



Robert F. Sullivan
Mayor

CITY OF BROCKTON

DEPARTMENT OF PLANNING AND ECONOMIC DEVELOPMENT

Planning Board

Historical Commission

Conservation Commission

Robert May, CEcD
Director

BROCKTON CONSERVATION COMMISSION MINUTES SEPTEMBER 17, 2025 - 6:30 PM ZOOM

Chair Joyce Voorhis called the September 17th, 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 Rhode Germain were also present.

NOTE - Agenda Items Continued to the October 15th, 2025 Meeting

A motion was made (Talbot) and seconded (Curtis) to continue the following agenda items to the October 15, 2025, meeting. The motion passed by unanimous vote.

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

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

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

COMMISSION MATTERS

1. **Meeting Minutes – August 20th, 2025**

A motion was made (Green) and seconded (Talbot) to accept the August 20th, 2025, Meeting Minutes with changes as discussed. The motion passed by unanimous vote with Edwards abstaining.

NEW FILINGS

2. Order of Conditions Extension Request

Property: Heritage Court

Project: Subdivision Development

Representative: Acella Construction Corporation

Eric Garber, representing the applicant Steven Ross introduced a request to extend the order of conditions for Heritage Court, Garber explained that two homes on the site were partially built and weather-tight, with plans to complete them and construct four additional modular homes within eight months. Agent Holden summarized the project's history, noting that the current order covers home construction, while prior approvals addressed roadway and stormwater features. He recommended granting a one-year extension to allow construction to continue while maintaining oversight. Holden cited unresolved stormwater deviations and inconsistent submission of required monitoring reports as reasons to keep the extension short. Commissioners Talbot and Clay agreed that one year was appropriate, with Holden clarifying that the applicant could seek another extension later if needed.

A motion was made (Green) and seconded (Curtis) to approve the one-year extension. The Motion passed by unanimous vote.

3. Notice of Intent

Property: 31 Otis Street

Project: 3-Family Residential Construction

Representative: Farland Corp.

Abutter notifications and MassDEP file numbers were verified.

Nate DaSilva of Farland Corp presented the Notice of Intent application for 31 Otis Street. DaSilva presented the site plan, explaining that the property contained a new foundation for a proposed three-family dwelling on a 15,000-square-foot lot crossed by Salisbury Brook, making it subject to conservation review. Holden outlined the site's enforcement history, noting that a foundation had been poured following a 2024 fire and emergency demolition before proper permits were issued. He recommended sending the project for peer review due to its complexity, including riverfront and floodplain impacts.

Holden explained that the Wetlands Protection Act exempts small developments like this from stormwater review, but the city's ordinance still requires it. Because the Stormwater Authority is currently inactive, he advised incorporating stormwater review into the Commission's peer review to streamline permitting. Commissioners Curtis and Voorhis agreed, expressing concern about parking and drainage within the 25-foot buffer. DaSilva supported combining the reviews to avoid delays. Holden added that the Stormwater Authority and DPW would honor the Commission's review. Extensive MassDEP comments were read into the record by Agent Holden.

A Motion was made (Curtis) and seconded (Talbot) to send 31 Otis Street out for peer review, pending receipt of the required DEP documentation, and at the applicant's request to include stormwater compliance as part of the review.. The motion passed by unanimous vote.

A motion was made (Curtis) and seconded (Green) to continue the public hearing for 31 Otis Street to the October 15, 2025, meeting. The motion passed by unanimous vote.

4. Notice of Intent

Property: 0 Franklin Avenue

Project: Single-Family Home Construction

Representative: 5 Wetlands

Abutter notifications and MassDEP file numbers were verified.

Agent Holden reported that the applicant had previously secured the necessary zoning variances for frontage and setbacks, which remain valid, allowing the project to proceed without further zoning approvals. Applicant representative Ken Thompson with 5 wetlands described the proposal as a 980-square-foot single-family home with a farmer's porch and deck on a vacant lot at the end of a dead-end street, within the 50- and 100-foot buffer zones to a bordering vegetated wetland. Holden explained that the project was limited to work within the buffer zone and did not require stormwater review under city ordinance for single-family dwellings. However, he recommended several revisions before issuing an order of conditions, including extending the wetland delineation to fully capture the corner of the property, updating the plan to reflect an unshown pile of fill on site, and adding erosion controls and a defined limit of work. He also requested clarification in the project narrative about whether the fill would be removed or spread.

Chair Voorhis asked clarifying questions about contour mapping, the driveway layout, and the location of a nearby shed shown on the plan. Holden shared site photos confirming the shed appeared to extend onto the applicant's property and the presence of the large fill pile. Thompson agreed to address these issues and move the shed if necessary.

A motion was made (Curtis) and seconded (Green) to continue the public hearing for 0 Franklin Avenue to the October 15, 2025, meeting. The motion passed by unanimous vote.

5. Notice of Intent

Property: 23 River Street

Project: 3-Family Residential Construction

Representative: 5 Wetlands

Abutter notifications and MassDEP file numbers were verified.

Applicant representative Ken Thompson with 5 Wetlands opened the public hearing for the Notice of Intent for 23 River Street, explained that the proposal involves demolishing the existing single-family home and garage and constructing a three-family rental dwelling with associated parking. The site slopes steeply, about ten feet from the developed area down to a bordering vegetated wetland, with the river located more than 200 feet away. Thompson noted that the project would not remove any trees, but the property currently contains a significant amount of debris and trash that has been pushed down the slope, which the applicant intends to clean up. He added that the engineer is preparing a stormwater permit application, which was not ready for this meeting.

Agent Holden confirmed that while no work is proposed within the floodplain or the 25-foot buffer zone, the site is constrained by multiple resource areas, including bordering land subject to flooding and the 100-foot buffer to the BVW. He highlighted the steep slope between the 25-foot buffer and the

wetland line and recommended that the applicant submit a buffer zone enhancement or restoration plan to stabilize the slope following debris removal, potentially using native plantings or woody vegetation rather than seeding alone.

Holden also clarified that the city's Stormwater Ordinance requires a separate permit and, given that the Stormwater Authority lacks in-house review capacity, recommended sending the stormwater materials out for third-party peer review once submitted. The Commission agreed with these recommendations. Member Curtis requested that conservation markers be installed along the 25-foot buffer zone, which Holden confirmed would be determined at a later stage when issuing an order of conditions.

A motion was made (Curtis) and seconded (Talbot) to send 23 River Street out for peer review and require submission of a restoration plan for the 25-foot buffer zone. The motion passed by unanimous vote.

A motion was made (Curtis) and seconded (Green) to continue the public hearing for 23 River Street to the October 15, 2025, meeting. The motion passed by unanimous vote.

6. Certificate of Compliance Request

Property: 83 Debbie Road Extension

Project: Single-Family Home Construction

Representative: J.K. Holmgren Engineering, LLC.

Scott Faria with J.K. Holmgren Engineering presented the Certificate of Compliance Request for 83 Debbie Road. Faria described the project as the first completed lot on the Debbie Road side of a subdivision developed by Charlie Macy. He stated that construction work was finished, the site was stabilized and landscaped, and conservation markers were installed, asserting that the property was in substantial compliance with the approved plans. Agent Holden followed with several comments. He noted that a deck and porch were added to the property but had not been shown on the original approved plan. While the additions were within the 50-foot buffer zone, Holden clarified that these structures were built during active site control and did not negatively impact wetlands. He recommended that the Commission retroactively approve these features through the Certificate of Compliance.

Holden also identified two other outstanding issues. First, the granite conservation markers lacked proper signage indicating restrictions on activities beyond them. He presented various examples of conservation signs from nearby towns, including those from Hingham and Walpole, suggesting that the City of Brockton adopt clearer and more informative signage that explicitly prohibits dumping, cutting, or disturbance in protected areas. Commissioners, including Peggy Curtis and Chair Voorhis, agreed that a simple "Limit of Work" message was insufficient and that a more detailed notice was needed to prevent confusion. Faria, however, raised practical concerns, explaining that attaching plaques to granite posts would be challenging and costly compared to wooden 4x4 posts. He emphasized the difficulty of drilling into granite and proposed considering alternate materials or mounting methods. Holden's second concern was an encroachment issue. He observed that lawn and erosion control measures extended beyond the approved 25-foot buffer zone into protected space. He suggested that the Commission require a buffer zone enhancement and restoration plan to correct the overreach and align the site with the conservation intent. Commissioner Curtis agreed with Holden's observation, recalling that during a prior site visit she noticed that one of the granite markers was misplaced closer to the buffer area.

She stressed that its position could cause confusion about the boundary and recommended that it be relocated during the restoration process.

Agent Holden recommended that the Commission deny the Certificate of Compliance for 83 Debbie Road Extension until the buffer zone enhancement was completed, planted, and monitored for two years, consistent with previous requirements on other lots within the subdivision. Curtis asked whether a new filing would incur fees, and Faria confirmed that reapplying for a Certificate of Compliance would not require additional costs, just new paperwork and plans. Commissioner Talbot sought assurance that denying the certificate would not delay the sale or occupancy of the home, and Holden confirmed that it would not, as there were no conditions tying occupancy to conservation compliance for this particular lot.

A motion was made (Green) and seconded (Clay) to deny the Certificate of Compliance for 83 Debbie Road until the developer submits a buffer zone restoration plan and appropriately locates the conservation markers. Motion passed by unanimous vote.

7. Certificate of Compliance Request

Property: 91 Debbie Road Extension

Project: Single-Family Home Construction

Representative: J.K. Holmgren Engineering, LLC

Scott Faria with J.K Holmgren Engineering presented 91 Debbie Road, noting a restoration area had been created to remove historic fill, with plantings installed about a month prior. Grass and vegetation are patchy, and monitoring is ongoing. Agent Holden noted that a monitoring report is required for a two-year period before a Certificate of Compliance can be issued. The house was rotated approximately 45 degrees from the approved plan, but this did not significantly impact driveway, home size, or stormwater placement. A solid 8-foot privacy fence has been installed along the property line within the 25-foot buffer zone. This fence could potentially impede wildlife movement and therefore requires Commission review under the Wetlands Protection Act. Alternatives discussed included installing fences along the property line without connecting to the house or using shorter/permeable fencing types, though these may not meet homeowners' privacy needs. Commissioners agreed that fencing guidance should be provided to the developer for future lots, but a final decision on fencing is not required at this meeting.

Kyle Holden emphasized that denying the Certificate of Compliance at this time does not prevent property sales or issuance of a certificate of occupancy.

A motion was made (Green) and seconded (Curtis) to deny the Certificate of Compliance for 91 Debbie Road Extension until the required two-year restoration monitoring reports are received, conservation markers are in place, and a discussion regarding appropriate fencing is completed. The motion passed by unanimous vote.

8. Certificate of Compliance Request

Property: 10 Peckham Avenue

Project: Two-Family Home Construction

Representative: J.K. Holmgren Engineering, LLC

Scott Faria with J.K Holmgren Engineering presented 10 Peckham Ave for a Certificate of Compliance, noting the lot had been permitted a few years ago. The property includes Trout Brook in the back with

bordering vegetative wetlands and associated buffer zones. The 100-foot buffer clips the back of the house, and the site is located within the floodplain. Compensatory storage areas were created to offset the volume lost from the house's placement.

Agent Holden noted that the black cherry trees at the back of the property have been planted, and conservation markers along the 25-foot buffer have been installed, though he expressed concern that the markers are difficult to see once vegetation grows. He recommended more visible markers to prevent yard encroachment. Holden also raised concerns about the as-built grading versus the approved floodplain plan. The elevations near the driveway appear inconsistent with the approved plans, and additional documentation is required to demonstrate that the flood storage capacity has not been altered.

A motion was made (Lily Green) and seconded (Peggy Curtis) to deny the Certificate of Compliance until updated site plans were received and appropriate conservation markers were visibly in place for 10 Peckham Ave. The motion passed by unanimous vote.

9. Order of Conditions Extension Request

Property: Arthur Estates – Lot 2

Project: Single-Family Home Construction

Representative: Mark Comeau

Agent Holden explained that the Arthur Street Extension project has two separate Orders of Conditions, one for the roadway extension and another for the Lot 2 development. Lot 1 is located outside of the 100-foot buffer zone and therefore does not require an Order of Conditions. The Lot 2 Order includes monitoring requirements for restoration work near the well house, and monitoring reports are being submitted monthly. Holden noted that while there were past enforcement issues related to the project, those have been addressed. The roadway extension's certificate of compliance was previously denied due to unapproved work, and restoration is still pending for that portion. He recommended that the Commission grant an extension for Lot 2 to allow time for ongoing construction and the required two-year monitoring period.

A motion was made (Green) and seconded (Curtis) to grant a three-year extension for the Order of Conditions for Arthur Street Lot 2. The motion passed by unanimous vote.

10. Notice of Intent

Property: 651 Belmont Street

Project: Commercial Construction

Representative: J.K. Holmgren Engineering, LLC

No MassDEP File number had been received.

Scott Faria with J.K. Holmgren Engineering presented the proposal for 651 Belmont Street, the Shaw's Plaza, which involves constructing a Chipotle restaurant in the front-left corner of the existing parking lot. The project includes a drive-through lane, for which a special permit was already approved by the Board of Appeals. The site is partially in a flood zone due to a historic brook that was piped underground decades ago; although the plaza has existed for about 50 years with no known flooding issues, FEMA's map still shows it in the floodplain. A Letter of Map Amendment from 2004 exists, but the exact details are unclear, and the applicant is awaiting documentation from FEMA. The development will include an infiltration area for roof runoff and additional landscaping to improve the largely paved site. Commissioners focused on stormwater and bordering land subject to flooding, recommending a

third-party peer review. The MassDEP file number has been mailed but not yet confirmed. During the meeting, it was clarified that Chipotle will lease the land and that no plans have been made yet for the adjacent retail space. No public comments were received.

A motion was made (Green) and seconded (Talbot) to refer 651 Belmont Street to a third-party peer review. The motion passed by unanimous vote. A motion was made (Green) and seconded (Curtis) to continue the public hearing for 651 Belmont Street to the October 15, 2025, meeting. The motion passed by unanimous vote.

VIOLATION DISCUSSION

20. 29 Country Club Lane

At 29 Country Club Lane, the Commission discussed an ongoing enforcement issue involving wetland violations. Agent Holden explained that there were two separate violations on the property. The home was originally constructed within a wetland area, which required one-to-one wetland replication that may not have been completed. The current property owner, Raul Alfonso, was not responsible for the original construction but has been working with consultant Ken Thompson to develop a restoration plan. When Thompson reviewed the site, he identified additional encroachments into the wetland beyond the original permit limits. Holden reviewed site plans showing the areas of wetland that should have remained intact and areas that were altered. The patio and grading behind the home were not part of the approved plan, and it appears the contractor raised the yard elevations and built a large patio, causing further wetland impacts. The original contractor never applied for a certificate of compliance, meaning the Commission never confirmed whether wetland replication was completed or whether required conservation signage was installed.

Holden summarized his conversations with MassDEP and the Brockton Law Department, recommending that the Commission issue a single new enforcement order to the current property owner rather than pursuing separate enforcement against the contractor. This would require Mr. Alfonso to submit an after-the-fact Notice of Intent to document impacts, permit any allowable modifications, and restore wetland areas that cannot be permitted. The law department advised that enforcement against a non-owner contractor would be complex, likely requiring court action, and would complicate coordination of restoration efforts. Chair Joyce Voorhis confirmed that the new enforcement order would include the requirement for the Notice of Intent. Holden clarified that the goal is to address unpermitted impacts, restore affected wetlands, and ensure compliance with the Wetlands Protection Act. Commissioner Peggy Curtis asked where restoration would need to occur to offset the damage. Holden responded that two specific areas shown on the original plan were meant for wetland replication, but the Commission had no evidence they were ever constructed. He identified several feet of additional encroachment along the property's edge and a "hook-shaped" wetland area that had been filled in.

Mr. Alfonso asked whether it was his responsibility as the homeowner to have known about the wetlands and how to maintain the area. Holden explained that the property's Order of Conditions was recorded at the Plymouth County Registry of Deeds and should have been disclosed during the real estate transaction. He emphasized that, once restored, the wetland area should be left undisturbed. Commissioners noted that wetland boundary markers would need to be installed as required by the original permit. Holden shared site photos showing the raised patio and retaining walls, reiterating that those structures were never approved and contributed to the wetland violations. Mr. Alfonso stated that

he purchased the property in 2019 directly from the developer and that the patio and walls were already in place. Holden acknowledged that while the current owner would need to comply with the enforcement order, he may have legal recourse against the developer for damages related to the required restoration.

A motion was made (Curtis) and seconded (Green) to issue a new enforcement order for 29 Country Club Lane requiring the property owner to submit an after-the-fact Notice of Intent and a restoration plan. The motion passed by unanimous vote.

21. 58 Trout Street

Agent Holden reviewed ongoing violations at 58 Trout Street, where unpermitted construction within a floodplain and potential wetland impacts had originally led to an enforcement order in July 2022. The property owner, Lucio Pina, who purchased the property in 2019, had expanded yard space, installed a pool and fire pit, and stored vehicles without proper permits. Holden explained that any work within floodplain or wetland areas requires a Notice of Intent and that restoration may be required if work cannot be permitted. Mr. Pina expressed willingness to comply and had already removed the pool and fireplace following guidance from the building department. The Commission voted unanimously to reissue the 2022 enforcement order, updating dates and signatures, and requiring the submission of an after-the-fact Notice of Intent and compliance with any necessary restoration. Kyle Holden will reissue the order and provide guidance to Mr. Pina to ensure the property meets conservation regulations.

A motion was made (Curtis) and seconded (Green) to reissue the enforcement order for 58 Trout Street that was originally issued in 2022. The motion passed by unanimous vote.

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