

The Brockton Planning Board held a meeting on April 5, 2011 at 7:00 in the GAR Room, City Hall. Members present: Chairperson Wayne McAllister, Paul Sullivan, Donald Ritucci, Anthony Donegan, Avalon McLaren, and James McCarthy. Also present was Secretary Pamela Gurley.

1. Site Plan Approval

(Continued from 1-4-11)

Property: Plot 18 West Elm Street

Applicant: Steve Torrey, Affordable Properties

Representative: Bruce Malcolm, Land Surveys

Steve Torrey said that the only changes to his proposal are to the front of the building. He presented the Board with rendition of what the façade of the buildings will look like (he presented three views of the site). He said they are proposed to plant Elm Trees along the sidewalk edge of the property line.

Mr. McCarthy asked about the parking location. Mr. Torrey said the footprint of building and utility location has not changed so that parking is still in the rear. Mr. McAllister asked Mr. Malcolm to explain the site plan layout again to the Board as several months have passed since his full presentation. Mr. Malcolm said that they are proposing to build two condominium buildings (one with five units and the other with four units). He said they are proposing two additional parking spaces over what is required by zoning; snow will be removed from the site as necessary; the concrete dumpster pad will have a fenced enclosure; there will be a looped traffic pattern around the building site and there will be landscaping in court yard between units.

Mr. Sullivan asked about the location of the sewer main between buildings. Mr. Malcolm said it is a 6" pipe as required by Ordinance.

Mr. Donegan asked how far the dumpster is located from property line. Mr. Malcolm said the location is in excess of the 10' zoning requirement.

Mr. McAllister asked about the location of outside lighting and was told there will be lights on each unit, in the courtyard and the community lights (same as on his other units).

Mr. Sullivan asked what the total number of parking spaces was and Mr. Malcolm said 18 plus two extra.

Councillor Dennis DeNapoli said that all Mr. Torrey's units are well maintained, and he has been a good neighbor and would like to be recorded in favor of project.

A motion was made (Sullivan) seconded (McCarthy) and unanimously passed to grant a special permit as the site plan approval authority to the project at plot 18 West Elm Street and to issue a standard letter of approval with the condition that the façade of the building is to match the renderings entered into the record this evening.

The Chairman told Mr. Torrey that the Board appreciated the work that was done by him and that with the changes the project will fit nicely into the neighborhood.

2. 40R Application Approval/Site Plan Approval

Property: 124 Montello Street

Applicant: Jason Korb, Capstone Communities

Representative: John Schmidt Nitsch Engineering

Attorney Ruth Silman

Jason Cone, PCA Architects

Jason Korb said he is proposing 25 units of market rate housing at 124 Montello Street a building known now as the Knight building. He said the building was originally the site of the Stahl & Dean Company. He said the building is within the City's Downtown 40R District and that the City stands to receive a \$75,000 state bonus (\$3,000 per unit). Mr. Korb said he worked for Beacon Development for seven years. (Walkover Commons was one of his projects.) He said he hopes that this project will bring a diverse group of people into the downtown. He said he loves doing downtown revitalization work...loves the City of Brockton. He came to Brockton in November and began working with the Departments and the Mayor on this project. He said that the Mayor committed \$200,000 in Home Funds and that those funds are repayable to the City and will be able to be used again for another project. He said by working closely with the City they were able to double the amount of market rate units. He said that the units set aside for the workforce segment will have a preference for people that live and or work in Brockton.

Mr. Korb wanted to publically state that he thanked everyone who helped get this project to this point but wanted to make sure that the record stated that Pam Gurley was very helpful in his endeavor.

Mr. Korb explained the project as follows: The proposed project will have 16 two bedroom units (including two bedroom handicapped units), four one bedroom units and five loft type units. The wooden floors will be saved except for the loft units that front on Montello St. (those will have exposed concrete floors) those units will be ideal for artist housing. There will also be one duplex unit on the floor that will use the existing stairwell allowing them to create new stairwells at each end of the building. The boiler house will be turned into a storage area, management office and exercise room. Mr. Korb said he has to own the property for 15 years but that the site will be managed by Peabody Properties. They are providing 27 onsite parking spaces. Since the 40R Ordinance requires 32

spaces there is an agreement to rent six spaces from the Parking Authority in the lot across the street. However they are seeking a waiver for parking for the six for lending purposes.

Mr. McCarthy asked if he is planning on doing any re-pointing of the building. Mr. Korb said approximately 60% of the building will need to be re-pointed. Mr. McCarthy pointed out that they will need clearance between the transformer and the parking spaces and Mr. Korb said that they have already taken care of that with National Grid.

Mr. McCarthy asked if the two bedrooms had two baths and Mr. Korbs said that all the two beds have two baths and the one beds have one bath.

Mr. Korb explained the difference between market rate rents, workforce housing, etc. to the Board. He said 11 units are unrestricted market rate units, 11 units are at 60% of the area median income and three units are at 30% of the area median income as required by DHCD. He said they will do credit and background checks and employment verifications (tenants must have a job) on all applicants. Each tenant pays their own utilities.

Mr. Korb introduced his team.

Jason Cone (architect) said his firm deals in historic preservation.

John Schmidt (engineer) said that the site is all impervious. He said they are maintaining the existing building footprint; intend to remove the roof from garage area and use it as parking for 27 of the 33 required spaces; the proposed landscaping along the north side of Lincoln Street will be replaced with a sidewalk and the proposed landscaping on the west side of West Railroad Avenue will be extended along the north side to Church Street.

He said that they are committed to removing snow from the site as there are only a couple of small areas to store a small amount of snow. They are proposing to install a below grade retention/detention recharge system; fire and water services will be off Montello Street; sewer will be off Lincoln St. and they will provide whatever lighting is appropriate with the City. Mr. Schmidt said that as a condition of approval they agree to a final technical review to make sure any outstanding issues are satisfied.

Mr. Korb said that his financing applications are due in by April 14th; he said he is applying to DHCD, filing a housing subsidy application and filing for State Historic Tax Credits. He said that there has never been an application submitted for a project in the City of Brockton for Historic Tax Credits. He said he is working with Stonehill College (Stanley Bauman's collection) to obtain historic pictures of the building to display.

Mary Waldron, Exec. Director of B21 said she was there in support of the project and said that there needs to be a critical mass to bring back downtown. She said that the project has the support of the business community and that Rep. Michael Brady called her and asked that she made sure he was on the record in support.

Councillor Dennis DeNapoli said he believes that this project will help revitalize downtown and was in full support.

David Hays of BSC Group, the consulting engineering firm under contract to the Planning Board for 40R projects, said that from a technical review prospective that the project should be approved.

Mr. Donegan asked how much they were looking for in tax credits. Mr. Korb said that the federal historic credit is an automatic 1.3 million and that the state historic credit has a cap estimated at about 1 million. Mr. Donegan asked how the median income in Brockton matches up with other communities like Haverhill. Mr. Korb said he would only be guessing but thinks that it is a little higher here than Haverhill. He said that the workforce units bring in disposable income as only 30% of their income is spent on housing.

Mr. McAllister asked if they will be putting in a cross walk and Mr. Korb said that were and said that they had agreed to all conditions. Mr. McLaren asked why the roof was coming off the garage and Mr. Korb said that placement of the existing columns are not conducive to parking.

A motion was made (Ritucci) seconded (Sullivan) and unanimously passed as approval authority under Ch 40R to grant a special permit for the project to be located on 124 North Montello St. with the following conditions:

1. The proposed landscaping along the north side of Lincoln Street shall be replaced with a sidewalk.
2. The proposed landscaping on the west side of West Railroad Avenue shall be extended along the north side to Church Street. Street trees shall be planted in accordance with Section 9.6.3 of the Design Standards. Fertilizing, maintenance and pruning of the landscaped area shall be the responsibility of the Applicant.
3. The final plans shall adhere to Section 9.1.2 of the Design Standards regarding sidewalk adherence to applicable laws including the Americans with Disabilities Act and the Rules and Regulations of the Massachusetts Architectural Access Board.
4. The final plans shall adhere to Section 9.1.3 of the Design Standards regarding the repair of cracked, broken or uneven sidewalks.

5. In accordance with Section 9.1.5 of the Design Standards, as the Brockton Parking Authority has committed to providing six (6) parking spaces in the City Hall parking lot across Montello Street for the use of Station Lofts residents, the Applicant shall provide a crosswalk connecting to the lot.

6. If City funding and approvals are obtained; the City and the Applicant shall each be responsible for installing two (2) streetlights, one at each corner of the property. The design of the lights shall conform to any standards for downtown lighting approved by the City at the time of installation. The Applicant shall work with the City to remove the existing cobra head lights on the property.

7. The Applicant shall install fencing of the type specified in Section 9.5.2.2 of the Design Standards on two sides of the parking lot facing Church Street and West Railroad Avenue.

8. The Applicant agrees that it shall be responsible for the removal of snow from the property in the event that it is unable adequately or safely store snow within the property.

9. The Development Project shall be built in substantial conformance with the Approved Plans.

Mr. McAllister said that the Board needs to consider the applicant's waivers and suggested that they could be voted on as a whole.

Mr. McLaren asked about the applicant's request for a waiver to blank wall surfaces. Mr. Korb said that the boiler house has a stretch of wall over 20' that is blank, i.e. no windows or doors. Mr. McLaren asked about the proposed landscaping and was told they are proposing to add two trees in the parking lot and along the Lincoln St. side will be landscaped and trees can be added there. Mr. Hays said that landscaping will be discussed further at tech review and a final layout will be agreed upon.

A motion was properly made (Donegan), seconded (Sullivan) and unanimously passed to grant the following waivers:

- Design Standards Section 9.6.3 (Street Trees)
- Design Standards Section 7.3.7 - Scale, Proportions and Exterior Appearance of Buildings
- Design Standards Section 7.4 - Scale, Proportions and Exterior Appearance of Buildings – Building Facades
- Ordinance Section 27-96(1) - Off Street Parking Minimum Requirements
- Design Standards Section 9.5.2.1 – Surface Parking Lots

The Board complemented the new staff planner on the level of detail contained in his outline.

3. Permission to Return to the ZBA

Property: 70 Banks Street

Applicant: Sam Medina, Trustee

Representative: Attorney Joseph Grimaldi

Bruce Malcolm, Land Surveys

Attorney Joseph Grimaldi said that they were before the Zoning Board in January requesting several variances in order to split the existing single family lot and were proposing to build a four bedroom straight faced colonial home on the newly created lot. He said the ZBA and the neighbors were concerned with size of house. He said that the ZBA suggested that they resize the house and make it three bedrooms. He said they listened to their concerns and are now proposing an A frame colonial with three bedrooms. He said by rotating the house they no longer need a waiver from side setbacks. He said the A frame style house will conform to neighborhood, specifically the house built across the street that also received a variance. Attorney Grimaldi said Ward Councillor Michelle Dubois is OK with the project.

Mr. McAllister read the ZBA decision into the record and noted that there was nothing in the record that says it should be a three bedroom home. Attorney Grimaldi said that the conversation was not part of the hearing. He said they are looking for an opportunity to go back before the ZBA and believes that they would be in favor.

Diane Scurio, 88 Banks St., said she had a concern about the size of the original colonial. She said the houses in the neighborhood are on the small side and that this house is more in line with neighborhood. She said that the land is vacant and is not kept up. She said that kids hang out there.

Mr. McAllister asked if the new house is the same height as the one previously proposed. Attorney Grimaldi said it is two feet shorter.

Mr. Ritucci said that in his opinion they have made a graphic presentation of two substantial changes. He asked if the applicant could explain about the water issue that the neighbors spoke about at the ZBA. Attorney Grimaldi said he did not know where that came from as no one mentioned water problems. Ms. Scurio said she thinks it is an issue of poor water pressure.

Mr. McLaren asked what the pavement was between the two properties and was told that the existing driveway will be removed and a new driveway to service new house will be installed.

Mr. McCarthy said that the house size was reduced 100 SF. Mr. Donegan said that the ZBA decision sites only a lack of hardship. He said all the Board has to work with is whether or not the applicant has shown hardship and he does not

believe that they have. Attorney Grimaldi and Mr. Malcolm said that the decision of the ZBA is a boilerplate decision. Attorney Grimaldi said that the ZBA wanted to see a smaller house and procedurally the applicant needs to see the revised plans and that requires that the Planning Board grant them permission to return to the ZBA.

Mr. Ritucci said that he believes that the applicant has made a substantial change in that he went from a four to a three bedroom house and reduced house from 2,100 SF to 1,700 SF.

Mr. McLaren asked who owed the vacant land; he was told it is not a separate lot but that it is the side yard to two family house. The applicant was requesting permission to divide the existing house lot into two separate lots.

A motion was properly made (Ritucci), seconded (McCarthy) to grant the application permission to return to the ZBA; the revised plan is substantially different from what was originally submitted to the ZBA.

In favor: McCarthy, Ritucci and Sullivan
Opposed: McLaren, McAllister and Donegan

Motion failed to carry.

4. Street Acceptance

Conant Drive

A motion was properly made (Ritucci), seconded (Sullivan) and unanimously passed to recommend the acceptance of Conant Drive favorably to the City Council.

Other Business

Marc Resnick, BRA Director/Planner said that he is proposing some changes to zoning with the addition of a cell tower ordinance and a demolition delay ordinance. At this time he asked the Board to think about any issues zoning or otherwise they think need addressing.