



OFFICE OF ZONING BOARD OF APPEALS  
**TOWN OF EAST BRIDGEWATER**

[www.eastbridgewaterma.gov](http://www.eastbridgewaterma.gov)

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BOARD MEMBERS  
Gregg Heger, Alternate  
James Ross, Jr., Alternate

**FINDINGS AND DECISION ON THE APPLICATION OF  
LUCINDO SOARES, OWNER; ROBERT R. PELLEGRINI, JR, APPLICANT  
FOR A SPECIAL PERMIT FOR THE PROPERTY LOCATED AT  
215 WHITMAN STREET, EAST BRIDGEWATER, MA  
(Case No. 9-20)**

On July 28, 2020 Robert R. Pellegrini, Jr., Esq, Applicant filed an application for a **SPECIAL PERMIT** from the requirement for Residence 2 (R-2) zoning district as set forth in **Section 2.(A) 3** of the Zoning By-Law of the Town of East Bridgewater (Zoning By-Law). The application seeks approval to allow convert church (**former Jehovah Witness**) into a residential housing with a total of five (5) units for the PROPERTY located at **215 Whitman Street**, East Bridgewater (**Assessors' Map 31, Block 47**) (hereinafter referred to as the PROPERTY). Property owned by Lucindo Soares.

After due notice to all persons to whom notice is required and publication as required by law, a public hearing was held on this application on Wednesday, September 30, 2020 at 7:00 p.m. in the East Bridgewater Town Office Building, large conference room on the second floor and the Board made their decision on September 30, 2020. Members of the Zoning Board of Appeals present and sitting for the hearing were: Robert Looney, Chairman; Gerry Leavitt, Vice Chairman and Kevin Marchant, Clerk.

At the hearing the following exhibits were presented:

**EXHIBIT I** – Plan to Accompany Special Permit for 215 Whitman Street prepared by PMP Associates dated July 27, 2020 and prepared for Soares Club, LLC;

**EXHIBIT II** – A Brief In Support Of Application.

Based on the information set forth in the Application and the evidence produced at the hearing the Board finds as follows:

1. The PROPERTY is owned by Lucindo Soares and is located in a Residence 2 (R-2) Zoning District under the Zoning By-Law;
2. By this application, the Applicant seeks a SPECIAL PERMIT to change the current non-conforming use from a "church" to another non-conforming five (5) unit residential use;

3. Section 2 (A) (3) of the Zoning By-Law change by Special Permit of the Board of Appeals to a similar use, provided that it is not substantially more detrimental than the existing non-conforming use is to the neighborhood, or to a more restricted use, provided that when changed it shall not be returned to a less restricted use;
4. Whitman Street is predominantly a residential neighborhood with ten (10) other multi-family structures;
5. The PROPERTY currently consists of the former Jehovah Witness church with a one bedroom apartment on the second floor. The request of the Applicant is to add an addition four (4) – two (2) bedroom apartment units.

Based on the foregoing findings the Board rules as follows:

1. By this application, the Applicant seeks a SPECIAL PERMIT to change the current non-conforming use from a "church" to another non-conforming use, a five (5) unit residential building;
2. Desirable relief may be granted without substantial detriment to public good and without nullifying or substantially derogating from the intent and purpose of the Zoning By-Law;
3. A literal enforcement of the provisions of the Zoning By-Law would involve substantial hardship to the Applicant;
4. The present location and layout of the existing dwelling on the PROPERTY constitutes relating to the shape, topography, and soil conditions of the land and structures on the land which especially affect the PROPERTY, but not generally the zoning district in which the PROPERTY is located.

Accordingly, the Board unanimously **VOTED** to **GRANT** the Application request for the **SPECIAL PERMIT** to allow a change of a non-conforming use from an existing church to a residential five (5) unit apartment building consisting of one (1) one bedroom apartment and four (4) two (2) bedroom apartments for the property located at 215 Whitman Street and shall conform in appearance similar to that as shown on Exhibit I . With the following conditions:

1. No changes to exterior footprint;
2. Four (4) two (2) bedroom, one level, apartment units within the existing structure with the existing one (1) one (1) bedroom unit located on the second floor creating a total of five (5) units.

Attention to all parties is drawn to Section 11 of Chapter 40A of the General Laws to the effect that a **SPECIAL PERMIT**, or any extension, modification or renewal thereof, shall not take effect until a copy of the decision of the Zoning Board of Appeals bearing the certification of the Town Clerk that twenty days have elapsed after the decision has been filed with the Town Clerk and that no appeal has been filed, or that if such appeal has been filed it has been dismissed or denied, is **recorded in the Registry of Deeds (by the owner or petitioner)** and indexed in the Grantor indexes under the name of the owner of record or is recorded and noted on the owner's Certificate of Title as the case may be. **The Owner or Petitioner shall pay the fee for recording or registering such SPECIAL PERMIT. The special permit elapses if not exercised within time period specified in ordinance or bylaw, not to be more than 2 years.**

Attention to all parties is also drawn to Section 17 of Chapter 40A of the General Laws to the effect that any person aggrieved by a decision of the Board of Appeals may appeal this decision by bringing an action in the Plymouth County Superior Court, the Land Court, the Southeastern Regional Housing Court or in the Brockton District Court within TWENTY DAYS of the filing of the notice of this decision with the office of the Town Clerk for the Town of East Bridgewater.

East Bridgewater Zoning Board of Appeals

By:

  
Kevin Marchant, Clerk

c.c. L. Soares, Owner, 37 Johnson St., Brockton, MA 02301  
R. Pellegrini, Jr., Esq., 63 Main St. Suite 1, Bridgewater, MA 02324  
Building Inspector  
Abutters  
Conservation Commission  
Historical Commission  
Board of Selectmen  
Executive Assistant  
Board of Health  
Board of Assessor  
Fire Chief  
Police Chief  
Board of Appeals Members  
Board of Appeals Record Book  
Board of Appeals Street File  
Old Colony Planning Council  
Newspaper Correspondent  
Planning Board (East Bridgewater)  
Planning Board (Abutting Towns)  
Department of Housing & Community Development  
KCM/dls