

The Brockton Planning Board held a meeting in the GAR Room, City Hall, Brockton on Tuesday, April 3, 2007 at 7:00 pm. Members present: Chairperson John F. Murphy, John Waldron, Paul Sullivan, Steve Demos, John Ciardi, and Avalon McLaren. Also present were City Planner Nancy Stack Savoie and Secretary Pamela Gurley.

1. Definitive Subdivision

Property: Plot 11 Briarcliff Road

Lots: Ten

Applicant/Representative: Brian Dunn, Tracy Willard & RJ Dowling, Fuss & O'Neill

Mr. Demos recused himself from participating as he is an abutter.

Mr. Dunn said that the proposal is for 10 houses on 14+ acres off Briarcliff Road. He said all lots have the required lot size and required frontage (30,000 SF with 175' of frontage). He said the proposed road is a 50' right of way with 30' of pavement. He said the developer has proposed street trees and colonial style street lighting (sheet C10) and they are not seeking any waivers. The two detention basins were designed for the 2, 10 25 and 100 year storm events and meet DEP stormwater management policies treating 84% TSS (they have done 14 perc tests done on the property). Sidewalks driveways and houses were taken into consideration when designing the basins and the house size on the plans (80X40) is the largest size home that can be built per zoning. They are providing access easements to the basins. Mr. Dunn said there is an existing gas easement at the westside of the property and they have met with the Gas Company on the project.

Mr. Murphy read the letter dated 4/3/07 from the Fire Department requesting that the fire alarm box be relocated and an additional hydrant be added.

Mr. Waldron asked if the gas pump house is within the limits of the subdivision and was told it is within the proposed easement. Mr. McLaren asked if the pump house would be specifically on a lot within the subdivision. Mr. Dunn said that the pump house is within the easement and the easement is within lot 1. Mr. McLaren asked how large the fenced in area was and Mr. Dunn said 7X40. Mr. Dunn said that they have contacted the Gas Co. about beautifying the area but they have not gotten back to him on that.

Mr. McLaren asked how many houses have dry wells. Mr. Dunn said the drainage from lots 10, 9, 2, 3, 6 and 5 flows naturally. The drainage from lots 7 & 8 goes into the pond. Mr. McLaren asked if the basin would actually hold the rain from a 100 year storm. Mr. Dunn said that in that kind of event that the excess water would back up into the pipe and there would be some overflow.

Mr. Ciardi asked about the size of the homes and Mr. Dunn said they are 3,200 SF. Mr. Sullivan asked if there will be cellars. Mr. Dunn said they can meet the required ground water separation so the homes will have cellars.

Attorney James Burke said that the developer is "treating the property delicately". He said that the subdivision will be self contained in the cul de sac. It will not connect to any adjoining land.

Ms. Savoie said that there were comments submitted by Engineering Superintendent Howard B. Newton on this project. Mr. Dunn said that he spoke with Mr. Newton and was aware of the comments. Ms. Savoie said that since his initial meeting Mr. Newton has reviewed the plans again and made additional comments. She suggested that he set up a meeting with him. She said that Mr. Newton had been expecting to hear back from Mr. Dunn after their first meeting.

Mr. Murphy read a letter from Councillor Linda Balzotti stating that although she was not opposed to the proposal she wanted to go on record that she was opposed to any future development off the road.

Councillor Timothy Cruise stated that the developer has done a good job keeping the neighbors informed of the project. He said he is in favor of the project as it has been presented and feels that it will enhance the neighborhood.

Councillor Thomas Brophy said he has concerns about the potential of any future development.

Councillor Robert Sullivan said that he wished to be recorded in favor and felt that the developers would build a "high end establishment". He also said he had concerns about future development.

Councillor Cruise said that the residents would like to see some sort of restriction on the property to prevent any future development. Mr. Dunn said he would need to discuss that with the developer.

Steve Frederick, 178 Braemoor Road, said that he is in support of the project and that the developer has kept them well informed.

John Alexander, 105 Briarcliff Road, agreed that the developer has kept in close contact with the neighbors. He said although he is in support of the project he is also concerned about possible future development.

Mr. McLaren asked who would be responsible for the detention basins. Mr. Murphy said that the basins are the responsibility of the property owners. He also informed Mr. Dunn that the Planning Board will be requiring the basins to be fenced in.

Mr. Dunn asked if the Planning Board would vote on the project pending submission of a revised plan. Mr. Murphy said that there were many issues that needed to be addressed and that the Board can only vote on the final plan. Mr. Dunn then asked to have the hearing continued in order to address the comments from the DPW and revise the plans.

Continued to May 1, 2007 at the request of the applicant.

2. Definitive Subdivision

Property: 1093 N. Montello Street (Documents previously sent)

Lots: Three

Applicant/Representative: John Cavanaro, Cavanaro Consulting

Mr. Cavanaro said that their preliminary plan was approved although their request for a waiver for street jog was denied. He said the proposal is for two lots off the proposed

cul de sac and one lot off Studley Ave. Access will be off Studley Avenue. He said the property has both existing commercial and industrial use. He said the applicant has filed this plan to secure any future planning for use of property. The proposed road will be at grade and the use of the proposed buildings is unknown at this time. The basin has been designed to meet DEP stormwater management and the applicant is proposing landscaping around both sides of buildings.

Mr. Murphy asked Ms. Savoie to read the letter dated 3/28/07 from Engineering Superintendent Howard B. Newton into the record.

Councillor Christopher MacMillan said that the site is a classified hazardous waste site, and wondered when the site would be cleaned. He said he was also concerned about the gas plume under the property and wondered if there was a large enough turning radius on Studley Ave. to allow for trucks. He asked to be recorded in opposition.

Attorney Gavin Cockfield said that the owner has no prospective use for the site as of now.

Councillor Robert Sullivan asked to be recorded in opposition.

Councillor Thomas Brophy asked to be recorded in opposition.

Councillor Michelle DuBois said she is opposed to the proposal and stated that the property owner had previously stated at an Ordinance meeting that he intended to bring hermetically sealed waste to the site.

Rep. Geraldine Creedon commended the neighborhood for trying to protect the area. She asked to be recorded in opposition.

Mr. Murphy read the letter dated 4/3/07 from Councillor Linda Balzotti into the record asking to be recorded in opposition.

Sandra Farrell, 24 Frankton Ave., said that that area continues to "get dumped on" and is opposed.

Ruth Goldpool, 29 Frankton Ave., is afraid of the smell and use.

Joseph Burger, 87 Frankton Ave., said that the project is not good for the City.

Mr. Murphy pointed out that the proposed use of the property has not been identified and that it is not a requirement of a definitive subdivision that the use be identified. He said the Board has no say over the use of a property as long as the use falls within the Zoning District the property is located within.

Laura Huckaby, 91 Frankton Ave., said she wants to maintain the neighborhood as is. Mr. Murphy said that zoning defines approved uses within districts.

George Terrill, 100 Frankton Ave., said he is opposed and wants to know what the use will be. He said the property is contaminated and needs to be cleaned up.

Kevin Fogerty, Waldo St., said the property owner must know what he is going to use the property for and should tell the residents what the use will be.

Again, Mr. Murphy said that the Zoning Ordinances specify what uses are allowed within specific zones. If the property use will require a variance by the Zoning Board of Appeals then the applicant will need to disclose the proposed use to them.

Sherri Kennedy, 26 Morton St., asked to be recorded in opposition.

Peggy McGrath, 9 Manners Ave., asked to be recorded in opposition.

Steve Heffler, 102 Waldo St., wants the deficiencies addressed by the applicant.

Nancy Sarson, 87 Waldo St., said she is opposed to any toxic development on the site. She said because the applicant filed his plan before the zoning change was completed they are "stuck" with the current zoning for eight years. She said that she contacted DEP (e.g. solid waste?) and was told that the law protects personal and property rights.

Virginia Kingdom, 55 Oak St., Avon, said that the Avon wells abut the area. She is concerned with anything going in there that would affect their wells.

Ilene Keary, 92 Wilder St., said she lives on a fantastic street; she has brought up nine children in her house. She said the neighborhood is business friendly and they are not opposed to businesses; they just want to know what the use will be and want to protect their quality of life.

Gerry Malone, 32 Augustine St., said that the applicant is doing a disservice to the Planning Board not identifying the proposed use. He said there is no room to swing a truck onto N. Montello St.

Priscilla Newton, 3 Winston St., said truck traffic is restricted from using N. Montello St., but that no one pays attention to the signs. She said within a short distance of this property are schools and several day care centers. She said Mr. Barry is not a good neighbor.

Len Yenush, 57 Wilder St., said he is a member of RATTs and that the property owner is going to have "one hell of a fight". Mr. Murphy asked that he settle down and not make public threats.

Bill Black, 57 Division St., said that the owner knows what the use will be and he is opposed to it. He said they fought Champion City II and will fight this. He said Mr. Barry has a waste facility in Cohasset.

Paul Barry (owner of the property) asked to address the Board. He said he has filed this plan in order to secure the industrial zoning designation on the land. He said he is only before the Board to freeze what he bought... industrial land. He said the buildings were added to the plan to show what could potentially be constructed. He said DEP is overseeing the clean-up of the site.

Attorney Cockfield asked Mr. Murphy if they would be allowed to continue the hearing to the next meeting and address the comments as the previous applicant was allowed to do. Mr. Murphy said that would be up to the Board.

Attorney Cockfield said that they were being upfront with the Board and that the property owner has a right to file a plan to protect the zoning. They are not asking for a use approval....they are only trying to protect their investment. He said they will go to the neighbors and appropriate boards when the time comes.

Mr. Murphy asked Mr. Waldron to assume the Chair. Mr. Murphy stated that in light of the deficiencies outlined that the Board vote to disapprove the submission.

Motion to deny the definitive plan

Motion by: Mr. Murphy

Second by: Mr. Sullivan

In favor: Unanimous

Mr. Murphy then noted for those present that if the plan were re-submitted and the deficiencies addressed that the Planning Board will have no alternative but to approve the plan under the Subdivision Control Law.

3. Site Plan Approval

Property: 96 West Elm Street (Corner of West Elm St. & Warren Ave.)

Project: Proposed Restaurant

Applicant/Representative: Bob Pelaggi, JK Holmgren Engineering Inc.

Mr. Pelaggi said that the property is located on the SW corner of Warren Ave. and West Elm St. He said it is a 5,600 SF lot and the proposal is for a take out restaurant. He said the owners received approval from the Zoning Board of Appeals for a special permit for a restaurant.

Mr. Pelaggi said that the entrance and exit were designed as far away from the intersections as possible and they do meet the green space requirement. He said the traffic patterns were discussed in great detail at *tech review* and that the members all agreed with the proposed pattern (traffic will enter on Warren Ave. and exit onto West Elm St.

Councillor Mike Brady said that he has met with the petitioners and believes this is a good investment and was there in support of the project as it will be cleaning up the area and adding to the tax base.

Ms. Savoie said that she would like to go on record in support of the proposal and noted that the area is a gateway into the City.

Motion to approve the site plan

Motion by: Mr. Demos

Second by: Mr. McLaren

In favor: Unanimous

4. Site Plan Approval

Property: Cardinale Plaza

Project: Proposed Restaurant
Applicant/Representative: Pilling Engineering/Attorney William Wainwright

Mr. Murphy said that because of the current litigation on this property the City Solicitor's Office has advised the Board to not hear this matter. Attorney Wainwright asked that the matter be continued to the next Planning Board meeting.

5. Site Plan Approval

Property: 1313 Belmont Street
Project: Proposed Commercial Addition
Applicant/Representative: Briarwood Construction/Sitec Inc.

Continued to May 1, 2007.

6. Site Plan Approval

Property: 665 Centre Street
Project: Proposed Church
Applicant/Representative: Dan Smith, Hayward-Boynton & Williams

Mr. McLaren recused himself as he is a member of the Church and on the building committee.

Mr. Smith said that this was the same property approved by the Planning Board in 2003 for an office building. He said that the property is located at 665 Centre Street (across from Brockton Hospital). He said this proposal is now for a 500 seat church. They intend to re-activate all existing services. He said they have added 5' vinyl chain link fencing around the detention pond with a locked gate. He said they have 101 parking spaces (100 are required by Zoning). He said they are using the same plan; just the use of the building is changing.

Motion to approve the site plan
Motion by: Mr. Waldron
Second by: Mr. Sullivan
In favor: Mr. Murphy, Mr. Waldron, Mr. Sullivan, Mr. Demos and John Ciardi

Other Business