



TOWN OF ROCKLAND ZONING BOARD OF APPEALS

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FINDINGS AND DECISION OF THE ZONING BOARD OF APPEALS

ZBA Case No.: 2023-13

Date: October 20, 2023

Decision: Application withdrawn without prejudice at request of applicant

Applicant: Achieve Lacrosse, LLC

Property Owner: Suffolk Advisors Acquisition LLC

Property Address: 401 VFW Drive, Rockland, Massachusetts

The Rockland Zoning Board of Appeals has considered the application submitted by Achieve Lacrosse, LLC, 42 Chestnut Street, Boston, MA 02108, for a Special Permit and/or Use Variance pursuant to Zoning Bylaws Sections 415-15C(2) and 415-89, Uses requiring special permit, Commercial/recreational facilities, and/or Section 415-89.1, Zoning Variances, to allow applicant to conduct a lacrosse program for girls that provides lacrosse training and club team opportunities. The space will be used as the company's offices and as an athletic facility of approximately 5,000 square feet. The space may also be used for general fitness training at the premises known as and numbered 401 VFW Drive, Rockland, Massachusetts. The property is located in the I-1 Limited Industrial Zoning District, Section 415-15 of the Bylaw, and is further identified as Lot 5, Map 20, on the Rockland Assessor's Maps. The owner of the property is Suffolk Advisors Acquisition LLC, 57 Bedford Street, Lexington, Massachusetts 02420.

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.

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DECISION: APPLICATION WITHDRAWN AT REQUEST OF APPLICANT

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Advertised: September 19, 2023, and September 26, 2023, in the Patriot Ledger.

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

A virtual remote Public Hearing was held via Zoom at 7:30 P.M. on October 3, 2023.

ATTENDANCE:

Board Members: Gregory Tansey, Robert Baker, Jr., Robert Baker, Sr. and Stephen Galley.

Also present:

Building Commissioner/Zoning Enforcement Officer Thomas Ruble

MEMBERS VOTING: Gregory Tansey, Robert Baker, Jr., Robert Baker, Sr., and Stephen Galley.

DISCUSSION:

As Robert Rosa, III, was not in attendance, Gregory Tansey acted as Chairman of the Zoning Board and introduced the members of the Board advising the public that the hearing is being recorded.

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

Gregory Tansey – Yes, Robert Baker, Sr. – Yes; Stephen Galley – Yes, Robert Baker, Jr. – Yes. The vote was unanimous and the public hearing was opened.

The Chair read the advertised notice in the Patriot Ledger with a Public Hearing Date of October 3, 2023.

Kathleen Hansen, Business Manager of Achieve Lacrosse, LLC, spoke on behalf of the applicant giving the background of the company and testified that the company provides supplemental training for both members and non-club members. There are 3 full time and 3 part time employees and the office

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hours are 9:00 a.m. to 3:00 p.m. for the most part with individual training done after school, nights and weekends. They are seeking expansion space from their current office in Canton and most of the training is done off-site.

The Chair then opened the meeting to the Board for questions.

Mr. Baker, Sr. had no questions.

Mr. Baker, Jr. asked for clarification of the student population and applicant stated 3rd through 12th grade. Applicant further explained that there would be existing members and individuals who were not members who would be doing lacrosse training and/or fitness training but it would not be an overall gym.

Mr. Galley asked if the applicant was seeking a special permit or a use variance. Mr. Tansey stated that the property was in an Industrial Zone and the use is not an industrial use and discussion ensued with the applicant explaining the operating office hours and they expected to expand after-school hours, weekends and holidays. Mr. Ruble wanted clarification that the applicant could seek a use variance if a special permit was not allowed.

Mr. Tansey wanted to know about the business operation. Applicant stated there were 6 employees from 9:00 a.m. to 3:00 p.m. on the administrative side and 2 additional coaches at 5:00 p.m. to 6:00 p.m. so possibly 6 coaches and 15 children on the high end if everyone was there at the same time. It's typically 1 on 1 for 1 hour average training or they could accommodate more.

Mr. Tansey said if 18 people with cars overlap at change time it could be 33 cars with small kids in an industrial building with moving industrial equipment, heavy trucks, loading doors. The site plan shows 67 spaces for entire facility with the potential that 33 spaces would be needed or minimum of 12 spaces when students vacate. There was discussion about student pick ups and drop offs.

Mr. Ruble stated that on the right hand side, 2 story building with 6 units, the 3 D drawing is Suite 3. He would need occupancy loads. He further stated a couple of the tenants are out in the field and are not there during the day so basically use for storage. Spaces are probably adequate for the unit. Possibly have signage for children or to go slow. There were no restrictions regarding hours or days of operation.

Mr. Baker, Sr. asked with school in, would administrative offices be 9:00 a.m. to 3:00 p.m. and training from 3:00 p.m. to 6:00 p.m. into weekends for training and coaching and the administrators teach and all are coaches.

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Mr. Galley asked if competitions would be at the facility and was advised no.

Robert Baker, Jr. wanted to know hours on a daily basis when the space would be locked and unlocked including weekend days and evening hours. Applicant stated weekends could be 9:00 a.m. to 5:00 p.m. depending on scheduling. Most weekends they were travelling to tournaments or at alternate sites.

Mr. Galley asked about summer training and programs and was answered there could be different hours which could expand.

Mr. Tansey then opened the meeting to the public.

No one spoke in favor.

No one spoke in opposition.

Robert Baker, Sr. made a motion to close the public hearing.

Mr. Baker, Jr. seconded the motion.

A roll call vote was taken. Gregory Tansey – Yes; Robert Baker, Sr. – Yes; Stephen Galley – Yes; Robert Baker, Jr. – Yes.

The vote was unanimous and the public portion of the hearing was closed.

The Chair read to the applicant the appeal process and stated a decision will be made later the same night and that the applicant was welcome to be present during deliberations and informed him of his obligation to request a certificate of no appeal. If no one has appealed to the Town Clerk, the certification and an attested copy of the original decision will need to be recorded at the Registry of Deeds to be valid, and the applicant must provide proof of recording to the Building Department.

DELIBERATION ON USE VARIANCE:

The Board discussed the business use and operation, student population, and student pick-ups and drop offs. The various business in the building were discussed as well as traffic patterns and parking.

DECISION ON USE VARIANCE:

Robert Baker, Sr. makes a motion to approve the use variance with conditions.

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Seconded by Robert Baker, Jr.

The ZBA members take a vote: yes to approve the use variance - Robert Baker, Sr. – Yes, Gregory Tansey – Yes, Robert Baker, Jr – Yes, Stephen Galley – Yes. The vote is unanimous and the use variance with conditions is approved.

CONDITIONS:

1. Applicant shall prepare a drop-off and pick-up plan for Building Commissioner's approval. The Fire Lane will not be used for this purpose.
2. Caution Children signage to be installed at parking lot entrance.
3. Speed bump to be installed per Building Commissioner's specifications in the vicinity of the island with appropriate signage.
4. Applicant shall provide an occupancy load to Building Commissioner prior to the issuance of a building permit.
5. The Use Variance shall apply solely to suite 3 as it exists as of the date of this Decision.

DELIBERATION ON SPECIAL PERMIT:

The Board discussed the business hours of operation including evenings, weekends and holidays.

At this point the owner of the business states to the Board that he is withdrawing the application as he can't work under these auspices and will find another place to do business.

Land Use Counsel Robert W. Galvin, Jr. joined the meeting and opined on options the Board had at this point in the meeting.

Robert Baker, Jr. makes a motion to rescind the Use Variance.

Seconded by Gregory Tansey.

The ZBA members take a vote: Robert Baker, Sr. – Yes, Gregory Tansey – Yes, Robert Baker, Jr – Yes, Stephen Galley – Yes. The vote is unanimous and the use variance was rescinded.

Robert Baker, Jr. then makes a motion to allow the applicant to withdraw the application without prejudice based on his representation that he wants to withdraw the application.

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Seconded by Gregory Tansey.

The ZBA members take a vote: Robert Baker, Sr. – Yes, Gregory Tansey – Yes, Robert Baker, Jr – Yes, Stephen Galley – Yes. The vote is unanimous and the applicant is allowed to withdraw his application without prejudice.

Robert Baker, Sr. then makes a motion to allow the applicant to withdraw the application for a special permit based upon his representation that he wished to withdraw.

Seconded by Robert Baker, Jr.

The ZBA members take a vote: Robert Baker, Sr. – Yes, Gregory Tansey – Yes, Robert Baker, Jr – Yes, Stephen Galley – Yes. The vote is unanimous and the applicant is allowed to withdraw his application for a special permit.

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