

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, August 11, 2015 at 7:00 pm.

IN RE: 15-37 Petition of **BROCKTON COMMONS ASSOCIATES I,LLC**, 100 Grandview, Suite 207, Braintree, MA, for a Special Permit from Art. IV, Sec. 27-30 and Art. IX, Sec. 27-54, to seek a Variance to operate an adult day care center. Also, a Variance for off-site parking in a C-3 Zone, located at **55 VFW PARKWAY**.

PETITIONER'S STATEMENT: Attorney John McCluskey along with Gary Leonard from 21 Century Corp presented to the board exhibit A the memo in support, B floor plans, C site plans and copy of map, and D staff reports from the Planning Department. The petitioner is seeking a special permit for an adult day center and a variance for off-site parking in a C-3 zone. The hardship of their case is lack of parking. The building was formally occupied by Massachusetts Rehab Center. The site will have 75 patients and they will be dropped off in vans. It will run Monday through Friday from 8-4. Lunch and snacks will be delivered to the site. The staff would include three registered nurses and nine C.N.A.'s. Gary Leonard, the operation manager is in favor.

OPPOSITION: None

DECISION: Unanimously granted with stipulations 1.) Petitioner shall maintain lease of no less than fifteen parking spaces at the Brockton parking garage for use by the adult day care staff for the entire time that the adult daycare occupies their location at 55 VFW Parkway Brockton, MA 02301. 2.) No more than 75 patients.

BASIS: The Board found that the use of the proposed location for an Adult Day Care Center for no more than seventy five (75) clients will be in harmony with the orderly development and use of the C-3 zone and will not negatively impact the neighborhood. The use of this location as a retail type space is not practical due to the severe limitations regarding transient parking and does not directly front on a public way.

The granting of relief from acceptable on-site parking was granted by stipulations that no less than fifteen (15) parking spaces shall be provided by the Day Care operation for the Day employee's off-site by lease or otherwise for the entire time that the Day Care Center operates from this site. The petitioner indicated that the Day care Center currently leases fifteen (15) parking spaces at the adjacent City Of Brockton Parking garage.

There is acceptable on-site drop off space for vans transporting the Day Care center clients to achieve the safe off street drop off and pick up of clients without negatively impacting the neighborhood and will not negatively impact nor interfere on the abutting streets. A stipulation that no less than three (3) on-site parking spaces directly adjacent to the main entrance to the Day Care Center shall be reserved exclusively for Day Care van use, particularly for wheelchair bound clients.

The above listed stipulations are incorporated by reference herein. All representations in petitioner statements shall be incorporated by reference as stipulations recorded herewith.

VOTE:

Motion to Grant by: Gary Keith
Seconded by: Kenneth Galligan

IN FAVOR: (5)

Kenneth Galligan, Chairman

Michael Williams, Fire Chief

Stephen Bernard

Kenneth Galligan
Michael Williams
Stephen F. Bernard

RECEIVED AND FILED: September 10, 2015
I, ANTHONY J. ZEOLI, CITY CLERK OF BROCKTON, MASSACHUSETTS HEREBY CERTIFY THAT THE AFORESAID IS A TRUE COPY AND THAT TWENTY DAYS HAVE LAPSED AND NO APPEAL HAS BEEN FILED. CHAPTER 40A SEC. 11

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2015 AUG 20 P 2:53

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APPEAL HAS BEEN FILED. CHAPTER 40A SEC. 11

Anthony J. Zeoli

Jeffrey Charnel

Gary Keith

OPPOSED: (0)

A true copy. Attest:
Anthony J. Zeoli
Anthony Zeoli, City Clerk



Gary Keith

James Casieri
James Casieri, Clerk

ANY APPEAL MUST BE MADE
WITHIN 20 DAYS FROM THIS
DATE AUG 29 2015 PURSUANT TO
M.G.L.C. 40A SECTION 17.

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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, August 11, 2015 at 7:00 pm.

IN RE: 15-38 Petition of JAMES AND ROBERTA SILVERMAN, 72 Westhaven Drive, Brockton, MA, for a Variance to add a Farmers Porch in front of the home in an R-1-C Zone, located at 72 WESTHAVEN DRIVE.

PETITIONER'S STATEMENT: Petitioner James Silverman, the original owner along with his wife presented to the board exhibit A site plan and exhibit B drawings for porch and pictures of front home. They wanted to add a farmer's porch when the stairs were falling apart. The intent of the porch is to make the home more aesthetically pleasing. Also, adding the porch would increase the value of the home. The hardship of their case is the location of the foundation.

OPPOSITION: None.

DECISION: Granted

BASIS: The Board found that the location of the foundation created a hardship to locating the front porch on the dwelling and that granting the requested relief for six (6) feet for setback 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 petitioners statement shall be incorporated by reference as stipulations recorded herewith.

VOTE:

Motion to Grant by: Gary Keith
Seconded by:

IN FAVOR: (5)

- Kenneth Galligan, Chairman
- Michael Williams, Fire Chief
- Stephen Bernard
- Jeffrey Charnel
- Gary Keith

OPPOSED: (0)

ANY APPEAL MUST BE MADE
WITHIN 20 DAYS FROM THIS
DATE ~~15~~ 20 2015 PURSUANT TO
M.G.L.C. 40A SECTION 17.

AUG 20 2015

Kenneth Galligan
Michael Williams
Stephen Bernard
Gary Keith

James Casieri
 James Casieri, Clerk

A true copy. Attest:

Anthony J. Zeoli

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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, August 11, 2015 at 7:00 pm.

IN RE: 15-39 Petition of MARJORIE DUCLOSEILLE, 35 Hemlock Avenue, Brockton, MA, to construct and enclose front porch in an R-1 Zone, located at 35 HEMLOCK AVENUE.

PETITIONER'S STATEMENT :

OPPOSITION: None

DECISION: Allowed to withdraw

BASIS: The board found that the petitioner was before the Board for the first time and found that the petitioner was not prepared to present an acceptable variance presentation. The petitioner requested to Withdraw.

The Board voted to allow the petitioner to withdraw and given the opportunity to again apply for a Variance at some future date after filing and giving proper notice to abutters.

VOTE:

Motion to Grant by:

Seconded by:

IN FAVOR: (5)

Kenneth Galligan, Chairman

Michael Williams, Fire Chief

Stephen Bernard

Jeffrey Charnel

Gary Keith

OPPOSED: (0)

A true copy. Attest:

Anthony J. Zeoli
Anthony Zeoli, City Clerk

Kenneth Galligan

Michael Williams

Stephen Bernard

Jeffrey Charnel

Gary Keith

James Casieri, Clerk

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IN RE: 15-40 Petition of CHARLES LOVELL, 325 Thatcher Street, Brockton, MA, to have a Variance from Sec. 27-9 (Table) and Sec. 27-15, applicant to seeks to be allowed to simultaneously exchange land with an abutter to render his existing lot less non-conforming in a R-1C Zone, located at 325 THATCHER STREET.

PETITIONER'S STATEMENT: Attorney James Burke along with owner Charles Lovell and relative Earl presented to the board exhibit's A petition for variance, B site plan, C variance plan, and D staff reports from the Planning Department. They are seeking a variance to allow the exchanging of land with his neighbor. The owner will allow. There is a proposed cemetery in the back of the property. Charles Lovell and Earl Lovell are both in favor.

OPPOSITION:

DECISION: Granted

BASIS: The Board found that due to the unique shape and lack of access to the lot that an exchange of land with an abutter to allow access to the affected plot that granting of the requested variance would not negatively impact the orderly development of the neighborhood for the proposed located of a cemetery.

All representation in petitioner's statement, including the unique shape of the lot, shall be incorporated by reference as stipulations recorded herewith.

VOTE:

Motion to Grant by: Kenneth Galligan
Seconded by: Jeffrey Charnel

ANY APPEAL MUST BE MADE
WITHIN 20 DAYS FROM THIS
DATE ~~AUG 20 2015~~ PURSUANT TO
M.G.L.C. 40A SECTION 17.

IN FAVOR: (4)

Kenneth Galligan, Chairman

Michael Williams, Fire Chief

Stephen Bernard

Jeffrey Charnel

Gary Keith

Kenneth Galligan
Michael Williams
Stephen Bernard
Gary Keith
Jeffrey Charnel
James Casieri, Clerk

OPPOSED: (1)

Jeffrey Charnel

A true copy. Attest:
Anthony J. Zeoli
Anthony Zeoli, City Clerk

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