

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, February 9, 2021, at 6:00 p.m.**

IN RE: 21-07 Petition of MIGUEL AND ANA GONCALVES, 19 Battles Street, Brockton, MA, for a Variance to convert a two family into a three-family home in an R-2-Zone, located at 19 BATTLES STREET.

PETITIONERS STATEMENT: Miguel and Ana Goncalves, owners, presented to the Board, Exhibit A, Mortgage Plot Plan. They would like to elevate the roof on the left. Add an interior stairway on the right side of the dwelling so there would be two (2) stairways. One in the front and one in the back.

OPPOSITION: None

DECISION: Denied

BASIS: After reviewing the application, plans, information submitted and giving due consideration to testimony given at the public hearing, the board found the petitioner failed to demonstrate a hardship at the locus. No certified plot plan was provided to delineate greenspace, off-street parking was not shown and the lot was deficient in area for a proposed three (3) family dwelling. Granting would derogate from the intent of the zoning by-laws and will negatively impact the density and orderly development of the neighborhood.

VOTE:

Motion to Grant by: Stephen Bernard
Seconded by: Robert Pelaggi

IN FAVOR: 0

OPPOSED: 5

Kenneth Galligan, Chairman

Michael Williams, Fire Chief

Stephen Bernard

Steve Lainas

Robert Pelaggi

Kenneth Galligan
Michael Williams
Stephen Bernard
Steve Lainas
Robert Pelaggi
James Plouffe
James Plouffe, Clerk

Anthony Zeoli
Anthony Zeoli, City Clerk

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BROCKTON, MA.

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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, Massachusetts, on Tuesday, February 9, 2021 at 6:00 p.m.

IN RE: 21-08 Petition of **VALENTINO GOMES**, 16 Battles Street, Brockton, MA, for a Variance from Art. III, Sec. 27-9, to rebuild a fire damaged home which will include a fire escape for additional living and sleeping area in basement in an R-2 Zone, located at **14 BATTLES STREET**.

PETITIONERS STATEMENT: Attorney James F. Creedon and Owner Valentino Gomes, presented to the Board, Exhibit A plot plan, Exhibit B Memo in Support, Exhibit C Floor plans. They are asking to build a single-family home to reside in behind the existing dwelling which they have occupied for many years. Due to gender and marital circumstances they are asking for the extra 4-5 bedroom.

OPPOSITION: None

DECISION: Denied

BASIS: After reviewing the application, plans, information submitted and giving due consideration to testimony given at the public hearing, the Board found the locus to be the sight of a single-family dwelling that was destroyed by a fire several years ago where the petitioner is requesting relief from Chapter 27, Section 9, for side yard setback, frontage, lot size and additional living and sleeping areas in the basement. Concern was expressed on the suitability of the proposed egress/access points for elderly occupants climbing up and out of a smoke-filled window from a below grade area as well as accessibility for rescue personnel. The site plans submitted were unacceptable to the Board and did not match the proposed foundation and structure dimensions. The petitioner presented a questionable case of hardship and the Board found the plans submitted inadequate and insufficient to make any informed decision specifically to foundation and structure dimensions, parking for both structures, green space, rear fencing and plantings as discussed in prior hearing for this locus.

VOTE:

Motion to Grant by: Chief Michael Williams
Seconded by: Steve Lainas

IN FAVOR: 0

OPPOSED: 5

Kenneth Galligan, Chairman

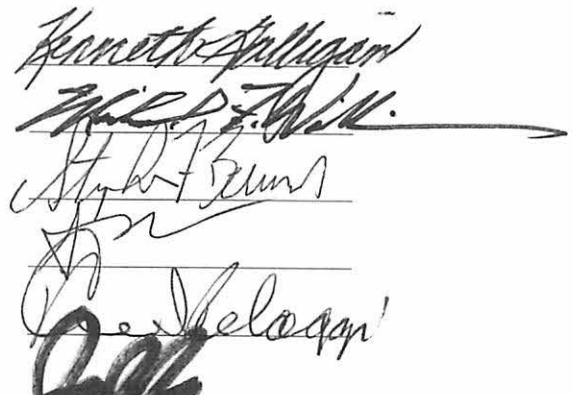
Michael Williams, Fire Chief

Stephen Bernard

Steve Lainas

Robert Pelaggi


Anthony Zeoli, City Clerk


James Mouffe, Clerk

Anthony Zeoli, City Clerk

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BROCKTON, MA

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, February 9, 2021 at 6:00 p.m.

IN RE: 21-10 Petition of **EUGENE L. FLYNN II**, 162 Country Club Lane, Brockton, MA, for a Variance from Art. III, Sec. 27-9 & 27-13(a), to construct a single-family home on an existing lot in an R-1-C Zone, located at **PLOT 49 / 0 THATCHER STREET**.

PETITIONERS STATEMENT: Attorney John E McCluskey presented to the Board Exhibit A Plot plan, Exhibit B Floor plans and Exhibit C Memo in Support. They are seeking to exercise the prior Variance that was granted in 1985 for a buildable lot determination and to build a single-family home on Plot 49/0 Thatcher Street.

OPPOSITION: Letter in opposition

DECISION: 1st Denied due to failure to exercise the Variance of 1985 determining this is a buildable lot after a lapse of over one (1) year.

2nd Granted to allow the Petitioner to withdraw the appeal with the Board.

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 Massachusetts General Law Chapter 40, Section 10 and Brockton Zoning Code, Chapter 27-48 (3), whereby the rights authorized by a Variance that are not exercised within one (1) year of the date of such Variance shall lapse and may be reestablished only after notice and a new hearing and must be considered as a new appeal. A six (6) months extension to exercise the right of a Variance may be granted by the Permit Granting Authority if requested and filed prior to the expiration of the one (1) year period. In all previous Zoning Variances related to this locus, the rights were not exercised within the time period allowed and as a result, none are currently active.

Regarding the petitioners request for a Variance for frontage, lot size and width to construct a single-family home on an existing lot, the Petitioner requested to withdraw the request and the Board voted to allow the Petitioner to withdraw.

1st Decision

VOTE:

Motion to Grant by: Stephen Bernard

Seconded by: Robert Pellaggi

IN FAVOR: 1

Robert Pelaggi

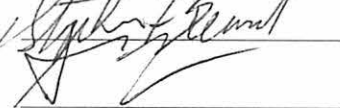
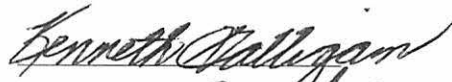
OPPOSED: 4

Kenneth Galligan, Chairman

Michael Williams, Fire Chief

Stephen Bernard

Steve Lamas



James Plouffe, Clerk



Anthony Zeoli, City Clerk

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Case 21-10, continued

2nd Decision

VOTE:

Motion to Grant by: Robert Pellaggi
Seconded by: Steve Lainas

IN FAVOR: 5

Kenneth Galligan, Chairman

Michael Williams, Fire Chief

Stephen Bernard

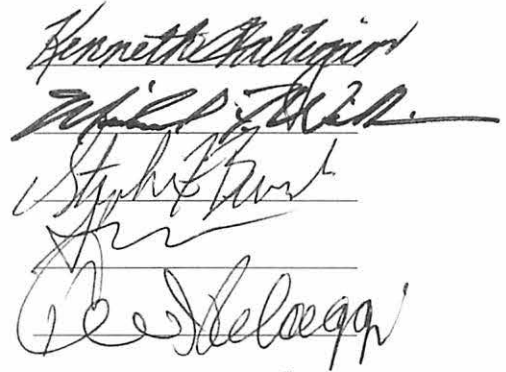
Steve Lainas

Robert Pelaggi

OPPOSED: 0



Anthony Zeoli, City Clerk


James Plouffe, 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, February 9, 2021 at 6:00 p.m.

IN RE: 21-11 Petition of **ELISANGELA TEIXEIRA**, 54 Henry Street, Brockton, MA, to come back to zoning after being granted since the plans have been changed in an R-1-Zone, located at **54 HENRY STREET**.

PETITIONERS STATEMENT: Owner, Elisangela Teixeira, presented to the Board, Exhibit A Plot plan and Exhibit B Floor plan. The petitioner's parents, grandfather and aunt were all displaced due to the current pandemic. She is requesting the addition to make room for her own immediate family and the additional family members she has taken in.

OPPOSITION: None

DECISION: Denied

BASIS: After reviewing the application, plans, information submitted and giving due consideration to testimony given at the public hearing, the board found no hardship with the scope and scale of the proposed addition to the current existing structure considering Chapter 27-1, 27-9 maximum lot coverage, density and required lot size. Granting would derogate from the intent of the zoning by-laws and will negatively impact the orderly development of the neighborhood. A recent Zoning relief Variance was granted for this locus to allow for a single bedroom addition. The current Zoning relief exceeds the maximum request for the 6,732 sq. ft. lot coverage, Chapter 27-9 and as a result negative affects the density of the lot and the surrounding neighborhood.

VOTE:

Motion to Grant by: Robert Pelaggi
Seconded by: Steve Lainas

IN FAVOR: 1

Michael Williams, Fire Chief



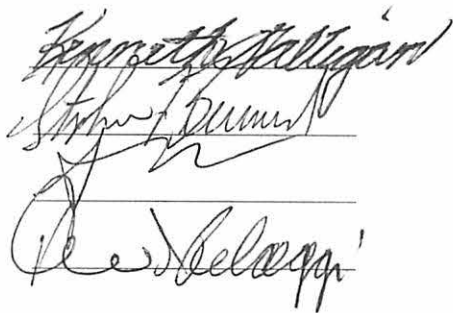
OPPOSED: 4

Kenneth Galligan, Chairman

Stephen Bernard

Steve Lainas

Robert Pelaggi



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ZONING BOARD OF APPEALS held a meeting in the Council Chambers, City Hall, Brockton, Massachusetts, on Tuesday, February 9, 2021 at 6:00 p.m.

IN RE: 21-12 Petition of **JOSE PEREZ**, 24 Webster Road, Braintree, MA, for a Variance to install new sign on property in an R-1-B Zone, located at **59 NORTH PEARL STREET**.

PETITIONERS STATEMENT: Owner, Jose Perez, presented to the Board, Exhibit A Plot Plan and Exhibit B Photos. The petitioner wants to move the current sign location to a new location that is more visible to traffic in the area and was agreeable to the stipulations required by the Board.

OPPOSITION: An abutter spoke with concerns

DECISION: Unanimously granted

BASIS: After reviewing the application, plans, information submitted and giving due consideration to testimony given at the public hearing, the Board found that a hardship exists at the locus relative to sight lines and sign visibility due to the size and area of the area in front of the building at the sight. Relief was granted for the proposed new sign for the location that has historically been used for office occupancy and has been the site of a previous sign. Relief granted for sign setbacks, Chapter 27, Section 65 (11) and residential adjacent property.

The sign shall be free-standing, maximum overall three (3) feet wide, six (6) feet high, five (5) feet setback from front City of Brockton property line, non-LED lighted, non-internal lighted and if externally illuminated, in conformance with 27-65 (2) for the paneled sign facing.

VOTE:

Motion to Grant by: Stephen Bernard

Seconded by: Steve Lainas

IN FAVOR: 5

Kenneth Galligan, Chairman

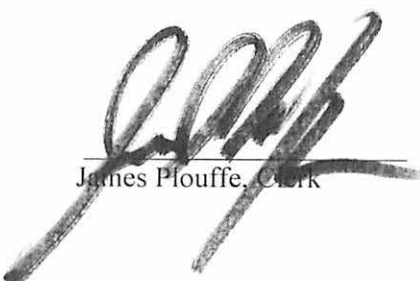
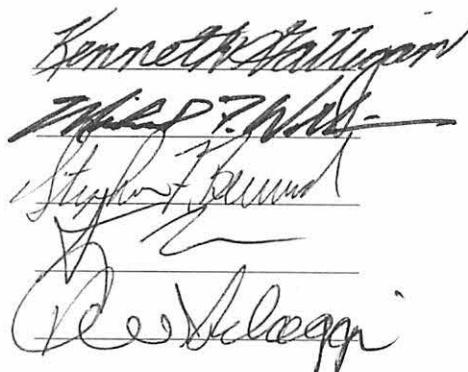
Michael Williams, Fire Chief

Stephen Bernard

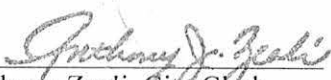
Steve Lainas

Robert Pelaggi

OPPOSED: 0



James Plouffe, Clerk



Anthony Zeoli, City Clerk

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IN RE: 21-13 Petition of ANNA HALUCH, 65 Belmont Street, South Easton, MA, for a Variance and Special Permit to install an electronic message board and to allow the 6.5' setbacks to remain in a C-2 Zone, located at 265 NORTH PEARL STREET.

PETITIONERS STATEMENT: Anna Haluch, Mgr of Signs by Tomorrow, 265 N Pearl St, Brockton, presented to the Board, Exhibit A Plot plans and Exhibit B Photos and Exhibit C Memo in Support. The current sign will be updated but the size will be the same. Additional tenant panels will be added and be made of a solid material.

OPPOSITION: None

DECISION: Granted

BASIS: After reviewing the application, plans, information submitted and giving due consideration to testimony given at the public hearing, the Board granted relief for the refurbishing of the current free-standing sign currently located at the locus that has a setback of 6.5 feet from the property line and is in a location that creates a hardship for the plaza businesses serviced by the sign that are remotely located from street view.

The sign board lighting shall be operated in conformance with Sect. 27-65 (2). The sign panels shall be solid material, the sign shall not be internally lighted and the structure shall remain in its current location. Relief is also granted for an LED sign that will be part of the current sign all as depicted on plans submitted to the Board from Prosign Graphics, LLC, 65 Belmont Street, Easton, MA. The Electronic Message Board, LED shall change graphics no less than every thirty (30) seconds, shall contain no animation and shall be light intensity controlled by industry standards of reduced nighttime light intensity on the 35" X 90" sign.

VOTE:

Motion to Grant by: Robert Pelaggi
Seconded by: Chief Michael Williams

IN FAVOR: 5

Kenneth Galligan, Chairman

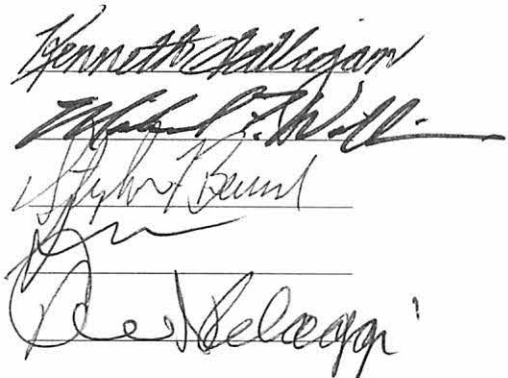
Michael Williams, Fire Chief

Stephen Bernard

Steve Lainas

Robert Pelaggi

OPPOSED: 0



James Plouffe, Clerk



Anthony Zeoli, City Clerk

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IN RE: 21-14 Petition of **ADELINE LAROCQUE**, 76 South Street, Brockton, MA, for a Variance from Sec. 27-26-27-9, to construct a two family residence on the site in an R-2 Zone, located at **76 SOUTH STREET**.

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

OPPOSITION:

DECISION:

BASIS:

VOTE:

Motion to Grant by:

Seconded by:

IN FAVOR: 0

Kenneth Galligan, Chairman

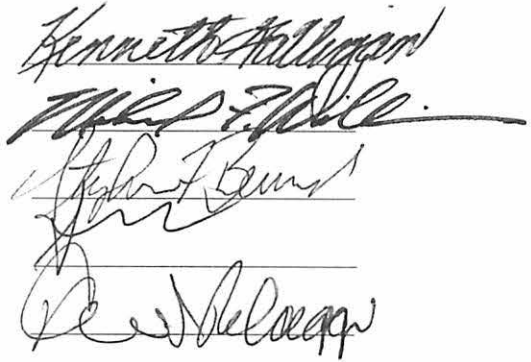
Michael Williams, Fire Chief

Stephen Bernard

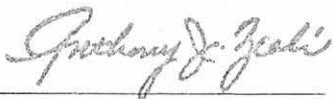
Steve Lainas

Robert Pelaggi

OPPOSED: 0



James Plouffe, Clerk



Anthony Zeoli, City Clerk

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BROCKTON, MA.

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, February 9, 2021 at 6:00 p.m.

IN RE: 21-15 Petition of **KENNETH PATEL C/O NESSRALLA**, 1063 North Main Street, Brockton, MA, for a Variance from Sec. 27-32 & 27-10, to allow expansion greater than 50% of existing building in a C-5 Zone, located at **516 PLEASANT STREET**.

PETITIONERS STATEMENT: Attorney Phillip Nessralla and Joe Rigo, civil engineer presented to the Board, Exhibit A Plot plan, Exhibit B Floor plans and Exhibit C Memo in Support. The petitioner would like to expand his business over 50%. Mr. Patel would like to use the existing building for storage and to construct an additional new building for the new store. Using the current building for storage would cut back on the additional deliveries. All their products and supplies would be kept on site.

OPPOSITION: None

DECISION: Granted

BASIS: After reviewing the application, plans, information submitted and giving due consideration to testimony given at the public hearing, the board granted rear yard, Sect. 27-10 setback relief to the existing structure where there is currently 23.4 ft. provided and 25 ft. is required. The current long term "on site" building foundation creates a unique hardship at the site. The C-5 location has been utilized as a convenience store and beer and wine sales store for many years with prior use as commercial retail business. The expansion of the use over 50% of its current building size 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 situated and will not be more detrimental to the existing neighborhood or orderly development of adjacent properties.

All representations in petitioner's statement shall be incorporated by reference as stipulations recorded herewith including demonstrated traffic patterns, access and egress to site and maintenance or placement of stockade fencing along south and west property lines with plantings and greenspace all as depicted on site plan submitted at hearing and dated February 17, 2020 by River Hawk Environmental Engineering. There was no opposition presented at hearing for the expansion of use.

VOTE:

Motion to Grant by: Robert Pelaggi
Seconded by: Steve Lainas

IN FAVOR: 4

Michael Williams, Fire Chief

Stephen Bernard

Steve Lainas

Robert Pelaggi

OPPOSED: 1

Kenneth Galligan, Chairman

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Anthony J. Zeoli

Anthony Zeoli, City Clerk

Michael Williams

Stephen Bernard

Steve Lainas

Kenneth Galligan

James Plouffe

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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, February 9, 2021 at 6:00 p.m.

IN RE: 21-16 Petition of **ROODLYE GUSTAMA**, 598 Pleasant Street, Brockton, MA, for a Variance from Sec. 27-39 & 27-10, to extend a non-conforming use by greater than 50% for the addition of a second floor creating a two (2) family in a C-2 Zone, located at **598 PLEASANT STREET**.

PETITIONERS STATEMENT: Attorney Phillip Nessralla and Scott Faria, Land Surveyor presented to the Board Exhibit A Plot plan, Exhibit B Floor plans and Exhibit C Memo in Support. The Petitioner would like to expand the current dwelling greater than 50% of the original structure. They would be staying in the same footprint and only building up. These changes would not be seen from the street. There are 6 parking spaces on the site with turn around room.

OPPOSITION: An abutter was in opposition

DECISION: Denied

BASIS: After reviewing the application, plans, information submitted and giving due consideration to testimony given at the public hearing, the board found the locus to be a non-conforming use-2 family residential located in a C-2 Zone. The proposal by the petitioner to expand the current use beyond the allowed 601 sq. ft. expansion to over 1,400 sq. ft. was found by the Board to be of such location, size and character that generally it will not be in harmony with the appropriate and orderly development of the zone in which it is situated and will be substantially more detrimental than the existing two (2) family, four (4) room each unit apartment dwelling than the existing non-conforming use to the neighborhood. Opposition to the proposed expansion was offered by the occupant at 14 Pennsylvania Avenue.

VOTE:

Motion to Grant by: Robert Pelaggi
Seconded by: Chief Michael Williams

IN FAVOR: 3

Michael Williams, Fire Chief

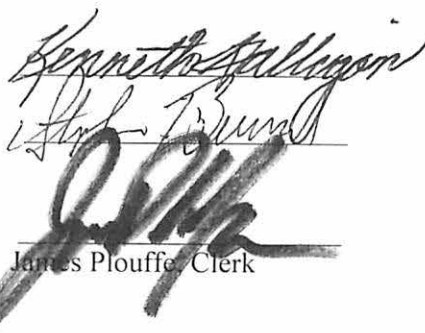

Steve Lainas

Robert Pelaggi

OPPOSED: 2

Kenneth Galligan, Chairman

Stephen Bernard



James Plouffe, Clerk



Anthony Zeoli, City Clerk

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COMMONWEALTH OF MASSACHUSETTS
CITY OF BROCKTON
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ZONING BOARD OF APPEALS held a meeting in the Council Chambers, City Hall, Brockton, Massachusetts, on Tuesday, February 9, 2021 at 6:00 p.m.

IN RE: 21-17 Petition of **HYACINTH & EVERETT REALTY ASSOCIATES LLC**, 59 Short Street, Taunton, MA, for a Variance from Art. III, Sec. 27-9 & 27-13(a), to create a seven (7) lot subdivision to construct seven (7) single family homes an R-1-C Zone, located at **PLOTS 80, 79 & 7A PLAIN STREET AND WAVERLY PARK AVENUE.**

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

OPPOSITION:

DECISION:

BASIS:

VOTE:

Motion to Grant by:

Seconded by:

IN FAVOR: ()

Kenneth Galligan, Chairman

Michael Williams, Fire Chief

Stephen Bernard

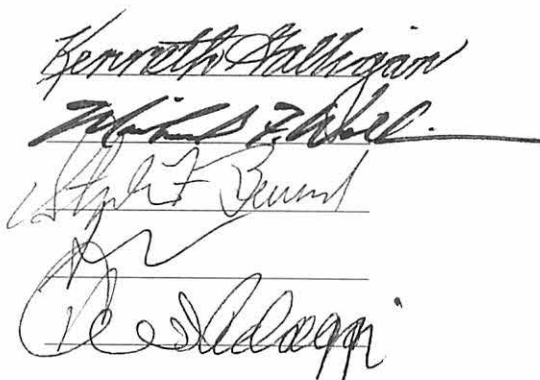
Steve Lainas

Robert Pelaggi

OPPOSED: ()



Anthony Zeoli, City Clerk


James Plouffe, Clerk

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