

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, January 14, 2020 at 6:00 p.m.

**IN RE:** 20-01 Petition of JAMES BERTARELLI, 65 Magnolia Avenue, Brockton, MA, for a Variance from Sec. 27-9, 27-13 & 27-13A, to reapprove zoning that was granted in 2017 but expired in an R-1-B Zone, located at PLOT 8-24 STONEHILL STREET.

PETITIONER'S STATEMENT:

OPPOSITION:

DECISION: Withdrawn

BASIS: The petitioner requested to withdraw from the scheduled hearing prior to the start of the hearing as a matter of right due to the lack of a five (5) member Board.

VOTE:

Motion to Grant by:  
Seconded by:

IN FAVOR: 0

Kenneth Galligan, Chairman  
Michael Williams, Fire Chief  
Robert Pelaggi  
Doryce Smith

OPPOSED: 0

*Kenneth Galligan*  
*Michael F. Williams*  
*Robert Pelaggi*  
*Doryce H. Smith*

*James Plouffe*  
James Plouffe, Clerk

*Anthony J. Zeoli*  
Anthony Zeoli, City Clerk

RECEIVED AND FILED: February 18, 2020  
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

City Clerk

2020 JAN 28 PM 12:46

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, January 14, 2020 at 6:00 p.m.

**IN RE:** 20-02 Petition of JAMES BERTARELLI, 65 Magnolia Avenue, Brockton, MA, for a Variance from  
Sec. 27-9, 27-13 & 27-13A, to reapprove zoning that was granted in 2017 but expired in an R-1-B Zone,  
located at PLOT 9 TIFFANY DRIVE.

**PETITIONER'S STATEMENT:**

**OPPOSITION:**

**DECISION:** Withdrawn

**BASIS:** The petitioner requested to withdraw from the scheduled hearing prior to the start of the hearing  
as a matter of right due to the lack of a five (5) member Board.

**VOTE:**

Motion to Grant by:

Seconded by:

**IN FAVOR:** 0

Kenneth Galligan, Chairman

Michael Williams, Fire Chief

Robert Pelaggi

Doryce Smith

**OPPOSED:** 0

*Kenneth Galligan*  
*Michael Williams*  
*Robert Pelaggi*  
*Doryce Smith*

*James Plouffe*  
James Plouffe, Clerk

*Anthony J. Zeoli*  
Anthony Zeoli, City Clerk

RECEIVED AND FILED: February 18, 2020  
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

City Clerk  
2020 JAN 28 PM 2:47

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, January 14, 2020 at 6:00 p.m.

**IN RE:** 20-03 Petition of DAVINE SANTOS, 13 Blakely Circle, Randolph, MA, for a (Special Permit) to open an ice cream/takeout food business with two (2) stools in a C-2 Zone, located at 111 LEGION PARKWAY.

**PETITIONER'S STATEMENT:** The petitioner Davine Santos, presented to the board floor plans and photos. Mr. Santos is seeking a Special Permit to open an ice cream/appetizer type food business with two (2) stools for local business owners or passer bys to sit if needed.

**OPPOSITION:** None

**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 found the use will be in harmony with the orderly development of the zone and will not negatively impact the Commercial zoned neighborhood. The locus is in a section of the city that was developed without off-street parking, however, any negative impact on on-street parking will not be increased. The Special Permit was granted for an ice cream/takeout food business with a maximum of two (2) seats.

**VOTE:**

Motion to Grant by:  
Seconded by:

Robert Pelaggi  
Doryce Smith

**IN FAVOR:** 4

Kenneth Galligan, Chairman

Michael Williams, Fire Chief

Robert Pelaggi

Doryce Smith

**OPPOSED:** 0

*Kenneth Galligan*  
*Michael Williams*  
*Robert Pelaggi*  
*Doryce Smith*

*James Plouffe*  
James Plouffe, Clerk

*Anthony J. Zeoli*

*Anthony J. Zeoli*

Anthony Zeoli, City Clerk

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ANY APPEAL MUST BE MADE  
WITHIN 20 DAYS FROM THIS  
DATE JAN 28 2020 PURSUANT  
TO M.G.L.C. 40A SECTION 17.

City Clerk

2020 JAN 28 5:12:47

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, January 14, 2020 at 6:00 p.m.

**IN RE: 20-04** Petition of **GREGORY HILLIARD**, 30 Dagmar Drive, Brockton, MA, for a (Variance) to convert a two (2) family home into a three (3) family home in an R-1-B Zone, located at **403/405 TORREY STREET**.

**PETITIONER'S STATEMENT:**

**OPPOSITION:**

**DECISION:** Withdrawn

**BASIS:** The petitioner requested by letter prior to the start of the hearing to withdraw from the scheduled hearing as a matter of right due to the lack of a five (5) member board.

**VOTE:**

Motion to Grant by:  
Seconded by:

**IN FAVOR:** (0)

Kenneth Galligan, Chairman


Michael Williams, Fire Chief

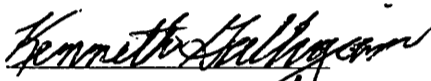
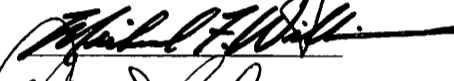
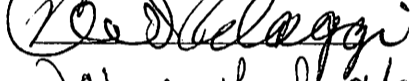
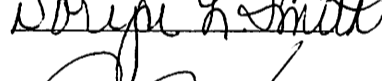
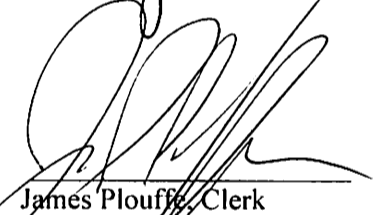
Robert Pelaggi

Doryce Smith

**OPPOSED:** (0)

RECEIVED AND FILED: February 18, 2020  
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Anthony Zeoli, City Clerk

  
  
  
  
  
James Plouffe, Clerk

City Clerk  
2020 JAN 29 PM 12:47

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, January 14, 2020 at 6:00 p.m.

**IN RE:** 20-05 Petition of XPRESS ENTERPRISES, INC., 15 Hayward Avenue, Brockton, MA, for a Variance from Sec. 27-13A, to construct a single family home in an R-1-C Zone, located at 63 LAFOYE STREET.

**PETITIONER'S STATEMENT:**

**OPPOSITION:**

**DECISION:** Withdrawn

**BASIS:** The petitioner requested to withdraw from the scheduled hearing prior to the start of the hearing as a matter of right due to the lack of a five (5) member Board.

**VOTE:**

Motion to Grant by:  
Seconded by:

**IN FAVOR:** 0

Kenneth Galligan, Chairman  
Michael Williams, Fire Chief  
Robert Pelaggi  
Doryce Smith

**OPPOSED:** 0

*Kenneth Galligan*  
*Michael Williams*  
*Robert Pelaggi*  
*Doryce Smith*

*James Plouffe*  
James Plouffe, Clerk

*Anthony J. Zeoli*  
Anthony Zeoli, City Clerk

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City Clerk

2020 JAN 29 12:47

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, January 14, 2020 at 6:00 p.m.

**IN RE:** 20-06 Petition of RUBEN PIERRE, 44 Norfolk Road, Holbrook, MA, for a (Special Permit) from Sec. 27-29 f, for a Caribbean restaurant with takeout and dining for 100 seats in a C-2 Zone, located at 583 CENTRE STREET.

**PETITIONER'S STATEMENT:** The petitioner Ruben Pierre along with finance Aminah Pilgrim presented to the board, Exhibit A, Floor plans showing one hundred (100) seats inside and outdoor seating of eight (8) tables with a total of sixteen (16) seats. They produced a brochure of an already established and successful restaurant owned by petitioner in Somerville, MA. Mr. Pierre is seeking a Special Permit to open a Caribbean restaurant.

**OPPOSITION:** None

**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 that the petitioner failed to provide sufficient required documents at the hearing to allow the Board to make an informed decision to allow for the granting of a Special Permit for a one hundred (100) seat restaurant with outdoor seating and takeout.

**VOTE:**

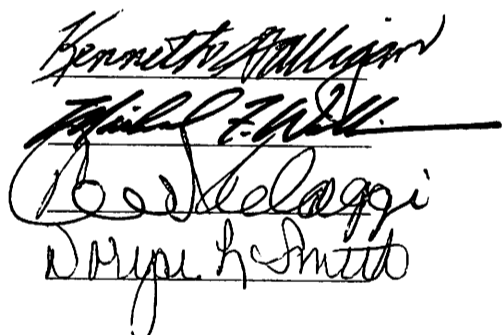
Motion to Grant by:  
Seconded by:

Robert Pelaggi  
Michael Williams

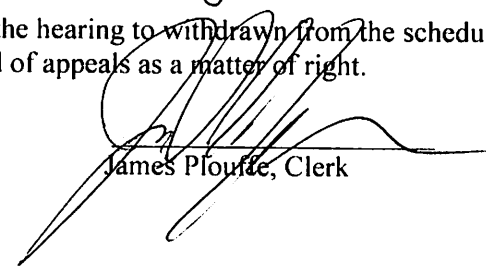
**IN FAVOR:** 0

**OPPOSED:** 4

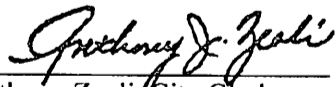
Kenneth Galligan, Chairman  
Michael Williams, Fire Chief  
Robert Pelaggi  
Doryce Smith



The petitioner requested by letter prior to the start of the hearing to withdraw from the scheduled hearing to the February 11, 2020 meeting of the zoning board of appeals as a matter of right.



James Plouffe, Clerk



Anthony Zeoli, City Clerk

ANY APPEAL MUST BE MADE  
WITHIN 20 DAYS FROM THIS  
DATE JAN 28 2020 PURSUANT  
TO M.G.L.C. 40A SECTION 17.

City Clerk

2020 JAN 28 PM 12:47

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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, January 14, 2020 at 6:00 p.m.

**IN RE:** 20-07 Petition of JACONIAS DEOLIVEIRA C/O ATTY ROBERT R. PELLEGRINI, 63 Main Street, Ste 1, Bridgewater, MA, for a Variance from Sec. 27-34(1), to operate an auto repair shop in a I-2 Zone, located at 50 MEADOWBROOK ROAD, UNIT 5B.

**PETITIONER'S STATEMENT:** Attorney Robert R Pellegrini and petitioner Jaconias DeOliveira presented to the board Exhibit A, Site plan, Exhibit B, floor plans and photos. Mr. DeOliveira is seeking a Variance to own and operate an auto repair shop. The property has been cleaned up substantially. When he purchased the property he was under the assumption that it was acceptable to have an auto repair shop, whereas there are two surrounding and auto repair was on the tax card.

**OPPOSITION:** None

**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 found granting of the requested Variance for the auto repair shop would not derogate from the intent of the zoning by-laws and will not negatively impact the orderly development of the current commercial use of the neighborhood. The site has been used for commercial enterprises including other motor vehicle repair facilities for many years and represents the best use of the property. Ward 4 City Councilor, Susan Nicastro, sent a letter to the Board "in favor" of granting the Variance and there was no opposition presented at the hearing. All representations in petitioners statement shall be incorporated by reference as stipulations recorded herewith.

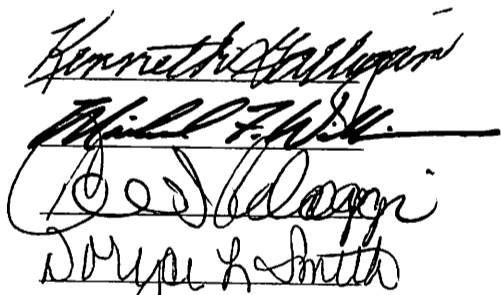
**VOTE:**

Motion to Grant by:  
Seconded by:

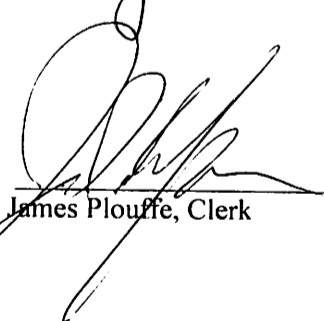

Doryce Smith  
Michael Williams

**IN FAVOR: 4**

Kenneth Galligan, Chairman  
Michael Williams, Fire Chief  
Robert Pelaggi  
Doryce Smith



**OPPOSED: (0)**

  
James Plouffe, Clerk  
Anthony Zeoli, City Clerk

ANY APPEAL MUST BE MADE  
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DATE JAN 28 2020 PURSUANT  
TO M.G.L.C. 40A SECTION 17.

City Clerk

2020 JAN 28 PM 2:47

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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, January 14, 2020 at 6:00 p.m.

**IN RE: 20-08** Petition of **GEORGE LYNN & ELIJAH WILKERSON**, 40 Ithica Road, Brockton, MA, for a (Variance) from Sec. 27-28, to open an adult daycare in an R-1-C Zone, located at **40 ITHICA ROAD**.

**PETITIONER'S STATEMENT:**

**OPPOSITION:**

**DECISION:** Withdrawn

**BASIS:** The petitioner requested by letter prior to the start of the hearing to withdrawn from the scheduled hearing to the February 11, 2020 meeting of the zoning board of appeals as a matter of right.

**VOTE:**

Motion to Grant by:  
Seconded by:

**IN FAVOR:** 0

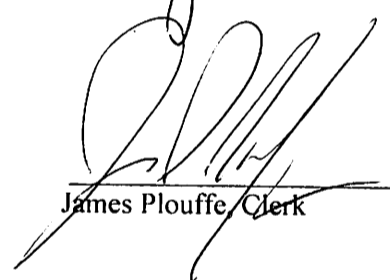
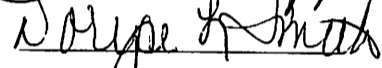
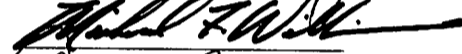
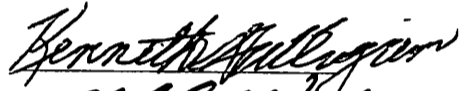
Kenneth Galligan, Chairman

Michael Williams, Fire Chief

Robert Pelaggi

Doryce Smith

**OPPOSED:** 0



James Plouffe, Clerk



Anthony Zeoli, City Clerk

City Clerk

2020 JAN 28 PM 12:47

RECEIVED AND FILED: February 18, 2020  
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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, January 14, 2020 at 6:00 p.m.

**IN RE:** 20-09 Petition of LUCIE D. GOIN, 618 Summer Street, Brockton, MA, for a Variance from Sec. 27-9, to expand the back of the house for a master bedroom & bathroom, turn garage into a bedroom and add second (2) bath in an R-1-C Zone, located at 618 SUMMER STREET.

**PETITIONER'S STATEMENT:** Petitioner Lucie D Goin, presented to the board Exhibit A, Site and Floor plans. Ms. Goin is seeking a variance to expand her house from rear of dwelling and additional work to prevent water runoff from street into the basement.

**OPPOSITION:** None

**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 found that the location of the house foundation creates a hardship at the site. The lot has a unique shape and the topography created a storm water run-off problem with drainage at the site. Granting of the requested 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 site plans and construction plans shall be incorporated by reference as stipulations recorded herewith. There was no opposition to the granting presented at the hearing.

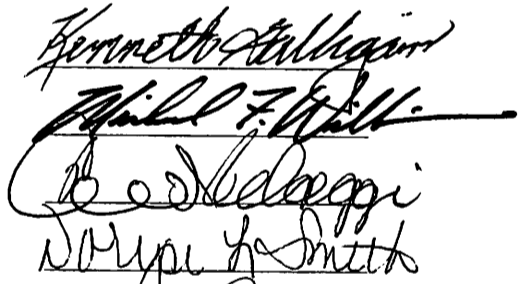
**VOTE:**

Motion to Grant by:  
Seconded by:

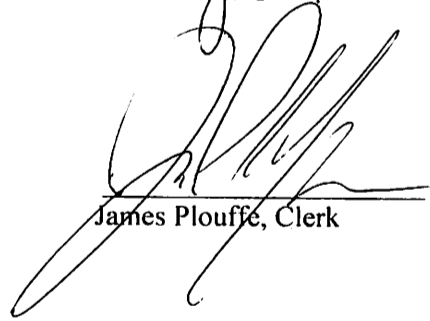
Robert Pelaggi  
Doryce Smith

**IN FAVOR: 4**

Kenneth Galligan, Chairman  
Michael Williams, Fire Chief  
Robert Pelaggi  
Doryce Smith



**OPPOSED: 0**



James Plouffe, Clerk



Anthony Zeoli, City Clerk

City Clerk

ANY APPEAL MUST BE MADE  
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DATE JAN 28 2020 PURSUANT  
TO M.G.L.C. 40A SECTION 17.

2020 JAN 29 PM 1:17

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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, January 14, 2020 at 6:00 p.m.

**IN RE: 20-10** Petition of LILIANA MORALES, 19 Auburn Street, Brockton, MA, for a Kennel License to keep five (5) dogs in an R-1-C Zone, located at 19 AUBURN STREET.

**PETITIONER'S STATEMENT:** The petitioner, Liliana Morales presents to the board, Exhibit A, Floor plan and photos and Exhibit B, Animal Control Kennel Inspection Report. Ms Morales is seeking a Special Permit to have a Hobby Kennel License to keep 5 (five) dogs at her property knowing that in the event of 2 (two) dogs expiration the Hobby Kennel License will also expire.

**OPPOSITION:** None

**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 found that allowing the granting of a Special Permit (sect 27-49) from Article IV, section 27-25 3-F for a modified Kennel License where not more than five (5) small dogs are to be allowed at the house at any one time will not negatively impact the orderly development of the neighborhood. As a condition of allowing the license at that location, the following stipulations shall be strictly maintained: There shall be no more than five (5) small dogs on the premises at one time, there shall not be breeding of dogs, no sales of dogs, no boarding or grooming of dogs. The dogs on the premises shall be family pets only with no commercial operations whatsoever. The keeping of the family pets shall not create any nuisance or negative impact upon the neighbors or neighborhood. As it relates to the current five (5) dogs, the 5 (5) dog total shall be reduced to a maximum of three (3) dogs as the dogs expire or are removed from the site. No additional dogs not part of the current dogs shall be allowed to be brought to or housed at the site. The locus shall be subject to a site inspection at any time and shall be in compliance with Chapter 3, Animals and Fowls. This Special Permit shall expire when the total number of the current dogs on site complies with the allowed three (3) dogs.

**VOTE:**

Motion to Grant by:

Robert Pelaggi

Seconded by:

Michael Williams

**IN FAVOR: 4**

Kenneth Galligan, Chairman

Michael Williams, Fire Chief

Robert Pelaggi

Doryce Smith

**OPPOSED: 0**

James Plouffe, Clerk

City Clerk

Anthony Zeoli, City Clerk

2020 JAN 29 PM 2:47

ANY APPEAL MUST BE MADE  
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