

COMMONWEALTH OF MASSACHUSETTS
CITY OF BROCKTON
ZONING BOARD OF APPEALS

ZONING BOARD OF APPEALS held a meeting in the GAR Room, City Hall, Brockton, Massachusetts, on November 13, 2012 at 7:00 pm.

IN RE: 12-59 Petition of JAMES MORRISSEY, JR., 115 Cypress Drive, Brockton, MA, for relief from Sec. 27-12, to overturn the buildable lot determination in an R-1-C Zone, located at PLOT 51 PINE STREET.

PETITIONER'S STATEMENT: Attorney Richard Wainwright and homeowner, James Morrissey Jr. presented to the board Exhibit A, Affidavit of John Johnson, Exhibit B, Buildable Lot Determination. Attorney Wainwright and Mr. Morrissey are before the board requesting to overturn the Superintendent's buildable lot determination regarding the above named property. The frontage would be on Taylor Street. Mr. Morrissey previously wanted to reconfigure the lot so it faced Pine Street; this arrangement was denied by the board. Abutter and resident of 144 Pine Street, Anibal A. DaSilva stood in front of the board, in favor of Attorney Wainwright and Mr. Morrissey's proposal.

OPPOSITION: Ward 5 City Councilor Dennis F. DeNapoli submitted a letter for opposition. The abutting neighbors are in opposition to this petition, as they were to the previous petition, stating concerns of congestion. The abutting neighbors have signed a petition in opposition of Mr. Morrissey's proposal.

DECISION: Granted with the following stipulation, to build a retaining wall to restrict water from streaming onto abutter's property.

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 here.

VOTE:
Motion to Grant by: Stephen Bernard
Seconded by: John Toland

IN FAVOR: (4)
Atty. Anthony Eonas, Chairman
Stephen Bernard
Paul Merian
John Toland

OPPOSED: (1)
D. Sean Noonan

A true copy. Attest:
Anthony Zeoli
Anthony Zeoli, City Clerk

RECEIVED
2012 DEC - 17 P 3:
CITY CLERK'S OFFICE
BROCKTON, MA
ANY APPEAL MUST BE MADE
WITHIN 20 DAYS FROM THIS
DATE Dec 8, 2012 PURSUANT
TO M.G.L.C. 40A SECTION 17.
Anthony Eonas
Stephen Bernard
Paul Merian
John Toland
Sean Noonan
Frank Gazerro
Frank Gazerro, Clerk

RECEIVED AND FILED: December 31, 2012
I, ANTHONY J. ZEOLI, CITY CLERK OF BROCKTON, MASSACHUSETTS HEREBY CERTIFY THAT THE AFORESAID IS A TRUE COPY AND THAT TWENTY DAYS HAVE LAPSED AND NO APPEAL HAS BEEN FILED. CHAPTER 40A SEC. 11

COMMONWEALTH OF MASSACHUSETTS
CITY OF BROCKTON
ZONING BOARD OF APPEALS

ZONING BOARD OF APPEALS held a meeting in the GAR Room, City Hall, Brockton, Massachusetts, on Tuesday, November 13, 2012 at 7:00 pm.

IN RE: 12-60 Petition of **JOHN TWOHIG, GOULSTON & STORRS, P.C.**, 400 Atlantic Avenue, Boston, MA, for a Variance to comply with City practice for proposed outdoor seating in a C-6 Zone, located at **540 WESTGATE DRIVE**.

PETITIONER'S STATEMENT: Attorney Timothy Sullivan and Senior Vice President of New England Development, Bill Cronan presented to the board Exhibit A, Memo to Zoning Board, Exhibit B, Approved Site Plan, Exhibit C, Proposed Site Plan, Exhibit D, Proposed Patio Plan. Attorney Sullivan is before the board seeking permission to have outdoor seating for the proposed Buffalo Wild Wings. The area will be 600 square feet with 42 seats. Mr. Cronan notified the board that there will be a 3 foot masonry retaining wall and the patio will be elevated 2 feet and set back 9 feet from the curb and 11 feet from the side. Vegetation will be along the curb, which will provide a buffer from traffic. Also, pedestrian accessibility will remain.

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:

D. Sean Noonan
Paul Merian

IN FAVOR: (5)

Atty. Anthony Eonas, Chairman

Stephen Bernard

Paul Merian

D. Sean Noonan

John Toland

OPPOSED: (0)

Anthony Eonas
Stephen Bernard
Paul Merian
D. Sean Noonan
John Toland
Frank Gazerro
Frank Gazerro, Clerk

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Anthony Zeoli, City Clerk

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RECEIVED
DEC - 1 P 3:15
CITY CLERK'S OFFICE
BROCKTON, MASS.

RECEIVED AND FILED: December 31, 2012
I, ANTHONY J. ZEOLI, CITY CLERK OF BROCKTON, MASSACHUSETTS HEREBY CERTIFY THAT THE AFORESAID IS A TRUE COPY AND THAT TWENTY DAYS HAVE LAPSED AND NO APPEAL HAS BEEN FILED. CHAPTER 40A SEC. 11

COMMONWEALTH OF MASSACHUSETTS
CITY OF BROCKTON
ZONING BOARD OF APPEALS

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IN RE: 12-61 Petition of CHRIS CARNEY, 122 Fairview Avenue, Brockton, MA, for a Variance from Sec. 27-9, to construct an addition, seeking relief from rear yard setback requirement in an R-1-A Zone, located at 122 FAIRVIEW AVENUE.

PETITIONER'S STATEMENT: Land Surveyor, Bruce Malcolm and homeowner Maura Carney, presented to the board Exhibit A, Site Plan and Exhibit B, Plans. Ms. Carney is before the board seeking relief from rear setback requirement. The addition is for more space, due to two adults and four children currently residing in the home. Ms. Carney stated there is a vacant 2.6 acre parcel, which would avoid any crowding to direct abutters. Resident of 154 Fairview Avenue and neighbor, Gregory Doyle presented himself and after hearing the petitioner's statement, was satisfied with the requested variance.

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

Paul Merian

D. Sean Noonan

John Toland

OPPOSED: (0)

A true copy. Attest:

Anthony J. Zeoli
Anthony Zeoli, City Clerk

RECEIVED
2012 DEC - 1 P 3:15
CITY CLERK'S OFFICE
BROCKTON, MA
Anthony Eonas
Stephen Bernard
Paul Merian
D. Sean Noonan
John Toland
Frank Gazerro
Frank Gazerro, Clerk

ANY APPEAL MUST BE MADE
WITHIN 20 DAYS FROM THIS
DATE Dec 8, 2012 PURSUANT
TO M.G.L.C. 40A SECTION 17.

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COMMONWEALTH OF MASSACHUSETTS
CITY OF BROCKTON
ZONING BOARD OF APPEALS

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IN RE: 12-62 Petition of **DAVID IANNANTUONI**, 118 Sumner Street, Brockton, MA, for a Variance from Sec. 27-9, lot area & front setback requirements, Sec. 27-13, lacking lot frontage, Sec. 27-13A, lot width requirements, to construct a 2-car garage and a breezeway to be attached to the original structure located in R-1-B Zone, located at **118 SUMNER STREET**.

PETITIONER'S STATEMENT: Land Surveyor, William Self and homeowner, David Iannantuoni presented to the board Exhibit A, Site Plan and Exhibit B, Floor and Elevations. Mr. Iannantuoni is before the board seeking relief from lot area and front setback requirements, due to lacking lot frontage. Mr. Iannantuoni is also seeking relief from lot width requirements, in order to construct 20x24 ft, 2-car garage and a breezeway to be attached to the original structure, located at 118 Sumner Street. Mr. Self stated the front yard setback will be 21x23 ft from the garage. Mr. Iannantuoni will maintain side yard setbacks and will create a trough for water passage. Also, Mr. Iannantuoni will remove one of the existing sheds, in order to conform to the maximum two accessory structures.

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 here.

VOTE:

Motion to Grant by: John Toland
Seconded by: Paul Merian

IN FAVOR: (5)

- Atty. Anthony Eonas, Chairman
- Stephen Bernard
- Paul Merian
- D. Sean Noonan
- John Toland

OPPOSED: (0)

A true copy. Attest:

Anthony J. Zeoli
Anthony Zeoli, City Clerk

RECEIVED
2012 DEC - 17 P 3:16
CITY CLERK'S OFFICE
BROCKTON, MA

Anthony Eonas
Stephen Bernard
Paul Merian
D. Sean Noonan
John Toland
Frank Gazerro
Frank Gazerro, Clerk

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