

**PLANNING BOARD MINUTES**

**Tuesday, May 3, 2022 – 6:00pm**

**GAR Room - City Hall**

Present. Toni Goncalves, Sam Ambroise, Jim Sweeney, Pourita Das. Also present were John Fay, (Planner III), Evan Sears (Planner1) and Admin to the Board Pamela Gurley.

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**Items Requesting Continuances**

Property: Plot 2 Belgravia Ave. - **Request for a continuance to 6-7-22**

Lots: 4

Applicant: Joe Kulle

Representative: Silva Engineering

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**Review and Acceptance of Minutes**

*A motion was properly made (Sweeney) seconded (Ambroise) and unanimously passed by a roll call vote to accept the minutes from 4-5-22.*

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

**ANR Applications**

**Lot Releases**

*3, 4, 7, 14, 15 & 16 Cypress Drive Ext.*

The admin stated that the developer hoped to have the road paved to base coat in time for this meeting; unfortunately he ran into a delay and as such paving has not been done. He expects to have it completed prior to the June meeting and is hoping that the board will vote to issue the release and hold them back until receiving proof of paving.

A motion was properly made (Ambroise) seconded (Sweeney) and unanimously passed by a roll call vote to deny the request for lot releases; Rules & Regulations state that utilities and pavement must be installed to services the lots.

The admin stated that the contractor is seeking release of lot 4 Draper St. in order to apply for one building permit; the board will continue to hold the remaining lot until either all the work is completed in the roadway or sufficient alternate surety is posted.

A motion was properly made (Ambroise) seconded (Das) and unanimously passed by a roll call vote to release lot 4 Draper St. from covenant.

The admin stated that do to a glitch in the system a building permit was issued for the new lot on Union St. (house is up). Since that time she has been in touch with the applicant and explained the situation to him; no CO will issue until the lots are released. All the work was completed and inspected.

A motion was properly made (Sweeney) seconded (Das) and unanimously passed by a roll call vote to release 21 Union St. (lots A & B) from covenant.

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### **Street Acceptances**

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### **Proposed Zoning Change**

1. Ordinance: Be it ordained by the City Council of the City of Brockton as follows:  
That the City Council adopt the following Zoning Ordinance relative to Food Truck Operations in the City of Brockton as attached.

There were no questions from the board as the change was self-explanatory. The board members were pleased to see this change.

A motion was properly made (Sweeney) seconded (Ambroise) and unanimously passed by a roll call vote to recommend the ordinance change favorably.

2. Ordinance: Be it ordained by the City Council of the City of Brockton as follows: That the City Council adopt the following Amendments to the Section 24-24.4 "Adult use of Marijuana" relative to Regulation and Zoning of Marijuana

The admin said that this ordinance change was specifically for Marijuana Couriers, Marijuana Delivery Operators, and Marijuana Establishments with a Delivery Endorsement. She said that the CCC and COB will need to approve all couriers/delivery operators.

A motion was properly made (Sweeney) seconded (Das) and unanimously passed by a roll call vote to recommend the ordinance change favorably.

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1. Permission to Return to the ZBA  
Property: Emelia Estates - Map 16 Route 188 Pleasant St.  
ZBA Denial: 3-8-22  
Applicant: CLM Development/Attorney James Burke

**Continued to June 7, 2022**

2. Permission to Return to ZBA  
Property: 1449 Main St.  
Applicant: Alicia Fernandes  
Representative: Attorney John Creedon

**Continued to June 7, 2022**

3. Permission to Return to the ZBA  
Property: 68-70 Field St.  
ZBA Denial: 7-14-20  
Applicant: Marie Lorquet/Attorney John Creedon

**Continued to June 7, 2022**

4. Site Plan Approval  
Property: 466 Forest Ave. - Health Center Facility  
Applicant: Neighborhood Health Center  
Representative: Meridian Associates

Michael Jacques said the planning board previously approved the exact same project in another location at BHS. He said that do to possible future expansion or upgrades that location was not feasible.

David Kelly said this is the same project in another location, however this location required a filing with the conservation commission; they are still proposing modular construction and the new location is south west of the fine arts building.

Jim Sweeney asked if they had a rendering to show. The chair asked if they completed the process with conservation. David Kelly said they were on the April 20th meeting however there was no quorum and have been scheduled for May 5th. The admin said that the conservation agent added a letter to the google file stating that had the meeting been held she saw no reason that their OOC would not be issued. She said she expected that it would be issued on the 5th.

The chair asked about the status of the lease agreement with the city; Michael Jacques said that their their attorney is working with the city's attorney.

Jim Sweeney asked if there was any budget for plantings or landscaping and asked about security lighting. Michael Jacques explained the landscape plan and the proposed security lighting.

Pourita Das asked about parking and was told it is shared with the school and the facility is only available to high school students. He said they are adding a cross walk and stop sign.

A motion was properly made (Ambrose) seconded (Sweeney) and unanimously passed by a roll call vote to grant site plan approval with standard conditions and the following special

conditions: Approval is contingent on the issuance of an OOC from the conservation commission. There is to be no plan signoff and no building permit is to issue without proof that the lease agreement and plan have been recorded with the Plymouth Registry of Deeds.

#### 5. Site Plan Approval - Proposed Office Building

Property: 720 Centre St.

Applicant: Brockton Property Holding LLC

Representative: StrongPoint Engineering

Eric Dias said the site is the corner of Libby & Centre Streets; he said Muriel St. is a private way. The original building was torn down by the prior owner who put in a parking lot; he said they are looking to build a commercial building; they have proposed improvements to the parking area; are providing a landscaped area; he said there was no permit for paving by prior owner and they need to make up for that. He said they have worked with the city engineer to develop a SW management system showing 0 increase in runoff; there will be improvements to some curb cuts on Centre St. They have submitted a landscape plan and a lighting plan.

Jim Sweeney asked and was shown a proposed rendering of the site. Pourita Das asked what the site will be used for and was told a use allowed by zone....office probably. Sam Ambrose asked who will be responsible for greenspace; she was told that the applicant will own and lease the spaces and will be responsible for maintenance. [Jim Sweeney](#) asked about lighting location. Pourita Das asked about location of handicapped parking.

A motion was properly made (Sweeney) seconded (Das) and unanimously passed by a roll call vote to grant site plan approval with standard conditions

#### 6. Site Plan Approval

Property: 127 Centre St. - Proposed Residential Building

Applicant: 127 Center St. LLC

Representative: EBI Consulting

Kevin Sanders of EBI said the proposal is for the demo of the existing one story building and the construction of a four level (40 unit) mixed use building with parking under; the property will have site access from Centre St. and will exit on Commercial St. He said most of the parking is under the building and onsite at 75 Commercial St. He said they have been worked with engineering to reduce the radius along Commercial St.; they are proposing landscaping around the building; he said there will be 32 spaces at 75 Commercial, 17 at 127 and 25 off site (they have an agreement with BAT for parking); he said they have worked with the city engineer to develop a SW system.

Relative to proposed landscape, they are proposing landscape beds in front of the building, a screen planting around the transformer and added plantings along existing building at 75 Commercial.

EJ Krupinsky said the first floor will have commercial space and a gym space for tenants. He said the facade will be fiber cement panels and brick panels (Centre Station); they added on exterior lighting on the building, security lighting and an LED accent piece.

Jim Sweeney asked them to explain the new corner radius and asked about the light bar; he was told there is a light bar at Centre and Commercial. He asked about the time frame and was told they have an aggressive time frame.

Sam Ambrose asked about the invert of the sewer? Kevin Sanders said that the City Engineer asked them to vary the invert. She asked who will be responsible for maintenance of the greenspace and was told they are self managed.

Pourits Das asked about the height of the underground parking and was told 14' and that it was parking for residents. [Darrin DeCoste](#) said there are four spots on Centre St. for commercial customers. She said she would like to see the brick color blend in with the existing buildings.

Dep. Chief Williams said he would like to see jersey barriers around for traffic control during construction.

A motion was properly made (Sweeney) seconded (Das) and unanimously passed by a roll call vote to grant site plan approval with standard conditions and the special conditions that the plan show the location of the jersey barriers and that no building permit is to issue without proof that the easement has been recorded with the Registry of Deeds.

#### 7. Definitive Subdivision (Two Proposed Lots) - **Request for a Continuance 6-7-22**

Property: 49 Keswick Road

Applicant: Cruise Properties

Representative: Curley & Hanson

#### 8. Preliminary Subdivision

Property: Map 172-Route 001, 003, & 557 Arthur St.(Rocky Mountain Spring)

Lots: 4

Applicant: Rockwood Realty Trust

Representative: Jacobs Driscoll Engineering

Attorney Phil Nessralla said the proposal is for four lots; he said that the proposed lots conform to other lots in the area, but not to existing code and they will need to seek relief from the ZBA.

Ed Jacobs said it is a five acre lot; lots 1 & 2 each have 135' of frontage; he said they are extending sewer, water and gas and the plan shows an intermittent stream.

Dep. Chief Williams asked what the distance from Sawtell to end of cul de sac was and questioned if they would need a waiver for length of road.

The board also questioned if the well head had been decommissioned and were told that the paperwork was done but not filed.

A motion was properly made (Sweeney) seconded (Ambrose) and unanimously passed by a roll call vote to allow the applicant to proceed to the definitive plan stage with the condition that the process for the decommissioning of the well head is decommissioned and is completed.

#### 9. Preliminary Subdivision

Property: 1350 Pleasant St.

Lots 2

Applicant: Christ Congregational Church

Representative: JK Holmgren Engineering

Scott Faria said the church is looking to construct a house on the property for the minister of the church; he said they chose this option instead of filing with the ZBA for a second structure on the parcel; he said although they are creating an undersized lot it fits the neighborhood; there is no loss of parking from the church.

Sam Ambrose noted that as it the church conforms and this will make it into two non conforming lots.

Pourisa Das said she lives in that area and it is a bad intersection. Scott Faria said they are cognizant of the intersection and the entrance/exit will be through the church entrance. Jim Sweeney said that will require an easement as they are separate parcels.

The moderator of the church spoke and said that the new minister can not find a home in price range and would like to live in Brockton.

A motion was properly made (Ambrose) seconded (Das) to deny the preliminary application.

In favor of motion: Ambrose, Das & Sweeney

Opposed to motion: Goncalves

#### 10. Preliminary Subdivision

Property: 239 Prospect St.

Lots: 2

Applicant: Neysen Realty Trust

Representative: ET Engineering

The chair noted that no one was present tonight to present nor request a continuance.

A motion was properly made (Sweeney) seconded (Das) and unanimously passed by a roll call vote to deny the application for a preliminary subdivision.

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.