



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

FINDINGS AND DECISION OF THE ZONING BOARD OF APPEALS

Decision: Grant of Variance

Date: November 1, 2022

Applicant: Forest Delahunt Development LLC
276 Weymouth Street, Rockland, Massachusetts

Property Address: 80 Bill Delahunt Parkway, Rockland, Massachusetts 02370

The Rockland Zoning Board of Appeals has considered the application of Forest Delahunt Development LLC with regard to the property located at: 80 Bill Delahunt Parkway, Rockland MA 02370 for an Appeal from a Decision of the Zoning Enforcement Officer dated August 18, 2022, and a Dimensional Variance pursuant to Zoning Bylaws Sections 415-41, Appeals, and Section 415-45, Regulations and signs allowed in each district, and Section 415-89.1, Zoning Variances, to allow applicant to construct a 100 SF aluminum wall sign on the façade of the premises that is currently under construction, known as the Lovell Academy and numbered 80 Bill Delahunt Parkway, Rockland, Massachusetts. The property is located in both the R-2 Residence Zoning District, Section 415-9 of the Bylaw, and the I-2 Industrial Park Zoning District, Section 415-16 of the Bylaw, and is further identified as Lot 3, Map 13, Lot 92, Map 14, and Lots 47 and 108, Map 19 on the Rockland Assessor's Maps. The owner of the property is Forest Hunt Development LLC, 276 Weymouth Street, Rockland, Massachusetts.

The Board certifies that it has complied with all statutory requirements relative to notice to abutters and publication of notice of the public hearing

Applicant: Forest Delahunt Development LLC
Property Address: 80 Bill Delahunt Parkway, Rockland, MA 02370
Hearing Date: October 18, 2022
Decision: Grant of Variance

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: September 27, 2022, and October 4, 2022, 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, all of which are incorporated herein by reference.

A Public Hearing was conducted remotely in accordance with the law at 7:48 P.M. on October 18, 2022.

ATTENDANCE:

Board Members: Robert C. Rosa, III, Gregory Tansey, Timothy Haynes, Robert Baker, Sr., Robert Baker, Jr., Stephen Galley, (alt), and Nicole Clement-Gomez (alt).

Also present:

Land Use Counsel Attorney Anthony Riley

Building Commissioner/Zoning Enforcement Officer Thomas Ruble.

(All Board members were participating remotely.)

Members Voting: Chairman Robert C. Rosa, III, Gregory Tansey, Timothy Haynes, Robert Baker, Jr. and Nicole Clement-Gomez.

DISCUSSION

The Chairman asked the Board if they had a problem with running both hearings (80 and 120 Bill Delahunt Drive) concurrently. Gregory Tansey asked if there would be a problem with advertising and the Chairman answered that both hearings were advertised to run at the same time. Attorney Riley opined that separate votes and separate decisions were required at the end of the hearings. The Board agreed to hear both hearings at the same time.

The Chairman of the Zoning Board introduced the members of the Board advising the public that all are participating remotely.

Applicant: Forest Delahunt Development LLC
Property Address: 80 Bill Delahunt Parkway, Rockland, MA 02370
Hearing Date: October 18, 2022
Decision: Grant of Variance

The Chairman asked the members of the ZBA for a roll call vote to open the public meeting. The ZBA members then took a roll call vote:

Robert C. Rosa, III – Yes, Gregory Tansey – Yes, Timothy Haynes – Yes, Robert Baker, Jr – Yes, Nicole Clement-Gomez – Yes. The vote was unanimous, and the public meeting was opened.

The Chairman read the advertised notices in the Patriot Ledger with a Public Hearing Date of October 18, 2022.

Kevin Grady, Grady Consulting, L.L.C., spoke on behalf of the Applicant and stated that both buildings were under construction. He then gave a presentation showing the signs.

The sign is not visible from any roadways. It is 100 Square Feet (hereafter “SF”) aluminum wall sign, at least the part it is hung on. The actual sign itself is smaller, approximately 9 x 9 or around 90 SF. This building is almost 4,000 square feet and is driveway facing front façade. The 100 SF coverage is 2.5% of the front of the building. The sign is designed to fit the size of the building.

Mr. Grady further explained that the only sign that will be seen from Bill Delahunt Parkway is a monument sign that is not before the Board tonight as it does conform with the ByLaw requirements.

The purpose of these signs is because of the large size of the buildings and that the signage needs to be seen from the entrances.

Mr. Grady then explained the position of the signs on the buildings and the setbacks.

Mr. Rosa asked about wetlands and Mr. Grady confirmed the wetland areas and woodlands, which are in perpetuity, and wetland resource areas, and conservation restrictions in perpetuity.

Mr. Grady asked if there were any questions. Mr. Rosa asked if the Board members had any questions.

Mr. Tansey had no questions.

Mr. Haynes wanted confirmation of the sign sheet that there would be no illumination on the Academy sign, which is correct. He also wanted to confirm

Applicant: Forest Delahunt Development LLC
Property Address: 80 Bill Delahunt Parkway, Rockland, MA 02370
Hearing Date: October 18, 2022
Decision: Grant of Variance

that the background color would match the color of the siding, and it was confirmed that it does.

Mr. Baker, Jr. had no questions.

Ms. Clement-Gomez had no questions.

Mr. Galley asked Mr. Rosa what the general spirit of the rule that the sign could not be bigger and a variance was required. The Chairman explained that there were specific square footage requirements for signs and that because of the size of the buildings and the size of the signs per the ByLaw would not work.

Mr. Baker, Sr. stated that because the signs were larger than 24 square feet the Building Inspector had to deny the building permit and Mr. Rosa stated that both applications stated an appeal from the building inspector because of that reason.

Mr. Grady stated that the process was submit and get denied and he wanted to make sure that they were covered and that he believes that they meet the merits of the variance request. It is not a distraction from the roadway, it is an arrival sign.

The unique circumstances of the signs are due to the size of the buildings. The other unique circumstances are that they cannot be seen from any of the travelled roadways and that they are set back significantly. The 4 variance requirements are met due to the circumstances of the lot conditions, enforcement of the ByLaw would cause a hardship and could be dangerous, there is no detriment to the public good, and it does not derogate from the intent or purpose of the ByLaw.

The Chairman then asked the Board if they had any further questions.

Mr. Tansey had no questions.

Mr. Baker, Jr. asked for clarification of the unique circumstances of the lot and Mr. Grady explained the soil conditions, shape and topography and the zoning of the property being in both residential and industrial zones.

Mr. Galley had no questions.

Mr. Haynes had no questions.

Applicant: Forest Delahunt Development LLC
Property Address: 80 Bill Delahunt Parkway, Rockland, MA 02370
Hearing Date: October 18, 2022
Decision: Grant of Variance

Ms. Clement-Gomez has no questions.

Mr. Baker, Sr. asked about the Academy diagram size for clarification purposes.

Mr. Rosa asked the public if anyone wanted to speak in favor of the project. No one spoke.

Mr. Rosa then asked if anyone wanted to speak in opposition of the project. Mr. Russ Corner of 380 Forest Street spoke in opposition.

The Chairman asked if anyone else wanted to speak in opposition and hearing none, he then asked Mr. Ruble if he had any comments.

Mr. Ruble stated he had no questions but wanted to refresh the Board that about 10 years ago they had the same issue on Longwater Drive and they did grant permission.

The Chairman then entertains a motion to close the public portion of the hearings.

Robert Baker, Jr. moves to close the public portion of the hearing.
Seconded by Gregory Tansey.

The Board takes a roll call vote: Mr. Rosa - Yes, Ms. Clement-Gomez - Yes, Mr. Haynes - Yes, Mr. Baker, Jr. - Yes, Mr. Tansey - Yes.

Mr. Rosa then told the applicant the Board would deliberate tonight and welcomed them to be present and informed them they will receive a decision in the mail with a date stamp and informed them of their obligations to request a certificate of no appeal. If no one has appealed to the Town Clerk, Certification and a copy of the original decision, record the decision at the Registry of Deeds, and provide proof of recording.

FINDINGS:

Upon a motion duly made by Stephen Galley and seconded by Robert Baker, Sr. the Board further voted unanimously (5-0), by roll call vote, to find that:

- 1) Conditions and circumstances are unique to the applicant's lot line

Applicant: Forest Delahunt Development LLC
Property Address: 80 Bill Delahunt Parkway, Rockland, MA 02370
Hearing Date: October 18, 2022
Decision: Grant of Variance

configuration, topographical conditions that exist on the lot and the soil conditions and Conservation Commission restriction easements, structure or building and do not apply to the neighboring lands, structures or buildings in the same district.

- 2) Strict application of the provisions of this bylaw would deprive the applicant of reasonable use of the lot, structure or building in a manner equivalent to the use permitted to be made by other owners of their neighborhood lands, structures or buildings in the same district.
- 3) The unique conditions and circumstances are not the result of actions of the applicant taken subsequent to the adoption of this bylaw.
- 4) Relief, if approved, will not cause substantial detriment to the public good or impair the purposes and intent of this ByLaw.
- 5) Relief, if approved, will not constitute a grant of special privilege inconsistent with the limitations upon other properties in the district.

DECISION ON VARIANCE:

Upon a motion duly made by Timothy Haynes and seconded by Robert Baker, Jr. the Board voted unanimously (5-0) to GRANT, via roll call vote, with members, Robert C. Rosa, III, Timothy Haynes, Gregory Tansey, Robert Baker, Jr. and Nicole Clement-Gomez in favor, a 76 square foot dimensional variance to allow the Applicant to construct a 100 SF aluminum wall sign on the façade of the premises that is currently under construction, known as the Lovell Academy and numbered 80 Bill Delahunt Parkway, Rockland, Massachusetts.

REASON FOR DECISION:

The Board determined that conditions as well the shape of this lot created dimensional hardships that were not caused by the current owner and would not detract from the purpose and intent of the ByLaws.

THIS DECISION, ALONG WITH THE CERTIFICATION FROM THE TOWN CLERK THAT NO APPEAL HAS BEEN FILED, MUST BE RECORDED WITH THE PLYMOUTH COUNTY REGISTRY OF DEEDS PRIOR TO OBTAINING A BUILDING PERMIT AND PROOF OF RECORDING MUST BE FILED WITH THE BUILDING COMMISSIONER.

Applicant: Forest Delahunt Development LLC
Property Address: 80 Bill Delahunt Parkway, Rockland, MA 02370
Hearing Date: October 18, 2022
Decision: Grant of Variance

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

By: 
Robert C. Rosa, III
Chairman