

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, February 11, 2014 at 7:00 pm.

**IN RE: 14-08 Petition of VICENTE'S PROPERTY, LLC**, 689 Main Street, Brockton, MA , for a Special Permit from Sec. 27-29, to have the sale of beer and wine in specified areas of previously granted supermarket in a C-2 Zone, located at **160 PLEASANT STREET**.

**PETITIONER'S STATEMENT:** The petitioner Jason Barbosa, along with Attorney Wayne Mathews presented to the board Exhibit A, Floor Plan and Exhibit B, Site Development Plans. Mr. Barbosa is before the board seeking permission to sell beer and wine in the previously granted supermarket. Attorney Mathews has been before the board before, where Mr. Barbosa was granted to permission to open a supermarket located at 160 Pleasant Street. Attorney Mathews stated that the beer and wine would not be the focus products in the supermarket. The beer and wine would occupy half of one aisle, and there will be no individual sales of the beer and wine. The beer and wine will be sold Monday thru Saturday from 9:00 a.m. to 9:00 p.m. and after 12:00 p.m. on Sundays. There will be a closed cage that will eliminate access to the beer and wine during hours which the alcoholic beverages cannot be sold. Mr. Barbosa stated that having beer and wine at the supermarket would be more convenient for his patrons. Ward 2 City Councilor Thomas Monahan, was present and in favor of the petitioner's proposal.

**OPPOSITION:** Attorney Ethan Schaff was present and in front of the board in opposition of the petitioner's proposal. Attorney Schaff was representing Fernandez Family Liquor Inc. Attorney Schaff stated the concerns his client has if Mr. Barbosa's petition is granted. Attorney Schaff stated concern of product overlap and there are already many liquor stores within the vicinity. Attorney Schff also quoted the Massachusetts General Law, Chapter 138 Section 16C, where it states "...within a radius of five hundred feet of a school or church shall not be licensed for the sale of alcoholic beverages unless the local licensing authority determines in writing and after a hearing that the premises are not detrimental to the educational and spiritual activities of said school or church.." The supermarket is within a radius of three hundred feet of an existing church.

**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 the abutting streets. Other determinates are within the purview of the Brockton License Commission.

**VOTE:**

Motion to Grant by: Paul Merian  
Seconded by: Stephen Bernard

**IN FAVOR: (5)**

Atty. Anthony Eonas, Chairman

Richard Francis, Fire Chief

Stephen Bernard

Susan Nicastro

Paul Merian

*Anthony Eonas*  
*Richard Francis*  
*Stephen Bernard*  
*Susan Nicastro*  
*Paul Merian*

RECEIVED AND FILED: March 21, 2014

I, ANTHONY J. ZEOLI, CITY CLERK OF BROCKTON, MASSACHUSETTS HEREBY CERTIFY THAT THE AFORESAID IS A TRUE COPY AND THAT TWENTY DAYS HAVE LAPEL HAS BEEN FILED. CHAPTER 40A SEC. 11

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2014 FEB 28

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*Anthony J. Zeoli*

**OPPOSED:** (0)

A true copy. Attest:

*Anthony J. Zeoli*  
Anthony Zeoli, City Clerk

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

ANY APPEAL MUST BE MADE  
WITHIN 20 DAYS FROM THIS  
DATE ~~MAR 01 2014~~ PURSUANT TO  
M.G.L.C. 40A SECTION 17.

CITY CLERK'S OFFICE  
BROCKTON, MA

2014 FEB 28 A 10:59

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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, February 11, 2014 at 7:00 pm.

**IN RE: 14-09 Petition of VICENTE'S PROPERTY, LLC**, 689 Main Street, Brockton, MA , for a Variance from Sec. 27-29, to allow a neighborhood health center to be operated in a C-2 Zone, located at **160 PLEASANT STREET**.

**PETITIONER'S STATEMENT** : The petitioner Jason Barbosa, along with Attorney Wayne Mathews presented to the board Exhibit A, Variance and Plan B, Brief in Support of Petition. Mr. Barbosa is before the board seeking permission to allow a neighborhood health center in a newly constructed 12,000 square foot addition. The center will be an extension of the existing health center at the corner of Main Street and Legion Parkway, which would remain in operation. The existing center is overcrowded and lacks parking for clients. The new center would start off with four doctors and will eventually alleviate the traffic at the existing health center location. The health center will be for adult primary care, with a nutritionist and endocrinologist on site. The health center will have a teaching kitchen and will work alongside the supermarket in order to assist clients with dietary aide. Attorney Mathews stated there are existing hardships at this location. Attorney Mathews stated that there a soil conditions, the size of the lot and the presence of the badly maintained building on the location. All of these factors contribute to a financial hardship. Ward 2 City Councilor Thomas Monahan, was present and in favor of the petitioner's proposal.

**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. 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: Stephen Bernard  
Seconded by: Paul Merian

**IN FAVOR: (4)**

Atty. Anthony Eonas , Chairman

Stephen Bernard

Susan Nicastro

Paul Merian

**OPPOSED: (1)**

Richard Francis, Fire Chief

*Anthony J. Eonas*  
*Stephen Bernard*  
*Susan Nicastro*  
*Paul Merian*

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

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

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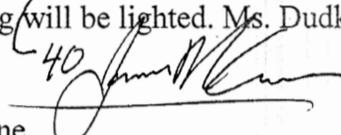
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CITY OF BROCKTON  
ZONING BOARD OF APPEALS

ZONING BOARD OF APPEALS held a meeting in the Council Chambers, City Hall, Brockton, Massachusetts, on Tuesday, February 11, 2014 at 7:00 pm.

**IN RE 14-10 Petition of HEATHER DUDKO**, 2 Pholbe Way, Worcester, MA, Variance from Sec 27-67 (2a), to request a 3<sup>rd</sup> free standing sign, exceeding the size requirements in a C-2 Zone, located at **1020 BELMONT STREET**.

**PETITIONER'S STATEMENT** : The petitioner Heather Dudko, presented to the board Exhibit A, Sign Location Plan and Plan B, Graphic Design of Purposed Sign. Ms. Dudko is before the board seeking permission to add a third free standing sign. The purposed sign will advertise new makes of vehicles that the dealership will carry. The manufacturer requires an updated sign to advertise the brand. There are two existing signs on the property. The sign will be viewed from both directions and will be 8'x12' square feet. The pylon will be 30 feet high. The sign will be internally illuminated and only the graphics and lettering will be lighted. Ms. Dudko stated that the sign will comply with the bylaws.

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**OPPOSITION:** None.

**DECISION:** Granted unanimously.

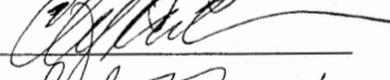
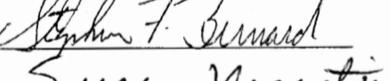
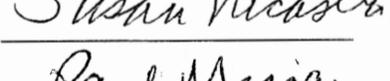
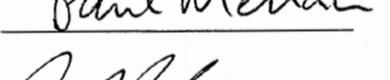
**BASIS:** Granting would not derogate from the intent of the zoning by-laws and will not negatively impact the orderly development of the neighborhood. The above listed stipulations are incorporated by reference herein. All representations in petitioner's statement shall be incorporated by reference as stipulations recorded herewith.

**VOTE:**

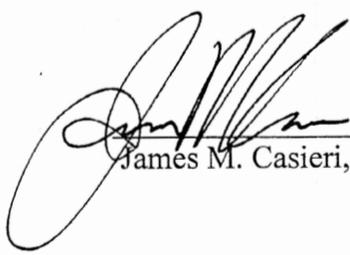
Motion to Grant by: Richard Francis, Fire Chief  
Seconded by: Paul Merian

**IN FAVOR: (5)**

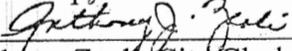
- Atty. Anthony Eonas, Chairman
- Richard Francis, Fire Chief
- Stephen Bernard
- Susan Nicastro
- Paul Merian

**OPPOSED: (0)**

  
James M. Casieri, Cler

A true copy. Attest:

  
Anthony Zeoli, City Clerk

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CITY OF BROCKTON  
ZONING BOARD OF APPEALS

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**IN RE: 14-11 Petition of THOMAS G. THIBEAULT**, Goddard Road, Brockton, MA, for a Variance from Sec. 27-29, 27-13A, 27-10, to construct a single family modular home in a C-2 Zone, located at **PLOT 48-2, 0 TRIBOU STREET**.

**PETITIONER'S STATEMENT:** The petitioner Thomas Thibeault, along with Attorney Tom Plouffe presented to the board Exhibit A, Plot Plan and Plan B, Floor Plan. Mr. Thibeault is before the board seeking permission to construct a single family modular home. Attorney Plouffe stated that the site is no longer viable as a commercial site. The plot has also been vacant for a number of years, collecting debris and trash. The home will consists of three bedrooms and 2 ½ baths and will be sold to a buyer that has to meet income qualifications. If granted, Attorney Plouffe stated that the purposed dwelling will enhance the neighborhood. Ward 4 City Councilor Paul Studenski, was present and in favor of the petitioner's proposal.

**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: Stephen Bernard  
Seconded by: Richard Francis, Fire Chief

**IN FAVOR: (5)**

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

**OPPOSED: (0)**

A true copy. Attest:

*Anthony J. Zeoli*  
Anthony Zeoli, City Clerk

*Anthony Eonas*  
*Richard Francis*  
*Stephen Bernard*  
*Susan Nicastro*  
*Paul Merian*

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

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CITY OF BROCKTON  
ZONING BOARD OF APPEALS

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**IN RE: 14-12** Petition of THOMAS G. THIBEAULT, Goddard Road, Brockton, MA, for a Variance from Sec. 27-29, 27-13A, 27-10, to construct a residential duplex in a C-2 Zone, located at PLOTS 2 & 2-2, 0 SHEPPARD STREET.

**PETITIONER'S STATEMENT:** The petitioner Thomas Thibeault, along with Attorney Tom Plouffe presented to the board Exhibit A, Plot Plan and Plan B, Floor Plan. Mr. Thibeault is before the board seeking permission to construct a duplex dwelling on the site. Attorney Plouffe stated that the site is no longer viable as a commercial site. The plot has also been vacant for a number of years, collecting debris and trash. If granted, Attorney Plouffe stated that the purposed dwelling will enhance the neighborhood. Ward 4 City Councilor Paul Studenski, was present and in favor of the petitioner's proposal.

**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: Stephen Bernard

Seconded by: Paul Merian

**IN FAVOR: (5)**

Atty. Anthony Eonas, Chairman

Richard Francis, Fire Chief

Stephen Bernard

Susan Nicastro

Paul Merian

**OPPOSED: (0)**

A true copy. Attest:

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Anthony Zeoli, City Clerk

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*Stephen Bernard*  
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ZONING BOARD OF APPEALS

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**IN RE: 14-13** Petition of JOAO LOPES, 875 Randolph Street, Canton, MA, to have a restaurant and function hall serving food and liquor in a C-2 Zone, located at 684 CRESCENT STREET.

**PETITIONER'S STATEMENT:** The petitioner Joao Lopes, along with Attorney Brigitte Melo-Cronin presented to the board Exhibit A, Plot Plan, Plan B, Floor Plan and Exhibit C, Elevations. Mr. Lopes is before the board seeking permission to operate a family style restaurant with a function hall. Attorney Melo-Cronin stated that Mr. Lopes has recently acquired the property. Mr. Lopes would like to run a family style restaurant that would serve international cuisines and a function hall that will cater to family events, like christenings, baptisms and graduations. Attorney Melo-Cronin stated that Mr. Lopes will not have any under 21 year old parties. The hours of operation will be 12:00 p.m. to 12:00 a.m. and Mr. Lopes will be adding lights around the exterior of the building as well as a pole light in the parking lot. Currently, Mr. Lopes has 14 parking spaces but is in the process of obtaining a lease from the abutting commercial property. Mr. Lopes also stated that if granted, the proposed establishment will not become a night club. Also, Attorney Melo-Cronin stated that she spoke to the neighbors and Mr. Lopes has addressed all their concerns.

**OPPOSITION:** None.

**DECISION:** Granted with the following stipulations: Contingent upon certified recorded lease with a minimum of 5 years or preferably a deed transferring over the parking area to the petitioner, or a permanent granted easement. Also, all signs will be internally lit and all parking lighting will be downward facing, including the lighting on the exterior of the building. Hours of operation will be from 12:00 p.m. to 12:00 a.m.

**BASIS:** The special permit is granted. 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. The special permit is only to run the length of the recorded lease or the other parking uses stipulated.

**VOTE:**

Motion to Grant by: Paul Merian  
Seconded by: Susan Nicastro

**IN FAVOR: (4)**

Atty. Anthony Eonas, Chairman

Richard Francis, Fire Chief

Susan Nicastro

Paul Merian

*Anthony Eonas*  
*Richard Francis*  
*Susan Nicastro*  
*Paul Merian*

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ZONING BOARD OF APPEALS

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**IN RE: 14-14** Petition of MICHAEL KEITH, 85 Plymouth Street, Bridgewater, MA, to seek approval to divide a property which is subject to a previously Board decision. The proposed building lot will have no change in frontage and more than twice the required area in an R-2 Zone, located at 28 MACY AVENUE.

**PETITIONER'S STATEMENT:** Professional Engineer Todd M. Pilling, presented to the board Exhibit A, Plan of Land and Plan B, Brief. Mr. Pilling is before the board seeking permission to modify the existing property by creating two small parcels at the rear of the property. One parcel is roughly 25x50 feet and will be combined with the property located at 369 Crescent Street. The other parcel is a 10 foot wide strip that would be combined with the property at 371 Crescent Street. Mr. Pilling is requesting this modification in order to try to accommodate the abutting neighbors.

**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. 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: Richard Francis, Fire Chief  
Seconded by: Stephen Bernard

**IN FAVOR: (5)**

Atty. Anthony Eonas, Chairman

Richard Francis, Fire Chief

Stephen Bernard

Susan Nicastro

Paul Merian

**OPPOSED: (0)**

*Anthony J. Eonas*

*[Signature]*

*Stephen F. Bernard*

*Susan Nicastro*

*Paul Merian*

*[Signature]*

James M. Casieri, Clerk

A true copy. Attest:

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Anthony Zeoli, City Clerk

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