

COMMONWEALTH OF MASSACHUSETTS
CITY OF BROCKTON
ZONING BOARD OF APPEALS

2019 JUL 23 PM 12:07

RECEIVED AND FILED: August 13, 2019
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. 17B

ZONING BOARD OF APPEALS held a meeting in the Council Chambers, City Hall, Brockton, Massachusetts, on Tuesday, July 9, 2019 at 6:00 p.m.

IN RE: 19-37 Petition of SIGN DESIGN C/O BROCKTON PUBLIC LIBRARY, 170 Liberty Street, Brockton, MA, Art. XIV, 27-72, to install a new sign with electronic message board in a C-2 Zone, located at 304 MAIN STREET.

PETITIONER'S STATEMENT: The petitioner, Ashley Jimenez, presented to the board Exhibit A, Site Plan with picture of sign. Ms. Jimenez is representing The City of Brockton Public Library who would like permission to add a LED message board. The message board will be on the monument style sign which will notify the community of any events going on. The sign will be 5 feet from the edge of property. The lighting will be dim during the evening hours and no animation. Lynne Smith spoke in favor of this sign. City Councilors Beaugard, Sullivan, Nicasastro and Lally are all in favor of the new sign.

OPPOSITION: None

DECISION: Unanimously granted with the stipulations 1. The sign will be erected 5 feet from the edge of the sidewalk.

BASIS: After reviewing the application, plans, and information submitted and giving due consideration to testimony given at the public hearing, the board voted to allow the installation of a LED electronic message board in conformance with Section 27-65, Brockton Zoning Ordinance. The message or color of display shall change no more than 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 signs brightness to a recommended brightness level of 0.3 foot candles above ambient light conditions. All representations in petitioner's 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. Additionally, a Variance from Section 27-65 (11) was granted from minimum yard setback from the sidewalk property line from required ten (10) feet to five (5) feet. A hardship was demonstrated unique to the site due to the constraints of the proposed sign location and limited sight line obstruction due to adjacent building locations. No portion of the sign shall extend into the granted five (5) foot setbacks.

Granting would not derogate from the intent of the zoning by-laws and will not negatively impact orderly development of the neighborhood. The above listed stipulations are incorporated by reference herein. All representations in petitioners statement and sign plans presented shall be incorporated by reference at stipulations recorded herewith.

VOTE:

Motion to Grant by:
Seconded by:

Craig Pina
Robert Pelaggi

IN FAVOR: (5)

- Kenneth Galligan, Chairman
- Dpryce Smith
- Robert Pelaggi
- Affrey Thompson
- Craig Pina

Kenneth Galligan
Dpryce Smith
Robert Pelaggi
Affrey Thompson
Craig Pina
 James M. Casieri, Clerk

OPPOSED: (0)

Anthony J. Zeoli

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

COMMONWEALTH OF MASSACHUSETTS
CITY OF BROCKTON
ZONING BOARD OF APPEALS

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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. 17

ZONING BOARD OF APPEALS held a meeting in the Council Chambers, City Hall, Massachusetts, on Tuesday, July 9, 2019 at 6:00 p.m.

IN RE: 19-38 Petition of **PRETORIUS ELECTRIC & SIGN CO., INC.**, 267 A South Main Street, W. Bridgewater, MA, for a Variance from 27-65 (11), seeking relief from 10ft. setback requirement sign relocation due to road widening in a C-1 Zone, located at **826-838 BELMONT STREET**.

PETITIONERS STATEMENT: The petitioner, Richard Pretorius along with the owner Chris Mihos presented to the board Exhibit A, Site Plan with picture of sign. They are before the board seeking permission to relocate the existing sign 5 feet from street due to the widening of Belmont Street by the Commonwealth of Massachusetts. The sign will be internally lit no LED.

OPPOSITION: None

DECISION: Unanimously granted with the stipulation that the sign be 5 feet from street line and the sign be internally lighted, no LED.

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 existed at the locus due to the reconstruction of the Belmont St layout as it affects the potential sign location on the property. The future driveway relocation due to the widening of Belmont St is directly impacted by the new street layout. A literal enforcement of the provisions of the ordinance would involve substantial hardship to the petitioner and therefore relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of such ordinance. No portion of the sign shall extend to within five (5) feet of the property/public way layout. The sign shall comply with mandates of Section 27-65. The above listed stipulations are incorporated by reference herein. All representations in petitioners statement and sign plans presented for the internally lit sign be incorporated by reference as stipulations recorded herewith.

VOTE:

Motion to Grant by:
Seconded by:

Jeffrey Thompson
Craig Pina

IN FAVOR: (5)

- Kenneth Galligan, Chairman
- Doryce Smith
- Robert Pelaggi
- Jeffrey Thompson
- Craig Pina

Kenneth Galligan
Doryce Smith
Robert Pelaggi
Jeffrey Thompson
Craig Pina

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 JUL 23 PURSUANT
TO M.G.L.C. 40A SECTION 17.

A TRUE COPY ATTEST

Anthony Zeoli

JUL 23 2019

Anthony J. Zeoli

COMMONWEALTH OF MASSACHUSETTS
CITY OF BROCKTON
ZONING BOARD OF APPEALS

2019 JUL 23 PM 12:07

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Anthony J. Zeoli

ZONING BOARD OF APPEALS held a meeting in the Council Chambers, City Hall, Brockton, Massachusetts, on Tuesday, July 9, 2019 at 6 00 p.m.

IN RE: 19-39 Petition of NAHF BROCKTON LTD PARTNERSHIP, 1325 Belmont Street, Brockton, MA, for a Variance from Art. IV, Sec. 27-15, to construct an accessory use garage used for maintenance purposes, a mailroom and an outdoor basketball court in an R-1- C Zone, located at PLOT 14/ 0 DUNBAR STREET.

PETITIONER'S STATEMENT: Attorney John McCluskey along with Scott Faria and Bill Kasper who represents Davis Commons submitted to the board Exhibit A, Site Plan and Garage information. They are before the board seeking permission to construct a garage for maintenance vehicles, store outdoor equipment, mailroom for deliveries of packages and a lunch room. They are also adding a basketball court in the already paved area. The court will have no lights. A fence along Dunbar Street will be erected for the privacy of the single family homes on the street and the existing fence will be replaced with a new fence. The temporary storage containers will be removed when the garage is complete. Landscaping and greenery will be along the fence. More parking will be provided due to the purchase of more adjacent land. Ward 4 Councilor Susan Nicaastro spoke in favor of this petition.

OPPOSITION: None

DECISION: Unanimously granted with the stipulations 1. Downward facing lighting in the parking lot area 2. No access to Dunbar Street 3. Storage containers to be removed 4. Fence and greenery as shown on plan 5. No lights on basketball court. 6. A stockade fence surrounding property line.

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 due to the unique size of the lot (4.76 acres), and the shape and soil conditions render only a small area of Plot 14 available for the construction of a structure. The adjoining parcel, also under the same ownership by NAHF Brockton Limited Partnership is also located on a plot that is completely "built out" and has no further room for building due to wetland soil conditions. The proposed use of Plot 14/0 Dunbar St. for an accessory use garage for Davis Commons, located immediately adjacent to Plot 14/0 will allow for much needed additional parking at that site when the current storage container shelter for maintenance equipment is removed and provide for a safe location for the delivery of packages of Davis Commons. The current basketball court immediately adjacent to Plot 14/0 will be relocated for use of tenants of Davis Commons will not be a public court and will have no lighting for after dark use. Plot 14/0 will have no access from Dunbar St, will be accessed via Davis Commons and only and will be encompassed by fencing and tree plantings to prohibit foot traffic to or from Dunbar St. Exterior lighting shall be downward facing and shall not "spill over" onto nearby residential structures.

Granting of the Variance to construct the accessory use garage would not derogate from the intent of the zoning by-laws and will not negatively impact the orderly development of the neighborhood. The above listed stipulations are incorporated by reference herein. All representation in petitioner's statement and submitted plans dated 06/07/19 shall be incorporated by reference as stipulations recorded herewith.

VOTE:

Motion to Grant by:
Seconded by:

Jeffrey Thompson
Robert Pelaggi

IN FAVOR: (5)

Kenneth Galligan, Chairman

Doryce Smith

Robert Pelaggi

Jeffrey Thompson

Craig Pina

OPPOSED: (0)

Kenneth Galligan
Doryce Smith
Robert Pelaggi
Jeffrey Thompson
Craig Pina

James M. Casieri
James M. Casieri, Clerk

Anthony J. Zeoli

Anthony Zeoli, City Clerk

TRUE COPY ATTEST
Anthony J. Zeoli

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

COMMONWEALTH OF MASSACHUSETTS
CITY OF BROCKTON
ZONING BOARD OF APPEALS

2019 JUL 23 PM 12:07

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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. CITY CLERK OFFICE

ZONING BOARD OF APPEALS held a meeting in the Council Chambers, City Hall, Brockton, Massachusetts, on Tuesday, July 9, 2019 at 6:00 p.m.

IN RE: 19-40 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: Jim and Lynne Morrissey along with Pastor Mark Oliver presented to the board Exhibit A, Site Plan and Drawings of the homes. The Morrissey have returned since being denied back in April, 2019. The new lots will be 100 ft frontage and 125 ft in depth each for the single and two (2) family homes. The lots will be over 12,000 sq. ft. A privacy fence will be along the properties. The existing vacant school will be demolished before the homes will be constructed. Twenty (20) six (6) ft in height arborvitae will be planted along the rear of the both properties. The parking for each new home will be side by side. The homes will be in line with the existing homes and will not take away the look of the Baptist Church commercial property. Neighbor, Dennis Hersey mentioned that the old school has animals living inside and just mentioned that they need to be removed carefully before the school was demolished. Ward 4 Councilor Susan Nicastro along with Councilors Sullivan, Monahan and Beauregard are in favor.

OPPOSITION: None.

DECISION: Unanimously granted with the stipulations 1. Six (6) foot arborvitae trees to be planted in the rear of the new homes 2. Privacy slats to be attached to the existing fence. 3. Parking and green space shown on plan dated June 10, 2019.

BASIS: After reviewing the application, plans, and information submitted and giving due consideration to testimony given at the public hearing, the board found the locus located in a C-2 zone to have a unique size and shape affecting the land and structures located in an area surrounded with single homes and multi-unit apartment buildings. The zone demarcation lines encompasses a parcel of land that has been the site of a large campus style estate home that has existed at the locus for many years and in the recent past has been used as a church and a religious school. Surrounding multi-family homes are located in the same C-2 zone and other multi-family homes make up the surrounding neighborhood.

The construction of one (1) single family dwelling and one (1) two (2) family dwelling on the Greenwood Rd side of the property built in conformance with R-2 zoning mandates, will clean up an unsightly section of the property. It will be in conformance with adjacent residential properties and leave a large C-2 area along the commercial Main St corridor. Privacy fencing shall be placed along the south property line, a six (6) foot stockade type fence along the east and north property lines including evergreen plantings on the east and north property lines. One dwelling shall be a single family and the second dwelling shall be a two (2) family dwelling. All structural green space and driveways shall be constructed as described in plans submitted dated 06/10/19.

Granting would not derogate from the intent of the zoning by-laws and will not negatively impact this orderly development of the neighborhood. The above listed stipulations are incorporated by reference herein. All representations in petitioners statement shall be incorporated by reference as stipulations recorded herewith. Ward 4 City Councilor, Susan Nicastro, appeared "in favor" of granting the variance.

VOTE:

Motion to Grant by:

Seconded by:

IN FAVOR: (5)
Kenneth Galligan, Chairman

Oryce Smith

Robert Pelaggi

Jeffrey Thompson

Craig Pina

OPPOSED: (0)

Craig Pina

Jeffrey Thompson

James M. Casieri, Clerk

Anthony J. Zeoli
Anthony Zeoli, City Clerk

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

A TRUE COPY ATTEST
Anthony J. Zeoli

COMMONWEALTH OF MASSACHUSETTS
CITY OF BROCKTON
ZONING BOARD OF APPEALS

2019 JUL 23 PM 12:07

ZONING BOARD OF APPEALS held a meeting in the Council Chambers, City Hall, Brockton, Massachusetts, on Tuesday, July 9, 2019 at 6:00 p.m.

IN RE: 19-41 Petition of RCA DEVELOPMENT INC, 24 Braemoor Road, Brockton, MA, remand from Land Court and MA SJC in an R-1-B Zone, located at 24 BRAEMOOR ROAD.

PETITIONER'S STATEMENT: Richard Annese from RCA Development, Inc. presented to the board The Court Appeals decision to return to the Zoning Board of Appeals. Mr. Annese petition was denied when it originally came before the board in 2016. After appealing to the Land Court, Judge Foster stated in favor of the petitioner to build a new home. It was again appealed by the City of Brockton to the Commonwealth of Massachusetts SJC and the decision was upheld. Attorney John F. Creedon confirmed that the City of Brockton needs to award the petitioner a building permit.

OPPOSITION: Ward 1 Councilor Timothy Cruise was disappointed the courts do not grant the wishes of the Zoning Board. Councilor Robert Sullivan wanted to make sure plenty of green space was around the property and an abutter Daniel Shaw wanted confirmation that only a single family home can be constructed.

DECISION: Granted unanimously.

BASIS: After reviewing the application, plans, and information submitted and giving due consideration to testimony given at the public hearing, the board voted to comply with the Massachusetts Supreme Judicial Court decision of May 1, 2019 affirming the judgment of the "Land Court" to instruct the Building Inspector to issue the building permit for a single family residence, Lot 46 at the Braemoor Rd locus, pursuant to the conditions set forth in Section 27-12 of the Brockton Zoning Ordinance consistent with this Courts' Memorandum and Order.

VOTE:

Motion to Grant by:
Seconded by:

Craig Pina
Robert Pelaggi

IN FAVOR: (5)

Kenneth Galligan, Chairman
Doryce Smith
Robert Pelaggi
Jeffrey Thompson
Craig Pina

Kenneth Galligan
Doryce Smith
Robert Pelaggi
Jeffrey Thompson
Craig Pina

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 JUL 23 2019 PURSUANT
TO M.G.L.C. 40A SECTION 17.

A TRUE COPY ATTEST
Anthony Zeoli

RECEIVED AND FILED: August 13, 2019
I, ANTHONY J. ZEOLI, CITY CLERK OF BROCKTON, MASSACHUSETTS, DO 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, July 9, 2019 at 6:00 p.m.

IN RE: 19-42 Petition of GARY E. LEONARD, 4 Main Street, Brockton, MA, for a Special Permit and Variance to allow a marijuana cultivation and manufacturing facility which maybe within 100 ft. of residential use in a I-2 Zone, located at 53 SPARK STREET.

PETITIONER'S STATEMENT: Attorney Richard Staiti along with the petitioner, Gary Leonard presented to the board Exhibit A, Site Plan and Drawings. Mr. Leonard is before the board seeking permission to grow marijuana at the above location. The size of the building is one hundred thousand (100,000) sq.ft. and only six thousand five hundred (6,500) of the building on the third floor will be used at this time. A host agreement and neighborhood meeting has occurred. Mr. Leonard will be employing between fifty to sixty people. Hours of operation will be seven (7) days per week from 7: a.m. until 7:00p.m. The other businesses in the building will have separate egresses from the cultivation business. They are planning on expanding and purchasing the entire building which will require them to return to zoning for approval again. Councilors Asack, Monahan and Lally are in favor as were some Brocktonians who were not direct abutters.

OPPOSITION: None.

DECISION: Unanimously granted with the stipulation 1. Hours of operation will be seven (7) days per week from 7: 00 a.m. until 7:00 p.m.

BASIS: After reviewing the application, plans, information submitted and giving due consideration to testimony given at the public hearing, the Board found that in conformance with Section 27-24.4 (3) allowed user to allow a marijuana cultivation and manufacturing facility to be located in an I-2 zone within one hundred (100) feet of a Residential zone located at 53 Spark St, will be of such location, size and character that generally it will be in harmony with the appropriate and orderly development of the I-2 zone, and will not be detrimental to the existing neighborhood or orderly development of adjacent properties nor inconsistent with any officially adopted city master plan for the cultivation and manufacturing of marijuana.

The granting of the Special Permit for the specific site is expressly conditioned upon the petitioner's full compliance with all mandates of Section 27-4, Marijuana Cultivation and Manufacturing facilities.

The Board voted to allow the petitioners requested hours of operation to be 7 am to 7 pm, Seven (7) days per week for the specific third (3) floor location only as proposed by the Petition's Special Permit request. No further expansion of the manufacturing facility shall be allowed without Zoning Board approval. No retail sales to the Public shall be allowed at this facility.

There were many zoning board hearing attendees that offered support for the granting of the Special Permit.

VOTE:

Motion to Grant by:
Seconded by:

Craig Pina
Robert Pelaggi

IN FAVOR: (5)

- Kenneth Galligan, Chairman
- Doryce Smith
- Robert Pelaggi
- Affrey Thompson
- Craig Pina

Kenneth Galligan
Doryce Smith
Robert Pelaggi
Affrey Thompson
Craig Pina

OPPOSED: (0)

James M. Casieri
 James M. Casieri, Clerk

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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 SECTION 17

Anthony Zeoli
Anthony Zeoli, City Clerk

A TRUE COPY ATTEST

Anthony J. Zeoli

ANY APPEAL MUST BE MADE WITHIN 20 DAYS FROM THIS DATE 7/23/2019 PURSUANT TO M.G.L.C. 40A SECTION 17.

COMMONWEALTH OF MASSACHUSETTS
CITY OF BROCKTON
ZONING BOARD OF APPEALS

2019 JUL 23 PM 12:07

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ZONING BOARD OF APPEALS held a meeting in the Council Chambers, City Hall, Brockton, Massachusetts, on Tuesday, July 9, 2019 at 6:00 p.m.

IN RE: 19-43 Petition of NATURE'S EMBRACE, INC., 221 Oak Street, Brockton, MA, for a Special Permit from Sec. 27-24.4 3(b), to allow for a retail marijuana dispensary in a C-2 Zone, located at 747 CENTRE STREET.

PETITIONER'S STATEMENT: Attorney Patrick Sullivan along with the petitioner Joe Feeney and Engineer Eric Diaz presented to the board Exhibit A, Site Plan. They are before the board seeking permission to allow the sale of retail marijuana at the above location. The petitioner will have forty one parking spaces with ADA accessibility. They will have a drop off area and frosted windows. It was mentioned to the petitioner that this property was half in a residential zone which is not allowed for retail marijuana sales.

OPPOSITION: Councilor Anne Beauregard is in opposition. The abutting neighbors came out in opposition of this petition. All mentioned traffic, crime and the students who will walk past this property going to the area schools.

DECISION: Denied unanimously.

BASIS: After reviewing the application, plans, and information submitted and giving due consideration to testimony given at the public hearing, the board found the locus to be located partially in a C-2 Zone and partially in an R-1-C Zone. In conformance with Chapter 27, Section 27-24.4 (2B), Adult Use of Marijuana, Special Permitted use, Marijuana Retailer and the retail sales of marijuana accessories shall be special permitted uses in C-2 General Commercial Zones and C-3 Central Business Zones only. Section 27-24.4 (4) prohibits marijuana establishments to be located in the R-1- C Zone for the foregoing circumstances the request for the establishment of a Retail Marijuana establishment at the 747 Centre St locus is denied.

VOTE:

Motion to Grant by:

Craig Pina

Seconded by:

Robert Pelaggi

IN FAVOR: (0)

OPPOSED: (4)

Kenneth Galligan, Chairman

Doryce Smith

Robert Pelaggi

Craig Pina

James M. Casieri, Clerk

Anthony Zeoli, City Clerk

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

A TRUE COPY ATTEST

JUL 23 2019

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, July 9, 2019 at 6:00 p.m.

IN RE: 19-44 Petition of GREEN STRATUS CORP., 15 Saw Mill Pond Road, Canton, MA, for a Special Permit from 27-24.4 3(b), to allow for a retail marijuana dispensary in a C-2 Zone, located at 255 NORTH PEARL STREET.

PETITIONER'S STATEMENT: Attorney Patrick Sullivan, Engineer Eric Diaz along with the petitioner, Green Stratus Corp. presented to the board Exhibit A, Site and Floor Plans. They are before the board seeking permission to have a retail marijuana shop at the above named location. Office space will be in the front of the building and the dispensary will be in the rear of building. The dispensary will have no drive through. In the first months of being open, it will be appointment only. Hours of operation will be 8:00 a.m. until 8:00 p.m. It was mentioned they have been negotiating with the abutting neighbor to use additional parking spaces if needed. Councilors Farwell and Monahan are in favor. Brocktonian Lynne Smith is in favor and Abutter Frank Caswell will be waiting until all marijuana petitioners to be heard before a parking lease is issued.

OPPOSITION: The owner from the car wash stated the area is congested.

DECISION: Granted unanimously with the hours of operation from 8:00 a.m. until 8:p.m.

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 Retail Establishment to be properly located in a C-2, General Commercial Zone located at 255 North Pearl St 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 nor inconsistent with any officially adopted City master plan for the operation of Adult Use of Marijuana.

The granting of the Special Permit is expressly conditioned upon the petitioner's compliance with all mandates of Section 27-24.4, Adult Use of Marijuana.

In conformance with 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 not later than 8 PM and Section 27-24.6 (1), no deliveries to and from any Marijuana Establishment between the hours of 8 AM to 8 PM.

VOTE:

Motion to Grant by:
Seconded by:

Robert Pelaggi
Jeffrey Thompson

IN FAVOR: (5)

- Kenneth Galligan, Chairman
- Doryce Smith
- Robert Pelaggi
- Jeffrey Thompson
- Craig Pina

Kenneth Galligan
Doryce Smith
Robert Pelaggi
Jeffrey Thompson
Craig Pina

OPPOSED: (0)

James M. Casieri
 James M. Casieri, Clerk

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Anthony Zeoli, City Clerk

A TRUE COPY ATTEST

Anthony J. Zeoli

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JUL 23 2019

2019 JUL 23 PM 12:08

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, July 9, 2019 at 6:00 p.m.

IN RE: 19-45 Petition of HYE CORP., LLC. (PAUL MERIAN), 137 Main Street, Brockton, MA, for a Special Permit from Art. III, Sec. 27-24.4 and Sec. 1.001-1.023, to allow a dispensary for recreational marijuana in a C-2 Zone, located at 327 NORTH PEARL STREET.

PETITIONER'S STATEMENT: Attorneys John F. Creedon and Scott Rubin along with the petitioner, Paul Merian and the land surveyor Scott Faria presented to the board Exhibit A, Site and Floor Plan. They are before the board seeking permission to have a dispensary for recreational marijuana at the above named location. The parking will be on the side of the building and handicap parking will be in the front of the building. The hours of operation will be 8:00 a.m. to 8:00 p.m. Councilor Monahan is in favor.

OPPOSITION: Brocktonian Dennis Hersey is in opposition due to the close proximity to a child care in the rear of this property.

DECISION: Granted unanimously with the stipulations 1. Hours of operation 8:00 a.m. to 8:00 p.m .2. handicap parking to be parallel so no backing out onto street.

BASIS: After reviewing the application, plans, 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 Retail Establishment to be properly located in a C-2, General Commercial Zone located at 327 North Pearl St 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 nor inconsistent with any officially adopted City master plan for the operation of Adult Use of Marijuana.

The granting of the Special Permit is expressly conditioned upon the petitioner's compliance with all mandates of Section 27-24.4, Adult Use of Marijuana.

In conformance with 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 not later than 8 PM and Section 27-24.6 (1), no deliveries to and from any Marijuana Establishment between the hours of 8 AM to 8 PM.

VOTE:

Motion to Grant by:

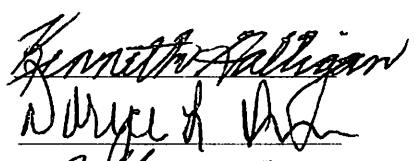
Craig Pina

Seconded by:

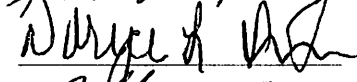
Jeffrey Thompson

IN FAVOR: (4)

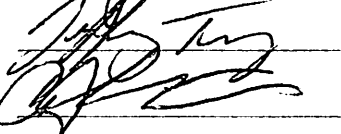
Kenneth Galligan, Chairman



Doryce Smith



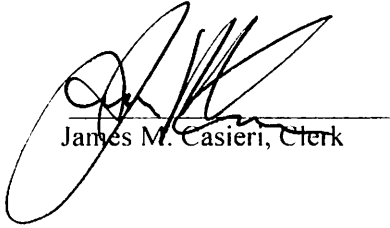
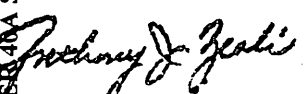
Jeffrey Thompson



Craig Pina



OPPOSED: (0)



James M. Casieri, Clerk

Anthony Zeoli, City Clerk

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

A TRUE COPY ATTEST


JUL 23 2019

RECEIVED AND FILED: August 13, 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. 17

COMMONWEALTH OF MASSACHUSETTS
CITY OF BROCKTON
ZONING BOARD OF APPEALS

City Clerk
2019 JUL 23 PM 12:08

ZONING BOARD OF APPEALS held a meeting in the Council Chambers, City Hall, Brockton, Massachusetts, on Tuesday, July 9, 2019 at 6:00 p.m.

IN RE: 19-46 Petition of GREEN WORLD, LLC. SUNNY AROUSTAMIAN, 40 Chilton Road, Brockton, MA, for a Special Permit from Art. III, Sec. 27-24.4 and Sec. 1.001-1.023, to allow a dispensary for recreational marijuana in a C-2 Zone, located at 897 NORTH MONTELLO STREET.

PETITIONER'S STATEMENT: Attorneys John F. Creedon and Scott Rubin along with land surveyor Scott Faria and the petitioner Sunny Aroustamian presented to the board Exhibit A, Site and Floor Plan. They are before the board seeking permission to have a dispensary for recreational marijuana at the above location. The building will have two (2) entrances. The abutting business, Jiffy Lube will have fourteen (14) parking spaces if needed. The existing free standing sign will be removed. Hours of operation will be 8:00 a.m. to 8:00 p.m. Councilors Asack and Monahan are in favor.

OPPOSITION: None

DECISION: Granted unanimously with the stipulation 1. Hours of operation 8:00 a.m. to 8:00 p.m. and 2. The existing free standing sign to be removed.

BASIS: After reviewing the application, plans, 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 Retail Establishment to be properly located in a C-2, General Commercial Zone located at 897 N Montello Street 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 nor inconsistent with any officially adopted City master plan for the operation of Adult Use of Marijuana.

The granting of the Special Permit is expressly conditioned upon the petitioner's compliance with all mandates of Section 27-24.4, Adult Use of Marijuana.

In conformance with 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 not later than 8 PM and Section 27-24.6 (1), no deliveries to and from any Marijuana Establishment between the hours of 8 AM to 8 PM.

NOTE:

Motion to Grant by:
Seconded by:

Robert Pelaggi
Jeffrey Thompson

IN FAVOR: (5)

Kenneth Galligan, Chairman
Doryce Smith
Robert Pelaggi
Jeffrey Thompson
Craig Pina

OPPOSED: (0)

James M. Casieri, Clerk

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Anthony Zeoli, City Clerk