

BROCKTON PLANNING BOARD MINUTES
Thursday, April 13th, 2023 - 6:00 PM
RESCHEDULED FROM Tuesday, April 2nd, 2023

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, Jim Sweeney, Iolando Spinola and Marty Crowell. Also present were Director Rob May, Evan Sears (Planner 1), and Admin Rhode Germain and Isaiah Thelwell.

Items Requesting Continuances

Review and Acceptance of Minutes

The Board reviewed the minutes of the last Planning Board meeting that took place on 03-07-23.

A motion to approve the minutes was properly made by Larry Hassan, seconded by Jim Sweeney. The motion was unanimously approved (4-0).

ANR Applications

Lot Releases

135 Elliot Street

Per Evan Sears, The applicant has complied with requirements and Lots can be released.

A motion to approve the lot release was properly made by Jim Sweeney, seconded by Larry Hassan. The motion was unanimously approved (5-0).

Cypress Woods Lot 8, 9 & 10

Per Evan Sears, The applicant is requesting 3 lot releases for 2 Phase development of a subdivision. Phase 1 will consists of constructing Granite Curb and Phase 2 will extend that curb onto Lot 8.

A motion to approve with standard conditions and the following special conditions was properly made by Larry Hassan, seconded by Jim Sweeney. The motion was unanimously approved (5-0).

Special Conditions:

- \$100,000 Surety
- Granite curbing and completion of road

Requests For Extension

Street Acceptances

Proposed Zoning Change

2. Permission to Return to ZBA

Property: 1449 Main Street

Applicant: Alicia Fernandes

Representative: Attorney John Creedon

Per Attorney Creedon, speaking on behalf of Applicant Alicia Fernandes, The property has been denied by Zoning Board of Appeals in December of 2021 and now is looking for Permission to Return. The initial plan for the property was deemed unacceptable due to issues with stacking and prohibited parking. One concern was that cars would have to back out onto the main street, causing potential safety issues. The property has remained vacant because it couldn't be used for commercial purposes. The Applicant believes that the highest and best use of the property is for commercial purposes. However, the zoning regulations and parking restrictions make it challenging.

Creedon argues that the property falls under the C2 zone, which permits general commercial use. Creedon also mentions that the current proposed Green Space exceeds the requirements, and adds that the property abuts an R2 zone which easily allows 4 unit Multi-Family. Chairperson Goncalves alludes that there is no significant change to Zoning Hardship in this case, which Director May agrees that the property itself is improperly zoned as a whole . There are discussions about the parking situation and potential changes to improve it.

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 (5-0).

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

Per Jim Burke concerns about parking and emergency vehicle access, which were the basis for the previous denial of the project were addressed in these revisions. King, the developer, reached out to the neighborhood for recommendations and made several modifications to address these concerns. The density of the structure was reduced from 10 to 8 units, and the footprint of the building was also decreased. An emergency personnel spot, and a fire lane were added to improve safety. Additionally, parking was increased by reducing the density. Other changes included expanding the rear setback from 32 to 38 feet and creating a fenced brick wall along the Braermoor Nursing Home. The developer also plans to plant 17 linden trees. Burke provides an example of another successful case and speaks about his positive track record with the developer on projects in Foxboro.

He mentions that dealing with ledge has always been a hardship, citing 45 blastings on the abutting Boston Medical site. During the board's questions Jim Sweeney expresses support for the case and approves of the developer's track record. Lolando Spinola asks about renderings of the building but is informed by Deputy Chief Williams that it is outside the purview of the discussion.

Public Comment

Steve Morris/16 Nylan Road - Steve Morris, who initially spoke out against the project during it's initial ZBA hearing, now supports it after discussions with King. He highlights the creation of a 360-degree fire lane and the reduction in the number of apartments. He also mentions his positive experience with King as a manager and businessman.

Boston Medical Center (BMC) speaks about their concerns related to 40A, which refers to Section 40A of the Massachusetts General Laws that deals with zoning regulations. They also mention a moratorium for finality of legal proceedings, indicating their support for a temporary halt in legal actions related to the project.

BMC expresses that while some concerns were addressed, several others remain unaddressed. They highlight the inconsistency of having a multifamily building on the lot, especially in relation to the BMC facility, and state their opposition to the project.

A motion to approve with standard conditions was properly made by Jim Sweeney, seconded by Larry Hassan, and unanimously approved (5-0).

3. Site Plan Approval

Property: 683 Belmont Street

Applicant: JZ Real Estate

Representative: Stonefield Engineering

Per Jake Modestow, The proposed Starbucks is in a C2 district. They propose removing 44 parking spaces and mention that there is a signalized intersection near the location. Modestow confirmed that the proposed site was previously occupied by a Stop & Shop Supermarket. The entire plaza has approximately 500 parking spaces, with 15 spaces allocated for the Starbucks parcel. They argue that there is sufficient parking available in the surrounding area. The proposed plan includes a patio area, a queuing lane that wraps around the perimeter of the property for about 300 linear feet, and evergreen screenings for privacy. Various vegetation will be incorporated around the property. The Department of Transportation (DOT) has no jurisdiction over the intersection, but a traffic study has been conducted, indicating a queue time of 37 seconds.

It is mentioned that the new Starbucks location will draw customers from other nearby locations. Chairperson Goncalves asks if the Westgate Starbucks location is comparable to this one, to which Jake Modestow responds that this location is smaller in comparison. Larry Hassan inquires about the increase in green space, and Modestow confirms that there will be an increase in localized green space, including an increase in tree coverage.

James Sweeney brings up the concern of safety during dismissal times for students from the nearby Brockton High School. He suggests adding traffic signs for pedestrians and drivers to ensure safety. Sweeney also inquires about the timeline for construction, and Modestow states that they aim to start as soon as possible.

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 (5-0).

Special Conditions

- Show additional pedestrian and moving traffic signs.

4. Site Plan Approval

Property: 10 Father Kenney Way

Applicant: City of Brockton

Representative: Pare Corporation

Pare Corporation presents a plan for the expansion of The City of Brockton's Senior Center. Jim Jackson provides details explaining the building was initially constructed with expansion in mind and now they intend to expand it by 4,000 square feet, utilizing the parking area and part of the front area. They clarify that the expansion does not involve a change of use but rather aims to increase program spaces, including a multi-purpose room. The plan also includes an expanded and relocated commercial kitchen while keeping the administrative space the same with renovations.

Jim Jackson adds that the parking area was left landscaped and did not impact parking or vehicle access. The required number of parking spaces is 21, but they have 41 available. Bio-retention improvements have been made, and the plan was reviewed and approved by the Conservation Commission in January, receiving Order of Conditions. An alternative (Phase 2) proposal involves improving runoff by over 40% and implementing a new stormceptor and infiltration system. Any overflow will be directed back to the city system. This alternative is only feasible if funds were available, these plans were not discussed any further.

Janice Fitzgerald of The Council on Aging mentions that the number of older adults has increased and the current facility cannot optimally serve all of its 60 plus residents.

A motion to approve with standard conditions was properly made by Jim Sweeney, seconded by Marty Crowell, and unanimously approved (5-0).

Meeting Adjourned