

The Brockton Planning Board held a meeting on November 6, 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, and Avalon McLaren. Also present was Planning Board Secretary Pamela Gurley and BRA Director Marc Resnick.

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

Endorsement of Prospect St. Modification Plan

As the plan was previously approved and the appeal period has run, the secretary told the Board that the only required action was to sign the plan.

Trinity Project – Center and Main Streets ANR Plan

Larry Sparrow explained that for financial reasons, each of the proposed lots would be held by a separate entity. He said the project has not changed. Ms. Nicastro said that under the Subdivision control law this met the criteria of an 81P plan.

A motion was properly made (Nicastro), seconded (McLaren) and unanimously passed to endorse the ARN plan.

Myrtle Street ANR Plan

Bruce Malcolm said there are currently two houses on a single lot. He said Section 81L allows for the separating of existing buildings on existing lots. He said they are showing an easement for new utilities which are required by the DPW Utilities Division.

There was discussion between the members regarding the small size of the proposed lots. Mr. McLaren was uncomfortable with approving a plan showing lots clearly not buildable. Mr. Resnick explained that the Board was only certifying that there was no subdivision not that the lots are buildable.

Ms. Nicastro said that under Chapter 41 an 81P plan does not require subdivision approval and if it meets the criteria the Board has no alternative but to endorse the plan.

A motion was properly made (Nicastro) and seconded (McCarthy) to endorse the ARN plan. In favor: Morin, Nicastro, McCarthy, McAllister; Opposed: McLaren, Volpe and Ford.

2. Zoning Change

Humanitarian Medical Use of Marijuana Ordinance (Previously tabled)

Mr. Resnick said minor changes have been made to proposed ordinance since their last meeting. He said the Permit Granting Authority would be the Planning Board under the Site Plan Review Ordinance. He said since the last meeting he spoke with Chief Gomes who said he had no issue with combining dispensaries and growing facilities under one roof, however the Ordinance does also allow for separate locations.

Ms. Nicastro said why C2 asking for rules and fees was removed and was told the application process already exists under the Site Plan Ordinance. He said the fees should be determined by Planning Board and should not be within the Ordinance.

Mr. Resnick said there may be additional discussion at the Ordinance Committee meeting regarding section C6. F; dealing with the proximity of establishments to facilities providing services or employment to primarily disabled adults. He said he expects that those specific businesses will be appearing tomorrow at Ordinance to say this is not an issue for them.

Councillor Monahan said he expects this to pass tomorrow in Ordinance and move on to full Council for final vote.

A motion was properly made (Ford) and seconded (Morin) to recommend favorably to the City Council. On the motion: Mr. McLaren asked if there were any other edits besides our comments. Mr. Resnick said there was a lot of redundancy so sections were combined and also the City Council comments were incorporated. Passed unanimously.

3. Zoning Change

Amendment to Zoning Map

Plots 109 & 110 Field Street from C-2 to R-2

Barbara Grant said she was the listing agent for these properties. She said they have a buyer for property but they cannot get a mortgage because of the existing commercial zoning. (The property is a residential use in a commercial zone).

A motion was properly made (McLaren), seconded (McCarthy) and unanimously passed to recommend favorably to the City Council.

4. Site Plan Approval

Property: 695 N. Main Street

Proposal: 20 Unit Supportive Residence

Applicant: Father Bills/Mainspring

Representative: Green Environmental

Attorney Wayne Mathews said the property is a vacant lot zoned C-2 on Ames and North Main Streets. He said the proposal is for 28 efficiency units for homeless veterans as well as a separate two family for veterans and their families.

No one spoke in favor or in opposition and the public portion of the hearing was closed.

Mr. McAllister asked how many bedrooms are proposed for the two family home and was told there will be two bedrooms in each unit.

Ms. Nicastro asked about the proposed subdivision of the property and why no subdivision plan has been filed. Mike Joyce, Green Environmental, said the property is commercially zoned and there are no standards in a commercial zone. He said there will be an ANR Plan filed designed to R-2 standards. Mr. Ford asked who will be operating the residential home and was told it will be run by Father Bill's.

Mr. McCarthy asked if there will be shared utilities; Mr. Joyce said there are separate utility connections for each lot. He said they have revised the access at the request of technical review committee and moved the driveway for the facility. He said that the driveway for the home is off Ames Street. Mr. McAllister asked how far the driveway was located from the traffic light and Mr. Joyce said approximately 150'. Mr. McAllister said it is a rough street to have to back out into and would like to see another design for the driveway.

Mr. McCarthy said he would like to see the driveways connected for reasons of public safety. Mr. Joyce said that may be an issue and it could create a cut through. Mr. McLaren said from a user standpoint connecting the driveway is not practical; but would like to see the driveway configured to allow for a turn around. Mr. Joyce said they would be agreeable to a condition of approval requiring a "hammer head" driveway.

When asked by the Board about the proposed residents, John Yazwinski (Father Bill's) said they will be low income families; he said the project will be like the 26 Spring St. site, most residents use public transportation and don't have a car.

Mr. Resnick said that if the project is not being funded with VA money that is not restricted to only veterans; the fair housing law requires that they offer units to non-veterans. He asked if there was number of units restricted to only veterans. Mr. Yazwinski said that minimally 10 units were set aside for veterans, and that they are receiving funding from HUD.

Mr. McAllister said that when the proposed the 26 Spring St. project the Board was told that it would be only for veterans. Mr. Yazwinski said that half those units are for veterans and half are for homeless.

Mr. McAllister asked Mr. Yazwinski if he was aware of the problem in Perkins Park and showed him a picture of the park taken a few days ago.

Councillor Monahan said he does not believe that the problems at Perkins Park are caused by 26 Spring St.; he said that the problems there have increased since the methadone clinic was added. Mr. Yazwinski said not all the homeless are coming from Brockton and they are not from their shelter. Mr. McLaren asked how many people are housed in Mainspring and Mr. Yazwinski said over 100. Mr. McAllister said he has no issue with helping people down on their luck but that Father Bill's also need to keep a look out for the neighborhood.

Mr. Yazwinski said they have a 90% success rate for 26 Spring St. He said they operate 45 emergency shelters in the Commonwealth. He said they cannot compare the shelter to this kind of housing program; he said there is some vetting of individuals for this program.

Mr. Morin asked for an explanation of some of their services; Mr. Yazwinski said there is roving staff, they offer case management and one unit will be used by an emergency responder who is a veteran. Mr. Morin asked how many handicapped units there will be and was told that the whole building is accessible.

Ms. Nicastro asked where their 320 units of housing were located and she was told in Brockton, Quincy and Plymouth.

Ms. Nicastro said that under Ch 40 section 3 that she believes that they cannot be exempted from dimensional requirements (27-23 Zoning Ordinance) and she would like a legal opinion. Attorney Mathews said they had the same issue on Spring Street and had to comply with dimensional requirements of an R-2 zone; he said there are no dimensional requirements for a C-2 zone. He said the zoning enforcement officer determined they are exempt from zoning. Ms. Nicastro asked if he had that opinion in writing and was told he did not.

Anthony xxxx (General Council for Father Bills) said that dimensional requirements have to be reasonable....reasonable dimensional requirements that fit the project. He said that Sec. 27-23 is not pre determined...it is what the Board determines is reasonable.

Mr. Ford said that the Board has been told that the zoning officer has made the decision that they did not have to comply with zoning – not that this is “reasonable”. He said that the question is whether the plan as presented unreasonable. He said that looking at the plan, parking may be an issue.

Attorney Mathews said they did not use the R-2 standards because Jim Casieri said they did not apply. The Chairman said he would either like to see a letter from the zoning enforcement officer or a letter from the Law Department regarding this.

Mr. Yazwinski said the project is targeted for person with 0 to 30% income. He said Spring St. has 32 people and never more than 7-8 cars.

Ms. Nicastro said she would like to continue this hearing pending receipt of letter from either the Building Department or Law Department.

Mr. McAllister said he would like to visit the Spring Street facility. Mr. Yazwinski said he would be happy to show him around. Mr. McAllister asked that he contact the office and make arrangements.

Mr. Joyce said he will look at several options for a turn-around for the two family home.

Continued to the December meeting by agreement of the parties.

5. Site Plan Approval

Property: 160 Pleasant Street

Proposal: Market with Proposed Pad Sites

Applicant: Vicente's Tropical Market

Representative: JK Holmgren Engineering

John Holmgren

Julie O'Connor

Jason Barbosa

Wayne Mathews

John Holmgren said the site is the existing Star Market property. He said they are proposing an addition to the existing building along with two pad sites. He said there is adequate parking and landscaping, they meet stormwater management, and are proposing to close some of existing driveways off Warren Ave.

Councillor Monahan said he has been working along with them; this is a good project and will be an asset to downtown.

Mr. Volpe asked for explanation of the utility lines (fire service) and drain easement. Mr. Holmgren said they need to give the city a drain easement to take water through property. Nathan Langless, BKA, said that the fire service connection was a work in progress and they will be addressing that it further with the Fire Dept. Mr. Volpe asked what was else was discussed with the Fire Dept. Mr. Langless said that the existing building is fully sprinkled. Julie O'Connor said the only thing not determined is whether or not there is an existing line.

Mr. Morin asked if people will be allowed to make left turns at the exit and entrance on Pleasant and was told there will be no left turn allowed. Mr. Langless said that the addition will be a separate tenant. Ms. O'Connor said that they are speaking with the Neighborhood Health Center.

Mr. Resnick asked that they add a triangle island at the entrance on Pleasant St. to force traffic flow and not allow for a left hand turn. Mr. Holmgren said that the state is adding a dedicated left hand turning lane at Warren and Pleasant Streets.

Mr. McAllister asked them if they were aware that the Fire Department controls the lights when they are leaving the station which could cause a stacking problem.

Mr. O'Connor said they do not want to restrict people from using the Green St. entrances. Mr. Barbosa said that deliveries will be over night for the most part except for small delivery trucks during the day.

Mr. Volpe asked if they would consider another entrance or exit on Glenwood St. Mr. Holmgren said they met with Mr. Resnick this afternoon and discussed that. Mr. Resnick said he proposed an exit only on Glenwood St. with signage and an entrance only from Green St. onto Glenwood St. with signage. Mr. McLaren asked where the exit will be located. Mr. Holmgren said it will line up with the street.

Mr. McAllister asked if the church across the street will continue to use the parking lot and Mr. Barbosa said yes. Ms. O'Connor said it is an informal agreement.

Mr. Resnick said he would like to see an additional sidewalk at the entrance at Warren Ave. He said that the entrance is at a current BAT stop. He said there will also be a condition that they work with BAT for a new location; reset the catch basin cover at the Warren Ave. entrance; remove the existing speed bump at the Green St. entrance and would like to see them match the new proposed lighting being used downtown. Mr. Langless said they will look at some options. Mr. Resnick said that pad site 1 is not functional and would suggest that the Board could grant its approval with the exception that pad site 1 is to be resubmitted with a new design once tenant is selected.

Ms. Nicastro said that the traffic study is "light" and would like to know what the impacts are on neighboring streets. Mr. Holmgren said they would be agreeable to submitting a full traffic study.

Mr. McLaren asked what the back of the building is going to look like. Mr. Langless said it will be painted. Mr. Ford asked if there will be any plantings. Mr. McLaren asked what will be done to discourage more graffiti. Mr. Langless said that feedback from the neighborhood was good and that activity will be good for the area. Mr. Barbosa said he has noticed the murals around town and is thinking of a mural for the back of the building. Mr. McLaren said he did not like the look of his current building until about six months ago and does not want to see this building look like that. Mr. Langless said that Mr. Barbosa has hired a grocery store "developer".

Mr. Ford asked if they need an approval from the Board to move forward and was told yes. Ms. O'Connor said they close on property end of December and need to show they have City approval; she said that the funders will take a letter with conditions of approval.

Ms. Nicastro said she would be willing to have a special meeting but wants to see the full traffic study before voting. Ms. O'Connor asked if there was anything else that can be changed on the site and wondered what the traffic study would add. Ms. Nicastro said she wants to make sure everything is done to address traffic.

Mr. Resnick said they will have to come back for pad site 1 and suggested that the traffic could be addressed at that time.

Mr. McAllister said that he wants to see the timing of lights and possible entrances on Warren Ave. addressed in the report.

Mr. Ford said he sees no benefit in holding them up tonight as there is nothing more that can be done with the site.

Mr. McLaren said he has no problem voting on approve with contingencies.

Mr. McAllister said that the Board is continually put under the gun because of “financing” which puts the Board in an unfair position.

A motion was properly made (McLaren), seconded (Ford) and unanimously passed to grant approval as submitted with the following conditions:

- o The approval does not include the area designated on the plan as Pad Site #1. A separate Site Plan Application is to be filed for this area.
- o A completed traffic report is to be submitted to the Planning Board for discussion at a future meeting and shall include possible impacts to the surrounding neighborhoods.
- o The applicant shall evaluate the use of the downtown streetlights for the parking lot lighting. The applicant shall review the results of this analysis with the Planning Board

The revised plan to be submitted for signature shall include the following:

1. A triangle island is to be added at the Pleasant Street entrance to force traffic flow and not allow for left hand turns. Appropriate signage and pavement markings shall be installed.
2. An additional sidewalk into the site is to be added at the south side of the Warren Avenue entrance.
3. There is to be an exit only onto Glenwood Avenue with appropriate signage and pavement markings.
4. The driveway along the west side of the building shall be one way into the site. This driveway is to be marked with “Do Not Enter” signage at the northwest corner of the building.
5. The Applicant shall work with Brockton Area Transit (BAT) regarding relocating the existing BAT stop on Warren Avenue
6. The catch basin cover at the corner of the Warren Avenue entrance is to be reset.
7. The existing speed bump at the Green Street entrance is to be removed.
8. A notation that Pad site 1 is not approved. A new design for this area shall be submitted for Site Plan Review once tenant is selected