

The Brockton Planning Board held a meeting on June 23, 2015 at 7:00 PM in the GAR Room, City Hall. Members present: Chair David Wheeler, Ross Messina, Bob Pelaggi, Reggie Thomas and Ollie Spears. Also present were Pamela Gurley Planning Board secretary, Rob May, Director of Economic Development and Planning and Staff Planner Shane O'Brien.

1. Zoning Change

An Ordinance amending Ch. 27 of the Revised Ordinances of the City of Brockton is hereby amended by amending the Zoning District Map for Map 181 Plots 16 through 26 Sprague St. and 10-1 Claremount Ave. to C-7 Sports Convention Zone.

Mr. May said the property is located in the vicinity of the Brookfield School fields. Mr. May said that the City is working with an adjacent property owner off Howard Street who is interested in building an indoor/outdoor soccer field complex. He said the property is currently zoned R1C and this change would re-zone the property to allow for only sport/convention use (C-7). He said he is also proposing an amendment to the change removing the one privately owned parcel Plot 10-1 Claremount (the remaining 12 are City owned) and leaving it zoned as RIC. He said that changing the zoning may constitute a taking and the City could be taking value away from the property owner.

Mr. Pelaggi asked about the size of the properties and Mr. May said there are several are single family house lots.

Mr. Malcolm asked is the change included the Remova Park site and was told that was not included in the change.

A motion was properly made (Spears), seconded (Keith) and unanimously passed to recommend the proposed change favorably with the recommendation that plot 10-1 Claremount Street is excluded.

2. Permission to Return to ZBA

Applicant: Ben Realty Trust
Property: 69 N. Montello Street
Representative: Ben Chudnovskiy

Rob May said he spoke with the Law Dept. regarding the Board having an emergency situation tonight and the necessity of having otherwise ineligible members participate as a party needs to receive a vote of a majority plus one member of the Board to return to the ZBA. He said in this particular matter without the participation of Mr. Messina and Mr. Pelaggi the Board would be unable to act on this application.

Mr. May asked Mr. Pelaggi and Mr. Messina to state for the record they had no involvement in this matter and could make a fair and impartial decision. Both Mr. Messina and Mr. Pelaggi stated same for the record.

Mr. May said that because of the number of members present tonight the applicant will need a unanimous vote in order to send it back for another hearing before the ZBA.

Mr. Chudnovskiy said he bought the building a year ago. He said his original proposal was for commercial on the first floor and apartments on the remaining floors. He said his new proposal is for an adult day care on the first floor and office space on the second floor with a gymnasium. He said he has 20 available parking spaces. The day care will have a capacity of 90 people, operate six days a week and he intends to contract with a third party for transportation. Mr. Spears asked how many employees there will be and Mr. Chudnovskiy said 11-12.

Mr. Wheeler asked who would be using the gym facility and was told it was for future public use and accounted for four parking spaces. Mr. Chudnovskiy said he is proposing shared space offices. Mr. Wheeler asked how many square feet the gym would be and was told 1,600 SF plus a yoga room.

Mr. Wheeler asked about the top two floors and was told that he is waiting for the City to change its parking ratio's and then will be looking to build apartments there.

Mr. Pelaggi asked what relief was requested originally from the ZBA. He noted that the language in the decision states that the project is "woefully under parked". He said even if you phase the site you still need a full parking plan addressing the entire building. Mr. Chudnovskiy said his new proposal for apartments will reduce the number of units from 18 to 10. Mr. Keith said that parking will still be an issue for ZBA and they will want to know the future use of the vacant floors.

Mr. Pelaggi said Mr. Chudnovskiy has stated he met with the parking authority, he stated he is a member of that authority and does not remember him appearing. Mr. Chudnovskiy said he met with Mr. Malley. Mr. Pelaggi said that it is possible that when Mr. Chudnovskiy is finally ready to build that the parking resource will not be there.

Mr. Keith asked if permission to return was granted tonight would the next phase (apartments) have to come back to the ZBA or planning. Mr. May said only if there is a change in the use that is not allowed by zoning (such as apartments).

Mr. May said that if the gym is open to the public Mr. Chudnovskiy needs a special permit for adult day care and variance for the gym; if the gym is to remain

private he needs only a special permit. Mr. Wheeler asked why they were even proposing a gym. Mr. Chudnovskiy said that he likes to work out and feels it will make the building more attractive.

Mr. Pelaggi said this is a multi faceted project... and there is a lot going on on the site.

Mr. Spears said he thinks it will only improve the neighborhood.

Dep. Fire Chief Joe Marchetti said that even if there is no proposed use for the third and fourth floors the entire building needs to be sprinkled. They will need to know what the use of the additional floors will be before they are sprinkled and they will need to meet the code for the use. Mr. Chudnovskiy said he just wants to fix the building but knew he needed to sprinker the entire building. He said he would leave the top two floors open and just run the sprinklers.

Bruce Malcolm and Mark Roukas asked to be recorded in favor.

Mr. Pelaggi said that the ZBA decision noted strong opposition from the abutters and asked Mr. Keith what the issue was. Mr. Keith said the issue was parking.

A motion was properly made (Spears) and seconded (Thomas) to grant permission for return to ZBA with the condition that the gym remains private for tenants use only.

In favor: Spears, Keith & Messina
Opposed: Wheeler & Pelaggi
Motion failed to carry.

Unfinished Business

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

Pearl St. ANR

Mr. May said that the owner had a buildable lot determination done several years ago and the law department's determination is that the lot as it exists is a single lot of record. He said there is no issue with the ANR, but by severing the parcel the remaining lot loses it build ability. Mr. Pelaggi agreed and asked what the future intent of lot 1(the remaining land) was; Mr. May said whatever the use would need a variance.

A motion was properly made (Spears), seconded (Pelaggi) and unanimously passed to endorse the ANR as submitted.

Meeting adjourned.