

**BROCKTON CONSERVATION COMMISSION**  
**February 15th, 2023 - 6:30 PM MINUTES**

The Chair, Joyce Voorhis called the February 15th, 2023 meeting of the Brockton Conservation Commission to order and read the following statement: “It being 6:30 PM, I call this meeting of the Brockton Conservation Commission to order. This meeting is being conducted remotely in accordance with the extension of the Governor’s Order suspending certain provisions of the Open Meeting Law, Mass General Law chapter 38 section 20. 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 a 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 star (\*) nine to raise your hand. A copy of this recording will be on the City’s web pages. All votes will be done via roll call to ensure count accuracy. Please note that discussion of all agenda items shall be limited to 15 minutes each to ensure timely progress through tonight’s agenda.”

The following members were confirmed to be in attendance: Joyce Voorhis, Chair, Ruby Clay, and Peggy Curtis. A quorum was established. Acting Conservation Agent (BETA Representative Elyse Tripp – herein “Acting Agent”), Director Rob May, and Admin Isaiah Thelwell were also in attendance.

**NOTE: Agenda Items:**

**#5 Notice of Intent 940 Belmont St / VA Hospital ,  
#7 Enforcement Order Update / Notice of Intent Map 181-042 Claremount Ave and  
#8 Request for Amended Order of Conditions 455 Oak Street  
were **continued to the 3/15 Meeting** .**

**NOTE: Agenda Items:**

**#4 Request For Certificate of Compliance Dunbar St - Davis Common and  
#6 Notice Of Intent 76 Campanelli Industrial Drive have **withdrawn**.**

**1. Acceptance of Minutes**

**A motion to accept the December 7, 2022, December 21, 2022 and January 18 meeting minutes** was properly made by Ruby Clay, seconded by Peggy Curtis, and approved by a unanimous vote.

**2. Commission Matter: Ratification/Referral of Enforcement Orders – 34 Hermon Street & 803 Crescent Street**

**34 Hermon Street**

Acting Agent Elyse Tripp, summarized that the Hermon Street Enforcement Order is an ongoing enforcement issue concerning fill and construction debris within the 25-foot Buffer Zone to an intermittent stream. The original Enforcement Order was issued in June of 2020 with no action

taken to correct the violation. As a result, a second Enforcement Order was issued on January 26, 2023 with similar complaints. The parcel was visited by the Conservation Agent three times, including a court-ordered site visit in April 2022. Per the Enforcement Order, the Applicant was not asked to be present at this meeting, but they were asked to file a permit for the work that has been done and is currently ongoing.

Commissioner Curtis stated that the property owner has disregarded the Wetlands Protection Act and its Regulations. Curtis also mentioned that the property owner had been visited multiple times, and that the rules had been made clear. Acting Agent Tripp suggested that the next step would be to send the Enforcement Order to the City Solicitor.

**A motion to refer the Enforcement Order for 34 Hermon Street to the City Solicitor** was properly made by Peggy Curtis, seconded by Ruby Clay and approved by a unanimous vote.

### **803 Crescent Street**

Acting Agent Tripp discussed the Enforcement Order for 803 Crescent Street related to the placement of new asphalt within Bordering Land Subject to Flooding and within the 25-foot Riverfront Area. The photos uploaded by the Agent showed that there had been some pavement encroachment from the previous conditions towards the Resource Areas. The Enforcement Order was issued on January 26<sup>th</sup>, 2023 with a request to attend the meeting on February 15th and file an appropriate after-the-fact permit.

**A motion to ratify the Enforcement Order for 803 Crescent Street and to send a second request to the property owner to attend the March 15 meeting** was properly made by Peggy Curtis, seconded by Ruby Clay and approved by a unanimous vote.

**A motion to refer the Enforcement Order for 34 Hermon St to the City Solicitor & a motion to ratify the Enforcement Order at 803 Crescent St and to send a second request to the property owner to come to the March fifteenth meeting** were properly made by Peggy Curtis, seconded by Ruby Clay and approved by a unanimous vote.

### **3. Commission Update: Map 003-049 Pleasant St Appeal**

On behalf of a group of abutters, Hill Law has appealed the Order of Conditions issued by the Brockton Conservation Commission and has requested that the Massachusetts Department of Environmental Protection evaluate the site and issue a Superseding Order of Conditions. Acting Agent Tripp explained that the basis of the appeal was related to compliance with the Massachusetts Stormwater Standards. Currently, they are waiting for DEP to reach out and set up a site visit involving all parties. Chair Voorhis asked if there is a required period of time to hear a response from DEP to the letter and Acting Agent Tripp stated that typically it is within 30 days, but there may be some leeway depending on circumstances. She agreed to follow up and to provide an update at the next meeting.

**A motion was made and seconded and approved to adjourn the meeting.**