

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 - (Parking)
- ☐ 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: 167 Union St. Rockland
2. Name(s) of Owner(s) of Property: Brenda Kelley
3. Owner's Address: 167 Union St
4. Name of Applicant(s): Walter T. Barry
5. Address of Applicant: 225 Prospect St Hingham MA 02043
6. Applicant's Phone: Home: 781 740 4315 Work: _____
Cell: 781 974-8717 Fax: _____
E-Mail: WTBARRY INC & COMMERCIAL, INC
7. State the Assessor's Map # 45 and Lot # 80 of the property.
8. State the Zoning District in which the property is located: B-1
9. Explain in-depth what you are proposing to do: to Transfer of liquor license
section 415-13 A (3) (b)
2c parking

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:

11. List all applicable sections of the Zoning Bylaw that pertains to this application:

Liquor Lic transfer Oct 15, 2002
Modification of special permit July 19, 2012
Special permit, Aug 31, 2009, Serve Hard Alcohol
" " Aug 17, 2009, outdoor seating
" " July 18, 2009, Gas meters, regulator
June 16, 2009, Patio

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)

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:

Liquor Lic.
parking

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:

11. List all applicable sections of the Zoning Bylaw that pertains to this application:

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)

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:

Liquor Lic.
parking

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. NA

Signed: _____

Owner(s) of Record

All owners must sign

Signed: _____

Will T. Ben
Applicant(s) If Different from owner

All applicants must sign

Signed: Brida Kelly

Signature of Attorney (if any)

Date: Jan 11, 2023

10. A. Special Permit

Bk. 23636 Pg. 169-173 * Transfer of Liquor license

from Joseph E. DeAndrade to Brenda Kelley and current license of the Hotel Thomas.
(copy of special permit, here in packet dated Dec 10, 2002)

11. A. Special permit: 415-13 Section 3B Liquor license transfer (2A parking)

B. Special permit: 415-89

415-22E

Parking

13. Special Permit: Liquor license transfer

Transfer existing liquor license from Brenda Kelley to 167 Union Street LLC, William T. Barry. As well as the Inn Holder's license. This existing use pub, restaurant is being transferred to 167 Union Street LLC for the continued use as a business in town, that has served the town for over 100 years.

Special Permit: Parking

Seeking relief from parking in a B-1 zone which allows for street parking. The off street parking along side of the property was executed and is also part of the parking requirement

Narrative

The Banner

167 Union Street Rockland

The building at 167 Union Street has multiple uses for the businesses.

The Banner Pub is an Irish American based full- service food and drink establishment which serves breakfast, lunch and dinner.

Desserts/baked goods and coffee drinks are also offered on the breakfast, lunch and dinner menus and are baked in house.

The second floor has 10 units of residential housing.



TOWN OF ROCKLAND

Board of Assessors

Town Hall
242 Union Street
Rockland, Massachusetts 02370

January 11, 2023

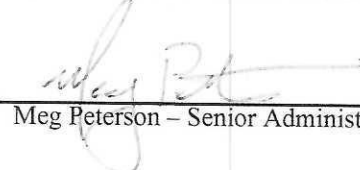
CERTIFIED ABUTTERS LIST OF MAP 45 – PARCEL 84

167 UNION STREET

BOARD – ZBA

REQUIREMENTS – Abutters, next abutter within 300 ft and directly across a public or private street or way.

CERTIFIED BY:


Meg Peterson – Senior Administrative Assistant

Key	Parcel ID	Owner	Location	Mailing ST	Mailing City
4717	45-84	REILLY ENTERPRISE GROUP INC	167 UNION ST	167 UNION ST	ROCKLAND MA 02370
2392	45-28	BOLDUC ERIC J & JENNIFER A	27 WEST WATER ST	27 WEST WATER ST	ROCKLAND MA 02370
4700	45-29	YOUNG CATHERINE M ET AL TRS J R Y REALTY TRUST	188 UNION ST	610 LINCOLN ST	DUXBURY MA 02332
4701	45-30	INGALLS PAUL J TRUSTEE 192-196 UNION ST REALTY TRUST	192-196 UNION ST	194 UNION ST	ROCKLAND MA 02370
4702	45-31	DELGIZZI DAVID	12 LINDEN ST	3 BITTERSWEET LN	WESTON MA 02493
2393	45-32	DESJARDINS ROSE MARIE	16 LINDEN ST	16 LINDEN ST	ROCKLAND MA 02370
2394	45-33	CHEU CHRISTOPHER	18-24 LINDEN ST	17 WAKEFIELD AV	WAKEFIELD MA 01880
2395	45-34	OHANDLEY ELIZABETH R	26 LINDEN ST	26 LINDEN ST	ROCKLAND MA 02370
4707	45-65	BORR THOMAS WAYNE	199-203 UNION ST	199-203 UNION ST	ROCKLAND MA 02370
4708	45-66	RETZOS ODYSSEAS	197 UNION ST	197 UNION ST	ROCKLAND MA 02370
4709	45-68	BNS LLC	18-20 EAST WATER ST	ATTN CRAIG BORGHESANI 1146 OLIVER AV #C	SAN DIEGO CA 92109
4710	45-69	22-26 E WATER LLC OCONNOR JOHN MGR	22-26 EAST WATER ST	26 EAST WATER ST	ROCKLAND MA 02370
4713	45-80	N&R AUTO REPAIR INC	31 EAST WATER ST	31 EAST WATER ST	ROCKLAND MA 02370
4714	45-81	SIYASHAM LLC	21 EAST WATER ST	21 EAST WATER ST	ROCKLAND MA 02370
4715	45-82	ROCKSWITCH REALTY LTD PARTNERS	175-REAR UNION ST	ATTN ELECTROSWITCH 775-1 PLEASANT ST	WEYMOUTH MA 02189
4718	45-85	SHANAHAN JOHN J TRUSTEE UNION STREET TRUST	159-161 UNION ST	37 BARTLETT RD	PLYMOUTH MA 02360
4719	45-86	BNS LLC C/O CRAIG BORGHESANI	143-151 UNION ST	1146 OLIVER AV #C	SAN DIEGO CA 92109
4720	45-88	MAGOUN ROBERT W & BARBARA TRS	135 UNION ST	135 UNION ST	ROCKLAND MA 02370
2423	45-89	ENMAN KEITH D & DONNA M	20 VERNON ST	20 VERNON ST	ROCKLAND MA 02370
2424	45-90	CALAMITO LINDA S	30 VERNON ST	30 VERNON ST	ROCKLAND MA 02370
2425	45-91	FRANCISCO GEORGE A & KRISTIN M	38 VERNON ST	38 VERNON ST	ROCKLAND MA 02370
2426	45-92	AKENJI BIH M & TABUFOR NDE	44 VERNON ST	44 VERNON ST	ROCKLAND MA 02370

TOWN OF ROCKLAND

Board of Assessors

Town Hall

242 Union Street

Rockland, Massachusetts 02370



2427	45-93	RICHARDSON JOHN M JR & DENISE A	46 VERNON ST	46 VERNON ST	ROCKLAND MA 02370
5897	45-161-1	SYLVIA JOHN & SYLVIA ANDREA	132-REAR UNION ST	110 MYRTLE ST	ROCKLAND MA 02370
5898	45-161-2	MURPHY EILEEN	132 UNION ST	82 PLEASANT ST	HANOVER MA 02339
2453	45-162	PESCADOR LLC	140 UNION ST	419 CONCORD ST	ROCKLAND MA 02370
2454	45-163	BERRY THOMAS A	148 UNION ST	16 VILLAGE WAY	PEMBROKE MA 02359
2455	45-164	GAGNON ADAM	154 UNION ST	30 CHERRY ST	BRIDGEWATER MA 02324
4721	45-165	CUSTOM REAL ESTATE LLC	166 UNION ST	166 UNION ST	ROCKLAND MA 02370
4722	45-166	8 W WATER ST LLC	8-16 WEST WATER ST	C/O XUEBIN ZHENG, MANAGER 71 VASSALL ST	QUINCY MA 02170
2456	45-167	BLAKE ALTON	28 WEST WATER ST	28 WEST WATER ST	ROCKLAND MA 02370
2457	45-168	BEALS JASON & SCHOONOVER JENNIFER	38 WEST WATER ST	38 WEST WATER ST	ROCKLAND MA 02370
4729	45-224	SHANAHAN ANDREW J TRUSTEE 155 UNION STREET RLTY TRUST	153-155 UNION ST	ATTN JOHN BATISTA 1094 LIBERTY ST	BRAINTREE MA 02184- 8262
4730	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: 7179
Issuance Date: 12/29/2022

MUNICIPAL LIEN CERTIFICATE
Town of Rockland, MA
COMMONWEALTH OF MASSACHUSETTS

Requested by WILLIAM BARRY
379 UNION ST
ROCKLAND MA 02370

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 12/29/2022 are listed below.

DESCRIPTION OF PROPERTY

Parcel ID: 45-0084

167 UNION ST

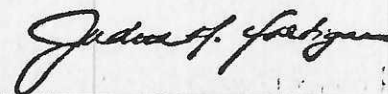
REILLY ENTERPRISE GROUP INC
167 UNION ST
ROCKLAND MA 02370

Land area : 0.16 AC
Land Value : 138,100
Impr Value : 437,100
Land Use : 0
Exemptions : 0
Taxable Value: 575,200

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

FISCAL YEAR	2023	2022	2021
DESCRIPTION			
COMMERCIAL REAL ESTATE TAX	\$4,121.21	\$4,239.22	\$3,440.45
COMMUNITY PRESERVATION ACT	\$117.67	\$119.39	\$91.37
RESIDENTIAL REAL ESTATE TAX	\$5,245.18	\$5,395.38	\$4,378.75
I & E RE PENALTY	\$50.00	\$50.00	\$50.00
TOTAL BILLED:	\$9,534.06	\$9,803.99	\$7,960.57
Charges/Fees	\$0.00	\$0.00	\$30.00
Abateements/Exemptions	\$0.00	\$0.00	\$0.00
Payments/Credits	-\$2,527.31	-\$9,803.99	-\$7,990.57
Interest to 12/29/2022	\$50.41	\$0.00	\$0.00
TOTAL BALANCE DUE:	\$7,057.16	\$0.00	\$0.00
TOTAL TAX INTEREST PER DIEM:	\$0.9694		

FINAL READINGS WATER, SEWER AND TRASH LIENS CALL:
WATER 781-878-0901; SEWER 781-878-1964; 781-871-1874 EXT 1005
ACCT 6150
DUE DATE 12/29/2022
WATER: N/A
SEWER: N/A
TRASH: N/A
SEWER BETTERMENT: NO



JUDITH A HARTIGAN
TOWN COLLECTOR

THIS FORM APPROVED BY THE COMMISSIONER OF REVENUE

Narrative

167 Union Street Rockland

The building at 167 Union Street Rockland MA has encountered several obstacles for which I've identified and here in will show you my efforts to fix. The building itself requires extensive updating throughout, which will be addressed through architectural plans, meetings with building officials and the new owner.

The zoning of 167 Union Street is a B-1 district with a 40R overlay, business zoned. It is in an area of town where Smart Growth overlay is in (new growth to an old zoning district is what 40R was intended for in a downtown setting, so as to prevent businesses from leaving and allowing zoning for new growth).

The 167 Union Street building has been in town for over 100 years and in that time a lot has changed. This parcel has lacked parking for its intended use, but for the B-1 zone, which allows parking on the public street. Street parking within the 400 feet, allowable area for parking at The Banner (167 Union Street,) is upwards of 80 spaces. During the hours of 9am-5pm these parking spaces are used intermittently but at 5pm they become open for use. Most businesses at this end of Union St. close for the day. The efforts to obtain parking in the immediate 400 ft radius of The Banner (167 Union Street) has been eventful. My list includes funeral home, Brazilian church, glass company, karate studio, sandpaper factory, Electros witch, T & G realty office and other misc. businesses, with no real parking. This seemed futile until I approached Vinnay, Siyasham LLC, who owns parcel ID 45-304.

I have worked extensively with Vinnay and have come to an agreement on 17 spots labeled on the plans by Merrill Assoc. Job no. 22-736 dated 1-5-23. This plan also shows encroachment of 167 Union St (The Banner) on to his property of which we have agreed to an easement. The use of this parcel allows for 17 parking spots, dumpster area, delivery access for 167 Union St. and to clean the title on the property with easement.

My efforts, for researching the parking, have shown my intent to fix, where I can, some of these issues for this property, which hasn't been accomplished previously. The effort continues for the need to gather more access to parking in this downtown area. Both myself and Vinnay will be putting a plan together for a proposal to Electros witch, allowing more parking area for the business in this corner of Rockland. Collectively, I hope these efforts pan out, but only touch on this possibility, for I've only been involved recently. This will require a lot of effort of favorable owners and hoping to alleviate parking and in turn provide more opportunities to local businesses.

Sincerely,

William Barry