

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 14, 2014 at 7:00 p.m.

IN RE: 14-01 Petition of **ATTY. JOHN F. CREEDON**, 71 Legion Parkway, Brockton, MA, for a Variance from Sec 27-12, to challenge the determination of the Building Inspector as to merger of Plot 16 and 17 (27-12) and/or grant Variance to subdivide into (2) lots lacking in frontage, area and width of new lot in an R-2 Zone, located at **PLOT 16 PERRY AVENUE**.

PETITIONER'S STATEMENT: The petitioner Mike Curtin, along with Attorney John F. Creedon presented to the board Exhibit A, Buildable Lot Determination, Exhibit B, Variance Plan and Exhibit C, Drawings for Proposed Dwelling Map. Mr. Curtin is before the board in order to overturn the buildable lot determination made by the Building Inspector. Attorney Creedon stated his client Mr. Curtin has been building and rehabbing, approximately 40 dwellings within the city of Brockton for the last 25 years. Mr. Curtin stated he has never had any issues with any of his former projects. The plot in questioned was purchased by Mr. Curtin in September of 2012. The proposed dwelling would be a New England style colonial, single family home, consisting of 3 bedrooms and 2 ½ bathrooms and a 10'x18' deck in the rear. Mr. Curtin stated that the existing stonewall on the plot will be kept and restored. The proposed dwelling will have 60 ft. of frontage, 16.3 ft. and 15.7 ft. side setbacks and 45 ft. setback in the rear. The proposed dwelling will be 25 ft. away from the neighboring dwelling. Attorney Creedon stated that there is a hardship, because the plot is uniquely treated. Attorney Creedon also stated that Mr. Curtin receives two tax bills for both lots and in an 1889 plan the lots are shown as two separate parcels.

OPPOSITION: None.

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:

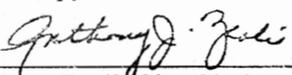
Motion to Grant by: Kenneth Galligan
Seconded by: Richard Francis, Fire Chief

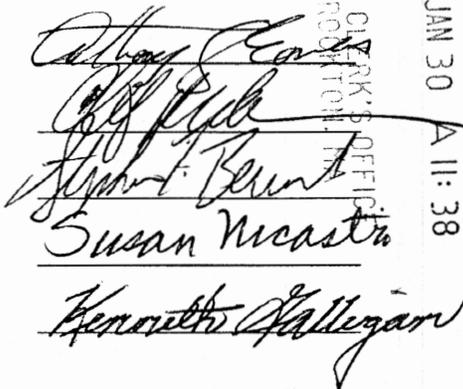
IN FAVOR: (5)

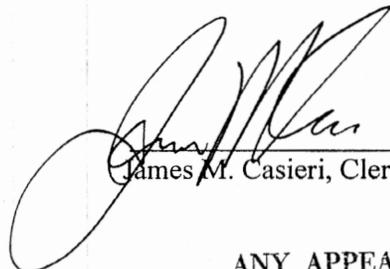
Anthony Eonas, Chairman
Richard Francis, Fire Chief
Stephen Bernard
Susan Nicastro
Kenneth Galligan

OPPOSED: (0)

A true copy. Attest:


Anthony Zeoli, City Clerk




James M. Casieri, Clerk

ANY APPEAL MUST BE MADE
WITHIN 20 DAYS FROM THIS
DATE JAN 30 2014 PURSUANT TO
M.G.L.C. 40A SECTION 17.

RECEIVED AND FILED: February 20, 2014
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

RECEIVED
2014 JAN 30 A 11:38
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 Tuesday, January 14, 2014 at 7:00 p.m.

IN RE: 14-02 Petition of **ATTY. JOHN E. MCCLUSKEY**, 932 Main Street, Brockton, MA, for a Variance from Art. III 28-9 & 28-13A, to divide one lot into two lots and to construct one single family home on the new lot in an R-2 Zone, located at **22 EDGAR STREET**.

PETITIONER'S STATEMENT: The petitioner Steve Torrey, along with Attorney John E. McCluskey presented to the board Exhibit A, Assessor's Map, Exhibit B, Proposed Floor and Elevation Plans, Exhibit C, Plot Plan and Exhibit D, Memorandum. Mr. Torrey is before the board seeking permission to divide the existing lot into two relatively similar lots in size and shape. Attorney McCluskey stated that by right, the petitioner has two options, in regards to what can be constructed on the new lot, if granted permission. One option would be to construct two additional single family units and the other option would be to construct a new single family home on the existing lot and a condominium on the new lot. Attorney McCluskey stated that one option will leave the lots under common ownership and the other option will not. Mr. Torrey believes that by dividing the lot, the perspective occupants will maintain independent ownership of the lots, which would be more desirable for the neighborhood and perspective occupants. The petitioner is purposing to build a two story colonial on the new lot. Attorney McCluskey also stated that there is a hardship to the existing lot, which would be due to the unusual shape, size and topography as compared to the other lots in the area.

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. The petition referred to incorrect article.

VOTE:

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

IN FAVOR: (2)

Anthony Eonas, Chairman
Richard Francis, Fire Chief

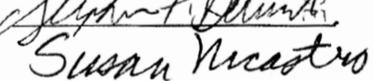
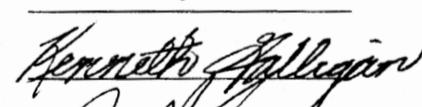
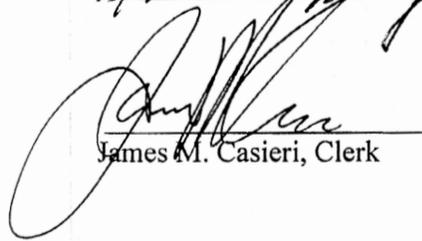
OPPOSED: (3)

Stephen Bernard
Susan Nicastro
Kenneth Galligan

A true copy. Attest:


Anthony Zeoli, City Clerk







James M. Casieri, Clerk

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BROCKTON, MA
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JAN 30

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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 14, 2014 at 7:00 p.m.

IN RE: 14-03 Petition of ALEX KRAVITZ, 928 West Chestnut Street, Brockton, MA, for a Special Permit from Sec 27-29, to allow a fast casual restaurant in a C-2 Zone, located at 27 WESTGATE DRIVE.

PETITIONER'S STATEMENT: The petitioner Alex Kravitz, along with Attorney John E. McCluskey presented to the board Exhibit A, Site Development Plan and Exhibit B, Floor Plan. Mr. Kravitz is before the board seeking permission to allow a fast casual restaurant. The existing 25,000 square foot property has been vacant and has had various retail uses prior, including a restaurant. Mr. Kravitz would like to lease half of the building to a privately owned franchised fast food restaurant. The owner of 7 franchised Five Guys Burger and Fries, was present and before the board, stating that the proposed restaurant will open 11:00 a.m. until 10:00 p.m., 7 days a week. Attorney McCluskey stated that restaurant will contain between 68 to 72 seats. There are more than the required 18 parking spaces and this will not be an issue once the other side of the building is occupied. Mr. Kravitz will be in compliance with signage ordinance. The restaurant is a fast casual cooked to order type of establishment, with no need or intentions to have a drive-thru.

OPPOSITION: Donald Karp, owner of George Washington Toma located at 5 Westgate Drive, was present and in opposition of the petitioner's proposal due to concerns of traffic patterns becoming worse and existing drainage problems.

DECISION: Granted unanimously.

BASIS: The use will be in with 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: Kenneth Galligan
Seconded by: Richard Francis, Fire Chief

- IN FAVOR: (5)**
Anthony Eonas, Chairman
Richard Francis, Fire Chief
Stephen Bernard
Susan Nicastro
Kenneth Galligan

OPPOSED: (0)

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

Anthony Eonas
Richard Francis
Stephen Bernard
Susan Nicastro
Kenneth Galligan

James M. Casieri
James M. Casieri, Clerk

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BROCKTON, MA

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ZONING BOARD OF APPEALS

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IN RE: 14-04 Petition of DEBRA TURGEON, 9 Bristol Drive, S. Easton, MA, for a Special Permit from Sec. 27-66, to increase width of existing Billboard from 20 ft. to 28 ft. by fabricating and installing two (2) 4' x 8' steel structure frames to each end of Billboard in an C-5 Zone, located at 35 Christy's Drive.

PETITIONER'S STATEMENT: The petitioner I.D. Sign Group, represented by Scott Cashman presented to the board Exhibit A, Illustration of Existing and Proposed Signage. Mr. Cashman is before the board seeking permission to increase the width of the existing Billboard from 20 ft. to 28 ft. The proposed change will occur by adding wings to the ends of the existing sign. Mr. Cashman stated the proposed expansion of the sign is to promote both businesses, Heights Crossing Assisted Living and BayPointe Rehabilitation. The location of the sign will remain in the same location and would be lighted at night.

OPPOSITION: None.

DECISION: Granted unanimously with the correction to the application to state the granting of permission under section 27-63.

BASIS: The use will be in with 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: Kenneth Galligan
Seconded by: Susan Nicastro

IN FAVOR: (5)

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

OPPOSED: (0)

2014 JAN 30 A 11:38
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A true copy. Attest:

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