

PLANNING BOARD
Tuesday, January 7, 2020 – 6:00 P.M.
GAR Room - City Hall
Meeting Minutes

Members present: Robert Pelaggi, Craig Pina, Larry Hassan, Toni Goncalves and Reggie Thomas. Also present were Rob May and Pamela Gurley from the Dept. of Planning & Economic Dev.

A motion was properly made (Pina), seconded (Thomas) and unanimously passed to accept the minutes from 12/4/19 as presented.

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

The chair said he went to the Woodland Park site and the work was completed as outlined in their update.

ANR - Westwood Ave. & Briarcliff

The parcels along Westwood & Briarcliff have been combined to make larger parcels; there will still be three proposed building lots.

268 Oak St. - The admin assistant said that the contractor is seeking return of his cash surety; she said that the office has received the necessary inspection letters from the DPW.

Action/Decision: Motion to endorse ANR for Westwood/Briarcliff and return surety for 258 Oak St.

Motion: Pina

Second: Thomas

In favor: 5

Opposed: 0

1. Permission to Return to the ZBA - **Continued to March 2020**

Property: 733 Main St.

ZBA Denial: 9-10-19

Applicant: David Teixeira/JK Holmgren

2. Site Plan Approval

Property: Davis Commons

Proposal: Maintenance Building

Applicant/Representative: National Affordable Housing/JK Holmgren Engineering

Comments: Rob May said that the presentation was complete at the last meeting and that it was continued to this meeting to make sure they received con-com approval. He

said they were issued an OOC at the last con-com hearing and there were no other changes made.

Councillor Sue Nicastro spoke in favor; she said that the applicant's held a neighborhood meeting and this plan was developed from the meeting and COB comments.

Action/Decision: Grant site plan approval with the standard conditions.

Motion: Pina

Second: Goncalves

In favor: 5

Opposed: 0

3. Site Plan Approval

Property: Plots 42 & 43 West Chestnut St.

Proposal: Roadway and Utilities

Applicant/Representative: Ben Albanese

Applicant's statement: Frank Gallagher said that the initial meeting on this proposal was in April 2017; he said the proposal is for a private way and utilities; sewer, water, gas, electric; he said frontage for the parcel is between 516 and 502 W. Chestnut Streets and there is 50' of frontage. He said that the private road will dead ended at the city line (temporary turnaround); they have completed the tech review process and received an OOC through con-com; they submitted a revision yesterday showing a temporary turn around and changing the name to Patricia's Path; he said that proposed private road is in complete conformance with planning board rules and regulations.

Comments: B. Pelaggi said there is a lot of impervious surface and asked where the drainage goes; he was told that storm drainage is piped into W. Bridgewater and overland into a wetland; he said he does not have an OOC from W. Bridgewater for that work.

C. Pina asked if they were proposing granite curbing and sidewalks; F. Gallagher said yes and that the cross section is on page 2.

T. Goncalves asked if there were any issues from tech review; R. May said that any issues were addressed; he said this was tried in court and the city lost both the case and the appeal. He said there is no subdivision being proposed but the extending of utilities falls under site plan approval.

R. Thomas asked if it has to comply with complete streets and B. Pelaggi said they are fully compliant.

Public Comment:

Ben Albanese said he was in favor.

Jeanne Holmes said the applicant is proposing a road going to nothing...a road to nothing with utilities...she is concerned that we are allowing him to put a road onto an already dangerous street...she said that obviously someone is putting in a road to extend it and built homes and said she is strongly against putting anything there that puts more traffic on West Chestnut; it impacts all residents...there will be accidents causing our

insurance to increase...she said we already pay the highest rates in in the state. She said that there was no safety review; she said the developer is not being forthright... that there are numerous homes planned for this property. She said she is concerned about our sewerage and water usage in another town.

Donald Clinton, Talbot St., said traffic is an issue...he said they don't need any more traffic...there is no benefit to the city; he also asked how long the private road was; he was told 980'.

B. Pelaggi asked if there was ever a traffic study done; B. Albanese said that OCPC did a traffic study; he also said that the future use of property has yet to be determined.

Peter Lynch, Chestnut Dr. ; said this is the worst possible part of West Chestnut...the road is narrow...there have been a number of serious accidents ...Southworth to Ash is the worst section; there are no lights; he said this is not a road to nowhere.

Linda Lynch said traffic is a factor; she said that the land ends in W. Bridgewater; she said she is concerned that they have not gone to W. Bridgewater yet; she said there are no sidewalks on W Chestnut St.

Martha Testa, 430 W. Chestnut St., disingenuous that they are just building a road to nowhere; worried about replication and changing the wetlands; moving the wetlands to another spot is not desirable to the residents ; overbuilding creates a climate for rodents

Patricia Jacobson wondered why the city would approve something that they know will be used for something else.

B. Pelaggi said that what is before the board tonight is a private road on a private piece of property with city utilities; The W. Bridgewater con-con and planning board will need to approve any work in their town and the town will need an agreement for an intermunicipal agreement; none of those issues are before the board now.

R. May said the board can make assumptions on what may happen; but can only react to what is before them.

Donald Clinton said Talbot St. has a bad water problem.

F. Gallagher said that they have approval from the conservation commission to do the work and they met all the requirements in the wetland protection act and met the performance standards.

Ward 3 Councillor Dennis Eaniri said he also lives on West Chestnut also; he said it is a heavily traveled street; he said that the city went to court regarding the easement on the land and the case went on for two years; he said the city lost and went to file an appeal and missed the appeal time...the case is done; he said this is Brockton property owned by the applicant; he has the right to develop his property; he said he spoke with the applicant and he is willing to try to get a traffic control light on Ash and W. Chestnut; he said the city does not want to end up in court again.

Richard Emanuel, Alexandras Way said they are trying to pull the wool over our eyes..he said traffic is an issue...it is a dangerous street; he said there is a ground water problem on Rachels Way.

B. Pelaggi said that if and when the applicant moves forward most present will receive written notice of those meetings.

B. Pelaggi asked what the mechanics of IMA were; Councillor Eaniri said that the Mayor and law department negotiate the agreement and then it is sponsored by the ward councilor.

Councillor Susan Nicastro said she is against it; she said 1,000s of ward 4 residents pass there every day...this project greatly impacts residents in ward 4; she said that the board is setting a dangerous precedent; she said this will be a terrible burden to the COB; the board should be listening to the residents; at the very least any approval should be conditioned on W. Bridgewater's approval, a traffic study and an IMA.

Rep. Michelle Dubois said she represents W Bridgewater and said that the board should not be in the business of helping the developer out...she said she is in opposition and in support of Councillor Nicastro and hopes this is denied.

T. Goncalves said she is offended at the comment that we are in the business of helping out developers.

B. Albanese said that a thorough traffic study was done two years and the plan provided for a cul de sac; he said he would like to go into W. Bridgewater, but right now he doesn't know what is going to happen.

C. Pina said they hear the concerns about traffic...he said there are traffic concerns on every project; he said that the traffic commission is a powerless commission; there is no traffic enforcement and would like to see more traffic enforcement; he said they can not hold up development...nothing about this project is unreasonable...it complies with complete streets.

B. Albanese said that the ward councillor has insisted that a traffic control device must be included and they will be contributing to it monetarily.

R. May said that a road traffic study has been done and does identify improvements at certain intersections; the city and the developer are working to develop plans; there are no homes, no cars...no traffic. He said the board can only vote on what is in front of them.

Action/Decision: Grant site plan approval with standard conditions.

Motion: Pina

Second: Thomas

In favor: 5

Opposed: 0

4. Site Plan Approval – Retail Marijuana

Property: 747 Centre Street

Applicant/Representative: Nature's Embrace/Strongpoint (Eric Dias)

Applicant's statement: Attorney Patrick Sullivan said that the location is the old Webster Bank building; as per the ZBA decision they will be fencing off the residential portion of the property; he said at some time in the future they may be looking to rezone the property as it has historically been used commercially.

E. Dias said that there will be little site improvement; they will be blocking off a curb cut; the drive thru canopy will be removed; they will be re-stripping the lot; they are increasing the amount of green space by a little bit; snow will be moved off site, Centre St will be enter only; deliveries will be through a secured door. The dumpster will be secured; all products are stored in doors; they intend to dress the site up and add curb appeal; they have received a special permit issued by ZBA.

Comments: B. Pelaggi said that the other lot has always been a parking lot.

R. Thomas asked where the improvement to greenspace was and was told mostly behind the building.

Anne Beauregard said she was there speaking on behalf of a resident who could not be there tonight who was against it because of traffic and its location to the schools.

Action/Decision: Grant site plan approval with the standard retail marijuana conditions.

Motion: Pina

Second: Thomas

In favor: 5

Opposed: 0

5. Site Plan Approval – Retail Marijuana

Property: 73 Pleasant Street

Applicant/Representative: Legal Greens/Highpoint (Nicole Dunphy)

Attorney Richard Staiti said that the property is owned by Fred Fontaine; he said they have been before the went to tech review committee and made updates to plans; she said they went to the ZBA as C-3 does not allow for retail marijuana use on the ground floor, he said they received a variance and a special permit. He said that the applicants are both economic empower candidates.

Nicole Dunphy said that there are two parcels under common ownership; she said that the parking lot design was reconfigured; the existing parking did not meet the zoning ordinance; she said the reconfiguration is a wash as to green space and impervious area; they have designed a recharge system for the site based on SW handbook per the requirement of the city engineer; there is a revised safety plan for the fire department; they added a generator pad per the police department; the easement was nullified and recorded at the registry of deeds and directional signage added (left exit out of lot).

L. Hassan said he attended tech review and sees that they addressed the issues.

Action/Decision: Grant site plan approval with the standard retail marijuana conditions.

Motion: Goncalves

Second: Hassan

In favor: 5

Opposed: 0

6. Definitive Subdivision

Property: 236 W. Chestnut St.

Lots: 2

Owner/Representative: ET Engineering/Manny Ramos

Applicant's statement: A. Etoniru said he has addressed the comments from the last meeting and revised the plan to make the existing contours more legible; the driveways have been extended with turnarounds added; the existing trees notation as required by ZBA was added to the plan; the test pit info was added to the plan; there is a recharge system for roof drains and they received a 6 month extension from the ZBA..

Comments: B. Pelaggi asked how deep the recharge system was and was told it was a shallow depth.

R. Thomas asked what changes were made to the driveways and was told that it is now two cars wide and allows for turn around.

Councillor Dennis Eaniri said that he only heard from one constituent who had a problem (it was with her driveway location and the new driveways). He said he is happy to see the changes to the driveways and welcomes the improvements.

B. Pelaggi asked if they intended to use the existing utilities for one of the new homes; A. Etoniru said that they are showing all new utilities as that is what they expect the DPW will have them do. The existing home is old.

B. Pelaggi said that with the number of cuts in the road in such a small section they will be required to overlay the road section per DPW/planning board standard requirements.

Action/Decision: Approve with standard conditions as discussed.

Motion: Hassan

Second: Goncalves

In favor: 5

Opposed: 0

(For the record T. Goncalves excused herself from the remainder of the meeting-quorum remains).

Waivers were requested from the following sections of the Planning Board Rules and Regulations:*

V(A) Street and Roadway

V(B)3 – Utilities

V(B)4 – Street lighting

V(C) – No new curbs and sidewalks

V(D) – Street trees

V(E) Street Monuments
 V(F) Street Names & Signs
 V(H) Maintenance of Roadway & Utilities
 V(I) – Fire alarm boxes

*Note: The granting of these waivers does not negate the Ordinance requirements - Restoration of Streets & Sidewalks.

Action/Decision: Approve as requested
 Motion: Pina
 Second: Thomas
 In favor: 4
 Opposed: 0

7. Definitive Subdivision – **CONTINUED TO 2/4/20**

Property: Map 37, Plots 4, 6 & 18 Augusta Ave. and Plot 36 Prospect St.

Lots: 18

Owner/Representative: Frederick Hebshie/Curley & Hansen

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.

Rep. Michelle Dubois said that there was a resident who wished to speak to the board about an issue in his subdivision.

Jamal Brathwaite said that he represents the 200 residents of Woodland Park. He said that they have no communication with the builder and there are ongoing problems with their homes. The chair attempted to explain that the board only has control on the construction of the roadway. After a lengthy discussion the chair agreed to attempt to schedule a meeting with Jamal Brathwaite, the developer, the planning staff, himself, the state rep and ward councillor. He pointed out that he can extend the request, but he cannot make the developer attend. He also said it is to be Mr. Braithwaite only as the representative of the subdivision.