

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 9, 2013 at 7:00 pm.

IN RE: 13-33 Petition of LYNN ASHFIELD REALTY TRUST, 85 Plymouth Street, Bridgewater, MA appealing Zoning Enforcement Officers decision or a Variance to construct a single family dwelling lacking lot size & frontage in an R-2 Zone, located at 369R CRESCENT STREET.

PETITIONER'S STATEMENT: The petitioner Michael Keith, along with Engineer Bruce Pilling, presented to the board Exhibit A, Deed dated prior to 1969, Exhibit B, Plot Plan and Exhibit C, Floor Plan and Foundation Plan. Mr. Keith is before the board seeking permission to construct a single family dwelling, that lacks lot size and frontage required in an R-2 Zone, and also to appeal the Zoning Enforcement Officer's decision. Mr. Pilling went through a brief account of the plot's history. Originally, there were three separate plots and in 1954 two plots were sold together, but are currently under common ownership. Mr. Pilling stated that Mr. Keith's intentions are to raze the existing building located on Crescent Street. Mr. Keith proposed, he would construct a single family dwelling on Plot 3. The proposed dwelling will be 1,344 square feet of living space with three bedrooms, with a lot size of 12,055 square feet. Also, there will a 10 foot by 12 foot deck. The proposed dwelling would face Macy Avenue and Mr. Keith explained to the board members he intentionally, will place the dwelling close to the right, so if in the near future, the potential owner could construct a shed to the left side of the home.

OPPOSITION: Abutter Leanne Bright, of 32 Macy Avenue, was present and in opposition of the petitioner's proposal. Ms. Bright expressed concern that the purposed dwelling will be located too close to her property line.

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: D. Sean Noonan
Seconded by: Paul Merian

IN FAVOR: (5)

Stephen Bernard, Chairman

Richard Francis, Fire Chief

Paul Merian

Kenneth Galligan

D. Sean Noonan

OPPOSED: (0)

APPEAL MUST BE MADE
WITHIN 20 DAYS FROM THIS
DATE PURSUANT TO
C. 40A SECTION 17.

RECEIVED
2013 JUL 26 A 8:59
Stephen F. Bernard
Richard Francis
Paul Merian
Kenneth Galligan
D. Sean Noonan

James M. Casieri
James M. Casieri, Clerk

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

RECEIVED AND FILED: JUL 16 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 UNDER CHAPTER 40A SEC. 17

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 9, 2013 at 7:00 pm.

IN RE 13-34 Petition of **PAUL J. FUHS**, 33 Loring Street, Brockton, MA for a Special Permitted Use, Sec 27-29, seeking to operate a restaurant and serve alcohol in a C-2 Zone, located at **787 CENTRE STREET**.

PETITIONER'S STATEMENT: The petitioner Paul J. Fuhs along with Attorney Jon D. Aieta, presented to the board Exhibit A, Prior Board of Appeal Decisions, Exhibit B, Certified Site Plan and Exhibit C, Floor Plan. Mr. Fuhs is before the board seeking permission to operate a restaurant and serve alcohol in a C-2 Zone. Attorney Aieta stated to the board that 787 Centre Street had previously been used a restaurant, but the building has been vacant for several years now. There is adequate parking, with 42 parking spaces with a table seating for 96 costumers. Attorney Aieta stated the restaurant will serve lunch and dinner, Monday thru Sunday, 11:00 a.m. to 1:00 a.m. Mr. Fuhs stated there will be entertainment on Friday and Saturday nights, possibly Thursday as well. The entertainment will consist of only a Disk Jockey and there will be no live bands. Mr. Fuhs proposed that the bar will be open during lunch hours as well. The dumpster will be located in the rear of the building, along with two easements. Mr. Fuhs stated he will maintain a 6 foot stockade fence along the property, to create a buffer between the restaurant and the abutting residential area.

OPPOSITION: None.

DECISION: Granted unanimously with the following stipulations. The 6 foot stockade fence along the entire south side of the property must be maintained. In addition, there shall be a dumpster located on the south west corner of the 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 herewith.

VOTE:

Motion to Grant by: Kenneth Galligan
Seconded by: Richard Francis, Fire Chief

IN FAVOR: (5)

Stephen Bernard, Chairman

Richard Francis, Fire Chief

Paul Merian

Kenneth Galligan

D. Sean Noonan

OPPOSED: (0)

Stephen F. Bernard
Richard Francis
Paul Merian
Kenneth Galligan

James M. Casieri
James M. Casieri, Clerk

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

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

RECEIVED AND FILED: August 16, 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 UNDER CHAPTER 40A SEC. 11

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2013 JUL 26 A 8:59

**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 9, 2013 at 7:00 pm.

IN RE 13-35 Petition of **GRANITE AVENUE REALTY TRUST C/O BRAD CARTWRIGHT**, 845 Washington Street, Braintree, MA, for a Variance seeking relief from Sec. 27-9, to divide a parcel into two buildable lots, lacking lot size and frontage requirements in an R-1-C Zone, located at **583 NORTH CARY STREET**.

PETITIONER'S STATEMENT : The petitioner Brad Cartwright along with Engineer John Holgren and Attorney George N. Asack, presented to the board Exhibit A, Variance Plan and Exhibit B, Floor Plans and Elevations. Mr. Cartwright is before the board seeking permission to sub divide a parcel into two buildable lots, which are lacking lot size and frontage requirements in an R-1-C Zone. Attorney Asack stated that the proposed dwellings on Lot 1 and 2 will be a single family ranch style home, both with 1,400 square feet of living area with a 12 by 12 deck. Lot 1 will have a lot size of 31,282 square feet, 220 feet rear setback, 40 feet front setback, 25 feet and 26 feet side setbacks, with 103 feet of frontage. Lot 2 will have a lot size of 31,280 square feet, 228 feet rear setback, 40 feet front setback, 26 feet side setbacks, with 104 feet of frontage. Attorney Asack stated the proposed dwellings will not encroach on any abutting properties. Attorney Asack stated there will be a wooded area that would act as a buffer between the abutting dwellings. Attorney Asack expressed to the board members that due to the vast amount of ledge, there was cause for a hardship. Petitioner, Mr. Cartwright did state that he would be willing to change the aesthetics of the dwellings, so they may resemble a colonial style home, rather than a ranch style. His only concern was that with a colonial style home, more excavation is required, in comparison with a ranch style home.

OPPOSITION: Numerous abutters were present and in opposition of the petitioner's proposal. The abutters expressed concerns of blasting the ledge, which may cause an increase to flooding, damage to the newly paved roads, the proposed dwellings will set a negative precedence in what they described as a country setting, there is no guarantee that the wooded area in the rear will remain, disruption to the wildlife, safety issues regarding and the lack of sidewalks. Ward 6 City Councilor, Michelle Dubois was present and in opposition of the petitioner's proposal. Councilor Dubois read aloud, a statement of petition, which was signed by numerous abutters, expressing their concerns and explaining why they are in opposition.

DECISION: Denied.

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.

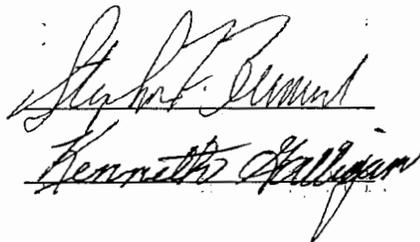
VOTE:

Motion to Grant by: Kenneth Galligan
Seconded by: Stephen Bernard, Chairman

IN FAVOR: (2)

Stephen Bernard, Chairman

Kenneth Galligan



**ANY APPEAL MUST BE MADE
WITHIN 20 DAYS FROM THIS
DATE 7/25/13 PURSUANT TO
M.G.L.C. 40A SECTION 17.**

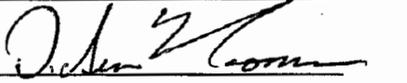
OPPOSED: (3)

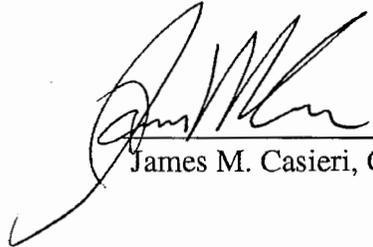
Richard Francis, Fire Chief

Paul Merian

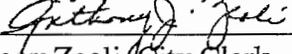
D. Sean Noonan






James M. Casieri, Cler

A true copy. Attest:


Anthony Zeoli, City Clerk

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BY CALL CENTER OFFICE