

**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, March 10, 2015, at 7:00 pm.

**IN RE: 15-07** Petition of **BRIARWOOD CONSTRUCTION CORP.**, 31 Belmont Street, South Easton, MA, for a Variance seeking relief from Sec. 27-9, 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-A Zone, located at **350 ROCKLAND STREET**.

**PETITIONER'S STATEMENT:**

**OPPOSITION:**

**DECISION:** Postponed.

**BASIS:** The petition was withdrawn prior to the start of the meeting as a matter of right. The petition will be heard at the April 14<sup>th</sup>, 2015 meeting.

**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:

\_\_\_\_\_  
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, March 10, 2015, at 7:00 pm.

**IN RE: 15-08** Petition of **2 DEBI'S CONVENIENCE AND DELI, LLC**, 516 Pleasant Street, Brockton, MA, for a Variance from Sec 27-32, to sell beer and wine in a convenience store/deli in a C-5 Zone, located at **516 PLEASANT STREET**.

**PETITIONER'S STATEMENT:** Attorney Thomas Lawton along with Steve and Marianne Davis presented to the board Exhibit A, Site Plan and Exhibit B, Floor Plans. They had previously been in front of the Zoning board seeking permission to sell beer and wine on January 13, 2015, which was denied. Now after getting permission from the Planning Board they are back again asking for a Variance to sell beer and wine at the above named address. They stated no single cans of beer will be sold. The coolers will be in the rear of the store along with freestanding racks of beer and wine. Two (2) employees will be working inside the building when the hours permit the sale of beer and wine. The only access into the store is through the front. A cover will be provided for the beer and wine when the convenience store is not allowed to sell alcohol. Twenty (20) parking spaces will be provided. This new fence in the rear of the property as well as the grading will be taken care of once the nice weather comes as promised in the June 10, 2014 meeting of the Zoning Board of Appeals. Ward 1 Councilor Timothy Cruise had inquiries about this petition.

**OPPOSITION:** Abutter Denise Higgins stated the area has families and a convenience store with alcohol is not the best use. Ms. Higgins had also stated the owners had a For Sale sign out on the building giving her the impression of a flip sale with alcohol. The Davis stated the For Sale sign was in frustration of waiting to get a gas line hookup.

**DECISION:** Granted with the stipulations 1. No single cans to be sold 2. 2 employees on duty at all times and 3. Wine display area in the 1<sup>st</sup> row is to be secured when the hours do not permit the sale of alcohol.

**BASIS:** Petitioner requested a Variance from Sec. 27-32 to sell beer and wine in a convenience store/deli in a C-5 Zone. The Board found that granting would not derogate from the intent of the zoning by-laws, will be in harmony with the operation of the proposed convenience store and deli and would not negatively impact the orderly development of the neighborhood. The following stipulations are specifically incorporated by reference herein and all representations in petitioner statements shall be incorporated by reference as stipulations recorded herewith: There shall be no single containers of beer sold (such as breaking open of so called "six pack etc. of beer), that the wine and beer display areas shall be secured to prevent sales of same when sales are not allowed and that there shall be no less than two (2) store employees constantly on duty whenever beer and wine sales are allowed. The Board heard and considered statements in opposition from a direct abutter located on Wheeler Avenue as well as inquiries from City Councilor Timothy Cruise, Ward 1.

**15-08**  
**Con't**

**VOTE:**

Motion to Grant by:

Gary Keith

Seconded by:

Jeffrey Charnel

**IN FAVOR: (4)**

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: (1)**

Kenneth Galligan

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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, March 10, 2015, at 7:00 pm.

**IN RE: 15-09** Petition of **STEVE TORREY C/O JOHN MCCLUSKEY**, 932 Main Street, Brockton, MA, for a Variance from Art. III, Sec. 27-9, (density) to divide the existing lot and to construct 30 townhouse style, 2 bedroom residential units in an R-1-C Zone, at **1003 CRESCENT STREET**

**PETITIONER'S STATEMENT:**

**OPPOSITION:**

**DECISION:** Withdrawn

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

**VOTE:**

Motion to Grant by:

Seconded by:

**IN FAVOR: 0**

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 Tuesday, March 10, 2015, at 7:00 pm.

**IN RE: 15-10** 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:** The petitioner was postponed prior to the start of the meeting as a matter of right and rescheduled to the April 14, 2015 meeting.

**OPPOSITION:**

**DECISION:** Postponed

**BASIS:**

**VOTE:**

Motion to Grant by:

Seconded by:

**IN FAVOR: ( )**

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: ( )**

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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, March 10, 2015, at 7:00 pm.

**IN RE: 15-11** Petition of **KEITH ASACK**, 272 Pine Street, Stoughton, MA, from a Variance from Sec 27-9, 27-26(b), to build a duplex without required square feet in an R-2 Zone, located at **PLOT 8 WILMINGTON STREET**.

**PETITIONER'S STATEMENT:**

**OPPOSITION:**

**DECISION:** Withdrawn

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

**VOTE:**

Motion to Grant by:  
Seconded by:

**IN FAVOR:** 0

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 Tuesday, March 10, 2015, at 7:00 pm.

**IN RE: 15-12** Petition of **DAVID GANNON (ION THE BALL LLC)**, 346 Quinnipiac Street, Wallingford, CT, for a Special Permit from Sec 27-64(3): 27-73, for construction and operation of Non-accessory Sign: Special Permit required for construction and operation of Electronic Advertising Board in a C-2 Zone, located at **59 MILL STREET**.

**PETITIONER'S STATEMENT:** Attorney John F. Creedon, David Gannon and Larry Silva presented to the board Exhibit A, Packet of all pertinent information. Mr. Gannon is before the board seeking permission to erect an electronic advertising board at the above named location. The sign will be a V shape and 100' in height. David Gannon mentioned that the sign has a community commitment meaning that for every 12<sup>th</sup> flip the City of Brockton can advertise at no cost. Proof of Play will be sent to the city showing the hours given the Brockton. All the advertisements will have the city approval. The sign location has had a balloon test and a glare study showing no surrounding residential neighborhoods will be affected. The city will be notified of any emergency issues with the board. If the billboard is out of business for six month of more the electronic board must be taken down. Michael Bertarelli who owns abutting property is in favor. Ward 3 Councilor Dennis Eaniri is in favor of this petition.

**OPPOSITION:** None

**DECISION:** Granted unanimously with the stipulations **1.** Proof of Play (POP) document stating monthly how many hours provided 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 allowed to be in operation 24 hours per day, 7 days per week. **5.** Sign not to exceed 100 feet in height **6.** Sign shall change no less than 10 seconds between advertisements and **7.** Owner/operator shall supply the city with an emergency notification phone number for any problems related to the electronic sign board.

**BASIS:** Petitioner requested a Special Permit from Sec. 27-64 (3) and 27-73 for the construction and operation of a non-accessory sign and Electronic Advertising Board in a C-2 Zone at 59 Mill Street. 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 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 granting of this 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 per month total advertisement time as agreed upon by the applicant and the City of Brockton are being displayed. The entire sign, on all sides, shall be within minimum of a ten (10) feet setback from all property lines. The basis for the granting of this Special Permit is specifically granted based upon the petitioners and permit holder being in full compliance with applicable mandates of the City of Brockton and of Massachusetts Department of Transportation (DOT) 700 CMR 3.00 (Control and Restriction of Billboards, Signs and other Advertising Services). All representations in petitioners statements shall be incorporated by reference as stipulations recorded herewith. City Councilor Dennis Eaniri and Mr. James Bertarelli, a direct abutter, submitted letter in support of the project.

15-12  
Con't

**VOTE:**

Motion to Grant by:  
Seconded by:

Jeffrey Charnel  
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 Tuesday, March 10, 2015, at 7:00 pm.

**IN RE: 15-13** Petition of **MICHAEL C. MATHER**, P.O. Box 7488, Brockton, MA, for a Variance from Sec. 27-29, to construct a two (2) family dwelling in a C-2 Zone, located at **PLOT 3-1 EXCHANGE STREET**.

**PETITIONER'S STATEMENT** : The petitioner Michael Mather along with Bruce Malcolm presented to the board Exhibit A, Site Plan and Exhibit B, Floor Plans. Mr. Mather is before the board seeking permission to construct a two (2) family home in a commercial zone. This area has many multi-family homes as well as commercial buildings. The home will have two (2) separate driveways for each unit. The front of the home will be all greenspace. Gary Leonard, Manager of the Downtown Association is in favor of this petition. Ward 4 Councilor Paul Studenski and Councilor at Large Robert Sullivan are in favor.

**OPPOSITION**: None.

**DECISION**: Granted unanimously with the stipulations **1.** Berm in front to elevate the yard so parking will be prohibited **2.** Greenspace as shown on plan and shall be maintained with no blacktop and **3.** Two (2) driveways are to be shown as on plan.

**BASIS**: The petitioner requested a Variance from 27-29 to allow for the construction of a two (2) family dwelling in an C-2 Zone. The Board found that Plot 3-1 Exchange Street is totally surrounded by multi-family dwellings all located in a C-2 Zone. The location, shape and size of the vacant Plot does not lend itself economically desirable to develop commercially but if developed residentially would be in harmony with the current build out of the neighborhood. Granting would not derogate from the intent of the zoning by-laws and will not negatively impact the orderly development of the neighborhood. The following stipulations are incorporated by reference herein: all greenspace as shown on the presented plan shall be maintained as depicted on the plan. The two (2) driveways shall be constructed as shown on the plan with one (1) driveway to be located on the westerly side of the plot and one(1) driveway to be constructed on the easterly side of the plot, both driveways shall be capable of holding two (2) cars, one in front of the other. The grass area in front of the dwelling shall be maintained as shown on the submitted plan. All representations in petitions statement shall be incorporated by reference as stipulations recorded herewith. City Councilor Robert Sullivan spoke in favor of the granting of the Variance and there was no opposition. Councilor Sullivan also expressed the support of Councilor Paul Studenski who was unable to attend the hearing.

**15-13**  
**Con't**

**VOTE:**

Motion to Grant by:  
Seconded by:

Gary Keith  
Chief Francis

**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 Tuesday, March 10, 2015, at 7:00 pm.

**IN RE:** 14-16 Petition of **VALENTINO R. GOMES**, 16 Battles Street, Brockton, MA, for a Variance from Art.III, Sec 27-9(Lot Frontage) and 27-13a (minimum lot width). Petitioner who lives at 16 Battles Street will be demolishing the dwelling on Plot 1-1 Battles Street, and requesting to build a new single family dwelling on Plot 2 Battles Street in a R-2 Zone, located at **PLOT 2 BATTLES STREET**.

**PETITIONER'S STATEMENT** : Attorney John F. Creedon presented to the board a letter stating his client, Valentino R. Gomes would like a six (6) month extension. The extension is needed due to economic times, the demolition of an existing building and the weather.

**OPPOSITION:**

**DECISION:** Unanimously granted for six (6) months.

**BASIS:** Petitioner requested a six (6) month extension of a previously granted Variance for Plot 2 Battles Street due to economic situation and difficult winter weather conditions.

**VOTE:**

Motion to Grant by:  
Seconded by:

Stephen Bernard  
Richard Francis

**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 \_\_\_\_\_ 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, 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, Clerk

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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, 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  
OPPOSED: (2)

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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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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

A true copy. Attest:

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Anthony Zeoli, City Clerk

COMMONWEALTH OF MASSACHUSETTS  
CITY OF BROCKTON  
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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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James M. Casieri, Clerk

A true copy. Attest:

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Anthony Zeoli, City Clerk

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CITY OF BROCKTON  
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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: ( )

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James M. Casieri, Clerk

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Anthony Zeoli, City Clerk

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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 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

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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

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OPPOSED: ( )

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James M. Casieri, Clerk

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COMMONWEALTH OF MASSACHUSETTS  
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ZONING BOARD OF APPEALS

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Brockton, Massachusetts, on Tuesday, January 11, 2010 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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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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OPPOSITION:

DECISION:

BASIS:

VOTE:

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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

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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: ( )

\_\_\_\_\_  
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:

\_\_\_\_\_  
Anthony Zeoli, City Clerk

