



Robert F. Sullivan  
Mayor

# CITY OF BROCKTON

DEPARTMENT OF PLANNING AND ECONOMIC DEVELOPMENT

Planning Board

Historical Commission

Conservation Commission

Robert May, CECD  
Director

## MINUTES

AUGUST 21 2024 – 6:30 PM

Chair Joyce Voorhis called for the August 21st, 2024 meeting of the Brockton Conservation Commission to be ordered 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 the 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, Peggy Curtis, Justin Talbot, Shareefah Mapp, Ruby Clay - Vice Chair, and Joyce Voorhis - Chair, Administrator Rhode Germain, Administrator Isaiah Thelwell, Conservation Agent Kyle Holden and BETA representative Elyse Tripp were also present.

**NOTE - Agenda Items [Continued to the 09-18-24 Meeting](#)**

### 13. Notice of Intent

**Property: 82 Ames Street**

**Project: Parking Lot Construction and Riverfront Restoration**

**Representative: River Hawk Environmental, LLC**

**Status: Waiting for applicant response to BETA Peer Review dated 8/6/24.**

### 19. Notice of Intent

**Property: Warren Avenue between Spring Street and Belmont Street**

**Project: Warren Avenue Two Way Conversion Project**

**Representative: CDM Smith, Inc.**

### 20. Notice of Intent

**Property: 1380 Main Street**

**Project: Campello Towers Modernization**

**Representative: GM2 Associates**

*updated to reflect Millenium Engineering Inc. MEI*

## COMMISSION MATTER

### *1. Acceptance of July 17th, 2024 Minutes*

**A motion was made (Clay) and seconded (Green) to accept the July 17th, 2024 minutes. Motion passed by unanimous vote with Commissioner Talbot abstaining.**

## NEW FILINGS

### *2. Notice of Intent*

***Property: 940 Belmont Street***

***Project: VA Hospital Stormwater Improvements***

***Representative: T. Reynolds Engineering***

The Chair received verification of abutter notification issuance of a DEP file number and Terry Reynolds with T. Reynolds Engineering presented the Notice of Intent Application for 940 Belmont Street, a project focused on stormwater and site improvements in the southern portion of a site, which is surrounded by wetlands. The site features old storm sewers installed in the 1950s, which are deep and not easily serviceable. The project aims to upgrade the stormwater system to modern standards capable of handling a 100-year storm event, enhance water quality, and reduce runoff. Proposed changes include repaving areas, adding curbing, and installing bioswales, vegetated basins, rain gardens, and other stormwater management features to filter water before it reaches wetlands. The work will occur within existing developed areas, with some modifications close to or within 25-foot and 50-foot buffer zones to Bordering Vegetated Wetlands.

The project is described as a redevelopment that improves upon existing conditions, with no new discharge locations and a slight decrease in impervious surfaces. The main goal is to enhance stormwater management while adhering to the limitations posed by the previously developed nature of the site.

Members of the public made no request to be heard.

**A motion was made (Clay) and seconded (Curtis) to Continue 940 Belmont Street to the September 18, 2024 meeting along with a referral to the Commission's third-party consultant for review. Motion passed by unanimous vote with Commissioner Talbot abstaining.**

### *3. Notice of Intent*

***Property: 10 Exeter Street***

***Project: Demolition and Construction of New Home***

***Representative: J.K. Holmgren Engineering, LLC***

The Chair received verification of abutter notification and of issuance of a DEP file number. Matt Tavares with J.K. Holmgren Engineering presents the Notice of Intent application for 10 Exeter Street. According to Mr. Tavares, the project involves the replacement of an existing, unlivable house with a new structure replicating the original footprint. Mr. Tavares explained that the existing house is just outside the 25-foot buffer zone, and a silt sock will be installed along the 25-foot line around the property. The existing sewer and water services will be used, with plans to add a gas line from the street. Updated wetland flags have been placed, addressing previous discrepancies in their locations. Agent Kyle Holden noted that he had no further questions and recommended continuing the review to the next meeting to allow time for proper evaluation of the updated plan.

Commissioner Green asked if the shed located to the north of the existing structure was being altered or if only the house was being redone. Tavares confirmed that only the house was being rebuilt, and the shed would remain as-is. Tavares mentioned that the shed is within the 25-foot buffer zone, approximately 10 feet from the wetlands.

Members of the public made no request to be heard.

**A motion was made (Clay) and seconded (Curtis) to Continue 10 Exeter Street to the September 18th meeting. Motion passed by unanimous vote with Commissioner Talbot abstaining.**

#### ***4. Request for Certificate of Compliance***

***Property: 97 Ames Street***

***Project: Soil Remediation***

***Representative: Coneco Engineers & Scientists***

Nick Hebel with Coneco Engineers & Scientists, presented the Request for Certificate of Compliance for 97 Ames Street. Mr. Hebel updated the Commission on a project where soil remediation work had been completed. He noted that he and Agent Holden visited the site on the previous Monday to verify that everything was completed satisfactorily. The blacktop was replaced, and excavated areas were reseeded and stabilized. The only remaining task is the removal of erosion controls, which is being planned.

Agent Holden provided additional context, summarizing that the project involved soil remediation and concrete removal due to contaminated soils, which have since been replaced with clean soils and repaved. Given the progress and the site's current state. Mr Holden recommended issuing a Complete Certificate of Compliance for the project, noting that erosion controls are still in place but will be removed soon.

**A motion was made (Clay) and seconded (Curtis) to issue a Complete Certificate of Compliance for 97 Ames Street based on the recommendations from The Agent. Motion passed by unanimous vote with Commissioner Talbot abstaining.**

#### ***5. Notice of Intent***

***Property: 24 Intervale Street***

***Project: Parking Lot Improvements***

***Representative: Environmental Consulting & Restoration LLC***

The Chair received verification of a butter notification and of issuance of a DEP file number. DEP did issue a file number with comments recommending evaluation of wildlife habitat. Agent Holden acknowledged receipt of the habitat assessment.

Brad Holmes with Environmental Consulting and Restoration, LLC presented the Notice of Intent application for 24 Intervale Street. Mr. Holmes presented the proposal for resurfacing the parking lot at Lots 14 and 15 Interval Street, associated with the commercial building at 24 Interval Street. The existing paved parking lot, which lies within a flood zone but not within any vegetative wetlands, riverfronts, or buffer zones, is planned to be improved. The project includes reducing the size of the parking lot slightly, adding a planting strip on the north side for additional vegetation, and installing a bio-retention basin to manage stormwater. This basin will not only improve stormwater control but also create extra flood storage volume on the site, which currently has no stormwater management in place. Commissioner Mapp asked about the purpose of the lot, which Holmes confirmed as providing parking for the commercial building at 24 Interval Street.

Commissioner Curtis inquired about access routes for employees and customers of building 24 Intervale Street, questioning if they would cut through the adjacent residential parcel at 22 Interval Street. Mr. Holmes clarified that access would be via an existing sidewalk along Interval Street and that fencing would also be installed/replaced along the northern property boundary to 22 Intervale Street.

Members of the public made no request to be heard

**A motion was made (Clay) and seconded (Curtis) to Continue 24 Intervale Street to the September 18, 2024 meeting, and to refer the project to the Commission's third party consultant for review of Stormwater standards. Motion passed by unanimous vote with Commissioner Talbot abstaining.**

#### ***6. Request for Determination of Applicability***

***Property: 161 Mulberry Street***

***Project: Pole Barn Construction***

***Representative: LEC Environmental Consultants, Inc.***

Andrea Kendall with LEC Environmental presented the Request for Determination of Applicability application for construction of a Pole Barn at 161 Mulberry Street. Kendall spoke on behalf of the Massachusetts Electric Company, also known as National Grid. She introduced the project associated with their operations at 161 Mulberry Street, which is located off Ashland Street. The facility is an operations center used for storing electric infrastructure, including poles, transformers, wires, utility poles, and service vehicles. The current project involves constructing a storage tent or pole barn on the site. The proposed structure will be approximately 3,400 square feet, measuring about 43.5 by 77.5 feet.

Kendall provided photos of the existing area where the pole barn will be constructed. This area is currently paved and enclosed by a fence. The area surrounding the Site includes Bordering Vegetated Wetland (BVW) and Bordering Land Subject to Flooding. The Site exists wholly within the Buffer Zone to BVW and a recent survey shows that the Site is not located within FEMA Flood Zone AE as Site elevations in the area where work is proposed are above 96-feet in elevation. The project plans to avoid encroaching on the vegetated area and ensure that no part of the construction falls within the floodplain. The construction will involve saw cutting the existing pavement, minor grading to promote stormwater flow, and paving the area around the new structure. Erosion controls will be installed to protect the downgradient wetlands.

Kendall clarified that the pole barn is intended to house equipment and supplies to protect them during winter months, which will aid service crews during power outages. The structure will feature a fabric or synthetic cover and will be built within an existing disturbed area of the electric facility. The project is considered a minor activity exempt from additional permitting requirements.

Chair Voorhis asked if there was a photo of what the pole barn would look like. Kendall provided architectural plans showing the structure's design, which features a tent-like appearance with structural integrity. Voorhis also inquired about the potential impact of the building on stormwater flow. Kendall explained that the design would manage rooftop runoff through subtle grading, ensuring no concentrated or excessive flow. Agent Holden agreed with Andrea's assessment and recommended that the Commission issue a Negative 5 Determination. This determination would indicate that the proposed work takes place within a jurisdictional area, but that the activity is exempt from filing a Notice of Intent as specified in the Wetlands Protection Act and the regulations.

Members of the public did not request to be heard.

**A motion was made (Clay) and seconded (Curts) to close the hearing for 161 Mulberry Street. Motion passed by unanimous vote with Commissioner Talbot abstaining.**

**A motion was made (Clay) and seconded (Curtis) to issue a Negative 5 Determination for 161 Mulberry Street. Motion passed by unanimous vote with Commissioner Talbot abstaining.**

### ***7. Notice of Intent***

***Property: 352 Linwood Street***

***Project: Home Addition***

***Representative: J.K. Holmgren Engineering, LLC***

The Chair received verification of abutter notification and of issuance of a DEP file number: Matt Tavares with J.K. Holmgren Engineering presented the Notice of Intent application for a home addition at 352 Linwood Street. Tavares noted that there is a pond to the south of the property. The existing pond features a top of bank with a 25-foot buffer, a 50-foot buffer, and an additional 100-foot buffer. The house at 352 is proposing a 24-foot by 24-foot addition to the southern part of the house. This addition will extend from the middle of the house towards the back, encroaching into the 50-foot buffer but not quite reaching the 25-foot buffer. The area where the addition is planned is currently a lawn that is enclosed by a fence and not used extensively. To protect the area during construction, a silt sock is proposed just outside the 25-foot buffer, a few feet from the new addition. Additional silt sock placement will be across the back of the property to ensure adequate protection.

Agent Holden affirmed that this project is straightforward as all proposed work is within Buffer Zone to Bank and occurs in a previously disturbed area, which is currently a grass lawn. Holden noted that the erosion controls proposed appear adequate and recommended issuing an Order of Conditions. Holden mentioned that he had included some recommended special conditions in his agent report, including specifying the type of erosion controls to be used, material staging locations, and restrictions on using alternative erosion controls without Commission approval. Members of the public did not request to be heard.

**A motion was made (Clay) and seconded (Green) to close the hearing for 352 Linwood Street. Motion passed by unanimous vote with Commissioner Talbot abstaining.**

**A motion was made (Clay) and seconded (Curtis) to issue an Order of Conditions with special conditions outlined in the agent's report for 352 Linwood Street. Motion passed by unanimous vote with Commissioner Talbot abstaining.**

### ***8. Notice of Intent***

***Property: 549 Copeland Street***

***Project: Subdivision Roadway Construction***

***Representative: J.K. Holmgren Engineering, LLC***

The Chair received verification of abutter notification. As of the time of this hearing, a DEP File number has not been issued.

Matt Tavares with J.K. Holmgren Engineering presented the Notice of Intent application for a Subdivision roadway construction at 549 Copeland Street. Mr. Tavares presented a project involving the development of 28 lots on a pre-existing 9-hole golf course area. He explained that the wetland line had been previously approved (Order of Resource Area Delineation issued for the Site on February 23, 2024), and they would like to move forward with the development which includes construction of a roadway and installing associated utilities, drainage, and sewer systems. He noted that while most of the

work is outside the buffer zones, some sections, particularly near Lot 12 and the cul-de-sac on the northwest side, do fall within the 100-foot buffer.

There were questions from The Commissioners regarding the proximity of certain lots to the buffer zones and whether future homeowners would be informed about the restrictions due to these zones. Tavares confirmed that each lot would need to return for individual approval by filing a Notice of Intent for the home construction. Agent Holden recommended that the Commission refer the stormwater impacts of the development to their consultant for peer review. Members of the public did not request to be heard.

**A motion was made (Clay) and seconded (Curtis), to refer 549 Copeland Street to the Commission's third-party consultant for peer review and continue to the September 18th meeting. Motion passed by unanimous vote with Commissioner Talbot abstaining.**

#### ***9. Extension Request***

***Property: 132 Campanelli Industrial Drive***

***Project: Buffer Zone Restoration and Loading Dock Expansion***

***Representative: JLL***

Tom Ellis with JLL presented the Extension Request for buffer zone restoration and loading dock expansion at 132 Campanelli Drive. Tom Ellis explained that the restoration has been completed, and the request is to extend the Order to potentially add new loading docks depending on the needs of a future tenant. Agent Holden recommended a 2-year extension to accommodate the required monitoring period for the restoration work, and he suggested reassessing the situation if the loading dock expansion is not needed within that time frame. The Commissioners had a no questions for clarification, and overall, they seemed agreeable to the extension, understanding the owner's need to keep the property flexible for potential tenants.

**A motion was made (Clay) and seconded (Curtis) to extend the existing Order of Conditions for 132 Campanelli Industrial Drive for 2 years. Motion passed by unanimous vote with Commissioner Talbot abstaining.**

### **CURRENT FILINGS**

#### ***10. Notice of Intent***

***Property: 166 East Ashland Street***

***Project: Contractor Building Construction***

***Representative: J.K. Holmgren Engineering***

**A motion was made (Green) and seconded (Clay) to continue 166 East Ashland Street to the September 18, 2024 meeting. Motion passed by unanimous vote with Commissioner Talbot abstaining.**

#### ***11. Notice of Intent***

***Property: 511 Thatcher Street***

***Project: Solar Canopy Construction***

***Representative: Farland Corp.***

Scott Daggett with Farland Corp. presented the Notice of Intent application for solar canopy construction at 511 Thatcher Street. Mr. Daggett provided an update on the ongoing project review with BETA, noting that they had addressed all of the outstanding peer review comments.

BETA Representative, Elyse Tripp elaborated, explaining that the main issues revolved around compliance with the Wetlands Protection Act and the mitigation of about 10,000 square feet of habitat alteration due to the solar canopy installation. Ms. Tripp highlighted that the applicant proposed to revegetate the affected areas using a conservation seed mix to compensate for the loss of vegetation, and she mentioned a recommendation from BETA to use permanent markers to prevent encroachment into these restored areas. Agent Holden added that visibility of the markers is crucial, especially given the site's condition, suggesting that more visible solutions might be needed. Ms. Tripp offered various options for markers, including post and rail fences or signs indicating environmentally sensitive areas, and recommended regular intervals to clearly designate the protected zones.

**A motion was made (Clay) and seconded (Curtis) to close the hearing for 511 Thatcher Street. Motion passed by unanimous vote with Commissioner Talbot abstaining.**

**A motion was made (Clay) and seconded (Curtis) to issue an Order of Conditions with special conditions outlined in BETA's report along with the additional conditions of establishing visible permanent markers for 511 Thatcher Street at 15-foot intervals, as approved by the Agent.**

**Motion passed by unanimous vote with Commissioner Talbot abstaining.**

***12. Notice of Intent***

***Property: 45 Industrial Boulevard***

***Project: Commercial Addition***

***Representative: J.K. Holmgren Engineering***

**A motion was made (Clay) and seconded (Curtis) to continue 45 Industrial Boulevard to the September 18, 2024 meeting. Motion passed by unanimous vote with Commissioner Talbot abstaining.**

***14. Notice of Intent***

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

***Project: Duplex Construction***

***Representative: J.K. Holmgren Engineering***

**A motion was made (Clay) and seconded (Curtis) to continue 0 East Ashland Street Lot A to the September 18, 2024 meeting. Motion passed by unanimous vote with Commissioner Talbot abstaining.**

***15. 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 (Curtis) to continue 0 East Ashland Street Lot B to the September 18, 2024 meeting. Motion passed by unanimous vote with Commissioner Talbot abstaining.**

**16. Notice of Intent**

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

**Project: Subdivision Roadway Construction**

**Representative: J.K. Holmgren Engineering, LLC**

**A motion was made (Clay) and seconded (Curtis) to continue 339 Quincy Street to the September 18, 2024 meeting. Motion passed by unanimous vote with Commissioner Talbot abstaining.**

**17. Notice of Intent**

**Property: 1005 Belmont Street**

**Project: Residential Building Construction**

**Representative: Joyce Consulting Group, PC**

Michael Joyce with JCG Consulting presented the Notice of Intent application for residential building construction at 1005 Belmont Street. Joyce provided a detailed presentation on the revised plans for the site at 1005 Belmont Street, formerly the Roadway Inn. The new proposal aims to construct a 29-unit, 3-story residential building, reduced from an initial 31-unit proposal to accommodate the Commission's concerns about impact to the 25-foot Buffer Zone. The proposed building is to be situated within the existing parking area, and the footprint has been decreased from 5,570 to 4,634 square feet to minimize encroachment. Significant efforts were made to reduce impervious surfaces, with the updated plan removing 3,925 square feet of impervious area from the 25-foot buffer, leaving only 475 square feet of the building footprint within the 25-foot Buffer Zone. The runoff from the building's rooftop, which is considered cleaner than asphalt runoff, will be managed with 20 underground drainage units. The Commissioners, including Joyce Voorhis and Peggy Curtis, acknowledge the improvements in the new plan, especially the reduced impact on the buffer zone, though questions about the landscaping and demarcation of the buffer remain. Overall, the Commission appears favorable to the revised proposal, noting its better alignment with conservation guidelines compared to earlier iterations. Commissioner asked about use of the cleared area, Emily Rothschild stated that area behind the building, with plantings would not be used by residents. It is expected that residents would be using the patio area. Commissioner Green requested that perhaps the 25 foot areas could be labelled as sensitive areas, prohibiting access and public use. Agent Holden stated that this hearing is to determine whether or not the proposal should be referred to a peer review for comment or denied because of the infringement on the 25 foot buffer zone.

**A motion was made (Green) and seconded (Mapp) to refer 1005 Belmont Street to the Commission's third-party consultant for peer review and continue to the September 18, 2024 meeting. Motion passed by unanimous vote with Commissioner Talbot abstaining.**

**18. Notice of Intent**

**Property: Newbury Street**

**Project: Bridge Improvements**

**Representative: CDM Smith, Inc.**

According to Agent Holden & BETA representative Tripp, the Newbury Street Bridge replacement project involves an in-kind bridge replacement and, due to its location within a heavily developed residential area, with minimal scope for improvements. The project meets general performance standards for sensitive environmental areas and complies with local and state stormwater standards by upgrading catch basins for better treatment before runoff enters Salisbury Brook. Additionally, scour protection will be added to address bridge undermining. Agent Holden noted that despite these measures, the project does not adhere to the 25-foot no-touch policy, which may be a concern for the Commission, though it is acknowledged that any bridge work will impact this area.



**A motion was made (Clay) and seconded (Curtis) to close the hearing for Newbury Street Bridge Improvements. Motion passed by unanimous vote with Commissioner Talbot abstaining.**

**A motion was made (Clay) and seconded (Curtis) to issue an Order of Conditions with standard conditions and special conditions outlined in the BETA's report. Motion passed by unanimous vote with Commissioner Talbot abstaining.**

***21. Certificate of Compliance***

***Property: 196 Manley Street***

***Project: Gravel Parking Lot Installation***

***Representative: J.K. Holmgren Engineering***

Agent Holden discussed the site at 196 Manley Street, which involved a parking lot expansion and stormwater management features. The project's original plan was not followed; a sewer line was installed in a restricted area, and there were significant deviations from the approved site plan. The Commission is advised to resolve the outstanding enforcement order related to this unapproved sewer line installation and to require an after-the-fact Notice of Intent to address the site plan discrepancies and ensure compliance with stormwater standards. The recommended course of action includes issuing a new Enforcement Order for restoration of the impacted Buffer Zone and requiring a detailed review of the site plan changes through the filing of an after-the-fact Notice of Intent.

**A motion was made (Clay) and seconded (Curtis) to deny the Certificate of Compliance for 196 Manley Street. Motion passed by unanimous vote with Commissioner Talbot abstaining.**

**A motion was made (Clay) and seconded (Green) to issue a new Enforcement Order for 196 Manley Street requiring Buffer Zone restoration and an After the fact Notice of Intent detailing all changes between the approved Plans of Record and current site conditions. Motion passed by unanimous vote with Commissioner Talbot abstaining.**

**VIOLATION DISCUSSION**

***22. 2 Silver Road***

According to Agent Holden, an Emergency Certification was issued over a year ago for the removal of a tree that had fallen onto a parking area at 2 Silver Road. The Emergency Certification was specifically for this downed tree and explicitly prohibited the removal of additional trees without the filing of a Notice of Intent. The property owner has since removed additional trees without proper authorization. Agent Holden recommended issuing an Enforcement Order for the unpermitted tree removal and requiring the property owner to file an after-the-fact Notice of Intent and to develop a restoration plan for the Bank of Salisbury Brook. The Commission discussed the issue, noting that the removal of the additional trees was not authorized by the emergency certification. The Enforcement Order would require restoration of the area and compliance with regulations.

**A motion was made (Clay) and seconded (Green) to issue an Enforcement Order for 2 Silver Road requiring an after-the-fact Notice of Intent and associated restoration plan. Motion passed by unanimous vote with Commissioner Talbot abstaining.**

Addendum:

Agent Holden briefly discussed an enforcement order that was issued last year against 57 River St, currently there is a court order for a restoration plan. A memo has been issued by a company that is developing a restoration plan for the site.

**A motion was made by Curtis and seconded by Green to adjourn the meeting.**

**Motion passed unanimously.**