

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

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

Ledgebrook Final Lot Release (Release of Surety)

Ms. Gurley updated the Board on the request and said that she was waiting for a final release letter from the DPW. Mr. Juliano said that 10 lots have been built on and closed. He said he has requested that the DPW do their final inspection and issue a letter to the Planning Board and is looking for the Board to release the final lot pending receipt of the letter.

A motion was properly made (Spears), seconded (Keith) and unanimously passed to release the final lot pending receipt of the final inspection and letter from DPW.

Franklin School

Mr. Juliano said he was asking that the Board vote to release lots 7-12 Arthur Street and hold the lots on Bellevue as surety. He said he would like to get some foundations in the ground before it freezes. Ms. Gurley said that the appeal period for the subdivision has not run and is hoping that the members will come into the office to sign the plan. This would allow Mr. Juliano to pick up the plan and record the plan and covenant and get the office the necessary information for the lot releases; the releases could then be signed by the Board at their January meeting.

A motion was properly made (Messina), seconded (Spears) and unanimously passed to release lots 7 through 12 Arthur Street upon receipt of the necessary recording information from Mr. Juliano.

48 Spring Street Final Release of Surety

Ms. Gurley said the office has received the necessary letters from the DPW and the applicant is requesting release of his cash surety.

A motion was properly made (Spears), seconded (Wheeler) and unanimously passed to release the remaining cash surety.

295 N. Cary Street – Lot Release

Ms. Gurley said that this subdivision was approved some time ago and the existing home at 295 N. Cary was the surety as the new single family home was released and sold. She said no one ever requested release of the existing home which is being sold now.

A motion was properly made (Wheeler), seconded (Morin) and unanimously passed to release 295 N. Cary Street from covenant.

George Street – Endorsement of Definitive Plan

Update on Boulders Project

East Ashland Street

Dan Kelly construction manager said phase one is finished. He said all the roads and infrastructure are completed as is the landscaping. He said they are in the process of renting units and have started clearing the land for phase two and plan on building in the spring.

1. Zoning Change

Chapter 27: Sec. 27-52(C) Article VIII Administration
Councillor Shayna Barnes

Councillor Barnes said the issue is the length of time that a certificate of occupancy can be issued for and she is hoping that this change addresses that. She said issues with weather etc. stop businesses from being able to complete final paving or landscaping. She said the ordinance now leaves it up to the discretion of Building Commissioner. She said the first version of this change contained a condition that would allow the City Council to grant an additional amount of time. After meeting with the City Solicitor it was recommended that the authority stay with Building Commissioner as it is not the job of the City Council. She said this change will allow for businesses to open.

Mr. Morin asked about any ramifications if the work is still not completed within that time frame. Mr. Spears asked if this change was for outside issues only (paving, landscape).

Deputy Chief Charles Davis said he has some concerns. He said he believes that Mass General Law regulates this. He said when a temporary certificate of occupancy is issued it means that there are just some minor things to finish up. He said six months is enough to complete those little final things.

Councillor Barnes said Mr. Casieri would have final say and he would only grant another extension for things beyond the control of the business owner.

Mr. Wheeler said he would like to hear from Mr. Casieri....does he want that discretion? Mr. Morin said that this change would necessitate additional inspections and asked who would be responsible to pay for that.

Mr. Keith said that a building would need to be safe before anything would be issued. Mr. Spears asked how many times this has come up previously.

Mr. Morin said he sees this as a liability issue; how would you get them out if they didn't finish the work. He also said that the time limit for temporary certificate of occupancies is set by the state and does not believe we can change it.

A motion was properly made (Keith); seconded for discussion purposes (Wheeler)

Mr. Wheeler asked if this was time sensitive. Mr. Messina asked if the Ordinance Committee has met and was told not as of yet; he also said he would like to hear from Mr. Casieri.

There being no further discussion Mr. Morin asked for a vote.

In favor: Keith, Spears

Opposed: Messina, Wheeler

Abstained: Morin

Motion failed to carry.

2. Site Plan Approval

Applicant: Copeland Chevrolet

Property: Plot 30 Pearl Street

Representative: JK Holmgren Engineering

Scott Faria said the property is Plot 30 Pearl Street a four acre cleared lot. The application is for a new 30,000 SF auto dealership with 300 parking spaces for cars and customers. He said the site meets all zoning requirements. Per the request made at technical review the revised plans show larger planting trees and the added the sizes of the utility piping. The plans shows 14% greenspace and the curb cut and utilities were put in before that section of the road was paved.

A motion was properly made (Spears), seconded (Wheeler) and unanimously passed to grant a standard special permit for site plan approval of the plan as submitted.

3. Request for One Year Extension

Applicant: Chilton Realty Trust

Property: Chilton Woods (13 Lots)

Mike Ferrone

Mr. Ferrone said he is the new builder for this project and is asking for a one year extension. He said their approval ran out last year and they would like to begin the roadwork in the spring.

A motion was properly made (Keith), seconded (Wheeler) and unanimously passed to grant a one year extension.

4. Definitive Subdivision

Applicant: Shawn Fitzgerald
Property: 495 Pearl Street (Two Lots)
Representative: Land Surveys Inc.

Bruce Malcolm said his original plans were a bit confusing and he has redrawn the plans and simplified them. He said that the ZBA has granted a variance for frontage and the plan shows that the two proposed lots are large. There will be two separate owners.

Mr. Morin asked about the reason for the easement and was told it was for a possible common driveway.

Frank Gurley, 375 Pearl St., said since he has lived in the neighborhood, this property has been the site of several failed proposals: from condominiums to a proposed commercial building to a proposal for 4-5 homes. He said this proposal fits the neighborhood and will only serve to enhance the area.

A motion was properly made (Spears), seconded (King) and unanimously passed to approve the plan as submitted.

A motion was properly made (Spears), seconded (Keith) and unanimously passed to grant waivers from the following sections of the Planning Board Rules & Regulations: Section IV Design Standards: B. Streets. Width (Pearl Street is an existing public way) Section V Required Improvements for an Approved Subdivision: C. Curbs and Sidewalks; Section III B2 (Definitive Plan Contents) J. Profiles, M. Storm Drainage, N. Typical cross section and B4 Impact Study; Section III Procedure 3. Contents.

The parties agreed that the method of surety will be by covenant.

5. Definitive Subdivision

Applicant: 288 Linwood Street Realty Trust
Property: 288 Linwood Street (Nine Lots)
Representative: Attorney John McCluskey

Attorney McCluskey passed in the certified mail receipts to the secretary.

Attorney McCluskey said over the years several different projects were proposed for the property. The developers have had neighborhood meetings and as a result of working with the neighborhood the ZBA granted a variance for nine lots. He said the property drains from west to east and as a result of the survey work an existing drainage issue on Emery Street was fixed by the city. The surveyor found a collapsed drainage pipe. He said they have the support of the Ward Councillor and received a negative determination from the Conservation Commission.

Attorney McCluskey said they will be looking for a waiver for granite curbing as this will be a private subdivision and they do not anticipate city accepting street. He said there will be a homeowners association.

Barbara Waiber (Colleen Drive) said her concerns have not been answered. She is concerned about the road being a private way and water issues; she asked how much green space will be left (trees) and if there would be any privacy for neighbors.

Peter (45 Colleen Drive) said he has a problem with water now and wanted to know who they complain to if they get more water.

Councillor Dennis Eaniri said this property was the original site of the radio station. He said when the developers contacted him he told them that they needed to speak with residents and as a result they held a ward meeting. He told them he would only stand behind project if they could rectify the water issues that exist now. Those corrections have been made by the city; he said the developer will do everything to protect the homes and believes that these new homes will only enhance the area. He said he is in support of the project; it is a good project for both the area and the city.

The email of December 1, 2014 from the DPW Engineering Superintendent was entered into the record.

Mr. Spears asked about the proposed drainage easement. Mr. Self said everything runs in a NE direction (Colleen/Emery); there will be a 30 wide drainage easement along Colleen which will tie into the existing trunk line; he said unfortunately most of the trees will go.

Mr. Morin asked who was responsible for maintaining the drainage system and would want to see an OM plan submitted. Mr. Self said Todd Pilling submitted the plan as part of the drainage calculations.

Mr. Keith asked if they will be replacing any of the trees. Mr. Self said they are willing to entertain that request. He said they can agree that anything that they feel they can leave along the 30' easement will stay, but there are no specific tree plantings proposed.

Mr. May said that the City and Planning Board has accepted the state's Complete Streets guidelines which include curbing and sidewalks. Mr. Messina said that cape cod berm is just an asphalt berm that just rolls up about 6" inches. He said the first time it is hit by a plow it will crumble. Attorney McCluskey said that the HOA will be responsible for upkeep.

A motion was properly made (Spears), seconded (Wheeler) and unanimously passed to approve the plan.

A motion was properly made (Spears), seconded (Keith) and unanimously passed to grant a waiver from the following section of the Planning Board Rules Section IV: Design Standards; C. Easements (to reduce minimum width of drainage or utility easement from 30' to 20' for the drainage and water connection from site to Colleen Dr.)

A motion was properly made (Keith) and seconded (Spears) to deny the waiver to Section V Required Improvements for an Approved Subdivision: C. Curbs and Sidewalks.

On the motion: Mr. Spears said that the first storm the CCB will be destroyed. Mr. Messina said that granite has a much longer life. Mr. Wheeler asked who was responsible if the city plow hits the BCC and destroys it. The motion was passed unanimously.

A motion was properly made (Spears), seconded (Keith) and unanimously passed to grant a waiver from Section Addendum B: Typical Cross Section: (drainage/cover of pipe) To reduce the minimum cover over drainage lines from 4' to 3' for the following lines: from the two catch basins at Linwood Street to the first manhole and from the double catch basin in the cul-de-sac to the manhole; reduction of minimum cover over drainage lines from 4' to 2.5' where proposed drainage ties into existing 15" RCP in Colleen Drive.

The applicant agreed that the method of surety would be a Covenant; the applicant was advised that a revised plan showing the granite curbing must be submitted to the office and that this revision date needs to be reflected in the approval letter filed with the City Clerk.

Other Business

Proposed updates to Rules & Regulations

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

No updates.

Shane O'Brien provided the Board with a matrix for the surrounding towns filing requirements. He said they intend to separate the Rules & Regulations into sections and will have a draft for January.