



TOWN OF ROCKLAND ZONING BOARD OF APPEALS

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FINDINGS AND DECISION OF THE ZONING BOARD OF APPEALS

ZBA Case No.: 2023-11

Date: October 3, 2023

Decision: Special Permit

Applicant: Shayonam Corporation

Property Address: 339 Centre Avenue, Unit 3, Rockland, Massachusetts

The Rockland Zoning Board of Appeals has considered the application submitted by Shayonam Corporation – Romil Patel, 339 Centre Avenue, Unit 3, Rockland, MA c/o William R. Edes, Esquire, Drohan, Tocchio & Morgan, P.C., 175 Derby Street, Hingham, MA, for a Special Permit pursuant to Zoning Bylaws Sections 415-14(c)(3), Uses Requiring Special Permit in a Business II Zoning District, and 415-89, Special Permits, to allow applicant to operate a convenience store with a Retail Package Goods Store Wine and Malt Beverages License. The applicant is proposing to purchase the assets of the E-Z Mart located at 339 Center Avenue, Unit 3, and is seeking approval to allow a change of ownership so that they may apply for a Wine and Malt Beverage License from the Board of Selectmen. The property is located in the B-II Zoning District, Section 415-14 of the Bylaw, and is further identified as a portion of Lot 4, Map 60, on the Rockland Assessor's Maps. The owner of the property is GOL Realty Associates c/o Otis Management, P.O. Box 610424, Newton, MA 02461.

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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Advertised: August 29, 2023, and September 5, 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 September 19, 2023.

ATTENDANCE:

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

Also present:

Building Commissioner/Zoning Enforcement Officer Thomas Ruble

MEMBERS VOTING: Chair Robert C. Rosa, III, Gregory Tansey, Robert Baker, Jr., Robert Baker, Sr., and Stephen Galley.

DISCUSSION:

The Chair of the Zoning Board 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:

Robert C. Rosa, III – Yes, 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 September 19, 2023.

Attorney William R. Edes of Drohan Tocchio & Morgan, P.C., 175 Derby Street, Hingham, Massachusetts, and his client Romil Patel came before the Board to make their presentation. Attorney Edes testified that his client is purchasing the E-Z Mart so there will be a change of ownership and is seeking to transfer the Retail Package Goods Store License to Expose, Keep for Sale and to Sell Wine and Malt Beverages. He stated that both Romil Patel, the proposed Manager, and Vijay Patel, the proposed Assistant Manager, were both TIPS

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Certified and that Romil Patel has over seven (7) years experience managing Lucky Wine & Liquors in Quincy, Massachusetts. They will comply with the conditions of the Board's February 2, 2012, Decision and any other conditions imposed by the Board.

The Chair stated that the Board would accept the plan that was submitted with the application.

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

Mr. Baker, Jr. wanted to know how many employees and the applicant replied that there would be a single person operating the store but there would be a second employee if needed.

Mr. Ruble stated that he only did inspections when there was a change of occupancy and advised the applicant to pull an application for a Change of Occupancy and he would conduct an inspection.

Mr. Galley wanted confirmation that the hours would remain the same.

The Chair then opened the meeting up to members of the public, asking if any of the attendees would like to speak either in favor or opposed to this applicant.

No one spoke in favor.

No one spoke in opposition.

The Chair asked the members of the board for a motion to close the public portion of the hearing. So moved by Robert Baker, Sr. Seconded by Robert Baker, Jr.

The ZBA members then took a vote: Robert Rosa – Yes, Robert Baker, Sr. – Yes, Gregory Tansey – Yes, Robert Baker, Jr – Yes, Stephen Galley – Yes. The vote is unanimous, and the public portion of the hearing has been closed.

The Chair read to the applicant the appeal process and stated a decision will be made later the same night after the public portion of the hearing, and that the applicant was welcome to be present during deliberations and informed them of their obligations to request a certificate of no appeal. The Chair also stated that if the relief was granted, one of the conditions would be to show the Building Commissioner proof of recording of the decision.

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Mr. Baker, Sr. then makes a motion to approve the transfer.

Mr. Tansey stated that the Board would have to vote to take deliberations on the hearings out of order as there was another hearing scheduled for 7:45 p.m.

DELIBERATION:

The Board is happy to see a new business going into this location and the Board had no issues with the previous owner.

DECISION ON SPECIAL PERMIT:

Gregory Tansey makes a motion to approve the Special Permit with conditions.

Robert Baker, Sr. makes a motion to modify the vote to approve the Special Permit for a transfer of ownership of the Retail Package Goods Store License to Expose, Keep for Sale and to Sell Wine and Malt Beverages with conditions.

Seconded by Gregory Tansey.

The ZBA members take a vote: Robert Rosa – Yes, Robert Baker, Sr. – Yes, Gregory Tansey – Yes, Robert Baker, Jr – Yes, Stephen Galley – Yes. The vote is unanimous.

FINDINGS:

The Board voted to grant the Special Permit with the following conditions:

CONDITIONS:

1. Prior to the transfer, the decision shall be recorded with the Plymouth County Registry of Deeds and proof shall be provided to the Building Commissioner.
2. Hours of business operation: Seven (7) days per week – 7:00 a.m. to 10:00 p.m.
3. The Special Permit shall be issued to Shayonam Corporation.
4. The name on the Retail Package Goods Store License to Expose, Keep for Sale and to Sell Wine and Malt Beverages shall be Shayonam Corporation d/b/a E-Z Mart.
5. The Manager of the Retail Package Goods Store License to Expose, Keep for Sale and to Sell Wine and Malt Beverages shall be Romil

- Patel. If there is a change of ownership, applicant must come before the Zoning Board of Appeals.
6. The Zoning Board of Appeals shall review this Special Permit in one year.
 7. There shall be no temporary signs allowed in front of the store or out by Centre Avenue, including, but not limited to, banners, flags, sandwich boards, etc.
 8. There shall be some form of an Identi scan system used to check ID's on individuals purchasing beer and wine.
 9. Locks are to be installed on the coolers where the liquor is stored.
 10. Coolers are to be locked when beer and wine are not being sold in accordance with the Retail Package Goods Store License to Expose, Keep for Sale and to Sell Wine and Malt Beverages issued by the Rockland Board of Selectmen.
 11. Applicant must apply for a Change of Use/Occupancy through the Building Department's website.
 12. The applicant shall comply with all other local, state and federal laws and regulations.

REASON FOR DECISION:

The Board found that the applicant is seeking permission to go before the Board of Selectmen for a Retail Package Goods Store License to Expose, Keep for Sale and to Sell Wine and Malt Beverages at 339 Center Avenue, Unit 3. The Board found that this convenience store is located in a B-2 zone. The Board found that the previous owner had a Retail Package Goods Store License to Expose, Keep for Sale and to Sell Wine and Malt Beverages at this location. The Board found that this location will have an ID scanner to prevent false ID purchases of beer and wine. The Board found that the applicant has managed a liquor store in Quincy for several years. The Board found that there will be up to two (2) employees at this location and that they are both TIPS certified. The Board found that the hours of the business operation shall be seven (7) days per week 7:00 a.m. to 10:00 p.m. and that the hours for sale of beer and wine shall be designated by the Board of Selectmen. The Board found that by granting this Special Permit with the said conditions as stated below, would not be in derogation to the provisions of the Zoning By-law and would be in harmony with the surrounding businesses.

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THIS DECISION, ALONG WITH THE CERTIFICATION FROM THE TOWN CLERK THAT NO APPEAL HAS BEN FILED, MUST BE RECORDED WITH THE PLYMOUTH COUNTY REGISTRY OF DEEDS AND PROOF OF RECORDING MUST BE FILED WITH THE BUILDING COMMISSIONER PRIOR TO THE COMMENCEMENT OF ANY USE.

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