

COMMONWEALTH OF MASSACHUSETTS
CITY OF BROCKTON
ZONING BOARD OF APPEALS

City Clerk
2019 NOV 24

RECEIVED AND FILED: December 18, 2019
I, ANTHONY J. ZEOLI, CITY CLERK OF BROCKTON, MASSACHUSETTS, 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 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

ZONING BOARD OF APPEALS held a meeting in the Council Chambers, City Hall, Brockton, Massachusetts, on **Wednesday, November 13, 2019 at 6:00 p.m.**

IN RE: 19-73 Petition of RICHARD BREWER (RITEWAY CONSTRUCTION), 691 North Street, Randolph, MA, for a Variance from Art. III, Sec. 27-9, 13,13A, to seek relief from zoning ordinances to divide existing lot in order to construct two (2) single family homes in an R-1-C Zone, located at 973 CRESCENT STREET.

PETITIONER'S STATEMENT: Attorney Christopher Vale, Richard Brewer and Architect Bruce Malcolm presented to the board Exhibit A, Memorandum in Support and Exhibit B, Floor Plans and Site Plan. Attorney Christopher Vale is seeking relief of lot frontage, to demolish existing dilapidated dwelling, split parcel and build two (2) single family dwellings.

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 the current two (2) family vacant dwelling located on the 19,956 sq ft lot is in complete disrepair, open to squatters and dangerous to the neighborhood. A hardship exists at the locus due to the unique size of the lot in relation to all other surrounding lots and the topography of the land at the rear of the locus. The proposed two (2) new lots of approximately 10,000 sq ft each would not derogate from the intent of the zoning by-laws and will not negatively impact the orderly development of the neighborhood. The current dilapidated dwelling at the locus is in serious disrepair and will be demolished eliminating an eyesore to the neighborhood. The development of the locus shall be in accordance with the plans submitted to the Board dated February 2019. All representations in petitioner's statement regarding house plans, driveways and green space shall be incorporated by reference as stipulations recorded herewith. Upon final grading of the proposed lots, no additional surface water runoff shall be experienced by direct abutters on May Street to the rear of the locus. Requested relief from Section 27-9, Section 13 and 13-A is granted with no opposition from any surrounding neighbors.

NOTE:

Motion to Grant by: Jeffrey Thompson
Seconded by: Craig Pina

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 Plouffe
 James Plouffe, Clerk

Anthony Zeoli

Anthony Zeoli, City Clerk

ANY APPEAL MUST BE MADE WITHIN 20 DAYS FROM THIS DATE NOV 27 2019 PURSUANT TO M.G.L.C. 40A SECTION 17.

2019 NOV 21

COMMONWEALTH OF MASSACHUSETTS
CITY OF BROCKTON
ZONING BOARD OF APPEALS

ZONING BOARD OF APPEALS held a meeting in the Council Chambers, City Hall, Massachusetts, on Wednesday, November 13, 2019 at 6:00 p.m.

IN RE: 19-74 Petition of JIM COBB, 43 Crescent Street, Brockton, MA, from Sec. 27-65, for a electronic message board with changing print in an R-1-B Zone, located at 466 FOREST AVENUE.

PETITIONER'S STATEMENT: Dr James Cobb, Director of Operations for Brockton Public Schools, presented to the Board, Exhibit A, memorandum in support and Exhibit B, plans and setbacks for a LED electronic message board at the entrance of Brockton High School.

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 request for a digital sign message board at the Forest Avenue entrance to the Brockton High School located on the roadway dividing island between the Forest Avenue sidewalk and the cement crosswalk located on the dividing island will not derogate from the intent of the zoning by-laws and will not negatively impact the orderly development of the neighborhood. The message or color of the 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, Section 27-65. The LED sign shall be equipped with an ambient light type sensor which detects the ambient light level and adjusts the signs brightness or LED intensity to a recommended brightness level of 0.3 foot candles above ambient light conditions.

All representations in petitioner's statement and submitted site plans shall be incorporated by reference as stipulations recorded herewith.

VOTE:

Motion to Grant by: Michael Williams
Seconded by: 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 Plouffe
 James Plouffe, Clerk

Anthony J. Zeoli

Anthony Zeoli, City Clerk

ANY APPEAL MUST BE MADE WITHIN 20 DAYS FROM THIS DATE Nov 21, 2019 PURSUANT TO M.G.L.C. 40A SECTION 17.

LOCKTON, MASSACHUSETTS HEREBY CERTIFY THAT THE AFORESAID IS A TRUE COPY AND THAT TWENTY DAYS HAVE LAPSED AND NO SEC. 11

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Clerk
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2019 NOV 24

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 Wednesday, November 13, 2019 at 6:00 p.m.

IN RE: 19-75 Petition of CHRISTINE SANTORO, 25 Stafford Lane, Brockton, MA, for a Variance from Sec. 27-9 & 27-13A, to convey 646 sq ft to side abutter in an R-1-C Zone, located at 25 STAFFORD LANE.

PETITIONER'S STATEMENT: Christine Santoro and abutting neighbor, James Casieri presented to the Board, Exhibit A Memorandum in Support and Exhibit B photos of side property between the two dwellings. Christine is seeking to convey 646 sq feet to her abutting neighbor in order to put up a fence that will not disturb the mature trees due to an existing rock ledge.

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 granting of the requested Variance to allow for a conveyance of 646 sq ft of side yard from 25 Stafford Lane to the west line abutter would not derogate from the intent of the Zoning by-laws and will not negatively impact the orderly development of the neighborhood. The resulting land swap will increase the rear yard dimensions by 10.45 ft to a front setback of zero (0) change resulting in a pie shape land configuration. The hardship on the land is created by ledge, large rocks and mature trees that prevent the installation of a fence along with existing lot lines. Both the abutter and the petitioner agree that the 646 sq ft lot conveyance will benefit both land owners. All representations in petitioner's statement and plans submitted dated 10/02/19 shall be incorporated by reference as stipulations recorded herewith. There was no opposition to granting the Variance.

VOTE:

Motion to Grant by: Craig Pina
Seconded by: Jeffrey Thompson

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 Plouffe
 James Plouffe Clerk

Anthony J. Zeoli

Anthony Zeoli, City Clerk

ANY APPEAL MUST BE MADE
WITHIN 20 DAYS FROM THIS
DATE NOV 27 2019 PURSUANT
TO M.G.L.C. 40A SECTION 17.

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2019 NOV 23
City Clerk

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 Wednesday, November 13, 2019 at 6:00 p.m.

IN RE: 19-76 Petition of JOHN & RHONDA BENNETT, 9 Angelo Street, Brockton, MA, for a Variance to construct an addition with handicap access for disabled father in an R-1-C Zone, located at 9 ANGELO STREET.

PETITIONER'S STATEMENT: Rhonda Bennett, homeowner, presented to the Board Exhibit A, Memorandum in Support and Exhibit B, Floor Plans and Site Plan. Rhonda Bennett is seeking a Variance to construct an addition for her father that is in need of a larger space for wheelchair mobility.

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 existing house foundation creates a hardship to allow for a single room addition to the rear of the house at the site. Granting the requested setback Variance from Section 27-9 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 petitioner's statement and submitted plans dated September 24, 2019 shall be incorporated by reference as stipulations recorded herewith. There was no opposition and one (1) neighbor spoke in favor of granting the Variance.

VOTE:

Motion to Grant by: Craig Pina
Seconded by: Jeffrey Thompson

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 Plouffe
 James Plouffe, Clerk

Anthony J. Zeoli
 Anthony Zeoli, 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 Wednesday, November 13, 2019 at 6:00 p.m.

IN RE: 19-77 Petition of MAYO DESIGNS, INC/KERRI MILLER, 100 East Street, Weymouth, MA, for a Variance from Sec. 27-65 (11), seeking relief from the 10 ft. setback required for the new sign in a C-2 Zone, located at 248 BELMONT STREET.

PETITIONER'S STATEMENT: Kerri Miller of Mayo Designs presented to the Board, Exhibit A, Memorandum in Support and Exhibit B, drawings showing sign along with setbacks. Kerri Miller is seeking relief of sign setbacks for a C2 Zone.

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 granting relief for sign setback in conformance with Section 27-65 (11) with amended relief from the required ten (10) feet setback due to anticipated sight line challenge will not derogate from the intent of the zoning by-laws and will not negatively impact the orderly development of the neighborhood.

Setback relief for the externally lighted free-standing sign is specifically limited to no less than a five (5) foot setback from the external limit of the sign to the property line at the sidewalk. The hardship demonstrated at the locus due to sightline constraints and the required sightline requirements needed for vehicles exiting the site formed the basis for the granting of the Variance.

VOTE:

Motion to Grant by: Craig Pina
Seconded by: Jeffrey Thompson

IN FAVOR: 5

Kenneth Galligan, Chairman

Michael Williams, Fire Chief

Stephen Bernard

Jeffrey Thompson

Craig Pina

OPPOSED: 0

Bennett Galligan
Michael Williams
Stephen Bernard
Jeffrey Thompson
Craig Pina

James Plouffe
James Plouffe, Clerk

Anthony J. Zeoli

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City Clerk

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 Wednesday, November 13, 2019 at 6:00 p.m.

IN RE: 19-78 Petition of VALENTINO GOMES, 16 Battles Street, Brockton, MA, to alter foundation on former home destroyed by fire on one side by squaring it off for the reconstruction of a single family dwelling and requesting relief from side yard, frontage and lot size in a n R-2- Zone, located at 14 BATTLES STREET.

PETITIONER'S STATEMENT: Attorney John F Creedon, Architect Bruce Malcolm and Valentino Gomes, property owner presented to the Board, Exhibit A, Memorandum in Support and Exhibit B, Floor Plans. Attorney John F Creedon is seeking relief to building a new single family home in existing footprint of the previously home destroyed by fire.

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 provide sufficient documents to the Board for the Board to make an informed decision. No site plans were submitted with the application. The Board expressed concerns with the addition of a fifth (5) bedroom in addition to fire safety concerns with the living and sleeping accommodations proposed within the below grade basement area.

VOTE:

Motion to Grant by: Craig Pina
Seconded by: Michael Williams

IN FAVOR: 0

OPPOSED: 5

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

Kenneth Galligan
Michael Williams
Stephen Bernard
Jeffrey Thompson
Craig Pina

James Plouffe
 James Plouffe, Clerk

Anthony Zeoli
 Anthony Zeoli, City Clerk

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2019 NOV 21 11:25

City

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 Wednesday, November 13, 2019 at 6:00 p.m.

IN RE: 19-79 Petition of OSCAR CRUZ, 45 Meadow Lane #7, Bridgewater, MA, for a Variance from Art. XIV, Sec. 27-72, to replace signage to LED in a C-2 Zone located at 1315 MAIN STREET.

PETITIONER'S STATEMENT: Oscar Cruz, Director of Teen Challenge, presented to the Board, Exhibit A, Memorandum in Support, Exhibit B, photos of proposed sign and setbacks. Oscar Cruz seeks a Variance to replace existing non LED sign to a smaller LED sign with a 20 (twenty) foot setback.

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 request for a digital message board sign to be located in a C-2 Zone to replace a current manual changeable copy sign located at the 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 site for many years with no negative impact on the surrounding neighborhood with a fifteen (15) ft setback.

The message or color of the 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, Section 27-65. The LED sign shall be equipped with an ambient light type sensor which detects the ambient light level and adjusts the signs brightness or LED intensity to a recommended brightness level of 0.3 foot candles above ambient light conditions.

All representations in petitioner's statement and submitted plans dated 10/03/19 shall be incorporated by reference as stipulations recorded herewith.

VOTE:

Motion to Grant by: Michael Williams
Seconded by: 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 Plouffe
James Plouffe, Clerk

Anthony J. Zeoli

Anthony Zeoli, City Clerk

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City Clerk
2019 NOV 27

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 Wednesday, November 13, 2019 at 6:00 p.m.

IN RE: 19-80 Petition of ANGEL HINOSTROZA , 52 Portland Street, Brockton, MA, seeking permission to open Brockton's Roaster Chicken take out Restaurant in a C-2 Zone, located at 235 NORTH MAIN STREET.

PETITIONER'S STATEMENT: Angel Hinostroza, owner, Architect, Bruce Malcolm, Justin Mosely, interpreter presents to the Board, Exhibit A, Memorandum in Support, Exhibit B, Floor Plans and Site Plan. Angel Hinostroza is seeking permission to open Brockton's Roaster Chicken restaurant in a C-2 Zone.

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 the proposed use of the locus as a Brockton's Roasted Chicken take out restaurant on the site of a former doughnut shop will be in harmony with the orderly development of the zone and will not negatively impact the predominantly commercial neighborhood. The proposed eight (8) onsite parking spaces with access to the site from Elliot Street only will provide adequate ingress and egress to parking and will not interfere with traffic on abutting streets. The current driveway from North Main Street shall be closed off to enhance safe movement of vehicles within the parking lot. All representations in petitioner's statement shall be incorporated by reference as stipulations recorded herewith. The abandoned free-standing sign location shall not be restored at the current site.

VOTE:

Motion to Grant by: Craig Pina
Seconded by: Michael Williams

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 Plouffe, Clerk

Anthony J. Zeoli

Anthony Zeoli, 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 Wednesday, November 13, 2019 at 6:00 p.m.

IN RE: 19-81 Petition of JASON PATTERSON C/O ATTORNEY ROBERT R. PELLEGRINI, JR., 63 Main Street, Suite 1, Bridgewater, MA, for a Variance from Sec. 27-28 & 27-10, to redevelop the existing property into fifteen (15) residential units adding a third (3) floor and twenty (20) parking spaces total and to exceed the maximum building height by nine (9) inches (35'9" total height) in a C- Zone, located at 30 INTERVALE STREET.

PETITIONER'S STATEMENT: Attorney, Robert Pellegrini, Jr, Jason Patterson and Architect Edward Jacobs presented to the Board Exhibit A, Memorandum in Support, Exhibit B, Floor Plan and Site Plan. Attorney, Robert Pellegrini, Jr seeks a Variance to redevelop an existing property into fifteen (15) residential units. Ten (10) market rate units were approved in January 2019 at a prior Zoning Board Hearing.

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 reviewed the Variance granted to the petitioner for the locus on January 8, 2019 and considered the new requested amendments to the original Variance. The petitioner requested an increase for dwelling units from the original ten (10) units to a revised fifteen (15) units. The petitioner requested relief from Section 27-10 to allow for a third (3) floor to exceed the height limitations by nine (9) inches which will be similar in height to surrounding residential structures. The petitioner requested relief from on-site parking to allow for twenty (20) spaces. The applicant has been unable to secure financing for the project as originally proposed and now faces financial hardship in order to build out the project.

In consideration of all the reasons granted with the 1/08/19 Variance the Board found that granting the new amended Variance requested would not derogate from the intent of the Zoning by-law and will not negatively impact the orderly development of the multifamily neighborhood. All representations in the petitioner's statement of both request for relief shall be incorporated by reference as stipulations recorded herewith.

VOTE:

Motion to Grant by: Craig Pina
Seconded by: Jeffrey Thompson

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 Plouffe
 James Plouffe, Clerk

Anthony J. Zeoli

Anthony Zeoli, City Clerk

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City Clerk
2019 NOV 27

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 Wednesday, November 13, 2019 at 6:00 p.m.

IN RE: 19-82 Petition of HELEN CRONIN, 99 Country Club Lane, Brockton, MA, for a Variance from Art III, Sec. 27-9, 13,13A, to seek relief from lot frontage, size, width, side yard setbacks and depth requirements to construct a single family home in an R-1-B Zone, located at 99 COUNTRY CLUB LANE.

PETITIONER'S STATEMENT: Attorney John McCluskey, Architect Bruce Malcolm, Contractor Jay Gormley and Helen Cronin, owner present to the Board, Exhibit A, Memorandum in Support and Exhibit B, Floor Plans and Site Plan. Attorney John McCluskey is seeking relief from lot frontage, size, width, side yard setbacks and depth to construct a 2 story Colonial 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 Plot No. 156 Country Club Lane contains 11,710 sq ft and is similar to other lots in the area. The development of the locus will enhance the surrounding neighborhood by the construction of a single family home that will be an asset to the neighborhood and allow for the development of the last vacant parcel that has unique front to back topography. Granting of the Variance for relief from Section 27-9 and Article III, Sections 13 and 13-A 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 petitioner's statement shall be incorporated by reference as stipulations recorded herewith. Final site grading shall not further exacerbate storm water runoff onto adjacent properties. There was no opposition presented at the public hearing.

VOTE:

Motion to Grant by: Jeffrey Thompson
Seconded by: 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 Plouffe
James Plouffe, Clerk

Anthony J. Zeoli
Anthony Zeoli, City Clerk

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COMMONWEALTH OF MASSACHUSETTS
CITY OF BROCKTON
ZONING BOARD OF APPEALS

2019 NOV 22 25
City Clerk

ZONING BOARD OF APPEALS held a meeting in the Council Chambers, City Hall, Brockton, Massachusetts, on Wednesday, November 13, 2019 at 6:00 p.m.

IN RE: 19-83 Petition of CRAIG CARCHIDI, 1215 West Chestnut Street, Brockton, MA, for a Variance seeking relief from Art. IV Sec. 27-29 & Art. III, Sec. 27-9, for a mixed use to allow five (5) 2 bedroom apartments in a C-2 Zone and to allow C-2 zone parking in a R-2 Zone with side setbacks requiring 20' when abutting residential area, which plan provides for 6' in a C-2 and R-2 Zone, located at 1329 & 1351 MAIN STREET & 0 GLEN AVENUE.

PETITIONER'S STATEMENT: Attorney, John F Creedon, Architect Scott Faria and owner, Craig Carchildi, present to the Board, Exhibit A, Memorandum in Support, Exhibit B, Floor Plans and Site Plan. Attorney, John F Creedon, is seeking relief for a mixed use that is divided between an R-2 and C-2 Zone.

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 numerous Zoning Board approvals were granted for this location regarding on-site parking, office use and residential apartment in the past. The location of the foundation of the apartment building created a hardship at the locus. Allowing the use of the 1351 Main Street site for five (5) single bedroom apartments in conjunction with an office use within the building represents the best use of the building where demand for full office use has been a challenge. The locus also contains numerous previously approved residential occupancies. In consideration of granting the requested Variance, the parking lot on the Glen Avenue side of the property shall be reconfigured to remove four (4) parking spaces adjacent to the fence and south property line to create a ten (10) foot wide green space area. The delineation Zone line for C-2 and R-2 bisects the property creating a unique hardship at the site. All modifications to the structure to accommodate the installation of the five (5) apartments shall be in conformance with current Building and Fire Codes. Granting 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 representations in petitioner's statement shall be incorporated by reference as stipulations recorded herewith. The Ward City Councilor and several residents spoke in favor of granting.

VOTE:
Motion to Grant by: Craig Pina
Seconded by: Jeffrey Thompson

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 Plouffe, Clerk

Anthony J. Zeoli
Anthony Zeoli, City Clerk

ANY APPEAL MUST BE MADE WITHIN 20 DAYS FROM THIS DATE NOV 27 2019 PURSUANT TO M.G.L.C. 40A SECTION 17.

ROCKTON, 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 Wednesday, November 13, 2019 at 6:00 p.m.

IN RE: 19-84 Petition of STEVE TORREY, 33 Dover Street, Suite 124, Brockton, MA, for a Variance to overturn the negative determination under M.G.L. CH. 40A, Sec. 6 or Art. III, Sec. 27-9, grant permission to maintain use as a two (2) family home in an R-1-C Zone, located at 79 HOVENDON AVENUE.

PETITIONER'S STATEMENT: Attorney, John McCluskey, Architect, Bruce Malcolm and Steven Torrey, owner. Attorney, John McCluskey, is seeking a Variance and to be granted permission to maintain use as a two (2) family home in an R-1-C Zone.

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 locus has been used as a two (2) family dwelling for a significant time in past years, possibly before current zoning of 1967. The Building Inspector determined the use of the site is a legal single family. The Board determined that to deny the use as a two (2) family that has existed as a two (2) family without any adverse to the surrounding neighborhood of primarily single family dwellings would create an undue hardship to the petitioner. The petition demonstrated its use as a two (2) family with two (2) electric meters, two (2) refuse pickups, and a two (2) car garage. The petitioner will remove the dilapidated, dangerous garage and enhance the volume of green space.

- (1) The decision of the Building Inspector is affirmed that the property is not a legal two (2) family.
- (2) The Board votes to grant a Variance to continue the use as a two (2) family based upon the evidence presented and the Hardship demonstrated.

VOTE: (1) To overturn decision of the Building Inspector

Motion to Grant by: Craig Pina
Seconded by: Michael Williams

IN FAVOR: 0

OPPOSED: 5

Kenneth Galligan, Chairman

Michael Williams, Fire Chief

Stephen Bernard

Jeffrey Thompson

Craig Pina

Kenneth Galligan
Michael Williams
Stephen Bernard
Jeffrey Thompson
Craig Pina

 James Plouffe, Clerk

Anthony J. Zeoli

 Anthony Zeoli, City Clerk

ROCKTON, MASSACHUSETTS HEREBY CERTIFY THAT THE AFORESAID IS A TRUE COPY AND THAT TWENTY DAYS HAVE LAPSED AND NO SEC. 11

RECEIVED AND FILED: December 18, 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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RECEIVED AND FILED: December 18, 2019
CITY OF BROCKTON, MASSACHUSETTS
2019 NOV 27
CITY CLERK OF BROCKTON, MASSACHUSETTS
APPEAL HAS BEEN FILED. CHAPTER 40A SEC. 11

Anthony J. Zeoli

LOCKTON, MASSACHUSETTS HEREBY CERTIFY THAT THE AFORESAID IS A TRUE COPY AND THAT TWENTY DAYS HAVE LAPSED AND NO
SEC. 11

19-84 con't

Second Vote: (2)

VOTE:

Motion to Grant by: Michael Williams
Seconded by: Jeffrey Thompson

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 Plouffe
 James Plouffe, Clerk

Anthony J. Zeoli

Anthony Zeoli, City Clerk

ANY APPEAL MUST BE MADE
WITHIN 20 DAYS FROM THIS
DATE NOV 27 2019 PURSUANT
TO M.G.L.C. 40A SECTION 17.

COMMONWEALTH OF MASSACHUSETTS
CITY OF BROCKTON
ZONING BOARD OF APPEALS

ZONING BOARD OF APPEALS held a meeting in the Council Chambers, City Hall, Brockton, Massachusetts, on Wednesday, November 13, 2019 at 6:00 p.m.

IN RE: 19-85 Petition of STEVE TORREY, 33 Dover Street, Suite 124, Brockton, MA, for a Variance from Art. III, Sec. 27-12, to overturn the negative determination or Art III, Sec. 27-9-12-13A, for permission to construct a single family home on the vacant lot in a R-1-C Zone, located at PLOT 113/0 HOVENDON AVENUE.

PETITIONER'S STATEMENT: Attorney John McCluskey, Architect Bruce Malcolm and Steven Torrey, owner, present to the Board, Exhibit A, Memorandum in Support and Exhibit B, Floor Plans and Site Plan. Attorney John McCluskey seeks a Variance to overturn the negative determination and permission to construct a single family home on a vacant lot in an R-1-C Zone.

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 Plot 113 has been established as "developable" by records of the Assessor and the Tax Collector's Municipal Lien Certificate with an assessed valuation of \$73,300. The lot is separately described on a deed with metes and bounds containing 6,315 sq ft of area since prior to current zoning. Referencing prior similar cases of Sam Medina vs. Anthony Eonas, et al, Members of the City of Brockton Zoning Board of Appeals, 20 LER 638 a, misc 12-459521 and Joseph W Correia and the Brockton Zoning Board of Appeals, 2005, the Massachusetts Appeals Court ruled that two (2) adjacent lots with plantings, stairways, retaining walls, fishponds, stone barbeque and a portion of a driveway on the vacant lot did not cause the two (2) adjacent lots to merge and the lot in question to become unbuildable. The Board found that Plot 113 Hovendon Avenue is a grandfathered lot under Section 27-12.

The Board found that the petitioner's request that the Plot 113 Hovendon Avenue be determined that the lot is buildable is granted and the decision of the Building Inspector that the two (2) lots merged and Plot 113 is not buildable is annulled.

VOTE:

Motion to Grant by: Jeffrey Thompson
Seconded by: 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 Plouffe, Clerk

Anthony J. Zeoli

 Anthony Zeoli, City Clerk

ANY APPEAL MUST BE MADE
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City Clerk

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 Wednesday, November 13, 2019 at 6:00 p.m.

IN RE: 19-86 Petition of FRANCOIS & IRAIMI DIATTA, 1024 Crescent Street, Brockton, MA, for a Special Permit from Art. IV, Sec. 27-29, to create Empower Nutrition, a restaurant serving healthy gourmet shakes and energy teas in a C-2 Zone, located at 834 CRESCENT STREET.

PETITIONER'S STATEMENT: Attorney Christopher Vale, and owner's Francois & Irami Diatta present to the Board, Exhibit A, Memorandum in Support and Exhibit B, Floor Plans and Site Plan. Attorney Christopher Vale is seeking a Special Permit to own and operate Empower Nutrition, a gourmet shake and energy tea establishment.

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 granting of a Special Permit for the locus was in conformance with Article 4, Section 27-29, (3F), Section 27-28 and Section 27-37 for a restaurant with fifteen (15) seats and adequate on-site parking for eight (8) vehicles. The use will be in harmony with the development of the zone and will not negatively impact the neighborhood. There is adequate ingress and egress to parking and will not interfere with traffic on the abutting streets.

VOTE:
Motion to Grant by: Michael Williams
Seconded by: 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 F. Bernard
Jeffrey Thompson
Craig Pina

James Plouffe
 James Plouffe, Clerk

Anthony J. Zeoli

Anthony Zeoli, City Clerk

COMMONWEALTH OF 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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ANTHONY J. ZEOLI, CITY CLERK OF BROCKTON, MASSACHUSETTS
APPEAL HAS BEEN FILED. CHAPTER 40A SEC. 11

ANY APPEAL MUST BE MADE WITHIN 20 DAYS FROM THIS DATE NOV 27 2019 PURSUANT TO M.G.L.C. 40A SECTION 17.

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City

RECEIVED AND FILED: December 18, 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. 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 Wednesday, November, 13, 2019 at 6:00 p.m.

IN RE: 19-87 Petition of LEGAL GREENS LLC C/O VANESSA JEAN-BAPTISTE , 71 Legion Parkway, Brockton, MA, for a Special Permit and Variance from Sec. 27-24.4(3)(b)(i), to operate a marijuana retail establishment on the ground floor in a C-3 Zone, located at 73 PLEASANT STREET.

PETITIONER'S STATEMENT: Attorney Richard R Staiti, Engineer, Nicole Dunphy, and owners Vanessa Jean-Baptiste and Mark Bouquet from Legal Greens, LLC, presents Exhibit A, Memorandum in Support, Exhibit B, Floor Plans, Site Plan and packet with all pertinent documents and information. Attorney Richard R Staiti is seeking a Special Permit and Variance to open and operate a retail marijuana dispensary on the ground floor in a C-3 Zone.

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 the locus to be uniquely located on a site where the proposed retail structure is located in a C-3 Zone and on a lot that is bisected by a zone line between the C-3 Zone and the C-2 Zone. The Board found a hardship due to the zone line following a delineation line slightly west of Hereford Street. On-site parking is provided off Hereford Street to the rear of the proposed retail site. The Board found the proposed Adult Use Marijuana establishment 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 Adult Use of Marijuana for the City.

The granting of the Special Permit is conditioned on the petitioner's full compliance with all mandates of the City of Brockton City Ordinance, Section 27-24.4 (3) (Bii). Exit from the rear parking lot on Hereford Street will regulated with existing vehicles mandated to take a left turn only.

Several residents and elected City Officials spoke in favor of granting the Variance from Section 27-24.3 (B) (i), as well as, granting the Special Permit.

VOTE:

Motion to Grant by: Craig Pina
Seconded by: Stephen Bernard

IN FAVOR: 4

Michael Williams, Fire Chief

Stephen Bernard

Jeffrey Thompson

Craig Pina

OPPOSED: 1

Kenneth Galligan, Chairman

Michael Williams
Stephen Bernard
Jeffrey Thompson
Craig Pina
Kenneth Galligan
James Plouffe
James Plouffe, Clerk

Anthony J. Zeoli
Anthony Zeoli, 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 Wednesday, November, 13, 2019 at 6:00 p.m.

IN RE: 19-88 Petition of HOLISTIC CONCEPTS, INC., 95 West Elm Street, Brockton, MA, for a Special Permit from Sec. 27-24.4 3b, to operate retail marijuana dispensary and office space in a C-2 Zone, located at 1915 MAIN STREET.

PETITIONER'S STATEMENT: Attorney David Asack, owner and Architect, Scott Farria, presented Exhibit A, Memorandum in Support, Exhibit B, Floor Plans and Site Plan. Attorney David Asack is seeking permission for a Special Permit to operate a retail marijuana dispensary and office space in a C-2 Zone.

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 provide sufficient documents at the hearing for the Board to make an informed decision regarding the application for a retail marijuana dispensary with office space in the C-2 Zone.

VOTE:

Motion to Grant by: Craig Pina
Seconded by: Michael Williams

IN FAVOR: 0

OPPOSED: 5

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

Kenneth Galligan
Michael Williams
Stephen Bernard
Jeffrey Thompson
Craig Pina

James Plouffe
 James Plouffe, Clerk

Anthony Zeoli
 Anthony Zeoli, City Clerk

RECEIVED AND FILED: December 18, 2019
ANTHONY J. ZEOLI, CITY CLERK OF BROCKTON, MASSACHUSETTS
APPEAL HAS BEEN FILED. CHAPTER 40A SEC. 11
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