



Robert F. Sullivan
Mayor

CITY OF BROCKTON

DEPARTMENT OF PLANNING AND ECONOMIC DEVELOPMENT

Planning Board

Historical Commission

Conservation Commission

Robert May, CEcD
Director

MINUTES

MAY 15th, 2024 – 6:30 PM

Chair Joyce Voorhis called the May 15th, 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, Ruby Clay - Vice Chair, and Joyce Voorhis - Chair. BETA Representative Elyse Tripp, Administrator Rhode Germain, Administrator Isaiah Thelwell and Conservation Agent Kyle Holden were also present.

NOTE - Agenda Items **Continued to the **June 26th, 2024 Meeting**:**

6. Notice of Intent

Property: 166 East Ashland Street

Project: Contractor Building Construction

Representative: J.K. Holmgren Engineering

7. Notice of Intent

Property: 511 Thatcher Street

Project: Solar Canopy Construction

Representative: Farland Corp.

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

12. Notice of Intent

Property: 82 Ames Street

Project: Parking Lot Construction and Riverfront Restoration

Representative: River Hawk Environmental, LLC

COMMISSION MATTER

1. Acceptance of April 17th, 2024 Minutes

A motion was made (Curtis) and seconded (Clay) to accept the April 17th, 2024 minutes.

Motion passed by unanimous vote.

NEW FILINGS

2. Notice of Intent

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

Project: Subdivision Roadway Construction

Representative: J.K. Holmgren Engineering, LLC

The Agent confirmed that abutter notifications had been properly sent and that MassDEP had not yet issued a DEP File number for this project.

Scott Faria with J.K Holmgren Engineering presented the Notice of Intent for 339 Quincy Street on behalf of CLM Development. Per Faria the project includes 18 lots split between two sections: Austin Court off Quincy Street and Debbie Road Extension, both ending in cul-de-sacs. The plan also features drainage systems directing runoff into detention basins to manage water flow and minimize impact on neighboring properties. A key aspect of the project is constructing an earth berm to prevent overland water flow onto adjacent properties, directing it instead into the drainage systems. Additionally, there's a proposed water and sewer line crossing a wetland to improve fire protection and water quality by creating a looped system. Concerns were raised about the proximity of retention basins to buffer zones and the rationale behind the utility crossing, which was clarified as necessary for better water pressure and fire safety. Mr. Faria emphasized that the work will respect existing topography, particularly near the wetland areas.

Commissioner Curtis raised concerns about the longevity and maintenance of an earth berm, questioning what would happen if it eroded over time. Mr. Faria assured that the berm, being a topographic feature, would be stable and not expected to erode due to its sloped design and vegetation coverage. Chair Voorhis inquired about the berm's slope direction to ensure it would not affect neighboring properties, to which Mr. Faria confirmed it would slope back toward the property. Commissioner Curtis also noted that lots 8 and 9 were in a 25-foot buffer zone, expressing concerns about construction impacts and the homeowners' responsibilities. Mr. Faria explained that the house constructions were for discussion purposes and would require individual Notice of Intent filings for lots 8 and 9. Chair Voorhis asked why there were no indications of driveways on the plans, in order to evaluate the extent of impermeable surfaces for the subdivision, Mr. Faria stated that they could certainly be added to the plans. Ms. Curtis questioned the layout of the new road, suggesting an angle change to reduce impact on the buffer zones. Mr. Faria explained that the constraints were due to existing private properties and the need for safe road

designs according to zoning subdivision regulations, which require minimum curve radius for fire truck access. These limit the options for road placement.

Public Comment

Barbara Lindsey -116 Gloucester Street

Barbara Lindsey, an abutter, mentioned that she spoke with Mr. Faria about the plans but still has concerns. Specifically, she is worried about a 12-inch pipe that runs through her property via a city easement, which has been unable to handle water adequately for the past six months. This has resulted in water overflowing onto her property. Ms. Lindsey expressed concerns that the removal of 14 acres of trees and soil for new home construction will worsen the situation, given her property's low elevation relative to surrounding areas like Quincy Street and Irene Circle. She explained that the water from these areas already flows toward her property, and the current pipe is insufficient to handle the volume. She highlighted the need for a possible upgrade to a larger pipe to manage the increased water flow, which would involve a significant portion of her land. Mr. Faria confirmed the pipe's location and function, explaining that it handles most runoff from a large wetland area. He discussed how the new construction plans, including roadways and drainage systems, aim to slow down the water flow to mitigate impact on properties like Lindsey's.

A motion was made (Clay) and seconded (Curtis) to refer 339 Quincy Street to the Commission's consultant for review. Motion passed by unanimous vote.

3. Notice of Intent

Property: 1005 Belmont Street

Project: Residential Building Construction

Representative: Joyce Consulting Group, PC

The Agent confirmed that abutter notifications had been properly sent and that MassDEP had not yet issued a DEP File number for this project.

Michael Joyce from Joyce Consulting Group presents the Notice of Intent for 1005 Belmont Street on behalf of Father Bills & Mainspring. According to Mr. Joyce, the proposed project involves constructing a new 31-unit residential building on an existing paved parking lot area, adjacent to an existing Rodeway Apartments building. This project is within the 25-foot "no-touch" Buffer Zone of a Bordering Vegetated Wetland, prompting concerns from the Conservation Commission. While the project aims to reduce the overall impervious area, including in the buffer zone, some Commission members questioned the potential impact on the wetland and adherence to the "no-touch" policy. The project is still under technical review, and further considerations are needed regarding its environmental impact and regulatory compliance.

The hearing primarily focused on the proposed building's positioning relative to wetlands and potential environmental impacts. Concerns were raised regarding the proximity of the building, patios, and stairs to the wetland resource area. Suggestions were made to adjust the building's location to minimize its impact. The idea of increasing the building's height to reduce its footprint was also discussed. Details were provided on the proposed removal of impervious surfaces. Agent Holden recommended revisiting the discussion after a site visit in June to evaluate the feasibility of adjustments, such as adding an extra floor to reduce the building's footprint or repositioning the structure to minimize its impacts and to avoid the 25 foot buffer zone. Overall, the participants aimed to balance housing needs with environmental concerns, zoning regulations, and financial feasibility. Agent Holden and Mr. Joyce agreed to establish a date and time for a site visit for interested commissioners some time in June.

A motion was made (Curtis) and seconded (Clay) to continue 1005 Belmont Street to the June 26th meeting. Motion passed by unanimous vote.

4. Notice of Intent

Property: Newbury Street

Project: Bridge Improvements

Representative: CDM Smith, Inc.

The Agent confirmed that abutter notifications had been properly sent and that MassDEP had not yet issued a DEP File number for this project.

Magdalena Lofstedt from CDM Smith, Inc presented the Notice of Intent for Newbury Street on behalf of the City of Brockton. Ms.Lofstedt presented plans for the Newbury Street Bridge Improvements Project, explaining that the bridge spans over Salisbury Brook near the Ellsworth Street intersection. Ms. Lofstedt introduced Jason Fleetstrau, Design Engineer from CDM Smith to present project details.

The project aims to replace the existing bridge, which was found to have structural issues. Load test results have limited traffic to passenger cars only, and since this bridge will be required for the new public safety building, there is an urgency to resolve any concerns quickly. The proposed replacement will match the existing bridge's dimensions and will include additional drainage improvements to manage stormwater runoff. Precast beams will be used for the superstructure, and construction will be expedited due to the bridge's urgent need for replacement. CDM Smith mentioned the tight right-of-way constraints and the challenge of tying into existing structures upstream and downstream, which restrict the project's footprint. Despite this, they are proposing a slightly more slender superstructure to provide additional clearance and improving flow with a new wing wall downstream to mitigate turbulence and scour at the bridge exit.

Agent Holden recommended that the project be referred to the Commission's consultant for review to ensure compliance with stormwater management standards and stream crossing regulations. Agent Holden suggested expediting the review process to facilitate swift progress on the project.

A motion was made (Curtis) and seconded (Clay) to continue Newbury Street to the June 26th meeting & to refer the project to the Commission's consultant for review. Motion passed by unanimous vote.

5. Amended Order of Conditions

Property: 10 Peckham Avenue

Project: Two-Family Home

Representative: J.K. Holmgren Engineering, LLC

Scott Faria with J.K Holmgren Engineering presents the Amended Order of Conditions for 10 Peckham Avenue. According to Mr. Faria, the project was initially approved as a two-family dwelling with a deck as the second means of egress. Since that time, the building department requires that the deck be enclosed for fire safety reasons. This change from a permeable deck to an impervious enclosure raised concerns about its impact on the drainage system. However, it was determined that the impact would be negligible as the drainage system was initially oversized.

Agent Holden confirmed with BETA that the change would not significantly affect the infiltration system and recommended that the Commission approve the Amended Order of Conditions request. The Agent confirmed that abutter notifications had been properly sent. No public comments were made with regard to this project.

A motion was made (Curtis) and seconded (Clay) to approve the Amended Order of Conditions for 10 Peckham Avenue. Motion passed by unanimous vote.

CURRENT FILINGS

8. Notice of Intent

Property: 137 Perkins Avenue

Project: Storage Facility Renovation

Representative: J.K Holmgren Engineering

Scott Faria with J.K Holmgren Engineering presented the Notice of Intent for 137 Perkins Avenue. Mr. Faria presented a proposal to convert the historic candy factory building into a storage facility with 812 units. The property is located within a 100-year flood zone, necessitating the Commission's review despite no buffer zone impacts. Proposed changes include adding loading docks, stairs, and a subsurface infiltration system to manage stormwater, significantly improving the current situation where runoff is uncontrolled. Chair Voorhis expressed concern about the late submission of a substantial document packet, received the same day as the meeting, emphasizing the need for documents a week in advance for proper review. Agent Holden and BETA Agent Tripp confirmed that BETA's report addressed all necessary conditions. Mr. Faria agreed to a potential delay until the June meeting for thorough document review. Commissioners Clay and Curtis agreed, emphasizing the need for complete information and proper documentation before proceeding. The meeting concluded with a plan to ensure that all necessary documents are reviewed in advance of the June meeting, aiming for a final decision with all conditions understood and met.

A motion was made (Curtis) and seconded (Clay) to continue 137 Perkins Avenue to the June 26th meeting with a final report with all special conditions listed. Motion passed by unanimous vote.

11. Notice of Intent

Property: 19 Otis Street

Project: Court Ordered Remediation

Representative: J.K. Holmgren Engineering

Scott Faria with J.K Holmgren Engineering presented the Notice of Intent for 19 Otis Street on behalf of Jesuino Resende. Mr.Faria provided an update on the project at 19 Otis Street, owned by Mr. Resende, who had constructed a concrete retaining wall and patio on city property and within the Conservation Commission's jurisdiction without prior approval. The plan is to remove the unauthorized structures and restore the area to its original state, with improvements. Mr. Faria outlined the steps taken with the environmental consultant, Brad Holmes, and the ongoing adjustments based on feedback from Agent Holden and others. Agent Holden mentioned a recent conversation with MassDEP, who provided additional technical comments. He assured Mr. Faria that he would communicate these suggestions in detail via email. Both parties expressed optimism about finalizing and approving the restoration plan at the next meeting.

A motion was made (Curtis) and seconded (Clay) to continue 19 Otis Street to the June 26th meeting. Motion passed by unanimous vote.

ENFORCEMENT ORDERS

13. 1507 Main Street

Agent Holden provided an update on the enforcement order for Brewster's Ambulance property, which involved a dispute with a neighbor regarding a parking lot built in a wetland area. He mentioned that Rich Grandel, who is leading the response for Brewster's Ambulance, communicated with him to clarify

a miscommunication between the neighbor and Ecosystem Solutions, the group developing the restoration plan. This issue has been resolved, and they expect to present the restoration plan to The Commission by June. Holden added that Rich Grandel's update has been included in the file for reference.

14. Arthur Estates

Agent Holden provided a detailed update on the Arthur Street project, which has several issues related to erosion control. The Agent explained that this project has two separate Orders of Conditions—one for a road extension and another for lot development. The Agent received a call from a nearby property complaining about flooding coming from the wetland to the north of the Arthur Street development. While investigating the flooding report, Agent Holden inspected the nearby Arthur Street development and found no direct evidence linking the construction to the increased flooding. However, while on Site, the Agent identified three notable problems with the erosion controls on the site.

First, some erosion controls had been driven over and degraded, necessitating repair or replacement. Secondly, erosion controls initially placed over downed trees needed adjustment now that the site had been cleared. Finally, evidence of significant concentrated flow and sheet flow erosion was observed carrying water and sediment from the cleared lots down Arthur Street, contravening the Order of Conditions which mandates that no sediment be transported beyond the Limit of Work.

Holden had communicated these concerns to Jason Kennedy, the primary contact for the project, who disputed the Agent's claims. This led to a Notice of Violation being issued. However, following further discussions and site visits, the project team has begun to address the issues, including installing new erosion controls. One critical point Agent Holden raised was the requirement for an environmental monitor for Lot 2, as specified in the Order of Conditions. Despite previous discussions suggesting this was not yet necessary, the current erosion situation indicates that an environmental monitor should be in place to ensure compliance with erosion control measures and provide regular reports to the Commission. Mr. Holden proposed that the Commission vote to enforce this requirement immediately, even though construction on Lot 2 has not fully started. He plans to inspect the site again following the expected rainfall to assess the effectiveness of the new measures.

Andrew Spath, an owner and site contractor of the Arthur Street project, addressed The Commission regarding the erosion control issues raised by Agent Holden. He clarified several points: First, they have not been on-site since paving since November and are currently working through the lot release process with the city. Regarding erosion control, he explained that the area compacted due to truck parking is outside the 100-foot buffer zone. No erosion control measures are missing, but some were compacted during construction. On the issue of tree removal, Mr. Holden suggested removing a tree within the buffer zone to lay erosion control properly. Mr. Spath agreed to address this once they have machinery on-site, emphasizing that no sediment has bypassed the current erosion controls.

Mr. Spath also contested the claim about sediment running down the street, asserting that there is no evidence of this, especially since they have not been active on-site since November. Erosion control measures were placed at the gate to comply with Holden's concerns. He questioned the necessity and prudence of hiring an environmental monitor for a single-family house lot, particularly as they do not yet have approval to work on Lot 2. He argued that there is no precedent for such a requirement in similar situations within the city. Mr. Spath concluded by affirming that they had addressed the specific erosion control issues highlighted and expressed his stance against the requirement for an environmental monitor at this stage.

Chair Voorhis inquired about the activity status of the site, noting its inactivity since November. Andrew Spath confirms this, explaining that the site was paved on the last day the asphalt plants were open in November, and no work has been done since then. Commissioner Curtis asks if the lot is now cleared, to which Spath replies that trees were removed during the land clearing for the road, which is typical for

subdivision projects. Commissioner Curtis emphasizes the inevitability of erosion once trees are removed, irrespective of human presence. Agent Holden mentions having photos to share with the commission as evidence.

Agent Holden pointed out the limit of work and instances of sedimentation on the pavement, noting that despite cleanup efforts, there is clear evidence of sediment transport beyond the limit of work. He highlighted that erosion is actively occurring on the cleared Lot 2, suggesting the need for an environmental monitor to oversee the situation. Chair Voorhis questioned why the surface was not stabilized after clearing. Agent Holden presents additional photos, showing inadequacies in the erosion control measures, such as improperly installed silt socks. He argued that the approved site plan mandates these controls, even beyond the Commission's jurisdiction, as part of the Order of Conditions. Mr. Spath insisted they are trying their best under challenging circumstances and questions the necessity of an environmental monitor for a single-family lot, noting there have been no complaints from neighbors and emphasizing the project's compliance with requests to enhance erosion controls. Chair Voorhis acknowledged the concerns but underscores the critical importance of erosion control following tree removal, as stated in the Order of Conditions. Despite Mr. Spath's argument that precedent does not typically require an environmental monitor for such projects, Commissioner Curtis reaffirmed that the Order of Conditions explicitly includes this requirement to ensure that erosion control measures are effective, irrespective of ongoing work on the site.

Following a general conclusion that no agreement between the developer and Commission was forthcoming, Agent Holden suggested that the Commission give the developer two weeks to satisfactorily address the erosion control issues and to employ an Environmental Monitor. The commission agreed to the recommendation.

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