

**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 13, 2015 at 7:00 pm.

**IN RE: 15-01** Petition of **DOMINGOS MONTEIRO C/O ATTORNEY RICHARD WAINWRIGHT III.**, 593 Washington Street, Easton, MA, to Overturn the Building Inspectors Decision in a R-2-C Zone, located at **387 COURT STREET**.

**PETITIONER'S STATEMENT:** Attorney Richard Wainwright presented to the board Exhibit A, Letter from Building Dept/Map of Land and Deed. Attorney Wainwright is before the board seeking to have the Building Inspectors decision overturned. Attorney Wainwright mentioned Lot 100, Plot 200 Court Street was a grandfathered lot since it stood alone before zoning took effect in 1968. The deed language states two (2) separate lots.

**OPPOSITION:** City Director of Planning and Economic Development Robert May stated this is the same as Carrlyn Road which the has been upheld and the SJC have refused to hear.

**DECISION:** Denied.

**BASIS:** Petitioner requested the Zoning Board of Appeals to overturn the decision of the Building Inspector that the lot in question, lot 100, Plot 200 Court Street is not a buildable lot. The Board found that the property has been held in common ownership since at least 1928, lots 100 and 101 have been described together as under single ownership in deeds dated 1928 and 2008, have been described in all cases bounded together under metes and bounds encompassing both lots. There are no deeds that describe each lot on an individual basis. Plot 200 court Street has not retained its individual character, has been conveyed as a single parcel, was taxed as a single parcel since before the effective date and has been described in each conveyance instruments as a single parcel since 1928. The property is described in one meets and bounds legal description and they are one (1) zoned lot as in the Carrlyn Road, Jones vs. Eonas case. The appeal of the petitioner is denied. The decision of the Building Inspector is upheld.

**VOTE:**

Motion to Overturn the Building  
Inspectors Decision:  
Seconded by:

Jeffrey Charnel  
Stephen Bernard

**IN FAVOR: (1)**

Robert Pelaggi

\_\_\_\_\_

**OPPOSED: (4)**

Kenneth Galligan, Chairman

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Stephen Bernard

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Jeffrey Charnel

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Gary Keith

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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 Tuesday, January 13, 2015 at 7:00 pm.

**IN RE: 15-02** Petition of **CARLOS GOMES**, 362 Spring Street, Brockton, MA, from a Variance from Art. III, Sec. 27-2 and Art IV, Sec 27-26, to construct and rebuild a single family house that exceeded the building permit allowed by the City of Brockton. Also requests a Variance for the overhang in the rear of the structure which extends beyond the original non-conforming structure footprint in an R-2 Zone, located at **12 EMMET STREET.**

**PETITIONER'S STATEMENT :**

**OPPOSITION:**

**DECISION:** Withdrawn

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

**VOTE:**

Motion to Grant by:

Seconded by:

**IN FAVOR: ( )**

Kenneth Galligan, Chairman

\_\_\_\_\_

Stephen Bernard

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Jeffrey Charnel

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Gary Keith

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Robert Pelaggi

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**OPPOSED: ( )**

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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 Tuesday, January 13, 2015 at 7:00 pm.

**IN RE: 15-03** Petition of **EAGLE ADVERTISING, LLC C/O WALTER MIRRIONE, ESQ.**, 45 Braintree Hill Office Park, Suite 107, Braintree, MA for a Special Permit from Sec. 27-64(3): 27-73 for construction and operation of Non-Accessory Sign which his required for all Electronic Advertising Board in a C-2 Zone, located at **405 WESTGATE DRIVE**.

**PETITIONER'S STATEMENT** : Attorney Walter Mirrione, Connor McLaughlin from Eagle Advertising and Attorney John Yunits presented to the board Exhibit A, Packet from Petitioner with pertinent information. They are before the board seeking permission to erect a Digital Board at the above named address. The size of the board will be 14 x 48 and 100' tall and not less than 10 second change. It will be in operation for 24 hours per day. The sign will have two (2) faces that will be attached to one (1) monopole. The sign will be seen on Route 24 going in the North and South directions. The proposed sign will be 1000' from another sign located on the corner of West Chestnut and Liberty Street. Free State Emergency advertisement will be 15 hours per month and City advertisement will be 6 hours per month. The license for this sign will need to be reapplied yearly with the state. The sign company will be paying the city a fee upfront for the next five (5) years. This new sign will not encroach on another property and the current sign will be staying. City Director of Planning and Economic Development stated the ordinance will have a maximum of four (4) Digital Board Signs. Councilor of Ward 1 Timothy Cruise is in favor.

**OPPOSITION:** None

**DECISION:** Granted unanimously with the stipulations **1.** Proof of Play (POP) document stating how many hours giving to the city **2.** No part of sign shall encroach on abutting properties **3.** Petitioner must be in full compliance of 700 CMR 3.00 **4.** Sign shall be in operation 24 hours per day, 7 days per week. **5.** Sign not to exceed 100 feet in height and **6.** Sign shall change no less than 10 seconds between advertisements.

**BASIS:** Petitioner requested a Special Permit from Sec. 27-64(3) and 27-73 for construction and operation of a non-accessory sign which is required for all Election Advertising Boards in a C-2 Zone. The Board found that the use will be in harmony with the orderly development of the zone and will not negatively impact the surrounding neighborhood. The board further limited the overall height of the electronic billboard to not more than one hundred (100) feet measured from the base of the supporting pole at grade level at the supporting pole to the top or highest point of the billboard structure. The board approved the lighting and operation of the billboard for twenty-four (24) hours per day, seven (7) days per week. As part of the basis for the granted of the Special Permit, the petitioner or permit holder shall submit a detailed proof of play (POP) report each month to the Office of the Mayor, City of Brockton, to verify that the six (6) hours per month of total advertisement time as agreed upon by the applicant and the City of Brockton are being displayed. The Proof of Play (POP) reports are due by the fifth (5) day of each month for the prior month. The entire sign, on all sides, shall be within a minimum of ten (10) foot setback from all property lines. The basis for the granting of this Special Permit is specifically granted based upon the Petitioner being in full compliance with applicable mandates of the zoning regulations of the City of Brockton and Massachusetts Department of Transportation (DOT) 700 CMR 3.00( Control and Restriction of Billboards, Signs and other Advertising Devices). All representations in petitioners statements shall be incorporated by reference as stipulations recorded herewith.

**ZBA 15-03**

**VOTE:**

Motion to Grant by:

Gary Keith

Seconded by:

Robert Pelaggi

**IN FAVOR: (5)**

Kenneth Galligan, Chairman

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Stephen Bernard

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Jeffrey Charnel

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Gary Keith

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Robert Pelaggi

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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 January 13, 2015 at 7:00 pm.

**IN RE: 15-04** Petition of **RONEN DRORY**, 245 North Pearl Street, Brockton, MA, for a Special Permit from Art. IV. Sec. 27-29(3b) to modify the original granted Special Permit. To clarify the previous decision of the Board concerning the car wash vacuums. Also, to approve a modified Special Permit due a Variance from the "asbuilt" plans approved by the Board concerning "greenspace" in a C-2 Zone, located at **245 NORTH PEARL STREET**.

**PETITIONER'S STATEMENT:** Attorney John Creedon and petitioner Ronen Drory presented to the board Exhibit A, Proposed Modifications. The petitioner is before the board seeking permission to modify the original Special Permit that was approved. Back in June, 2013, the gas station was approved. The vacuums that had been in existence for the car wash had become an issue. Gas stations will be in place of the existing vacuums. The new location for the vacuums will now be above each parking spaces. The canopy clothes will be taken down in the winter months. Mr. Drory has added one (1) parking space, 1,200 sq.ft. of greenspace along the rear of building and has put sprinkler systems on his and surrounding properties. The petitioner owns nine (9) properties in the city, employees thirty (30) people and his annual taxes to the city is \$500,000.00. Attorney Jessica Wainwright, an abutter is very pleased with the Mr. Drory's property and has had no issues.

**OPPOSITION:** City Director of Planning and Economic Development Robert May stated that the petitioner needs to be in front of planning before zoning can approve.

**DECISION:** Denied.

**BASIS:** Petitioner requested a Special Permit from Art. IV. Sec 27-29 (3B) to modify a previously granted Special Permit, to clarify a previous decision of the Zoning Board of Appeals and to approve a modified Special Permit due to a Variance from the "asbuilt" plans approved by the Board regarding "greenspace" in a C-2 Zone. The board found that the petitioner created a build out of the property that was not in conformance with the approved prior Special Permits and Variance requirements. The petitioners requests were denied where the "vacuum layout plan " was not the same site plan as approved by the Planning Board under Site Review and thereby making any modifications not under the jurisdiction of the Zoning Board of Appeals modifications must be made by the Permit Granting Authority which in the case of this location is the Planning Board. The petitioner was advised to return to the Planning Board to seek any requested modifications to this property.

**VOTE:**

Motion to Grant by:  
Seconded by:

Stephen Bernard  
Jeffrey Charnel

**IN FAVOR: (1)**

Gary Keith

**OPPOSED: (4)**

Kenneth Galligan, Chairman

Stephen Bernard

Jeffrey Charnel

Robert Pelaggi

\_\_\_\_\_  
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 13, 2015 at 7:00 pm.

**IN RE: 15-05** Petition of **2 DEBI'S CONVENIENCE AND DELI, LLC.**, 516 Pleasant Street, Brockton, MA, for a Variance from Sec. 27-32 & Sec. 27-48 of "expansion of non-conforming use" (M.G.L. ch 40A Sec. 6) in a C-5 Zone, located at **516 PLEASANT STREET.**

**PETITIONER'S STATEMENT:** Attorney Mark Lawton along with Mary Ann Davis presented to the board. Exhibit A, Site Plan and Exhibit B, Proposed Floor Plans They are before the board seeking permission to sell beer and wine at the above named location. The convenience store/deli will have two (2) employees working at all times.

Approximately 20 parking spaces for customers. When Mrs. Davis was approved prior a fence was to be erected, which has not been done at the present time. Councilor from Ward 1 Timothy Cruise is concerned the fence has not been erected as a prior stipulation before coming to the zoning board for beer and wine. Councilor at Large Robert Sullivan has a concern with beer and wine being sold so close to a residential neighborhood.

**OPPOSITION:** Tim and Denise Huggins are opposed to this petition stating when the petitioner came before the board back in June, 2014 they were not seeking a beer or wine license..

**DECISION :** Denied.

**BASIS:** Petitioner requested a Variance from Sec 27-32 and Sec. 27-48 to allow for "an expansion of non-conforming use" (M.G.L. Chapter 40A Sec. (6) in a C-5 Zone located at 516 Pleasant Street. The Board found that after questioning the petitioner about the specific request for the Variance that the petitioner was seeking, the specific request was for a "beer and wine" license. A previous request for a Variance at this location was granted to allow for a grocery store in the C-5 location. The store is currently under renovation and construction and has not yet opened for business. The petitioners request for "an expansion of a non-conforming use" was evasive in that the notification to the abutters did not adequately inform the abutters of the true nature of the request and as a result, the neighbors and the Zoning Board were not aware of the true request of the Variance prior to the hearing. The "expansion of a non-conforming use" Variance request involved a Variance permitted C-2 use in a C-5 Zoned area for a store that has not yet opened, has no "use history" as a grocery store and no acceptable hardship as it relates to this location. The board found no hardship dealing with the location, no history of the store operating in the C-5 zone and that granting would derogate from the intent of the zoning by-laws and will negatively impact he orderly development of the neighborhood.

**VOTE:**

Motion to Grant by:

Stephen Bernard

Seconded by:

Robert Pelaggi

**IN FAVOR: (2)**

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

Robert Pelaggi \_\_\_\_\_

**OPPOSED: (3)**

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

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

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  
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**ZONING BOARD OF APPEALS** held a meeting in the Council Chambers, City Hall, Brockton, Massachusetts, on Tuesday, January 13, 2015 at 7:00 pm.

**IN RE: 15-06** Petition of **BRIARWOOD CONSTRUCTION CORP.**, 31 Belmont Street, South Easton, MA, for a Variance seeking relief from Sec. 27-9 from lot frontage requirements to divide parcel into two (2) lots, one(1) containing the existing house and one for a single family house to be constructed in a R-1-C Zone, located at **350 ROCKLAND STREET**.

**PETITIONER'S STATEMENT:**

**OPPOSITION:**

**DECISION:**

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

**VOTE:**

Motion to Grant by:

Seconded by:

**IN FAVOR: (0)**

Kenneth Galligan, Chairman

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Stephen Bernard

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Jeffrey Charnel

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Gary Keith

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Robert Pelaggi

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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 Tuesday, July 8, 2014 at 7:00 pm.

**IN RE: 14-41** Petition of **GEORGE ARVANITIDIS**, 35 Torrey Street, Brockton, MA, for a Special Permit from Art. IV, Sec 27-29 3 (f), to have a restaurant with **alcohol in a C-2 Zone**, located at **104 TORREY STREET**.

**PETITIONER'S STATEMENT:**

**OPPOSITION:**

**DECISION:**

2

**BASIS:**

**VOTE:**

Motion to Grant by:

Seconded by:

**IN FAVOR: (0)**

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

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, \_\_\_\_\_, 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: ( )

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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, \_\_\_\_\_ 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 S. 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

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

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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, 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  
CITY OF BROCKTON  
ZONING BOARD OF APPEALS

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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

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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  
ZONING BOARD OF APPEALS

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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

\_\_\_\_\_

OPPOSED: ( )

\_\_\_\_\_  
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, \_\_\_\_\_ 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:

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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, \_\_\_\_\_ 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

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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

A true copy. Attest:

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Anthony Zeoli, City Clerk