

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, April 13, 2021 at 6:00 p.m.

IN RE: TO REQUEST AN EXTENSION: 20-32 Petition of **GEORGE CARNEY, JR., TRUSTEE OF CARNEY REALTY TRUST**, 1958 Broadway, Raynham, MA, for a (Variance) from Sec. 27-9, 27-13H, to be allowed to develop and construct 17 residential lots due to existing condition in an R-1 A Zone, located at **PLOT 97 PLEASANT STREET.**

PETITIONERS STATEMENT: The Petitioner, Carney Realty Trust, through its attorney, James Burke, requested a six (6) month extension to a Variance, Case number 20-32, granted April 2020, to enable the applicant to proceed with a definitive subdivision before the Planning Board of the City of Brockton. In accordance with Massachusetts General Law, Chapter 40A, Section 10, the Board granted the petitioner a six (6) month extension to Zoning Case 20-32

OPPOSITION: None in opposition

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

VOTE:

Motion to Grant by: Stephen Bernard
Seconded by: Toni Goncalves

IN FAVOR: 5

Kenneth Galligan, Chairman

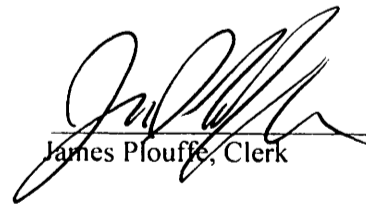
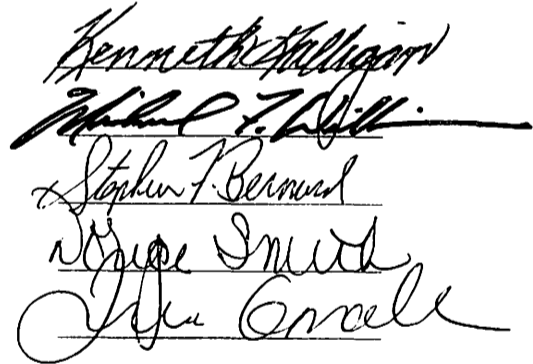
Michael Williams, Fire Chief

Stephen Bernard

Doryce Smith

Toni Goncalves

OPPOSED: 0



James Plouffe, Clerk



Anthony Zeoli, City Clerk

ANY APPEAL MUST BE MADE
WITHIN 20 DAYS FROM THIS
DATE APR 30 2021 PURSUANT
TO M.G.L.C. 40A SECTION 17.

APR 13 2021
CITY OF BROCKTON
ZONING BOARD OF APPEALS

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, April 13, 2021, at 6:00 p.m.

IN RE: 21-28 Petition of **SHYLANDA JOHNSON**, 1018 N. Main Street, Brockton, MA, for permission to have the basement and first floor as one (1) living unit in a C-5 Zone, located at **1018 NORTH MAIN STREET**.

PETITIONERS STATEMENT: Shylanda Johnson, property owner, submitted to the Board, Exhibit A, Floor plans and Exhibit B, Memo in support. She stated that she needs the extra living space and that this will remain a two-family. The basement will not be an extra dwelling. She will be installing an egress window.

OPPOSITION: None in opposition

DECISION: Granted

BASIS: After reviewing the application, plans, information submitted and giving due consideration to testimony given at the public hearing, the board found that the requested expansion of the first floor living space to include living space in the basement area as shown on submitted plans to the Board dated 1/2/212, depicting living space of two (2) bedrooms, one (1) family room, one (1) bathroom and one (1) utility room and no kitchen will be of such location, size and character that, generally, the use will be in harmony with the appropriate and orderly development of the zone and will not be detrimental to the existing neighborhood.

The expansion of the proposed living space in the basement shall be in compliance with applicable fire safety and building codes of the City of Brockton and Commonwealth of Massachusetts, and shall not be constructed, equipped or used as a separate additional apartment beyond the current two (2) apartments at the locus.

VOTE:

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

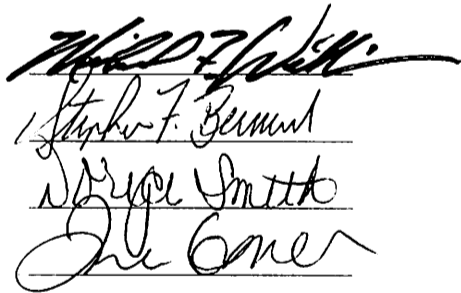
IN FAVOR: 4

Michael Williams, Fire Chief

Stephen Bernard

Doryce Smith

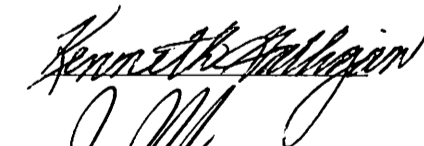
Toni Goncalves



Stephen F. Bernard
Doryce Smith
Toni Goncalves

OPPOSED: 1

Kenneth Galligan, Chairman



Kenneth Galligan
James Plouffe, Clerk



Anthony Zeoli, City Clerk

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ZONING BOARD OF APPEALS held a meeting in the Council Chambers, City Hall, Massachusetts, on Tuesday, April 13, 2021 at 6:00 p.m.

IN RE: 21-29 Petition of **DIANE WIGNALL & BRYON ALLEYNE**, 23 West Park Street, Brockton, MA, for a Variance to change the single family home into a two family dwelling in an R-3 Zone, located at **23 WEST PARK STREET**.

PETITIONERS STATEMENT: Owners, Diane Wignall and Byron Alleyne presented to the Board, Exhibit A, Plot plan and Exhibit B, Floor plans. They stated that they would not be expanding the second floor, but will have a one (1) bedroom rental unit. There will be a deck off the back with a stairway.

OPPOSITION: None 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 that the Petitioner failed to demonstrate a hardship at the locus, Section 27-48. The dwelling was used, designed and constructed as a single-family dwelling on a lot of sufficient area for a single-family dwelling. Provisions for off-street parking concerned the Board with no plans for parking provided to the Board. Granting would derogate from the intent of the zoning by-laws and would negatively impact the density and orderly development of the established neighborhood. The Board did not find that maintaining the aforementioned requirements would involve a substantial hardship financial or otherwise. Accordingly, considering the absence of any evidence related to Chapter 40A and requirements needed to be submitted, the Board hereby denies the request for a Variance.

VOTE:

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

IN FAVOR: 1

Toni Goncalves

Toni Goncalves sfl

OPPOSED: 4

Kenneth Galligan, Chairman

Kenneth Galligan

Michael Williams, Fire Chief

Michael Williams sfl

Stephen Bernard

Stephen Bernard sfl

Doryce Smith

Doryce Smith sfl

James Prouffe
James Prouffe, Clerk

Anthony Zeoli

Anthony Zeoli, City Clerk

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CITY OF BROCKTON
ZONING BOARD OF APPEALS

ZONING BOARD OF APPEALS held a meeting in the Council Chambers, City Hall, Brockton, Massachusetts, on Tuesday, April 13, 2021 at 6:00 p.m.

IN RE: 21-30 Petition of **NASHUA CALLWOOD**, 23 Leavitt Street, Brockton, MA, from Sec. 27-9, to convert a single family home into a two family home in an R-3 Zone, located at **23 LEAVITT STREET**.

PETITIONERS STATEMENT: Owner, Nashua Callwood and Manager, Joseph Chaperon, presented to the Board, Exhibit A, Plot plan and Exhibit B, Floor plan. They are asking for relief of frontage and lot size. Stated that the basement would not be changed and it will not be another living unit. All inspections have been done and signed off.

OPPOSITION: None in opposition

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 due to the unique size, shape and topography of the lot and of the size of the current house on the lot. Sufficient off-street parking was delineated on the submitted plans and the surrounding is populated with similar multi-family dwellings. Granting would not derogate from the intent of the zoning by-laws and will not negatively impact the orderly development of the established neighborhood. The expansion of the current single-family dwelling to a two (2) family dwelling shall be in compliance with applicable fire safety and building codes of the City of Brockton and the Commonwealth of Massachusetts. The basement area shall not be constructed, equipped or used as a separate additional apartment living space beyond the proposed two (2) apartments. The above listed stipulations are incorporated by reference herein. All representations in petitioner's statement shall be incorporated by reference as stipulations recorded herewith. An email correspondence was received from a neighbor, Mr. Domenic Martelli, in favor or granting the Variance. No opposition was presented.

VOTE:

Motion to Grant by: Stephen Bernard
Seconded by: Toni Goncalves

IN FAVOR: 5

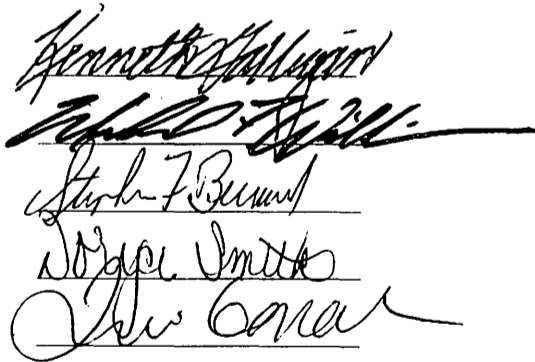
Kenneth Galligan, Chairman

Michael Williams, Fire Chief

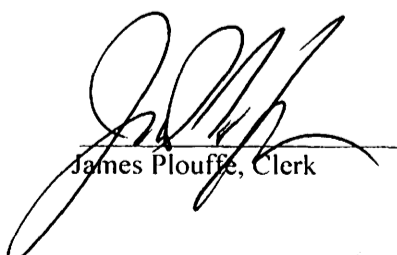
Stephen Bernard

Doryce Smith

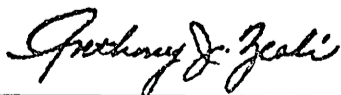
Toni Goncalves



OPPOSED: 0



James Plouffe, Clerk



Anthony Zeoli, City 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, April 13, 2021 at 6:00 p.m.

IN RE: 21-31 Petition of **DAVID CARVALHO, MANAGER c/o PHILIP NESSRALLA**, 1063 North Main Street, Brockton, MA, for a Variance from Sec. 27-39 & 27-10, to allow the property to operate as a Residential use with six residential units in a C-5 Zone, located at **484 PLEASANT STREET**.

PETITIONERS STATEMENT: Attorney, Phillip Nessralla and property manager, David Carvalho, presented to the Board, Exhibit A, Plot plan, Exhibit, Floor Plans and Exhibit C, Memo in support. They stated that the property was always a mixed use. The City of Brockton changed the zone to Commercial.

OPPOSITION: None in opposition

DECISION: Unanimously granted for six (6) residential apartment units only.

BASIS: After reviewing the application, plans, information submitted and giving due consideration to testimony given at the public hearing, the board found that this locus has had a past history of Residential and Commercial use and with the implementation of the current zoning in 1967, the site was split zoned with C-5 zoning at the front of the lot and Residential at the larger rear portion of the lot. The Residential area of the lot was granted Commercial use by way of a Variance in 1976. There has been a history of mixed use of the site, however, the use of the locus as a commercial site has become unfeasible. A hardship exists due to the large unique shape and size of the property, the questionable soil condition due to the rear yard elevation and the unusual structural layout of the building for commercial purposes. Granting the Variance to return the site to its original use as Residential only with not more than six (6) apartments with nineteen (19) off-street parking spaces as shown on the submitted plans of J.K. Holmgren Engineering Inc., dated 3/9/21 would not derogate from the intent of the zoning by-laws, will be similar to other mixed-use occupancies in the area and will not negatively impact the orderly development of the neighborhood. The Board specified and the petitioner agreed that all reconstruction and improvements to the structures will be in compliance with fire safety regulations and building codes of the City of Brockton and the Commonwealth of Massachusetts. The petitioner stated the entire structures will be equipped with a fire sprinkler system. The above listed stipulations recorded herewith. City Councilor, Rita Mendes, spoke in favor. There was no opposition presented.

VOTE:

Motion to Grant by: Toni Goncalves
Seconded by: Fire Chief, Michael Williams

IN FAVOR: 5

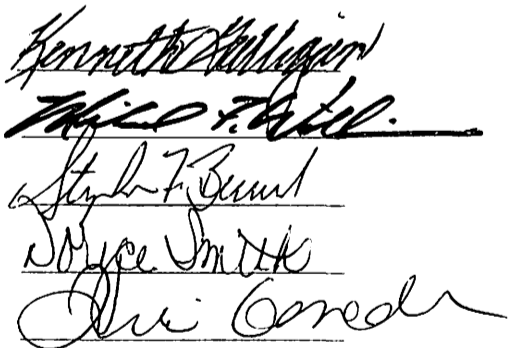
Kenneth Galligan, Chairman

Michael Williams, Fire Chief

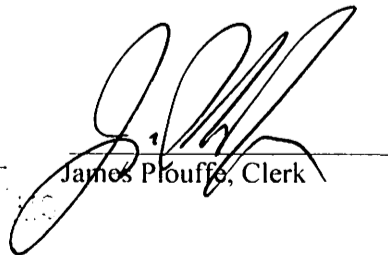
Stephen Bernard

Doryce Smith

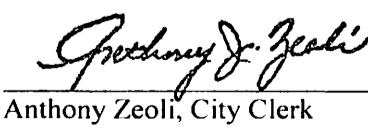
Toni Goncalves



OPPOSED: ()



James Prouffe, Clerk



Anthony Zeoli, City Clerk

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IN RE: 21-32 Petition of **NEUZA BARROS**, 473 Howard Street, Brockton, MA, for a Variance from Art. III, 27-9, 27-13a, to subdivide and construct a single-family home on the new lot in an R-1-C Zone, located at **473 HOWARD STREET**.

PETITIONERS STATEMENT: Attorney John McCluskey and property owner Neuza Barros, presented to the Board, Exhibit A, Plot plan and Exhibit B, Floor plan. The petitioner requests to subdivide the property to build a single-family dwelling for family. The new proposed home will meet the property zone setbacks. The petitioner is willing to remove the existing garage and possibly rebuild to code at another date.

OPPOSITION: None in opposition

DECISION: 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, Section 27-48, due to the unique size, shape and topography of the large lot. Granting of a Variance to allow for the construction of a two (2) story, four (4) bedroom colonial style home as proposed on plans submitted from E. J. Engineering Enterprises, Inc., dated 3/3/21 and primarily approved by the Planning Board of the City of Brockton, would not derogate from the intent of the zoning by-laws, will be similar to other surrounding lots and property and will not negatively impact the orderly development of the neighborhood. The petitioner agreed to remove a wood frame garage within the setback of the original lot. Support was given for the Variance from direct abutters at 479 Howard Street, 482 Howard Street and a rear lot on Livoli Road. All representations in petitioner's statements and submitted plans shall be incorporated by reference as stipulations recorded herewith. No opposition was presented.

VOTE:

Motion to Grant by: Fire Chief, Michael Williams
Seconded by: Toni Goncalves

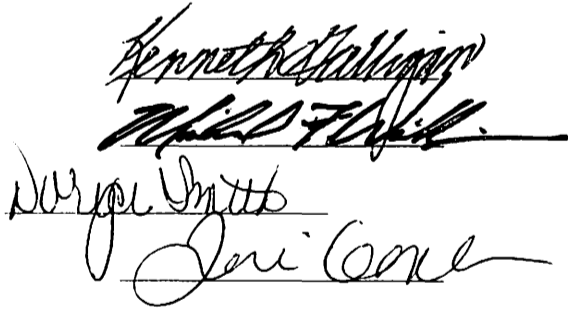
IN FAVOR: 4

Kenneth Galligan, Chairman

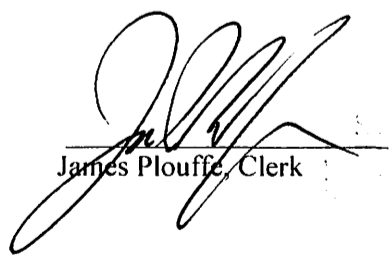
Michael Williams, Fire Chief

Doryce Smith

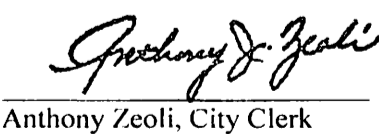
Toni Goncalves



OPPOSED: 0



James Plouffe, Clerk



Anthony Zeoli, City Clerk

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IN RE: 21-33 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: Attorney James Burke, and property owners, James F McLaughlin and John W McLaughlin presented to the Board, Exhibit A, Plot plan, Exhibit B, Floor plan and Exhibit C, Memo in support. Stated that they would like to construct and occupy a new two (2) family dwelling. All parking would be in the back of the property. It would be subtle, small and will fit well in the neighborhood.

OPPOSITION: None in opposition

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 the vacant lot, Plot 101-300, is a deeded lot that has been zoned for C-5 use. A hardship exists due to the unique size and shape of the lot that makes it unfeasible to develop a commercial use in the current mixed-use residential neighborhood. The lot is surrounded by residential use and development of the site for other than residential would have a negative effect of the neighboring properties. The petitioner proposes to install a privacy fence on the north and the east property lines and to install a surface water retention basin or catchment to alleviate any surface water run-off to the lower east property line.

Granting would not derogate from the established neighborhood nor from the intent of the zoning by-laws and will not negatively impact the orderly development of the neighborhood. All representations in petitioner's statement and plans submitted for the subject locus, Plot 101-300, dated 3/5/21 shall be incorporated by reference as stipulations recorded herewith. City Councilor, Shirley Asack, and two (2) abutters spoke in favor of granting. No opposition was presented.

VOTE:

Motion to Grant by: Fire Chief, Michael Williams
Seconded by: Toni Goncalves

IN FAVOR: 5

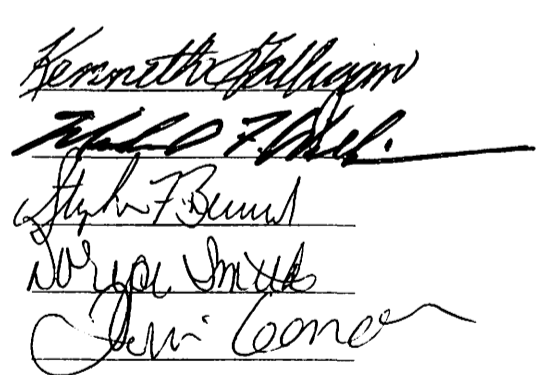
Kenneth Galligan, Chairman

Michael Williams, Fire Chief

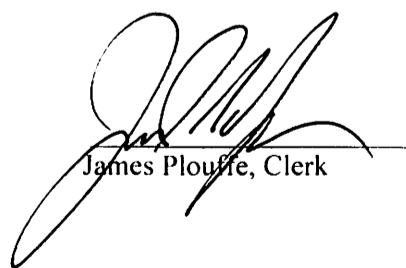
Stephen Bernard

Doryce Smith

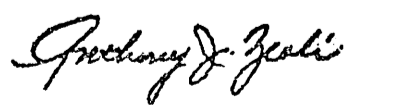
Toni Gonclaves



OPPOSED: 0



James Plouffe, Clerk



Anthony Zeoli, City Clerk

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IN RE: 21-34 Petition of EDWARD FRANCO, 3 Farmington Lane, Canton, MA, for a Variance from Art. III, Sec. 27-9 & Art IV, Sec. 27-26, to convert an old industrial warehouse into fifty (56) residential units in an R-2 Zone, located at 15 RUTLAND SQUARE.

PETITIONERS STATEMENT:

OPPOSITION:

DECISION:

BASIS: The Petitioner requested to withdraw from the scheduled hearing prior to the start of the hearing and the Board granted to request to withdraw as a matter of right.

VOTE:

Motion to Grant by:

Seconded by:

IN FAVOR: 0

Kenneth Galligan, Chairman

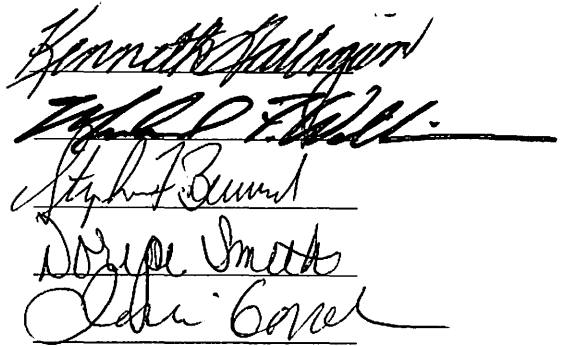
Michael Williams, Fire Chief

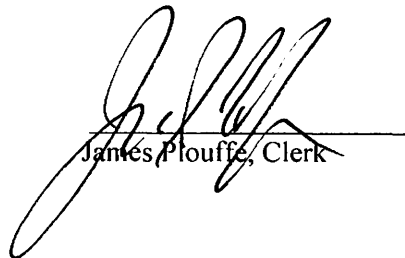
Stephen Bernard

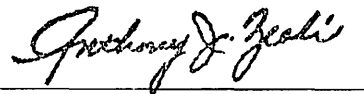
Doryce Smith

Toni Goncalves

OPPOSED: 0




James Plouffe, Clerk


Anthony Zeoli, City Clerk

COMMONWEALTH OF MASSACHUSETTS
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ZONING BOARD OF APPEALS held a meeting in the Council Chambers, City Hall, Brockton, Massachusetts, on Tuesday, April 13, 2021 at 6:00 p.m.

IN RE: 21-35 Petition of **PAUL E. CLANCY, ESQ**, 71 Legion Parkway, Suite 26, Brockton, MA, for a Variance from Sec. 27-29, to construct a two (2) family residential dwelling in a C-2 Zone, located at **372-370 NORTH MONTELLO STREET**.

PETITIONERS STATEMENT: Paul E Clancy, Esq, resented to the Board, Exhibit A, Plot plan and Exhibit B, Floor plan. They are requesting a Variance to construct a two (2) family dwelling. The would demolish all existing buildings on the existing lot.

OPPOSITION: None in opposition

DECISION: Unanimously denied

BASIS: After reviewing the application, plans, information submitted and giving due consideration to testimony given at the public hearing, the board found the submitted plans to be unacceptable with no hardship demonstrated. Granting would derogate from the intent of the zoning by-laws and would negatively impact the orderly development of the neighborhood.

VOTE:

Motion to Grant by: Stephen Bernard
Seconded by: Toni Goncalves

IN FAVOR: 0

OPPOSED: 5

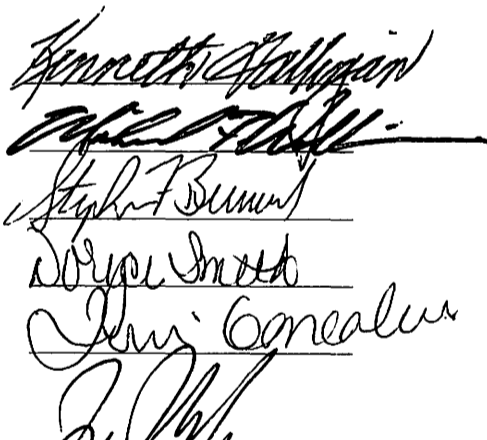
Kenneth Galligan, Chairman

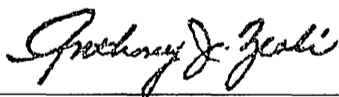
Michael Williams, Fire Chief

Stephen Bernard

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James Plouffe, Clerk



Anthony Zeoli, City Clerk

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IN RE: 21-36 Petition of **PAUL E. CLANCY, ESQ**, 71 Legion Parkway, Suite 26, Brockton, MA, for a Variance from Sec. 27-29, to construct a two (2) family residential dwelling in a C-2 Zone, located at **27-29 EAST ASHLAND STREET**.

PETITIONERS STATEMENT: Paul E Clancy, Esq, resented to the Board, Exhibit A, Plot plan and Exhibit B, Floor plan. They are requesting a Variance to construct a two (2) family dwelling. They would demolish all existing buildings on the existing lot.

OPPOSITION: None in opposition

DECISION: Unanimously denied

BASIS: After reviewing the application, plans, information submitted and giving due consideration to testimony given at the public hearing, the board found the submitted plans to be unacceptable with no hardship demonstrated. Granting would derogate from the intent of the zoning by-laws and would negatively impact the orderly development of the neighborhood.

VOTE:

Motion to Grant by: Stephen Bernard
Seconded by: Toni Goncalves

IN FAVOR: 0

OPPOSED: 5

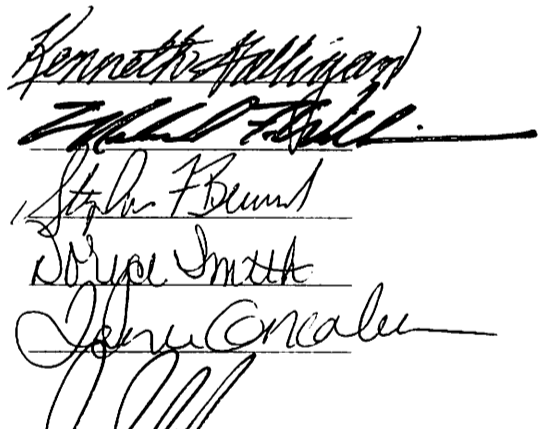
Kenneth Galligan, Chairman

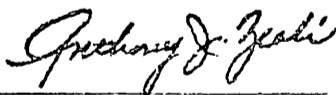
Michael Williams, Fire Chief

Stephen Bernard

Doryce Smith

Toni Goncalves


James Plouffe, Clerk



Anthony Zeoli, City Clerk

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IN RE: 21-37 Petition of **PAUL E. CLANCY, ESQ.** 71 Legion Parkway, Suite 26, Brockton, MA, for a Variance from Sec. 27-29, to construct a two (2) family residential dwelling in a C-2 Zone, located at **31-33 EAST ASHLAND STREET.**

PETITIONERS STATEMENT: Paul E Clancy, Esq, resented to the Board, Exhibit A, Plot plan and Exhibit B, Floor plan. They are requesting a Variance to construct a two (2) family dwelling. They would demolish all existing buildings on the existing lot.

OPPOSITION: None in opposition

DECISION: Unanimously denied

BASIS: After reviewing the application, plans, information submitted and giving due consideration to testimony given at the public hearing, the board found the submitted plans to be unacceptable with no hardship demonstrated. Granting would derogate from the intent of the zoning by-laws and would negatively impact the orderly development of the neighborhood.

VOTE:

Motion to Grant by: Stephen Bernard
Seconded by: Toni Goncalves

IN FAVOR: 0

OPPOSED: 5

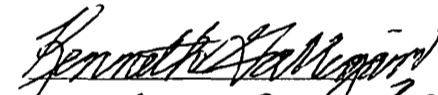
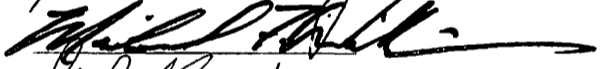
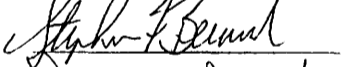
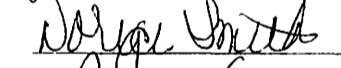
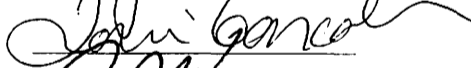
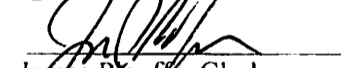
Kenneth Galligan, Chairman


Michael Williams, Fire Chief

Stephen Bernard

Doryce Smith

Toni Goncalves







James Plouffe, Clerk


Anthony Zeoli, City Clerk

ANY APPEAL MUST BE MADE
WITHIN 20 DAYS FROM THIS
DATE APR 30 2021 PURSUANT
TO M.G.L.C. 40A SECTION 17.