

# DROHAN TOCCHIO & MORGAN, P.C.

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WILLIAM R. EDES  
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February 29, 2024

## Via Hand Delivery

Robert Rosa, Chair  
Rockland Zoning Board of Appeals  
242 Union Street  
Rockland, MA 02370

**Re: Application for Section 6 Finding**  
**Applicant: 246 E. Water Realty, LLC; Kanhaiyo Corporation**  
**Owner: Steven S. Minasidis Realty Trust**

Dear Chair Rosa:

This office represents 246 E. Water Realty, LLC and Kanhaiyo Corporation (collectively the "Applicant") with respect to its Application for Section 6 Finding pursuant to Section 415-24(b) of the Town of Rockland Zoning Bylaw (the "Bylaw") to (i) continue the existing convenience store use, including the sale of Beer and Wine under new ownership pursuant to an Asset Purchase Agreement, (ii) eliminate the preexisting nonconforming vehicle service/repair use, and (iii) expand the existing convenience store use into the interior space currently used for vehicle service/repair at 246 E. Water Street, Rockland (the "Premises"), also identified as Parcel ID 40-87-0. The Premises are located in the R-3 Residence (R3) zoning district and are owned by the Steven S. Minasidis Realty Trust (the "Owner").

The Premises is currently operated as a convenience store that holds a Wines and Malt Beverages license (the "License") under the tradename Tonia's Deli and Quick Mart. The Applicant is purchasing the Premises and the assets of Tonia's Deli and Quick Mart. Kanhaiyo Corporation is the entity that is proposed to hold the License and will operate the convenience store and gas station under the tradename Quick Stop Gas & Convenience. Bhaveshkumar Patel is proposed to be the manager of record and manage the store. He is TIPS/alcohol safety certified. Quick Stop Gas & Convenience will have 2-3 additional employees and each employee will also be TIPS certified. The entity that will purchase and hold the Premises is 246 E. Water St. Realty, LLC. Kanhaiyo Corporation will lease the Premises from 246 E. Water St. Realty, LLC. The Applicant seeks a Section 6 Finding from the Board to allow the change of ownership of the existing store so that it may apply to the Select Board for transfer of the License currently held by Tonia's Deli and Quick Mart.

As background, a Section 6 Finding was applied for by the Owner of the Premises in 2006 for an expansion of the preexisting nonconforming use to allow the sale of wine and beer as part of the preexisting nonconforming convenience store use. The Section 6 Finding was granted by

TOWN CLERK, ROCKLAND  
FEB 29 '24 PM 1:35

the Board with conditions.<sup>1</sup> The Applicant is amenable to maintaining these same conditions (with conditions 3 and 8 being modified to reflect the new ownership of the Premises and the operator of the convenience store and the License) but requests that condition 4 be modified to allow the hours of operation to be Monday - Saturday (5am-11pm with alcohol sales between 8am-11pm as permitted by M.G.L. c. 138 and Sunday will be 6am-10pm with alcohol sales 10am-10pm). The Applicant suggests that this is a reasonable increase of the existing allowed hours of operation and will allow the business to provide better service to the citizens of Rockland while limiting alcohol sales to those times permitted by M.G.L. c. 138 or those alternative hours which may be designated the Select Board.

In addition to the transfer of the License authorized by the Section 6 Finding, the Applicant requests that the Board allow the elimination of the preexisting nonconforming vehicle service/repair use and the expansion of the convenience store use, authorized by the Section 6 Finding dated December 18, 2002, into that section of the building used for the vehicle service/repair use. Floor plans showing the existing layout and the proposed layout are included as sheets A1 and A2 of the enclosed Plan Set prepared by Lala Associates Engineers LLC (the "Plan Set").

The proposed alternation of the preexisting nonconforming use at the Premises is allowable pursuant to Section 415-24(b) of the Bylaw as it will not be substantially more detrimental to the neighborhood than the existing nonconforming use. The exterior of the building will be modified to eliminate existing garage bays, among other minor changes shown on sheet A4 of the Plan Set, which will have the positive effect on the neighborhood of improving the visual aesthetic of the building by removing the garage bays. The proposed expansion of the existing convenience store use will also not result in any increase in traffic, parking demand or other adverse impacts. The traffic directed to the front of the Premises will be reduced due to the removal of the vehicle service/repair use and the Applicant proposes to stripe parking in the rear of the property sufficient to comply with Section 415-35 of the Bylaw which requires one space for every 300 square feet of retail space and one space for every two employees. The proposed alteration will result in approximately 1,400 square feet of retail space, as shown on sheet A2 of the Plan Set, and the Applicant intends to have two (2) employees on site at most times. Pursuant to the Bylaw, the intended use would require at least six (6) spaces. On sheet C1 of the Plan Set, the Applicant proposes to provide nine (9) spaces in the rear of the building, including one (1) designated handicapped space. Based on the foregoing, the Applicant asserts that the alteration/expansion of the existing convenience store use is not substantially more detrimental than the existing nonconforming vehicle service/repair use to the neighborhood.

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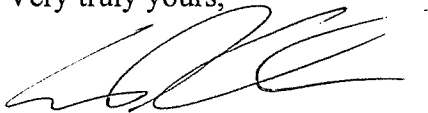
<sup>1</sup> The Board imposed the following conditions: (1) there shall not be any open containers or bottles of beer or wine served on the premises at any time; (2) There shall not be the sale of single cans/bottles of beer or glasses of wine to the customers; (3) Steven S. Minasidis will be the manager of the retail wine and malt package store liquor license; (4) hours of operation for the convenience store will be Monday through Friday 6:00 AM to 9:00 PM and 7:00 AM to 9:00 PM on Saturday and Sunday. The Board of Selectmen who are the licensing authority for the Alcohol license will designate the liquor license hours; (5) Locks are to be installed on coolers/lockers where the beer and wine are stored; (6) Coolers/lockers are to be locked when beer and wine are not being sold in accordance to the license issued by the Rockland Board of Selectmen; (7) All employees, including the Manager, must be TIPS certified; and (8) The name of the business for the retail wine and malt package store license will be Tonia's Deli and Quick Mart.

In support of this request, enclosed please find a filing fee in the amount of \$200.00 and thirteen (13) copies of the following:

1. Application;
2. Owner Authorization;
3. Certified List of Abutters dated December 18, 2023;
4. Municipal Lien Certificate dated December 18, 2023;
5. Copy of Section 6 Finding dated December 31, 2002;
6. Copy of Variance dated December 10, 2004;
7. Copy of Section 6 Finding dated January 24, 2006; and
8. Plan Set prepared by Lala Associates Engineers LLC.

An electronic copy of the above documents will be submitted to the Board via email. We look forward to appearing before the Board to present and discuss the Application. Thank you for your attention to this matter.

Very truly yours,

A handwritten signature in black ink, appearing to read 'W. Edes', with a stylized flourish at the end.

William R. Edes, Esq.  
Drohan Tocchio & Morgan, P.C.

Enclosure(s)

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: 246 E. Water Street, Rockland, Massachusetts 02370
2. Name(s) of Owner(s) of Property: Steven S. Minasidis Realty Trust
3. Owner's Address: 246 E. Water Street, Rockland, Massachusetts 02370
4. Name of Applicant(s): 246 E. Water Realty, LLC ; Kanhaiyo Corporation
5. Address of Applicant: 246 E. Water Street, Rockland, Massachusetts 02370
6. Applicant's Phone: Home:  Work:   
Cell: 339-545-6377 Fax:   
E-Mail: patelravi00@yahoo.com
7. State the Assessor's Map # 60 and Lot # 4 of the property.
8. State the Zoning District in which the property is located: R3
9. Explain in-depth what you are proposing to do:   
(i) Continue the existing convenience store use, including the sale of Beer  
and Wine under new ownership pursuant to an Asset Purchase  
Agreement and (ii) expand the existing convenience store use into the  
space currently used for a vehicle service/repair use and eliminate said  
vehicle service/repair use. See also the attached letter.

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:

(i) Section 6 Finding dated December 31, 2002;

(ii) Variance dated December 10, 2004; and

(iii) Section 6 Finding dated January 24, 2006.

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

Section 415-24(B)

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. \_\_\_\_\_

N/A  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Signed:** See attached authorization.  
\_\_\_\_\_

Owner(s) of Record  
\_\_\_\_\_

All owners must sign

**Signed:** \_\_\_\_\_

By William R. Edes, Esq. as attorney for Applicant

Applicant(s) If Different from owner  
\_\_\_\_\_

All applicants must sign

**Signed:** \_\_\_\_\_

Signature of Attorney (if any) William R. Edes, Esq.

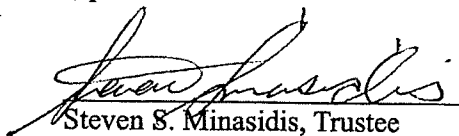
**Date:** \_\_\_\_\_

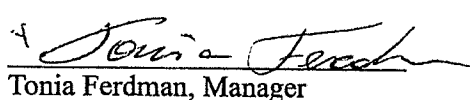
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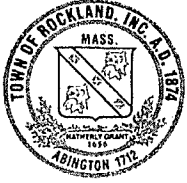
### AUTHORIZATION

Property address: 246 E. Water Street, Rockland, Massachusetts 02370  
Liquor License: 00046-PK-1034

We, Steven S. Minasidis, as Trustee of the Steven S. Minasidis Realty Trust, the owner of the Property, and Tonia Ferdman, as Manager of Tonia's Deli and Quick Mart, the holder of the Liquor License associated with the Property, hereby authorize 246 E. Water St. Realty, LLC and Kanhaiyo Corporation, to submit an application for all necessary variances and special permits related to the sale of the Property, modification of the existing use and transfer of the existing liquor license.

 02/19/24  
Steven S. Minasidis, Trustee

 02/09/24  
Tonia Ferdman, Manager



# TOWN OF ROCKLAND

## Board of Assessors

Town Hall  
242 Union Street  
Rockland, Massachusetts 02370

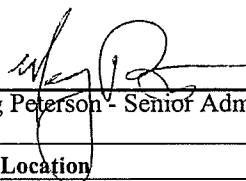
December 18, 2023

### CERTIFIED ABUTTERS LIST OF MAP 40 – PARCEL 87 246 EAST WATER STREET

#### BOARD – ZONING

REQUIREMENTS –All Abutters within 300 ft.

CERTIFIED BY:

  
Meg Peterson - Senior Administrative Assistant

| Parcel ID | Owner                                                     | Location          | Mailing Street    | Mailing City      |
|-----------|-----------------------------------------------------------|-------------------|-------------------|-------------------|
| 40-87     | MINASIDIS STEVEN S TRS<br>STEVEN S MINASIDIS RLTY TRUST   | 246 EAST WATER ST | 246 EAST WATER ST | ROCKLAND MA 02370 |
| 40-65     | CORMICAN SEAN M & CHRISTINE M                             | 89 STANTON ST     | 89 STANTON ST     | ROCKLAND MA 02370 |
| 40-66     | TEMPESTA GERARD J & JEANNE E                              | 97 STANTON ST     | 97 STANTON ST     | ROCKLAND MA 02370 |
| 40-67     | BURGART COLLEEN MARIE &<br>MULLEN BRENDAN KYLE            | 314 LIBERTY ST    | 314 LIBERTY ST    | ROCKLAND MA 02370 |
| 40-68     | MCMAMARA PATRICK A TRUSTEE<br>C MCMAMARA PEDERSON IRR TRS | 315 LIBERTY ST    | 315 LIBERTY ST    | ROCKLAND MA 02370 |
| 40-80     | RIORDAN BRENDAN & DEBRA A                                 | 129 STANTON ST    | 129 STANTON ST    | ROCKLAND MA 02370 |
| 40-81     | MEADE MAUREEN T                                           | 137 STANTON ST    | 137 STANTON ST    | ROCKLAND MA 02370 |
| 40-83     | CABAN ED & BETSY &<br>CABAN MICHELLE                      | 30 SUNNYBANK AV   | 30 SUNNYBANK AV   | ROCKLAND MA 02370 |
| 40-84     | FLOOD SCOTT &<br>SINATRA JODI                             | 22 SUNNYBANK AV   | 22 SUNNYBANK AV   | ROCKLAND MA 02370 |
| 40-85     | FOLEY CHRISTINE A                                         | 10 SUNNYBANK AV   | 10 SUNNYBANK AV   | ROCKLAND MA 02370 |
| 40-86     | KLOTZ KATHLEEN R LE                                       | 260 EAST WATER ST | 260 EAST WATER ST | ROCKLAND MA 02370 |
| 40-88     | DE ALMEIDA GILBERTO R &<br>DE SOUZA DIANA A               | 295 LIBERTY ST    | 295 LIBERTY ST    | ROCKLAND MA 02370 |
| 40-89     | LEVINE DIANE C                                            | 301 LIBERTY ST    | 301 LIBERTY ST    | ROCKLAND MA 02370 |
| 40-90     | PHILLIPS LAWRENCE E                                       | 305 LIBERTY ST    | 305 LIBERTY ST    | ROCKLAND MA 02370 |
| 40-91     | BEAUDRY MICHEL & ELIXABETH I                              | 306 LIBERTY ST    | 306 LIBERTY ST    | ROCKLAND MA 02370 |
| 40-92     | CHANDLER DEAN & TINA MARIE                                | 300 LIBERTY ST    | 300 LIBERTY ST    | ROCKLAND MA 02370 |
| 40-93     | PUMPHREY MATHEW A & DIANA M                               | 58 BLOSSOM ST     | 58 BLOSSOM ST     | ROCKLAND MA 02370 |
| 40-94     | MURRAY JAMES G & ROBIN P                                  | 48 BLOSSOM ST     | 48 BLOSSOM ST     | ROCKLAND MA 02370 |
| 40-95     | SAMMON PATRICK                                            | 38 BLOSSOM ST     | 38 BLOSSOM ST     | ROCKLAND MA 02370 |
| 40-105    | DUNCAN NICHOLAS T &<br>MILLER SHAYNA L                    | 37 BLOSSOM ST     | 37 BLOSSOM ST     | ROCKLAND MA 02370 |
| 40-106    | ANDERS WAYDE H & ANN C                                    | 51 BLOSSOM ST     | 51 BLOSSOM ST     | ROCKLAND MA 02370 |
| 40-107    | CARON MICHAEL S & NICOLE L<br>C/O FIALHO PAIGE LIANA &    | 282 LIBERTY ST    | 282 LIBERTY ST    | ROCKLAND MA 02370 |
| 40-108    | MCCARTHY DAVID W                                          | 230 EAST WATER ST | 230 EAST WATER ST | ROCKLAND MA 02370 |
| 40-109    | CLARK JEFFREY S & LISA C                                  | 222 EAST WATER ST | 222 EAST WATER ST | ROCKLAND MA 02370 |

LIST IS VALID FOR 90 DAYS

Page 1 of 2



# TOWN OF ROCKLAND

## Board of Assessors

Town Hall  
242 Union Street  
Rockland, Massachusetts 02370

| Parcel ID | Owner                                         | Location          | Mailing Street                            | Mailing City      |
|-----------|-----------------------------------------------|-------------------|-------------------------------------------|-------------------|
| 40-110    | KEOUGH NICHOLAS J &<br>C/O MOLCHAN NICHOLAS J | 218 EAST WATER ST | 218 EAST WATER ST                         | ROCKLAND MA 02370 |
| 40-167    | GAFFNEY MARK & DANIELLE                       | 211 EAST WATER ST | 211 EAST WATER ST                         | ROCKLAND MA 02370 |
| 40-168    | DELLICKER KAITLIN &<br>SCHILLINGER JAMES      | 219 EAST WATER ST | 219 EAST WATER ST                         | ROCKLAND MA 02370 |
| 40-169    | MARTIN EDWARD &<br>GLOVER STEPHEN A           | 225 EAST WATER ST | 225 EAST WATER ST                         | ROCKLAND MA 02370 |
| 40-170    | WENDT PAUL STUART &<br>HEDGES CAITLIN EILEEN  | 244 LIBERTY ST    | 244 LIBERTY ST                            | ROCKLAND MA 02370 |
| 40-192    | HANNIGAN THOMAS W                             | 0 EAST WATER ST   | 261 LIBERTY ST                            | ROCKLAND MA 02370 |
| 40-193    | CAMERON PAMELA C                              | 247 LIBERTY ST    | ATTN PAMELA<br>LINDBLOM<br>247 LIBERTY ST | ROCKLAND MA 02370 |
| 40-194    | HANNIGAN THOMAS W                             | 261 LIBERTY ST    | 261 LIBERTY ST                            | ROCKLAND MA 02370 |
| 40-195    | LANE, MARYANN M                               | 259 EAST WATER ST | 259 EAST WATER ST                         | ROCKLAND MA 02370 |
| 40-196    | CONDON SCOTT                                  | 269 EAST WATER ST | PO BOX 741                                | ROCKLAND MA 02370 |
| 40-197    | SPEAR EDWARD F & LYNNE M                      | 279 EAST WATER ST | 279 EAST WATER ST                         | ROCKLAND MA 02370 |
| 40-214    | ZEOLI DONALD R JR &<br>HURLBUT EUGENIA F      | 9 SUNNYBANK AV    | 9 SUNNYBANK AV                            | ROCKLAND MA 02370 |
| 40-215    | MCCUE RANDI                                   | 17 SUNNYBANK AV   | 17 SUNNYBANK AV                           | ROCKLAND MA 02370 |
| 40-216    | RAFTERY KEVIN C & LAURA A                     | 23 SUNNYBANK AV   | 23 SUNNYBANK AV                           | 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.***

State Tax Form 290  
Certificate: 7558  
Issuance Date: 12/18/2023

MUNICIPAL LIEN CERTIFICATE  
Town of Rockland, MA  
COMMONWEALTH OF MASSACHUSETTS

Requested by DROHAN TOCCHIO & MORGAN PC  
175 DERBY STREET, SUITE 30  
HINGHAM, MA 02043

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 12/18/2023 are listed below.

DESCRIPTION OF PROPERTY

Parcel ID: 40-0087

246 EAST WATER ST

|                               |                |         |
|-------------------------------|----------------|---------|
| MINASIDIS STEVEN S TRS        | Land area :    | 0.26 AC |
| STEVEN S MINASIDIS RLTY TRUST | Land Value :   | 329,900 |
| 246 EAST WATER ST             | Impr Value :   | 457,500 |
| ROCKLAND MA 02370             | Land Use :     | 0       |
|                               | Exemptions :   | 0       |
|                               | Taxable Value: | 787,400 |

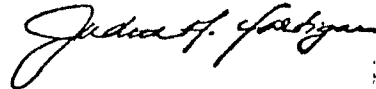
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Class: 334-334

| FISCAL YEAR                 | 2024        | 2023         | 2022         |
|-----------------------------|-------------|--------------|--------------|
| DESCRIPTION                 |             |              |              |
| COMMERCIAL REAL ESTATE TAX  | \$11,070.84 | \$11,019.28  | \$11,321.33  |
| COMMUNITY PRESERVATION ACT  | \$166.06    | \$165.29     | \$169.82     |
| RESIDENTIAL REAL ESTATE TAX | \$0.00      | \$0.00       | \$0.00       |
| TOTAL BILLED:               | \$11,236.90 | \$11,184.57  | \$11,491.15  |
| Charges/Fees                | \$0.00      | \$0.00       | \$20.00      |
| Abatements/Exemptions       | \$0.00      | \$0.00       | \$0.00       |
| Payments/Credits            | -\$2,858.27 | -\$11,184.57 | -\$11,511.15 |
| Interest to 12/18/2023      | \$45.44     | \$0.00       | \$0.00       |
| TOTAL BALANCE DUE:          | \$8,424.07  | \$0.00       | \$0.00       |

TOTAL TAX INTEREST PER DIEM: \$1.1000

FINAL READINGS WATER, SEWER AND TRASH LIENS CALL:  
WATER 781-878-0901  
SEWER 781-878-1964  
BOARD OF HEALTH 781-871-1874 EXT 1005

SEWER BETTERMENT: NO



JUDITH A HARTIGAN  
TOWN COLLECTOR

THIS FORM APPROVED BY THE COMMISSIONER OF REVENUE

Steve's Auto Service  
246 East Water St mail  
Rockland, MA, 02370 1

11842  
Received & Recorded  
PLYMOUTH COUNTY  
REGISTRY OF DEEDS  
21 JAN 2003 11:39AM  
JOHN R. BUCKLEY, JR.  
REGISTER  
Bk 23985 Pg 344-348

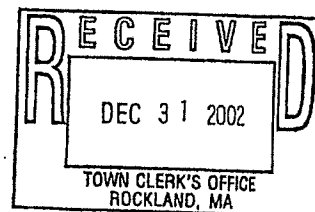


## ROCKLAND ZONING BOARD OF APPEALS

242 UNION STREET  
ROCKLAND, MASSACHUSETTS 02370

(781) 871-1874  
(781) 871-0386 fax

M.R. BOOK 19268  
PAGE 41



A public hearing was held on November 13, 2002 and then continued to December 18, 2002 in the H. Bernard Monahan Memorial Hearing Room, Town Hall, 242 Union Street, Rockland on the petition of **Steven S. Minasidis** of 80 Walter St., Roslindale, MA for a dimensional variance from the requirements of the Zoning By-Law to allow: **the selling of convenience store food products and deli products such as cold cuts, cheeses, etc.** Said property is located at 246 East Water Street.

**Motion made by the Board to amend the ad to read that Petitioner is seeking a Section 6 finding and not a dimensional variance.**

**ATTENDANCE:** Chairman Robert Manzella, Anton Materna, Stanley Cleaves, Peter McDermott, Rita Howes and Associate Members James Hannigan, Barry Ashton and Gregory Tansey. (Absent was Town Counsel).

**MEMBERS VOTING:** Robert Manzella, Stanley Cleaves, Peter McDermott, Rita Howes and Barry Ashton.

**DISCUSSION:** The Board heard testimony from the Petitioner that he is seeking to operate a convenience store with food and deli products in the back portion of the gas station/ auto repair business. The Petitioner testified that the surrounding neighbors are very much in favor of this expansion of the business, as many years ago there was a convenience store at this location. The Petitioner and the Board discussed in length about the parking area and how many cars could fit on the lot. The Board asked the Petitioner at the end of the hearing on November 13, 2002 to provide them with a certified site plan showing the parking areas, buffers, dimensions of existing structure, distances from structures to all property lines, limits of asphalt, all set-backs, required back-up distance, location of dumpster, location of gas pumps and tank field, access and egress from Liberty and East Water Street, fences, etc. The Board heard testimony that his fiancée would be the only person running the deli part of the store since she had to be Health certified with Board of Health regulations.

A TRUE RECORD, ATTEST  
*Mary Pat Kaszanek*  
MARY PAT KASZANEK, TOWN CLERK

**Page 2 – Decision of Steve Minasidis – December 18, 2002**

The Board discussed the hours of business for gas/pump station and deli hours. The Board discussed with the Petitioner the hours of delivery trucks to the business. The Board heard from the Petitioner that he believes a traffic signal will be at the intersection of Liberty Street and East Water in the near future. The Board had concerns about where customers will be parking while they enter the convenience/deli store. The Board stated that there shall be no parking in front of the building near the gas pumps while in the store, unless the customer was getting gas for their vehicle, or on the Liberty Street side of the building. Mr. Minasidis stated that he would enforce the parking conditions. The Board heard testimony from the Petitioner that he has an office up stairs in the attic and that this is the only space that he shall occupy in the attic. The Board heard that there are presently 2 employees now at the business, but would be increased to 3 when the deli opens up for business. The Board found that there has been additional lighting added to the premises since Mr. Minasidis purchased the property. The Board found that DEP ordered a 21E on this site and the owner has put a lot of money into the expense of complying with DEP standards. The Board found that the parking lot was expanded after DEP asked the owner to asphalt the area around the station.

**DECISION:** The Board voted as per Chapter 40A Section 6, to allow the expansion of a non-conforming use to sell deli and convenience store food products. The Board voted the Special Permit with conditions:

- 1). Repair hours: Monday – Saturday 8:00 A.M. - 6:00 P.M.
- 2). Gas hours: Monday – Friday 6:00 A.M. – 9:00 P.M.  
Saturday/Sunday 7:00 A.M. – 9:00 P.M.
- 3). Deli hours: Monday –Saturday 6:00 A.M. – 7:00 P.M.  
Sunday will be closed.
- 4). Dumpster area will be fenced in by 6' stockade fence.
- 5). No banners are to be on the property.
- 6). Lighting will be directed away from the neighbor's dwellings
- 7). There will be no additional signs on the property.

**Page 3 – Decision of Steve Minasidis – December 18, 2002**

- 8). There will be no parking on the Liberty Street side of the building. Wooden Wine barrels (cut in half) shall be placed within the 10-foot buffer zone approximately 10 feet apart for the full width of the building, and there shall be flowers planted and properly maintained.
- 9). Parking areas will be lined and marked as on the plan presented to the Board on December 18, 2002.
- 10). There will be no parking on the sidewalk. The Petitioner will notify his customers and will enforce this condition.
- 11). This Special Permit is subject to a yearly review by the ZBA for compliance and / or complaints.

**VOTE ON DECISION:** Mr. Ashton made a motion to grant the Special Permit with conditions. Mr. Cleaves seconded the motion. The vote of the Board was unanimous (5-0).

**REASON FOR DECISION:** Upon motion duly made and seconded, the Board found that the Petitioner is seeking to add a convenience store with a deli to his gas/repair station. The Board also found that the petitioner is seeking a Section 6 finding which is due to change/alter/expansion of existing non-conforming use. The Board heard testimony that about 25 years ago, this property did have a convenience store with the selling of gas/repair station. The Board had concerns about the parking and asked the Petitioner to provide a certified site plan to address a list of items that were stated in the Discussion portion of this decision. After the Board reviewed all items asked they voted to grant the Special Permit with conditions stated above under Decision. The Board found that there is a turning radius for back-up on parking lots 1 and 2. The Board found parking for customers, employees and repair of customer cars on the plan. The Board found that the employees would be a mechanic, gas attendant and deli employee. The Board found that the expansion of the non-conforming gas/repair station would not be more detrimental to the public good or derogate from the intent or purpose of the Zoning By-law and would be in harmony with the surrounding neighborhood.

**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 INSPECTOR.**

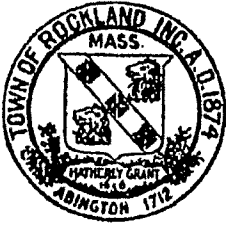
**NOTE:**

- 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 II, 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**

A handwritten signature in black ink, appearing to read 'Robert A. Manzella', written in a cursive style.

**Robert A. Manzella  
Chairman**



(781) 871-1892

## TOWN OF ROCKLAND

Town Clerk

Mary Pat Kaszanek, CMC, CMMC  
Rockland Town Offices  
242 Union Street  
Rockland, Massachusetts 02370-1897

January 21, 2003

**Petition of:** Steven S. Minasidis

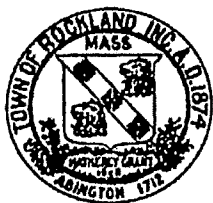
**Property location:** 246 East Water Street  
Rockland, MA 02370

To whom it may concern:

I certify that twenty (20) days have elapsed since the Zoning Board of Appeals filed the attached decision (December 31, 2002) in this office, and that no appeal has been filed.

A true copy, attest:

Mary Pat Kaszanek  
Town Clerk

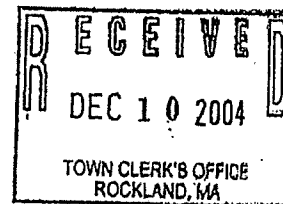


# ROCKLAND ZONING BOARD OF APPEALS

242 UNION STREET  
ROCKLAND, MASSACHUSETTS 02370

(781) 871-1874 x175  
(781) 871-0386 fax

Received & Recorded  
PLYMOUTH COUNTY  
REGISTRY OF DEEDS  
14 JAN 2005 01:07PM  
JOHN R. BUCKLEY, JR.  
REGISTER  
Bk 29845 Pg 338-341



A public hearing was held on December 8, 2004 at 7:45 PM. in the H. Bernard Monahan Memorial Hearing Room, Town Hall, 242 Union Street, Rockland on the petition of STEVEN S. MINASIDIS, 195 Manzella Court, Rockland, MA to allow: the construction of a canopy to cover the gas pumps at 246 East Water Street, Rockland. The applicant is seeking relief from Section V.Z.d.4 "Assessory Structures", which requires a 25' front yard setback. The Applicant is seeking a 25' variance. The property is located at 246 East Water Street and is also known as Lot # 89 on Rockland Assessor's Map # 40. A copy of this application is on file in the Town Clerk's office and is available for inspection during regular office hours.

**ATTENDANCE:** Chairman Robert Manzella, Anton Materna, Stanley Cleaves, Rita Howes, Peter McDermott and Associate Members James Hannigan and Gregory Tansey. Absent was Town Counsel.

**MEMBERS VOTING:** Anton Materna, Stanley Cleaves, Peter McDermott, Rita Howes and James Hannigan. (Mr. Manzella abstained from voting).

**DISCUSSION:** Mr. Steve Minasidis came before the Board to make his presentation. The Petitioner and Board discussed the following:

- The Petitioner is seeking to construct a canopy over the gas pumps to protect the pumps, employees and customers from the weather. The canopy will add more lighting for the safety during the night hours.
- The height of the canopy will be 14'6" and he will not be increasing the number of gas pumps or make any other alterations at the pump area.
- In June, 2001 new pumps were installed and during the installation, 6' x 6' footings were placed in concrete for future canopy construction.
- The canopy would be the same size as the existing concrete mat and that the canopy would be free standing and not attached to the existing building.
- The Petitioner had a plan of the light system and explained that the lighting would be internal and there would be two poles holding up the canopy.
- The Petitioner testified that the pole thickness would be 8 x 12 x 5/16.
- The Petitioner discussed the angles of the canopy, 23'6" angle, 7'6" angle and 18'6" wide.
- The Petitioner discussed with the Board the signage on the canopy and that the lettering on the sign will be transparent and have internal lighting.

Mail 1  
STEVEN MINASIDIS  
246 E Water St.  
Rockland MA 02370

A TRUE RECORD, ATTEST  
*Mary Pat Kaszanek*  
MARY PAT KASZANEK, TOWN CLERK

- The Petitioner testified that the lighting would only be under the canopy and will surround the immediate area near the gas pumps together with lighting behind the signs.
- The Petitioner testified that the signs would be of a box type with lights in back of the letters on the face of the box.
- The Petitioner testified that the color of the canopy would be a solid white/grayish color, there will be 2 signs illuminated and the lights will go off when the station is closed, and presently the building has lighting around it, especially in the back corner where it is very dark.
- The Petitioner testified that his hours of operation are Monday through Friday 6:00 A.M. to 9:00 P.M. and Saturday and Sunday 7:00 A.M. to 8:00 P.M.
- The Board discussed with the Petitioner the need for fire suppression underneath the canopy and around the gas pumps.
- The Petitioner testified that the fasad will be 3 feet wide and that 2 inch white foam core will cover the fascia over the steel structure.
- The Petitioner testified that this canopy is made by Mohawk and is a prefab and will be built in sections and brought to the site.

**DECISION:** The Board voted to grant with conditions the 25' front yard setback variance for canopy. (1) Canopy shall be Mohawk or equal and shall not be home made. (2) Fasad shall be one solid color. Color shall be white or a grayish color and shall not be illuminated. (3) A fire suppression system shall be installed and shall meet all local, state and federal codes. (4) All lights shall be installed within or be attached to the ceiling of the canopy and face downward. The lights shall not cause a glare to the neighborhood or traffic. (5) All canopy and sign lights shall be turned off at the close of business. In no event, shall the lights be left on after 11:00 P.M.

**VOTE ON DECISION:** Mr. Hannigan made a motion to grant the 25' front yard setback variance for the canopy with conditions. Mr. McDermott seconded the motion. The vote of the Board was unanimous (5-0).

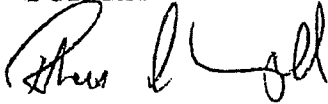
**REASON FOR DECISION:** Upon motion duly made and seconded, the Board found that the Petitioner is seeking to construct a canopy to protect the employees, customers and the equipment from the weather. The Board found that the lights would provide better visibility at night for employees and customers. The Board found that the canopy would not affect the visibility of on coming traffic, will not be illuminated, will not be turned on after hours, will be only one color and will be built as presented on plans supplied by the manufacturer. The Board found that by granting the front yard setback variance, it would not increase noise or create additional traffic and would provide safety to the general public. The Board also found that the location of the structure on the lot is a condition that specifically effects the lot and does not effect the zoning district as a whole. The Board also found that there is a hardship relating to the lot due to the location of the gasoline pumps. Without the variance, the canopy cannot be constructed. The variance would not derogate from the intent or purpose of the By-law or be detrimental to the public good.

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 INSPECTOR.

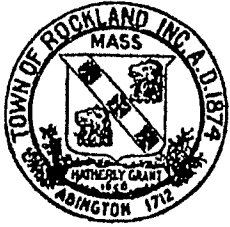
**NOTE:**

- 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 II, 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**



Robert A. Manzella  
Chairman



(781) 871-1892

## TOWN OF ROCKLAND

Town Clerk

Mary Pat Kaszanek, CMC, CMMC  
Rockland Town Offices  
242 Union Street  
Rockland, Massachusetts 02370-1897

January 14, 2005

Petition of: Steven S. Minasidis

Property location: 246 East Water Street  
Rockland, MA 02370

To Whom It May Concern:

I certify that twenty days have elapsed since the Zoning Board of Appeals filed the attached decision in this office (December 10, 2004), and that no appeal has been filed.

A true copy, attest:

Mary Pat Kaszanek  
Town Clerk

Mail ✓  
Cotter + Cotter  
PO Box 304  
Rockland MA 02370

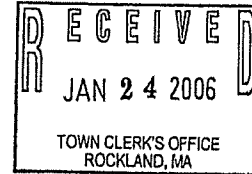
19869  
Received & Recorded  
PLYMOUTH COUNTY  
REGISTRY OF DEEDS  
23 FEB 2006 03:44PM  
JOHN R. BUCKLEY, JR.  
REGISTER  
Bk 32257 Pg 313-316



## ROCKLAND ZONING BOARD OF APPEALS

242 UNION STREET  
ROCKLAND, MASSACHUSETTS 02370

(781) 871-1874 x175  
(781) 871-0386 fax



A TRUE RECORD, ATTEST

*Mary Pat Kaszanek*  
MARY PAT KASZANEK, TOWN CLERK

A public hearing was held on January 11, 2006 at 8:15 P.M. in the H. Bernard Monahan Memorial Hearing Room, Town Hall, 242 Union Street, Rockland on the petition submitted by **STEVEN S. MINASIDIS**, 195 Manzella Court, Rockland to allow: **the Petitioner to seek a Beer and Wine license from the Board of Selectmen. The Applicant is seeking a Section 6 Finding for an expansion of a non-conforming use to allow the sale of beer and wine.** The property is located at 246 E. Water Street and is also known as Lot #87 on Rockland Assessor's Map #40. A copy of this application is on file in the Town Clerk's office and is available for inspection during regular office hours.

**ATTENDANCE:** Chairman Robert Manzella, Vice-Chairman Stanley Cleaves, Anton Materna, Peter McDermott, Rita Howes and Associate Members Gregory Tansey and Alan McPhee. (Absent was Town Counsel).

**MEMBERS VOTING:** Anton Materna, Stanley Cleaves, Peter McDermott, Rita Howes and Gregory Tansey. (Mr. Manzella abstained from voting).

**DISCUSSION:** Attorney Cotter and Mr. Steven Minasidis came before the Board to make their presentation. Attorney Cotter testified that the Petitioner and his wife run a convenient store/deli/gas station and are seeking to sell beer and wine and be able to stock the alcohol within the convenient store. Attorney Cotter testified that there would be no display of alcohol signs on the windows or outside of the building. The Petitioner testified that the parking lot would remain the same as there are plenty of spaces in the rear of the building and that is where most of his customers come in the back door to purchase items. Attorney Cotter testified that the Petitioner will be purchasing two freestanding refrigerator coolers and a wine locker and will have locks installed so that the beer and wine will be locked during the hours before and after sale of alcohol. Attorney Cotter testified that his client does not wish to sell alcohol in the store, only wishes to be considered as a package store and that there will not be any single cans/bottles of beer sold or any open containers/bottles at this location. The Petitioner testified that there are presently 2-3 employees working in the deli/convenient store and that these employees are not TIPS trained and that they have no prior experience with the sale of alcohol. The Petitioner testified that he would be relocating shelves with food items in the middle of the store so that he would be able to fit in free standing refrigerators and lockers for the beer and wine and also have better view of these units. The Petitioner testified that at no time would there be an

open container of beer or bottle of wine where the food is served in the deli area. The Petitioner testified that he does not have minors working in the store and if he does, they would not be left alone. The Petitioner testified that the hours of operation for the convenient store are 6:00 A.M. to 9:00 P.M. Monday through Friday and 7:00 A.M. to 9:00 P.M. Saturday and Sunday. The Petitioner testified that the Manager of the liquor license would be Steven S. Minasidis and the name of the business for the liquor license would be Tonia's Deli and Quick Mart.

**DECISION:** The Board voted to grant the Section 6 finding for the expansion of the non-conforming use which will not make the use of the property more detrimental to the neighborhood and a Special Permit to allow the sale of beer and wine with the following conditions: (1) There shall not be any open containers or bottles of beer or wine served on the premises at any time (2) There shall not be the sale of single cans/bottles of beer or glasses of wine to the customers (3) Steven S. Minasidis will be the Manager of the retail wine and malt package store liquor license (4) Hours of operation for the convenience store will be Monday through Friday 6:00 A.M. to 9:00 P.M. and 7:00 A.M. to 9:00 P.M. on Saturday and Sunday. The Board of Selectmen who are the licensing authority for the Alcohol license will designate the liquor license hours. (5) Locks are to be installed on coolers/lockers where the beer and wine are stored. (6) Coolers/lockers are to be locked when beer and wine are not being sold in accordance to the license issued by the Rockland Board of Selectmen. (7) All employees, including the Manager, must be TIPS certified. (8) The name of the business for the retail wine and malt package store license will be Tonia's Deli and Quick Mart.

**VOTE ON DECISION:** Ms. Howes made a motion to grant the Section 6 finding and Special Permit with the conditions mentioned above. Mr. Materna seconded the motion. The vote of the Board was unanimous (5-0).

**REASON FOR DECISION:** Upon motion duly made and seconded, the Board found that the Petitioner is seeking to sell beer and wine from his convenience store and to be considered as a retail wine and malt package store and that the Petitioner shall not have any open bottles of wine or beer on the premises at any time. The Board also found that the Petitioner is seeking a Section 6 finding which is due to change/alter/expansion of existing non-conforming use. The Board found that the sale of beer and wine will not bring more traffic to the site, but will serve the customers that already go to the convenient store. The Board found that Mr. Minasidis will be the Manager of the beer and wine package alcohol license and that his employees need to be TIPS trained. The Board found that the coolers/lockers would have locks to prevent sale of alcohol before and after allowed hours given by the Board of Selectmen for the selling of alcohol. The Board found that the

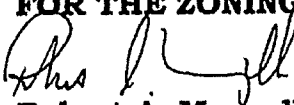
expansion of the non-conforming convenient store/deli would not be more detrimental to the public good or derogate from the intent or purpose of the Zoning By-Law and would be in harmony with the surrounding neighborhood. The Board found that the property has plenty of parking in the rear of the building and would not interfere with the neighbors during the hours stated above. The Board found that the Petitioner would not be selling liquor on days not allowed by the ABCC unless authorized by the ABCC or the Board of Selectmen. The Board found that by granting this Special permit, it would not be a derogation to the Zoning By-Law.

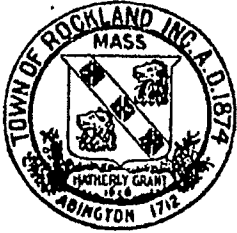
THIS DECISION, ALONG WITH THE CERTIFICATION FROM THE TOWN CLERK THAT NO APPEAL HAS BEEN FILED, MUST BE RECORDED WITH THE PLYMOUTH COUNTY REGISTRY OF DEEDS PRIOR TO OBTAINING A LIQUOR LICENSE AND PROOF OF RECORDING MUST BE FILED WITH THE BOARD OF SELECTMEN.

**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 II, 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**

  
**Robert A. Manzella**  
**Chairman**



(781) 871-1892

## TOWN OF ROCKLAND

Town Clerk

Mary Pat Kaszanek, CMC, CMMC  
Rockland Town Offices  
242 Union Street  
Rockland, Massachusetts 02370-1897

February 15, 2006

Petition of: Steven S. Minasidis

Property Location: 246 E. Water Street, Lot 87, Map 40  
Rockland, MA 02370

To Whom It May Concern:

I certify that twenty (20) days have elapsed since the Zoning Board of Appeals filed the attached decision (January 24, 2006) and that no appeal has been filed.

A true copy attest:

Mary Pat Kaszanek  
Town Clerk