

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, January 8, 2019 at 7:00 p.m.

IN RE: 19-04 Petition of JASON PATTERSON C/O ATTY ROBERT R. PELLEGRINI, JR., ESQ., 63 Main Street, Suite 1, Bridgewater, MA, for a Variance from Sec. 27-10 & 27-28, to redevelop the existing property into ten (10) residential units in a C-1 Zone, located at 30 INTERVALE STREET.

PETITIONER'S STATEMENT: Attorney Robert Pellegrini along with Architect Eric Zachrisson and petitioner Jason Patterson presented to the board Exhibit A, Site, Floor and Elevation Plans. Mr. Patterson is seeking permission to renovate a commercial building into a residential property. The number of units will be ten (10) with both one (1) and two (2) bedrooms. The parking lot will be to the right of the building. Bollards will be erected in front of the entrance on the side the building to leave space for safety personnel in case of emergency. Lighting will be erected along the property. Private patios will be provided for tenants. These units will be market rate and a vinyl sided fence will be erected along the north side of the building for privacy. The petitioner had a meeting with all area abutters and answered all questions and concerns and it was known at meeting that they approve of petition.

OPPOSITION: None

DECISION: Unanimously granted with the stipulations 1. The units shall be market rate 2. Fully accessible north side entryway and 3. Downward lighting.

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 Variance from Section 27-10 and 27-28 to develop the existing two (2) story building into ten (10) market rate residential units located in a C-1 Zone represents the best use of the property that is surrounded by multifamily dwellings. It appears that the second floor of the structure was used at some time in the past as residential units with the first floor used for commercial uses that all appear to have failed or closed. There are four (4) lots that will be combined to provide ample off street parking and the propose use of the site as market rate housing will complement and enhance the current multifamily neighborhood. Granting would not derogate from the intent of the zoning by-laws and the proposed use will be in harmony with the orderly development of the zone and will not negatively impact the neighborhood. There is adequate ingress and egress to onsite parking and will not interfere with traffic on the abutting streets. Development shall be in conformance with plans submitted dated December 12, 2018. Lighting of the site shall be downward facing to reduce spill over onto adjacent properties. One neighbor spoke of the positive outcome of a neighborhood pre-presentation meeting with the developer and spoke in "favor" of the proposed plan. There was no opposition.

VOTE:

Motion to Grant by:

Seconded by:

IN FAVOR: (5)

Kenneth Galligan, Chairman

Michael Williams, Fire Chief

Craig Pina

Jeffrey Thompson

Robert Pelaggi

OPPOSED: (0)

Craig Pina

Jeffrey Thompson

Michael Williams

Kenneth Galligan

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

James M. Casieri, Clerk

Anthony Zeoli
Anthony Zeoli, City Clerk

ANY APPEAL MUST BE MADE
WITHIN 20 DAYS FROM THIS
DATE JAN 22 2019 PURSUANT
TO M.G.L.C. 40A SECTION 17.

JAN 22 2019

RECEIVED AND FILED: February 12, 2019
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

RECEIVED

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, January 8, 2019 at 7:00 p.m.

IN RE: 19-03 Petition of FLORENCIO J. LOPES, 581 Main Street, Brockton, MA, to request a Variance from Sec. 27-9, to allow the demolition of existing home and to construct a new 2 story dwelling in a R-1-B Zone, located at 38 DIGBY AVENUE.

PETITIONER'S STATEMENT: Petitioner Florencio Lopes along with the Surveyor, Azu Etoniru presented to the board, Exhibit A, Site Plan and Floor Plans. They are before the board seeking permission to demolish the existing home and construct new home with new foundation. The home will be a two (2) story three (3) bedroom home. The existing shed will be removed from property.

OPPOSITION: None.

DECISION: Granted unanimously with the stipulations 1. Home shall be constructed on new foundation 2. Shed to be removed 3. Three (3) bedrooms only and 4. Green space and driveway as 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 a hardship existed at the site due to the unique shape, size and topography of the lot with no adjacent property to alter the size of the existing lot that is currently larger than the neighboring lots. The current dwelling will be demolished and a new three (3) bedroom single family dwelling constructed on the existing dwelling footprint with a minor addition to square off the jogs of the existing dwelling. The location of the foundation creates a hardship at the site. Granting 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 and plans submitted dated June 16, 2018 shall be incorporated by reference as stipulations recorded herewith. There was no opposition presented.

VOTE:

Motion to Grant by:
Seconded by:

Michael Williams
Craig Pina

IN FAVOR: (5)

- Kenneth Galligan, Chairman
- Michael Williams, Fire Chief
- Craig Pina
- Jeffrey Thompson
- Robert Pe'aggi

[Handwritten signatures of Kenneth Galligan, Michael Williams, Craig Pina, Jeffrey Thompson, and Robert Pe'aggi]

OPPOSED: (0)

[Handwritten signature of James M. Casieri]
James M. Casieri, Clerk

[Handwritten signature of Anthony Zeoli]

Anthony Zeoli, City Clerk.

ANY APPEAL MUST BE MADE
WITHIN 20 DAYS FROM THIS
DATE Jan 17 2019 PURSUANT
TO M.G.L.C. 40A SECTION 17.

RECEIVED AND FILED: February 12, 2019
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 Little Theatre at the Arnone School, Brockton, Massachusetts, on Tuesday, January 8, 2019 at 7:00 p.m.

IN RE: 19-02 Petition of TROY SONNLEITNER, 163 Chester Farmway, Raynham, MA, for a Variance from Art. III, Sec. 27-9, petitioner is requesting to reduce the area of an existing non conforming lot, Plot 31 and to combine the remaining area with a non conforming existing lot, Plot 30 requesting relief from lot size, frontage and front setbacks in an R-1-B Zone, located at 403 & 421 TORREY STREET

PETITIONER'S STATEMENT: Attorney John F. Creedon, Scott Faria from Holmgren Engineering presented to the board Exhibit A, Site Plan. Attorney Creedon is before the board with the petitioner, Troy Sonnleitner since being denied back in October 2018. The home is now a legal two (2) family home not a three family as previously stated. The twenty ft (20) wide entrance for the vehicles will be to the right of the home which will house six (6) parking spaces for tenants and guests. The left side of the home will be all greenspace. Abutters Joe Benson and Faustino Resendes stated their concerns and wanted reassurance that the city will follow up if any complaints arise.

OPPOSITION: None

DECISION: Unanimously granted with the stipulations 1. Home shall remain a two (2) family only 2. Trees to be planted on the rear north property side 3. No front parking anytime and 4. Driveway is to be only as 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 due to the unique shape, size, and topography of the site, a Variance granting to allow for the current on-site dwelling to remain a two (2) family dwelling on a reconfigured lot that would be similar in size and area of adjacent properties would not derogate from the intent of the zoning by laws will not negatively impact the orderly development of the neighborhood. The remaining land area will be combined with Plot 30 that will allow for the continued use of the site as off street parking for the church currently on the site. The existing two (2) family dwelling shall remain a maximum two (2) family dwelling situated on the proposed 12,500 sq.ft. plot with off-street parking located at the rear of the dwelling for six (6) 10' x 18' paved parking spaces with sufficient turn around space to preclude the need to back out onto Torrey Street. The current off street parking located at the left front of the dwelling shall be removed and that area as well as non paved area shall remain as green space as shown on plan submitted to the board dated November 17, 2018. The parking area at the rear of the dwelling shall be provided with trees and/or barrier type shrubs to delineate the elevation difference between the two (2) lots. All representations in petitioners statement, including maximum two (2) family dwelling shall be incorporated by reference as stipulations recorded herewith.

VOTE:

Motion to Grant by:

Seconded by:

IN FAVOR: (5)

Kenneth Galligan, Chairman

Michael Williams, Fire Chief

Craig Pina

Jeffrey Thompson

Robert Pelaggi

OPPOSED: (0)

Craig Pina

Jeffrey Thompson

James M. Casieri, Clerk

Anthony Zeoli, City Clerk

ANY APPEAL MUST BE MADE
WITHIN 20 DAYS FROM THIS
DATE JAN 27 2019 PURSUANT
TO M.G.L.C. 40A SECTION 17.

RECEIVED AND FILED: February 12, 2019
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 Little Theatre at the Arnone School, Brockton, Massachusetts, on Tuesday, January 8, 2019 at 7:00 p.m.

IN RE: 19-01 Petition of **WILLIAM BRAGEL**, 166 Crystal Street, Haverhill, MA, to request a Variance from Sec. 27-12, to reconstruct an existing two-family that the city of Brockton has determined abandoned lacking frontage, area, side and front setbacks in a R-1-C Zone, located at **86 SUMMER STREET**.

PETITIONER'S STATEMENT: Attorney Paul Clancy along with the petitioner William Bragel, presented to the board Exhibit A, Site and Floor Plan. Attorney Clancy stated that the original two (2) family home will be demolished and replaced with a new Colonial style two (2) family home. Each unit will have one (1) bathroom and three (3) bedrooms. The attic space will have no living space. Mr. Bragel agreed to remove the old foundation and pour a new foundation along with the new home. All accessory structures on the property will be removed. Abutters John Alves and Irene Bassett are in favor of the new home.

OPPOSITION: None

DECISION: Unanimously granted with the stipulations 1. No living space on the top floor 2. Home shall remain a 2 family home and 3. The garages will be demolished.

BASIS: After reviewing the application, plans, information submitted and giving due consideration to testimony given at the public hearing, the board found that the locus encompasses a former two (2) story single family dwelling in serious disrepair that abuts numerous multifamily dwellings all of which have existed in the area for many years and was formally a two (2) family dwelling. A hardship exists at the site due to the unique shape of the property, its former use and the use of the surrounding properties. The proposed replacement dwelling will occupy the footprint of the current dilapidated structure with a new addition to the rear that will allow for a sixty-one (61) foot rear yard setback. The location of the existing foundation creates a hardship at the site. Granting 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 to include the following: two (2) on site out buildings are to be removed; footprint of new construction to be in conformance with that shown on plan dated July 26, 2018 submitted to board; green space as shown on plan and shall be a maximum two (2) family with no living space in the attic area. There was no opposition presented.

VOTE:

Motion to Grant by:

Craig Pina

Seconded by:

Jeffrey Thompson

IN FAVOR: (5)

Kenneth Galligan, Chairman

Michael Williams, Fire Chief

Craig Pina

Jeffrey Thompson

Robert Pelaggi

OPPOSED: (0)

Anthony Zeoli, City Clerk

ANY APPEAL MUST BE MADE
WITHIN 20 DAYS FROM THIS
DATE 1/11/19 PURSUANT
TO M.G.L.C. 40A SECTION 17.

RECEIVED AND FILED: February 12, 2019
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APPEAL HAS BEEN FILED. CHAPTER 40A SEC. 11