

**COMMONWEALTH OF MASSACHUSETTS  
CITY OF BROCKTON  
ZONING BOARD OF APPEALS**

**ZONING BOARD OF APPEALS held a meeting in COUNCIL CHAMBERS, 2ND FLOOR City Hall, Brockton, Massachusetts, on Tuesday, May 10, 2011, at 7:00 pm.**

**IN RE:** 11-21 Petition of **RAYMOND FERRONE**, 31 Belmont Street, South Easton, MA, for a Variance from Sec. 27-9, 27-12 & 27-13A, the petitioner is seeking a determination to overturn the decision of the Building Inspector that the subject premises is not a buildable lot under Section 27-12, or in the alternative, a Variance for relief from lot size, frontage, and lot width to construct a single family dwelling in an R-1-C Zone, located at **123 BELCHER AVENUE**.

**PETITIONER'S STATEMENT:** Attorney Wayne Matthews, Bruce Malcolm and petitioner Raymond Ferrone, presented to the board Exhibit A, Site Plan, Exhibit B, Floor & Elevations and Exhibit C, Copy of Buildable Lot Form. Mr. Ferrone purchased the above mentioned property back in 1978 as a separate lot. The abutting property was owned by a Mr. Edmund Leonard. A determination that the property was unbuildable was done on December 17, 2010. The petitioner is before the board seeking permission to overturn the Building Superintendents determination and build a New England Colonial style home with farmer's porch. The size of the home will be 26 x 32, 3 bedrooms and 2 bathrooms. If that is not granted, the alternative is to ask for a Variance giving permission to construct the home.

**OPPOSITION:** None

**DECISION:** Motion to overturn the Building Inspectors decision was granted.

**BASIS:** The Board determined that the lot retained its buildable lot status from the 1970's when purchased by Mr. Leonard.

**VOTE:**

Motion to Grant by:  
Seconded by:

John Toland  
Stephen Bernard

**IN FAVOR: (4)**

Atty. Anthony Eonas, Chairman

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Stephen Bernard

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Richard Francis, Fire Chief

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Mr. Toland

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**OPPOSED: (1)**

Susan Nicastro

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James M. Casieri, Clerk

A true copy. Attest:

\_\_\_\_\_  
Anthony Zeoli, City Clerk

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**IN RE: 11-22** Petition of **ROBERT ZINK**, P.O. Box 40, Marlborough, MA, for a Special Permit to operate a restaurant with 70 seats, to be open 7 days a week in a C-2 Zone, located at **651 BELMONT STREET**.

**PETITIONER'S STATEMENT:** Robert Zink, owner of Five Guys Burgers and Fries presented to the board Exhibit A, Floor Plans and Parking Plans and Exhibit B, Signs and Menu. Mr. Zink would like to open a restaurant at the above location. He currently owns three (3) Five Guys restaurants in Seekonk, Hanover and N. Dartmouth. The restaurant will occupy the vacant Blockbuster store. The hours of operation will be 11:00 a.m. until 10:00 p.m. seven (7) day per week per corporate headquarters. The restaurant will seat 70. The food is cooked to order and can take about 8 minutes to prepare. Take out is available. Night delivery will be in the rear. Mr. Zink will employ 50 people in the beginning which will go down to 30 with 4 full time employees.

**OPPOSITION:** None

**DECISION:** Granted unanimously.

**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:  
Seconded by:

Richard Francis  
John Toland

**IN FAVOR: (5)**

Atty. Anthony Eonas, Chairman

Stephen Bernard

Richard Francis, Fire Chief

John Toland

Susan Nicastro

**OPPOSED: (0)**

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James M. Casieri, Clerk

A true copy. Attest:

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Anthony Zeoli, City Clerk

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CITY OF BROCKTON  
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**IN RE: 11-23** Petition of **MICHAEL WASIL**, 249 Belmont Avenue, Brockton, MA, for a Variance from Art. IV, Sec. 27-25(2), to construct an addition on a detached garage, seeking relief from floor area allowance for an accessory structure in an R-3 Zone, located at **249 BELMONT AVENUE**.

**PETITIONER'S STATEMENT:** The petitioner Michael Wasil presented to the board Exhibit A, Memo from Petitioner, Exhibit B, Site Plan, Exhibit C, Garage Plans and Exhibit D, Pictures of Property. Mr. Wasil would like to construct an addition to his detached garage in order to have a hot tub inside along with more storage space. The hot tub will benefit Mr. Wasil since he has a bad back and hips. The garage will have a small loft above.

**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:  
Seconded by:

John Toland  
Richard Francis

**IN FAVOR: (5)**

Atty. Anthony Eonas, Chairman

Stephen Bernard

Richard Francis, Fire Chief

John Toland

Susan Nicastro

**OPPOSED: (0)**

\_\_\_\_\_  
James M. Casieri, Clerk

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**IN RE: 11-24** Petition of **KWOK FAN, INC.**, 1285 Belmont Street, Brockton, MA, for a Variance from Art. IV, Sec. 27-29, to operate a restaurant with seating for 20 in a C-5 Zone, located at **1285 BELMONT STREET**.

**PETITIONER'S STATEMENT:** Attorney George Asack presented to the board Exhibit A, Site Plan and Exhibit B, Floor Plans. Mr. Fan would like to open a restaurant at the above location. The restaurant will be take out with 20 seats for customers to eat on the premises. Hours of operation will be Monday – Thursday 11:00 a.m. until 9:00 p.m., Friday – Saturday 11:00 a.m. until 10:30 p.m. and Sundays 12:00 p.m. until 9:30p.m. The restaurant will have 5 employees. The dumpster will be in the rear of the building.

**OPPOSITION:** Abutter Sharon Anderson was present at the meeting. Ms. Anderson stated the deliveries at this plaza are very early in the morning. The gate to the dumpster is always open. And her other concern is that the plaza does not have enough parking for customers since the units are all full.

**DECISION:** Granted with the stipulation that before the above petitioner's occupancy is released from the Brockton Superintendent a formal site plan marking all parking spaces for all business on the above mentioned property is to be filed with the building department to be the basis for any future businesses per Brockton Zoning Board.

**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:  
Seconded by:

Stephen Bernard  
John Toland

**IN FAVOR: (4)**

Atty. Anthony Eonas, Chairman

Stephen Bernard

Richard Francis, Fire Chief

John Toland

**OPPOSED: (1)**

Susan Nicastro

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James M. Casieri, Clerk

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