



TOWN OF ROCKLAND ZONING BOARD OF APPEALS

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FINDINGS AND DECISION OF THE ZONING BOARD OF APPEALS

ZBA Case No.: 2023-02

Decision: Special Permit and Grant of Variance

Date: February 1, 2023

Applicant: Town of Rockland c/o Douglas Lapp, Town Administrator

Property Address: 99 Church Street, Rockland, Massachusetts 02370

The Rockland Zoning Board of Appeals has considered the application of Town of Rockland c/o Douglas Lapp, Town Administrator with regard to the property located at: 99 Church Street, Rockland MA 02370 for a for a Special Permit pursuant to §415.11 C. (9), Uses requiring special permit, §415-79, Environmental performance standards, and Special Permit pursuant to §415-89, Special permits, and Variances pursuant to §415-89.1, Zoning Variances, and §415-53, Circulation and off-street parking requirements. The applicant is proposing demolition of the existing Lincoln School building and construction of a new 34,968 GSF fire station headquarters building, including 6 emergency vehicle bays, 1 mechanic's bay, firematic support spaces, offices, assembly, and personnel living quarters. The site design includes a parking lot with 28 spaces, a stormwater infiltration system, and associated landscaping improvements relating to the premises known as and numbered 99 Church St., Rockland, MA. The property is located in the R-4 Residence Zoning District, §415-11 of the Zoning Bylaw, and is further identified as Lot 137, Map 40, on the Rockland Assessor's Maps. The owner of the property is the Town of Rockland, 242 Union Street, Rockland, MA 02370.

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The Board certifies that it has complied with all statutory requirements relative to notice to abutters and publication of notice of the public hearing. 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: December 21, 2022, and December 28, 2022, in the Patriot Ledger.

The Board lastly has taken into consideration testimony of the applicant, the application materials, plans, and communications from various Town boards, abutters, and with interested parties, all of which are incorporated herein by reference.

A Public Hearing was conducted remotely in accordance with the law at 6:30 P.M. on January 17, 2023.

ATTENDANCE:

Board Members: Robert C. Rosa, III, Gregory Tansey, Timothy Haynes, Robert Baker, Sr., and Stephen Galley, alternate. Mr. Robert Baker, Jr. was absent from the meeting.

Also present:

Land Use Counsel Attorney Robert W. Galvin
Building Commissioner/Zoning Enforcement Officer Thomas Ruble.
Fire Chief Scott Duffey

(All Board members were participating remotely.)

Members Voting: Chairman Robert C. Rosa, III, Gregory Tansey, Timothy Haynes, Robert Baker, Sr. and Stephen Galley.

DISCUSSION

The Chairman of the Zoning Board introduced the members of the Board advising the public that all are participating remotely.

The Chairman asked the members of the ZBA for a roll call vote to open the public hearing.

Timothy Haynes made a motion to open the hearing.

Seconded by Robert L. Baker, Sr.

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The ZBA members then took a roll call vote:

Robert C. Rosa, III – Yes, Gregory Tansey – Yes, Timothy Haynes – Yes,
Robert Baker, Sr. – Yes; Stephen Galley – Yes.

The vote was unanimous, and the public meeting was opened.

Robert C. Rosa, III, turned the Chairmanship of the meeting to Gregory Tansey for the public hearing.

The Chairman, Mr. Tansey, read the advertised notices in the Patriot Ledger with a Public Hearing Date of February 17, 2023, and outlined the instructions for the hearing.

Ms. Kelsey Sky Laser of Schwartz Silver Architects, Inc. and her team spoke on behalf of the Applicant and explained the proposed project.

The Civil Engineer spoke about the setbacks and variances needed and the parking required.

The setback variances to accommodate the parking requirements would be as follows:

East:	4 feet – at Howard St entrance – southerly pavement curve as it enters the property to the property corner
West:	6.1 feet

Backup aisles reduced from 23 feet to 22 feet – a 1 foot dimensional variance.

16 additional compact spaces to be reduced from the required 20 foot length; all parking spaces shall be a minimum of 18 feet. Parking spaces exceed the total number of spaces required.

Grade calculations and stormwater layout and grading plan as well as sewer and utility connections were explained.

Ms. Laser explained the approval process and tentative timelines and gave a presentation on the floor plans.

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The hearing was then open to the Board.

Stephen Galley asked about why the parking spaces were different sizes, the full size covered parking, ADA and EV spaces.

Timothy Haynes asked about the site selection process, the numbers on the building coverage and impervious coverage, which Ms. Laser addressed. Chief Duffey also spoke about the site selection and location criteria and the current and future needs of the Fire Department, and the use of sirens in the area. Traffic plans and patterns were also discussed.

Robert Rosa asked about the parking variances and if the Fire Department was happy with it. The Fire Chief answered yes.

There was also discussion about the mechanics bay, how much use it would get, the vehicles to be serviced and noise it would create. Noise dampening and sound attenuation would be incorporated into the design.

Gregory Tansey asked about the turning radius for the larger trucks.

The stormwater recharge area and soil conditions were discussed.

Robert Baker, Sr. asked about the floor drains and Ms. Laser explained that all drains would be tied into oil separators, there would be an exterior trench drain, then into the sewer system as per Code.

Attorney Galvin opined on lighting and off-site mitigation; perimeter pole fixtures were designed to prevent light spill and door entrances and parking lot lighting was dark sky compliant.

Outside truck idling was discussed and the Fire Chief explained that it was very minimal, maybe 5 to 10 minutes at a time, unless there was training.

The meeting was then opened to the public for comments, either for or against.

Mary Parsons, 754 Union Street, stated she was neither for or against the project but wanted to know when the mechanics bay was added and cost

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estimates. The Fire Chief explained that as the building developed modern technology and future needs of the town were incorporated into the design. Mr. Rosa explained that this was not the forum to discuss costs. Mr. Tansey opined that equipment needs to be maintained in the most efficient way and it is to the town's benefit and shows innovative forward thinking.

No one spoke in opposition to the project.

Attorney Galvin opined that final recommendations and issues would be taken into consideration, the parking setbacks mostly complied with the Bylaws, the Board could condition the lighting plan to comply with the Bylaws, and could condition the landscaping to survive for a certain period of time, as well as irrigation and stormwater management regulations and local permitting and approvals such as water and sewer. The Special Permit was consistent with the Bylaws and was allowed by right.

Mr. Baker, Sr. read a letter from the Chief of Police dated December 5, 2022.

Mr. Haynes read into the record two letters received from citizens, one from William Gammon and one from Leon Brownell.

Mr. Tansey entertained a motion to close the public portion of the hearing.

Mr. Haynes requested a list of what the Board was considering as far as the Special Permit and variances.

Attorney Galvin opined that the use itself required a Special Permit in the R4 zoning district and also required site plan approval. Environmental performance standards also have to be adhered to.

Mr. Christopher Sproules, 47 Franklin Avenue, had concerns about stormwater drainage which were addressed by Mr. Tansey. He also stated he was in favor of the project.

Mr. Baker, Sr. has questions about the retaining wall and whether it would be looked at by a structural engineer. It was noted that a structural engineer

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would look at the retaining wall and that there would also be a privacy fence along the top of the retaining wall.

Mr. Galley asked about Howard and Church Street and how it could be made safer. Mr. Tansey stated that the Planning Board looks at that, not the Zoning Board.

Mr. Baker, Sr. stated the letter from the Police Chief requested restrictions on parking. Attorney Galvin stated that the Zoning Board does not regulate the usage of ways.

The Chairman entertains a motion to close the public portion of the hearing. Mr. Rosa makes a motion to close the public portion of the hearing. Seconded by Timothy Haynes.

A roll call vote is taken: Robert C. Rosa, III – Yes, Gregory Tansey – Yes, Timothy Haynes – Yes, Robert Baker, Sr. – Yes; Stephen Galley – Yes. The vote is unanimous, and the public portion of the meeting is closed.

Mr. Tansey then told the applicant the Board would deliberate tonight and welcomed them to be present during deliberations and informed them they will receive a decision in the mail with a date stamp and informed them of their obligations to request a certificate of no appeal. If no one has appealed to the Town Clerk, the certification and an attested copy of the original decision will need to be recorded at the Registry of Deeds to be valid, and the applicants must provide proof of recording to the Building Department.

Mr. Galley asks for a 5 minute break.

Mr. Baker, Sr. makes a motion to take a 5 minute break. So moved, the Board takes a vote: Robert C. Rosa, III – Yes, Gregory Tansey – Yes, Timothy Haynes – Yes, Robert Baker, Sr. – Yes; Stephen Galley – Yes.

FINDINGS:

Mr. Baker, Sr. discussed the search for the location over several years and made a motion to approve the Special Permit with Conditions. Seconded by Mr. Rosa.

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Mr. Tansey stated that a fire station must be centrally located and there was no practical way of getting around not citing a fire station in a residential or next to a residential area. He further stated there was not a lot of traffic congestion in the area sited and that the widths of the streets are substantially wide and he agrees with Mr. Baker, Sr. and feels that this is the optimal location.

Mr. Rosa stated that Mr. Haynes wanted the requirements for the Special Permit and the variances stated.

The requested Variances were then discussed by Mr. Tansey.

A reduction in the backup aisles from 23 feet to 22 feet – a 1 foot dimensional variance for all backup aisles.

Variance for 16 additional compact spaces reduced from the required 20 foot length; all parking spaces shall be a minimum of 18 feet.

Setbacks of 3.9 foot variance to the required parking buffer off the property line on the Western side and a 6 foot variance to the required parking buffer on the Eastern side.

Mr. Baker, Sr. asked Attorney Galvin if each variance element had to be voted on separately. Attorney Galvin stated they could vote collectively but each aspect must be found.

A motion was made by Mr. Robert Baker, Sr. to approve the dimensional variances.

DECISION ON VARIANCE:

Upon a motion duly made by Robert Rosa and seconded by Timothy Haynes, the Board voted unanimously (5-0) to GRANT, via roll call vote, with members, Robert C. Rosa, III, Timothy Haynes, Gregory Tansey, Robert Baker, Sr. and Stephen Galley all in favor, to approve the requested Variances with the conditions as stated.

Conditions.

1. Landscape plantings remain viable for two years after planting and shall be replaced as soon as practicable if they do not survive.

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2. Landscaping buffer and/or fencing and irrigation to be installed prior to opening of the fire station for use.
3. Meet all other requirements and conditions of all other town boards and commissions.

DECISION ON SPECIAL PERMIT:

Mr. Tansey made a motion to approve the Special Permit with Conditions based on the reasons below.

Seconded by Mr. Haynes.

Conditions.

1. Noise: siren use will be kept to a minimum and only used when needed. There shall be a written action plan for noise mitigation to be written by the Fire Chief and approved by the Building Inspector.
2. Required Site Plan approval by the Planning Board.
3. Meet all other requirements and conditions of all other town boards and commissions.
4. The final lighting plan shall be dark sky compliant and in compliance with the Zoning Bylaw.
5. Final set of plans acceptable for building permit purposes shall be approved by the Building Commissioner and shall be consistent with this decision.
6. The mechanics bay shall be insulated or other noise mitigation and soundproofing regarding noise levels where sound ordinances apply and work hours limited to normal business hours (Monday – Friday 7:00 a.m. to 6:00 p.m.) unless it's an emergency.
7. Fire trucks/vehicles shall not be left idling outside of the Fire Station unless associated with maintenance and cleaning or other reasonably necessary fire department purposes.

Roll call Vote: Robert C. Rosa, III – Yes, Gregory Tansey – Yes, Timothy Haynes – Yes, Robert Baker, Sr. – Yes; Stephen Galley – Yes.

Mr. Robert Baker, Sr. makes a motion to adjourn.
Seconded by Mr. Tansey.

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Roll call Vote: Robert C. Rosa, III – Yes, Gregory Tansey – Yes, Timothy Haynes – Yes, Robert Baker, Sr. – Yes; Stephen Galley – Yes.

REASON FOR DECISION

The soil, shape and topographic conditions and circumstances are unique to the applicant's lot configuration and do not apply to the neighboring lands, structures or buildings in the same district. The site is narrow and configured in such a manner that strict compliance with the dimensional aspects of the Zoning Bylaw relating to the proposed non-compliant features are very difficult, cause a substantial hardship financial or otherwise.

Strict application of the of the provisions of this bylaw would deprive the applicant of reasonable use of the lot, structure or building in a manner equivalent to the use permitted to be made by other owners of their neighborhood lands, structures or buildings in the same district.

The unique conditions and circumstances are not the result of actions of the applicant taken subsequent to the adoption of this bylaw.

Relief, as approved, will not cause substantial detriment to the public good or impair the purposes and intent of this Bylaw.

The proposed use is also consistent with the purposes of the Zoning Bylaw which are to encourage the most appropriate use of the land and will not be substantially more detrimental to the neighborhood.

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.

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- ❖ 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