

TOWN OF ROCKLAND
ZONING BOARD OF APPEALS
APPLICATION FOR A PUBLIC HEARING

SECTION 1:

A. I/We hereby apply for a public hearing before the Zoning Board for the following:
(Check all that are applicable)

- ☐ Application for Dimensional Variance
☒ Application for a Use Variance
☐ Application for a Section 6 Finding
☐ Special Permit for Use permissible by Special Permit
☐ Appeal from a Decision of the Zoning Enforcement Officer
☐ Comprehensive Permit (Chapter 40B)

SECTION 2:

B. Answer all of the following questions that pertain to your application:

1. Address of the property in question: 18-20 East Water Street
2. Name(s) of Owner(s) of Property: BNS, LLC Andrew Shanahan, Manager
3. Owner's Address: c/o Att'y James S. Timmins 55 Willard Street Quincy MA 02169
4. Name of Applicant(s): Andrew Shanahan, Mgr BNS, LLC
5. Address of Applicant: 37 Bartlett Road, Plymouth MA 02360
6. Applicant's Phone: Home: _____ Work: (617) 376-0700
Cell: _____ Fax: (617) 376-2331
E-Mail: jtimmins@cronintimmins.com
7. State the Assessor's Map # 45 and Lot # 068 of the property.
8. State the Zoning District in which the property is located: Business (B-1)
9. Explain in-depth what you are proposing to do: New owner is seeking to legalize an existing rear residential unit. Only the rear unit is at issue - the use of the property is otherwise fully compliant. The property now has commercial units on the first floor along East Water Street with residential apartments above - compliant with the provisions, of the town's By-Law. The location of the first floor rear unit is such that it lacks appeal to attract a commercial use, and for this reason, was leased as a residence by the prior owner. Its location at the intersection of East Water and Union makes it very attractive for residential purposes - thus prompting this request.

10. Describe in detail any existing variance(s) or special permit(s) pertaining to this property. Copy/copies must be obtained at the Town Clerk's Office and must be attached to this application: N/A

11. List all applicable sections of the Zoning Bylaw that pertains to this application: 415-21.2(E)(3)(c), 415-89.1

12. If you are applying for a dimensional variance, state in detail any specific condition that effects the shape, soil, topography or structures on your lot that specifically effects your lot and does not effect the zoning district as a whole, and why these conditions cause a hardship to the land that warrants the granting of a variance (use a separate piece of paper if necessary) N/A

13. If this is an application for a special permit, describe in detail the permit you are seeking and provide the Board with specific information as to how the proposed use will meet the Performance Standards of the Zoning By-Laws of Rockland: N/A

14. If this is an appeal from a decision of the Zoning Enforcement Officer, state in detail the grounds upon which you claim that the Zoning Enforcement Officer/ Building Inspector's decision was in error. The Building Inspector denied the applicant's request to treat the rear unit as a pre-existing non-conforming residential use, and following discussion with the Inspector, the applicant has determined it would be most prudent to apply for relief from the provisions of the by-law requiring commercial use only on the first floor (415-21.2(E)(3)(c))

Signed: _____

Andrew Shanahan / Craig Borghesani
Andrew Shanahan, Manager/Craig Borghesani, Manager, BNS LLC

Owner(s) of Record

All owners must sign

Signed: _____

Applicant(s) If Different from owner

All applicants must sign

Signed: _____

James S. Timmins
Signature of Attorney (if any) James S. Timmins

Date: _____

August 19, 2022



TOWN OF ROCKLAND

Board of Assessors

Town Hall
242 Union Street
Rockland, Massachusetts 02370

November 30, 2022

CERTIFIED ABUTTERS LIST OF MAP 45 – PARCEL 68

18-20 EAST WATER ST

BOARD – ZBA

REQUIREMENTS – All abutters within 300 ft.

CERTIFIED BY:


Meg Peterson – Senior Administrative Assistant

Parcel ID	Owner	Location	Mailing Street	Mailing City
45-68	BNS LLC	18-20 EAST WATER ST	ATTN CRAIG BORGHESANI 1146 OLIVER AVE #C	SAN DIEGO CA 92109
39-293	HARTSUFF POST MEMORIAL ASSOC	34 SCHOOL ST	34 SCHOOL ST	ROCKLAND MA 02370
39-296	ROCKLAND FEDERAL CREDIT UNION	241 UNION ST	241 UNION ST	ROCKLAND MA 02370
45-29	YOUNG CATHERINE M ET AL TRS J R Y REALTY TRUST	188 UNION ST	610 LINCOLN ST	DUXBURY MA 02332
45-30	INGALLS PAUL J TRUSTEE 192-196 UNION ST REALTY TRUST	192-196 UNION ST	194 UNION ST	ROCKLAND MA 02370
45-58	FIRST BAPTIST CHURCH SOCIETY	200 UNION ST	200 UNION ST	ROCKLAND MA 02370
45-60	FIRST BAPTIST CHURCH SOCIETY	220 UNION ST	200 UNION ST	ROCKLAND MA 02370
45-62	PORCELLO ROBERTA TRUSTEE UNION STREET REALTY TRUST	217-225 UNION ST	30 SEAGAR FARM RD	MARSHFIELD MA 02050
45-63	SHARP ARTHUR H & PATRICIA E TR HARLYN TRUST	21-23 SCHOOL ST	105 REGATTA RD	N WEYMOUTH MA 02191
45-64	CONNOR JOHN M JR TRUSTEE UNION REALTY TRUST	207 UNION ST	26 EAST WATER ST	ROCKLAND MA 02370
45-65	BORR THOMAS WAYNE	199-203 UNION ST	199-203 UNION ST	ROCKLAND MA 02370
45-66	RETZOS ODYSSEAS	197 UNION ST	197 UNION ST	ROCKLAND MA 02370
45-69	22-26 E WATER LLC CONNOR JOHN MGR	22-26 EAST WATER ST	26 EAST WATER ST	ROCKLAND MA 02370
45-70	AMOROSO JOSEPH STEVEN	32 EAST WATER ST	51 CAIN AVE	WEYMOUTH MA 02189
45-71	TULLIS TIMOTHY J & SUSAN C/O COVIELLO CHRIS	40 EAST WATER ST	231 MANNS DR	HANOVER MA 02339
45-72	MCFALL ANDRY L & TIMOTHY C	31 SCHOOL ST	31 SCHOOL ST	ROCKLAND MA 02370
45-73	LANE PATRICK K & NOREEN J	46 EAST WATER ST	46 EAST WATER ST	ROCKLAND MA 02370
45-74	PJ REALTY GROUP LLC	39 SCHOOL ST	PO BOX 2183	ABINGTON MA 02351
45-75	CONDON MICHAEL R & BURRILL JENNIFER L	54 EAST WATER ST	3 WEBSTER SQ PMB 287	MARSHFIELD MA 02050
45-78	ACS REALTY LLC	41-45 EAST WATER ST	10 CORNET STETSON DR	ROCKLAND MA 02370
45-79	WALSH PAUL J	39 EAST WATER ST	39 EAST WATER ST	ROCKLAND MA 02370
45-80	N&R AUTO REPAIR INC	31 EAST WATER ST	31 EAST WATER ST	ROCKLAND MA 02370
45-81	SIYASHAM LLC	21 EAST WATER ST	21 EAST WATER ST	ROCKLAND MA 02370



TOWN OF ROCKLAND

Board of Assessors

Town Hall
242 Union Street
Rockland, Massachusetts 02370

45-82	ROCKSWITCH REALTY LTD PARTNERS	175-REAR UNION ST	ATTN ELECTROSWITCH 775-1 PLEASANT ST	WEYMOUTH MA 02189
45-84	REILLY ENTERPRISE GROUP INC	167 UNION ST	167 UNION ST	ROCKLAND MA 02370
45-223	NORTON CHERYL A TRUSTEE TAILS REALTY TRUST	209-215 UNION ST	PO BOX 2697	QUINCY MA 02269
45-225	SIYASHAM LLC	0 UNION ST	21 EAST WATER ST	ROCKLAND MA 02370

Planning Boards: Rockland, Abington, Whitman, Norwell, Hanson, Hanover, Hingham & Weymouth:

Rockland Board of Assessors (Notice of decision only)

The above constitutes a complete list of all parties in interest as found in the most recent tax list, pursuant to Chapter 40A, Section 11, of the General Law.

Any person or entity that is requesting an abutters' list where the subject property abuts or is located within 300 feet of the town's boundary line with another town is advised to obtain a certified abutters' list for abutters and abutters to abutters within 300 feet in the adjoining town.

LIST IS VALID FOR 90 DAYS

State Tax Form 290
Certificate: 6996
Issuance Date: 08/08/2022

MUNICIPAL LIEN CERTIFICATE
Town of Rockland, MA
COMMONWEALTH OF MASSACHUSETTS

Requested by LAW OFFICE OF JAMES S TIMMINS
55 WILLARD STREET
QUINCY, MA 02169

I certify from available information that all taxes, assessments and charges now payable that constitute liens as of the date of this certificate on the parcel of real estate specified in your application received on 08/08/2022 are listed below.

DESCRIPTION OF PROPERTY

Parcel ID: 45-0068	18 20 EAST WATER ST
	Land area : 0.08 AC
BNS LLC	Land Value : 149,400
ATTN CRAIG BORGHESEANI	Impr Value : 356,400
1146 OLIVER AVE #C	Land Use : 0
SAN DIEGO CA 92109	Exemptions : 0
	Taxable Value: 505,800

Deed date: Book/Page:
Class: 010-RES MIXED

FISCAL YEAR	2023	2022	2021
DESCRIPTION			
COMMERCIAL REAL ESTATE TAX	\$1,536.62	\$2,965.25	\$1,158.11
COMMUNITY PRESERVATION ACT	\$52.84	\$101.96	\$60.94
RESIDENTIAL REAL ESTATE TAX	\$2,853.73	\$5,506.90	\$4,632.42
TOTAL BILLED:	\$4,443.19	\$8,574.11	\$5,851.47
Charges/Fees	\$0.00	\$0.00	\$30.00
Abatements/Exemptions	\$0.00	\$0.00	\$0.00
Payments/Credits	-\$2,221.60	-\$8,574.11	-\$5,881.47
Interest to 08/08/2022	\$0.00	\$0.00	\$0.00
TOTAL BALANCE DUE:	\$2,221.59	\$0.00	\$0.00

NOTE: Actual 2023 taxes not yet issued.

OTHER UNPAID BALANCES:
2020 I & E RE PENALTY \$0.01
TOTAL OTHER UNPAID BALANCES: \$0.01

FINAL READINGS/WATER,SEWER AND TRASH LIENS CALL:
WATER 781/878-0901; SEWER 781-878-1964; 781-871-1874 EXT 1005
ACCT 4015
DUE DATE 7/30/2022
WATER: \$461.69
SEWER \$390.45
TRASH: \$1638.56
SEWER BETTERMENT: NO



JUDITH A HARTIGAN
TOWN COLLECTOR

EXHIBIT

1

Doc#: 00112373
Bk: 55775 Pg: 324 Page: 1 of 2
Recorded: 10/01/2021 02:10 PM
ATTEST: John R. Buckley, Jr. Register
Plymouth County Registry of Deeds

MASSACHUSETTS EXCISE TAX
Plymouth District ROD #11 001
Date: 10/01/2021 02:10 PM
Ctrl# 150697 00915
Fee: \$4,058.40 Cons: \$890,000.00

QUITCLAIM DEED

I, KEVIN KANE LLC, a Massachusetts Limited Liability Company, with a principal address of 100 Hawthorn Road, Braintree, MA 02184,

for consideration paid in the amount of EIGHT HUNDRED NINETY THOUSAND AND 00/100 (\$890,000.00) Dollars,

hereby grant to BNS, LLC, a Massachusetts Limited Liability Company, with a principal address of 37 Bartlett Road, Plymouth, MA 02360

with QUITCLAIM COVENANTS

The land with the buildings thereon, situated in Rockland, Plymouth County, Massachusetts, located on the northerly side of East Water Street, bounded and described as follows:

SOUTHEASTERLY	by East Water, 37.93 feet;
SOUTHWESTERLY	by land now or formerly of Ethel Yarros, 90.40 feet;
NORTHWESTERLY	by lands of land now or formerly of Ethel Yarros and St. Alphonsus Catholic Total Abstinence Society, 40.75 feet; and
NORTHEASTERLY	by land now or formerly of Annie T. Brown, 79.77 feet.

The land contains 3,375 square feet and is shown on a "Plan of Land in Rockland, Mass. Owned by Peter Sogmonian---Sep. 1, 1960", by C.L. Baxter, Hanover, Mass., Reg. Surv'r., and recorded in the Plymouth County Registry of Deeds in Book 3756, Page 25.

The within conveyance is made subject to and with the benefit of easements and restrictions of record insofar as the same are in force and applicable.

For Grantor's title see Deed recorded in Book 53924, Page 194

This deed releases any and all homestead rights created either automatically by operation of law or by a written declaration that is recorded. The Grantor waives any and all rights of Homestead in and to the premises conveyed hereby and warrants under the pains and penalties of perjury that no other individuals are entitled to any rights of Homestead under M.G.L.c. 188 in the premises conveyed herein.

PROPERTY ADDRESS: 18-20 East Water Street, Rockland, MA 02370

WITNESS my hand and seal this 29th day of September 2021.

KEVIN KANE LLC



By Kevin Kane, Its Manager

COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss.

September 29, 2021

On the date first above written, before me, the undersigned notary public, personally appeared KEVIN KANE, Manager of KEVIN KANE LLC, who proved to me through satisfactory evidence of government-issued picture identification which was ☒ State-Issued Driver's License; ☐ State ID; ☐ Passport; ☐ Other Government Issued ID; or upon my personal knowledge of the undersigned, known by me and to me known to be the person who executed the foregoing document, and further acknowledged that he executed the foregoing as his free act and deed, and who swore or affirmed to me the statements contained therein are truthful and accurate to the best of his knowledge and belief.



Notary Public:
My Commission Expires:



Jeffery Johnson
NOTARY PUBLIC
Commonwealth of
Massachusetts
My Commission Expires
October 25, 2024

EXHIBIT

2





EXHIBIT

3

Fw: 18 EAST WATER STREET, Rockland, MA

From: A S (colonialshanahan@yahoo.com)

To: jtimmins@cronintimmins.com

Date: Monday, August 22, 2022 at 11:08 AM EDT

Sent from Yahoo Mail for iPhone

Begin forwarded message:

On Friday, August 19, 2022, 9:03 AM, A S <colonialshanahan@yahoo.com> wrote:

Sent from Yahoo Mail for iPhone

Begin forwarded message:

On Friday, August 19, 2022, 9:01 AM, Meredith Conrad <ct009712@mlspin.net> wrote:



MLS # 30001941 - Sold

Commercial/Industrial - 5+ Residential

18 EAST WATER STREET

List Price: **\$149,900**

Rockland, MA 02370

Sale Price: **\$125,000**

Plymouth County

Directions: **ROCKLAND CENTER OFF UNION ST**

Remarks

FIVE 1 BEDROOM UNITS ALL RENTED PLUS STOREFRONT CURRENTLY VACANT.GOOD DOWNTOWN LOCATION, MUCH UPDATING HAS BEEN DONE SOME STILL NEEDED. TO SEE NUMBERS PLEASE CALL THE OFFICE, NEED APPOINTMENT TO SHOW

Building & Property Information

	# Units	Square Ft.	Assessed Value(s)	
Residential:	5	0	Land: \$0	Space Available For: For Sale
Office:	0	0	Bldg: \$0	Lease Type: Other (See Remarks)
Retail:	1	0	Total: \$205,800	Lease Price Includes: Other (See Remarks)
Warehouse:	0	0		Lease: No Exchange: No
Manufacturing:	0	0	# Buildings: 0	Sublet: No
			# Stories: 0	21E on File:
Total:	6	0	# Units: 5	
Drive in Doors: 0		Expandable: No		Gross Annual Inc: 0
Loading Docks: 0		Dividable:		Gross Annual Exp: 0
Ceiling Height: 0		Elevator:		Net Operating Inc: 0
# Restrooms: 0		Sprinklers:		Special Financing:
Hndcp Accessibl:		Railroad siding:		Assoc: Assoc Fee:

Lot Size: **3,536 Sq. Ft.**
 Acres: **0.08**
 Survey:
 Plat Plan:
 Lender Owned: **Undisclosed**

Frontage: **0**
 Depth: **0**
 Subdivide:
 Parking Spaces: **5**
 Short Sale w/Lndr.App.Req: **Unknown**

Traffic Count: **0**
 Lien & Encumb:
 Undrgrnd Tank:
 Easements:

Features

Location: **Downtown**
 Parking Features: **1-10 Spaces**
 Utilities: **Public Water, Public Sewer**

Other Property Info

Disclosure Declaration: **No**
 Exclusions:
 Year Established: **9999**
 Year Established Source: **Owner**

Tax Information

Pin #:
 Assessed: **\$205,800**
 Tax: **\$2,348.18** Tax Year:
 Mill Rate: **0**
 Book: **0** Page: **0**
 Cert: **0**
 Zoning Code: **BUS**
 Zoning Desc: **Other (See Remarks)**
 Map: Block: Lot:

Compensation

Sub-Agent: **2.5** Buyer Agent: **2**
 Facilitator:
 Compensation Based On:

Market Information

Listing Date: **11/14/1993**

Days on Market: Property has been on the market for a total of **1570** day(s)

Expiration Date:

Original Price: **\$169,900**

Off Market Date: **3/3/1998**

Sale Date: **3/4/1998**

Sale Price: **\$125,000**

Offer Date: **3/3/1998** Days to Offer: **5549**

Listing Market Time: MLS# has been on for **1570** day(s)

Office Market Time: Office has listed this property for **1570** day(s)

Cash Paid for Upgrades:

Seller Concessions at Closing:

Financing: **Conv. ARM**

Sale-to-List Ratio: **83.39%**

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