

Planning Board - 10-6-2020

Meeting Minutes

Bob Pelaggi introduced himself and called the October 6, 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 page. 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, Toni Gonsalves, Reggie Thomas, Craig Pina & Larry Hassan. Also in attendance were Director Rob May and Admin Assist to the Board Pamela Gurley.

Acceptance of Minutes

A motion was properly made (Pina) seconded (Gonsalves) and unanimously passed by a roll call vote to accept the minutes from 9-2-20.

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

ANR

Nothing submitted for signature

1. Permission to Return to the ZBA

Property: 912 Crescent Street

ZBA Denial: 7-14-20

Applicant: KG Collectives (Michael Pires & Marcus Johnson)

Michael Pires said that they hade been previously denied by the ZBA because their application was missing some required documents; he said they requested a continuance from the planning board's last meeting in order to address some additional issued; he said since that time they have updated the site plans, added a the 500' radius to the context map as well as 1000' radius; removed the parking along Hope Street and it filled with landscape; added more landscape along the front; added a loading area for deliveries; there are now two dumpsters (one for them and one for the restaurant); and added a 6' solid fence along the rear and side of the property.

Larry Hassan said it looks like they addressed the issues. Bob Pelaggi said it looked like they addressed the ZBA concerns and have made substantial changes. Craig Pina said he did not have any issues last month and said he will make a motion.

A motion was properly made (Pina) seconded (Gonsalves) to grant permission to return to the ZBA as a substantial change has been made; i.e. updated plans showing the elimination of the parking along Hope; additional landscape and a full application. Rob May said some who had logged into the chatroom as 2.0 Jason is stating that he is opposed via the chat; he was asked to identify himself for the record (Jason Reed, Hall St) said he was opposed because of parking and security did they not submit the correct information...not a substantial change.

Larry Hassan said he is not sure what plan he is looking at, but that the applicant has submitted updated plans and additional information.

The chair said that a motion had been made and seconded and asked for a vote; the motion to grant permission to return to the ZBA was unanimously passed by a roll call vote.

2. Permission to Return to the ZBA

Property: 1208 Montello Street

ZBA Denial: 2-11-20

Applicant: Peter Harrison/JK Holmgren

Scott Faria said that the original proposal was denied by the ZBA in February. He said the property is the corner of Montello & Riverside and was for a 32 unit 4 story building with 32 parking spaces; he said 8 spaces were tandem spaces. He said the plan has been revised to 3 stories with 24 units and 24 spaces; he said there is also more green space on the south side of the building ...more buffer to the neighbors and believes that they have addressed the ZBA concerns.

Bob Pelaggi asked if the change makes them parking complaint and asked what guides the parking ratio. Rob May said that the ratio is by ordinance, he said this is not a 40R and they will need relief from parking; the proposed parking is 1:1. Craig Pina said that it was the proposed tandem parking that was an issue with ZBA; he said that this is a substantial change and warrants a return to the ZBA.

Councillor Nicastro said that she agreed that this appears to be a substantial change and is more parking compliant and was in support. She reminded the board that their decision must contain specific findings.

A motion was properly made (Gonsalves) seconded (Thomas) and unanimously passed by a roll call vote to grant permission to return to the ZBA as a substantial change had been made; i.e. reduction in density (32 to 24 units) and the modifications to parking (elimination of tandem parking).

3. Site Plan Approval

Property: 702 N. Montello Street

Applicant: Terrasol LLC (Retail Marijuana)

Representative: Ian Woods

Ian Woods said he is a social equity applicant and a 60% owner in Terrasol; he said they have secured funding; will be renovating the building; there will be some upgraded greenspace per CCC regulations; he said they will be making a single retail

establishment out of three existing establishments; he said they are required to have 4 spaces and have 5; he said they are hoping that the majority of their customers will use their app to order the product and come to pick it up.

Bob Pelaggi said he was not at tech review and asked if there was a traffic analysis as there are some concerns about parking; he asked what the max amount of employees would be. Ian Woods said there was a traffic analysis in the application and their employees will be parking off site and said he has a lease agreement. Craig Pina said the parking questions were asked and answered at ZBA. Bob Pelaggi said that the MLC shows that back taxes are owed; Ian Woods said those were paid in August; the secretary asked that they furnish her with the paid receipt (a clean MLC is a requirement).

Rep. Michelle Dubois asked to be registered in support of the application.

A motion was properly made (Pina) seconded (Thomas) and unanimously passed by a roll call vote to grant site plan approval with the standard conditions for a retail marijuana establishment.

4. Preliminary Subdivision - **Continued to November 4, 2020**

Property: 134 Armiston Street

Lots: 6

Owner/Representative: Robert Kane/Atty. James Burke

5. Preliminary Subdivision

Property: Map 74 Plots 18 Market & 1-4 Copeland St.

Lots: 2

Owner/Representative: Juan Trochez/Land Surveys

Attorney John McCluskey said that this plan was filed in order to allow the applicant to proceed to the ZBA for a variance; he said there are two lots proposed by his client who lives on Market St; each lot would be 13,000SF with 110' of frontage; he said they are looking to extend Leach Ave. to middle of lot 1 and are hoping to move forward to the ZBA.

Bruce Malcolm said the purpose of this plan is for the purpose of moving to the ZBA for the necessary relief. He said they would be extending the road construction as previously built. He said they are trying to limit the amount of pervious area and that the paving for lot 1 will end just past driveway. He said he understands that there are water issues in the area and they are obligated not to increase runoff from the site and the definitive plan will be done by ET Engineering; they will be extending the existing sewer and water in Leach Ave.

Bob Pelaggi said this was the site of previous subdivision; he said during that process the board had concerns with emergency equipment being able to turn and the sewer easement (location). He said for the prior subdivision emergency vehicles were able to access the South Middle School parking lot; he said that parking lot ends at last lot line of last (current) home. He said the additional home built by Steve Torrey also had the same issues but emergency vehicles were also able to back into the (Middle School)

parking lot. He said this site is all woods and it looks like emergency equipment needs to back all the way down the road. He asked the Deputy Chief what size equipment would typically be sent and was told an engine. Deputy Ch Williams said that this will be a problem for them as there is no cut through/turn around.

Rob May said that this is not a private right of way...it is real property....they way needs to be created.

Bob Pelaggi said that the sewer easement was established for a particular reason and asked Attorney McCluskey if just anyone can attached to an existing easement. The chair said that the easement was for the benefit of three homeowners...easements are for specific purposes; he asked if they would need releases from three previous homes owners and said that the city has no record of the easement being extended as on the plan.

The secretary said that the board has three options, approve the plan as is (in which case it would be difficult to make any modifications at the definitive stage), deny it outright or approve it with conditions/stipulations.

Bob Pelaggi said he would suggest a continuance to give the applicant a chance to revise the plan to address the issues. Craig Pina said he does not see a reason to continue and would like to see them file a new presentation Toni Gonsalves said she agreed with Craig. The chair said it is reasonable to give the applicant a chance to revise the plan....he said this is what the preliminary process is for. He said he would recommend that they speak with engineering and planning before re submitting a plan.

John McCluskey said they would be willing to look at a modification which would then let them move on to zoning.

The secretary asked how long a continuance they were looking for and was told two months.

A motion was properly made (Gonsalves) seconded (Pina) and unanimously passed by a roll call vote to grant a continuance until the December meeting. The secretary asked that they agree in writing to freezing the statutory time clock for approval to that date (although we are still in a state of emergency); agreed by applicant.

6. Definitive Subdivision

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

Lots: 18

Owner/Representative: Frederick Hebshie/Curley & Hansen

Attorney John McCluskey said that this is the site of an old subdivision that was never built out; he said they re-looked at the site relative to what the ZBA and planning board are looking for and revised the plan; he said they recently met with the Ward Councillor and neighbors at North Jr. High. He said that Fred Hebshie (100 Augusta) sold his home and as a result they are modifying the side yard at the new owners request (10-5-20).

Bill Self said this original subdivision was for 18 lots; he said they understand that the ZBA would like a minimum frontage should be 125' on new lots; he said the original 18 lots include one small lot that will be deeded to the new owner of the Hebshie home and one lot set aside for drainage; he said the new configuration is for 13 lots. He said most of the lot areas are larger than the adjacent properties; the original subdivision (not constructed) was for 21 lots; he said that 100 Augusta Ave driveway is over the property line and the plan was again amended and submitted today adjusting that lot line. Bill Self said that the new lots will require ZBA relief; he said that during neighborhood meeting there was some discussion about the removal of the Cross Ave. guard rail (it was placed to block off traffic) he said he doesn't believe it will be a drive through as there will be stop signs and homes there now. He said that it was the Fire Department that suggested that it should be open; he said they are in agreement that the guard rail would remain until the road is constructed; he said that once the street and infrastructure is complete the guard rail can come down; he said fire is also looking for additional hydrants and he sent revised plans to fire for review.

Bill Self said that another concern was that the natural flow of property is across Cross Ave; he said they are proposing along the back of the lots there will be earthen swale (to be grassed) able to be mowed; he said some neighbors said they get water now and are concerned about an increase. He said that over the years the site has been dug out and fill brought in; because of the existing topo most of the trees will be removed except on the borders and edges; he said they will try to maintain what they can; he said they will entertain installing fencing along Augusta property lines; he said they will also need a waiver to length of deadend street; slightly over 700'. He said that Augusta was partially built in 1925 and they installed water, sewer and drainage so they will be tying into existing utilities.

Bob Pelaggi asked if they received the latest engineering concerns (relative to stormwater); Bill Self said they want to sit down and speak with the city engineer; he said that they have already incorporated a lot of comments into this change. He said he was assuming that the neighbors will take care of their back yards (swale) the same as on Linwood St. subdivision. Bob Pelaggi said they might look at a 10' wide easement on lot 7 to allow for a vehicle to mass for maintenance without impacting the other lots.

Ward 7 Councillor Shirley Asack said she held a neighborhood meeting and as a result changes have been made and said that the lines of communications are open between the parties.

Public comment:

Wendy Bellevue, 51 Earl St., said she was told by a neighbor it was an apartment complex and access will be on Earl St. The chair said this is a single family development. Bill Self said there is no proposed access from this to Earl St; she said that her aunt owns the house and that they are both in favor of new homes.

Philip Decas, 170 Augusta, said he wants to make sure that the stockade fencing that he was told would be installed (at neighborhood meeting) would be installed and wants it on the record. Councillor Asack said she spoke with Bill Self after the meeting about the fencing; Bill Self said that they agreed to the fencing along the five homes along the

back of the property along Augusta; Attorney McCluskey said he will include the fencing as a stipulation at ZBA.

Fred, 158 Augusta, said his house is behind lot 7; he wanted it on the record that he does not have water in his basement but is concerned the drainage will cause an issue...he said his basement is liveable space. Bob Pelaggi said they are proposing a swale along the back. Todd Pilling they are calling it a swale; he said it will be grassed and two feet down from the existing grade to catch any water and direct it into drainage basin; he said any water that would normally head to his property will be directed to the drainage basin.

He also asked about rodents when the construction starts; Bob Pelaggi asked if there was a pest problem now and was told no. The chair said he doesn't see anything there that would be a food supply for rats, however that will be the responsibility of the contractor.

Denise Cahill, 148 Augusta Ave, said that the board's Rules & Regs say that a road should not be more than 700'...she said the road is 174' longer than what rules allow. Bill Self said that the new road is actually closer to 700'.

She said that trees remaining should be delineated and asked if that would happen. Bill Self said they have the right to ask for a waiver. The chair said there is no regulation that states that a certain % of trees need to be saved. Bill Self said the trees saved will probably be around the outskirts of the property. Bob Pelaggi asked if there was a particular in mind; Attorney McCluskey said there are interested parties but it is preliminary.

Denise Cahill asked if there be an easement created for the swale; Bill Self said they are proposing a 30' wide easement. She said that people tend to use the drainage swale to dump. She said that the drainage is being proposed with less than the minimum cover. Todd Pilling said that they are trying to keep basins shallow; they are using a heavier class pipe; Bill Self said they will have a minimum of 3.5' with a heavier class pipe. She said that street trees should be in a grass street and the trees are shown on personal property; Bill Self said they can make it a tree planing easement. She said that required frontage is 175'; Bob Pelaggi said their next step is the ZBA; it is their right to go the ZBA. She asked about the limit of clearing where the public street meets private; she was told there would be some grading only...no through traffic...Todd Pilling said there will be some construction to tie in the pipe. She asked what was the stormwater was designed for and Todd Pilling said the 100 year storm. She asked if there will be fencing around the basin? Rob May said it is in the rules and regulations; there is not going to be large amounts of ponding in the basin and he is not a "fan" of fencing. She asked if the city will maintain the basin; Rob May said they are waiting for guidance from the city engineer regarding the new stormwater ordinance. She stated for the record that she also has no water problem.

Bill Self said they would like a continuance (January) to allow them to meet with the city engineer and apply to ZBA before returning to board.

Rob May said that he believes that the board has received enough information to allow the applicant to proceed to ZBA for the necessary relief. He said the engineering issues should not be issues for the ZBA.

A motion was properly made (Pina) seconded (Thomas) and unanimously passed by a roll call vote to allow the applicant to advance to the ZBA for the required relief with endorsement of the board and continue the hearing to the January 2021 meeting.

The secretary asked that they agree in writing to freezing the statutory time clock for approval to that date (although we are still in a state of emergency); agreed by applicant.

7. Definitive Subdivision - **Continued to November 4, 2020**

Property: 678 East Street

Lots: 2

Owner/Representative: Benjamin Carroll/Munden Engineering

8. Definitive Subdivision - **Continued to December 1, 2020**

Property: Plot 2 Belgravia Ave.

Lots: 4

Owner/Representative: Silva Engineering

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.