

Thatcher Street Smart Growth Overlay  
District Application

October 28, 2016

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## Applicant Information

Municipality: City of Brockton

Name of District: Thatcher Street Smart Growth Overlay District (TSSGOD)

Municipal contact person: Rob May, Director of Planning and Economic Development

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The undersigned representative of the City of Brockton hereby certifies that all information in this application is accurate and complete as of the date hereof.

Signed: \_\_\_\_\_

Name, title:

Rob May Dir Planning & Econ Dev

Date:

10/27/16

## Summary Information

Category of Eligible Location	
Near Transit Station	
Area of Concentrated Development – City/Town Center, Existing Commercial District	
Area of Concentrated Development – Existing Rural Village District	
Highly Suitable Location	X

	Acres	% of Municipality
Size of Proposed District	15.7	0.1%
Aggregate size of all districts <sup>1</sup>	70.6	0.6%

<sup>1</sup>At the time of application, the City is working on adding acreage to the existing Downtown District. This will increase the aggregate size, but the overall percentage in the City will remain well below 15%.

<b>Build-out</b>	
Total Existing Zoned Units	10
Total Future Zoned Units	175
Total Incentive Units	165

	Acres	% of District
Developable Land	7.9*	50%
Underutilized Land	0.7	4%
Substantially Developed Land	2.1	13%
Historic District(s)		
Existing Open Space		
Future Open Space		
Rights-of-way of streets, ways, and transit lines.	1.7	11%
Land currently in use for governmental functions		
Environmentally constrained land	4.2	27%
Other non-developable land		

\*Includes underutilized land

<b>As-of-right densities</b> (units/acre)	Smart Growth Zoning	Underlying Zoning
1-family	22	1.5*
2/3-family	22	
Multi-family	22	
Substantially Developed subdistrict(s)	22	

\*Based upon minimum lot size of 30,000 sq ft

<b>Affordability</b>	Number of Future Zoned Units	% of total Future Zoned Units
Affordable 1-family Units		
Affordable 2/3-family Units		

Affordable Multi-family Units	44	25%
Total Affordable Units	44	25%
<b>Housing Diversity</b>		
Studio Units	8	4%
One and Two Bedroom Units	150	86%
3+ Bedroom units	17	10%

	Yes	No
Mixed-use development allowed	X	
Design Standards	X	
Planned Infrastructure Upgrades	X	

## Section 1. Eligible Location

### 1.A Locator Maps

In support of this application, three maps are provided in Attachment A to provide context at different scales. Attachment 1-1 provides three maps. Map 1 shows the location of the site relative to the entire City. Map 2 shows the proposed district and its relationship to destinations of frequent use. Significant landmarks are provided on Map 2 along with the location of transit routes. Map 3 provides a closer look at the proposed district with an aerial photograph as a base.

### 1.B Category

What is the category of Eligible Location for the District?

- a) Near transit station: \_\_\_\_ ;
- b) Area of Concentrated Development – City / Town Center or Existing Commercial District: \_\_\_\_ ;
- c) Area of Concentrated Development – Existing Rural Village District: \_\_\_\_ ;
- d) Highly Suitable Location: \_ **X** \_.

**Sections 1.C through 1.F: Not Applicable**

### 1.G Highly Suitable Locations

Has the District been identified as an appropriate locus for high-density housing or mixed-use development in a local or regional plan document?

(yes \_\_\_ no \_ **X** \_)

Does the District include land designated as a development district under M.G.L. c.40Q?

(yes \_\_\_ no \_ **X** \_)

Attachment 1-5 provides a description of how the proposed district will be consistent with the smart growth goals of the Act.

## Section 2. Land Area

The land area calculations for the TSSGOD district and other Chapter 40R Districts in Brockton are contained in Table 1. These calculations demonstrate that the City 40R Districts, including the proposed TSSGOD, fall well below 15% of the entire City area.

**Table 1. Area of Chapter 40R Districts in the City of Brockton**

Identified Area	Acres	Percent of City Area
City of Brockton	13,824	100%
Existing Main Street Overlay Districts	60.4	0.4%
Proposed TSSGOD	15.7	0.1%
Total Future 40R Area	76.1	0.6%*

\*Percentages do not appear to add up evenly due to rounding.

## Section 3. Developable Land

### 3.A Developable Land Plan

Attachment 3-1 shows the Developable Land Plan for the district. An aerial photograph of the District is provided as Map 3 of Attachment 1-1 (this map is also provided again as Attachment 3-2). Documentation of existing zoning is provided in Attachment 3-3.

### 3.B Developable Land Plan Table

The applicable Chapter 40R land categories and associated acreage for each are provided in Table 2.

**Table 2. Chapter 40R Land Categories for the TSSGOD**

<b>Land Area</b>	<b>Acres</b>	<b>40R Classification</b>
Developable Upland Area	7.3	Developable
Electrical Easement Area	1.7	Right of Way
Convent Building	0.7	Underutilized
Lot Area Predominantly Wetland	4.0	Environmentally Constrained
Convent Buffer Area and Front Yard	2.1	Substantially Developed
Lot Area*	15.7	NA

\*Components may not add up to “Lot Area” due to rounding.

### **3.C Future Open Space**

Is any portion of the District categorized as Future Open Space (yes \_\_\_ no \_ **X** \_)?

### **3.D Historic Districts**

Is any portion of the District located within an existing Historic District (yes \_\_\_ no \_ **X** \_)?

If yes, is any portion of the Historic District categorized as Developable Land (yes \_\_\_ no \_ **X** \_)?

If yes, describe briefly the basis: **NA**.

## **Section 4. Underlying Zoning/Existing Zoned Units**

### **4.A Existing Zoned Units Plan**

### **4.B Existing Zoned Units Spreadsheet**

### **4.C Underlying Zoning**

### **4.D Existing Zoned Units**

The City’s focus for TSSGOD is to encourage multi-family housing in proximity to MCC and other adjacent assets so the separate elements of this Section 4 have been combined into a single section that more concisely delivers the information.

The underlying zoning for the proposed TSSGOD is R-1-C, which is a designated Single Family Residential Zone. Text related to the district and certification from the City Clerk that this zoning was in effect more than one year prior to this application submittal are included in Attachment 4-1 and 4-2 respectively. The current zoning map depicting the R-1-C designation is provided as Attachment 4-4. Highlights of the zoning standards are provided below in Table 3.

**Table 3. Important Standards Related to R-1-C Zoning District**

<b>Zoning Standard</b>	<b>Brockton Requirement</b>
Allowable residential use	Single family detached units
Minimum lot size	30,000 sq feet
Maximum building height	2.5 stories or 35 feet
Minimum frontage	175 feet
Maximum lot coverage	25%
Minimum off-street parking	1 space per residential unit
Minimum green space	25%

Using these standards as a framework, the following calculations and assumptions were used to estimate the number of residential units that could be built under existing zoning.

1. The calculation assumes the demolition of all buildings related to the convent.
2. The electrical easement area and environmentally constrained land were subtracted from the total district area. This leaves approximately 11.7 acres of developable land.
3. The remaining developable land was reduced by 15% to account for the future installation of roads and other infrastructure. The result of this calculation is 9.9 acres.
4. The remaining 9.9 acres was reduced by 25% to account for the zoning ordinance requirement for open space. The result of this calculation is 7.4 acres.
5. The remaining 7.4 acres was divided by the minimum lot size to obtain a final number of 10 potential units of housing under current zoning.

Due to the small area of the district, the fact that it is a single parcel, and the simple nature of these calculations, Attachments 4-1 and 4-2 were not provided as they would not add substantively to the information above.

## **Section 5. Smart Growth Zoning/Future Zoned Units & Incentive Units**

### **5.A Smart Growth Residential Density Plan**

Attachment 5-1 provides a conceptual plan for future development in the district.

### **5.B Smart Growth Residential Density Spreadsheet**

The Smart Growth Concept Plan developed for the TSSGOD is provided as Attachment 5-1. This plan shows a total of 137 new townhouse units that include a mix of single and “flat over duplex” configurations. The site will also include the adaptive re-use of the main convent building, which will contain approximately an additional 38 units of multi-family housing. When using the net developable land as the denominator (see Section 2) the resulting density of housing is over 20 units per acre (Table 4). More detailed summary of the development profile is provided in Attachment 5-2.



**Table 4. Density Summary for Smart Growth Concept Plan**

Developable Area*	7.9 acres
Number of Townhouse Units	137
Number of Convent Units	38
Total number of housing units	175
Dwelling units per acre of developable land	22

\*Includes Developable Upland Area and Convent Building Area

### 5.C Smart Growth Zoning

The City of Brockton [will adopt] a standalone overlay district for the TSSGOD. The full text of the zoning overlay district and the zoning map amendment can be found in Attachments 5-3 and 5-4 respectively. Highlights of the zoning include:

- By-right housing density of 22 units/acre;
- Flexible dimensional controls to allow for coordinated neighborhood scale development and pedestrian friendly on-site circulation; and
- Not less than twenty percent (20%) of the homeownership units or twenty-five percent (25%) of the rental housing units in such a project shall be affordable housing.

**Table 5. TSSGOD Build Out Compared with Underlying Zoning**

Number of Units Allowed By-Right in Underlying Zoning	10
Density Allowed By-Right in Proposed Zoning	22 units/acre
Number of Units Proposed for TSSGOD	175
Number of Incentive Units	165

### 5.D Density

Per Sections 5.B and 5.C, by-right residential density is 22 units/acre in the overlay district.

### 5.E Mixed-use Development

Not Applicable

### 5.F Substantially Developed Sub-districts

Not Applicable

## Section 6. Affordability

### 6.A Project Requirements

Does the Smart Growth Zoning establish a threshold for Projects that are subject to the Smart Growth Zoning affordability requirement (yes\_\_\_ no X)?

Does the Smart Growth Zoning contain provisions to ensure that Projects are not segmented to evade the size threshold for Affordability (yes X no\_\_\_)?

If yes, identify the section of the Smart Growth Zoning containing such provision: 27.147

### 6.B District-Wide Affordability Target

Identify the provisions of the Smart Growth Zoning that ensure the total number of affordable units constructed in the District equals not less than twenty percent (20%) of the home ownership or twenty-five percent (25%) of the units constructed within Projects in the District: 27-147 (1)

## Section 7. Plan Review

### 7.A Categories of Project; Approving Authority

Does the Smart Growth Zoning provide for Plan Review of Projects within the District? (yes X no\_\_\_)?

If yes, who is the Approving Authority: Planning Board

### 7.B Design Standards

Does the Smart Growth Zoning contain Design Standards? (yes X no\_\_\_)?

If no, have separate Design Standards been promulgated or drafted (yes \_\_\_ no X)? Design Standards are incorporated directly into the ordinance in Section 27-145.

Have these design standards been previously applied to a residential development in the community (for example, through the Underlying Zoning) (yes \_\_\_ no X)?

If yes, briefly identify the project(s) that have been approved using these standards: NA.

Describe how the Municipality will ensure that its Design Standards will not "Unduly Restrict" the development of Projects in the District: \_\_\_\_\_.

The design standards provided in Section 27-145 provide a design framework for residential development on the site. None of these standards limit the overall scale and density of development. The topics addressed within the Design Standards are limited to those that will improve the aesthetic appeal of the development and provide a positive everyday experience for residents. Issues addressed by the standards include:

- Building materials and features;
- Landscaping;
- Lighting;
- Stormwater management;
- Parking and roadways; and
- Service areas (e.g., dumpsters).

#### **7.C Waivers**

Does the Smart Growth Zoning allow the Approving Authority, through the Plan Review process, to waive specific dimensional and other standards (other than Affordability requirements) otherwise applicable to a Project (yes ☒ no ☐)?

#### **7.D Phased Project Reviews**

Does the Smart Growth Zoning permit the Plan Review approvals of proposed Projects to be phased for the purpose of coordinating development with the construction of Planned Infrastructure upgrades that are identified in the application (yes ☒ no ☐) or that are required to mitigate any extraordinary adverse Project impacts on neighboring properties (yes ☒ no ☐)?

For Projects that are approved and developed in phases, identify the provisions of the Smart Growth Zoning requiring that the proportion of Affordable units and the proportion of Existing Zoned Units to Bonus Units shall be consistent across all phases:

This language can be found in Section 27-147(4)b.

## **Section 8. Comprehensive Housing Plan**

The most recent plans that assess housing needs within the City of Brockton are the 2016 Annual Action Plan and the 2013-2017 Consolidated Plan (Plan). The Plan, in accordance with federal guidelines, identifies the most pressing housing needs within the community across myriad issues including, but not limited to those demographic groups hardest hit by poor housing conditions, shortfalls in supply, cost burdens related to different household income levels, and homelessness, and identifies strategies to address these challenges.

#### **8.A Housing Needs**

*Identify the section(s) of the plan that assess the housing needs within the Municipality:*

In the 2013-17 Consolidated Plan, Section NA – 10 Housing Needs Assessment identifies the most common housing problems experienced by residents of Brockton, including the lack of affordable housing for individuals and families, housing cost burdened households paying greater than 50% of income, overcrowding, a lack of plumbing or kitchen facilities, and an aging housing stock. In the 2016 Action Plan, Section 91.220(j) identifies the need for multifamily housing, which is a challenge due to the overwhelming coverage of single family zoning districts that impede this. Section 91.220(k) of the Plan identifies “Brockton’s limited supply of affordable housing [as] one of the community’s most significant barriers to fair housing choice.

Identify and summarize briefly the section(s) of the plan that describe the strategies, including but not limited to those contained in the Smart Growth Zoning, to address these needs:

Section 91.220(j) of the 2016 Action Plan states that the “City of Brockton’s current Zoning Ordinances are one of the greatest impediments to the creation of affordable housing and private investment in residential projects”. In addition the section states that “Vacant parcels are usually small undersized parcels and those which are buildable are affected by current market conditions which do not support the development of new housing”. The Smart Growth Zoning addresses this by permitting multi-family housing options, in addition to the underlying single family, on a large parcel of underutilized land in close proximity to Massasoit Community College and the Crescent Street commercial corridor.

The Smart Growth Zoning helps to address the needs for a stock of high quality affordable housing by ensuring that as “The City of Brockton will continue[s] to work with local and regional non-profits and others to pursue opportunities to develop new affordable housing” that there are locations that have been identified and properly zoned to allow this affordable and mixed-income housing to be developed which this TSSGOD will permit.

*Identify the section(s) of the plan that show how the Smart Growth Zoning will allow for the development of housing which is appropriate for a diverse population:*

Section 27-147 of the Smart Growth Zoning.

*Identify the section(s) of the plan that summarize the Existing Zoned Units, Future Zoned Units, and Incentive Units of the proposed Smart Growth Zoning District:*

A summary of the Existing Zoned Units, Future Zoned Units, and Incentive Units is provided in Section 5, Table 5 of this application.

8.B Fair Housing

Identify the section(s) of the plan that assess local housing needs within the Municipality for households in protected classes as identified in state and federal law:

Section NA – 15 Disproportionately Greater Need: Housing Problems, and Section NA – 16 Disproportionately Greater Need: Severe Housing Problems, and Section NA – 25 Disproportionately Greater Need: Housing Cost Burdens.

Identify the section(s) of the plan that specify strategies, including but not limited to those contained in the Smart Growth Zoning, that address how housing choice for such households will be served: \_\_\_\_\_

8.C Previously Submitted Plans

Has the Comprehensive Housing Plan been previously submitted to the Department (yes\_\_\_ no\_X)?

If yes, attach a copy of the plan and give the date of its first submission to the Department: \_\_\_\_\_

Is the Municipality submitting as its Comprehensive Housing Plan a community development plan or equivalent document that was previously submitted to the Department (yes\_\_\_ no\_X)?

If yes, attach a copy of the plan and give the date of its first submission to the Department: The most recent housing plans are the 2013-17 Consolidated Plan and the 2016 Annual Plan which have been submitted to HUD.

Describe how the proposed District relates to and will further the goals of such previously submitted plan or document: \_\_\_\_\_

The Consolidated Plan and 2016 Annual Plan identify a number of areas of need for the City which the TSSGOD zoning will help address. Section 8.A highlights areas that affect the production of an affordable workforce housing stock in Brockton and certain needs that affect our residents who deserve high quality housing that they can afford. The plan identifies:

**1. Households that have Housing Cost Burdens**

These households are defined as those that spend over 50% of their income on rent. This district will provide at least twenty percent (20%) of the home ownership units or twenty-five (25%) of the rental units as affordable housing, which generally means 30% of income is spent on housing costs.

The housing that the TSSGOD allows will be open to all, including these households identified as cost burdened, with strict fair housing marketing required:

- Households whose head has a lack of education and employment.
- Single parent head of households, non English speaking households, unemployed and underemployed whose unemployment benefits have run out.
- Elderly persons who are on a fixed income can also be more affected than the general population.

## **2. Does the availability of housing units meet the needs of the population?**

Currently there is a shortage of housing, and a need for both rental units and units for purchase. The inventory levels of both are down. Permitting multiple housing options to be developed under TSSGOD will increase affordable and workforce housing supply.

## **3. Need for Specific Types of Housing**

The City's Plan documents identify the following needs:

- There is a large need for 1 bedroom/efficiency units and SRO units (with services provided) in Brockton. Services to be offered on-site (if any) undefined at this time.
- Brockton has a large veteran population, single head of household population and elderly population.
- The BHA currently has 1,900 applicants for elderly housing on its waiting list. There is also a need for units for the chronically homeless individuals and families.

It is envisioned that the TSSGOD will enable the development of affordable housing options that can serve segments of this population. There are no SRO units planned but 1BR units will be permitted and encouraged. The buildout of the site is planned to occur in several phases, and the adaptive reuse of the Convent is conceptually identified to focus on elderly housing. The City will encourage the development of units for homeless families and individuals to be able to transition into permanent housing, and this will be a permitted use under TSSGOD.

## **Section 9. Local Public Notice and Hearing**

Public notice and comments received at the hearing are included in Attachment 9-1.

## **Section 10. Infrastructure Impacts and Upgrades**

The following text provides a summary of information relevant to infrastructure impacts. The City of Brockton has confirmed these findings by providing a signature below.

1. Sewer Systems: At full build out the site is projected to require approximately 30,000/gpd of sewer capacity. The City's Advanced Water Reclamation Facility is permitted for 18 mgd and designed for 20.5 mgd and currently has an average flow of 15 to 15 mgd, so the TSSGOD will not require any upgrades to the City components of the wastewater system.
2. Domestic Water: The proposed District has existing buildings that currently receive water service via a 6" water line in Thatcher Street. These buildings have historically had a more intensive use than they currently do, so the system in this location has had reduced demand for a number of years which would be replaced by the proposed development program. This system feeds off a larger 10" pipe in Thatcher Street which ties into a 24" main, so it is projected that there is sufficient capacity for full build out.
3. Transportation: The proposed District will be able to leverage the Brockton Area Route 6 bus that runs frequent service to Massasoit Community College (MCC) to reduce vehicle trips. Any project proponent under TSSGOD will be required to ensure sidewalks are added to the periphery of the District along Thatcher Street where none exists or upgraded where it currently does not meet code. It is proposed that the initial phase of the build out add a signalized crosswalk across Thatcher Street to connect the District and MCC, and as possible, its buildings. This full sidewalk build out will require ongoing work with DCAM, the owner of MCC. In regards to vehicular traffic, it is not projected that a traffic signal is necessary at this time.
4. Power and Natural Gas: These items are handled by the respective private utility companies and project proponents and any necessary upgrades will be handled between the proponent and the respective utility companies.
5. Open Space: The open space and recreational infrastructure that the City owns has the capacity to handle the projected build out of the District.

Certified by: Lawrence Rowley (signature)

Lawrence Rowley (print name)

D.P.W. (department)

11-2-16 (date)

# Thatcher Street Smart Growth Overlay District Application

## ATTACHMENTS

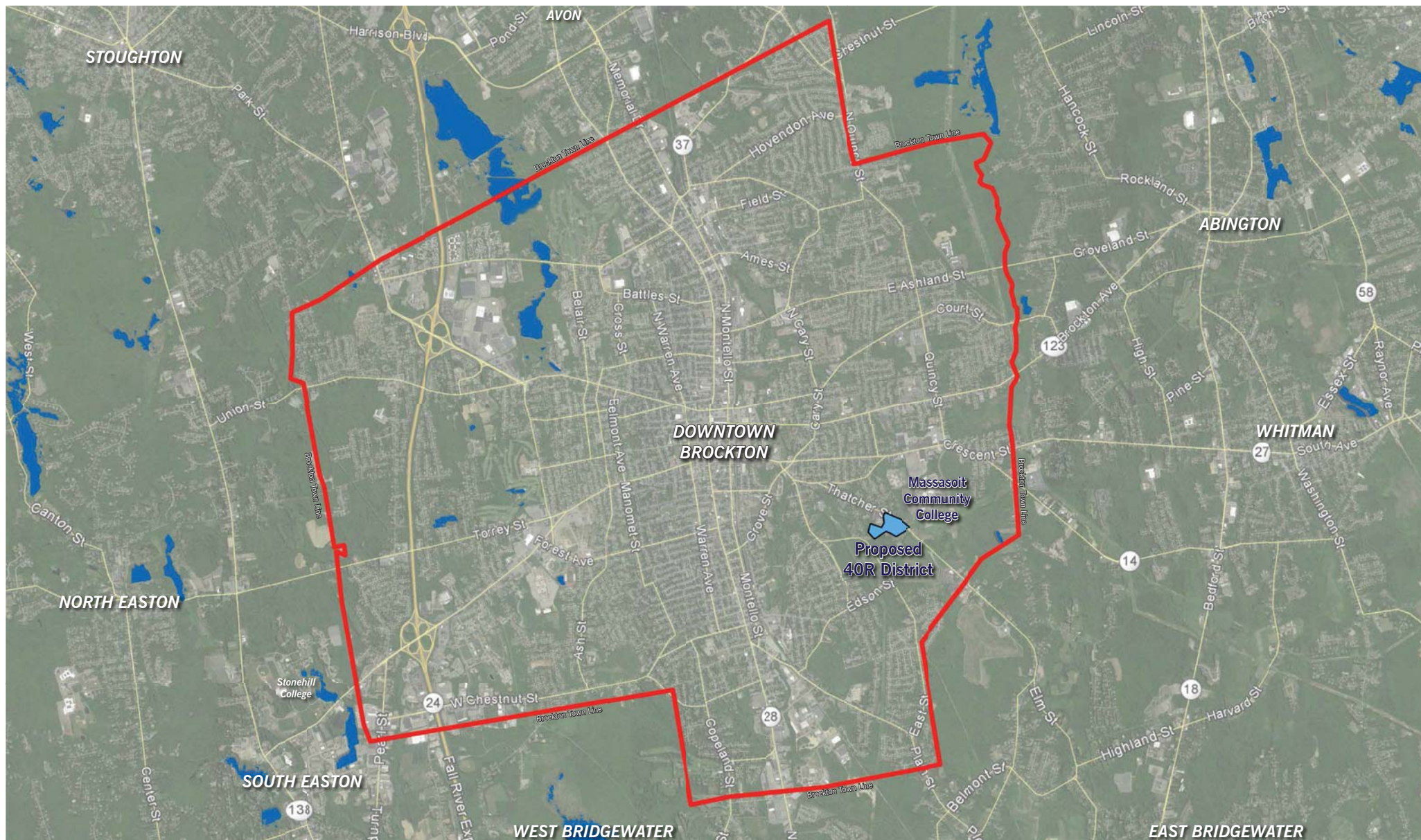
October 28, 2016



### **Checklist of Attachments**

1-1	Locator Map of the Municipality	Provided
1-2	Copy of designation letter under M.G.L. c.40, § 60	NA
1-3	Copy of relevant portions of plan document	NA
1-4	Copy of designation letter under M.G.L. c.40Q	NA
1-5	Evidence of District's consistency with statutory goals for smart growth	Provided
2-1	Previously approved area waiver	NA
3-1	Developable Land Plan of District	Provided
3-2	Aerial photograph of District	Provided
3-3	Copies of local by-laws, ordinances, or regulations that affect as-of-right residential densities in District	Reference Attachment 4-3
4-1	Existing Zoned Units Plan of District	Information in body of application.
4-2	Existing Zoned Units Spreadsheet	Information in body of application.
4-3	Underlying Zoning Text	Provided
4-4	Underlying Zoning Map(s)	Provided
5-1	Smart Growth Residential Density Plan of District	Provided
5-2	Smart Growth Residential Density Spreadsheet	Information in body of application.
5-3	Smart Growth Zoning Text	Provided
5-4	Smart Growth Zoning Map(s)	Provided
5-5	Previously approved density reduction	NA
7-1	Design Standards	NA, located in the text of the Zoning Ordinance
8-1	Comprehensive Housing Plan	NA
8-2	Plan enhancements/ updates	NA
9-1	Notice of public hearing	Provided
9-2	Written comments on Smart Growth Zoning and District	Provided
9-3	Summary or transcript of oral comments on Smart Growth Zoning and District	Provided
10-1	Information on Infrastructure impacts and Planned Infrastructure upgrades, certified by municipal official	Information in body of application.

ATTACHMENT 1-1  
Location Maps 1-3



# Thatcher Street Smart Growth Overlay District (TSSGOD)

Brockton, MA

Map 1: Regional Locus



August 15, 2016

ARCHITECT : The Architectural Team, Inc.

APPLICANT : City of Brockton

12135

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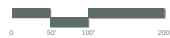






Thatcher Street Smart Growth  
Overlay District (TSSGOD)  
Brockton, MA

Map 3: District Boundary



August 15, 2016

ARCHITECT : The Architectural Team, Inc.

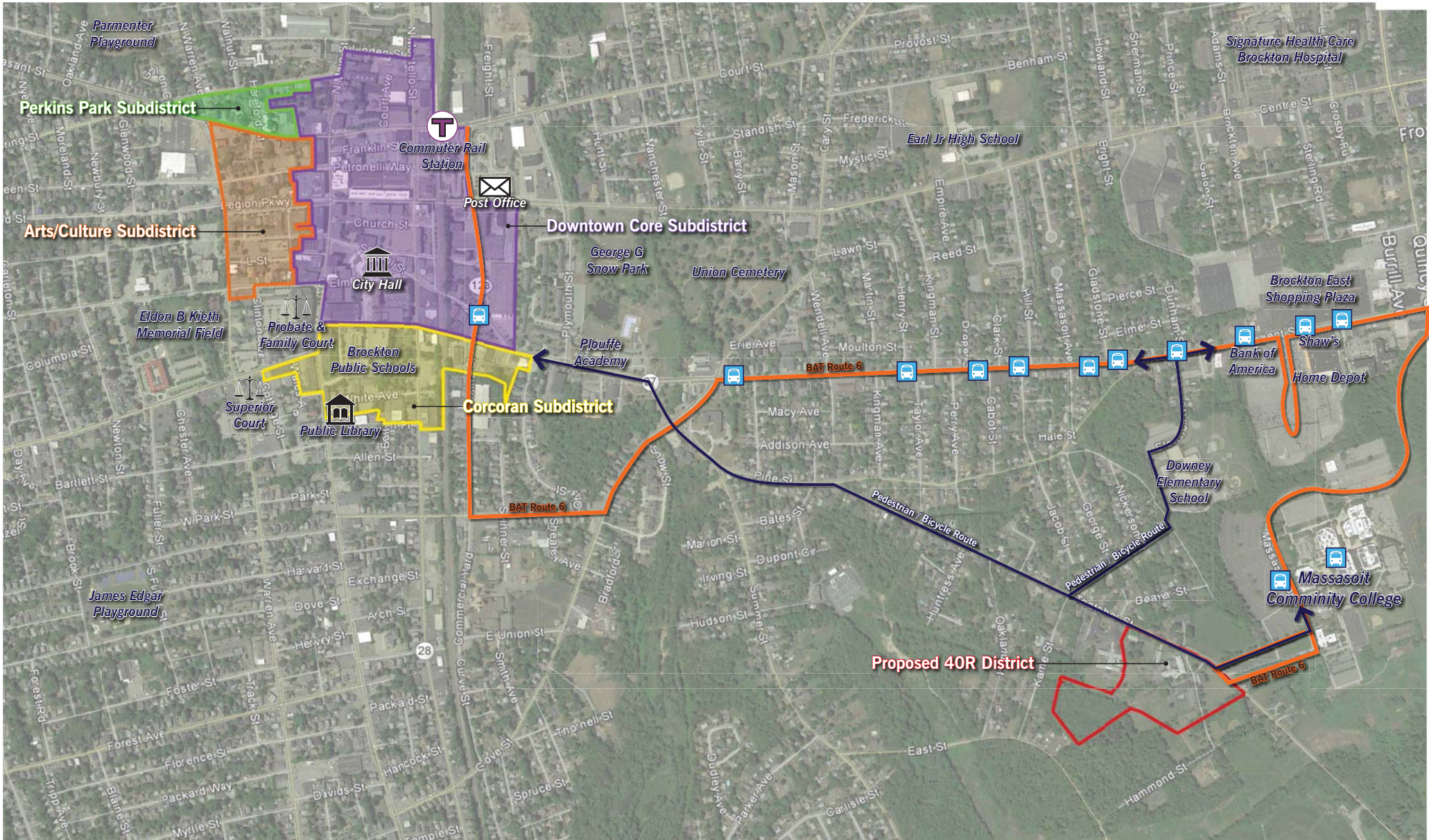
APPLICANT : City of Brockton

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# Thatcher Street Smart Growth Overlay District (TSSGOD) Brockton, MA

## Map 2: Destinations of Frequent Use



August 15, 2016

ARCHITECT : The Architectural Team, Inc.

APPLICANT : City of Brockton

12135

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ATTACHMENT 1-5  
Consistency with Principles of the Act

The following text describes how designation of the TSSGOD will be consistent with the smart growth goals of the Act.

1. *Increases the availability of affordable housing by creating a range of housing opportunities in neighborhoods*

The TSSGOD enhances the housing choices for the City of Brockton as a whole and for the neighborhood in which it sits. Two basic typologies of homes are being provided within the broader category of “multi-family housing”. The first includes a mix of town home units as multi-family housing, where there are two units per townhome and which may be clustered as multiple attached townhomes. The second typology will be multi-family units as part of the adaptive re-use of the main convent that currently belongs to the Sisters of Jesus Crucified after they cease to occupy it. These typologies will allow for the creation of housing that may serve individuals, including the elderly, families and those with disabilities. The adaptive re-use of the convent would include elevators and accessibility improvements.

2. *Emphasizes mixing land uses*

The proposed district covers approximately 15 acres and will contain several different types of multi-family housing as described in the previous subsection. The uses that will complement the on-site housing lie within walking and biking distance from the site. Directly across the street is Massasoit Community College (MCC), one of Brockton’s largest institutions and employers, with commercial centers along Crescent Street (Route 27) and Centre Street (Route 123) easily accessible. Map 2 provides a more detailed depiction of where frequent destinations lie in close proximity to the site.

3. *Takes advantage of compact design*

The conceptual site plan for the TSSGOD takes advantage of compact design first, by removing heavily constrained land from development consideration in the southwest corner of the district. With the remaining land, the conceptual plan illustrates how the use of attached townhouse models will optimize the density of the site without the use of building models that would negatively affect neighborhood character and overwhelm the scale of the existing convent structure. The site is served by existing water, sewer, electric and natural gas infrastructure making this an ideal location to provide multi-family housing options in an area that is in close proximity to, but outside of, the downtown. Parking ratios are designed to meet the projected needs of residents and take advantage of proposed transit access on the Brockton Area Transit (BAT) Route 6 line, which provides access to the downtown commercial districts and bus terminal. BAT has expressed interest in adding a stop on Thatcher Street adjacent to MCC. Open space areas for residents are proposed for the townhome style units allowing for shared enjoyment of



recreation and gathering areas, while larger community gathering areas are proposed for the site which may include, but not be limited to a playground, community gardens, indoor community spaces, and other passive and active recreation uses depending on the future full buildout.

4. *Fosters distinctive and attractive communities*

The site design and architecture applied to the TSSGOD uses the existing use and history of the site as a foundation for both redevelopment and new development. The site design concept is designed to enhance portions of the Thatcher Street corridor while providing for safe and clearly marked ways for motorists and pedestrians to both enter/exit and navigate the site safely. It is a goal of the design to encourage “slow streets” and proper connections within the neighborhood to ensure the enjoyment of the amenity spaces listed in the section above. The design of new buildings will incorporate the traditional neighborhood row house design used in many Traditional Neighborhood Designs across the country, while also respecting the character of the 1940s Convent. The economical space of these housing types provides both privacy and shared space in a way that balances the ability to meet and greet people in the neighborhood with the chance to enjoy the privacy of an individual’s home.

5. *Preserves open space, farmland, natural beauty and critical environmental areas*

Development of the TSSGOD will leave four acres of environmentally constrained land undisturbed. In its existing natural state, this area provides critical habitat for amphibian and wetland plant species, and provides localized storage of flood waters. The site is not mapped for any rare or endangered species in accordance with the Commonwealth’s Natural Heritage Program.

6. *Strengthens existing communities*

The TSSGOD will provide sorely needed multi-family housing in Brockton where only single-family is permitted as of right based upon a 1960s era zoning code. Neighborhoods of Brockton outside of the immediate downtown are lacking in this type of housing choice, and the proximity to MCC and the Crescent Street commercial corridor make this an ideal place to begin offering new housing types, while preserving the underlying zoning code. Map 2 in Attachment 1-1 shows the number of landmarks and amenities within one mile of the site, demonstrating the significant number of commercial and institutional resources close by that will benefit residents on the site. The projected 175 units of housing to be built in TSSGOD will provide new housing options for current and future Brockton residents and those who work in Brockton, to an area of the community that has both amenities and growth potential.



*7. Provides a variety of transportation choices*

The residents within the TSSGOD will enjoy access to a future stop added on Thatcher Street on the BAT Route 6. Interior to the site, sharrows, signage and bicycle racks will be used to create a “bike friendly” environment for residents. Thatcher Street has sidewalks connecting to MCC and to all adjacent side streets, which provide access to the nearby commercial districts. The City will engage with MCC regarding the addition of a connecting sidewalk on the campus between Thatcher Street and the academic buildings as a future improvement to the corridor.

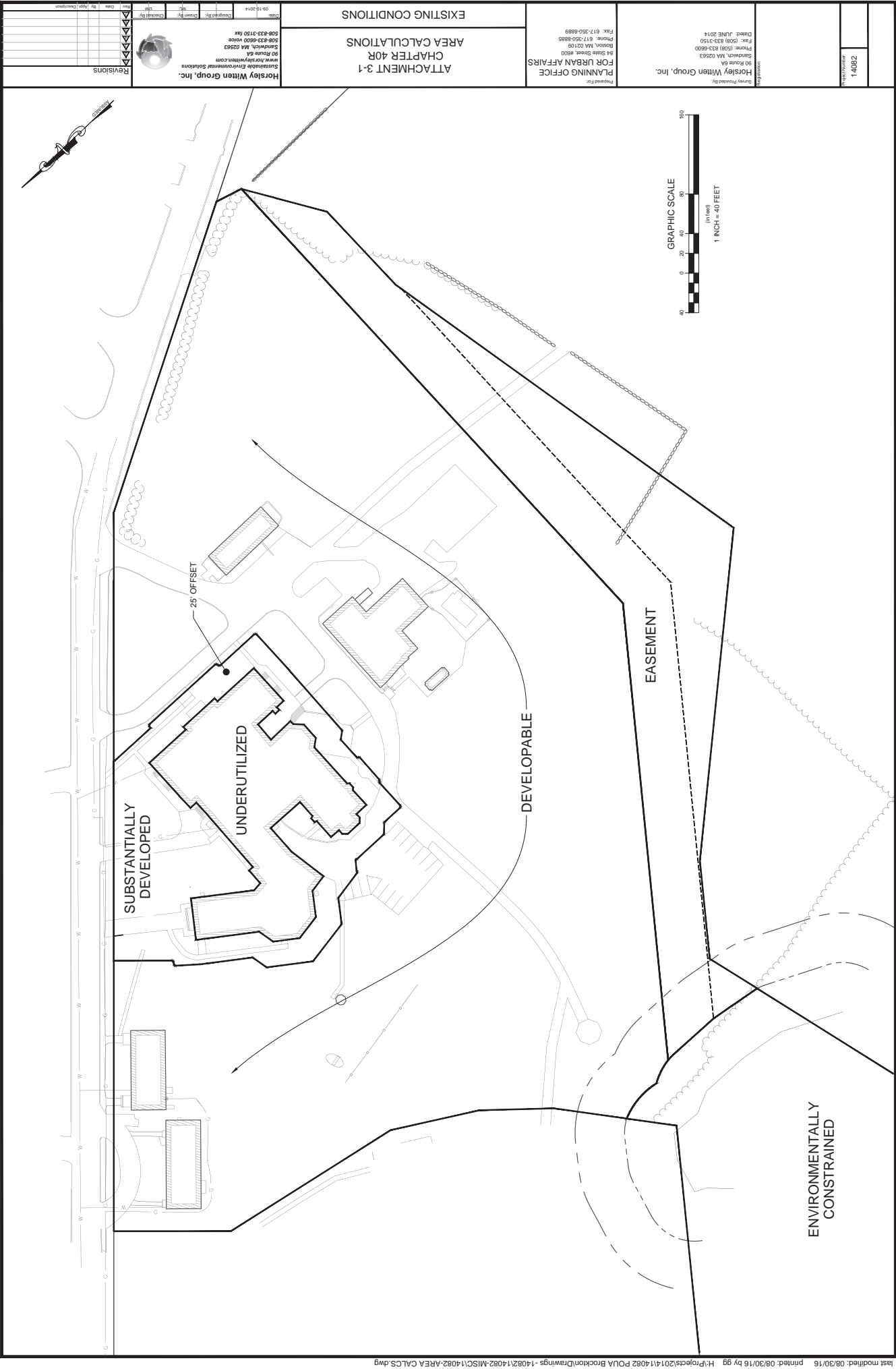
*8. Makes development decisions predictable, fair and cost effective*

As with any Chapter 40R district, providing a clear permit review process is at the core of the newly adopted zoning ordinance language. New zoning for the district provides a by-right permit stream for the full buildout potential, while maintaining the underlying zoning. Site Plan Review will be used by the Planning Board to review the phased development, with clearly articulated design standards that will enable high quality development without decreasing on-site density or permit review timeframes.

*9. Encourages community and stakeholder collaboration in development decisions*

The approval of the TSSGOD used a public process to vet the specific zoning ordinance language of the district. Public input was solicited in the preliminary hearing run by City planning staff. From the preliminary hearing, the zoning ordinance language was vetted through the Planning Board and City Council. As development proposals are submitted to the Planning Department, public notification through Site Plan Review will occur to invite input from local residents.

**ATTACHMENT 3-1**  
**Area Calculations Plan**



## ATTACHMENT 3-2

### Aerial Photo



Thatcher Street Smart Growth  
Overlay District (TSSGOD)  
Brockton, MA

Attachment 3-2  
0 50' 100' 200'

August 15, 2016

ARCHITECT : The Architectural Team, Inc.

APPLICANT : City of Brockton

12135

tat | the architectural team



ATTACHMENT 4-3

Zoning Ordinance Language  
for R-1C District

The following Zoning Ordinance sections were extracted from the larger City of Brockton Zoning Ordinance and provide the most relevant standards related to the R1C District.

**Sec. 27-9. - Standards for residential zones (Table 1).**

**TABLE 1. STANDARDS FOR RESIDENTIAL ZONES**

All Items Listed Below Are Identified as Maximum or Minimum for Standards Imposed	R-1A	R-1B	R-1C	R-2	R-3		R-4
Building height (Maximum)							
Principal building	2½ stories or 35 feet	2½ stories or 35 feet	2½ stories or 35 feet	3 stories or 45 feet*	3 stories or 45 feet*		3 stories or 45 feet
Accessory building	20 feet	20 feet	20 feet	30 feet	30 feet		
Lot area per dwelling unit							
(Minimum in square feet)	30,000 single family	30,000 single family	30,000 single family	5,000 two family	5,000 two family		4,000 single family 6,500 two family
					12,000 for first 3 units in multi-family then 2,000 for each additional unit over 3		
Lot frontage (Minimum in feet)	175	175	175	100	100		45 single family 50 two family
					<i>One, two and three</i>	<i>Multi-family</i>	

					<i>family</i>		
Yards (Minimum in feet)							
Front	30	30	30	20	20	35	20
Side							10
Total	50	30	30	20	20	40	
One side	20	15	15	10	10	20	
Rear	50	30	30	25	25	50	20
Lot coverage (Maximum)	20%	25%	25%	30%	30%	25%	25%
Off-street parking	1 space per housing unit	1 space per housing unit	1 space per housing unit	2 spaces per housing unit	2 spaces per housing unit		1 space per unit
Signs (Maximum)	In all districts as per Article XIV, section 27-67(1).						

\*Building height modifications: In the R-2 and R-3 Districts, buildings may be erected to a height of 6 stories or 80 feet, provided the yard requirements in each district are met and, in addition to these requirements, the rear and side yards shall be increased by one foot for each 5 feet of building height above 45 feet.

(Code 1965, § 27-9; Ord. No. D128, 8-27-81; Ord. No. E007, § III, 9-26-00)

### **Sec. 27-13. - Lot frontage.**

The frontage of any lot shall be the horizontal distance between the side lot lines measured between the points where said side lot lines intersect the street right-of-way. Said frontage shall be continuous and unbroken and shall be measured along the constructed portion of the way only. On all corner lots, the frontage set forth above shall be measured on one (1) street only, and when the two (2) streets are connected by a radiused corner, said frontage may include one-half (½) the length of arc connecting the two (2) streets. In the event that a lot is situated on a cul-de-sac, the frontage, as set forth above, shall be measured along the minimum setback line for the zone in which said lot is located.

(Code 1965, § 27-13; Ord. No. E016, § 2, 1-26-01)

### **Sec. 27-13A. - Minimum lot width.**

The minimum width of any lot shall be one hundred twenty-five (125) feet, and said width shall be maintained for a distance of one hundred (100) feet back from the lot front.

(Ord. No. E016, § 3, 1-26-01)



**Sec. 27-15. - Required area or space cannot be reduced.**

The area or dimension of any zone lot, yard, parking area or other space shall not be reduced to less than the minimum required by this chapter; and, if already less than the minimum required by this chapter, such area or dimension may be continued and shall not be further reduced.

(Code 1965, § 27-15)

**Sec. 27-17. - Yard regulations.**

1. Where the side wall of a building is not parallel with the side lot line or is broken or otherwise irregular, the side yard may be varied. In such case the average width of the side yard shall not be less than the otherwise required minimum width; provided, however, that such side yard shall not be narrower at any point than one-half the otherwise required minimum width.
2. The side street setback line of any corner lot platted on the assessor's tax map as the lot existed at the time of adoption of this chapter or any corner lot shown on any subdivision plat which received final approval prior to the adoption of this chapter shall not be less than one-half of the depth of the minimum front yard required on any adjoining lot fronting on a side street. Any corner lot delineated by subdivision after the adoption of this chapter shall provide a side street setback line which shall not be less than the minimum front yard required on any adjoining lot fronting on the side street.
3. When a vacant lot in a residential zone is situated between two (2) improved lots, each having a principal building within twenty-five (25) feet of any side lot line of such unimproved lot, the front yard may be reduced to the greatest depth of the front yard of the two (2) adjoining improved lots, but shall be not less than ten (10) feet. However, that where any lot shall front on a right-of-way which is proposed, on the official map of the city, to be widened, the front yard of such lot shall be as required in the district where such lot is located and shall be measured from such proposed future right-of-way.
4. Certain architectural features may project into required yards as follows:
  - a. Cornices, canopies, eaves or other similar architectural features may project into side yards a distance not exceeding two (2) inches per one foot of side yard width but may not exceed a total of three (3) feet.
  - b. Fire escapes may project into side and rear yards a distance not exceeding four (4) feet six (6) inches.
  - c. Bay windows, balconies, fireplaces, uncovered stairways and necessary landings, and chimneys may project a distance not exceeding three (3) feet, provided that such features do not occupy, in the aggregate, more than one-third of the length of the building wall on which they are located.
  - d. Patios may be located in side and rear yards provided that they are not closer than three (3) feet to any property line.

5. Notwithstanding the provisions in Tables 1, 2, and 3, the yard requirements for a "child care facility" as defined in M.G.L. chapter 40A, section 3, and M.G.L. chapter 28A, section 9 and with more than ten (10) children shall be as follows:

Front yard: Fifty (50) feet.

Side yard: Fifty (50) feet.

Rear yard: One hundred (100) feet.

(Code 1965, § 27-17; Ord. No. D433, § 1, 1-5-99)

**Sec. 27-18. - Maximum coverage.**

Land coverage by principal and accessory buildings or structures on each zone lot shall not be greater than is permitted in the district where such principal and accessory buildings are located.

Every lot shall contain a certain percentage of space reserved for green areas. Such areas shall not be paved or hardtop surfaced and shall be used for landscaping and storm drainage purposes.

*Green Space Requirement Per Zoning Classification*

R-1-A	Requires a minimum of 25% green space
R-1-B	Requires a minimum of 25% green space
R-1-C	Requires a minimum of 25% green space
R-2	Requires a minimum of 25% green space
R-3	Requires a minimum of 25% green space
C-1	Requires a minimum of 10% green space
C-2	Requires a minimum of 10% green space
C-3	None required
C-5	Requires a minimum of 10% green space
C-8	Requires a minimum of 10% green space*
I-1	Requires a minimum of 10% green space
I-2	Requires a minimum of 5% green space
I-3	Requires a minimum of 5% green space

\* Provided, however, that a 5% green space requirement shall apply to any retail use containing at least 50,000 square feet of retail floor area and a minimum lot size of 5 acres.

*Appliability of Green Space Requirement*

The provisions of this section shall apply to every lot with respect to which a building permit or certificate of occupancy for any new structure is hereafter required. Additions, enlargement and rehabilitation of existing structures are excluded.

(Code 1965, § 27-18; Ord. No. D257, 10-14-88; Ord. No. F011, § III, 12-31-01)

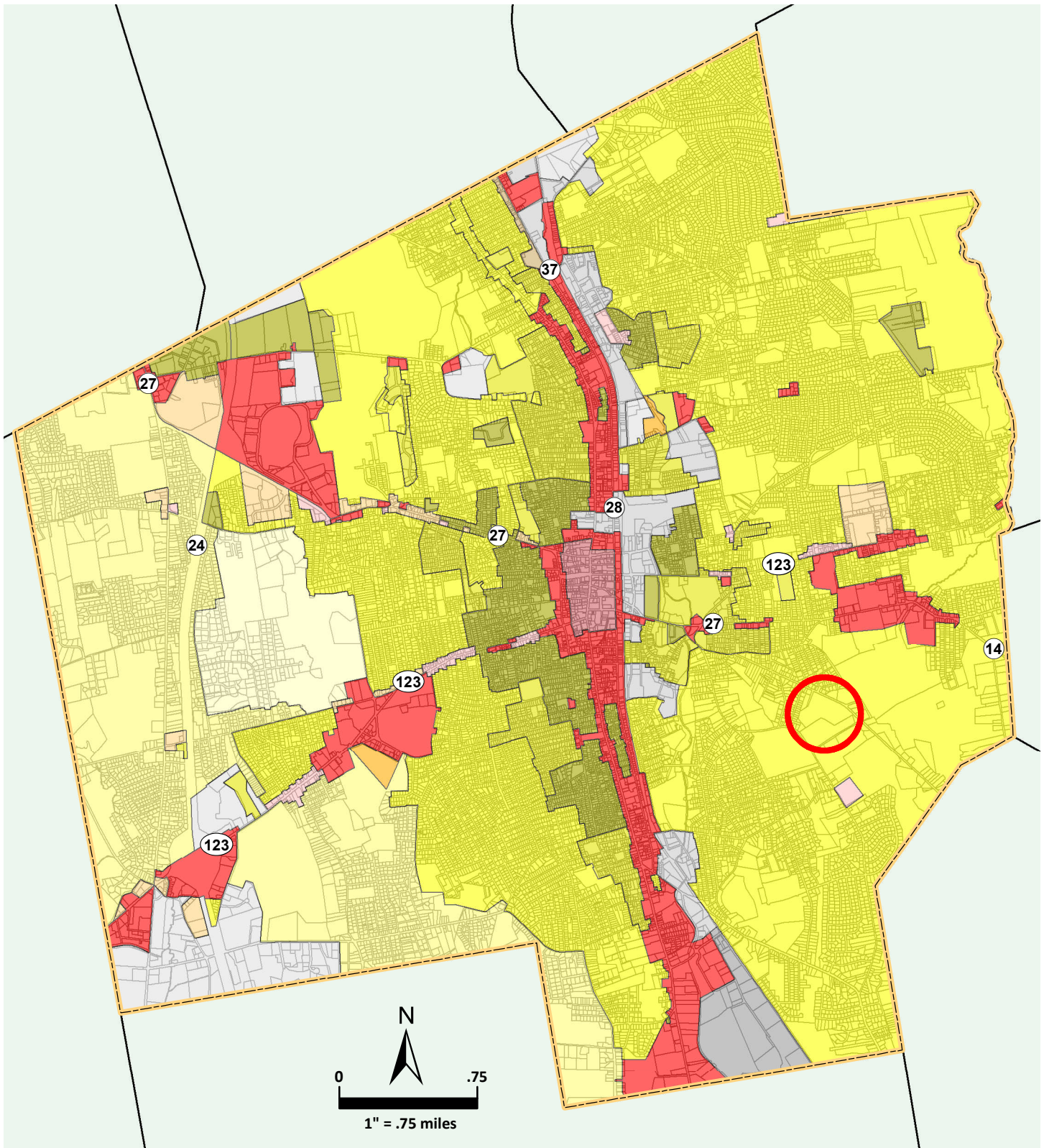
**Sec. 27-19. - Number of buildings restricted on lots.**

There shall be not more than one (1) principal dwelling structure and two (2) accessory structures, including a private garage, on each lot in a R-1A, R-1B, and R-1C zone except as provided in section 27-37(b).

(Code 1965, § 27-19)

## ATTACHMENT 4-4

### Existing Zoning Map



\*GIS Data - City of Brockton & MassGIS

Document Path: H:\Projects\2016\16074 Brockton MA\_40R & Proposed Housing Development\GIS\Maps\161027\_ZoningMap\_8.5x11.mxd

## Legend

- City of Brockton
- Parcels

### Zone Designation

- R-1-A (Single-Family Residential)
- R-1-B (Single-Family Residential)
- R-1-C (Single-Family Residential)
- R-2 (Multi-Family Residential)
- R-3 (Multi-Family Residential)
- C-1 (Neighborhood Commercial)
- C-2 (General Commercial)
- C-3 (Central Business)
- C-5 (Office Commercial)
- C-7 (Sports & Convention)

- C-8 (Highway Commercial)
- I-1 (Industrial Park)
- I-2 (General Industrial)
- I-3 (Heavy Industrial)

**Horsley Witten Group**  
Sustainable Environmental Solutions

90 Route 6A • Unit 1 • Sandwich, MA 02563  
508-833-6600 • horsleywitten.com



## Attachment 4-4 Existing Zoning

Date: 10/27/2016

ATTACHMENT 5-1  
Concept Plan





Summary:

--- Property Line

A Proposed Reuse of Existing Convent

- 8 studio units
- 7 1br units
- 20 2br units
- 3 3br units
- 38 units total

B New Construction

- 34 1br units
- 89 2br units
- 14 3br units
- 137 units total

Mix of flat and duplex style units

Note: The purpose of this document is to show proposal for development planning. Exact building configuration and unit type Mix may change due to future housing market needs.



ATTACHMENT 5-3  
Proposed Zoning Ordinance Language  
September 30, 2016



## ARTICLE XVIII. - THATCHER STREET SMART GROWTH OVERLAY DISTRICT (TSSGOD)

### Sec. 27-140. - Generally.

- (1) *Purposes.* The purposes of the Thatcher Street Smart Growth Overlay district are:
  - a. To provide opportunities for new multi-family residential development, while ensuring high quality site planning, architecture and landscape design that includes both new construction and renovation of existing buildings in close proximity to Massasoit Community College and the Crescent Street commercial corridor..
  - c. To provide for a diversified housing stock within the neighborhood at a variety of costs including affordable housing, and in housing types that meet current and projected future needs of the city's population.
  - d. To generate positive tax revenue, and to benefit from the financial incentives provided by M.G.L.A. c. 40R, while providing new housing options in close proximity to local employers and everyday amenities.
- (2) *Scope and authority.* The TSSGOD is established pursuant to the authority of M.G.L.A. c. 40R and applicable regulations, and is shown on the zoning map of the city, as amended. The district is deemed to overlay the area shown on the zoning map and is superimposed over the underlying district(s). The applicant shall have the option of pursuing approval in accordance with the zoning controls set forth in this article 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 article shall be governed solely by the provisions of this article and shall be deemed exempt from the standards and/or procedures of the underlying zoning. References to other sections of the Zoning Ordinance are intended to incorporate those specific sections by reference, but only as and to the extent specifically stated in this article.
- (3) *Site Plan Review.* Development within the TSSGOD may require Site Plan Review in accordance with the thresholds and procedures provided in Section 27-148.

### Sec. 27-141. - Definitions.

As used in this article, the following terms shall have the meanings set forth below:

*Affordable housing restriction*— A deed restriction of an affordable unit meeting statutory requirements in M.G.L.A. c. 184 § 31 and the requirements of Section 27-147.

*Affordable rental unit*—A dwelling unit required to be rented to an eligible household per the requirements of Section 27-147.

*Affordable homeownership unit* —A dwelling unit required to be sold to an eligible household per the requirements of this article.

*Annual update*—A list of all approved and currently proposed Smart Growth districts within the city, to be filed on or before July 31 of each year with the Massachusetts Department of Housing and Community Development pursuant to M.G.L.A. c. 40R and applicable regulations.

*Applicant*—A landowner or other petitioner that files a site plan for a development project subject to the provisions of the Smart Growth district.

*Approving authority*—The Planning Board of the City of Brockton acting as the authority designated to review projects and issue approvals under this article.

*As-of-right development*—A development project allowable under this article without recourse to a special permit, variance, zoning amendment, or other form of zoning relief. A development project that is subject to the Site plan review requirement of this article shall be considered an as-of-right development.

*Curb level*—For the purposes of measuring building height, the level of the curb in front of the center of the building or portion thereof under consideration. Where no curb level has been established, the level of the ground at the center of the traveled portion of the street shall be considered the equivalent of the curb level, and where the building does not adjoin the street, the average level of the proposed grade line of the ground immediately adjacent to the building as shown on the building plans shall be considered as the curb level.

*Development project*—A development undertaken pursuant to this article, including the construction, reconstruction, conversion, alteration, relocation, enlargement or substantial rehabilitation of any structure(s) or building(s) on a lot or lots within the TSSGOD.

*Design standards*—Standards for the appearance and construction of residential development listed in Section 27-145 that are applicable to all development projects within the TSSGOD subject to site plan review by the Planning Board.

*Dwelling unit*—One (1) room or rooms connected together constituting a separate, independent housekeeping establishment for owner occupancy, or rental or lease on a weekly, monthly, or longer basis, and physically separated from any other rooms or dwelling units which may be in the same building and containing independent cooking and sleeping facilities. The following types of dwelling units are specifically defined:

- (1) *Multifamily*—A residential building containing four (4) or more dwelling units designed for occupancy by the same number of families as the number of dwelling units.
- (2) *Townhouse*—Attached multi-story row housing containing four (4) or more dwelling units in the aggregate.

*Eligible household*—An individual or household whose annual income is at or below eighty (80) percent of the area-wide median income as determined by the United States Department of Housing and Urban Development (HUD), adjusted for household size, with income computed using HUD's rules for attribution of income to assets.

*Family*—One (1) or more persons occupying a dwelling unit as a single household provided that domestic employees may be housed on the premises without being counted as a family or families.

*Household income, median*—The median income, adjusted for household size, as reported by the most recent information from, or calculated from regulations promulgated by, the United States Department of Housing and Urban Development (HUD).

*Institutional use*—A nonprofit or quasipublic use or institution, such as a church, library, public or private school, hospital, or municipally owned or operated building, structure or land, used for public purpose.

*Parties in interest*—The petitioner, abutters, owners of land directly opposite on any public or private street or way, and abutters to the abutters within three hundred (300) feet of the property line of the petitioner as they appear on the most recent applicable tax list.

*Site plan*—A plan depicting a proposed development project for all or a portion of the Smart Growth district and which is submitted to the Approving Authority for its review and approval in accordance with the provisions of Section 27-148.

*Site plan approval*—The Approving Authority's authorization for a proposed development project based on a finding of compliance with this article and design standards after the conduct of a site plan review.

*Site plan review*—The review procedure established by this article and administered by the Planning Board of the City of Brockton Approving Authority.

*Smart Growth district*—An overlay zoning district adopted pursuant to M.G.L.A. c. 40R, in accordance with the procedures for zoning adoption and amendment as set forth in M.G.L.A. c. 40A and approved by the department of housing and community development pursuant to M.G.L.A. c. 40R and applicable regulations.

*Underlying zoning*—The zoning requirements adopted pursuant to M.G.L.A. c. 40A that are otherwise applicable to the geographic area in which the TSSGOD is located, as said requirements may be amended from time to time.

*Unduly restrict*—A provision of a Smart Growth district or a design standard that adds unreasonable costs or unreasonably impairs the economic feasibility of proposed development projects in a Smart Growth district.

*Unrestricted unit*—A dwelling unit that is not restricted as to rent, price or eligibility of occupants.

*Use, accessory*—A use subordinate to the principal use on the same lot or in the same structure and serving a purpose customarily incidental to the principal use, and which does not, in effect, constitute conversion of the principal use of the lot, site or structure to a use not otherwise permitted in the Smart Growth district. Accessory uses are permitted or prohibited in the Smart Growth district to the same extent as if such uses were principal uses.

*Use, principal*—The main or primary purpose for which a structure, building, or lot is designed, arranged, licensed, or intended, or for which it may be used, occupied, or maintained under this article.

*Use, secondary*— A use located on the same lot as a principal use but which is of equal or lesser scale, impact, and visibility than the principal use. A secondary use is not an accessory use, as it is largely independent from the principal use.

Sec. 27-142. - Allowed and prohibited uses.

The following uses shall be permitted in the TSSGOD as-of-right upon site plan approval pursuant to the provisions of this article.

- (1) Multi-Family homes
- (2) Townhouses
- (3) Accessory uses customarily incidental to any permitted use including, but not limited to, management and social and resident services offices and resident facilities.

Sec. 27-143. - Dimensional and other requirements.

- (1) *Residential density allowance.* Residential density within the TSSGOD shall be allowed up to twenty-two (22) units per acre of land area classified as “developable” or “underutilized” in M.G.L c. 40R.
- (2) *Building height.* The maximum building height within the TSSGOD shall be fifty (50) feet. Building height shall be the vertical distance measured from the curb level to the highest point of the structure or roof, but not including chimneys, spires, towers, elevator penthouses, tanks and similar projections, provided such excluded projection does not exceed the maximum building height by more than ten (10) feet.
- (3) *Setbacks from district boundaries.* All buildings and parking areas shall be set back from district boundaries and the edge of a public right of way by a minimum of ten (10) feet.
- (4) *Number of buildings on a lot.* In the TSSGOD, more than one (1) principal structure may be erected on a lot following a determination by the Approving Authority that the entire lot and all structures are planned and designed as a unified complex and appropriate provisions are made for parking, access, drainage and utilities.
- (5) *Additional dimensional standards and requirements.* There is no minimum requirement for open space and no maximum allowable lot coverage. All aspects of site design, shall comply with the design standards for the TSSGOD as applicable, adopted pursuant to Section 27-145.
- (6) *Contiguous lots.* In the TSSGOD, where two or more lots are contiguous and in common ownership or are separated by a right-of-way, such lots may be considered as one (1) lot for the purpose of calculating parking requirements and dwelling units per acre.

- (7) *Lot Frontage.* All lots in the TSSGOD shall have a minimum frontage of forty (40) feet. Multiple phases on the same lot are allowed and will be deemed to satisfy this requirement so long as the lot meets the minimum frontage requirement.
- (8) *Age-restricted housing units.* An applicant may propose a residential or mixed-use development project in which all dwelling units are designed for or accessible to the elderly or the handicapped under all applicable laws and regulations, provided that not less than twenty-five (25) percent of the housing units in any such development project shall be affordable units.

Sec. 27-144. - Off-street parking.

Notwithstanding anything to the contrary in the TSSGOD, the parking requirements applicable in TSSGOD are as follows:

- (1) *Residential use.* A maximum of 1.25 spaces per dwelling unit.
- (2) *Location of parking.* Surface parking areas shall be located and designed in accordance with the Design Standards in Section 27-145.
- (3) *Shared use of required parking.* Shared use may be made of required parking spaces by intermittent use establishments such as churches, whose peak parking demand is only at night or on weekends and by other uses whose peak demand is only during the day. A formal agreement shall be made in writing by the owners of the uses involved concerning the number of spaces involved, substantiation of the fact that such shared use is not overlapping or in conflict, and the duration of the agreement. Such intermittent use establishments shall be within six hundred (600) feet of the principal buildings served.
- (4) *Cooperative establishment and operation of parking areas.* Required spaces for any number of uses may be provided in a combined lot or lots, provided that the number of spaces in the combined facility shall not be less than the sum of those required of the individual uses, with allowances made, upon formal designation, for night use or for separate and distinct working shifts, and provided also that such lot or lots shall be within six hundred (600) feet of the principal buildings served.
- (5) *Disability access.* Parking shall be designed and constructed to comply with all applicable disability access requirements including, but not limited to, the Americans with Disabilities Act (ADA).
- (6) *Waiver of Parking Requirements:* Notwithstanding anything to the contrary herein, any minimum required amount of parking may be reduced upon a demonstration to the reasonable satisfaction of the Approving Authority that the lesser amount of parking will not cause excessive congestion, endanger public safety, or that lesser amount of parking will provide positive environmental or other benefits, taking into consideration:
  - a. Age or other occupancy restrictions which are likely to result in a lower level of auto usage;

- b. Impact of the parking requirement on the physical environment of the affected lot or adjacent lots including reduction in green space, destruction of significant existing trees and other vegetation;
- c. The availability of surplus street parking in the vicinity of the use being served and/or the proximity of a bus station or major transportation route.

Sec. 27-145. - Design standards.

The following design standards shall apply to development within the TSSGOD

(1) Architecture and Buildings

a. Materials

- (1) Structures should convey a sense of quality, durability and permanence. Buildings shall use materials that are durable, economically maintained, and of quality that will retain their appearance over time.
- (2) Building façade materials permitted within the district include but are not limited to brick, wood, cementitious fiber board, manufactured limestone, cast stone, masonry, stone, glass, cellular PVC trim, aluminum, and tile.
- (3) A combination of materials should be used in order to create visual interest.
- (4) Windows may include aluminum, vinyl, or fiberglass for the purposes of achieving energy efficient design.

b. Features

- (1) Building roofs may generally include: dormers, cornices, pitched roofs, and flat roofs
- (2) Windows may include: fixed, single or double-hung, casement, or awning, or planted front setbacks with raised front entrances.
- (3) Residential buildings may be sited to allow for front steps, balconies, and front and/or rear porches.

(1) Landscaping. The following should be taken into account:

- a. Drought tolerant and non-invasive plant species that require minimal irrigation and fertilizer shall be selected.
- b. Preservation of significant existing trees or other native site vegetation should occur as practical.
- c. Potential locations for community garden spaces for residents should be identified on site plans where practical.
- d. Buildings shall have foundation landscaping where practical.
- e. Amenities may include, but not be limited to, bicycle racks, street furniture, fences, stone walls, courtyards, playgrounds, gazebos, water features, and picnic benches.

(2) Site Lighting

- a. Lighting shall not create overspill onto adjacent properties or upwards into the night sky except per 2(b).
- b. Uplighting is permitted when used as follows:
  - (1) To light entrances.

- (2) To light site signage.
  - (3) To light architectural features.
- c. Lighting should be provided for sidewalks and paths that link buildings with public spaces and parking areas, wherever practical.
- (3) Stormwater Management
  - a. Systems shall be designed to incorporate “Best Management Practices” (BMP) as prescribed by MA DEP, in addition to employing Low Impact Development (LID) strategies, where practical.
- (4) Parking and Roadways
  - a. Parking may be located on-street within the complex or in parking lots in front, to the side, or to the rear of new or existing buildings. Parking should be appropriately screened from public ways.
  - b. Vehicular circulation shall meet the needs of emergency and public safety vehicles based on reasonable requirements of the Brockton Chief of Police and Fire Chief.
  - c. Roadways shall be designed to encourage to traffic calming and safety for pedestrians and bicyclists.
  - d. Sidewalks, crosswalks, and walkways should be provided as needed for connectivity within the district.
- (5) Dumpsters, Utilities, Service Areas
  - a. All utilities shall be underground, to the extent feasible.
  - b. All dumpster, utility, and service areas shall be screened, to the extent feasible.
- (6) Phasing
  - a. Multiple phases on the same lot are allowed so long as the lot meets the Lot Frontage requirement.

Sec. 27-146. - Open spaces and recreational areas—Design and location.

The site design for development projects may include common open space and facilities. Where proposed, the plans and any necessary supporting documents submitted with an application for site plan approval within the TSSGOD shall show the general location, size, character, and general area within which common open space or facilities will be located. The plans and documentation submitted to the Approving Authority shall include a description of proposed ownership and maintenance of all common open space or facilities.

Sec. 27-147. - Affordable housing.

- (1) *Number of affordable units.* Twenty (20) percent of all dwelling units constructed in a homeownership development project shall be affordable homeownership units. Twenty-five (25) percent of all rental dwelling units in a development project shall be affordable rental units. Provided however, for development projects in which all of the dwelling units are limited to occupancy by elderly persons and/or by persons with disabilities, twenty-five (25) percent of the dwelling units shall be affordable units, whether the dwelling units are rental or ownership units.

- (2) *Fractional units.* When the application of the percentages specified above results in a number that includes a fraction, the fraction shall be rounded up to the next whole number if the fraction is 0.5 or more. If the result includes a fraction below 0.5, the fraction shall be rounded down to the next whole number.
- (3) *Requirements.* Affordable units shall comply with the following requirements:
- a. The monthly rent payment for an affordable rental unit, including utilities and parking, shall not exceed thirty (30) percent of the maximum monthly income permissible for an eligible household, assuming a family size equal to the number of bedrooms in the unit plus one (1), except in the event of an eligible household with a section 8 or equivalent voucher in which case program rent limits shall apply.
  - b. For an affordable homeownership unit the monthly housing payment, including mortgage principal and interest, private mortgage insurance, property taxes, condominium and/or homeowner's association fees, insurance, and parking, shall not exceed thirty (30) percent of the maximum monthly income permissible for an eligible household, assuming a family size equal to the number of bedrooms in the unit plus one (1).
  - c. Affordable units required to be offered for rent or sale shall be rented or sold to and occupied only by eligible households.
- (4) *Design and construction.*
- a. *Design.* Affordable units must be dispersed throughout a development project and be comparable in initial construction quality and exterior design to the unrestricted units. However, nothing in this section is intended to limit a homebuyer's rights to renovate a dwelling unit under applicable law. The affordable units must have access to all on-site amenities. Affordable units shall be finished housing units.
  - b. *Timing.* All affordable units must be constructed and occupied not later than concurrently with construction and occupancy of unrestricted units. In development projects that are constructed in phases, affordable units must be constructed and occupied in proportion to the number of units in each phase of the development project.
- (5) *Unit mix.*
- a. The number of bedrooms per unit in the affordable units shall, so far as practicable, be in the same proportion as the number of bedrooms per unit in the unrestricted units.
  - b. If only one (1) affordable unit is required and the other units in the development project have various numbers of bedrooms, the applicant may select the number of bedrooms for that unit. If affordable units cannot mathematically be exactly proportioned in accordance with the unrestricted units, the unit mix shall be determined by the Approving Authority.
- (6) *Affordable housing restriction.* Each affordable unit shall be subject to an affordable housing restriction which is recorded with the Plymouth County Registry of Deeds or Land



Court Registry District of Plymouth County. The affordable housing restriction shall provide for the implementation of the requirements of this section. All affordable housing restrictions must include, at minimum, the following:

- a. A description of the affordable homeownership unit, if any, by address and number of bedrooms; and a description of the overall quantity and number of bedrooms and number of bedroom types of affordable rental units in a project or portion of a project which are rental. Such restriction shall apply individually to the specifically identified affordable homeownership unit and shall apply to a percentage of rental units of a rental project or the rental portion of a project without specific unit identification.
- b. The term of the affordable housing restriction which shall be in perpetuity or for the longest period allowed by law if other than in perpetuity, but shall be no less than thirty (30) years.
- c. The name and address of an administering agency with a designation of its power to monitor and enforce the affordable housing restriction.
- d. Reference to a housing marketing and resident selection plan, to which the affordable unit is subject, and which includes an affirmative fair housing marketing program, including public notice and a fair resident selection process. The housing marketing and selection plan may provide for local preferences in resident selection to the extent consistent with applicable law. The plan shall designate the household size appropriate for a unit with respect to bedroom size and provide that preference for such unit shall be given to a household of the appropriate size.
- e. A requirement that buyers or tenants will be selected at the initial sale or initial rental and upon all subsequent sales and rentals from a list of eligible households compiled in accordance with the housing marketing and selection plan.
- f. Reference to the formula pursuant to which rent of a rental unit or the maximum resale price of a homeownership unit will be set.
- g. A requirement that only an eligible household may reside in an affordable unit and that notice of any lease or sublease of any affordable unit shall be given to the administering agency.
- h. Provision for effective monitoring and enforcement of the terms and provisions of the affordable housing restriction by the administering agency.
- i. Provision that the restriction on an affordable homeownership unit shall run in favor of the administering agency and the city, in a form approved by municipal counsel, and shall limit initial sale and resale to and occupancy by an eligible household.
- j. Provision that the owner(s) or manager(s) of affordable rental unit(s) shall file an annual report to the administering agency, in a form specified by that agency certifying compliance with the provisions of this section and containing such other information as may be reasonably requested in order to ensure affordability.

- k. Provision that the restriction on affordable rental units in a rental project or rental portion of a project shall run with the rental project or rental portion of a project and shall run in favor of the administering agency and/or the city, in a form approved by municipal counsel, and shall limit rental and occupancy to an eligible household.
  - l. A requirement that residents in affordable units provide such information as the administering agency may reasonably request in order to ensure affordability.
  - m. Designation of the priority of the affordable housing restriction over other mortgages and restrictions.
- (7) *Administration.* An administering agency for affordable units, which may be the Brockton Housing Authority or other qualified housing entity, shall be designated by the Approving Authority and shall ensure the following:
- a. Prices of affordable homeownership units are properly computed; rental amounts of affordable rental units are properly computed.
  - b. Income eligibility of households applying for affordable units is properly and reliably determined.
  - c. The housing marketing and resident selection plan conforms to all requirements and is properly administered.
  - d. Sales and rentals are made to eligible households chosen in accordance with the housing marketing and resident selection plan with appropriate unit size for each household being properly determined and proper preference being given.
  - e. Affordable housing restrictions meeting the requirements of this section are recorded with the Plymouth County Registry of Deeds or Land Court Registry District of Plymouth County.

The housing marketing and selection plan may make provision for payment by the owner of reasonable costs to the administering agency to develop, advertise, and maintain the list of eligible households and to monitor and enforce compliance with affordability requirements.

In the case where the administering agency cannot adequately carry out its administrative duties, upon certification of this fact by the Approving Authority or by the department of housing and community development, the administrative duties shall devolve to and thereafter be administered by a qualified housing entity designated by the Approving Authority or, in the absence of such designation, by an entity designated by the department of housing and community development.

Sec. 27-148. – Administration.

(1) *Applicability*

Proposals for residential development in the TSSGOD shall require Site Plan Review by the Approving Authority.

(2) *Pre-application review*

The applicant is encouraged to participate in a pre-application review at the office of the city planner. The purpose of the pre-application review is to obtain the advice and direction of municipal departments typically involved in the regulatory permitting process prior to filing the application. At the pre-application review the applicant shall outline the proposal and seek preliminary feedback from the office of the city planner and other municipal review entities.

(3) *Application procedures*

- a. *Filing.* The applicant and his/her agent is to complete this form and submit site plans in accordance with subsection (4) below. The City Clerk shall stamp the time and date received on this application form, which is the official date of the application per M.G.L. Ch. 40R.
- b. *Review fees.* The Applicant shall be required to pay for reasonable consulting fees to provide peer review of the application for the benefit of the Approving Authority. Such fees shall be held by the city in an interest-bearing escrow account, and shall be used only for expenses associated with the use of outside consultants employed by the Approving Authority in reviewing the site plan application. Such fees may be used only for reasonable, invoiced expenses associated with the review of the application by outside consultants including, but not limited to, attorneys, engineers, urban designers, housing consultants, planners and others. Any surplus funds remaining after the completion of such review, including any interest accrued, shall be returned to the applicant forthwith.
- c. *Certification of complete application.* Within thirty (30) days of the applicant filing of an application with the City Clerk, the Planning Department shall evaluate the proposal with regard to its completeness and shall submit an advisory report in writing to the applicant certifying the completeness of the application. Within sixty (60) days of the applicant filing of an application with the City Clerk, the Approving Authority evaluate the proposal with regard to its completeness and shall submit an advisory report in writing to the applicant certifying the completeness of the application.
- d. *Review by other municipal agents.* When the Approving Authority has determined that an application is complete, applications shall be distributed to other municipal boards and departments typically involved in the regulatory permitting process. Reports submitted by other municipal departments or others, which are advisory, shall be submitted to the Approving Authority within sixty (60) days of filing of the application. Failure of any other municipal agent to provide a report within sixty (60) days shall be interpreted as lack of opposition to any element of the proposal. The Approving Authority or its designee shall forward to the applicant, with its report, copies of all recommendations received to date from other boards or departments.
- e. *Notice of Public Hearing.* The Planning Board shall hold a public hearing for the review of any Site plan review application. Notice of the public hearing shall be given by publication in a newspaper of general circulation in the City once in each of two

successive weeks, the first publication to be not less than fourteen (14) days before the day of the hearing and by posting such notice in a conspicuous place in City Hall for a period of not less than fourteen (14) days before the day of such hearing. Notice to parties in interest, as defined in this ordinance, shall be sent by mail, postage prepaid. The assessors maintaining any applicable tax list shall certify to the Approving Authority the names and addresses of parties in interest and such certification shall be conclusive for all purposes. The Approving Authority may accept a waiver of notice from, or an affidavit of actual notice to any party in interest or, in his stead, any successor owner of record who may not have received a notice by mail, and may order special notice to any such person, giving not less than five (5) nor more than ten (10) additional days to reply.

- (4) *Application Contents* In order to be considered complete, all applications for TSSGOD Site Plan Approval shall be comprised of the following:
- a. Completed TSSGOD application form.
  - b. Complete list of abutters certified by the City Assessor, including address labels.
  - c. Development Plan Summary (narrative) including:
    - (1) Proposed housing unit count and/or square footage of any accessory uses or structures;
    - (2) Proposed number, location, configuration and design of proposed off-street parking spaces;
    - (3) Information regarding the proposed number, type, location, deed restriction and marketing of proposed Affordable Units; and
    - (4) Proposed off-site improvements (if any).
  - d. Proposed Site Plan drawings at 1"=40' scale or greater stamped by a Massachusetts Registered Professional Engineer or other appropriate professional including one (1) original and fifteen (15) copies at 24" x 36" dimension; and two (2) paper copies at 11" x 17". The Site Plan drawings shall contain the following information:
    - (1) Project name, boundaries, north arrow, date scale.
    - (2) Assessor's parcel numbers of lot(s) subject to the Application.
    - (3) Names and address of Applicant and project engineer.
    - (4) Existing conditions on the lot(s).
    - (5) Proposed names of new street(s), if any.
    - (6) Proposed building footprints, parking areas, pedestrian ways.
    - (7) Grading and stormwater management including location of stormwater management Best Management Practices and construction details.
    - (8) Data to determine location, direction, width and length of every street line, lot line, easement, zoning district and boundary line.
    - (9) Indication of location and purpose for existing and proposed easements, if any.
    - (10) Existing and proposed topography at two-foot contours.
    - (11) Proposed landscaping plan
    - (12) Proposed lighting plan.

- e. A statement detailing any proposed public improvements.
- f. Building elevation drawings at 1"= 4' (including proposed construction materials and colors).
- g. Stormwater calculations demonstrating the adequate sizing of all selected BMPs.
- h. A Stormwater Management Operation and Maintenance Plan.

- (1) The name(s) of the owner(s) for all components of the system.
- (2) A map showing the location of the systems and facilities including, but not limited to, catch basins, manholes/access lids, drain pipes, and stormwater devices.
- (3) Maintenance agreements that specify:

- a. The names and addresses of the person(s) responsible for operation and maintenance;
- b. The person(s) responsible for financing maintenance and emergency repairs;
- c. An Inspection and Maintenance Schedule for all temporary erosion and sediment control practices and permanent stormwater management facilities, including routine and non-routine maintenance tasks to be performed;
- d. A list of easements with the purpose and location of each; and
- e. The signature(s) of the owner(s).

(5) *Site plan review decision.*

- a. The Approving Authority shall make a decision on the site plan application filed under Section 27-148(3) above, and within one hundred twenty (120) days of the date that the application was received by the City Clerk provided the application was deemed complete by both the Planning Department and the Approving Authority. The Planning Board decision shall be filed with the City Clerk within fourteen (14) days of said decision. The time limit for public hearings and taking of action by the approving authority may be extended by written agreement between the applicant and the approving authority. A copy of such agreement shall be filed with the City Clerk.
- b. Failure of the Approving Authority to take action within one hundred twenty (120) days or extended time, if applicable, shall be deemed to be an approval.
- c. An applicant who seeks approval because of the Approving Authority's failure to act on an application within the one hundred twenty (120) days or extended time, if applicable, must notify the City Clerk in writing, within fourteen (14) days from the expiration of said time limit for a decision, of such approval and that a copy of that notice has been sent by the applicant to the parties in interest by mail and that each such notice specifies that appeals, if any, shall be made pursuant to M.G.L.A. c. 40R and shall be filed within twenty (20) days after the date the City Clerk received such written notice from the applicant that the Approving Authority failed to act within the time prescribed.

- d. The Approving Authority's findings, including the basis of such findings, shall be stated in a written decision of approval, conditional approval or denial of the site plan approval application. The written decision shall contain the name and address of the applicant, identification of the land affected and its ownership, and reference by date and title to the plans that were the subject of the decision. The written decision shall certify that a copy of the decision has been filed with the City Clerk and that all plans referred to in the decision are on file with the Approving Authority.
  - e. The decision of the Approving Authority, together with the detailed reasons therefore, shall be filed with the City Clerk.
  - f. Effective date. If twenty (20) days have elapsed after the decision or the notice under paragraph (c), above, has been filed in the office of the City Clerk without an appeal having been filed or if such appeal, having been filed, is dismissed or denied, the City Clerk shall so certify on a copy of the decision. If the application is approved by reason of the failure of the Approving Authority to timely act, the City Clerk shall make such certification on a copy of the application. A copy of the decision or application shall be recorded with the title of the land in question in the Plymouth County Registry of Deeds or the Plymouth Land Registry District, and indexed in the grantor index under the name of the owner of record or recorded and noted on the owner's certificate of title. The responsibility and the cost of said recording and transmittal shall be borne by the owner of the land in question or the applicant.
- (6) *Criteria for approval.* The Approving Authority shall approve the development project upon the following findings:
- a. The Applicant has submitted the required fees and information as set forth in applicable regulations; and
  - b. The proposed development project as described in the application meets all of the requirements and standards set forth in this article and applicable design standards, or a waiver has been granted there from; and
  - c. Any extraordinary adverse potential impacts of the project on nearby properties have been adequately mitigated.
- (7) *Criteria for conditional approval.* The Approving Authority may impose conditions on a development project as necessary to ensure compliance with this article and applicable design standards, or to mitigate any extraordinary adverse impacts of the development project on nearby properties, insofar as such conditions are compliant with the provisions of M.G.L.A. c. 40R and applicable regulations and do not unduly restrict opportunities for development. The Approving Authority may allow construction of an approved development project to be phased for the purpose of coordinating the development project with:
- a. Anticipated on-site or off-site infrastructure improvements;
  - b. Securing of financial subsidies related affordable housing restrictions;

- c. The review of other related permit applications on the site including but not limited to applications for a subdivision, or applications before the Conservation Commission, Board of Health, or any state agency.
- (8) *Criteria for denial.* The Approving Authority may deny an application for site plan approval pursuant to this article only if it finds one or more of the following:
- a. The development project does not meet the conditions and requirements set forth in this article and applicable design standards.
  - b. The applicant failed to submit information and fees required by this article and necessary for an adequate and timely review of the design of the development project or potential development project impacts.
  - c. It is not possible to adequately mitigate significant adverse development project impacts on nearby properties by means of suitable conditions.
- (9) *Time limit.* A site plan approval shall remain valid and shall run with the land indefinitely provided that construction has commenced within three (3) years after the decision issues, which time shall be extended by the time required to adjudicate any appeal from such approval. Said time shall also be extended if the project proponent is actively pursuing other required permits for the project or if there is good cause for the failure to commence construction, or as may be provided in an approval for a multiphase development project.
- (10) *Appeals.* Pursuant to M.G.L.A. c. 40R, § 11, any person aggrieved by a decision of the Approving Authority must appeal to the superior court, the land court, or the district court within twenty (20) days after the site plan decision or notice under Section 5(c) above has been filed in the office of the City Clerk.

#### Sec. 27-149. - Waivers.

Pursuant to M.G.L. c. 40R, the Approving Authority may authorize waivers with respect to the standards set forth in this article in the site plan approval upon a finding that such waiver will allow the development project to achieve the affordability, density of housing units, mix of uses, and/or physical character allowable under this article. However, the Approving Authority may not waive any portion of the affordable housing requirements in Section 27-147 except insofar as such waiver results in the creation of a number of Affordable units in excess of the minimum number of required affordable units.

#### Sec. 27-150. - Fair housing requirement.

All development projects within the TSSGOD shall comply with applicable federal, state and local fair housing laws.

#### Sec. 27-151. - Annual update.

On or before July 31 of each year, the city planner for the City of Brockton shall cause to be filed an annual update with the Department of Housing and Community Development (DHCD) in a form to be prescribed by DHCD. The annual update shall contain all information required in

760 CMR 59.07, as may be amended from time to time, and additional information as may be required pursuant to M.G.L.A. c. 40S and accompanying regulations. The City Clerk of the City of Brockton shall maintain a copy of all updates transmitted to DHCD pursuant to this article, with said copies to be made available upon request for public review.

Sec. 27-152. - Notification of issuance of building permits.

Upon issuance of a residential building permit within the TSSGOD, the Building inspector of the city shall cause to be filed an application to the department of housing and community development (DHCD), in a form to be prescribed by DHCD, for authorization of payment of a one-time density bonus payment for each residential building permit issued pursuant to M.G.L.A. c. 40R. The application shall contain all information required in 760 CMR 59.06(2), as may be amended from time to time, and additional information as may be required pursuant to M.G.L.A. c. 40S and accompanying regulations. The City Clerk of the City of Brockton shall maintain a copy of all such applications transmitted to DHCD pursuant to this article, with said copies to be made available upon request for public review.

§ 27-153. Change in plans after approval by Approving Authority.

- (1) Minor change. After Plan Approval, an applicant may apply to make minor changes. Minor changes are those that do not qualify as a major change as defined in subsection (2) below. Such minor changes must be submitted to the Approving Authority on so-called “bubbled” prints of the approved plan, reflecting the proposed changes. The Approving Authority may authorize such changes at any regularly scheduled meeting, without the need to hold a public hearing. The Approving Authority shall set forth any decision to approve or deny such minor change by motion and written decision within thirty (30) days after the applicant has filed the application, and the Approving Authority shall provide a copy of its decision to the applicant for filing with the City Clerk and failure by the Approving Authority to act on a minor change application within thirty (30) days shall result in the deemed approval of the application and proposed change as a minor change.
- (2) Major change. Major changes shall be processed by the Approving Authority as an amendment for Plan Approval pursuant to this article, including a public hearing. Major changes shall include:
  - a. An increase to the proposed number of dwelling units by 10% or greater.
  - b. A decrease to the proposed number of parking spaces by 10% or greater.
  - c. An increase to the proposed number of parking spaces by 10% or greater, or by an amount that would require increases to the proposed design capacity of on-site stormwater management BMPs.
  - d. Increase or decrease to the footprint of any proposed residential structure by more than five thousand (5,000) square feet.



- e. Movement of any automobile access point along the public right of way by more than thirty (30) feet.
- f. Realignment of any interior roads or parking features that would make circulation of emergency response vehicles more difficult.
- g. Any change that, in the opinion of the Approving Authority, could pose a threat to public health, safety, or welfare.

§ 27-154. Enforcement and appeal.

The provisions of the TSSGOD shall be administered by the Building Inspector, except as otherwise provided herein. Any appeal arising out of action by the Approving Authority regarding application for Plan Approval shall be governed by the provisions of MGL c. 40R applicable to as-of-right projects which have been subject only to a nondiscretionary site plan review not involving or requiring any special permit and shall be made to a court of competent jurisdiction as set forth in MGL c. 40A, § 17. Any other request for enforcement or appeal arising under this article shall be governed by the applicable provisions of MGL c. 40R.

§ 27-155. Freeze during process; effectiveness and validity of Plan Approval.

- (1) An application to the Approving Authority for Plan Approval shall be governed by the applicable provisions of this article in effect at the time of the submission of the application, while the plan is being processed, during the pendency of any appeal, and for three years after the resolution of an appeal after Plan Approval. If an application is denied, such provisions in effect at the time of the application shall continue in effect with respect to any further application filed within two years after the date of the denial, except as the Applicant may otherwise choose.
- (2) A Plan Approval, and any and all minor changes thereto sought by an Applicant, shall remain valid and shall run with the land indefinitely, and a Project shall be governed by the applicable provisions of this article in effect at the time of the submission of the original application for such original Plan Approval (without regard to applications for minor changes) indefinitely, provided that construction of the Project covered by such Plan Approval has commenced within three (3) years after the decision is issued, which time shall be extended by the time required to adjudicate any appeal from such approval and which time shall also be extended if the Project proponent is actively pursuing other required permits for the Project or there is other good cause for the failure to commence construction, or as may be further extended as provided in a Plan Approval for a multiphase Project. Such commencement of construction of the first phase of a Project covered by such Plan Approval within such three-year period, as so extended, shall constitute the timely commencement of construction of all phases of the entire Project for the purposes of this article. No phase of a Project shall be in violation of zoning on account of a violation of zoning solely by one or more other phases of such Project. For purposes of this article, commencement of construction shall

include any material expenditure of funds on utility relocation, site work or environmental remediation, footings or foundation for any portion or phase of the Project.

- (3) The Approving Authority may impose, but shall not be required to impose, such outside time limits for the commencement of the final phase of a phased Project as it sees fit, provided that the earliest date for such required commencement of such final phase shall not be earlier than eight (8) years after the Plan Approval decision is issued, as extended as provided above, nor later than fifteen (15) years after the Plan Approval decision is issued, as extended as provided above, and further provided that any failure to meet such outside time limits shall only affect the right to construct the unbuilt phase(s) and shall not affect the previously constructed phase(s) or the respective rights of the same. In the event of a casualty affecting a building or structure which itself, or the use thereof, would be nonconforming with the provisions of this article but for the grandfathering provided by this section, such structure may be repaired, rebuilt and/or reconstructed, as necessary, provided that any such repair, rebuilding or reconstruction shall be commenced within three years after the date of such casualty, and shall thereafter be diligently and continuously prosecuted to completion. Except as provided in any one or more of the preceding sentences of this subsection, any amendment to this article shall apply to building permits applied for after the first notice of public hearing on such amendment.
- (4) The owner of a Project, or applicable portion thereof, may choose to waive the benefit of the provisions of this section in writing.
- (5) No further Plan Approval, special permit, variance or the like shall ever be required to reconstruct a Project, or portion thereof, following any casualty.

#### Sec. 27-156. - Date of effect.

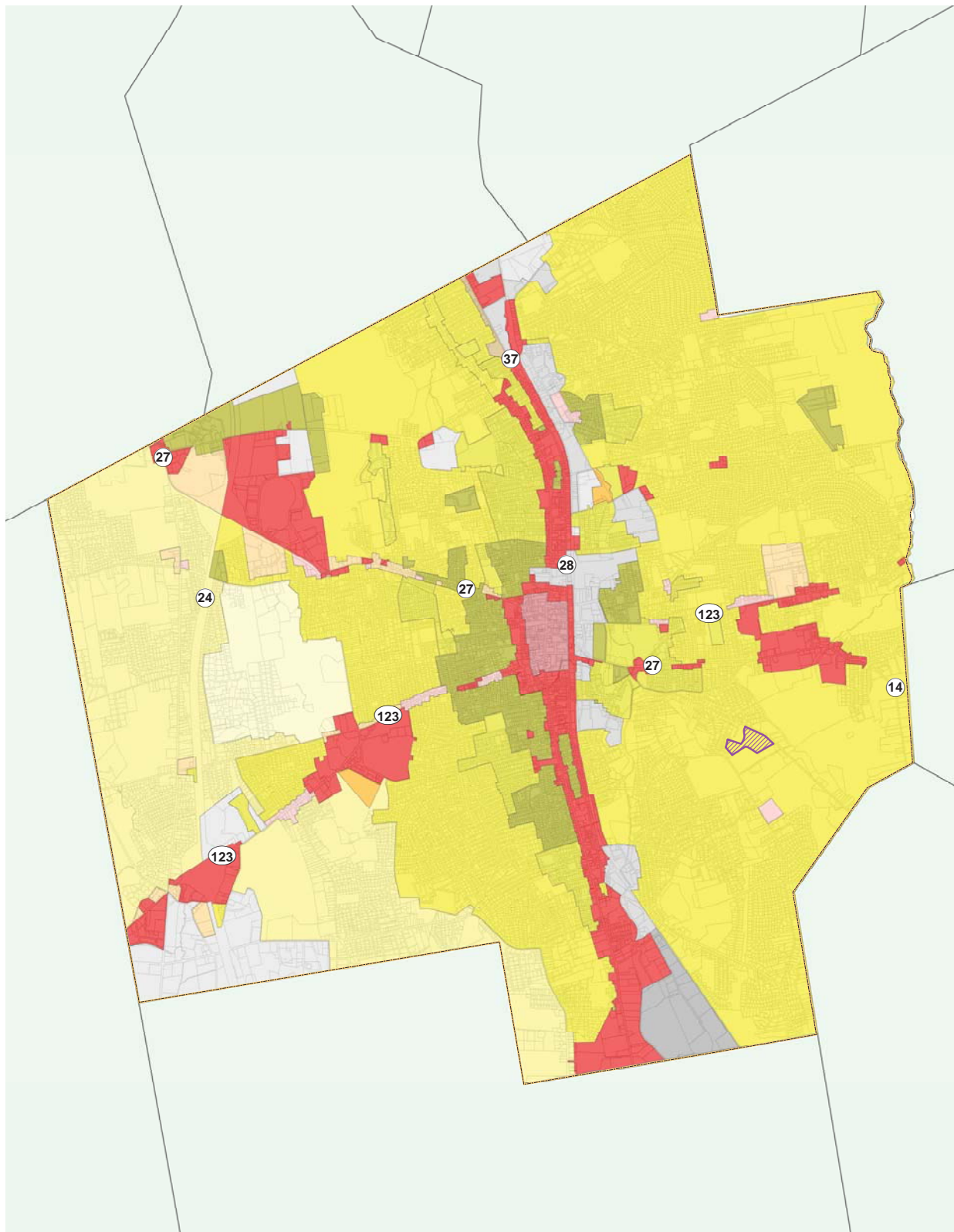
The effective date of this article shall be the date on which such adoption is voted upon by the Brockton City Council pursuant to the requirements of M.G.L.A. c. 40A § 5 and M.G.L.A. c. 40R provided, however, that an applicant may not proceed with construction pursuant to this article prior to the receipt of final approval of this article and accompanying zoning map by the department of housing and community development.

#### Sec. 27-157. - Severability.

The provisions of this article are severable. If any provision of this article is held invalid, the other provisions shall not be affected but shall remain in full force.

#### Secs. 27-158—27-164. - Reserved.

ATTACHMENT 5-4  
Proposed Zoning Map



Document Path: H:\Projects\2016\16074 Brockton MA\_40R & Proposed Housing Development\GIS\Maps\160830\_ZoningMap.mxd

## Legend

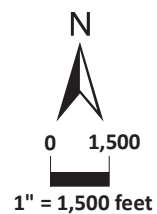
- City of Brockton
- Proposed 40R District
- Parcels

### Zone Designation

- R-1-A (Single-Family Residential)
- R-1-B (Single-Family Residential)
- R-1-C (Single-Family Residential)
- R-2 (Multi-Family Residential)
- R-3 (Multi-Family Residential)

- C-1 (Neighborhood Commercial)
- C-2 (General Commercial)
- C-3 (Central Business)
- C-5 (Office Commercial)
- C-7 (Sports & Convention)
- C-8 (Highway Commercial)
- I-1 (Industrial Park)
- I-2 (General Industrial)
- I-3 (Heavy Industrial)

\*GIS Data - City of Brockton & MassGIS



**Horsley Witten Group**  
Sustainable Environmental Solutions  
90 Route 6A • Unit 1 • Sandwich, MA 02563  
508-833-6600 • horsleywitten.com

**-DRAFT-  
Zoning Map**

Date: 8/30/2016

DRAFT

## ATTACHMENT 9-1

### Public Hearing Announcements

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## Planning Department Public Hearing

Oct 18, 2016 at 06:00 PM

The department of Planning and Economic Development will hold a Public Hearing on the proposed amendments to the zoning ordinances of the City of Brockton under the provisions of Smart Growth Zoning MGL C. 40R and 760 CMR 59.00 on Tuesday, October 18, 2016 in the Auditorium at Our Lady of Sorrows Convent, 261 Thatcher Street at 6:00 PM.

[Event Calendar](#)

**Want to submit a community event?**

**Go to our [Add an Event](#) page, or Email the date, time, location, and contact information for your event and be sure to include a phone number to [webmaster@cobma.us](mailto:webmaster@cobma.us) or call the Mayor's Office at (508) 580-7123.**

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Brockton, MA 02301  
(508) 580-7123  
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OF MASSACHU-  
SETTS**



**LAND COURT  
DEPARTMENT OF**

Legals

Legals

## LEGAL NOTICE MORTGAGEE'S SALE OF REAL ESTATE

By virtue of and in execution of the Power of Sale contained in a certain mortgage given by Frederick J. Brandolini, Jr. and Susie Brandolini to Mortgage Electronic Registration Systems, Inc. acting solely as a nominee for Crosscountry Mortgage Inc., dated March 25, 2010 and recorded in Bristol County (Northern District) Registry of Deeds in Book 18690, Page 5 of which mortgage Ocwen Loan Servicing, LLC is the present holder by assignment from Mortgage Electronic Registration Systems, Inc., as nominee for CrossCountry Mortgage, Inc. to GMAC Mortgage, LLC dated January 16, 2013 recorded at Bristol County (Northern District) Registry of Deeds in Book 20789, Page 240; and assignment from GMAC Mortgage, LLC to Ocwen Loan Servicing, LLC dated December 26, 2013 recorded at Bristol County (Northern District) Registry of Deeds in Book 21496, Page 149, for breach of conditions of said mortgage and for the purpose of foreclosing the same, the mortgaged premises located at 9 Marshall Lane, North Easton (Easton), MA 02356 will be sold at a Public Auction at 1:00PM on October 18, 2016, at the mortgaged premises, more particularly described below,

Legals

Legals

## MORTGAGEE'S SALE OF REAL ESTATE 171 Geralynn Drive, Brockton, MA 02302

By virtue and in execution of the Power of Sale contained in a certain mortgage given by Frederick M. Noonan and Linda Noonan to First Magnus Financial Corporation by and through its nominee Mortgage Electronic Registration Systems, Inc. dated June 1, 2007, and recorded with the Plymouth County Registry of Deeds in Book 34620, Page 39, and assigned through assignments recorded with said Registry of Deeds at Book 40470, Page 269 and Book 45967, Page 57, of which mortgage the undersigned is the present holder, for breach of the conditions of said mortgage and for the purpose of foreclosing the same will be sold at Public Auction on October 18, 2016 at 11:00AM, at or upon the mortgaged premises more particularly described below, being all and singular the premises described in said mortgage, to wit:

The land with the buildings thereon situated in Brockton, Plymouth County, Massachusetts, bounded and described as follows: NORTHERLY: by Geralynn Drive, one hundred and 02/100 (100.02)

Legals

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## THE COMMONWEALTH OF MASSACHUSETTS DEPARTMENT OF PUBLIC UTILITIES

### NOTICE OF FILING, PUBLIC HEARING, AND PRO- CEDURAL CONFERENCE

D.P.U. 16-120 September 28, 2016

Petition of Bay State Gas Company, d/b/a Columbia Gas of Massachusetts, for approval of its 2013-2015 Gas Energy Efficiency Three-Year Term Report.

On August 1, 2016, Bay State Gas Company, d/b/a Columbia Gas of Massachusetts ("Company") filed with the Department of Public Utilities ("Department") its 2013-2015 Three-Year Term Report ("Report"). The filing documents actual energy savings, benefits, and expenditures resulting from the implementation of the Company's 2013-2015 three-year gas energy efficiency plan approved by the Department in Bay State Gas Company, D.P.U. 12-100 (2013).

The Department will review the Report to determine, among other things, whether the Company:

Register of Probate  
13487110 10/4/16

Metrowest Engineering has been contracted by Atlantic-Philadelphia Realty for the installation of a new Title 5 compliant sub-surface disposal system with approved secondary treatment. This is an upgrade to the existing septic system.

The hearing with the Avon Conservation Commission will take place on October 13, 2016 at 7 pm at the Avon Town Hall, 65 East Main Street, Avon, MA.

13487981 10/4/16

must file a written appearance and answer in this court at Three Pemberton Square, Boston, MA 02108 on or before October 31, 2016 or you will be forever barred from claiming that you are entitled to the benefits of said Act.

Witness, JUDITH C. CUTLER Chief Justice of this Court on September 16, 2016

Attest:

Deborah J. Patterson  
*Recorder*  
(OM14-018402)

13485090  
10/4/16

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balance of purchase price payable in cash or by certified check in thirty (30) days from the date of the sale at the offices of mortgagee's attorney, Korde & Associates, P.C., 900 Chelmsford Street, Suite 3102, Lowell, MA 01851 or such other time as may be designated by mortgagee. The description for the premises contained in said mortgage shall control in the event of a typographical error in this publication.

Other terms to be announced at the sale.

Ocwen Loan Servicing, LLC  
Korde & Associates, P.C.  
900 Chelmsford Street  
Suite 3102  
Lowell, MA 01851  
(978) 256-1500

Brandolini, Jr., Frederick, 15-022910, September 20, 2016, September 27, 2016, October 4, 2016

13480725 9/20, 9/27, 10/4/16

### CITY OF BROCKTON DEPARTMENT OF PLANNING & ECONOMIC DEVELOPMENT PUBLIC HEARING

The Department of Planning & Economic Development will hold a Public Hearing on the proposed amendments to the zoning ordinances of the City of Brockton under the provisions of Smart Growth Zoning MGL C. 40R and 760 CMR 59.00 on Tuesday, October 18, 2016 in the Auditorium at Our Lady of Sorrows Convent, 261 Thatcher Street, at 6:00 pm.

The full text and map of the proposed change can be viewed at the Department of Planning & Economic Development, City Hall, Monday through Friday from 9:00 to 4:00 pm or at:  
<http://www.brockton.ma.us/Government/Departments/Planning/reports>,  
beginning on October 4, 2016.

Written comments may be submitted to the Department of Planning & Economic Development, 45 School Street, Brockton, MA 02301 no later than October 21, 2016.

Rob May, CECD  
Director  
October 4, 2016  
October 11, 2016

13486424

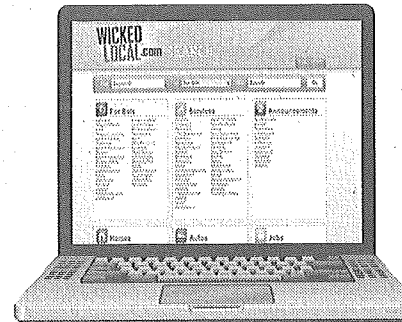
REVIEW OF SALE: Ten thousand and No/100 Dollars (\$10,000.00) is to be paid in certified check and/or bank cashier's check to be paid by the Purchaser at the time and place of sale. The balance of the purchase price is to be paid by the Purchaser by certified check and/or bank cashier's check within thirty (30) days thereafter, which time period may be reasonably extended by the Mortgagee in its sole discretion, at the offices of Harry Castleman, Esquire, Michienzie & Sawin LLC, 745 Boylston Street, Boston, MA 02116. Other terms to be announced at the sale.

Bayview Loan Servicing LLC  
present holder of said mortgage  
by its attorney, Harry Castleman, Esquire  
MICHIEENZIE & SAWIN LLC  
745 Boylston Street  
Boston, MA 02116

13483345

9/27, 10/4, 10/11/16

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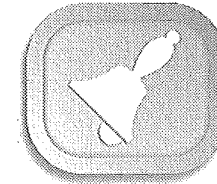


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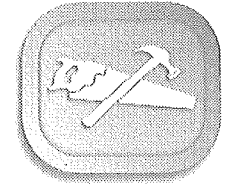
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offices, One South Station, Boston, Massachusetts 02110 for public view during normal business hours and on the Department's website by looking up the docket by its number in the docket database at <http://web1.env.state.ma.us/DPU/FileRoom/dockets/bnumber>. A copy is also on file for public view at the office of Bay State Gas Company, 4 Technology Drive, Suite 250, Westborough, Massachusetts 01581. Any person desiring further information regarding the Company's filing should contact counsel for the Company, Emmett E. Lyne, Esq., or Jodi K. Hanover, Esq., at (617) 556-3800. Any person desiring further information regarding this notice should contact Clayton Hale, Hearing Officer, Department of Public Utilities, at (617) 305-3500.

13487395 10/4/16



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Legals

## **MORTGAGEE'S SALE OF REAL ESTATE** 171 Geralynn Drive, Brockton, MA 02302

By virtue and in execution of the Power of Sale contained in a certain mortgage given by Frederick M. Noonan and Linda Noonan to First Magnus Financial Corporation by and through its nominee Mortgage Electronic Registration Systems, Inc. dated June 1, 2007, and recorded with the Plymouth County Registry of Deeds in Book 34620, Page 39, and assigned through assignments recorded with said Registry of Deeds at Book 40470, Page 269 and Book 45967, Page 57, of which mortgage the undersigned is the present holder, for breach of the conditions of said mortgage and for the purpose of foreclosing the same will be sold at Public Auction on October 18, 2016 at 11:00AM, at or upon the mortgaged premises more particularly described below, being all and singular the premises described in said

Legals

Legals

## **NOTICE OF MORTGAGEE'S SALE OF REAL ESTATE**

By virtue and in execution of the Power of Sale contained in a certain mortgage given by Stephen R. Ungewitter, Trustee of the 223-225 Belmont Street Realty Trust to Silver Hill Financial, LLC, dated June 22, 2007 and recorded with the Plymouth County Registry of Deeds at Book 34714, Page 2, of which mortgage the undersigned is the present holder by assignment from Silver Hill Financial, LLC to Bayview Loan Servicing, LLC dated March 7, 2008 and recorded with said registry on March 31, 2008 at Book 35794 Page 328, for breach of the conditions of said mortgage and for the purpose of foreclosing, the same will be sold at Public Auction at 1:00 p.m. on November 2, 2016, on the mortgaged premises located at 223-225 Belmont Street, Brockton, Plymouth County, Massachusetts,

Legals

Legals

## **NOTICE OF MORTGAGEE'S SALE OF REAL ESTATE**

By virtue and in execution of the Power of Sale contained in a certain mortgage given by Richard J. Sergi to Wells Fargo Bank, N.A., dated October 23, 2013 and recorded with the Plymouth County Registry of Deeds at Book 43823, Page 1, of which mortgage the undersigned is the present holder, for breach of the conditions of said mortgage and for the purpose of foreclosing, the same will be sold at Public Auction at 1:00 p.m. on October 19, 2016, on the mortgaged premises located at 854 BELMONT STREET, BROCKTON, Plymouth County, Massachusetts, all and singular the premises described in said mortgage,

TO WIT:

Legals



COMMONWEALTH OF  
MASSACHUSETTS  
LAND COURT  
DEPARTMENT OF THE  
TRIAL COURT  
16 SM 009152  
ORDER OF NOTICE

TO:  
Song Kim Ros  
Nhiep Hout Ros

and to all persons enti-

be entitled to the benefits of the Servicemembers Civil Relief Act. If you object to a foreclosure of the above-mentioned property on that basis, then you or your attorney must file a written appearance and answer in this court at **Three Pemberton Square, Boston, MA 02108** on or before November 7, 2016 or you will be forever barred from claiming that you are entitled to the benefits of said Act.

Witness, JUDITH C. CUTLER, Chief Justice of this Court on September 26, 2016

Attest:

Deborah J. Patterson  
Recorder

201609-0041-PRP


13489048 10/11/16

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of the default, which time periods may be reasonably extended by the Mortgagee in its sole discretion.

**TERMS OF SALE:** Ten Thousand and No/100 Dollars (\$10,000.00) is to be paid in certified check and/or bank cashier's check to be paid by the Purchaser at the time and place of sale. The balance of the purchase price is to be paid by the Purchaser by certified check and/or bank cashier's check within thirty (30) days thereafter, which time period may be reasonably extended by the Mortgagee in its sole discretion, at the offices of Harry Castleman, Esquire, Michienzie & Sawin LLC, 745 Boylston Street, Boston, MA 02116. Other terms to be announced at the sale.

Bayview Loan Servicing LLC  
present holder of said mortgage  
by its attorney, Harry Castleman, Esquire  
MICHIEENZIE & SAWIN LLC  
745 Boylston Street  
Boston, MA 02116

13483345

9/27, 10/4, 10/11/16

**CITY OF BROCKTON DEPARTMENT OF PLANNING & ECONOMIC DEVELOPMENT PUBLIC HEARING**

The Department of Planning & Economic Development will hold a Public Hearing on the proposed amendments to the zoning ordinances of the City of Brockton under the provisions of Smart Growth Zoning MGL C. 40R and 760 CMR 59.00 on Tuesday, October 18, 2016 in the Auditorium at Our Lady of Sorrows Convent, 261 Thatcher Street, at 6:00 pm.

The full text and map of the proposed change can be viewed at the Department of Planning & Economic Development, City Hall, Monday through Friday from 9:00 to 4:00 pm or at: <http://www.brockton.ma.us/Government/Departments/Planning/reports>, beginning on October 4, 2016.

Written comments may be submitted to the Department of Planning & Economic Development, 45 School Street, Brockton, MA 02301 no later than October 21, 2016.

Rob May, CECD  
Director  
October 4, 2016  
October 11, 2016

13486424

or encumbrances is made in the deed.

**TERMS OF SALE:**

A deposit of Five Thousand (\$5,000.00) Dollars by certified or bank check will be required to be paid by the purchaser at the time and place of sale. The balance is to be paid by certified or bank check at Harmon Law Offices, P.C., 150 California Street, Newton, Massachusetts 02458, or by mail to P.O. Box 610389, Newton Highlands, Massachusetts 02461-0389, within thirty (30) days from the date of sale. Deed will be provided to purchaser for recording upon receipt in full of the purchase price. The description of the premises contained in said mortgage shall control in the event of an error in this publication.

Other terms, if any, to be announced at the sale.

Bayview Loan Servicing, LLC  
Present holder of said mortgage

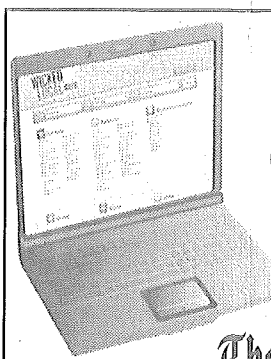
By its Attorneys,  
HARMON LAW OFFICES, P.C.  
150 California Street  
Newton, MA 02458  
(617) 558-0500  
201505-0059 - PRP

13488621 10/11, 18, 25, 2016

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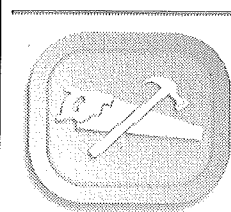
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13482250 9/27, 10/4, 11, 2016

  
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## ATTACHMENT 9-2

### Letters of Support





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Timothy J. Sullivan, Chairman  
Ernest Pettiford, Vice Chairman  
David Teixeira, Treasurer  
Sandra J. Proctor, Asst. Treasurer  
Janet Trask, Member

Thomas G. Thibeault, Executive Director

October 26, 2016

Mr. Robert May, CECd  
Director of Planning and Economic Development  
City of Brockton  
45 School Street  
Brockton, MA 02301

Re: Thatcher Street Smart Growth Overlay District (the "District") DHCD Application

Dear Mr. May:

I write to express the support of the Brockton Housing Authority to the City of Brockton regarding the submission to the Commonwealth's Department of Housing and Community Development for the creation of the above named District. This District will bring new housing opportunities to Brockton's workforce, with at least twenty (20%) percent of the units affordable, as outlined in the proposed Smart Growth Zoning Ordinance. These are units that address the housing needs of working families that the Brockton Housing Authority programs do not. The program also benefits the community by bringing in new revenues for the City through the Chapter 40R incentives and much needed property tax revenue.

Sincerely,

A handwritten signature in blue ink, appearing to read "T. Thibeault", written over a horizontal line.

Thomas G. Thibeault  
Executive Director  
Brockton Housing Authority

ATTACHMENT 9-3

Public Hearing Summary  
and Oral Comments



The Department of Planning & Economic Development held a Public Hearing on the proposed amendments to the zoning ordinances of the City of Brockton under the provisions of Smart Growth Zoning MGL C. 40R and 760 CMR 59.00 on Tuesday, October 18, 2016 in the Auditorium at Our Lady of Sorrows Convent, 261 Thatcher Street, at 6:00 pm.

City Planner Rob May called the meeting to order at 6:00 pm and explained that this was a proposal for a new 40R district. He explained that although 40R allows for the "by-right development of properties" project must adhere to strict guidelines. He said that this hearing was a requirement before submittal to the state. He said this amendment will also require public hearing by the Planning Board and a public hearing and approval from the City Council.

Attorney James Burke said The Planning Office for Urban Affairs, Inc. (POUA), on behalf of the Sisters, has been working with the City of Brockton (COB) to craft language for the ordinance along with the guidelines. The Sister's have owned the property since the 1940's and would like to provide the COB with a first rate project that would benefit the City.

Lisa Alberghini said POUA is an independent arm of the Archdiocese; and provide high quality housing (2,700 units currently); she said they work closely with the communities.

David Aiken said that the boundaries of the proposed 40R consist of only the Sister's property. The project would consist of up to 175 units of town home type structures; sidewalks out to Thatcher and they are proposing to connect the side walk on Thatcher to the college; internal circulation would be built to mimic public roads; BAT also has an interest in an additional bus stop. He said POUA owns and operates all their properties.

Rob May asked David to address the current R1C zoning, infrastructure and proposed amenities under 40R. David said they would be able to build 10 single family homes under the current R1C zoning. He also said that the property is currently tax exempt and would become taxable. He said they are looking at a possible community gathering area; playground and possible garden plots. He said there is on site management. David said they have been told that there is sufficient capacity at the treatment plant and that the city has water.

Rob May asked Sister Mary about the project. She said the project fits the legacy of the order; their goal is to help the COB. Sister Mary stated that her Order had purchased that property from the COB. It had once been the City's "Poor Farm." The Sisters had a history of helping low income families and that developing affordable housing for working families would be a fitting legacy for their work.

At this time Rob May opened up the hearing to public testimony.

Councilor Studenski said he lives around the corner; and this would be a beautiful place for people to live; it takes a place with character and gives it more character.

Tom Thibeault said he has toured some of POUA's properties and has spoken with some residents. Mr. Thibeault was in favor of the proposal.

Jeanne Holmes-Kireilas spoke in opposition and had a lot of questions and concerns. She stated that affordable housing was a problem in Brockton and that children from new multi-family developments were a burden. She felt that low income residents were being dumped in Brockton. She said that affordable housing was the wrong use for this site, and if the Sisters wanted a legacy she suggested they could build a sports complex.

She asked David Aiken what the revenue difference to the city was between the single family homes and the townhomes and was told that they did not have that information available. She asked if they would have the information before presenting to Council and asked that she be furnished with the information. David said they would get the information before appearing before Council. She said she would rather see a single family development.

She said this is not what the COB needs; she said that the Council just voted and created a "monster" of affordable housing in downtown and said there is no need for this type of project and that it will cause more problems than good. She said affordable housing is a problem...low income residents are dumped in Brockton. She said she is concerned about the addition of children to already overcrowded schools...classroom size is suffering. She said that 1,096 units were approved by Council and Brockton has the highest numbers of 40R units in the state.

Ms. Holmes-Kirelias asked David Aiken where the water would come from....he stated that they intend to purchase the water from the COB. She said that there were insufficient water resources for new development.

She said that the project does not meet the 40R criteria and that the developer was trying to put a square peg in a round hole. Furthermore she said Brockton is being overrun by 40R projects. She said the city already has an unsuccessful 40R project in "Enso". She said no one wants to live in Brockton.

She is concerned that the Council will lose control.

Following Ms. Holmes-Kirelisa' testimony, Rob May asked if anyone else wanted to speak, ask questions or provide comments. There were not.

Rob May closed the Public Hearing at 7:20 pm.