

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 Thursday, December 16, 2021 at 6:00 p.m.

**IN RE: 21-110** Petition of **DAVID CRUISE, MGR, CRUISE PROPERTIES, LLC**, 120 Torrey Street, Brockton, MA, for a Variance from Sec. 27-9, 27-13, 27-13a & 27-14, to divide existing parcel of land into two lots with Lot 1 to contain the existing dwelling and Lot 2 to for the proposed dwelling in an R-1-C Zone, located at **49 KESWICK ROAD**.

**PETITIONER'S STATEMENT:** Attorney, Thomas Gay Jr, Architect, William Self and owner, David Cruise presented to the Board Exhibit A, Plot plan, Exhibit B, Floor plans. They are seeking a Variance to divide the lots into two (2) parcels due to its large size. They are proposing to construct a single family dwelling on each lot, similar size to the other dwellings in the area. The dwelling would consist of four (4) bedrooms.

**OPPOSITION:** None

**DECISION:** Unanimously Granted with the stipulation that the architectural and site plans dated October 4th, 2021 submitted with this petition depicting the type of one (1) single family home that is proposed for lot 2 shall be incorporated as reference as stipulations recorded herewith.

**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 locus consists of 28,000sq ft. with 140ft. of frontage on both Keswick Rd. and Marsden St. The lot is unusually large where all surrounding lots average 8,000 to 10,000 sq. ft. A hardship exists due to its large, unique size shape and topography making it unreasonably difficult to monitor and care for the lot on Marsden St. for unauthorized use. Granting the Variance request to create two (2) lots, one of 14,863 sq. ft and another of 13,139 sq. ft, both with 140 ft frontage, would not derogate from the intent of the zoning by-laws, would be more uniform with all surrounding lots and will not negatively impact the orderly development of the neighborhood. Architectural and site plans dated October 4<sup>th</sup>, 2021 submitted with this petition depicting the type of one (1) single family home that is proposed for lot 2 shall be incorporated as reference as stipulations recorded herewith.

ANY APPEAL MUST BE MADE WITHIN 20 DAYS FROM THIS DATE JAN 05 2022 PURSUANT TO M.G.L.C. 40A SECTION 17.

**VOTE:**

Motion to Grant by: Brian Nardelli, Fire Chief  
Seconded by: James Sweeney

**IN FAVOR: (5)**

Kenneth Galligan, Chairman  
Brian Nardelli, Fire Chief

Steven Lainas  
James Sweeney  
Iolando Spinola

**OPPOSED: (0)**

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2022 JAN 6 9:06  
CITY CLERK'S OFFICE

Timothy Cruise, City Clerk

RECEIVED AND FILED: January 27, 2022  
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. 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 Thursday, December 16, 2021 at 6:00 p.m.

**IN RE: 21-111** Petition of **GILLES GEORGE ANJOH**, 30 Palmer Street, Brockton, MA, for permission to construct a garage and a master bedroom in an R-1-C Zone, located at **30 PALMER STREET**

**PETITIONER'S STATEMENT:** Owner, Gilles Anjoh presented to the Board Exhibit A, Plot plan, Exhibit B, Floor plans. Mr. Anjoh is seeking a Variance to construct a master bedroom on the second floor of the dwelling with a garage below the master bedroom.

**OPPOSITION:** A direct abutter expressed concern of the proximity of the addition to her home.

**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 applicant failed to present any evidence regarding elements of MGL Chapter, 40-A, Section 10 which would relate to any unique soil conditions shape or topography of the land or structure in question which would affect generally the zoning district maintaining the aforementioned requirements would not involve a substantial hardship, financial or otherwise. The petitioner professed that other alternatives were available to accomplish the desired additional living space that would not negatively impact on side-yard set back requirements. A direct neighbor was opposed to the close proximity of the proposed addition. 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: Brian Nardelli, Fire Chief  
Seconded by: Steven Lainas

**IN FAVOR: (0)**

**OPPOSED: (5)**

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

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*Kenneth Galligan*  
*Brian Nardelli*  
*Steven Lainas*  
*James Sweeney*  
*Iolando Spinola*  
 James Plouffe, Clerk

*Timothy J. Cruise*  
Timothy Cruise, City Clerk

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CITY CLERK'S OFFICE  
2022 JAN -6 A 9 08

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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 Thursday, December 16, 2021 at 6:00 p.m.

**IN RE:** 21-112 Petition of **GEORGE M. DEPINA**. 176 Bourne Street, Brockton, MA, for permission to construct a single car garage to align with the existing driveway in an R-1-C Zone, located at **176 BOURNE STREET**.

**PETITIONER'S STATEMENT:** Owner, George M. Depina, presented to the Board Exhibit A, Plot plan. The petitioner is seeking a relief from side yard set-backs to construct a single car garage. He stated if he was to maintain the fifteen (15) feet required set back it would place the garage behind his house.

**OPPOSITION:** None

**DECISION:** Granted with stipulation that the garage is constructed with a side setback no less than five (5) feet.

**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 at the locus due to the size, shape and configuration of the lot and location of the dwelling. Granting of a Variance to allow the proposed single vehicle residential garage to be located with a minimal setback to the side yard of not less than five (5) feet and setback of not less than ten (10) feet from the dwelling would not derogate from the intent of the zoning by-laws and will not negatively impact the orderly development of the neighborhood. All representations, drawings and plans shall be incorporated by reference as stipulations recorded herewith.

**VOTE:**

Motion to Grant by: Brian Nardelli, Fire Chief  
Seconded by: James Sweeney

ANY APPEAL MUST BE MADE  
WITHIN 20 DAYS FROM THIS  
DATE JAN 06 2022 PURSUANT  
TO M.G.L.C. 40A SECTION 17.

**IN FAVOR: (5)**

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

*Kenneth Galligan*  
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*Brian Nardelli*  
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*Steven Lainas*  
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*James Sweeney*  
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*Iolando Spinola*  
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*James Plouffe*  
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James Plouffe, Clerk

**OPPOSED: (0)**

*Timothy J. Cruise*  
\_\_\_\_\_  
Timothy Cruise, City Clerk

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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 Thursday, December 16, 2021 at 6:00 p.m.

**IN RE: 21-113** Petition of **DAVID AND LORI RESERVITZ**, 1325 Belmont Street, Brockton, MA, for a Variance from Art.VI, Sec. 27-39 & 27-10, to modify a variance for relief to allow the property to operate as a residential use with 10 residential units in a C-5 Zone, located at **484 PLEASANT STREET**.

**PETITIONER'S STATEMENT:** Attorney, John McCluskey, Surveyor, Scott Faria, and Owners David and Lori Reservitz, presented to the Board Exhibit, A Site plans. They are seeking a Variance to add an additional of four (4) two (2) bedroom units. A previous Variance to convert the property into a mixed-use property was granted on 4/13/2021. Petitioner stated the property was in bad shape and the new owners have a history maintaining their property and is an excellent landlord. There would be parking spaces for twenty-four (24) cars.

**OPPOSITION:** None

**DECISION:** Granted with stipulations. 1. Building must be equipped with a fire sprinkler system. 2. Outside exterior lighting shall be provided of the facade, focused up and down without spill-over onto adjacent properties

**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 at the locus due to the large unique shape and size of the property, the questionable soil conditions due to the rear yard elevation and the unusual structural layout of the building for commercial purposes. Granting an amendment to the original Variance granted April 13<sup>th</sup> 2021 for six (6) apartments to allow for expansion to not more than ten (10) residential units with commercial use, would not derogate from the intent of zoning by-laws, will be similar to other mixed-use occupancies in the area and will not negatively impact the orderly development of the neighborhood.

The Board specified and the petitioner agreed and assured that all reconstruction and improvements to the structures will be in compliance with the fires safety regulations and building codes for all ten (10) units of the City of Brockton and the Commonwealth of Massachusetts. The petitioner stated that the entire structure will be equipped with a fire sprinkler system. Outside exterior lighting shall be provided of the facade, focused up and down without spill-over onto adjacent properties. The above stipulations are recorded herewith.

**VOTE:**

Motion to Grant by: James Sweeney  
Seconded by: Iolando Spinola

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DATE JAN 06 2022 PURSUANT  
TO M.G.L.C. 40A SECTION 17.

**IN FAVOR: (4)**

Brian Nardelli, Fire Chief

Steven Lainas

James Sweeney

Iolando Spinola

**OPPOSED: (1)**

Kenneth Galligan, Chairman

Timothy Cruise, City Clerk

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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 Thursday, December 16, 2021 at 6:00 p.m.

**IN RE: 21-114** Petition of **DENNIS AND SUSAN GILLPATRICK**, 18 Macrae Drive, East Bridgewater, MA, for a Variance from Art. III, Sec. 27-10, Art. IV, Sec. 27-29, to seek permission to construct a single family home in a C-2 Zone, located at **611 CENTRE STREET**.

**PETITIONER'S STATEMENT:** Attorney, John McCluskey, Surveyor, Scott Faria, and Owners Dennis and Susan Gillpatrick presented to the Board, Exhibit A, Site plan, Exhibit B, Floor plans. They are seeking to divide the lot into two (2) lots and construct a single family, lot A located on Galen St. The location of the newly constructed home will deter from trash being thrown on to the property's wooded and overgrown area.

**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 the locus has a unique zoning location whereby the subject land is in a commercial zone and there is no viable commercial use that would be suitable for this site. Allowing a Variance to provide for a residential use would be the highest and best use of the land and be similar in use to the surrounding neighborhood. Granting of the Variance for residential use would not derogate from the intent of the zoning by-laws and will not negatively impact the orderly development of the neighborhood. Relief is granted from Chapter 27, Section 29.

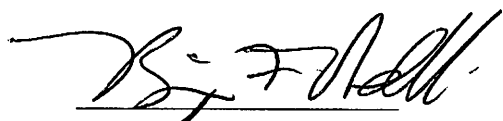

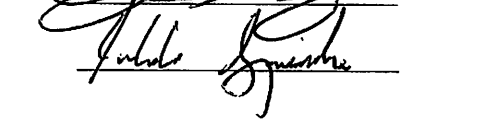
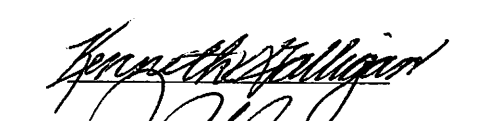
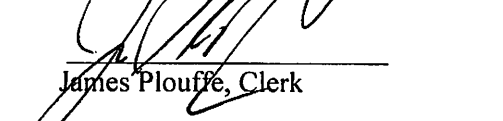

**VOTE:**

Motion to Grant by: Brian Nardelli, Fire Chief  
Seconded by: James Sweeney

ANY APPEAL MUST BE MADE  
WITHIN 20 DAYS FROM THIS  
DATE JAN 06 2022 PURSUANT  
TO M.G.L.C. 40A SECTION 17.


**IN FAVOR: (4)**

- Brian Nardelli, Fire Chief
- Steven Lainas
- James Sweeney
- Iolando Spinola

  
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James Plouffe, Clerk

**OPPOSED: (1)**

- Kenneth Galligan, Chairman

  
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Timothy Cruise, City Clerk

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BROCKTON, MASSACHUSETTS

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 Thursday, December 16, 2021 at 6:00 p.m.

**IN RE: 21-115** Petition of CRESCENT STREET LAND LLC, 651 Washington Street, Suite 200, Brookline, MA, for a Special Permit from Sec, 27-48,27-29,27-10, Table 2, 27-49,27-63,27-65,27-66 and 27-67, to be allowed to construct and operate a self storage facility in excess of 60 feet in height and with signage as requested in a C-2 Zone, located at PLOT 260 CRESCENT STREET

**PETITIONER'S STATEMENT:** Attorney, James Burke, Surveyor, Scott Faria, and on behalf of the owners, presented to the board Exhibit A Site plans and Exhibit B, Memo in support. They seeking a variance to construct a self-storage facility on a property that is isolated and would be difficult to be used for C-2 businesses. The business would have minimal noise and traffic, due to having a separate ingress and egress, which will be structured in a way there would be no free flow of cars and improving the overall area.

**OPPOSITION:** None

**DECISION:** Unanimously Granted with stipulations, 1. There shall be no LED signs allowed. 2. There shall be a no right direct to access from the locus to Sterling Rd or to Beaumont Ave as part of development. 3. An easement over the plaza property shall be provided to access from the locus to Crescent St.

**BASIS:** After reviewing the application, plans, information submitted and giving due consideration to testimony given at the public hearing, the Board found the locus is an isolated commercial "parcel of land" that cannot be realistically used for uses authorized in a commercial zone pursuant to Section 27-28 and Section 27-29 because of constraints of access and visibility. Self-storage use is a low impact use and the proposed use will have a de minimis impact on the surrounding neighborhood and qualifies for the grant of Special Permit and Variance, Section 27-48, 27-29, 27-10, table 2, to allow for a height of sixty-five (65) feet in a C-2 zone. Relief is also granted for Section 27-49, 27-65, 27-66 and 27-67 to allow signage on the building and a free-standing sign at Crescent St. as shown on the submitted plans. There shall be no LED signs allowed. As a condition of the granting of the of the Variance and Special Permit, there shall be a no right direct to access from the locus to Sterling Rd or to Beaumont Ave as part of development. An easement over the plaza property shall be provided to access from the locus to Crescent St. The Petitioner has agreed to develop a green space as shown on the plans dated November, 8<sup>th</sup> 2021, along the plaza south parking lot at the City of Brockton sidewalk at Crescent St. The proposed use will be in harmony with the orderly development of the zone, will enhance currently blighted area and will not negatively impact the neighborhood. There is adequate ingress and egress to parking and will not interfere with traffic on the abutting streets.

**VOTE:**

Motion to Grant by: James Sweeney  
Seconded by: Brian Nardelli, Fire Chief

ANY APPEAL MUST BE MADE WITHIN 20 DAYS FROM THIS DATE JAN 06 2022 PURSUANT TO M.G.L.C. 40A SECTION 17.

**IN FAVOR: (5)**

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

**OPPOSED: (0)**

*Kenneth Galligan*  
*Brian Nardelli*  
*Steven Lainas*  
*James Sweeney*  
*Iolando Spinola*  
*James Plouffe*  
James Plouffe, Clerk

*Timothy J. Cruise*  
Timothy Cruise, City Clerk

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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 Hal, Brockton, Massachusetts, on Thursday, December 16, 2021 at 6:00 p.m.

**IN RE: 21-116** Petition of **MEDICATION COORDINATION PHARMACY LLC**, 20 Copper Beech Circle, West Bridgewater, MA, for relief from Sec. 27-49, in the alternative, Sec. 27-48, 27-33(1) & (3), for the petitioner to seek a Special Permit to be able to process pharmacy medications and in the alternative be granted a Variance to have a pharmacy in and I-1 Zone, located at **1041 PEARL STREET**.

**PETITIONER'S STATEMENT:** Attorney, James Burke, Surveyor, Scott Faria, and Owners Medication Coord. Pharmacy, presented to the board Exhibit A Site plans. They are seeking a Special Permit to manufacture pharmaceuticals and have a small retail area for medical uses, no household items. There is also plenty of parking for the public to utilize, to be able to visit the business to purchase medical related items.

**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 Petitioners main business model is to contract with nursing homes, congregate housing and long-term care facilities for medication that are processed on site and then distributed to their clients, as an aggregator, the pharmacy will process pharmaceutical items associated with the clients described above. The Board determined that a Special Permit to allow the sale of medications produced on site and of related items for sale to the public, not on the scale of a full retail pharmacy selling associated items routinely found in a full pharmacy, that the use will be in harmony with the zone and not negatively impact the neighborhood. There is adequate on-site parking, adequate egress and ingress to parking and the projected use will not interfere with traffic on the abutting streets.

No oppositions were presented and Ward 3 City Councilor Dennis Eaniri was recorded in support of the pharmaceutical manufacturing and related public sale similar to other manufacturing and sale to the public businesses located in the same I-1 zone.

**VOTE:**

Motion to Grant by: James Sweeney  
Seconded by: Brian Nardelli, Fire Chief

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DATE JAN 06 2022 PURSUANT  
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**IN FAVOR: (5)**

Kenneth Galligan, Chairman

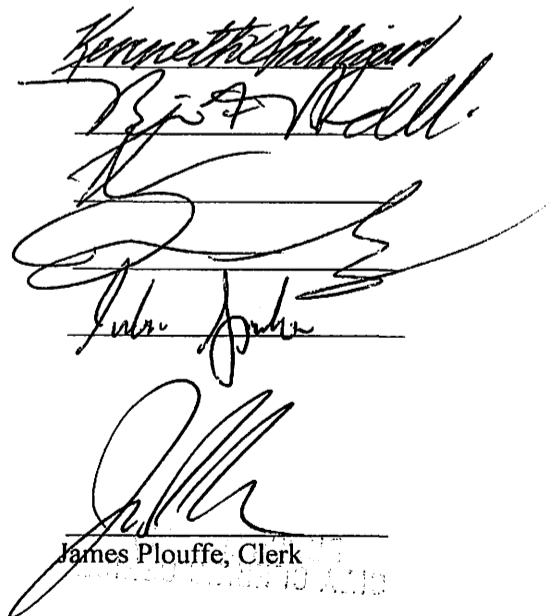
Brian Nardelli, Fire Chief

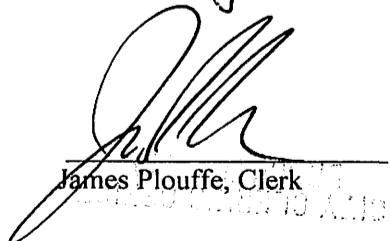
Steven Lainas

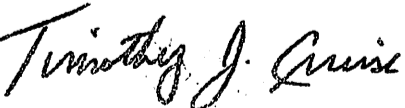
James Sweeney

Iolando Spinola

**OPPOSED: (0)**



  
James Plouffe, Clerk



Timothy Cruise, City Clerk

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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 Thursday, December 16, 2021 at 6:00 p.m.

**IN RE: 21-117** Petition of **648 SUMMER STREET LLC**, 103 Commercial Street, 4<sup>th</sup> FL., Brockton, MA, for a Special Permit for a ground mounted solar field allowed by MGL, Ch 40A, Sec. 3, in a R-1-C Zone, located at **634-648 SUMMER STREET**.

**PETITIONER'S STATEMENT:** Attorney, James Burke, Engineer, Steve Gioisa and behalf of the owners, presented to the board Exhibit A Site Plans Exhibit B Memo of support. They are seeking a variance to create a green project/solar project in a R-1C zone to allow for decrease reliance on fossil fuels and increase solar power electricity. The solar fields will be shielded from the street.

**OPPOSITION:** None

**DECISION:** Granted with Stipulations. 1. All vegetation and propose plantings around the site as described on plans submitted shall be continuously maintained and replaced as needed. 2 Emergency notification procedures shall be monitored on site and emergency notifications signs shall be visible to emergency responders and general public. 3. The petitioner/owner shall maintain a sidewalk for the full length of the property along Summer St.

**BASIS:** After reviewing the application, plans, information submitted and giving due consideration to testimony given at the public hearing, the Board found that the proposed ground mounted solar systems in an allowed use under MGL Chapter 40-A, Section 3, which states that Zoning Ordinance shall not prohibit or unnecessarily regulate the installation of solar energy systems or the building of any structures that facilitate the collections of solar energy, except where necessary to public health, safety or welfare. In the absence of a specific ordinance directed at solar production, the Board determined that the solar project as proposed in submitted documents will not substantially impact the public health, safety or welfare and will be in harmony with the orderly development of the zone and not negatively impact the neighborhood. The Special Permit for the solar field and solar system is granted with the following stipulations: All vegetation and propose plantings around to site as described on plans submitted shall be continuously maintained and replaced as needed. Emergency notification procedures shall be monitored on site and emergency notification sign shall be visible to emergency responders and general public. The petitioner/owner shall maintain a sidewalk for the full length of the property along Summer St.

There were no oppositions offered at the hearing. Ward 4 City Councilor Susan NiCastro spoke in favor of granting the Special Permit allowing the Solar installations.

**VOTE:**

Motion to Grant by: Brian Nardelli, Fire Chief  
Seconded by: James Sweeney

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**IN FAVOR: (5)**

Kenneth Galligan, Chairman

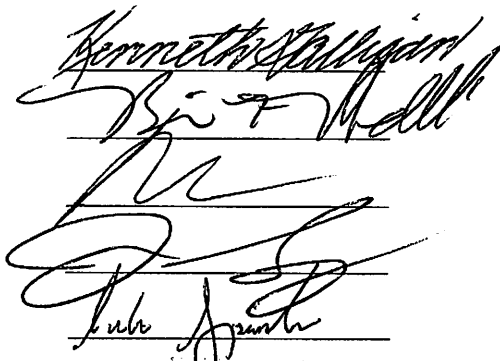
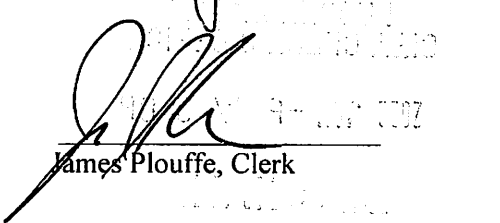
Brian Nardelli, Fire Chief

Steven Lainas

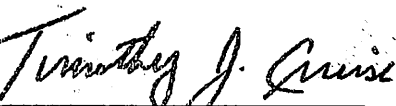
James Sweeney

Iolando Spinola

**OPPOSED: (0)**

James Plouffe, Clerk



Timothy Cruise, City Clerk

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