

The Brockton Planning Board held a meeting on February 8, 2011 at 7:00 in the GAR Room, City Hall. Members present: Chairperson Wayne McAllister, Susan Nicastro, Donald Ritucci, Peter Gibbons, James McCarthy, and Avalon McLaren. Also present was Secretary Pamela Gurley.

1. 40R Application Approval/Site Plan Review

Property: 102 Green Street

Applicant: Brockton Housing Authority

Representative: Brockton Housing Authority

Richard Sergi, BHA Director

Kevin Harriman, BHA Director Neighborhood Revitalization

Chris Barry, BHA Director of Modernization

Mr. Sergi explained to the Board that per an agreement with the City's the Brockton Housing Authority (BHA) agreed to build this two unit dwelling within the City's 40R District in order to secure funding previously given to the City by the Commonwealth.

Mr. Harriman said the BHA acquired the property about six months ago and has already torn the old building down. He said the old building had eight units instead of the three. The Housing Authority is proposing a two unit building (with two bedrooms in each unit) and the BHA will be solely accountable. He said the BHA will have maintenance call service to residents. The building will be a modular structure, with off street parking for three cars, lighting and some landscaping.

Mr. Harriman said they are requesting a waiver from the 40R regulations for lot size, requesting that a two-family dwelling be allowed to be constructed; setback, placement of the building matches the setback of the existing buildings; and stormwater management.

Mr. McCarthy asked if the property will be fenced in during construction. Mr. Harriman said it would. Mr. McCarthy noted that the property will need electric panels in each basement space. Mr. Barry said that they were aware of that and since it is a modular home, it will be coming pre-wired. Mr. McCarthy said that it looked like they provided all the additional information that was asked for at the January technical review meeting.

Mr. Harriman said per the terms of 40R a low to moderate rent will be charged to various tenants over the 40 years.

Ms. Nicastro asked if they will be using old foundation. Mr. Barry said that the old building's foundation has been removed.

Ms. Nicastro asked about the approximate completion of the project and Mr. Barry said he expects it will be 60-65 days to completion. When asked how soon they expect to begin, Mr. Barry said they intend to start upon issuance of a building permit.

Mr. Ritucci asked if the Housing Authority looked at any other locations. Mr. Harriman said that their first choice was the Ralsco Site on Warren Avenue but that federal funds could not be used on that site because of wetland issues. He said the Star Market Site is privately owned and with their time constraints and lack of feasibility of other sites, they chose Green St. Mr. Sergi said they met with David Brass the closest neighbor who owns the service station on Warren Avenue to discuss the project. Mr. Sergi said he would like to work with David Brass and the BHA is willing to walk him through the Façade Program to help clean up the front of his garage because of its proximity to their proposed house.

Mr. McAllister asked if there will be a retaining wall because of the slope of the property. Mr. Barry said there will be a new block retaining wall and fencing.

Mr. McAllister asked about security for the tenants and Mr. Barry said the front door will be locked and that there will be no entrance through the bulkhead.

A motion was properly made (Ritucci), seconded (Gibbons) and unanimously passed to grant approval to the 40R proposal for 102 Green Street.

A motion was properly made (McCarthy), seconded (Nicastro) and unanimously passed to grant waivers to the following sections of the 40R Ordinance:

Stormwater Management

27-94 (1) - Table of Residential Density Allowances

27-94 (3) – Setbacks

Mr. McLaren arrived at approximately 7:25 PM.

2. Request for Permission to Return to the ZBA

Property: 385 Westgate Drive

Applicant: VIP Communications, Inc.

Representative: Dr. G. Kachroo, Kachroo Legal Services PC

Mr. McAllister asked if they had the certified receipts and UPSP certified mailing green cards showing proof that abutters were notified. Dr. Kachroo said that they did not bring proof that abutters were notified but she would have the receipts delivered first thing in the morning. After a brief discussion, the Board agreed to hear the application.

Dr. Kachroo passed out additional information to the members and Mr. McAllister said that the members like to receive information for review in advance of the

meeting to review it and asked that all future information be received at the Planning Office by the filing deadline.

Dr. Kachroo said that her clients have made fundamental changes to the application and what is before the Board is a completely new application. She said that the site is the Super 8 Motel property on Westgate Drive. The original plan submitted to the Zoning Board of Appeals (ZBA) required many special permits. She said after meeting with her clients, they decided to substantially conform to City of Brockton Zoning. Dr. Kachroo said they were not here to discuss the merits of whether or not the Board is in favor of the proposal. She said she would like to meet with the Mayor before returning to the ZBA. She said that the board will be a good place to display messages on behalf of the City; that it can be a banner for the City. Dr. Kachroo said the applicant is now committing to providing the City with 1,200 images per month free of charge. She said it can portray images instantly.

Mr. Gibbons asked who will control the messages and was told VIP Communications. Mr. Gibbons asked if there will be successor language so that if the property and/or the billboard were sold the City will still have their commitment. Dr. Kachroo said that there will be an agreement drawn up to contain that language. Dr. Kachroo stated that in Brockton there are 42 Clear Channel billboards. Ms. Nicastro said that those billboards are not near the applicant's market, Rt. 24. Dr. Kachroo said that this company is locally owned and will be locally run....it will create jobs for area residents. She said that nearly all the zoning issues will be met; she said the applicants are willing to listen to the ZBA this time.

Mr. Ritucci asked what the fundamental changes are to the first application. Dr. Kachroo said they changed the illumination time; reducing it from 24 to 16 hours (out 11 pm to 7 am) and the image changes from 8.5 to 10 seconds. The third page of her handout contains the information containing changes. She said they still need to discuss height and size with the ZBA. She said that there are currently two cell phone towers at the present location that are 150' tall. She said they are willing to take what the ZBA will give them.

Mr. McAllister asked how big the billboard would be and was told 675 SF. Mr. McLaren asked what that was in feet and was told 14' high by 48' wide and that the structure from the ground will be 57' high. Ms. Nicastro noted that was roughly four stories high and that the billboard is two sided.

Ms. Nicastro asked if they have applied to the State Office for Outside Advertising and asked what they had to say. Dr. Kachroo said they do not apply to them until after receiving a ZBA variance. Ms. Nicastro said that she would assume that the point of this bill board is to catch the eye of the travelers north bound and south bound. Mr. Gibbons asked what the benchmark was and said that the grade of the land differs. Dr. Kachroo said the 57' goes from grade to

top of sign. Mr. McLaren asked if this would be replacing the Super 8 sign and was told not at this time but that it was a possible future discussion.

Mr. McAllister said that Sec. 27-65 of the City Ordinances stated that the Superintendent of Buildings and the Traffic Commission must render a decision that a proposed sign is not a hazard and complies with the article. Dr. Kachroo said there have been tons of studies done on safety issues. Mr. McAllister said he thinks that both Traffic and the Building Superintendent approvals are needed.

Mr. Ritucci says he sees that they changed the illumination time and image change time but does not see any major changes. He asked again what changes were made. Dr. Kachroo said that they are now willing to support the City with advertising time. Mr. Gibbons said that their application states that the sign will be illuminated between 11pm and 7 am. Dr. Kachroo said that was obviously an error since it will not be operating at that time.

Mr. McCarthy said that they have not reduced the size of the sign and that in his opinion, hypothetically, if that had been changed he might have considered that a substantial chance. He said he sees only cosmetic changes and those may not may be considered substantial.

Dr. Kachroo said she believes that they have made substantial changes in that they have changed the time from 8 seconds to 10 seconds, they are no longer proposing 24 hours, they have added community and safety values and will now be applying for a variance.

Ms. Nicastro said that the Town of Avon previously approved the Jordan's Furniture sign beside Rt. 24 to change images every 3 minutes.

Mr. McAllister said that this is new territory for Brockton. He read to the applicant the Plannind Board's rules as to under what circumstances the applicant can be granted permission to return to the ZBA. He asked the applicant how they wished to proceed and told them there was always the option of withdrawing.

Mr. Gibbons asked if they would be willing to concede to reducing the size of the billboard tonight and go back to the ZBA with that change. Dr. Kachroo said she would like to go back to the ZBA and see what they would like to see.

Mr. McLaren explained that the plan that they take back to the ZBA is what is presented tonight and that is what the ZBA will vote on. Dr. Kachroo said that she was unaware of that. She said she was trying to get a read from the Board and asked if the Board thought that the changes were substantial. Mr. McAllister said that her choice is either ask for a vote or withdraw. She can not poll the Board.

Mr. Ritucci said he is not sure she is hearing the Board. He said 90% of what was submitted was promotional (PR). He said the Board is not interested in that, they just want to see changes. Mr. McLaren asked what else they could change. Dr. Kachroo said that it seems that size is an issue.

Mr. Gibbons said the Board needs to decide if the changes shown are enough to go back before the ZBA. Dr. Kachroo said that this is a local Randolph business. Mr. Gibbons asked how many permanent jobs will be created and was told there will be about 30 jobs; that there will be lots of sales job.

Dr. Kachroo said she is reluctant to go forward because of the Ordinance. Mr. McAllister said that a letter from those parties may be helpful to the Board.

Dr. Kachroo requested that she be allowed to continue the matter. She asked if she would be required to re-notify abutters and was told unless she continued to a date certain than yes abutters will need to be re-notified. Dr. Kachroo and the applicant's indicated that they wished to withdraw their application at this time.

Other Business

25 Sterns Street – The Board reviewed two letters from Attorney John McCluskey and the City Solicitor as well as the notification of the transfer of the lots in the subdivision as printed in the Enterprise newspaper. After discussion the Board members agreed that it appeared that the terms covenant had been broken. They instructed the secretary to take the necessary steps to publish notice of the rescission of their previous approval of the subdivision for inclusion on the March agenda.

Proposed Change to Site Plan Application Filing Regulations

It has come to the Board's attention that it is possible for a developer to file a project as separate proposals to circumvent the need for Planning Board Site Plan Approval. If done this way separate building permits for each proposed building are sought as long as they met current zoning. It is the Board's belief that was not the intent of the Ordinance. Members agreed that their understanding that the trigger of six or more units is cumulative and therefore lots to have building in excess of the original six units will require Site Plan Approval.

Review and Approve Minutes – minutes were not approved.

Possible Executive Session – Brockton Power Pending Litigation – no executive session necessary.