

The Brockton Planning Board held a meeting on August 4, 2015 at 7:00 PM in the GAR Room, City Hall. Members present: Chair David Wheeler, Ross Messina, Bob Pelaggi, Reggie Thomas, Gary Keith and Ollie Spears. Also present were Pamela Gurley Planning Board secretary, Rob May, Director of Economic Development and Planning and Staff Planner Shane O'Brien.

### **1. Proposed Signage**

50 Centre Street Matt Zahler (Trinity)

Mr. Zahler said that construction of Phase 1 was completed in April and they are 100% leased. He said the only outstanding item is the park which is under 0 construction and should be completed in October. He passed out color renderings of proposed signage and said Enso Flats (artist lofts housing) & 50 Center Street (market rate and work force housing) will be branded separately. The hand out also included proposed signage for the gallery and future commercial space.

A motion was properly made (Spears), seconded (Thomas) and unanimously passed to approve the design and layout for the signage.

### **2. Permission to Return to ZBA**

Applicant: Ben Realty Trust

Property: 69 N. Montello Street

Representative: JK Holmgren Engineering

Continued to October 6, 2015 by agreement of the parties.

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

Applicant: Nitram Realty Trust LLC

Property: 6B & 7-1 Millett Street

Representative: Bruce Malcolm, Land Surveys

Mr. Malcolm said as a result of comments from the technical review the property owner has agreed to combine the Millette St. parcels with the Main St. parcels creating one lot. He said the new plan will reduce runoff on the site by recharging roof run off. He said the new building will be used for body work for the existing business and warehouse space for the owner's antique cars and are proposing to plant low maintenance plants. He said the plan before the Board reflects the changes proposed at Technical Review.

Mr. Pelaggi said he attended Tech Review and this plan is in compliance with their suggestions. Deputy Joe Marchetti said the Fire Department had concerns about hydrant placement and fire access, but that the Department is satisfied with the new plan.

There was no public comment.

A motion was properly made (Pelaggi), seconded (Keith) and unanimously to grant site plan approval on the plan as submitted.

#### **4. Remand of Proposed Definitive Subdivision**

Applicant: Robert Carroll  
Property: East Street (Knights Way)  
Representative: Pilling Engineering

Attorney Michael O'Shaughnessy  
Phil Viveiros, McMahan Traffic  
Todd Pilling, Pilling Engineering

Attorney O'Shaughnessy said the applicant originally applied in Sept. 2011 for a 9 lot subdivision which was subsequently denied by the Planning Board in January 2011 at which time he brought suit in land court. He said they were ready to go to court on this and were able to agree to a judgment of remand with Attorney Pat Costello who was appearing for the City of Brockton. He said the conditions of remand were that the way is to remain private; the roadway design is to be to E. Bridgewater standards; they are to deed restrict parcel C-1 – it is to remain open space; set up home owners association; the Board can condition IMA for water services, police & fire and if approval is granted they are to file with the E. Bridgewater Planning Board. He said Brian Creedon had previously drafted an IMA but nothing came of it.

Mr. Pelaggi asked why the planning board denied it originally. Attorney O'Shaughnessy said on several reasons; no IMA, zoning issues and incorrect radii. Mr. Pelaggi asked what the development was and was told single family homes.

Mr. Spears asked where the children would be attending school and was told in E. Bridgewater.

Mr. Wheeler asked if the plan complies with E. Bridgewater Rules & Regulations and was told it did, however, Mr. Pilling said they will be asking for a waiver for cover.

Attorney O'Shaughnessy said Brockton can grant a conditional approval....conditioned on E. Bridgewater's approval.

Mr. Pelaggi asked if there were any wetlands on the property. Attorney O'Shaughnessy said no. Mr. Pelaggi asked if fire and police would be from Brockton and Attorney O'Shaughnessy said there is a reciprocity agreement that exists and would be part of the IMA. Mr. Pelaggi said he is concerned about the width of the street. He said a passing lane requires 12' each lane. He said the

City's prior senior residential ordinance still required 26' of pavement with 40' wide layout for a private street.

Deputy Marchetti said there is a standing mutual aid agreement but it is not particular to any particular development. He said it will depend on where the call comes in from; if the call comes in from a home it will be routed to E. Bridgewater. He agreed that Brockton could probably get there first. He said they can use E. Bridgewater hydrants as they carry connections, but he is concerned with only 20' wide pavement. The ladder truck needs 18' to set up and once set up will block the road.

Councillor Paul Studenski (Ward 4 Councillor) asked why this entrance in Brockton. He said his constituents are concerned that it will affect their quality of life. Attorney O'Shaughnessy said that was the entrance to the Knights of Columbus Hall and that his client purchased the adjoining property.

Lauren Simmons, 694 East St., said she is a direct abutter and has lived there for 61 years and she has major concerns. She is concerned about them using what was only for access for the Knights of Columbus Hall...the hall was all in Brockton. She said she was concerned about ingress and egress and said there is a small church across the street and people park up and down East St. when they have a function; she said there is no benefit for Brockton.

Jim Bosco, 719 East St., said the plan has a lack of detail and is different from the previous plan that had homes and cul de sac and had turning radiuses. He said just north of the entrance is a bend in the road and there have been numerous accidents at that curve. He said the church is directly across from the entrance and East St. is a thoroughfare for BAT buses, and East Street is a narrow street. He said he attended the original E. Bridgewater Planning Board meeting where the question about police and fire safety came up; Brockton will be first responders. He said he is not opposed to approving the neighborhood, just has concerns.

Roy Gardner, E. Bridgewater Planning Board Chair, said he cannot answer questions relevant to this particular subdivision...that will be done during the public hearing process. He said speaking as an individual, the proposed 20' pavement is sufficient for a 7 lot subdivision; he said there is no viable access from E. Bridgewater. He said was apprehensive about the road remaining private as they do not have any private roads...property owners have the right to petition the town to have their roads accepted. He said he personally would be concerned about infrastructure maintenance if the road is private. Regarding the IMA, he said a key issue is that Brockton's response time is ½ the time as E. Bridgewater's would be and would like Brockton to be first responder.

Deputy Marchetti said that mutual aid is to offer additional assistance not to be the primary responder to an address; he said of the two stations that are closest

to this property one is down a ladder truck and one truck is “browned out” as they are unable to staff it and stated again that with that road width the first piece of apparatus could block access.

Mr. Viveiros from McMahan Engineering (Traffic Engineer) said the roadway meets the required site distance and the location of the roadway actually benefits the sight line to the curve up the street that is a concern. He said this will be a low volume roadway (less than 100 vehicle trips in a day) and there will not be a significant impact on the existing roadway. Mr. Pelaggi asked if the volume of traffic on East St. was looked at. Mr. Viveiros said it was and he would provide the information.

Attorney O’Shaughnessy said the size of the roadway also takes into account the needed room for plantings as contained in remand order. Mr. Messina asked if that was to be a buffer for the neighbors and was told it was. Attorney O’Shaughnessy said that the HOA will be responsible for all maintenance. Mr. Messina said he was concerned about fire access around the cul de sac and Attorney O’Shaughnessy said it is all grass and the fire truck can go right over it.

Mr. Wheeler asked Mr. May if he had any comments. Mr. May said that any approval should be conditional on an MOA being granted by the City Council. He said he would be looking for the buffer along Knights Way be planted the length in Brockton with 10 deciduous shade tree 2 ½ caliper each (five each side) with sufficient plantings of spirea and 6’ high fencing; the lots in Brockton should be deed restricted non buildable lots and the Planning Board should receive copies of the recorded deeds for the non buildable lots as well as a copy of the recorded copy of HOA. He also stated that the DPW Commission recommended against granting of any waivers. Mr. Pelaggi said when the developer does not have control of the lots along side of a property it is not unusual to blend in a radius. He would like to see a radius that works with our fire apparatus. Mr. May pointed out that the radius needs to be measured off the property line...right of way line...he said they should figure out what roadway width is and back into the radius.

Attorney O’Shaughnessy said he believes the width is safe as E. Bridgewater’s Fire Trucks are the same size. He said they can look at stabilizing the edge of the roadway, but will need some flexibility with the plantings.

Mr. Messina asked if there was an issue with the roadway remaining private. Mr. Gardner said there are no private roadways in E. Bridgewater and he personally has an issue with the narrowing of the roadway from Brockton to E. Bridgewater.

Mr. Wheeler said he would consider a continuance to the next meeting to allow the applicant to address Mr. May’s comments regarding the planting buffer, fencing along the property, language for deed restrictions, and address the radius and shoring up of roadway. He said he would also like some information

on the IMA. Attorney O'Shaughnessy said he would be agreeable to a continuance in order to see what changes may be made to the plan.

Mr. Gardner said E. Bridgewater will not accept a reduction in roadway that great and said the roadway width must be continuance. Mr. May said 26' of pavement might be workable and asked them to submit a turning path to meet tower two's radius.

Mr. Keith said there are too many uncertainties in this plan and will be making a motion to deny.

A motion was properly made (Keith) and seconded (Spears) to deny the definitive subdivision as the plan contains too many uncertainties.

In favor: King, Spears

Opposed: Pelaggi, Thomas, Messing, Wheeler

A motion was properly made (Thomas) and seconded (Wheeler) to continue the hearing to next scheduled meeting date of September 1, 2015.

In favor: Pelaggi, Thomas, Messing, Wheeler

Opposed: King, Spears

### **Unfinished Business**

Endorsement of ANR Plans, Subdivision Plans and/or Lot Releases  
Covenant release for Quincy/Emory St. (Lynch subdivision) for signed.  
Bellevue lot release for Bill Callahan previously voted on was signed.

Minutes

Updates from board members