



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

Date: October 3, 2022

Decision: Denial of Dimensional Variance

Applicant: LeeAnn King, Trustee, Supermom Trust

Property Address: 630 Summer Street, Rockland, Massachusetts 02370

The Rockland Zoning Board of Appeals has considered the application submitted by LeeAnn King, Trustee, Supermom Trust, 630 Summer Street, Rockland, Massachusetts, c/o Attorney Thomas J. Callahan, 427 Columbia Road, Hanover, Massachusetts 02339, for a dimensional variance pursuant to Section 415-22, Building and Lot Regulations, and Section 415-89.1, to allow the applicant to add an L-shape addition to the northeast corner of the existing structure at 630 Summer Street, Rockland, Massachusetts. The property is located in the R-2 Residence Zoning District, Section 415-9 of the ByLaw, and is further identified as Lot 44, Map 63, on the Rockland Assessor's Maps. The owner of the property is by Lee-Ann King, Trustee, Supermom Trust, 630 Summer Street, Rockland, Massachusetts 02370. The Board certifies that it has complied with all statutory requirements relative to notice to abutters 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: July 20, 2022, and July 27, 2022, in the Patriot Ledger.

The Board lastly has taken into consideration testimony of the applicant, the applicant's attorney, the public, the application materials, plans and revised plans, and communications from various Town boards, abutters, and with interested parties.

ROCKLAND ZONING BOARD OF APPEALS
DECISION
630 SUMMER STREET
ROCKLAND, MASSACHUSETTS 02370

The Public Hearing was opened on August 16, 2022, at the Rockland Town Hall, 242 Union Street, Rockland, Massachusetts, however, the Board did not have a quorum as the only members present were Robert C. Rosa, III, Chairman, and Robert Baker, Sr. The hearing was continued until September 6, 2022, but was cancelled due to the Massachusetts Primaries. The public hearing was then continued to 7:30 P.M. on September 20, 2022, and was held virtually via Zoom.

ATTENDANCE:

Board Members: Robert C. Rosa, III, Gregory Tansey, Timothy Haynes, Robert Baker, Jr., Robert Baker, Sr., Stephen Galley and Nicole Clement-Gomez.

Also present: Land Use Counsel Attorney Robert W. Galvin as well as Building Commissioner/Zoning Enforcement Officer Thomas Ruble.

MEMBERS VOTING: Chairman Robert C. Rosa, III, Gregory Tansey, Robert Baker, Jr., Robert Baker, Sr., and Timothy Haynes.

DISCUSSION ON SEPTEMBER 20, 2022:

The Chairman of the Zoning Board introduced the members of the board.

The Chairman read the advertised notice in the Patriot Ledger with a Public Hearing Date of August 16, 2022.

The applicant's attorney, Thomas Callahan, advised that he represented the applicant, LeeAnn King, Trustee, who is seeking a variance for a small L-shaped addition to the property. He explained a letter Ms. King had sent to the Board and mentioned adverse possession regarding a fence at the rear of the property in which case the variance would not be needed.

The Chairman asked Ms. King to read her letter, which she did.

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

Gregory Tansey asked the about ownership of the fence, the side yard setback, and the size of the requested variance.

Robert Baker, Sr. had no questions.

ROCKLAND ZONING BOARD OF APPEALS
DECISION
630 SUMMER STREET
ROCKLAND, MASSACHUSETTS 02370

Timothy Haynes had no questions.

Stephen Galley asked if the addition could be moved in by a foot.

Robert Baker, Sr. asked if an ADA ramp was required.

Nicole Clement-Gomez had no questions.

Robert Baker, Jr. wanted to clarify that the side setback was short 1.4 feet and the rear was 12.3 using the deeded property line.

Chairman Rosa stated that adverse possession could not be discussed. He asked what was the deficiency to the land enabling the Board to consider allowing the variance.

The Chairman 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.

Robert Baker, Sr. asked if there was any way to put the addition on the other side of the dwelling and applicant answered no.

Robert Baker, Jr. asked if the plan could be redone with the bathroom being moved.

The Chairman asked the members of the board for a motion to close the public portion of the meeting.

So moved by Robert Baker, Sr.

Seconded by Timothy Haynes.

The ZBA members take a vote: Robert Rosa – Yes, Robert Baker, Sr. – Yes, Gregory Tansey – Yes, Timothy Haynes – Yes, Robert Baker, Jr – Yes, Stephen Galley – Yes, Nicole Clement-Gomez – Yes. The vote is unanimous, and the public portion of the meeting has been closed.

The Chairman reads to the applicant the appeal process and states a decision will be made at tonight's hearing, and that they are welcome to stay and await

ROCKLAND ZONING BOARD OF APPEALS
DECISION
630 SUMMER STREET
ROCKLAND, MASSACHUSETTS 02370

the result. One of the conditions is always to show the Building Commissioner proof of recording.

DELIBERATION:

Robert Baker, Sr. wanted to know if the size of the lot would be considered to grant the variance. The Chairman answered no.

Mr. Rosa discussed the possibility of the applicant going up a story to add a bedroom and bathroom as the house was a single story.

Mr. Haynes stated that the conditions for granting a variance were not met by the applicant.

Mr. Baker, Sr. wanted to know how long before the applicant could apply with a new set of plans if the variance was not granted. Mr. Rosa stated if it was denied without prejudice applicant could come back with modified plans for other options such as an accessory apartment or a Section 6 finding as substantially not more detrimental and could ask for a waiver.

Mr. Rosa stated that if the applicant added the extra land under adverse possession they would not need a variance but that could take years.

The Chairman stated that the criteria for a variance was not met.

The Chairman then entertained a motion.

DECISION ON VARIANCE:

Motion by Timothy Haynes to deny the variance as applied for without prejudice.

Seconded by Robert Baker, Jr.

Mr. Rosa stated he had a motion and a second. Mr. Rosa then asked if there was any other discussion. There being none, he asked all in favor to deny the variance. Robert Rosa, Robert Baker, Sr., Timothy Haynes, and Robert Baker, Jr. voted to deny the variance. Gregory Tansey voted in favor of granting the variance. The vote being 4 to 1, the motion passes and the relief is not granted.

ROCKLAND ZONING BOARD OF APPEALS
DECISION
630 SUMMER STREET
ROCKLAND, MASSACHUSETTS 02370

FINDINGS:

The Board found that the requirements to grant a dimensional variance were not met, and the Petitioner did not show any evidence of a hardship relating to the uniqueness, shape, soil or to the topography of the land. Therefore, the Board found that they could not grant the variance.

REASON FOR DECISION:

The Board found that the lot did not meet the standard to create a dimensional hardship.

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 BUILDING PERMIT AND PROOF OF RECORDING MUST BE FILED WITH THE BUILDING COMMISSIONER.

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
Chairman