

**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 Wednesday, September 10, 2014, at 7:00 pm.

**IN RE: 14-56** Petition of **A.L. PRIME C/O AYOUB ENGINEERING, INC**, 414 Benefit Street, Pawtucket, RI, for a Special Permit under Sec. 27-29 -3a, 27-28-3c and 27-29-3b (Special Use) and 27-64 (3) and 27-65 (signs), to renovate existing gas station and add C-store with Drive-thru in a C-2 Zone, located at **1640 MAIN STREET**.

**PETITIONER'S STATEMENT:**

**OPPOSITION:**

**DECISION:** Withdrawn

**BASIS:** Shortly after commencing the hearing for planned renovations to the existing gasoline station, the petitioner was informed that the plans that he was explaining and referring to were not in the hands of any of the Board members. Discussion ensued relative to the petitioners' statement that multiple sets of plans had actually been delivered and presented to the Building Department. With consideration to the unusual circumstances surrounding the missing plans for the project the board voted to allow the petitioner to withdraw from the current September, 2014 ZBA meeting and re-apply for the October, 2014 ZBA meeting with a complete set of plans for each member. The petition is withdrawn.

**VOTE:**

Motion to Grant by:     Stephen Bernard  
Seconded by:           Jeffrey Charnel

**IN FAVOR: (5)**

Kenneth Galligan, Chairman

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Richard Francis, Fire Chief

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Stephen Bernard

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Jeffrey Charnel

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Gary Keith

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**OPPOSED: (0)**

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James M. Casieri, Clerk

A true copy. Attest:

\_\_\_\_\_  
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 Wednesday, September 10, 2014, at 7:00 pm.

**IN RE: 14-57** Petition of **JODY MURPHY**, 183 Whiting Street, Hingham, MA, for a Special Permit from Sec. 27-28 (3c), to open a coffee shop in a C-2 Zone, located at **826 CRESCENT STREET**.

**PETITIONER'S STATEMENT:** The petitioner Jody Murphy presented to the board Exhibit A, Site Plan and Exhibit B, Floor Plans. Mr. Murphy is the Chief Operating Officer for May Lou's Coffee. Mary Lou's Coffee would like to open a shop in this plaza. The store would be seven (7) days a week and the hours of operation will be from 5:00 a.m. until 9:00 p.m. The coffee is made at the shop, but the food is either brought in prepared by the microwave.

**OPPOSITION:** None

**DECISION:** Granted unanimously.

**BASIS:** The proposed location for a coffee shop is located within a building housing other commercial establishments and the proposed use will be in harmony with the orderly development of the zone and will not negatively impact the neighborhood. There is adequate ingress and egress to parking, will not involve a drive-through window operation and will not interfere with traffic on the abutting streets. All representations in petitioners statements shall be incorporated by reference as stipulations recorded herewith.

**VOTE:**

Motion to Grant by: Gary Keith  
Seconded by: Jeffrey Charnel

**IN FAVOR: (5)**

Kenneth Galligan, Chairman

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Richard Francis, Fire Chief

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Stephen Bernard

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Jeffrey Charnel

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Gary Keith

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**OPPOSED: (0)**

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James M. Casieri, Clerk

A true copy. Attest:

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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 Wednesday, September 10, 2014, at 7:00 pm.

**IN RE: 14-58** Petition of **MICHAEL F. & DANIELLE BAKER**, 91 Short Street, Brockton, MA, from a Variance from Sec. 27-17, side street setbacks to construct a bedroom for grandchild in an R-1-C- Zone, located at **91 SHORT STREET**.

**PETITIONER'S STATEMENT:** The petitioner Danielle Baker and her contractor Gary Anthony presented to the board Exhibit A, Site Plan and Exhibit B, Floor Plans and Elevations. Mrs. Baker is before the board asking permission to construct an additional bedroom on the right side in her home. Her mom has since past and now has custody of her teenage sister.

**OPPOSITION:** None

**DECISION:** Granted unanimously.

**BASIS:** Petitioner requested a Variance to construct a 16' x 17' bedroom addition to an existing dwelling where the sideline setback nearest to the un-constructed Dighton Street was slightly deficient in distance from the rear side required setback. The only location for the addition as shown on the accompanying site plan with the current location of the existing foundation creates a hardship 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 statements shall be incorporated by reference as stipulations recorded herewith.

**VOTE:**

Motion to Grant by:  
Seconded by:

Stephen Bernard  
Gary Keith

**IN FAVOR: (5)**

Kenneth Galligan, Chairman

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Richard Francis, Fire Chief

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Stephen Bernard

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Jeffrey Charnel

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Gary Keith

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**OPPOSED: (0)**

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James M. Casieri, Clerk

A true copy. Attest:

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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 Wednesday, September 10, 2014, at 7:00 pm.

**IN RE: 14-59** Petition of **JAMES MORRISSEY**, 115 Cypress Drive, Brockton, MA, for MGL ch. 40A Sec. 6 Finding. Alternative finding for Variance under Art. III, Sec. 27-9 for frontage and lot size. c. 27-9. Parcel was approved by Planning Board under MGL ch. 40 Sec 81L with existing commercial/residential structure. Modification requires finding for approval of new structure by ZBA in an R-1-B Zone, located at **111 aka 107 NORTH PEARL STREET**.

**PETITIONER'S STATEMENT** : The petitioner James Morrissey along with Attorney John McCluskey and Land Surveyor Bruce Malcolm presented to the board Exhibit A, Memorandum in Support, Exhibit B, Site Plan and Exhibit C, Floor Plans and Elevations. Mr. Morrissey is before the board seeking permission to rehabilitate the existing home and raze the old animal hospital. A new single family ranch style home will be constructed with frontage on Lovett Avenue. Years ago both buildings were on the same plot, but have since been split. The sewer easement will be moved closer to the driveway of the new home in order to keep as many trees as possible. A plan of a two story colonial building with a 2 car garage was submitted with the package but Mr. James Morrissey stated it was an error and should not have been submitted. The neighbors are in favor as long as the home is a single family ranch with as many trees and planting left as possible to avoid flooding of adjacent homes. Ward 1 Councilor Timothy Cruise is in favor as long as the home is a single family ranch style home.

**OPPOSITION:** None

**DECISION:** Granted unanimously with the stipulations **1.** Sewer easement to be moved closer to the driveway of new home for savings of trees to vegetation. **2.** No additional run off on property to abutting neighbors **3.** Keep as many trees on property and **4.** Ranch style home as shown and presented shall be constructed.

**BASIS:** Petitioner presented plans and testimony to remove current abandoned commercial use in the R-1-B Zone and to construct on the lot a single family ranch style dwelling to face northerly on Lovett Avenue. The petitioner requested a Chapter 40-A, Sec. 6 finding, however the board determined that granting a Variance for the proposed requested change from a Commercial use to a residential use would be the most appropriate action to take. Granting a Variance for this property will not be substantially more detrimental to the neighborhood than the existing nonconforming use. Rather, the proposed use would be a significant improvement over the current non-conforming use of the property, would be the highest and best use of the property and would be in the best interest of the neighborhood by conforming to the current neighborhood zoning. 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 statements shall be incorporated by reference as stipulations recorded herewith.

**Case 14-59 continued**

**1st VOTE: TO HAVE THIS PETITON HEARD AS A VARIANCE.**

**VOTE:**

Motion to Grant by: Stephen Bernard  
Seconded by: Gary Keith

**IN FAVOR: (5)**

Kenneth Galligan, Chairman \_\_\_\_\_

Richard Francis, Fire Chief \_\_\_\_\_

Stephen Bernard \_\_\_\_\_

Jeffrey Charnel \_\_\_\_\_

Gary Keith \_\_\_\_\_

**OPPOSED: (0)**

**2<sup>nd</sup> VOTE: GRANTING OF THIS VARIANCE**

**VOTE:**

Motion to Grant by: Jeffrey Charnel  
Seconded by: Gary Keith

**IN FAVOR: (5)**

Kenneth Galligan, Chairman \_\_\_\_\_

Richard Francis, Fire Chief \_\_\_\_\_

Stephen Bernard \_\_\_\_\_

Jeffrey Charnel \_\_\_\_\_

Gary Keith \_\_\_\_\_

**OPPOSED: (0)**

\_\_\_\_\_  
James M. Casieri, Clerk

A true copy. Attest:

\_\_\_\_\_  
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 Wednesday, September 10, 2014, at 7:00 pm.

**IN RE: 14-60** Petition of **BRAD CARTWRIGHT**, 845 Washington Street, Braintree, MA for a Variance from Art. III, Sec. 27-9 and 27-13A, to create three (3) additional lots for a total of nine (9) lots in a R-1-B Zone, located at **288 LINWOOD STREET**.

**PETITIONER'S STATEMENT:** Attorney John McCluskey along with the petitioner Brad Cartwright, Surveyor William Self and Engineer Todd Pilling presented to the board Exhibit A, Memorandum in Support, Exhibit B, Site Plans with existing conditions, Exhibit C, Site Plan of Land and Exhibit D, Floor and Elevation Plans. Mr. Cartwright is before the board seeking a Variance to construct nine (9) single family homes where the old radio station was once housed. These homes will be colonial style and will have four (4) bedrooms with two (2) car garages. The ground slopes down to Colleen Drive and the drainage on Woodvale Street was replaced. The homes will be on a private street where an association will be set up for all upkeep. A detention basin will be at the rear corner of Lot 5. The price of the homes will be around \$400,000.00. The hardship is the shape of topography with a clay base. Ward 3 Councilor Dennis Eaniri supports this project. If granted, Planning Board will be the next step for the petitioner.

**OPPOSITION:** None

**DECISION:** Granted unanimously with the stipulations **1.** Landscape the rear of property on Emory Street with evergreens for neighbors and **2.** Shall not create any additional water runoff issues.

**BASIS:** Petitioner presented plans to construct a subdivision consisting of nine (9) single family dwellings and requesting relief for lot size and frontage under Sec. 27-13A. The proposed lot sizes are substantially larger than all surrounding lot size and the petitioner has incurred substantial costs in addressing and rectifying drainage issues on the subject property and alleviating part flooding and drainage issues that have plagued the surrounding neighborhood properties. Development of the locus with grading and contour adjustments on the site will optimize the storm water management on the site and benefit the entire neighborhood. 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 shall be incorporated by reference as stipulations recorded herewith.

**VOTE:**

Motion to Grant by:  
Seconded by:

Jeffrey Charnel  
Richard Francis

**IN FAVOR: (5)**

Kenneth Galligan, Chairman  
Richard Francis, Fire Chief  
Stephen Bernard  
Jeffrey Charnel  
Gary Keith

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**OPPOSED: (0)**

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James M. Casieri, Clerk

A true copy. Attest:

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Anthony Zeoli, City Clerk

**COMMONWEALTH OF MASSACHUSETTS  
CITY OF BROCKTON  
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**ZONING BOARD OF APPEALS** held a meeting in the Council Chambers, City Hall, Brockton, Massachusetts, on Wednesday, September 10, 2014, at 7:00 pm.

**IN RE: 14-61** Petition of **MARIA C. LOPES**, 38 Oak Ridge Drive West, Brockton, MA for a Variance from Sec. 27-39, to construct an addition which will increase the original square footage of the home to more than 50% in an R-1-C Zone , located at **38 OAK RIDGE DRIVE (WEST)**.

**PETITIONER'S STATEMENT:**

**OPPOSITION:**

**DECISION:** Withdrawn

**BASIS:** The petition is withdrawn prior to the meeting as a matter of right.

**VOTE:**

Motion to Grant by:

Seconded by:

**IN FAVOR: (5)**

Kenneth Galligan, Chairman

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Richard Francis, Fire Chief

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Stephen Bernard

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Jeffrey Charnel

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Gary Keith

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**OPPOSED: (0)**

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James M. Casieri, Clerk

A true copy. Attest:

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Anthony Zeoli, City Clerk

**COMMONWEALTH OF MASSACHUSETTS  
CITY OF BROCKTON  
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**ZONING BOARD OF APPEALS** held a meeting in the Council Chambers, City Hall, Brockton, Massachusetts, on Wednesday, September 10, 2014, at 7:00 pm.

**IN RE:** 14-62 Petition of **GEORGE JOSEPH LINDQUIST III.**, 744 East Street, Brockton, MA, to Question the validity of it being a buildable lot in a R-1-C Zone, located at **PLOT 23-1 PETERSON AVENUE.**

**PETITIONER'S STATEMENT** : The petitioner, George Joseph Lindquist III, is before the board seeking to overturn the Building Departments decision of granting a building permit for the address listed above. The abutters questioned the proposed land as a buildable lot. They claimed the land was subdivided in 2008 making Lot 4A and 4 B so it was not buildable. DEP came out to check for wetlands and an 8" sewer main from Peterson Avenue will be under the newly constructed home. They also have stated the land has over 30,000 square feet but the area of land where the home will be situation is only 5,440 square feet and will be placed sideways. Ward 4 Councilor Paul Studenski stated he was in support of the abutting neighbors.

**OPPOSITION:** Attorney for Safeway Development Corporation, Mark Adams along with Brockton Building Inspector James Plouffe spoke to the board. Prior to zoning in 1955 the lot was a preexisting non-conforming buildable lot of record. Mr. Plouffe also reminded the board that they were not there for a Variance. He told the board that he vote they would take would either uphold or overturn the building department decision. Even after it was subdivided into two (2) lots in 2008 it still meets all the current requirements. The front door to the proposed home will be facing on East Street with the driveway on the North West side of property.

**DECISION:** Denied. Did not carry.

**BASIS:** Mr. George J. Lindquist, abutter to at lot on East Street, described and located as Plot 23-1 Peterson Avenue with frontage on East Street was before the board questioning the decision of the Building Inspectors on the validity of the being a buildable lot in an R-1-C Zone. Many neighbors expressed concerns about drainage issues affecting surrounding properties as well as how the plot was described as plot 23-1 Peterson Avenue when in fact a proposed dwelling to be build on the plot will actually front on East Street. Testimony showed that the lot was legally created many years from the Peterson Avenue development and encompassed a portion of land that extended through to East Street. The lot has sufficient area and frontage on East Street in conformance with the required minimum area and frontage requirements of 5,000 sq. ft. and 50 ft. of frontage. The decision of the Building Inspector that Plot 23-1 Peterson Avenue is a buildable lot is upheld.

**Case 14- 62 continued**

**MOTION TO OVERTURN THE BUILDING INSPECTORS DECISION**

**VOTE:**

Motion to Grant: Stephen Bernard  
Seconded by: Gary Keith

**IN FAVOR: (2)**

Stephen Bernard

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Gary Keith

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**OPPOSED: (3)**

Kenneth Galligan, Chairman

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Richard Francis, Fire Chief

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Jeffrey Charnel

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James M. Casieri, Clerk

A true copy. Attest:

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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, January 11, 2010, at 7:00 pm.

IN RE:

PETITIONER'S STATEMENT :

OPPOSITION:

DECISION:

BASIS:

VOTE:

Motion to Grant by:  
Seconded by:

IN FAVOR: ( )

Atty. Anthony Eonas , Chairman

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Richard Francis, Fire Chief

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Vahan Boyajian

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Stephen Bernard

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Paul Merian

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OPPOSED: ( )

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James M. Casieri, Cler

A true copy. Attest:

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Anthony Zeoli, City Clerk

COMMONWEALTH OF MASSACHUSETTS  
CITY OF BROCKTON  
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ZONING BOARD OF APPEALS held a meeting in the Council Chambers, City Hall, Brockton, Massachusetts, on at 7:00 pm.

IN RE:

PETITIONER'S STATEMENT:

OPPOSITION:

DECISION:

BASIS:

VOTE:

Motion to Grant by:

Seconded by:

IN FAVOR: ( )

Atty. Anthony Eonas, Chairman

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Richard Francis, Fire Chief

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Vahan Boyajian

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Stephen Bernard

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Paul Merian

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OPPOSED: ( )

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James M. Casieri, Clerk

A true copy. Attest:

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Anthony Zeoli, City Clerk

COMMONWEALTH OF MASSACHUSETTS  
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IN RE:

PETITIONER'S STATEMENT:

OPPOSITION:

DECISION:

BASIS:

VOTE:

Motion to Grant by:

Seconded by:

IN FAVOR: ( )

Atty. Anthony Eonas, Chairman

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Richard Francis, Fire Chief

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Vahan Boyajian

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Stephen Bernard

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Paul Merian

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OPPOSED: ( )

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Brockton, Massachusetts, on Tuesday, January 11, 2010 at 7:00 pm.

IN RE:

PETITIONER'S STATEMENT:

OPPOSITION:

DECISION :

BASIS:

VOTE:

Motion to Deny by:

Seconded by:

IN FAVOR: ( )

Atty. Anthony Eonas, Chairman

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Richard Francis, Fire Chief

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Stephen Bernard

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Vahan Boyajian

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Paul Merian

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OPPOSED: (2)

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James M. Casieri, Clerk

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Anthony Zeoli, City Clerk

COMMONWEALTH OF MASSACHUSETTS  
CITY OF BROCKTON  
ZONING BOARD OF APPEALS

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Massachusetts, on Tuesday, January 11, 2010 at 7:00 pm.

IN RE:

PETITIONER'S STATEMENT:

OPPOSITION:

DECISION:

BASIS:

VOTE:

Motion to Grant by:

Seconded by:

IN FAVOR: ( )

Atty. Anthony Eonas, Chairman

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Richard Francis, Fire Chief

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Vahan Boyajian

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Stephen Bernard

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Paul Merian

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OPPOSED: (0)

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James M. Casieri, Clerk

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Anthony Zeoli, City Clerk

COMMONWEALTH OF MASSACHUSETTS  
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Brockton, Massachusetts, on Tuesday, January 11, 2010 , at 7:00 pm.

IN RE: PETITION

PETITIONER'S STATEMENT:

OPPOSITION:

DECISION:.

BASIS:

VOTE:

Motion to Grant by:

Seconded by:

IN FAVOR: ( )

Atty. Anthony Eonas, Chairman

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Richard Francis, Fire Chief

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Vahan Boyajian

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Stephen Bernard

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Paul Merian

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OPPOSED: (0)

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COMMONWEALTH OF MASSACHUSETTS  
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IN RE: PETITION

PETITIONER'S STATEMENT:

OPPOSITION:

DECISION:

BASIS: VOTE:

Motion to Grant by:

Seconded by:

IN FAVOR: ( )

Atty. Anthony Eonas, Chairman

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Richard Francis, Fire Chief

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Vahan Boyajian

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Stephen Bernard

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Paul Merian

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OPPOSED: ( )

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IN RE: PETITION

PETITIONER'S STATEMENT :

OPPOSITION:

DECISION:

BASIS:

VOTE:

Motion to Grant by:

Seconded by:

IN FAVOR: ( )

Atty. Anthony Eonas, Chairman \_\_\_\_\_

Richard Francis, Fire Chief \_\_\_\_\_

Vahan S. Boyajian \_\_\_\_\_

Stephen Bernard \_\_\_\_\_

Paul Merian \_\_\_\_\_

OPPOSED: (0)

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OPPOSITION:

DECISION:

BASIS:

VOTE:

Motion to Grant by:

Seconded by:

IN FAVOR: ( )

Atty. Anthony Eonas, Chairman

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Richard Francis, Fire Chief

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Vahan Boyajian

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Stephen Bernard

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Paul Merian

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OPPOSED: ( )

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COMMONWEALTH OF MASSACHUSETTS  
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IN RE: PETITION

PETITIONER'S STATEMENT:

OPPOSITION: NONE

DECISION:

BASIS:

VOTE:

Motion to Grant by:

Seconded by:

IN FAVOR: ( )

Atty. Anthony Eonas, Chairman

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Richard Francis, Fire Chief

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Vahan Boyajian

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Stephen Bernard

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Paul Merian

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OPPOSED: ( )

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DECISION:

BASIS:

VOTE:

Motion to Grant by:

Seconded by:

IN FAVOR: ( )

Atty. Anthony Eonas , Chairman

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Richard Francis, Fire Chief

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Vahan Boyajian

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Stephen Bernard

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Paul Merian

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OPPOSED: ( )

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PETITIONER'S STATEMENT :

OPPOSITION:

DECISION:

BASIS:

VOTE:

Motion to Grant by:  
Seconded by:

IN FAVOR: ( )

Atty. Anthony Eonas , Chairman

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Richard Francis, Fire Chief

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Vahan Boyajian

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Stephen Bernard

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Paul Merian

\_\_\_\_\_

OPPOSED: ( )

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IN RE:

PETITIONER'S STATEMENT:

OPPOSITION:

DECISION:

BASIS:

VOTE:

Motion to Grant by:

Seconded by:

IN FAVOR: ( )

Atty. Anthony Eonas, Chairman

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Richard Francis, Fire Chief

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Vahan Boyajian

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Stephen Bernard

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Paul Merian

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OPPOSED: ( )

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IN RE:

PETITIONER'S STATEMENT:

OPPOSITION:

DECISION:

BASIS:

VOTE:

Motion to Grant by:

Seconded by:

IN FAVOR: ( )

Atty. Anthony Eonas, Chairman

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Richard Francis, Fire Chief

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Vahan Boyajian

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Stephen Bernard

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Paul Merian

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OPPOSED: (0)

\_\_\_\_\_  
James M. Casieri, Clerk

A true copy. Attest:

\_\_\_\_\_  
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, January 11, 2010 at 7:00 pm.

IN RE:

PETITIONER'S STATEMENT:

OPPOSITION:

DECISION :

BASIS:

VOTE:

Motion to Deny by:

Seconded by:

IN FAVOR: (0)

Atty. Anthony Eonas, Chairman

\_\_\_\_\_

Richard Francis, Fire Chief

\_\_\_\_\_

Stephen Bernard

\_\_\_\_\_

Vahan Boyajian

\_\_\_\_\_

Paul Merian

\_\_\_\_\_

OPPOSED: (2)

\_\_\_\_\_  
James M. Casieri, Clerk

A true copy. Attest:

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Anthony Zeoli, City Clerk