



Robert F. Sullivan
Mayor

CITY OF BROCKTON

DEPARTMENT OF PLANNING AND ECONOMIC DEVELOPMENT

Planning Board

Historical Commission

Conservation Commission

Robert May, CECD
Director

MINUTES

SEPTEMBER 18 2024 – 6:30 PM

Chair Joyce Voorhis called for the September 18th, 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 Isaiah Thelwell, Conservation Agent Kyle Holden and BETA representative Elyse Tripp were also present.

NOTE - Agenda Items [Continued](#) to the [10-16-24 Meeting](#)

9. 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.

13. Notice of Intent

Property: 1005 Belmont Street

Project: Residential Building Construction

Representative: Joyce Consulting Group, PC

Status: Notice to Proceed sent to BETA on 9/3/2024.

14. Notice of Intent

Property: Warren Avenue between Spring Street and Belmont Street

Project: Warren Avenue Two Way Conversion Project

Representative: CDM Smith, Inc.

Status: Waiting for applicant response to Peer Review dated 8/22/2024.

15. Notice of Intent

Property: 1380 Main Street

Project: Campello Towers Modernization

Representative: GM2 Associates

Status: Waiting for applicant response to Peer Review dated 8/22/2024.

16. Notice of Intent

Property: 940 Belmont Street

Project: VA Hospital Stormwater Improvements

Representative: T. Reynolds Engineering

Status: Waiting for applicant to fund Scope and Fee dated 8/28/2024.

18, Notice of Intent

Property: 24 Intervale Street

Project: Parking Lot Improvements

Representative: Environmental Consulting & Restoration LLC

Status: Waiting for applicant to fund Scope and Fee dated 8/28/2024.

19. Notice of Intent

Property: 549 Copeland Street

Project: Subdivision Roadway Construction

Representative: J.K. Holmgren Engineering, LLC

Status: Must use peer review procurement process according to the new City Ordinance.

NOTE - Agenda Items **WITHDRAWN**

10. Notice of Intent

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

Project: Duplex Construction

Representative: J.K Holmgren Engineering

11. Notice of Intent

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

Project: Duplex Construction

Representative: J.K Holmgren Engineering

COMMISSION MATTER

1. Acceptance of August 21st, 2024 Minutes

**A motion was made (Clay) and seconded (Curtis) to accept the August 21st, 2024 minutes.
Motion passed by unanimous vote.**

NEW FILINGS

2. Extension Request

Property: 1123 Pearl Street

Project: Order of Resource Area Delineation (ORAD)

Representative: Beals Associates, Inc.

Matthew Costa with Beals Associates presented the Extension Request on behalf of Casey Properties for 1132 Pearl Street. Costa gave an overview of the locus of the property, including that it is a 15.5 acre parcel developed and occupied with a 2-story manufacturing building. The property was delineated in August 2021 and was issued an Order of Resource Area Delineation in December of the same year. The existing ORAD will expire December of 2024. Costa responded to inquiries about any potential development on the site, to which he replied that the owner has no specific plans of development and just wants to keep the ORAD fresh for any future potential tenants. Agent Holden reviewed the current site conditions and agreed that the present conditions were consistent with the submitted ANRAD plan.

A motion was made (Clay) and seconded (Curtis) to extend the ORAD for 1132 Pearl Street to December 21st 2027. Motion passed by unanimous vote with Commissioner Talbot abstaining.

3. Notice of Intent

Property: 30 Intervale Street

Project: 28-unit Residential Building Conversion

Representative: PMP Consulting, Inc.

The Chair received verification of abutter notification but not a MassDEP file number. Ed Jacobs with PMP Consulting and Samantha Cripps presented the Notice of Intent application on behalf of the applicant for 30 Intervale Street. According to Mr. Jacobs, the site is currently a dilapidated, abandoned site in a C-1 zone on a 1.5 Acre parcel which is currently entirely paved. The site abuts Trout Brook to the west. There is a Wetland Resource Area to the north and the site lies in FEMA Flood Zone AE Flood with a base flood elevation of 96-feet. The wetland delineation was originally flagged in 2019, they were recently flagged and updated. The applicant is proposing to demolish the existing building and keep the existing foundation footprint, and also adding an addition to the rear of the building. The addition will be built on columns. The ZBA approved the project in August of this year. According to Mr. Jacobs, the project was originally approved by all relevant Boards and Commissions in March of 2021, the current iteration is largely the same, with only changes to replacing patios with green space.

A motion was made (Clay) and seconded (Curtis) to refer 30 Intervale Street out for Peer review and Continue to the October 16th Meeting. Motion passed by unanimous vote with Commissioner Talbot abstaining.

4. Notice of Intent

Property: 0 Lawton Avenue

Project: New Home Construction

Representative: J.K. Holmgren Engineering, LLC

The Chair received verification of abutter notification but not a MassDEP file number. Scott Faria with J.K Holmgren Engineering presented the Notice of Intent Application for 0 Lawton Avenue on behalf of the applicant. Mr. Faria addressed the Commission regarding the vacant property on Lawton Ave, which had been under an Enforcement Order for illegal filling within a Wetland area. Mr.Faria explained that while a Notice of Intent for home construction had been submitted, it was determined, after consultation with Agent Holden, that resolving the Enforcement Order should take priority. The plan involves removing the fill, delineating the area based on the ground's conditions, and developing a restoration plan. Once this is resolved, they will proceed with the Notice of Intent. Faria requested a continuation of the hearing to allow time for these steps.

A motion was made (Clay) and seconded (Curtis) to continue 0 Lawton Ave to the October 16th Meeting. Motion passed by unanimous vote with Commissioner Talbot abstaining.

5. Partial Certificate of Compliance

Property: Heritage Court - Lot 26

Project: New Home Construction

Representative: Civil & Environmental Consultants, Inc.

This hearing includes both Agenda Items 5 & 6.

Chris Vandenberghe with Civil & Environmental Consultants, Inc, requested a Partial Certificate of Compliance for lots 26 and 27. After reviewing Agent Holden's letter, Vandenberghe noted they had no prior involvement with the project before this point, but understood that lot 25 had already been issued a partial COC. He explained that the site was recently loamed and seeded, though not fully stabilized, and that conservation markers and erosion controls had been established. Vandenberghe acknowledged that both he and the applicant were coming up to speed on the project and that an environmental monitor report, as required by the Order of Conditions, had not been submitted.

Agent Holden responded, stating that the Commission should not issue a Partial Certificate of Compliance for lots 26 and 27 at this time. The lots were not yet stabilized, as they had only been loamed and seeded within the past couple of days. Additionally, the environmental monitor should have been visiting the entire development weekly while work was being done within the 100-foot buffer zone of the BVW, which affected lots 25 through 28. Although lot 25 had already received a partial certificate, monthly reports were supposed to be submitted during this period, but this requirement had fallen through the cracks due to transitions in city agents and the convoluted history of the development, which dates back to 2004.

Given these circumstances, Agent Holden recommended continuing the request for a Partial Certificate of Compliance until the following month to allow time for the site to stabilize. At that point, he would conduct another site visit and verify the status. While Vandenberghe had sent some photos showing new erosion controls along the BVW, they were not functioning properly when Holden inspected the site. He also hoped to receive the first environmental monitoring report by next month, which would be part of the partial certificate filing.

Holden also raised a separate issue concerning the Order of Conditions. He pointed out that in 2022, BETA, along with then-agent Megan Shave, had inspected the stormwater features and found them non-compliant with state or local standards. The Order of Conditions required remedial work on these stormwater features, with documentation of compliance to be submitted within a year, by October 2023. However, this deadline had also passed unnoticed. Holden requested the applicant to provide the necessary documentation as it had not already been submitted.

A motion was made (Clay) and seconded (Curtis) to continue Heritage Court Lot 26 & 27 to the October 16th, 2024 meeting. Motion passed by unanimous vote with Commissioner Talbot abstaining.

CURRENT FILINGS

7. Notice of Intent

Property: 166 East Ashland Street

Project: Contractor Building Construction

Representative: J.K. Holmgren Engineering

Scott Faria with J.K Holmgren Engineering provided an update regarding the 166 East Ashland Notice of Intent application, which had been discussed over the past few months. He explained that the project was initially based on the Zoning Board of Appeals approval, followed by the submission of a Notice of Intent. However, during BETA's review, they identified an issue where the flood zone on the plan was incorrectly shown. The revised floodplain placement rendered the current plan unworkable. Mr. Faria noted that they had attempted to present an alternative plan, but it was denied by the ZBA. As a result, they will now return to the original project and work on addressing BETA's concerns. They are preparing to provide revised plans and information for BETA's second review.

A motion was made (Clay) and seconded (Curts) to continue the hearing for 166 East Ashland Street to the October 16th Meeting. Motion passed by unanimous vote with Commissioner Talbot & Commissioner Green abstaining.

8. Notice of Intent

Property: 45 Industrial Boulevard

Project: Commercial Addition

Representative: J.K. Holmgren Engineering

Scott Faria with J.K Holmgren Engineering explained the challenges related to an invalid access easement with a neighboring property. He noted that after months of negotiation, they now have a plan that keeps the driveway on their own site and have submitted the concept plan to Agent Holden. Faria requested a continuance to address BETA's comments and move forward with the revised plans.

A motion was made (Clay) and seconded (Curtis), to continue the hearing for 45 Industrial Boulevard to the October 16th, 2024 Meeting. Motion passed by unanimous vote with Commissioner Talbot abstaining.

12. Notice of Intent

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

Project: Subdivision Roadway Construction

Representative: J.K. Holmgren Engineering, LLC

Scott Faria with J.K Holmgren Engineering presented the Notice of Intent Applicant for 339 Quincy Street on behalf of the applicant. Mr.Faria discussed the extensive review process for an 18-lot subdivision plan, which has been before the Commission multiple times. After filing a Notice of Intent and several revisions with BETA, they received a final review approval. The subdivision includes seven lots off Quincy Street and 11 off Debbie Road, bisected by a wetland area. To mitigate potential downstream impacts, they overdesigned drainage basins and added an earth berm to prevent overland flow toward neighboring properties. The project also includes a temporary wetland crossing for water and sewer utilities, requested by the DPW and fire department, which will be restored post-construction. Per Faria, the subdivision has minimal roadway within the 100-foot buffer zone, and individual lot filings will follow once house designs are finalized. The team is prepared to comply with BETA's recommended special conditions.

Mr. Faria provided detailed information about the detention basins designed for the subdivision project. One large basin is located at the end of Debbie Road, with another at Austin Court to handle the water flow from the roadway. These detention basins are designed to temporarily hold water during heavy rain events and then slowly release it back into the wetland. The basin off Debbie Road is six feet deep with gentle slopes for safety and maintenance access. During construction, the developer is responsible for the maintenance, but once the road is accepted by the city, the responsibility shifts to the owner of the lot on which the basin sits, with the city retaining easement rights to maintain it if needed.

Agent Holden reviewed BETA's report, emphasizing points requiring the Commission's attention. He pointed out that parts of the project intrude into the buffer zone, primarily concerning utility crossings for water and sewer lines rather than stormwater basins. Holden then sought clarification on vegetative clearing limits, and how these limits relate to the 25-foot buffer zone. BETA Representative Elyse Tripp explained that BETA had raised concerns about clearly delineating the tree line to identify which trees would be cleared, with The Commission ultimately deciding how much clearing would be permissible within the buffer. Holden also inquired about erosion controls at the vegetative clearing limit, confirming that these would be established at the 25-foot buffer. Mr. Faria added that while not every tree would be cut, significant clearing would occur due to road construction, and discretion would guide tree removal. Furthermore, Agent Holden raised concerns about stabilization after the clearing of wooded lots, to which Faria responded that stabilization would not begin until home construction starts. He noted that smaller vegetation would be chipped up during the tree-clearing process to aid in erosion control.

Mr. Faria updated the Commission on the project's status, noting that they received zoning board approval six to eight months prior and Planning Board approval the previous week. He mentioned ongoing discussions with the Brockton DPW regarding existing drainage conditions and potential stormwater improvements. A proposal for a detention basin near existing wetlands was discussed, with a preference expressed for placing it on the Debbie Roadside due to space constraints.

Chair Voorhis raised concerns about potential deforestation, suggesting that the situation might require further review. Agent Holden confirmed that a report from BETA included all recommended special conditions, noting that he had not prepared a separate agent report. Tripp interjected to clarify that some important recommendations had inadvertently been left out of the initial full list. She proceeded to outline three critical conditions for the project: all future lot developments must be submitted for Conservation Commission review to ensure additional stormwater is not routed through the site stormwater system, a copy of the stormwater prevention pollution plan must be submitted for review before construction, and test pits should be conducted at the final location of roof infiltration structures to ensure they are positioned above the seasonal high groundwater level.

Ms. Tripp explained that the infiltration systems, located at each lot, would collect roof runoff and recharge groundwater rather than connect to the sewer system. This design aims to minimize runoff and protect municipal systems. Mr. Faria confirmed that homeowners would be made aware of the conditions tied to their properties, including the need for notice of intent filings for any alterations, like adding pools. Ms. Tripp reassured the Commission of the project's compliance with the Wetlands Protection Act and local stormwater standards, emphasizing the importance of detailed special conditions, including wetland oversight and monitoring. Agent Holden expressed his willingness to draft the Order of Conditions based on BETA's report, ensuring that the three previously omitted special conditions would be included.

A motion was made (Curtis) and seconded (Green) to close the hearing for 339 Quincy Street . Motion passed by unanimous vote with Commissioner Talbot & Vice-Chair Clay abstaining.

A motion was made (Green) and seconded (Curtis) issue the Order of Conditions for 339 Quincy

Street, along with special conditions, 1-5 as listed in BETA's report, with the additional listings from comments W9, SW16, and SW10, and any other comments Agent Holden deems relevant to summarize for the Order of Conditions and Special Conditions. Motion passed by unanimous vote with Commissioner Talbot & Vice-Chair Clay abstaining.

17. Notice of Intent

Property: 10 Exeter Street

Project: Demolition and Construction of New Home

Representative: J.K. Holmgren Engineering, LLC

Scott Faria with J.K Holmgren Engineering presented the Notice of Intent application for 10 Exeter Street on behalf of the applicant. According to Mr. Faria, 10 Exeter Street is a private dead-end road off Guild Road. Faria explains that the house on this property was in disrepair, prompting the owner to begin the process of razing it. The owner intends to construct a new house on the same footprint as the original. However, construction was halted by the building department, leading the owner to file with the Board of Appeals to seek permission for the project.

Mr. Faria notes that wetlands were delineated off-site and a Notice of Intent has been filed with The Commission. He emphasizes that the lot is previously disturbed, and the proposed dwelling is in the exact same location and size as the original home. The owner aims to upgrade the property for her extended family. Mr. Faria highlighted the inclusion of a construction staging area off Exeter Street and a material stockpile area situated between the house and the property line. Mr. Faria assures the Chair that all necessary protections, such as siltation controls, will be installed. He confirmed that the proposed work is outside the 20-foot buffer zone, and in most instances, it is well beyond the 25-foot, moving closer to the 50 and 100-foot buffer zones. Overall, he expresses confidence that all requirements have been met for the project to move forward.

Agent Holden discussed the recent report submitted, clarifying that while he didn't explicitly outline his requests in the report, he had concerns about material staging and site access. He explains that the current plan being reviewed is a revised version addressing those concerns. Mr. Holden noted that he spoke with Mr. Faria separately, requesting the identification of the material stockpile area and the construction entrance, along with the extension of erosion controls around the construction entrance on Exeter Street. Mr. Holden pointed out that the erosion controls previously ended at one corner of the property and emphasized that most of the work is in the buffer zone, with only part of the erosion control encroaching into the 25-foot zone. He believes the project meets the necessary conditions to issue an Order of Conditions.

Agent Holden recommended issuing the Order of Conditions for the lot including the standard special conditions the Commission typically applies along with specific language about the required erosion controls. Agent Holden reiterated the importance of showing the material staging and site access to ensure clarity on the project. Chair Voorhis raised concerns about how equipment will access the property to dismantle the old structure. Scott Faria responded, indicating that all work will occur from the front of the property, as there is no space behind the house to work without infringing on the neighbor's property. He assured that the small lot and the house's placement provide additional protection during construction.

A motion was made (Curtis) and seconded (Green) to close the hearing for 10 Exeter Street. Motion passed by unanimous vote with Commissioner Talbot & Vice-Chair Clay abstaining.

A motion was made (Green) and seconded (Curtis) issue the Order of Conditions for 10 Exeter Street with the special conditions that Agent Holden included in the email about erosion controls, relocation of the shed outside of the 25 foot buffer zone, and the installation of the 25 foot markers to be installed before the issuance of a Certificate of Compliance. Motion passed by unanimous vote with Commissioner Talbot & Vice-Chair Clay abstaining.

RESTORATION

20. 1507 Main Street

Agent Holden presented a restoration plan to the Commission regarding the Brewster Ambulance property at 1507 Main Street, which was submitted in response to an Enforcement Order issued the previous year. Mr. Holden stated that the plan has undergone revisions over the past few months to address previous concerns, and he has recently reviewed the updated version. Holden recounted that the Enforcement Order was prompted by the unpermitted filling of a wetland buffer zone with crushed asphalt. The restoration plan includes removing this material and addressing historic fill that has been present for about 12 years. A wetland scientist will oversee the removal process to ensure they return the area to the pre-fill grade.

Holden mentioned that while the primary removal and regrading work will take place this fall, the restoration planting might be deferred to spring if time constraints prevent completion this year. Chair Voorhis inquired if planting will occur in the spring, to which Holden confirmed that this option remains open. He acknowledged that the timeline is tight for completing the removal and planting by November 1st, and he is unsure if the necessary logistics can be managed in time.

Representative Richard Grinnell addressed the Commission, providing context regarding the situation that led to the Enforcement Order. He explained that one of the employees at the Brockton location had a conversation with Simonelli's Towing about parking large tow trucks. Simonelli's Towing made an informal agreement to park two trucks in the Brewster Ambulance lot, which escalated into a much larger issue. Grinnell details that the towing company cleared a significant area and parked approximately 40 vehicles on their property without proper permission.

Margaret Bacon from EcoSystem Solutions spoke in support of the revised restoration plan, emphasizing the importance of allowing time for the site to settle after excavation before proceeding with planting. She agrees with Agent Holden's earlier suggestion that it may be better to wait until spring for planting rather than rushing to plant in the fall. Ms. Bacon highlighted the value of excavating this fall to remove the unwanted materials while observing any natural growth that may emerge in the spring. She shared her experience with restoration projects, noting that unearthing previously buried wetlands often leads to a resurgence of wetland plants. Ms. Bacon acknowledged that not all the fill material may be classified as wetland fill; some could simply be buffer zone fill, which won't be determined until the excavation begins.

Agent Holden suggested that if the Commission approves the restoration plan tonight, it should be the responsibility of Brewster Ambulance to initiate the work outlined in the plan. He proposes a follow-up in the spring to assess progress, indicating that if Brewster Ambulance fails to follow through, additional enforcement actions could be taken, although these would be pursued through the law department rather than issuing a new enforcement order. Holden believes that with approval, the restoration work could begin this fall, with the goal of completing the planting by spring 2025.

A motion was made (Curtis) and seconded (Mapp) to approve the restoration plan for 1507 Main Street. Motion passed by unanimous vote with Commissioner Talbot & Vice-Chair Clay abstaining.

VIOLATION DISCUSSION

21. 2 Silver Road

Agent Holden explained that the property owner of 2 Silver Road did not attend the meeting as requested in the Enforcement Order concerning the unpermitted removal of two or three trees along Salisbury Brook. The Enforcement Order was issued by the Commission at their meeting on August 21, 2024. Mr. Holden plans to reach out to the homeowner again to request their attendance at the next Commission meeting in October. He noted that the Enforcement Order requires the submission of an after-the-fact Notice of Intent along with a restoration plan to replace the removed trees by a deadline in December. If the homeowner fails to cooperate, the situation may be referred to the law department for further action.

22. 95 Pine Avenue

Agent Holden informed the Commission about an incident of illegal dumping at 95 Pine Avenue Extension. Holden issued a Notice of Violation in collaboration with the Brockton Inspectional Service Department, which regularly handles such cases. Holden shared photos from September 4th showing the dumping site, which was near the Salisbury Plain River. He reported that, as of his recent visit, the site has been cleaned up, largely due to the efforts of the Inspectional Service Department. Holden expressed gratitude for their assistance and confirmed that the issue has been resolved.

UTILITIES

23. National Grid - Geotechnical Borings

Agent Holden updated the Commission about a letter received from National Grid regarding planned geotechnical borings scheduled for October. These borings aim to assess soil conditions at various locations to inform the engineering design for new foundation work related to the electrical grid. Holden presented a map showing approximately 11 planned boring sites, with five located in wetland resource areas. Holden noted that the work is considered exempt as it pertains to an existing public utility and will not expand its impact. The borings will help determine soil profiles necessary for reinforcing foundations at several sites. He mentioned that the details of the project and contact information for inquiries are included in the letter, which is available in the Commission's file.

MISCELLANEOUS ITEMS

Arthur Estates Enforcement Order

Agent Holden concluded the meeting by discussing the ongoing enforcement action at Arthur Estates, which has been ongoing since April. The City of Brockton reached a binding agreement with the developers to install granite curbing around the existing cul-de-sac, aiming to stabilize the area and reduce erosion. This project is intended to prevent further destabilization of materials on-site. He mentioned that the Commission will be updated once the curbing is installed to assess the current state of erosion.

A motion was made by Curtis and seconded by Green to adjourn the meeting. Motion passed unanimously