

Rockland Zoning Board of Appeals

Rockland, Massachusetts 02370

A Public Hearing was held October 27, 1988 in the Conference Room at the Town Office on the petition of Graphic Realty Trust, 443 Webster Street, Rockland for a public hearing, on a permit for a specific use, to allow the increase of the working space at Mass. Sign and Decal Co. by an additional 3000 square feet.

Members Present: Acting Chairman Edward Sayian and Secretary Anton Materna.. Associate Members were, Rita Howes and Alan McPhee. Member Absent: Joseph Bouchard and Stanley Cleaves. Abstention: Robert Banta. Delayed: Peter McDermott.

MEMBERS VOTING:: Anton Materna, Rita Howes, Alan McPhee and Edward Sayian.

DECISION: The board voted to deny the petition.

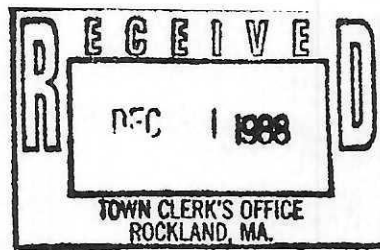
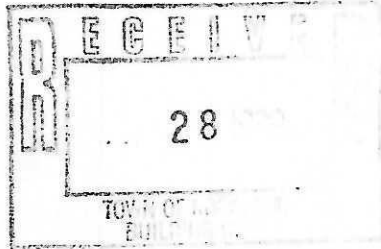
VOTE ON DECISION: Motion to deny was made by Alan McPhee and seconded by Edward Sayian. The vote was unanimous to deny.

REASON FOR DECISION: Use is not in conformity with the By-laws because of noise and traffic. The business is located in a R-2 Zone, seriously derogating from the intent or purpose of the Zoning By-law. Allowing an addition would have an adverse effect on the neighborhood.

NOTICE: 1.) This decision may be appealed to Superior Court pursuant to Chapter 40A, Section 17. Said appeal must be filed within 20 days after this decision is filed with the Town Clerk. 2.) Chapter 40A, Section 11, states in part that no variance or special permit shall take effect until the Town Clerk certifies that 20 days have elapsed, and no appeal has been filed. 3.) This Board certifies that copies of this decision have been filed with the Planning Board, as well as with the Town Clerk.

For the Board.

Edward Sayian
Edward Sayian
Acting Chairman



ROCKLAND ZONING BOARD OF APPEALS
ROCKLAND, MASS. 02370

Minutes of Hearings Held October 27, 1988
Rockland Town Hall Conference Room

Full Member's Present: Acting Chairman Edward Sayian and Anton Materna. Associate Members were Rita Howes and Alan McPhee. Abstention: Robert Banta. Delayed: Peter McDermott. Absent: Joseph Bouchard and Stanley Cleaves.

Hearing on the petition of Graphic Realty Trust, 443 Webster St., Rockland, Mass. for a public hearing on a permit for a specific use, to allow the increase of the working space at Mass Sign and Decal Co., by an additional 3000 square feet.

Members Voting: Anton Materna, Rita Howes, Alan McPhee and Edward Sayian.

Acting Chairman Edward Sayian advised the petitioner that there were only four board members present. The petitioner could request a continuation to another date. If the petitioner elected to continue with the hearing with only four board members present, the vote of the board would have to be unanimous.

John Lincoln, Attorney for Petitioner, stated that the petitioner will go forward with a hearing before a four member board even though he vote will have to be unanimous.

Attorney Lincoln showed the board plans showing the existing building as it now stands. He stated that right now the business is a non-conforming use and that the Zoning Board had giving the petitioner permission for an addition that is behind the original building, approximately two (2) years previously. The proposed addition will be 3000 square feet. He felt that the addition, with the amount of space they presently have, will not effect the non-conforming use or the neighborhood in any way. "There will be plenty of leeway between the abutters." There will be approximately 50 feet on the far side. Plans showed side line at anywhere between 65 and 120 or more feet. There have not been any problems with neighbors or traffic. The request is in conformity with the General Laws or intent thereof. Business is good and the petitioner needs more space.

Recorded in favor: Thomas Healy, Jr., Winter Street, Hanover
John Lincoln, 440 Market Street, Rockland

Chairman Sayian then polled the board for questions:

Rita Howes wanted to know 1.) the footage between Mass Sign and

Hatherly Realty, 2.) about the traffic problem in the area, 3.) the hours of operation, and 4.) the number of employees? Mr. Lincoln stated that the footage was about 30 feet. He said that there was a traffic problem in the area but that it was not caused by the sign company. The hours of operation were 8 AM to 5 PM and he did not plan to increase the hours of operation. At the present time there were eleven (11) employees and, depending on business, Mr. Healy, hoped to add three or four more employees.

Anton Materna asked, 1.) purpose of the business, 2.) if stock is stored in the building, 3.) if any chemicals are stored in the building or immediate area, and 4.) if the wood structure was going to be torn down, and 5.) if there was access into the building for emergency vehicles? Mr. Healy stated that his business fabricated signs and he only stored the materials and equipment necessary for making the signs. He said that the chemicals stored on the site were the same kind that anyone would have in their own homes. The 400 square foot wood structure would be taken down to make room for the new addition. There would be ample room for emergency vehicles to get on the site.

Alan McPhee asked if any new processing machines were going to be placed in the building and if there would be a substantial increase in customers coming to the site. Mr. Healy said no, they are just going to spread out the machinery they present have. There would not be a substantial increase in the number of customers coming to place an order because 80% of their work is done over the telephone.

Edward Sayian stated the the business was in a R-2 Residential Zone and he wanted to know from Mr. Lincoln under what special permit use are you making this petition? Mr. Lincoln stated that it is a non-conforming use to start with and the Zoning Board has already granted his client permission to build one addition and this request is within the same general law. His client is not going to create any change in the use, just because he is making more space available.

There were no further questions from the board.

Members of the audience in opposition:

Diane Henscom, 471 Webster Street, Rockland
Pharon Fackley 455 Webster Street, Rockland
John Shannon, 481 East Water Street, Rockland

Diane Henscom stated that she could not understand how this petition could be approved. When Mr. Tru operated the business it was just a sign shop in the middle of a residential area. The business was a small "mom and pop" operation and did not bother the neighborhood. The new owner, Mr. Healy, was given permission about two years ago, from the Board of Appeals to build an addition. The shutters were concerned, but did not strongly object. Now he wants to put another very large addition on the property. When is the expansion going to end. The board should keep in mind that this is a non-conforming use in a residential area. Mr. Healy must have known this when he purchased the property and realized that expansion was not possible. She, also, stated that there is a lot of noise from the business.

There is somekind of compressor or generator that runs twenty-four hours.

Sharon Buckley wanted to know large the original building was and if the additional building, and the new proposed addition would be more than 50% larger than the original building. Mr. Frye, the original owner, had explained to her that he could not expand any more than 50% of the original building. Mr. Healy stated that the shop was 3384 square feet and the addition out back was 1800 square feet. The proposed addition would add 3000 more square feet.

Mrs. Riddle, the Zoning Board Attorney, tried to clarify the matter for Mrs. Buckley by explaining that basically what she assumed was occurring here was a non-conforming use that was extended by special permit two years ago. In other words, there was a use there before zoning and sometime after, or subsequent to that time, the use was extended for the building under a special permit. They are here tonight under Section 9 Chapter 40A which says that pre-existing non-conforming use for structures can only be extended, altered or changed by special permit, on findings by this board that the changes or alteration are not substantially more detrimental than the existing non-conforming use but there is no cutoff on addition size.

There were no further questions, the petition was taken under advisement.

7:30 Hearing on the petition of Robert and Helen Santa, 637 Union Street, Rockland for a public hearing, on a permit for a variance from the requirements of the Zoning By-laws to allow the construction of a 29'x36' colonial style house adjacent to existing home. The lot has only 75' frontage with a total of 12,862 square feet.

Acting Chairman Sayian advised the petitioner that there were only four board members present. The petitioner could request a continuance or agree to be heard by the unanimous decision of the four board members. The petitioner agreed to be heard by the four member board.

Members Voting: Rita Howes, Anton Malerna, Alan McPhee and Edward Fay, Jr.

Petitioner Robert Santa asked to be allowed to amend his petition to include a variance for a square footage on lot 29 to 25,800 square feet. This is the lot that includes the house. The total area of both lots is 38,670 square feet. The lots would be 1.) 25,800 square feet and, 2.) 12,870 square feet.

The motion to allow Mr. Santa to amend his petition was made by Rita Howes and seconded by Alan McPhee. The vote of the board was unanimous.

Mr. Santa then read from a prepared memorandum.

Copy of memorandum becomes page 2 through 5 of minutes.