

**MEETING DATE CHANGE – WEDNESDAY, DECEMBER 4, 2019
6 PM**

PLANNING BOARD
Tuesday, December 3, 2019 – 6:00 P.M.
GAR Room - City Hall

Meeting Agenda

Members Present: Robert Pelaggi, Toni Goncalves, Craig Pina, Larry Hassan and Reggie Thomas. Also present were Deputy Chief Ed Williams and Rob May, Shane O'Brien and Pamela Gurley, Department of Planning & Economic Development.

Acceptance of Minutes

A motion was made (Pina), seconded (Goncalves) and unanimously passed to accept the minutes from the 11/6/19 meeting.

Endorsement of ANR Plans, Subdivision Plans and/or Lot Releases
Stafford Lane ANR was endorsed by the board.

Subdivision Endorsement - Tiffany/Stonehill – Although the 20 day appeal has passed the applicant did not secure the endorsement of the city clerk and therefore the board cannot sign the plan. The members agreed to stop into the office and sign the mylar once notified that the office has secured the clerk's endorsement.

Lot Releases

The secretary said that she has several requests for lot releases:

738 N. Cary St. – release of the existing home

70 & 74 Melrose – cash surety has been place to secure the remaining work

Resigning of the previously issued lot releases for Woodland Park due to a scrivener's error.

Action/Decision: Motion to release the above lots as presented.

Motion: Goncalves

Second: Hassan

In favor: Pelaggi, Goncalves, Pina & Hassan

Abstained: Thomas

1. Permission to Return to the ZBA

Property: 1915 Main Street

ZBA Denial: 11-13-19

Applicant: The Holistic Concept

Applicant's statement: Attorney David Asack said he was looking to return to ZBA; he explained that after making his presentation the chair notified him that

not all the members had received the information packet. Not being able to withdraw at that time the project was denied.

Comments: Craig Pina said that out of all the proposals this has been the best suited location.

Councillor Susan Nicastro said that this was a technical defect and supported sending him back to the ZBA.

Action/Decision: Permission to return to ZBA

Motion: Pina

Second: Thomas

In favor: 5

Opposed: 0

2. Site Plan Approval

Property: 839 Main Street

Proposal: Commercial Building

Applicant/Representative: Jacobs Driscoll Engineering/Attorney John Creedon

Applicant's Statement: Attorney John Creedon said that the only issue is the easement agreement between the parties. He said that the easement agreement has been back and forth between the planning and the law departments and he has received notification from the city solicitor that he was satisfied with the final version. He said that the purpose of the easement was for parking, maintenance and access. The proposal is for two residential units and a restaurant; there is an exclusive easement between the parties; he will be notarizing the document and it will be recorded with the registry of deeds.

Ed Jacobs said last time he was here there were no issues with the actual plan.

Comments: C. Pina said that it looks like all the T's have been crossed. B. Pelaggi stated that the license for garage needs updating to reflect the new use of the property.

Councillor Susan Nicastro said that she still has concerns. She said she spoke with the city solicitor today and he would like the opportunity to reexamine the agreement as he didn't realize that the easement was for parking. She said the project is in her ward; she said that as a real estate attorney her opinion is that this agreement can be made better to protect the city. She said that Soares owns the property personally not as an LLC; she noticed that the plan reference is the ZBA plan and not the updated planning board plan as that is the final plan; she said that the purpose of the easement is to reference a specific parking location and would like to see it continued for another month to make sure these items are addressed and the city solicitor has a chance to re-look at the document.

Attorney Creedon said that the ward councillor has been fighting this proposal; he said Mr. Soares does own the property; the purpose of the easement is in the agreement and states it is for parking; he said right now it looks like it needs minor tweaking; he asked that the board approve the project with the condition that it receive the final document before any permit can issue.

C. Pina said that he would like to see this moved forward pending approval of the city solicitor. S. O'Brien said that the initial issue was proposed work on a property not under the ownership of the applicant and the need for a recordable easement. Bob Pelaggi asked if the board would be willing to approve conditioned upon the city solicitor and Councillor Nicastro's approval. (Councillor Nicastro stated that she did not want to be included in the approval.)

L. Hassan asked if there was a problem with ownership. B. Pelaggi said that it seems that the issue can be easily corrected. Councillor Nicastro said that the easement document should have a plan showing the easement location that can be recorded.

R. May said he is disappointed to find out that what was agreed to by the law office is not enforceable.

E. Jacobs said that they can make an 11x14 copy of the plan and easement and attach it to the easement document for recording.

S. O'Brien said that the plan will need to be signed off and stamped by the planning department before a building permit would issue so there is control. Councillor Nicastro said she would prefer that it be delayed a month - do not like conditional approval.

Councillor Dennis Eaniri said he is here to speak in favor and on behalf of Mr. Soares; he said he saw the Enterprise article; he said this is a 1.2 million project.

B. Pelaggi said that the ward councilors' comments are significant but feels confident that the board will be able to build safeguards into a motion.

C. Pina said that this has been going on for a long time and it sounds like the parties can take care of the issues.

Action/Decision: Grant SPA with standard conditions and the special condition that the City Solicitor's Office is to approve the grant of easement agreement between Lucindo Soares and/or Soares Club LLC with Jose Goncalves and/ or 839 Main Street LLC with respect to use of the property for parking and the construction and maintenance of the parking lot and associated stormwater management system.

The grant of easement along with an 8.5X11 attached copy of the location of the easement on the subject property shall be recorded with the Plymouth Registry of Deeds. The planning department must receive proof of recording prior to the issuance of a building permit.

If there is any work not completed at the time of the request for a certificate of occupancy it shall be secured by a cash bond to the City of Brockton.

Second: Goncalves

In favor: 5

Opposed: 0

3. Site Plan Approval

Property: 835 Belmont Street

Proposal: Service Bay

Applicant/Representative: SNE LLC/JK Holmgren Engineering

Applicant's statement: Scott Faria said the planning board approved a similar addition several months ago to the same property. He said that since that time the owner has decided to add another 1,300 SF addition to the service station. He said they have already been to the ZBA and through technical review; he said they are adding green space; the existing parking and utilities are adequate for the use; he said there is no existing drainage but they are capturing building and portion of parking lot.

Action/Decision: Issue a standard SPA

Motion: Pina

Second: Thomas

In favor: 5

Opposed: 0

4. Site Plan Approval

Property: Davis Commons

Proposal: Maintenance Building

Applicant/Representative: National Affordable Housing/JK Holmgren Engineering

Applicant's statement: Scott Faria said the proposal is for a 3,300 SF maintenance building/mailroom and parking lot along with a basketball court. He said they are currently before the conservation commission; he said there are still some outstanding details that they need to address on the plan.

Comments: S. O'Brien said that he is hesitant to approve contingently; the conservation commission needs to complete their review and vote to issue an order of conditions. He also said that the current plan does not reflect any changes requested by con-com and made to date.

Councillor Nicastro said the applicant did everything that was requested; she said they held a neighborhood meeting; they added the fencing as the neighbors requested.

Action/Decision: Continue to January meeting

Motion: Pina

Second: Thomas

In favor: 5

Opposed: 0

continued to CP January

5. Site Plan Approval

Property: 5 Terminal Place

Proposal: Mixed Use Building

Applicant/Representative: David Lynch/JK Holmgren Engineering

Applicant's statement: Attorney John Creedon said the site is currently the site of Lynch's Towing. The proposal is for 94 residential units (62 1 bed and 32 2 bed) with commercial space along Montello St. He said they are proposing 99 parking spaces; have received their variance from the ZBA; currently the site is 99% impervious with no existing SW management; he said they will be adding a SW system and greenspace.

Comments: B. Pelaggi said in practice it has always been two spaces per unit, but realizes that the ZBA has already acted upon this. S. Faria said that the train station is right next door and the project is geared to transit development. B. Pelaggi said that it does not seem realistic that there won't be someone with two cars and asked if there will be assigned parking. S. O'Brien said potential parking assignments will come down to how they manage the property. He said there should be a pre-construction meeting between the developer, contractor and city departments prior to any work.

C. Pina asked if they were intending to replace the existing clay pipe with a new water line. S. Faria said that they need to TV the pipes. He was told to be prepared to replace the pipes and suggested that they make the plan change and run it by DPW before the plan is signed by the office.

Councillor Nicastro said that they held a neighborhood meeting; she said it is a well settled area in ward 4; she said she has done a lot of research on transit oriented development; she said she is concerned about the intersection at Plain/Montello but thinks the project should be approved.

S. O'Brien said that the city received a grant from DHCD to install a new cross walk to connect the park with Riverside and Montello and other additional improvements.

Action/Decision: Grant SPA with standard conditions including the condition that any work not completed at the time of the request for a certificate of occupancy shall be secured by a cash bond to the City of Brockton; as well as additional conditions that the lines are inspected and a revised plan is submitted showing new water/sewer utilities to be approved by DPW prior to sign off and there is to be a pre construction meeting.

Motion: Goncalves

Second: Pina

In favor: 5

Opposed: 0

6. Definitive Subdivision – **CONTINUED TO 1-7-20**

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

Lots: 18

Owner/Representative: Frederick Hebshie/Curley & Hansen

7. Definitive Subdivision - **CONTINUED TO 3-3-20**

Property: Plot 2 Belgravia Ave.

Lots: 4

Owner/Representative: Curley & Hansen

8. Preliminary Subdivision Plan

Property: 63 LaFoye St.

Lots: 2

Owner/Representative: Xpress Enterprises/Land Surveys Inc.

Applicant's statement: Bruce Malcolm said that he filed a preliminary plan looking for comments on the proposal from the planning board. He said he is proposing to create two lots one with original home and a newly created lot and is hoping that this process will streamline the process between the ZBA and planning board. He said he realizes that this is a non-binding plan.

S. O'Brien asked if there was an easement along the property and was told by B. Malcolm that can be addressed at the definitive stage, but said he spoke with the title attorney and there were no encumbrances.

C. Pina said he is proposing two exceptionally small lots with very little frontage. S. O'Brien said that they need a variance for both lots as they will be taking an already non conforming lot and are proposing to make it more non conforming; he said that clearly the proposed lot size and frontage is quite small.

Action/Decision: Allow the plan to proceed to file for the necessary relief with the Zoning Board of Appeals; this action is no way is to be considered an approval by the planning board. If relief is granted by the ZBA, the applicant may move

forward to the definitive application stage and the public hearing process. The board made note that the proposed lots are undersized with little frontage.

Motion: Pina

Second: Goncalves

In favor: 5

Opposed: 0

9. Preliminary Subdivision Plan

Property: Part of Plot 97 Pleasant St.

Lots: 17

Owner/Representative: Chilton Realty Trust/Jacobs Driscoll Engineering

Applicant's statement: Attorney James Burke said this is a 57 acre parcel of land running from Pleasant to Torrey Streets. He said this is the initial development off Cypress and all the proposed lots sizes are conforming and most lots have more than 125 of frontage.

Ed Jacobs gave an overview of existing property and the proposal. He said the lots around the cul de sac have 107' of frontage (measured at building setback). He said that the site has a 20' drop in elevation. They are proposing two basins and a drainage easement; none of which have been sized for preliminary application.

Comments: B. Pelaggi asked about the length of the street and was told a total of 1,400' with 930' of new construction. E. Jacobs said they will be looking for some waivers as they would like to reduce the pavement width to 24' and put a sidewalk on only one side. B. Pelaggi said that he thinks the width is too narrow.

Deputy Chief Williams asked what the existing pavement width of Cypress was and was told 34' of pavement. C. Pina asked where the sidewalk was on Cypress and was told there is a sidewalk on both sides. S. O'Brien asked about the topography and E. Jacobs said it drops 7' for 100'. E. Jacobs said that Brockton does not differentiate between major and minor streets...all streets are built to the same standard.. He said when they were building Chilton they ran into ledge. He said they have done some test pits in this area and there is some ledge. When asked what will be done with the remaining property the board was told they will be proposing two smaller subdivisions.

S. O'Brien said it looks like the drainage will sheet flow toward Cypress and would suggest that the board have a peer review of the stormwater. B. Pelaggi said that the length of dead end street might be an issue also.

Deputy Chief Williams said he will be opposed to 24' of pavement; he asked if the water pressure had been checked and if there was a chance that water could be looped. He was told they have not checked the pressure as of yet.

Action/Decision: Allow the plan to proceed to file for the necessary relief with the Zoning Board of Appeals with the recommendation that the definitive plan is to conform to planning board standards for roadway layout and is to contain granite curbs and sidewalks on both sides of the road. This is no way to be considered an approval by the planning board. If relief is granted by the ZBA, the applicant may move forward to the definitive application stage and the public hearing process.

Moton: Pina

Second: Thomas

In favor: 5

Opposed: 0

10. Definitive Subdivision

Property: 236 W. Chestnut St.

Lots: 2

Owner/Representative: ET Engineering/Many Ramos

Applicant's statement: Ted Lyzinger said that the original ZBA decision was granted on 6/12/18 and noted for the record that the ZBA issued an extension on 8/13/19.

Comments: B. Pelaggi said there are no offsets on the plan; he asked that they darken the existing contours; add the offsets and noted there is no detail sheet for the recharge. S. O'Brien asked if they would be able to widen the driveways and add some sort of turn around. He asked how many bedrooms per home and was told four; he said that may cause a potential parking issue and asked that they relocate the driveways. C. Pina said he would like to see the homes moved back further from the street to allow for more parking and some sort of turn around.

Councillor Dennis Eaniri said he is familiar with the area and believes with some changes this will improve the neighborhood. He said there is no parking on either side of West Chestnut Street and would like to see them address the parking.

B. Pelaggi asked if they had done any test pits; T. Lyzinger said that they had and he was asked to add that information to the plan also. It was also recommended that he meet with the city engineer to discuss the drainage before the next meeting.

Action/Decision: Continue to the January meeting.

Motoin: Pina

Second: Hassan

In favor: 5

Opposed: 0

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.