

COMMONWEALTH OF MASSACHUSETTS  
CITY OF BROCKTON  
ZONING BOARD OF APPEALS

**ZONING BOARD OF APPEALS held a meeting in the Council Chambers, City Hall, Brockton, Massachusetts, on Tuesday, July 14, 2020 at 6:00 p.m.**

**IN RE: 20-33** Petition of **KG COLLECTIVE BROCKTON, LLC**, 1536 Tremont Street, Boston, MA, for a (Special Permit) & (Variance) if needed, to allow marijuana retail store in a C-2 Zone, located at **912 CRESCENT STREET.**

**PETITIONER'S STATEMENT:** Attorney Richard Stati alongwith Michael Pires from KG Collective and the owner of property, Michael Psikarakis. They are before the board seeking permission to house a marijuana retail store at the above named address. KG Collective had gone before Tech review originally asking to use the whole building and eliminating the restaurant. Attorney Stati mentioned the night of meeting the restaurant is doing well with take-out orders since Covid 19, the restaurant will now stay open the marijuana retail facility will be smaller at 750 sq.ft. Parking space #1 on Hope Street will be eliminated and spaces 2 through 34 will remain. All products will be prepackaged.

**OPPOSITION:** Abutters from Crescent and Hope Street stated their opposition do the neighborhood children playing, day care facilities and bus stops throughout the day.

**DECISION:** Denied unanimously.

**BASIS:** After reviewing the application, plans, required information submitted and giving due consideration to testimony given at the public hearing, the board found that the petitioner failed to provide documentation for zoning board review and approval for application for a Special Permit marijuana license for retail sales at 912 Crescent Street. The petitioner failed to provide documentation evidencing that the applicant for licensure and Host Municipality (City of Brockton), have executed a Host Community Agreement, Sec. 27-24, 4 (10.d). The petitioner failed to provide a context map depicting and certifying that the proposed location is not located within five hundred (500) ft of another presently existing or permitted marijuana dispensary or recreational retail facility: or five hundred (500) feet of a pre-existing public or private school providing education in kindergarten or any of grades one (1) through twelve (12). Sec. 27-24, (10F) attestation for education: attestation for other retail establishments. The petitioner failed to provide a narrative pertaining to operations and security measures proposed for the site for review by the zoning board of appeals, Sec. 27-24(10.c). The site plan of the site provided to the board dated June 28, 2020, depicting the site parking scheme was found unacceptable where the site provides on-site parking for both the proposed recreational marijuana retail sales and the currently existing restaurant. Parking spaces number 1-2-3-4 that allow for vehicles to back out directly onto Hope Street were ill conceived, dangerous and unacceptable. No provision was provided for an on-site parking secured location for marijuana deliveries. No provision provided for on-site deliveries to the co-located restaurant. The parking stall configuration submitted to the board was not designed to provide convenient, safe and secure access and egress for customers and employees arriving to and from the site. On-site parking depicted for parking within ten (10) feet of an adjacent occupied three (3) family dwelling that is inconsistent with Chapter 27-57, (2). The site plan failed to provide required green space nor parking stall setback from the Crescent Street property line. For the aforementioned deficiencies and lack of sufficient information provided to the board at hearing, the board found that in conformance with Art. III, Sec. 27-24.4, for the proposed adult use marijuana location at 912 Crescent Street, that use will not be in harmony with the orderly development of the site as presented and will be detrimental to the orderly development of the existing neighborhood. Two (2) abutters to the site expressed opposition to the proposed use.

ANY APPEAL MUST BE MADE  
WITHIN 20 DAYS FROM THIS  
DATE JUL 31 2020 PURSUANT  
TO M.G.L.C. 40A SECTION 17.

City Clerk

City Clerk

RECEIVED AND FILED: August 20, 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

*[Signature]*

Con't  
20-33

**VOTE:**

Motion to Grant by:  
Seconded by:

Craig Pina  
Michael Williams

**IN FAVOR: (0)**

**OPPOSED: (5)**

Kenneth Galligan, Chairman

Michael Williams, Fire Chief

Stephen Bernard

Craig Pina

Steve Lainas

*[Signature: Kenneth Galligan]*  
*[Signature: Michael Williams]*  
*[Signature: Stephen Bernard]*  
*[Signature: Craig Pina]*  
*[Signature: Steve Lainas]*  
*[Signature: James Plouffe]*  
James Plouffe, Clerk

*[Signature: Anthony Zeoli]*

Anthony Zeoli, City 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, Massachusetts, on Tuesday, July 14, 2020, at 6:00 p.m.**

**IN RE: 20-34** Petition of **NEW HEIGHTS CHARTER SCHOOL OF BROCKTON**, 1960 Main Street, Brockton, MA, for a (Variance) from Sec. 27-53(3), 27-54, to approve the parking layout for the property to be purchased by the petitioner in a C-2 Zone, located at **1690 MAIN STREET**.

**PETITIONER'S STATEMENT:** Attorney James Burke along with Surveyor Scott Faria. They are before the board seeking permission to approve the parking layout of 279 spaces. The storage business has been removed from the property making the Charter School the only occupants at 1690 Main Street. No outdoor play area since they will be constructing a gymnasium in location of the recently vacant area that housed the /moving storage business.

**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 in conformance with Art. IX, Sec. 27-53 93), whereby the Board of Appeals shall determine the amount of off-street parking required for a location not specifically mentioned for any building, structure or premises within zoning regulations, that there exists sufficient off-street parking for school purposes having a student population not to exceed seven hundred thirty five (735) students and not more than one hundred (100) support staff employees. To support the student population and support staff, the Board found that based upon the design and configuration of the current school facility that not less than a total of two hundred sixty nine (269) off-street 180 sq.ft. regulation parking spaces shall be provided for a school population not to exceed seven hundred thirty five (735) students and support staff not to exceed one hundred (100) employees. The parking plan submitted to the board, July 14, 2020, dated on February 6, 2020, depicted a parking layout showing two hundred seventy nine (279) parking spaces available at the site. In determining the required number of parking spaces required on the subject site, the Board considered the current parking provided and actively used at six (6) middle school locations in the Brockton Public School systems. Site visits were made to the six (6) locations during normal school operating hours and documentation was provided by the Brockton School Department relative to individual school population and off street parking provided at each location. Additional information was acquired from the Institute of Transportation Engineer, 1627 Eye Street, NW, Washington, DC, an international educational and scientific association of transportation professionals who are responsible for determining meeting and meeting mobility and safety needs, to assist the board in determining parking needed at the school site. Parking supply ratio of 0.2 spaces per student and 1.22 spaces per employees, observed parking situations at the public schools and the analysis provided by the Institute were considered in determining the off-street, on-site parking requirements for this site as the sole only occupant of the building for educational use. The parking plan requires the site to be lined and parking spaces and access isles to be developed per the submitted plans that allows for multiple access points with no "dead end" aisles. The need for strict parking regulations as related to on-site vehicle movements and the strict supervision of all students as they arrive, board or disembark from the school buses on the site shall be strictly enforced by New Heights Charter School. The decision of the Board pertaining to the adequacy of the off- street, on-site parking requirements is specific to the design and configuration of the proposed school educational facility use only for an anticipated students population of not more than seven hundred thirty five (735) and a support staff of not more than one hundred (100) employees.

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TO M.G.L.C. 40A SECTION 17.

City Clerk

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APPEAL HAS BEEN FILED. CHAPTER 40A SEC. 11



  
Anthony Zeoli, City Clerk

Con't  
20-34

**VOTE:**

Motion to Grant by:  
Seconded by:

**IN FAVOR: (5)**

Kenneth Galligan, Chairman

Michael Williams, Fire Chief

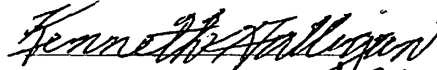
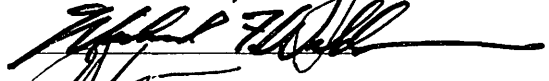
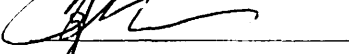
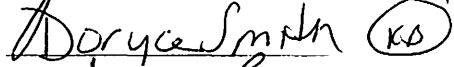

Craig Pina

Doryce Smith

Steve Lainas

**OPPOSED: (0)**

Craig Pina  
Michael Williams

  
  
  
 (KS)  


  
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, July 14, 2020, at 6:00 p.m.**

**IN RE:** 20-35 Petition of **GEORGE AND BEVERLY SOUAIDEN**, 102 Lenox Street, Brockton, MA, for a (Variance) from Sec. 27-25, 27-28 & 27-48, to be allowed to construct and operate a used car facility in a C-1 & R-1-C Zone, located at **863 BELMONT STREET**.

**PETITIONER'S STATEMENT:** Attorney James Burke, Land Surveyor Scott Faria and petitioner George Souaiden are seeking permission to operate a used car facility at the above named address. The vacant structure of the previous restaurant will be half-demoed for the office space, storage and restroom. A six (6) foot stockade fence will be erected in the rear and along the residential abutting property. They would like to have parking spaces for staff along with vehicles to purchase at a maximum of sixty seven (67) spots. It was asked of the petitioner by the chairman to relocate parking spaces 1 through 5 in the front of Belmont Street for at least 15 ft. of greenspace. No repairs will be done at this site. All lighting will be downward.

**OPPOSITION:** No direct abutters were in opposition.

**DECISION:** Granted unanimously with the following stipulations 1. New 6ft stockade fence to be erected and must clean the back side of the fence area 2. No repairs to be done on premises 3. Parking spaces 1 through 5 shall be relocated in order for no less than 15ft of green space facing Belmont Street 4. No sale of vehicles weighing over 2 1/2 tons and 5. All lighting will be downward.

**BASIS:** After reviewing the application, plans, information submitted and giving due consideration to testimony given at the public hearing, the board found that the site is irregularly shaped with unique varying contours and grade changes that has been the site of commercially related business for many years and surrounded by other largely commercial uses. A hardship was found to exist whereby based on the unique circumstances related to the size, shape and condition of the current commercial structure and adjacent residentially zoned lot that it is not economically feasible and unlikely that the property in its entirety would be developed in the future for a use permitted by the zoning ordinance under Sec. 27-28 or Sec. 27-25. Granting of the request relief may be granted without substantial detriment to the public good, will substantially improve the current blighted and unsightly locus and without substantially derogating from the intent of purpose of such ordinance. The residential zoned lot immediately abutting the C-1 zoned lot fronting Belmont Street is virtually land locked, most likely will not be developed for residential use due to the shape and contours of the topography of the lot and as a result the site will best developed as proposed without generally affecting the zoning district in which they are located. In consideration of granting the requested Variance the petitioner agreed to maintain not less than fifteen (15) feet of green space across the front of the property immediately behind the sidewalk, erect and maintain a six (6) foot stockade type fence across the back and west end of the R-1-C Zone, install downward only facing property lighting, remove debris and clean up the north earth embankment and limit the number of vehicles not to exceed sixty six (66) vehicles for sale. Vehicles are limited to a maximum of 2 1/2 tons with no repair facility nor storage of impounded or derelict vehicles. Granting would not derogate from the intent of the zoning by-laws and would not negatively impact the orderly development of the neighborhood. All representations in petitioners statement and amended front greenspace revision of plans dated May 22, 2020, shall be incorporated by reference as stipulations recorded herewith.

ANY APPEAL MUST BE MADE  
WITHIN 30 DAYS FROM THIS  
DATE JUL 20 2020 PURSUANT  
TO M.G.L.C. 40A SECTION 17.

RECEIVED AND FILED: August 20, 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



*Anthony J. Zeoli*

Con't  
20-35

**VOTE:**

Motion to Grant by:  
Seconded by:

Craig Pina  
Stephen Bernard

**IN FAVOR: (5)**

Kenneth Galligan, Chairman

Michael Williams, Fire Chief

Stephen Bernard

Craig Pina

Steve Lainas

*Kenneth Galligan*  
*Michael Williams*  
*Stephen Bernard*  
*Craig Pina*  
*Steve Lainas*

**OPPOSED: (0)**

*James Plouffe*  
James Plouffe, Clerk

*Anthony J. Zeoli*

Anthony Zeoli, 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, July 14, 2020, at 6:00 p.m.**

**IN RE: 20-36** Petition of **28 PETRONELLI LLC**, 236 Huntington Avenue, Boston, MA, for a (Variance) from Sec. 27-29, 27-45, 27-53, 27-54, 27-18, to renovate an existing structure and operate an 18 unit apartment building in a C-2 Zone, located at **28 PETRONELLI WAY**.

**PETITIONER'S STATEMENT:** Attorney James Burke along with the Surveyor, Scott Faria and The petitioner Ted Carman from 28 Petronelli LLC, is before the board seeking permission to convert a vacant building into eighteen (18) market rate apartments. The breakdown of units will be 3 studio, 8/one-bedroom, 2/two-bedroom and 5 loft townhouse units. \*\*\* The elements of the original gym space, previously used by boxing legend Marvin Hagler will be attempted to be preserved. The petitioner stated that 28 Petronelli Way LLC, had been awarded mutual easements on Petronelli Way and Franklin Street. The petitioner also reported, they will be receiving tax credits for the renovation of this project. Twenty two (22) leased parking spaces will be provided at the Carpenter Parking Garage through a written agreement with the Parking Authority. A drop off area will be provided for deliveries.  
\*\*\*SCRIVENER'S ERROR \*\*\*

**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 the site to be an abandoned building, unused for commercial use for many years, built prior to current zoning and appears no longer viable as a retail space or commercial office building. The subject building is located in a neighborhood that is undergoing redevelopment as mixed use residential and limited commercial occupancies. A hardship exists relative to the lot size, shape and building coverage of the lot including the inability to reasonably use the site for the purpose and in the manner allowed by the zoning ordinance Sec. 27-48, 27-18. Limited parking is provided at the site with agreement for parking at the adjacent Carpenter Parking Facility, Sec. 27-53. The board found that granting the requested Variances would not derogate from the intent of the zoning by-laws, would be in harmony with the master plan developed for the area, that a literal enforcement of the Brockton Zoning Ordinance, Chapter 27 would involve substantial hardship, financial or otherwise to the owner and master plan development plans for the area and will not negatively impact the orderly development of the neighborhood. All representations in petitioners statement, including parking garage agreements shall be incorporated by reference as stipulations recorded herewith.

**VOTE:**

Motion to Grant by:  
Seconded by:

Michael Williams  
Craig Pina

**IN FAVOR: (5)**

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

**OPPOSED: (0)**

*Anthony J. Zeoli*

Anthony Zeoli, City Clerk

*Kenneth Galligan*  
*Michael Williams*  
*Stephen Bernard*  
*Craig Pina*  
*Steve Lainas*  
*James Plouffe*

James Plouffe, Clerk

ANY APPEAL MUST BE MADE  
WITHIN 20 DAYS FROM THIS  
DATE SEP 23 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 Tuesday, July 14, 2020, at 6:00 p.m.**

**IN RE:** 20-37 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:** Attorney Christopher Veale along with the petitioner Michael Haikal came before the board seeking permission to construct a home at the above named location. The proposed home will have four (4) bedrooms, 28 x 38 in size and no garage. The driveway will be on the Wilbur Avenue side. The existing home will stay fronting Wilbur Avenue along with the current driveway.

**OPPOSITION:** None

**DECISION:** Granted unanimously with the stipulations **1.** No garage is to be built **2.** Driveway for new home will be on Wilbur Avenue as shown on plan and **3.** size of home will be a 28 x 38.

**BASIS:** After reviewing the application, plans, information submitted and giving due consideration to testimony given at the public hearing, the board found that Plots 6 and Plot 7 Wilbur Avenue have a very unique size and shape with areas of wetlands encroaching onto both Plots. Additionally, Plot 7 has an electrical easement running through the Plot making it unbuildable. Subdivision of the current Plots 6 and 7 to create a new Lot A and Lot B will allow for the construction of one (1) new dwelling on a 16,004 sq.ft. lot fronting on Wilbur Avenue that is larger than most lots in the neighborhood. Lot B containing a dwelling built before current zoning will remain on new Lot B containing 37,208 sq.ft. Both dwellings will be located on Wilbur Avenue, a paved and constructed street. A hardship exists due to the unique size, shape and topography of the Plots and is unique to the site. Frontage relief is granted to Lot A and relief from frontage setback on Lot B for the existing home due to the location of the foundation of the house. Zoning relief for Lot A is granted to allow for the construction of a maximum four (4) bedroom, two (2) story Colonial style house with a foundation size of 38 ft. x 28 ft. with no garage. The driveway shall be constructed from Wilbur Avenue, all as shown on the submitted plan dated February 11, 2020. Green space shall remain as shown on the plan. Granting 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 shall be incorporated by reference as stipulations recorded herewith.

**VOTE:**

Motion to Grant by:

Seconded by:

Michael Williams

Stephen Bernard

**IN FAVOR: (5)**

Kenneth Galligan, Chairman

Michael Williams, Fire Chief

Stephen Bernard

Craig Pina

Steve Lainas

**OPPOSED: (0)**

*Anthony J. Zeoli*

Anthony Zeoli, City Clerk

*Kenneth Galligan*  
*Michael Williams*  
*Stephen Bernard*  
*Craig Pina*  
*Steve Lainas*

*James Plouffe*  
James Plouffe, Clerk

ANY APPEAL MUST BE MADE  
WITHIN 30 DAYS FROM THIS  
DATE 11 3 2020 PURSUANT  
TO M.G.L.C. 40A SECTION 17.

City Clerk

RECEIVED AND FILED: August 20, 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, Brockton, Massachusetts, on Tuesday, July 14, 2020, at 6:00 p.m.

**IN RE:** 20-38 Petition of CLM DEVELOPMENT C/O 1325 Belmont Street, Brockton, MA, for a (Variance) from Art. III, Sec. 27-9, 13 & 13A, for relief from lot's frontage requirement to construct two (2) single family four (4) bedroom houses on newly created lots in an R-1-C Zone, located at 496 NORTH CARY STREET.

**PETITIONER'S STATEMENT:** Attorney John McCluskey along with Surveyor Scott Faria and the petitioner Charles Macy are before the board seeking permission to construct two (2) new homes on lots newly created on the above named address. The two newly created lots both have over 40,000 sq.ft. of land. The homes will have four (4) bedrooms with an attached garage and separate driveways. The petitioner stated trees will be planted behind the existing homes along North Cary Street in order to give the abutting neighbors privacy.

**OPPOSITION:** One abutting neighbor stated one (1) house was sufficient on the land not two (2) homes.

**DECISION:** Granted unanimously with the stipulations 1. That arborvitae trees are to be planted behind the existing homes on North Cary Street for privacy and 2. Each new home will have its own driveway with no sharing of one (1) driveway allowed.

**BASIS:** After reviewing the application, plans, information submitted and giving due consideration to testimony given at the public hearing, the board found that Plots 41 and 41-A have a very unique size, shape and soil conditions, larger than nearly all other lots in the area but have limited frontage on North Cary Street allowing for access to the Plots. The board found that dividing the parcel into two (2) lots of 40,653 sq.ft. and 44,661 sq.ft., each with access from North Cary Street with independent driveways servicing each new lot will allow for the construction of two (2) four (4) bedroom Colonial style homes with garages will not negatively impact the orderly development of the neighborhood and will eliminate a dangerous and unsightly condition that currently exists with the abandoned buildings on the site. Granting relief from Sec. 27-9 and Sec. 13 and 13-A from frontage will address a very unique and unusual plot layout that without the relief would render the entire Plots 41 and 41-A unbuildable. The petitioner consented to and agreed to develop a green space area of arborvitae type shrubs/trees to create a visual privacy barrier on the south property line at the current homes on North Cary Street. Three neighbors expressed concern that the area was too small in overall area to support two (2) dwellings. The above listed stipulations, including two (2) separate individual driveways as shown on plans submitted to the board dated March 11, 2020, 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:

**IN FAVOR: (5)**

Kenneth Galligan, Chairman

Michael Williams, Fire Chief

Stephen Bernard

Craig Pina

Steve Lainas

**OPPOSED: (0)**

Craig Pina

Michael Williams

*Kenneth Galligan*

*Michael Williams*

*Stephen Bernard*

*Craig Pina*

*Steve Lainas*

*[Signature]*

*[Signature]*

*[Signature]*

*[Signature]*

*[Signature]*

*[Signature]*

*[Signature]*

*[Signature]*

*[Signature]*

*Anthony J. Zeoli*

Anthony Zeoli, City Clerk

*[Signature]*

*[Signature]*

*[Signature]*

*[Signature]*

*[Signature]*

*[Signature]*

ANY APPEAL MUST BE MADE  
WITHIN 20 DAYS FROM THIS  
DATE 1111 3 11 2020 PURSUANT  
TO M.G.L.C. 40A SECTION 17.

City Clerk

RECEIVED AND FILED: August 20, 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, July 14, 2020, at 6:00 p.m.

**IN RE: 20-39** 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:** Attorney John Creedon along with the members of the Lorquet Investment Group, were seeking to open a restaurant at the above named location which requires relief for eight (8) parking spaces in order to have one hundred twenty nine (129) seats. The original tavern is a two story structure with fifty seven (57) seats and the petitioner will develop a second story which will add seventy two (72) additional seating for patrons which means they are eight (8) parking spaces short. The second floor will have a private dining area for gatherings away from other patrons. The property at 897 North Montello Street is proposed to be purchased for additional parking. A full liquor license will also be requested. An elevator will be constructed and the building will be sprinkled. The exterior will be stucco and all modern lighting around the property. Proposed hours of operation will be from 10:00 a.m. until 1:00 a.m. for lunch and dinner.

**OPPOSITION:** None

**DECISION:** Denied unanimously which means the seating capacity will be ninety six (96) seats.

**BASIS:** After reviewing the application, plans, information submitted and giving due consideration to testimony given at the public hearing, the board found that increasing the seating capacity to the requested one hundred twenty nine (129) seats from the current seating capacity will require an additional eight (8) parking spaces over and above the current twenty five (25) parking spaces. The relief requested to waive the required thirty three (33) parking spaces needed to allow a total occupancy of 129 seats is based upon the total parking area available at the site. Considering the on-street parking constraints in the immediate area of the site, on-site or off the street parking is critical to influencing the total occupancy of the establishment. Without the required on-site parking, any additional on street parking in residential neighborhoods will negatively affect the surrounding neighborhoods. With the on-site provided parking, the establishment is allowed to operate with a total occupancy of ninety six (96) seats. Granting of the requested relief for eight (8) additional on-site required parking spaces to allow for a new total occupancy of one hundred twenty nine (129) occupants will negatively impact the orderly development of the neighborhood and would derogate from the intent of the zoning by-laws. The request for parking onsite relief for eight (8) parking spaces is denied.

**VOTE:**

Motion to Grant by:

Seconded by:

**IN FAVOR: (0)**

**OPPOSED: (5)**

Kenneth Galligan, Chairman

Michael Williams, Fire Chief

Stephen Bernard

Craig Pina

Steve Lainas

Craig Pina

Michael Williams

*Kenneth Galligan*  
*Michael Williams*  
*Stephen Bernard*  
*Craig Pina*  
*Steve Lainas*  
*James Prouffe*

James Prouffe, Clerk

*Anthony J. Zeoli*  
Anthony Zeoli, City Clerk

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

**IN RE:** 20-40 Petition of **MARKEL MURRAY**, 364 Walnut Street, West Bridgewater, MA, for a (Variance) from Art. IV, Sec. 27-25 & Art. III, Sec. 27-9 for permission to convert a former veteran's lodging house into a three (3) family home in an R-1-B Zone, located at **519 PEARL STREET**.

**PETITIONER'S STATEMENT:** Attorney John Creedon along with the petitioner, Markel Murray, appeared before the board seeking permission to convert a single family home into a three (3) family in an area zoned for single family homes. The existing structure was home to Veterans for many years. The property has a half acre of land. Eight (8) parking spaces are shown on the plan but only six (6) parking spaces are needed. The first floor will have three (3) bedrooms, second floor will have four (4) bedrooms and the third floor will have two (2) bedrooms. A dumpster will be on the property and snow removal was on-site.

**OPPOSITION:** None

**DECISION:** Granted unanimously with the stipulations that the existing sprinkler system is to be maintained.

**BASIS:** After reviewing the application, plans, information submitted and giving due consideration to testimony given at the public hearing, the board found that the current dwelling was constructed prior to current 1967 zoning, consists of three (3) floors and until recently was the location of a home for Veterans. A hardship was presented where the foundation location cannot be relocated, the dwelling is unique to R-1-Zoning and has no future development as a single family dwelling. The structure has a full fire suppression sprinkler system and is proposed to have three (3) individual apartments, one (1) apartment on each floor. No opposition was presented at the hearing to the proposed use of the property. Granting of the requested Variance for use and side yard setback 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 petitioners statement shall be incorporated by reference as stipulations recorded herewith.

**VOTE:**

Motion to Grant by:

Seconded by:

Craig Pina

Michael Williams

**IN FAVOR: (5)**

Kenneth Galligan, Chairman

Michael Williams, Fire Chief

Stephen Bernard

Craig Pina

Steve Lainas

**OPPOSED: (0)**

Anthony Zeoli, City Clerk

James Plouffe, Clerk

ANY APPEAL MUST BE MADE  
WITHIN 20 DAYS FROM THIS  
DATE JUL 30 2020 PURSUANT  
TO M.G.L.C. 40A SECTION 17.

City Clerk

RECEIVED AND FILED: August 20, 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