

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 11th, 2023 at 6:00 p.m.

IN RE: 23-13 Petition of JAIRSON B. BARROS, 70 Banks Street, Brockton, MA, for a Variance seeking relief from Sec. 27-9 and Sec. 27-39, for relief from front, side & rear yard requirements, lot coverage and non-conforming use, to build an addition in an R-1-C Zone, located at 70 BANKS STREET.

PETITIONER'S STATEMENT: Attorney Costa, on behalf of Owner Jairson B. Barros presented to the Board Exhibit A Plot Plans, Exhibit B Building Plans. Mr. Costa stated to the board the proposal is to convert the existing two-family dwelling currently on the lot, into a single unit and the proposed newly constructed dwelling be the second unit. The newly constructed dwelling addition would be to accommodate his growing family.

OPPOSITION: None

DECISION: Denied

BASIS: After reviewing the application, plans, information submitted, individual site visitations and giving due consideration to testimony given at the public hearing, the Board found that the applicant did not present any evidence regarding elements of Mass General Laws (MGL) Chapter 40-A Section 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 maintaining 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-family dwelling expansion of 123% (27-39) of the original two-family dwelling to include the proposed new single-family dwelling in a R-1-B Zone surrounded by single family dwellings which further negates any basis for relief before this Board. Numerous supporters to granting the expansion at the locus were recorded. No hardship dealing with the locus was found by the Board, granting would negatively impact the orderly development of the neighborhood. The Board denies the requested Variance.

VOTE:

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

IN FAVOR: 0

OPPOSED: 5

Kenneth Galligan, Chairman

Brian Nardelli, Fire Chief

Steven Lainas

James Sweeney

Monique Screen-Berry

Timothy J. Cruise

Timothy Cruise, City Clerk

Kenneth Galligan
Brian Nardelli
Steven Lainas
James Sweeney
Monique Screen-Berry

James Plouffe
James Plouffe, Clerk

2023 APR 26 1:52

RECEIVED

RECEIVED AND FILED: May 17th, 2023
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,
Brockton, Massachusetts, on Tuesday, April 11th, 2023 at 6:00 p.m.

IN RE: 23-12 Petition of **DKS REALTY TRUST/RAOUL BORGATTI, TRUSTEE**, 132 Court Street,
Brockton, MA, for an extension of previously granted Variance, case 22-12, seeking relief from Sec.
27-34, 27-11, Table 3 for Industrial Zone, and Sec. 27-54, off street parking to be allowed to construct
and occupy a mixed use housing property in an 1-2 Zone with a structure that exceeds 60ft and with
parking to be approved by the Zoning Board in an 1-2 Zone, located at **132 COURT STREET**.

PETITIONER'S STATEMENT:

OPPOSITION: None

DECISION: Granted

BASIS: The Petitioner appeared before the Board to request a six (6) month extension previously granted
Variance at the locus. The Board voted to grant one (1) six month extension for the locus in conformance
with Chapter 40-A, Section 10.

VOTE:

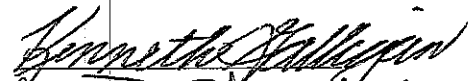

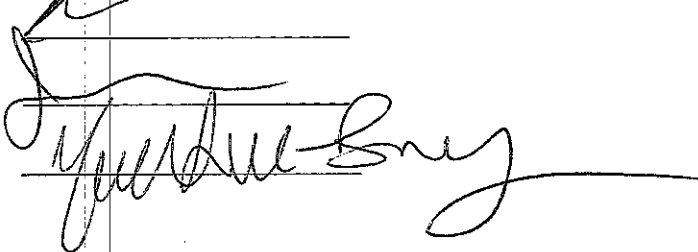
Motion to Grant by: Brian Nardelli, Fire Chief
Seconded by: Steven Lainas

IN FAVOR: 5

Kenneth Galligan, Chairman
Brian Nardelli, Fire Chief
Steven Lainas
Jamie Hodges
Monique Screen-Berry

OPPOSED: 0


Timothy Cruise, City Clerk


James Plouffe, Clerk

RECEIVED
2023 APR 26 P 1:52
CITY CLERK'S OFFICE
BROCKTON, MA.

RECEIVED AND FILED: May 17th, 2023
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COMMONWEALTH OF MASSACHUSETTS
CITY OF BROCKTON
ZONING BOARD OF APPEALS

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Brockton, Massachusetts, on Tuesday, April 11th, 2023 at 6:00 p.m.

IN RE: 23-17 Petition of **HYACINTH REALTY ASSOCIATES, LLC/EVERETT MURRAY**,
1109 Montello Street, Brockton, MA, for Variance seeking relief from Sec. 27-29, Commercial uses,
Sec. 27-10, Table 2, C-2 Zone and Sec. 27-18, Maximum Coverage, residential use not allowed in
commercial zone, relief from parking space size and required spaces and minimum greenspace in a
C-2 Zone, located at **1144 MAIN STREET, 15 EAST MARKET STREET, 1109 MONTELLO
STREET & 29 EAST MARKET STREET**.

PETITIONER'S STATEMENT:

OPPOSITION:

DECISION: Granted

BASIS: The Petitioner requested to withdraw from the scheduled hearing by letter prior to the start of the
hearing as a matter of right in accordance with Chapter 40-A, Section 16.

VOTE:

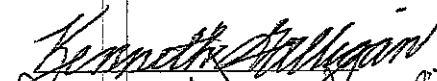

Motion to Grant by:
Seconded by:

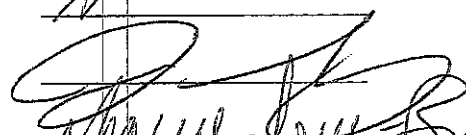
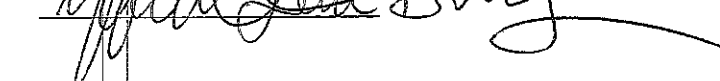
IN FAVOR: 5

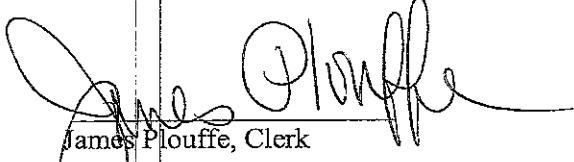
Kenneth Galligan, Chairman
Brian Nardelli, Fire Chief
Steven Lainas
James Sweeney
Monique Screen-Berry

OPPOSED: 0


Timothy Cruise, City Clerk


James Plouffe, Clerk

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CITY CLERK'S OFFICE
BROCKTON, MA.

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 11th, 2023 at 6:00 p.m.

IN RE: 23-18 Petition of **ROBERT BELCHER, TR., SONOR REALTY TRUST**, P.O. Box 267,
Milton Village, MA, for a Variance seeking relief from Sec. 27-34, 1-2 Zone, as per application, Phase
I Environmental Assessment Report identifies oil contamination and the presence of an existing
structure which is functionally obsolete in an 1-2 Zone, located at **159 NORTH MAIN STREET**.

PETITIONER'S STATEMENT:

OPPOSITION: None

DECISION: Granted

BASIS: The Petitioner requested to withdraw from the scheduled hearing by letter prior to the start of the
hearing as a matter of right in accordance with Chapter 40-A, Section 16.

VOTE:

Motion to Grant by:
Seconded by:

IN FAVOR: 5

Kenneth Galligan, Chairman

Brian Nardelli, Fire Chief

Steven Lainas

James Sweeney

Monique Screen-Berry

OPPOSED: 0

Timothy J. Cruise

Timothy Cruise, City Clerk

Kenneth Galligan
Brian Nardelli
Steven Lainas
James Sweeney
Monique Screen-Berry

James Plouffe
James Plouffe, Clerk

RECEIVED
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CITY CLERK'S OFFICE
BROCKTON, MA.

**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 11th, 2023 at 6:00 p.m.

IN RE: 23-16 Petition of **GBEI HOLDINGS, LLC.**, c/ o 1325 Belmont Street, Brockton, MA, for a Variance seeking relief from Sec. 27-34, I-2 Zone - Principal permitted uses, to convert existing commercial building into a commercial self-storage building in a I- 2 Zone, located at **137 PERKINS AVENUE**.

PETITIONER'S STATEMENT: Attorney, Chris Veale, Land Surveyor, Scott Faria, presented to the Board Exhibit A Building plans and Exhibit B Site Plan. Mr. Veale stated to the board the former candy manufacture, is proposed to be a state-of-the-art self-storage facility, with 996 units, security systems and a rental office. All units will be assessed by 3 loading areas. All storage will be within the facility, no outside storage.

OPPOSITION: None

DECISION: Granted with stipulations.

BASIS: After reviewing the application, plans, information submitted, individual site visitations and giving due consideration to testimony given at the public hearing, the Board found that the locus to be currently vacant Industrial building located in a I-2 Zone with a request for a Use Variance to allow for the development of a commercial self-storage facility containing 996 self-storage units within the existing building. The current zoning regulations do not allow for a self -storage facility without a Variance from the Board. The Board found that the proposed use of the building would not derogate from the intent of the zoning by-laws in the I-2 Industrial zone and would not negatively impact the orderly development of the mixed use Industrial and Residential neighborhood. The Use Variance is granted with the following stipulations; All storage will be conducted inside the building with nothing stored outside of the building or in the yard area, the building will be fully code compliant sprinklered with at least one fire sprinkler located in each storage unit, there shall be no living space or any residential use of the building, exterior security lighting shall not "spill over" onto adjacent residential area and the hours of operation for access to the facility shall be- office, Monday through Saturday from 9:30 am to 6:00 pm closed Sunday. Access by keypad at loading areas shall be from 7am to 9pm on the above days. All representations in petitioners' statement shall be incorporated by reference as stipulations recorded herewith on plans submitted dated 3/8/23. There was no opposition presented at hearing.

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

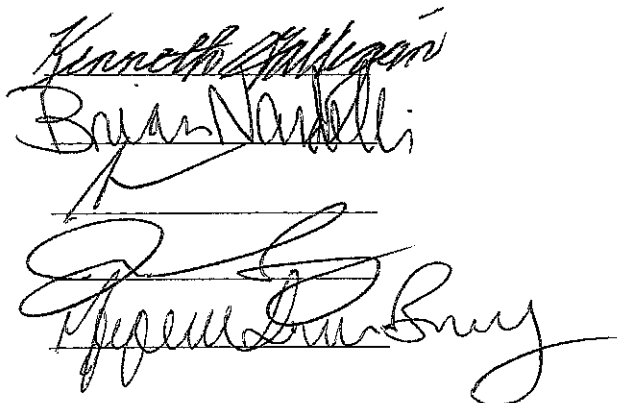
James Sweeney

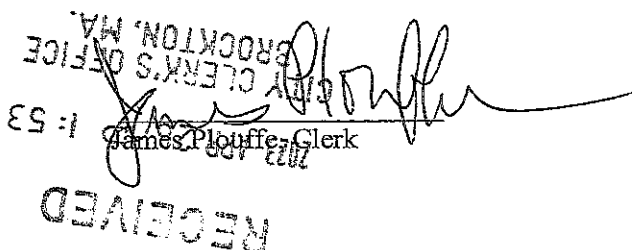
Monique Screen-Berry

OPPOSED: 0



Timothy Cruise, City Clerk




James Plouffe, Clerk
RECEIVED
MAY 16 2023
CITY CLERK'S OFFICE
BROCKTON, MA
1:53 PM

ANY APPEAL MUST BE MADE
WITHIN 20 DAYS FROM THIS
DATE MAY 16 2023 PURSUANT
TO M.G.L.C. 40A SECTION 17.

RECEIVED AND FILED: May 17th, 2023
I, TIMOTHY J. CRUISE, CITY CLERK OF BROCKTON, MASSACHUSETTS, DO 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, Brockton, Massachusetts, on Tuesday, April 11th, 2023 at 6:00 p.m.

IN RE: 23-15 Petition of **NEW ENGLAND TORTILLA, INC.**, 1020 West Chestnut Street, Brockton, MA, for a Variance seeking relief from Sec. 27-8, Height limits, Sec. 27-11 (table 3) standards for industrial zones and Sec. 27-48, Appeals, to construct and utilize an accessory silo that exceeds the height limits for the tortilla manufacturing business in an I-1 Zone, located at **1020 WEST CHESTNUT STREET**.

PETITIONER'S STATEMENT: Attorney James Burke, Land Surveyor Scott Faria, presented to the Board Exhibit A Building plans, and Exhibit B Plot Plans. Mr. Burke stated the business, Mi Nina began business in 2011 making authentic chip from Aztec period. They are an employer who employ 62 Brockton employees. Due to demand of production Mi Nina would need to construct a new third silo. The new silo will be used to house blue corn to produce a blue chip.

OPPOSITION: None

DECISION: Granted

BASIS: After reviewing the application, plans, information submitted, individual site visitations and giving due consideration to testimony given at the public hearing, the Board found that the request for a Variance at the locus seeking relief from Section 27-8, Height limits, Section 27-11 (Table 3) to allow for the construction and utilization of an accessory silo of forty-five (45) feet in the I-1 zoning district would not derogate from the intent of the zoning by-laws and will not negatively impact the orderly development of the Industrial Zoned neighborhood. All representations in petitioners' statement shall be recorded herewith and in compliance with plans submitted dated 3/2/23.

VOTE:

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

Monique Screen-Berry

OPPOSED: 0

Timothy J. Cruise
Timothy Cruise, City Clerk

Kenneth Galligan
Brian Nardelli
Steven Lainas
James Sweeney
Monique Screen-Berry
James Plouffe
James Plouffe, Clerk
CITY CLERK'S OFFICE
2023 APR 26 PM 1:52
RECEIVED

RECEIVED AND FILED: May 17th, 2023
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COMMONWEALTH OF MASSACHUSETTS
CITY OF BROCKTON
ZONING BOARD OF APPEALS

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IN RE: 23-14 Petition of **DAVID J. CRUISE**, 120 Torrey Street, Brockton, MA, for a Variance seeking relief from Sec. 27-9, Standards for residential zones, Sec. 27-13, Lot frontage and Sec. 27-13A, Minimum lot width, to create lots for a new subdivision in an R-1-C Zone, located at **262 WINTER STREET, 262(REAR) WINTER STREET & 34 KENT STREET**.

PETITIONER'S STATEMENT: Attorney Costa, Land Surveyor William Self, presented to the Board Exhibit A, Site Plans. Mr. Self-stated the owner David Cruise is proposing to extend Kent Street, with combining lots he owns to create Kent Estates and construct five (5) single family raised ranch homes.

OPPOSITION: An abutter spoke on concerns of water being an issue for their homes.

DECISION: Granted

BASIS: After reviewing the application, plans, information submitted, individual site visitations and giving due consideration to testimony given at the public hearing, the Board found that the request for a Variance under Section 27-9, Section 27-13 and section 27-13A to allow for the construction of a new subdivision containing seven (7) lots with five (5) new single family dwellings lacking the requested frontage of one hundred seventy five feet (175) in a R-1-C Zone, surrounded by similar or smaller lot size compared to the proposed lots may be granted at the locus due to soil conditions, unusual topography and slope affecting the land which contribute to unique economic hardship costs to the developer. A literal enforcement of the Brockton Zoning frontage requirements on the affected lots would invoke substantial hardship to the developer to construct the small subdivision. The developer proffered the utilities will be underground, current drainage uses are addressed in the submitted plans and there shall not be any further exacerbation of surface water onto adjacent properties. All representation in petitioners' statement and plans submitted dated 9/12/22 shall be incorporated by reference as stipulations recorded herewith. Ward City Councilor Jack Lally appeared to oversee the impact of the proposed development to the neighborhood.

VOTE:


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


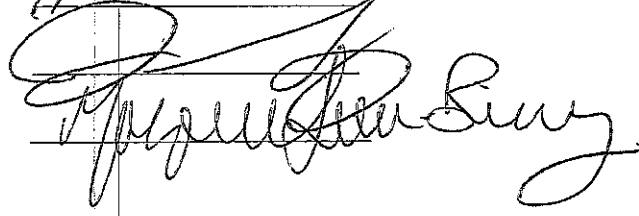
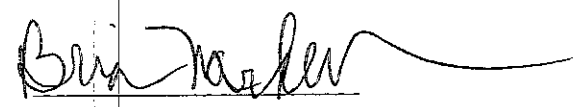

IN FAVOR: 4

Kenneth Galligan, Chairman
Steven Lainas
James Sweeney
Monique Screen-Berry

OPPOSED: 1

Brian Nardelli, Fire Chief


Timothy Cruise, City Clerk





James Plouffe, Clerk
2023 APR 26 1:52
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