

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, February 8, 2022 at 6:00 p.m.

IN RE: SIX MONTH EXTENSION: 22-06 Petition of **127 CENTRE CORNER LLC**, 362 Montello Street, Brockton, MA, for a Variance from Sec. 27-34,27-48,27-53,27-54 & 27-55, to amend the mixed use Variance granted by the zoning board by reducing the density of the approved 40 residential units to 32 one bedroom units and 8 two bedroom units along with 2500 sf. of commercial space on the ground floor, 1250 sf. of tenant amenity space and 250 sf. of building management office space in an I-2 Zone, located at **127 CENTRE STREET**.

PETITIONER'S STATEMENT:

OPPOSITION: None

DECISION: Unanimously Granted

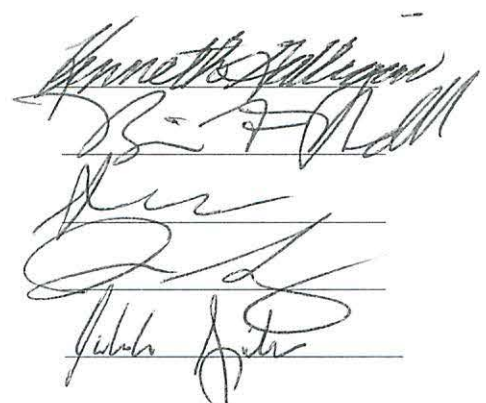
BASIS: The Petitioner, Darrin DeCoste, manager of 127 Centre Corner LLC, through its attorney, Mr. James Burke, requested of a six (6) month extension to a Variance Case number 21-27, granted March 9th, 2021, to enable the applicant to proceed with a definitive subdivision before the Planning Board of the City of Brockton. In accordance with Massachusetts General Law, Chapter 40-A, Section 10, the Board granted the petitioner a six (6) month extension to Zoning Case 21-27 beginning April 21, 2022.

VOTE:

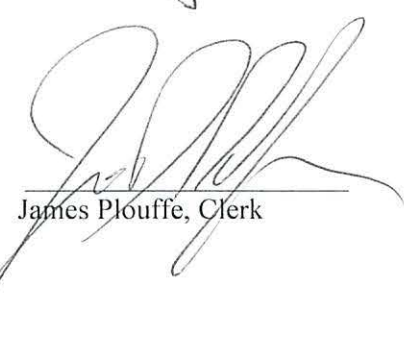
Motion to Grant by: Brian Nardelli, Fire Chief
Seconded by: James Sweeney

IN FAVOR: (5)


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



OPPOSED: (0)



James Plouffe, Clerk


Timothy Cruise, City Clerk

RECEIVED AND FILED: March 18, 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. 11

FILED
FEB 10 2022
CITY OF BROCKTON

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, February 8, 2022 at 6:00 p.m.

IN RE: 22-07 Petition of ALEXANDER BURRELL, 227 Linwood Street, Brockton, MA, for Art. III, Sec. 27-20, to construct a detached garage which exceeds to allowed size in an R-1-C Zone, located at 227 LINWOOD STREET

PETITIONER'S STATEMENT: Owner, Alexander Burrell, presented to the Board, Exhibit A, Plot Plan, and Exhibit B, Floor Plans. Mr. Burrell stated he wanted to construct a two-story detached garage and due to the square footage exceeding the floor size of his dwelling, needed approval from the Zoning Board.

OPPOSITION: None

DECISION: Unanimously Denied

BASIS: After reviewing the application, plans, information submitted, individual site visitations by the Board members and giving due consideration to testimony given at the public hearing, the Board found that the Petitioner failed to demonstrate a hardship at the site to allow for the construction of the proposed garage type structure in the R-1-C zone. The petitioner failed to provide the floor area size of the current dwelling on the submitted plans that were difficult to read but stated the house floor area was approximately 2200 sq. ft, Section 27-25 (2) controls the size of the accessory structure in addition to the use, and that of the size of the floor area of the garage is limited to 30% of the floor area of the first floor of the single-family house currently at the locus. Additionally, the definition section of Section 27-61 states that a private garage is a "detached, or attached accessory building used only for the storage of private passenger vehicle owned or rented", as such, private vehicle storage is the sole use permitted in a private garage, not to include the petitioner proposed additional uses of the structure.

VOTE:

Motion to Grant by: Brian Nardelli, Fire Chief
Seconded by: Steven Lainas

ANY APPEAL MUST BE MADE
WITHIN 20 DAYS FROM THIS
DATE FEB 24 2022 PURSUANT
TO M.G.L.C. 40A SECTION 17.

IN FAVOR: (0)

OPPOSED: (5)

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

James Plouffe, 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, February 8, 2022 at 6:00 p.m.

IN RE: 22-08 Petition of JOSE A. CARDOSO, 9 Skinner Street, Brockton, MA., to construct a fire escape lacking setbacks in an R-2 Zone, located at 9 SKINNER STREET.

PETITIONER'S STATEMENT: Owner, Jose A Cardoso, presented to the Board, Exhibit A, Plot plan and Exhibit B, Design Plans. Mr. Cardoso stated he wanted to construct a suitable second means of egress in case of emergency from the second floor .

OPPOSITION: None

DECISION: Granted with stipulations. 1. the building shall contain no more than two (2) living dwelling units. 2. The current escape ladder on the north side of the dwelling shall be removed.

BASIS: After reviewing the application, plans, information submitted, individual site visitations by the board members and giving due consideration to testimony given at the public hearing, the Board found that a hardship exists at the locus due to the unusual, unique size and shape of the property that has existed prior to current zoning of 1967 and the lot. The requested dimensional relief to allow for the installation of a fire escape, rear stairway to enhance the emergency access and exit to the second-floor apartment may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of such ordinances, re. 27-9, 27-17. As a stipulation related to the granting, the Board stipulated and the Petitioner agreed that the building shall contain no more than two (2) living dwelling units and the current escape ladder on the north side of the dwelling shall be removed

VOTE:

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

ANY APPEAL MUST BE MADE
WITHIN 20 DAYS FROM THIS
DATE FEB 24 PURSUANT
TO M.G.L.C. 40A SECTION 17.
FEB 24 2022

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
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 James Mouffe, Clerk

Timothy J. Cruise
Timothy Cruise, City Clerk

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COMMONWEALTH OF MASSACHUSETTS
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IN RE: 22-09 Petition of DIEULIFAITE & BERLANGE JEAN, 30 Kennedy Circle, South Easton, MA, for a Variance from Art.III, Sec. 2710, Table 2 & Art. IV, Sec. 27-29, to be allowed four (4) residential apartments on the second floor in a commercial C-2 Zone. Petitioner also seeks to convert existing building into 100 seat restaurant that lacks green space and required parking spaces for same, but has legal contract in writing to have additional shared parking with abutting church in a C-2-Zone, located at 1159 MAIN STREET.

PETITIONER'S STATEMENT:

OPPOSITION: None

DECISION: Granted to withdraw

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: (5)

Kenneth Galligan, Chairman

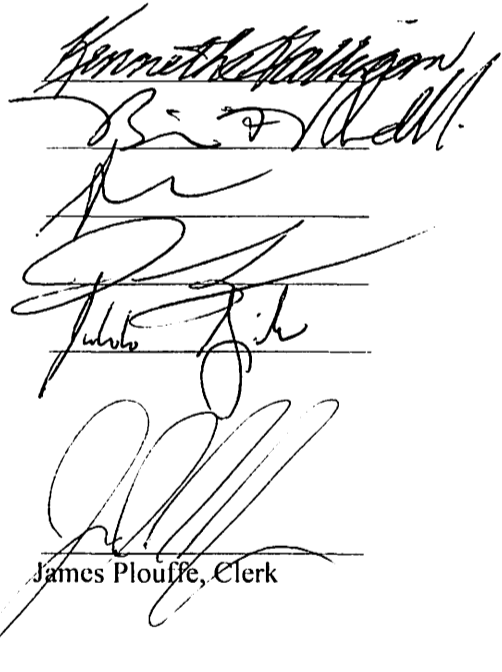
Brian Nardelli, Fire Chief

Steven Lainas

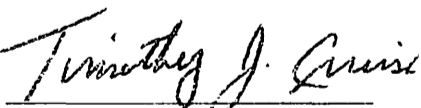
James Sweeney

Iolando Spinola

OPPOSED: (0)



James Plouffe, Clerk


Timothy Cruise, City Clerk

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IN RE: 22-10 Petition of **ROBERT KANE**, 155 Rock Island Road, Quincy, MA, for a Variance to construct a three (3) attached condominium unit in an R-1-C Zone, located at **134 ARMISTON STREET**.

PETITIONER'S STATEMENT: Engineer, Shawn Hardy of Hardy and Man Design group, on behalf of Owner, Robert Kane, presented to the Board, Exhibit A, Plot plan, Exhibit B, Floor Plans and Exhibit C, Memo in Support. Mr. Hardy stated to the Board, the concerns at the previous Variance Case of 134 Armiston St were addressed. The Plans and design for the three (3) attached condominium units, now included a thirty-four (34) foot wide driveway, snow storage and a description were the new drainage would be.

OPPOSITION: None

DECISION: Denied

BASIS: After reviewing the application, plans, information submitted, individual site visitations by the board members and giving due consideration to testimony given at the public hearing, the Board found the petitioner failed to demonstrate a hardship at the locus to allow for the construction of a three (3) unit attached condominium structure at the R-1-C Single family zoned locus. The substantially undersized frontage and proposed driveway access to the site caused serious public safety vehicle access concern to the Board. The Board found that the proposed condominium use at the R-1-C single family zoned neighborhood that is currently populated and built out with single family dwellings would be a use of the site that originally contained a single family dwelling, would be of such location, size and character that, generally, it would not be in harmony with the appropriate and orderly development of the zone in which the proposed use is situated and would be detrimental to the existing neighborhood. Concern was presented at the public hearing relative to surface drainage problems, traffic and lack of sidewalks on the dead end street allowing access to the proposed site.

NOTE:

Motion to Grant by: Brian Nardelli, Fire Chief
Seconded by: Steven Lainas

ANY APPEAL MUST BE MADE
WITHIN 20 DAYS FROM THIS
DATE FEB 14 2022 PURSUANT
TO M.G.L.C. 40A SECTION 17.

IN FAVOR: (2)

James Sweeney


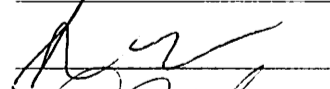
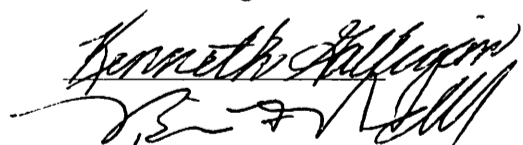
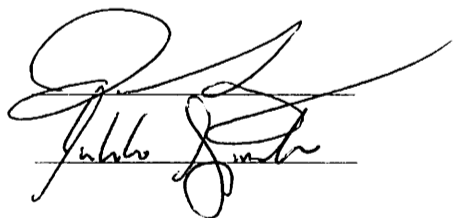
Iolando Spinola

OPPOSED: (3)

Kenneth Galligan, Chairman

Brian Nardelli, Fire Chief

Steven Lainas



James Plouffe, Clerk

FEB 14 2022



Timothy Cruise, City Clerk

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