

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, April 9, 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 that the hearing be postponed to the May 14, 2019 meeting of the zoning board of appeals as a matter of right.

VOTE:

Motion to Grant by:
Seconded by:

IN FAVOR: 0

Kenneth Galligan, Chairman

Michael Williams, Fire Chief

Robert Pelaggi

Jeffrey Thompson

Kenneth Galligan
Michael Williams
Robert Pelaggi
Jeffrey Thompson

OPPOSED: 0

Anthony J. Zeoli
Anthony J. Zeoli
Anthony Zeoli, City Clerk

James M. Casieri
James M. Casieri, Clerk

RECEIVED AND FILED: May 14, 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

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2019 APR 23 PM 4:19
CITY CLERK'S OFFICE
BROCKTON MA

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, April 9, 2019 at 7:00 p.m.

IN RE: 19-18 Petition of NEW HEIGHTS CHARTER SCHOOL C/O RESILIENCY FOUNDATION INC., 250 East Main Street, Norton, MA ,for a Special Permit to increase the number of students from 525 to 630 with a total of 80 staff members which requires zoning board of approval in a C-2 Zone, located at 1690 MAIN STREET.

PETITIONER'S STATEMENT:

OPPOSITION:

DECISION: Postponed.

BASIS: The petitioner requested by letter prior to the start of the hearing to withdrawn from the scheduled hearing to the May 14, 2019 meeting of the zoning board of appeals as a matter of right.

VOTE:

Motion to Grant by:
Seconded by:

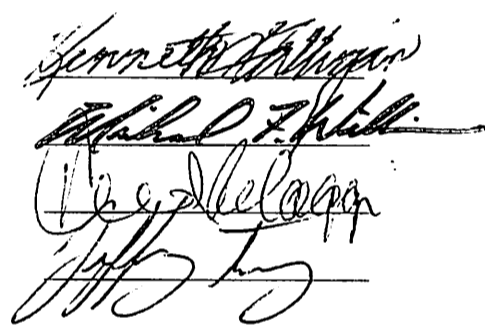
IN FAVOR: 0

Kenneth Galligan, Chairman


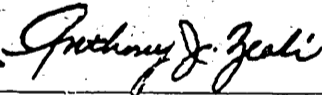
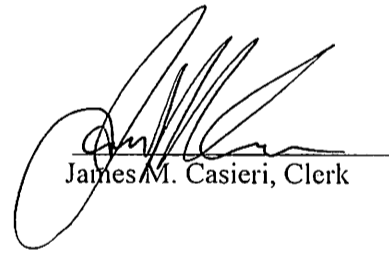
Michael Williams, Fire Chief

Robert Pelaggi

Jeffrey Thompson



OPPOSED: 0



Anthony Zeoli, City Clerk
James M. Casieri, Clerk

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CITY OF BROCKTON
ZONING BOARD OF APPEALS

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IN RE: 19-19 Petition of KRISP 2 CORP, 238 Forest Avenue, Brockton, MA, to request a Variance from Sec. 27-26 (1); 27-39; 27-48, to allow the sale of wine and malt beverages in the existing convenience store located in a R-2- Zone, located at 238 FOREST AVENUE.

PETITIONER'S STATEMENT:

OPPOSITION:

DECISION: Postponed.

BASIS: The petitioner requested by letter prior to the start of the hearing that the hearing be postponed to the May 14, 2019 meeting of the zoning board of appeals as a matter of right.

VOTE:

Motion to Grant by:

Seconded by:

IN FAVOR: 0

Kenneth Galligan, Chairman

Michael Williams, Fire Chief

Robert Pelaggi

Jeffrey Thompson

Kenneth Galligan
Michael Williams
Robert Pelaggi
Jeffrey Thompson

OPPOSED: 0

James M. Casieri
James M. Casieri, Clerk

Anthony Zeoli
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CEMETER

COMMONWEALTH OF MASSACHUSETTS
CITY OF BROCKTON
ZONING BOARD OF APPEALS

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IN RE: 19-20 Petition of SIGN DESIGN, INC. 170 Liberty Street, Brockton, MA, for a Variance from Sec. 27-73, to request to install an electronic message center in a C-2 Zone, located at 39 OAK STREET EXT.

PETITIONER'S STATEMENT: Attorney Richard Lawton along with Tom Doyle, owner of Tommy Doyle's. Mr. Doyle has purchased the old Bickford's Restaurant at the above named address. He is before the board seeking permission to have an electronic message board for special announcements. The size of the sign will be 48' x 72' and will be located under the standard restaurant sign. They are also seeking relief from Sec. 27-65 (1) for the 100ft setback from the residential apartments across the street.

OPPOSITION: None

DECISION: Granted unanimously with the stipulations 1. 10 second change-no scrolling or animations 2. LED sign will be on only when restaurant is open 3. Lights shall be dim in the evening and brighter during the day and 4. The 100 foot relief setback from residential abutters has been 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 request for a digital sign to replace a former lighted sign located at the same site would not derogate from the intent of the zoning by-laws and will not negatively impact the orderly development of the neighborhood. The current sign location has existed at the commercial site for many years with no negative impact on the surrounding neighborhood. Relief was granted for potential residential setback across Oak Street Extension for the current sign location, Section 27-65 (11.) The message or color of display shall change no more than once every ten (10) seconds. The change shall be brief, instantaneous and without scrolling or animation of any kind. The LED sign shall be equipped with an ambient light sensor device which detects the ambient light level and adjusts the sign's brightness to a recommended brightness level of 0.3 foot candles above ambient light conditions. All representations in petitioners statements, including size of proposed sign, shall be incorporated by reference as stipulations recorded herewith and in conformance with Section 27-65, Brockton Zoning Ordinance.

VOTE:

Motion to Grant by:
Seconded by:

Jeffrey Thompson
Robert Pelaggi

IN FAVOR: (4)

Anthony Zeoli
Kenneth Galligan, Chairman
Michael Williams, Fire Chief
Robert Pelaggi
Jeffrey Thompson

Kenneth Galligan
Michael Williams
Robert Pelaggi
Jeffrey Thompson

OPPOSED: (0)

ANY APPEAL MUST BE MADE
WITHIN 20 DAYS FROM THIS
DATE APR 23 2019 PURSUANT
TO M.G.L.C. 40A SECTION 17.

James M. Casieri
James M. Casieri, Clerk

Anthony Zeoli
Anthony Zeoli, City Clerk

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IN RE: 19-21 Petition of JAMES AND LYNN MORRISSEY, 338 Maple Street, Bellingham, MA, for a Variance from Art. III, Sec. 27-10, seeking permission to construct a residential one (1) & two (2) family dwelling on newly created Lots B & C in a C-2 Zone, located at 1367 MAIN STREET.

PETITIONER'S STATEMENT: The petitioners James and Lynn Morrissey along with Scott Faria, Engineer, presented to the board Exhibit A, Site and Floor plans. They are seeking permission to construct a single family home and a multi-family home on the Trinity Baptist Church property. Each lot will have 13,600 sq. ft of land. The two (2) homes will be fronted on Greenwood Road. The existing fence will remain during construction. The hours of construction will be Monday through Friday 7:30 a.m. until 5:00 p.m., some Saturdays and no Sunday construction. The existing school will be razed from the property. Ward 4 Councilor Susan Nicastro is in favor of this petition.

OPPOSITION: None

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 lots were deficient in required frontage and that the petitioner failed to demonstrate a hardship at the locus. 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:

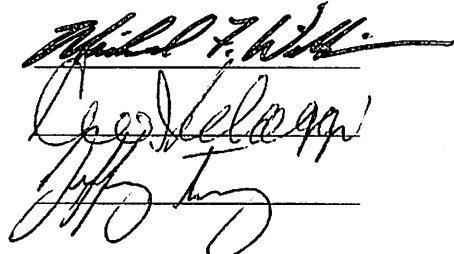
Michael Williams
Jeffrey Thompson

IN FAVOR: (3)

Michael Williams, Fire Chief

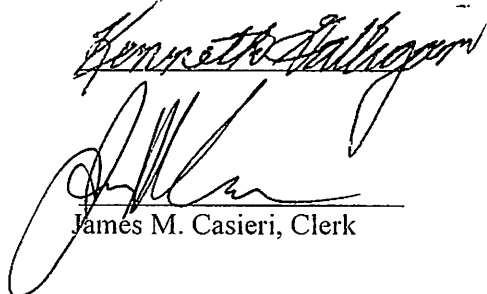
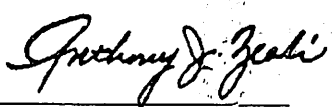
Robert Pelaggi

Jeffrey Thompson



OPPOSED: (1)

Kenneth Galligan, Chairman


James M. Casieri, Clerk

Anthony Zeoli, City Clerk

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IN RE: 19-22 Petition of HUGO COMPERE, 38 Manners Avenue, Brockton, MA, from Sec 27-9, to construct an addition in the rear of the home to increase the square footage of the home in a R-1-C Zone, located at 38 MANNERS AVENUE.

PETITIONER'S STATEMENT:

OPPOSITION:

DECISION: Postponed.

BASIS: The petitioner requested by letter prior to the start of the hearing that the hearing be postponed to the May 14, 2019 meeting of the zoning board of appeals as a matter of right.

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