

**MINUTES – ORDINANCE COMMITTEE**  
**July 26, 2017**

The Standing Committee on Ordinances and Rules was called to order at 6:00 p.m. by Councilor Cruise with Councilors Monahan and Studenski present.

The Committee first considered the following:

**#4 on agenda**

Motion by Councilor Monahan to take #4 out of order, 2<sup>nd</sup> by Councilor Studenski, Motion carried.

Power Point Presentation in paper document form for record by Robert May. Presentation by Robert May for establishment of 40R District. Mr. May stated the zoning area/property is 15.7 acres. The City would receive \$200,000 lump sum payment from the Commonwealth and \$3,000 per unit (per Certificate of Occupancy) from the State (Housing & Community Development). Stated supported by Massasoit Community College.

Councilor Cruise read communications into record.

Attorney Burke presentation for the Archdiocese. \$3,000k bonus with potential for a total of \$495,000. Increase in yearly tax revenue of \$243,000. Building permit estimate \$262,000. Water and Sewer estimate \$84,000. Estimated total \$1,824,000 to the City of Brockton.

David Akem from the Planning Office of Urban Affairs. Boston based. Proposal for 3 story, duplex over flat town houses. 10 buildings. No vinyl siding. Not certain yet for breakdowns of rents. Owner by developer, to be passed through to for-profit LLC or LP. Market is for “work force” and “entry-level” tenants.

Comments by Mr. Tebow from BHA. Will be involved with LLC with regards to property manage/board. Board to consist of 5 members, of which BHA is a member, remaining members to be appointed by Mayor and approved by Council.

Comments by Jeanne Holmes-Kireilis. City of Brockton already has highest 40R rates in the State. Concerned about qualification for 40S funding. Concerned about developer's status as a non-profit organization.

Attorney James Burke commented that the non-profit corporation would still be taxed per the loan from their lender. Robert May commented that the non-profit corporation would still be taxed, spoke with Assessor's office, due to the non-profit receiving rental income from units.

Susan NaCastro commented that there would be more cars. Questioned building new buildings instead of fixing old buildings in the City. Additional cost to educate children in the units. Stated that the letter from the comment re \$200,000 available for funding does not comment on availability of \$495,000 for bonus incentive units.

Councilor Cruise requests Legislative Counsel to inquire into concerns for 40s eligibility and tax status for non-profit owner.

Having considered the same, report FAVORABLE by a vote of 2-1 with the stipulation for Legislative Counsel to provide additional information on non-profit tax payment concerns and 40S Funding status.

The Committee next considered the following:

**#1 on agenda**

Comments by Robert May.

Amendment by Motion of Councilor Studenski, 2<sup>nd</sup> by Councilor Monahan, to Amend Section 27-144. Establishment and Duration, second sentence to read:

The moratorium shall be in effect through and including for six (6) months after enactment of this ordinance, or until such time as zoning amendment as adopted that address marijuana establishments, whichever shall be sooner.

The Motion to Amend carried. Motion to accept as Amended carried.

The Committee next considered the following:

**#2 on agenda**

Motion by Councilor Monahan to postpone matter until August Ordinance Meeting, 2<sup>nd</sup> by Councilor Studenski. Motion carried.

The Committee next considered the following:

**#3 on agenda**

Motion by Councilor Studenski to postpone matter until August Ordinance Meeting, 2<sup>nd</sup> by Councilor Monahan. Motion carried.

**#5 on agenda**

Robert May spoke in opposition to Amendment as written. For subdivision waiver they are being directed to Traffic Commission, but state statute requires these to be approved by Planning Board. Concerned about losing state funding if not presented to Planning Board. Mr. May stated this was policy of Complete Street Program. Robert May recommended not sending to DPW. Recommend it be reviewed by Traffic and waivers approved/disapproved by Planning Board.

Robert May stated that the state statute requires waivers to be sent to Planning Board for approval. Outside of that, waivers can be sent to Planning Board or a new board to be established by the City.

Councilor Ann Beauregard re role of Traffic Commission.

Councilor Shirley Asack re same.

Paul Sharat for Old Colony Transportation. Stated that Mass Dot requires a “review body” for waiver process and Mass Dot suggests establishing a “body” for review.

Motion of Councilor Monahan to postpone the matter until the August Ordinance Meeting, 2<sup>nd</sup> by Councilor Studenski. Motion carried.

The Committee next considered the following:

**#6 on agenda**

Discussions between Councilors to take items line-by-line and make recommendations with regards to each.

Motion of Councilor Monahan, 2<sup>nd</sup> by Councilor Studenski, report of FAVORABLE to remove row R-4 Neighborhood Revitalization In-fill Zoning Overlay District in Sec. 27-4 Designation of Zones Table. Motion carried.

Motion of Councilor Studenski, 2<sup>nd</sup> by Councilor Monahan , report of FAVORABLE to add row C-8 Highway Commercial Zone to Sec. 27-4 Designation of Zones Table. Motion carried.

Motion of Councilor Monahan, 2<sup>nd</sup> by Councilor Studenski, report of FAVORABLE (3-0) to remove column R-4 in Sec. 27-9. Standards for residential zones Table 1. Motion carried.

Motion of Councilor Monahan , 2<sup>nd</sup> by Councilor Studenski to postpone the remaining items until the August Ordinance Meeting. Motion carried.

**#7 on agenda**

Councilor Monahan moved to postpone the matter until August Ordinance Meeting, 2<sup>nd</sup> by Councilor Studenski. Motion carried.

The meeting was adjourned at 8:15 p.m.