

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

IN RE: 21-18 Petition of DAVID JOHNSON, P.O. Box 170792, Boston, MA, for permission to keep the existing foundation which was placed 1ft off on left side of the approved location in an R-1-C Zone, located at 28 HERITAGE COURT.

**PETITIONERS STATEMENT:** David Johnson, Project Manager of Johnson Associates, presented to the Board Exhibit A, plot plan and Exhibit B, floor plans. Mr. Johnson would like permission to keep going forward with the construction after, by error, placing the foundation two (2) feet inside the property line setbacks.

**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 an error occurred at the time of the construction of the structure foundation, whereby the foundation was placed 13.7 ft. from the side yard where 15 ft. is required by Sec. 17-9. Granting of side yard relief of approximately 2 ft. would not derogate from the intent of the zoning by-laws and will not negatively impact the orderly development of the neighborhood. Demolishing the foundation and the associated structure would create a unique and unnecessary hardship at the locus.

**VOTE:**

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

**IN FAVOR: 5**

- Kenneth Galligan, Chairman
- Michael Williams, Fire Chief
- Stephen Bernard
- Steve Lainas
- Clarence Hassan

*Kenneth Galligan*  
*Michael Williams*  
*Stephen Bernard*  
*Steve Lainas*  
*Clarence Hassan*

**OPPOSED: 0**

*James Plouffe*  
 James Plouffe, Clerk

*Anthony Zeoli*

Anthony Zeoli, City Clerk

ANY APPEAL MUST BE MADE WITHIN 20 DAYS FROM THIS DATE MAR 31 2021 PURSUANT TO M.G.L.C. 40A SECTION 17.

RECEIVED AND FILED: April 21, 2021  
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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2021 MAR 31 A 11:28  
CITY CLERK'S OFFICE  
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, Massachusetts, on Tuesday, March 9, 2021 at 6:00 p.m.

**IN RE: 21-19** Petition of **157 DEVELOPMENT LLC**, 1500 Vine Street, Somerset, MA, for a Variance from Sec. 27-34 & 27-58(8), to seek a use to convert the existing building to 24 residential units and as to the number of required parking spaces in an I-2 Zone, located at **157 CENTRE STREET**.

**PETITIONERS STATEMENT:** Attorney Thomas Killoran,, owner Kenneth Malicone and Engineer, Jeffrey Holman, presented to the Board Exhibit A Memo in Support, Exhibit B Plot Plan and Exhibit C Floor Plans. They are requesting permission to convert the present building into a twenty-four (24) unit apartment building.

**OPPOSITION:** Three (3) residents of the adjacent apartment building at 147 Centre Street expressed concerns relative to parking issues, construction noise and location distance between buildings

**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 locus for the proposed residential rental complex consisting of forty (24) market rate units to be established in a four (4) 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 a 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 twenty-four (24) unit, 2-bedroom residential complex with no apartments located in the basement. There shall not be less than 33 on-site regulation parking spaces.

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 petitioner's statement shall be incorporated by reference as stipulations recorded herewith. Ward 5 Councilor, Jeffrey Thompson and Ward 1 Timothy Cruise, spoke in favor of granting the Variance.

Three (3) residents of the adjacent apartment building at 147 Centre Street expressed concerns relative to parking issues, construction noise and location distance between buildings.

**VOTE:**

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

**IN FAVOR: 5**

Kenneth Galligan, Chairman

Michael Williams, Fire Chief

Stephen Bernard

Steve Lainas

Clarence Hassan

**OPPOSED: 0**

*Anthony Zeoli*  
Anthony Zeoli, City Clerk

*Kenneth Galligan*  
*Michael Williams*  
*Stephen Bernard*  
*Steve Lainas*  
*Clarence Hassan*  
*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, March 9, 2021 at 6:00 p.m.

**IN RE:** 21-20 Petition of JOHN ANDRADE, TRUSTEE, 132 Dover Street, Brockton, MA, from Art. IV, Sec. 27-9, Sec 3f., for a Special Permit for restaurant use and Art. IV, Sec. 1, for a Variance to allow mixed use commercial and residential, Art. III, Sec. 27-18 maximum lot coverage Variance in a C-2- Zone, located at 340 & 346 WARREN AVENUE.

**PETITIONERS STATEMENT:** Attorney, John McCluskey, Land Surveyor, Scott Faria, and John Andrade, Contractor/Owner presented to the Board Exhibit A Plot plan and Exhibit B Floor plans. They propose to use the property as a mixed use cleaning up the property which is currently in disrepair.

**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 granting a Variance to allow for a mixed use at the locus represents the best use for this long unused and under-developed site that represents an appropriate use for the area as a combination residential four (4) unit second floor and commercial, restaurant use on the first floor. A hardship exists at the site due to the location and dimensions of the structure currently at the locus that impacts the available greenspace availability. The size of the lot with the building location requires full utilization of the remaining lot to provide for off-street parking. The proposed mixed use will be of such location, size and character that it will be in harmony with the appropriate and orderly development of the zone and will not be detrimental to the existing neighborhood or adjacent properties nor inconsistent with any development plans for the City. The petitioner agreed to construct the access driveway to/from Cottage Street to at least twenty (20) feet wide and maintaining the proposed landscape green-space island. The above listed stipulations are incorporated by reference herein. All representations in petitioner's statement shall be incorporated by reference as stipulations recorded herewith.

**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

Clarence Hassan

**OPPOSED: 0**

*Bennett Holligan*  
*Stephen Bernard*  
*Steve Lainas*  
*Clarence Hassan*  
*James Plouffe*  
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James Plouffe, Clerk

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

**IN RE: 21-21** Petition of FRANCISCA ALVES HINES, 302 Monponsett Street, Hanson, MA, for a Variance from Sec. 27-4, to construct a two (2) family dwelling in a C-2 Zone, located at 1 MILLETT STREET.

**PETITIONERS STATEMENT:** Attorney, Matthew Ezepek and Francisca Alves Hines, owner, presented to the Board Exhibit A, Plot plan and Exhibit B, Floor plan. They come before the Board with amended plans from a previous Zoning Board of Appeals hearing asking for relief of lot size and property line setbacks

**OPPOSITION:** None

**DECISION:** Denied unanimously

**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, 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 off-street parking as shown on the submitted site plans was unreasonable, and not acceptable to the Board.

The Board determined that to establish this abandoned, dangerous structure, Section 27-41 and Section 27-42, to be established as a two (2) family dwelling as described in the submitted plans to the Board, 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 in which the abandoned use is situated and the proposed addition will be detrimental to the density of the existing neighborhood, the orderly development of adjacent properties and inconsistent with any officially adopted master plan for the City.

The petitioner failed to demonstrate a hardship at the locus and the plans submitted to the Board were unacceptable, incomplete and as presented would negatively impact the locus and the neighborhood density.<sup>7</sup>

Ward 4 City Councilor, Susan Nicastro, spoke with concerns.

**VOTE:**

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

**IN FAVOR:** 0

**OPPOSED:** 5

Kenneth Galligan, Chairman

Michael Williams, Fire Chief

Stephen Bernard

Steve Lainas

Clarence Hassan

Anthony Zeoli, City Clerk

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

**IN RE:** 21-22 Petition of BROCKTON AFFORDABLE REALTY TRUST, 388 Maple Street, Bellingham, MA, for a Variance from 27-9, 27-13a, to construct four (4) residential structures in an R-1-Zone, located at 42 QUINCY STREET.

**PETITIONERS STATEMENT:** Attorney Phillip Nessralla, Land Surveyor, Scott Faria and James Morrissey, Contractor/owner presented to the Board, Exhibit A, plot plan and Exhibit B, floor plans. They are seeking permission to divide one (1) large lot into four (4) single family home lots. One of the newly created lots will encompass the current home and the three (3) remaining new lots will allow for the construction of new single-family homes on each lot.

**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 a hardship exists at the locus due to the unusual unique size and shape of the property especially affecting the locus with respect to all other lots in the surrounding area and zoning district that a literal enforcement of the provisions of the ordinance would involve substantial financial hardship to the most efficient use of the property and that the requested relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of such ordinance.

All representations in petitioner's statement and submitted plans dated 2/8/21 shall be incorporated by reference as stipulations recorded herewith.

The petitioner agreed and it is stipulated that a fifty (50) foot tree buffer shall be maintained along the East property line (Debbie Road). Additionally, the long driveway leading to Lot 3 shall be constructed to sustain the weight of a large truck. (Ex: oil delivery truck). Site development activities shall take place outside of school hours where students may be in the immediate area.

Ward 5 City Councilor, Jeffrey Thompson spoke in favor of granting the Variance and the overall development

**VOTE:**

Motion to Grant by: Steve Lainas  
Seconded by: Clarence Hassan

**IN FAVOR: 5**

Kenneth Galligan, Chairman

Michael Williams, Fire Chief

Stephen Bernard

Steve Lainas

Clarence Hassan

**OPPOSED: 0**

*Anthony J. Zeoli*

Anthony Zeoli, City Clerk

*Kenneth Galligan*  
*Michael Williams*  
*Stephen Bernard*  
*Steve Lainas*  
*Clarence Hassan*

*James Plouffe*  
James Plouffe, Clerk

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

**IN RE: 21-23** Petition of **FRICO JEAN**, C/O 1063 North Main Street, Brockton, MA, for a Special Permit from Sec. 27-27.5, to allow for a two (2) family residence in an R-4 Zone, located at **44 MILTON STREET**.

**PETITIONERS STATEMENT:** The Petitioner bought this property under the assumption that it was a two-family dwelling as stated on the City Assessors database. There were also two (2) means of egress and two (2) utility meters.

**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 the locus has been used as a two (2) family for many years, is located in an area populated with single and multi-unit dwellings. The use as a two (2) family dwelling 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 it is located and will not be detrimental to the existing multi-family neighborhood or orderly development of adjacent properties nor inconsistent with any officially adopted master plan for the City. There was no opposition presented at the hearing.

**VOTE:**

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

**IN FAVOR: 5**

- Kenneth Galligan, Chairman
- Michael Williams, Fire Chief
- Stephen Bernard
- Steve Lainas
- Clarence Hassan

**OPPOSED: 0**

*Kenneth Galligan*  
*Michael Williams*  
*Stephen Bernard*  
*Steve Lainas*  
*Clarence Hassan*

*James Plouffe*  
 James Plouffe, Clerk

*Anthony Zeoli*  
 Anthony Zeoli, City Clerk

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**IN RE: 21-24** Petition of ATTORNEY ROBERT PELLEGRINI, 63 Main Street, Suite 1, Bridgewater, MA, for a Variance from Art. III, Sec. 27-9 & 27-36, to convert an existing mixed use building to a proposed 6- unit interior fit out in an R-3 Zone, located at **25 EAST BATTLES STREET.**

**PETITIONERS STATEMENT:** Attorney Robert Pelligrini and Engineer Edward Jacobs presented to the Board, Exhibit A Memo in Support and Exhibit B, Plot plan. The Petitioner is seeking to convert the current mixed use to a six (6) unit interior fitout.

**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 that the petitioner failed to demonstrate a hardship at the locus to convert a mixed-use commercial/residential use to a six (6) unit apartment building. The building reportedly currently contains two (2) residential use apartments that were denied by Zoning Board action in 1992 and 1995.

Granting the requested Variance would derogate from the intent of the zoning by-laws, would exceed the required lot size for the proposed dwelling units and would negatively impact the orderly development of the severely congested locus and neighborhood.

**VOTE:**

Motion to Grant by: Chief Michael Williams  
Seconded by: Chair, Kenneth Galligan

**IN FAVOR: 3**

Michael Williams, Fire Chief  
Stephen Bernard  
Clarence Hassan

**OPPOSED: 2**

Kenneth Galligan, Chairman  
Steve Lainas

James Plouffe, Clerk

Anthony Zeoli, City Clerk

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CITY OF BROCKTON  
ZONING BOARD OF APPEALS

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**IN RE: 21-25** Petition of JAMES F. MCLAUGHLIN & JOHN W. MCLAUGHLIN, 1135 North Main Street, Brockton, MA, for a Variance from Sec. 27-10,27-32,27-48, to construct and occupy a two (2) family residential dwelling in a C-5 Zone, located at 1135 NORTH MAIN STREET.

PETITIONERS STATEMENT:

OPPOSITION:

DECISION:

**BASIS:** The petition was withdrawn prior to the start of the meeting as a matter of right.

VOTE:

Motion to Grant by:  
Seconded by:

IN FAVOR: 0

Kenneth Galligan, Chairman

Michael Williams, Fire Chief

Stephen Bernard

Steve Lainas

Clarence Hassan

OPPOSED: 0

*Kenneth Galligan*  
*Michael Williams*  
*Stephen Bernard*  
*Steve Lainas*  
*Clarence Hassan*

*James Plouffe*  
James Plouffe, Clerk

*Anthony J. Zeoli*  
Anthony Zeoli, City Clerk

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CITY OF BROCKTON  
ZONING BOARD OF APPEALS

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**IN RE: 21-27** Petition of **127 CENTRE CORNER LLC**, 362 Montello Street, Brockton, MA, for a Variance from Sec. 27-34,27-48,27-53,27-54 & 27-55, to amend the mixed use Variance granted by the zoning board by reducing the density of the approved 40 residential units to 32 one bedroom units and 8 two bedroom units along with 2500 sf. of commercial space on the ground floor, 1250 sf. of tenant amenity space and 250 sf. of building management office space in an I-2 Zone, located at **127 CENTRE STREET**.

**PETITIONERS STATEMENT:** Attorney James Burke and Darren Decoste, of 127 Centre Corner LLC presented to the Board, Exhibit A, Plot plan and Exhibit B, Floor plan. They are before the Board seeking to amend the previously granted Variance of August 2020.

**OPPOSITION:**

**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 locus for the proposed residential rental complex consisting of forty (40) market rate residential 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 use 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 thirty-two (32) one (1) bedroom units, eight (8) two (2) bedrooms units with commercial rental space on the first - floor level. There shall not be less than seventeen (17) on-site Plot 22 parking spaces with not less than twenty-five (25) off-street 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 petitioner's statement shall be incorporated by reference as stipulations recorded herewith.

Several occupants of the near-by multi-story dwelling converted building at 147 Centre St expressed concern for dog walking proposals, noise and alterations to the views that will be created by the new construction.

**VOTE:**

Motion to Grant by: Stephen Bernard  
Seconded by: Steve Lainas

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Case # 21-27, cont'd

**IN FAVOR: 5**

Kenneth Galligan, Chairman

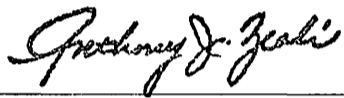
Michael Williams, Fire Chief

Stephen Bernard

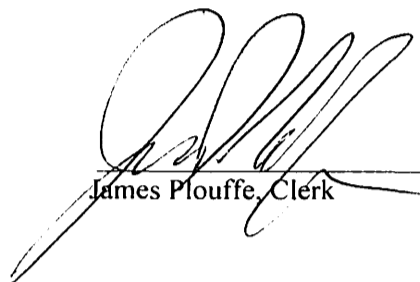
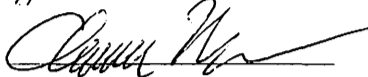
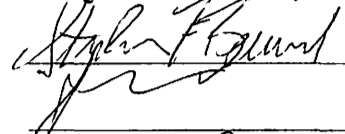
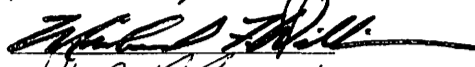
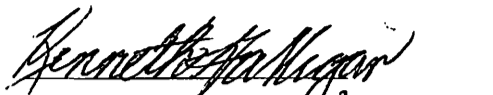
Steve Lainas

Clarence Hassan

**OPPOSED: 0**



Anthony Zeoli, City Clerk



James Plouffe, Clerk

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BROCKTON, MA.

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