

**Planning Board Minutes**  
**Tuesday, January 3, 2017 – 6:00 P.M.**  
GAR Room- City Hall

Members present: David Wheeler, Gary Keith, Reggie Thomas and Robert Pelaggi  
Also present: Rob May, Director, Shane O'Brien, Staff Planner and secretary Pamela Gurley

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

The secretary said that the developer for Lot 2 Trenton Street is seeking release of that lot. She said that all the utilities are off the street and we have the necessary inspection letters from DPW.

Decision: Motion to release lot 2 Trenton Street

Motion: Pelaggi

Second: Keith

In favor: 4

Opposed: 0

The developer for Lot A Fairfield St. and Lot B Prospect Street is seeking release of those lots. The secretary said that all the utilities are off the street and we have the necessary inspection letters from DPW.

Decision: Motion to release Lot A Fairfield St. and Lot B Prospect Street

Motion: Keith

Second: Thomas

In favor: 4

Opposed: 0

**Minutes**

Motion to accept the minutes from 12-1-16 as submitted.

Motion: Pelaggi

Second: Keith

In favor: 4

Opposed: 0

**Extension Request**

Project: Vicente's Supermarket Site

Property: 160 Pleasant Street

The secretary said that all the work to the site was completed under their site plan approval except for construction of pad site 2. She said pad site 1 was not approved and they will have to come back through the site plan process. (She said there were concerns with the access, traffic flow and the proposed drive thru for that location.) The developer is actively seeking a tenant for pad site 2 and is requesting a two year extension in order to help attract a tenant. During that time it is also their intention to file for pad site 1.

Decision: Motion to grant a two year extension to allow the construction of pad site 2. All conditions in the original approval letter are incorporated into this extension.

Motion: Keith  
Second: Pelaggi  
In favor: 5  
Opposed: 0

### **1. Request for Return to the ZBA**

Property: Lot 19A Beacon Park  
Owner/Representative: Attorney David Marcelino  
ZBA Denial: 11/9/16

Applicant's statement: Attorney Marcelino said that the ZBA was unhappy with the floor plans and elevations on the original plans that were submitted. He said they had concerns about the style of the house and possibility of turning the bonus room into another bedroom. He said he has changed the style of the home and has submitted a professionally done drawing.

Comments: Bob Pelaggi asked why the change in house did not need a new site plan. Attorney Marcelino said there is no change in the foot print of home. He said that the change is the style of the home.

David Wheeler said there seems to be some sort of encroachment on the driveway. Bob Pelaggi said that the encroachment should be noted on the plan.

(Board member Craig Pina arrived)

Bob Pelaggi said he would like to hear what the nature of the encroachment is. Shane O'Brien said he was not sure, that it could be that the abutter is encroaching, but agreed it should be on the plan.

Bob Pelaggi said that he feels that the change in home style should be sufficient in order to grant permission to return to the ZBA.

Decision: Grant permission to return to ZBA; new and substantially different information has been presented that if presented to the ZBA may change the outcome.

Motion: Pelaggi  
Second: Thomas  
In favor: Thomas, Pelaggi & Wheeler  
Opposed: Keith

(Pina abstained as he was not present for the presentation)

Applicant failed to carry the necessary votes to receive permission to return.

Attorney Marcelino asked if he could find out what the concerns of the board were. Gary Keith said he came back with a plan still showing the bonus room. After some discussion it became apparent that when Attorney Marcelino handed Mr. Keith the plans to look at he looked at the original plan not the revised plan.

As Gary Keith was the sole opposing vote he asked for reconsideration of the vote due to the fact that he was shown an incorrect plan.

Motion for reconsideration  
Motion: Keith

Second: Thomas  
In favor: Thomas, Keith, Pelaggi & Wheeler  
Opposed: None  
(Pina abstained)

Motion to grant permission to return to ZBA; new and substantially different information has been presented that if presented to the ZBA may change the outcome (style of home has been changed).

Motion: Pelaggi  
Second: Thomas  
In favor: Thomas, Keith, Pelaggi & Wheeler  
Opposed: None  
(Pina abstained)

## **2. Proposed Zoning Amendment**

An Ordinance Amending Chapter XXVII of the Revised Ordinances of the City of Brockton: Be it ordained by the City Council of Brockton as follows: Chapter 27. Zoning, is hereby amended by adding the following new Article: Article XIV. Moratorium – The Regulation and Taxation of Marijuana Act.

Applicant's statement: Planning Director Rob May explained that this was a proposed amendment to the zoning code dealing with Question 4 – the legalization of marijuana. He said it puts in place a six month moratorium giving the city six months to determine what zoning districts and areas might be considered for locations for facilities. He said since the filing of this amendment the Legislature has passed a bill adding six months to implementation of the law.

Comments: David Wheeler asked for an explanation as to what the city's responsibilities would be here. Rob May said it may address proposed locations, whether they are by right or by special permit, number of stores, areas for growing establishments and for manufacturing can be established etc. Reggie Thomas asked if the different type of establishments can be addressed separately and was told they could. Rob May said his office is proposing to hold public hearings to come up with some suggestions to assist the City Council.

Gary Keith asked if this new law affects the medical marijuana facility we have. Rob May said they are not affected by this; but it can automatically become a retail facility once the law is implemented. David Wheeler said he would be uncomfortable with limiting the market to one establishment...giving an advantage to In Good Health. Reggie Thomas asked if the focus was on zoning or the number of permits. Rob May said as a community we should look at both but the decision is ultimately with the City Council.

Decision: Recommend favorably to the City Council.  
Motion: Pina  
Second: Thomas  
In favor: 5  
Opposed: 0

### 3. Definitive Subdivision

**Property:** 350 Rockland St.

**Lots:** 2

**Owner:** Samuel Ward

**Representative:** Mike Ferrone and Attorney Wayne Mathews

David Wheeler asked if they had seen the issues raised by the City Engineer and the Planning Department; Attorney Mathews said that he had a copy.

Applicant's statement: Attorney Mathews said the application is for a four lot subdivision. He said the original lot is 66,000 SF. The proposal is for one new house lot and two small lots to be deeded to the abutters.

Comments: David Wheeler asked that they address the DPW concerns:

**1. Show the invert of the outlet pipe at the existing sewer manhole on Rockland Street and the invert at proposed connection to the existing 8-inch sewer.**

*Attorney Mathews said they will have that information added to the plan.*

**2. Revise the grading of the Lot 2 to remove the low point in the lot; they constitute both safety and health hazards. The front low point will result in ice formation on the driveway during winter months. Both low points (front and rear) will become mosquito breeding grounds during warm, wet weather. It is also not good engineering; it creates a dysfunctional property. If the goal is not to increase stormwater runoff from the site; excess runoff should be collected and leached into the ground using groundwater recharge system.**

*Attorney Mathews said that there is not much they can do in the rear but will collect whatever they can. He said the ZBA plan showed that downspouts in the rear infiltrated but noted that it did not show on this plan.*

**3. Recommend collection of the roof runoff and much of the driveway for infiltration to the ground water using a groundwater recharge system.**

**4. Show the setback distance of the proposed footprint form (sp) the street line, not the setback of the "building box"**

Attorney Mathews said they will meet with the City Engineer to go over these items.

Shane O'Brien said that it is difficult to tell existing from proposed topography on the plan.

David Wheeler said he is frustrated with plans being changed from board to board; he said there is a history of this happening and this board will be scrutinizing plans more carefully to make sure information remains consistent.

Attorney Mathews asked why the department was suggesting that the waiver for curb and sidewalk be denied...he said there is no curbing on Rockland St. Mike Ferrone asked if he would be required to put sidewalk in along both properties and was told yes.

Rob May said that the City has formally adopted the Complete Street Ordinance; he said that the property at the north has sidewalk and curbing and there is also existing

sidewalk and curbing along that side of Rockland Street and noted that complete streets has been a policy of the board for three years.

Attorney Mathews also asked about the comment on the shape of the lot; Shane O'Brien said that it is just a comment; it is odd shaped lot because of the conveyance. He said a draft deed for the property to be conveyed to abutting properties needs to be submitted and that the deeds must be recorded with proof of recording submitted to the office before lot 2 is released.

David Wheeler asked if they would like a continuance to the next meeting and Attorney Mathews said he would.

Decision: motion to continue to February 7, 2017

Motion: Pelaggi

Second: Pina

In favor: 5

Opposed: 0

### **Other Business**

Correspondence

Updates from Board Members

**The listing of matters is those reasonably anticipated by the Chair which may be discussed at the meeting. Not all items listed may in fact be discussed and other items not listed may also be brought up for discussion to the extent permitted by law.**