

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 18, 2020 at 6:00 p.m.**

**IN RE: 20-56** Petition of FENTON ASSOCIATES, LLC., 135 Elliot Street, Brockton, MA, for a Variance from Art. III, Sec. 27-13A & 27-11(3), to construct a three residential units and requires relief from frontage, width & side setback standards on Lot B and relief for the side yard setback for Lot C in an R-2 Zone, located at 135 ELLIOT 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: 0**

Kenneth Galligan, Chairman

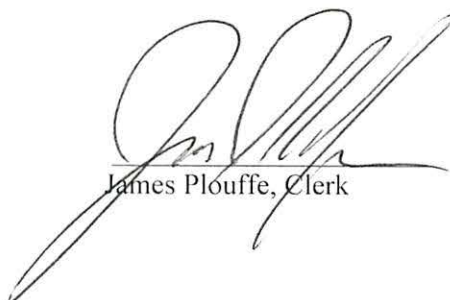
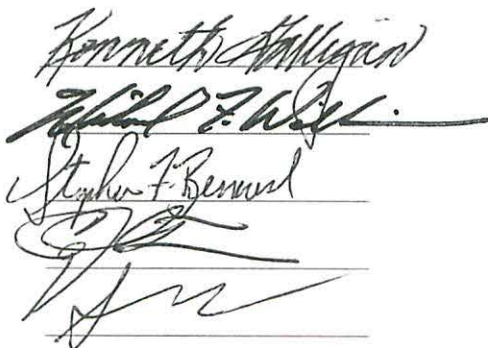
Michael Williams, Fire Chief

Stephen Bernard

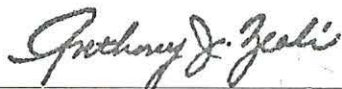
Craig Pina

Steve Lainas

**OPPOSED: 0**



James Plouffe, Clerk



Anthony Zeoli, City Clerk

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

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**IN RE:** 20-57 Petition of MICHAEL HAIKAL, 1325 Belmont Street, Brockton, MA, for a Variance from Art. III, Sec. 27-29, for relief from the city's permitted uses to construct a 2 family residence in a C-2 Zone, located at PLOT 11/ 0 COBB AVENUE AKA 11 LEXINGTON.

**PETITIONERS STATEMENT:** Petitioners, Attorney Christopher Veale, Owner Michael Haikal, and Surveyor Scott Faria presented to the Board, Exhibit A Plot plan and Exhibit B Building plans. The hardship of the locus is the unique shape and size of the lot and it is in a C-2 zone consisting primarily of residential dwellings.

**OPPOSITION:** None

**DECISION:** Granted unanimously

**BASIS:** After reviewing the application, plans, and information submitted and giving due consideration to testimony given at the public hearing, the board found that the locus for the proposed two (2) family residential use prevents a hardship to the petitioner whereby the locus is situated in a C-2 Commercial Zone that currently has no future development as a Commercial use. The Petitioner cannot reasonably make us of the C-2 property as commercial use permitted by Ordinance due to its location, limited frontage on Lexington St., and limited on-site parking and restricted on-street parking. The surrounding lots have been developed as multi-family uses. The site shall be developed with green space and on-site parking as shown on the submitted site plan to the Zoning Board.

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.

Ward 3 City Councilor Dennis Eaniri spoke "in favor" of granting the requested Variance.

**VOTE:**

Motion to Grant by: Craig Pina  
Seconded by: Chief Michael Williams

**IN FAVOR: 5**

- Robert Pelaggi, Alternate
- Michael Williams, Fire Chief
- Stephen Bernard
- Craig Pina
- Steve Lainas

**OPPOSED: 0**

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*Anthony J. Zeoli*

Anthony Zeoli, City Clerk

*Robert J. Pelaggi est*

*Michael Williams*

*Stephen F. Bernard*

*Craig Pina*

*Steve Lainas*

*James Plouffe*

James Plouffe, Clerk

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.

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, August 18, 2020 at 6:00 p.m.

**IN RE:** 20-58 Petition of WELLS CONSTRUCTION, LLC., 535 South Main Street, Randolph, MA, for a Variance from Art. III, Sec. 27-9, for relief from the city's frontage requirements to demolish the dilapidated house in order to construct a new single family home in an R-1-B Zone, located at 643 PEARL STREET.

**PETITIONERS STATEMENT:** Petitioners, Attorney Christopher Veale presented to the Board Exhibit A, Site Plan, asking for relief of R-1-B setbacks

**OPPOSITION:** None

**DECISION:** Granted unanimously

**BASIS:** After reviewing the application, plans, and information submitted and giving due consideration to testimony given at the public hearing, the board found that granting a Variance for this locus for relief from Section 27-9, Article III, frontage requirements, that would necessitate the demolishing and removal of the current vacant, dangerous dwelling that is now located partially on the City of Brockton street layout, would not derogate from the intent of the zoning by-laws and will enhance the orderly development of the neighborhood. The size, shape and unique topography of the lot created a hardship at the locus. All representations in petitioners statement shall be incorporated by reference as stipulations recorded herewith including green space and driveway as shown on site plans submitted to the Board of Appeals dated 7/10/20, Pilling Land Surveying.

**VOTE:**

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

**IN FAVOR: 5**

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

**OPPOSED: ( )**

James Plouffe, Clerk

Anthony Zeoli, City Clerk

City Clerk

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**IN RE:** 20-59 Petition of **ROBERT JORDAN, 1325 Belmont Street, Brockton, MA**, for a Variance from Art. IV, Sec. 27-25, to change the existing commercial contractor use to seafood packaging commercial use in an R-1-C Zone, located at **555 PLAIN 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

Michael Williams, Fire Chief

Stephen Bernard

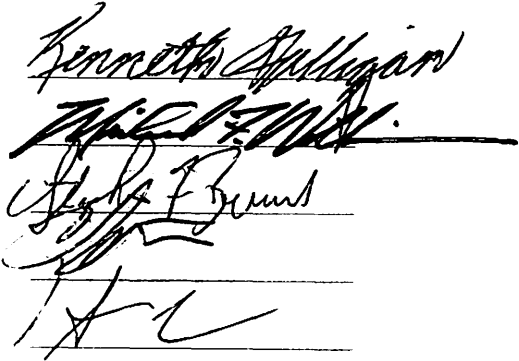
Craig Pina

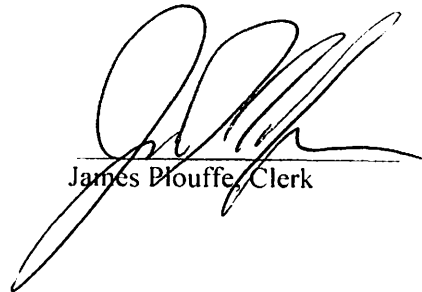
Steve Lainas

**OPPOSED: ( )**



Anthony Zeoli, City Clerk





James Plouffe, Clerk

City Clerk

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**IN RE:** 20-60 Petition of BRAD CARTWRIGHT, MGR., 845 Washington Street, Braintree, MA, for a Variance from Art. III, Sec. 27-24 2a, for relief from the city's setback for vegetative screening when abutting a park in an C-5 Zone, located at 609 & 627 PLEASANT 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

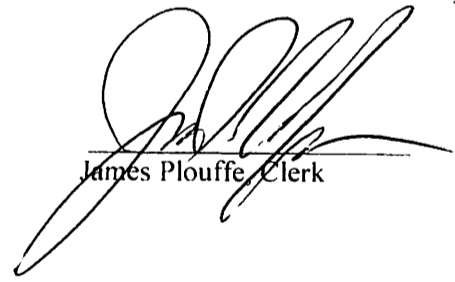
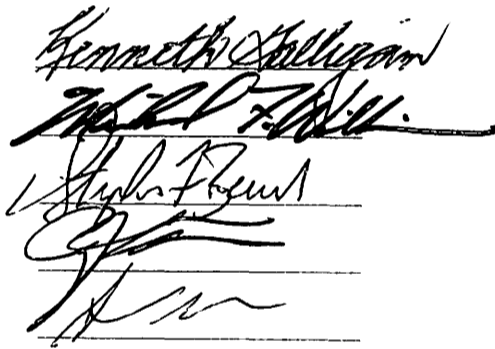
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**IN RE:** 20-61 Petition of TERRASOL, 702 North Montello Street, Brockton, MA, to have a retail cannabis business in a C-2 Zone, located at 702 NORTH MONTELLO STREET.

**PETITIONERS STATEMENT:** Petitioners Ian Woods, Social Equity Applicant and Owner, Milton Nasiopoulous, presented to the Board via Zoom meeting, site, security and building plans.

**OPPOSITION:** None

**DECISION:** Granted unanimously

**BASIS:** After reviewing the application, plans, and information submitted and giving due consideration to testimony given at the public hearing, the board found that in conformance with Article III, Section 27-24.4, the proposed Adult Use Marijuana Retail Establishment to be properly located in a C-2, General Commercial Zone located at 702 No. Montello 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 operations of Adult Use of 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 27-27.6 (1), no deliveries to and from any Marijuana Establishment between the hours of 8 PM to 8 AM.

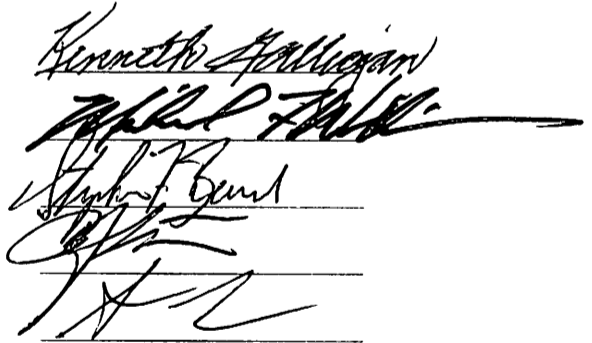
Numerous letters were received by the Board at the hearing indicating support for the granting of the Special Permit in addition to several in person testimonials via Zoom virtual hearing medium. There was no oppositions presented.

**VOTE:**

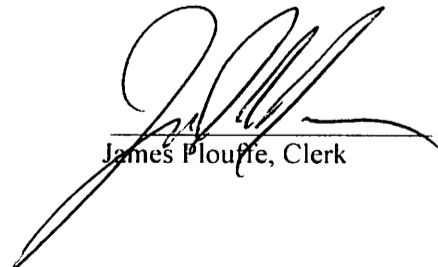
Motion to Grant by: Craig Pina  
Seconded by: Stephen Bernard

**IN FAVOR: 5**

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



**OPPOSED: (0)**



James Plouffe, Clerk



Anthony Zeoli, City Clerk

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