



Robert F. Sullivan
Mayor

CITY OF BROCKTON

DEPARTMENT OF PLANNING AND ECONOMIC DEVELOPMENT

Planning Board

Historical Commission

Conservation Commission

Robert May, CEcD
Director

MINUTES

JANUARY 28 2025 – 6:30 PM

Chair Joyce Voorhis called the January 28, 2025 meeting of the Brockton Conservation Commission to order 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’ and 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: Peggy Curtis, Lily Green, Shareefah Mapp, Justin Talbot, and Joyce Voorhis - Chair, Administrator Isaiah Thelwell, and Conservation Agent Kyle Holden were also present.

NEW FILINGS

1. Notice of Intent

Property: 50 Christy’s Drive

Project: Hotel Expansion

Representative: J.K. Holmgren Engineering

Scott Faria, representing J.K Holmgren Engineering, presented a Notice of Intent for a proposed 40-room expansion to the existing hotel at 50 Christy’s Drive. The expansion plan aims to align with the current structure while remaining outside the 25-foot buffer zone of a nearby resource area. Mr. Faria explained that the site's original design anticipated future expansion and included a robust drainage system that would only require minor additions like new catch basins. The project also includes enhanced landscaping around the parking area. Commission members raised concerns about snow storage due to the site's slope toward Lovett Brook. Mr. Faria agreed to explore centralized snow storage options for the parking lot to minimize environmental impact. Agent Holden recommended a third-party peer review to confirm that the proposed project meets state and local stormwater standards.

A motion was made (Green) and seconded (Curtis) to continue 50 Christy’s Drive to the February 19th Meeting, with a recommendation for 3rd party peer review. Motion passed by unanimous vote.

2. Notice of Intent

Property: 196 Manley Street

Project: Equipment East - Deviations from 2019 Order of Conditions

Representative: J.K. Holmgren Engineering, LLC

Scott Faria with J.K Holmgren Engineering presented the Notice of Intent application for 196 Manley Street. Mr. Faria provided background information about its history, noting that it spans five years and has involved multiple requests for a Certificate of Compliance. The site previously was visited by members of the Commission. The “after-the-fact” Notice of Intent was required to be submitted to the Commission in an Enforcement Order issued to the property for various deviations from the approved plan of record associated with the 2019 Order of Conditions. Deviations include an unpermitted sewer line, stormwater infrastructure modifications, and the absence of a Cape Cod berm along the parking lot.

The plan submitted with the Notice of Intent serves as an "as-built" representation of the current site conditions. Agent Holden recommends that the Commission refer the project out for peer review to confirm that the unpermitted modifications to the stormwater infrastructure and other deviations adhere to the design intent of the originally approved plan of record. If the peer review confirms compliance, the Commission could move forward with issuing a new Order of Conditions and subsequently a Certificate of Compliance thereby approving the site modifications after-the-fact. Agent Holden also informed the Commission that the Enforcement Order required restoration of a buffer zone area that was impacted by the sewer line installation. Holden recommended that this restoration plan be submitted separately and handled independently of the current Notice of Intent filing.

Chair Voorhis sought clarification on whether a berm was being removed. Faria confirmed that it was never installed. The Commission inquired if a Certificate of Compliance could be granted given that the sewer line was already installed. Agent Holden emphasized that the Commission theoretically has the authority to require the sewer line's removal; however, Holden recommended that the practical solution would be to confirm its compliance with standards and approve it retroactively. He explained that the Commission's original approval explicitly prohibited the sewer line installation, but it was built regardless. Therefore, a Certificate of Compliance can not be issued unless the as-built conditions are formally recognized and approved. Commissioner Curtis expressed dissatisfaction with the disregard for the original order, emphasizing the difficulty of dealing with the situation post-construction.

A motion was made (Curtis) and seconded (Green) to continue 196 Manley Street to the February 19th meeting, with a referral for 3rd party peer review. Motion passed by unanimous vote.

3. Notice of Intent

Property: 83 Debbie Road Extension

Project: New Home Construction

Representative: J.K. Holmgren Engineering

Scott Faria with J.K Holmgren Engineering presented the Notice of Intent Application for 83 Debbie Road Extension. Mr. Faria provided an update on the subdivision project near Quincy Street and Debbie Road, noting that roadway construction, utilities, and drainage systems, including a detention basin, are now complete, with home construction set to begin. He presented the site plan for a proposed single-family home, detailing its placement, rooftop drainage infiltration systems, and elevation specifications.

The project adheres to previously approved guidelines, requiring individual filings for lots within the buffer zone.

The Commission discussed different options for the type of conservation markers they wanted to require for the site. Several options were discussed including PVC, granite, concrete, and wooden markers. Ultimately, the Commission decided to postpone the conservation marker discussion until their February meeting to allow time for examples of each type of marker to be gathered.

Agent Holden inquired whether the Debbie Road Extension homes would include a basement and if sump pumps would be installed. Mr. Faria clarified that all of the planned homes will include a basement and that due to thorough site testing and elevated foundation levels, there would be no need for sump pumps, only perimeter French drains to manage water. Mr. Holden suggested including a special condition in the Order requiring that if sump pumps are installed that they be tied into the rooftop infiltration systems.

A motion was made (Curtis) and seconded (Green) to close the hearing for 83 Debbie Road Extension. Motion passed by unanimous vote.

A motion was made (Curtis) and seconded (Green) to issue an Order of Conditions for 83 Debbie Road Extension with the six conditions listed by The Agent. Motion passed by Unanimous vote.

4. Notice of Intent

Property: 91 Debbie Road Extension

Project: New Home Construction

Representative: J.K. Holmgren Engineering

Scott Faria with J.K Holmgren Engineering presented the Notice of Intent Application for 91 Debbie Road Extension. Mr. Faria mentioned that the proposed work area is largely the same as previous plans, including the construction of a house with a basement, a roof infiltration system, and driveway. Mr. Faria explains that this lot contains a large pile of historical fill which extends into the 25 foot no touch zone which the developer plans to remove. The Chair asked that the limit of work markers be moved back to the 25 foot buffer zone line once the historical fill pile is removed. Agent Holden suggested that a buffer zone enhancement plan could be developed for the cleared area to visually distinguish it from the lawn, making it clear that it's a restored, non-lawn area. Ms. Voorhis also asked for clarification of the purpose of concrete wash areas. Mr. Faria explained their function and was asked if the concrete wash area on this lot might be moved to the opposite side of the driveway, away from the resource area, to which Mr Faria agreed.

A motion was made (Green) and seconded (Curtis) to continue the hearing for 91 Debbie Road Extension to the February 19th meeting to allow for the development of a buffer zone enhancement plan and to revise the site plan to move the concrete washout area beyond the 100-foot Buffer Zone. Motion passed by unanimous vote.

5. Notice of Intent

Property: 105 Debbie Road Extension

Project: New Home Construction

Representative: J.K. Holmgren Engineering

Scott Faria with J.K Holmgren Engineering presented the Notice of Intent Application for 105 Debbie Road Extension. Mr. Faria noted that most utilities are outside the buffer zone, and the wetland boundary has been approved. He mentions that a basement and a concrete wash area are part of the plan.

Agent Holden raised a concern regarding the size of the driveway. The original plans assumed driveways would be around 1,200 square feet, but the current design exceeds that, leading to more runoff than anticipated in the stormwater calculations. He asked Mr. Faria if it's possible to move the house closer to the road to reduce the driveway size, which Mr. Faria confirmed could be done with minimal impact, removing the home from the buffer zone and possibly eliminating the need for a notice of intent.

A motion was made (Curtis) and seconded (Green) to continue the hearing for 105 Debbie Road Extension to the February 19th meeting in order to update the proposed plan and possibly to withdraw the request for the Notice of Intent. Motion passed by unanimous vote.

6. Notice of Intent

Property: 121 Debbie Road Extension

Project: New Home Construction

Representative: J.K. Holmgren Engineering

Scott Faria with J.K Holmgren Engineering presented the Notice of Intent Application for 121 Debbie Road Extension. Mr. Faria provided an update on the property at the end of the cul-de-sac on Debbie Road Extension. He noted that the wetland utility crossing behind 121 Debbie Road Extension was previously approved by the Commission in the Order of Conditions for the roadway and utility installation for the Mia Meadows subdivision. The wetland crossing will be restored and revegetated under the previous Order. Mr. Faria explained that for 121 Debbie Road Extension, most of the house and related construction are outside the buffer zone, though the house cannot be fully pushed out of the buffer due to a 30-foot offset requirement. Most of the proposed work aligns with the discussions from earlier lots. Agent Holden recommended six special conditions, the four outlined in his Agent Report and two additional conditions including tying any sump pump into the rooftop infiltration units and requiring a dewatering plan should one be needed.

A motion was made (Curtis) and seconded (Green) to close the hearing for 121 Debbie Road Extension. Motion passed by unanimous vote.

A motion was made (Curtis) and seconded (Green) to issue an Order of Conditions for 121 Debbie Road Extension with special conditions as discussed. Motion passed by unanimous vote.

7. Request for Certificate of Compliance

Property: 1854 Main Street

Project: New Building Construction

Representative: J.K. Holmgren Engineering

Scott Faria with J.K Holmgren Engineering presented a Request for Certificate of Compliance for 1854 Main Street. According to Mr. Faria, the applicant had previously requested a certificate in 2018, but due to some stabilization issues around two detention basins the certificate was not issued. Agent Holden reviewed his report where he noted that the applicant has been maintaining the site, including mowing the grass, but some areas around the top of the basins lack evidence of vegetation, potentially leading to erosion concerns. Additionally, Agent Holden noted a broken overflow drainage pipe connecting the second retention basin to the Salisbury Plain River on his recent site visit. Holden suggested that the request for a Certificate of Compliance should be denied allowing the applicant time to fully stabilize the site and to repair the pipe before re-applying for a Certificate of Compliance later in the spring.

The applicant, Ston Sauveur, expressed frustration and urgency regarding the Certificate of Compliance, which was being required by a potential buyer interested in purchasing the property. Mr. Sauveur stated that he felt blindsided by the Agent's report and that he had thought everything was in order for the issuance of a Certificate of Compliance. Agent Holden responded by acknowledging the miscommunication and apologized for not including Mr. Sauveur in an email sent to the applicant's representative outlining his revised recommendations following a more detailed site walkthrough after speaking with Mr. Sauveur on-site.

Following a lengthy discussion, the Commission decided that complete site stabilization and repair of the drainage pipe would be required before issuing a Certificate of Compliance. Due to the time constraints of the applicant, the Commission agreed that sod installation around the perimeter of both retention basins would be sufficient to meet the stabilization requirements of the Order of Conditions.

The tight timeline and urgency of the applicant to receive a Certificate of Compliance for 1854 Main Street was further complicated by a potential violation in a neighboring lot (1824 Main Street, also owned by Ston Sauveur) that Agent Holden noted while reviewing the request for 1854 Main Street. Commissioners decided to address the concerns regarding both lots together, since the owner has been negotiating a two lot sale, and the 1824 Main Street agenda item was moved forward for discussion.

Violation Discussion 1824 Main Street

Agent Holden displayed the GIS map for the lot at 1824 Main St, which identified a potential wetland on the lot and also showed that a portion of the property was classified as Bordering Land Subject to Flooding (BLSF). The MassMapper data layers showed that a portion of the 1824 Main Street lot within the BLSF area had been cleared and filled during the past two years, with a road and parking area currently showing on the aerial map.

Scott Faria provided detailed information about the investigation of potential violations at 1824 Main Street. He clarified that a wetland area identified on the MassGIS map is not a protectable resource as it is an isolated wetland rather than a connected resource area. Brad Holmes, a consultant familiar with site delineations, confirmed this finding.

On the floodplain issue, Scott Faria explained that FEMA issued a Letter of Map Amendment (LOMA) in 2018, removing the area from the flood zone based on a topographic survey that pinpointed the elevation of 73 as the actual flood contour. Despite the official amendment,

FEMA maps remain outdated, which may cause discrepancies. It is noteworthy however, to mention that the LOMA was issued only for the lot at 1854 Main Street. As a result, the 1824 Main Street lot still contains a large area of BLSF. Chair Joyce Voorhis and Agent Holden discussed the need to review Mr. Faria's documentation and suggested continuing the matter to the next meeting in mid-February for fact-finding and further assessment.

A motion was made (Curtis) and seconded (Green) to continue the hearing for 1854 Main Street to the February 19th Meeting allowing the applicant time to fully stabilize the site and repair the broken drainage pipe. Motion passed by unanimous vote.

8. Request for Amended Order of Conditions

Property: 135 Elliot Street

Project: Townhouse Construction

Representative: J.K. Holmgren Engineering

Scott Faria with J.K Holmgren Engineering presented a Request for Amended Order of Conditions for 135 Elliot Street. Mr. Faria presented a request for a modification to the order of conditions for a project at 135 Elliott Street, which involves the constructing of residential buildings in front of an existing warehouse. Due to complications in relocating a gas service, the building footprint of the eastern building was reduced and moved entirely out of the buffer zone. Changes include reconfiguring the drainage system to avoid the gas line and sewer easement, increasing the number of stormwater chambers from 72 to 78, and adding an emergency overflow for the catch basin. The scope of the work has been reduced overall, with fewer impacts on the buffer zone. Mr. Faria addressed comments from Agent Holden's report, including the need to include the limit or work defining access behind the warehouse to the compensatory storage area, clarifying the landscape schedule, and discrepancies between a document included in the operation and maintenance (O&M) plan and the original plan of record.

A motion was made (Curtis) and seconded (Green) to continue the hearing for 135 Elliot Street to the February 19th Meeting allowing the requested modifications to the site plan to be made. Motion passed by unanimous vote.

CURRENT FILINGS

9. Notice of Intent

Property: 45 Industrial Boulevard

Project: Commercial Addition

Representative: J.K. Holmgren Engineering, LLC

Scott Faria with J.K Holmgren Engineering presented the Notice of Intent Application for 45 Industrial Boulevard. Mr. Faria provided an update on the project, which had been extensively discussed in a prior meeting. The primary focus was the maintenance and enhancement of an existing detention basin. To address concerns raised by BETA and Agent Holden, Faria's team agreed to install three additional storm sceptors to improve water treatment. Holden confirmed that BETA had reviewed the revisions and approved the updated plan, recommending it to the Commission. Holden listed special conditions suggested by BETA, including erosion control, submission of a finalized Stormwater Pollution Prevention Plan (SWPPP), and notification for observation during basin excavation.

A motion was made (Curtis) and seconded (Green) to close the hearing for 45 Industrial Boulevard. Motion passed by unanimous vote.

A motion was made (Curtis) and seconded (Green) to issue an Order of Conditions for 45 Industrial Boulevard with the monitoring conditions and BETA recommended conditions. Motion passed by unanimous vote.

10. Certificate of Compliance

Property: Dunbar Street

Project: New Maintenance Building

Representative: J.K. Holmgren Engineering, LLC

Scott Faria with J.K Holmgren Engineering presented the Certificate of Compliance Application for Dunbar Street. Scott Faria mentioned that a monitoring well still needs to be installed, prompting him to request a continuation until the next meeting. However, Agent Holden expressed concern about the feasibility of resolving the issue before the February meeting, taking into account The Commission's large agenda. He suggested denying the request and having Mr. Faria reapply once the required tasks are completed since the reapplication process is straightforward and cost-free. Mr. Faria agreed with this approach, acknowledging the need to address the outstanding issues before reappearing before The Commission. Mr. Holden offered to provide a detailed letter outlining The Commission's specific requirements.

A motion was made (Curtis) and seconded (Mapp) to deny the Certificate of Compliance for Dunbar Street, with the understanding that the application will be re-submitted when the required outstanding issues have been resolved. Motion passed by unanimous vote.

VIOLATION DISCUSSION

11. 1824 MAIN STREET - This agenda item was discussed out of order and addressed during the discussion of #7 1854 Main Street.

A motion was made (Curtis) and seconded (Green) to adjourn the meeting. Motion passed by unanimous vote.