

PLANNING BOARD MINUTES¹
WEDNESDAY, SEPTEMBER 2, 2020 6 PM

Bob Pelaggi introduced himself and called the September 2, 2020 meeting of the Brockton Board to order and read the following statement: This meeting is being recorded in accordance with the government order suspending certain provisions of the Open Meeting Law General Law chapter 38 section 20. Real time public participation and comment can be addressed to the planning board utilizing the zoom virtual meeting software for remote access; this application will allow users to view the meeting and send a comment or question to the chair via the question and answer function submitted text comments will be read into the record. For those of you joining by phone press star nine. If you want to asked a questions please raise your hand. A copy of this recording will be on the city's web pages. All votes will be done via roll call to ensure account accuracy. As your name is called please indicated that you are present. The following members were in attendance: Robert Pelaggi, Reggie Thomas, Craig Pina & Larry Hassan; Toni Gonsalves was not in attendance.

Acceptance of Minutes

A motion was properly made (Pina) seconded (Thomas) and unanimously passed by a roll call vote to accept the minutes from 8-13-20 and the 7-21-20 Executive Session minutes.

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

Release of Lots 10 & 11 Lynne Marie Drive (Curtin Farms)

The secretary said that the developer has requested release of an additional two lots; she said that will leave two lots remaining as surety under the covenant. She said that the utilities and drainage have been installed and the road has been brought up to base. She said that the remaining work is sidewalks, curbing and top course. The developer has submitted estimates for the remaining work and has been told that release of the remaining two lots will be contingent on the completion of the work or cash surety.

A motion was properly made (Pina) seconded (Hassan) and unanimously passed by a roll call vote to release lots 10 & 11 Lynne Marie Drive from covenant.

ANR - Cardinale Plaza (Oak St.)

The secretary said that the plan is showing a change in the lot lines to the existing plaza only.

Dep.Ch. Williams said it is the old cinema lot and questioned if it effected any of the zoning variances that have been given out over the years. He also noted that he thinks that there is a drain easement missing off the plan; an easement from the cinema to Oak and N. Pearl.

¹ A video of this meeting is available for viewing on the Department of Planning & Economic Development website.

Atty Burke said that Pilling Engineering prepared the plan; he said these questions are not specific to the new lot; he said property ownership is not changing and it is up to the owner to pursue them with engineer.

Bob Pelaggi asked if it was the owners intention to convey one of the parcels and Atty. Burke said it may be his intention. Bob Pelaggi said that he would like to see the easement on the plan and asked the director if they had the ability to contingently approve the plan with the condition that the easement be added. Rob May said they only have two choices either it is a subdivision or it is not a subdivision. Craig Pina said that changing lot lines here does not effect the lack of the easement on the plan.

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Bob Pelaggi said that the board has no firm knowledge that easements are missing from this plan.

A motion was properly made (Pina) seconded (Thomas) to sign the plan as submitted.

ARN - 490 Forrest Ave.

The secretary said that the applicant has requested to withdraw this application.

1. Permission to Return to the ZBA

Property: 912 Crescent Street

ZBA Denial: 7-14-20

Applicant: (Michael Pires) KG Collectives

Attorney Richard Staiti said that they are requesting permission for a re-hearing before zoning; he said that they presented an application to the ZBA and were told that their application was missing information; no copy of host agreement, no community outreach map, no MLC, etc. He said that they have now submitted all this information and believe that they have grounds for re-hearing.

Bob Pelaggi said that most of the ZBA decision was dealing with the issue of parking. Craig Pina said that he did not remember a lot of discussion about parking....mostly discussed lack of security plan.

Bob Pelaggi said that he read the zoning decision in detail and suggested that they continue to next month; he said they will need the parking plans for ZBA; he said that the majority of the basis for denial was relative to the parking....there were several parking issues in the decision. Atty Stati said that they thought the basis of denial was for incomplete plans.

Larry Hassan said that the parking issues was brought up at tech review and asked if it had been addressed;

Craig Pina said that most of their discussion was on the lack of documentation.

Rob May said that the plan for ZBA should address the concerns of tech review.

A motion was properly made (Pina) seconded (Hassan) to allow the applicant permission to return to the ZBA. In favor: Pina, Hassan, Thomas; Opposed: Pelaggi. Motion did not carry. There being no further motions made the applicant asked for a continuance to October 6, 2020.

2. Permission to Return to the ZBA - **Postponed to October 6, 2020**

Property: 1208 Montello Street

ZBA Denial: 2-11-20

Applicant: Peter Harrison/JK Holmgren

3. Definitive Subdivision - Previously approved 11-8-17

Property: Lot B Charlotte Street (156-487)

Lots: 1

Owner/Representative: (Michael Keith) A American Investment

Bob Pelaggi reminded the board that this was a previously approved but lapsed subdivision; he said at the last meeting that an abutter raised questions on drainage. He said we have since received a copy of the letter from the city engineer approving the plan 9-14-17; he said he still does not see any drainage, but that the plan was reviewed, changes proposed and made and it received the approval of the city engineer.

No public comment.

A motion was properly made (Pina) seconded (Thomas) and unanimously passed by a roll call vote to approve the definitive plan dated 9-14-17 and issue the approval letter with the same conditions as in the original approval.

The secretary explained the issue of surety to the applicant and explained that if he wanted to begin work on the home that the road work needed to be completed or bonded by cash surety to the city before a lot release could be issued.

4. Definitive Subdivision - **Postponed to October 6, 2020**

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

Lots: 18

Owner/Representative: Frederick Hebshie/Curley & Hansen

5. Definitive Subdivision - **Postponed to October 6, 2020**

Property: Plot 2 Belgravia Ave.

Lots: 4

Owner/Representative: Silva Engineering

6. Definitive Subdivision

Property: 678 East Street

Lots: 2

Owner/Representative: Benjamin Carroll/Munden Engineering

Attorney Scott Ford/Gigi Munden/Ben Carroll

Atty. Ford said that he watched the prior proceedings; he said this is a unique development as a portion is in Bridgewater; he said the current proposal is to raze the existing 13,000SF building. He said they are attempting to merge the requirements of both communities. He said that the 30" width will be maintained to the cul de sac; they are seeking a reduction in sidewalks from 8' to 3' for portion of subdivision; he said that the reduction of sidewalks will compensate for the reduce layout from 50' to 40'; the two lots in Brockton are to be non buildable per agreement with the past planning board; he said there will be a considerable amount of buffer to the neighbors and a considerable amount of impervious area will be coming out.

Craig Pina asked if there will be a reduction of width within the COB; Atty Ford said in the layout not the road; the paved area will be compliant. Gigi Munden said they are keeping 34' of pavement along the entire road but asking for waiver for sidewalk and cape cod berm; they are keeping the Bridgewater pavement at 34' also.

Bob Pelaggi said if they can support a ROW 50' wide why are they looking to reduce the width of the way from 50 to 40; Gigi Munden said that the utility area is better accessed if they are accessible in a grass landscaped area; she said they are complying with Brockton regulations as much as possible.

Bob Pelaggi said that he does not remember a subdivision road being accepted with less than a 50' layout; the engineer said that the underground utilities would be in a conduit; he said that this project would have benefited by a preliminary subdivision as it opens up a back and forth discussion. Atty Ford said he thinks it makes the best sense for this project; he thought the board would rather see trees and vegetation; he said it is easier to have utilities in grassed area; Bob Pelaggi said that everything can be accommodated in a 50' layout. Atty Ford said they are saying the same things...utilities would be outside the ROW in a dedicated utility easement; he said he understands that it is not the way Brockton has done it.

Gigi Munden said that the reason she did not file this as a preliminary is that the plan was almost identical to the plan previously approved by the board.

Bob Pelaggi said that the scale of plan is difficult to read. Larry Hassan asked about the responsibility of the city for emergency vehicles; Dep Ch Williams said that E. Bridgewater police and fire submitted a letter saying they will have responsibility. Bob Pelaggi asked if Brockton has enough sewer and water capacity; Bob May said he is not speaking in favor or against the project; he said that the COB does have access and is currently looking at ways to use it as a tool; he said that it does require an intermunicipal agreement. Bob Pelaggi said that they have heard abutter testimony of high ground water and asked if they had looked at getting sewer services from Brockton; Gigi Munden said that sewer with pump station would work and that currently they were only looking at water from Brockton. Bob Pelaggi said that the neighbors have concerns in order to have further negotiations with the city we must be past this point; he said that stormwater and septic meet regulations; he said he hasn't seen any technical data that seven septic systems will change the groundwater; he said he is willing to have that conversation with Brockton; but if it's not possible he does not want to hold up the process.

Craig Pina said that the elimination of the building and pervious surface will help with the groundwater but said he is not happy with 3' sidewalk.

Bob Pelaggi said he personally would like to see a smooth design all the way through the subdivision.

Jim Bosco, 719 East St., said that E. Bridgewater has not approved anything; whatever is on this plan means nothing to him as a Brockton resident; he is concerned about Brockton; he said that the previous plans showed a cul de sac so that Brockton services could turn around; there was a buildable lot that has been deemed non buildable; he said he would like to see something built there; the decision does not prohibit them from building a cell tower; he said he is worried about narrowing of the road; Bob Pelaggi said that they are showing a road that is fully complaint; Jim Bosco said he does not understand why Brockton would devalue a lot they can get taxes on; he said there is a previous plan showing a cell tower; Ben Carroll sid there are no intensions of building a cell tower at this time; he said he would be happy to build two additional homes in Brockton; he also said that the judgement of remand called for road to meet E Bridgewater standards in Brockton.

Councillor Nicastro said that she would speak after the abutter letters were read into the record. The chair asked the secretary to read the three letters into the record. (Letters will be attached to these minutes.)

Councillor Nicastro said that East St. is a busy road; she said there are no sidewalks on East St.; she said that people will be walking in the street; she said this is similar to the Meadow Woods subdivision; she said she would like to see a cul de sac at end of land in Brockton; she said she is also concerned about a potential cell tower; she said that the neighbors do not want to see this; she said she has had several conversations with Mayor Sullivan and said that we have all kinds of issues with water/sewer; she said they cannot bank on water being sold or receiving an intermunicipal agreement; she said she has a difference of opinion on our resources. She said she is concerned about the expense of this road in Brockton relative to maintenance and upkeep; she said she does not not see the benefit in approving thi; she said that the purpose of the subdivision control law if to protect the residents; she said there has been little discussion of stormwater and would like to see it addressed.

Bob Pelaggi asked the engineer if sight calculations were done as there are abutter concerns about access and egress; Atty Ford said they have a traffic plan that addresses that; he said that sight lines will accommodate up to a speed of 40-45 miles per hour but said they were also updating the traffic study.

Atty Ford said that they do meet the 30 degrees on the plan; he said that the road is not too narrow; it is being built to Brockton standards with 34' of pavement; he said they are fully compliance with SW; he said that the Court remand relative to non buildable lots was as a result of the agreement between the parties.

Bob Pelaggi asked if there was anyone else that wanted to speak; he asked that they keep their comments to anything new or different.

Councillor Nicastro said that maybe the developer would be willing to include the inclusion of a cell tower into the no building in Brockton stipulations. Atty Ford said they were willing to look at it.

Bob Pelaggi suggested that they come as close as they can with utility layout etc. to the COB planning board rules & regulations; look at the possibility of Brockton lots; he asked if there is anything that prohibits building on those lots: Atty Ford said that the remand says that lot 9 will be restricted as an unbuildable lot.

Atty Ford asked for a continuance to the October meeting and agreed to freeze the time clock for approval to that next meeting.

7. Definitive Subdivision

Property: 496 N. Cary Street

Lots: 2

Owner/Representative: CLM Development/JK Holmgren Eng.

Scott Faria said that the board had previously approved the prelim in February with the conditions that each parcel is to have its own access drive. He said they received waivers from the ZBA at the 7/14/20 meeting.

Bob Pelaggi asked that they remove the two notes relative to ZBA and add the elements of th ZBA approval on the plan.

The secretary said that our standard approval contains conditions relative to the filling of trenches with controlled density fill but also a condition for the milling and re-paving of the roadway. Bob Pelaggi said that these utility cuts are far apart and it was agreed that the condition of the milling and repaving would be up to the discretion of DPW Commissioner.

No public comment.

The secretary explained the issue of surety to the applicant; he agreed to contact her with his decision.

A motion was properly made (Pina) seconded (Hassan) and unanimously passed by a roll call vote to approve the definitive plan the standard conditions and the special condition that that milling and re-paving up to the discretion of the DPW Commissioner. No waivers were requested.

8. Preliminary Subdivision - **Postponed to October 6, 2020**

Property: 134 Armiston Street

Lots: 6

Owner/Representative: Robert Kane/Atty. James Burke

9. Preliminary Subdivision

Property: 70 Banks Street

Lots: 2

Owner/Representative: Jairson Barros/Outback Engineering

Greg Logan, Bluestone Construction said that Jairson Barros lives in home at 70 Banks St. a two family built before zoning; he said he would like to build another home to allow for his sister to move in and take care of parents. He said it meets the characteristics of the neighborhood.

Craig Pina noted that if separated the new lots would only have 65' of frontage each; Larry Hassan said they are asking to create two non conforming lots. Greg Logan said that the existing lot is non conforming.

Bob Pelaggi said you are making the existing lot more non conforming; he said that the sentiment of the ZBA has been that they do not look favorably on these smaller lots although he has demonstrated that the lots are somewhat consistent with lots in neighborhood. Craig Pina said they are small lots, but do match the lot size across the street.

Greg Logan said that 77 Banks is a fairly new house done in 2000 and it meets the criteria of neighborhood.

A motion was properly made (Pina) seconded (Thomas) and unanimously passed by a roll call vote to allow the application to proceed to the ZBA to request the necessary waivers. The chair explained that this was not to be considered an approval.

At this time the chair acknowledged that Reggie Thomas had signed out of the meeting, but that quorum remained.

10. Preliminary Subdivision
Property: 21 Union Street
Lots: 2
Owner/Representative: JK Holmgren Engineering

Scott Faria said that the property owner Joe Tavaras was looking to subdivide his existing property into two 6,500 lots each with 55' of frontage in order for his father in law to move in.

He said that these were two lots of record that were combined. Bob Pelaggi said he wishes they showed the existing surrounding lot sizes on the plan. He asked what relief they will need and was told frontage, lot width etc.

Craig Pina said this is an old neighborhood and this would be an improvement to the area. Bob Pelaggi said again that the ZBA has not looked favorably on this smaller lots lately.

A motion was properly made (Pina) seconded (Hassan) and unanimously passed by a roll call vote to allow the application to proceed to the ZBA to request the necessary waivers. The chair explained that this was not to be considered an approval.

11. Preliminary Subdivision
Property: 49 Keswick Road
Lots: 3
Owner/Representative: Attorney Matthew Costa

Atty Matthew Costa said that Mrs. Macrina has owned the property for 40 years; they are proposing to divide the property into three lots with proposed lots 2 & 3 on Marsden each with 7,000 Sh and 70' of frontage; he said part of reasoning behind lots 2 & 3 is they are similar in size to the other house lots; he said although they are undersized they area all similar in size to the the neighborhood.

Rob May said the smallest parcel on Marsden has 55' of frontage...he said he is looking at the assessors plan and the lots are similar.

Larry Hassan said that although the lots are similar in sq footages, they are still creating non conforming lots. Bob Pelaggi said that the letter sent to the ZBA is quite specific and is not an approval of the plan. He said he was concerned about creating three substandard lots; Craig Pina said they are not granting any specific approval at this point.

A motion was properly made (Hassan) seconded (Pina) and unanimously passed by a roll call vote to allow the application to proceed to the ZBA to request the necessary waivers. The chair explained that this was not to be considered an approval.

12. Executive Session

Discuss in Executive Session an Open Meeting Law Complaint filed against City of Brockton, Planning Board. Once discussion is completed, meeting is to be adjourned while in Executive Session.

A motion was properly made (Pina) seconded (Hassan) and unanimously passed by a roll call vote to enter into executive session and adjourn the meeting without returning to open session.