



Robert F. Sullivan
Mayor

CITY OF BROCKTON

DEPARTMENT OF PLANNING AND ECONOMIC DEVELOPMENT

Planning Board

Historical Commission

Conservation Commission

Robert May, CEcD
Director

MINUTES

APRIL 17TH, 2024 – 6:30 PM

Vice Chair Ruby Clay called the April 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:

Peggy Curtis, Shareefah Mapp, Lily Green, and Ruby Clay - Vice Chair. BETA Representative Elyse Tripp, Administrator Rhode Germain and Agent Kyle Holden were also present.

NOTE - Agenda Items **Continued to the **May 15th, 2024** Meeting:**

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

9. Notice of Intent

Property: 155 Winthrop Street

Project: Remediation

Representative: Pinebrook Consulting

10. Notice of Intent

Property: 45 Industrial Boulevard

Project: Commercial Addition

Representative: J.K. Holmgren Engineering

Agent Holden made a correction to the status of 45 Industrial Boulevard as posted on the April 17, 2024 agenda. The status of the project should correctly read: Waiting on applicant response to BETA Peer Review Dated 3/29/24.

11. Notice of Intent

Property: 19 Otis Street

Project: Court Ordered Remediation

Representative: J.K. Holmgren Engineering

12. Notice of Intent

Property: 82 Ames Street

Project: Parking Lot Construction and Riverfront Restoration

Representative: River Hawk Environmental, LLC

NOTE - Agenda Items Continued to the June 19th, 2024 Meeting:

13. Notice of Intent

Property: 0 East Ashland Street Lot A (Parcel ID: 161-023)

Project: Duplex Construction

Representative: J.K. Holmgren Engineering

14. Notice of Intent

Property: 0 East Ashland Street Lot B (Parcel ID: 161-023)

Project: Duplex Construction

Representative: J.K. Holmgren Engineering

COMMISSION MATTER

1. Acceptance of March 20th, 2024 Minutes

A motion was made (Curtis) and seconded (Mapp) to accept the March 20th, 2024 minutes. Motion passed by unanimous vote.

2. Conservation Commission Filing Information and Regulations

Agent Kyle Holden discussed revisions to the Conservation Commission filing information and regulations document. The revisions include new language outlining the process for securing consultants in the future. This addition was made at the request of Planning Director Rob May. The new text is highlighted in red for review and will be finalized in plain black text once approved. The language was adapted from the Planning Board's document with minor changes to reflect the Conservation Commission's procedures.

A motion was made (Curtis) and seconded (Green) to accept the updated Conservation Commission Filing Information and Regulations dated April 2024. Motion passed by unanimous vote.

NEW FILINGS

3. Notice of Intent

Property: 20 Oak Hill Way, 0 Oak Hill Way, 119 Sargents Way

Project: Eversource Brockton Gate Station Modernization Project

Representative: SWCA Environmental Consultants

Abutter notification and DEP file number were verified for this project. Polina Safran with Eversource Energy presented the Brockton Gate Station Project Notice of Intent application. Per Safran, the project encompasses three primary components. First, the project involves enhancing the existing regulator building by installing instrument panels and a canopy on its southern side. Secondly, it involves the installation of a generator and communications building, necessitating the removal of existing paved surfaces, excavation, and the construction of concrete pads for the generator and communications infrastructure. Thirdly, placing electrical conduit and a fuel gas line underground to connect the new generator and communications building to the existing systems, utilizing the open trench direct-buried method. The project spans three adjoining parcels and portions of the project lay within the hundred foot buffer zone to Bordering Vegetated Wetland, with minimal impact on the locally regulated 25-foot buffer zone, and no disturbance to other resource areas. Per Safran, the project design emphasizes minimizing environmental impacts, with no alterations to wetlands or changes in grade, and a total reduction in impervious surfaces on-site, aimed at improving water runoff. The project incorporates best management practices and environmental compliance inspections throughout its duration.

Agent Holden provided additional context and addressed administrative matters regarding the project. Firstly, he discussed the applicant's request for a waiver from a local filing requirement related to providing a municipal lien certificate due to uncertainty regarding the disclosure of property information involving multiple parcel owners. Mr. Holden suggested that the Commission consider waiving this requirement. Secondly, he mentioned technical comments from the Massachusetts Department of Environmental Protection (Mass DEP) regarding stormwater documentation. Agent Holden highlighted a gray area regarding the necessity of a stormwater report and suggested that the Commission may issue an Order of Conditions based on the stormwater management practices outlined in the application. However, he noted the possibility of Mass DEP reviewing the project and issuing a superseding Order of Conditions if deemed necessary. Lastly, the Agent outlined special conditions to be included in the Order of Conditions, such as erosion control measures and providing contact information for the environmental monitor.

BETA Scientist Elyse Tripp added to the discussion by highlighting the distinction between a stormwater narrative provided by the applicant and a full stormwater report typically required for projects. She mentioned that while a full stormwater report may not be necessary for a project like this, the Mass DEP may expect a stormwater checklist certified by a professional engineer. Ms. Tripp emphasized the importance of adhering to legal requirements, particularly regarding the checklist accompanying the stormwater standards. She suggests that the decision on whether to require an engineer signed checklist is within the Commission's discretion.

Polina Safran provided context on the stormwater requirements for the project. She emphasized that the work being proposed is minor and involves a reduction of impervious surfaces without altering the topography. Ms. Safran explained that while they addressed the stormwater standards in the narrative provided, hiring an engineer to conduct detailed calculations for a stormwater report seems excessive for this minor activity. She mentioned that MassDEP would ultimately defer the decision to the Commission regarding the requirement of a stormwater report. Vice-Chair Clay asked for clarification on whether obtaining a checklist signed by a professional engineer would suffice, to which Tripp explains that the checklist typically accompanies the stormwater standards and is certified by an engineer.

A motion was made (Mapp) and seconded (Curtis) to issue an Order of Conditions for 20 Oak Hill Way, 0 Oak Hill Way, 119 Sargents Way with the special conditions outlined in the Agents Report. Motion passed by unanimous vote.

4. Extension Request

Property: 159 Torrey Street

Project: Solar Array Project

Representative: Nextgrid, Inc

Michael Pattison with Nextgrid, Inc presented the Extension Request application for 159 Torrey Street. Mr. Pattison requested an extension for the original Order of Conditions approved in May 2021. He explained that unforeseen delays in the approval process for their electrical interconnection and issues with National Grid have prevented them from commencing construction, leading to the imminent expiration of their Order of Conditions.

Per Mr. Pattison, the property is in an R1C zoning district and consists of a recently vacated 6-acre farm area with a sewer easement on the eastern side and a material and soil storage area on the southern side. The solar array is described as a 1,029 kilowatt DC, 498 kilowatt AC ground-mounted system with 1,872 solar panels and a 415 kilowatt, 1,600 kilowatt-hour DC-coupled battery energy storage system. Mr. Pattison pointed out the location of two concrete pads for the battery system and other electrical equipment, as well as a 20-foot wide gravel access road and maintenance access areas. He noted that construction access will occur during the winter months to avoid disrupting the golf season and that all construction vehicles will access the site through the golf cart path off of West St.. Mr. Pattison also mentioned the presence of wetlands surrounding the property and explained the proposed utility connection route from West Street. He addressed questions from Commission members regarding the existing berm, the process of mounting the solar arrays, how the electricity will be directed via underground conduit along the perimeter to the utility connection point and grading considerations, providing details about the installation methods and minimizing disturbance to the area.

A motion was made (Curtis) and seconded (Green) to issue a 3 year extension to the Solar Array project for 159 Torrey Street. Motion passed by unanimous vote.

7. ANRAD

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

Project: Bordering Vegetated Wetlands & Riverfront Delineation

Representative: W Engineering

Evan Watson with W Engineering presented the ANRAD application for 0 Toby Road. According to Mr. Watson, the property consists of two parcels, with the front parcel having no resource areas and the back parcel containing several resource areas including Bordering Vegetated Wetland series A, B, C, and D and Bank series BF. Watson discussed revisions made to the plan based on feedback from BETA. These revisions include showing off-property flags in grayscale, omitting delineation of off-property features like ditches, and noting the presence of small ephemeral flows and potential vernal pools within the delineated resource areas.

Agent Holden provided additional information, noting that BETA generally agrees with the submitted ANRAD delineations with a few additional findings to be included in the Order of Resource Area Delineation. BETA scientist Ms. Tripp mentions that while the isolated wetland observed on-site is not jurisdictional under the Wetlands Protection Act it is considered a jurisdictional Water of the Commonwealth under the Massachusetts Clean Water Act or Section 401.

Public Comment

Councillor Jack Lally -

Councillor Jack Lally expressed gratitude to the Conservation Agent and Commission for their diligence and effort. He acknowledged that while the project is not proceeding for now, he appreciates the opportunity for neighbors to voice their concerns and provide input. Mr. Lally noted that the applicant's lawyer has agreed to contact him before any plans are proposed and has agreed to a meeting with the neighbors to hear their concerns, demonstrating a willingness to engage with the community.

A motion was made (Green) and seconded (Curtis) to close the hearing for 0 Toby Road. Motion passed by unanimous vote.

A motion was made (Curtis) and seconded (Mapp) to issue an Order of Resource Area Delineation including conditions in Agents Report for 0 Toby Road. Motion passed by unanimous vote.

ENFORCEMENT ORDERS

15. 1507 Main Street

Agent Holden provided an update on the situation regarding the Brewsters ambulance property. Recently, Brewsters Ambulance representatives intervened to prevent the neighbor from taking further unauthorized actions, emphasizing the need for a proper restoration process. The neighbor has been put in touch with the experts who conducted the initial environmental evaluation, and plans are underway to develop a restoration plan. Progress is being made, and there's hope for further developments in the coming months.

16. 57 River Street

Agent Holden provided an update on the property at 57 River Street. Despite previous interest expressed by the property owner, Bruce Cardoso, in working with the Commission, there has been no further contact from him since August 2023. Mr. Holden has made multiple attempts to reach out to Mr. Cardoso but has received no response. Following advice from the City's Law department, Holden issued one final letter 10 business days ago, stating that failure to attend the meeting would result in the matter being referred to the Law Department. With no representation from the property owner at the meeting, Agent Holden plans to refer the issue to the Law Department tomorrow.

17. 28 Howard Square

Agent Holden updated the Commission on the property at 28 Howard Square, which previously had a significant amount of trash and debris in the river area behind the home. Some progress has been made in removing the trash, but concerns remain about safety, especially for children in the area. Currently, there's a wooden stockpile fence along the waterway, which is not permissible. There was discussion about potentially going through a permitting process to build a proper fence away from the waterfront for safety purposes. However, attempts to contact the primary resident have been unsuccessful since March 15th. Mr. Holden plans to continue trying to make contact over the next month and explore other avenues if necessary.

A Motion was made (Curtis) and seconded (Clay) to adjourn the meeting. Motion was passed unanimously.