

The Brockton Planning Board held a meeting on February 5, 2013 at 7:00 PM in the GAR Room, City Hall. Members present: Chairperson Wayne McAllister, Paul Sullivan, Sisto Volpe, Anthony Donegan, Avalon McLaren, and Scott Ford and Vice Chair James McCarthy. Also present were Administrative Secretary Pamela Gurley and Staff Planner Rian Amiton.

Mr. McAllister advised the Board that Mr. Donegan had submitted his resignation. Mr. Donegan said he was honored to have served with everyone, but that unfortunately his elected responsibilities on the School Committee coincide with the Planning Board.

1. Endorsement of Plans

(ANR Plans, Subdivision Plans and/or Lot Releases)

No plans were submitted for signature.

2. Request for Permission to Return to the ZBA

Property: 764 N. Main St.

Representative: Attorney James Burke and Alex, Brockton Adult Day Health

Applicant: Brockton Adult Day Health

Attorney Burke said that the applicant is seeking to return to Zoning Board to expand their existing adult day care. He said the applicant was previously before the Board seeking permission to return to the ZBA on their petition for a restaurant for a proposed "fun center". He said that matter was tabled indefinitely at the applicant's request. He said that the applicant also received a variance approval for their adult day care which had been operating without a variance. He said that the proposed use is entirely different in form than that what was originally denied by the ZBA.

Councillor Robert Sullivan said he is 100% in support of this request. He agrees that this is a significant change and said that the business is a great asset to the community.

Mr. McCarthy asked what their license capacity was and was told after the addition it will be 200 and that the staff will be increased and additional 10-12 people (RN and LPN).

Mr. McAllister asked Mr. McCarthy to read the section of the Planning Board Rules and Regulations pertaining to the Board granting approval to the ZBA.

Mr. McLaren asked the applicant if the children's day care center was still there; he was told it was and that this space is what would have been used by the "fun center".

A motion was properly made (Volpe), seconded (McCarthy) and unanimously passed to grant approval to return to the ZBA sighting that new and different information was submitted to the Board.

2. Proposed Zoning Change

Chapter 27 Sec. 27-28 C-1 Zones

Councillor Michelle Dubois
Councillor Paul Studenski
Councillor Robert Sullivan

Councillor Dubois said that she submitted this change with the intent to clean up some outdated uses within the C-1 zone. She said that specifically green houses will now be a special permitted use and pharmacies have been removed as an allowed use. She said it is her intention to re-instate pharmacies into the C-2 zone.

Mr. Amiton noted that catering shops were also removed from the C-1 zone which also removed it from C-2, C-3 and C-8. Mr. Amiton explained that C-1 goes to C-2, C-3 and C-8. Councillor said those uses will be reinstated as an amendment. She said that this would probably not be the final version.

Mr. McLaren asked to be shown the locations of the C-1 zones. He asked what the reason was for restricting commercial building from 8,000 feet to 5,000 feet. Councillor Dubois said that C-1 zones tend to be in neighborhoods and she would like to see some restrictions as to what can go into neighborhoods.

Mr. Ford asked why a coffee shop requires a special permit when a bakery doesn't; and felt they could be the same and should go together.

The members of the Board felt that since this version was not the final version, that the hearing should be tabled. They felt that even though their vote is non-binding that they should be voting something close to the final version.

A motion was properly made (Donegan), seconded (McCarthy) and unanimously passed to table the matter until a final version is submitted by City Council.

Councillor Dubois said that she will have the revised version sent to the Planning Board for a vote.

3. Proposed Zoning Change

Chapter 27 Sec. 27-24.3 Medical Marijuana

Councillor Michelle Dubois
Councillor Paul Studenski
Councillor Robert Sullivan

Councillor Dubois said that she filed this zoning change to address the issue of where to locate medical marijuana establishments. She said she has met with members of the Planning Department and the Building Department as well as Attorney Gildea. She said that this version allows for the growing and manufacturing in I-3 zones and dispensing in C-5 zones.

Mr. Donegan asked the Councillor if she looked at other communities who currently allow the use of medical marijuana. Councillor Dubois said that she used language from California and Arizona. Mr. Amiton said that the City took a different approach and is proposing separating growing from dispensing. But this option still needs more analysis; he said the City cannot over zone it or push it out as people will then be allowed to grow at home. Mr. Volpe asked if the intent of the ordinance allowed the distributor to sell and Councillor Dubois said no.

Councillor Dubois this was certainly not the final version; she said the City Council could vote to not allow them anywhere, but that without any zoning at all they can be located anywhere in the City.

Mr. Donegan said he likes the idea of an orderly plan and said that the proposed ordinance may be too strict. Mr. Ford said he likes the idea of zoning it in a medical zone; he said he does not believe that it should be treated differently than a place that office chemo therapy treatments.

Councillor Dubois said she would like to make sure there are community meetings so the residents get a say.

Mr. Amiton said that there will be five per county and since Brockton is the largest City in Plymouth County it would make sense that one would be located in Brockton. He said the City may want to look at creating an overlay district which would encompass different areas of the City.

Councillor Paul Studenski said he has received many calls against this. He said that the industrial area sits close to school. He said that the area is zoned heavy industrial and this is not a heavy industrial use. He said that the residents are not happy to have *another thing* in Ward 4. He said he likes a lot of the Ward Councillor's ideas, but thinks other areas should also be looked at.

Mr. McLaren said he would prefer to have the manufacturing aspect instead of the dispensing.

Councillor Robert Sullivan said as Council for the Town of Randolph he is doing the same thing. He said that many communities are waiting until the state's rules are issued. He said he agrees that good thing to "get in front of it", but said that splitting the manufacturing and dispensing may be an issue. He said he agrees with the idea of no signage, agrees that distance is important and is here to

support what needs to be done. He said that although he agrees that the C-5 zones may be the appropriate location, he said there are at least three areas in Ward 1 that would allow dispensing and none in Ward 6. He said that there is still a lot of work to be done.

Councillor Dubois said that she brought this to the Board for get their comments. She said that the Ordinance Committee has not had a hearing on this and she is sure that there will be many changes.

The Board agreed that this should be tabled until the public hearings are held and the Ordinance Committee has had a chance to comment and draft its changes.

A motion was properly made (Donegan), seconded (Ford) and unanimously passed to table the hearing until such a time that the Councillor has held her public hearings and the Ordinance Committee has had a chance to review and make changes. Councillor Dubois agreed to send the Board any revisions for its review vote.

5. Site Plan Approval

Property: 88 Lincoln Street

Proposal: Commercial Condominium Units

Representative: JK Holmgren Engineering

Applicant: Brophy & Phillips

The Board received a letter from the applicant requesting another 30 day continuance. Mr. McAllister stated that the Board has been very patient and has granted several continuances. He suggested that this should be the last continuance and that the applicant should be so notified. The Board felt it had been more than patient and after discussion it was agreed that would be no further continuances.

A motion was properly made (Donegan), seconded (Sullivan) and unanimously passed to not grant another continuance.

Old Business

New Business