

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, June 8, 2021, at 6:00 p.m.

**IN RE: 21-50** 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-six (56) residential units in an R-2 Zone, located at **15 RUTLAND SQUARE**.

**PETITIONERS STATEMENT:** Attorney, John Creedon, Land Surveyor, Scott Faria, Owner, Edward Franco and Architect, Kevin Patton presented to the Board, Exhibit A, Plot plan, Exhibit B, Floor plans and Exhibit C, photos. They are requesting a Variance for fifty-six 56 residential apartments. They are requesting half the amount of parking spaces required due to the proposed project is within walking distance to the commuter rail. There will be multiple egresses and including a basement egress. A large courtyard will be available the tenants to enjoy.

**OPPOSITION:** Two abutters spoke 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 site to allow for a Variance to restructure/construct a currently unused former Commercial structure to allow for fifty-six (56) Residential units with fifty-seven (57) on-site parking spaces. The locus has been vacant for several years, has found no future use as a Commercial site, poses a public safety concern to the site and surrounding neighborhood and the proposed use represents an acceptable use for the locus. The lot is of unique size and shape relative to all other residential lots in the neighborhood, and with the proposed additional parking as shown on the plan will provide the fifty-seven (57) parking spaces. The developer/owner of the site stated and agreed that the green space shall be developed as shown on plans submitted and dated 3/5/2021, that all site lighting shall be downward facing with no spill over onto adjacent properties and no parking allowed in front of any and all exit doors and exit ways. Granting would not derogate from the intent of the zoning by-laws and will not negatively impact the orderly development of the surrounding 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 3 City Councilor spoke in favor of granting the requested Variance.

**VOTE:**

Motion to Grant by: Stephen Bernard  
Seconded by: James Sweeney

**IN FAVOR: 4**

Michael Williams, Fire Chief

Stephen Bernard

Steven Laine

James Sweeney

**OPPOSED:**

Kenneth Galligan, Chairman

RECEIVED AND FILED: July 14, 2021  
I, TIMOTHY J. CRUISE, ASSISTANT 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

RECEIVED  
2021 JUN 21 11:25  
CITY CLERK'S OFFICE  
BROCKTON, MA.

*Anthony J. Zeoli*

Anthony Zeoli, City Clerk

*Michael Williams*  
*Stephen Bernard (KS)*  
*Steven Laine*  
*Kenneth Galligan*  
*James Plouffe*  
James Plouffe, Clerk

COMMONWEALTH OF MASSACHUSETTS  
CITY OF BROCKTON  
ZONING BOARD OF APPEALS

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**IN RE: 21-51** Petition of **MARCILINA CORLITO**, 11 Davis Avenue, Brockton, MA, for permission to construct a front porch in an R-1-C Zone, located at 11 DAVIS AVENUE.

**PETITIONERS STATEMENT:** The Petitioner mentioned that she wanted to replace the front steps. When the Chairman questioned her about the porch that was constructed and not permitted, she stated that she only wanted to replace the front steps. The Chairman, then, suggested to the Board members that he would entertained a motion and vote allowing the Petitioner to return to the Zoning Board of Appeals more prepared. The Petitioner understood and agreed to this suggestion.

**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 petitioner was unprepared to proceed with a hearing requesting a Variance from front and side yard setback requirements under Section 27.9. The Board voted to allow the Petitioner to withdraw to sufficiently prepare for a future hearing.

**VOTE:**

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

**IN FAVOR: 5**

- Kenneth Galligan, Chairman
- Michael Williams, Fire Chief
- Stephen Bernard
- Steven Lainas
- James Sweeney

**OPPOSED: 0**

*Kenneth Galligan*  
*Michael Williams*  
*Stephen Bernard* (KB)  
*Steve Lainas*  
*James Sweeney*

A TRUE COPY ATTEST

*Timothy J. Cruise*

James Plouffe, Clerk

*Anthony Zeoli*  
Anthony Zeoli, City Clerk

ANY APPEAL MUST BE MADE  
WITHIN 20 DAYS FROM THIS  
DATE JUN 21 2021 PURSUANT  
TO M.G.L.C. 40A SECTION 17.

RECEIVED  
2021 JUN 21 A 11:45  
CITY CLERK'S OFFICE  
BROCKTON, MA

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CITY OF BROCKTON  
ZONING BOARD OF APPEALS

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**IN RE:** 21-52 Petition of PAUL & ASHLEY ALMEIDA, 38 Hobson Street, Brockton, MA, for a residential kennel license to keep 5 dogs in an R-1-C Zone, located at 38 HOBSON STREET.

**PETITIONERS STATEMENT:** Petitioner Ashley Almeida, presented to the Board, Exhibit A, Animal Control Report, Exhibit B, dwelling and dog photos. The Petitioner is asking permission to have her four (4) English Mastiffs and one (1) Irish Wolf hound allowed to reside at her home.

**OPPOSITION:** A direct abutter spoke 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 that granting of a Special Permit to allow for the Residential Kennel License for keeping five (5) dogs at the site would not be in harmony with the development of the zone and would negatively impact the neighborhood.

**VOTE:**

Motion to Grant by: Stephen  
Seconded by: Michael Williams

**IN FAVOR: 0**

**OPPOSED: 5**

- Kenneth Galligan, Chairman
- Michael Williams, Fire Chief
- Stephen Bernard
- Steven Lainas
- James Sweeney

*Kenneth Galligan*  
*Michael Williams*  
*Stephen Bernard* (KS)  
*Steven Lainas*  
*James Sweeney*  
 James Sweeney, Clerk

*Anthony Zeoli*  
 Anthony Zeoli, City Clerk

A TRUE COPY ATTEST  
*Timothy J. Cruise*

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CITY OF BROCKTON  
ZONING BOARD OF APPEALS

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**IN RE: 21-53** Petition of JAZLYN DANIEL WALKER, P. O. Box 240080, Dorchester, MA, for a Special Permit to open a sober house in an R-3 Zone, located at 11 FULLER STREET.

**PETITIONERS STATEMENT:** Owner, Jazlyn Daniels Walker, presented to the Board, Exhibit A, Letter and Mission Statement, Exhibit B, Plot plan and Exhibit C, Floor plan. The Petitioner is seeking to turn the three (3) family dwelling into a sober house. Her facility would have a curfew, security lights, random testing, job search and living placement strategies. There would be a maximum of fifteen (15) tenants with an onsite housing manager. This establishment would house only female tenants.

**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 Special Permit request for the proposed use of the locus for a sober house for not more than fifteen (15) female clients at any one time that will be in full compliance with all safety and occupancy regulations pertaining to the proposed use will be in harmony with the development of the zone and not negatively impact the neighborhood. All representations in petitioner's statements 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

Steven Lainas

James Sweeney

**OPPOSED: 0**

*Kenneth Galligan*  
*Michael Williams*  
*Stephen Bernard* (US)  
*Steven Lainas*  
*James Sweeney*  
*James Plouffe*  
James Plouffe, Clerk

*Anthony J. Zeoli*  
Anthony Zeoli, City Clerk

RECEIVED  
2021 JUN 21 A 11:26  
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BROCKTON, MA.

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COMMONWEALTH OF MASSACHUSETTS  
CITY OF BROCKTON  
ZONING BOARD OF APPEALS

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**IN RE: 21-54** Petition of **THOMAS & CHRISTINE TAYLOR**, 129 Grove Street, Brockton, MA, from Sec. 27-9, to build a 20 x 40 garage in rear of home in an R-1-C Zone, located at **129 GROVE STREET**.

**PETITIONERS STATEMENT:** Owners, Christine and Thomas Taylor, presented to the Board, Exhibit A, garage photos, Exhibit B, Plot plan. They would like a 20 X 40 garage in the rear of the property for their own personal use. All other shed structures would be removed.

**OPPOSITION:** None

**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 no hardship dealing with the locus. Granting would derogate from the intent of the zoning by-laws and will negatively impact the orderly development of the neighborhood. Vis. Section 27-25 (2) "Any accessory use in an R-1 zone shall not occupy more than thirty (30) percent of one floor of the principal building or more than an equivalent floor area in an accessory building."

**VOTE:**

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

**IN FAVOR: 0**

Kenneth Galligan, Chairman  
Michael Williams, Fire Chief  
Stephen Bernard  
Steven Lainas  
James Sweeney

**OPPOSED: 5**

*Kenneth Galligan*  
*Michael Williams*  
*Stephen Bernard* (B)  
*Steven Lainas*  
*James Sweeney*  
*James Proffice*

James Proffice, Clerk

*Anthony Zeoli*  
Anthony Zeoli, City Clerk

A TRUE COPY ATTEST  
*Timothy J. Cruise*

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ZONING BOARD OF APPEALS

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**IN RE: 21-55** Petition of ATTORNEYS ROBERT PELEGRINI & PAULA MILLER, 63 Main Street, Suite 1, Bridgewater, MA, for a Variance from Art. III, Sec. 27-9-Table 1, to build a second story on a single family home in an R-1-C Zone, located at **293 LYNN ROAD.**

**PETITIONERS STATEMENT:** Attorney, Robert Peligrini, Attorney Paula Miller and Architect, Laura Barzola, presented to the Board, Exhibit A, Plot plan, Exhibit B, Floor plans and Exhibit C, Memo in Support. They are seeking to build a second story to the single-family dwelling. They also wish to construct a home office off the back of the dwelling. The In-laws have moved in and they are all working from home and need the extra space.

**OPPOSITION:** One letter 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 location of the existing foundation creates a hardship at the site. Granting the requested minor setback relief would not derogate from the intent of the zoning by-laws and will not negatively impact the orderly development of the neighborhood. The granting does not allow floor any in-law apartment at the locus. All representations in petitioner's statement shall be incorporated by reference as stipulations recorded herewith. One email correspondence in opposition from an adjacent neighbor was received by the Board.

**VOTE:**

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

**IN FAVOR: 5**

Michael Williams, Fire Chief

Stephen Bernard

Steven Lainas

James Sweeney

**OPPOSED: 1**

Kenneth Galligan, Chairman

*Anthony J. Zeoli*

Anthony Zeoli, City Clerk

*Michael Williams*  
*Stephen Bernard (K3)*

*Steven Lainas*  
*James Sweeney*

*Kenneth Galligan*

*James Plouffe*  
James Plouffe, Clerk

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ZONING BOARD OF APPEALS

ZONING BOARD OF APPEALS held a meeting in the Council Chambers, City Hal, Brockton, Massachusetts, on Tuesday, June 8, 2021 at 6:00 p.m.

**IN RE:** 21-56 Petition of STACEY BORDEN, 32 Shaw Road, Brockton, MA, from Sec. 27-9, to construct an addition in an R-1-C Zone, located at 32 SHAW ROAD.

**PETITIONERS STATEMENT:** Architect, William Turville and homeowner, Stacey Borden, presented to the Board, Exhibit A, plot plan, Exhibit B, floor plans and Exhibit C, Outside and inside photos. They are requesting to construct an addition for extra space on the legal non-conforming, undersized plot and dwelling. The addition would fall in the property zone setback requirements.

**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 location of the existing foundation creates a hardship at the site. Granting the requested minor setback relief would not derogate 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 shall be incorporated by reference as stipulations recorded herewith. The lot was established prior to the current zoning regulations.

**VOTE:**

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

**IN FAVOR: 5**

Kenneth Galligan, Chairman  
Michael Williams, Fire Chief  
Stephen Bernard  
Steven Lainas  
James Sweeney

**OPPOSED: 0**

*Kenneth Galligan*  
*Michael Williams*  
*Stephen Bernard* (B)  
*Steven Lainas*  
*James Sweeney*

James Plouffe, Clerk

*Anthony J. Zeoli*

Anthony Zeoli, City Clerk

RECEIVED  
2021 JUN 21 A 11: 27  
CITY CLERK'S OFFICE  
BROCKTON, MA.

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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, June 8, 2021 at 6:00 p.m.

**IN RE: 21-57** Petition of **GRAND FLOURISH COLLECTIVE, LLC**, 153 Manomet Street, Brockton, MA, relief from Sec. 27-29 & 27-32, to request a Special Permit and Variance to open and operate a tattoo parlor in a C-2 Zone, located at **826 CRESCENT STREET**.

**PETITIONERS STATEMENT:** Attorney, Sean Murphy and Grand Flourish Collective, LLC, presented to the Board Exhibit A, Floor plan, Exhibit B, photos, and Exhibit C, Memo in Support. They seek to open a tattoo parlor at this C-2 zoned property. There are very few C-5 properties that are available to open a tattoo parlor. They will add landscaping and ADA compliant ramp. Hours of Operation would be 12 noon to 9:00 PM, Seven (7) days a week.

**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 a hardship exists with the severely limited availability of zoned sites for a tattoo operation. The proposed location in a current C-2 zone represents a satisfactory commercial location for this proposed use and will not negatively impact the orderly development of the site and the neighborhood. The Petitioner requested and was allowed hours of operation from 12 noon to 9:00 PM, seven (7) days a week. City Councilor, Jeffrey Thompson, Ward 5 and City Councilor, Rita Mendez spoke in favor of granting the Variance and Special Permit. All representations in petitioner's statement shall be incorporated by reference as stipulations recorded herewith.

**VOTE:**

Motion to Grant by: Michael Williams  
Seconded by: James Sweeney

**IN FAVOR: 5**

Kenneth Galligan, Chairman

Michael Williams, Fire Chief

Stephen Bernard

Steven Lainas

James Sweeney

**OPPOSED: 0**

*Kenneth Galligan*  
*Michael Williams*  
*Stephen Bernard* (KS)  
*Steven Lainas*  
*James Sweeney*  
*James Plouffe*  
James Plouffe, Clerk

*Anthony Zeoli*  
Anthony Zeoli, City Clerk

CITY CLERK'S OFFICE  
BROCKTON, MA.

2021 JUN 21 A 11: 27

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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, June 8, 2021 at 6:00 p.m.

**IN RE: 21-58** Petition of LYNCH'S TOWING C/O PHILIP NESSRALLA, 1063 North Main Street, Brockton, MA, for a Variance from Sec. 27-9, 27-25, Appendix C 27-63(h), 27-57(3), to operate a tow facility in the rear portion of the property, conduct repair business within the building to be constructed, conduct sale of motor vehicles on the front portion facing West Chestnut Street, erect a LED roof sign and allow compressed gravel ground covering the yard area in an R-1-B Zone, located at PLOTS 36-3 & 36-4 LINWOOD STREET/ WEST CHESTNUT AND HOLLAND STREET.

**PETITIONERS STATEMENT:** Attorney Philip Nessralla, Land Surveyor, Scott Faria, and owner, David Lynch presented to the Board, Exhibit A, Memo in Support and Exhibit B, Plot plan. They picked this location where the Brockton and surrounding areas can be best served. The operation will be vailed by an eight (8) ft fence and Arborvitaes. The overhang doors nor the roof top sign will be facing the residential area. No vehicles will be towed onto this site out of hours of operation. They will be delivered to 706 West Chestnut Street. The lot on this property will only be lighted for security purposes. There will be ample plantings and green space.

**OPPOSITION:** Numerous abutters spoke and wrote letters of opposition.

**DECISION:** Denied

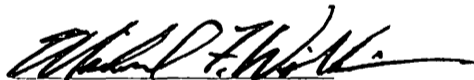
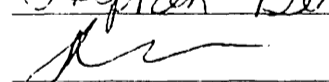
**BASIS:** After reviewing the application, plans, information submitted and giving due consideration to testimony given at the public hearing, the Board found no hardship with the locus. Granting of the requested Variance to allow for a Commercial use in the Residential zone particularly considering the size and scope of the proposed use would negatively impact the orderly development of the neighborhood and would derogate from the intent of the zoning by-laws. The Board considered extensive opposition to granting the Variance from surrounding and adjacent neighbors and elected officials.

**VOTE:**

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



**IN FAVOR: 3**

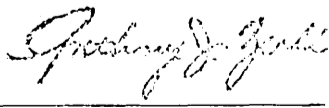
Michael Williams, Fire Chief  
Stephen Bernard  
Steven Lainas

  
Stephen Bernard (165)  


**OPPOSED: 2**


Kenneth Galligan, Chairman  
James Sweeney

  
  
James Plouffe, Clerk

  
Anthony Zeoli, City Clerk

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A TRUE COPY ATTEST

  
Timothy J. Cruise

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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, June 8, 2021 at 6:00 p.m.

**IN RE: 21-59** Petition of **248 BELMONT STREET INVESTMENT, LLC**, 24 Schoosett Street, Pembroke, MA, from 27-27, 27-9, to build two (2) story with eight (8) units total with four (4) units on each floor in an R-3-C Zone, located at **248 BELMONT STREET**.

**PETITIONERS STATEMENT:** Attorney, Philip Nessralla and Land Surveyor, Scott Faria, submitted to the Board Exhibit A Plot Plan and Exhibit B, Memo in Support. There will be four (4) units each on the 1<sup>st</sup> and 2<sup>nd</sup> floor. This is a substantially residential neighborhood that morphed into commercial. They are asking for relief of frontage.

**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 granting would not derogate 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 shall be incorporated by reference as stipulations recorded herewith.

**VOTE:**

Motion to Grant by: Stephen Bernard  
Seconded by: James Sweeney

**IN FAVOR: 4**

Michael Williams, Fire Chief

Stephen Bernard

Steven Lainas

James Sweeney

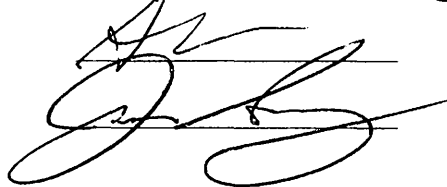
**OPPOSED: 1**

Kenneth Galligan, Chairman

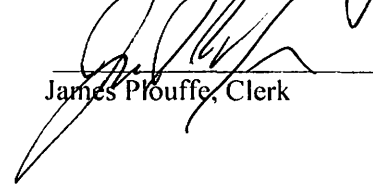
Anthony Zeoli, City Clerk



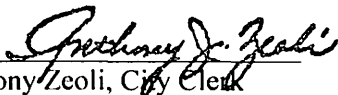
Stephen Bernard (CS)



Kenneth Galligan



James Plouffe, Clerk



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BROCKTON, MA

2021 JUN 21 AM 11:27

RECEIVED

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, June 8, 2021 at 6:00 p.m.

**IN RE:** 21-60 Petition of DOMINGOS LOPES, 50 Farrington Street, Brockton, MA, for a Variance from Sec. 27-9, to construct a multi family residence in an R-2 Zone, located at 50 FARRINGTON STREET.

**PETITIONERS STATEMENT:** Attorney, Philip Nessralla, Land Surveyor, Scott Faria and Owner, Domingo Lopes presented to the Board, Exhibit A, Plot plan. Mr. Lopes lot is two (2) to three (3) times larger than other surrounding lots. The residents would be able to park on abutting parcel owned by the same entity. They commented that the lot cannot be used for anything at the moment except for paying a large amount in taxes.

**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 large lot size with topography challenges that are unique to this site. The lot is much larger than surrounding properties and if improved with a dwelling would enhance the neighborhood and alleviate the unsightly conditions prevailing. The existing dwelling new parking area to be developed at the rear of the dwelling shall be constructed so as not to exacerbate water runoff to adjacent properties. The new dwelling on the new lot shall be provided with a raised curb between the two (2) new driveways to ensure maintaining the greenspace. All representations in petitioner's statement shall be incorporated by reference as stipulations recorded herewith. The Board supports the division of the property to create two (2) lots.

**VOTE:**

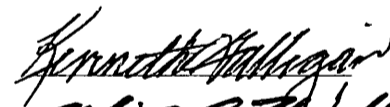
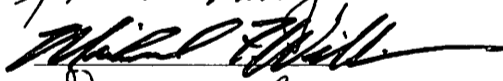
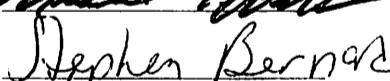
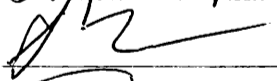
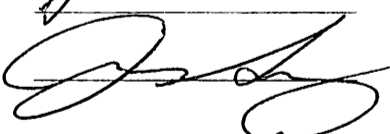
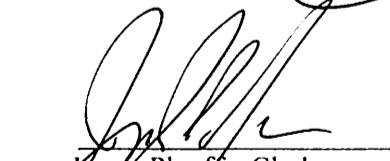
Motion to Grant by: Stephen Bernard  
Seconded by: Steve Lainas

**IN FAVOR: 5**

- Kenneth Galligan, Chairman
- Michael Williams, Fire Chief
- Stephen Bernard
- Steven Lainas
- James Sweeney

**OPPOSED: 0**

  
Anthony Zeoli, City Clerk

  
  
 (145)  
  
  
  
James Plouffe, Clerk

RECEIVED  
CITY CLERK'S OFFICE  
JUN 21 2021

OPEN FILE

ANY APPEAL MUST BE MADE  
WITHIN 20 DAYS FROM THIS  
DATE JUN 21 2021 PURSUANT  
TO M.G.L.C. 40A SECTION 17.

RECEIVED AND FILED: July 14, 2021  
I, TIMONTHY J. CRUISE, ASSISTANT 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, Brockton, Massachusetts, on Tuesday, June 8, 2021 at 6:00 p.m.

**IN RE: 21-61** Petition of **MARIA FLORES**, 19 Howland Circle, Stoughton, MA, for a Variance from Sec. 27-26, to use a pre-existing second apartment. Owner in compliance with Planning Board request, owner will construct two (2) separate outdoor stairs from second floor as egress in an R-2 Zone, located at **598 NORTH MAIN STREET**.

**PETITIONERS STATEMENT:** Attorney Philip Nessralla, on behalf of property owner, Maria Flores, presented to the Board, Exhibit A, plot plan, Exhibit B, floor plans and Exhibit C, Memo in Support. Attorney Nessralla states that the Petitioner purchased this property with the understanding that it was a legal two (2) family dwelling. The City of Brockton Assessors Office had it listed as a two (2) family. City planning had suggested two forms of egress from the second story. The Petitioner would like to have two (2) apartments on the second floor and have the first floor as a Commercial space.

**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 granting the request to occupy the building with two (2) apartments of the second floor and a small commercial occupancy on the first floor would not derogate from the intent of the zoning by-laws was occupied in a similar fashion in past years, is similar in use to surrounding properties and will be in harmony with the development with the zone and not negatively impact the neighborhood. On-site parking shall be developed as shown on plans submitted and there shall be at least two full stairway exits/entrances to the second-floor apartments in compliance with applicable building codes and regulations.

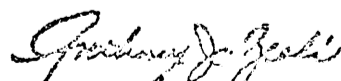
**VOTE:**

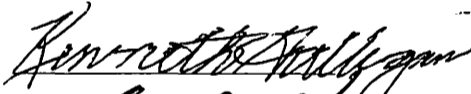




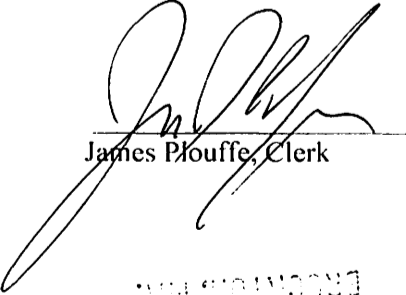
Motion to Grant by: Steve Lainas  
Seconded by: James Sweeney

**IN FAVOR: 5**

- Kenneth Galligan, Chairman
- Michael Williams, Fire Chief
- Stephen Bernard
- Steven Lainas
- James Sweeney

**OPPOSED: 0**

  
Anthony Zeoli, City Clerk

  
  
  
  
  
  
James Plouffe, Clerk

RECEIVED  
CITY CLERK'S OFFICE  
2021 JUN 21 AM 11:27

RECEIVED AND FILED: July 14, 2021  
I, TIMONTHY J. CRUISE, ASSISTANT 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, Brockton, Massachusetts, on Tuesday, June 8, 2021 at 6:00 p.m.

**IN RE:** 21-62 Petition of RAUL A. PIRES, 643 North Main Street, Brockton, MA, to construct exterior egress stairs in a C-2 Zone, located at 643 NORTH MAIN STREET.

PETITIONERS STATEMENT:

OPPOSITION:

DECISION:

**BASIS:** The Petitioner failed to pay the required Zoning Board application fee prior to the hearing. The Zoning Board did not hear the case.

VOTE:

Motion to Grant by:

Seconded by:

IN FAVOR: 0

Kenneth Galligan, Chairman

Michael Williams, Fire Chief

Stephen Bernard

Steven Lainas

James Sweeney

OPPOSED: 0

*Kenneth Galligan*  
*Michael Williams*  
*Stephen Bernard* (103)  
*Steven Lainas*  
*James Sweeney*  
*James Plouffe*  
James Plouffe, Clerk

*Anthony Zeoli*

Anthony Zeoli, City Clerk

A TRUE COPY ATTEST

*Timothy J. Cruise*

RECEIVED AND FILED: July 14, 2021

I, TIMOTHY J. CRUISE, ASSISTANT 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

RECEIVED AND FILED: July 14, 2021  
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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, June 8, 2021 at 6:00 p.m.

**IN RE: 21-63** Petition of **KARM HOSPITALITY, LLC**, 421 Stillman Road, Lynnfield, MA, for a Special Permit form Sec 27-29, C-2 Zones, general commercial zones subsection 3(h), Variance under Sec. 27-24, fencing and planting subsection 3a, to construct a new eighty two (82) room hotel and a Variance to allow a zero foot lot line buffer between the locus property and the adjacent D.W. Fields Park in a C-2 Zone, located at **PLOT 55/ 0 WESTGATE DRIVE**

**PETITIONERS STATEMENT:** Attorney, Patrick Sullivan, owner, Mahavin Patel of Karm Hospitality, LLC, Engineer, Eric Dias presented to the Board, Exhibit A, Hotel brochure and Exhibit B, Memo in Support. They have stated that this petition is allowed by right by Special Permit and the one Variance they seek is for a zero-foot setback from DW Parkway. It is surrounded by all Commercial properties and lies in a vacant meadow area.

**OPPOSITION:** None

**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 that the Petitioner failed to adequately address the requirements of Section 27-24, (3A), regarding any business that directly abuts a park or playground. The Petitioner proposal to allow for a zero-foot lot line buffer to the adjacent D.W. Field Park would derogate from the intent of the zoning by-laws and would negatively impact the orderly development of the neighborhood and negatively impact the Park. At the Brockton Park Commission meeting of June 3, 2021, the Commission voted to oppose the setback waiver for the project as presented and as a result, notified the Zoning Board by letter dated June 3, 2021 of their opposition to the relaxing of the required zoning setbacks. The petitioner failed to address issues relating to Section 27-24 (3A) nor adequately address to loss of parking currently located on the subject property that services the current occupant of proposed the new lot.

**VOTE:**

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

ANY APPEAL MUST BE MADE WITHIN 20 DAYS FROM THIS DATE JUN 21 2021 PURSUANT TO M.G.L.C. 40A SECTION 17.

**IN FAVOR:** 0

**OPPOSED:** 5

Kenneth Galligan, Chairman

Michael Williams, Fire Chief

Stephen Bernard

Steven Lainas

James Sweeney

*Kenneth Galligan*  
*Michael Williams*  
*Stephen Bernard* (K's)  
*James Plouffe*  
James Plouffe, Clerk

*Anthony Zeoli*  
Anthony Zeoli, City Clerk

A TRUE COPY ATTEST  
*Timothy J. Cruise*

RECEIVED AND FILED: July 14, 2021  
I, TIMOTHY J. CRUISE, ASSISTANT 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, Brockton, Massachusetts, on Tuesday, June 8, 2021 at 6:00 p.m.**

**IN RE: 21-64** Petition of **GLOBAL PROPERTY SERVICES, INC.**, 55 Winthrop Street, Rehoboth, MA, for a Variance from Sec. 27-13a, 27-9, Table 1, 27-61, definitions, petitioner seeks to construct and operate a group home authorized by M.G. L. c. 40 A, Sec. 3, that lacks sufficient lot frontage and lot width in an R-1-B Zone, located at **LINWOOD AND PLOT 75 BELMONT STREET.**

**PETITIONERS STATEMENT:** Attorney James Burke, Land surveyor, Scott Faria and Global Property Services, Inc., presented to the Board, Exhibit A, Plot plan, Exhibit B, Floor plans and Exhibit C, Memo in Support. They would like to construct and operate a group home that would be handled by the Charles River Center. There would be five (5) unrelated person (s) residing there.

**OPPOSITION:** Letters of 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 due to the unique large area, development challenges, unusual shape access and topography of the site. Development of the site for Residential Group Home use for not more than five (5) persons with disabilities that will have on-site staff 24 hours per day will not substantially alter the residential use and character of the surrounding neighborhood and will be in substantial conformity with the adjacent properties. The requested relief may be granted without substantial detriment to the public good, would not derogate from the intent of the zoning by-laws and will not negatively impact the orderly development of the neighborhood. The petitioner agreed as a condition of approval, to substantially landscape the driveway access to the site, install evergreen landscaping trees at the rear property line to #49 Linwood St and rear property line to #61 and #67 Linwood St. All onsite yard lighting shall be downward facing without spillover onto adjacent properties. All representations in petitioner's statement shall be incorporated by reference as stipulations recorded herewith. The Board considered the objection to developing the site from area residents.

**VOTE:**

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

**IN FAVOR: 4**

- Kenneth Galligan, Chairman
- Michael Williams, Fire Chief
- Stephen Bernard
- Steven Lainas

*Kenneth Galligan*  
*Michael Williams*  
*Stephen Bernard* (RB)  
*Steven Lainas*

**OPPOSED: 1**

- James Sweeney

*James Sweeney*  
 JAMES SWEENEY  
 CLERK  
 2021 JUN 21 AM 11:28

Anthony Zeoli, City Clerk

*Anthony Zeoli*

RECEIVED

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, June 8, 2021, at 6:00 p.m.

**IN RE: 21-65** Petition of **RIPPLE DEVELOPMENT GROUP, LLC.**, 182 Prospect Street, South Easton, MA, for a Variance to construct a two (2) family home in an R-1-C Zone, located at **PLOT 46 AMES STREET.**

**PETITIONERS STATEMENT:** Contractor, James Guerriere, presented to the Board, Exhibit A, Plot plan and Exhibit B, Floor plans. They are asking for relief of front and side setbacks and frontage. One of the side property lines abuts an R-2 zone. There are many two-family homes along the street and a three-family across the street.

**OPPOSITION:** None

**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 no hardship dealing with the locus. Adjacent structures extended over onto the original lot line causing an unacceptable lot line configuration that resulted in unacceptable side yard set back and rear setback layouts. Granting would derogate from the intent of the zoning by-laws and will negatively impact the orderly development of the neighborhood. The applicant did not present any evidence regarding elements of MGL Chapter 40A, Section 10 which would relate to any unique soil conditions, shape and topography of the land in question which would affect generally the zoning district.

**VOTE:**

Motion to Grant by: Stephen Bernard  
Seconded by: James Sweeney

**IN FAVOR:** 0

**OPPOSED:** 5

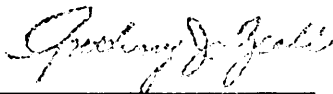
Kenneth Galligan, Chairman

Michael Williams, Fire Chief

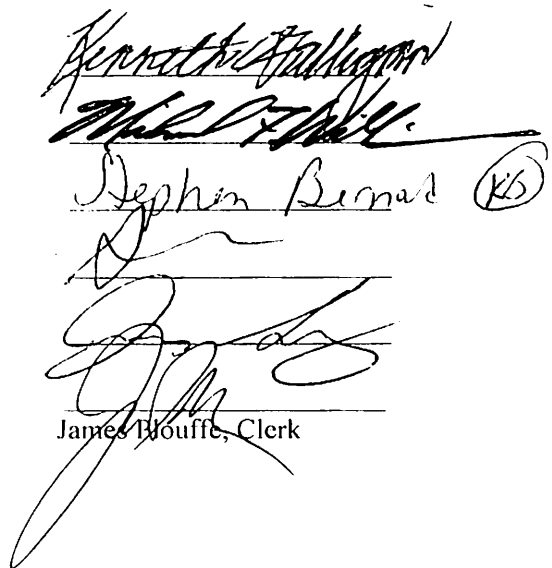
Stephen Bernard

Steven Lainas

James Sweeney



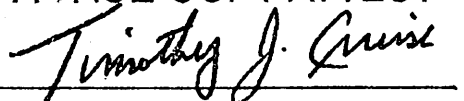
Anthony Zeoli, City Clerk



James Houffe, Clerk

ANY APPEAL MUST BE MADE  
WITHIN 20 DAYS FROM THIS  
DATE JUN 21 2021 PURSUANT  
TO M.G.L.C. 40A SECTION 17.

A TRUE COPY ATTEST



RECEIVED AND FILED: July 14, 2021  
I, TIMOTHY J. CRUISE, ASSISTANT 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 Tuesday, June 8, 2021 at 6:00 p.m.

**IN RE: 21-66** Petition of JANICE BREWER, 20 Central Avenue, Plymouth, MA, for a Variance from Art. III, Sec. 27-9, to construct a new single-family home in an R-3 Zone, located at 207 GREEN STREET.

**PETITIONERS STATEMENT:** Attorney, Christopher Veale, Architect, Azu Etoniru and owner, Janice Brewer presented to the Board Exhibit A, Plot plan, Exhibit B, Floor plans, Exhibit C, photos and Exhibit D, Memo in Support. The property has been vacant since 2018. The Petitioner purchased the property through foreclosure in 2017. With the property being vacant, it's a magnet for unwanted trash and a dumping ground for others.

**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 locus was the site of a prior residential structure that was destroyed and removed following a fire and located on a parcel created prior to current zoning. The site is physically poorly maintained and is a detriment to the surrounding neighborhood. The proposed use represents the best use of the site and its unique size creates a hardship for any development. Granting would not derogate from the intent of the zoning by-laws and will not negatively impact the development of the neighborhood of undersized lots. All representations in petitioner's statement shall be incorporated by reference as stipulations recorded herewith.

**VOTE:**

Motion to Grant by: Steve Lainas  
Seconded by: James Sweeney

**IN FAVOR: 5**

- Kenneth Galligan, Chairman
- Michael Williams, Fire Chief
- Stephen Bernard
- Steven Lainas
- James Sweeney

**OPPOSED: (0)**

*Kenneth Galligan*  
*Michael Williams*  
*Stephen Bernard (RS)*  
*Steven Lainas*  
*James Sweeney*  
*James Plouffe*  
 James Plouffe, Clerk

*Anthony Zeoli*  
 Anthony Zeoli, City Clerk

RECEIVED  
 ZONING BOARD OF APPEALS  
 JUN 14 2021  
 11:30 AM

RECEIVED AND FILED: July 14, 2021  
 I, TIMOTHY J. CRUISE, ASSISTANT 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, Brockton, Massachusetts, on Tuesday, June 8, 2021 at 6:00 p.m.

**IN RE:** 21-67 Petition of BROCKTON AREA ARC, 1250 West Chestnut Street, Brockton, MA, for a Variance from Art. XIV, Sec. 27-65(11), Art. III, Sec. 27-11, Table 3, to construct a new canopy to enclose the existing loading dock and to locate the business sign within the setback area in an I-1 Zone, located at 1250 WEST CHESTNUT STREET.

**PETITIONERS STATEMENT:** Attorney, Christopher Veale, Dean Rizzo, Executive Director for the Brockton Arc, and Land surveyor, Scott Faria, presented to the Board, Exhibit A, Plot plan, Exhibit B, proposed sign photos and Exhibit C, Memo in Support. The petitioner would like to add a new canopy and close the loading area. They would close the middle entrance making a true entrance and exit area and would add ample green space. Due to the size of the building there are not many viable options.

**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 location of the existing foundation creates a hardship at the site. There is no other location for the proposed canopy to provide for its intended purpose. Granting would not derogate from the intent of the zoning by-laws and will not negatively impact the orderly development of the neighborhood. Relief for sign setback is necessary due to the visibility changes created at the site and will not negatively affect safety and sight lines at the locus. All representations in petitioner's statement shall be incorporated by reference as stipulations recorded herewith.

**VOTE:**

Motion to Grant by: Steve Lainas  
Seconded by: James Sweeney

**IN FAVOR: 5**

Kenneth Galligan, Chairman

Michael Williams, Fire Chief

Stephen Bernard

Steven Lainas

James Sweeney

**OPPOSED: (0)**

*Kenneth Galligan*  
*Michael Williams*  
*Stephen Bernard (KS)*  
*Steven Lainas*  
*James Sweeney*

*James Plouffe*  
James Plouffe, Clerk

*Anthony Zeoli*  
Anthony Zeoli, City Clerk

RECORDED  
CITY OF BROCKTON  
COMMUNITY DEVELOPMENT  
OFFICE  
JUN 14 2021 10:11 AM  
CITY OF BROCKTON

RECEIVED AND FILED: July 14, 2021  
I, TIMONTHY J. CRUISE, ASSISTANT 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