard, down the driveway, and the 12-inch pipe can't handle it effectively. The water then runs towards a storm drain at the end of her driveway. She emphasized that her property is at a lower elevation than the 14-acre area, and her primary concern is the potential impact on her property during heavy rainfall. She indicated that she might need to join the discussion at a later point as more details about development of the site become available.

**A motion was made (Curtis) and seconded (Biechler) to close the hearing for 339 Quincy Street. The motion was passed, Commissioner Green abstained.**

**A motion was made (Curtis) and seconded (Biechler) to issue an Order of Resource Area Delineation for the BVW Boundary on 339 Quincy Street. Commissioner Green abstained.**

### **10. RDA**

**Property: 51 Parkview Lane**

**Project: Tree removal**

**Representative: Lauren Duarte**

Lauren Duarte, owner of 51 Parkview Lane, provided an update on the three trees on her property from the previous meeting, mentioning that she had an arborist assess the three trees on her property. The arborist's recommendations aligned with those of Agent Holden. Specifically, the White Oak was deemed healthy and not considered a significant risk for falling, while the other two trees were recommended for removal. Lauren shared that the arborist didn't provide a written report as the recommendations were consistent with Agent Holden's assessment. She requested permission to proceed with the removal of the two trees recommended for cutting down. The recommendation for removal applies to the White Pine and the Hickory Tree. Agent Holden and Lauren Duarte agreed that this action is appropriate.

**A motion was made (Curtis) and seconded (Biechler) to allow for the removal of the White Pine and Hickory trees with the White Oak tree to remain in place near the 51 Parkview Lane property. The motion passed by unanimous vote.**

***11.RDA***

***1 Massasoit Boulevard (Parcel ID: 140-005)***

***Project: Removal and replacement of fuel tank system***

***Applicant: Massasoit Community College***

Agent Holden, Chair Voorhis, and Commissioner Green had met with Bill Maher, applicant representative. After the site visit, DEP was contacted with questions about stormwater drainage into a resource area from the parking lot where construction would be occurring, due to state and local stormwater standards. Bill Maher, representing the project, announced that they would like to withdraw the Request for Determination of Applicability filing without prejudice. He clarified that, at this time, the replacement project will not proceed.

No action was required of the Commission.

***13. Project Notification: Eversource - Malvern Road***

Agent Holden provided information on notification of a gas main replacement project on Malvern Road. The project involves replacing a natural gas pipe, and it falls within a floodplain area. Holden shared a map showing the location of the gas main replacement and highlighted the floodplain. He explained that the project is within performance standards for public utilities and suggested that filing an RDA is not necessary given their compliance with best management practices. The utility will dig, replace pipe and refill on the same day in each area, so no open holes will be left and environmental impact will be minimized.

***VIOLATION DISCUSSION***

***14. 26 Allen Street***

Agent Holden provided an update on a property with a trash dumping and accumulation issue near Salisbury Brook in downtown Brockton. The property owner's daughter has shared an invoice for a company hired to remove the trash, and they have started the cleanup work. The plan is to reassess the site in January to determine if it has been satisfactorily cleaned. If the cleanup is successful, the issue can be resolved; otherwise, the Commission resolved to proceed with the issuance of an Enforcement Order at that time.

**A MOTION WAS MADE (Curtis) AND SECONDED (Green) TO ADJOURN THE MEETING. THE MOTION PASSED BY UNANIMOUS VOTE.**