

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: 365 Concord Street
2. Name(s) of Owner(s) of Property: Daniel Delprete & Christine Delprete and Delprete Realty Corp.
3. Owner's Address: 365 Concord Street, Rockland, MA 02370
4. Name of Applicant(s): Conrock LLC c/o Walter B. Sullivan
5. Address of Applicant: Sullivan & Comerford, PC, 80 Washington Street Building B Suite 7
Norwell, MA 02061
6. Applicant's Phone: Home: 781-871-6500 Work: _____
Cell: _____ Fax: 781-792-3993
E-Mail: wsullivanjr@sulsul.com
7. State the Assessor's Map # 62 and Lot # 35, 36, 41, 42, 43, 44 and 46 of the property.
8. State the Zoning District in which the property is located: R-1
9. Explain in-depth what you are proposing to do: Applicant seeks to construct 40 new single family homes at the premises and retain the current single family home to be owned and occupied by the current owner. The applicant intends to file for a Planned Unit Development (PUD) with the Planning Board and the applicant is seeking relief in regards to lot dimensions, land subject to the Rivers Protection Act, internal setback requirements, land use density and open space requirement in a PUD. Without such relief the Applicant will be unable to develop the lot as a PUD.

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:

N/A

11. List all applicable sections of the Zoning Bylaw that pertains to this application:
415-47.A, 415-47.C, 415-48.B, 415-50.D, and 415-52.

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) See attached memorandum.

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: *David G. Pappalardo*

Christine M. DePete
Owner(s) of Record
All owners must sign

Signed: _____

[Signature] *Westerly Open Market Company, LLC*
Applicant(s) if Different from owner
All applicants must sign

Signed: *Walter B. Sullivan*
Signature of Attorney (if any)

Date: _____

**DESCRIPTION OF (PUD) CONCEPT PLAN AND REQUESTED FINDINGS OF FACT
IN SUPPORT OF VARIANCE APPLICATION**

365 CONCORD STREET

Conrock LLC of Duxbury, MA seeks to develop certain parcels of undeveloped land with a single-family home upon it located at 365 Concord Street, Rockland as a Planned Unit Development (PUD). In order to do so, the applicant requires relief from the Town of Rockland Zoning By-Laws. A description of the proposed project and a summary of the relief requested are provided below. A Preliminary Concept Plan developed by Cavanaro Consulting has been submitted with the Application for Variance.

Existing Conditions

The proposed project consists of 7 parcels of land with a total area of 21.3+/- acres. The lots are located at 365 Concord Street, Rockland, MA, Assessor's Parcels Map 62, lots 35, 36, 41, 42, 43, 44, and 46. The lots are zoned as Residence District R1. One of the lots is currently developed with a single-family residential home upon it. The remaining lots are undeveloped. The combined parcels are bounded by Concord Street on the east side, French's Stream on the west side, and privately-owned lots on the north, south and the remainder of the east sides. The topography of the locus area is relatively flat. An unnamed intermittent stream runs from south to north through the center of the property. Approximately 4 acres of the land are identified as wetlands as defined by the Massachusetts Wetlands Protection Act. The wetland boundaries have been certified by the Rockland Conservation Commission per the Order of Resource Area Delineation (SE 273-0400) issued on January 11, 2019. The lots are mostly wooded, with areas of grass cover. The one developed lot is located on the northeast corner of the combined lots, and is accessed by a private driveway that connects to Concord Street.

Proposed Development

The applicant proposes to develop the subject property as a PUD. A Preliminary Concept Plan has been developed. The plan proposes to retain the developed single-family residence on a 2.2+/- lot, and build an additional 40 single-family dwellings on the remainder of the property. Each lot provides at least 10,890 s.f. of upland area, and most are larger when wetland area is included. The existing private driveway at Concord Street is expanded to become the right-of-way to the development. Two proposed dead-end streets, one which ends in a loop, connect to this right of way. The dwellings have not yet been designed but it is anticipated that each will contain 2000-2500 s.f. of gross floor area.

The preliminary proposal has been reviewed by the town water and sewer departments. The Abington/Rockland Joint Waterworks Commission voted on December 17, 2019 to approve future development of the land for approximately 40 residential units. The Rockland Sewer Commission voted on January 30, 2020 to approve development of the subject property for 40 (3.5-bedroom) units as well.

The sections of the bylaws that the applicant is seeking relief from the Zoning Bylaws are paraphrased in italics, followed by a brief description of the reason for the relief, below:

Relief Requested from the Rockland Zoning By-Law

1. Section 415-47 A, General size: *Plot and lot size and dimensions, if meeting the standards of this by-law, may be freely disposed and arranged provided the construction conforms to the plans approved...*

The proposed PUD lots do not conform to the Residence District R1 zoning requirements. Waivers are required for lot area, setbacks, lot width and frontage.

2. Section 415-47 C, General size: *No more than 10,890 s.f. of the land may be subject to the Rivers Protection Act.*

The proposed development requires the development of land subject to the Rivers Protection Act in excess of 10,890 s.f.

3. Section 415-48 B, Boundary Line and Internal Street Setbacks: *All structures shall be set back at least 25' from external streets, and public and private streets in a PUD.*

Although a dwelling layout has not been developed, some structures may be located less than 25' from the internal streets.

4. Section 415-50 D, Land Use Density: *The total number of dwelling units within a PUD shall not exceed the total number of dwelling units which would be permitted on the non-wetland portion of the parcel developed in a traditional (or Grid) manner.*

A brief analysis of a traditional “grid” development results in approximately 20 lots. 40 lots are proposed.

5. Section 415-52, Open Space: *In no event shall less than 35% of the gross land area of the PUD be open space.*

The proposed concept plan does not provide at least 35% of the 21.3-acre area as open space. At this time, approximately 115,000 s.f. is presented as open space.

REQUESTED FINDINGS OF FACT IN SUPPORT OF VARIANCE

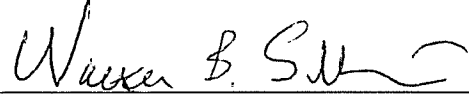
Now comes the applicant, Conrock, LLC petitions the Zoning Board of Appeals for a variance pursuant to § 415-45, and 415-22 and requests that the Board make the following findings of fact in accordance with such section:

1. That the following circumstances relating to the soil conditions, shape or topography especially affect the land in question, but do not affect generally the zoning district in

which the land or structures are located: The premises currently contains one single-family dwelling, and the remaining land is undeveloped. Due to the unique boundary lines and existence of an intermittent stream at 365 Concord Street relief is required for lot size and dimensions (415-47A), land being subject to the Rivers Act (415-47C), boundary lines and internal street setbacks (415-48B), land use density (415-50D), and open space requirements (415-52). Such lot limitations do not affect generally the zoning district.

2. That a literal enforcement of the provisions of the Zoning By-Law would involve a substantial hardship, financial or otherwise, to the applicant for the following reasons: Due to the above referenced conditions of the property, its shape and topography, a literal enforcement of the provisions of the By-Law would deprive the Applicant of the ability to develop the premises, which constitutes a substantial hardship. The literal enforcement of the By-Law would require the project to be reduced in size by 50%, and potentially further due to the Rivers Act, and density and setback requirements. Given that the premises is surrounded by residential properties, it is an appropriate use and consistent with the neighborhood and community needs for housing.
3. That relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purposes of the By-Laws, for the following reasons: The use of the parcel for development of single family residences is appropriate and harmonious to the zone given that it is within R-1 zone surrounded by other single family homes. Further, it is a passive use that will not disturb abutting uses in this district. Moreover, the slight derivations from the Zoning bylaws to allow for development of the site will pose no disturbance to the surrounding residences. In sum, the proposed development of a 40 unit PUD will be consistent with the other uses in the neighborhood and not detrimental to the intent of the Zoning By-Laws and will create additional housing to the benefit of the town.
4. That strict application of the provisions of this By-Law would deprive the applicant of reasonable use of the lot in a manner equivalent to the uses permitted to be made by other owners of the neighboring lands or structures in this area for the following reasons: Without the requested relief, the Applicant could not reasonably develop the lots as a PUD.
5. The relief if approved will not constitute a grant of a special privilege inconsistent with the limitations upon other properties in the same district for the following reasons: The immediate area consists of other single-family residences. The development of a 40 unit PUD will allow add to the housing inventory within the town of Rockland and shall be compatible with the current neighborhood and will not cause a disturbance to the neighborhood and is not a grant of a special privilege.

Respectfully submitted,
Conrock, LLC
By its attorney,

A handwritten signature in black ink, appearing to read "Walter B. Sullivan", written over a horizontal line.

Walter B. Sullivan
Sullivan & Comerford, P.C.
80 Washington Street
Building B, Suite 7
Norwell, MA 02061
Tel: (781) 871-6500
Email: wsullivanjr@sulsul.com



TOWN OF ROCKLAND

Board of Assessors

Town Hall

242 Union Street

Rockland, Massachusetts 02370

June 9, 2020

CERTIFIED ABUTTERS LIST OF MAP 62 – PARCEL 35

0 CONCORD STREET

BOARD – ZBA

REQUIREMENTS – Abutters, next abutter within 300 ft and directly across a public or private street or way.

CERTIFIED BY: Chrissi MacPherson
Chrissi MacPherson – Senior Administrative Assistant

Parcel ID	Owner	Location	Mailing Street	Mailing City, ST, ZIP
62-35	DELPRETE DANIEL G & CHRISTINE	365 CONCORD ST	365 CONCORD ST	ROCKLAND, MA 02370
57-17	BOYD WAYNE M & KATHLEEN A	343 CONCORD ST	343 CONCORD ST	ROCKLAND, MA 02370
57-18	GORDON CAROL ANN TRS	333 CONCORD ST	333 CONCORD ST	ROCKLAND, MA 02370
57-19	KIGGEN ROBERT H	317 CONCORD ST	317 CONCORD ST	ROCKLAND, MA 02370
57-21	DREW TIMOTHY D	307 CONCORD ST	307 CONCORD ST	ROCKLAND, MA 02370
57-22	HICKS GEORGE R & CATHERINE	297 CONCORD ST	297 CONCORD ST	ROCKLAND, MA 02370
57-23	ROURKE MARY ELIZABETH TRS MARY ELIZABETH ROURKE INVES	0 CONCORD ST	466 PLYMOUTH ST	ABINGTON, MA 02351
57-66	CHASE ALLEN & MARIE	366 CONCORD ST	366 CONCORD ST	ROCKLAND, MA 02370
57-71	TANZI RALPH JR & MARY JOANNE	346 CONCORD ST	346 CONCORD ST	ROCKLAND, MA 02370
62-18	TOWN OF ROCKLAND	240 SPRING ST	242 UNION ST	ROCKLAND, MA 02370
62-21	GLAVIN MARTIN E JR & CHINETTI ROBERTA	292 SPRING ST	292 SPRING ST	ROCKLAND, MA 02370
62-22	PEREIRA EDISON	310-312 SPRING ST	310-312 SPRING ST	ROCKLAND, MA 02370
62-36	DELPRETE REALTY CORP	0 CONCORD ST	365 CONCORD ST	ROCKLAND, MA 02370
62-37	FIORE ANTHONY R & MICHELLE M	385 CONCORD ST	385 CONCORD ST	ROCKLAND, MA 02370
62-41	DELPRETE DANIEL	0 CONCORD ST	365 CONCORD ST	ROCKLAND, MA 02370
62-42	DELPRETE DANIEL	0 CONCORD ST	365 CONCORD ST	ROCKLAND, MA 02370
62-149	JACOBS MICHAEL L	375 CONCORD ST	375 CONCORD ST	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.



TOWN OF ROCKLAND

Board of Assessors

Town Hall
242 Union Street
Rockland, Massachusetts 02370

June 9, 2020

CERTIFIED ABUTTERS LIST OF MAP 62 – PARCEL 36

0 CONCORD STREET

BOARD – ZBA

REQUIREMENTS – Abutters, next abutter within 300 ft and directly across a public or private street or way.

CERTIFIED BY: Chrissi MacPherson
Chrissi MacPherson – Senior Administrative Assistant

Parcel ID	Owner	Location	Mailing Street	Mailing City, ST, ZIP
62-36	DELPRETE REALTY CORP	0 CONCORD ST	365 CONCORD ST	ROCKLAND, MA 02370
57-17	BOYD WAYNE M & KATHLEEN A	343 CONCORD ST	343 CONCORD ST	ROCKLAND, MA 02370
57-21	DREW TIMOTHY D	307 CONCORD ST	307 CONCORD ST	ROCKLAND, MA 02370
57-23	ROURKE MARY ELIZABETH TRS MARY ELIZABETH ROURKE INVES	0 CONCORD ST	466 PLYMOUTH ST	ABINGTON, MA 02351
62-18	TOWN OF ROCKLAND	240 SPRING ST	242 UNION ST	ROCKLAND, MA 02370
62-21	GLAVIN MARTIN E JR & CHINETTI ROBERTA	292 SPRING ST	292 SPRING ST	ROCKLAND, MA 02370
62-22	PEREIRA EDISON	310-312 SPRING ST	310-312 SPRING ST	ROCKLAND, MA 02370
62-35	DELPRETE DANIEL G & CHRISTINE	365 CONCORD ST	365 CONCORD ST	ROCKLAND, MA 02370
62-37	FIGORE ANTHONY R & MICHELLE M	385 CONCORD ST	385 CONCORD ST	ROCKLAND, MA 02370
62-41	DELPRETE DANIEL	0 CONCORD ST	365 CONCORD ST	ROCKLAND, MA 02370
62-42	DELPRETE DANIEL	0 CONCORD ST	365 CONCORD ST	ROCKLAND, MA 02370
62-43	DELPRETE DANIEL G	0 CONCORD ST	0 CONCORD ST	ROCKLAND, MA 02370
62-126	WOOD WILLIAM G ESTATE ATTN: MELISSA WOOD	318-320 SPRING ST	318-320 SPRING ST	ROCKLAND, MA 02370
62-149	JACOBS MICHAEL L	375 CONCORD ST	375 CONCORD ST	ROCKLAND, MA 02370

Planning Boards: Rockland, Abington, Whitman, Norwell, Hanson, Hanover, Hingham & Weymouth:

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TOWN OF ROCKLAND

Board of Assessors

Town Hall
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June 9, 2020

CERTIFIED ABUTTERS LIST OF MAP 62 – PARCEL 41, 42, 43, 44

0 CONCORD STREET

BOARD – ZBA

REQUIREMENTS – Abutters, next abutter within 300 ft and directly across a public or private street or way.

CERTIFIED BY: *Chrissi MacPherson*
Chrissi MacPherson – Senior Administrative Assistant

Parcel ID	Owner	Location	Mailing Street	Mailing City, ST, Zip
62-41	DELPRETE DANIEL	0 CONCORD ST	365 CONCORD ST	ROCKLAND, MA 02370
62-42	DELPRETE DANIEL	0 CONCORD ST	365 CONCORD ST	ROCKLAND, MA 02370
62-43	DELPRETE DANIEL G	0 CONCORD ST	365 CONCORD ST	ROCKLAND, MA 02370
62-44	DELPRETE DANIEL G	0 CONCORD ST	365 CONCORD ST	ROCKLAND, MA 02370
62-21	GLAVIN MARTIN E JR & CHINETTI ROBERTA	292 SPRING ST	292 SPRING ST	ROCKLAND, MA 02370
62-22	PEREIRA EDISON	310-312 SPRING ST	310-312 SPRING ST	ROCKLAND, MA 02370
62-23	HAFFNER KAREN	326 SPRING ST	326 SPRING ST	ROCKLAND, MA 02370
62-35	DELPRETE DANIEL G & CHRISTINE	365 CONCORD ST	365 CONCORD ST	ROCKLAND, MA 02370
62-36	DELPRETE REALTY CORP	0 CONCORD ST	365 CONCORD ST	ROCKLAND, MA 02370
62-37	FIORE ANTHONY R & MICHELLE M	385 CONCORD ST	385 CONCORD ST	ROCKLAND, MA 02370
62-40	ARNOLD DIANNE E & LEIGH	389 CONCORD ST	389 CONCORD ST	ROCKLAND, MA 02370
62-45	CRAWFORD SCOTT F & JOANNE M	407 CONCORD ST	407 CONCORD ST	ROCKLAND, MA 02370
62-46	DELPRETE REALTY CORP	0 CONCORD ST	365 CONCORD ST	ROCKLAND, MA 02370
62-47	JARDIM EDVAR M & MISSENE C	419 CONCORD ST	419 CONCORD ST	ROCKLAND, MA 02370
62-126	WOOD WILLIAM G ESTATE ATTN: MELISSA WOOD	318-320 SPRING ST	318-320 SPRING ST	ROCKLAND, MA 02370
62-139	OBRIEN DEBORAH	35 ELEANOR LN	35 ELEANOR LN	ROCKLAND, MA 02370
62-140	SALAMONE CHARLES J JR & KAREN A	33 ELEANOR LN	33 ELEANOR LN	ROCKLAND, MA 02370
62-141	LORGEREE EDWARD & TRICIA	31 ELEANOR LN	31 ELEANOR LN	ROCKLAND, MA 02370
62-142	WHITE CHRISTINE R LAROSE	29 ELEANOR LN	29 ELEANOR LN	ROCKLAND, MA 02370
62-143	SCHNEIDER KENNETH R & HEATHER M RENNIE SCHNEIDER	27 ELEANOR LN	27 ELEANOR LN	ROCKLAND, MA 02370
62-144	GARRITY JOSEPH & KATHLEEN M	25 ELEANOR LN	25 ELEANOR LN	ROCKLAND, MA 02370
62-149	JACOBS MICHAEL L	375 CONCORD ST	375 CONCORD ST	ROCKLAND, MA 02370

Planning Boards: Rockland, Abington, Whitman, Norwell, Hanson, Hanover, Hingham & Weymouth:

Rockland Board of Assessors (Notice of decision only)

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TOWN OF ROCKLAND

Board of Assessors

Town Hall
242 Union Street
Rockland, Massachusetts 02370

June 9, 2020

CERTIFIED ABUTTERS LIST OF MAP 62 – PARCEL 46 0 CONCORD STREET

BOARD – ZBA

REQUIREMENTS – Abutters, next abutter within 300 ft and directly across a public or private street or way.

CERTIFIED BY: Chrissi MacPherson
Chrissi MacPherson – Senior Administrative Assistant

Parcel ID	Owner	Location	Mailing Street	Mailing City, ST, Zip
62-46	DELPRETE REALTY CORP	0 CONCORD ST	365 CONCORD ST	ROCKLAND, MA 02370
62-22	PEREIRA EDISON	310-312 SPRING ST	310-312 SPRING ST	ROCKLAND, MA 02370
62-23	HAFFNER KAREN	326 SPRING ST	326 SPRING ST	ROCKLAND, MA 02370
62-24	GIACCHETTI MICHAEL & GIACCHETTI JOSEPH	330 SPRING ST	330 SPRING ST	ROCKLAND, MA 02370
62-40	ARNOLD DIANNE E & LEIGH	389 CONCORD ST	389 CONCORD ST	ROCKLAND, MA 02370
62-43	DELPRETE DANIEL G.	0 CONCORD ST	365 CONCORD ST	ROCKLAND, MA 02370
62-44	DELPRETE DANIEL G.	0 CONCORD ST	365 CONCORD ST	ROCKLAND, MA 02370
62-45	CRAWFORD SCOTT F & JOANNE M	407 CONCORD ST	407 CONCORD ST	ROCKLAND, MA 02370
62-47	JARDIM EDVAR M & MISLENE C	419 CONCORD ST	419 CONCORD ST	ROCKLAND, MA 02370
62-48	MACCORMACK ROBERT G & SUSAN M TRSEE MACCORMACK FAM TR	421 CONCORD ST	421 CONCORD ST	ROCKLAND, MA 02370
62-126	WOOD WILLIAM G ESTATE ATTN: MELISSA WOOD	318-320 SPRING ST	318-320 SPRING ST	ROCKLAND, MA 02370
62-139	OBRIEN DEBORAH	35 ELEANOR LN	35 ELEANOR LN	ROCKLAND, MA 02370
62-140	SALAMONE CHARLES J JR & KAREN A	33 ELEANOR LN	33 ELEANOR LN	ROCKLAND, MA 02370
62-141	LORGEREE EDWARD & TRICIA	31 ELEANOR LN	31 ELEANOR LN	ROCKLAND, MA 02370
62-142	WHITE CHRISTINE T LAROSE	29 ELEANOR LN	29 ELEANOR LN	ROCKLAND, MA 02370
62-143	SCHNEIDER KENNETH R & HEATHER M RENNIE SCHNEIDER	27 ELEANOR LN	27 ELEANOR LN	ROCKLAND, MA 02370
62-144	GARRITY JOSEPH & KATHLEEN M	25 ELEANOR LN	25 ELEANOR LN	ROCKLAND, MA 02370
62-145	RUHR JEFFREY W JR & KRISTIN	23 ELEANOR LN	23 ELEANOR LN	ROCKLAND, MA 02370

Planning Boards: Rockland, Abington, Whitman, Norwell, Hanson, Hanover, Hingham & Weymouth:

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