



City Council

CITY OF BROCKTON

CITY HALL

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MINUTES – ORDINANCE COMMITTEE September 26, 2019

The Standing Committee on Ordinances and Rules was called to order at 6:09 p.m. by Councilor Farwell with Councilors Monahan, Farwell, Dereoncourt and Cruise present.

Agenda read into the record.

The Committee first considered the following:

1. Acceptance of the minutes of the August 21, 2019 Ordinance Committee meeting.

Motion to ACCEPT Minutes and Report of the September 4, 2019 Ordinance Committee Meeting by Councilor Cruise, 2nd by Councilor Monahan. Motion carried unanimously.

Next the Committee considered the following:

2. An Ordinance Repealing Article XIX of the Brockton City Ordinances relative to the establishment of the Thatcher Street Overlay District.

Rob May, Director of Planning and Economic Development

(Thatcher Street 40R, been working on since right after he was hired, smart growth tool created by state, steps to be approved, eligible area, public meeting, zoning board process, passed by city council, final approval received, bus line, adjacent to major employer, improvements include intersection, sidewalk access, working with BAT to extend bus route, 170 residential units, incentive payment for district this size, \$200k, as new residential units come, received \$3k per unit, 40r is designed in encourage mixed income housing, 20% has to be affordable, 80%,

Councilor Farwell

(questions re what constitutes “affordable”, question re reasonable restrictions)

Rob May, Director of Planning and Economic Development

(could have been opportunity to amend to reduce scope and size, reviewed estimates and studies)

Councilor Farwell

(re notes from public meeting)

Councilor Deroncourt

(re phone calls with complaints, questions about public transportation, sidewalks are an issue, Kathleen Smith spoke against it, burden onto Brockton Public School)

Rob May, Director of Planning and Economic Development

(re charter schools, opportunity to bring money back, don't anticipate that many students at the development, with 40R, positive impact from housing growth in the community, working with Massasoit to extend the sidewalks, worked with BAT to bring the route in, 40S for 40R community, if tax revenue isn't sufficient, then the state may contribute to meet the gap)

Councilor Dereoncourt

(believes he is helping out by raising these issues to inform the public)

Rob May, Director of Planning and Economic Development

(advancement of Brockton, strategic manner, housing on bus line/next to college, housing professionally built/

Comments by Councilor Anne Beauregard, Ward 5

(looking at elderly housing, senior living, pristine area, not attacking Thorny Lee golf course for parking, other proposal made by the residents, those were rejected, affordable housing issue, Affordable Housing looks for communities challenged by funding, looking for other opportunities for economic development, big focuses is fixed incomes for seniors, hopes the residents to speak on their concerns)

Comments by Councilor Farwell

(re whether she had the votes to repeal the ordinance)

Comments by Councilor Anne Beauregard, Ward 5

(believes said she was discussing that she was doing this for the public)

Comments by Councilor Farwell

(re case dismissed, vote taken and then suit filed against other councilors, that's a breakdown in democracy, question re flyers, flyer was false/misleading, children would bring revenue in, tax rate set in December by proposition 2 ½, traffic study would be helpful, transparent, re public comments made about him, re good name and disagreement of vote of the council, re didn't meet with Ward Councilor, opportunity to have addressed the concerns without the repeal)

Comments by Councilor Anne Beauregard, Ward 5
(re property tax, believes she did try to talk to Ward councilor)

Robert Farrell, 149 Carl Ave, Brockton
(Father-in-law lives on Thatcher Street, concerns about project includes traffic, 5-7 minutes to back out of a drive way, speeding, thinks the developer believes it will have negative impact on community, impact on school population, school bus traffic, sewer system, water use in Brockton always a problem, urban rumors of cemetery on property, Massasoit under hiring freeze/cap on development,

Anne Pivrotevo, Frost Street, Brockton
(wrong location for this Project)

Eileen Donavan, 42 Thatcher Square, Brockton
(doesn't meet enough of 40R criteria, BAT bus just using area to turn around, no mixed use plan, no revitalization of underdevelopment for 40R statute, questions original approval, this is a project planned for this site based on Mr. May's presentation, large attendance in opposition 2 years ago at ordinance meeting, single family neighborhood, believes more kids than estimated)

Tom Martin, 15 Beaver Street
(this is not a 40R project, Brockton to preserve neighborhood, not near the subway or bus station)

Loreal Anderson 109 Hammond Street
(agrees with neighbors)

Cindy Etier-kostaka Central Street, Brockton
(agrees with neighbors, asthma issues, state installed new detection system, cancer rates, don't think we should put people in jeopardy by putting them near the dump, Boston no longer affordable, need to be ready for influx, Project would be better suited on another section of Brockton)

Arenta Przybylski, 30 George Street, Brockton
(in favor of repeal, agrees with neighbors, says there is a plan for this area, 300+ homes already on the market, laid off from Massasoit, lots of abandoned areas in Brockton, already tried affordable housing, shine starts to tarnish, need something more forward thinking than building housing)

Jean Holmes, 65 Belcher Ave
(there were 2 at the original meeting, once residents learned, they came out against it, at planning board 2 years ago 40-50 there, 100s of signatures submitted, planning board in 2017 recommended unfavorably, Jean filed the law suit, never filed the lawsuit on behalf of Councilor Beauregard, says her car insurance goes up if there is a car accident in Brockton, emergency personnel, project is not a

good fit, density issue, can't make the proposed changes to the proposed project until something is before the planning board, which is down the road, needs to take care of this now, records request, city received \$200k, request for money to go into the planning department, says the money is sitting in Rob May's activity account, public safety drain, this isn't about affordable housing)

Comments by Councilor Farwell

(didn't know about the project being submitted)

Richard Jones, 130 East Street

(borders property, neighbors didn't know of the meeting, says it was pretty crowded, favors the repeal, thinks the project is in the wrong place, closer to downtown, other ways to notify the public of the meetings,

Robert May, Director of Economic Planning and Development

(word choice may have caused confusion, one abutter is what he was referring to, treasurer fund location, sitting in line item for treasurer unknown, other 40R funds are in the activity account)

Comments by Councilor Dereoncourt

(re \$200k)

Steve Donovan, Thatcher Square

(agrees with his Wife, for repeal, lot of opposition to the project and always has been)

Kila Philogene, Thatcher Street

(moved out of dense area, quiet area, a bit of congestion, love the area, separation, not for 40R)

Eleanor Wentworth, Court Street

(against 40R, doesn't want to see any large housing areas, would be a shame to lose such a large area, not successful)

Part of Hearing Closed at 7:48

Jim Burke, Attorney in Brockton, represents the owners of the property

(agrees with Rob May's presentation, clarifying, not filed project, no one has submitted an application for development, but there is a developer talking with the city and modifying the city, nothing before the City to consider, but when there is something to consider, there is a process in which the residents can participate in that discussion, can discuss traffic, safety then, sisters wants to pass this on, re 40R repeal, raises the question about the notice, asked about green space and reduction of density, meeting with developer is possible)

Comments by Councilor Farwell

(re possibility of addressing scope of project, looking for meeting before the next city council meeting)

Comments by Councilor Cruise

(not a practical proposal, can get a sense and feeling, but no way for a commitment, unfair to make it seem to the neighbors that there would be any validity to anything agreed to or discussion during a meeting)

Comments by Councilor Farwell

(property rights of the nuns, balance amongst the neighbors and their rights for control)

Jean Holmes,

(repeal, and then start anew, then look at a new plan, could always adopt it in the future)

Jim Burke, Attorney

(everything Jean Holmes proposed can occur with public hearing and developers to pay for consultants)

Comments by Councilor Monahan

(re community meetings, we don't have to approve a project, interested in the impact of the community meeting)

Rob May, Director of Planning Development

(certain requirements in the ordinance which the applicant can do, but the applicant can submit after that, saying the planning board will take that into consideration)

Dan Evans, Manchester Street

(supports controlled growth, informed and controlled, believes the community will get an opportunity to speak)

Opposition hearing closed at 8:13pm

Comments by Councilor Susan NiCastro, Ward 4

(land is in Ward 4, ordinance was adopted before she became city councilor, 40R is not abutter friendly, notice would have been afforded otherwise, the first few meetings were not handled well, did come before the ordinance committee to speak against it back in 2017, same concerns raised tonight, 2 years have passed, property owners and developers have made plans in reliance, state has paid \$200k, no calls, just 2 emails, remained concern, constantly checks with planning department, concerned about residents, the sisters are her constituents as well, sisters want to do something for the City of Brockton, doesn't see there are the votes, will work hard to mitigate the negative impact, will advocate for fewer units, sidewalks and signage, will make it as good as she can, negative impacts

from the junk yard, wants her residents to communicate with her, no neighbors have gone in to talk to the sisters, not speaking in favor or against)

Comments by Councilor Cruise

(clear that the neighbors are not a fan of this, other neighborhoods may complain if the project was moved to their location, need to look at growth and what's best for the City, process has outreach and neighborhood meeting, privately owned property)

Comments by Councilor Dereoncourt

(will be siding with the residents)

Comments by Councilor Farwell

(2 years, litigation in court, in existence, concerned about mode about repealing with reliance by future developers, stand with the community to push traffic safety, reduce size and scope, this is tough one)

Motion to recommend Favorable (with hopes it does not prevail) by Councilor Cruise, 2nd by Councilor Monahan. Roll call vote. Only Councilor Dereoncourt voting for Favorable recommendation. REPORT UNFAVORABLE.

2-minute recess

Next the Committee considered the following:

3. An Ordinance Amending Chapter I of the Revised Ordinances Chapter 15, Article II, Section 15-222 of the Revised Ordinances is hereby amended. (Relative to Superintendent of Parks)

Comments by Councilor Farwell

(re discussion to table the matter)

Motion to report TABLED by Motion of Councilor Cruise, 2nd by Councilor Monahan. Motion carried unanimously.

Motion to adjourn by Councilor Cruise, 2nd by Councilor Monahan. Motion carried unanimously.

The meeting was adjourned at 8:33 p.m.