

Planning Board
Tuesday, March 7, 2017 – 6:00 P.M.
GAR Room- City Hall
Meeting Minutes

Members present: David Wheeler, Robert Pelaggi, Gary Keith, Reggie Thomas and Craig Pina

Also present: Shane O'Brien, Staff Planner and secretary Pamela Gurley

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

Plot 57 Early Street

The secretary said the property was being transferred to the developer. She said there are a total of six lots, three buildable and three abutter lots. Lot 61 Early Street is being transferred to the current property owner as part of the sale and the attorney for the seller is asking that we release that lot.

Motion to release lot 61 Early St.

Motion by: Pina

Second: Keith

In favor: 5

Opposed: 0

Prospect/Waverly Street

The secretary said that the contractor has submitted a request for release of both lots and has submitted the estimate from his contractor for the utility and infrastructure work plus a check for that amount and a 20% contingency.

Motion to release lot

Motion by: Keith

Second: Pina

In favor: 5

Opposed: 0

Nadia's Way

This is the last lot that the board is holding. The developer has submitted an estimate from his contractor his contractor for the remaining work plus a check for that amount and a 20% contingency.

Motion to release

Motion by: Pelaggi

Second: Thomas

In favor: 5

Opposed: 0

Parkview Lane

The developer has requested release of the seven remaining lots within this phase of the project. After reviewing the plan the board agreed that releasing three lots may be more appropriate inasmuch as the roadway has yet to be installed to service phase III. It was agreed that they will re-visit releasing the remaining lots at a later time.

Motion to release three lots #10, 20 & 21

Motion by: Pelaggi

Second: Pina

In favor: 5

Opposed: 0

1. Definitive Subdivision

Property: Part of Plot 97 Pleasant Street

Lots: Three

Owner/Representative: Chilton Realty Trust

Continued to April 4, 2017 by agreement of the parties.

2. Site Plan Approval

Property: 32 North Manchester Street

Owner/Representative: Tom Roach, Evans Machine

Commercial Addition

Applicant's statement: Mark Dibb, Condyne Engineering, said that Evans Machine is looking to build another addition to their existing facility. He said the proposal is for a 4,400 sf two story addition. They have received a variance from the ZBA and an Order of Conditions was issued by the Conservation Commission. As part of that order they will be cleaning up a blighted area and off set flood storage. There is existing adequate parking for the new addition and employees. There is no new pavement proposed; no new utilities and they will be installing an infiltration system to handle run off from the new roof.

Comments: Bob Pelaggi said that their previous additions were in flood hazard area and asked if a BFE was determined. Mark Dibb said they are using an elevation of 85 and the slab will be in the BFE.

No public comment.

Decision: Grant site plan approval

Motion: Pina

Second: Thomas

In favor: 5

Opposed: 0

3. Return to ZBA Application

Property: 490 Pleasant Street

ZBA Denial: 12-13-16 (Drive Through)

Representative: Attorney John Creedon

Applicant's statement: Attorney Creedon said that the basis for the ZBA denial two years ago was that there were several concerns in that the advertisement did not state it would be a donut shop (with no baking on site) and that the interior counter area was not shown on the plans. He said the site is an existing gas station and convenience store and they are seeking to add a drive through for donut shop.

Drew Garvin, JK Holmgren Engineering, explained the proposed traffic pattern. Attorney Creedon said he would propose right turn only when exiting the property with signage. He showed the location of the voice box and said it is in a user friendly location.

Comments: David Wheeler asked about the proposed driveway location to the stream. Attorney Creedon said it was flagged in 2006 for a similar project and that they did not expect this to be an issue with Conservation. Drew Garvin said they would be filing an NOI.

Gary Keith said that he still has concerns and feels that the property is too condensed. Attorney Creedon said that almost every convenience store has a coffee componentGary Keith said there are no drive throughs. Attorney Creedon said he would address that if allowed to go back to the ZBA.

Reggie Thomas asked the Staff Planner to comment on the staff report; Shane O'Brien said they would prefer them to go through the Conservation process first as the work is proposed in the 25' no touch.

Public Comment: Steve Davis said he is opposed; it is already a traffic nightmare there and this will make it worse.

Decision: Motion to return to ZBA; new and substantially different information has been submitted that may conceivably affect a subsequent decision by the Zoning Board on the matter (interior layout)

Motion: Pina

Second: Thomas

In favor: Wheeler, Thomas & Pina

Opposed: Pelaggi & Keith

Motion failed to carry.

4. Return to ZBA Application

Property: 20 Charlotte Street

ZBA Denial: 11-9-16 (Single Family Home)

Representative: Attorney John Creedon

Continued to April 4, 2017 by agreement of the parties.

5. Return to ZBA Application

Property: 1003 Crescent Street

ZBA Denial: 12-13-16 (Single Family Homes)

Representative: Michael Haikal

Applicant's statement: Bruce Malcolm said the biggest objection from the ZBA was the proposed number and the irregular shape of the lots. He said that plan was originally designed to maximize profit to the developer. He said the new road layout will be within existing layout of Butler Street and lots are now regularly shaped... six new lots and one existing house lots. Michael Haikal said there were 8 lots originally.

Comments: Bob Pelaggi asked what the width of the street was and Bruce Malcolm said it is a 40' layout with 24' of pavement.

Craig Pina said by Brockton standards these lots are huge.

David Wheeler said these issues would be discussed at a planning board hearing at a later date...the board's purview now is did they make a substantial change to warrant a return to the ZBA.

Opposed: Councillor Beauregard said she had the plan reviewed and was told there should only be four homes; she said there are too many houses for that area.

Pastor John Beals said that his Church abutts two sides of this property and they are opposed large number of homes in small area. He said abutting this property is their open field and they are afraid that their land will become attractive for the residents to use. He said they are opposed to the density.

Rev. Andrew Gardner asked if the ZBA was the place to make negative responses. He said his concern is that it is low land...swampy....he is also concerned about the proximity to the high tension lines. He agreed that it is a dense configuration and is opposed.

Decision: Motion to return to ZBA; new and substantially different information has been submitted that may conceivably affect a subsequent decision by the Zoning Board on the matter (road layout and design of lots).

Motion: Keith

Second: Pina

In favor: 5

Opposed: 0

6. Return to ZBA Application

Property: 703 N. Main Street

ZBA Denial: 1-26-17 (Mixed Use)

Representative: Marie Paul

Applicant's statement: Attorney Natasha Luciano said that the original plan (to ZBA) contained a commercial space (garage) and five apartments. The plan has been changed to show the commercial space (garage) and six two bed apartments; they changed the parking configuration; added green space and added designated area for a dumpster.

Comments: Gary Keith said the applicant appeared before the ZBA without representation. He said that parking may be sufficient for residential but we have no idea what kind of use will be in the commercial space ...everyone has to back out of parking spots...no snow storage...but said he is not opposed to her returning to the ZBA.

Bob Pelaggi asked what the legal use of the property is and was told because it has been empty for more than three years it lost its non-conforming status and has reverted back to the original zoning. Bob Pelaggi said creating six two bedroom apartments and using the garage as commercial is creating a mixed use. He said there is no through parking; the drive island is only 12' wide; he said they need two directions or 24'... he said the project is unfeasible.

Public Comment: Rick Texiara (abutter to the rear of the property) said they won't be able to turn from N. Main to Broad St. as the back fence is 7-8 feet from the building. He said he would like to see the building fixed up but wants to see it done reasonably.

Decision: Motion to Return to the ZBA; new and substantially different information has been submitted that may conceivably affect a subsequent decision by the Zoning Board on the matter (unit changed from 5 to 6).

Motion: Keith

Second: Thomas

In favor: Wheeler, Keith, Thomas

Opposed: Pelaggi

Abstained: Pina

Motion filed to carry.

7. Reorganization of the Planning Board

Chairperson

Motion to nominate Dave Wheeler as chairperson; no further nominations.

Motion: Keith

Second: Thomas

In favor: 5

Opposed: 0

Clerk

Motion to nominate Bob Pelaggi as clerk Clerk; no further nominations.

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

Representative to ZBA

Motion to nominate Gary Keith as the Board's representative to the ZBA; no further nominations.

Motion: Thomas
Second: Pina
In favor: 5
Opposed: 0

Representative to Traffic Commission

Motion to nominate Craig Pina as the Board's representative to the Traffic Commission; no further nominations.

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

Site Inspection Sub Committee

No action was taken on this committee.

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.