

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, January 10, 2012 at 7:00 p.m.

IN RE: 12-01. Petition of RODNEY T. MOHAMMED, 29 Martin Street, Brockton, MA, for a Variance to build a covered deck seeking relief from Sec. 27-9, rear yard setback requirements in an R-1-C Zone, located at 29 MARTIN STREET.

PETITIONER'S STATEMENT: Petitioner Rodney T. Mohammed presented to the board Exhibit A, Site Plan and Exhibit B, Diagram of Roof. Mr. Mohammed is before the board seeking permission to construct a deck with a covered roof in the rear of the home. The deck will have open sides, spindle railing and a 1' rake pitched roof. The deck will be for the family to enjoy the outdoors anytime.

OPPOSITION: None

DECISION: Granted unanimously with the stipulation that the covered deck will not be made into an enclosed room in the future. Zoning board approval would be needed for any future construction to enclose the proposed deck.

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:

Kenneth Galligan
Stephen Bernard

IN FAVOR: (5)

Anthony Eonas, Chairman

Richard Francis, Fire Chief

Stephen Bernard

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, January 10, 2012 at 7:00 p.m.

IN RE: 12-02. Petition of DAVID & MELISA CASTELO, 61 N. Manchester Street, Brockton, MA, a Variance seeking relief from Sec. 27-9, side yard requirements in an R-1-C Zone, located at 61 N. MANCHESTER STREET.

PETITIONER'S STATEMENT: Petitioners David and Melissa Castelo presented to the board Exhibit A, Site Plan and Exhibit B, Floor Plans. The Castelos purchased the home back in 1999. They have five (5) children and they would like to have more space for the family. The side setback is the only issue with them building the addition.

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:

Kenneth Galligan
Richard Francis

IN FAVOR: (5)

Anthony Eonas, Chairman

Richard Francis, Fire Chief

Stephen Bernard

Susan Nicastro

Kenneth Galligan

OPPOSED: (0)

James M. Casieri, Clerk

A true copy. Attest:

Anthony Zeoli, City Clerk

**COMMONWEALTH OF MASSACHUSETTS
CITY OF BROCKTON
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ZONING BOARD OF APPEALS held a meeting in the Council Chambers, City Hall, Brockton, Massachusetts, on Tuesday, January 10, 2012 at 7:00 p.m.

IN RE: 12-03. Petition of BROCKTON PRESCHOOL ACADEMY & FUN CENTER, INC., 794 N. Main Street, Brockton, MA, for a Special Permitted Use seeking relief from Sec. 27-29, Article IV & V, to establish a limited-fare restaurant and a children's fun center in an C-2 Zone, located at 794 N. MAIN ST.

PETITIONER'S STATEMENT: Attorney Melinda Kwart presented to the board Exhibit A, Memorandum in Support, Exhibit B, Floor Plans and Exhibit C, Packet for Fun Zone. Principle of the Brockton Preschool Academy, Edward Shapiro is seeking permission to have a limited restaurant for his fun center at the above location. The building houses an Adult Day Care, Brockton Preschool and the Fun Center. The fun center menu will serve pizza, hot dogs and hamburgers. The hours of the fun center will be Tuesday-Friday 3-9 p.m. and Saturday and Sunday 10a.m- 9:30 p.m. Children are not allowed in fun center without a parent. The school has sixty five (65) children and ten (10) employees. No bus service is available so parents drop off and pick up every day. Parking spaces in the front and rear total forty one (41) spaces for the building. Scott Dwyer from the Montello Business Association has worked for Mr. Shapiro and is in favor. Anita Monteiro and Solange Alves, employees, were in attendance and in favor.

OPPOSITION: None

DECISION: Denied unanimously.

BASIS: Granting would negatively impact the orderly development of the neighborhood. Egress and exit along with parking access would create dangerous traffic patterns. Parking issues for variances and multiple use have not been addressed. The board has not found any relevant hardships.

VOTE:

Motion to Grant by:
Seconded by:

Kenneth Galligan
Stephen Bernard

IN FAVOR: (0)

OPPOSED: (5)

Anthony Eonas, Chairman

Richard Francis, Fire Chief

Stephen Bernard

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, January 10, 2012 at 7:00 p.m.

IN RE: 12-04. Petition of Roger Dwyer, 208 Pearl Street, Brockton, MA, for a Variance seeking relief from Sec. 27-9, to construct an addition with relief from side yard requirements in an R-1-B Zone, located at 208 PEARL STREET.

PETITIONER'S STATEMENT: Roger Dwyer presented to the board Exhibit A, Site Plan and Drawings of addition. Mr. Dwyer purchased the home in 2005. He is now married with a son and would like to remove his old three (3) season porch and construct an addition to extend his dining room. The home is 15-20' from the neighbors house.

OPPOSITION: None

DECISION: Denied. Did not carry.

BASIS: Richard Francis recused himself due to a possible conflict. In order to carry the petition would require all four members to vote in the affirmative. Granting would extend a pre-existing grandfathered non conforming use.

VOTE:

Motion to Grant by:
Seconded by:

Kenneth Galligan
Susan Nicastro

IN FAVOR: (3)

Anthony Eonas, Chairman

Stephen Bernard

Kenneth Galligan

OPPOSED: (1)

Susan Nicastro

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, January 10, 2012 at 7:00 p.m.

IN RE: Petition of SAM MEDINA, 153 Everett Circle, Stoughton, MA, appealing the Building Inspector's decision that the property is not a buildable lot in an R-1-C Zone, located at Plot 9 MALVERN ROAD.

PETITIONER'S STATEMENT: Attorney John McCluskey presented to the board Exhibit A, Memorandum to Zoning Board, Exhibit B, Floor Plans and Exhibit C, Site Plan. Attorney McCluskey is before the board to appeal the Building Inspector's decision that the above named property is not buildable. A buildable lot determination was done on September 12, 2011 and was deemed buildable. The previous owner presented a site plan to construct a new home. The site plan showed the original home was encroached on the vacant lot. The lot was then deemed unbuildable. The petitioner, Sam Medina new owner of the vacant lot would like to construct a home with four (4) bedrooms.

OPPOSITION: Stephen and Elaine Simmons are in opposition. The home in the rear of the proposed property has been owned by Elaine's family for years where flooding has been an issue and granting may exacerbate the neighborhood. .

1st VOTE: TO OVERTURN THE BUILDING INSPECTORS DECISION

DECISION: Denied. Did not carry.

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: Susan Nicastro

IN FAVOR: (3)

Richard Francis, Fire Chief _____

Stephen Bernard _____

Kenneth Galligan _____

OPPOSED: (2)

Anthony Eonas, Chairman _____

Susan Nicastro _____

2nd VOTE: TO GRANT A VARIANCE FOR THIS PETITION

DECISION: Denied. Did not carry.

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
Kenneth Galligan

IN FAVOR: (3)

Richard Francis, Fire Chief

Stephen Bernard

Kenneth Galligan

OPPOSED: (2)

Anthony Eonas, Chairman

Susan Nicastro

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, January 10, 2012 at 7:00 p.m.

IN RE: Petition of MARIE GEORGE PAUL, 64 Prospect Street, Brockton, MA, to open a daycare center in an R-4 Zone, located at 64 PROSPECT STREET.

PETITIONER'S STATEMENT: Petitioner Marie George Paul along with Janette Vancourt presented to the board Exhibit A, Site Plan and Exhibit B, Floor Plans. The petitioners have purchased the above named property and would like to have a day care on the first floor and rent out the second and third floors for tenants. The day care will have thirty two (32) children and ten (10) staff members. The home will have a sprinkler system and ramp for easy access. The time of departure will be between 4-6p.m. A playground will be in the front corner of the yard. The petitioners have also mentioned using the basement for future expansion.

OPPOSITION: None

DECISION: Denied unanimously.

BASIS: The neighborhood, locus and mixed use is inappropriate and creates dangerous situations for infants and children. 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:

Kenneth Galligan
Anthony Eonas

IN FAVOR: (0)

OPPOSED: (5)

Anthony Eonas, Chairman

Richard Francis, Fire Chief

Stephen Bernard

Susan Nicastro

Kenneth Galligan

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, January 10, 2012 at 7:00 p.m.

IN RE: 11-09 Petition of **MANUEL RAMOS**, 270 Quarry Street, Quincy, MA, for a Variance from Art.III, Sec. 27-9, 27-13, & 27-13A, to divide Plot 195 to combine a portion with Plot 194-4 and to build a single family dwelling on Plot 194-4 lacking lot frontage and lot width in an R-1-C Zone, located at **PLOTS 194-4 & 195 OAK STREET.**

PETITIONER'S STATEMENT: Attorney John F. Creedon had written a letter requesting a six month extension relative to the above named property. The extension is needed due to the economic times and that the petitioner will be appearing in front of the Planning Board in the future.

OPPOSITION: None

DECISION: A one- time six (6) month extension has been granted.

BASIS: The petitioner appeared to request an extension as additional time would be needed. The petitioner was granted a six (6) month extension.

VOTE:

Motion to Grant by:

Stephen Bernard

Seconded by:

Kenneth Galligan

IN FAVOR: (5)

Anthony Eonas, Chairman

Richard Francis, Fire Chief

Stephen Bernard

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 Wednesday, October 12, 2011 at 7:00 p.m.

IN RE:

PETITIONER'S STATEMENT:

OPPOSITION:

DECISION:

BASIS:

VOTE:

Motion to Grant by:

Seconded by:

IN FAVOR: ()

Anthony Eonas, Chairman

Richard Francis, Fire Chief

Stephen Bernard

Susan Nicastro

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 Wednesday, October 12, 2011 at 7:00 p.m.

IN RE:

PETITIONER'S STATEMENT:

OPPOSITION:

DECISION:

BASIS:

VOTE:

Motion to Grant by:

Seconded by:

IN FAVOR: ()

Anthony Eonas, Chairman

Richard Francis, Fire Chief

Stephen Bernard

Susan Nicasastro

Paul Merian

OPPOSED: ()

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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 Wednesday, October 12, 2011 at 7:00 p.m.**

IN RE:

PETITIONER'S STATEMENT:

OPPOSITION:

DECISION:

BASIS:

VOTE:

Motion to Grant by:

Seconded by:

IN FAVOR: ()

Anthony Eonas, Chairman

Richard Francis, Fire Chief

Stephen Bernard

Susan Nicastro

Paul Merian

OPPOSED: ()

James M. Casieri, Clerk

A true copy. Attest:

Anthony Zeoli, City Clerk