

PLANNING BOARD
December 4, 2018 – 6:00 P.M.
Basement Level - City Hall
Meeting Minutes

Members present: David Wheeler, Toni Goncalves, Bob Pelaggi, Craig Pina and Reggie Thomas; also present were Rob May, Pamela Gurley, Shane O'Brien and Megan Shave, Department of Planning & Economic Development.

A motion was properly made (Pina), seconded (Pelaggi) and unanimously passed to accept the minutes from 11-7-18 as presented.

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

None presented.

1. Site Plan Approval

Property: 700 Oak Street

Proposal: Cumberland Farms

Representative: Attorney John Smolak/Civil Design Group

Applicant's statement: Attorney John Smolak said the proposal was for a retail/convenience store, gas station on a portion of the Walmart property on Oak St. He said they will be leasing a 2.1 acre site (ARN to be filed) from Walmart. He said they have received a special permit from the ZBA for a gas station, a variance for signage and an OOC from Con-Com.

Matt Leidner said they proposal is for a 5,275 sf convenience store, five double sided fueling stations and 30 parking spaces. He said there will be one full access curb cut on Oak St. and two full access curb cuts within the Walmart site. He said that approximately ½ of site is green space and landscaping. The building will be of a similar style to past Cumberland Farms recently built in the city. He said there will be an extensive stormwater management system; the stormwater system has been reviewed by NAA and they received an OOC from the Conservation Commission. He said they have eliminated a proposed second curb cut off Oak St.; the Fire Department has requested an opticom system at the intersection and Cumberland Farms has agreed to do that; they are rebuilding the sidewalk along the property line along Oak St. and replacing the granite curb; they are extending the sidewalk up the Walmart site into Walmart from Oak; added a crosswalk; fenced a portion of the site off and added infiltration basins.

Comments: Craig Pina said that he likes the changes made to the plan since the ZBA. He said Cumberland Farms is a good neighbor.

Bob Pelaggi said this is a good plan; he said Cumberland Farms wants to be good neighbors. He asked if taking a left hand turn westbound during peak time would be an issue; Maureen Chlebek from McMahon Associates said they have the option to use the other driveway; but that they did not find that in their analysis.

Councillor Shirley Asack said she was happy to see the second curb cut on Oak St. eliminated as that was a concern of the Madrid Sq. residents. She said she would like to see Walmart maintain the other side of their property.

Action/Decision: Motion to grant site plan approval with standard conditions.

Motion: Pina

Second: Thomas

In favor: 5

Opposed: 0

2. Site Plan Approval

Property: Adams/Centre Streets

Proposal: School of Nursing (Brockton Hospital)

Representative: Murphy & McManus/JK Holmgren Engineering

Applicant's statement: Scott Faria said the proposal is for a new school of nursing and office space for Brockton Hospital; he said the property is off Adams St. and is currently used as a gravel parking area. He said the utilities will be coming off Adams St., the added a sidewalk across the property and a cross walk; there will be 30 spaces on site and there are 134 spaces across the street. He said they met with the city engineer and has addressed all comments and concerns (email from city engineer was received).

Comments: Bob Pelaggi asked if this was designed as new development or re development and was told new development.

Councillor Anne Beauregard said they worked with the residents in the area to address concerns.

Action/Decision: Motion to grant site plan approval with standard conditions.

Motion: Pelaggi

Second: Pina

In favor: 5

Opposed: 0

3. Permission to Return to ZBA

Property: 115 Candy Lane

ZBA Denial: 8-15-18

Representative: Attorney Wayne Mathews

Applicant's statement: Attorney Wayne Mathews said the applicant would like to expand his garage and add a minor addition to the rear of the property; he said that the plan submitted to the ZBA showed five bedrooms and three baths, but that there was an architectural error and said it should have shown a total of four bedrooms and three baths.

Comments: Bob Pelaggi asked if there was any other area to put the addition silting the closeness to the lot line; Attorney Mathews said there is already a double driveway which could accommodate a second garage bay. Mark Schriver (architect) said he has made the garage as small as possible. Bob Pelaggi said he was still concerned about how close the new garage would be to the home next door.

Action/Decision: Motion to grant permission to return to the ZBA
Motion: Pelaggi
Second: Goncalves
In favor: Wheeler, Pelaggi, Gonsalves & Thomas
Opposed: Pina

4. Permission to Return to ZBA
Property: 403 & 421 Torrey Street
ZBA Denial: 10-10-18
Representative: Attorney John Creedon

Applicant's statement: Attorney Creedon said that they were informed by the ZBA that the home is a legal two family, not a three family as is the current use. He said that the Church has agreed to turn the house back to a two family home. He said that the original plan showed the parking directly off Torrey Street and now it has been moved to the back of the lot and they are proposing six spaces.

Comments: Bob Pelaggi asked why they were selling the house. Scott Faria (JKH) said they (church) do not want to be landlords and that lot b will be combined with the Church. Pelaggi asked why the new lot is so small and was told the property slopes in the back and could not be used by the home owner anyway. He asked what the change in grade was and was told six feet.

Joseph Spencer said the house is too large for the land it is currently on and now it is being made smaller; he said they have already had a grader working in the back.

Craig Pina said that the driveway is only 16' wide and it will be difficult if a car is trying to come in while one is leaving.

Tim Riley said cars will need to be backing out onto Torrey St. Attorney Creedon said that was why there were six proposed spaces, so that they had room to turn around and come out front facing.

Faustino Resindes, said the home has only two gas meters; he said they have stacked up boulders along the back and does not know how anyone will be able to park back there.

Although all the members agreed that this was not a good layout, they explained to the residents that their purview was only whether or not a substantial change had been made to the plan. The chair told them that if the application was approved that there will be another ZBA hearing where they should bring up their concerns.

Action/Decision: Motion for permission to return to ZBA
Motion: Pelaggi
Second: Thomas
In favor: 5
Opposed: 0

5. Permission to Return to ZBA
Property: 703 N. Main Street
ZBA Denial: 1-10-17
Representative: Jean Baptiste Milien

Applicant's statement: Mr. Milien said he bought the property in July and wants to renovate the building into three units each with four bedrooms and two baths.

Comments: Bob Pelaggi said that he needs a new site plan showing the new parking design and asked him what he was doing with the garage and was told they are not using the garage.

Reggie Thomas asked if there will be any green space. The Board asked the City Planner if they could vote on the return request without a property site plan. Rob May said that in this case the actual use of the building is the change (from a six family to a three family), however he told the applicant that he will need to have a new site plan that shows the new parking layout and green space for the ZBA.

Action/Decision: Motion for permission to return to ZBA with the condition that the applicant has a new site plan drawn showing parking and greenspace.

Motion: Thomas

Second: Pina

In favor: 5

Opposed: 0

6. Definitive Subdivision – **Continued to January 2, 2019**

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

7. Definitive Subdivision

Property: 535 & 553 N. Cary Street
Lots: 14
Owner/Representative: Scott Burgess/JK Holmgren Engineering

Applicant's statement: Scott Faria said that since the last meeting they received the traffic study done by BSC for the COB. He said the plan reviewed by BSC showed a cul de sac and the lot layout remained the same. He said that the report stated that the addition of 14 homes will have no effect on the area. They eliminated two small basins and one larger basin and re-configured the stormwater; the proposed under drain to drain ground water was eliminated from the stormwater system as they cannot add ground water into the city drainage system. He said the received another review letter from the city engineer and believe they have addressed the concerns.

He said they had the conservation agent out yesterday and she witnessed test holes and as a result they raised up the bottom of the basin. Bob Pelaggi asked if the basin was at seasonal high ground water and was told two feet above. He asked what was used to determine ground water and was told soils...mottling.

Megan Shave said that she and the City Engineer wanted to confirm groundwater; she said she went out yesterday; she said she saw the status after a heavy rain; hit standing

water at 50 & 45 inches; no consistent mottling that you might find with high water; she said moving the high water up to 36 is more conservative;

Councillor Jack Lally said he was there on behalf of his Ward.

Marianne Doderer, 641 N. Cary St. said she wanted to reiterate her opposition as stated at the last meeting.

Paul Hardiman, 572 N. Cary St. said he was opposed to the prior design but with the roadway now showing a cul de sac design he said he is in support.

Eric Eaton, 78 Amark Rd., wanted to know who was responsible for maintenance of the drainage; Scott Faria said that the system will be maintained by homeowners. He said that with the new stormwater guidelines that may change. The City will have an easement to enter and maintain. Eaton asked what safety precautions will be taken; Faria said they do not want to fence it...fencing makes it an attractive nuisance...basins area designed to drain dry; only in a severe rainstorm will there be standing water. He was asked if it will be rock lined or grass... and was told grass. Councillor Lally pointed out that the drainage basins in Woodland Park are fenced.

Rhonda Eaton, same address, asked why the City does not want to absorb the water from the ground; Faria said they had designed a french drain type system that was tied directly into the city drainage system and that is not allowed.

Melissa Garner, 669 N. Cary St. said she was opposed.

Jane Baker, 541 N. Cary St. said she wants to make sure they take the trees down around her home.

Lisa Cerullo, 15 Dagmar Dr., said she does not see how they can put that many homes there; she asked how a fire truck would get in. Bob Pelaggi said it has been designed to accommodate the largest piece of fire equipment.

Rob May said that the plans before the board tonight are new; he said the City Engineer has not commented on this draft and we have not received a copy of the easement document for recording (meets and bounds description and responsibilities).

Public comment was closed.

Action/Decision: Continued to the January 2, 2019 meeting for final vote as long as all requested information has been received.

Motion: Pelaggi

Second: Pina

In favor: 5

Opposed: 0

8. Definitive Subdivision

Property: 107 Guild Road

Lots: Two

Owner/Representative: Joseph Dasilva

Applicant's statement: Elizabeth Kelleher said since the last meeting they met again with the City Engineer and had their surveyor make the changes (Bruce Pilling).

Comments: Bob Pelaggi said they are creating a lot line that is approximately 1 ½ to 2' from the home next door; he asked what the offset from existing dwelling was. He said he wants to see the surveyors offset on the plan. He said that he would like to see a maintenance easement drawn up and recorded. The applicant said they intended to add the easement in the deed.

Pelaggi said he needs to see a copy of the easement document. He said that he realizes that right now the property is owned by family. Craig Pina agreed and said he wants to see the easement information on the plan and see the document.

Action/Decision: Motion to approve the definitive subdivision with standard conditions and subject to a revised plan showing the off sets, the maintenance easement, staff report comments and receipt of the easement document.

Motion: Pina

Second: Thomas

In favor: 5

Opposed: 0

Motion: Grant a waiver to all applicable Board Rules and Regulations.

Motion: Pelaggi

Second Pina

In favor: 5

Opposed: 0

9. Definitive Subdivision – **Continued to January 2, 2019**

Property: 78 Kingman Avenue

Lots: Two

Owner/Representative: Attorney John Creedon

10. Definitive Subdivision – **Continued to January 2, 2019**

Property: 138 Carl Avenue

Lots: Two

Owner/Representative: Angela McKeown/Land Surveys Inc.

Other Business

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.