

**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, July 10, 2012, at 7:00 pm.

IN RE: 12-34 Petition of **ROBERT M. ASACK**, 96 Sachem Rock Avenue, East Bridgewater, MA, for a Variance from Sec. 27-9 & Sec. 27-26, to amend a Variance granted July 12, 2010 to allow an in-law apartment in the proposed dwelling. To remain a single family house, in an R-2 Zone, located at **49 LYMAN STREET**.

PETITIONER'S STATEMENT: Attorney Wayne Matthews along with the petitioners Robert and Denise Asack presented to the board Exhibit A, Site Plans and Exhibit B, Floor Plans. They had previously been granted by the zoning board to construct a single family home at the above location. They are back again seeking permission to have an in-law apartment above the garage. The apartment will have a kitchenette and bathroom. The home will also have a means of egress. The Asacks son will be living in this unit. Paul Sedani is in favor. Councilors Dennis DeNapoli and Paul Studenski are in favor.

OPPOSITION: NONE

DECISION: Granted unanimously as a two (2) family home with the stipulation that the home has two (2) means of direct egress for the unit over the garage.

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:

Kenneth Galligan
Stephen Bernard

IN FAVOR: (5)

Atty. Anthony Eonas, Chairman

Stephen Bernard

Paul Merian

Susan Nicastro

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, July 10, 2012, at 7:00 pm.

IN RE: 12-35 Petition of **ANTHONY PUSATERI, JR.**, 142 Patricia Drive, Abington, MA, for a Variance from Art. IV, Sec. 27-35(3b), to allow a junk, scrap yard, old metals or second hand articles permitted in an I-3 Zone and the location is in an I-2 Zone, located at **212 N. CARY STREET.**

PETITIONER'S STATEMENT: Attorney John Creedon, Land Surveyor Bruce Malcolm and petitioner Anthony Pusateri presented to the board Exhibit A, Site Plans and Floor Plans. Mr. Pusateri owns 200 N. Cary Street and 20 N. Cary Street. He is before the board seeking permission to allow junk, scrap metal or second hand metal at the above locations. The hours of operation will be Monday-Friday 7:00 a.m. until 6:00 p.m. and on Saturday will be open half a day. Maximum number of employees will be 7. The trucks enter N. Cary Street get weighted, empty the trucks leave the property and then return again to be weighed one more time. All valuable metals will be locked inside the building and the perimeter of the property will be fenced. They have cameras when customers come in and they take pictures of licenses plates and copies of their identifications. Daily traffic will be 15-18 trucks. Abutters David Lynch and Christopher Carney are in favor.

OPPOSITION: None

DECISION: Granted unanimously

BASIS: 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:

Stephen Bernard
Paul Merian

IN FAVOR: (5)

Atty. Anthony Eonas, Chairman
Stephen Bernard
Paul Merian
Susan Nicaastro
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, July 10, 2012, at 7:00 pm.

IN RE: 12-36 Petition of **200 N. CARY STREET LLC-ANTHONY PUSATERI, JR.,** 142 Patricia Drive, Abington, MA, for a Variance from Art. IV, Sec. 27-35(3b), to allow a junk, scrap yard, old metals or second hand articles and Auto Salvage (Class III licenses) permitted in an I-3 Zone and the location is in an I-2 Zone, located at **200 N. CARY STREET.**

PETITIONER'S STATEMENT: Attorney John Creedon, Land Surveyor Bruce Malcolm and petitioner Anthony Pusateri presented to the board Exhibit A, Site Plans and Floor Plans. Mr. Pusateri owns 200 N. Cary Street and 20 N. Cary Street. He is before the board seeking permission to allow junk, scrap metal or second hand metal at the above locations. The hours of operation will be Monday-Friday 7:00 a.m. until 6:00 p.m. and on Saturday will be open half a day. Maximum number of employees will be 7. The trucks enter N. Cary Street get weighted, empty the trucks leave the property and then return again to be weighed one more time. All valuable metals will be locked inside the building and the perimeter of the property will be fenced. They have cameras when customers come in and they take pictures of licenses plates and copies of their identifications. Daily traffic will be 15-18 trucks. Abutters David Lynch and Christopher Carney are in favor.

OPPOSITION: None

DECISION: Granted unanimously

BASIS: 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:

Paul Merian

Seconded by:

Stephen Bernard

IN FAVOR: (5)

Atty. Anthony Eonas, Chairman

Stephen Bernard

Paul Merian

Susan Nicastro

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 July 10, 2012, at 7:00 pm.

IN RE: 12-37 Petition of **STEVEN R. FRITZ, TRUSTEE OF GALEN 62 REALTY TRUST**, 62 Galen Street, Brockton, MA, for a Variance from Sec. 27-9 Table 1 Standard, & Sec. 27-12, petitioner is challenging the building inspectors's determination of a non buildable lot therefore, or in the alternative he is seeking a Variance to construct a single family house on this residential lot that lacks the table standards for single family house requirements, lot size, and frontage, in an R-1-C Zone, located at **PLOT 12 GALEN STREET**.

PETITIONER'S STATEMENT: Attorney John Creedon along with Land Surveyor Bruce Malcolm presented to the board Exhibit A, Site Plan and Exhibit B, Floor Plans. They are before the board to challenge the building inspector's determination that the above named property is not buildable. The petitioner submitted house plans so that the board could grant permission to construct a single family home in the alternative. The home will be a Colonial style with three (3) bedrooms. A row of trees will remain along the new home and number 72 Galen Street for privacy.

OPPOSITION: Some of the abutting neighbors stated that the land is a small piece of property and will not fit into the neighborhood.

DECISION: Variance granted unanimously.

BASIS: 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.

MOTION TO GRANT NEW SINGLE FAMILY HOME

VOTE:

Motion to Grant by: Stephen Bernard
Seconded by: Paul Merian

IN FAVOR: (5)

Atty. Anthony Eonas, Chairman _____

Stephen Bernard _____

Paul Merian _____

Susan Nicastro _____

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, July 10, 2012 at 7:00 pm.

IN RE: 12-38 Petition of **ARCHITECTURAL DEVELOPMENT CORP.**, 1324 Belmont Street, Suite 207, Brockton, MA, for Variance from Art. III, Sec. 27-9, lot area and lot frontage, Art. III, Sec. 27-13A, lot width, to demolish present school building and build 13 single family residences in an R-2 Zone, located at **PLOT 54 SAWTELL AVENUE.**

PETITIONER'S STATEMENT: Attorney John McCluskey and Michael Juliano presented to the board Exhibit A, Site Plan and Exhibit B, Floor Plans of Proposed Homes. Mr. Juliano is before the board after winning the bid to purchase the Franklin School and construct single family homes on the above named property. A Variance is needed since the thirteen (13) proposed homes do not meet the minimum lot size and the 100 ft. frontage. The homes will have 3 bedrooms and 2 ½ baths. The homes prices will range from \$259,000 to \$289,000. Mr. Juliano submitted a conceptual plan that didn't show the setbacks of the homes and the size of the driveway.

OPPOSITION: The abutters that came out on the night of the meeting would like to see fewer homes. Councilor Michelle DuBois stated the same.

DECISION: Denied unanimously

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.

VOTE:

Motion to Grant by:
Seconded by:

Stephen Bernard
Paul Merian

IN FAVOR: (0)

OPPOSED: (5)

Atty. Anthony Eonas, Chairman

Stephen Bernard

Paul Merian

Susan Nicastro

Kenneth Galligan

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, July 10, 2012 at 7:00 pm.

IN RE: 12-39 Petition of **MARYTE BIZINKAUSKAS**, 424 N. Cary Street, Brockton, MA, for a Variance from Sec. 27-9, to create a buildable lot in an R-1-C Zone, located at **PLOT 33 NORTH CARY STREET.**

PETITIONER'S STATEMENT: The petitioner Maryte Bizinkauskas presented to the board Exhibit A, Site Plan, Ms. Bizinkauskas is seeking permission to have Plot 33 N Cary Street as a buildable lot. The property has been owned by her family since 1970.

OPPOSITION: None

DECISION: Granted unanimously.

BASIS: 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:

Kenneth Galligan
Paul Merian

IN FAVOR: (5)

Atty. Anthony Eonas, Chairman

Stephen Bernard

Paul Merian

Susan Nicastro

Kenneth Galligan

OPPOSED: (0)

James M. Casieri, Clerk

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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, July 10, 2012, at 7:00 pm.

IN RE: 12-40 Petition of **MICHAEL GRIFFIN**, 78 West Street, Brockton, MA, for a Variance from Sec. 27-9, to construct a deck seeking relief from rear yard setback requirements in an R-1-C Zone, located at **78 WEST AVENUE**.

PETITIONER'S STATEMENT: The petitioner Michael Griffin along with the contractor Paul Hayes presented to the board Exhibit A, Site Plan and Deck drawings. Mr. Griffin would like to construct a deck in the rear of his home. The rear of his yard has trees and a fence barrier for privacy. Mr. Griffin is also seeking relief from the 10' side setback from the garage to the deck.

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 herein.

VOTE:

Motion to Grant by:
Seconded by:

Kenneth Galligan
Paul Merian

IN FAVOR: (5)

Atty. Anthony Eonas, Chairman

Stephen Bernard

Paul Merian

Susan Nicastro

Kenneth Galligan

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, July 10, 2012, at 7:00 pm.

IN RE: 12-41 Petition of **PLEASANT RUSCITO LLC**, 21 Mazzeo Drive, Randolph, MA, for a Special Permit from Sec. 27-28 3(c) and Sec. 27-49, to be allowed to have a takeout restaurant in a C-1 Zone, located at **390 PLEASANT STREET**.

PETITIONER'S STATEMENT: Attorney James Burke, Brian Dunn, Architech and Anthony Ruscito presented to the board Exhibit A, Site Plan and Floor Plans. The petitioner is seeking a special permit to open a subway take out restaurant at the above location. The restaurant will have 36 seats. Hours of operation is Monday through Saturday 7a.m. until 10 p.m. and Sunday 8 a.m. until 10 p.m. The restaurant will have no drive thru, grease traps or fryers. The parking lot has 32 spaces.

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:

Kenneth Galligan
Paul Merian

IN FAVOR: (5)

Atty. Anthony Eonas, Chairman

Stephen Bernard

Paul Merian

Susan Nicastro

Kenneth Galligan

OPPOSED: (0)

James M. Casieri, Clerk

A true copy. Attest:

Anthony Zeoli, City Clerk

**COMMONWEALTH OF MASSACHUSETTS
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IN RE: 12-43 Petition of **EVA BAZILE**, 915 Warren Avenue, Brockton, MA, for a Special Permit from Art. IV, Sec. 27-25, to operate a lodging house in an R-3 Zone, located at **915 WARREN 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

Paul Merian

Susan Nicastro

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, _____, at 7:00 pm.

IN RE:

PETITIONER'S STATEMENT:

OPPOSITION:

DECISION:

BASIS:

VOTE:

Motion to Grant by:
Seconded by:

IN FAVOR: ()

Atty. Anthony Eonas, Chairman

Richard Francis, Fire Chief

Vahan Boyajian

Stephen Bernard

Paul Merian

OPPOSED: ()

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, _____ at 7:00 pm.

IN RE: PETITION

PETITIONER'S STATEMENT:

OPPOSITION: NONE

DECISION:

BASIS:

VOTE:

Motion to Grant by:

Seconded by:

IN FAVOR: ()

Atty. Anthony Eonas, Chairman _____

Richard Francis, Fire Chief _____

Vahan Boyajian _____

Stephen Bernard _____

Paul Merian _____

OPPOSED: ()

James M. Casieri, Clerk

A true copy. Attest:

Anthony Zeoli, City Clerk

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Brockton, Massachusetts, on Tuesday, at 7:00 pm.

IN RE:

PETITIONER'S STATEMENT :

OPPOSITION:

DECISION:

BASIS:

VOTE:

Motion to Grant by:

Seconded by:

IN FAVOR: ()

Atty. Anthony Eonas , Chairman

Richard Francis, Fire Chief

Vahan Boyajian

Stephen Bernard

Paul Merian

OPPOSED: ()

James M. Casieri, Clerk

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Anthony Zeoli, City Clerk

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Brockton, Massachusetts, on Tuesday, at 7:00 pm.

IN RE:

PETITIONER'S STATEMENT :

OPPOSITION:

DECISION:

BASIS:

VOTE:

Motion to Grant by:

Seconded by:

IN FAVOR: ()

Atty. Anthony Eonas , Chairman

Richard Francis, Fire Chief

Vahan Boyajian

Stephen Bernard

Paul Merian

OPPOSED: ()

James M. Casieri, Cler

A true copy. Attest:

Anthony Zeoli, City Clerk

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CITY OF BROCKTON
ZONING BOARD OF APPEALS

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

IN RE:

PETITIONER'S STATEMENT:

OPPOSITION:

DECISION:

BASIS:

VOTE:

Motion to Grant by:
Seconded by:

IN FAVOR: ()

Atty. Anthony Eonas, Chairman

Richard Francis, Fire Chief

Vahan Boyajian

Stephen Bernard

Paul Merian

OPPOSED: ()

James M. Casieri, Clerk

A true copy. Attest:

Anthony Zeoli, City Clerk

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IN RE:

PETITIONER'S STATEMENT:

OPPOSITION:

DECISION:

BASIS:

VOTE:

Motion to Grant by:
Seconded by:

IN FAVOR: ()

Atty. Anthony Eonas, Chairman _____

Richard Francis, Fire Chief _____

Vahan Boyajian _____

Stephen Bernard _____

Paul Merian _____

OPPOSED: ()

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, _____ at 7:00 pm.

IN RE:

PETITIONER'S STATEMENT:

OPPOSITION:

DECISION:

BASIS:

VOTE:

Motion to Deny by:

Seconded by:

IN FAVOR: ()

Atty. Anthony Eonas, Chairman

Richard Francis, Fire Chief

Stephen Bernard

Vahan Boyajian

Paul Merian

OPPOSED: (2)

James M. Casieri, Clerk

A true copy. Attest:

Anthony Zeoli, City Clerk