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 12, 2017 at 7:00 p.m.

IN RE: 17-59 Petition of MICHAEL & DONNA KELLEHER, 45 Dyer Street, Brockton, MA, for a Variance from Art. III, Sec. 27-13a & Art. III, Sec. 27-9, to build a 2 story colonial house on an existing lot of record in a R-1-C Zone, located at 45 DYER STREET.

PETITIONER'S STATEMENT:

OPPOSITION:

DECISION: The petition was withdrawn prior to the start of the meeting as a matter of right.

BASIS:

VOTE:
Motion to Grant by:
Seconded by:

IN FAVOR: 0
Kenneth Galligan, Chairman
Michael Williams, Fire Chief
Stephen Bernard
Jeffrey Thompson
Robert Pelaggi

OPPOSED: 0

Anthony Zeoli, City Clerk

Jane M. Casieri, Clerk
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 12, 2017 at 7:00 p.m.

IN RE: 17-60 Petition of STEVE DALKOURAS, 4 Charles Way, N. Easton, MA, for a Variance from Art. III, Sec. 27-Ba, to divide a 5.6 acre parcel of land to construct four (4) new single family homes and to remove existing home in an R-1-B Zone, located at 343 LINWOOD STREET.

PETITIONER’S STATEMENT: Attorney John McCluskey along with Steven Dakouras presented to the board Exhibit A; Site Plan and Floor Plans. Mr. Dakouras had been before the board and was denied for five homes. He has now returned seeking permission to construct four (4) new single family homes. The homes will be sixty (60) ft from the street with a double wide driveway with turnaround. The new homes will not cause any additional water runoff. The existing home will be razed. The street will be newly paved in front of the proposed homes for Mr. Dakouras. The hardship is the soil and topography of the land where the location of the homes can be located. Peter Peterson mentioned with the traffic density a traffic signal at the corner of West Chestnut and Linwood would be nice along with No Parking Signs in front of the proposed homes.

OPPOSITION: Lester and Mary Moore stated traffic heading towards West Chestnut street backs up in front of their home and parking in front of the home will be a concern when they have visitors. Also, mentioned the noise when the homes are being constructed and property taxes going up being retired.

DECISION: Granted unanimously with the stipulation that the plan as shown is use.

BASIS: After reviewing the application, plans, information submitted and giving due consideration to testimony given at the public hearing, the board found that the petitioner demonstrated a hardship at the locus relating to the unique shape, soil conditions, topography and inability to develop the rear area of the unusually deep lot comprising 5.6 acres. Division of lot to allow for the construction of four (4) new colonial style homes will provide lot frontage that will be in compliance with other lot frontage in the neighborhood. The developer will remove a vacant dilapidated structure that currently sits on the site and will provide front setbacks that takes into consideration the proposed street realignment easement for Linwood Street. One adjacent neighbor expressed opposition due to the possible increase in assessed taxes on their property including traffic issues at the site. Granting 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 and submitted plans shall be incorporated by reference as stipulations recorded herewith.

VOTE: Motion to Grant by: Robert Pelaggi
Seconded by: Michael Williams

IN FAVOR: Michael Galligan, Chairman
Michael Williams, Fire Chief
Stephen Bernard
Jeffrey Thompson
Robert Pelaggi

OPPOSED: Robert Pelaggi
Michael Williams

ANY APPEAL MUST BE MADE WITHIN 20 DAYS FROM THIS DATE, SEP 27, 2017, PURSUANT TO M.G.L.C. 40A SECTION 17.

Anthony Zeoli, City Clerk
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 12, 2017 at 7:00 p.m.

IN RE: 17-61 Petition of REV. AZ & ANN IGBO, 824 Ash Street, Brockton, MA, for a Variance from Art. Ill, Sec. 27-9, for bedroom expansion above one (1) car garage and in rear three season porch with a deck in an R-1-C Zone, located at 824 ASH STREET.

PETITIONER’S STATEMENT: Reverend Az Igbo presented to the board Exhibit A, Site and Floor Plans. Reverend Igbo is before the board seeking permission to construct an addition for a garage and a master bedroom above. The petitioner has four (4) children. Reverend Igbo is a councilor and having an office in the home is important. In the rear of the property an addition on a full foundation with be for an additional room with a deck heading to the backyard.

OPPOSITION: None.

DECISION: Granted unanimously.

BASIS: After reviewing the application, plans, information submitted and giving due consideration to testimony given at the public hearing, the board found that current design and physical layout of the current house as well as the location of the foundation severely limited options for the proposed expansion of the dwelling. Granting of the minimal side yard setback relief 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 petitioner's statements shall be incorporated by reference as stipulations recorded herewith.

VOTE:
Motion to Grant by: Stephen Bernard
Seconded by: Michael Williams

IN FAVOR: (5)
Kenneth Galligan, Chairman
Michael Williams, Fire Chief
Stephen Bernard
Jeffrey Thompson
Robert Pelaggi

OPPOSED: (0)

ANY APPEAL MUST BE MADE WITHIN 20 DAYS FROM THIS DATE, SEP 21, 2017 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 12, 2017 at 7:00 p.m.

IN RE: 17-62 Petition of MARIA RIBEIRO, 34 Sumner Street, Brockton, MA, for permission to rehabilitate an old barn house to construct an in-law in an R-1B Zone, located at 34 SUMNER STREET.

PETITIONER'S STATEMENT: Humberto Pires presented to the board Exhibit A, Site dated 1994 and Floor Plans. Mr. Pires is before the board seeking permission to renovate the existing barn into an in-law. The in-law will have three (3) bedrooms and a garage attached for two (2) vehicles. The home is for Maria Riberio’s mom and her children.

OPPOSITION: None

DECISION: Unanimously denied.

BASIS: After reviewing the application, plans, information submitted and giving due consideration to testimony given at the public hearing, the board found that the plans presented described a full size dwelling reportedly comprising an expansion of an existing "old barn house" to be developed into an "in-law" dwelling unit. The proposed new dwelling would create two (2) principal dwellings on a single lot in violation of Art. 3, Sec. 27-19, whereby the proposed in-law apartment goes well beyond the scope of the typical in-law apartment. The site plans dated October 4, 1994 was outdated and unacceptable for the board to reference to make any informed decision about the locus. No hardship was found by the board dealing with the locus. Granting would derogate from the intent of the zoning by-laws and will negatively impact the orderly development of the neighborhood.

VOTE:
Motion to Grant by:
Seconded by:

IN FAVOR: (0)

OPPOSED: (5)
Kenneth Galligan, Chairman
Michael Williams, Fire Chief
Stephen Bernard
Jeffrey Thompson
Robert Pelaggi

Anthony Zsoll, City Clerk

ANY APPEAL MUST BE MADE WITHIN 20 DAYS FROM THIS DATE, SEP 22, 2017, PURSUANT TO M.G.L.C. 40A SECTION 17.
ZONING BOARD OF APPEALS held a meeting in the Council Chambers, City Hall, Brockton, Massachusetts, on Tuesday, September 12, 2017 at 7:00 p.m.

IN RE: 17-63 Petition of EILEEN FITCH AND NIKEISHA CORREIA, 77 Woodard Avenue, Brockton, MA, for permission to have a dog license in order for foster two (2) dogs at a time in an R-1-C Zone, located at 77 WOODARD AVENUE.

PETITIONER'S STATEMENT: The petitioners Eileen Fitch and Nikeisha Correia presented to the board Exhibit A, Site Plan With pictures for kennel. The petitioners have two (2) dogs of their own and also foster dogs when needed. They have been asked to take two (2) at a time which would require permission from zoning. The dogs can stay with the petitioners for approximately three (3) weeks. It is not a business caring for the dogs only volunteering since no money is exchanged. Darlene Ferrini has known the petitioners for many years stated they have always loved caring for dogs.

OPPOSITION: None

DECISION: Unanimously granted with the stipulations 1. No more than four (4) dogs at any one time. 2. no breeding of dogs, no sales of dogs, no boarding or grooming of dogs with no commercial operations whatsoever and 3. When fostering has stopped, the kennel use is terminated.

BASIS: After reviewing the application, plans, information submitted and giving due consideration to testimony given at the public hearing, the board found that granting a Special Permit for a Kennel with restrictions will be in harmony with the development of the zone and not negatively impact the neighborhood. In conformance with Sec. 3-19, Kennel-license and as a condition of allowing for a license at this location, the following stipulations shall be strictly maintained. There shall be no more than four (4) dogs on the premises at any one time. There shall be no breeding of dogs, no sales of dogs, no boarding or grooming of dogs with no commercial operations whatsoever. The keeping of the maximum of four (4) dogs shall not create any nuisance or negative impact upon the neighbors or neighborhood. If the locus ceases to be used as a Kennel as described above, the Special Permit allowing the kennel, Sec. 27-25, 3 (F) shall terminate.

VOTE: Motion to Grant by:

IN FAVOR: (5)
Kenneth Galligan, Chairman
Michael Williams, Fire Chief
Stephen Bernard
Jeffrey Thompson
Robert Pelaggi

OPPOSED: (0)

Michael Williams
Robert Pelaggi

James M. Casieri, Clerk

ANY APPEAL MUST BE MADE WITHIN 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, September 12, 2017 at 7:00 p.m.

IN RE: 17-64 Petition of Joana Coli and Courtney Barnett, 30 Auburn Street, Apt. #2, Brockton, MA, for a Special Permit from Sec. 27-32 3c, to operate a tattoo parlor in a C-5 Zone, located at 111 Torrey Street, Unit #2.

PETITIONER'S STATEMENT: Attorney John F. Creedon, along with the petitioners Joana Coli and Courtney Barnett, presented to the board Exhibit A, Site Plans and Floor Plans. They are seeking permission to open a Tattoo Parlor at the above named location. The petitioners have been tattoo artists for the last eight (8) years. The hours of operation will be Monday through Friday from 9:00 a.m. until 9:00 p.m. and on Saturday from 9:00 a.m. until 6:00 p.m. with Sunday being closed. The majority of appointments are scheduled with a few walk-ins. A waiting area will be available only for clients. Courtney's mom Theresa, stated these girls are very dedicated, talented and have been the best of friends for many years.

OPPOSITION: None

DECISION: Granted unanimously with the stipulations that the hours of operation being Monday through Friday from 9:00 a.m. until 9:00 p.m. and on Saturday from 9:00 a.m. until 6:00 p.m. with Sunday being closed.

BASIS: After reviewing the application, plans, information submitted and giving due consideration to testimony given at the public hearing, the board found that granting a Special Permit for a tattoo parlor in a C-5 Zone will be in harmony with the development of the zone and will not negatively impact the neighborhood. The locus has adequate ingress and egress to parking that is adequate for the use and will not interfere with traffic on the abutting streets. The petitioner has prior experience in tattoo operations and requested hours of operation from 9:00 am to 9:00 pm Monday through Friday, 9:00 am to 6:00 pm on Saturday and no operations (closed) on Sunday. The board granted the above maximum hours as requested.

VOTE:
Motion to Grant by: Stephen Bernard
Seconded by: Jeffrey Thompson

IN FAVOR: (5)
Kenneth Galligan, Chairman
Michael Williams, Fire Chief
Stephen Bernard
Jeffrey Thompson
Robert Pelaggi

OPPOSED: (0)

Anthony Zceli, City Clerk

ANY APPEAL MUST BE MADE WITHIN 30 DAYS FROM THIS DATE, SEPT. 21, 2017 PURSUANT TO M.G.L.C. 40A SECTION 17.
ZONING BOARD OF APPEALS held a meeting in the Council Chambers, City Hall, Brockton, Massachusetts, on Tuesday, September 12, 2017 at 7:00 p.m.

IN RE: 17-65 Petition of LOUIS AND MARIA ANDRADE, 206 Elliot Street, Brockton, MA, for a Variance from Art. III, Sec. 27-9, Art. III, Sec.27-13a, and Art. III, Sec 27-12, to construct one (1) single family home in a R-2 Zone, located at PLOT 24 ELLIOT STREET.

PETITIONER'S STATEMENT: Attorney John McCluskey along with the Andrades presented to the board Exhibit A, Site Plan, Exhibit B, Floor Plans and Exhibit C, Deeds and Buildable Lot denial relative to the above named property. They are before the board to overrule the determination of building commissioner under Art. III, Sec. 12, to construct a buildable lot or permission for a Variance to construct a single family home. Attorney McCluskey stated that one lot is registered with the Land Court and the other at the Registry so they can't be combined as one lot. Plot 24 Elliot Street had been before the zoning board back in 1994, 1996 and 1997 each time the Variance was voided when the time lapsed. The proposed home will have three (3) bedrooms.

OPPOSITION: None

DECISION: Variance unanimously granted.

BASIS: After reviewing the application, plans, information submitted and giving due consideration to testimony given at the public hearing, the board found that this locus required a Variance for relief from Art. 3, Sec. 27-9, Sec. 27-13A and Sec. 27-12, to allow for the construction of a dwelling on the lot. Prior Variance were granted in 1994, 1996 and 1997 to allow for development of the lot, however no development occurred and all the prior Variance lapsed according to Sec. 27-48 (3). The petitioner has paid taxes on the parcel, is unique in its size and shape in relation to other lots in the area and creates a hardship at the locus. Granting 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 petitioner's statement and submitted plans specifically depicting driveway location and provide green space shall be incorporated by reference as stipulations recorded herewith. Councillor Ward 5 Anne Beauregard stated she is in favor of this petition with so many different structures on the street it will fit the area.

1st VOTE: TO OVERRULE THE BUILDING INSPECTORS DECISION THAT ZONING WAS REQUIRED:

VOTE:

IN FAVOR: (0)

OPPOSED: (5)

Kenneth Galligan, Chairman
Michael Williams, Fire Chief
Stephen Bernard
Jeffrey Thompson
Robert Pelaggi
2ND VOTE: TO GRANT A VARIANCE

VOTE:
Motion to Grant by: Stephen Bernard
Seconded by: Robert Pelaggi

IN FAVOR: (5)
Kenneth Galligan, Chairman
Michael Williams, Fire Chief
Stephen Bernard
Jeffrey Thompson
Robert Pelaggi

OPPOSED: (0)

Anthony Zeoli, City Clerk

ANY APPEAL MUST BE MADE WITHIN 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, September 12, 2017 at 7:00 p.m.

IN RE: 17-66 Petition of DWAYNE JEFFERS, 15 Arthur Street, Brockton, MA, for a Variance from Art. III, Sec. 27-10, Table 2 and Art. IV, Sec. 27-28, to construct one additional single family home on the lot in a C-1 Zone, located at 15 ARTHUR STREET.

PETITIONER'S STATEMENT: Attorney Christopher Veale along with the petitioner Dwayne Jeffers presented to the board Exhibit A; Site Plans and Floor Plans. Attorney Veale stated Mr. Jeffers would like to construct an additional home on 15 Arthur Street. The new home will be for Mr. Jeffers with the existing home for his sister and her family. The parking spaces will be between the two homes in the rear on the right and to the left is the right of way to the abutting property.

OPPOSITION: None

DECISION: Denied unanimously.

BASIS: After reviewing the application, plans, information submitted and giving due consideration to testimony given at the public hearing, the board found that the plans presented to the board described a full size dwelling proposed to be constructed on an 8,363 sq.ft. lot that currently contains a full size single family dwelling and a "right of way" driveway serving a dwelling on an adjacent lot all located on a plot zoned C-1. Art. 3, Sec. 27-19 does not allow for two (2) principal dwellings on the same lot and a C-1 zone does not allow residential use. The petitioner failed to demonstrate a hardship at the locus and granting would derogate from the intent of the zoning by-laws, will increase density and negatively impact the orderly development of the neighborhood.

VOTE: Motion to Grant by: Seconded by: Robert Pelaggi Michael Williams

IN FAVOR: (0)

OPPOSED: (5)
Kenneth Galligan, Chairman
Michael Williams, Fire Chief
Stephen Bernard
Jeffrey Thompson
Robert Pelaggi

Anthony Zeoli, City Clerk

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

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BROCKTON MA
City Clerk's Office
ZONING BOARD OF APPEALS held a meeting in the Council Chambers, City Hall, Brockton, Massachusetts, on Tuesday, September 12, 2017 at 7:00 p.m.

IN RE: 17-67 Petition of JAMES MORRISSEY, 333 Maple Street, Bellingham, MA, for a Variance from Sec. 27-9, Table 1 and Sec. 27-13A, to divide parcel of land in an R-1-C Zone, located at 28 VESEY STREET.

PETITIONER'S STATEMENT: James Morrissey along with Lymie Morrissey and the owner Bradford Johnson presented to the board Exhibit A; Site Plan and Floor Plans. Mr. Morrissey is before the board seeking permission to divide and construct a single family home at the above location. The style of the home will be a Colonial which will fit in with the neighborhood of many styles. The existing home is a two (2) family and is being renovated to be a single family home. This will help with the density if the petition is granted. It was mentioned that the distance of the home to the street will be moved forward to be in form with the other homes on the street.

OPPOSITION: None

DECISION: Granted unanimously with the stipulations 1. 28 Vesey will be a single family home not a two family. 2. The new Colonial style home will be constructed and to remain a single family home. 3. The 31 ft. distance from the street will be changed to 25 ft to conform with the abutting homes and 4. The driveway is to stay the same distance as shown on plan.

BASIS: After reviewing the application, plans, information submitted and giving due consideration to testimony given at the public hearing, the board found that a hardship existed relating to the unique size and shape of the lot including the topography of the rear of the lot. Creation of the proposed lot and style of the proposed new single family dwelling will be in conformance with other developed lots and homes in the neighborhood. In consideration of granting the Variances, the proposed dwelling will be allowed relief from front setback to be no less than twenty five (25) feet and by agreement by the petitioner, the current house on the large lot #28 Vesey Street shall remain a single family dwelling. Granting will not negatively impact the orderly development of the neighborhood. All representations in petitioners statement's including the size, configuration and location of the proposed Colonial style dwelling shall be incorporated by reference as stipulations recorded herewith.

VOTE: Motion to Grant by:
Seconded by:

IN FAVOR: (5)
Kenneth Galligan, Chairman
Michael Williams, Fire Chief
Stephen Bernard
Jeffrey Thompson
Robert Pelaggi

OPPOSED: (0)

Robert Pelaggi
Michael Williams

Anthony Zeoli, City Clerk

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