

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, June 11, 2019 at 6:00 p.m.

IN RE: 19-25 Petition of DAVID SCOTT, 38 Boundary Street, Brockton, MA, to construct a bedroom and wheelchair accessible bathroom for his disabled son in an R-1-C Zone, located at 38 BOUNDARY STREET.

PETITIONER'S STATEMENT: The petitioner, David Scott along with the contractor Salvatore Pizano presented to the board Exhibits Memo to the board, letter from doctor, site and floor plans. Mr. Scott is before the board seeking permission to construct a 20 x 20 addition which is short seven (7) feet in the rear of the home to conform. The addition will be for a bedroom and a roll in shower for his son eighteen year old son Michael. Michael is wheelchair bound and the bedrooms and hall way are too small for him to navigate from room to room. The roll in shower will make it easier for his father, David to care for him as well. The addition will be on a slab foundation.

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 required dimensions of the proposed addition to provide needed living space for a wheelchair bound disabled son coupled with the shape and dimensions of the lot, the restricted location available to construct the addition and the location of the current house foundation created 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 representation in petitioners statement shall be incorporated by reference as stipulations recorded herewith as shown on site plans dated 12/04/18 and construction plans dated 12/13/18. Letters of support were received from neighbors and from Abington Pediatrics, Dr Yara Fernandes, MD.

VOTE:

Motion to Grant by:
Seconded by:

Michael Williams
Craig Pina

IN FAVOR: (5)

Kenneth Galligan, Chairman
Michael Williams, Fire Chief
Stephen Bernard
Tina Cardoso
Craig Pina

OPPOSED: (0)

Anthony J. Zeoli

Anthony Zeoli, City Clerk

Kenneth Galligan
Michael Williams
Stephen Bernard
Tina Cardoso

James M. Casieri
James M. Casieri, Clerk

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

City Clerk

2019 JUN 25 AM 9:39

RECEIVED AND FILED: July 16, 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, June 11, 2019 at 6:00 p.m.

IN RE: 19-26 Petition of BREEZE VICTOR, 96 Echo Street, Brockton, MA, for a Variance to have offices on the 2nd floor and have a personal service shop and convenience store on the 1st floor in a C-5 Zone, located at 1130 NORTH MAIN STREET.

PETITIONER'S STATEMENT: The petitioner, Breeze Victor presented to the board Exhibit A, Site Plan, Floor Plan and Pictures of Building. Mr. Victor recently purchased this building. He would like to have the second (2) floors as offices and the first (1) floor house a hair salon and a mini convenience store. The store will be about 450 square feet with a few shelves and an area for milk, etc. Mr. Victor would like the hours of operation from 6:00 a.m. until 8:00 p.m. Thirteen (13) parking spaces will be in the rear of the property.

OPPOSITION: Abutters Frederick Mullins and Dairy Queen owner, Ronald Chrisona, mentioned that lack of parking at this location has been an issue even in the past and when they can't find a space they park over in the Dairy Queen property.

DECISION: Denied. Did not carry.

BASIS: After reviewing the application, plans and information submitted and giving due consideration to testimony given at the public hearing, the Board found that no hardship was demonstrated at the locus. An immediate abutter offered testimony referencing illegal parking on adjacent property by former tenants of the subject property and spoke in opposition to the proposed use of the site. Granting of the mixed use occupancy in the C-5 zone would derogate from the intent of the zoning by-laws and will negatively impact the orderly development of the surrounding neighborhood.

VOTE:

Motion to Grant by:

Seconded by:

IN FAVOR: (2)

Stephen Bernard

Tina Cardoso

OPPOSED: (3)

Kenneth Galligan, Chairman

Michael Williams, Fire Chief

Craig Pina

Craig Pina

Michael Williams

Stephen F. Bernard

Tina Cardoso

Kenneth Galligan

Michael F. Williams

Craig Pina

James M. Casieri

James M. Casieri, Clerk

Anthony J. Zeoli

Anthony Zeoli, City Clerk

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CITY OF BROCKTON
ZONING BOARD OF APPEALS

ZONING BOARD OF APPEALS held a meeting in the Council Chambers, City Hall, Brockton, Massachusetts, on Tuesday, June 11, 2019 at 6:00 p.m.

IN RE: 19-27 Petition of RAUL ESTREMER, 552 Summer Street, Brockton, MA, to demolish garage and construct a new garage in an R-1- C Zone, located at 552 SUMMER STREET.

PETITIONER'S STATEMENT: The petitioner, Raul Estremera along with the surveyor, Bruce Malcolm presented to the board Exhibit A, Plans for Garage and Plot Plan. Mr. Estremera stated he bought the home eight (8) years ago. The petitioner is seeking permission to rebuild a three car garage that had been demolished. When applying for a permit to construct the new garage, he was informed that the proposed garage did not meet the setbacks. The garage is for his classic cars and to store his work trailer inside. It will be on the same footprint as the old garage. Mr. and Mrs. Haglof who are direct abutters stated the Estremeras are great neighbors.

OPPOSITION: None.

DECISION: Unanimously granted with the stipulations 1. No commercial repair work to be done in the garage.

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 proposed site for the garage construction was the location of a previous garage that had recently been demolished due to reported structural deficiencies. The location of the current house foundation and the overall unique shape of the lot created a hardship at the site. The new garage is proposed to be on the same location and of single story construction and to be used to house the petitioners "hobby" cars. There is to be no commercial type of motor vehicle repair operations at the site at any time. Relief is granted for the side yard setback for the east side corridor construction, garage and garage size, Section 27-25 (2A) not to exceed 27'x43'. 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:

Stephen Bernard

Craig Pina

IN FAVOR: (5)

Kenneth Galligan, Chairman

Michael Williams, Fire Chief

Stephen Bernard

Tina Cardoso

Craig Pina

OPPOSED: (0)

Kenneth Galligan
Michael Williams
Stephen Bernard
Tina Cardoso
Craig Pina

James M. Casieri
James M. Casieri, Clerk

Anthony Zeoli

Anthony Zeoli, City Clerk

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IN RE: 19-28 Petition of YVENET MONAUBAN, 27 Thompson Avenue, Brockton, MA, for a Variance from Art.III, Sec. 27-9, to construct an addition that will be aligned with the existing full foundation which lacks frontage setback requirements for additional bedrooms and living space in an R-1-C Zone, located at 27 THOMPSON AVENUE.

PETITIONER'S STATEMENT: The petitioner, Yvenet Monauban and the surveyor, Bruce Malcolm presented to the board Exhibit A, Plot Plan/Floor Plans. Mr. Monauban is seeking permission to construct an addition to the side of his home. The home will have a guest room on the first (1) floor and a master bedroom on the second (2) floor. The addition will align with the existing home.

OPPOSITION: None

DECISION: Unanimously granted.

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 location of the foundation of the current house creates a hardship at the locus. The proposed location of the new addition will conform to the front foundation line of the current house and will not further reduce the front yard setback. Setbacks of numerous adjacent and neighboring homes are consistent with the proposed structure. Granting of the front setback relief Section 27-9 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 petitioner's statement and plans dated 02/09/19 Land Surveyor Inc. shall be incorporated by reference as stipulations recorded herewith. No opposition to the plans was presented at the hearing.

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)

James M. Casieri
James M. Casieri, Clerk

Anthony Zeoli

Anthony Zeoli, City Clerk

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CITY OF BROCKTON
ZONING BOARD OF APPEALS

ZONING BOARD OF APPEALS held a meeting in the Council Chambers, City Hall, Brockton, Massachusetts, on Tuesday, June 11, 2019 at 6:00 p.m.

IN RE: 19-29 Petition of JOSE DASILVA, 46 Carter Street, Brockton, MA, for a Variance from Sec. 27-9, for setback relief (front and driveway side) for a third egress in an R-2 Zone, located at 17 LINNEA AVENUE.

PETITIONER'S STATEMENT: The petitioner Jose DaSilva, presented to the board Exhibit A, Plot Plan, Photographs and Elevation Plans. Mr. DaSilva is before the board seeking permission to construct an egress from the third floor. The egress will be in the front right side by the driveway. Virginia Kraus, the direct abutter just questioned the location of the landing.

OPPOSITION: None

DECISION: Denied. Did not carry.

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 proposed location of a three (3) story exterior stairway structure and into the required front setback line was unacceptable and in its proposed configuration resulted in no hardship found. Granting would derogate from the intent of the zoning by-law and will negatively impact the orderly development of the neighborhood.

VOTE:

Motion to Grant by:
Seconded by:

Jeffrey Thompson
Craig Pina

IN FAVOR: (2)

Stephen Bernard

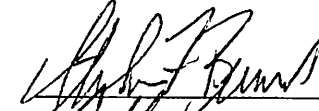
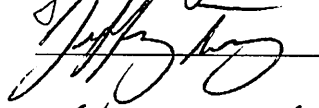
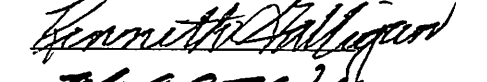
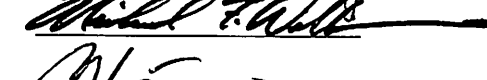
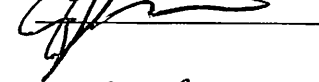
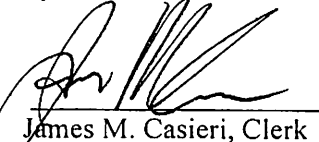
Jeffrey Thompson

OPPOSED: (3)

Kenneth Galligan, Chairman

Michael Williams, Fire Chief

Craig Pina







James M. Casieri, Clerk



Anthony Zeoli, City Clerk

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CITY OF BROCKTON
ZONING BOARD OF APPEALS

ZONING BOARD OF APPEALS held a meeting in the Council Chambers, City Hall, Brockton, Massachusetts, on Tuesday, June 11, 2019 at 6:00 p.m.

IN RE: 19-30 Petition of PAUL E. CLANCY, JR., 71 Legion Parkway, Ste 26, Brockton, MA, for a Variance from Sec. 27-25 and Sec. 27-9, to construct a two (2) family dwelling in a R-1- C Zone, located at PLOT 1 LEACH AVENUE.

PETITIONER'S STATEMENT: Attorney Paul E. Clancy along with the petitioner, William Bragel and engineer, Scott Faria presented to the board Exhibit A, Site Plan and House Plans. They are seeking permission to construct a two (2) family home on the property bought from the City of Brockton at the above named location. The home will be fronted on Leach Avenue and each unit will have two (2) parking spaces.

OPPOSITION: None.

DECISION: Granted.

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 plot was purchased by the petitioner at auction from the City of Brockton and was reportedly represented as a site for a two (2) family dwelling. A hardship exists where part of the site is located in the R-1 zone and the remaining area of the parcel is located in the R-2 zone. The dominate area includes multi-family dwelling. Granting of the requested relief from Section 27-9 would not derogate from the intent of the zoning by-laws and would not negatively impact the order development of the neighbor hood. All representations in petitioner's statement and plans submitted dated 05/15/19, Holmgren Engineering, shall be incorporated by reference as stipulations recorded herewith. Ward 3 City Councilor, Dennis Eaniri spoke in favor of the variance.

VOTE:

Motion to Grant by:

Seconded by:

Craig Pina

Stephen Bernard

IN FAVOR: (4)

Michael Williams, Fire Chief

Stephen Bernard

Jeffrey Thompson

Craig Pina

OPPOSED: (1)

Kenneth Galligan, Chairman

Anthony J. Zeoli

Anthony Zeoli, City Clerk

Michael Williams
Stephen Bernard
Jeffrey Thompson
Craig Pina
Kenneth Galligan
James M. Casieri
James M. Casieri, Clerk

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City 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, June 11, 2019 at 6:00 p.m.

IN RE: 19-31 Petition of **NEW HEIGHTS CHARTER SCHOOL OF BROCKTON**, 1690 Main Street, Brockton, MA, for a Special Permit and Variance from 27-53 and 27-54, to have the board determine parking requirements for an educational institution in a C-2 and an R-1-C Zone, located at **661 CENTRE STREET**.

PETITIONER'S STATEMENT: Attorney James Burke and Engineer Scott Faria presented to the board, Exhibit A, Memorandum and Layout of Parking Plan. They are before the board seeking permission to have a Charter School with enough parking in the above named address. The school will be on the first floor with one hundred (100) students and the Restorative Community Church will occupy the second (2) floor. Thirty five (35) parking spaces will be available along with ten (10) additional spaces for any student who may drive to school. The students will be dropped off in the morning then bused to Massasoit Community College for the classes. The church has four (4) employees and they meet on Tuesday evenings for a study group and on Sunday services. All drop student offs will be on school property. Mrs. Smiley requested that part of the fence along the rear of the property, that was taken down due to a fire in the neighborhood, be replaced. Ollie Spears is in favor as is Ward 5 Councilor Anne Beauregard.

OPPOSITION: None

DECISION: Granted unanimously with the stipulations 1. Fence to be re-erected along the rear of property and 2. Not to exceed one hundred (100) students and no more than ten (10) support staff.

BASIS: After reviewing the application, plans, and information submitted and giving due consideration to testimony given at the public hearing, the board found that in conformance with Art 1X, Sec 27-53 (3) whereby the Board of Appeals shall determine the amount of off-street parking required for a location not specifically mentioned for any building, structure or premises within zoning regulations, that there exists sufficient off-street parking for school purposes having a student population not exceeding one hundred (100) students and not more than ten (10) support staff persons. To support the student population and support staff, the Board found that based upon the design and configuration of the building/school facility, that not less than a total of thirty five (35) off-street 180 sq ft regulation parking spaces shall be provided for a school population not to exceed one hundred (100) students and support staff not to exceed ten (10) employees.

Additionally, in anticipation of not more than ten (10) students providing their own transportation, ten (10) additional parking spaces will be provided and regulated by a special permit process administered by the institution for a combined total of forty five (45) dedicated parking spaces.

The site contains one hundred and twelve (112) parking spaces on site. Using observations of similar school parking sites and information from the "Institute of Transportation Engineers" regarding school parking need guidelines, there currently exists sufficient off-street parking for not more than one hundred (100) students and ten (10) support staff.

The decision of the Board pertaining to the adequacy of the off-street, on-site parking requirements is specific to the design and configuration of the proposed school facility of an anticipated student population of not more than one hundred (100) and support staff of ten (10). In consideration of the total capacity of the parking lot as shown and plans dated 05/14/19, fifty (50) spaces will be dedicated to the church also using the parking lot. Any future expansion of the school affecting parking needs will require Zoning Board approval.

In conformance with prior Zoning Board approvals dated 07/14/15 for this site, access to and from the site to the residential portion of Coolidge Avenue shall continue to be prohibited and a six (6) foot stockade fence shall be erected. Ward 5 City Councilor, Ann Beauregard, spoke in favor of the proposed use at the site as did Mr. Ollie Spears and Ms Lynn Smith. A resident spoke in favor of Coolidge Avenue remaining closed at the property line as it is currently closed.

City Clerk

ANY APPEAL MUST BE MADE
WITHIN 20 DAYS FROM THIS
DATE JUN 15 2019 PURSUANT
TO M.G.L.C. 40A SECTION 17.

2019 JUN 25 AM 9:40

JUN 25 2019

19-31
Con't

VOTE:

Motion to Grant by:
Seconded by:

Jeffrey Thompson
Tina Cardoso

IN FAVOR: (5)

Kenneth Galligan, Chairman

Michael Williams, Fire Chief

Tina Cardoso

Jeffrey Thompson

Craig Pina

OPPOSED: (0)

Kenneth Galligan
Michael Williams
Tina Cardoso
Jeffrey Thompson
Craig Pina

James M. Casieri
James M. Casieri, Clerk

Anthony J. Zeoli

Anthony Zeoli, City Clerk

City Clerk

2019 JUN 25 AM 9:40

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, June 11, 2019 at 6:00 p.m.

IN RE: 19-32 Petition of FATHER BILL'S & MAINSPRING, INC., 1325 Belmont Street, Brockton, MA, for a Variance from Art. III, Sec. 27-23, seeks relief from the minimum parking requirements due to unique use of property and the lack of need for resident parking in a C-2 Zone, located at 48 WARREN AVENUE.

PETITIONER'S STATEMENT: Attorney John McCluskey along with Robert Jenkins from the BRA, presented to the board Exhibit A, Memorandum in Support, Exhibit B, Project Summary and Floor, Elevation and Roof Plans. Attorney McCluskey is representing Father Bill's who are seeking permission to rehabilitate a single family home into a two (2) family home. Each unit will have three bedrooms. This home will be used for homeless individuals and give them the tools to be self-sufficient and eventually live on their own. Three parking spaces will be in the rear and if more needed, Father Bill's owns 111 Green Street. A cases worker will be on hand. The abutting church owns half the driveway and it will be deeded to the petitioner. The building will be sprinkled.

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 locus has been the site of a residential dwelling in the C-2 zone for many years and that a hardship exists whereby the locus is in a section of the City that was developed without off-street parking in conformance with Section 27-23. Granting of relief from 27-23 size and due to the unique use of the property and the lack of need for resident parking would not derogate from the intents of the zoning by-laws and will not negatively impact the orderly development of the neighborhood.

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)

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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CITY OF BROCKTON
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IN RE: 19-33 Petition of DAVID LYNCH OF LYNCH'S TOWING, 30 Quincy Street, Brockton, MA, for a Variance from Art. IV, Sec. 27-33, to allow a tow yard, auto repair, auto body and used car sales in an I-1 Zone, located at PLOT 56 WEST CHESTNUT STREET AND PLOTS 2-4-5 KNAPP CENTRE.

PETITIONER'S STATEMENT: Attorney John F. Creedon along with the petitioner, David Lynch and Engineer, Scott Faria and Architect Jerome Dixon. Mr. Lynch is before the board seeking permission to transfer his tow yard, auto repair/body and used car sales license from Montello/Terminal Place to the above location. The new building will be 25,000 sq.ft. on the 7.26 acre lot. Mr. Lynch will fence with privacy fencing around the lot. Twenty five (25) employees work for Lynch's Towing. The property will contain 510 parking spaces. The main entrance will be on Knapp Centre. Security Cameras will be on the property. Plantings will be along the property. Jen McDonough and Lynn Smith are in favor of this location and only had positive things to say about Mr. Lynch and his companies. Ward 3 Councilor, Dennis Eaniri is in favor.

OPPOSITION: None.

DECISION: Unanimously granted with the stipulations 1. Six (6) ft fencing with slats be erected and 2. Greenspace shall be planted on property as shown on plan submitted.

BASIS: After reviewing the application, plans, and information submitted and giving due consideration to testimony given at the public hearing, the board found that a hardship exists at the locus relative to the size and shape of the lot that is situated at the site of a former municipal refuse dump. The site has remained underdeveloped for many years and granting relief from Art 10, Sect. 27-33 to allow for a tow yard, auto repair and used vehicle sales represents the most appropriate use of the site and similar uses populate the I-1 zoned area. The site has very specific development challenges due to the soil conditions created by the former dump site. Elected officials have encouraged the proposed use within the industrial area as encouraged by the support of Ward 3 City Councilor, Dennis Eaniri of the proposed development.

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 the petitioner's statement, including surrounding security fencing and screening from view from surrounding occupied occupancies, 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)

Anthony J. Zeoli

Anthony Zeoli, City Clerk

James M. Casieri
James M. Casieri, Clerk

City Clerk

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IN RE: 19-34 Petition of LEAF RELIEF LLC, 165 Westgate Drive, Brockton, MA, for a Special Permit from Sec. 1.001-1.023, to allow a dispensary for recreational marijuana in a C-2 Zone, located at 165 WESTGATE DRIVE.

PETITIONER'S STATEMENT: Attorney Mark Adams along with the petitioners Mr. Spiegel and Mr. Elzailah presented to the board Exhibit A, Memorandum and Exhibit B, Plan of Land. They are before the board seeking permission to have a dispensary for recreational marijuana at the above location. The plaza has ample parking and shows thirteen (13) parking spaces. The rear of the store will be supply deliveries. The petitioners stated they will hire a police detail for the first week to make sure the new store does not interfere with the other tenants. Customers over twenty one (21) will only be allowed inside and no off site are allowed. The hours of operation will be from 8:00 a.m. to 8:00 p.m. Attorney Adams stated to the board that before getting the states approval to open requires many steps from different agencies. Ward 3 Councilor Dennis Eaniri and Ward 7 Councilor Shirley Asack are in favor of this location.

OPPOSITION: None

DECISION: Unanimously granted.

BASIS: After reviewing the application, plans, and information submitted and giving due consideration to testimony given at the public hearing, the board found that in conformance with Article III, Section 27-24.4, the proposed Adult Use Marijuana establishment to be properly located in a C-2 zoned location at 165 Westgate Drive and that the use will be of such location, size and character that generally it will be in harmony with the appropriate and orderly development of the zone in which the use is proposed and will not be detrimental to the existing neighborhood or orderly development of adjacent properties and not inconsistent with any officially adopted master plan for the operation of Adult Use of Marijuana for the City.

The granting of the Special Permit on the petitioners full compliance with all mandates of the City of Brockton City Ordinance Section 27-24.4 (3) (Bii). Hours of operation; the Board voted to allow the Marijuana Retailer Hours of Operation to be no earlier than 8 AM and no later than 8 PM, and Section 27-24.6 (i), no deliveries to and from any Marijuana Establishment between the hours of 8:00 PM to 8:00 AM.

City Councilor, Dennis Eanri, spoke in favor of granting the requested Special Permit.

VOTE:

Motion to Grant by:
Seconded by:

Michael Williams
Stephen Bernard

IN FAVOR: (5)

Kenneth Galligan, Chairman
Michael Williams, Fire Chief
Stephen Bernard
Tina Cardoso
Craig Pina

OPPOSED: (0)

Anthony J. Zeoli

Anthony Zeoli, City Clerk

Kenneth Galligan
Michael Williams
Stephen Bernard
Tina Cardoso
Craig Pina
James M. Casieri
James M. Casieri, Clerk

City Clerk

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

2019 JUN 25 AM 9:40

RECEIVED AND FILED: July 16, 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, June 11, 2019 at 6:00 p.m.

IN RE: 19-35 Petition of TWELVE HUNDRED HOPPY LLC, 1200 Montello Street, Brockton, MA, for a Variance from Art. IV, 27-34 & Art. III, 27-13, to allow residential use and for parking and setbacks in an I-2 and C-2 Zones, located at 1200 MONTELLO STREET/5 TERMINAL PLACE.

PETITIONER'S STATEMENT:

OPPOSITION:

DECISION:

BASIS: The petition was withdrawn prior to the start of the Zoning Board hearing as a matter of right.

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

Anthony J. Zeoli

Anthony Zeoli, City Clerk

Kenneth Galligan

Michael Williams

Stephen Bernard

Jeffrey Thompson

James M. Casieri
James M. Casieri, Clerk

City Clerk

2019 JUN 25 AM 9:40

RECEIVED AND FILED: July 16, 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, June 11, 2019 at 6:00 p.m.

IN RE: 19-36 Petition of **BROCKTON DEVELOPMENT COMPANY LLC**, 480 Main Street, Unit 12, Falmouth, MA, for a Special Permit and Variance from Sec. 27-29, 3g 27-30, 3b, Art. III, 27-9, Table 1 to construct twenty two (22) residential units and a full service restaurant with sale of alcohol. Site will include three (3) retail units by right and to waive the parking requirements for multi-family housing as per Sec 27-9, Table 1 in a C-3 Zone, located at **19 MAIN STREET**.

PETITIONER'S STATEMENT: The petitioner, Michael Ahearn presented to the board Exhibit A, Existing and Proposed Floor Plans. Mr. Ahearn is before the board seeking permission to renovate the above named property into 21 residential units and a restaurant on the first floor. The building will have eighteen (18) one bedroom units and three (3) live/work units. The live/work units will have two (2) one bedroom and one (1) two bedrooms. Storage and kitchen will be in the basement with the seventy (70) seats dining area and main kitchen on the first floor. A lounge and exercise room will be on each floor of the housing units. The building will be sprinklered. Brockton Parking Authority Director Bob Malley, stated the new 24 hour garage across the street will have twenty two (22) parking spaces for the tenants. All deliveries will be from Green Street only.

OPPOSITION: None.

DECISION: Unanimously granted with the stipulations 1. No Main Street deliveries allowed.

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 use will be in harmony with the development of the downtown zone and not negatively impact the neighborhood. The locus is in a section of the city that was developed without off-street parking. The developer of the site has entered into an agreement with the Brockton Parking Authority to allow building tenants to have 24 hour access to the parking garage on the adjacent Petronelli Way. Development of the building allowing for a restaurant, retail stores on the first floor and twenty one (21) apartments on the second and third floors will be consistent with a master plan to develop the downtown area and repopulate an existing vacant three (3) store building. Granting of a variance for parking relief due to the unique building/lot coverage circumstances is relieved by the Parking Authority agreement. Special Permit for restaurant and sale of alcohol is consistent with the best development and use of the building and use of the upper floors for residential use will encourage pedestrian traffic in the downtown area. Granting of the Variance and Special Permit will not derogate from the intent of the Zoning by-laws, will be consistent with similar development of the area and will not be negatively impact the orderly development of the neighborhood.

In consideration of the unique accessibility challenges specific to this site, all deliveries to the building occupancies shall be from Green Street only with no deliveries on Main Street. City Councilor, Ann Beauregard, offered support for the development of the site.

VOTE:

Motion to Grant by:

Seconded by:

IN FAVOR: (5)

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

OPPOSED: (0)

Craig Pina

Jeffrey Thompson

Kenneth Galligan
Michael Williams
Stephen Bernard
Jeffrey Thompson

James M. Casieri
James M. Casieri, Clerk

Anthony J. Zeoli

Anthony Zeoli, City Clerk

City Clerk

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WITHIN 20 DAYS FROM THIS
DATE JUN 25 2019 PURSUANT
TO M.G.L.C. 40A SECTION 17.

2019 JUN 25 AM 11:16

JUN 25 2019

RECEIVED AND FILED: July 16, 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