

REPORT – ORDINANCE COMMITTEE
January 8, 2025

The Standing Committee on Ordinances and Rules to which was referred the following reports as follows:

#1 on agenda

having considered the same, report POSTPONED until the next Ordinance meeting on January 22, 2025 by Motion of Councilor Thompson, 2nd by Councilor Teixeira.

MINUTES – ORDINANCE COMMITTEE
January 8, 2025

The Standing Committee on Ordinances and Rules was called to order at 6:00 p.m. by Councilor Farwell, Lally, Thompson, Teixeira and Nicaastro present.

Agenda read into the record.

The Committee first considered the following:

#1 on agenda

Comments by Councilor Farwell

(comment re process for ordinance meeting tonight)

Comments by Councilor Griffin

(100% behind the project, transformative for the city, increase commercial tax base, viable for development, vet out thoroughly, asks to streamline, no unnecessary delays, on to the council, development in the council, need more venue, development friendly, 7 years as Brockton redevelopment authority)

Comments by Attorney Burke

(with Andrew Flynn, principal of potential development entity in Brockton, extremely unique, not talking about his client the developer, but re-zoning in a section of property in Brockton, 66 acres of land near core of city and highway system, undeveloped, open, few essential commercial structures on the property, most sought after engineers and architects, already spent \$500 million in soft costs, experienced developer, as of right development, combination of residential, mixed-used, commercial, light industrial, reached point on focus, looking for combination for flexibility, financing discussions, asks for opportunity to work with city solicitor, agreement for amendment, revenue potential for the city)

Comments by Andrew Flynn, Copper Mill Development

(discussion of commitment and piece of property, 3 wards together, high school, residential fabric, Belmont corridor, spent a lot of time with the City Planner, offices in Boston, spirit of transparency, moving parts, spent a full day at Brockton High School, good faith, 7 members of executive team present, history of the fairgrounds not lost on them, derivate impacts, many years, driven by market factors, time is of the essence, public meeting, reciprocal engagement)

Comments by Councilor Farwell

(where is the project proposal at?)

Comments by Attorney Burke

(original proposal for residential unit was in a more restrictive area for residential, 1,500 units plus any additional units secured through special units, suggestion of

removing a section designated light industrial, bigger space for residential than consider, number of units 2,500 units)

Comments by Rob May, Director of Planning and Economic Development

(productive relationship, met very early on in the process, first rate proposal, draft development agreements shared, maximum number of units, up to 1,400, certain percentage be for sale, be affordable, design standards, maximum height in current proposal for 7 stories, sensitivities for Thurber Street, protect single family homes there, improvements to be made, who is to pay them, state and federal funding, shared expense, would be disappointed if the Tech campus was lost, high demand for industrial space in the city, maps prepared, section around Thurber Avenue, proposal to have townhomes, want to move forward on this, R2 and some additional changes for building, subdivision map, R2 changes lot area to be 5,000 sq, frontage to be 50 feet instead of 100, 2 car parking, height, all of those stay since they are near single family homes, need a development agreement before rezoning of the rest of the property)

Comments by Megan Bridges, City Solicitor

(zoning ordinance submitted in the summer, myriad of uses without a lot of specifics, refining proposal and how to achieve those objectives, sequencing discussions and what does it make sense to start with, concept to start with residential, large number of units that are multifamily units, lack of housing, lack of affordable housing, residential development could also include the larger parcel, City does not own the parcel, development agreement designates rights and roles, applies to successor and assigns, tool to utilize for planning purposes, huge parcel of land, development agreement provides city protection, green space, used in other projects, called disposition agreements, if the city changes the zoning without a development agreement, control is lost, neighboring communities have these agreements, complex developments, everyone needs to be on the same page to ensure the project's success, work by law department in creating amendments to the original zoning ordinance proposal)

Comments by Councilor Farwell

(density, fire service, station nearby)

Comments by Brian Nardelli, Fire Chief

(vague, met with potential developer, type of buildings going in, how far/spaced out, podium style construction, being built everywhere, concern about building materials, fire safety concerns, widening of berths, drive through streets, water main system concerns, 30 inch water main, developer was amenable)

Comments by Kenneth Galligan, Chairman of Zoning Board of Appeals

(one time opportunity to make a significant development in the city, appreciates the time being spent on this, overlay, hopes that it would not include frequent visits to the ZBA, planning board preferred, concern for setbacks from building to streets, parking, parking in an area designed for parking, not overloading the

streets, greenspace in the front, traffic considerations, lack of left turn lanes, community within the city)

Comments by Councilor Thompson

(development of fairgrounds is vital to future of city, only 1 shot at this, small groups working on this issue, someone at the top directing this process, original overlay would not be the final product, amended drafts, not sure what he is working off of, do we have a current working draft?)

Comments by Attorney Burke

(2 provided to law department and attorney Resnick, first being a modification to original in September, more frequent discussions, housing addressed first, 2nd modified ordinance, for about a week or 2)

Comments by Councilor Thompson

(removal of industrial?)

Comments by Attorney Burke

(wants to get shovel in the ground, receptive to dealing with residential, industrial on the north side, natural buffer)

Comments by Councilor Thompson

(not sure he can support a residential heavy development, industrial and commercial space, keep 1500 units and identify what type of commercial we want here, this is the forum to do this, uses removed, need to have conversations about uses, side setbacks, could get overlay done, developer agreement, when do we enter into that agreement)

Comments by Attorney Burke

(says its not the time to enter into the agreement as the developer, will appear before planning department to separate the parcels, new developer may come in, each should be separate, disagrees with doing agreement before overlay)

Comments by Megan Bridges, City Solicitor

(we don't yet know the full scope, points of the development agreement, some parts to go back to the table, changing the zoning without a development agreement is doing it backwards, takes away leverage, residents have lived there a long time, description on what the industrial and commercial uses will be, parts of the project are premature, sequencing suggested so not rushed, does not need to take a year or longer if we don't break the sequences, C2, overlay, 50% , turn key residential success)

Comments by Councilor Thompson

(how much can be put in zoning ordinance as opposed to development agreement)

Comments by Megan Bridges, City Solicitor

(timelines, blueprint, specifics not discussed, details to be addressed, having been working on zoning change to be parallel, overlay dictates specifics, progress made, conversations with Attorney Burke, trying to figure out how to move it forward, we don't know who the commercial partners are and the developer did not inform)

Comments by Councilor Thompson
(how to move this forward)

Comments by Megan Bridges, City Solicitor
(landowner needs to be signatory to the agreement, 2 weeks progress)

Comments by Attorney Burke
(master plan agreement that is vanilla enough, has seen what the planning department is looking for, no idea what the infrastructure is going to be, overbroad)

Comments by Councilor Thompson
(protect city interest here, bait and switch here)

Comments by Andrew Flynn, Copper Mill Development
(various groups and people he has engaged with over the past year, will come every day, what is the next step and who do we call, drafts he has not even seen)

Comments by Councilor Thompson
(residential, more digestible)

Comments by Councilor Farwell
(request for a copy of P&S, legal link)

Comments by Megan Bridges, City Solicitor
(Copper Mill does not own the parcel, asked for one, did not receive one, no consensus on how to move forward)

Comments by Councilor Farwell
(sometime of report, no studies, all in house)

Comments by Rob May, Director of Economic Planning and Development
(no plan, hoping we get to one)

Comments by Councilor Farwell
(rezone and hope for the best)

Comments by Attorney Burke
(business term is proprietary, form, construction agreement)

Comments by Councilor Farwell
(plan a report)

Comments by Andrew Flynn, Copper Mill Development
(presented at planning board, at public meeting, plan presented at West Junior High, dynamic not appreciated)

Comments by Councilor Lally
(something received at the beginning of the process being a map, not binding, 2 hour meeting, frustrations, significant for the city, careful as a council to control the outcome)

Comments by Megan Bridges, City Solicitor
(re parcel discussions)

Comments by Councilor Lally
(deadline, infrastructure plan)

Comments by Andrew Flynn, Copper Mill Development
(March 1st important to him, plans left)

Comments by Attorney Burke
(statutory deadline, early March)

Comments by Rob May, Director of Economic Planning and Development
(sewer and water discussions, storm drainage, traffic, street widths)

Comments by Attorney Burke
(what exactly you are going to build, don't know exactly what we're going to build, not going to build a road)

Comments by Councilor Lally
(mixed use allows to tax on commercial level, not approving a development, development agreement before end of January, if this can't happen then what are we doing, parking to be at 2, likes 7 stories, likes being built up, area frontage depth to be discussed)

Comments by Attorney Burke
(development plans per project)

Comments by Megan Bridges, City Solicitor
(no response, if we are focusing on residential, yes, part of a development agreement, need that now, site plan review or project review, no planning board)

Comments by Councilor Lally
(postponing to a date certain)

Comments by Councilor Nicastro

(ordinance filed in July, August 12th wrote up a list of concerns, plan attached to the ordinance, plans are hopes, what was submitted lacks specifics, refers to mix-use but does not require it, refers to light use but does not exclude heavy industrial, site plan review ordinance does not allow for something to be denied, we do not want a Walmart distribution centers, great piece of property, wants to see master development plan, sure this was asked during over projects, no response to Rob May's requests, no requirement to build a plan, could be construed as a bait and switch, we are looking for a study of impacts, Abington got a study for a 100 unit study, standard, commercial and light industrial might be good here, approve something and then regret)

Comments by Attorney Burke

(plan, meets and bound plans submitted anyways, vote is on the zoning change, consultant hired by the city)

Comments by Councilor Teixeira

(investment in Brockton, business use discussions)

Comments by Andrew Flynn, Copper Mill Development

(understands skepticism)

Comments by Councilor Thompson

(path forward, point of contact?)

Comments by Councilor Nicastro

(meetings as council president, opportunity to buy fairgrounds, meetings, grandstand taken down)

Comments by Councilor Lally

(send updates as they occur)

Comments by Rob May, Director of Economic Planning and Development

(google drive available)

Comments by Councilor Farwell

(supports residential and lights industrial, prior plan for sports complex, no development agreement, ended up with a gravel pit, looking for an ordinance meeting in 2 weeks)

Motion by Councilor Thompson to report POSTPONED until the next Ordinance meeting on January 22, 2025, 2nd by Councilor Teixeira. Motion carried unanimously.

Motion to adjourn by Councilor Thompson, 2nd by Councilor Nicastro. Motion carried unanimously.

The meeting was adjourned at 8:49 p.m.

Documents: Fairgrounds Parcel Maps