

The Brockton Planning Board held a meeting on May 19, 2015 at 7:00 PM in the GAR Room, City Hall. Members present: Chair David Wheeler, Ross Messina, 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.

Chairman said need to go into executive session

1. Chestnut Woods (Senior Residential Community)

Extension Request

Attorney Wayne Mathews

Ralph Campanelli

Attorney Mathews said original approval for this senior residential community project was granted in 2004. He said Mr. Campanelli purchased it a year ago and plans on finishing the road this summer. During the previous year he only sold one home and currently has another under agreement. Attorney Mathews said they would like a two year extension. Mr. Pelaggi said he looked at the property today property looks good.

A motion was properly made (Messina), seconded (Pelaggi) and unanimously passed to grant a two year extension.

2. Permission to Return to ZBA

Applicant: Foundation Capital Resources

Property: 665-667 Centre Street

Representative: Attorney James Burke

Brian Dunn

Attorney Burke said that the location of the property is across from the Brockton Hospital; the bank has foreclosed on property. Interior fit out not completed and the bank would like to build to suit. The property is bisected by two zones; small portion in the rear is in an R-2 zone and the structure and a majority of parking is within C-2 zone. He said the residential portion is only 20,000 SF and they cannot use property without some sort of relief. He said they have enough parking without utilizing residential area but need the variance as the property would be left empty and un-useable. Mr. Spears asked if the area could be used for a park and Attorney Burke said it is private property with no public access.

Barry Koretz said that during the original approval it was agreed that the road would not be built out. Brian Dunn said he was before the Board in January to extend site plan approval.

There was no public comment.

A motion was properly made (Spears), seconded (Keith) and unanimously passed to grant permission to return to the ZBA. The Board agreed that new information was presented that may change the decision of the ZBA.

3. Zoning Change

Chapter 27 Zoning - New Section 27-32.100 C-9 Resort Casino Overlay District

Attorney Charles LeRay
Scott Strusiner
Mike Levin

Attorney LeRay said that the zoning was crafted to allow for the use to occur in overlay district. He said that the property owner can only develop under current zoning or a resort casino use. He said they are proposing dimensional standards, an 80' setback from site/rear and 80' of landscaping along residential component. He said the hotel will be up to 100'- have to be as far from residential district as its height; and there are district specific parking requirements: .7 spaces per gaming position, 1 space per hotel room, 1,600 surface spaces and 1,400 garage spaces. The ordinance contains detailed signage requirements along with a separate definition of signage. Mr. Spears asked what the percentage of greenspace would be and Attorney LeRay said he does not have that but they exceed 10%.

Mr. Strusiner said the plan is conceptual and they will be back if the license is issued with detailed plans. Mr. Pelaggi asked if the parking was calculated under new ordinance and was told that the City's existing ordinance does not address casino's so it is calculated under the new ordinance. Mr. Pelaggi said that the current ordinance does address hotels. Attorney LeRay said they are using one space per room as a standard.

Mr. Wheeler said he would like to hear from Mr. May. Mr. May said for the most part in he is in agreement with proposed ordinance. He said that the Casino will attract additional investment; but he would like some sort of master plan funded by the casino applicant. He said he is fine with the ratio of parking, but surface parking should not provide more than 30% and would like to see more of the area green; he would like to eliminate the reference to roof top signs and signage above the parapet as it is not allowed in the city anywhere. He said the offsite sign would be considered a billboard and billboard's are regulated under the zoning ordinance.

Mr. Strusiner said they were provided a track change of the city's version of the proposed overlay. He said surface parking is fundamental to the business; patrons like surface parking as they feel safer. Mr. May said they need to cap surface parking. Mr. Spears asked if the overlay be split into two zones ending the district at the casino property line. Mr. May said that the zoning change must contain several different property owners so as not to be considered spot zoning.

In regard to the master plan Attorney LeRay said it does not make sense to prepare a plan for something that may or not be built. Mr. May said that geographically the city was looking at a much larger area and looking to have a cohesive plan for the area. Mr. Strusiner said he was uncomfortable with "advancing guidelines".

The parties' were able to come to an agreement regarding public service announcements and the percentage of parking at 65%.

Mr. Wheeler said he would like to discuss the possibility of a master plan for the area. Mr. Strusiner said they negotiated with city in good faith but would be agreeable to funding a master plan at some time in the future and would be open to that discussion. Mr. Messina said he is not sure he sees the need for a master plan outside of what happens to the site.

Regarding signage Mr. May said that they only proposed one electric pylon sign and not seem to be back tracking. The parties agreed that the second pylon would be a static sign. Mr. Spears said he would like to discuss the possibility of closing the Forest Avenue entrance to the casino ½ hour before school starts and gets out. Mr. May said this can be addressed during the site review process.

A motion was properly made (Keith), seconded (Messina) and unanimously passed to favorably recommend the zoning change as discussed. (See attached.)

There was no public comment.

4. Zoning Change

Chapter 27-4 Designation of Zones

A motion was properly made (Spears), seconded (Messina) and unanimously passed to recommend the proposed changes favorably.

5. Rules and Regulations Amendment

A motion was properly made (Spears), seconded (Keith) and unanimously passed to approve the proposed changes.

Unfinished Business

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

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

ORDINANCE

AN ORDINANCE AMENDING CHAPTER XXVII OF THE REVISED ORDINANCE OF THE CITY OF BROCKTON:

Be it ordained by the City Council of Brockton as follows:

Chapter 27, Zoning is hereby amended by adding the following new Section 27-32.100 after Section 27-32.95, as follows:

Sec. 27-32.100. – C-9 Resort Casino Overlay District.

The C-9 Resort Casino Overlay Zone permits the use of land therein for a Resort Casino, as defined in this section. The applicant shall have the option of applying for site plan approval pursuant to the zoning controls set forth in this section or complying with all applicable zoning controls set forth in the zoning ordinances of the city for the underlying zoning districts. Development projects proceeding under this section shall be governed solely by the provisions of this section and shall be deemed exempt from the standards and/or procedures of the underlying zoning except for those of Article XV. – Site Plan Review.

1. *Establishment and Delineation of Resort Casino Overlay District.* The Resort Casino Overlay district is an overlay district that is superimposed over the underlying zoning districts. The boundaries of the Resort Casino Overlay are delineated as the "Resort Casino Overlay district" on the official zoning map of the city on file in the office of the city clerk, said map hereby made a part of the zoning ordinance.
2. *General requirements.* The regulations of this section shall apply only to a Resort Casino use, and not to any other use that is allowed or permitted in the C-9 zoning district; all other uses shall be subject to the requirements of the underlying zoning district
3. *Principal permitted uses.*
 - a. Resort Casino.
4. *Permitted accessory uses.*
 - a. Any accessory use permitted in the C-2 Zone.
5. *Standards.* The following dimensional standards shall apply to buildings within the C-9 Resort Casino Overlay district:

Building height (maximum)	Five (5) stories or sixtySixty-five (65) feet, except as provided in Section 27-32.100(5)a or as authorized by special permit under Section 27-49
Lot area (minimum)	None
Lot frontage (minimum)	None
Lot depth (minimum)	None
Yards (minimum)	

Front	None
Side	None, except that abutting a Residential Zone, then not less than eighty (80) feet.
Rear	None, except that abutting a Residential Zone, then not less than eighty (80) feet.
Floor area ratio	None
Off-street parking	As per subsection 27-32.100(6)
Off-street loading	As per subsection 27-32.100(6)
Green space (minimum)	Ten (10) percent

- a. *Hotel building height.* The maximum Building Height for a hotel building that is part of a Resort Casino shall be one hundred (100) feet, provided that any hotel building with a Building Height greater than sixty (60) feet shall be set back from any abutting public street or Residential Zone by a distance at least as great as the Building Height of the side of the hotel building facing such public street or Residential Zone.
6. *Parking.* Off-street parking and loading for a Resort Casino shall comply with the following standards and provisions:
- a. Off-street parking spaces shall have a minimum width of nine (9) feet and a minimum depth of eighteen (18) feet, except that when any part of a building column or light pole intrudes into a parking space that space shall have a minimum depth of sixteen (16) feet. There shall be adequate provisions for ingress and egress to all parking spaces. Access drives or driveways shall not be less than twelve (12) feet wide.
 - b. Required off-street parking shall be provided at a ratio of not less than 0.7 parking spaces for each Gaming Position, plus not less than one parking space for each hotel room. No additional parking spaces shall be required for other Resort Casino related uses. Surface parking shall not exceed more than sixty five (65) percent of the provided parking.
 - c. Multilevel parking structures shall be permitted in the district, provided that such structures comply with all applicable dimensional and other requirements set forth in this article. Parking structures shall be clad in materials that complement those of the attached building(s), with speed ramps kept within the structures, and shall include reasonable measures to screen vehicles and vehicle lights from view with respect to adjacent properties.
 - d. Surface parking spaces adjacent to a public way shall be provided with a landscaped strip not less than seven (7) feet in width (two (2) foot car overhang and five (5) foot buffer with a screening hedge, plantings, or landscaped berm, or a combination of these features, no less than thirty (30) inches in height, on average separating the parking lot from the street or sidewalk, which screening shall not extend across any driveway or access way to the parking lot, and which may have reasonable gaps for pedestrian access or to maintain visibility for on-premises signs and driveways. Screening strips shall also include one (1) shade tree of not less than three (3) inches in width for each twenty-five (25) feet of frontage, calculated as an average along the

frontage on a particular public way, i.e., shade trees may be clustered. Granite curbing shall not be required. Maintenance of landscaped areas shall include continuous operations of removal of weeds; mowing; trimming; edging; cultivation; reseeding; plant replacement; appropriate fertilization; spraying; control of pests, insects, and rodents by nontoxic methods where ever possible; watering; or other operations necessary to assure normal plant growth, all in a manner consistent with the property owner's LEED objectives.

e. Within parking areas with a capacity of more than twenty-five (25) surface parking spaces, a minimum of twenty (20) square feet per surface parking space must be devoted to densely-planted, well-maintained open space. All such open space shall be designed to facilitate traffic channelization and control and must contain live shade trees of not less than three (3) inches in width with adequate spaces being left unpayed for their growth. Those portions of perimeter landscaping strips in excess of the seven (7) foot width required by Section 27-32.100.6.d shall count toward the requirements of this subsection. Any landscaped area required under this subsection that is not part of a perimeter landscaping strip shall have a minimum width of at least three (3) feet and a minimum area of at least twenty-four (24) square feet. The required landscaped area need not be contiguous, but it is recommended that no surface parking space be located more than ninety (90) feet from a landscaped area. Maintenance of landscaped areas shall include continuous operations of removal of weeds; mowing; trimming; edging; cultivation; reseeding; plant replacement; appropriate fertilization; spraying; control of pests, insects, and rodents by nontoxic methods where ever possible; watering; or other operations necessary to assure normal plant growth, all in a manner consistent with the property owner's LEED objectives. The requirements of subsection (c) shall not apply to any multilevel parking structure.

d-f. Surface parking areas and all levels of multi-level parking structures shall be illuminated, provided that light poles for parking illumination shall not have a height greater than thirty-five (35) feet above the base grade or parking level.

e-g. A Resort Casino shall have at least four (4) loading docks, which may be consolidated into a single loading bay or provided in two or more scattered bays.

7. *Signs.* Signs erected and maintained in connection with a Resort Casino shall be subject to Sections 27-63. – Definitions, 27-64. – Enforcement, and 27-68. – Maintenance, as

those sections exist on the date of enactment of this Section 27-32.100 and to the requirements set forth in this Section 27-32.100(7). The following types of signs shall be permitted in connection with a Resort Casino:

a. One (1) freestanding (pylon) sign subject to the following requirements:

- (i) Maximum height—Eighty-five (85) feet.
- (ii) Maximum sign area—Nine hundred (900) square feet per side.
- (iii) Minimum distance from lot lines—Ten (10) feet.
- (iv) Location—within two hundred fifty (250) feet of right of way of Belmont Street.
- (v) Illumination shall be either by a steady, stationary light shielded and directed solely at the sign, by interior, non-exposed lights, or as an Electronic sign subject to Section 27-32.100(7)f, or a combination thereof.

b. Wall signs identifying or advertising the Resort Casino, or venues, programs and activities, promotions, or uses within the Resort Casino, provided that no more than fifteen (15) percent of any individual wall facade may be covered with such signs and no individual wall sign shall extend higher than the (1) the peak of a sloped roof or (2) the greater of (i) twelve (12) feet above the top of a parapet wall adjoining a flat roof or (ii) forty-five (45) feet above the adjacent grade.

c. Wall signs designating loading areas, sections of the parking area, ATM's, service courts, employee entrances, and similar areas subject to the following requirements:

- (i) Maximum number—No limit.
- (ii) Maximum height—Fourteen (14) feet.
- (iii) Maximum area per sign—Ten (10) square feet.

Notwithstanding the foregoing, the requirements of this subsection (7)c. shall not apply to parking lot designations, handicap signs, signs over service doors and utility rooms, and traffic signage. Such signs have no maximum number, height, or area limitations.

d. Freestanding identification (monument) signs for the Resort Casino, subject to the following requirements:

- (i) Maximum number—Three (3).
- (ii) Maximum height—Twenty (20) feet.
- (iii) Maximum area per sign—Three hundred fifty (350) square feet per side.

e. Freestanding directional signs indicating access and egress to the Resort Casino site, as well as directions to venues, uses, or other areas within the Resort Casino or the site, and which may include the Resort Casino's name and logo, subject to the following requirements:

- (i) Maximum number—No limit.
- (ii) Maximum height—Twelve (12) feet.
- (iii) Maximum area per sign—One hundred twenty (120) square feet per side.

f. The area of a sign shall include all lettering, wording, and accompanying designs and symbols, together with the background on which they are displayed, any frame

around the sign, and any "cutouts" or extensions, but shall not include any supporting structure or bracing.

- g. Electronic signs are allowed only as, or as part of, the freestanding (pylon) sign allowed by subsection (7)a, identifying wall signs allowed by subsection (7)b, and freestanding identification (monument) signs allowed by subsection (7)d.
Electronic signs shall not be used for commercial messaging promoting off-premises uses or activities, except for public service announcements, welcoming and notices, subject to approval of the City, and at the owner's sole discretion.
 - h. Signs need not be located on the same lot as the identified use, provided that such signs shall be (i) installed pursuant to an easement or license agreement with the owner of the off-site property and (ii) located within the C-9 Resort Casino Overlay district. Off site signs shall not include electronic displays.
8. *Definitions.* The following definitions shall apply only within the C-9 Resort Casino Overlay district:
- a. *Electronic sign.* An Electronic sign shall mean a sign comprised of multiple bulbs, LEDs, or other individually controllable light-emitting elements capable of selective illumination to display a variety of messages and images. Images and writing displayed on Electronic signs shall not be animated, changed in a manner giving the illusion of movement, or changed more frequently than once every six (6) seconds.
 - b. *Entertainment Venue.* An Entertainment Venue shall mean a separate area of a Resort Casino complex open to the public for live entertainment uses including without limitation concerts, stage performances, or comedians, or non-live entertainment uses including without limitation a movie theater or bowling alley.
 - c. *Gaming Position.* A Gaming Position shall mean a customer seat at a gaming table or slot machine; each roulette table shall be deemed to have five (5) Gaming Positions and each craps table shall be deemed to have ten (10) Gaming Positions.
 - d. *Resort Casino.* A Resort Casino shall mean a Category 1 gaming establishment licensed under Chapter 23K of the General Laws, which may include gaming tables, slot machines, and any other uses required or authorized under Chapter 23K of the General Laws or by the Massachusetts Gaming Commission, and including any associated restaurants, taverns, coffee shops, and other establishments offering food and/or alcoholic beverages, hotels, banquet facilities, retail stores and shops, meeting/conference and multi-function space, and Entertainment Venues, and other uses customarily incidental to a Resort Casino, including without limitation cashier cage, count room, players' club and customer service areas, and "back of house" uses including without limitation office, security, laundry, kitchen, and employee cafeteria and break areas. A Resort Casino may occupy one or more buildings, which may be in separate ownership.

ORDINANCE

AN ORDINANCE AMENDING THE BROCKTON ZONING MAP:

Be it ordained by the City Council of Brockton as follows:

The Brockton Zoning District Map is hereby amended to designate the following areas as within the Resort Casino Overlay District:

The land bounded to the north and northwest by Belmont Street a/k/a State Route 123, to the southwest and south by Forest Avenue, to the east by Thurber Avenue and Othello Street, said land further identified by the Brockton Assessors Department as the following tax parcels:

026-105, 026-107, 026-109, 026-110, 026-111,

026-116, 026-116R, 026-120, 026-044, ~~026-045~~ 029-045, 026-117, and 029-002,

and including the street and entire right of way of the portion of West Street east of Forrest Avenue, between Belmont Street and Forest Avenue, and the area at the intersection of West Street and ~~Forrest Street~~ Forest Avenue bounded on two sides by West Street and on the third side by Forest Avenue.