



CITY OF BROCKTON

DEPARTMENT OF PLANNING AND ECONOMIC DEVELOPMENT

Planning Board

Historical Commission

Conservation Commission

Robert F. Sullivan
Mayor

Robert May, CEcD
Director

BROCKTON CONSERVATION COMMISSION MINUTES AUGUST 20, 2025 - 6:30 PM ZOOM

Chair Joyce Voorhis called the August 20th, 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 extension signed on March 28, 2025, which extends access to certain remote and hybrid meetings until June 30, 2027. Real-time public participation and comments 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: Joyce Voorhis - Chair, Lily Green - Vice-Chair, Ruby Clay, Peggy Curtis, Justin Talbot, and Leon Edwards. Conservation Agent Kyle Holden & Administrative Assistant Isaiah Thelwell were also present.

NOTE - Agenda Items Continued to the September 17th, 2025 Meeting

A motion was made (Green) and seconded (Curtis) to continue the following agenda items to the September 17, 2025, meeting. The motion passed by unanimous vote.

2. **Notice of Intent**
Property: 940 Belmont Street
Project: VA Hospital Stormwater Improvements
Representative: T. Reynolds Engineering

3. **Notice of Intent**
Property: 549 Copeland Street
Project: Subdivision Roadway Construction
Representative: J.K. Holmgren Engineering, LLC

4. **Notice of Intent**
Property: 0 Lawton Avenue
Project: New Home Construction
Representative: J.K. Holmgren Engineering, LLC
5. **Abbreviated Notice of Resource Area Delineation**
Property: 0 Hammond Street
Representative: W Engineering, LLC
6. **Notice of Intent**
Property: 68 12th Avenue
Project: Sunroom Addition
Applicant: Annette Epps
8. **Notice of Intent**
Property: 196 Manley Street
Project: Equipment East - Deviations from 2019 Order of Conditions
Representative: J.K. Holmgren Engineering, LLC
9. **Notice of Intent**
Property: 484 Pleasant Street
Project: 4-Unit Residential Construction
Representative: J.K. Holmgren Engineering
13. **Notice of Intent**
Property: 1824 Main Street
Project: Stormwater Management for Storage Yard
Representative: J.K. Holmgren Engineering
14. **Notice of Intent**
Property: 985 Belmont Street
Project: Carwash Redevelopment
Representative: J.K. Holmgren Engineering

COMMISSION MATTERS

1. **Meeting Minutes – July 16, 2025**

A motion was made (Green) and seconded (Curtis) to accept the July 16, 2025 Meeting Minutes. The motion passed by unanimous vote with Edwards abstaining.

CURRENT FILINGS

7. Notice of Intent

Property: 50 Christy's Drive

Project: Hotel Expansion

Representative: J.K. Holmgren Engineering, LLC

Scott Faria with J.K. Holmgren Engineering presented the Notice of Intent application for 50 Christy's Drive. Faria explained that the proposal involves a four-story, 40-room hotel addition to an existing 43-room hotel. The project also requires an expanded parking lot near the corner of Christy's Drive and Christy's Place, but Faria emphasized that the design avoids work within the 25-foot no-touch buffer zone. He noted that the original drainage system had been built with expansion in mind, so no major new drainage infrastructure would be required.

Rhianna Sommers of Weston & Sampson then presented the peer review findings. She explained that her team had reviewed the NOI, drainage calculations, stormwater report, O&M plan, and multiple response letters. Ultimately Weston & Sampson found that the applicant had satisfactorily responded to their peer review comments and that the proposed project met all relevant performance standards. Sommers recommended two special conditions: prohibiting snow storage in the buffer zone and requiring a pre-construction meeting with all parties present.

Agent Holden explained that two minor comments from Weston & Sampson's peer review remained outstanding. One concerned an unnecessary 10-foot Riverfront line shown on the plans, which he said did not affect the project and could be cleaned up before Planning Board review. The other is related to low-impact development measures. Reading from the regulations and the peer review comment, Holden noted that the application did not document which LID (Low Impact Development) strategies had been considered or why they were infeasible. Faria responded that the site was too constrained to accommodate traditional LID features, though the project tied into an existing drainage system and provided full recharge. He mentioned that a rain garden had been considered, but could not be incorporated due to grading. Sommers confirmed that her colleague was satisfied with the response and deferred to the Commission.

Chair Voorhis raised a concern about snow storage within the 50-foot buffer, and Holden recommended prohibiting it there, noting that the parking lot had ample alternative space. Faria agreed and committed to keeping snow outside the 100-foot buffer, with Curtis supporting the restriction. Holden also proposed conservation markers along the 25-foot buffer. Faria supported markers but requested flexibility on materials, and after discussion, the Commission agreed that signage or fencing would be more appropriate than granite. Finally, Holden suggested requiring at least a partial certificate of compliance before issuing a Certificate of Occupancy. Faria confirmed this was standard practice elsewhere.

A motion was made (Curtis) and seconded (Talbot) to close the hearing for 50 Christy's Drive. The motion passed by unanimous vote with Edwards abstaining.

A motion was made (Curtis) and seconded (Green) to issue an Order of Conditions for 50 Christy's Drive with the Agent's suggested conditions. The motion passed by unanimous vote with Edwards abstaining.

10. Notice of Intent

Property: 17 Austin Court

Project: Single-family home construction

Representative: J.K. Holmgren Engineering

Scott Faria with J.K. Holmgren Engineering presented the Notice of Intent application for 17 Austin Court. Faria explained that the project required additional restoration work due to prior site activity within the 25-foot buffer zone. A pile of loam had been removed from the rear corner of the lot, creating a small impacted area near flagged wetlands. In response to concerns raised at earlier meetings, a Buffer Zone Enhancement Plan prepared by Ken Thompson was submitted. Faria noted that once the restoration was complete, conservation markers would delineate the no-disturb area to prevent further encroachment.

Agent Holden confirmed that all requested revisions had been incorporated into the site plan, including an additional conservation marker requested by Commissioner Curtis. He reviewed the enhancement plan and outlined recommended special conditions, consistent with other recent approvals in the subdivision. He also recommended referencing the subdivision's existing replication and restoration orders to align monitoring schedules across the site, with at least two full growing seasons of reporting required.

Faria agreed that the monitoring should align with the subdivision's existing orders, and both he and Chair Voorhis emphasized that fall was the appropriate season to begin plantings rather than delaying until subdivision buildout.

A motion was made (Curtis) and seconded (Talbot) to close the hearing for 17 Austin Court. The motion passed by unanimous vote with Edwards abstaining.

A motion was made (Curtis) and seconded (Green) to issue the Order of Condition for 17 Austin Court. The motion passed by unanimous vote with Edwards abstaining.

11. Notice of Intent

Property: 27 Austin Court

Project: Single-family home construction

Representative: J.K. Holmgren Engineering

Scott Faria with J.K. Holmgren Engineering presented the Notice of Intent application for 27 Austin Court. Faria explained that the project revisions were similar to the prior lot, with missing street trees added and roof infiltration areas included. The key feature was a utility corridor running through the Buffer Zone, which required restoration. A plan by Ken Thompson was submitted to restore the disturbed lane and a large pile of historic fill with native woody vegetation.

Agent Holden confirmed all requested changes were reflected on the revised site plan, including moving the concrete washout area farther from the buffer as requested by Commissioner Green. He noted that while most of the lane would be restored with woody plantings, an area near Charlotte Street would be stabilized with conservation seed mix to preserve access for future utility maintenance. Holden also raised a broader concern: once restoration was complete, the newly opened lane could attract illegal dumping. He recommended that the Commission require the installation of removable bollards at the

end of Charlotte Street to allow access for maintenance while deterring vehicles from entering and dumping. Chair Voorhis and Commissioner Curtis strongly supported this idea.

A motion was made (Green) and seconded (Curtis) to close the hearing for 27 Austin Court. The motion passed by unanimous vote with Edwards abstaining.

A motion was made (Green) and seconded (Curtis) to issue an Order of Conditions with special conditions, including the bollard requirement at 27 Austin Court. The motion passed by unanimous vote with Edwards abstaining.

12. Notice of Intent

Property: 35 Austin Court

Project: Single-family home construction

Representative: J.K. Holmgren Engineering

Scott Faria with J.K. Holmgren Engineering presented the Notice of Intent application for 35 Austin Court. Faria explained that the situation mirrored the prior two lots, with the utility easement running through the rear of the property and work impacting the 25-foot buffer zone. Adjustments were made to the plan, including the addition of a deck and roof infiltration, while the concrete washout area was sited near the street at a distance of nearly 100 feet from the buffer. Agent Holden confirmed all requested changes had been incorporated into the site plan and that the same restoration plan and special conditions applied here as with 27 Austin Court, with the exception of the bollard requirement. Commissioners expressed no concerns, with Clay noting the conditions were consistent with the prior cases.

A motion was made (Green) and seconded (Talbot) to close the hearing for 35 Austin Court. The motion passed by unanimous vote with Edwards abstaining.

A motion was made (Curtis) and seconded (Talbot) to issue an Order of Conditions with recommended special conditions at 35 Austin Court. The motion passed by unanimous vote with Edwards abstaining.

VIOLATION DISCUSSION

25. 29 Country Club Lane

Agent Holden explained that the property owner had retained Ken Thompson, a Botanist with 5 Wetlands, to prepare a restoration plan that was required in the Enforcement Order issued in October of 2024. In the process, Thompson discovered that the site was more complicated than originally believed. Closer review of the 2017 approved plan of record associated with the Order of Conditions permitting the home construction showed that the home and associated patio were not built in accordance with the Order. The developer appears to have encroached further into the wetland than permitted, with the addition of an elevated patio supported by a substantial retaining wall. Holden noted that no Certificate of Compliance was ever applied for, issued or recorded for the project, meaning the Commission never confirmed the work was built correctly. He emphasized that the Wetlands Protection Act requires at least a one-to-one wetland replication for direct impacts, and the previously approved replication areas may not be sufficient given the unpermitted encroachment.

Chair Voorhis asked about deed attachments and who performed the work. Holden confirmed the Order of Conditions was properly recorded and that the patio construction likely occurred during home construction, though the current owners were responsible for subsequent wetland impacts. He also confirmed the retaining wall was significant and not reflected on the approved plan.

Commissioner Talbot raised the issue of financial responsibility, asking whether the Commission could pursue the developer rather than saddling the current homeowner with a potentially costly restoration. Agent Holden responded that enforcement typically applies to the property owner but acknowledged the Commission could have grounds to consider separate enforcement against the developer. He recommended pausing the matter until September to further examine the legal options. Holden explained that assigning responsibility for the 29 Country Club Lane violation to both the developer and the homeowner would create complications, since separate Enforcement Orders could conflict with one another and risk delaying restoration. He said he would research the issue further, including consulting MassDEP, MACC, and the city's law department, and report back at the September meeting.

Chair Voorhis noted that in past cases, buyers inherited violations with their purchase and were required to address them, regardless of whether they caused the problem. Holden acknowledged that violations of the Wetlands Protection Act are generally bound to the property owner. However, he stressed that if the violator could be positively identified, the Commission had the option to pursue them directly, though this would require strong evidence that could hold up in court.

Commissioner Clay emphasized that Massachusetts sellers are obligated to disclose known material facts, including environmental issues, and suggested that the lack of disclosure in this case may be a significant factor. She recommended that Holden conduct legal research into disclosure obligations before the Commission decides how to proceed. Chair Voorhis added that the situation underscored the importance of requiring a Certificate of Compliance before issuing an occupancy permit, which would have flagged the noncompliance years earlier. Holden agreed, admitting he had assumed such a certificate had been issued, but later confirmed it had not. He reported that the Law Department had advised issuing a new Enforcement Order specifically citing the patio and deck as noncompliant, to preserve the Commission's legal standing should the matter go to court. Holden confirmed that the property owners were aware of the issue through their consultant, Ken Thompson, and said he would follow up with them after the meeting. Holden explained that he would not require their attendance in September, since the discussion at this stage is focused on how the Commission itself wanted to handle enforcement. Chair Voorhis thanked Holden for his thorough review, and the Commission agreed to table the matter until September for further research.

16. 155 Winthrop Street

Agent Holden explained that about a year earlier, the Commission had issued an Order of Conditions permitting the after-the-fact paving of the backyard of 155 Winthrop Street. The pavement extends to the bank of Cold Spring Brook and the Order of Conditions included a Restoration Plan to restore the 25-foot Riverfront Area. The Order required that the Riverfront restoration be completed within one year. That deadline had passed, and Holden said he had sent a letter requesting an update and invited the owners to attend the meeting. They did not appear, so Holden explained that his next step would be to consult with the Law Department and conduct a site visit. He noted that no pre-construction meeting had ever been scheduled, which suggested that no restoration work had begun.

17. 219 Bellevue Avenue

Agent Holden reported that while researching records, he found an enforcement action from 2022 that had not been resolved. Holden recommended issuing a new Enforcement Order with updated signatures and dates, so the Commission would have better standing in court if legal proceedings became necessary.

Holden presented the assessor's maps and the 2017 As-Built Plan that showed the approved layout, including the wetland line, the dwelling, and the required conservation markers. He then contrasted this with current conditions, which include an expanded patio, a shed, and an outdoor kitchen, much of it encroaching into an adjacent lot not owned by the property owner.

Holden explained that the Commission had already issued two Enforcement Orders and required an after-the-fact Notice of Intent to be filed. Ultimately the Commission denied the issuance of an Order of Conditions because the applicant was unable to demonstrate that the unpermitted additions were constructed in compliance with the rules and regulations of the Wetlands Protection Act. In their denial, the Commission raised concerns that the wetland line had apparently shifted drastically by as much as 80 feet over the course of five years, raising concerns that the change was not natural. Holden emphasized that the Commission had requested additional information about wetland impacts, which was never provided.

Holden said that reissuing the Enforcement Order was necessary to keep the matter active and enforceable, and would allow the Commission to compel corrective action moving forward. He recommended reissuing the 2022 enforcement order verbatim; only updating names, dates, and deadlines. He added that the reissued Order would require a thorough wetland delineation and could result in restoration, depending on the findings.

A motion was made (Curtis) and seconded (Green) to reissue the 2022 Enforcement Order for 219 Bellevue Avenue. Motion passed by unanimous vote with Edwards abstaining.

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