

The Brockton Planning Board held a meeting on March 5, 2013 at 7:00 PM in the GAR Room, City Hall. Members present: Vice Chair James McCarthy, Peter Gibbons, Sisto Volpe, Avalon McLaren, and Scott Ford. Also present was Planning Board Secretary Pamela Gurley.

**1. Endorsement of Plans/ Minutes  
(ANR Plans, Subdivision Plans and/or Lot Releases)**

The Board endorsed the ANR Plan for Porter Street.

At the request of William Bearce the Board released the remaining lots in his Briarcliff Road Subdivision. Mr. Bearce has placed \$80,000 in cash surety to secure the remaining work.

**2. Proposed Zoning Change**  
Chapter 27 Sec. 27-25 R-1 Zones  
Home Businesses

Councillor Thomas Mohanan said the Ordinance Committee agreed to postpone this change to a future meeting as there is still work to be done on it and asked that the Planning Board table its hearing.

A motion was properly made (Sullivan), seconded (Volpe) and unanimously passed to table the proposed Zoning Change to a future meeting pending any revisions made in City Council.

**3. Request for Permission to Return to the ZBA**

Property: Map 172 Plot 54 (Franklin School)  
Representative: Attorney John McCluskey  
Applicant: Michael Juliano

Ms. Nicastro read under what conditions an applicant may be granted approval to return to Zoning Board of Appeals.

Attorney John McCluskey said that Mr. Juliano responded to a Request for Proposals (RFP) put out by the City for the Franklin School. He said the school is in disrepair and no longer used. Mr. Juliano's bid was accepted and he was subsequently asked to appear before the Real Estate Committee of City Council (2-12-12) and received their approval. He said the property is in an R-2 zone (multi-family) and that the plan calls for single family which requires Zoning Board of Appeals (ZBA) approval. He said Mr. Juliano has opposition at the ZBA meeting. He said the Board raised questions about there not being sufficient off street parking. He noted that the plan was only a concept plan. The ZBA denied the application that night and subsequent to appealing to the Court they met with the Mayor, City Solicitor and the Ward Councillor and ironed out their differences. Councillor Dubois would like single family homes and agreed to a deed restriction

with the between the City and Mr. Juliano to restrict building to single family homes. There was a second ward meeting held and the neighbors that were opposed to the project are now in favor of the project. Attorney McCluskey said there are some substantiate changes to the plan: they have provided off street parking for two vehicles per the suggestion of the ZBA, the square footage of the homes was reduced; there is now support from the neighborhood and a deed restriction will be recorded with Registry of Deeds (two family homes are allowed by right and the deed restriction will not allow that). He said this is a project that the City would like to see go forward, and in order to allow the process to continue he was requesting that the Board vote that the changes are substantive enough for the applicant to return to the ZBA.

Mr. Juliano was asked who made the decision to accept his proposal. He said was an RFP Committee consisting of the Ward Councillor, Building Superintendent and Mayor's Chief of Staff.

Mr. Volpe asked that they point out the significant changes. Mr. Juliano said that the original plan did not allow for driveways to accommodate two cars and the house widths are narrower. Mr. Volpe asked if the lots are consistent with the neighborhood. Mr. Juliano said that the house lots in the area are approximately 6,500 sf lots; R-2 zoning requires 7,500 sf for a single family. He said 12 of 13 proposed lots can comply without zoning. Mr. Volpe asked what the frontage is and Mr. Juliano said on average 55 feet.

Mr. McCarthy noted that one of the issues discussed during the RPF process was the cost of the demolition. Mr. Juliano said that he told the City he would be willing to pay more for the property if the City demolishes the school. Ms. Nicastro said that the RFP was only for single family homes, not for a specific number of single family homes. She also asked about the specific changes. Attorney McCluskey said the new plan shows a change in the dimensional sizes of the homes, driveway length; he also felt that the Board also needs to take into consideration there is no longer any opposition from the neighbors and Ward Councilor. Ms. Nicastro said they applied for relief of frontage, width, etc. and asked if those changed.

Mr. Ford said that if he understands correctly, they cannot divide the property into fewer lots because of the City Council vote. He asked if it could be less dense, i.e. 10 lots of more conforming area. Mr. Juliano said he can build condominiums as of right and said he was told if the number of homes changes the City would have put out the RFP again.

Ms. Nicastro asked how many other bidders there were and was told none.

Mr. Juliano said he is attempting to revitalize the area.

Mr. Volpe asked about any comments from the neighbors and Mr. Juliano said that a neighborhood meeting was held at the Baker School.

Councillor Dubois said that she originally not a zealous advocate of putting this out to RFP. She said she was hoping to find a “non-profit” to use the building. She said she agreed to the sale with the condition that only single family, owner occupied homes would be built. She said that the ZBA had concerns about the density and the length of the driveways. She said after the ZBA denial they met with the City Solicitor, Building Inspector, etc. and there was talk of making the property into condominiums; she said that she is against the property being used for anything but single family homes. She said that the parties were able to agree upon the deed restriction. She said she spoke with Mike Morris (Procurement Officer for the City) and was told that the number of lots can be reduced but price remains the same. She said she then had another ward meeting to discuss this project, but will be in support of whatever the Board does.

Councillor Robert Sullivan said he wants to be recorded in support. He said there are not a lot of people knocking down the door to bid on City owned property. He said he was a member of the Planning Board in the past and in his opinion there has been a substantial change. He said he served as Chair of Real Estate Committee and this proposal is good for the City...it will provide needed housing.

Councillor Christopher MacMillan also asked to be recorded in support; he said he was at Baker School meeting and said he was shocked that ZBA denied the proposal. He said he agreed that it should be sent back.

Councillor Tom Monahan appeared in support.

Councillor MacMillan said that the City put five schools out to RFP and only received one proposal. The decision was made to put the schools out to RFP in order to help recoup some of the money (7.2M) the City paid for new roofs on the schools. Mr. McLaren said this amount does not help solve the financial problem.

Councillor Sullivan said that what is before the Board tonight is what is whether or not there is a change to the proposal, not whether or not the Board likes the project.

Mr. McLaren said if it doesn't meet the criteria, it should not be allowed to return to the ZBA.

Mr. Gibbons said that in past the Board has sent applicants back to the ZBA with lesser changes.

Mark Roukas (builder) said that this is a dense neighborhood; a multi family neighborhood and these homes will fit into the existing neighborhood.

Public portion was closed.

Mr. McCarthy asked what the percentage was that the homes were reduced and was told 15%.

Mr. Sullivan asked for an explanation of the deed restriction. Attorney McCluskey said that they have agreed to put a deed restriction on the plan that the homes are to remain single family homes.

A motion was properly made (Sullivan) and seconded (Volpe) to grant permission to return to the ZBA: new and substantially different information has been submitted, i.e. 15% reduction in house size, deed restriction and lengthening of the driveways.

In favor: Gibbons, Volpe, Sullivan, McCarthy and Ford

Opposed: Nicastro and McLaren

#### **4. Modification Request**

Property: Plots 103-1, 103-2 & 103-3 E. Ashland Street (Boulders)

Representative: Ken Caputo, Comeau & Kelly; Attorney John Yunits

Applicant: Boulders Realty Trust

Attorney Jack Yunits said that they are asking for a modification to the subdivision as there is concern from abutters about the clearing of trees. He said there is no change to the lot lines or street lines; that they are asking for release from construction of the cul-de sac to allow them to maximize green space. He said that they will also be deeding the land with the encroachment to the neighbor.

Mr. Caputo said they are seeking a modification to eliminate the cul de sac; 9,000 SF of additional green space will be retained by its elimination; they are seeking to reduce the pavement width to 24' in order to match the pavement within the Boulders. He said 24' is the width of all the driving lanes in the project; they are also asking to terminate the granite curbing at the corners and use cape cod berm from that area forward.

Mr. McLaren asked Mr. Caputo to show on the plan how far in the granite curbing is proposed to go now. Mr. Caputo said that right now granite curbing is shown all around the cul de sac.

Attorney Yunits said that he has had a conversation with Mike Healy (School Committee representative for the Ward) about a bus stop in project and he is on board with the suggestion and will bring it up to the School Committee.

Mr. Volpe asked if lot 2 is remaining open space. Mr. Caputo said it was. He said this modification is not driven by finances; the intent is to maximize the buffer area. Mr. Volpe asked if the roadway area will be public or private and Mr. Caputo said it will be a private way maintained by the Boulders. Mr. Volpe said that the plan needs to clearly state that.

Mr. McLaren said he would like them to continue the granite curbing through the line of sight. Caputo said they are willing to continue the granite curbing in 110' from property line and will change the plan to show that.

Mr. McCarthy said he is concerned with possible safety issues because of the narrowing the road and wants to see it remain at 34' wide. He said he is also concerned that Boulder Way will be longer than 700'. Mr. Gallagher explained that is not an issue as Boulder Way is not a dead end. Mr. McCarthy said he would like them to agree that will be no future building off the cul de sac. Mr. Gallagher said that area is wetlands and the owners have no plans for that area.

Mr. Ford asked if the narrowing of the road coupled with the S curve is a safety issue. Mr. Caputo said that it is a short run and they are taking out the straight away which could be more of a safety issue. He said that 24' is a standard travel way width within complexes and that the loam strip allows for a plow zone. Mr. Gallagher said he does not believe this will be a high traveled area.

Mr. Sullivan asked if there would be a crosswalk at Oberlain St. for school bus crossing. Mr. Caputo said that pick up will remain as is; the proposed internal pick up is for this complex only.

Mr. McCarthy said he would like to see a drawing of the proposed 24' pavement and fencing. Mr. Caputo said that the fencing will be along the back of the sidewalk.

A motion was properly made (Ford), seconded (Sullivan) and unanimously passed to approve the modification with the following changes: A revised plan is to be submitted showing the 24' of pavement width; granite curbing along the street entrance back into the complex 110'; a notation that the roadway is to remain private; and a notation that there will be no additional building off the back end cul de sac.

## **5. Site Plan Approval**

Property: 1330 Main Street

Proposal: Commercial to Residential Renovation

Representative: Land Surveys Inc. and Attorney Robert Reed

Applicant: David Elman, DEC, LLC

Mr. Malcolm said that he has made all the changes submitted by BRA Director Marc Resnick. He said they have eliminated one parking space; added granite

curbing and a grass strip in the front; added snow storage areas; added cape cod berm; added the detail for structures; the sprinkler room was added along with a 3' sidewalk; they are proposing to use high efficiency wall packs; added a 15' high light pole at the Montello St. Ext. exit; added a landscaping plan; the architectural plan was not included in the re-submission contains notes on windows and siding and the new roof.

Mr. McCarthy asked how they getting the required two means of egress. Mr. Malcolm said that they have it and that there is a mistake on the architectural plans. Mr. McCarthy said he would like to see plan show the handicapped units and asked if they had any visitor parking. Mr. Malcolm said there is no visitor parking as they feel that most residents will not need two parking spaces. Mr. McCarthy said he still wants to see a sidewalk or a pass through to allow for passage from one side to the other. Mr. Malcolm said they will look at adding a sidewalk along the side. Mr. McCarthy said the Chairperson wants to make sure that fire apparatus has enough room to clear the side of the building if a sidewalk is added. Mr. McCarthy said he wants to see the lighting plan showing the location of fixtures to make sure it covers the stair areas and a plan showing the change in egress to units 1, 2, 3, & 4.

Continued to April 2, 2013 at the request of the applicant and by agreement of the parties.

### **Old Business**

### **New Business**

Discussion - ZBA, Traffic & Site Review Updates