



TOWN OF ROCKLAND ZONING BOARD OF APPEALS

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TOWN CLERK, ROCKLAND
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FINDINGS AND DECISION OF THE ZONING BOARD OF APPEALS

ZBA Case No.: 2024-16

Date: November 26, 2024

Decision: Grant of Special Permit

Applicant: Dina Lucchesi, 34 Pleasant Street, Unit 107, Foxboro, MA

Property Owner: LF 40 Reservoir, LLC, 100 Ledgewood Place, Rockland, MA

Property Address: 40 Reservoir Park Drive, Unit C, Rockland, MA

The Rockland Zoning Board of Appeals has considered the petition submitted by Dina Lucchesi, 34 Pleasant Street, Unit 107, Foxboro, MA, for a Special Permit pursuant to §415-19 (§415-19 C.(18)(e)), Commercial/recreation facilities such as: (e) other similar facilities; and §89, Special permits, to allow applicant to open and operate a physical therapy clinic and small group strength training at the premises known as and numbered 40 Reservoir Park Drive, Unit C, Rockland, MA. The property is located in the H-1 Industrial Park-Hotel Zoning District, Section 415-19 of the Bylaw, and is further identified as Lot 31, Map 9, on the Rockland Assessor's Maps. The owner of the property is LF 40 Reservoir, LLC, 100 Ledgewood Place, Rockland, MA with a mailing address of 552 Adams Street, Milton, 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 with the Town Clerk, Planning Board, and the Building Department pursuant to Mass. Gen. L. c. 40A, Section 11.

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Applicant: Dina Lucchesi, 34 Pleasant Street, Unit 107, Foxboro, MA

Owner: LF 40 Reservoir, LLC, 100 Ledgewood Place, Rockland, MA

Address: 40 Reservoir Park Drive, Unit C49 Market Street, Rockland, MA

Advertised: October 18, 2024, and October 25, 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 or after 7:30 P.M. on November 12, 2024.

ATTENDANCE:

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

Also present: Town Planner Allyson Quinn.

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

DISCUSSION:

The Chairman 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 November 12, 2024.

The applicant, Dina Lucchesi, explained her growing business, Core Physical Therapy, and the need for increased space. She stated she is looking to expand her client base geographically and this location is perfect as it is in the center of her current client base and is right off the highway allowing her to expand further south. She explained that she's been in business for just about 5 years and has 3 full time physical therapists and 1 full time office

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manager. She treats an adult and athlete population. The space itself is approximately 3,000 SF which will be treatment rooms surrounding the perimeter and fitness space in between. Both space-wise and location-wise it is ideal for the business and will allow for future expansion. She explained parking and has 6 reserved spaces directly outside the entrance. Client appointments are one-on-one, 60 minutes long, with never more than 6 people there at once. If the 6 spaces in front are not enough, employees would park in the additional parking provided by the property owner.

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

Gregory Tansey had no questions.

Robert Baker, Sr. asked about the dedicated parking spaces and whether that would be enough. The applicant explained that employees would be able to use the additional parking area if it became an issue.

Stephan Galley asked about use of equipment and early appointments and overlap in the parking areas. Applicant explained that appointments switched over on the hour and there was no overlap.

Robert Baker, Jr. had no questions.

Robert Rosa had no questions.

Town Planner Allyson Quinn explained how she had been working with the Building Commissioner to streamline the hearing process and if parking relief is required, he will add that to the referral. The applicant did have a letter from the property owner regarding parking and that the use. She recommends approving the Special Permit.

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 then opened the meeting back to the Board. The Board had no questions.

The Chair entertains a motion to close the public portion of the hearing.
Mr. Baker, Sr. makes a motion to close the public hearing.

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Robert Baker, Jr. 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 roll call vote was unanimous, and the public portion of 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, the applicant would have to show the Building Department proof of recording of the decision.

DELIBERATION:

The Board felt that the applicant could make the business work there.

DECISION ON SPECIAL PERMIT:

Robert Baker, Sr. makes a motion to grant the Special Permit.
Seconded by Robert Baker, Jr.

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

FINDINGS:

The Board voted to grant the Special Permit.

REASON FOR DECISION:

The Board found that the Applicant is seeking a Special Permit per Zoning Bylaw Sections 415-19 (415-19 C.(18)(e)), Commercial/recreation facilities such as (e) other similar facilities, and 415-89, Special Permits, to allow the operation of a physical therapy clinic. The Board found that the use would fit with the existing structure and zoning district. The Board found that granting the Special Permit will not derogate from the intent or purpose of the Zoning By-Laws and would be in harmony with the surrounding neighborhood.

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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 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, Chair