

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, March 10, 2020 at 6:00 p.m.

IN RE: 20-21 Petition of **ERNST CHERY**, 14 Lewiston Street, Hyde Park, MA, for a (Variance) to have a restaurant on the ground level of the mixed use property in an R-3 Zone, located at **261 BELMONT STREET**.

PETITIONER'S STATEMENT: Petitioner, Ernst Chery, Farah Francois and Architect Darzain Fortuna presented to the Board Memo in support, Exhibit A Site Plan and Exhibit B Building Plans. Mr. Chery seeks to open a restaurant in a mixed use zone with 2 Section 8 apartments on second floor. The existing sign will be taken down and not replaced. There is ample parking for both apartments and the commercial area.

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 granting of the proposed use of the site will not derogate from the intent of the zoning by-laws and the mixed use of Residential and Commercial locus will not negatively impact the orderly development of the neighborhood. A hardship was demonstrated where the first floor of the two (2) story structure has been occupied by a commercial use since at least 1930. There is sufficient 180 square feet per off-street parking space for the proposed restaurant and the two (2) second floor apartments. The proposed hours of operation were stated to be 11:00 AM to midnight, 7 days per week. The petitioner was advised that final hours will be determined by the License Commission. Granting of the Variance does not include relief for the current abandoned sidewalk overhanging sign. The above listed stipulations are incorporated by reference herein. All representations in petitioners statement shall be incorporated by reference as stipulations recorded herewith.

VOTE:

Motion to Grant by:
Seconded by:

Craig Pina
Stephen Bernard

IN FAVOR: 4

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

Kenneth Galligan
Michael Williams
Stephen Bernard
Craig Pina

OPPOSED: 0

James Plouffe
James Plouffe, Clerk

City Clerk

Anthony Zeoli
Anthony Zeoli, City Clerk

ANY APPEAL MUST BE MADE
WITHIN 20 DAYS FROM THIS
DATE MAR 13 2020 PURSUANT
TO M.G.L.C. 40A SECTION 17.

MAR 23 2020

RECEIVED AND FILED: April 21, 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

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, March 10, 2020 at 6:00 p.m.

IN RE: 20-22 Petition of **WILLIAM & DEBRA CHAPLIC**, 671 Pearl Street, Brockton, MA, for a (Variance) from Sec. 27-9, to construct an addition to our single family home in an R-1-B Zone, located at **671 PEARL STREET**.

PETITIONER'S STATEMENT: Petitioners William and Debra Chaplic submitted to the Board, Exhibit A memo in support, Exhibit B Site Plan and Exhibit C Building Plans. The Chaplics are seeking permission to build an addition to the front of the existing dwelling for extra living space. Two abutting neighbors from 661 Pearl St spoke in favor and are pleased to see the neighborhood improving.

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 a Hardship exists at the locus due to the location of the current house foundation. The proposed single room living space location is constrained by the house layout and the site lot lines. Granting would not derogate from the intent of the zoning by-laws and will not negatively impact the orderly development of the neighborhood. All representations in petitioner's statement and plans dated January 16, 2020 submitted for the hearing shall be incorporated by reference as stipulations recorded here with. A direct abutter spoke in favor of allowing the granting of the Variance.

VOTE:

Motion to Grant by:
Seconded by:

Stephen Bernard
Craig Pina

IN FAVOR: 4

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

OPPOSED: 0

Anthony Zeoli, City Clerk

Kenneth Galligan
Michael Williams
Stephen Bernard
Craig Pina

James Plouffe
James Plouffe, Clerk

City Clerk

ANY APPEAL MUST BE MADE
WITHIN 20 DAYS FROM THIS
DATE MAR 23 2020 PURSUANT
TO M.G.L.C. 40A SECTION 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, March 10, 2019 at 6:00 p.m.

IN RE: 20-23 Petition of **JOANNE M. CODY**, 37 Bouve Avenue, Brockton, MA, for a (Special Permit) from Sec. 27-25 (3), for a dog sitting business in an R-1-C Zone, located at **37 BOUVE AVENUE**.

PETITIONER'S STATEMENT: Petitioner Joanne Cody presented to the Board Exhibit A memo in support, Exhibit B photos and Exhibit C drawings of house/backyard. She seeks special permission to open a dog sitting business in an R-1-C Zone. She would not have any more than 4 dogs at one time, of which two (2) are her personal pets. The visiting pets would be spade/neutered, with shot records required. She would not be absent from the property for more than 4 hours.

OPPOSITION: None

DECISION: 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 operation of a Commercial Boarding kennel where daycare of animals that are not the property of the owner of the establishment and where such services are rendered in exchange for consideration and in the absence of the owner, that granting of a Variance or Special Permit at this locus for Commercial purposes would derogate from the intent of the Zoning by-laws and would negatively impact the orderly development of the neighborhood. No hardship dealing with the locus was found by the Board.

VOTE:

Motion to Grant by:
Seconded by:

Craig Pina
Michael Williams

IN FAVOR: 3

Michael Williams, Fire Chief

Stephen Bernard

Craig Pina

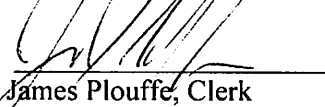
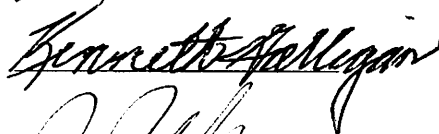
OPPOSED: 1

Kenneth Galligan, Chairman

Anthony Zeoli, City Clerk



Stephen Bernard


James Plouffe, Clerk

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, March 10, 2020 at 6:00 p.m.

IN RE: 20-24 Petition of **MATHEW DUPEK**, 130 Liberty Street, Suite 110, Brockton, MA, for a (Variance) seeking permission to keep a three (3) family dwelling in a C-2 Zone, located at **1 MILLETT 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

Stephen Bernard

Craig Pina

OPPOSED: 0

Anthony Zeoli, City Clerk

James Plouffe, Clerk

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 Tuesday, March 10, 2020 at 6:00 p.m.

IN RE: 20-25 Petition of **WILLIE GLOVER**, 58 Pearl Way, Brockton, MA, for a (Variance) to park trucks in a C-2-Zone, located at **456 MONTELLO STREET**.

PETITIONER'S STATEMENT: Petitioner Willie Glover submitted to the Board Exhibit A Plot Plan. Mr. Glover seeks permission to use the vacant lot for storing hook lift dumpsters and trucks. He would not have more than six (6) stored on site. An off-site mechanic would be used for repairs. The property will be secured with a chain link fence and lock and lighting placed around the property. Mr. Glover stated that he believed that the surface water run off goes towards Montello St.

OPPOSITION: None

DECISION: 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 information and site plans at the hearing to allow the Board to make an informed decision to allow for the granting of a Variance allowing the storage of trucks and dumpsters at the C-2 zone location. No hardship was demonstrated at the locus. Granting would derogate from the intent of the Zoning by-laws and will negatively impact the orderly development of the neighborhood.

VOTE:

Motion to Grant by:

Seconded by:

Stephen Bernard

Craig Pina

IN FAVOR: 3

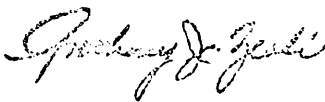
Michael Williams, Fire Chief

Stephen Bernard

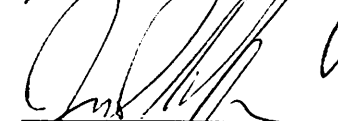
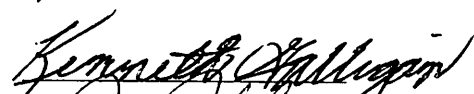
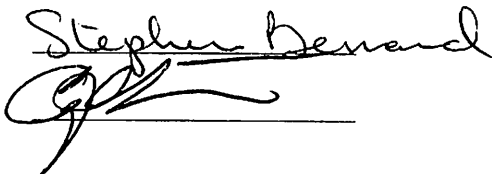
Craig Pina

OPPOSED: 1

Kenneth Galligan, Chairman



Anthony Zeoli, City Clerk



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, March 10, 2020 at 6:00 p.m.

IN RE: 20-26 Petition of **MICHAEL HAIKAL**, 1325 Belmont Street, Brockton, MA, for a (Variance) from Art. III, Sec. 27-9, 13 & 13a, to construct a single family four bedroom home in an R-1-C Zone, located at **11 WILBUR AVENUE**.

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

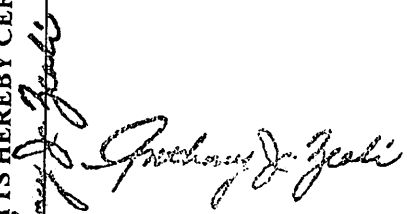
Kenneth Galligan, Chairman

Michael Williams, Fire Chief

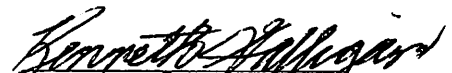
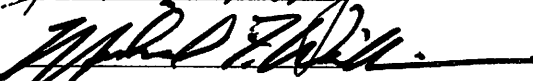


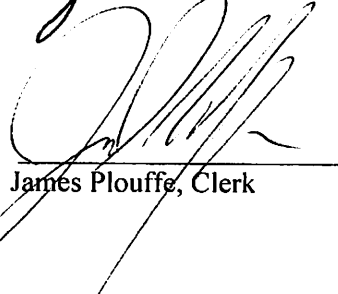
Stephen Bernard

Craig Pina

OPPOSED: 0



Anthony Zeoli, City Clerk






James Plouffe, Clerk

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 Tuesday, March 10, 2020 at 6:00 p.m.

IN RE: 20-27 Petition of **ARMANDO VIEIRA**, 28 Richmond Street, Brockton, MA, for a Victualler License to build a nutrition club where healthy smoothies, waffles, pancakes and other similar recipes using Herbal life products in a C-2 Zone, located at **583 CENTRE STREET**.

PETITIONER'S STATEMENT: Petitioner Armando Vieira submitted to the Board Exhibit A Plot/Parking plan Exhibit B Floor plan showing existing and proposed. He seeks to open a Healthy establishment serving smoothies/waffles/pancakes, etc. Mr. Vieira would like to reach more people in the city with healthy options for breakfast and lunch. Jeffrey Thompson, Ward 5 City Councillor spoke in favor of this Special Permit.

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 a Nutrition Club serving Herbal life products in conformance with Section 27-28 (3) (c) in the C-2 zone will be in harmony with the orderly development of the C-2 zone and not negatively impact the neighborhood. There is adequate on-site parking and adequate ingress and egress that will not interfere with traffic on the abutting streets. All representations in petitioner's statement shall be incorporated by reference herein. Ward 5 City Councillor Jeffrey Thompson spoke in favor.

VOTE:

Motion to Grant by:

Seconded by:

Craig Pina

Michael Williams

IN FAVOR: 4

Kenneth Galligan, Chairman

Michael Williams, Fire Chief

Stephen Bernard

Craig Pina

OPPOSED: 0

Anthony Zeoli, City Clerk

Kenneth Galligan
Michael Williams
Stephen Bernard
Craig Pina

James Plouffe
James Plouffe, Clerk

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DATE MAR 23 2020 PURSUANT
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City Clerk

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COMMONWEALTH OF MASSACHUSETTS
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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, March 10, 2020 at 6:00 p.m.

IN RE: 20-28 Petition of **MARY LIU**, 57 Safford Street, Quincy, MA, for a (Special Permit) from Sec. 27-29, to open a restaurant at the old Papa Gino's location in a C-2 Zone, located at **675 CRESCENT STREET**.

PETITIONER'S STATEMENT: Petitioner Mary Liu submitted to the Board Exhibit A sign plans, Exhibit B Site plan and Exhibit C Floor plans. Ms. Liu is seeking to open a specialized seafood restaurant. Ms. Liu and partners combined have had many successful years experience in the restaurant industry.

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 a restaurant at the same site as a former restaurant in conformance with Section 27-28 (3) (c) In the C-2 zone will be in harmony with the orderly development of the C-2 zone and not negatively impact the neighborhood. There is adequate on-site parking and adequate ingress and egress that will not interfere with traffic on the abutting streets. The Board granted relief for the current free-standing sign located at the front of the property to remain at its current location less than ten (10) feet from the front property line without detriment to the area. All representations in petitioner's statement shall be incorporated by reference herein. Ward 5 City Councillor Jeffrey Thompson spoke in favor of granting.

VOTE:

Motion to Grant by:
Seconded by:

Craig Pina
Michael Williams

IN FAVOR: 4

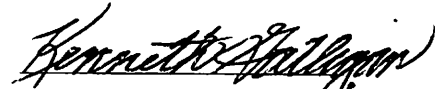
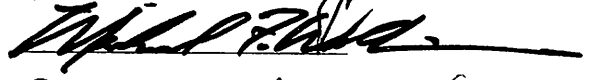


Kenneth Galligan, Chairman

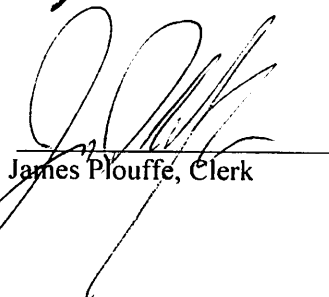
Michael Williams, Fire Chief

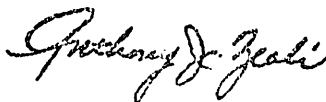
Stephen Bernard

Craig Pina

OPPOSED: 0


James Plouffe, Clerk



Anthony Zeoli, City Clerk

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WITHIN 20 DAYS FROM THIS
DATE **MAR 23 2020** PURSUANT
TO M.G.L.C. 40A SECTION 17.

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, March 10, 2020 at 6:00 p.m.

IN RE: 20-29 Petition of **CHARLOTTE CREELEY**, 97 Dagmar Drive, Brockton, MA, for a (Special Permit) and (Variance) from Sec. 27-25 (3)(f), to board dogs under 35 pounds and no more than 3 at a time in home in an R-1-C Zone, located at **97 DAGMAR DRIVE**.

PETITIONER'S STATEMENT: Petitioner, Charlotte Creeley, submitted to the Board Exhibit A memo in support, Exhibit B floor plans and Exhibit C Photos. She is requesting to run a kennel dog care business in her home located in an R-1-C Zone. She would care for 1-2 small dogs, mainly French Bull dog or Pug breed, at a time not including her one personal pet. Ms Creeley has had many years experience in dog care.

OPPOSITION: None

DECISION: 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 operation of a Commercial Boarding kennel where day care of animals that are not the property of the owner of the establishment and where such services are rendered in exchange for consideration and in the absence of the owner, that granting of a Variance or Special Permit at this locus for Commercial purposes would derogate from the intent of the Zoning by-laws and would negatively impact the orderly development of the Residential R-1-C Zoned neighborhood. No hardship dealing with the locus was found by the Board.

VOTE:

Motion to Grant by:
Seconded by:

Craig Pina
Stephen Bernard

IN FAVOR: 3

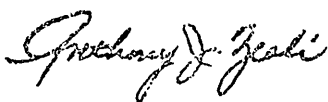
Michael Williams, Fire Chief

Stephen Bernard

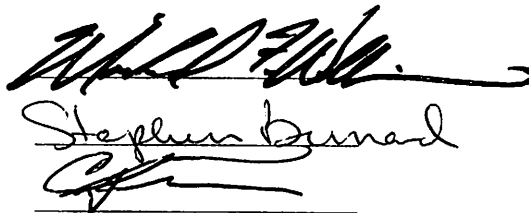
Craig Pina

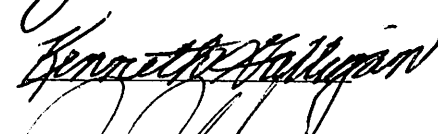
OPPOSED: 1

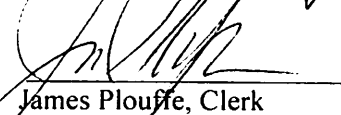
Kenneth Galligan, Chairman



Anthony Zeoli, City Clerk






James Plouffe, Clerk

ANY APPEAL MUST BE MADE
WITHIN 20 DAYS FROM THIS
DATE MAR 23 2020 PURSUANT
TO M.G.L.C. 40A SECTION 17.

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, March 10, 2020 at 6:00 p.m.

IN RE: 20-30 Petition of **MARIE LORQUET**, 111 Bay Street, Taunton, MA, for a (Special Permit) and (Variance) from Art. IX, Sec. 27-53, & Art. IV, Sec. 27-29, 3G, to expand an existing restaurant with full liquor. First floor has 57 occupants and the second floor will add an additional 72 occupants for a total of 129 occupants. Location has 25 spaces but are 8 spaces short so a Variance is needed in a C-2 Zone, located at **68-70 FIELD 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

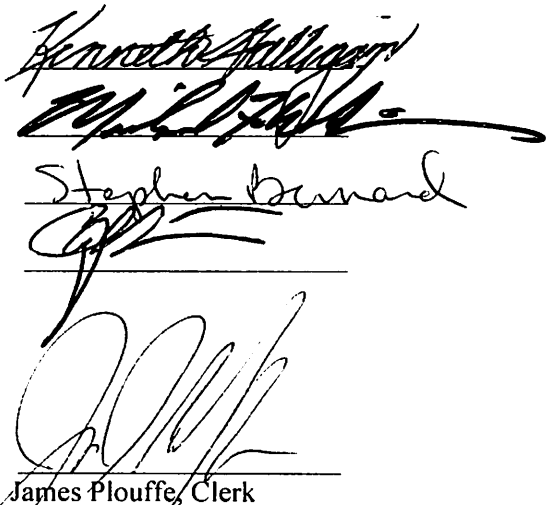
Michael Williams, Fire Chief

Stephen Bernard

Craig Pina

OPPOSED: 0

Anthony Zeoli, City Clerk


James Plouffe, 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 Tuesday, March 10, 2020 at 6:00 p.m.

IN RE: 20-31 Petition of **EMANUEL GOMES**, 20 Lawrence Street, Brockton, MA, for permission to convert a single family home to a two (2) family home in an R-1-C Zone, located at **306 GREEN STREET**.

PETITIONER'S STATEMENT: Petitioner Emanuel Gomes submitted to the Board Exhibit A Site plan and Exhibit B floor plans. Mr. Gomes said that he was under the impression that when he purchased to property it was a two family. He states his temporary second floor egress is only for construction use. The cars that had been stored on property have been removed.

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 a hardship existed at the site where the current dwelling is located in an area of mixed use single family and multiple family dwellings that has been occupied as both a single family and as a two (2) family dwelling. The former two (2) family dwelling was determined to be classified as a one (1) family dwelling by a Legal Use and Buildable Lot Form used by the Brockton Building Department on December 2, 2019, and by reference to a Certificate of Use and Occupancy issued on November 19, 2018, the original second kitchen was removed. The current owner informed the Board that the property was purchased with the understanding that the locus was a two (2) family dwelling with living area rooms on the second floor. The Board stipulated that the dwelling shall be occupied in conformance with all regulations governing a two (2) family dwelling and that sufficient off-street be provided for parking in conformance with parking required for a two (2) family dwelling as specified in Section 27-9, Standards for Residential Zones- R-2. City Councillor Rita Mendes and others spoke in favor and direct abutter at 197 Highland Street spoke in opposition to the Granting. 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 petitioners statement shall be incorporated by reference as stipulations recorded herewith.

VOTE:

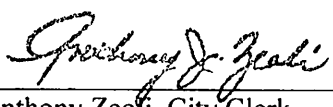
Motion to Grant by:
Seconded by:

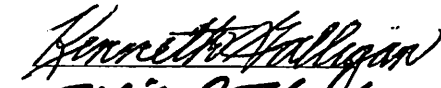
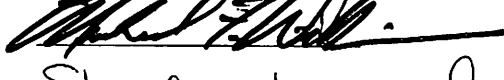
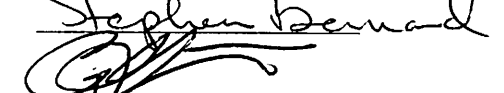
Stephen Bernard
Craig Pina

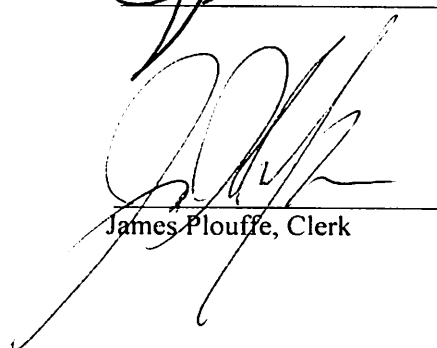
IN FAVOR: 4

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

OPPOSED: 0


Anthony Zeoli, City Clerk


James Plouffe, Clerk

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, March 10, 2020 at 6:00 p.m.

IN RE: 20-32 Petition of **GEORGE CARNEY, JR., TRUSTEE OF CARNEY REALTY TRUST**, 1958 Broadway, Raynham, MA, for a (Variance) from Sec. 27-9, 27-13H, to be allowed to develop and construct 17 residential lots due to existing condition in an R-1 A Zone, located at **PLOT 97 PLEASANT STREET**.

PETITIONER'S STATEMENT: Attorney James Burke, Engineer Edward P Jacobs submit to the Board, Exhibit A RJ Messina estimate, Exhibit B Memorandum, Exhibit C Photos, Exhibit D Zoning comparison plan, Exhibit E conventional subdivision plan and Exhibit F Variance Plan. They are asking for lot frontage relief at the base of the Cul-de-sac (Lots 8, 9 & 10) and frontage relief on the remaining lots.

OPPOSITION: Numerous abutters were in opposition or presented questions relative to water run-off, traffic and street layout.

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 a Hardship exists at the locus due to extensive ledge and unique soil conditions that impact on the Petitioner's land and not on the zoning district as a whole. The hardship relating to the soil and ledge conditions results in a unique negative impact on the economic hardship of developing the site. Considering the above hardships with site development and considering that each proposed lot in the seventeen (17) lot sub-division will consist of more than 30,000 square feet for each lot, relief was granted from Section 27-9, Table 1 for not less than one hundred twenty seven (127) feet of frontage for fourteen (14) lots and not less than one hundred seven (107) feet of frontage and reduced lot width on the cul-de-sac three (3) lots numbered 8,9,10. The Board specifically stipulated that as a condition of granting the requested Variance relief the proposed street to be constructed to City of Brockton standards that will serve the proposed seventeen (17) lot subdivision, shall terminate in a cul-de-sac and shall not allow any access to any other street, thus resulting in a dead-end, not thru-access street as depicted on the plan submitted to the Board dated February 7, 2020. Additionally, all blasting operations that may take place at the locus shall strictly conform to Massachusetts General Law Chapter 148, CMR 527 and mandates of Brockton Fire Department Fire Prevention Bureau. Development of the site shall not further exacerbate any current surface water run-off onto adjacent properties. Granting would not derogate from the intent of the zoning by-laws and will not negatively impact the orderly development of the neighborhood. All representations in petitioner's statement shall be incorporated by reference as stipulations recorded herewith.

VOTE:

Motion to Grant by:

Seconded by:

IN FAVOR: 4

Kenneth Galligan, Chairman

Michael Williams, Fire Chief

Stephen Bernard

Craig Pina

OPPOSED: 0

Stephen Bernard

Craig Pina

Kenneth Galligan
Michael Williams

Stephen Bernard
Craig Pina

James Plouffe
James Plouffe, Clerk,

City Clerk

Anthony Zeoli
Anthony Zeoli, City Clerk

ANY APPEAL MUST BE MADE
WITHIN 20 DAYS FROM THIS
DATE MAR 23 2020 PURSUANT
TO M.G.L.C. 40A SECTION 17.

RECEIVED AND FILED: April 21, 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