

**ZONING BOARD OF APPEALS – Minutes of Meeting(s)**

**DATE:** March 19, 2019  
**PLACE:** Lawrence J. Chaffee Hearing Room  
**TIME:** 8:15 P.M.



**CASE NO.:** 2019-03

**Applicant:** John Reardon, Terrance Reardon  
**Property Address:** 17 Hawthorne Street (Leisurewoods)

The Zoning Board of Appeals had an advertised public meeting on March 19, 2019 @ 8:15 P.M. in the Lawrence J. Chaffee Hearing Room, Lower Level, Town Hall, 242 Union Street, Rockland, MA 02370 to discuss a modification to the Special Permit for Leisurewoods Mobile Home Park – a 55 and over Retirement Community to allow a prospective tenant (Terrance Reardon) who is under the age of 55 years to live with his father John Reardon who is seeking to lease 17 Hawthorne Street from the homeowner Donna Schnell.

**MEMBERS PRESENT:**

**Board Members:** Chairman Robert Manzella, Rita Howes, Robert Rosa. **Associate Members:** Charles Heshion and Tim Haynes. **ABSENT:** Gregory Tansey, Stanley Cleaves and Land Use Counsel Robert W. Galvin (available by phone).

**Also present:** Building Commissioner/Zoning Enforcement Officer Tom Ruble.

**MEMBERS VOTING:**

Robert Manzella, Rita Howes, Robert Rosa, Charles Heshion and Tim Haynes.

**DISCUSSION:**

The Chairman read the posted notice filed with the Town Clerk's office on March 6, 2019 into the record.

The Chairman stated that the Board received a zoning application filed by Christopher Orlando, Superior Real Estate Group, Inc., 261 E. Squantum Street, Quincy, MA 02171 who is the broker for the owner of the mobile home, Donna Schnell, together with a cover letter from Mr. Orlando; an approval letter dated February 12, 2019 from Kimberly DiCenso, Community Manager for Hometown America and Leisurewoods Rockland, 31 Leisurewoods Drive, Rockland, MA 02370; an abutters list prepared by Leisurewoods, correspondence from John Reardon, 10 River Terrace, Waltham, MA and correspondence dated February 28, 2017 from Adam J. Geyer, Med, MSW, LICSW of Floating Hospital for Children, 800 Washington Street, Boston, MA 02111.

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Mr. Christopher Orlando came before the Board to make his presentation on behalf of the Applicants and the home owner. Mr. Orlando testified that he was contracted by Donna Schnell to seek tenant(s) for her mobile home located at 17 Hawthorne Street.

Mr. Orlando testified that Mr. John Reardon is over 55, is a retired veteran and has a son by the name of Terrance who has a disability.

Mr. Orlando testified that John is the caregiver for his son Terrance and all documentation requested has been supplied to the Board.

Mr. Orlando testified that Terrance needs John's care.

The Chairman asked Mr. Orlando why did they pick Leisurewoods? Mr. Orlando replied, it is just right and has a walk-in tub.

Ms. Howes had no questions at this time for the Applicant.

Mr. Rosa had no questions at this time for the Applicant.

Mr. Heshion had no questions at this time for the Applicant.

Mr. Haynes had no questions at this time for the Applicant.

The Chairman asked the audience if there was anyone in favor or against this petition.

An abutter named Nancy Crowley asked the Board what happens if the father becomes incapacitated. Mr. Orlando testified that his son does not require 24-hour care. Ms. Crowley testified that this is a lease. Mr. Orlando testified that something might happen to his father, but no-one can predict when that will be. Mr. Orlando testified that Terrance is not 55 years old.

Mr. John Reardon testified that Terrance's mother passed away and he now has his son under the Department of the Army for Health, income and dental benefits – he

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took him off the State benefits and put him under Department of the Army. Mr. Reardon testified that Terrance also has two brothers and sister who would take care of him. Mr. Reardon testified that his son only has autism in social skills. Mr. Reardon testified that his son works, drives, washes and cleans up after himself.

Ms. Crowley asked if the father thought his son could live independently. Mr. Reardon replied, probably, but he has done a lot of work to get his son where he is now.

The Chairman stated that normally an applicant would come to the Board for a modification to the Special Permit if the mobile home was going to be owner/occupied. The Chairman stated that the owner of this mobile home, could come back to the ZBA again with a new tenant/Applicant under 55 asking for a modification to the Special Permit to lease out her mobile home.

An abutter residing on Birch Street asked the Board why can't Mr. Reardon's son get an apartment. Mr. Reardon testified that he has looked on all sites, moved up here to bury his dad from Florida.

An abutter residing at Leisurewoods testified that it does not mean we need to make an exception – lots of people want to come into this development – he is going to be leasing and not owning the home.

Mr. Ruble asked the Board if you can lease out a mobile home. The Chairman replied, yes but need to be 55+.

Ms. Howes asked the Board if they know of the rules from Hometown.

The Chairman stated that Mr. Reardon and his son Terrance would be renting out this mobile home unit from the homeowner Donna Schnell.

Ms. Crowley brought up to the Board a copy of the rules and regulations to review.

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**DELIBERATION:** The Chairman stated that the Applicant John Reardon who is over 55 and is son Terrance who is 43 are seeking to lease out 17 Hawthorne Street which is owned by Donna Schnell.

The Board heard testimony from Mr. John Reardon that his son does work, drive, washes and cleans up after himself and only has autism in social skills. The Board heard testimony from the father that his son probably could take care of himself on his own which was a question asked by an abutter to the Board.

The Chairman stated that any time this Board has given a waiver to someone under 55 years of age to reside Leisurewoods Mobile Home Park was due to ownership, licensed caregiver for homeowner, or 1-2 years age difference as long as one member was over 55 years of age.

The Chairman stated that through the Federal Fair Housing Act, a community that is classified as a 55 and older community must have at least 80% of its residents over 55 years of age.

Mr. Rosa testified that there are many abutters here tonight that are against this petition.

Mr. Heshion testified that there are ground rules there that must be followed to live at Leisurewoods.

Ms. Howes testified that Hometown does have rules.

Mr. Heshion testified that these people bought their homes with set guidelines to follow by.

Mr. Haynes testified that he believes that this should stay a 55+ development.

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**DECISION AND VOTE ON DECISION:**

Ms. Howes made a motion to deny the request to allow Terrance Reardon (who is 43 years of age) to live with his father and lease out 17 Hawthorne Street from the owner Donna Schnell. Mr. Haynes seconded the motion. The vote of the Board was unanimous 5-0.

**REASON FOR DECISION:**

The Board found that the Applicants would be leasing the mobile home unit located at 17 Hawthorne Street which is owned by Donna Schnell. The Board found that one of the occupants would be 43 years of age and the father was over 55 years of age. The Board found that there was testimony given by the father that his son probably could live on his own. The Board found that the 43 years old does work; drives and cleans up after himself. The Board found that the intent of the Applicant did not qualify for a waiver from the original Special Permit which states the occupants shall be 55 years or older to reside in this community.