

The Brockton Planning Board held a meeting on January 4, 2011 at 7:00 in the GAR Room, City Hall. Members present: Chairperson Wayne McAllister, Vahan Boyajian, Susan Nicastro, Anthony Donegan, Peter Gibbons, Avalon McLaren, Paul Sullivan, and James McCarthy. Also present was Secretary Pamela Gurley.

1. Site Plan Review

Property: Westgate Mall

Applicant: New Westgate Mall, LLC

Representative: Attorney John Twohig, Goulston & Storrs

Susan Nicastro abstained from participation.

Attorney John Twohig introduced Bill Cronin, Sr. VP of NE Development and Kurt Shirtstead who will be the project manager.

Attorney Twohig said that the proponents of the previously proposed movie theatre do not want to go forward with the project. He said the applicant has addressed all the comments from 12/23/10 technical review. The applicant is proposing a 94,000 SF building with multiple tenants. He said the building shows demising walls; since there are no signed leases they are not sure of the final store sq. footage. He said if construction is not started that they may not get the tenants. He said they intend to upgrade the mall and bring in a new tenant mix...they want to create a better looking mall. They will be lessening pavement by about ½ acre and adding to the landscaping. He said that the City of Brockton wants Westgate Mall to be responsible for maintenance of all plantings within the right of way; he said they will be adding lighting level to parking lot and have added a BAT Bus stop. He said there will be façade work proposed in the future and he agreed that the following conditions should be included in any final approval:

- Final as-built utility plan showing all relocated utility services with the buildings shown thereon shall be submitted to the Planning Department within ninety (90) days of issuance of the Certificate of Occupancy for the completed Project.
- The property owner is to prepare and record a modified utility easement plan (post construction).
- Prior to the issuance of an occupancy permit, the property owner is to submit an Operations and Maintenance Plan to be placed on file with the DPW.
- A copy of the Stormwater Pollution Plan is to be provided to the City, prior to commencement of construction.
- The property owner agrees to maintain all new landscaping planted by the property owner in the City Right of Way, in perpetuity.

Jeff Dirk, Traffic Engineer for Vanesse & Associates, spoke about traffic circulation. He said the applicant will complete the east west connector within the mall property giving access to southern portion of the site.

Mr. McAllister asked Mr. Dirk if he was up at the Mall during the holiday shopping season. Mr. Dirk said he was, and said a traffic circulation pattern needs to be completed but spikes in traffic occur during Christmas time.

Mr. McCarthy asked about adding security cameras in the Mall parking lot and Attorney Twohig said they have added additional security staff and will be looking into security cameras.

Mr. McLaren asked if the new proposed building will connect to the Mall. Attorney Twohig said it will have a connection by way of a foundation and they will come back in the future for that portion of the project. Mr. McLaren asked how big the building proposed near Modell's sporting will be and was told 12,000 SF. He asked why there is no connection and Attorney Twohig said that the tenant they are speaking with wants a free standing building.

Mr. Gibbons asked if the applicant's plan on completing the project. Attorney Twohig said yes, and financing is not an issue. Mr. Gibbons asked if there was any commitment to hire Brockton residents/union workers. Attorney Twohig said they haven't picked a GC yet and intend to go out to competitive bid. He fully expects Brockton residents/union workers to be hired.

A motion was properly made (McCarthy) seconded (Sullivan) and unanimously passed to issue a standard two year site plan approval with the following special conditions:

1. All site plan review approvals have a two (2) year project completion date from the time of approval unless extended by the Planning Board.
2. Final as-built utility plan showing all relocated utility services with the buildings shown thereon shall be submitted to the Planning Department within ninety (90) days of issuance of the Certificate of Occupancy for the completed Project.
3. The property owner is to prepare and record a modified utility easement plan (post construction).
4. Prior to the issuance of an occupancy permit, the property owner is to submit an Operations and Maintenance Plan to be placed on file with the DPW. A copy of the Stormwater Pollution Plan is to be provided to the City, prior to commencement of construction.
5. The property owner agrees to maintain all new landscaping planted by the property owner in the City Right of Way, in perpetuity.

2. Site Plan Review

Property: Plot 18 West Elm Street

Applicant: (Steve Torrey) Affordable Properties

Representative: Bruce Malcolm, Land Surveys

Mr. Malcolm said that the project was denied by the Board at the last meeting and it was their understanding that the proposal did not fit into the neighborhood. He said they met with the architect and have made the front of the buildings more attractive. The doors added are to the sprinkler rooms, the windows are real, and the kitchens are re-arranged to add windows. The buildings will be different colors that the yellow siding used on other Brockton projects

Mr. McAllister asked if is this was their best effort or was time an issue; Steve Torrey said that he is trying to keep his eight people working.

Mr. Malcolm said that the existing building can not be successfully converted and said that the proposed westerly building will be 22 feet back from the second building.

Mr. McAllister said that the narrative suggests the applicant will add landscaping and wished there was something visual for the Board to see. Mr. Gibbons asked if the buildings are clapboard and/or brick and Mr. Torrey said they is architectural vinyl siding. Mr. Torrey said he is proud of all his buildings...and there is a huge demand.

Mr. Gibbons said it would have been helpful to have a picture of what is there now. Mr. McLaren asked how far it is between buildings and was told there is 8'. He asked if they would consider anything other than vinyl siding; Mr. Torrey said he could, but would prefer not...he said that the new vinyl looks like clapboard.

Mr. McCarthy asked what the negatives were to converting the existing building to a condominium. Mr. Torrey said it would not work for conversion; they would not have nice units even if it was gutted. He said he builds 1,500SF units. Mr. McCarthy asked about an addition to the existing house since it matches the neighborhood; he said nothing proposed matches the neighborhood. He said he understands that it is Mr. Torrey's business to get the most square footage. Mr. Torrey said it is not just economics. Mr. McCarthy said it would have been helpful to know what the difference is between remodeling and new construction. Mr. Torrey said he does not know what that would be. Mr. McCarthy said that he is sorry to see a big house destroyed.

Ms. Nicastro said there is a big difference between a single family home and nine units with parking for 20 cars. Mr. McAllister said that the only changes to the plan was the addition of windows and doors; he would like to see three different

configurations as to what can be done and also wants to see the proposed landscaping to get a visual of what it would look like.

Mr. Donegan asked if the Brockton Historical Society might weigh in on this. He said that the City is 90%+ developed and Board wants to make sure these projects are pleasing to the neighborhood.

Ward Two Councillor Thomas Monahan said this is a tough situation, he said we are losing everything historic in the city but the quality of building the developer builds is good. He said he understands the Board's situation, the neighborhood is historical, maybe there are too many units proposed; he agreed to keep the neighborhood look.

Mr. Gibbons said there are two options, the applicant builds or turns his back on it ...he said it will be easier for the developer to tell the Board what he is willing to do. He said it seems that he is not willing to do any more work that he is showing and it would seem that that Board feels he is not there yet. Mr. Torrey said he would like the Board to tell him what they would like to see. Mr. Boyajian said it is not up to the Board to design his project.

Continued to February 1, 2011 meeting by agreement of the parties.

3. Definitive Subdivision (Continued from December)

Property: 678 East Street

Lots: Two (Brockton)

Applicant: Robert & Joanne Carroll

Representative: Pilling Engineering

Michael O'Shaughnessy

Lucas Klim, Pilling Engineering

Mr. Klim said they adjusted the property lines creating lots only within one town; he said they added a cul-de-sac at the town line and submitted a narrative explaining changes. He said there is a 325 feet long stand alone road in the City of Brockton. Lot 9 now meets current zoning in Brockton and parcel A was added.

Mr. Gibbons asked about the existing building. Mr. Klim said they can not remove the back portion of the building without Conservation approval. Mr. Gibbons said that they could have filed with Conservation Commission if they wanted to. He said that most applicants file with the Conservation Commission before Planning Board or at least at the same time. Attorney O'Shaughnessy said they plan to use the building as a storage shed. Mr. McAllister said that use may require ZBA approval.

Opposed:

Jim Bosco, 719 East St., said that property owner currently uses the property for disposal of materials; he said the property is gated off and material is being delivered to the site; he said it looks like they may be dumping in the buffer zone. Attorney O'Shaughnessy said that if debris has been disposed of in the BZ to the K of C building it will be addressed. Mr. Bosco disclosed that he is on BCC and said he has reservations about project going forward; he said that the owner is unwilling to discuss what is going on with neighbors.

Ward 4 Council President Paul Studenski said he was here in support of his constituents. He said he has received phone calls about dumping on the property. He said he called the Board of Health but they had trouble getting onto the site due to a locked gate. He said he would be willing to set up a meeting if so requested by the applicant.

Lori Simmons, 694 East St., said the neighbors are concerned. She said that when the applicant was marking trees the on the site that were to come down, they marked trees on her property also. She asked why would an eyesore like the K of C building would be left standing when trying to market new homes.

Maryann Burke, 678 East St., said she and her husband are strongly opposed and are concerned about them leaving the abandoned K of C building up.

Mr. McCarthy said that the K of C seems to be a stumbling block. Attorney O'Shaughnessy said the applicant is not at point of the permitting process to address the building now; that they want to use the building at storage. He said they want to put in the roadway and utilities, then the houses and work back to lot 9.

Mr. Gibbons said the applicant needs to address lot 9 now; lot 9 is a great concern to residents and they are asking the Board to approve something that there is no plan for at this time. Attorney O'Shaughnessy said right now they are planning on using part of the existing building to store building materials. Mr. Gibbons said then they are not proposing a single family house lot there.

Mr. Donegan asked if the owner intends to build houses and was told no he intends to subdivide and sell the lots.

Mr. McLaren asked what happens if the Board does not approve plan without addressing those changes. Mr. McAllister asked if the applicant has the Intermunicipal Agreement between Brockton and W. Bridgewater. Attorney O'Shaughnessy said they met with the Water Commission and Brian Creedon. Mr. McAllister asked if they had spoken with Mike Thoreson? Attorney O'Shaughnessy said no, and asked who he was and was told the DPW Commissioner. Mr. McAllister asked if they had spoken with the City Solicitor's Office and was told they had not. Attorney O'Shaughnessy said that the Agreement does not have anything to do with what is proposed in E.

Bridgewater. Mr. McAllister said that the Board disagrees since the plans show drinking water and water for fire service coming from the City of Brockton into E. Bridgewater. He said by the applicant's own statement they intent to build the road and utilities and those utilities are shown crossing the town line.

A motion was properly made (Gibbons) seconded (McLaren) and unanimously passed to deny the definitive plan as presented because it failed to comply with Planning Board Rules and Regulations including without limits inadequate corner radii width and because there is no Inter Municipal Agreement in place to govern required water.

Other Business

A motion was properly made (Boyajian), seconded (McLaren) and unanimously passed to accept the December minutes.

Ms. Nicastro asked that in the future that page numbers be added to the minutes.

It was agreed that the Board will meet additionally on the third Tuesday of the month to update its Rules and Regulations. Notice is to be posted as required.

Executive Session – Brockton Power Pending Litigation Discussion

A motion was properly made (Donegan), seconded (Nicastro) and unanimously passed by a roll call vote to enter into executive session.