



January 21, 2025

Zoning Board of Appeals  
C/o Town Clerk  
Town Hall  
Rockland MA02370

RE: Section 6 Finding & Special Permit– 1119 & 1059 R Union Street  
Assessors Map 18 Lot 60 & 61  
Applicant – N&M RE Holdings, LLC

Dear Board Members:

On behalf of the applicant, we hereby submit this application for a Variance and Special Permit at the above referenced address. The applicant is seeking a Variance for access from Union Street through a residential zoning district. Details of the variance request have been prepared by Attorney Jeffrey De Lisi and are attached to this application. The applicant is also requesting a Special Permit for Storage of Materials per 415-16C(6) Manufacturing, assemblage, processing and storage operations that are not offensive by reason of the emission of odor, fumes, dust, smoke, noise and/or vibration, or that would have a negative impact on the environment or conditions within the Town or adjacent towns. Enclosed please find the following:

1. \$200 Application Fee for Special Permit and/or Variance
2. 13 copies of Petition application.
3. 13 copies of certified list of abutters
4. 13 copies of the Site Plan, dated 2024-10-08, 13 Copies of subdivision Concept plan dated 2025-02-03
5. 1 business sized pre-addressed stamped envelope for each name on the certified abutters list.
6. 1 business sized pre-addressed stamped envelope for each Planning Board in Surrounding Towns.
7. 1 certified envelope addressed to the applicant and 1 addressed to the owner with green card and white slip filled out.
8. Decision Mailing - 1 business sized pre-addressed stamped envelope for each name on certified abutters list
9. Decision Mailing - 1 certified envelope addressed to the applicant and 1 addressed to the owner with green card and white slip filled out

The property is located at the north end of Union Street in the I-2 District and R-2 Districts. The majority of the property is located in the I-2 Zoning District. Approximately 1 acre of the property is located in the R-2 District. The applicant is proposing to construct a by right warehouse 415-16.A.(2) and outdoor storage of materials allowed by Special Permit per 415-16C(6) Manufacturing, assemblage, processing and storage operations that are not offensive by reason of the emission of odor, fumes, dust, smoke, noise and/or vibration, or that would have a negative impact on the environment or conditions within the Town or adjacent towns. Details are shown on the attached Site plan.

**Special Permit Request 415-16C(6) Manufacturing, assemblage, processing and storage operations that are not offensive by reason of the emission of odor, fumes, dust, smoke, noise and/or vibration, or that would have a negative impact on the environment or conditions within the Town or adjacent towns.**

The applicant is requesting a Special Permit for Contractor Yard/Warehouse and Storage of Materials 415-16C(6).

A special permit shall be required to construct or otherwise establish any of the specific types of uses so identified within this bylaw, which shall only be permitted upon issuance of a special permit. Special permits may be issued only for uses which are in harmony with the general purpose and intent of the bylaw and shall be subject to the specific provisions established herein. Such permits may also impose conditions, safeguards, and limitations on time or use.

The applicant is proposing a contractor yard. Typical business activities take place off site and includes site work construction such as sewer, water, electric utilities, grading and the like. The locus property is to be used as a base of operations for storage of equipment and materials. Equipment will be stored indoors and outside; a list of equipment is attached to this document below. The building will be utilized to repair equipment and provide storage and will also be utilized to store items that should not be exposed to weather such as some vehicles, machines, saws, hand tools, and mechanic's tools. The garage will include a floor drain that is connected to a tight tank to contain any vehicle fluids such as oil and gas.

The site layout and details are shown on the Plan by Grady Consulting. The exterior will be utilized for vehicle parking and materials storage. Materials will be stored in bins and will include various crushed stone sizes, sand, loam, mulch and gravel. Salt is not proposed to be stored on the property. The location of the bins was chosen to maximize setback from the adjacent abutting residential neighborhood.

Typical business hours are Monday through Friday 7:00 -6:00, Saturday 7:00-3:30 and closed on Sundays and Holidays.

The proposed development complies with the Environmental standards of the bylaw as follows:

**415-79 Environmental performance standards.**

**A.**

*With the exception of single- or two-family residential uses, any use permitted by right or by special permit in any district shall be conducted so as to protect the adjoining premises against detrimental or offensive uses on the site, including:*

*[Amended 5-2-2016 ATM, Art. 29]*



(1)

*By compliance with all dimensional requirements set forth in this Zoning Bylaw.*

**Site Plan by Grady Consulting details conformance with this standard. All dimensional requirements are met.**

(2)

*By providing adequate landscaping, including the screening of adjacent residential uses, street trees, landscape islands in the parking lot and a landscaped buffer along the street frontage.*

**The project proposes to meet the required property line setbacks to the abutting properties. An 8 ft tall privacy fence is proposed between the proposed development and all developed abutting properties. The project proposes a 30 ft undisturbed landscape setback to all residential zoned abutters and a 10 ft setback to industrial zoned areas.**

**Approximately 2/3rds of the property will remain as undisturbed woodland. The access driveway is 24 ft wide with 30 ft radii. The proposed building is located over 200 ft from Union Street. The only visible portion of the development that can be seen from Union Street is the driveway. The driveway curves 125 ft from Union Street and there will remain an unaltered woodland between the proposed building and Union Street. A contiguous row of green giant arbovitae are proposed along the perimeter of the project where natural vegetation is sparse**

(3)

*By providing for the convenience and safety of vehicular and pedestrian movement within the site, and in relation to adjacent streets, property, or improvements, including compliance with other provisions of this Zoning Bylaw where required.*

**The access driveway is 24 ft wide with 30 ft radii. The entrance is located at approximately 90 degrees to Union Street. Union Street has a grade of 2.5% and the proposed driveway grade is 1.5%. The driveway is located at the northerly end of a 780 ft long tangent line that ends in a dead end. The driveway location provides adequate site distance in both directions. Considering the grade, alignment and reduced speeds in this location, the driveway provides safe and adequate access and is located in a location on the property that provides the best advantage for access. 390+ ft sight distance is provided as discussed above. Public pedestrian access to the property is limited and is not necessary as this is a contractor yard and no on-site sale of goods is proposed. The proposed project does not create a significant increase in traffic in the neighborhood or the main roads within the Town. We have prepared a trip generation report that is attached to this letter. The business currently has 8 employees. We have utilized 15 employees for a conservative estimate and to account for some business growth. The site with 15 employees will generate 55 Vehicle trips per day and 3 truck trips per day. Based on the low number of trips anticipated to be generated from this development the increase in vehicle trips from this location will not have adverse impacts to traffic.**

(4)

*By providing for adequate methods of disposal for sewage, refuse and other wastes resulting from the uses permitted or permissible on the site.*

**The property is proposed to be connected to the Town sewer and water systems, A dumpster with enclosure is proposed behind the proposed building and is shielded from view. The property has**

(5)

*By providing an adequate stormwater drainage system within and/or adjacent to the site to manage all increased runoff resulting from the development on site.*

**The stormwater system will be designed in accordance with state and local requirements. The plans will need to go through the Site Plan approval process with the Planning Board**



confirm compliance.

(6)

*By providing an adequate soil erosion plan and any plan for protection of steep slopes, both during and after construction.*

The Site Plan includes an erosion control plan to mitigate erosion and sedimentation during construction. The site will be stabilized with compacted surfaces and plantings when the construction is complete. The stormwater will be routed to low points within the yard away from the edges. This will help direct runoff, sediment and erosion to the center of the gravel yard away from wetland resource areas. Materials will be stored in bins to help contain materials. Slopes greater than 3:1 along the perimeter of the yard will be stabilized with rip rap as shown on the plan.

(7)

*By providing adequate space for the off-street loading and unloading of vehicles, goods, products, materials, and equipment incidental to the normal operation of the establishment.*

The project proposes a 24 ft wide access drive and approximately 3.5 acres of space for parking, loading, unloading and storage of materials to service the business needs and the 7,000 SF proposed building. The site plan proposes area for 29 spaces. The applicant currently has 8 employees and anticipates approximately 12 total employees. 29 Spaces is significantly more than necessary. The applicant proposes to park passenger vehicles in front and behind the proposed building and would like to expand the parking to the south side of the driveway entrance in the future if needed. The site plan includes a turning analysis for emergency vehicles, refuse vehicles and WB-40 trucks to detail conformance with this section.

(8)

*By providing adequate site lighting whether interior or exterior, and all intense light emanating from operations or equipment shall be shielded from direct view at normal eye level from adjacent properties.*

The applicant is not proposing any site lighting at this time. The building will include wall packs with shields/hoods. The proposed lighting will be in night sky compliant and will be shielded from view as required.

(9)

*By minimizing any material or significant adverse impacts on steep slopes, floodplains, scenic views, grade changes and wetlands.*

The proposed site development as designed will not have significant adverse impacts to steep slopes, flood plains, scenic view, grade changes or wetlands.

The 25 acre site does not contain steep slopes. The site contains gradual slopes and elevations ranging from el=154 to el=122 over the 25 acres. Any proposed slopes steeper than 3:1 are to be stabilized with rip-rap to mitigate erosion of the slopes.

There is a FEMA Flood Zone A located to the northeast. No work is proposed within the Flood Plain. There are no known scenic views associated with this property.

The project has been designed to minimize impacts to the wetland resource areas. The applicant is filing a Notice of intent with the Conservation Commission who will ensure that the project complies with all state, federal and local wetlands requirements.

(10)

*By requiring all permits issued under this Zoning Bylaw be conditioned upon receipt of all other required permits including Board of Health, Conservation Commission, Planning Board, etc. prior to the commencement of any use.*



B.

*In the event of a conflict between the above performance standards and state standards, the standards of a duly organized regional authority, or local standards, the standards which are more stringent shall govern.*

§ 415-80 General performance standards.

A.

*Work hours.*

(1)

*The hours of work will be Monday through Friday, 7:00 a.m. to 6:00 p.m., Saturday, 7:00 a.m. to 3:30 p.m., no Sundays, and no holidays. Following are the holidays to be observed: New Years, Martin Luther King Day, Presidents' Day, Easter, Patriot's Day, Memorial Day, July 4th, Labor Day, Columbus Day, Veterans Day, Thanksgiving, and Christmas, for a total of 12.*

(2)

*Any work that is needed after designated hours, on Sundays or holidays will require notification to the Zoning Enforcement Officer, the Planning Board Chairman and direct abutters 48 hours prior to work commencing.*

The applicant respectfully requests that the Zoning Board grant the Special Permit, as the project complies with all performance standards and effectively safeguards neighboring properties and adjacent towns from potentially offensive operations, including those related to odor, fumes, dust, smoke, noise, and/or vibration. Specifically:

- The proposed work hours align with the standard hours of operation for similar businesses in the Town.
- An 8-foot privacy fence will be installed along the perimeter of the property, providing a buffer between the development and all adjacent properties.
- The project includes a 30-foot undisturbed landscape setback for residential-zoned abutters and a 10-foot setback for industrial-zoned areas.
- Existing woodland will be preserved where possible along the perimeter. In areas where trees have been previously cleared by abutters, the plan proposes planting a continuous row of Green Giant arborvitaes.
- Approximately two-thirds of the property will remain as undisturbed woodland.
- The materials storage area will be located over 250 feet from the abutters on Warren Avenue and more than 400 feet from the nearest abutter on Union Street. The storage area is set at an elevation of approximately 146 feet, while the homes on Warren Avenue sit at an elevation of 154 feet, 8 feet higher than the storage bins. The combination of fencing, retained woodland buffer, natural elevation differences, and newly planted screening trees will help mitigate potential impacts related to noise, dust, and visual aesthetics.
- In periods of limited rainfall, the owner will use a water truck to spray exposed soils for additional dust control. Exposed soils that remain for more than 30 days will be covered with tarps or seeded to stabilize the area.
- Noise impacts will be minimized by positioning the building as far as possible from nearby residential properties. Operations that produce significant noise, such as compressor use, cutting, or tire removal, will be conducted inside the building with doors closed. For exterior noise such as vehicle starting, running and back up alarms an 8 ft perimeter/privacy fence is proposed between the proposed project and any developed properties. The location of the contactor yard is at a lower elevation than the surrounding developed lots. The combination of unaltered buffer areas, an 8 ft perimeter wall and

elevation differential will protect the adjoining developed properties from impact from noise. Furthermore, the proposed yard meets the required setbacks. There is a similar business (TR Reske) located on an adjacent property at 1095 Union Street, where typical operations include landscape equipment use, stockpiling and soil removal.

- The contractor yard does not generate a significant amount of smoke, and the proposed project will not impact abutting properties in this regard.

Please notify us of the scheduled hearing at your earliest convenience.

If you have any questions, please do not hesitate to call.

Sincerely,

GRADY CONSULTING, L.L.C.



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Kevin Grady  
Project Engineer

N&M RE HOLDINGS LLC  
1250 LONG POND ROAD  
BREWSTER, MA 02631