

PLANNING BOARD MINUTES  
THURSDAY, DECEMBER 10, 2020 6 PM

Bob Pelaggi introduced himself and called the Thursday, December 10, 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, Toni Goncalves, Craig Pina & Larry Hassan and Reggie Thomas.. Also in attendance were Director Rob May, Staff Planner Raisa Saniat and Administrative Assistant Pamela Gurley

**Meeting Agenda**

Acceptance of Minutes

A motion was properly made (Pina) seconded (Goncalves) and unanimously passed to accept the minutes from 11-4-2020.

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

76 South St (ANR)

The staff planner said the under Mass General Law the key to dividing property through an ANR is frontage. She said the frontage must meet the zoning requirements of the zoning district. She said that the proposed lots do not meet lot frontage on either lot. Bob Pelaggi said that the applicant is attempting to create two substandard lots; Raisa Saniat said that the existing lot is a conforming lot; the chair said this is the wrong concept and is a subdivision. Larry Hassan asked if the proposed lot b is the parking lot for the existing two family and said this proposal might cause a parking problem for the existing home.

A motion was properly made (Pina) seconded (Hassan) to approve with the hope it does not prevail. Motion failed to carry by a roll call vote with all voting in the negative.

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1. Definitive Subdivision - **Continued to February 2, 2021**

Property: Plot 2 Belgravia Ave.

Lots: 4

Owner/Representative: Silva Engineering

2. Definitive Subdivision

Property: 678 East Street

Lots: 2

Owner/Representative: Benjamin Carroll/Munden Engineering

Attorney Scott Ford said this is their fourth or fifth meeting on this matter; he said that at the last meeting the board was notified that the solicitor wanted to review the remand and the parties agreed to a continuance to this meeting. He said they have spoken with the legal department and came up with an agreement that it can be amended by agreement of the parties (a copy of which has been sent to the board). He said that they have added the civil utility easement detail notes on the plan and at this time are asking for an approval by the board.

Bob Pelaggi said that they received an email from Councillor Nicastro requesting that the following be read into the record:

*1- Per Mr. Odunukwe, the actual radius at which the pavement intersection is achieved must be shown on the plan of the intersection of the proposed road and East Street; a drawing of an angle point intersection at the road layout line is not a radius intersection.*

*2- Tonight the Board may be approving a subdivision as shown on submitted plans, however, nearly all of the lots (9 out of 11) shown are located in another town. That town's Planning Board may change what Brockton approves. The applicant may also change their plans for that portion of the development prior to seeking approval, including building an apartment complex. FOR THOSE REASONS, I suggest that the Board's decision include the condition that 'Any future changes to the plans being approved tonight by East Bridgewater, including increases in intensity or density, must be reviewed and approved by the Brockton Planning Board before any work commences.'*

*3- Approval by the Board must be subject to water & sewer, and an executed Intermunicipal Agreement..*

Bob Pelaggi said it looks like the city engineer wants to see what the minimum radius on the curb line at East St. is...he said once everything is added up it should be 38'; Gigi Mulden said she is showing edge of pavement radius. The chair asked if they were agreeable to the condition that if there was an increase in density to the project in East Bridgewater the Brockton planning board the change is to be reviewed and approved by the board.

Pam Gurley said that there were some conditions of approval that were specific to this approval and some that were clarifications to the language to standard conditions of approval (underlined). She said that the remaining conditions of approval were all standard.

The chair asked that she read those into the record.

*The developer agrees to seek an Inter-municipal Agreement for water services and/or sewer between the City of Brockton and the Town of East Bridgewater. Approval of this project is contingent upon such Inter-municipal Agreement being granted by the City of Brockton.*

*The developer is to provide the Planning Board with proof of the recording of the endorsed Definitive Subdivision Plans. A Mylar copy of the endorsed set of plans is to be provided to the DPW Engineering Division with a copy to the Planning Board prior to the start of any work.*

*The portion of the roadway within the City of Brockton shall remain a private roadway until accepted as a public street in the manner prescribed by statute . A homeowners' association shall be created to repair and maintain the roadway and common areas.*

*Street lights shall be installed as required by the Planning Board after consultation with the Department of Public Works Engineering Section and the utility company. Poles are to be located at or adjacent to the curb line. The construction and operating costs of said lights shall to be borne by the homeowners' association until such time as the street becomes public in the manner prescribed by statute.*

*The maintenance of all detention/retention basins shall be the sole responsibility of the owner of record/developer and/or homeowner association until such time as the street become accepted as a public street in the manner prescribed by statute. At that time a joint easement between the owner of record/homeowners association and the City of Brockton shall be prepared at the cost of the owner of record/developer. In the event the owner of record fails to maintain the detention/retention basin, the City shall have entry rights. However, all costs incurred by the City for any maintenance or repair work as a direct result of the homeowners association and/or owner of record's failure to maintain the area shall be born solely by the owner of record/homeowners association.*

Dep. Ch. Williams asked if the hydrant had been relocated to the Brockton side; Rob May said it is located at the beginning of the cul de sac

The director asked if there were any residents that wanted to speak and seeing none the chair closed the public hearing portion.

Craig Pina said the board has gone over many times and made the following motion:

A motion was properly made (Pina) to issue a standard approve with the conditions recommended by the admin as well as the follow recommendations: The Brockton planning board is to be notified of any changes made to the density of the plan in E. Bridgewater and those are to be approved by the planning board. The developer agrees to seek an Inter-municipal Agreement for water services and/or sewer between the City of Brockton and the Town of East Bridgewater. Approval of this project is contingent upon such Inter-municipal Agreement being granted by the City of Brockton.

Seconded by Reggie Thomas

On the motion: Toni Goncalves asked if the motion included the requested plan notation regarding the radius. Craig Pina said he felt that the requested waiver addressed that issued.

There was no vote on the motion.

After some discussion the motion was re-stated by Toni Goncalves and seconded by Reggie Thomas to add the following recommendations to the motion: The Brockton planning board is to be notified of any changes made to the density of the plan in E. Bridgewater and those are to be approved by the planning board. The developer agrees to seek an Inter-municipal Agreement for water services and/or sewer between the City of Brockton and the Town of East Bridgewater. Approval of this project is contingent upon such Inter-municipal Agreement being granted by the City of Brockton; the plan shall be updated to add the radius on the curb line at East St.

Passed unanimously by a roll call vote.

Waiver requests:

A motion was properly made (Pina) seconded (Hassan) to approve a waiver from section Section V.C. 2 (requesting to install CCB instead of VGC) with the hope it does not prevail. Motion failed to carry by a roll call vote all voting in the negative.

Section IV.B.2.D: (not to round property lines at street intersects to provide 30 feet radius)

Toni Goncalves asked the chair to explain what the difference between between this waiver and radius information requested by the city engineer.

A motion was properly made (Goncalves) seconded (Hassan) to approve a waiver from section Section IV.B.2.D (radius). Motion carried favorably by a roll call vote all voting in the positive.

The method of surety will be a covenant.

3. Preliminary Subdivision - **Continued to January 5, 2021**

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

Lots: 2

Owner/Representative: Juan Trochez/Land Surveys

4. Preliminary Subdivision - **Continued to January 5, 2021**

Property: 42 Quincy St.

Lots: 5

Owner/Representative: Springfield Ventures Realty Trust

5. Site Plan Approval

Property: Plot 383 Quincy St.

Applicant: Mike Mather

Representative: ET Engineering/Atty John McCluskey

Azu Etoniru said that this plan has evolved over the last couple of years to a 55 and older type of use; he said they are proposing residential housing with on site parking; he said there will be one way circulation entrance and exit but double parking property is almost totally paved; he said that the highlighted yellow areas are the proposed stormwater systems, there is no existing stormwater; he said all stormwater will be

treated; he said they have been before the went to ZBA and have also received their OOC from conservation.

Craig Pina said it look like the applicant has done everything that was asked of them.

The director asked if there were any residents that wanted to speak and seeing none the chair closed the public hearing portion.

A motion was properly made (Goncalves) seconded (Pina) and unanimously passed by a roll call vote to grant site plan approval of the project as submitted.

The director said that it looks like there is an issue with someone attempting to join the meeting and noted that public access is also available by phone.

#### 6. Site Plan Approval

Property: 4 Main St. (Retail Marajuana)

Applicant: Atlantic Medicinal Partners

Representative: Atty. Phil Silverman

Atty Silverman said that they are seeking site plan approval for retail marijuana at 4 Main St.; he said they received an HCA in 2018 and that they also received their special permit from the ZBA.

He said entry to the building is through the rear off Court St.; there will be no changes to existing conditions; the 12 parking spaces nearest to Court St. will be reserved for their retail customers; employees will park in the municipal garage and will be reimbursed for that expense; parking will not be a problem as each each space on the lot can handle 4 customers per hour and their busiest hours are Friday night, Saturday and Sunday and remainder of the building will not be used then. He said the company has its own manufacturing facility and deliveries are at random dates and times; security is mandated by the CCC and they have 24 7 off site monitoring.

Craig Pina asked how far they were from the location on Pleasant St. and was told greater than required by ordinance. He asked what happens if no licenses are available and Atty Silverman said there there is a question on the status of some licensing; he said that the ordinance requires that in C-3 they are on the second floor; Atty Silverman said that it states it can't be on ground floor.

The director said that he and the admin had received a few emails from parties who were unable to log into zoom; the link was resent to those parties as well as a new link to the meeting (by email); they were also advised (by email) that they could call into the meeting.

After some discussion it was voted unanimously that due to potential communication issues to continue the meeting to December 17th at 6 pm.

#### 7. Site Plan Approval

Property: 40 Means Ave.

Applicant: Champion City Recovery

Representative: Green Seal Environmental

8. Site Plan Approval

Property: 119-015 Oak Hill Way

Applicant: LJDE

Representative: Strong point 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.**

As you are aware the Commonwealth of Massachusetts and the City of Brockton are currently in a "State of Emergency" during the COVID 19 pandemic. Should you have any questions relative to this agenda, please email the Planning Department at:

[planning@cobma.us](mailto:planning@cobma.us).