

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, October 08, 2024 at 6:00 p.m.

IN RE: 24-55 Petition of **GARY TRUEHART**, 17 Huntress Avenue, Brockton, MA, for a Variance seeking relief from Sec. 27-7, to construct a car garage larger than 30 percent of the footprint of an existing dwelling in a R-1-C Zone, located at 17 HUNTRESS AVENUE.

PETITIONER'S STATEMENT: Owner Gary Truehart, presented to the Board, Exhibit A Plot Plan and Exhibit B Building Plans. Mr. Truehart stated he is seeking to build a two-car garage to house his classic vehicles and yard tools.

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 request to allow for the construction of a garage at the locus proposed to be in excess of thirty (30) percent of one floor of the principal building or more than an equivalent floor area in an accessory building Chapter 27, Section 25 (2), would derogate from the intent of the zoning by-laws and will negatively impact the orderly development of the neighborhood. The petitioner failed to show any evidence of a hardship pursuant to Chapter 40-A of the Mass General laws either of unique shape of the land, soil conditions, topography or contour. The area is comprised of residential use and the size of the proposed garage would be averse to the existing densely development neighborhood. Accordingly considering the absence of any evidence related to Chapter 40-A and Chapter 27, Section 25 (2), and requirements needed to be submitted, the Board denies a request for Variance.

VOTE:

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

IN FAVOR: 0

OPPOSED: 5

Kenneth Galligan, Chairman

Brian Nardelli, Fire Chief

Steven Lainas

Monique Screen-Berry

James Sweeney

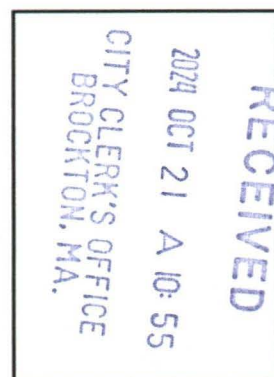
Timothy J. Cruise

Timothy Cruise, City Clerk

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

William Forte
William Forte, Clerk

PURSUANT TO M.G.L.C. 40A SECTION 17



20 DAYS FROM THIS DATE:

ANY APPEAL MUST BE MADE WITHIN

**CITY OF BROCKTON
BOARD OF APPEALS**
November 15, 2024

NOTICE OF VARIANCE

Conditional of Limited Variance or Special Permit
(General Laws Chapter 40A, Section 18 as amended)

Notice is hereby given that a Conditional or Limited Variance or Special Permit has been granted.

To: Timothy Carney, Trustee Chilton Realty Trust

Owner or Petitioner

Address: 50 Priscilla Road

City or Town: South Easton, MA 02375

Identify Land Affected

By the City of **Brockton** Board of Appeals affecting the rights of the owner with respect to the use of the premises on:

Plot 97 Pleasant St

Brockton, MA

Street

City or Town

The record title standing in the name of:

Carney Timothy J Tr

whose address is 50 Priscilla Road

South Easton

MA 02375

Street

City or Town

State

By a deed duly recorded in the Plymouth County Registry of Deeds

In Book 10172 Page 00290 Registry District of Land Court

Certificate No. _____ Book _____ Page _____

The decision of said Board is on file with the papers in Case No. 24-56 in the office of the

Brockton City Clerk

Certified this November day of 15th 2024

 , Chairman
BOARD OF APPEALS

 , Clerk
BOARD OF APPEALS

_____ 20 _____ at _____ o'clock and _____
minutes _____.

Received and entered with the Register of Deeds in the County of **Plymouth**

Book _____ Page _____ Attest _____

Registrar of Deeds

Notice to be recorded by Land Owner

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, October 08, 2024 at 6:00 p.m.

IN RE: 24-56 Petition of **TIMOTHY CARNEY, TRUSTEE CHILTON REALTY TRUST**, 50 Priscilla Road, South Easton, MA, for a Variance seeking relief from Sec. 27-9, to construct a residential subdivision with 10 lots in an R-1-A Zone, located at **PLOT 97 PLEASANT STREET (at the end of BRAEMOOR ROAD)**.

PETITIONER'S STATEMENT: Attorney James Burke, Land Surveyor Scott Faria presented the Board, Exhibit A Site Plan, Exhibit B Building Plans, and Exhibit B Memo. Mr Burke stated the owners are seeking to build the third and final series of development subdivision. This petition is a modification, they reduced the proposal from a thirteen (13) lot to a twelve (12) lot subdivision, which runs as an extension of Breamoore Road. They are seeking relief for only ten (10) lots, but all 12 lots will have newly constructed homes with four (4) bedrooms and two (2) car garage.

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 Variance relief from dimensional frontage requirements invoking ten (10) proposed new lots located in a new twelve (12) lot subdivision satisfied the mandates of Chapter 27, Section 48 and Mass General Law Chapter 40-A, that a hardship exists at the locus due to the unusual soil conditions consisting of an extensive ledge on the site as evidenced by a report document from W Engineering showing near surface bedrock, unusual topography and slope elevation changes all of which contribute to a substantial economic impact unique to the subject property. The proposed residential development would be in harmony with existing lot sizes in the surrounding neighborhoods and the requested frontage relief on the ten (10) identified lots would not have a detrimental impact on the surrounding neighborhood or derogate from the intent and purpose of the ordinance. The developer proffered that all utilities would be underground. As a condition of granting, the Petitioner proposed and the Board stipulated that no required ledge blasting drilling or removal of ledge by any means will begin prior to 7:00 AM and will conclude no later than 6:00 PM during the work week, and no such activity on Sundays. Truck hauling of gravel, soil, leged debris, etc. shall be confined to normal work week hours as described above. The petitioner stated that the new water main will be a "looped" main with no dead-end pipe and all of the new dwellings will be equipped with automatic fire sprinkler systems. There was no opposition to granting the Variance presented at the hearing. All representations in petitioners Statement in plan submitted dated 9/9/24 for the proposed twelve lot subdivision shall be incorporated by reference as stipulations recorded herewith.

ANY APPEAL MUST BE MADE WITHIN

20 DAYS FROM THIS DATE:

RECEIVED

2024 OCT 21 A 10:56

CITY CLERK'S OFFICE
BROCKTON, MA.

PURSUANT TO M.G.L.C. 40A SECTION 17

RECEIVED AND FILED: NOVEMBER 13, 2024
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

Con't 24-56

VOTE:

Motion to Grant by:
Seconded by:

Brian Nardelli, Fire Chief
James Sweeney

IN FAVOR: 4

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

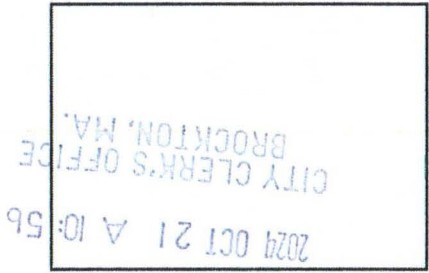
OPPOSED: 1

Kenneth Galligan, Chairman

Timothy J. Cruise
Timothy Cruise, City Clerk

William Forte
William Forte, Clerk

PURSUANT TO M.G.L.C. 40A SECTION 17



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CITY OF BROCKTON
BOARD OF APPEALS
November 15, 2024

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Owner or Petitioner

Address: 50 Priscilla Road

City or Town: South Easton, MA 02375

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By the City of Brockton Board of Appeals affecting the rights of the owner with respect to the use
of the premises on:

Plot 97 Pleasant St

Brockton, MA

Street

City or Town

The record title standing in the name of:

Carney Timothy J Tr

whose address is 50 Priscilla Road

South Easton

MA 02375

Street

City or Town

State

By a deed duly recorded in the Plymouth County Registry of Deeds

In Book 10172 Page 00290 Registry District of Land Court

Certificate No. _____ Book _____ Page _____

The decision of said Board is on file with the papers in Case No. 24-56 in the office of the

Brockton City Clerk

Certified this November day of 15th 2024

Kenneth Galligan, Chairman
BOARD OF APPEALS

William J. [Signature], Clerk
BOARD OF APPEALS

_____ 20 _____ at _____ o'clock and _____
minutes _____.

Received and entered with the Register of Deeds in the County of Plymouth

Book _____ Page _____ Attest _____

Registrar of Deeds

Notice to be recorded by Land Owner

COMMONWEALTH OF MASSACHUSETTS
CITY OF BROCKTON
ZONING BOARD OF APPEALS

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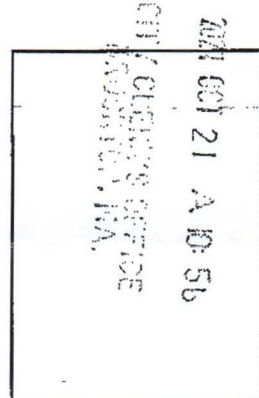
OPPOSITION: None

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 Variance relief from dimensional frontage requirements invoking ten (10) proposed new lots located in a new twelve (12) lot subdivision satisfied the mandates of Chapter 27, Section 48 and Mass General Law Chapter 40-A, that a hardship exists at the locus due to the unusual soil conditions consisting of an extensive ledge on the site as evidenced by a report document from W Engineering showing near surface bedrock, unusual topography and slope elevation changes all of which contribute to a substantial economic impact unique to the subject property. The proposed residential development would be in harmony with existing lot sizes in the surrounding neighborhoods and the requested frontage relief on the ten (10) identified lots would not have a detrimental impact on the surrounding neighborhood or derogate from the intent and purpose of the ordinance. The developer proffered that all utilities would be underground. As a condition of granting, the Petitioner proposed and the Board stipulated that no required ledge blasting drilling or removal of ledge by any means will begin prior to 7:00 AM and will conclude no later than 6:00 PM during the work week, and no such activity on Sundays. Truck hauling of gravel, soil, leged debris, etc. shall be confined to normal work week hours as described above. The petitioner stated that the new water main will be a "looped" main with no dead-end pipe and all of the new dwellings will be equipped with automatic fire sprinkler systems. There was no opposition to granting the Variance presented at the hearing. All representations in petitioners Statement in plan submitted dated 9/9/24 for the proposed twelve lot subdivision shall be incorporated by reference as stipulations recorded herewith.

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PURSUANT TO M.G.L.C. 40A SECTION 17



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Con't 24-56

VOTE:

Motion to Grant by:
Seconded by:

Brian Nardelli, Fire Chief
James Sweeney

IN FAVOR: 4

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Steven Lainas
Monique Screen-Berry
James Sweeney

OPPOSED: 1

Kenneth Galligan, Chairman

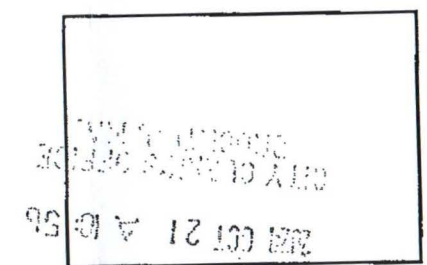
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Timothy J. Cruise
Timothy Cruise, City Clerk

William Forte
William Forte, Clerk

PURSUANT TO M.G.L.C. 40A SECTION 17



ANY APPEAL MUST BE MADE WITHIN
20 DAYS FROM THIS DATE

JAMES M. BURKE
ATTORNEY AT LAW
48 NORTH PEARL STREET
BROCKTON, MASSACHUSETTS 02301-1791
TELEPHONE (508) 587-8900

FAX (508) 587-0167
jburke@jmburkelaw.com

November 18, 2024

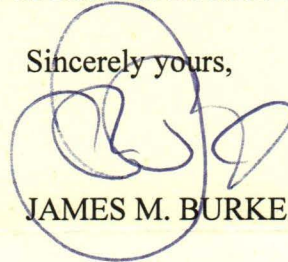
City of Brockton
Building Department
Brockton City Hall
45 School Street
Brockton, Mass. 02301

Re: Plot 97 Pleasant Street

Dear Sir:

Enclosed please find a copy of the Notice of Variance in the above referenced matter, which has been recorded in the Plymouth County Registry of Deeds at Book 59459 Page 306.

Sincerely yours,



JAMES M. BURKE

Cc: Tim Carney