

**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 13, 2010 at 7:00 pm.

IN RE: PETITION: 06-55 Petition of **ROBERTA LEMASA**, 69 Peterson Avenue, Brockton, MA, for a Variance from Sec. 27-9 & Sec. 27-13(a) to divide existing parcel into three lots and construct 2 single family dwellings lacking in frontage & width requirements in an R-1-C Zone located at **69 Peterson Avenue**.

PETITIONER'S STATEMENT: The petitioner, Roberta Lemasa is seeking a six (6) month extension due to the slow housing market.

OPPOSITION: None

DECISION: Six (6) month extension granted unanimously.

BASIS: As per Zoning by-laws, a six month extension may be granted upon petition.

VOTE:

Motion to Grant by:

Stephen Bernard

Seconded by:

Vahan Boyajian

IN FAVOR: (5)

Atty. Anthony Eonas, Chairman

Vahan Boyajian

Richard Francis

Stephen Bernard

Kenneth Galligan

OPPOSED: (0)

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 13, 2010 7:00 pm.

IN RE: PETITION:10-12 Petition of John J. and Florence McNamara, 276 Prospect Street, Brockton, MA for a Variance seeking relief from Sec. 27-19, to construct a 3rd accessory structure, a shed & Sec 27-9, rear yard setbacks for construction of a sunroom in an R-1-C Zone, located at **276 PROSPECT STREET.**

PETITIONER'S STATEMENT: The petitioner John & Florence McNamara presented to the board Exhibit A, Plot Plan, Exhibit B, Interior of 2nd Structure. They are seeking permission to have a 16 x 20 shed which will be the third (3) accessory structure. The property already has the main home, a carriage home and gazebo. The petitioners are also constructing an addition to the carriage home for a sun room. The petitioners will be living in the carriage home with their daughter living in the main house with her family.

OPPOSITION: None

DECISION: Unanimously granted

BASIS: Granted would not derogate from the intent of the zoning by-laws and will not negatively impact the orderly development of the neighborhood. The location of the existing foundation creates a hardship at the site. Granting 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 petitioner's statement shall be incorporated by reference as stipulations recorded herewith.

VOTE:

Motion to Grant by: Stephen Bernard

Seconded by: Richard Francis

IN FAVOR: (5)

Atty. Anthony Eonas, Chairman

Vahan Boyajian

Richard Francis

Stephen Bernard

Kenneth Galligan

OPPOSED: (0)

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, 13, 2010 7:00 pm.

IN RE: PETITION: 10-13 Petition of **RUSSELL BURNHAM**, 46 LaFoye Street, Brockton, Ma. for a Variance seeking relief from Sec. 27-9 & 27-13A, to construct a single family home on a portion of the subject premises lacking lot size, frontage, lot width & front yard setback requirements in an R-1-C Zone, located at **45 LaFoye Street**.

PETITIONER'S STATEMENT: Attorney Wayne Matthews, Bruce Malcolm, along with the petitioners Russell Burnham and Jason Bourne presented to the board Exhibit A, Site Plan, Exhibit B, Floor Plans of Home, and Exhibit C, Pictures of Home. The petitioners would like to sub divide the lot and construct a single family home. The home will have four (4) bedrooms with a 3rd floor attic. The driveway will be in the front right of the home. The hardship was the shape of the land.

OPPOSITION: The neighbors came out in opposition due to the small property and the size of the home they are seeking to build.

DECISION: Denied.

BASIS: No hardship dealing with the locus was found by the board. The proposed house would be extremely close to the home on the abutting property. Granting would derogate from the intent of the zoning by-laws & will negatively impact the orderly development of the neighborhood.

VOTE:

Motion to Grant by:

Stephen Bernard

Seconded by:

Kenneth Galligan

IN FAVOR: (1)

Stephen Bernard

OPPOSED: (4)

Atty. Anthony Eonas, Chairman

Vajan Boyajian

Richard Francis

Kenneth Galligan

James M. Casieri, Clerk

A true copy. Attest:

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, April 13, 2010 at 7:00 pm.

IN RE: PETITION: 10-14 Petition of **CECILLA VICENTE**, 863 Crescent Street, Brockton, MA for a Special Permitted Use seeking relief from Art. IV & 27-29, to have a café(restaurant) in a C-2 Zone., located at **306 CRESCENT STREET**.

PETITIONER'S STATEMENT: Attorney John Creedon, along with the petitioner's step father presented to the board Exhibit A, Site Plan and Exhibit B, Floor Plans. They are seeking permission to have a restaurant café with 28 seats. The restaurant will be for lunch and dinner from 6:00 a.m. until 9:00 p.m. They will have parking spaces for the patrons. A dumpster in the rear is enclosed. The abutter living at 398 Crescent Street is in favor.

OPPOSITION: None

DECISION: Denied. Inadequate plans were submitted to the board.

BASIS: Granting would negatively impact the orderly development of the neighborhood. Egress and exit along with parking access would create dangerous traffic patterns. It was impossible to determine the elements of the proposal due to inadequate plans.

VOTE:

Motion to Grant by:
Seconded by:

Stephen Bernard
Richard Francis

IN FAVOR: (1)

Vahan Boyajian

OPPOSED: (0)

Atty. Anthony Eonas, Chairman

Richard Francis

Kenneth Galligan

Stephen Bernard

James M. Casieri, Clerk

A true copy. Attest:

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, April, 13, 2010 at 7:00 pm.

IN RE: PETITION: 1015 Petition of **CRUISE PROPERTIES**, 120 Torrey Street, Brockton, for a Variance seeking relief from Sec. 27-9,27-9 &27-13A, to construct a single family dwelling lacking from yard setbacks, lot frontage, lot area and lot width in an R-1-C Zone, located at **PLOTS 27 & 28 BANKS STREET.**

PETITIONER'S STATEMENT: The petitioner David Cruise presented to the board Exhibit A, Site Plan and Exhibit B, Floor Plans. The petitioner already has permission to construct a home on the combined plots which totals 8, 000 sq.ft. next to the the home he already owns that is on a 4,000 sq.ft lot. Mr, Cruise is before the board asking permission to subdivide all three lots making two (2) 6,000sq. ft. lots. The home will have four (4) bedrooms with one room having a walk up to a unfinished attic. The front of the home will have a 6' porch and patio in the rear. The neighbors came out not knowing what was being done when Mr. Cruise explained all were in favor.

OPPOSITION: None

DECISION: Unanimously granted with the stipulations that no bedrooms on the 3rd floor and shall be limited as shown on plans.

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:

Vahan Boyajian

IN FAVOR: (5)

Atty. Anthony Eonas, Chairman

Vahan Boyajian

Richard Francis

Stephen Bernard

Kenneth Galligan

OPPOSED: (0)

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 12, 2010 at 7:00 pm.

IN RE: PETITION: 10-16 Petition of **JOHN H. GRANDMONT**, 240 Field Street, Brockton, MA, for a Variance seeking relief from Sec. 27-9 & 27-13A, to subdivide property and construct a dwelling on the newly created lot lacking lot frontage, area, ear yard setbacks and minimum lot width in an R-1-C Zone, located at **240 Field Street**.

PETITIONER'S STATEMENT

OPPOSITION:

DECISION:

BASIS: The petition is postponed until May 11, 2010 at the request of the petitioner prior to being heard.

VOTE:

Motion to Grant by:
Seconded by:

IN FAVOR: (5)

Atty. Anthony Eonas, Chairman

Vahan Boyajian

Richard Francis

Stephen Bernard

Kenneth Galligan

OPPOSED: (0)

James M. Casieri, Clerk

A true copy. Attest:

Anthony Zeoli, City Clerk

