

PLANNING BOARD  
MARCH 2, 2021 - 6 PM

Bob Pelaggi introduced himself and called the March 2, 2021 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, Larry Hassan, and Toni Goncalves. Also in attendance were Director Rob May, Staff Planner Raisa Saniat and Administrative Assistant Pamela Gurley.

The chair stated that they were currently a four person board (all applicant's had been previously advised) and that for site plan approval and zba returns they will need to carry all four members.

**Meeting Minutes**

*Acceptance of Minutes*

A motion was properly made (Hassan) seconded (Goncalves) and unanimously passed by a roll call vote to accept the minutes from the following meetings: 1-5-21; 1-21-21; 2-2-21.

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

*Return of Surety - Chilton Woods Subdivision (Ferrone)*

The board has received the necessary letters from the DPW as well as the final as built plan.

A motion was properly made (Goncalves) seconded (Hassan) and unanimously passed by a roll call vote to return the surety in its entirety.

*Reorganization of the Board*

The board agreed to postpone the reorganization to the April meeting.

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## **Street Acceptance**

### 1. Chestnut Dr. Extension

The board received the council referral for acceptance of Chestnut Dr. Ext. They were reminded that although a vote is a requirement, it is nonbinding on the council.

A motion was properly made (Hassan) seconded (Goncalves) and unanimously passed by a roll call vote to favorably recommend acceptance of Chestnut Dr. Ext. to the council.

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### 2. Waiver Request - Definitive Subdivision

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

Lots: 18

Owner/Representative: Frederick Hebshie/Curley & Hansen

The chair gave a brief overview of the changes in the waiver request. He said that unfortunately this was not addressed at the meeting last month.

Bill Self said that he has itemized the lots needing relief from frontage; he said they were also seeking a waiver from the dead end road length requirement he said the road is 706.05 in length and a waiver for required cover at specific locations as noted; the admin said that they received notification from Dep Ch Williams that there is no need for a fire alarm pull box there and asked that they also waive that requirement.

A motion was properly made (Hassan) Seconded (Goncalves) to grant waivers as follows:

Section IV.A.1 Design Standards: Frontage was waived as indicated on the plan for the following lots; Lot 1, 2, 3, 5, 6, 9,10, 11, 12, 13 and 15.

Section IV.B.5 Dead End Streets: The proposed roadway extension of Cross Ave as indicated on the plan.

Addendum B - Typical Cross Section: Waivers granted to the following only:

Drain Line D5 (Class 5 RCP) Cover at CB#5

Drain Line D5 (Class 5 RCP) Cover at DMH#2

Drain Line D6 (Class 5 RCP) Cover at DMH#2

Drain Line D8 (Class 5 RCP) Cover at CB#6

Drain Line D9 (Class 5 RCP) Cover at CB#7

Section V.7.H. Required Improvements: Fire Alarm Pull Box

*Reggie Thomas was now on the zoom meeting.*

Passed unanimously by a roll call vote.

Mike Gilbert, 100 Augusta Ave, said that the property line for a lot goes through his property; he said he spoke with the attorney some time ago but it never got resolved.

The chair advised him to call Attorney McCluskey and contact Bill Self and explained that the public hearing had been closed.

3. Site Plan Approval

Property: 863 Belmont St.

Proposal: Used Car Lot

Representative: JK Holmgren

Scott Faria said that there were a few outstanding issues from the last meeting. He said that they have now eliminated a parking space by the entrance, added landscaping at the entrance and added a breakdown of parking into numbers to show employee and show area.

Larry Hassan said it look they addressed all the issues from the last meeting.

A motion was properly made (Goncalves) seconded (Thomas) and unanimously passed by a roll call vote to grant site plan approval for the project as shown on the revised plan.

4. Permission to Return to the ZBA - **Continued to April 6, 2021**

Property: 68-70 Field Street

ZBA Denial: 7-14-20

Applicant: Marie Lorquet/Attorney John Creedon

5. Permission to Return to the ZBA - **Continued to April 6, 2021**

Property: 598 N. Main St.

ZBA Denial: 3-12-2019

Applicant: Maria Flores

6. Preliminary Subdivision - **Withdrawn**

Property: Plots 211R, 203 & 207 Waverly Park Ave.

Lots: 7

Owner/Representative: Hyacinth & Everett Realty/JK Holmren

7. Preliminary Subdivision - **Withdrawn**

Property: 76 South St.

Lots: 2

Owner/Representative: Adeline Larocque/JK Holmgren

8. Definitive Subdivision - **Continued to May 4, 2021**

Property: Plot 2 Belgravia Ave.

Lots: 4

Owner/Representative: Silva Engineering

9. Definitive Subdivision

Property: 53 Cypress Dr./300 Rockland St. (Evolix Way)

Lots: Four

Owner/Representative: ET Engineering

Azu Etoniru said there were several comments were made at the prior meeting and the new plan shows two new houses and two lots with existing houses. He said that all the lots have the required frontage; the only waiver that is being requested is for the property line radius for Cypress Drive; he said that the pavement meets the requirements; he said they will be looking to continue this meeting and file with the Conservation Commission. He said the other item that was a concern was the amount for the review; he said the city has a functioning engineering department; he said they have no issue with paying for the wetland and stormwater/drainage review and are asking the board to reconsider.

Bob Pelaggi pointed out that the lion share of this amount is for the wetland and stormwater; the amount included both planning board and conservation. He said we have not received any comments from the DPW that he is aware of.

He said he would like to make it a standard practice that there is outside peer review for all interior subdivisions (new roads); the board members agreed with the change. The admin said she will let all applicants know about this change beginning with next month.

He said that the plan as submitted is deficient; he said that all applicants have access to the rules and regulations; Azu Etoniru said that he would be looking for a continuation to supply detailed design; he said they only wanted to discuss two items tonight.

Bob Pelaggi said that waivers should not show on a plan until the plan has been approved and a request for waivers granted.

Azu Etoniru said he is looking for feedback.

Bob Pelaggi recommended that he look at the lots again to make sure that they meet the requirement of 27-13A; he said he doesn't look inke it can be met in lots 3 & 4. He said Cypress Dr. is a fully conforming Road and said it is unlikely that the board will waive roadway requirements for a new road; they will need sidewalks on both side and radius on both side; he said they may need an easement for roadway purposes.

Larry Hassan said he is looking at lot 2 (existing dwelling) and asked what subplot 3 was; Azu Etoniru said it is how it is identified by the COB. He said he wants to make sure it belongs to the existing lot on Cypress.

Councillor Tim Cruise asked that the neighbors speak first.

Vance Mils said he is vehemently opposed to development; he said this is a well established neighborhood.

Councillor Cruise said the applicant said the only waiver looking for is the radius; he said that Cypress has sidewalks on both sides and granite curbing....he said this is a glorified driveway; he said by creating the street that existing lot 2 would now be nonconforming and need a zba variance....he said be creating a non conforming lot you are creating your own hardship; he said it is also one thing to say you conform with the con-com rules and another to get that approval...would like to see it denied tonight.

Bob Pelaggi said it seems that the applicant is just trying to vet the project; he would like him to look at minimum lot width, to see if they can acquire the necessary radius, we need peer review and 53 Cypress will need zoning relief.

Azu Etoniru said he will conform on the new road for frontage and will not need relief; he said that all the lots meet lot width requirements; only issue is the the waiver;

Toni Goncalves said that they are trying to squeeze lots in an area where it shouldn't exist; she asked if it could be downsized. She was told that it is was already downsized...lots are conforming. He asked for a continuance to the May meeting and agreed to freeze time clock for approval to June.

A motion was properly made (Gonsalves), seconded (Thomas) and unanimously passed by a roll call vote to continue to the May meeting with the agreement that the time clock for approval remain frozen through the June meeting.

#### 10. Definitive Subdivision

Property: 841 Centre St.

Lots: two

Owner/Representative: ET Engineering

Azu Etoniru said 841 Centre is an existing house on corner of Centre and Fred Streets. He said the proposal is similar to the neighborhood; he said this is a frontage waiver subdivision he said they are shy of frontage but that the lots are consistent with lots in neighborhood and they know they will need a variance from the ZBA.

Larry Hassan said asked if the new lot is approved does it make the existing two family a non conforming lot; Bob Pelaggi said they are making it more non conforming; they are taking a substandard lot and making it more substandard.

#### Public Comment:

Katy (resident on Fred St.) asked if this was a single or a multi family home. She said that the owner of the multi family is renting rooms and they park all along Fred St.

Jay Howard said he has concerns.

Rachael Silva, (resident on Fred St.) said parking is a concern; cars parked on both sides of the road.

Bob Pelaggi said this proposal is taking substandard lot and making more substandard; it is reducing that back yard of the existing house; he has an issue with the lot line configuration.... the way the lot line is contorted to divide the property. Larry Hassan said that he is concerned that the residents of the house at 841 already need to park on the street. Reggie Thomas said his issues have already been stated.

A motion was properly made (Hassan) seconded (Thomas) and unanimously passed by a roll call vote to deny the definitive subdivision proposed for 841 Centre St.

#### 11. Definitive Subdivision

Property: 473 Howard St.  
Lots: Two  
Owner/Representative: ET Engineering

Azu Etoniru said this is similar to the last presentation, but this is a more natural division of the land; he said they meet all the meet all setback requirements except frontage and lot size and it fits well with the existing lots in the area; one has 55' and another 60' frontage.

The owner said this is his sisters property and he will be the contractor.

Larry Hassan said that visually this plan looks good; he said they will need to relocate the water/sewer; again they are creating non conforming lots.

Bob Pelaggi said that the proposal is creating two lots lacking in size and frontage; Azu Etoniru said that none of the lots in the area can conform and it is not inconsistent with the neighborhood; he said he can change configuration of the driveway to address the issue of the utilities. Bob Pelaggi said that the lot configuration is reasonable; but frontage is at the low end of what the ZBA looks to see; he said there is off street parking for both properties and they are substantially exceeding yard setback.

A motion was properly made (Hassan) seconded (Thomas) and unanimously approved by a roll call vote to approve the plan with the condition that the plan is to be revised per the DPW that the utilities can not be installed under the driveway. The revised plan for signature must show that change.

Method of surety will be covenant.

A motion was properly made (Hassan) seconded (Thomas) and unanimously passed by a roll call vote to grant a waiver from the following sections of the rules & regulations.

Section IV B Streets - Union St. is an existing street, F Underground utilities – existing utilities are above ground. Section V C – Curbs & Sidewalks Existing, Section V B.4 – Street Lighting, V.D Street Trees, V.F Street Names, V. H Maintenance of Roadway/Utilities, V.I Fire Department.

Meeting adjourned.

**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).