

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, April 12, 2022 at 6:00 p.m.

**IN RE:** 22-24 Petition of SIGN DESIGN, 170 Liberty Street, Brockton, MA, for relief from the 10ft setback from property line to erect an electronic message board sign in a C-2 Zone, located at 1362 MAIN STREET.

**PETITIONER'S STATEMENT:** Petitioners, Sign Design on behalf of Self Help presented to the Board Exhibit A, Plot Plan and Exhibit B, Sign design plans. Petitioner stated to the Board due to the close proximity of the building to the sidewalk, leaving only ten (10) feet setback. The message board (EMC) hours will be operating only while Self Help is open during business hours.

**OPPOSITION:** None

**DECISION:** Unanimously Granted

**BASIS:** After reviewing the application, plans, information submitted (individual site visitation by board members) and giving due consideration to testimony given at the public hearing, the Board found a hardship exists at the locus due to the location of the existing structure and its proximity to the sidewalk front property line setback requiring relief from sign setback requirements Section 27-65 (11) Allowing relief of five (5) feet from the required ten (10) feet of sign setback allowing for the proposed sign to be not less than five (5) feet from the front setback line would not derogate from the intent of the zoning by laws and will not negatively impact the orderly development of the neighborhood. Special Relief is also granted for installation of a new LED sign that will be installed in conformance with granted five (5) foot setback as shown on plans submitted and dated 1/27/22. The electronic message Board (LED sign) shall change graphics no less than once every ten (10) seconds, shall contain no animation, shall conform to mandates of Chapter 27-65 (2) illumination terminated between 11 pm to 7am and shall be light intensity controlled by current LED sign industry standards of reduced nighttime light intensity on the 24 x 48 sign. The use will be in harmony with the development of the C-2 Zone and will not negatively impact the neighborhood.

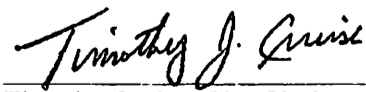
**VOTE:**

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

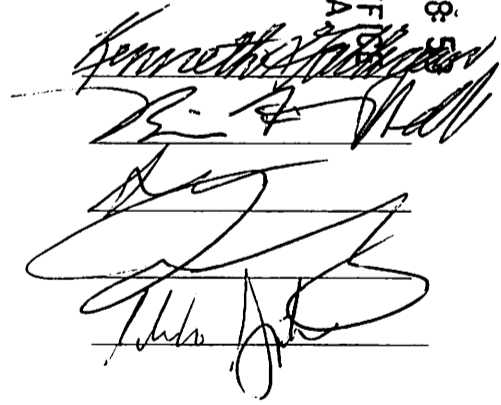
**IN FAVOR: 5**

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

**OPPOSED: 0**

  
Timothy Cruise, City Clerk

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2022 MAY -5 A 8:50  
CITY CLERK'S OFFICE  
BROCKTON, MA



  
Frank Gazerro, Clerk

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

MAY 05 2022

RECEIVED AND FILED: June 1, 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

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, April 12, 2022 at 6:00 p.m.

**IN RE: 22-25** Petition of **BARROS REALTY GROUP, LLC**, 103 South Leyden Street, Brockton, MA, for a Variance from Art. III, Sec. 27-9, for relief from dimensional standards for the lots size and frontage to convert an existing one (1) family home to a three (3) family home in an R-3 Zone, located at **35 HOWARD SQUARE**.

**PETITIONER'S STATEMENT:** Attorney John McCluskey, on behalf of Owners Mr. Barros, presented to the Board, Exhibit A, Plot Plans and Exhibit B, Floor plans. The petitioners stated to they are looking to convert a single-family home into a three (3) family, three (3) bedroom per unit. The parcel once being two separate parcels is combined and now contains 10,500 sq. and has a frontage of 87 feet of frontage. The parcel currently has an existing dwelling and will be completely renovated with the three 3 bedrooms and additions will be built for the other two units. Parking is sufficient for six (6) vehicles.

**OPPOSITION:** An Abutter spoke with concerns of traffic and street parking.

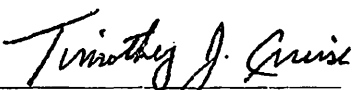
**DECISION:** Granted with stipulations. 1. Dwelling shall be in compliance with the applicable fire safety and building codes fully fire sprinkler system installed. 2. The basement area shall not be constructed, equipped or used as a separate additional apartment living space beyond the proposed three (3) apartments.

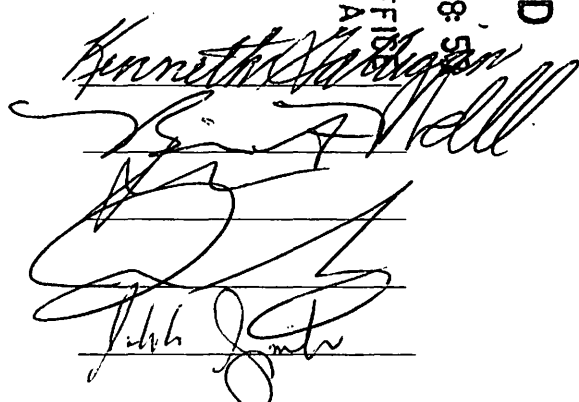
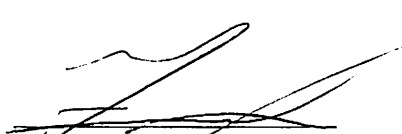
**BASIS:** After reviewing the application, plans, information submitted (individual site visitation by Board members) and giving due consideration to testimony given at the public hearing, the board found that a hardship exists at the locus due to the unique size, shape, topography and the restrictions associated with the adjacent lot. Sufficient off-street parking was depicted on the submitted plans and the surrounding neighborhood is populated with similar multifamily dwellings. Granting of relief from section 27-9 for side yard relief and expansion of the current vacant single-family dwelling to a three (3) family dwelling using the current side yard setback would not derogate from the intent of the zoning by-laws and will not negatively impact the orderly development of the multi family established neighborhood. The expansion of the current single dwelling to a three (3) family dwelling shall be in compliance with the applicable fire safety and building codes fully fire sprinkler system installed, of the City of Brockton and Comm and mass. The basement area shall not be constructed, equipped or used as a separate additional apartment living space beyond the proposed three (3) apartments. The above listed stipulations are incorporated by reference herein. Ward 2 City Councilor Tavares spoke in favor. Owner of property at 35 Howard Sq. was opposed citing traffic and street parking.

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

- IN FAVOR: 5**
- Kenneth Galligan, Chairman
  - Brian Nardelli, Fire Chief
  - Steven Lainas
  - James Sweeney
  - Iolando Spinola

**OPPOSED: 0**

  
Timothy Cruise, City Clerk

  
  
Frank Gazerro, Clerk

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CITY CLERK'S OFFICE  
BROCKTON, MA

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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, April 12, 2022 at 6:00 p.m.

**IN RE:** 22-26 Petition of ROSS AND AGNES MESSINA, 7 Dunkin Way, Bridgeton, ME, for a Variance from Sec. 27-9, seeking a reduction in the side yard setback from 15 feet to 10 feet in an R-1-C Zone, located at 71 MORSE AVENUE.

**PETITIONER'S STATEMENT:** Engineer, Frank Gallagher, on behalf of Owners Ross and Agnes Messina presented to the Board Exhibit A, Plot Plan and Exhibit B Floor Plans. Petitioners stated they are looking to build an addition to the existing dwelling. The placement of the home only allows the owners to build off the rear of the dwelling.

**OPPOSITION:** None

**DECISION:** Unanimously Granted

**BASIS:** After reviewing the application, plans, information submitted (individual site visitation by Board members) and giving due consideration to testimony given at the public hearing, the Board found that the location of the foundation of the current dwelling and the interior layout of the structure necessitates the proposed location of the proposed 14 x 25'6 addition (Section 27-9) creating a hardship at the locus (Section 27-48). The proposed addition to the structure shall not be substantially more determinate to the neighborhood, will results in a structure that is similar in size to other structures in the neighborhood, will not overcrowd either the lot or adjacent lots and allows for sufficient room for parking. All as depicted in submitted plans dated 12/13/21, all representations in petitioners statement shall be incorporated by reference as stipulations recoded herewith.

**VOTE:**

Motion to Grant by: Steven Lainas  
Seconded by: Iolando Spinola

**FAVOR: 5**

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

**OPPOSED: 0**

*Timothy J. Cruise*  
Timothy Cruise, City Clerk

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CITY CLERK'S OFFICE  
BROCKTON, MA.

*Brian Nardelli*  
*Steven Lainas*  
*James Sweeney*  
*Iolando Spinola*  
*Monique Screen-Berry* (18)

*Frank Gazerro*  
Frank Gazerro, Clerk

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**IN RE: 22-27** Petition of ANDREA BURTON, 67 Bigney Avenue, Brockton, MA, for a Variance from Sec. 27-9, for permission to erect a fire egress for the new 2 story back decks and stairs: to convert the home into a two (2) family home in an R-2-Zone, located at **36 BROAD STREET**.

**PETITIONER'S STATEMENT:** General Contractor, Andrea Burton on behalf of the Owner, Sandra Wigfall, presented to the Board, Exhibit A, Plot Plan, and Exhibit B, Floor Plans. Ms. Burton stated they are looking to build a second-floor egress, which is a requirement to have a legal second floor unit. The second-floor unit is to generate income for the homeowners.

**OPPOSITION:** An abutter spoke on concerns of the congested neighborhood and parking.

**DECISION:** Denied

**BASIS:** After reviewing the application, plans, information submitted (individual site visitation by Board member) and giving due consideration to testimony given at the public hearing, the board found that the petitioners failed to demonstrate a hardship at the locus, Section 27-48. The dwelling is used, designed and constructed as a single-family dwelling on a lot of sufficient area for a single-family dwelling and deficient for a two (2) family dwelling. Provisions for off-street parking concerned the Board. Granting would derogate from the intent of the zoning by laws and would negatively impact the density and orderly development of the congested established neighborhood. The Board did not find that maintaining the aforementioned requirements would invoke substantial hardship, financial or otherwise. Accordingly, considering the absence of any evidence related to Chapter 40-A and requirements needed to be submitted, the Board denies the request for a Variance from Section 27-9 and conversion to a two (2) family dwelling. An adjacent neighbor at Broad St spoke of the current lack of parking in the neighborhood and volume of traffic on the narrow street. City Councilor Mendes spoke in favor.

**VOTE:**

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

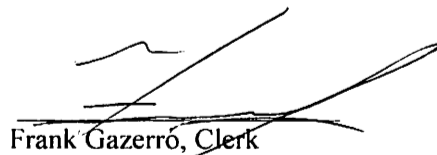
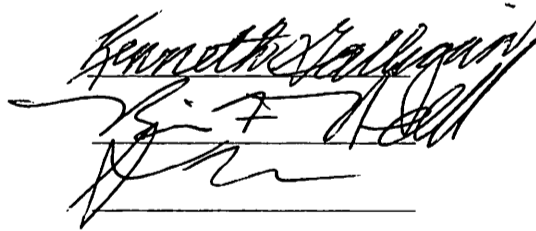
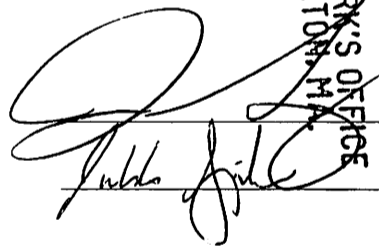
**IN FAVOR: 2**

James Sweeney  
Rolando Spinola

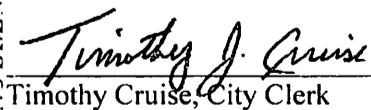
**OPPOSED: 3**

Kenneth Galligan, Chairman  
Brian Nardelli, Fire Chief  
Steven Lainas

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BROCKTON, MA



Frank Gazerró, Clerk



Timothy Cruise, City Clerk

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**IN RE: 22-28** Petition of **BROCKTON NEIGHBORHOOD HEALTH CENTER**, 63 Main Street, Brockton, MA, for a Special Permit from Sec. 27-19, to construct a free standing modular unit resulting in more than two (2) accessory structures on the R-1-B, lot and no more than one (1) principal dwelling structure and two (2) accessory structures, including a private garage on each lot in a R-1A, B and C Zone except as provided in Sec. 27-37(b), located at **466 FOREST AVENUE**.

**PETITIONER'S STATEMENT:** Director of facilities of Brockton Neighborhood Center, Michael Jacques on behalf of Brockton Neighborhood Health Center presented to the Board, Exhibit A, Building Plans, Exhibit B, Floor Plans and Exhibit C, Memo in support. The petitioners stated the facility will be a modular structure, 3000 sf, single story containing 3 restrooms. A Restroom for staff, one for students and the third for medical testing. It will be a school-based health center, only for students attending the Brockton High School at this time and may in the future be extended for other schools in the City of Brockton. Students will be able to receive medical attention a half hour before school is to start a half hour after school ends.

**OPPOSITION:** None

**DECISION:** Granted

**BASIS:** After reviewing the application, plans, information submitted (individual site visitation by Board members) and giving due consideration to testimony given at the public hearing, the Board found that the request for a special permit from Section 27-19 to construct a free standing modular to provide medical evaluations and treatment to school students to be located on the Brockton High School grounds that use 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 nor inconsistent with any officially adopted master plan for the City There is adequate ingress and egress to parking and will not interfere with traffic on abutting street. All representations in petitioners' statement shall be incorporated by refence as stipulations recorded herewith.

**VOTE:**

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

**IN FAVOR: 5**

Kenneth Galligan, Chairman

Brian Nardelli, Fire Chief

Steven Lainas

James Sweeney

Iolando Spinola

**OPPOSED: 0**

*Timothy J. Cruise*

Timothy Cruise, City Clerk

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BROCKTON, MA.

*Kenneth Galligan*  
*Brian Nardelli*  
*Steven Lainas*  
*James Sweeney*  
*Iolando Spinola*

*Frank Gazerro*  
Frank Gazerro, Clerk

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CITY OF BROCKTON  
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**IN RE: 22-29** Petition of **LEGAL GREENS C/o VANESSA JEAN-BAPTISTE**, 71 Legion Parkway, Brockton, MA, to seek a modification to an issued use Variance and Special Permit from Provision 27-24.4(3), allowed uses (a) Principal permitted to operate a marijuana cultivation facility to support adjacent Retail Establishment within the 100 feet of a residential use in a C-2 & C-3 Zone, located at **93R PLEASANT STREET**.

**PETITIONER'S STATEMENT:** Attorney, Richard Staiti, on behalf of the Owners Vanessa Jean-Baptiste, presented to the Board, Exhibit A, Building Plans, Exhibit B Floor Plans and Exhibit C Memo of Support. Petitioners stated they are looking to modify an existing variance to be allowed to construct a new building in place of the existing building. The new building will be smaller footprint in size and now include an improved design and improvements to the facility and site. The business will not be open to the public.

**OPPOSITION:** None

**DECISION:** Granted

**BASIS:** After reviewing the application, plans, information submitted (individual site visitation by Board members) and giving due consideration to testimony given at the public hearing, the Board found that the requested modification to a Variance and Special Permit granted to the petitioner on May 11<sup>th</sup> 2021 to operate a marijuana cultivation facility to support an adjacent Retail Establishment within a split C-2/C-3 Zoning District within a newly constructed three (3) story growing facility to be in conformance with the previously granted zoning relief from Section 27- 24.4 (3), allowed uses and Principal Permitted and within 100 feet of a residential use would not derogate from the intent of the zoning by-laws and will not negatively impact the orderly development of the neighborhood. The original grow facility building was deemed to be not feasible for intended purpose and cost prohibited to rehabilitate from current used and in great disrepair condition. All representation in petitioners' statement shall be incorporated by reference as stipulations recorded herewith including fire safety ventilation points (such as windows), operating hours of twenty-four (24) hours, seven (7) days per week with no public sale from site.

Several elected officials spoke in favor of granting the requested modification to include the new proposed three (3) story structure. There was no opposition offered at the hearing.

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

**IN FAVOR: 5**

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

**OPPOSED: 0**

*Timothy J. Cruise*

Timothy Cruise, City Clerk

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BROCKTON, MA.

*Kenneth Galligan*  
*Brian Nardelli*  
*Steven Lainas*  
*James Sweeney*  
*Rolando Spinola*  
*Frank Gazerro*  
Frank Gazerro, Clerk

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