

REPORT – ORDINANCE COMMITTEE
May 20, 2025

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

1. Ordinance: An Ordinance Amending Article III, Div. 2, Sec. 2-137 “Vacation Leave” to amend vacation leave and personal days.

having considered the same, report POSTPONED by Motion of Councilor Farwell, 2nd by Councilor Teixeira.

2. Ordinance: An Ordinance to Amend the Pay Plan Ordinance to include the Position “Deputy Director of Public Works” and to set the wage scale for the position.

having considered the same, report POSTPONED by Motion of Councilor Farwell, 2nd by Councilor Griffin.

3. Ordinance: An Ordinance to Amend the Pay Plan Ordinance to include the Position “Director of Social Services” and to set the wage scale for the position.

having considered the same, report POSTPONED by Motion of Councilor Farwell, 2nd by Councilor Teixeira.

4. Ordinance: An Ordinance to Amend the MBTA Zoning Overlay Ordinance to amend language relative to off-street parking minimum.

having considered the same, report FAVORABLE by Motion of Councilor Farwell, 2nd by Councilor Teixeira.

5. Ordinance: An Ordinance to reestablish the R-5 Senior Residential Community Zone to Section 27-4 Designation of Zones of the Brockton City Ordinances and to amend Sec. 27-27.6 “R-5 senior residential community.”

having considered the same, report FAVORABLE AS AMENDED by Motion of Councilor Farwell, 2nd by Councilor Griffin.

6. Ordinance: To adopt a new section of the Zoning Code as the “Form Based Code”.

having considered the same, report POSTPONED by Motion of Councilor Farwell, 2nd by Councilor Griffin.

MINUTES – ORDINANCE COMMITTEE

May 20, 2025

Held in City Council Chambers at Brockton City Hall. The Standing Committee on Ordinances and Rules was called to order at 6:12 p.m. by Councilor Asack, Farwell, Teixeira and Griffin present.

Agenda read into the record.

Motion to take item #6 out of order by Councilor Farwell, 2nd by Councilor Teixeira. Motion carried unanimously.

The Committee first considered the following:

#6 on agenda

Comments by Rob May, Director of Economic Planning and Development
(starting a long conversation on form based code, working on this for 2 years, dozens of public meetings, areas around 3 MBTA commuter rail stations, kick off conversation, discuss difference between form based code and existing, retained vendor and attorney Steve Harrington to help with this, not going into language of text just yet, Evan Sears, Durreshahwar Ali)

Comments by Emily Innes, Innes Associates
(zoning 101 presentation, house, land, neighborhood, town, many neighborhoods predate zoning, what can you build/do with your property, adjacencies, what is protected, what can and what should change, zoning is a set of controls, discussion re why a community would change its zonings, Euclidean Zoning or “traditional zoning”)

Comments by Paula Ramos Martinez, Innes Associates
(emphasis is on building in the neighborhood, mix activities in them uses are secondary, appealing for smaller communities, design guidelines, mixed-use areas, more by right options, number of residents grew faster in an FBC, proposed areas to apply FBC are areas already with neighborhood plan, future zoning maps)

Comments by Emily Innes, Innes Associates
(new for the city, process for timeline, high level of what form base code is)

Comments by Councilor Farwell
(older city, 95% of Brockton is developed, fairgrounds has an overlay district, large tracks of lands for this to apply and get yield return, receiving push back on it, untested in the city, more public meetings, this is a big deal, ambitious to do

this by the end of the year, can re-file next year, should do what needs to be done to improve the city, has it been around long enough, residents concerns)

Comments by Emily Innes, Innes Associates

(research, zoning in place does not match the ground, time to do this)

Comments by Councilor Farwell

(bringing public into the zoning discussion)

Comments by Rob May, Director of Economic Planning and Development

(areas we are looking at, not traditional single family homes, Lovett Brook, Montello, Downtown Trout Brook, Campello)

Comments by Councilor Farwell

(what do we want the city to be? Population, revenues)

Comments by Rob May, Director of Economic Planning and Development

(focusing on tight pockets, master plans for neighborhoods)

Comments by Councilor Asack

(zoning can be interesting, could be nice to have something updated, has attended meetings)

Motion to report Postponed until the next Ordinance Meeting by Councilor Farwell, 2nd by Councilor Griffin. Motion carried unanimously.

Next, the Committee considered the following:

#1 on agenda

Comments by Councilor Asack

(Councilor Lally and Dr. Troy Clarkson unable to attend)

Comments by Andrew Barbetto, Finance Department

(reducing the waiting period for employees to receive vacation time when they begin working for the city, 1 year, reduce to 90 days, recruitment for senior leadership positions, job offers have been denied because of this provision, adding 4 personal days, equity and fairness compared to union benefits, allowing the Mayor to appropriate vacation time to new hires, aimed at retention, no fiscal impact, personal days do not accrue, we plan to introduce an amendment for 4 personal dates, all ordinance employees awarded on July 1, this is easier for tracking, how the unions do it)

Comments by Councilor Griffin

(similar to the way the state does it, use it or lose it for personal days)

Comments by Councilor Teixeira

(vacation carry time, within 90 days you would be awarded the 2 weeks vacation days?)

Comments by Councilor Farwell

(department head union, same benefits to them?)

Comments Andrew Barbetto, Finance Department

(personal days yes, vacation time accrual is not sure,

Comments by Councilor Farwell

(concerned about giving right to mayor to give additional vacation time, new employee vs existing employee, would like to see current department head contract)

Motion to report Postpone by Councilor Farwell, 2nd by Councilor Teixeira. Motion carried unanimously.

Next, the Committee considered the following:

#2 on agenda

Comments by Councilor Asack

(Andrew Barbetto present, Troy Clarkson unable to attend, Councilor Rodrigues unable to attend)

Comments by Patrick Hill, DPW Commissioner

(employee passing, retirement, distribution license needed, difficult to obtain, comparison of payment by other communities, discussions with union, driver of this is the distribution license, Mass DEP pushing to have one on staff, used Viola, reduction of \$50,000 - \$60,000 a year because using 2 people to fill 1 position, funded within this year's budget and last year's budget)

Comments by Councilor Farwell

(discussion before school department deficit, organizational plan with support staff, would want to see a job description, need to get through budget, not aware this was related, job description, not going to fill before the budget)

Comments by Councilor Teixeira

(time period?)

Comments by Patrick Hill, DPW Commissioner

(it was up in February, efforts to fill)

Comments by Councilor Asack

(what happens to the existing positions?)

Comments by Patrick Hill, DPW Commissioner
(one is eliminated)

Comments by Councilor Teixeira
(next ordinance meeting?)

Comments by Councilor Asack
(before the budget)

Motion to report Postponed until after FY26 budget discussions by Councilor Farwell, 2nd by Councilor Griffin. Motion carried unanimously.

Next, the Committee considered the following:

#3 on agenda

Comments by Councilor Farwell
(applicant for position, state ethics, discussions on it)

Comments by Jazmine Bradsher
(codifying the role, created a new position under the ordinance, ordinance position appointed by the Mayor and confirmed by the City Council)

Comments by Councilor Farwell
(will be making a motion to postpone this until after the FY25 budget)

Motion to report Postponed until after FY26 budget discussions by Councilor Farwell, 2nd by Councilor Teixeira . Motion carried unanimously.

Next, the Committee considered the following:

#4 on agenda

Comments by Councilor Thompson
(correcting an error, parking minimum should have been in place of maximum)

Motion to report Favorable by Councilor Farwell, 2nd by Councilor Teixeira. Motion carried unanimously.

Next, the Committee considered the following:

#5 on agenda

Comments by Councilor Thompson

(second time this is being heard, good work, progress, some language needed for negotiated language)

Comments by Councilor Nicastro

(reviewed all of the changes, Attorney Burke has 2 clients that this will affect, towards the end there is a paragraph about allowing multi-families as a right if it exceeds 10 acres, Ward 4 property, familiar with the property, supports over 55 housing, aging in place, would love to , 5 other communities do not allow this, multi-family as a right is not appropriate, subdivision control laws, Thatcher Street, junk yard)

Comments by Councilor Farwell

(language in draft?, project, nothing mandates someone lives in the project, hard-time seeing the harm, anyone could buy there by choice, they would know ahead of time)

Comments by Councilor Nicastro

(senior communities, road traffic, policy standard, city economic, multi-family burdens, added over 1,000 dwellings, primarily apartments, have not added senior housing, multi-families demand more services, knows this is for her ward,)

Comments by Councilor Farwell

(no risk to the city, its to the developers, financing)

Comments by Councilor Nicastro

(no areas designated just for senior housing)

Comments by Rob May, Director of Economic Development

(worked with Charlie Maises and Attorney Burke in making amendments to this text, 99% of the way there, concerns with the paragraph on multi-family, concerned for a developer issue, alternative in the text, no more than 20%, trying to put multi-family away from transit centers, project discussion, not everyone reads the zoning code before decided where to live)

Comments by Attorney James Burke

(charge to have a sit down to reach an accord on language, couple of meetings, Charlie Maises has a parcel he is interested in, overlay district, economic agent, discussions with planner, cannot obtain certificate of occupancy unless the senior housing is built, completed)

Comments by Councilor Farwell

(other communities do not have this, compromise, 20% reduced to 10%, weight to the ward councilor, they know the residents best)

Comments by Attorney James Burke

(battle fought and argued, compromise already established, may have misunderstood the discussions, not an as of right, special permit, planning board, supervision and approval of layout)

Comments by Councilor Farwell

(planning board volunteers, could something be written relative to distance from senior housing and multi-family, buffer zone)

Comments by Attorney James Burke

(would have to happen anyways, not sure how to manufacture the distance, satisfactory buffer, planning board discretion, peer review paid for by the developer, language identifier, problem waiting to happen if it is narrowed to numbers)

Comments by Councilor Nicastro

(multis don't belong with a senior community, 2 different projects, never agreed to putting multis here)

Comments by Councilor Griffin

(has to be profitable for developers to come in, safeguards able to control it, has to get housing built for the seniors, economic drive, ordinance doesn't help if we don't have developers)

Comments by Councilor Teixeira

(profit, need to work together, investor interests, compromise)

Comments by Councilor Farwell

(amendments at City Council, tough ones, wants to act prudently, not to create situation in ward 4, trying not to be so judgmental, satisfied with where we are)

Legislative Counsel read the proposed Amendments.

Comments by Councilor Farwell

(senior residential units and multi-family residential units, discussion re 20% of senior residential)

Comments by Attorney James Burke

(not the intent of anyone at the table, limiting the housing, not more than 20%, cannot occupy until 20% is met, that is the intent)

Comments by Councilor Farwell

(did not understand it as that, could have more multi family than senior residential)

Comments by Rob May, Director of Economic Development
(intent multi-family not to exceed senior housing, the developer wanted more, may need additional refinement)

Comments by Councilor Farwell
(cannot have senior residential housing if there is more multi-family)

Comments by Councilor Thompson
(re language proposed by Councilor Farwell, more or equal, economic viability, arbitrary number, need to work with developers)

Comments by Councilor Asack
(cannot have more multi-families than senior housing)

Motion by Councilor Farwell to insert “The total number of additional multi-family residential housing units shall not exceed 20% of the total number of Senior Residential housing units constructed and occupied, 2nd by Councilor Teixeira. Motion did not pass, vote of 2 in favor and 2 against, with Councilor Farwell and Councilor Asack voting in favor of the Motion and Councilors Teixeira and Councilor Griffin voting in the negative.

Comments by Councilor Farwell
(not doing a senior residential thing)

Comments by Councilor Asack
(agrees, why are we calling this senior residential housing)

Comments by Councilor Thompson
(remove 20%, no more than senior residential)

Comments by Councilor Asack
(would be okay with that)

Comments by Councilor Farwell
(more weighted to senior housing)

Motion by Councilor Teixeira to accept amendments as proposed and read, 2nd by Councilor Farwell. Motion carried 4-0.

Motion to report Favorable As Amended by Councilor Farwell, 2nd by Councilor Griffin. Motion carried unanimously.

Motion to adjourn by Councilor Teixeira, 2nd by Councilor Griffin. Motion carried unanimously.

Meeting was adjourned at 8:11pm.
Documents: Map for lots 133-003, 133-002