

## **PLANNING BOARD AGENDA**

**JUNE 1, 2021 – 6:00pm**

**This public hearing will be held as a virtual meeting over ZOOM**

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Toni Goncalves introduced herself and called the June 1, 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: Toni Goncalves, Larry Hassan, Jim Sweeney and newest member Samatha Ambroise. Also in attendance were Director Rob May, Staff Planner Raisa Saniat and Administrative Assistant Pamela Gurley and Deputy Ch Williams.

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### Review and Acceptance of Minutes

A motion was properly made (Hassan) seconded (Sweeney) and unanimously passed to accept the minutes from 5-4-21.

### Extension Request - 93 Centre St. (6 Months)

The applicant is seeking a six month extension due to prolonged court action; he is ready to move forward at this time.

A motion was properly made (Hassan) seconded (Sweeney) and unanimously passed to grant a six month extension for the project.

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

34 N. Pearl St. - The new property owners filed an ANR application to combine the existing parcels into one parcel.

A motion was properly made (Hassan) seconded (Sweeney) and unanimously passed to endorse the ANR plan.

8 Myrtle St. - JK Holmgren filed an application to divide the existing parcel into two parcels so that each dwelling would be on a separate parcel. Under Ch 41 81L they are allowed to divide the property if the dwellings existing before zoning. Records show they were built in 1925.

Larry Hassan questioned if there was adequate parking and Scott Faria said that they created a parking easement created.

A motion was properly made (Hassan) seconded (Sweeney) and unanimously passed to endorse the ANR plan.

#### Lot Releases

20 Charlotte St. - Planning Department received the necessary information and approval letter to release this lot.

Lots 2, 3 & 4 Quincy St. - Applicant is requesting release of lots 2-4 and requesting that the board hold lot 1 as surety. (Original release to be held until plan and covenant are recorded.) Applicant is on a tight schedule; per approval all utility and overlay work must be completed prior to the start of school.

Lot 3 Granite St. Ext. - Planning Department received the necessary information and approval letter to release this lot.

A motion was properly made (Hassan) seconded (Sweeney) and unanimously passed to release the above lots as requested.

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1. Permission to Return to the ZBA - Continued to August 3, 2021

Property: 68-70 Field Street

ZBA Denial: 7-14-20

Applicant: Marie Lorquet/Attorney John Creedon

2. Permission to Return to the ZBA - Withdrawn

Property: 16 Albert St.

ZBA Denial: 11-10-2020

Applicant: Nelson Monterio

3. Permission to Return to the ZBA

Property: 63 LaFoye St.

ZBA Denial: 2-11-20

Applicant: Attorney Paul Clancy/Express Enterprises

Abutter notification was incorrect; Attorney Clancy was notified that it needs to be re-sent and matter can not be heard tonight. Attorney Clancy was not present; applicant requested a continuance to the August meeting.

#### 4. Permission to Return to the ZBA

Property: 25 E Battles St

ZBA Denial: 3-9-21

Applicant: Attorney Robert Pellegrini/Barzola Holdings

Attorney Pellegrini said that they applied to the ZBA to convert the building to six residential units (originally mixed use (church)). He said the first floor and downstairs were used as a church and the back of the building was used for storage. He said that the ZBA was concerned about a visual buffer from adjacent use (auto repair). They have added a vinyl fence along the lot line and it will be protected with a guard rail; they have reduced the units by one and eliminated the parking along the building. Ed Jacobs said that they increased greenspace. Attorney Pellegrini said he saw the planner's report but believes that a cosmetic change is enough to allow them back to the ZBA.

The chair asked if they could do three apartments.

Rob May said that none of that information presented was in the decision...the decision stated no hardship; if there were concerns that the ZBA had they should have been in the denial. Attorney Pellegrini said they were raised during discussion.

James Sweeney asked that they explain the changes again; he was told that the larger paved driveway was eliminated; they will install a fence along the parking easement; they reduced parking by four spaces and reduced units by one.

Larry Hassan asked if the parking easement exists or is it proposed; he asked if this is approved does this now become non conforming. Attorney Pellegrini said that the easement is on record.

Toni Goncalves said they are still short on lot size for 5 units. [Sam Ambrose](#) asked who will police the easement and was told that each party will need to police it themselves.

Ed Jacobs said that the easement is on record and that the fence will separate the properties. Rob May said lot area is slightly over 14,000 SF and with four units it would be by right He said that the ZBA has said there is no hardship for six units; so why would there be a hardship for five units

Toni Goncalves said that the vinyl fence needs to show on the plan and said that she strongly suggests that they go to four units.

A motion was properly made (Sweeney) seconded (Ambrose) to grant permission to return to the ZBA; substantial change being they are now proposing five units and added privacy fencing.

In favor: Ambrose, Sweeney & Hassan

Opposed: Goncalves

Motion failed.

## 5. Site Plan Approval

Property: 159 Torrey St

Applicant: Thorny Lea Golf Association

Proposal: Solar Installation

Daniel Serber said the application is for a ground mounted solar facility with battery storage at north end of Thorny Lea Golf Course on three acre site. He said they have received approval from the conservation commission. He said no trees will be cut and it will not be seen by residents; there is no noise and there is no negative effect on the city.

Deputy Ch Williams asked how wide the fire department access road was. Brendan Kling said it is a 12' wide gravel driveway with 30' wide turning radius. Deputy Ch Williams said that Fire Code requires 20' access road; he asked where the batteries will be located; he said batteries are new to Massachusetts and he will need to review the spec sheets.

The chair said they will need to accommodate for the 20' access.

Attorney James Burke said that the existing road has been utilized by the fire department and essentially there is a 20' right of way. Deputy Ch Williams said gravel is fine....that he was speaking about the internal road to the solar panels; Attorney Burke said he misunderstood and that was doable.

A motion was properly made (Hassan) seconded (Ambroise) and unanimously passed to grant site plan approval with standard condition and with the condition that a 20' wide access road added to plan for fire access..

## 6. Definitive Subdivision - Continued to 8-3-21

Property: Plot 2 Belgravia Ave.

Lots: 4

Applicant: Joe Kulle

Representative: Silva Engineering

## 7. Definitive Subdivision

Property: Map 16 Rt 188 Part of PI 97 Pleasant Street

Lots: 18

Applicant: CLM Development

Representative: W Engineering

Attorney James Burke said the application is for 18 residential homes off Chilton and Westbury. He said that four years ago he was contacted by George Carney about development of the remaining property which connects to Brarmore, Cypress and Pleasant. He said he met with Councillor Tim Cruise for purposes for establishing the ground rules and impact on the abutters and it was agreed by the parties that the development would be handled in a different way. He said that three cul de sacs would achieve the result of no cut throughs. He said that the Cypress subdivision connects from Rockland and they prepared a preliminary subdivision showing that. He said during the ZBA hearing the ZBA chair assured the residents that it would

not become a cut through and the ZBA decision contained a condition that it would remain a deadend.

Attorney Burke said that the applicant has filed definitive subdivision application asking for a waiver for road length. He said that the waiver is in the best interest of the community. He said they are now proposing that Emilia Estates and Cypress Woods would be connected for emergency vehicle access; there will be the ability to go through Cypress through to Emilia (public safety ROW); he said they are also proposing an easement for utilities to loop the water. He said that the applicant is also agreement to sprinkle the residential homes for public safety purposes.

Attorney Burke noted that Goldfinch Drive is 1800' and Athens Drive is 1300' with no emergency access. He said it is the boards discretion whether there is an as of right subdivision that connects to Braemoore and Cypress or what has been proposed.

Evan Watson said that the proposal is to extend the existing Chilton Rd/Westbury subdivision. He said they are requesting a waiver for concrete sidewalks; he said that currently all drainage flows toward the farm and golf course; there will be a 25' wide gravel road for emergency access; they will commit to extending the water line and that the oddly shaped lots will be encompassed by a drainage easement.

Toni Gonsalves said that the proposed road is 2,200'.

Evan Watson said that the easement would be also available for Cypress Woods and Braemoor (extension) to allow for looping of water and will also will also allow for the emergency access roadway.

Rob May said that these plans do not reflect the BETA comments or show any emergency access. He also said that each waiver request needs to be listed specifically; the board cannot make blanket waivers.

The chair said that the emergency plan is based on an approval for Cypress Woods; how long would we be waiting for the emergency access to be built?

Attorney John Cannavo said 14 of the 18 lots are non conforming for frontage; Attorney Burke said said per Ch 41 81R frontage relief can be granted through the definitive subdivision process. Attorney Cannavo said that case law is clear; a frontage waiver from planning still requires a variance. Attorney Burke said he does not believe that there is any requirement to go to any other board.

Jessica Currier asked if she could be shown where the emergency access would be located; Evan Watson pointed out the proposed areas on plan ; She questioned how often cul de sacs are land locked ... she said she was happy with sprinklers and the looping of the water. She said she does not have a lot of faith in the emergency access road being maintained by a homeowners association.

A motion was properly made (Hassan) seconded (Sweeney) and unanimously passed to continue to the August meeting and freeze the time clock for approval to that date.

#### 8. Definitive Subdivision

Property: Map 11 Rt 56 PI 25 Rockland Dr. Map 16 Rt 188 Part of PI 97 Pleasant St

Lots: 17

Applicant: Chilton Realty Trust

Representative: Jacobs Driscoll Engineering

Ed Jacobs said this proposal is one of three legs of proposed subdivisions for the Pleasant St/Chilton Rd. area. He said that a preliminary subdivision was approved in 2019; he said they subsequently went to ZBA and received a waiver of frontage; he said that all lots have 30,000. He pointed out the water line tie in and also where the access easement would be; he said that his client is also not opposed to sprinkling the homes; with this extension Cypress will be 1,460 feet of street; he said they have done some test pits and that there is some ledge; he said all pipes will be out of ledge and there will be a minimum blast area.

Jim Sweeney said that the two projects should work in cohesion (with each other).

Paul Khoury, 82 Cypress Dr., asked why was Cypress was granted relief on new subdivision; he was told that relief was granted from frontage. Ed Jacobs said they appeared before the ZBA in 2020; he said they appeared before the planning board with a preliminary plan and then went to the zba who granted a waiver from frontage.

Jo Nesralla, said that the ZBA decision noted an existing problem with runoff to Braemore Rd and that it needed to be addressed. Ed Jacobs said that they have captured all the runoff and directed it into the detention area; he said there will be 0 net increase for stormwater runoff and that BETA is reviewing that currently.

Jessica Currier asked to see location of detention ponds and Ed Jacobs showed her the locations on the plans.

A motion was properly made (Ambrose) seconded (Sweeney) and unanimously passed to continue to the August meeting and freeze the time clock for approval to that date.

Meeting adjourned.

THE ITEMS LISTED ARE THOSE REASONABLY ANTICIPATED BY THE CHAIR, WHICH MAY BE DISCUSSED AT THE MEETING. NOT ALL ITEMS LISTED, IN FACT, MAY ALSO BE BROUGHT UP FOR DISCUSSION TO EXTENT PERMITTED BY LAW.