

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

IN RE: 22-12 Petition of **DKS REALTY TRUST/RAOUL BORGATTI, TRUSTEE**, 132 Court Street, Brockton, MA, for a Variance for relief from Sec. 27-34, 27-11, Table 3 for Industrial Zones and Sec. 27-54, off street parking to be allowed to construct and occupy a mixed use housing property in an I-2 zone, with a structure that exceeds 60 ft and with parking to be approved by the zoning board in an I-2 Zone, located at **132 COURT STREET**.

PETITIONER'S STATEMENT: Attorney James Burke, and Scott Faria, Engineer presented to the board, Exhibit A Floor plans, Exhibit B Plot plan and Exhibit C Memo in support. The petitioner proposed to construct a residential complex erected consisting of 150 market rate rental apartments, and 4000 sq. ft space for commercial use. The building will consist of 110 one (1) bedroom units and 40 two (2) bedroom units.

OPPOSITION: Councilor Winthrop Farwell Jr wrote of his concerns regarding the process of revising the current zoning use.

DECISION: Granted

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 locus for the proposed residential complex consisting of one hundred and fifty (150) market rate rental apartment with 4,000 sf of mixed-use to be establish in a six (6) story building presents a hardship to the petitioner where the locus is situated in an I-2 Industrial Zone that currently has a very difficult future development as an Industrial use. The Petitioner cannot reasonably make use of the I-2 Zone property for commercial use where the neighborhood in the area of the locus has been developed as multi-story residential occupancies. The proposed site and use are reportedly consistent with City of Brockton development plans for the pending Trout Brook zoning Initiative that would allow for the proposed use.

The development shall consist of 150 market rate renal units, 110 Single bedroom units, 40 two (2) bedroom units, 4,000 sq. ft. of commercial space located on the first floor and on-site parking for 151 vehicles (57 spaces of which to be undercover garage parking) that has been approved by the ZBA for the site (Section 27-53 (3)). Relief has been approved for a building height of 69.6 ft. (Section 2-11 Table 3). The site is within walking distance of the MBTA railroad station and the Brockton Area Transit Intermodal Center making it a true transit overlay development project.

Granting would not derogate from the intent of the zoning by-laws the proposed surrounding residential development and would not negatively impact the orderly development of the neighborhood. All representatives in petitioner's statement shall be incorporated by reference as stipulations recorded herewith. Ward Councilor Jeffery Thompson spoke in favor of the proposed project. At large City Councilor Winthrop Farwell Jr wrote of his concerns of granting a Variance as opposed to site rezoning.

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

CITY CLERK'S OFFICE
BROCKTON, MA.

2022 MAR 24 A 11:49

RECEIVED

RECEIVED AND FILED: April 14, 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

Case 22-12, continued

VOTE:

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

IN FAVOR: 4

Brian Nardelli, Fire Chief

Steven Lainas

James Sweeney

Iolando Spinola

OPPOSED: 1

Kenneth Galligan, Chairman

Handwritten signatures of the individuals listed in the 'IN FAVOR' and 'OPPOSED' sections, including the City Clerk.

James Plouffe, Clerk

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2022 MAR 24 A 11: 50

CITY CLERK'S OFFICE
BROCKTON, MA.

Handwritten signature of Timothy J. Cruise, City Clerk.

Timothy Cruise, City Clerk

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

IN RE: 22-13 Petition of **DAVID M. OFFUTT, TRUSTEE**, 110 Cobblestone Lane, Bridgewater, MA, for a Variance from Art. III, Sec. 27-9, for relief from Ordinance standards for the lots size and frontage to convert an existing commercial office to a two (2) family home in an R-3 Zone, located at **540 OAK STREET**.

PETITIONER'S STATEMENT: Attorney John E McCluskey presented to the Board Exhibit A Plot plan, Exhibit B Floor plans and Exhibit C Memo in Support. The petitioner David Offutt, no longer able to use the property as its current use, a real estate office, wants to convert it into a two (2) family. Each unit will consist of three (3) bedrooms and have two (2) parking spaces each, for a total of four (4) spaces

OPPOSITION: None

DECISION: Granted with stipulations. 1. Proposed dumpster shall be removed. 2. Parking as provided for at last four (4) vehicles. 3. Green space on both sides of front driveway to extend at least twenty (20) feet in from front property line with a vertical asphalt or granite curb at the greenspace.

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 proposed two (2) family structure that was formerly occupied by a Real Estate Commercial Office, to be located in an R-3 multifamily zone. To attempt to use the locus as a commercial site creates a hardship for the petitioner and is contrary to the allowed use. Relief from lot frontage and minimum lot size would be consistent with the proposed use and in harmony with the adjacent multi-unit housing use. The proposed dumpster shall be removed, parking as provided for at last four (4) vehicles and green space on both sides of front driveway to extend at least twenty (20) feet in from front property line with a vertical asphalt or granite curb at the greenspace. Granting would not derogate from the intent of the zoning by-laws the proposed surrounding residential development and would not negatively impact the orderly development of the neighborhood. The above listed stipulations are incorporated by reference herein.

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

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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

John E. McCluskey
 BROCKTON, MA
 CITY CLERK'S OFFICE
 2022 MAR 24 A 11: 50

RECEIVED AND FILED: April 14, 2022
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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 Tuesday, March 8, 2022 at 6:00 p.m.

IN RE: 22-14 Petition of LEROY MCLAURIN, 66 Oakside Avenue, Brockton, MA, for permission to convert his one (1) family home into a two (2) family home for his son in a R-1-B Zone, located at 66 OAKSIDE AVENUE.

PETITIONER'S STATEMENT: Owner Leroy McLaurin, presented to the Board, Exhibit A Plot plan and Exhibit B Floor plan. The petitioner is seeking to convert his single-family home into a two (2) family to have his son and family move into the second unit.

OPPOSITION: Several abutters spoke in opposition

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 the applicant did not present any evidence regarding elements of Mass General Laws (MGL) Chapter, 40A, Sect. 10 which would relate to any unique soil conditions, shape or topography of the land in question which would affect generally the zoning district. The Board did not find that maintain the aforementioned requirements would invoke a substantial hardship, financial or otherwise. There was an absence of evidence that would aid the applicants position to establish a two (2) family dwelling in a R-1-B Zone surrounded by single family dwellings similar in nature as the one in question which further negates any basis for relief before the Board. Ward City Councilor Susan Nicastro and another adjacent abutter spoke in opposition. Accordingly, no hardship dealing with the locus was found by the Board, granting would derogate from the intent of the zoning by-laws and would negatively impact the orderly development of the neighborhood. The Board denies the request for Variance.

VOTE:

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

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IN FAVOR: 0

OPPOSED: 5

Kenneth Galligan, Chairman

Brian Nardelli, Fire Chief

Steven Lainas

James Sweeney

Isolando Spinola

James Plouffe, Clerk

CITY CLERK'S OFFICE
BROCKTON, MA.

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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 Tuesday, March 8, 2022 at 6:00 p.m.

IN RE: 22-15 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, and Art. IX.27-53, seeking a mixed-use special permit to allow for 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. Accessory lot Art. IX. Sec. 27-53 (not owned by petitioner) but under lease with the abutting church to have additional shared parking. Proposed easement access plan and demolition plans are filed with this application in a C-2-Zone, located at **1159 MAIN STREET**.

PETITIONER'S STATEMENT: Attorney, Creedon, and Engineer, Scott Faria presented to the Board Exhibit A Plot plan, Exhibit B Floor plans and Exhibit C Memo in Support. Mr. Creedon stated the petitioners are looking to convert the building into a 100-seat restaurant, with a family style menu.

OPPOSITION: Ward Councilor Susan Nicastro spoke of concerns relative to parking and traffic issues

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 proposed parking arrangements for combined use by two (2) separate properties adjacent to each other to be an unacceptable arrangement for the propose one-hundred (100) seat restaurant and four (4) dwelling units on second floor over the restaurant. The number of on-site parking spaces as proposed was inadequate, vehicle maneuvering in the lot was unacceptable and parking deed restrictions as prescribed in Section 27-53 (4) were lacking. Granting would negatively impact the orderly development of the site. Egress and exit access along with parking available would create dangerous and unacceptable traffic patterns. Ward Councilor Susan Nicastro spoke of concerns with parking and traffic issues. State senator Michael Brady sent a letter in support of the Variance.

VOTE:

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

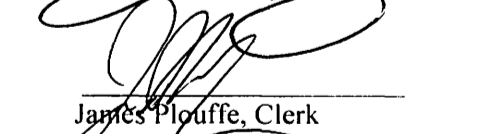
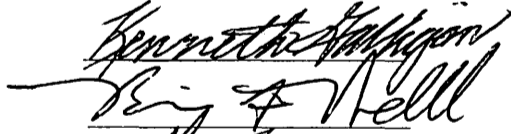
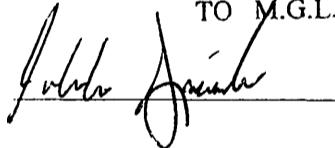
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IN FAVOR: 1

Polando Spinola

OPPOSED: 4

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




James Plouffe, Clerk

CITY CLERK'S OFFICE
BROCKTON, MA.

2022 MAR 24 A 11:50

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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 Tuesday, March 8, 2022 at 6:00 p.m.

IN RE: 22-16 Petition of EMMANUEL LAMY, 25 Woodlawn Road, Randolph, MA, for a Variance to construct an addition that will have two (2) bedrooms and one (1) bathroom on each floor in a R-2 Zone, located at 268-274 GROVE STREET

PETITIONER'S STATEMENT: Attorney John Fink, presented to the Board Exhibit A Plot plan, Exhibit B Floor plans and Exhibit C Memo in Support. The Petitioner owns a parcel which contains two (2) separate dwellings. The petitioner is seeking to convert the property located in the back, which is a single family into a two (2) family. He would construct an addition off the current dwelling property making it 1300 sq. ft for each unit.

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 did not present any evidence regarding elements of Mass General Laws (MGL) Chapter, 40A, Sect, 10 which would relate to any unique soil conditions, shape or topography of the land or structure in question to allow for a conversion of a Single family dwelling on a single lot currently containing a separate free standing three (3) family dwelling. The proposed conversion severely lacks rear yard setback and negatively impact the single lot density. Granting would derogate from the intent of the zoning by-laws will negatively impact the orderly development of the neighborhood and would not invoke a substantial hardship, financial or otherwise. Ward Councilor Jeffery Thomas was recorded as supporting the Variance.

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VOTE:

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

IN FAVOR: 1

Brian Nardelli, Fire Chief

OPPOSED: 4

Kenneth Galligan, Chairman

Steven Lainas

James Sweeney

Iolando Spinola

James Plouffe, Clerk

CITY CLERK'S OFFICE
BROCKTON, MA.

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IN RE: 22-17 Petition of CHARLES MACY, MANAGER, 14 Stoney Road, West Bridgewater, MA, or a Variance from Sec. 27-9, Table 1 requiring 175 feet of frontage to be allowed to construct and sell 12 single family homes having a frontage of 125 feet in a R-1 Zone, located at OFF WESTBURY ROAD/ PLOT 188.

PETITIONER'S STATEMENT: Attorney James Burke, and Evan Watson, Engineer presented to the board, on behalf of Charles Macy, Manager, Exhibit A Floor plans, Exhibit B Plot plan and Exhibit C Memo in support. The petitioners are seeking an approval for a subdivision consisting of 18 single family homes.

OPPOSITION: Several abutters spoke in concern of water issues and drainage

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 locus to be the site of an approved fifteen (15) lot subdivision where twelve (12) of the eighteen (18) lots are proposed to have a frontage of less than the required 175 ft frontage, Chapter 27, Section 9, R-1-A lots. A possible hardship was proffered with possible soil conditions making a fifteen (15) lot conforming subdivision uneconomic and a hardship that would not allow the petitioner to "maximize its business opportunity". The Board suggested a design change where the proposed design would currently derogate from the intent of the zoning by-laws and will negatively impact the development of the zoned R-1-A neighborhood.

VOTE:

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

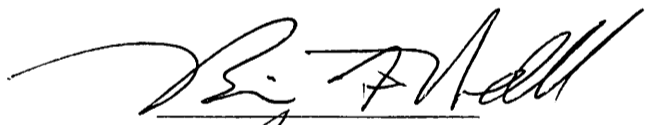
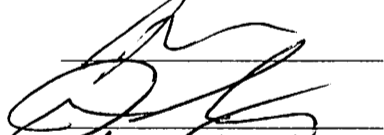

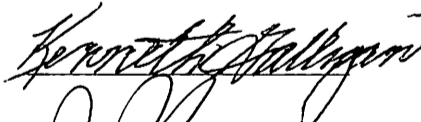
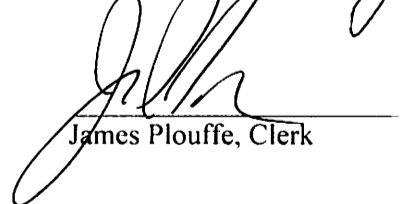
FAVOR: 4

Brian Nardelli, Fire Chief
Steven Lainas
James Sweeney
Iolando Spinola

OPPOSED: 1


Kenneth Galligan, Chairman

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