

PLANNING BOARD

Minutes - Tuesday, December 7, 2021 – 6:00pm

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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 the meeting of 9-22-21.

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

ANR Applications

611 Centre St. (2 lots)

This is a commercially zoned parcel of land; current zoning has no minimum standards for commercial properties and as so this property can be divided by ANR.

A motion was properly made (Hassan) seconded (Sweeney) and unanimously approved by a roll call vote to endorse the ANR as submitted.

Parcel ID 119-011 Main St. (2 lots)

This plan is correcting an encroachment on the property in Brockton with the trailer home park in W Bridgewater.

A motion was properly made (Hassan) seconded (Ambrose) and unanimously approved by a roll call vote to endorse the ANR as submitted.

20 Meadowbrook Road

This is a commercially zoned parcel of land; current zoning has no minimum standards for commercial properties and as so this property can be divided by ANR.

A motion was properly made (Hassan) seconded (Sweeney) and unanimously approved by a roll call vote to endorse the ANR as submitted.

Lot Releases

Lots 8 & 9 Lynne Marie Way
(Final Lots)

These are the final lots in the Curtin Estates Subdivision. We have received the estimates for the remaining work and received a check plus a 20% contingency to cover the outstanding work.

A motion was properly made (Sweeney) seconded (Hassan) and unanimously approved by a roll call vote to release lots 8 & 9 Lynne Marie Way.

95 Ashfield Dr. (Lots 1 & 2)

Subdivision was approved several years ago and plans recorded; lots were never released; we received a request to release the original home as well as the new lot and received necessary info from the DPW.

A motion was properly made (Hassan) seconded (Sweeney) and unanimously approved by a roll call vote to release lots 1 & 2 on 95 Ashfield Dr.

Extension Request (Two Years)

1200 Montello & Plot 59 West Chestnut Street

Redevelopment project for housing was based on the ability of the re-location of Lynch's Towing. To date he has found two possibilities, but neither materialized and is requesting a two year extension.

A motion was properly made (Ambrose) seconded (Hassan) and unanimously approved by a roll call vote to grant a two year extension; all previously conditions of approval are incorporated into this extension.

Plan Endorsement for Emilia Estates and Cypress Woods Definitive Plans (both plans are ready for signature)

Street Acceptances

N/A

Items Scheduled Requesting a Continuance

Presentation/Adoption - Master Plan Update - Lovett Brook Study Area - Hearing Date: **January 5, 2022 6-7 pm Via Zoom**

Permission to Return to the ZBA - **Request to Continue to January 4, 2022**

Property: 68-70 Field St.

ZBA Denial: 7-14-20

Applicant: Marie Lorquet/Attorney John Creedon

Site Plan Approval - **Request to Continue to January 4, 2022**

Property: 135 Elliot St. - Construction of two three unit residential buildings

Applicant: Fenton Associates

Representative: JK Holmgren

Site Plan Approval - **Request to Continue to January 4, 2022**

Property: 15 Rutland Sq. - Residential Conversion

Applicant: El Paso Management

Representative: JK Holmgren

Definitive Subdivision - Request to Continue to **January 4, 2022**

Property: 50 Farrington Street

Lots: 2

Applicant: Domingos Lopes

Representative: JK Holmgren Engineering

12. Site Plan Approval - **Request to Continue to January 4, 2022**

Property: 1208 W. Chestnut St.

Applicant: Brockton Area Arc - Commercial Addition

Representative: JK Holmgren

Definitive Subdivision - **Request to Continue to February 1, 2022**

Property: Plot 2 Belgravia Ave.

Lots: 4

Applicant: Joe Kulle

Representative: Silva Engineering

1. Preliminary Plan

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

Lots: 20

Applicant: CLM Development

Representative: W Engineering

Attorney James Burke said that their original plan was for 20 lots with 125' of frontage and 30,000 sf (actual application was for 18 lots); he said there was a potential problem with an abutter with appeal (regarding whether or not the planning board can waive frontage); rather than delay the subdivision they revised the plan to show 15 conforming lots; he said they are now appearing with a new preliminary plan showing 20 lots with 125' of frontage so that they

can apply to the ZBA; this plan is substantially identical to the prior plan with the exception of utilities

Evan Watson explained the changes in the utilities/drainage to the board and said that all 20 lots have minimum of 125' of frontage and still meet the 30,000 sf requirement.

Sam Ambrose noted that the board already granted them a waiver for roadway and asked what the purpose of this change was. Attorney Burke said that the roadway is not changed in any way, they are just looking to modify the lots. He said they will need zoning approval for reduced frontage and if approved they will need to amend the original plan; he pointed out that it meets the frontage for the Cypress subdivision. He said that 125' has become the standard.

The chair said she was surprised to see this back on the agenda; she said the board reluctantly approved the first plan due to the recommendation from fire & police; she said they are now proposing to take 15 conforming lots to make 20 non conforming lots.

Attorney Burke said that the board had full knowledge that they would be back with this plan; the chair said there was no conversation relative to that.

Pourita Das asked how the additional lots would effect the drainage (additional impervious surface) and was told the design was for 20 lots. She said that the access road now straddles two lots and was told the easement may by the road is along the lot line.

A motion was properly made (Sweeney) seconded (Ambrose) and unanimously passed by a roll call vote to deny the preliminary plan.

2. Definitive Subdivision

Property: 88 & 94 Kingman St.

Lots: 2

Applicant: Modern Home Builders

Representative: JK Holmgren Engineering

Attorney Jake Creedon said that the applicant (Jim Meeks) built several homes in that area; he said he has already received a variance from the ZBA and said that he lives on Draper St.

Scott Faria said the definitive subdivision plan is for two through lots; two existing lots on Kingman and two new lots on Draper. He said the new lots will meet setback requirements and are the same size as the existing lots; he said they will be milling the street as requested and added drainage to handle roof runoff.

No public comment.

A motion was properly made (Hassan) and seconded (Sweeney) to approve with standard conditions and special conditions including that the plan is to be revised to show that the street

is to be milled 1 1/2" and repaved with a 1 1/2" overlay from corner to corner curb line to curb line for the limits of the subdivision.

Surety will be by covenant.

A motion was properly made (Hassan), seconded (Das) to deny the waiver for sidewalks. The location of the sidewalks is to be added to the plan for endorsement by the board.

3. Permission to Return to the ZBA

Property: 134 Armiston Street

ZBA Denial: 5-11-21

Applicant: Armiston St. Realty LLC

Sean Hardy said they are seeking permission to return to ZBA based on change to the plan. He said there have been several iterations to this plan; he said the parcel is 3.25 acres with a change in elevation and wetlands. He said their earlier plan for a subdivision was not doable and their proposal for three single unit detached residences with 24' drive (on one lot) was denied by the ZBA. He said this proposal is for one three unit townhouse each with a garage with a proposed 30' wide drive; a no parking area to facilitate fire access; they are providing a snow storage area and will provide a collection area for stormwater runoff.

Pourita Das asked if there is no parking area would be paved and was told it would be as they understand that a turn around for emergency vehicles is important; she asked how visitors will know that they should not park there and was told they are open to signage or striping; he said that each unit will have a garage and two spaces....four spaces per unit.

Rob May stated that MGL says that if a property was denied by the ZBA can not go back for two years with same plan with exception of applying to planning board provided that they have made a substantial change to the project; he said that the board needs to determine if there was a substantial change.

Rep. Michelle Dubois comments after residents

Liz Lasso said she is concerned that it is done right....she said the last time they were before the board for this property she asked that a structural integrity test be performed on her street and has never seen that done and asked if this can be conditioned.

Rob May said that it would be the ZBA that can make that condition; he said that the planning board did approve the preliminary subdivision plan with conditions but when the ZBA denied their application no definitive plan was not filed and those conditions became moot.

Liz Lasso asked for confirmation that the ZBA can condition an application and was told they can.

Jamal B. 18 Parkview Ln, said this property is 100' from Parkview....he said he wants to make a positive statement of support and wants to make sure there is a plan in place for stormwater management and asked that they include a clause/condition that they address stormwater management.

The chair said this is the plan that would be presented to the ZBA and said they should attend the ZBA meeting if the applicant is granted permission to return. She said the board is only approving that there has been a substantial change to allow the applicant to return to the ZBA.

Rep. Michelle Dubois said she is in opposition; there are still the same number of units...three and asked that the board deny the application.

Jim Sweeney asked that they highlight the changes again. Sean Hardy said that the previous plan had a 24' wide roadway with three separate stand along units with no drainage; the current plan has a 30' driveway; ability for public safety to turn around; a snow removal area; one three unit town house unit; there is conceptual drainage on the plan and said they are committed to capturing the runoff and disposing of it properly at the back of the lot.

A motion was properly made (Hassan) seconded (Sweeney) and unanimously passed by a roll call vote to grant permission to return to the ZBA; plan submitted is substantially different from the prior plan (three single family homes on one lot to one proposed tri plex).

4. Permission to Return to the ZBA
Property: Parcel ID 033-55 Westgate Drive
ZBA Denial: 6-8-21
Applicant: Karm Hospitality/Strongpoint Engineering

Eric Dias said that the property is 0 Westgate Dr. (the vacant lot next to Shields MRI); the lot is currently used as auxiliary parking; the parcel backs up to DW Park. He said that they previously appeared before the ZBA for a special permit; he said the old plan showed 0 setback to the park. He said that the ZBA liked the project but had received a letter from the park department in opposition; he said they were encouraged to work with the park department to attempt to come to an agreement and in their mind an agreement would constitute a change. He said they were able to come to an agreement with the park commission for a 10' setback and screening; he said the unit count has gone from 82-79 units and they are losing some parking spaces to allow for the setback; they will be installing a mesh net on top of wall.

The chair asked what was on the other side of the net and was told it is a wooded area. A motion was properly made (Hassan) seconded (Sweeney) and unanimously passed by a roll call vote to grant permission to return to the ZBA; the board agreed that the addition of the screening and support letter from the park commission constituted a substantial change.

5. Permission to Return to the ZBA
Property: 370/380 N. Montello St.
ZBA Denial: 4-13-21
Applicant: William Podzon, Tr./Atty. Paul Clancy

Attorney Paul Clancy said that their original proposal was for three two family homes on three lots in a C-2 zone; he said most of the area is residential and that the residents would prefer to see residential. He said that the ZBA Chair suggested that three two families might be too congested and was also concerned about six curb cuts. He said the denial was vague but at

the hearing it was stated that they come back with two lots and two two family homes with one curb cut; he said that this plan satisfies the ZBA concerns and constitutes a substantial change.

Rob May said the primary reason for the denial was there was no hardship; in order to grant a variance they must find that there is something about topo, soil conditions or shape that prevents the property from being developed for its zoned purpose.

Jim Sweeney asked if they were address the hardship issue? Attorney Clancy at the ZBA level they did not get into the hardship level...the discussion was that three was too many homes; he said the area is predominantly resident dwellings. The chair said that looking at the ariel of the area it looks commercial.

Sam Ambroise asked how they get around the hardship issue; Attorney Clancy said that the lots aren't sufficient for a commercial type of property...parking will be a problem.

Pourita Das said she does not see any significant difference in the plans.

Attorney Clancy said the lots in the area are more conducive to commercial and allow for parking and said he has been empty for years.

Rep Michelle Dubois said she knows the area ...she said this is a dilapidated lot ... she said she is in support of it going back to the ZBA...she said we really need housing and it will be a beneficial move to approve multi family housing.

A motion was properly made (Ambroise) seconded (Sweeney) to deny permission to return to the ZBA; the board felt that there had not been a substantial change.

In favor of motion to deny: Ambroise, Sweeney, Das & Hassan

Opposed to the motion to deny: Gonsalves

4:1

6. Permission to Return to the ZBA

Property: 14 Battles Street

ZBA Denial: 2-9-21

Applicant: Attorney John Creedon

Attorney Jake Creedon said that the the prior petition had basement living area/two bedrooms below grade. He said the new plans clearly eliminate below grade living; they have only three bedrooms and there is a widened driveway.

Scott Faria said they are looking to rebuild in the exact same footprint (original home burnt down) a three bedroom single family home with access through a right of way; there will be two dedicated parking spaces and ample room to turn around onto Battles. He said the biggest concern with the ZBA was ingress and egress and basement living space.

The chair said the new plan shows an unfinished basement area ...is it a full basement?

Scott Faria said it will be a conventional basement with bulkhead exist. Larry Hassan said that that they no longer need bedrooms in the basement? Samantha Ambroise asked if there was sufficient parking for the existing three family; she was told they can park six cars.

Scott Faria said they can park tandem with the widening of the driveway; the neighborhood is dense; the board asked if they anticipate building on the vacant lot he also owns and Scott Faria said at best he is thinking of a two family.

Councillor Shirley Asack said she was speaking in favor; she said that the ZBA had concerns about bedrooms in the basement and they are no longer proposing bedrooms in the basement; she said that the cars always parked in the driveway....it's a long driveway.

Councillor Rita Mendes also spoke in favor; she said she spoke with the owner and attorney and is confident that there will be no living space in basement.

A motion was properly made (Hassan) seconded (Ambroise) and unanimously passed by a roll call vote to grant permission to return to the ZBA; the board felt that the elimination of the basement living was a substantial change.

7. Site Plan Approval

Property: Parcel ID 119-28 & 119-29 Industrial Blvd./Industrial Building

Applicant: Brockton Industrial Property Owner LLC

Representative: Eugene Sullivan

Gene Sullivan said the property is a vacant 13+ acre site on Industrial Blvd. He said they are proposing a distribution and light manufacturing warehouse with loading docks in the middle and left hand side with two access drives with full circulation around the building; he said there is no work proposed within the flood plain except for addressing an outstanding issue; the building will be set up for multi tenant use; there will be 95 parking spaces; three infiltration basins; new water, sewer and electric and they have received their OOC from the conservation commission.

Rep Dubois said she is in support of this proposal; she said this was the site of a proposed natural gas power plant and is grateful this is taking its spot; she said this will be a welcome addition to the community.

Councillor Nicastro monitored the project since Haley Palazola reached out...she supports the use, but has one concern; the application not complete, the applicant is the purchaser and there is no purchase and sale; she said it is good form to get a copy of the P&S; she asked that the board approve with the condition that we receive a copy of the full P&S with the current owners signature reflecting the intention to sell. (No letter to be released until we receive the P&S).

Haley Palazola said that this was an oversight and they are happy to provide the P&S with redacted financial info.

Rep Dubois said with the sale of this property there will be no power plant and Gene Sullivan said it is their intent to build a warehouse

A motion was properly made (Sweeney) seconded (Hassan) and unanimously passed by a roll call vote to grant site plan approval with the standard conditions and the condition that the applicants deliver a copy of the final signed p&s and any amendments to planning office by email prior to noon Wednesday. (No approval letter is to be released without this document.)

8. Site Plan Approval

Property: Parcel ID 161 043 0 Clemens Ave./Extension of Utilities/Pavement

Applicant: Claire & John Harrington

Representative: JK Holmgren

Scott Faria said that they are looking for site approval to extend the roadway (Clemens is a dead end) to provide access; they are proposing a full roadway construction with curbing and sidewalks; he said that hopefully the remaining portion of Clemens will be redone by COB and connect to their new section; he said they are also proposing drainage for runoff.

A motion was properly made (Hassan) seconded (Sweeney) and unanimously passed to grant site plan approval with standard conditions and the special conditions that the plan for signature include the *DPW requirement that the Horizontal datum reference be added on the drawing and that the proposed sanitary manhole shall be a drop Inlet manhole with an out invert elevation of 1145.83 Feet.*

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.