

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

TOWN CLERK, ROCKLAND
NOV 10 '22 PM 2:02

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: 45 Greenwood Street
2. Name(s) of Owner(s) of Property: Felipe Da Silva Penheiro
3. Owner's Address: 45 Greenwood Street
4. Name of Applicant(s): _____
5. Address of Applicant: 45 Greenwood Street
Rockland Ma
6. Applicant's Phone: Home: _____ Work: _____
Cell: 781-521-9100 Fax: _____
E-Mail: _____
7. State the Assessor's Map # 28 and Lot # 023 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: I am trying to
find out if me having my tow trucks
on my property will have any type of
decremental value to mine or my
neighbors properties. to also have a
fenced area to keep my trucks and
vehicles. And to appeal Cease & Desist order

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
Variance (4-26-79) March 16, 1989 to allow
Construction on Greenwood St.
Special Permit 415-35.F.2.

11. List all applicable sections of the Zoning Bylaw that pertains to this application:

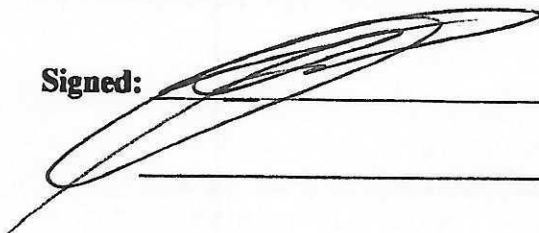
415-90
415-35

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)

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:

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
Appeal of Cease & Desist Order

Signed: 

Owner(s) of Record
All owners must sign

Signed: _____

Applicant(s) If Different from owner
All applicants must sign

Signed: _____
Signature of Attorney (if any)

Date: _____



TOWN OF ROCKLAND

Board of Assessors

Town Hall
242 Union Street
Rockland, Massachusetts 02370

September 27, 2022

CERTIFIED ABUTTERS LIST OF MAP 28 – PARCEL 23

45 GREENWOOD STREET

BOARD – ZBA

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

CERTIFIED BY:


Meg Peterson – Senior Administrative Assistant

Parcel ID	Owner	Location	Mailing Street	Mailing City
28-23	PINHEIRO FELIPE LANEIRO SILVESTRE	45 GREENWOOD ST	45 GREENWOOD ST	ROCKLAND MA 02370
23-18	BRADY CHRISTINA J TRUSTEE CHRISTINA J BRADY TRUST	75 GREENWOOD ST	75 GREENWOOD ST	ROCKLAND MA 02370
23-20	GORMLEY MARTIN GRINDLEY SUSAN P	85 GREENWOOD ST	85 GREENWOOD ST	ROCKLAND MA 02370
23-62	DOYLE JUSTINE	43 HATHERLY RD	43 HATHERLY RD	ROCKLAND MA 02370
23-64	ERICKSON CRAIG A	56 HATHERLY RD	56 HATHERLY RD	ROCKLAND MA 02370
23-75	HOFFMAN WILLIAM R	42 HATHERLY RD	42 HATHERLY RD	ROCKLAND MA 02370
23-76	CROSBY RICHARD F & MORGAN W	38 HATHERLY RD	38 HATHERLY RD	ROCKLAND MA 02370
28-10	GERVASI THOMAS J	157 SALEM ST	157 SALEM ST	ROCKLAND MA 02370
28-11	CAULFIELD MUOI	151 SALEM ST	151 SALEM ST	ROCKLAND MA 02370
28-12	PERKINS JAMES J & HITCHCOCK TARA-JAN	10 GREENWOOD ST	10 GREENWOOD ST	ROCKLAND MA 02370
28-13	FERREIRA THOMAS J & CHRISTINE	26 GREENWOOD ST	26 GREENWOOD ST	ROCKLAND MA 02370
28-14	CLEAVES STANLEY N. & MARGARET C/O BAZILE HILTON & GUERLINE M	38 GREENWOOD ST	38 GREENWOOD ST	ROCKLAND MA 02370
28-16	BATSON DAVID F & BEVERLY A	42 GREENWOOD ST	PO BOX 33	ROCKLAND MA 02370
28-17	WILLIAMSON SCOTT J & JODI H	48 GREENWOOD ST	48 GREENWOOD ST	ROCKLAND MA 02370
28-18	KAMPPILA RICHARD JR & CHRISTIN	58 GREENWOOD ST	58 GREENWOOD ST	ROCKLAND MA 02370
28-19	DONALDSON CYNTHIA L	68 GREENWOOD ST	68 GREENWOOD ST	ROCKLAND MA 02370
28-20	DYSZCZYK MARK & MOLINEAUX SAYLOR	78 GREENWOOD ST	78 GREENWOOD ST	ROCKLAND MA 02370
28-21	BRADY SEAN M & CHRISTINA J	65 GREENWOOD ST	75 GREENWOOD ST	ROCKLAND MA 02370
28-22	JOSEPH IDELLA O	51 GREENWOOD ST	51 GREENWOOD ST	ROCKLAND MA 02370
28-24	BOBEN RONALD M & CARA R	37 GREENWOOD ST	37 GREENWOOD ST	ROCKLAND MA 02370
28-25	DAVIDSON MARGARET ANN /TRS ROBERT BRIAN OF DAVIDSON FAM	27 GREENWOOD ST	27 GREENWOOD ST	ROCKLAND MA 02370
28-27	RODDAY BRYAN P DEVINE LAUREN M	129 SALEM ST	129 SALEM ST	ROCKLAND MA 02370
28-28	LEONARD EMILY L	119 SALEM ST	119 SALEM ST	ROCKLAND MA 02370
28-29	FORD ANDREW E	111 SALEM ST	111 SALEM ST	ROCKLAND MA 02370
28-30	REYNOLDS BRAD P & LUCIANE A	101 SALEM ST	101 SALEM ST	ROCKLAND MA 02370
28-32	RAFFERTY JOHN	83 SALEM ST	73 SALEM ST	ROCKLAND MA 02370



TOWN OF ROCKLAND

Board of Assessors

Town Hall
242 Union Street
Rockland, Massachusetts 02370

28-33	RAFFERTY MICHAEL F & SHARON A	73 SALEM ST	73 SALEM ST	ROCKLAND MA 02370
28-34	SULLIVAN MOLLY K TRUSTEE			
	SULLIVAN FAMILY PROTECT TRUST	57 SALEM ST	57 SALEM ST	ROCKLAND MA 02370
28-35	WARSAW TERRI L	96-REAR SALEM ST	96R SALEM ST	ROCKLAND MA 02370
28-36	GOLEMME RUTH MARIE FARRAR			
	DAVID A GOLEMME	56 SALEM ST	56 SALEM ST	ROCKLAND MA 02370
28-37	NGUYEN ANTHONY & DUNG	68 SALEM ST	68 SALEM ST	ROCKLAND MA 02370
28-38	MARTIN MICHAEL J & JANET O	80 SALEM ST	80 SALEM ST	ROCKLAND MA 02370
28-39	REYNOLDS BRIAN P & BARBARA A	96 SALEM ST	96 SALEM ST	ROCKLAND MA 02370
28-95	BETHONEY ROBERT J & THERESE	84 SALEM ST	84 SALEM ST	ROCKLAND MA 02370
28-100	KYETT RONALD I & WENZ HOLLY K	36 GREENWOOD ST	36 GREENWOOD ST	ROCKLAND MA 02370
29-2	MCGONAGLE PATRICK P/TRUSTEE			
	35 SALEM ST REALTY TRUST	35-37 SALEM ST	PO BOX 25	WOLLASTON MA 02170
29-3	LAY JON M			
	MAGUIRE RACHEL A	47 SALEM ST	47 SALEM ST	ROCKLAND 02370
29-5	GOLEMME STEPHEN	44 SALEM ST	44 SALEM ST	ROCKLAND 02370
29-6	GOLEMME DOUGLAS & KARIANNE TRS			
	36 SALEM ST REALTY TRUST	36 SALEM ST	36 SALEM ST	ROCKLAND 02370
29-11	LEISUREWOODS LAND LLC	680 UNION ST	110 N WACKER DR, STE 4500	CHICAGO IL 60606

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.

Any person or entity that is requesting an abutters' list where the subject property abuts or is located within 300 feet of the town's boundary line with another town is advised to obtain a certified abutters' list for abutters and abutters to abutters within 300 feet in the adjoining town.

LIST IS VALID FOR 90 DAYS

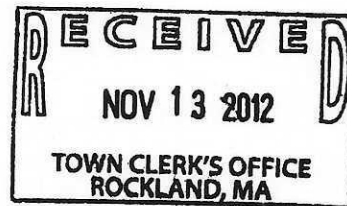
45 Greenwood

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:



A public hearing was held at 7:30 P.M. on October 30, 2012 in the H. Bernard Monahan Memorial Hearing Room, Town Hall, 242 Union Street, Rockland on the petition submitted by Felipe DaSilva Pinheiro, 45 Greenwood Street, Rockland, MA to allow the parking of a tow truck in a Residential Zone at 45 Greenwood Street. The Applicant is seeking a Special Permit as per Article V, Section 415-35.F.2. The site is in an R-1 zone, located at 45 Greenwood Street and is also known as Lot #23 on the Rockland Assessor's Map #28. 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, Vice-Chairman Gregory Tansey, Rita Howes, Peter McDermott, Stanley Cleaves and Associate Member: Robert Rosa. Also present was Building Commissioner/ZEO Tom Ruble.

ABSENT: Land Use Counsel Robert W. Galvin, and Associate Member Daria Rindone.

MEMBERS VOTING: Robert Manzella, Gregory Tansey, Rita Howes, Peter McDermott and Robert Rosa. Mr. Cleaves recused himself from voting and left the hearing room for this petition.

DISCUSSION:

Mr. Pinheiro came before the Board to make his presentation. The Applicant testified that he would like to have his tow truck parked in the back of his house; he is a single father taking care of his children; he cannot start his business until 9:00 A.M. until he gets his children to daycare. The Applicant testified that his business is junk car removal, he leaves around 9:00 A.M. and returns back home around 5:00 P.M. and sometimes he does not even work.

Mr. Tansey asked the Applicant if the lot was a wooded area and was the truck visible to the neighbors. The Applicant testified that his neighbor residing at 51 Greenwood Street (George) is the only one who can see his truck. Mr. Tansey asked the Applicant if this truck was a flatbed. The Applicant replied, yes. Mr. Tansey asked the Applicant if there was crushed stone that the truck parked on. The Applicant replied, yes. Mr. Tansey asked the Applicant how close to the property line he was parking the truck. The Applicant replied, 10-26 feet.

Ms. Howes asked the Applicant if he had a recessed lot. The Applicant testified that his house is 40 feet from where he parks the truck. Ms. Howes asked the Applicant if he drove the kids to school. The Applicant replied, yes.

The Chairman asked the Applicant if he went on any emergency calls. The Applicant replied, no.

Ms. Howes asked the Applicant if he worked for a company or by himself. The Applicant replied, himself.

Mr. McDermott had no questions at this time.

Mr. Rosa asked the Applicant if he knew where the property lines were. The Applicant replied, yes. Mr. Rosa asked the Applicant that if without a doubt you can park 20 feet from property line. The Applicant replied, yes.

The Chairman asked the Applicant if he did use emergency police tows. The Applicant replied, no. The Chairman asked the Applicant why he had the truck at the house. The Applicant testified that if the truck is at the house, it is more convenient for him to start work after he takes the kids to school. The Chairman asked if he owned a car. The Applicant replied, yes. The Chairman asked why he could not drive to a location that allowed parking of commercial vehicles. The Applicant just shrugged his shoulders and replied that he can start earlier if the truck is parked in his yard. The Chairman stated that you are picking up junk cars so it does not matter what time he picks up the cars. The Chairman asked the Applicant where do your children go to school. The Applicant testified Whitman. The Chairman asked the Applicant if there was any location between Whitman and his house that he could park his truck. The Applicant testified that he did not know.

Mr. McDermott read into the record letters that were received from Lisa Cleaves of 38 Greenwood Street dated 10/10/12; Margaret Cleaves of 38 Greenwood Street dated 10/18/12 and David Batson of 42 Greenwood Street dated 10/26/12.

The Chairman at this time asked the audience if there was anyone in favor of this petition. Ms. Annette Hall of 51 Greenwood testified that George is her brother; she lives the closest to Mr. Pinheiro; his wife passed away and the family who is complaining has personal problems and all the noises that were heard were for his kids in his back yard.

Ms. Kelley Reale of 42 Hatherly Road testified that she is opposed to this petition. Ms. Reale testified that he parks his tow truck in the back; he cut down 2 acres of trees; has a white box truck; a van; tow trucks and flatbeds. Ms. Reale testified she has her house on the market and all you see from her kitchen window is a dirt bike track and cars. Ms. Reale testified that as of today, she was able to see a maroon van, and a white box truck. Ms. Reale then passed out black and white photos of pictures she took for the Board to review.

Ms. Ruth Lincoln of 65 Greenwood Street testified that she has no objection for the tow truck being there as long as he has no extra cars there.

DELIBERATION:

The Chairman stated that the Board can only deliberate on the tow truck. The Chairman stated that the reason for the By-law was for a vehicle doing 24 hour call service, such as an ambulance, not going after junk cars.

Mr. Rosa stated that it looks like he storing cars on the property, 3 cars without plates, has no issues with the bobcat and regarding the white SUV; there something is wrong with it.

Mr. McDermott talked about if it could be located in the back.

The Chairman stated that the Applicant could take his car to wherever he has the truck parked that he can take the truck wherever he needs to go and pick up junk cars.

Mr. Tansey asked Mr. Ruble if the Applicant could store vehicles there. Mr. Ruble testified that he did remove some cars. The Applicant testified that he had 35 cars there at one time and Mr. Ruble gave him time to move the cars; only has 2 cars with no plates; he puts the dealer plate on the SUV when he drives it; and the van and box truck have plates.

The Chairman asked how high the box truck was. The Applicant stated 7'-8'.

Mr. McDermott stated that this is in a residential area and he wouldn't have a problem if it was for a couple of weeks, but this is not a couple of weeks.

Mr. Tansey stated that there are some abutters objecting to what is in the back.

Ms. Howes stated that some people have bobcats on their property.

Mr. Tansey stated that with regards to vehicle storage on land, he is doing it now.

Mr. Rosa stated that it is different than other ones, this goes all the way back, as you can drive 179 feet down to the main road.

The Chairman stated that there are plenty of industrial areas where the Applicant can park his truck and pick it up when he goes to work.

Mr. Rosa asked if this property warranted a site visit from the Board to see if you can see from the road as some of the abutters are saying they do not mind.

The Chairman stated that he does not think it warrants a site visit where the truck is parked and whether you can see the truck from the street in not the issue. The issue is parking and driving in and out of a residential area with a commercial vehicle.

Mr. McDermott stated that vehicles stay on the truck overnight.

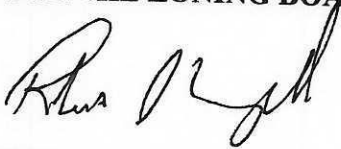
DECISION AND VOTE ON DECISION: Mr. Tansey made a motion to deny the Special Permit. Mr. McDermott seconded the motion. The vote of the Board was unanimous (5-0).

FINDINGS AND REASON FOR DECISION: Upon motion duly made and seconded, the Board found that the Applicant is seeking a Special Permit to allow the parking of a tow truck in a Residential Zone (R-1). The Board found that the Applicant does not use his tow truck for emergency 24-hour service as it is only used for transporting junk cars. The Board found that the Applicant is self employed with the junk car towing business and his normal working hours are between 9:00 A.M. – 5:00 P.M. The Board found that the tow truck did not belong in a residential area and could be relocated to an area that allowed the parking of a commercial vehicle. The Board found that if a Special Permit were granted, there would be a significant change in the character of the neighborhood with the increase of noise, dust, and odor from the commercial vehicle. Therefore, if the Board granted the Special Permit, the Board found that it would be more detrimental to the neighborhood by reasons of increased noise, dust and odor to the abutting homes in a residential zone. As such, with the evidence presented at this hearing, the Board had adequate information upon which to make specific findings as to the impact of the proposed uses as required by the Performance Standards of the By-law and found that the proposed use did not meet the Performance Standards.

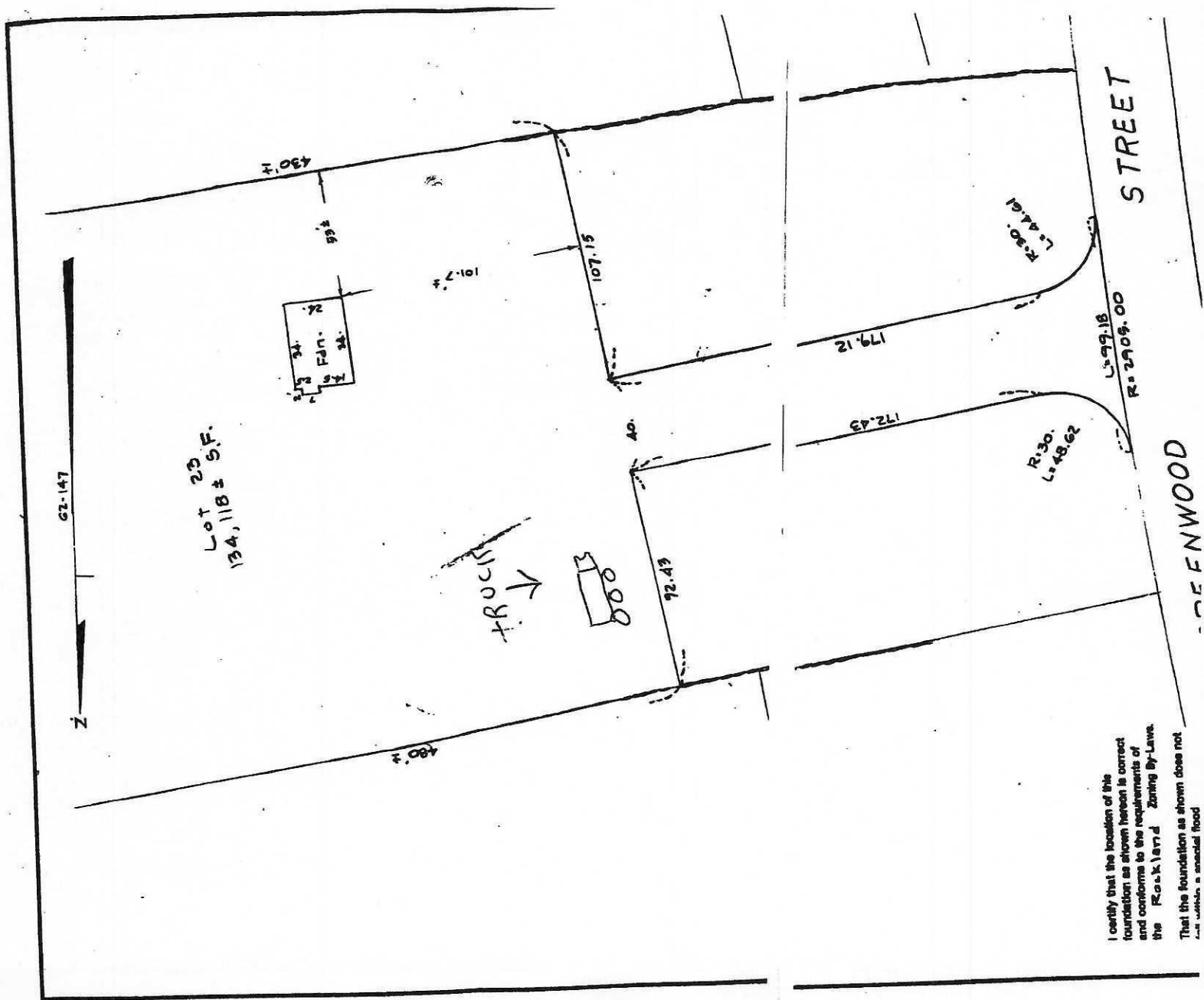
NOTE:

- ❖ 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 within the Planning Board as well as with the Town Clerk.

FOR THE ZONING BOARD OF APPEALS

A handwritten signature in black ink, appearing to read 'Robert A. Manzella', written over a horizontal line.

Robert A. Manzella
Chairman



I certify that the location of this foundation as shown hereon is correct and conforms to the requirements of the Rockland Zoning By-Laws.

That the foundation as shown does not violate any other applicable laws.