

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, November 14, 2023 at 6:00 p.m.

IN RE: 23-52 Petition of HYACINTH REALTY ASSOCIATES, LLC, 1109 Montello Street, Brockton, MA, for a Variance seeking relief from Art. IV, 27-29 & Art. III, 27-10 & Art. III, 37-18, residential not allowed in a commercial zone, relief from size of parking spaces and number of spaces required, requesting 87 residential units in a C-2 Zone, located at 15 EAST MARKET STREET, 29 EAST MARKET STREET, 1144 MAIN STREET & 1109 MONTELLO STREET.

PETITIONER'S STATEMENT: Attorney Creedon, Scott Faria, Land Surveyor presented to the Board, Exhibit A, Site Plans and Exhibit B, Building Plans. Mr. Creedon stated the proposed project would be in total eighty-seven (87) Residential Units, retail space and several amenities, such a gym, community room and laundry.

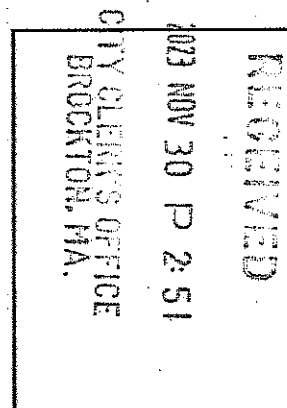
OPPOSITION: Ward 4 Councilor Susan Nicastro spoke on concerns of lack of parking as well an additional concerned citizen.

DECISION: Denied

BASIS: After reviewing the application, plans, information submitted, individual site visitations, and giving due consideration to testimony given at the public hearing, the Board found no hardship with the locus with consideration to the plans presented at the hearing with particular concern to the parking scheme as presented by the petitioner. The proposed use of the locus for the construction of two (2) multi floor dwellings containing eighty-seven (87) Residential Units with at least two (2) retail establishments would be such location, size and character that, generally, it would not be in harmony with the appropriate and orderly development of the current C-2 Zone in which the current use is situated and would be detrimental to the existing neighborhood and the orderly development and use of adjacent properties. Concern was expressed by Board members with the very limited access, eighteen (18) foot road between the two proposed dwelling units and the presence of a large 36" cement water main that exists on the property that is a vital component of the City water distribution system. A representation of the Campello Business Assoc. spoke in favor of the proposed development of the site. Ward 4 City Councilor Susan Nicastro spoke in opposition to the plans presented, specifically referencing parking issues. The proposed plans for the development of the locus are denied.

RECEIVED AND FILED: DECEMBER 21, 2023
I, TIMOTHY J. CRUISE, 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

PURSUANT TO M.G.L.C. 40A SECTION 17



ANY APPEAL MUST BE MADE WITHIN
20 DAYS FROM THIS DATE.

Cont 23-52

VOTE:

Motion to Grant by:
Seconded by:

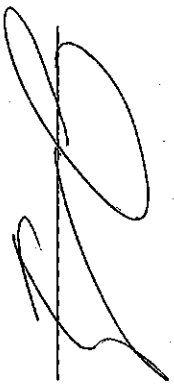
James Sweeney
Steven Lainas

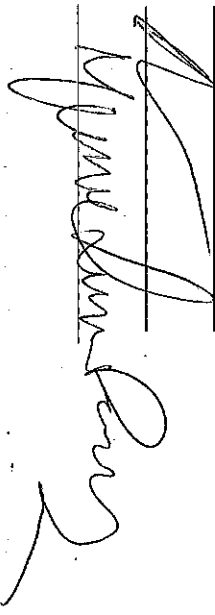
IN FAVOR: 1

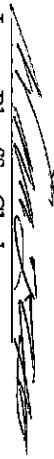
James Sweeney

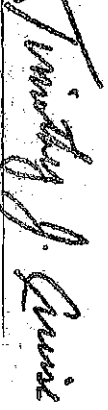
OPPOSED:

Kenneth Galligan, Chairman
Brian Nardelli, Fire Chief
Steven Lainas
Monique Screen-Berry






James Plouffe, Clerk



Timothy J. Cruise
City Clerk

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PURSUANT TO M.G.L.C. 40A SECTION 17

RECEIVED
2023 NOV 30 P 2:51
CITY CLERK'S OFFICE
BROCKTON, MA.

ANY APPEAL MUST BE MADE WITHIN
20 DAYS FROM THIS DATE:

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, November 14, 2023 at 6:00 p.m.

IN RE: 23-50 Petition of **INDUSTRY LOUNGE, LLC**, 24 Intervale Street, Brockton, MA, for a Special Permitted Use, seeking relief from Sec. 27-28 (3) (a), to operate a restaurant, bar and a barber shop in a mixed-use structure with parking within 250 feet of a structure in a C-1 Zone, located at 24 INTERVALE STREET.

PETITIONER'S STATEMENT:

OPPOSITION:

DECISION:

BASIS: The Petitioner appeared before the Board prior to the start of the hearing requesting to Withdraw from the scheduled hearing as a matter of right in accordance with Chapter 40-A, Section 16.

VOTE:

Motion to Grant by:
Seconded by:

IN FAVOR:

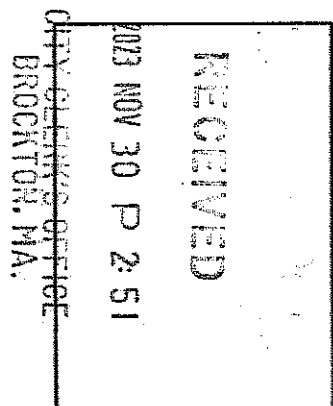
Kenneth Galligan, Chairman
Brian Nardelli, Fire Chief
Steven Lainas
Monique Screen-Berry
James Sweeney

OPPOSED:

James Plouffe, Clerk

Timothy J. Cruise
Timothy Cruise, City Clerk

PURSUANT TO M.G.L.C. 40A SECTION 17



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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, November 14, 2023 at 6:00 p.m.

IN RE: 23-49 Petition of DANIEL & DAVID IRVING, 404 Moraine Street, Brockton, MA, for a Variance seeking relief from Sec. 27-25, to continue the use as a two-family in an R-1-C Zone, located at 404 MORaine STREET.

PETITIONER'S STATEMENT: Attorney Philip Nessralla, presented to the Board Exhibit A Plot Plans and Exhibit B Supporting Documents. Mr. Nessralla stated the dwelling was constructed as a two family, with separate utilities. The Owners as well have been paying taxes for a two family.

OPPOSITION: None

DECISION: Granted

BASIS: After reviewing the application, plans, information submitted, individual site visitations, and giving due consideration to testimony given at the public hearing, the Board found that the petitioner demonstrated a financial hardship at the locus where the two-family dwelling located in the current R-1-C Zone has been occupied as a two-family dwelling since before the inception of the current zoning regulations adopted in 1967. The Petitioner demonstrated evidence as a two-family use where City of Brockton occupancy records were in conflict with Building Dept. and Assessors records. The locus has been taxed as a two-family for many years. Granting the requested relief for a two-family use as has existed would not derogate from the intent of the zoning by-laws in the R-1 Zone populated by numerous multi family dwellings and will not negatively impact the orderly development of the of the neighborhood. The petitioner demonstrated compliant and adequate off-street parking for the dwelling and agreed to continue the use of the two-family dwelling in compliance with applicable rules, regulations and laws consistent with two-family dwellings.

VOTE:

Motion to Grant by: James Sweeney
Seconded by: Brian Nardelli, Fire Chief

IN FAVOR: 5

Kenneth Galligan, Chairman

Brian Nardelli, Fire Chief

Steven Lainas

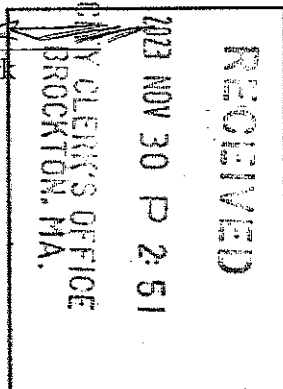
Monique Screen-Berry

James Sweeney

OPPOSED: 0

Timothy Cruise, City Clerk

James Plouffe, Clerk



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CITY OF BROCKTON
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IN RE: 23-48 In RE: Petition 22-101, 117-119 NORTH MAIN STREET, seeking a six-month extension of a previously granted variance.

PETITIONER'S STATEMENT:

OPPOSITION: None

DECISION: Granted.

BASIS: The Petitioner appeared before the Board to request a six (6) month extension to a previously granted Variance (22-101) at the locus. The Board voted to grant one (1) six-month extension for the locus in conformance with Chapter 40-A, Section 10.

VOTE:

Motion to Grant by: James Sweeny
Seconded by: Brian Nardelli, Fire Chief

IN FAVOR: 5

Kenneth Galligan, Chairman

Brian Nardelli, Fire Chief

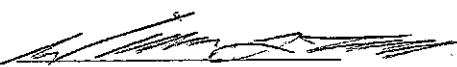
Steven Lainas

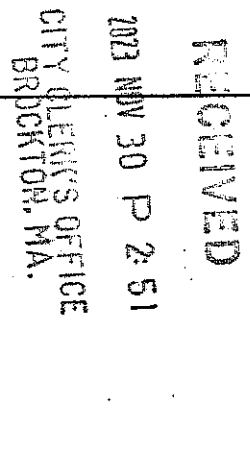
Monique Screen-Berry

James Sweeney

OPPOSED: 0


Timothy Cruise, City Clerk


James Plouffe, Clerk



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