

The Brockton Planning Board held a meeting on January 6, 2015 at 7:00 PM in the GAR Room, City Hall. Members present: Acting Chair Jim McCarthy, Paul Morin, Gary Keith, David Wheeler, and Ross Messina. Also present were Pamela Gurley Planning Board, secretary, Rob May, Director of Economic Development and Planning and Staff Planner Shane O'Brien.

(ANR Plans, Subdivision Plans and/or Lot Releases)

Release of Covenant – “The Boulders – East Ashland St.”

Ms. Gurley said that the developer has requested release of the covenant. She said the actual subdivision roadway was needed to create the necessary frontage to the condominium project. The project was granted site plan approval. The roadway and infrastructure to the road are completed and we received the necessary letters from the DPW.

A motion was properly made (Keith), seconded (Wheeler) and unanimously passed to grant release from covenant.

ANR – Portion of Plot 97 Pleasant Street (Chilton Realty Trust)

The proposed plan shows the required frontage along a paved way of record (Pleasant St.)

A motion was properly made (Keith), seconded (Messina) and unanimously approved to endorse the plan as submitted.

Subdivision Plan Endorsement – Plot 43 Pearl Street and 288 Linwood Street

Communication from Law Department – 352 West Elm Street

Mr. May said that his preliminary review suggested that we had good standing to say that the proposed division of 352 West Elm was a subdivision. He said after further discussion with law office that the City Solicitor feels that we do not have as strong a case and is suggesting that the Board may want to reconsider its vote as Mass Law says two “structures” can be separated.

Mr. McCarthy said that the applicant was notified of the denial and nothing has changed. The property as it exists is legal non conforming with an accessory building and splitting it in two would make two non conforming lots and therefore would require ZBA and approval as a subdivision.

Mr. May said that the splitting the property will cause it to lose its legal non conforming status and he does not have the right to build upon it. He said it is a grey area. Mr. Wheeler said he would have liked to be able to speak with the City Solicitor regarding this issue.

The Board asked Mr. May why the City Solicitor was not present to answer their questions and noted nothing had changed since the original submittal was denied.

A motion was properly made (Keith) and seconded (Wheeler) to not rescind the December 16, 2014 vote and to request that the City Solicitor research case law regarding this matter and present to the Board his findings.

Passed unanimously.

1. Site Plan Approval

Applicant: AL Prime

Property: 1640 Main Street

Representative: Anthony Guba, Ayoub Engineering

Mr. Guba said the site is owned by AL Prime. He said the existing underground tanks and piping are single wall and need to be replaced which drove the upgraded to the site with new tanks, canopy and new convenience store. He said they are proposing to raze and demolish the existing gas station and canopy and there are no other changes to remainder of the property.

He said the revised plan addresses all the changes requested during technical review. The cursory traffic study shows impact is almost negligible and there will be no cueing on the street. The site has a total of 185 parking spaces and they have added landscaping; some catch basins and a treatment structure and drainage will be decreased.

Mr. Morin asked about the existing greenspace and was told right now there is none but they are proposing 3.8%.

Mr. McCarthy asked what separates the handicapped access from the parking spaces and was told 6" of curbing. Mr. McCarthy asked what the hours of operation would be and was told they have made application to Mayor's Office for 24 hours.

No one from the public was present.

A motion was properly made (Wheeler), seconded (Morin) and unanimously passed to grant a standard special permit for site plan approval of the plan as submitted.

665 Centre Street

Brian Dunn said he was representing the current owner of the property (bank); he said the property was previously owned by the Kingdom Church and was permitted in 2008. The current owner wants to resurrect the approval to

complete the project; the property would be used for medical office use. Mr. Dunn said that there were some financial problems...the bank financed the project and it was up to the church to pay the contractors and subs which was not done.

Mr. Messina asked if the financing company was in charge now and Mr. Dunn said they were (AG Financing).

Mr. Dunn said that the property is zoned R1C and C2 and the church was exempt from zoning but the new usage is not and will require a variance from the ZBA. He said all the drainage has been installed and inspected.

Mr. McCarthy asked if there has been any as built plan. Mr. Dunn said he has an as built of the site work done to date.

Mr. Dunn said they intend to complete the building and site as originally permitted. Mr. McCarthy said he would like Henry Nover to look at the as built and original plans to verify the stormwater management. Mr. Dunn said he will send a PDF to the office for review by Mr. Nover.

Mr. May said they met and agreed that it would be best to put it back in front of the Board to allow for completion of the site.

Mr. Dunn said they are requesting a one year extension; he said he believes that their ability to build under the permit extension act recently expired and they now need an extension to complete work inside and to the site.

A motion was properly made (Wheeler), seconded (Keith) and unanimously passed to grant a one year extension in order to proceed with completion of the project as office building instead of church.

2. Proposed Modification to Definitive Subdivision

Applicant: Michael Juliano

Property: Plot 54 Sawtell Avenue

Representative: JK Holmgren Engineering

Withdrawn by the applicant.

3. Draft of Proposed updates to Rules & Regulations

Shane O'Brien presented a power point presentation to the Board outlining the suggested changes to the Rules & Regulations. He asked that the members contact the office with any questions or comments in order that the final documents be placed on the March agenda for vote.

Mr. McCarthy asked where the document worked on by some of the prior Board members was. Ms. Gurley said that version was scrapped as this version brings us more in line with what other communities are doing.

Other Business

Updates from Board members relative to attendance at Conservation Commission, Traffic Commission, ZBA, Technical Review Committee
No updates