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ROCKLAND ZONING BOARD OF APPEALS
242 UNION STREET
ROCKLAND, MASSACHUSETTS 02370
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Town Clerk's Date Stamp:

FINDINGS AND DECISION OF THE ZONING BOARD OF APPEALS

Decision: Special Permit

Applicant: Stevie G's Restaurant LLC

Property Address: 372 Market St, Rockland, Massachusetts 02370

The Rockland Zoning Board of Appeals has considered the review of the application submitted by Stevie G's Restaurant LLC of 81 Lewis Park, Rockland MA for a special permit pursuant to Sections 415-7, 415-9, 415-14C(2), and 415-89 to allow the Applicant to provide beer, wine and mixed drinks with food to dine-in customers for breakfast and lunch as well as a small 8-10 seat bar area. The Applicant will not have a full bar but will be offering brunch style cocktails and beer. The Applicant anticipates offering dinner service in the future. The Applicant proposed use is only permitted by a special permit because there is a proposed that alcoholic beverages served with food in a B-2 zone at the premises know as and numbered 372 Market St, Rockland MA. The property is located in the B-2 Residence Zoning District and is further identified as Lot 45-150-0 on the Rockland Assessor's Maps. The owner of the property is OSJ of Rockland MA LLC, 375 Commerce Park Rd, N. Kingstown, RI 02852.

The Board certifies that it has complied with all statutory requirements relative to notice to abutters and new publication of notice of the public hearing and has filed copies of this decision and all plans referred to herein with the Town Clerk, Planning Board, and the Building Department pursuant to Mass. Gen. L. c. 40A, Section 11.

Advertised: November 19th, 2021, and November 26th, 2021, in the Patriot Ledger.

The Board lastly has taken into consideration testimony of the applicant, the application materials, plans and revised plans, and communications from various Town boards, abutters, and with interested parties.

A Public Hearing was held via remote at 8:00 P.M. on December 7th, 2021.

ATTENDANCE:

Board Members: Robert Rosa, Gregory Tansey, Timothy Haynes, Robert Baker, Jr., Robert Baker, Sr., Stephen Galley, (alt)

Also present: Land Use Counsel Attorney Robert W. Galvin as well as Building Commissioner/Zoning Enforcement Officer Thomas Ruble.

(All Board members were participating remotely)

MEMBERS VOTING: Chairman Robert Rosa, Gregory Tansey, Tim Haynes, Robert Baker, Jr., Robert Baker, Sr.

DISCUSSION ON December 7th, 2021

The Chairman of the Zoning Board introduces the members of the board advising to the public that all are participating remotely.

The Chairman asks the members of the ZBA for roll call vote to open the public meeting. The ZBA members take a roll call vote:

Robert Rosa – Yes, Greg Tansey – Yes, Timothy Haynes – Yes, Robert Baker, Jr – Yes, Robert Baker, Sr. – Yes. The vote is unanimous, and the public meeting has been opened.

The Chairman read the advertised notice in the Patriot Ledger with a Public Hearing Date of December 7th, 2021.

The Applicant is along with Matt Perkins are present at the hearing for the Special Permit.

Mr. Perkins speaks on behalf of the Applicant providing the members of the board with a brief background for the ownership/management of Stevie G's LLC. Andrew Loconsolo and his brother Matt Loconsolo both have grown up in Rockland, attended Rockland High School. In their younger years worked at Butterfields (the properties previous name for the establishment). They were both dish washers then later on cooks. Andrew is a chef at Black Rock Country Club, and Matthew is a Chef at Fresh Fest in Cohasset. They have been chefs for about 10 years. The owners of Butterfield's approached them to sell them the business. There will be no bar service, all alcohol will be served with food. They are currently updating and renovating the restaurant itself. They created a new dining room, updating the kitchen, also, making restroom handicapped accessible. With respect to the alcohol, the ZBA was presented with a plan. There will be a front bar type

seating area and behind that will be a cooler with a lock that the beer and cold drinks can be kept in. In the office in the back there will be a locked cabinet for the liquor. There will be no liquor behind the bar where you would see rows of liquor. They are making craft style cocktails so the emphasis is on fresh ingredients. Andrew is TIP certified, his wife Shannon who will be waitressing is also TIP Certified. The servers as well will be TIP certified. The alcohol will be delivered at the back door, there is no loading dock, and the rear of building is where the dumpsters are.

The Chairman discussed the conditions of the previous Special Permit for when the establishment was named Butterfields.

The Applicant testified that they are ok with mirroring the Special Permit conditions that were previously designed if the board wishes.

The Chairman opens it up to the members of the board for any questions they may have for the applicant.

Stephen Galley – no questions currently.

Robert Baker, Sr. asked the Applicant what their desired hours of operation will be.

The Applicant testified they will be closed on Mondays – Open Tuesday – Sunday 7:30 A.M. to 2:30 P.M.

Robert Baker, Jr. asked the Applicant do they plan on offering a separate brunch menu?

The Applicant testified no they do not. The menu will be the same throughout and they will be offering daily specials as well.

Robert Baker, Jr. stated that he recalled in the Application the Applicant indicated that at some point they many enter into dinner service asked if that is something way down the road or something happening soon?

The Applicant testified that is more down the road, they are hoping to eventually get there but they do not know when and if that will happen. They want to start off doing one thing really well first then as times change hopefully entertain that.

Robert Baker, Jr. stated that in the Application it was mentioned that they wanted to serve brunch style cocktails and he wasn't quite sure what those are.

The Applicant testified that those are more along the lines of the standard Mimosas, Bloody Mary's, Espresso Martini's, etc....

Robert Baker, Jr. asked the Applicant if there will be a cocktail menu?

The Applicant testified that there will probably be a limited menu 8-10 cocktails to order to be paired with food.

Robert Baker, Jr. asked the Applicant with respect to the small bar area what is that?

The Applicant testified that it is a 7-seat area – diner style where you can sit up at the countertop, there will be coffee served there, however you can order a drink there as well.

Robert Baker, Jr. asked if they will be submitting an updated site plan.

Building Commissioner Tom Ruble stated that there is no need for one. A lot of the work they are doing in the building is cosmetic and anything they needed a permit for they have pulled a permit for – he is not requiring an updated site plan.

Tom Ruble confirmed the one item he will need is an occupancy load.

Stephen Galley asked the Applicant what style of menu they will have.

The Applicant testified it will be a brunch style menu with an elevated twist.

Attorney Galvin asked who the Manager of the establishment will be.

The Applicant testified that himself (Andrew) as well as Matthew his brother will be the managers and one of them will be always at the establishment during the operating hours.

The Chairman opens it back up to the members of the public, asking if any of the attendees would like to speak either in favor or opposed to this applicant.

No one spoke in favor or opposed on behalf of the applicant.

The Chairman asked the members of the board for a motion to close the public portion of the meeting.

Robert Baker, Sr. made a motion to close the public portion of the meeting.

Robert Baker, Jr. seconded the motion.

The ZBA members take a roll call vote:

Robert Rosa – Yes, Greg Tansey – Yes, Timothy Haynes – Yes, Robert Baker, Jr – Yes, Robert Baker, Sr. – Yes. The vote is unanimous, and the public meeting has been closed.

The Chairman reads to the applicant the appeal process and states a decision will be made at tonight's hearing, and that they are welcome to stay and await the result.

DELIBERATION:

Upon a motion duly made Timothy Haynes and seconded by Robert Baker, Jr. in a roll call vote the Board voted unanimously (5-0) to GRANT, via roll call vote, with members, Robert Rosa, Greg Tansey, Tim Haynes, Robert Baker Jr., Robert Baker, Sr. in favor, the Special Permit, with the conditions to reflect as shown below.

CONDITIONS:

1. Andrew Loconsolo and Matthew Loconsolo would be Co-Managers of the Liquor License.
2. The Applicant must come back to the ZBA if there is a Change in Ownership or Management, any change in use or to extend hours of operation.
3. The Hours of Operation shall be:
 - a. Tuesday – Wednesday: 7:00 A.M. to 8:00 P.M.
 - b. Thursday – Saturday: 7:00 A.M. to 9:00 P.M.
 - c. Sunday: 7:00 A.M. to 6:00 P.M.
4. Employees must be TIPS certified as well as Co-Managers.
5. The name on the Liquor License shall read: Stevie G’s Restaurant, LLC
6. The ZBA will review this Special Permit in one year
7. Liquor License hours will be designated by the Board of Selectman who are the licensing authority for Alcohol Licenses.
8. Coolers shall be locked when liquor is not being sold and must meet any requirements of the license issued by the Rockland Board of Selectmen
9. No Alcohol is to be served without the accompaniment of food
10. The Applicant must meet requirements of all other Boards and permissions in the Town of Rockland.

REASON FOR DECISION/FINDING:

Upon motion duly made and seconded, the Board found that the Applicant is seeking a Special Permit for permission to apply to the Board of Selectman for a liquor license to be at the premises know as Stevie G’s Restaurant, LLC. The Board found that hours of operation will be as listed in the conditions stated above. Liquor hours are to be determined by the Board of Selectmen and the ABCC The Applicant needs a Special Permit because there will be alcohol served in a B-2 zone. The Board found that the management would be on site for the restaurant during hours of operation. The Board found that by granting the Special Permit with listed conditions contained herein, it would not be a derogation from the intent of the Zoning By-law.

NOTE:

- ❖ This decision may be appealed to the District Court, Housing Court, Land Court or Superior Court pursuant to Chapter 40A, Section 17. Said appeal must be filed within twenty (20) days after this decision is filed with the Town Clerk.
- ❖ Chapter 40A, Section 11, states that in part, that no variance or Special Permit shall take effect until the Town Clerk certifies that twenty (20) days have elapsed, and no appeal has been filed.
- ❖ This Board certifies that copies of this decision have been filed with the Planning Board as well as with the Town Clerk.

FOR THE ZONING BOARD OF APPEALS

A handwritten signature in black ink, reading "Robert C. Rosa III". The signature is written in a cursive style with a prominent "R" and "C".

Robert C. Rosa III
Chairman