

**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, June 8, 2010, at 7:00 pm.

IN RE: 07-70 Petition of **BUSKELL PROPERTIES**, 36 N. Bedford Street, E. Bridgewater, MA, for a Variance from Sec. 27-9, to subdivide an existing lot into two buildable lots and construct a single family dwelling on each lot lacking frontage, area, and setback requirements in an R-1-C Zone, located at **PLOT 2 BELGRAVIA AVENUE**.

PETITIONER'S STATEMENT:

OPPOSITION:

DECISION: Withdrawn

BASIS: The petition is withdrawn prior to the meeting as a matter of right.

VOTE:

Motion to Grant by:

Seconded by:

IN FAVOR: (5)

Atty. Anthony Eonas, Chairman

Stephen Bernard

Richard Francis

Vahan Boyajian

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 held a meeting in the Council Chambers, City Hall, Brockton, Massachusetts, on Tuesday, June 8, 2010, at 7:00 pm.

IN RE: 09-30 REMANDED BY COURT: Petition of **EDWARD FRANCO**, 15 Rutland Square, Brockton, MA, for a Special Permit from Sec. 6, to convert a factory building into residential apartments in an R-2 Zone, located at **15 RUTLAND SQUARE**.

PETITIONER'S STATEMENT: Attorney John Creedon, Edward Franco, owner of property and Jack Gillian who conducted the traffic study are before the board again since being remanded by the court to come back again since being denied unanimously in 2009. The land court sent this petition back to the zoning board. The petitioner would like to convert his factory which is in a residential zone into rental apartments. The building will have 42 units broken down as follows: three/one bedroom, twenty-eight/two bedrooms, ten/three bedrooms and one/four bedrooms. The property will have 58 parking spaces with handicap accessible parking. The chimney will be town down. The exterior will be cleaned up and not changed. Three fire hydrants are available. The traffic study suggests traffic isn't as busy as the neighbors stated.

OPPOSITION: The neighbors came out with traffic as an issue and parking would not be enough for the number of people living at the apartment complex. They also suggested lowering the number of units they are petitioning for. Councilor Dennis Eaniri is also opposed.

DECISION: Denied.

BASIS:

VOTE:

Motion to Grant by: Vahan Boyajian
Seconded by: Richard Francis

IN FAVOR: (1)

Stephen Bernard

OPPOSED: (4)

Atty. Anthony Eonas, Chairman

Richard Francis

Vahan Boyajian

Paul Merian

James M. Casieri, Clerk

A true copy. Attest:___

Anthony Zeoli, City Clerk

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ZONING BOARD OF APPEALS held a meeting in the Council Chambers, City Hall, Brockton, Massachusetts, on Tuesday, June 8, 2010, at 7:00 pm.

IN RE: 10-22 Petition of **YI ZHENG**, 525 Washington Street, Stoughton, MA, for a Special Permit from Sec. 27-30, to operate a delivery & carryout restaurant in a C-3 Zone, located at **43 LEGION PARKWAY**.

PETITIONER'S STATEMENT: The petitioner Yi Zheng presented to the board Exhibit A, Floor Plans, Exhibit B, Picture of Building and Exhibit C, Plot Plan. Mr. Zheng is in the restaurant business and already owns Asian Buffet in Stoughton. He is before the board tonight seeking a Special Permit to have a Chinese Restaurant at the above location. The restaurant will be a carry out/delivery with two (2) tables for customers to wait. Mr. Zheng would like the hours of operation to be seven (7) days a week from 11:00 a.m. until 1:00 a.m.

OPPOSITION: None

DECISION: Granted unanimously.

BASIS: The use in harmony with the development of the zone and not negatively impact the neighborhoods. The locus is in a section of the city that was developed without off street parking, therefore, the negative impact will not be increased.

VOTE:

Motion to Grant by: Richard Francis
Seconded by: Stephen Bernard

IN FAVOR: (5)

Atty. Anthony Eonas, Chairman

Stephen Bernard

Richard Francis

Vahan Boyajian

Paul Merian

OPPOSED: (0)

James M. Casieri, Clerk

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Anthony Zeoli, City Clerk

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IN RE: 10-23 Petition of **KELLY LABRECQUE**, 21 Vesey Street, Brockton, MA, for a Variance from Sec. 27-9 & Sec. 27-20, to reconstruct preexisting 20x18 garage destroyed by fallen tree in an R-1-C Zone, located at **21 VESEY STREET**.

PETITIONER'S STATEMENT: Petitioner Kelley Labrecque along with John Alexander from Town & Country presented to the board Exhibit A, Site Plan and Exhibit B, Pictures of property. Ms. Labrecque is before the board seeking permission to construct a new garage that was completely destroyed when a tree came down on it back in March 2010. The new garage will be the same size. Councilor Ward 3 Dennis Eaniri is in favor of this petition.

OPPOSITION: None

DECISION: Granted unanimously

BASIS: 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: Paul Merian

IN FAVOR: (5)

Atty. Anthony Eonas, Chairman

Stephen Bernard

Richard Francis

Vahan Boyajian

Paul Merian

OPPOSED: (0)

James M. Casieri, Clerk

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Anthony Zeoli, City Clerk

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ZONING BOARD OF APPEALS held a meeting in the Council Chambers, City Hall, Brockton, Massachusetts, on Tuesday, June 8, 2010, at 7:00 pm.

IN RE: 10-24 Petition of **MICHAEL JULIANO**, 1324 Belmont Street, Suite 207, Brockton, MA, for a Variance from Art. III, Sec. 27-9, lot frontage, & lot area, side setback requirements & Art. III, Sec. 27-13A, lot width, to demolish existing dwelling in disrepair and construct a single family dwelling in an R-I B Zone, located at **747 ASH STREET**.

PETITIONER'S STATEMENT: The petition is postponed until July 13, 2010 at the request of the petitioner prior to being heard.

OPPOSITION:

DECISION:

BASIS:

VOTE:

Motion to Grant by:
Seconded by:

IN FAVOR: (5)

Atty. Anthony Eonas, Chairman

Stephen Bernard

Vahan Boyajian

Richard Francis

Paul Merian

OPPOSED: (0)

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, June 8, 2010, at 7:00 pm.

IN RE: 10-25 Petition of **JESSICA MUTASCIO**, 522 West Chestnut Street, Brockton, MA, for a Variance to increase enrollment at current child care facility previously granted by the Zoning Board of Appeals in an R-1-B Zone, located at **522 W. CHESTNUT STREET.**

PETITIONER'S STATEMENT: Petitioner Jessica Mutascio presented to the board a letter and pictures of her day care facility. She is before the board seeking permission to increase her facility from 30 to 58 children. The school is for infants, toddlers and preschoolers and is now located on the lower level of her raised ranch home. She will be moving out if granted to make room for the expansion. The hours of operation now is 7:30 a.m. until 5:30 p.m. Jessica is also asking for new extended hours 6:00 a.m. until 6:00 p.m. if she feels it is warranted. Councilor Ward 3 Dennis Eaniri and Councilor Ward 1 Timothy Cruise are in favor.

OPPOSITION: None

DECISION: Granted. The new hours of operation were also granted.

BASIS: The hardships existing at the prior granting continue to exist including the existing foundation. 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:

IN FAVOR: (4)

Atty. Anthony Eonas, Chairman

Stephen Bernard

Vahan Boyajian

Paul Merian

OPPOSED: (1)

Richard Francis

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, June 8, 2010, at 7:00 pm.

IN RE: 10-26 Petition of **OLD COLONY YMCA**, 320 Main Street, Brockton, MA, for a Variance from Art. IV, Sec. 27-29, to convert an existing commercial building into a large group child and family care center & a Special Permit from MGL, Ch. 28A, Sec. 9, to allow up to 12 occupants (residents), & a Variance from Art. III, Sec. 27-18, for relief from green space requirements in a C-2 Zone, located at **1090 MAIN STREET & PLOT 436 MAIN STREET.**

PETITIONER'S STATEMENT:

OPPOSITION:

DECISION: Withdrawn

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

VOTE:

Motion to Grant by:

Seconded by:

IN FAVOR: (5)

Atty. Anthony Eonas, Chairman

Stephen Bernard

Richard Francis

Vahan Boyajian

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 held a meeting in the Council Chambers, City Hall, Brockton, Massachusetts, on Tuesday, June 8, 2010, at 7:00 pm.

IN RE: 10-27 Petition of **RICKY DASILVA**, 721 N. Main Street, Randolph, MA, for a Variance from Sec. 27-9, for an addition seeking relief from side setback requirements in an R-3 Zone, located at **23 N. MANCHESTER STREET**.

PETITIONER'S STATEMENT: Realtor Ricky DaSilva along with the owner, Roselina Fontes presented to the board Exhibit A, Site Plan and Exhibit B, Floor and Elevation Plans. The home is a two (2) family home. The petitioner would like to construct an addition on the second floor. The addition would even out both levels making more room for the second floor tenants. Ms. Fontes neighbor John Pires is in favor.

OPPOSITION: None

DECISION: Granted unanimously

BASIS 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

Secoded by: Paul Merian

IN FAVOR: (5)

Atty. Anthony Eonas, Chairman

Stephen Bernard

Richard Francis

Vahan Boyajian

Paul Merian

OPPOSED: (0)

James M. Casieri, Clerk

A true copy. Attest:

Anthony Zeoli, City Clerk

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IN RE: 10-28 Petition of **ROBERT M. ASACK**, 96 Sachem Rock Avenue, East Bridgewater, for a finding from Sec. 27-39, petitioner requests the Board to make a finding that the construction of an addition to the single family dwelling is not substantially more detrimental to the existing neighborhood than the existing use in an R-2 Zone, located at **49 LYMAN STREET**.

PETITIONER'S STATEMENT:

OPPOSITION:

DECISION: Withdrawn

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

VOTE:

Motion to Grant by:

Seconded by:

IN FAVOR: (5)

Atty. Anthony Eonas, Chairman

Stephen Bernard

Richard Francis

Vahan Boyajian

Paul Merian

OPPOSED: (0)

James M. Casieri, Clerk

A true copy. Attest:

Anthony Zeoli, City Clerk

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ZONING BOARD OF APPEALS held a meeting in the Council Chambers, City Hall, Brockton, Massachusetts, on Tuesday, June 8, 2010, at 7:00 pm.

IN RE: 10-29 Petition of **NEW ENGLAND GROUP**, 4 Cocasset Street, Foxboro, MA, for a Variance from Sec. 27-9 & 27-13A, petitioner is seeking to divide an existing parcel into 2 lots and construct a single family dwelling on newly created lot lacking lot frontage, lot width, and side yard setback requirements in an R-1-C Zone, located at **191 PROSPECT STREET**.

PETITIONER'S STATEMENT: Attorney Wayne Matthews along with Eddie Jacobs from Holmgren Engineering presented to the board Exhibit A, Memo in Support, Exhibit B, Site Plan and Exhibit C, Floor & Elevation Plans. They are before the board seeking permission to subdivide the property and construct a single family home with 3 bedrooms and a farmers porch The original home will be renovated after the new house is built.

OPPOSITION: Councilor Chistopher MacMillan who was unable to attend wrote a letter stating his opposition.

DECISION: Denied.

BASIS:

VOTE:

Motion to Grant by: Richard Francis
Seconded by: Stephen Bernard

IN FAVOR: (2)

Vahan Boyajian _____

Stephen Bernard _____

OPPOSED: (3)

Atty. Anthony Eonas, Chairman _____

Richard Francis _____

Paul Merian _____

James M. Casieri, Clerk

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**COMMONWEALTH OF MASSACHUSETTS
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ZONING BOARD OF APPEALS held a meeting in the Council Chambers, City Hall, Brockton, Massachusetts, on Tuesday, June 8, 2010, at 7:00 pm.

IN RE: 10-30 Petition of **CLAUDIA & DAVID DENELLE**, 28 Bigney Avenue, Brockton MA, for a Variance from Art. VI, Sec. 27-39, to construct an addition that exceeds 50% of the original square footage in an R-1-C Zone, located at **28 BIGNEY AVENUE**.

PETITIONER'S STATEMENT: The petitioner Claudia and David Denelle along with Archetich Bob Wagener presented to the board Exhibit A, Site Plan and Exhibit B, Floor and Elevation Plans. The Denelles would like to construct a second story addition for their two (2) boys and a first floor addition for Claudia's mother who will be living with them. The home will only have one (1) kitchen. The size of the driveway will stay the same. Councilor Ward 1 Timothy Cruise is in favor.

OPPOSITION: None

DECISION: Granted unanimously.

BASIS: 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

Stephen Bernard

Richard Francis

Vahan Boyajian

Paul Merian

OPPOSED: (0)

James M. Casieri, Clerk

A true copy. Attest:

Anthony Zeoli, City Clerk

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ZONING BOARD OF APPEALS held a meeting in the Council Chambers, City Hall, Brockton, Massachusetts, on Tuesday, June 8, 2010, at 7:00 pm.

IN RE: 10-31 Petition of **MARK ROUKAS**, c/o New Heights Buildings, 430 Belmont Street, Brockton, MA, for a Variance from Art. III, Sec. 27-9, lot frontage & lot area, Art. III, Sec, 27-13A, lot width, to tear down existing house, subdivide property into 4 house lots and build 4 single family dwellings in an R-1-B Zone, located at **495 PEARL STREET.**

PETITIONER'S STATEMENT: Attorney John McCluskey and Mark Roukas presented to the board Exhibit A, Memo in Support, Exhibit B, Pictures of Proposed Homes, Exhibit C, Site Plan and Exhibit D, Return to Zoning letter. Mr. Roukas would like to raze the existing structure than subdivide the land into four (4) lots. Each new lot will have single family homes with garages constructed on them. The driveways will have a turnaround. The price of the homes will be between \$400,000 to \$500,000. Mature trees will be staying on the property. The hardship is the shape and size of the land. Neighbors Dan Murphy, Charlie Watson and Tom Colocousis are in favor of this petition.

OPPOSITION: Neighbors Tim Riley, Nathaniel Haley, Gary Snow, Meredith Gasset are opposed stating traffic is an issue and four homes are too many.

DECISION: Denied.

BASIS:

VOTE:

Motion to Grant by: Stephen Bernard
Seconded by: Richard Francis

IN FAVOR: (2)

Vahan Boyajian

Stephen Bernard

OPPOSED: (3)

Atty. Anthony Eonas, Chairman

Richard Francis

Paul Merian

James M. Casieri, Clerk

A true copy. Attest:

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