

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, August 11, 2020 at 6:00 p.m.

IN RE: 20-48 Petition of ELIZABETH KELLEHER, 107 Guild Road, Brockton, MA, for a Variance from Sec. 27-9, to construct a new home on newly subdivided lot seeking relief from side setbacks and frontage in an R-1-C Zone, located at 111 GUILD ROAD.

PETITIONERS STATEMENT: The petitioner, Elizabeth Kelleher, presented to the Board Exhibit A, photos of home. Exhibit B-Site plan. Exhibit C-Floor plan. Exhibit D-Maintenance Easement. This appeal was previously granted. The COVID pandemic delayed the building process. The driveway will be in the same place as granted previously and there will be more green space than projected.

OPPOSITION: None

DECISION: Granted unanimously with the stipulations that 1. The driveway shown on plan and 2. green space shown on the plans will not be reduced.

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 Variance had been previously granted on May 8, 2018, Petition number 18-29 for this locus but had lapsed. Owing to circumstances relating to the shape of the lot, the location of the present structure and need to locate the proposed dwelling at the specific site shown on the submitted plan and especially affecting such land or structures but not affecting generally the zoning district in which it is located, a literal enforcement of the provisions of the ordinance would involve substantial hardship or otherwise the petitioner and therefore granting of the requested Variance would not derogate from the intent of the applicable zoning by-law and will not negatively impact the orderly development of the neighborhood. All representations in petitioner's statements and details of submitted site plan shall be incorporated by reference as stipulations recorded herewith including driveway location and extent of green space. An immediate abutter, Joseph Dougherty and City Ward 5 Councilor, Jeffrey Thompson, spoke in favor of the petition and there was no opposition presented.

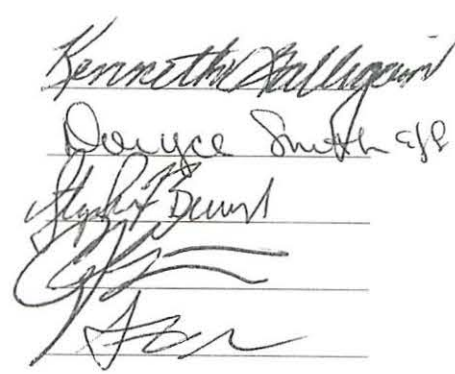
Granted unanimously with the following stipulations: 1- driveway 1-greenspace

VOTE:

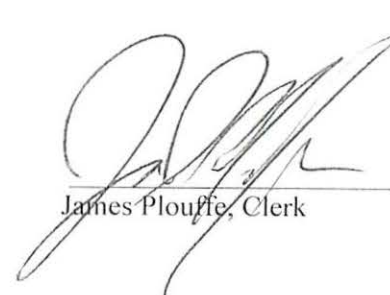
Motion to Grant by: Craig Pina
Seconded by: Stephen Bernard

IN FAVOR: 5

Kenneth Galligan, Chairman
Doryce Smith
Stephen Bernard
Craig Pina
Steve Lainas



OPPOSED: 0



James Plouffe, Clerk



Anthony Zeoli, City Clerk

ANY APPEAL MUST BE MADE WITHIN 20 DAYS FROM THIS DATE AUG 26 2020 PURSUANT TO M.G.L.C. 40A SECTION 17.

Received in City Clerk's Office on August 26, 2020

RECEIVED AND FILED: September 17, 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. 17

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, August 11, 2020 at 6:00 p.m.

IN RE: 20-49 Petition of MICHAEL KEITH C/O A-AMERICAN INVESTMENTS, 539A South Street E., Raynham, MA, for a Variance from Sec. 27-9, to construct a 28x44 ranch that was previously granted but had expired in an R-1-C Zone, located at 20 CHARLOTTE STREET.

PETITIONERS STATEMENT: Michael Keith, contractor and owner, presented to the Board, Exhibit A, Site Plan and Exhibit B, Floor Plans. This appeal was previously granted in May 9, 2017. Petitioner stated that there would be no changes from the previously granted plans.

OPPOSITION: Holly Burnett

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 Variance had been previously granted on May 9, 2017. Petition number 17-34 for this locus but had lapsed. Granting a Variance from Sec. 27-9, lot size to construct a single family dwelling with not more than three (3) bedrooms would not derogate from the intent of the zoning bylaws and will not negatively impact the orderly development of the neighborhood.. The topography, size and shape of the lot coupled with the cost of building Charlotte Street to City of Brockton and Planning Board standards creates a hardship at the locus, financial or otherwise to the petitioner allowing desirable relief to be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of such ordinance. The following stipulations are incorporated by reference herein: Charlotte Street shall be constructed by the petitioner to City of Brockton and Planning Board requirements, reference Brockton Planning Board letter, 11/14/17, shall not increase water run-off onto adjacent properties, roof drains to be directed to ground via dry-well type structures and Edison pole requested be relocated to area not affecting public safety passage. The Building Inspector shall not grant an occupancy permit for the dwelling until and unless all above stipulations are satisfied. Ward 5 Councilor, Jeffrey Thompson, spoke with concern that the final build-out would conform to City of Brockton Planning standards and adjacent abutters spoke with concerns that water runoff issues will not be exacerbated by the proposed development of the lot. The Brockton Planning Board approved the project and street construction by letter of 11/14/2017.

VOTE:

Motion to Grant by: Craig Pina
Seconded by: Doryce Smith

IN FAVOR: 5

Kenneth Galligan, Chairman

Doryce Smith

Stephen Bernard

Craig Pina

Steve Lainas

OPPOSED: (0)

Kenneth Galligan
Doryce Smith SR
Stephen Bernard
Craig Pina
Steve Lainas

James Plouffe
James Plouffe, Clerk

Anthony Zeoli
Anthony Zeoli, City Clerk

ANY APPEAL MUST BE MADE WITHIN 20 DAYS FROM THIS DATE AUG 26 2020 PURSUANT TO M.G.L.C. 40A SECTION 17.

RECEIVED AND FILED: September 17, 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. 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, August 11, 2020 at 6:00 p.m.

IN RE: 20-50 Petition of ROSS MESSINA, RJ MESSINA INC., 127 Liberty Street, Brockton, MA, for a Variance from Sec. 27-39.9, 27-48, to construct and operate a small business unit complex in a C-7 Zone, located at 166 EAST ASHLAND STREET.

PETITIONERS STATEMENT: The Petitioner requested to withdraw from the scheduled hearing as a matter of right prior to the start of the hearing.

OPPOSITION:

DECISION:

BASIS:

VOTE:

Motion to Grant by:
Seconded by:

IN FAVOR: ()

Kenneth Galligan, Chairman

Doryce Smith

Stephen Bernard

Craig Pina

Steve Lainas

OPPOSED: ()

Kenneth Galligan
Doryce Smith
Stephen Bernard
Craig Pina
Steve Lainas

James Plouffe
James Plouffe, Clerk

Anthony Zeoli
Anthony Zeoli, City Clerk

RECEIVED AND FILED: September 17, 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, August 11, 2020 at 6:00 p.m.

IN RE: 20-51 Petition of ROBERT R. PELLEGRINI, JR., ATTORNEY FOR ARI STROCK AND SHEILA STROCK, TRUSTEES, 63 Main Street, Suite 1, Bridgewater, MA, for a (Variance) from Sec. 27-9 & 27-36, to convert the vacant building into a one-unit (3 bedroom/1 bathroom) 880 sq.ft. residential dwelling unit on a nonconforming lot in an R-3- Zone, located at 4 TRACK STREET.

PETITIONERS STATEMENT: Petitioner, Robert R Pellegrini and Ari Stock, owner presented to the Board Exhibit A Brief in Support, Exhibit B Plot Plan, Exhibit C Elevations and photos of property. They will reduce the south side of vacant building to make parking space and rubbish barrels will be up against the stockade fence. There will be a total of five (5) total units on one (1) lot. Four (4) units will be 2 bedroom units and one (1) unit will have 3 bedrooms.

OPPOSITION: Substantial number of abutters spoke in opposition, as well as, one virtually.

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 demonstrate a Hardship with the locus. Many neighbors spoke in opposition to expanding the number of residential units at the site expressing concerns of the current lack of off-street parking, unacceptable rubbish disposal handling and the small parcel size of the locus. Granting would derogate from the intent of the zoning by-laws, will negatively impact the orderly development of the neighborhood and will negatively impact the surrounding density of the built-out neighborhood.

VOTE:

Motion to Grant by: Stephen Bernard
Seconded by: Craig Pina

IN FAVOR: 1

Craig Pina

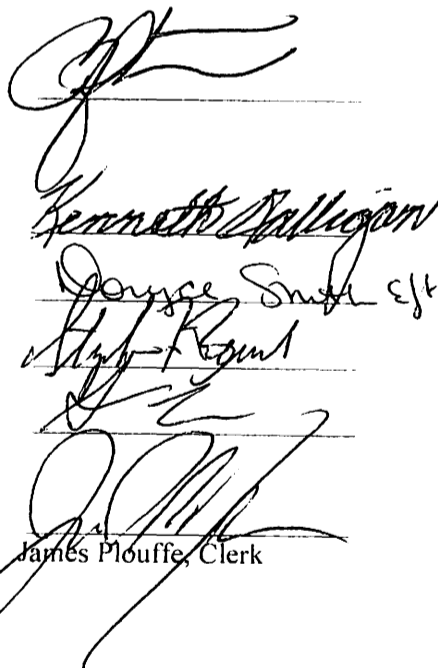
OPPOSED: 4

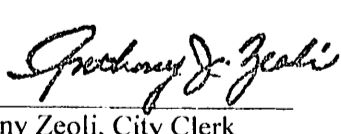
Kenneth Galligan, Chairman

Doyce Smith

Stephen Bernard

Steve Lainas


Kenneth Galligan
Doyce Smith, Esq.
James Plouffe, Clerk


Anthony Zeoli, City Clerk

ANY APPEAL MUST BE MADE WITHIN 30 DAYS FROM THIS DATE AUG 28 2020 PURSUANT TO M.G.L.C. 40A SECTION 17.

RECEIVED AND FILED: September 17, 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, August 11, 2020 at 6:00 p.m.

IN RE: 20-53 Petition of 127 CENTRE CORNER LLC., 362 Montello Street, Brockton, MA, for a Variance from Sec. 27-34,27-48,27-53 & 54 & 27-55, to construct a mixed use complex with 40 residential rental units and commercial space without parking or loading area in a I-2 Zone, located at 127 CENTRE STREET.

PETITIONERS STATEMENT: Attorney James Burke presented to the Board, Exhibit A Memo in Support, Exhibit B Council Approved Market rate apartments, Exhibit C Site plans, Floor plans, etc. The Petitioners are seeking a Variance to construct a multi-use space with 40 residential units and a commercial space. They have an agreement with MBTA for 25 permanent parking spaces and will not use 75 Commercial St spaces.

OPPOSITION: None

DECISION: Granted

BASIS: After reviewing the application, plans, and information submitted and giving due consideration to testimony given at the public hearing, the board found the locus for the proposed residential rental complex consisting of forty (40) market rate units to be established in a five (5) story mixed use building presents a Hardship to the developer where the locus is situated in an I-2 Industrial Zone that currently has no future development as an Industrial use. The Petitioner cannot reasonably make use of the I-2 property as commercial office or retail building or any use permitted by ordinance due to its location and existing structure that has a limited frontage on Centre Street and limited on-site or on-street parking. The neighborhood surrounding the site has been developed as multi-story residential occupancies and the proposed use is consistent with City of Brockton development plans for the area.

The development shall consist of a forty (40) unit maximum residential complex with twenty-five (25) one (1) bedroom units, fifteen (15) two (2) bedroom units with commercial rental space on the first floor level. There shall not be less than fifteen (15) on-site Plot 22 parking spaces with not less than twenty-five (25) off-site parking spaces represented by written agreement with the Brockton Area Transit Garage on Centre Street.

Granting would not derogate from the intent of the zoning by-laws and would 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. Ward 5 City Councilor, Jeffrey Thompson, spoke in favor of the proposed project.

VOTE:

Motion to Grant by: Craig Pina
Seconded by: Doryce Smith

ANY APPEAL MUST BE MADE WITHIN 20 DAYS FROM THIS DATE AUG 26 2020 PURSUANT TO M.G.L.C. 40A SECTION 17.

IN FAVOR: 4

- Doryce Smith
- Stephen Bernard
- Craig Pina
- Steve Lainas

OPPOSED: 1

Kenneth Galligan, Chairman

James Plouffe, Clerk

Anthony Zeoli, City Clerk

RECEIVED AND FILED: September 17, 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. 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, August 11, 2020 at 6:00 p.m.

IN RE: 20-54 Petition of PARTNER'S CHOICE PROPERTIES, LLC., 18 Meadowbrook Drive, East Bridgewater, MA, for a Variance from Sec. 27-28,27-10(2), 27-48 & 27-49 Special Permit to subdivide existing parcel that includes an existing residential and commercial use in a C-1 Zone, located at 616 CENTRE STREET.

PETITIONERS STATEMENT: Petitioner, Attorney James Burke and Surveyor, Scott Faria, presented to the Board Exhibit A, Memo in Support and Exhibit B, Site plan.

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 the property to be classified as a mixed Residential and Commercial Use consisting of a single family dwelling and a commercial office building coexisting on a single parcel that was developed prior to the current Zoning Ordinances. Granting of a Variance to allow for the creation of two (2) separate lots with the single family dwelling situated on a substantially undersized lot would derogate from the intent of the zoning by-laws and will negatively impact the orderly development of the neighborhood. No hardship dealing with the locus was found by the Board.

VOTE:

Motion to Grant by: Craig Pina
Seconded by: Steve Lainas

IN FAVOR: 2

Craig Pina

Steve Lainas

Craig Pina EJP

Steve Lainas EJP

OPPOSED: 3

Kenneth Galligan, Chairman

Doryce Smith

Stephen Bernard

Kenneth Galligan

Doryce Smith EJP

Stephen Bernard EJP

James Plouffe
James Plouffe, Clerk

Anthony J. Zeoli

Anthony Zeoli, City Clerk

ANY APPEAL MUST BE MADE
WITHIN 20 DAYS FROM THIS
DATE AUG 27 2020 PURSUANT
TO M.G.L.C. 40A SECTION 17.

City Clerk

RECEIVED AND FILED: September 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, Brockton, Massachusetts, on Tuesday, August 11, 2020 at 6:00 p.m.

IN RE: 20-55 Petition of NEW HEIGHTS CHARTER SCHOOL OF BROCKTON, 1690 Main Street, Brockton, MA, for a Variance from Sec. 27-53(3), 27-54, to allow temporary tents and shelters required as a result of the COVID crisis in a C-2 Zone, located at 1690 MAIN STREET.

PETITIONERS STATEMENT: Petitioners, Attorney James Burke and Scott Faria, Surveyor, presented to the Board, Exhibit A, Memo to describe the new school model, Exhibit B, Fall Reopening Guide, Exhibit C, Table of Contents and Exhibit D, Site Plan.

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 voted to amend the previously granted parking Variance of July 14, 2020 for the Charter School to allow for a temporary reduction of on-site regulation parking spaces. There shall be no less than 247 spaces on a temporary basis for the 2020-2021 school year only due to the COVID Pandemic as it affects the operation of the school in compliance with mandates of the Massachusetts Dept of Elementary and Secondary Education. This time specific amendment to allow for placement of temporary structures and tents at the locus shall expire at the conclusion of the 2020-2021 school year.

VOTE:

Motion to Grant by: Robert Pelaggi
Seconded by: Doryce Smith

IN FAVOR: 5

- Kenneth Galligan, Chairman
- Doryce Smith
- Robert Pelaggi
- Craig Pina
- Steve Lainas

Kenneth Galligan
Doryce Smith E/S
Robert Pelaggi C/M
Craig Pina E/S
Steve Lainas E/S

OPPOSED: 0

James Plouffe
 James Plouffe, Clerk

Anthony Zeoli
 Anthony Zeoli, City Clerk

ANY APPEAL MUST BE MADE WITHIN 20 DAYS FROM THIS DATE AUG 27 2020 PURSUANT TO M.G.L.C. 40A SECTION 17.

City Clerk

RECEIVED AND FILED: September 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