

Wednesday, November 8, 2017 – 6:00 P.M.

GAR Room- City Hall

Meeting Minutes

Members Present: David Wheeler, Bob Pelaggi, Gary Keith and Craig Pina; also present were City Planner Rob May, Staff Planner Shane O'Brien and secretary Pamela Gurley.

Acceptance of Minutes

Motion to accept the minutes from 10-3-17 and 6-7-16 as submitted.

Motion: Pina

Second: Pelaggi

In favor: 4

Opposed: 0

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

Chestnut Woods Senior Residential – Request for Final Bond Release (Continued to December Meeting at applicant's request). The secretary said that all the work has been inspected and approved by the necessary departments. At the request of the City Engineer several damaged sidewalk panels were replaced. He requested that we wait until he re- inspects before releasing the surety.

Franklin School Site – Request for Final Lot Releases

Mr. Juliano has again this month requested release of the final two lots. We have now received an as built plan from JKH, but there is still work remaining to one sidewalk on Bellevue. Rob May distributed pictures he took of the site that afternoon.

David Wheeler said he spoke with JKH and the Planning Department on this. He said that the Board is still holding two lots. He said that the approval letter requires that the sidewalk be repaired to DPW standards; because of the numerous cuts in the sidewalk he said that the sidewalk should have been replaced not patched. Mr. Juliano has submitted a letter stating that he will replace the sidewalk in the spring which is preferable to the DPW as they do not want the sidewalk replaced and then cut into. Unfortunately that letter is not surety. David Wheeler said he is recommending the release of one lot at this time. Bob Pelaggi said he does not understand why the developer won't place a cash bond. He said he agrees with the release of one lot as the value of the work remaining is not worth two lots, but he said that placing the cash would be the simplest thing at this time.

The secretary was asked to contact the developer and see which lot he would like at this time. Once the release is ready for signature the members agreed to stop in and sign.

Decision: motion to release only one lot (developer's choice of lot)

Motion: Pina

Second: Keith

In favor: 4

Opposed: 0

ANR for 13 Bates Rd.

The owners of the new home 13 Bates Road found a discrepancy with their property and contacted the title insurance company; some of their property had been deeded to the neighbor next door to make that property larger. Sometime after the passing the owner of 13 Bates realized there was a problem. The secretary said that they were contacted by the title insurance company; she said that the ZBA has granted a variance to both properties and with the signing of this plan the title issue is resolved and both parties are satisfied.

Decision: Motion to endorse ANR for 13 Bates Road

Motion: Keith

Second: Pina

In favor: 4

Opposed: 0

The following definitive subdivision plans were endorsed by the board: Leach Ave., Kingman Ave. and N. Cary St. as surety was received.

1. Ordinance Amendment

An Ordinance amending Chapter 20 Streets and Sidewalks of the revised Ordinances of the City of Brockton: Now therefore be it ordained that Chapter 20, Article IV Section V Subsection B of the revised ordinances of the City of Brockton be deleted in its entirety and be replaced.

Comments: Rob May said this is an amendment to the complete streets ordinance; he said this is not a zoning ordinance but is before the board for review. He said that the City Council amended the original ordinance on the floor putting the traffic commission in charge of issuing exemptions...the planning board has control of all subdivisions and are the only board that can issue an exemption(waiver). This change moves responsibility back before the planning board. For subdivisions the waiver process would remain the same and for all other streets there will be a hearing before a review committee (member of planning board, DPW, BAT and OCPC) with a recommendation.

As there was no public comment the hearing was closed.

Decision: recommend favorably as submitted

Motion: Pelaggi

Second: Pina

In favor: 4

Opposed: 0

2. Site Plan Approval

Property: 1315 Main Street (Teen Challenge)

Proposal: Garage & Shed

Applicant/Representative: JK Holmgren Engineering

Gary Keith stated for the record that he did not receive any campaign contributions from Teen Challenge and has no conflict with Teen Challenge.

Applicant's statement: Scott Faria said that Teen Challenge would like to construct a garage at rear of 12th and Clifton as well as adding a tool shed to the property. They would like to tear down the existing structures to replace them with more modern structures. He said that the garage on Clifton will have an oil and gas separator; he said it is not a commercial garage, that it will just be used by Teen Challenge for repairs to their own vehicles. There will be no outside repairs.

Comments: Bob Pelaggi asked if they are in conformance with lot coverage as this is the third project proposed for this site. Scott Faria said that the property is large and they are in conformance. He said they are in the process of combining the site into one large property by filing an 81X plan with the registry of deeds.

Shane O'Brien said that both the garage and shed have a second floor and outside stairway access, he recommended that there is to be a condition that there is to be no residential use of those buildings.

No public comments; hearing was closed.

Decision: grant site plan approval with standard conditions incorporating the new condition relative to no living residences in the new structures.

Motion: Pelaggi

Second: Keith

In favor: 4

Opposed: 0

3. Permission for Return to the ZBA

Property: 839 & 855 Main St.

ZBA Denial: 6-27-17

Applicant/Representative: Attorney John F. Creedon

Continued to December 5, 2017 at the request of the applicant.

4. Definitive Subdivision

Property: 20 Charlotte Street

Lots: 3

Owner/Representative: Attorney John F. Creedon

Bruce Pilling and Mike Keith

Applicant's statement: Attorney Creedon said that after the last meeting they had to "tweak" the plan. Bruce Pilling said he met with the city engineer and gave him a progress print, he said he received the DPW comments on that plan and then submitted a final plan for review. He said per DPW request he tried to match the grade as it went down and converted the plan to BCB. He said they have made an accommodation to allow for a turnaround for fire by increasing the size of the driveway on the new lot.

Comments: Bob Pelaggi asked what the scale was for the pavement and was told a 24' wide pavement with a 12" wide cape cod berm on each side.

Bruce Pilling said he would prefer a 20' width in order to save the existing trees. Rob May said that they are recommending that they use the 24'. He said that this paving of

Charlotte St. could potentially open up to some other existing vacant property for development.

Councillor Anne Beauregard said that it is not a matter of not liking trees it is a matter of having adequate width for public safety.

No public comment; hearing was closed.

Decision: approve the plan as submitted with the 24' of pavement with standard special conditions.

Motion: Pina

Second: Pelaggi

In favor: 4

Opposed: 0

Surety will be by covenant.

Grant the following waiver request as submitted:

1. Section IV.A.1 – To reduce the minimum frontage requirement along Charlotte Street from 175' to 75'.
2. Section IV.B.3 – To reduce the pavement width from 34' to 24' and not be centered in the existing layout.
3. Section V.A.3 – To reduce the width of well compacted roadway binding gravel from 34' to 24'.
4. Section V.B – To use the existing utilities that are within the right of way.
5. Section V.C – To waive the requirement for sidewalks.
6. Section V.C - To allow the use 12" wide cape cod berm instead of vertical granite curb.
7. Section V.D – To waive the requirements for street trees.
8. Addendum B – Typical Residential X Section
 - a) To reduce pavement width from 34' to 24'.
 - b) To wave the location of the water line from 8.33' off centerline of road to its existing location.
 - c) To waive the requirement for sidewalks.
 - d) To allow the use of 12" wide cape cod berm instead of vertical granite curb.

Motion: Pelaggi

Second: Pina

In favor: 4

Opposed: 0

5. Definitive Subdivision

Property: Plot 2 Belgravia Ave.

Lots: 4

Owner/Representative: Curley & Hansen

Continued to December 5, 2017 by agreement of the parties.

6. Definitive Subdivision

Property: Plots 19 & 21 Melrose Ave.

Lots: Four

Owner/Representative: Land Surveys

Continued to December 5, 2017 by agreement of the parties.

7. Definitive Subdivision

Property: 28 Vesey Street

Lots: 2

Owner/Representative: James Morrissey/Land Surveys Inc.

Applicant's statement: Bruce Malcolm (LSI) said that their application is for a two lot subdivision; he said that a variance was granted by the ZBA. He said this is the same lot configuration as originally shown on the plan from 1800. He said they met with the city engineer to address his comments and added the details requested and the recharge system.

Comments: The 11-7-17 letter in opposition from the property owner at 111 French Ave. was read into the record. The letter stated that there was already an existing water issue in the area.

Bruce Malcolm said that they are proposing to recharge the roof runoff and the existing culvert along the side of the lot should handle the runoff. Bob Pelaggi asked if the driveway runs toward the street and was told it did.

Jim Morrissey said they chose that location for the driveway as there is a significant tree located on the other side they would like to save. He said per the ZBA decision they are downsizing the existing two family to one family and installing a 4' high fence between the properties.

Gary Keith noted that the lots looked level but asked if there could be anything done to the property to help that homeowner. Jim Morrissey said she is not an abutter or an abutter to an abutter. Bruce Malcolm said he does not see any increase in water to that property from their project. He said that the City Engineer asked for a soil map; he said that the soils are group A (absorbs the water fast). Rob May said that the storm water designs need to be stamped by a civil engineer for the record.

The abutter at 34 Carroll Ave. asked if they were removing the trees and will house be close to street; Jim Morrissey said they are leaving the trees and house will located as on the plan.

Decision: approve the plan as submitted with the standard conditions with the condition that the drainage calculations are certified by a civil engineer as required.

Motion: Pina

Second: Keith

In favor: 4

Opposed: 0

Surety will be by covenant.

Grant the following waiver request as submitted:

Section IV: Design Standards

B. Streets - Existing Way

3. Width

F. Utilities (Underground) – Existing Way

Other: Roadway Construction Details – Existing Public Way

Motion: Pelaggi

Second: Pina

In favor: 4

Opposed: 0

Other Business

Correspondence

Updates from Board Members

The listing of matters is those reasonably anticipated by the Chair which may be discussed at the meeting. Not all items listed may in fact be discussed and other items not listed may also be brought up for discussion to the extent permitted by law.