

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, March 12, 2013 at 7:00 pm.

**IN RE:** 13-07 Petition of JAMES BOEN, 33 Boen Ct, Middleboro, MA, for a Variance from Sec. 27-09, to sub-divide and existing lot of record into two lots and to construct a single family dwelling on the newly created lot lacking frontage and lot area in a R-1-C, located at 13 DYER STREET.

**PETITIONER'S STATEMENT:** Attorney John F. Creedon, Esq. presented to the board Exhibit A, Variance Plan, Exhibit B, Floor Plan. Attorney Creedon came before the board to seek a variance to sub-divide existing lot of record into two lots and to construct a single family dwelling on the newly created lot lacking frontage and lot area in a R-1-C zone. Purchaser, James Boen was present and Attorney Creedon gave examples of similar homes Mr. Boen has constructed in the City of Brockton. In addition, Attorney Creedon stated that Mr. Boen has preformed between 40-50 rehab projects and has invested over \$84,000 of his own money into auctioned properties from the city. Per plans submitted to the board, Lot 2 will be 9,140 square feet and Lot 1 will be 8,502 square feet compared to the average lot size in the area, which is 7,200 square feet. The proposed front to back split home will be consistent and in harmony with the abutting homes in the area. Michael and Brenda Sestito of 156 Field Street were present and in favor of the proposed plan.

**OPPOSITION** None.

**DECISION:** Granted.

**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 within.

**VOTE:**

Motion to Grant by: Richard Francis, Fire Chief

Seconded by: Stephen Bernard

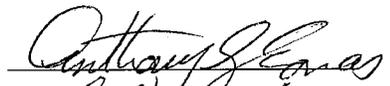
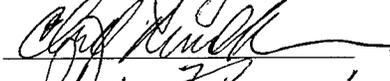
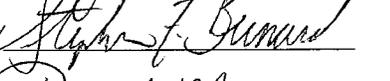
**IN FAVOR: (4)**

Atty. Anthony Eonas, Chairman

Richard Francis, Fire Chief

Stephen Bernard

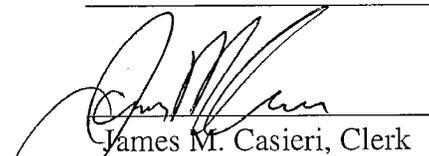
Paul Merian

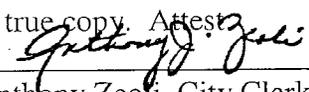
  
  
  


**OPPOSED: (1)**

Susan Nicastro



  
James M. Casieri, Clerk

A true copy. Attest  
  
Anthony Zeoli, City Clerk

CITY CLERK'S OFFICE  
BROCKTON, MA

APR 05 8:52 AM '13

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ANY APPEAL MUST BE MADE  
WITHIN 20 DAYS FROM THIS  
DATE APR 05 PURSUANT TO  
M.G.L.C. 40A SECTION 17.

RECEIVED AND FILED: April 26, 2013  
L. 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

RECEIVED AND FILED: April 26, 2013  
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CITY OF BROCKTON  
ZONING BOARD OF APPEALS

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**IN RE:** 13-08 Petition of NITENSON REALTY LLC, P.O. Box 2039, Brockton, MA, for a Variance from Art. IV, Sec. 27-25, to conduct and operate an adult day care facility in an R-1C Zone, located at 506 WARREN AVENUE.

**PETITIONER'S STATEMENT:** Attorney John F. Creedon, Esq., presented to the board Exhibit A, Site Plan and Exhibit B, Floor Plan. Attorney Creedon and petitioner Neree Themistocle, came before the board to seek a variance to conduct and operate an adult day care facility in an R-1 zone. Mrs. Themistocle returned to zoning after meeting with the Planning Board. Attorney Creedon stated the present owner purchased the above stated property, in 1999 and the property has been vacant since. Currently the property is surrounded by a chain link fence, with a wide entry way onto the premises. Per provided Site Plan, there will be ample parking for employees and adult attendees. The adult daycare will include two handicap spaces, weather covered roof for drop-off and a new concrete ramp. The interior of the building will include a reading room, medical room and office space. Per petitioner, the maximum attendees would be 25-30 per day. Some attendees are referred by physicians and are placed by medical need with no overnight stay. Hours of operation will be Monday thru Friday, 7:00 a.m. to 6:00 p.m. An example of a normal day, provided by Mrs. Themistocle, would begin with attendees arriving at 7:00 a.m., by either the facility providing transportation, family members or Dial-A-Bat. The faculty will address any medical issues before the attendees meet for breakfast. Soon after, the attendees will watch movies, socialize and take mini day trips, such as to the local Dunkin Donuts, alternating groups. Around 10:00 a.m. to 11:00 a.m., attendees will participate in activities, like crafts and arts. Lunch is served around noon and soon after, basic computer classes will take place for the attendees, in addition to an ESL class for attendees who do not speak English. Benches and tables with umbrellas will be placed on the back of the locus, in order to have cookouts for the attendees. No dinner will be served and attendees will begin to leave the facility at 4:00 p.m. R.N. Rita St. Jean, who has been a R.N. for 30 years in Roxbury, was present in favor of the petitioner's proposal.

**OPPOSITION:** None.

**DECISION:** Granted with the following stipulations, the board voted with the understanding that the variance would only apply to the portion of the building as presented by the applicant and the maximum occupancy shall be 40, including attendees and employees.

**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 within.

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**VOTE:**

Motion to Grant by: Stephen Bernard

Seconded by: Paul Merian

**IN FAVOR:** (4)

Atty. Anthony Eonas, Chairman

Richard Francis, Fire Chief

Stephen Bernard

Paul Merian

*Anthony J. Eonas*  
*Richard Francis*  
*Stephen Bernard*  
*Paul Merian*

**OPPOSED:** (1)

Susan Nicastro

*Susan Nicastro*

A true copy. Attest:

*Anthony J. Zeoli*  
Anthony Zeoli, City Clerk

*James M. Casieri*  
James M. Casieri, Clerk

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CITY CLERK'S OFFICE  
BROCKTON, MA

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 March 12, 2013 at 7:00 pm.

**IN RE: 13-10** Petition of **EBBESH CORP. d/b/a/ SOUTH SIDE PIZZA**, 617 Main Street, Brockton, MA, for a Special Permit under Sec 27-49, to construct a commercial building for the petitioner s restaurant- pizza store in a C-2-C Zone, located at **806 MAIN STREET**.

**PETITIONER'S STATEMENT:** Petitioner Ehab Beshai and his attorney presented to the board Exhibit A, Site Plan, Exhibit B, Elevations, Exhibit C, Floor Plans and Exhibit D, Plan of Land. Mr. Beshai came before the board to seek a special permit and certain variances to relocate the well established existing pizza facility at 617 Main Street to 806 Main Street. The existing property has been vacant for five years. The building is already located in a C zone. The proposed plan would include a 2 story building which would occupy 25% of the lot and the remaining 75% would be converted into parking spaces and a drive-thru. The proposed building would consist of two floors and a basement. The first floor will be used for the cooking and dine-in, the second floor would be used for some office space and storage and the basement would be used for storage as well. The proposed building would be an energy efficient building. Attorney John McCluskey, Esq., was present and in favor of the petitioner's proposal.

**OPPOSITION:** None.

**DECISION:** Granted Unanimously.

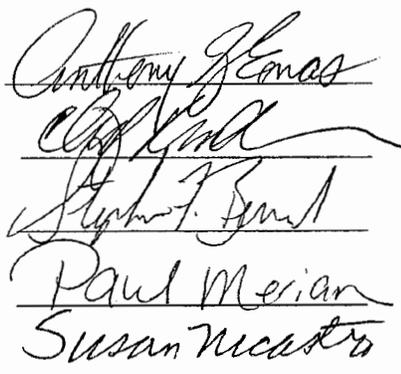
**BASIS:** The use will be in harmony with the orderly development of the zone and not negatively impact the neighborhood. There is adequate ingress and egress to parking and will not interfere with traffic on abutting streets.

**VOTE:**

Motion to Grant by: Paul Merian  
Seconded by: Richard Francis, Fire Chief

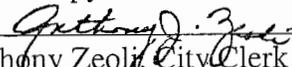
**IN FAVOR: (5)**

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



**OPPOSED: (0)**

A true copy. Attest:

  
Anthony Zeoli, City Clerk

  
James M. Casieri, Clerk

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**IN RE: 13-11** Petition of **LLB REALTY CO INC.**, 1776 Main Street, Brockton, MA, for a Special Permit from Art. XIV, Sec. 27-65 & Sec. 27-64(3), to modify existing sign to include electric message board in an C-2 Zone, located at **1776 MAIN STREET**.

**PETITIONER'S STATEMENT:** Attorney John McCluskey, Esq., presented to the board Exhibit A, Plan of Land and Exhibit B, Graphic design of the existing and proposed images of the sign. Attorney McCluskey came before the board to seek a special permit to modify the existing sign by removing the lower section and replacing it with a similarly sized electronic message board. Attorney McCluskey stated the purpose of the electronic message board is to identify various insurance products, such as homeowners, life, etc. and to encourage customers to "Come in for a Quote". The sign would also be used for public service messages. There would be no change to the top sign. The sign has a faux colored board, which is capable of any color.

**OPPOSITION:**

**DECISION:** Granted with the stipulation of complying with the ordinance.

**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 abutting streets.

**VOTE:**

Motion to Grant by: Paul Merian  
Seconded by: Richard Francis, Fire Chief

**IN FAVOR: (5)**

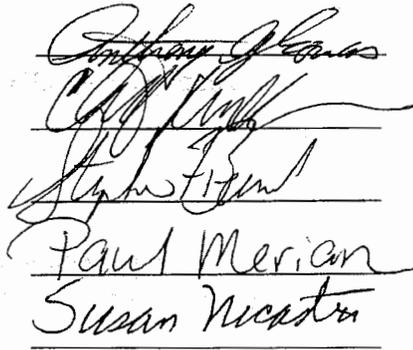
Atty. Anthony Eonas, Chairman

Richard Francis, Fire Chief

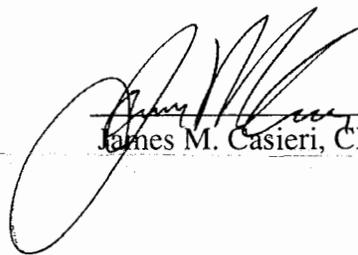
Stephen Bernard

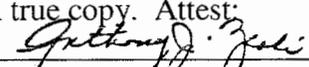
Paul Merian

Susan Nicastro



**OPPOSED: (0)**

  
James M. Casieri, Clerk

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