

BROCKTON PLANNING BOARD MINUTES
Tuesday February 6th, 2024 - 6:00 PM

Chairwoman Goncalves opened up the meeting with a Roll Call...

Members present are

- Toni Goncalves - Planning Board Chair
- Larry Hassan - Planning Board Member
- James Sweeney - Planning Board Member
- Iolando Spinola - Planning Board Member
- Marty Crowell - Planning Board Member
- Edward Williams - Deputy Fire Chief
- Rob May - Director of Planning & Economic Development
- Evan Sears - Planner II
- Rhode Germain - Administrative Assistant II
- Isaiah Thelwell - Administrative Assistant

Items Requesting Continuance to February 6th, 2024

5. Site Plan Review

Property: 1315 Main Street

Parcel ID#: 082-005

Applicant: Teen Challenge

Representative: J.K. Holmgren Engineering

Review and Acceptance of Minutes

The Board reviewed the minutes of the last Planning Board meeting that took place on 01-03-24.

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

ANR Endorsements

22-24 Emmet Street

Per Planner Evan Sears, two lots exist that predate zoning and are exempt from City Zoning. Therefore the lots fall within ANR jurisdiction.

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

540 Westgate Drive

Per Sears, The applicant is splitting off portions of the Westgate Mall. The mall currently is divided by two parcels, this lot split will split it further for possible sale in the future.

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

1. Return to ZBA

Property: 30 Intervale Street

Parcel ID#: 176-018

Applicant: Arm Construction LLC

Attorney John McCluskey presents the Return to ZBA application of 30 Intervale Street on behalf of Rob Nakashian. Per McCluskey the applicant first came before the Zoning Board for relief from parking. The property is derelict and was formerly a bar when it was operational, McCluskey claimed the applicant is a 501c3 non-profit educational organization, and are entitled to the Dover Amendment relief from Zoning. McCluskey and the applicant have also partnered with Father Bills, who plans to put in a 28 unit residential facility, with studio apartments for previously homeless individuals. They would receive educational support to integrate residents back into the community.

McCluskey further mentions that the primary variance needed from the Zoning Board is not number of units, rather it is parking. Per McCluskey the project was denied on the basis of its original 32 unit / 28 parking space ratio and the possibility that Father Bill's might not occupy the space. After the project's denial at the ZBA, rather than appeal the Boards decision in court, the applicant decided to come before the Planning Board with a different configuration of the plans. McCluskey further mentions that most of the residents who would occupy these units would not be using parking spaces, as most don't, can't or aren't licensed to drive vehicles. The applicant wishes to be approved to go back to the Zoning Board of appeals because they've reduced unit count and altered parking. McCluskey ends with referencing that the City must make reasonable determinations in Dover Amendment related cases.

Chairwoman Gonclaves mentions that, after being initially denied based on a finding of no hardship, the applicant must provide new information relating to either soil conditions, lot shape, or land topography in order to be approved for a return to the ZBA. Goncalves doesn't feel that any of these conditions are present in this application. James Sweeney sought clarification on why the applicant returned if they're exempt from Zoning, McCluskey answered with they're looking for a variance from parking, not use.

Director Rob May clarifies that the Board needs to make a finding that the applicant has a substantial change in their application to go back to Board of Appeals, per May the applicant has changed the number of units and reduced parking requirements. However the Zoning Board determined that there was no standing to grant a variance based on lot shape, soil conditions or lot topography. May says what makes the decision difficult is that the Planning Board, given the

ZBAs language in their denial, can't definitively say that the applicant has made a substantial change without presenting new information pertaining to one of those elements.

McCluskey disagrees, stating that his applicant is entitled by law via the Dover Amendment to get reasonable accommodations, he also states that The Planning Board is superimposing Zoning Board rules by approving on the basis of lot shape, topography and soil condition hardship. McCluskey believes that the only condition that needs to be met is 'substantial change'.

Marty Crowell states that she is in support of the applicants approval to return back to the Zoning Board, she further states that there is a substantial change to the plans and the Planning Board has no reason to give them a denial.

A motion to approve was properly made by Iolando Spinola, seconded by Marty Crowell, the motion was denied (3-2).

2. Amended Approval

Property: 142 Main Street

Parcel ID#: 110-042

Applicant: 142 Main Historic LLC

David Traggorth presents the Amended Approval application for 142 Main Street on behalf of 142 Main Street Historic LLC. Per Traggorth, the changes include a reduction in unit count from 32 to 30, a decrease in affordability from 80% AMI to 60% AMI, an increase in the number of affordable units from 16 to 20, and a waiver request regarding the requirement for 70% retail/restaurant use on the ground floor. The modifications are explained, including changes in unit sizes and affordability percentages. Traggorth highlights progress on securing tax credits and plans for building repairs.

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

3. Preliminary Subdivision

Property: Quincy Street (Mia Meadows)

Parcel ID#: 156-477-339

Applicant: CLM Development

Representative: J.K Holmgren Engineering

Scott Faria and Attorney Jim Burke present the Preliminary Subdivision application for Quincy Street on behalf of CLM Development. Per Faria, the applicant is proposing a residential subdivision with 18 lots off of Quincy Street. The development includes two separate roadways: Austin Court with seven lots, and an extension of Debbie Road with 11 lots. The project addresses wetland systems and requires conservation filings. The applicant seeks Preliminary Subdivision approval to proceed with a filing for a reduction in lot size. Attorney Burke emphasizes the unique nature of the property, its compliance with zoning regulations, and the larger lot sizes compared to surrounding properties. The Developer, Charlie Macy briefly discusses the statistical analysis of the subdivision in relation to the surrounding area. Burke

addresses a question regarding Lot 1's historical subdivision status, stating that no roadway was created, and no property owners obtained rights over it.

James Sweeney inquires about the potential presence of ledge on the property. Burke acknowledges the possibility and mentions the abundance of boulder outcrops. Sweeney expresses his support for the project but notes that neighbors may be concerned about the issue. Board member Marty Crowell expresses satisfaction that the developers plan to meet with neighbors.

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

4. Site Plan Review

Property: 56 Cherry Street

Parcel ID# 34R-152

Applicant: Stadelmann Electric

Representative: J.K Holmgren Engineering

Scott Faria and Attorney Jim Burke present the Site Plan Review application for 56 Cherry Street on behalf of Stadelmann Electric. Per Faria, the project involves the remodeling of an existing building into 30 residential units. The property will be divided into two lots, with the existing office building on one lot and the residential units on the other. Attorney Jim Burke provides additional context about the history of the property and the challenges faced during the land court process. The city engineer's review is pending, and the project will need stormwater approval.

A motion to approve with Standard condition, and with the exception of the City Engineer for the final review was properly made by Larry Hassan and seconded by James Sweeney, and unanimously approved (5-0).

A motion to adjourn was properly made by Larry Hassan and seconded by Marty Crowell, and unanimously approved (5-0).