



TOWN OF ROCKLAND ZONING BOARD OF APPEALS

Town Hall - 242 Union Street, Rockland, Massachusetts 02370
Phone: 781-871-0154, ext. 1195; E-MAIL: zoning@rockland-ma.gov

FINDINGS AND DECISION OF THE ZONING BOARD OF APPEALS

ZBA Case No.: 2024-06

Date: June 4, 2024

Decision: Grant of Special Permit

Applicant: Rockland Station LLC, 171 VFW Drive, Rockland, MA
AND Robert M. Delmonico, Trustee, Pleasant Street Realty Trust

Property Address: 171 VFW Drive and 216 Pleasant Street, Rockland,
Massachusetts

The Rockland Zoning Board of Appeals has considered the petition submitted by Rockland Station LLC, 171 VFW Drive, Rockland, MA AND Robert M. Delmonico, Trustee, Pleasant Street Realty Trust, 171 VFW Drive, Rockland, MA for a Special Permit pursuant to Zoning Bylaw Sections 415-14C.(22), Uses requiring a special permit, 415-79, Environmental Performance Standards, and 415-80, General Performance Standards, to allow applicant to construct a 35,000 sq. ft. building to store equipment and materials that are currently stored outside and the recycling of existing synthetic turf fields at the premises known as and numbered 171 VFW Drive and 216 Pleasant Street, Rockland, MA. 171 VFW Drive is located in the B-2 Business II Zoning District, Section 415-14 of the Bylaw, and is further identified as Lot 34, Map 29, on the Rockland Assessor's Maps. The owner of the property is Rockland Station LLC, 171 VFW Drive, Rockland, MA. 216 Pleasant Street is located in the B-2 Business II Zoning District, Section 415-14 of the Bylaw, and is further identified as Lot 29, Map 24, on the Rockland Assessor's Maps. The owner of the property is Pleasant Street Realty Trust, 171 VFW Drive, Rockland, MA.

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

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with the Town Clerk, Planning Board, and the Building Department pursuant to Mass. Gen. L. c. 40A, Section 11.

Advertised: March 28, 2024, and April 4, 2024, 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 7:32 P.M. on April 16, 2024. A continuance Public Hearing was held via Zoom at 7:45 P.M. on May 7, 2024.

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; Land Use Counsel Robert W. Galvin

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 and explained the rules of the hearing.

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 April 16, 2024.

Sean Boyd gave a description of the property and described the proposed new building and use. The building would contain a small office and a couple of

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bathrooms. There would be a locked gate onto the property for emergency access by the Fire Department. He explained the recycling and processing functions of synthetic turf. Security lighting on the property would be shielded. He stated that he had spoken with both the Abington & Rockland Joint Water Works and the Sewer Department and that there was a water stub on Pleasant Street. Site security lighting would be shielded.

Mr. Rosa asked about the easement off Pleasant Street and stated that the Pleasant Street Right of Way was not shown on the plan. He further stated that he could not read the existing conditions and that there were lots of deficiencies with the plans. Mr. Rosa further mentioned that previous Special Permit Decisions were not filed and, therefore, previous conditions could not be discussed.

Mr. Rosa further stated that the building cannot cross over property lines. The Applicant advised that they will file an ANR with Planning Board to dissolve the property lines.

Mr. Rosa stated that the application was incomplete and that the plans were deficient.

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

Mr. Baker, Sr. asked if they would be able to access the Pleasant Street lot through RAD. Mr. Rosa stated that it would be OK to use the lot for storage but there would be no access to Pleasant Street.

Mr. Tansey asked the applicant about a sound barrier on the Pleasant Street side.

Mr. Baker, Jr. asked the applicant for a description of the manufacturing process, by-products and solid wastes. The Applicant answered that everything would be recycled, and residual waste would be collected in bags. Residual contaminants consisting of debris or dirt, things like bobby pins, bubble gum, etc. but were not environmental contaminants. There would be no liquid byproducts or gases, and anything airborne would be collected through filter bags.

The Applicant further stated that the plastic recycling market is weak but is a growing market led by California. New plastics require a percentage of recycled plastics and is an emerging market. The alternative would be to send the used turf back to the manufacturer.

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Mr. Galley asked how much noise the dust collection system would make, and the Applicant answered it was enclosed with a sound barrier. Mr. Rosa stated that if the noise was excessive Mr. Ruble or the Board of Health would enforce performance standards. Attorney Galvin stated that there were no local noise standards in the local bylaws but that the DEP and Board of Health enforce. Mr. Ruble stated that site plan review would have to approve.

Attorney Galvin had no questions for the applicant.

Mr. Rosa asked about two (2) specific conditions from the 2016 Decision which this application goes directly against and negates - Pleasant Street access and no manufacturing of products. Attorney Galvin stated that the Board can continue to withhold those conditions or could approve new conditions and that it was within the discretion of the Board.

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.

Leandro Costa, 219 Pleasant Street, asked how the recycling process worked exactly, and the Applicant explained the process. He then asked if there was washing of any sort and applicant stated yes, it was a recycling system in a 200 gallon filtered tank that recycles itself. The Applicant was asked if there were any PFAS concerns and answered no. Mr. Costa wanted to know how this a good idea was. Applicant responded that sand, water, fiber, backing and rubber were recycled and used in future product. The Applicant was asked about fumes and answered that the system would not operate in the filters were not working. He further stated that the noise level was about the same as an industrial laundry mat. Mr. Rosa asked for clarification about small particles and the Applicant stated they would be filtered, and Mr. Rosa then asked about noxious fumes and applicant stated there were none.

Katie Vecchione, 215 Pleasant Street, and Nancy of 237 Pleasant Street asked how tall the building would be. The Applicant answered 35 feet. The Applicant was then asked if he would fix the fence and stated yes. The neighbors then stated that they had concerns about smells, dust and access and that they were against it as residents, and wanted to know if it was approved, if the start time could be 7:00 A.M. and not 6:00 A.M. and that if there was machine noise, they wanted it addressed promptly.

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Mr. Baker, Sr. asked during the recycling of the turf material, what happened to the painted lines and the Applicant answered that it was brushed off and washed into the filter. Mr. Baker then asked where the loading docks are, and the Applicant answered on the back side opposite Pleasant Street. Mr. Baker asked about the fence and applicant stated they could add a landscaped buffer and fix the fence and add mulch, arborvitaes and would keep the area clean. Sean Boyd stated that he would get together with Highway on site to discuss concerns.

Mr. Rosa stated that the Applicant would need site plan approval; driveway access around building and approximate 10-foot buffer as shown on plan.

He asked where the existing parking was. He then asked the Board members if they could make a decision based on the plan.

Mr. Tansey asked about the easements. Mr. Baker, Jr. agreed that they needed more detail. Mr. Baker, Sr. said he could not vote on a decision. Mr. Galley stated that he cannot read the light pattern and could not vote on a decision.

Mr. Rosa stated the Planning Board would be looking for drainage.

Mr. Baker, Sr. makes a motion to continue the public hearing.

Mr. Boyd stated he would need at least a week to revise and submit documents.

Mr. Baker, Jr. amends the motion to continue the public hearing to Tuesday, May 7, 2024, at 7:45 P.M.

Mr. Baker, Sr. seconds the motion.

The Board takes 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 is continued.

DISCUSSION on MAY 7, 2024:

ATTENDANCE:

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

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

The Chair of the Zoning Board introduced the members of the Board advising the public that the hearing is being recorded and explained the rules of the hearing.

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 continuance public hearing was opened.

The Chair read the advertised notice in the Patriot Ledger with a Public Hearing Date of April 16, 2024.

Sean Boyd stated that the plan had been revised and Mr. Rosa stated that the plans looked good.

Attorney Frederick Casavant explained the easement and right of way. Mr. Rosa asked about the ANR before the Planning Board to combine the lots into 1 large lot and Attorney Casavant stated that he had spoken to the Planning Board and their deadline was May 14. Mr. Rosa then stated that the subsurface drainage system and that the plans were readable and presentable.

Mr. Rosa then stated that the Board could modify the previous special permit conditions.

Mr. Rosa then asked the Board members if they had any questions.

Mr. Galley asked about the Pleasant Street emergency access and Mr. Boyd advised that it would be gated and locked for Fire Department emergency access only.

Mr. Rosa entertains a motion to close the public portion of the hearing. So moved by Mr. Baker, Jr.

Attorney Casavant then mentioned Conditions 1 and 6 of the prior Decision filed June 27, 2016; ZBA Case No.: 2016-24.

Mr. Tansey seconds the motion.

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The Chair asked the members of the ZBA for 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 is 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 relief was granted, one of the conditions would be to show the Building Commissioner proof of recording of the decision.

DELIBERATION:

The Board feels that this is a great use as it is recycling and is good for the environment.

DECISION ON SPECIAL PERMIT:

Robert Rosa entertains a motion to grant the Special Permit with conditions. So moved by Gregory Tansey.
Seconded by Stephen Galley.

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. A Site As-Built plan and a Foundation As-Built plan shall be filed with the Building Department and the Zoning Board of Appeals.
2. There shall be no outside stacking of materials at this location.
3. There shall be no storage of equipment outside of the building at this location. Equipment shall be used for loading and unloading of materials.

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4. Dust Control: Applicant shall control dust so that it does not spread to surrounding residential homes or surrounding businesses.
5. Hours of Operation: Monday through Saturday: 7:00 A.M. to 4:30 P.M.
6. There shall be no vehicular or pedestrian access to or from Pleasant Street EXCEPT and only for emergency access. Emergency Access Gates shall be kept locked and for emergency access only. Locks shall be checked with keys and oiled every 6 months.
7. Fire Access Lanes shall be kept clear at all times, and nothing shall be stored in fire access areas.
8. Applicant shall comply with Highway Department Superintendent's Email dated April 16, 2024, and filed with the Rockland Town Clerk on April 16, 2024, at 12:43 P.M.
9. 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 a Special Permit to allow the expansion of use for 171 VFW Drive. The Applicant is seeking a Special permit as per Sections 415- 14C.(22), Uses requiring a special permit, 415-79, Environmental Performance Standards, 415-80, General Performance Standards, and 415-89, Special Permits, to allow applicant to construct a 35,000 sq. ft. building to store equipment and materials that are currently stored outside and the recycling of existing synthetic turf fields. The Board found that the expanded accessory use would not create a nuisance to the neighborhood. The Board found that by granting the Special Permit with the conditions set forth should not be a derogation to the intent of the Zoning By-Laws and would be in harmony with the surrounding neighborhood.

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.

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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, Chair