

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 Wednesday, October 14, 2020, at 6:00 p.m.

**IN RE: 20-68** Petition of DAVID & PATRICIA SOUSA, 21 Dutchland Avenue, Brockton, MA, for relief from rear setbacks for an addition to the home in an R-1 Zone, located at 21 DUTCHLAND AVENUE.

**PETITIONER'S STATEMENT:** The petitioners David and Patricia Sousa along with the contractor Gregory Ernst presented to the board, Certified Site Plan and Sunroom Floor Plans. They are seeking permission to construct a 3 season porch off of the kitchen. The sunroom will be constructed on the existing patio. It will be used for extra gathering space when family is over. The sunroom will have no heat or a/c and will not be used as an office.

**OPPOSITION:** None

**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 location of the house foundation and the inability to locate the proposed 3 season sunroom at another location on the house. Granting the requested setback would not derogate from the intent of the zoning by-laws and will not negatively impact the orderly development of the neighborhood. This sunroom addition shall not be used as a permanent living area nor for any business/commercial use. All representations in petitioners statement and plans submitted dated 9/10/2020 shall be incorporated by reference as stipulations recorded herewith. There was no opposition presented at the hearing.

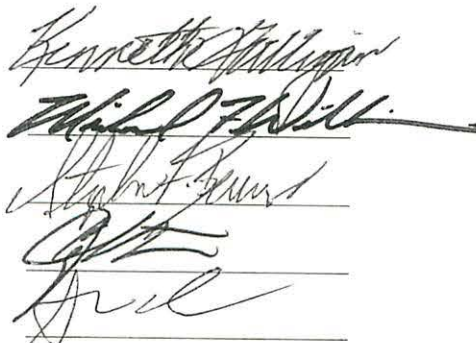
**VOTE:**

Motion to Grant by:  
Seconded by:

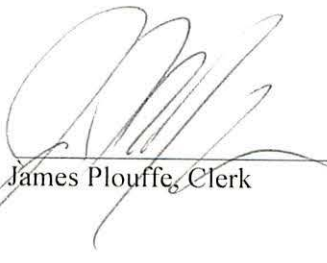
Craig Pina  
Michael Williams

**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

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

City Clerk

RECEIVED AND FILED: November 18, 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, Massachusetts, on Wednesday, October 14, 2020, at 6:00 p.m.

**IN RE: 20-69** Petition of LISA MULVEY, 147 Pine Street, Brockton, MA, for permission to construct a garage/personal function room due to large and expanding family in an R-1-C Zone, located at 147 PINE STREET.

**PETITIONER'S STATEMENT:** The petitioner Lisa Mulvey presented to the board, Site and Floor Plans. The petitioner is seeking permission to construct a garage with an area for family to gather. The Mulveys have 5 children with spouses and 10 grandchildren with one more on the way. The new garage will have no running water. The existing garage is used by her son to care for the family vehicles.

**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 the petitioner failed to demonstrate a hardship at the locus. The plans submitted were incomplete relating to current structure size and occupancy, lacked parking plans and greenspace. Brockton Zoning Regulations, Section 27-25 (2) prohibits any accessory use in an R-1 Zone that occupies more than thirty (30) percent of one floor of the principal building or more than equivalent floor area in an accessory building. Granting would derogate from the intent of the zoning by-laws and will negatively impact the orderly development of the neighborhood.

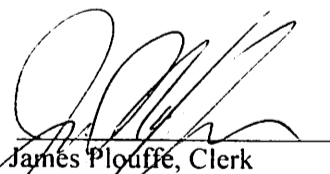
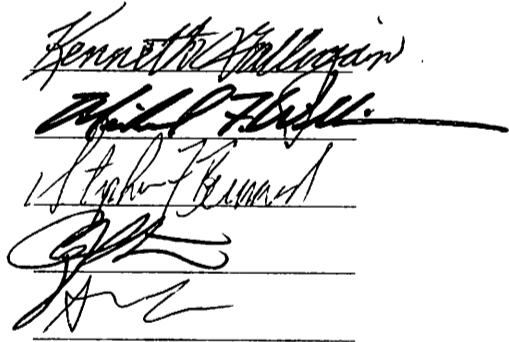
**VOTE:**

Motion to Grant by:  
Seconded by:

Craig Pina  
Stephen Bernard

**IN FAVOR: (0)**  
**OPPOSED: (5)**

Kenneth Galligan, Chairman  
Michael Williams, Fire Chief  
Stephen Bernard  
Craig Pina  
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:** 20-70 Petition of JOYCE M. FORTES, 161 Litchfield Street, Brockton, MA, for a Variance for relief from Sec. 27-20, for the installation of an in-ground swimming pool in a R-1-C Zone, located at 161 LITCHFIELD STREET.

**PETITIONER'S STATEMENT:** The petitioner, Joyce Fortes along with the Engineer Azu Etoniru presented to the board Site Plans showing the proposed swimming pool. Ms. Fortes is seeking permission to construct a kidney shape swimming pool in the rear of the yard.

**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 found that a hardship exists at the locus and the proposed location of the in ground swimming pool due to the location of the house foundation and the required side yard setback requirement. Granting the requested relief with the proposed 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 will be situated and will not be detrimental to the existing neighborhood. All representations in petitioners statement and plans submitted dated 9/9/2020, shall be incorporated by reference as stipulations recorded herewith. There was no opposition presented at the hearing.

**VOTE:**

Motion to Grant by:

Seconded by:

Craig Pina

Michael Williams

**IN FAVOR: (4)**

Kenneth Galligan, Chairman

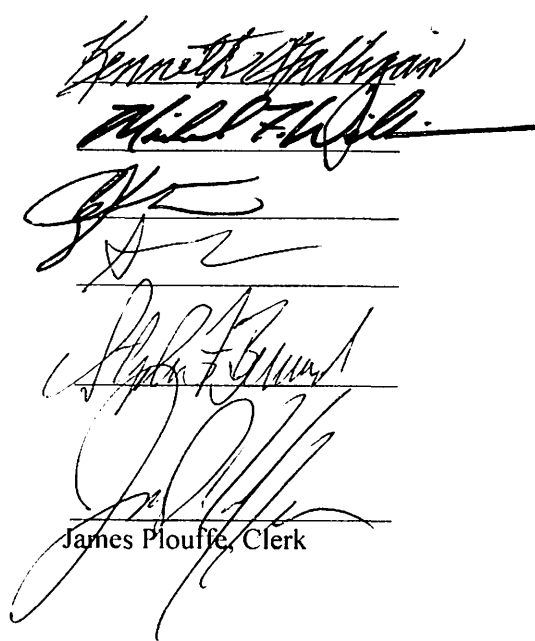
Michael Williams, Fire Chief

Craig Pina


Steve Lainas

**OPPOSED: (1)**

Stephen Bernard



James Plouffe, Clerk

  
\_\_\_\_\_  
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 Wednesday, October 14, 2020 at 6:00 p.m.

**IN RE:** 20-71 Petition of HANS LAGUERRE, 25 Third Street, Brockton, MA, for relief from Sec. 27-27, to open a restaurant in a R-3 Zone, located at 948 WARREN AVENUE.

**PETITIONER'S STATEMENT:** The petitioner, Hans Laguerre, presented to the board Floor Plans for the restaurant with Menu. Mr. Laguerre has owned the building for 10 years which houses a mobile repair shop. He is seeking permission to add a restaurant for take-out only. The supplies will be bought and delivered by the petitioners. Delivery will be added for customers.

**OPPOSITION:** Abutter Steve Torrey stated his opposition being a residential area.

**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 petitioner failed to demonstrate a hardship at the locus. No off-street parking is available for the proposed use and on street parking very limited. The proposed expansion of the use of the current building will be of such location, size and character that, generally, it will not be in harmony with the appropriate and orderly development within the multi family zone in which the proposed use is situated and would be detrimental to the existing neighborhood and adjacent properties. The owner of adjacent properties to the proposed site spoke in opposition to the granting citing specifically the lack of parking and negative impact to the adjacent residential occupancies.

**VOTE:**

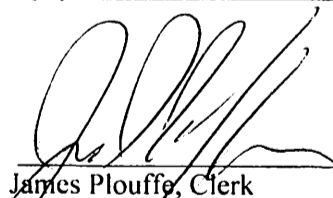
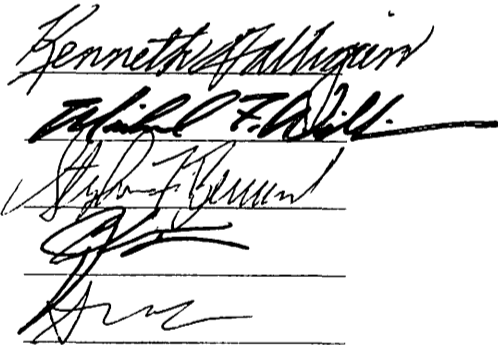
Motion to Grant by:  
Seconded by:

Craig Pina  
Michael Williams


**IN FAVOR: (0)**

**OPPOSED: (5)**

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



James Plouffe, Clerk



Anthony Zeoli, City Clerk

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TO M.G.L.C. 40A SECTION 17.

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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 Wednesday, October 14, 2020 at 6:00 p.m.

**IN RE:** 20-72 Petition of JOHN J. STAGNONE, 6 Westview Drive, Stoughton, MA, for a Variance from Art. III, Sec. 27-9 & 27-13 (a), for permission to construct a single family home on an existing lot or to overturn the negative determination of the Inspector of Building in an R-1-C Zone, located at PLOT 5/ 0 GLENDALE STREET.

**PETITIONER'S STATEMENT:** Attorney Christopher Veale presented to the board Certified Site Plan and House Plans. They are asking that the board overturns the negative buildable lot determination and grant permission to construct a single family home. If the board agrees with the Building Commissioner, they will seek a Variance to have the home built.

**OPPOSITION:** None

**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 lot 5 was comprised of two (2) separate lots that were described as Parcel one (1) and Parcel two (2) each separately described with separate metes and bounds description what were each described in one (1) deed dated July 12, 1989 with the two (2) lots merged. The parcel contains 7,899 sq.ft. with 57.50 feet of frontage on Glendale Street with both deeds predating the current zoning regulations. The parcel has a unique topography slope from East to West and contains an area similar and consistent with nearby all of the neighborhood surrounding lots. The current condition of the lot is unsightly and there is not adjacent land in common ownership. The single family proposed development of the site will be of such size and character that, generally it will be in harmony with the appropriate and orderly development of the zone in which the dwelling is proposed and will not be detrimental to the existing neighborhood or orderly development of adjacent properties. All representations in petitioners statement and plans submitted dated 9/9/2020 shall be incorporated by reference as stipulations recorded herewith. There was no opposition presented at the hearing.

**1<sup>st</sup> VOTE TO OVERTURN THE BUILDING COMMISSIONERS DECISION**

**VOTE:**

Motion to Grant by:

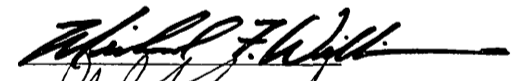
Craig Pina

Seconded by:

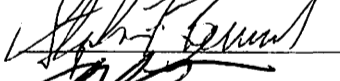
Stephen Bernard

**IN FAVOR: (4)**


Michael Williams, Fire Chief



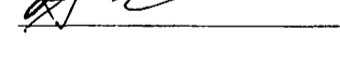
Stephen Bernard



Craig Pina



Steve Lainas



**OPPOSED: (1)**

Kenneth Galligan, Chairman



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OCT 27 2020

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*Anthony J. Zeoli*

Con't  
20-72

2<sup>nd</sup> VOTE TO GRANT A VARIANCE

**VOTE:**

Motion to Grant by:  
Seconded by:

Craig Pina  
Stephen Bernard

**IN FAVOR: (4)**

Michael Williams, Fire Chief  
Stephen Bernard  
Craig Pina  
Steve Lainas

*Michael Williams*  
*Stephen Bernard*  
*Craig Pina*  
*Steve Lainas*

**OPPOSED: (1)**

Kenneth Galligan, Chairman

*Kenneth Galligan*

*James Plouffe*  
James Plouffe, Clerk

*Anthony J. Zeoli*  
Anthony Zeoli, City Clerk

City Clerk

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CITY OF BROCKTON  
ZONING BOARD OF APPEALS

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**IN RE:** 20-73 Petition of JOHN J. STAGNONE, 6 Westview Drive, Stoughton, MA, for a Variance from Art. III, Sec. 27-9 & 27-13 (a), for permission to construct a single family home on an existing lot in an R-1-C Zone, located at PLOT 2/ 0 GLENDALE STREET.

**PETITIONER'S STATEMENT:**

**OPPOSITION:**

**DECISION:**

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

**VOTE:**

Motion to Grant by:  
Seconded by:

**IN FAVOR: ( )**

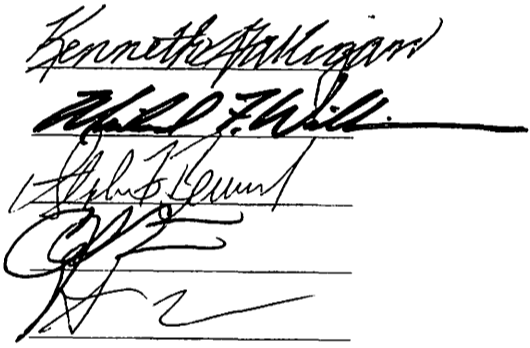
Kenneth Galligan, Chairman

Michael Williams, Fire Chief

Stephen Bernard

Craig Pina

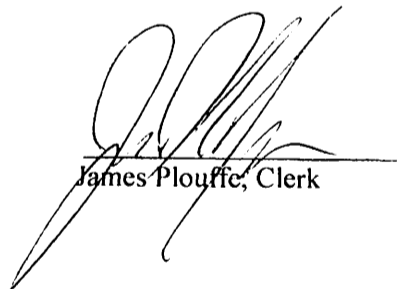
Steve Lainas



**OPPOSED: ( )**



Anthony Zeoli, City Clerk



James Plouffe, Clerk

City Clerk

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CITY OF BROCKTON  
ZONING BOARD OF APPEALS

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**IN RE:** 20-74 Petition of KEMAR WHITE, 55 Prospect Street, Brockton, MA, for a Variance from Art. III, Sec. 27-9 & 27-13 (a), for permission to convert a single family home to a two (2) family home in an R-1-C Zone, located at 55 PROSPECT STREET.

**PETITIONER'S STATEMENT:** Attorney Christopher Veale along with the petitioner Kemar White presented to the board, Site Plans and Floor Plans. Mr. White is before the board seeking permission to convert his single family home into a two family home. The size of the home will stay the same. A list of neighbors supporting this petitioner was given to all board members.

**OPPOSITION:** None

**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 the current owner of the locus was presented a two (2) family dwelling the time of purchase and discovered several years later that City of Brockton real estate records indicate the locus to be a single family dwelling. Without continuing the use as a two (2) family as the current locus is structured, a severe financial impact will result to the current occupant/owner. The continued use of the locus as a two (2) family dwelling with off-street parking will be of such location, size and character surrounded by similar multifamily dwellings that, generally, it will be in harmony with the appropriate continued orderly development of the zone in which it is situated 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 city. The petitioner/owner shall maintain the existing right of way clear and unobstructed for access to the rear dwelling open and free of any parking vehicles. All representations in petitioners statement and submitted plans dated 9/8/2020 shall be incorporated by reference as stipulations recorded herewith. Many surrounding and adjacent residents submitted written testimony in favor of granting the Variance to allow for continued use of the site as a two (2) family dwelling.

**VOTE:**

Motion to Grant by:

Seconded by:

Stephen Bernard

Craig Pina

**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

City Clerk

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