

RECEIVED AND FILED: June 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. II

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, May 13, 2014 at 7:00 pm.

IN RE: 14-20 Petition of BRIAN G. PORTER C/O BROPHY & PHILLIPS CO. INC., 928 West Chestnut Street, Brockton, MA, for a Variance from Sec 27-9 (Table 1) lot area/dwelling, lot frontage: looking for relief from existing SRC Zoning, reduce lot quantity from 44 to 33, lot area and frontage in a R-1 Zone, located at **Plots 9, 9-2 and 10, LORING STREET.**

PETITIONER'S STATEMENT: Attorney John E. McCluskey, Esq., along with the petitioner Brian Porter presented to the board Exhibit A, Site Layout and Exhibit B, Floor Plan. Attorney McCluskey and the petitioner went before the board seeking permission to construct 33 colonial style single family dwellings on existing lots, that were preapproved by the Planning Board for 44 single family homes for 55 and older seniors. Attorney McCluskey stated that there is a hardship due to the current state of the lots. The petitioner began the project for the previously granted senior living by clearing out the lots and the project came to a standstill due to the change in the real estate market. Attorney McCluskey stated that senior living was no longer a viable project, so the petitioner decided to change the plans from senior living to permanent owner occupied single family homes with no rental. Attorney McCluskey stated that with the change in plans, the lot sizes have increased by approximately 25% along with a 25% decrease in density. The original plans consisted of 44 two bedroom homes, in comparison with the proposed plan which consists of 33 colonial style 36'x26' homes with 3 to 4 bedrooms and a full basement, with many dwellings having a two car garage and some a one car garage. The average lot size will be between 13,000 to 14,000 square feet. Attorney McCluskey stated that the existing paved roadway will remain exactly the same and the existing easement, which runs through the middle of lot 12, will be relocated and connected to the city sewer. The detention basin will remain and nothing will be going into the wetland area. The existing granite wall and existing vinyl fence will be maintained. The proposed dwellings on the south side will have a buffer between the existing dwellings in the neighborhood. The proposed project is going to be a private development with a homeowner's association with an associated fee, which will be applied towards maintaining the properties. Attorney McCluskey stated that there are no intentions on making the paved roadway a public street and there will be no common facilities. Attorney McCluskey also stated that the petitioner will be replacing playground equipment in a nearby school. For the past two years, the hours of construction have been from 7:00 a.m. to 5:00 p.m. Monday thru Saturday, with no work on Sunday. Attorney McCluskey stated that there are plans for dust suppression and the petitioner will make the appropriate accommodations for the weight of the fire trucks. There will also be fire hydrants throughout the development. Attorney McCluskey stated that Phase I of the project has begun with the construction of one home and an existing smaller dwelling will be razed. The petitioner will also have the drainage cleaned out. The cul-de-sac will have a turning radius as approved by the Planning Board. Chris Cooney, President and CEO of Metro South Chamber of Commerce, was present and in favor the petitioner's proposal. Also, a letter from Mayor Bill Carpenter stated his approval of this petition. Planning Board Chairman Wayne McAllister submitted a letter to the Zoning Board stating that if granted, the next step for the petitioner would be to file a Definitive Subdivision Plan with the Planning Board.

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2014 MAY 28 A 9:18

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OPPOSITION: Numerous abutters along with Ward 6 City Councilor Michelle DuBois were present and in opposition of the petitioner's proposal. There were concerns of the width of the roadways being too narrow to support the heavy machinery coming through the neighborhood. The 18-wheelers that have been going to the vacant lots have been tearing up the streets and have created divots along the street. Abutters were also not pleased with the length of time construction is taking and the hours of operation, along with the plans of construction constantly changing. Abutters were worried of the safety and well being of the neighborhood children, whom currently cannot go outside without any supervision due to the construction vehicles that have been going in and out of the streets, disregarding the children. Since construction has begun, the land has been stripped which has caused sand to run through the wetlands, created sink holes next to telephone poles, sand piles have accumulated, allowing sand to blow onto the abutters properties. There were also blasting concerns. The abutters stated that the petitioner has put up a fence as a buffer, but during a windy day the fence continued to fall down and it would be weeks before someone would go out and fix it. There were also concerns of the increase of children to the school district. The Brockton school system is already overpopulated and if the petitioner's proposal is granted, this would increase the amount of students in the local schools. Also, with the land being stripped, there have been issues in the neighborhood with the displacement of the animals. The abutters were under the impression the petitioner was going to construct dwellings specifically for the age 55 and older seniors, whom they believe would have less of an impact on the neighborhood.

DECISION: Granted with the following stipulations: 1. a white 6 foot vinyl fence be put up, for those abutters whom request a buffer. 2. Hours of construction will be Monday thru Friday 7:00 a.m. to 5:00 p.m. and Saturday hours would be 10:00 a.m. to 3:00 p.m. 3. There will be no blasting on Saturdays and no construction work on Sundays. 4. The piles of sand/dirt will be covered and secured to prevent debris from blowing off the property

BASIS: The petitioner requested relief from the original SRC (Senior Residential Community) designation that was granted in 2008. The hardship was demonstrated wherein the land that required significant development challenges including drainage and water retention and site development as well as grading, soil conditions and topography conditions create a substantial hardship wherein the original SRC development concept that included already installed and completed roadway construction, underground utility construction and lot layout became unsellable, due to the change in the real estate market. The roadways and sidewalk layout shall be no less than the original plans submitted to the Planning Board. The reduction of the original number of 44 dwellings under the original SRC designation to a lesser number of 33 dwellings on larger than original lot sizes on a designated private roadway with sufficient multiple entrances and exits for general traffic and emergency vehicles would not substantially derogate from the intent of the zoning 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 and accompanying site plan dated 4/09/14, drawing number C-1BP prepared by SITEC, Inc., Steven D. Gioiosa, Civil number 32165 shall be incorporated by reference on stipulations recorded herewith.

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VOTE:

Motion to Grant by: Stephen Bernard
Seconded by: Gary Keith

IN FAVOR: (4)

Richard Francis, Fire Chief

Stephen Bernard

Jeffrey Charnel

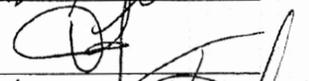
Gary Keith

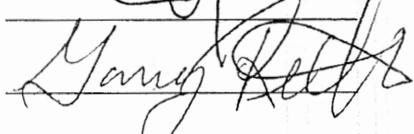
OPPOSED: (1)

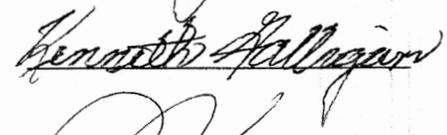
Kenneth Galligan, Chairman

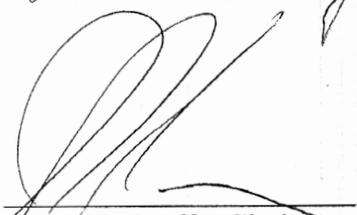




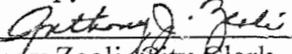







James Plouffe, Clerk

A true copy. Attest:


Anthony Zeoli, City Clerk

ANY APPEAL MUST BE MADE
WITHIN 20 DAYS FROM THIS
DATE ^{MAY 28 2014} PURSUANT TO
M.G.L.C. 40A SECTION 17.

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2014 MAY 28 A 9:19
CITY CLERK'S OFFICE

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, May 13, 2014 at 7:00 pm.

IN RE: 14-21 Petition of THADDEUS P. O'CONNOR, 117 Carl Avenue, Brockton, MA, for a Variance to combine two (2) lots into one (1) for a dwelling in a I-2 Zone, located at PLOTS 2 & 2-1 RIVERSIDE AVENUE.

PETITIONER'S STATEMENT: Petitioner Thaddeus O'Connor presented to the board Exhibit A, Plot Plan and Exhibit B, Deed. Mr. O'Connor was before the board seeking permission to combine Plots 2 and 2-1 Riverside Avenue. Mr. O'Connor stated he has owned the lots for 25 years and prior to purchasing the lots, he was unaware the lots are in an I-2 zone. Mr. O'Connor stated that there is a hardship due to the zone the lots are in, he is unable to do anything with the lots and the maintenance. Mr. O'Connor stated his health is decreasing and if granted, he would either have his son build a multifamily dwelling on the lot or sell it to a developer. There are two existing driveway cuts from the prior multifamily dwellings that existed on the lots.

OPPOSITION: None.

DECISION: Denied.

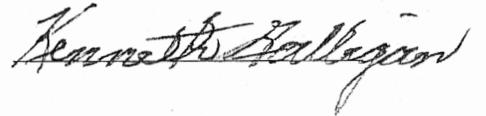
BASIS: The petitioner failed to present sufficient evidence to the Board to support circumstances related to the soil conditions, shape or topography of the land in the locus that would literally involve substantial hardship, financial or otherwise to the petitioner and desirable relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent of purpose of the ordinance by combining two undersized lots. The petitioner would not support stipulation of only a single family dwelling and talked of probable multi-unit building, with no specific plans. Stated hardship as proffered by applicant age of applicant, which in no way related to land.

VOTE:

Motion to Grant by: Richard Francis, Fire Chief
Seconded by: Stephen Bernard

IN FAVOR: (1)

Kenneth Galligan, Chairman



OPPOSED: (4)

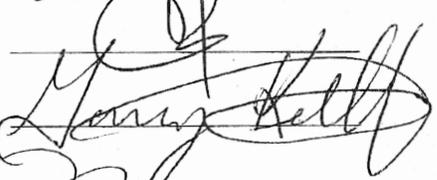
Richard Francis, Fire Chief



Stephen Bernard



Jeffrey Charnel

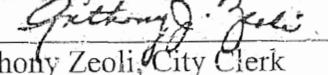


Gary Keith



James Plouffe, Clerk

A true copy. Attest:


Anthony Zeoli, City Clerk

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COMMONWEALTH OF MASSACHUSETTS
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ZONING BOARD OF APPEALS

ZONING BOARD OF APPEALS held a meeting in the Council Chambers, City Hall, Brockton, Massachusetts, on Tuesday, May 13, 2014 at 7:00 pm.

IN RE: 14-22 Petition of CARL DJUSBERG, 932 Bedford Street, Abington, MA , for a Variance from Sec 27: Dimensional & Density Resolutions, Sec 27-9 Lot area requirements: 30,000 s.f. required/14,392 s.f. is requested, Sec 27-13 Lot frontage requirements: 175' required/120.00 requested, Sec 27-13A Lot width requirements: 125" (100' depth) required/120.00 (100' depth) requested in a R-1C Zone, located at **PLOT 13 HOWLAND STREET.**

PETITIONER'S STATEMENT: : Petitioner Carl Djusberg presented to the board Exhibit A, Site Plan, Exhibit B, Deed and Exhibit C, Drawing of Purposed Dwelling. Mr. Djusberg was before the board seeking permission to construct a single family raised ranch dwelling. Mr. Djusberg stated he has owned the property since 2006 and 2/3 of the plot is in a C-1 zone and the other 1/3 of the property is in an R-1C zone. Mr. Djusberg would like to build a 46'x24' raised ranch on the portion of the plot that is an R-1C zone. The portion of the plot that is a C-1 zone will be left alone. Abutters Herbert and Joan Wright of 44 Howland Street were present and in favor of the petitioner's proposal.

OPPOSITION: None.

DECISION: Granted unanimously.

BASIS: The petitioner presented sufficient evidence relating to the shape, size and condition of the lot, that granting of the variance would not derogate from the intent of the zoning by-laws and will not negatively impact nor have an adverse effect on the orderly development of the neighborhood. The lot would be in conformance with and in most all cases, larger than surrounding lots. The petitioner received full support of direct abutters and no opposition. All stipulations and representations in the petitioner's statements and site plan representations shall be incorporated by reference on stipulations recorded herewith.

VOTE:

Motion to Grant by: Stephen Bernard
Seconded by: Gary Keith

IN FAVOR: (5)

Kenneth Galligan, Chairman

Richard Francis, Fire Chief

Stephen Bernard

Jeffrey Charnel

Gary Keith

OPPOSED: (0)

A true copy. Attest:

Anthony Zeoli
Anthony Zeoli, City Clerk

Kenneth Galligan
Richard Francis
Stephen Bernard
Gary Keith
James Plouffe, Clerk

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