



Robert F. Sullivan  
Mayor

# CITY OF BROCKTON

DEPARTMENT OF PLANNING AND ECONOMIC DEVELOPMENT

Planning Board

Historical Commission

Conservation Commission

Robert May, CEcD  
Director

## MINUTES

NOVEMBER 20, 2024 – 6:30 PM

Chair Joyce Voorhis called for the November 20th, 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, Ruby Clay, Justin Talbot, Shareefah Mapp, and Joyce Voorhis - Chair, Administrator Isaiah Thelwell, Conservation Agent Kyle Holden and were also present.

**NOTE - Agenda Items [Continued to the December 18th Meeting](#)**

### 9. Notice of Intent

**Property: 1005 Belmont Street**

**Project: Residential Building Construction**

**Representative: Joyce Consulting Group, PC**

### 11. Notice of Intent

**Property: 940 Belmont Street**

**Project: VA Hospital Stormwater Improvements**

**Representative: T. Reynolds Engineering**

### 12. Notice of Intent

**Property: 24 Intervale Street**

**Project: Parking Lot Improvements**

**Representative: Environmental Consulting & Restoration LLC**

### 13. Notice of Intent

**Property: 549 Copeland Street**

**Project: Subdivision Roadway Construction**

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

#### **14. Notice of Intent**

**Property: 30 Intervale Street**

**Project: 28-unit Residential Building Conversion**

**Representative: PMP Consulting, Inc.**

**19. 29 Country Club Lane was listed on the Agenda as a Utility, which was updated to reflect its statue as an Enforcement Order.**

**Agent Holden commented that some status statements for agenda items would be corrected during the meeting.**

#### **COMMISSION MATTER**

##### *1. Acceptance of October 16th, 2024 Minutes*

**A motion was made (Curtis) and seconded (Clay) to accept the October 16 2024 minutes. Motion passed by unanimous vote.**

#### **NEW FILINGS**

##### **2. Amended Order of Conditions**

**Property: 159 Torrey Street**

**Project: Solar Array Installation**

**Representative: NextGrid, Inc**

*Abutters were NOT notified properly therefore the hearing cannot be opened*

##### **3. Order of Resource Area Delineation Extension Request**

**Property: 50 Christy's Drive**

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

Scott Faria with J.K Holmgren Engineering presented the ORAD application for 50 Christy's Drive. Faria acknowledges receiving a memo from Agent Holden, which requested that wetland boundary flags be refreshed since some have been lost or are no longer legible after two and a half years. Mr Faria agreed to have the flags refreshed before the next meeting. Agent Holden emphasized the importance of verifying the delineation as a best practice before any extension is approved. He also pointed out a change in property ownership structure and requested documentation clarifying the current ownership. Faria confirmed the same managing partner oversees the parcels, which are split between different realty trusts, and agreed to provide the necessary documentation to clarify this.

**A motion was made (Curtis) and seconded (Clay) to continue 50 Christy's Drive to the meeting on December 18th. Motion passed by unanimous vote.**

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

**Property: 700 Oak Street**

**Project: Parking Lot Improvements**

**Representative: Bohler Engineering**

Molly Obendorf of Bohler Engineering presented a Request for Determination of Applicability (RDA) on behalf of Walmart at 700 Oak Street for parking lot improvements. The improvements included seal coating, striping updates, and minor signage adjustments, with minimal excavation for signposts. The site, partially within a wetland buffer zone, was confirmed by Lucas Environmental to have no

additional wetlands beyond those delineated in 2018, although the delineation was not formally refreshed or approved for this filing. Curbs prevent runoff into wetlands, and snow removal is expected to remain outside buffer zones. Agent Holden recommended a negative 3 determination, indicating the work is jurisdictional but will not alter resource areas, with conditions for proper off-site disposal of materials and a requirement for a new wetland delineation for future projects.

There were no responses to a request for public input.

**A motion was made (Curtis) and seconded (Clay) to close the hearing for 700 Oak Street. Motion passed by unanimous vote.**

**A motion was made (Curtis) and seconded (Clay) to issue a Negative 3 Determination for 700 Oak Street with the 2 conditions stated by the Agent. Motion passed by unanimous vote.**

## **5. Abbreviated Notice of Resource Area Delineation**

**Property: 0 Hammond Street**

**Representative: W Engineering, LLC**

*MassDep file number issued and abutters were notified.*

Evan Watson with W Engineering, LLC presented the Abbreviated Notice of Resource Area Delineation for 0 Hammond Street. Agent Holden updated The Commission on progress regarding the Hope Garden Cemetery project. Watson provided a detailed overview of the site, which includes areas of wetland delineation. He explained the reflagging of wetlands by Ken Thompson and a subsequent survey conducted by Ed Jacobs. Mr. Watson presented the current Wetland maps, and clarified that some areas were identified as isolated wetlands and deemed non-jurisdictional under the Wetlands Protection Act due to the lack of depressions and inability to hold sufficient water. He suggested this was consistent with the topography and vegetation patterns but was open to further review.

Agent Holden expressed a preference for a third-party review to confirm the delineations and non-jurisdictional status of specific areas, citing limited expertise in determining isolated wetland status. Commissioners discussed next steps, with consensus leaning toward continuing the matter until the next meeting. This would allow for further communication with MassDEP and potentially streamline the procurement process for third-party review, which is delayed until at least December.

There were no responses to a request for public input.

**A motion was made (Curtis) and seconded (Clay) to continue the hearing for 0 Hammond Street to the December meeting, with the stipulations that The Agent will review and confirm boundaries, and The Applicant will send information/ request clarification from MassDEP. Motion passed by unanimous vote.**

## **CURRENT FILINGS**

### **6. Notice of Intent**

**Property: 166 East Ashland Street**

**Project: Contractor Building Construction**

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

Scott Faria with J.K Holmgren Engineering presented the Notice of Intent Application for 166 East Ashland Street. Mr. Faria addressed The Commission regarding the project. He noted that the project had undergone review more than a year ago but was subsequently denied by the Zoning Board of Appeals, leaving the current plans unfeasible. While discussing next steps, Faria expressed interest in withdrawing the application due to the need to create a new plan, which would likely require a fresh filing. He also raised concerns about unutilized funds from the original \$10,000 Beta review fee and plans to work with Kyle Holden to determine any balance for a refund. Mr. Faria agreed to formally submit a withdrawal letter to The Commission to finalize the record. Agent Holden confirmed that The Commission would not need to vote on the withdrawal but promised to follow up on BETA's review balance.

## **7. Notice of Intent**

**Property: 45 Industrial Boulevard**

**Project: Commercial Addition**

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

Scott Faria with J.K Holmgren Engineering presented the Notice of Intent Application for 45 Industrial Boulevard. Faria provided an update on the long-delayed project at 45 Industrial Boulevard. He explained that progress had been hindered by an access issue involving a neighboring property, which required securing an easement. This complication stalled the project for most of the summer. Recently, Faria reported that the access issue was resolved, and the team has implemented changes requested by BETA Engineering. Revised plans and calculations were submitted to Mr. Holden within the past week, and BETA received the materials for review only a day or two ago.

The project now awaits feedback from BETA, and Faria expressed optimism about presenting finalized plans at The Commission's December meeting. Chair Voorhis noted that The Commission is waiting for BETA's response before proceeding. Holden confirmed that Beta's recommendation should be ready in time for the next meeting.

**A motion was made (Curtis) and seconded (Clay) to continue the 45 Industrial Boulevard hearing to the December 18th Meeting. Motion passed by unanimous vote with Commissioner Talbot abstaining.**

## **8. Notice of Intent**

**Property: 82 Ames Street**

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

**Representative: River Hawk Environmental, LLC**

Bob Rego with RiverHwak Environmental, LLC presented the Notice of Intent Application for 82 Ames Street. Rego provided an overview to the Commission regarding the redevelopment of a site located on Ames Street and Spark Street. The site features a river (Searles Brook), a culverted section, an existing stormwater basin, and significant invasive vegetation. Previously, the site contained an unpermitted gravel parking lot, leading to enforcement actions. Mr. Rego presented plans to upgrade the parking area to porous pavement, construct a building north of the river, and restore the 25-foot riverfront area by replacing invasive species with native vegetation.

Mr. Rego detailed stormwater management plans, including treating runoff from paved surfaces through water quality units and directing clean roof runoff into a subsurface infiltration basin. He emphasized balancing cuts and fills in flood-prone areas, ensuring no net fill increase, as supported by submitted calculations. Mr. Rego raised specific concerns regarding BETA Engineering's review. First, he sought

Commission input on BETA's request for a detailed invasive species map, arguing the cost and effort were unnecessary given the extensive and uniform coverage of invasive plants across the site. Second, he questioned the need for a wildlife habitat evaluation due to the urbanized nature of the area, past site development, and ongoing illegal dumping, which he illustrated with photos. Rego suggested the degraded state of the site made such an evaluation less relevant. Lastly, he addressed BETA's request for offsite stormwater discharge treatment before entering the existing basin. While the discharge is an existing condition without formal easements, Rego proposed maintaining this setup without additional treatment, citing historical practices. He invited feedback from the Commission on these points to finalize the project approach. Agent Holden stated that a call should be organized to include River Hawk, BETA and Agent Holden to clarify the requirements posed by BETA, and to assist in resolving those concerns. Mr. Rego gratefully accepted the suggestion.

**A motion was made (Curtis) and seconded (Clay) to continue the hearing for 82 Ames Street to the December 18th meeting. Motion passed by unanimous vote with Commissioner Talbot abstaining.**

**9. 1005 Belmont St. Agent Holden updated the agenda comments to reflect the fact that BETA is in the process of receiving revised materials from Joyce Construction.**

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

**Property: 1380 Main Street**

**Project: Campello Towers Modernization**

**Representative: GM2 Associates**

Stephen Sawyer with GM2 Associates presented the Notice of Intent Application for 1380 Main Street. Michelle Auer was also present. Mr. Sawyer provided a comprehensive overview of the redevelopment project aimed at replacing the Campello Towers (Towers A and B) with three new buildings located further from sensitive resource areas. He identified the project site near Main Street, the Brockton Area Transit Authority property, and the Salisbury Plain River, with French Brook running between the two properties. The phased project will involve constructing one building at a time, starting with Building 1, followed by Buildings 2 and 3. The latter phases may overlap with the removal of the existing towers. Mr. Sawyer emphasized the project's goals to move development away from the floodplain and improve site conditions. Building 3 will be elevated two feet above the flood elevation to address current issues, while vegetation will replace parking areas near the resource zones. The development will include pedestrian pathways and amenities connecting Main Street to natural areas, aligning with a master plan vision.

From a stormwater perspective, the project will significantly enhance mitigation efforts by introducing extensive underground infiltration systems and achieving substantial reductions in stormwater flow and impervious surface impacts. The team will meet MassDEP's stringent stormwater quality standards, providing double the required water quality volume. Regarding BETA Engineering's peer review, Chair Voorhis highlighted their comments on the 25-foot no-touch buffer zone near the French Brook, particularly where a pedestrian walkway may encroach slightly. Sawyer clarified the buffer areas and reiterated the project's careful design to minimize environmental impacts while delivering much-needed improvements to housing and site infrastructure. He pointed out that existing parking encroaching on the buffer would be removed, and the area would transition to natural vegetation rather than mowed lawn. He also emphasized that the proposed pedestrian walkway had been adjusted to minimize intrusion into the buffer zone, with only a small section dedicated to a quiet seating area for passive recreation near the river. Sawyer noted substantial stormwater improvements, including the installation of over 70 large chambers to significantly reduce runoff impacts, far exceeding basic compliance requirements.

In response to Agent Holden's query regarding readiness for technical review, Sawyer expressed confidence in the progress and extensive input already incorporated into the plans. He acknowledged the stringent requirements for stormwater reduction, which he described as among the highest standards he has encountered. He detailed the significant stormwater mitigation measures and noted that any potential adjustments arising from technical review would likely be minor and not impact the buffer areas.

Commission members raised questions about walkway maintenance, snow removal, litter management, and wetland protection signage. Sawyer explained that the Brockton Housing Authority would manage trash receptacles and that the site is generally well-maintained. Snow removal on walkways would likely involve snowblowers or small equipment with rubber wheels, and major storms might necessitate trucking snow from the plowed parking lots off-site due to space limitations. He suggested the walkways might not be maintained during harsh winters, being reserved for fair-weather use. For wetland protection, Sawyer and Holden agreed that signage could be added, marking protected areas and ensuring compliance with conservation measures. These would align with recommendations from BETA Engineering, whose report includes conditions to be integrated into the order of conditions. In response to concerns voiced by the Commission, it was agreed that a Special Condition be added to prohibit chemical treatment of snowy/icy surfaces on the walkways located within environmentally sensitive areas. In response to concerns about trash removal along walkways, Mr. Sawyer acknowledged some uncertainties regarding operational specifics, but he assured The Commission that the Housing Authority would address these issues effectively.

**A motion was made (Curtis) and seconded (Clay), to close the hearing for 1380 Main Street Motion passed by unanimous vote with Commissioner Talbot abstaining.**

**A motion was made (Curtis) and seconded (Clay) to issue an Order of Conditions with the conditions outlined by BETA and the 2 Special Conditions, installation of markers and avoidance of use of winter chemical treatment on sidewalk areas along resource areas. Motion passed by unanimous vote with Commissioner Talbot abstaining.**

## **12. Notice of Intent**

**Property: 549 Copeland Street**

**Project: Subdivision Roadway Construction**

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

Per Agent Holden, The Commission had not received a continuance request and was awaiting progress on the procurement process for external referrals. He noted that the project was one of several pending referral approvals and would remain on hold until the necessary contract was executed. Agent Holden suggested continuing the matter to the following month, allowing time for these administrative processes to be resolved.

**A motion was made (Curtis) and seconded (Clay) to continue the hearing for 549 Copeland Street to the December 18th meeting. Motion passed by unanimous vote with Commissioner Talbot abstaining.**

## **14. Notice of Intent**

**Property: 0 Lawton Avenue**

**Project: New Home Construction**

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

Scott Faria with J.K Holmgren Engineering presented the Notice of Intent Application for 0 Lawton Avenue. Faria provided an update on 0 Lawton Avenue, a site previously addressed by The Commission for an enforcement order. He confirmed that the Enforcement Order was resolved in the last meeting and stated that the Notice of Intent is now awaiting the finalization of the peer review process. Mr. Faria



requested a continuance, acknowledging that the required documents had been sent to MassDEP earlier in the week after clarifying details and redelineating the site with Brad Holmes.

Agent Holden added that the agenda incorrectly listed the enforcement order as unresolved and clarified that The Commission had addressed this matter in the prior meeting. He reiterated that the remaining issue was the pending peer review process for the project.

**A motion was made (Curtis) and seconded (Clay) to continue the hearing for 0 Lawton Ave to the December 18th meeting. Motion passed by unanimous vote with Commissioner Talbot abstaining.**

## **15. Notice of Intent**

**Property: 136 Perkins Avenue**

**Project: 2 Family Home Construction**

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

Scott Faria with J.K Holmgren Engineering presented the Notice of Intent Application for 136 Perkins Avenue. He presented a property situated within a flood zone, which requires both Conservation Commission approval and a variance from the Zoning Board of Appeals per Brockton's zoning ordinance. Mr. Faria emphasized the necessity of securing Conservation Commission approval first, as the ZBA typically defers flood zone decisions to the Commission due to their expertise. Additionally, the ZBA does not allow hearing continuances and requires a definitive decision at the initial hearing, adding complexity to the process. Mr. Faria requested the Commission prioritize their decision to avoid a two-year reapplication prohibition should the ZBA deny the variance. Agent Holden acknowledged the procedural complications and shared that he had been working with the ZBA Chair to improve coordination between the two bodies. He mentioned drafting a letter to the ZBA outlining the Conservation Commission's jurisdiction and suggesting improved collaboration. Although the peer review process for the project is still unresolved, Agent Holden recommended a simple continuance for now. He suggested that Mr. Faria reach out to the ZBA Chair to determine if the letter had influenced their approach, which might streamline the process moving forward, Mr. Faria agreed to do so.

**A motion was made (Curtis) and seconded (Clay) to continue the hearing for 136 Perkins Avenue to the December 18th meeting. Motion passed by unanimous vote with Commissioner Talbot abstaining.**

## **RESTORATION**

17. 411 Warren Avenue

The Commission reviewed a revised restoration plan for 411 Warren Avenue, addressing unauthorized construction of a retaining wall and fill within a riverfront area. Agent Holden explained that the plan incorporates feedback from the previous meeting, including a spring 2025 start, a completion deadline, and site monitoring provisions. The restoration involves removing the wall and fill, restoring the slope to its original state, and stabilizing it with grass seeding. Concerns about slope stabilization and structural impacts were addressed, with erosion controls like silt socks included in the plan.

**A motion was made (Curtis) and seconded (Clay) to approve the restoration plan for 411 Warren Avenue. Motion passed by unanimous vote.**

*Note: The Chair stated that the assistance provided by Agent Holden to the applicant for this project is a clear indication of how helpful and consistently professional Brockton's Conservation Agent is, especially with assisting applicants who have little understanding of the intent and requirements of the WPA. Thank you, Agent Holden.*

## **VIOLATION DISCUSSION**

### **17. 0 Allen Street**

Agent Holden informed The Commission about a Notice of Violation issued for a property at 0 Allen Street due to a homeless encampment and debris in a riverfront area, a jurisdictional zone under the Wetlands Protection Act. Partnering with Brockton's Inspectional Service Department, citations were issued to the property owner, requiring cleanup of the site. While some trash has been removed, further action may be needed. Enforcement efforts are primarily being handled by the Inspectional Service Department due to their streamlined ability to levy fines. However, the Wetlands Protection Act may be used for enforcement if necessary. No immediate vote or action was required, and the situation remains under monitoring.

## **ENFORCEMENT ORDER**

### **18. 29 Country Club Lane**

Agent Kyle Holden presented details regarding an enforcement order issued for unauthorized work at 29 Country Club Lane. In late October, Mr. Holden received an anonymous tip about work being conducted in a conservation area behind the property. Upon visiting the site, he found active clearing activities, which the property owners agreed to halt. The property, built within the last five years, had previously received an Order of Conditions allowing construction of the home and patio, with wetlands and wetland replication areas delineated and protected under the conditions. However, the owners had cleared portions of the wetlands, removed trees, and disturbed the area beyond the approved patio. Original site plans, as well as photographs were shared showing the damage, including cut trees and machinery with resource areas. The discussion highlighted concerns about the lack of clear communication to homeowners about wetland boundaries and restrictions. The original Order of Conditions did require markers indicating wetland boundaries, but these were not observed during inspections, raising questions about whether they were ever installed or subsequently removed. Additionally, a neighboring property with a fence encroaching on the area was discussed, with Holden noting that further investigation might be required to confirm any additional violations. The Enforcement Order issued by Agent Holden requested that the homeowners attend this meeting and submit a Restoration Plan, in order that the conditions stated in the original permit be restored. Homeowners did not attend.

**A motion was made (Green) and seconded (Clay) to ratify the Enforcement Order for 29 Country Club Lane. Motion passed unanimously**

**Motion to adjourn was made by Curtis, seconded by Clay, and passed unanimously.**