

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, March 12, 2019 at 7:00 p.m.

IN RE: 19-11 Petition of ANJELLA PERKINS, 338 Centre Street, Brockton, MA, seeking permission to change a mixed use property into a two (2) family in a C-1 Zone, located at 338 CENTRE STREET.

PETITIONER'S STATEMENT: The petitioner Anjella Perkins along with Bruce Malcolm, Land Surveyor presented to the board Exhibit A, Site Plan and Exhibit B, Floor Plans. Ms. Perkins is returning to the board since being denied in November 2018. She is seeking permission to change her mixed use structure into a legal two (2) family home. The shed in the rear yard will be removed and will only have the existing pool and pool house in the rear yard. Ms. Perkins had asked for relief of the side yard setback for the pool house which was not five (5) feet from the property line. The sign for the business will be removed and the pavement will be removed for green space in the front of property and in the rear where parking space #5 is now. Councilor Ward 5 Anne Beauregard is in favor of this petition.

OPPOSITION: None

DECISION: Unanimously granted with the stipulations 1. Pool house was granted setback relief 2. Green space in the front where the sign will be removed and in the rear of the property 3. The removal of blacktop in the rear and side of Centre Street to make green space . 4.

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 site relating to the land whereby the site resides in both a C-1 Zone and an R-1-C Zone. The requested Variance was granted to allow the current mixed use dwelling to be used as a two (2) family dwelling in conformance with other surrounding multi-family occupancies. Relief was also granted for side yard setback for the existing pool house accessory structure (Sec. 27-20). The current shed accessory building at the northeast corner of the property shall be removed as agreed by the petitioner. Green space shall be established per code along the front yard between the paved parking and the sidewalk. The current free standing front sign shall be removed and original green space restored at the front southeast corner of the lot. Granting will 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 submitted site plan dated January 2, 2019, Land Survey's Inc. shall be incorporated by reference as stipulations recorded herewith.

RECEIVED
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CITY CLERK'S OFFICE
BROCKTON MA

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

Kenneth Galligan
Michael Williams
Stephen Bernard
Jeffrey Thompson
Craig Pina

OPPOSED: (0)

Anthony J. Zeoli
Anthony Zeoli, City Clerk

James M. Casieri
James M. Casieri, Clerk

ANY APPEAL MUST BE MADE
WITHIN 20 DAYS FROM THIS
DATE MAR 25 2019 PURSUANT
TO M.G.L.C. 40A SECTION 17.

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, March 12, 2019 at 7:00 p.m.

IN RE: 19-12 Petition of NEREE THERMOSTOCLE/ENRICHED ADULT DAYCARE, 1056 Court Street, Brockton, MA, to request a Variance from Art. IV, Sec. 27-25, to allow an adult day care because the request is not allowed in an R-1-C Zone, located at 227 NORTH CARY STREET.

PETITIONER'S STATEMENT: Attorney John F. Creedon along with the petitioner, Neree Thermostocle and Bruce Malcolm from Land Surveyors presented to the board Exhibit A, Site Plan and Floor Plans. Ms. Thermostocle is before the board seeking permission to open an Adult Day Care at the above address. The building will have one entrance for pick up and drop offs using the two (2) company vans. The building has four (4) exits with two (2) being for emergencies only. The employees will be a nurse, activities director and assistant director along with head director. Daily hot lunches will be provided for all the clients. Hours of operation will be 8 a.m. to 5 p.m., with the employees arriving around 7:30a.m., and around 3 p.m. for the clients to start returning home Monday through Friday with no weekends. Benches with umbrellas will be in the rear yard for the clients. The front will have an area for plantings. Ward 5 City Councilor Anne Beauregard is in favor of this petition.

OPPOSITION: None

DECISION: Granted with the stipulation 1. Six (6) ft. fence along the south side of the property and 2. Parking space #2 to be eliminated.

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 exists at the site relating to the location and unique shape of the land that is directly abutting a commercial use and has no potential use as a residential site. Granting would enhance the currently vacant property and would not negatively impact the orderly development of the neighborhood. The following stipulations are incorporated by reference herein: Referencing site plan submitted and dated January 12, 2019, Land Surveys Inc., parking space #2 shall be illuminated, chain link slatted fence or similar fence to be installed to separate and block view from adjacent residential neighborhood and hours of operations to be 8 a.m. to 5 p.m., Monday through Friday, no weekend operations. All representations in petitioners statement shall be incorporated by reference as stipulations recorded herewith. Ward 5 City Councilor Anne Beauregard spoke in favor of granting.

VOTE:

Motion to Grant by:

Craig Pina

Seconded by:

Jeffrey Thompson

IN FAVOR: (4)

Michael Williams, Fire Chief

Stephen Bernard

Jeffrey Thompson

Craig Pina

OPPOSED: (1)

Kenneth Galligan, Chairman

Michael Williams
Stephen Bernard
Jeffrey Thompson
Kenneth Galligan

James M. Casieri, Clerk

Anthony Zeoli, City Clerk

15 3 12 9 2 0 1 9

ANY APPEAL MUST BE MADE
WITHIN 20 DAYS FROM THIS
DATE MAR 26 2019 PURSUANT
TO M.G.L.C. 40A SECTION 17.

CEASED

MAR 26 2019

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, March 12, 2019 at 7:00 p.m.

IN RE: 19-13 Petition of SUNNI WILLIS- HOSPITAL MANAGER FOR VCA, 1116 North Main Street, Brockton, MA, to seek permission to construct a new vestibule and ADA ramp to existing veterinary clinic in a C-5 Zone, located at 1116 NORTH MAIN STREET.

PETITIONER'S STATEMENT: Sunny Willis- Manager of VCA presented to the board Exhibit A, Site Plan. Ms. Willis is before the board seeking permission to construct a vestibule and a handicap ramp at the above address. The vestibule will be used as a buffer entrance before walking into the office with all the pets waiting to be signed in by the doctor. The new ramp will now comply with the state code.

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 the location of the existing foundation creates a hardship at the site relating to the proposed location of the new handicapped ramp and new associated vestibule. Granting will not derogate from the intent of the zoning by-laws and will not negatively impact the orderly development of the neighborhood. All representations presented in petitioners statement and site plan drawing dated February 13, 2019, M. D. Architects shall be incorporated by reference as stipulations recorded herewith.

VOTE:

Motion to Grant by:

Stephen Bernard

Seconded by:

Craig Pina

IN FAVOR: (5)

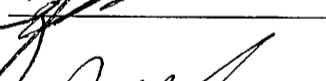
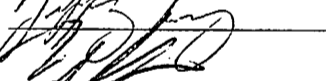
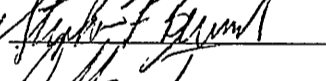
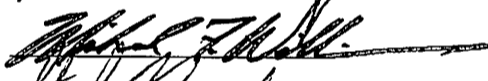
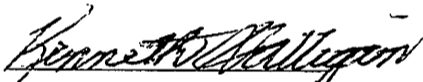
Kenneth Galligan, Chairman

Michael Williams, Fire Chief

Stephen Bernard

Jeffrey Thompson

Craig Pina



OPPOSED: (0)



James M. Casieri, Clerk



Anthony Zeoli, City Clerk

ANY APPEAL MUST BE MADE
WITHIN 20 DAYS FROM THIS
DATE ~~MAR 26~~ 2019 PURSUANT
TO M.G.L.C. 40A SECTION 17.

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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, March 12, 2019 at 7:00 p.m.

IN RE: 19-14 Petition of MARIA FLORES, 19 Howland Circle, Stoughton, MA, seeking permission to update the second floor of building from one (1) to two (2) apartment units in a C-2 Zone, located at 598 NORTH MAIN STREET.

PETITIONER'S STATEMENT: Petitioner Maria Flores along with Bruce Malcolm from Land Surveyors presented to the board Exhibit A, Site and Exhibit B, Floor Plans. Ms. Flores is before the board seeking permission to have a mixed use building with commercial and two (2) apartments on the second floor. When the petitioner purchased the building it had two (2) units upstairs even though the city has it listed as commercial with one (1) apartment unit. Ms. Flores mentioned using ladders as a means of egress on the second floor.

OPPOSITION: None

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 no hardship demonstrated at the locus. Plans submitted to the board were unacceptable relating to number of residential occupancies, unacceptable egresses, dimensions and unacceptable on-site parking layout. Granting of the mixed use occupancy would derogate from the intent of the zoning by-laws and will negatively impact the orderly development of the neighborhood.

VOTE:

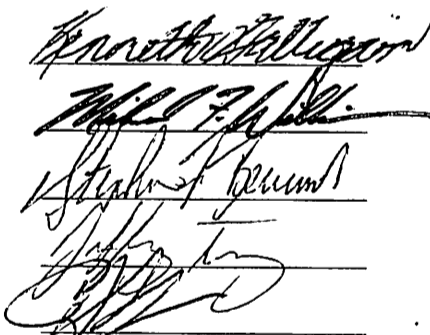
Motion to Grant by:
Seconded by:

Craig Pina
Jeffrey Thompson

IN FAVOR: (0)

OPPOSED: (5)

Kenneth Galligan, Chairman
Michael Williams, Fire Chief
Stephen Bernard
Jeffrey Thompson
Craig Pina



James M. Casieri, Clerk



Anthony Zeoli, City Clerk

ANY APPEAL MUST BE MADE
WITHIN 30 DAYS FROM THIS
DATE MAR 28 2019 PURSUANT
TO M.G.L.C. 40A SECTION 17.

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02/10/2019

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, March 12, 2019 at 7:00 p.m.

IN RE: 19-15 Petition of T-MOBILE, 1777 Sentry Parkway West, VEVA 17, Suite 400, Blue Bell PA, for permission to remove three (3) antennas and six (6) TTAs and install six (6) antennas and three (3) TTAs in an I-2 Zone, located at 1001 NORTH MONTELLO STREET.

PETITIONER'S STATEMENT: Representative for T-Mobile, Mathew Pricco, presented to the board all pertinent information from T-Mobile. Mr. Pricco is before the board stating the above names site will be upgraded. Three (3) of the existing antennas will be taken down then adding six (6) new ones for a grand total of twelve (12) antennas. Monthly inspections and maintenance will occur. The tower will not be replaced.

OPPOSITION: None.

DECISION: Unanimously granted with the stipulation 1. The tower shall remain the same size.

BASIS: After reviewing the application, plans, information submitted and giving due consideration to testimony given at the public hearing, the board voted to amend a previously granted Variance of September 8, 2009, to allow for the proposed modification to the existing telecommunication tower and equipment located at 1001 North Montello Street. In granting the modification, the Board found that the proposed modification as presented with supporting documents at the hearing represent modifications that are not substantive in nature are consistent with relevant FCC (Federal Communications Commission) requirements and structural engineer evaluations of the existing telecommunication tower. The dimensions of the current equipment/tower compound shall not change as a result of the proposal and no excavation or development outside of the current site boundaries shall be granted. All opinions, conclusions and evaluations of the structural engineer made in accordance with generally accepted engineering principles and practices of the existing tower are considered accurate to a reasonable degree of engineering certainty based upon the evidence presented to the board. Granting would not derogate from the intent of the zoning by-laws and will not negatively impact the orderly development of the neighborhood.

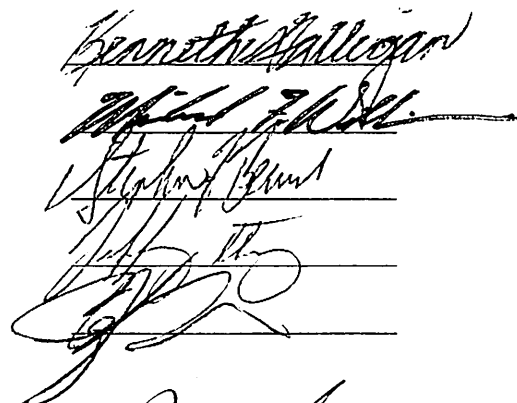
VOTE:

Motion to Grant by:
Seconded by:

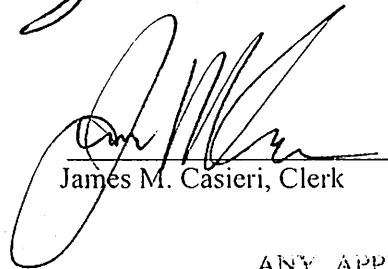
Craig Pina
Jeffrey Thompson

IN FAVOR: 0


Kenneth Galligan, Chairman
Michael Williams, Fire Chief
Stephen Bernard
Jeffrey Thompson
Craig Pina



OPPOSED: 0



James M. Casieri, Clerk



Anthony Zeoli, City Clerk

15 3 17 96 11 11

ANY APPEAL MUST BE MADE
WITHIN 30 DAYS FROM THIS
DATE ~~MAR 26 2019~~ PURSUANT
TO M.G.L.C. 40A SECTION 17.

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, March 12, 2019 at 7:00 p.m.

IN RE: 19-16 Petition of DOMINGOS DAVEIGA, 36 Cosma Road, North Easton, MA, for a Variance from Sec 27-54, and Special Permit from Sec. 27-29(3), to reduce parking spaces by 5.1 spaces for total 24 spaces and allow one (1) parking space at 9' wide x 18' deep to open restaurant that has been closed for more than two (2) years in a C-2 Zone, located at 426-430 MAIN STREET.

PETITIONER'S STATEMENT: Attorney Jose Centeio along with the petitioner, Domingos Daveiga, presented to the board Exhibit A, Site Plan and Floor Plan. Mr. Daveiga is before the board seeking permission to reopen a restaurant that has been closed for more than two (2) years at the above named location. The restaurant is in the same building as his liquor store. The restaurant will have seventy (78) seats and twenty (25) parking spaces. The entrances for the restaurant will be on Main Street and on Lawrence Street. Mr. Daveiga has also purchased the car wash next door that will add more parking for the patrons after it closes at 5p.m. on weekdays and 6p.m. on weekends. Attorney Centeio stated the lighting will be downward on the property.

OPPOSITION: The abutting business neighbors stated they are in opposition due to parking issues.

DECISION: 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 prior use of the site for many years was similar to that presented to the Board and that a hardship exists at the site for all of the required off-street parking due to the size and shape of the lot. The proposed use of the building is appropriate for the proposed use that is consistent with its prior use. The locus is in a section of the city that was developed without sufficient off-street parking and considering the currently provided off-street parking, the potential negative impact will not be increased. 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 presented to the board in the petitioners statement and off-street parking layout as described in site plan dated February 11, 2019, Land Planning Inc. shall be incorporated by reference as stipulations recorded herewith. The proposed bar/restaurant shall have a maximum seating capacity of seventy-eight (78) seats as shown on the submitted seating/table/bar plan.

VOTE:

Motion to Grant by:

Stephen Bernard

Seconded by:

Craig Pina

IN FAVOR: (4)

Michael Williams, Fire Chief

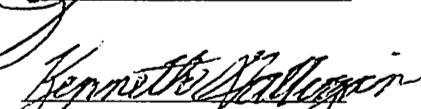
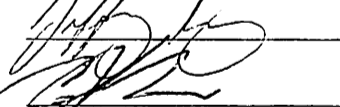
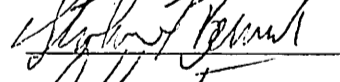
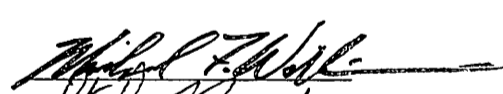
Stephen Bernard

Jeffrey Thompson

Craig Pina

OPPOSED: (1)

Kenneth Galligan, Chairman



James M. Casier, Clerk



Anthony Zeoli, City Clerk

ANY APPEAL MUST BE MADE
WITHIN 20 DAYS FROM THIS
DATE MAR 26 2019 PURSUANT
TO M.G.L.C. 40A SECTION 17.

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, March 12, 2019 at 7:00 p.m.

IN RE: 19-17 Petition of SCOTT BURGESS, 1325 Belmont Street, Brockton, MA, for Variance from Art. III, Sec. 27-9 & 27-13A, to create a subdivision with fourteen (14) single family homes seeking relief for lot frontage, size and width in an R-1-C Zone, located at 533 & 553 NORTH CARY STREET.

PETITIONER'S STATEMENT:

OPPOSITION:

DECISION: Postponed.

BASIS: The petitioner requested by letter prior to the start of the hearing as a matter of right that the hearing be postponed to the April 9, 2019 meeting of the zoning board of appeals.

VOTE:

Motion to Grant by:
Seconded by:

IN FAVOR: 0

Kenneth Galligan, Chairman

Michael Williams, Fire Chief

Stephen Bernard

Jeffrey Thompson

Craig Pina

OPPOSED: 0

Kenneth Galligan
Michael Williams
Stephen Bernard
Jeffrey Thompson
Craig Pina

James M. Casieri
James M. Casieri, Clerk

Anthony J. Zeoli
Anthony Zeoli, City Clerk

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MARCH 13 2019 8:51 AM