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ROCKLAND ZONING BOARD OF APPEALS
242 UNION STREET
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Town Clerk's Date Stamp:

TOWN CLERK, ROCKLAND
MAY 4 12 11 PM '12

FINDINGS AND DECISION OF THE BOARD OF APPEALS

Decision: Special Permit

Applicant: Article Fifteen Brewing, LLC

Property Address: 406 VFW Drive, Rockland, Massachusetts 02370

The Rockland Zoning Board of Appeals has considered the application of Article Fifteen Brewing, LLC special permit pursuant to allow the conversion of a warehouse/ gymnasium space into a production brewery with public accessible tap room for a malt beverage production operation; live music; an outdoor beer garden. The applicant in addition to rights uses and accessory uses, is seeking a Special Permit as per §415-16. C(9) to operate an eating or drinking taproom establishment where alcoholic beverages are served on premises for consumption. The subject premises is located at 406 VFW Dr, Rockland, Massachusetts 02370, more specifically Rockland Assessors' Map 15, Lot 20-001 is located in the I-2 Residence Zoning District. The owner of the property is John Tassinari Sr./406 VFW Drive, LLC, 415 VFW Drive Rockland MA 02370

The Board certifies that it has complied with all statutory requirements relative to notice to abutters and new 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: February 8th, 2021 and February 15, 2021 in the Patriot Ledger.

The Board lastly has taken into consideration testimony of the applicant, the application materials, plans and revised plans, and communications from various Town boards, abutters, and with interested parties.

A Public Hearing was held via remote at 7:30 P.M. on February 23, 2020. The Public Hearing was continued to March 16, 2021 and then to April 20, 2021.

ATTENDANCE: Board Members: Robert Rosa, Gregory Tansey, Tim Haynes, Stephen Galley, Robert Baker and Robert Baker, Jr. (alt). (All Board members were participating remotely).

Also present was Land Use Counsel Robert W. Galvin, Esq. and/or Anthony Riley, Esq. and Building Commissioner/Zoning Enforcement Officer Thomas Ruble.

ABSENT: Gregory Tansey on February 23, 2021; Charles Heshion (recused)

MEMBERS VOTING: Chairman Robert Rosa, Gregory Tansey, Tim Haynes, Stephen Galley, Bob Baker, Jr.

DISCUSSION ON FEBRUARY 23, 2021, MARCH 16, 2021, AND APRIL 20, 2021:

The Chairman of the Zoning Board read the advertised notice in the Patriot Ledger on the first Public Hearing Date of February 23, 2021. The public hearing was continued until March 16, 2021 at 7:30PM at the request of the Zoning Board members to allow the applicant to provide more detailed documentation for review by unanimous roll-call vote. The public hearing was continued until April 20, 2021 at 7:30PM at the request of the applicant to provide more detailed documentation for review by unanimous roll-call vote. Prior to the hearing on February 23, 2021 member Charles Heshion recused himself.

The Applicant's presented an updated site plan to the members of the Board. The updated site plan is entitled "Site Plan" 406 VFW Dr, Rockland, Massachusetts" dated March 16, 2021 drawn by Grady Consulting LLC. of 71 Evergreen St, Suite 1, Kingston, MA 02364.

Darren Grady from Grady Consulting shared the updated site plan via zoom for the members of the ZBA to view as well as the public.

The Applicant testified that discussions have been initiated with Police, Fire, Water, and Sewer.

The parking as well as outdoor beer garden shown on plan were reviewed and discussed between the members of the board and the applicant.

The Chairman opens up the opportunity for questions from the board members to the Applicant.

Mr. Tansey asked the Applicant to define the type of beer they will be brewing. The Applicant testified that the beer is branded as Article Fifteen Brewery, under their name. Mr. Tansey had no further questions

Mr. Haynes asked the Applicant with respects to a lighting plan if there is one in place as he could not locate on the site plan any changes to lighting with exterior lighting. The Applicant testified that the lighting plan is included with the submission and that in addition to the existing lighting there will be lighting place over all egress'. Mr. Haynes has no further questions

Mr. Robert Baker, Jr – has not further questions at this time.

Mr. Thomas Ruble – requested that he be provided an occupancy load number.

Mr. Stephen Galley – no further questions at this time

Mr. Robert Baker – no further questions at this time.

DECISION ON SPECIAL PERMIT:

Upon a motion duly made by Gregory Tansey and seconded by Robert Baker, Jr, in a roll call vote the Board voted unanimously (4-0) to GRANT, via roll call vote, with members, Robert Rosa, Gregory Tansey, Tim Haynes, Stephen Galley, Bob Baker, Jr., in favor, of a Special Permit subject to conditions to allow the Applicant the right to uses and accessory uses as well to operate an eating or drinking taproom establishment where alcoholic beverages are served on premises for consumption.

REASON FOR DECISION:

Upon a motion duly made by Gregory Tansey and seconded by Robert Baker, Jr, in a roll call vote the Board further voted unanimously (4-0), by roll call vote, to find that the granting of the special permit was warranted, as a previous liquor license had been issued on the premises and that the applicant and the current property owner both provided sufficient information to the board in relation to their desire to work with the surrounding residential properties and the town of Rockland in order to make the proposed establishment a safe, clean, organized and well maintained asset to the area.

CONDITIONS: The Special Permit is granted subject to the following conditions:

- 1) Special permit is granted for Article 15 Brewery and Brewpub only - all other requests should be subject to approval of the board
- 2) Brewery Related operations allotted to 7 days a week during reasonable hours of the day. Hours of Operations to Public : open Thursday 4-10pm; Friday 4-11pm; Sat 12noon-11pm; Sunday 12noon-6pm, any modification will need to be approved by the board. - ; Patio Operations " Beer Garden " Thursday 4-8pm; Friday 4-8pm; Sat 12noon-8pm; Sunday 12noon-6pm
- 3) Must receive all other local permits and approvals required
- 4) Entertainment Hours - Same as operational hours with the exclusion of outdoor entertainment, which is not permitted. No Amplified music audible outside. DEP Standard - Shall comply with DEP ambient Noise Standards -
- 5) No Consumption of alcohol & no food consumption outside of building or beer garden
- 6) Location of Food Truck Parking shall be approved in writing by the Fire Department
- 7) No parking on VFW Drive Under any circumstances
- 8) Site Lighting shall follow the Rockland Zoning Bylaw - exterior lighting shall be dark sky compliant.
- 9) The Dumpster shall be relocated buffer within the residential area
- 10) Dumpster Trash is not to be picked not before 7am or after 9am at night.
- 11) Loading - Not before 7am not after 9pm
- 12) Required number of parking spaces for operation as presented is 70 spaces
62 patrons / 7 employee's / 1 food truck = 124 seats; Occupancy # 124
- 13) Beer Garden 6ft vinyl fence around exterior of beer garden with emergency exit designed according to state building code. Inclusive of Vegetation on inside as shown on site plan.
- 14) Smoking if permitted is permitted per Board of Health Regulations
- 15) Snow Storage and Removal as per planning board site plan approval
- 16) Prior to Occupancy the Applicant must provide the Zoning Enforcement Officer Mr. Thomas Ruble with " As Built Plan "
- 17) The right of way shall have a fence across it that can be a gated fence. Subject to the town of Rocklands Fence requirements and recommendations

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 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

A handwritten signature in black ink, appearing to read "Robert C. Rosa III". The signature is written in a cursive style with a prominent "R" and "C".

Robert C. Rosa III

Chairman