

The Brockton Planning Board held a meeting on April 26, 2016 at 6:00 PM in the 3<sup>rd</sup> Floor Conference Area, City Hall.

Members present: David Wheeler, Gary Keith, Craig Pina, Reggie Thomas and Ollie Spears. Also present were Pamela Gurley Planning Board secretary, City Planner Rob May, Staff Planner Shane O'Brien and City Solicitor Philip Nessralla

Mr. Wheeler said that due to a procedural error the meeting of the 5<sup>th</sup> was voided. All matters that required publication were re-advertised at the City's expense.

Discussion: Potential Harassment of Planning Board Members

Mr. Wheeler said that over the past several months the Board has been the subject of harassment and personal attacks. He advised the board members to lock their facebook or electronic media pages. Mr. Keith said this is a volunteer board and agreed with Mr. Wheeler. Mr. Spears asked if it was possible to enter into executive session to discuss litigation. Attorney Nessralla said it must appear on an agenda.

Mr. Thomas made a motion to place executive session on the May agenda for purposes of possible litigation. Seconded by Mr. Keith and unanimously passed.

### **1. Site Plan Review**

Proposed Minor Modification to Approved Plan

Property: Lot 2B Liberty Street

Applicant: RJ Messina

Representative: RJ Messina

Continued to May 3, 2016 as the applicant was not present.

### **2. Proposed Amendment**

Housing Development Incentive Program (HDIP)

City Planner Rob May said this is an amendment to the existing HDIP boundaries previously approved by the Board and City Council. He said HDIP provides tax credits to support market rate housing. He said he is looking to expand the area as incentive for property owners to re-develop their properties. He said the City is attempting to layer on as many incentives as available.

There was no comment from the public either in favor or against.

A motion was properly made (Keith), seconded (Pina) and unanimously passed to recommend the change favorably to the City Council.

### **3. Site Plan Review**

Property: 479 Torrey Street

Applicant: Harbor Health  
Representative: JK Holmgren Engineering

As the meeting was being held in the 3<sup>rd</sup> floor area, Mr. Wheeler ask those present if they could hear, and hearing no comments assumed that all present could hear.

John Holmgren said that Harbor Health has been in business for 20 years and has a facility in Hyannis and Roxbury. He said they will be using the existing building for adult day care; an all inclusive center providing health needs for approximately 100 clients. The entire building will be utilized for Alzheimer's patients; there will be a rehabilitation unit and a medical clinic. They will be using the whole building.

Scott Rogers from JKH said per the suggestion of the Technical Review Committee they eliminated the third driveway on off Torrey St. He said they have added a landscape island and lighting and will re-stripe the parking area; adding a new walkway system to the new entrance to building; narrowing the entrance at Pearl St. and removing the circular drive along the front from Torrey to Pearl. The existing water line will be converted to a fire line and there will be a new water service and updated sewer service and adding new plantings increasing the green space. Mr. Rogers said that runoff currently sheet flows and they will be installing new trench drains along Torrey St., new catch basins and converting some man holes to catch basins to help out with stormwater management.

Jill Pebbles (BKA) went over the architectural plans and explained the changes to the inside of the building. She said they are enlarging some of the existing building for a new entrance and will be warming up the existing façade.

Mr. Thomas asked who the clientele would be. Dan Driscoll, President of Harbor Health said frail elders in jeopardy of needing a nursing home.

Mr. Spears asked if the existing trees at the corner of Torrey and Pearl are remaining. Mr. Rogers said they are, but will be cleaning up the area making it fresher. He said there is currently 29% greenspace and with modifications they are increasing greenspace to 34%.

Mr. Wheeler asked if there was anyone who wished to speak in favor or against. Frank Gurley asked what the hours of operation were and was told 7:30 am to 5 pm M-F.

A motion was properly made (Keith), seconded (Pina) and unanimously passed to grant site plan approval of the project as submitted with the standard conditions.

#### **4. Definitive Subdivision**

Property: 45 Mulberry Street

Applicant: Affordable Properties/Steve Torrey

Representative: Bruce Malcolm, Land Surveys

Mr. Malcolm said that the lots have enough frontage and area to have three units. He said the applicant went to the ZBA for permission to build a new single family home which fits more with the neighborhood. He said the existing home #45 will be lot 1 and lot 2 will have a new home. He said the front of the house will be graded to the street and they will recharge the downspouts on the new home. He said they recently became aware of the new fire code stating that homes need to be within 50' of the road; he said they will comply with the code and intend to re-file with the ZBA to move the home forward seven feet.

Councilor Beauregard said she is in favor of the proposal and that Mr. Torrey has been worked with abutting home owner.

A motion was properly made (Pina), seconded (Keith) and unanimously passed to approve the plan with the standard conditions as well as the following special conditions:

The downspouts at the rear of the home on Lot 2 are to be infiltrated to a recharge system and construction on Lot 2 shall conform to 527 CMR 1 Ch 18 Sec 18.2.3.2.1 of the Fire Code.

A motion was properly made (Keith), seconded (Pina) to grant waivers to the following sections of the Planning Board Rules and Regulations were issued waivers:

Section IV Design Standards

B Streets 3. Width (Mulberry Street is an existing public way)

F. Utilities (underground utilities waived)

Section V Required improvements for an approved subdivision

Other Frontage

Roadway Construction/ Details (Mulberry Street is an existing public way.)

Ms. Gurley asked about the form of surety and Mr. Malcolm said it would be by covenant.

#### **Other Business**

Endorsement of ANR Plans, Subdivision Plans and/or Lot Releases

Ms. Gurley explained that the Board would need to re-vote on the Lot Releases and ARN Plan from April 5<sup>th</sup>.

A motion was properly made (Keith), seconded (Pina) and unanimously passed to endorse the ARN plan for the On a Roll property on Liberty Street.

A motion was properly made (Pina), seconded (Keith) and unanimously passed to issue a lot release for Lots 1 & 2 (Plot 43) Pearl St. as all work has been completed within the right of way.

A motion was properly made (Spears), seconded (Keith) and unanimously passed to issue a lot release for Lots 1 & 2 Beaver St. as the developer has posted cash surety to secure the work within the right of way.

A motion was properly made (Keith), seconded (Pina) and unanimously passed to issue a lot release for 13 Merton Street (lot 1) and Lot 2 Merton Street. The Board will continue to hold the remaining lots until the work in the right of way is completed or cash surety is placed.

#### Correspondence

Mr. Wheeler said he was thrilled to receive the Attorney General's decision on the mostly frivolous open meeting law violation. He said the point was well taken that we should video stream if we are expecting a large crowd.

Mr. May said that the reduction of planning board before council continued to May 2, 2016. Mr. Spears asked if they should be present and Mr. May said it would be helpful.

#### Updates from Board Members

Mr. Pina gave an update on traffic commission and said they are discussing those road obstructions at crossing walks as they are a public safety issue.

#### Minutes

**The listing of matters are those reasonably anticipated by the Chair which may be discussed at the meeting. Not all items listed may in fact be discussed and other items not listed may also be brought up for discussion to the extent permitted by law.**