

The Brockton Planning Board held a meeting on August 6, 2013 at 7:00 PM in the GAR Room, City Hall. Members present: Chairperson Wayne McAllister, Susan Nicastro, Sisto Volpe, Jim McCarthy, Avalon McLaren, Paul Sullivan, Scott Ford and Paul Morin. Also present was Planning Board Secretary Pamela Gurley and Marc Resnick, BRA Director.

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

Lot Releases:

Ledgebrook Estates - Mike Juliano said he purchased the property a year ago. He said there are 11 lots remaining; he built and closed on two and has four started with three pre-sold. He said that the fence has been installed and the only remaining infrastructure is the top coat on the road. He is requesting release of three of the remaining four lots. Lot 14 will be the remaining lot held by the Board and he said the remaining lot is assessed at \$100,000.

Ms. Nicastro asked how come all the fencing is not stockade. Mr. Juliano said that there is chain link fencing around detention basin only...that he followed the approved plan. Mr. Ford asked if the basin was gated and was told yes. He asked who was in charge of maintenance and Mr. Juliano said he is managing it until it is given to the association.

Mr. Volpe asked if it was a gated community and if it will remain a private roadway. Mr. Juliano said it will remain private. Mr. Volpe said Mr. Juliano needs to make sure the final course meets ADA requirements.

A motion was properly made (McLaren) and seconded (Sullivan) to grant release of lots 7, 12, and 13.

In Favor: Nicastro, Ford, McLaren, Sullivan, Morin and McCarthy.

Opposed: McAllister and Volpe.

32 Canton Street – Ms. Gurley said she that the property owner was asked to be present tonight; Mr. McAllister asked her to bring the Board up to date. Ms. Gurley said that this was a split of a lot creating two lots, one with the original home and the other a newly created buildable lot. The property owner is asking for release of the existing home at 32 Canton St. so that he is able to sell the remaining lot off. There is no work within the street layout to be done to the existing home and the new owner will be responsible for all conditions set under the Board's prior approval.

A motion was properly made (Volpe) and seconded (Ford) to release from covenant the premises at 32 Canton Street.

In favor: Nicastro, Ford, McLaren, Volpe, Sullivan and Morin

Opposed: McCarthy

Abstained: McAllister

Draper Street - Jim Meeks said he was requesting release of #36 (lot 2) Draper St. He said the sidewalk is in, the road is graded, the gravel is down, curbing is in and the binder coat will be in tomorrow. He said he cannot get his financing without a building permit, cannot get a building permit without a lot release and cannot get this lot released without completing the work. He said he would like to put down the finish course down as soon as foundation is dug. He said he and his family will be living in that house. Mr. McAllister explained to the Board that if this lot is released the City will be holding no surety to make sure that the job is completed.

Mr. Volpe said he has a problem with granting final release without having the road work completed and said he would like to see a cash bond placed to secure the work.

Ms. Nicastro said she does not want to hold him up the property owner, however, she said that if the lot is released tonight the Board has no leverage.

Mr. McAllister asked what the circumstances were that that lead up to this problem. Mr. Meeks said that there was a tie up with the old contractor as it turned out he was not licensed with the City and work was stopped until they hired a new contractor.

Mr. Resnick said the Board could ask the Building Department to issue a foundation only permit which would allow him to get a permit and complete the financing. He said the actual building permit could be held until the remaining work is completed.

Mr. Volpe said it would be easier to just finish the road. Mr. Meeks said he would like to have the foundation in before finishing the road so that the road is not damaged.

Mr. McAllister said that he is worried about setting a president. Mr. Ford said that these are unusual circumstances.

A motion was properly made (Volpe) and seconded (Sullivan) to release the remaining lot from covenant with the condition that the binder course is to be immediately installed and Ms. Gurley is to contact the Building Commissioner and request that only a foundation permit is to be issued until the top course is installed, inspected and approved by DPW then full building permit could be issued.

In favor: McLaren, Volpe, Sullivan and McCarthy  
Opposed: Ford, McAllister and Nicastro

Extension Request for Johnston Square – Steve Torrey said that they are moving along with the project but is not completed and he is looking for a six month extension. Mr. McAllister suggested that he should ask for a year just in case.

A motion was properly made (McCarthy), seconded (McLaren) and unanimously passed to grant a one year extension.

## **2. Site Plan Approval**

Property: Portion of Plot 272 N. Montello St.

Proposal: Garage

Representative: Bruce Malcolm, Land Surveys

Applicant: Eddie Awon

Mr. Malcolm said the proposal is for a six bay space metal garage building; there was a prior ANR plan signed creating this lot. He said the lot is currently all gravel. The proposal is for 18 proposed parking spaces; six in front of each bay and the remainder along the property line; the dumpster pad will be located between spaces three and four; they are designating three spaces for temporary snow storage; he said there is no parking space requirement for use in zoning; and they are proposing to install granite curbing along street side for greenspace and will be adding low shrubs.

Mr. Volpe asked about the stormwater drainage plan and Mr. Malcolm apologized and said that the drainage plan was not included with the plans and went on to explain the proposed stormwater plan to the Board.

No one spoke in favor or in opposition from the public.

Mr. McCarthy asked if there was any lighting on the back door and Mr. Awon said he has a house back here and would want to speak with them before doing that. Mr. McCarthy said he wants to see a small light to the doors. He asked if the utilities be underground and was told there is a pole is on the other side of the street and utilities will be above ground. He asked about proposed signage and was told by the owner none as of yet as he doesn't know who the tenants will be.

Mr. Ford asked Mr. Awon about his vision for the building and was told low impact: a detailer or sheet metal etc.

Mr. Volpe commented that the roof drains are going directly to the manhole and asked about the roof material. He said he would like to see the roof tied into the catch basin. Mr. Malcolm spoke about the treatment of the stormwater and Mr. Volpe said he want to see separate inspection ports. He asked if the old driveway will be closed and was told yes.

Mr. McCarthy asked about the height of the fence along the residential side of the property and Mr. Malcolm said they are proposing six foot high stockade along the residential side and eight foot along the front. Mr. McCarthy said it is possible that three spaces may not be available as they are proposed for snow storage. Mr. Awon said he has no issues with trucking the snow off site.

Mr. McAllister said he is uncomfortable not being sure about the number of required spaces but feels that there is adequate parking.

A motion was properly made (Volpe), seconded (Nicastro) with all members voting in favor except for Mr. McAllister who abstained to grant site plan approved subject to following conditions: A revised plan is to be submitted for signature showing downward facing lights in all rear exits, the addition of two inspection ports and that there is to be no snow storage on site.

Mr. McLaren excused himself from the meeting as he had a prior commitment.

### **3. Site Plan Approval**

Property: 1330 Main Street

Proposal: Conversion to residential apartments

Representative: Bruce Malcolm, Land Surveys

Applicant: DEC LLC

Mr. Malcolm said that they had added the calculations to the plan for the offset of the location from the building to the street; a new area is proposed for snow storage at the rear of the parking lot and along the arborvitae area; they have added a photometric plan and changed the lighting changed to LED which is more efficient; a four foot sidewalk was added along the side of the building and a railing was added for safety.

No one in spoke in favor or opposition from the public.

Mr. McCarthy said that the four foot walkway does not meet ADA requirements...that they need a five foot sidewalk, Mr. Malcolm said he can adjust it to five feet.

Mr. Resnick asked if the walkway around the side connects from front to rear. Mr. Malcolm said the sidewalk connection was made at request of Board. Mr. Resnick asked if it would be at the same elevation and was told yes so that someone can walk from back to front. Mr. Ford asked how they get to the street and Mr. Malcolm said they will re-grade the walkway to make it ADA compliance to the street. Mr. Resnick said that adding the walkway along the side changes the turning radius for fire trucks.

Mr. McCarthy said he is still concerned about public safety but felt that the applicant has done all that he can do with this property.

A motion was properly made (Volpe), seconded (McCarthy) and passed with all members voted in favor except for Mr. McAllister who abstained to grant site plan approval with the following stipulations: final plan submitted for endorsement is to show the following changes and conditions: the snow in front of the building along the front parking lots is to be trucked off site; the walkway along Main St. is to be kept clear at all times; any excess snow that exceeds capacity is to be removed off site; widen walkway to five feet and relocate safety rail to outside of walk; front walk is to be made ADA complaint; LED lighting is to be installed as specified on plan; approval is contingent upon Fire Department approval of the exit along the left side of the building; the left side driveway is to remain at least 14' wide.

#### **4. Other Business**

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