

Planning Board
Tuesday, December 5, 2017 – 6:00 P.M.
Basement Level - City Hall
Meeting Minutes

Members present: David Wheeler, Bob Pelaggi, Reggie Thomas, Craig Pina and Gary Keith; also present were Rob May, planning director and Pamela Gurley, secretary.

Acceptance of Minutes

Motion to accept the minutes of 11-8-17 as submitted.

Motion: Pina

Second: Thomas

In favor: 5

Opposed: 0

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

Re-signing of ANR for 13 Bates Road.

Chestnut Woods Senior Residential – Request for Final Bond Release

Attorney Chris Vale said that the developer was seeking release of the remaining cash surety on this project. The secretary said that all the work has been inspected and signed off by the DPW and we have received a letter from engineering.

Motion to release the remaining surety

Motion by: Pelaggi

Second: Pina

In favor: 5

Opposed: 0

20 Charlotte St. - The secretary said that the appeal deadline was up at 4:30 today and that the City Clerk will be signing the plan to that effect tomorrow; she asked that the members stop in the office and sign the plan so that he won't have to wait another month. She also requested that the board vote to release the existing home (20 Charlotte St.) from covenant once we receive the necessary recording information as there is a buyer for the home and a passing has been scheduled.

Motion to release 20 Charlotte St. from covenant pending receipt of the necessary recording information.

Motion by: Keith

Second: Pina

In favor: 5

Opposed: 0

N. Cary Street – The developer has requested the release of lot 2 from the covenant in order to begin building; he will be placing a cash bond for the roadwork in the spring in the spring in order to get the remaining property.

Motion to release lot 2 from covenant.

Motion by: Keith

Second: Pelaggi

In favor: 5
Opposed: 0

Rockland St. – The contractor has requested release of lot 2 (final lot) as the utilities are off the street to service this lot.

Motion to release lot 2 from covenant.
Motion by: Pelaggi
Second: Pina
In favor: 5
Opposed: 0

Chilton Woods – The developer has requested release lot 7-1 Kelly Lane as there is a buyer for that lot; we holding the three lots; developer will provide an estimate for the remaining work to be completed prior to requesting any further lots; the secretary said she discussed the possibility of placing cash bond to get the remaining lots with the developer.

Motion to release lot 7-1 Kelly Lane from covenant.
Motion by: Pelaggi
Second: Keith
In favor: 5
Opposed: 0

Vesy Street The secretary said that this has the same appeal deadline as Charlotte and asked that they stop in to endorse the plan.

1. Permission for Return to the ZBA
Property: 839 & 855 Main St.
ZBA Denial: 6-27-17
Applicant/Representative: Attorney John F. Creedon

Continued to January 2, 2018 by agreement of the parties.

2. Definitive Subdivision
Property: Plots 19 & 21 Melrose Ave.
Lots: Four
Owner/Representative: Land Surveys

Continued to January 2, 1018 by agreement of the parties.

3. Definitive Subdivision
Property: 343 Linwood Street
Lots: 4
Owner/Representative: Steven Dalkouras/Land Surveys Inc.

Applicant's statement: Bruce Malcolm said the proposal is for a four lot subdivision on Linwood St. He said they received a variance for the four lots after their original proposal of five lots was denied by the ZBA. He said there was a taking from the early 1960's along Linwood St.; he said that the plan shows the granting of an easement to the city had they taken the property in the 60's; he said he has also added an additional

bound per DPW request and additional details. He said sheet two shows the location of the homes; he said the original plan showed that the sewer connections were going against the flow of the sewer and those corrections have been made. He said he has had several meetings with the City Engineer regarding some elevations changes and added a small recharge system on the back of each lot. He said the houses comply with zoning from the easement line

Comments: Bob Pelaggi asked if those changes were already added to the plan they received earlier today and was told yes. He was asked to add the 100' buffer zone line to the final plan.

There was no public comment.

Decision: Approve the subdivision with the standard conditions and that the final plan show the 100' buffer zone line to the wetlands and that the proposed grant of easement for highway purposes is to be recorded prior to the issuance of any lot releases.

Motion: Keith
Second: Pelaggi
In favor: 4
Opposed: 0
Abstained: Pina

Method of surety to be by covenant.

Motion to grant waivers to the following sections of the Planning Board Rules & Regulations: Section IV: Design Standards - B. Streets - Existing Way (no new street proposed) 3. Width
F. Utilities (Underground) (existing above ground utilities)
Other: Roadway Construction Details – Existing Public Way (no new street proposed)

Motion: Keith
Second: Thomas
In favor: 4
Opposed: 0
Abstained: Pina

4. Definitive Subdivision
Property: Plot 2 Belgravia Ave.
Lots: 4
Owner/Representative: Curley & Hansen

Continued to January 2, 1018

5. Ordinance Amendment - An Ordinance Amending Chapter 27, Zoning. of the Revised Ordinances of the City of Brockton by adding ARTICLE XVIII. - THATCHER STREET SMART GROWTH OVERLAY DISTRICT (TSSGOD).

Chairman David Wheeler made the following statement: At tonight's meeting, we will open a second public hearing on a proposed zoning amendment to create a new 40R

overlay district at the Our Lady of Sorrows convent on Thatcher Street. Under Mass General Law, the Planning Board is required to make a non-binding report with recommendations to City Council regarding the proposed zoning amendment.

On May 16, 2017, the Planning Board held its first public hearing to consider comments from the public. After which the Board voted unanimously (5-0) to recommend the amendment favorably to City Council.

The only reason we are having a second Planning Board hearing is that City Council did not act within 90 days of the Ordinance Committee's July 26, 2017 Public Hearing. Nothing in the proposed zoning amendment has changed since being introduced to City Council.

As you know, this is a controversial issue; he said that there is no specific project in front of the Board now and would like to keep comments to less than two minutes to make sure everyone gets to speak.

Rob May said he had prepared a short power point presentation (for the GAR Room) but will read through the presentation tonight and said copies were available for those present. (See attached).

Bob Pelaggi said that it looks like the zoning will contain a mix of housing and asked if they can project what the ratio would be and was told families would occupy about 50% of the units.

Reggie Thomas asked if the proposed developer indicated what the ratio of low income vs. market rate would be and was told that information is in the Finance Committee record.

Gary Keith asked how would Chapter 40S works and Rob May said that each year we file a report with the state and show how many children are currently living in the existing 40R units; if we trip the # we would be available for funding. He said there is a state formula to figure out how much funding and said that the state is currently paying 80% of the student's cost.

Craig Pina said he thinks that people are confused between 40B and 40R. Rob May said that the state set a target that each town should have 10% affordable units; he said that the state created 40B to bypass the local zoning ordinances and create a high percentage of low income. He said our percentage is at 12% so 40B does not pertain to us. He said that 40R encourages cities to plan for where growth should be.

Opposition:

Jeanne Holmes said she spoke out against this before; she said no neighbors were apprised of the change. She said she herself has gone around the area talking to people and not one person said they were in favor. She said the people of the city do not want this project; the risk is too great. She said she watched the Hill Street area one day and there were four fire runs. They will use the services.....it is not smart growth.

Deborah Garland said this will directly impact her home; she said traffic is nightmare; and you cannot widen the road. She said this project will add 300 more vehicles a day and the road already does not handle the traffic. She said they live in a pristine

neighborhood and this project will make the people in the area sell their homes and leave....she said she loves her city.

Elaine Donovan said that the covenant is a poor site for a 40R; there is only one bus route; she said it is not fair for the residents that there will be multifamily homes in their single family neighborhood; she said they will be driven out. She said traffic is unbearable now and the proposed revenue will not support services needed. She said that the developer's estimate of 30-40 school children is a gross underestimate and she is opposed to the project.

Rosemary Tinely said her family owns the property by the convent and will be directly affected. She said they already have a cemetery going in. She said between the junk yard traffic and the college traffic it is unbelievable. This is not a good addition to the city...we have so many already.... And said she is opposed.

Susan Nicastro said she is the councilor elect for ward 4; she said we have 1,100 40 R units. She said she spoke to 100's of ward 4 residents and not one said they were in favor because of traffic, public safety; she said they bought in a single family home neighborhood...not a home in a densely populated neighborhood. She said this is not is not a transit orientated development. She said that she is concerned that the area may be toxic with three junkyards and a land fill in the vicinity. She said there is also a cemetery and possible crematory proposed for the area. She asked that the board "do the right thing".

Lynn Smith said that everyone here is a Brocktonian and believes in affordable housing, but that this project is not appropriate for this location and does not meet the 40R standard. She said there are 400 abandoned homes in area. She said there is plenty of land around the train stations...put it there.

Tom Martin said he lives close to the property; he said this is a working class neighborhood.

Bill Hogan said this is a pristine area and he would hate to see any high density housing going in there and said he is strongly opposed.

Steve Donovan said he echoes what has been said. He said no one will pick up and move there just to go to a community college; he said he is strongly opposed.

Jennifer Tinely said there are already safety concerns; people trespass on their property now. She said that you can't add 175 units to an already busy neighborhood. She said there is already a lot of traffic from the junkyard. It is not a safe place for children.

Robert Corcoran Lusk said he drove his wife to Massasoit daily and speeding is a problem.

Richard Jones said his property abuts the convent; he is totally against the project; he said he bought a single family home in a single family neighborhood; he is concerned about the increase in traffic. He said there is no reason for the project to go through.

Josette Corcoran Lusk said she has held political signs in that area; traffic is awful... emergency vehicles...fire...police; she said she cannot image putting in 175 units.

Ward 5 Councilor Anne Beauregard said it is no secret she is opposed; she said she knows for a fact that Beverly Farms is not looking at smart growth so why should Brockton. This is not a revenue source for the community; she said we have an older population that have every right to stay in their homes; she said a majority of the people are against it; she asked the board members to think about retirees. She said we should keep this a community they want to live in and that other communities are suffering the consequences of 40R.

Jeanne Holmes spoke again and said that she has a document that the applicant submitted for a grant that said that 40R was approved by the city...they lied. She said they tried to ask the developer questions at the ordinance meeting and they ran out without speaking with them. She said they have a history of lying. She said she gave Bob Pelaggi a copy of a law suit where POUA was found liable...she said this overlay is for the Arch Diocese.

Seeing there was no one else to speak the chairperson closed the hearing.

Comments: David Wheeler said this is a non binding recommendation to the City Council; he said that the problem with non binding recommendations is they are not listened to. He said that the board members hear you (the public).

Seeing that people wished to make additional comments he re-opened the public comment portion of the meeting at which time several people reiterated their opposition.

Lynn Smith said she is asking the board to think about what was heard tonight....is this really the right place (for this project).

David Wheeler thanked the councilors that were there tonight and said that the board is conflicted; he said it is difficult to do something when a large group in attendance is opposed.

Craig Pina said he still believes it is a good project...but said he cannot cast vote in favor.

David Wheeler said that the board understands...but that St. Joseph's is a property owner and they also have rights.

Public comment portion was closed.

Decision: Motion to recommend unfavorably.

Motion: Pina

Second: Thomas

In favor: Pina, Pelaggi & Thomas

Opposed: Wheeler & Keith

Other Business

The members discussed the correspondence from Attorney Natasha Lucien regarding 703 N. Main St. requesting that the board consider a third application for permission to return to the ZBA stating that she believes that she has now addressed all the issues. The members all felt that this was a repetitive petition as the applicant has had three

hearings before the ZBA and two before the planning board within less than two years; (after their original denial by the ZBA they filed for permission to return which was granted by the planning board; their second hearing before the ZBA ending with another denial, and they filed again for permission to return, their request was granted and again were denied by the ZBA.

Decision: Motion to deny the request for a third application.

Motion: Pina

Second: Keith

In favor: 5

Opposed: 0

Meeting adjourned.

The listing of matters is 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.