

The Brockton Planning Board held a meeting on October 1, 2013 at 7:00 PM in the GAR Room, City Hall. Members present: Chairperson Wayne McAllister, Susan Nicastro, Sisto Volpe, Scott Ford, Paul Morin, Jim McCarthy, Avalon McLaren and Paul Sullivan. Also present was Planning Board Secretary Pamela Gurley and BRA Director Marc Resnick.

Acting Chairperson Susan Nicastro

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

Endorsement of Modification for 213-215 Prospect St. (New Heights)

Lot Releases

Lot 6 Bellevue Avenue (Kostka) - Ken Kostka said he was requesting the release of lot 6. He said to date only lots 2 and 3 have been released. He said the only remaining work is the roadway top coat and sidewalk and that the sidewalks will be completed before he requests any additional lots releases.

Mr. Volpe said he has no issue with release of the lots.

Councilor Michelle Dubois questioned whether lot 7 was buildable and said she has no problem with releasing lot 6. She asked Mr. Kostka who said lot 7 was buildable. He said the Planning Board approved the lot under the terms of the subdivision and that the Conservation Commission issued an Order of Conditions.

A motion was properly made (Sullivan), seconded (Volpe) and unanimously approved to release lot 6 Bellevue Avenue from Covenant with the condition that no additional lots are to be released until the sidewalks are completed or cash surety is posted.

Lot 1 Canton Street (Haikal) – Michael Haikal said that the work is completed and Planning Office has received copies of all inspection letters.

Councilor Dubois said she had no issue with the request.

A motion was properly made (Volpe), seconded (McCarthy) and unanimously passed to release lot 1 Canton Street from Covenant.

213 Prospect Street (New Heights) – Joyce Nessralla said that Mark Roukas (developer) has a signed purchase and sale agreement for the property that will be 213 Prospect Street.

Ms. Gurley said in the process of gathering the information relative to this request, it was discovered that the home at 215 Prospect Street was built without a lot release being issued. She said that although the home was built it has not been sold and the lack of a release would have come up at the time of passing.

She said these keep popping up and go back to the past Building Superintendent. She said that the Board should consider releasing 215 Prospect St. to tidy up the matter.

Mr. Roukas asked if the Board would consider holding the release for 215 and release 213.

Mr. McLaren asked Mr. Roukas what he was precluded from doing without the release. Mr. Roukas said he can't get a building permit without the release and will lose his buyer.

Mr. Roukas was asked what work remained to be done and said that the infra redding of the road was not done. He said he has no buyer for the house that has been built and doesn't want to lose this sale. After discussion, the Board agreed that the reasonable approach would be to release the lot being requested and not issue a release for the home constructed until they received notification that the work was completed.

A motion was properly made (Ford), seconded (Sullivan) and unanimously passed to release lot 2 (#215) Prospect Street from covenant and hold lot 1(213) Prospect St. until the work is completed and inspected and approved by the City.

Ms. Nessralla said she spoke with the Operations Superintendent when she requested her inspection and he told her that he does not have the personnel to do inspections.

## **2. Zoning Change**

Tabled from February 2013

Humanitarian Medical Use of Marijuana Ordinance

Councilor Dubois and Councilor Eaniri

Councilor Dubois said that Quincy and Randolph have already passed an Ordinance dealing with the use of medical marijuana with one area for distribution and manufacturing. She said that both she and Councilor Eaniri met with the Engineering Superintendent to discuss a likely area. She said that the area chosen is an industrial area with little residential, it is close to the highway and they both feel comfortable with this area. She said they are still within the 30 day public comment period.

Mr. McCarthy asked if they were proposing both the dispensary and growing facility for the same area. Councilor Dubois said yes...they must be two different buildings with specific distances between the buildings. He asked if there was public transportation and was told yes.

Councilor Dubois said the Ordinance is still in draft form and that some of the regulations may be removed for home growing.

Ms. Nicastro said that there should be one granting authority and she feels it should be Planning Board. She said this is the purpose of a planning board. She said each application should be considered on its merits and appropriate conditions need to be able to be imposed.

Councilor Eaniri said that lighting is important issue...that the property needs to be well light. Ms. Nicastro said the Board requires a lighting plan as part of the application.

Councilor Dubois said there is also the potential to pass the ordinance and keeping the moratorium on.

Mr. McAllister asked what kind of building they envision for this use. Councilor Eaniri said existing manufacturing buildings or warehouses. Mr. McAllister suggested that they add a condition that there is to be no accessory signage and 24 hour video surveillance.

Mr. Ford asked if there was a report submitted to the City as to how many clients, the size of grow operation, what type of waste is produced, etc.

Councilor Eaniri said that right now they are just trying to set the location as contractors are looking for some direction. Mr. Morin felt that this should be located in an area needing help in development. Councilor Eaniri said this area has Council support.

Ms. Nicastrì said the hardship resignation should be a regulation not in the Ordinance. Mr. Ford said he is concerned that the patient may not owner of record; it could be parent moving in with family, etc. Mr. Morin said that hardship is based on income. Mr. Ford said he is speaking about the condition stating that person with the hardship must reside in the house where it will be consumed.

Mr. Volpe said he thinks a more appropriate place would be Oak Hill Way. Councilor Dubois said that will not happen.

Mr. McLaren wanted to know what the City the city's gain is and was: dispensaries use water, pay taxes and provide low impact manufacturing.

Mr. Resnick said the Commonwealth and City voted for it this to be used as a viable medicine. He said parking and traffic needs to be a consideration when looking at a site.

A motion was properly made (Ford) and seconded (McAllister) to continued the meeting to October 8, 2013 at 5pm, 3<sup>rd</sup> floor.

**Other Business**

Updates from Board members relative to attendance at Conservation Commission, Traffic Commission, ZBA, Technical Review Committee

Mr. McAllister said that they had received a request from the DPW to advise all applicants that all roadway trenches are to be filled with flowable fill and all permanent patching to be installed using the infra-red material.

Adjourned 8:46