

The Planning Board held a meeting on May 4, 2010 at 7:00 in the GAR Room, City Hall. Members present: Chairperson Wayne McAllister, Peter Gibbons, Anthony Donegan, Paul Sullivan, Vahan Boyajian, Susan Nicastro and Avalon McLaren. Also present was Secretary Pamela Gurley.

A motion was made (Sullivan), properly seconded (Donegan) and passed by a unanimous vote to approve the minutes from the April meeting.

1. Site Plan Approval Extension

Property: Westgate Mall

Applicant: Westgate Brockton Limited Partnership

Representative: Attorney John Twohig, Goulston & Storrs

Ms. Nicastro recused herself from this matter for personal reasons.

Attorney Twohig stated that the mall was sold to an Australian group several years back and was subsequently foreclosed on. He said that Bill Cronin (New England Development) has a purchase and sale on the property and the closing is scheduled in two weeks. He said that the movie theatre lease has been terminated and they are looking to rejuvenate the theatre proposal. He said they also have other tenants looking to lease space.

Mr. Cronin said he purchased the property in 1999 and invested \$30,000. He said in 2003 he was made an offer he couldn't refuse and sold the mall. He said he is prepared to do what has to be done from a financial situation. They have pride in the properties they own and operate and will make this a successful re-development. Mr. Donegan asked what kind of plans are in the works and was told there are a number of tenants looking for space in the Rt. 24 market but at this time he is not ready to give names. He said if there are any changes to the proposal they will be back in front of the Board with those changes.

Mr. Cronin said that they worked as a team with the City last time and this time around the Mall is in decent shape – there is a better product this time.

Mr. McAllister said that the Board has only granted one year continuances. He told Attorney Twohig that the Board would certainly entertain additional continuances is necessary.

A motion was properly made (Donegan) seconded (Sullivan) and unanimously passed to grant a one year extension for site plan approval to the Theatre/Westgate Mall project.

2. Definitive Subdivision

Property: 22 Emerson Avenue (Two Lots)

Applicant: James Boen

Representative: Attorney John Creedon

Bruce Malcolm, Land Surveys, Inc.

Attorney Creedon said that a variance was issued by the ZBA in November 2009. Mr. Boen is looking to build one additional single family home. He said that the existing two family house on the lot is owned by Mr. Boen. The proposed water and sewer lines were flipped at the request of Larry Rowley (Utilities Superintendent). Ms. Nicastro asked about curbs and sidewalks and was told that there are existing curbs and sidewalks on the street. Mr. McLaren noted that this is a densely populated area and asked what the smallest lot in Brockton was. Attorney Creedon said that per state zoning a lot need to have 50' of frontage and be at least 5,000 SF. Mr. McAllister asked what divides the two properties and was told there is a six foot stockade fence dividing the properties.

There were no additional questions from the members and the requested changes had been made to the plan prior to the hearing.

A motion was properly made (Boyajian) seconded (Sullivan) and unanimously passed to issue a standard approve of the definitive subdivision for 22 Emerson Avenue with the following stipulations:

1. Prior to the issuance of any lot release the Planning Board is to be given proof of recording and a copy of the easement agreement between 14 (plot 1) Emerson Avenue and 22 (plot 2-2) Emerson Avenue.
2. The existing shed will be removed from the property (contained in ZBA decision).

A motion was properly made (Donegan) seconded (Sullivan) and unanimously passed to issue a waiver to the following sections of the Planning Board Rules and Regulations: Section IV: Design Standards: B. Streets 3. Width (Emerson Ave. is an existing public way) F. Utilities (existing public way – utilities are above ground) Section V: Required Improvements for an Approved Subdivision: C. Curbs and Sidewalks (Emerson Ave. is an existing public way with sidewalks and curbing); Section III:B3 Definitive Plan Contents J. Profiles M. Proposed layout of storm drainage N. Typical cross section and B4 Impact Study.

3. Permission to Return to the ZBA

Property: 495 Pearl Street

Applicant: Mark Roukas

Representative: Bruce Malcolm, Land Surveys/Attorney J. McCluskey

ZBA Denial: September 8, 2009

Attorney McCluskey said that this property was in front of the ZBA in September 2009. At that time the proposal was for a commercial use (adult day care) which was denied.

Attorney McCluskey said that the property is under agreement. Per the rules and regs they need to show a substantial change to the plan and they believe they have done that since the previous plan was for an adult day care and the new proposal is for four single family homes. He said the existing house needs to be taken down. He said they held a neighborhood meeting on Sat. with some in favor and some opposed.

Mr. Roukas said that his proposal is for four 2,300 to 3,000 SF homes. At this time all they are requesting is permission to allow them to return to the ZBA. He said he is willing to discuss with the neighbors the possibility of downsizing the amount of lots. The secretary read the letter from Councilor Cruise into the record.

Charlie Watson, 474 Pearl St., lived there since 1972 and asked to be recorded in favor. He said it would be an improvement to the area.

Tim Reilly, 492 Pearl St., lived there for 20 years, agree that site needs re-development. He said what happens there has to fit the neighborhood – architecture and size of lots need to fit the neighborhood of Pearl St. He said there are a lot of trees on the lot. Mr. Roukas said he would save as many as possible. Traffic is a problem up at that end of Pearl St. He said most of the properties have much more frontage that 85 ft. He said his property probably has the smallest amount of frontage. He said he is willing to work with developer to make the project work. He acknowledged for the record that he is on the Conservation Commission.

Ms. Nicastro said that Pearl is a busy street and suggested that they look into circular driveways. Mr. Malcolm said that with the size of the proposed lot frontage a circular drive is not possible but they were looking at a turn around area on each lot.

Mr. Donegan asked about the trees were mentioned by Mr. Reilly. Mr. Roukas said there are quite a few large trees in the back of the properties and they will be saved, he said any thing in the front will need to go, but they are willing to take a look at the trees before they are cut.

Mr. McAllister read the criteria under which an applicant is granted permission to return to the ZBA.

Mr. McLaren asked what the reason for four house lots was and Mr. Roukas said the price of the property and the demo of the existing house. The Board generally agreed that four lots may be too dense for the area. Mr. Roukas said that he would be willing to discuss downsizing at the time of the ZBA hearing. Mr. Malcolm said that the issue before the Board tonight was whether or not a change had been made to the plan.

Mr. Reilly said he is a builder by trade and knows what the cost of demo and construction is. He said this property has legal frontage for single lot only and the distance between houses on Pearl St. is larger than being proposed.

Charley Watson (Pearl St. abutter) agreed with the proposed four houses.

A motion was properly made (Nicastro) seconded (Sullivan) and unanimously passed to grant permission to return to the ZBA.

4. Extension Request/Proposed Modification

Plot 129 Quincy Street – Tracey Jellows

Representative: Attorney John McCluskey

Attorney McCluskey said that the applicant received prior approval for a three lot subdivision* (*four lots – one small piece was to be deeded to an abutter) at the intersection of Toby Road and Quincy St. He said Lot 2 was released and has been built. He said the owner/developer would like a two year extension, hoping to attract a buyer as banks don't like to lend money on spec homes now.

He said they would also like to discuss not making the angle change where Toby meets Quincy. Mr. McAllister said that the Board prefers that a modification request be filed and then they will address the request on the record. He said that regarding the extension, the Board typically gives one year.

A motion was properly made (Sullivan) seconded (Donegan) and unanimously passed to grant a one year extension to the subdivision approval.

5. Site Plan Approval

Property: 278 Court Street

Applicant: Affordable Properties

Representative: Bruce Malcolm, Land Surveys Inc.

Steve Torrey

Jim Morrissey

Mr. Malcolm said that this is a similar project to what was approved several years ago for eight units. The original applicant received an extension and at that time was asked by the Board to immediately put up a fence as was agreed upon. He said that owner did not put up the fence as requested by the Board. When Mr. Torrey bought the property the first thing he did was put up the fence and begin to clean the lot.

Mr. Malcolm said that the proposal is for a nine unit condo. He said that they have addressed all the concerns from the tech review hearing. He said they will be reconstructing the sidewalks from Court Street to northerly property line and that some existing curb cuts will be closed. He said they are installing a 4" fire

service and all units have individual sewer (cleanouts) and water and there is a leaching trench to recharge water into ground.

Mr. McAllister asked how big is snow area was and was told 20X10. Mr. Torrey said that if there is not adequate space for snow storage they have a snow removal contract for their other units and add this property to it.

Ms. Nicastro noted that the location of bulkhead was different in this project. Mr. Torrey said that the bulkhead was a compromise with Fire Dept. as from the time of approval to the time they received a building permit the law changed and they need to sprinkler the units.

Mr. Boyajian asked if there was any guest parking. Mr. Torrey said there are two spaces per unit and that has not been a problem with past units. Mr. Sullivan asked was the size of the spaces were and was told 10x18.

Ms. Nicastro asked why there were no proposed sidewalks on Williams. Mr. Malcolm said that it was not a requirement that they provide sidewalks there and that parking is to rear of building by Tabor.

A motion was properly made (Donegan) seconded (Boyajian) to issue a special permit under site plan approval for the condo units at 278 Court St. In favor: McAllister, Gibbons, Donegan Sullivan, Boyajian; opposed: Nicastro and McLaren.

6. Site Plan Approval

Property: 53 Plymouth Street – Crescent Court
Applicant: Brockton Housing Authority

As the funding for this project expires (ARRA) the Board agreed to hold a special meeting to allow the project to move forward.

Other Business

Neighborhood Health Center (NHC)

Mr. McAllister said that Hayward, Boynton & Williams contacted the office regarding a change to the NHC site. At that time it was explained to the secretary that the work proposed was currently being done. The secretary advised them to send a letter explaining the changes and scheduled them for this meeting (see letter dated 4/29/10).

Present were: Mike Jacques, NHC facility manager and Mark Tisdelle, HB&W and Wayne Pelletier, contractor.

Mr. Tisdelle explained that the original plan already had leaching basins proposed and this change proposes change those location and add two more

leaching basins. He said the location of the originally proposed leaching pit would have undermined the existing retaining wall. He said they were able to get more volume and more infiltration with the new design.

Mr. McAllister said that the Board had the same discussion in the month of April and it would seem that they had time to notify the Board of the change. He said this is the second time in two months that they have been here seeking to make a change after the change was made. He said this is the last time that the Board will entertain an "after the fact request" on this project.

Ms. Nicastro said that the letter from the Board was sent to Sue Joss and she asked why she was not present tonight. Michael Jacques said that he felt that he could handle the meeting as facilities manager and misunderstood that the Board's request was for Ms. Joss to appear.

Mr. McLaren asked how many parking spaces are there and was told there will be 56 after construction (prior there were 70+); 16 spaces were disrupted as a result of the construction and 10 have been freed up as of today.

A motion was properly made (Nicastro), seconded (Sullivan) to accept the revised plan for NHC/Main St. All in favor with one abstention (Gibbons).

Brockton Power discussion (Peter Gibbons abstained from participation)
The Board discussed the latest letter from Attorney Barry Fogel regarding their request for a tech review hearing. The Board agreed to return the plans and all documentation to JK Holmgren Engineering, Inc. along with a letter of explanation.