

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, September 15, 2022 at 6:00 p.m.

IN RE: 22-83 Petition of STEVE TORREY, MANAGER, FORTY-ONE ARLINGTON STREET, LLC, P.O. Box, 948, Randolph, MA, for a Variance and Special Permit for permission to construct a sixteen (16) one- and two-bedroom units and for relief from parking standards in an R-3 Zone, located at 53 & 41 ARLINGTON STREET.

PETITIONER'S STATEMENT: Attorney, John McCluskey presented to the board on behalf of Owner, Steve Torrey, Exhibit A Plot Plans and Exhibit B Building Plans. Mr. McCluskey stated the owner is proposing to construct a sixteen (16) unit on the property but by right could construct a fourteen (14) unit apartment building.

OPPOSITION: Several neighbors spoke with concerns of traffic, parking and safety for the children in the neighborhood.

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 granting the request sixteen (16) living units at the locus would derogate from the intent of the zoning by-laws and would negatively impact the orderly development of the neighborhood. Congested and difficult vehicle parking in the neighborhood, as presented by neighbors of the proposed development of the apartments, coupled with the request for a reduced number of off-street parking spaces would further exacerbate a currently difficult parking situation. The request for living units is denied.

VOTE:


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

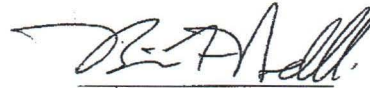
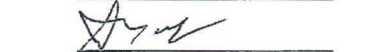
IN FAVOR: 2




Brian Nardelli, Fire Chief
Steven Lainas

OPPOSED: 3

Kenneth Galligan, Chairman
James Sweeney
Rolando Spinola


Timothy Cruise, City Clerk




George Depina, Clerk

RECEIVED
2022 OCT -4 P 1:29
CITY CLERK'S OFFICE
BROCKTON, MA.

ANY APPEAL MUST BE MADE
WITHIN 20 DAYS FROM THIS
DATE 10/11/2022 PURSUANT
TO M.G.L.C. 40A SECTION 17.

RECEIVED AND FILED: October 26, 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, Brockton, Massachusetts, on Thursday, September 15, 2022 at 6:00 p.m.

IN RE: 22-85 Petition of DIESEL DIRECT, LLC, 74 Maple Street, Stoughton, MA, for a Variance from Sec.27-29, for permission to use the property as a truck terminal in a C-2 Zone, located at 59, 85 & 93 MILL STREET.

PETITIONER'S STATEMENT: Attorney, Chris Worthy presented to the board Exhibit A. Plot Plan and Exhibit B Memorandum in Support. Mr. Worthy stated the company Diesel Direct will do minor renovations to the existing building, which will have 2-3 office personal in the building and fifteen driving staff. The parking lot will have 25-30 parking spaces, which will be for the company trucks and employee parking.

OPPOSITION: An abutter spoke with concerns of wetlands.

DECISION: Unanimously 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 locus in the C-2 Zone directly abuts the I-1 Zone where several other commercial businesses in the immediate area operate large commercial tractor trailer and straight chassis trucks all as part of the industrial Park Area of the City. The subject location has been used in part as an industrial use. A hardship exists at the site where a commercial C-2 use of the property has not been operational for an extended period of time and the proposed use fits well with the general character of the neighborhood. The vehicles operating at the property will only be those owned by the Petitioner and not by third party contractors or customers. There will be no permanent truck fueling storage tanks installed on the site and there is sufficient on-site parking spaces provided for the proposed use.

Granting would not derogate from the intent of the zoning by-laws and will not negatively impact the orderly development of the neighborhood. The above listed stipulations are incorporated by reference herein. All representations in petitioners' statement shall be incorporated by reference as stipulations recorded herewith.

A direct abutter on shields Ave. spoke in support of the proposed use and one (1) area citizen spoke of traffic concerns. The petitioner was advised of a Planning Department letter to the ZBA relating to Site Plan Review, stormwater management and conservation requirement.

VOTE:

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

IN FAVOR: 5

Kenneth Galligan, Chairman

Jamie Hodges

Steven Lainas

James Sweeney

Iolando Spinola

OPPOSED: 0

Timothy J. Cruise
Timothy Cruise, City Clerk

Kenneth Galligan
Jamie Hodges
Steven Lainas
James Sweeney
Iolando Spinola
George Depina
George Depina, Clerk

2022 OCT -4 P 1:27
CITY CLERK'S OFFICE
BROCKTON, MASS.

RECEIVED

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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. II

ANY APPEAL MUST BE MADE WITHIN 20 DAYS FROM THIS DATE OCT 26 2022 PURSUANT TO M.G.L.C. 40A SECTION 17.

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, September 13, 2022 at 6:00 p.m.

IN RE: 22-81 Petition of NEW VISION ENTERPRISES, LLC, JOSEPH GONCALVES, MGR., 188 Court Street, Brockton, MA, for a Special Permit for permission to construct a fifty (50) apartment building in a C-3 Zone, located at LOT A, PETRONELLI WAY.

PETITIONER'S STATEMENT: Attorney, Chris Veale, Architect, Kevin Patten, Engineer, Scott Faria and Owner, Joseph Goncalves, presented to the Board Exhibit A, Building Plans, Exhibit B, Floor Plans and Exhibit C Plot Plan. Mr. Vale stated the luxury apartments will have thirty-five (35) one (1) bedroom apartments and fifteen (15) two (2) bedrooms apartments with two (2) full baths. The newly constructed building will have thirty-one (31) on-site parking space and nineteen (19) to be leased from the City at the Carpenter Garage. A park will also be constructed adjacent to the new building.

OPPOSITION: None

DECISION: Unanimously 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 locus and the surrounding area is undergoing residential development particularly as it related to a transit-oriented location with its close proximity to all types of public transportation, particularly with the MBTA commuter rail facility, on-site vehicle parking is provided with additional direct access to lease parking at the adjacent Carpenter public parking garage. The proposed use of the site for residential use will result in the highest and best use of this property, will support Transit Oriented housing development and eliminate a long standing commercially unused location. The requested relief from Article IV Section 27-30 (3B) for relief from space standards for the R-3 Zone will not derogate from the intent of the zoning by-laws, will be consistent with similar buildings in the surrounding area, will not negatively impact the orderly development of the surrounding neighborhood nor inconsistent with any officially adopted master plan for the City. This proposed development of the locus was strongly supported by elected officials with no opposition presented at the hearing. All representation presented at the hearing and of plans submitted and dated 7/11/22 are incorporated by reference as stipulations recorded herewith. The parking agreement with the Brockton Parking Authority for nineteen (19) parking spaces at the Carpenter Parking Garage, as referenced in the better of July 27, 2022 to the Petitioner is referenced as a stipulation to the granting of this Special Permit.

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, Clerk

RECEIVED
OCT - 4 P 1:28
CITY CLERK'S OFFICE
BROCKTON, MA.

RECEIVED AND FILED: October 26, 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

ANY APPEAL MUST BE MADE WITHIN 20 DAYS FROM THIS DATE OCT 04 2022 PURSUANT TO M.G.L.C. 40A SECTION 17.

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, September 15, 2022 at 6:00 p.m.

IN RE: 22-86 Petition of **ALEX MALO**, 753 Pleasant Street, Brockton, MA, for a Special Permit from Art. XIV, Sec. 27-69, to erect a new sign on the roof of the store which is not allowed in an R-1-C Zone, located at **753 PLEASANT STREET**.

PETITIONER'S STATEMENT:

OPPOSITION: None

DECISION: Denied

BASIS: No representative appeared before the Board to present the petition to erect a new sign on the roof of the store located at 753 Pleasant St. The case was called at the assigned time, held to the end of the schedule cases, again called, whereupon no presentative appeared.

The petition was denied due to the inability of the Board to make an informed decision absent any relative information.

VOTE:

Motion to Grant by:
Seconded by:

IN FAVOR: 0

OPPOSED: 5

Kenneth Galligan, Chairman

Brian Nardelli, Fire Chief

Steven Lainas

James Sweeney

Isolando Spinola

George Depina, Clerk

Timothy Cruise, City Clerk

RECEIVED AND FILED: October 26, 2022
TIMOTHY J. CRUISE, CITY CLERK OF BROCKTON, MASSACHUSETTS HEREBY CERTIFY THAT THE AFORESAID IS A TRUE COPY AND THAT TWENTY DAYS HAVE LAPSED AND APPEAL HAS BEEN FILED. CHAPTER 40A SEC. 11

APPEAL MUST BE MADE WITHIN 20 DAYS FROM THIS DATE Oct 26 2022 PURSUANT TO M.G.L.C. 40A SECTION 17.

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2022 OCT -4 P 1:30
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, September 13, 2022 at 6:00 p.m.

IN RE: 22-82 Petition of **MICHAEL HAIKAL**, 1325 Belmont Street, Brockton, MA, for a Variance to seep permission to build a single-family home on a vacant existing lot of record in an R-1-C Zone, located at **47 SEWELL STREET**.

PETITIONER'S STATEMENT: Attorney, Chris Veale, Engineer Scott Faria and Owner, Michael Haikal presented to the board Exhibit A Building Plans and Exhibit B Plot Plans. Mr. Vale stated the owner is looking to construct a single-family dwelling on the property where currently a pool which is in disarray and has not been used in years is on the plot. Mr. Haikal will be removing the pool and with a single-family home now construct will improve the look of the neighborhood.

OPPOSITION: None

DECISION: Buildable Lot: Granted
Variance: 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 47 Sewell St. Plot 22 is described in a separate deed by specific metes and bounds as filled with the Plymouth County Registry of Deeds dated September 17th, 1965 and recorded on January 10, 1966 in Book 3266, Page 425 with a subsequent separate deed with a specific metes and bounds description dated September 17th and apart from any adjoining property the parties owned. Although this lot had been used by the previous owner with a pool, shed, plantings, etc., Section 27-12 does not mandate that an existing lot of record "remain unused or that the lot remain vacant. The previous owner did not own any vacant land in common ownership adjacent to the subject lot that may subject the locus to the location of merger. The Correia V. Zoning Board of Appeals, Brockton is referenced as a land case not unlike the case at hand.

The lot was an existing "lot of record" with a specific mete and bounds description with at least 50ft of frontage and 5,000 sq. ft of area prior to the enactment of the current zoning and ordinance of December 28, 1967. The adjacent lot at 44 North Bassett Road was not vacant, rather was the locus of a single-family home that precluded any merger applications.

The provisions of Section 27-12 of the revised Ordinances of the City of Brockton permit the construction of a single-family home on the Sewell St lot Parcel ID: 031-127, Lot 22 on December 28, 1967, it was and it remains an existing lot of record in the R-1-C Residential Zone.

The Board determined a hardship exists at the locus due to the unique shape and dimension of the lot that contains 8,814 sq. ft of area with 101.50 feet of frontage but a unique lot depth of ft that is consistent with all other adjacent lots on the west side of Sewell St in the area of the subject lot. The request for minimal rear yard setback will not derogate from the intent of zoning by-laws, will be consistent with similar buildings in the surrounding area, will not negatively impact the orderly development of the surrounding neighborhood and will eliminate an unsightly and dangerous current condition. There was no opposition to allowing the construction of the dwelling presented at the hearing. All representations presented at the hearing and plans dated 8/9/22 are incorporated by reference as stipulations incorporated herewith.

CITY CLERK'S OFFICE
BROCKTON, MA.

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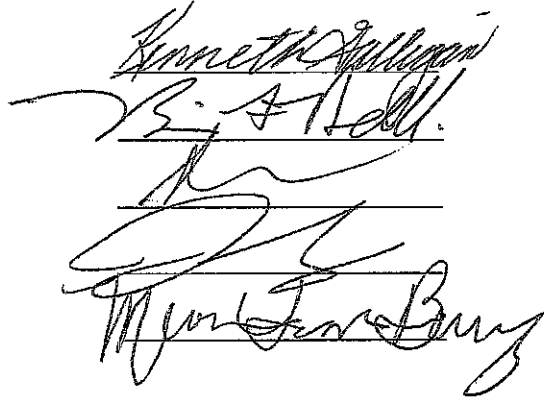
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VOTE Buildable lot:

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



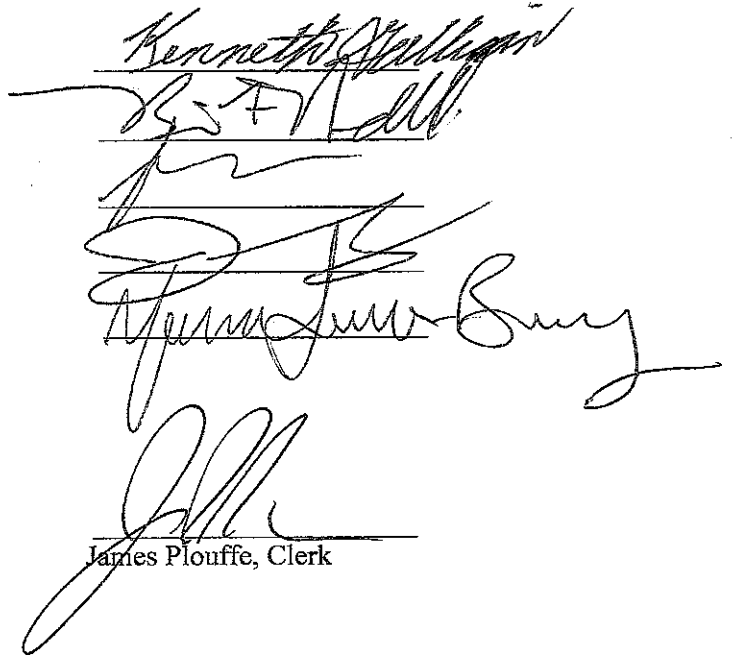
OPPOSED: 0

VOTE Variance:

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



James Plouffe, Clerk



Timothy Cruise, City Clerk

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2022 OCT -4 P 4:28
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BROCKTON, MA.

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WITHIN ~~20 DAYS~~ FROM THIS
DATE 10/04/22 PURSUANT
TO M.G.L.C. 40A SECTION 17.

OCT 04 2022

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, September 15, 2022 at 6:00 p.m.

IN RE: 22-84 Petition of STEVE TORREY, MANAGER, WEST ROSSETER VILLAGE, LLC, P.O. Box 948, Randolph, MA, for a Special Permit and Variance to construct nine (9) one-bedroom units and for relief from parking standards in an R-3 Zone, located at 20 W. ROSSETER/30 FALMOUTH AVE/ 0 FALMOUTH AVENUE.

PETITIONER'S STATEMENT: Attorney, John McCluskey presented to the board on behalf of Owner, Steve Torrey, Exhibit A Plot Plans and Exhibit B Building Plans. Mr. McCluskey stated the owner is proposing to construct nine (9) one (1) bedroom apartments.

OPPOSITION: Abutters spoke with concerns of traffic and more residents now parking on the street.

DECISION: Unanimously 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 granting the request for a Variance and Special Permit to allow for the construction of nine (9) one (1) bedroom units and relief from parking standards in the R-3 Zone Associated with the construction of a new multi-unit dwelling structure on Falmouth Ave. would derogate from the intent of the zoning by-laws, will further exacerbate the density of a congested neighborhood, and would negatively impact the orderly development of the neighborhood. The proposed off-street parking scheme was unacceptable to the Board that violated a previously granted parking layout as described in a previous zoning relief.

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

Iolando Spinola

Kenneth Galligan
Brian Nardelli
Steven Lainas
James Sweeney
Iolando Spinola
George Depina, Clerk

Timothy J. Cruise
Timothy Cruise, City Clerk

RECEIVED
2022 OCT -14 P 1:29
CITY CLERK'S OFFICE
BROCKTON, MA.

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

RECEIVED AND FILED: October 26, 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