

Tuesday, May 2, 2017 – 6:00 P.M.
GAR Room- City Hall
Meeting Minutes

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

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

Acceptance of Minutes

Motion to accept minutes of 4-4-17 as presented.

Motion: Pelaggi

Second: Pina

In favor: 4

Opposed: 0

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

1. Blue Print for Brockton Presentation

City Planner Rob May gave a brief overview of the document and asked the members to review the document and notify his office with any comments.

2. Return to ZBA Application

Property: 703 N. Main Street

ZBA Denial: 1/26/17 (Planning Board Denial: 2/7/17)

Representative: Marie Paul

Applicant's statement: Attorney Natashia Luciano said that after the March denial her client went back and redesigned the project making both interior and exterior changes. She said the proposed commercial on the first floor was eliminated. The new proposal is for six one bedroom apartments instead of two bedroom apartments reducing the amount of parking required. She said that the parking lot has been redesigned to allow for an entrance on N. Main St. and exiting onto Broad St. and the dumpster has been relocated. She said there are six parking spaces for the apartments and two for the personal office space in the garage building. She said there is also additional green space.

No public comment.

No questions from the Board.

Decision: Motion to return granted. New and substantially different information was submitted that may ultimately address the ZBA concerns.

Motion: Pelaggi

Second: Pina

In favor: 4

Opposed: 0

3. Return to ZBA Application

Property: 19 Digby Ave.

ZBA Denial: 10/12/16
Representative: Arturo Lopez

Applicant's statement: Arturo Lopez said that their original plan call for the demolition of the existing home and reuse of the existing foundation: the said that the reason for the ZBA denial was there was no stamped survey plan and the Board felt that the house did not fit neighborhood as it encroached on three sides into the setback and exceeded 25%lot coverage.

He said that the new plan was for a three bedroom home with a one car garage; he said they are proposing to remodel the existing home and add a second story on the existing house and small addition on the side. He said the home is within the setbacks now.

There was no public comment.
No questions from the Board.

Decision: Motion to return granted. New and substantially different information was submitted that may ultimately address the ZBA concerns.

Motion: Pina

Second: Thomas

In favor: 4

Opposed: 0

4. Definitive Subdivision

Property: Plots 30 & 30-1 Leach Avenue and 110 Market St.

Lots: Three

Owner/Representative: Manuel Buginga/Land Surveys Inc.

Bruce Malcolm/John McCluskey/Steve Torrey

Applicant's statement: Bruce Malcolm gave a history of the property. He said that as the Board is aware, the applicant had no access to the property and with help of Councillor Dennis Eaniri and the City Council they were granted an access easement and a utility easement for a water service through South Jr. High. He said they received a variance in May 2016. He said they intend to only grind and repave where the existing pavement exists but will be installing new pavement where there is no existing pavement; the new pavement will comply with Planning Board regulations. They are adding an 8' wide concrete sidewalk and granite curbing and along the South Jr. High side they will be installing a guardrail. He said emergency vehicles can turn around in the "non paved area". He said he met with the City Engineer and made the requested changes to the sewer and added the inverts. ET Engineering has designed the re-charge areas; they are substantially reduced runoff as the existing runoff sheet flows.

Comments: Bob Pelaggi suggested that they TV the line and noted that the guard rail does not go all the way through; he also asked about the weight load for fire truck. Deputy Chief Marchetti said that there needs to be an area for the trucks to turn around and it needs to be designed to carry the weight of the fire truck; there will need to be some sort of extension to the proposed roadway. He made them aware of the applicable state fire code section. Bruce Malcolm said they would meet with the Fire Department and work out the details.

Bob Pelaggi said that there are still a couple of items that need to be addressed. Bruce Malcolm said there are always minor changes that need to be made. He said they can provide the access strip to access the paved parking lot and have no issue with TV'ing the line. David Wheeler said that the members are not comfortable with conditionally approving plans and would like to see the final plans submitted before voting. He said it is not the job of the Planning Department to review plans to make sure that the Board's specifications have been met.

Public Comment: Chantelle Montre, 120 Market St., said that the property owner of the garage was using her electric and water; she said she said she did not know that she was getting their bill and didn't understand why her bills were so high. She said he (Businga) put sewer through her property...she said she did not understand what he was asking her. She said he said he drives through her property to get to his property.

Bruce Malcolm said the pipe is 6" in diameter; (since they have an easement for water it is coming from the Jr. High); he said the developer has an easement and the right to pass and re-pass over her property.

Bob Pelaggi asked if the new sewer was protected by an easement (he noted it did not show on the plan and asked that all the easements be added to the final plan; Bruce Malcolm said they have an existing easement... but that they just replaced a replaced an old pipe with a new one in the same area.

Attorney John McCluskey said they will relinquish their right to pass and re-pass if that is an issue; Mr. Businga does not need it.

Bob Pelaggi told Ms. Montre that she should probably secure a lawyer to see if the sewer pipe has a right to be there. Attorney McCluskey said he would be willing to work with her (gave her his business card).

In favor: Councillor Dennis Eaniri said the current business is close to South Middle School and he wants to see this project move forward. The secretary stated that they received a letter of support from the School Dept.

Councillor Robert Sullivan said he is 100% in support of this proposal; it is good for the neighborhood and will rectify an existing attractive nuisance.

Decision: Approve with standard conditions and the following special conditions: that the final plan show all easement information, compliance with the Fire Dept. access requirements and rescission of the right to pass and repass as agreed.

Motion: Pina

Second: Thomas

In favor: 4

Opposed: 0

The following sections of the Planning Board Rules and Regulations were granted waivers as follows:

Section IV

B. 3. Width

F. Utilities (underground)

Section V

C. Curbs and Sidewalks (no curbing and sidewalk along South Jr. High; guardrail to be install in that area)

Motion: Pelaggi

Second: Pina

In favor: 4

Opposed: 1

Applicant agreed to a covenant as means of security.

5. Site Plan Approval

Property: 970 Montello Street

Proposal: Church

Owner/Representative: Bay Associates Inc.

Continued to June 6, 2017 at the request of the applicant.

6. Site Plan Approval

Property: Plots 42 & 43 West Chestnut Street

Proposal: Roadway

Owner/Representative: Meadow Wood LLC/Gallagher Engineering

Continued to June 6, 2017 at the request of the applicant.

7. 40R Site Plan Approval

Property: 93 Centre Street

Proposal: 51 Units of Housing/2,470 of commercial/retail

Owner/Representative: Ted Carmon, Concord Square Development

Scott Faria, JK Holmgren, John Monan, Youmar Realty

Applicant's statement: Ted Carman said they are proposing 51 residential units; 80% of 1 bedroom is market rate; essentially all units will be market rate; the state has made two allocations toward financing; they are looking for a vote from the Board in order to be able to tell lenders that they received city approval.

Scott Faria said the plan was reviewed by BSC. There are no final plans for lighting, drainage or architectural. They are proposing an entrance off Church St. with 15 spaces on site, they have added green space, are tying into municipal utilities with all connections south of the Centre St. intersection so it will not interfere with the MassWorks project. They anticipate making drainage improvements and are treating this as a redevelopment site; they are anticipating there will be some surface drainage. There is an agreement with BAT for parking spaces, but the final parking plan is still in the works.

Bob Pelaggi said he understands that when the new parking garage opens WB Mason will be moved there freeing up their spaces on W. Railroad for 93 Centre to use. He asked Ted Carmon how many spaces they are leasing from BAT and was told 45 spaces.

Rob May asked where the – electrical connection comes into building; Scott Faria said of W. Railroad Ave. he believed; Ted Carmon said through a man hole off Centre St.

Public Comment: Ward 5 Councillor Anne Beauregard said she is looking forward to market rate apartments and looking forward to seeing this happen.

Decision: Grant conditional approval subject to final plans addressing all outstanding issues, including but not limited to: lighting, greenspace, drainage, parking and utilities are to be approved by the Technical Review Committee and presented to the Planning Board for approval.

Motion: Pina

Second: Pelaggi

In favor: 4

Opposed: 0

8. Site Plan Approval

Property: Plot 471-1 Sargents Way

Proposal: Commercial Building

Owner/Representative: Hawkeye Fence/Pilling Engineering

Todd Pilling (Pilling Engineering) said this site plan was previously approved for contractor bays; the site plan approval has lapsed; they filed a new application; no more contractor bays and the proposed use is an office building. He said drainage is identical and all prior changes requested by the technical review committee were added to this revised plan.

Comments: Reggie Thomas asked if the proposal was for office suites and Todd Pilling said it would be all office space...he said there is no tenant yet.

Bob Pelaggi said this is this the second go round for this and minimal comments were addressed the first time.

Decision: Grant standard site plan approval as submitted.

Motion: Pelaggi

Second: Thomas

In favor: 4

Opposed: 0

9. Site Plan Approval

Property: 1315 Main Street

Proposal: Commercial Addition

Owner/Representative: Teen Challenge NE/JK Holmgren Engineering

Scott Faria (JKH) said the property is located at 1315 Main St.; the Teen Challenge Campus. The proposal is for a 15,000 SF three story building; they were asked to look at the entire campus and see how much parking was needed. Although residents are not allowed to have any vehicles on the campus they did apply and receive a variance for parking from the ZBA. He said they are proposing a sub surface drainage system for new addition and there will be only emergency access along the strip of land *Green Place*.

Decision: Grant standard site plan approval as submitted.

Motion: Pina
Second: Pelaggi
In favor: 4
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.