



Robert F. Sullivan
Mayor

CITY OF BROCKTON

DEPARTMENT OF PLANNING AND ECONOMIC DEVELOPMENT

Planning Board

Historical Commission

Conservation Commission

Robert May, CEcD
Director

MINUTES

JUNE 26TH 2024 – 6:30 PM

Chair Joyce Voorhis called the June 26th, 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:

Lily Green, Ruby Clay - Vice Chair, and Joyce Voorhis - Chair.

BETA Representative Laura Krause, Administrator Rhode Germain, Administrator Isaiah Thelwell and Conservation Agent Kyle Holden were also present.

NOTE - Agenda Items **Continued to the [07-17-2024 Meeting](#):**

5. Notice of Intent

Property: 166 East Ashland Street

Project: Contractor Building Construction

Representative: J.K. Holmgren Engineering

9. Notice of Intent

Property: 45 Industrial Boulevard

Project: Commercial Addition

Representative: J.K. Holmgren Engineering

14. Notice of Intent

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

Project: Subdivision Roadway Construction

Representative: J.K. Holmgren Engineering

16. Notice of Intent

Property: Newbury Street

Project: Bridge Improvements

Representative: CDM Smith, Inc.

The Following Agenda Item **Continued** to the **08-21-2024 Meeting**:

11 .Notice of Intent

Property: 82 Ames Street

Project: Parking Lot Construction and Riverfront Restoration

Representative: River Hawk Environmental, LLC

COMMISSION MATTER

House-Doctor Contract Expiration

Director of Planning & Economic Development, Rob May, informed the Commission about the impending expiration of the City's contract with their house doctor, BETA Group, on June 30th, 2024. Efforts to secure additional assistance have so far been unsuccessful. An emergency temporary contract is being sought to avoid city operations shutting down. Responses to the RFP are due Friday at noon, after which Commissioners will review and rate any applicants. A new ordinance passed by City Council reshapes how Boards and Commissions hire third-party consultants. Going forward, the Planning Department will maintain a list of pre-qualified service providers. Applications will be sent to these providers, who have ten days to submit a scope of work and fee proposal. The applicant will then choose the service provider. The Commission's role is limited to determining who is pre-qualified. This process applies to the Conservation Commission, Planning Board, Historic District Commission, and the Stormwater Authority. Director May expressed concerns about the efficiency of this new system, as initial attempts to attract multiple consulting firms failed. Current and future projects will adhere to the new guidelines once the ordinance is approved.'

Brockton Department of Public Works Commissioner, Patrick Hill, inquired if the new ordinance mentioned had been finalized, noting that he hadn't seen it in the signed orders. May confirmed it was voted on Monday night, though it might still be pending the Mayor's signature.

1. Acceptance of May 15th, 2024 Minutes

**A motion was made (Clay) and seconded (Green) to accept the May 15th, 2024 minutes.
Motion passed by unanimous vote.**

NEW FILINGS

2. Certificate of Compliance

Property: Easement between Alger Street, Thatcher Street , and Southfield Drive

Project: Whitman 20-inch Force Main Sewer Replacement

Representative: Environmental Partners Group, LLC

Andrew Grota, a project manager with Environmental Partners Group, provided an update on the 20-inch sewer Force Main Replacement Project for the Town of Whitman. This project, which started in late 2020, involved replacing 16,000 feet of pipe that transports sewage from Whitman to Brockton for treatment. The project faced challenges like groundwater issues and a difficult segment under Beaver Brook, which required directional drilling. Despite these difficulties, the project was completed successfully in the Fall of 2023.

Grota mentioned that bi-annual reports have been submitted as required, and the latest report, including final record drawings, was recently provided. Grota requested a Certificate of Compliance, acknowledging the need for some final clean-up tasks, such as removing erosion controls and sediment piles. The contractor is still under contract with Environmental Partners Group and will complete these

tasks.

Agent Holden presented his agent report to the Commission, stating that while the majority of the work on the 20-inch sewer force main replacement project was completed, some construction materials remained on-site. Additionally, the newly seeded vegetation had not yet fully established. Due to these issues, he recommended denying the Certificate of Compliance for now to ensure the Town of Whitman follows through on the necessary final tasks. Andrew Grota acknowledged the remaining tasks, including removing materials and ensuring vegetation growth.

Vice-Chair Ruby Clay agreed with Holden's recommendation, emphasizing the importance of ensuring all work meets the current conditions and that all excess materials and erosion controls are removed before issuing the certificate. Lily Green also concurred, stressing the need for all materials to be removed and for vegetation to be properly established before moving forward.

Public Comment

Scott Daggett - Farland Corp

Scott Daggett, Senior Project Manager at Farland Corp, inquired about the sewer line that crosses through 511 Thatcher Street, the site of an auto salvage yard, where a solar project is planned. He expressed the need for as-built information to ensure no issues arise with underground sewer lines when installing piles for solar canopies. Chair Voorhis suggested he coordinate with Agent Holden for this information. Daggett confirmed he would reach out to Holden the next day, and Voorhis noted that the solar project was on the agenda for that night's meeting.

A motion was made (Clay) and seconded (Green) to deny the request for the Certificate of Compliance for the Whitman 20 Inch Force main sewer replacement. Motion passed by unanimous vote.

3. Notice of Intent

Property: Warren Avenue between Spring Street and Belmont Street

Project: Warren Avenue Two Way Conversion Project

Representative: CDM Smith, Inc.

Lisa Sherman from CDM Smith, Inc presented a Notice of Intent for the Warren Avenue 2-Way Conversion Project on behalf of the City of Brockton. Agent Holden confirmed that the DEP file number was issued with no technical comments and abutters were notified. Sherman, presenting on behalf of the Department of Public Works, explained that the project aims to convert Warren Avenue from one-way to two-way traffic to support the Public Safety Building. The project involves new traffic signals, roadway and sidewalk reconstruction, and new pavement markings and signs. Sherman detailed the work within the 25-foot no-touch and Riverfront Areas and the 100-foot Buffer Zone along Salisbury Brook. The project includes milling and overlaying pavement, with limited sidewalk work, to avoid significant impacts on the environment. Sherman clarified that "milling" refers to grinding the pavement surface before overlaying new pavement.

Chair Voorhis and Sherman confirmed that Warren Avenue is currently one-way southbound, and the Public Safety Building will be located between West Elm Street and Highland Street on Warren Avenue, near the old Keith School property. The scope of the project includes traffic signal upgrades and pavement reconstruction.

Agent Holden emphasized the need for a Stormwater peer review and recommended the Commission vote to refer this aspect to a third-party consultant. Chair Voorhis raised a question about erosion control and sedimentation plans, which Sherman agreed to address. Commissioners expressed support for

following city consultant procurement procedures.

Department of Public Works Commissioner Patrick Hill expressed urgency in moving forward with the project to enable the City to occupy the Public Safety Building. He emphasized that further delays could occur if approvals or paths forward aren't determined soon. Hill suggested the possibility of funding an independent peer review to expedite the process, given concerns about potential delays until September or October if the ordinance process stagnates. Holden clarified that due to recent developments with the ordinance and procedural uncertainties, they couldn't refer the project to BETA that evening. He acknowledged the need to explore options and promised to communicate further after the meeting. Chair Voorhis supported the discussion, agreeing that finding a solution to keep the project on track is crucial.

Vice-Chair Ruby Clay sought clarification on the next steps if they vote for a peer review, asking if Holden could proceed with finalizing feedback on the ordinance and working with Hill without requiring another Commission meeting. Holden indicated that such a vote would provide sufficient authority to move forward administratively once details are clarified.

A motion was made (Clay) and seconded (Green) to continue the Warren Avenue Two-way Conversion Project to the July 17th meeting and refer the project for a Stormwater review. Motion passed by unanimous vote.

4. Notice of Intent

Property: 1380 Main Street

Project: Campello Towers Modernization

Representative: GM2 Associates

Stephen Sawyer of GM2 Associates presented the Notice of Intent application for the Campello Towers modernization project on Main Street on behalf of The City of Brockton Housing Authority. Per Sawyer, the project aims to replace current structures with three new buildings designed for flood resilience and enhanced Stormwater Management. Sawyer discussed the existing site conditions, emphasizing flood zones and watercourse management challenges. The phased construction plan was outlined, prioritizing environmental compliance with measures like buffers and native plant installations. Sustainability was a core theme, focusing on community benefits through upgraded public spaces and advanced stormwater systems.

Agent Holden recommended initiating a peer review process for the project due to the planned Stormwater modifications and work within Flood Zone AE. Commissioners Ruby Clay and Lily Green expressed agreement with Holden's recommendation, emphasizing the project's importance amidst evolving regulatory landscapes. Sawyer responded to queries regarding project specifics, including ADA-compliant walkways and native plant selections aimed at reducing environmental impact. Sawyer underscored the project's significance for Brockton's housing authority and noted challenges related to escalating construction costs.

Michele Auer from BWA Architecture provided additional details about the Campello Towers project. Auer clarified that the number of apartments would remain nearly the same, with the two towers totaling 400 units, and affirmed that parking provisions would remain unchanged. Auer emphasized the critical need for new construction to address existing site challenges, including recurring flooding issues that have impacted building integrity. Auer expressed gratitude for efforts to expedite the project, noting a targeted start date in early January despite challenges. Chair Joyce Voorhis acknowledged the urgency and expressed hopes for swift progress in overcoming consultant hurdles.

A motion was made (Clay) and seconded (Green) to continue the Notice of Intent for 1380 Main Street to the July 17th meeting & to refer the project to the Commission's consultant for review & evaluation. Motion passed by unanimous vote.

CURRENT FILINGS

6. Notice of Intent

Property: 511 Thatcher Street

Project: Solar Canopy Construction

Representative: Farland Corp.

Scott Daggett, Senior Project Manager of Farland Corp., presented the Notice of Intent application for 511 Thatcher Street. Daggett addressed the Commission regarding the ongoing review of the project by BETA. He acknowledged recent discussions with BETA and indicated that he had received a comprehensive report from them just days prior. Daggett outlined that he had diligently worked to address most of the outstanding comments in BETA's report, with only a few minor revisions left to finalize.

BETA Representative Laura Krause summarized the remaining concerns regarding the project. She highlighted several improvements made since their last review, including relocating the dewatering area away from wetlands, moving the equipment storage area out of the buffer zone, and providing detailed calculations for floodplain management and cut-and-fill requirements. However, she outlined four remaining issues: clarification on the maintenance of an area designated as lawn, documentation approval for a storm sewer unit in the Thatcher Street right-of-way, consistency in cut-and-fill calculations with updated plans, and ensuring proper documentation and redevelopment checklist adherence for stormwater features. Additionally, BETA recommended a wildlife habitat evaluation and enhancements to mitigate the project's impact on wildlife within the floodplain and buffer zones.

A motion was made (Clay) and seconded (Green) to continue 511 Thatcher Street to the July 17th, 2024 Meeting. Motion passed by unanimous vote.

7. Notice of Intent

Property: 137 Perkins Avenue

Project: Storage Facility Renovation

Representative: J.K Holmgren Engineering

Scott Faria with J.K Holmgren presented a Notice of Intent application for 137 Perkins Ave, seeking approval after addressing conditions set by BETA and receiving a positive recommendation. Agent Holden, in his agent report, summarized BETA's findings and recommended special conditions for the Commission to consider.

A motion was made (Clay) and seconded (Green) to close the hearing for 137 Perkins Avenue. Motion passed by unanimous vote.

A motion was made (Clay) and seconded (Green) to issue the Order of Conditions with special conditions outlined in the Agent's Report for 137 Perkins Ave. Motion passed by unanimous vote.

8. Notice of Intent

Property: 155 Winthrop Street

Project: Remediation

Representative: Pinebrook Consulting

Holden summarized the current status of the Notice of Intent for 155 Winthrop Street reminding the Commission that the property owner paved their backyard up to an adjacent brook without authorization which led to an Enforcement Order and a Notice of Intent for remediation. The project has been delayed

for multiple months so that the Agent could coordinate with other City Departments. Before moving forward, Holden recommended that the Commission try to reestablish communication with the property owners prior to the July meeting to confirm their continued willingness to work with the Commission on the Notice of Intent and planned restoration of the 25-foot Riverfront Area.

A motion was made (Clay) and seconded (Green) to continue 155 Winthrop Street to the July 17th, 2024 meeting. Motion passed by unanimous vote.

10. 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 application for 19 Otis Street on behalf of Jesuino Resende. Per Faria, the homeowner and applicant has built structures in violation of local and state regulations and requires a plan for remediation. Faria proposed that Mr. Resende be allowed to perform the necessary restoration work himself, under strict monitoring and conditions. Agent Holden confirmed that the necessary environmental protections will be in place, including weekly monitoring and erosion control measures.

A motion was made (Clay) and seconded (Green) to close the hearing for 19 Otis Street. Motion passed by unanimous vote.

A motion was made (Clay) and seconded (Green) to issue the Order of Conditions with special conditions outlined and or updated in the Agent's report to include any additional items that was discussed at the meeting. Motion passed by unanimous vote.

12. Notice of Intent

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

Project: Duplex Construction

Representative: J.K Holmgren Engineering

(Both 0 East Ashland Street Lot A & 0 East Ashland Street Lot B were discussed concurrently)

According to Chair Voorhis, the next steps for projects East Ashland Street, Lots A and B, involve referring them for peer review under the new process. These projects were previously put on hold due to changes in the peer review process. Applicant representative, Scott Faria, has agreed to proceed with this approach, and Agent Holden confirmed that no new Notice of Intent is required at this stage. The request is simply to refer both projects to peer review once the new process is finalized.

A motion was made (Clay) and seconded (Green) to continue 0 East Ashland Street Lot A to the July 17th, 2024 meeting and to refer the project for peer review when the new procedure is put in place. Motion passed by unanimous vote.

13. Notice of Intent

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

Project: Duplex Construction

Representative: J.K Holmgren Engineering

A motion was made (Clay) and seconded (Green) to continue 0 East Ashland Street Lot B to the July 17th, 2024 meeting and to refer the project for peer review when the new procedure is put in place. Motion passed by unanimous vote.

15. Notice of Intent

Property: 1005 Belmont Street

Project: Residential Building Construction

Representative: Joyce Consulting Group, PC

Michael Joyce from Joyce Consulting Group presented a Notice of Intent application for 1005 Belmont Street. According to Joyce, there have been many changes made based on previous feedback from the Commission, including the positioning of the building from in a way that impacted less of the area of concern, and the Commission was provided with data that demonstrated a significant reduction of the building's footprint and impervious area within a 25-foot buffer zone. The project now proposes a 29-unit residential building with enhanced stormwater management. Commissioners expressed concerns about encroaching into the 25-foot 'No-Touch' Buffer Zone but acknowledged the environmental benefits of reducing impervious surfaces. They discussed potential mitigations like fencing to prevent trash accumulation near wetlands. Upon discussion with the applicant, the Commission decided to continue the matter to the July meeting where more Commission members could weigh in on the decision.

A motion was made (Clay) and seconded (Green) to continue 1005 Belmont Street to the July 17th, 2024 meeting. Motion passed by unanimous vote.

ENFORCEMENT ORDERS

17. 57 River Street

Agent Holden updated The Commission on the property at 57 River Street, which has been under scrutiny due to unauthorized fill being added to the backyard over several years. Holden informed the Commission that after legal actions and court orders, the homeowner is now required to submit a restoration plan by August. Holden indicated that he has been in communication with the homeowner, who appears to be progressing towards meeting this requirement. Chair Voorhis inquired if the homeowner has hired someone for the remediation, Agent Holden is waiting for a response to an email for that information.response. Ms. Voorhis acknowledged the sequence of events and thanks Holden for the update.

18. 411 Warren Avenue

Agent Holden discussed the property at 411 Warren Avenue, where a retention wall was built and backfilled to level the lawn near the riverbank. He reported that the homeowner has been struggling to find a contractor willing to assist with developing a restoration plan. Holden noted his intention to meet with her the following week and mentioned that she couldn't attend the meeting due to short notice and visiting guests. Agent Holden asked the Commission's guidance on setting a deadline for the homeowner to submit the restoration plan, suggesting a one-month timeframe until July 17th. Chair Voorhis emphasized the urgency due to the prolonged delay since the September 2023 issuance of the Enforcement Order and agreed on the proposed deadline, indicating readiness to escalate the matter to the Brockton Law Department if the plan isn't provided by then.

19. 1507 Main Street

Agent Holden updated The Commission on Brewster Ambulance at 1507 Main Street. He informed them that the company has recently submitted the requested Restoration Plan, though he hasn't yet had time to review it. Holden will provide a detailed report on the plan at the next meeting. He mentioned that a representative from Brewster Ambulance intends to attend the July meeting to discuss the plan further and to determine the next steps. Chair Voorhis seeks clarification on whether Brewster

Ambulance will file the Restoration plan formally, to which Holden responds that it is being handled under an Enforcement Order, which he indicated is the preferred method for this case.

20. Arthur Estates – Lot 2 (DEP File Number: SE 118-0807)

Agent Holden discussed the Enforcement Orders related to the Arthur Estates Development that were issued on June 3, 2024. He explained that this issue has been ongoing since April 2024. Mr. Holden explained that he began with an informal email to the Applicant, Jason Kennedy, detailing his concerns which escalated to a Notice of Violation and eventually to an Enforcement Order due to non-compliance. Holden presented a revised Enforcement Order that has had all language referencing the 25-foot “No-Touch Zone” removed. Holden clarified that the change was due to lack of legal weight of the language due to it being a Commission Policy rather than a City Ordinance.

Holden proceeded to review the Amended Enforcement Order with the Commission for ratification. The Enforcement Order includes various requirements such as displaying the Department of Environmental Protection File Number at the site, ensuring proper installation of erosion controls, addressing sediment transport issues on Arthur Street, and requiring an Environmental Monitor as outlined in the Order of Conditions. Holden provided detailed photographic evidence of sediment deposition and erosion control failures, emphasizing the need for immediate action. Holden noted that a legal complaint had been filed by Arthur Estates, but recommended proceeding with the enforcement actions outlined.

Following Holden's presentation, the Commission discussed and voted to ratify the Enforcement Order for Arthur Estates Lot 2, with plans to send the updated document to the developer the following day.

Agent Holden distinguished between two specific Enforcement Orders: one concerning the Arthur Street Extension and the other pertaining to development on Lot 2. Mr. Holden summarized that the Arthur Street Extension Enforcement Order does not include provisions for an Environmental Monitor and excludes language requiring the Applicant to display the DEP File Number as it is already posted. In contrast, the Enforcement Order for Lot 2 mandates an Environmental Monitor and DEP File Number sign as required in the Order of Conditions. In addition, Enforcement Orders share a common set of conditions and requirements aimed at ensuring compliance with regulatory standards and the issued Orders of Conditions. Importantly, Mr. Holden cautioned that the Enforcement Orders are under active litigation and advised against detailed discussions on legal implications during the meeting.

Andrew Spath and Jason Kennedy, applicant and developers of the site, requested recognition as public participants. Although not required during Commission discussion of Enforcement Orders, the Chair recognized the applicants, who were promoted to participants by Agent Holden, serving as host of the meeting. The applicants expressed frustration and disappointment, suggesting that the Commission lift a cease and desist order and allow project continuation. The Chair suggested that the Enforcement Order requirements were relatively easy to meet, and once completed would lift the cease and desist.

Mr. Kennedy argued that the erosion issues stem from neighboring activities and claims unfair treatment. Chair Voorhis attempted to clarify regulatory requirements and emphasized the importance of erosion controls as a preventative, rather than reactionary measure to protect regulated resource areas. Interruptions and escalating tensions required that Agent Holden intervene by muting the speakers in an attempt to maintain order. Mr. Holden and Chair Voorhis expressed a desire to move forward with the meeting's agenda. Andrew Spath ended with criticism of Holden's handling of the situation and announced plans to escalate the issue “to (Holden’s) superiors”.

A motion was made (Clay) and seconded (Green) to ratify the Amended Enforcement Order at Arthur Estates Lot 2. Motion passed by unanimous vote.

21. Arthur Estates – Arthur Street Extension (DEP File Number: SE 118-0806)

A motion was made (Clay) and seconded (Green) to ratify the Amended Enforcement Order at Arthur Street Extension. Motion passed by unanimous vote.

UTILITY NOTIFICATIONS

22. Eversource – Madrid Square Natural Gas Main Replacement

Agent Holden gave an overview of a gas line replacement project by Eversource at Madrid Square, specifically involving a small portion of the project within the 100-foot buffer zone of a wetland area. The project includes abandoning an old gas main and installing a new one using PVC material.

23. Brockton Department of Public Works – Sewer System Rehabilitation Project – Phase 3

Agent Holden gave an overview of the Brockton Department of Public Works' extensive sewer improvements across the city, which include manhole rehabilitation and chemical root control. The project spans multiple locations, making it challenging to provide a single comprehensive map. The activities are exempt under the Wetlands Protection Act. Detailed maps and a report outline the specific areas and planned activities, such as applying chemical foam to degrade roots in sewer lines, followed by a sealant. The project involves significant work on the sewer system throughout the city.

24. Trojan Recycling, 71 Forest Street – Notification of Dye Testing

Agent Holden gave an overview of dye testing activity conducted by Trojan Recycling. The facility notified The Commission about adding a biodegradable dye internally into their pipe system to detect any leaks. Holden mentioned that they provided the Commission with the specifications for the dye upon request, and it's designed to be environmentally friendly. Chair Voorhis expressed interest in knowing the results of the testing if used near a resource area. Holden mentioned he could inquire about obtaining the testing results, although he noted that as a private corporation and not a utility, they may not be obligated to share that information unless they choose to do so voluntarily.

25. Algonquin Gas - Pipeline Anomaly and Repair

Agent Holden provided an update on the Algonquin Gas Pipeline, where an anomaly was detected necessitating excavation and repairs near the VA Hospital (*The gas line runs near the VA Hospital, but the repair will take place within Thorny Leaf Golf Course - Clarified by Kyle Holden on 7/12/2024*). The proposed public utility work is exempt under the Wetlands Protection Act. Standard practices are followed, and although work will be done near a wetland area, access and repair work will occur from an adjacent road and easement.

26. Belmont Street Substation

Agent Holden provided an update on Mass Electric Company's Belmont Street Substation, detailing work within its existing grounds which is exempt from Wetlands Protection Act regulations due to the site's prior disturbance within the public utility site. These updates highlighted routine maintenance and repair activities ensuring compliance and safety within regulated and exempted zones.

A motion was made (Clay) and seconded (Green) to adjourn the meeting. Motion passed by unanimous vote.