

PLANNING BOARD
Tuesday, June 4, 2019 – 6:00 P.M.
GAR Room - City Hall
Meeting Minutes

Members present: Acting Chair Robert Pelaggi, Toni Goncalves, Larry Hassan and Craig Pina. Deputy Chief Edward Williams, City Planner Rob May, Staff Planner Shane O'Brien & Pamela Gurley.

A motion was made (Pina), seconded (Goncalves) and unanimously passed to accept the minutes from 5-7-19 as presented.

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

ARN Plans: 1367 Main St. – the secretary said that the newly configured lots now have the required frontage per zoning.

22 Westbury Road – the secretary said that a portion of the existing lot is being cut off; the remainder of the lot still meets all the zoning requirements and the new lot is not buildable.

A motion was made (Pina), seconded (Goncalves) and unanimously passed to endorse the ANR plans for 1367 Main and 22 Westbury.

Lot 2 Oak (Battles) the secretary said that the applicant has placed the cash surety for the work that needs to be done within the ROW.

A motion was made (Pina), seconded (Goncalves) and unanimously passed to release Lot 2 Oak Street from covenant.

The Subdivision Plans for Ramos Lane and N. Cary Street were signed by the board.

Extension Request: Neighborworks - 121 Main Street
One year extension to their 40R/site plan approval

Tim Doherty said that they are in closing mode and will be holding a ceremonial groundbreaking on June 26th. He said they expect to begin work in August.

A motion was made (Pina), seconded (Hassan) and unanimously passed to issue a one year extension to the 40R project for 121 Main St.

1. Street Acceptances:

A. The laying out and acceptance of West Meadow Drive, extending from Burroughs Road, northerly, to Julie Avenue as a public street or way of said City of Brockton.

B. The laying out and acceptance of Julie Avenue, extending from Ash Street, westerly as a public street or way of said City of Brockton.

Councilor Dennis Eaniri said that these are just some of the streets that are in his ward that need to be made public so that the city can receive additional chapter 90 funding for road paving.

Craig Pina asked if there would be any reason the board would not accept this and was told no.

Action/Decision: Motion to recommend favorably

Motion: Pina

Second: Goncalves

In favor: 4

Opposed: 0

2. Permission to Return to ZBA
Property: 1367 Main Street
ZBA Denial: 4/9/19

Applicant's statement: Scott Faria said that in April the ZBA denied their application for a use variance to allow for division of the Trinity Baptist Church property into two lots fronting off Greenwood Rd. (old plan showed 75 feet of frontage); he said that the new plan shows that frontage and area conform to current zoning; the proposed new lots mirror the existing properties. He said the existing school building will be demoed.

Comments: Craig Pina said that the plan has substantially changed.

Action/Decision: Motion to grant permission to return; new and substantially different information has been submitted.

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

3. Site Plan Approval Modification
Property: 710 Oak Street
Proposal: Cumberland Farms
Applicant/Representative: Attorney John Smolak

Applicant's statement: Matt Leidner, Civil Design Group, said that they are requesting a modification to the approved site plan for Cumberland Farms at the Walmart site. He said that the original plan went through an extensive city review. He said that Cumbies is constantly tweaking their footprint and this change is being made to the building size (5385 to 4384) the remainder of the site plan is remaining the same; there is no change to stormwater and he said that stormwater is slightly overdesigned; the outdoor seating area was eliminated and replaced with landscaping and there is a slight reduction in the storage tanks for gasoline.

Comments: Deputy Chief Ed Williams said if they have already gone to council for the tanks they will need to amend the permit.

Action/Decision: Motion to approve the modification plan as submitted.

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

4. Site Plan Approval
Property: 839 Main Street
Proposal: Commercial Building
Applicant/Representative: Jacobs Driscoll Engineering/Attorney John Creedon
Continued to August 6, 2019

5. Definitive Subdivision
Property: 84 Foster Street
Lots: Two
Owner/Representative: ET Engineering/Manuel Ramos

Applicant's statement: Azu Etoniru said this is a frontage waiver and the property is on an existing roadway; he said that he has received a series of comments. He said he was notified that Foster Street was paved last year and he has met with both the DPW Commissioner and City Engineer and it was agreed that if the subdivision is approved that as a condition of approval

there is to be full depth excavation of the roadway along the limits of the entire subdivision curb to curb, trenches are to be filled using flowable fill and infrared sealing on the cuts. He said that a catch basin is in the location of the proposed driveway and an existing utility pole needs to be moved. He said there is a new plan showing the home flipped with the addition of a retaining wall and they will be requesting a continuance.

Comments: Bob Pelaggi said there is a multitude of zoning issues being created with the proposed application. He wondered if it would be possible for the applicant go to the ZBA during the continuance period, noting the amount of zoning relief requested.

Rob May said from a planning department perspective, this plan would not receive a recommended from the planning board to the ZBA; he said they provide advisory reports to ZBA.

Shane O'Brien said he is concerned about setting precedent. Rob May said that case heard before this proposed 75' ft of frontage and the ZBA felt it did not have sufficient frontage.

Craig Pina said that he does not believe this will pass the ZBA; suggest that they continue and/or withdraw.

Rob May said in all likelihood this will not pass.

Azu Etoniru said he would like to have the continuation. As the board does not meet in July he was asked to freeze the board's statutory time for action.

Action/Decision: Motion to continue September and freeze the time for decision to October.

Motion: Pina

Second: Goncalves

In favor: 4

Opposed: 0

Other Business

The board agreed to hold a special meeting on June 25th in order to hear the applications of Commonwealth Alternative Care and 93 Centre Street as they have completed tech review and are ready to proceed.

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.