

## PLANNING BOARD MINUTES

Due to a conflict with the City Council Finance Committee Meeting the Wednesday, September 8, 2021 has been changed to

Wednesday, September 22, 2021 – 6:00pm

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 Goncalvesi, Larry Hassan, Sam Ambroise and Jim Sweeney. Also in attendance were Director Rob May, Administrative Assistant Pamela Gurley and Deputy Ch Williams.

The meeting was chaired by Vice Chair Larry Hassan.

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### **Review and Acceptance of Minutes**

A motion was properly made (Goncalves) seconded (Sweeney) and passed by a unanimous vote to approve the minutes of 8-3-21.

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

Endorsement of plan for 21 Union St.

The admin asked that the member stop by the office to sign the plan.

### **ANR Applications**

109 Emmet St. & 109 E. Ashland St. (E. Ashland St./Emmet St. Map 162, Plots 6, 5R & 50)

The admin stated that there are currently two dwellings on one lot and can be divided by ANR as they were pre-zoning.

A motion was properly made (Goncalves) seconded (Sweeney) and passed by a unanimous vote to endorse the ANR as submitted.

Map 002-001 Pleasant St. (Benson)

The admin said that the plan as submitted creates one buildable lot and one unbuildable parcel (she said that the office has concerns about what will be done with the "wetlands parcel") but that is not a issue for this application.

A motion was properly made (Goncalves) seconded (Ambroise) and passed by a unanimous vote to endorse the ANR as submitted.

Lot Releases

N/A

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**Street Acceptances**

A motion was properly made (Goncalves) seconded (Ambroise) and passed by a unanimous vote to recommend the acceptance of Sheridan St. favorably.

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1. Permission to Return to the ZBA

Property: 49 Keswick Road

ZBA Denial: 1-12-21

Applicant: David Cruise/Curley & Hansen

Bill Self (said he is representing Cruise Properties who is looking to purchase this property). He said that the original proposal was to create three lots; the revised plan shows only two lots; one lot with the original home and a proposed second lot that would front on Marsdon; he said they are meeting setbacks for both lots but will need a variance on frontage, area and lot width and through lots.

Larry Hassan said that since the ZBA found no hardship last time they may have the same issue again; he asked what the substantial change was. Bill Self said that the owner has lived there 50 years and has to sell the property; he said its a large lot; all other lots are smaller; hardship is financial.

Sam Ambroise asked him to explain why this is a substantial change. Bill Self said that the original plan had three lots; the proposed lots were smaller than the other lots on the street; he said that the chance is one less lot and a more suitable configuration.

Larry Hassan said they would like to see the new home centered more in the lot. Rob May said that he is concerned that the lot could be further subdivided; if the home could be shifted to the middle of the lot there would be no ability to divide it further. Bill Self said that this configuration provides more privacy and maximum use; there will be a stockade fence along the rear property line. Toni Goncalves asked if centering the lot be considered a substantial change. The director said it is the discretion of the board, but noted that the ZBA found no hardship, nothing about the property warranted a variance.

Attorney Matthew Costa said that the primary issue at ZBA was the size of lots and that the plan required a rear yard variance; he said focus was on the size of lots; he said this is a very different plan and would like to chance to present the new plan to the ZBA.

Toni Gonsalves asked if they could condition an approval.

The chair opened the hearing for public comment; [Jamal Brathwaite](#) asked to be recorded in favor as did as well as a party on chat. There were no further comments.

A motion was properly made (Goncalves) to grant permission for return to the ZBA with the condition that there is a deed restriction that there is to be no further subdivision of this property. On the motion: Jim Sweeney asked why the proposed dwelling all the way to the left side and was told moving it would mean it needs additional relief (front and rear setback). Seconded (Sweeney) and passed by a unanimous vote.

## 2. Preliminary Subdivision

Property: 49 Keswick Road

Lots: 2

Representative/Applicant: David Cruise/Curley & Hansen

As the application for the preliminary was dealing with the above site the board felt they did not need any additional discussion.

A motion was properly made (Goncalves) seconded (Sweeney) and unanimously passed to allow the applicant to proceed to the definitive stage with the condition that there is to be a deed restriction that there is to be no further subdivision of this property.

## 3. Site Plan Approval

Property: 787 Main Street

Applicant: Adilson DePina (John Spink)

Proposal: Commercial Addition

Attorney Scott Rubin said that this was before tech review in July; he said all outstanding items have been addressed; he said the dumpster has been relocated will be enclosed (they need a BOH waiver for dumpster); they added additional and improved the existing landscape; relocated a handicapped space and an infiltration area was added.

Councillor [Susan Nicaastro](#) said she was speaking in favor; she gave history of the property and said he worked with the City Council on licensing; she said a good businessperson and a credit to neighborhood.

Dep Ch Williams said that the MVR license had 16 spaces and he should reach out to the Councilor and modify the Council license only 14 spaces.

Sam Ambrose asked them to show the new greenspace locations and she was told the border on Tribou is a new landscape strip and the Main St. side will be mulched with shrubbery.

A motion was properly made (Sweeney) seconded (Goncalves) and unanimously passed to grant site plan approved with standard conditions.

## 4. Site Plan Approval

Property: 340 Warren Avenue

Applicant: John Andrade (JK Holmgren Engineering)

Proposal: Mixed Use

Scott Faria said the building is located at the corner of Warren and Father Kenny Way; he said that the applicant is rehabbing the existing building and will be turning the second floor into four residential apartments; he said the applicant has made considerable improvements to the property; there will be 56 parking spaces. He said there is no no greenspace or drainage on site and that they will be installing drainage and considerable greenspace. They have addressed the comments made through tech review. He said that Cottage is a one way street and they were asked to widen the entrance and angle the entrance onto Cottage to allow for fire access. He said that this will benefit the neighborhood.

Larry Hassan noted that they were asked to mark the right side as delivery only; Scott Faria said he will make that change to the final plan.

[Jamal Brathwaite](#) said he was in favor as did Pacc Global (Jamal Gooding) and Michelle Henson

Sam Ambrose said greenspace is important and asked what their plans were. Scott Faria said they are proposing lots of perimeter plantings and explained the locations.

A motion was properly made (Sweeney) seconded (Goncalves) and unanimously passed to grant site plan approved with standard conditions and the stipulation that the plan is marked to show the delivery area only location.

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#### 5. Definitive Subdivision

Property: 50 Farrington Street

Lots: 2

Applicant: Domingos Lopes

Representative: JK Holmgren Engineering

Scott Faria said this is a proposed two lot subdivision; the preliminary was filed and received ZBA approval. He said that they still need to address the comments from the city engineer and are requesting a continuance to address the comments.

The ad min asked if they would sign the waiver and continuance form and Scott Faria said he would send it once back in the office.

A motion was properly made (Goncalves) and seconded (Sweeney) to continue to the November 3rd meeting. and

#### 6. Definitive Subdivision

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

Lots: 15

Applicant: CLM Development

Representative: W Engineering

James Burke said that the proposed 15 lot subdivision that meets frontage/zoning requirements however they are requesting a waivers for length of roadway. He said they have worked with the owner of the abutting subdivision to create an emergency access for public safety and one loop the water lines. He said they have received a letter of support from police and fire...they have no public safety concerns.

Evan Watson said they have modified the plan to 15 conforming lots and are in full compliance with the zoning regulations. He said the detention basin will handle all water and there is an access easement around basin; he said they are taking the drainage from the abutting subdivision into that basin and one proposed basin was eliminated and other was made larger; the easement is highlighted on the plan; he said that the easement for emergency access is around the existing stone wall; they have made all the outstanding changes and submitted them to Beta (not reviewed by this meeting); he said they added the access gravel road detail and it matches with the other project (Cypress); a residential sprinkler system will be installed to each home.

Attorney Burke said that the access road will be for emergency use only; he said they did not asked for a waiver for the fire alarm box and will submit a request.

Rob May asked what they are proposing at the end of Westbury Road. Evan Watson said that easements were placed on two properties and the cul de sac was built out; he said once the road is extended these would be removed and the easements removed and area returned to lawn; he is happy to make that a condition of approval. Attorney Burke said it is contained in the deeds and Mr. Macy will loam and seed for the homeowner; he said he will communicate with the homeowners about the easements.

Rob May said that the COB has no responsibility with the pumped sanitary sewer system.

Larry Hassan asked if they would be extending the homeowner driveway to meet road; Evan Williams said they will be taking care of that.

Larry Hassan noted for the record if a waiver is granted for length of roadway that this is not to be considered president setting by the board.

Sam Ambrose said that there should be no public safety concerns that should be brought to our attention as there is a letter from both police and fire letter.

Public comments:

Joanne Zine asked if the emergency access will be a paved gated way and was told it will be a gravel way; Evan Watson said they can gate the entrance ...it will not be paved..it is truly an emergency access way; they will gate it off and give the keys to the fire department.

Lou (25 Westbury Road) said heavy equipment going through the area and that the beginning of Chilton is in rough shape; the condition of the road will only get worse and asked if there were any plans to improve Chilton Road. Evan Watson said there will be a construction yard type area at the east; he said they have to come down Westbury and that the construction access will be done first; construction workers can use the construct yard area to park. He said

Westbury was paved almost until Chilton; if the city wanted to repave Chilton he would suggest that the city do it after this work is done. He said that any damage to the road will be repaired...they are looking to be a good neighbor.

Rob May said although Chilton is a public way it was not built to city standards.

It was suggested that they contact the ward councilor.

Mrs. Franscois (Kelly Lane) said she is concerned about construction vehicles; she asked if the board could require the applicant to fix Chilton; she is concerned that buyers will want to see Chilton repaved ...she said they need to beautify the entrance; she asked when construction would be starting. Attorney Burke said they should go ahead and petition the city. Evan Watson said that the roadway construction would be six months...one construction season; he said they need to make sure construction works are aware they are in a neighborhood; they want to be good neighbors and are willing to put up signs in neighborhood.

Public hearing portion was closed.

A motion was properly made (Goncalves) seconded (Sweeney) and unanimously passed to grant approval of the definitive subdivision with standard conditions and the following special conditions:

The applicant has agreed to address the items in the BETA Group letter dated August 11, 2021 through the letter dated 8-30-21 from W Engineering and has agreed that the outstanding items are to be verified by BETA Group as addressed prior to signature of the plan by the Board. The cost of this review is at the applicant's expense.

The letter dated 6-16-21 from Police Chief M. Gomes and the 9-22-21 letter from Fire Deputy Chief Edward Williams are to be incorporated into any approval letter issued for this site.

Applicant has agreed that each home will include a residential fire sprinkler system.

The developer agrees not to clear with within 25 feet of the property lines to the homes along Westbury Road/Kelly Lane on lots 1-4 Loidie Lane.

None of the force main(s) or service connections should fall within the street layouts except at the area required for tie-in to the existing sewer.

The City of Brockton and its Department of Public Works bears no responsibility for the care, maintenance, repair or replacement of the private sewer system, including, but not limited to, force mains, pump chambers, pumps, electrical connections, service connections, etc.

The City of Brockton and its Department of Public Works minimum standards require that ALL water mains within the street layout be no less than eight (8) inch Ductile Iron. All hydrants must be "Brockton Standard" connected to the main via a gated six (6) inch Ductile Iron connection. All service connections are to be minimum one (1) inch copper.

The utility and access easement between the Emilia Estates and Cypress Woods subdivision must be aligned and the soils on their respective easements sufficiently compacted to accommodate potential emergency vehicles.

Approximate locations of the roof runoff infiltration systems should be shown on the plan. Final elevations and locations of the roof infiltration systems will be prepared at the Building Permit Plot Plan phase of the project.

Permanent markers (Bounds) are to be placed at all angle points, points of curvature and/or tangency, including the area on Westbury Road which extends from Kelly Lane southerly.

The applicant is to provide a copy of the final signed SWPPP.

A motion was properly made (Goncalves) seconded (Sweeney) and unanimously passed to grant the following waiver: Section IV B 5 which requires dead end streets to be no longer than 700', unless in the opinion of the Board, a greater length is necessitated.

A motion was properly made (Goncalves) seconded (Sweeney) and unanimously passed to grant the following waiver: Section V C which requires sidewalks to be 8' wide, constructed of cement concrete. It is requested the sidewalk be 5' of bituminous asphalt concrete and, 2.5' of grass, and 0.5' of granite curbing.

A motion was properly made (Goncalves) seconded (Sweeney) and unanimously passed as follows: The location of the fire alarm box is to be at the discretion of the fire chief.

Surety is to be by Covenant.

#### 7. Definitive Subdivision

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

Lots: 17

Applicant: Chilton Realty Trust

Representative: Jacobs Driscoll Engineering

Larry Hassan said that Greg Driscoll's wife works with him at Kelleher Williams and stated that he has no financial interest in the project and make a fair decision; Attorney Burke said that the applicant has no objections.

Attorney James Burke said they received a variance for lot for frontage from the ZBA; he said they have a shared emergency access with Emilia Estates.

Ed Jacobs said this subdivision is located on the existing portion of Cypress Dr. He said they are also providing an easement for emergency access and water looping. He said the 17 lots all meet the zoning for requirement for lot size; he said they also need a waiver for dead end street and they are no longer requesting a waiver for sidewalks and are putting in concrete sidewalks; he said they are also requesting a waiver for cover as they can't meet the requirement; he said they have met beta's requirements except for one item they keep going

There were no board questions.

Public comments:

Joanne Zine asked what are they doing with the existing culdesac and island. Ed Jacobs said they have not plans to alter the existing culdesac; he said that the pavement toward the east is off the public road and there is no easement.

Rob May said it is not an official cul de sac... there is no deed condition as in the prior subdivision...anything done to it would be at the at property owners discretion. She asked how do they proceed making this request; she said that the new cul de sac at end of Cypress will be a full right of way. Rob May said there is not enough property to build an island in the ROW. Ed Jabobs said that Cypress is a public way. Joanne Zine said there is no way to mitigate traffic into the new subdivision and the director said there is only one way in and one way out.

Public hearing portion closed.

A motion was properly made (Sweeney) seconded (Ambrose) and unanimously passed to grant approval of the definitive subdivision with standard conditions and the following special conditions:

The Planning Board is to receive a final letter from BETA Group that the outstanding items in their 9-23-21 were addressed to their satisfaction and the plan submitted for endorsement by the board is to address those concerns. The cost of this review is at the applicant's expense.

Applicant is to provide a copy of the final signed SWPPP.

The letter dated 6-16-21 from Police Chief M. Gomes and the 9-22-21 letter from Fire Deputy Chief Edward Williams are to be made part of any approval letter issued for this site.

Applicant has agreed that each home will include a residential fire sprinkler system.

The City of Brockton and its Department of Public Works minimum standards require that ALL water mains within the street layout be no less than eight (8) inch Ductile Iron. All hydrants must be "Brockton Standard" connected to the main via a gated six (6) inch Ductile Iron connection. All service connections are to be minimum one (1) inch copper.

The City of Brockton and its Department of Public Works bears no responsibility for the care, maintenance, repair or replacement of the private sewer system, including, but not limited to, force mains, pump chambers, pumps, electrical connections, service connections, etc.

None of the force main(s) or service connections should fall within the street layouts except at the area required for tie-in to the existing sewer.

Approximate locations of the roof runoff infiltration systems should be shown on the plan. Final elevations and locations of the roof infiltration systems will be prepared at the Building Permit Plot Plan phase of the project.

The utility and access easement between the Emilia Estates and Cypress Woods subdivision must be aligned and the soils on their respective easement sufficiently compacted to accommodate potential emergency vehicles.

Permanent markers (Bounds) are to be placed at all angle points, points of curvature and/or tangency.

A motion was properly made (Ambroise) seconded (Goncalves) and unanimously passed to grant the following waiver: Section IV B 5 which requires dead end streets to be no longer than 700', unless in the opinion of the Board, a greater length is necessitated.

A motion was properly made (Goncalves) seconded (Sweeney) and unanimously passed to grant the following waiver: Addendum B-Typical Cross Section: minimum cover from 4' to 2' for CB #1 & #2 and DMH #3 only. This waiver is granted with the condition that the DPW Engineering Division review and approve this deviation.

A motion was properly made (Goncalves) seconded (Ambroise) and unanimously passed as follows: The location of the fire alarm box is to be at the discretion of the fire chief.

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.