



TOWN OF ROCKLAND ZONING BOARD OF APPEALS

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FINDINGS AND DECISION OF THE ZONING BOARD OF APPEALS

ZBA Case No.: 2024-19

Date: December 23, 2024

Decision: Grant of Special Permit

Applicant: Kyla Phillips, 47 William Street, Rockland, MA

Property Owner: Richard and Kyla Phillips

Property Address: 47 William Street, Rockland, MA

The Rockland Zoning Board of Appeals has considered the petition submitted by Richard and Kyla Phillips of 47 William Street, Rockland, MA, for a Special Permit pursuant to Zoning Bylaw Sections 415-10C.(1), Hospitals and medical/dental clinics, §415-80, General performance standards and §415-89, Special Permits. Applicant is seeking to move her office into her home to meet with clients one-on-one for Biofeedback and talk-therapy appointments at the premises known as and numbered 47 William Street. The property is located in the R-3 Residence Zoning District, Section 415-10 of the Zoning Bylaws, and is further identified as Lot 21, Map 51, on the Rockland Assessor's Maps. The owners of the property are Richard and Kyla Phillips, 47 Williams St., 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 with the Town Clerk, Planning Board, and the Building Department pursuant to Mass. Gen. L. c. 40A, Section 11.

Advertised: November 26, 2024, and December 3, 2024, in the Patriot Ledger.

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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 8:00 P.M. on December 17, 2024.

ATTENDANCE:

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

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 December 17, 2024.

The applicant, Kyla Williams, explained her business and the high overhead costs at her current office in Hingham and she would like to move her office to her home.

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

Robert Baker, Jr. asked why she decided to move her office and applicant answered that her costs kept going up.

Gregory Tansey asked how many consults she would have a week and

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applicant answered an average of approximately 15 per week and she does some remote work with clients via Zoom. She sees 5 clients a day, 3 days a week. Applicant explained her practice is biofeedback and she does a type of talk-therapy with clients for stress, anxiety and things like that. Parking was discussed and she explained that her driveway was sufficient to hold enough cars without having any street parking.

Stephen Galley asked about other employees and applicant answered she has an employee that works remotely and one office employee but she would be cutting back on overhead.

Robert Baker, Sr. asked if there was any biohazard connected with her operation and applicant answered no.

Robert Baker, Jr. asked about the nature of the therapy and applicant answered electrodermal screening which is a type of biofeedback that uses physics and electricity and is non-invasive but is a way of looking at imbalances and meridians based on Chinese medicine and she does a type of talk therapy with clients for stress. The majority of her clients come for stress, anxiety, digestive issues and her practice is all word of mouth.

Robert C. Rosa, III had no questions.

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.

Mr. Baker, Sr. makes a motion to close the public portion of the hearing. Stephen Galley 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, and that the applicant was welcome to be present

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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 and that biofeedback therapy is real. The Board had also approved a Special Permit for a similar type situation in the past.

DECISION ON SPECIAL PERMIT:

Robert Baker, Sr. makes a motion to grant the Special Permit with Conditions. 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 and the Special Permit is granted.

CONDITIONS:

1. A copy of the proof of recording of this Decision and Certificate of No Appeal with the Registry of Deeds must be presented to the Building Department prior to applying for an Occupancy Permit and with the Zoning Board of Appeals.
2. There shall be no additional business at this location unless approved by the Zoning Board of Appeals.
3. The Board will review this decision in a year during the month of December, 2025.
4. Any complaints concerning the operation of the business shall be diverted to the Building Commissioner/Zoning Enforcement Officer for enforcement in accordance with M.G.L. Chapter 40A, Section 7. If warranted, the Zoning Board of Appeals will advertise and notify the abutters for a public hearing to discuss the revocation of the Special Permit for biofeedback and therapy as a home occupation in a residential dwelling.
5. Proposed signs shall be subject to the approval of the Building Commissioner.
6. The Special Permit is to be granted to Kyla Phillips at the address of 47 William Street, Rockland, and is not transferable.
7. Petitioner shall meet the requirements of all other Board and Commissions in the Town of Rockland and state licensing requirements.

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REASON FOR DECISION:

The Board found that the Applicant sees one patient at a time for privacy reasons so parking would not be an issue. The Board found that granting the Special Permit will not derogate from the intent or purpose of the Zoning By-Laws and should not impact the 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 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