

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 28, 2020 at 6:00 p.m.

IN RE: 20-41 Petition of JOHN & MURIEL GREBAUSKI, 669 North Cary Street, Brockton, MA, for a (Special Permit) for a dog kennel license for six (6) dogs at the two (2) family home in an R-1-C Zone, located at 669 NORTH CARY STREET.

PETITIONERS STATEMENT: Muriel Grebauski and Melissa Browner presented virtually to the Board seeking a Special Permit for a dog kennel license in an R-1-C Zone.

OPPOSITION: None

DECISION: Unanimously Denied

BASIS: After reviewing the application, plans, and information submitted and giving due consideration to testimony given at the public hearing, the board found that the petitioner failed to demonstrate a hardship at the R-1-C locus where a Commercial kennel business was found to be operating from the site. The City of Brockton Animal Control Officer visited the site and found unlicensed dogs, a commercial dog breeding, dog sitting and boarding operating at the Site with advertising on a "Rover" dog information site. The Animal Control Officer issued a cease and desist Order that was violated after being issued. Ms Hedges, who according to the Animal Control Officer, became confrontational and told the Officer to leave the property. Dogs on site were found to be living in unsuitable conditions in violation of Dog Ordinances. The granting of a dog kennel license at the locus will not be in harmony with the zone in which the proposed kennel was to be situated, 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: Stephen Bernard
Seconded by: Chief Michael Williams

IN FAVOR: 0

OPPOSED: 5

- Kenneth Galligan, Chairman
- Michael Williams, Fire Chief
- Stephen Bernard
- Doryce Smith
- Steve Lainas

Kenneth Galligan
Michael Williams
Stephen Bernard
Doryce Smith
James Plouffe
James Plouffe, Clerk

Anthony Zeoli
Anthony Zeoli, City Clerk

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

City Clerk

RECEIVED AND FILED: September 9, 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, July 28, 2020 at 6:00 p.m.

IN RE: 20-42 Petition of ATLANTIC MEDICINAL PARTNERS, INC., 329 Washington Street, Woburn, MA, for a (Special Permit) from Art. III, Sec. 27-24.4(3), (b), to operate a Marijuana Retailer in a C-3 Zone, located at 4 MAIN STREET.

PETITIONERS STATEMENT: Attorney Phillip Silverman presented virtually to the Board a detailed description of the proposed business, photos of a successful existing Marijuana Retail Store and renovation plans.

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 in conformance with Article III, Section 27-24. 4, the proposed Adult Use Marijuana Retail Establishment to be properly located in a C-3 , Central Business Zone located at 4 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 zone in which the use is proposed and will not be detrimental to the existing neighborhood or orderly development of adjacent properties nor inconsistent with any officially adopted Master Plan for the operation of Adult Use Marijuana for the City.

The granting of the Special Permit is expressly conditioned upon the petitioner's full compliance with all mandates of Section 27-24. 4, Adult Use of Marijuana.

In conformance with Section 27-24.4 (3) (Bii), Hours of Operation, the Board voted to allow the Marijuana Retailer Hours of Operation to be no earlier than 8 AM and not later than 8 PM and Section 27-24.6 (1), no deliveries to and from any Marijuana Establishment between the hours of 8 PM to 8 AM.

Designated off-street onsite parking shall be provided for not less than 12 vehicles in 180 sq. ft. standard parking stalls in conformance with Section 27, 53 (1) (3). Specific consideration was given to the proposed Traffic Plan as submitted by the petitioner regarding the presence of a Police Officer coordinating traffic movements in and out of the off-street parking site.

NOTE:

Motion to Grant : Chief Michael Williams
Seconded by: Doryce Smith

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

IN FAVOR: 5

- Kenneth Galligan, Chairman
- Michael Williams, Fire Chief
- Stephen Bernard
- Doryce Smith
- Steve Lainas

Kenneth Galligan
Michael Williams
Stephen Bernard
Doryce Smith
Steve Lainas

OPPOSED: 0

James Plouffe
James Plouffe, Clerk

Anthony J. Zeoli
Anthony Zeoli, City Clerk

City Clerk

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IN RE: 20-43 Petition of JAMES MEEKS, 36 Draper Street, Brockton, MA, for a (Variance) from Sec. 27-9, 27-14 & 27-13A, to subdivide and construct a single family home while leaving the existing home that was previously approved but expired in an R-1C Zone, located at **78 KINGMAN STREET**.

PETITIONERS STATEMENT: James Meeks, contractor, presented before the Board a Certified Plot Plan and Building plans.

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 existed at the locus due to the unique shape, size and topographical slope of the land and therefore the division of the lot to allow for the construction of a single family home would be in conformance with other neighborhood and area lots and that the requested relief from Sec. 27-9, 27-13A and 27-14 may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of such ordinance nor negatively impact the orderly development of the neighborhood. All representations in petitioner's statement and plans submitted to the Board dated October 5, 2018 shall be incorporated by reference as stipulations recorded herewith. Driveway and green space shall remain as described on above plan. The shed currently on the site shall be removed and storm water roof infiltrations system shall be installed to confine storm water on site.

VOTE:

Motion to Grant by: Chief Michael Williams
Seconded by: Doryce Smith

IN FAVOR: 5

- Kenneth Galligan, Chairman
- Michael Williams, Fire Chief
- Stephen Bernard
- Doryce Smith
- Steve Lainas

Kenneth Galligan
Michael Williams
Stephen Bernard
Doryce Smith ESR
Steve Lainas

OPPOSED: ()

James Plouffe
 James Plouffe, Clerk

Anthony J. Zeoli
 Anthony Zeoli, 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, July 28, 2020 at 6:00 p.m.

IN RE: 20-44 Petition of EMI RIZIK, MANAGER OF EEE INVESTMENT GROUP, LLC, 48 Swanson Terrace, Stoughton, MA, for permission to change the record stating this home is a one (1) family only when it's been used as a two (2) family in the past in an R-3 Zone, located at 32-34 ARTHUR STREET.

PETITIONERS STATEMENT: John O'Brien, Attorney and Emi Rizik, virtually presented to the Board. The Petitioners discussed maintaining the property and legally keeping this property as a two (2) family dwelling which they were under the impression it was. They would remove or relocate the shed to make more parking spaces and green space.

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 existed at the site whereby City of Brockton records of use of property records were inconsistent with the designated use of the location prohibiting the owner from lawfully using the building as a two (2) family dwelling. Research of residential records indicated that the locus was used as a two (2) family from at least 1949. Granting the request to occupy the dwelling as a two (2) family would not derogate from the intent of the multi-family R-3 zoning by-laws and will not negatively impact the orderly development of the neighborhood. All representations in petitioner's statements shall be incorporated by reference herein. Off-street parking shall be developed as proposed at the rear of the building. All mandates of the applicable Building Code requirements for two (2) family dwellings shall be observed in compliance with a City of Brockton Occupancy Permit regarding access, egress and off-street parking.

VOTE:

Motion to Grant by: Stephen Bernard
Seconded by: Chief Michael Williams

IN FAVOR: 5

- Kenneth Galligan, Chairman
- Michael Williams, Fire Chief
- Stephen Bernard
- Doryce Smith
- Steve Lainas

OPPOSED: 0

Kenneth Galligan
Michael Williams
Stephen Bernard
Doryce Smith
Steve Lainas

James Plouffe
 James Plouffe, Clerk

Anthony Zeoli

Anthony Zeoli, City Clerk

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IN RE: 20-45 Petition of GREG LOGAN, 2185 Pleasant Street, Dighton, MA for permission to convert a two (2) family home into a three (3) family home in an R-3 Zone, located at 35 NEWBURY STREET.

PETITIONERS STATEMENT: Greg Logan, Contractor, presented to the Board a Certified Plot Plan and Building plans.

OPPOSITION: Abutter, Sonia Butler

DECISION: Unanimously Denied

BASIS: After reviewing the application, plans, and information submitted and giving due consideration to testimony given at the public hearing, the Board found that the petitioner failed to demonstrate a hardship at the locus. The off-street parking proposal submitted to the Board was not acceptable, virtually the entire yard was paved with asphalt or cement and there was virtually no green space provided. A once free-standing Carriage House Garage had been attached to the primary dwelling to create an unauthorized living space in the garage structure. The size of the lot for a three (3) family dwelling was severely deficient in required area. (Section 27-9, Table 1). A prior Zoning Board Hearing on January 10, 2006 requesting permission to expand the site to a three (3) family dwelling was denied by the Board. The requested use would be of such location, size and character that, generally, it would not be in harmony with the appropriate and orderly development of the zone in which the use is proposed and will be detrimental to the existing neighborhood or orderly development of adjacent properties and inconsistent with any officially adopted master plan for the City.

VOTE:

Motion to Grant by: Stephen Bernard
Seconded by: Doryce Smith

IN FAVOR: (0)

OPPOSED: 5

- _____ Kenneth Galligan, Chairman
- _____ Michael Williams, Fire Chief
- _____ Stephen Bernard
- _____ Doryce Smith
- _____ Steve Lainas

_____ *Kenneth Galligan*

_____ *Michael Williams*

_____ *Stephen Bernard*

_____ *Doryce Smith*

_____ *Steve Lainas*

_____ *James Plouffe*
James Plouffe, Clerk

_____ *Anthony J. Zeoli*
Anthony Zeoli, City Clerk

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

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IN RE: 20-46 Petition of ANTHONY VALENTIN, 239 County Street, Taunton, MA, for a (Special Permit) and (Variance) from Sec. 27-27, for a Tattoo Parlor in an R-3 Zone, located at 33 DOVER STREET.

PETITIONERS STATEMENT: Petitioner Anthony Valentin and Commercial Building owner, Stephen Torrey, presented to the Board virtually. The tattoo studio would be by appointment only. There will be a full time security camera on site at each door. He will be regulated by the Board of Health.

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 site where a Commercial, Multi-unit Cultural Arts Building housing many individual business units housed in a renovated former Commercial shoe factory is located in a Residential R-3 Zone. The owner of the property appeared before the Board along with the petitioner to support the proposed tattoo studio to be established in a three (3) room studio. The proposed use is consistent with other uses within the multi-story Commercial use structure and the use will be regulated by Health Authorities. Granting of the requested Use Variance would not derogate from the intent of the zoning by-laws, will be in harmony with other current occupants of the building and will not negatively impact the orderly development of the neighborhood.

VOTE:

Motion to Grant by: Chief Michael Williams
Seconded by: Stephen Bernard

IN FAVOR: 5

- Kenneth Galligan, Chairman
- Michael Williams, Fire Chief
- Stephen Bernard
- Dorcyce Smith
- Steve Lainas

Kenneth Galligan
Michael Williams
Stephen Bernard
Dorcyce Smith *ESR*
Steve Lainas

OPPOSED: 0

James Plouffe
 James Plouffe, Clerk

Anthony Zeoli

Anthony Zeoli, City Clerk

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IN RE: 20-47 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**.

PETITIONERS STATEMENT: Brent Warren, Attorney and owner, Perlie Alves virtually came before the Board. They are asking to rehab the current two (2) family dwelling into a three (3) family. They presented a Certified Plot Plan and Building plans.

OPPOSITION: None

DECISION: Unanimously Denied

BASIS: After reviewing the application, plans, and information submitted and giving due consideration to testimony given at the public hearing, the board found that the current vacant structure located in a C-2 zone is in a dangerous, unsafe, abandoned condition that has been deemed to be in a dangerous and unsafe condition as declared by a Board of Survey as described in a letter from the City of Brockton Building Department dated January, 27, 2020. The Building Department has ordered the building to be demolished. The abandoned former residential structure is located in a C-2 Zone and resides on an undersized 4,336 sq. ft. lot. A three (3) family parcel requires a lot of 12,000 sq. ft. The proposed stairwell addition will further encroach upon the undersize lot and the proposed off-street parking as shown on the submitted site plan was unreasonable and not acceptable to the Board.

The Board determined that to establish this abandoned, dangerous and unsecured structure, Sections 27-41, 27-42, to be established as a three (3) family dwelling that the use will be of such location, size and character that, generally, it would not be in harmony with the appropriate and orderly development of the zone and lot on which the abandoned uses is situated and will be detrimental to the existing neighborhood and orderly development of adjacent properties and inconsistent with any officially adopted master plan for the city.

VOTE:

Motion to Grant by: Chief Michael Williams
Seconded by: Doryce Smith

IN FAVOR: (0)

OPPOSED: 5

- Kenneth Galligan, Chairman
- Michael Williams, Fire Chief
- Stephen Bernard
- Doryce Smith
- Steve Lainas

Kenneth Galligan
Michael Williams
Stephen Bernard
Doryce Smith EPR

James Plouffe
 James Plouffe, Clerk

Anthony Zeoli

Anthony Zeoli, City Clerk

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