



TOWN OF ROCKLAND

ZONING BOARD OF APPEALS

Town Hall - 242 Union Street
Rockland, Massachusetts 02370
Phone: 781-871-0154, ext. 1195
E-MAIL: zoning@rockland-ma.gov

DECISION OF THE ZONING BOARD OF APPEALS

DATE: JULY 19, 2022

DECISION: GRANT OF SPECIAL PERMIT TO OPERATE AN
ADULT USE MARIJUANA ESTABLISHMENT

APPLICANT: ROCKLAND OLD EXIT 14, INC.

APPLICANT'S ADDRESS: 1015 HINGHAM STREET, ROCKLAND MA

PROPERTY ADDRESS: 1015 HINGHAM STREET, ROCKLAND, MA

PROPERTY OWNER: 1015 HINGHAM STREET, LLC

OWNER'S ADDRESS: 80 WASHINGTON STREET, SUITE J40,
NORWELL MA 02061

TITLE REFERENCE: PLYMOUTH COUNTY REGISTRY OF DEEDS

The Rockland Zoning Board of Appeals has considered the request of Rockland Old Exit 14, Inc., the applicant, who in accordance with §415-38.5 of the Rockland Town Code Zoning Bylaws, is seeking a Special Permit to operate an Adult Use Marijuana Establishment for Retail Sales of Marijuana on the property at 1015 Hingham Street, Rockland, Massachusetts which is located in the H-1 (Industrial Park – Hotel) Zoning District and which is further identified as Map 4, Lot 11 on the Town of Rockland Assessors' Maps. The Board certifies that it has complied with all statutory requirements 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 MGL 40A, Section 11. The Board has taken into consideration testimony of the applicant, as well as communications from various town boards and with all other interested parties, which said testimony and communications are incorporated into the record of proceedings.

Remote Public Hearings were held, after notice and publication, via Zoom on May 31, 2022, at 7:30 P.M., and July 5, 2022, at 7:30 P.M. and were shown WRPS Rockland TV, the local cable access tv station.

The Board, consisting of Chairman Robert C. Rosa, III, Timothy Haynes, Robert Baker, Sr., Gregory Tansey, Robert Baker, Jr., and Stephen Galley (alternate), who attended remotely considered the applicant's request.

MATERIALS INCLUDED IN THE RECORD:

Application for Special Permit dated March 10, 2022 (with filing fees and envelopes with stamps)

Site Plans entitled "Proposed Commercial Building 1015 Hingham Street, Rockland, Massachusetts dated February 19, 2020, by Bracken Engineering, Inc. 49 Herring Pond Road, Buzzards Bay, MA 02532 (6 sheets), latest revision dated March 30, 2022.

Memorandum from MDM Transportation Consultants, Inc. of 28 Lord Road, Marlborough, MA dated March 11, 2022.

Interim As-Built plan by Bracken Engineering dated June 1, 2022.

Report of Amory Engineers, P.C. dated June 17, 2022.

Plan A-1, floor plan by Roth & Seelen, Inc. of 50 South Street, Hingham, MA dated June 17, 2022 (1 sheet)

MDM response to Amory Engineers, P.C. dated June 29, 2022.

Correspondence from town officials and boards, the Board's draft meeting minutes and notes are all included in the record.

DECISION ON SPECIAL PERMIT:

Upon a motion duly made and seconded, in a roll call vote the Board voted unanimously (5-0) to GRANT, via roll call vote, with members, Rosa, Tansey, Baker, Sr., Haynes and Baker, Jr. in favor, Special Permit for an Adult Use Retail Marijuana Establishment under §415-38.5, subject to conditions set forth herein.

FINDINGS:

Upon motions duly made and seconded, in roll call votes, the Board further voted unanimously (5-0) to find that the proposed uses are 1) designed to

minimize any adverse impacts on abutters and other parties of interest, as defined in M.G.L. c. 40A, § 11, 2) the establishment/applicant demonstrated that it will meet all the permitting requirements of all applicable agencies within the Commonwealth of Massachusetts and will comply with all applicable state and local laws and regulations; and 3) the applicant has satisfied all of the conditions, findings and requirements of the Zoning Bylaw as set forth herein.

REASON FOR DECISION:

Testimony at the public hearing indicated that the proposed adult retail use establishment, as depicted in the latest revised plans and as conditioned, will minimize any adverse impacts on abutters and other parties of interest, as defined in M.G.L. c. 40A, § 11, the applicant and its consultants have demonstrated that the proposed use and improvements will meet all the permitting requirements of all applicable agencies within the Commonwealth of Massachusetts and will comply with all applicable state and local laws and regulations; and that the applicant has satisfied all of the conditions, findings and requirements of the Zoning Bylaw applicable to the proposed use.

As depicted in the Site Plans the applicant proposes to occupy a 4,998 +/- s.f. commercial building for the proposed use of an adult use marijuana establishment.

The applicant's security plan, as proposed, was approved by the Rockland Police Department by letter dated March 14, 2022.

The property consists of 37,017 s.f. of lot area, has 315.36 feet of frontage on Hingham Street, and is situated in the H-1 (Industrial Park – Hotel) Zoning District and also further identified as Map 4, Lot 11 on the Town of Rockland Assessors' Maps. There are 23 total paved parking spaces provided, one which is designated and shall be maintained for handicap parking plus a designated loading space, in compliance with state and local laws and this Zoning Bylaw. Access and egress is proposed over a 24' wide access driveway from Hingham Street and a separate 24' wide access driveway over the abutting property at 1099 Hingham Street, Rockland, MA which said access shall be perpetual and evidenced by an easement recorded/registered at the Plymouth County Registry of Deeds.

The current owner of the property was granted a variance by this Board allowing certain dimensional relief associated with the location of the building on the property in a decision dated July 28, 2020 and also, prior to identification of this applicant, site plan approval by the Rockland Planning Board on August 25, 2020.

CONDITIONS:

The Special Permit is granted subject to the following conditions:

- (1) The Special Permit shall have a term limited to the duration of the applicant's ownership of the marijuana establishment. A special permit may be transferred only with the approval of the Zoning Board after a further public hearing and supported by all updated information required herein.
- (2) The Special Permit shall lapse if not exercised within two years from the date of issuance. The approved adult use marijuana establishment shall be required to remove all materials, plans, equipment and other paraphernalia within three (3) months of ceasing operations and shall notify the Building Commissioner and the Board of any cessation in business operations.
- (3) The premises shall only be used for the retail sale of adult use marijuana and related products.
- (4) All sales shall occur within the secure building.
- (5) The hours of operation of the approved establishment shall be:
 - (a) 9:00 A.M. to 9:00 P.M. Monday to Saturday.
 - (b) 10:00 A.M. to 7:00 P.M. on Sunday.
 - (c) Closed on Thanksgiving and Christmas Day.

Applicant shall come back to the Board for a review of hours six (6) months from the date of opening.
- (6) No smoking, burning or consumption of any product containing marijuana or marijuana-related products shall be permitted on the premises.
- (7) There shall be no drive-through service. There shall be no delivery service unless otherwise conducted by a state marijuana licensed delivery service.
- (8) No signage shall be permitted that contain designs or symbols that depict or display in any way marijuana products, equipment or plants, or other similar materials.
- (9) All traffic signs shall comply with applicable MassDOT sign standards.
- (10) All building signage shall comply with the current Rockland Zoning Bylaw.

- (11) There shall be no outside displays or storage of marijuana, related products or supplies or promotional materials of any type.
- (12) All marijuana waste shall be kept securely inside the premises and disposed of on a regular basis; non-marijuana related waste shall be kept in a dumpster that is fenced-in and disposed of on a regular basis.
- (13) Applicant shall submit to the Building Commissioner for review, the Interim As-Built Plan dated June 15, 2022, Traffic Plans, additional signage and pavement marking plans dated June 29, 2022, for compliance. If required by the Building Commissioner, the applicant shall obtain further approval for the site-specific improvements shown on the updated plans.
- (14) The applicant shall maintain the site distance triangle so that all trees and vegetation falling within that corridor are kept in a neat and trim condition to maintain the required AASHTO intersection site distance and stopping site distances necessary for safe and convenient access and egress.
- (15) Prior to the issuance of the occupancy permit and the commencement of use, the applicant shall address items 1-9 in the letter from Donald F. Bracken, Jr., P.E. of Bracken Engineering, Inc. dated June 15, 2022.
- (16) Based on an agreement with the applicant, there will not be any present limitation on access and egress from the unsignalized entrance/exit (north) at Hingham Street other than a right hand turn only requirement for exiting traffic controlled by signage. The applicant and the Board agree that there shall be a review of the traffic conditions associated with the unsignalized entrance/exit (north) at Hingham Street for the imposition of a condition further restricting access and egress to and from the site at a meeting to be conducted six (6) months from the date of opening. The applicant also agrees to the imposition of restrictions or limitations should the Board, in its discretion, conclude such restrictions or limitations are warranted after the review.
- (17) The applicant shall obtain approval from the Rockland Police Department for a traffic plan associated with the grand opening period and notify the Board once that is completed; and provide police details, as deemed necessary by the Rockland Police Department thereafter, at the applicant's cost and expense.
- (18) The applicant shall provide the Rockland Police Department with the names, phone numbers and email addresses of all management staff and keyholders to whom one can provide notice if there are operating problems associated with the establishment and update that list whenever there is any change in management staff or keyholders.

(19) The proposed adult use marijuana establishment shall be properly licensed by the Commonwealth of Massachusetts, maintain compliance with all state licensure requirements during its operations, and shall operate in compliance with all state laws and regulations, including without limitation, 950 CMR 500 et seq., which are incorporated herein by reference.

(20) The use shall be conditioned on the continued existence of an access and utility easement to the applicant which has been provided to the Zoning Board.

(21) Prior to the granting of the final occupancy permit and prior to opening to the public, the applicant shall provide a certified "Final Site As-built Plan" that shall be reviewed by both the town's peer review consultant and the building inspector's office for compliance with both this special permit and the original planning board approval dated August 25, 2020.

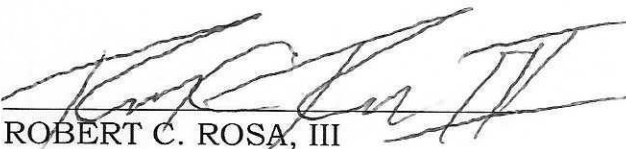
(22) The applicant shall record a copy of this Special Permit at its cost and expense with the Plymouth County Registry of Deeds/Registry District of the Land Court prior to the commencement of construction and provide a copy to the Building Commissioner and Zoning Board of Appeals.

(23) The applicant shall comply with all other local, state and federal permits and approvals where applicable.

APPEAL:

Any judicial appeal from this decision shall be made pursuant to MGL 40A, Section 17, and must be filed with the office of the Town Clerk within 20 days from the filing of this decision.

ROCKLAND ZONING BOARD OF APPEALS,

By: 
ROBERT C. ROSA, III
CHAIRMAN