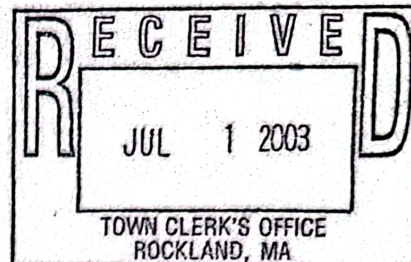


ROCKLAND ZONING BOARD OF APPEALS

242 UNION STREET
ROCKLAND, MASSACHUSETTS 02370

(781) 871-1874
(781) 871-0386 fax



A public hearing was held on April 9, 2003 and continued to May 22, 2003 and June 18, 2003 on the petition of **Rashid H. Succar** of 399 Webster Street, Rockland for a Special Permit subject to the approval of the Board of Appeals to allow: **The Petitioner to operate a gas station with a service and repair shop in a B-2 district. Also asking for an accessory use to use as a convenience store to sell tonic, milk and other convenience items. Said property is located at 49 Market Street.**

ATTENDANCE: Chairman Robert Manzella, Anton Materna, Stanley Cleaves, Peter McDermott, Rita Howes and Associate Members James Hannigan, Barry Ashton and Gregory Tansey. Town Counsel was absent.

MEMBERS VOTING: Anton Materna, Rita Howes, Peter McDermott, Barry Ashton and James Hannigan.

DISCUSSION: Attorney Shawn Cotter came before the Board to make a presentation on behalf of the Petitioner. At this time Attorney Cotter testified that his client wished to withdraw his request for convenience store, but wished to pursue the repair shop at this property. On March 17, 2003 the ZBA Chairman sent a letter asking for list of additional information that the Board would needed for the hearing asking for metes and bounds of property, dimensions of all existing structures, distances from structures to property lines, limits of asphalt, show all setbacks, show 10-foot vegetated buffer zones, number of parking spaces for employees, customers, repair shop, required back-up distance, location of dumpster, location of gas pumps and location of tank field, access and egress from Market Street and John Dunn Drive, North Arrow, show any feature that exists such as fence, ledge or the like, floor plan showing square footage of convenience area, offices, restrooms, etc. Attorney Cotter testified that the plan shows existing woodshed that would be removed, there is minimum number of parking spaces as required and that there are 3 bays in the garage. Attorney Cotter also testified that the Petitioner also runs the gas/repair Getty Gas station on corner of Webster Street and E. Water Street. Attorney Cotter testified that the would be approximately 3-5 cars per day for repair and that there would be no storage of parts outside, all cars will be stored inside during the night with the exception of maybe one car. The Petitioner testified that previous owner used the property for repair in 1992. Attorney Cotter testified that the Petitioner is

leasing the property and that the hours of operation for repairs would be Monday through Saturday 7:00 A.M. to 6:00 P.M. and gas sales would be Monday through Saturday 6:00 A.M. – 10:00 P.M. and Sunday would be 6:00 A.M. to 8:00 P.M. Mr. Dick Phelps, an abutter to the property had concerns about the traffic situation in that area especially 4-6 P.M., parking would end up over at China Plaza then moving their customers into his business area of 27 Market Street that he has had for 35 years. The Operation Manager of Atlantic Automotive of 50 John Dunn Drive was also concerned about the following: traffic on John Dunn Drive due to residents living at Rockland Place and condominiums on that street, where would the cars park when the tanker pulls up to drop off gas for fuel deliveries, what happens to exhaust pipes, tires, etc, when cars are repaired as there is only a small dumpster on the property at this time.

DECISION: The Board voted to deny the Special Permit.

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

REASON FOR DECISION: Upon motion duly made and seconded, the Board found that the Petitioner is seeking to operate a gas station with a service and repair shop in a B-2 district. The Board found that the gas station is a grand fathered use but the repair use had been abandoned for quite some time. The Board found that there is not ample parking for cars waiting to be repaired, customer cars, employee cars and gas customers. 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 traffic, noise, dust and odor. Therefore, by granting the Special Permit, the Board found that it would be more detrimental to the surrounding businesses and would not be in harmony with the neighborhood. As such, the Board made specific findings as to the impact of the proposed uses as required by the Performance Standards of the By-law and found the proposed use would not meet the Performance Standards.

NOTE:

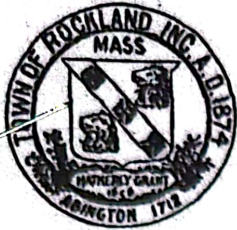
- This decision may be appealed to the District Court, Housing Court, Land Court or Superior Court pursuant to Chapter 40A, Section 17. Said appeal must be filed within twenty (20) days after this decision is filed with the Town Clerk.

- Chapter 40A, Section II, 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



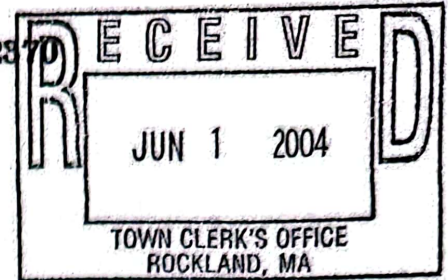
Robert A. Manzella
Chairman



ROCKLAND ZONING BOARD OF APPEALS

242 UNION STREET
ROCKLAND, MASSACHUSETTS 02370

(781) 871-1874 x175
(781) 871-0386 fax



A public hearing was held on May 19, 2004 at 7:45 P.M. in the H. Bernard Monahan Memorial Hearing Room, Town Hall, 242 Union Street, Rockland on the petition submitted by James Fader of 196 Myrtle Street, Rockland to allow: the transfer of a Class 2 used car license from 11 Bishop Lane to 49 Market Street. The current license is for 10 cars for wholesale with no display. The applicant is seeking a Special Permit to allow 7 cars for retail sale with only two on display at anyone time. Display cars will be stored inside during night hours. The applicant is also seeking to recondition used cars as required by Mass. General Laws. The site is located at 49 Market Street and shown on Assessor's Map #51, Lot #85. The site is located in a B-2 zone. A copy of this application is on file in the Town Clerk's office and is available for inspection during regular office hours.

ATTENDANCE: Chairman Robert Manzella, Stanley Cleaves, Peter McDermott, Rita Howes and Associate Members James Hannigan, Barry Ashton and Gregory Tansey. (Absent were Town Counsel and Mr. Materna)

MEMBERS VOTING: Stanley Cleaves, Peter McDermott, James Hannigan, Barry Ashton and Gregory Tansey. (Mr. Manzella and Ms. Howes abstained from voting)

DISCUSSION: Mr. James Fader came before the Board to make his presentation. The Petitioner testified that he is seeking a transfer of his current Class 2 license from 11 Bishop Lane to another location, 49 Market Street and downsize the amount of cars on the lot from ten to seven with two of the seven cars to be on display together with running the gas station that is already at this location. The Petitioner testified that he is also seeking a Special Permit to recondition the used cars that he intends to sell in the shop at 49 Market Street together with light warranty work on the cars he has sold. The Petitioner testified that the garage would hold at least 8 cars inside and that he does not intend to put lifts into the garage. The Petitioner testified that he would like the hours of operation to be Monday through Friday 6:00 A.M. to 8:00 P.M., Saturday 6:00 A.M. to 6:00 P.M. and Sunday 6:00 A.M. to 6:00 P.M. The Petitioner testified that there would be two other part-time employees to pump gasoline beside himself working at this location. The Petitioner testified that he still plans on repairing cars at Bishop Lane, but would move the selling of retail vehicles to the 49 Market Street site. The Petitioner testified that he would be leasing the station from Getty Oil. The Petitioner testified that there would be no cars dropped off at the 49 Market Street location. All repair work on the

vehicles would be done at 11 Bishop Lane. The Petitioner testified that the plan submitted with the application shows 2 proposed parking places near the gas area where the cars would be displayed. The Petitioner testified that he would hand wash the cars and that there will be no washing equipment installed. The Petitioner also testified that there are three doors to the garage, which are located at: one in the back, one in front and one on the north side of the building. The Petitioner testified that there would be no storage of any kind outside of the building and that he will be remodeling the building and the outside area of the lot by painting the building, tearing down the shed and planting flowers.

DECISION: The Board voted to grant the Special Permit for the transfer of the Class 2 license with the following conditions:

- 1). Antenna banners only – no other advertising with banners, flags, streamers, balloons, strobe/flashing lights, open hoods, etc.
- 2). No additional illumination.
- 3). No outside storage of parts.
- 4). No dismantling of vehicles.
- 5). No junk cars on display.
- 6). No trucks, trailers, tractor-trailers or cabs to be stored on property.
- 7). No bodywork.
- 8). No spray painting.
- 9). Reconditioning/detailing of used cars for sale is permitted.
- 10). Hours for car sales are 6:00 A.M. to 8:00 P.M. Monday through Friday; 6:00 A.M. to 6:00 P.M. Saturday/Sunday.
- 11). Signs are subject to approval.
- 12). Maintain a 10-foot buffer zone. (Board voted to waive this due to preexisting conditions)
- 13). Permit is subject to review in one (1) year.
- 14). Permit is granted to James Fader at the site of 49 Market Street.
- 15). Site plan must be submitted to the Board showing the following: (1) parking of cars (2) buffer zone (3) customer parking (4) buildings (5) service of cars (6) dumpsters (7) employee parking.
- 16). Maximum # of cars for sale or unregistered at any given time is limited to seven (with 5 stored inside and 2 for display). All cars shall be put inside at the end of each day (8:01 P.M. – 5:59 A.M.)
- 17). No offsite or street parking.

- 18.). Business is to be confined and operated within said boundaries.
- 19). No other business may be added to the existing business and used car sales business at this location without ZBA approval.
- 20). If the Building Department gets one written complaint and it is verified by the Zoning Enforcement Officer or his agents regarding the number of vehicles or any other violation of the above-mentioned conditions, the ZBA will advertise and notify the abutters for a public hearing to discuss the revocation of special permit and/or reduction of number of vehicles, or any other action the Board deems necessary.

VOTE ON DECISION: Mr. Cleaves to grant the Special Permit with conditions. Mr. Hannigan seconded the motion. The vote of the Board was unanimous (5-0).

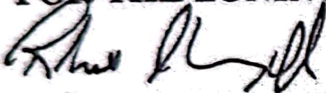
REASON FOR DECISION: Upon motion duly made and seconded, the Board found that the Petitioner is seeking a Special Permit to transfer his Class 2 license from 11 Bishop Lane to 49 Market Street, recondition cars he has repaired for sale, sell gasoline and diesel. The Board found that the site was a gas station for repairs and has been there for many years, the Petitioner will be doing detail work on the cars for sale. The Board found that the hours of operation as voted in the list of conditions would be 6:00 A.M. to 8:00 P.M. Monday through Friday and 6:00 A.M. through 6:00 P.M. on Saturday and Sunday. The Board found that by granting the Special Permit with the conditions set forth by this decision would not be a derogation to the intent of the Zoning By-Laws and would be in harmony with the surrounding businesses.

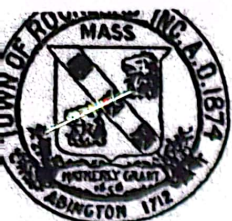
THIS DECISION, ALONG WITH THE CERTIFICATION FROM THE TOWN CLERK THAT NO APPEAL HAS BEEN FILED, MUST BE RECORDED WITH THE PLYMOUTH COUNTY REGISTRY OF DEEDS PRIOR TO OBTAINING A BUILDING PERMIT AND PROOF OF RECORDING MUST BE FILED WITH THE BUILDING INSPECTOR.

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 II, 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


Robert A. Manzella
Chairman

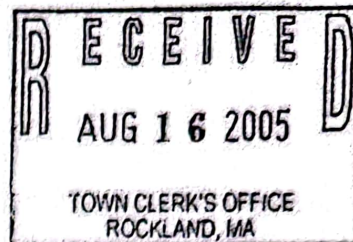


ROCKLAND ZONING BOARD OF APPEALS

242 UNION STREET
ROCKLAND, MASSACHUSETTS 02370

(781) 871-1874 x175

(781) 871-0386 fax



A public hearing was held June 29, 2005 and continued to August 3, 2005 in the H. Bernard Monahan Memorial Hearing Room, Town Hall, 242 Union Street, Rockland on the petition submitted by JAMES FADER of 590 Middle Street, Apt. 212, East Weymouth, MA 02189 to allow light engine and vehicle repair owned by the general public that are not connected to the Class II license. The site is in a B-2 zone and is owned by Mutual Oil, 863 Crescent Street, Brockton and is located at 49 Market Street and is also known as Lot #85 on the Rockland Assessor's Map #51. A copy of this application is on file in the Town Clerk's office and is available for inspection during regular office hours.

ATTENDANCE: Chairman Robert Manzella, Anton Materna, Rita Howes, Peter McDermott and Associate Member Gregory Tansey. (Absent were Stanley Cleaves and Town Counsel).

MEMBERS VOTING: Robert Manzella, Anton Materna, Rita Howes, Peter McDermott and Gregory Tansey.

DISCUSSION: Mr. Fader came before the Board to make his presentation. The Chairman had discussed with the Board members that the Zoning Enforcement Officer needed clarification on the decision filed June 1, 2004. Mr. Jeffery had determined that Mr. Fader needed to come back before the ZBA to be able to do light repairs on customers cars by appointment as he stated in previous decision that he would not have lifts in his garage and at that time had another location for the repair of customer's vehicles. Mr. Fader testified that due to family health matters, his son no longer works for him and he is seeking to do light repair work for customers by appointment only such as brakes, water pumps, tune-ups at this location. Mr. Fader testified that he does not intend to do take out engines, transmissions or anything in that field for the vehicles owned by the general public. Mr. Fader testified that he has 3 overhead doors in this garage. Mr. Fader discussed with the Board the location of where the customer's cars by appointment would be parked before and after the work was done. Mr. Fader testified the history of the building that this was a repair shop since 1963. The Board heard testimony from Attorney Lavin who represents Charbel Realty Trust, Atlantic Automotive that this location was not a repair business since 1993 and that there were cars outside up on jacks and the Petitioner has already put lifts in the garage. Attorney Lavin also testified that he feels that the Petitioner has expanded the use from a gas station to a used car license and now outside customers and that he is changing the character of the repair shop.

DECISION: The Board voted to grant the Special Permit to allow light engine and vehicle repairs to vehicles owned by the general public by appointment with conditions. (1) That the vehicles being worked on must be by appointment only (2) There shall be no outside storage of customer's vehicles (3) There shall be no major transmission or engine work done on the vehicles (4) There shall be only light work done on vehicles such as brakes, water pumps, tune-ups and similar.

VOTE ON DECISION: Mr. Tansey made a motion to grant the Special Permit with conditions. Ms. Howes seconded the motion. The vote of the Board was 4-1 (Mr. McDermott opposed).

REASON FOR DECISION: Upon motion duly made and seconded, the Board found that the Petitioner is seeking to have permission to do light engine work and vehicle repairs on customers vehicles by appointment only due to unforeseen circumstances. The Board found that this location has been a repair shop and a gas station since 1963. The Board found that by calling in for an appointment for work to be done on a vehicle would control traffic at this location. The Board found that since Mr. Fader has operated out of this location for over a year, that there has been no violations and the addition of light vehicle repair by appointment would not be a substantial increase in traffic at that location. The Board also found that by granting the Special Permit with the conditions set forth by this decision would not be a derogation to the intent of the Zoning By-Laws and would be in harmony with the surrounding businesses.

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 INSPECTOR.

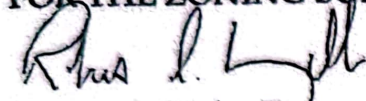
NOTE:

- 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.

Decision of JAMES FADER - August 3, 2005

- Chapter 40A, Section II, 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



Robert A. Manzella
Chairman

Hearing Dates: January 2, 2018 and January 10, 2018
Address: 49 Market Street
September 5, 2017, October 10, 2017, November 8, 2017

The Chairman stated that the Board received a letter dated January 16, 2018 from Attorney Jooney which stated the following: "This letter is being sent to inform the Board that the Applicant, Raymond & Susan, would like to withdraw without prejudice his pending application with regards to the above referenced property. We plan to file a new application which will address the Special Permit and other issues that need to be addressed."

NOTICE: Ms. Howes made a motion to accept the letter from Attorney Robert T. Jooney, on behalf of his Client, Raymond & Susan, to withdraw his Application without prejudice regarding the property located at 49 Market Street, 1st Floor seconded the motion. The vote of the Board was unanimous (7-0).

FOR THE GOING BOARD OF APPEALS


Gregory Toney
Vice-Chairman

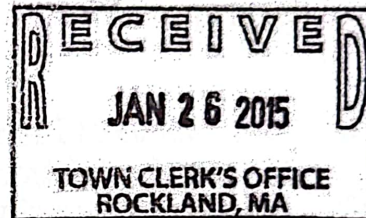
This Space is For Registry of Deeds Only:

Raymond/Chere
Succar

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:



ZBA Case No.: 2014-09

A public hearing was held at 7:30 P.M. on October 7, 2014 and continued to November 12, 2014 and January 13, 2015 in the Upper Hearing Room and the H. Bernard Monahan Memorial Room, Town Hall, 242 Union Street, Rockland, MA on the petition submitted by Raymond and Chere Succar, 5 Daniel Teague Drive, Rockland, MA 02370 to allow the display, repair and sale of used cars. The Applicant is requesting a Special Permit as per Article IV §415.14.C.1 and 5. The site is in a B-2 zone, located at **49 Market Street** and is further identified as Lot 85 on the Rockland Assessor's Map #51. A copy of this application is on file in the Town Clerk's office and is available for inspection during regular office hours.

MEETING HELD ON OCTOBER 7, 2014:

ATTENDANCE:

Chairman Robert Manzella, Vice-Chairman Gregory Tansey, Stanley Cleaves and Rita Howes. Also present was Building Commissioner/Zoning Enforcement Officer Tom Ruble. **ABSENT: Peter McDermott, Rob Rosa and Daria Rindone and Land Use Counsel.**

Page 2 - Applicant: Raymond and Chere Succar
Property Address: 49 Market Street
Hearing Dates: October 7, 2014, November 12, 2014
and January 13, 2015

Vice-Chairman took over the hearing due to a conflict that Mr. Manzella had with this petition. The Vice-Chairman testified that Mr. Rosa was also not present as he had to step down from this hearing due to a conflict.

The Vice-Chairman testified that with Mr. Manzella and Mr. Rosa having conflicts, and two members being absent, that left himself, Mr. Cleaves and Ms. Howes present and there needed to be at least 4 members to proceed with the hearing.

MEMBERS VOTING: There were only three Board members present for this hearing due to conflicts and absences.

DISCUSSION: The Applicant came before the Board to discuss the plans he had done for this hearing even though there were not enough voting members. The Applicant told the Board that his intention this evening was to have the Board look at the plans and give him their ideas.

The Vice-Chairman testified that there are some issues that you need to be made aware of. The Vice-Chairman testified that he and Land Use Counsel reviewed the plan and mentioned the following thoughts to the Applicant.

1. *You need a zoning table chart for relief from zoning and it needs to be shown on the plan and a variance was not put in application filed.*
2. *This property is located in a B-2 zone, it is a corner lot (Market Street and John Dunn Drive) and the property line requires a 20 foot vegetated setback.*

The Vice-Chairman stated that although there is an existing structure, this site does not retain grandfathership because the use was abandoned for more than 2 years. The Vice-Chairman stated that he checked with Land Use Counsel and it is referred to as a new application. The Vice-Chairman stated to the Applicant that you need to meet those setback requirements or apply for a variance at a later date.

The Vice-Chairman stated that he noticed you are proposing to remodel the building and you need a rendering sketch submitted to the Board prior to the next meeting with 5 designated parking spaces.

The Vice-Chairman testified that you have a fair amount of plan work to do for the Board.

Page 3 - Applicant: Raymond and Chere Succar
Property Address: 49 Market Street
Hearing Dates: October 7, 2014, November 12, 2014
and January 13, 2015

The Vice-Chairman stated that the instructions you get from the Town Clerk's office for a Zoning hearing tells all that you need to do to meet the Zoning By-laws filing process.

The Board at this time discussed continuing this hearing until November 12, 2014.

The Vice-Chairman asked the Applicant if he could get the plan delivered to the Town Clerk's office before the next meeting so our secretary could deliver the same to the Board members.

VOTE OF HEARING DATED OCTOBER 7, 2014:

Ms. Howes made a motion to continue this hearing to November 12, 2014. Mr. Cleaves seconded the motion. The vote of the Board was 3-0.

CONTINUANCE HEARING HELD ON NOVEMBER 12, 2014:

ATTENDANCE:

Chairman Robert Manzella, Vice-Chairman Gregory Tansey, Rita Howes and Peter McDermott. **Also present was Land Use Counsel Robert W. Galvin and Building Commissioner/Zoning Enforcement Officer Tom Ruble. ABSENT: Stanley Cleaves, Rob Rosa and Daria Rindone.**

The Vice-Chairman read the continuance hearing notice. The Vice-Chairman testified that Mr. Manzella had a conflict with this petition and had to recuse himself from voting. The Vice-Chairman testified that Mr. Rosa would not be attending the meeting due to his conflict with this petition. The Vice-Chairman testified that there are only three voting members present this evening. The Vice-Chairman testified that the Applicant was not present for this hearing and was sent a copy of the notice of the continuance. The Vice-Chairman also testified that the Board had not received the revised plan as requested at the hearing on October 7, 2014.

MEMBERS VOTING: There were only three Board members present for this hearing due to conflicts and absences.

Applicant: Raymond and Chere Succar

Property Address: 49 Market Street

Hearing Dates: October 7, 2014, November 12, 2014
and January 13, 2015

DISCUSSION: The Board discussed that due to the fact that there was only three members present; they have not received the new plans and the Applicant not in attendance, the Board could not proceed with the hearing, therefore a motion was made to continue the hearing to the next Zoning Board meeting in January, 2015.

VOTE OF CONTINUANCE HEARING DATED NOVEMBER 12, 2014:

Ms. Howes made a motion to continue the hearing to January 13, 2015 and to send Mr. Succar a letter regarding the continuance due to him not being present for this meeting tonight. Mr. McDermott seconded the motion. The vote of the Board was 3-0.

CONTINUANCE HEARING HELD ON JANUARY 13, 2015:

ATTENDANCE:

Chairman Robert Manzella, Vice-Chairman Gregory Tansey, Stanley Cleaves, Rita Howes, Peter McDermott and Associate Member Susan Joyce. **Also present was Land Use Counsel Robert W. Galvin and Building Commissioner/Zoning Enforcement Officer Tom Ruble. ABSENT: Rob Rosa and Daria Rindone.**

The Vice-Chairman read the continuance hearing notice. The Vice-Chairman testified that Mr. Manzella had a conflict with this petition and had to recuse himself from voting. The Vice-Chairman testified that Mr. Rosa would not be attending the meeting due to his conflict with this petition.

MEMBERS VOTING: Board Members: Gregory Tansey, Stanley Cleaves, Rita Howes, Peter McDermott and Associate Member: Susan Joyce.

DISCUSSION: The Applicant came before the Board and testified that he is planning to withdraw his application without prejudice and has a letter to submit to the Board for filing his withdrawal notice.

Land Use Counsel stated that the Board needs to approve the acceptance of withdrawal in the form of a motion.

Ms. Succar asked the Board if there was a time frame and they do have a plan for the Board.

Applicant: Raymond and Chere Succar

Property Address: 49 Market Street

Hearing Dates: October 7, 2014, November 12, 2014
and January 13, 2015

Attorney Galvin testified that the Board cannot make a decision on that plan as you have filed with the Board a request to withdraw your application without prejudice.

Mr. Succar testified that with respect to the buffer zone issue, he wants to share with Walgreens.

The Vice-Chairman testified that you need to get the advice of an attorney on your variance request.

DECISION AND VOTE ON DECISION:

Ms. Howes made a motion to accept the Applicant's letter signed and dated January 13, 2015 by Mr. Succar to withdraw without prejudice his application regarding the 49 Market Street application that was filed with the Town Clerk's office on August 27, 2014. The vote of the Board was unanimous (5-0).

REASONS FOR DECISION: Upon motion duly made and seconded, the Board found that the Applicant is seeking a Special Permit to allow the display, repair and sale of used cars at 49 Market Street. The Board found that the plan submitted with the application did not meet the Zoning By-law requirements for a corner lot. The Board found that the Applicant needed to apply for a variance which was not asked for in the application filed with the Town Clerk's office on August 27, 2014, therefore, the Applicant filed a letter at a continuance hearing dated January 13, 2014 to withdraw his application without prejudice on the 49 Market Street hearing. The Board approved a motion to accept the Applicant's letter of withdrawal without prejudice and would file the original letter with the Town Clerk's office for their files.

FOR THE ZONING BOARD OF APPEALS



Gregory Tansey
Vice-Chairman

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 1195

Town Clerk's Date Stamp:

JAN 29 2018 PM 3:25

TOWN CLERK, ROCKLAND,

CASE NO.: 2017-21
Applicant: Raymond Succar
Property Address: 49 Market Street

A public hearing was held at 7:30 P.M. on September 5, 2017, October 10, 2017, November 8, 2017, January 2, 2018 and January 16, 2018 in the Lawrence J. Chaffee Hearing Room (Lower Level), Town Hall, 242 Union Street, Rockland, MA on the petition submitted by Raymond Succar, 5 Daniel Teague Drive, Rockland, MA 02370 to allow the operation of an automotive repair shop and to allow the sale and display of used cars. The Applicant is seeking a Special Permit as per §415-14.C.1 and is seeking permission to request a Class II license from the Board of Selectmen to display and sell used cars. The site is in a B-2 zone located at 49 Market Street and is further identified as Lot #85 on the Rockland Assessor's Map #51. A copy of this application is on file in the Town Clerk's office and is available for inspection during regular office hours.

MEETING held on September 5, 2017 @7:30 P.M.:

ATTENDANCE: Board Members: Chairman Robert Manzella, Vice-Chairman Gregory Tansey and Robert Rosa. Associate Member: Brian Hughes.

Page: Two of Eight
Applicant: Raymond Succar
Property Address: 49 Market Street
Hearing Dates: September 5, 2017, October 10, 2017, November 8, 2017,
January 2, 2018 and January 16, 2018

ABSENT: Board Members Rita Howes and Stanley Cleaves; Land Use Counsel Robert W. Galvin and Building Commissioner/Zoning Enforcement Officer Thomas Ruble.

MEMBERS VOTING: Robert Manzella, Robert Rosa and Brian Hughes.

DISCUSSION: Chairman Manzella read the advertisement from the Patriot Ledger. The Chairman stated that he has a conflict with this petition, therefore leaving two voting members present for this hearing. The Chairman stated that the Applicant would need a four member board present in order to hold the hearing.

The Chairman read an e-mail addressed to the Board from Attorney Looney stating the following: "Would you kindly continue to your next meeting the hearing scheduled for 7:30 P.M. tonight with regards to my client, Raymond Succar. Due to unforeseen circumstances, we cannot be there tonight."

MOTION: Mr. Hughes made a motion to continue this petition to October 10, 2017. Mr. Tansey seconded the motion. The vote of the Board was 3-0.

MEETING held on October 10, 2017 @8:15 P.M.:

ATTENDANCE: Board Members: Vice-Chairman Gregory Tansey, Stanley Cleaves, Rita Howes and Robert Rosa. Associate Member: Brian Hughes.

ABSENT: Board Members Robert Manzella (conflict with petition) and Land Use Counsel Robert W. Galvin.

Also present was Building Commissioner/Zoning Enforcement Officer Thomas Ruble.

MEMBERS VOTING: Gregory Tansey, Stanley Cleaves, Rita Howes, Robert Rosa and Brian Hughes.

The Vice-Chairman read the continuance hearing notice. The Vice-Chairman stated that the Board received an e-mail from Attorney Looney asking that the Board continue the hearing on Raymond Succar scheduled for October 10, 2017 to November 8, 2017 as they are working on getting plans completed for the Board.

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Applicant: Raymond Succar
Property Address: 49 Market Street
Hearing Dates: September 5, 2017, October 10, 2017, November 8, 2017,
January 2, 2018 and January 16, 2018

MOTION: Ms. Howes made a motion to continue this petition to November 8, 2017. Mr. Rosa seconded the motion. The vote of the Board was 5-0.

MEETING held on November 8, 2017 after PL advertisements:

ATTENDANCE: Board Members: Vice-Chairman Gregory Tansey, Stanley Cleaves, Rita Howes and Robert Rosa. Associate Member: Brian Hughes.

ABSENT: Board Members Robert Manzella (conflict with petition).

Also present was Land Use Counsel Robert W. Galvin and Building Commissioner/Zoning Enforcement Officer Thomas Ruble.

MEMBERS VOTING: Gregory Tansey, Stanley Cleaves, Rita Howes, Robert Rosa and Brian Hughes.

The Vice-Chairman read the continuance hearing notice. The Vice-Chairman testified that the Board received the following documents: (1) Signed Extension of Time Waiver from Attorney Robert T. Looney representing his client Raymond Succar dated October 31, 2017; (2) Copy of Municipal Lien certificate on 49 Market Street (Parcel ID: 51-0085) issued on 9/28/17; and (3) Copy of an Architectural Plan prepared by JR Architecture Planning & Design.

Vice-Chairman Tansey testified that there might be a procedural issue as this petition was only advertised for a Special Permit and it was not listed on the application the need for a variance.

Attorney Robert Looney and his client Raymond Succar came before the Board to make their presentation.

Attorney Looney testified that all they want at this location is a license for automotive repair in a B2 zone.

The Vice-Chairman testified that he is not questioning the zoning use as this property has been abandoned 6 years.

Attorney Looney testified that it does not matter if the property was abandoned.

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Applicant: Raymond Succar
Property Address: 49 Market Street
Hearing Dates: September 5, 2017, October 10, 2017, November 8, 2017,
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Attorney Robert Galvin stated that your client has to meet the *minimum zoning* requirements to today's standards.

Attorney Looney testified under §415-35 – Service Station you can have 5 vehicles, the property has been paved as the Highway Department allowed it to be done in June and Highway Superintendent Mr. Taylor gave his client permission.

Attorney Looney testified that we are here to address the B2 use and pulled out a plan of land dated back to 1967 and showed the property at that time existing of 3 parcels of which some could have belonged to the Town.

Mr. Rosa testified that you would know if this was town property if the plan was done by a registered land surveyor.

Attorney Looney testified that his client intends to have two employees at this location, would look at 3 parking spaces for display and the building was built as a garage; it is located on the corner of John Dunn Drive and Market Street and Walgreen Pharmacy abuts the property.

Mr. Rosa testified that he does not trust this plan as he sees too many issues without this plan being drawn by a certified engineer or land surveyor.

The Vice-Chairman stated to Attorney Looney that our zoning instructions come with the application packet and it specifically says that the Board needs to see a certified site plan before filing an application for a zoning hearing.

Attorney Looney testified that he and his client can come back with an engineered plan; the parking lot was paved because of it being deplorable and the property line will be a problem. Attorney Looney testified that they will submit a new plan and with regards to the buffer, this property was never changed since 1967 but understands that the Board is concerned about the property line; feels that they meet the requirements for the use; we can do a two tiered hearing or come back with the new site plan.

Mr. Hughes testified that he wants to disclose that he was on the Board of the Willow Pond Condominium Association and the Succars' owned property at Willow Pond. Attorney Looney testified that he had no concerns regarding Mr. Hughes being on the Willow Pond Board and will get the Board a new site plan.

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Applicant: Raymond Succar
Property Address: 49 Market Street
Hearing Dates: September 5, 2017, October 10, 2017, November 8, 2017,
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Attorney Looney testified that he did want to discuss the use in the B-2 zone.

Attorney Galvin stated that the use is allowed and referred to §415-22.A1, §415-22.B2 and §415-22.2C; the structure and the size of spaces for parking area. Attorney Galvin testified that you do not need a buffer to access the site from John Dunn Drive.

Attorney Looney testified that Walgreens is north and they plan on not doing anything on that side of the 49 Market Street property.

Mr. Ruble testified that he does not believe that the whole thing was paved in the past.

Mr. Rosa testified that by looking at google earth, it shows everything was not all paved.

Attorney Looney testified that he will get his client to hire an engineer.

Attorney Galvin stated that you need to create a 10-foot buffer.

Mr. Ruble testified that if there is auto repair work done at this location, you also need to show 5 parking spaces for repair and put those 5 spaces on the lot within the 10-foot buffer area.

Mr. Ruble asked the Applicant if they wanted a Class II license. Attorney Looney replied, yes - for 3 vehicles.

Attorney Galvin stated that this is an odd shaped property.

Mr. Rosa asked the Applicant what they plan to do with snow removal.

Attorney Galvin stated that you could have a condition for the removal snow storage.

Mr. Ruble asked the Applicant if Mr. Fader sold cars at this location and how many. Attorney Looney replied, yes and was allowed 3 vehicles.

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Applicant: Raymond Succar
Property Address: 49 Market Street
Hearing Dates: September 5, 2017, October 10, 2017, November 8, 2017,
January 2, 2018 and January 16, 2018

Attorney Galvin stated that your client needs to create a buffer on the Walgreens side as well as the Atlantic Automotive side.

Mr. Ruble and Attorney Galvin reviewed the plan and asked where the property lines were located.

Mr. Cleaves asked the Applicant why the back of garage is shown as being closed off on the plan and what is the reasoning for it being closed.

Mr. Ruble testified that the Applicant needs to check with the Fire Department.

Attorney Galvin stated that the fire truck can get to the building.

Attorney Galvin referred to the Zoning By-law pertaining to abandoned or discontinued use and stated that this lot will not comply. Attorney Galvin stated the Board needs a new plan which needs to show direction, need to show gas traps, floor drains, parking for customers, handicap, repair, display and employees, and 10-foot landscaped buffer zones.

The Vice-Chairman discussed with the Board the northerly overhead door – getting in and out might be difficult; ability to move snow; there is a choking point by the dumpster and parking space and it looks like a ramp off the back of the building. The Vice-Chairman stated he thinks the northern door needs to be closed and wants to know the actual size of the parking spaces.

Mr. Cleaves asked the Applicant if he intends to do any inspections. Attorney Looney replied, no.

Attorney Galvin stated that if you are coming in for different relief, we have to re-advertise.

MOTION: Mr. Hughes made a motion to continue the hearing to January 2, 2018 Ms. Howes seconded the motion. The vote of the Board was unanimous (5-0).

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Applicant: Raymond Succar
Property Address: 49 Market Street
Hearing Dates: September 5, 2017, October 10, 2017, November 8, 2017,
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MEETING held on January 2, 2018 @7:45 P.M.:

ATTENDANCE: Board Members: Chairman Robert Manzella, Vice-Chairman Gregory Tansey, Stanley Cleaves and Robert Rosa. Associate Member: Brian Hughes.

ABSENT: Board Members Rita Howes, Land Use Counsel Robert W. Galvin and Building Commissioner/Zoning Enforcement Officer Thomas Ruble.

MEMBERS VOTING: Gregory Tansey, Stanley Cleaves, Robert Rosa and Brian Hughes. (Mr. Manzella abstained from voting as he has a conflict with this petition)

The Chairman stated that the Board received a new parking plan prepared by C & G Survey Company, 37 Jackson Road, Scituate, MA 02066 dated January 10, 2015 and revised on December 17, 2017. The Chairman stated that the Board received a written letter that evening, dated January 2, 2018 from Attorney Looney asking for the Board to continue the hearing to January 16, 2018 due to revisions that are needed in the plan that was recently submitted.

MOTION: Mr. Hughes made a motion to continue this petition to January 16, 2018. Mr. Rosa seconded the motion. The vote of the Board was 4-0.

MEETING held on January 16, 2018 @7:45 P.M.:

ATTENDANCE: Board Members: Chairman Robert Manzella, Vice-Chairman Gregory Tansey, Stanley Cleaves and Robert Rosa. Associate Member: Brian Hughes.

Also present was Land Use Counsel Robert W. Galvin and Building Commissioner/Zoning Enforcement Officer Thomas Ruble.

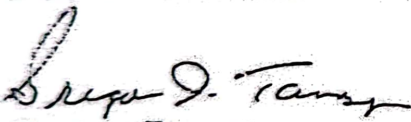
MEMBERS VOTING: Gregory Tansey, Stanley Cleaves, Rita Howes, Robert Rosa and Brian Hughes. (Mr. Manzella abstained from voting as he has a conflict with this petition)

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Applicant: Raymond Succar
Property Address: 49 Market Street
Hearing Dates: September 5, 2017, October 10, 2017, November 8, 2017,
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The Chairman stated that the Board received a letter dated January 16, 2018 from Attorney Looney which stated the following: "This letter is being sent to inform the Board that the Applicant, Raymond Succar, would like to withdraw without prejudice his pending application with regards to the above referenced property. We plan to file a new application which will address the Special Permit and other issues that need to be addressed...."

MOTION: Ms. Howes made a motion to accept the letter from Attorney Robert T. Looney, on behalf of his Client, Raymond Succar, to withdraw his Application without prejudice regarding the property located at 49 Market Street. Mr. Rosa seconded the motion. The vote of the Board was unanimous (5-0).

FOR THE ZONING BOARD OF APPEALS


Gregory Tansey
Vice-Chairman