

BROCKTON PLANNING BOARD MINUTES

Thursday, January 19th, 2023 - 6:00 PM

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 ask a question, 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 indicate that you are present; the members present are Toni Goncalves, Larry Hassan, and Jim Sweeney. Also present were Director Rob May, Evan Sears (Planner 1), Isaiah Thelwell (Admin), and Deputy Fire Chief Ed Williams.

Items Requesting Continuances

The following items were continued to next month's meeting

Item #2

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

Item #3

3. Permission to Return to ZBA
Property: 48 North Pearl Street
Applicant: Douglas A. King
Representative: Attorney James Burke

Item #4

4. Permission to Return to ZBA
Property: 124 Bradley Ave
Applicant: John A. & Lisa McCormack
Representative: Curley & Hansen

Item #5

5. Permission to Return to ZBA
Property: 159 North Main Street
Applicant: Sonor Realty Trust
Representative: Orwig Associates

Review and Acceptance of Minutes

The Board reviewed the minutes of the last Planning Board meeting that took place on 12-06-22.

A motion to approve the minutes was properly made by Jim Sweeney, seconded by Larry Hassan. The motion was unanimously approved (3-0).

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

ANR Applications

124 Manley St

A VA project that is looking to split off a piece of land.

A motion to approve was properly made by Jim Sweeney, seconded by Larry Hassan. The motion was unanimously approved (3-0)

1380 Main St

Campello High Rise at 1380 Main street is undergoing a refurbishment process, with the aim of redeveloping the area. However, there is a small piece of the floodplain that is hindering their plans, as it crosses into the parcel, and prevents the developers from accessing certain funding. Therefore, they plan to split off the small piece of land from the larger parcel.

A motion to approve was properly made by Jim Sweeney, seconded by Larry Hassan. The motion was unanimously approved (3-0)

Lot Releases

149 Keswick

All surety has been received.

A motion to approve was properly made by Larry Hassan, seconded by Jim Sweeney. The motion was unanimously approved (3-0)

Requests For Extension

Oak Hill Way

Work is being done, but requests a 2-year extension.

A motion to approve was properly made by Jim Sweeney, seconded by Larry Hassan. The motion was unanimously approved (3-0)

Lincoln School

Delayed financing, requests a 2-year extension.

A motion to approve was properly made by Jim Sweeney, seconded by Larry Hassan. The motion was unanimously approved (3-0)

Street Acceptances

Oscar Avenue

Councillor Jack Lally discusses an issue with private roads that were never handed over to the city. These roads are owned by the residents living on them, but they are unaware that their road is private and that they are responsible for its maintenance. Jack Lally is advocating for these private roads to be transferred to the city so that the residents receive the same treatment as those living on public roads and have access to city services such as road repair, snow removal, and trash pickup. He has brought this issue to the board before and has appreciated their support. This request is standard, with no money or timetable attached, and the goal is to make it possible for the roads to be paved in the future.

A motion to approve was properly made by Larry Hassan, seconded by Jim Sweeney. The motion was unanimously approved (3-0)

Newbury Street

A portion of the street which seems to be in need of repair.

A motion to approve was properly made by Larry Hassan, seconded by Jim Sweeney. The motion was unanimously approved (3-0)

Proposed Zoning Change

N/A

1. Rules & Regulations Update

Planner Sears is informing the board about upcoming changes to the rules and regulations of the planning board. They are considering changing the way they handle ANRs so they can handle them in-house, updating fee schedules, and setting deadlines. Nothing is set in concrete yet, but once they have the language written out, they will distribute it to everyone for review before a future vote.

6. Amended Approval

Property: 156 Main Street

Applicant: Elevation Inc

Representative: James Valeriani

Per Jim Valeriani, The Mensing Group is assisting the Elevation group with their permitting for a Marijuana retail establishment at 156 Main Street. The company has been pursuing the site since the summer of 2020 and has a provisional license from the Cannabis Commission. In November 2020, the company obtained a special permit from the CBA and originally planned to be on the second floor. However, in January 2021, site plan approval was obtained to be on the second floor, but the company determined that being on the first floor would be more advantageous. The company petitioned the city council and obtained a unanimous vote to amend the zoning to allow marijuana on the first floor. The company then obtained a special permit from the ZBA, with minor conditions such as sprucing up the location and adding goose lighting. The building department was contacted for what needs to be done to move to the first floor, and a special permit was obtained.

Jim mentioned a recommendation from the planning department that a large window under the Pretentis Plaza sign is removed and made to look like the other windows on the right. Valeriani stated that he and the owner disagree with this recommendation and don't believe it is necessary. He also emphasized that the board does not have the authority over the exterior of the building unless it is new construction. He stated that this change would be expensive and unnecessary, and they are not willing to do it. John DeSousa also presented the floor plans of the building.

The Chair opened the discussion for the planning board and asked if the location on Main Street is a focal point of Main Street, Valeriani stated that he regrets his bluntness about the window and that they don't see the need for the expense and don't believe it's necessary.

The Chair acknowledged that the counselors changed the ordinance to allow the operations to move downstairs, which will save expenses. She also stated that the planning department and other committees have been working hard to improve the looks of the downtown Main Street

area and bring credible businesses to improve the City. Chair Goncalves expressed surprise that Valeriani would not change the window when it is something that the planning department is suggesting and that they want. She also stated that it is within their authority to make it a condition, and Director May reaffirmed that position. Jim Valeriani reiterated that they can't support it and it's not something that they are willing to do.

Per Councillor Jack Lally the City Council had previously approved the move of the retail marijuana business from the second floor to the first floor. He also mentions that the planning board is the designated and appointed board for matters like this and that the City Council trusts the planning board to do its job. He also mentions that the council does not have knowledge of the ins and outs of the operation of the particular business, but that it has been several years since the council acted on the license and approval for the move.

Victor Teixeira expressed frustration over the discussion about the window. He and his partner, Jose, have previously discussed the issue but it seems that the Planning Board is still not satisfied with the plan. Victor is suggesting that if there is a problem with the window, the City Council will address it with them, but he is also saying that he is frustrated with the process and is ready for a decision to be made. Valeriani, also expressed a desire for a favorable decision, and suggests that the issue of the window can be revisited and possibly resolved as a condition. He also mentions that the business has been financially impacted by COVID.

Lisa Crowley mentioned during public comment that it is a good idea for the business owner to work closely with the city and the downtown community to ensure that the aesthetics of the building, including the window and awnings, are in line with the overall vision for the downtown area. This collaboration can help ensure the success of the business while also maintaining the aesthetic appeal of the downtown area.

A motion to approve with standard conditions and the following special conditions was properly made by Larry Hassan, Seconded by Jim Sweeney, and unanimously approved (3-0).

Special Conditions:

- Architectural drawings of the Main St & East Elm St must be submitted.
- Remove the abandoned sign that hangs over Main Street.
- Remove exterior securing gates.
- "Elevation" sign to be LED backlit Channel Cut Letters.
- Repair fabric awning above all Main Street Windows.
- Install Gooseneck lights above the awning, the full length of the Main Street Facade.
- Install Gooseneck lights at the same level on East Elm St (On hard awning).
- Install an LED wall wash lighting system at the top of the black hard awning.
- In 2 Years, replace old windows with a new storefront system.

7. Amended Approval

Property: 223/261 Thatcher Street

Applicant: POUA Holdings Inc
Representative: James Burke

Per Director Rob May, instead of a 2-year approval, as stated in the conditions of the site plan review approval for the covenanted property on 223/261 Thatcher Street, developed by the Public Office for Urban Affairs. It's a Scrivener's error, and the ordinance says that the conditions are good for 3 years, and they just want to correct it.

(There were no comments from the public)

A motion to accept with a 3-year approval was properly made by Jim Sweeney, Seconded by Larry Hassan, the motion was unanimously approved (3-0).

8. Site Plan Approval

Property: Petronelli Way (RingSide)

Applicant: New Vision Enterprises

Representative: J.K Holmgren

Per Scott Faria, The developer has gone through multiple meetings with city officials, received approval from the Zoning Board of Appeals in September, and has addressed the concerns of the Planning Department and other consultants. They propose a 50-unit residential building with 50 parking spaces and have plans for stormwater management on the property.

The proposed development project discussed in this meeting is for a 50-unit residential building located on Petronelli way, immediately to the right of 28 Petronelli way that is currently under construction. The properties, the site of the big parking lot, and what is between Petronelli Way and Franklin Street. The developer has had numerous meetings with city officials on this project, including the Zoning Board of Appeals (ZBA) in September, the planning board, and the city's consultant on the roadway that will directly abut the building. The developer has also gone to 2 technical review meetings and believes that they have addressed everyone's concerns in the city, consultants, and planning department. The project includes 50 parking spaces, 25 ground-level garage spaces, 6 spaces outside the property, and 19 spaces that more likely would be across the street at the city of Brockton and a parking garage from the parking authority. The utilities for the project will come in off of Franklin Street. Currently, there is no drainage on the massive parking lot, but the project includes a stormwater management system which is a great improvement for the neighborhood and brings the project into compliance with stormwater regulations. The building will have a lobby entry, a mail room, an elevator, stairs, and access to the 6 surface parking spaces through the door. The 25 garage spaces will be accessed through the lobby. The building will have a secondary entrance on Franklin Street, a trash area, and 2 utility spaces. The building will have 50 units, 35 one-bedrooms, and 15 two-bedrooms, all accessed off of the double corridor that runs the length of the building, and at the knuckle, where the inside corner occurs, there will be an amenity space.

Kevin Paton from BKA Architects provided a detailed overview of the building's orientation, parking, and construction. The building is primarily parking with a limited amount of ground-floor space, including a lobby entry with a mail room, elevator, stairs, and access to surface parking spaces. The building also has 25 garage spaces that can be accessed from the lobby. There is a secondary entrance on Franklin Street, a trash area with a door for bin pickup, and two utility spaces for electrical and water sprinkler. The garage entrance and exit are on a one-way access alley. The building has 50 units, with 35 one-bedroom units and 15 two-bedroom units. All units are accessed off of a double cord or spine that runs the length of the building, with an amenity space located at the inside corner. The amenity space is a double-height space on the third and fifth floors, which could be used for a fitness/wellness program or a co-working/business space.

(There were no comments from the public)

A motion to approve with standard conditions and the following special conditions was properly made by James Sweeney, seconded by Larry Hassan, and unanimously approved (3-0).

Special Condition:

Design details for the continuous sidewalk at each vehicle entrance and exit.

10. Definitive Subdivision

Property: 21 Flint Road, 655 & 657 East Street

Applicant: Monty Construction

Representative: JK Holmgren

Per Jim Burke, Monty Construction is presenting a new plan to the Board after the previous plan was met with opposition, so it was revised based on suggestions from the Planning Board members. The plan was then presented to the Zoning Board of Appeals and received a favorable decision. The new plan involves the subdivision of existing lots A, B, C, and D. The variances granted were for dimensional issues related to Lots A and B. The previous plan had a lot line behind the house on Lot A, but it was suggested to fatten that up, so the lot now has 24,500 square feet. The changes addressed the concerns the board had previously.

Jim Burke, another representative, are addressing the planning board with a proposal for a subdivision. The previous plan was met with opposition and was modified based on suggestions from a member of the planning board. The new plan was presented to the zoning board of appeals and was granted with variances for dimensional issues related to Lots A and B. The driveway on Lot B was reduced from 20 feet to 16 feet. Toni Goncalves, a member of the planning board, acknowledges the change in the driveway and opens the discussion for further questions, but Larry Hassan does not have any questions at the moment.

Homeowner Anna Maria Cubes has a concern regarding the plans of the owner of a nearby property. Cubes want to know if the owner is planning to build four houses on the property and

how the lot will have access. The response from Scott Faria is that the owner is only dividing the property into two lots, with three of those lots having existing houses and the only new lot with a house on it is Lot B, which will have a driveway off of Flint Road.

A motion to approve with standard conditions was properly made by Larry Hassan, seconded by Jim Sweeney, and unanimously approved (3-0).

11. Definitive Subdivision

Property: 20 Winter Street

Applicant: Pedro Elias

Representative: JK Holmgren

Per Scott Faria Mr. Elias and his family live at 20 Winter Street. They have a lot with an existing house and some backland fronting on Merritt Ave. The property was divided into two lots, with the existing house remaining on 20 Winter Street which is in an R-2 zone with different zoning requirements of 7,500 square feet of area. The backland is in an R-1-C zone which requires 30,000 square feet. A new single-family home is to be built on the new lot and the existing home will be sold. The idea of connecting Merritt Ave back to Winter Street was discussed but was not pursued due to the objections of the neighbors. Winter St currently dead-ends about 130 feet from Winter Street and will remain that way. To address drainage concerns, 2 catch basins were added in front of the new lot and an infiltration system was proposed for the new house. The new house will have a 2-car garage and driveway.

Councillor Jack Lally addressed the concern raised by constituents who live on Merritt and Winter. They were opposed to connecting Merritt and Winter, but the developer has adapted to address their major concern. Jack appreciates this and thanks the developer.

A motion to approve with standard conditions was properly made by Larry Hassan, seconded by James Sweeney, and unanimously approved (3-0).

12. Definitive Subdivision

Property: Arthur Estates

Applicant: Rockwood Realty Trust

Representative: JDE

Rockwood Realty Trust is speaking to the chair of the meeting regarding a question about groundwater from the last meeting. They have submitted additional documents related to the groundwater and the depth of the bedrock, which was a concern of the planning board. The public comment will address the jurisdiction of the engineering and the Storm Water authority. Rockwood Realty Trust has requested 2 waivers, one for the length of the road and one for the sidewalk. They are increasing the length of the road and improving it with a cul-de-sac for emergency vehicles and continuing the sidewalk on one side of Arthur Street. The other side is wooded and not maintained, so they are asking for a waiver.

Councillor Jack Lally expressed opposition to the development project, citing concerns from his constituents about the project's potential impact on water issues and basement sump pumps in the area. He also mentioned a significant historical and cultural connection to the property, which he believes should be considered a historical site rather than a place for new construction. The neighborhood has been unified in their opposition to the project, with no interest in the potential disruption it would bring. Mr. Jacobs suggests that the chair needs to move on unless there is new information to discuss. Mr. Wedge brings up the issue of historic value and the potential impact of blasting on the water in the area. He also expresses concern about the effects of climate change on water levels.

Mr. David Doyle discusses various issues with the proposed development. He mentions that the area gets flooded easily and that the people cannot afford to hire an independent person to assess the situation. He also mentions the presence of endangered woodpecker species and the need to keep fighting the project. He raises concerns about the impact on the residents and the use of dynamite during construction. He asks the Board to vote down the project.

Ed Rose, the chairman of Rocky Mountain Spring Water, states that the spring has been a water supply for many years. The well has been contaminated by houses built on North Cary Street, but he never got notified. The spring water is coming from fractures in the bedrock and could be from 400 feet below the surface. The property also includes Merton Street which is already a permitted road. He spoke with the developers about the road but was met with opposition. He would prefer to see a simple cul-de-sac approved as it is a quality design.

A motion to approve with standard conditions and the following special conditions was properly made by Larry Hassan, seconded by Jim Sweeney, and unanimously approved (3-0).

Special Condition:

- Add catch basins to the new Cul-De-Sac on Arthur Street
- Provide the proper wellhead declassification procedure which has been followed and completed with MassDEP

Waivers:

Section IV. Design Standards – B. New Streets, 5. Dead-end Streets (a)

Section V. Required Improvements for an Approved Subdivision – C Curbs and Sidewalks - Sidewalk shall be installed on one side as shown on Sheet 5. No waiver from curbing was granted. New sidewalk will be bituminous concrete to match existing.

Subdivision Rules and Regulations – Addendum A & Addendum B - Sidewalk shall be installed on one side as shown on Sheet 5

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 THE EXTENT PERMITTED BY LAW.

A motion to adjourn the meeting was properly made by Larry Hassan and seconded by Jim Sweeney and Unanimously approved (3-0)