

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, September 15, 2021 at 6:00 p.m.

IN RE: 21-80 Petition of NOAH-LEE ANDRE, 106 Moraine Street, Brockton, MA, for a Variance from Sec. 27-9, to convert a single family home into a two (2) family home in an R-2 Zone, located at 106 MORAINE STREET.

PETITIONER'S STATEMENT: The petitioner, Noah-Lee Andre, presented to the board Exhibit A, Site and Floor Plans. Mr. Andre is before the board seeking permission to convert is single family home into a two (2) family. The building will have a total of ten (10) bedrooms. The basement bedrooms will be eliminated. The home will be for family only.

OPPOSITION: None

DECISION: Denied.

BASIS: After reviewing the application, plans, information submitted and giving due consideration to testimony given at the public hearing, the board found the petitioner failed to demonstrate a hardship at the locus. The applicant did not present any evidence regarding elements of M.G.L., Chapter 40A, Sec. 10 or Chapter 27, Sec. 48, which would relate to any unique soil condition, shape or topography of the land or structure in question which would affect generally the zoning district. The size of the lot was deficient in square feet of area to support a two (2) family dwelling and no off street parking layout was provided. Granting would derogate from the intent of the zoning by-laws and would negatively impact the orderly development of the neighborhood. Accordingly, considering the absence of any evidence related to Chapter 40A and requirements to be submitted, the board hereby denies the request for a Variance.

VOTE:

Motion to Grant by:
Seconded by:

James Sweeney
Steven Lainas

IN FAVOR: (1)

Stephen Bernard

OPPOSED: (4)

Kenneth Galligan, Chairman

Brian Nardelli, Fire Chief

Steven Lainas

James Sweeney

James Plouffe, Clerk

Timothy Cruise, City Clerk

RECEIVED AND FILED: October 19, 2021

I, TIMOTHY J. CRUISE, 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

ANY APPEAL MUST BE MADE
WITHIN 20 DAYS FROM THIS
DATE SEP 28 2021 PURSUANT
TO M.G.L.C. 40A SECTION 17.

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, September 15, 2021 at 6:00 p.m.

IN RE: 21-81 Petition of NEAL SISKIND, 360 Belmont Street, Brockton, MA, to take down existing sign and replace it with a message board sign in a C-1 Zone, located at 360 BELMONT STREET.

PETITIONER'S STATEMENT: Attorney Neal Siskind and Engineer Scott Faria, presented to the board Exhibit A, Site Plan and Picture of Sign. They are before the board seeking permission to install an electric digital message board with a ten (10) foot setback relief. The sign will be dimmed at night from 11:00 p.m. until 7:00 a.m. The LED sign will have company information as well as educational/community advertisements.

OPPOSITION: None.

DECISION: Granted unanimously with the stipulation 1. The sign shall be lit dimmed from 11 p.m. until 7 a.m. 2. The LED digital message board shall not change display in less than every ten (10) seconds, shall not be flashing animated or scrolling and shall conform to mandates of Chapter 27, Sec. 27-65. and 3. The proposed relief of ten (10) feet from the property line has been denied, sign must be erected at the ten (10) foot setback.

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 digital accessory sign to be free standing at the locus with a sign setback from the sidewalk property line of not less than ten (10) feet will be in harmony with the development of the C-1 zone and that granting the Special Permit for the LED sign will not negatively impact the neighborhood. The digital message board shall not change display in less than every ten (10) seconds, shall not be flashing animated or scrolling and shall conform to mandates of Chapter 27, Sec. 27-65. The EMC shall be equipped with a light sensor device which detects the ambient light level and adjusts the signs brightness accordingly using industry standards recommended brightness level of 0.3 foot candles above ambient light conditions. Relief was granted to allow the free standing sign to be located within one hundred (100) feet of the residential zone, Sec. 27-65 (11). Relief was denied to allow the sign to be located less than ten (10) feet to the property line due to their being no hardship presented and public safety concerns of board members.

VOTE:

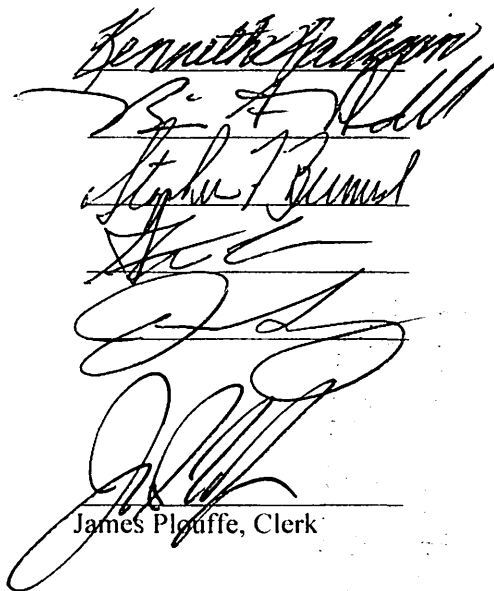
Motion to Grant by:
Seconded by:

Brian Nardelli
Steven Lainas

IN FAVOR: (5)


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

OPPOSED: (0)



James Plouffe, Clerk

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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 Wednesday, September 15, 2021 at 6:00 p.m.

IN RE: 21-82 Petition of **SIGN DESIGN**, 170 Liberty Street, Brockton, MA, for a Variance for the 10' relief setback needed for the sign at the entrance to Brockton High School, as the street is being widened in a C-2 & R-1-B Zone, located at **466 FOREST AVENUE**.

PETITIONER'S STATEMENT: Engineer, Scott Faria, presented to the board Exhibit A, Site Plan and Picture of Sign. Mr. Faria is before the board representing the Brockton School Department seeking permission for a new sign. The State Highway has taken land on Belmont Street, so they are seeking relief from the ten (10) foot setback. The sign will not be internally lit but only by a spot light.

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 widening of Belmont Street that has resulted in the need to remove the present sign. A new similar sign is proposed that will be located on the High School property within the required ten (10) foot setback will not be internally illuminated, will not be of LED design, will be of conventional design, V shaped design and if externally illuminated will be in conformance with Sec. 27-65. Granting would not derogate from the intent of the zoning by-laws and will not negatively impact the orderly development of the neighborhood. The above listed stipulations are incorporated by referenced herein.

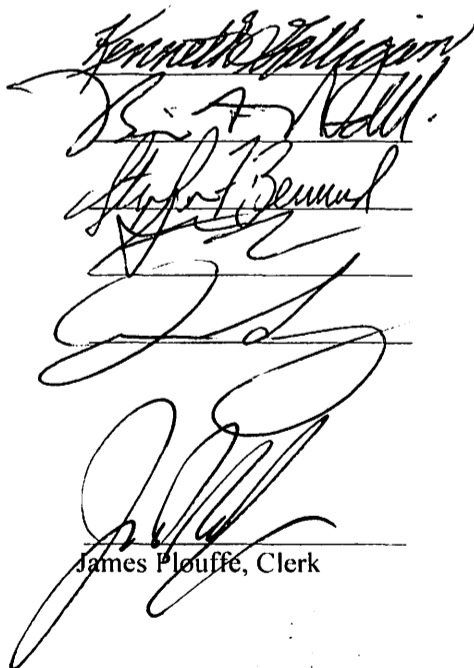
VOTE:

Motion to Grant by:
Seconded by:


James Sweeney
Steven Lainas

IN FAVOR: (5)

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



OPPOSED: (0)



Timothy Cruise, City Clerk


James Plouffe, Clerk

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CITY OF BROCKTON
ZONING BOARD OF APPEALS

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IN RE: 21-83 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 parking 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 to withdraw from the scheduled hearing prior to the start of the hearing as a matter of right in order to allow for the engineer to modify the existing plan.

VOTE:

Motion to Grant by:
Seconded by:

IN FAVOR: 0

Kenneth Galligan, Chairman

Brian Nardelli, Fire Chief

Stephen Bernard

Steven Lainas

James Sweeney

OPPOSED: 0

Kenneth Galligan
Brian Nardelli
Stephen Bernard
Steven Lainas
James Sweeney
James Plouffe
James Plouffe, 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: 21-85 Petition of **CADETE ENTERPRISES, INC.**, 12 Riverside Drive, Pembroke, MA, for a Special Permit from Art.IV, Sec. 27-29 3g, to operate a Dunkin Donuts with seating and a drive through window in a C-2 Zone, located at **645 CRESCENT STREET & PLOT 1 ELECTRIC AVENUE.**

PETITIONER'S STATEMENT:

OPPOSITION:

DECISION:

BASIS: The petitioner was allowed to withdraw from the scheduled hearing prior to the start of the hearing due to a communication from the Inspector of Building, Mr. James Plouffe, that zoning board action was not necessary at the above location.

VOTE:

Motion to Grant by:
Seconded by:

IN FAVOR: ()

Kenneth Galligan, Chairman

Brian Nardelli, Fire Chief

Stephen Bernard

Steven Lainas

James Sweeney

OPPOSED: ()

Kenneth Galligan
Brian Nardelli
Stephen Bernard
Steven Lainas
James Sweeney
James Plouffe
James Plouffe, 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: 21-86 Petition of JAMES MEEKS, 36 Draper Street, Brockton, MA, for a Variance from Art. III, Sec. 27-9, Art. III, Sec. 27-13A & Art. III, Sec. 27-14, to subdivide an existing lot of record into two lots and construct a single family dwelling on the newly created lot lacking frontage, width and area and the existing house needs relief due to lack of side and frontage in an R-1-C Zone, located at **88 KINGMAN 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

Brian Nardelli, Fire Chief

Stephen Bernard

Steven Lainas

James Sweeney

OPPOSED: ()

Kenneth Galligan
Brian Nardelli
Stephen Bernard
Steven Lainas
James Sweeney
James Plouffe

James Plouffe, Clerk

Timothy J. Cruise

Timothy Cruise, 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, September 15, 2021 at 6:00 p.m.

IN RE: 21-87 Petition of JAMES MEEKS, 36 Draper Street, Brockton, MA, for a Variance from Art. III, Sec. 27-9, Art. III, Sec. 27-13A & Art. III, Sec. 27-14, to subdivide an existing lot of record into two lots and construct a single family dwelling on the newly created lot lacking frontage, width and area and the existing house needs relief due to lack of side and frontage in an R-1-C Zone, located at 94 KINGMAN 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

Brian Nardelli, Fire Chief

Stephen Bernard

Steven Lainas

James Sweeney

OPPOSED: ()

Kenneth Galligan
Brian Nardelli
Stephen Bernard
Steven Lainas
James Sweeney
James Plouffe

James Plouffe, Clerk

Timothy J. Cruise
Timothy Cruise, City Clerk

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COMMONWEALTH OF MASSACHUSETTS
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ZONING BOARD OF APPEALS

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IN RE: 21-88 Petition of EUGENE L. FLYNN II, 55 First Street, Taunton, MA, for a Variance from Art. III, Sec. 27-9 & 27-13A, to construct a single family home on an existing lot in an R-1-C Zone, located at PLOT 49 THATCHER STREET.

PETITIONER'S STATEMENT: Attorney John McCluskey presented to the board Exhibit A, Site Plan with House Plans. Attorney McCluskey is in front of the board seeking permission to construct a single family home with four (4) bedrooms. This property had been previously granted, but had expired.

OPPOSITION: A letter from abutter Craig McConnell stated his 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 Variance had been granted for this locus in 1979 and 1985 to allow for a buildable lot due to the unusual size, shape and topography under M.G.L. Chapter 40A, Sec. 10 and was recorded in the Land Court. The Variance was not exercised in the required time and expired. A hardship was demonstrated where the lot was granted two (2) prior Variances for the construction of a single family home that lapsed, the unusual shape, size and soil conditions and the constraints of a partial wetlands created by a City of Brockton drainage area. A WPA Form 5-Order of Conditions for Wetlands Protection has been issued for this locus specific to the development of the lot. A letter of opposition was received from 129 Thatcher Street and 144 Thatcher Street that was considered by the board. 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 statement and plans submitted dated July 8, 2021, shall be incorporated by reference as stipulations recorded herewith.

VOTE:

Motion to Grant by:
Seconded by:

Brian Nardelli
Steven Lainas

IN FAVOR: (5)

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

OPPOSED: (0)

James Plouffe, Clerk

Timothy Cruise, City Clerk

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