

RECEIVED AND FILED: January 3, 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

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, December 12, 2023 at 6:00 p.m.

IN RE: 23-54 Petition of LEONARDA ANDRADE, 99 Brookside Avenue, Brockton, MA, seeking relief from Sec. 27-27, to construct an addition in a R-1-C zone, located at 99 BROOKSIDE AVENUE.

PETITIONER'S STATEMENT: Owner Leonarda Andrade, presented to the Board Exhibit A, Building Plans and Exhibit B, Plot Plan. Mrs. Andrade stated she is seeking to build an addition, which would consist of, three (3) bedrooms, a bathroom and living room. The addition is to have space for her family members.

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 after hearing the applicants request to expand a current non-conforming two-family dwelling located in an R-1-C Zone on an undersized lot, Chapter 27, Section 9, found the applicants did not present any evidence regarding elements of MGL, Chapter 40-A, Section 10, which would relate to any unique soil conditions, shape or Topography of the land or structure 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 and the proposed further expansion of the current non-conforming use that would exceed fifty (50) percent of the current dwelling thereby creating a three (3) family dwelling would negatively impact the orderly development of the neighborhood. Accordingly, considering the absence of any evidence related to Chapter 40-A and requirements to be submitted, the Board hereby denies the request for a variance.

VOTE:

Motion to Grant by: James Sweeney
Seconded by: Monique Screen-Berry

IN FAVOR: 0

OPPOSED: 5

Kenneth Galligan, Chairman

Brian Nardelli, Fire Chief

Steven Lainas

Monique Screen-Berry

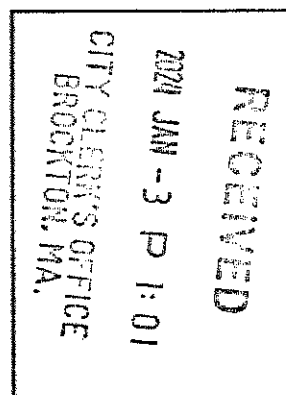
James Sweeney

Timothy Cruise, City Clerk

Kenneth Galligan
Brian Nardelli

James Sweeney
Monique Screen-Berry

James Blouffe, Clerk



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

ANY APPEAL MUST BE MADE WITH
20 DAYS FROM THIS DATE:

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, December 12, 2023 at 6:00 p.m.

IN RE: 23-58 Petition of **NEW VISION ENTERPRISE, LLC**, 188 Court Street, Brockton, MA, for relief from Article IV, Sec. 27-30 (b), a Special Permit to allow a multi-family residential (32 apartments) use in a C-3 Zone, and seeking relief from Article IX, Sec. 27-53 for parking and parking space size located at **PLOT# 1-2 FRANKLIN STREET**.

PETITIONER'S STATEMENT: Attorney Chris Veale, Manager Joseph Goncalves, presented to the Board, Exhibit A Site plans, Exhibit B, Building Plans and Exhibit C Memo in support. Mr. Veale stated to the board they are seeking to construct a building with 32 luxury apartments. The building would consist of sixteen (16) one-bedroom units, sixteen (16) studio units and laundry facilities in each unit.

OPPOSITION: An abutter spoke regarding parking concerns and seeking for long term parking solutions.

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 petitioners request to develop the site of a current parking lot in C-3 zone for a proposed thirty-two (32) unit apartment building with associated on-site and off-site parking by agreement with the Brockton Parking Authority presents an acceptable use of the property that is surrounded by apartment buildings of similar size and use. Granting of relief from Section 27-53, for the parking and limited number of unique parking stall dimensions represents an acceptable parking scheme. Granting of the special permit for the proposed use would not derogate from the intent of the zoning by-laws and will not negatively impact the orderly development of the neighborhood. All representations in petitioners statement including plans submitted dated 11/26/23 shall be incorporated by the reference as stipulations recorded herewith. The use will be such location, size and character that generally, it will be in harmony with the appropriate and orderly development of the zone in which the proposed use is stipulated and will not be detrimental to the existing neighborhood or orderly development of adjacent properties nor inconsistent with any officially adopted master plan of the City.

VOTE: Special Permit

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

IN FAVOR: 5

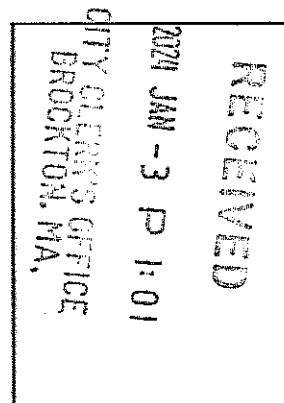
Kenneth Galligan, Chairman
Brian Nardelli, Fire Chief
Steven Lainas
Monique Screen-Berry
James Sweeney

OPPOSED: 0

Kenneth Galligan
Brian Nardelli

Steven Lainas
Monique Screen-Berry

PURSUANT TO M.G.L.C. 40A SECTION 1



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Con't 23-57

VOTE: Lot 2

Motion to Grant by:
Seconded by:

James Sweeney
Monique Screen-Berry

IN FAVOR: 5

Kenneth Galligan, Chairman

Brian Nardelli, Fire Chief

Steven Laimas

Monique Screen-Berry

James Sweeney

OPPOSED: 0

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Timothy Cruise, City Clerk

Timothy J. Cruise

James Plouffe, Clerk

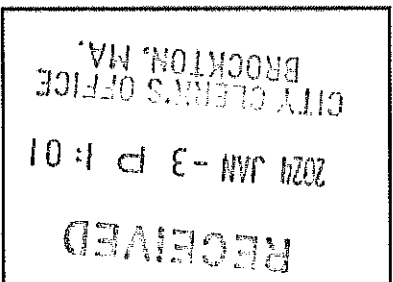
James Plouffe

Kenneth Galligan

James Sweeney

20 DAYS FROM THIS DATE:

ANY APPEAL MUST BE MADE WITHIN



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

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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, December 12, 2023 at 6:00 p.m.

IN RE: 23-55 Petition of **CHANEL MENDONCA GARCIA**, 34 Gladwood Street, Brockton, MA, for a Variance seeking relief from Sec. 27-9, front and side setbacks, to construct an addition in a R-1-B Zone, located at **34 GLADWOOD STREET**.

PETITIONER'S STATEMENT: Owner Chanel Mendonca Garcia, presented to the Board Exhibit A Plot and Exhibit B Plot Plan. Mrs. Garcia stated she was seeking to have an addition constructed, the addition will be a family room, 365 sq. ft.

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 requested variance for relief from Section 27-9 front and side yard setback, to allow for the construction of a family room addition to the current dwelling would not derogate from the intent of the zoning bylaws and will not negatively impact the orderly development of the neighborhood. The location of the existing foundation creates a hardship at the locus and the interior layout of the dwelling precludes the construction of the proposed addition at another location. All representatives in the petitioner's statement including plans submitted and dated 11/10/23 shall be incorporated by reference as petitioners recorded herewith. There was no opposition presented at hearing.

VOTE:

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

IN FAVOR: 5

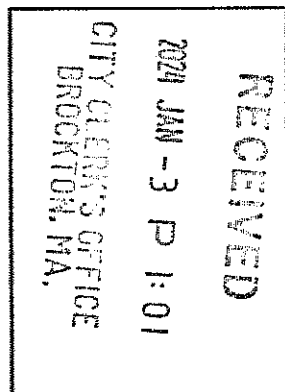
Kenneth Galligan, Chairman
Brian Nardelli, Fire Chief
Steven Lainas
Monique Screen-Berry
James Sweeney

OPPOSED: 0

Timothy J. Cruise
Timothy Cruise, City Clerk

James Plouffe, Clerk

PURSUANT TO M.G.L.C. 40A SECTION 11



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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, December 12, 2023 at 6:00 p.m.

IN RE: 23-53 In RE: Petition of **BUMBLE BEE ENTERPRISES, LLC**, 43 Irene Street, New Bedford, MA, appealing the decision of the Zoning Enforcement Officer, that the prior existing nonconforming commercial use of the building has expired, located at **144 HAYWARD AVENUE**.

PETITIONER'S STATEMENT: Attorney Stephen Brown, presented to the Board Exhibit A, Memo in support. Mr. Brown stated the building was purchased from previous owner, using the building for storing construction material and new owners will be storing furniture for their business.

OPPOSITION: An abutter spoke in opposition of the eyesore the structure is to the neighborhood. Deputy Building Commissioner William Fortin, defended the decision of the zoning enforcement officer.

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 in conformance with the relevant sections of MGL Chapter 4A, Brockton Zoning Section 27-39 and Section 27-41 that the non-conforming use of the locus was not used for its specific use allowed on December 28, 1967 for more than two (2) years and therefore is deemed abandoned. The petitioner offered that the original non-conforming use had changed from the original non-conforming use as a tannery operation to the storage of medical equipment, construction yard and storing vehicles and construction materials. All in violation of the current R-1-C zone, thereby extinguishing any "grandfathered" use status that may have existed. The use of this structure/locus for other than R-1-C use may only be allowed by variance from the Brockton Zoning Board of Appeals. The decision of the zoning enforcement officer that the locus having been used for another use for two (2) years has extinguished any "grandfathering" that may or may not be have existed. Ward 4 City Councilor Susan Nicastro appeared to speak in opposition to the requested "grandfather" of the locus and supported the written decision of the Building Inspector indicating any grandfather status no longer applies.

VOTE:

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

IN FAVOR: 0

OPPOSED: 5

Kenneth Galligan, Chairman

Brian Nardelli, Fire Chief

Steven Lainas

Monique Screen-Berry

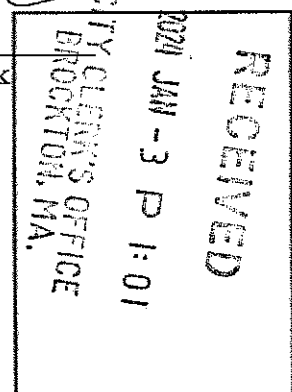
James Sweeney

Timothy Cruise, City Clerk

Kenneth Galligan
Brian Nardelli

Steven Lainas
Monique Screen-Berry
James Sweeney

James Plouffe, Clerk



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20 DAYS FROM THIS DATE:

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, December 12, 2023 at 6:00 p.m.

IN RE: 23-56 Petition of **WILLIAM CALLAHAN**, 335 Grange Park, Bridgewater MA, seeking relief from Art III, Sec. 27-9, for lot size and frontage to construct a single-family home in a R-1-C Zone, located at **40 LENOX STREET and PLOT 37 HAWLEY STREET**.

PETITIONER'S STATEMENT: Attorney John McCluskey, presented to the Board, Exhibit A, Plot Plan and Exhibit B, Building Plans. Mr. McCluskey stated the owners are seeking to construct a single-family home on Plot 37 Hawley Street. The property has an existing structure, once an auto body repair shop, which does not fit the current neighborhood.

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 locus at 40 Lenox Street and the locus known as Plot 37 Hawley St, have existed as two separate and distinct lots of record defined by separate metes and bounds descriptions from Deeds of 1920, have been taxed and assessed separately and have remained separate lots. There exists an abandoned shed like structure at the locus that is in dangerous conditions, is an eyesore to the surrounding neighborhood and will be removed from the site. The subject lot contains 6,600 sq. ft of area that demonstrates a hardship to development for a single family dwelling due to the unique shape, site conditions, slope of land and financial challenges to develop the site. Other dwellings have been constructed on similar lots in the immediate area and the development of this lot will not have a negative impact on the surrounding neighborhood. Relief from Chapter 27, Section 9, lot size and frontage is granted. All representatives in petitioners' statement and plans submitted dated 10/30/23 shall be incorporated by reference as stipulations recorded herewith. There was no opposition presented at hearing.

VOTE:

Motion to Grant by: James Sweeney
Seconded by: Monique Screen-Berry

IN FAVOR: 5

Kenneth Galligan, Chairman

Brian Nardelli, Fire Chief

Steven Lainas

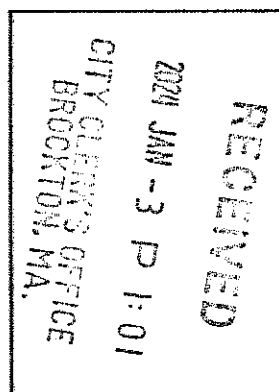
Monique Screen-Berry

James Sweeney

OPPOSED: 0

Timothy Cruise, City Clerk

James Plouffe, 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, December 12, 2023 at 6:00 p.m.

IN RE: 23-59 Petition of MOHAMMAD ISLAM TRUSTEE, 23 Hearthstone Road, South Easton MA, for a Variance from Art. IV, 27-29 & Art IX, 27-53 & Art. IX, 27-53, to allow a five (5) unit apartment building that has been shut down since 2017 by BOH along with parking relief, additional three spaces from Plot 199, in a C-2 zone, located at **238 WARREN AVENUE (front) and PLOT 192 (252) WARREN AVENUE.**

PETITIONER'S STATEMENT: Attorney James Creedon, and Owner Mohammad Islam presented to the Board, Exhibit A Plot Plan and Exhibit B, Floor Plans. Mr. Creedon stated to the Board, the owner is seeking to have the five (5) building unit re occupied to tenants. The floor level will no longer be commercial space.

OPPOSITION: A letter of opposition to granting was received from the Boys and Girls Club located across the street from 238 Warren Ave, referencing past problems with tenant activities that negatively affected the occupants of the Boys and Girls Club

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 petitioner's request to allow for the locus to be occupied as a five unit apartment building, that has been shut down by the Brockton Board of Health's, and for relief for parking on site, that granting of the requested relief would derogate from the intent of the zoning bylaws and will negatively impact the orderly development of the neighborhood. No hardship was demonstrated with the proposed development of the site as presented to the board. A letter of opposition to granting was received from the Boys and Girls Club located across the street from 238 Warren Ave, referencing past problems with tenant activities that negatively affected the occupants of the Boys and Girls Club as well as insufficient parking at 238 Warren Ave. that had a negative impact on the surrounding neighborhood. The request for a variance to develop a five (5) unit apartment building with unacceptable onsite parking is denied.


VOTE:

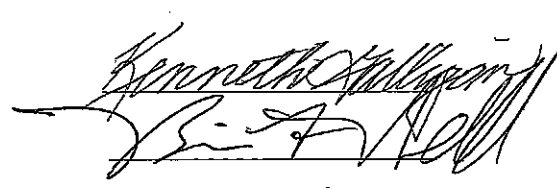
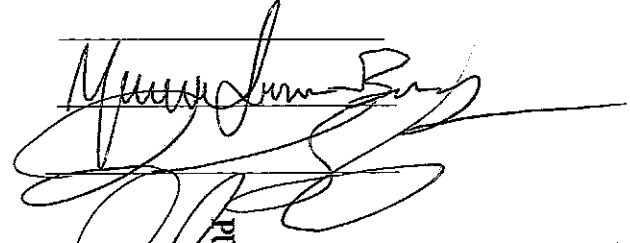
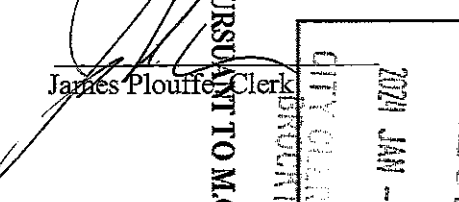
Motion to Grant by: James Sweeney
Seconded by: Brian Nardelli, Fire Chief

IN FAVOR: 0

OPPOSED: 5

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


Timothy Cruise, City Clerk




James Plouffe, Clerk

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

RECEIVED
2024 JAN -3 P 1:01
CITY CLERK'S OFFICE
BROCKTON, MA.

ANY APPEAL MUST BE MADE WITH
20 DAYS FROM THIS DATE:

Con't 23-58

VOIE: Variance

Motion to Grant by:
Seconded by:

James Sweeney
Brian Nardelli, Fire Chief

IN FAVOR: 5

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

OPPOSED: 0

Timothy Cruise, City Clerk

Timothy J. Cruise

James Plouffe, Clerk

[Signature]

[Signature]

[Signature]

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

2024 JAN -3 P 1:01
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, December 12, 2023 at 6:00 p.m.

IN RE: 23-57 Petition of MANUEL RAMOS, 97 Oak Street, Brockton, MA, seeking relief from Art III, Sec. 27-9, and 27-13, for minimum area and frontage in order to subdivide the lot to construct two single-family homes on two newly created lots in a R-1-C Zone, located at **PLOT 41 WEST STREET**.

PETITIONER'S STATEMENT: Attorney John McCluskey presented to the Board, Exhibit A, Plot Plan and Exhibit B, Building Plans. Mr. McCluskey stated the owners are seeking to build two single family homes on two separate vacant lots. The single-family homes will be will be roughly 3,000 sq. ft.

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 a hardship exists at the locus due to the large unique shape and topography of the locus. An unusual boundary size was created by the reconstruction of West street that contributed to the unique shape of the entire locus. The site is boarded by C-2 zoning to the north side and residential R-1-C on the remaining three property lines. The proposed use of the site will be in conformance with other lots in the surrounding neighborhood of similar size and will eliminate an unattractive site that has been unkept for many years. Attempts in the past to allow commercial use of the site have been met with opposition from neighbors who favored residential use of the site as opposed to commercial development. Relief from minimum lot area and lot frontage is granted. Granting will not derogate from the intent of the zoning by-laws and will not negatively impact the orderly development of the neighborhood. All representations and petitioners statement including plans submitted dated 9/5/23, shall be incorporated by reference as stipulations recorded herewith. There was no opposition presented at hearing.

VOTE: Lot 1

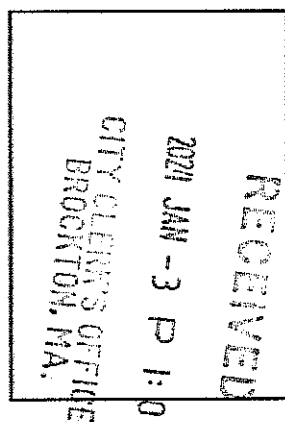
Motion to Grant by: Steven Lainas
Seconded by: James Sweeney

IN FAVOR: 5

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

OPPOSED: 0

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



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