

**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 12, 2010 at 7:00 pm.

IN RE: PETITION: 10-01 Petition of T-Mobile Northeast, 15 Commerce Way, Norton, MA, for a Variance & Special Permit from Sec. 27-25 (3)(b), for construction of a telecommunication facility & 27-9. Table 1 for a height requirement in an R-1-C Zone, located at 678 East Street.

PETITIONER'S STATEMENT:

OPPOSITION:

DECISION: Postponed.

BASIS: The petition is postponed prior to the meeting as a matter of right.

VOTE:

Motion to Grant by:

Seconded by:

IN FAVOR: (5)

Atty. Anthony Eonas, Chairman

Vahan Boyajian

Kenneth Galligan

Stephen Bernard

Paul Merian

OPPOSED: (0)

James M. Casieri, Clerk

A true copy. Attest:

Anthony Zeoli, City Clerk

**COMMONWEALTH OF MASSACHUSETTS
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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, January 12, 2010 7:00 pm.

IN RE: PETITION:10-02 Petition of Sean & Kenneth Harris, 424 Summer Street, Brockton, MA for a Special Permit from Sec. 27-32(3) C to operate a tattoo parlor in a C-2 Zone, located at Quincy Street.

PETITIONER'S STATEMENT: Attorney John Creedon along with the petitioners presented to the board Exhibit A, Site Plan and Exhibit A, Floor Plans. They are seeking permission to have a tattoo parlor at the above location. They will have 2 tattoo artists on the site. Each procedure can take as little as 45 minutes are as much as 2 hours. The hours of operation will be 7 days a week from 9:00 a.m. until 11:00 p.m. Walk in appointments are welcome. The sign will go in the existing footprint.

OPPOSITION: None

DECISION: Granted unanimously with the stipulation that the hours are 7 days per week with the hours 9:00 a.m. until 11:00 p.m.

BASIS: The use 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 will not interfere with traffic on the abutting streets.

VOTE:

Motion to Grant by: Kenneth Galligan

Seconded by: Stephen Bernard

IN FAVOR: (5)

Atty. Anthony Eonas , Chairman

Vahan Boyajian

Kenneth Galligan

Stephen Bernard

Paul Merian

OPPOSED: (0)

James M. Casieri, Clerk

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Anthony Zeoli, City Clerk

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IN RE: PETITION: 10-03 Petition of Rodney Romulus, 545 Court Street, Brockton, Ma. For a Variance from Sec. 27-9, to operate an office in my home in an R-1-C Zone, located at 545 Court Street.

PETITIONER'S STATEMENT: The petitioner, Rodney Romulus presented to the board Exhibit A, Site Plan, Exhibit B, 1st Floor Plans and Exhibit C, 2nd Floor Plans. Mr. Romulus would like to have an office for his work as an engineer in his basement. No clients will be going to the home for appointments. The plans for the basement were not presented to the board for the meeting.

OPPOSITION: Mr. Richard Crowley is opposed stating the neighborhood is and should be a residential neighborhood.

DECISION: Unanimously denied.

BASIS: No hardship dealing with the locus was found by the board. Granting would derogate from the intent of the zoning by-laws and will negatively impact the orderly development of the neighborhood. Occupancy permit included required statement that only single occupancy be allowed at the locus.

VOTE:

Motion to Grant by:
Seconded by:

Vahan Boyajian
Kenneth Galligan

IN FAVOR: (0)

OPPOSED: (5)

Atty. Anthony Eonas, Chairman

Vajan Boyjian

Kenneth Galligan

Stephen Bernard

Paul Merian

James M. Casieri, Clerk

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ZONING BOARD OF APPEALS held a meeting in the Council Chambers, City Hall, Brockton, Massachusetts, on Tuesday, January 12, 2010 at 7:00 pm.

IN RE: PETITION: 10-04 Petition of Mark Roukous, New Heights Real Estate, 430 Belmont Street, Brockton, for a Variance for a finding under MGL Chapter 40A, Sec. 6 Art. IV, Sec. 27-29, to construct a commercial structure in an R-1-C Zone located at 171 Howard Street.

PETITIONER'S STATEMENT: Attorney John McCluskey, Land Surveyor Bruce Malcolm and petitioner Mark Roukous presented to the board Exhibit A, Site Plan of Land, Exhibit B, Memo to the Board of Appeals and Exhibit C, Floor Plans and Pictures. Mr. Roukous would like to demolish the existing home and construct an 8 bay contractors storage facility to house trucks, bobcats, etc. The building will be steel with a metal roof. The hardship is that the area is a busy commercial street with the land having easement, topography and soil conditions. The property will have 40% greenspace which is more than required. The abutting neighbors are in favor due to the property being such a disaster for a long time. Ms. Anne Marie Rose would like existing mature trees to stay between her land and 171 Howard Street with the dumpster on the other end of the property. Councilors Todd Petti and Robert Sullivan are in favor. Mr. Roukous will need to go to the Planning Board if granted.

OPPOSITION: Councilor Michelle DuBois is opposed as she sees no hardship regarding the property. She had also mentioned noise, traffic and depreciation in property values.

DECISION: Granted unanimously with the stipulations **1.** approximately 40% greenspace on property **2.** stockade fence on the North, East and South boundary line **3.** if a unit request repair of trucks then going back to the zoning board for approval is needed **4.** Art.III Sec. 27-24 plantings should be arborvitaes with real grass planted. **5.** dumpster shall not be emptied before 8:00 a.m. and shall be enclosed and distancing from residential abutters. **6.** hours of operation Monday through Saturday 6:00 a.m. until 10:00 p.m. and on Sunday 10:00a.m. until 6:00 p.m. **7.** no outside storage or vehicle parking overnight **8.** same rendition on plan **9.** lights shall face downward and **10.** no permanent occupancy permit shall be granted until landscape is complete.

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 above listed stipulations are incorporated by reference herein. All representations in petitioner's statement shall be incorporated by reference as stipulations recorded herewith.

1st Request to rule on finding under MGL Chapter 40A, Art. IV, Sec.27-29. Motion to rule on first portion of petition:

1st

VOTE:

Motion to Grant by:

Kenneth Galligan

Seconded by:

Stephen Bernard

IN FAVOR: (0)

OPPOSED: (5)

Atty. Anthony Eonas, Chairman

Vahan Boyajian

Kenneth Galligan

Stephen Bernard

Paul Merian

2nd

VOTE:

Motion to Grant by:

Vahan Boyajian

Seconded by:

Kenneth Galligan

IN FAVOR: (5)

Atty. Anthony Eonas, Chairman

Vahan Boyajian

Kenneth Galligan

Stephen Bernard

Paul Merian

OPPOSED: (0)

James M. Casieri, Clerk

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IN RE: PETITION: 10-05 Petition of Mark Roukous, New Heights Real Estate, 430 Belmont Street, Brockton, for a Variance from Art. III, Sec. 27-9(frontage): Art. III, Sec. 72-9(Area), Art.III, Sec.27-13A(width) to subdivide into three lots and construct two single family dwellings on the two newly created lots in an R-1-C Zone, located at 95 Augustine Street.

PETITIONER'S STATEMENT: Attorney John McCluskey, Land Surveyor Bruce Malcolm and petitioner Mark Roukous presented to the board Exhibit A, Site Plan, Exhibit B, Memo in Support of Petition and Exhibit C, Floor Plans & Elevations. Mr. Roukous would like to subdivide an existing lot into three (3) lots and construct two (2) new homes. The homes will be Colonial style with four (4) bedrooms and two (2 1/2) half bathrooms. The lower basement will be a walkout.The road will be paved 350' from Augustine Street to Studley Avenue. The hardship on the land is the topography that slopes toward the street.

OPPOSITION: None

DECISION: Granted unanimously with the stipulation that no more than four (4) bedrooms per home.

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 above listed stipulations are incorporated by reference herein. All representations in petitioner's statement shall be incorporated by reference as stipulations recorded herewith.

VOTE:

Motion to Grant by:

Kenneth Galligan

Seconded by:

Paul Merian

IN FAVOR: (5)

Atty. Anthony Eonas, Chairman

Vahan Boyajian

Kenneth Galligan

Stephen Bernard

Paul Merian

OPPOSED: (0)

James M. Casieri, Clerk

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IN RE: PETITION: 10-06 Petition of Edward & Janice Alston, 26 Palmer Street, Brockton, MA, from Art. IV. Sec. 27-25 (F), to obtain a kennel license in an R-1-C Zone, located at 26 Palmer Street.

PETITIONER'S STATEMENT: The petitioners Edward and Janice Alston presented to the board Exhibit A, Packet of information for the Zoning Board. They are seeking permission to keep their four (4) dogs. These dogs are house pets and are never left alone during the day. There will be no breeding or selling of any dog(s). It was also stated that once a dog dies they have no intention of replacing it. Neighbors Lorna and Michael Vasapollo are in favor. Councilor Ward 1 Timothy Cruise is in favor.

OPPOSITION: None

DECISION: Granted unanimously with the stipulation that 1. once one (1) dog dies they are not to exceed three (3) dogs in the home and 2. no commercial, breeding or kennels regarding these dogs. Household pets only.

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 above listed stipulations are incorporated by reference herein. All representations in petitioner's statement shall be incorporated by reference as stipulations recorded herewith.

VOTE:

Motion to Grant by:
Seconded by:

Vahan Boyajian
Paul Merian

IN FAVOR: (5)

Atty. Anthony Eonas, Chairman

Vahan Boyajian

Kenneth Galligan

Stephen Bernard

Paul Merian

OPPOSED: (0)

James M. Casieri, Clerk

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IN RE: PETITION: 10-07 Petition of City Buffet, Inc. 8963 Belmont Street, Brockton, MA for a Special Permit from Sec. 27-27-49, to confirm prior expansion for seating and to increase seating capacity from 156 to 194 seats in a C-1 Zone, located at 863 Belmont Street.

PETITIONER'S STATEMENT: Attorney Stephen Wainwright along with the petitioner presented to the board Exhibit A, Site and Floor Plans. The petitioner would like to increase the capacity in the restaurant to 194 seats. They former owners came before the board back in 1999 asking the increase of 156 seats. Attorney Wainwright had also mentioned that 50 parking spaces are available for customers.

OPPOSITION: Marcia Looney and Rod McDonald are opposed. The last tenants neglected to perform all tasks that were asked of them back in 1998 and 1999. Councilor Ward 1 Timothy Cruise is also in opposition.

DECISION: Denied unanimously.

BASIS: Granting would negatively impact the orderly development of the neighborhood. Egress and exit along with parking access would create dangerous traffic patterns. The original license holders failed to comply with required stipulations.

VOTE:

Motion to Grant by:
Seconded by:

Kenneth Galligan
Stephen Bernard

IN FAVOR: (0)

OPPOSED: (5)

Atty. Anthony Eonas, Chairman

Vahan Boyajian

Kenneth Galligan

Stephen Bernard

Paul Merian

James M. Casieri, Clerk

A true copy. Attest:

Anthony Zeoli, City Clerk