

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

ZONING BOARD OF APPEALS held a meeting in the Little Theatre at the Arnone School, Brockton, Massachusetts, on Tuesday, September 11, 2018 at 7:00 p.m.

IN RE: 18-68 Petition of **DENNIS MALLOY**, P.O. Box 304, North Pembroke, MA, to request a Variance from side setback for existing non-conforming deck and roof to be razed with new addition and deck to be installed in an R-1-C Zone, located at **29 MAY AVENUE**.

PETITIONER'S STATEMENT: The petitioner, Dennis Malloy presented to the board Exhibit A, Site Plan. Mr. Malloy is seeking permission to enclose the home where the rear deck is located and will construct a new deck following the line of the foundation with the stairway in the rear of the yard. The distance from the deck to the side yard will be 12ft. The proposed deck will be only 9ft. from the existing detached garage, so the petitioner is seeking relief from 1ft. James Casieri, an abutter is in favor of this petition.

OPPOSITION: None

DECISION: Unanimously granted.

BASIS: After reviewing the application, plans, information submitted and giving due consideration to testimony given at the public hearing, the board found that the location of the existing foundation creates a hardship at the site. Granting the requested Variance from Section 27-9 for side yard setback and Section 27-20 c, accessory structure setback from the principal structure, would not derogate from the intent of the zoning by-laws and will not negatively impact the orderly development of the existing neighborhood. All representations in petitioners statement shall be incorporated by reference as stipulations recorded herewith. There was support offered at the hearing and there was no opposition from abutters.

VOTE:

Motion to Grant by:
Seconded by:

Craig Pina
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 in the Little Theatre at the Arnone School, Brockton, Massachusetts, on Tuesday, September 11, 2018 at 7:00 p.m.

IN RE: 18-69 Petition of **GEORGE DAHER**, 18 Camden Street, Brockton, MA, to be allowed to sell used cars at the gas station in an R-1-C Zone, located at **212 TORREY ST.**

PETITIONER'S STATEMENT: Attorney David Asack along with the petitioner, George Daher, presented to the board Exhibit A, Site Plan. Mr. Daher has owned the gas station for fourteen (14) years and is before the board seeking permission to sell used cars. The gas station also repairs vehicles and does monthly inspection stickers. The petitioner stated that customers ask for him to find second hand cars. Mr. Daher would like to sell no more than (3) vehicles on the property at one time. The cars will be shown on the Hazard Street side and not in front of the pumps on Torrey Street. The abutting neighbors supported the petitioner who has been a good neighbor for many years. Councilors Win Farwell and Robert Sullivan sent letters in favor.

OPPOSITION: None

DECISION: Granted with the stipulation that no more than three (3) vehicles to be sold on property at one time.

BASIS: After reviewing the application, plans, information submitted and giving due consideration to testimony given at the public hearing, the board found that the current gasoline/motor vehicle repair facility has been located at the site for many years without negative impact to the surrounding neighborhood. The size of the lot and building creates a hardship at the locus for significant expansion and that granting of a variance to allow for the sale of not more than three (3) used cars at any one time on the site would not derogate from the intent of the zoning by-laws and will not negatively impact the orderly development of the neighborhood. All representations in petitioners statement shall be incorporated by reference as stipulations recorded herewith.

VOTE:

Motion to Grant by:
Seconded by:

Craig Pina
Michael Williams

IN FAVOR: (4)

Stephen Bernard, Chairman

Michael Williams, Fire Chief

Craig Pina

Tina Cardoso

OPPOSED: (1)

Jeffrey Thompson

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 Little Theatre at the Arnone School, Brockton, Massachusetts, on Tuesday, September 11, 2018 at 7:00 p.m.

IN RE: 18-70 Petition of **WISBERTO SANJURJO**, 93 West Street, Brockton, MA, for Variance from Sec. 27-9 and 27-13A, to convey 4feet wide strip to side abutter in a R-1-C Zone, located at **93 WEST STREET**.

PETITIONER'S STATEMENT: The petitioner, Wisberto Sanjurjo presented to the board Exhibit A, Site Plan. Mr. Sanjurjo is before the board seeking permission to convey four (4) ft of his land to his neighbor, Steven O'Malley. Mr. O'Malley lives at 97 West Street and his porch is in the rear of home is along the property line so the additional four (4) feet will help with snow removal and upkeep of home. The bushes between the homes will eventually be removed and a fence will be erected and paid for by Mr. O'Malley.

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 a hardship existed due to the location of the current foundation and the north property line at 97 West Street and that granting the expansion of the north side setback by way of a land swap of four (4) ft with the property at 93 West Street thereby allowing a new side yard setback for 93 West Street of 28.64feet and a new side yard setback for 97 West Street of 11.74 feet would not derogate from the intent of the zoning by-laws and will not negatively impact the orderly development of the neighborhood. All representation in petitioners statement shall be incorporated by reference as stipulations recorded herewith.

VOTE:

Motion to Grant by:
Seconded by:

Michael Williams
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 in the Little Theatre at the Arnone School, Brockton, Massachusetts, on Tuesday, September 11, 2018 at 7:00 p.m.

IN RE: 18-71 Petition of **HOUSING SOLUTIONS FOR SOUTHEASTERN MASS**, 169 Summer Street, Kingston, MA, for a Variance from Sec. 27-9, 27-17(2), 27-36(b)(1) and (3), and Sec. 27-53.2, Sec 27-53.7, to redevelop the vacant Lincoln School into thirty nine (39) affordable senior apartments in an R-3 Zone, located at **70 HIGHLAND STREET**.

PETITIONER'S STATEMENT: Executive Director, Carl Nagy-Koechlin along with Tim Doherty, Engineer James Burke and the architect, Eric Chamberlan are before the board seeking permission to convert a city owned school into an affordable apartments for the elderly population. The building will have thirty six (36) one (1) bedroom and three (3) studio units. All four (4) floors will house units Mr. Nagy- Koechlin stated a full time onsite manager and a residential service coordinator will be available for the residents. Engineer, James Burke mentioned that 10,000 sq ft. of the 37,000 sq. ft. of property will have greenspace and sixteen (16) trees along front of land. The parking in the rear of property will have a one way from Highland Street and the other from Newbury Street. Entrance from Ellsworth Avenue will be open for egress. Architect, Eric Chamberlan, added that the building is historic and with that the windows will look like the original style, the roof will have synthetic slates and doors and casings will have the look of early 1900's. The building will have one (1) elevator and two (2) stairwells. The two (2) front facing end doors will be secured. A sprinklered system along with a fire alarm system will be installed. Offsite snow removal will occur if it affects the parking for the building. Outdoor lighting will be downward and will not cause any disturbance with the abutting neighbors. Any sidewalk repairs will need Department Public Works approval. The property will have security cameras. Any sign showing name of building will be to code. Ward 2 Councilor Thomas Monahan is in favor, Tobias Cowan is in favor and Housing Solutions board member, Jeffrey Charnel is in favor. Josette Cochrane Lusk raised concerns about safety for the future tenants.

OPPOSITION: None

DECISION: Unanimously granted with the stipulations **1.** The building shall be sprinklered and monitored by the Fire Department **2.** Snow that can't be stored will be removed from property **3.** Lighting will be facing downward **4.** Signage will follow city code if applicable.

BASIS: After reviewing the application, plans, information submitted and giving due consideration to testimony given at the public hearing, the board found that the location of the foundation of the former Lincoln School presents a hardship of a side yard setback and the Historic Site designation of the locus limits the alteration of the building. The proposed future development of the former school building into thirty nine (39) affordable senior apartments in the R-3 Zone represents the most reasonable use of the current structure and would complement the current residential area. Granting of relief from zoning standards for parking lot configuration, unit dimension for three (3) studio units and conversion of the historic building to not more than thirty nine (39) senior apartments will not derogate from the intent of the zoning by-laws and will not negatively impact the orderly development of the established residential neighborhood. In consideration of granting the requested Variance, the board stipulated and the petitioner agreed that the entire building will be fully sprinklered and monitored by fire alarm master box, central station or alarm monitoring service for fire safety. A full time, on site manager will be provided. When snow removal is required, snow will be removed from the site whenever on-site snow storage will negatively impact the required accessible on-site parking spaces. All external lighting shall be downward facing without "spill over" onto adjacent properties with all of the parking areas fully illuminated. Ward 2 Councilor Thomas Monahan spoke in favor of the project as well as numerous other interested parties. There was no opposition presented at the hearing.

18-71
Con't

VOTE:

Motion to Grant by:

Craig Pina

Seconded by:

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 Little Theatre at the Arnone School, Brockton, Massachusetts, on Tuesday, September 11, 2018 at 7:00 p.m.

IN RE: 18-72 Petition of **LUCINDO T. SOARES**, 37 Johnson Street, Brockton, MA, for a Special Permit and Variance from Art. IV. Sec. 27-28 3 a, Art. IX. 27-53 7 & 1 and Art. IV. Sec. 27-28 3c, to allow for a bar and restaurant **1.** Joint occupancy **2.** Commercial use in part residential zone **3.** Relief from table requirements when abutting a residential area and landscape parking buffer and **4.** Seeking Special permit for sale of alcohol in a C-2 Zone, located at **839/855 MAIN STREET.**

PETITIONER'S STATEMENT:

OPPOSITION:

DECISION: The petition was withdrawn prior to the start of the meeting as a matter of right.

BASIS:

VOTE:

Motion to Grant by:
Seconded by:

IN FAVOR: ()

Kenneth Galligan, Chairman

Michael Williams, Fire Chief

Stephen Bernard

Jeffrey Thompson

Craig Pina

OPPOSED: ()

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 Little Theatre at the Arnone School, Brockton, Massachusetts, on Tuesday, September 11, 2018 at 7:00 p.m.

IN RE: 18-73 Petition of **WAYNE JOACHIM**, 181 Granite Street, Quincy, MA, for a Variance to be allowed to have a car dealership with no more than four (4) cars in a I-2 Zone, located at **74 PLAIN STREET**.

PETITIONER'S STATEMENT: Petitioner Wayne Joachim presented to the board Exhibit A, Site Plan and Picture of Property. Mr. Joachim is seeking permission to sell used cars at the above location. The petitioner will sell no more than four (4) cars at one time. The parking spaces will be two (2) in the front and two (2) on the side of building. The one employee will be Mr. Joachim.

OPPOSITION: Ward 4 City Councilor Susan Nicaastro stated the petitioner called her prior to the meeting to let her know what was being proposed. Councilor Nicaastro is in opposition stating this location would not be good for this proposed business.

DECISION: Denied.

BASIS: After reviewing the application, plans, information submitted and giving due consideration to testimony given at the public hearing, the board found that the petitioner failed to provide sufficient site plans and pertinent information for the Board to make an informed decision. No hardship dealing with the locus was found by the board. Granting of a Variance to allow for a car dealership at the site would derogate from the intent of the zoning by-laws and would negatively impact the orderly development of the neighborhood.

VOTE:

Motion to Grant by:

Seconded by:

Jeffrey Thomspson

Kenneth Galligan

IN FAVOR: (1)

Craig Pina

OPPOSED: (4)

Kenneth Galligan, Chairman

Michael Williams, Fire Chief

Stephen Bernard

Jeffrey Thompson

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 Little Theatre at the Arnone School, Brockton, Massachusetts, on Tuesday, September 11, 2018 at 7:00 p.m.

IN RE: 18-74 Petition of **RALPH J. SMITH, JR.**, 1019 Crescent Street, Brockton, MA, for a Variance from Art. III, Sec. 27-9, to convert an existing two (2) story office building into two (2) one bedroom apartments with two entrances and exits from both 1st and 2nd floor. Seeking relief from frontage, front, rear and lot size with no dimensional changes to the exterior of the building only a use change to residential in order to have a mix use with apartments in rear and office space in the front in an R-1-C Zone, located at **1019 CRESCENT STREET**.

PETITIONER'S STATEMENT: Attorney John F. Creedon, along with the petitioner Ralph Smith presented to the board Exhibit A, Site Plan, Floor Plans and Letter from Petitioner. Mr. Smith is before the board seeking permission to convert his office building into a mixed use at the above named address. Each apartment will have only one (1) bedroom and two parking spaces each will be provided. A sprinkler system will be installed for public safety. Ward 5 Councilor Anne Beauregard along with Councilors Thomas Monahan and Robert Sullivan are in favor.

OPPOSITION: None

DECISION: Unanimously granted with the stipulations **1.** Sprinkler system to be installed and **2.** No more than two (2) offices in the building.

BASIS: After reviewing the application, plans, information submitted and giving due consideration to testimony given at the public hearing, the board found that granting of a Variance for a mixed use Residential/Commercial office use in the R-1-C zone would not derogate from the intent of the zoning by-laws and would not negatively impact the orderly development of the neighborhood. As an agreed stipulation in the granting of the Variance, the entire building shall be fully sprinklered for fire safety, there shall not be more than two (2) commercial office occupancies and there shall be no more than two (2) single bedroom each apartments. All representations in petitioners statement shall be incorporated by reference as stipulations recorded herewith. City Councilor Anne Beauregard, Thomas Monahan and Robert Sullivan were recorded in favor. There was no opposition.

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 in the Little Theatre at the Arnone School, Brockton, Massachusetts, on Tuesday, September 11, 2018 at 7:00 p.m.

IN RE: 18-75 Petition of **DIANA UBALDO**, 45 Sewall Street, Somerville, MA, for a Variance from Art. IV., Sec. 27-26, and Art. III, Sec. 27-9, to convert a single family dwelling into a two (2) family in an I-2 Zone which lacks frontage, lot size, front, rear and side setbacks requirements . A Variance was previously granted but has expired in a I-2 Zone, located at **139 INTERVALE STREET**.

PETITIONER'S STATEMENT: Attorney John F., Creedon, Bruce Malcolm, Surveyor and the petitioner, Diane Ubaldo presented to the board Exhibit A, Site Plan. Ms. Ubaldo would like to convert a single family home into a two family. The home will have three (3) bedrooms on the first floor and two (2) bedrooms on the second floor. The first floor entry will be on the front of the home and the entrance for the second unit will be on the side.

OPPOSITION: None

DECISION: Unanimously granted with the stipulations **1.** Only 2 units **2.** no more than a total of five (5) bedrooms between the two (2) units, three (3) bedrooms on one floor, two (2) bedroom on another floor and **3.** Green space shown on plan not to be reduced.

BASIS: After reviewing the application, plans, information submitted and giving due consideration to testimony given at the public hearing, the board found that the location of the existing foundation creates a hardship at the site. The building has been used as a residence for many years and granting a Variance from Art. 4, Sec. 27-26 to allow for a two (2) family dwelling would not derogate from the intent of the zoning by-laws and will not negatively impact the orderly development of the mixed use neighborhood. In consideration of the granting of the Variance, the following stipulations shall apply: no more than a total of five (5) bedrooms between the two (2) units, three (3) bedrooms on one floor, two (2) bedroom on another floor, no further encroachment on green space as shown on plans dated August 10, 2018 and all renovations to be City of Brockton Building Department approved.

VOTE:

Motion to Grant by:
Seconded by:

Craig Pina
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 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
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