

The Brockton Planning Board held a meeting on March 3, 2015 at 7:00 PM in the GAR Room, City Hall. Members present: Acting Chair James McCarthy, Gary Keith, Ollie Spears, 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

ANR Applications – Hammond Street
Plan Endorsement

1. Site Plan Approval

Applicant: Hammond Street LLC

Property: Proposed Cemetery/Crematory – Hammond Street (Douglas King Chris Carney)

Representative: Greg Driscoll & Ed Jacobs, Jacobs-Driscoll Engineering

Mr. Driscoll said that the property lies between Thatcher/East Street. He said a cemetery is an allowed use in an R1C zone. He said they are proposing access off Thatcher St. and they are proposing to discontinue Hammond St. by application to the City Council. There are 23 proposed parking spaces and are proposing utilities to the crematory building only. They are proposing saving as many trees as possible and are proposing using gravel roads and will be maintaining grades where possible.

Mr. Spears asked if there is any access to the nursing home; Mr. Driscoll said there is proposed access to the nursing home per an agreement between the parties. Mr. Keith asked what is being done on the Thatcher St. side. Mr. Driscoll said there will be a gate there also. Mr. McCarthy said that from time to time Thatcher St. floods and asked if they are proposing any stormwater management to prevent that. Mr. Driscoll said that they went through peer review with the Conservation Commission and received their OOC.

Mr. McCarthy said he is concerned about chemicals and pollutants from the crematory. Mr. Driscoll said that the project needs to meet the Clean Air Act. Mr. McCarthy said he understands that a cemetery needs to be in existence for five years before building a crematory. Mr. King said he would need to wait until all permits are issued to build. Regarding the crematory Mr. Carney said that what comes out is pure clean air; he said there are sensors in the stack. Mr. McCarthy asked about the worst case scenario and Mr. Carney said that the stacks will shut down. Mr. McCarthy asked Mr. Carney if they contacted the sisters to see if their cemetery can be incorporated into the project. Mr. Carney said there is some question as to who exactly owns the land; he said the Sisters take care of it but don't own it per the deed. He said they are speaking to the actual property owner about this.

Attorney James Burke said he represents the Poor Sisters of Jesus Crucified. He said the cemetery use is overall good use of the site, but said they believe that it is premature for Planning Board to issue a permit. He said the Sister's will not be incorporating their cemetery into this project. He pointed out that the permit lapses after two years so there is no point in granting project approval at this time.

Attorney Burke said that he believes that they need to present the site to the Planning Board as a cemetery to be designated as cemetery and that the Mayor and City Council also need to the designate land as a cemetery. He said he feels that the crematory is not an accessory use to the cemetery and feels that they need zoning relief. Regarding the vacating of Hammond St. he said it is owned by the City and that the developer has no rights to enter into the property and improve the public way. He said on a private way land owners on each side own to the center of the road and that it is presumptive to vote before the City Council votes. He said there needs to be real access...not presumed access.

Mr. King spoke and said at this time he is asking for approval of his ARN plan; he is not seeking site approval at this time.

Mr. Wheeler asked Attorney Burke to explain why he believes the crematory is not accessory. Attorney Burke said it is a new business; it cannot be a for profit business and the use is not identified in zoning.

Mr. Spears asked Mr. May for his opinion. Mr. May said that it is correct that the approval of the project is valid for only two years, but said that the Board has granted extensions to projects that were not completed within the timeframe. He said the Board can address the ARN plan separately and continue the SPA to another meeting.

Councillor Paul Studenski said that his constituents do not have a problem with the cemetery; he said that the Sisters and abutters have a concern with possible air quality and pollutants (mercury) from a crematory and need more information.

A motion was properly made (Wheeler), seconded (McCarthy) and unanimously passed to approve the ANR as submitted.

A motion was properly made (Wheeler), seconded (McCarthy) and unanimously passed to continue the site plan approval application hearing to the April 7th meeting.

2. Site Plan Modification

Applicant: Prestige Car Wash

Representative: Attorney John Creedon

Property: 245 North Pearl Street

Attorney John Creedon said that in the original plan for the gas station an area was designated as greenspace and was inadvertently paved for extra parking. He said they incorrectly went before zoning for relief and in fact the plan did not show 500 new feet of green space along the rear of the building and the addition of the vertical vacuums that were placed over the parking area.

Mr. McCarthy asked if the snow on the property is being removed as required, and Mr. Drury said that all snow was trucked off from the site. Mr. Keith said he has used the parking spots by vacuums and there is adequate parking; he said the owner is an asset to the City.

Mr. May said over the years there have been several different versions of this plan, however there are no calculations for green space anywhere and he said the Board should make sure that portions of the green space are not being calculated twice. Mr. O'Brien said that City Ordinance says that the dumpster location must be 10' from the lot line. Mr. Spears said that the 2007 plan shows the dumpster located in that location.

A motion was properly made (Spears), seconded (Wheeler) and unanimously passed to accept the current plan as the plan of record showing the revised parking, location of vacuums, greenspace and dumpster location.

3. Definitive Subdivision

Applicant: Michael Curtin

Representative: Drew Garvin, JK Holmgren/Attorney John Creedon

Property: Plots 4 through 9 Claremount Avenue (3 lots)

Attorney John Creedon said that the property is a portion of the old Remova Park site and Mr. Curtin purchased six lots from the City and combined them into three lots. He is proposing to build three 36x30 homes and is a good developer.

Mr. Garvin said that roof runoff will go into proposed dry wells all said all the structures are outside the 25' Conservation no build zone. He said that Mr. Curtin is aware that he is responsible to overlay the road and the paving notation is on the plan. He said there will be no groundwater issues as the houses are elevated. Mr. Garvin said they are looking for waivers for curbing and underground utilities. Mr. McCarthy said that the poles are on other side of street and felt that electric could be overhead.

Mr. McCarthy said he had a concern about the applicant not receiving approval from the Conservation Commission before filing with the Planning Board. He said he brought the plan to Stephanie Danielson (Chairperson of the Commission) and she felt that lot A was problematic. Mr. Messina said that this plan may actually aid them in their review as they can see the proposed lot lines. Mr. Garvin said they can file with either Board first. Mr. May said at this time the Board is approving the subdivision of the lots; and there is no issue as long as

final location of the homes is within the setbacks required by zoning. He said that placement of the home, driveway and grading will be addressed by the Conservation Commission because of the wetlands.

There was no public comment.

A motion was properly made (Keith) and seconded (Wheeler) to approve the plan as presented.

In favor: Keith, Spears, Wheeler and Messina

Opposed: McCarthy

Mr. Curtin agreed to a covenant as his form of surety.

A motion was properly made (Messina), seconded (Keith) and passed unanimously to grant waivers to the following sections of the Planning Board Rules and Regulations: Section IV: Design Standards: B. Streets 3. Width (Claremount Avenue an existing public way) Section V: Required Improvements for an Approved Subdivision: C. Curbs and Sidewalks (There is no curbing or sidewalks along that Avenue); Other: Frontage and Lot Width Waiver on lots A & B; Area Width waiver on lots A, B & C.

4. Definitive Subdivision

Applicant: William Callahan

Representative: Land Surveys

Property: 124 Bellevue Avenue (2 lots)

Continued to April 7, 2015

5. Annual Re-Organization of the Board

Mr. Spears was unanimously elected as temporary chairperson for the purpose of re-organization of the Board.

Mr. Spears nominated Mr. Wheeler for the position of chairperson. The nomination was seconded by Mr. Messina. There were no further nominations.

In favor: Keith, Spears, Wheeler and Messina

Opposed: McCarthy

Mr. Spears asked for nominations for the position of clerk.

Mr. Messina nominated Mr. Messina for the position of clerk. The nomination was seconded by Mr. Wheeler. There were no further nominations.

In favor: Keith, Spears, Wheeler and Messina

Opposed: None

Abstention: McCarthy

Mr. Spears asked for nominations for the position of Board representative to the ZBA.

Mr. Spears nominated Mr. Keith for the position of ZBA representative. The nomination was seconded by Mr. Messina. There were no further nominations
In favor: Keith, Spears, Wheeler, Messina and McCarthy
Opposed: None

Mr. Spears asked for nominations for the position of Board representative to the Traffic Commission

Mr. Keith nominated Mr. Spears for the position of Traffic Commission representative. The nomination was seconded by Mr. Wheeler. There were no further nominations.

In favor: Keith, Spears, Wheeler, Messina and McCarthy

Opposed: None

Mr. Spears asked for nominations to serve on the Site Inspection Committee.

Mr. Spears nominated Mr. McCarthy and Mr. Morin. The nomination was seconded by Mr. Keith. There were no further nominations.

In favor: Keith, Spears, Wheeler, Messina and McCarthy

Opposed: None

The members discussed the option of allowing someone other than themselves to sign ARN Plans/Lot Releases, i.e. Planning Director, DPW Engineering Superintendent. Mr. McCarthy said he would like to have this remain under the control of the Board members.

Mr. McCarthy made a motion to leave the signing of ARN Plans/Lot Releases under control of the Board, seconded by Mr. Messina and unanimously passed.

The Board voted unanimously to re-appoint Pamela Gurley as custodian of the records.

Unfinished Business

Mr. May passed out the proposed changes to the Zoning Regulations and asked that the members review the document stating that he hoped to schedule it for public hearing at the April meeting.

Mr. Spears made a motion accept the minutes from 2014 through January 2015, and seconded by Mr. Keith.

In favor: Spears, Ross & Keith

Opposed: McCarthy

Abstention: Wheeler

Mr. O'Brien went over the draft of proposed updates to Rules & Regulations and asked that the members let the office know if they have any questions or issues with the draft.

Updates from Board members relative to attendance at Conservation Commission, Traffic Commission, ZBA, Technical Review Committee