

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, May 14, 2019 at 7:00 p.m.

REQUEST FOR A SIX (6) MONTH EXTENSION: Petition of CUMBERLAND FARMS, 165 Flanders Rd, Westboro, MA, for a Special Permit and Variance from Art. IV, Sec. 27-29(3)(b), Art. V, Sec.'s 27-37, 27-38 (e), Art. VII, Sec. 27-49 (Special Permit-Gasoline Sales); Article IV, Sec.'s 27-29(3)(a), 27-28(3)(c), Art. VII, Sec. 27-49 (Special Permit-Coffee Shop); Art VII, Sec. 27-48, Art. XIV, Sec's 27-65, 27-67(2), 27-67(4), Variances to allow standing sign in excess of 50s.f., to allow standing sign within 100 feet of a residential use, and for LED lighting of signs all as depicted on site plans. Petitioner proposes the redevelopment of the site into a 5,275 s.f. colonial-style convenience store with gasoline sales, along with signs, parking and landscaping improvements shown on the site plans in a C-2 Zone, located at 700 OAK STREET.

PETITIONER'S STATEMENT: Attorney Brian Vaughan came before the board seeking a six month extension of the new Cumberland Farms at the above named location.

OPPOSITION: None

DECISION: Unanimously granted

BASIS: The petitioner appeared before the Board in reference to a previously granted Variance (18-53) requesting additional time to begin construction of the proposed development of the site at the above location. The board granted the petitioner one (1) single six (6) month extension to the previously granted Special Permits and Variance (Chapter 40-A, Sec 10).

VOTE:

Motion to Grant by:
Seconded by:

Jeffrey Thompson
Craig Pina

IN FAVOR: (5)

Kenneth Galligan, Chairman
Michael Williams, Fire Chief
Jeffrey Thompson
Craig Pina
Tina Cardoso

Kenneth Galligan
Michael Williams
Jeffrey Thompson
Tina Cardoso

OPPOSED: (0)

James M. Casieri
James M. Casieri, Clerk

Anthony Zeoli
Anthony Zeoli, City Clerk

ANY APPEAL MUST BE MADE
WITHIN 20 DAYS FROM THIS
DATE MAY 30 2019 PURSUANT
TO M.G.L.C. 40A SECTION 17.

RECEIVED
CITY CLERK'S OFFICE
BROCKTON MA

2019 MAY 30 AM 11:25

RECEIVED

RECEIVED AND FILED: June 20, 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 Council Chambers, City Hall, Brockton, Massachusetts, on Tuesday, May 14, 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 from lot frontage, size and width in an R-1-C Zone, located at 533 & 553 NORTH CARY STREET.

PETITIONER'S STATEMENT: Attorney John McCluskey, the engineer Scott Faria and the petitioner Scott Burgess presented to the board Exhibit A, Site Plans and Exhibit B, Home Plans. The petition is before the board since being granted by the Planning Department for fourteen (14) homes. The petitioner is seeking relief from the Zoning Board of Appeals to approve the frontage, size and width of the properties. The homes will have three to four bedrooms and attached two car garages. Nine (9) lots have 125 feet in frontage and the other five (5) lots have less than 125 feet. The cul de sac will have granite curbing and sidewalks. Attorney McCluskey stated soil, shape and size is the hardship. The Abutters Baker and Hardiman are in favor of this petition as is David Zaff.

OPPOSITION: Abutting neighbors came out in opposition stating standing water is an issue, traffic and the number of homes the petitioner is requesting is not a hardship. One petitioner by letter stated the original number of homes were less than is before us tonight. Councilor Win Farwell and State Representative Michelle DuBois agreed with the abutters who are in opposition.

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 residential development located in the R-1-C Zoning district contained an unacceptable number of housing units, were deficient in the required frontage (Section 27-9 and Section 27-13A) for the proposed fourteen units and that the petitioner failed to demonstrate a hardship at the locus. Granting of the requested relief for the proposed residential development would derogate from the intent of the zoning by-laws and would negatively impact the orderly development of the neighborhood. There was considerable direct abutter's opposition to the scale of the proposed development.

VOTE:

Motion to Grant by:
Seconded by:

Craig Pina
Tina Cardoso

IN FAVOR: (2)

Craig Pina

Tina Cardoso

OPPOSED: (3)

Kenneth Galligan, Chairman

Michael Williams, Fire Chief

Jeffrey Thompson

Anthony Zeoli, City Clerk

James M. Casieri, Clerk

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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, May 14, 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: The petitioner has withdrawn from this month's zoning board of appeals meeting.

OPPOSITION:

DECISION:

BASIS: The petitioner requested by letter prior to the start of the hearing to withdraw from the scheduled hearing as a matter of right.

VOTE:

Motion to Grant by:

Seconded by:

IN FAVOR: 0

Kenneth Galligan, Chairman

Michael Williams, Fire Chief

Jeffrey Thompson

Craig Pina

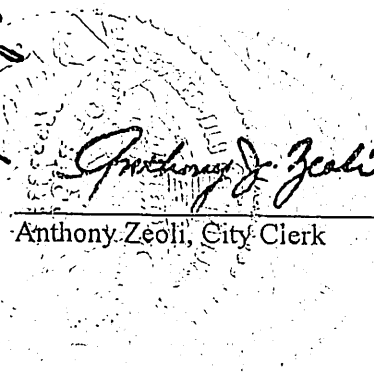
Tina Cardoso

OPPOSED: 0

Kenneth Galligan
Michael Williams
Jeffrey Thompson
Craig Pina
Tina Cardoso

James M. Casieri
James M. Casieri, Clerk

Anthony J. Zeoli
Anthony Zeoli, City Clerk



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BROCKTON MA

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, May 14, 2019 at 7:00 p.m.

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: Attorney Henry Levin along with the petitioner Mr. Patel presented to the board, Site Plan and Drawings of the interior of store. Mr. Patel would like to sell beer and wine at the above location. The liquor license is from the Crescent Street 7 Eleven. A no drinking sign will be in the area that has chairs for the customers who play Keno. The beer and wine will be locked on the hours of no sale allowed. The site plan which shows the parking was not accurate.

OPPOSITION: Abutter Mark Maraglia stated this store is in the route of Brockton High School with students shopping at this location and the parking spaces are limited.

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 the plans submitted to the board were unacceptable to the board relating to the questionable dimensions of the building, unacceptable inaccurate on-site parking, lack of dimensions and size of parking stalls, unacceptable plans for the interior layout of the store and strong opposition to the proposed use from a direct neighbor who cited school pedestrian traffic and on-street parking issues. Granting of the requested relief via Variance 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:

Jeffrey Thompson
Craig Pina

IN FAVOR: (3)

Jeffrey Thompson

Craig Pina

Tina Cardoso

OPPOSED: (2)

Kenneth Galligan, Chairman

Michael Williams, Fire Chief

Jeffrey Thompson
Craig Pina
Tina Cardoso
Kenneth Galligan
Michael Williams

James M. Casieri
James M. Casieri, Clerk

Anthony Zeoli
Anthony Zeoli, City Clerk

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TO M.G.L.C. 40A SECTION 17.

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CITY CLERK OFFICE
BROCKTON MASSACHUSETTS

2019 MAY 30 AM 11:26

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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, May 14, 2019 at 7:00 p.m.

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: The petitioner, Hugo Compere, presented to the board Exhibit A, Site Plan and Exhibit B, Floor and Elevation Plans. Mr. Compere would like to add a five (5) foot addition in the rear of the home. The proposed addition on the Sutton Street side will leave the distance from home to street layout of three (3) feet. The attic roof will be raised to provide acceptable ceiling height. The garage will remain.

OPPOSITION: None.

DECISION: Unanimously denied.

BASIS: After reviewing the application, plans, and information submitted and giving due consideration to testimony given at the public hearing, the board found that the petitioner failed to demonstrate a hardship at the locus relating to the side yard setbacks. Granting of the variance would derogate from the intent of the zoning by-laws and will negatively impact the orderly development of the neighborhood.

VOTE:

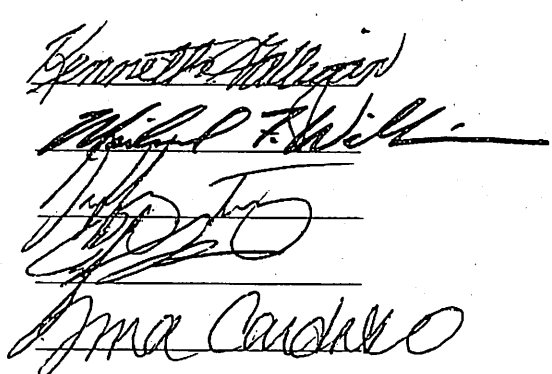
Motion to Grant by:
Seconded by:

Craig Pina
Jeffrey Thompson

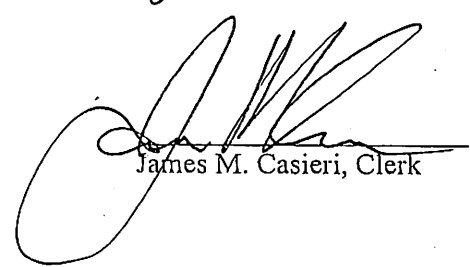
IN FAVOR: (0)

OPPOSED: (5)

Kenneth Galligan, Chairman
Michael Williams, Fire Chief
Jeffrey Thompson
Craig Pina
Tina Cardoso

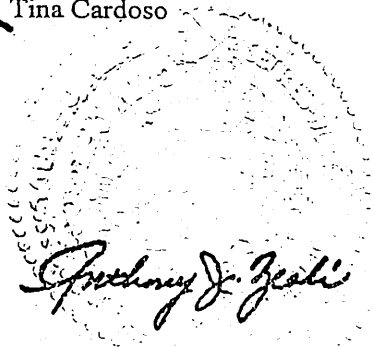


Tina Cardoso



James M. Casieri, Clerk

Anthony Zeoli, City Clerk



ANY APPEAL MUST BE MADE
WITHIN 20 DAYS FROM THIS
DATE MAY 30 2019 PURSUANT
TO M.G.L.C. 40A SECTION 17.

IN ROOM
3010 BUREAU OFFICE

2019 MAY 30 AM 11:26

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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, May 14, 2019 at 7:00 p.m.

IN RE: 19-23 Petition of JOSEPH CORREIA FOR BROCKTONASSETS LLC, 630 Park Street, Stoughton, MA., for a Special Permit from Art. IV, Sec. 3H 27-29, for residential use to have a lodging house and a Variance from Art. III, Sec. 27-10 Table 2 and Art IX Table 4, for parking in a C-2 Zone, located at 1002-1010 MAIN STREET

PETITIONER'S STATEMENT: Attorney John F. Creedon, Surveyor Bruce Malcolm and the petitioner, Joe Correia presented to the board Exhibit A, Site Plan and Exhibit B, Floor Plans. Mr. Correia is before the board seeking permission to reopen the lodging license at the above named address. The license lapsed about four years ago when the building was damaged by a flood. The twenty four (24) units in the upper level have been remodeled and the lower level commercial occupancy is a bar. The building is sprinklered and is alarmed. On-street parking is available. The new owner Julie Brown has two other lodging houses in Lowell and Lynn. Mrs. Brown stated the cameras have helped clean up the neighborhood in these cities. The single adults go through background checks before they are tenants. An on-site manager will be available daily.

OPPOSITION: None

DECISION: Unanimously granted with the stipulation 1. The units shall be in numerical order with the plans given to and approved by the fire department.

BASIS: After reviewing the application, plans, and information submitted and giving due consideration to testimony given at the public hearing, the board found that the site to be the location of a previous residential and commercial occupancy that coexisted with adjacent commercial occupancies and that utilized both off-street and on-street parking. The locus is in a section of the city that was developed without or limited off-street parking but adequate on-street parking. Owing to the circumstances relating to the location, existing structure and especially affecting such structures but not affecting generally the zoning district in which it is located, a literal enforcement of the provisions of the ordinance would involve substantial hardship, financial or otherwise to the petitioner and therefore the requested desirable relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent of purpose of the ordinances. The redevelopment of the site as was previously similarly used for many past years and will not negatively impact the orderly development of the neighborhood and will be in harmony with the current development of the zone. As a condition agreed to by the petitioner in the granting of the zoning relief, the petitioner shall cooperate with the Brockton Fire Department in developing a unit numbering system to identify each unit to the satisfaction and approval of the Fire Department.

VOTE:

Motion to Grant by:
Seconded by:

Craig Pina
Jeffrey Thompson

IN FAVOR: (5)

Kenneth Galligan, Chairman

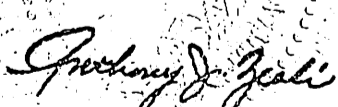
Michael Williams, Fire Chief

Jeffrey Thompson

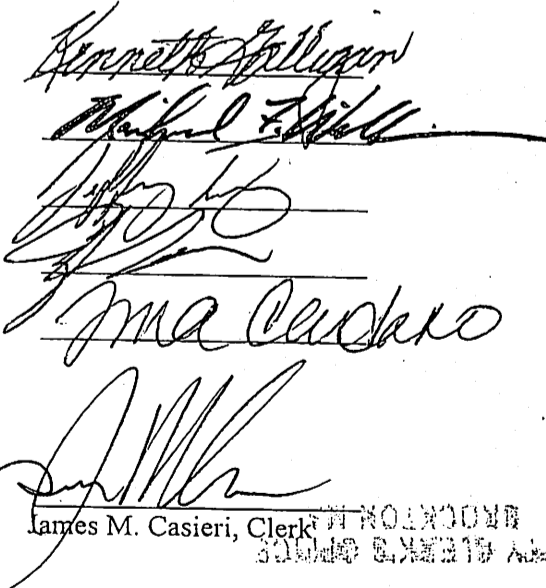
Craig Pina

Tina Cardoso

OPPOSED: (0)



Anthony Zeoli, City Clerk



James M. Casieri, Clerk

2019 MAY 30 AM 11:26

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DATE MAY 30 2019 PURSUANT
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RECEIVED

MAY 30 2019

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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, May 14, 2019 at 7:00 p.m.

IN RE: 19-24 Petition of 648 SUMMER STREET, LLC, 103 Commercial Street, Brockton, MA, for a Variance from Sec. 27-25, 27-48 and Sec. 27-9 Table 1, to be allowed to construct and operate a multifamily complex with 173 apartments in a R-1-C Zone, located at 634-648 SUMMER STREET.

PETITIONER'S STATEMENT: Attorney James M. Burke presented to the board Exhibit A, Site Plan, Exhibit B, Floor Plans, Exhibit C, Memo for Petition for Variance and Exhibit D, Traffic Report. Attorney Burke is seeking permission to construct an apartment complex in a residential single family home area. The original building was a factory which was torn down by the petitioner. The number of units will be one hundred seventy three (173) and two hundred fifty six (256) parking spaces with landscaped islands. Seventy one (71) will be one bedroom and one hundred five (105) will be two bedrooms. The building will be four (4) stories in height. A bike rack will be on the property as well as a charging station. Two (2) driveways will be for the entrance and exit of property. A bus stop will be at the entrance on Summer Street for tenants. Christopher Cooney, President of Metro South Chamber of Commerce is in favor. Mike Mather, Sr. and Mike Mather, Jr. are both in favor.

OPPOSITION: The abutting neighbors came out in opposition and a couple sent letters before the meeting. It was suggested townhouses or the fourteen (14) homes originally suggested when filed for zoning last year but withdrew. The other issues were traffic, water issues-flooding on the streets and properties and the amount of units will add to more noise and problems in this single family area of home ownership. Lastly, the number of units proposed will add strain for our first responders. State Representative Michelle Dubois is in opposition. Councilors Win Farwell and Anne Beauregard are in opposition. Councilor Susan Nicastro who represents ward four (4) stated this is a small lot for the number of apartments in a single family area.

DECISION: Denied.

BASIS: After reviewing the application, plans, and information submitted and giving due consideration to testimony given at the public hearing, the board found that the petitioner failed to demonstrate a hardship at the locus. The size and scale of the proposed 173 unit apartment residential complex located in the R-1-C single family residential zone would severely derogate from the intent of the zoning by-laws and would negatively impact the predominately single family residential neighborhood. Strong neighborhood and elected officials opposition to the proposed residential development cited unacceptable increases in traffic on the current residential streets, lack of any sidewalks in the area, lack of on-site amenities and the request for relief from required on-site parking. The locus is in a section of the city that was developed with predominantly single family residential homes and therefore the proposed 173 unit apartment complex with a four (4) and five (5) story building would be out of character with the surrounding neighborhood and would severely compromise the R-1-C zone that the neighbors currently enjoy by right.

VOTE:

Motion to Grant by:
Seconded by:

Jeffrey Thompson
Tina Cardoso

IN FAVOR: (1)

Craig Pina

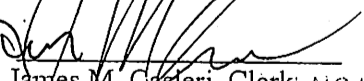
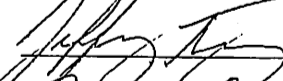
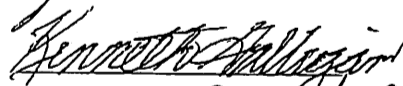
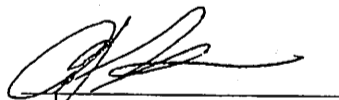
OPPOSED: (4)

Kenneth Galligan, Chairman

Michael Williams, Fire Chief

Jeffrey Thompson

Tina Cardoso



James M. Casferi, Clerk

2019 MAY 15 09:00 AM

2019 MAY 30 AM 11:26

RECEIVED

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WITHIN 20 DAYS FROM THIS
DATE MAY 30 2019 PURSUANT
TO M.G.L.C. 40A SECTION 17.

Anthony Zeoli, City Clerk



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