

# **City of Brockton Permitting Handbook Guidance Document**



**Department of Planning and Economic Development  
45 School Street  
Brockton, MA 02301**

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## Quick Contact Information

Brockton City Hall is open **Monday through Friday from 8:30 am to 4:30 pm** and located at 45 School St, Brockton MA 02301.

### Points of Contact for Permitting

Planning Department	(508)	<a href="http://www.brockton.ma.us/Government/Departments/Planning.aspx">www.brockton.ma.us/ Government/Departme nts/Planning.aspx</a>	<a href="mailto:Planning@cobma.us">Planning@cobma.us</a>
■ Planning Board	580-7113		
■ Conservation Commission			
Building Department	(508)	<a href="http://www.brockton.ma.us/Government/Departments/Building.aspx">www.brockton.ma.us/ Government/Departme nts/Building.aspx</a>	<a href="mailto:building@cobma.us">building@cobma.us</a>
■ Zoning Board of Appeals	580-7150		
Department of Public Works	(508)	<a href="http://www.brockton.ma.us/Government/Departments/DPW.aspx">www.brockton.ma.us/ Government/Departme nts/DPW.aspx</a>	<a href="mailto:dpw@cobma.us">dpw@cobma.us</a>
■ Engineering	580-7135		
■ Highway			
■ Utilities (Water & Sewer)			
Fire Department	(508) 588-0585	<a href="http://www.brockton.ma.us/Government/Departments/Fire.aspx">www.brockton.ma.us/ Government/Departme nts/Fire.aspx</a>	<a href="mailto:fire@cobma.us">fire@cobma.us</a>
Health Department (60 Crescent Street)	(508) 580-7175	<a href="http://www.brockton.ma.us/Government/Departments/Health.aspx">www.brockton.ma.us/ Government/Departme nts/Health.aspx</a>	<a href="mailto:health@cobma.us">health@cobma.us</a>
License Commission	(508) 580-7805	<a href="http://www.brockton.ma.us/Government/Departments/License.aspx">www.brockton.ma.us/ Government/Departme nts/License.aspx</a>	<a href="mailto:license@cobma.us">license@cobma.us</a>

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## How to use this Guidebook

The Handbook is written to assist **commercial and industrial development** projects.

Most development projects require a number of permits, approvals and licenses. This guidebook will explain for you the various staff persons, departments and boards involved with the development process for commercial and industrial development in the City of Brockton. It provides you with tips and suggestions so that your project can be efficiently reviewed by the appropriate City of Brockton staff and/or boards or commissions.

Only local permitting procedures related to land based development are summarized in this guidebook. If at any time you have questions—both before and during your application process—please do not hesitate to contact the appropriate staff person.

The next five sections of this Handbook align with the most common steps required for permitting commercial and industrial development projects:

	Lead Department
<b>Step 1:</b> Initial project review meeting	Planning
<b>Step 2:</b> Consult with the Building Department	Building
<b>Step 3:</b> Zoning Board of Appeals approval (if necessary)	Building
<b>Step 4:</b> Conservation Commission approval (if necessary)	Planning
<b>Step 5:</b> Planning Board approval (if necessary)	Planning

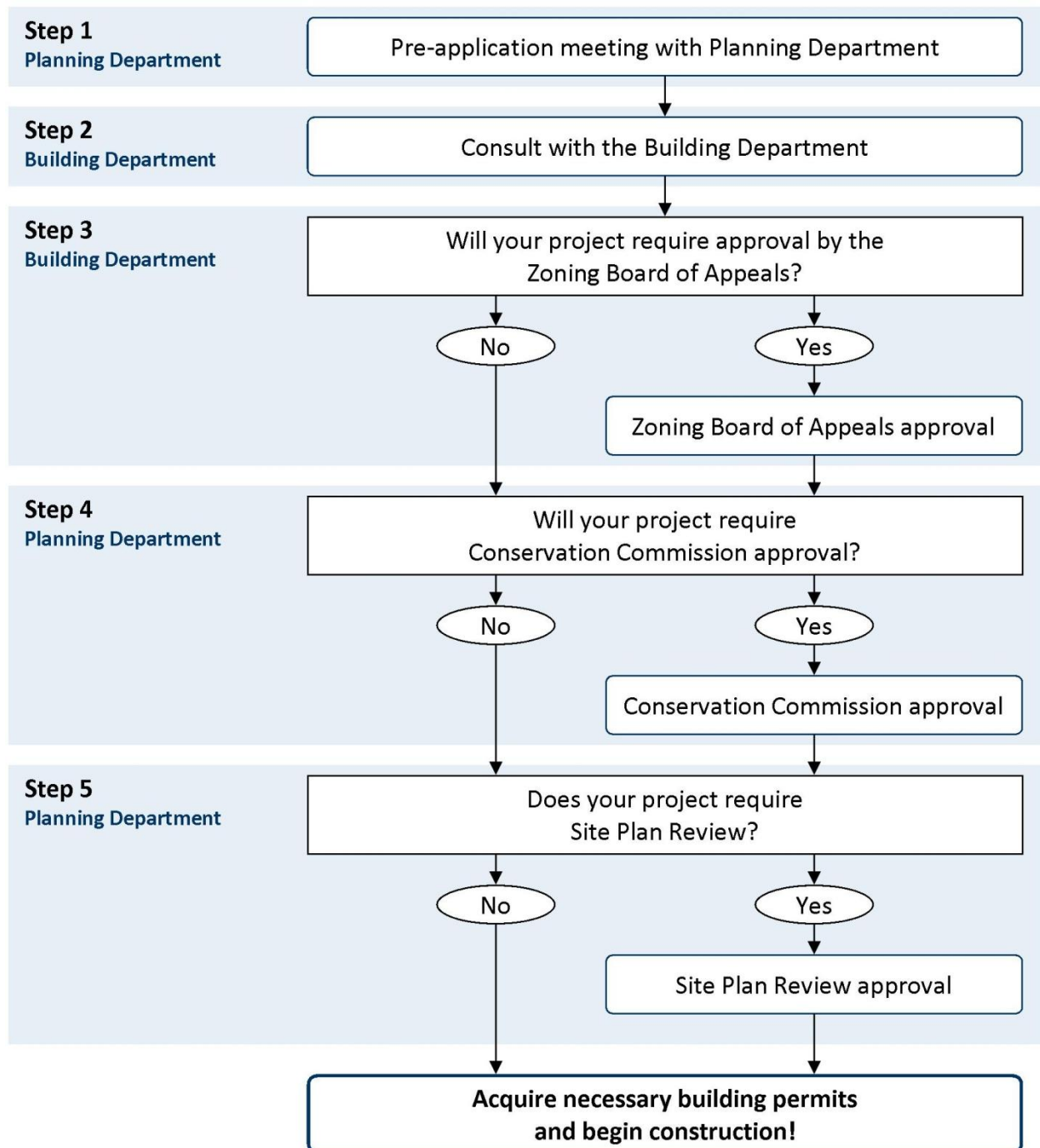
## Downtown Brockton Smart Growth Overlay District

In addition to the base commercial and industrial zoning districts, Brockton has a Downtown Brockton Smart Growth Overlay District (DBSGOD). This overlay district allows for the expedited permitting of additional office, retail, restaurant, or institutional development, provided that the project's principle use is residential and a certain percentage of the housing units are at/or under 80% Average Median Income (AMI) for Plymouth County.. The DBSGOD may permit more relaxed dimensional standards than the base zoning. There are four DBSGOD sub-districts, all located in downtown Brockton.

DBSGOD projects follow a slightly different procedure than projects adhering strictly to base zoning. *This Handbook does not detail the DBSGOD application process.* DBSGOD application information can be found at on the City of Brockton's Planning Department website.

If you have any questions about the DBSGOD and its application process, please contact the **Planning Department**.

## Overview of the Typical Development Process



## Step 1: Initial Project Review Meeting

When you are considering new multi-family, mixed use, commercial or industrial construction in the Brockton — whether it's a new building or adding to an existing building — the City strongly encourages you to first review the proposed project with the **Planning Department**. The Planning Department staffs both the Brockton Planning Board, which manages the Site Plan Review permitting process (described in Step 5), and the Brockton Conservation Commission (Step 4).

**Planning Department**  
Brockton City Hall  
45 School Street, 3<sup>rd</sup> Floor  
Brockton, MA 02301  
Phone: (508) 580-7113  
Email: [Planning@cobma.us](mailto:Planning@cobma.us)

Reviewing your project with the Planning Department before pursuing permits may significantly ease the permitting process by identifying issues that may be of concern to multiple departments, boards, and commissions. With smaller projects, a call or visit to the Planning Department during normal business hours may be sufficient. In the case of larger projects, it is highly advisable to arrange a time to sit down with Planning Department staff and review concepts in more detail.

The Planning Department can help potential applicants through the development review and permit process by:

- ▶ **Clarifying procedures**
- ▶ **Identifying site design issues** that may be of concern and discussing potential solutions
- ▶ Determining whether your project will likely need an **Order of Conditions** from the Conservation Commission (Step 4) and/or **Site Plan Review** with the Planning Board (Step 5)
- ▶ **Identifying other City departments** with which you may want to consult regarding the technical aspects of your project
- ▶ **Identifying other regulations** that may apply to the project
- ▶ **Establishing relationships** early in the process

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## Step 2: Consult with the Building Department

After reviewing your development project with the Planning Department, you should consult with the **Building Department** to identify any permitting requirements and zoning issues. The Building Department will help you positively determine answers to the following questions:

- ▶ Which **Building Permits** will I need?
- ▶ Is my property properly zoned for what I want to do?
- ▶ Within my project's **Zoning District**, will my project require approval by the Zoning Board of Appeals for any dimensional or use variances (Step 3)?

Building Department  
Brockton City Hall  
45 School Street, 3<sup>rd</sup> Floor  
Brockton, MA 02301  
Phone: (508) 580-7150  
Email: [building@cobma.us](mailto:building@cobma.us)

### Building Permits

You won't be able to build without permits granted by the Building Department. The Building Department will tell you which building permits your project requires. These permits may include:

- ▶ Building Permit
- ▶ Demolition Permit
- ▶ Gas Permit
- ▶ Electrical Permit
- ▶ Plumbing Permit
- ▶ Roofing Permit
- ▶ Sign Permit

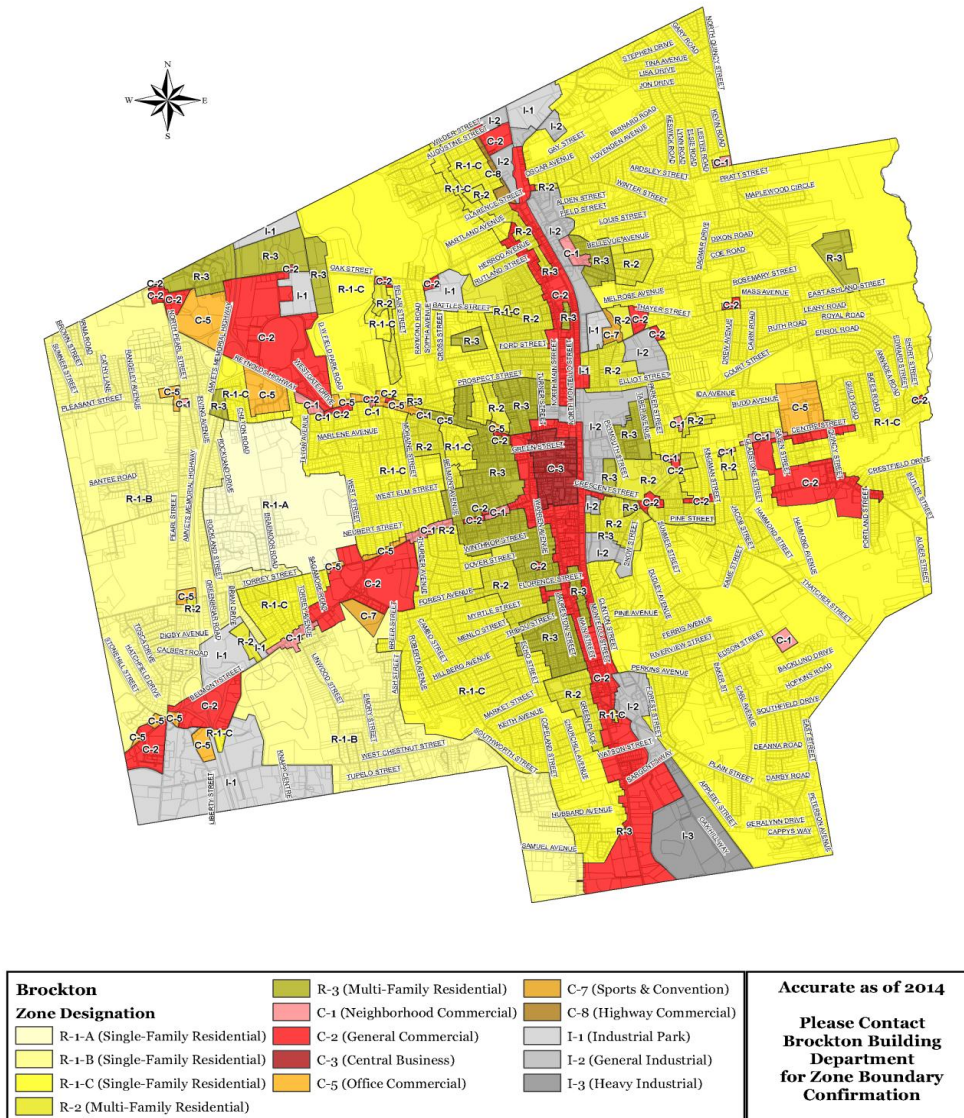
If Site Plan Approval is required (Step 5), that process must be completed **before** building permits can be applied for.

### Zoning Districts

The City of Brockton has a number of different Residential, Commercial, and Industrial Zoning Districts, as well as a few Overlay Districts which allow or restrict additional development options. The Building Department can help you verify which Zoning District your property is in. The Zoning District determines the uses and physical dimension standards that are allowed by right or by Special Permit. If the Building Department determines that your project will need a waiver or variance from Zoning Ordinance requirements, you will need to receive the necessary approvals from the Zoning Board of Appeals (Step 3).



# City of Brockton - Unofficial Zoning Map



**Brockton's Zoning Ordinance** is Appendix C of the City's Code of Ordinances and can be found online at:

[library.municode.com/index.aspx?clientID=10481&stateID=21&statename=Massachusetts](http://library.municode.com/index.aspx?clientID=10481&stateID=21&statename=Massachusetts)

## Site Plan Review

All projects requiring Site Plan Review (described in Step 5) will be referred by the Building Department to the Planning Department. The Building Department will help identify any outstanding zoning issues during Site Plan Review. If your project requires any zoning waivers or variances, these must be obtained before a Site Plan Review public hearing will be scheduled.

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## Step 3: Zoning Board of Appeals Approval

The **Zoning Board of Appeals (ZBA)** is a five-member Board staffed by the Building Department that meets monthly to review applications for relief from zoning requirements. All necessary ZBA approvals must be granted before the Building Department will issue any permits or the Planning Board will rule on a pending Site Plan Review application.

### What is Zoning?

Zoning is the process where areas of land are divided by appropriate authorities into districts within which various uses are permitted.

### Uses

Each Zoning District specifies Permitted Uses, Accessory Uses, and Special Uses. The Building Department will determine which type of use your proposed commercial or industrial project is, and whether it will need approval by the ZBA as a Permitted Special Use.

#### Zoning Board of Appeals

Building Department  
Brockton City Hall  
45 School Street, 3<sup>rd</sup> Floor  
Brockton, MA 02301

Phone: (508) 580-7150

Email: [Building@cobma.us](mailto:Building@cobma.us)

Meetings: The second Tuesday of each month at 7 p.m. in the Council Chambers (located on the second floor of City Hall)

- ▶ **Principal Permitted Uses** are uses that are allowed “by-right” subject to the dimensional requirements described in the Zoning Ordinance. Projects that are considered permitted uses and meet all requirements typically require less permitting and expedited approval.
- ▶ **Permitted Accessory Uses** are allowed uses and structures which are clearly incidental to the principal use of the property (e.g. garages or parking lots).
- ▶ **Permitted Special Uses** are projects that are only allowed by approval of the ZBA. The Applicant must

### Example: I want to operate a bakery in a C-1 Zone!

Sec. 27-28. - C-1 Zones, neighborhood commercial zones.

1. *Principal permitted uses.*
  - a. Greenhouse having a retail outlet on the premises.
  - b. Bakery with sale of bakery products on the premises only.**
  - c. Barbershop, beauty shop, massage or similar personal service shops.
  - d. Catering shop.
  - e. Dressmaking, tailoring, shoe repairing, repairing of household appliances and bicycles and other uses of a similar character, provided that not more than five (5) persons shall be employed on the premises during a single shift.
  - f. Drugstores of less than six thousand (6,000) square feet of floor area.

- g. Laundromats and shops for the delivery or picking up of laundry and dry cleaning.
- h. Medical and dental offices and other professional and business offices.
- i. Reserved.
- j. Retail stores of less than eight thousand (8,000) square feet in floor area.
- k. Offices, banks or lending institutions.
- l. Membership associations, corporations or clubs.
- m. Churches and religious institutions.
- n. Public and parochial schools and educational facilities.

It is allowed “by-right” therefore will not have to go through the Zoning Board of Appeals (as long as all other ordinances are met as well)

Some uses are not permitted by right in a particular zone and are considered a “Permitted Special Use” which requires **Zoning Board of Appeals** approval. This is often referred to as a **Special Permit**.

#### **What is a Special Permitted Use?**

**A special permitted use is a use that is allowed in specific zoning districts provided they meet certain conditions set out in the ordinance. Those conditions are generally related to avoiding adverse impacts on the neighboring area.**

In accordance to **Sec. 27-37. - Permits for special uses.**

1. The board of appeals may authorize the issuance of a special permit for special uses as provided for in Article VII, only in accordance with the following provisions:
  - a. Special uses for which special permits may be issued shall be deemed to be a permitted use, subject to the conditions contained in this article. Any special use permitted as provided for herein shall be deemed a conforming use only as of the time of its actual establishment.
  - b. Each special use shall be considered an individual case and such use shall conform to the standards of this article. In addition to the specific requirements for each of the special uses enumerated elsewhere in this article, the board of appeals shall find that:
    1. The special use fully complies with all applicable regulations of this or other city ordinances.
    2. The use will be of such location, size and character that, generally, it will be in harmony with the appropriate and orderly development of the zone in which the use is situated and will not be detrimental to the existing neighborhood or orderly development of adjacent properties nor inconsistent with any officially adopted master plan for the city.
    3. Adequate ingress and egress from parking areas is so designed as to cause minimum interference with traffic on abutting streets.
    4. Such use will also fully comply with the additional standards set forth in section 27-38.
  - c. In the floodplain, watershed and wetlands protection zone such uses must not conflict with the purposes of the zone by reducing water storage capacity, interfering with the natural flow of any watercourse, or otherwise affecting the natural hydrology of an area or endangering the health or safety of the residents thereof.
  - d. Each special permit issued by the Board of Appeals shall lapse within one year from the date of issuance if a substantial use has not commenced prior to the year's expiration without good cause, or

in the case of a permit for construction, if construction has not begun by such date except by good cause.

**For example, opening a restaurant in a C-1 Zone requires a Special Permit.**

Sec. 27-28. - C-1 Zones, neighborhood commercial zones.

3. *Permitted special uses.* The following special uses are permitted, under the provisions of Article V, pursuant to Article VII.
  - a. Joint-occupancy uses.
  - b. Package liquor store.
  - c. **Restaurant or coffee shop, or take-out establishment, provided that the serving of food or beverages to patrons waiting in parked automobiles shall not be permitted.**
  - d. Any business not operating as a principal tenant out of a permanent, fixed structure, except for any business requiring a common victualer's license.
  - e. Pay telephones.

Restaurants are special permitted use in a C-1 Zone. You will have to file for a Special Permit from the Zoning Board of Appeals.

**Special Permit Standards:**

In accordance to **Sec. 27-49 (Special Permits)** the Board of Appeals shall hear and decide applications for special permits for special uses as specified in article III, article IV and article XIV of this chapter. The board may issue special permits only following public hearings held within sixty-five (65) days after filing of an application with the board. The board may, in accordance with Chapter 40A of the General Laws, grant special permits for such designated uses without any finding of hardship. In acting upon special permits the board shall take into account the general purpose and intent of this chapter and, in order to preserve community values, may impose conditions and safeguards deemed necessary to protect the surrounding neighborhood, in addition to the applicable requirements of this chapter, such as, but not limited to, the following:

- a) Front, side or rear yards greater than the minimum required by this chapter.
- b) Screening of parking areas or other parts of the premises from adjoining premises or from the street by specified walls, fences, planting or other devices.
- c) Modification of the exterior features or appearance of the structure.
- d) Limitation of size, number of occupants, method or time of operation, or extent of facilities.
- e) Regulation of number, design and location of access drives or other traffic features.
- f) Requirement of off-street parking or other special features beyond the minimum required by this or other applicable codes or regulations.
- g) Control of the number, location, size and lighting of signs.

### **What is a Variance?**

**Variances allow for the approval of uses and structures that would otherwise be prohibited because they do not meet the ordinance's requirements (such as minimum property line setback or lot size requirements). To obtain a variance, the applicant must ordinarily show "hardship," which typically means proving that permitting the applicant to vary from the ordinance's requirements is the only way the property can be expected to provide a reasonable use and return.**

**If a property is in a particular district, however, where the use is not allowed by-right or by special permit, an applicant may file for a Use Variance.**

### **Example: I want to operate a restaurant in a residential district!**

Sec. 27-25. - R-1 Zones, single-family residential zones.

2. The following regulations shall apply in all R-1 Zones:

1. *Principal permitted uses.*

a. Single-family detached dwellings, provided they have a minimum of six hundred (600) square feet of gross floor area.

b. Public, private and business schools, parochial schools, libraries and public museums.

c. Churches and similar places of worship, parish houses, convents and cemeteries.

d. Public parks and playgrounds.

e. Family day care homes, provided there is a maximum of six (6) children.

2. *Permitted accessory uses.* Any accessory use in an R-1 Zone shall not occupy more than thirty (30) percent of one floor of the principal building or more than an equivalent floor area in an accessory building.

a. Private garage.

b. Other customary accessory uses and buildings, provided such uses are incidental to the principal use and do not include any activity commonly conducted as business. Any accessory building or use shall be located on the same lot as the principal building.

3. *Permitted special uses.* The following special uses are permitted under the provisions of Article V, pursuant to Article VII.

a. Municipal buildings.

b. Public utility installations.

c. Philanthropic and eleemosynary uses or institutions, other than correctional institutions.

d. Private and nonsectarian licensed day nursery, nursery school and kindergarten.

e. Reserved.

f. Kennels.

g. Pay telephones.

h. Family day care home, as defined in M.G.L. chapter 28A, section 9.

i. Mobile home elderly community as defined in and subject to the provisions of subsection 27-38(k).

A restaurant is not permitted or special permitted use in a Residential District. Therefore, you would need to apply for a use variance with the Zoning Board of Appeals.

## **You would need to file with the Zoning Board of Appeals a Variance Application. Applications are available with the Building Department Office.**

### **Variance Standards:**

In accordance to **Chapter 40A, Section 10 of Massachusetts General Law**, the Board of Appeals is authorized to grant variance only if it finds that this application meets all of the following criteria:

- 1.) “owing to circumstances relating to the soil conditions, shape, or topography of such land or structures and especially affecting such land or structures but not affected generally the zoning district in which is it located”**
- 2.) “a literal enforcement of the provisions of the ordinance or by-law would involve substantial hardship, financial or otherwise, to the petitioner..”**
- 3.) “desirable relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of such ordinance or by-law.”**

The permit granting authority may impose conditions, safeguards and limitations both of time and of use, including the continued existence of any particular structures but excluding any condition, safeguards or limitation based upon the continued ownership of the land or structures to which the variance pertains by the applicant, petitioner or any owner.

## **Dimensions**

Each Zoning District mandates a number of dimensional requirements, including minimum lot size, minimum lot frontage, minimum green space, required off-street parking, and so on. Any proposal that does not adhere to the dimensional requirements will require a variance from the ZBA. Keep in mind that the ZBA can only grant a variance for a lot if it finds that, *owing to circumstances relating to the soil conditions, shape of the lot or its topography*, the District’s provisions would involve a substantial hardship to the Applicant and that the project would not cause substantial detriment to the public good<sup>1</sup>.

## **Success/Failure**

### **So you were approved by the Zoning Board of Appeals.**

Congratulations!

However, there is still a 21-day appeal period before you can file for a building permit. Additionally if Site Plan Review is required, you may file for Technical Review at any time, however you cannot appear before the Planning Board unless all approval (Conservation Commission and Zoning Board of Appeals have been met).

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<sup>1</sup> See Section 27-47 of the Zoning Ordinance



Additionally, if your Variance/Special Permit is appealed, you must wait until the Court proceedings are completed.

### **So you were denied by the Zoning Board of Appeals...**

You can do the following:

- File an Appeal that the Zoning Board of Appeals wrongfully denied your Variance or Special Permit
- File a Return to the ZBA application with the Planning Board in accordance to **Section J of the Brockton Planning Board Rules and Regulations**

## **Return to the Zoning Board of Appeals**

If the ZBA denies an application for a zoning variance or waiver, the Applicant may request permission from the Planning Board to return to the ZBA. To do this, the Applicant must submit a “Return to the ZBA” application to the Planning Department. This application must include new or different information that might affect a subsequent decision by the ZBA. A copy of the Zoning Board of Appeals denial and completed application shall accompany the request in accordance with the statutory requirements. A petitioner in order to be granted permission to return to the Zoning Board of Appeals must receive a unanimous vote less one (1) member present and voting.

At a regularly-scheduled meeting, the Planning Board will determine whether the new plan constitutes a substantial change to the plan originally denied by the ZBA. The Planning Department can guide you through the “Return to the ZBA” process.

**The Board, in granting such permission, shall make the following determinations:**

- 1. The petitioner has new and substantially different information to submit, which if submitted, might conceivably affect a subsequent decision by the Zoning Board of Appeals on the matter; or**
- 2. From a review of the record of the hearing, the board determines that the Zoning Board of Appeals acted arbitrarily or capriciously in denying the relief sought; and**
- 3. The relief sought by the petitioner whether by variance, special permit or other action is beneficial and not detrimental to the City as a whole, the neighborhood, and/or zoning district which the locus is situated.**

The Applicant is strongly encouraged review its updated plan with Planning Department or Building Department for some guidance staff before submitting a “Return to the ZBA” application because *maybe, just maybe, your proposal isn’t suited for the location you’re looking at.*

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## Step 4: Conservation Commission Approval

Brockton's **Conservation Commission** is a seven-member board staffed by the Planning Department which is responsible for overseeing the protection and preservation of Brockton's natural resources.

The Commission's duties include ensuring compliance with the Massachusetts Wetlands Protection Act, the Massachusetts Rivers Protection Act, and the Federal Emergency Management Agency (FEMA) Floodplains. Your project will therefore require Conservation Commission review if it meets any of the following thresholds:

- It is within **100 feet of a wetland**
- It is within **25 feet of a river**
- It is **in a floodplain** as defined by the Federal Emergency Management Agency (FEMA)

### Conservation Commission

Planning Department  
Brockton City Hall  
45 School Street, 3<sup>rd</sup> Floor  
Brockton, MA 02301

Phone: (508) 580-7167

Email: [Conservation@cobma.us](mailto:Conservation@cobma.us)

Meetings: The second and fourth Thursday of each month at 7 p.m. in the G.A.R. Room (located on the second floor of City Hall)

Information for filing with the Conservation Commission can be found online at:

[www.brockton.ma.us/Government/Departments/Planning/ConComm.aspx](http://www.brockton.ma.us/Government/Departments/Planning/ConComm.aspx).

### Wetlands

If your project is within 50 feet of a wetland, you will need to file a Notice of Intent (see below). If the project is between 50 and 100 feet of a wetland, you will need to file a Request for Determination (see below). The Planning Department can help you determine whether your project is within 100 feet of a wetland. If it is unclear, the Conservation Commission may require that you hire a botanist to verify your project's proximity to any wetlands.

### Rivers

The Planning Department can help you determine whether your project is within 25 feet of a river. If it is unclear, the Conservation Commission may require that you hire a surveyor to make a determination. If the project is within this 25 foot buffer, you will need to file a Request for Determination.



## Floodplains

The Planning Department can help you determine whether your project is within a FEMA floodplain. If it is unclear, the Conservation Commission may require that you hire a surveyor to make a determination. If the project is in a floodplain, you will need to file a Request for Determination.

## Notice of Intent

## Request for Determination

## Order of Conditions

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## Step 5: Planning Board Approval

Some projects require Site Plan Review from the **Planning Board**. As described in “Brockton’s Site Plan Review Thresholds and Application Procedure” document, available at the Planning Department and online, Site Plan Review is triggered if your project meets any the following criteria:

- New commercial and industrial construction
- Residential developments containing six (6) or more units
- Conversions of commercial and/or industrial property to residential use
- Additions of 500 square feet or more of the gross building area
- Development located on an un-constructed or unimproved way (not covered by Subdivision Control) or any development that requires utility extension

### Planning Board

Planning Department  
Brockton City Hall  
45 School Street, 3<sup>rd</sup> Floor  
Brockton, MA 02301

Phone: (508) 580-7113

Email: [Planning@cobma.us](mailto:Planning@cobma.us)

Meetings: The first Tuesday of each month at 6 p.m. in the G.A.R. Room (located on the second floor of City Hall)

Brockton’s Site Plan Review is a three-step process:

1. Submit a completed **Site Plan Review Application** to the Planning Department
2. Attend the **Technical Review Committee meetings** to present the project and discuss technical details with City staff
3. Attend one (more in necessary) **Planning Board public hearing** to discuss project details and obtain a decision on the Site Plan Review Application

### Site Plan Review Application

If your project requires Site Plan Review, you must submit a completed Site Plan Review Application Form and necessary attachments. Within 48 hours of the submittal of a Site Plan Review application package, the Planning Department will review the application package for completeness. Incomplete applications will not be submitted to the Technical Review Committee for review until all required documentation/information has been submitted.

Complete applications must include the appropriate **filing fee**<sup>2</sup>, four copies of **drainage calculations**, and 18 application packages (one original and 17 copies) which include the following:

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<sup>2</sup> Please contact the Planning Department for the latest fee schedule.

- ▶ A completed application form
- ▶ A narrative of the proposed development addressing: the proposed use, parking and loading, traffic flow and circulation, external lighting, landscaping and screening, utilities, snow removal, and a description of the national area protection and enhancement
- ▶ A copy of a purchase and sales agreement (if the owner and applicant are not the same party)
- ▶ A copy of any Zoning Board of Appeals approvals for the project
- ▶ The most recent Municipal Lien Certificate showing that there are no monies owed to the City of Brockton for taxes or fees
- ▶ Plans on 24" x 36" sheets showing: existing conditions, site layout, parking, landscaping and lighting, utilities, and architectural plans

Site Plan Review Application forms are available at the Planning Department and online at: [www.brockton.ma.us/Government/Departments/Planning/PlanDocsandForms.aspx](http://www.brockton.ma.us/Government/Departments/Planning/PlanDocsandForms.aspx).

Before submitting a Site Plan Review application, it is highly recommended that the Applicant coordinate with the Planning Department to schedule pre-application meetings with individual members of the Technical Review Committee. In an effort to make these meetings as productive as possible, the Applicant should bring a preliminary plan or conceptual plan for review and comment, as well as the project's engineer. The more detail contained on the plan, the more productive and informative the meeting will be — and the more likely it will be that no more than one Technical Review Meeting will be necessary.

## Technical Review Committee

When the Planning Department determines that the Site Plan Review application package is complete, it will schedule a meeting with the Technical Review Committee. This Committee, which is comprised of representatives of a number of City departments (including, but not limited to: Planning, Building, Public Works, and Fire), reviews the plans for compliance with City Ordinances. The Applicant (or the Applicant's agent) and the Applicant's engineer are required to attend this session and be prepared to present the project and answer any questions that the Technical Review Committee may have.

You will be alerted at the Technical Review Committee meeting if your project requires any outstanding Zoning Board of Appeals or Conservation Commission approvals. Please note that these approvals must be obtained and their appeal periods expired before the project will be scheduled for a Planning Board Public Hearing.

All minor changes required by the Technical Review Committee must be incorporated into the plan and submitted to the Planning Department before the project can proceed to the Planning Board for approval. Major changes may require that the Applicant re-appear at another Technical Review session. An Applicant will be advised as to whether his changes require a return the Technical Review

Committee. Once the revisions are complete, the applicant must submit to the Planning Board 12 sets of the plans (one original and 11 copies) along with a narrative describing the changes.

## Planning Board Public Hearing

After the Applicant completes Technical Review Committee review and the provides written evidence that all other special permits (including Zoning Board of Appeals and Conservation Commission approvals) have been obtained with all appeal periods having expired, a Planning Board will schedule a public hearing on the proposed project.

The Applicant and/or its consultants should be prepared to give a project presentation at the public hearing. The hearing will include a public portion to allow input from the public. The Planning Board may vote on the project at that meeting or, at the Applicant's request, it may continue the hearing to a future date to allow time for additional information, including site plan modifications or independent reviews of technical information.

No changes or deviations to the plan can be made once the site plan has been approved without the authorization of the Planning Board. Changes will require submission of an additional review fee.

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## Summary of Development Permits

The following is a summary of the local, state, and federal permits most commonly required for commercial and industrial development in the City of Brockton.

### Local Permits and Approvals

Permit or Approval	Issuing Authority	Application/Process Description
<b>Special Use Permit</b>	Zoning Board of Appeals	Article VII of the Zoning Ordinance: <a href="http://library.municode.com/HTML/10481/level1/APX_CZO.html">http://library.municode.com/HTML/10481/level1/APX_CZO.html</a>
<b>Variance from the Zoning Ordinance</b>	Zoning Board of Appeals	Article VII of the Zoning Ordinance: <a href="http://library.municode.com/HTML/10481/level1/APX_CZO.html">http://library.municode.com/HTML/10481/level1/APX_CZO.html</a>
<b>Site Plan Review</b>	Planning Board	Article XV of the Zoning Ordinance: <a href="http://library.municode.com/HTML/10481/level1/APX_CZO.html">http://library.municode.com/HTML/10481/level1/APX_CZO.html</a>  SPR Application and Planning Board Rules & Regulations: <a href="http://www.brockton.ma.us/Government/Departments/Planning/PlanDocsandForms.aspx">www.brockton.ma.us/Government/Departments/Planning/PlanDocsandForms.aspx</a>
<b>Request for Determination of Applicability</b>	Conservation Commission	<a href="http://www.mass.gov/dep/water/approvals/wwforms.htm">www.mass.gov/dep/water/approvals/wwforms.htm</a>
<b>Notice of Intent</b>	Conservation Commission	<a href="http://www.mass.gov/dep/water/approvals/wwforms.htm">www.mass.gov/dep/water/approvals/wwforms.htm</a>
<b>Water Connection Permit</b>	Water Commission	<a href="http://www.brockton-ma.gov/Forms/Multi_WaterCon_Rules_App.pdf">www.brockton-ma.gov/Forms/Multi_WaterCon_Rules_App.pdf</a>
<b>Building Permit</b>	Building Department	
<b>Permit to Raze (Demolish) Building</b>	Building Department	<a href="http://www.brockton.ma.us/docs/forms/Demolition_Application.pdf">www.brockton.ma.us/docs/forms/Demolition_Application.pdf</a>
<b>Permit for Electrical Work</b>	Building Department	
<b>Permit for Gas Work</b>	Building Department	<a href="http://www.brockton.ma.us/docs/forms/Permit_for_Gas_Work.pdf">www.brockton.ma.us/docs/forms/Permit_for_Gas_Work.pdf</a>
<b>Permit for Plumbing Work</b>	Building Department	<a href="http://www.brockton.ma.us/docs/forms/Permit_for_Plumbing_Work.pdf">www.brockton.ma.us/docs/forms/Permit_for_Plumbing_Work.pdf</a>
<b>Buildable Lot Form</b>	Building Department	<a href="http://www.brockton.ma.us/docs/forms/Buildable_Lot_Form.pdf">www.brockton.ma.us/docs/forms/Buildable_Lot_Form.pdf</a>

<b>Permit to Erect a Sign</b>	Building Department (City Council if required)	<a href="http://www.brockton.ma.us/docs/forms/Permit_for_Erecting_a_Sign.pdf">www.brockton.ma.us/docs/forms/Permit_for_Erecting_a_Sign.pdf</a>
<b>Food Service Permit</b>	Board of Health	
<b>Liquor License</b>	Licensing Board	
<b>Common Victualer License (Restaurant)</b>	Board of Health	<p>Instructions:  <a href="http://www.brockton.ma.us/docs/forms/INSTRUCTIONS_-_Common_Victualer_License.pdf">www.brockton.ma.us/docs/forms/INSTRUCTIONS_-_Common_Victualer_License.pdf</a></p> <p>Application:  <a href="http://www.brockton.ma.us/docs/forms/Application_for_Common_Victualer_License.pdf">www.brockton.ma.us/docs/forms/Application_for_Common_Victualer_License.pdf</a></p>
<b>Street Opening Permit</b>	DPW – Highway	
<b>Garage License</b>	City Council	

## State Permits

The following state permits or review procedures may be applicable to proposed development projects within Brockton. The Applicant should evaluate all state permitting procedures as they relate to the proposed project. The following is a sample of typical state permits or review that should be evaluated.

1. **Massachusetts Environmental Policy Act**, or 'MEPA' review requires state agencies to evaluate the environmental impact of all projects or activities undertaken by state agencies, and of private projects seeking state funding or permits. An Environmental Notification Form must be filed if the project meets one or more of the thresholds specified in the regulations, whereas certain activities automatically require the preparation of an Environmental Impact Report.
2. **Massachusetts Clean Waters Act, Sewer Extension/Connection Permits** are required for the connection of a project to a sewer system unless exempted. There are pretreatment requirements for industrial users, which must be coordinated with the permitting requirements of the Brockton Department of Public Works.
3. **Massachusetts Clean Waters Act, Surface Water and/or Groundwater Discharge Permits.** Surface Water Discharge Permits, administered jointly by the federal Environmental Protection Agency and the Massachusetts Department of Environmental Protection, are required for point source discharges to U.S. Waters and application should be made simultaneously to both agencies. A permit may also be required for stormwater discharges where runoff is substantially contaminated or if contamination exists because the discharge is located within an industrial area or is associated with industrial activity. If the project is in an unsewered area, a Disposal Works

Construction Permit must be obtained from the local board of Health in accordance with Title 5 of the State Environmental Code. If a sewage disposal system with capacity in excess of 15,000 gallons per day will be constructed, a groundwater discharge permit must be obtained.

4. **Massachusetts Clean Air Act Approval** must be obtained in writing from the Department of Environmental Protection for the plans, specifications, and proposed operating procedures for the construction, substantial reconstruction or alteration of any stationary source of air pollution, unless specifically exempted. Stationary sources emitting certain pollutant levels must register with DEP as well. Anyone constructing or demolishing a commercial building, or residential building with 20 or more units, must notify DEP at least 10 working days prior to starting work, if it will create emissions that cause or contribute to a condition of air pollution.
5. **Massachusetts Endangered Species Act** prohibits taking or possession of any plant or animal species listed in the federal Endangered Species Act, or the alteration of a significant habitat. A project developer should review the list of endangered species available from the Division of Fisheries and Wildlife, and habitat maps available for inspection at City Hall from the Conservation Commission.
6. **Hazardous Waste Management Permits** may be required from the federal Environmental Protection Agency or state Department of Environmental Protection if any wastes generated by the project are hazardous, depending on the types of quantities generated; contact the Brockton Fire Department for information.
7. **Massachusetts Historical Commission Approval** must be obtained if a designated historical or archeological landmark will be altered or affected by a project undertaken by a state agency or any private party seeking any state funding, permits or licenses for the project.
8. **State Highway Access Permit** must be obtained in writing from the Massachusetts Highway Department if a project will involve the creation, alteration, expansion or substantial impact upon an opening onto a state highway. This includes property which has access directly onto state highways and property which abuts a state highway layout.

## Federal Permits

The following federal permits or review procedures may be applicable to proposed development projects within Brockton. The Applicant should evaluate all federal permitting procedures as they relate to the proposed project. The following is a sample of typical federal permits or review that should be evaluated.

1. **National Environmental Policy Act, or "NEPA" review** requires the preparation of an environmental impact statement (EIS) to assess the impact of a major federal action, i.e. projects and programs entirely or partly financed, assisted, conducted, regulated or approved by federal agencies, that may have a significant impact on the quality of the human environment. Major federal actions are either defined by statute or determined by agency officials.

2. **Clean Water Act, Section 404 Permit** requires a project involving the discharge of dredged or fill material into waters of the United States (including federally defined wetlands) to obtain a permit from the Army Corps of Engineers. The permit may be a programmatic general permit, an individual permit or an official letter of permission.
3. **Clean Water Act, Water Quality Certification Approval** requires the state to determine whether certain activities meet state water quality standards; if they don't, the Corps of Engineers is prohibited from issuing a Section 404 permit for the activity.
4. **Rivers and Harbors Act of 1899, Section 10 Permit** requires a federal permit from the Army Corps of Engineers for dredging, filling or obstruction of navigable waters; the Section 10 permit is often applied for in conjunction with a Section 404 permit.
5. **National Flood Insurance Act and Flood Disaster Protection Act Certification** requires that banks not make, extend or review any loan secured by improved real estate located in an area having flood hazards, and in which flood insurance is available, unless the building securing the loan is covered by flood insurance. This usually requires architectural or engineering review and certification of building plans to the lender.
6. **Clean Air Act Permits or Approvals** may be required directly from the Environmental Protection Agency for certain emissions and hazardous air pollutants from new sources of these regulated air pollutants; most of the federal requirements, however, are incorporated by Massachusetts in its State Implementation Plan, or SIP (see State Clean Air Act).
7. **National Historic Preservation Act Section 106 Review** requires that certain federally assisted, permitted and licensed activities that might have an adverse effect on properties listed with, or eligible for listing with, the National Register of Historic Places be reviewed concerning that effect and its consequences; Section 106 review is accomplished by submitting a Project Notification Form to the Historical Commission.
8. **Environmental Protection Agency Stormwater Notices of Intent and/or NPDES Permits** are required for stormwater discharges associated with certain industrial activities. Industrial activity was recently redefined to include "construction activity including clearing, grading, and excavation activities except operations that result in the disturbance of less than five acres of total land area which are not part of a larger common plan of development or sale". The project owner and operator are required to file a Notice of Intent and pollution abatement plan with the Environmental Protection Agency.



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# Primary City Departments for Development Permitting

## Building Department

Brockton City Hall  
45 School Street, 3<sup>rd</sup> Floor  
Brockton, MA 02301  
Phone: (508) 580-7150  
Email: [Building@cobma.us](mailto:Building@cobma.us)

Website: [www.brockton.ma.us/Departments/Building.aspx](http://www.brockton.ma.us/Departments/Building.aspx)

Perhaps the busiest of all city departments, the Building Department promotes excellence in planning, building, and development that encourages public collaboration and engages best management practices. The Building Department does this using methods to ensure public safety, environmental protection, and quality architectural design in the City of Brockton and the region.

The Building Department's three key functions involve a diversity of business activities that serve a wide variety of internal and external customers. These customers range from citizens and businesses to most city departments and City Council.

The Building Department oversees the issuance of a building permit which requires sign-off's from the following city agencies/commissions:

- ▶ **Engineering Department**
- ▶ **Water Department (Utilities Division)**
- ▶ **Sewer Department (Utilities Division)**
- ▶ **Highway Department**
- ▶ **Fire Department**
- ▶ **Traffic Commission (within Police Department)**
- ▶ **Conservation Commission**

## Planning Department

Brockton City Hall  
45 School Street, 3<sup>rd</sup> Floor  
Brockton, MA 02301  
Phone: (508) 580-7113  
Email: [Planning@cobma.us](mailto:Planning@cobma.us)  
Website: [www.brockton.ma.us/Departments/Planning.aspx](http://www.brockton.ma.us/Departments/Planning.aspx)

The **Planning Department** is the lead agency responsible for all phases of planning in the City of Brockton. The Department assists the Mayor and the City Council with public policy information and analysis, and works with the community to develop plans such as the Comprehensive Plan and Open Space and Recreation Plan. In addition, the Department provides staff support for Brockton's Planning Board, Conservation Commission, Historical Commission, and Historic District Commission.

### **Planning Board**

Phone: (508) 580-7113  
Email: [Planning@cobma.us](mailto:Planning@cobma.us)  
Meetings: First Tuesday of the month at 6pm in the GAR Room in City Hall.  
Website: [www.brockton.ma.us/Government/Departments/Planning/PlanningBoard.aspx](http://www.brockton.ma.us/Government/Departments/Planning/PlanningBoard.aspx)

The Planning Board is the permit granting authority for Site Plan Review, 40R Smart Growth Overlay Zone, and subdivision applications. The Board also reviews requests to return to the Zoning Board of Appeals.

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### **Conservation Commission**

Phone: (508) 580-7167  
Email: [Conservation@cobma.us](mailto:Conservation@cobma.us)  
Meetings: Second and fourth Thursday of the month at 7pm in the GAR Room in City Hall.  
Website: [www.brockton.ma.us/Government/Departments/Planning/ConComm.aspx](http://www.brockton.ma.us/Government/Departments/Planning/ConComm.aspx)

The Conservation Commission is the official agency specifically charged with the protection of Brockton's Natural Resources. The Commission also advises other municipal officials and boards on conservation issues that relate to their areas of responsibility.

## Department of Public Works

Brockton City Hall  
45 School Street, 3<sup>rd</sup> Floor  
Brockton, MA 02301  
Phone: (508) 580-7135  
Email: [DPW@cobma.us](mailto:DPW@cobma.us)  
Website: [www.brockton.ma.us/Departments/DPW.aspx](http://www.brockton.ma.us/Departments/DPW.aspx)

The goal of Brockton's **Department of Public Works** (DPW) is the smooth and efficient implementation of all City services and infrastructure projects. Please note that all three of the following Divisions are required sign-offs for building permits.

### **Engineering Division**

Brockton City Hall  
45 School Street  
Brockton, MA 02301  
Phone: (508) 580-7139  
Website: [www.brockton.ma.us/Government/Departments/DPW/Engineering.aspx](http://www.brockton.ma.us/Government/Departments/DPW/Engineering.aspx)

The Engineering Division, located in City Hall, provides resident expertise to many city departments which require specific site measurements and dimensions for municipal infrastructure planning, development, and maintenance. The Division provide resident engineering services to the Brockton Redevelopment Authority, city roadway construction projects and general construction inspection on private projects that affect city streets and property. The Division inspects all street-opening permits and process all contractor licensing. The Division performs and directs all types of municipal services such as sewerage and drainage installations, street layouts, roadway and sidewalk construction and related surveys, maintaining all plans and records. The Division provide deeds and legal descriptions for land takings of sewer, water and drainage easements, street layouts corner takings and for city land sales. The Division maintain records and maps and support the Assessing Department, Tax Collector & Treasurer as well as the Planning Departments in performance of their duties.

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### **Highway Division**

301 Oak Hill Way  
Brockton, MA 02301  
Phone: (508) 580-7810  
Website: [www.brockton.ma.us/Government/Departments/DPW/Highway.aspx](http://www.brockton.ma.us/Government/Departments/DPW/Highway.aspx)

The Highway Division, located on Oak Hill Way, is sometimes referred to as the operations division. The Division is responsible for the repair and upkeep of all public roadways in the City of Brockton. There are over 300 miles of hardtop responsibility. The Highway Division is responsible for snow removal and sanding as well as salting in times of snowy weather. And of course, the effects of that activity coupled with severe temperature swings contribute to the crop of pot holes

produced each winter and spring. Twice a year the Division street sweep neighborhoods, clean catch basins and rivers. Maintaining the city's storm drains is also the duty of the Division.

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### **Utilities Division**

39 Montauk Road

Brockton, MA 02301

Phone: (508) 580-7865

Website: <http://www.brockton.ma.us/Government/Departments/DPW/WaterSewer>

Maintaining all Water and Sewer pipes on a 24 hour basis is the Utilities Division's responsibility. The Utilities Division, located on Montauk Road, maintains all water lines and installs new mains as well as deliver high quality, safe drinking water throughout the City. The Division oversees water main replacement and repair of leaks. Reading and reporting water usage is also a function of the Utilities Division. The Division provides emergency service to Brockton residents should they have sewerage backup into their homes or property. The Division performs all preventive maintenance work on all sewer connections and replace old sewer lines.

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# Brockton's Economic Development Partners

## Metro South Chamber of Commerce

60 School Street

Brockton, MA 02301

Phone: (508) 586-0500

Email: [info@metrosouthchamber.com](mailto:info@metrosouthchamber.com)

Website: [www.metrosouthchamber.com](http://www.metrosouthchamber.com)



The **Metro South Chamber of Commerce** is a private, non-profit business association headquartered in Brockton. The Chamber supports and promotes the local business community through leadership in public advocacy, education, networking, information and community development. The Chamber provides its members with a number of services including networking opportunities, professional development, legislative advocacy, marketing exposure, access to business resources, economic development, community betterment, cost-savings, and access to health and dental insurance for small businesses.

## Brockton Redevelopment Authority

60 School Street, 2<sup>nd</sup> Floor

Brockton, MA 02301

Phone: (508) 586-3887

Website: [www.brocktonredevelopmentauthority.com](http://www.brocktonredevelopmentauthority.com)

The **Brockton Redevelopment Authority (BRA)** is a quasi-public agency contracted by the City of Brockton whose main mission is community development and economic revitalization, specifically for the benefit of low- and moderate-income households and areas of Brockton. The BRA works with the Mayor, the Planning Department, and other city departments to develop and achieve a strategic development vision. The BRA also works in partnership with other organizations like the Brockton 21st Century Corporation, Metro South Chamber of Commerce, private businesses, and developers to further the strategic development vision.

As part of the BRA's contract with the City of Brockton, it manages the city's housing and community development funds, US Department of Energy (DOE) funding, and US Department of Housing and Urban Development (HUD) funding. These resources include Community Development Block Grant (CDBG), Neighborhood Stabilization Program (NSP), and Homelessness Prevention and Rapid Re-Housing Program. The principal purpose of the funding is to improve the lives of low- and moderate-income Brockton residents through economic development, affordable housing, and social program.

## 2020 SITE PLAN REVIEW **TECHNICAL REVIEW** MEETING DEADLINES

### **FILING DEADLINE (NOON)**

Friday, January 3, 2020

Friday, February 7, 2020

Friday, March 6, 2020

Friday, April 3, 2020

Friday, May 1, 2020

Friday, June 7, 2020

Wednesday, July 3, 2020

Friday, August 7, 2020

Friday, September 4, 2020

Friday, October 2, 2020

Friday, November 6, 2020

Friday, December 4, 2020

### **MEETING DATES (10 am to noon)**

Monday, January 27, 2020

Monday, February 24, 2020

Monday, March 30, 2020

Monday, April 27, 2020

**Tuesday, May 26, 2020**

Monday, June 29, 2020

Monday, July 27, 2020

Monday, August 31, 2020

Monday, September 28, 2020

Monday, October 26, 2020

Monday, November 30, 2020

Monday, December 28, 2020

	A	B
1	<b>PLANNING BOARD FILING DEADLINES</b>	<b>PLANNING BOARD MEETING DATE</b>
2	<b>ALL BUSINESS BEFORE THE PLANNING BOARD SHALL BE FILED BY:</b>	<b>6 PM GAR Room UNLESS NOTED OTHERWISE</b>
3	<b>NOON ON THE DATES LISTED BELOW:</b>	
4	<b>THIS INCLUDES, BUT IS NOT LIMITED TO THE FOLLOWING:</b>	
5	<b>Prelim Plans, Definitive Plans, Modifications,</b>	
6	<b>Extensions, Site Plan Approval (Public Hearing),</b>	TUESDAY, JANUARY 7, 2020 TUESDAY, FEBRUARY 4, 2020 TUESDAY, MARCH 3, 2020 TUESDAY, APRIL 7, 2020 TUESDAY, MAY 5, 2020 TUESDAY, JUNE 2, 2020 TUESDAY, AUGUST 4, 2020 TUESDAY, SEPTEMBER 1, 2020 TUESDAY, OCTOBER 6, 2020 <b>WEDNESDAY, NOVEMBER 4, 2020</b> TUESDAY, DECEMBER 1, 2020
7	<b>ZBA Returns, Lot Releases, All Plan Updates/Revisions</b>	
8		
9	Monday, December 9, 2019	
10	Monday, January 13, 2020	
11	Monday, February 10, 2020	
12	Monday, March 9, 2020	
13	Monday, April 13, 2020	
14	Monday, May 11, 2020	
15	Monday, July 13, 2020	
16	Monday, August 10, 2020	
17	Monday, September 8, 2020	
18	TUESDAY, October 13, 2020	
19	Monday, November 9, 2020	
20	Monday, December 7, 2020	

**ZONING BOARD HEARING  
WILL BE HELD AT 6:00 P.M.  
IN COUNCIL CHAMBERS  
2020**

<b><u>DEADLINE 3:00 P.M.</u></b>	<b><u>DATE OF MEETINGS</u></b>
<b>Thursday, December 12, 2019</b>	<b>Tuesday, January 14, 2020</b>
<b>Thursday, January 16, 2020</b>	<b>Tuesday, February 11, 2020</b>
<b>Thursday, February 13, 2020</b>	<b>Tuesday, March 10, 2020</b>
<b>Thursday, March 12, 2020</b>	<b>Tuesday, April 14, 2020</b>
<b>Thursday, April 16, 2020</b>	<b>Tuesday, May 12, 2020</b>
<b>Thursday, May 14, 2020</b>	<b>Tuesday, June 9, 2020</b>
<b>Thursday, June 11, 2020</b>	<b>Tuesday, July 14, 2020</b>
<b>Thursday, July 16, 2020</b>	<b>Tuesday, August 11, 2020</b>
<b>Thursday, August 13, 2020</b>	<b>Wednesday, September 9, 2020</b>
<b>Thursday, September 10, 2020</b>	<b>Wednesday, October, 14, 2020</b>
<b>Thursday, October, 15, 2020</b>	<b>Tuesday, November 10, 2020</b>
<b>Thursday, November 12, 2020</b>	<b>Tuesday, December 8, 2020</b>
<b>Thursday, December 10, 2020</b>	<b>Tuesday, January 12, 2021</b>

**\*\*\* SEPTEMBER AND OCTOBER MEETINGS WILL BE ON  
A WEDNESDAY\*\*\*\*\***



	A	B
1	BROCKTON CONSERVATION COMMISSION 2020	
2	<b>FILING DEADLINE DATE AT NOON</b>	<b>MEETING DATE - 6 PM GAR ROOM UNLESS OTHERWISE NOTED</b>
3	Wednesday, December 18, 2020	WEDNESDAY, JANUARY 15, 2020
4	Wednesday, January 22, 2020	WEDNESDAY, FEBRUARY 19, 2020
5	Wednesday, February 26, 2020	WEDNESDAY, MARCH 18, 2020
6	Wednesday, March 25, 2020	WEDNESDAY, APRIL 15, 2020
7	Wednesday, April 22, 2020	WEDNESDAY, MAY 20, 2020
8	Wednesday, May 27, 2020	WEDNESDAY, JUNE 17, 2020
9	Wednesday, June 23, 2020	WEDNESDAY, JULY 15, 2020
10	Wednesday, July 22, 2020	WEDNESDAY, AUGUST 19, 2020
11	Wednesday, August 26, 2020	WEDNESDAY, SEPTEMBER 16, 2020
12	Wednesday, September 23, 2020	WEDNESDAY, OCTOBER 21, 2020
13	Wednesday, October 28, 2020	WEDNESDAY, NOVEMBER 18, 2020
14	Tuesday, November 24, 2020	WEDNESDAY, DECEMBER 16, 2020
15	Wednesday, December 23, 2021	
16		
17		
18		
19		