

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

Capt. Joseph Marchetti introduced himself to the Board and said he would be replacing Dept. Chief Davis at the meetings.

### **1. Permission to Return to the ZBA**

Applicant: Ben Realty Group  
Property: 69 N. Montello Street  
Representative: J K Holmgren Engineering

Continued to June 3, 2015 by agreement of the parties.

### **2. Site Plan Approval**

Applicant: Hammond Street LLC  
Property: Proposed Cemetery/Crematory – Hammond Street  
Representative: Jacobs-Driscoll Engineering

Continued to May 5, 2015 by agreement of the parties.

### **3. Definitive Subdivision**

Applicant: William Callahan  
Representative: Bruce Malcolm, Land Surveys  
Property: 124 Bellevue Avenue (2 lots)

Mr. Malcolm said that this is a proposed two lot subdivision. The applicant was previously granted relief from lot size and frontage requirements by the ZBA. He said that this property is located in the same block from the Franklin School project. He said they are aware of the requirement for paving the disturbed areas and are not proposing to hook the homes up to gas so that it will only be necessary to pave property line to property line to the centerline of the road only.

Mr. Keith said that the memo from the Planning Dept. states that the property is actually two zones and that the plan should show the correct zoning. Mr. Malcolm said that they would be requesting some standard waivers, but are not requesting a waiver for underground utilities.

No one spoke in favor or opposed from the public and that portion of the meeting was closed.

Ms. Gurley said that there was some language regarding paving and the granite curbing that the DPW had suggested which she was asked to read into the record. *Developer is responsible to grind and overlay of the existing pavement*

*from the westerly limits of lot 1 through the easterly limits of lot 2 and the existing granite curbing is to be removed and saved to fill in along the boundaries of the subdivision and all extra curbing is to be returned to the DPW Highway Division.*

Mr. Malcolm asked that the secretary email her the wording so he could add it to the plan.

A motion was properly made (Pelaggi), seconded (Spears) and unanimously passed to grant a standard approval of the subdivision with the special conditions as voted.

A motion was properly made (Keith), seconded (Pelaggi) and unanimously passed to grant waivers to the following sections of the Planning Board Rules & Regulations. Section IV: Design Standards: B. Streets 3. Width (Bellevue Avenue is an existing public way; see special condition #6) Section V: Required Improvements for an Approved Subdivision: C. Curbs and Sidewalks (replacement of the existing bituminous concrete sidewalk from the westerly limits of lot 1 through the easterly limits of lot 2. Said work shall be done in accordance with Chapter 20 Article II and Article III of the City Ordinances; Section III B3 (Definitive Plan Contents) J. Profiles, M. Storm Drainage, N. Typical cross section and B4 Impact Study.

Developer agreed that the form of surety as covenant.

#### **4. Zoning Change**

Mr. May said that the members had been sent the April 4<sup>th</sup> dated document. He explained that this was not an update of zoning, but more of a “band aid amendment”. He said over the years things had been added and subtracted leaving some conflicting or confusing language. He said there are some new or proposed changes to the following sections: Smart Growth Overlay, Payment in Lieu of Parking and Greening of Brockton. He said that he expects to present the same power point presentation to the City Council Ordinance Committee that the Board is looking at tonight.

Bruce Malcolm asked if frontage will be synonymous with lot width now and was told it would. He asked if for a cul de sac frontage would be measured on the arc and said that may be a problem as it is measured on the set back....and said width is core. Mr. May said he would take a look at that.

Attorney Wainwright said that the City’s original 1967 zoning was adopted to meet the original version of the state’s enabling act; he said when the legislature changed the definition of non conforming it stated that any non conforming use can be made more or less non conforming as long as it is not substantially detrimental to the neighborhood; he said most lots in Brockton are non conforming. He did not understand what the hurry was and why no one from the public was here. Mr. May said that the required legal notices were run in the paper, the surrounding towns were notified and that the actual document is on

the City's website. Attorney Wainwright said every zoning change is a deprivation of the land owner's rights and they should all be here. He said that the proposals are illegal and said that the Board will look stupid if they go ahead and pass something illegal.

Mr. Pelaggi said he is opposed to eliminating granite along parking areas and asked what the urgency was to vote tonight. Mr. May said he sees no problem with allowing for public comment for another 10 days and continuing the hearing to May for a vote.

A motion was properly made (Keith), seconded (Spears) and unanimously passed to continue the hearing to the May meeting and to keep the public comment period to that time.

## **5. Rules and Regulations Amendment**

Mr. O'Brien said that this process was started in December. He said the original document has been separated into three documents: Rules & Regulations, Subdivision Rules and Site Plan Review.

Mr. Malcolm asked about the purpose of locating all trees over 6" caliper on the plan; Mr. May said the purpose is to better understand how the lot is being developed. Mr. Malcolm said it is a waste of time and an expense for the developer. Mr. May said they could substitute "tree line" and Mr. Pelaggi suggested that they require photos of the site with the application.

Mr. Malcolm said that the first and second lines in definition of frontage are conflicting and Mr. May said he would take a look at the language.

Mr. Messina said he would like to see this tabled to the next meeting to allow for the updates to be made so that the Board can be ready to take action at the next meeting.

A motion was properly made (Pelaggi), seconded (Keith) and unanimously passed to continue to the hearing to the May meeting at which time the Board will take action.

Paul Morin said it this was his last meeting as his family was relocating and said it was an honor serving with the board. The members thanked him for his service.

## **Unfinished Business**

ANR Plans, Subdivision Plans and/or Lot Releases

A motion was properly made (Keith), seconded, (Pelaggi) and unanimously passed to endorse the ANR Plan for 49 Sawtell Ave.

## Minutes

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

No Updates.