

The Brockton Planning Board held a meeting on September 2, 2014 at 7:00 PM in the GAR Room, City Hall. Members present: Acting Chair James McCarthy, Gary Keith, Ollie Spears, David Wheeler, Paul Morin, and Ross Messina. Also present were Pamela Gurley Planning Board, secretary and Rob May, Director of Economic Development and Planning.

## **1. Endorsement of Plans/ Minutes (ANR Plans, Subdivision Plans and/or Lot Releases)**

Lot Release – Woodland Park (Loring Street)

Ms. Gurley said the applicant was requesting the release of lots 1 through 10, 14, 15, 16, 17 & 18 in order to begin building homes. Mr. Spears said that this request is reasonable as the applicant has already invested a substantial sum of money into this project and the roadway and drainage are in for all but phase 3.

A motion was properly made (Spears), seconded (Messina) and unanimously passed to release the lots as requested.

ANR – Franklin School (Plot 54 Sawtell Ave.)

John Holmgren said that the applicant purchased the property from the City. The proposed three lot ANR plan meets the Zoning requirements for area and frontage. He said the remainder of the property was granted a variance for nine lots which will require Planning Board approval.

Mr. Keith said the applicant appeared before ZBA last month. He said the Zoning Board could only vote for what was in front of them and could not include the three additional lots; but they were in favor of the whole plan.

Mr. Spears asked if the three ANR lots meet setback requirements. Mr. McCarthy said that is a Building Department issue, that the Planning Board is only certifying that the new lots have the required frontage.

A motion was properly made (Spears), seconded (Keith) and unanimously passed to endorse the ANR plan as presented.

## **2. Definitive Subdivision**

Applicant: Michael Haikal

Property: Plots 15 & 17 George Street

Representative: Bruce Malcolm, Land Surveys Inc.

Mr. Malcolm said that the ZBA had previously granted a variance for the two lots. He said the lots front on a public way and has public water and sewer available. He said at the ZBA hearing the abutters spoke about concerns about runoff. He

said the now the runoff from the lots flows to rear of lot and they are proposing to change the runoff pattern. They are proposed a one foot high berm to hold the water in the rear of the property and are proposing to grade the front of the lot to runoff into the street; currently there are no sidewalks or curbing on the street so they will be seeking a waiver.

Mr. Keith asked if the design cause flooding on the new lot and Mr. Malcolm said this design actually decreases the water running off onto the abutting property.

Mr. Spears asked the secretary if she had brought the comment letter from the Highway Superintendent.

A five minute recess was taken to allow the secretary to get the letter from the office.

Mr. McCarthy asked that the letter be read into the record. The letter stated that they cannot grade to property to add additional water to the street from this lot. Mr. Malcolm said all property sheds to street and said this is not a city ordinance just Mr. Young's requirement. Mr. Haikal said Mr. Young puts that comment on all building permits.

Mr. Morin asked if the berm be loamed and seeded and Mr. Malcolm said it would and there would be no substantial rushing of water.

Mr. Spears asked for a topo to show abutting properties. Mr. Malcolm said said they don't usually do topo's outside their limit of work. Mr. Morin said that the Board's Rules and Regulations require that information. Mr. Malcolm said he doesn't usually submit that information on these types of subdivision.

Mr. Keith asked the Chairman what the options were to the Board in this case, and Mr. McCarthy said they can have a consultant look at the plan.

Mr. Malcolm said the Board cannot deny that they are improving the area.

Mr. May asked if the purpose of the berm was to hold back water from the back, Mr. Malcolm said it was and he felt they were reducing the neighbors drainage by 40%.

Mr. Julias (LaFoye and George Street) said he has lived in his house since 1961; he said the person that sold the property to Mr. Haikal had problems with water; he said the property has been sold twice because the property was unbuildable; he is worried about the water; there is no drainage in the street and the street is only 900' long and there is a lot of traffic from the Downey School.

Mr. May asked Mr. Julias if the water is running from another area and was told no, that the water just runs freely now.

Mr. Morin said it would be nice to have a plan showing topography for the abutting lots. Mr. Messina said he would like to have the City Engineering look at this plan and would like to have a site visit. He can't determine if there is water coming off the other lots from Jacob Street by looking at this plan.

Mr. Wheeler said he would like to have the engineer from Nover Armstrong review the drainage. Mr. Messina agreed.

A motion was properly made (Wheeler), seconded (Messina) and unanimously passed to forward the plan to Nover Armstrong for review.

Mr. McCarthy asked the applicant if he would like to continue this to the October matter or did they want to Board to vote tonight. After a brief discussion with his client, Mr. Malcolm agreed to continue the hearing to October 7<sup>th</sup>.

A motion was properly made (Wheeler), seconded (Keith) and unanimously passed to continue the hearing to the October 7<sup>th</sup> meeting.

### **3. Site Plan Approval**

Applicant: In Good Health (Attorney John McCluskey)

Property: 1200 W. Chestnut Steet

Representative: John Holmgren, JK Holmgren Engineering

As Mr. Messina explained he had a business conflict and is unable to participate in the hearing and left the room.

Mr. May explained that for the Board to grant the special permit for site plan approval required a majority of those present and voting plus one (with Mr. Messina unable to participate this applicant would need all four members to vote in the affirmative).

Attorney McCluskey said that the City created an overlay zone ordinance allowing for the location of medical marijuana establishments. He said In Good Health has already received a special permit from the ZBA; has received Conservation approval and is working worked closely with the Fire Department.

Mr. Holmgren said In Good Health will be using a 16,000 sf portion of the Star Printing building. He said the plan shows 17% greenspace but they need only 10%; they are proposing to improve the drainage and have added an infiltration system. He said the owner of the building will be making improvements to the front of the property.

Mr. Morin asked about the signage and David Noble (In Good Health) showed the Board the renderings of proposed signage. Mr. Morin said the site plan is well laid out.

Mr. Keith said that there are considerable cameras being located around the property; he said he is not personally in favor of home delivery, but is aware it is a state requirement.

Mr. Spears asked about the green space. Mr. Messina noted that a portion of the greenspace is off the property. Mr. Holmgren said they cannot have any bushes or shrubs around the building but they meet 17%.

Frank Gurley spoke in favor of the project and said he has noticed that there has been work done to parking lot over the past month, but asked the Board to consider asking for additional improvement to the property. Attorney McCluskey said In Good Health will be a good neighbor and will work to improve the front portion of the building.

A motion was properly made (Spears), seconded (Keith) and unanimously to grant a special permit for site plan approval and issue the standard conditions letter.

#### **4. Site Plan Approval**

Applicant: Aldi

Property: Pleasant St./Rt. 27

Representative: John Holmgren, JK Holmgren Engineering

Bruno Lourenco

Sudhar Murthy

Deanna Peabody

Mr. Holmgren said that this project has been on hold for several years as the property owner needed to purchase the land from the state. He said Aldi's is proposing to build a 17,000 SF store. They have added a flashing light and crosswalk along Pleasant St. to facilitate pedestrian traffic; added heavy landscaping along access drive and 6' high stockade fencing and they have received preliminary approval from MassDot for a new traffic light at the proposed entrance.

Mr. Murphy explained the prior traffic analysis to the Board done for a prior project and said they are still using the higher analysis traffic count for this project.

Mr. May noted that there are two independent phases and traffic will be allowed to go from Westgate Dr. to the parking lot and from the parking lot to Westgate Dr. but that the entrances are not lined up. Mr. Holmgren said he can move the center line of driveway to left to help out with that.

Mr. Spears asked if they were proposing a sign or traffic line markings (sheet C-4); Mr. May said it shows on the plan as a sign and Mr. Murphy said that was an error there is no sign only a line.

Mr. McCarthy asked if the light at Pleasant St. has a button; Mr. Holmgren said it is a mechanically operated button.

Mr. May said he appreciates the increase in landscaping and said he spoke with Mr. Holmgren and had asked for an increase in green space along Pleasant and along the loading dock area.

Mr. Holmgren said the plan shows elevations and said there should be no drainage concerns as they are capturing all drainage on site

Mr. McCarthy asked about the delivery schedule; Mr. Lourenco said deliveries are every other day...it is a quick unload. Mr. Messina asked if those deliveries were during the day; Mr. Lourenco said they have limited store hours and deliveries are after the store closes.

Mr. May said property is zoned for commercial use; the use is allowed by law; and the Board purview is layout, design etc.

Opposition:

Bob Craig, 703 Pleasant St. – said that with the location of the loading area and dumpster all the noise will be on the neighbor's side; he said Pleasant St. is backed up until Poole St. most days; he feels that the noisy side should have been placed towards the highway; he noted there are seven markets within a four mile radius. Mr. Holmgren said they do not want the loading dock facing the entrance to the City; he said they tried to rotate the building four different ways.

Mr. Spears asked if traffic could enter or exit out on Pleasant St.; Mr. Holmgren said that is an emergency entrance only.

Paul Webby, 678 Pleasant St. – said West/Pleasant is the worst intersection in the City; the dumpster will directly face his house and felt it will be an eyesore to the neighborhood. Mr. Lourenco said everything is pre-packaged; all the cardboard is baled and returned on a truck to Connecticut for recycling and the dumpster is only emptied twice a week.

Bob Kovner, 683 Pleasant St. – said he is the main tenant in the building; he said 25,000 cars a day pass through that intersection and there is one accident a week at Pleasant St.; he feels that traffic will only become worse and does not believe we need another market.

Richard White – said he has a public safety concern; the intersection is on the 2013 list of most hazardous intersections; Pleasant at West is the 3<sup>rd</sup> worst intersection in the state; adding more lights will not help the traffic issue; and he feels they are not properly addressing pedestrian traffic.

George Patel – said his family owns the gas station and mini mart on Pleasant St.; he said he sees at least three accidents a week; he said his family owns the Subway restaurant in Westgate Mall and on Oak Street and said there are many walkers; he said customers walk to the mini mart; and said traffic has increased since Market Basket was built.

James Hines, St. Paul's Church – said the Church is concerned that increased traffic could be a safety issue to parishioners; he is also concerned that the market will use their property for parking; the first part of the entrance is a shared easement but the second part of the driveway is their property and it looks like Aldi's is propose to use their driveway. Mr. Holmgren did site plans for the Church and said it is not convenient for Aldi's patrons to park in the church lot.

Nicholas Giannaros, 753 Pleasant St. – said he is concerned about traffic patterns since the highway was changed his customers are concerned about exiting his business onto Pleasant St.

Mr. Morin said he is concerned with pedestrian traffic and feels a flashing light will not deter traffic and asked if there could be a raised cross walk; Mr. May said that is a traffic calming method and has been adopted by MassDot under complete streets. He said there is a 2013 MassDot study which contained a series of recommendations for improvements to the Pleasant/West intersection.

Mr. Keith asked what happens to the existing businesses and Mr. Holmgren said they will have to re-locate.

Mr. Spears asked Mr. May for his comments. Mr. May said that if the Board voted to approve this project there should be a level of discussion that takes place between the City, Mass Dot and the applicant regarding additional signage, lane markings, raised crosswalks, etc. He said the applicant cannot hold be held hostage for a MassDot mistake.

Mr. Keith asked if the proposed fencing will help to mitigate the noise from the loading dock; Mr. Lourenco said it should help.

Mr. Murthy said the crash rate study was based on a 2009 study done before the intersection was completed.

Public portion closed.

A motion was properly made (Spears) and seconded (Keith) to grant a special permit for site plan approval and to issue the standard conditions approval letter along with the following special conditions:

- The exits and entrances at the Westgate Mall and Aldi are to be aligned;
- A meeting is to be set up with MassDot, the City and Mr. May to discuss implementation of the improvements to the intersection;
- The City is to work with MassDot to implement traffic calming measures along the right turn lane from Reynolds Memorial to Pleasant St.
- Pleasant Street entrance signage is to read “emergency exist only”.

On the motion:

Mr. Keith said he would like to see traffic slowed down before the light at the entrance; Mr. May said a strobed red light might be a solution.

Mr. Wheeler said he would like to see the traffic issues addressed before we add any additional traffic.

Mr. Morin said he still has an issue with pedestrian safety; there is nothing stopping or slowing down a vehicle on Pleasant St.

Mr. McCarthy said he has an issue with only a flashing yellow and would like to see them propose “something with teeth”.

In Favor: McCarthy, Keith, Spears & Messina

Opposed: Morin & Wheeler

Motion failed to carry.

### **Other Business**

Updates from Board members relative to attendance at Conservation Commission, Traffic Commission, ZBA, Technical Review Committee