

**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 9, 2014 at 7:00 pm.

IN RE: 14-76 Petition of **DAVID CRUISE**, 120 Torrey Street, Brockton, MA, for a Variance from Sec. 27-9 lot area setbacks, 27-13, lot frontage and width to construct one single family A-Frame Colonial in an R-1 C Zone, located at **PLOT 23 CAMBO STREET**.

PETITIONER'S STATEMENT: The petitioner David Cruise presented to the board Exhibit A, Site Plan and Exhibit B, Picture of proposed home. Mr. Cruise is before the board seeking permission to construct a single family home at Plot 23 Cambo Street. The home will be an A-Frame style Colonial with a double wide driveway on the side of the stairs. The proposed Plot has always been a separate lot of land. Abutting neighbor, Cheryl Barkhouse along with Ward 3 Councilor Dennis Eaniri are in favor of this petition.

OPPOSITION: None

DECISION: Granted unanimously with the stipulation that the driveway shall be two cars deep, wide and is to be on the stairway side of the home.

BASIS: Petitioner requested a Variance to build a single family home on Plot 23 Cambo Street requesting relief from Sect 27-9 and 27-13. The board found that shape and size of the lot is in conformance with the adjacent and neighboring parcels and the inability to develop the plot would create a financial or otherwise hardship and that granting the requested relief would not substantially derogate from the intent of zoning by-laws and will not negatively impact the orderly development of the neighborhood. The lot will be in conformance with the surrounding build out of the neighborhood. All representations in the petitioner statements and plans shall be incorporated by reference as stipulations recorded herewith. There was no opposition from the neighborhood and the Ward 3 City Councilor Dennis Eaniri spoke in favor of granting the Variance.

VOTE:

Motion to Grant by:

Gary Keith

Seconded by:

Stephen Bernard

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 Tuesday, December 9, 2014 at 7:00 pm.

IN RE: 14-77 Petition of **DAN DINTINO C/O KENWORTH N.E. GROUP, INC.**, 100 Commerce Drive, Buffalo, NY, for a Variance from Sec. 27-33 to allow the selling of used vehicles in an I-1 Zone, located at **1120 & 1150 WEST CHESTNUT STREET.**

PETITIONER'S STATEMENT : Attorney Richard Lawton along with the owner Dan Dintino and Dan Porazzo the Project Manager presented to the board Exhibit A, Memorandum in Support and Exhibit B, Floor and Site Plans. Kenworth N.E. Group, Inc. will be leaving Stoughton, MA in June 2015 and they are relocating to the above named address. Mr. Dintino, owner of Kenworth N. E. Group, Inc. is before the board seeking a Variance from Section 27-33 to sell used vehicles at the above location. The company maintains and sells new trucks. The showroom will be 8,500 sq.ft . Warehouse for parts and maintenance will also be on the property. Approximately fifteen (15) repairs are performed daily. Forty (40) people are to be employed. Greenspace will be as shown on plan. A letter from Mayor Bill Carpenter stated that he is in favor of Kenworth coming to Brockton. Robert May, Director of Planning and Economic Development and Ward 3 Councilor Dennis Eaniri are in support of this petition.

OPPOSITION: None

DECISION: Granted unanimously with the stipulation that greenspace is to be as shown in plan that has been submitted.

BASIS: Petitioner requested a Variance to allow the sale of used vehicles (trucks) at 1120-1150 W. Chestnut Street located in a I-1 Zone. The board found that the sale of used trucks at this location was an appropriate use of the location in conjunction with the sale of new trucks and is an essential financial requirement of locating the dealership at this industrial location. Granting the relief requested as a Variance would not derogate from the intent of the zoning by-laws, will not negatively impact the orderly development of the industrial zone and the use will be in harmony with the orderly development of the zone. There is adequate ingress and egress to on-site parking and will not interfere with traffic on abutting streets. The petitioner was made aware of the required landscaping of the site in conformance with the Zoning by-laws to which the petitioner understood and assented to as part of this Variance relief decision. There was no opposition and Ward 3 Councilor Eaniri spoke in favor of granting the Variance.

VOTE:

Motion to Grant by:

Gary Keith

Seconded by:

Richard Francis

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 Tuesday, December 9, 2014 at 7:00 pm.

IN RE: 14-78 Petition of **INNA CHUDNOVSKAYA**, 143 W Brookline Street, Suite 403, Boston, MA, for a Variance and Special Permit from Art. IV, Sec. 27-29, Art. III, Sec 27-9 and 27-10: Art. IX, Sec. 27-54, to utilize a joint occupancy of a 4 story building to consist of first floor retail, commercial and gym facility as well as 18 condominium units on the 2-3-4 floors lacking parking and required open space in a C-2 Zone, located at **69 N MONTELLO STREET**.

PETITIONER'S STATEMENT: Attorney George Asack along with John Holmgren, and the petitioner Inna Chudnovskays presented to the board Exhibit A, Variance and Floor Plans. Mr. Chudnovskays had purchased the proposed building in March 2014 which was vacant for many years. The petitioner is looking for permission to have five (5) commercial units and gym on the first floor and residential units on the second, third and fourth floor. The renovations will be a 45 million dollar project. The gym will be for residents only. The living units will be studio, 1 and 2 bedrooms. The price on these units will be between \$200,000.00-\$350,000.00 The parking area only has twenty (20) spaces and fifty three (53) are needed. More greenspace is needed than shown on plan. Hardship is the small size of the lot that has a large building on it.

OPPOSITION: Attorney John Creedon speaking with the abutter Mike Borr from Norwood-Allied Auto Parts and Edward McDonald from Merrimac Machine Store stated lack of parking is an issue.

DECISION: Unanimously denied.

BASIS: The petitioner requested a Variance and Special Permit to allow for a joint occupancy at 69 N. Montello Street for eighteen (18) condominium units, gymnasium facility, retail and commercial use in an existing four (4) story commercial building. The board found that the site was woefully deficient in required parking requirements for the planned use, lacked required greenspace, dwelling unit size smaller than mandates of Section 27-38 (d) and failed to provide a demonstrated hardship. Granting of the requested relief would derogate from the intent of the zoning by-laws and will negatively impact the orderly development of the neighborhood. Lack of adequate on-site parking will create negative impacts on the surrounding streets and businesses. There was strong opposition from direct abutters regarding parking and access issue.

VOTE:

Motion to Grant by:

Jeffrey Charnel

Seconded by:

Richard Francis

IN FAVOR: (0)

OPPOSED: (5)

Kenneth Galligan, Chairman

Richard Francis, Fire Chief

Stephen Bernard

Jeffrey Charnel

Gary Keith

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, December 9, 2014 at 7:00 pm.

IN RE: 14-79 Petition of **JOAO VAZ LOPES**, 875 Randolph Street, Canton, MA, for a Special Permit from Sec. 27-39 3f to expand a previously granted special permit for a restaurant and function hall in anC-2 Zone, located at **684 CRESCENT STREET**.

PETITIONER'S STATEMENT: Attorney John Creedon along with the petitioner Joao Vaz Lopes presented to the board Exhibit A, Proposed Renovations. They are before the board seeking permission to alter the existing floor plan. Mr. Lopes had previously been before the board and granted to have a function hall. A Bridal room will be added to the existing floor plan. The occupancy load will be for 250 people. Five (5) entrances and exits will be available to the patrons for safety. Hours of operation will be 11:00 a.m. until 12 a.m. seven (7) days per week.

OPPOSITION: None

DECISION: Granted unanimously with the stipulations that 1. The rear part of the building that is unused shall remain empty and 2. No new development allowed until coming before zoning.

BASIS: Petitioner requested a Special Permit to expand from Sec 27-39 (3F) to expand a previously granted Special Permit for a restaurant and function hall. The board found that the requested limited expansion would be in harmony with the orderly development of the zone, in harmony with the previously granted Special Permit and will not negatively impact the neighborhood. There is adequate ingress and egress to parking and will not negatively impact or interfere with traffic on the abutting streets. All representations in petitioner s statements shall be incorporated by reference as stipulations recorded herewith and in particular a stipulation that no further development or use of the remaining vacant area of the structure shall take place without Zoning Board approval. This stipulation is a specific condition of the basis for the granting of the Special Permit.

VOTE:

Motion to Grant by:
Seconded by:

Gary Keith
Jeffrey Charnel

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 Tuesday, December 9, 2014 at 7:00 pm.

IN RE: 14-80 Petition of **MARY ELLEN WILLIAM, POA FOR ELEANOR SILVESTRINO**, 29 Foster Street, Brockton MA, for a Variance from, Sec 27-9 to request parcel 156-171 be treated as two lots as it was originally R-1-C Zone, located at **20 CHARLOTTE STREET**.

PETITIONER'S STATEMENT: Attorney Bryan Woodford along with the petitioner Mary Allen Williams presented to the board Exhibit A, Power of Attorney, Exhibit B, Copy of Deeds and Exhibit C, Map of Plots. Attorney Woodford is seeking permission to revert the property into two (2) Plots instead of just one (1) which is now known as Lot 4. Ms. Williams grandmother who owns the property is in a nursing home and is required by law to sell all her assets to pay for Medicare.

OPPOSITION: The close abutters stated that Charlotte Street is a one (1) lane dirt private way for three (3) existing homes and adding more will cause a dangerous situation with the children who live on that street.

DECISION: Denied unanimously.

BASIS: Petitioner requested a Variance to allow parcel 156-171 to be treated as two (2) lots at Lot Charlotte Street. The board found that the presentation of information provided to the board and the information and presentation before the board at hearing was lacking in sufficient quality and detail to make an informed decision to allow for the granting of a Variance. The lot resides on a narrow, dirt, unimproved road with very limited access. Several neighbors appeared in strong to the proposed lot division citing density, access and general conditions of the poor soil conditions of the proposed lots.

VOTE:

Motion to Grant by:
Seconded by:

Jeffrey Charnel
Gary Keith

IN FAVOR: (0)

OPPOSED: (5)

Kenneth Galligan, Chairman

Richard Francis

Stephen Bernard

Jeffrey Charnel

Gary Keith

James M. Casieri, Clerk

A true copy. Attest:

Anthony Zeoli, City Clerk

**COMMONWEALTH OF MASSACHUSETTS
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ZONING BOARD OF APPEALS held a meeting in the Council Chambers, City Hall, Brockton, Massachusetts, on Tuesday, December 9, 2014 at 7:00 pm.

IN RE: 14-81 Petition of **JAMES M. SLADE**, 15 Green Leaf Road, Bridgewater, MA to allow Signature Healthcare Brockton Hospital to be open 24 hours 7 days per week in a C-2 Zone & R-1-C Zone, located at **629 CENTRE STREET**.

PETITIONER'S STATEMENT: Attorney John Creedon, Marie Gross, Exec. V.P. from Signature Healthcare, Attorney David Frenette and the owners of the property James and Robert Slade. The petitioners submitted Exhibit A, Previous Zoning Board Variance and Exhibit B, Site Plan of Building. They are before the board seeking an amendment from the previous approval to allow Signature Healthcare to be open 24 hours at the above location. The office will be used to make appointments for patients. The nurses will guide the caller to which doctor is needed for them to see. No doctors will be accepting patients at this location and no one other than the employees will be allowed inside. The office will be on the second floor only.

OPPOSITION: None

DECISION: Granted with the stipulations 1. The office will be used for administrative use only 2. No doctors appointments with patient shall be in that building and 3. No clinical care as well.

BASIS: Petitioner requested a Special Permit to allow Signature Healthcare Brockton Hospital to use the premises at 629 Centre Street for administrative use only on a twenty four (24) hour basis, seven (7) days per week. The board found that granting the Special Permit for administrative use only on a twenty four (24) hour basis with express purchase of amending a previously granted Special Permit with restrictive hours that was granted in 1982 for this location will not negatively impact the orderly development of the neighborhood and will not derogate the intent of the zoning by-laws. The basis of this decision is conditioned on the determination that there shall not be any doctor office and shall not allow for any patient clinical care as part of this granting. The use granted is for administrative use only.

VOTE:

Motion to Grant by:

Gary Keith

Seconded by:

Jeffrey Charnel

IN FAVOR: (4)

Kenneth Galligan, Chairman

Richard Francis, Fire Chief

Jeffrey Charnel

Gary Keith

OPPOSED: (1)

Stephen Bernard

James M. Casieri, Clerk

A true copy. Attest:

Anthony Zeoli, City Clerk

**COMMONWEALTH OF MASSACHUSETTS
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ZONING BOARD OF APPEALS held a meeting in the Council Chambers, City Hall, Brockton, Massachusetts, on Tuesday, December 9, 2014 at 7:00 pm.

IN RE: 14-82 Petition of **WILLIAM CALLAHAN**, 540 Oak Street, Brockton, MA, for a Variance under Art. III, Sec 27-9 and Sec 27-13A, to construct two single family homes with separate lot ownership in an R-1-C & R-2 Zone, located at **124 BELLEVUE AVENUE**.

PETITIONER'S STATEMENT: Attorney John McCluskey, William Callahan and Land Surveyor Bruce Malcolm presented to the board Exhibit A, Site Plan of Land, Exhibit B, Floor Plans. Mr. Callahan would like to divide the lot in half and construct two (2) single family homes. The lot previously had a two (2) family home which burned back in the 1980's. The style of both proposed homes will be New England Colonial. Each home will have three (3) bedrooms, 2 ½ baths with farmers porch.

OPPOSITION: None

DECISION: Granted unanimously.

BASIS: The petitioner requested a Variance to construct two (2) single family homes at 124 Bellevue Avenue with relief from 27-9 and 27-13(A). The board found that the subject lot was significantly larger in area and shape of neighboring lots and that granting of the Variance would not derogate from the intent of the zoning by-laws and will not negatively impact the orderly development of the neighborhood. All stipulations and representations in petitioners statements shall be incorporated by reference as stipulations recorded herewith including the requirements that each of the two (2) homes shall have no more than three (3) bedrooms each. There was no opposition to the Variance and the two (2) lots will be consistent in shape and size with other lots in the area.

VOTE:

Motion to Grant by:
Seconded by:

Stephen Bernard
Jeffrey Charnel

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 Tuesday, December 9, 2014 at 7:00 pm.

IN RE: 14-83 Petition of **FRANKLIN SCHOOL, LLC**, 1324 Belmont Street, Brockton, MA, for a Variance under Art. III, Sec. 27-13A, to overturn the determination of the Zoning Enforcement Officer in the alternative to seek a Variance under Art. III, Sec 27-13A as to lot width in an R-2 Zone, located at **Plot 54 SAWTELL AVENUE**.

PETITIONER'S STATEMENT: Attorney John McCluskey, Engineer John Holmgren and petitioner Michael Juliano presented to the board Exhibit A, Memorandum in Support of Petition and Exhibit B, Site Plan. Mr. Juliano is before the board seeking to overturn the commissioners decision making Lots 1-2-3 buildable. The other nine lots have been since granted by the zoning board for new single family homes.

OPPOSITION: None

DECISION: Variance Granted unanimously.

BASIS: Petitioner requested to overturn the decision of the Zoning Enforcement Officer or in the alternative to grant a Variance under Sect 27-13 (A). The board found that the Zoning Enforcement Officer based his decision on Sect 27-13 (A) and upon further testimony from the Petitioner the Board found that a hardship existed on the three (3) lots at Plot 54 Sawtell Avenue. Due to the lots being part of the former Franklin School site where the school is being razed to allow for the construction of previously granted Zoning Board relief for the construction of nine (9) homes. The three (3) lots in question are of similar size and shape of the other lots in the area and without the three (3) lots being part of the entire school site development, there would exist a serious financial hardship on the petitioner. The Board voted to uphold the decision of the Zoning Enforcement Officer and on the alternative request for a Variance voted to grant the relief requested by Variance determining that 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. All three (3) homes shall be single family homes.

14-83 cont.

1ST VOTE:

MOTION TO OVERTURN THE BUILDING INSPECTORS DECISION

Motion to Grant by: Stephen Bernard

Seconded by: Gary Keith

IN FAVOR: (1)

Gary Keith

OPPOSED: (4)

Kenneth Galligan, Chairman

Richard Francis, Fire Chief

Stephen Bernard

Jeffrey Charnel

2ND VOTE:

VOTE TO GRANT 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 Tuesday, December 9, 2014 at 7:00 pm.

IN RE: 14-84 Petition of **MICHAEL CURTIN**, 58 Lawson Tr, Brockton, MA, for a Variance from Sec. 27-9 & 27-13a to combine 6 existing lots of record and subdivide to construct 3 single family 36 x 30 front to back split houses in an R-1- C Zone, located at **PLOTS 4-5-6-7-8-9 CLAREMOUNT AVENUE**.

PETITIONER'S STATEMENT: Attorney John Creedon, Engineer John Holmgren and the petitioner Michael Curtin. Mr. Curtin had bought the above named properties from one of the Cities auctions. He is now before us seeking permission to take the six lots and construct three (3) single family homes. The style of the homes will be front to back splits. The driveway will be on side of the home. Conservation and Planning will be the next step if granted. Krystin Pendelton an abutter had concerns about the water flow and if it will be fixed if granted and homes constructed.

OPPOSITION: None

DECISION: Granted unanimously.

BASIS: Petitioner requested a Variance from Sec. 27-9 and 27-13(A) to combine six (6) lots of record and subdivide to three (3) lots to construct three (3) 36 x 30 ft single family homes. The Board found that he site was unique in shape and size due to conservation issues affecting the locus and soil and topography issues were present on the site. Granting the requested relief to create three (3) house lots that would be in conformance with surrounding house lot sizes 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 the petitioner statements and submitted plans shall be incorporated by reference as stipulations recorded herewith. Storm water runoff from the petitioners property shall not exacerbate any potential water runoff to surrounding properties.

VOTE:

Motion to Grant by
Seconded by

Stephen Bernard
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 Tuesday, December 9, 2014 at 7:00 pm.

IN RE: 14-85 Petition of **RADHE RAM, INC.**, 87 McIntosh Drive, Taunton, MA, for a Variance or expansion of a non-conforming use to allow the sale of wine and malt alcoholic beverages in a C-5 Zone, located at **976 NORTH MAIN STREET**.

PETITIONER'S STATEMENT: Attorney Mark Lawton along with the petitioner presented to the board Exhibit A, Drawings of proposed store fit up. They are seeking a Variance to sell beer and wine the convenience store at the above names address. Two (2) employees will be working when beer and wine can be sold.

OPPOSITION: None

DECISION: Granted unanimously with the stipulations 1.that a minimum of two (2) people on duty when beer and wine is sold and 2. No single cans of beer is to be sold.

BASIS: Petitioner requested a Variance to allow for the sale of beer and wine beverages in a C-5 Zone. The Board found that he convenience store was in existence long before the change of zoning in the area from C-2 to C-5. The change in zoning created a hardship on the operation of the store by limiting the ability to conduct acceptable convenience store operations after the zoning change to C-5 zoning in the area. The sale of beer and wine in a neighborhood convenience store has been an allowed practice by way of a Special Permit and is viewed as an allowed expansion of a non-conforming use. Granting would not negatively impact he neighborhood and the use will be in harmony with the orderly development of the zone. There is adequate ingress and egress to parking and will not negatively impact traffic on the abutting streets. Hours of sale of beer and wine shall be regulated by guideline and direction of the Brockton License Commission. There shall be no sale of single standard size beer containers such as single cans of beer, there shall be two (2) sales persons continuously on duty in the store during hours of sale of beer and wine and all representations in the petitioner statements, floor plans and stipulations shall be incorporated by reference as stipulations herewith.

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 Tuesday, December 9 2014 at 7:00 pm.

IN RE: 14-86 Petition of **BROCKTON ADULT DAY CARE f/b/o ADH INC.**, for a Special Permit from Sec. 27-29, 27-49 and 27-53 (3) to allow an adult day care for 180 clients in a portion of the property and seeks a determination from the zoning board that 30 spaces are sufficient parking for the facility and to issue a special permit pursuant to Order of Remand dated 8-21-2014 in a C-2 Zone, located at **764 NORTH MAIN STREET**

PETITIONER'S STATEMENT: Attorney James Burke along with the petitioner Luanne Perry presented to the board Exhibit A, Proposed Adult Day Care Plan and Exhibit B, Site Plan. They are back before the zoning board with the owner of Mentor Network which is a Senior Day Service. A full medical staff will be working with the clients daily. All seniors are bused to facility and driven home. The maximum number of clients will be 180. Ms. Perry has had meetings with the Fire Department and have set up evacuation plans, removal of snow plan, and additional parking if needed.

OPPOSITION: None

DECISION: Granted unanimously with the stipulations **1.** An evacuation plan will be maintained and approved by the Fire Chief, **2.** A commercial company is to remove snow in excess of three (3) inches or more and **3.** When parking Easterly is utilized, Westerly parking (childrens facility) will be used.

BASIS: Petitioner requested a Special Permit from Sec. 27-29, 27-49 and 27-53 (3) to allow for an adult care to 180 clients and a determination on parking for thirty (30) spaces for the facility. The Board found that the location was suitable for an adult care facility servicing a maximum of 180 clients and that thirty (30) parking spaces were sufficient parking for the facility. The Special use complies with applicable regulations and city ordinance and is of such location and size that it will be in harmony with the orderly development of the zone and not negatively impact the neighborhood. There is adequate ingress and egress to parking and shall not interfere with traffic on the abutting streets. All representations in petitioners statements shall be incorporated by reference as stipulations recorded herewith. Pursuant to the stipulations entered into as part of the Agreement for Judgement with the City of Brockton and attached to the Order of Remand, the applicant agrees that as part of this Special Permit Approval and formulation of this basis that employee parking for the Adult Care Operation will, to the extent that it may be available, may be utilized to the rear of the building, that the applicant shall maintain a commercial snow remove contract for all storms over three (3) inches in order to preserve required parking spaces and that applicant shall maintain an evacuation plan to be approved by the Fire Chief, for employee and clients and that any changes to such plan shall be pre-approval by the Fire Chief.

14-86 cont..

VOTE:

Motion to Grant by:
Seconded by:

Gary Keith
Stephen Bernard

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 Tuesday, December 9, 2014 at 7:00 pm.

IN RE:

PETITIONER'S STATEMENT :

OPPOSITION:

DECISION:

BASIS:

VOTE:

Motion to Grant by:

Seconded by:

IN FAVOR: (5)

Kenneth Galligan, Chairman

Richard Francis, Fire Chief

Stephen Bernard

Jeffrey Charnel

Gary Keith

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, July 8, 2014 at 7:00 pm.

IN RE: 14-47 Petition of **ALEX KRAVITZ**, 928 West Chestnut Street, Brockton, MA, for a Special Permit from Sec. 27-29, to allow a fast casual restaurant in a C-2 Zone, located at **27 WESTGATE DRIVE**.

PETITIONER'S STATEMENT: Attorney John McCluskey along with the owner Ben and Alex Kravitz presented to the board Exhibit A, Site Plan and Exhibit B, Floor & Elevation Plans. The petitioners are before the board seeking permission to have a Moe's Southwest Grill Restaurant at one side of the building. The restaurant will have fifty six (56) seats and fourteen (14) parking spaces. On the other side of the building a Five Guys Burger and Fries will be opening in July 2014. The seats for Five Guys have been lowered to fifty eight (58) seats per corporate office and eighteen (18) parking spaces.

OPPOSITION: None

DECISION: Granted unanimously with the stipulations **1.** Five Guys will have not more than 58 seats **2.** Moe's will have not more than 56 seats and **3.** 32 parking spaces total for both restaurants.

BASIS: The board found that granting the requested Special Permit for Moe's fast casual restaurant and the stipulation by the petitioner that the parking requirements and parking spaces provided for the location encompassing both Five Guys and Moe's shall not exceed 32 parking spaces as specified in Brockton Zoning Code Chapter 27, Sec 27-54," one (1) parking space for each four (4) seats" will be in harmony with the orderly development of the zone and not negatively impact the neighborhood. There is adequate ingress and egress to parking and the use will not negatively interfere with traffic on the abutting streets.

VOTE:

Motion to Grant by:
Seconded by:

Jeffrey Charnel
Robert Pelaggi

IN FAVOR: (5)

Kenneth Galligan, Chairman

Stephen Bernard

Jeffrey Charnel

Gary Keith

Robert Pelaggi

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 July 8, 2014 at 7:00 pm.

IN RE: 14-48 Petition of **CUMBERLAND FARMS**, 100 Crossing Blvd, Framingham, MA for a Variance and Special Permit for permission to construct a 4,513 s.f. colonial style retail convenience store with gas sales along with new signage, parking and landscaping improvements in a C-2 Zone, located at **1813 & 1829 MAIN STREET**.

PETITIONER'S STATEMENT: Attorney John Smolak presented to the board Exhibit A, Site Plans. Attorney Smolak who represents Cumberland Farms is seeking permission to construct a new retail gas station with coffee shop at the above location. Cumberland Farms is purchasing the south abutting lot to allow for a new larger structure than the current building. Four (4) gas dispensaries will have a overhead canopy that can house eight (8) cars at the same time. Twenty one (21) parking spaces will be available for customers coming in and out of the store. An LED sign will be used for the changing of the gas prices. Landscaping will be along Hayward Avenue and the south side of Main Street. The abutting neighbors are in favor of this new project as long as it has some kind of sound barrier and no water runoff issues.

OPPOSITION: None

DECISION: Granted unanimously with the stipulations **1.** Shall be no water runoff from the petitioners property to 22 Hayward Avenue **2.** Sound barrier to be installed in rear of building for mechanical machinery located on the 2nd floor and **3.** A six (6) foot high privacy fence to be installed along the adjacent residential property lines and specifically adjacent to 22 Hayward Avenue and **4.** The LED sign message or color of display shall change no more than once every 10 seconds. The change shall be brief, instantaneous and shall not contain flashing, intermittent, or moving lights: or display animated, moving video or scrolling advertising.

BASIS: Granting would not derogate from the intent of the zoning by laws and will not negatively impact the orderly development of the neighborhood. The planned development of the two (2) parcels will improve the safety, landscaping, asthetics and topographic conditions of the parcels as they currently exist. Questions and concerns of two (2) abutting neighbors were addressed regarding potential noise and water runoff, whereupon both neighbors spoke in favor of this project. The above listed stipulations are incorporated by reference herein. All representations in petitioners statement shall be incorporated by reference as stipulations recorded herewith.

VOTE:

Motion to Grant by:

Robert Pelaggi

Seconded by:

Gary Keith

IN FAVOR: (5)

Kenneth Galligan, Chairman

Stephen Bernard

Jeffery Charnel

Gary Keith

Robert Pelaggi

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, 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

Richard Francis, Fire Chief

Vahan Boyajian

Stephen Bernard

Paul Merian

OPPOSED: ()

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, _____ 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

Richard Francis, Fire Chief

Stephen Bernard

Vahan Boyajian

Paul Merian

OPPOSED: (2)

James M. Casieri, Clerk

A true copy. Attest:

Anthony Zeoli, City Clerk