

**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, April 14, 2015 at 7:00 pm.

**IN RE: 15-14** Petition of **INNA CHUDNOVSKAYA**, 143 W Brookline Street, Ste 403, Boston, MA, for a Variance & Special Permit from Sec. 27-29, 27-49, 27-53, 27-54, 27-10, to be allowed to operate 7,000 sq ft Adult Day Care in a C-2 Zone for 80 clients utilizing entire 1<sup>st</sup> floor and 2,156 sq ft GYM facility on the 2<sup>nd</sup> floor and seeks a determination from Zoning Board that 14 car parking spaces are sufficient for GYM & Adult Day Care facility pursuant to Code of Ordinance in an C-2 Zone, located at **69 N MONTELLO STREET**.

**PETITIONER'S STATEMENT:**

**OPPOSITION:**

**DECISION:**

**BASIS:** The petition was postponed to the June Zoning Board of Appeals meeting by written request of the petitioners prior to the April meeting.

**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

\_\_\_\_\_

Jeffrey Charnel

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Gary Keith

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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, April 14, 2015 at 7:00 pm.

**IN RE 15-15** Petition of **CARL DJUSBERG**, 932 Bedford Street, Abington, MA, for a Variance from Sec. 27-28, Dimensional and Density Regulations to allow for two (2) residential single family dwelling in a C-1 Zone, located at **574 & 578 CENTRE 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**BASIS:** The petition was withdrawn prior to the meeting as a matter of right.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:** ( )

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, April 14, 2015 at 7:00 pm.

**IN RE: 15-16** Petition of **FOUNDATION CAPITAL RESOURCES, INC.**, 48 North Pearl Street, Brockton, MA, from a Variance & Special Permit from Sec. 27-25, 27-48, 27-49, 27-53, 27-64, 27-65(11), to be allowed to utilize parking in an R-1 C Zone with accessing parking for a C-2 use with signage in a C-2 Zone, located at **665-667 CENTRE STREET**.

**PETITIONER'S STATEMENT** : Attorney James Burke along with the Engineer Brian Dunn presented to the board Exhibit A, Brief in Support and Exhibit B, Site Plan. They are before the board representing Foundation Capital Resources, Inc. who has bought the foreclosed building at the above named address. The original building was constructed as a church. The new owners would like professional offices to occupy the building which is in a C-1 zone. They are before the board seeking permission to use a small portion of land in the rear as a parking lot in an R-1-C Zone. The only access to the property will be through Centre Street. A retaining wall will be erected along side of Coolidge Street. The hardship with this petition is that this side of Coolidge Street will never be paved making the parking lot not a negative for the residential area. An abutter Mary Ellen Smiley was present asking questions but in favor in the end.

**OPPOSITION:** None

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

**BASIS:** The petitioner requested a Variance from current on site zoning restrictions to allow for the current unfinished building on the property to be completed and operated as an office building. The current site encompasses zoning in the C-2 Zone and R-1-C Zone with adjacent properties to the South and East in the R-1-C Zone. The petitioner presented evidence of hardship on the property, specifically with the location of the needed R-1-C Zone land that would provide about thirty (30) parking spaces needed for the overall designated 112 parking spaces requested for the proposed professional/commercial office building. The Board found that insufficient information was provided regarding the required parking needed for the potential use of the professional/commercial office building as related to the provided parking provided on the submitted plan. The board's concern for the hours of operation of the facility as it relates to potential traffic and parking issues on and around the site were not addressed to the satisfaction of the board. Concern of the Board was expressed regarding who and what would constitute the occupancy of the building. The board found that granting of the Variance (s) and Special Request has the potential to negatively impact the surrounding neighborhood.

**15-16**  
**Con't**

**VOTE:**

Motion to Grant by:  
Seconded by:

Stephan Bernard  
Richard Francis

**IN FAVOR: (3)**

Kenneth Galligan, Chairman

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Richard Francis, Fire Chief

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Stephen Bernard

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**OPPOSED: (2)**

Jeffrey Charnel

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Gary Keith

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James M. Casieri, Clerk

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ZONING BOARD OF APPEALS**

**ZONING BOARD OF APPEALS** held a meeting in the Council Chambers, City Hall, Brockton, Massachusetts, on Tuesday, April 14, 2015 at 7:00 pm.

**IN RE: 15-18** Petition of **GEORGE CARNEY**, 1958 Broadway, Raynham, MA, from Sec. 27-9, the property is oddly shaped due to previously abandoned subdivision and roadways R-1-A Zone, located at **PLOT 3 CROSS ROAD**.

**PETITIONER'S STATEMENT:** Attorney Wayne Mathews, Ed Jacobs, Engineer and the petitioner George Carney presented to the board Exhibit A, Packet with all information. They are before the board seeking permission to construct a single family home. They have the 30,000 sq.ft. but only have 148ft. in frontage which requires 175 ft. The home will have four (4) bedrooms and two (2) car garage. This home will be in the subdivision that has already been approved.

**OPPOSITION:** None

**DECISION:** Granted unanimously.

**BASIS:** Petitioner requested a Variance from Sec 27-9 for relief from frontage and rear yard setbacks in a R-1-single family residential zone as part of a previously approved subdivision of lots. The site is very oddly shaped but meets or exceeds all of the requirements in an R-1A zone except for frontage and rear yard setbacks. Granting would not derogate from the intent of the zoning by-laws and will not negatively impact the orderly development of the neighborhood. There was no neighborhood opposition to the petition.

**VOTE:**

Motion to Grant by:  
Seconded by:

Gary Keith  
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

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**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, April 14, 2015 at 7:00 pm.

**IN RE: 15-19** 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:** Attorney Wayne Mathews, Bruce Malcolm, Land Surveyor, the petitioner Mike Ferrone and the owner Samuel Ward presented to the board Exhibit A, Brief in Support, Exhibit B, Site Plan and Exhibit C, Floor and Elevations. They are before the board seeking permission to subdivide the 66,000 sq.ft. property and construct a single family home. The property has 66, 000 sq. ft. The new home will be a four (4) bedroom two (2) car garage Colonial. The hardship is the sloping of property from Rockland Street to the rear six (6) ft. back. Mr.Wards church came out in support of this petition.

**OPPOSITION:** Robert Sullivan who is a direct abutter is opposed. Mr. Sullivan states the sloping of the property will be disruptive with the rain and that it is not a grandfathered lot. A letter from the Owen family also stated their opposition. Ward 1 Councilor Timothy Cruise also stated his opposition stating it was not grandfathered.

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

**BASIS:** Petitioner requested a Variance to allow for the subdivision of one lot into two (2) separate lots, one (1) lot to contain the current on site house and a separate lot for a single family house in the R-1-A Zone. The petitioner cited the size of the two (2) proposed lots in relation to the surrounding neighborhood lots in addition to the frontage comparissions to other surrounding frontages. The petitioner did not present any evidence of unique circumstances relating to site topography or unique circumstances relating to soil conditions on the site. Direct abutters cited their concerns about water conditions affecting their properties both in writing by letter and by testimony at the hearing. No plan was forthcoming from the petitioner regarding and potential water problem ameliation for the site. Ward 1 Councilor Timothy Cruise spoke in opposition to the plan. Several persons spoke in favor of granting the Variance: however, none were abutters or lived anywhere near the property in question. The Board found that hardship dealing with the locus was not found and granting would derogate from the intent of the zoning by-laws and will negatively impact the surrounding neighborhood.

**15-19**  
**Con't**

**VOTE:**

Motion to Grant by:

Seconded by:

Stephen Bernard

Gary Keith

**IN FAVOR: (3)**

Stephen Bernard

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Gary Keith

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Robert Pelaggi

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**OPPOSED: (2)**

Kenneth Galligan, Chairman

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Jeffrey Charnel

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James M. Casieri, Clerk

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**IN RE:**

**PETITIONER'S STATEMENT:**

**OPPOSITION:**

**DECISION:**

**BASIS:**

**VOTE:**

Motion to Grant by:

Seconded by:

**IN FAVOR: (0)**

Kenneth Galligan, Chairman

Stephen Bernard

Jeffrey Charnel

Gary Keith

Robert Pelaggi

**OPPOSED: (0)**

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**DECISION:**

**BASIS:**

**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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**OPPOSITION:**

**DECISION:**

**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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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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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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DECISION:

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IN FAVOR: ( )

Atty. Anthony Eonas, Chairman

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Richard Francis, Fire Chief

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OPPOSED: ( )

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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 \_\_\_\_\_

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

Vahan Boyajian \_\_\_\_\_

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

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

OPPOSED: ( )

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James M. Casieri, Clerk

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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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James M. Casieri, Clerk

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Anthony Zeoli, City Clerk

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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:

Motion to Grant by:

Seconded by:

IN FAVOR: ( )

Atty. Anthony Eonas, Chairman

\_\_\_\_\_

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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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

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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 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

A true copy. Attest:

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Anthony Zeoli, City Clerk