

See Book 572
Page 130
CBA app for c.sone
w/beer + wine

This Space is For Registry of Deeds Only:

ROCKLAND ZONING BOARD OF APPEALS
242 UNION STREET
ROCKLAND, MASSACHUSETTS 02370
E-mail: zoning@rockland-ma.gov

Phone: (781) 871-1874 extension 175
Facsimile: (781) 871-0386

Town Clerk's Date Stamp:



CASE NO.: 2016-32
Property Address: 200 VFW Drive

A public hearing was held at 7:30 P.M. on August 16, 2016 in the Lower Hearing Room, Town Hall, 242 Union Street, Rockland, MA on the petition submitted by John A. Melchione, 416 Plain Street, Rockland, MA 02370 to allow the sale of Beer and Wine at 200 VFW Drive. The Applicant is seeking a Special Permit as per §415-14.C.3. The owner of the property is JAM Real Estate/John Melchione, 218 VFW Drive, Rockland, MA. The site is in a B-2 zone; it is located at 200 VFW Drive and is further identified as Lot #80 on the Rockland Assessor's Map #19. A copy of this application is on file in the Town Clerk's office and is available for inspection during regular office hours.

ATTENDANCE: Board Members: Chairman Robert Manzella, Rita Howes, Robert Rosa and Associate Members Stephen Johnson and Brian Hughes.
ABSENT: Gregory Tansey and Stanley Cleaves.

Page Two of Six

Applicant: John A. Melchione

Property Address: 200 VFW Drive

Hearing Date: August 16, 2016

Also present was Land Use Counsel Robert W. Galvin and Building Commissioner/Zoning Enforcement Officer Tom Ruble.

MEMBERS VOTING: Robert Manzella, Rita Howes, Robert Rosa, Stephen Johnson and Brian Hughes.

DISCUSSION: Chairman Manzella read the advertisement from the Patriot Ledger.

The Applicant Mr. Melchione and his tenant Tariq Mahmud came before the Board to make their presentation. The Applicant testified that he is applying for a Special Permit for his building at VFW Drive where there will be a convenience store and would like to sell Beer and Wine at this location.

Mr. Johnson asked the Applicant if the building is there now. The Applicant replied, yes. Mr. Johnson asked the Applicant if the Beer and Wine sales would be from the convenient store. The Applicant replied, yes.

Ms. Howes testified that it is a lovely building but is concerned if there are enough parking spaces. The Applicant testified that when he went before the Planning Board the parking did work out and was not aware at that time that he needed a Special Permit for the sale of Beer and Wire as it just came to his attention. Ms. Howes asked if the tenant was here this evening. The Applicant testified that they were. Ms. Howes asked if they were both TIPS trained. The Applicant testified that she is only TIPS trained, not him.

Mr. Rosa had no questions at this time for the Applicant.

Mr. Hughes discussed the parking spaces, the spaces in the back of the building and was concerned about loitering. The Applicant testified that he will have cameras and lighting. Mr. Hughes testified that he is concerned about the people who purchase the Beer and Wine.

The Chairman asked the Applicant if there would be KENO at this location. The tenant replied, no. The Applicant testified that he will have the lottery. The Chairman asked the Applicant what is the space on the left side of the building. The Applicant testified that he plans on renting out the big side first, not sure right now what type of business will be next to the convenience store. The Chairman

Page Three of Six

Applicant: John A. Melchione

Property Address: 200 VFW Drive

Hearing Date: August 16, 2016

stated; that if it becomes and sandwich shop, parking could be an issue. The Chairman asked the Applicant what the store hours would be. The tenant testified, 5:00 A.M. to midnight seven days per week. The Chairman asked the tenant why 5:00 A.M. to open the business. The tenant testified those are standard hours. The Chairman asked if there would be coffee and donuts for sale. The tenant testified that they will sell stuff in packages and would not be like a MaryLou's. The tenant testified that the Board of Selectmen will determine the hours for the sale of Beer and Wine.

Ms. Howes asked if there would be sit down table and chairs. The tenant replied, no.

Attorney Galvin stated that they need to determine the intent of by By-law.

The Chairman asked the audience if there was anyone in favor or against this petition. The Chairman read a letter dated 8/8/16 from Kerry Bauer and Paul Winston residents of Boxberry Lane where they state they are against this petition.

Mr. Hughes addressed the Board testifying that he would like a condition that there will be no full alcohol license at this location.

The Applicant testified that a convenience store looks for Beer and Wine and has no intention of a full liquor license at this location as he needs the Beer and Wine so that his convenience store can flourish.

The Chairman closed the open portion of this hearing and explained to the Applicant the appeal process, the filing of the decision with the Town Clerk, and if the Special Permit and/or variances are granted, the Applicant must receive from the Town Clerk a Certificate of no appeal after the 20 day appeal period and then proceed to the Registry of Deeds to record the approved decision together with a Certificate of no appeal and proof of recording must be submitted to the Building Department before receiving a permit.

DELIBERATION: The Chairman stated to the Board that the Applicant is requesting a Special Permit as per §415-14.C.3 to sell Beer and Wine at 200 VFW Drive.

Ms. Howes testified that it can only be Beer and Wine and make it a condition.

Page Four of Six

Applicant: John A. Melchione

Property Address: 200 VFW Drive

Hearing Date: August 16, 2016

Mr. Hughes testified that he would like the employs to park out back in the 3 spaces provided on the plan.

The Chairman stated he is concerned about the parking spaces if they rent out the other side and we do not know at this time what will be going in that empty space.

Mr. Hughes testified that the back parking spaces are to be used for the employees.

The Chairman discussed with Attorney Galvin that the Special Permit will be in the building owner's name John A. Melchione allowing the Applicant to seek a Beer and Wine license through the Board of Selectmen.

Mr. Hughes and Mr. Rosa testified that 2,520 square feet of the building will be used for the convenience store.

DECISION AND VOTE ON DECISION: Mr. Rosa made a motion to grant the Special Permit to John A. Melchione with the following conditions. Ms. Howes seconded the motion. The vote of the Board was unanimous (5-0)

CONDITIONS:

- 1). This location can only have a Special Permit for the Sale of Beer and Wine. There shall be no full liquor license at this location. The Beer and Wine shall be sold by the convenience store tenant only and shall not be consumed on the site.
- 2). This convenience store shall have no KENO but will have lottery sales.
- 3). The hours of the business operation: Seven days per week – 5:00 A.M. to midnight.
- 4). There shall be some form of an Identi scan system used to check the ID's on the individual(s) purchasing Beer and Wine.
- 5). The Special Permit shall be issued to John A. Melchione.
- 6). If there is a change in tenant/manager, they must meet with the Zoning Enforcement Officer prior to meeting with the Board of Selectmen so that they may be made aware of the conditions of the Special Permit.
- 7). The area where the Beer and Wine is stored shall be locked or under cover when the Beer and Wine is not being sold in accordance to the hours for the Beer and Wine license issued by the Rockland Board of Selectmen.

Page Five of Six

Applicant: John A. Melchione
Property Address: 200 VFW Drive
Hearing Date: August 16, 2016

8). There shall be no temporary signs allowed in front of the store or out on VFW Drive unless approved by the Building Department with a temporary sign permit.

9). If there is a change in ownership of the property, the Applicant must come before the Zoning Board of Appeals for a new Special Permit.

10). All employees shall park in the spaces located in the rear of the building.

11). Proof of recording this Decision and Certificate of no appeal must be presented to the Building Department and the Board of Selectmen prior to applying for a Beer and Wine License before the Board of Selectmen.

12). Any complaints concerning the operation of the business shall be diverted to the Building Department/Zoning Enforcement Officer for enforcement in accordance with M.G.L., Chapter 40A, Section 7. If warranted, the ZBA will advertise and notify the abutters for a public hearing to discuss the revocation of the Special Permit to allow the sale of Beer and Wine at 200 VFW Drive.

REASONS FOR DECISION: Upon motion duly made and seconded, the Board found that the Applicant is seeking permission to allow the sale of Beer and Wine at the convenience store side of 200 VFW Drive. The Board found that the Applicant is seeking a Special Permit as per §415-14.C.3. The Board found that the owner of the property is JAM Real Estate/John Melchione, 218 VFW Drive. The Board found that this convenience store is located in a B-2 zone. The Board found that one of the employees is TIPS certified. The Board found that the hours of the business operation shall be seven days per week 5:00 A.M. to midnight and the hours for sale of Beer and Wine will be designated by the Board of Selectmen. The Board found that by granting this Special Permit with the said conditions as stated above, would not be a derogation to the Zoning By-Law and would be in harmony with the surrounding businesses.

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 BEER AND WINE LIQUOR LICENSE FROM THE BOARD OF SELECTMEN AND PROOF OF RECORDING MUST BE FILED WITH THE BUILDING COMMISSIONER AND THE BOARD OF SELECTMEN.

Page Six of Six

Applicant: John A. Melchione

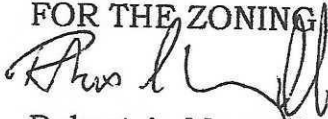
Property Address: 200 VFW Drive

Hearing Date: August 16, 2016

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



Robert A. Manzella
Chairman

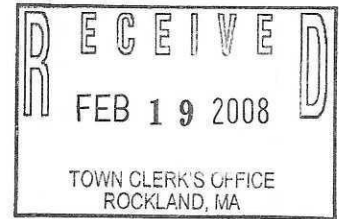
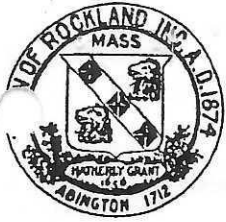
ROCKLAND ZONING BOARD OF APPEALS

242 UNION STREET

ROCKLAND, MASSACHUSETTS 02370

(781) 871-1874 x175

(781) 871-0386 fax



February 19, 2008

Mr. Robert Baker, Chairman
Rockland Planning Board
242 Union Street
Rockland, Ma. 02370

**Re: 200 VFW Drive
Site Plan & Design Review**

Dear Mr. Baker,

At our meeting on February 12, 2008, a site plan dated June 1, 2007 and signed by the Planning Board on June 13, 2007 shows parking spaces & pavement in a buffer zone.

Section V.A.1.iii states that the front property line in a B2 zone shall have a 20 foot landscaped buffer zone along the entire width of the front lot line with the exception only of sidewalks and driveways.

This matter should be reconsidered to ensure that there will be the proper amount of parking spaces for the proposed use and the proper landscaped buffer zones.

FOR THE ZONING BOARD OF APPEALS

Robert Manzella
Chairman

cc. Tom Ruble, Building Inspector, ZEO
Town Counsel
Town Clerk
ZBA Board Members

TOWN OF ROCKLAND ZONING BOARD OF APPEALS APPLICATION FOR A PUBLIC HEARING

I. 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 Section 6 Finding
- ☒ Special Permit for Use permissible by Special Permit
- ☐ Appeal from a Decision of the Zoning Enforcement Officer
- ☐ Comprehensive Permit (Chapter 40B)

II. Answer all of the following questions that pertain to your application:

1. Address of the property in question: 200 VFW Drive
2. Name(s) of Owner(s) of Property: JAM Real Estate / John Melchione
3. Owner's Address: 218 VFW Drive, Rockland.
4. Name of Applicant(s): John A Melchione
5. Address of Applicant: 416 Plain Street
Rockland, MA 02370
6. Applicant's Phone: Home: _____ Work: 781-878-4020
Cell: 781-983-4020 Fax: 781-982-0259
7. State the Assessor's Map # 19 and Lot # 80 of the property.
8. State the Zoning District in which the property is located: MA
9. Explain in-depth what you are proposing to do: After constructing
an up to date state of the art retail
location for a convenience store, it would
be a must to be able to sell beer and
wine to succeed.

10. Describe in detail any currently 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:

none

11. List all applicable section of the Zoning Bylaw that pertains to this application:
This section is to be filled out by the Building Inspector/Zoning Enforcement Officer.

Initialed by ZEO: _____ Date: _____

Tom Ruble

12. If you are applying for a dimensional variance, state in detail any specific conditions that effect the shape, soil, topography or structures on your lot that specifically effects your lot and do not effect the zoning district as a whole, and why these conditions cause a hardship to the land that warrants the grant of a variance (use a separate piece of paper if necessary) none

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:

(Beer, wine special permit)

In order to flourish in this location,
we need a special permit to sell Beer
and wine.

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. Ø

Signed: _____

John G. Mekhione / Anne

Owner(s) of Record _____

All owners must sign

Signed: _____

John G. Mekhione

Applicant(s) If Different from owner _____

All applicants must sign

Signed: _____

Signature of Attorney (if any) _____

Date: _____

The Zoning Enforcement Officer, for compliance with the attached instructions, must approve this application and all relevant documentation. Thirteen (13) copies are then required before submission to the Town Clerk for date stamp.

Tom Ruble, Zoning Enforcement Officer

Date: _____