

2019 DEC 31 4:51:01

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, December 10, 2019 at 6:00 p.m.**

IN RE: 19-89 Petition of JOSE ANDRADE, 24 North Walker Street, Taunton, MA, for a Variance from Sec. 27-9, to convert a single family home into a two (2) family home in an R-2 Zone, located at 40 CLIFTON AVENUE.

PETITIONER'S STATEMENT: The petitioner Jose Andrade, presented to the board Exhibit A, Site and Floor Plans. Mr. Andrade is seeking permission to convert a single family home into a two family home at the above location. The home will be a full two (2) story house. Mr. Andrade will be adding square footage to even off both floors. This home is off the street behind two (2) other dwellings. Jean Chery emailed a letter stating he is in favor.

OPPOSITION: Direct abutters Veronica Stevens and Suzanne Tilden are in opposition due to storm water runoff issues and the congestion of adding another family to this property. Ward 4 Councilor Susan Nicastro is opposed with the same concerns.

DECISION: Denied unanimously.

BASIS: After reviewing the application, plans, information submitted and giving due consideration to testimony given at the public hearing, the board found that the petitioner failed to demonstrate a hardship at the site to convert a single family to a two (2) family dwelling. The petitioner communicated that the locus was purchased with the knowledge that the dwelling was a single family dwelling. Lack of greenspace, excessive pavement, undue concentration of population, overcrowding of land and demonstrated surface water drainage problems on the South property line would derogate from the intent of the zoning by-laws, Section 27-9, lot size, and will negatively impact the orderly development of the neighborhood. Councilor Susan Nicastro spoke in opposition to granting a Variance.

VOTE:

Motion to Grant by:
Seconded by:

Stephen Bernard
Craig Pina

IN FAVOR: (0)

OPPOSED: (5)

Kenneth Galligan, Chairman

Michael Williams, Fire Chief

Stephen Bernard

Doryce Smith

Craig Pina

James Plouffe, Clerk

Anthony Zeoli, City Clerk

ANY APPEAL MUST BE MADE
WITHIN 20 DAYS FROM THIS
DATE DEC 31 2019 PURSUANT
TO M.G.L.C. 40A SECTION 17.

RECEIVED AND FILED: December 31, 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

2019 DEC 31 AM 9:31

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 Tuesday, December 10, 2019 at 6:00 p.m.

IN RE: 19-90 Petition of **MANUEL BRANDAO**, 13 French Avenue, Brockton, MA, to convert a single family home into a two (2) family home in an R-3 Zone, located at **13 FRENCH AVENUE**.

PETITIONER'S STATEMENT: The petitioner Manuel Brandao along with his son Claudino presented to the board Exhibit A, Site and Floor Plans. They are before the board seeking permission to convert his single family home into a two (2) family home. The second floor will be for the adult children. Parking for four (4) spaces will be in the rear of home. The shed in the rear yard will be removed.

OPPOSITION: None

DECISION: Denied.

BASIS: After reviewing the application, plans, information submitted and giving due consideration to testimony given at the public hearing, the board found that the petitioners failed to demonstrate a hardship at the site. Lack of greenspace, lot size and excessive pavement negatively impacting site drainage was found also unacceptable. Granting would derogate from the intent of the zoning by-laws, Section 27-9 and will negatively impact the orderly development of the neighborhood.

VOTE:

Motion to Grant by:
Seconded by:

Craig Pina
Michael Williams

IN FAVOR: (1)

Stephen Bernard

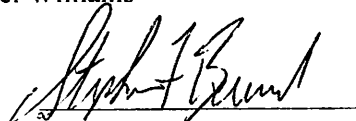
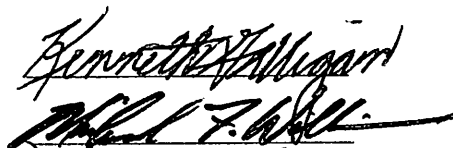
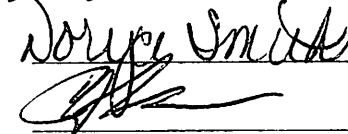
OPPOSED: (4)

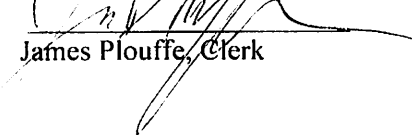
Kenneth Galligan, Chairman

Michael Williams, Fire Chief

Doryce Smith

Craig Pina



James Plouffe, Clerk



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 Tuesday, December 10, 2019 at 6:00 p.m.

IN RE: 19-91 Petition of **PHILIP BAKER, ROCKWOOD DESIGN, INC.**, 1020 Plain Street, Suite 320, Marshfield, MA, for a Special Permit from Art.VI, Sec. 27-39, to extend existing right side setback for new proposed rear addition in an R-1-C Zone, located at **76 BRENTWOOD AVENUE**.

PETITIONER'S STATEMENT: The petitioner, Philip Baker, presented to the board Exhibit A, Site and Floor Plans. Mr. Baker is before the board seeking permission to construct an addition. The addition will be on in rear of the home for a disabled child. The existing rear deck will be removed.

OPPOSITION: None.

DECISION: 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 location of the existing house foundation creates a hardship at the site. Granting of side yard setback to allow the new addition to be in line with the current house foundation 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 petitioners statement and plans submitted shall be incorporated by reference as stipulations recorded herewith.

VOTE:

Motion to Grant by:
Seconded by:

Stephen Bernard
Craig Pina

IN FAVOR: (4)

Michael Williams, Fire Chief

Stephen Bernard

Doryce Smith

Craig Pina

OPPOSED: (1)

Kenneth Galligan, Chairman

Anthony J. Zeoli

Anthony Zeoli, City Clerk

Philip Baker
Stephen Bernard
Doryce Smith
Craig Pina

Kenneth Galligan

James Plouffe
James Plouffe, Clerk

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ZONING BOARD OF APPEALS

ZONING BOARD OF APPEALS held a meeting in the Council Chambers, City Hall, Brockton, Massachusetts, on Tuesday, December 10, 2019 at 6:00 p.m.

IN RE: 19-92 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 along with Land Surveyor Scott Faria. Attorney Asack is before the board seeking permission to open an Adult Marijuana facility at the above location. The property is more than 1,000 ft from the Charter School. The lighting will stand the same and the parking lines will be restriped. The dumpster will be enclosed by a 6ft fence and all deliveries will be made in the rear. Greenspace will be added and a drainage system installed. Technical review has been approved. The only entrance to property will have new signage and on building. Ward 4 Susan Nicastro is in favor of this location being quite far from any residential dwellings.

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 in conformance with Art. III, Section 27-24.4, the proposed Adult Use Marijuana establishment to be properly located in a C-2 zoned location at 1915 Main 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 zoning in which the use is proposed, 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 of Brockton. The granting of the Special Permit is conditioned on the petitioners full compliance with all mandates of the City of Brockton City Ordinance, Section 27-24.4(3)(Bii). Hours of operation to begin no earlier than 8:00 a.m. and conclude no later than 8:00 p.m. No deliveries to or from any Marijuana Establishment between the hour of 8:00 p.m. and 8:00 a.m.

VOTE:

Motion to Grant by:
Seconded by:

Craig Pina
Michael Williams

IN FAVOR: (5)

Kenneth Galligan, Chairman
Michael Williams, Fire Chief
Stephen Bernard
Doryce Smith
Craig Pina

Kenneth Galligan
Michael F. Williams
Stephen F. Bernard
Doryce Smith
[Signature]
[Signature]
James Plouffe, Clerk

OPPOSED: (0)

Anthony J. Zeoli

Anthony Zeoli, City Clerk

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ZONING BOARD OF APPEALS held a meeting in the Council Chambers, City Hall, Brockton, Massachusetts, on Tuesday, December 10, 2019 at 6:00 p.m.

IN RE: 19-93 Petition of **TAMARA WILMART**, 118 Division Street, Brockton, MA, for relief from Sec 27-29 f, to open a restaurant with seating for twelve (12) in a C-2 Zone, located at **255 QUINCY STREET**.

PETITIONER'S STATEMENT: The petitioner, Tamara Wilmart presented to the board Exhibit A, Site and Floor Plans. Ms. Wilmart is before the board seeking permission to open a restaurant at the above location. The restaurant will be fast casual cafeteria style with twelve (12) seats. All food will be cooked on the premises. The petitioner will be bringing in supplies so no deliveries will be done. Ward 5 Anne Beauregard is in favor.

OPPOSITION: None

DECISION: Granted unanimously.

BASIS: After reviewing the application, plans, information submitted and giving due consideration to testimony given at the public hearing, the board found that the use at the site for a restaurant in the C-2 Zone consisting of not more than twelve (12) seats with at least three (3) parking spaces will be in harmony with the orderly development of the zone and the Special Permit will not negatively impact the neighborhood. There is adequate ingress and egress to parking and will not interfere with traffic on the abutting streets. Ward 5 City Councilor Anne Beauregard spoke in favor.

VOTE:

Motion to Grant by:

Seconded by:

Craig Pina

Doryce Smith

IN FAVOR: (5)

Kenneth Galligan, Chairman

Michael Williams, Fire Chief

Stephen Bernard

Doryce Smith

Craig Pina

OPPOSED: (0)

Anthony Zeoli, City Clerk

James Plouffe, Clerk

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COMMONWEALTH OF MASSACHUSETTS
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2019 DEC 31 PM 9:32

ZONING BOARD OF APPEALS held a meeting in the Council Chambers, City Hall, Brockton, Massachusetts, on Tuesday, December 10, 2019 at 6:00 p.m.

IN RE: 19-94 Petition of **MICHAEL MATHER C/O MCCLUSKEY**, 1325 Belmont Street, Brockton, MA, for a Variance from Art. IV., Sec. 27-29, to allow the construction of a five (5) story thirty nine (39) one (1) bedroom apartment building in an R-1-C Zone, located at **PLOT 383/ 0 QUINCY STREET**.

PETITIONER'S STATEMENT: Attorney John McCluskey along with Michael Mather is before the board seeking permission to construct a five (5) story apartment building. The building will have thirty nine (39) one (1) bedroom apartments with laundry area. The size of the apartments will be between 700-800 sq. ft. Fifty (51) parking spaces available with some spaces covered. The common area will have two (2) bathrooms, mailroom and one (1) elevator.

OPPOSITION: Abutter Vincent Mickiewicz stated the traffic is a horror show and this will add to it.

DECISION: Granted.

BASIS: After reviewing the application, plans, information submitted and giving due consideration to testimony given at the public hearing, the board found granting would not derogate from the intent of the zoning by-laws and will not negatively impact the orderly development of the neighborhood. It was reported that the original residential zone had been re-zoned to commercial in anticipation of commercial use that never materialized. Relief was granted for not more than thirty nine (39), one (1) bedroom apartment units in a five (5) story building with not less than fifty three (53) regulation size one hundred eighty (180) sq.ft. on-site parking stalls. The above stipulations are incorporated by reference herein. All representations, plans dated July 29, 2019 and submitted drawings renditions shall be incorporated by reference as stipulations recorded herewith. Ward 5 Councilor Anne Beauregard including a neighbor on Quincy Street expressed concerns about the impact upon current and future traffic issues.

VOTE:

Motion to Grant by:
Seconded by:

Craig Pina
Michael Williams

IN FAVOR: (4)

Michael Williams, Fire Chief

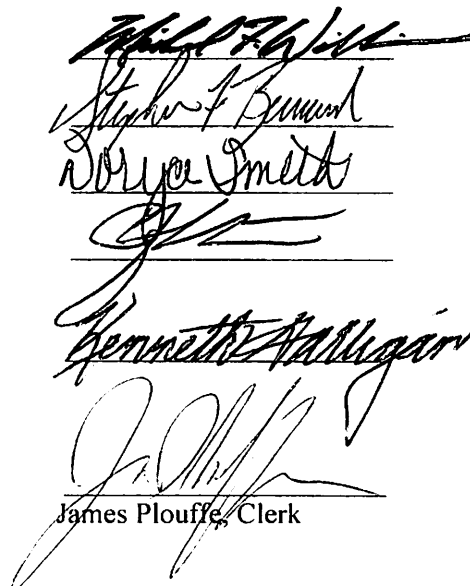
Stephen Bernard

Doryce Smith

Craig Pina

OPPOSED: (1)

Kenneth Galligan, Chairman



James Plouffe, Clerk

Anthony Zeoli, City Clerk

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IN RE: 19-95 Petition of **ANNMARIE BOBST**, 94 Bates Road, Brockton, MA, for a Special Permit from Sec. 27-25, to have a hair salon in my home since caring for my autistic grandson makes it difficult to leave the home for long periods of time in an R-1-C Zone, located at **94 BATES ROAD**.

PETITIONER'S STATEMENT: The petitioner Annmarie Bobst presented to the board Exhibit A, Floor Plans. The petitioner and her husband have custody of their grandchildren one of which is autistic. Caring for her grandson makes it difficult for her to leave the home and go to her salon for customers. She is seeking permission to have an area in the home to cut/color her clients. Appointments only, no walk-ins, hours of operation will be Wednesday through Friday and Saturday if necessary 9:00 a.m. until 4:00 p.m. No signage, parking only in the driveway not street and only one (1) chair for clients will be allowed. No deliveries will be made and no supplies sold. Two (2) abutters came just to make sure of what was being petitioned and asking that no signage would be allowed.

OPPOSITION: None.

DECISION: Granted unanimously with the stipulations 1. Days of operation will be Wednesday through Friday with a possible Saturday. 2. No street parking. 3. Hours of operation will be 9:00 a.m. until 4:00 p.m. 4. No signage or lights to advertise 5. Only one (1) work station/chair 6. One (1) customer at a time and 7. Only by appointment.

BASIS: After reviewing the application, plans, information submitted and giving due consideration to testimony given at the public hearing, the board found that the use of the locus for a Home Occupation involving a Special Permit for a single person hair salon would not negatively impact the orderly development of the neighborhood. The Special Permit is granted with the following restrictions in conformance with Art. IV, Section 27-49: There shall be only one (1) workstation or chair, all clients shall be scheduled by appointment without multi clients on-site at one time, all client parking shall be in the current driveway with no "on-street" parking allowed. Operations shall be allowed only on Wednesday, Thursday, Friday and Saturday only, hours of operation shall be only between 9:00 a.m. and 4:00 p.m, no business signs or advertising lights and shall be in compliance with applicable rules and regulations specific to the proposed hair dressing operations. This Special Permit under Section 27-49 shall be in effect only for the petitioner and shall expire upon termination of the specific use granted to the petitioner. The above listed stipulations are incorporated by reference herein. Violation of the above stipulations shall serve as reason for termination of the Special Permit Home Occupation.

VOTE:

Motion to Grant by:

Seconded by:

Craig Pina

Doryce Smith

IN FAVOR: (5)

Kenneth Galligan, Chairman

Michael Williams, Fire Chief

Stephen Bernard

Doryce Smith

Craig Pina

OPPOSED: (0)

Anthony Zeoli, City Clerk

Kenneth Galligan
Michael Williams
Stephen Bernard
Doryce Smith
Craig Pina

James Plouffe
James Plouffe, Clerk

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ZONING BOARD OF APPEALS

2019 DEC 31 AM 9:32

ZONING BOARD OF APPEALS held a meeting in the Council Chambers, City Hall, Brockton, Massachusetts, on Tuesday, December 10, 2019 at 6:00 p.m.

IN RE: 19-96 Petition of **DAVID WHEELER**, 140 Bishop Street, Brockton, MA, for relief from Sec. 27-25-1.a, to convert a single (1) family home into a two (2) family home for my elderly mom and myself located in an R-1-C Zone, located at **19 WALDO STREET**.

PETITIONER'S STATEMENT: Engineer Edward Jacobs and the petitioner David Wheeler presented to the board Exhibit A, Site and Floor Plans. Mr. Wheeler is before the board seeking permission to convert his family ten (10) room home from a single to a two (2) family home. The reason is his mother is not well and needs to go to the doctors a few days per week and is in need of him being close to her.

OPPOSITION: None

DECISION: Denied. Did not carry.

BASIS: After reviewing the application, plans, information submitted and giving due consideration to testimony given at the public hearing, the board found the applicants request to convert a single family residence into a two family dwelling, and considering all the information presented, the board found the following: The applicant stated that his mother lives in the property in question and his intent is to reside on the same property with her. The applicant did not present any evidence regarding elements of MGL.Ch. 40A, Sec. 10, which would relate to any unique soil conditions, shape or topography of the land or structure in question which would affect generally the zoning district. The board did not find that considering the aforementioned requirements would involve a substantial hardship, financial or otherwise. There was an absence of evidence that would aid the applicants petition. The board also found that the other residences in the surrounding area are similar in nature as the one in question which further negates any basis for relief before this board. Accordingly, considering the absence of any evidence related to Ch. 40A, lack of hardship and requirements needed to be submitted, the Board hereby denies the request for Variance.

VOTE:

Motion to Grant by:
Seconded by:

Craig Pina
Doryce Smith

IN FAVOR: (3)

Michael Williams, Fire Chief
Doryce Smith
Craig Pina

OPPOSED: (2)

Kenneth Galligan, Chairman
Stephen Bernard

Anthony J. Zeoli

Anthony Zeoli, City Clerk

Michael Williams

Doryce Smith

Craig Pina

Kenneth Galligan

Stephen Bernard

James Plouffe

James Plouffe, Clerk

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