

RECEIVED AND FILED: November 19, 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

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, October 8, 2013 at 7:00 pm.

**IN RE:** 13-43 Petition of **MARNITE DOLNE**, 797 North Main Street, Brockton, MA, for a Special Permit from Sec 27-28(3c), to open a Juice Bar Restaurant in a C-2 Zone, located at **354 OAK STREET**.

**PETITIONER'S STATEMENT:** The petitioner Marnite Dolne presented to the board Exhibit A, Site Plan and Exhibit B, Floor Plan. Ms. Dolne is before the board seeking permission to have a sit down Juice Bar at the above location. The drinks will be made of fruit and vegetables and sandwiches as well. Hours of operation will be seven (7) days per week from 10:00 a.m. until 6:30 p.m. The customers will not be involved in any of the food preparations. The petitioner did not show a bathroom on her submitted plans.

**OPPOSITION:** None

**DECISION:** Denied unanimously.

**BASIS:** The petitioner failed to provide adequate plans and explanations. The board could not determine parking requirement. Granting would negatively impact the orderly development of the neighborhood. Egress and exit along with parking access would create dangerous traffic patterns.

**VOTE:**

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

**IN FAVOR: (0)**

**OPPOSED: (5)**

- Atty. Anthony Eonas, Chairman
- Richard Francis, Fire Chief
- Stephen Bernard
- Susan Nicastro
- Kenneth Galligan

*Anthony Eonas*  
*Richard Francis* Ad. Chief  
*Stephen Bernard*  
*Susan Nicastro*  
*Kenneth Galligan*  
 Frank Gazerro, Clerk



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

CITY CLERK'S OFFICE  
BROCKTON, MA

ANY APPEAL MUST BE MADE  
WITHIN 20 DAYS FROM THIS  
DATE DEC 19 2013 PURSUANT TO  
M.G.L.C. 40A SECTION 17.

2013 OCT 29 A 8:59

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CITY OF BROCKTON  
ZONING BOARD OF APPEALS

ZONING BOARD OF APPEALS held a meeting in the Council Chambers, City Hall, Brockton, Massachusetts, on Tuesday, October 8, 2013 at 7:00 pm.

**IN RE:** Petition of JOE MECH, 31 Oakside Avenue, Brockton, MA, appealing the decision of the Zoning Enforcement Officer for the buildable lot and issuance of a building permit in an R-1-C Zone, located at PLOT 12 OAKSIDE AVENUE.

**PETITIONER'S STATEMENT:** Joe and Jean Mech are before the board appealing the Zoning Enforcement Officers decision to grant Plot 12 a buildable lot and a permit to construct a home. Grown trees have been cleared making water runoff a problem which is a major concern for the petitioner. Also the side setback is only 6' which is close to the petitioner. Abutting neighbor Victor Haig and Councilor Paul Studenski are in favor of this appeal.

**OPPOSITION:** Attorney John McCluskey and the current owner Michael Haikal were also present. Attorney McCluskey stated the previous homeowner had come before the zoning board back in 2002 to subdivide Plot 12 along with another Plot to build another home for a family member which was denied. If zoning was granted the setbacks would have been greater than 6'. The abutter stated the new home will not increase runoff and that the drainage system will be done correctly.

**DECISION:** Appeal Denied

**BASIS:** The board decided that the building enforcement officer was correct under case law in determining the lot is buildable and to grant a building permit.

**VOTE:**

Motion to Grant appeal:  
Seconded by:

Kenneth Galligan  
Stephen Bernard

**IN FAVOR: (0)**

**OPPOSED: (5)**

Att. Anthony Eonas, Chairman

Richard Francis, Fire Chief

Stephen Bernard

Susan Nicastro

Kenneth Galligan

*Anthony Eonas*  
*Richard Francis* *Att. Chief*  
*Stephen Bernard*  
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*Anthony J. Zeoli*

COMMONWEALTH OF MASSACHUSETTS  
CITY OF BROCKTON  
ZONING BOARD OF APPEALS

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**IN RE: 13-45** Petition of **ATTORNEY JESSICA WAINWRIGHT**, 255 North Pearl Street, Brockton, MA , for a Variance from Sec 27-25, seeking relief from sideline setback requirements on right side in an R-1-C Zone, located at **69 CANDY LANE**.

**PETITIONER'S STATEMENT**: Attorney Jessica Wainwright along with the petitioner Samuel Wainwright presented to the board Exhibit A, Memo in Support, Exhibit B, Site Plan and Exhibit C, Floor and Elevations. Mr. Wainwright is before the board seeking permission to construct a 16 x 40 addition to the rear of the home where he grew up. The temporary storage container will be moved to the rear of the home until construction is complete. The abutter from 91 Candy Lane is in favor after seeing the plans.

**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: Richard Francis  
Seconded by: Susan Nicastro

**IN FAVOR: (5)**

- Atty. Anthony Eonas, Chairman
- Richard Francis, Fire Chief
- Stephen Bernard
- Susan Nicastro
- Kenneth Galligan

*Anthony J. Eonas*  
*Richard Francis - Fire Chief*  
*Stephen Bernard*  
*Susan Nicastro*  
*Kenneth Galligan*  
 Frank Gazerro, Clerk

**OPPOSED: (0)**

A true copy. Attest:

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ZONING BOARD OF APPEALS

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**IN RE:** 13-46 Petition of **ATTORNEY JOHN CREEDON**, 71 Legion Parkway, Brockton, MA, for a Special Permit and Variance from Art. IV, Sec. 27-28 and Art. IV, Sec. 27-29, for a Special Permit to allow the convenience store to sell alcohol and a Variance because sale of alcohol is not permitted in a R1B Zone, located at **343 TORREY STREET**.

**PETITIONER'S STATEMENT:** Attorney John Creedon along with his client Mr. Patel presented to the board Exhibit A, Floor Plans and Exhibit B, Site Plan. Mr. Patel would like a Special Permit to sell beer and wine at his existing convenience store. The store will have a 495 sq.ft. addition and the hours of operation will be seven days per week from 6:00 a.m. until 10:00 p.m. Lottery is also sold at this location. A fence will be erected along the rear of the property, plantings in the front and a new roof will be added. Two (2) employees will be at store for every shift.

**OPPOSITION:** None

**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. Egress and exit along with parking access create dangerous traffic patterns.

**VOTE:**

Motion to Grant by:  
Seconded by:

Stephen Bernard  
Kenneth Galligan

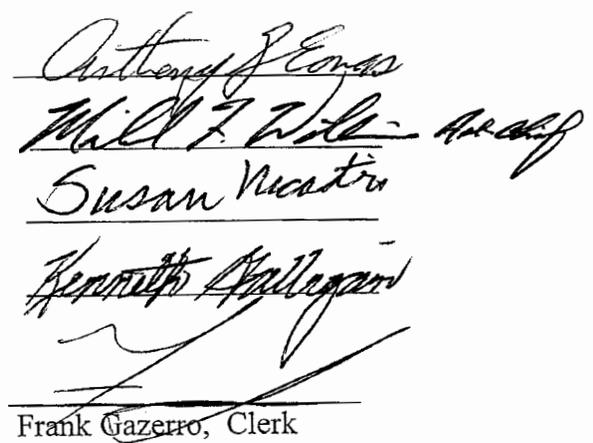
**IN FAVOR: (1)**

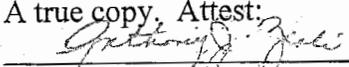
Stephen Bernard



**OPPOSED: (4)**

Atty. Anthony Eonas, Chairman  
Richard Francis, Fire Chief  
Susan Nicastro  
Kenneth Galligan



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ZONING BOARD OF APPEALS held a meeting in the Council Chambers, City Hall, Brockton, Massachusetts, on Tuesday, October 8, 2013 at 7:00 pm.

IN RE: 13-47 Petition of ALDO FERNANDES, 150 W Chestnut Street, Brockton, MA, for a Special Permit to allow a Restaurant and Café in a C-2-Zone, located at 1054 MAIN STREET.

**PETITIONER'S STATEMENT:** The petitioner Aldo Fernandes along with the architect Jerome Dixon presented to the board Exhibit A, Outside and Floor Plans. Mr. Fernandes would like to have a restaurant (modern café) at the above location. Seating will hold a maximum of sixteen (16) seats. The front of the building will be all glass with security cameras. The hours of operation will be open seven (7) days per week from 5:00 a.m. until 11:00 p.m. The awning will have lighting. No alcohol will be served. The Campbello Business Association was in opposition stated in the last communication.

**OPPOSITION:** None

**DECISION:** Unanimously granted with the stipulation that alcohol can't be served under this Special Permit. The petitioner would need a new Special Permit to serve alcohol in future.

**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 the abutting streets.

**VOTE:**

Motion to Grant by:  
Seconded by:

Kenneth Galligan  
Stephen Bernard

**IN FAVOR: (5)**

Atty. Anthony Eonas, Chairman

Richard Francis, Fire Chief

Stephen Bernard

Susan Nicastro

Kenneth Galligan

*Anthony Eonas*  
*Richard Francis* Fire Chief  
*Stephen Bernard*  
*Susan Nicastro*  
*Kenneth Galligan*

**OPPOSED: 0**

*Frank Gazerro*  
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