

The Brockton Planning Board held a meeting on June 17, 2014 at 7:00 PM in the GAR Room, City Hall. Members present: Chair Wayne McAllister, Gary Keith, Paul Morin, James McCarthy, Ollie Spears, Ross Messina and Peter Tsokanis. Also present was Pamela Gurley, Planning Board Secretary.

### **1. Trinity Financial**

Korean Veterans Memorial Park Design and Project Update

Present were: Matt Zhaler, Trinity, Deb Newns, Project Manager and Deb Myers, Architect

Matt Zhaler gave an overview of both phases of the project to the new members.

Deb Myers explained the proposed changes to the Veterans Memorial Park at the corner of Main and Center. Deb Newns stated that all the existing plaques will be re-set.

Mr. Spears asked if there was a drawing of the proposed fencing and Mr. McCarthy asked about the strength of the fencing because the area has been site of several accidents. Mr. Tsokanis said he is concerning about liability. Mr. Keith asked if the proposed trees will obstruct traffic. Mr. McAllister said that the design was quite an improvement and asked about maintenance. Matt Zhaler said that this park will be an extension of their building will be maintained as necessary. Mr. Morin asked if it would be handicapped accessible and Ms. Myers said it will be ADA compliant. Mr. McCarthy asked about lighting and Ms. Myers said they are proposing bollard lighting and up lighting for the flag.

Mr. McAllister said that as part of the approval process Trinity was responsible to bring this design rendering to the Board for review. The actual approval of the park was granted previously.

A motion was properly made (Keith) and seconded (Spears) to accept the rendering as presented with all members present voting in favor except for Mr. Tsokanis who abstained.

### **2. Zoning Amendment**

Chapter 27: Section 27-24.3 Humanitarian Medical Use of Marijuana

Ms. Gurley said that this amendment was to clear up some ambiguity in the existing Ordinance.

A motion was properly made (Spears) and seconded (Morin) to recommend the amendment favorably with all members present voting in favor except for Mr. Tsokanis who abstained.

### **3. Endorsement of Plans/ Minutes**

(ANR Plans, Subdivision Plans and/or Lot Releases)

Lot Release/ Extension Request – 79 Summer Street

Ms. Gurley stated that Jonathan Alves purchased the remaining lot out of a two lot subdivision and has placed cash surety to secure the work within the right of way.

A motion was property made (Spears) and seconded (Keith) to release the remaining lot as alternate surety was posted and to grant one year extension with all members present voting in favor except for Mr. Tsokanis who abstained.

Plan Endorsement/Lot Release 49 Perry Ave. (Plots 16 & 16)

Mike Curtin was before the Board to seek release of his two lots. Cash surety was placed to secure the work proposed within the right of way.

A motion was properly made (Spears) and seconded (Morin) to release the lots as alternate surety was posted with all members present voting in favor except for Mr. Tsokanis who abstained.

ANR – 444 Rockland Street

Bill Bearce was before the Board requesting endorsement of his ANR Plan for the property at 444 Rockland St. Mr. McCarthy noted that the plan shows one unbuildable lot. Mr. Bearce said that lot is actually a pond. Mr. Spears asked if he was building or selling and Mr. Bearce said he is not sure yet, he is just looking to divide the land at this time.

A motion was properly made (Spears) and seconded (McCarthy) to endorse the plan as presented with all members present voting in favor except for Mr. Tsokanis who abstained.

ANR – 42 Lisa Drive

Attorney Richard Wainwright stated that the ZBA had previously approved a variance to allow a piece of property from 42 Lisa Dr. to be deeded to the abutting neighbor.

A motion was properly made (Spears) and seconded (Keith) to endorse the plan as presented with all members present voting in favor except for Mr. Tsokanis who abstained.

Mr. Messina was now present.

ANR – 1200 W. Chestnut Street

John Holmgren said that the proposal is to take 2, 922 SF from 1200 W. Chestnut Street and making it a second non buildable lot to give the property at 1200 W. Chestnut the required 500 foot distance needed from a child activity per the medical marijuana Ordinance.

A motion was properly made (McCarthy) and seconded (Spears) to endorse the plan as presented with all members present voting in favor except for Mr. Tsokanis who abstained.

ANR – 221 Ames Street (Plots 57 & 57-1)

Jim Morrissey/Attorney Richard Wainwright present

Jim Morrissey said he had an agreement with the City Council to build single family homes and that there will be no further subdivision of this property. Mr. Spears asked what kind of homes will be constructed and Mr. Morrissey said there will be a colonial on lot 4.

A motion was properly made (Keith) and seconded (Spears) to endorse the plan as presented with all members present voting in favor except for Mr. Tsokanis who abstained.

4. Chestnut Woods Extension Request/Lot Releases

Attorney Wayne Mathews

Ralph Campanelli (Jr. and Sr.)

Attorney Mathews said his client would like to have a two year extension and is also asking for release of four of the remaining lots 11, 12, 13 & 14; he said that the City estimates the value of the lots at 79,000 each.

Mr. McCarthy asked if the roadway is completed and Mr. Campanelli Sr. said that just the base is done; he said he received an estimate of \$86,000 from TL Edwards to complete the road. Mr. Keith asked why he was originally granted a one year extension. Mr. McAllister said that the Board historically only issues one year extensions as that way the developer has to come back in a year and show that he made some progress. Mr. Moran said he was concerned that the estimate may not be valid in two years. Mr. Campanelli Sr. said that it is his hope that the value of the lots will also increase.

A motion was properly made (Spears) and seconded (Morin) to release lots 11 through 14 and hold lots 15 and 16 for surety; all members present voting in favor except for Mr. Tsokanis who abstained and Mr. Messina who recused himself.

A motion was property made (Keith) and seconded (McCarthy) to grant a one year extension  
On the motion: Mr. Spears attempted to amend the motion to grant a 14 month extension; there was no second on the amendment and the vote was as follows. In favor: Morin, McCarthy, McAllister and Keith; Opposed: Spears; Recused: Messina and Abstaining: Tsokanis

#### 5. Definitive Subdivision

Applicant: Brophy & Phillips

Property: Woodland Park

Representative: Attorney John McCluskey

Peter Vlacco from Brophy & Phillips said that the original approval was for a three phase project for senior residential housing. He said they would now like to build single family housing. The lot sizes have been increased and the number of houses has been decreased. The road layout remains the same as does the storm water management. Attorney McCluskey said that the project has been dormant for several years and they are reducing the project from 44 to 33 single family homes thereby reducing density by 25%; and understandably the neighbors not happy with the lack of progress.

Steve Gioso, SITEC, said the current proposal maintains the same basic concept with road layout and infrastructure; the road, binder and infrastructure are in place with 30 feet of pavement and sidewalks on one side; storm water improvements are not being downsized; buffer spaces are being maintained and will become dedicated open space; the original project received Conservation approval and they will need to apply the Commission for approval of the proposed change, but said that the reduction in density is a plus. Attorney McCluskey said this will be a private subdivision with home owners association.

Ms. Gurley read the Mayor's letter of support into the record.

Mr. McAllister opened the hearing for public comments with the following speaking in opposition:

Kathleen Drew, 35 Armiston St. said that the buffer in her area has been stripped; she would like to see end of Armiston St. used for Fire Department access only; would like to see traffic study as she is concerned about additional traffic; she would like to see the project as an over 55 as there will be no stress on the schools.

Diane Jaspersen said the streets are all private; she said she cannot sit in her yard; she said that the contractor has put in a second cul de sac not showing on the plan; and that Pratt Street has been damaged by 18 wheelers going over the street.

Janice Quinones, 73 Armiston St. said all trees were removed and they have no privacy.

Howard Britton, 21 Allerton St. said that the land has been stripped, dirt blows into their faces from the piles; he said they are bringing dirt into the property.

Mr. Keith said he has been over there two times and cannot get into the site because the fence is locked. Mr. Vlacco said they will make arrangements for members who want to see the site.

Kathy Mullen, 784 N. Quincy St. said she is concerned about accidents; and asked how many bedrooms will be in the homes as she is concerned about having to educate the children. Mr. Vlacco said the homes will have 3-4 bedrooms.

Virgina Southern, 29 Armiston St. said she would like to see all the trees restored and the fencing should be on their side of the property.

Mr. McAllister closed the public portion of the hearing.

Mr. Spears asked if the security fencing could be fixed to make the area look as natural as possible; Mr. Vlacco said they disturbed only where they are building and said the property is still surrounded by trees along the perimeter. He said they are willing to add trees and evergreens. Mr. Spears asked if construction vehicles can be separated so it is all not on Armiston St.

Mr. Keith asked the developer what could be done immediately. Mr. Vlacco said they can reduce piles of dirt, but said what would really help is an approval so work can begin. Mr. Messina said that hydro seeding the loam pile will keep dirt from blowing.

Mr. Keith said that the Board is listening to concerns of the residents but that the piles will not go anywhere until the project moves forward. He said he voted in favor of the necessary relief as a member on the ZBA but said he wanted no Saturday work hours.

Mr. Morin said he would like to see an updated traffic study and impact study as the prior one addressed the project as a senior residential project.

Mr. Gioso said that traffic study projections for single family homes show that they generate one trip per home during peak hours; they can reasonably expect 25 car trips coming in during the evening; there should not be a huge increase in traffic; this is not a single entrance project and there will be diffusion of the traffic flow. Mr. Vlacco said that the original traffic study did not feel the additional volume would impact area. Mr. Morin asked how old the original study

was and was told at least four years ago. Mr. Spears said he did not feel another traffic study as necessary.

Mr. Vlacco asked if the Board could grant provisional permission to proceed. Mr. McAllister said the Board must vote to either approve or deny the definitive application before the project can move forward.

Mr. McAllister said that this project has been an ongoing for a decade in one form or another. He said that the Board denied the project; the applicant appealed and the City was ultimately ordered to approve the plan by the Court. He said at this time the Board is faced with a project that has no market and is stalled. He said he would like to have the traffic study updated to reflect single family homes as well as the impact study. He asked if Mr. Vlacco if continuing the meeting to August 5<sup>th</sup> would be enough time to get the report submitted. Mr. Vlacco said they were agreeable to the August 5<sup>th</sup> date.

A motion was property made (Spears) seconded (McCarthy) to continue the hearing to August 5, 2014 pending receipt of the impact study and traffic study with all members present voting in favor except for Mr. Tsokanis who abstained.

Other Business