

Tuesday, June 6, 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: Rob May, Director, Shane O'Brien, Staff Planner and secretary Pamela Gurley

Acceptance of Minutes

A motion was made to accept the minutes from 5-2-17 & 5-16-17 (Pina), seconded (Keith) and unanimously passed.

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

ANR - 1288 Pleasant St.; the secretary said they signed a similar plan for the same property last month the difference in the plan is a fourth unbuildable lot has been created which is being deeded over to Wildlands Trust. She said that the Planner recommended removing the wording that the lot is not buildable "under current zoning" as it will never be buildable with only 25' of frontage. The members signed the ANR plan for 1288 Pleasant Street and crossed through the wording as recommended.

69 Peterson Ave.; members signed the lot releases; applicant has placed sufficient cash surety to cover the work within the ROW.

93 Center St.; members signed the approval letter for 93 Centre St.

1. Return to ZBA Application

Property: 343 Linwood Street

ZBA Denial: 4-11-17

Representative: Land Surveys Inc.

Applicant's statement: Attorney John McCluskey said the original proposal was for five lots with 90' of frontage; ZBA was concerned about density; the new proposal is for four lots with 112' of frontage; he believes that is a significant change; there is off street parking for four cars on each property (two car garage and place for two cars to park in the driveway).

Comments: Bob Pelaggi asked if these would be four bedroom homes and was told yes. He said that the City Engineer previously stated that the neighboring lots are 112-115' in frontage so these fit the neighborhood; he noted that the side yard setbacks are double what is required by zoning.

Opposition: Jorge Marroquin, 329 Linwood St., said he is not in favor of lots smaller than zoning requires.

Paul Sowsy, 332 Linwood St., said he would like to see a traffic light at the end of the street; he said there have been several traffic fatalities; he said they expect that the Bertarelli farm land would be converted into homes at some time in the future adding more traffic to the street; he said it is a busy road; he also said that the true property lines are not straight and would verify that information.

David Wheeler asked who would be responsible for traffic lights. Craig Pina said the Traffic Commission discussed that street at length ...he said lights are costly.

Seeing no more questions the public portion was closed.

Decision: Permission to return to the ZBA granted: New and substantially different information was submitted which may ultimately address the ZBA concerns; i.e number of homes has been

decreased by one. Board recommended that the developer consider a double wide driveway to avoid stacked parking.

Motion: Pelaggi

Second: Keith

In favor: 5

Opposed: 0

An abutter to the property said he did not get a chance to speak. The members agreed to reopen the hearing to allow the party to speak.

Motion to reopen for the purpose of public testimony that was missed.

Second: Thomas

In favor: 5

Opposed: 0

Peter Peterson, 352 Linwood, said there was an accident on the street this week; he is concerned about increased runoff; the property drains onto his property; he said it is a privacy issue.

Bob Pelaggi said that if they were successful in zoning the plans filed with the planning board will contain drainage and the plans are reviewed by the City Engineer. Rob May explained to the abutters that the planning board is not approving the project now just if a change has been made; he said the public has two more opportunities for input.

Mary Moore, 357 Linwood, said she does not want a house on her back step; she bought her home because of the privacy.

Bob Pelaggi said that the closest house will be 50' (house to house).

Councillor Dennis Earini explained to the residents that the purpose tonight was to vote to allow the applicant to return to the ZBA; he said they will all need to be present at the ZBA meeting to state their concerns.

Lester Moore, 357 Linwood, said he was concerned with increase traffic on the street; he is concerned with drainage; he said they have drainage problems now.

Bob Pelaggi noted that the last motion should have contained a recommendation to push the houses back in order to adhere to the old layout of Linwood Street.

Public comment was closed.

Decision: Rescind previous vote

Motion: Pelaggi

Second: Keith

In favor: 5

Opposed: 0

Permission to return to the ZBA granted: New and substantially different information was submitted which may ultimately address the ZBA concerns; i.e number of homes has been decreased by one. Board recommended that the developer consider a double wide driveway to avoid stacked parking and also that the layout of the properties adhere to the old layout of Linwood Street (homes will be located 30' back from that layout).

Motion: Pelaggi

Second: Keith

In favor: 5

Opposed: 0

2. 40R-Proposed Amendment

Property: 121 Main Street

Proposal: Mixed Use

Owner/Representative: NeighborWorks Southeastern Mass.

Brian Moriarty

Robert Corley

Tim Doherty

Applicant's statement: Robert Corley said that NeighborWorks is a community development corporation that has been in business 30 years; he said they have been in the COB for 10 years; they have invested 10 million in the COB; they provide home buyers education; purchase and rehabilitate homes that are resold to home owners. He said they are excited about the 121 Main St. property and are proposing a mixed use and mixed income development.

Tim Doherty said NeighborWorks is proposing to make a 21M investment. He said this project was originally approved in December of 2015 and they are proposing only a minor amendment to the prior approval. He said they are asking for an extension of time from the original approval to allow for construction and a design guideline waiver (roof setback). Square footage has been reduced about 10,000 sf; they have narrowed the building; increased the setback slightly (1.5' on each side); the height is largely unchanged; parking is the same; the number of residential units is the same but the mix is different.

Matthew Littell, Utile Architects, said they would like to restore that corner to a sense of grandeur; he said Main St. is made up of a mix of nice multi story buildings; this concept similar to the last project; retain space along Main St with a corner entry and the building will be faced mostly with brick along Main St.

Comments: Bob Pelaggi asked what accounts for the difference in ground floor retail; Tim Doherty said they drilled down the commercial/leasing/retail. Craig Pina asked why the increase in three bedroom units; Tim Doherty said they created a double corner which creates an ability to have more three bedroom units.

Bob Pelaggi reminded them that they will need to go back to technical review with the final building plans.

Public Comment: Jeanne Holmes Kireilis, 65 Belcher Ave., wanted to know much of the project is affordable housing. She said we need to revitalize the downtown with people with disposable income. She said the *people living in buildings downtown have an attitude of disrespect; they are not worldly; she said the people living in 50 Centre think they are "to good" to spend their money supporting the downtown merchants...* Affordable housing is not the way to go.

She said she is troubled with this (project); the Board voted for this years ago and said now we have this vacant space on Main Street; she wanted to know who owns the property whether the lien and back taxes have been paid. She said she knows they have not been paid as nothing is recorded at the Registry of Deeds.

She said she is also concerned about traffic congestion; and asked if there was a plan as it won't work as a one way street.

The chairman gave the secretary permission to speak; she said she found those comments offensive; she said her son and his roommate live in that complex. They have both lived in Brockton their entire lives and are exactly the type of people living there. She said her son is a Brockton school teacher and his roommate works in construction.

Tim Doherty said that middle income is approximately \$60,000; the median income for this area is \$38,000. He said that the building will contain 18 market rate units; 22 middle-income units remaining eight (8) units will be affordable.

Craig Pina said that at 50 Centre there is not really much difference between affordable and market rate rents.

Reggie Thomas asked for an explanation of the cap and was told the cap is based on the median household income.

Gary Keith asked how vacancies would be addressed and was told in order to keep quotas there would be a wait list.

Tim Doherty said rents for middle income units are set so they don't become rent burdened; they are supported by a state subsidy for middle income units.

Addressing Ms. Kireilis' question of ownership, Rob May said that the property was originally owned by 121 Main St. LLC; a 40R project was permitted by the Board and unfortunately the developer was unable to secure financing for 100% market rate housing; the City was eventually forced to demolish the building and subsequently foreclosed on the property; (tax lien and demo lien). The property was within the one year the right of redemption and NeighborWorks negotiated out a deal with 121 Main St. LLC and came to the City with their proposal. The City vacated its judgment and when NeighborWorks closes on the building they will pay off the taxes and the liens.

Addressing traffic, Rob May said the City is working with Mass DOT to try to use leftover funds to do a traffic model for downtown; he said it is a multi-million dollar project; there are 12 signals that need to be up graded. Craig Pina said we cannot hold up development waiting for two way traffic to come.

Patrick Quinn said he just had some comments; he said that people generally do have cars; he said he is happy about underground parking but there is not a lot of greenspace or outdoor space; he asked if they had considered a roof top deck?

Bob Pelaggi said that the zoning district has a reduced parking table; Tim Doherty said they have 38 on site spaces and will lease the remaining spaces.

Councillor Thomas Monahan said he is in favor of this project; he said that the City is going to get its back taxes and the demolition costs and that most of the units will have disposable income.

Cynthia Pendergast, 122 North Ave., said she is in support and is excited for this project.

Councillor Shayna Barnes said she has been involved with Neighborworks for several years; this corner is a gateway to the City and she is in favor of the project; she said she did like the idea of roof top space.

Gary Keith asked if they would consider looking at the idea of something for the rooftop and was told they would be willing to look into it.

Decision: Issue an amendment to the project as presented with a two year extension in time and the waivers as requested. The original approval and terms are to be incorporated into this approval.

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

3. Site Plan Approval

Property: The Tack

Proposal: Commercial

Owner/Representative: Placetailers Inc.

Applicant's statement: Miriam Gee said this is an urban revitalization of an existing building under Chapter 40R; she said there will be two tenant spaces on first floor hopefully for a café; but they are just vanilla boxes right now. They are maintaining the existing façade along Crescent St.; the south façade will have stainless steel rain screen; she said the proposal is for a transit oriented development project; they are installing bike racks and have provided more than 10% green space. She said the entire pavement proposed is to be pervious and the overflow will go into a rain garden. They have eight parking spaces on site and have leased five spaces from Mattress Maker site on Montello St. and they are no more than a 5-10 minute walk to BAT station. She said this is owner occupied office space; the new south entry will be ADA accessible; the proposal is for co-work space on the upper level (work bar...rent a desk or a private office....good place for business incubation).

Comments: Bob Pelaggi said this is a great design but they are still under parked; Miriam Gee said they are still looking for options.

David Wheeler said he likes how they folded in other means of transportation.

Reggie Thomas said he thinks it's a great project – much needed.

Donald Donaldson said this particular project has no residential and this particular client does not usually drive.

Bob Pelaggi said his concern is they are not even meeting 50% of the parking, he said he would like to see them increase what they have.

Public Comment: Deborah Kennan, 163 Crescent St., said she owns the convenience store next door to the property; said she is concerned that there is not enough parking; she thinks that the idea is good; she said there is limited parking on the street that is currently used by her customers.

Jeanne Holmes Kireilis said she was speaking on behalf of Jim Wilson...Jim's Truck & Auto. She said his business has suffered harm because of the existing building conditions; she said she is glad there is no residential; she said Mr. Wilson is concerned about the parking; she said Mr. Wilson will be the unwilling recipient of people parking in his property; she said people in Brockton don't use alternative means of transportation; she said she strongly objects to anything that does not meet the requirements; she said the train is not anywhere near this place...it is not a very good corner.

Craig Pina said it is up to a property owner to have the cars towed that are illegally parked on his property. Jeanne Holmes Kireilis said that's not how it works in Brockton.

Attorney John McCluskey said this is a derelict building; it's the gateway to the eastside of Brockton; he said this is a unique project; we need to move forward; he said he whole heartily endorses this project.

Councillor Anne Beauregard said she believes that this project could be extremely advantageous but is concerned about the parking; she said that there should be a subcommittee to re-assess where there is additional parking.

Patrick Quinn said he is in favor; he said this building is not more than 1,500' from the train station; he said businesses can put up customer parking only and violators will be towed signs.

Michael Gallerani, Director B21, said this is the dream for downtown...this is where the people who live in 121 Main St. will work; he said this is just the beginning. Jeanne Holmes Kireilis said this is not Cambridge....it won't work here.

Deputy Chief Joe Marchetti said when they reviewed the project for technical review there was no solar array and asked that they make sure they consider the fire fighter safety.

Decision: Approve as submitted.

Motion: Keith

Second: Pina

On the Motion: Bob Pelaggi said this is a great project; he said it fits well in the neighborhood, but he is concerned about parking; he would like to move the project forward and give the applicant opportunity to address parking.

The motion was withdrawn.

Approve as submitted with no waivers; if the applicant is unable to meet the current parking requirements (31 spaces) they shall seek a waiver from the Planning Board prior to issuance of any certificate of occupancy from the Building Department.

Motion: Pelaggi

Second: Keith

In favor: 5

Opposed: 0

4. Definitive Subdivision (Request to Amend Decision)
Property: Plots 30 & 30-1 Leach Avenue and 110 Market St.
Lots: Three
Owner/Representative: Manuel Buginga/Land Surveys Inc.

Attorney John McCluskey was asked if the abutters were notified and was told there were not. David Wheeler said that the Board would be unable to open the hearing and could not discuss the matter.

Continued to August 1st by agreement of the parties.

5. Site Plan Approval
Property: 970 Montello Street
Proposal: Church
Owner/Representative: Bay Associates Inc.

As no one was present and as there was no communication from the applicant the Board agreed to grant the applicant the courtesy of a continuance to the August 1st meeting.

6. Site Plan Approval
Property: Plots 42 & 43 West Chestnut Street
Proposal: Roadway
Owner/Representative: Meadow Wood LLC/Gallagher Engineering

Continued to August 1, 2017

7. Site Plan Approval
Property: 456 Montello Street
Proposal: Commercial Building

Owner/Representative: JK Holmgren Engineering

Scott Faria said this was a portion of the Niccoli Brother's property; he said the entire parcel was previously granted site plan approval; he said that the Board approved an ANR at a previous meeting separating the property. He said Atlantic Shipping is looking to build a warehouse building on one parcel. He said that Atlantic Shipping accepts goods from families, those are stored in a warehouse and once there is a full load a truck moves the load to Boston or New Bedford for shipping. There will be five parking spaces, they are proposing sub surface drainage and have addressed the tech review comments.

There was no public comment or questions from the Board.

Decision: Motion to approve as submitted with standard conditions.

Motion: Keith

Second: Pina

In favor: 5

Opposed: 0

Other Business

Correspondence was received from the developers of Woodland Park seeking clarification on their hours of operation; the members agreed that the stipulation was outside the jurisdiction of the Board and agreed to revise the hours of operation to coincide with the ZBA decision.

Decision: Revised hours of operation are to coincide with the hours of operation set by the ZBA.

Motion: Thomas

Second: Pina

In Favor: 5

Opposed: 0

Complete Streets – Rob May said it has come to his attention that the Traffic Commission may not have the authority to waive sidewalks/curbing for any proposal that falls under the state subdivision control law. The subdivision control law gives that authority only to the Planning Board.

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.