

COMMONWEALTH OF MASSACHUSETTS  
CITY OF BROCKTON  
ZONING BOARD OF APPEALS

RECEIVED AND FILED: January 24, 2013  
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

2013 JAN 23 P 2:21  
CITY CLERK'S OFFICE  
BROCKTON, MA

ZONING BOARD OF APPEALS held a meeting in the Council Chambers, City Hall, Brockton, Massachusetts, on Tuesday, December 11, 2012, at 7:00 pm.

**IN RE:** 12-60 Petition of Saint Casimir Housing, c/o 529 Pearl Street, Brockton, MA, for a Variance from Sec. 27-26, 27-54, to allow a lodging house in the existing building and relief from off street parking in an R-2 Zone, located at 26 SAINT CASIMIR AVENUE.

**PETITIONER'S STATEMENT:** Attorney Wayne Mathews presented to the board Exhibit A, Variance Plan, Exhibit B, Approved Site Plan, Exhibit C, Floor Plans. Attorney Mathews is before the board seeking a Variance to operate a lodging house in the existing building and relief from off-street parking requirements. The property was originally a resident for the nuns of the Saint Casimir School and church. The building is separated into 22 individual rooms, and arranged like a dormitory. As stated by the petitioner, there would be a maximum of 25 occupants. There would be a manager permanently on location, 24 hours a day, as well as other individuals supervising the occupants. There would be no walk-in tenants allowed and all persons applying for residence would be pre-screened, including CORI evaluations, before allowing occupancy. No persons would be allowed as tenants for periods of less than 30 days. In addition, the petitioners have an agreement with the owners of the church located across the street to allow occupants to use the church lot for parking, if needed.

**OPPOSITION:** Ward 6 City Councilor Michelle DuBois was present in opposition. The abutting neighbors are in opposition to this petition, stating concerns of the clientele that would be occupying the building. In addition, Councilor at large Thomas Brophy was present in opposition.

**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: Stephen Bernard  
Seconded by: Richard Francis

**IN FAVOR:** (0)

**OPPOSED:** (5)

- Atty. Anthony Eonas, Chairman
- Richard Francis, Fire Chief
- Stephen Bernard
- Paul Merian
- Susan Nicastro

Anthony E. Eonas  
Richard Francis  
Stephen Bernard  
Paul Merian  
Susan Nicastro  
James Plouffe, Clerk

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

ANY APPEAL MUST BE MADE WITHIN 20 DAYS FROM THE DATE JAN 23 2013 PURSUANT TO M.G.L.C. 40A SECTION 17.

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CITY OF BROCKTON CITY CLERK'S OFFICE  
ZONING BOARD OF APPEALS BROCKTON, MA

ZONING BOARD OF APPEALS held a meeting in the Council Chambers, City Hall, Brockton, Massachusetts, on Tuesday, December 11, 2012, at 7:00 pm.

**IN RE: 12-61** Petition of JULIUS M. SEYLLER, 30 Sprague Street, Brockton, MA, for a Variance from Sec. 27-9, to build a single family home in an R-1C Zone, located at PLOT 5 SPRAGUE STREET.

**PETITIONER'S STATEMENT:** Petitioner Evan Willmarth came before the board to seek a Variance to build a single family home in an R-1C zone. Chairman Eonas brought a previous buildable lot determination and a decision from a zoning board meeting dated, December 10, 1985, to the attention of the petitioner. Due to the fact the petitioner was unaware of the buildable lot determination and previous zoning case, members of the board allowed the petitioner to withdraw, for a later date.

**OPPOSITION:**

**DECISION:** Based on information that the zoning board received after the filing of the zoning board application, the board voted to allow petitioner to request to withdraw. The board voted to allow the withdrawal of the petition.

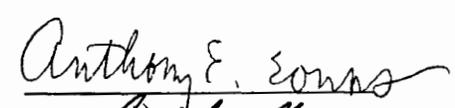
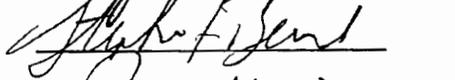
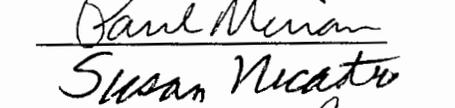
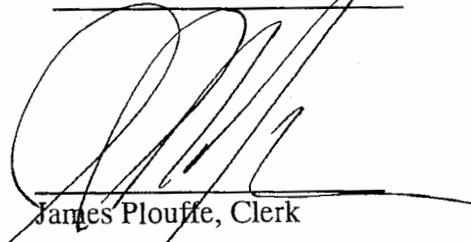
**BASIS:** Allowed to withdraw prior to commencement of petitioner's statement.

**VOTE:**

Motion to Withdraw by: Stephen Bernard  
Seconded by: Susan Nicastro

- IN FAVOR: (5)**
- Atty. Anthony Eonas, Chairman
- Richard Francis, Fire Chief
- Stephen Bernard
- Paul Merian
- Susan Nicastro

**OPPOSED: (0)**

  
  
  
  
  
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ZONING BOARD OF APPEALS held a meeting in the Council Chambers, City Hall, Brockton, Massachusetts, on Tuesday, December 11, 2012, at 7:00 pm.

**IN RE:** 12-62 Petition of ELIAS SOUIDAN, 835 Belmont Street, Brockton, MA, for a Special Permit from Art. IV, Sec. 27-28, to obtain a used car license in a C-1 Zone, located at 835 BELMONT 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

Richard Francis, Fire Chief

Stephen Bernard

Paul Merian

Susan Nicastro

**OPPOSED: (0)**

Anthony E. Eonas  
Richard Francis  
Stephen Bernard  
Paul Merian  
Susan Nicastro

James Plouffe  
James Plouffe, Clerk

A true copy. Attest:

Anthony J. Zeoli

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, December 11, 2012, at 7:00 pm.

**IN RE: 12-56** Petition of **Johathan Serra**, 17B Ocean Pier Avenue, Revere, MA, for a Variance from Art. XIV, Sec. 27-65 & Sec. 27-66 to install an additional free standing sign which exceeds the allowable height and size requirements in an I-1 Zone, located at **170 LIBERTY STREET**.

**PETITIONER'S STATEMENT:** Attorney John F. Creedon presented to the board Exhibit A, Site Plan. Attorney Creedon came before the board to seek a Variance to install an additional free standing sign which exceeds the allowable height and size requirements in an I-1 Zone. The billboard would be 48'x14' two faced sign, with one side facing south of route 24 and the other side facing north of route 24. The billboard would sit on a base, 10 feet off the highway and 60 feet above the highway pavement. The billboard would have frequently changing advertisements, approximately 6 advertisements per minute and would operate 24 hours a day, seven days a week. Due to the fact the board was unaware of the newly passed state regulation regarding billboards, members of the board allowed the petitioner to withdraw, for a later date.

**OPPOSITION:**

**DECISION:** During the presentation, the councilor for the petitioner announced to the board, that a new state regulation regarding billboards was enacted approximately a week prior to hearing. Due to the board being unaware of the extent of the newly passed state regulation, the board voted to allow the petitioner to withdraw, so that a fair hearing could be conducted after the board reviews the new regulation.

**BASIS:** The petition is withdrawn prior to the hearing due to supervening state regulations.

**VOTE:**

Motion to Grant by:  
Seconded by:

- IN FAVOR: (5)**
- Atty. Anthony Eonas, Chairman
- Richard Francis, Fire Chief
- Stephen Bernard
- Paul Merian

*Anthony E Eonas*  
*[Signature]*  
*[Signature]*  
*[Signature]*

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ZONING BOARD OF APPEALS held a meeting in the Council Chambers, City Hall, Brockton, Massachusetts, on Tuesday, December 12, 2010, at 7:00 pm.

**IN RE:** 12-63 Petition of EDWARD & JANICE ALSTON, 26 Palmer Street, Brockton, MA, from Art. IV, Sec. 27-25(F), to obtain a kennel license in an R-1-C Zone, located at 26 PALMER STREET.

**PETITIONER'S STATEMENT:** Petitioner Edward and Janice Alston presented to the board Exhibit A, Kennel packet. Mr. and Mrs. Alston are before the board requesting reinstatement of kennel license, so they may adopt two, ten year old female Chihuahuas, who have been together since birth and are unable to be adopted separately. Also, neighboring abutter of 41 Palmer Street, Jean Yolette stood in front of the board, in favor of petitioner's proposal.

**OPPOSITION:** None.

**DECISION:** Granted unanimously.

**BASIS:** 4-6 dogs over the age of 3 months. Limit to 4 dogs, for domestic use only, not for "breeding, sale, show, or sport" or for business purposes such as boarding and grooming. Reduce to 3 dogs upon expiration of 1 dog.

**VOTE:**  
Motion to Grant by: Richard Francis

Seconded by: Paul Merian

**IN FAVOR: (5)**

- Atty. Anthony Eonas, Chairman
- Richard Francis, Fire Chief
- Stephen Bernard
- Paul Merian
- Susan Nicastro

**OPPOSED: (0)**

Anthony E Eonas  
 Cliff Hill  
 Stephen Bernard  
 Paul Merian  
 Susan Nicastro  
 James Plouffe, Clerk