

**COMMONWEALTH OF MASSACHUSETTS
CITY OF BROCKTON
ZONING BOARD OF APPEALS**

ZONING BOARD OF APPEALS held a meeting at City Hall, Brockton, Massachusetts, on Wednesday, August 15, 2018 at 7:00 p.m.

IN RE: 18-59 Petition of **TWENTY FIVE LORRAINE AVENUE LLC**, 18 Lyman Wheelock Road, S. Easton, MA, for a Variance from Sec. 27-25, to allow portion of Plot 229 to be used as part of the commercial gas station at 835 Belmont Street in an R-1-C Zone, located at **PLOT 229 LORRAINE AVENUE**.

PETITIONER'S STATEMENT: Attorney James Burke presented to the board Exhibit A, Site Plan. Attorney Burkes clients would like to combine the land from Plot 229 Lorraine Avenue to the gas station on 835 Belmont. Granting the land will make the property on Belmont Street and even rectangle. The new space will be for storing of cars for customers being serviced,the cars impounded and snow storage. Steven Weiner who lives on Clarendon Avenue is in favor of this petition. Councilor Shirley Asack is in favor.

OPPOSITION: None

DECISION: Granted unanimously with the stipulation that a white vinyl fence be erected along the rear of the property that abuts a residential area and wire fencing along the commercial zone and evergreen plantings for privacy.

BASIS: After reviewing the application, plans, information submitted and giving due consideration to testimony given at the public hearing, the board found a hardship exists at the locus hereby a unique zoning line of delineation negatively impacts the reasonable use of the adjacent site as a gas station and repair facility that has been located at that location for many years. The petitioner seeks to expand the current service station use to include a portion of Plot 229 Lorraine Avenue by subdividing the plot that would enhance that shape, size and utilization to provide additional customer parking and on site storage for vehicles waiting for service. The property containing the gasoline/service station and the subject residential plot are both owned by the petitioner, both properties are located in an area of mixed uses and the proposed subdivision of Plot 229 Lorraine Avenue to allow for the expansion of the adjacent service station may be granted without substantial detriment to the surrounding neighborhood and without nullifying or substantially derogating from the intent or purpose of such ordinance or by-laws by utilization of a portion of adjacent residential property for a commercial use.

As a condition of allowing the commercial expansion onto the abutting residential property, the petitioner proposed and shall install a six (6) foot stockade or vinyl type fence along the abutting property line and shall install arborvitae types plantings along the property line abutting Lorraine Avenue to enhance the trees currently at the site providing a sound barrier to the street.

VOTE:

Motion to Grant by:
Seconded by:

Jeffrey Thompson
Craig Pina

IN FAVOR: (5)

Kenneth Galligan, Chairman

Michael Williams, Fire Chief

Stephen Bernard

Jeffrey Thompson

Craig Pina

OPPOSED: (0)

April Sferrazza, Clerk

Anthony Zeoli, City Clerk

**COMMONWEALTH OF MASSACHUSETTS
CITY OF BROCKTON
ZONING BOARD OF APPEALS**

ZONING BOARD OF APPEALS held a meeting at City Hall, Brockton, Massachusetts, on Wednesday, August 15, 2018 at 7:00 p.m.

IN RE: 18-60 Petition of **SNE LLC**, 835 Belmont Street, Brockton, MA, for a Variance from Sec. 27-10, Sec. 27-28, Sec. 27-17, Sec. 27-39 to expand gas station use and structures by expanding its service bays lacking set back requirements in a C-1 Zone, located at **835 BELMONT ST.**

PETITIONER'S STATEMENT: Attorney James Burke presented to the board Exhibit A, Site Plan. The owners would like to add one (1) bay along the Clarendon Avenue side of the property. The other end of the property has the gas tanks which makes an addition in that area impossible. The foundation of the proposed bay will be along the retaining wall which leaves only 1.5 ft on the side setback. An addition in the rear of the building will be for office space and a customer waiting area. Abutter Steven Weiner is in favor as is Councilor Shirley Asack.

OPPOSITION: None

DECISION: Unanimously granted for the rear addition only.

BASIS: After reviewing the application, plans, information submitted and giving due consideration to testimony given at the public hearing, the board found that regarding the proposed addition to the rear of the current gasoline/service station located at 835 Belmont Street to allow for additional storage and increased space for customer waiting room, office and restroom facilities that the location of the existing foundation creates a hardship at the site. Granting of the Variance would not derogate from the intent of the zoning by-laws and will not negatively impact the orderly development of the neighborhood. As a stipulation to the granting, the petitioner shall install a six (6) foot stockade or vinyl type fence to screen the property from the adjacent residential property. Additionally, the board found that the request for a Variance for relief from setback requirements along the property line on the Clarendon Avenue side of the site to allow for expanded gas station service bays, that a granting would derogate from the intent of the zoning by-laws and will negatively impact the orderly development of the neighborhood.

The request for sideline setback relief along Clarendon Avenue to allow for the expansion and new construction of an additional service bay is denied.

VOTE: MOTION TO GRANT THE REAR ADDITION ONLY

Motion to Grant by:

Craig Pina

Seconded by:

Jeffrey Thompson

IN FAVOR: (5)

Kenneth Galligan, Chairman

Michael Williams, Fire Chief

Stephen Bernard

Jeffrey Thompson

Craig Pina

OPPOSED: (0)

April Sferrazza, Clerk

Anthony Zeoli, City Clerk

**COMMONWEALTH OF MASSACHUSETTS
CITY OF BROCKTON
ZONING BOARD OF APPEALS**

ZONING BOARD OF APPEALS held a meeting at City Hall, Brockton, Massachusetts, on Wednesday, August 15, 2018 at 7:00 p.m.

IN RE: 18-61 Petition of **EDWARD ROACHFORD**, 115 Candy Lane, Brockton, MA, for Variance from Sec. 27-9, 27-25, for relief from side yard setback requirement to allow an addition to garage and house in an R-1-B zone, located at **115 CANDY LANE**.

PETITIONER'S STATEMENT: Attorney Wayne Mathews presented to the board Exhibit A, Site and Floor Plans. Attorney Mathews is seeking permission on his clients behalf to add and addition and the home and a second bay to the garage. The total of bedrooms will be five (5) and three (3) bathrooms. The bedroom in the basement will be eliminated. The driveway is double wide. The plans submitted showed a different total number of bedrooms and bathrooms.

OPPOSITION: None

DECISION: Unanimously denied.

BASIS: After reviewing the application, plans, information submitted and giving due consideration to testimony given at the public hearing, the board found no hardship dealing with the locus. Granting of the requested Variance from Sec. 27-9 and 27-25 would derogate from the intent of the zoning by-laws and will negatively impact the orderly development of the neighborhood.

VOTE:

Motion to Grant by:

Craig Pina

Seconded by:

Michael Williams

IN FAVOR: (0)

OPPOSED: (5)

Kenneth Galligan, Chairman

Michael Williams, Fire Chief

Stephen Bernard

Jeffrey Thompson

Craig Pina

April Sferrazza, Clerk

Anthony Zeoli, City Clerk

**COMMONWEALTH OF MASSACHUSETTS
CITY OF BROCKTON
ZONING BOARD OF APPEALS**

ZONING BOARD OF APPEALS held a meeting at City Hall, Brockton, Massachusetts, on Wednesday, August 15, 2018 at 7:00 p.m.

IN RE: 18-62 Petition of **AFFORDABLE PROPERTIES LLC**, 41 Arlington Street, Brockton, MA, for a Variance from Art. III, Sec. 27-9 to use the existing commercial building for retail use with an office in an R-3 Zone, located at **560 WARREN AVENUE/ PLOT 271-1 WARREN AVENUE / PLOT 6 DOVER STREET.**

PETITIONER'S STATEMENT: Attorney John McCluskey along with Steven Torrey presented to the board Exhibit A, Site and Floor Plans. They are seeking permission to change the use of an old auto parts store into an office and retail space in a residential use. The potential renter, is now in the Stacey Adams Building on the other corner of Warren Avenue and Dover Street. All exterior lighting will be downward facing onto the subject property. The greenspace with trees/ plantings are as shown on the plans submitted. A fence along the abutting residential property line will be erected for privacy. Arnie Danielson who is President of the Arts at the Stacey Adams Building is in favor.

OPPOSITION: None

DECISION: Unanimously granted with the stipulation **1.** White vinyl fence along the residential property line be erected with a chain link style fence along the commercial abutting side. **2.** Downward lighting only and **3.** No less than the trees and planting shown 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 the site located in a residential R-3 zone has been used exclusively in the past for commercial purposes, is located in an area of mixed zoning uses and has no foreseeable residential use considering the irregular zoning boundaries. The requested relief to allow the site to be used for retail use with associated office use with an associated off-street parking is an appropriate use of the location. Granting relief from Sec 17-9 would not derogate from the intent of the zoning by-laws and will not negatively impact the orderly development of the surrounding neighborhood. For consideration of granting the requested relief, the petitioner offered and shall install a stockade or vinyl type six (6) foot fence along the south property line to provide visual barrier separation between the proposed commercial use and the adjacent residential use. Additionally greenscape parking lot islands with deciduous trees at least six (6) foot height shall be installed as per plans presented to the board.

The above listed stipulations are incorporated by reference herein. All representation in petitioner statement shall be incorporated by reference as stipulation recorded herewith.

VOTE:

Motion to Grant by:
Seconded by:

Craig Pina
Stephen Bernard

IN FAVOR: (5)

Kenneth Galligan, Chairman

Michael Williams, Fire Chief

Stephen Bernard

Jeffrey Thompson

Craig Pina

OPPOSED: (0)

April Sferrazza, Clerk

Anthony Zeoli, City Clerk

**COMMONWEALTH OF MASSACHUSETTS
CITY OF BROCKTON
ZONING BOARD OF APPEALS**

ZONING BOARD OF APPEALS held a meeting at City Hall, Brockton, Massachusetts, on Wednesday, August 15, 2018 at 7:00 p.m.

IN RE: 18-63 Petition of **MICHAEL HAIKAL**, 149 Mill Street, Brockton, MA, for a Variance from Art. III, Sec. 27-9 & Sec. 27-13A, to construct a single family home on a lot previously determined as buildable by the City of Brockton but later acquired additional land which increased the lot size but decreased the lot frontage in an R-1-C Zone, located at **PLOT 4-1 SEWELL STREET**.

PETITIONER'S STATEMENT: Attorney Christopher Veale along with the petitioner, Michael Haikal presented to the board Exhibit A, Site Plan and all pertinent information regarding the Building Lot Determination. They are before the board seeking permission to add land that was abandoned by the city and goes to Mr. Haikal being the nearest abutter. The frontage is decreased with the addition land so zoning board approval is needed. The home will be a Colonial style home with four (4) bedrooms and a two (2) car garage attached.

OPPOSITION: The abutting neighbors are in opposition with the size of the home on the above property.

DECISION: Denied. Did not carry.

BASIS: After reviewing the application, plans, information submitted and giving due consideration to testimony given at the public hearing, the board found that the proposed four (4) bedroom, two (2) story colonial style home with attached two (2) car garage to be constructed on the site depicted on the submitted plan dated 6/19/19 would not be compatible with other adjacent dwelling side yard setbacks and that granting relief from Sec. 29-7 and 27-13A would derogate from the intent of the zoning by-laws and will substantially negatively impact the orderly development of the neighborhood. No hardship dealing with the proposed site was found by the board.

VOTE:

Motion to Grant by:
Seconded by:

Stephen Bernard
Craig Pina

IN FAVOR: (3)

Stephen Bernard

Jeffrey Thompson

Craig Pina

OPPOSED: (2)

Kenneth Galligan, Chairman

Michael Williams, Fire Chief

April Sferrazza, Clerk

Anthony Zeoli, City Clerk

**COMMONWEALTH OF MASSACHUSETTS
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ZONING BOARD OF APPEALS**

ZONING BOARD OF APPEALS held a meeting at City Hall, Brockton, Massachusetts, on Wednesday, August 15, 2018 at 7:00 p.m.

IN RE: 18-64 Petition of **MARVIN T. & REBECCA JOSEPH**, 53 Studley Avenue, Brockton, MA, for a Variance from Sec. 27-9, for relief from side yard setback requirement to allow an addition to the existing dwelling in an R-1-C Zone, located at **53 STUDLEY AVENUE**.

PETITIONER'S STATEMENT: Attorney Wayne Mathews along with the petitioners, Marvin and Rebecca Joseph presented to the board Exhibit A, Plot and Floor Plans. They are before the board seeking permission to construct a 12 x 23 single story addition for a master bedroom.

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 the requested Variance from Sec. 27-9 for relief from side yard setback to allow for construction of a bedroom, that the location of the existing foundation creates a hardship at the site. Granting will not derogate from the intent of the zoning by-laws and will not negatively impact the orderly development of the neighborhood. All representation in petitioner's statement and plans submitted shall be incorporated by reference as stipulations recorded herewith.

VOTE:

Motion to Grant by:
Seconded by:

Stephen Bernard
Craig Pina

IN FAVOR: (5)

Kenneth Galligan, Chairman

Michael Williams, Fire Chief

Stephen Bernard

Jeffrey Thompson

Craig Pina

OPPOSED: (0)

April Sferrazza, Clerk

Anthony Zeoli, City Clerk

**COMMONWEALTH OF MASSACHUSETTS
CITY OF BROCKTON
ZONING BOARD OF APPEALS**

ZONING BOARD OF APPEALS held a meeting at City Hall, Brockton, Massachusetts, on Wednesday, August 15, 2018 at 7:00 p.m.

IN RE: 18-65 Petition of **JOSEPH SAVINO**, 1325 Belmont Street, Brockton, MA, for a Variance from Art. III, Sec. 27-13A, to create 3 new lots with 3 family dwellings on each new lot in an R-2 Zone, located at **130 ELLIOT STREET**.

PETITIONER'S STATEMENT: Attorney Christopher Veale, Surveyor Scott Faria and the petitioner, Joseph Savino. Mr. Savino is before the board seeking permission to construct three (3) three (3) family townhouses. A total of eighteen (18) parking spaces were shown for the tenants. Trout Brook is along the East of the property.

OPPOSITION: Councilor Ward 5 Anne Beauregard was not in favor since she was concerned with the size of the project.

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 the plans submitted for three (3) new lots with a three (3) family dwelling on each new lot presented significant concerns to the Board members specific to access for emergency vehicles, front door access from the parking areas, no provision for any off-street guest parking and possibility of basement flooding consideration elevations with the adjacent river. Granting would derogate from the intent of the zoning by-laws and will negatively impact the orderly development of the neighborhood.

VOTE:

Motion to Grant by:
Seconded by:

Craig Pina
Jeffrey Thompson

IN FAVOR: (0)

OPPOSED: (5)

Kenneth Galligan, Chairman

Michael Williams, Fire Chief

Stephen Bernard

Jeffrey Thompson

Craig Pina

April Sferrazza, Clerk

Anthony Zeoli, City Clerk

**COMMONWEALTH OF MASSACHUSETTS
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ZONING BOARD OF APPEALS held a meeting at City Hall, Brockton, Massachusetts, on Wednesday, August 15, 2018 at 7:00 p.m.

IN RE: 18-66 Petition of **INFINITY REALTY DEVELOPMENT, INC.**, 166 Crystal Street, Haverhill, MA, for a Variance from Sec. 27-9, to construct a 2 family dwelling on a 7,305 square foot lot in an R-3 Zone, located at **104 NEWBURY STREET**.

PETITIONER'S STATEMENT: Attorney Paul Clancy along with William Bragel presented to the board Exhibit A, Site and Floor Plans. Mr. Bragel is seeking permission to construct a two (2) story home at the above named location. The original home was a four (4) family which was destroyed by fire. Each unit will have three (3) bedrooms and one (1) bathroom. All parking will be in the rear of the property. No parking in the front of the home do to the yard is raised. The rear will be fenced with no means of egress from the rear of property. Abutter Carolyn Lacey is in favor.

OPPOSITION: Robert Jenkins from the Brockton Redevelopment Authority is opposed.

DECISION: Granted unanimously with the stipulations **1.** No more than a two (2) family home and **2.** No occupancy in the third floor attic space.

BASIS: After reviewing the application, plans, information submitted and giving due consideration to testimony given at the public hearing, the board found that the site was the location of a previous four (4) family dwelling that was destroyed by fire in 2010 and is surrounded by similar multifamily dwellings. As hardship exists on the site due to the size, shape and slopes of the land and that the lot conforms to many other similar lots in the area. The proposed dwelling will have a maximum of two (2) dwelling units, a reduction from the previous four (4) units. Granting relief from Sec 27-9 would not derogate from the intent of zoning by-laws and will not negatively impact the orderly development of the neighborhood. All representation in petitioner statement and submitted plans for a two (2) family dwelling shall be incorporated by reference as stipulation recorded herewith.

VOTE:

Motion to Grant by:

Craig Pina

Seconded by:

Jeffrey Thompson

IN FAVOR: (5)

Kenneth Galligan, Chairman

Michael Williams, Fire Chief

Stephen Bernard

Jeffrey Thompson

Craig Pina

OPPOSED: (0)

April Sferrazza, Clerk

Anthony Zeoli, City Clerk

**COMMONWEALTH OF MASSACHUSETTS
CITY OF BROCKTON
ZONING BOARD OF APPEALS**

ZONING BOARD OF APPEALS held a meeting at City Hall, Brockton, Massachusetts, on Wednesday, August 15, 2018 at 7:00 p.m.

IN RE: 18-67 Petition of **IN GOOD HEALTH, INC.**, 1325 Belmont Street, Brockton, MA, for a Special Permit from Sec. 27-24, to increase the grow out area in the medical marijuana dispensary in the overlay zone, in an I-1 Zone, located at **1200 WEST CHESTNUT STREET.**

PETITIONER'S STATEMENT: Attorney John McCluskey along with David Nobles presented to the board Exhibit A, Memorandum, Site Plan and Cultivation Expansion. Mr. Nobles is seeking permission to expand the cultivation area to include nearly the entire building. The expansion would allow for approximately nine thousand 9,000 lbs of marijuana to be grown per year.

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 the location to be in compliance with previously granted zoning relief and regulation and therefore granting a modification to previously granted Special Permits to allow for an increase in the "grow out" area in the medical marijuana dispensary in the overlay zone in an I-1 zone in an adjoining area within the same building currently permitted would not negatively impact the orderly development of the zone. There is adequate ingress and egress to parking and will not interfere with traffic or the abutting streets. Adequate on-site parking was depicted on submitted site plans. All representation in petitioner's statements, including those contained in previous grantings shall be incorporated by reference as stipulations recorded herewith. Compliance with the City of Brockton, Humanitarian medical use of marijuana regulations, Sec 27-24.3 and Commonwealth of Massachusetts, Department of Public Health shall be maintained. A Special Permit to increase the grow out area as described in the submitted plan is granted.

VOTE:

Motion to Grant by:
Seconded by:

Stephen Bernard
Michael Williams

IN FAVOR: (5)

Kenneth Galligan, Chairman

Michael Williams, Fire Chief

Stephen Bernard

Jeffrey Thompson

Craig Pina

OPPOSED: (0)

April Sferrazza, Clerk

Anthony Zeoli, City Clerk

**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, _____, 2016 at 7:00 p.m.**

IN RE:

PETITIONER'S STATEMENT:

OPPOSITION:

DECISION:

BASIS:

VOTE:

Motion to Grant by:

Seconded by:

IN FAVOR: ()

Kenneth Galligan, Chairman

Michael Williams, Fire Chief

Stephen Bernard

Jeffrey Charnel

Gary Keith

OPPOSED: ()

James M. Casieri, Clerk

Anthony Zeoli, City Clerk

**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, _____, 2016 at 7:00 p.m.**

IN RE:

PETITIONER'S STATEMENT:

OPPOSITION:

DECISION:

BASIS:

VOTE:

Motion to Grant by:

Seconded by:

IN FAVOR: ()

Kenneth Galligan, Chairman

Michael Williams, Fire Chief

Stephen Bernard

Jeffrey Charnel

Gary Keith

OPPOSED: ()

James M. Casieri, Clerk

Anthony Zeoli, City Clerk

**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, _____, 2016 at 7:00 p.m.**

IN RE:

PETITIONER'S STATEMENT:

OPPOSITION:

DECISION:

BASIS:

VOTE:

Motion to Grant by:

Seconded by:

IN FAVOR: ()

Kenneth Galligan, Chairman

Michael Williams, Fire Chief

Stephen Bernard

Jeffrey Charnel

Gary Keith

OPPOSED: ()

James M. Casieri, Clerk

Anthony Zeoli, City Clerk

**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, _____, 2016 at 7:00 p.m.**

IN RE:

PETITIONER'S STATEMENT:

OPPOSITION:

DECISION:

BASIS:

VOTE:

Motion to Grant by:

Seconded by:

IN FAVOR: ()

Kenneth Galligan, Chairman _____

Michael Williams, Fire Chief _____

Stephen Bernard _____

Jeffrey Charnel _____

Gary Keith _____

OPPOSED: ()

James M. Casieri, Clerk

Anthony Zeoli, City Clerk

**COMMONWEALTH OF MASSACHUSETTS
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**ZONING BOARD OF APPEALS held a meeting in the Council Chambers, City Hall,
Brockton, Massachusetts, on Tuesday, _____, 2016 at 7:00 p.m.**

IN RE:

PETITIONER'S STATEMENT:

OPPOSITION:

DECISION:

BASIS:

VOTE:

Motion to Grant by:

Seconded by:

IN FAVOR: ()

Kenneth Galligan, Chairman

Michael Williams, Fire Chief

Stephen Bernard

Jeffrey Charnel

Gary Keith

OPPOSED: ()

James M. Casieri, Clerk

Anthony Zeoli, City Clerk

**COMMONWEALTH OF MASSACHUSETTS
CITY OF BROCKTON
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**ZONING BOARD OF APPEALS held a meeting in the Council Chambers, City Hall,
Brockton, Massachusetts, on Tuesday, _____, 2016 at 7:00 p.m.**

IN RE:

PETITIONER'S STATEMENT:

OPPOSITION:

DECISION:

BASIS:

VOTE:

Motion to Grant by:

Seconded by:

IN FAVOR: ()

Kenneth Galligan, Chairman

Michael Williams, Fire Chief

Stephen Bernard

Jeffrey Charnel

Gary Keith

OPPOSED: ()

James M. Casieri, Clerk

Anthony Zeoli, City Clerk