

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, August 10, 2021 at 6:00 p.m.

**IN RE:** 19-68 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.

**PETITIONER'S STATEMENT:** Owner, Marcilina Corlito, presented to the Board, Exhibit A, Plot plan and Exhibit B, Building plans. The Petitioner stated the porch needed repairing and wanted to extend it as well to allow father to have room to sit out on the porch.

**OPPOSITION:** None

**DECISION:** Granted with stipulations that it is built by the plans submitted.

**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 of the dwelling creates a hardship at the site. There is no other location for the proposed covered porch to provide for its intended purpose. Granting of front yard and side yard setback from section 9. Chapter 27 of the Zoning Ordinance would not derogate from the intend of the zoning by law, will be consistent with surrounding dwelling front setback and will not negatively impact the orderly development of the neighborhood. All representation in petitioners statement and construction of the proposed front porch shall be incorporated by reference as stipulations recorded herewith and construction plans submitted and dated May 7<sup>th</sup> 2021.

**VOTE:**

Motion to Grant by:  
Seconded by:

Steven Lainas  
James Sweeney

**IN FAVOR: (5)**

Kenneth Galligan, Chairman

Brian Nardelli, Fire Chief

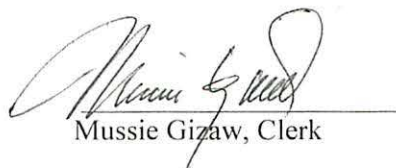
Steven Lainas


James Sweeney

Doryce Smith

**OPPOSED: (0)**

  
Kenneth Galligan  
Brian Nardelli  
Steven Lainas  
James Sweeney  
Doryce Smith

  
Mussie Gizaw, Clerk

  
Timothy Cruise, City Clerk

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

RECEIVED AND FILED: September 21, 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, August 10, 2021 at 6:00 p.m.

**IN RE 21-69** 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**.

PETITIONER'S STATEMENT:

OPPOSITION:

DECISION: Unanimously denied

BASIS: The petitioner failed to appear at the scheduled Zoning Board hearing to hear the request for a variance at the 643 North Main St, Locus. On the absence of any testimony pertaining to allowing the granting of the requested relief, the board voted to deny the requested relief.

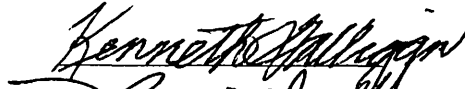


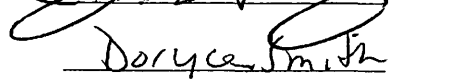

VOTE:


Motion to Grant by:  
Seconded by:


IN FAVOR: (0)

OPPOSED: (5)

Kenneth Galligan, Chairman  
Brian Nardelli, Fire Chief  
Steven Lainas  
James Sweeney  
Doryce Smith

  
Missie Gizaw, Clerk

  
Timothy Cruise, City Clerk

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COMMONWEALTH OF MASSACHUSETTS  
CITY OF BROCKTON  
ZONING BOARD OF APPEALS

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**IN RE:** 21-70 Petition of DIEULIFAITE & BERLANGE JEAN, 30 Kennedy Circle, South Easton, MA, for a Variance from Art. III, Sec. 27-10, table 2 & Art IV, Sec. 27-29, for a mixed use to allow five (5) residential apartments, a Variance for green space and seeks to convert existing building into a 100 seat restaurant and lacks required sparking spaces for same, but has in writing legal permission to have additional shared parking with the abutting church in a C-2 Zone, located at 1159 MAIN STREET.

**PETITIONER'S STATEMENT:**

**OPPOSITION:**

**DECISION:**

**BASIS:** The petitioner requested that the scheduled hearing for 1159 Main St be postponed to the September, 2021 zoning board meeting to allow for additional information to be presented to the board. The case will be re-activated for the September meeting and heard at that time.

**VOTE:**

Motion to Grant by:  
Seconded by:

**IN FAVOR:** 0

Kenneth Galligan, Chairman

Brian Nardelli, Fire Chief

Steven Lainas

James Sweeney

Doryce Smith

**OPPOSED:** 0

Handwritten signatures of Kenneth Galligan, Brian Nardelli, Steven Lainas, James Sweeney, and Doryce Smith.

Handwritten signature of Mussie Gizaw, Clerk.

Handwritten signature of Timothy J. Cruise, City Clerk.

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CITY OF BROCKTON  
ZONING BOARD OF APPEALS

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**IN RE:** 21-71 Petition of GREEN WORLD, LLC-SUNNY AROUSTAMIAN, 40 Chilton Road, Brockton, MA, for relief from Art. 27-24-4 & Sec. 1.001-1.023, to remove the stipulation for the free standing sign which was told to be removed at the original zoning meeting on August 14, 2019, per stipulation in a C-2 Zone, located at 897 NORTH MONTELLO STREET.

**PETITIONER'S STATEMENT:** Attorney, Creedon, Land Surveyor, Scott Faria, on behalf of Green World LLC, Sunny Aroustamian presented to the Board, Exhibit A, Plot plans, Exhibit B Sign design. The petitioners would like the previous stipulation relative to the removal of the original sign be revoked and a new sign be erected in the same location.

**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 stipulation for removal of the free standing sign at the above location imposed at the August 14<sup>th</sup> 2019 zoning board hearing shall be allowed to remain at the current location. The granting of relief from the original stipulation requiring its removal will not negatively impact the orderly development of the neighborhood and the existing free standing sign will be in harmony with the current occupancy at the locus. The free standing sign shall remain in its current size and configuration at its current location and shall not be illuminated later than 11pm (Section. 27-65(2).)

**VOTE:**

Motion to Grant by:  
Seconded by:

Steven Lainas  
James Sweeney

**IN FAVOR: (5)**

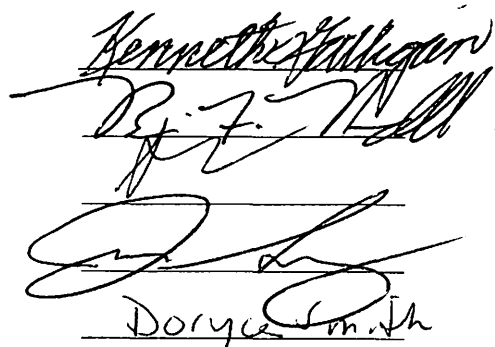
Kenneth Galligan, Chairman

Brian Nardelli, Fire Chief


Steven Lainas

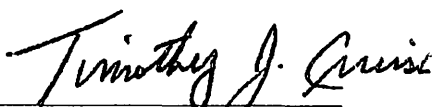
James Sweeney

Doryce Smith



**OPPOSED: (0)**

  
Mussie Gizaw, Clerk



Timothy Cruise, 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, August 10, 2021 at 6:00 p.m.

**IN RE: 21-73** Petition of **JOHN D. BARRY**, 400 Granite Avenue, Milton, MA, for a Special Permit from Art. V, Sec. 27-37 & Art IV, Sec. 27-29, to construct a mixed use for retail and residential structure, convert a single family home to an eleven (11) unit structure with retail, law office at grade and provide 23 parking spaces in a C-2 Zone, located at **347 QUINCY STREET**.

**PETITIONER'S STATEMENT:** Attorney John Barry, presented on behalf of the petitioner Exhibit A, Floor plans, Exhibit B, Plot plans, Exhibit C Building plans. He stated the homeowners wanted to remove an existing single family home and construct eleven (11) units with retail/ office space on the first floor of the proposed plans. The building will have an elevator along with two (2) stairwells and the parking area on the ground level to accommodate eighteen (18) residential parking, three (3) for retail space and two (2) extra parking spaces.

**OPPOSITION:**

**DECISION:** Denied. Did not carry

**BASIS:** After reviewing the application, plans, and information submitted and giving due consideration to testimony given at the public hearing, the board found that the proposed development and use of the C-2 zoned locus would be of such location, size and character that generally it will not be in harmony with the appropriate and orderly development of the zone in which the mixed residential/commercial proposed use is situated and would be detrimental to the existing neighborhood, detrimental of adjacent properties and inconsistent with any official master plan for the city.

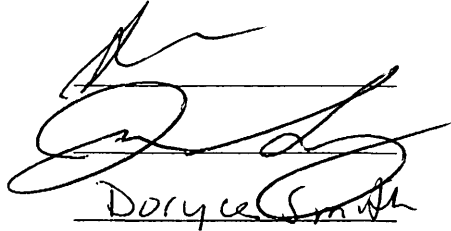
**VOTE:**

Motion to Grant by:  
Seconded by:

James Sweeny  
Doryce Smith

**IN FAVOR: (3)**  
Steven Lainas

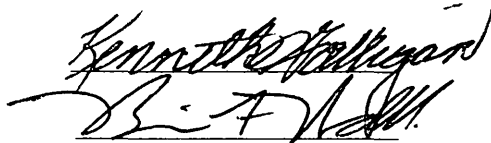
James Sweeney  
Doryce Smith



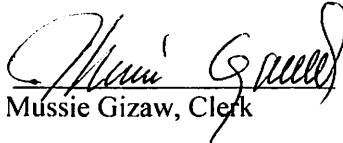
Doryce Smith

**OPPOSED: (2)**

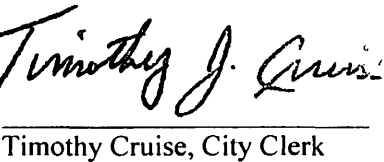
Kenneth Galligan, Chairman  
Brian Nardelli, Fire Chief



Kenneth Galligan



Mussie Gizaw, Clerk



Timothy Cruise, City Clerk

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ZONING BOARD OF APPEALS

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**IN RE:** Petition of **LAWRENCE FARGO**, 100 Ettrick Street, Brockton, MA, for a Variance from Art. III, 27-9 & 27-13A, to subdivide a lot and construct a single family dwelling which was approved in 2007, but was not acted on in an R-1-C Zone, located at **95 ASHFIELD DRIVE**.

**PETITIONER'S STATEMENT:** Attorney, Sean Reynolds, and Owner Lawrence Fargo presented to the Board Exhibit A Plot plan. The Attorney stated the Board had previously granted approval to subdivide the lot into two (2) and construct a single family home. They are returning to the board since the approval was not acted on and has since expired. The lot that was previously granted has since been recorded as a separate lot with the registry of deeds.

**OPPOSITION:**

**DECISION:** Granted with the stipulations that prior stipulation must be up held.

**BASIS:** After reviewing the application, plans, information submitted and giving due consideration to testimony given at the public hearing, the board found that a variance had been granted by the Zoning Board of Appeal to create the lot and allow for the construction of the dwelling on the lot at hearing held on March 13<sup>th</sup> 2007. The Planning Board approved the lot on January 2<sup>nd</sup>, 2008 and the lot was recorded at the Plymouth County Registry of Deeds, February 7<sup>th</sup> 2008. No action was exercised to execute the variance within the one (1) year time frame. Granting of the new variance to allow for the construction of a new single family dwelling will not derogate from the intent of the zoning by-law and will not negatively impact the orderly development of the neighborhood. All representations in petitions statements and stipulations of the March 13<sup>th</sup> 2007 granting shall be incorporated by reference as stipulations recorded herewith.

**VOTE:**

Motion to Grant by:  
Seconded by:

Steven Lainas  
James Sweeny

**IN FAVOR: (4)**

- Kenneth Galligan, Chairman
- Brian Nardelli, Fire Chief
- Steven Lainas
- James Sweeney

**OPPOSED: (1)**

- Doryce Smith

Mussie Gizaw, Clerk

Timothy J. Cruise  
Timothy Cruise, City Clerk

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CITY OF BROCKTON  
ZONING BOARD OF APPEALS

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**IN RE: 21-76** Petition of **JOSE CARLOS CORREIA**, 81 Ash Street, Brockton, MA, for a Variance from Sec. 27-26 & 27-48, to seek permission to allow the operation of a vehicle repair garage and offices in an R-2 Zone, located at **53 CLIFTON AVENUE**.

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: 0

Kenneth Galligan, Chairman

Brian Nardelli, Fire Chief

Steven Lainas

James Sweeney

Doryce Smith

OPPOSED: 0

*Kenneth Galligan*  
*Brian Nardelli*  
*Steven Lainas*  
*James Sweeney*  
*Doryce Smith*

*Mussie Gizaw*  
Mussie Gizaw, Clerk

*Timothy J. Cruise*

Timothy Cruise, City Clerk

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CITY OF BROCKTON  
ZONING BOARD OF APPEALS

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**IN RE: 21-77** Petition of JAMES F. MCLAUGHLIN AND JOHN W. MCLAUGHLIN, 1135 North Main Street, Brockton, MA, for a Special Permit from Sec. 27-65 (11), 27-49, 27-64 (3) to be allowed to construct and locate a professional sign lacking the 10' setback required in a C-5 Zone, located at 1135 NORTH MAIN STREET.

**PETITIONER'S STATEMENT:** Attorney, Burke, Land Surveyor Scott Faria, Owners, James McLaughlin, and John McLaughlin, Presented to the Board, Exhibit A, Site plan, Exhibit B, Sign Design. The Petitioners stated the original sign has been at the locus for thirty-five (35) years and has not caused any issues with sight lines. The new sign will be in the same location and will have flood lights which will be shut off no later than 11pm.

**OPPOSITION:** None

**DECISION:** Granted with stipulations that the outdoor lights shut off by 11pm.

**BASIS:** After reviewing the application, plans, information submitted and giving due consideration to testimony given at the public hearing, the board found that the request for a special permit to replace the existing sign that has been at the locus since approximately 1991 to be located in the same footprint and that is approximately three (3) feet from the front lot line in the C-5 zone consistent with section 27-65 (11), that the new sign will be of such location, size and character that, generally it will be in harmony with the appropriate and orderly development of the zone in which the use is situated and will not be detrimental to the existing neighborhood or orderly development of adjacent properties or sight lines for vehicles.

**VOTE:**

Motion to Grant by:  
Seconded by:

James Sweeney  
Brain Nardelli

**IN FAVOR: (5)**

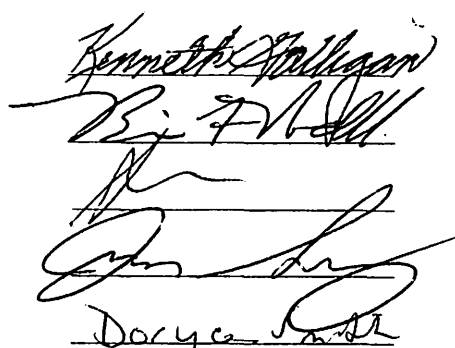
Kenneth Galligan, Chairman

Brian Nardelli, Fire Chief

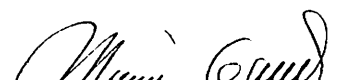
Steven Lainas


James Sweeney

Doryce Smith



**OPPOSED: (0)**

  
Mussie Gizaw, Clerk

  
Timothy Cruise, City Clerk

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CITY OF BROCKTON  
ZONING BOARD OF APPEALS

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**IN RE: REQUEST FOR SIX MONTH EXTENSION: 21-78** Petition of DAVID LYNCH OF LYNCH'S TOWING, 30 Quincy Street, Brockton, MA, for a Variance from Art. IV, Sec.27-33, to allow a tow yard, auto repair, auto body and used car sales in an I-1 Zone, located at PLOT 59 WEST CHESTNUT STREET AND PLOTS 2-4-5 KNAPP CENTRE.

**PETITIONER'S STATEMENT:** Attorney, John Creedon, sent in a letter asking for a six(6) month extension.

**OPPOSITION:** None

**DECISION:** Unanimously Granted

**BASIS:** The petitioner requested an extension of time allowed for the original variance to be acted upon the. The board granted a (6) month extension for the zoning board case 19-33.

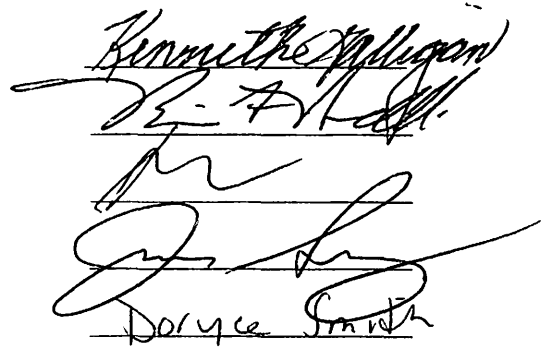
**VOTE:**

Motion to Grant by:  
Seconded by:

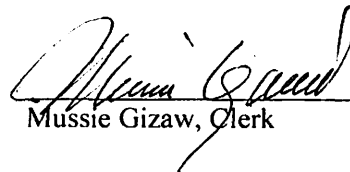
James Sweeney  
Steven Lainas

**IN FAVOR: (5)**

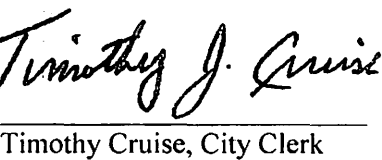
Kenneth Galligan, Chairman  
Brian Nardelli, Fire Chief  
Steven Lainas  
James Sweeney  
Doryce Smith



**OPPOSED: (0)**



Mussie Gizaw, Clerk



Timothy Cruise, 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, Massachusetts, on Tuesday, August 10, 2021 at 6:00 p.m.

**IN RE: REQUEST FOR SIX MONTH EXTENSION: 21-79** Petition of TWELVE HUNDRED HOPPY LLC, 1200 Montello Street, Brockton, MA, for a Variance from Art. IV, 27-34 & Art. III, 27-13, to allow residential use and for parking and setbacks in an I-2 and C-2 Zones , located at 1200 MONTELLO STREET/5 TERMINAL PLACE.

**PETITIONER'S STATEMENT:** , Attorney, John Creedon, sent in a letter asking for a six(6) month extension.

**OPPOSITION:** None

**DECISION:** Unanimously Granted

**BASIS:** The petitioner requested an extension of time allowed for the original variance to be acted upon the. The board granted a (6) month extension for the zoning board case 19-48.

**VOTE:**

Motion to Grant by:

Seconded by:

Brian Nardelli

James Sweeney

**IN FAVOR: (5)**

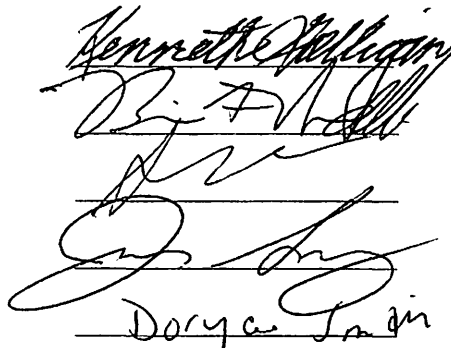
Kenneth Galligan, Chairman

Brian Nardelli, Fire Chief

Steven Lainas

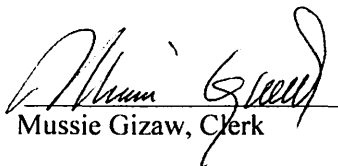
James Sweeney

Doryce Smith



Kenneth Galligan  
Brian Nardelli  
Steven Lainas  
James Sweeney  
Doryce Smith

**OPPOSED: (0)**



Mussie Gizaw, Clerk



Timothy Cruise, City Clerk