



BILL CARPENTER  
MAYOR

# City of Brockton

## Planning Department

PLANNING BOARD  
CONSERVATION COMMISSION

### PLANNING BOARD

Tuesday, May 1, 2018 – 6:00 P.M.  
Basement Level - City Hall  
**Meeting Minutes**

Members present: David Wheeler, Toni Goncalves, Bob Pelaggi and Craig Pina.

A motion was made (Pina), seconded (Pelaggi) and unanimously passed to accept the minutes of April 3, 2018 as presented.

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

None

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1. Proposed Zoning Change

An Ordinance Amending Section 27-29 of the Revised Ordinances of the City of Brockton. Section 27-29 – Section (1) – “Principal Permitted Uses” is hereby amended by adding the following to subsection (g) after the words “retail store or shop” – “including wine and malt beverage store.”

Rob May said this was introduced by Councillor Farwell it will allow any retail shop to be able to sell wine and beer without a special permit. He said although our decision is non-binding he said that the department is in favor of this change.

Councillor Thomas Monahan asked to be recorded in favor.

Decision: Motion to recommend favorably

Motion: Pelaggi

Second: Pina

In favor: 4

Opposed: 0

2. Proposed Street Acceptances

Ordered: That the common necessity and convenience of the inhabitants of the City of Brockton require the laying out and acceptance of Amark Road, extending from North Cary Street, Southerly and easterly, to Upton Street/Dagmar Drive, a distance of about 1,196 feet, and for that purpose it is necessary to take an easement for Highway Purposes and lay out as a public street or way.

Ordered: That the common necessity and convenience of the inhabitants of the City of Brockton require the laying out and acceptance of Cynthia Drive, extending from North Cary Street, easterly, to Amark Road, a distance of about 570 feet, and for that purpose it is necessary to take an easement for Highway Purposes and lay out as a public street or way.

Ordered: That the common necessity and convenience of the inhabitants of the City of Brockton require the laying out and acceptance of Downey Road, extending from Dixon Road to Dixon Road, a distance of about 1,477.13 feet, and for that purpose it is necessary to take an easement for Highway Purposes and lay out as a public street or way.

Councillor Lally said he is here again asking for streets in his ward to be made public. He said acceptance of the streets at least makes them eligible to be paved sometime in the future.

Decision: Motion to recommend favorably

Motion: Pelaggi

Second: Pina

In favor: 4

Opposed: 0

### 3. Site Plan Approval

Property: 470 Torrey St. (Westfield Child Center)

Proposal: Addition

Owner/Representative: Attorney John McCluskey

Applicant's statement: Attorney John McCluskey said Westfield Child Center is proposing an addition to the existing building; he said they recently received a variance for parking. Eric Privy said they are proposing a 3,100 sq addition, reconfiguration of the parking and stormwater improvements.

Comments: Bob Pelaggi said that the ZBA granted release from parking (short six spaces) but noted that the lot is never full.

No public comment.

Decision: Motion to grant site plan approval as submitted with standard conditions.

Motion: Pelaggi

Second: Pina

In favor: 4

Opposed: 0

### 4. Site Plan Approval

Property: 1205 Belmont St. & 820 Pearl St.

Proposal: New Construction – Gas Station

Owner/Representative: Attorney John Smolak

Applicant's statement: Matt Leidner (Civil Design Group) said the project is located at 1205 Belmont/820 Pearl Streets; the existing Cumberland Farms. He said the proposal is to raze both buildings (the existing office building and Cumbies). They are proposing a new convenience store, new pumps, new tanks, 25 parking spaces; they are leaving the existing curb cut on Belmont St., closing the existing access to the office building; the closest curb cut to corner of Pearl will be narrowed and become right turn in only. There will be new stormwater management; they have worked with NAA and received their OOC from the Conservation Commission; the architecture is similar to Crescent and Main St. buildings; received their special permits from ZBA; received a flammable license from City Council and received a 24 hour license from Licensing.

He said they have been working with Mr. & Mrs. Snow on specific landscape additions to provide a living screen in that area.

Comments: Bob Pelaggi asked if there were there any changes per the OOC made after tech review. Matt Leidner said that changes were made to the size of basin; they are restoring an area in the back; (landscaping debris that was put there by an abutter will be removed and the area restored); the existing site has three signs and now there will be two new signs; the aggregate area is less than what exists now.

Craig Pina said this is an overall improvement to the current conditions. Toni Goncalves agreed.

Public Comments: Cary Snow, 827 Pearl St., said he has concerns about loitering; he said the entrance is directly across from their front door; he is concerned about traffic , he said trailer trucks park along the street to go into the existing Cumberland Farms. He said they park on the sidewalk (Colonial trucking); he said he would like to see a right hand turn light on Belmont St. Craig Pina asked if he had addressed this with the Traffic Commission and was told no.

Shane O'Brien said that there is a Traffic Commission member assigned to technical review – they are historically a no show and send no comments. Craig Pina said he will get this on the agenda for the next Traffic Commission meeting. Bob Pelaggi said that is a traffic enforcement issue and up to the city to enforce.

Council President Dennis Eaniri said this is long overdue; he said the Mayor has a quality of life meeting every Thursday and said he will bring up this issue; he said that the problem is with the COB in enforcement.

Regarding the traffic light, Rob May said this is a MassDot controlled intersection and suggested they ask OCPC to have MassDot do a safety issue.

Erin Fernetto, McMahn & Assoc. said they prepared the traffic study and found that the redesign will have no significant impact.

Mr. Snow said there is no need for the signage along Pearl St. He was told that just the letters and logo are back lit not the entire sign. Bob Pelaggi said that keeping in mind that signs like this are standardized; he asked if there was a smaller sign. Matt Leidner said that Cumbies would like that sign to remain. David Wheeler said signage is not under the control of this board and he was hesitant to condition a change to something that may meet the zoning requirement.

Mr. Snow said he would like to see Cumberland Farms add a trash bin by the BAT stop and wants Cumbies to maintain it. He said he would like to see a sidewalk on that side and a crosswalk.

Decision: Motion to grant site plan approval as submitted with standard conditions and a recommendation that Cumberland Farms looks at the channel cut signage on the Pearl Street side of the building to see if it might be reduced in size.

Motion: Pelaggi

Second: Pina

In favor: 4

Opposed: 0

5. Site Plan Approval

Property: 69 N. Montello St.

Proposal: Proposed 40R – 35 Units  
Owner/Representative: BRG Group/PlaceTailor

Applicant's statement: Nicole Dumphy said the proposal is to convert the existing building into 1 & 2 bedroom apartments. She said they have provided five parking spaces & one handicapped space and four spaces under the r building overhang; there are an additional 12 spaces within the existing parking easement on the property next door ; the intent to realign the existing curb cut; they are proposing landscaping improvements; there will be a small bio retention area with a spill way; adding a stormwater management system and they will be releasing less runoff to N. Montello than exists today.

Miriam Gee said they are trying to maintain the integrity of the building; trying to reconstruct what was there; she said for 35 units they need 28 spots; they will be entering into an agreement with the COB Parking Authority for payment in lieu of parking; she also pointed out that the proposed new parking garage is a 5-7 minute walk from the building.

Comments: Rob May said we have a lot of old industrial buildings and cannot fabricate parking; he said the council approved a provision for a payment in lieu of parking only for the downtown area a property owner/developer can make a payment to the COB of a percentage of what it would cost to construct a garage parking space \$32,000; 20% would come to the city to be used by the parking authority. A copy of the proposed agreement was sent to Bob Malley (parking chair) and Attorney Philip Nessralla; this agreement does not give you a parking space it gives you the right to lease a parking space.;

Bob Pelaggi asked what the ball park was for the garage construction and was told 1.5 – 2 years. Craig Pina said this property is also right next to train station.

Public Comment: Attorney John Creedon said represented the property next door (Norwood Auto) and is opposed; he said this project is woefully lacking in parking; he said 40R takes away the ability of local zoning and planning. He said the use if the problem; less units may be a consideration; he said he is going to have to hire people to police their parking lot.

The property owner (Mike) said he has 40' trailers going through the property daily; he said he does not see 35 units as smart growth and the board should deny it. He said he has 60 employees in the building; 82 company vehicles with a constant flow of vehicles; there is no enough parking and is a safety issue.

Rob May said that 40R is 80% market rate and goes through a special permitting process; he said this property is less that a five minute walk to the train station which should reduce the amount of actual parked vehicles. The project was specifically designed to our standards and independently reviewed by BSC Group.

Miriam Gee said they would actually need more parking if this was a commercial use.

Craig Pina said this is exactly what 40R was meant for.

Bob Pelaggi asked how they arrived at the unit count; Miriam Gee said they worked with planning department.

Decision: Motion to approve with standard conditions and the following special condition: Prior to the issuance of a building permit the applicant shall execute an agreement with the City of Brockton

Parking Authority for “payment in lieu” of parking per the 40R Ordinance for a minimum of six parking spaces.

Motion: Pina

Second: Wheeler

On the motion: Bob Pelaggi said he is concerned about the lack of parking; Craig Pina said that we cannot keep blaming things on no parking; David Wheeler said that we have to start somewhere.

Shane O’Brien said that any commercial use of the building will require a use variance for parking; the payment in lieu addresses parking issues.

In favor: Wheeler, Pina & Goncalves

Opposed: Pelaggi

#### 6. Site Plan Approval

Property: 701 Montello St. (plots 6-2 & 6-3)

Proposal: Automotive service & repair shop

Owner/Representative: JK Holmgren Engineering

Applicant’s statement: Scott Faria said the applicant is seeking to demolish the existing buildings and construct a new 3,000 sq auto repair shop, he said they have made most of the changes requested by tech review; he said they are installing a stormwater management system, added landscape a area in front of the property along Montello St.; he said they received a second review letter from the City Engineer and have not had a chance to make those changes. He said they have 28 total spaces and 6 repair spaces in the building.

Comments: Bob Pelaggi asked what they needed to submit to the City Engineer and was told spot grades and info on the water service.

Shane O’Brien said that the stacked parking is an issue – sets a bad precedent, he said elimination of those spaces will allow for vehicular traffic.

The business owner said that people don’t come – they deliver the vehicles; he said he license is for 32 vehicles and he has 25 on site now. The secretary explained that the property has a used car license that allows for 32 vehicles and with this new layout he will need to decrease those numbers. She suggested that he should go back to licensing to reduce existing license.

David Wheeler said he is concerned that the City Engineer has not signed off on the changes.

Decision: Grant SPA with the condition that the final plan show the reduction of two spaces; the applicant amend the existing license for sale of , the plan show vertical granite curbing along the city ROW and all outstanding issues are to the resolved with COB Engineering Dept.

Motion: Pelaggi

Second: Pina

In favor: 4

Opposed: 0

#### 7. Definitive Subdivision

Property: 738 North Cary St.

Lots: 3

Owner/Representative: Jacobs Driscoll/Attorney Wayne Mathews

David Wheeler stated for the record that this project is on behalf of a current planning board member.

Applicant's statement: Ed Jacobs said they received a variance from ZBA; the existing barn will be removed; he said they received the comments from the City Engineer and outside peer review by NAA and have address the comments. The plan shows a utility easement for sewer and he said the water table is high ...18".

Ruth Jeffries said that NAA issued two comment letters (4-2 and 4-19). She said there is a grade change and applicant has the opportunity to add a retaining wall. The plan shows a 20' easement, she said a condition of approval is that the drainage swales infiltration systems should be constructed as shown; she said an NOI should be submitted and should include the roof drain calculations; she said that the deeds for the individual properties should contain a deed restriction provision. .

Decision: Approve with standard conditions and with NAA recommendations dated 4-12-18 & 4-19-18 including the drainage swales be constructed as shown on the Plan; The infiltration systems be constructed as shown on the Plan; That the Notice of Intents submitted to the Conservation Commission for construction of each house, include roof drain system calculations. That the infiltration systems be constructed as shown on the Plan; and, that the Notice of Intents submitted to the Conservation Commission for construction of each house, include roof drain system calculations.

Prior to the issuance of any building permits there is to be a final meeting with the DPW City Engineer & Engineering Superintendant regarding outstanding comments from the DPW. The Planning Department is to be notified in writing from the DPW that their issues have been satisfied.

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

Motion to grant waivers to the following sections of the Planning Board Rules and Regulations:

Section III

B3

j. profile

m. proposed layout of the storm drainage

n. typical cross sections

q. street lighting fixtures

r. legnth, radii, bearings, tangents & central angles

s. location of proposed improvements

B4 Impact Study

Section IV

B. Streets - Existing Way (no new street proposed)\*

F. Utilities (Underground) (existing above ground utilities)

Section V: Design Standards

A. Streets & Roadways

B. B.2 Storm Drainage

B.4 Street Lighting

C. Curbs & Sidewalks  
E through J

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

Surety will be covenant.

8. Definitive Subdivision - **Continued to June 5, 2018**

Property: Plot 2 Belgravia Ave.

Lots: 4

Owner/Representative: Curley & Hansen

9. Definitive Subdivision - **Continued to June 5, 2018**

Property: 97 Oak Street

Lots: 4

Owner/Representative: Manuel Ramos/John Spink

10. Proposed Zoning Change

An Ordinance Amending Chapter 27 of the Revised Ordinance of the City of Brockton concerning the regulations and taxation of Marijuana be it ordained by the City Council of the City of Brockton. Article III. General Regulations and Permitted Modifications, is hereby amended by adding the following Section 27-24.4 Adult use of marijuana.

Rob May passed out a hand out; he said that Brockton is a yes community – legal in Massachusetts; he said that the community can govern the time, place or use. He said there are 120 pages of state regulations; he said they establish a buffer to K-12 unless city reduces the distance; he said that the 500' should be building to building or less stringent when there is a physical barrier separating like a roadway. He said the City currently has a moratorium on retail sales. He said there are eight different types of establishments; the drafted ordinance suggests that retail sales be in the 40R overlay; there be no more than eight licenses; no retail on the 1st floor; however he said that the City Council is the final authority.

David Wheeler commended the planning department on the thoroughness of this presentation.

Bob Pelaggi said that the state did not address number of licensees; Rob May said to limit it to lower than 8 would require a city wide election (it is based on 20% of liquor sales).

Gary Leonard said he has done a lot of due diligence and said this will create a vibrancy in downtown; he said 90% of the industry is in retail.

A question was asked if there is a set distance from one retail store to another; Rob May said they have not set a limit.

Bob Pelaggi questioned whether or not there be a stigma associated with the city.

David Wheeler reminded the board that they are non binding and that it is solely in the council's hands.

Decision: Motion to recommend favorably.

Motion: Pina

Second: Pelaggi  
In favor: 4  
Opposed: 0

Other Business

Updates from Board Members  
Member to Traffic Commission

**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.**