



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 29 2025 – 6:30 PM

Chair Joyce Voorhis called for the January 29th, 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: Lily Green, Peggy Curtis, Shareefah Mapp, Justin Talbot, and Joyce Voorhis - Chair, BETA Representative Elyse Tripp, Administrator Isaiah Thelwell, and Conservation Agent Kyle Holden were also present.

**NOTE - Agenda Item **Withdrawn** at Applicant’s Request**

- 5. Request for Certificate of Compliance**  
**Property: 455 Oak Street**  
**Project: Parking Lot Improvements**  
**Representative: Ivas Environmental**

**NOTE - Agenda Item **Continued** to the **February 19, 2025 Meeting****

- 13. Abbreviated Notice of Resource Area Delineation**  
**Property: 0 Hammond Street**  
**Representative: W Engineering, LLC**

**NOTE - Agenda Item **Continued** to the **March 19, 2025 Meeting****

- 14. Notice of Intent**  
**Property: 68 12 th Avenue**  
**Project: Sunroom Addition**  
**Representative: Annette Epps**

## COMMISSION MATTER

### *1. Acceptance of December 18, 2024 Minutes*

**A motion was made (Talbot) and seconded (Curtis) to accept the December 18, 2024 Minutes. Motion passed with one abstention (Mapp).**

## NEW FILINGS

### **2. Amended Order of Conditions Property: 159 Torrey Street Project: Solar Array Installation Representative: NextGrid**

Mike Pattison, representing NextGrid, appeared before The Commission to request an amendment to an existing order of conditions. He explained that their original Planning Board approval had lapsed on July 28, 2023, due to unforeseen circumstances, prompting the need for a new application. During a Site Plan Technical Review meeting on May 28, 2024, the Fire Department raised concerns about emergency vehicle access and requested that a stockpile area be converted into a gravel turnaround.

Chair Joyce Voorhis inquired about the access point for the turnaround, to which Pattison explained that emergency vehicles would enter via an existing gravel road, use the turnaround, and exit the same way. Agent Holden recommended that the Commission refer the revised plan to a third-party consultant to confirm compliance with stormwater standards, as the project was initially reviewed for stormwater impacts and the proposed site modifications will change the drainage landscape of the Site.

Commissioner Peggy Curtis questioned whether the turnaround area could be moved closer to the road for better accessibility and expressed concern about snow removal, as gravel surfaces are difficult to plow. Pattison acknowledged the point and agreed to consult with the Fire Department to confirm the necessary turnaround size before updating and resubmitting the design.

**A Motion was made (Green) and seconded (Curtis) to continue 159 Torrey Street to the February 19th Meeting and to refer the project out for a third-party peer review. Motion passed by unanimous vote.**

### **3. Request for Determination of Applicability Property: 700 Oak Street Project: Parking Lot Improvements Representative: Bohler Engineering**

Agent Kyle Holden provided an update, explaining that the project involves parking lot improvements. However, the project scope was recently adjusted after the initial submission to the Commission. Despite the late changes, the required legal notice for the RDA had already been published. Holden noted that the project's representatives were not present at the meeting but had requested to open the hearing and then continue it to the next month, allowing time to submit revised plans for review.

**A motion was made (Green) and seconded (Curtis) to continue 700 Oak Street to the meeting on February 19th. Motion passed by unanimous vote.**

**4. Request for Certificate of Compliance**

**Property: Arthur Estates – Arthur Street Extension (SE 118-0806)**

**Project: Road Extension and Buffer Zone Restoration**

**Representative: JDE Civil, Inc.**

Jason Kennedy and Andrew Spath present the request for Certificate of Compliance for Arthur Estates, Arthur Street Roadway Extension. Kennedy explained that the extension was completed, and they submitted the request with supporting documentation from botanist Brad Holmes (ECR) and professional engineer Greg Driscoll (JDE Civil), confirming compliance with the Order of Conditions.

Voorhis noted that she received an email from the applicant documenting changes to the Site on January 28, 2025 and noted that the late submission of the additional materials might not have given commissioners enough time to review. The as-built plan was shared, showing the extension and cul-de-sac improvements. Kennedy asserted that they addressed concerns about erosion by installing erosion control blankets.

Holden explained the standard process: all new material is required to be submitted before the filing deadline (2 weeks before a meeting), upon receipt of a complete submission the agent visits the site and drafts a report for the Commission, and finally the Commission discusses the project and decides if issuing a Certificate of Compliance is appropriate based upon the Agent's report and information submitted before the filing deadline. He clarified that while Kennedy provided updated photos, an on-site verification was still pending. Holden then detailed his findings from a January 9th site visit, noting three main concerns: continued evidence of erosion, failure of the grass seed to germinate due to the time of year it was planted, and the addition of wood chips and mixed stone/masonry/concrete within the Buffer Zone. He clarified that under the Roadway Extension Order of Conditions, the buffer zone restoration area was only required to be planted and seeded. Monitoring of the restoration area was required in the Lot 2 development Order of Conditions.

The applicants, Kennedy and Spath, maintained that the project was fully compliant and proceeded to argue with the Commission about their compliance or lack thereof. Notable discussion topics included: the definition of "permanent stabilization", the longevity/decomposition of the wood chips, the applicant's financial concerns, stabilization/growing season timelines, the inaccuracy of the submitted As-Built Plan, and compliance with the 2024 Arthur Street Extension Enforcement Order.

Agent Holden refocused the conversation highlighting key decisions the Commission needed to consider before issuing the Certificate of Compliance for the roadway extension. Holden suggested that the Commission determine whether the installed wood chips should be considered permanent stabilization or if an alternative was necessary. Additionally, Holden recommended that the Commission confirm that all areas requiring stabilization—particularly between the sidewalk and curbing—were adequately addressed before issuing the certificate.

Commissioner Curtis comments on the current erosion control efforts, noting that the straw mix used in some areas seems to have fulfilled the stabilization requirement. She questions whether the homeowners would be responsible for maintaining the area after the sale of the homes, which Andrew confirms. The discussion then shifts to the potential use of gravel or other materials instead of wood chips. However, Voorhis and others argue that anything that could erode is not an ideal choice, and planting vegetation is a better alternative. Curtis questions whether the mulch will remain effective as it deteriorates, and Spath confirms that homeowners would be responsible for ongoing maintenance once the houses are sold.

The Commission continued to discuss their concerns with the applicants. Kennedy expressed his frustration and again asserted that the area was sufficiently stabilized and that the Commission should issue the complete Certificate of Compliance. Ultimately, Chair Voorhis steers the conversation toward action, asking for a motion from the commissioners to either issue a certificate of compliance or to continue the discussion to the next meeting and request further evidence of permanent stabilization.

**A motion was made (Curtis) and seconded (Mapp) to issue the complete Certificate of Compliance for Arthur Street Roadway Extension. With Curtis and Mapp in favor, and all others abstaining, the Motion failed.**

**A motion was made (Green) and seconded (Talbot) to continue the Arthur Streets Roadway Extension to the February 19th, 2025 meeting. The Motion passed with one abstention (Curtis) and all other in favor.**

## **CURRENT FILINGS**

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

**Property: 82 Ames Street**

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

**Representative: River Hawk Environmental, LLC**

**A motion was made (Green) and seconded (Curtis) to continue the 82 Ames Street hearing to the February 19 2025 meeting. The motion passed by unanimous vote.**

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

**Property: 1005 Belmont Street**

**Project: Residential Building Construction**

**Representative: Joyce Consulting Group, PC**

Michael Joyce from Joyce Consulting Group provides an update on the 1005 Belmont Street project, discussing the recent progress made in coordination with the BETA review and the Planning Board's approval. The project involves a 29-unit building with office space located near the existing Roadway Apartments. Joyce shares details on the project's adjustments, including a reduced building footprint and added stormwater controls, with a focus on minimizing environmental impacts. The project site is 3.25 acres with a brook at the rear, surrounded by a floodplain and wetland. Proposed work is within a previously paved area, and improvements include removing 7,500 square feet of impervious surface, introducing a New England conservation mix for plantings, and implementing erosion controls to address concerns raised by

BETA. Additional changes include a reconfiguration of infiltration systems for stormwater management, with a notable reduction of 40% or more in stormwater runoff. The proposal also includes a 25-foot no-disturb zone around the wetlands, with fencing to restrict access and ensure emergency-only use. The plantings in this zone will be decided based on the Commission's preference for either a seed mix or additional plantings.

Elyse Tripp from BETA explains that most concerns about stormwater and system configurations were resolved, with the final items left for the Commission to review being the approval of buffers, restoration within the 25-foot zone, and the proposed plantings. She highlights that these items do not pose significant obstacles but need Commission approval for administrative purposes.

Following discussion, the Commission decided on where conservation markers should be installed including what language to use on signage and that additional plantings were not necessary within the restoration area.

Elyse Tripp outlines BETA's recommended special conditions, including measures for supplemental erosion control around the stockpile area.

**A motion was made (Green) and seconded (Curtis) to issue an Order of Conditions for 1005 Belmont Street with special conditions as discussed. Motion passed by unanimous vote.**

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

**Property: 940 Belmont Street**

**Project: VA Hospital Stormwater Improvements**

**Representative: T. Reynolds Engineering**

The meeting discussion focused on scheduling a site visit to the VA Hospital on Belmont Street to determine whether the stormwater review should be classified as a new development or redevelopment. Kyle Holden proposed forming a subcommittee of three commissioners to visit the site, ensuring no quorum issues arise. The Commission agreed to meet on Wednesday, February 5, 2025 at 2:30 PM for the site visit. Peggy Curtis, Shareefah Mapp, and Justin Talbot were selected to attend, with Kyle Holden and Terry Reynolds also participating. Mr. Reynolds agreed to coordinate with the VA for visitor passes if necessary.

**A motion was made (Green) and seconded (Curtis) to Continue the hearing for 940 Belmont Street to the February 19th Meeting. The motion passed by unanimous vote.**

#### **9. Notice of Intent**

**Property: 549 Copeland Street**

**Project: Subdivision Roadway Construction**

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

**A motion was made (Green) and seconded (Talbot) to Continue the hearing for 549 Copeland Street to the February 19th Meeting. The motion passed by unanimous vote.**

- 10. Notice of Intent**  
**Property: 30 Intervale Street**  
**Project: 28-unit Residential Building Conversion**  
**Representative: PMP Consulting, Inc.**

**A motion was made (Green) and seconded (Talbot) to Continue the hearing for 30 Intervale Street to the February 19th Meeting. The motion passed by unanimous vote.**

- 11. Notice of Intent**  
**Property: 0 Lawton Avenue**  
**Project: New Home Construction**  
**Representative: J.K. Holmgren Engineering, LLC**

**A motion was made (Green) and seconded (Talbot) to Continue the hearing for 0 Lawton Avenue to the February 19th Meeting. The motion passed by unanimous vote.**

- 12. Notice of Intent**  
**Property: 136 Perkins Avenue**  
**Project: 2 Family Home Construction**  
**Representative: J.K. Holmgren Engineering**

**A motion was made (Green) and seconded (Talbot) to Continue the hearing for 136 Perkins Avenue to the February 19th Meeting. The motion passed by unanimous vote.**

### **VIOLATION DISCUSSION**

- 15. 29 Country Club Lane**

Per Agent Holden, an enforcement order was issued about two months ago. Initially, the property owner was cooperative but has since decided to challenge the order. The Commission set a February 5th deadline for the owner to provide a restoration plan. After that deadline, enforcement will proceed with help from the Brockton Law Department.

- 16. 11 Monarch Street**

The second issue involves a violation at 11 Monarch Street, where trash was reported near a waterway. The Inspectional Service Department issued citations, and Agent Holden followed up with a Notice of Violation. The owner has 30 days to remove the trash, and the Inspectional Service Department will issue fines if necessary. Holden plans to reinspect next week.

**17. 0 West Chestnut Street (Parcel ID: 023-005 and 023-005R)  
AKA: Meadow Woods/Patricia's Path/Matt Flaherty Way  
DEP File No. SE 118-0712**

Agent Holden provides an update on the violation at 0 West Chestnut Street. The property in question has an active order of conditions dating back to 2017 for a wetland crossing and buffer zone restoration. The violation came to light when the property owner submitted a subdivision plan to the Planning Board that differed significantly from the Plan of Record associated with the 2017 Order of Conditions, most notably by including a drainage outlet into the wetland.

Holden issued a Notice of Violation on January 6, 2025 requesting two things: first, that the property owner update the DEP file number sign, which was outdated, and second, that they submit an as-built plan detailing the work completed to-date on site. Holden has already received confirmation that the sign has been updated, but he has yet to verify it. The property owner is now required to provide an as-built so the Commission can determine whether a violation has occurred. If so, enforcement actions will be considered in the future.

The discussion also clarifies that the order of conditions was for a wetland crossing and restoration only, not for subdivision plans or roadways. There are no approved subdivision plans at this time.

*Public Comment*

*Kathy Nowacki, an abutter to the property at 0 West Chestnut Street, expresses concerns regarding the stormwater drainage system that has already been built on the property, which she believes is draining into a wetland area. She asks Kyle Holden for clarification about the permit number associated with the property, to which Holden provides the correct file number: 118-0712. Kathy also inquires about the potential concerns related to stormwater drainage into the wetlands, especially if the development is not approved. Kyle reassures her that if the drainage system is found to be in violation, the Commission could issue an enforcement order and require remediation. Kathy is particularly concerned because the drainage system was constructed without the proper permits.*

Holden confirms that the stormwater system will be reviewed once the as-built plan is submitted. If necessary, the Commission can take action to address the violation, even if the development does not proceed. Kathy expresses her gratitude for the time to voice her concerns.

*Linda Lynch, an abutter to the West Chestnut Street property, shares her concerns about the developer's plans and the transparency of the entity responsible for the property. She mentions that she believes the developer's ultimate goal is to connect a road to West Bridgewater, rather than build houses in Brockton. Linda is worried about whether the documents provided by the developer will accurately reflect all the work that has been done. She questions how the Commission will ensure that what is submitted is complete.*

In response, Agent Holden explains that he would conduct a site visit and that the Commission could have a consultant perform an analysis to assess the conditions and determine the extent of any violation. Linda emphasizes the importance of thorough inspection, given that the permit is from 2017, and urges the Commission to be vigilant as there has been a lot of ongoing activity at the site, including trucks and

dirt being moved. She hopes the Commission will be diligent in ensuring that everything is in compliance, noting that the updated DEP number alone may not be enough.

Holden confirms that the as-built plan is required to be submitted by February 5th, the filing deadline for the next month's meeting. The conversation ends with Linda thanking the Commission for their time.

*Pat Jacobsen, a trustee of the Chestnut Woods Homeowners Association, shares her concerns regarding the potential water runoff into wetlands from the proposed development. She emphasizes the need for caution and transparency, especially as the association's land may be impacted by the water drainage issues that have been ongoing. Pat represents the 27 homeowners in the over-55 development that abuts the property and reiterates the importance of being vigilant, expressing appreciation for Kyle's diligence in addressing the situation.*

## **UTILITIES**

### **18. Eversource – South Leyden Street**

Agent Holden informs the Commission that Eversource has issued a notice regarding the replacement of an existing gas main on South Leyden Street. He mentions that a similar upgrade was completed on North Leyden Street in 2023. Since this is exempt utility work, it does not require further action unless the Commission wishes to review the notice.