

COMMONWEALTH OF MASSACHUSETTS
CITY OF BROCKTON
ZONING BOARD OF APPEALS

ZONING BOARD OF APPEALS held a meeting in the Council Chambers, City Hall, Brockton, Massachusetts, on Tuesday, December 12, 2017 at 7:00 p.m.

IN RE: 17-86 Petition of FRANK GAZERRO, 52 Concord Street, Brockton, MA, for a Variance from Sec. 27-9, 27-13A, to construct a single family home in an R-1-C Zone, located at PLOT 6 EDSON STREET.

PETITIONER'S STATEMENT: Jim Morrissey along with the petitioners wife, Valerie Packard presented to the board Exhibit A, Site Plan. They are before the zoning board seeking permission to construct a single family home on a 5,782 sq. ft. at the above location. The home will have three (3) bedrooms and the attic will not be expandable. The driveway will come off of Wallace Street behind the proposed home. The abutters garage and portion of driveway will be on the petitioners property.

OPPOSITION: The abutters, Dorlouis Armina, Duane and Tina Jones and George Manogian all mentioned the flooding is heavy in this area, The snow when plowed is always on Plot 6 Edson Street, the upkeep of this property has been done by these neighbors and it will not fit well in the neighborhood.

DECISION: Denied unanimously

BASIS: After reviewing the application, plans, information submitted and giving due consideration to testimony given at the public hearing, the board found that the petition failed to demonstrate a hardship at the site. Granting would derogate from the intent of the zoning by laws and will negatively impact the orderly development of the neighborhood. Adjacent neighbors spoke in opposition to granting a Variance citing water problems and standing water on the site including driveway and garage that extend onto the proposed lot that service an adjacent property. The reported conveyance of the lot in question is in question since the deed in possession of the building department shows the mets and bounds of one (1) lot with one dwelling, not two (2) separate lots. No request was presented requesting the creation of a separate lot by Variance. A previous decision by the Building Inspector determined that the lot in question was not a buildable lot.

VOTE:

Motion to Grant by:
Seconded by:

Jeffrey Thompson
Stephen Bernard

IN FAVOR: (0)

OPPOSED: (5)

Kenneth Galligan, Chairman
Michael Williams, Fire Chief
Stephen Bernard
Jeffrey Thompson
Gary Keith

Kenneth Galligan
Michael Williams
Stephen Bernard
Jeffrey Thompson
Gary Keith
April Sferrazza
April Sferrazza, Clerk

Anthony Zeoli

Anthony Zeoli, City Clerk

ANY APPEAL MUST BE MADE
WITHIN 20 DAYS FROM THIS
DATE DEC 27 2017 PURSUANT
TO M.G.L.C. 40A SECTION 17.

2017 DEC 27 AM 11:43

RECEIVED

RECEIVED AND FILED: January 17, 2018
I, ANTHONY J. ZEOLI, CITY CLERK OF BROCKTON, MASSACHUSETTS HEREBY CERTIFY THAT THE AFORESAID IS A TRUE COPY AND THAT TWENTY DAYS HAVE LAPSED AND NO APPEAL HAS BEEN FILED. CHAPTER 40A SEC. 11

COMMONWEALTH OF MASSACHUSETTS
CITY OF BROCKTON
ZONING BOARD OF APPEALS

ZONING BOARD OF APPEALS held a meeting in the Council Chambers, City Hall, Brockton, Massachusetts, on Tuesday, December 12, 2017 at 7:00 p.m.

IN RE: 17-87 Petition of VICENTE ACOSTA YUPANGUI & MARIA YUPANGUI, 65 Market Street, Brockton, MA, for a Variance from Sec. 27-29, to allow construction of a two (2) family dwelling in a C-2 Zone, located at PLOT 3-1/ 0 EXCHANGE STREET.

PETITIONER'S STATEMENT: Attorney John F. Creedon presented to the board Exhibit A, Site Plan and Floor Plans. Attorney Creedon is seeking permission to construct a two (2) family home at the above location which was previously granted. Each unit will have three (3) bedrooms and the driveways on either side of the home. Greenspace will be maintained as shown on the submitted plan.

OPPOSITION: None

DECISION: Unanimously granted with the stipulations 1. Berm in front to elevate the yard so parking will be prohibited 2. Greenspace as shown on plans and shall be maintained with no additional blacktop and 3. Two (2) driveways are to be shown as on plan.

BASIS: After reviewing the application, plans, information submitted and giving due consideration to testimony given at the public hearing, the board found that Plot 3-1/0 Exchange Street is totally surrounded by multi-family dwellings all located in a C-2 Zone. The location, shape and size of the vacant plot does not lend itself economically desirable to develop commercially but if developed residentially would be in harmony with the current build out of the neighborhood. Granting would not derogate from the intent of the zoning by-laws and will not negatively impact the orderly development of the neighborhood. The following stipulations are incorporated by reference herein: All greenspace as shown on the presented plan shall be maintained as depicted on the plan. The two (2) driveways shall be constructed as shown on the plan with one (1) driveway to be located on the westerly side of the plot and one (1) driveway to be located on the easterly side of the plot. Both driveways shall be capable of holding two (2) cars, one (1) in front of the other. The grass area in the front of the dwelling shall be maintained as shown on the submitted plan drawn by Land Surveys Incorporated, dated November 14, 2017. All representations in petitioners statement shall be incorporated by reference as stipulations recorded herewith. There was no opposition presented at the hearing.

VOTE:

Motion to Grant by:

Seconded by:

Gary Keith

Michael Williams

IN FAVOR: (5)

Kenneth Galligan, Chairman

Michael Williams, Fire Chief

Stephen Bernard

Jeffrey ^{Thompson}

Gary Keith

OPPOSED: (0)

April Sferrazza, Clerk

Anthony Zeoli, City Clerk

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CITY OF BROCKTON
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ZONING BOARD OF APPEALS held a meeting in the Council Chambers, City Hall, Brockton, Massachusetts, on Tuesday, December 12, 2017 at 7:00 p.m.

IN RE: 17-88 Petition of VANESSA GUMBERT C/O MCCLUSKEY, 1325 Belmont Street, Brockton, MA, for a Special Permit to construct a Denny's restaurant in a C-2 Zone located at 716 BELMONT STREET.

PETITIONER'S STATEMENT: Attorney John McCluskey along with the owner, Vanessa Gumbert, are before the board seeking a Special Permit to construct a Denny's Restaurant at the above named location. The property will have 17 % greenspace and thirty six (36) parking spaces for the one hundred forty three (143) patrons. No alcohol will be served. No relief for signage is needed. The property will have proper drainage.

OPPOSITION: None.

DECISION: Granted unanimously.

BASIS: After reviewing the application, plans, information submitted and giving due consideration to testimony given at the public hearing, the board found that granting a Special Permit to allow for a Denny's Restaurant to be sited in the C-2 Zone at 716 Belmont Street will be in harmony with the orderly development of the zone and not negatively impact the neighborhood. There is adequate ingress and egress to parking and will not interfere with traffic on the abutting streets. In order to allow for access to the required off-street parking spaces as presented on the plan prepared by J. K. Holmgren Engineering dated November 14, 2017, the petitioner shall create a permanent easement or right of way over the adjacent parcel adjacent to the effected parking spaces located on the subject site for the right of way and passage for the parking required for the subject site. All representations in petitioners statement shall be incorporated by reference as stipulations recorded herewith.

VOTE:

Motion to Grant by:
Seconded by:

Gary Keith
Michael Williams

IN FAVOR: (5)

Kenneth Galligan, Chairman
Michael Williams, Fire Chief
Stephen Bernard
Thompson
Jeffrey
Gary Keith

Kenneth Galligan
Michael Williams
Stephen Bernard
Thompson
Jeffrey
Gary Keith

OPPOSED: (0)

April Sferrazza
April Sferrazza, Clerk

Anthony J. Zeoli
Anthony Zeoli, City Clerk

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